UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS
SECOND SESSION

VOLUME 128—PART 10

JUNE 2, 1982 TO JUNE 16, 1982
(PAGES 12735 TO 13980)

SEP 24 1986
GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1982

89-059 O-86-1 (Pt. 10)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SEP 24 1986

LAW LIBRARY

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 2, 1982*

The House met at 12 noon.

Rev. Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

The fool says in his heart, "There is no God." They are corrupt, they do abominable deeds, there is none that does good.

The Lord looks down from Heaven upon the children of men, to see if there are any that act wisely, that seek after God.—Psalm 14: 1-2.

Father, each of us know You in a different measure, some wish to know You better, others are content and still others are looking for the faith to trust in Your revelation. Move each of us a step closer that we might see ourselves as being made in Your image and likeness.

We ask this through Christ Our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1808. An act to authorize an Under Secretary of Commerce for Economic Affairs.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3126. An act to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; and

H.R. 5922. An act making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5922) entitled "An act making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. PROXMIRE, Mr. STENNIS, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. DECONCINI, Mr. HUDDLESTON, Mr. BURDICK, and Mr. BUMPERS be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 836. An act for the relief of S. Sgt. Anne M. Fisher;

S. 1422. An act to authorize the donation of surplus property to any State for the construction and modernization of criminal justice facilities;

S. 1912. An act to amend title 5, United States Code, to authorize the Administrator, Federal Aviation Administration, to pay additional premium pay to air traffic controllers and certain other employees of the Federal Aviation Administration, and for other purposes;

S. 1947. An act to improve small business access to Federal procurement information;

S. 2215. An act to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated;

S.J. Res. 133. Joint resolution to authorize and request the President to designate August 14, 1982, as "National Navajo Code Talkers Day";

S.J. Res. 162. Joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week"; and

S.J. Res. 190. Joint resolution to authorize and request the President to designate "National Family Week".

RESOLUTION INTRODUCED ON CONDITIONAL SUSPENSION OF FUNDS TO EL SALVADOR

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, yesterday, at the Maryknoll Sisters Center in New York, I met with Bill Ford, a brother of one of the nuns murdered in El Salvador in December 1980. He has been working with the families of the three other nuns also murdered there.

After nearly 18 months, the situation is far from resolved as to who is guilty, whether anyone will be tried, and whether our own State Department and the FBI are condoning what has happened by not releasing, either to the Congress or to the families, information about what transpired before and after the nuns' deaths.

It is for this reason that I am introducing a resolution today calling for the suspension of all funds, economic and military, to El Salvador until such time as the President has determined that a satisfactory conclusion has been reached into the investigation and prosecution of the parties responsible for the slaying of the four American nuns. It is increasingly difficult for the American people to believe that we in the Congress are willing to let this outrageous situation continue without forcing our own Government to reveal what it knows about this crime.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

from the Clerk of the House of Representatives:

WASHINGTON, D.C., JUNE 2, 1982.
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 3:00 p.m. on Tuesday, June 1, 1982 and said to contain H.R. 5118, an Act to provide water to the Papago Indian Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes, and a veto message thereon.

With kind regards, I am
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk,
U.S. House of Representatives.

SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-191).

The SPEAKER laid before the House the following veto message from the President of the United States.

To the House of Representatives:

I return herewith, without my approval, H.R. 5118, the proposed "Southern Arizona Water Rights Settlement Act of 1982." I take this action with sincere disappointment. I am well aware of the hard work of the Arizona Congressional leaders that went into the development and passage of this legislation. I also understand their desire to resolve the litigation that has hung over the head of the City of Tucson and the many private parties involved for the past seven years.

I strongly believe that the most appropriate means of resolving Indian water rights disputes is through negotiated settlement and legislation if it is needed to implement any such settlement. However, H.R. 5118 is a negotiated settlement with a serious flaw. The United States Government was never a party to the negotiations that led to the development of this proposal. This settlement was negotiated among the Tribe, the City of Tucson, the State of Arizona, the affected commercial interests and other defendants with assistance from the Arizona Congressional delegation. The result of this negotiation was that the United States Government, which was absent from the negotiation table, would bear almost the entire financial burden of the settlement at a potential initial cost of $112 million and a potential annual cost of approximately $5 million.

I cannot support this resolution of litigation on behalf of the Papago Tribe by the United States Government. I can only in good conscience approve legislation intended to implement a settlement if the United States has been a major party in the negotiations and if the contribution by the defendants in the litigation involved is significant.

I pledge the full cooperation of my Administration to the States and local governments that are facing the difficult task of equitably resolving Indian water rights suits. I cannot, however, pledge the Federal Treasury as a panacea for this problem.

H.R. 5118 is a multi-million dollar bailout of local public and commercial interests at the expense of Federal taxpayers throughout the nation. It is a prime example of serious misuse of Federal funds. It asks the Federal Government to pay the settlement share of the mining companies and other local water users whose share should more properly be borne by the defendants themselves.

I therefore must return this legislation to you without my approval. I will only approve legislation that implements a true negotiated settlement. Such a settlement is one in which all parties that are making contributions or concessions have agreed to those contributions or concessions at the negotiating table. I look forward to receiving such legislation from the Congress. I am asking the Secretary of the Interior to coordinate participation by my Administration in any such negotiations.

RONALD REAGAN.
THE WHITE HOUSE, *June 1, 1982.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. UDALL. Mr. Speaker, I ask unanimous consent that further consideration of the veto message of the President on the bill, H.R. 5118, be postponed until Thursday, June 10, 1982.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand that the joint leadership has decided to postpone this, and that this is agreeable with the leadership on our side as well as the leadership on the gentleman's side?

Mr. UDALL. Yes. Mr. Speaker, if the gentleman will yield, we have cleared it in committee with the leadership on the gentleman's side, and they have no objection to this 8-day delay rather than trying to act today without being prepared.

Mr. WALKER. The 8-day delay would put it on a date certain, then, if this matter is taken up before the House?

Mr. UDALL. On next Thursday, a week from tomorrow, June 10.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request from the gentleman from Arizona?

There was no objection.

MILITARY WIDOWS AND SURVIVING CHILDREN BENEFITS RESTORATION ACT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, today, I am introducing two bills to restore benefits to widows and children of certain veterans who were killed while on active duty in Vietnam.

The benefits which would be restored were paid under the provisions of the Social Security Act prior to the Budget Reconciliation Act of 1981 (Public Law 97-35). One of the bills I am introducing would require the branch of the Armed Forces in which the veteran served to pay the benefits. The other bill would require that the benefits be paid by the Social Security Administration. It only seems fair to the families of those killed in Vietnam that these benefits be restored.

One of the provisions of the Budget Reconciliation Act ended entitlement to social security benefits for a surviving parent caring for a child or children when the youngest child reaches 16 rather than 18. This provision of the social security program is generally referred to as a mother's benefit. The mother's benefit provision took effect in September 1981, but did not include, for an additional 2 years after the effective date, those who were receiving the benefit in August 1981.

Another provision of the Budget Reconciliation Act has ended or reduced educational social security benefits effective August 1, 1982, paid to adult children ages 18 through 22 who are taking postsecondary education courses. Effective August 1, 1982, no payments are permitted past age 18 for a child attending college or taking higher education, or past age 19 for a child attending high school. Payments to children on the date of enactment are being gradually reduced or phased out over a 4-year period which began on May 1, 1982.

Later on, I will make available a more detailed explanation of these two bills in the CONGRESSIONAL RECORD and hope that many of you will join me in cosponsoring these two measures which are intended to provide justice and equity for the survivors of those who gave their lives for their country.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. LOTT. Mr. Speaker, reserving the right to object, in pursuit of my reservation of objection, I would like to ask the gentleman the specifics of what bills he is asking for this unanimous consent request to be applied to.

Mr. MOAKLEY. Right now, the Committee on Rules is hearing the International Security and Development Corporation Act of 1982; the Airway and Airport Improvement Act of 1981; the Protection of Foreign Nationals; Authorization for Non-Performing Arts Functions at the Kennedy Center; Authorization for Smithsonian Institute Museum of African Art, and Center for Eastern Art.

Mr. LOTT. Further reserving the right to object, that does not include H.R. 6296?

Mr. MOAKLEY. The gentleman is correct.

The SPEAKER. The Chair will state that the leadership intends to place the housing bill on the schedule a week from Tuesday next, or June 15.

Mr. LOTT. That particular bill?

The SPEAKER. That particular bill, at the suggestion of the committee.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONGRESS MUST SUPPORT A NUCLEAR FREEZE

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, as I travel across my congressional district in northwestern Oregon, I am impressed by people's support for a bilateral United States-Soviet nuclear weapons freeze. This concern is a response to the most significant issue we face today. It involves the welfare of every man, woman, and child in the world.

It is time to realize that, because of the current buildup of our nuclear arsenals, the military posture of the superpowers is no longer one of defense, but of provocation—provocation based on the stockpiling of weapons which have the combined capacity to annihilate the human race.

Mr. Speaker, there cannot be a "limited" nuclear war. There cannot be a "survivable" nuclear war. Any act of madness or miscalculation which triggers a nuclear exchange will escalate into all-out global warfare, notwithstanding various claims to the contrary by warmongering fanatics. And after such a crime against mankind, there would be no human being left to walk the face of the Earth.

Nevertheless, the administration and its allies propose to spend $1.6 trillion for our military budget over the next 3 years—$1.6 trillion of taxpayers' money which must come out of the mouths of hungry children, out of health care services for senior citizens, out of environmental programs which will preserve the planet rather than destroy it.

Mr. Speaker, the American people are frightened by the irrationality of this continued buildup. They are incredulous that a Secretary of State can actually think of firing a "warning shot" with a nuclear weapon. They cannot understand how David Stockman can claim that we do not have the funds to feed the hungry in this country and yet propose to spend $4.2 billion in the next 5 years for a civil defense bomb shelter evacuation plan which will not save anyone in the event of nuclear war. It is in response to such muddled thinking that Americans throughout the country are turning to the nuclear freeze movement for sanity.

As Members of Congress, we dare not ignore that public sentiment. As human beings, we cannot deny mankind a future. From either perspective, it is our duty to support a nuclear freeze. Clearly, we dare not confront the alternative.

FOR THE GOOD OF THE ORDER—A BRIEF BUDGET HISTORY

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, last week after an extensive, difficult effort the House temporarily failed to pass the fiscal year 1983 budget. The attempt has occasioned statements of retribution by Members of the House, congressional watchers, and our highest elected official, the President of the United States, who immediately referred to the budget process as "Mickey Mouse."

I present this brief history of the budget process with the wish that recrimination cease and needed criticism become constructive.

This short recollection of where we have been, and how we got here, is for the good of the order so that we might move for the good of the Nation.

The U.S. Constitution is silent on any requirement for a budget from either the executive or legislative branches. However, that document of 1789 clearly grants Congress the authority to raise revenues; to direct the expenditure of funds; and to borrow money.

Article 1, section 8, grants the Congress power "to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States * * *." Section 8 also grants the power "to borrow money on the credit of the United States." Article 1, section 9, states that "no money shall be drawn from the treasury, but in consequence of appropriations made by law . . ."

These plenary authorities, although vague in parts, clearly do not carry with them the requirement for a Federal budget. Thus, the Government operated 132 years without a formal budget. In 1921 the Congress passed the Budget and Accounting Act, which authorized the President to prepare and submit to Congress a budget reflecting revenues and expenditures for the recently completed year, and estimating them for the current year. That act also required that the administration make budget proposals for the ensuing year. Under that 1921 law a Bureau of the Budget was established to act as a clearinghouse for budget requests by executive agencies.

Fourteen years later, in 1935, President Roosevelt expanded the function of the Bureau of the Budget to include within its clearance function, legislative proposals other than appropriation requests. This provided the New Deal with both an avenue for action and a protection for its prerogatives.

In 1939 the Congress placed the Budget Bureau within the White House and its clearinghouse functions were further broadened.

In 1967 a Presidential study commission recommended the unified budget. It was suggested that trust fund receipts and outlays be incorporated in computing the Federal deficit. The purpose was to disallow the distortion of the deficit through the simple process of covering from view the budget effect of trust funds.

For the first time since President Roosevelt, the President's relationship with the budget was changed in 1970 when President Nixon established the Office of Management and Budget. The statutory authority, which had previously been assigned to the Bureau of the Budget was now transferred to the President through OMB. The Congress unsuccessfully objected to this historic assumption of budget power by the President.

The ensuing struggle between the Congress and President Nixon is perhaps best demonstrated by Presidential vetos primarily for the purpose of controlling expenditures; 5 vetos in 1970, 3 in 1971, 16 in 1972, and 5 in 1973.

It was the extraordinary use by President Nixon of impoundment power which led Congress to enact the 1974 budget control law. The purpose of that act was to require the President to spend money on those efforts for which Congress had appropriated it. Additionally, and most important, under this new law, called the Congressional Budget and Impoundment Control Act of 1974, the Congress established mechanisms by which it could provide a Federal budget and exert procedural controls on spending.

The act moved the start of the fiscal year from July 1 back to October 1. It required the submission by the executive branch of a "current services" budget by November 10 for the fiscal year to begin the following October. The act required that the President's budget document include existing and proposed tax expenditures, that is, tax revenues lost to the Treasury. The law also required that the executive budget must include 5-year spending projections.

The act established a congressional timetable which allows committees until March 15 to report their budget recommendations to the Budget Committees. By April 15 the budget committees must report the first resolution. By May 15 committees must have reported their authorization bills. Between May 15 and the seventh day after Labor Day, Congress must complete action on all budget and spending authority bills. September 15 is the deadline for the completion of action on the second and binding budget resolution. After that date Congress may not consider any bill, amendment or conference report which would result in an increase over outlay or budget authority figures or a reduction in revenues beyond the amounts in the September 15 Second Resolution. Finally, the law established September 25 as the date for Congress to complete action on the reconciliation bill. Congress is not allowed to adjourn until it has completed action on the second resolution and the reconciliation bill.

This new budget process is precisely that—new. It is less than a decade old and has been fully utilized by only four Congresses. The budget procedures need perfecting; perhaps in parts they need radical change. The Budget Act, however imperfect, represents Congress legitimate effort to maintain its constitutionally given power of the purse. It also reflects Congressional insistance that there be a commingling of budgetary authority between itself and the Executive with the weight of the authority placed clearly in the legislative branch.

The 1974 act is clearly reflective of Congress understanding of its previous inability to apply spending priorities to the overall budget effect. Congress recognized that spending and taxing discipline was virtually impossible because those authorities had been dispersed throughout a number of independent committees.

Setting aside internal disagreements, and intercommittee warfare, this institution has striven to right a historically unbalanced and, at times, nonexistent budgetmaking procedure.

It was once said, "failure to achieve the results intended do not condemn those results achieved."

When, 195 years ago, the framers of the land's basic law placed the power of the purse firmly with the Congress, they were expressing their desire to keep the ability to spend and to tax with the people. As this institution struggles to achieve its purposes, we invite constructive criticism and ask those who would use our temporary failures for their own political gains to please desist.

INTRODUCTION OF BILL TO REQUIRE ECONOMIC SUBSTANCE IN TAX-RELATED LEASE TRANSACTIONS

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JENKINS. Mr. Speaker, on May 24, I, along with Mr. MARTIN of North Carolina, introduced H.R. 6468, a bill which addresses the issues raised by the "safe harbor" leasing provisions of the Economic Recovery Tax Act of 1981. H.R. 6468 would reestablish the principle that there must be economic substance to a transaction if that transaction is to qualify as a lease for tax purposes.

As my colleagues are aware, the safe harbor leasing provisions of last year's tax bill have generated a great deal of controversy. These provisions were developed by the administration as an adjunct to the accelerated cost recovery system (ACRS). The purpose of ACRS was to provide new incentives for job creating investments. It was recognized that many firms would be unable immediately to use the more rapid depreciation deductions and more liberal investment tax credits provided by ACRS. These would include firms with little or no current tax liability, because they are newly established, or have had losses in the past or have been affected by the recession.

The safe harbor leasing provisions were designed to allow a firm that could not immediately use the tax benefits associated with its new investment to sell those benefits to another firm that could use them, thus receiving an immediate increase in cash flow. The additional revenue loss resulting from the leasing provisions, over and above the cost of the ACRS provisions, has been estimated to be approximately $27 billion over the next 5 years.

The Committee on Ways and Means did not consider the safe harbor leasing provisions in the course of developing last year's tax bill, and the Senate Finance Committee gave them only a cursory examination. Regulations interpreting the safe harbor leasing were not published by the Treasury Department until October 20, 1981, about 2 months after enactment of ERTA. Soon after the regulations were published, a large volume of leasing transactions were completed. As the details of these transactions became public, many Members of Congress began to question the efficiency of the leasing provisions. Some corporations announced that by acting as lessor in a number of transactions they were able to totally eliminate their tax liabilities and even claim refunds of taxes paid in prior years. Some lessees were profitable companies who nonetheless entered into safe harbor leasing transactions in order to more completely utilize other tax preferences of foreign tax credits.

As more information has been analyzed, it has become evident that safe harbor leasing transactions are not a fully efficient mechanism for transfering tax benefits. This analysis has also pointed out that some firms, particularly those with such extensive carryover losses that they do not expect to have any tax liabilities during the foreseeable future, benefit more from the safe harbor leasing provisions than taxpaying firms benefit from the basic ACRS provisions. In some cases, safe harbor leasing has become more than a mechanism for financing new investments and more than a technique to equalize tax benefits among firms in different circumstances. Rather it has become an outright subsidy going well beyond mere tax relief.

In reaction to information about the actual operation of the safe harbor leasing provisions, several Members of Congress introduced bills to repeal the leasing provisions of the 1981 act. Fifteen such bills have been introduced in the House and most of these have additional cosponsors. Others have suggested that only minor, cosmetic modifications are necessary to eliminate certain abuses.

H.R. 6468 takes a more fundamental approach to the problem which the safe harbor leasing provisions sought to address. The approach taken by this bill is to return to principles of leasing that existed prior to passage of the 1981 act. The most fundamental principle is that there must be economic substance to a transaction in order for it to qualify as a lease rather than a sale. The bill thus makes specific reference to Revenue Procedures 75-21 and 79-48, the guidelines previously established administratively by

the Internal Revenue Service. Among the principles established by these guidelines is that, first, the lessor must have an equity investment in the property, second, the term of the lease must be less than the useful life of the property, third, the transaction must be profitable to the lessor apart from the tax benefits involved, fourth, the lessee must provide none of the financing of the property, and fifth, the lessor must hold title to the property.

However, H.R. 6468 modifies the IRS guidelines in several important respects. First, the minimum equity investment required by the lessor is reduced from 20 percent of the cost of the property to 10 percent. Second, the lessee would have the right to purchase the property at a fixed price as long as that price is at least 10 percent of the original cost of the property. Under the IRS guidelines, the lessee was required to pay a fair market price for the property if an option to buy was exercised. Third, property of a type not readily usable by a person other than the lessee would be eligible for lease financing.

As introduced, H.R. 6468 does not contain a specific effective date. Mr. MARTIN and I believe that the effective date for any change in the leasing provisions should be established by the full Committee on Ways and Means when the bill is considered in a legislative markup session.

Mr. Speaker, H.R. 6468 represents a responsible solution to the problems raised by the safe harbor leasing provisions of the Economic Recovery Tax Act of 1981. It will prevent the safe harbor leasing provisions from continuing to provide unintended subsidies to firms who happen to be in a position to abuse those provisions.

ADMINISTRATION'S IRRESPONSIBILITY ON SALT II

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, during the recess President Reagan announced that he intends to observe the SALT II Treaty as long as the Russians do the same.

Of course he is going to do that. What else can he do? The fact is, the military balance of SALT II tilts overwhelmingly in our favor. It limits the Russians a whole lot more than it limits us. We would be fools not to observe it.

If SALT II is a bad treaty, as the administration says, why are we observing it? If it is a good treaty, as the facts say, why are we not ratifying it?

Mr. Speaker, there are no answers to these questions—at least none that make any sense. The administration refuses to ratify SALT II only because it does not want to admit its original opposition to the treaty was wrong.

If President Reagan lacks the courage to admit he was wrong, we in Congress should take it upon ourselves to serve national security where he will not.

For this purpose, I have introduced House Joint Resolution 474, which ratifies SALT II as an executive agreement. If you are not one of the 105 cosponsors of this resolution, I hope you will sign up today.

This is your chance to stand up for real-life arms control and national security.

MOUNT ST. HELENS NATIONAL VOLCANIC AREA

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONKER. Mr. Speaker, I am introducing today consensus legislation to create the Mount St. Helens National Volcanic Area.

I am pleased to have join me in sponsoring this legislation the House majority whip TOM FOLEY, and my colleagues from Washington State, NORM DICKS, AL SWIFT, and MIKE LOWRY.

Both the House Committees on Agriculture and Interior soon will take action on this bill, which follows several hearings and meetings with scientists, conservationists, and timber interests.

Resolution of the Mount St. Helens Volcanic Area is critical to my southwest Washington constituents, many of whom still are reeling from the economic impacts dealt by this awesome volcano in May 1980. Increased tourism will help to diversify the economic base of communities such as Longview and Kelso.

Furthermore, preservation of this invaluable resource is critical for scientific study and recreation.

This bill calls for a 115,000-acre national volcanic area, and strikes a balance among demands for the land. While scientists need the opportunity to study and recreationists want the area preserved for posterity, it is also crucial to preserve the timber base. The legislation likely will encompass less than 2 percent of the annual yield of the Gifford Pinchot National Forest, and far less of the annual yield in southwest Washington State.

Small mills in my district, which I have long supported on many issues, support a 40,000-acre area; the Forest Service supports its 85,000-acre area; scientists support a 155,000-acre area; environmentalists a 216,000-acre national monument.

Significant add-ons in this proposal, over that proposed by the Forest Service, include the Goat Creek drainage to the north of Mount St. Helens; headwaters of the Green River to the northeast of the volcano; and Kipuka lava caves and tree casts to the south.

The legislation also will give private and State landholders within the area a swift land exchange based on comparable value.

I include a summary of the legislation following my remarks.

SUMMARY: AN ACT TO ESTABLISH THE MOUNT ST. HELENS NATIONAL VOLCANIC AREA

PURPOSE

To preserve unique geologic and ecologic features of a comprehensive area surrounding Mount St. Helens for scientific study and recreation.

COMPOSITION

The Mount St. Helens National Volcanic Area is approximately 115,000 acres and will be managed by the U.S. Forest Service. The boundary of the Gifford Pinchot National Forest will be extended to incorporate the Volcanic Area. Features will include:

The lateral blast and avalanche from the May 18, 1980, eruption;

Recent and older lava, mud, and pyroclastic flows;

Tephra (ash and pumice) deposits;

Lakes, rivers and drainage basins;

Meadow, riparian, alpine and forested areas;

Lava caves and tree casts from previous eruptions.

ACQUISITION OF PRIVATE AND WASHINGTON STATE LANDS

The Secretary of Agriculture is authorized to acquire all private and state lands within the Volcanic Area through donation, exchange, or purchase. The primary vehicle for acquisition of lands will be exchanged.

Though states typically are expected to donate lands to the federal government for public purposes, the bill recognizes Washington State's Constitutional responsibility to receive a fair exchange. Department of Natural Resources lands in the area will be traded for U.S. Forest Service lands with comparable value.

The major, private landholders in the area, Weyerhaeuser Co. and Burlington Northern, Inc., will receive land exchanges within 90 days of enactment of the legislation. (Both companies have been negotiating with the Forest Service on valuation of the lands to be exchanged. The exchanges will be based on comparable value and not comparable acreage.)

MANAGEMENT

The Volcanic Area will be managed as a distinct unit of the National Forest System to preserve geologic, ecologic and cultural resources in as natural a state as possible. Management provisions include the following:

The Secretary of Agriculture, through the Forest Service, may take any action deemed necessary to protect human life and property during an emergency.

The Secretary may take action to control fire, insect damage, diseases and other circumstances that could endanger resources within or adjacent to the Volcanic Area.

The Secretary may limit access to the Volcanic Area to protect public health and safety.

Hunting and fishing will be allowed in accordance with existing law.

Within three years of enactment, the Secretary must report to the Congress with a

detailed, comprehensive management plan for the area.

With the exception of valid, existing rights, all lands and waters within the Volcanic Area will be withdrawn from entry and patent under U.S. laws affecting mineral and geothermal activities. Any mining activity occurring under existing rights shall maintain water quality at a level in existence at the time mining begins.

Contracts already awarded by the Forest Service for timber salvage, prior to the date of enactment, will proceed. With this exception, no commercial timber harvest will be allowed in the Volcanic Area.

SCIENTIFIC ADVISORY COMMISSION

A nine-member commission comprised of experts in geological and ecological disciplines will advise the Secretary of Agriculture on administration of the Volcanic Area. Appointees will serve two-year terms. Members will receive no salary but will be reimbursed for reasonable expenses. The commission, unless renewed, will be disbanded after ten years. Four members will be appointed by the Secretary of Agriculture; three by the Secretary of Interior; and two by the Governor of the State of Washington.

□ 1215

EDWARD T. CONROY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on Monday, May 24, 1982, my very good friend and an outstanding public servant in our State of Maryland died. Senator Edward T. Conroy, a most able and effective member of the State assembly, both as a delegate and as a senator, has succumbed to an illness that slowed his dynamic activities in the State chamber this last session, but never dampened his spirit nor his dedication to the citizens of our community.

That spirit, that commitment, were the measures of this man. Ed Conroy's dedication to his job and the people who elected him over and over again was legion. His effectiveness was enhanced by his great Irish humor which endeared him to all those who had the privilege of knowing him. His humor, too, helped him endure constant pain for more than 25 years, pain which was inflicted during the Korean war. His courage in the face of prolonged treatment and rehabilitation, and his adjustment to facing the future with only one arm, contributed to his strong character that was always tempered by good will. He was a highly decorated Army officer, and throughout his career he was an understanding friend of veterans. As such, he was very successful and effective in defending and promoting their benefits and rights.

Senator Edward Conroy was born in New York and graduated in 1951 from Fordham University. After college he was commissioned in the Army as a second lieutenant and sent to Korea. It was there that his valor and his courage won him the Silver Star, the Bronze Star, and two Purple Hearts.

Senator Conroy had planned to attend medical school after the war. However, his severe injuries—a lost arm and a very badly injured leg which required his hospitalization at Walter Reed Hospital for 2 years—precluded that alternative. Undaunted, Ed decided to become a lawyer and graduated from Georgetown Law School in 1956. He was admitted to the Maryland Bar in 1957.

Ed was a highly professional and successful attorney, maintaining his own law firm since 1960. But his interest broadened into another area, that of politics, and in 1962 he joined a group of reform-minded citizens who felt that some changes were in order within the local government. Against considerable odds, this small group of Democrats successfully brought a new era to the politics of Prince Georges County.

Ed Conroy was elected to the house of delegates that year, and Carlton Sickles was elected to represent what was later to become the Fifth District of Maryland; also, my predecessor in this House, Gladys Spellman, was first launched on her political career by election to the board of county commissioners in that historic election. I was especially pleased that in the next election, in 1966, I was asked to join with that same group and run for the Maryland State Senate. Ed Conroy and I served together for 12 years in the State senate and worked closely together on a number of issues during that time.

Senator Conroy was an untiring and vigorous legislator, fighting for what he believed to be right. He concerned himself with the basic rights of the people, and as chairman of the prestigious constitutional and public law committee, he was instrumental in seeing that crucial protections of those rights were never eroded.

Success is never singular and neither was Ed's. Beside him at all times, and behind him in every endeavor, was his wife, Mary. Mary Conroy always understood Ed's commitment to his constituents and the necessity to sometimes place their needs above all else. She helped, she encouraged, she worked, and, as a team they served their neighbors well.

Thomas Paine said:

The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country. . . .

Mr. Speaker, I submit that Edward T. Conroy would not have understood the term "summer soldier" nor would he have ever contemplated shrinking from service. Service to others was his credo, and rather than a summer soldier, Ed Conroy was a constant, courageous patriot. Throughout Maryland there are many who mourn his passing. None more than I, Mr. Speaker. I know you and my colleagues join me in sending our sincere condolences to his wife and family, and in offering our prayers for an uncommon man who spent his career working for the common good.

POVERTY IS NO JOKE

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, on May 27 the head of President's Watchdog Committee on Government Spending, Mr. J. Peter Grace, speaking in Dallas, Tex., before the American Grain Association, stated that "900,000 Puerto Ricans live in New York and they are all on food stamps." He also went on to say that the food stamp program was basically a Puerto Rican program.

Mr. Grace has since apologized and stated that he made an oratorical mistake. The fact is that I do not consider his statement a mistake; I consider that a slip.

This is not the first time, Mr. Speaker, that the poor of this Nation have been maligned by people at the highest levels of this Government who talk negatively about people in need.

The fact is, poverty is no joke.

Mr. Speaker, my colleague, the gentleman from the Commonwealth of Puerto Rico, Mr. BALTASAR CORRADA, and I will circulate a letter today asking the President for Mr. Grace's resignation.

HIGH DEFICITS BLAMED FOR BUDGET IMPASSE

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, last week we failed in our obligation to pass a budget resolution. At the time, and every day since, I have heard more excuses as to why the various proposals failed. There were more excuses than there were proposals. Too much from defense, not enough from defense. Too much from social programs, not enough from social programs. Taxes are too low, taxes are too high.

Mr. Speaker, it is time that we woke up to the real reason that we do not have a budget today. It is because both budgets had a $100 billion deficit. And many of us will not vote for a $100 billion deficit. We can still balance the budget with small increases in each category, but each of these small increases should be across the board.

It is a myth for us to pretend that we can operate this Government any differently than the American family must operate their household. We

cannot continue to spend more than we make. It is as simple as that.

If we are going to pass a budget, we had better listen to the people that we represent. They are demanding that we lower these insane deficits, and balance our budget—their budget. Not in 1996 but not later than 1984, if possible, and certainly no later than 1985.

AMERICA'S ECONOMIC RECOVERY DEPENDENT ON BUDGET ACTION

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, with President Reagan leaving today for a 10-day trip to meet with our European allies, it is time for Congress to demonstrate its determination to put America's economic house in order by moving quickly toward adoption of a budget for fiscal year 1983.

The President's task in meeting with European leaders to discuss matters of mutual concern and interest will be much easier if it is apparent to the world that Congress supports a budget that is in line with the economic recovery program begun last year. It is vitally important that our valued allies in Europe know that the legislative branch is committed to the aims of the Reagan administration.

What better way to make clear the support for the President than for the House to quickly pass a spending plan that is consistent with the Nation's economic recovery plan? I believe we can do no less. Congress is obligated to provide this support to the President.

Work is already under way to bridge the differences over next year's budget. This process must continue with speed. If confidence in this administration and Congress is to remain strong at home and abroad, we had better break the impasse and adopt a budget soon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MAZZOLI). The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday May 28, 1982:

S. 2535. An act to regulate the operation of foreign fish processing vessels within State waters.

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

RECOMMENDATION FOR FURTHER EXTENSION OF AUTHORITY TO WAIVE PORTIONS OF THE TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-190)

The SPEAKER pro tempore laid before the House the following message from the President of United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with subsection 402(d)(5) of the Trade Act of 1974, I transmit herewith my recommendation for a further 12-month extension of the authority to waive subsection (a) and (b) of Section 402 of the Act.

I include as part of my recommendation my determination that further extension of the waiver authority, and continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China will substantially promote the objectives of Section 402.

This recommendation also includes my reasons for recommending the extension of waiver authority and for my determination that continuation of the three waivers currently in effect will substantially promote the objectives of Section 402. It also states my concern about Romania's emigration record this year and the need for its reexamination.

RONALD REAGAN.

THE WHITE HOUSE, *June 2, 1982.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules and on the question of agreeing to the conference report on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if ordered, will be taken on Thursday, June 3, 1982.

SENSE OF CONGRESS THAT STATE AND LOCAL GOVERNMENTS SHOULD SUPPORT FIRE SAFETY EFFORTS OF U.S. FIRE ADMINISTRATION

Mr. WALGREN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) expressing the sense of the Congress that State and local governments should support the fire safety efforts of the U.S. Fire Administration to reduce lives and property damage lost by fire, as amended.

The Clerk read as follows:

H. CON. RES. 288

Whereas the United States Fire Administration was established in 1974 to reduce significantly the unacceptable high rate of death, injury, and property loss in the United States within the next generation;

Whereas annually fire claims nearly eight thousand lives in the United States and injures another three hundred thousand Americans and constitutes a major burden affecting interstate commerce;

Whereas the programs of the United States Fire Administration, including the support of fire and arson research, coordination, emergency medical services, public education, fire service resource management, and firefighter health and safety are vital components to a national program of fire prevention and control; and

Whereas the United States Fire Administration must continue in their efforts to reinforce and support the fire prevention and control activities of State and local governments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Fire Administration continue to develop a close working relationship with States and localities in reviewing, evaluating, and suggesting improvements and uniformity in State, local, and model fire prevention and building codes; and be it further

Resolved, That Congress continue support of the United States Fire Administration, as recommended in the report of the National Commission on Fire Prevention and Control entitled "America Burning", and most recently affirmed by the Joint Council of the National Fire Service Organizations on March 1, 1982.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania (Mr. WALGREN) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. WEBER) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Pennsylvania (Mr. WALGREN).

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on House Concurrent Resolution 288.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Concurrent Resolution 288, which expresses the sense of the Congress that State local governments should support the fire safety efforts of the U.S. Fire Administration to reduce the loss of life and also property by fire.

In addition, the concurrent resolution stresses that Congress should continue support for the U.S. Fire Administration and its programs. Unfortu-

nately, the Reagan administration has requested that funding for the U.S. Fire Administration be eliminated in the fiscal year 1983 budget proposals.

My colleague, the gentlewoman from Illinois (Mrs. CARDISS COLLINS), introduced the original concurrent resolution which was considered by the Subcommittee on Science, Research and Technology in markup on March 10, 1982. During the markup, the ranking minority member, the gentlewoman from Massachusetts (Mrs. MARGARET HECKLER), offered an amendment, endorsed unanimously by the subcommittee, specifically expressing support for the Fire Administration in view of the opposition of the Reagan administration that had developed since the introduction of Mrs. COLLINS resolution.

A clean concurrent resolution, House Concurrent Resolution 288, was then introduced on March 15, 1982, by the gentlewoman from Illinois (Mrs. COLLINS), the gentlewoman from Massachusetts (Mrs. HECKLER), and myself as chairman of the Subcommittee on Science, Research and Technology, and on March 23, the Committee on Science and Technology by unanimous voice vote, favorably reported what is now House Concurrent Resolution 288.

This resolution expresses our concern about the future of the Federal fire prevention and control effort. Since the fiscal year 1983 Reagan budget proposals for the Federal Emergency Management Agency, fiscal year 1983 budget proposals include no funding whatsoever for the U.S. Fire Administration, the gentlewoman from Massachusetts (Mrs. HECKLER) and I join with many of our colleagues in expressing our concern for the very existence of a coordinated Federal approach to combating this Nation's alarming fire problem.

The National Commission on Fire Prevention and Control, in its 1973 report to the President entitled "America Burning," found that we could and should do much more on the Federal level to reduce the tragedies caused by fire. This historic and comprehensive report led to the adoption of Public Law 93-498, the Federal Fire Prevention and Control Act of 1974. This act was designed to work to reduce these tragedies and called for—and I quote—"A permanent Federal agency specifically concerned with fire."

This Agency was charged with promoting research in the causes and prevention of fire, with organizing a national data collection center on fire, with providing assistance to State and local fire agencies in the training and equipping of firefighters, and with developing a national education effort to promote public awareness of fire prevention techniques. The Fire Administration has saved our country far more than we have invested in it.

□ 1230

The national education program on smoke detectors alone has played a primary role in the placement of smoke detectors in over half the homes of America since 1974. The Fire Administration's "Sesame Street" fire safety education program has reached 9 million preschool children and thereby, prevented countless tragedies involving the loss of children's lives.

Arson, the fastest growing crime in our country, has been a special focus of the U.S. Fire Administration. Arson task forces have been created in 34 States and the Fire Administration has set up an arson information system to promote the exchange of information among law enforcement agencies, insurance companies, and local governments with the goal to identify arson rings and assist in the early warning and prosecution of arson.

Recently in Phoenix, Ariz. this program was successfully used to apprehend and convict a single arsonist responsible for 29 fires and $2.5 million in property losses. Stopping just one such arsonist almost pays for our total investment in the Fire Administration directly through the efforts of the U.S. Fire Administration, an affordable, highly effective residential sprinkler system has been developed. Fire Administration-backed research led to new technology in sprinkler heads that reacts five times faster than previous commercial sprinklers and is operated with less water. Because of that the new technology makes it possible for a system to work from normal home water supplies, costing less than 1 percent of the cost of a new home.

This is a very revolutionary breakthrough that is attributable to the coordinating research efforts of the Fire Administration and one that will save lives for years and years to come in the future.

The list goes on and on. It is all the more remarkable when you consider the limited budget under which this agency has operated.

Excluding the National Fire Academy, which the administration will preserve, the remaining U.S. Fire Administration budget for fiscal year 1982 is around $8.5 million. This is less than 1 percent of the total Federal Emergency Management Agency (FEMA) budget request for 1983.

Ironically, the FEMA budget request this year calls for $117 million for civil defense preparedness, to prepare us for life after nuclear holocaust and yet eliminates the $8 million we have been investing in fire, provides not one penny to prevent and control such a real and present danger to all of us.

On May 25, 1982 the Subcommittee on Science, Research and Technology held an oversight hearing on the Reagan administration's proposed dismantling of the Fire Administration. We asked representatives from the administration this question: "What has changed since 1974 to justify a dismantling of this agency or the relaxation of Federal fire prevention and control activities?"

I think few on the committee felt that the subcommittee received a satisfactory justification for the change in this program.

Clearly America is still burning.

I personally do not see how our subcommittee and others in the Congress will be able to justify this deletion unless we can be assured of detailed plans for an orderly transfer and continuation of those programs without loss of emphasis they have received at the Fire Administration.

I believe this position is widely held.

Other Members of Congress have written to me expressing similar concerns, including the Republican assistant majority leader in the Senate, Senator TED STEVENS of Alaska, and the Senator from Ohio, Senator GLENN.

On May 4, 1982 Senator GLENN introduced Senate Concurrent Resolution 89, which complements the resolution we act on here today.

Though we have made progress since 1974, fire today remains a devastating killer.

We often fail to realize that annual deaths from fire equal to two jumbo jets crashing in midair every month, month after month after month. Each year this country loses 20 times more lives to fire than are lost in tornadoes, hurricanes, and floods taken together.

Although we die by ones and twos in our homes, more than 8,000 people are lost each year to fire. Over 300,000 people are injured, many of which involve severe scarring or heart attacks.

And I have yet to even mention the $5 billion in property losses.

Although still a young agency, the U.S. Fire Administration has significant achievements, despite a limited budget. We now have a National Fire Data Center, a center that can give us coordinated information so we can understand the patterns that are behind the fire losses that we suffer.

We have a National Fire Academy, and we have an important firefighter health and safety program which has developed highly effective protective firefighting outfits.

Our subcommittee the other day had a demonstration of the lightweight gear that has been developed by the Fire Administration through coordinated efforts with NASA so that people who fight fires can be truly mobile rather than burdened down with the weight of equipment firefighters struggle with today. If someone is trying to save my child, I want

him to be able to move with agility in hopes he will succeed.

The fire service is also the first to respond in almost all disasters.

In my view, the research, training, and support of the U.S. Fire Administration is essential to these efforts.

Despite these critical services that the Fire Administration provides, the annual cost of the Fire Administration is less than 10 percent of one B-1 bomber.

Firefighters, State and local officials, and community leaders are clearly very aware of the need to continue the programs conducted by the Fire Administration and have in our hearings clearly demonstrated that the elimination of the Administration would be shortsighted and counterproductive. There is literally no dispute of that conclusion.

At present, no one has been informed of any Federal transition plans for Fire Administration programs.

We all recognize firefighting is a local function, but it is a function that deserves the full support and the cost-effective assistance of our National Government.

This concurrent resolution expresses the need for State and local governments as well as the Congress to support the programs of the U.S. Fire Administration. I urge my colleagues to support that resolution.

● Mrs. HECKLER. Mr. Speaker, the House is considering today House Concurrent Resolution 288, which expresses the sense of Congress that the work of the U.S. Fire Administration (USFA) is vitally important in assisting State and local authorities in reducing loss of life, injury, and property damage resulting from fire. This bill stems from a previous resolution introduced by Mrs. COLLINS early last year. When the administration proposed no funding for the Fire Administration, I amended Mrs. COLLINS' bill in order to make it the vehicle for a vote of confidence for the USFA. The resolution, as amended, passed both the Subcommittee on Science, Research, and Technology and the full Science and Technology Committee unanimously. Senator GLENN has introduced a companion resolution in the Senate.

The Fire Administration is funded through the Federal Emergency Management Agency (FEMA). The FEMA budget for fiscal year 1983 is almost $900 million, an increase of over $100 million above the fiscal year 1981 budget level. Members who support House Concurrent Resolution 288 are stating that out of a $900 million budget, only $8 to $10 million—1-percent—be earmarked for the valuable work underway at the Fire Administration. Such a move is supported by every national fire service organization in the country, and testimony before the Science, Research and Technology Subcommittee by FEMA suggests that targeting 1 percent of its budget to the fire activities sponsored by USFA would pose no difficulties to FEMA's overall effectiveness. In fact, in my opinion, it would vastly improve the usefulness of FEMA to the average American. As important as FEMA's civil defense preparedness activities are, it is difficult to justify spending hundreds of millions of dollars on questionable evacuation plans for hypothetical nuclear disasters, while at the same time cutting off funds for a very real national epidemic—fire.

Because the authorization for the Fire Administration increased from 1 to 2 years in 1981, this resolution represents the only opportunity for Members to show their support for the Nation's fire services.

The statistics on the Nation's fire problem are alarming. Every 10 seconds another fire department responds to a fire somewhere in America, for a total of almost 3 million fires per year. Every 45 seconds another residential fire is reported, a total of over 700,000 home fires per year. The 12 percent of nonresidential fires account for the 43 percent of the direct costs associated with fire—a testament to the dangers of arson. This country spends about $5.3 billion a year on direct costs associated with fire. If you include the indirect costs, the figure increases to a staggering $21 billion.

Significant deficiencies in the Fire Protection Act for the United States were identified by the National Commission on Fire Prevention and Control in its 1973 report to the President entitled "America Burning," which led to the adoption of Public Law 93-498, the Fire Prevention and Control Act of 1974, to resolve these deficiencies.

At that time, any hour of the day promised the likelihood that more than 300 destructive fires would be raging somewhere in the Nation, at a cost of over $300,000 in property damage. At least 1 person would be dead and approximately 34 would be injured, some crippled or disfigured for life. If any of my colleagues have ever known a burn victim, I need not elaborate on the suffering involved.

I realize that the Fire Administration has had some problems. Not all of the money has been well spent. Some of the grants—and this is as much the responsibility of the fire service organizations receiving them—showed poor results. My colleagues on the committee realize this and we would certainly support all efforts to improve the USFA's performance.

However, we are not so dismayed by a few failures to overlook the outstanding accomplishments of the Fire Administration. Certainly we have no justification to eliminate this agency completely. We have seen no evidence to justify such a drastic move.

USFA's most noteworthy program areas include arson, residential fire sprinklers, the public fire education network, the promotion of smoke detectors, improvement of fire department management tools, firefighter health and safety, and data collection.

The issue has become somewhat polarized, with FEMA at one end of the spectrum and the Joint Council of National Fire Service Organizations at the other. This kind of divisiveness is not good for the fire service, the Federal Government, or the country.

I would like to make a suggestion. It has been a decade since the country took a collective look at the national fire problem. We have benefited a great deal by the "America Burning" report and all the effort involved in it.

I would like to suggest another national colloquium on fire, including arson. A decade is long enough; we need another look. The time for consensus building and retrospective evaluation is here. We need to examine what has been done in light of what we need to do.

The passage of this resolution is only a first step. I look to all representatives of the fire service, in all sectors, to participate in this national effort. The time for consensus is now; too many people are dying, too many are injured, too much property is damaged to wait any longer.

In conclusion, I would urge my colleagues to support House Concurrent Resolution 288. This is simply the wrong time to eliminate the only Federal focus and coordination for fire prevention and control and for arson mitigation.●

Mr. WALGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois, Mrs. COLLINS.

Mrs. COLLINS of Illinois. Mr. Speaker, I certainly rise in support of this legislation. Before talking about it let me commend the chairman of the subcommittee for bringing this to the floor of the House of Representatives and for having hearings on the matter before them and for expressing a great deal of concern about this matter which is important to all of us.

I am supporting, of course, House Concurrent Resolution 288, which not only supports the fire safety efforts of the U.S. Fire Administration but stresses the importance of its continued existence in terms of completing the mission mandated by the Congress in the Federal Fire Prevention and Control Act of 1974, which is Public Law 93-498.

As my colleagues are aware, lives and property lost to fire continue to be a critical problem facing this country. With the total cost of fire estimated at approximately $21 billion, it is crucial that we maintain and support the U.S. Fire Administration.

If we in Congress do not send this directive that the Fire Administration has been and is unequivocally effective in reducing the unacceptably high rate of death, injury, and property loss in the United States within this decade, then we will have failed to recognize the total destruction by fire of billions of dollars' worth of our Nation's resources annually, which is counter to our economic recovery.

Given the astronomical cost of fire, lives and property loss to fire continue to be a critical problem facing this country. The density of our cities makes the threat of fire a nightmare, which is a nightmare to residents, fire departments, property owners, and insurance companies.

Rural homeowners can expect considerable losses to fire as well simply because of their remoteness and their inadequate system.

With the war against the threat of fire being constant, we must insure that some system remains as part of our national commitment.

As sponsor of this legislation—the recent tragedy in Chicago's Conrad Hilton in my own district, which was only 11 days ago, took the lives of 4 people and 23 were injured—this reinforces my belief that more attention needs to be paid to fire prevention devices such as smoke detectors and sprinkler systems.

Were simple procedures and systems recommended by the Fire Administration followed, it is my belief that no lives would have been lost in Chicago and that fewer would have been injured.

Through the coordination of the USFA, we are able to have a central data center, benefit from antiarson and public safety education programs, technical assistance, and many other improvements which result in saving lives and money.

For those Americans who are financially beyond the reach of fire disaster, the continuance of the U.S. Fire Administration may seem unnecessary; but for those millions who can be financially destroyed by the careless bedsmoker next door or a careless fire, the Fire Administration affords protective guidance far exceeding its size and budget.

Accordingly, I urge passage of this resolution.

Mr. WALGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York, (Mr. ZEFERETTI).

Mr. ZEFERETTI. Mr. Speaker, thank you for giving me this opportunity to express my deep concern over the proposed elimination of the U.S. Fire Administration. Let me also take this chance to applaud your efforts and for providing those of us who are concerned about the future of our fire prevention programs this forum to share our grave concerns.

As you know, the administration, under the direction of the Office of Management and Budget, did not recommend any funding for the U.S. Fire Administration (USFA) in fiscal year 1983. In an effort to reduce spending, the administration chopped $9 million from the Federal Emergency Management Agency (FEMA) budget which was earmarked for the Fire Administration in fiscal year 1983. If the cut is allowed to stand, the Fire Administration will cease to exist on October 1, with only the National Fire Academy surviving in FEMA's Emergency Management Institute. The implications of such a cut are enormous and must be viewed not from how much it costs but what has been established in coordinating and mobilizing a national program to reduce this country's alarming fire death toll and property losses.

While the Fire Administration has been victimized by internal problems, declining support in Congress and disinterest in the White House, its accomplishments in mobilizing and coordinating a national program to reduce this country's appalling loss of life and property in fires has been commendable. Its major achievements have included:

The establishment of the National Fire Academy, which trains the fire service leaders of tomorrow and develops and distributes state-of-art course work for regional, State and local fire training facilities. This year, the Academy will have trained more than 15,000 students through its accredited resident and field programs.

Increased use of smoke detectors in residences. When the USFA was formed, smoke detectors were installed in less than 5 percent of all households, but by 1982, that percentage had risen to well over 50 percent. The USFA's contribution to broadened use of smoke detectors has included production and promotion of over 50 reports, brochures, fact sheets, articles, prototype posters and decals, sample TV and radio public service announcements, and other materials, all targeted to particular detector issues and audiences.

Development of an effective, affordable residential fire sprinkler system. Two USFA projects paved the way by assessing the market potential and obstacles to acceptance of home sprinklers, and their potential impact on more than 4,000 fire fatalities and $2 billion in fire loss that occur in private dwellings each year. The USFA then organized and coordinated both the tests required to show that the system works and the effect to adapt the National Fire Protection Association's 13-D consensus standards to conform to the new technology.

Development of improved firefighter protective clothing in a new integrated ensemble encouraged by Federal Government research which was proven capable of sharply reducing the current high rates of firefighter fatalities and injuries. Relative to current gear, the new ensemble provides increased protection and mobility by reducing overall ensemble weight by 40 percent while adding only 25 to 30 percent to the cost. The new ensemble also provides better protection against heat, cuts, punctures, and impact.

Improved data on national fire problem, leading to improved Federal Government and private sector decisionmaking and a better, more detailed public understanding of the size and nature of the fire problem. Data from more than 9,000 fire departments in 40 States and the District of Columbia, assembled in the national fire incident reporting system, has been used in major ways by manufacturers, insurance groups, public interest groups, the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Department of Housing and Urban Development, State legislators and several committees of Congress.

Increased State and local fire problem identification capability, made possible through participation in the national fire incident reporting system.

Coordination of a national attack on arson. The USFA has developed and implemented a national strategy for coordinating Federal, State, and local public and private sector efforts to attack arson, one of the Nation's fastest growing crimes. It is estimated that arson accounts for more than $1.5 billion a year in direct losses and nearly 25 percent of all fires.

Establishment of a nationwide public fire education network, whereby local experts in public fire education are able to benefit from the experience and resources of one another.

Improved fire department management tools, including fire defense and emergency response planning (master planning) and comprehensive code enforcement. Technical assistance on master planning has been provided to 138 communities, 48 communities in 45 States have already adopted plans, and more than a dozen of these communities have reported cost savings or reduced fire problems as a result.

A national focal point for fire protection was a need articulated in the 1973 report of the National Commission on Fire Prevention and Control. The USFA has provided those focal points, as demonstrated by the hundreds of fire departments that have sought to participate in its programs.

Nine years ago, the National Commission on Fire Prevention and Control, in arguing for the establishment of a U.S. Fire Administration said:

Time and time again, this Commission has made evident the need for Federal initiatives * * * and also for coordination to

strengthen programs now scattered among Federal agencies * * * Emphatically, what is not needed is a Federal bureaucracy assuming responsibilities that should be retained by State and local jurisdictions * * * the Federal government can help, however, in being a national advocate of fire protection. * * *

And, that is exactly what we have—a Federal advocate of fire protection. Are we, therefore, to let the Reagan administration devastate these accomplishments and put our Nation's fire prevention programs back to a low priority? Are we also to let the theory of Reaganomics destroy our national efforts in bringing fire, death, and casualty loss to a minimum?

I think not, and that is a feeling being expressed to me by concerned fire leaders from New York:

Prior to the establishment of the USFA, the various fire departments in this country acted on an individual basis with little or no contact between one another. . . . The development of new technologies, modern building construction concepts, legislative changes and the myriad problems that face our fire departments today only added emphasis to this need. The advent and widespread use of computers permitted the accumulation, storage and retrieval of data that had previously gone largely neglected. The establishment of the USFA was the first step in a long process of coordination and cooperation, providing a permanent tie line between the fire departments of our country. The goal then, as it is now, was to stem the rising tide of fire death and property loss, and, I believe, the USFA was making important inroads in these areas.—John J. Hart, Chief, the City of New York Fire Department.

The short-sightedness of proponents for the elimination of essential programs, such as Fire Prevention Education, and Research in progressive firefighting techniques, is incredible.—Nicholas Mancuso, President, Uniformed Firefighters Association of Greater New York.

Mr. Speaker, I can only conclude by noting that the funding for the U.S. Fire Administration is of vital importance to this country. The $8.5 million, which is needed to keep the USFA alive, is a small sum when you consider that in 1980 the country experienced a loss of 6,505 civilian deaths, $6.3 billion direct property loss and about $15 billion in indirect losses because of fire. We need the USFA and I will be working to see that it is a viable instrument in our fire prevention efforts.

Thank you, Mr. Speaker, for your time and attention to this most important matter.

Mr. WEBER of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 288.

Mr. Speaker, the minority members of the Science and Technology Committee support this measure. The bill passed both the subcommittee and full committee unanimously.

As the distinguished chairman of the Science, Research and Technology Subcommittee has explained, this resolution simply allows the members to show their support for the U.S. Fire Administration. I have to compliment Chairman WALGREN and Mrs. HECKLER, the ranking Republican member, on their fine leadership in this issue. Mrs. HECKLER's amendment to the original resolution sponsored by Mrs. COLLINS has strengthened the bill.

There are few calamities in this country that occur as often, result in as many deaths and injuries, cost as much in property damage, and yet at the same time receive as little attention from the Federal Government. No one is advocating that the Federal Government involve itself in the mechanics of fire suppression. However, we do have the entire delegation of national fire service organizations asking for a continued Federal focal point on fire and arson.

The U.S. Fire Administration has served as the Federal focal point for fire for the last 8 years and has made significant improvements in arson coordination at the community and State level, research into firefighter health and safety and residential fire sprinklers, public education of fire hazards, and in increasing the number of smoke detectors in homes all across the country.

The committee does not intend to imply that improvements cannot be made in USFA. Testimony before our subcommittee has indicated that the Fire Administration's effectiveness can be increased. The committee looks forward to the opportunity to work with USFA on making the necessary program changes.

However, the administration has not provided any funding for fiscal year 1983, despite the Science and Technology Committee's 2-year authorization passed last year. This committee agrees with the Nation's fire service organizations that the USFA should continue. Not only do we lose the opportunity to maintain progress in several areas of fire and arson research, but we stand a good chance of throwing away advances already attained.

The Fire Administration has a small budget of $8 million. Should the Congress decide that USFA be continued, the funds can easily be earmarked out of FEMA's $900 million budget. Supporting this resolution does not add one dollar to the President's recommended budget level. It simply sends a message to the President that Members of Congress support the Nation's fire service. They put their lives on the line every day as they respond to fires and a host of other emergencies. They deserve all the support we can offer them. I would therefore urge all of my colleagues to support this resolution.

Mr. Speaker, I yield 3 minutes to our distinguished colleague from New York, Mr. MCGRATH, a member of the subcommittee.

□ 1245

Mr. MCGRATH. Mr. Speaker, I would like to submit for the RECORD, a copy of a letter I recently received from the Nassau County Firemen's Association which represents 8,000 firefighters in the district I represent and the surrounding area. The letter contains a strong statement of support for the continued operation of the U.S. Fire Administration. I urge my colleagues on this committee to lend their support to House Concurrent Resolution 288.

The work of the U.S. Fire Administration has been a motivating force in major fire prevention and control efforts, over the past several years. I urge those who feel that fire is solely a local problem, to take a closer look at the magnitude of the loss of human life, and the economic loss caused by serious injuries and property damage from fire.

Insurance company surveys indicate that our Nation has the highest rate of fire-related deaths and property damage in the industrialized world. This is a national disgrace, which certainly warrants the expenditure of less than $10 million to fund the U.S. Fire Administration. A single fire in Lynn, Mass., last November, caused an estimated $70 million in property damage, 10 times the budget of the USFA. Many of the 16 buildings destroyed in that blaze, had been renovated in a federally funded revitalization program which now lies in ashes.

The problems of fighting fire have increased in complexity in recent years. Modern technology has unleashed a host of potential problems for the fire service. Building construction, new chemicals, plastics and other materials we use every day are all relatively new hazards for the firefighters and the public. The increasing concentration of our Nation's population, makes even relatively small fires, extremely dangerous in crowded cities and suburbs. The U.S. Fire Administration has provided a central source for the dissemination of information on innovations, and experiences from fire departments throughout the United States. The experiences of a fire department in Texas in handling a specific type of fire, might prove to be of great value to fire service personnel in New York, when faced with a similar type of emergency. Antiarson programs, fire prevention education, and a variety of other types of useful information can eventually reduce the tremendous cost of fire in terms of the lives and property of our citizens.

Again, I request the full support of this committee in the effort to maintain the U.S. Fire Administration.

NASSAU COUNTY
FIREMEN'S ASSOCIATION,
March 9, 1982.

Hon. RAYMOND MCGRATH,
House of Representatives,
Washington, D.C.

DEAR SIR: It has come to our attention that the 1983 Budget does not provide for Funds for the United States Fire Administration and the Rural Community Fire Protection program of the Department of Agriculture.

If the budget is adopted as proposed, the USFA and RCFP will come to an end.

These programs are extremely helpful in reducing fire losses, arson control, hazardous materials incidents, promotion of smoke detectors and sprinklers, code enforcement, master planning, fire fighter safety and the National Fire Data Center.

While reductions in the Federal Budget are no doubt desirable, it is painful to see important fire service programs wiped out.

It would be greatly appreciated by thousands in the Fire Service, both paid and volunteer, if you could support our stand for the USFA and the RCFP.

Sincerely,

HENRY GREENSTEIN,
Past President.

Mr. WEBER of Minnesota. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I join in solid support of the efforts that have been made by the Committee on Science and Technology to advance this concurrent resolution on the part of the House.

The U.S. Fire Administration, as has been stated by the previous speakers, have carried forth a major coordinating function, as well as an information dissemination effort, that is extremely meaningful to the local fire departments throughout the country, including my own congressional district.

I urge strong support for the legislation, and I commend the committee for bringing it before the House.

● Mr. OTTINGER. Mr. Speaker, I rise to strongly support House Concurrent Resolution 288, a resolution expressing the sense of Congress that the efforts of the U.S. Fire Administration should be supported.

Specifically, this resolution states that Congress should continue support of the USFA, and that the USFA should continue to develop a close working relationship with States and localities in reviewing, evaluating, and suggesting improvements and uniformity in State, local, and model fire prevention and building codes.

The USFA provides assistance to State and local governments by collecting and analyzing fire information, regulating the flammability of materials, conducting research and development, and providing financial assistance when adequate protection lies beyond a community's means.

The USFA performs a critical role in combating the incredible proliferation of fires and fire-related losses. In 1981, over 3 million fires were reported involving over 7,500 deaths, 300,000 injuries—of which 28,000 were civilian—and $6 billion in direct property losses. In the last decade, the incidence of arson nationwide has increased over 400 percent. According to insurance experts, many of these losses are passed along to homeowners and businesses, and approximately one-quarter of every home insurance premium dollar goes to pay for arson.

Incredibly, the Reagan administration has responded to this critical nationwide fire problem by proposing to eliminate funding for the U.S. Fire Administration. The results of this proposal would be an end to the prospects of a coordinated Federal approach to combating fire, as well as a terrible increase in fire tragedies. We can also expect to see a likely increase in Government costs to control fires and consumer costs in higher insurance premiums. The administration's efforts to delete funding for the USFA is not only shortsighted, it is dangerous.

The USFA has an important mission to help fire safety efforts and reduce property damage and lives lost by fire. I fully support the USFA and urge my colleagues to join me in voting for House Concurrent Resolution 288.●

● Mr. EVANS of Delaware. Mr. Speaker, I rise in support of House Concurrent Resolution 288 which expresses the sense of this Congress that all levels of government should support the fire safety efforts of the U.S. Fire Administration (USFA). The USFA is an integral part of our Nation's firefighting efforts, and provides critically important emergency response training programs for America's firefighters.

Firefighters, both volunteer and full time, stand on guard to protect American families and their property from the ravages of fire. These outstanding men and women risk their lives each day to fight fires, truly one of the most dangerous occupations in our Nation.

All levels of government need to continue adequate levels of support for effective firefighting programs, and continue training programs to help firefighters do their jobs better. This Congress can reaffirm that commitment by passing this resolution in support of those important programs at the Federal level to help volunteer and full-time firefighters all across the country.

I urge my colleagues to join me in support of House Concurrent Resolution 288, which expresses our support of the U.S. Fire Administration.●

● Mr. CLAUSEN. Mr. Speaker, I wish to add my support for House Concurrent Resolution 288, and call to the attention of my colleagues the need for maintaining the U.S. Fire Administration.

The U.S. Fire Administration has played a vital role since 1974 in disseminating the technical knowledge and expertise necessary to reduce fire hazards stemming from new developments in building construction and chemical use, in encouraging the private and commercial installation of fire prevention and safety devices, such as smoke detectors and sprinkler systems, and has aided local officials in strengthening and upgrading existing fire and building codes. The USFA has effectively coordinated firefighting and prevention efforts at the local and State levels so that experience gained in combating fire problems in one State or locality may be used to benefit another.

Programs developed by the USFA have made important progress in reducing the heavy losses of life and property of our citizens, and continued funding of this agency will enable us to continue reducing these losses. Passage of House Concurrent Resolution 288 will not add to the deficit—it will not add a single dollar in budget outlays. It will simply demonstrate support of the Congress for the Nation's fire service organizations, and our commitment to prevent the destruction by fire of the lives of our citizens and billions of dollars' worth of our Nation's resources. Again, I urge the full support of the House for the maintenance of the U.S. Fire Administration.●

● Mrs. HOLT. Mr. Speaker, Congress responded to the crisis caused by fires in our Nation by creating the U.S. Fire Administration, in 1974. We have always recognized the devestation and misery resulting from hurricanes, tornadoes, floods, and earthquakes, yet fires alone result in more than 20 times the deaths annually than these other disasters combined. Over 300,000 people are injured yearly, and almost 8,000 lives are lost from fires which occur at a staggering rate of 1 every 10 seconds.

The cost in dollars associated with these fires, including both direct and indirect losses, is an intolerable $21 billion. The U.S. Fire Administration is a part of the Federal Emergency Management Agency, and is charged with such programs as developing residential fire safety plans, public education, maintaining the National Fire Data Center, researching firefighter health and safety, arson prevention, and emergency medical services. These and other programs fulfilled in response to the legislative mandates of the Federal Fire Prevention and Control Act of 1974 are in serious jeopardy because the U.S. Fire Administration has been targeted for zero funding in fiscal year 1983.

We must not let the Federal-local partnership of the USFA be destroyed. I urge all of my colleagues to vote in support of House Concurrent Resolution 288, expressing the sense of the

Congress that the U.S. Fire Administration is vitally important. We must show the American people that we recognize the importance of the USFA and its ongoing programs, and that we join the Joint Council of National Fire Service Organizations in fighting the elimination of the USFA as ferociously as they attack fires.●

● Mr. EVANS of Delaware. Mr. Speaker, I rise in support of House Concurrent Resolution 288 which expresses the sense of this Congress that all levels of government should support the fire safety efforts of the U.S. Fire Administration (USFA). The USFA is an integral part of our Nation's firefighting efforts, and provides critically important emergency response training programs for America's firefighters.

Firefighters, both volunteer and full time, stand on guard to protect American families and their property from the ravages of fire. These outstanding men and women risk their lives each day to fight fires, truly one of the most dangerous occupations in our Nation.

All levels of government need to continue adequate levels of support for effective firefighting programs, and continue training programs to help firefighters do their jobs better. This Congress can reaffirm that commitment by passing this resolution in support of those important programs at the Federal level to help volunteer and full-time firefighters all across the country.

I urge colleagues to join me in support of House Concurrent Resolution 288, which expresses our support of the U.S. Fire Administrator.●

Mr. WEBER of Minnesota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. WALGREN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 288, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AVIATION INSURANCE PROGRAM EXTENSION

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5930) to extend the aviation insurance program for 5 years.

The Clerk read as follows:

H.R. 5930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) is amended by striking "1982" and inserting in lieu thereof "1987".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes, and the gentleman from California (Mr. CLAUSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5930 renews the authorization for the aviation insurance program, generally known as the "war risk" program. The war risk program was first authorized in 1951, and has been renewed seven times. The current authorization will expire on September 30, 1982.

Under the war risk insurance program the Government provides insurance to airlines providing service between the United States and a foreign country when there are security problems and commercial insurance is unavailable. Before the insurance is issued, the Secretary of Transportation must determine that insurance cannot be obtained on reasonable terms and conditions from a commercial insurance company, and the President must determine that continuation of the air service operations to be insured is necessary to carry out the foreign policy of the United States.

The war risk insurance program is supported by a revolving fund which includes all premiums received for insurance and any sums appropriated to the program. The salaries of employees working on the program are paid out of the fund. The fund has not required appropriations in recent years, and now has a balance of $22 million.

H.R. 5930 renews the war risk insurance program for 5 years. Although it has not been necessary to issue war risk insurance during the last 5 years, the program has been useful as a backup for our foreign policy. There is always a possibility that private insurance companies will be unwilling to insure air service to a foreign country in which there are security problems. U.S. airlines cannot be expected to run the risk of providing air service without insurance. Without a Government backup program, airlines might be unable to provide service which was needed to carry out the foreign policy of the United States.

Finally, I note that renewal of the war risk program is supported by the administration and the airlines. I am not aware of any opposition to renewal.

Mr. Speaker, I urge passage of H.R. 5930 and a continuation of the war risk insurance program.

Mr. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleagues on the Public Works Committee in supporting H.R. 5930, which would extend the aviation war risk insurance program for 5 years through fiscal year 1987.

We have heard the testimony of both the administration and the Air Transport Association that it is essential for the Congress to reauthorize this program beyond its current expiration date at the end of this fiscal year.

Originally enacted in 1951, the statute authorizes the Secretary of Transportation to issue insurance to air carriers so that international operations which the President determines are in the foreign policy interests of the United States can continue when commercial insurance is not reasonably available. This insurance can be issued either with or without premiums, the latter being the case when the operation is being conducted pursuant to a contract between the air carrier and the Departments of Defense or State.

In the event premiums are collected from the particular air carriers involved, they are placed in a revolving fund which would be used if the Government is subsequently required to pay out on a policy. The aviation war risk insurance revolving fund now has a balance of $22.6 million and is now in a position where it could absorb a substantial claim if it were required to do so. The revolving fund is also used to pay administrative expenses associated with operating this important program, such as employee salaries.

Although the very nature of the program is such that it is infrequently used, I believe it is important that the authority be in place should it become necessary to assure the continuation of essential air transport operations outside the United States.

As my colleagues are aware, the aviation war risk insurance program has been extended by the Congress on numerous occasions in the past, and most of those extensions were for 5-year periods as provided for in H.R. 5930.

The last time we examined this program was in 1977 where we also made other changes to the statute which were designed to fill potential gaps in the Secretary's authority to issue this insurance. Those amendments accomplished their intended purpose and the administration, as well as the U.S. air carriers, believe that a simple extension of the program is all that is necessary at this time.

Accordingly, I would urge my colleagues to support H.R. 5930 so we can

assure that this important program will continue in the years ahead.

● Mr. SNYDER. Mr. Speaker, as the chairman of the Aviation Subcommittee has indicated, today we are considering legislation (H.R. 5930) to extend the aviation war risk insurance program for 5 years through the end of fiscal year 1987. Because of the importance of assuring that vital air transport operations can continue in the face of instability abroad, I would urge my colleagues to support H.R. 5930.

Actually, the name "war risk" is somewhat of a misnomer since the statute no longer specifies the types of risks which are eligible for Government insurance. The last time the Congress extended this program, back in 1977, we determined that the Secretary of Transportation would have greater flexibility if eligibility for Government insurance depended, in part, on a Presidential determination that the particular operation was in the foreign policy interests of the United States.

Accordingly, such insurance can be issued to cover a variety of risks; that is, civil disturbances, terrorist activities, provided it is an operation outside the United States and the President determines it is appropriate. Of course, it can only be issued where commercial insurance cannot be obtained at reasonable rates and conditions.

The program contemplates two different types of insurance—premium and nonpremium. If the above conditions are met, the premium program generally applies. However, if the operation is being conducted pursuant to a contract which the carrier has with the Departments of Defense or State, no premiums are charged to the carriers although DOD or the State Department must indemnify the Secretary for any payouts which occur on the policy. An example of this is the operation of the Civil Reserve Air Fleet (CRAF). In the event CRAF aircraft are needed by our Government, the nonpremium program permits the operation to be insured and therefore protects the carrier from any losses which may arise.

Although the Government war risk insurance is issued only on rare occasions, I believe that it is necessary to extend the current authorization so that the lack of commercially available insurance will not deter this country from conducting operations which are determined by the President to be in our best interests.

Accordingly, I would urge my colleagues to adopt H.R. 5930 so we can extend this important program before it expires at the end of the current fiscal year.●

● Mr. HOWARD. Mr. Speaker, I rise in support of this legislation to reauthorize, through fiscal year 1987, the aviation insurance program, commonly referred to as the war risk insurance program.

Although this program is not well known, it is one that is very important to the implementation of our Nation's foreign policy.

Under this program, the Federal Aviation Administration provides insurance to U.S. airlines for air service to foreign countries when commercial insurance cannot be obtained on reasonable terms and conditions, and when the President determines that the continuation of air service is necessary to carry out the foreign policy of the United States.

Though this program has not been called upon since the last time it was authorized 5 years ago, it does not take one long to conceive of instances in the world today where a government insurance program for service to high risk areas would be necessary.

Mr. Speaker, I urge the House to pass this bill. Our Nation's foreign policy interests will be well served by it.●

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAUSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 5930.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAUSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 4, INTELLIGENCE IDENTITIES PROTECTION ACT

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 20, 1982.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report which we take up today was the subject of many long and hard discussions and eventually of compromise. It might not have appeared on the surface that there were many substantial differences between the two Houses. But from the beginning, it was, in the opinion of this Member, important to create a legislative history in the statement of managers that explains the crucial section of this legislation—section 601(c). It was important, because in the House, there was not a report which explained the effect of the Ashbrook amendment, the language of 601(c). In the other body as well, there was no committee report explaining the language of 601(c), which had also been offered as a floor amendment, in this case by Senator CHAFEE. Further, it was important that the differences between the two Houses on the question of protecting cover for U.S. intelligence officers and agents be resolved in light of the need to better protect such individuals and in order to guarantee that cover is sufficient to justify the criminalization of its disclosure.

The House should also know that I began the process of discussions about these issues in some doubt about the constitutionality of the bill. Nonetheless, I felt it was my duty to bring back a bill to the House because it was the will of this body that H.R. 4 become law. I also thought it was my duty—and I believe all the conferees join me in this—to provide a bill which could meet constitutional muster, that was as narrowly prescribed in its coverage as was necessary to criminalize the wholesale exposure of intelligence operatives while treading as lightly as possible upon the first amendment. The principal effort of the conferees concerning this bill was to resolve this particular issue in terms of the statement of manager's language explaining section 601(c), particularly its two principal elements—the terms "pattern of activities" and the "reason to believe" standard.

Substantively, the conference report which we bring back to the House is the House bill with several exceptions. We have accepted the Senate amendment which permits an individual to disclose information that solely identifies himself as a covert agent. We have accepted the Senate amendment limiting the definition of covert agent to active officers or employees of intelligence agencies and to present agents,

sources and informants. We have accepted a substitute cover section that resolves the concerns of the other body, about the protection of the Peace Corps from use for intelligence operations.

The compromise provision on cover requires an annual report to Congress on the effectiveness of cover so as to monitor necessary improvements in cover arrangements and to guarantee that the identities of covert agents are masked adequately to justify criminal proscription of their disclosures.

In structuring statement of manager's language to explain section 601(c), the so-called Ashbrook or Chafee amendment, the conferees noted that there had been little explanation in the House of the Ashbrook amendment. The most satisfactory sources of explanation were those referred to in the Senate debate—the explanation provided by the 1980 report of the Senate Select Committee on Intelligence to accompany S. 2216, the Senate forerunner of this bill in the 96th Congress, and a colloquy between Senators CHAFEE and DURENBERGER which drew from and expanded upon this same report.

It was the intention of the conferees that these sources constitute the legislative history of this statute. Therefore, the conferees very carefully excerpted text from these sources. Every word was scrutinized and carefully considered. The resultant explanation is, I should emphasize, the best the conferees could agree upon.

Not everyone is happy with it, as perhaps today's proceedings will emphasize. The explanation provided in the statement addresses the central issues of proof and what activities would constitute a violation of the statute.

The principal point of this part of the statement is to emphasize what is and what is not covered by the concept of "pattern of activities" in conjunction with the "reason to believe" standard. What is proscribed by the bill, "naming names" as it is euphemistically called, is a limited type of activity. It is not intended to embrace "legitimate journalism." Now I use this phrase gingerly, because the first amendment makes it clear that Congress is not to sit in judgment on what "legitimate dissent" or "appropriate" speech is or ought to be. That is the point of the language provided in the statement of managers—to help to identify activities which are not proscribed by the statute, and to explain how prosecutors and judges should interpret the statute.

Mr. Speaker, that language in the statement of managers speaks for itself. It is the only explanation conferees intend to offer on what those crucial phrases mean. I, myself, could wish that is was even more explicit in some areas than it is. But I understand well, as I am sure Members of this body do, that in the process of compromise and debate that resolves issues of this kind, we must eventually vote yea or nay.

Before I conclude my statement, Mr. Speaker, I would be remiss if I did not add some words of praise. The first should go to RON MAZZOLI, the chairman of the Legislative Subcommittee who has worked so long and hard on this statute. Without his perseverance, patience, and good judgment, we would not be here today.

Second, I would like to pay tribute and special thanks to the gentleman from Illinois, BOB MCCLORY, who will be leaving the Permanent Select Committee on Intelligence at the end of this Congress and whose able work and bipartisan attitude on this legislation. Both as ranking minority member on the Subcommittee on Legislation, and as ranking minority member on the Committee on the Judiciary, He has assisted the committee and has assisted the efforts of this House in fashioning national security legislation protective of individual rights.

Last, I would like to pay tribute to a former colleague of ours, John Ashbrook, who was clearly most influential in the debate of this body on H.R. 4 and whose amendment to the committee bill helped shape the course of this legislation. We all miss his presence in the Intelligence Committee and on this floor.

Mr. Speaker, I urge the adoption of the conference report and close with an admonition that is contained in the statement of managers, and I quote:

The Conferees expect that the Department of Justice and the Federal Courts will limit the application of Section 601(c) to those engaged in the pernicious business of naming names as that conduct is described in the legislative history of this Act.

As one who had serious doubts about the constitutionality of this bill as it passed the House, and who returns with a conference report substantially similar to that bill, I must say that, based on the interpretation of this statute as provided in the statement of managers, I believe that this statute can be considered constitutional. I believe that it has a good chance to withstand the test of judicial scrutiny. It can do so because of its narrow focus and explicit avoidance of proscribing protected speech.

With all my heart I trust that it will serve to ensnare only those few who have made it their business to systematically identify and expose our undercover intelligence officers. Like all in this body, I sincerely desire to see an end to that unpleasant and illegal activity. I have confidence that, based on the intent of Congress as expressed by the conference report and the accompanying statement of managers, these goals are both attainable.

□ 1300

Mr. MCCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me commend the gentleman from Massachusetts for his leadership and also to express my appreciation for his generous remarks on my behalf. It is a real privilege to serve on this important committee of the Congress and to participate in the legislative efforts of our committee, including the legislation emanating from this committee under the leadership of my colleague, the gentleman from Kentucky (Mr. MAZZOLI), chairman of the Subcommittee on Legislation.

Mr. Speaker, I rise in support of the conference report on H.R. 4, the Intelligence Identities Protection Act of 1982.

The record is both long and convincing on the need for legislation protecting the identities of U.S. covert intelligence agents. Our intelligence officers, and the people whom they recruit to provide information and assistance, work on behalf of our country's security—often at significant risk to their lives. The bill now before us would help minimize these risks by providing criminal penalties for the unauthorized disclosure of the identities of these outstanding men and women.

In this body, prior to the adoption of the "reason to believe" language offered by our late distinguished colleague, the gentleman from Ohio (Mr. Ashbrook), and in the other body prior to the adoption of identical language, the debate was long and complex—and, at times, even confusing. Some have suggested that during this debate the effect of the "reason to believe" standard was inaccurately stated. In this light, it was the effort of the conferees, in the statement of managers, to clarify the meaning of the statutory language and to some extent, this goal was met. However, I am concerned that some portions of the statement are not entirely clear and therefore do not do complete justice to the words both Houses overwhelmingly agreed to insert into this legislation.

Of course, it is generally accepted that the meaning of a law can best be found in the plain meaning of the words used to comprise it. As the newest Justice of the Supreme Court stated last week in the case of FBI against Abramson (dissenting).

While it is elementary that the plain language interpretation of a statute enjoys a robust presumption in its favor, it is also true that Congress cannot, in every instance, be counted on to have said what it meant or to have meant what it said. Statutes, therefore, "are not to be construed so strictly as to defeat the obvious intention of the legislature." Thus, a "clearly expressed legislative intention" to the contrary could dislodge the meaning apparent from the plain language of [a statute] even though that meaning "must ordinarily be regarded

as conclusive." Therefore, only to the extent that the Statement is unequivocally clear can it modify the words of the statute, and then only if there is a lack of clarity in the statute itself.

Justice O'Connor best made her point by quoting Chief Justice Marshall:

The intention of the legislature is to be collected from the words they employ. Where there are no ambiguities in the words, there is no room for construction.

Mr. Speaker, it is my contention that in the bill before us now there is no ambiguity in the words we have employed, for they clearly speak of our intent to put an end to the pernicious act of wantonly exposing the identities of our covert intelligence agents. Simply stated, if an individual meets the elements set out in either subsection (A), (B), or (C) of section 601—even if the defendant claims to have had some ulterior motive or some higher moral purpose—then a crime has been committed and punishment must follow, to do anything less would cause a disservice to our intelligence agents—and to our country's security.

Mr. Speaker, last week we considered the first budget resolution. There, we debated how much money should be collected by the Government—and from what sources—and how much should be spent—and for what. I would be surprised if there were fewer than 435 points of view expressed during the debate, and all we were talking about was money.

Today, on the other hand, we are considering a matter which calls on this body to effect public policy while remaining within the constraints of the document which provides us with our most basic authority—the Constitution. Certainly, when working in an area fraught with constitutional concerns, it should not seem surprising that there are more than a few points of view on the proper course to follow.

The difference between the budget resolution and the Intelligence Identities Protection Act is that here we have agreed upon a text, though there is some disagreement on how it can best be described.

We need this legislation, and I do not feel that some lack of clarity in the statement of managers justifies opposition to its enactment. I have faith in the judiciary's ability to recognize the intent of Congress from the plain meaning of the words we have used to construct the legislation, and in the final analysis that is what counts.

I urge the adoption of the conference report.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Kentucky (Mr. MAZZOLI), the chairman of the Subcommittee on Legislation.

Mr. MAZZOLI. Mr. Speaker, I rise in support of the conference report on H.R. 4.

Today's vote is the culmination of a bipartisan legislative effort that began in 1975 when the first names of agents bills were introduced soon after the tragic death of Richard Welch in Athens.

Since then four congressional committees have considered the matter, issuing seven reports in the process. The Subcommittee on Legislation of the House Permanent Select Committee on Intelligence, which I chair, has considered this issue in three different Congresses.

The complex constitutional, legal, and policy questions which lie at the heart of H.R. 4 have been fully debated on the floors of both Houses, in the editorial pages of the Nation's newspapers, on television, and in the law journals—as well they should have been.

While it has taken a long time to arrive at where we are today, it was time well spent. The first amendment issues were difficult to resolve, but they have been resolved rather than avoided. We have striven to work within the boundaries of the first amendment, not to work around them.

The difficulties arose, of course, primarily in connection with section 601(c), which applies to those who have not had access to classified information and who disclose information theoretically obtainable from nonclassified sources. The Committee of Conference was very careful in explaining these provisions in the statement of managers.

I and the majority of the members of the Intelligence Committee preferred a version of section 601(c) other than that adopted. I am hopeful, however, that the provision, as explained by the statement of managers, will be upheld by the courts.

The statement of managers about 601(c) does not satisfy some members. But all it does, in my opinion, is lend emphasis to what I think is clear from the language of the bill; and that is, that section 601(c) is directed at those whose demonstrated purpose is to uncover and disclose the identity of any and all covert agents, wherever they may be and no matter what the circumstances of their service.

It seems to me that it is not difficult at all, and I trust the Justice Department and the jury will have no difficulty, in distinguishing between those I have just described who are in the business of naming names, and those whose speech or writing might disclose an agent's identity but who have not spoken or written:

In the course of a pattern of activity intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States.

The other issue of prime concern to the conferees was the definition of covert agent.

The definition is, of course, crucial because it is the disclosure of the identity of a covert agent that subjects one to criminal prosecution.

The conferees adopted the definition contained in the Senate amendment. In so doing, the conferees chose language identical to that reported by every committee that has considered the issue. The House, however, had decided on the different language offered as a floor amendment by the gentleman from New York, Mr. SOLOMON.

The primary difference between the two versions is that the Solomon amendment included many more people within the definition of covert agent than did the other version. In the case of intelligence agency employees, the Solomon amendment included former as well as present employees. In the case of those who are U.S. citizens but had not been employees, the Solomon amendment included former as well as present informants and sources.

In agreeing to the Senate amendment, the majority of the House conferees were influenced by the following considerations:

First, at no time during the consideration of the legislation did the CIA, the FBI, or the Department of Defense urge that the broader definition be adopted;

Second, the narrower definition itself enlarged the scope of the bill well beyond the undercover CIA officers who have been the target of the naming names columns; and

Third, the broader definition could include with it such people as Edwin Wilson and Frank Terpil, former CIA employees who provided arms to Libya.

The definition chosen, in my opinion, is sufficient to protect the identities of all those whose disclosure could harm U.S. intelligence or expose themselves to harm, and who reasonably can be considered subject to the activity which has been identified to the Congress as a problem. To go further and unnecessarily broaden the reach of a statute regulating speech could serve no useful purpose and would further subject the statute to constitutional questions.

□ 1315

Before closing, Mr. Speaker, I would like to extend my thanks to the ranking minority member of our subcommittee, the gentleman from Illinois, Mr. MCCLORY. He and I have sat through numerous hearings on this matter of H.R. 4 and its predecessors, both in the Intelligence Committee and in the Judiciary Committee. We have always agreed that there should be legislation, even though we may have disagreed from time to time on some of the details. But Mr. MCCLORY

has brought to the deliberations on this bill the dedication, the intelligence and the courtesy which has always characterized his service, and as our chairman has said, he will soon be leaving us and we are sorry to see him go. We will certainly miss him on the Intelligence Committee.

I would also like to pay tribute at this time to our late colleague, John Ashbrook. While John and I also did not always agree, we served together from the very first day I walked into the Congress. We were first together as colleagues on the Education and Labor Committee, and then on the Judiciary Committee and on the Intelligence Committee. John was a fine person, a fine Representative, a very effective member of all the committees on which he sat, and he will be missed.

Mr. Speaker, I urge support of the conference report.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. If the chairman has time to permit me to yield, I will yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the work that the gentleman did as chairman of the subcommittee to get this bill to the point that it is today. I appreciate the comments that he had to make today about the statement on the part of the managers. There are some of us who are concerned that this statement was an effort to water down or dilute the effectiveness of the legislation that we consider.

Could the gentleman state categorically that that is not the case, and that that is not the intent?

Mr. MAZZOLI. If the gentleman will yield, I would be very happy to answer the gentleman categorically and strongly that there was no intention on the part of the managers in writing this language to water down the bill which was passed in the House of Representatives which bore, as we mentioned earlier, the imprimatur of the gentleman from Ohio, Mr. Ashbrook. It is only to identify those areas for the future counsel of prosecutors and jurists who will have some responsibility for interpreting the provisions that we pass. The effort of the mangers—and I have always appreciated the support of the gentleman from Florida—is to protect the people who serve this Nation in undercover capacities in dealing with our national intelligence from the reprehensible and thoroughly disgusting activities of identifying these people, subjecting them to harm or in effect to ruin their ability to perform for this Government, which has triggered this bill, H.R. 4. The statement of the managers is only to give guidance in the prosecution of those people, and hopefully to be sure that the challenge which probably it will receive on its constitutional basis will be survived.

Mr. YOUNG of Florida. So the gentleman assures us that the legislation itself is every bit as effective and as strong as we expected it to be and intended it to be when the House passed it in the first place.

Mr. MAZZOLI. I can assure the gentleman of that. And I would not have signed as a manager on the part of the House were I to have felt that in any part of this we have watered down or made impotent the stretch and reach and effectiveness of H.R. 4. There has never been any disagreement about proscribing what the statement describes as naming names. The only dispute was on the elements of proof required by the intent or reason to believe standards.

Mr. YOUNG of Florida. I thank the gentleman for yielding to me.

Mr. MAZZOLI. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the distinguished chairman.

Mr. BOLAND. Mr. Speaker, in his interpretation of what the statement of the managers on the part of the House signifies with reference to watering down the bill itself, I would agree with the explanations given by the distinguished chairman of the Subcommittee on Legislation in response to the Member from Florida, Mr. YOUNG.

Mr. MAZZOLI. I thank the chairman.

Mr. McCLORY. Mr. Speaker, I want to express appreciation for the remarks of my colleague from Kentucky, the chairman of the Subcommittee on Legislation. This legislation which emanated from the subcommittee under the gentleman's able leadership, is extremely important, it seems to me, for it significantly enhances effectiveness of our various intelligence agencies.

Mr. Speaker, I now yield 3 minutes to the gentleman from Virginia, Mr. ROBINSON, the ranking member of the Select Committee on Intelligence.

Mr. ROBINSON. Mr. Speaker, I rise to commend my colleagues on the House Permanent Select Committee on Intelligence for a job well done. This bill to protect our intelligence personnel is long overdue. It is on the verge of becoming law because of the hard work of a number of our colleagues. The chairman of the House Intelligence Committee, the gentleman from Massachusetts (Mr. BOLAND), the chairman of the Subcommittee on Legislation, the gentleman from Kentucky (Mr. MAZZOLI), and the ranking minority member of the subcommittee, the gentleman from Illinois (Mr. MCCLORY), put in long hours and hard work to reach the goal we have achieved today.

But, in a number of important ways, this bill is a tribute to our late colleague, John Ashbrook, of Ohio. It was Congressman Ashbrook's amendment that strengthened the bill by replacing the intent provision with a "reason to believe" standard. Now anyone who intentionally identifies and exposes covert agents with reason to believe that it would impair or impede foreign intelligence activities would be covered by this bill. Mr. Ashbrook's amendment was passed by this House by a vote of 226 to 181. The bill with the Ashbrook amendment was passed by a vote of 354 to 56.

In addition, John Ashbrook and our colleague from Florida (Mr. YOUNG) succeeded during the discussions, while the bill was being drafted, in including FBI informants in the foreign counterintelligence and counterterrorism programs. Mr. YOUNG was mainly responsible for keeping that provision in the bill during the various phases of rewrite and redrafting. This means that all of those people who aid the FBI in its work of protecting our country against hostile intelligence services and those who act on their behalf, are protected by this bill, if their identities are classified.

I urge my colleagues to again provide an overwhelming vote for this important and long delayed legislation.

Mr. BOLAND. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. EDWARDS) who was a conferee from the Committee on the Judiciary.

Mr. EDWARDS of California. Mr. Speaker, the debate on this legislation has now extended over two Congresses. Throughout that process, I have supported the effort to punish those who would abuse their positions of trust to the detriment of the lives and safety of our intelligence agents overseas as well as U.S. national security interests. But this bill, however well-intentioned in its effort to prevent exposure of our covert agents, goes far beyond that goal to trample on first amendment freedoms. For the first time in American history, the publication of information obtained lawfully from publicly available sources would be made criminal.

I will not take the time of this body to repeat my objections at length here—they appear in my earlier statement when this bill was considered on the floor last September. I also joined in the dissenting views of a number of members of the House Judiciary Committee when that committee considered and reported similar legislation 2 years ago. (See House Report 96-1219, part 2, pages 12-18).

Let me just say that the changes that have been made in the bill between then and now do not lessen my concern. I believe that no amount of tinkering—either with the statutory

language itself or with the report—can render this bill constitutional as long as it seeks to criminalize publication of unclassified information or information already in the public domain.

Of course, I recognize and applaud the efforts of the House Intelligence Committee to narrow the scope of the bill. Those efforts, nevertheless, were rejected by the House of Representatives as were similar efforts by the appropriate committee in the other body. I also recognize the efforts of the conferees, led by the distinguished chairman of the House Intelligence Committee, to draft report language which would make it clear that this new statutory language adopted on the floor over the objections of the Intelligence Committee was not intended to broaden the coverage of the bill, but only to change the Justice Department's burden of proof. But no matter how well-intentioned this effort, it is doomed to failure by language of the bill itself.

The fundamental flaw in this legislation is simply this: It seeks to punish private citizens for publishing available information. Strip away all the elements of proof that are required; strip away all the careful drafting and cautious report language, and we are left with the simple fact that this bill attempts to do the undoable. It attempts to tell private individuals that they will be subject to criminal penalties for printing, publishing, repeating, speaking, or otherwise disclosing information that is not classified and has been obtained totally by lawful means. In the final analysis, it is the mere fact of publication which makes their action punishable. And in the final analysis, it is this fact that will cause this statute to fall before the requirements of the first amendment.

What disturbs me the most about this legislation is that it is not an isolated case. It is, I believe, part of a new climate of Government conduct, to operate in greater secrecy, to withhold more information from the public, and to punish those who attempt, however lawfully, to pierce this veil of secrecy.

For example, the administration has promulgated a new executive order expanding the powers of the CIA to spy on Americans both in this country and abroad and to mount covert operations inside the United States. Through yet another executive order, it has put in place a massive expansion of the security classification system which enshrouds the uses of these new intelligence powers in permanent secrecy.

At the same time, the administration is pressing Congress to eliminate key sections of the Freedom of Information Act, and CIA officials have urged private scientists to submit sensitive research plans to the Government for "preclearance" so that the fruits of their research can be classified and kept secret from "our foreign adversaries." These efforts have all been undertaken in the name of national security. But it is in this particular context—when it is armed with the criminal law—that national security presents its gravest threat to the first amendment. For this reason it has never been a crime simply to publish classified information relating to the national defense. Since 1917, the espionage laws have applied only to situations in which such information is secretly passed to a foreign government for the specific purpose of injuring the United States. Even during both world wars, Congress declined to make it a crime to publish national defense information on the ground that to do so, no matter how compelling the security argument might be in any particular case, would undermine the first amendment.

This legislation breaks with that tradition. It is the first of the administration's initiatives to stifle public discussion of national security issues to move through the legislative process. Let it be the last. We must reject all legislation and we must oppose every executive branch effort which curtails liberty in the name of national security and stands in opposition to the basic principles of the Constitution and the Bill of Rights. For, ultimately, it is the respect and protection we afford free speech that distinguishes us from the nations within which the CIA secretly operates. If a free society is sacrificed for a better intelligence system, we have compromised our very goal.

[From the New York Times, Mar. 4, 1982]

THE SPY BILL WRAPPED IN THE FLAG

The closer the Senate gets to voting on the "Intelligence Identities Protection Act," the clearer it becomes that this bill dangerously exceeds its announced purpose. It was prompted by former agents who break their oaths and expose American secret agents in risky intelligence work. But Congressional anger soon spread to individuals who never worked for the Government but engage in similar exposures using publicly available information. And that, in turn, has raised concern about the possible use of the act against news organizations.

If there was any doubt that the act extends that far, it has now been put to rest. Senator John Chafee, a chief sponsor, has clarified the bill's threat to conventional journalism—and public discussion generally.

Asked whether a prosecutor could use the bill against reporters and news organizations for exposing crimes and abuses by agents and informants, the Senator had this reply: "I'm not sure that The New York Times or The Washington Post has the right to expose names of agents any more than Mr. Wolf or Mr. Agee," two of the bill's main targets. "They'll just have to be careful about exposing the names of agents."

Senator Chafee makes the bill's danger explicit without seeming to understand its cost to public discussion of security issues. Perhaps inadvertently, he makes the case for trimming back this inflated piece of legislation. No assurances that the law would be carefully administered can suffice when the warning to reporters is: be careful about getting the Government mad.

Unfortunately, to cite a case in The Times's experience, being careful doesn't help decide how to deal with former spies like Edwin Wilson and Frank Terpil. The Times put together—carefully—stories about how the former agents trained terrorists abroad and engaged in suspicious weapons and technology deals. The stories raised questions about the former spies' connections to the Central Intelligence Agency, whether real or feigned.

At a minimum, these foreign adventures challenged the country's ability to avoid embarrassment by once trusted employees. The stories brought about other investigations, by Congress and the C.I.A. itself.

But it doesn't seem to matter how much care went into those stories. It doesn't matter how much they have been supported by official investigations. None of that would protect the paper against a wrathful prosecutor armed with the pending bill.

The Senate should restrict it to the punishment of people like Philip Agee, the former spy who first specialized in agent exposure. Congress cannot reach private citizens like Louis Wolf, publisher of the Covert Action Information Bulletin, without chilling other, more precious journalism and debate. In no case can the Senate responsibly follow the House's reckless example and make it a crime to identify an agent without even requiring proof of criminal intent.

Until now, the Reagan Administration has managed to wrap this bill in the flag. That conceals its danger to liberty—and to the public knowlege on which true national security rests. There is a difference between patriotism and chauvinism. Senators Biden, Bradley, Leahy, Specter and Quayle have been in the forefront of those who have exposed at least some of the bill's excesses. The entire Senate needs equal courage and wisdom.

[From the New York Times, Mar. 22, 1982]

THE RIGHT TO NAME NAMES

"Congress shall make no law," says the First Amendment, "abridging the freedom of speech or of the press." But an angry, flag-waving Congress is making it a crime to print names the Government doesn't want published, even when they are derived from public sources. Last week the Senate refused to be outdone by the House in making the Intelligence Identities Protection Act offensive to the Bill of Rights.

We understand, indeed share, much of the anger. It is engendered by Philip Agee, a former C.I.A. agent, and Louis Wolf, an ally who never worked for the Government. They have published lists of covert agents in efforts to hobble Amercan intelligence. They claim a journalistic mission but their listings, about as journalistic as a phone book, expose the nation's undercover agents with little regard for possible illegalities.

Some response to such irresponsibility was warranted. Congress properly set out to declare it a crime for Mr. Agee to misuse information acquired in his work for the Government. But despite warnings that it would be constitutionally impossible to prohibit the activities of Mr. Wolf, a private citizen, the House tried anyway last fall and the Senate has now followed suit.

The results are bills that would remedy irresponsibility of one sort with irresponsibility of another. Any legislation aimed at Mr. Wolf was fraught with danger for all jour-

nalists, but the Senate and House rejected measures that were at least arguably closer to constitutional standards. They refused to require strict proof of deliberate intent to impair or impede American intelligence through exposure of agents' identities. Without that, they leave no room for important journalism that necessarily names names.

The C.I.A. held out for an easier burden for prosecutors, proof only of a "reason to believe" the exposure would harm intelligence. The Reagan Administration went so far as to make this relaxed rule a test of loyalty; fearing that they would be called soft, many senators melted.

"Reason to believe" that a published fact will somehow damage Government is too easily charged. It amounts to saying a reporter should have known that some official would think an article harmful, as some official always does. It's a standard better suited to negligence cases than criminal law. Indeed, Senator Chafee of Rhode Island, a leading advocate of reason-to-believe for news organizations, persuaded the Senate last year that reason-to-know was too tough a test in prosecuting corporate officials for tolerating bribery abroad.

What happens when Congress thus ignores the Constitution? Courageous members will continue to fight the issue in House-Senate conference. Resourceful journalists will maintain their vigilance against official secrecy. Government can forbear and use its illegitimate power sparingly. All should hope the courts will wipe the law from the books.

[From the Washington Post, Mar. 3, 1982]

PROTECTING INTELLIGENCE AGENTS

The Senate has begun consideration of a bill that would outlaw the activity of a small band of individuals determined to destroy America's foreign intelligence apparatus by revealing the names of covert intelligence agents. The practice, associated with author and former CIA officer Philip Agee, has already been cited as leading to the murder of the CIA station chief in Athens in 1975 and to an assassination attempt on the life of another American official in Kingston, Jamaica, in 1980. Mr. Agee has revealed the names of 1,000 alleged CIA officers, and a newsletter, Covert Action Information Bulletin, edited by Louis Wolf, has printed 2,000. Legislation to inhibit such practices is not a bad idea as such.

Prosecuting private citizens for publication of any material has constitutional implications, however, and special care must be taken to delineate the conduct Congress wants to inhibit while protecting legitimate activities where no intent to disrupt intelligence activities exists. Readers will note that this newspaper, like all others, has a strong interest in preserving broad latitude in reporting foreign affairs.

The best way to ensure that the real culprits are reached by the law while others are protected is to require the government to meet a standard of proof that includes "intent to impair or impede the foreign intelligence activities of the United States." This is the language of the bill that was reported by the Senate Judiciary Committee last fall and that is now being considered by the full Senate. It is expected, however, that an amendment will be offered that would substitute for the intent standard a simple requirement that the accused simply "had reason to believe" such a result would occur. This amendment is identical to one that was adopted on the House floor when that body passed the bill last September. It is the version preferred by the administration, though Richard Willard, the attorney general's counsel for intelligence policy, has stated that either version of the bill is acceptable so long as some bill is enacted without further delay.

The requirement that intent be proven in criminal cases is an essential element of Anglo-Saxon jurisprudence. It is especially important that it be preserved in this instance because a lesser standard may inhibit the exercise of legitimate First Amendment rights by those having absolutely no desire to cripple our intelligence services.

[From the Louisville Times, Feb. 26, 1982]

SENATE VERSION OF SPY DISCLOSURE IS BEST—IT MUST NOT ADOPT OPPRESSIVE HOUSE VERSION, WHICH GOES TOO FAR

Congress appears determined to pass a new law this year that will make it a crime for citizens to disclose the identity of American intelligence agents, even when the information comes from public or unclassified sources.

The object is to crack down on a few anti-CIA zealots who maliciously publish agents' names and whose dirty work has had tragic results.

While Congress is justly angry about such disclosures, its remedy could do more to deny the public legitimate information about the government than to protect U.S. spies.

Since there's little doubt that a "names of agents" law will be passed, however, the issue is which of two versions the lawmakers will adopt. A crucial choice is expected early next week in the Senate.

Unfortunately, the House has already passed a bill that would discourage public scrutiny of spy agencies and is surely unconstitutional.

A far better version being considered by the Senate could deal with the problem that concerns Congress without insulating the the CIA from legitimate inquiry. It deserves the support of Senators Ford and Huddleston.

No one seriously objects to portions of the bill that would punish former agents who deliberately disclose secrets and betray erstwhile colleagues.

But there are important differences in the provisions that apply to the rest of us—Americans who do not have classified information, but do have an interest in finding out whether intelligence agencies operate within the law.

The House went seriously astray when it decided that a person could be guilty of a crime if he disclosed an agent's identity *with reason to believe* that intelligence activities would be impaired. A reporter or other citizen who exposes CIA abuses could go to jail under that standard.

That's why it's imperative that the Senate insist on the version which requires the government to prove a person acted with *intent* to damage intelligence activities.

This language would apply to those whose sole purpose is to impair intelligence but not, most observers agree, to publication of legitimate information.

Moreover, the "intent" version is acceptable to the CIA. If there must be a law, this one does what Congress wants in the least offensive manner.

[From the Pittsburgh Post-Gazette, Sept. 28, 1981]

AN UNSOUND SPY LAW

Like other human beings, journalists are sometimes tempted to exaggerate the dangers to society of measures that might limit their freedom of operation. So there is undoubtedly some hyperbole in dire predictions that investigative journalism will be fatally crippled by a bill in Congress that would punish the publication of CIA agents' names. It will take more than one clumsily drafted (or even unconstitutional) law to prevent journalists from investigating abuses by any government agency, the CIA included.

Still, that is no argument for the enactment of a bill that might needlessly interfere with journalistic investigation of the sort of illegal CIA spying on Americans that the agency would like to have the nation forget. And a bill passed last week by the House fits just that sorry description.

Designed to deal with the identification of CIA agents by agency renegades like Philip Agee, the bill as it emerged from the House Intelligence Committee would have made it a crime to identify intelligence agents only if the person making the revelation did so with the "intent to impair or impede the foreign intelligence activities of the United States." That careful language obviously was designed to deal with the discrete problem that prompted legislation in this area in the first place—the deplorable campaign by avowed opponents of U.S. foreign policy to cripple the CIA abroad.

Unfortunately, on the House floor, conservative Republican Rep. John Ashbrook succeeded in having that qualifying language stricken and replaced with a less precise provision making persons criminally liable if they "had reason to believe" that disclosure of an agent's name would harm the national interest.

The difference between the two formulas might seem a matter for legal hairsplitters. But the Ashbrook language, endorsed, by the Reagan administration could be used against not only the Philip Agees of the world but also journalists who happened on CIA activities directed (illegally) against American citizens or in contravention of presidential or congressional directives.

Depressingly, similarly broad language has been adopted by framers of a Senate version of the spy bill. That makes it unlikely that a conference committee will take the—admittedly speculative-fears of journalists into account when writing a compromise measure. But those senators and representatives who believe that seemingly fine distinctions can be important should press for a defeat of the broader bill in the respective chambers.

[From the Chicago Tribune, Oct. 27, 1981]

. . . AND LIMITING A DANGEROUS BILL

The U.S. Senate is about to consider a bill that could have a serious impact on the ability of Americans to discuss the government's intelligence activities. It makes it a crime, under certain circumstances, to divulge the name of a secret U.S. intelligence agent.

The goal—to protect agents abroad from the kind of campaign of disclosure that has been mounted by ex-CIA agent Philip Agee—cannot be faulted. But when the House of Representatives got its hands on this idea, it pushed it well beyond the Agee situation and passed a bill that puts at his

peril anybody who for any reason decides even to talk about the subject.

One particularly dangerous feature of the bill passed by the House does not yet appear in the Senate version that cleared committee and is heading for a floor vote. The House version requires that prosecutors only show that a person accused of violating the law had "reason to believe" the disclosure would "impair or impede" the work of U.S. intelligence agencies.

This language, written into the bill at the last minute, renders the motivation of the disclosure irrelevant, putting the university president concerned about having intelligence agents on his faculty or the journalist reporting the misdeeds of a rogue operative on the same footing as the notorious Agee. And it strikes so deeply into the ordinary fabric of expression—forbidding all discussion of a matter that certainly can be of legitimate interest to the public and even forbidding discussion motivated by a reasonable concern that one's employes have undivided loyalties—that it makes what is a questionable law to begin with almost certainly unconstitutional.

The CIA has said that it does not object to the Senate version, which would require prosecutors to prove an intention to do damage to intelligence activities before they could get a conviction. There is no reason to push any further this troubling law—which would punish disclosures even if the information is gleaned from purely public source material.

Undoubtedly there will be a move on the Senate floor to amend the bill to conform to the House's foolish version; if the bill itself cannot be voted down, at least this amendment must be defeated.

[From the New York Times, Nov. 2, 1981]

SHOWING OFF OF SECRET AGENTS

Should Congress decree that information in the public domain may not be publicly repeated? The very idea represents a radical departure from the American tradition of free speech and press. Yet Congress is seriously considering a bill to make publishing names of covert intelligence agents, even on the basis of publicly available knowledge, a crime. The House passed such a measure last month and a similar bill, almost as objectionable, awaits a vote by the Senate. The Senate should bring Congress to its senses and reject this proposal.

Government is free to keep its secrets—in ways that do not offend the First Amendment. It may swear employees in sensitive jobs to secrecy and it may punish violations of their oaths. But to pass a law that declares non-secrets off limits is to abridge the freedom of speech and press. Congress may not do that.

The legislation has strayed from an earlier, more reasonable course. Congress was rightly angry that Philip Agee, a former C.I.A. agent, misused inside information when he published lists of secret American agents for the avowed purpose of destroying their effectiveness. Present and former agents may not violate their secrecy oaths even in pursuit of their First Amendment rights.

But then the bill's drafters went further, provoked by the antics of Louis Wolf, who never worked for the Government and was never entrusted with its secrets. Working from public documents, he has compiled and published similar lists of supposed agents.

However reprehensible such activity may be, it is simply unconstitutional to try to punish outsiders for trying to figure out, talk about and write about those secrets. It is also unwise, for it could reach more conventional reporting, which often must and should say things that Government doesn't want said.

Even more dangerous is the loose standard of proof in the House version. A prosecutor could bring a charge, and a jury could convict, if the evidence merely showed that the publisher had "reason to believe" the disclosure would hurt U.S. intelligence. That is, whatever his state of mind, the defendant should have known better. At least the pending Senate bill requires evidence that the accused fully intended to impair or impede American intelligence by the very act of disclosing a secret name.

The Reagan Administration wants the looser version but doesn't need it. William Casey, the C.I.A. chief, wrote Congress last spring that either version would meet the Government's needs. Congress has every reason to believe that both versions are unconstitutional, so a Senate vote this week for either amounts to posturing, showing off a reckless patriotism. And there is no excuse at all for choosing the more offensive version.

[From the New York Times, Sept. 26, 1981]

A DUMB DEFENSE OF INTELLIGENCE

The House of Representatives voted the other day to prohibit the identification of present and former American intelligence agents, even if the knowledge is gained from public sources. Fortunately this legislative folly is forbidden by the Constitution, which says Congress shall make no law abridging free speech and press. Unfortunately for freedom—and national security—such a law could inhibit a lot of worthy speech before the courts administer the final constitutional rites.

It's a case of blind zeal and misdirected anger. Understandably incensed by a few individuals who specialize in blowing the cover of secret operatives abroad, the House would indiscriminately suppress reporting that exposes intelligence abuses and stirs reform. Perhaps it will still be rescued by a clear-eyed Senate Judiciary Committee.

Congress's anger was first drawn by Philip Agee, a former C.I.A. agent who practiced a crude and brutal form of politics. Applying his knowledge of spying, he tried to destroy covert operations by figuring out which Americans were stationed abroad under false cover and publishing their names. Louis Wolf, a writer who never served in Government, does the same thing, apparently without the benefit of inside information.

"The Philip Agees of this world" are said to be the targets of this reckless legislation and Mr. Agee, at least, has had few defenders. He has obviously violated his oaths and obligations to protect intelligence secrets gained on the job. But outlawing what Louis Wolf does strikes at every reporter and scholar who would publish facts that Government prefers to keep concealed.

Constitutional freedoms aside, such a prohibition is profoundly unwise. Most reporting, even in embarrassing terrain, advances American interests. In recent weeks, for example, this newspaper has published numerous articles about the shady activities of two former American spies, Edwin Wilson and Francis Terpil. This ambiguous ties to the C.I.A. and their dealings with terrorists have damaged the United States and fostered violence abroad. Names are indispensable in such stories.

The House bill is so loosely drawn that a prosecutor more interested in secrecy than reform could well consider The Time's stories illegal. Never mind that they have inspired official soul-searching and a necessary Senate inquiry.

The danger within the danger is this bill's standard of legal proof. It would ask a jury to decide whether a publisher had "reason to believe" that disclosing an agent's identity would damage national security; in other words, the mere assertion by a protective Government that it might suffer damage would become evidence of a crime of speech. The House refused to settle for a more rational standard, requiring proof of "intent to impair or impede" the nation's foreign intelligence. Not even the Director of Central Intelligence, William Casey, wanted to go beyond that.

National security is not synonymous with secrecy at all costs. Prudent safeguards against the irresponsible do not require a sacrifice of constitutional liberties. Members of Congress are paid to know the difference.

[From the Christian Science Monitor, Sept. 29, 1981]

Throughout United States history there has always been an uneasy tension between those persons who have sought to protect national security and state secrets and civil libertarians who favored maximum freedom of speech and the abosolute accountability of public officials. Sometimes the tension has equalized itself out. All too often, however, there have been periods of excess when the hand of authority was used to stifle dissent, as in the case of the Wilson administration during World War I when it vigorously sought to jail "subversives" and Congress enacted the Espionage and Sedition acts.

While the present period obviously represents nothing like the drama of those years, there is a certain mood in the land which, unless carefully controlled, could invite a return to the kind of secrecy and lack of accountability that ofter marked government before the Watergate-era reforms of the mid-1970s. Efforts are currently underway to so shroud U.S. intelligence agencies in a privileged shield of secrecy as to make such agencies virtually unanswerable to the inquiries of a free press or a critical public. Two recent manifestations of this trend are noteworthy:

1. The House last week enacted a measure that would make it a crime for private citizens to disclose the identity of a U.S. intelligence agent, even if the information came from public sources. Lawmakers have sought such a measure for the past five years after a CIA station chief in Athens was assassinated following publication of his name.

2. CIA chief William Casey is urging Congress to exempt national intelligence agencies from the Freedom of Information Act, which allows private citizens (including journalists) the right to petition government agencies for nonclassified information.

Admittedly there is something to be said on behalf of both moves. Identitying names of secret agents is reprehensible. The press, for its part, must exercise the highest degree of responsibility and professionalism in national security matters.

What is worrisome, however, is that the way the house bill has been drafted could prevent the disclosure of abuses by intelligence agencies. The measure says that a person, including a journalist, would be

criminally liable if he or she had "reason to believe" that disclosure of the agent's identity would harm national security interests. This was a change from a more restrictive House Intelligence Committee version that said criminal liability would result if the person doing the disclosing had specific "intent to impair or impede the foreign intelligence activities of the United States."

The Senate should reject the House phrasing and adopt the stricter-intent requirement. The fact is that in recent years there have been disclosures of a number of cases where federal officials and intelligence officials have misused their authority and violated the law. Would the public be better served for not having had the abuses come to light, or even letting the pesons involved continue in their wrongdoing? the House bill invites coverups based on "national security" allegations.

As for totally excluding the CIA and other intelligence agencies from the Freedom of Information Act, such a step would be injurious to the public. The Freedom of Information Act already excludes the release of a broad range of classified information. To exempt a spy agency entirely from any measure of accountability is to make that agency in a sense the master of the public.

For lawmakers and the Reagan administration, the delicately balanced goal must be to protect US agents and spy agencies—as well as the public and nation they are called upon to serve.

[From the Boston Globe, Sept. 29, 1981]

The overwhelming House approval of sweeping legislation making it a crime to disclose the names of US intelligence agents poses a threat to the workings of the press and could limit the opportunity of Americans to learn about the doings of their own government.

So-called "names of agents" bills have been a staple of the legislative diet in Washington for five years. The primary target of all of the bills has been one man, former CIA agent, Philip Agee, who has made a career of ferreting out and exposing the names of clandestine US agents abroad.

The object of Agee's work is to undermine US intelligence efforts and he does not have and should not have any political support. Thus, there is no opposition to provisions of the bill enacted by the House which would make it a crime for persons with access to classified information to make public the names of agents.

The issue has always been how to treat the disclosure of agents' names by persons never with the intelligence community; that is, by reporters and scholars. Years have been spent trying to draft the narrowest possible language.

The House Intelligence Committee, led by Rep. Edward Boland (D-Mass.), ultimately agreed on careful wording that made it a crime for those without direct access to classified information to name agents only if they disclosed identities with the specific "intent to impair or impede the foreign intelligence activities of the United States."

This wording would not have prevented a reporter or scholar from reporting the activities of intelligence agents in a foreign country if the intent was to report on the activities of the American government—that is, to inform the American public about actions being taken in their behalf—not more narrowly with the specific purpose of undermining the work of those agents.

On the House floor, however, that wording was stricken and new language inserted. It allows for the criminal prosecution of persons who report the names of agents if they "had reason to believe" it would harm national security interests. That language is so broad that it ignores the motivation of the writer involved. It could well chill efforts, whether by scholars or journalists, to understand and publish accounts of American intelligence activities, including activities that would be abhorrent to the vast majority of Americans if revealed.

The next move is up to the Senate Judiciary Committee where there is certain to be a close vote on the precise language involving those, without direct access to classified information, who reveal the names of intelligence agents. The active involvement of Sen. Edward Kennedy particularly could be the key to approval of a reasonable bill that seeks to prevent the sabotaging of bona fide intelligence efforts without undermining First Amendment rights.

[From the Washington Post, Oct. 27, 1981]

NAMING AGENTS

Congress is intent upon ending the practice of a few spoilers' exposing the names of the United States' secret intelligence agents. This is a worthy purpose, but it gives rise to a troubling complication. The two main legislative proposals offered to punish namers of names would penalize publication, including in some instances publication of unclassified information available in the public domain, and thus both of the proposals would cut into the integrity of the First Amendment. One of the proposals, however, would cut a good deal less than the other. It is important that Congress recognize this difference as the crucial stage of Senate floor action draws near.

The House last month passed a bill that would criminalize publication of an agent's name merely, if there was "reason to believe" publication would impair foreign intelligence activities. This is dangerous legislation. It is not at all difficult to see how language of that sweep and looseness could be applied to journalists or others who brought news of American intelligence to light. Journalists regularly publish information that they suspect will have a negative impact. The First Amendment assures them their right to do so.

The Senate Judiciary Committee has since voted out, 9 to 8, a more acceptable bill. It opens namers of names to prosecution only if they acted with an "intent to impair or impede" intelligence activities. Such an intent—the traditional criminal test—would hardly be a part of most journalism. Meanwhile, the administration supports an effort to adopt the House bill on the Senate floor.

Supporters suggest that only the House bill would adequately protect the country's secret agents. But this contention is far overdrawn. Either bill in Congress would supply a legal sanction to move against the Philip Agees, the unprincipled people who have made a practice of blowing the cover of American agents in order to disable the CIA. Even the Reagan Justice Department now accepts that there is no potential Philip Agee beyond the prosecutorial reach of the Senate bill; that legislation is, a department official says, "enforceable and constitutional."

But where the House bill bites deeply into the First Amendment, the bill reported out of Senate Judiciary bites less severely. The House measure targets not only the Philip Agees but, potentially, also legitimate journalists. The Senate Judiciary bill strikes just at the Philip Agees. That is the reason why, of the two, we believe the Senate judiciary bill deserves to be carried on the floor. But we trust that senators will note, at least in passing, that both infringe, to one degree or the other, a constitutional right.

[From the Indianapolis News, Oct. 12, 1981]

SAVING FREEDOM TWO WAYS

The Reagan administration appears to be passing up a good opportunity to take a stand on behalf of freedom of the press and still establish firmer protection for U.S. intelligence operations.

The issue is a law to make it a crime to identify undercover U.S. intelligence agents. The House of Representatives, with the support of the Reagan administration, has approved a sweeping version of legislation to make it illegal to identify agents. The Senate Judiciary Committee, on the other hand, has approved similar legislation, but with a provision designed to protect freedom of the press.

The difference between the two bills appears on an ordinary reading to be a matter of splitting hairs. The House bill would make it a crime for anyone to identify an agent or informer "in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede" foreign intelligence operations. The proposal approved by the Senate Judiciary Committee would make exposure illegal when it is done "with the intent to impair or impede" foreign intelligence activities "by the fact of such identification or exposure."

Sen. Joseph R. Biden, Jr., D-Delaware, offered this amended version of the legislation to avoid putting a damper on legitimate investigative reporting. A reporter could be prosecuted, for example, for uncovering and naming a Soviet spy in the CIA or for naming former CIA operatives engaged in narcotics smuggling.

A Reagan Justice Department official, Richard K. Willard, acknowledged before the Senate Judiciary Committee that the House legislation could be used to thwart ordinary news media reporting, but he said it probably would not be used that way in practice.

That's nice. The Reagan administration, we keep hearing, is made up of pretty nice guys who mean no harm to anyone. But the Reagan administration will not be around forever, and a future administration might not see things quite the same way.

Why legislate a potential threat to a basic constitutional principle? The amended version of the bill should serve just as well to prosecute persons such as Philip Agee, a former Central Intelligence Agency agent, and others who have published lists of agents for the stated intent of hindering intelligence operations.

The Reagan administration has already established a disturbing pattern of efforts to close off the free flow of information required by the Freedom of Information Act. Lining up on the side of the Senate Judiciary Committee version of this bill would offer a chance to reverse that pattern. The Biden amendment also provides a way to protect intelligence agents as well as freedom of the press.

[From the Nevada State Journal, Oct. 5, 1981]

SLAMMING SHUT ANOTHER DOOR

Here they come again, closing public doors faster than the public can turn around to see the doors slam shut.

"They" are our Washington representatives. And what they are closing, steadily, surely, and with increasing speed, is access to government.

In the latest instance, the House rode roughshod over its own Intelligence Committee Sept. 23 and voted to make it a federal crime to disclose the identity of a U.S. intelligence operative even if the operative's name is a matter of public record. And the act would be a crime no matter what the circumstances involved.

The committee had recommended making disclosure a crime only when there was "intent to impair or impede the foreign intelligence activities of the United States." But the House would have none of this, and voted 354 to 56 to install a sudden floor amendment to make disclosure a crime even if the news media were reporting the names of agents engaging in illegal activities, or trampling on citizens' rights.

The penalty: 10 years in prison and a $50,000 fine for past or present government officials, and three years in prison and a $15,000 fine for journalists.

This bill of course arose from a legitimate concern about the safety of agents. Former CIA officer Philip Agee has made a new and despicable career out of exposing agents, endangering their lives, and damaging the overseas operations of the CIA. And publications such as that Covert Action Information Bulletin and Counterspy routinely print the names of overseas CIA agents with the vowed intent of hindering their work. One would be hard pressed to defend any of these activities; and, in fact, few have—while many have quite properly condemned them.

Yet the House of Representatives, in its concern about these revelations, is creating an equal danger. It has declared that public records are not public, that intent is no factor, and that constitutionality does not matter.

For make no mistake about—the House bill's constitutionality is clearly questionable, according to legal scholars and other experts who testified before the committee.

What the floor amendment did was make the disclosure of an identity a crime whenever the government has reason to believe it might impair or impede foreign intelligence activities. This makes the government the accuser, the witness and the judge; i.e., it places the government in the role of dictator, able to conceal its own mistake as well as disclosure of agents.

But there is more: Rep. Ted Weiss, D-N.Y., complained that this bill "presents an incursion on the First Amendment unparalleled in the history of the nation during peacetime. Never has the publication of information in the public domain by private citizens been made an offense."

In all intellectual modesty, one must ask how "secret" agents whose names are already in the public domain are endangered by the publication of their names. Certainly the "enemy," whomever that might be at a given time, would already have ferreted out this information. Under this bill as it stands, it really seems that it is the bureaucracy which is the main object of protection, rather than CIA agents. And it is the public which is most injured.

The Senate Judiciary Committee is scheduled to vote tomorrow and Nevadans should object vigorously to the bill in its present form. Time is short, but the bill can be defeated even now, if the public shows it knows the dangers created by the bill.

Let us protect overseas agents indefinitely. But let us do so through constitutional means which protect our control of government as well as the agents.

[From the Richmond Times Dispatch, Oct. 15, 1981]

PROTECTING U.S. SPIES

Philip Agee, a former CIA agent, indulged in the despicable practice of publishing the names of U.S. intelligence agents abroad in an effort to destroy their effectiveness. In the process, he gravely endangered the lives of these persons.

A law is needed to enable the government to move forcefully against anyone who intentionally puts our secret agents in jeopardy by revealing their identities. Congress is in the process of enacting such legislation.

The House of Representatives passed a bill designed to achieve that goal, but many people worry that while the bill's intent is laudable, its wording runs afoul of the First Amendment's protection of free speech. the bill would make it a crime for anyone to publish such names if he had "reason to believe" it could endanger the persons named. The fear is that a newspaper or broadcasting station or an individual writer might effectively be prevented from making public information about government corruption involving an intelligence agent if a government representative warned in advance that the publication could damage the agent.

So the Senate Judiciary Committee has voted 9-to-8 to narrow the bill to the extent that a person could be prosecuted for revealing agents' names only if he acted with specific "intent to impair or impede" the nation's intelligence activities. There was not the slightest doubt that Philip Agee acted from such a motive.

It is not easy to draft a bill that attains the proper balance between protecting agents' identities, on the one hand, and First Amendment rights, on the other. The most effective protection of the agents might be provided by making it illegal to publish their names under any conditions, but that would do violence to the principle of free speech, since there could be unusual situations in which such publication would be justified in the overall national interest.

The Senate committee amendment appears to represent a reasonable effort to strike the proper balance.

[From the Louisville Times, Oct. 21, 1981]

BAD BILL, BETTER BILL—SENATE SHOULD REJECT HOUSE CIA MEASURE

If there's a lesson to be learned from the government's lethargic reaction to the disclosure that former CIA agents helped Libyan terrorists, it's that public scrutiny of the intelligence agency is more necessary than ever.

Yet the House of Representatives, urged on by the Reagan administration, has passed a bill that could severely penalize newsmen and other researchers who disclose names of spies when reporting on intelligence activities.

Senators Huddleston and Ford can help head off this ill-conceived measure by backing a much tighter Senate version, which could come to the floor as early as this week. Mr. Huddleston has a special interest since he helped draft a charter designed to keep the CIA within constitutional bounds.

Both bills have the worthy goal of protecting undercover agents stationed abroad. On two occasions, CIA employees were attacked after anti-agency zealots disclosed their identities.

The trouble is that reporters and scholars and, for that matter, all private citizens, could be fined and jailed even if they "reveal" names gleaned from unclassified sources.

One result, whether intended or not, would be to discourage legitimate, necessary discussion of CIA failures, blunders and abuses, of which there have been plenty. Under the House bill, a prosecutor would only have to prove a reporter had "reason to believe" his investigation would impair or impede intelligence activities. Well documented stories often "impair or impede" misguided government programs.

Defenders of this approach argue lamely that newsmen and other citizens could report intelligence misdeeds to Congress, the CIA director or the Justice Department. These, of course, are the same folks who have been less than eager watchdogs in the past.

Or, goes the argument, critical material could be published without the names of wayward agents. In many cases, however, such self-restraint would simply contribute to a cover-up.

The Senate Judiciary Committee has come up with a better bill, and the Kentucky senators should join those who hope to fend off amendments. Under the Senate version, a citizen could be successfully prosecuted only if he disclosed names with malicious intent to disrupt intelligence work. That language could not easily be stretched to cover legitimate reporting.

President Reagan has given the senators another excellent reason to resist changes in their bill. He is considering a plan to allow the CIA to spy on American citizens, open mail, infiltrate legal groups and all the rest. This is not the time, in short, to relax surveillance of the intelligence community.

Mr. McCLORY. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE.)

Mr. HYDE. Mr. Speaker, as ranking minority member of the Civil and Constitutional Rights Subcommittee of the House Judiciary Committee, I have been a consistent and strong supporter of legislation to make it a Federal offense to disclose the identities of covert intelligence agents under certain egregious circumstances, It was therefore with great regret that I chose not to sign the conference report on H.R. 4. Although the bill itself is deserving of high praise, and I strongly urge my colleagues to vote in favor of it, the statement of managers which purports to interpret the bill contains so many contradictions and inaccuracies about the clear language in the bill that the courts would do well to ignore it.

Mr. Speaker, when the House Judiciary Committee favorably reported the predecessor of this bill by an overwhelming margin in 1980, I described it as "our response to the erosion of our intelligence facilities and services in a very dangerous world." That erosion has continued unabated and the

danger has increased proportionally. I am therefore relieved that, at long last, we are prepared to send a bill to the President for his signature. The conference report which we have under consideration comports with the dictates of the first amendment to our Constitution. In addition, if interpreted correctly, it will serve as a highly effective deterrent to the unconscionable and dangerous revelations that it has been our misfortune to witness in recent years.

Mr. Speaker, let me describe what we did in crafting this legislation and, even more emphatically, what we did not do. While the first amendment is not absolute, and thus permits us to place some restrictions on speech to safeguard our national security interests as well as certain other restrictions, it does impose a strict duty to use the least restrictive means possible to address the evil that we have identified. This was a relatively simple task with respect to persons who have been given authorized access to classified information and a corollary responsibility not to disclose that information. With respect to others, the job was more difficult, but I believe this legislation passes the constitutional test with flying colors.

We have required that any disclosure be made "in the course of a pattern of activities intended to identify and expose covert agents." We have further required that those activities be engaged in with reason to believe that they would impair or impede the United States foreign intelligence activities. Finally, we have required that the disclosure be made with the knowledge that a covert relationship is being disclosed and that the Government is taking affirmative measures to conceal the classified relationship involved. Mr. Speaker, the multifaceted state of mind, which the prosecution will be required to prove beyond a reasonable doubt, limits the applicability of the offense to those whose activities pose the greatest danger to the national security and the safety of our intelligence officers.

It is with respect to this carefully constructed state of mind, Mr. Speaker, that I must part company with the letter and spirit of much of the statement of managers accompanying this conference report. The clear import of most of that statement is that an additional motive or a certain status may negate the criminal state of mind we have outlined. This is a premise I firmly reject.

In one instance, the statement of managers correctly notes that "the fact that a defendant claims one or more intents additional to the intent to identify and expose does not absolve him from guilt." This means, Mr. Speaker, that, so long as the defendant possessed this requisite intent, his additional intents are not exculpatory. Remarkably, and unfortunately, the bulk of the statement of managers suggests just the contrary: that certain beneficient motives would necessarily negate the intent to identify and expose covert agents.

Mr. Speaker, I cannot envision a case, no matter how heinous, where the defendant will fail to assert a paramount goal to justify his action—some "redeeming social value." Even the perpetrators of the "Naming Names" publications profess another intent; namely, the frustration of certain activities by our intelligence personnel. This body, and the various committees involved, never intended that the criminality of conduct would be dependent upon whether the Government approved of the defendant's higher motives, because that would be offensive to our precious first amendment. We concentrated instead on the intent to engage in a certain type of conduct—identification and exposure of agents—that is unquestionably dangerous.

Mr. Speaker, in constructing this bill over the course of two Congresses, we diligently followed the dictates of the first amendment. To that end, we identified a certain limited course of conduct that was a threat to our agents and national security and made it illegal. We identified not only an activity, but a state of mind, that occurring together, comprised the conduct that we wanted to prevent. Any additional intent was something that we chose not to judge, because the damage that is done is the same, irrespective of the good intentions of the person doing that damage.

Mr. Speaker, I commend the chairmen and ranking minority members of the full Intelligence Committee and the subcommittee for their diligent efforts in drafting H.R. 4 and in moving it through this Congress. I believe that it is a constitutional and effective response to the dangerous problem posed by the callous revelation of the identities of our covert intelligence agents. I urge my colleagues to vote in favor of the conference report, but, at the same time, I urge the courts to consign the statement of managers to the oblivion it deserves, and take solace at the fact that the clear language of this legislation requires no obfuscatory interpretation as proffered by the manager's statement.

We often ask our covert agents—and their sources of intelligence—to risk their lives in the national interest. The very least we can do is protect their identities from assassins and terrorists.

□ 1330

Mr. BOLAND. Mr. Speaker, the gentleman is always persuasive and always charming, and as a constitutional lawyer I would say he is one of the best in this body. I appreciate very much the remarks of the gentleman from Illinois.

Any Member of this body, of course, is entitled to his own opinion. However, let me just emphasize that the statement of the managers accompanying the conference report is the authoritative statement as the intent of the conferees and the meaning of the statute. I am sure the courts will have some fun looking at some of the proceedings of this House today, and I am sure, in looking at the specific language of the bill itself, which of course is controlling, but where the bill itself lacks some clarity as it does, and where no particular definition was given either in the House or in the Senate vis-a-vis the "reason to believe," then I think there has to be some clear legislative interpretation of it, perhaps a little authoritative legislative history. We have tried to do that in the statement of managers, and hopefully the courts will appreciate that effort, since it is the official explanation provided to, and adopted by, each House.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I pity the poor courts after listening to the colloquy today. If we are confused to here, and those who participated in drawing up both the conference report and the statement of the managers are confused as to exactly what the import of this legislation is—and this just happened recently and the Members are all here—I can imagine what the courts will do with this.

I assume that when the gentleman from Illinois denied that the interpretations that are set forth by the managers are not accurate, he was referring to some of those interpretations which appear on page 10 of the conference report, where it says:

An effort by a newspaper intended to uncover CIA connections with it, including learning the names of its employees who worked for the CIA.

Or—

An effort by a university or a church to learn if any of its employees had worked for the CIA. These are activities intended to enforce the internal rules of the organization and not identify and expose CIA agents.

I assume the gentleman from Illinois interprets that as being one of those double intents, and only one intent is really the one that matters:

An investigation by a newspaper of possible CIA connections with the Watergate burglaries. This would be an activity undertaken to learn about the connections with the burglaries and not to identify and expose CIA agents.

I want to credit the gentleman from Massachusetts, the chairman of the committee, Mr. Speaker. I think that he has tried to do a yeoman job under very impossible circumstances. I think that he came as close as possible with-

out really being able to achieve the impossible. Because of that, I wish he had stuck with his original conclusion, which was that indeed, the legislation, because of reasons given by the gentleman from California, in fact is unconstitutional.

I recall that when the House Subcommittee on Government Information and Individual Rights of the Government Operations Committee held hearings last year, we had columnist Jack Anderson before us. He referred back to that awful tragedy where the head of mission in Greece, the CIA head of mission, had been assassinated. He pointed out that it was not that the man's name had appeared in one of these awful publications which are in the business of disclosing the names of CIA agents, but that the CIA had an unbroken habit of some 30 years of placing its head of mission, no matter what the cover was, in that particular residence; and that Greek guides would take tourists through the town and point out where the head of the CIA mission was residing.

So, it seems to me that what we are trying to do in a very unconstitutional manner in this piece of legislation probably cannot be done effectively, and we would be better off probably in trying to get the CIA to straighten out its act so that it does not subject its people possible harm and loss of life.

Mr. McCLORY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 4 and the conference report to come become the House. I am sorry that our colleague, John Ashbrook, is not here today, because I know he would rightfully be proud of this product. John was a leader in arriving at the point we are at today, and he was dedicated to the protection that we are about to provide for those who serve us in our intelligence community. I know John also would share the comments that I make now about our distinguished chairman. I know of John's sincere feeling of respect and admiration for EDDIE BOLAND and our ranking minority member, KEN ROBINSON and I certainly share that.

John and I worked together on a lot of items, important matters, before the Select Committee on Intelligence, I think much to the chagrin of our chairman on occasion, but he always understood what we were about, and certainly treated us with total fairness.

He has taught me a lot, and he just now taught me something else when he was talking about the debate we have here today establishing the legislative history on this legislation. I was not going to make this comment, but I think as we do establish legislative history, that maybe I had better.

There is some controversy about the statement of the managers which accompanies H.R. 4. I just have to say, Mr. Speaker, I do not really consider this a statement on the part of the managers because most of the managers that I know of had nothing to do with its preparation. This is not a conference product. The conference committee did not meet on the subject of the statement of the managers. It was a foregone decision presented to at least some of us only when we were asked to sign it, and so as we are establishing legislative history, I do not think we ought to take this statement as a conference product or as being approved by the conference committee, for it was not. The conference committee did not even meet on the subject.

Now it is important that we proceed despite this confusion and despite the disagreement on the statement of the managers. It is important that we proceed and enact this legislation. It is late; it is far past due. We should have had it years ago as we began to rebuild our intelligence capability in the United States, a capability so necessary to our overall security. And it is important that we protect those people who work in intelligence, who are basically responsible for being our eyes and our ears in a world that is somewhat hostile. It is extremely important if we are going to have an adequate national defense.

I rise in strong support of this bill, and I hope the House will pass it with an overwhelming vote and establish that as legislative history, that it is the intent of the Congress of the United States to provide for a strong national defense and to recognize that a strong intelligence capability is a part of that strong national defense, and the protection of the people who work in it on a daily basis, the protection of their lives and the protection of their involvement in our national defense is also essential.

Mr. McCLORY. Mr. Speaker, I yield such time as he may require to the gentleman from Illinois (Mr. HYDE) for the purpose of a colloquy.

Mr. HYDE. Mr. Speaker, I thank my colleague from Illinois.

Although we are both strong supporters of H.R. 4 and urge the adoption of this conference report, I understand that the gentleman from Illinois (Mr. MCCLORY) shares some of the concerns I have expressed about the statement of managers. As ranking minority member of the Intelligence Subcommittee on Legislation and of the full Judiciary Committee, he was "present at the creation" of this important legislation and throughout its long journey through this and the last Congress. He is thus thoroughly familiar with the legislative intent behind H.R. 4. I would like to solicit his reaction to some of the assertions made in the statement of managers.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I am glad to discuss our mutual concerns with the gentleman from Illinois (Mr. HYDE). As the ranking minority member of the Subcommittee on Civil and Constitutional Rights, you have been a strong ally of our covert agents and the national security interests that they serve. Your expertise has proved invaluable in the delicate area of first amendment concerns that have arisen in connection with this bill.

Mr. HYDE. I thank the gentleman for his kind words. As the gentleman knows, the language in section 601(c) of the bill was carefully crafted with those first amendment concerns constantly in mind. As the gentleman and I have discussed, in the national security area, the first amendment demands that we carefully define a problem and address it with the least restrictive means possible. However, it has never been my understanding that the first amendment requires us to interpret legislation in such a way as to endanger its effectiveness.

□ 1345

Mr. McCLORY. The gentleman from Illinois is entirely correct. Section 601(c) of the bill requires the Government to prove beyond a reasonable doubt various elements of the offense, including the fact that the disclosure was made in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair our foreign intelligence activities. This element alone will pose great demands on the Government in terms of proof which will be met only in the most egregious cases.

Mr. HYDE. I agree with the gentleman that the burden on the Government is a great one, as it should be when we are dealing with first amendment concerns. However, the statement of managers suggests that the prosecution may encounter certain problems in proving those elements which are clearly spelled out in the language of the act. It seems to suggest that the fact that the defendant had an additional, but beneficient, intent in making a disclosure could place him beyond the reach of this law. Furthermore, it implies that the status of the defendant—as a newspaper reporter, academician, or private organization—might be exculpatory. For instance, on page 8, it states that section 601(c) "does not affect the first amendment rights of those who dislose the identities of agents as an integral part of another enterprise such as news media reporting of intelligence failures or abuses, academic studies of the U.S. Government's policies and programs, or a private organization's enforcement of its internal rules." Is it the gentleman's understanding, based

on his lengthy involvement in the development of this legislation, that an individual's additional intent or his status in connection with a given enterprise will place him beyond the reach of section 601(c), if he has engaged in the requisite pattern of activities intended to identify and expose covert agents?

Mr. McCLORY. It certainly is not. While the gentleman is correct that the statement of managers may imply such an interpretation, the language that you have quoted contradicts other language in the statement that reflects our true intent. I refer the gentleman to page 9 of the statement, wherein the managers state without qualification:

Of course, the fact that a defendant claims one or more intents additional to the intent to identify and expose does not absolve him from guilt. It is only necessary that the prosecution prove the requisite intent to identify and expose covert agents.

On page 10, the statement notes that a defendant may rebut the Government's proof of an intent to identify and expose by demonstrating "some alternative intent." I would call the gentleman's attention to the use of the word "alternative," rather than "additional" here. The intent shown must be to the exclusion of an intent to identify and expose, not in addition to that intent.

I think my colleague from Illinois and I would agree that the two statements that I have quoted accurately represent our legislative intent in drafting this provision. The contradictory passages to which he referred do not accurately reflect that intent.

Mr. HYDE. I thank the gentleman for his explanation, with which I am in total accord. Is it correct to conclude from the gentleman's remarks that the illustrations which appear on page 10 of the statement are somewhat misleading as to our legislative intent to the extent that they are based on the general principle that we have repudiated—namely, that an additional intent can be exculpatory?

Mr. McCLORY. The gentleman is again correct. The danger in the premise the gentleman has identified is that many defendants—even those in the business of "naming names"—could probably point to an additional intent. The statement of managers acknowledges this fact on page 7 and notes that such motives are irrelevant to the protection of our national security interests. Unfortunately, that sentiment was not consistently reflected throughout the statement.

Mr. HYDE. I wonder if I might solicit the gentleman's learned opinion on another suggestion in the statement of managers which has troubled me. With respect to the definition of "covert agent," the statement on page 11 observes that the definition is crafted to insure that,

As it applies to those who are not undercover intelligence agency employees, [it] does not include those private citizens who might provide information to the CIA or FBI, but whose public identification, though causing personal embarrassment, would not damage the national security.

Is it the gentleman's understanding that the intelligence relationship of these private citizens to the United States would be covered under the bill so long as that relationship is classified and that person is serving, or has served, as an informant or source of operational assistance?

Mr. McCLORY. The gentleman is again correct. There was never any intent to exclude so-called private citizens from the protection of this act so long as they fulfilled all of the requirements of the definition and the other requirements of the bill were met.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Illinois (Mr. McCLORY).

Mr. BOLAND. Mr. Speaker, may I inquire as to how much time remains on either side?

The SPEAKER pro tempore (Mr. WALGREN). The Chair will state that the gentleman from Massachusetts (Mr. BOLAND) has 3 minutes remaining and the gentleman from Illinois (Mr. McCLORY) has 7 minutes remaining.

Mr. BOLAND. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I take this time to pay tribute to one Member in the Chamber, the gentleman from Florida (Mr. BENNETT), who played a very strong role in the early formation of the legislation we are dealing with today to protect the agents, and those people who work undercover for the United States.

Also, I think it would be wrong not to make mention of the fact of the strong support given this bill from start to finish by the majority leader, the gentleman from Texas (Mr. WRIGHT), and the minority leader, the gentleman from Illinois (Mr. MICHEL), both of whom came before our committee and both of whom urged the adoption of bills like this, and both of them, of course, cleared this matter for early floor consideration.

I just wanted, Mr. Speaker, to pay tribute to those Members and the many, many others who played strong and particularly pivotal roles in this legislation.

If I have any part of my 1 minute remaining, I thank the gentleman from Illinois (Mr. McCLORY) and the gentleman from Illinois (Mr. HYDE) for that colloquy in which they engaged. There is a clear need to be sure that we are putting this bill in a position to drive a wooden stake into the hearts of those people who practice the nefarious trade of identifying Americans who are trying to do the job of protecting this country. This bill does that, as the statement of managers very clearly sets forth. I thank the gentlemen for their explanation, but as the chairman has just indicated, the authoritative statement as to the intent of the conferees and the meaning of the conference report we are about to adopt is the statement of managers.

Mr. McCLORY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think that the clear intent of this legislation is going to be discerned by any court that has an opportunity to intepret it. I also think that it is perfectly clear that any statements made here or at any other point in the legislative history which are inconsistent with the plain language of the bill are going to be disregarded.

At this point, Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I am pleased the Congress is finally approving legislation establishing criminal penalties for the disclosure of information identifying American intelligence agents. However I am very disappointed the conference disapproved the provision of the bill to include former intelligence agents.

As you recall, this amendment, which I offered in the House, was overwhelmingly supported in the House with over 300 votes in the affirmative.

By protecting former agents my amendment strengthened H.R. 4 in several ways:

First. It would protect former agents from possible harm as a result of the disclosure of their true identities;

Second. It would protect active operatives who may have assumed the former agent's position overseas; and

Third. It would protect the entire intelligence network which may have been passed on to the former agent's successor.

Mr. Speaker, after the President signs the Intelligence Identities Protection Act (H.R. 4) into law, I will be introducing legislation to reinstate this important provision of the act. At that time, I will be requesting the 313 Members of the House who approved the original amendment, to expand the law to cover former agents, to join me in sponsoring the legislation.

Mr. Speaker, on a related matter, I would like to express my grave concern over the subject of American scientific information being transfered to the Soviet Union. I am placing in the CONGRESSIONAL RECORD a speech made by a person who is a friend and one of our country's greatest intelligence officers, Admiral Inman. Admiral Inman's comments on the transfer of scientific information are of vital importance to the security of our country.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding, and I very much appreciate his constructive attitude about the bill today. I know that the gentleman was successful in the House in having the Solomon amendment adopted. The gentleman from Kentucky, with respect, opposed it, but obviously it carried the day in the House.

I thank the gentleman for recognizing the need to move forward with the essential elements here, which are to protect the people who do serve this Nation in many very dangerous and precarious positions, and if I remain chairman of the subcommittee in the next Congress, the gentleman's bill will be given a full and fair hearing and an opportunity to become the law of the land.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Kentucky (Mr. MAZZOLI), for his remarks, and I would also like to commend the gentleman from Massachusetts, the gentleman from Illinois, and all the members of the select committee for the excellent work they have done.

Although I am not completely satisfied, this does put some teeth back into our counterintelligence agency operations and the gentleman is to be commended. I am sure that if John Ashbrook were here, he would be extending those same commendations to all of you.

Mr. Speaker, I will be asking for a vote on this legislation because I think it is extremely important that we show overwhelmingly favorable recorded support for this legislation in the future.

Mr. McCLORY. Mr. Speaker, I yield myself such additional time as I may consume.

Mr. Speaker, I have had occasion in the course of my experience to confer individually with intelligence agents, including intelligence agents who serve our country overseas undercover, and I can assure the Members of the House that they regard this legislation as vital to their own survival and to their own service in behalf of our Nation.

There is no legislation which will come before this Congress which in my view can do more to help enhance our own national security because, indeed, the work of our intelligence agents do assure our national security as completely and as thoroughly, and sometimes in a better way, than do our Armed Forces.

So I think we can be very proud of supporting this legislation and recognize that we are performing an act in behalf of our own survival as a nation.

Mr. Speaker, I want to commend the leadership for scheduling this measure. I commend my chairman, the gentleman from Massachusetts (Mr. BOLAND), for his active support of the measure, and, as he indicated, the leadership on both sides of the aisle in recognizing the importance of this measure that is before us. Indeed, it was the distinguished Republican leader, my colleague from Illinois (Mr. MICHEL), who introduced the original agents' identities bill some 6 years ago, and I applaud my colleagues on the other side of the aisle for recognizing its merit.

Mr. Speaker, I strongly urge adoption of the conference report by the House.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the statement of managers indicates, neither House, in adopting the crucial reason-to-believe standard, "intended to change the scope of conduct which this act seeks to proscribe. Rather, the change was made to deal with elements of proof at trial." The statement does not change the bill. It explains what has been said about it for years.

The bill proscribes the so-called naming of names, which is a phenomenon involving the systematic exposure of U.S. intelligence officers in wholesale fashion. The statement makes the point that this is what the Congress has always sought to criminalize.

The statement also makes a point of what the bill does not proscribe; that is, regular or even "irregular" journalism. Reporting which includes the identities of undercover operatives is not covered unless it meets the requirements of the bill; that is, unless it rises to the level of a "pattern of activities intended to identify and expose" such undercover operatives.

If prosecutors and judges pay attention to the statement, there likely will be very few prosecutions, but those that do take place should result in the vindication of H.R. 4 as constitutional and effective.

● Mr. BROOMFIELD. Mr. Speaker, it was approximately 6½ years ago that I cosponsored the first version of the measure now before us. That original proposal was initiated by our distinguished minority leader, Mr. MICHEL, and was triggered by the December 23, 1975, assassination of Richard Welch, the then-CIA Station Chief in Athens, Greece, whose cover was blown in Counter Spy magazine.

Since the Welch tragedy, a number of other U.S. intelligence officers have had their identities disclosed, and their lives jeopardized by those who are bent on destroying our intelligence capabilities abroad. Leaping to mind in this connection are the episodes in Jamaica in July 1981. Specifically, I am referring to the attacks upon the homes of our Embassy's first secretary and an AID employee shortly after each was said to have CIA ties at a press conference held by the American editor of Covert Action Information Bulletin.

What effect do you think these disclosures have on our sources overseas? Put yourself, for a moment, in the shoes of an individual who discovers one morning that the CIA case officer with whom he has been seen and to whom he has been passing valuable intelligence information for years has just had his cover blown by the likes of Philip Agee. I do not think many of us in Congress realize what the potential consequences are to a source who finds himself or herself in that kind of a situation. If we did, I do not think we would have taken so long to approve this legislation.

Not only have these disclosures cost us existing sources, but it has also caused many "would be" sources to forego association with the CIA. Can you blame them? Given the CIA's inability to protect the identities of its own employees, how can one assume that it can guarantee the confidentiality of a "would be" informant?

Over the past year, much has been said and written about the first amendment questions of this bill. Those in the journalistic profession have expressed special concern. I want to assure my journalistic friends that those of us backing this remedial legislation are very sensitive to those concerns and believe they have been taken into full account.

In this regard, however, one must bear in mind that there are instances when discretion must be exercised as to what one says. This point was made by Richard K. Willard, who has served as a counsel for intelligence policy to the Attorney General. Responding to media criticism about this bill, Willard observed in a compelling article appearing in the November 17, 1981, edition of the Washington Post that:

> The Supreme Court has long held that the first amendment does not absolutely protect statements whose "very utterance inflicts injury" (*Chaplinsky* v. *New Hampshire*). We are all familiar with Justice Holmes' observation that "falsely shouting fire in a theater and causing a panic" is not protected by the Constitution.
>
> In the recent case of *Haig* v. *Agee*, the Supreme Court rejected the first amendment claims of ex-CIA agent Philip Agee, whose passport was revoked in part because of "his repeated disclosures of intelligence operations and the james of intelligejce personnel." The Court concluded that such disclosures "are clearly not protected by the Cknstitution." In summary, the first amejdment does not preclude legislation that prkhibits the systeiatic exposure of agents' identities under circuistances that pose a clear threat tk intelligejce activities vital to the Nation's defejse.

Mr. Speaker, I spkke at length on the merits of this measure when we favorably acted upon it last fall. Therefore, I will be brief today and sum up by saying that this long overdue legislation represents a careful balancing

of our national security and civil liberties concerns and consequently warrants immediate adoption. As I stated on the House floor nearly 9 months ago, it is the least we can do for those who literally put their lives on the line for us.●

● Mr. HAMILTON. Mr. Speaker, I rise in support of the conference report on H.R. 4, which will prohibit the unauthorized disclosure of information identifying certain U.S. officers, agents, and sources whose identities have been properly classified.

Disclosure of the names of agents may take many forms:

From the disgruntled former CIA officer who decides to turn on his fellow workers, to the respected reporter who may identify an agent incidentally in the course of a legitimate exposé on newspaper reporters working covertly for the CIA.

In this bill, H.R. 4, we are not proposing that every individual revealing an agent's identity under any circumstances be subject to criminal penalties. Such an across-the-board prohibition would have a chilling effect on free speech and would no doubt be unconstitutional.

Rather, we are restricting the legislation only to three types of unauthorized disclosure:

First, disclosure by Government officials and others entrusted with access to classified information that identifies covert agents;

Second, disclosure by those with access to classified information that allows them to discern such identities; and

Third, disclosure by those without access to classified information "in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe such activities of the United States"; that is, those in the business of ferreting out and naming names.

The bill does not apply to casual discussion, political debates, legitimate journalism, and the like.

The statement of managers accompanying the conference report is very important in understanding the reach of this third category and bears emphasizing. The statement notes, in regard to "pattern of activities" that:

> In order to fit within the definition of "pattern of activities," a discloser must be in the business, or have made it his practice, to ferret out and then expose undercover officers or agents where the reasonably foreseeable result would be to damage an intelligence agency's effectiveness. Those who republish previous disclosures and critics of U.S. intelligence would all stand beyond the reach of the law if they did not engage in a pattern of activities intended to identify and expose covert agents.
>
> A journalist writing stories about the CIA would not be engaged in the requisite "pattern of activities" even if the stories he wrote included the names of one or more covert agents, unless the Government proved that there was an intent to identify and expose agents. To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing identities—he must, in short, be in the business of "naming names."

As to the meaning of "reason to believe," the explanation of the conferees states:

> The "reason to believe" standard is met when the surrounding facts and circumstances would lead a reasonable person to believe that the pattern of activities would impair or impede the foreign intelligence activities of the United States. A government warning to a news reporter that a particular intended disclosure would impair or impede foreign intelligence activities could be considered by the jury, but the ultimate question for the jury would be whether the government had demonstrated that a reasonable person would believe that the pattern of activities in which he had engaged would impair or impede the foreign intelligence activities of the United States. Thus what would be relevant would be the objective facts about likely harm. Among the objective facts to be weighed by the jury in determining what a reasonable person would believe would certainly be the ease with which the name of a covert agent was identified and the extent to which it was widely and publicly known.

Today we will hear criticism on both sides: Some may argue that we have drawn the language too tight; others that we have not drawn the language tight enough. I believe that we have carefully weighed the alternatives and that we have arrived at a proposal that strikes a reasonable balance:

We have drafted language that makes illegal disclosure by those entrusted or by those in the business of naming names, and we have carefully avoided being overzealous and possibly ensnaring unintentionally those we do not wish to catch, that is, legitimate journalists or whistleblowers.

Mr. Chairman, I urge the adoption of the conference report on H.R. 4.●

● Mr. DERWINSKI. Mr. Speaker, in January 1976, my distinguished colleague from Illinois, BOB MICHEL, introduced an intelligence identities protection bill, which I cosponsored. That bill was offered in the immediate aftermath of the tragic murder in Athens of Richard Welch, CIA chief of station. Welch had earlier been named as an intelligence officer by a publication produced here in the United States.

The particular publication that named Welch, Counter Spy, predecessor of Covert Action Information Bulletin, was published by, among others, Philip Agee, a former officer of the CIA, who after leaving the Agency described himself as a "revolutionary Communist" and undertook a career of exposing American intelligence personnel and hindering the work of the U.S. intelligence services.

A terrorist group in Greece actually did the killing of Welch but the publishers of Covert Action Information Bulletin expressed no sorrow. Agee's colleagues in Covert Action actually claimed, in referring to Welch, it "was his career * * * his job;" that caused his death. They were not the least bit remorseful.

Agee and his colleagues have since named thousands as intelligence employees. In addition to publishing their magazine, they have visited foreign countries and with considerable publicity have identified CIA station personnel. Local media have then often repeated the information. Attacks have been carried on U.S. employees and their families after these accusations. They and their dependents, of course, fear for their lives.

Key sources are obviously more reluctant to talk to U.S. Government officials after their public exposure. The jobs of American officials become more difficult and the effectiveness of American efforts overseas is reduced. The cost of U.S. Government operations abroad is greater after these malicious attacks.

American officials sent overseas by their Government to carry our functions approved by the President, the Congress, and the American people, should not be subjected to these hazards. They should not be exposed by fellow Americans without some protection in U.S. law. Finally, large majorities of both Houses have given us this intelligence identities protection bill. The President has assured us that he will sign it. It took a long time since Richard Welch was killed in Athens but finally we have a law that will make it a crime to finger an American intelligence employee, an action from which many complications flow, including the loss of life.●

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1400

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CARIBBEAN INITIATIVE: HOW TO EXPORT U.S. JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS), is recognized for 60 minutes.

● Mr. GAYDOS. Mr. Speaker, committees of the House now are considering the administration's Caribbean Basin Initiative, which really is a proposal to ship out an unknown number of American jobs in the guise of economic aid.

This initiative condenses into one proposal all the misconceived efforts of the past 40 years to pull the world up by the bootstraps of U.S. workers, and it would replicate and increase the generosity that has given away whole industries.

Furthermore, it would make the Caribbean nations into fronts and staging areas for further and easier destruction of the U.S. economy by those who already wage trade war on us in steel and other goods.

Leaders of the steel caucus have testified on this initiative before a subcommittee of the Committee on Appropriations, and in the interest of furthering debate, I offer for the consideration of the House my testimony before Mr. CLARENCE D. LONG'S Subcommittee on Foreign Operations.

Mr. Speaker, the testimony was as follows:

Mr. Chairman, members of the committee, your much-appreciated invitiation to testify gives the leadership of the steel caucus our first opportunity to put on the record an explanation of the danger represented by the Caribbean Basin Initiative to the Nation's most basic industry.

Steel is an industry already pushed to the point of irreparable damage by unfairly traded imports, and for this opportunity to be heard you have our thanks and the thanks of 124,000 steelworkers whose jobs have been exported in the last year.

We have much to say and we speak with a sense of urgency.

Human nature tends to overlook the sound and the proved rules of conduct if they are presented to it so often they become familiar, and if they are old rules.

A catechism falls into this category as do the countless warnings from the Book of Proverbs in the Bible.

Nevertheless, these rules assert themselves by the creation of what we call a nagging feeling in the back of the mind when we are presented a possible course of action that is in conflict with them.

This was the case with the Caribbean Basin Initiative when I heard of it and the nagging grew louder when I looked it over.

Something was wrong, and I knew the nagging stemmed neither from the catechism nor the Proverbs. I thought it might be a vague memory of something I had read that Franklin Delano Roosevelt said.

But I checked, and it was not Roosevelt who was nagging me about what is right and what is wrong.

It was the First President. I was hearing echos over nearly 200 years, recalling the words of Washington's Farewell Address that is read to us each year.

George Washington gave more the better advice in summing up his experience than the much-quoted warning on entangling foreign alliances.

I quote him:

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible."

And he went on to say:

". . . it is folly in one nation to look for disinterested favors from another.

". . . it may place itself in the condition . . . of being reproached with ingratitude for not giving more.

"There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure."

Commerce has changed.

Technology has changed.

But nations have not and will not.

The Caribbean Basin Initiative is designed to try to buy friends and political allies—or buy off potential enemies—using the commerce and the economy of the United States as its currency.

This we have done in one way or another for 40 years and the beneficiaries have carried off whole industries, and still they want more, and still experience has not cured us.

The Caribbean Basin Initiative is an exercise in creative financing that mortgages the jobs and the futures of many taxpayers in four ways, maybe more.

The first note comes due when you appropriate, if you appropriate.

This is a relatively small one, only about $1.5 billion total for this year and next.

The second note—a heavier one—comes due when U.S. capital is directed there by trade credit insurance and other measures when investment is badly needed here for modernization, growth, and the creation of new jobs.

I have read that the payment is $1 billion, maybe more, in the short term.

The third note comes when cost-conscious U.S. companies build and expand there rather than here to take advantage of tax credits and the promise of much cheaper labor—labor that may not have the right to bargain collectively as we know it.

This note entails the loss of an unknown number of jobs that might have been sited here to whittle away on the plus 9-percent unemployment rate. I know of no way to even guess at the number.

A fourth note—the nasty one, the balloon payment at the end—cannot be paid. Foreclosure is automatic.

The foreclosure on those jobs comes when the duty-free imports start flowing under what the administration can call the centerpiece of its plan and they can do it without averting their eyes from the stare of the unemployed—one-way trade.

They frankly call it one-way trade. We can call it gift.

Here we can calculate roughly. I have heard proponents of our existing system of one-way trade cite a rule of thumb—$1 billion in U.S. exports equals 40,000 jobs here.

I suggest that for every rule of thumb there is another hand and a mirroring thumb to measure by—$1 billion in imports by the United States means 40,000 jobs lost here.

The AFL-CIO has testified that the current standing deficit with the basin nations is $3.5 billion.

I count that as 120,000 jobs, a number almost equal to the loss of steel jobs in the unprecedented surge of apparently dumped and subsidized steel.

Of course, if this new layer of acknowledged one-way trade is successful, it could double and even double again what is coming in in imports and what is going out in jobs—maybe 240,000 or maybe 480,000.

And there are notes I have not counted because I have only two thumbs. I am not all thumbs as are some who design trade policies.

Nevertheless, there is another rule of thumb—every additional point of unemployment adds $25 billion to the deficit.

And every additional point of unemployment makes what is a depression in industrial America deeper because fewer are buying and fewer selling, and the road back becomes that much steeper.

We have deep structural problems in industrial America. Unemployment is too high. Experts are beginning to recognize that the trade balance is a major cause of the recession.

But we will have fixed the things the administration pinpoints as in need of repair in the Caribbean Basin;

Their deep-rooted structural problems; and

Their unemployment rate; and

Their trade deficits might even turn to surpluses; and

Their declining gross products will rise.

But the administration proposed to wean them after 12 years.

On the other hand, we have been winking at subsidy and dumping and state capitalism and cartelization by our major trading partners since World War II.

President after President has done it without averting his eyes from the stares of workers in the targeted industries.

They did it—they do it now—to try to buy friends and allies and to buy off potential enemies.

So I suspect our new customers suspect the 12th year will never come.

I suspect some will even demand more, as Washington warned, about the second year of the 12.

Mr. Chairman, you and I know by sad experience—yours at Sparrow's Point, mine in the Mon Valley—that one of the very first things a developing nation wants is a hand in steel.

We have financed millions of tons for them and we are buying it back now with jobs and with dollars.

We fought together against Eximbank support for a wire rod mill in Trinidad-Tobago, one of the Initiative's beneficiary nations.

This mill, substantially government owned,

This mill, not really expected to show a profit or needing to,

This mill, financed in part by American steelworkers,

This mill expects to target 100,000 tons a year into the United States virtually free of any restraint.

Of course, success will breed expansion and imitation.

Meanwhile, suppose the International Trade Commission of the United States orders the levy of countervailing duties and tariffs on the basic and specialty steel imports that have put 99,000 American steelworkers on layoff and another 26,000 on short weeks.

Many of these new nations formerly were connected in colonial days with the old nations that are waging the trade war, and some cultural kinship remains.

I think we could then look for efforts to slip Europe's excess capacity into the

United States—duty-free—through the Caribbean Basin initiative.

The initiative has the look of a loophole. I see no protection from their cunning kind of trade war in the value-added provision. Their cleverness is matched only by their determination.

Mr. Chairman, as you so accurately observed in the committee's 1979 hearings, and your words were so clear and penetrating that I will quote you:

"I know nothing in the classical economic theory of international trade that says we have to subsidize our competition in order to qualify as free enterprise . . .

"Creating inefficient high cost steelmaking capacity in poor countries is not good economics, either for them or for us.

"How much longer can we countenance a course of action which hurts our own workers and industry and does nothing to help true development and may actually contribute to the widening of the gap between rich and poor in many nations."

Those words of yours are as true now of this loophole as they were then of the self-defeating futility you addressed.

There is no more justification under the principle of comparative advantage for a mill in, Trinidad-Tobago than there is room in nature's law for groves of coconut palms in Pittsburgh.

If either flourishes, survival will require great efforts of artificial support.

The administration knows what it wants the initiative to do and says it will be enough.

But what do the Basin nations expect? What do they want?

Yesterday's Wall Street Journal carried a report on their view that was based on interviews with leaders of government and business around the loop of the Caribbean Basin.

First they quoted a Costa Rican banker, who said:

"It is like spitting on a red hot plate—it will just evaporate with a hiss."

Do you detect some of Mr. Washington's reproach there, Mr. Chairman, a suggestion that more is necessary?

The administration has talked a lot about agricultural development under the plan.

But the Journal found it a Panama-based business consultant who concluded that the only way these nations have out of their current difficulties is to expand through assembly-type industries—along the lines of Taiwan.

They assemble everything from ships to chips in Taiwan, Mr. Chairman.

Labor intensive, capital intensive, and, in the United States, unemployment intensive is one likely result.

The list of worthy exemptions, according to what I read, is growing so long that only these things will remain.

Steel too should be exempt, but I realize the concern of the committee is with appropriations.

On this I have opinions less equivocal than those I have just shared, Mr. Chairman.

As I understood the administration's explanation of the Initiative, there is a call for $1.5 billion in direct economic assistance this year and next.

Of this, they want to spend $816 million on economic support funds.

Economic support funds, the administration said, would be used primarily to finance private sector imports . . . while facilitating increased domestic production and employment.

The administration wants this assistance to have the greatest possible impact on local production and employment.

Were I a member of this committee, I would move and vote for zero funding, and I urge it.

But if you cannot do that, put as many strings around this gift of American jobs as you can.

If they are going to import with our money, and you feel they must be given the money, give them also a provision that says the imports will come from the United States.

Make no exemption from this except for things we do not sell.

This $816 million is a little over 10 percent of the nearly dead plan for private capital investment in the disintegrating American steel industry.

Provide, if possible, that it cannot be used in connection with any enterprise sending steel here.

Forbid using it in any venture that would send here a product made in the United States if imports of that product from other nations account for 10 percent more of the American market.

I chose 10 percent because it is the amount of the tithe prescribed for the church and all its good works. Choose another figure if you like, but make it fair.

The theme in these suggestions is this:

Where possible, search for ways to set right and true and square any distortions that would attempt to transform the principle of comparative advantage into the idea of advantage any way you can get it.

Mr. Chairman, if this were a domestic program, it would be rightfully scorned and ridiculed as the most grossly bloated entitlement ever devised.

I think it is subject to more abuse than we have yet seen.

Furthermore, it gives these two dozen nations virtually all the economic rights accorded to States of the Union under the Constitution.

And it gives the States unemployment.

Yet some of these nations are hardly as large as big counties and congressional districts.

It mixes our politics with our commerce, and it mixes them badly, dangerously, in a manner that is volatile.

All nations and all cultures have Proverbs, and I will submit to the committee a saying from a nonbeneficiary Caribbean nation as part of my closing comment.

My desktop book of National Proverbs tells me that in Colombia they say:

"He who gives all that he has teaches himself to beg."

You know, Mr. Chairman, I think that is an attitude we could profitably import and use widely.●

FINANCIAL OUTLOOK FOR CHRYSLER CORP.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, I would like to bring to the attention of my colleagues an article in the June 7 issue of Forbes magazine regarding the financial outlook for the Chrysler Corp. The Banking Committee's Economic Stabilization Subcommittee recently held an oversight hearing on this subject and received a very encouraging analysis from Lee Iacocca, Chrysler's chairman, and representatives of the Department of Treasury and the Department of Commerce. This article provides an unbiased perspective which I am certain the Members of this House will appreciate.

As one Member who spent long, hard hours shepherding the Chrysler Loan Guarantee Act through the legislative process, the conclusion of the article is particularly gratifying. The reporter states:

That $1 billion in U.S. loan guarantees now looks like a bargain for taxpayers, having preserved 65,000 jobs and helped blunt the Japanese offensive.

There is no doubt in my mind that the economic rebound we are expecting will bring with it a much stronger domestic auto industry, thanks in part to the new Chrysler Corp.

Mr. Speaker, I include the article in the RECORD, as follows:

[From Forbes, June 7, 1982]

WIPE THAT SNEER

(By Jerry Flint)

Chrysler gets written off so many times that it is hard to take it seriously as a candidate for long-term survival. And yet. . . .

"We'll do better than break even," growls Chairman Lee Iacocca, predicting that June-quarter profits will wipe out the first-quarter operating loss of $89 million. Vice Chairman Gerald Greenwald, who calls $100 million second-quarter profit tough but doable, has overseen losses of $3 billion the past three years; now he is nesting on a cash and quick-asset kitty of $900 million. "Every morning I pat it," he says. When he stops patting, some of it will go to expand credit to dealers and some to customers.

Selling an extra 100,000 cars would work wonders. "We would pocket $250 million from that," says Iacocca. Give him 200,000 more and profits are up an extra $400 million to $500 million. That's close to $7 for every share outstanding; close to the price of the stock. "We don't pay any taxes into perpetuity," he will remind you. This year Chrysler could earn $150 million—if business gets just a little better—he has predicted.

Is this salesman's talk? Hype? Won't Ford's new Topaz group, coming next spring, eat up Chrysler's bread-and-butter K cars? "It's a stretched Escort [Ford's tiny car], no width in it, so they don't scare us at all," says the Ford ex-president. "Ford already has a two-seat sporty car and Chrysler's is 14 months away. Don't fret. Ford's is a dog. No power. It was my idea but I wasn't there to style it. I would never get caught making a little ferret-like mole car." General Motors? Here the tone becomes a bit less cocky. "GM always will scare you," says Iacocca, but he regains his usual force and adds: "They're not exactly foolproof on their stuff. They expedite a lot of programs, I might say, more poorly than we have sometimes.

"They had two lousy launches [last fall's midsize A bodies and a year-ago's smaller J body cars]. Thank God they blew them. They forgot to be marketers." Even GM concedes the Js aren't selling. Overpriced, underpowered. GM, the superman, looks less super now.

"If anything, we have gotten better vis-a-vis General Motors," says Iacocca.

Doubters would say: Fine, but Chrysler has shot its wad. The little Omni-Horizon car line is tired and the compact K cars are two years old. There is nothing beyond that in the pipeline but stretched spinoffs of the K cars. Tell Iacocca that and he clamps down on his cigar and self-ignites. "GM and Ford this fall got zilch. Nothing. Nothing till next spring. We have our new Dodge and New Yorker four-doors. They look like European sedans. We're the only guys out there with new cars this fall." Indeed, those new Dodge and Chrysler four-doors may be stretched K cars, but they don't look like it. They are roomier in the rear and lug bigger trunks. If bigger cars are still hot this fall these models might be winners. There is the G-24 sports car due in late summer 1983. "If you hit it lucky, you make 200,000 [remember, Iacocca brags that 200,000 extra sales is $400 million extra profit], but even 100,000 or so is good," says President Harold Sperlich, another ex-Ford man, Iacocca's number three. Come January 1984 there is the minivan, a $600 million gamble that a smaller, higher-mileage vehicle will relight that once-booming market.

Chrysler is winning the mileage war. Its average car gets 28.4 miles per gallon, best from Detroit. But now the market wants more power. The basic Chrysler four-cylinder, 2.2-liter engine (all Chrysler gasoline car engines will be fours by 1984) will be goosed from 81 hp in 1981 tk 94 hp next fall and 97 hp with fueh injection next spring, and 142 hp fkr the sports car with turbocharging (which pushes extra air into the engine for bursts of power) at $500 to $1,000 extra. With a whoosh and a turbo whine, engineer Robert Sinclair charges from zero to 75 miles per hour in a few seconds on a rain-splattered Detroit freeway in a turbo-equipped car and apologizes for holding it down because of the rain.

To the extent that a company, a person, is master of its destiny, Chrysler has beaten the odds. But nobody is entirely the master of his fate. The whole U.S. automobile industry is in deep trouble, and Chrysler is in no enviable position.

The Chrysler team did all that it promised: talked Washington into backing $1.2 billion in loan guarantees to stave off bankruptcy; talked the UAW into givebacks; prodded customers into the K cars; fired tens of thousands forever, ruining careers. "It wasn't very pretty," Sperlich says. But break-even went from 2.4 million vehicles a year to 1.2 million.

Losses have been cut, from $1.1 billion in 1979 and $1.7 billion in 1980, to $476 million last year. The first-quarter operating loss, $89 million, was down from $289 million a year ago (the tank plant sale gave Chrysler first-quarter profits of $150 million), which doesn't look too bad against GM's first-quarter pretax credit loss from operations of $260 million and Ford's net loss of $355 million. Even better, that loss came on falling sales, 201,657 in the quarter, down 19% from 250,486 the year before. Total car, truck and Canadian sales, which Chrsyler counts for its break-even point, were down 18% from 335,982 to 309,128. April's sales were at the same slumping level.

The costs, indeed, have been cut, but the business is frightening. How much under 1.2 million units can Chrysler cut break-even? It can't be cut in half again. "I think we can get the 1.2 million down to a million, 900,000, but now it gets tough. Now it is finesse," says Iacocca. The Chrysler officers don't talk of axing people; they talk of computers that design gasoline tanks in three hours instead of three months, and allocating imported cars to individual U.S. dealers when they are loaded on ships in Japan instead of doing it from storage lots at U.S. ports. Better handling of imports saves $40 million to $50 million alone, says Greenwald.

"I don't think we've got more than 10% to 15% slop left and then we're walking on water," Iacocca says. Maybe in the next life, he fantasizes, he could do it differently, run a Cadillac or Mercedes business, high profit, limited volume, recession-proof, but that's not Chrysler.

"Getting our costs down is the price of entry; it's not our success story," says Greenwald. Says Iacocca, "I tell the guys already, as you start to move up you start to get requests for projects and costs and hiring a few people, and that's how costs seep in. We've got to guard against that like the plague."

The real plague is the collapse of the business. Back in 1973, the record year, 9.7 billion U.S.-type new cars were retailed (and 3 million trucks and 1.7 million imported cars). But U.S.-type car sales have crumbled: 8.3 million in 1979, 6.6 million in 1980 and 6.2 million sales last year; about a 5.5-million-a-year rate so far this year, before a couple million imports. A good 40% of the market gone. That's quite depressing, but it's almost close enough for Chrysler.

"The old game is over," admits Iacocca. "I say you have an 8 million domestic and that's all that you can count on, and Chrysler had better plan on how to make money on 8."

Eight million sales of U.S.-type cars would be a blessing. This year's Chrysler projection, and it will take some pickup to get there, is 8.3 million car sales, *including* a couple million imports and 2.4 million trucks, "which is pretty awful," Sperlich says. Even Chrysler's $900 million kitty won't last long if the slump worsens; maybe until fall of 1983. "I guess all bets would be off if for some reason known only to God, there would be no pickup in car sales over the next two to four years," Iacocca concedes. It seems unlikely, to say the least, that the U.S. would permit its car industry, for half a century the engine of its economic growth, to shrink much further.

There isn't too much left to sell. Nor can Chrysler trim much in development costs. "There is still $7 billion left between now and 1986 for new cars, committed," says Iacocca. "I could strip out $2 billion and look like a hero, but [then] I am really going to screw the guy who is in charge in 1986."

Another problem. Chrysler made gains on its competitors last year with its K cars. Now there are signs—which Iacocca denies—that market share is slipping. Chrysler's car market share was 10.4% (including the imports) in the first quarter, against 10.6% the year before; not much loss, but an end to the gains. April slipped too. It's possible that the A bodies and the J bodies from GM are beginning to cut in. It also may be, as Chrysler says, partly because the company has abandoned direct buyer rebates of its U.S.-type cars, while the competition still is using them. But penetration may have peaked. Not so, says Iacocca.

He points to the astounding success of his new convertibles, first in the industry, and selling at a 50,000-a-year rate. "We'll probably make $100 million net that we hadn't counted on just because we found a niche in the market. We got 639 orders yesterday, 639 in one day." The experts said 3,000 a year was good. "I had one built for me by hand and I drove it for six months. I was like the Pied Piper, girls jumped in the car again. I said plan on 25,000 in case we hit a home run." Chrysler will add expensive options to its soft-top this summer to get ready for GM's and Ford's coming convertibles, but Iacocca is looking for more home runs.

He is stretching the K car into a limousine and shooting for 5,000 sales, at $20,000 each. He has converted his tiny car (the Omni and Horizon) into a sports truck. "It's a niche nobody is in and we're getting mostly GM and Ford owners." In the car magazines and in the garages they are beginning to say that Chrysler cars can go, and that is important in the car business.

Yet competition keeps coming, and Iacocca admits his Rampage sports truck isn't a substitute for the new, hot-selling light pickups of GM and Ford. "We just didn't have the money," he says. "We've got to find more markets like that (convertible), and not always be thinking 'I'd like to take on the Japanese at the low end with a minicar.'" They still don't produce the profits. "You can't say to a guy who works on your luxury car he gets 20 bucks an hour, and if he puts in the same hour on a little car he gets 10 bucks. Whether it's labor or the weight of the car, it's . . . well, you have a hell of a time making a buck on a little car in this country."

Labor costs are still enormous, $19.52 an hour against GM's $21.25. In fact, Greenwald says, hourly labor costs would be $17.80 (of which $9.54 is wages) but for the layoffs and firings, which means Chrysler's worker-to-retiree is 1-to-1 and boosts its pension spending ratio. "I look at my people and say, 'Feel good, you worked hard today. Go home and tell your wife not only did you feed her and your kids but you also fed one retiree and his wife,'" the vice chairman says.

Chrysler wants to nip at medical costs, which Iacocca says cost $325 million a year, or $325 a car, wholesale, and probably $500 on the sticker.

In Detroit they joke about podiatrists who do one toe at a time—ten toes, ten visits to the podiatrist—all paid by the car buyer; druggists who run up the cost of pills since the company, not the worker, pays the bill. "There are so many abuses it is wild." Alas, the union considers the fully paid company medical plan sacred.

There also is a chance the new warranty may work. Chrysler is offering a five-year, 50,000-mile warranty, but dropped those $300- and $500- and $1,000-a-car rebates. A move to save the profits for the company? Officials insist it is an effort to prove that American cars are better than Japanese. "This tells Japan and the rest of the world that we put our money where our mouth is," says Iacocca.

A merger? None is in sight. "For someone to be interested in us in some major way requires us to establish a record of operating profits," says Greenwald, "so that no one feels that he is going to get dragged down with us. Ford and Chrysler isn't going to happen." VW, Mitsubishi and French Peugeot (Chrysler is a 15% partner in Mitsubishi and Peugeot) have been mentioned in the past. VW is in deep trouble in the U.S. itself. Mitsubishi would be a candidate for production here in some of Chrysler's empty plants. That idea is alive and under study, but nothing has happened yet. Chrysler will use a Peugeot engine in 1983

small cars and is working on a joint car project, but that's not a merger. Chrysler officials say that they like the idea of protecting themselves around the world by having alliances or joint ventures. Although the situation is still desperate, it is no longer impossible.

That $1 billion in U.S. loan guarantees now looks like a bargain for taxpayers, having preserved 65,000 jobs and helped blunt the Japanese offensive.

MILITARY WIDOWS AND SURVIVING CHILDREN BENEFITS RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi, (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, today I and my colleagues the distinguished gentleman for California, (Mr. EDWARDS), and the distinguished gentleman from Pennsylvania (Mr. EDGAR) are introducing two bills to restore benefits to widows and children of certain veterans who were killed while on active duty in the Armed Forces, or died from service-connected disabilities related to their military service.

The benefits which would be restored were paid under the provisions of the Social Security Act prior to the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). One of the bills would require the branch of the Armed Forces in which the veteran served to pay the benefits. The other bill would require that the benefits be paid by the Social Security Administration, as was the case before the enactment of Public law 97-35.

One of the provisions of the Omnibus Budget Reconciliation Act of 1981 ended entitlement to social security benefits for a surviving parent caring for a child or children when the youngest child reaches age 16 rather than 18. This provision of the social security program is generally referred to as a mother's benefit. The mother's benefit provision took effect in September 1981, but did not include, for an additional 2 years after the effective date, those who were receiving the benefit in August 1981.

Another provision of the Omnibus Budget Reconciliation Act of 1981 has ended or reduced educational social security benefits effective August 1, 1982, paid to adult children ages 18 through 22 who are taking postsecondary education courses. Since August 1, 1982 no payments are permitted past age 18 for a child attending college or taking higher education, or past age 19 for a child attending high school. Payments to children on the date of enactment are being gradually reduced or phased out over a 4-year period which began on May 1, 1982.

Budget estimates indicate that by fiscal year 1983, these two provisions in the Omnibus Budget Reconciliation Act of 1981 will affect a total of more than 200,000 surviving spouses and between 700,000 to 800,000 students for an estimated saving of $597 million in fiscal year 1982, which will gradually increase to $2.5 billion annually in fiscal year 1986, which is the year that the 4-year phaseout of student educational benefits which I previously mentioned, will end.

The bills, however, will restore these benefits to the survivors of those who gave their lives for their country at an unofficially estimated cost of approximately $25 million in the out years ahead. I am told that there are about 43,000 widows of service-connected deceased veterans. Based on information from the Veterans' Administration, the number affected by the reductions are 26,500 surviving spouses and 70,000 children of veterans who died during the Vietnam era conflict or later, as a result of service-connected disabilities. The majority of the beneficiaries included surviving spouses and children of the Vietnam era conflict, an estimated 20,000 surviving spouses and 50,000 children.

Mr. Speaker, we have a good program for the survivors of veterans. As the Members know, the Veterans' Administration has in place a comprehensive program of rights and benefits for veterans and their survivors. For service-connected deceased veterans, the Veterans' Administration administers a program referred to as dependency and indemnity compensation (DIC) which provides monthly payments to survivors based on the pay grade of the veteran which ranges from $415 to $1,138 a month. The Veterans' Administration also administers an educational assistance program for surviving spouses and children with payments the same as provided for Vietnam veterans taking GI bill training. The surviving spouse and each child are entitled to educational assistance of $342 a month for a total of 45 months. In addition, there are other benefits provided by the Veterans' Administration.

Mr. Speaker, while the benefits that would be restored by either of the bills are not veterans benefits administered by the Veterans' Administration, they nevertheless were earned under the social security program, while the veteran was on active duty in the Armed Forces, and are part of the package of rights and benefits to which the survivors of persons who made the supreme sacrifice expected until they were reduced or ended by the Omnibus Budget Reconciliation Act of 1981. It was in reliance on these benefits that many widows made long-range plans for the education and training of the surviving children of their deceased spouses. The Omnibus Budget Reconciliation Act of 1981 precipitously terminated these benefits. In many instances, the widows and children have had to drastically alter long-held plans for the education of the survivors of these veterans.

Mr. Speaker, Mr. EDWARDS, Mr. EDGAR, and I believe that we owe the highest priority to those who gave their lives for their country. Therefore, to do justice and equity for the survivors of these servicepersons who died defending this Nation, we have introduced the two bills that will, we hope, receive early and favorable attention.●

RESULTS OF POLL OF CALIFORNIA'S NINTH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK), is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, in mid-February, I conducted a poll of registered voters in the Ninth Congressional District. The response was good, and the results have been extremely useful to me in understanding the mood and concerns of the people of the East Bay area. I believe the results may also be of use to my colleagues in adjoining districts.

Most congressional mail is from constituents seeking a particular goal; much mail comes in the form of organized letter writing campaigns. Thus, it is extremely helpful to be able to step back and get a broader range of more disinterested views.

Basically, the people of the East Bay communities are deephy concerned about the size of the Federal deficits and the impact of those deficits on jobs and the economy. They are willing to make sacrifices to dramatically lower those deficits, including being willing to forego even this summer's tax cut. I would like to say to my constituents that I have voted against all four major budget resolutions—the President's, the House Budget Committee's, and the compromise budget—because they all left the level of deficits far too high.

The people of my area are also deeply concerned about the level of arms buildup and strongly support efforts to get weapons control and reduction negotiations underway.

Also, the Ninth Congressional District is firm in believing that the Federal Government should not be involved in personal, family matters.

The questions I posed—minus background information—and the percentage response to each question is printed below, along with a total of the responses from each community in the Ninth Congressional District.

To all the people who wrote—and many wrote long letters and extended comments—I want to express my thanks. You help make this job better and easier by helping me see past the

89-059 O-86-2 (Pt. 10)

daily mail campaigns and into the broad stream of thought in our area.

QUESTIONNAIRE RESULTS, 1982

	Yes	No
1. Should the President and Congress reduced the size of the deficit?	93.4	6.6
2. If yes, should we:		
a. Postpone the June 1982 tax cut?	55.2	47.8
b. Cut back weapons build-up?	71.6	28.4
c. Enact a program of tax reform restoring certain taxes on oil companies, corporations and wealthy individuals?	84.0	16.0
d. Cut programs such as social security (entitlement programs)	21.8	78.2
e. Impose excise taxes on luxury items?	86.2	13.8
f. Cut General Government programs?	67.7	32.3
g. Adopt a constitutional amendment requiring a balanced budget except in times of emergency?	41.4	58.6
3. Would wage and price controls slow inflation more effectively than the President's economic program?	48.0	52.0
4. a. Should the United States slow its rate of military spending?	69.6	30.4
b. Increase the rate?	13.6	86.4
c. Offer new initiatives to get the arms talks moving?	85.5	14.5
5. Do you feel the world situation is getting more dangerous?	77.4	22.6
6. a. Do you favor the right to choice in abortion?	80.9	19.1
b. If no, do you favor a constitutional amendment prohibition abortion?	[1] 64.0	
7. Do you believe that when teaching evolution, the teaching of the theory of creationism should be required by law?	37.9	62.1
8. Do you favor cutbacks in family planning assistance to low-income families?	31.2	68.8
9. Would you favor reforms to reduce campaign expenditures?	77.0	
If yes, what measures do you favor?		
a. Limit the amount that can be spent by all groups?	76.8	
b. Provide public financing of congressional races?	23.2	

[1] 12.2 of total respondants.

Note: Tallied responses (numbers): Union City, 89; San Lorenzo, 385; San Leandro, 1,331; Oakland, 2,213; Pleasanton, 513; Livermore, 817; Hayward, 400; Dublin, 158; Alameda, 1,160; Castro Valley, 774.●

FORMER CONVICT TO BE AIR CONTROLLER AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, a recent edition of the Chicago Tribune carried an article about a convicted heroin dealer who was reinstated as an air traffic controller after serving time in a Federal penitentiary.

The reason that I bring this to the attention of my colleagues is the Reagan administration's policy toward rehiring controllers who were fired after last summer's strike. It is the adamant position of the administration that these people broke the law and thus forfeited the right to their jobs.

It seems ironic to me that a convicted heroin pusher is acceptable in an air traffic control tower when controllers whose only crime was to stop working to protest deplorable conditions are not. This is especially difficult to understand in light of a controller shortage that is delaying air traffic.

The administration says that rehiring the discharged controllers would pose safety problems as a result of friction in the towers. Personally, I think this is a specious argument.

And it loses even an appearance of credence when the FAA says tacitly that rehiring a drug dealer poses no threat to air safety, but that reemployment of strikers would.

This is the most blatant double standard I have encountered.

I submit the Chicago Tribune article for the edification of my colleagues, as follows:

[From the Chicago Tribune May 18, 1982]

FAA DECIDES FORMER CONVICT CAN BE AIR CONTROLLER AGAIN

A strike-breaking air traffic controller who applied for work from a prison cell can keep his job directing planes, Federal Aviation Administration officials ruled Monday.

Clyde Campbell Jr. is assigned to the FAA's air route traffic control center in suburban Aurora.

He has been restricted to administrative tasks and banned from controlling planes since FAA officials discovered Sept. 11 that he had served time in federal prison in Lexington, Ky., after pleading guilty to selling heroin in Atlanta.

Campbell, who worked as a controller between 1971 and 1979, listed on his application for reinstatement last year that he had been convicted of a felony and gave the prison as his current address.

He was paroled July 6, and contacted by the FAA about the job Aug. 3, when a strike by the Professional Air Traffic Controllers Organization was imminent. PATCO struck Aug. 4 and Campbell was hired Aug. 5.

FAA officials said in September that Campbell's record apparently was overlooked by harried agency staff members seeking experienced controllers to replace those on strike.

A spokesman for the agency said Campbell began training Monday for recertification as a controller at Aurora. Federal personnel regulations encourage the rehabilitation of convicted felons and such persons are not barred from government jobs, the spokesman said.

Aviation officials said Campbell also has been placed on one year's probation and could be fired if he is discovered using drugs or is convicted of another crime during that time.

FAA officials said he had an excellent record as a controller from 1971 to 1979, when he quit. He pleaded guilty to the heroin charge in May 1980.●

IT IS TIME FOR ALL TO JOIN IN SUPPORT OF OLYMPIC COIN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, as you know, the House of Representatives approved my Olympic coin proposal by a vote of 302 to 84. As a result, we are now on the road to having an Olympic coin program of which we can all be proud. All that is needed for this bill to become law is the endorsement of the full Congress and the signature of the President. I respectfully urge the administration to wholeheartedly support this legislation so that our Olympic athletes can begin receiving the money they need to prepare for the 1984 summer games to be held in Los Angeles.

The House-passed version of S. 1230 provides for the minting of both gold and silver coins. One silver dollar will be issued in 1983; the other will be released in 1984 along with the first gold commemorative coin in over 50 years. These coins will be sold directly to the public by the mint, with all of the proceeds from their sale going to our amateur athletes. This plan could raise as much as $600 million for the Olympic committees at absolutely no expense to the American taxpayer.

Although the issue of striking coins to commemorate the 1984 summer Olympics and raise money for our athletes has been the subject of considerable debate, the House vote surely indicates widespread support for my compromise bill. Indeed, this proposal received a truly bipartisan endorsement, with support coming from every segment of the political spectrum. Few pieces of legislation have had such a diverse group of proponents. It seems to me that the House mandate should serve as a signal to the administration as it clearly reflects not only the wishes of this Congress, but also the wishes of the American people.

The Members of the House of Representatives are not the only Government officials who support my Olympic coin proposal. The virtues of this bill have been discussed by both the Treasurer of the United States, Angela Buchanan, and the former Director of the Mint under Presidents Nixon and Ford, Mary T. Brooks.

In testimony before the Subcommittee on Consumer Affairs and Coinage, Angela Buchanan said that "we are confident that the mint would do well in marketing the coins under Chairman ANNUNZIO's proposal." She also stated that the mint could raise $87 million for the Olympic committees just from using the Bureau's numismatic mailing list. The Olympic committees will receive $31 million of this sum within 4 months of the final passage of my Olympic coin bill. Since the numismatic mailing list can only be used in a Government-run coin program, the aforementioned $87 million is available to the athletes only under my compromise bill, as the rival proposals called for private marketing in the United States.

Mary T. Brooks told the subcommittee that the provision: "to authorize the U.S. Mint to strike one coin (in) each of two years * * * of silver * * * is excellent." After making similar comments about the gold coin she said that: "The U.S. Mint is extremely well-equipped to carry out this program, and they have the largest numismatic mailing list in the world * * * it is quite clear that the compromise plan * * * will actually provide more money to the Olympic Games on a quicker basis than will the (other) plan."

It is clear to me that these two experts, by virtue of their considerable expertise in this area, are ideally suited to comment on the issue of striking official U.S. commemorative

coins. Their favorable remarks are not only personally encouraging, but should also convince those who must approve this legislation before final enactment.

We have all worked long and hard to achieve an Olympic coin program that would be acceptable to all of the parties concerned. The longer that we delay the final enactment of this proposal, the longer the athletes go without the funds they so desperately need. The House of Representatives has passed an Olympic coin bill that will raise up to $600 million for our Olympic athletes. It is time for the administration to show its support for our Olympic athletes by endorsing this fundraising effort. The leaders of the host nation can ill-afford to do less.●

PUERTO RICANS AND FOOD STAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. GARCIA) is recognized for 30 minutes.

Mr. GARCIA. Mr. Speaker, I thank you for this opportunity. This is the third Congress that I have been in, the 95th, the 96th, and this being the 97th. I have never taken out time in this section of the business of the Congress to speak on a matter which I consider to be of the utmost importance as it pertains to a community within our country, a group of Americans who we can approximate as between 7 million and 8 million who reside in the United States itself and on the Island of Puerto Rico.

Last week while speaking in Dallas, Tex., the Chairman of The Private Sector Survey on Cost Control, Mr. J. Peter Grace, speaking before the American Feed & Grain Manufacturers Association, and this statement came over the wire services, Mr. Speaker, the United Press wire that we have back behind your desk, at approximately 4:37 p.m. on Thursday, May 27, Mr. J. Peter Grace in Dallas, Tex., the head of this organization, whose official title is "The Private Sector Survey on Cost Control" but is really a Government spending-watchdog committee, said that—

There are presently 900,000 Puerto Ricans who live in the City of New York and they are all on food stamps.

He went on to say that 2.1 million Puerto Ricans were living on the mainland, but then went on to also talk about the Puerto Ricans who live in Puerto Rico and stating that—

The Food Stamp Program is basically a subsidy program for the Puerto Ricans.

I take offense with that, Mr. Speaker, because both you and I know that poverty is no joke. Yes; there are many persons in this country, 20 million to be exact, who today are forced to use food stamps as a way of life. Most of these people, if not all of these people, prefer not to have a handout. What they prefer, Mr. Speaker, is to find a mechanism by which we can give them a handup.

Mr. Grace has since stated in the New York Times and in several periodicals, of course, that have come out in various parts of the Nation that he made an oratorical mistake and that he apologizes for making that oratorical mistake.

Mr. Speaker, an oratorical mistake may be one thing, but a slip is yet something else. This is not the first time that the poor of this Nation have been faced with an insensitive person at the helm talking about making certain that the private sector and the trickle-down theory can function and that we should be much more sensitive toward following that road and that example.

My feeling about that, Mr. Speaker, is as the chairman of the Congressional Hispanic Caucus and as a proud Puerto Rican, a person who was born in the city I represent, the city of New York, but of two parents who arrived in New York just as many other people have arrived, just looking for a better way of life and trying to raise a family, to make certain that we all had our education.

Mr. Grace was born in a totally different atmosphere. He was born in an atmosphere of polo ponies and private clubs. There is a big difference between the world from which he comes and the world from which so any Puerto Ricans come from.

We have refused to accept his apology because the only apology we will accept is if and when Mr. Grace steps down from that position as the head of this Government watchdog committee.

Mr. Speaker, it seems to me that those who may understand the words "oratorical mistake" may compare it to what we call a poet's license or poetic license in which a poet has discretion to write words as he sees fit to make the poem a complete poem and to be able to have that poem interpreted. He does not have a poetic license, and my sense of what he said was that those statements would never have been made had they been made before the American Grain Association who was having their meeting or their convention, let us say, in the city of New York.

Why should he pick Dallas? Why should he pick Dallas to make those statements? Because he probably felt secure that in the city of Dallas, because there were no Puerto Ricans, or very few to speak of, that it would not be picked up.

It was picked up by the press and it was sent out throughout the country. Both myself and my colleague from the island of Puerto Rico, the Congressman from Puerto Rico, BALTASAR CORRADA Del Rio, have issued statements in which we have asked for the resignation of Mr. J. Peter Grace as the head of this very important committee.

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. At this time I would like to yield to my colleague from Puerto Rico, BALTASAR CORRADA, because there are some statements he would also like to make as it pertains to Mr. J. Peter Grace.

Mr. CORRADA. I thank the gentleman for yielding and commend him for taking this time to discuss this matter.

I, too, have been troubled by the remarks of J. Peter Grace in Dallas. When he says that the food stamp program has mainly become a program to subsidize Puerto Ricans he has made not only an oratorical mistake but a very serious factual mistake.

The figures are these: There are 23,036,722 Americans receiving food stamps. If you exclude those from Puerto Rico, the Virgin Islands, and Guam who receive food stamps, the program still serves 21,169,130 Americans who reside in the U.S. mainland and most of these Americans, may I say, are whites from rural areas, blacks from large cities and the South, and unemployed workers from all backgrounds, many of whom have been recently laid off as the result of the current recession and the increase in the level of unemployment.

When Mr. Grace indicated that this was an oratorical mistake he compounded the mistake by adding that he was alluding to the situation that the total population of the island of Puerto Rico represents 1.4 percent of the total national population. However, he indicated that Puerto Ricans represent 8.1 percent of the total food stamp recipients.

Of course, Mr. Speaker, I think again here we see the fallacy of Mr. Grace's arguments, because it is not fair to estimate the percentage of the total Puerto Rican population vis-a-vis the total national population.

As a businessman he should have looked at the figures of what is the percentage of Puerto Ricans vis-a-vis the total poor population of the United States because the food stamp program is a program based on the eligibility criteria fashioned by Congress that is a program to help the poor of this Nation and the people of low income.

It so happens that Puerto Ricans do represent 8.1 percent of the total poor people of this Nation and, therefore, their share in the food stamp program is not any less nor any more of what the proportion of poor Puerto Ricans represent of the total poor of the Nation.

Let me say this: I feel that it is a sad situation that Puerto Ricans should have to participate so largely in the food stamp program. I wish we had all of the employment in Puerto Rico to offer to our 22.6 percent unemployed so that they could have a job rather than food stamps.

I think it is sad that we have so many poor people in Puerto Rico to take care of and I am sure that in their dignity they would hope that they had their own means to find a way to provide food for themselves and their families.

□ 1415

Mr. Grace, who is supposed to be a remarkable businessman, ought to be talking not about these sad figures to tell how the poor must resort to these progams; he ought to be talking, as a businessman, what economic policies we can design so that the economic development and the social development of this Nation, including Puerto Rico, will get us to the point where there will not be any need to take care of people by providing them with food stamps.

Furthermore, let me say that over 60 percent of those who are on food stamps in Puerto Rico, 700,000 of them are children, dependent children of poor families, over 300,000 of them are elderly people over age 65, 200,000 of them are handicapped people, 200,000 of them are unemployed people, and several hundred thousand more are people who are employed but they are underemployed in the sense that their wages and salaries are not sufficient to take care of all the nutritional needs of their families.

So I resent these statements of Mr. Grace. I believe they are out of touch of reality, they reflect a total insensitivity toward the needs of the poor Americans, as well as Puerto Ricans who are U.S. citizens, whether they reside on the mainland or in Puerto Rico. I think his statements are a disservice to President Reagan.

Personally, I know that the President holds in high regard the Island of Puerto Rico and Puerto Ricans as individuals. I may disagree with some of his socioeconomic philosophies, but personally, I believe he holds in high regard Puerto Ricans and the Island of Puerto Rico. I believe that the statements of Mr. Grace do a great disservice to the President and that Mr. Grace ought to step down from his position, obviously throwing his inability and his incapacity to deal with sensitive issues such as these are.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to my colleague, the gentleman from New York.

Mr. WEISS. I thank my colleague for yielding.

Mr. Speaker, at the outset I want to commend my two distinguished colleagues, the gentleman from New York (Mr. GARCIA) and the gentleman from Puerto Rico (Mr. CORRADA). I think that this is a very important issue and it is a matter of concern to every Member of this House and indeed to every American.

As a private citizen, Mr. Grace has the right to utter whatever foolishness or nonsense he wants to engage in, no matter how prejudicial it may be to any or all Americans. As someone who holds his position by appointment of the President of the United States, I do not believe that he has the luxury in the guise of that position to make statements which clearly are prejudicial, in this instance to Puerto Rican Americans. We have heard similar statements over the course of our history about many, many other ethnic, religious, and racial groupings of Americans. We had thought that we were making some real progress, and I think that we have been. I think that when you have a kind of throwback, as Mr. Grace's statement is, then there is an obligation on his part to demonstrate that he really means his apology and to understand how serious it is. I think the way that he can best demonstrate that is by stepping down from the position that he holds. I would hope that if he does not do it voluntarily, perhaps the White House and the President would encourage him to do so, in the best interests of both the administration and the people of this Nation.

I want to commend the gentleman from New York (Mr. GARCIA) and the gentleman from Puerto Rico (Mr. CORRADA) again for their leadership in heightening sensitivity to the outrageousness of the remark that Mr. Grace made, and by their reaction and by raising that sensitivity, making sure that it will not quickly or easily be repeated.

Mr. GARCIA. I thank my colleague from New York.

Mr. Speaker, I would just like to add that there are a number of other organizations which have joined with us in terms of a protest and in terms of telegrams to the President, demanding the resignation of Mr. J. Peter Grace, and amongst those are the Mexican-American Legal Defense League, the League of Latin American Communities, La Raza, the Puerto Rican Defense Fund, the United Bronx Parents, the Puerto Rico Forum, many local organizations, such as Pramesa, and the Association of Puerto Rican Executive Directors who at the present time have about 30 or 40 organizations throughout the city of New York and throughout the region. I add those onto this record, Mr. Speaker, so that it becomes very clear that this is an issue that has really hit home.

Yesterday there were several hundred of us who picketed in front of the Grace Building, which is located on 42d Street between Fifth and Sixth Avenue. It was a magnificent display of people who came forward, persons who came directly from their jobs, persons who came carrying their attache cases, blue collar workers, persons with the good old striped suits and striped ties. People who just felt so outraged by these statements took some time off from work to be with us. My phone, last Thursday, Friday, and Saturday, I could not put down for a minute, Mr. Speaker, because the phone never stopped ringing because of the outrage. The switchboards of the New York Daily News, the New York Times, the Grace Co. itself, were inundated with calls by irate citizens. They were not just Puerto Ricans; they were people who were concerned.

In an editorial in the New York Daily News that came out the other day, they stated very clearly that all thoughtful Americans are justifiably outraged by J. P. Grace's comments that food stamps are basically a subsidy for Puerto Ricans. And then it went on to state that sure, many Puerto Ricans receive food stamps. There is no question that the Island is in the middle of a deep recession. But so do hundreds of thousands of other Americans. And J. P. Grace should know better than to take a cheap shot at a group of people who have proven themselves time and time again the best of American citizens. Then the article went on to say that Mr. Grace has apologized. But an apology is truly not enough. Those persons who know me know that I have never really pushed a point, and there are times that I have gone to the other side of the aisle to deal with legislation because I felt that it was the right thing to do for the people that I represent. So this becomes now a real question of principle. It becomes something that is very real to the Puerto Rican community, very real to thoughtful Americans. We can no longer afford—we have too many divisions in our Nation right now between the very wealthy and the very poor—to have persons make irresponsible statements, whether they be against Hispanics or blacks or poor whites. We can no longer afford that. We need somebody who is going to bring people together and not constantly divide. I think that the statements that were made by Mr. Grace are statements of division, as opposed to statements of conciliation, bringing all of us together.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I just walked on the floor and heard the comments. I want to associate myself with the gentleman's remarks and to go beyond that, because I am concerned, despite the fine work, the ex-

cellent work, done by our colleague BALTASAR CORRADA. In fact, the citizens of this country who are of Puerto Rican background have had the short end of the stick, particularly those who live in the Commonwealth of Puerto Rico. One of these days I think the people of Puerto Rico and the people of this country, are going to have to make a more fundamental decision. If the citizens of Puerto Rico want statehood, I hope we will join with an announcement by the President that he would support a movement in that direction. I think if we had two Senators and full voting Members of the House here, we would not have had some of the cutbacks that impacted on Puerto Rico that we have had this past year.

I think the statement by Mr. Grace is particularly unfortunate when we have in fact given our good citizens of Puerto Rico the short end of the stick.

Mr. GARCIA. I thank my colleague, the gentleman from Illinois.

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to my colleague, the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Speaker, I appreciate, of course, the remarks of our distinguished colleague and friend PAUL SIMON.

Let me point out, just to illustrate the situation of the lack of political clout, that just recently, precisely, change was made to the food stamp program to provide a block grant that is not accorded nor provided to any other region or State in the land, which results in a slash of more than 25 percent of the funds that were being provided under the program, something, by the way, that Mr. Grace very carefully did not mention in his speech; in other words, that this cutback had already been made and that it will result in a reduction in over $300 million in the food stamp program in Puerto Rico for the fiscal year 1983.

Mr. SIMON. If my colleague will yield further, that was a much greater cutback than was made in the other 50 States.

Mr. CORRADA. The gentleman is entirely correct. It shows the need to strengthen the political clout of American citizens in our island. I really appreciate the statement of our colleague.

Mr. SIMON. If my colleague will yield further, I think what our colleague (Mr. CORRADA) has said simply underscores what is a reality, and that is the commonwealth status is second-class citizen status. I do not think we can get around that. Sooner or later the people of Puerto Rico are either going to choose the course of independence, which I personally think, both from their viewpoint and from the viewpoint of our country, would not be desirable, or they are going to move in the direction of statehood. I think the sooner we face up to that reality, both in Puerto Rico and in the 50 present States, the better off we all are.

Mr. GARCIA. I thank my colleague for his statements.

Mr. Chairman, I would just like to say that the interesting thing about the Commonwealth of Puerto Rico is that the decision will be made some day in the future as to what that status may be, whether it be a State, an independent nation, or whether it remain in its present status as a commonwealth.

But I would just like to state that in Puerto Rico we have the highest voter participation of any place in the free world. Eighty-five percent of those eligible to vote participate in an election in Puertk Rico, and everyone in Puerto Rico has a political opinion. They will voice that opinion if and when the time should come.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding.

Mr. Speaker, I did not hear the complete discussion, so forgive me if I am accidentally covering old material. But I appreciate the concern over the statements attributed to Mr. Grace, and I think the criticism is well founded.

I also take note of the fact, for example, that I for one have been a longtime advocate of Puerto Rican statehood. That is an issue which properly will be decided by the people of Puerto Rico; and in the process, the figure that the gentleman just cited, that of the high participation of voters, will hopefully be a demonstration to all interested observers around the world that when the people on the island make that decision it will be in the finest example of contribution in the democratic spirit. I would think that we all want a continued, progressive, effective relationship between the mainland, if you want to call it that, and Puerto Rico, regardless of the technical turn of events, and that we all appreciate what has been a mutually beneficial relationship over the last 80 years.

□ 1430

Mr. GARCIA. Mr. Speaker, I thank my colleague from Illinois.

I yield 3 minutes to my colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I want to thank my colleague, the gentleman from New York, for bringing to my attention the comments made by the head of the President's watchdog committee over Government spending, who I hope inadvertently suggested that the Federal food stamp program is basically a subsidy for Puerto Ricans.

I have not heard a statement as inflammatory as that since I can recall the sick and distorted humor of a former head of the Department of Agriculture, who had a penchant for making ethnic references that were totally out of place; so I am not here to rail and rant or return epithets with a person of this very limited perception, but I would like to ask my colleague if there has been any further development from the comments issued in response to this by a White House spokesman, Mr. Larry Speaks, who said that he considered Mr. Grace's apology as sufficient and that a dismissal was not considered likely.

I yield to the gentleman.

Mr. GARCIA. My feelings on that have been voiced over the last several days, but obviously that is not sufficient. Obviously, the only thing that the President could do at this point is ask for his resignation, because as long as J. Peter Grace remains as head of this committee, that committee will be tainted because of the shortsightedness, the obnoxious statements, the lies that he perpetrated, the lies that he put forth in that speech in Dallas.

It seems to me that as long as he remains in that position, that that committee will not really serve the function that I am sure the President would like it to serve.

Mr. CONYERS. Well, I think the gentleman serves a very important interest that goes beyond this vicious slander that has been perpetrated upon a very important segment of our citizenry, because as the gentleman alludes, it is not just this isolated remark, as venomous as it is; it was the additional comments made in the speech, which also were loaded with inaccuracies and misstatements and slanders. Is that not correct?

Mr. GARCIA. That is absolutely correct.

Mr. CONYERS. Well, then, this means that the whole program of the President, notwithstanding his good intentions on the program headed by Mr. Grace, is now under a cloud that can in the interests of good government and good Americanism be cured only by the removal of Mr. Grace.

Maybe if others would come forward, because there is always the tendency, as my colleague knows, for someone to think that this is a political attack or that there is a partisan motive.

I want to make it clear that I would be saying the same thing in this well no matter who made that statement; and it seems to me that perhaps we can get Republican Members of Congress, or Republican Puerto Ricans, if there are any, or somebody, maybe the gentleman is considered too liberal to

offer this incredibly reasonable resolution to the problem; but I do not think it should be left to a White House spokesman saying that the apology is sufficient.

Mr. GARCIA. If my colleague would yield, I think I can terminate this half hour that we have been granted. Tomorrow my colleague, the gentleman from Puerto Rico, BALTASAR CORRADA, and I will be circulating a letter to all Members of Congress asking them for their signature, to join with us in a letter to the President which will follow. We sent a telegram already, and we are going to make it bipartisan in nature from both sides of the aisle, so that the President knows that it is not just two Puerto Ricans, or the two Puerto Ricans who sit in this Chamber, but in fact all Members of Congress of good will will be joining with us in that letter to the President to make certain that he understands that while the issue may be directed at Puerto Ricans, all of us who are concerned about brotherhood and about unity are joining together to ask for his resignation.

Mr. CONYERS. Well, count on the support of the Congressional Black Caucus and their friends in the Congress to join in the signing of the letter.

I commend the gentleman for his efforts.

Mr. GARCIA. I thank my colleague, the gentleman from Michigan, very much.

I would like to say just in closing, Mr. Speaker, there are a number of statements and periodicals that have come out over the last 5 or 6 days.

I include the following material in connection with this special order:

NEW YORK, N.Y., *May 27, 1982.*

President REAGAN,
The White House,
Washington, D.C.:

The Association of Puerto Rican Executive Directors, a consortium of 14 major human service agencies serving New York's Puerto Rican and Hispanic community deplores the statements made today by J. Peter Grace, chairman of your Committee on Government Spending. His comments concerning food stamps as a subsidy for Puerto Ricans is ill-informed, without merit, and irresponsible. We call upon you the President for his immediate dismissal and ask that you immediately rectify the misinformation and ill-will generated by this individual. We ask that you apologize on behalf of the administration for the misinformed comments made by this person.

DAVE LOPEZ,
Chairperson, Association of Puerto Rican Executive Directors.

WASHINGTON, D.C., *May 27, 1982.*

President REAGAN,
White House,
Washington, D.C.

MR. PRESIDENT: I demand the immediate resignation of J. Peter Grace as chairman of your private sector survey on cost control. The statements of Mr. Grace today, in Dallas, before the American Feed and Grain Manufacturers Association that the "food stamp program is basically a Puerto Rican program," and that, "900,000 Puerto Ricans live in New York and they're all on food stamps" are lies.

These racist remarks disturb me because they are inaccurate. Over 85 percent of the people in this country on food stamps are non-Hispanic. Therefore, retracting these remarks would do nothing to erase the racist spirit in which they were made. The damage is not so much in what was said, but in the sentiment that it conveys, and the policy it reinforces.

Trying to make one's way in these times of severe economic crisis is difficult enough without bearing the extra burden of racial discrimination and ethnic slurs. Statements like those made by Mr. Grace, only push Puerto Ricans, and all other minorities, deeper into the shadows of discrimination.

Mr. President, Mr. Grace must be dismissed for what he represents. There is no place in the U.S. Government, least of all in the executive branch, for a small-minded, mean-spirited, bigoted attitude.

ROBERT GARCIA,
Member of Congress.

REGARDING STATEMENT OF J. PETER GRACE

(By Bruce Bakke)

DALLAS (UPI).—Businessman Chairman J. Peter Grace head of President Reagan's Government Spending Watchdog Committee said Thursday the Federal food stamp program was basically a subsidy for Puerto Ricans.

The chairman and chief executive officer of W. R. Grace & Co. dwelt on the percentage of the food stamp budget going to Puerto Ricans during a speech before the American Feed & Grain Manufacturers' Association.

While the thrust of his address was that the American public "should get off President Reagan's back so he can get Government off our backs," Grace said of the Carter administration's $12.7 billion food stamp budget $1.04 billion was scheduled to go to Puerto Rico.

He said Reagan cut the figure, estimated for fiscal 1982, to $11.5 billion of which $904 million went to Puerto Rico.

"This figure does not include 2.1 million Puerto Ricans living in the U.S. mainland," Grace said. Then departing from a prepared text, he added, "900,000 live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican program.

"I've got nothing against Puerto Ricans, but this is a little much," he said.

Grace, who heads Reagan's Private Sector Survey on Cost Control in the Federal Government, stressed throughout his speech "the single most critical issue facing our Nation today is the proper size and role of the Federal Government."

He drew a laugh from his audience when he pointed out that during the Carter administration, the number of lawyers in Washington more than doubled from 10,340 to 28,299.

[From the New York Times, May 29, 1982]

REAGAN AIDE APOLOGIZES FOR PUERTO RICAN REMARKS

(By Joseph B. Treaster)

Faced with calls for his resignation, the head of President Reagan's committee to recommend cuts in Government operating costs said yesterday that he had made an "oratorical mistake" when he described the Federal food stamp program as "basically a Puerto Rican program," and offered his apologies.

"I do not want these verbal mistakes to be interpreted that I am against Puerto Rico or Puerto Ricans, because I certainly am not," said J. Peter Grace, the head of the committee and the chairman and chief executive officer of W. R. Grace & Company.

Among those calling for Mr. Grace to step down, after his remarks on the food stamp program in a speech in Dallas Thursday, were Representative Robert Garcia, the Bronx Democrat who heads the Congressional Hispanic Caucus; Lieut. Gov. Mario Cuomo of New York, and Baltasar Corrada, the Resident Commissioner who represents Puerto Rico in Congress.

Carol Bellamy, president of the New York City Council, sent a letter to President Reagan urging "the immediate dismissal" of Mr. Grace.

RACISM CHARGE RAISED

In an editorial, the Spanish-language newspaper El Diario said that if Mr. Reagan "does not ask Mr. Grace to resign, he will be implicitly admitting that racist think pervades his Administration."

Frederick Bona, a spokesman for Mr. Grace, said that Mr. Grace did not plan to resign from his volunteer position as chairman of the Presidential committee.

Mr. Grace was appointed to the post on March 3. His spokesman said that he had recruited more than 100 business executives to serve with him.

In Santa Barbara, Calif., where Mr. Reagan is vacationing, Peter Roussel, the deputy White House press secretary, said that Mr. Grace had been speaking for himself and not for the Administration. "He was expressing a personal view," Mr. Roussel said.

Larry Speakes, the chief White House spokesman, who was also in Santa Barbara, said that Mr. Grace's apology was considered sufficient, and that a dismissal was not considered likely.

Mr. Grace said in his statement that he had shown a chart to his audience noting that "many" of the Puerto Ricans in New York City are receiving food stamps.

"This I believe is factually correct," the statement said. "I believe however that in presenting this chart I said that 'almost all' of the Puerto Ricans in New York City are on food stamps and that this was basically a Puerto Rican program. These were oratorical mistakes from which I apologize."

Elaborating on his mission on the panel of "saving money for United States taxpayers by way of increased operation efficiencies," Mr. Grace said: "What I'm trying to do is not designed to hurt anyone or reduce benefits, but an attempt to help the Federal Government in a businesslike manner to provide the same level of help and services, whatever that level might be, but at a lower cost to the taxpayers."

Mayor Koch said that he knew Mr. Grace and found his comments on food stamps and Puerto Ricans "totally out of character." He said he thought an apology was due from Mr. Grace and the Administration.

"Bad enough that he showed no understanding of the importance of food stamps for this country's poor," Mr. Koch went on, "but what makes his remarks deplorable is the complete insensitivity he showed toward America's Puerto Rican community."

[From the Washington Post, June 2, 1982]

N.Y PROTESTERS DEMAND GRACE'S RESIGNATION

NEW YORK, June 1,—Hundreds of protesters today demanded the resignation or dismissal of the chairman of President Reagan's spending watchdog committee for saying that the food stamp program is a subsidy for Puerto Ricans.

More than 200 demonstrators chanted "Puerto Ricans, yes, Grace, no" in front of the headquarters of W. R. Grace & Co. to protest a speech made on May 27 in Dallas by the millionaire businessman, chairman of the company.

Grace, also head of the government's Private Sector Survey on Cost Control, told the American Feed Manufacturers Association that "almost all" of the 900,000 Puerto Ricans in New York City receive food stamps, "so this food stamp program is basically a Puerto Rican program."

[From the Washington Post, May 28, 1982]

FOOD STAMP PROGRAM ATTACKED AS SUBSIDY FOR PUERTO RICANS

(By Bruce Bakke)

DALLAS, May 27—Businessman J. Peter Grace, the head of President Reagan's watchdog committee over government spending, said today that the federal food stamp program is basically a subsidy for Puerto Ricans.

Grace, who is chairman and chief executive officer of W. R. Grace & Co., dwelt on the percentage of the food stamp budget going to Puerto Ricans during a speech before the American Feed and Grain Manufacturers' Association.

Although the thrust of his address was that the American public "should get off President Reagan's back so he can get government off our backs," Grace said that $1.04 billion of the Carter administration's $12.7 billion food stamp budget was scheduled to go to Puerto Rico.

He said Reagan cut the figure, estimated for fiscal 1982, to $11.5 billion, of which $904 million went to Puerto Rico.

"This figure does not include 2.1 million Puerto Ricans" living in the U.S. mainland. Grace said. Then, departing from a prepared text, he added. "Nine hundred thousand live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican program.

"I've got nothing against Puerto Ricans, but this is a little much," he said.

Within hours, Rep. Robert Garcia (D-N.Y.), who heads the Congressional Hispanic Caucus, fired off a telegram to Reagan, asking him to request Grace's resignation.

Garcia said Grace's statement "may play well" in Dallas, "but it is as racist as anything I have ever heard in my 17 years of elective office."

Resident Commissioner Baltasar Corrada, who represents Puerto Rico in Congress, also called for Grace's resignation, saying the comments were an "affront and insult to Puerto Ricans both on the island as well as on the U.S. mainland."

A White House spokesman responded, "Mr. Grace was giving his personal views and we have no comment on it."

Grace, who heads Reagan's Private Sector Survey on Cost Control in the Federal Government, stressed throughout his speech that "the single most critical issue facing our nation today is the proper size and role of the federal government."

[From the New York Daily News, May 28, 1982]

HE STAMPS ON PUERTO RICANS

DALLAS (UPI).—J. Peter Grace, head of President Reagan's government spending watchdog committee, said yesterday that the federal food stamp program was basically a subsidy for Puerto Ricans.

The chairman and chief executive officer of W. R. Grace & Co. dwelt on the percentage of the food stamp budget going to Puerto Ricans in a speech to the American Feed and Grain Manufacturers' Association.

He said that of the $11.5 billion budgeted for food stamps in the current fiscal year, $904 million went to Puerto Rico.

"This figure does not include 2.1 million Puerto Ricans living in the U.S. (mainland)," Grace said. Then, depending from a prepared text, he added, "900,000 live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican program.

"I've got nothing against Puerto Ricans, but this is a little much," Grace said. Grace, who heads Reagan's Private Sector Survey on Cost Control in the Federal Government, stressed throughout his speech that the American public "should get off President Reagan's back so he can get government off our backs."

[From the New York Daily News, June 2, 1982]

FOOD-STAMP REMARK RILES BAR PATRONS

(By Ruben Rosario)

Like any other neighborhood bar, Christopher's in East Harlem serves as a place for friends to indulge in fine spirits and idle chatter.

Yesterday, however, the talk among the regular customers was not about Steinbrenner's Yankees or the Amazin' Mets. It had something to do with food stamps, Puerto Ricans and a man named J. Peter Grace.

Grace, head of President Reagan's government spending watchdog committee, departed from a prepared speech before a convention of grain dealers in Dallas last week and said that "900,000 (Puerto Ricans) live in New York and they're all on food stamps, so this food stamp program is basically a Puerto Rican program."

It did not matter to Robert Semidey, a 52-year-old bank tester, that Grace apologized for what he called an "oratorical mistake," or that statistics presented by Grace show that Puerto Rico gets 8.1% of the $11.6 billion food stamp program while composing only 1% of the population.

"The man said that all of us here are on food stamps," Semidey said. "The man is sick. Apology? That's a lot of bull. He meant what he said. He's just lucky he said that in Dallas."

Semidey's last comment was echoed yesterday by Rep. Robert Garcia (D-N.Y.), one of a group of Hispanic leaders demanding Grace's resignation.

"I'm sure he felt secure saying that from Dallas," said Garcia, who vowed to circulate a letter through Congress today urging Grace's ouster. "He would have never said that in this city."

Garcia, who called Grace's "mistake" a "slip that is surely the most insulting remark against any group ever," said yesterday that he will accept Grace's apology on behalf of the Puerto Rican community—"after he resigns."

In response to Garcia, Grace, through a spokesman, released this statement late yesterday "I am deeply hurt by the misconceptions which have been created by my comments. There have been accusations that I am a racist. Nothing could be further from the truth. I support Casita Marja (a South Bronx Housing Organization), the Boys Club of America and the Catholic Youth Organization."

[From the New York Times, May 28, 1982]

BUSINESS AIDE TO REAGAN CRITICIZES FOOD STAMPS

DALLAS, May 27 (UPI).—J. Peter Grace, a businessman who heads President Reagan's Government spending watchdog committee, said today the Federal food stamp program was basically a subsidy for Puerto Ricans.

Mr. Grace, the chairman and chief executive officer of W. R. Grace & Company, dwelt on the percentage of the food stamp budget going to Puerto Ricans in a speech before the American Feed and Grain Manufacturers Association. Mr. Grace heads President Reagan's Private Sector Survey on Cost Control in the Federal Government.

While the thrust of his address was that the American public "should get off President Reagan's back so he can get Government off our backs," Mr. Grace said that of the Carter Administration's $12.7 billion food stamp budget, $1.04 billion had been scheduled to go to Puerto Rico.

He said Mr. Reagan reduced those figures, and the total for the fiscal year 1982 was estimated at $11.5 billion, of which $904 million went to Puerto Rico.

"This figure does not include 2.1 million Puerto Ricans living in the U.S.," Mr. Grace said. Then departing from a prepared text, he added that "900,000 live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican program."

"I've got nothing against Puerto Ricans," he said, "but this is a little much."

Within hours, Representative Robert Garcia, Democrat of the Bronx, head of the Congressional Hispanic Caucus, sent a telegram to the President requesting Mr. Grace's resignation. He said Mr. Grace's statement was "as racist as anything I have ever heard in my 17 years of elective office."

[From the New York Daily News, May 29, 1982]

A TOTAL LACK OF GRACE

The Puerto Rican community and all throughtful Americans are justifiably outraged by J. Peter Grace's comment that food stamps are basically a subsidy for Puerto Ricans.

The chief executive officer of W. R. Grace & Co. shamed himself with a wholesale disregard for the facts and an amazing lack of tact when he let loose with the off-the-cuff remark in a speech down in Texas.

Sure, many Puerto Ricans receive food stamps—the island is in the middle of a deep recession. But so do hundreds of thousands of other Americans, and Grace should know better than to take a cheap shot at a group of people who have proven themselves time and time again as the best of American citizens.

Grace apologized yesterday for what he called "oratorical mistakes." But Baltasar Corrada, who represents Puerto Rico in Congress, and Rep. Robert Garcia (D-Bronx), head of the Congressional Hispanic Caucus, have rightfully labeled Grace's comments "racist" and urged President Reagan to give him the heave-ho from a federal cost-control committee. Okay by us.

APOLOGY GIVEN BY REAGAN AIDE FOR P.R. REMARK

NEW YORK (UPI).—Faced with demands he resign, the head of President Reagan's government spending watchdog committee apologized Friday for saying the federal food stamp program was a subsidy for Puerto Ricans.

"These were oratorical mistakes for which I apologize," millionaire New York businessman J. Peter Grace, head of the Private Sector Survey on Cost Control in the Federal Government, said in a written statement.

"I do not want these verbal mistakes to be interpreted that I am against Puerto Rico or Puerto Ricans because I certainly am not," Grace said.

Grace's earlier remarks, triggered angry demands from Hispanic and non-Hispanic leaders in and outside of government that he apologize or resign.

Resident Commissioner Baltazar Corrada, who represents Puerto Rico in Congress, called for Grace's resignation for remarks that were "an affront and insult to Puerto Ricans both on the island as well as on the U.S. mainland."

Rep. Robert Garcia, D-N.Y., head of the Congressional Hispanic Caucus, also urged Reagan to request Grace's resignation.

Garcia said Grace's statement in Dallas, "may play well there, but it is as racist as anything I have ever heard in my 17 years of elective office."

Raul Yzaguirre, president of the National Council of La Raza, said Grace's comments "exemplify a meanness of spirit and a contempt for all Hispanics.

"The fact that Puerto Ricans constitute one of the lowest income groups in the U.S. and that they suffer gross discrimination is the issue we ought to be focusing on," he said. "Puerto Rican dependence on food stamps is a natural consequence of that economic and racial discrimination."

Yzaguirre said he would ask Grace to meet with Hispanic leaders.

Grace, chairman and chief executive officer of W. R. Grace & Co., spoke of the food stamp program during a presentation on the nation's economic situation to the American Feed and Grain Manufacturers' Association in Dallas.

Grace said in his presentation that $1.04 billion of the Carter administration's $13.7 billion food stamp budget was slated for Puerto Rico. He said Reagan cut the figure for fiscal 1982 to $11.6 billion—with $904 million going to Puerto Rico, which has a 22.6 percent jobless rate.

"This figure does not include 2.1 million Puerto Ricans living in the U.S. (mainland)," Grace said. Then, departing from a prepared text, he said, "900,000 live in New York, and they're all on food stamps, so this food stamp program is basically a Puerto Rican program."

"I've got nothing against Puerto Ricans, but this is a little much," he said.

In his statement Friday, Grace said a chart he showed to his audience "noted that 'many' of the Puerto Ricans in New York are receiving food stamps."

"This I believe is factually correct," Grace said. But, he said, he regretted saying "'almost all' of the Puerto Ricans in New York City are on food stamps and that this was basically a Puerto Rican program."

Grace said his food stamps figures came from government sources such as the Census, the Department of Agriculture and White House budget projections.

"What I'm trying to do is not designed to hurt anyone or reduce benefits; but an attempt to help the federal government, in a business-like manner, to provide the same level of help and services, whatever that level may be, but at lower cost to taxpayers," he said.

"The identification of the fact that Puerto Rico comprises 1.4 percent of the U.S. population and gets 8.1 percent of the U.S. food stamp expenditures is not mine," Grace said, "but a fact that comes from U.S. government statistics, and it certainly is not intended to offend anyone."

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COATS) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 5 minutes, today.

Mr. LENT, for 30 minutes, June 3.

(The following Members (at the request of Mr. GARCIA) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. GARCIA, for 30 minutes, today.

Mr. YOUNG of Missouri, for 15 minutes, today.

Mr. BAILEY of Pennsylvania, for 60 minutes, June 9.

Mr. BAILEY of Pennsylvania, for 60 minutes, June 10.

Mr. FRANK, for 5 minutes, today.

Mr. YOUNG of Missouri, for 15 minutes, June 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COATS) and to include extraneous matter:)

Mr. COURTER.

Mr. DOUGHERTY.

Mr. RITTER.

Mr. LENT.

Mr. GREEN.

Mrs. HOLT.

Mr. EVANS of Delaware.

Mr. CORCORAN.

Mr. LEBOUTILLIER in two instances.

Mr. DREIER.

Mr. WHITEHURST.

Mr. WEBER of Ohio.

(The following Members (at the request of Mr. GARCIA) and to include extraneous matter:)

Mr. RODINO in five instances.

Mr. PEPPER.

Mr. BOLAND in two instances.

Mr. WON PAT.

Mr. WALGREN.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. BOUQUARD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. RANGEL in two instances.

Mr. FLORIO.

Mr. DORGAN of North Dakota.

Mr. MOFFETT in two instances.

Ms. OAKAR.

Mr. MCDONALD in five instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1422. An act to authorize the donation of surplus property to any State for the construction and modernization of criminal justice facilities, to the Committee on Government Operations.

S. 2215. An act to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.; to the Committee on the Judiciary.

S.J. Res. 162. Joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 190. Joint resolution to authorize and request the President to designate "National Family Week"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1808. An act to authorize an Under Secretary of Commerce for Economic Affairs.

S. 2535. An act to regulate the operation of foreign fish processing vessels within State waters; and

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on May 28, 1982, present to the President, for his approval, bills of the House of the following titles:

H.R. 1231. An act for the relief of the Washington Post, the Washington Star, the Dispatch (Lexington, N.C.), the Brooklyn Times, Equity Advertising Agency, Incorporated, the Seattle Post-Intelligencer, and the News Tribune; and

H.R. 1608. An act for the relief of Mrs. Frieda Simonson.

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, June 3, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4055. A letter from the Attorney General of the United States, transmitting notice of a violation with regard to the appropriation, "Support of U.S. Prisoners," account symbol 1511020 for fiscal year 1981; to the Committee on Appropriations.

4056. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period of May 15 to August 15, 1982, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

4057. A letter from the Director, Legislative Liaison, Department of the Air Force, transmitting a summary of revenues derived from recovered materials during fiscal year 1981, pursuant to section 612 of Public Law 93-552; to the Committee on Armed Services.

4058. A letter from the Military Executive, Reserve Forces Policy Board, Office of the Secretary of Defense, transmitting the Board's fifth annual report, "Fiscal Year 1981 Readiness Assessment of the Reserve Components"; to the Committee on Armed Services.

4059. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a description of a proposed transaction involving, U.S. exports to Communist countries, pursuant to section 2(b)(ii) of the Export-Import Bank Act of 1945, as amended: to the committee on Banking, Finance and Urban Affairs.

4060. A letter from the Secretary of Education, transmitting reports on the condition of education, 1982, prepared by the National Center for Education Statistics, pursuant to Public Law 93-380; to the Committee on Education and Labor.

4061. A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of proposed legislation to reduce the cost and simplify the administration of the child nutrition programs by providing States with greater flexibility and autonomy in administering nutrition assistance to children through a consolidated grant in aid; to the Committee on Education and Labor.

4062. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of proposed lease of certain defense articles to Denmark (Transmittal No. 7-82), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4063. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the proposed lease of certain defense articles to New Zealand (Transmittal No. 8-82), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4064. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Arthur H. Davis, Jr., Ambassador-designate to Paraguay, and by members of his family, pursuant to sec. 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4065. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4066. A letter from the Secretary of Education, transmitting activities of the Inspector General pursuant to Public Law 95-452; to the Committee on Government Operations.

4067. A letter from the Commissioner, Immigration and Naturalization Service, transmitting notice of 340 waivers granted to refugees for the first half of fiscal year 1982, pursuant to section 207(c)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

4068. A letter from the Executive Director, U.S. Naval Sea Cadet Corps, transmitting the annual audit report of the corps for the fiscal year ended March 31, 1982, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

4069. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for fiscal year 1980, together with reports covering the same period on the operations of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, 9, 12, 14, 15, 17, 18, 21, 22, 23, 24, 25, 26, 27, 32, 33, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 55, and 57, pursuant to section 16 of the Foreign-Trade Zones Act of 1934, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. Supplemental report on H.R. 5831 (Rept. No. 97-553, Pt. II). Ordered to be printed.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. House Joint Resolution 480. Joint resolution to disapprove certain rules prescribed by the Secretary of Housing and Urban Development (Rept. No. 97-590). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. House Joint Resolution 488. Joint resolution to disapprove certain rules prescribed by the Secretary of Housing and Urban Development (Rept. No. 97-591). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 487. Resolution providing for the consideration of H.R. 5566, a bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 97-592). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 488. Resolution providing for the consideration of H.R. 5659, a bill to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington (Rept. No. 97-593). Referred to the House Calendar.

Mr. BONIOR of Michigan. Committee on Rules. House Resolution 489. Resolution providing for the consideration of H.R. 2643, a bill to provide for the improvement of the Nation's airport and airway system, and for other purposes (Rept. No. 97-594).

Mr. ZEFERETTI: Committee on Rules. House Resolution 490. Resolution providing for the consideration of H.R. 6254, a bill to amend title 3, United States Code, to clarify the function of the U.S. Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other purposes (Rept. No. 97-595). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. Resolution 491. Resolution providing for the consideration of H.R. 6370, a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional international security and development assistance programs for fiscal year 1983, and for other purposes (Rept. No. 97-596). Referred to the House Calendar.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committee on Merchant Marine and Fisheries discharged from the further consideration of H.R. 6308 on June 1, 1982.

Consideration of H.R. 5617 by the Committee on Public Works and Transportation extended for an additional period ending not later than June 11, 1982.

Consideration of H.R. 6307 by the Committee on Public Works and Transportation extended for an additional period ending not later than June 11, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. EDWARDS of California, and Mr. EDGAR):

H.R. 6526. A bill to provide that the Secretary of Health and Human Services shall pay benefits to surviving spouses and dependent children of certain members of the Armed Forces who die from service-connected disabilities in the amounts that would have been provided under the Social Security Act but for amendments made by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Ways and Means.

H.R. 6527. A bill to provide that the Armed Forces shall pay benefits to surviving spouses and dependent children of certain members of the Armed Forces who die from service-connected disabilities in the amounts that would have been provided under the Social Security Act but for amendments made by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Armed Services.

By Mr. TAUKE:

H.R. 6528. A bill to amend title XVI of the Social Security Act to provide that interest on savings accounts (and other amounts similarly paid on deposits in financial institutions), if less than $60 in a calendar quarter, shall be excluded in determining an individual's income for eligibility and benefit purpose under the supplemental security income program; to the Committee on Ways and Means.

By Mr. PEYSER:

H.J. Res. 497. Joint resolution with regard to Presidential certifications on conditions in El Salvador; to the Committee on Foreign Affairs.

By Ms. OAKAR:

H. Res 486. Resolution expressing the sense of the House of Representatives that the Secretary of Health and Human Services should not adopt as final rules proposed rules issued on May 24, 1982, relating to survey and certification procedures for nursing homes and other health care facilities and suppliers participating in medicare and medicaid programs; jointly, to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1779: Mr. STUMP.

H.R. 3269: Mr. CROCKETT, Mr. BIAGGI, Mr. LAFALCE, Mr. QUILLEN, and Mr. SOLOMON.

H.R. 3984: Mr. GEPHARDT.

H.R. 4829: Mr. PATTERSON, Mr. MCGRATH, and Mr. EMERY.

H.R. 5067: Mr. FLORIO, Mr. HUGHES, and Mr. SABO.

H.R. 5205: Mr. FOLEY.

H.R. 5329: Mr. OBERSTAR, Mr. DREIER, Mr. TAUZIN, Mr. DWYER, Mr. KASTENMEIER, Mr. SAWYER, Mr. HILLIS, and Mr. SHAW.

H.R. 5552: Mr. BRINKLEY and Mr. OTTINGER.

H.R. 5588: Mr. SIMON and Mr. CONTE.

H.R. 5596: Mr. NEAL, Mr. DAUB, and Mr. HUCKABY.

H.R. 5651: Mr. WEAVER.

H.R. 5742: Mr. KRAMER and Mr. ROE.

H.R. 6009: Mr. EVANS of Georgia, Ms. FIEDLER, Mr. RINALDO, and Mr. JAMES K. COYNE.

H.R. 6062: Mrs. HOLT.

H.R. 6103: Mr. ROYBAL.

H.R. 6183: Mr. FOGLIETTA, Mr. SCHUMER, Mr. LEWIS, Mr. MITCHELL of New York, Ms. OAKAR, Mr. CROCKETT, Mr. GILMAN, Mr. SIMON, Mr. SHAMANSKY, Mr. NAPIER, Mr. DUNCAN, Mr. HOYER, Mr. BEDELL, and Mr. WASHINGTON.

H.R. 6325: Mr. FOGLIETTA, Mr. TRIBLE, Mr. BAFALIS, Mr. GOODLING, Mr. GREGG, Mr. GRISHAM, Mr. RICHMOND, Mr. BURGENER, Mr. MCCOLLUM, and Mr. GRAY.

H.R. 6431: Ms. FERRARO.

H. Con. Res. 341: Mr. BENNETT and Mr. BEARD.

H. Res. 367: Mr. GOODLING, Mr. MATSUI, Mr. BARNARD, Mrs. HOLT, Mr. WON PAT, Mr. FAZIO, Mr. HARTNETT, Mr. MARTIN of North Carolina, Mr. EMERSON, and Mr. STENHOLM.

H. Res. 412: Mr. HYDE, Mr. WASHINGTON, Mr. HATCHER, Mr. WOLPE, and Mr. DENARDIS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

459. By the SPEAKER: Petition of the American Booksellers Association, Inc., New York, N.Y., relative to trade practices of bookselling organizations; to the Committee on Energy and Commerce.

460. Also, petition of the city council of Boca Raton, Fla., relative to the Clean Air Act; to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6296

By Mr. WATKINS:

—Page 58, insert the following after line 9:

PART D—CONDITIONS ON ALLOCATION OF ASSISTANCE UNDER PARTS A AND B

SEC. 341. In allocating assistance under section 302(j) of part A and under section 315 of part B, the Secretary of Housing and Urban Development shall provide that—

(1) not less than 25 per centum of the funds made available under part A of this title shall be utilized with respect to dwelling units located outside of metropolitan cities (as defined in section 102(a)(4) of title I of the Housing and Community Development Act of 1974); and

(2) not less than 25 per centum of the funds made available under part B of this title shall be utilized with respect to projects located outside of metropolitan cities (as defined in such section 102(a)(4)).

EXTENSIONS OF REMARKS

COAL SLURRY PIPELINES—A POOR USE OF LIMITED INVESTMENT CAPITAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. FLORIO. Mr. Speaker, some have proposed the construction of coal slurry pipelines as the solution to our energy needs. Yet I firmly believe that it is a false solution.

I am particularly concerned about the impact of coal slurry pipeline construction on our Nation's limited pool of vitally needed capital. Many economists have pointed out that one of the factors limiting new business investment is lack of available capital. Yet construction of coal slurry pipelines would be enormously expensive and would divert capital from other, more pressing needs. This capital would then be used to build a transportation system that is largely duplicative of existing rail systems. We cannot afford to squander our limited investment capital in this manner.

Thomas E. Dewey, Jr., a well-known investment banker, recently testified on the problems of coal slurry pipelines, specifically including the issue of capital availability. His perceptive comments follow:

STATEMENT OF THOMAS E. DEWEY, JR., BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

S. 1844, TO FACILITATE THE NATIONAL DISTRIBUTION AND UTILIZATION OF COAL

Mr. Chairman, my name is Thomas E. Dewey, Jr., and my business address is 14 Wall Street, New York, N.Y. 10005. I am a graduate of Princeton University and Harvard Business School, and am President of Thomas E. Dewey, Jr. & Co. Incorporated, a financial advisory services firm founded in December, 1975.

Prior to that, I was a partner of the international investment banking firm of Kuhn Loeb & Co. from 1965 through 1975 and associated with that firm from 1958 to 1965. My career has covered most phases of industrial, transportation and utility corporate finance, both in the U.S. and abroad. I have appeared as an expert witness before numerous courts, regulatory bodies and the U.S. Congress.

I am retained as financial consultant by Kansas City Southern Industries, Inc., parent company of the Kansas City Southern Railway Company. I am testifying in their behalf here today on the financial aspects and implications of coal slurry pipelines.

S. 1844 establishes the right of federal eminent domain and other conditions for the coal slurry industry. In approving this legislation, Congress would be taking one of the first steps toward encouraging construction of some extraordinarily expensive projects which will require vast amounts of financing. The current cost estimate, for example, of the pipeline proposed by Energy Transportation Systems, Inc. (ETSI) is approximately $3.55 billion, or almost triple the most prevalent estimate three years ago. What this project will eventually cost is anybody's guess.

It is reasonable to question whether we should be encouraging such a substantial diversion of scarce resources of investment capital to new transportation systems which are essentially duplicative of our nation's railroads. In the passage of the Staggers Act and in other recent legislation, Congress clearly established a national policy which favors economic vitality and enhancement of the national rail system.

Our recent experience with very large construction projects has not been heartening. The Alaska Pipeline eventually cost about eight times the original estimates. More recently, cost overruns on the Washington Public Power Supply System became so gigantic that, despite credit support provided by Bonneville Power Administration to several of the plants, the financing problems of the System shook the U.S. municipal bond market to its foundations, and certainly had a hand in propelling interest rates on tax-exempt bonds to levels hitherto undreamed of.

Careful study of the facts available concerning coal slurry pipeline construction and operation has caused me to conclude that there is no presently foreseeable method of financing these pipelines short of a guarantee of such financing by the U.S. government.

In general, coal slurry pipelines are thought to be desirable projects to the extent that, by creating economies of scale over long distances, they can produce a potentially restraining effect upon railroad charges for the shipment of coal. Except in cases where no rail facilities exist, the desirability of slurry piplelines has generally been thought to be fkr hauls in excess of one thousand miles, and I will concentrate here only on such large-scale projects.

In discussing the financing of a pipehine such as this, we are in the area of financial parlance known as "project finance". This involves single-purpose financing, generally of substantial magnitude, and generally requiring certain common elements in order to be financeable. Such elements include:

1. Ready availability of all necessary raw materials over a period at least long enough to assure repayment of indebtedness and a satisfactory return on equity. The important element here is that it be clear that there be no present or potential future restrictions on the availability of such raw materials.

2. If an extraction, manufacturing or transportation process is to be used, the process should be proven and in use in substantial existing facilities of a similar nature.

3. Enforceable contracts must be at hand for the sale of end products over a sufficient number of years to provide, after a reasonable contingency for inflation in operating costs, for repayment of indebtedeness and a substantial return on equity. Implicit herein is the understanding that there can be no present or reasonably foreseeable future restrictions on the ability of such purchasers to perform their obligations.

4. Especially since the case of the Alaska Pipeline, it is necessary to have a creditworthy guarantee of cost overruns, whether in the form of the price to be paid by the contract purchasers of the product, or in some other form such as the simple assumption and payment of such costs by one or more of the sponsors of the project.

Of course, these criteria can be modified or occasionally even overlooked in cases where the financing is guaranteed by sponsors whose credit exclusive of the project is sufficient to assure the safety of investor funds. This was the situation in most of the large-scale iron or mining consortia which were sponsored by U.S. steel companies, and certainly also in the case of the Alaska Pipeline, where completion and the financing were guaranteed by a number of the largest oil companies in the world.

The ETSI project is a convenient case at hand against which to examine these financing requirements. The project cost is estimated today at $3.55 billion, but in truth we have no idea how much such a pipeline could ultimately cost. No comparable project in terms of distance, jurisdictions to be traversed, terrain, etc., has yet been undertaken. The one operational pipeline in existence, Black Mesa, is not comparable for a number of reasons, most notably its substantially smaller length and its limited service to one single customer.

There is no question in my mind that the private capital market, in appraising the financeability of the ETSI project and its kin, will not be forgetting the relationship between estimated cost and final cost in the most publicized recent case of major pipeline construction—the Alaska pipeline.

Leaving aside the question of potential cost overruns, let us examine how and whether a large-scale coal slurry pipeline meets the usual criteria of project financing outlined above. As regards availability of raw materials it is probably true at the present time that sufficient coal should be available for such a pipeline. Such availability, of course, is always subject to interruption in case of a strike by coal miners. The likelihood and frequency of strikes varies from region to region. In any event, however, a coal slurry pipeline is more vulnerable to interruption of supply due to strikes than conventional means of transportation, as the coal must enter the system at a fixed beginning point. Such a pipeline does not have the flexibility that railroads possess in being able to find alternative sources of supply from regions not affected by the strike.

The subject of water availability is altogether different. ETSI's first water right, grant by the State of Wyoming to take water from the Madison Formation, was interruptable under conditions of the grant. A different water source has now been negotiated with the State of South Dakota, but it appears that the sale of this Oahe Reservoir water will be challenged by downstream States in the Missouri River Basin. Overriding the issues of State and federal law at question is the Commerce Clause of the U.S.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Constitution, pursuant to which authority ETSI may or may not be able to retain its water supply against all comers. This Committee knows better than I that water availability is one of the most complicated and imponderable elements of the coal slurry debate.

It is uncertain whether the investment community will consider the Black Mesa pipeline a proven project as compared to a pipeline which is three or four times Black Mesa's length and designed to deliver up to 10 times as much annual tonnage to several terminals. We live in an age where the risks and costs associated with the protection of public health and the environment surrounding these projects are as much a red flag to prospective investors as any other risk element. The Black Mesa has already experienced one major rupture at a point along the route where containment of the slurried coal was not possible. Even within the limited scale of the Black Mesa project, treatment and disposal of waste water has presented serious problems. The prudent investor is always fearful of environmental problems which could affect the repayment of his loans or the return on his equity investment.

Perhaps even more important is the issue of financial prudence. These large projects will undoubtedly be financed, if at all, against the credit backing of iron-clad take-or-pay contracts, most likely with large public untilities. I expect this will be true even if substantial equity capital is available from the sponsors. The effect of contracts of this type is that the principal risk of project feasibility as well as cost overruns is shifted onto the back of the consumers of electric power. This is because financial markets require that the contracts be so air tight that the public utility (which gets its money from its customers) would be required to buy the slurried coal no matter what its cost, and even to pay for it whether it is delivered or not. It is easily seen that this not only deprives the contracting utility of the flexibility to choose its fuel sources in the future, but also takes out of the hands of the responsible state public service commissions a large portion of the supervisory authority they were created to exercise.

There is a serious question involved here: whether it is proper for a utility company, with or without the blessing of its local public service commission, to commit its consumers to pay electric rates over a long period of time if a primary element of that commitment is to provide credit for the benefit of the owners or operators of a slurry transportation system.

The question is compounded when the subject of potential cost overruns is examined. While it may be alarmist to assume that overruns comparable to those encountered by the Alaska Pipeline will occur, it is probably also imprudent in this inflationary age to assume that any projection made today can be an accurate forecast of what actual cost will be over a construction period of several years. The sponsoring utility, then, or more correctly its consumers, puts itself in the position of entering into an irrevocable long-term contract to purchase a product over the cost of which it has no control.

Furthermore, that cost is quite unpredictable. It does not require an extreme set of assumptions to produce a future situation where a contracting utility is paying substantially more for the slurry coal to which it is committed than it would have to pay for alternate coal mined closer to the point of consumption and shipped by conventional means. While such a situation would clearly be unfair to the consumer, the other side of this coin is that, if credit worthy purchase contracts are to lay the foundation for the financing of a slurry pipeline, this type of inflexible commitment is most assuredly required.

Another no less important issue of financial prudence is the effect a contractual obligation of this size would have on the financial condition of the contracting public utility. I know of no utility systems in the areas proposed to be served by coal slurry pipelines whose credit would not be severely affected by the mammoth fixed charges associated with an undertaking of this sort. Many of these utilities currently exhibit only marginal coverage of fixed charges due to existing heavy indebtedness. It is altogether possible that the addition of so large a further burden might make it impossible to finance other necessary capital expenditures. At the very least, the cost of further financing would be greatly increased, and such increased costs would of course have to be borne by the ratepayer.

There is, of course, one solution to the financing problem which both substantially lowers the cost of financing and also assures completion of the project. The easy solution for the sponsors of these projects would be obtaining of government guarantees on their financing, and it is in anticipation of applications of this sort that S. 1844 should be considered.

One such application for the funding of the Northwest Integrated Coal Energy System (NICES) pipeline between Wyoming and Oregon has already been submitted to the U.S. Synfuels Corporation. It is important to the debate, therefore, to point out that the legislation under consideration does provide special privilege to the coal slurry industry, and in doing so, leaves an implication of federal support and sponsorship of any pipeline certified under the provisions of S. 1844.

Once having "blessed" the coal slurry industry in this fashion, Congress would find itself in an awkward position were it to develop, as seems likely, that only the credit of the taxpayers will produce the necessary financing.

With this likelihood in mind, then, it seems to me not unreasonable to suggest to the Committee that it endeavor to discover from the pipeline companies what their cost estimates, credit bases, and financing plans might be. Only then can it be seen whether this bill is simply the camel's nose under the tent.

I appreciate having had this opportunity to comment on the merits of this legislation.●

THE BUDGET DEBATE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. BOLAND. Mr. Speaker, last week the House debated 7 distinct budget proposals, and some 68 amendments to various sections of those proposals. That debate gave us a full opportunity to explore different means of addressing the econonic situation with which this country is faced.

While there was considerable disagreement during the course of our debate, I believe that there was general concurrence on two points. First, the deficit contained in the budget submitted by President Reagan in February is unacceptable; and second, the economy is in a deplorable condition. I submit that these facts are related. Both are a direct result of the economic package—the President's package—that was put in place last year. That package was based on two certainties and a hope. The certainties were that revenues were going to decrease, and decrease substantially, and that defense spending was going to increase substantially. The hope was that increased economic activity would help bridge the gap between lower revenues and increased defense spending. As we have seen during the course of the past year, that hope was misplaced. The economy has become mired in recession, deficits have mushroomed, the unemployment rate is at a post World War II high, interest rates have refused to fall, housing starts are down, and business failures are up.

In light of this experience, it seems imperative to me that the mistakes of last year not be repeated. A budget with a deficit well below the $132 billion contained in the President's budget for fiscal year 1983, and the $.5 trillion it contained for the years following, must be adopted. In addition, the revenue increases and spending reductions which any budget adopted this year must contain, have to be spread throughout the economy in a much more equitable manner than was the case last year. The budget resolutions which I supported last week were those which I believed were most likely to achieve those goals, and those which were based on the most realistic economic assumptions. The Aspin and Jones substitutes and the committee resolution met those standards. The Michel-Latta substitute, on the other hand, did not.

Mr. Speaker, the budget we finally adopt will have some real impact on most Americans. It is wrong to suggest that inflation can be controlled, and that budget deficits can be reduced, without some sacrifices being made by millions of people. Whether they are being asked to pay additional taxes or whether they are losing benefits on which they have come to depend, they will feel the effects of our budget decisions. For their sake and for the sake of the Nation as a whole, we must adopt a budget, and the budget we adopt must get us on the path to undoing some of the economic harm that was put in place last year.●

DR. DEMING LEWIS: A JOB WELL DONE!

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. RITTER. Mr. Speaker, on June 30, 1982, Dr. Deming Lewis, a shy, gray-haired scholar, will retire as president of Lehigh University.

Dr. Lewis has, in the span of 18 years, transformed Lehigh into a prestigious university.

Having served as research and development director at Lehigh before coming to the Congress, I can attest to the impact this native of Georgia has made on this university which stretches along South Mountain in Bethlehem, Pa.

Dr. Lewis had a vision of the future importance of research in modern society. At his installation as Lehigh's 10th president in 1964, he said:

To prepare future leaders for the the next decade and for the decades to follow, universities must encourage students to continue their education to more advanced levels and urge them to return periodically to avoid obsolescence. Industries and nations will be unable to prosper or to survive without research efforts and fulfillment of the accompanying need for a growing number of people who know how to create new knowledge.

As a young boy, he was sick a great deal of the time because of allergies. However, that sickness did not detract him from an insatiable appetite for books, at one point reading a book a day for 7 or 8 years.

When he was 14, he told his parents he wanted to attend the Massachusetts Institute of Technology. They were horrified and insisted on Harvard. Well, at 15 he was adiitted to Harvard, but his parents insisted that he go to a junior college and wait to "become the decent age of 16" before entering Harvard.

Here was a deeply committed scholar who went on to study at Oxford and then return to Harvard to join with Ted Hunt, the father of high fidelity, in a definitive word on writing the equations to describe how a phonograph needle works.

With the coming of World War II, Dr. Lewis took a post with Bell Telephone Laboratories, inventing radar systems to be used during the conflict on planes, ships, submarines, and ground stations. Some of his designs still remain classified today.

Then, 20 years ago, he supervised the engineering for the Apollo project that put the first man on the Moon.

This modest administrator had originally planned to retire in July 1980, but he felt there was still much he could contribute to Lehigh. As a result, he took two 1-year extensions.

Dr. Lewis' achievements are evident all over the sprawling campus. He has touched all facets of university life. A brief summary reflects the mark he is leaving behind him:

Since 1964, undergraduate enrollment has risen from 3,000 to approximately 4,300, including about 1,100 women, Lehigh's male-only tradition fell by the wayside in 1971.

A system of visiting committees—outside experts—was established in 1965 to evaluate programs and recommend improvements for the individual departments.

A number of academic programs, including majors in natural science, biology, social relations, geological sciences, environmental science and resource management, were established.

Nine research centers and eight institutes were established in a dramatic growth of the university's research activities. Expenditures for research have risen from $1.5 million in 1964 to $11.3 million this year.

Lehigh has undertaken an ambitious program to attract and retain more noted faculty members.

From 1964, Lehigh has amassed more than $100 million in its fundraising efforts. The most recent fiscal year reflected gifts totaling $10.7 million.

The most visible sign of change has been construction and renovation—more than 30 major projects at a total cost of $43.4 million. Just briefly, they included Whitaker Laboratory, Mart Science and Engineering Library, Sinclair Library, Centennial Building, Sherman Fairchild Laboratory for Solid-State Studies, Philip Rauch Fieldhouse, Stable Athletic and Convocation Center, 13 fraternity houses, and Saucon Valley athletic complex.

We can all take pride in what Dr. Lewis has accomplished, not only on the Lehigh University campus, but also in the fields of education and engineering. I am sure all my colleagues in the Congress and my constituents in the Lehigh Valley wish him well as he prepares to embark on retirement.

Retirement for Dr. Lewis will mean pleasurable hours he can enjoy on a 35-foot boat that he designed and constructed as a labor of love. He will be missed on the campus.●

PEACE IN THE DESERT

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mrs. HOLT. Mr. Speaker, I would remind the House that the Cannon Building rotunda is currently displaying an exhibit entitled "Farewell to Sinai" by the famous Israeli photographer Perri Farag.

The artistic photography of desert and mountain landscapes and people are beautiful, and it demonstrates the hope for lasting peace.

Let us remember that Israel is returning conquered territory to her former enemy because both Israel and Egypt are committed to the peace process. The peace agreement that led to the return of the Sinai was negotiated with the late Egyptian President Anwar Sadat, and the recovery of this territory by Egypt is a lasting tribute to his work for peace.

But the return of this territory is a magnificent demonstration of Israeli resolve to seek peace. Here is territory won with the blood of Israeli soldiers, and it is a difficult and emotional experience to relinquish it to the former enemy.

War is a terrible experience, but achieving and maintaining peace presents special difficulties and requires special sacrifices. I applaud Israel for the return of the Sinai to Egypt and offer my prayers that the peace process will continue.●

"PEACE" GROUPS ORGANIZE FOR VIOLENCE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. McDONALD. Mr. Speaker, "civil disobedience" has come to mean not a token violation of a law by an individual to test that law's validity in court, but massive, organized, militant and confrontational lawbreaking. While presenting a "pacifist" image, groups supporting Soviet-backed terrorist movements are planning to blockade the U.S. mission to the United Nations and other missions on Monday, June 14.

A concise report of their purpose, demands and targets has appeared in the Information Digest:

JUNE 14 CIVIL DISOBEDIENCE

Operating from offices provided by the War Resisters League (WRL), 339 Lafayette Street, New York, NY 10012 [212/777-4737], the June 14 Civil Disobedience Campaign (J-14 CDC) is preparing for large scale, potentially violent confrontational demonstrations involving civil disobedience at the U.N. Missions of the five present nuclear powers—United States, Britain, France, People's Republic of China and Soviet Union—and at two Western countries with nuclear weapons potential—Israel and South Africa.

The June 14 CD Campaign Handbook, states under the heading "sponsors," that the Campaign, as of March 21, 1982, is "coordinated by the War Resisters League in cooperation with" the following groups:

Catholic Peace Fellowship (CPF); Clergy and Laity Concerned (CALC); Fellowship of Reconciliation (FOR); Friends Peace Committee (FPC); Kairos Community; Mobilization for Survival (MFS); MFS New York; Peacesmith House; SEA Alliance (New Jersey); SHAD Alliance, Long Island and New York City chapters; Pax Christi (Columbia); Westchester People's Action Coali-

tion (WESPAC); Women's International League for Peace and Freedom (WILPF).

Endorsers of the J-14 CDC were listed as the Alliance for Survival—Diablo Canyon Task Force; Jonah House (Baltimore); Knolls Action Project; LEPOCO; Mobilization for Survival (Boston); Students Against Militarism (Columbia); Syracuse Peace Council; Thomas Merton Center; and the Washington Peace Center.

Crediting the WRL-related WIN Magazine "for use of its facilities for the production of this handbook," the training guide "was * * * produced with initial loans and contributions" from the Brandywine Peace Community; Catholic Peace Fellowship; Central Philadelphia Monthly Meeting (of the Society of Friends); Friends Peace Committee; Greenstreet Monthly Meeting; SHAD Alliance (Long Island); Thomas Merton Center; War Resisters League (WRL); New England chapter, War Tax Resistance (WTR); and the Philadelphia WTR/WRL.

While presenting itself as a "nonviolent" organization with Marxist, socialist/pacifist and anarcho-syndicalist tendencies among its members, the WRL has actively cooperated with revolutionary groups and CPUSA-dominated coalitions in support, through demonstrations and propaganda, for foreign terrorist groups backed by the Soviet Union and Cuba. Over the past decade, these have included the Vietcong, African National Congress (ANC) of South Africa, Palestine Liberation Organization (PLO), Irish Republican Army (IRA), West German June 6 Movement and Red Army Fraction (RAF), Sandinista National Liberation Front (FSLN) of Nicaragua, and Farabundo Marti National Liberation Front (FMLN) of El Salvador. Likewise, in the U.S., WRL support has gone to members of the Weather Underground Organization (WUO), American Indian Movement (AIM), Black Liberation Army (BLA) and anti-Vietnam terrorist Karl Armstrong, who pleaded guilty to second degree murder in the bombing of the Army Mathematics Research Center in Madison, WI.

The ideological commitment of J-14 CDC organizers to disarmament as a tactic for aiding Marxist-Leninist regimes and terrorist forces is demonstrated in the introduction to the handbook (produced by Peg and Belle Averill, Steve Banks, Margaret Bergamini, Riley Bostrum, Julia Cohrane, Kate Donnelly, Ed Hedemann, Holly Hodge, Thaddeus Jurczynski, Sharon Kleinbaum, Lauri Lowell, John Miller, Esther Pank, Susan Pines, Murray Rosenblith and John Seward) which states:

"It is clear that the United States is waging war right now in Central America. The situation in El Salvador, Guatemala and the threat to Nicaragua only reinforces the importance of our taking action now. The foreign policy of the U.S. continues to profit the very rich and powerful while stripping everyone else of self-determination, resources and money."

BACKGROUND ON CIVIL DISOBEDIENCE CAMPAIGN

A history of the J-14 CDC is provided in the handbook (p. 4) which shows that civil disobedience lawbreaking has been an integral part of demonstration planning targeted on the U.N. Second Special Session on Disarmament (SSD-II):

"The organizing of disarmament activities in New York City was initiated by the Mobilization for Survival in the spring of 1981. A full-fledged Campaign came together October 31. Separate task forces were set up to organize religious events, a massive rally, international activities and the civil disobedience.

"In February these task forces split into independent organizing efforts. The Civil Disobedience Task Force became the Civil Disobedience Campaign and has formed the following task forces of its own: literature, training, handbook, finances, fundraising, outreach, legal and personnel. Additional task forces include media and support."

The J-14 CDC lists five demands:

"Disarm unilaterally, starting with nuclear weapons;

Stop proliferation of nuclear weapons by dismantling nuclear reactors;

Redirect resources from the military to meet human needs;

Not intervene militarily in the affairs of other countries;

Announce at the Special Session on Disarmament; a significant step to be taken immediately toward disarmament, a plan to dismantle nuclear weapons and dispose of nuclear waste."

TARGET: U.S. NUCLEAR WEAPONS

Although the J-14 CDC organizers say every country should carry out their five demands, it is obvious that their actions primarily are intended to affect the U.S. In their rationales for demonstrating at the U.N. missions of the five countries with nuclear weapons, J-14 CDC minimizes criticism of the USSR.

Devoting a mere eleven lines to Soviet strategic forces, they inaccurately imply the Soviet Union has no military edge over the U.S. but only "virtual parity with the US in nuclear weapons capability, military spending, and overall military strength." Regarding Soviet weapons development, the handbook notes only that the USSR "was the first country to develop the intercontinental ballistic missile (ICBM) and the anti-ballistic missile (ABM). The USSR is second only to the US in arms trade."

And as for direct criticism of Soviet nuclear weapons, its SS-20s, the cruise missiles on submarines surrounding Europe, and the tremendous "throw weight" of its multi-megaton warheads which far outstrip those of the U.S., they merely cite "Swedish expert and stateswoman Alva Myrdal has observed that 'serious negotiations had never been attempted' by either superpower." In other words, USSR positions in arms control and disarmament talks get no more criticism than those of the U.S.

It is also noted that there is no cirticism of Soviet first strike capability, their military theory that nuclear war is winable, or its continuous build up of conventional and nuclear forces. This is in sharp contrast to the justification of civil disobedience demonstrations at the U.S. Mission:

"The U.S. unilaterally initiated the nuclear arms race by unleashing nuclear weapons on Hiroshima and Nagasaki. It is the only country to have used nuclear weapons against human beings (killing 300,000). The U.S. owns more nuclear weapons than the rest of the world combined. Almost all major improvements in the strategic arms race have been initiated by the U.S. And it seeks to achieve 'counterforce'—or first strike—nuclear capability. The U.S. exports most of the world's nuclear technology and accounts for about half of all international weapons sales. The Reagan Administration has accelerated total military spending and the production of nuclear weapons at the expense of social programs. Not only does the U.S. have a clear record of entering past disarmament negotiations in bad faith, but Reagan plans to be at a NATO conference in June in blatant disregard of SSD-II."

The group's criticism of the People's Republic of China is stated as "although a very distant third of the U.S. and USSR in number of nuclear weapons (perhaps 200), China does have the ability to destroy the Soviet Union." No mention is made that the PRC lacks the "delivery capability" to threaten the USSR or that the PRC could pose a threat to Japan or other non-communist Asian counntry.

The main rationale given for targeting France, which the organizers admit has an independent nuclear arsenal smaller than that of China, is that "it conducts more frequent atmospheric tests and is developing new weapons, such as the neutron bomb, * * * has a vigorous domestic nuclear power program and exports reactors while refusing to sign the Non-Proliferation Treaty." The enhanced radiation warhead (neutron bomb) is a defensive weapon useful primarily against invading armored columns, a field in which the Warsaw Pact forces have a 4 to 1 advantage over NATO from which France withdrew two decades ago.

And the British Mission is targeted because "Britain's interest in acquiring a Trident submarine in addition to other military hardware makes it clear it is not satisfied with the status quo. The remarkably strong disarmament movement in Great Britain would be given a boost by civil disobedience * * *."

Since the handbook was prepared, the missions of South Africa and Israel have been added to the target listing by means of flyers and posters in the New York area which have been distributed by the miniscule Youth International Party (YIP) probably without the knowledge of WRL or J-14 CDC.

The J-14 CDC handbook has a section explaining the purpose of civil disobedience for those who sympathize or agree with the five demands, "but do not understand why laws need to be broken," and ask such questions as "Why not go to military facilities or the headquarters of the corporate bomb-makers? Why isn't the rally on June 12 sufficient to make our views known? * * * Isn't there a danger of having the action get distorted by the media or governments?" It states:

"Any movement which seeks to stop the arms race and achieve disarmament must be prepared to incorporate a variety of tactics. Civil disobedience is one such tactic. * * *

"We must go beyond appeals to reason. The time has come to raise the stakes of our struggle * * * and to accelerate pressure on those who continue to justify the existence of any nuclear weapons. * * * We seek to disrupt 'diplomacy as usual' through mass nonviolent direct action. In this way the governments cannot ignore our presence and our demands. * * *

"* * * We demonstrate during the Special Session on Disarmament not to undermine the SSD or the UN, but to * * * create a militant atmosphere of support for those within the UN who truly favor disarmament and need our help. We go to the Missions * * * also because the focus of the world during June will be on the UN."●

NURSING HOME DEBATE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Ms. OAKAR. Mr. Speaker, I am introducing today a resolution denouncing the regulations proposed by the Secretary of Health and Human Services dealing with the inspection of nursing homes and other health care facilities.

Earlier this Congress, congressional concern prompted the Secretary to withdraw proposals regarding the rights of patients in skilled nursing facilities. At that time, we were reassured of the Secretary's commitment to a deservant quality of life for our seniors in nursing homes. Unfortunately, these recent proposals all but completely eradicate that commitment.

Minimal standards and protections afforded by what is unquestionably a Federal responsibility for maintenance of quality health care have now been abandoned. Secretary Schweiker's proposal to permit facilities to go unchecked for periods of up to 2 years would prompt even the most compliant of facilities to become lax in their enforcement of safety and care standards. To eliminate the current 90-day reinspection provision for nursing homes found deficient would give these facilities a free hand as to implementation of safety and quality care. Finally, the proposed regulation permitting certification of facilities by the Joint Commission on Accreditation of Hospitals—a private body having no public accountability and no clear enforcement authority—again makes it obvious that the care would deteriorate and the residents would be significantly affected.

Mr. Speaker, the issue is well taken in an editorial from the Cleveland Plain Dealer of Tuesday, June 1, 1982, I am inserting the editorial in its entirety in the RECORD at this point:

NURSING HOME DEBATE

The Reagan administration's latest proposed changes in regulations governing the nursing home industry are unwelcome, unnecessary and could result in a severe reduction in the quality of care in some homes.

Just two months ago, the Department of Health and Human Services announced it would not, as planned, lower health and safety standards for the 18,000 homes receiving Medicare and Medicaid after cries of outrage. These latest rules changes, some of which had been mentioned earlier, are merely a return engagement in the same war.

The Plain Dealer has reported in depth on some of the problems to be found in nursing homes—the horrors are unimaginable, the fraud almost incalculable. The industry has only in the past few years been subject to fairly rigid federal regulation and inspection; some of the worst abuses and outright thefts have been curtailed.

But the struggle for healthy, safe and humane care for the elderly who must depend on nursing homes is far from over. The wounds of the recent past aren't healed, though the process has begun. For the federal government to remove the basic underpinnings of reform regular inspection and government certification, is wrong.

Some nursing home facilities are well-run and would continue to be, government regulation or no. The inspections, forms and red tape are undoubtedly a nuisance, possibly costly, to these homes. But in some instances—too many instances, if we are to judge by past experience—all that is keeping many nursing homes within the bounds of humanity are those regular inspections, forms and prying government officials.

Until the nursing home industry has a long and honored history of adequate, if not excellent, care of the elderly, annual government inspections must continue. It is far too soon to substitute a "flexible" schedule of inspections, depending on a nursing home's past performance.

The proposals would also eliminate the follow-up inspection requirement to ascertain that a violation has indeed been corrected, hardly wise considering the sordid history of the industry. Nursing home conditions can deteriorate rapidly, according to the National Citizens Coalition for Nursing Home Reform, which has been in the forefront of advocacy for nursing home patients.

Finally, we question the wisdom of turning over accreditation of nursing homes to a private organization, particularly one with intimate ties to the nursing home industry. The Joint Commission on Accreditation of Hospitals would do the certifying, rather than state agencies, as has been done in the past. State agencies are hurting for money because of federal funding cutbacks, but it would seem that accreditation, along with inspection, would be the tools by which the quality of nursing home care could best be controlled.

These latest proposals for changing the way nursing homes are regulated may make the nursing home industry happy, but that shouldn't be the goal of regulation. Washington shouldn't let down its guard until nursing homes across the nation have amply proven they no longer need to be guarded.●

STOP DUMPING ON LONG ISLAND SOUND

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, since October of last year, I have been an outspoken critic of Army Corps of Engineers proposals to dump dredged materials in Long Island Sound.

That body of water, which is essential to the recreational and commercial welfare of tens of thousands of Long Island, Connecticut, Rhode Island, and east coast residents, must be kept clean so that future generations may enjoy its benefits.

Regrettably, the Army Corps of Engineers recently approved a dumping site less than 2 miles off shore from Eaton's Neck, Long Island. The residents of the Incorporated Village of Lloyd Harbor, in an expression of extreme concern over this decision, have passed a resolution calling for the cessation of this dumping.

I share their concern, and submit their resolution into the RECORD with the hope that it will assist our efforts to keep Long Island Sound free of toxic dredge materials by stopping the dumping.

OPPOSITION TO LONG ISLAND SOUND DUMPING

Whereas, the U.S. Army Corps of Engineers has selected a site in western Long Island Sound for dumping dredged spoil, principally from Connecticut harbors, and

Whereas, the site known as WLIS III is located due north of Lloyd Point at a distance of 1½ to 2 miles, and

Whereas, the chemical composition of the dredged spoil from some harbors is known to contain high levels of materials that are known health hazards, and

Whereas, the probable movement of particles and chemicals from the dumped material is beyond human control, and

Whereas, the chemicals in dumped spoil can be absorbed into the food chain of finfish and shellfish, and

Whereas, the Incorporated Village of Lloyd Harbor has approximately ten miles of shoreline and beaches that are vulnerable to contaminants in the adjacent waters, and

Whereas, the residents of the Village of Lloyd Harbor use the waters of Long Island Sound for recreation and consume the finfish and shellfish therefrom,

Now, therefore, be it RESOLVED, that the Board of Trustees of the Village of Lloyd Harbor declares its opposition to the selection of a dumping site in western Long Island Sound, and requests that action be taken by the respective government representatives to require that the dumping be stopped in Long Island Sound and that dredged spoil be dumped at ocean sites where environmental and health threats are lessened.●

WATKINS AMENDMENT TO H.R. 6296

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 2, 1982

● Mr. WATKINS. Mr. Speaker, I rise today to offer an amendment to H.R. 6296, the Housing and Urban-Rural Recovery Act of 1982.

My amendment deals with an issue important to me and to many Members of the House of Representatives: decent housing for rural America. My amendment is designed to insure fairness and equity for rural people who need decent housing and rural economies which need jobs. Mr. Speaker, as you know, there is a housing crisis in America. We can be assured this is doubly so in rural America. The crisis is reflected in the following statistics:

Although rural areas have one-third of the Nation's population, almost 50 percent of the Nation's bad housing is in rural America.

Ninety-three percent of the units without adequate plumbing are in nonmetropolitan areas.

About 10 million rural people live in substandard housing.

Although rural areas have one-third of the Nation's population, only 20 percent of the Federal Government's housing assistance goes to rural America.

My amendment seeks to deal with these problems by establishing a minimum level of funding to be provided to nonmetropolitan areas. Not less than 25 percent of funds available under the single and multifamily housing programs must be utilized in the nonmetropolitan areas of the Nation.

Mr. Speaker, rural America needs housing assistance. Rural America needs jobs. This bill provides both. To insure rural America is treated fairly, I urge adoption of my amendment.

AMENDMENT TO H.R. 6296, AS REPORTED, OFFERED BY MR. WATKINS

Page 58; insert the following after line 9:

PART D—CONDITIONS ON ALLOCATION OF ASSISTANCE UNDER PARTS A AND B

SEC. 341. In allocating assistance under section 302(j) of part A and under section 315 of part B, the Secretary of Housing and Urban Development shall provide that—

(1) not less than 25 per centum of the funds made available under part A of this title shall be utilized with respect to dwelling units located outside of metropolitan cities (as defined in section 102(a)(4) of title I of the Housing and Community Development Act of 1974); and

(2) not less than 25 per centum of the funds made available under part B of this title shall be utilized with respect to projects located outside of metropolitan cities (as defined in such section 102(a)(4)).●

SHALOM SINAI—ROAD TO PEACE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. SKELTON. Mr. Speaker, on April 25, 1982, Israel withdrew from the entire Sinai peninsula in accordance with the Camp David agreements. Accounts of this historic event have focused primarily on the tangible strategic and economic assets given up by Israel in exchange for peace. "Shalom Sinai-Road to Peace", a photo exhibit currently on display in the rotunda of the Cannon House Office Building, takes a much different approach. Taken by the famous Israeli photographer, Farag Peri, these photos stress the beauty and charm of the region—the essence of life in the Sinai. The exhibit is a clear demonstration of the love the Israelies hold for this land and the sincere hope that the sacrifices made by Israel will insure a permanent and lasting peace.

This display offers tribute to the end of one era but it also signals the dawning of a new age. The Sinai withdrawal proves Israel's sincerity in their quest for peace and symbolizes the hopes of both nations that this peace is just around the corner.

I urge my colleagues to take this opportunity to see this exhibit which will be available for public viewing from June 1 through June 12.●

NATO'S MAKE-BELIEVE WORLD

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 2, 1982

● Mr. WHITEHURST. Mr. Speaker, on May 6, I introduced House Concurrent Resolution 335, as a companion to the resolution cosponsored in the other body by Senators ROTH, GLENN, and NUNN. These resolutions call upon the President to propose, at the NATO Summit which is about to commence, that the Allies begin in earnest to pool their vast financial, technological, and human resources to provide for our common defense at acceptable costs.

I am gratified that 10 of my colleagues have agreed to join me as cosponsors of this resolution, and although it was not acted upon in the House in time to be passed along to the President, I am nevertheless hopeful that he will see fit to make such a proposal, if not at the Summit, then certainly at the earliest possible opportunity thereafter.

In the Friday, May 21, 1982, edition of the Christian Science Monitor, there was a brief commentary by Senator ROTH outlining the reasons for the resolution, and I am pleased to share his views with my colleagues at this point in the RECORD.

Thank you, Mr. Speaker.

[From the Christian Science Monitor, May 21, 1982]

NATO's MAKE-BELIEVE WORLD

(By WILLIAM V. ROTH, Jr.)

Sens. John Glenn and Sam Nunn have joined me in sponsoring a Senate resolution calling on the President to propose that the North Atlantic alliance finally begin in earnest to pool our vast financial, technological, and human resources to provide for our common defense at acceptable costs. The resolution expresses the sense of the Congress that the President should make this proposal at the NATO Summit in Bonn in June.

The idea of combining the talents, resources, and energies of the free peoples of the West is of course not new. It lay at the heart of the original purpose for which NATO itself was formed. But in practice neither NATO as a military organization, nor the defense industries supporting it have functioned as a unified and integrated system.

On paper, NATO looks impressive. In terms of numbers of men under arms, and total amount spent on defense, the West would appear to be more than adequately strong to meet the threat posed by Warsaw Pact forces. But the statistics hide a grim reality.

As a military force, NATO functions as a loosely organized collection of 14 separate national defense efforts. Each member nation determines what it will buy, and when it will buy it. Levels of ammunition and other war reserves are set independently. In fact, NATO's integrated Military Command commands very little that is integrated. Consequently, NATO's forces are qualitatively uneven (some weak and some strong), and quantitatively inferior to the Warsaw Pact. They have only a limited ability to rearm, repair, reinforce, support, supply or even communicate with one another.

In short, there is less to NATO than meets the eye.

Until recently, few people on either side of the Atlantic seemed troubled that NATO copperation was largely a facade. American nuclear superiority obviated the need for a credible, collective conventional deterrent. It permitted our European allies to adopt defense industry policies that were inspired more by national prestige or domestice economic considerations than by a real desire to contribute to our common defense. Our European allies are paying at least one-third less than we are for defense, although their combined economies are larger than ours. In R&D alone, our allies would be spending some $10 billion more per year, if they were contributing proportionately to the defense of the West.

In this country, many in the defense establishment still act as if armaments cooperation was merely a rhetorical exercise. They seem to be blinded by the large favorable trade balance we enjoy in military sales abroad, and perhaps by the belief that as long as we are providing the real defense, cooperation isn't necessary.

But the costs of modern weapons systems and military programs have reached astronomical proportions. NATO's fragmented defense industrial system is causing the "structural disarmanent" of Europe in the face of a growing Soviet threat. Formerly significant producers of first-class military equipment, such as Great Britain, are progressively leaving the scene. Were it not for sales to the third world, especially OPEC countries, Britain and France might be virtually out of the defense equipment business.

The demise of Western European defense industries would not, as some might think, lead to a commensurate increase in the sales of American military equipment to our allies. Rather it would lead to a progressive decline in the total allied military strength, as the Europeans simply procure less and less.

The structural disarmament process is not just a European phenomenon. Eight of the 13 production lines building US Navy aircraft are turning out fewer than 20 planes a year. Three of these lines will each produce only six aircraft in fiscal year 1983. The "inevitable results" (in the words of Sen. John Tower's Armed Services Committee Report) "are exorbitant unit costs and wasted resources." If we Americans persist in trying to produce everything ourselves, we too will finally succumb to structural disarmament. We will find ourselves spending more and more money producing everything in ever smaller quantities—all by ourselves!

NATO can no longer afford to live in a make-believe world of giving complacent lip service to allied cooperation, while its individual members pursue divergent and even conflicting defense policies. The realities of today will not permit it. For as Winston

Churchill put it: "You must look at the facts, because the facts look at you."

This alliance is spending more money on defense than is the Warsaw Pact. Yet we debate among ourselves as to how many days we might be able to resist attack, without resorting to nuclear war. The fact we now must look at is this:

Do the allied legislators, and the allied heads of government, have a moral right to impose a $200 billion annual tax burden on our people to produce conventional forces that are collectively so weak, that the day could come when we would face the choice of surrender, or nuclear war?

The Roth-Glenn-Nunn resolution says (in effect): No—we do not have a moral right to continue on our present course. We must pool our resources for our common defense; we must eliminate all unnecessary duplication of defense industrial effort; we must share, equitably and efficiently, the financial burdens and economic benefits of NATO defense. And we must take the first step at the NATO summit in June.●

PUBLIC DISORDERS LIKELY AT NEW YORK DISARMAMENT RALLY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. McDONALD. Mr. Speaker, one of the curious facts is that the more stridently the organizers of mass demonstrations call for peace, the more likely the chance for violence and public disorder in the event. The top organizers of a rally for a nuclear freeze such as Sid Peck, Cora Weiss, Norma Becker, Dave Dellinger, Paul Mayer, Dave McReynolds and company including overt capital "C" Communists have a track record for setting up large demonstrations in which revolutionary and violence-oriented groups were welcomed. The peaceful demonstrators became cannon fodder for militant revolutionary provocateurs.

The most recent edition of the newsletter, Information Digest, published by John Rees, has provided an excellent analysis of the potential for disturbances at a march and rally in New York on June 12. The article follows:

BUILDING ACTIONS FOR JUNE 12 DISARMAMENT RALLY

In New York City, local organizing in support of the June 12 rally for a nuclear freeze included speakers appearing before a New York City Council Committee on Public Welfare on May 13 in support of three resolutions which were passed. These were Resolution 1907 introduced by Councilman Stanley Michaels which urged Congressional approval of the Kennedy-Hatfield nuclear freeze resolution; #1844 introduced by Councilwoman Carol Greitzer in support of a moratorium on nuclear weapons testing and manufacture; and #1840 for June 12 to be declared "Peace Day" in New York introduced by Councilwoman Miriam Friedlander, identified in sworn Congressional testimony as a CPUSA member assigned in the 1960s to the New York Democratic "reform" movement.

Speakers supporting the "Peace Day" and nuclear freeze measures included Jarvis Tyner, chairman of CPUSXA's New York District and member of the CPUSA Central Committee; Bella Abzug; Richard Hoyen, chairman of the New York Young Workers Liberation League (YWLL), the CPUSA's youth arm; Balfour Brickner, senior rabbi, Stephen Wise Free Synagogue; Rev. David Garcia, St. Mark's Church; actress Colleen Dewhurst; and Dr. Jonathan Lorch, PSR.

A number of groups are working to ensure large numbers of children participate in the demonstration—which could have unfortunate results should violence or panic break out.

On May 16, about 1,000 supporters of a new disarmament youth group, Future Generations (FG) met at Central Park's Delacorte Theater to listen to adult entertainers including James Taylor, Richie Havens and Chaka Kahn and watch and listen to young entertainers from the High School of Performing Arts, Bank Street School, Walden High School and other institutions support disarmament with poetry readings, dances, personal statements and the release of balloons.

According to its statement of purpose, FG "sponsored by Performing Artists for Nuclear Disarmament (PAND), is a group of 8 to 18 year-old young people coming together to express our fears and feeling on the issue of nuclear disarmament." The Daily World (5/18/82) was particularly impressed by the performance of an FG panel—Abby Pogrebin, 16; Roxana Tynan, 14; Pam Koffler, 16; and Noah Emmerich, 17—at a press conference. According to the report:

"The four * * * skillfully responded to all the questions of the press—including those that were meant to red-bait them. One reporter asked them, 'You're saying so much about what you're going to do about the U.S. government, what are you going to do about the Soviet Union?' The answer was 'We're Americans and we can do something about what America is doing, not the USSR.'"

Other groups encouraging disarmament activism by children and teachers include Educators for Social responsibility (ESR) under president Roberta Snow of Brookline, MA; Parents and Friends for Children's Survival (PFCS), New York; and the Children's Campaign for Nuclear Disarmament (CCND).

On May 26, nearly a dozen disarmament and "nuclear freeze" meetings were held in New York City neighborhoods in one evening.

Other building actions will include the arrival at the U.N. of the "World Peace March" on June 7, an event which may attract as many as 7,000 people for a rally in U.N. Plaza.

The World Peace March consists of some 30 participants who left Los Angeles on October 24, 1981, and were joined in Washington on May 13 by a smaller contingent that had left New Orleans on January 1. The group, now numbering 64, is being led by eight drum-beating Japanese Buddhist monks and one American Indian. The leader is Gyoton Yoshida, a Japanese monk, accompanied by an interpreter, Tetsuo Hasegawa. The march includes 6 Germans, one Briton, one Canadian, and 12 Japanese with the remainder Americans.

A second building action will take the form of an International Religious Convocation at the Cathedral of St. John the Divine on June 11. In the afternoon, the convocation participants will proceed to the Great Lawn in Central park where they will plant a ginko tree. Later a small group will seek to present a "peace petition" to the U.S. Mission; and members of the convocation will then maintain an overnight vigil outside the building.

RALLY LOGISTICS.

The June 12 Rally Committee (J-12 RC) organizers are continuing to present to New York City officials intransigent, unreasonable, and escalating demands which appear designed to keep the protest crowd in the United Nations area. It was noted that during negotiations between New York City officials and leaders of the J-12 RC, two chimpanzees escaped from the Central Park Zoo. One quickly returned to her cage while the second climbed a tree, prompting one official to quip that the chimps would rather go back to their cages than negotiate for their freedom with Cora Weiss and Norma Becker.

Under cover of a large crowd, militant "direct action" groups could stage violent as well as "non-violent" civil disobedience actions well in advance of the advertised Monday, June 14 civil disobedience actions. The possibility of such events on June 12 must be considered strong in that there is a significant overlap in organizations sponsoring both demonstrations.

There also is a possibility that in advance of the two demonstrations, "symbolic" protests in the form of bombings could be carried out against either the U.N. missions of the target countries, or against related airline and other offices.

Furthermore, the "feeder marches" will be massing along streets near the U.N. missions of the "nuclear powers" targeted for the June 14th demonstrations. Possible targets for "direct action" on June 12 include the following U.N. missions:

Great Britain—on the 10th floor of a multiple entrance office building at 845 Third Avenue (51st and 52nd Streets), it may be a target not only a target for support groups for the terrorist Irish Republican Army (IRA) and Irish National Liberation Army (INLA), but also for Castroite Latin American terrorists supporting Argentina over the Falkland Islands. Even Trotskyist groups including the Socialist Workers Party (SWP) and ultra-militant Workers World Party (WWP) have lined up with the USSR and Cuba in backing Argentina.

Israel—stridently attacked in the pro-PLO revolutionary press, it is an announced target for civil disobedience on June 14 and could be a target on June 12 as well. El Al airlines could also become a target.

South Africa—as a potential nuclear power and major target for Soviet-supported terrorism and subversion, it is an announced target for civil disobedience on June 14. The mission and South Africa Airways are possible targets on June 12 as well.

USSR—at 136 East 67th Street, could be a target for members of the Jewish Defense League (JDL) as well as emigres and others, such as Afghanis or Vietnamese, with cause for grievance against the Soviet Union.

U.S. Mission—directly facing the United Nations on the planned march route, this is an obvious target for breakaway demonstrations, sit-downs, etc.

The rally is scheduled to commence at 1 p.m. A key incentive to increase the size of the crowd is the inclusion of an entertainment component which, according to organizers, is to include James Taylor, Carly Simon, Jackson Browne, the reunion of Peter, Paul and Mary, Linda Ronstadt, Roy

Brown, Holly Neur, Rita Marley, the Reggae group, Third World and The Commanders. The probable format of the rally will be 15 minutes of entertainment followed by one or more speakers. At least four "passings of the hat" will collect funds.

Speakers whose appearances are confirmed include Norma Becker, chairman of the War Resisters League (WRL) and a key J-12 RC organizer; Roman Bedor, leader of the Committee for a Nuclear Free Pacific, whose recent activities include lecturing to activists at the Institute for Policy Studies (IPS); Bella Abzug, ex-Congresswoman and former legislative director of Women Strike for Peace (WSP) now heading Women, U.S.A.; Rev. Herbert Daughtry, National Black United Front (NBUF); Randall Forsberg, Nuclear Weapons Freeze Campaign; Helen Caldiott, president of Physicians for Social Responsibility (PSR), Johnstone Makatini of the African National Congress [ANC] Coretta Scott King; Cleveland Robinson, Coalition of Black Trade Unionists (CBTU); Yolanda Sanchez, Hispanics for Survival and Disarmament; and Msgr. Bruce Kent, a top leader of the London-based Committee for Nuclear Disarmament (CND). William Winpisinger, president of the International Association of Machinists and Aerospace Workers (IAM) and UAW president Douglas Fraser have been invited to speak.

J-12 RC organizers also have invited Guillermo Ungo, spokesman for the political front of the Castroite terrorist Farabundo Marti National Liberation Front of El Salvador; the American Indian Movement (AIM); and Carlos Zenon, militant leader of the Vieques protest movement in Puerto Rico against the U.S. Navy.

It is emphasized that if the march crowd is sufficiently large, the campus, religious and children's groups can serve as a screen for disruptive actions by the tightly organized militant and revolutionary protesters.

Furthermore, should there be problems of dispersal of the crowd from Central Park after the rally, due to end at 6 pm and likely taking at least two hours to disperse, militant groups may take advantage of this for actions under cover of darkness. The fact that many of those planning to take part in the June 14 civil disobedience actions will remain in New York over the weekend could also contribute to disorders.●

A TRIBUTE TO ROBERT BADINI

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. COURTER. Mr. Speaker, If I May, I would like to take just a few moments to recognize an outstanding public servant, Mr. Robert Badini of Roxbury Township in Morris County.

Mr. Badin, as administrator fo the Roxbury Township government for 15 years, supervised all townhip departments and over 300 employees to assure the smooth and efficient operation of services to community citizens

From all accounts, Robert Badini is loved and respected by the township employees. He served Roxbury Township well for many years as a competent, dedicated citizen working hard for the betterment of the community.

His community spirit extends beyond work to participation in local activities and organizations: Little league coach, midget football coach, and a member of the wrestling boosters. He is also a member of Rotary International.

As a token of their appreciation for his 15 years of service to the township, Robert Badini's family, friends, and colleagues will honor him at a testimonial dinner on June 25.

It is with great honor that I speak on behalf of all those people in Roxbury who know and love Bob Badini to say thank you for his unselfish commitment. We wish him the best of luck and happiness in the years ahead.

Thank you, Mr. Speaker.●

FATHER SMITH AWARDED SOURIN MEDAL

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1982

● Mr. DOUGHERTY. Mr. Speaker, on May 19, the Catholic Philopatrian Literary Institute of Philadelphia presented their annual Sourin Award to Rev. Michael J. Smith, S.J., in recognition of his many contributions to his community, his profession, and his church.

Also celebrating his golden jubilee as a Jesuit this year, Father Smith is a familiar and well-respected member of Philadelphia's Catholic community. After studies abroad, he served as dean and taught philosophy for more than 30 years at Saint Joseph's University in Philadelphia and was also involved in secondary education as president and principal of another well-known Philadelphia institution, St. Joseph's Prep, for 6 years. Currently serving as special assistant to the president of St. Joseph's University, Father Smith travels the country acting as a link between college alumni and their school. One other assignment which Father Smith calls a "special joy" for him is his chaplaincy to a convent of cloistered visitation nuns for more than a quarter of a century. Father Smith is also an authority on the history of Philadelphia and Jesuit activities in the area.

The Catholic Philopatrian Literary Institute is part of that history dating back to 1850 when its founder, Jesuit Father Edward Sourin, in whose honor the award is given, first gathered together a group of the young sons of immigrant families to continue their education which had been cut short by the economic, emotional, and political conditions of those troubled times. Now in its 132d year, the "Philo" is the oldest Catholic organization of its kind in this country with a membership of more than 500 lay Catholic professionals who continue to fulfill Father Sourin's aims through their annual scholarship awards.

The Sourin Medal, their highest award, is presented each year to an outstanding American Catholic. In making the 1982 selection, the award committee made special mention of Father Smith's outstanding record of service and activities in the field of education and youth guidance.

Mr. Speaker, we congratulate Father Smith and thank him for his lifelong dedication to church and society which embodies the motto of his religious community: "All for the greater glory of God!"●

BILL GREEN'S EFFORTS FOR ANIMAL WELFARE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. GREEN. Mr. Speaker, I feel that the welfare of animals is a very important issue. Though the use of animals is an important tool for medical and other types of research, we must assure that laboratory animals are not used where other methods will suffice, and that they are spared unnecessary anguish. Animals in the environment must also be spared inhumane and unnecessary encroachments by man. Below is a listing of my actions in this area.

Congressional Hearings on Laboratory Animals: I testified on October 13, 1981, during 2 days of hearings by the House Science and Technology Committee on the use of animals in laboratories. In my testimony, I called for tightened inspection of animal facilities by the Department of Agriculture's Animal and Plant Health Inspection Service and by the National Institutes of Health. For example, the monkeys that were removed from a Maryland lab after its shocking conditions were exposed would have been spared unnecessary agony if existing NIH standards had been enforced. I also called on NIH to strengthen its role in disseminating information on alternative methods of research, and for regulatory reform so that certain tests involving animals are not duplicated in different agencies.

Animal Welfare Legislation: I have cosponsored H.R. 220, which establishes Federal funding for the study of alternative methods. I feel this bill addresses the need to develop tests that may be of greater relevance to humans, will spare animal lives, eliminate unnecessary testing duplication, and save money.

Leg-Hold Traps: Current traps used for furs can cause animals great suffering and prolonged, agonizing death. Also, animals not meant for the traps

often get ensnared in them. To alleviate this terrible problem, I have cosponsored the Wildlife on Federal Lands Trapping Act. This legislation would require that the Interior Secretary set minimum standards for different types of traps for different species on Federal lands. Interstate commerce in furs would carry the same restrictions under this bill as those imposed on furs taken on Federal lands. The bill also provided $0.5 million for development of more humane traps.

Baby Seals: For some time, the United States has banned imports of products made from seals and other marine mammals. I joined over 80 of my colleagues in sending a telex to the European Parliament and the European Economic Council urging them to adopt a similar policy. The EEC represents 75 percent of the market for baby harp and hood seal skins, and I hope our telex will persuade them to protect these innocent animals, which are clubbed to death by the thousands while their mothers watch. You may also be interested to know that I cosponsored a measure to establish National Seal Day, a day on which to celebrate the seal birthing season.

Draize Test: I have written to the Food and Drug Administration regarding the Draize test. This is a very painful test used on rabbits to test substances for eye irritation. The FDA now has a policy that any skin irritant can be assumed to be an eye irritant, thereby eliminating much painful suffering among rabbits. I have also cosponsored a resolution expressing Congress sense that Federal agencies should develop alternatives to the Draize test.●

TRIBUTE TO SUPERINTENDENT WILLIAM LOUIS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. LENT. Mr. Speaker, I would like to direct the attention of my colleagues to the retirement of a good friend, who is one of the outstanding educators in the State of New York. I refer to the superintendent of schools in my home town of East Rockaway, N.Y., William Louis.

Bill Louis has been a tremendous force for improvement in the quality of education in the East Rockaway Union Free School District during the 19 years he has served as its superintendent of schools. Some idea of his dedication and devotion to his professional duties may be gained from his letter to the East Rockaway School Board stating his intention to retire as of July 31 of this year. Superintendent Louis said he planned to start his vacation as of July 1, then noted: "It will be the first time in 19 years that I will have taken my entire vacation."

Mr. Speaker, I hold the deep conviction that those like Bill Louis, who dedicate their life's work to the education of our children, are the real mainstays of our country. Their influence on the education and development of our children is of inestimable value to our Nation.

The East Rockaway community has been fortunate, indeed to have had the services of Bill Louis for nearly two decades. But the past 19 years as superintendent of the East Rockaway public school system represent only a part of Bill Louis' long and distinguished career as an educator.

His teaching career began in the school year before Pearl Harbor in Schenectady, N.Y. Four years service with the U.S. Air Force in World War II interrupted that career. But after his wartime service, Bill Louis returned to the Schenectady school system, then became a supervisor in the State education department and, later, an assistant superintendent in the Schenectady County school system.

In 1963, Bill Louis began his career in Nassau County, taking over as East Rockaway school superintendent in that year. His nearly two decades of service have brought many changes in educational programs and services in the East Rockaway school system. Superintendent Louis, for example, pioneered the introduction of computers as teaching tools in the East Rockaway public schools. In all of his innovations, his goal always was to improve the quality of education for East Rockaway's children. I particularly admire his belief that one of the most important goals of the teacher is to raise the expectations of the students, so they may achieve more than they thought possible.

Such a philosophy of excellence has been the hallmark of Bill Louis' career. As a longtime friend, I can also attest to the outstanding personal attributes Bill brought to his profession: his outgoing personality, his tremendous dedication to his work, his friendliness, his sterling character. These are the qualities of a remarkable man.

The East Rockaway public schools will sorely miss Bill Louis' outstanding talents and abilities, his wisdom, and his excellent judgment.

I know that all of Bill Louis' friends and colleagues join me in wishing him the fullest enjoyment of his retirement years, and also in the wish that those years will be blessed with good health, the richness of many friendships, and the warmth of many pleasant memories from a lifelong career of accomplishment.●

AMERICAN SHIPBUILDING INDUSTRY IS IN TROUBLE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. FLORIO. Mr. Speaker, Secretary of Transportation Drew Lewis has announced a new maritime program which will encourage American ship operators to acquire and repair ships in foreign yards.

Under this proposal, shipowners would be able to obtain Federal operating subsidies for foreign-built vessels and the tariff on repairs in foreign shipyards would be repealed. Also, foreign vessels reregistering in the United States would become eligible to transport American food aid shipments immediately, rather than having to wait 3 years.

This proposed policy is of great concern to me. At a time when unemployment is at postwar record levels, the administration has proposed a policy to encourage export of American jobs to foreign shipyards. At a time when this Nation is building up its national defense to close windows of vulnerability, the administration is proposing to open a huge new window by increasing American reliance on foreign shipbuilders to supply our critical ocean vessel needs.

I am concerned that if we get into an international crisis, we will want to insure the availability of a strong domestic shipbuilding industry and a skilled work force. Under the administration's maritime program, however, our domestic shipbuilding capability would be jeopardized. Instead of trying to improve and build up our domestic ship construction capability, the administration is proposing to tear it down.

The current desperate situation facing our domestic shipbuilding industry was described well in a recent article in the Wall Street Journal. According to the article, shipbuilders "cry foul, and predict that the administration's policies will hasten the closing of some essential yards." As one shipbuilding executive put it:

> For years this country has refused to decide whether the capability to make ships is in the national interest. Now we're totally turning our back on the subject.

The administation's contradictory policies in this area do not go unnoticed. According to the same article:

> Shipyard workers say they can't reconcile President Reagan's commitment to a strong military with his apparent willingness to let thousands of shipyard jobs—and perhaps the entire industry—disappear.

Mr. Speaker, encouraging foreign shipbuilding to supply American shipping needs does not make sense. It will hurt our Nation's efforts to combat

unemployment and will harm our national defense. I urge my colleagues to consider this issue carefully as the future of our maritime policy is debated.●

CONFRONTATIONAL TRAINING FOR JUNE 14

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. McDONALD. Mr. Speaker, as I noted earlier, the term "civil disobedience" has been co-opted by so-called "pacifist" groups who regularly aid and abet Soviet foreign policy goals, albeit indirectly. On Monday, June 14, "pacifist" groups will attempt to blockade several missions to the United Nations.

As part of this demonstration of "pacifism" the organizers are undergoing confrontational training with the result being to provoke violence from blockade participants.

The report on these plans from the authoritative "Information Digest" follows:

CONFRONTATIONAL TRAINING FOR JUNE 14

The June 14 Civil Disobedience Campaign (J-14 CDC) handbook (produced by that organization) demonstrates that as in the past, participants undergoing the mandatory training are being psychologically prepared to confront people attempting to go to work and to resist lawful police orders by physical means which are designed to provoke violence. The handbook states:

"On encountering a police barricade ('saw horses,' real horses, or police), do not hesitate to go around them if possible. * * * forward motion is encouraged. If forward progress is physically blocked by a line of police and no immediately obvious way to get closer is apparent, sit down and block any traffic which may be passing through the barricades."

The handbook demonstrates that the organizers are looking carefully at their failure to shut down Wall Street on October 29, 1979, where demonstrators attempted to set up their blockades before daybreak, hours earlier than they had announced, but found police already deployed.

Organizers also admit that the New York City mounted unit is highly skilled at crowd control and dispersal, and will try to persuade demonstrators to sit down in front of police or mounted charges and accept injuries.

The locations of some targeted missions in multi-purpose public office buildings allow approaches from several directions. Organizers are calling for close coordination and timing so that "affinity groups converge simultaneously from all directions on each Mission." Information developed from J-14 CDC sources indicates that some "affinity groups" appearing to be office workers will infiltrate the buildings housing the missions.

The handbook indicates that the approaches may be fast running charges through and over police barricades, stating: "affinity groups should not allow wooden barricades to stop their forward motion. Our tactic is not to avoid arrest, but to avoid being corralled, if at all possible."

NONCOOPERATION

Stating that "nonviolent action draws its strength from open confrontation and noncooperation," the handbook for civil disobedience participants encourages as many of those arrested as possible to "continue their resistance * * * in the jails and courts" to the point of fanaticism and possible death. Its chapter on "noncooperation" commences:

"A refusal to cooperate with the imprisonment of oneself or others is sensible and natural to many of us. * * * Many of us oppose prisons altogether, viewing the inequalities and injustices of our society as its culprits, not the victims who end up rotting in its jails.

"Once we are removed from the Missions, we'll be taken to the courts and jails. Hampering our removal and refusing to assist these institutions in their protection of the nuclear mission is of inestimable value. Noncooperation impedes our removal and prolongs our ability to accomplish our goals of stopping the violent business-as-usual of our targets. We become burdens to the courts and jails and the status quo become more difficult and costly to protect."

Suggestions for "noncooperation" start with going limp to force police to carry demonstrators when being arrested. They continue with refusal to give one's name, address, social security number or an employment reference to the courts, and refusing to promise to return for later court appearances if released.

"Physical noncooperation" tactics being encouraged include water fasting modeled on the 1981 hunger strike actions of jailed members of the terrorist IRA and INLA to the point of suicide "as did several Irish freedom fighters during the H-Block hunger strike." Other tactics include total refusal to walk in jail or the courtroom; soiling oneself by refusing to use a toilet and to clean oneself so that prison officials might have to "force-feed and diaper the inmate."

Following the pattern of past events involving civil disobedience, "affinity groups" of 8 to 12 people will form the core of the action. Individualism, independent thinking and basic common sense in avoiding injury are discouraged through highly manipulative group meetings and role-playing sessions. Experienced trainers called "facilitators" and "vibes-watchers" carefully manipulate affinity group emotions until its members arrive at the "correct" responses.

According to J-14 CDC, such training sessions already have been held in Westchester, Syracuse, Long Island, Rochester, and Ithaca, NY; Dallas; Tucson; Columbus; Washington, D.C.; Boston; Chicago; Pittsburgh, Philadelphia, Wilkes-Barre and Allentown, PA; Newark; Atlanta; Gainesville; Milwaukee and in the states of New Hampshire, Vermont, and North Carolina.

It is expected that some European and Japanese groups will take part in civil disobedience actions.

At this time, logistics meetings are planned for New York at 339 Lafayette Street on June 8 and June 13. The meetings will determine which affinity groups go to which targeted mission, their time of arrival if other than 8 am, and the exact location of their "blockade point."

While the organizers claim that "many thouands" will be involved in civil disobedience, based on available information, it is believed the participants will not exceed 5,000. However, a variety of unpredictable factors could result in this estimate being substantially revised.●

NEW JERSEY AFL-CIO CONSTITUTIONAL CONVENTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 2, 1982

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to a very special event being held in my home State this weekend—the New Jersey State AFL-CIO's 18th Constitutional Convention.

Whenever I stand with my friends of organized labor, I always remember the first words of our Constitution. Those words are: "We the people".

We the people now face the overwhelming task of getting our economy back on track; and no one knows better than the men and women of the labor movement that it takes a tremendous cooperative effort by government, business, and workers. Fortunately, the New Jersey AFL-CIO has a long tradition of being in the forefront of social and economic change for the better. The civil rights movement, the worker safety movement and many other social justice issues all gained impetus from the efforts of New Jersey's AFL-CIO; and with leaders like Charlie Marciante and Ed Pulver, I am confident that this proud tradition will continue to flourish.

There is no time to lose in our struggle to refuel the economy and revitalize our cities. The time to start is now—or maybe I should say the time to start was last year, when the Reagan administration took the Nation down an unmarked road of economic chance. They called it "supply-side economics." But, in fact, as Budget Director David Stockman admitted in his private moments, supply-side economics was merely traditional "trickle-down" economics in disguise.

What else can you call a policy that provides an individual income tax cut of $33 to a family earning just under $10,000 and a cut of $4,000 to a family making $100,000. Or one which allows large, profitable corporations to buy tax writeoffs from other not-so-profitable companies, so that the wealthiest get away with paying no taxes. Or one which permits companies to deduct more than 100 percent of the cost of new equipment from their taxes, and which continues to give special tax treatment to the oil industry to the tune of some $12 billion over 5 years.

Supply-side economics is redistributing wealth in America—putting a greater financial burden on the poor and the middle class, and reducing the load on corporations and wealthy citizens. Only 1 percent of our population—those earning over $100,000—will

have their taxes reduced in real terms in 1982 as a result of the administration tax policies. Everyone else—99 percent of the American people—will pay more in taxes this year than last. As for corporations, their share of the tax burden continues to decline. In 1948, corporations paid 23 percent of the Nation's taxes, but by 1980 their contribution dropped to 12 percent; and with the Reagan tax policies in place, that contribution will be reduced to 7 percent by 1987.

The administration told us that these so-called incentives were needed to help Americans save, invest and produce. At the same time, this administration told us that ordinary Americans would have to pay for these tax giveaways with severe cuts in nutrition programs, health programs, food stamps, housing, employment training and education programs.

Although some of us in Congress strenuously objected to these budget and tax policies, the mood of the country and the Congress as a whole was to give the administration's proposals a chance.

Well, they have had their chance, and you can judge the results for yourself: 50,000 small businesses went bankrupt in 1981; gross national product has been on a steady decline; unemployment has reached its highest level since the Great Depression; the number of American companies operating at near-capacity is now at the lowest level in 21 years; high interest rates continue to stymie the housing and automobile markets; and the Commerce Department estimates that orders for new machinery by American industry will decline in 1982, despite the overly generous tax incentives on new machinery enacted last year.

Even by the President's own personal barometer for the economy—the want ads—America's economy is in trouble. According to an independent business report, the number of want ads for jobs across the country has been falling steadily, and in March it reached its lowest level since 1975.

But I do not have to recite the ugly statistics to remind us of the sorry shape of our economy and its impact on people. The laborers of this great Nation have shared the pain of what it means to have 10½ million men and women out of work, and millions more who have given up looking for work. The workers of America know best of all how 20-percent youth unemployment and 18-percent black unemployment have stifled hope in our neighborhoods.

We the people must start the country on a new course toward greater employment opportunities through long-term industrial growth, greater tax equity, lower Federal deficits and lower interest rates.

I come to my friends in the labor movement with this challenge because I know they have the resolve to work for this new economic rebuilding of America. As for Government, we must come to the realization that American productivity relies on the men and women in our factories and research labs, not on tax-exempt new machinery, as the administration suggests.

We must begin, right now, to demonstrate a greater commitment to investing in people. This means more education aid, more employment training, and a program to retrain workers as America's industrial needs change.

We also must pay closer attention to the needs of our cities, and particularly to the needs of minority Americans who have been deprived of the chance to compete fairly in the job market because they could not get a quality education.

Government's role in helping industry train, retrain and educate our Nation's work force must include a commitment to programs that have helped millions of our citizens to elevate their lives. Programs such as social security, college loans; child nutrition; help for the handicapped; housing subsidies; and other social services have a direct relation to productivity levels—because how can a child learn in school without a good lunch? Or how can a working mother hold a job without adequate day care facilities?

I realize that my proposals are directly opposite those of the current administration, but I firmly believe my position reflects our responsibilities as a government and a people, that were set forth in our Constitution, which begins:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

Let us never forget the power of these words as we meet the challenge of retooling America's economy. Let us go forward together with renewed determination to promote the general welfare and secure the blessings of liberty to ourselves and our posterity.●

GUAM'S FIRST "YOUNG ACHIEVER" IS ALSO WINNER OF ISLAND'S CONGRESSIONAL ARTS CAUCUS CONTEST

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. WON PAT. Mr. Speaker, it is with a feeling of pride and pleasure that I submit for the RECORD a profile story from the Sunday, May 23, 1982, Pacific Daily News on Miss Angela Wright, a recent high school graduate in my district.

Miss Wright, whose parents are educators in our public school system, has a rare talent for combining scholastics, athletics, and artistry and it is a coincidence that her acrylic oil painting was selected No. 1 from among 38 entries in the contest sponsored by the Congressional Arts Caucus.

It is all the more pleasing to note that Miss Wright, who is a "statesider," having come to Guam with her parents, has adapted so splendidly to our island culture and has been able to achieve in so many areas. It is a tribute to our democratic society which has developed in a relatively short period of time in America's outpost in the Far East. I know you will all join me in wishing her well as she returns to the States to pursue her college career in North Carolina.

ANGELA WRIGHT: AN ALL-AROUND WINNER

(By Paul J. Borja, Daily News staff)

George Washington High School senior Angela Wright wrote down her goals when she was a sophomore.

And now, looking back over the last two years, she's surprised.

"I set down my goals when I was in 10th grade and I've passed them. It really makes me feel good," said Wright, the daughter of Marion and Carolyn Wright of Yigo.

"I've accomplished more than I thought I would," she said.

Wright said she challenges herself to improve her abilities.

"I just want to take that talent and put it to a grindstone, then perfect it as much as I can," said Wright, a 3.7 student on a scale of four.

For Wright, an interest in singing expanded simply from her band class.

"I decided to take some lessons and now I've ended up taking three years of lessons," she said.

And this year, Wright, who said she likes to sketch, decided to take up painting in an art class.

"I had some extra credits and I thought it was a good opportunity to learn," she said.

That opportunity to learn panned out.

An acrylic painting of a net fisherman by Wright captured first place in a contest sponsored by Del. A. B. Won Pat, the Insular Arts Council and the Gifted and Talented Education program.

Her artwork will hang this summer in the halls of Congress.

Wright is best known for her skills as an all-island basketball player for the GW Warriors.

In 1981, she averaged 15 points per game and was chosen as female Athlete of the Year.

In 1982, Wright increased her output and averaged 18 points a game and came in second in the league's scoring race. "I missed one game because of the flu," she said.

In the recent Far East Girls Basketball Tournament in Okinawa, Wright was chosen as most valuable player, along with John F. Kennedy High School's Viola Payumo, and was one of the prime reasons for a combined GW Gecko-Warrior team to win the tournament title.

Wright wants to continue playing basketball at Mars Hill College in North Carolina.

But she promised that studies would be a priority once she reaches college.

"I'm going to keep studies before sports," she said.

Once in North Carolina, a hotbed of basketball tradition, Wright will be able, for the first time, to compare herself with players on the mainland.●

OUR DEBT TO VETERANS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. WALGREN. Mr. Speaker, every night now, on the evening news, the Nation's attention is once again riveted to war: The war in the Falklands between the British and the Argentines. The eruption of that conflict, almost overnight, once again has brought to the American consciousness how close we can be to war. It can happen very fast—too fast.

Tensions still abound in other hotspots across the globe—El Salvador, Ireland, Poland, Guatemala, and Lebanon.

This Nation will hold both a day of reflection for those who have died for our country, and a day searching for a greater commitment to finding peace across the globe.

During our 200-year history, 39 million men and women have served in our Armed Forces during wartime. Over 1,100,000 service people have sacrificed their lives in armed conflict. Today, there are 25.8 million living war veterans; people who fought in Vietnam, Korea, World War II, World War I, and the Spanish-American War. There are also over 4 million peacetime veterans.

On Memorial Day we reaffirm our belief that our people are our most important defense, those willing to serve in the military and those who work in other ways to preserve freedom and peace. We can have all the bombs, arsenals, computers, ships, and airplanes possible and a $260 billion defense budget. But weapons, hardware, and missiles are worth little if people are not dedicated to peace and freedom. It is the American people who are the heart of America's defense.

COUNTRY OWES DEBTS TO VETERANS

This country has a long tradition of compensating veterans and their dependents for hardships and sacrifices incurred in the course of military service through pensions, compensation, readjustment help, medical care, housing loans, and burial benefits. During these times of severe budget constraints and pressures to reduce the Reagan deficit, we must not lose sight of this commitment.

During the 97th Congress, we in the House of Representatives have taken a number of steps to keep our commitment to veterans:

On March 26, 1981, we passed House Joint Resolution 182, requesting President Reagan designate April 26, 1981, as a day of recognition for veterans of the Vietnam era.

On June 2, 1981, we passed H.R. 3499, Veterans' Health Care Act which provides hospital care for Vietnam veterans exposed to agent orange, extends the psychological readjustment program, and expands the scope of the VA's agent orange study.

On June 2, 1981, we passed H.R. 3423, the Veterans' Training and Business Loan Act of 1981 which provides two additional years of eligibility for on-the-job training and vocational education for Vietnam-era veterans and establishes a veterans' business loan program in the Veterans' Administration.

On June 2, 1981, we passed H.R. 1100, POW Benefits and Health Care Service, which relaxes the time standard used to determine service-connected disease and medical conditions for former POW's.

On June 2, 1981, we passed H.R. 2039, the Veterans' Home Loan Guarantees, which authorizes the Veterans' Administration to provide graduated payment plans for single-family dwellings mortgage loans.

Also, during the 97th Congress I have cosponsored several bills to help veterans:

House Concurrent Resolution 275, requesting that President Reagan take all necessary action to obtain information on those missing in Southeast Asia.

House Concurrent Resolution 252, to reaffirm the support of Congress for the continued provision of full medical service for veterans over 65.

House Concurrent Resolution 252, to designate July 9, 1982, as POW/MIA Recognition Day.

House Joint Resolution 124, that designates August 31, 1981, as National Blind Veterans Recognition Day.

H.R. 1918, to improve pensions for World War I veterans and their widows.

Finally, in my own Pittsburgh area, I am working to see that a much needed addition at the Pittsburgh (University Drive) VA Medical Center is built. I am pleased to share with my colleagues the letter I have written the Appropriations Subcommittee with responsibility for veterans hospitals, seeking their support for adequate funding at this facility:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1982.

Hon. EDWARD P. BOLAND,
Chairman, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BOLAND: I am writing to urge that the Appropriations Subcommittee on HUD-Independent Agencies approve the Veterans Administration request for $2.5 million to begin preliminary design work and working drawings for an outpatient addition at the Pittsburgh (University Drive) VA Medical Center.

As the veteran population ages, the need for improving services at this hospital is clear. The current outpatient clinic is undersized, and outpatient load is 11.3 percent higher than anticipated for this time. Hospital officials report to me that they are using every available space. Additionally, with the changes and expansions planned, patients would be able to get most services on one floor—outpatient service, pharmacology, radiology and paperwork. Currently, patients, who may be elderly or disabled, must go several places on several levels of the facility for services they need.

VA plans to consolidate outpatient activities now offered in the Federal Building downtown with the University Drive facility. This will mean more services available to veterans and a wider variety of services in one easily accessible location. It will also result in more efficient use of manpower and more continuity of care since many patients formerly received in-patient services at the hospital.

The radiology unit is now located in long narrow halls, and patients must wait in halls on beds. There are no waiting rooms, and there is a shortage of dressing rooms. This unit also needs higher ceilings to accommodate new radiology equipment that will also improve diagnosis and care. The supply unit of the hospital, which handles sterilization and packing for the operating room, for example, would improve the situation. Now hospital personnel must load and unload in the same area. Mixing sterile and dirty supplies in one area is clearly not acceptable.

In short, as the veteran population grows older, there is more use of the system. Since last year, use of the University Drive outpatient services has increased five percent and further increases are anticipated. For the two facilities, there were 120,000 visits last year. I believe that appropriating these funds for this hospital is a sound investment. Quality, accessible, and efficient outpatient services mean fewer days of hospitalization and illness. We owe it to our veterans, who sacrificed for their country, the best health care we can provide.

I respectfully urge the members of your subcommittee to approve the Veterans Administration request.

Sincerely,

DOUG WALGREN,
Member of Congress.●

SUIT WILL CHALLENGE TWO-HOUSE LEGISLATIVE VETO

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. MOFFETT. Mr. Speaker, today I joined our colleague HENRY WAXMAN, Consumer's Union, and public citizen in announcing a suit to challenge the constitutionality of the two-House legislative veto. This suit is particularly timely, given our decision last month to veto the used car rule.

I oppose the two-House legislative veto; and, I would suggest that the

used car debacle demonstrates why the veto should be struck down. It subjected Congress to unseemly political pressure; it prevented a rigorous debate on congressional and agency intent; and, it deprived consumers of essential protections.

The statement which I released announcing the suit is printed below:

STATEMENT OF CONGRESSMAN TOBY MOFFETT

I am delighted to be here with representatives of Consumer's Union, Public Citizen, and my colleague Rep. HENRY WAXMAN to announce our intention to file an amicus brief challenging the legal basis of the two-House legislative veto. Our brief before the District of Columbia Court of Appeals will argue that the two-House veto is unconstitutional; and, that the action taken by Congress on May 26, 1982—which vetoed the Federal Trade Commission's proposed Used Car Rule—is also unconstitutional.

It is important to state at the outset that I fully support active oversight by Congress Executive and Independent Agencies. As Chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, I have been involved in several successful cases in which we have modified improper Agency behavior. In the legislative process, we have placed most Agencies on fixed authorizations to enable the appropriate Committees of Congress to examine periodically the performance of these Agencies. Such tools are crucial to insure that the Executive Branch is fulfilling its obligations to carry out the law.

But legislative veto is quite different.

I believe that, in our filing, we will show successfully that legislative veto is unconstitutional. And, if our position is sustained, we will enjoy improved operations by the Committees of Congress; we will contain the possibilities of damage to consumers or to public health arising from delays inherent in the legislative veto process; and, we will quell, one would hope, the incredible contamination of the political arena from special interest campaign contributions motivated by an attempt to use money and influence to effect a veto.

Without duplicating the presentation of Ellen Broadman of Consumer's Union, let me briefly state that I support her contentions that the legislative veto (1) violates the 'presentment' clause of the Constitution; and, (2) violates the implicit doctrine of Separation of Powers. These arguments were upheld in the FERC natural gas pricing case and in the Chadha immigration decision. I believe that the findings of those Courts will apply in our case. (See attached Moffett dissent, Energy and Commerce Committee Report No. 97-586, FTC Used Motor Vehicle Rule, May 25, 1982.)

At times, arguments over Constitutional issues fail to arouse the public at large. But there are principles involved which directly affect the ability of Congress to do its job; and, that should be everyone's concern.

Current proposals before the House and passed by the Senate would require all Federal Agencies to submit proposed rules to Congress before they became final. For each of the several thousand rules prepared each year, Congress would have a fixed time period during which it would review the rules. Such an arrangement would be immensely time consuming; it would probably require the addition of dozens of new Committee staffers; it would inject Members of Congress—in a deeply political way—into the daily workings of independent agencies. Committee and agency staff alike would be diverted, if not paralyzed, by such a process. And, it would have a chilling effect on wholly legitimate rulemakings.

There isn't a single example of a statute authorizing legislative veto which contains standards by which Congress would judge the efforts by Agencies to write rules. Not once, not once, during the FTC Used Car Debate, did any Member of Congress allege that the Federal Trade Commission violated Congressional intent in drafting the rule we shamefully defeated last week. In a sense, Congress is usurping the powers of the judiciary to judge the actions of the Executive without assuming any of the responsibility or accountability.

Another problem legislative veto invites is needless delay. Recently, while the Office of Management and Budget was evaluating a regulation on standards for infant formula, one-half million cans of baby food which lacked an essential nutrient were marketed. A burdensome regulatory review procedure put hundreds of thousands of infants at risk. To permit delay and risk—which may involve proposed rules protecting consumers against fraudulent securities, impure drugs, supposedly crash-resistant bumpers, deceptive used car transactions, and the like—will not strengthen oversight of the bureaucracy, but it may further unravel confidence in Congress.

Finally, after the debacle with the used car debate, one thing is clear: the legislative veto invites the worst impulses among Political Action Committees and, perhaps, Members of Congress take over the legislative process. The perception among the public is that Congress becomes something like the auditorium at the Sotheby-Parke-Bernet Gallery, open to be sold to the highest bidder when there is an opportunity to reject a rule. In part, our Executive Agencies were created to take policy writing out of the political arena. Our experience with the Used Car Lobby—and its nearly $1 million in campaign contributions—demonstrates why this makes sense.

I appreciate your participation at this press conference, and will be delighted to answer questions.

FTC USED MOTOR VEHICLE RULE—DISSENTING VIEWS OF CONGRESSMAN TOBY MOFFETT

The House Energy and Commerce Committee on Thursday, May 20, 1982 voted to approve a veto measure which will frustrate the Federal Trade Commission's used car rule. This rule is simple; it requires dealers to perform three essential tasks. First, dealers are asked to affix an 18¢ stocker called the "Used Car Buyer's Guide" to the windshield of each car. Second, they are asked to disclose whether, and to what extent, a warranty applies when the car is sold. Third, it requires the dealer to disclose any known defects. The word "known" should be underscored—the rule explicitly states that inspections of such cars are not necessary. Yet, despite the simple, cost-effective, and not terribly burdensome requirements of the rule, the Committee is advising Members of the House to veto the rule.

I dissent from the recommendation.

Despite my complete and absolute disagreement with the finding by our Committee, the impending vote on the floor of the House which will determine the fate of this rule will be valuable. It affords to us in the House, and to the citizens of this country, an opportunity to debate some larger issues in addition to the relative value of this basic disclosure rule.

We can debate whether or not Congress will be receptive to actions by regulatory agencies which offer protection to consumers.

We can debate whether or not the crusade against "overregulation" has entered the realm of the ridiculous.

We can debate the value of the legislative veto, particularly at a time when the Constitutional basis of this concept is under challenge in cases before the Supreme Court

And finall, we can debate whether or not we will continue to permit the wild excesses of Political Action Committees to distort the legislative process.

Remarkable as it may seem each of these issues has found their way into this Used Car Veto Debacle.

THE UNCERTAIN FUTURE OF THE LEGISLATIVE VETO

Regardless of whether or not Members of the House support the rule, I believe that it is improper for the House to be contemplating veto of this regulation pending disposal of the FERC and Chadha cases before the Supreme Court. We do not know, at this time, if the legislative veto process will be considered as a constitutional device by the U.S. Supreme Court. This is important to remember because the arguments in these cases can be directly applied to the legislative veto under which we are operating with respect to used cars.[1]

Two separate courts have found that the legislative veto is suspect and unconstitutional because:

(1) It violates the clause of the Constitution which requires that "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States . . ." (Article, 1, Section 7)

(2) It violates the doctrine of Separation of Powers in the Constitution.

The finding of the Court relative to Article 1, Section 7 is predicated upon the notion that regulations promulgated by administrative agencies based upon enacted law are themselves effective laws. And, that if Congress chooses to veto these regulations, that action also constitutes legislating. That finding results in the conclusion that passage of a veto resolution requires a Presidential signature before it can become effective. The Court's finding in the FERC case was summarized as follows:

"Congressional amici argue that Article I, Section 7 does not apply because FERC's Phase II rule was never an effective law, but merely a proposal to be accepted or rejected by Congress through the one-house disapproval mechanism. Since one House of Congress undoubtedly may refuse to enact proposed legislation, and may do so without the participation of the President, acceptance of this argument would end all constitutional inquiry. The policy purposes of Article I, Section 7 would be irrelevant. We emphatically reject this position, however, and hold that the veto of the Phase II rule effectively changed the law by altering the scope of FERC's discretion and preventing an otherwise valid regulation from taking effect. Accordingly, the Senate's concurrence and presentation to the President were necessary prerequisites to the effectiveness of the disapproval resolution.—(Slip opinion of the D.C. Court of Appeals @ 74.)"

The Courts have also ruled that legislative veto impairs the doctrine of separation of powers. Judges are supposed to examine whether actions by the Executive Branch

violate the intent of Congress. The Constitution specifies several veto provisions: vetoes by the President which may be overridden by the actions of both Houses; rejection of treaties; and, rejection of Presidential appointments. The Constitution never mentions the legislative veto. And, it reserves for the Judicial Branch the right to interpret and vitiate the actions of the Executive.

The Supreme Court will review these arguments, carefully. I believe that it would be a mistake for the House—as it was a mistake for the Senate—to veto the Federal Trade Commission's used car rule, prior to the time that we are in receipt of the Supreme Court's opinion.

With the pending legislative veto cases before the Supreme Court, if we vote to veto the rule, we may find, within a few months, that the entire concept of legislative review is in error. If the opponents are keen on defeating the rule, at that time, they can submit a proposed amendment to the Magnuson-Moss Act or to the Federal Trade Commission Act itself, in order to defeat the rule. But on the basis of the pendency of the veto issue before the Court, we should not veto this Federal Trade Commission regulation.

Finally, virtually every independent commentator, every newspaper editorial with which I am familiar, every consumer organization, recognizes that this is a de minimus regulation. It is what Jonathan Swift would call "a modest proposal." If this minimum disclosure rule is too intrusive, too encompassing for the membership of this body, then we may have seen the last days of the consumer movement. I cannot believe that the Members of the House will want to send that awful message to their constituency.●

CHIEF DONALD McLEAN: ANSWERING THE CALL FOR 41 YEARS

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 2, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, longstanding and dedicated community service are deserving of the highest recognition. That fact holds especially true for Chief Donald McLean, who served as a member of the Old Westbury Police Department starting on July 4, 1941.

After being promoted to sergeant on September 1, 1961, Chief McLean then attained the rank of lieutenant on June 19, 1970. Finally, on November 18, 1976 he became chief of police and served most professionally in that capacity until his retirement on May 31, 1982.

Forty-one years comprise a substantial length of time, and as such, Chief McLean's record of accomplishments are considerable and most gratefully appreciated.

On behalf of those Old Westbury residents who have benefited from Chief Donald McLean's long and dedicated service, I extend best wishes for a healthy and happy retirement and offer my sincerest congratulations on a job well done.●

JUNE 12 "FREEZE" DEMO BACKS SOVIET STRATEGIC SUPERIORITY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. McDONALD. Mr. Speaker, veteran disarmament organizers who produced protest mobilizations backing the Communist Vietcong terrorists and the Hanoi regime tried to sell Americans the idea that Communists were the good guys in Vietnam and that Uncle Sam wore the black hat. The millions of boat people fleeing the Communist tyranny in Vietnam and the 3 million Cambodians who died under the Khmer Rouge regime proved the lie in their arguments—but too late to save the liberty and lives of millions of innocent people in Southeast Asia.

The same activists and organizations that helped sell out Southeast Asia are now planning a mass demonstration in New York City. Their intention is to apply pressure on the United States to abandon plans to modernize both our strategic nuclear forces and NATO forces at a time when the Soviet Union has gained a dangerous edge and has completed most of its ambitious armaments buildup.

In order to gain the illusion of widespread support for this dangerous nuclear freeze proposal, activists are canvassing college campuses and many cities to urge participation. The most recent edition of the Information Digest, the authoritative newsletter examining American political and social movements, published and edited by John Rees, has provided valuable information on the organizing process for the June 12 nuclear freeze demonstration. The article follows:

JUNE 12 DISARMAMENT RALLY

As the projected numbers of participants in disarmament demonstrations in New York on June 12 and June 14 increase, militancy and intransigent demands by organizers for both the June 12 Rally Committee (J-12 RC) and June 14 Civil Disobedience Campaign (J-14 CDC) and participating revolutionary groups has raised the potential for disorder and violence at both events.

The "Rally for a Nuclear Freeze and Disarmament" organized by the J-12 RC, based at 853 Broadway, Room 2109, New York, NY 10003 [212/460-8980] by May 25 already had confirmed some 1,500 buses (for an estimated 75,000 people) with the largest numbers including 150 buses coming from Boston, 125 from Philadelphia, and large numbers from Washington, DC, Baltimore, Pittsburgh, upstate New York, Chicago, Detroit, Cleveland, northern New Jersey. Two chartered flights will bring protesters from Milwaukee.

The initial organizational members of the J-12 RC were the American Friends Service Committee (AFSC); Clergy and Laity Concerned (CALC); District 65, UAW; National Union of Hospital and Health Care Employees (District 1199); Fellowship of Reconciliation (FOR); Friends of the Earth (FOE); Greenpeace; Martin Luther King, Jr. Center for Non-Violent Change; Ministerial Interfaith Association; Mobilization for Survival (MFS); Nuclear Weapons Freeze Campaign—National Conference; Pax Christi; Progressive National Baptist Convention; Operation PUSH; Riverside Church Disarmament Program (RCDP); SANE; Southern Christian Leadership Conference (SCLC); U.S. Peace Council (USPC); War Resisters League (WRL); Women's International League for Peace and Freedom (WILPF).

Additional participating organizations include the Afro-American Coordinating Committee (AACC); American Indian Environment Council (AIEC); Artists Against Nuclear Arms (AANA); Blacks Against Nukes (BAN); Children's Campaign for Nuclear Disarmament (CCND); Christian Peace Conference (CPC); Church Women United (CWU); Citizen Soldier; Citizen's Party; Coalition for a People's Alternative (CPA); Conscience and Military Tax Campaign (CMTC); Environmental Action Foundation (EAF); The Guardian; Line of March; National Association of Social Workers (NASW); National Association of Women Religious (NAWR); National Coalition for Economic Survival (NCES); National Black United Front (NBUF); North American Congress on Latin America (NACLA); North Carolina Public Interest Research Group (PIRG-NC); Ohio PIRG; Progressive Student Network (PSN); Socialist Party (SP); U.N. Non-Governmental Organizations Committee on Disarmament; U.S. Student Association (USSA); WIN magazine; Women Strike for Peace (WSP); and the World Peace Tax Fund (WPTF).

Large numbers are expected to participate from New York City and the immediate metropolitan area and six trains have been chartered to bring demonstrators from Long Island. Organizers indicate they expect a foreign contingent to number up to 10,000, with the largest segment Japanese; but were concerned that the State Department might deny visas to foreign demonstrators.

In addition, special car pools, caravans of private vehicles and even bicycle contingents from Washington and western Massachusetts are expected to provide publicity for the demonstration. According to one top J-12 RC organizer Leslie Cagan, participation in the protest is being promoted in some 500 cities.

New York City police officials agree with J-12 RC's estimate that the rally crowd may number from 300,000 to 500,000 people.

In consideration of the very large numbers expected and public safety requirements, New York City officials have moved the rally back onto the Great Lawn of Central Park, despite estimated costs of repair to park grounds of up to $2 million.

Information developed from the J-12 RC organizers indicates that they intend to provide their own medical services in Central Park, and that they accepted only with the greatest reluctance a police presence in the area. At this time they are considering seeking an injunction against deployment of mounted police in the rally area.

The present plan is for contingents to assemble on the streets north of 47th Street, between First and Third Avenues. The first march contingent, led by children's groups and the handicapped, is to move out onto First Avenue at 11 a.m. and march south past the United Nations. The march turns west on 42nd Street to Seventh Avenue, then proceeds north to Central Park.

J-12 RC organizers are seeking a permit to construct a stage outside the U.N. and to hold a "short prayer service" and brief rally before the march leaves that area. If this is not allowed, J-12 RC may seek a court order to force City officials to meet their demands. It is noted that the demands appear intended to keep the maximum number of demonstrators in the area of the U.N. for as long as possible.

A number of "feeder" marches are being planned. They include contingents led by youths and children from the Upper West Side and Upper East Side (led by Dr. Benjamin Spock); Astoria, the Lower East Side, Greenwich Village/Chelsea, Brooklyn Heights, El Bario and Harlem. Other feeder marches will be conducted by Pax Christi, social workers, writers, and even a "joggers feeder run." It is noted that in the past during large anti-Vietnam mobilizations, such feeder marches were used by militants as occasions for ad hoc "civil disobedience," blocking streets, and vandalism.

TRADE UNION ORGANIZING

J-12 RC organizers have been seeking to expand trade union participation in the demonstration to provide an image of "broad popular support" for the nuclear freeze and U.S. disarmament.

On May 19, a number of officials of New York area trade unions met at the initiative of Victor Gotbaum, executive director of District Council 37, American Federation of State, County and Municipal Employees (AFSCME) to pledge "maximum labor participation" for the June 12 "Rally for a Nuclear Freeze and Disarmament." Gotbaum said, "nuclear disarmament is a first priority for working Americans most of all because of the growing threat to the survival of our planet, but also because of the unconscionable drain on the economies of the world."

The group set up a steering committee to coordinate work in 25 unions to create a "labor contingent" for the June 12 demonstration. Its members include Morton Bahr, Communications Workers of America (CWA); James Bell, Coalition of Black Trade Unionists (CBTU); Victor Gotbaum; Ed Gray, United Auto Workers (UAW); Sal Iaccio, International Association of Machinists (IAM); David Livingston, District 65, UAW; William Michelson, United Storeworkers; William Nuchow, Teamsters Local 840; Ed Panarello, executive director, Maritime Port Council; Jack Sheinkman, Amalgamated Clothing and Textile Workers Union (ACTWU); Irving Stern, United Food and Commercial Workers (UFCW); Doris Turner, District 1199, Hospital Workers; and Emogene Walker, president, New York City Coalition of Labor Union Women (CLUW).

Among the other unions with representatives participating in the disarmament meeting were the Hispanic Labor Committee (HLC) of the New York City Central Labor Council, Ironworkers Local 455, and the Hatters Union. Jose Solar, associate editor of the District 65, UAW, newspaper and a member of the HLC executive board, asserted that Hispanics are hurt by "money going in from human needs programs to the military budget," and "live in the major urban centers which would be affected by nuclear war."

According to the Communist Party, U.S.A. (CPUSA) newspaper Daily World [5/20/82], among the trade union figures involved with the June 12 rally as speakers or in other capacities are Cleveland Robinson, secretary-treasurer of District 65, who will speak as the CBTU representative; Victor Gotbaum who will speak at the rally "on behalf of DC 37 as well as his international;" Bettye Roberts, president, AFSCME Local 1707; Henry Nicholas, president, 1199 Hospital Workers; and Josephine LeBeau, president, New York State CLUW.

As a building action toward June 12th, 1199 sponsored a "Labor Speakout for Nuclear Disarmament" on May 19th at the Martin Luther King Labor Center, 310 W. 43rd Street, to "help build union participation for the June 12 Rally." Slated speakers included Kathe Andrade, International Ladies Garment Workers Union (ILGWU) Local 23-25; Bella Abzug; Elaine Allen, M.D., Physicians for Social Responsibility (PSR); Jim Bell, CBTU; Rev. William James, chairman, Harlem Ministerial Interfaith Association; Greg Pardo, Professional Air Traffic Controllers (PATCO); and Emogene Walker, president, New York City CLUW.

Outside the New York area, trade union support for the disarmament rally is being organized through the labor taskforces of various state chapters of the National Campaign for a Nuclear Weapons Freeze (NCNWF).

BLACK AND THIRD WORLD ORGANIZING

The CPUSA and YWLL are actively trying to build support for June 12 via CPUSA front groups such as the National Alliance Against Racist and Political Repression (NAARPR) and National Anti-Imperialist Movement in Solidarity with African Liberation (NAIMSAL). One example was the formation in Chicago of the Afro-American June 12 Committee for Peace and Justice (AA J-12 PJ).

AAJ-12 PJ's statement urges black participation on the grounds that "Every dollar spent for the arms race means fewer jobs for blacks." The statement linked disarmament to Soviet-backed revolutionary terrorist movements, stating that "the peoples of El Salvador and Guatemala are being killed by U.S. military weapons. The Black community cannot allow its tax dollars to be used to kill our brothers and sisters." It continued:

"The growing alliance between the illegal white minority regime of South Africa and the Reagan Administration will mean more minerals for the U.S. to build more weapons to kill Blacks and stifle the liberation struggles being waged in South Africa."

The statement also used the argument that blacks should support nuclear disarmament because "The vast majority of Black Americans live in the cities and therefore * * * the Black community will be the first to go in a war."

Signers of the statement included Ronelle Mustin, chairman of the Chicago NAIMSAL chapter and active with the YWLL; Robert Lucas, executive director, Kenwood Oakland Community Organization and active with NAARPR; Jan Carew, Northwestern University; Dr. Margaret Burroughs, DuSable Museum of African-American History and founding sponsor of NAIMSAL; Fr. George Clements, Holy Angels Church; Lu Palmer, chairman, Chicago Black United Community who is active with NAARPR; and Chicago alderman Danny Davis.

The large ultra-militant Third World and Progressive Peoples Coalition (TWPPC) will assemble at 9 a.m. on 48th Street at First Avenue and will be near the front of the march. TWPPC includes a variety of Marxist-Leninist revolutionary organizations and support groups for terrorist movements in El Salvador, Guatemala, South Africa, Northern Ireland, the Middle East and the Philippines as well as backers of the Marxist regimes in Nicaragua, Grenada, Vietnam, Laos, and Cambodia.

The TWPPC leaflet states:

"We demand unconditional U.S. disarmament; redirect resources from the military to meet human needs especially in minority communities * * *; no U.S. intervention in Asia, Africa, the Middle East, Latin America and the Caribbean."

Among the TWPPC supporters and endorsers are the American Indian Movement (AIM); Black Veterans for Social Justice (BVSJ); National Black United Front (NBUF); Committee for a Democratic Palestine (CDP), a support group for the Democractic Front for the Liberation of Palestine (DFLP), a terrorist group which acts as a Moscow-line communist party within the Palestine Liberation Organization (PLO); Socialist Workers Party (SWP); South Africa Military Refugee Aid Fund (SAMRAF); Workers World Party (WWP); WWP fronts including the People's Anti-War Mobilization (PAM) and All People's Congress (APC). The Committee in Solidarity with the People of El Salvador (CISPES) will have a separate contingent.●

HONORING MAYOR THOMAS COOKE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to a very special award ceremony taking place in New Jersey's 10th District this weekend: The Essex County Urban League Guild's annual awards brunch which honors outstanding civic leaders. One of this year's honorees is a man with whom I have had the pleasure of working closely for several years, Thomas Cooke, mayor of East Orange, N.J.

Many of my colleagues already know Tom Cooke as an outspoken champion of the needs of America's cities. His work on the U.S. Conference of Mayors, the National Conference of Black Mayors, the Southern Christian Leadership Conference, and the National League of Cities has helped to raise the consciousness of many of our national leaders to the concerns of minorities and all those who dwell in urban America.

The Essex County Urban League Guild is presenting Mayor Cooke with its Humanitarian Award for his steadfast commitment to improving the human condition in our local community. He has an outstanding record of humanitarian activities. An educator since 1958, Tom Cooke has proven his dedication to improving the educational process at all levels. As a member of the East Orange City Council for 9 years, he served as chairman of the committees on public works, and public affairs, legislation and public safety. He became an activist chairman of the city council, instituting the

formation of the East Orange Better Human Relations Council.

As a member of the Essex County Board of Freeholders, Tom Cooke chaired the committees on public works and engineering, and personnel and finance. It was on the board that he gained a formidable reputation for fighting for the rights of workers and improving the way government functions. As mayor of East Orange, he has been a man of courage and perseverance, diligently working to maintain essential services and revitalize business activity in the city.

A naval veteran and a graduate of New York University, Tom Cooke is a constant learner who has furthered his studies at every opportunity. He is the kind of humanitarian for whom this Urban League Award was intended. A man devoted to his family and to helping others fight for social justice in our community—he is committed to the theme of this year's Urban League, "Revitalizing Our Resources for the Eighties."

I am proud to congratulate my friend Tom Cooke on this great honor—the Humanitarian Award of the Essex County Urban League Guild.●

TOWN OF WEBSTER, MASS., CELEBRATES 150TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. BOLAND. Mr. Speaker, on May 8, 1982, the people of Webster, Mass., celebrated the 150th anniversary of their town's incorporation.

Webster has endured because the judgment of its founders that it was a good place to live, work, and raise a family has been reaffirmed by the actions of succeeding generations of townspeople. It is a community of spirit and vitality in which shared effort in pursuit of civic goals has become a tradition. Each time I have been in Webster, I have been impressed by the obvious pride which the people take in their town and the care they take to preserve its character. I salute them on their efforts, and I congratulate them on the birthday of their town. May its future be as bright as its past.

At the anniversary ball held in Webster on May 8, Mr. Richard Moore, who represents Webster in the Massachusetts Legislature, delivered some remarks which I found particularly appropriate. I would like to insert Representative Moore's remarks at this point in the RECORD:

KEYNOTE ADDRESS BY REPRESENTATIVE RICHARD T. MOORE, 150TH ANNIVERSARY OF THE TOWN OF WEBSTER

It is, indeed, an honor to join this distinguished and historic gathering to celebrate the one hundred and fiftieth anniversary of the incorporation of the town of Webster—a community with a proud past, a vibrant present, and a most promising future. To some, it may seem strange that an "outsider" like me was asked to share a few thoughts with you this evening. Perhaps, however, as a somewhat objective observer, I can provide a perspective on your town that, if offered by a native, might seem to be little more than hometown boasting. I must admit however that I do take special pride in representing Webster in the Legislature.

Those farsighted community leaders in 1832—George B. Slater of Dudley, William Kimball of Oxford, and Paraclete Morris of Oxford South Gore and their supporters—who successfully petitioned the legislature to incorporate the town, originally suggested that the name of their new town should be "Slater" in honor of the noted industrialist and early town benefactor Samuel Slater. But it was Samuel Slater, himself, who pointed out that he had already been so honored in Rhode Island, and that if he had any say in the matter, suggested that the town be named "Webster" since Slater had been inspired by that staunch defender of the Union and United States Senator from Massachusetts, Daniel Webster.

It had been, after all, only two years earlier during the most famous debate in the history of the Senate that Webster had delivered the most powerful and eloquent plea for the American Union that any man has ever made.

The Senate and the entire country had thrilled to the patriotic fervor of Webster's final words—"Liberty and Union, now and forever, one and inseparable".

In the century and a half since that speech, several generations of Webster residents from diverse ethnic backgrounds helped that American Union to grow and prosper and defended it, time and again, from those who would destroy it whether from within our country or from foreign shores. Daniel Webster must certainly be proud of the town that bears his name and of the people who claim that town as home.

Even before the town was incorporated, people were drawn to this area of New England by what was then, and continues to be, the town's greatest natural resource—Lake Chargoggagoggmanchaugagoggchaubunagun- gamaugg or, more simply Webster Lake. Just as it was a source of recreation and sustenance for the Nipmuck Indians, Webster Lake has helped the community to attract and retain industrial and commercial enterprises and provided a source of recreation for residents through the years to the present day, and even served as a major tourist attraction throughout much of the town's history.

The great mills which Slater and other industrialists established near Webster Lake and along the French River to utilize the water and water power drew even more people to settle here. Poles, French-Canadians, Irish, Italians, Greeks, Jews and other nationalities joined the original settlers to find work in these mills and a better life for themselves and their children.

These immigrants reinforced the piety, patriotism, and pride of the first settlers with a renewed love of country and belief in the work-ethic that continues substantially unabated even to this day, forming a firm foundation for the unique character of the community.

In many respects, however, Webster is in reality a microcosm of America itself—its traditional Main Street and town common, its shopping plazas, its woods and beaches, its factories and most of all its people are mirrored in towns throughout the Nation.

Webster has grown up together with America. It was here that some of the first settlers established a community and lived cooperatively with the Indians. It was from here that early residents sent Minute Men to help forge our new Nation. It was here, and in our region, that the Industrial Revolution began.

The sons of Webster have helped to defend the Nation in all of its wars and we have our share of heroes who died in her service.

Webster has had its share of tragedies—its disastrous fires that destroyed town buildings or homes or factories—its great floods as in 1936 when Joe Patenaude blew up a railroad bridge to alleviate danger to Pearl Street, another great flood in 1955, and the unsolved disappearance of a young child only a few years ago.

The town has seen a few villains, too, in its time as in 1936, when Webster police arrested twenty-seven year old Raymond Patriarca while he was trying to break into the United Optical plant on Maynard Avenue and in 1939, when local police arrested the internationally known Fritz Kuhn, leader of the Nazi German-American bund on charges of profanity and drunkeness.

Webster has also enjoyed the civic and cultural advantages of many local benefactors such as the Slaters who contributed to a variety of charities, Chester Corbin and others who provided a high quality library for the town, the Hubbards and others who have insured excellent community health care; and those who organized and encouraged institutions of learning at Nichols, in our public schools, and in church-related school programs.

The annals of Webster are dotted with accounts of Webster residents sharing in the new inventions of the industrial age—the street light, the telephone, the trolley and later the automobile, and so many other devices that made local headlines at the time, but which we take for granted today. Even such basic public services as a police department, a fire department, a library, a school—government functions that seem so routine to us now—were novel developments little more than a century ago.

Throughout the town's history religion has been in the forefront from that first organized religious and community gathering in Dudley at the home of William Carter in 1732 to the founding of St. Joseph's as the first Polish Catholic Church in New England, to the establishment of churches and synagogues of the major Western religions and even national groupings of the same religion.

As much as the local history of Webster parallels the national history of America, however, Webster is a very special place. Perhaps that is because of the unique geography—especially the Lake. Perhaps it has developed from the courage of the earliest settlers and their Nipmuc brothers, or from the rich cultural heritage and diverse religious beliefs of the more recent immigrants. Perhaps it is the result of the industrial development that occurred here earlier than anywhere else in the country, and the peculiar character and social interaction of a

mill town that grew up around those factories. Perhaps, the patriotism of local veterans or the civic-mindedness of so many of its citizens who have served in various national, state and local offices and who still get enthusiastic about politics at a time when so many Americans have become apathetic or even negative.

I suspect it is the conglomeration of all of these factors and more, which has given Webster its remarkable sense of community. A sense of community that brings thousands out to celebrate a parade or the dedication of a square or building one day, and brings those same thousands out and into the woods and fields to search for a lost child. A sense of community that honors its military veterans, that supports local charities and drives for food and clothing whether for the local family left homeless by fire or for the Polish Nation placed under Martial Law. A sense of community that brings cheers and tears of joy when a Tommy Miller quarterbacks two great Thanksgiving Day football games to beat traditional rival Southbridge or a sense of community that brings tears of sadness when a Butch Wladyslawski is suddenly stricken in the prime of his life and his service to the town.

A sense of community—a respect for one another, an interest in town affairs, a cooperative spirit, a helping hand, an enthusiasm for sports and politics and social events—a quality that at once makes Webster so special and so American!

As we celebrate the past one hundred and fifty years, especially at a gathering such as this, there is a natural, human tendency to recall "the good old days" when life may, at least in retrospect, have seemed much simpler and uncomplicated. As we look around our community, our region, our Nation and our World; we see so many discouraging signs of moral decline, social disorder, and economic crises, and we constantly lament any change in our lives.

But if we think back in our own lives and if we study the history of Webster as a community, we will find that the town and its residents have progressed through change and that progress has, for the most part been positive. In fact, our forebears learned well the lesson that times of change are also times of greatest opportunity.

It was, indeed, a contemporary of Daniel Webster and the Slaters, Ralph Waldo Emerson, who once said that, "If there is any period one would desire to be born in, it is the age of Revolution, when the old and the new stand side by side and admit of being compared; when the energies of all men are searched by fear and by hope; when the historic glories of the old can be compensated by the rich possibilities of the new era. This time, like all times, is a very good one, if we but know what to do with it."

We must strive to strengthen and restore our sense of community by giving greater credence, reliance, even reverence to those traditional values that made both our town and our Nation great. Each ethnic group that came to Webster brought with them a rich cultural heritage and strong family ties which should once again serve as the foundation of our sense of community and of our National integrity rather than be blended into a bland "melting pot" society that has no tradition, no values, no principles.

Before we can reform our community and our country, we must reform ourselves; and the first step is to restore the importance and integrity of the family unit. That can be done by promoting respect for our roots—our ethnic traditions and local pride—not in a narrow, bigoted, provincial sense, but in a way that evokes pride in one's heritage while having respect for different customs, traditions and geographic origins. For while our "roots" may take different paths, they are all tied to certain fundamental values—values that must be at the center of our thoughts and our deeds.

The future of Webster and of America does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it belongs to those who can blend vision, reason, and courage in a personal commitment to the ideals and great enterprises of American Society.

Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America, and a special quality of the people of Webster, that neither fate nor nature, nor the irresistible tides of history, but the work of our own hands matched to faith, reason and principle, will determine our destiny.

Happy Birthday, Webster and may you all be back to celebrate the town's Bicentennial. Thank you for your attention.●

H.R. 5158: CHANGES NEEDED TO AID RURAL PHONE COSTS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. CORCORAN. Mr. Speaker, recently, I stated that I have several concerns with H.R. 5158, the "Telecommunications Act of 1982." When the Energy and Commerce Committee, on which I serve, considers this bill, I intend to offer an amendment on an area of legislation which needs substantial correction—the limitation on who may benefit from the National Telecommunications fund which would be established under H.R. 5158.

The fund, as the bill has been drafted, would provide support only to selected rural telephone users. The result is that the legislation penalizes large numbers of rural, suburban, and urban users across the country. Rural users in any area ought to be eligible to participate, if needed, in the fund to keep costs to all users of services at reasonable levels.

The fund is to be financed from revenues collected from access charges collected by all local exchange telephone companies. In the bill's present form, only companies with under 50,000 customer access lines and some companies receiving rural electrification assistance would be eligible to participate in the use of this fund. All other companies, and consequently rural customers served by those companies, are excluded from the fund.

In Illinois, out of 1,484 telephone exchanges, this bill would exclude approximately 1,300 from participating in the fund despite the fact that access revenues collected in those areas would constitute the vast majority of funds available. Rural customers in those 1,300 exchanges—in 90 percent of the State's territory—would be ineligible.

Clearly, the need to provide support to rural users of basic telephone services is a fundamental goal, but the fund should be available to all rural customers who meet specific economic criteria, despite the size of the company which, by historical or geographic accident, happens to serve them. My amendment would enable any telephone company which serves rural areas, and which can certify that costs in an exchange exceed 110 percent of the national average (as set down in the pending bill) for exchange facilities per customer access line, to participate in the National Telecommunications Fund. Without the amendment, telephone ratepayers in rural areas served by large telephone companies would be forced to contribute financially to the fund without receiving any benefit in their basic service rates.●

SECTION 504 OF THE REHABILITATION ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 2, 1982

● Mr. WOLF. Mr. Speaker, I am confident that the Members of Congress share a common interest with handicapped persons and their quest for education and career success. Because I believe we must continue the progress afforded by the HEW 504 regulations of the Rehabilitation Act of 1973 to enable disabled persons to realize this personal self-fulfillment, I am submitting for the RECORD a copy of a letter I recently wrote to the Assistant Attorney General for Civil Rights, Mr. W. Bradford Williams, of the Department of Justice:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 25, 1982.

Mr. W. BRADFORD WILLIAMS,
Assistant Attorney General for Civil Rights, U.S. Department of Justice, Washington, D.C.

DEAR MR. WILLIAMS: This is in reference to proposed changes in regulations promulgated under section 504 of the Rehabilitation Act of 1973.

As you know, this section is the major federal provision concerning discrimination against handicapped persons under any program or activity receiving federal financial assistance. Section 504 is actually a bill of rights for handicapped persons. In 1977, the nation embarked on a program of compassion with the issuance of 504 regulations to open doors and provide opportunities to those people who, by no fault of their own, had been suppressed to lead a life of dependency behind closed doors.

As the Department of Justice in conjunction with the Office of Management and Budget drafts new section 504 guidelines, I

am hopeful that you will remember the great strides we have made in effectively enabling persons with physical disabilities to become useful, productive taxpaying citizens.

I believe section 504 regulations must continue to help disabled people obtain the education and vocational training needed to qualify for employment and secure the transportation needed to get to those jobs. To do otherwise is to condemn ourselves to ever-mounting entitlement expenditures that do not solve the problem but merely postpone the day when even these measures are unaffordable.

Thank you for your interest.

Sincerely,

FRANK R. WOLF,
Member of Congress.●

THE INNOVATION ACT IS A MUST

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. DREIER. Mr. Speaker, next to substantially reducing interest rates, the best thing the 97th Congress could do for America's small businesses would be to enact H.R. 4326, the Small Business Innovation Research Act.

America's small business sector is the most innovative and productive sector of our economy. Per employee, small businesses are two to three times more innovative than their larger and better known competitors. And a well-known report by the National Science Foundation demonstrates that small businesses are from 4 to 24 times more innovative than medium or large sized companies for each dollar spent on research and development. Should we not, then, move to insure that this vital sector of our economy receives its fair share of Federal research and development dollars?

As the only Californian serving on the House Small Business Committee, I am pleased to submit for the RECORD the text of a resolution recently enacted by the California State Conference on Small Business in support of H.R. 4326. Despite recent efforts by large corporations and universities, it would indeed appear that support for the Innovation Act remains strong.

CALIFORNIA SMALL BUSINESS ASSOCIATION
RESOLUTION 7, INNOVATION RESOLUTION

Whereas American innovation and productivity have declined dramatically in recent years.

Whereas The Federal Government currently spends about $30 billion per year on research and development, about one-half the total research and development funds expanded nationally.

Whereas Small business is the most efficient and innovative sector of this economy.

Whereas Federal agencies have traditionally been reluctant to use small business for federal research and development projects.

Whereas The Chief Counsel for Advocacy is charged by the Congress and the White House Conference on Small Business with representing the concerns and opinions of the small business community in the Federal Government and to the U.S. Congress.

Resolved, That the delegates to the California State Conference on Small Business wholeheartedly support legislation to redirect existing federal and development funds so that more projects are offered to small business, urge immediate approval by the U.S. House of Representatives of H.R. 4326, and request the Chief Counsel for Advocacy to immediately convey this resolution to the U.S. House Small Business Committee and the House of Representatives.●

SHALOM, SINAI

HON. ED WEBER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. WEBER of Ohio. Mr. Speaker, on April 25, 1982, in accordance with the Israel-Egypt peace treaty, Israel withdrew from the Sinai Peninsula. In doing so, Israel has relinquished all tangible strategic and economic assets in the Sinai.

Those tangibles assets which have been given up by Israel amount to a $17 billion investment during the 15 years of Israeli occupation: $12 billion was for the construction of a vast industrial and military infrastructure, and $5 billion for energy exploration and development. Beyond that investment, the cost of relocation to the Negev region is estimated to exceed $5 billion.

The Sinai withdrawal is in the belief that peace is the highest form of both economic and domestic security; that sacrifices must be made and risks taken to achieve this goal.

I am sure that the Israelis feel a deep sense of sadness that this land has been returned to Egypt, but also an even greater feeling of pride, responsibility and personal satisfaction knowing that this act symbolizes their national desire to live in peace with their neighbors.

Visitors to Washington will have the opportunity to see the peace, beauty, and serenity of the Sinai in a photo exhibition on display in the Cannon Rotunda. The display is titled "Shalom Sinai—Road to Peace" by photographer Farag Peri. It will be here until June 12.

This artistic photography exhibition on Sinai portrays not only Israel's withdrawal from the desert peninsula, but also a farewell, and an expression of hope that the Sinai desert will remain open to all who wish to visit it. I urge all my colleagues to visit this display and to invite their guests to visit the exhibit as part of their Washington experience.

Shalom is the Hebrew word for hello, goodby, and peace. Let us hope that "Shalom (goodby) Sinai" will be more than a slogan. That it will be a solid bridge to peace in the Mideast.●

IN MEMORY OF HARRY WHEELER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. RODINO. Mr. Speaker, I lost a good friend and the State of New Jersey lost one of its champions of human rights when Harry Wheeler died last week. For the last 12 years Harry Wheeler had served as the city of Newark's Director of the Office of Manpower and Training, and in that role he helped keep alive many of the programs vital to the people of Newark.

For three decades Harry Wheeler worked diligently to help Newark's citizens upgrade the quality of life and revitalize the community in which they lived. He was a voice of hope, of hard work, and a can do attitude. A lifetime resident of our city, Harry received a bachelor's degree in education from Newark State Teachers College (now Kean College), and a master's degree in public administration and education from Seton Hall University. He was a constant learner who continued to take graduate courses long after receiving his degrees. He taught in Newark's public school system and served as executive secretary of the Newark Department of Health and Welfare. He also worked here in the Nation's Capital for a while as a health consultant. But his roots were in Newark, and that is where Harry Wheeler made his great contribution to humanity.

As head of the Manpower and Training Office, and one of Mayor Gibson's most trusted advisers, Harry Wheeler never stopped working to provide job opportunities to our citizens, especially the young. He never stopped caring. Countless Newark youngsters have had Harry Wheeler's programs to thank for their first job, or their first practical training so that they could learn a skill and become productive members of society. He saw his commitment to economic and social advancement as an extension of the civil rights movement, in which he took an active part.

Harry Wheeler was a leader in everything he did, serving as a past president of the National Employment and Training Council of the U.S. Conference of Mayors, as vice president of the New Jersey State Employment and Training Council, chairman of the Newark Local Assistance Board, and chairman of the city's Affirmative Action Review Council, among many other leadership positions.

Mr. Speaker, my home city of Newark was fortunate to have such a decent and compassionate public servant as Harry Wheeler dedicate his life

to serving its people. I was more than fortunate to have his friendship. We are at a tremendous loss today. My deepest sympathies go out to his family.●

VETERANS MINICONFERENCE ON AGING: PROPOSALS FOR ACTION (PART I)

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. PEPPER. Mr. Speaker, the White House Conference on Aging held in December 1981 covered myriad issues of vital importance to older Americans. One such matter of concern to our Nation's elderly was covered in the Miniconference on Veterans, which adopted 19 resolutions concerning the rights of and services to America's veterans. The Executive Committee of the Veterans Council on Aging has worked very hard over an extended period of time on these problems of aging veterans. Mr. William Fisher, chairman of the Executive Committee of the Veterans Council on Aging, has been kind enough to bring to my attention the 19 adopted resolutions of the Veterans Miniconference on Aging. These resolutions propose a number of actions which they feel should receive priority in service delivery and policy development pertaining to aging veterans. As the resolutions are quite comprehensive, I am inserting the first section of the resolutions (No. 1-10) at this point in the RECORD:

RESOLUTION No. 1

TO PRIORITIZE PROGRAMS AND LEGISLATION FOR AGING VETERANS

Whereas, there are over one-half million living American veterans of World War I with an average age of 86; and whereas, there are over twelve million American veterans of World War II who are now entering their sixties and seventies; and whereas, there are nearly six million veterans of the Korean Conflict approaching older age; and whereas, there are additional millions of spouses and widow(er)s of veterans in or nearing older age; and whereas, these millions of veterans and their spouses and widow(er)s will constitute a major increase in demand for services and benefits to meet their needs as senior citizens: Now, therefore, be it

Resolved, by the 1981 Veterans' Conference on Aging, That programs and legislation affecting aging veterans and their spouses and widow(er)s receive priority treatment by veterans, Federal, aging, and private-sector organizations, and by committees of the Congress; and be it further

Resolved, That the White House Conference on Aging assign greater priority to veterans as a major segment of the aging population of the Nation.

RESOLUTION No. 2

TO INCREASE VETERANS SERVICE ORGANIZATIONS' PARTICIPATION IN AGING AFFAIRS

Whereas, veterans service organizations represent the interests and concerns of an estimated ten million veterans, and their auxiliaries; and whereas, these organizations provide expert liaison and communications with the Congress, Federal entities, and other organizations, associations and entities, on behalf of veterans; and whereas, there is a multitude of organizations, entities and Congressional committees with mutual interests in meeting the needs of veterans and aging citizens: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that veterans service organizations enhance their liaison with the Congress to include the Senate Subcommittee on Aging and the House Select Committee on Aging, in concert with aging and other organizations and associations; and be it further

Resolved, That veterans service organizations are encouraged to enhance their communications and coordination with those other organizations, associations, and entities committed to serving the aging population of the Nation.

RESOLUTION No. 3

TO APPLY RESOURCES OF VETERANS SERVICE ORGANIZATIONS TO COMMUNITY PROGRAMS FOR AGING AMERICANS

Whereas, veterans service organizations maintain state and local entities, often with physical facilities, in thousands of American cities and towns; and whereas, these local entities have historically provided voluntary services and community programs on behalf of veterans and their families, and the public-at-large; and whereas, in many instances local entities of veterans service organizations have initiated day care and other programs specifically for aging veterans, their spouses, and widow(er)s; and whereas, the demand for community-based programs to meet the needs of aging Americans, such as day care, nutrition, transportation, education, comradery, will dramatically increase in the 1980's: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that veterans service organizations seek to enhance their community programs and voluntary services to assist aging veterans and their beneficiaries; and be it further

Resolved, That the Veterans' Administration be encouraged to provide training, technical assistance, and support to local entities of veterans service organizations in the development of programs to assist the aging.

RESOLUTION No. 4

TO ENHANCE OUTREACH AND PUBLIC INFORMATION FOR AGING VETERANS

Whereas, limited outreach and public information efforts exist at the national level to advise older veterans of the available programs and benefits which can assist them; and whereas, as a consequence numerous veterans and their spouses and widow(er)s are unaware of such assistance and therefore have not filed for it; and whereas, such programs and benefits can accommodate or contribute to health, housing, employment, transportation, nutrition, and other living necessities: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the White House Conference on Aging and veterans service organizations seek enactment of legislation to provide for an extensive outreach and public information program to inform aging beneficiaries of all programs and benefits available to them, including eligibility requirements; and be it further

Resolved, That the Veterans Administration enhance its efforts to inform aging veterans of their entitlements and VA services through increased outreach programs.

RESOLUTION No. 5

TO PROVIDE FOR A PENSION FOR WORLD WAR I VETERANS

Whereas, there are over one-half million living veterans of the 4.7 million who served their country during World War I, who are now an average 86 years of age; and whereas, these veterans served their Nation in wartime, valiantly and honorably; and whereas, these veterans have not received a separate pension program to assist them in their senior years, while, at the same time, they were instrumental over the years in helping to create a modern program of benefits and services which veterans of more recent wars have benefited from; and whereas, by virture of their age these veterans are no longer employable, yet at the same time, they all too often subsist at or below proverty levels; and whereas, these veterans are increasingly found in nursing, geriatric, and long-term medical care institutions, both public and private, while often having no means to provide for such institutionalization or for their widow(er)s; and whereas, time does not eradicate this Nation's obligation to its veterans for their service in the Armed Forces on its behalf: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the White House Conference on Aging and veterans service organizations seek to enact legislation to provide for an equitable pension program for the remaining veterans of World War I and their widow(er)s.

RESOLUTION No. 6

TO REVIEW AND RECONSIDER PROVISIONS OF THE VETERANS' AND SURVIVORS' PENSION IMPROVEMENT ACT OF 1978

Whereas, the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588) was developed to provide veterans and their survivors with a more equitable benefit program; and whereas, there are provisions of this Act which identify unfair inclusions and exclusions which have detrimental impacts on determinations of entitlements; and whereas, there are other aspects of this legislation which contradict its intent of improving pension benefits for veterans and their survivors: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that veterans service organizations seek amendments to this legislation by the Congress which will reduce the detrimental impacts of its provisions on veterans and their survivors.

RESOLUTION No. 7

TO INFORM AGING VETERANS OF DISCHARGE UPGRADE PROCEDURES

Whereas, standards of military discharge during and after World War II were stricter than today's standards, and procedural rights were severely limited as compared to those of today; and whereas, less than honorable discharges can prevent aging veterans from receiving services and benefits which can assist them; and whereas, their spouses and widow(er)s may seek benefits only to discover that they are not eligible due to a less than honorable discharge; and whereas, veterans service organizations worked to establish the Discharge Review Boards and the Boards of Correction of Military Records as a means for veterans to appeal less than honorable discharges; and whereas, by today's standards, veterans re-

ceive a high rate of success in upgrading their discharges and therefore becoming eligible for veterans benefits; and whereas, many aging veterans are not aware of procedures to upgrade their discharges: Now, therefore, be it

Resolved, by the 1981 Veterans' Conference on Aging, That the White House Conference on Aging assist in an effort to inform aging veterans of discharge upgrade procedures through outreach among various organizations, associations and senior citizens networks.

RESOLUTION No. 8

TO AMEND LEGISLATION WHICH EXCLUDES CERTAIN MILITARY SERVICE IN THE CALCULATION OF RETIREMENT ANNUITIES OF FEDERAL CIVIL SERVICE RETIREES AFTER AGE SIXTY-TWO

Whereas, the enactment of Public Law 84-881 requires that at age 62 and thereafter all federal civil service retirees who are veterans and who have combined their military service and federal civil service for calculation of their civil service annuity when eligible for Social Security benefits due in any part to military service must exempt a recomputation of their annuities, omitting all credit for military service after 1956; and whereas, the provisions of this legislation were enacted into law without adequate hearings or evaluation of the long-term impact; and whereas, all veterans should be entitled to the maximum benefits payable commensurate to earnings paid into the Social Security system: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that Public Law 84-881 should be amended by the Congress to eliminate those provisions which reduce maximum entitlements for veterans who later serve in and retire from the Federal civil service.

RESOLUTION No. 9

TO PROVIDE A COMPREHENSIVE VETERANS ADMINISTRATION PROGRAM OF HEALTH CARE AND OTHER SERVICES FOR AGING VETERANS

Whereas, the population of veterans who are age 60 and over will dramatically increase during the 1980's; and whereas, the population of these veterans who reach age 65 and over will triple by the late 1990's; and whereas, the health care and other service needs of the total veterans population of over 30 million will be significantly influenced by the particular health care and other needs of these aging veterans; and whereas, the Veterans Administration will be required to revise its current configuration of health care and other services to meet the demands imposed by this growing population of aging veterans: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the Veterans Administration provide for a comprehensive program to meet the health care needs and other service needs of the aging veterans population; and be it further

Resolved, That the plans of the Veterans Administration to meet the needs of the aging veterans population be submitted to the Congress for review and public hearings at which veterans service organizations may be provided input into a final comprehensive plan.

RESOLUTION No. 10

TO ENHANCE AND EXPAND THE GERIATRIC RESEARCH, EDUCATION AND CLINICAL CENTERS PROGRAM OF THE VETERANS ADMINISTRATION

Whereas, the Veterans Administration has initiated the Geriatric Research, Education and Clinical Centers program (GRECCS) to meet the needs of the growing population of aging veterans, as enhanced by Public Law 96-330; and whereas, this program represents a focal point for the research, personnel training, and program development efforts of the Veterans Administration in its preparation for meeting the increased needs of the aging veteran; and whereas, this program also represents one of the most advanced and comprehensive efforts in the Nation to better understand and accommodate the needs of the aging; and whereas, this program must be expanded and accelerated as the aging veterans population increases, while, at the same time, the Veterans Administration must retain its commitment and its services to meet the needs of acute health care and of the disabled veteran: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that Geriatric Research, Education and Clinical Centers of the Veterans Administration be enhanced and expanded, and provided with adequate funding to meet their responsibility.●

A TRIBUTE TO RABBI LEO JUNG ON THE OCCASION OF HIS 90TH BIRTHDAY AND 60TH YEAR AS SPIRITUAL LEADER OF THE JEWISH CENTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. RANGEL. Mr. Speaker, on June 8, The Jewish Center of New York City will celebrate the occasion of both the 90th birthday and 60th anniversary as spiritual leader of the congregation of Rabbi Leo Jung.

The members of Rabbi Jung's congregation have indeed been blessed for the past 60 years to have been guided by such a distinguished scholar, teacher, and author. But most of all, they have been blessed by the spiritual and moral leadership Rabbi Jung has provided. It is directly as a result of his commitment that the quality of life for Jews, indeed all New Yorkers, has significantly improved. Indeed without his contributions to my community, all of us would have had a less fulfilled life. I am very proud to be able to participate in this celebration of a revered constituent.

Rabbi Jung was born in Moravia. His early school days were spent in schools directed by his father, Rabbi Meir Tzevi Jung. The family moved to London in 1911, when his father accepted the position of Chief Rabbi of the Federation of Synagogues of London, but Leo Jung continued his studies on the Continent. He attended the Hildesheimer Rabbinical Seminary in Berlin and also attended Berlin university. He completed his doctoral thesis at the University of Giessen while simultaneously attending the University of Marburg. He also attended Cambridge University. He was ordained in 1916 by Rabbi David Hoffman.

In 1920 Rabbi Jung accepted the post of rabbi at Congregation Knesset Israel in Cleveland, Ohio and immediately began to stamp his imprint on American Orthodoxy. He insisted that proper decorum be maintained in the synagogue, that the mikveh be hygiencially and aesthetically acceptable, that modern pedagogic methods be used in Jewish education and that the problems of kashruth in the community be settled.

In 1922 Rabbi Jung accepted a call to the Jewish Center in New York where he instituted changes similar to those he had made in Cleveland. He also addressed himself to matters affecting the national and international Jewish community as well as those facing the local community.

Among the positions Rabbi Jung has held, while continuing to serve his congregation, are: Professor of ethics at Yeshiva University, Rabbi Isaac Elchanan Theological Seminary and Stern College; chairman, Cultural Committee of the Joint Distribution Committee; president, Jewish Academy of Arts and Sciences; trustee of the Jewish Social Service Association; founder and honorary trustee, Jewish Braille Institute; chairman, New York State Advisory Board for Kosher Law Enforcement; president, Rabbinical Council of the Union of Orthodox Jewish Congregations of America; vice president, Institute of Family Relations. He has also actively participated in the work of UJA-Federation, the Jewish Agency and the Jewish National Fund.

During World War II Rabbi Jung was a member of the Army and Navy Commission of the Jewish Welfare Board and in 1949, at the request of the War Department, made a visit to the Far Eastern Command.

In 1951 Rabbi Jung became the vice-chairman of the National Committee to Repeal the McCarran Act. This legislation, passed over President Truman's veto, established immigration quotas which discriminated against those not of Anglo-Saxon descent and also empowered the Attorney-General to deport any alien who had engaged or purposed to engage in activities "prejudicial to the public interest" or "subversive to the national security." It was felt by the committee that to punish intention would be tantamount to thought control.

Rabbi Jung has published 8 volumes of sermons, essays and addresses, 30 pamphlets and several hundred articles in English, Hebrew and German.

Rabbi Jung and his wife, Irma, have 4 daughters, 12 grandchildren and 6 great grandchildren.●

EMIGRATION OF SOVIET JEWS HITS A NEW LOW

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. MOFFETT. Mr. Speaker, I was deeply disturbed to learn from the National Conference on Soviet Jewry yesterday that the number of Jews allowed to emigrate from the Soviet Union reached a 10-year low last month.

According to the national conference, only 205 Jews were allowed to leave the Soviet Union during the month of May. This is the lowest monthly emigration figure since the Soviet Union began allowing large-scale Jewish emigration in 1971.

This latest setback for Soviet Jewry signals increasingly brutal disregard for human rights by the Soviet Union. In addition to closing the doors to Jewish emigration, Soviet officials have also stepped up their attacks on Jewish efforts to study and celebrate their cultural heritage.

It is becoming increasingly urgent that we in the Congress speak out on behalf of Soviet Jewry. Further, I urge the administration to take advantage of every opportunity—including the upcoming arms control negotiations in Geneva—to express the concern of the people of this country about the fate of Jews in the Soviet Union, and to urge that a more humane emigration policy be pursued by that country. I have introduced a concurrent resolution, House Concurrent Resolution 336, which would direct the President to take such action. I urge my colleagues to cosponsor this resolution, which is reprinted below.

We must not be silent about the plight of Jews in the Soviet Union. We must let the Soviets know of our shock and outrage at their deplorable treatment of Soviet Jews.

H. CON. RES. 336

Whereas the Soviet Union is pursuing a policy of virtually closing its borders to Jewish emigration, as evidenced by declining emigration levels which, for 1982, have averaged fewer than 300 individuals per month;

Whereas this policy has left tens of thousands of people seeking to emigrate from the Soviet Union with little hope of being granted permission to emigrate in the foreseeable future;

Whereas there are several hundred long-term "refuseniks", including many children, who applied to emigrate from the Soviet Union between 1970 and 1975 and have been waiting for permission to emigrate since that time;

Whereas those who have been denied emigration rights, especially the long-term "refuseniks", are often subjected to a life as internal refugees in the Soviet Union, resulting in loss of jobs, loss of membership in important social and professional organizations, revocation of academic degrees, surveillance and arbitrary assault, and other forms of harassment and social isolation;

Whereas these individuals also suffer physical, emotional, and psychological problems which result from social isolation;

Whereas these individuals are also denied the right to cultural expression, evidenced by the breaking up of cultural seminars and Hebrew classes and harassment by Soviet officials of those individuals participating in those forms of cultural expression;

Whereas these individuals are subjected to arbitrary arrest, imprisonment, and internal exile, as is the case with the Jewish "Prisoners of Conscience" currently serving sentences in the Soviet Union;

Whereas it is the stated policy of United States law, including section 502B(a)(1) of the Foreign Assistance Act of 1961 and section 402 of the Trade Act of 1974, that human rights considerations are a vital element of United States foreign policy;

Whereas the Soviet Union, by arbitrarily denying its citizens the right to emigrate and the right to religious and cultural expression, and by harassing members of a specific ethnic group, is violating international agreements under which it has obligations under international law, including the Helsinki Final Act, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Labor Organization Convention Concerning Employment Policy, and the UNESCO Convention Against Discrimination in Education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Soviet Union should comply with the Helsinki Final Act, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international agreements relating to human rights, by pursuing a more humane emigration policy and ceasing harassment of Jews and others seeking to emigrate;

(2) the compliance by the Soviet Union with internationally recognized emigration rights would significantly promote improved relations between the United States and the Soviet Union;

(3) the President or his representatives should convey to Soviet officials the concerns of the Congress expressed in this resolution at every appropriate opportunity, including—

(A) at such time as the grain agreement between the United States and the Soviet Union, which will expire on September 30, 1982, is renegotiated;

(B) at such time as other agreements between the United States and the Soviet Union, relating to trade and commerce and to science and technology exchange, are negotiated; and

(C) at such time as the President and the President of the Soviet Union meet for summit talks; and

(4) the President or his representatives should also convey these concerns of the Congress to the governments of United States allies and urge the cooperation of those governments in efforts to promote emigration from the Soviet Union.

SEC. 2. The President is requested to transmit a copy of this resolution to the Ambassador from the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet.●

UNISPACE '82 AND THE MILITARIZATION OF SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. BROWN of California. Mr. Speaker, as the topic of nuclear arms control and disarmament again move into the center stage of public debate, it is useful for us to look down the road in the direction we are heading. One of those roads is the increasing militarization, or, even more important, the "weaponization" of space.

There are two major United Nations conferences this summer. The first, to begin in a little more than a week in New York, is the U.N. Special Session on Disarmament. The second to begin this August in Vienna is the United Nations Conference on the Peaceful Uses and Exploration of Outer Space, called Unispace '82. Both conferences deal with the future of the human race on this planet. Both conferences are overshadowed by the escalating arms race between the United States and the U.S.S.R. And in both conferences, the United States is apparently determined to avoid multilateral discussions and innovative proposals for global cooperation.

Mr. Speaker, I fear that at each of these conferences, the United States will, by its public posture and by its actions at home, exacerbate the fears of U.S. military intentions. There is fear, for example, that the United States will seek to modify or ignore already ratified nuclear weapons treaties—such as the Outer Space Treaty and the ABM Treaty. There is fear, fortunately somewhat allayed by President Reagan's recent remarks, that the United States will disregard the SALT II Treaty, which has been signed but not ratified by the United States. There is fear, in short, of war—which will inevitably be a nuclear war.

The militarization of space in the United States is symbolized by the decline in the NASA budget, with massive increases in the military space budget. New weapons systems for space are being developed, and while their deployment would probably violate existing treaties, we are accelerating their development. Worldwide opinion calls for an end to this madness, yet the United States fails to heed it, much less use this opportunity to press for effective arms-control agreements.

I could go on, but I will stop at this point. I am inserting in the CONGRESSIONAL RECORD two articles which describe both the militarization of NASA, and the politics around the Unispace '82 conference. I recommend each to my colleagues.

[From the Christian Science Monitor, May 26, 1982]

SPACE RACE TAKES MILITARY TURN

(By Brad Knickerbocker)

WASHINGTON.—As the US space program moves through the 1980s, it will increasingly become a military venture.

This pleases some in Congress who are urging the Pentagon to do even more with space lasers and other "Star Wars" weaponry. But some, including former astronaut Harrison Schmitt (now a Republican senator from New Mexico), are concerned that this may come at the expense of other scientific space efforts.

Senator Schmitt and like-minded legislators may not be able to reverse the inevitable militarization of space, particularly with the success of the space shuttle. But they did win a significant victory recently when a Senate authorizing committee voted to make the Pentagon pay its own way for future military launches and payloads carried into space. In the coming year, that will amount to $409 million, a sum that originally was included in the National Aeronautics and Space Administration (NASA) budget but now must be borne by the Defense Department.

From the launching of the first Soviet sputnik to the reusable Space Transportation System, as the American shuttle is called, much of both countries' efforts in space has been directed at military advancement. But in recent years, this has accelerated just as détente has given way to greater superpower confrontation.

The Soviet Union, according to Pentagon officials, is several years ahead of the United States in developing a space-based laser weapon that could threaten American satellites and ballistic missiles. The U.S. also is pushing ahead with such weaponry, but not as fast as some would like.

In a classified report last month, the General Accounting Office said directed-energy technology (involving laser, particle, and microwave beams) "may revolutionize military strategy, tactics, and doctrine." It urged the Pentagon to accelerate its development of laser weapons.

Many top Air Force officials are playing down space weaponry, however. Meeting with Pentagon reporters over breakfast recently, the Air Force's research director, Lt. Gen. Kelly Burke, cited the great technological problems presented by building, transporting, and accurately using space lasers. He noted the antisatellite missile that the Air Force soon will test fire from high-flying jet fighters as a better system for the near future.

Overall, however, the military aspects of the U.S. space effort are gaining as nonmilitary research projects account for less and less of NASA's spending.

"Whereas NASA's scientific programs were a full 36 percent of the research and development budgets in 1979 and 1980, they constitute only 28 percent of the proposed 1983 budget," Senator Schmitt complained recently. "Since 1980 the aeronautics budget of NASA has decreased by over 40 percent in constant dollars.

"The proposed fiscal year 1983 budget contains many programs only because they are of direct interest to the Department of Defense, while eliminating 12 major systems technology programs which would support a private aeronautics industry hard hit by foreign competition."

Since 1979, Schmitt points out, NASA has canceled its obligation to supply a spacecraft for the International Solar Polar Mission, plans for a Venus mapping mission (although a modest mission now is being studied), and a rendezvous with Halley's Comet in 1986.

In criticizing the growing military use of the space shuttle, Schmitt says, "The DOD should not have to be subsidized at the expense of our country's civil aeronautics and space programs."

However, DOD support has been crucial to shuttle development all along and shuttle planning has always included the military applications.

According to a recent GAO report, the Pentagon will be the prime passenger aboard nearly half the shuttle flights through 1984, 114 out of 234.

"This is bad news for those who are concerned over cutbacks in NASA's space science activities," says Sen. William Proxmire (D) of Wisconsin. "It means that more and more of each NASA budget will be spent on defense-related activities and less and less will be spent on civilian science."

It was because of this that the Senate voted earlier this month to stop "the free ride for the Pentagon," as Senator Schmitt puts it.

This is not likely to slow down the Defense Department's increasing role in space activities, however. In addition to antisatellite programs, defense planners are working on space-based communications and navigation systems, nuclear detection devices, and enemy missile warning capabilities.

The fourth flight of the space shuttle, scheduled for June 27, will include a military payload.

[From the Stars and Stripes—the National Tribune, May 13, 1982]

UNISPACE '82—PROMISES AND PROBLEMS

(By Jane A. Willenz)

Unispace '82. It sounds like a sequel to Star Wars or a new science fiction takeoff into the space age. No one seems to know much about it, perhaps because it is not a media event. Nor is it likely to be. That's unfortunate because more people should know about it.

Unispace '82 is the Second United Nations Conference on the Exploration and Peaceful uses of Outer Space, which will be held in Vienna, Austria, August 9-21. Nearly 140 nations from this planet are planning to participate in the Conference which is the second of its kind, the first being in 1968.

One cannot help but wonder why the exploration of outerspace and its implications have so receded into the background of public consciousness.

Yes, every new launching of a space vehicle gets its share of media coverage. There is a flurry; lots of Americans are glued to their TV sets and a collective sigh of relief is heard when the space craft returns safely, particularly when it is manned.

But the gorgeous wonder of it all somehow is muted. The awesome possibilities for good and evil are not a subject of much public debate and certainly of little private conjecture.

Maybe we are jaded, or maybe we are just frightened; there is already so much to be frightened about these days. The saber rattling of the Reagan Administration, and the "small" adventure in the South Atlantic which is a powderkeg for the very fragile nobelligerency state of a good part of the world, have raised the ante of worry.

The United States is sending a high level delegation to Vienna as well as mounting an exhibit. Ambassador Gerald B. Helman of the U.S. Dept. of State is coordinating the American effort, while James Beggs, the head of NASA, will lead the delegation.

Americans see the Conference as primarily educational rather than decision-making—a forum for stock taking—to review and share information on what has worked and what hasn't worked.

The agenda will cover three major areas: (1) State of space science and technology, (2) Applications of space science and technology and (3) International cooperation and the role of the UN.

Since third world countries are very interested in extending their capabilities in space, they have shown a strong interest in the Conference. They want more of the space action and many are throwing heavy resources into trying to get it. The Conference will give them all kinds of information that will assist them in launching specific projects.

The United States, according to the State Dept. spokesman, is committed to providing opportunities for international cooperation of space technology. And according to NASA, international cooperation has always been a way of life there; they claim that there hasn't been any major program at NASA without it.

According to the NASA philosophy, the United States wants to cooperate with all countries and to help provide the benefits that are derived from outer space technology, with all people.

One would assume from this beneficient approach from the U.S., that Unispace '82 is a promising event. It turns out there is much discontent.

There is criticism of the U.S. to joining the Conference late and some claim is not providing the kind of exhibit it is capable of providing.

The Third World countries, which are not monolithic, are apprehensive about the uses of space and how that will affect their sovereignty.

The NGO's—non-governmental organizations—are preparing for a parallel conference at Vienna. It is called the "NGOs at Unispace '82", and its theme is "peaceful development through space."

The NGOs make no bones about their conference being a political one. They feel that Unispace itself must deal with the political issues which are not on the agenda. They point out that the Third World considers space exploration and technology development a new form of economic imperialism of the "have" nations against the "have nots."

Among the issues that the NGOs claim are on the hidden agenda of Unispace and which will be on the NGO agenda are: Energy from space; Environment and Space, Geostationary Orbits, Remote Sensing; and Transfer Technology.

And most important of all, the NGO's are concerned about the "militarization" of space. None of these issues will be taken up substantively by the Unispace Conference itself, although they may be touched upon.

The NGO's probably mirror many of the concerns of the Third World countries. For example, the technology of remote sensing which is very sophisticated and not within the capability of most Third World countries, raises many thorny issues. Who controls the data which is sensed by the satellite?

While the data is theoretically open to all, only the most advanced nations have the technology to extract that data. So "openness" is quite meaningless for those who can't do anything with the data.

Apprehension and fear mark the third world's views of the pioneering efforts into space. After all, they have had considerable experience with the uses that mankind has put to scientific discovery.

Unhappily, much of their experiences have been negative. Exploration has often meant exploitation for them. They are struggling to catch up. And there are many nations in the Third World which do have a variety of capabilities in the space technology field.

In terms of what space technology can do, the Third World nations have an incredible amount to gain. The U.S.'s AID Agency has performed minor miracles in demonstrating how some of that technology can assist an underdeveloped nation help itself—in rural development, in communications, in education, in institution building, in developing power sources.

Of course, these uses of space exploration and technology are welcome to Third World countries. But they worry about the other possibilities which they see as threatening their sovereignty as well as their security.

The uses of outer space are governed by the Outer Space Treaty. The U.S. position is that it is developing the peaceful uses of outer space in a fashion consistent with the UN Charter which includes maintenance of U.S. security.

This is scary to the less developed nations, it smacks of militaristic use of outer space. The U.S. denies this; but asserts its rights under the Charter to capitalize on its technology to maximize its security.

Even if the U.S. is de jure within the boundaries of the UN charter, Third World nations are wary of the potential of space technology for military uses and/or domination.

Unispace '82 will not deal with this thorny issue, if it can avoid it but the parallel NGO conference will. It is useful that there be a forum for discussions of the fears of the less technologically-advanced nations. And it is important that the U.S. and the other technologically capable countries listen to those concerns and try to deal with them.

Perhaps the wonder and optimism of space exploration and development will return. This is the hope of the U.S. conference coordinators.

The potential for benefitting mankind through the marvelous breakthroughs in space science is unlimited. Wouldn't it be wonderful if the political problems would go away?

But, they won't unless nations will attack them with the same imagination and commitment that they approach scientific exploration. That indeed, is the main challenge to Unispace '82, whether it is on the official agenda or not.●

LEONA WARD—MORE THAN A GOOD REPORTER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. STARK. Mr. Speaker, Leona Ward, a reporter for the Hayward, Calif., Daily Review, a newspaper in my district, was recently honored by her colleagues and other friends on the occasion of her retirement.

For 37 years, Mrs. Ward practiced her profession with courage, resourcefulness, and skill.

The following article appeared in the Daily Review on Sunday, May 23, the day of her retirement dinner. It's a story about a good reporter:

SISTERS' ERA ENDS—LEGENDARY DAILY REVIEW REPORTER LEONA WARD RETIRES

It was April 12, 1945, and Leona Ward watched longingly as the city room of the old Oakland Post Enquirer "erupted with the news" of President Franklin Delano Roosevelt's death.

She turned from the insurance office window where she worked and thought, "This is not for me."

One month later, Leona Ward began her first assignment—covering police—for The Daily Review, a job that would grow and strengthen until, 37 years later, her name is virtually synonymous with the newpaper's.

On May 31, Mrs. Ward, now 70, retires as associate editor and reporter, leaving behind almost four decades as a journalist covering Southern Alameda County. Her colleagues are honoring her with a banquet tonight.

"I'm going to have to learn all over again how to participate . . . to be a part of the human race," she said recently, laughing at how the stringent requirements of "objectivity" have shaped her life.

Her career had spanned post-Depression days to current county politics, starting at her kitchen table in her hometown of Oelwein, Iowa.

There, after graduating from Coe College with a journalism degree in the Depression when "everybody was firing everybody in newsrooms," she worked as a stringer for several Iowa dailies, feeding them stories ranging from basketball games to crime stories.

Smiling, she confides now that she had some invaluable help: Her husband, Everett "Doc" Ward, went with her to the sporting games "to explain what was going on."

But World War II broke up that life. Ward joined the Navy, working on a minesweeper in the South Pacific. Mrs. Ward moved to California to wait out the war.

The wait ended, but never her stay here nor her attachment to the paper.

"When I first arrived here in 1963 from Nebraska she was already a legend," said Managing Editor Ernie Hines, now her boss but then a reporter who turned to Leona Ward for tips on news sources.

"She is in my mind, really the epitome of a professional," he said.

Quietly friendly, Mrs. Ward loved the community contact that came with her work and, as a result, built up a network of sources most reporters only dream of.

"There's just no county office or employee that she didn't know," recalled Lloyd Boles, an Oakland Tribune reporter who competed with her covering county government.

"When I saw her around, I immediately stated checking all over because I knew there something I was probably missing," he said. Then he laughed and added, "And there usually was."

During her career, Mrs. Ward covered almost every aspect of newspaper work, including a five-year stint as city editor, a post she left because she wanted to return to writing.

One of the highlights was her work covering Eden Hospital, built in the 1950s when Hayward had only one small hospital to service its growing population.

In the mid-1950s, she ran a series of articles scrutinizing potential conflicts of interest among doctors sitting on the hospital board of directors. The series won the paper an Associated Press award—and a $1 million libel suit filed by the doctors.

She recalls that as one of the most nerve-wracking times of her life.

She threatened to resign if the paper retracted the articles, then left for a national convention of the Business and Professional Womens's Association, in which she was a member of the national board of directors.

Sitting in her hotel room "nervous and getting more nervous by the moment," the fateful call came: The Daily Review would not retract, but would fight the lawsuit.

Ironically, she now notes, the lawsuit was dropped shortly thereafter.

Mrs. Ward was nominated for a Pulitzer Prize in 1974 for her coverage of Judge William Spruance Jr., later removed from the Hayward-San Leandro Municipal Court bench for abusing his authority.

That was the most difficult time of her life. She wrote many of those stories from her home, where she was caring for her husband, who died of cancer in 1973.

But more than anything, Mrs. Ward has been known for her dogged thoroughness and honesty in reporting.

"Her great strength has been the abilities she brings every day to the office," said Chuck Peterson, former Daily Review managing editor, who worked with Mrs. Ward for 20 years.

"She knew more about what was going on in San Leandro than a lot of the people who were running San Leandro," Peterson said of her days covering that beat.

As county government reporter for the past 25 years, she had to be resourceful. The Board of Supervisors used to meet behind closed doors, emerging to summarily vote to "pass all matters and whoosh, it was done," she said.

Usually, reporters were allowed in, particularly if they were persistent. "Anytime you come to a closed door, that's where you go," she said, smiling as memory took her back in time.

After a career of 10- and 12-hour workdays, Mrs. Ward doesn't plan to slow down too much in retirement.

In between remodeling her Pleasonton house, writing projects and traveling, she said she plans to take classes in literature and other areas she's always enjoyed.

Looking behind on her career, there are no regrets and only one wish:

"If they write on my tombstone, 'She was a good reporter,' I'll be happy."●

ITALIAN NATIONAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. RODINO. Mr. Speaker, I want to join my friends in the Italian community and all Americans in paying tribute to one of our most treasured allies on the celebration of the 36th anniversary of the founding of the Italian Republic.

Italy can be very proud of its advancement as a democracy, as it celebrates its 36th birthday. At the end of

World War II Italy emerged as a Republic amid the spread of totalitarianism that swept Europe. Italy's devotion to the principles of democratic government has been an inspiration to democratic nations throughout the world. Since the Italian people voted to establish a republican form of government on June 2, 1946, Italy has steadfastly maintained its national commitment to democratic institutions and individual liberties despite the threats of domestic terrorism, social unrest and a struggling economy.

Their dedication to political freedoms has been consistent with Italy's history, which has provided the world with great advancements in art and music, science, and law. From the legal foundations established in ancient Roman culture, to the artistic and scientific developments spawned by the Renaissance in the 14th century, Italian creativity has given mankind innumerable lasting contributions: From the ancient code of Justinian to the artwork of Michaelangelo, the scientific discoveries of Da Vinci, Galileo, and Enrico Fermi, and the musical achievements of Giuseppi Verdi, Arturo Toscanini, Enrico Caruso, and Luciano Pavarotti.

Americans of Italian descent have continued this tradition with their many contributions to the growth and development of our country.

I am proud of my heritage as one of these Americans of Italian origin, and I ask all my colleagues to join me in saluting the Italian Republic on this great day of celebration of Italian democracy.●

THE DANGERS OF AN ACCIDENTAL NUCLEAR WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1982

● Mr. BROWN of California. Mr. Speaker, many excellent articles critical of U.S. nuclear posture have appeared over previous months and years in various publications. There is no question that public awareness of the horrors of a nuclear exchange have been heightened by the work of a multitude of groups—nuclear physicists, physicians, religious leaders—and by popular writers such as Jonathan Schell, with his recent book describing the potential end of the human race.

One of the best short critiques of our nuclear strategy appeared last Sunday in the Los Angeles Herald Examiner, a major Hearst publication which I confess I do not read as often as I might. The author, Arthur Macy Cox, is a well-known writer on military policy. He makes the case that the advance of nuclear technology, coupled with the continued persistence by all sides on a counterproductive and obsolete nuclear arms race, raises the chances of an accidental nuclear exchange to a very high level.

While most political leaders still do not seem to be aware of the seriousness of the chances of accidental nuclear war, this may change quickly. The special U.N. session on disarmament, now starting in New York, may raise the level of awareness. The bilateral discussions between the U.S. and the U.S.S.R. on reduction of nuclear arms seems to have a new sense of priority. The opportunity for reversing the nuclear arms race and achieving a new level of planetary rationality is before us, if we seize the opportunity.

The Cox article, which follows, should contribute to that goal.

[From the Los Angeles Herald Examiner, May 30, 1982]

WORLD WAR 3 COULD HAPPEN BY MISTAKE—UNLESS . . .

(By Arthur Macy Cox)

It is good that President Reagan has decided to talk with the Russians about strategic nuclear weapons, but the manner in which he is going about it reveals that he does not yet grasp the extraordinary peril for the United States and the world if the nuclear-arms race is permitted to continue.

The reason for this grave danger is that nuclear-weapons technology is rapidly advancing to a point where it can no longer be controlled by man. Decisions about whether to launch nuclear weapons soon may be made by computers. Neither the Soviet Union nor the United States has any intention of launching a nuclear attack, but if both sides deploy the next round of nuclear weapons, the risk of war by accident will increase from possible to probable.

Most of the new nuclear weapons will have a capability for a first strike because they can reach their targets with such speed, accuracy and power. When they are deployed, both sides will be on hairtrigger alert, especially at times of political crisis. These weapons will be able to destroy nuclear command, control and communications systems, both human and mechanical. Those systems are vulnerable and subject to error.

The United States in 1979 and 1980 had three nuclear-war alerts caused by false alarms from computer error. Fortunately for this planet, we could survive such false alarms because there was time to ascertain the error before a command to launch was given. In the future there will not be time.

In June 1980, Fred D. Ikle, the present undersecretary of defense for policy, wrote an article in The Washington Post titled "The Growing Risk of War By Accident." He said: "The more we rely on launch on warnings (or, for that matter, the more the Soviet do), the greater the risk of accidental nuclear war. . . . The crux of the matter is that the more important it becomes to launch on warning, the more dangerous it will be. The tightening noose around our neck is the requirement for speed. The more certain one wants to be that our missile forces (or Soviet missile forces) could be launched within minutes and under all circumstances, the more one has to practice the system and to loosen the safeguards."

Former Secretary of Defense Harold Brown, in an interview with The Wall Street Journal in July 1980, confirmed the awful risk of a policy of launch on warning. He said: "I think the idea of depending on launch under attack is a bad idea. . . . We ought not to let computers make the decision as to when we go to war."

Nevertheless, in the CBS television documentary "The Defense of the United States," the following exchange took place between Dan Rather and Secretary of Defense Caspar W. Weinberger. Rather said: "But your basic recommendation is that we must be prepared—we must at least be prepared to do a launch under attack." Weinberger replied: "It gives undue emphasis to single out any one particular kind of option and say that is the one we're considering. We're considering them all. We aren't eliminating anything."

Georgi A. Arbatov, the top Soviet expert on the United States, says that if Soviet weapon systems become vulnerable, "there is always a countermeasure: launch on warning and under attack."

The United States intends to deploy Pershing 2 ballistic missiles in West Germany early in 1984. Those missiles will be capable of destroying Soviet command, control and communications systems after a six-minute flight. When those weapons are deployed, we will have forced the Russians into a corner. They will almost certainly adopt a policy of launch on warning, which means that they launch missiles on first warning of attack rather than risk having their command center destroyed. Since no human decision-making system can be responsive in six minutes, the Russians will have to rely on computers. Their computers are not as advanced as ours—and ours make errors

President Reagan doesn't seem to understand the terrible risk of accidental nuclear war that confronts us. He is still indulging in propaganda ploys trying to convince American and European opinion that he is eager for serious negotiations, while at the same time moving ahead with the development of first-strike weapons. The president's approach reflects insufficient awareness of the urgent need for reversing the nuclear arms race. He says: "The monumental task of reducing our strategic forces to enhance stability will take many years of concentrated effort." That will be too late. The first-strike weapons will be in place by then.

In fact, the nuclear-arms race is moving into its most dangerous stage since the first atomic bomb was exploded. The only way to reverse this insane course is through negotiations of agreements that reduce the threat of first strike to a point where neither side would contemplate launch on warning, and neither side could conceivably gain any advantage from a surprise attack.

In order to survive, both sides will have to acknowledge that neither side can any longer assert its national will through military coercion of the other. In a nuclear era, Clausewitz is irrelevant: War can no longer be an extension of politics. There can never again be nuclear superiority of one superpower over the other. The mindless effort to achieve such superiority moves each side closer to the hairtrigger. The concepts of limited nuclear war and nuclear-war fighting are irrational.

The theory of building nuclear bargaining chips so that we can negotiate from strength is a nonsensical hoax. The Russians are no more likely to negotiate from a position of inferiority than we are. If one side builds a new system and obtains an advantage, the other side will respond with a

countermove. The meaningful time to negotiate about new nuclear systems is before they have been deployed, not after. Both sides have violated this principle many times and the arms race has escalated. Now is the time to stop it.

There should be five priority goals in the next round of negotiation.

To eliminate the threat of first strike.

To cut the number of launchers and warheads to a level that preserves nuclear deterrence but reduces the danger of accidental or unintentional nuclear war.

To freeze nuclear systems at a sharply reduced but equal level and to ban development, testing and deployment of any new nuclear weapons.

To ban military programs in outerspace.

To provide for adequate verification of the implementation of the agreements.

The best way to approach negotiation would be to place all of the nuclear weapons of the two powers on the bargaining table. Since it is impossible to separate systems that are supposedly strategic or intercontinental from intermediate range systems, also deployed in Europe, it will be almost impossible to proceed with two separate negotiations in Geneva. As for the tactical or battlefield nuclear weapons stationed in Central Europe, the ideal goal would be to dismantle them all. If that is not possible, a 50 percent reduction would be desirable.

But most important would be to control first-strike weapons. Large Soviet SS-18s and SS-19s carry 10 and six warheads, respectively, with sufficient power and accuracy to be categorized as first-strike weapons. President Reagan has suggested that a cut in the Soviet land-based missile force to 2,500 warheads would be acceptable to the United States. Certainly that would sharply reduce the potential threat. However, in return we should agree to cancel our next round of first-strike weapons. These are the Pershing 2s scheduled for deployment in West Germany in early 1984, the MX missiles scheduled for deployment between 1986 and 1988 and the Trident II submarine-launched missile due in 1989 or 1990. In addition, we have 900 Mark XII-A warheads deployed in our Minuteman III missiles, which have a first-strike capacity.

President Reagan's warhead total of 5,000 may be an adequate starting point, but the ultimate goal should be half of that figure.

These measures would virtually eliminate the first-strike threat and would return the two sides to a much more stable balance of deterrence. When the initial warhead ceiling is set, the two sides should agree to freeze all further development, testing and deployment of nuclear weapons. U.S. and Soviet intermediate-range weapons also should be reduced by at least 50 percent. Since the French, Chinese and possibly the British may not agree to negotiate about their nuclear weapons, the Russians will insist on maintaining some of their SS-20s, especially those facing China.

After seven years of negotiating SALT II, both sides know most of the facts and details. If the two superpowers are sufficiently motivated by the desire to survive, they should be able to reach an agreement.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 3, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for May.
2128 Rayburn Building

JUNE 8

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Energy and Natural Resources
To resume hearings on S. 1844, to facilitate the development of interstate coal pipeline distribution systems by granting the Federal power of eminent domain to those interstate pipelines which are determined to be in the national interest.
3110 Dirksen Building

10:00 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on U.S. policies and programs in Southeast Asia.
4221 Dirksen Building

11:00 a.m.
Judiciary
Business meeting, to mark up pending calendar business.
2228 Dirksen Building

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for programs which fall within the jurisdiction of the subcommittee.
1318 Dirksen Building

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on social security trust fund investment policy.
2221 Dirksen Building

JUNE 9

8:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment.
1114 Dirksen Building

9:00 a.m.
Finance
International Trade Subcommittee
To hold oversight hearings on Government procurement code and related agreements.
2221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Donald D. Engen, of Virginia, to be a member of the National Transportation Safety Board.
235 Russell Building

Judiciary
Agency Administration Subcommittee
Business meeting, to mark up S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
2228 Dirksen Building

Veterans Affairs
To hold oversight hearings on the administration of outpatient care facilities for veterans.
412 Russell Building

*Select on Indian Affairs
To hold hearings on the proposed reorganization within the Bureau of Indian Affairs, Department of the Interior.
6226 Dirksen Building

10:00 a.m.
Foreign Relations
Business meeting, to mark up Senate Joint Resolution 163, Senate Joint Resolution 171, Senate Joint Resolution 177, Senate Joint Resolution 191, Senate Resolution 323, Senate Resolution 343, Senate Resolution 370, Senate Executive Resolution 5, Senate Executive Resolution 6, and Senate Concurrent Resolution 81, resolutions providing for a reduction of nuclear armaments by the United States and the Soviet Union, and other pending calendar business.
4221 Dirksen Building

2:00 p.m.
Foreign Relations
Business meeting, to continue markup of Senate Joint Resolution 163, Senate Joint Resolution 171, Senate Joint Resolution 177, Senate Joint Resolution 191, Senate Resolution 323, Senate Resolution 343, Senate Resolution 370, Senate Executive Resolution 5, Senate Executive Resolution 6, and Senate Concurrent Resolution 81, resolutions providing for a reduction of nuclear armaments by the United States and the Soviet Union, and other pending calendar business.
4221 Dirksen Building

JUNE 10

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the

Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the employee retirement income security program (ERISA).
4232 Dirksen Building

Small Business
To hold oversight hearings on activities of small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's).
424 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Foreign Relations
To resume hearings on East-West relations, focusing on the Pacific.
4221 Dirksen Building

Governmental Affairs
Business meeting, to mark up pending calendar business.
3302 Dirksen Building

*Rules and Administration
To hold hearings on the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a member of the Federal Election Commission.
301 Russell Building

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Export-Import Bank of the United States.
1318 Dirksen Building

2:00 p.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 1230, authorizing the minting of special coins commemorating the 1984 summer Olympic games in Los Angeles, Calif.
5302 Dirksen Building

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To resume hearings on U.S. policies and programs in Southeast Asia.
4221 Dirksen Building

4:15 p.m.
Foreign Relations
Closed briefing on El Salvador land reform.
S-116, Capitol

JUNE 11

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on propsed legislation authorizing funds for certain soil conservation service watershed projects.
4200 Dirksen Building

Foreign Relations
To hold hearings on the proposed Motor Vehicle Treaty with Mexico (Treaty Doc. No. 97-18).
4221 Dirksen Building

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

JUNE 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold hearings on proposed authorizations for the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the trade and development program, international disaster assistance, and American schools and hospitals abroad program.
S-146, Capitol

Conferees
On S. 1193, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Department of State, authorizing funds for fiscal year ending September 30, 1982, for the Arms Control and Disarmament Agency, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the International Communications Agency, and authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Board for International Broadcasting.
S-116, Capitol

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on administration of the law requiring half of all Government-impelled cargoes to be transported on U.S.-flag vessels.
235 Russell Building

Rules and Administration
Business meeting, to consider the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission, and a proposed resolution of regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.
301 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Super Fund).
4200 Dirksen Building

11:00 a.m.
Veterans Affairs
Business meeting, to markup S. 2379, requiring veterans to pay a funding fee on guaranteed home loans and certain provisions of S. 2378, proposed Veterans' Disability Compensation and Survivors' Benefits Amendments, relating to cost-saving improvements in veterans' programs, and other related measures.
412 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.
5110 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

10:00 a.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1562, proposed Arctic Research and Policy Act of 1981.
3302 Dirksen Building

2:00 p.m.
*Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the uranium enrichment program of the Department of Energy.
3110 Dirksen Building

JUNE 18

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, S. 2012, S. 2015, S. 2092, S. 2113, S. 2176, S. 2321, S. 2413, and section 127 of the Economic Recovery Act of 1981.
2221 Dirksen Building

JUNE 21

10:30 a.m.
Judiciary
To hold hearings on S. 1215, proposed Malt Beverage Interbrand Competition Act.
2228 Dirksen Building

JUNE 22

9:00 a.m.
*Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2202, authorizing funds through fiscal year 1989 for the Colorado River basin salinity control program.
3110 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Materials and Minerals Policy Act of 1980 (Public Law 96-479).
235 Russell Building

Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement programs.
4232 Dirksen Building

10:00 a.m.
Governmental Affairs
To hold hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on indirect cost and contract provisions of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

JUNE 24

9:30 a.m.
*Veterans Affairs
To hold oversight hearings to examine certain health care services provided to older veterans.
412 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JUNE 29

10:00 a.m.
Governmental Affairs
To hold oversight hearings on the use of competition in the procurement process of the Department of Defense.
3302 Dirksen Building

JULY 1

10:00 a.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2325, authorizing funds for Federal vocational and adult education programs, and to provide for State and local occupational assistance programs.
4232 Dirksen Building

JULY 13

9:30 a.m.
Veterans Affairs
To hold hearings on S. 2378, increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent's allowances, and providing for cost-saving improvements in veterans' programs.
412 Russell Building

Select on Indian Affairs
To hold hearings on S. 1795, providing for the transfer of certain lands in Arizona between the Hopi and Navajo Indian Tribes.
457 Russell Building

JULY 28

9:30 a.m.
Veterans Affairs
To hold hearings to clarify certain provisions relating to veterans' employment programs.
412 Russell Building

AUGUST 12

9:30 a.m.
*Veterans Affairs
Business meeting, to mark up S. 2378, proposed veterans' disability compensation and survivors' benefits amendments.
412 Russell Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion Legislative recommendations for fiscal year 1983.
318 Russell Building

HOUSE OF REPRESENTATIVES—*Thursday, June 3, 1982*

The House met at 10 a.m.

The Reverend Ernest A. Fitzgerald, Centenary United Methodist Church, Winston-Salem, N.C., offered the following prayer:

This is the day which the Lord has made. Let us rejoice and be glad in it. Eternal God, who art the source of all life, we thank Thee that Thou hast called us to share in the work of Thy earthly kingdom. Hold before us the examples of those who gave to us our goodly heritage. Grant us sincerity of purpose and singleness of mind. Guide us as we walk uncharted paths and give us the strength to stand for noble things. Help us to seek the truth and as we find it give us the courage to act upon it. So let us live that we may constantly fulfill Thy purposes for Thy children everywhere. In Thy holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND ERNEST FITZGERALD, D.D.

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, I have the great pleasure today of welcoming my friend and the pastor of my home church, Dr. Ernest Fitzgerald, as our visiting chaplain. On behalf of my colleagues, I want to thank him for his blessings and inspirational words this morning.

Dr. Fitzgerald is a graduate of the Duke University Divinity School and was named its most outstanding alumnus in 1979. For the past 16 years he has tended the flock at Centenary United Methodist Church in Winston-Salem, N.C. This is the largest Methodist Church in North and South Carolina and Virginia.

Dr. Fitzgerald has distinguished himself by his good works and services to God and man. He serves his community through many civic and charitable endeavors, and he has enriched his city's spirit. He is an experienced traveler, having toured the United States, Europe, and the Middle East. He has recorded his insights and observations in seven books, and he is a popular speaker. He is also scheduled to appear on the "Protestant Hour," a nondenominational service aired on television stations throughout the world.

Dr. Fitzgerald serves on many boards in the community and is a trustee of Pfeifer College in Misenheimer, N.C. He has earned many honors, among them inclusion in "Who's Who in the Southeast," "the Writer's Directory," "Men of Achievement," "International Who's Who in Community Service," "Contemporary Authors," and "Who's Who in Religion."

Dr. Fitzgerald and his wife, Frances, have two children, James Boyd and Patricia Ann. His hobbies include woodworking, flying, mechanics, and operating ham radios.

I express the appreciation of my colleagues when I thank him for being with us today and for his inspiring prayer.

REPEAL OF $75-PER-DAY DEDUCTION FOR MEMBERS OF CONGRESS URGED

(Mrs. BOUQUARD asked and was give permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Speaker, within the next few days this body will have perhaps the final opportunity to force a rollback in the overly-generous increase in business-related living expense deductions for Members of Congress. The Senate has included in its version of the urgent supplemental appropriations bill a repeal of the $75-per-day level established by Treasury Secretary Regan and returned to the $3,000 limit. I am asking all those who have joined with me and with other Members of the House in trying to undo this "ill-advised tax giveaway" to the Congress, to request the House conferees, when they are appointed, to accept the Senate provision in the conference.

ERA HUNGER STRIKERS SUPPORTED

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, tomorrow is the anniversary of the death of a very courageous woman, Helen Keller, who went around and showed us all how you could say, "I can." She just refused to say the words "I can't."

I use that because I think right now there is a group of women who are very courageous, they are engaged in a hunger strike looking at June 30 which is the final day for the passage of the ERA. They are also saying, "We have to succeed," they will not accept anything other than ERA becoming law. It is the time when we see how terribly important the passage of the ERA is and it is also a time when we really have to salute the courage of these women engaged in the hunger strike, and we hope all goes well.

The Denver Post this morning published an editorial, "ERA's Final Push in Illinois," that points out the increasing drive and determination of the ERA supporters in the last stretch of the ratification process.

Not only do women care about the ERA, they intend to demonstrate they care at the polls.

The editorial follows:

ERA'S FINAL PUSH IN ILLINOIS

The political craftiness of Equal Rights Amendment supporters shouldn't be underestimated as they reach the final days of what most observers say is the impossible task of getting three more states to ratify the amendment by the June 30 deadline.

Consider, for example, what they are doing to Big Jim Thompson, the Republican governor of Illinois.

Thompson wants another four-year lease on the governor's mansion in Springfield. But his popularity and lead over Democratic hopeful Adlai E. Stevenson III plunged following charges that he improperly accepted and used gifts of cash during his term. Now, seven ERA advocates (including Shirley Wallace of Fort Collins) are camped on his doorstep holding a hunger strike they say they won't break until the amendment is ratified or the June 30 deadline is reached.

Of the 15 states that haven't ratified the ERA, Illinois is the only one that requires a three-fifths rather than a simple majority vote by the Legislature. Were that changed, proponents could pass the amendment in Illinois. To that end, they want Thompson to pressure the Legislature to alter the rules. Their request could turn the ERA into Thompson's most serious problem.

The governor so far has declined to push hard for the rules change. To do so would mean he would have to take on Phyllis Schlafly, a conservative Illinois Republican and national leader of the anti-ERA movement. But recent polls also show Thompson's support among women is sliding badly. And the daily vigils by hunger strikers at the Illinois Statehouse, coupled with the physical toll the fast is taking on them, call more attention to his foot-dragging on ERA than to the Legislature's.

So the ERA supporters are neatly boxing in Governor Thompson. If he changes his mind and campaigns for the rule change, Illinois could become the 36th state to ratify the ERA. That in turn would increase the

political pressure on North Carolina, Florida and Oklahoma, where slim chances exist that the ERA could be ratified at the last minute.

This is what the hunger strikers hope to accomplish. But short of that, they aren't the least bit shy about inflicting some political damage on Thompson at a time when he can least afford it. And that is a possibility, that ought not go unnoticed by politicians elsewhere who don't think there is a need for a constitutional amendment banning sex discrimination.

STRICT CERTIFICATION REQUIREMENTS ON MILITARY AID TO EL SALVADOR

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, in the last session of Congress the elected representatives of this body passed into law strict certification requirements for the continuation of military aid to El Salvador. I have reiterated on the floor of this House and in testimony before congressional committees my dissatisfaction with the President's cavalier justification of the continuation of foreign assistance in spite of evidence suggesting that El Salvador has not met these requirements.

One of the requirements originally attached to the legislation was a complete and thorough investigation into the brutal murders of four American churchwomen, two of whom were constituents of mine, in El Salvador in December 1980. This particular requirement must be renewed prior to the next certification in July.

In the past few weeks we have heard many assertions and news reports from El Salvador which suggest that the suspects who are now in custody will soon be put on trial. In spite of these reports, nothing has happened.

I am pleased that yesterday, the House Subcommittee on Inter-American Affairs, by unanimous vote, passed a resolution (H.J. Res. 494) proposed by Mr. STUDDS, cosponsored by myself and my other colleagues, to renew a certification requirement that the Government of El Salvador conduct a thorough investigation of the murders of these American citizens and bring to justice those responsible for this atrocity.

I urge my colleagues in the House to support this resolution. As a liaison for the families of these murdered women, I can assure you of their determination to continue their struggle—in a cause that has the support of the American people—to see that justice is finally accomplished.

The investigation has not been thorough and complete. All who are implicated should be identified. We are concerned that not only the perpetrators of the act should be brought to justice, but that all those responsible for the act by way of ordering, condoning, or encouraging it should also be accused. The trial proceedings should move forward expeditiously and swiftly.

In the eyes of many Americans, the bodies of these four brave women, tossed into a roadside ditch, have become the touchstone of the credibility not only of the Government of El Salvador, but of our own foreign policy.

LEVITAS REGULATORY REFORM LEGISLATION URGED

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, one of the important items of unfinished business, in addition to the budget, that this House faces is dealing with the matter of relieving the American people of unwarranted, burdensome regulations and redtape. On February 28 the Judiciary Committee reported out the regulatory reform legislation. Thus far it has not received action on the floor of this House nor has a rule even been granted for its consideration.

I think the American people are losing patience with a Congress which will not deal with the problem of unreasonable and unwarranted regulation. The time has come for that legislation to be brought to the floor so that this House can do its will, go to conference with the other body, and take those necessary measures to return Government to the people and not continue unaccountable Government by the unelected bureaucrats.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to my colleague from Texas.

Mr. SAM B. HALL, JR. I would like to join in the remarks of the gentleman. As he knows, we had a meeting yesterday in my office. I am awaiting the results of a rule and hope to proceed with this regulatory reform bill as soon as it can be possible to get it on this floor.

Mr. LEVITAS. I thank my friend from Texas. Under his leadership I am sure this legislation will pass, if the House is only given the chance to do its will.

REPLACEMENT HOSPITAL FOR THE VETERANS IN PORTLAND, OREG.

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, after two decades of debate, planning, and litigation, work is finally underway on a replacement hospital in Portland, Oreg., to meet the health care needs of military veterans in my region.

Oregon veterans have looked forward to this day for many years. So have the doctors, nurses, and technicians who have made do under difficult conditions in an outmoded facility. Together, with them, I share elation, relief, and thankfulness that a problem is in the process of being solved.

Yet, even as the ground is being excavated on Marquam Hill in Portland, next to the Oregon Health Sciences Center University, there are some who feel that this new hospital is a mistake.

They believe that veterans should be mainstreamed out of the Veterans Administration health care system into local community hospitals. They ask: Is there not a better way to do the job?

The question is eminently worth asking, for the sake of veterans, their families, and for all taxpayers. The question deserves an answer, but the answer is one that will take time to formulate—as a matter of fact, and as a matter of policy.

As of now, Mr. Speaker, no one has made a plausible case that veterans with service-connected infirmities and disabilities would be better served, or served at less cost, in community hospitals. And certainly no one has made a convincing case for gambling on the health needs of veterans as the debate goes on.

Anyone who has taken the time—as I repeatedly have—to walk the corridors, wards, nursing stations, and waiting rooms of the old VA hospital in Portland, and to speak with doctors, nurses, and patients, will be shaken by what he learns.

For example, the surgical department has the operating room on one floor, the nurses' and doctors' station on another, and the intensive care unit on yet another. The elevator that connects the floors is creaky and unreliable. In emergencies, when the elevator is not working, medical personnel run up and down the stairs; patients have to be carted. We cannot consign veterans to this kind of health care treatment.

Though this is by no means as important as the priority of topflight medical care, there is yet another dimension to this hospital; one of jobs. At a time when unemployment in Oregon is at 11.4 percent, the VA hospital keeps 1,292 people at work, pumps $32.3 million directly into the economy, plus another $19.8 million spent by the hospital on medical supplies, materials, and training.

And there are others, some of them veterans and some of them nonveterans, who have a personal stake in the construction of this hospital.

They are the people who will build it.

There are 161,000 Oregonians today who are eager for work, but for whom no work is available. With this project, they will find 26,000 weeks of work, and their names will appear on nearly $50 million worth of payroll checks.

NEW BUDGET RESOLUTION SHOULD INCLUDE HOUSE-PASSED AMENDMENTS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, although the House failed to adopt any one of the budgets last week, the House did demonstrate by its vote in favor of a number of amendments what it did support. It voted to eliminate the cuts in the medicare program; it voted to add funding to certain education programs, including those at the elementary and secondary levels as well as higher education student financial assistance. We voted to increase from 4 to 5 percent the annual cap for pay increases for Federal employees. Additionally we voted to maintain the COLA on benefits for civilian and military retirees.

I would hope that when the Budget Committee returns to us with its recommendations it will incorporate in its budget those amendments on which the House has already voted favorably. There is no confusion as to where the House stands as to those issues.

REMOVAL OF NAME AS COSPONSOR OF H.R. 3117, THE ECONOMIC EQUITY ACT

Mrs. BOUQUARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3117, the Economic Equity Act.

The SPEAKER. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 4, INTELLIGENCE IDENTITIES PROTECTION ACT

The SPEAKER. Pursuant to clause 5 of rule I, the unfinished business is the question of agreeing to the conference report on the bill, H.R. 4, on which further proceedings were postponed on Wednesday, June 2, 1982.

The Clerk read the title of the bill.

The SPEAKER. The question is on the conference report, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 32, not voting 85, as follows:

[Roll No. 131]

YEAS—315

Akaka	Albosta	Alexander
Anderson	Forsythe	Michel
Andrews	Fountain	Mikulski
Annunzio	Fowler	Miller (OH)
Anthony	Frank	Mineta
Applegate	Frenzel	Minish
Archer	Fuqua	Moakley
Aspin	Gaydos	Mollohan
Atkinson	Gephardt	Montgomery
AuCoin	Gibbons	Moore
Badham	Gilman	Moorhead
Bafalis	Gingrich	Morrison
Bailey (PA)	Glickman	Murtha
Barnard	Gonzalez	Myers
Barnes	Goodling	Napier
Bedell	Gore	Natcher
Beilenson	Gramm	Nelligan
Benedict	Green	Nelson
Benjamin	Gregg	Nichols
Bennett	Gunderson	Nowak
Bereuter	Hall (OH)	O'Brien
Bethune	Hall, Ralph	Oakar
Bevill	Hall, Sam	Obey
Biaggi	Hamilton	Oxley
Bliley	Hammerschmidt	Panetta
Boland	Hance	Parris
Boner	Hansen (ID)	Pashayan
Bonior	Hansen (UT)	Patman
Bonker	Harkin	Paul
Bouquard	Hartnett	Pepper
Bowen	Hawkins	Perkins
Breaux	Heckler	Peyser
Brinkley	Hefner	Pickle
Brodhead	Hendon	Porter
Brooks	Hertel	Price
Broomfield	Hightower	Pursell
Brown (CA)	Hiler	Quillen
Brown (CO)	Hillis	Rahall
Broyhill	Holland	Railsback
Butler	Hollenbeck	Rangel
Byron	Holt	Ratchford
Carman	Hopkins	Regula
Carney	Horton	Rhodes
Chappie	Howard	Rinaldo
Cheney	Hubbard	Ritter
Clausen	Hughes	Roberts (KS)
Clinger	Hunter	Robinson
Coats	Hutto	Roemer
Coelho	Hyde	Rogers
Coleman	Ireland	Rose
Collins (IL)	Jeffords	Rostenkowski
Conable	Jeffries	Roth
Conte	Johnston	Roukema
Corcoran	Jones (OK)	Rudd
Coughlin	Jones (TN)	Russo
Coyne, James	Kazen	Sawyer
Coyne, William	Kemp	Scheuer
Craig	Kindness	Schneider
Crane, Daniel	Kramer	Schroeder
Crane, Philip	LaFalce	Schulze
Daniel, Dan	Lagomarsino	Sensenbrenner
Daniel, R. W.	Lantos	Shamansky
Dannemeyer	Latta	Shannon
Daub	Leach	Sharp
Davis	Leath	Shaw
de la Garza	LeBoutillier	Shelby
DeNardis	Lee	Shumway
Derwinski	Leland	Shuster
Dingell	Lent	Siljander
Dorgan	Levitas	Simon
Dougherty	Lewis	Skeen
Downey	Livingston	Skelton
Duncan	Loeffler	Smith (AL)
Dunn	Long (LA)	Smith (IA)
Dwyer	Long (MD)	Smith (NE)
Dyson	Lott	Smith (NJ)
Early	Lowery (CA)	Smith (OR)
Edwards (AL)	Lowry (WA)	Snowe
Edwards (OK)	Lujan	Snyder
Emerson	Luken	Solarz
Emery	Lundine	Solomon
English	Madigan	Spence
Erlenborn	Markey	St Germain
Evans (DE)	Martin (IL)	Stangeland
Evans (IA)	Martin (NC)	Stanton
Evans (IN)	Martin (NY)	Staton
Fary	Matsui	Stenholm
Fascell	Mavroules	Stratton
Fenwick	Mazzoli	Studds
Ferraro	McClory	Swift
Fields	McCollum	Synar
Findley	McCurdy	Tauke
Flippo	McDade	Tauzin
Florio	McDonald	Thomas
Foglietta	McEwen	Udall
Foley	McGrath	Vander Jagt
Ford (MI)	Mica	Volkmer
Walgren	Whittaker	Wright
Walker	Whitten	Wyden
Wampler	Williams (MT)	Wylie
Watkins	Williams (OH)	Yatron
Weber (MN)	Winn	Young (AK)
Weber (OH)	Wirth	Young (FL)
Whitehurst	Wolf	Young (MO)
Whitley	Wortley	Zablocki

NAYS—32

Burton, Phillip	Kennelly	Sabo
Clay	Kildee	Savage
Crockett	Lehman	Schumer
Dellums	Miller (CA)	Seiberling
Edgar	Mitchell (MD)	Stark
Edwards (CA)	Oberstar	Vento
Garcia	Ottinger	Weaver
Gejdenson	Pease	Weiss
Gray	Reuss	Wolpe
Jacobs	Rodino	Yates
Kastenmeier	Roybal	

NOT VOTING—85

Addabbo	Erdahl	McKinney
Bailey (MO)	Ertel	Mitchell (NY)
Beard	Evans (GA)	Moffett
Bingham	Fazio	Molinari
Blanchard	Fiedler	Mottl
Boggs	Fish	Murphy
Bolling	Fithian	Neal
Brown (OH)	Ford (TN)	Patterson
Burgener	Frost	Petri
Burton, John	Ginn	Pritchard
Campbell	Goldwater	Richmond
Chappell	Gradison	Roberts (SD)
Chisholm	Grisham	Roe
Collins (TX)	Guarini	Rosenthal
Conyers	Hagedorn	Rousselot
Courter	Hatcher	Santini
D'Amours	Heftel	Smith (PA)
Daschle	Hoyer	Stokes
Deckard	Huckaby	Stump
Derrick	Jenkins	Taylor
Dickinson	Jones (NC)	Traxler
Dicks	Kogovsek	Trible
Dixon	Lungren	Washington
Donnelly	Marks	Waxman
Dornan	Marlenee	White
Dowdy	Marriott	Wilson
Dreier	Mattox	Zeferetti
Dymally	McCloskey	
Eckart	McHugh	

□ 1015

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Ford of Tennessee against.

Mr. Roe for, with Mr. Richmond against.

Mr. Guarini for, with Mr. Washington against.

Mr. Zeferetti for, with Mr. Dymally against.

Mr. WEAVER and Mr. GRAY changed their votes from "yea" to "nay".

Mr. ROEMER and Mr. BEILENSON changed their votes from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MANAGEMENT WEEK IN AMERICA

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 225) to designate the week beginning June

1, 1981, and ending June 7, 1981, as "Management Week in America," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. AuCoin). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 225

Whereas the high level of dedication of the members of the management profession has contributed significantly to the success of the American free enterprise system;

Whereas the quality of management is of crucial importance in ensuring increased production of superior goods and services at costs that permit successful competition in both domestic and world markets; and

Whereas the first week in June has been recognized as a proper time for acknowledging the essential role of the management profession in ensuring the continued strength of the American economy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 1, 1981, and ending June 7, 1981, is designated "Management Week in America", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Garcia: On page 2, line 3, after the word "beginning" strike "June 1, 1981, and ending June 7, 1981," and insert in lieu thereof, "June 5, 1983 and ending June 11, 1983,".

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Garcia: Amend the title so as to read: "Joint resolution to designate the week beginning June 5, 1983, and ending June 11, 1983, as 'Management Week in America'."

The title amendment was agreed to.

A motion to reconsider was laid on the table

□ 1030

NATIONAL CHILD ABUSE PREVENTION WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 149) to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week", and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HILER. Mr. Speaker, reserving the right to object, and I will not object, I want to thank the majority of my colleagues who joined me in sponsoring the companion measure, House Joint Resolution 416, and helping make possible approval of "National Child Abuse Prevention Week." I especially want to thank my distinguished colleague from Ohio, Ms. Oakar, for her support and assistance in making House consideration of this bill possible. I also want to thank the chairman, Mr. Garcia, for expeditiously moving this resolution to the floor.

Mr. Speaker, this is the first time Congress has officially recognized the outstanding efforts of several largely volunteer organizations that are trying to curb one of our Nation's most tragic problems.

It is disgraceful that a nation such as ours will likely see 2 million young children become victims of child abuse this year. It is tragic that 5,000 of those children may be killed by their parents or parent surrogates.

This bill alone will not stop child abuse. It will, however, help create much-needed public awareness that we, in fact, do have a very serious problem, and that there are several organizations effectively working to solve it.

Mr. Speaker, I especially want to mention a very special lady in South Bend, Ind., who first brought to me the idea of a child abuse awareness week. Her name is Mrs. Betty Stratigos, president of the South Bend chapter of Parents Anonymous. She is living testimony to the virtues and rewards of voluntarism in our society, and serves not only as an example to me, but to thousands of others in northern Indiana.

Parents Anonymous is but one of many outstanding organizations this bill is designed to honor. Others include the National Exchange Club Foundation for the Prevention of Child Abuse; the National Committee for the Prevention of Child Abuse; the National Child Abuse Coalition; and the American Humane Association.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 149

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated two million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including the National Exchange Club Foundation for the Prevention of Child Abuse, Parents Anonymous, the National Committee for the Prevention of Child Abuse, American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break their destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations, such as the National Exchange Club Foundation for the Prevention of Child Abuse, Parents Anonymous and other members of the National Child Abuse Coalition are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the Nation's attention upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 6, 1982, through June 12, 1982, is designated as "National Child Abuse Prevention Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. The gentleman from New York (Mr. Garcia) is recognized.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 149 designates June 6 through June 12, 1982 as "National Child Abuse Prevention Week." The incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States and an estimated 5,000 of these children die as a result of such abuse each year. The Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and members of families in which child abuse occurs.

An identical bill, House Joint Resolution 416 has been cosponsored by more than 218 Members of the House.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL INVENTORS' DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 140) designating February 11, 1983, "National Inventors' Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 140

Resolved by the Senate and House or Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1983, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) is recognized.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 140 designates February 11, 1983, as "National Investors Day," in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people.

An identical House bill has been cosponsored by more than 218 Members.

● Mr. DERWINSKI. Mr. Speaker, I rise in support of Senate Joint Resolution 140 designating February 11, 1983, as "National Inventors' Day."

This resolution will focus public attention on invention and innovation. Senate Joint Resolution 140 would honor the important role played by inventors in promoting progress in the useful arts and would recognize the invaluable contributions of inventors to the welfare of the people of the United States and the world.

I feel it is the duty of this body under the Constitution to promote progress in the useful arts, and I would hope that by focusing attention on inventors will also remind all of us of the continuing urgent need for invention and innovation so essential for an effective patent system in this country. Our national patent system in the United States has been maintained even in times of war and rebellion which has contributed significantly to the technological progress for the benefit of mankind and our Nation.

I urge my colleagues to join me in recognizing the men and women who have contributed so much to the economic and technological advances which our Nation has enjoyed for many years due to their inventive and innovative efforts.●

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL THEATRE WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 131) designating "National Theatre Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GREEN. Mr. Speaker, reserving the right to object, and I shall not object to this request, I rise to commend my colleague from New York (Mr. GARCIA) for bringing this resolution to the floor of the House.

National Theatre Week begins 1 day after the prestigious Tony Awards and will include the 100th anniversary of the actor's fund on June 8.

The American theatre is one of our finest cultural and educational resources. It is entirely fitting that Congress hail its strength and vitality as an institution and pay tribute to the thousands of Americans in professional theatre companies, high schools, colleges, and universities, and community theatres that work to bring the stage alive for audiences throughout our country.

The American theatre, whether a large Broadway theatre in Manhattan or a fledgling company in a small town, enriches us personally and improves the quality of life in our communities.

As a Member of this House in whose district lies the bulk of the New York City theatre district I urge the House to adopt this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 131

Whereas many Americans have devoted much time and energy for advincing the cause of theatre; and

Whereas the theatres of America have pioneered the way for many performers and have given them their start in vaudeville and stage; and

Whereas theatre is brought to Americans through high schools, colleges, and community theatre groups as well as through professional acting companies; and

Whereas citizens of America have been called upon to support the theatre arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theatres of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 7 through 13, 1982, shall be proclaimed "National Theatre Week" throughout the country, and all citizens are urged to support this effort with assistance to theatres throughout the country.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) is recognized.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 131 designates the week of June 7, 1982, as "National Theatre Week." The theatres of America have pioneered the way for many performers and have given them their start in vaudeville and stage. Many Americans have devoted much time and energy to advancing the cause of theatre and citizens of America have been called upon to support the theatre arts in the Nation's interest.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5659, AUTHORIZATION OF SMITHSONIAN INSTITUTION MUSEUM OF AFRICAN ART AND A CENTER FOR EASTERN ART

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5659) to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth

Street Southwest, in the city of Washington, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 488 is an open rule providing for the consideration of H.R. 5659, to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a Center for Eastern Art together with structures for related educational activities in Washington, D.C.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. House Resolution 488 further provides for one motion to recommit.

It also should be noted that the rule permits the committee amendment in the nature of a substitute to be considered as an original bill for purposes of amendment.

Mr. Speaker, H.R. 5659 authorizes $36.5 million in Federal matching funds in fiscal 1983 to construct a Smithsonian Museum of African Art and a Center for Eastern Art, plus structures for related activities. The Federal funding will be matched equally by private Smithsonian Institution revenues.

Enactment of H.R. 5659 and full budget authority in the amount of $36.5 million is required in order to allow a construction contract to be awarded early in fiscal 1983. However, outlays will be phased in over 3 years, with $5 million in fiscal 1983, $15 million in fiscal 1984, and $16.5 million in fiscal 1985.

The $36.5 million for the construction authorized by this bill is contained in the President's budget request for fiscal 1983.

Mr. Speaker, I am not aware of any opposition to the rule on H.R. 5659, and I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the able gentleman from Ohio (Mr. HALL) has explained the provisions of the rule making in order the consideration of an authorization bill to provide a building for the Smithsonian Institution.

I know of no controversy. The rule should be adopted and the bill should be adopted.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION OF NONPERFORMING ARTS FUNCTIONS OF THE KENNEDY CENTER

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 487

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5566) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation, now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for the consideration of H.R. 5566, the fiscal year 1983 authorization for the nonperforming arts functions of the John F. Kennedy Center. It is a 1-hour open rule.

The resolution contains certain provisions customarily included when a committee has reported a bill with an amendment in the nature of a substitute. The provisions are technical and simply insure that the minority has the same rights that would exist in the case of a clear bill. The rule provides for the committee substitute to be read as original text; amendment to amendments would otherwise not be in order. The rule permits a separate vote to be demanded in the House on amendments adopted in the Committee of the Whole and it permits the motion to recommit to contain instructions.

The John F. Kennedy Center Act was amended by section 10 of the Public Buildings Amendments of 1972 (Public Law 92-313) to direct the Secretary of the Interior, acting through the National Park Service, to provide maintenance, security, information, interpretation, janitorial, and other services necessary to the nonperforming arts functions of the Center. Congress has periodically appropriated funds to the National Park Service for these functions and the current authorization expired at the end of fiscal year 1981.

H.R. 5566, as reported, would authorize appropriations of $4,247,000 to the Secretary of the Interior to permit the Park Service to continue necessary services through the end of fiscal year 1983.

In 1971, the Park Service and the Kennedy Center entered into an agreement whereby the Park Service is allocated 76.2 percent of the operation and maintenance costs of the Center and the Kennedy Center is allocated 23.8 percent. This formula is based on the hours that the building is expected to be used for memorial and performing arts functions. The fiscal year 1983 request, as introduced, assumed a cost-sharing formula of 70 percent for the Park Service and 30 percent for the Kennedy Center. However, the administration agreed to retain the current formula so the Public Works Committee amended the bill and added an additional $261,000 for the Park Service to carry out its functions. The committee says that it expects that any future proposed changes in the cost-sharing formula

between the Park Service and the Kennedy Center should not be undertaken prior to consultation with the appropriate congressional committees.

Mr. Speaker, I understand that the administration supports an authorization of $4,247,000 for fiscal year 1983 National Park Service funding of the Kennedy Center and that the other body is prepared to act on the companion measure (S. 2134) which is identical to H.R. 5566 as amended. That bill was ordered reported on May 6 by the Senate Committee on Environment and Public Works.

Mr. Speaker, I urge the adoption of the resolution to enable the House to act on this legislation relating to the important memorial to President Kennedy.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the able gentleman from Massachusetts (Mr. MOAKLEY) has described the provisions of the rule.

This is another authorization bill reported by the Public Works Committee. I know of no controversy on the rule.

There could be some controversy during debate on the bill. But, Mr. Speaker, I have no requests for time and I urge adoption of the resolution.

I yield back the balance of my time.

□ 1045

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5566) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FARY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5566, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. FARY) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Public Works and Transportation has reported favorably H.R. 5566, a bill authorizing to be appropriated to the Secretary of the Interior $4,247,000 necessary to carry out the nonperforming arts functions of the John F. Kennedy Center for the fiscal year ending September 30, 1983.

Mr. Chairman, section 6(e) of the John F. Kennedy Center Act, as amended, provides that "The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts." With the adoption of that language in 1972, the Congress recognized that the Kennedy Center functions both as a performing arts center and as a Presidential memorial similar to the Lincoln Memorial and the Jefferson Memorial, and that those so-called nonperforming arts functions comparable to other Presidential memorials should be funded by appropriations to the Interior Department. Subsequent acts of the Congress have amended that subsection to provide funds through fiscal year 1982.

As a "living memorial", the Kennedy Center has broad responsibilities to the public. Section 4 of the statute creating the Kennedy Center provides instructions to:

First, present classical and contemporary music, opera, drama, dance, and poetry from this and other countries;

Second, present lectures and other programs;

Third, develop programs for children and youth and the elderly—and for other age groups as well—in such arts designed specifically for their participation, education, and recreation;

Fourth, provide facilities for other civic activities.

To carry out its responsibilities under section 4, the Kennedy Center allocated $2.5 million in fiscal year 1981 for public service activities. None of these funds were Federal moneys. Some of the services and programs which the Kennedy Center offers to the public include:

A specially priced ticket program through which up to 15 percent of the tickets to regular performances, except on Saturday evenings, are made available, at half price, to students, the handicapped, persons over 65, low-income groups, and enlisted military personnel. In fiscal year 1981, about 120,000 tickets were sold through this program, resulting in a total reduction of $1 million.

A total of 350 free events, including special performances, symposia, lectures, and exhibitions, attended by more than 245,000 people in 1981.

There were 300 free performances of music, theater, dance, poetry, and puppetry which were attended by 300,000 children in fiscal year 1981 under an Alliance for Arts Education program in which the Kennedy Center and HHS cooperate.

The annual American College Theater Festival sponsored by the Kennedy Center and the Alliance for Arts Education.

Since 1972, a cost-sharing formula allocating maintenance costs between the Park Service and the Kennedy Center has been in effect. The formula, developed by an accounting firm, is based on the hours that the building is expected to be used for memorial and performing arts functions. The formula allocates 76.2 percent of the costs to the memorial functions and 23.8 percent for performing arts functions.

Mr. Chairman, without an extension of the present authorization, the National Park Service cannot continue beyond September 30, 1982, to exercise its responsibility, as required by law. Without maintenance and other services, the building, equipment, and grounds will deteriorate, necessitating extensive and costly repairs in the future. It is essential that these funds be made available to the Park Service so that we can allow a memorial to the late President John F. Kennedy to continue to be maintained in a proper fashion.

In conclusion, I would like to commend the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD) and the ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN) and the ranking minority member of the Subcommittee on Public Buildings and Grounds, the gentleman from Minnesota (Mr. STANGELAND) for their time and effort spent in bringing this legislation to the floor.

I urge my colleagues to support this legislation.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I, too, would like to commend the chairman of our subcommittee, Mr. FARY, as well as Chairman HOWARD and the ranking member, Mr. CLAUSEN, for their efforts in moving H.R. 5566 through the committee process. As pointed out earlier, I would like to emphasize that the funding level of $4,247,000 for the nonperforming arts functions at the Kennedy Center is a barebones authorization to perform maintenance, janitorial, interpretative, and other statutory responsibilities by the National Park Service. This request is

only slightly greater than last year's appropriated figure of $4.2 million for these same functions. Also, it should be pointed out that the Office of Management and Budget wholeheartedly supports the $4,247,000 funding figure and it has been included in the fiscal year 1983 budget.

As one of the most visited memorials and monuments in Washington, providing this funding for normal maintenance, upkeep, and other nonperforming arts functions at the Center is not only necessary but also a good financial investment in this important piece of Federal real estate. If we do not approve this bill, the Center will not be able to continue operations and we will have to deal with much greater repair costs in the future. I support the chairman's efforts and urge passage of H.R. 5566.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FARY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, first of all, I would like to pay special commendation to the chairman of the subcommittee, the gentleman from Illinois (Mr. FARY), and to the ranking minority member of the subcommittee, the gentleman from Minnesota (Mr. STANGELAND), for their really outstanding work in carefully considering this legislation when it was in hearing before the subcommittee and perfecting a piece of legislation that is essential for the continuation of the operation of the Kennedy Center for the Performing Arts by providing this authorization to carry on the nonperforming arts functions of the John F. Kennedy Center.

As the chairman of the subcommittee has pointed out, the Kennedy Center performs two roles; one, as a performing arts center; and, second, as a Presidential memorial similar to the Lincoln Memorial, the Jefferson Memorial and other similar edifices in Washington, our Nation's Capital.

I think this legislation, of course, will make it possible to carry on this important work.

There is one other item, though, that I want to mention and make it a part of the RECORD as we move toward the passage of this bill. There is an important item of unfinished business that needs to be dealt with, and that is the permanent determination of a formula appropriately sharing the responsibilities between the John F. Kennedy Center for the Performing Arts and the Government itself.

There has been much discussion and debate over the last several years. The General Accounting Office has issued a report, and I am pleased to note that the Office of Management and Budget has finally taken the initiative and has gotten involved in this discussion. A task force is being appointed which, within the next several months, will make a recommendation to the Congress relating to the cost-sharing formula for maintenance costs between the Kennedy Center and the Interior Department, and also, as part of that, to resolve the festering problem of the outstanding interest on the bonds issued by the Kennedy Center. This will be part of a package, the initiative coming from the administration, and once presented—we look forward to that presentation—I am sure it will resolve both of these problems and get this matter behind us.

I urge support of this legislation.

● Mr. HOWARD. Mr. Chairman, I want to commend the gentleman from Illinois (Mr. FARY) chairman of the Subcommittee on Public Buildings and Grounds, for his leadership in presenting this legislation to the House today. I also want to commend the gentleman from California (Mr. CLAUSEN) the ranking minority member on the full committee, and the gentleman from Minnesota (Mr. STANGELAND) the ranking minority member on the Subcommittee on Public Buildings and Grounds, for their support and hard work on this legislation.

Mr. Chairman, H.R. 5566 amends the John F. Kennedy Center Act by authorizing to be appropriated funds in the amount of $4,247,000 to the Secretary of the Interior necessary to carry out the nonperforming arts functions at the John F. Kennedy Center for the Performing Arts. The funds contained in the legislation are minimal in order to keep this memorial to a former President operating at the same quality level as other monuments and memorials in the Nation's Capital. The funding level sought in this legislation is supported by the administration.

The Kennedy Center functions as a center for the performing arts, a memorial in honor of the late President Kennedy, and a facility for lectures, meetings, and civic activities. The first two functions are primary. The Center has become an important showcase for the performing arts in America and has added immeasurably to the life of Washington.

Mr. Chairman, the Kennedy Center is an integral part of the Washington scene. Tourists have made the Center one of the busiest sightseeing attractions in Washington, and over 24 million tourists have now visited and toured the Center. Visitation at the Center for 1981 was 4 million. Visitors' services are provided by volunteers from the friends of the Kennedy Center who are responsible for conducting the tours and operating the souvenir stands.

It is apparent that President Kennedy's vision and interest in the arts are being shared by a growing number of citizens all over the Nation for the cultural activities which it provides. It is in the vital interest of us all to maintain the integrity of this magnificent living memorial.

I urge my colleagues to support H.R. 5566.●

Mr. FARY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 5566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 761) is amended by striking out the period in the last sentence and adding in lieu thereof ", and not to exceed $4,247,000 for the fiscal year ending September 30, 1983."

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a sustitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 5566, authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZATION OF SMITHSONIAN INSTITUTION MUSEUM OF AFRICAN ART AND A CENTER FOR EASTERN ART

Mr. FARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5659) to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a Center for Eastern Art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. FARY).

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Pennsylvania (Mr. FOGLIETTA) as Chairman of the Committee of the Whole and requests the gentleman from Kansas (Mr. GLICKMAN) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5659, with Mr. GLICKMAN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. FARY) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5659, as reported by the committee, is supported by the administration, and further, funds in the amount of $36,500,000 necessary to carry out the purposes of this legislation, are included in the President's fiscal year 1983 budget.

Mr. Chairman, H.R. 5659, as reported, would provide the Board of Regents of the Smithsonian Institution with authority to construct a building for the National Museum of African Art and a Center for Eastern Art together with structures for related educational activities in the area south of the original Smithsonian Institution building adjacent to Independence Avenue at 10th Street SW., in Washington, D.C.

The bill also authorizes the appropriation of $36,500,000 to carry out its purposes, and provides that any portion of the sums appropriated may be transferred to the General Services Administration which, in consultation with the Smithsonian, is authorized to enter into contracts and take other necessary action to construct the building described.

Mr. Chairman, this project, commonly known as the "quadrangle development," will provide for two small entrance pavilions bordering Independence Avenue which will serve as introductory galleries to the National Museum of African Art, and the Center for Eastern Art, as well as provide access to space to be made available for the resident and national associates programs, traveling exhibits, visitor information, and an international center. It should be pointed out that 95 percent of the proposed structure will be underground and that energy conservation will be a primary consideration during design of this project. Further, the Smithsonian proposes to utilize the highest quality of materials during construction of this project since it is a project designed to last for eternity.

Mr. Chairman, the total cost of this complex is estimated to cost $75 million, and it will be financed equally between the Government and private contributions currently being raised by the Smithsonian, as well as the Smithsonian's own non-Federal resources. In this regard, it should be pointed out that the Smithsonian Institution is committing to the project more than $11 million from its own non-Federal resources and has been engaged in a major fundraising effort that has produced substantial gifts to date. The total from all sources outside the Federal Government is currently more than $26 million. This fact alone is significant since it represents approximately two-thirds of the Smithsonian's commitment to contribute $36.5 million toward completion of this project.

I would also like to point out to the committee that S. Dillon Ripley, the Secretary of the Smithsonian, promised that they would not come back for more money. If costs rise due to unforeseen causes, the Smithsonian will raise the extra money from private sources.

Passage of H.R. 5659 and full Federal budget authority of $36.5 million in fiscal year 1983 will enable the Smithsonian to proceed in a timely manner. It is anticipated that a fixed price contract for the construction of the quadrangle can be awarded early in 1983, based on the present design schedule and the usual bid process. The estimated construction period is about 3 years, with project completion in March 1986. It is estimated that Federal outlays of $5 million in fiscal year 1983, $15 million in fiscal year 1984, and $16.5 million in fiscal year 1985 will be required. Thus, construction can be initiated and conducted effectively if the Institution is provided contract authority in the amount of $36.5 million in fiscal year 1983 and sufficient liquidating appropriations in that and the two succeeding fiscal years.

Mr. Chairman, this is not a new proposal. In fact, Public Law 96-36, authorizing planning for development of the Smithsonian's quadrangle project, was signed by the President on July 20, 1979.

Costs of quadrangle planning over the past 4 years have been financed primarily by Smithsonian fund transfers amounting to approximately $1,500,000. In the current fiscal year, however, $960,000 in Federal funds also has been made available for the same purpose.

Last, Mr. Chairman, the subcommittee believes that the liquidating appropriations should be approved only after the Smithsonian has certified to the Committee on Public Works and Transportation and the Committee on Appropriations that matching amounts of non-Federal funds are available for project purposes.

In conclusion, I would like to commend the chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey, Mr. HOWARD; and the ranking minority member of the full committee, the gentleman from California, Mr. CLAUSEN; and the ranking minority member of the Subcommittee on Public Buildings and Grounds, the gentleman from Minnesota, Mr. STANGELAND, for their time and effort spent in bringing this legislation to the floor.

I urge my colleagues to support this legislation.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman I join with the chairman in supporting H.R. 5659, legislation to authorize funds in the amount of $36.5 million for fiscal year 1983 for the construction of a Museum of African Art and a Center for Eastern Art. The total cost of this quadrangle project is estimated to be $75 million.

Just briefly, I would like to echo what was said earlier and highlight the joint public-private aspect of this project's funding. With approximately $26 million of its $37.5 million share already committed, it is my firm belief that the Smithsonian will be able to contribute its share to this project in a timely fashion. In fact, in response to one of my questions during subcommittee deliberations, Smithsonian Secretary Ripley outlined previous fundraising efforts and assured the subcommittee that no additional Federal funding will be sought for the construction of this project, in line with the present policy of the Smithsonian Institution. Furthermore, an amendment will be offered to require the Board of Regents for the Smithsonian to have raised the total $36.5 million private share prior to entering into an

obligation to construct the facility. I support this amendment and feel that this, coupled with the Smithsonian's past record, will insure that we do not need to come back for more funding.

Providing a showplace for both Eastern and African art is long overdue and has wide international repercussions. The administration has recognized the importance of this project and has included funding in the amount of $36.5 million in its fiscal year 1983 budget. I would respectfully urge my colleagues to favorably consider H.R. 5659 as amended.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLORY).

□ 1100

Mr. McCLORY. I thank the gentleman for yielding.

I am a neighbor of the Museum of African Art here on Capitol Hill. As a matter of fact, my home is right behind the museum. I think that it is very good that the museum is moving to a more suitable location on Independence Avenue because really it is not suitable to have this large an operation in a residential neighborhood.

The questions that I have about this legislation, however, relate more to the language that I find in the committee report, where it is stated that the Smithsonian intends to sell the property where the African Museum is now located, except for the so-called Frederick Douglass House.

Now, the properties that adjoin the museum to the east, in my view, are operated as businesses, as adjuncts to the museum. There is a boutique, there are sales offices and there is a general business operation taking place there.

I would hope and expect that if that property is to be sold that it will revert to its former private residential use and not be sold for the operation of a business in a residential neighborhood.

I am sure that I speak on behalf not only of my own family but of my neighbors, too, who are apprehensive about any conversion to a business use of property in the area.

Could the gentleman enlighten me on that some.

Mr. STANGELAND. Let me say, first of all, the Frederick Douglass House will be preserved because it is on the historical register and we have just now been assured by the Smithsonian that they will sell the rest of the property and their goal will be to preserve the character of the neighborhood. So I would anticipate we would not expect any business enterprises to take over or raze those buildings but they will be preserved to preserve the character of that neighborhood.

I know that Mr. Ripley is concerned about that. I think he is sensitive to the needs of the people in that immediate neighborhood and we would be most happy to monitor their progress as they move along on this project.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Georgia (Mr. LEVITAS.)

Mr. LEVITAS. I thank the gentleman for yielding.

It is our understanding, and we have been so advised by officials of the Smithsonian, that the properties in question will revert to the jurisdiction of D.C. zoning, and, therefore, it is our understanding they will be maintained for residential purpose use.

Mr. McCLORY. That is encouraging. I am glad to have that reassurance.

I am also pleased that the scope of the museum is to be expanded to include Near East and Asian art because I think it can serve a multiple purpose and a much more expanded purpose by having this enlarged function and I am delighted that it will be located in the general museum area where it is more suitably located.

I have one more question, one more inquiry, and that is, I am informed that there are some who question whether the so-called Frederick Douglass House on A Street NE was the residence of Frederick Douglass. The principal residence of Frederick Douglass is located elsewhere, in southeast Washington, I believe. While the Frederick Douglass House on A Street may have been occupied by him at one time, it has now been substantially converted and enlarged. It bears very little resemblance to the so-called Frederick Douglass House as I knew it when I moved into this neighborhood about 18 years ago. It is now in all respects and purposes a museum. It has had large additions built on to it and bears little resemblance to a residence. I am pleased to know that it is on the historic register and I would be interested to have it restored to its former condition, which was a residential structure. But anyway I did want to make that observation.

I am acquainted with some of the longtime neighbors in the Capitol Hill area and my information regarding the history of the so-called Frederick Douglass House comes from my observations and my inquiries in the neighborhood, but I merely call that to the attention of the Members and hope that to the extent that it does have a relationship to Frederick Douglass that hopefully it can be restored to the condition it was before it became the African Museum.

I thank the gentleman for yielding and appreciate the opportunity to make these remarks and observations with regard to a very important project in our city and likewise one that is of interest to the neighbors of the Museum of African Art on Capitol Hill.

Mr. STANGELAND. Mr. Chairman, I thank the gentleman for his questions and his input.

Mr. FARY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, as my colleagues are aware, the Smithsonian Institution is one of our greatest national treasures. Its museums and galleries have provided millions of people with an opportunity to discover and experience things from which they would otherwise have been precluded because of the constraints of time and money. Learning, which is what the Institution is all about, is enjoyable at the Smithsonian. For confirmation of that, one need only walk through the Museum of Natural History, the Air and Space Museum, or the Freer Gallery and observe the look of anticipation and awe on the faces of the visitors.

In view of the pride with which Americans view the Smithsonian it is easy to overlook the fact that the Institution's purpose is to increase and diffuse knowledge among all mankind. Its scope and its reach must therefore be international. Over the years, because of the careful planning which has characterized its development, the Smithsonian has been able to effectively pursue that mandate. It has been difficult however, because of space limitations to develop as thorough an exposition as has been desired of the cultures of the Near East, Africa, and the Pacific Basin. As the focus of our national attention is increasingly turned toward the countries in this part of the world, a better understanding of their civilizations and history is imperative. H.R. 5659 will be of enormous assistance in encouraging that understanding.

H.R. 5659 will authorize both the construction of a Center for Non-Western Cultures and the appropriation of $36.5 million to assist in that construction. The center, to be known as the Quadrangle, will contain a Museum of African Art and a Museum for Near Eastern and Asian Art, and will be constructed on the mall, behind the Smithsonian "Castle." In addition to providing gallery space for the display of collections of art from those areas of the world, the Quadrangle will sponsor cultural exchanges, international symposia, and educational programs all designed to stimulate an appreciation of the diversity and vitality of the cultures of the non-Western world.

The authorization level contained in H.R. 5659 will permit an appropriation to provide 50 percent of the funds necessary to complete the Quadrangle project. The other half of the funds will come from contributions from individuals, foundations, corporations,

and governments throughout the world. The Smithsonian is already hard at work at this fundraising effort and has experienced considerable success, particularly from private and public sources within the geographic areas on which the Quadrangle is focused. The combination of U.S. Government support, and the support of sources not connected with our Government, is in keeping with the financial history of the Smithsonian, and is particularly appropriate at a time when constraints on the Federal budget clearly exist.

Mr. Chairman, as a Regent of the Smithsonian Institution, and a sponsor of H.R. 5659, I want to indicate my strong support of the Quadrangle project. Secretary Dillon Ripley and his staff at the Smithsonian are to be commended for the work they have done in planning the project. The Quadrangle will make an important contribution to the work of the Smithsonian and hopefully facilitate a greater understanding of the world in which we all live. I urge my colleagues to support H.R. 5659.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding and commend the gentleman for his service to the Smithsonian but also I would like to pay tribute to my distinguished colleague from Illinois (Mr. FARY) who together with this Member is retiring at the end of this term. I wish to compliment the gentleman from Illinois (Mr. FARY), on his distinguished service, particularly on the Public Works Committee on which he has served so ably, having in mind the special interests of the Midwest and our Capital City and to applaud him for his very capable service on behalf of our State and of our Nation.

Mr. BOLAND. I thank the distinguished Member from Illinois.

Mr. FARY. I, too, Mr. Chairman, wish to thank the gentleman from Illinois (Mr. McCLORY) for his very kind remarks.

● Mr. HOWARD. Mr. Chairman, I want to commend the gentleman from Illinois (Mr. FARY), chairman of the Subcommittee on Public Building and Grounds, for his leadership in presenting this legislation to the House today. I also want to commend the gentleman from California. (Mr. CLAUSEN), the ranking minority member of the full committee, and the gentleman from Minnesota (Mr. STANGELAND), the ranking minority member of the Subcommittee on Public Buildings and Grounds, for their support and hard work on this legislation.

Mr. Chairman, for the past several years the Smithsonian Institution has been developing a plan for the improvement of the 4.2-acre quadrangle located between its original building and Independence Avenue. Major components of the Quadrangle proposal are two pavilions to display the history and culture of that vast arc of the world—Asia and Africa—that contains more than two-thirds of its population. These pavilions will enhance the historic character of their surroundings and combine with the landscaping to create within the Quadrangle a quiet garden enclave for the public. Located below grade will be approximately 95 percent of the overall structure, housing major exhibit galleries, an International Gallery and Conference Center, and badly needed space for the Smithsonian's public service and educational outreach activities.

Mr. Chairman, the project represents the single most significant effort to educate Americans about the cultural history of the non-Western world. It will provide a window on the mall for those nations with whom we have diplomatic relations, but whose opportunities for dialog with us are severely limited and whose historical background is largely unknown to us. Exhibits based on existing collections and on invaluable donations of African and Eastern art that can be anticipated will be created for display here as well as in other parts of the country.

Mr. Chairman, from the outset the financing of the quadrangle has been viewed as a joint enterprise involving both appropriated and nonappropriated funds. H.R. 5659 continues to envision the commingling of Federal and non-Federal funding for this complex. Briefly, this complex, estimated to cost approximately $75 million, is planned to be financed equally between Government and private non-Federal funds. At this time, the Smithsonian has already raised over $26 million in private resources toward the non-Federal funding of this project.

Specifically, this legislation will authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities.

The bill also authorizes the appropriation of $36.5 million to carry out its purposes, and authorizes the Smithsonian to transfer any portion of the funds to the General Services Administration which, in consultation with the Smithsonian, is authorized to enter into contracts necessary to provide for the construction of such buildings.

To conclude, I would like to point out that upon completion of this complex full justice will have been afforded not only to the National Museum of African Art, but recognition, long overdue, will be afforded to the vast and rich array of civilizations stretching from Japan and Korea through Southeast Asia, and the Middle East.

Mr. Chairman, I urge enactment of H.R. 5659.●

● Mr. CONTE. Mr. Chairman, I am pleased to rise in support of this bill, H.R. 5659, to authorize the construction of a Museum of African Art and a center for Eastern art by the Smithsonian Institution to be known as the Quadrangle.

As one of the three Members of the House serving on the Smithsonian Board of Regents I have had the opportunity to work closely with the Board and with Smithsonian officials in the development of this project.

The Quadrangle project involves the construction of two pavilions, mostly below grade on the 4.2-acre south garden area between Independence Avenue and the Castle and Arts and Industries buildings, to house exhibit space for African and Asian art as well as space for the Smithsonian's public service and educational outreach activities.

This project represents a major effort to help educate Americans about the cultural history of the so-called non-Western world. More than two-thirds of the world's population lives in this "vast arc of nations stretching from the eastern Atlantic shores of Africa across the eastern Mediterranean and on to the western shores of the Pacific." Yet, few Americans know much about the cultural history and traditions of these nations.

The Smithsonian has been developing the plans for the Quadrangle project for more than 3 years now. Last year the Congress appropriated $960,000 for planning and design work. This supplemented nearly $2 million which the Board of Regents had provided from the Smithsonian's nonappropriated trust funds.

Recognizing the austerity of the times, the Smithsonian proposed and the administration has agreed to a plan which calls for financing the $75 million cost of this project equally between Federal and non-Federal funds. To raise $37.5 million in private donations is an ambitious undertaking even for the Smithsonian but I am pleased to say that a great deal of progress has already been made toward achieving that goal. Furthermore, I understand an amendment will be offered to the bill as reported, which I am told is agreeable to the committee, to stipulate that no Federal funds appropriated for this project may be obligated or expended until the Smithsonian has successfully raised the private matching funds. This amendment is appropriate and I support it. I might also add that construction of this project is proposed to be phased in over a 3-year period to reduce its outlay impact on the budget. First year outlays are estimated at $5 million.

This bill has the support of the administration which included the request for Federal appropriations in its fiscal year 1983 budget presented to the Congress earlier this year. I urge my colleagues to vote for this authorization.●

● Mr. MINETA. Mr. Chairman, I rise in support of H.R. 5659. The Quadrangle project has a great deal to recommend it.

First of all, this project would be funded on a 50-50 match basis: half tax dollars and half private funds. For every dollar the Federal Government would put up, it would get two dollar's worth of construction, a ratio much more favorable to the taxpayer than is the case with many of our construction projects. The Smithsonian already has over $22 million in commitments toward the non-Federal funding of this project. So it is more than halfway through its fund raising before we have started.

Second, this project would enable Americans and visitors to this country greater access to major new collections. Secretary Ripley testified to the subcommittee that already a major American collector has expressed willingness to contribute private collections worth $50 million to this project, and others are expected to follow. The prominence of the mall location is vital to attracting those collections. And collections attracted to this project, unlike those in the more restricted Freer Gallery, would be free to travel to other cities and to receive exhibits from other cities. So this project is going to improve the accessibility of Smithsonian collections to many Americans.

And third, this project will be accomplished with the same Smithsonian-General Services Administration relationship that produced the Air and Space Building on time and within budget, and that project has also held up very well given the fact that, since the day it opened in 1976, it has been the most visited museum in the world.

So I commend the committee for its favorable action on this bill and I urge my colleagues to support this legislation.●

Mr. FARY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 5659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

SEC. 2. Effective October 1, 1982, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $36,500,000 to carry out the purposes of this Act.

SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

Mr. FARY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENTS OFFERED BY MR. FARY

Mr. FARY. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. FARY: Page 2, line 20, before "Museum" insert "National".

Page 3, line 6, after the period insert the following:

Except for funds obligated or expended for planning, administration and management expenses, and architectural or other consulting services, no funds appropriated pursuant to this section shall be obligated or expended until such time as there is available to such Board, from private donations or from other non-Federal sources, a sum which, when combined with the funds so appropriated, is sufficient to carry out the purposes of this Act.

Mr. FARY. Mr. Chairman, the first part of the amendment is simply technical in nature. It merely inserts the word "national" prior to reference to the Museum of African Art. Thus, the bill will read "National Museum of African Art" which is its proper name. The second part of the amendment is a restriction on the obligation or expenditure of Federal funds, namely the $36.5 million authorized to be appropriated by this legislation, except for planning, administration, and management expenses, and architectural and other consulting services, until such time as the Smithsonian Institution has available from non-Federal sources, a sum sufficient, when combined with the Federal funds to complete the construction project. It is the House Committee's on Public Works and Transportations intention through this amendment to avoid a situation where construction is begun but cannot be completed without additional Federal appropriations because the nonpublic funds now expected are not forthcoming. It is the committee's intention that pledges for the project can be counted if they are legally enforceable obligations. To conclude, I do want to point out that the Smithsonian already has raised $26 million in non-Federal resources for this construction project, thus, I suspect to comply with the purposes of this amendment will be easily achieveable for the Smithsonian.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman for his explanation of the amendment. I support the amendment, but do so reluctantly. It is my contention and my belief and feeling that we are not helping in the furtherance of this project by holding the Smithsonian up when they have already raised $26 million of the $37½ million when they assured us in no uncertain terms that they will raise their share of the money and assured us in no uncertain terms they will not be back asking for more Federal funds for the project. The chairman, and I commend him for offering the amendment, is attempting to conform this legislation to legislation as reported by a committee in the other body, and since we want to expedite the movement of this legislation I reluctantly will support the amendment.

Mr. FARY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. FARY).

The amendments were agreed to.

The CHAIRMAN. Are there any other amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. FOGLIETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 5659) to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington,

pursuant to House Resolution 488, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. FARY

Mr. FARY. Mr. Speaker, I offered an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. FARY: Amend the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. STANGELAND asked and was given permission to address the House for 1 minute.)

Mr. STANGELAND. Mr. Speaker, I take this 1 minute to inquire of the leadership the program for the balance of the week and the program for next week.

I will be happy to yield to the distinguished majority whip.

□ 1115

Mr. FOLEY. Mr. Speaker, I thank the acting Republican leader for yielding to me.

Mr. Speaker, this concludes the business for the House for today and for the week.

The House will meet at noon on Monday and consider the Consent Calendar. There is no legislative business otherwise scheduled.

The House will met at noon on Tuesday, June 8, and consider six bills under suspension of the rules. All recorded votes on these suspensions will be postponed until Wednesday, June 9. The suspensions to be considered are:

H.R. 4476, the Administrative Conference Act amendments.

H.R. 6260, the patent and trademark amendments.

H.R. 6086, the Small Business Investment Act amendments.

H.R. 4848, the Gladys Spellman Parkway.

H.R. 4861, the American Conservation Corps Act Amendments of 1981.

H.R. 4347, the rural water development project authorization.

On Wednesday, the House will meet at 10 a.m. and consider recorded votes on the suspensions debated on Tuesday.

Then we shall consider the first budget resolution of fiscal year 1983, and we will remain on that until completion.

If time permits, the House will consider H.R. 6254, the Protection of Foreign Missions Act, with an open rule, 1 hour of debate; and H.R. 6370, the International Security and Development Cooperation Act of 1982, with an open rule, 1 hour of debate.

Adjournment times will be announced daily. Conference reports may be brought up at any time, and as is the custom, any further program or changes will be announced later.

Mr. STANGELAND. I thank the acting majority leader for that explanation.

I wonder if the gentleman would answer one further question. Does the gentleman have any idea as to the procedure for the rule on the budget and its amendments at this time?

Mr. FOLEY. I cannot really advise the gentleman yet about the actual procedure for consideration of the budget resolution, but it is hoped that we should be able to conclude in 1 day. I think the general thought, and I hope I am reflecting the views on both sides of the aisle, is to have a somewhat more simplifed approach to the budget than was the case last week.

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for that explanation.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I reserve the right to object to inquire of the distinguished majority whip about the possibilities of seeing some action taken on the regulatory reform legislation which was reported out of the Judiciary Committee on February 28, 1982. It is important legislation. There has been a great deal of discussion about it coming forward.

It even appeared miraculously on a schedule about 2 weeks ago and now it seems to have ephemerally disappeared again.

I wonder, can we get a specific assurance that this House will have an opportunity to vote on this important bipartisan overwhelmingly supported piece of legislation before the House recesses for the July 4 district work period?

Mr. FOLEY. Well, if the gentleman will yield to me, although I am not able to give the assurance on this side in absolute terms that the House will consider the bill before the July recess, I certainly hope that that will be the case. I am inclined to believe that it will.

As the gentleman noted, it was placed on the schedule 2 weeks ago. There was some concern expressed by the Rules Committee of having the bill listed when there had not yet even been an actual request for a rule, much less the actual granting of the rule.

While the situation is not today one where the rule has yet been requested or obviously yet granted, I am still hopeful that the bill can be scheduled prior to the time we adjourn for the 4th of July recess.

Mr. LEVITAS. Mr. Speaker, further reserving the right to object, let me say this, if I may, to the distinguished majority whip. I have discussed this matter with the chairman of the subcommittee, the distinguished gentleman from Texas (Mr. SAM B. HALL, JR.). He told me as recently as this morning that he is willing and able and prepared to go forward with this legislation. He has no reason for not seeing it come to the floor.

Apparently there is some difficulty, either in the mails or in writing the letter that seems to be holding this matter up.

This is an extremely important piece of legislation. The American people are tired of being overregulated and I think they are beginning to perceive this Congress as being unwilling to deal with regulatory relief.

Speaking for myself, I think that I have demonstrated a certain degree of patience, tolerance, and understanding. There are other procedures available to get this matter to the floor. I sincerely trust that it will not be necessary to utilize those other procedures.

I beseech the distinguished majority whip, a cosponsor of the regulatory reform legislation, to do everything in his power to see that we can get some assurances and specific and definite particular assurances next week that this matter will come before the

House prior to the district work period.

Mr. FOLEY. I certainly will be glad to pursue that effort and I join with the gentleman in believing that it is important for this legislation to be considered this year.

As I have said before on the occasions when the gentleman has raised the question of scheduling, I fully support the legislation. I am a cosponsor and I will continue to work with the gentleman to see that any difficulties can be accommodated at the earliest opportunity.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BEILENSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 7, 1982

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

A TRIBUTE TO THE LATE STATE SENATOR JOHN D. CAEMMERER OF NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LENT) is recognized for 30 minutes.

Mr. LENT. Mr. Speaker, I have asked for this special order so that the friends and colleagues of the late State Senator John D. Caemmerer of my home State of New York may pay tribute to the memory of this outstanding public servant, and so that those of my colleagues who did not have the good fortune to know this remarkable man may come to have some appreciation of him.

Death took Senator Caemmerer from us on February 7 of this year. He was 54 years of age; but those of us who were privileged to know him as a friend, and to have worked with him in the New York State Legislature, know that the legacy he left behind with us will never leave us.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LENT. I would be happy to yield to my colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from New York for taking this time on the House floor to pay tribute to one of our former colleagues in the State legislature, Senator Caemmerer, someone both my colleague and I had the pleasure of serving with in the State legislature while John Caemmerer served in the senate.

When I first went to the assembly, I had to call on Senator Caemmerer on many occasions with regard to transportation problems in our own district and found Senator Caemmerer to be a highly knowledgeable and very personable and patient individual who was always willing to extend a helping hand to his more junior colleagues, as I was in that instance.

I certainly came to respect Senator Caemmerer for the manner in which he disposed of very complex problems in the State.

Mr. Speaker, I join with my distinguished colleague from the State of New York (Mr. LENT) and my other colleagues in paying tribute to an outstanding public servant, the late distinguished New York State Senator, John D. Caemmerer.

John Caemmerer was elected to the New York State Senate in the special election called after the court-ordered reapportionment of 1965. He preceded me in Albany by 1 year, for I was elected to the State assembly in 1966. During my 6-year tenure in the New York State Legislature, I worked with and came to know John Caemmerer as a legislative leader who earned the respect and admiration of all of us on both sides of the aisle.

John served as chairman of the senate committees on the judiciary, on the right to privacy, on villages, and various standing and select committees on transportation. It is in this last role that I came to know John the best, for his willingness to listen, to counsel, and to support those of us from the mid-Hudson Valley who were eager to provide adequate mass transportation for our fast-growing region. John was a friend, who was always willing to travel to our region and to give an adequate audience to our beliefs, despite the fact that we were distant from his home county of Nassau. John was the type of leader who sought to find the similarities between the different parts of New York State, as opposed to those who capitalized on the differences.

Senator Caemmerer was an outstanding community leader, having been a past president of the Kiwanis Club of the Willistons and honorary chief of the East Williston Volunteer Fire Department. He was also chairman of the alumni association of St. John's Law School, and was a member of the board of governors of the Human Resources Center in Albertson.

After a long and tragic illness, John's passing this past February leaves a void in the government of New York State that will not be readily filled. Few persons shared John's compassion, his decency, and his determination for human justice.

Mr. Speaker, it is an honor to join my colleagues in expressing our condolences to John Caemmerer's wife and children. He was taken from us too soon; he will be sorely missed by many.

Mr. LENT. Mr. Speaker, I thank the gentleman for his contribution, and it is true that John Caemmerer did leave a very impressive legislative record. He authored more than 400 laws during his 16-year career in the New York State Legislature. I am speaking of the pioneering path that he blazed in the field of public transportation, which won him national recognition as an outstanding expert in this particular field.

I am speaking, too, of the even more impressive legacy which Senator Caemmerer left us from his personal life. This legacy provides us an invaluable example of strength of character, dignity of purpose, forceful personality and indomitable courage. Truly, my good friend, John Caemmerer was a rare human being.

The public accounts of the life of Senator Caemmerer give only a hint of those qualities which so impressed those of us who knew him. Yes, he served 16 years in the State senate of New York. Yes, he was chairman of the important senate standing committee on transportation. Yes, he was the author of more than 400 State laws. Yes, he won official recognition as a leader in the field of public transportation.

But, impressive as it is, that record does not reveal the full story of the life of John Caemmerer. It does not tell you that he was a man who fought for his beliefs and principles with great tenacity, but fought always with scrupulous fairness, and with a rich and understanding sense of humor.

The record does not tell you that, while authoring hundreds of laws and serving as committee chairman, John Caemmerer always put the needs and problems of his constituents first. His first duty always was to his constituents. Busy as he was with other duties, he never neglected his constituents.

Nor does the record tell you that John Caemmerer was, above all, a family man, devoted to his wife Joan and their five children. No matter how heavy the demands of his official duties, John Caemmerer always thought first of his family.

The record tells us that John Caemmerer died of complications resulting from cancer. But that cold statement does not tell you of John Caemmerer's magnificent courage in the face of perhaps the most difficult challenge any of us may face. Throughout the final years of his affliction, John Caemmerer fought against it with the same dedicated tenacity which marked his

entire life. His unfailing courage, his dignity and humor, his deep faith, and his indomitable spirit have given us an example we all should emulate.

Our hearts go out to the fine family John Caemmerer left, his lovely wife Joan, and their children Jeanne, John J., Matthew, Kathleen and Christine. May they gain comfort and solace in their loss from the knowledge of the deep respect and great admiration John Caemmerer inspired in all who knew him.

● Mr. MITCHELL of New York. Mr. Speaker, I would like to join my colleagues in paying tribute to an outstanding member of the New York State Legislature, the late State Senator John D. Caemmerer of East Williston.

I had the privilege and pleasure of serving with John in the State legislature during the 1960's. Although I was a member of the assembly and he served in the senate, I had frequent occasion to work with him. In his 16 years of service, he rose to become the chairman of the senate's committee on transportation and the legislative commission on critical transportation choices. In more than a decade of service as head of the distinguished transportation committee, he attained a reputation as a national leader in the field of transportation policy.

During his tenure in the legislature, he authored more than 400 bills that became State law. His legislative successes range from multimillion-dollar bond issues to measures protecting the citizen's privacy in credit matters. No issue of public concern was too minute to warrant John's attention. No problem was too big a challenge for John to fail to confront. He was a dedicated, conscientious, and articulate public servant.

His passing is a source of great sorrow for his family, his friends, his colleagues, and his constituents. However, his life and its numerous accomplishments will continue to be a source of great inspiration for all citizens who care about the quality of our government and its effects on our lives.●

● Mr. SOLOMON. Mr. Speaker, I rise to associate myself with the comments of my colleagues as we mark with sadness the passing of a good friend and a dedicated public official, State Senator John D. Caemmerer, of East Williston, N.Y.

John Caemmerer was a member of the New York State Senate from 1965 to the time of his death in February of this year. It was my privilege also to serve in the New York State legislature as a member of the assembly during part of that time.

During his tenure in the New York State Legislature, John Caemmerer served with distinction as the chairman of the senate transportation committee and chairman of the joint legislative committee on transportation. He was an enthusiastic advocate of safer and improved transportation for the citizens of the State of New York, and a recognized expert across the United States on matters in that field.

Included among his many legislative accomplishments was Senator Caemmerer's sponsorship of the Statewide Public Transportation Assistance Act of 1974; the Oil Spill Prevention and Control Act of 1977; and the Energy Conservation Through Improved Transportation Bond Act of 1979.

John also distinguished his legislative service through the introduction and passage of a host of measures to provide relief and protection for the handicapped.

During my time in the New York State Legislature, John Caemmerer and I worked together on many occasions. He was a model public servant and a natural leader. He knew how to fine-tune a legislative orchestra to arrive at the most effective compromise without sacrificing any of the important points. It was an honor to work with such a fine individual.

John demonstrated great personal courage over the course of his long illness, and I join with his family, friends, and constituents in mourning his loss.●

● Mr. CARMAN. Mr. Speaker, on February 7, 1982, the people of Long Island suffered the loss of one of their most outstanding and notable leaders. John David Caemmerer had for over the past 20 years given himself to the people of Long Island and the entire State of New York. He was, in the true sense of the word, a public servant. He lived a life dedicated to the people he loved—his family, his neighbors, the people of the Long Island community, and the people of New York. Those who knew and respected John Caemmerer felt his loss keenly, and that sense of loss will be with us forever.

There is a great deal that we could say about Senator Caemmerer. His record of committed and dedicated service is, in itself, a remarkable tribute to a remarkable man. It is important for all of us to realize that during his nine terms as our State senator, he established a reputation as a devoted man of the people. John Caemmerer never allowed the issues, the debates, the arguments, or the politics of the moment to obscure the true goal of his calling—to help people and to make this world a better place to live.

That goal of helping people is seen in the many legislative triumphs he won during his exceptional career. It is amazing to think that he actually authored over 400 State laws, and it is even more amazing to realize the important impact that they had on all of our lives—laws to help senior citizens, to help volunteer firemen, to help young people in school, to help protect all of us against crime, to prevent the pollution of our precious natural resources, and to protect all of us against the invasion of our privacy. This is not the record merely of a professional politician, this is the record of a humanitarian, a fine American, and a true man of God.

Mr. Speaker, I am confident that the impact of John Caemmerer's life will be felt for many years to come. This was no ordinary man and his contribution to the quality of life was far from ordinary. I am extremely proud to bring his name and his accomplishment before the U.S. House of Representatives. John Caemmerer manifested the best of the human spirit. He brought light to us all and shone with a rare brilliance.

I mourn with all of Long Island the loss of this great man. We are better for his presence and our lives are diminished by his passing.●

● Mr. McGRATH. Mr. Speaker, on February 7 of this year, the residents of the Fifth Congressional District and the entire State of New York suffered a great loss with the death of State Senator John Caemmerer. Until 1980, it was my pleasure to serve with John Caemmerer in the New York State Legislature, and following my election to the House, we had many mutual constituents. More important, however, was the friendship we shared through many years of involvement in political and community affairs in Nassau County. The benefit of John's counsel on many issues will remain with me long into the future. His grasp of complex problems and his tireless efforts to address them set an example for all of us to live up to.

Long before a "New Federalism" was advocated, Senator John Caemmerer was actively pursuing a wide range of legislative initiatives to make State government work for the people in providing mass transportation, safer school buses, environmental protection, and tax relief. Organizations and individuals throughout New York State had the highest regard for Senator Caemmerer. The Firemen's Association of New York devoted an entire page of their monthly report to a tribute to the dedication of Senator Caemmerer to the safety of the public from various fire hazards and the protection of firefighters and their families.

Observers and members of the New York State Senate will miss the fiery debating style of John Caemmerer, who often fought long into the night for his legislation. And although the senate chamber in Albany will be quieter without his presence, over 400 chapters of State law authored by Senator Caemmerer will continue to reflect his dynamic spirit and his arduous work for the well-being of New Yorkers. Many of his legislative accomplishments have been used as models for laws in other States and will serve citizens throughout our

Nation. While those who knew and loved John Caemmerer have experienced a deep sense of loss, I am confident that the inspiration and leadership he provided as a father, friend, and legislator will enable us to continue in his tradition of achievement and service to others.●

● Mr. MARTIN of New York. Mr. Speaker, I am grateful to my colleague from New York, Mr. LENT, for the opportunity to honor the late New York State Senator John D. Caemmerer, my former colleague in the New York State Legislature. His achievements were prodigious, as were the power, grace, and courage of his personality.

As a State senator, John's eloquent oratory was equaled by his legislative talent and forcefulness. He worked tirelessly for his senatorial district in Nassau County, Long Island, particularly on the transportation issues so important to that part of New York State. His work and expertise in the field of transportation earned him national recognition.

But the intensity with which John Caemmerer represented his constituents, Mr. Speaker, never obscured his commitment to the well-being of New York State. He had an intimate knowledge of upstate New York, for example, and many of the more than 400 State laws he authorized were of great benefit to those of us who live there. John's concern for all New Yorkers made it a pleasure and an inspiration for upstate legislators like myself to work with him.

Despite his distinguished standing in the New York State Senate, Mr. Speaker, John Caemmerer never forgot his roots in the local politics of Williston Park, North Hempstead, and Nassau County. He recognized the importance of local government and the need for close cooperation among all levels of government. Indeed, his work as chairman of the policymaking, 700-member State-Federal Assembly of the National Conference of State Legislatures helped lay the groundwork for our dialog on important intergovernmental issues today.

Mr. Speaker, John Caemmerer throughout his life brought honor not only to the profession of lawmaking, but to the entire legal profession. He was a man of his community, working on behalf of his church, the physically handicapped, and many, many others. Above all, he was totally devoted to his wife, Joan, and their five children.

Those who knew John, those who worked with him and, indeed, all the people of New York State, share deeply in his family's loss.●

● Mr. LEBOUTILLIER. Mr. Speaker, I am pleased to have this special opportunity to address my colleagues on the recently deceased John D. Caemmerer.

John Caemmerer was an effective and unique member of the State senate of my home State of New York. His leadership and service were legendary, and his indelible imprint on New York is great. Senator Caemmerer's 16-year service on behalf of the people of the Seventh Senatorial District reflected his genuine compassion and wide intellectual understanding. At the time of his death, Senator Caemmerer occupied a high position within the senate which had great import for all New Yorkers.

Senator Caemmerer's clear thinking and strong stewardship of the senate standing committee on transportation as well as the New York State Legislative Commission on Critical Transportation Choices gave New Yorkers solid leadership in the vital field of transportation.

John Caemmerer's excellent legislative work on behalf of judicial, health, budgetary, appointment, oversight, and safe-driving legislation were also greatly beneficial to all New Yorkers.

The most distinguishing feature of Senator Caemmerer's public life was his honest and informed expressions of opinion. His views were amply supported by careful study, a large knowledge of the law, governmental processes, and of the community as a whole.

To a young freshman legislator such as myself, the figure of a John D. Caemmerer is a model and an inspiration.

On February 9, I offered the following "Extension of Remarks" on Senator Caemmerer, and I would like to share them with my colleagues again at this special time set aside for commemoration:

Mr. LEBOUTILLIER. Mr. Speaker, it is with deep sadness that I note the passing of one of the most influential leaders of my home State of New York, State Senator John D. Caemmerer.

Senator Caemmerer died on February 7, and his death is deeply mourned by his constituents, friends, legislative colleagues, and officials throughout America who have profited from his leadership in the field of transportation.

Senator Caemmerer was elected to the New York State Senate in 1966, and emerged from relatively obscure freshman status to become one of the most influential and highly-regarded leaders in the State.

Senator Caemmerer was the most active and influential chairman of the Senate's Transportation Committee that the Senate has ever seen, and his imprint on New York's mass transit legislation is deep and everlasting.

"When I started to call for operating subsidies in 1968," The New York Times recalled Caemmerer as saying, "I was looked on almost as a socialist in my own party."

Senator Caemmerer's prescient views on the cold, hard facts of subway operations saved the decrepit New York mass transit network from total collapse. His stands on this issue in particular, and on many others in general, reflected a strong intellectual and moral independence. Senator Caemmerer was not merely a legislator; he was a statesman. New York came first. Public welfare came before politics. Quality came before anything else. John Caemmerer was a firm believer in the age-old truism, "Good government is good politics."

New Yorkers will miss John Caemmerer's unflagging and committed fight for better transportation and better State government. His constituents will miss his heartfelt attention to their needs. American transportation policymakers will miss his invaluable input. His friends and family will miss his good cheer, compassion, and bravery.

John Caemmerer is survived by his wife, Joan, who played an active part in the Senator's public career. To her and his five children, I express my deepest sympathies.

We mourn the loss of John Caemmerer; we will never forget the lesson that he taught all of us about good government.●

THE NATURAL GAS CONSUMER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. YOUNG) is recognized for 15 minutes.

Mr. YOUNG of Missouri. Mr. Speaker, during the past year I have heard growing concerns expressed over the operation and impact of the Natural Gas Policy Act of 1978 (NGPA) relative to natural gas prices. I have heard concerns expressed over the fact that the NGPA mandates increases in gas prices at a rate greater than the rate of inflation and far greater than could otherwise be justified by the costs incurred by production. I have also heard concerns expressed over the fact that prices paid to natural gas producers have increased nearly 150 percent since 1978. And, finally, I have heard residential consumers express concern over the fact that the average price they pay for natural gas has risen approximately 70 percent since enactment of the NGPA. Unless the NGPA is amended, natural gas prices will continue to increase at an alarming rate with resulting adverse economic effects.

Accordingly, Mr. Speaker, today I am introducing legislation, titled the "Natural Gas Consumer Relief Act," to amend the Natural Gas Policy Act of 1978 to afford residential and other consumers protection from unreasonably high natural gas prices between now and 1985 by amending various provisions of the NGPA which have contributed substantially to these price increases.

A section-by-section analysis follows:

NATURAL GAS CONSUMER RELIEF ACT: SECTION-BY-SECTION ANALYSIS

The bill provides that the short title of the legislation is the "Natural Gas Consumer Relief Act" (the "Act").

FINDINGS AND PURPOSES

Section 2 of the bill sets out the Congressional findings supporting the legislation and the purposes it is intended to achieve. In general, Congress finds that the sharp increases in natural gas prices permitted by the National Gas Policy Act of 1978 (the "NGPA") have caused severe hardship for residential consumers throughout the coun-

try. Unless the NGPA is amended, natural gas prices will continue to increase at a rate substantially greater than the rate of inflation with resulting adverse economic effects. The NGPA can be amended to moderate price increases scheduled to occur between now and calendar year 1985 without undermining incentives for natural gas production, development and exploration.

The bill is intended to protect residential consumers against unreasonably high prices for natural gas. The bill gives the Federal Energy Regulatory Commission (the "Commission") authority to set just and reasonable prices for natural gas directly based on costs of production. This authority substitutes for certain of the automatic price escalators presently in the NGPA. At the same time, the bill is designed to preserve incentives to explore for additional natural gas supplies.

ELIMINATION OF AUTOMATIC INDEXING

Section 3 of the bill eliminates the NGPA's automatic inflation adjustment factor. Section 3(a)(1) strikes Section 101(a) of the NGPA (15 U.S.C. § 3311(a)) which sets out the formula for calculating the inflation adjustment factor applicable to the various categories of natural gas. Section 4(a) of the bill, more fully explained below, inserts a new Section 101(a) in the NGPA which gives the Commission authority to set just and reasonable rates for all categories of natural gas.

Section 3(b) amends Section 102(b) of the NGPA (15 U.S.C. § 3312(b)) to set a new maximum lawful price for new natural gas and certain natural gas produced from the Outer Continental Shelf. For any month after the effective date of the Act, this price shall be the maximum lawful price for such gas for the preceding month multiplied by the monthly equivalent of a factor equal to 1.04. By allowing this automatic adjustment to remain in effect, Section 3(b) preserves the incentive in the NGPA for the production of new natural gas. However, Section 3(b) does eliminate the automatic inflation adjustment factor now contained in Section 102(b) of the NGPA. The maximum lawful price may be otherwise increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(c) amends Section 103(b)(1) of the NGPA (15 U.S.C. § 3313(b)(1)) to eliminate the automatic inflation adjustment to the maximum lawful price of natural gas produced from new, onshore production wells. The maximum lawful price for such natural gas shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. This price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(d) amends Section 104(b) of the NGPA (15 U.S.C. § 3314(b)) to eliminate the automatic inflation adjustment to the maximum lawful price of natural gas dedicated to interstate commerce on November 8, 1978 and for which a just and reasonable rate under the Natural Gas Act was in effect on that date. The maximum lawful price for such natural gas shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. This price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(e) amends Section 105(b) of the NGPA (15 U.S.C. § 3315(b)) to eliminate the automatic inflation adjustment factor to the maximum lawful price of natural gas sold under intrastate contracts existing on November 9, 1978. The maximum lawful price for such natural gas shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. This price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Sections 3(f) and 3(g) amend Sections 106(a) and 106(b) of the NGPA (15 U.S.C. §§ 3316 (a) and (b)) to eliminate the automatic inflation adjustment to the maximum lawful prices for natural gas sold under interstate and intrastate rollover contracts. The maximum lawful price for such natural gas shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. The price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(h) amends Section 107(b) of the NGPA (15 U.S.C. § 3317(b)) to set a new maximum price of natural gas which the Commission has determined under Section 107(c)(5) of the NGPA (15 U.S.C. § 3317(c)(5)) is produced under conditions which present extraordinary risks or costs. The Commission has made such determination with respect to natural gas produced from tight sands. For such natural gas, the maximum lawful price shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. The price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(i) of the bill amends Section 108(a) of the NGPA (15 U.S.C. § 3318(a)) to eliminate the automatic inflation adjustment to the maximum lawful price for stripper well natural gas. For any month after the effective date of the Act, this price shall be the maximum lawful price for such natural gas for the preceding month multiplied by the monthly equivalent of a factor equal to 1.04. By allowing this automatic adjustment, Section 3(i) preserves the incentive in the NGPA for the production of stripper well natural gas. This maximum lawful price may be otherwise increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 3(j) amends Section 109(b) of the NGPA (15 U.S.C. § 3319(b)) to eliminate the automatic inflation adjustment for other categories of natural gas. The maximum lawful price for such natural gas shall be the maximum lawful price under the NGPA for the month preceding the effective date of the Act. This price may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

JUST AND REASONABLE CEILING PRICES

Section 4(a) of the bill inserts into the NGPA a new section 101(a) (15 U.S.C. § 3311(a)) to give the Commission authority to permit an increase in the maximum lawful price for any category of natural gas and to set new maximum lawful prices in the case of certain natural gas subject to Section 107 of the NGPA, as amended by this Act. The Commission can permit an increase or set a new maximum price only if it determines that such increase or price is just and reasonable within the meaning of the Natural Gas Act and is based upon the costs of production which have occurred for the category of natural gas involved, or upon increases in such costs. The Commission is specifically prohibited from considering the costs of fuels and commodities other than the fuels and commodities actually used in producing the natural gas involved when making its just and reasonable determination.

The Commission is required to prescribe new maximum lawful prices pursuant to the standards set out in Section 4(a) for each category of high-cost natural gas described in Section 107(c)(1)-(4) of the NGPA (15 U.S.C. § 3317(c)(1)-(4)): (1) natural gas produced from a depth of more than 15,000 feet; (2) natural gas produced from geopressured brine; (3) occluded natural gas produced from coal seams; and (4) natural gas produced from Devonian shale. Section 5(b) of the bill, explained more fully below, requires the Commission to prescribe such new maximum lawful prices for natural gas produced from any well the surface drilling of which commenced after the date of enactment of the Act.

Under Section 4(a), the Commission is also required to prescribe a rule setting forth its standards for making just and reasonable determinations not later than six months after the effective date of the Act. Section 4(a) prescribes additional procedures for setting these standards and requires the Commission to set out specifically those costs of production which will enter its just and reasonable determinations. The rule setting just and reasonable standards shall not take effect until after 30 calendar days of continuous session of Congress have elapsed. This will allow Congress an opportunity to review the rule.

Section 4(a) also expressly prohibits the application of the special adjustments set forth in Section 502(c) of the NGPA (15 U.S.C. § 3412(c)) to any just and reasonable determination.

Section 4(b) strikes out Section 106(c) of the NGPA (15 U.S.C. § 3316(c)). The Commission's authority under Section 4(a) of the bill (new Section 101(a) of the NGPA) to permit increase in the maximum lawful prices of interstate and intrastate rollover contracts which are just and reasonable makes Section 106(c) unnecessary.

HIGH-COST NATURAL GAS

Section 5(a) amends Section 121(b) of the NGPA (15 U.S.C. § 3331(b)) to make clear that high-cost natural gas under Section 107(c) (1)-(4) of the NGPA, which is produced from a well the surface drilling of which commenced after the date of enactment of the Act, is subject to the maximum lawful price provisions of Section 4(a) of the bill.

Section 5(b) amends Section 107(a) of the NGPA (15 U.S.C. § 3317(a)) to require the Commission to prescribe maximum lawful prices for high-cost natural gas described in Section 107(c)(1)-(4) of the NGPA which is produced from a well the surface drilling of which commenced after the date of enactment of the Act. Once such price is set for any category of high-cost natural gas, it may be increased only if the Commission determines pursuant to Section 4(a) of the bill (new Section 101(a) of the NGPA) that such increase is just and reasonable.

Section 5(c) amends Section 107(c)(5) of the NGPA (15 U.S.C. § 3317(c)) to revoke the Commission's authority to create new categories of high-cost natural gas.

PRODUCTION-RELATED COSTS PERMITTED ON CASE-BY-CASE BASIS

Section 6 of the bill amends Section 110(a)(2) of the NGPA (15 U.S.C. § 3320(a)(2)) to require a seller for natural gas to petition the Commission if it seeks an adjustment in the maximum lawful price. The Commission is to apply the just and reasonable standard set forth in Section 4(a) (new Section 101(a) of the NGPA) to any such petition.

EFFECTIVE DATE

Section 7(a) of the bill sets an effective date as of the first day of the first calendar month beginning more than 30 days after the date of enactment of the Act. Section 7(b) applies the bill to any first sale, as defined in the NGPA, of natural gas delivered on or after the effective date regardless of the date of sale or the date of the contract.

Mr. Speaker, the Natural Gas Policy Act was enacted by this Congress to alleviate shortages in natural gas supply and reduce United States dependence on foreign energy sources. The NGPA sought to accomplish this goal by providing for gradual phased-in decontrol of natural gas coupled with a scheme to move gas prices into closer parity with oil prices. I voted against the NGPA in 1978 and our experience since then confirms my view that this act has serious flaws and is unfair to consumers. NGPA advocates, however, stress the need to promote conservation by consumers of natural gas, which should result as decontrols gradually move the price of gas up to a free market value. This notion is premised on the belief that when free people make their own choices in a free market, price, and production are determined more efficiently than through the intervention of Federal regulators.

Mr. Speaker, such arguments are fundamentally fallacious, because there is no free market while the price of petroleum is controlled by an international cartel. Since 1973, the Organization of Petroleum Exporting Countries (OPEC) has decided unilaterally what a barrel of oil will cost. The recent oil glut and the resulting reduced oil prices are relied on by some commentators as evidence that OPEC cannot ignore market forces indefinitely. In fact, the evidence is to the contrary and shows just how powerful this cartel is, for concerted action by OPEC to reduce production is now bringing the intended result as the OPEC benchmark price of $34 a barrel becomes increasingly firm.

The effect on natural gas producers of a floor on the price of petroleum—their principal competing fuel—is evident. Knowing that the price of oil will not come down, they can price decontrolled natural gas at, or just below, the price of oil, adjusted for transportation cost differences. In other words, so long as oil prices are controlled by OPEC, they are inevitably going to draw up the decontrolled price of natural gas. Indeed, the pricing scheme set out in the NGPA assumed parity between the prices of decontrolled natural gas and oil by 1985, and a major complaint now raised against the NGPA by advocates of decontrol is that Congress did not price gas high enough in light of the 1979 doubling of oil prices.

I cannot claim to have foreseen all of these outcomes at the time of the House vote on the NGPA, but it was clear enough to me, as it is now, that the ultimate result would be to gouge the consumer for the benefit of the major oil companies, who control most of our natural gas production. For these reasons, I voted against the National Energy Act, which included the NGPA, and I have never been prouder of a vote that I cast in this body.

Moreover, the natural gas market is hardly a free one from the standpoint of residential consumers. Unlike airlines, where deregulation leaves most travelers with alternative carriers or alternative means of transportation, a household heated with natural gas can only shift from that fuel by making a major capital investment in a new heating system. It is a choice that exists more in theory, than in practicality.

Events since 1978 have confirmed my view that the NGPA represented a massive giveaway to gas producer interests at the expense of consumers. Since November 1978, when the NGPA was enacted, the average wellhead price of natural gas has increased by nearly 150 percent. Other elements that, along with gas costs, make up the total cost of natural gas delivered to residential consumers have not risen as rapidly. Even so, the average residential retail price for natural gas went up 70 percent between November 1978 and the end of 1981. During the same period, the Consumer Price Index rose about 40 percent.

These are average figures and the impact on some regions has been even greater. What is more, these are figures without faces, the impersonal statistics that are all that is seen by the free market economists and the policy makers in the Department of Energy who are advocating even more rapid decontrol. They do not see or hear, as I do, the ordinary people who are forced to pay the heating bills, the cost for which one of my constituents referred to as "the necessities of survival."

It comes as no surprise that increased gas costs hit hard at the aged, the poor, retired people, and all those on limited or fixed incomes. But the groundswell of antidecontrol opinion I hear comes as well, and increasingly, from middle income people who have already insulated their houses and who keep their thermostats down as low as possible, but who still find it a growing burden to pay home heating and cooking bills because of rising natural gas costs. One of my constituents, obviously a meticulous recordkeeper, recently sent me a table showing his family's gas usage and the cost per therm of gas used in the month of January for the last 9 years. His figures show that in January 1982 he paid 80 percent more than he did in January 1979, when the NGPA was beginning to take effect, while using only 5 percent more natural gas, despite the severe weather in St. Louis last January. He concludes, "It is obvious that the additional profits go to the producers"—and he is correct.

We must provide relief to the millions of American households who are the victims of an enormous transfer of wealth to the natural gas producers. Industrial and commercial users can benefit from price stability also. I recognize that the subject of natural gas pricing is extraordinarily complex and that there are many conflicting interests involved. It took Congress 18 months of intense debate to work out the dozens of compromises that finally went into the NGPA. But there are steps that we can take now, before next winter, to moderate natural gas price increases while Congress considers the long-term issues that must be faced by 1985.

My bill addresses two of the key aspects of the NGPA that sent gas prices upward: First, the automatic monthly inflation adjustment that applies to all of the categories of natural gas under price controls and, second, the growing quantity of natural gas that falls into categories already decontrolled by the NGPA, or proposed to be decontrolled by the Federal Energy Regulatory Commission (FERC). It does this by making the following changes in the NGPA:

Eliminating the automatic monthly inflation adjustment for all categories of natural gas.

Requiring the commission to set just and reasonable prices for new production of those categories of natural gas which are decontrolled under the NGPA as it now stands. These just and reasonable prices must be based on the actual costs of production for each category of natural gas involved.

Eliminating the Commission's discretionary authority to set even higher prices for certain categories of natural gas.

Permitting an increase in the price for any category of natural gas only after a Commission determination that such increase is just and reasonable. Again, any such increase can be just and reasonable only if based on increases in the actual costs of production of the category of natural gas involved.

A detailed section-by-section description of the bill is included at the end of my remarks, but I want to elaborate on a few of the major points. First, there are a number of reasons why natural gas prices have risen so rapidly under the NGPA, but a principal one has been the addition by Congress of an inflation adjustment to the prices it set for each category of natural gas established by the NGPA. This adjustment has been applied automatically to the maximum lawful price every month, beginning with April 1977, even though the NGPA was not passed until November 1978. The adjustment is based upon the GNP deflator, which has gone up about 44 percent since April 1977. The result has been that gas producers have been guaranteed a price increase every month on top of the historic high beginning prices that Congress set in the NGPA. And, unlike social security recipients or others covered by cost of living provisions, the producers do not have to wait for annual or semiannual adjustments, they get their's every month. Removal of this adjustment factor will assure that natural gas prices will not increase at the same rate in future months.

A second feature of the bill is the imposition of controls on newly discovered section 107 gas, which is presently decontrolled. This is gas produced from wells drilled below 15,000 feet or from certain other formations with higher recovery costs. While the rationale for decontrolling this category of gas may be understandable in terms of providing greater incentives for its recovery, experience has shown that the price of such gas has escalated beyond all reason. Some has been sold at levels as high as $10 per thousand cubic feet (mcf) which, when compared on an energy content (Btu) basis, is the equivalent of crude oil at $52 per barrel, far above the world price. The bill would not affect section 107 gas already discovered, but would require the FERC to set just and reasonable prices for new discoveries in this category.

The method of determining such just and reasonable prices is a third major element of the bill. Since it first began regulating the wellhead prices of natural gas in 1954 under the just and reasonable standard of the Natural Gas Act, the Federal Power Commission, predecessor of the FERC, set prices based on historic production costs plus a reasonable rate of return for the producer. The present FERC has indicated an intention to depart from this practice by taking into account such noncost items as the prices of competing fuels. As previously mentioned, this procedure would have the effect of adopting the OPEC price of oil as a measure for pricing our own natural gas. I believe that we should not deliver ourselves over to the oil cartel in this manner, so my bill requires that FERC determinations of just and reasonable gas prices be cost based, as has been the practice in the past year.

Finally, there is inevitable tension between the dual objectives of natural gas policies, that is, protecting consumers against predatory pricing by gas producers, on the one hand, and providing necessary incentives for exploration and production to assure adequate future gas supplies, on the other. Clearly, we have gone far enough in the direction of incentives, and need to move toward consumer protection for a change. Exploration for natural gas is at an all-time high under the existing price structure. How much more incentive do we need to provide, and what can we realistically expect in terms of new discoveries? It appears to me there is now a more than adequate return at current NGPA levels for those who find and produce natural gas, so that it will be in their economic self-interest not to slacken their activities. For this reason, my bill does not modify the special incentive price increases that are available for section 102 gas—truly new discovered gas.

The Natural Gas Consumer Relief Act does not deal with all of the elements of the NGPA which have contributed to skyrocketing natural gas prices. Rather, it offers a positive first step toward establishing a long-term solution to the problems created by existing decontrol policies. While I intend to propose comprehensive legislation in the near future addressing the NGPA decontrol schedule, the Natural Gas Consumer Relief Act will afford residential and other natural gas consumers protection from unreasonably high natural gas prices between now and 1985 by containing natural gas prices at just and reasonable levels.

I urge my colleagues to join me in this effort to contain natural gas prices.

□ 1130

TRIBUTE TO DR. EDWARD WENDALL SOLOMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CLAUSEN) is recognized for 5 minutes.

● Mr. CLAUSEN. Mr. Speaker, it is my pleasure to acknowledge the distinguished career of an educator and personal friend, who is retiring after 35 years of service. Dr. Edward Wendall Solomon, a scholar who had been named in "Who's Who Among Students in American Universities and Colleges," applied his skills and scholarly resources toward developing youth and adult educational, and youth recreational programs which enriched the lives of thousands of our Napa, Calif., citizens. Dr. Solomon's career span has taken the form of progressive promotions and increased responsibilities which he mastered admirably.

Ed is a native Californian, and he first came to Napa County with his wife, Ruth, in 1945. Edward Wendall, Jr., was born shortly after this couple settled in Napa, and Ed has always maintained the reputation of being a devoted husband and father.

Dr. Solomon has concerned himself not only with the intellectual development, but also with the moral and character building aspects of the community's developing youth. This broadened range of concern was exemplified by Dr. Solomon in his professional choice of employment and the numerous civic, educational, and professional committees on which he served. Ed Solomon was a forerunner in creating an educational program for disturbed youth at the Napa State Hospital. He taught English, mathematics, and history in the public school system, and he offered counseling assistance as the dean of boys. Ed organized service clubs for boys, such as the Earth Angels and Gladiators clubs which proved to be so successful that they were written up in a nationally prominent magazine. Realizing the need for adequate plant facilities to house the Napa students, Dr. Solomon worked with State and local agencies, local citizens and professionals to accomplish projects of remodeling and constructing additions to many of our public school buildings.

Ed Solomon is also a patriot in the finest sense of the word. He entered the U.S. Army following the bombing at Pearl Harbor. After completing boot camp, Ed transferred to the Army Air Corps where he earned the distinction of being sent to officer candidate school. As a second lieutenant, Ed began participating in the European campaign during World War II. At the completion of the war, Ed returned home with an honorable discharge. Throughout the years since his discharge, Ed has been active in the Air Force Association, the Reserve Officers Association, and the American Legion, Post No 113.

Mr. Speaker, Dr. Edward Solomon has been a beacon example of good citizenship and service in our community of Napa, Calif. He has truly exemplified the concept of providing service beyond the call of duty, and I am sure that even though Ed is now retiring from the school system's office of assistant superintendent for instruction, this viable gentleman is not retiring from providing a public service. On behalf of the community of Napa, I wish Dr. Edward Solomon continued success in his future endeavors, and happiness and God's blessings to both

he and his wife, Ruth, and to their son, Edward Wendall, Jr.●

MAJ. GEN. ROBERT A. SULLIVAN'S ADDRESS

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from Missouri (Mr. SKELTON) is recognized for 10 minutes.

● Mr. SKELTON. Mr. Speaker, during my years in Congress, and especially since I have been a member of the House Armed Services Committee, I have frequently spoken out on the qualities which I feel make an outstanding military leader. Those qualities include, first, the ability to understand and employ the high technology weapons and support systems that are so much a part of today's Armed Forces; second, the ability to manage a complex force of personnel and equipment and to mold people of diverse talents and background into a cohesive military unit; third, and most important in my view, an outstanding military leader must know and understand military history, the study of strategy and tactics through the ages and have a deep appreciation for our American Heritage.

Recently I had the opportunity to introduce such an individual as the guest speaker at the commencement exercises of my alma mater, Wentworth Military Academy. This man, Maj. Gen. Robert A. Sullivan, is truly one of our Nation's foremost soldiers, as evidenced by his dedication to duty, his devotion to our Nation, his personal integrity, and his sense of honor. I would like to share his words on that occasion with the Members of this body:

It is a genuine pleasure to receive an invitation to speak to such a distinguished audience. I thank you for inviting me to share this very special occasion with you. Graduation is a happy time, and it's great to be a part of this important event in your lives.

First off, I would like to pay tribute to this institution. We—the Army—are extremely proud of Wentworth just as we are proud to be a part of Wentworth. Your active support of the ROTC program is nothing short of outstanding, and we thank you for it.

During the 8 months I have been in my present assignment, I have been visiting colleges and universities across the 50 States. I have been able to talk with a great many young people and the educators who are preparing them for the future. I believe I can make a few comments about both these groups with a certain degree of objectivity.

One of the first things I noticed was that the Armed Forces and the educational institutions of this country have a lot more in common than most people appreciate.

We both work with and for young people. We both seek to instill initiative and responsibility in those in our charge. We both share an interest in preparing young people for a future leadership role in our Nation. I like to think we share the same devotion to our missions, as well.

We are both concerned with educational processes. We have an impact on young people at a formative time in their lives—a time when life patterns are molded which are important to them. At certain times and in certain places, such as at Wentworth, we can combine to carry out our missions in a genuine spirit of mutual compatibility and concern. We blend our teachings to the benefit of everyone.

One of these happy combined efforts is, of course, ROTC. I am certain that most of you appreciate that the Reserve Officers' Training Corps is the very lifeblood of the Army Officer Corps. About 70 percent of the new second lieutenants entering the total Army each year come from our program. This is healthy, because it has always meant that the majority of the officer corps comes from every geographic, economic, ethnic, and religious facet of what is a very diverse society.

Through ROTC, the Army has also been able to draw upon the diverse disciplines and teaching styles of hundreds of American colleges and universities. I do not think anyone can ever say that all ROTC-commissioned officers are cast in one mold or another. That simply is not possible considering the backgrounds they come from and the education they have been exposed to. And that is the way we want it as citizens. We want a sizeable percentage of our military leaders of the future to represent "we the people" and to bring a civilian outlook to their careers as soldiers. This justifies ROTC in my mind. ROTC is essential to the Army, healthy for colleges and universities and good for the country. We hope it will always offer a challenge to our young people into the 21st century and beyond. You are the leaders of the future, of the year 2000. You are very important people in the eyes of the Army and in those of your country.

By the year 2000, many of you who made the decision to become professional Army officers will be in the field grade ranks. Those of you who decided just to try the Army for a tour will all be firmly settled into your careers back home and making your third or fourth million. I hope that you will look back on your service with pride and pleasure.

You field grade officers will be in the command and staff positions which are customary for officers of your rank and experience. Some of you will be doing the staff work which keeps the Army going. You will be assisted, in all probability, by new electronic and mechanical devices which make your job easier.

If you are a commander, by then, I would expect you to have new communications devices and weapons systems. We hope they will rarely break, and when they do, any members of your unit will be able to repair them.

Yes, I am sure that we will have developed a great many more things to make what we do easier, more efficient, and more effective. I am not quite so sure that we will have been able to make all that many improvements in our basic element—people.

I do not believe that we can develop and field a system which will guarantee that each of you will become master leaders, the kind that never makes errors in thought or judgement. Nor can we guarantee you a 100 percent perfect corps of followers. We could not do that in 18 years, or in 1800 for that matter. And I am not certain we would want to. If we were masters of all that we did, we would make no mistakes. That would be dull, if nothing else. Then, too, there is the thought that we learn from mistakes, and that if we did not learn, we would not grow.

Learning and growing are the best parts of our job as Army officers. The ultimate aim of all this learning and growing process is the development of your personal leadership capabilities to as high a point as you can reach. The business of leadership is a complex process involving interaction of the leader, the group, and the situation. Sometimes we discuss the differences and the similarities between a leader and a manager. In business and industry an individual who runs the show is considered a manager. In the Army, calling a combat commander a manager seems a little inadequate when you consider that the stakes are considerably higher. By that, I mean that the stakes for a combat commander are something more than so many units of whatever product he is producing. His stakes are causes such as human rights, freedom, and justice, not to mention the lives of the men and women he commands.

So, we will call those of you on duty with the Army in the year 2000 leaders. Managership will be important to your leadership roles. Your ability as a manager will always be of concern to your superiors the same as you will come to depend upon the management talents of your subordinates.

Some might accuse me of being a card carrying optimist, but I truly believe that the young people of our country are still looking for responsibility, respectability, challenge, job satisfaction, and adventure—and I believe they are searching for purpose and direction as well. A military career can satisfy these aspirations. It ia a career that demands a sense of responsibility and from that flows a sense of duty. We in the military require men and women of unique abilities and dedication. This special kind of person must be "special" in numerous ways.

Capable of thinking and taking action—a specialist with particular knowledge about a specific field of endeavor—a generalist with an awareness and appreciation of all the factors that inevitably have a bearing on military policy. This person must have a broad knowledge of the interplay of each instrument of national policy, the political and socioeconomic, psychological, and the military. But above all, on the person-to-person level—on the top level—the officer must be a leader.

In the military profession we devote great effort to the study and practice of leadership. It is the main yardstick by which officers are judged. It is the principal characteristic that distinguished one officer from another and, collectively, it is the one quality that determines in the end which army fails and which prevails.

A military organization depends upon sound leadership at all levels for we operate on a fast moving, decentralized basis in the Armed Forces. We probably study and consciously practice leadership more than most other sectors of society because we are in a business where men must be led well in order to perform well under the harsh stresses of combat.

There is, of course, no single, best formula for leadership. My personal definition, based upon observing good leaders in action, encompasses six indispensable qualities which I would like to outline for you—I do not list them in any particular priority. All are vital. I will discuss each one briefly.

The first is integrity. One of the greatest leaders this country has ever produced was General George C. Marshall, a VMI graduate, World War II Chief of Staff, and post war Secretary of State and Secretary of Defense. His greatest strength and distinguish-

ing qualities were his shining character and towering integrity. He could not be deflected from what he judged to be right and he would not compromise with fact. Moreover, his sole desire was to get at the heart of a problem by the most direct route and solve it on an honest basis. You would do well to adopt this great American as your model of honest character and integrity. These are qualities which must be developed and then zealously defended against corrosion by the material influences and abrasive stresses which surround human endeavor; these are qualities which are not only important to the would-be leader but also to any person who seeks inner serenity.

The second ingredient of leadership—competence—is a compound of knowledge and experience. Competence is not a quality which is conferred upon the individual. It is a capability earned by observation, study, and practice. Finally, it is not something which needs to be advertised, for its existence is usually self-evident and its absence cannot be long concealed from those whom the leader would lead.

Imagination is my third ingredient of leadership. By imagination I mean the capability to think creatively, to generate original ideas, and to offer constructive dissent. Einstein once said, "Imagination is more important than knowledge." I agree—and I am sure this gives real comfort to Einstein. All of us have more capability to absorb knowledge than to apply it. Leaders and followers are separated by the difference in their ability to break trail, to pioneer, and to originate.

The fourth ingredient of leadership is dedication. Certainly, the uninspired individual is a weak magnet for others. Also, dedication supplies the drive which sustains one during those often bleak years of preparation, apprenticeship, and gradual advance.

You will find, I think, that dedication to your work is easier if you have chosen the right endeavor. For that reason, take care in deciding what you will do with your life and have the courage to adjust, if you find you have made a wrong choice. Seek a form of endeavor to which you can freely dedicate yourself. With dedication you can stay the course, without it you may falter in the early running.

The requirement for sound judgment, the fifth ingredient, needs no special justification. But, do not expect to find judgment lying around in some convenient package. It is the by-product of painful experience and cannot be developed without making a few errors along the way. General Omar Bradley put this thought best when he said, "Good judgment comes from experience, and experience comes from bad judgment."

The sixth and last ingredient of my formula for leadership is the ability to communicate. Those who would lead must first be able to explain and persuade—and must have mastered the written and spoken word. Without this mastery, the effect will be ineffective and unconvincing. At any rate, the individual who can organize thoughts, reduce them to lucid writing, defend them in direct discussion, and project them in a way that will make sense and inspire a wholesome response—that individual will probably find the short route to the top in any field.

There is a very important debate going on in this country over the Federal budget. It is a healthy and necessary debate. At the eye of the debate is the defense budget which is, in fact, our roadmap for national security during a very dangerous period of vulnerability for our country.

There are so many important elements in our complex society today that impact on national security, and I am not so sure that tanks, ships, and planes, important as they are, head the list of criticality. There are political, economic, and social implications, but I want to place my emphasis today on fundamentals—underlying issues and concerns which to me are the most critical of all because they ultimately determine whether or not we can remain secure and defend ourselves successfully. We must all show the burden of thinking these fundamentals through, and resolving them.

First, is the need to gain an understanding and a measure of agreement on the national purposes. For me, these are stated with both clarity and present-day relevance in our founding documents and philosophy. But we must dust them off, relate them to both the national and international circumstances of today, and reaffirm as a people who we are, where we are going, today, and reaffirm as a people who we are, where we are going, and what we propose to achieve.

Related to that is national understanding of our society, our goal, and the crucial issues of the land. We must have a rigorous educational system, one which sets and insists upon high standards, and, among its most important objectives, insists that all graduates—secondary school and college alike—be equipped with the knowledge and understanding necessary to be active and effective citizens. We also need news media who contribute to this end with reporting which is informed, reasoned, objective, and much more thorough than simple snapshots taken at the shallow surface of human events. And we need leaders in all professions and vocations whose "special interest" is the national interest and not self-interest, and who contribute honestly and knowledgeably to a dialog of good faith and reason.

Then there is the need for national will. This can stem from our national purposes and understanding, but it must also be based on character, strength, and a strong belief that liberty has a higher value than luxury.

One clear manifestation of national will is national discipline—self societal and governmental. A most fundamental question, closely associated with discipline, is whether as individuals and as a Nation, we will choose to be selfish or selfless. The answer will determine in large part whether we will become a soft, spoiled, and inconsequential land of has-beens in the years ahead, or whether we will sustain a greatness in spirit and action.

And will we ever achieve balance and constancy needed for the long term? In this regard, General Omar Bradley, speaking soon after World War II, stated that "America has matured to world leadership. It is time now," he said, "to steer by the light of the stars and not by the lights of each passing ship." A third of a century later, we still bear closer resemblence to a yoyo, or pendulum, than we do to a great national ship guided by a sextant and a compass.

In our world today there are many threats. Among them one can count hunger, disease, inequality, population explosions, resource scarcities, new frictions, terrorism, and simmering wars in half a dozen places. But, perhaps the most immediate threat—if not the most dangerous in the long run, is the expanding power and building aggressiveness of the Soviet Union. I will not repeat the figures and trends in defense expenditures, which finally have alarmed all but the most naive apologists for what is clearly in unwarranted offensive, as well as defensive, build-up by the chief imperial nation of our era.

I will simply point out that the Soviet Union has now moved far beyond the dictates of defense, far beyond the needs understandably imposed by her recollections of past aggression and death in her homeland, far beyond the need to assist her allies, indeed far beyond the demands of her present aggression.

These expansionist moves, and the Soviet willingness to use military forces in open aggression, is a threat we just cannot ignore. This is true in spades when her forces move toward, and around, the largest known sources of oil on this Earth. And the threat is reinforced in awesome dimension by the fact that the nuclear genie long ago escaped its bottle. With the blinding flash and ominous mushroom cloud of Alamogordo a third of a century ago, we could hope that the last day of the gunslinger had dawned. But there are still gunslingers on the loose, and they are armed with much more than Colt revolvers.

Our Nation's defense must be framed within a national and military strategy based first on our finest national values, comprehensive policies, long-term goals, and an absence of expendiency anyplace, in or out of uniform.

These young people graduating today represent the generation that will guide this country into the 21st century. The responsibility is awesome. It will take leadership that must be sensitive and sensible, and contribute to the only kind of peace which has genuine meaning—peace with freedom.

I am a professional soldier because I decided early in my career that I would dedicate my life to protect the freedoms they enjoy today—simply the right to matriculate at a school of their choice, study a discipline of their choice, and express their opinions freely without fear of recrimination. This generation will protect those freedoms for my grandchildren. In fact, I charge you with that responsibility.

Again, my congratulations to all of you graduating today and your loved ones. You are all great Americans, and I could not be prouder to be at your service.●

REQUEST FOR RULE ON BUDGET RESOLUTION

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, I take this occasion to advise my colleagues that I will request a modified closed rule for the consideration of the first budget resolution for fiscal year 1983.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STANGELAND) to revise and extend their remarks and include extraneous material:)

Mr. CLAUSEN, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. SKELTON, for 10 minutes, today.
Mr. PEPPER, for 60 minutes, on June 8.
Mr. BAILEY of Pennsylvania, for 60 minutes, on June 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STANGELAND) and to include extraneous matter:)

Mr. CLAUSEN.
Mr. GOLDWATER.
Mr. GRADISON.
Mr. CONABLE.
Mr. COATS.
Mr. GILMAN.

(The following Members (at the request of Mr. YOUNG of Missouri) and to include extraneous matter:)

Mr. PEASE.
Mr. CONYERS.
Mr. MOAKLEY in two instances.
Mr. LEVITAS in two instances.
Mr. ROE.
Mr. PEPPER in two instances.
Mr. OBERSTAR.
Mr. DE LA GARZA in 10 instances.
Mr. SKELTON.
Mr. FASCELL.
Mr. FRANK in two instances.
Mr. ST GERMAIN.
Mr. ROSENTHAL.
Mr. LEHMAN.
Mr. WEISS.
Mr. MURPHY of Pennsylvania.
Mr. RANGEL.
Mr. MONTGOMERY.

ADJOURNMENT

Mr. YOUNG of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes a.m.), under its previous order, the House adjourned until Monday, June 7, 1982, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter W. Rodino, Jr., MC	1/6	1/20	Italy		1,741.00		262.78				2,003.78
Military transportation							4,710.93				4,710.93
Garner J. Cline, staff	1/6	1/20	Italy		1,741.00		262.78				2,003.78
Military transportation							4,710.93				4,710.93
Don Edwards, MC	1/6	1/9	England		564.00		325.85				889.85
	1/9	1/12	France		294.00						294.00
	1/17	1/20	Italy		472.00						472.00
Military transportation							3,575.06				3,575.06
Hamilton, Fish, Jr., MC	1/18	1/20	Cuba		249.00						249.00
Commercial transportation							814.00				814.00
Peter Regis, staff	1/18	1/20	Cuba		249.00						249.00
Commercial transportation							978.00				978.00
Hamilton Fish, Jr., MC	3/4	3/8	Haiti		375.00		314.00		50.74		739.74
Commercial transportation							568.00				568.00
Peter J. Levinson, staff	3/4	3/8	Haiti		375.00				50.74		425.74
Commercial transportation							568.00				568.00
Michael Ward, staff	3/11	3/15	Grenada		811.00						811.00
Commercial transportation							644.00				644.00
John Conyers, Jr., MC	3/12	3/15	Grenada		663.00				10.00		673.00
Commercial transportation							1,208.00				1,208.00
Committee total					7,534.00		18,942.33		111.48		26,587.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anthony C. Beilenson, MC	1/18	1/20	Fiji Islands				[3] 5,878.00				5,878.00
Committee total							5,878.00				5,878.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation cost includes total cost of travel to South Pacific U.S. Trust Territories.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 1982 (AMENDED REPORT ON DELEGATION TO SOUTH AMERICA, JAN. 4–16, 1982)

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Local transportation and other expenses for entire delegation, Peru.							1,756.10		73.89		1,829.99
Committee total							1,756.10		73.89		1,829.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, May 10, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4070. A letter from the Under Secretary for Small Community and Rural Development, Department of Agriculture, transmitting the annual report of the Rural Electrification Administration for fiscal year 1981, pursuant to section 10 of the act of May 20, 1936; to the Committee on Agriculture.

4071. A communication from the President of the United States, transmitting the supplemental budget of the District of Columbia for fiscal year 1982, pursuant to section 446 of Public Law 93-198 (H. Doc. No. 97-192); to the Committee on Appropriations and ordered to be printed.

4072. A letter from the Secretary of Housing and Urban Development, transmitting a report on recommendations as to establishment of a demonstration project using section 8(c)(7) of the U.S. Housing Act of 1937 to increase homeownership opportunities for lower income families, pursuant to section 329(a)(2) of Public Law 97-35; to the Committee on Banking, Finance and Urban Affairs.

4073. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to require membership of brokers and dealers in a registered national securities association; to the Committee on Energy and Commerce.

4074. A letter from the Assistant Secretary of Energy (Congressional, Intergovernmental and Public Affairs), transmitting a report on the Department's study of whether the final storage level set by the strategic petroleum reserve plan should be amended, pursuant to section 1037 of Public Law 97-35; to the Committee on Energy and Commerce.

4075. A letter from the Secretary of Labor, transmitting the semiannual report of the Inspector General pursuant to Public Law 95-452; to the Committee on Government Operations.

4076. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed modification of a system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4077. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

4078. A letter from the Secretary of Commerce, transmitting semiannual report of the Inspector General of the Department for the period ended March 31, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

4079. A letter from the Chairman, Federal Election Commission, transmitting the Commission's 1981 annual report, pursuant to section 311(a)(9) of the Federal Election Campaign Act, as amended; to the Committee on House Administration.

4080. A letter from the Chairman, Federal Election Commission, transmitting several recommendations for legislative action, pursuant to section 307(d)(2) of Public Law 92-225; to the Committee on House Administration.

4081. A letter from the Comptroller General of the United States, transmitting a report on the Department of Energy's justification for building the Portsmouth, Ohio, gas centrifuge enrichment plant; jointly, to the Committees on Government Operations, Energy and Commerce, and Interior and Insular Affairs.

4082. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the Convention on the Conservation of Antarctic Marine Living Resources; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Ways and Means.

4083. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Hostage Relief Act of 1980, and for other purposes; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Ways and Means.

4084. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed transfer of certain property to the Republic of Panama, pursuant to section 1504(b) of Public Law 96-70; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOLDWATER:

H.R. 6529. A bill to amend the Wagner-O'Day Act of 1938 to strengthen management and accountability in the distribution of Federal contracts to qualified industries for the blind and other severely handicapped who work in qualified industries, to promote business opportunities for the blind and other severely handicapped in the establishment of qualified industries, and for other purposes; to the Committee on Government Operations.

By Mr. BONKER (for himself, Mr. FOLEY, Mr. DICKS, Mr. SWIFT, and Mr. LOWRY of Washington):

H.R. 6530. A bill to establish the Mount St. Helens National Volcanic Area, and for other purposes; jointly to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. YOUNG of Missouri:

H.R. 6531. A bill to amend the Natural Gas Policy Act of 1978 to eliminate the monthly indexing of wellhead natural gas prices, to allow increases in such prices prior to the expiration of natural gas price controls only to the extent justified on the basis of increases in the cost of producing natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONTE:

H.J. Res. 498. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. WEAVER (for himself, Mr. AUCOIN, Mr. BONKER, Mr. DICKS, Mr. FOLEY, Mr. LOWRY of Washington, Mr. PRITCHARD, Mr. SWIFT, Mr. WILLIAMS of Montana, and Mr. WYDEN):

H. Res. 492. Resolution expressing the sense of the House of Representatives that the Bonneville Power Administration, the Forest Service, and the Bureau of Land Management should initiate projects providing cost-effective energy generation and jobs creation; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 6532. A bill for the relief of Jorge O. Fernandez; to the Committee on the Judiciary.

H.R. 6533. A bill for the relief of Andrew Lui; to the Committee on the Judiciary.

By Mr. MAVROULES:

H.R. 6534. A bill for the relief of Mordechai Steinberg; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. PARRIS.

H.R. 1353: Mr. MITCHELL of Maryland, Ms. MIKULSKI, Mr. MAVROULES, Mr. SANTINI, and Mr. WEISS.

H.R. 1918: Mr. SCHEUER and Mr. WHITLEY.

H.R. 2823: Mr. AU COIN.

H.R. 3760: Mr. HARKIN.

H.R. 4554: Mr. SKELTON.

H.R. 5976: Mr. THOMAS, Mr. WON PAT, Mr. BEILENSON, Mr. FORD of Tennessee, Mr. DOUGHERTY, and Mr. MOLINARI.

H.R. 6175: Mr. PERKINS.

H.R. 6311: Mr. BEREUTER.

H.R. 6348: Mr. DERRICK, Mr. BAFALIS, Mr. MOORE, Mr. YOUNG of Florida, Mr. TRIBLE, Mr. QUILLEN, Mr. GINN, Mr. RHODES, Mr. RAHALL, Mr. FLIPPO, Mr. MOLLOHAN, Mr. BEVILL, and Mr. NICHOLS.

H.R. 6497: Mr. MAZZOLI.

H.J. Res. 225: Mr. GAYDOS, Mrs. FENWICK, and Mr. WOLPE.

H. Con. Res. 311: Mr. MOLINARI.

H. Con. Res. 328: Mr. STUDDS.

H. Res. 427: Mr. GUARINI, Mr. MATTOX, Mr. RANGEL, Mr. MCHUGH, Mr. JAMES K. COYNE, Mr. LEACH of Iowa, and Mr. ZEFERETTI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3117: Mrs. BOUQUARD.

EXTENSIONS OF REMARKS

THE TRUTH-IN-BUDGETING ACT OF 1982

HON. WILLIS D. GRADISON, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. GRADISON. Mr. Speaker, Federal credit growth has gotten out of hand. The figures are astonishing. According to the Federal Reserve Board, total Federal and federally related borrowing rose from 20 percent of net national savings in the 1965–69 period, to 57 percent in the 1975–79 period, to an estimated historic high of 92 percent for 1982. Many other related statistics are equally shocking.

This incredible Federal drain of savings from the Nation's economy has two important effects. It drives up real interest rates and forces expansion of the money supply, accelerating inflation. While a depressed economy is the clear result, the causes of Federal credit growth are more obscure.

One component of Federal credit did not exist until 1973. From 1975 to 1981 $83.6 billion was allocatEd to this new category. Over this period, this area of credit activity accounted for 12 percent of all Federal borrowing, and 4 percent of all funds raised in U.S. markets.

This activity has caused a significant rise in Federal credit. It is unbudgeted. Had it been on-budget it would have caused the unified budget deficit to be 27 percent higher in 1981. This entity is off-budget credit.

The reason for the growth in off-budget credit may have been, more than anything, that it is hidden through the device of the Federal Financing Bank (FFB), a supposedly innocuous intragovernmental financial intermediary.

The FFB is the biggest bank in the country, yet little-known or understood. It began operations in May 1974, having been established through the FFB Act of 1973, as reported out by the House Ways and Means Committee and the Senate Banking, Housing and Urban Affairs Committee. The concept behind the FFB was to centralize and more efficiently market the debt of the dozens of Federal agencies.

The agencies in the past has been individually marketing their own debt. Each had its own financing operations; each issued its own unique debt instruments. Yet even though all the debt was fully backed by the U.S. Government, there were various risk premiums built into the interest rate on agency debt that were all higher than comparable Treasury debt. Consequently the agencies had to pay higher interest rates than did the Treasury.

The FFB lowered agency costs by issuing Treasury securities in place of individual agency securities. Treasury securities had lower interest rates and the FFB economized by centralizing all agency debt management staff activities.

While more efficient debt management was highly desirable, discussion of the creation of the FFB also touched upon its effects on agency budgets. The FFB's original advocates repeatedly stated that it would not affect the outlays of any agency, nor, more generally, cause any changes in agency budgets. Therefore, proponents of the bank said that there was no point in putting the FFB in the Federal budget.

But the FFB's authors were mistaken. By using the FFB, agencies were able to increase dramatically their budgets. The bank unwittingly became a catalyst for the transformation of on-budget agency debt into off-budget agency debt. Because of this, certain agencies found their budget ceilings effectively removed and proceeded to accelerate their lending activity to levels far exceeding those they previously had maintained. The FFB can no longer be described as innocuous.

Agencies make net loans off-budget through the FFB in two principal ways: the sale of certificates of beneficial ownership (CBO's) and the issuance of loan guarantees. CBO's are pseudo-loan asset sales. Loan asset sales occur when loans are sold and completely transferred to the buyer. The buyer services the loan and assumes all risk. With CBO's, the FFB "buys" the loan assets from various agencies. Agencies cancel out the loan outlays in their budgets with the receipts from the sale to the FFB. But the agencies continue to service the loan and incur the risks. CBO's are merely a paper shuffle; control of the loans is not really transferred. The result is that the agency has made a loan that doesn't show up in its books as a budgetary outlay in the net loans category. Instead the FFB's amount of off-budget direct loans rises by the amount of the CBO. The FFB purchased a net $51.7 billion in CBO's between 1974 and 1981.

Guaranteed loans are the major type of loan that agencies make off-budget through the FFB. Guaranteed loans are created when agencies guarantee repayment of a loan from a private lender to a private borrower. But in many cases the FFB allows the private guaranteed borrower to borrow directly from the FFB. Rather than a guaranteed loan between the two private parties, it becomes a direct loan from the FFB. These FFB direct loans to guaranteed borrowers totalled a net $30.5 billion between 1974 and 1981.

As these two principal types of FFB generated off-budget borrowings have risen steadily, the need to force Federal agencies to budget fully their lending authority has become more urgent. In 1977 and 1978, House Ways and Means Oversight Subcommittee Chairman Gibbons held hearings on six bills, all of which would have put the FFB on-budget. But no action was taken; instead it was decided that reform of the FFB should be delayed until it could be considered as part of a broader effort to address the overall problem of control of Federal credit.

Since then, proponents of Federal credit control have focused their efforts on creating a credit budget in addition to the existing unified budget. Whereas the unified budget accounts for spending, the credit budget would account for gross lending. However, while control of gross lending is very desirable, the enactment of the credit budget would not solve a major problem presented by the FFB. That problem is that the FFB allows spending to occur without it being included in the unified budget, where spending belongs.

To elaborate, while the credit budget would set limits on the gross amount an agency could lend, it would not affect the budgetary treatment of net lending, the difference between gross lending and loan repayments. Net lending is a form of spending, and should be included in the unified budget. Some net lending is now included in the unified budget, but most net lending financed through the FFB is not included in the budget. Thus, while the credit budget would force all agencies to budget gross lending, agencies currently using the FFB could continue to keep their net lending out of the unified budget. Something additional needs to be done so that this form of spending is included in the unified budget.

Having studied all options, I have found that this net lending loophole can best be closed by amending the FFB Act of 1973. Therefore, to more completely structure the Federal budget and to complement the proposed credit budget, I have introduced the House version (H.R. 5925) of Sena-

tor PROXMIRE's "Truth-in-Budgeting Act of 1982" (S. 2162).

This bill would amend the FFB Act in three steps: (1) it would put the FFB on-budget; (2) it would credit all budget outlays and receipts to the agency of source; and (3) it would require agencies to continue to funnel all credit activity through the FFB.

Putting the FFB on-budget is the mechanism necessary to close the loopholes that allow agencies to make on-budget lending off-budget. Once the FFB is on-budget, all agency off-budget loans financed by the FFB would become on-budget. Then, because my bill forces all budget outlays to be credited to the agency of source, the agencies issuing the debt would have to budget all net lending. CBO's and direct loans for guaranteed loans would be brought on-budget.

The third part of the bill keeps agencies from going directly into the credit market themselves, thereby preserving the debt management efficiencies of the FFB.

Of course, agencies might then try to bypass the budget process through innovative, indirect lending devices which would not be classified as loans according to existing budget concepts. An example of this is a debt service grant. But language in the bill allows the Secretary of the Treasury to determine that such measures are merely roundabout loans, designed to skirt budget authority. The Secretary can then issue regulations to force such indirect loans back onto agency budgets. Through this regulation authority, all such off-budget loopholes could be closed.

The main alternative to amending the FFB act in order to stop off-budget activity could be to amend the 1974 Budget Act. Both guaranteed loans and CBO's could be reclassified to place them on-budget. But one problem with this approach is that agencies could subsequently create budget loopholes through the use of new financing devices. My FFB amendment would avoid such problems.

A bigger problem with amending the budget act is that Congress is very hesitant to reopen the 1974 act at all, and may refuse to do so for some time. This makes amending the FFB act the only practical choice at this time.

That Congress is reluctant to touch the Budget Act brings up another important reason for going ahead with the FFB amendment. H.R. 5925 brings all net lending into the budget process. This complements perfectly the credit budget. But like the previously mentioned alternative to the FFB amendment, the credit budget can only be enacted with an amendment to the Budget Act. It may be several years before the credit budget will be brought to the floor even though a majority of Members have cosponsored it. This means credit would not be subject to the appropriations process until then. The politics of reopening the Budget Act make it imperative that Congress move ahead now with the FFB amendment.

Support for the Truth-in-Budgeting Act of 1982 is strong among top administration officials and those in Congress familiar with this complex subject. Paul Volcker, Chairman of the Federal Reserve Board, Murray Weidenbaum, Chairman of the Council of Economic Advisers, and the Department of Treasury have written to give their qualified support for the bill, pending an official administration position. All believe the bill effectively would reduce off-budget spending and, as Treasury writes, "would subject certain Federal credit programs to the scrutiny of a more comprehensively structured Federal budget." The Director of the Congressional Budget Office, Alice Rivlin, has stated her agency's support.

Meanwhile, Secretary Regan is heading up a Federal Credit Policy Working Group. The administration is expected to support an amendment to the FFB Act similar to HR 5925, as well as a credit budget bill and limits on Government-sponsored private enterprises such as Fannie Mae. I have been told their report will be issued this spring.

The budget process has been circumvented through off-budget lending. The Truth-in-Budgeting Act of 1982 will bring off-budget lending under the scrutiny of our budget process where it belongs.●

TRIBUTE TO REV. COLUMKILLE REGAN, CP

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. ST GERMAIN. Mr. Speaker, I rise today to inform my colleagues of the work Rev. Columkille Regan has done over the past 5 years as executive director of the Center for Human Development, and to wish him well as he assumes equally challenging responsibilities as vicar provincial of his religious congregation, the Congregation of the Passion. A native Rhode Islander, Father Regan has earned the confidence, respect and admiration not only of his religious congregation, but also of ministers of the gospel throughout the English-speaking world.

For the past 5 years Father Regan has served as executive director of the Center for Human Development. In 1980 he directed the transfer of the center from Notre Dame University to Washington, D.C. Since that time he has been responsible for the international operations of the center, which was established in 1972 by Father Vincent Dwyer, o.c.s.o., to provide service and support to the people of God in the post-Vatican II era of spiritual renewal. The center seeks to communicate the good news of today's church in ways that give meaning, vision, and hope. It develops ways to promote holistic growth by integrating the Christian tradition, contemporary culture, and personal experience. While serving at the center, Father Regan has conducted priest retreats throughout the country and abroad, personally touching the lives of thousands of priests—and through them sparking spiritual renewal and growth among the people with whom they minister.

In his new position as vicar provincial of the Eastern Province of the Congregation of the Passion, Father Regan will assist the provincial and serve as coordinator of ministries for the 400 members of the province which is centered in South River, N.J. Father Regan has been a member of the Passionists since 1942. Having specialized in the study of canon law, Father Regan was a professor and counsellor to seminarians for several years prior to becoming the first director of the Cardinal Spellman Retreat House in Riverdale, N.Y. It was from this position that Father Regan joined the staff of the Center for Human Development.

Father Regan's warm personality and caring nature, coupled with his wit and reflective wisdom have endeared him to all who have had the pleasure of knowing him. These valuable personal qualitites will certainly serve him and the members of his congregation well, as he assumes his responsibilities as vicar provincial of the Passionists.

I urge my colleagues to join with me and Father Regan's many dear friends not just here in Washington, but throughout the world, in wishing him well as he continues to touch the lives of many by living out the gospel message.●

SUPPORT FOR FREEDOM OF THE PRESS IN URUGUAY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. GARCIA. Mr. Speaker, Voltaire said, "I (may) disapprove of what you say, but I will defend to the death your right to say it." This is the basis of any democracy, the free exchange of ideas and points of view. One way of insuring that this exchange occurs frequently and unencumbered is by guaranteeing freedom of the press. The U.S. Government has always defended freedom of the press at home and encouraged it abroad.

That is why the recent wave of foreclosures of periodicals and newspapers in Uruguay is so disturbing. It inhibits any democratic tendencies that may have been developing in that country. Uruguay, at one point, was one of the most progressive democracies in Latin America. The militarization of any nation is a tragedy, and the only real hope for progress in military dictatorships is with dissidents who have the courage to express themselves. Now, in Uruguay, the access of dissidents to self-expression is being eliminated. This must be stopped.

The Council on Hemispheric Affairs recently issued a press release on the closing of the magazine La Plaza in Uruguay. The release gives a frank account of this foreclosure and its implication for democratic tendencies in Uruguay. I submit the COHA press release for the edification of my colleagues:

Overshadowed by the international concern over the harassment of the daily La Prensa in Nicaragua by the Sandinista government, the military regime in Uruguay headed by Gen. Gregorio Alvarez has mounted a compaign of much wider proportions to silence its own media critics. The May 16 closure of the monthly magazine La Plaza was the fourth such action taken against critical publications in the past five months, and the seventh since Alvarez took office on Sept. 1, 1981.

La Plaza editor Felisberto Carambula received the censure immediately upon his return to Uruguay from a conference in Quito, Ecuador, and a stopover in Washington during which he discussed the situation of the press in Uruguay with officials of private organizations.

Charles A. Perlik, president of the 40,000-member Newspaper Guild and the incoming chairman of COHA's board of trustees, sent Alvarez a letter protesting the decree which formalized the shutdown:

"The fact that this magazine has been closed by the armed forces is a stark rebuttal to the claim that there is a new respect for civil liberties in Uruguay today . . . La Plaza's only crime appears to have been its criticism of official malfeasance, economic mismanagement and gross mistreatment of political prisoners. The action is a flagrant violation of fundamental press freedoms and represents a serious escalation in repression of the media in your country."

The "claim" referred to was the testimony offered by Deputy Assistant Secretary of State Stephen Bosworth in congressional hearings on Uruguay's human rights situation last Sept. 15. The hearings were requested after President Reagan authorized the transfer of U.S. arms owned by Korea to the Uruguayan government, in apparent violation of U.S. prohibitions against such sales because of that country's human rights record.

"Restrictions on the media . . . are now being loosened," Bosworth said, and went on to praise the incoming Alvarez government for its emphasis on "the restoration of a democratic process and on human rights and liberties."

Three days before Bosworth's testimony, however, the monthly Opcion of the Christian Democratic Party was closed for two months. Since Alvarez's inauguration, the tempo has picked up considerably.

In January, La Democracia, an organ of the Nationalist ("Blanco") Party, was ordered to cease publishing for a two-month period, its third closure in 12 months. The Colorado Party's Opinar was issued a similar decree on March 4, for criticizing the government's restrictive press policies and defending the rights of political dissidents. And on April 27, Opcion was again closed for two months, for publishing the history of the country's Socialist Party, which the government labeled "political propaganda."

Uruguayan sources said the measures against *La Democracia* and *Opcion* early this year may have been timed to deter criticism of a new political parties statute considered by the Council of State in March. Only the two traditional parties, the Colorado and the Blanco, were recognized as legal under the new law and will be permitted to participate in the presidential elections scheduled for 1984 under the statute. The Christian Democrats and the left-of-center Frente Amplio will be prohibited, which will effectively disenfranchise the third of the electorate which voted for those parties' candidates in the last free elections in 1971.

La Plaza is one of a number of small publications which, along with the political parties' periodicals, have evolved into forums for opponents of continued military rule. The country's six newspapers, four television stations and 40 radio channels all practice strict self-censorship if they are not directly controlled by the government. The small non-partisan monthlies like La Plaza and the political parties' organs offer a lively alternative by tackling such taboo subjects as government corruption and the circumstances of the hundreds of political prisoners in the nation's jails.

In 1981, indications arose that they were becoming too direct in their criticism of the armed forces. Opinar was closed in April for four weeks after publishing documents which revealed official corruption in the military-run National University.

The decree which closed La Plaza typified those offered in most of the shutdowns. Carambula was accused of a number of violations of national security laws, including (a) hiring individuals who previously had been stripped of their political rights by the government; (b) publishing articles critical of the government's economic policies; and (c) questioning the sincerity of the military's "process" to return the country to democratic rule by 1984.

The first instance is particularly illuminating, because it deals with one of the harshest facts of Uruguayan political life. The government security forces maintain an A-B-C rating system of individuals. An "A" signifies a clean bill of health, that the person in question has no compromising marks on his record and is thus entitled to full exercise of his constitutional rights. A "B" is something of a probationary status, which mandates that a person be particularly careful not to transgress political guidelines. A "C" deprives citizens of their rights to travel outside the country, to hold a government job and is a deterrent to all but the most menial of employment. The "C" is a common tool levied against journalists who write articles critical of government policies, and, as in the case of La Plaza, to close publications altogether.●

TRIBUTE TO ROXANNE CRAMER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. FASCELL. Mr. Speaker, as one who has always been deeply interested in education, I am particularly impressed by that special classroom teacher—the one who takes personal pride in seeing each child grow and develop as the year goes by. It takes a very unique kind of person to bring out the best in our young people and an exceptional dedication to make each class of students feel special.

Today I want to bring to the attention of our colleagues one such exemplary teacher, Mrs. Roxanne Cramer, who teaches at the Haycock Elementary School in Fairfax County, Va. It is my understanding that her sixth-grade class is today paying tribute to her and thanking her for her special efforts on their behalf. These students are grateful for Mrs. Cramer's inspiration, guidance, patience, and sense of humor. I, too, would like to salute Mrs. Cramer for her contribution to our Nation's young people and commend her class for recognizing the importance of an outstanding teacher.●

U.S. ARMS SALES TO JORDAN—HOUSE RESOLUTION 485

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. GOLDWATER. Mr. Speaker, I am increasingly alarmed at reports of possible arms deals with Jordan. I remain adamant in my opposition to any such sales.

Earlier this year I joined with a number of my colleagues in writing a strong letter to President Reagan outlining why arms sales to Jordan were inadvisable at this time. Regardless of whether the items under discussion are F-15's and mobile Hawk missiles, or as currently reported, F-5G's and mobile Stinger antiaircraft missiles, the question boils down to one thing: security of our ally, Israel.

Let us be honest. Jordan has no commitment to the Camp David accords. Thus, they have no real commitment to peace in the Mideast. Further, they indicate an all-too-real willingness to deal with the Soviets.

The United States has no business selling arms to a nation that deliberately undercuts our major Mideast ally and friend, Israel, or our major Mideast diplomatic interest, the Camp David accords.

I will continue to urge my colleagues and the administration not to deal

with Jordan until such a time as that country endorses the Camp David accords.

I am extremely pleased to see that the gentleman form New York (Mr. ADDABBO), has introduced House Resolution 485, a bill which expresses the sense of the House that the United States should not become involved with arms sales to Jordan, including advanced fighter aircraft, mobile antiaircraft missiles and any other military equipment. I have added my name to the list of cosponsors of this legislation, and will press for its speedy passage should rumors of a possible Jordan arms sale come to fruition.●

A REMARKABLE MAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday June 3, 1982

● Mr. SKELTON. Mr. Speaker, during a recent trip to my district I had occasion to meet a remarkable man. It is my pleasure to use this statement as a means to comment on his services so that others might strive to emulate it.

Harry O'Neill, a World War I veteran, celebrated 50 years as a member of the Veterans of Foreign Wars recently. That, in and of itself, is noteworthy. His membership in that organization, however, will not be remembered by its length of tenure so much as by the dedication and leadership he brought to it.

When the first VFW post was established in Pettis County, Harry O'Neill was the commander. He has served as post commander of VFW posts in Sedalia 12 times in 50 years. He has also held positions at the regional level of the organization. He was the guest of honor at a recent dinner of that organization and it was clear that he was proud of the organization.

What is probably most striking is his stated hope that the group will dwindle and disappear over the years ahead. Like so many Americans who served their country in armed conflict, he knows the sacrifice and pain it causes and seeks a just and lasting peace.

Harry O'Neill has served his country well, and continues today by participating in the activities of the VFW. He deserves our respect and commendations.●

GREATER ORANGE YMCA CENTENNIAL CELEBRATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. GILMAN. Mr. Speaker, I rise to congratulate the current 1,953 members of the Greater Orange YMCA and to praise its past members on the marking of 100 years of service and leadership to the communities in Orange County, which will be celebrated Saturday, June 5, 1982.

In a time of budget constraints, the Greater Orange YMCA is expanding its services and commitment to developing the potential of all individuals through training programs and cooperative adventures. The Greater Orange Y gets involved and acts; it does not simply discuss problems and appoint committees. Therefore, the best praise for this fine organization is to recite some of the ways it enriches the lives of all people living in our area.

One of its significant programs is latch key, which is an afterschool supervision program for children in grades 1-6 without adult supervision after school. Not only do children get supervision after school here, but they also participate in the varied programs the Y has to offer to enable them to grow emotionally, socially, physically, and educationally. To get the children there and back, the Y has purchased a bus.

The Greater Orange Y reaches out to young people at the crucial ages when supervision and companionship in a constructive positive setting is so badly needed. This summer their camp will be going at full strength, as will all activities regularly provided for young people through the youth membership. The Teen Center gives teenagers a place to go in the evenings and an opportunity to confront the tough problems and pressures involved in growing up.

The Y never lets up in its attention to all age groups. From the nursery school to its varied adult fitness programs and on to its senior citizen activities, the Greater Orange Y tackles not only our hearts and souls but our forms and shapes as well.

I ask my colleagues to join with me in saluting the Greater Orange YMCA, a great force for good in this day when it is so easy to become discouraged. May the next 100 years be as successful as the last 100, and may you reach new heights, extend new wings, and continue to challenge us to combine body and soul in the constant pursuit of excellence.●

POSTAL EMPLOYEES ARE HARD WORKING AND COURTEOUS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, I rise today in objection to the television commercials which have been run by the Federal Express Co. These commercials depict postal employees as being lazy, unhelpful, and unconcerned about the quality of their work. While I believe in the importance of commercial marketing, I believe these advertisements are a little out-of-hand. Instead of promoting a service, they insult the integrity of our Nation's 670,000 postal employees. The majority of these postal employees are hard working and courteous.

These unfair characterizations are totally inconsistent with the actual performance of the Postal Service. For example, last winter, our Nation experienced the worst storms of the century yet our postal employees responded in an extraordinary manner. In many areas of the country, other Government and business activities were suspended but the Postal Service employees were on the job; going beyond the call of duty in order to provide service. This show of dedication was evident here in Washington after 10 inches of snow fell on the city. Although all nonessential Government employees were given the day off, 100 percent of the District's postal employees were persent for duty and processed 2.5 million pieces of mail.

In light of this and many other similar examples, I believe the Federal Express Co. should more closely consider the fairness and accurateness of their commercials. We have every reason to be proud of the performance of these postal employees and I personally applaud their continuing dedication to an efficient postal delivery system.●

CONCERN ABOUT H.R. 6181 DISABILITY AMENDMENTS OF 1982

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. PEPPER. Mr. Speaker, the Save Our Security Coalition, a coalition of over 100 organizations concerned about our Nation's social security system, has expressed its concern about H.R. 6181, the Disability Amendments of 1982.

The Save Our Security Coalition (SOS) has been working to preserve the viability of the social security system as the Nation's principal insurance program for retirement, disabil-

ity, and through medicare, help with health care bills. The coalition's leadership includes such eminent Americans as Wilbur Cohen and Arthur Flemming, former Secretaries of the Department of Health, Education and Welfare; former Members of Congress and distinguished colleagues, Wilbur Mills, James Burke, James Corman, Charles Vanik, and Ralph Yarborough; three former Commissioners of the Social Security Administration, William Driver, Robert Ball, and Charles Schottland; and distinguished representatives of national aging organizations such as Jake Clayman, Cy Brickfield, and Nelson Cruikshank.

I wanted to bring the views of SOS regarding possible changes in the disability portion of the social security system to the attention of the House:

SAVE OUR SECURITY COALITION POSITION ON H.R. 6181—THE DISABILITY AMENDMENTS OF 1982

The Save Our Security (SOS) Coalition[1] is opposed to H.R. 6181, the Disability Amendments of 1982. While there are several provisions within H.R. 6181 which SOS supports, the inclusion of two particular provisions make the bill untenable. These two provisions are Section 5, which closes the record on evidence at reconsideration for termination cases, and Section 7, which provides uniform standards for disability determinations without a requirement for public notice or comment.

SOS's message is simple: there is nothing in H.R. 6181 which adequately addresses the current problem of massive termination from the disability rolls of severely and permanently disabled persons who are unable to work. In addition, Sections 5 and 7, if enacted, will create further delays in the adjudicative process and violate the due process rights of disability beneficiaries to an impartial hearing before an Administrative Law Judge (ALJ).

SOS supports the concept of a face-to-face conference or interview at the reconsideration stage. However, we are adamantly opposed to closing the record for any disability beneficiaries after the reconsideration decision and to altering the reconsideration process to include evidentiary hearings. These two provisions, if enacted, will result in a revolutionary change in the character of the hearings process and we feel will violate current due process rights of beneficiaries. The role of the Administrative Law Judge (ALJ) and the claimant's right to a fair and impartial hearing will be undermined.

Very few people are represented until the ALJ stage where they are assisted in obtaining evidence. We doubt that State disability agencies will assist beneficiaries in the development of evidence in any meaningful way and believe that Section 5 of HR 6181 will place the burden of obtaining all medical and vocational evidence on the backs of disabled recipients. This problem is particularly difficult for disabled persons with a mental disability.

If enacted, Section 5 would mean that terminated disability beneficiaries would need representation twice during the appeals process, once at the reconsideration and once at the ALJ hearing level. In addition, the disabled person (and their representative if they have one) would bear the burden of proving that the evidence being presented to the ALJ was not available at reconsideration. If this "proof" is not satisfactory, their case would be sent back to the Social Security Administration for a second reconsideration.

The establishment of evidentiary hearings at the reconsideration level works to the disadvantage of disabled beneficiaries who have a right to impartial hearings before Administrative Law Judges governed by the Administrative Procedures Act. It is only at this level that such impartiality can be assured. It makes sense that this is the point in the appeals process when beneficiaries would secure representation. We question the intent of Section 5 which appears to substitute evidentiary hearings before ALJs with hearings before Social Security Administration personnel. We do not believe that impartiality and fairness are possible when hearings are conducted by personnel responsible to the very agency which has denied benefits. Section 5, along with Section 7, appears to undermine the due process rights of beneficiaries in an attempt to secure tighter control of the disability determination process by the SSA which is seeking greater numbers of disallowances in order to save Federal dollars. We strongly object to this section of HR 6181.

SOS recognizes the need for uniform standards for disability determinations. However, we object strenuously to Section 7 of HR 6181, The open-ended language of Section 7 would allow the Social Security Administration to do whatever it desires relative to the establishment of uniform standards. SOS opposes the incorporation at the ALJ hearing level of appeal of any standards that are not issued for public comment. It is critical that the disability determination process and the standards utilized be accessible to the public. It is apparent to us that SSA is already utilizing informal instructions such as the Social Security Rulings (SSRs) and the Program Operations Manual Systems (POMs) to narrow the allowability of claims; in effect, SSA is modifying the published regulations by more stringent and untested interpretations. SOS recommends there be a statutory requirement that any uniform standards established by the SSA be published in the Federal Register in accordance with the Administrative Procedures Act so that the public will have an opportunity for comment.●

[1] SOS is comprised of over 100 organizations concerned about our nation's social security system. The leaders of SOS include two former Secretaries of Health, Education and Welfare, several former Commissioners of Social Security, and a number of former Members of Congress. It is bipartisan coalition.

89-059 O-86-4 (Pt. 10)

RIGHT TO PROTEST DENIED SOVIET JEWS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. ROSENTHAL. Mr. Speaker, 1 year ago on May 31, 1981, Vladmir Tsukerman and Osin Lokshin were arrested in the Soviet Union. Like many of their Jewish colleagues, Tsukerman and Lokshin had been repeatedly denied requests for exit visas to emigrate to Israel, and in their frustration, organized a protest to make their objections known. This act was considered a crime worthy of 3 years in a labor camp according to the provisions in the RSFSR criminal code, which establishes penalties for "organization of, or participation in, group actions which violate public order."

Tsukerman and Lokshin's plight is but another example of the Soviet Union's deplorable actions against its Jewish and non-Jewish population. Aside from making it a virtual impossibility for Jews to emigrate, the Soviet Union further bans the right to object to the denial of rights. The right to protest is one guaranteed under the basic humanitarian principles embodied in freedom of speech provisions. Continual detention for illegal protests constitutes harassment of the worst order.

It is inevitable that individuals will protest the repressive policies waged against Soviet Jews: waiting periods of up to 10 years for visas, arrests and constant badgering by the KGB, the very real risk of losing one's job, and slanderous statements published in Government controlled media. If the Soviet Union did not blatantly ignore and deny the rights that it supposedly guarantees under its own laws, then its citizens would not be forced to resort to peaceful forms of demonstration and the Government's need to bring trumped-up charges against its citizens would be eliminated.

The number of Prisoners of Conscience continues to increase, while Soviet Jewry emigration figures steadily remain at the alltime lows they reached early this year. As long as this trend continues, our dissatisfaction must be made perfectly clear to the Government of the Soviet Union. Support for those whose rights are denied, and who are wrongfully detained, is of crucial importance. It is only with our help and constant reminders that Jews in the Soviet Union will live to see the freedoms they rightfully deserve. With our efforts we may one day find there is no longer the need to speak out as I do today—against repressive tactics and trumped-up charges leading to arrests that plague our courageous friends in the Soviet Union.●

THE NEWS MEDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 2, 1982, into the CONGRESSIONAL RECORD:

THE NEWS MEDIA

A CBS news team recently came to southern Indiana to do a story on the nuclear freeze movement. As I watched the team work, I became more and more intrigued by

the excitement its presence caused. The experience set me to thinking about the place of the media in the life of the nation.

The national news media have become major actors in the political process. I am well aware of the importance of watching the evening news programs on television because they are what most Hoosiers are watching and they are the source of much of the information Hoosiers receive. Beyond the function of conveying a simple knowledge of events to the public, however, the media have taken on the role of interpreters of events. Indeed, the media have become an extra constitutional branch of government. They shape public opinion as much as they report what happens. By the stories they cover or fail to cover, the media set the agenda of the nation and bring heavy influence to bear on public policy. Presidents and Congresses react to the events they choose to report. The media play a central role in the assessment of candidates and the selection of issues in political campaigns. On their judgments hang careers and reputations. The media reward and punish, judge right and wrong, and can make or break a Chief Executive, a Cabinet official, a Senator, or a Congressman.

Journalists themselves are good reflections of the power of the media. Some network journalists, for example, have become celebrities who are wooed by politicians, pursued by talk-show hosts, paid large fees by speakers' bureaus, and sought after by socialities to receive prestigious dinner invitations. These journalists are the new "kingmakers" of the political process who themselves make the news quite frequently. The appointment of a network anchorman generates about as much interest as does the appointment of a Secretary of State.

The power of the media can also be gauged by their performance in the context of critical events in the nation's recent history. Our views have been deeply shaped, for example, by the way the media reported the civil rights movement, the Vietnam War, and Watergate. It is not much of an exaggeration to say that events today really do not occur unless they are covered by the media.

One should not think that the shoes of the media are easy to fill. They are not. The media must grapple with numerous technical problems as they try to bring an overall sense of coherence to the day's happenings. They must report, not only politics and economics, but also energy, environment, science, and a dozen other complex subjects. No one can cover all the significant events of the day, so the media must be highly selective and must make difficult judgments about what is news. To make things more difficult still, the media must contend with the secretive instincts of politicians and bureaucrats.

Even so, the media have made their job harder by expanding it. Many journalists are no longer content to be observers. Some want to participate in the making of public policy; others want to be advocates for a cause. It is obvious that the media are giving more attention to analysis and interpretation. The problem for the viewer or reader is that it is not always clear to him whether he is getting an objective recounting of the facts or a particular (even if informed) opinion.

The media, of course, are essential to the work of politicians because communication is the essence of government. The media act as intermediaries between the people and the government, so the politician who ignores them does so at his own peril. In fact, a whole generation of "media politicians" has now sprung up: they are tutored in the art of "projecting" themselves on television, skilled in the "soft sell", sensitive to the nuances of electronic communications, and aware that style is as important as substance and image as important as issue. "Getting on the tube" is the goal of nearly every candidate for public office, whether he is running for the Presidency or the state legislature. The candidate's principal means of communication are the media and his strategy is to control as much time and space in the media as he can.

Despite the power of the media, the scope of their influence remains a mystery to me. The media certainly have changed the process of government and the manner in which we conduct political campaigns. They do not form a monolithic institution, but rather "speak with a hundred voices", as one commentator put it. I do not really know whether Presidents and legislators act more wisely because of the media. As the media inform, expose, and elucidate, they may at times become adversaries of government. Certainly, government as we know it could not exist without them.

I detect among Hoosiers an ambivalent attitude toward the media. In these troubled and uncertain times, they know that complex events are touching their lives in important ways. They want to understand these events better, so they turn to the media for sound answers and thoughtful guidance. However, they are not always pleased with what they get from the media. In recent years, they have become increasingly skeptical about what they see on television or read in the newspapers.

I agree with the view that the American media may well be the most accurate and unbiased in the world. I have the distinct impression that American journalists try hard to be fair, but fairness is an exacting standard and journalists are, after all, fallible human beings. As viewers and readers exercise more caution in judging the products of the media, both the media and the public are better served.●

VOLUNTARY PRAYER

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. COATS. Mr. Speaker, the President proposed on May 6, 1982 a constitutional amendment to allow prayer in our Nation's public schools. Both the President and I share the same view that children should be allowed the opportunity for a moment of daily, voluntary prayer.

In my opinion, students should be allowed to engage in prayer in public schools, as long as the prayer or meditation does not interfere with the schools' secular activities. It is not right for us to put limits on what, how, and where prayer should be offered by an individual or group of parents or students as long as their activities do not violate the rights of others. I believe parents, students, and teachers should adopt policies in accordance with local community standards and requirements as appropriate in each situation.

My position is further reflected in a statement entitled "To Ban Prayer Is Extremist" published in the Washington Post on May 22, 1982. Written by Richard C. Cizik, a researcher with the National Association of Evangelicals, the article thoughtfully articulates the concerns of many Americans. I would like to commend this article to my colleagues for their consideration:

The Post's editorial "Whose God? Which Prayer?" [May 9] raises legitimate questions about the practicality of implementing prayer in schools. The likelihood of both voluntariness and non-sectarianism is disputed. The categorical rejection, however, of any accommodation whatever to majority and minority rights hardly contributes to constructive debate.

Americans are generally united on the subject of school prayer. Polls reveal that 75 percent want some form of allowance made for prayer in schools; 55 percent also support a constitutional amendment to allow such prayer. Why?

In its 1962 and 1963 decisions, the Supreme Court banned from public schools as unconstitutional both government-sponsored prayers and the devotional reading of the Bible. If interpreted narrowly, these decisions would not necessarily have proven harmful, but in practice the lower courts and school administrators have carried the spirit of these decisions further than was warranted. Those who categorically oppose prayer in schools have been successful in virtually eradicating any kind of religious reference in many public schools.

In some jurisdictions, distribution of the Bible on school grounds has been prohibited; in a Michigan school system a voluntary lunch-hour Bible discussion was banned from the school cafeteria; in one community in New York state a small group of students was denied permission to pray in an empty classroom before school. The group's request was, according to a federal appeals court, "too dangerous to permit."

It's not surprising, then, that a groundswell of support has developed for change. Some of this support is attributable to the fact that legalized school prayer has become a symbol for the social approval of religion. Schools do represent society as a whole; to make illegal group recognition of a supreme being within the publicly financed educational system offends a majority of that society.

What will this concerned majority settle for? The public school systems of America should respect the validity of religion. To relegate religious practice solely to internal belief is to say that an American is religiously free—but only in his own mind.

The sky will not fall on religious liberty if our Constitution is amended to permit in the schools some public, reference to our Creator. Moreover, to prohibit any kind of group recognition of the existence of a supreme being within classrooms is to carry the doctrine of church-state separation to an absurd extreme.

As Justice Steward said in his 1962 dissent: "Schools play such a central role in a child's formation that to not allow any religious exercised in the system is to place religion at an artifical an state-created disadvantage. A refusal to permit religious exercises is not seen as a realization of State neutrality but rather, as the establishment

of a religion of secularism." The Post's assertion that "religion belongs in the home and in the church but not in the public schools" overlooks this reality.

CONGRESSIONAL SALUTE TO THE BUTLER VOLUNTEER FIRE DEPARTMENT OF NEW JERSEY UPON CELEBRATION OF ITS 80TH ANNIVERSARY, 1902-82

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. ROE. Mr. Speaker, on Saturday, June 5, the residents of the Borough of Butler, my congressional district, and State of New Jersey will join together with fire companies from 50 communities and 3 States in celebration of the 80th anniversary of the founding of the Butler Volunteer Fire Department. I know you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to the courageous members of this prestigious corps of our Nation's firefighting public safety officers on this most historic observance.

Mr. Speaker. At the outset let me commend to you the officers and members of the Butler Volunteer Fire Department who throughout the past eight decades have risked their lives to protect the lives and property of our people. May I add special commendations to the fire chiefs and current officers of the Butler Volunteer Fire Department and its ladies auxiliary who have served with distinction in the vanguard of our fire service brigade as well as the members of the 80th Anniversary Committee—all exemplary community leaders and highly reputable citizens of our State and Nation—as follows:

Chiefs of the Butler Fire Department—The Honorable: Samuel K. Owen, 1902-21; Allen Looker, 1922-28; Joseph Bergen, 1929-45; Louis Guenter, 1946-49; John X. Harman, 1950-59; Clifford Guenter, 1960-69; Anthony DeMarco, 1970-75; Gerald Day, 1976-77; Anthony DeMarco, 1978-79; Thomas J. Soules, 1980-present. William Dean, honorary chief, life member, and grand marshall, 75th anniversary celebration (recently deceased).

Current officers of the Butler Fire Department—The Honorable: Thomas J. Soules, chief of all departments, active in Kinney, Michael Fitzpatrick, Jr., first assistant chief, from the Bartholdi Company; Clifford Guenter, second assistant, Keil Hook and Ladder; Donald Current, third assistant chief, Pequannock Engine and Hose; Richard L. Dean, secretary.

Founding officers, Pequannock Engine Hose Co. No. 1—The Honorable: Allen Looker, president; William L. Fredericks, Vice President; Augustine S. Guenter, clerk; Samuel K. Owen, treasurer; Horace Miller, steward.

Founding officers, Bartholdi Hose Co. No. 2—The Honorable: Charles Snyder, foreman; John Weckbach, assistant foreman; Frank J. Fritz, second assistant foreman; Herbert Huyler, steward; Reverend Father Clement, treasurer and honorary foreman.

Founding officers, The Exempt Fireman's Association—The Honorable: Edward L. Bennett, president; J. F. Bormuth, secretary; F. J. Guenter, treasurer; Joan J. Roach, Richard Cotter, Jack Wichert, Clarence Haggerty, Louis A. Guenter, trustees.

Ladies Auxiliary of Butler Fire Department, current officers—The Honorable: Lorna Meir, president; Patricia Essing, Ann Nemeth, Charlotte Soules, Sharon Meier.

Founding officers, Kinney Hose Co. No. 2 (elected 1932)—The Honorable: Mae N. Harman, president; Anna K. Dean, vice president.

Founding officers, Bartholdi Hose Co. No. 2 (elected 1934)—The Honorable: Minnie Jansen, president; Annabelle M. Meier, vice president.

The 80th Anniversary Committee:

Executive officers—The Honorable: Floyd V. Decker, general chairman; Steve DePascale, cochairman; Richard L. Dean, secretary.

Subcommittee chairmen—The Honorable: Carl Wyss, Henry Mohl, Bill Wyman, Don Currant, Mike Schimpf, Jack Brennan, Ben Hopper, Vic Writenour, Tom Decker, Tony DeMarco, Richard Dean, Doug Morse, Jr., Tom Lozier, Jack Struble, Reggie Miller, Tom Lane, and Bob Chiaradio.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a brief history of Butler Volunteer Fire Department as related to me by Richard L. Dean, secretary of the department, as follows:

A BRIEF HISTORY OF THE BUTLER VOLUNTEER FIRE DEPARTMENT

The Butler Volunteer Fire Department was founded in April of 1902, and is a division of the Borough of Butler's municipal government under the Mayor and Council. The Department is composed of four companies with 25 members assigned to each: Kinney Hose Co. No. 1, Bartholdi Hose Co. No. 2, Kiel Hook and Ladder Co. No. 3, and Pequannock Engine and Hose Co. No. 4.

During the past 80 years of firefighting and related activities, there have been countless hours of voluntary service given. In past decades the average number of alarms each year has steadily risen from 25 in the mid-1930's to the present average of 140 general (all company) alarms plus about 80 silent (single company) calls in each year.

As with any volunteer fire department, the types of services rendered free of charge ranges from extinguishing minor brush and automotive fires to battling blazes in commercial and industrial complexes. Also, one of the non-fire related services performed is that of pumping out flooded basements for residents.

The largest fire in the history of Butler was the $17 million fire loss of the Pequannoc Rubber Company (correct corporate spelling) which burned between February 26 to March 2, 1957. The blaze which started shortly after midnight, could be seen for miles as the flames travelled hundreds of feet skyward. Over 50 North Jersey volunteer fire departments assisted Butler Fire Department during the five day period. The manufacturing company was in the business of re-cycling rubber products such as tires into re-usable rubber. The plant covered 15 acres in Butler's Main Street district.

Two members of the Butler Fire Department have given their lives in the line of duty in the first 80 years. Robert Braen was killed in a fall off the apparatus on January 3, 1956 while responding to an alarm. Irving W. (Billy) Soules, Jr., was burned to death on February 14, 1979, when fire swept through the apartment he shared with his parents. Soules died a hero's death when he re-enterd the blazing building in order to rescue his father successfully although he did not escape himself.

Since the early 1900's the Kinney Hose Co., Kiel Hook and Ladder Co., and Pequannock Engine and Hose Co. have been housed in the lower part of the Borough Hall on High Street. At the present time, a new fire headquarters on Carey Avenue is being constructed and will include five large apparatus bays, offices for the Fire Prevention Bureau, Fire Chief, Training Room, work rooms for equipment maintenance and filling fire extinguishers, and a large hall with a kitchen to also be used as a Senior Citizen Center during the weekdays. The Bartholdi Hose Co. 2 has been located in a separate firehouse on Bartholdi Avenue since 1908 and will remain at that location.

The proudest possession of the Butler Fire Department is an eight-foot tall wooden statue of an 1860's fireman. The "Wooden Fireman" was originally atop the Firemen's Insurance Company Building in Newark from the 1860's until 1909. In 1910, the statue was presented to Kinney Hose Co. 1 by Newark's Salvage Corps and was subsequently mounted on the balcony of the Main Firehouse on April 2, 1910, where it stayed until June 27, 1980, when it was removed for repairs and restoration in conjunction with the new fire headquarters construction.

The statue will be placed inside of the second floor of the new $500,000 firehouse. It will face the street through a large picture window permitting observation by citizens at any hour of the day or night while giving protection from the elements. This will help insure its preservation for future generations.

Recently, ownershop of the statue was transferred from the Kinney Hose Co. to the entire Butler Fire Department as composed of the four companies. In 1981, the State of New Jersey granted an official "registered trademark" status upon the Wooden Fireman to the Butler Volunteer Fire Department.

Mr. Speaker, it is a pleasure for me to seek this national recognition of the Butler Volunteer Fire Department for their outstanding contribution to the American way of life and the American dream. We are especially appreciative of their many contributions to the quality of life and well-being of our citizenry in providing optimum public safety to the people of our communi-

ty, safeguarding and protecting the property and physical beings of all in their unselfish, dedicated commitment during the past 80 years.

For their outstanding public safety endeavors in safeguarding our people and property against the perils of fire, we do indeed salute the officers and members of the Butler Fire Department upon the celebration of the 80th anniversary of the founding of their highly responsive firefighting service to our people which has truly enriched our community, State and Nation.●

STOP THE ARMS RACE

HON. ELLIOTT LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. LEVITAS. Mr. Speaker, as is the case with many of my colleagues, I have received a great deal of mail recently from my constituents on the issue of nuclear arms. One of the most interesting letters was one from a young student in Atlanta, Bert White. While Bert's letter does not deal with all aspects of this important issue, I think it is an articulate presentation of a point of view and demonstrates that our young people have thoughts that are deserving of consideration. I would like to share Bert White's letter with my colleagues.

DECATUR, GA.

Representative ELLIOTT LEVITAS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am a private school student in Atlanta. We have been learning about nuclear war which used to be one of my lesser worries. Now after hearing some startling statistics and learning more about Hiroshima and Nagasaki, it has become a constant burden on my mind. I have reached the point where I cannot even look at the beautiful Atlanta skyline without having pictures of toppling buildings, death and destruction run through my head. "You people are overreacting," said one of Reagan's national security advisors, "There is only a forty percent chance of a nuclear war starting." Is this guy nuts? If there were a forty percent chance of rain tomorrow I'd sure as heck take an umbrella! Seeing the pictures of Hiroshima and her people after the a-bomb was dropped made me shudder. And to think that both we and the Soviets have missiles many times more powerful than the atom bomb. This nuclear war business is ridiculous. It is mass suicide. You can take your bomb shelters—we're talking total destruction here. If you're sitting in a bomb shelter when the bomb goes off you're still going to be one crispy critter. There are no winners in nuclear war, just losers. I am not of legal voting age but when I will be able to vote I will vote for candidates who support nuclear disarmament. Let's stop the arms race not the human race.

Sincerely,

BERT WHITE.●

PORTRAIT OF A LEADER

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. FARY. Mr. Speaker, today I rise to recognize a fellow Chicagoan who by all measures, stands as a living legend in the southwest side of Chicago. Joseph Bernard Meegan will be honored in Chicago on June 8 upon completion of 43 years of service to the community. Permit me to highlight some of the milestones in the shinning career of this gentleman.

Joe Meegan pioneered the national/State school lunch and milk program, in which all schoolchildren in America became eligible to receive low cost milk and hot lunches. Passed into law in 1943, the program is still operating in public and private schools throughout the United States today. Mr. Meegan was a close friend of the late Speaker of the House John McCormack. The two worked hand-in-hand on the passage of the school lunch program.

Mr. Meegan worked for successful legislation for the floridation of Chicago's water, reducing tooth decay, especially among children. He sponsored the construction of over 800 new homes in our area, through conventional loans, which required a change of a city zoning ordinance to build single family dwellings on 24-foot lots. He helped in the redevelopment of the stock yards thereby attracting additional industry and jobs to the community.

Joe Meegan sought and received city council approval to include in the budget financing for school crossing guards. He has sponsored English classes for new residents and adult education classes in citizenship, reading, modern math, art, music, and physical education. He organized and finances the cost of operating a center for senior citizens to provide leisure time programs, nutritious low cost lunches, and other financial and social services. He also helped to organize 13 local senior citizens groups in the community.

He organized a juvenile welfare committee nationally acclaimed as unique and outstanding in its program of deliquency prevention and treatment, in cooperation with law enforcement officials. He has worked with the Chicago Economic Development Commission in a joint effort to attract new industry into the stock yards with low cost tax incentives, and sponsored meetings for leaders of more than 65 industries.

Mr. Meegan was formerly a member of the board of directors of Holy Cross, Mercy, and St. Bernard Hospitals. He also served as a member of the health systems agency of the city of Chicago and of the board of directors of the Exchange National Bank of Chicago. He was cofounder in 1939 of the Back of the Yards Neighborhood Council, America's oldest community organization, and served as its executive secretary until February of this year; he is now a consultant.

At present, Mr. Meegan is a member of the board of trustees of the City Colleges of Chicago, member of the board of trustees of the Illinois Benedictine College, honorary member of De Paul University board, an honorary member of the board of the Felician College, a member of the board of directors of Catholic Charities of Chicago, a commissioner of the Chicago-Cook County Criminal Justice, and president of the Chicago Dwellings Association.

Mr. Speaker, the Back of the Yards Council truly represents the ideals and goals of American democracy. Brotherhood, self-sufficiency, productivity and helping those who cannot help themselves, these are the goals that our society strives for and these are the tenets that the Back of the Yards has always stood for. As the cofounder of the Back of the Yards Council, Joe Meegan has been an advocate for these ideals for the whole of his career. It is with heartfelt pleasure and all due respect that I salute Joseph Meegan for a lifetime of accomplishments and for the shining example he has set for all Americans.●

THE SMALL BUSINESS INNOVATION RESEARCH ACT

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. HOWARD. Mr. Speaker, I rise before my colleagues today to express my strong support for H.R. 4326, the Small Business Innovation Research Act. This bill provides a key stimulant for revitalizing American productivity by increasing the cost efficiency of federally funded research and development programs and facilitating the commercialization of these innovations.

Even though small high-tech firms are among the most cost-efficient performers of research and development in our economy and are responsible for creating 55 percent of the new jobs in this country, it has been difficult for small companies to obtain venture and/or working capital. Small businesses receive only 3.5 percent of total Federal research and development expenditures.

The Small Business Innovation Research Act addresses the timely problems plaguing our economy—unemployment, lack of innovation, and overall inefficiency—while, at the

same time, insuring the unique role which small business plays in our economy. I hope my fellow Members will join with me in supporting H.R. 4326. This proposal will provide small firms with a mechanism to foster technological innovations and put new product ideas to work for the small competitor.●

IN TRIBUTE TO TED CONNOLLY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. CLAUSEN. Mr. Speaker, I rise to share a story you won't find on the pages of our great metropolitan dailies. It is a personal history of one man's enviable odyssey; of promise fulfilled; of goals achieved; of contribution unstintingly given; of worlds yet to conquer; of personal success; of familial happiness; of prosperity; of one among millions who on scales large and small make the American dream a living reality; of one man who symbolizes the true secret of America's successful experiment in how humankind can best unite to better serve enhancement of the human condition.

It is the story of Ted Connolly, an esteemed leader of the community we know as Oakland, who it is my privilege to call "friend."

My friend is a builder, who early in his most productive years has built a distinguished career, a respectable fortune, a prosperous family business, a vast treasury of friendships and an enviable reputation as a civic leader in the Bay area. Yet, he finds his greatest satisfaction and pleasure with the high school sweetheart he married and the family of five they raised.

My friend carefully allocates a share of his great talent and valuable time to serve the community which he believes gave him the opportunity to grow and prosper.

Nineteen hundred and eighty-two is a time of transition for him as the focus of his voluntary contribution moves beyond Oakland to the national setting.

July 10 marks completion of his 12th year as a member of the board of commissioners of the Port of Oakland, two of which he served as president. These years have seen the investment of hundreds of millions of dollars in the port's facilities as it emerged as the principal container terminal serving the Bay area, and one of the world's largest. Today, Oakland ranks among the greatest of ports serving transpacific trade, handling cargo from all areas of Europe as well.

Sister port relationships have been established with ports such as Manila, Oostockny, Russia, and Genoa, Italy, and the port has undertaken technical assistance contracts to train port management personnel for our Latin American neighbors.

This year Ted Connolly directs his talents to broader horizons as a new member of the Agency for International Development Advisory Committee on Voluntary Foreign Aid. Few better understand economic development, for his life is a microstudy of how it happens.

Though he lost his father when only 16, Ted assured his college education at the University of Santa Clara by excelling both academically and athletically at Piedmont High School where his performance earned him a berth on the All-Alameda football team for 3 successive years. At Santa Clara, he was named All Coast Tackle.

Undaunted by Santa Clara's decision to terminate major varsity football, he arranged transfer to Tulsa University where he earned his BA in economics while playing varsity football.

In 1954, Ted joined the 49ers. In the years before playing his final year with the Cleveland Browns in 1964 he played in the Pro Bowl, was named all-pro guard and was selected as a member of the all time 49er team.

Ted used his off-season months to study and gain experience in real estate planning, finals, and development, serving successively as industrial equipment sales specialist, a commercial real estate management specialist and business manager. In 1966, he founded Connolly Development Inc., which under his leadership as chief executive officer has earned recognition as one of the principal shopping center developers in California.

Yet, because he knows the critical importance of self-help, he made time for civic participation and leadership in his church, youth activities, service organizations, and uncompensated local government boards and commissions.

The profile of Ted Connolly is the profile of what makes America great, and how we maximize individual effort to assure the greatest good for the greatest number. The principles which guide his life are the guiding principles of untold millions of Americans present and past. Two hundred years of Ted Connolly are why we are here, and most importantly, why and how we have reached the level of economic and social advancement we are now enjoying. My friend Ted Connolly and his beautiful family is America at its best.●

KEEPING ENERGY CONSERVATION ON THE NATIONAL AGENDA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. OBERSTAR. Mr. Speaker, the New York Times published an excellent op-ed column June 1 by Stuart Eizenstat, "Periling Energy Security."

Mr. Eizenstat, the able and innovative chief domestic policy advisor in the Carter administration, reviews the effect of energy inflation on the American economy and the response of the Reagan administration to the energy crisis.

The Reagan administration has responded by: First, denying that there is a problem, and second, reversing a decade-long policy of Government support for energy conservation. This administration has ignored the major role that sky-high oil prices have played as inflationary and recessionary forces in the economy.

This administration must recognize that the Nation's energy future is not just a matter of chance, that we cannot leave energy development exclusively to self-interested market forces dominated by the domestic oil giants or to the unpredictable forces of OPEC and their politically manipulated shortages and surpluses.

I urge my colleagues to study this article carefully as we continue to debate President Reagan's ill-advised decision to abolish the Department of Energy.

PERILING ENERGY SECURITY

(By Stuart E. Eizenstat)

WASHINGTON.—A national tragedy is unfolding. Now invisible, it will become evident all too soon at enormous cost to America. It is the crumbling of our infant alternative-energy industry, which held such promise of freeing the nation from its dangerous dependence on foreign oil.

The most recent acts in this tragedy are Exxon's termination of an oil-shale plant that would have produced 50,000 barrels of oil equivalent per day; the Administration's deep cuts in solar-energy programs and alternative-energy research; its chilly attitude toward synthetic-energy programs; its total reliance on crude oil decontrol; and the belief that with today's oil glut our energy problems are over.

America has lost two opportunities to regain the energy security it enjoyed earlier in its history, and is on the verge of losing a third.

The first occurred after World War II when funding was stopped for Franklin D. Roosevelt's wartime program to create synthetic-energy pilot plants to develop the technology that had met Germany's wartime jet-fuel needs without crude oil. It was stopped because discoveries of large quantities of crude oil created an illusion of a world permanently awash in oil. This illusion persisted through the 1950's, when Dwight D. Eisenhower imposed a quota to

keep out cheap foreign oil, and the 1960's, when almost unnoticed the Organization of Petroleum Exporting Countries was created, domestic crude oil production leveled off, and our dependence on foreign oil increased.

The second opportunity was lost after the Arab oil embargo of 1973–74, when crude oil prices quadrupled. Despite significant efforts by Richard M. Nixon and Gerald R. Ford, and some modest legislative accomplishments, their energy programs foundered on the rocks of indifference when an oil glut stabilized prices in real terms from 1974 to 1978.

America got its third opportunity in 1979 when the Iranian revolution cut oil supplies and dramatically increased prices. Jimmy Carter and a bipartisan coalition in Congress launched an array of initiatives: crude oil decontrol, a windfall-profits tax, a solar bank, new conservation programs, and a Synthetic Fuels Corporation to stimulate private-sector production of 500,000 barrels of synthetic-oil equivalent per day by 1987.

Yet, this historic opportunity is also being lost. The corporation in more than 18 months has yet to help start its first project. The solar bank is virtually dead. Conservation programs are decimated. The Emergency Allocation Act is vetoed. The Administration's plan to dismantle the Energy Department has just been sent to Congress. Once again, America is letting its guard down because of a temporary oil glut.

Why won't President Reagan's policy of total reliance on "the magic of the marketplace" provide energy security? Certainly, energy policy has been flawed by Government controls. Presidents Carter and Reagan correctly decontrolled crude oil. Natural-gas decontrol should follow. But we would be repeating our mistakes to rely exclusively on the market: It fails to reflect the economic impact of our dependence on foreign oil. The price shocks of 1973 and 1979 initiated and perpetuated the economic stagflation of the 1970's. The last price increase alone raised Western import costs by $170 billion and made prices 9 percent higher and the Western gross national product $500 billion or 6 percent lower than they otherwise would have been.

The market cannot fully reflect the national security implications of dependence on oil from unstable countries. The economic power of Arab oil does influence our foreign and domestic policies. Sheik Ahmed Zaki Yamani, Saudi Arabia's Oil Minister, said it was necessary to moderate oil prices to discourage American alternative-energy technologies from substituting for Saudi crude oil. Such discouragement may be in Saudi Arabia's interests but not America's.

Because world oil prices are so volatile and unpredictable, they fail to provide an adequate signal for private sector investment in alternative energy. What seemed a profitable investment with oil prices rising now looks unappetizing. Private industry is driven by short-term profit requirements, not long-term energy decisions. Not so OPEC, which is hardly dead. Its recent cap on production levels is already firming up prices.

We live in the twilight of the crude oil era, with crude a dwindling resource. American and OPEC energy production is unlikely to rise dramatically. We must prepare now for a future with scarce crude oil. The Government must work with industry by creating incentives to stimulate development of all alternatives to foreign oil, or again we will mortgage our future to the temporary pleasures of another oil glut, and again confront national tragedy.●

LEARNING ABOUT GENOCIDE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. FRANK. Mr. Speaker, one of the most successful tools developed for teaching the lessons of the Holocaust was developed in Brookline, Mass., some years ago and is being used by schools in Brookline and elsewhere around the country. The curriculum authored by "Facing History and Ourselves Resource Center" has served the invaluable purpose of informing our young people about the horrors of the past so that we can be aware of the danger for similar horrors in the future.

An essential part of the curriculum is the study of the Armenian genocide. With the able assistance of the Armenian Assembly of America, the Holocaust curriculum has included in it a number of improvements in its depiction of the Armenian tragedy. By so doing, the curriculum memorializes the terrible massacres of 1912 and 1915 inflicted on the Armenian people and serves as a reminder of the universal message that genocide leaves with each of us.

I believe my colleagues may be interested in learning more about the Holocaust curriculum and the story it tells of the Armenian people. I am inserting a copy of a letter from Ross Vartian, director, Armenian Assembly of America, to Bill Parsons and Margot Strom of the Facing History and Ourselves Resource Center in Brookline, Mass. In it, Ross Vartian thanks the resource center for including in the curriculum the tragedy of the Armenian genocide. The letter follows:

ARMENIAN ASSEMBLY OF AMERICA,
Washington, D.C., May 19, 1982.

Mr. BILL PARSONS and Ms. MARGOT STROM,
Facing History and Ourselves Resource Center, Brookline, Mass.

DEAR MR. PARSONS AND MS. STROM: Congratulations on the publication of your curriculum "Facing History and Ourselves: Holocaust and Human Behavior." On behalf of the Armenian Assembly's Board of Trustees and Directors, I extend our appreciation for the many hours of research and hard work you contributed to developing the Armenian component.

We are gratified by your receptiveness to incorporating Richard Hovannisian's suggestions into the curriculum. At all stages we felt that you accepted our recommendations in the spirit that they were offered, that is to tell the Armenian story accurately and clearly above all. We look forward now to the dissemination of the curriculum to schools and teachers. Prevention of future tragedies like the Holocaust and Armenian Genocide lies in educating young people about the two events and about the dangers of indifference.

Do not hesitate to call on the Assembly if we can assist you in sharing this very important tool with educators.

Sincerely,

ROSS VARTIAN,
Director.●

VOLUNTEERS IN GOVERNMENT: THE SAVINGS BOND PROGRAM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. CONABLE. Mr. Speaker, a few weeks ago I cosponsored H.R. 6373, the Volunteering in Government Act of 1982. This bill is intended to remove the prohibition contained under present law against the use of volunteers in connection with Federal Government agencies and activities. Unbelievable as it may seem unless a specific exemption has been legislated to this antiquated prohibition, Federal agencies may not accept the services of volunteers who may wish to contribute their time and talents.

One of the few programs for which such a specific exemption has been created is the U.S. savings bond program. The activities of an entire structure of business, labor, and citizen volunteers at Federal, State, and local levels is a crucial component to the operation of the savings bond program. It is fair to say that without the efforts and commitment of these volunteers, the savings bond program would never have achieved the success it has enjoyed over the last four decades.

Prompt enactment of H.R. 6373 will permit other agencies of the Federal Government, which are now denied the opportunity to make use of volunteer services, to mobilize volunteer expertise and energies comparable to those which have been such an important mainstay of the savings bond program.

Included below is a brief summary of the savings bond program volunteer structure:

SAVING BOND PROGRAM VOLUNTEER STRUCTURE

U.S. Industrial Payroll Savings Committee: The Industrial Committee, chartered by the Secretary of the Treasury, usually includes 45–50 top executives and is headed by a national chairman. This Committee is charged with promoting payroll savings campaigns through major industry affiliations and in the twenty largest metropolitan areas. These promotions are conducted on a chief executive to chief executive basis.

Each chahriarman encourages the other chief executires of his industry or metropolitan area to conduct payroll savings campaigns in their own companies. This approach to payroll savings in larger employment units has been crucial to the success of the program. John H. Bryan, Jr., Chairman andd CEO ofb the Consolidated Foods Corporation is the 1882 National Chairman.

Council of U.S. Savings Bonds Volunteers: The Council is composed of 52 State Chairman who are top executive representing each State and the District of Columbia. The Council is headed by a National Chairman who is recruited from present or past members. Each Council member provides leadership in a state by conducting a broad-spectrum consumer-oriented campaign for Savings Bonds. James D. Robinson, III, Chairman and CEO of the American Express Company is the Council's 1982-1983 National Chairman.

The Industrial Committee and the Council of U.S. Savings Bonds Volunteers complement one another since their efforts reinforce the Savings Bonds message.

National Labor Committee: This Committee is composed of ten nationally recognized labor leaders and is traditionally chaired by the President of the AFL-CIO. This Committee promotes U.S. Savings Bonds to local unions primarily through letters, editorial pieces and advertising.

National Organizations Committee: This Committee is composed of leaders from national civic and fraternal organizations who address their support through these organizations to the chapter level through letters, editorial support and special promotions. The 1982 Chairman is Lewis Clark, Assistant Director, National Economic Commission of the American Legion.

American Bankers Association Savings Bonds Committee: This Committee is composed of a leading banker from each State and the District of Columbia, appointed by the Association president. These volunteers act as banker to banker spokesmen on behalf of the Savings Bonds Program. ABA State Coordinators usually serve as Banking Chairmen for their states. The 1982 Chairman is Wilmore W. Whitmore, President, First National Bank of Houma, Louisiana. Banks are the prime deliverer of Savings Bonds transaction services to the public. Their support and cooperation provides continuity to the Payroll Savings Plan.

Take Stock in America Chairmen: These individuals are volunteers recruited in the 75 to 80 small metropolitan areas. They are part of the State volunteer organization, and are usually the heads of small firms.

Federal Coordinators: A Federal Coordinator is appointed for each State by the Chairman of the Interagency Saving Bonds Committee, a cabinet member, who head up the campaign among Federal employees. These individuals provide leadership for the annual campaign among federal employees in each State.

County Chairmen: County Chairmen are appointed by the State Chairmen to head the Savings Bonds campaign effort in the more than 3000 counties and parishes across the nation. These volunteers provide the Bonds Program with grassroots support.●

ITALIAN NATIONAL DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday June 3, 1982

● Mr. BIAGGI. Mr. Speaker, as an Italian American I take special pride in bringing to the attention of my colleagues the fact that on June 2, we observed the 36th anniversary of the founding of the Italian Republic—or as it has come to be known—Italian National Day.

As we observe this important event—let us focus on the vital relationship between our Nation and the Republic of Italy. After 36 years—Italy can be proud of all that it has accomplished as a democracy. At the end of World War II—Italy, unlike many other nations in Europe, embraced democracy and repudiated totalitarianism. This was best manifested by the vote of the Italian people on June 2, 1946, to establish a republican-democratic form of government.

Throughout these past 36 years—Italy has been a steadfast and unflinching ally of the United States. This has been reinforced on a regular basis by the actions of the Italian Government. They were the first nation to condemn the Government of Iran for their seizure of 52 American hostages, they are supportive of the current administration policy to maintain a strong NATO alliance armed against the threat of the Soviet Union.

Recently our Nation was honored by the presence of the renowned President of Italy—85-year-old Sandro Pertini. His visit and meetings with President Reagan represented a visible reaffirmation of the friendship between our nations.

As Italy celebrates 36 years of democracy as a republic let our Nation rededicate ourselves to supporting Italy in their ongoing struggle to triumph over internal terrorism. The actions of the Red Brigade organization pose perhaps the greatest threat to the democracy of Italy—and the Italian Government deserves our Nation's full support and cooperation in their struggle to rid this nation of this scourge.

On Italian National Day—we pay a special tribute to the Italian American community of this Nation which has contributed so much to this Nation. From politics to the arts—from education to entertainment the names of Italian Americans are prominent. We are a proud people not only in terms of what we have done for this Nation but also in terms of our history. We look back to the ancient Roman Empire to find the legal foundations that govern us today. We recall the enduring contributions to the world of art and science which characterized the Renaissance period in the 14th century. The pages of history are filled with the contributions of Italians and Italian Americans and this proud tradition will continue.

Finally on the occasion of Italian National Day let me pay tribute to the distinguished Ambassador of Italy the Honorable Rinaldo Petrignani who is one of the most effective and respected members of the diplomatic corps.●

THE PASSING OF A HARLEM LEADER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. RANGEL. Mr. Speaker, it is with the fullest measure of grief that I note the passing of the Reverend Dr. Mannie L. Wilson, the beloved pastor of the Convent Avenue Baptist Church, and a stalwart and untiring leader in my Harlem community. Reverend Wilson stood at the forefront of the battle to end the pangs of hunger, the ignorance of illiteracy, the slums of bad housing, the unfairness of low wages, and the deficiencies from inadequate health care. His was a work devoted to securing for all a life of well-being, dignity, and pride.

Dr. Wilson was the recipient of many honors and awards from his community, his city, and his country. He was a member of the board of trustees of Union Theological Seminary; a member of the executive committee of the Southern Christian Leadership Conference, and a recipient of the silver beaver of the Boy Scouts of America.

And with this all, Reverend Wilson was also among those who would dream and then labor tirelessly to make those dreams come true. He had a deep belief in the creative potential of man—in the glory of the human possibility to overcome the odds of adversity. Martin Luther King had it, and so did Mannie Wilson. He will be sorely missed.

His death marked the climax of a long and outstanding career as pastor of the Convent Avenue Baptist Church. Dr. Wilson was associated with the church for 38 of the 40 years of the church's existence.

In 1944, he was invited by the late Dr. John W. Saunders, founder of Convent Avenue Baptist Church, to join him in the development of youth program and junior church to challenge the young people. From 1944 to 1956, he served as minister of the junior church and gave leadership to many other areas of church life where young people were found such as the Sunday church school and the Boy and Girl Scouts. From 1956 to 1961, during the illness of the late Dr. Saunders, he served as supply pastor, and on the passing of the pastor in 1961, was called to the pastorate.

During his ministry he led the church to secure additional properties to house the ever expanding programs and services of the church. These properties include the seven-story facility formerly known as the College View Nursing Home. Programs sponsored by the church include, the Convent Avenue Academy—a christian day

school—the Hamilton Grange Senior Citizens Center, the Convent Home Attendant Service, After School Center, Project SAVE and the A. Philip Randolph Boys' Club of Harlem. Other services housed by the church include INCR Dispute Center, National Black United Fund, Interreligious Foundation for Community Organization, New York City Black United Fund, National Council of Negro Women employment training program, and Area 145, Inc.

Across the years, Dr. Wilson made the facilities of the church available for community use. He also organized a mission church for the Hispanic community of the upper West Side now known as the Washington Heights Spanish Baptist Church.

While he was actively involved in leading the congregation to accept its social responsibility, he also gave of his time and talents to the activities of the wider church. He served as president of the Protestant Council of the city of New York; it was during his tenure that it was changed to the Council of Churches of the city of New York. He also served two terms as chairman of the board of directors of the council. He was a board member of the following bodies: America Baptist Churches, U.S.A., American Baptist Assembly, Green Lake Wis., American Baptist Churches of Metropolitan New York, Baptist World Alliance, Union Theological Seminary, Lott Carey Baptist Foreign Mission Convention, National Conference of Black Churchmen, Ministerial Interfaith Association, Harlem Interfaith Counseling Service, Empire Baptist Missionary Convention, United Missionary Baptist Association, Harlem Branch YMCA, Southern Christian Leadership Conference, Baptist Educational Center, Area 145, Inc., Martin Luther King Center for Social Change and a life member of the NAACP.

Dr. Wilson's honors and awards have been many. Doctor of divinity, Benedict College, Columbia, S.C., Man of the Year, Harlem Branch YMCA, Silver Beaver, Boy Scouts, Outstanding Churchman Award AME, Ministers' Association, New York City, Churchman of the Year Award, Hood Memorial AME Zion Church, Pastor of the Year, Council of Churches. Dr. Wilson was the first black clergyman to preach in the White House and at St. Patricks Cathedral. He was internationally known in missionary stations in Liberia, Haiti, Guyana, and India.

Dr. Wilson and his wife Bettie have two daughters: Alicia Cornelia (Mrs. Lawrence Petersen), Detroit, Mich., Ruth Carolyn, Teaneck, N.J., four grandchildren, Judith Bettie, Washington, New York City, William Roger Witherspoon, Levittown, Pa, Linda Carol Witherspoon, Teaneck, N.J., David Witherspoon, Morehouse College, Atlanta, Ga., one great-granddaughter, Tasheen Washington and a sister, Dorethea Dickinson.●

ADMINISTRATION POLICIES TURN BACK ON POOR ELDERLY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. FLORIO. Mr. Speaker, as this House continues to debate alternate budget and economic policies, we must not lose sight of the real-life effects of the decisions we make.

For many needy, poor and elderly Americans, the real-life effect of the administration's economic policies has been the necessity of turning to crime to get enough to eat.

Since their conception, the administration's budget proposals have imposed the heaviest burden on the elderly poor. The administration has spoken frequently of its commitment to preserve a "social safety net" to protect the needy from destitution. Yet administration-endorsed budget proposals would reduce medicare by 37 percent over the next 3 years; cut medicaid by $1.6 billion, not even including $1 billion in medicaid reductions already required because of last summer's Reconciliation Act; reduce supplemental security income (SSI) by $500 million, and cause 300,000 elderly and disabled persons to lose all food stamp assistance. Additional proposals endorsed by the administration would result in significantly less home care and fewer meals in senior citizen centers and nutrition sites for our poor elderly citizens.

Mr. Speaker, for the benefit of our colleagues, I request that the following article be inserted in the RECORD.

[From the Gloucester County Times, May 17, 1982]

HUNGER FORCES MORE PEOPLE TO STEAL FOOD

MINNEAPOLIS (AP).—Food thefts are rising and a judge says many of those who end up in court are pleading hungry.

"To say that those who turn to theft are thieves may not be entirely accurate," said Municipal Judge Charles Porter Jr. "They may be criminals, in the strictest sense, but they may not be evil people. They may be people who have run out their string," he said.

Public Defender Jim Krieger said he is surprised at the increase in the number of elderly people arrested.

"People don't become crooks at age 65 out of choice. They steal a can of tuna because they're damn hungry. They aren't embarking on a life of crime, and they're not part of a scheme to overthrow the capitalist food distribution system," Krieger said.

"What I want is for just one of them to plead not guilty. But so far there has not been one who wanted to go to trial," said William Kennedy, Hennepin County's chief public defender. "I want a jury of people in this country to tell a client, and me, that it's a crime to steal food when you're starving."

Kate Turnipseed, who has managed a convenience store in Minneapolis for four years, said there always has been shoplifting. But more people during the past year have been coming into her store hungry and without money, she said.

Ms. Turnipseed said she began to notice the change early last fall, and estimates that the number of people taking food from her store has doubled since then.

"I had one woman put a frozen TV dinner down her blouse. She came to the cash register to buy a pack of gum or something. I said, 'You're not going to try to take that, are you?'

"She started crying and said she was hungry.

"We're losing a lot of lunch meat, bread, cheese, eggs and things like a gallon of milk. They won't even try to hide it anymore. They just look at you and run for the door," she said.●

WEST OAK LANE CONCERNED CITIZENS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. GRAY. Mr. Speaker, my home city of Philadelphia is well known for the sense of identity which our residents attach to their local neighborhoods. Philadelphians, for example, proudly introduce themselves as being from Germantown, or West Philadelphia, or Mount Airy—these being just three of the dozens of neighborhoods which make up our city.

One such neighborhood, Mr. Speaker, is West Oak Lane, located in the Second Congressional District. As a part of urban America, West Oak Lane is affected by the problems facing Philadelphia and all of the older, industrial cities of the Northeast and Midwest.

But in West Oak Lane, Mr. Speaker, we have seen in recent years an outstanding effort by community residents to attack the problems we face, and to make this community a better place to live. This effort has been led by the West Oak Lane Concerned Citizens, a civic association which has built an enviable record of accomplishment. The WOLCC has attacked: Crime in our community; abandoned housing; unscrupulous property owners; and the need for tutoring programs for our youth—to name just a few of its efforts.

I offer for the RECORD, Mr. Speaker, the following account of the WOLCC's activities, as reported in the Philadelphia Daily News. I commend this account to the attention of my colleagues, as it illustrates the kind of concern and action which urban residents must initiate at a time when urban America continues to be beset by unemployment, housing, education, and crime problems.

WEST OAK LANE GETS IT TOGETHER

(By Chuck Stone)

You may recall that television program where the announcer, sounding like Charlton Heston receiving the 10 Commandments, informed us that there were 1 million stories in the naked city.

"And this," he solemnly intoned, "is one of them."

Around the city (the name of Valeria Russ' new column which begins today), there are several hundred neighborhood, community and civic groups.

And WOLCC is one of them.

With no particular acronymic value, WOLCC sounds distinctively Slavic.

All the more reason why WOLCC—West Oak Lane Concerned Citizens—would be an ethnic paradox. The area it serves, bounded by Broad Street, Olney Avenue, Wister Street, Stenton Avenue, Washington Lane and Cheltenham Avenue, is 93 percent black.

But color is irrelevant to West Oak Laners as a membership requirement.

What grabs their attention are the community-enhancing goals of law and order, safe streets, redlining by banks and insurance companies, good schools, clean neighborhoods, rehabilitating abandoned properties, convenient public transportation and library facilities.

Would any neighborhood group dispute those goals as priorities?

"We were formed in 1978," said Ron Bailey, WOLCC's president, "as an ad hoc umbrella committee of block clubs, churches, neighborhood associations, businesses and individuals who lived and worked in West Oak Lane and were concerned about the forces destroying our community.

"First, we concentrated on fighting abandoned housing. Since then, we've expanded our efforts."

Expanded? If every neighborhood group or civic association multiplied its energies as productively, City Hall would be reduced to a satellite.

WOLCC's effectiveness has been replicated by other neighborhood groups, most notably and notoriously of all, the Whitman Park Civic Association.

At least half of Philadelphia's citizens and all of the United States government were convinced that Whitman Parkers were resisting the plow.

But their ability to paralyze housing progress and set back race relations was not as important as their success in exercising the power of neighborhood unity.

Whitman Park organized to protect the neighborhood's integrity.

West Oak Lane Concerned Citizens came into being in 1978 for the same reason.

Since then, WOLCC can stick out its civic chest bemedaled with victories that would cause any elected official to salivate with envy.

Picketed until a liquor store at 6350 Ogontz Ave., long a water hole for drunks and molesters, was closed.

Prevented the issuance of a liquor license to a 10th Ward Democratic organization.

Joined forces with PAIR (Persons Against Insurance Redlining) to negotiate an agreement with Reliance Insurance Co. that policies would be written to cover present replacement costs and not former market values.

Closed an arcade at 72nd and Ogontz, notorious as a site for drug-pushing.

Exposed one of the city's most infamous landlords, the owner of Bennett Hall where Vietnam refugees had been jammed, and helped to get his real estate license revoked.

Persuaded the Police Department to reinstate mounted police units in various sections of West Oak Lane and East Germantown.

Established free paint programs for area homeowners through Sun Oil and MAB paint stores.

Established town watches with the help of the 35th Police District.

Initiated EASY (Early Alternative Studies for Youth), a year-around tutoring program.

Those are only a few of the 33 WOLCC-initiated or assisted victories compiled by WOLCC staffers Vicki Williams and Karla Moore.

To help spread the word to neighbors, the 800-member organization started a 12-page newspaper, Action, which overflows with community news, civic events and household hints.

Last year, when the battered body of little Benita Pettiway was found in an abandoned building that WOLCC had been trying to get torn down or rehabilitated, one of WOLCC's most articulate voices, Sande Taylor, focused community anger.

"For this little girl," somberly declared Taylor, "expressions of outrage, demonstrations and petitions have come too late.

"The building on Ogontz Avenue did not kill Benita. The person who did kill her might not have been deterred from his horrendous acts if the building had been in excellent condition and fully occupied.

"But it is a fact that abandoned properties are open invitations to those persons who engage in criminal activities."

"Around the City," there are hundreds of community organizations, civic associations and neighborhood groups working to maintain a high quality of life.

WOLCC—West Oak Lane Concerned Citizens—is one of the best.

If you live in West Oak Lane and want to become a member, write or visit WOLCC at 1425 W. Grange Ave., Philadelphia 19141 or call 424-0505.

And as Ben Vereen says, "Tell 'em I sent you—cuz I did."●

1982 SENIOR CITIZENS INTERN PROGRAM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. LEHMAN. Mr. Speaker, I am pleased to have the opportunity to extend appreciation to the workers and coordinators of the 1982 senior citizen intern program, held from May 17 to May 21.

Our intern, Mr. Maurice Ward, a Point East condominium resident, and a member of the American Coalition of Citizens with Disabilities, expressed admiration for the program and indicated how crucial such information is for the enlightenment of the elderly on legislation of benefit to their well being.

We were most fortunate in our selection of Mr. Ward. As a participant of the President's Committee for the Employment of the Handicapped since 1979, a former member of the Dade County silver haired legislature, and a board member and Dade County chairman of the American Federation of Senior Citizens and the United Citizens for Action, Mr. Ward plans to work with these organizations and others to inform our constituency on where legislation of relevance to the elderly now stands in Congress, and what it means for them. In addition, Mr. Ward will be discussing what the Federal Government is doing and proposing for the elderly.

The program also allows time for the interns to work in the sponsoring member's office. He drafted letters on legislative issues, and the knowledge and efficiency with which he worked are commendable. It is as he says, "There should not be a mandated retirement age. The elderly should be allowed to continue working as long as they are contributing their energy and skills." In Mr. Ward's case, age would not be a determining factor.●

PATRICK LOTT SPEAKS OUT ON OUTRAGEOUS STUDENT AID CUTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. FRANK. Mr. Speaker, the cuts made last year in loans and grants to students seeking college educations continue to cause serious difficulty. It is shortsighted in the extreme for a nation whose economic productivity depends in substantial part on an educated work force to deny assistance to young people seeking to advance their educations.

For this reason, I was particularly pleased that Mr. Patrick Lott, representing students from Northeastern University, came to Washington this week to press the case for a restoration of the cuts made in the student aid programs. Mr. Lott is an intelligent, courageous, outspoken young man who takes his responsibilities as a citizen and as a student leader very seriously. I am proud to have been able to assist Mr. Lott this week in his efforts to persuade Congress and the executive branch of the shortsightedness of the cuts being made in student programs. In furtherance of this goal, I think it is important that my colleagues in the House have the benefit of reading this very thoughtful and well-reasoned statement on this subject which Mr. Lott made yesterday.

A copy of his statement follows.

STATEMENT BY PATRICK LOTT

As you may already know, the purpose of this press conference is to voice a concern. A concern of today's students as well as one of America's future students. The problems resulting from any drastic cut in financial aid will be devastating to the Northeastern University community, the Nation's student

populace, as well as society in general—and it is time the American public realized this.

As to who I am and what I'm doing here? I am the mayor of Northeastern University in Boston, an elected student representative speaking for almost 52,000 unheard voices. My trip to Washington is somewhat of a follow through on a financial-aid-cut protest which took place last week at the university. It was an effort which entailed myself being incarcerated in the main quad in a makeshift cell round the clock, dressed in a prisoner's suit and living on only bread and water for 5 days.

It obviously seemed quite dramatic and even a little bizarre but it seemed the only way to be heard. While a "prisoner of Reaganomics", the response was immense. Students filled out thousands of postcards and the event was covered by national news media, including N.B.C. and Newsweek.

The students at Northeastern, as well as at most institutions are concerned because they have so much to lose. Northeastern alone stands to lose close to 20 million dollars should the proposed cuts go through.

As with any Federal program there is always room for reform, financial aid is no exception, but instead of cutting back allocated funds, the reforms should be made against the fraud and abuse of the system.

As Northeastern University President Ryder has been stating, "The future is longer than one fiscal year." Financial aid should be considered an investment rather than an expense. Should most of the cuts be instituted, we will be locking the American people into economic levels. No longer will there be that freedom to climb the social ladder that America prides itself on.

There is an older generation that is arguing, "If I could work my way through college, so can today's students." Well unfortunately this no longer holds true without some assistance. At Northeastern, students are working their way through with a cooperative education plan. This work-study program combined with needed financial aid allows students to climb out of lower and middle-class lifestyles. Without some aid, America's educated will be in the minority.

How can we possibly compete with the technology of Japan or Germany if we reduce the number of specialized and highly trained people through financial aid cuts. Literally, only the rich will be educated.

In most cases a higher education means a better paying job which results in a higher tax bracket and more taxes, thus, the investment has paid off.

Again, we undermine our economy by undereducating our populace and this will undoubtedly come about with the proposed cuts.●

CIVIL RIGHTS FOR HANDICAPPED PERSONS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. MURPHY. Mr. Speaker, June 3 is the first in a series of National Awareness Days on the issue of civil rights for handicapped persons. In cities across the country, through rallies, public meetings, and media events, our fellow citizens who are handicapped will be putting out a message: Section 504 of the Rehabilitation Act protects their civil rights, and the administration's attempt to revise regulations which implement section 504 places those rights in jeopardy. They will be telling us how section 504 has changed their lives—and our society—for the better. And they will be asking us to support the retention of the regulations that enable them to function productively and with dignity.

For my colleagues' information, I am inserting the following partial list of activities planned for June 3, which also happens to be the fifth anniversary of the effective date of the existing section 504 regulations:

Connecticut—Hartford. Rally at the State Capitol. Announcement of White Ribbon campaign (chosen as a symbol of support for civil rights for handicapped persons). Voter registration drive. Statements by Congressman Toby Moffett and Senator Lowell Weicker.

New York—Activities scheduled in Buffalo, Syracuse, and New York City. In Syracuse, press conferences, radio programs. New York City, wearing of white ribbons, letter writing drives. Buffalo, large disability rally and festival on Goat Island.

Minnesota—St. Paul. Mayor of St. Paul has announced a Statewide Day of Action for 504. Major rally at the Capitol. Announcement of major campaign to assure statewide compliance with 504.

Texas—Activity in San Antonio, Austin, and Houston. Austin Mayor has proclaimed 504 Day in Austin. Rally at Capitol and evening seminar.

Washington—Activities in Olympia, Ellensburg and other cities. Press conferences to announce formation of local organizations and efforts to preserve 504. White ribbon presentations at programs which have exhibited outstanding work in the field of accessibility for the disabled.

California—Press conference to announce formation of a statewide coalition of disabled people to address the 504 crisis.

Colorado—Denver. Paralyzed Veterans of America plan activities calling attention to inaccessible buildings.

North Carolina—Evening rallies scheduled in seven cities. Wearing of white ribbons, elected officials invited to participate.

Louisiana—New Orleans. Major statewide rally.

New Jersey—Several cities plan rallies.

Northern Virginia, Maryland, metro D.C.—Noontime rally in front of the Justice Department. Participants will include professionals, disabled students, staff members from Independent Living Centers, etc.

Maine—Rallies in a number of cities will meet at noon in a central location in their towns to hand out white ribbons, fliers and other information.

Pennsylvania—Greensburg. Courthouse Square rally. Members of five disability organizations will engage in community outreach efforts using handouts.●

CALLANWOLDE WEEK IN GEORGIA'S FOURTH CONGRESSIONAL DISTRICT

HON. ELLIOT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. LEVITAS. Mr. Speaker, I would like to recognize the outstanding work of a fine arts organization which is entering its 10th year of service to my district, the Fourth District of Georgia and the entire Metropolitan Atlanta area. The Callanwolde Fine Arts Center has enhanced artistic growth in the community by providing a location where local artists can share their talent with people from all walks of life in Atlanta and throughout the State of Georgia.

The constraints of Government budget cuts, however, are threatening the continuation of the services provided by the Callanwolde Fine Arts Center. A fundraising drive is being kicked off this week by the Citizens to Save Callanwolde and the Callanwolde Foundation to meet these financial challenges. I would like to join the effort by proclaiming June 1–8, Callanwolde Week in Georgia's Fourth Congressional District. I am hopeful this effort will result in the continuation of Callanwolde's work in bringing art to the people.

At this point I would like to submit for the RECORD a resolution proclaiming June 1–8, Callanwolde Week in Georgia's Fourth Congressional District.

RESOLUTION

Whereas, Callanwolde, built in 1920 by Charles Howard Candler, Second President of the Coca Cola Company, is a classic example of the English country manor home typified by its tudor facade, its great baronial hall with bronze balustrated staircase, large limestone fireplaces, magnificant acolian organ, and other attributes of fine architecture constructed by craftsmen on rolling woodlands in the Druid Hills section of Atlanta, thus meriting its placement in the National Register of Historic Places; and,

Whereas 10 years ago a concerted effort on the part of many citizens raised funds with the help of DeKalb County government and Federal matching grants to save the beautiful mansion from destruction and purchasing it and deeding it to DeKalb County for use as an Arts Center; and,

Whereas since 1972 The Callanwolde Fine Arts Center has been a location for cultural growth and enrichment for thousands of people from all walks of life who have been participants in or observers of the artistic community of poets, potters, dramatists, painters, dancer, gardeners, weavers and photographers, who, supported by a dedicated staff and volunteers, have in these few short years brought regional and national recognition to Callanwolde; and,

Whereas since Dekalb County, as part of its response to diminishing tax revenue has determined it no longer can totally fund the operation af the Arts Center at its previous level, has charged the Callanwolde Founda-

tion with the responsibility of raising money for future operation of the Fine Arts Center; and

Whereas The Callanwolde Foundation has agreed to shoulder this responsibility and has chosen to initiate its fundraising drive with on extravaganza entitled "NIGHT-FLIGHT—the event where everyone goes first class" to be held the evening of June 5 in the Epps Hangar at Dekalb Peachtree Airport, to which the greater Atlanta community is invited to lend support to the Arts Center as they dine and dance and are entertained at a beautiful party: Therefore, be it

Resolved That I, Elliott H. Levitas, declare June 1-8, 1982 "CALLANWOLDE WEEK IN GEORGIA'S FOURTH CONGRESSIONAL DISTRICT" in recognition of The Callanwolde Fine Arts Center and of those who are striving to assure its continuation and growth in bringing cultural enrichment to all Georgia's people.●

EXPLANATION OF VOTE ON HOUSE CONCURRENT RESOLUTION 345

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. WEISS. Mr. Speaker, during consideration of the first budget resolution I voted against the Conte amendment (Roll No. 114) which on its face increased educational funding in the Latta substitute. As my affirmative votes for the Simon amendment (to the Jones and Aspin budgets) indicate, I strongly support additional funding for education programs and have been a strong advocate of education funding as a member of the Education and Labor Committee. In fact, I believe that only the Congressional Black Caucus budget, which not only increases funding for education, but restores money to the programs that were cut by the 1981 Reconciliation Act, provides minimal levels of funding that education programs merit.

The amendment offered by the chairman of the Postsecondary Subcommittee, Mr. SIMON, to the Jones budget provided that $87 million be transferred from function 920 (allowances) to function 500—education, training, employment, and social services. Function 920 reflects savings from three main sources: lowering waste, fraud, and abuse in Government, increasing debt collection, and reducing pay increases for Federal civilian employees. According to Chairman SIMON, the needed $87 million would come from an increase in debt collection and/or a further reduction in waste, fraud, and abuse. The Simon amendment to the Aspin substitute slightly lowered 1983 outlays in function 500, thereby leaving allowances untouched.

The amendment offered by the gentleman from Massachusetts to the Latta substitute provided that $737 million be transferred from function 920, an amount 8½ times greater than the exchange in the Jones budget. Such a large amount could not be garnered from function 920 without forcing additional savings from a further cut in salary increases for Federal employees. Such a tradeoff is wrong and inappropriate. Federal employees and their families are subject to the same inflationary pressures as other families and are entitled to protection against rising prices.

I would have supported an alternative amendment to the Latta budget which increased educational funding if the source of the increase did not inflict hardship on Federal employees or any other group of Americans in a classic case of proposing to "rob Peter to pay Paul." There is ample latitude in recapturing some of the exorbitant tax giveaway of last year to provide for legitimate funding of education programs.●

THE UNITED NATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for May 1982 into the CONGRESSIONAL RECORD:

THE UNITED NATIONS

The United Nations (U.N.) has come under attack from many Americans. Our U.N. Ambassador, Jeane Kirkpatrick, has said that the U.N. breeds conflict and polarization. Although she has expressed her frustration with the U.N., she has not proposed that we leave the organization or that it diminish its role in the world. It is worth noting the reasons both for frustration with, and for support of, the U.N.

At its birth in 1945, the U.N., composed largely of European and Latin American states, gave us almost automatic majorities. By the 1960's, however, the end of the colonial era brought dozens of newly independent, non-aligned nations into the U.N. The balance of power shifted toward them, and our automatic majorities disappeared.

It is easy to list the shortcomings of the U.N. Among them are the apparent paralysis of the Security Council as it tries to deal with world crises, the anti-American, anti-Western, anti-capitalist majority in the General Assembly, and the general ineffectiveness of the organization. Lately, we have been especially unhappy with talk that a majority of the U.N. might move to expel Israel and South Africa. Most of us have been disappointed by the U.N.'s checkered performance. When it was created, the U.N. was seen as the global instrument which would banish war. Yet too often it has been impotent to act or has bogged down in negotiations. It has not been able to deal with tensions between the superpowers, and it cannot be relied on to prevent aggression. It is not given to rhetorical restraint, nor has it been a forum for combatting terrorism or, in recent years, for promoting peace in the Middle East.

Many people wonder whether we are paying more than our fair share of the U.N.'s bills with our contribution of nearly $200 million per year, one quarter of the U.N.'s total annual membership assessment. Using a strict money standard, we get more from the U.N. than we pay to it because our annual contribution is less than one third of some $700 million in income the U.N. generates for New York City. We do provide the U.N. with considerable funding. Thirty years ago we contributed almost half of the U.N.'s budget; today, our share is about 25 percent. Fifteen member nations, however, provide more per capital than we do, and nearly 50 nations contribute a greater percentage of their gross national product.

Even though our contribution to the U.N. may not be exorbitant, many people question whether we should continue to support the U.N. at all. They correctly note that it has serious shortcomings, that it sometimes obstructs our foreign policy, and that it has fallen short of our expectations. The brief answer to this legitimate complaint is that the U.N. has had some notable achievements.

The U.N., a global organization of 154 nations, has developed innovative measures to help keep the peace in Cyprus and the Middle East. Its actions in Zimbabwe and Namibia show that it has helped and is helping formerly colonized peoples achieve indepence in an orderly fashion. Ninety percent of its resources are spent on environmental protection, international trade, and scientific and cultural cooperation. It has been a major force in the economic development of the Third World. It has tried to improve the quality of life by setting international standards of aviation, communication, health, and human rights. Its specialized agencies have fed needy children and resettled refugees. It has become the central forum for the diplomatic initiatives of many small nations. This is not a record of total failure.

Rhetoric and invective sometimes overshadow the U.N.'s important role. The importance is shown by the fact all new nations seek U.N. membership and that, unlike the League of Nations (which suffered numerous withdrawals), no nation has resigned. The effectiveness of the U.N. is related directly to the leadership, support, and purposes of its members. The power of the U.N. is limited because members want it that way.

It is fashionable to denounce the U.N. as inefficient and sterile, but when serious violence breaks out, nations rush to the U.N. for action. Countries in fact have a tendency to "dump" their quarrels on the U.N. when they do not know what else to do. In addition, the U.N. provides a forum where world leaders can come together periodically to discuss a multitude of problems. These meetings sometimes make possible the peaceful resolution of violent struggles. We need to be realistic about what the organization can and cannot accomplish. We cannot expect so diverse a body to reach easy consensus on world problems.

Most observers of the U.N. agree that the organization needs reform, but because of the possibility of a veto by the Soviet Union widespread reform is probably not feasible. Practical steps can be taken to strengthen the U.N., especially in the areas of mediation, peacekeeping, and technical assistance. Two frequently suggested reforms are weighted voting in the General Assembly and restraint of veto in the Security Council, but neither is likely to gain acceptance

soon. More success might come from wider consensus-building, greater recourse to smaller forums, more extensive diplomacy prior to voting, and voluntary restraint of veto in the Security Council. Financial reforms are also under discussion. They are a re-scaling of assessments, elimination of current deficits, and discovery of additional sources of revenue.

Although most Americans appear to support the U.N., there are clear signs of erosion in that support. About 86 percent of all Americans believed we should stay in the U.N. in 1962; by 1977, the figure was 70 percent. More than two-fifths of all Americans would either increase our participation in the U.N. or continue it undiminished, yet they also think that the U.N. is doing a poor job.

Most Americans want to pursue our interests in the world by working cooperatively with other countries. The opposite course—a go-it-alone attitude—has its appeal, but I think most of us sense that it is not the course of peace.●

MUNSON SPEAKS ON ARMED FORCES DAY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. MONTGOMERY. Mr. Speaker, this past May 15 a very thought-provoking speech was given by Roger Munson in Waukegan, Ill., in observance of the 32d annual Armed Forces Day. Mr. Munson, who is chairman of the American Legion's National Security Commission, represented the Legion's National Commander Jack Flynt.

In view of the ongoing debate over the need for a strong national defense, I feel that Mr. Munson's comments are quite timely, and I include them at this point in the RECORD in order to share them with my colleagues.

ARMED FORCES DAY SPEECH BY ROGER A. MUNSON

Department Commander Smith; National Executive Committeeman John Mahoney; Division and District Commanders; Past National Commander John Geiger; distinguished members of the military, and fellow Legionnaires. I am indeed pleased and honored to represent National Commander Jack W. Flynt this evening in my capacity as Chairman of the National Security Commission.

As I look out over the faces before me tonight—the faces of America's defenders, past and present—I am humbled beyond words—and proud beyond my ability to express it, for there is in this country—on this Earth—no more natural and meaningful alliance than that between the American Legion, America's citizen soldiers of yesterday, and her fighting forces of today.

The occasion of my appearance here is that of the 32d Armed Forces Day. You and I as Legionnaires know what Armed Forces Day is all about. Certainly the members of the military services represented here tonight know what Armed Forces Day is all about. The wives and children of the men and women who serve in the Armed Forces are very much aware of the meaning of Armed Forces Day. But I submit to you that the American people in general don't fully appreciate the true purpose of Armed Forces Day. We as a Nation have had a lapse of memory about the dedication to duty displayed by our young men and women in uniform.

The collective "we" seems to have forgotten the day-in and day-out routine, the sacrifices of our warriors of freedom. But what these men and women do day after day after day in our Armed Forces is indeed quite notable.

When Air Florida flight 90 crashed into one of the several bridges that connect the Nation's Capital with the State of Virginia, Sergeant Lester Craig of the 464th Transportation Company, U.S. Army Reserve, and his landing craft crew, were among the first on the scene. They remained until the salvage operation was complete more than a week later.

Meanwhile, Lt. Commander Stephen Delaplane's U.S. Navy harbor clearance unit 2 from Norfolk, Virginia, along with Coast Guard divers and a U.S. Army diving team from Fort Belvoir, were charged with the dangerous and difficult job of salvaging the wrecked 737 jetliner from the bottom of the icy Potomac River. The servicemen who risked their lives working in the icy waters of the frozen Potomac were thanked by the military but not by Americans in general.

Two Air Force helicopter pilots and their enlisted crew chief risked their lives while hovering their helicopter less than 30 feet from a sheer rock cliff in a 40-mile-per-hour wind to successfully rescue Dr. Don Boyer of Tucson, Arizona, who lost control of his sail plane and crashed high up a cliff on Montezuma Peak near Davis Monthan Air Force Base.

The United States nuclear guided missile cruiser U.S.S. *California* proceeded to render aid to the Greek motor vessel *Irenes Sincerely,* including the rescue of all crew members and others who abandoned ship.

During the tragic fire at the MGM Grand Hotel and Casino in Las Vegas, the Air Force provided the rescue helicopters and crews to rescue people trapped on the upper floors of the hotel. Disregarding their own safety, pilots flew dangerously close and para-rescuemen dangled from ropes to effect the rescue, risking their own lives to save others. And, that is what our American fighting men and women are doing across the globe today—risking their lives in order to preserve our freedom.

The incidents just mentioned—and there are hundreds of others—illustrate a few of the more dramatic services rendered by our Armed Forces in peacetime.

Well, this is Armed Forces Day. This is the day when the military bases and posts, camps and stations, traditionally throw open their gates and invite the public to see the facilities, people and equipment that the tax dollars purchase. That is as it should be. The public deserves the right to know how they are being served by our men and women in uniform.

But just as the public has the right to knowledge on the competence of the Armed Forces, the members of the Armed Forces have the right to expect thanks and public recognition for the services they performed.

Really, who are these nameless warriors of freedom? They are taxpayers, voters, public servants, PTA members, parents, and community volunteers. They are also the ones who pick up the cigarette butts after we leave their facility.

They understand that military service is, in the worst case, a life of hardship, deprivation and peril. In return for their voluntary commitment to service, members of the armed services expect and deserve challenging training, effective equipment, and an acceptable level of satisfaction of their human needs and those of their families.

It is appropriate at this time, I believe, to chronicle some of those things which we in the American Legion have done in the past and will continue to do in the future to insure that the members of the Armed Forces receive their just due, and that the Armed Forces in general are viewed by friends and enemies alike as a real and credible deterrent force dedicated to the mission of keeping the peace.

Last fall, Congress voted a 14.7 percent pay raise for members of the military. The debate was long and sometimes acrimonious and not without its share of misinformation. Some Members of Congress are of the opinion that pay raises for the military are an unnecessary burden on the taxpayer and serve only to line the bank accounts of the generals and admirals.

Your American Legion lobbied hard for the pay raise recognizing as we do that military pay and benefits over the past decade have been seriously eroded by inflation, that military service requires some major sacrifices on the part of the serviceman and his family which are not generally required of the rest of the population, and that if we as a Nation expect men and women to serve in a capacity which requires them to fly at a moment's notice to some hostile shore to defend our Nation's national interest, we must pay them a living wage.

Moreover, we support improving all "quality of life" aspects for our men and women in uniform world-wide. National Commander Jack Flynt leaves for Europe tomorrow, and I know that high on his agenda will be meeting the troops, discussing their housing, their living conditions and their needs.

As I said earlier, we were successful in last fall's effort in increasing the pay for our Armed Forces. However, this is a new year, and there are clouds on the horizon—a new budget cycle has begun and already the critics are suggesting that since the military had a nice, fat raise last fall, that it would be in the best interests of the taxpayers to limit this year's raise to no raise at all or perhaps a maximum of 5 percent. The critics fail to recognize that last year's raise was really only a catch-up and that to limit or eliminate this year's increase would only drive people out of the military when the economy improves. It is wrong to have the members of the Armed Forces on food stamps—hostage to the economic problems faced by the rest of society.

Since its inception six decades ago, the American Legion has believed in and practiced the citizen soldier concept. Today we favor a return to conscription as the primary source of manpower for the Armed Forces. While respecting and supporting those who have volunteered, the demographic realities, coupled with increased force levels, all but make it impossible not to return to the draft in the years ahead. And we believe the youth of this Nation will respond to "the call" when the need is made clear to them.

Last fall I attended the 60th American Assembly sponsored by Columbia University. The subject was "Military Service in the United States."

Clearly the manpower experts who I met at this meeting were not of one mind on this issue. Even some of the senior military officials are wary of proposals to resurrect the

draft because of the political fight they honestly believe would ensue. And, in that regard, we should all remember the words of Sir William Francis Butler:

"The nation that will insist on drawing a broad line of demarcation between the fighting man and true thinking man is liable to find its fighting done by fools and its thinking done by cowards."

I certainly do not suggest by this that those who currently serve are in any way incompetent. The examples I have already cited certainly prove otherwise. What I do mean to suggest is that service in the Armed Forces builds character, teaches discipline, and fosters a sense of duty to country that some of us find sadly lacking in society today.

The G.I. educational benefits package currently in discussion in Congress is another issue which the American Legion is addressing at this time which will have a definite benefit to the recruiting efforts of the Armed Forces.

The former G.I. bill enacted to help the returning Vietnam veteran to readjust to civilian life was a success. However, now our Government is in the business of persuading people to apply for educational grants and low interest loans which have either very liberal or no pay-back provisions and have no requirement at all for any public or military service of any kind. We have, in effect, a G.I. bill without the G.I., which is working in direct competition with the Armed Forces. These are some of the things that we in the American Legion are doing. But to turn to the purpose of this salute tonight:

As we sit here, enjoying our life, our association with each other, and our common background and service, we need to remind ourselves that around the world there are men and women serving in posts of danger. Troops from the 2d Infantry Division of the U.S. Army are armed with live ammunition and orders to shoot to kill on the DMZ in Korea. In Germany, especially West Berlin, our soldiers are standing with our allies, face-to-face with the Russians and Warsaw Pact forces ready at any minute to lay down their lives in defense of our freedom and that of our western allies.

As a matter of fact, right now 40 percent of the U.S. Army is serving overseas. United States Marines are serving on Okinawa and at sea ready to respond to any emergency. Marines also guard U.S. embassies around the world, and if you think that is always good duty, ask any marine who guarded the U.S. Embassy in Iran.

Sailors from the U.S. Navy are on duty at sea working 14-hour days, 7 days a week, for 6 months on end while their ships are on station in the Indian Ocean. Air crews from the Air Force spend weeks at a time locked up in a bunker ready to rush to their planes and deliver nuclear weapons to any location on Earth in the event of an emergency.

Men and women from the Coast Guard are daily performing dangerous and difficult duty while interdicting drug traffic and illegal aliens, in addition to their traditional role in search and rescue operations.

Peacetime military service is no piece of cake. Six soldiers recently died in a parachute jump in California, and 27 airmen were killed when their tanker crashed and burned right here in Illinois. And it wasn't so long ago that eight men died on a barren airstrip on the Iranian desert while attempting to rescue our hostages.

We, as Americans, must become more aware of the dedicated and valuable service performed daily by the volunteers who wear the uniform of our country, and we in the American Legion must help our fellow citizens with this awareness. How? By becoming involved with the programs in the local community that demonstrate to the community at large that the American citizen really does care; that the extraordinary service rendered by those who wear the uniform of our nation is very much appreciated and that the hardships and sacrifices endured by our service people have not gone unnoticed.

There is another way of saying thanks. We must write our Congressmen and Senators and ask that they vote for a Defense budget that will maintain the quality of life for our troops—a budget that will sustain them in battle if they have to go to war. Let us not return to the days of training with wooden rifles as we did just prior to World War II.

At the National Executive Committee meeting earlier this month, I cited portions of a letter from Senator Goldwater to President Reagan. I wish to share part of it with you. I quote:

"We have gone 20 years in this country not spending enough money on our military. As a result, we are not just a little bit behind the Russians, we are devastatingly behind them. We must move forward from that 10-yard line."

Your National Security Commission and the American Legion will tirelessly work to insure that we do, and we each have a citizen responsibility to contribute to this effort.

I ask that each one of you should seek to honor in some small way a member of the Armed Forces. For by honoring those who serve publicly, we teach the public that service is honorable. Let this day in the future not be known as Armed Forces Day. Let this day be known as Armed Forces Appreciation Day.

American citizens at this very moment are wearing the uniform. They are serving willingly all over the world in posts of danger to keep the peace. While we seek to say thanks for their service, let us give thanks that so far their service has been successful.

I would add this final thought on this 32d Armed Forces Day. While it might be difficult to measure margins of security, and perhaps even more difficult to determine how much of our country's valuable assets should go into our defense effort, it is easy to imagine the results of not having sufficient national security or of being found wanting by a potential enemy. History has shown only too well the consequences. As Somerset Maugham once wrote:

"If a nation values anything more than freedom, it will lose its freedom; and, the irony of it is that if it is comfort or money that it values more, it will lose that too."

Thank you very much.●

CAPITOL PAGE SCHOOL AWARDS ASSEMBLY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. MOAKLEY. Mr. Speaker, yesterday, the Capitol Page School held its annual awards assembly to recognize the many high achievements of the fine young men and women who serve us so well as congressional pages. As chairman of the Democratic Personnel Committee, I take particular delight in placing in the RECORD the long list of honors which they have earned. I am confident that my colleagues join me in extending hearty congratulations to the deserving recipients.

The list of honors and recipients follows:

Flag salute: Stephen Kaufman, president, senior class; Citizenship Medal, American Legion: Karen Hansen, Stephen Kaufman; Civitan Honor Key Award: Nancy Young; Harvard Book Award: Nancy Dynan; Smith Club Award: Ruth Stern; Danforth Award: Andrew Glick, Kathryn Rappolt; Rensselaer Award: Ruth Stern; Bausch and Lomb Award: Pollyanna Padden; Journalism: Yearbook, Steve Cash, Bea Mack, Virginia VanNatta; Newspaper, Stephen Kaufman.

Women's Bar Association of the District of Columbia: Kenneth Dean, Sheila Dwyer, James Erskine, Joseph Oster, Christopher Riley; City-wide Science Fair, First Place Zoology: Lawrence Bodkin; Spanish Award: Kenneth Dean; French Award: Lisa Duich; Physics: Brigid Gordon; Mathematics: Mona Thomason, Brian Wesol; English: Nancy Young; Alfonso E. Brown Award: Kenneth Dean; Service: Patricia DuPont; Leadership: Stephen Kaufman, Christopher Riley; Social Studies: John Marcellus; Perfect Attendance: Brigid Gordon.

It's Academic—Scholastic: Christopher Riley; Salutorian Medal: Stephen Kaufman; Valedictorian Medal: Nancy Young.

School Letters—Service, Achievement: Lawrence Bodkin, Steve Cash, Nancy Dynan, Linda Fowells, Brigid Gordon, Kevin Hanrahan, Bea Mack, Joseph Oster, Pollyanna Padden, Kathryn Rappolt, Christopher Riley, Virginia VanNatta, Nancy Young.

School Star: Kenneth Dean, Andrew Glick, Steve Kaufman (2); Varsity Basketball Awards: Lawrence Bodkin, Martin Coster, Danny Dupay, Andrew Glick, Joseph Oster; Most Valuable Player: Mark Gaiss; Cheer Leaders: Sheila Dwyer, Helen Walsh.●

SALVADORAN ARMY DOES WHAT IT PLEASES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. BROWN of California. Mr. Speaker, I wish to call the attention of my colleagues to a disturbing interview by Barry Bearak, of the Los Angeles Times, with Alvaro Magana, the newly elected president of El Salvador.

The bottom line of the interview is that nothing, in fact, has changed, nor will change, regarding violence from the military in El Salvador. And this comes directly from the highest official in that country.

This is not merely a tragic observation. It is instead the net outcome of an ill-thought-out U.S. foreign policy, a policy that totally disregards the social and economic roots of political turmoil, while supporting militarily

anyone who will spout sufficiently rabid anti-Communist rhetoric.

I have repeatedly urged this House to take the initiative in halting the carnage in El Salvador. There is no way this administration will come around to pressuring the Salvadoran military into dealing with what they consider an eminently secondary issue, that of terror and violence. After all, it is violence that is the currency that keeps them in power. The State Department's active efforts at putting on blinders in order to "certify" the Salvadoran regime should provide sufficient evidence that it is only through congressional action that pressure can be brought to bear on that country's military.

The Senate Foreign Relations Committee has taken an important step, by cutting off $100 million in aid. The Senators were largely motivated by the Salvadoran Government's actions in halting the agrarian reform program. That program was itself of dubious merit; nonetheless, it represented the one initiative that could have brought about some positive results, and the administration relied heavily on it to gain congressional support for its policies toward El Salvador. When the House Foreign Affairs Committee was considering the equivalent authorization, the issue of the agrarian reform rollback had not surfaced in the public debate. Consequently, it is most appropriate that a floor amendment be considered, when the fiscal year 1983 security assistance supplemental authorization is brought up, to cut off all military or economic assistance to the Government of El Salvador, so long as that Government does not comply with the agrarian reform program enacted in 1979.

Mr. Speaker, the amazing Los Angeles Times interview follows:

[From the Los Angeles Times, June 2, 1982]

SALVADOR PRESIDENT LINKS "DEATH SQUADS" TO MILITARY

(By Barry Bearak)

SAN SALVADOR.—Already the letters are arriving, the pained pleas of wives and mothers whose men's lives have been snuffed out by "death squads."

Alvaro Magana, who has been president of El Salvador since May 2, conceded in a recent interview that this is his biggest problem. He lowered his voice and said:

"I am going to intervene. I am respected by the army. They need me. I have several advantages on my side. The problem is, I have to wait and see how far they will let me go, wait and not make mistakes, or otherwise I get nothing."

This was candid talk in a country where political violence has claimed 30,000 lives in the last two years. The president was linking the military with the right-wing death squads and admitting that there is little he can do.

"You come from a civilized country and I do not," he whispered. "Economic recovery—this is going to be achieved. But the moral recovery—this will take a generation."

Magana is the military's choice. In the March 28 election, most of the votes were divided among three political parties, and when the parties could not agree on a president, the military advised them that Magana would be an acceptable compromise.

Thus, a 56-year-old banker educated at the University of Chicago was installed as president. He had always been a friend to the colonels. He had lent them money. He had survived as head of the National Mortgage Bank through 17 years of political turmoil.

Twice recently, bank employees told him that soldiers have abducted their relatives; they appealed to him to use his connections.

"Once I was successful," Magana said. "Once, no."

Now Magana vows to try to stop the death squads. But he is not sure how much influence he has.

"(The military) considers me a friend," he said. "Maybe they will tell me it is not possible. But I have the advantage that Duarte (former President Jose Napoleon Duarte) did not have."

A respected Salvadoran political observer said, "Sincere or not, Magana knows what Americans and Congress want to hear, and playing the human rights chord is the way to go.

"Magana's got as much power as Duarte had, which is essentially what the army is willing to give. In the end, the army does what it pleases."

Magana said he is not sure how the death squads operate but added that he is certain that their aim is to purge the nation of Communists and guerrilla sympathizers.

"But it's only a matter of who points at who," he said. "Maybe only two or three out of 10 are really involved with guerrillas."

He is not even sure, he said, that the cooperation of the military high command could stop the killings.

"The whole thing has permeated to the lower (military) levels so much," he said. "It is difficult. I'll try. I promise. I promise. I am very sad. But you have to realize I don't like it. I am a very peculiar president."

Since he took office, he has been more go-between than go-getter. Salvadoran politics is largely a back-room affair, and Magana ferries proposals among the three parties. He also consults the military.

A short, rumpled man, he moves about his large office in casual clothing and bedroom slippers. At lunch, he opens a bottle of the wine he keeps in a refrigerator. His month in the presidency has left him patient but tired and pessimistic.

"I have lost four days to a silly misunderstanding," he said, referring to a fuss over the Constituent Assembly's suspension of a land-reform program.

Magana, who has a law degree, interprets the suspension as harmless and says it has no effect on peasants who are meant to benefit from the reform. Still, peasant organizations have been furious. And in the United States, the Senate Foreign Relations Committee has moved to cut $100 million out of an Administration proposal for military aid to El Salvador.

"This is a teaching problem," Magana said, puzzled that Washington seems to have assumed the worst.

Magana defined his goals as "avoiding the worst," whether in connection with land reform or the nation's troubled economy.

"Sometimes I'd be happy if the economic situation continued to deteriorate, but at a lower rate," he said.

He said he wants to devote some time to a program aimed at getting the guerrillas to lay down their arms. He wants to offer the rebels a new amnesty, he said, using the Roman Catholic Church and the Red Cross to gain their confidence.

Like many of El Salvador's civilian leaders, Magana interprets a recent moderation in the fighting as a weakening of the guerrillas' resolve. "They now realize they do not have the people's support," he said.●

HARRY McDONOUGH

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. MOAKLEY. Mr. Speaker, it is a great pleasure for me to be able to share with my colleagues a story in which I and my neighbors who live in South Boston take great pride: The story of Harry McDonough and his work on behalf of the children of Boston.

Harry is an old and dear friend who is regarded with awe and respect by everyone in Boston who knows of the work he does on his own time, with little money and great energy. Countless lives have been rebuilt by a man who has been able to give of himself for a generation to serve as a father to thousands of needy kids.

The story is told extraordinarily well by columnist Mike Barnicle in the Boston Globe of May 28:

OF A MAN NAMED HARRY

(By Mike Barnicle)

Harry McDonough runs a sailing program out of a little trailer at the edge of Pleasure Bay in South Boston. For some years now, he has spent most of his time and a lot of his own money trying to do the right thing by kids who live in his neighborhood and, for that matter, kids who live in all sections of the city.

Across all the days of his life, Harry McDonough has walked the boulevard with a little music in his soul. Nearly everything he attempts is "for the kids." He is a legend.

It used to be that he would take so many kids to Harvard hockey games that Billy Cleary, the coach, thought Harry McDonough drove a bus. When it became clear that the kids were all stuffed into McDonough's car, the school on the river donated a van to Harry's sailing program.

When the van broke down, Billy Higgins, who runs the Rachel Auto Body shop on L street, did $2,200 worth of front end work and ate the bill. When a fence was needed near the trailer, Tom White of the construction company sent a guy down to put one up. When new sails for the boats became necessary, men named Doulos, Shaughnessy, Zandi, Snow, Richardson, King, Bulger, Ted Turner and many others made sure the equipment was there. Once, a woman from Cohasset donated a 30-foot sailboat: all of it because of the program but more because of the one man, McDonough, who has done so much that to put it all in the paper would require a separate edition.

"I'm after these people here now." Harry McDonough said the other morning as he pointed across the road to the local head-

quaters of Sea-Land, a New Jersey trucking company. "I call them all the time. I've written four letters: no reply.

"They make millions. You'd think they could donate a grand to the Boys Club of Boston for a couple of summer jobs for kids over here. Same with Texaco. They're right down the road from the sailing program. They can see us.

"I've written five letters to them: to the president, some guy named John McKinney in White Plains. You'd think they could donate something. If they don't want to donate to the sailing program, why don't they donate the oil to heat the Boys' Clubs during the winter, all of them: Southie, Charlestown, Roxbury. How much would that cost them?"

Harry McDonough's wife calls her husband "Candy Man" because he is an easy touch. A kid shows something extra and Harry will bring him up to Andover, to St. Paul's, over to Harvard, down to Brown. A boy in South Boston District Court is on the margin and Larry Cameron or Joe Feeney, the judges, will be on the phone to Harry McDonough to see if he can help pull one more life back from the edge.

A few weeks ago, the van quit on B street. It revived briefly and Harry drove it to the Moran Terminal where friends of his, longshoremen, said they would fix it for free. Human nature being what it is, David Davis and Dennis Kaye, who have big jobs at MassPort, soon announced that the van could not be fixed for free on MassPort property: Rules are rules.

So the van was sold for $300, $293 of those dollars going to pay a gasoline bill for trips Harry made with the kids. The MDC, sponsor of the sailing program, could never put gas in the van because it is not a state vehicle: Again, rules are rules. "That's your problem," they say when Harry, proof sitting in the seats, tells them all trips are on the level.

"You have to laugh at it," Harry says. "You have to have a sense of humor to get through life. It's unbelievable: Everybody wants to take, take, take. But giving? * * * No. Take? * * * Take forever. Give? * * * Nothing."

It took Harry McDonough 15 years to get the state to help sponsor in the sailing program. Today, after more than a decade in business, it helps 800 kids a summer stay busy. If everything else in this commonwealth were run as efficiently, as corruption free—jobs dispensed only on absolute merit—people in Massachusetts would be paying no taxes: Harry McDonough is a human Prop. 2½.

"I hire kids who are qualified," he says. "If they don't know how to sail, they don't work here. That'd be like hiring lifeguards who can't swim. This isn't CETA."

So another summer is on us. The boats beat against the breeze in Pleasure Bay. Kids who are blind, kids who can see, kids who have never been on the water, kids who need only one good example, one good experience to help them along, will sail across the glass edge of the ocean and Harry McDonough will be there watching, teaching. And Harry, because he is Harry, will ask for nothing except, perhaps, a handshake and a smile.

"The kids are my life," Harry McDonough says. "If you can help one kid, make one kid's life better, get him a job, help him get into a good school, help one out of all the kids who come down here . . . what could be better than that?"●

WE ARE NOT INFERIOR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. CONYERS. Mr. Speaker, retired Rear Adm. Gene LaRocque said, "The picture of the Soviet war machine, poised to march tomorrow to victory on battlefields around the world, I think, is absurd." Yet this perception is continually invoked by the President of the United States and his administration, Pentagon leaders, and certain Members of Congress to justify the continued militarization of America.

Admiral LaRocque recommends that we eliminate the MX missile, the Trident II missile, the sea-launched Cruise missiles, the Pershing II, and the ground-launched Cruise missiles for Europe, continental air defense bombers, expanded ABM programs, expanded civil defense programs and the new effort to acquire antisatellite capability. Following Admiral LaRocque's excellent recommendation, I have offered an amendment to the budget resolution which translates his concept into budgetary policy while retaining all of the nuclear weapons in existence and under contract to be built within our present military force.

One of America's most distinguished and honored nuclear physicists has made the following comments, which are both timely and important. From the June 10, 1982, issue of "The New York Review of Books."

THE INFERIORITY COMPLEX

(By Hans A. Bethe)

(The following is Professor Bethe's testimony to the Senate Foreign Relations Committee on May 13.)

I have been a Professor of Physics at Cornell University since 1935. In 1967, I was awarded the Nobel Prize for studies of nuclear reactions in the stars. I was leader of the Theoretical Division of the Los Alamos Scientific Laboratory from 1943 to 1945 when that laboratory developed the first atomic bomb. I have consulted for the Los Alamos Laboratory at least once a year. I was a member of the President's Science Advisory Committee from 1957 to 1960, and remained a member of its Strategic Military Panel until 1969 when the panel was dissolved. In 1958, I participated in the Experts Conference in Geneva which discussed the verification of a ban on nuclear weapons tests, and led to the Partial Test Ban Treaty in 1963. I am testifying on behalf of the Union of Concerned Scientists of Cambridge, Massachusetts, but the ideas expressed in my testimony are my own.

Several members of the government have stated repeatedly that we are inferior to the Soviet Union in strategic weapons, and that we need to build up our weapons. In my opinion there is no such inferiority. We have more nuclear warheads than the Russians, and I consider this to be the most important measure of relative strength. In addition, as Dr. Kissinger stressed many years ago, at the present level of strategic armaments, superiority in numbers of megatons has no meaning.

We are told that there is a window of vulnerability because the Russians might use their large ICBMs to destroy our land-based ICBMs. It is generally agreed that this is not possible now, but with the improving accuracy of Russian missiles it might become possible in a few years. Leaving the question of the technical feasibility aside, I claim that such a first strike would give no significant military advantage to the Russians.

The reason is that ICBMs make up only one-fourth of our strategic nuclear forces, as measured by the number of warheads. One-half of our force is on invulnerable nuclear-powered submarines, and another one-fourth is on bombers, many of which can take off from their widely dispersed airfields in case of an alert. We would therefore have ample striking force left even if all our ICBMs were destroyed.

An attack on our ICBMs would surely arouse the will to fight in the American people. The fallout from such an attack would kill millions of Americans. This would have an even more profound psychological effect than Pearl Harbor, but would have fewer military consequences than Pearl Harbor did.

It is sometimes argued that our submarine-based nuclear missiles do not have sufficient accuracy. However, if a Russian attack on our ICBMs is to make any sense at all, it would be accompanied by a massive invasion of Western Europe. The military installations for such an attack (airfields, munitions, and fuel storage depots), and the staging areas for an invasion, are all soft targets for which our submarine-based missiles would have plenty of accuracy. Therefore, a hypothetical first-strike against our ICBMs would have practically no effect on our war-fighting ability. Therefore the window of vulnerability does not exist.

It is also often claimed that the Russians have introduced many new weapons of great power, such as the SS-18, SS-19, and SS-20, while we have done nothing. The latter statement is not true. While the outer envelope of our Minuteman ICBM has remained the same, we have progressed from Minuteman 1 to 2 to 3, and in the latter we have introduced MIRV, a development which the Russians imitated, and which led them to their great striking capability. More important, on our submarines we have progressed from the Polaris warhead to the Poseidon, and then to Trident I. The latter represents very significant progress. The range of Trident I is 4,000 miles, compared to about 2,000 for Poseidon. This permits our submarines to operate over most of the North Atlantic, and to still hit Russia. Submarines at sea are very difficult to find. Now that they can roam over such a vast area of ocean, they are far more elusive. This greatly enhances their invulnerability. The U.S. has not stood still in nuclear weapons deployment.

The most important addition to our arsenal is the cruise missile, which is being deployed on our B-52 bombers. The cruise missile can penetrate into the Soviet Union. No defense system against it exists. The elaborate and costly Russian air defense system has been made obsolete by the cruise missile, 3,000 of which are to be installed on our bombers. In short we have, and will continue to have into the foreseeable future, two completely independent and essentially invulnerable strategic forces.

Because the cruise missile can penetrate the Soviet Union as no bomber can, and be-

cause it has extreme accuracy, we do not need a new bomber, the B–1, and even less its follow-up, the Stealth. Perhaps the B-52 will eventually have to be replaced, but I cannot see why this replacement should have elaborate electronic equipment to penetrate into Russia, equipment which accounts for the enormous cost of the B–1 and the Stealth. Penetration can be achieved much more effectively and cheaply by the cruise missile.

The government has stated that we need parity in strategic forces in every category. If this means that we need parity also in ICBMs, I disagree. With the increasing accuracy of missiles, on both sides, all land-based weapons will become vulnerable. I cannot think of any deployment on land that will be secure, and in my opinion the deployment of MX is a futile expenditure of money. We should maintain the emphasis on submarine and bomber forces; this makes our forces largely invulnerable, and thereby superior to those of the Soviets. If anyone has a window of vulnerability, it is the Soviet Union.

As I have said, several of our weapons programs are unnecessary: the B–1, the Stealth, and MX. But the submarine program deserves our full support, especially the further improvement of secure communication links to our submarines, as has been rightly emphasized by this administration. Also, if we wish to decrease our dependence on nuclear weapons in Europe, a goal which I strongly support, our conventional forces must be built up, especially by exploiting our available high-technology in anti-tank weapons.

We are not inferior to the Russians in strategic armaments. But we, the Russians, and Western Europe are severely threatened by the possibility that the enormous arsenal of nuclear weapons on both sides may some day be used. Our only hope lies in substantial reduction of these armaments. A good first step would be the ratification of the SALT II agreement by the Senate. The advantages of doing so have been persuasively demonstrated by Senator Gary Hart in The New York Times of May 2. Among other things, if SALT II had been ratified in 1980, the Russians would now have 250 fewer strategic missiles than they actually have, and they could not continue their buildup.

Obviously we must do more. I was happy to see that President Reagan has now proposed a plan for negotiating arms reduction with the Soviet Union. The first phase of this plan calls for a reduction of the nuclear warheads on each side from about 7,500 to about 5,000, and a significant (but apparently not specified) reduction in the number of missiles. This seems to me a reasonable and equitable plan. The proposed second phase, to equalize the throw-weight of the missiles, may be very difficult to negotiate because it requires greater sacrifices from the Soviet Union than from the United States. It will be vitally important, to choose an American negotiator who combines flexibility with firmness and is devoted to the goals of arms reduction and reaching an agreement with the Soviets.

Negotiations with the Russians are difficult and lengthy in any case. The SALT II treaty took six years to negotiate. We cannot wait that long. We must stop the arms race by measures which are not subject to such long delay. I find most attractive the proposal by George Kennan, the famous expert on the Soviet Union, which has recently been revived by Admiral Noel Gayler in The New York Times Magazine of April 25. The plan calls for similar reductions by both superpowers, let's assume by 5 percent of the existing force per year. Each side would choose the weapons it wants to retire, and compliance could easily be verified by our satellites. This plan is so simple that it might be agreed on with very brief negotiation, like the Limited Test Ban in 1963. But it would, in fact, not require any agreement; we could make such a reduction, and challenge the Russians to do the same. If they do so, we would make another similar reduction the following year and so on. This would not require any treaty, and it would enhance our security.

Such mutual reductions could not replace a negotiated treaty, which has a permanence far beyond the bilateral reductions that I just proposed. Furthermore, a treaty could optimize the balance and invulnerability of the two strategic forces. This would remove the threat of pre-emptive strikes, and the current hairtrigger readiness that could lead to nuclear war by accident or miscalculation.

To summarize: Our strategic forces are, if anything, superior to the Soviets; our national security, and that of our allies, is most threatened by the grotesque size and continuing growth of both nuclear arsenals.

These are the basic facts. Once they are recognized, the essential features of a sound national security policy become apparent.●

VETERANS MINI-CONFERENCE ON AGING: PROPOSALS FOR ACTION (PART II)

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1982

● Mr. PEPPER. Mr. Speaker, as previously stated in the RECORD, the Mini-Conference on Veterans, and specifically the Executive Committee of the Veterans Council on Aging has compiled 19 resolutions which propose a number of actions which they feel should receive priority in service delivery and policy development pertaining to aging veterans. The first 10 resolutions have been previously inserted in the RECORD; therefore, I am inserting the last 9 resolutions at this point in the RECORD:

RESOLUTION NO. 11

TO PROVIDE FOR ADEQUATE FEDERAL REIMBURSEMENT FUNDS FOR STATES' PROVISION OF SERVICES TO VETERANS

Whereas, state departments of veterans affairs and their state veterans' homes provide for health care, domiciliary, and other services to veterans on a reimbursement basis from the Veterans' Administration; and whereas, these state efforts include some 43 state veterans' homes in 31 states and the District of Columbia; and whereas, the increased demand for services of aging veterans will include an increased demand for services provided by the states; and whereas, additional reimbursement funds, at an adequate level of cost-sharing, will therefore be necessitated by the increasing population of aging veterans: Now, therefore, be it *Resolved*, That the 1981 Veterans' Conference on Aging recommends that adequate funds, at adequate cost-sharing levels, be provided within the budgets of the Veterans' Administration to provide for services to veterans through reimbursement of these funds to the states.

RESOLUTION NO. 12

TO PROVIDE FOR ADEQUATE FEDERAL MATCHING FUNDS FOR THE EXPANSION OF STATE VETERANS' HOMES

Whereas, state veterans' homes in 31 states and the District of Columbia provide more than 15,000 domiciliary and nursing home care beds which complement the Veterans' Administration health care system in meeting the needs of aging veterans; and whereas, an increasing population will generate greater demand on these state veterans' homes to provide such health and domiciliary care for the aging veteran; and whereas, planning, modernization, and new construction of such state veterans' homes is predicated on the availability of Federal matching funds: Now, therefore, be it *Resolved*, That the 1981 Veterans' Conference on Aging recommends that Federal matching funds for construction and modernization of state veterans' homes be continued and expanded within the budgets of the Veterans' Administration, at funding levels appropriate to meet the future demands of the aging veterans population.

RESOLUTION NO. 13

TO ENACT LEGISLATION AUTHORIZING RESIDENTIAL CARE INVOLVEMENT BY THE VETERANS ADMINISTRATION

Whereas, nearly 14,000 veterans are currently in private residences or in facilities that provide personal care and supervision, at the veteran's personal expense; and whereas, the Veterans Administration monitors the veteran's adjustment and progress in such circumstances, and annually inspects such residence or facility at the permission of the owner; and whereas, the Veterans Administration provides this ongoing residential care monitoring and inspection solely at the goodwill and permission of the owner, with correction of any deficiencies the decision of the owner; and whereas, Veterans Administration sanction for such residential care involvement is implied in its statutory authority to provide medical care and to ensure the safety and well-being of veterans, but, is not specifically authorized by legislation: Now, therefore, be it *Resolved*, That the 1981 Veterans' Conference on Aging recommends that the White House Conference on Aging and veterans service organizations seek legislation to specifically authorize a program by which the Administrator of Veterans Affairs may transfer or place veterans from VA medical facilities into such residences or facilities in the community and then participate in their care through monitoring, medical advice, and inspection.

RESOLUTION NO. 14

TO ENHANCE AND INTENSIFY VETERANS EMPLOYMENT SERVICES FOR DISABLED AND OLDER VETERANS

Whereas, the growing population of aging veterans in the work force presents special problems as disabilities become more restrictive because of aging; and whereas, continuation of work for disabled and older veterans further ensures their security in older age and also further ensures their viability and active life; and whereas, the responsibility for providing specialized services to accommodate the employment problems of disabled and older veterans is vested with the U.S. Department of Labor and its Veter-

ans Employment Service, and to state employment agencies; and whereas, the increase of older and disabled veteran workers will need/require more assistance and guidance from employment service entities: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that services to disabled and older veteran workers be enhanced and intensified by the U.S. Department of Labor and the state employment agencies; and be it further

Resolved, That veterans service organizations are encouraged to seek adequate funding for employment services by the Congress.

RESOLUTION No. 15

TO PROVIDE FOR RECRUITMENT OF OLDER VETERANS IN FEDERAL PART TIME EMPLOYMENT PROGRAMS

Whereas, older veterans constitute an experienced and capable work force, but are underutilized as a resource by the Federal work force; and whereas, many disabled veterans must leave the full time work force early due to disabilities worsened by the aging process, but who remain capable of working part time, and whereas, programs have been established by the Federal government to target older Americans as potential supplemental part time workers: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that veterans service organizations seek enactment of legislation by the Congress and implementation of a program by the Office of Personnel Management to ensure extensive recruitment of older veterans in part time employment programs.

RESOLUTION No. 16

TO DESIGNATE THE SECOND FULL WEEK OF MARCH AS NATIONAL "EMPLOY THE OLDER WORKER WEEK"

Whereas, numerous difficulties are encountered by the older worker in employment, retention and mobility, including the significant number of older workers who are veterans; and whereas, many of the problems encountered by older workers are based upon public attitudes and general misunderstandings about the abilities and contributions of older workers; and whereas, such problems are compounded for the older veteran because of complications brought on by the aging process; and whereas, recent years have seen some reform in attitudes about older workers, and about timing of retirements because of age, including legislation which prevents discrimination because of age; and whereas, greater awareness of employers and the general public can help remove some of the difficulties encountered by the older worker, and as well inform the older worker of certain rights and services related to employment; and whereas, veterans who are older workers, especially those with disabilities, could benefit from removal of such difficulties; Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the White House Conference on Aging seek to establish an annual national "Employ the Older Worker Week," during the second full week of each March, as a concerned effort to remove barriers confronting the older worker in the Nation.

RESOLUTION No. 17

TO ENSURE TAX-EXEMPT STATUS OF SOCIAL SECURITY AND VETERANS BENEFITS AS WELL AS PROTECTION OF THE INTEGRITY OF THE VETERANS ADMINISTRATION

Whereas, the 1979 Advisory Council on Social Security recommended that one-half of an individual's Social Security benefits be reported as taxable income for Federal Income Tax purposes; and whereas, the Congressional Budget Office has also identified taxation of Social Security benefits as a means of reducing Federal expenditures; and whereas, taxation of Social Security benefits could be in effect a reduction of Social Security benefits and a contractual violation between the Federal government and the People, and whereas, the aging beneficiary, when in greatest need of the minimal support provided by Social Security at a time when health and other expenses are higher, would be detrimentally impacted by taxation of these benefits; and whereas, taxation of Social Security benefits would serve as precedence for the Federal government to tax veterans entitlement programs; and whereas, from time to time various proposals and plans are presented to merge jurisdiction and administration of veterans programs and services under the administration of other Federal agencies besides the Veterans Administration; and whereas, it is the consensus that the Veterans Administration must be continued as the single agency for the administration and execution of veterans benefits and services programs provided by law for aging veterans: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the White House Conference on Aging and veterans service organizations express their total opposition to the taxation of Social Security and/or veterans benefits; and be it further

Resolved, That opposition likewise be expressed to any efforts, from whatever source, that would transfer any of the programs and services of the Veterans Administration to another Federal agency.

RESOLUTION No. 18

TO PROVIDE FOR AN ADEQUATE CEMETERY AND BURIAL BENEFITS PROGRAM FOR VETERANS

Whereas, the National Cemetery System provides for over 100 cemeteries for interment of veterans in a location which recognizes and honors their service to their Nation; and whereas, there are numerous state veterans cemeteries for similar purposes of recognition and honor; and whereas, there are certain minimal benefits that a widow(er) of a veteran may obtain to ensure a proper funeral for a veteran; and whereas, the coming decades will witness an increased demand of cemeteries and benefits to ensure burial of veterans in dignity: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that Federal and state veterans affairs entities provide adequate grave sites to ensure honor and dignity at a veteran's death, in recognition of his or her service to the Nation in the Armed Forces.

RESOLUTION No. 19

TO ENHANCE THE WHITE HOUSE CONFERENCE ON AGING DURING THE 1981 INTERNATIONAL YEAR OF DISABLED PERSONS

Whereas, the 1981 Veterans' Conference on Aging has initiated emphasis on the aging veteran; and whereas, this Conference represents a focal point on the aging veteran nationally: Now, therefore, be it

Resolved, That the 1981 Veterans' Conference on Aging recommends that the Federal Interagency Council of the American Committee of the International Year of Disabled Persons address and give emphasis to the issue of aging disabled veterans in its observation of the 1981 International Year of Disabled Persons.

STATUS OF RECOMMENDATIONS

These nineteen recommendations address concerns and recommendations of the veterans' community about aging veterans and older Americans. Collectively these 19 Resolutions serve as a first major effort to emphasize aging affairs within the veterans affairs field by an alliance of veterans service organization officers and staffs. As time passes, and the veterans' community further analyzes the issues and the legislation, additional recommendations by respective groups and by groups in concert will surface. The status of these Resolutions among the veterans organizations is one of suggestion to the White House Conference on Aging, the Congress, the Federal government, the private sector, and the veterans organizations themselves. In essence, these Resolutions identify the issues and recommendations at the initial review by the veterans' community on the subject of veterans' aging.

THE VETERANS ADMINISTRATION

A number of the Resolutions of the Veterans' Conference on Aging addressed the Veterans Administration more so than the White House Conference on Aging. Why is this so, when mini-conferences are part of the WHCOA process? There are two reasons why the veterans service organizations addressed the VA and its programs within the context of this report to Delegates and Observers of the White House Conference on Aging.

First, the VA is one of the significant providers of health care and other services to the aging population of the Nation. In Fiscal Year 1980, over 378,000 aging veterans were treated in 172 VA hospitals, 92 VA nursing homes, 16 VA domiciliaries, 41 State homes, and numerous contract hospitals and nursing homes. In addition, aging veterans made over 3 million visits to 226 VA outpatient clinics and to fee basis non-VA physicians. In essence, the VA carries a good portion of the health care services rendered to all aging citizens. In addition, the VA provides a veterans pension program for 1.8 million veterans in lower income brackets, and disability compensation for 2.3 million veterans with service-connected disabilities. These entitlements ensure a better standard of living for a very large number of older Americans who are veterans. The point is that the VA is one of the key human service delivery systems of the Federal government, and its programs and benefits assist aging veterans and therefore a major segment of the aging population of America.

Second, the Veterans Administration is a leader in the field of medicine. It is the largest health care system in the Free World, with 172 medical center complexes and additional outpatient centers found throughout the country. More than 100 of these hospital complexes are affiliated with and serve as teaching centers for the Nation's medical schools. Recently, two VA scientists received Nobel Prizes for Medicine, indicative of the advanced nature of VA research and medical expertise. The 96th Congress passed Public Law 96-330, which enhanced the Geriatric Research, Education, and Clinical Centers program in the VA. These centers

are fast becoming a focal point for the application of medical expertise, research and systems planning and management to accommodate the needs of the aging. Much of the future of serving the health care needs of the elderly will result from the scientific inquiry, professional training, and insights gained from these Geriatric Centers of the VA today. The results and the progress of these Centers will not only contribute to the well-being of veterans, but also to a better and more comfortable life for all older Americans.

Thus, White House Conference on Aging awareness of and support for the Veterans Administration's health care and benefits system can help secure quality service for millions of veterans, and can pay rich dividends for all older Americans through the advancement of medical technology and medical training.●

HOUSE OF REPRESENTATIVES—*Monday, June 7, 1982*

The House met at 12 noon, and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 3, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 7, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to use the talents and abilities You have given that we might be good stewards of Your creation. May we seek ways to use our strength to lift up the weak, our minds to solve the problems before us, our compassion to ease the pain of the needy, our wisdom to seek the ways of peace. Touch our hearts with Your love and make noble our souls that with vigor we will respond to Your grace and glorify Your name in acts of justice, in words of truth, and in deeds of mercy. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call for first bill on the Consent Calendar.

OMLIE TOWER

The Clerk called the bill (H.R. 3072) to designate the control tower at Memphis International Airport the "Omlie Tower."

There being no objection, the Clerk read the bill as follows:

H.R. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at the Memphis International Airport is designated and shall hereafter be known as Omlie Tower. Any reference in a law, map, regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to Omlie Tower.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3072, which provides that the air traffic control tower at Memphis International Airport will hereafter be known as the Omlie Tower.

This name change is designed to honor two aviation pioneers, Phoebe and Vernon Omlie. The Omlies were leading aviation barnstormers, who did much to develop the public's understanding and appreciation of commercial aviation. In 1922, the Omlies established flight operations in Memphis, an action which led to the creation and development of a commercial airfield in Memphis a few years later. In the catastrophic flood of the Mississippi River in 1927, the Omlies airlifted medicine and other supplies to the hundreds left homeless. They offered valuable assistance in helping locate persons stranded by the flood and also in identifying levees in danger of collapse.

In addition, Mrs. Omlie spent two decades in Government service, beginning with her appointment by President Franklin Roosevelt in 1933 as the Special Assistant for Air Intelligence of the National Advisory Committee for Aviation.

In conclusion, Mr. Speaker, the committee's report on this bill states that this name change is not intended to require the changing of any plates, charts, or air traffic control procedures. To avoid confusion which could result in safety problems, the legislative intent is that official documents and air traffic control procedures will continue to refer to the airport, center, and related facilities as "Memphis."

Mr. Speaker, this legislation will result in well-deserved recognition for two aviation pioneers. I urge the House to pass this bill.

● Mr. HOWARD. Mr. Speaker, on behalf of the Committee on Public Works and Transportation, which reported this legislation without opposition, I rise in support of the designation of the Memphis air traffic control tower as the "Omlie Tower".

The Memphis-Shelby County Airport Authority requested this designation, and our committee believes that this will be a befitting honor for these two early aviation pioneers

There was some concern expressed about whether the name change could result in confusion to airmen. For the record I would like to point out that this legislation will not force changes in any aeronautical documents or procedures associated with Memphis. Also, the airport and the en route air traffic control center will continue to be referred to as "Memphis."

Mr. Speaker, I urge my colleagues to adopt this measure.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 896) to designate the control tower at Memphis International Airport the "Omlie Tower," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 896

An act to designate the control tower at Memphis International Airport the Omlie Tower

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at the Memphis International Airport is designated and shall hereafter be known as "Omlie Tower". Any reference in a law, map regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to "Omlie Tower".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3072) was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

INTERSTATE COMPACT BETWEEN THE STATES OF MISSISSIPPI AND LOUISIANA

The Clerk called the bill (H.R. 4903), granting the consent of the Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States.

There being no objection, the Clerk read the bill as follows:

H.R. 4903

A bill granting the consent of the Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the compact entered into between the States of Mississippi and Louisiana establishing a commission to study the feasibility of providing rapid rail transit service between the two States, which compact was approved on April 23, 1981, by the State of Mississippi, and was approved on July 15, 1980, and approved as amended on July 7, 1981, by the State of Louisiana. Such compact is as follows:

"MISSISSIPPI-LOUISIANA RAPID RAIL TRANSIT COMPACT

"ARTICLE I

"The purpose of this compact is to study the feasibility of rapid rail transit service between the States of Mississippi and Louisiana and to establish a joint interstate commission to assist in this effort.

"ARTICLE II

"This compact shall become effective immediately as to the States ratifying it whenever the States of Louisiana and Mississippi have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

"ARTICLE III

"The States which are parties to this compact (hereinafter referred to as 'party States') do hereby establish and create a joint agency which shall be known as the Mississippi-Louisiana Rapid Rail Transit Commission (hereinafter referred to as the 'commission'). The membership of such commission shall consist of the Governor of each party State, one representative each from the Mississippi Energy and Transportation Board, or its successor, and the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, or its successor, and five other citizens of each party State to be appointed by the Governor thereof. The appointive members of the commission shall serve for terms of four years each. Vacancies on the commission shall be filled by appointment by the Governor for the unexpired portion of the term. The members of the commission shall not be compensated for service on the commission, but each of the appointed members shall be entitled to actual and reasonable expenses incurred in attending meetings or incurred otherwise in the performance of his duties as a member of the commission. The members of the commission shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice chairman from among their members, and the chairmanship shall rotate each year among the party States in order of their acceptance of this compact. The commission shall adopt rules and regulations for the transaction of its business and a record shall be kept of all its business. It shall be the duty of the commission to study the feasibility of providing interstate rapid rail transit service between the party States. Toward this end, the commission shall have power to hold hearings; to conduct studies and surveys of all problems, benefits, and other matters associated with such service, and to make reports thereon; to acquire, by gift, grant, or otherwise, from local, State, Federal, or private sources such money or property as may be provided for the proper performance of their function, and to hold and dispose of same; to cooperate with other public or private groups, whether local, State, regional, or national, having an interest in such service; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to exercise such other powers as may be appropriate to enable it to accomplish its functions and duties and to carry out the purposes of this compact.

"ARTICLE IV

"Each party State agrees that its legislature may, in its discretion, from time to time make available and pay over to the commission funds for the establishment and operation of the commission. The contribution of each party State shall be in equal amounts, if possible, but nothing in this article shall be construed as binding the legislature of either State to make an appropriation of a set amount of funds at any particular time.

"ARTICLE V

"Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party State, or to repeal or prevent legislation, or to affect any existing or future cooperative arrangement or relationship between any Federal agency and a party State.

"ARTICLE VI

"(1) This compact shall continue in force and remain binding upon each party State until the legislature or Governor of each or either State takes action to withdraw therefrom. However, any such withdrawal shall not become effective until six months after the date of the action taken by the legislature or Governor. Notice of such action shall be given to the other party State or States by the Secretary of State of the party State which takes such action.

"(2) There is hereby granted to the Governor, to the members of the commission for Louisiana, and to the compact administrator all the powers provided for in this compact and in this section. All officers of the State of Mississippi/Louisiana are hereby authorized and directed to do all things falling within their respective jurisdictions which are necessary or incidental to carrying out the purpose of the compact.".

SEC. 2. Nothing contained in the compact described in the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in or over the region which forms the subject of the compact.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. MAZZOLI. Mr. Speaker, H.R. 4903 would grant the consent of Congress to the agreement between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States.

Congressional approval of this interstate compact will facilitate the creation of an agency to study the feasibility of rapid rail transit service between these two States and could lead to participation by other Southeastern States in the agency approved by the compact.

The joint agency to be called the Mississippi-Louisiana Rapid Rail Transit Commission would consist of the Governor of each State, one representative from the Mississippi Energy and Transportation Board, one representative from the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, and five citizens from each party State. The commission would hold quarterly and special meetings as required, to study the feasibility of providing interstate rapid transit service between the two party States.

The agreement authorizes the commission to hold hearings; conduct studies and surveys on the problems and benefits of providing rapid rail service; acquire and dispose of money or property from local, State or Federal sources; and to exercise such other powers as may be appropriate to accomplish its functions and duties. In addition, each State is authorized within its discretion to make funds available to help carry out the operations of the commission. The proposal does not require the use of Federal funds.

The Legislature of the State of Louisiana adopted its original version of the compact embodied in H.R. 4903 on July 15, 1980, by Act No. 327 of the 1980 regular session of the Louisiana Legislature. The Legislature for the State of Mississippi enacted the agreement for which the congressional consent is sought on April 23, 1981. On July 7, 1981, the Legislature for the State of Louisiana enacted Act No. 153 of the 1981 regular session which amended Act No. 327 of the 1980 regular session to conform to the language enacted by the Legislature of the State of Mississippi for which congressional consent is sought. Thus, except for the language of article VI(2), in which the legislatures of each State authorize and direct the officers of that State to carry out the provisions of the compact, the language adopted by the State of Mississippi and the language adopted by the State of Louisiana is that of H.R. 4903. The texts of the legislation passed by both the

Mississippi and the Louisiana Legislatures are reprinted in the appendix of the committee report.

The committee endorses the use of interstate compacts as worthwhile mechanisms for the solution of problems between States. In this instance the compact involves planning for an interstate rapid rail transit system to serve the 1984 World's Fair to be held in New Orleans. Time, therefore, is of the essence. Article II of the compact provides for participation by States other than Mississippi and Louisiana. Because the addition of contiguous States to this compact would not encroach upon the Federal supremacy or enhance State power at the expense of Federal supremacy, the committee intends that so many States as are interested may become a part of this compact without further congressional approval, so long as they are contiguous to a member State and so long as their membership is approved by all member States pursuant to article II of the compact. However, as stated in section 2 of H.R. 4903, it is not the intent of the committee to in any way impair or affect the jurisdiction of the United States over the subject matter of this compact, and the right of the Congress to amend the compact is expressly reserved in section 3 of the bill.

There was no opposition to the bill expressed during the committee's consideration. All Members of the Mississippi and Louisiana delegations in the House of Representatives are on record in favor of H.R. 4903. A letter to the chairman of the subcommittee expressing support for H.R. 4903 and signed by each Member of both State delegations is reprinted in the appendix of the committee report.

The Department of Transportation is the Federal agency responsible for Federal transportation policy. In its report to the subcommittee, the Department of Transportation applauds the States of Mississippi and Louisiana for initiating this study. The text of the letter from the Department of Transportation is also reprinted in the appendix to the committee report.

The committee concludes that the consent of Congress should be given for this compact. Accordingly, it is recommended that the bill be considered favorably.

● Mr. LOTT. Mr. Speaker, I rise in strong support of H.R. 4903, a bill granting the consent of Congress to an interstate compact between the States of Mississippi and Louisiana. This compact would permit the establishment of a commission to study the feasibility of rapid rail transit service between these two States.

The 1984 New Orleans World's Fair, now less than 2 years away, will create a tremendous demand for hotel and motel space which that city alone will simply not be able to accommodate. It is therefore absolutely essential to the success of this event that efforts begin immediately to implement rapid rail service between New Orleans and the Mississippi gulf coast for the purpose of transporting the overflow tourists.

This immediate problem will also present the two States with a tremendous opportunity for long-range cooperation in the area of rapid rail transportation. The commission which this interstate compact will establish will be the first step in this process, and I am hopeful that it will lead to a successful joint venture. I might add that this type of effort on the State level ties in well with the administration's New Federalism program.

Mr. Speaker, I would be remiss if I let this opportunity pass without expressing my gratitude to the Committee on the Judiciary for expediting this matter. Although this is a relatively minor piece of legislation as compared to others being considered by that committee, the chairman (Mr. RODINO) realized the importance of the bill to the success of the New Orleans World's Fair and scheduled the bill at his earliest opportunity.

I would particularly like to thank the gentleman from Texas (Mr. SAM HALL) who serves as chairman of the Subcommittee on Administrative Law and Governmental Relations, for spearheading this bill through the committee and bringing it to the floor today. In addition, Chairman HALL's predecessor as chairman of the subcommittee (Mr. DANIELSON) was extremely helpful to us in having the bill considered at the earliest possible date.

Mr. Speaker, I urge the immediate enactment of H.R. 4903.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed. H.R. 4903.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPORT ON HOUSE CONCURRENT RESOLUTION 352, FIRST CONCURRENT RESOLUTION ON THE BUDGET

Mr. MINETA, from the Committee on the Budget, submitted a privileged report (Rept. No. 97-597) on the concurrent resolution (H. Con. Res. 352), revising the congressional budget for the U.S. Government for the fiscal year 1982 and setting forth the congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, which was referred to the Union Calendar and ordered to be printed.

ISRAELI INVASION OF LEBANON

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr Speaker, the events of the past weekend in the Middle East surely weigh heavily upon everyone in this Chamber. The attempted assassination of the Israeli diplomat in London was a dreadful event. Fortunately, those who had attempted the assassination were apprehended. We pray for the recovery of the diplomat.

The Government of Israel saw fit to cite that attempted assassination as a justification, not the only one but a principal justification, for moving military forces into Lebanon in a wide, broad-scale act of war.

The link between the attempted assassination in London and the PLO in Beirut has not been established. In fact, one of the would-be assassins had in his possession a document showing that the PLO leader in London was on the hit list along with the Ambassador from the State of Israel.

In any event, we should ponder very carefully what is happening in Lebanon because Israel is using, for the most part, weapons that were supplied by the United States under very strict limitations, and the burden for what is unfolding there, therefore, should rest heavily upon Members of this body and especially upon the President of the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 3, 1982.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 2:20 p.m. on Thursday, June 3, 1982 and said to contain a message from the President wherein he transmits the thirteenth special message for Fiscal Year 1982 under the Impoundment Control Act of 1974.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, JR.,
Clerk, U.S. House of Representatives.

REPORT OF NEW DEFERRALS AND REVISIONS TO DEFERRALS UNDER THE IMPOUNDMENT AND CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 97-193)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seven new deferrals totaling $14.5 million and revisions to two deferrals previously reported increasing the amount deferred by $140.5 million.

The deferrals affect programs in the Departments of Agriculture, Commerce, Interior and Labor as well as the Board for International Broadcasting, the International Communication Agency, the Railroad Retirement Board and the Small Business Administration.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *June 2, 1982.*

ISRAELI INVASION OF LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. I asked for this time in order to amplify on the comments I made during the 1-minute period. Surely every Member of this Chamber has watched with anxiety and listened with anxiety and read with anxiety the news coming from the Middle East. Israel has launched a broad-scale military operation against southern Lebanon. It can be described only as an act of war against a sovereign state, Lebanon. It has engaged in military action with the Palestinian Liberation Organization military units. It is now engaged with the military units of the Government of Syria and there is no way to predict where this will lead.

We may be on the eve of another major war in the Middle East—God forbid—but that, of course, is a possibility. In any event, the initiative for this was taken by the Government of Israel, I am sure motivated by its desire to force to a much more distant position the military forces of the PLO, in order to protect the northern area of the State of Israel.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Illinois for yielding. I want to commend him for his courage. I know it takes considerable fortitude to come to the floor and make the statement that he is making. One of the reasons is none of us like to speak out against an ally. Nevertheless, I must agree with my distinguished colleague from Illinois. An Israeli invasion of Lebanon cannot be met with silence. The U.S. Congress, through its longstanding commitment of aid to the Government of Israel, has made Israel into a major power in the Mideast.

□ 1215

Now, we, in Congress, I think, must share some responsibility for the actions of Israel. We cannot sit by in silence. As I see it, there is no way that Members of Congress with a conscience can whitewash or condone this type of invasion, this kind of action.

To say that the Israeli Ambassador was the victim of an assassination plot by some lunatic in London and that this constitutes justification for invasion of Lebanon is certainly warped logic at its best.

Because American Presidents and American Congresses have made Israel a superpower in the Middle East, I think our Nation has a responsibility to voice our strong concern to Mr. Begin, and I think a complete suspension of aid to Israel would certainly be justified on our part.

Mr. Speaker, I call on the President of the United States to show the world that we are concerned with what happens with the military equipment that we have given to Israel.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman from Wisconsin, Mr. ROTH, for his comments, and I join him in urging the President of the United States to use the authority and the resources of his office to bring this warfare to an end. He is the only person on the face of the Earth outside the State of Israel who has the opportunity to end the warfare.

We may ask, well, does he really have the resources with which to bring the war to an end? And my answer is clearly yes, because on two occasions during the last administration, President Carter brought pressure to bear against Prime Minster Begin so forcefully that Begin stopped the military operations which were then underway in Lebanon. He backed down under the threat of the termination of U.S. military aid to the Government of Israel.

So it can be done, and a very heavy responsibility rests on Ronald Reagan, our President. It is my hope that he will see fit to bring this terrible agony to an end.

Now, in saying that, I do not want to leave the impression that is all our Government should be doing. The lack of leadership on the part of our Government—and I say that in a nonpartisan sense because a lack of leadership has been apparent in prior administrations as well as in the present—the lack of leadership of our Government in dealing with the problems of the Middle East has been, I think, the principal cause for the Israeli decision to move into Lebanon. They are left on their own to protect their interests, and they have seen fit to use military action to protect their interests. That is a wrong decision, in my opinion, and yet they came to that conclusion.

I appreciate the comments of the gentleman from Wisconsin, Mr. ROTH, about the attempted assassination of the Ambassador of Israel to Great Britain. Even if it could be established that this was inspired, if not directed by the PLO, and that has not been established, but even if it could be, would a sense of justice call upon Israel to cause the death of hundreds of people and injury to hundreds of other people as a reasonable vengeance for that one threatened life?

The Jewish people are known as humanists, and have been all through the centuries. One of the great hallmarks of their faith is humanism and respect for the rights of humanity, the human rights of all people. One of the dreadful results of the events that have occurred in Israel since 1967 has been the damage inflicted on themselves by the Jewish people who are citizens of Israel: the injustice that their occupation of the West Bank and Gaza has caused to other human beings. And now the bombardment of Lebanon kills, I am sure, some soldiers of the PLO but also many innocent civilian people, and yet the people of Israel seem to accept that carnage as just, as proper.

One of the great prices that is being paid in the Middle East is being paid by the Israel people themselves. They are the ones who are injured most deeply because they have been, in a sense, renouncing this humanism of the past and have looked almost with indifference upon the suffering that their policies have caused to other human beings.

But the Members of this body cannot escape responsibility either, because we have seen fit to put in the statute books some very clear restrictions upon the use of military equipment supplied by this Government to other governments, including the State of Israel. We have placed in the statutes a stricture that these instruments of war are to be used only for purposes of legitimate self-defense, and it certainly stretches the bonds of credulity to interpret the broad-scale warfare now underway in Lebanon as legitimate self-defense.

Since the truce was established last summer, there have been no significant violations of that truce by the PLO. There has been no cross-border

action except a very limited use of rockets in the wake of Israel's violation of the truce which occurred with their heavy aerial attacks against Beirut several weeks ago, and it was only in response to that that the PLO loosed some rocket fire. And if the information I have received from the State Department is correct, even those rockets were directed to sparsely settled agricultural areas away from civilian centers, whereas the attacks that were initiated against Beirut were lodged directly against the settlements where the Palestinian refugees have been making their homes and against other concentrations of population.

These are dreadful moments, and the burden of responsibility for what is happening must be shared by the Members of this body and the President.

In saying these words, I do not want to leave the impression that I see the deeds of Israel as all bad and the deeds of the Arabs as all good. No one could characterize either with such simplicity. Indeed, I have urged the leadership of the PLO on several occasions, on every possible occasion, to recognize the right of Israel to exist within its pre-1967 borders. It should do that as an act of faith, as an encouragement to the communication and negotiation that must some day occur.

I have also urged the State of Israel to renounce violence, too. The pity is that this latest violence is just one more layer of bitterness laid between the Arab people and their neighbors in Israel, and it is going to make it all the more difficult for the ultimate settlement to come about, for compromise to occur.

The Israelis cannot destroy the Palestinian people. They can make life miserable for them, but the Palestinian people are so numerous and so resourceful and so committed to their own sense of justice that they cannot be destroyed. We are just putting off the day of reckoning and making that reckoning much more difficult by standing by and permitting this great violence to ensue.

PROTECTIONISM HAS NO PLACE IN WORLD TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

● Mr. FRENZEL. Mr. Speaker, Lewis W. Lehr is the chairman and chief executive officer of the 3M Co. which is headquartered in the St. Paul suburb of Maple Wood, Minn.

The 3M Co., like many American manufacturing firms, derives much of its sales, and many of its jobs, from foreign trade. Mr. Lehr recently wrote the following article for the St. Paul Pioneer Press. As noted in the article, 1 out of every 3 of 3M's 22,000 jobs in Minnesota is based on 3M's international operations. A quarter of Minnesota's farm income is derived from foreign sales, and the State has more than 85,000 jobs related to manufacturing exports in 1980.

In this Congress where the recession has turned Members' thoughts to protectionism, reciprocity, "Buy America," Mr. Lehr's warnings ought to be of particular interest.

The article follows:

[From the St. Paul Pioneer Press/Dispatch May 24, 1982]

PROTECTIONISM HAS NO PLACE IN WORLD TRADE

(By Lewis W. Lehr)

There is only one thing more painful than learning from experience—and that is not learning from experience.

We are now in danger of having to learn again a painful lesson we should have grasped once and for all 50 years ago. That lesson is the utter futility of protectionism in world trade.

In the state of Minnesota, where a quarter of our farm income has come from products sold abroad and more than 85,000 jobs were related to manufactured exports in 1980, it is a lesson we cannot afford to forget.

In the past few years, we have witnessed a rising tide of protectionist sentiment all over the world. Even more disturbing, we are hearing this protectionist talk not only from the developing nations, but from some of our oldest trading partners, and even from Washington itself.

Two weeks ago, the staff which administers GATT—the General Agreement on Tariffs and Trade—warned that international trading relations are more tense now than at any time in the agency's history.

Trade disputes brought before the GATT administration reached a record level in 1981. "Lagging trade growth accompanied, and encouraged widespread pressures on governments to restrict imports and assist exports," the GATT report said.

In our own country, these protectionist pressures are being cloaked in the term "reciprocity." Put plainly, reciprocity means retaliation against nations that do not meet our trading standards.

In Minnesota, our Legislature passed a "Buy America" Act, which gives American companies an edge over all foreign companies in bidding on goods and service procured by the state. With this law, we have invited our foreign trading partners to think about ways in which they can retaliate against Minnesota agriculture and business.

There is no question but that our country has had foreign trade problems for some time. We have had negative balances of trade. We have had sudden surges of imports that put workers out of jobs in the auto, steel and rubber industries, among others.

In an atmosphere such as this, it is easy to forget that we have tried protectionism before, and it was a disaster for all concerned.

Back in the late 1920s and early 1930s, many countries in desperation began putting up trade barriers to shelter their own faltering economies. In the United States, we passed the Smoot-Hawley Act.

These barriers led to successive rounds of economic warfare, a prolonged worldwide depression and eventually, at least in part, to World War II.

Since that time, the United States and other trading nations have been working to pull those barriers down. We have established mechanisms, such as the GATT, to resolve trade disputes.

To a large extent, we have been successful. More than one-fifth of all goods and services now flow in world trade. We have too much at stake in these trading relationships to let them be disrupted now.

What kind of an economy would we have in Minnesota today if protectionist barriers are raised again?

According to the most recent U.S. Department of Commerce study available, at least one in every nine manufacturing jobs in the state is derived from the operations of Minnesota companies that sell in the international marketplace. At 3M, about one in three of our more than 22,000 jobs in Minnesota is the result of our international operations.

But it is not only the Minnesota companies with large export operations that stand to lose from restrictive trade practices. Everyone loses.

On the average, for example, every dollar of payroll from business circulates six to eight times in a community. So payroll dollars derived from international trade are important to retail businesses, banks and service industries in Minnesota.

And in many cases, large manufacturers such as 3M serve as the export arm of their suppliers. The supplies and services we buy in Minnesota often become components of the products that flow in international trade. Last year, 3M purchased more than $600 million in goods and services from more than 9,000 suppliers in Minnesota.

It should be evident from numbers like these that virtually everyone in Minnesota—farmers, small businesses, service industries and manufacturing companies—have a stake in continuing free trade policies.

At one time or another, every country, including our own, has tried to discriminate against foreign trading partners. I hope we have finally learned the lesson that the answer to these trade disputes is negotiation—not retaliation or Buy America policies.

We have come too far, and accomplished too much, in the past 30 years to let these gains slip through our fingers in the 1980s.

POINT OF VIEW

Lewis W. Lehr is chairman and chief executive officer of 3M Company, Maplewood.

Today in Atlanta, 3M is receiving the 1982 American Eagle Award from the American Supply and Machinery Manufacturers Association at the annual Triple Industrial Supply Convention. The company is being honored for its efforts in support of the free enterprise system.

Specifically, 3M is being recognized for its Designated Executive Program, which is designed to improve communication between executives and leaders in education and government, for its work with the Metropolitan Economic Development Association, and for its support of the Business Economic Education Foundation program in Minnesota.●

CONGRESS MUST GET SERIOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. COATS) is recognized for 15 minutes.

Mr. COATS. Mr. Speaker, I have asked for this time to address the

House to bring to the attention of my colleagues a very serious and important article that appeared in the Washington Post on Friday, June 4. It was written by one of our former colleagues, Congressman Robert Giaimo, who served a distinguished career in this House and served in later years as chairman of the House Budget Committee. He currently is cochairman, along with former Senator Bellmon from Oklahoma, of the Committee for a Responsible Budget.

The title of Congressman Giaimo's article is "Congress Must Get Serious," and he reflects on the budget process and the process by which this House failed to adopt a budget last week. He makes the urgent point that Congress must get serious with the budget process. I would like to quote just a few excerpts from his article because I think it is important that they be not only entered in the RECORD but that they be thoughtfully considered by all of our colleagues.

Congressman Giaimo said this:

Students of Congress know that we have a hemorrhaging budget, out of control and threatening our economy and well being. They know that remedial action to curb deficit spending will require a budget process with extraordinary tools such as reconciliation, deferred enrollment of spending bills and other restraints. They know that reliance on the regular standing committee process will be futile and will not result in budgetary restraint. Unfortunately, each committee views its programs as most vital to the national interest and consequently not proper objects for restraint. * * * The spending and taxing committees of Congress should welcome the budgetary discipline of the House Budget Committees rather than look upon them as threats.

Is that not true? And can we not all come to the conclusions that Congressman Giaimo has come to? As members of individual committees, we do tend to think that the legislation before us is the most important legislation before this House. We do tend to think that those issues that we are involved in individually are more important than those issues that our colleagues are involved with on some other committee. We do not have the time to follow all of the legislation, to put everything into the big picture, so we focus on those areas of specialization which come through our committee and in which we have an interest.

That is only natural, and that is what we should do. We should be out here fighting for our interests and those interests of our constituents. We should be out here presenting the best case for those issues in which we feel a true conviction and which we believe in. But when we do that, we fail to see the big picture and we fail to balance our interests versus other interests, the interests of other committees, and we fail to look at the total budgetary impact of what we are doing.

It is only the Budget Committee that gives us this complete picture, that gives us the umbrella under which we have to operate, and they say:

Yes, we agree that your program is important. We recognize your arguments in favor of this, but you have to understand that we have a certain amount of spending restraint, we have a certain amount of revenues to which we are limited, and we are going to have to fit your considerations and your concerns into the overall picture, and perhaps you are going to have to defer that interest until next year or until a time when we can better afford that particular program.

It is only the Budget Committee that gives us the whole picture.

Let me go on and quote a couple of other statements by Congressman Giaimo:

The budget process is designed to force difficult political choices on Congress, to compel it to spend and tax in a restrained and disciplined manner.

Without restraints, the result is more—

Deficits and * * * corrosive effects on the economy. The budget process is not designed to captivate, to charm, or enrapture members of Congress. It has no goodies to dispense. There are no special interest recipients of federal largesse to protect it.

The real tragedy of last week's resounding defeat for the budget process was the joy with which the substantial majorities, unable to agree on a budget, did agree to further weaken the budget resolution's capability to restrain the House's spending habits. They sure taught that uppity Budget Committee a lesson! Like kings of old, they killed the messenger. Now, what do they do? Tell the American people they are incapable of disciplining themselves? That they will not and cannot curb excessive spending?

Now, Mr. Speaker, I have been here a year and a half and that is not long enough to know everything, not long enough to know all the ins and outs and all the procedural games that are played in this body and the turf battles, but I have been here long enough to observe how the process does not work. And it does not and will not work if we do not impose some discipline, some restraint over the spending process.

I do not know of an entity that can operate successfully without a budget, whether it is a young boy or girl with their first paper route, whether it is a young married couple setting up their first household, whether it is a family with kids in school, whether it is retired people measuring against how much they can spend each year for the remainder of their time on this Earth, whether it is a businessman or woman, or whether it is a farmer or a corporation. Only Congress operates without a budget. Only Congress operates without asking: "How much do we have to spend, and how are we going to spend that which we have available to us?"

And what a mess we have gotten ourselves into by pretending that we can operate without a budget and without discipline. Our spending is out of control. We have 435 Members, all fighting for their individual interests. As I said, that is all right, but we have to do it under the umbrella of restraint and discipline and with a budgetary process.

□ 1230

We are all subject to that temptation. Just another $75 million here, just another $250 million there, it will not make any difference in the whole budget process because we spend billions and hundreds of billions. If we could just get another $34.5 million into my program it is just going to make so may people happy and make me happy and help me get reelected.

We will just slip it in here and it will not make a bit of difference.

But when you add up the numbers, when you bring all 435 Members together and all of their little extras, we end up with deficits of hundreds of billions of dollars.

What can we do? What should we do?

No. 1, I would suggest that we have to live by the although feeble, yet in place budget process that is already imposed on this body. We adopted a budget process in 1974. We can argue that that process is not working, that it is not doing all that it was designed to do, that it does not impose all of the discipline that we should have. That is a valid argument and we need to make some changes. But we ought to live under what we agreed to live by in 1974.

We ought to give the Budget Committee the proper tools and let them enforce those laws that are written on the books. We should not stand here on the floor of the House, as we did during the budget process, and emasculate that process and take away what little authority the Budget Committee has to impose discipline on this body.

So let us live by the process we now have until we change and come up with a better process.

The second thing we must do is adopt a better budget process and we have a task force assigned to that. I would suggest we should accelerate that review.

We should debate the conclusions of this review and we should bring it to the floor. We should adopt a disciplined budget process. We need that.

Third, I think we are going to have to seriously consider a constitutional amendment to balance the budget because regardless of what process we come up with we have demonstrated over and over again that we are going to find a way to circumvent it, we are going to find loopholes, we are going to make exceptions and we are going to find waivers. We are going to have the Appropriations Committee people

coming in and asking the Budget Committee for waivers, and there are going to be a million good reasons why we should do that.

Only that discipline of a constitutional amendment on this body will bring about proper spending restraint.

We are going to get that. We are going to get a balanced budget. If we do not adopt it ourselves, the States are going to force it on us. We are only a few States short of a constitutional convention and if the Members of this body want a constitutional convention to dictate what Congress should do, what we know we should do ourselves, then we are going to get it.

But I would suggest we ought to do what we were elected to do, and that is impose a discipline that all of the people of the States and all of the people in this country know we do not have but should have.

We are going to get that balanced budget, and we are going to get there one way or another.

I would suggest to my colleagues that we ought to do that as quickly and as responsibly as possible because it is our job and we are getting paid to do it. We ought to do it and not leave it to the States.

But I will support the States and support a constitutional convention if that is what it takes to get some discipline into this House.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. COATS. I yield to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I want to commend the gentleman for his insight and say that I believe my good friend from Indiana is wise beyond his 1½ years of service in this House of Representatives.

I want to make an observation on the point that he has well made. I would say first, I could not agree more with the gentleman's positive solutions that are going to have to be summoned by this body.

But in my small business background I just think to myself what it would be like each year when it came budget time and I presented myself before our board of directors and said, "I offer you 6 budgets and 60 amendments, and take your pick."

I feel to some extent that perhaps our former colleague, Congressman Giaimo might have commented more upon the power of the Rules Committee and that that process is what perhaps caused us the embarrassment that indeed occurred from the comments he made about not being able to get a budget but seize upon with glee defeating the budgets offered as opposed to passing one.

I really want to commend the gentleman again for bringing this matter to our attention in such a very forceful way. It is most appreciated.

Mr. COATS. I thank my colleague for bringing that up. That would also, I think, be a subject of a second article by Congressman Giaimo because the gentleman is absolutely correct, the rule that was reported to the House was reported in such a way that it undermined the work of the Budget Committee.

I say these things, and I am not a member of the Budget Committee, and I am not standing up for my committee. I am a member of one of those committees that I think needs some discipline and that discipline can only be imposed, in my opinion, through the budgetary process.

Whether it be by the rules, whether it be by waivers of the rules, whether it be by turf battles here in the House or whatever reason, we have not shown the discipline necessary to bring about responsible governing of this country.

None of us need make this a complex issue. It is a very simple issue that each of us must understand. Each month we are paid a certain amount and we have to decide how we spend that money. If we spend more than we make pretty soon we get a phone call from our friendly banker saying, "You are overdrawn, what are you going to do about it?"

I do not have the option and the American people do not have the option of simply saying, "Print some more money and put it into my account." But that is what the Federal Government does. It simply says, "Print some more money and put it in the account. We will loan it out on a forced basis and we will therefore pay for that."

We should not fool ourselves. We are paying for it by transferring a more than trillion dollar debt to our children who will have to pay off the excesses that this Congress has not been responsible to face up to.

I thank my colleague for his comments and yield back the balance of my time.

DESIGNATING JULY 4 PRINCIPAL NATIONAL HOLIDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 15 minutes.

● Mr. FRANK. Mr. Speaker, today I am introducing a concurrent resolution requesting that the President issue a proclamation designating July 4 each year as the principal national permanent legal holiday of our Nation. This bill, last introduced in the 93d Congress by our distinguished former colleague from Massachusetts, Mr. James Burke, was brought to my attention by Mr. George H. Buchan, Sr., of Natick, Mass. The Fourth of July is a day on which all Americans ought to express their pride in our form of government and I join with former Congressman Burke and Mr. George Buchan, Sr., in expressing this commitment to make July 4 an officially designated national legal holiday. I commend the following resolution to my colleagues.

H. CON. RES. 353

Resolved by the House of Representatives (the Senate concurring) That the President is requested to issue a proclamation designating July 4 of each year as the "principal national permanent legal holiday," and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT) for Thursday, June 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FINDLEY, for 15 minutes, today.

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. FRENZEL, for 5 minutes, today.

Mr. COATS, for 15 minutes, today.

Mr. GREGG, for 60 minutes, June 8, 1982.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 15 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. JOHNSTON.

Mr. YOUNG of Alaska in three instances.

Mr. SAWYER.

Mr. MICHEL in three instances.

Mr. OXLEY.

Mrs. HOLT.

Mr. BROOMFIELD.

Mr. BAILEY of Missouri.

Mrs. SNOWE.

Mr. BAFALIS.

Mr. EVANS of Delaware.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. PEASE.

Mr. MAZZOLI in two instances.

Mr. MILLER of California.

Mr. FLORIO.
Mr. HAMILTON.
Mr. ALBOSTA.
Mr. WON PAT.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. STARK.
Mr. LEHMAN.
Mr. FASCELL in two instances.
Mrs. KENNELLY.
Mr. MCDONALD in five instances.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 8, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4085. A letter from the Secretary of the Air Force, transmitting a report of two weapon systems which have exceeded their baseline unit cost by more than 15 percent, pursuant to section 917(b)(2) of Public Law 97-86; to the Committee on Armed Services.

4086. A letter from the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, transmitting a report on the adequacy of pay and allowances of the Armed Forces, pursuant to 37 U.S.C. 1008(a); to the Committee on Armed Services.

4087. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of decision to convert the publishing distribution office function at McClellan Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4088. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice that the Navy plans to study the operation of certain Military Sealift Command vessels currently operated by the civil service for possible operation under commercial contract, pursuant to section 806 of Public Law 96-107; to the Committee on Armed Services.

4089. A letter from the Chairman, National Credit Union Administration, transmitting the second annual report on the Depository Institutions Deregulation Committee, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

4090. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report on U.S. participation in the third general replenishment of the African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

4091. A letter from the Mayor, District of Columbia, transmitting a progress report on the District of Columbia Government automated data processing improvements, pursuant to section 736(b)(3) of Public Law 93-198; to the Committee on the District of Columbia.

4092. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-192, "Council of the District of Columbia Independence Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4093. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-193, "Real Property Tax Deferral Simplification Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4094. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-194, "Homeowners Deduction Application Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4095. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-195, "Technical Amendments of the District of Columbia Financial Institutions Tax Act of 1980 and Alley Closing in Square 569 Amendment Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4096. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-196, "D.C. Tax Enforcement Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4097. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-197, "Police Officers Outside Employment Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4098. A letter from the District of Columbia Auditor, transmitting copy of a report of his office, pursuant to section 455 of Public Law 93-198 to the Committee on the District of Columbia.

4099. A letter from the Secretary of the Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision in Docket No. 37625, *Westinghouse Electric Corp.* v. *Atchison Topeka & Santa Fe Railway Co.*, et al, by June 14, 1982, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

4100. A letter from Assistant Secretary for Congressional Relations, Department of State, transmitting Presidential Determination No. 82-16 authorizing economic support fund assistance for Liberia, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4101. A letter the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4102. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General, covering the period October 1, 1981, to March 31, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

4103. A letter from the Secretary of Education, transmitting notice of proposed changes to an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4104. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report on the activities of the Office of Inspector General covering the period from October 1, 1981, to March 31, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

4105. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b (j); to the Committee on Government Operations.

4106. A letter from the Freedom of Information Officer, U.S. Environmental Protection Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

4107. A letter from the Under Secretary of the Interior, transmitting the fourth annual report on the status of implementation of the Redwood National Park, pursuant to section 104(a) of Public Law 95-250; to the Committee on Interior and Insular Affairs.

4108. A letter from the Secretary of Transportation, transmitting a quarterly report on Urban Mass Transportation Administration obligations by State and activity as of September 30, 1981, pursuant to section 4(h)(1) of the Urban Mass Transportation Act, as amended (92 Stat. 2738); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Oklahoma: Committee on the Budget. House Concurrent Resolution 352. A concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1982 and setting forth the congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985 (Rept. No. 97-597). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5081. A bill to declare that the United States holds certain lands in trust for the Washoe Tribe of Nevada and California and to transfer certain other lands to the administration of the U.S. Forest Service; with an amendment (Rept. No. 97-598). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1519. A bill to designate certain national wildlife refuge lands (Rept. No. 97-599). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPIE (for himself, Mr. CLAUSEN, and Mr. SHUMWAY):

H.R. 6535. A bill to provide for the restoration of the fish and wildlife in the Trinity River Basin, Calif., and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. JAMES K. COYNE:

H.R. 6536. A bill to recognize the organization known as the United Vietnam Veterans Organization; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 6537. A bill to repeal the provision which allows Members of Congress an income tax deduction for certain living expenses without any requirement that the expenses be substantiated; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. SMITH of New Jersey, Mr. LAGOMARSINO, Mr. YOUNG of Alaska, Mr. WINN, Mr. WORTLEY, Mr. HORTON, Mr. BEVILL, Mr. WILSON, Mr. RATCHFORD, Mr. DERWINSKI, Mr. FORSYTHE, Mr. MONTGOMERY, Mr. HILLIS, Mr. KINDNESS, Mr. MITCHELL of New York, Mr. PORTER, Mr. LOEFFLER, Mr. FOGLIETTA, Mr. BEDELL, Mr. REGULA, Mr. WOLF, Mrs. HOLT, Mr. JEFFRIES, Mrs. SCHNEIDER, Mr. WHITEHURST, Mr. RHODES, Mr. ROE, Mr. BONER of Tennessee, Mr. MYERS, Mr. SHAMANSKY, Mr. FROST, Mr. LATTA, Mr. MCEWEN, Mr. BROWN of Ohio, Mr. STANTON of Ohio, Mr. GRADISON, Mr. APPLEGATE, Mr. WILLIAMS of Ohio, Mr. HALL of Ohio, Mr. MCCLORY, Mr. SEIBERLING, Mr. ERLENBORN, Mr. MILLER of Ohio, Mr. HYDE, Mr. LEBOUTILLIER, AND MS. OAKAR):

H.R. 6538. A bill to designate the Federal Building in Lima, Ohio, as the "Tennyson Guyer Federal Building"; to the Committee on Public Works and Transportation.

By Mr. SOLOMON:

H.R. 6539. A bill to authorize the Secretary of the Interior to acquire certain lands for inclusion in the Saratoga National Historical Park, in the State of New York; to the Committee on Interior and Insular Affairs.

By Mr. WON PAT:

H.R. 6540. A bill authorizing veterans' benefits for persons who served in the Local Security Patrol Force of Guam during World War II; to the Committee on Veterans' Affairs.

By Mr. GRADISON (for himself, Mr. MICHEL, Mr. JACOBS, Mr. GEPHARDT, Mr. CONABLE, Mr. ARCHER, Mr. MITCHELL of Maryland, Mr. HUGHES, Mr. LEVITAS, Mr. MARTIN of North Carolina, Mr. VANDER JAGT, Mr. MOORE, Mr. GRISHAM, Mr. SHUMWAY, Mr. GRAY, Mr. CLINGER, Mr. HATCHER, Mr. DENARDIS, Mr. BURGENER, Mr. WEAVER, Mr. KINDNESS, Mr. WOLF, Mr. CARNEY, Mr. SOLOMON, Mr. MILLER of Ohio, Mr. MARTIN of New York, Mr. GOLDWATER, Mr. GUNDERSON, Mr. LOWERY of California, Mr. HUNTER, Mr. WALKER, Mr. ROTH, Mr. WEBER of Ohio, Mr. FORSYTHE, Mr. BAFALIS, Mr. WORTLEY, Mr. HOPKINS, Mr. CAMPBELL, Mr. JAMES K. COYNE, Mr. HILLIS, Mr. DAUB, Mr. BROYHILL, Mr. FROST, Mr. CONTE, Mr. BEARD, Mr. MARRIOTT, Mr. DAVIS, Mr. GOODLING, Mr. LEACH of Iowa, Mr. WHITEHURST, Mr. FISH, Mr. SAWYER, Mr. OXLEY, Mr. HILER, Mr. SIMON, Mr. PASHAYAN, Mr. BEVILL, Mr. MOLLOHAN and, Mr. SMITH of Oregon):

H.J. Res. 499. Joint resolution to amend the Social Security Act to restore the treatment of the Federal old-age and survivors insurance trust fund, the Federal disability insurance trust fund, and the Federal hospital insurance trust fund, in relation to the budget of the United States, to the treatment of such trust funds before their inclusion in the unified budget of the United States; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. LAGOMARSINO, Mr. WINN, Mr. HORTON, Mr. HOLLAND, Mr. FORSYTHE, Mr. WOLF, Mr. DYMALLY, Mr. ADDABBO, Mr. ROE, Mr. WYDEN, Mr. WASHINGTON, Mr. RAHALL, Mr. SUNIA, Mr. WEBER of Minnesota, Mr. WEISS, Mr. FRENZEL, and Mr. DWYER):

H.J. Res. 500. Joint resolution to provide for the designation of August 8 of each year as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. FRANK:

H. Con. Res. 353. Concurrent resolution to request that the President issue a proclamation designating July 4 of each year as the principal national permanent legal holiday; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

403. The Speaker presented a memorial of the Legislature of the Territory of Guam, relative to the Government Comptroller of Guam; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4786: Mr. NOWAK, Mr. PANETTA, Mr. SUNIA, and Mr. WOLPE.

H.R. 4835: Mr. BAILEY of Missouri.

H.R. 5084: Mr. HUGHES, Mr. GOODLING, Mr. GRAY, and Mr. WEAVER.

H.R. 5147: Mr. GARCIA.

H.R. 5363: Mr. ATKINSON.

H.R. 6311: Mr. HERTEL, Mr. HUGHES, and Mr. JAMES K. COYNE.

H.R. 6315: Mr. HUTTO.

H.R. 6455: Mr. DORNAN of California, Mr. MITCHELL of New York, Mr. MOLINARI, and Mr. OBERSTAR.

H.R. 6527: Mr. MINETA, Mr. STENHOLM, and Mr. DENARDIS.

H.J. Res. 431: Mr. PHILLIP BURTON, Mr. ERTEL, Mr. NEAL, and Mr. SIMON.

H.J. Res. 443: Mr. BEDELL, Mr. HAMILTON, Mr. ASPIN, Mr. DIXON, Mr. FOUNTAIN, Mrs. ROUKEMA, Mr. SHARP, Mr. STUDDS, Ms. OAKAR, Mr. FINDLEY, Mr. STARK, Mr. ANDREWS, Mr. NEAL, Mr. LEACH of Iowa, Mr. SHAMANSKY, Mr. OBEY, Mr. GUNDERSON, and Mr. REUSS.

H. Con. Res. 275: Mr. HAGEDORN, Mr. EMERY, and Mr. SCHEUER.

H. Con. Res. 280: Mr. ROYBAL, Mrs. COLLINS of Illinois, Mr. LAFALCE, Mr. DASCHLE, Mr. WON PAT, Mr. VENTO, and Mr. OBERSTAR.

H. Con. Res. 297: Mr. EVANS of Delaware, Mr. GOLDWATER, Mr. MILLER of Ohio, and Mr. VANDER JAGT.

H. Res. 409: Mr. ANDERSON and Mr. FITHIAN.

H. Res. 485: Mr. ANNUNZIO, Mr. ASPIN, Mr. AUCOIN, Mr. BEILENSON, Mr. BLANCHARD, Mr. BONER of Tennessee, Mr. BRODHEAD, Mr. CLAY, Mr. CORCORAN, Mr. WILLIAM J. COYNE, Mr. DIXON, Mr. EDGAR, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. EMERY, Mr. ERTEL, Mr. FISH, Mr. FORSYTHE, Mr. GARCIA, Mr. GOLDWATER, Mr. HARKIN, Mrs. HECKLER, Mr. HORTON, Mr. HOYER, Mr. LENT, Mr. MCHUGH, Mr. PORTER, Mr. ROE, Mr. SANTINI, Mrs. SCHROEDER, Mr. SCHUMER, and Mr. SKELTON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

461. By the SPEAKER: Petition of the board of directors, Mount Zion Hospital and Medical Center, San Francisco, Calif., relative to the civilian-military contingency hospital system; to the Committee on Armed Services.

462. Also, petition of the State of New York Banking Department, relative to foreign acquisitions of banking organizations; to the Committee on Banking, Finance and Urban Affairs.

463. Also, petition of the Chamber of Deputies of Peru, relative to the armed conflict in the Falkland (Malvinas) Islands; to the Committee on Foreign Affairs.

464. Also, petition of the Board of City Commissioners, Dothan, Ala., relative to prayer in public schools and institutions; to the Committee on the Judiciary.

465. Also, petition of the Washington Public Ports Association, Olympia, Wash., relative to H.R. 3577; to the Committee on Merchant Marine and Fisheries.

466. Also, petition of the city council of Pittsburgh, Pa., relative to steel import limitations; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6370

By Mr. HALL of Ohio:

—Page 2, line 17, strike out "$4,047,560,000" and insert in lieu thereof "$4,024,060,000".

Page 9, line 7, strike out "$349,340,000" and insert in lieu thereof "$337,840,000",

Page 9, line 12, strike out "$45,237,000" and insert in lieu thereof "$44,937,000".

—Page 9, line 12, strike out "$45,237,000" and insert in lieu thereof "$45,187,000".

—Page 21, line 5, strike out "$2,883,750,000" and insert in lieu thereof "$2,818,750,000".

By Mr. MCHUGH:

—Page 15, immediately after line 8, insert the following new subsection:

(f) Section 730 of such Act is amended by inserting "(a)" immediately before "None" and by adding at the end of the section the following new subsection:

"(b)(1) Notwithstanding any other provision of law, funds available to carry out the Foreign Assistance Act of 1961 for fiscal year 1982 or fiscal year 1983 may be expended for assistance for El Salvador, deliveries may be made to El Salvador during fiscal year 1982 or fiscal year 1983 pursuant to a drawdown under section 506(a) of that Act, and foreign military sales credits and guarantees under the Arms Export Control Act may be extended for fiscal year 1982 or fiscal year 1983 (or if previously extended may be approved for use) only if, not later than thirty days after the date of enact-

ment of the International Security and Development Cooperation Act of 1982 and every one hundred and eighty days thereafter, the President determines and reports to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate—

"(A) that the Government of El Salvador has not modified, altered, suspended, or terminated the land reform program promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental in any way to the rights of the beneficiaries or the potential beneficiaries under those decrees; and

"(B) that the Government of El Salvador is making substantial progress in implementing the land reform program.

"(2) For purposes of this subsection—

"(A) the term 'benficiaries' means anyone who has applied for and received a provisional or final title;

"(B) the term 'potential beneficiaries' means (i) anyone who has applied for a provisional or final title without any final resolution having been made with respect to such application, and (ii) anyone who, although having failed for whatever reason to apply for a provisional or final title, had the right to apply for such a title prior to the passage of Decree 6 (dated May 18, 1982); and

"(C) the term 'substantial progress' means progress as evidenced by (i) a substantial increase in the number of provisional and final titles issued, (ii) a substantial decline in evictions of beneficiaries and potential beneficiaries from lands for which they have applied for or hold provisional or final titles, and substantial efforts to safeguard the interests of those already evicted, (iii) continuing acceptance of applications for provisional and final titles from beneficiaries and potential beneficiaries, and the provision of appropriate documentation to those seeking to file such applications, and (iv) such other elements of substantial progress as may be appropriate.".

EXTENSIONS OF REMARKS

GUAM COMBAT PATROL DESERVES VETERANS STATUS

HON. ANTONIO BORJA WON PAT
OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. WON PAT. Mr. Speaker, today I introduce legislation which would authorize veterans benefits, including health care, for persons who served in the local security patrol forces of Guam during World War II.

Although these individuals have been small in number—about 40—and although they fought against the common enemy alongside regular forces of the U.S. Army and Marines, the Pentagon has never given these brave individuals the official recognition they deserve as veterans of the U.S. military and the benefits which would naturally be given to persons who have fought for this Nation in time of war.

Since I have come to the House of Representatives, I have steadfastly urged that this oversight be corrected by the Congress. Several years ago I supported legislation which led to the establishment of a special commission known as the Department of the Defense Civilian/Military Service Review Board which was designed to consider matters such as the one I call to your attention today.

The Review Board has just finalized its work and I am pleased to report that it did grant veterans benefits to a number of Guamanians who fought against Japanese forces while employed by the U.S. Navy at Wake Island.

The Board did not, however, decide to grant the same status to my constituents who served on what is popularly known on Guam as the Guam combat patrol. Because I believe that these brave men continue to be unfairly excluded I again am calling on the Congress to review the legislation I introduce today which is designed to bring simple justice to a few men who served this Nation so well in the closing days of World War II and who deserve to be treated as full veterans of the U.S. military for such service. Because no provisions exist for the Review Board to be asked to appeal its rulings, the only avenue left to members of the Guam combat patrol is my legislation.

By its own admission, the Review Board in its decision against the Guam combat patrol stated that as of September 30, 1945, through the direct efforts of the local security patrol force, hunting patrols through extremely dangerous regions of Guam resulted in 170 enemy killed, 13 probably killed, and 7 taken prisoner. The records indicate that a number of combat patrol members were wounded in battle, at least one patrol member was killed. These men who fought in the U.S. military uniforms and who fought alongside members of the regular U.S. military received for their valor at least 2 Silver Stars and 30 Bronze Medals.

Despite this outstanding record of bravery, however, their fight for official recognition and veterans' benefits have yet to be won against a bureaucracy which has been stubborn in its opposition and unflexing in its decision to not grant these men the justice they deserve.

I believe that a sound case exists for these men to be accorded basic veterans benefits. In its decision the Review Board stated that members of the Guam combat patrol were not members of the U.S. military on Guam. While it is true that the combat patrol members were officially policemen recruited for this highly dangerous detail, it is equally true that Guam was totally under U.S. military rule in 1944 and for years after. For those who doubt that members of the Guam Police Department were not effectively involved in the U.S. military, I call their attention to the wording on the face of local police badges at that time which read: "Guam Police Department U.S.M.C. (U.S. Marine Corps)." Guam was under control of the U.S. Navy, as it had been since 1898. The U.S. Marines operated the police department and issued weapons and equipment to members of the combat patrol. Under these circumstances it would take little imagination to understand that in the midst of wartime, Guam was an armed camp and everything that went on with regard to the war and the local government did so at the behest of the military and not by the civilian population.

The members of the Guam combat patrol do not seek to enrich themselves at the expense of the U.S. Treasury. All they ask are basic veterans benefits including health and hospitalization care now that they are reaching advanced age.

I do not believe that my argument on behalf of these men is excessive. The cost would be very little and be consistent with benefits we have granted others who fought for this Nation in World War II. The Department of Defense did give benefits to certain members of the Philippine Armed Forces and according veterans benefits to the Guam combat patrol would be equally appropriate.

These men, who are all now American citizens, deserve the support of this Congress for their quest for fairness. They fought for justice and in doing so, helped defend a part of America against our common enemy. They deserve in return much better over two decades of bureaucratic doors being slammed in their faces. The Guam combat patrol fought on from 1944 to 1948 to clear the island of Japanese stragglers. They never gave up their determined efforts to fight against their enemy and I will never give up my fight on their behalf to give them the victory they really deserve and the veterans' benefits they have fought for and earned.

At this time I insert in the CONGRESSIONAL RECORD a story which appeared in the July 21, 1974, which clearly illustrates how members of the Guam combat patrol distinguished themselves time and time again under fire. Thank you.

[From the Pacific Daily News, July 21, 1974]

JAPANESE ABANDONED, HUNTED, SHOT

They were the hunted.

They had been written off by their own army and left in the jungles of a tropical island thousands of miles from their home land to be slain piecemeal by the enemy.

Since they had been told that the enemy would kill rather than capture them, and that surrender would dishonor both them and the emperor, they ran from their wouldbe captors when possible, but fought when cornered.

The caves, jungles and swamps of Guam became their homes, streams and pools their water supply, military garbage dumps their feeding grounds.

The war on Guam ended in 1944 and peace with Japan was signed in 1945, but for these Japanese stragglers—and for the 17 men of the Guam Combat Patrol whose job it was to hunt them down—the sniping, killing and dying did not cease until December 1948.

Between November 1944, when the patrol first was organized, and December 1948, when it was disbanded, the patrolmen and the stragglers shot, stabbed and grenaded each other in a hundred bloody battles around the island.

They fought in the darkness of the island's caves, along its murky jungle paths and in the muddy waters of its swamps.

As described by J. S. Tenorio—formerly a member of the patrol and now warden of Guam's penitentiary—the patrol's tactics were violently effective.

Tenorio said the unit was divided into two platoons, each composed of seven Guam policemen and a police sergeant. The unit's first platoon, he said, was led by Sgt. George Flores. The second was led by Sgt. Felix Wusstig. While on patrol, the platoons

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

moved in single file, Tenorio recalled, each led by its sergeant.

A point man walked well in advance of the platoons, scouting the terrain and looking for footprints or broken brush left by Japanese. The patrol's commander—M. Sgt. Juan Aguon (later promoted to lieutenant)—walked behind the point man and in front of the platoons. A rear guard followed the platoons, watching for signs of ambush.

When the point man would report traces of Japanese, Tenorio recalled, the two platoons would swing around and form a single line facing the enemy.

When Japanese were sighted, he said, Aguon would signal to his platoon leaders the direction of the enemy and the volume of fire he desired.

After a withering volley of rifle and submachine gun rounds, shotgun slugs and grenades had cut the Japanese down, he said, the patrol would bury the bloody corpses and move on, looking for more stragglers.

According to John Wusstig, brother of platoon leader Felix and now captain of the Department of Public Safety's Fire Division, patrol members invented a novel method of disposing of Japanese bodies.

"One time," he said, "the patrol killed this guy in a rocky cliff area. There's no way we can bury him: the ground's too hard."

And, he said, the patrol could not cover him over with rocks, because "The only rocks around were small, what you call finger rocks."

So, he said, they stuck the body in a crevice, laid dynamite over the corpse, covered the mouth of the crevice with small rocks and ignited the dynamite.

As described by Tenorio, Wusstig, and other members of the patrol, the stragglers seemed, in a way, pitiable.

As the months grew into years, their rifles and ammunition corroded and their uniforms mildewed. The Japanese hunted with clips of U.S. issue .30 caliber ammunition, which they picked up in military dumps, and flapped through the jungle in baggy GI fatigues, which they stole from military clotheslines.

They looked and behaved more like beggars than soldiers of the emperor, the patrol recalled. Time and again, the patrol was able to destroy entire groups of Japanese because they slept or foraged without posting sentries.

The Japanese usually saw nothing more of their destroyers than muzzle bursts in the jungle murk and the sudden thrust of bayonets.

"Most of the time," Tenorio said, "The stragglers' grenades didn't work." And, he added, their four-shot rifles often would jam on the second round.

However, although the stragglers were poorly equipped and disorganized, they were quite capable of striking back at their pursuers, and sometimes Guamanians as well as Japanese died.

John Wusstig described one such incident:

Before Christmas of 1947, a farmer heard someone walking around his ranch at night and saw a Japanese with a big machete.

"He abandoned his ranch and the next morning came into the Yigo police substation."

The Yigo police notified Aguon, according to Wusstig, and Aguon sent patrol members to investigate.

That evening the patrolmen tracked the Japanese to a rocky area in the cliffs on the coastline and saw a tin shack in which the stragglers lived.

The next morning, Wusstig said, eight patrolmen approached the shack around a high rock. But, he added, since the shack was high in the cliffs and commanded a view of the beach below, the Japanese had seen the patrolmen approach and had laid an ambush for them.

Since Antonio Manibusan was the point man that day, Wusstig said, he was the first one around the rock.

And he was killed instantly by a furious fusillade of Japanese rifle fire.

The fire was so hot, according to Tenorio, that the patrolmen had to leave Manibusan's body where it had fallen and slowly work their way back down the cliffs.

The next morning, after they had been reinforced by other members of the patrol Tenorio said they returned for the body and saw that the Japanese had smashed Manibusan's face with their rifle butts.

The patrolmen then made a sweep through the stragglers' campsite but, according to Wusstig, saw no Japanese. They destroyed the stragglers' tin shack, pounded holes in their cooking utensils and put up notices around the area, telling the Japanese in their own language that the war was over and that no harm would come to them if they surrended.

Three to four weeks later, Wusstig, recalled members of the patrol—who camped out about a mile from the shack—saw three stragglers approach, waving white flags.

"I wanted to fire on them," Tenorio said, "but our officers were always very strict about observing the rules of war."

Armed or unarmed, according to Tenorio, the Japanese usually were very hard to capture.

"We catch this one (unarmed) straggler sleeping under a tree, up on Agana Heights. Ben Borja grabs him by the leg, but the straggler tries to get away, Borja has the guy by both legs, but the straggler tries to get away towards the river bank. Borja has him by one leg, and is hanging onto a tree branch, but the guy is still kicking, biting, spitting . . ."

After Borja pulled the straggler from the river bank, according to Tenorio, Felix Wusstig "takes the guy out on his (Wusstig's) back. The straggler bites Felix on his neck. "After we get him out of the bush, we tie him up with rope."

The stragglers were hard to capture, Tenorio said, "because they just won't give up. They spit on you and kick you, but they won't surrender."

The straggler caught on Agana Heights, he said, was small and skinny. Yet, "He struggled against Ben Borja, who is a real big, stocky guy," Tenorio said as he spread his arms to show how broad Borja's shoulders were.

Tenorio recalled an incident in Barrigada-Mangilao in which 18 Japanese committed suicide rather than surrender.

The incident began, he said with a farmer's report of a stolen bull.

Patrol members, according to Tenorio, were able to follow the stragglers' trail because of the "very terrible" body odor of the Japanese. They caught the stragglers in the boonies behind a log, butchering the carcass of the bull, he said. When Felix Wusstig shot their lookout man (posted in a tall tangantangan tree nearby) with a Thompson submachine gun, the rest of the Japanese fled, Tenorio said, and threw themselves from the top of a cliff.

All of these incidents—the murder of Manibusan, the capture of the unarmed straggler on Agana Heights and the attack on the 18 Japanese—happened during day time, patrol members recalled.

However, according to George Fores, formerly a combat patrol platoon sergeant and now a fireman, since the Japanese often operated at night, so did the patrol.

"The Japanese ambush us during the day, when they can see us coming," he said, "but we set up ambushes for them at night."

In 1946, Tenorio recalled, the patrol received reports of stragglers in the Harmon area.

One bright, moonlit night, he said, he and other patrol members set up an ambush on the outskirts of the Harmon camp.

At about 9 p.m. they saw five Japanese come down the face of the hill and sneak into the dump from the side opposite the patrol, he said. They held their fire for about 10 minutes, he said, because the stragglers were wandering all over the dump.

However, he said as the Japanese grouped around a particular big pile of refuse about 75 feet away, the patrolmen cut them down with a withering volley of rifle fire.

Four of the Japanese were killed on the spot, Tenorio said, and one—badly wounded—ran toward the patrolmen, through them and collapsed on the ground behind them.

"It was a nice ambush," Tenorio said with a smile.

According to Mariano Cruz, now a police lieutenant, reports of stragglers and the number of kills tapered off as the years wore on, until 1947-48 they were few and far between.

Cruz said he participated in one historic event—the patrol's last kill, Christmas Day, 1948.

A straggler was sighted in Talofofo and the patrol was on the scene about 10 a.m.

Two stragglers were butchering a cow at their campsite while one stood beside a 52-gallon drum a few yards away getting water, Cruz recalled.

The patrol opened fire and killed the straggler who was drawing water, Cruz said. The other one escaped.

Ten young men—now middle-aged or deceased—squatted around the bullet-riddled body of the soldier they just killed.

If they felt any fear in pursuing the stragglers or disgust at the shattered body in front of them, it did not show in their faces. They were tired, but exhilarated.

"It was fun," Cruz said. "When I couldn't go out and hunt the stragglers, but had to remain behind a desk, tears dropped from my eyes."

Said Flores: "It was like hunting deer. Guamanians are good deer hunters."

"It was like a game of hide-and-go-seek," he said.

And, he said, the work was necessary if the island were to be returned to law and order. "If they (the stragglers) find you alone on your ranch, they kill you and steal your cattle and chickens."

Although some members of the patrol were mistreated by the Japanese during the occupation, they said pride in themselves and a desire to help their follow islanders were more important motivations for their patrol work than hatred of the Japanese.

"Sure," Flores said, "they treated us like animals. They beat you if you didn't follow their orders." But, he said, he joined the patrol not because he hated the Japanese, but because he "wanted to work with the Marines and help them defend our land and lives."●

DEEP FREEZE FOR NUCLEAR ARMS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. McDONALD. Mr. Speaker, the movement to freeze nuclear weapons holds momentous possible consequences for the United States and its future generations. If those who advocate this freeze are successful, we could be placed in the position of the Carthaginians who disarmed at the insistence of Rome and then, too late, were unable to rearm and successfully defend themselves. Dr. Edward Teller, the father of the H-bomb, now a senior research fellow at the Hoover Institute at Stanford and former director of the Livermore National Laboratory has written in a few succinct words why the call for this nuclear freeze is a mistake. His statement, which appeared in the Journal of Civil Defense for June 1982, follows:

DEEP FREEZE FOR NUCLEAR ARMS

A new tidal wave of disarmanent propaganda is approaching. In addition to the usual "liberal" contingent and the Viet Nam protestors and anti-nukes in search of a cause, many church people are swelling the ranks. The argument of the latest recruits is simple and powerful: they want to save man, the creature of God. The time is appropriate—1984 is approaching and the Phantasiastic mentality may be further enhanced because we are nearing the end of a milennium. Leonid I. Brezhnev has expressed agreement with their statement, "Let us put nuclear arms development in deep freeze."

One is faced with the necessity of using the weak straw of reason to construct a dam against this tide that could spell the end of the influence, even the existence, of the United States. But reasonable thought, although it may be unable in the end to resist strong emotions, still exists and remains unequivocal.

There has been an effective freeze in the United States on the development of technically new and ingenious weapons for the last two decades. The Pentagon has been preoccupied with the immediate exigencies of the Viet Nam war and with modest improvements of existing equipment. In the meantime the myth of detente has been used to strengthen a belief in the possibility of disarmament. While weapon development languished, negotiations with the Soviets prolifereated, but these negotiations did not slow down Soviet development of arms. One must only compare the events connected with the Cuban missile crises with those of Iran, Afghanistan and Poland to realize that a great power shift has occurred.

Advocates of disarmament say that the deep freeze would be bilateral. One question may throw considerable doubt on this. Treaties limit silos, not missiles, for the simple reason that silos can be counted by present technical means while missiles cannot be. Our retaliatory missile silos are not reusable. The Soviet silos are reusable—a perfectly legal evasion of the disarmament agreement. Is it reasonable to want a deep freeze on weapons for the United States?

Today it is generally admitted that Soviet military forces are quantitatively superior. We console ourselves by pretending that we compensate with quality. Unfortunately, accumulating evidence suggests that the Soviets are ahead of us in quality as well. Even more unfortunately, we keep such evidence secret and call this secrecy "security." Is it reasonable to suppress information well-known to Soviet leaders? The very real effect is to lull the American public into a sense of at least partial, but totally unreal, security.

The bitter facts are these. If there were an all-out nuclear war between the United States and the Soviet Union, at least half the people in the United States would die. The Soviet Union has been preparing for decades for conflict and would suffer fewer losses in such an event than they did in the Second World War. With a portion of their nuclear arsenal, they could reduce the United States to insignificance. With the remainder, they could force any nation to deliver food, machinery and slave labor for their recovery. In less than two years, the damage in the Soviet Union could be repaired and the Kremlin would rule the world.

However, the policy of the Kremlin is one of extreme caution—they respect strength. They are well aware that the tide is running in their favor and welcome a new flood of disarmament propaganda. They prefer to win with no risk and no damage.

There is a last bit of reason that should be widely known but isn't. While the early development of nuclear explosives served purely destructive purposes, in the last few years there has been an accelerating trend of finding and developing weapons—many of them nuclear in nature—which could blunt and conceivably even stop a nuclear attack. A deep freeze on nuclear arms will leave us in a hopeless situation. It will stop the chance of replacing the present MAD (mutually assured destruction) policy. The evolving trend that could bring about mutual survival would get nowhere in this country.

One of the strongest foundations of the American constitution is the separation of the church and state. When church people support peace, they do not differ from any other Americans. When church people raise rigid opposition to the preparation of weaponry that decreases the danger of war itself, their action appears more dubious. The survival of its people is a fundamental responsibility of the State. When the church opens an attack on the means of defense such church action should evoke resistance not only because of reason but because of feelings deeper than reason. Independent of what beliefs we hold, we should pray that revolutionary students, politicians and archbishops do not make common cause in supporting an oversimplified solution which will lead to disaster.●

FISHERIES MANAGEMENT IS WORKING BETTER UNDER EXISTING DOMESTIC LAW

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I recently was contacted by a group of U.S. fishermen who demonstrated that existing U.S. fisheries law is preferable to alternatives that are being discussed. I feel that this information should be brought to the attention of the members and I include it in the RECORD.

Because the United States fishing industry is made up of diverse fisheries, different articles will be more important than others in different areas. Briefly, for discussion below, we have problems with the following groups of Articles:

(1) Articles 62 and 297, complicated by Articles 70 and 72, 300, and Article 12 in Annex V, Section 2; these Articles—very ambiguously—deal with a coastal State's rights and duties in the exclusive economic zone, including allocation of surplus to other States, and with the compulsory conciliation which may result if a coastal State elects not to allocate its surplus;

(2) Articles 56, 63, 66, 116, 117, 118, and 119 would adversely impact the United States positions on salmon, both within the 200-mile zone and on the high seas;

(3) Article 64, and possibly Articles 70 and 72, would undermine our juridical positions on both tuna and billfish; and

(4) Articles 70 and 72 deal with possible allocations to LDCs in a subregion or region; they could further complicate both our domestic allocations process and our efforts to see balanced international management of tuna.

As I said, different Articles will be more important than others in different areas. However, the first two in group (1), and read in the context of several of the others, are potentially troublesome to many United States fisheries which are or may be under the management authority of one of the Regional Fishery Management Councils.

Article 62, Utilization of Living Resources, and Article 297, Limitations on Applicability of Section 2 (Section 2 is Compulsory Procedures Entailing Binding Decisions), could seriously jeopardize the Councils' statutory responsibility to make optimum yield (OY) determinations. Although Article 61, Conservation of the Living Resources, provides that "the coastal State shall determine the allowable catch of the living resources in its [200-mile] exclusive economic zone," Article 62 elaborates the coastal State's rights, jurisdictions and duties as regards these resources, over which Article 56 gives it sovereign rights. Article 62(1) says the "coastal State shall promote the objective of *optimum utilization* [undefined]. . . ." Article 62(2) says the coastal State shall determine its capacity to harvest the fish in the EEZ, and where it does not have the capacity to harvest all of the allowable catch, it "shall give other States access to the *surplus* [undefined] of the allowable catch" under certain agreed-upon conditions. Article 62(3) lists relevant factors the coastal State shall consider in giving other States access, including ". . . the need to minimize economic dislocation of States whose nationals have habitually fished in the zone. . . ." (All italics and brackets are my emphasis and comments.)

When one considers these articles, even more general and imprecise than some of the provisions in the Magnuson Fishery Conservation and Management Act are alleged to be, one wonders how United States fisheries would fare. After all, it has been a policy decision—and interpretation—that we allocate access to fish to foreigners if the United States fishermen will not harvest these. It is only inferred from, not stated in,

the MFCMA. And with the 1980 amendments to the criteria for determining allocations of the total allowable level of foreign fishing in the American Fisheries Promotion Act, combined with this Administration's much more aggressively pro-industry policy, we certainly are better off under the MFCMA as it's written than we would be under Article 62.

A talking paper on the model Governing International Fishery Agreement, which the Government of Japan submitted to the Department of State in February, reinforces this. At various points in the 21-page memo Japan cited conflicts between the model GIFA and what they called Draft Convention on the Law of the Sea (DCLS). the new GIFA deletes a paragraph in the present agreement on international developments on the law of the sea. The Japanese argue it should be maintained [sic]: "The basic principle contained in the Draft Convention on the Law of the Sea (DCLS) has been the international guideline for conserving and managing fishery resources in 200-mile zones. Therefore, it shuld be clearly stated in the new Agreement that Japan and the United States are, in the course of the negotiations for the new Agreement, cognizant of the relevant provisions of DCLS. . . ." This, they argue later in the memo, includes using *optimum utilization* and acknowledging the need to minimize economic dislocation.

Then, in a cable in late May, the Government of Japan argued strongly against the new 50 percent holdback allocation system, stating, among other points, ". . . Further, it cannot be helped but saying that such measures taken by the *United States ignoring the necessity of minimizing economic dislocation* of Japan are against the spirit of the Japan-United States fisheries agreement." [Statement from cable as received, including italics for emphasis.]

And if the ambiguities in Article 62 weren't enough, we have the apparent confusion among various of the provisions in Article 297(3)(a) and 297(3)(b). Article 297(a) says, ". . . the coastal State shall *not* be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, *allocation of surpluses to other States* [undefined] and the *terms and conditions established in its conservation and management laws and regulations* [undefined]." (All italics and brackets are my emphasis and comments.)

While that sounds reasonably straightforward as it stands, it becomes considerably less so when one reads Article 297(3)(b)(iii); "Where no settlement has been reached by recourse to Section 1 of this Part [Article 279ff deal with the obligation of States Parties to settle disputes by peaceful means], a dispute shall be submitted to conciliation under Annex V [Conciliation], Section 2 [Compulsory Submission to Conciliation Procedure Pursuant to Section 3 of Part XV [Settlement of Disputes]], at the request of any party to the dispute, when it is alleged that' . . . (iii) a coastal State has arbitrarily [undefined] refused to allocate to any State, under Articles 62, 69, and 70 and under terms and conditions established by the coastal State consistent with the Convention, the whole or part of the surplus it has declared to exist."

The threat to Councils' OY determinations, and thus to the entire fishery management plan (FMP) process, could work like this: Suppose a Council determined that OY=10,000 MT, and that the domestic annual harvest (DAH)=6,500 MT, but that because of the potential for DAH to grow, either through joint ventures or through increased United States processing capacity, the balance of the 10,000 MT is not surplus, but rather, reserve. This is the policy we now practice. To complicate the issue further, suppose some international fisheries body decides that the maximum sustainable yield (MSY) of this stock is 12,500 MT.

One looks at the word, "arbitrarily," in Article 297(3)(b)(iii), a word which appears with some regularity, with the clear implication that a coastal State mustn't behave so, and then one goes to Article 300, Good Faith and Abuse of Rights, which says, "The States Parties to the Convention undertake to discharge in good faith the obligations entered into in conformity with the Convention, and to exercise the rights, jurisdictions, and freedoms recognized in this Convention in a manner which would not constitute an abuse of right."

And finally, completely to confuse the issue, Annex V, Section 2, Article 12 says, "(1) Any party to a dispute which, in accordance with Part XV, Section 3, may be submitted to conciliation under this section, may institute the proceedings by written notification addressed to the other party or parties to the dispute. (2) Any party to the dispute, notified under paragraph 1, shall be obliged to submit to such proceedings."

Professor William Burke, School of Law, University of Washington, also makes our point—unintentionally, I'm reasonably sure, and as a scholar, not as one directly involved in U.S. fisheries polices and their impacts on the United States fishing industry. He addresses the ambiguities of these Articles in a May 1982 communication of Congressman Don Young: ". . . Clearly measures reasonably designed to promote the local harvesting industry are not inconsistent with the Convention and adoption and implementation of such measures would not constitute an 'arbitrary refusal to allocate' such that there would be even a colorable, let alone insubstantial, basis to invoke the conciliation process . . . even if all the above were incorrect and the conciliation process were engaged, the commission cannot substitute its discretion for that of the coastal State and it is expressly provided that the powers to allocate surpluses and to set terms and conditions are discretionary." [I'm not sure that ". . . [coastal State] shall, through other agreements or arrangements . . . give other States access to the surplus . . ." is discretionary.]

And he continues, "If, on the other hand, the 'delayed release policy' used by the United States were an arbitrary refusal to allocate within the meaning of CLOS *then it is of course quite appropriate that some remedial action be undertaken by the injured nations.*" [My emphasis.]

Under a series of complex, interlocking provisions in the treaty, then, nation X could take us to compulsory conciliation—and when one reflects on the Japanese and Korean approaches to the GIFA negotiations, I don't think it's unreasonable to think nation X, Y, or Z might. Compulsory conciliation is a process in which, given the contemporary political climate, I very much doubt we would win. With all this, I don't see how we could even begin to be comfortable that any OY determination which included a reserve wouldn't risk being hauled into conciliation. At a minimum our administration of the MFCMA would encounter delays, as bureaucrats argued that implementation of challenged plans should await the outcome of conciliation proceedings. Moreover, the tendency to play it safe would lead to a less-than-vigorous pursuit of United States fisheries interests for fear of expensive and potentially embarrassing conciliation actions.

Salmon next. Articles 56, 63, 66, 116, 117, 118, and 119 deal with salmon or salmon fishing, and in doing so, are considerably less strong for the coastal State than is the MFCMA for salmon management. Article 56 gives the United States jurisdiction over salmon, but only in the EEZ, not to the extents of their ranges (outside recognized foreign zones), as the MFCMA does. And Article 56(2) requires due regard for the rights of other States.

Article 63 deals with stocks in the EEZs of two or more coastal States or both within the EEZ and the high seas beyond but adjacent to the EEZs. It calls for appropriate subregional or regional cooperation—which we already have, under the International North Pacific Fisheries Commission and the Fraser River Compact—to ensure conservation and development of these stocks on the adjacent high seas.

Article 66, with Article 56, is where one really begins to see the potential discrepancies between the treaty and the MFCMA. Although the coastal State does have primary interest in and responsibility for the stocks, it may only establish allowable catches after consultation with those other States which have fished the high seas anadromous stocks or through whose waters the stocks pass from the State of origin to the high seas. In the case of United States West Coast or Alaska salmon, this means Japan in the first instance, Canada in the second. Further, fishing for salmon is to be conducted landward of 200 miles, except where that would result in economic dislocation for a State other than the State or origin, something which the State of origin must seek to minimize.

States other than the State of origin are to participate in measures to renew the salmon, especially through expenditures for this purpose, but in return, the State of origin must give the contributing State special consideration for access to stocks originating in its rivers. Finally, the State of origin and other States must arrange to implement these provisions, where appropriate, through regional organizations.

Now, contrast all that with what we have under the MFCMA: jurisdiction over salmon to the extents of their ranges, except when they are in the waters of other nations and on-going regional arrangements through INPFC and the Fraser River Compact. Not only do we not gain for salmon if we become a party to the treaty, but we may also acquire greater responsibilities and fewer fish, especially since States other than the States of origin are to be consulted, with a view to agreeing. And if they don't? As well, bear in mind we could reduce our current negotiation leverage in INPFC which the option of allocating FCZ resources for salmon not taken on the high seas represents.

It only gets more discouraging as one goes through Articles 116 through 119, those which deal with conservation and management of the living resources of the high seas. The final frustration is Article 119(3), the last paragraph of these articles. It reads, "States concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact

against the fishermen of any State." So much for the MFCMA's jurisdiction over salmon to the extents of their high seas ranges and its preference for allocation of the resource to United States fishermen.

Article 64 deals with highly migratory species, including tuna and billfish. Article 64(1) calls for international cooperation to ensure conservation and optimum utilization throughout the region, both within and beyond the EEZ. Further, if no such mechanism exists, the coastal State and other States which fish in the region shall establish one. And, to establish conclusively that this Article is at odds with our juridical position, Article 64(2) states that, "The provisions of paragraph 1 apply in addition to other provisions of this Part." For that, read coastal State jurisdiction over tuna, under Article 56. Further, were we to accept the treaty, we would undermine the twin pillars of support for effective tuna management and for our distant water tuna fishing industry—the embargo provisions of the MFCMA and the seizure, compensation provisions of the Fishermen's Protective Act.

But, to make the issue more complicated for the United States industry, under the MFCMA, we do have jurisdiction over billfish, and we are managing them. For that fishery, if we were to accept the treaty, we would be obliged to establish some new international mechanism for billfish management. Further confusion, with no gain to the United States. We would hurt both ways: in the tuna fishery and in the billfish fishery.

The last two articles of considerable concern are Articles 70 and 72, they deal with the rights of States with special geographic characteristics and the restrictions on transfer of rights under Articles 69 and 70.

It's difficult to anticipate what, precisely, might be the range of problems we would have with these Articles. Their NIEO flavour is unmistakable. That alone is reason to view them with caution. Article 70(3) does address taking into account, among other points, "the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State." But Article 70(4), although it does refer to Article 70(3) deals with the coastal State's responsibility to allow for participation in the coastal State's fisheries of developing States in the region or subregion with special geographic characteristics.

Article 72 reminds me that already we have had a pollock allocation off Alaska to the Mexicans go from them to the Koreans, and a similar situation with hake off the West Coast. I can foresee a situation where, under Article 70(4), the "region" of the United States could be required to allocate fish to an LDC instead of to a European, Asian, or even African country from which the United States industry might derive greater benefit. NIEO.

To conclude, I think the Law of the Sea Treaty is the best benchmark we in the United States fishing industry have had against which to measure the considerable progress we have made because of the Magnuson Fishery Conservation and Management Act. Many too many times in the last six years it has seemed to fishermen all over the country that we have gone nowhere, or even behind, with the MFCMA. With the spectre of having to work under the treaty, I think our potential under the MFCMA becomes much clearer. It may be far from perfect, but it is considerably better than what the Law of the Sea treaty offers.●

89-059 O-86-5 (Pt. 10)

PILOT PROGRAM IN BLUE SPRINGS, MO.

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, the police department of Blue Spring, Mo., under the capable direction of Chief Howard L. Brown, and with the cooperation of paramedics of the department of emergency medical service, is completing the final phase of a pilot program to certify its 24 road patrolmen as emergency medical technicians (EMTs).

In 1978 the city administrator, Frederick R. Siems, Jr., conceived the program and advocated that police officers be included as an integral part of an advanced EMS system.

The obvious advantages of such a proposal are spelled out by Mr. Siems in an article in the May 1982 issue of the Missouri Municipal Review.

I congratulate the 24 patrolmen for participating in the program, I commend Mr. Siems for his idea and initiative, and I commend the article to each of my colleagues as an idea worth sharing with each municipality in your district.

I submit the Missouri Municipal Review article for the RECORD.

[From Missouri Municipal Review, May 1982]

BLUE SPRINGS POLICE, EMT PROGRAM

(By Frederick R. Siems, Jr.)

Situation: The police officer who wrote you a speeding ticket twenty minutes ago is now busy controlling serious arterial bleeding from an open leg fracture your child suffered when hit by a car in front of your house. A second officer gently takes another blood pressure reading and radios the information to paramedics enroute to the accident scene to provide advanced medical care. Seem unusual? Residents of Blue Springs, Missouri have discovered this is no longer a rare occurrence.

The Blue Springs Police Department, under the direction of Chief Howard L. Brown and with the cooperation of Emergency Medical Service (EMS) Department paramedics, is completing the final phase of a program to certify 100% of its 24 road patrolmen as Emergency Medical Technicians (EMTs). Beyond the CPR capability required of every city employee in Blue Springs, these officers are trained to recognize and provide emergency management of a wide-ranging array of medical problems resulting from accident or illness.

The proposal to include police officers as an integral part of an advanced EMS system was conceived and advocated by City Administrator Frederick R. Siems, Jr. in 1978. Siems theorized that police on patrol were usually first on the scene when a call for emergency assistance was received. Because proper management in the first few minutes of an emergency often means the difference between life and death, knowing what or what not to do is essential for the officers. Moreover, this kind of training might well safeguard paramedic crews and other police responding to potential emergencies, whose chances of being involved in an accident increase threefold while using lights and sirens. On-the-scene EMTs could provide an educated evaluation of patient condition—if it was not life-threatening, other personnel could be advised to flow with normal traffic patterns while completing their response.

BENEFITS OF PROGRAM

Police EMTs have already had a significant impact on the EMS system in this fast-growing city of 30,000 people. Computerized EMS Department data printouts reveal one particularly interesting statistic in regard to victims who have been discovered without pulse or respirations (a state of clinical death). In 80% of the cases where these patients have been successfully resuscitated (a return of heartbeat and breathing), basic life support in the form of CPR has been initiated by Police EMTs before the arrival of EMS paramedics. Once advanced life support was available the Police EMTs remained to assist paramedics, usually providing an officer to drive the ambulance and one to assist with treatment in the patient compartment enroute to the hospital. Many of these people owe their lives to this dedication.

The use of Police EMTs also allows Blue Springs to maintain a second emergency ambulance on "stand-by" should the primary unit be in use when a second call is received. A designated on-duty Police EMT responds to EMS headquarters to drive the stand-by unit an assist and EMS stand-by paramedic in treating patients. At a very reasonable cost this reduces the risk of a 15-45 minute response time for an out-of-town emergency ambulance.

Blue Springs was fortunate that the basic components necessary to integrate this program effectively into it EMS system were already in place when the proposal was first seriously advocated. These included the state's first 911 emergency telephone network; an all-paramedic EMS Department qualified and willing to teach EMT courses; central dispatching and communications for fire, police and EMS; a dedicated body of police officers willing to undertake the extra training and responsibility; an excellent rapport between policy and EMS personnel; and a city administration committed to providing budgetary support and extensive community support for the advanced EMS system as a whole.

PROGRAM COSTS

City managers, mayors and/or city councils will have at least three pertinent questions when considering cross-training police as EMTs: 1) How much does it cost?) 2) How long does it take? and 3) What benefits can our city derive from the investment?

The cost is variable, obviously, depending upon your city's resources and the extent your police are willing to involve themselves in the program. Blue Springs elected to pay its officers overtime if they attended classes when off-duty. The following is an average breakdown of training costs per individual officer: $125 per student for instructor and tuition fees; $25 per student for textbooks $300 (approximately) per student in overtime salary costs; $450 total average cost per student.

An average state-approved EMT course entails about 120 hours of classroom instruction and ten or more hours in a hospital emergency room setting (30 four-hour sessions, two sessions per week, total of 16 weeks training).

Several benefits provided by Police EMTs have already been mentioned as increases in

the quality of total care. In many regions, rural or urban, there is a significant time lag between the request for an ambulance and the availability or arrival of the needed unit. With a few basic supplies carried in a first responder box, the Police EMT can be a crucial stop-gap in the chain of patient care, rendering basic emergency support until the arrival of a qualified mobile medical unit. It may literally be a question of saving lives.

Officers involved in Blue Springs' pilot program report expanded confidence in their own abilities, yet some of the fringe benefits of the training are less easily defined. Perhaps the most important of these involve how the community perceives the role on the police officer—a relatively unexpected benefit. Where patrol personnel have been considered primarily as enforcers, a new dimension is emerging. Suddenly officers are also emergency health care specialists, working desperately at times to preserve life in a non-traditional manner and adding a new freshness to an old motto; "to protect and serve."●

A TRIBUTE TO DONNA NORBURY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. FLORIO. Mr. Speaker, I would like to take a few moments to commend one of my constituents, Ms. Donna Norbury.

At the International Science and Engineering Fair held in Houston, Tex., last month, Donna, a Middle Township High School senior, was awarded two gold medals. She won first place and the medals in the Earth and space science category with her study, the effect of metal poisons on killifish.

In addition, Donna received an honorable mention and $250 from the U.S. Air Force and a General Motors first place commendation of $250 which will be presented to Donna's school on her behalf.

Donna's winning entry placed her amongst the top 12 of 500 students representing North America, South America, Europe, and Australia. This ambitious 17-year-old, who was selected from 70,000 students competing in local and regional science research competitions, is Miss Cape May County 1982, a member of the national society and active in countless other school and community organizations.

I offer you my congratulations Donna and wish you continued success at Ursinus College and in the years to come. You are truly an outstanding young woman.●

PERSONAL ANNOUNCEMENT

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. ALBOSTA. Mr. Speaker, I rise today to make known my reasons for voting in favor of the House Budget Committee's substitute to House Concurrent Resolution 345 (the Jones substitute), and my reasons for voting against Mr. LATTA's substitute to House Concurrent Resolution 345.

I believe a comparison of the two proposals is in order.

Both substitutes were designed to reduce the Federal deficit. The substitutes differed considerably, however, in the size of the deficits which would have resulted from their enactment, especially in the outyears.

The Latta substitute increased the 3-year cumulative deficit by over $10 billion, according to the Congressional Budget Office (CBO). The cumulative 3-year deficit in the Jones substitute was $232 billion. But Mr. LATTA's substitute had a deficit of $242 billion over the same period. Clearly the Jones substitute provided for the lower Federal deficit.

The Latta substitute, before the Oakar amendment, reduced the President's defense spending request by $5.3 billion in fiscal year 1983, and by $22 billion over the 3-year period from fiscal year 1983 through fiscal year 1985. The Jones substitute, on the other hand, reduced the President's defense spending request by $9 billion (4 percent) in fiscal year 1983 and by $40.4 billion over the 3-year period from 1983 through fiscal year 1985. The Jones proposal did not provide recommendations as to specific changes which should be made to achieve targets for defense spending, but left the matter to the House Armed Services and Appropriations Committees. Mr. Speaker, there are already enough nuclear weapons in the world to destroy it 11 or 12 times over; is there really a need for more?

It is my feeling that the people of Michigan do not think the Defense Department can efficiently absorb all the money President Reagan wants to throw at it. Indeed, my own poll shows that the citizens of my district think that when Congress is being asked to reduce the overall growth of Federal spending and actually decrease expenditures for many domestic programs, we must be mindful of similar needs in our defense program. Certainly we must have a creditable military deterrent. But defense spending for its own sake will solve nothing, least of all balancing the Federal budget.

The Latta substitute also failed in providing emergency housing assistance, even though such a program passed the House just a few weeks ago by a vote of 349 to 55, with 135 Republicans voting for it. The Jones substitute allowed for this necessary and vital money.

As you know, Mr. Speaker, none of the budget alternatives was acceptable to a majority of the Members of the House. I personally considered the Jones substitute to be the most acceptable. I believe that these factors—the deficit figures and the defense spending reductions—clearly made it preferable. I voted accordingly.●

RABBI JOSEPH NAROT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. LEHMAN. Mr. Speaker, I recently attended a memorial for the late Rabbi Joseph Narot in Miami. Peter Berg Narot, Rabbi Narot's stepson, gave a moving memorial to his late stepfather which I would like to share with my colleagues.

I have known Peter Berg Narot since he was a sixth grader at Sunset Elementary School in Miami. As his words about his late stepfather suggest, Peter has grown into a learned and sensitive young man. His stepfather Joseph Narot was the rabbi at Temple Israel in North Miami, and I am a member of the congregation he led so well. He was my friend and confidant, and he is missed and remembered.

The memorial follows:

IN MEMORIAL TO JOSEPH NAROT

(By Peter Berg Narot)

I am honored to be asked to speak today, in memory of my Dad, in front of this Sanctuary, which meant so much to him.

I speak on behalf of my two sisters, Susan Gladstone and Betsy Berg, my Mother Lany Narot, my Dad's Son, my Stepbrother David Narot, and Dad's two Grandchildren Adam Joseph and the latest addition to the family, three month old George Gladstone who I know would have brought great joy to his heart were he alive today to share in our exhileration and happiness for the arrival of George, the next generation.

I remember when I was the next generational. Walking these hallowed halls in Joan Bornstein's kindergarden class. It was in the days just before my Mom and Dad were married and most of the Temple family hadn't yet been told, so, one day I ran up to my Father to be and asked in front of everyone, "Rabbi, when are you coming over for dinner again?", and Joan's face lit up and Dad's turned red. I didn't know what to do.

I didn't know what to do eight years later when I stood in this very Sanctuary for my Bar Mitzvah. My Dad was so excited that he accidently wrapped my microphone cord around his foot as I recited from the Torah. Later, on the tape Bob Ham made of the service, I could hear myself say, "Expletive deleted Dad, you're pulling my mike off". I didn't know what to do.

And I didn't know what to do eight years after that when I graduated from College,

my Dad was the proudest man on earth. For I had attained in his eyes the greatest of all achievements. The strive for academic excellence. The probe for truth and knowledge, the search for answers. A search that drove my Father, drove him to the top of the world, and back down to it's depths.

Yes, that was the essence of the man you called Rabbi. The man who could comfort you through the pain of personal tragedy. Who would visit you in times of illness. Who married you and counseled you through marriage. The Rabbi who provoked your thoughts on important local and world issues and who led the community in its efforts to achieve harmony among it's ethnic groups, and the Rabbi who lifted you spiritually through his fervent and impassioned sermons.

Yet, my family and I knew a different Joe Narot. Not the Rabbi, but the man. The man we called "Dad". He raised us in a home full of love and understanding, and showed us the world through his eyes. Whether it was on trips through Europe, Israel and the States or through our home which he opened up to intimate friends and fascinating world leaders who sat at our dinner table over the years. But, most of all, he always gave us his love and support through good times and bad and he instilled in me, integrity and a loving heart, his loving heart.

I feel as my life progresses the need to reach out to him now. To seek out his wisdom and counsel as I did in the past. This beautiful Memorial can't bring my Dad back to me, but, through it, I can again feel his strength and remember all that he has meant to me. And I know, that you too, gathered here, will once again be able to feel his strength and remember all he has meant to you, to Temple Israel and to the community for so many years.

And what would Joe Narot want us to remember?

I quote his words from a High Holy Day Sermon he gave in 1970 entitled:

WHAT DO YOU WANT ME TO REMEMBER

"We must remember too. In our hearts and in our homes, we must remember. In our schools and synagogues, we must remember. In our individual and collective lives, we must remember. We must resolve to cherish, to honor, and to do all that makes for life. We must write with our hands, with our deeds, and with our words in the book of life. This, we must do for our own sake who yearn for life. This we must do for the sake of our people which has always exalted life. This we must do for the sake of God to whom we look as the source of life. O God, remember us. And, God, help us to remember".

Thank you.●

WMAL'S NINTH ANNUAL LEUKEMIA RADIOTHON

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mrs. HOLT. Mr. Speaker, recently WMAL radio station, serving Greater Washington metropolitan area, conducted its ninth annual leukemia radiothon to raise funds for a most-worthy project. This is another fine example of the philanthropic spirit that prevails in our communities surrounding the Nation's Capital. The 25-hour radiothon, hosted by WMAL, was able to raise more than $317,000. Since the radiothon's inception 9 years ago, it has raised more than $1 million which has directly boosted leukemia research. I comment the radiothon's host, Bill Mayhugh, and the capable staff of WMAL for their selfless efforts in behalf of the project.

In addition to the tireless work willingly and freely donated by those affiliated with the Greater Washington Chapter of the Leukemia Society of America, commendation should be made of the magnificent efforts of the bartenders of Washington, D.C., and the Golden Nugget of Las Vegas and Atlantic City. The bartenders annual ball donated its proceeds of almost $48,000 to the radiothon. The leukemia casino night, supported by the Gold Nugget personnel, including Mr. Daniel Boone Wayson, vice president of marketing, Golden Nugget Atlantic City, Inc., who is a former constituent of mine, played a great part in making the radiothon a success by adding $102,000 to the amount donated to the radiothon.

Mr. Speaker, I am proud of the manifestation of voluntarism in our community and commend all those who helped in the radiothon.●

JACKSON C. DICKSON HONORED AT RETIREMENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. STARK. Mr. Speaker, on June 30, 1982, Jackson C. Dickson, affectionately known as Jack, will retire from the San Lorenzo Unified School District after 33 years of dedicated service to the school children in the area.

Jack has done an outstanding job as director of pupil personnel in the San Lorenzo Unified School District for the past 19 years. The quality of his dedication in serving this school district has been exemplary. He has been a wonderful example of diligent leadership and an inspiration for administrators and teachers alike.

Jack and his wife, Micky, have six children and six grandchildren. He is a devoted family man and, for relaxation, he builds cabins in the mountains for his family.

His many experiences include several years as an Air Force pilot of a large troop-carrying plane in the combat zone of Southeast Asia during World War II.

One of his most satisfying achievements was the work he contributed to the establishment of the very fine scholarship program in the San Lorenzo Unified School District.

I join Jack's many friends and admirers in tribute to his dedication and outstanding contributions to our young people. He leaves a legacy and a record that are hard to match.●

A SINGLE, SIMPLE TAX

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. MILLER of California. Mr. Speaker, the justified public hostility to the income tax system compels the Congress to examine new ways of collecting revenues in an equitable and uncomplicated way.

I believe the time has come to give serious consideration to a simplified tax plan which would eliminate the need for the multitude of exemptions, credits, deductions, and loopholes which riddle the present system.

A "single tax" could yield as much, or more revenue as our present complex and mislabeled "progressive income tax." Such a single tax should consist of a flat rate applied to all income, allowing for a large deduction or credit to relieve lower income taxpayers from an inequitable burden.

A surtax should be placed on higher income taxpayers to retain the essential progressivity which is fundamental to our tax system.

My views on this timely proposal were presented recently in a column which appeared in the Contra Costa Independent. I would like to share that column with Members of the House.

The column follows:

COMMENT—A SINGLE, SIMPLE TAX

(By Representative GEORGE MILLER)

Another April 15 has come and gone, and with it the recurring feelings of millions of American taxpayers that something is fundamentally unsound with our tax system. The income tax, created in 1913 as a progressive levy, is widely and accurately regarded as blatantly unfair and justifiably unpopular.

Promises to "reform" and "simplify" the tax system are as widespread as the belief that the system is unnecessarily complex and inequitable. In 1980, candidate Ronald Reagan, for example, promised to rid the Internal Revenue Service of bureaucracy and inefficiency. In his first year in office, however, Reagan and Congress added 90 new IRS regulations and 429 new tax forms.

The time for tinkering is long since past. We need a bold, new approach to tax policy, one which is comprehensible by the average citizen and which restores taxpayer faith in the fairness of the system.

In place of the current system, consider a "Single Tax" which will simplify the tax code and eliminate its innumerable inequities. The Single Tax would replace the current morass of exemptions, deductions and credits with a low flat tax on all income, and one personal exemption credit.

The Single Tax would not only reduce the complexity of the tax laws but the onerous

burden of enforcing and complying with them. The proposal would dramatically reduce the administrative costs of the IRS, and save taxpayers much of the $60 billion they spend on tax preparation. According to economists, the Single Tax would also generate as much, or more, revenue than our current inefficient system.

Current tax laws provide a smorgasbord of deductions, credits and exclusions that often have no rhyme or reason. Many of the loopholes in current law were written in response to the pleas of special interests and do not serve any rational public purpose. In fact, many loopholes distort sound policies by guiding corporate investment decisions to capitalize on short-term profits through tax benefits instead of planning long-term improvements.

Many members of a congressional committee were recently stunned when corporate leaders testifying before the panel opposed repeal of the corporate income tax. It is possible for many companies not only to erase their entire tax liability but actually to make profits through manipulation of the tax code.

Of course, not everyone benefits from these loopholes which tend to benefit the wealthiest individuals and corporations in our society. The middle-income taxpayers earning $26,000 to $45,000 a year constitute 30 percent of all taxpayers, but they pay more than 40 percent of all taxes. Meanwhile, the share of taxes paid by corporations has dropped from 23 percent to just 7.5 percent in the last two decades.

Frustrated by the inequities in the tax system, a growing number of wage earners has simply chosen to ignore the tax laws altogether, provoking what has been called "an epidemic of national shoplifting." This year, we may lose $90 billion in revenues from individuals who failed to file tax returns, three times the amount just six years ago, and one half the projected 1983 federal deficit.

If we are serious about tax reform, we cannot be satisfied with simply increasing the number of auditors or closing a few arbitrary loopholes. We need a completely fresh start.

The Single Tax would replace the current maze of tax regulations with a simple, two-step calculation that each taxpayer could perform without relying on costly accountants and lawyers. A flat tax of 15 percent to 20 percent (the final figure is still being calculated) would be applied to all forms of income combined, with a sizeable personal credit.

The large personal credit would retain the progressivity of the tax system by freeing the lower income taxpayer from a major tax burden. The flat tax itself would close up the unjustified loopholes and shelters which have afforded a fortunate few protection from the tax laws altogether. Lastly, the simplified tax system would encourage many who have resisted paying their fair share to contribute, knowing that the tax burden was being equitably spread among all citizens.

Naturally, we all hesitate to consider abandoning familiar shelters and deductions for fear that our taxes would increase in their absence. Not so. As an experiment (and keeping in mind that the final figures are yet to be determined), multiply your income by 15 percent, and then deduct $1,000 for each adult and $200 for each child in your family. The chances are you like most taxpayers would benefit from the Single Tax.

There are two additional benefits to the Single Tax which should be welcomed by taxpayers next April 15: your W-2 form would be about the size of a postcard, and it would take less time to fill out than it took you to read this article.

The Single Tax is an idea whose time has come.●

THE "TEN THOUSAND DAY WAR" CONTINUES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. MICHEL. Mr. Speaker, a local Washington, D.C. television station recently carried a documentary series about the post-World War II struggles in Vietnam entitled "The Ten Thousand Day War." Contrary to community-held views, that war is not over. A Vietnamese official recently reported: "To a large extent we have liquidated the bourgeoisie as a class . . ."

The word "liquidation" is a Stalinist euphemism for murder, torture, assassination, and genocide. That is what has been going on in Vietnam ever since the war "ended." It has not ended for those Vietnamese consigned to slavery, death camps and deprived of every civil and human right. All of this has come from a regime we were told by some Americans was what the Vietnamese wanted and needed. The Vietnamese boat people have answered that big lie by fleeing whenever they can. According to one account, there are still Vietnamese who are ready and able to fight the Communist dictators.

At this point, I wish to include in the RECORD, "Aide Says Internal Foes Still Threatened Hanoi" from the New York Times, May 26, 1982.

[From the New York Times, May 26, 1982]

AIDE SAYS INTERNAL FOES STILL THREATEN HANOI

(By Henry Kamm)

WARSAW, May 25—A senior Vietnamese official interviewed in a Polish newspaper has depicted his country with unusual candor as one troubled by grave military, economic and political problems.

The official, Hoang Tung, a secretary of the Vietnamese Communist Party's Central Committee, told a correspondent of the Communist daily, Trybuna Ludu, in an interview published here on Monday that Vietnam was threatened directly by China, which he said is supported by the United States. The external threat, Mr. Tung said, is matched inside the country by supporters of the South Vietnamese regime that was defeated seven years ago.

Mr. Tung said "classes" connected with the former Saigon Government, though overthrown, had not yet been completely destroyed. He also said the existence of "more than a million people formerly closely connected" with the old regime "complicates the social situation."

"To a large extent we have liquidated the bourgeoisie as a class, but former property owners continue to live among us and even now still have a sense of their own strength," the party official said.

ETHNIC CHINESE ATTACKED

He added that many of the former entrepreneurs were members of the ethnic Chinese minority and charged that they were linked to a global "network" that was conducting economic war against Vietnam. He referred to alleged smuggling of goods into Vietnam from Bangkok, Hong Kong and Singapore.

Foreign residents and visitors tend to believe that the goods sent into Vietnam from abroad and traded largely on the black market have provided the people of Vietnam's cities with the margin of survival while the official, Government-run sector is unable to meet basic needs.

Mr. Tung accused China and other enemies of Vietnam of conducting what he characterized as "small war" against his country. He described this as consisting of "continuous tension" created by Chinese military strength on Vietnam's northern border and the fomenting of partisan movements in Cambodia and Laos.

Vietnamese troops are stationed in both of those neighboring countries, whose weak regimes are considered dependent on Hanoi. Mr. Tung's assertion that partisan movements in Laos and Cambodia are part of a war against Vietnam appeared to be an admission of his country's predominance over the two countries.

Furthermore, Mr. Tung charged, an "economic blockade" is being carried out against Vietnam. Presumably, he meant the suspension of various Western and Japanese economic aid programs in retaliation for Vietnam's invasion of Cambodia in 1979 and its continuing occupation of that country.

The Vietnamese official said the three principal tasks facing the Hanoi Government were defense, feeding the population and laying the foundations of a socialist system. While southern Vietnam has been Communist for only seven years, the northern half of the Country has been Communist since 1954 and governed by a socialist system that even Eastern European Communists consider of excessively doctrinaire rigor.

Referring to Vietnam's serious food shortages, Mr. Tung said that balancing defense requirements against food needs "has influenced the standard of living." But he added, "When even the United States has the dilemma of cannons versus butter, why shouldn't we have a dilemma, arms versus rice?"

Acknowledging "serious difficulties in everyday life," Mr. Tung asserted that the Vietnamese were not meat eaters and accepted an annual consumption level of 22 pounds a person. The assertion, which is not supported by knowledge of Vietnamese eating habits, caused a Pole to remark that the only purpose of publishing the interview was to persuade Poles that some countries were even worse off than Poland.●

COMMEMORATION OF TENNYSON GUYER'S ACHIEVEMENTS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. OXLEY. Mr. Speaker, I am today introducing two pieces of legisla-

tion that will serve to recognize and commemorate the activities of my predecessor in office, Tennyson Guyer. Tenny's untimely passing last year was a great shock and loss to the Fourth Congressional District and northwest Ohio. His dedication, enthusiasm, and diligent representation will be remembered for years to come.

One bill designates the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building." Among Tenny's many achievements was the establishment of a Federal building to better serve the citizens of the Fourth District. The building was constructed with his assistance because he recognized the desirability of housing a number of Federal offices in one building. The building, which holds my own district office, has served the area well, just as Tenny Guyer served the people of the Fourth Ohio District.

I am also submitting a resolution to provide for the designation of August 8 of each year as "National Children's Day." Tenny Guyer worked closely with a group of children from the Fourth District in introducing and passing Public Law 97-29, establishing August 8 of this year as "National Children's Day." My resolution would make this an annual event. The resolution recognizes the important contribution children make to our society and reinforces this Nation's commitment to the well-being of its children.

The work and activities of Tenny Guyer should not go unnoticed to future generations. I invite my colleagues' support for this legislation.●

FACING THE SOVIET CHALLENGE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. HERTEL. Mr. Speaker, I remember vividly how our Nation readily responded to the challenge generated by the Soviet Union's successful launching of Sputnik, the first space shot. Seemingly overnight, the U.S. Congress expanded its Federal policy of funding education to assure America's superiority in technology for defense, space, and industry.

Even as a 9-year-old student, the change was obvious. Instead of one microscope and old textbooks at Detroit's Robinson Elementary, we had many microscopes, new lab equipment, and updated textbooks. Similar changes occurred across the country at all levels of the educational spectrum.

Now, as a freshman in the U.S. Congress, I am puzzled and shocked by the Reagan administration's second round of severe budget cuts. This would destroy the very educational goals and programs which have resulted in so many technological advancements over the past 25 years.

Currently, there are some 5.4 million students attending colleges in the United States and President Reagan's cuts would affect 2.3 million of them. Specifically, more than 1 million would lose Pell grants; 250,000 college work-study program jobs for needy students would be cut; 226,000 students would be affected by the elimination of direct Government loans; changes in Government loan guarantees, would make some 600,000 graduate students ineligible; and the 750,000 students currently receiving help as social security dependents will have their aid phased out beginning this year. All of this while the cost of a college education is at its peak.

While it is true that there have been abuses of the student loan program it is far lower than many other loan programs. The problem can be resolved with strict enforcement not dismemberment.

Under the new cuts, the State of Michigan will lose as much as $132 million in higher education benefits and up to $161 million in elementary and secondary funding. There is no ready resource to replace such a loss for our economically devastated State. Once again, the middle class will be forced to bear the brunt of the administration's policies. College students will be hard pressed to find any employment or assistance that will allow them to continue their education. Local school districts cannot simply raise millage rates when citizens cannot afford to pay the current rates. At the same time, news coverage of Michigan School District difficulties discourages corporate development and adds to our economic problems.

As a member of the House Armed Services Committee, I am acutely aware of the administrator's efforts to increase defense spending from 25 to 33 percent of our national budget. Between 1981 and 1986, we are expected to spend $1.6 trillion on defense with much of this amount used for the production of advanced technology weapons. As the technology increases, we will need more qualified people to operate these weapons. I have been shocked to learn that the test scores among our recent military recruits are rapidly declining. In fact, some of our military manuals have resorted to a comic book style approach in order to convey simple messages to those service people who need the information.

The billions of dollars spent on expensive advanced weapons mean nothing if our service people cannot execute and repair the equipment due to inadequate education. The problem is compounded by the fact that the Soviet Union's military personnel have increased their educational level while the educational testing scores of our military force has declined.

Aside from its defense implication, the cuts in education will not aid our efforts to increase productivity and diversify our economy. We need more and better educated people if we are to keep pace with the world's advancing technologies. Right now, the United States is far short of the trained engineers it needs. In 1979, the United States had 53,000 engineering graduates—17,000 fewer than the Department of Labor estimates were needed just to keep pace with attrition.

In Japan, 40 percent of the recent college graduates have been engineers; the engineers graduating in the United States, however, amount to a mere 5 percent. Moreover, the Soviet Union is producing six times as many engineers as the United States with more than 60 percent going into defense work.

At the same time, we need to make every effort to reindustrialize the portions of our economy severely hurt by the recession. We must retrain millions of skilled and unskilled workers at a time when basic education and job training programs are being cut to the bone. These cutbacks waste our precious resource of people willing to work but in need of new skills. Again, we must eliminate the abuses and shore up those programs which have proven to be as much as 80 percent effective.

Cutting Federal support of education is not a necessary corollary to balancing the Federal budget. For instance, we are currently spending more than $74 billion for water projects that heavily subsidize irrigation and electrification costs in the South and West. Also, the Federal Government will spend approximately $3.2 billion in 1983 to build the Clinch River breeder reactor in Tennessee—a project which many authorities on nuclear energy consider outdated, unnecessary, and vulnerable to accidents and theft. There are many other similar items in the Federal budget. Items which cost American taxpayers as much as $100 billion per year—money which could be spent on education and our future.

Education is important to the future of our democracy. In a more complicated, ever-changing world, education can mean the difference between democracy and enlightenment or corruption and inefficiency. It can help produce the service people, technologists, and work force we need to provide for a strong defense, meet foreign competition and produce an enlightened citizenry.

Much needs to be done to improve education, but across-the-board cuts without thought or planning improve nothing. Perhaps the words of President John F. Kennedy say it best:

The education of our people is a national investment. It yields tangible returns in eco-

nomic growth, an improved citizenry and higher standards of living. But even more importantly, free men and women value education as a personal experience and opportunity—as a basic benefit of a free and democratic civilization. It is our responsibility to do whatever needs to be done to make this opportunity available to all and make it of the highest possible quality.●

CALL TO CONSCIENCE VIGIL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. FASCELL. Mr. Speaker, every year since 1976, Members of Congress have taken the floor on a regular basis and called upon the government of the Soviet Union to dignify the commitments it made in the Helsinki Final Act regarding human rights and fundamental freedoms by fulfilling these commitments. Each year's vigil reasserts a spirit of human dignity which is embodied in the Final Act and personified by the many refuseniks and prisoners of conscience which we remember each year. Though the need for my participation dismays me, I am happy to again join the "Call to Conscience Vigil," in behalf of Soviet Jews.

Since 1977, I have devoted my comments to the Slepak family. Though my involvement is now 1 of 6 years, the Slepak's ordeal spans the course of 12 years, beginning in 1970. At that time, Vladimir, a radio and television engineer who became a member of the Moscow Helsinki Monitors in 1976, and his wife, Maria, a physician, first applied to emigrate from the Soviet Union with their two sons. In response to this and every subsequent application, the Slepaks were denied permission to emigrate until 1977, when Aleksandr, the elder son, was allowed to join his American wife in Israel. That same day, however, the younger son, Leonid, received his draft notice and was forced to go into hiding to avoid this punitive use of conscription.

Under these circumstances of frustration and despair, Vladimir and Maria hung a protest banner from the balcony of their Moscow apartment on June 1, 1978. It read: "Let Us Go to Our Son in Israel." This plea should not have been necessary and would not have been if the Soviets lived up to the obligations they assumed by signing the Helsinki Final Act in 1975. This plea, however, exposed the farce of Soviet respect for human rights: The Slepaks were arrested and charged with "malicious hooliganism," and their banner was destroyed.

Maria was given a suspended sentence, while Vladimir was sentenced to 5 years in internal exile. Although Leonid and his family were at long last permitted to emigrate to Israel in 1979, today Vladimir and Maria Slepak remain exiles in the remote, inhospitable recesses of Siberia.

Today, 48 of the 71 Helsinki Monitors are either imprisoned or exiled in the Soviet Union. Through Vladimir's banishment, the Helsinki watch groups lost another principled spokesman, the movement in behalf of Soviet Jewry another prominent leader, and another family has been separated and denied its right to return to its homeland.

Mr. Speaker, I do not know how many more vigils our colleagues and I will be forced to keep, but I can assure you that I will persevere until the Soviets insure the fundamental freedoms they acknowledged in the Helsinki Final Act. I will not, and cannot, remain silent until the Slepaks have been reunited and the true "spirit of Helsinki" has been realized for all Soviet citizens.●

THE 100TH GRADUATING CLASS OF GODWIN HEIGHTS HIGH SCHOOL

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. SAWYER. Mr. Speaker, June 8 commemorates a very special day for the graduates of Godwin Heights High School. These young adults not only become a part of the fine tradition of learning found at Godwin Heights, but they will also be distinguished as the 100th graduating class.

Yes, these students are now a part of the history of Godwin Heights, with each individual having contributed their own special talents and skills. But instead of focusing on events of the past and on tradition, the Godwin Heights graduates must look to the future, for it is to these young people that we will turn to for the ideas of tomorrow.

To these graduates I convey my heartiest congratulations and best wishes in their future endeavors. I hope they will continue to question and search out new ideas and open themselves up to new experiences and opportunities that come their way. They are the future, and now is the time for them to prepare and broaden themselves for the responsibilities which lie ahead. Again, congratulations to the graduates of Godwin Heights, and the best of luck to all of them.●

CASTRO: THE REAL MENACE

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. BAFALIS. Mr. Speaker, for the past several weeks, the attention of this Nation has been focused on South America—on the escalating war between Great Britain and Argentina.

Our newspapers are filled with stories of that conflict. The nightly television newscasts are replete with stories of the battle over the Falklands. And the columnists and the pundits are falling over themselves to talk about the problems this could create for the United States in Latin America.

Unfortunately, all this attention on the Falklands ignores a much greater threat to our well being—and, indeed the well being of all of Latin America.

That threat lies just 90 miles from our shores. That threat is Fidel Castro's Cuba.

I know that Castro's policies of interventionism are old news. And, I know that there are those in the Nation's Capitol, particularly in the other body, who think Castro can be brought about to our way of thinking—or at least moderated to the point where he is no longer a threat.

But that is sheer foolishness.

Look anywhere around this world. If you find a trouble spot, you will find Castro's hand in it. And behind that, you will find the Kremlin, the puppetmaster pulling the strings which make Fidel work.

Look at Libya, Iraq, South Yemen, Angola, Ethiopia, the Congo, and Mozambique—all as far away from Havana as you can get.

Look at Nicaragua, Columbia, Guatemala, El Salvador, Uruguay, and Chile.

If there is trouble in this world, Fidel Castro is there, busy trying to make things worse.

What other explanation can there be for this tiny island nation—44,000 square miles and 10 million people—supporting a military force the size of Castro's?

With the sole exception of Brazil, a nation with 12 times the population of Cuba, Castro has the largest military force in Latin America—9 active divisions and 18 reserve divisions for a total of 225,000 trained ready-for-battle troops, many of whom are stationed around the globe.

And that is not all. Backing his 225,000-man army is a militia and a number of paramilitary organizations totaling several hundred thousand men and these are well-equipped and well-trained forces. Better equipped and better trained than many of Fidel's neighbors.

And, I do mean better equipped. Hidden away in Castro's so-called peaceful people's republic are some 650 Russian tanks, some 200 Russian-built jet aircraft including two squadrons of the latest Mig-23's and some TU-95 bombers capable of carrying nuclear weapons, 50 Soviet-made torpedo boats, two Soviet-made attack submarines and a frigate.

And all this military materiel comes courtesy of the Kremlin. In fact, in 1981, the Soviet Union shipped some 66,000 metric tons of military equipment—more arms than had been sent to Fidel since 1962.

That is 500 million dollars' worth of arms—and that does not include the $3 billion, or one-fourth of Cuba's gross national product, which the U.S.S.R. sends just to keep the island's economy afloat.

Why is Cuba the recipient of so much Kremlin largesse? It is certainly not because Soviet leaders think Fidel Castro is a nice man. No, it is because Fidel does as they tell him to do—the trouble he causes, the unrest he ferments, the problems he creates, are all done at the Kremlin's bidding.

But the Soviet support of Castro goes beyond merely having a puppet they can use to brew trouble and keep their own skirts clean.

No, the Kremlin knows all too well that, in time of war, at least half of the supplies NATO must have will have to come through our gulf ports.

They know that 44 percent of all foreign tonnage and 45 percent of the crude oil we need must pass through the Caribbean. They know that from Castro's island, they can diminish—if not eliminate—the Panama Canal as a trade route. And that is not to mention the damage they could wreak on the South Atlantic sealanes.

So, in the event of an all-out war, Cuba is vital to the Soviet Union.

But it is equally vital in less than an all-out war, in the propaganda war and in the battle for the security of Latin America.

While the unrest in Latin America may be indigenous to that area, the forces of revolution—the violence and the terrorism which plague so much of that area—are the direct result of Cuban interference.

It is all part of a campaign that Castro, at the urging of the Kremlin, began some 5 years ago.

Until about 1977, the Cuban regime had confined its activities to propaganda and providing safe haven for revolutionaries. Since the beginning of 1978, according to a recent State Department report, Cuba has:

Worked to unite traditionally splintered Latin American radical groups behind a commitment to armed struggle with Cuban advice and material assistance;

Trained ideologically committed cadres in both urban and rural guerilla warfare;

Supplied or arranged for the supply of weapons to support Cuban-trained cadres' efforts to assume power by force;

Encouraged terrorism in the hope of provoking indiscriminate violence and repression, in order to weaken government legitimacy and attract new converts to armed struggle; and

Used military aid and advisers to gain influence over guerrilla fronts and radical governments through armed pro-Cuban Marxists.

In El Salvador, the Cuban support before 1979 consisted of training small numbers of guerrillas, providing a small amount of financial aid, and serving as a political conduit between Salvadoran extremists and Communists outside the Western Hemisphere.

In 1979, Castro was successful in forging unity between the radical left factions in El Salvador, and by mid-1980, the groups formed the Unified Revolutionary Directorate (DRU). This is the group responsible for killing more than 70 people and threatening to kill all who voted in the Salvadoran elections Sunday, March 28.

Castro has worked to unify extremist groups throughout Latin America: in Guatemala, Costa Rica, Honduras, Guyana, the Dominican Republic, Colombia, Chile, Argentina, and Uruguay.

And just to demonstrate how ruthless Castro really is, he played both sides of the fence with Colombia—and got caught. While maintaining diplomatic relations with the Government of Colombia, the Cuban dictator was secretly supplying arms to the rebel Colombian M-19's.

When they learned of this, the Colombian Government officials were outraged.

But, that did not keep Castro from continuing to supply the arms, and it merely gave him a new idea—smuggling drugs from Colombia to south Florida. Finding smuggling to be profitable, the Cubans expanded their ties to include known drug smugglers who had contacts and equipment necessary to facilitate arms shipments.

One of the Colombian drug dealers was involved on behalf of Havana in a clandestine shipment of arms to the Colombian M-19 in an operation that included hijacking a Colombian cargo plane.

Castro provided the funds used by the dealer to purchase the arms and transport them to Colombia. In return, Castro facilitated the drug dealer's marihuana traffic to Florida. He allowed the Colombian boats safe haven and even helped split the cargo into smaller portions, then loaded it into smaller boats for Florida and the Bahamas.

Just recently this drug dealer was arrested in Mexico after he had arrived there with $700,000 which the Cubans had given him to purchase arms for the Colombian M-19, according to the State Department.

So, it is high time we started taking Castro seriously.

It was bad enough when Castro bombarded Florida with high-powered radio signals bearing his propaganda and disrupting our radio transmissions—60 hours every week. But now, Castro is actively involved in creating crime in the United States through his new enterprises—drug dealing and by exporting the contents of the Havana jails to the United States. Where will it end if we do not take action?

What is it going to take to shake this Nation from its slumber? If we continue to look the other way every time Castro employs his terrorist tactics in our own backyard, he is going to continue to slowly turn Latin America into a Communist stronghold, and he is going to continue to create crime in the United States.

The problem is threefold:

Castro is using terrorism to spread totalitarian control over the nations he has destabilized internally, a tactic strikingly similar to one used by the Soviet Union.

Castro is using deception and propaganda to mislead the Western news media—an art developed by Moscow.

Castro has used every imaginable tactic to disrupt Latin American democratic elections by luring caretaker governments into negotiations designed to do nothing more than afford him the time and opportunity to seize power for his totalitarian cause before elections can be held.

The United States must wake from its slumber, open our eyes, and look around. Every single day we fail to set a firm Latin American policy we give Fidel Castro one more day to set it for us.

We are the strongest nation on Earth—and we must speak to Castro from that position of strength.

We are the most powerful nation on Earth—and we need to remind Castro that we know what he is up to and we are going to stop him.

We are the richest nation on Earth—and Castro's pitifully poor island nation is one of the most impoverished.

If we do not stand up to Castro soon; if we do not stand by what few friends we still have in Latin America, we are taking a big chance. Castro needs to be put in his place once and for all, and we had better be prepared to do this in the very near future. It is time for Castro to: Stop serving as a conduit for Russian arms shipments to Central and South America; bring home the military advisers; close the guerrilla camps; stop the propaganda; bring

home the Russian-made hardware; and keep his criminals and drug smugglers out of the United States.

So long as Castro persists in his current troublemaking policies, he must be considered an outlaw among civilized peoples everywhere.

And treated as such.●

CBS AND THE GULAG

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. MICHEL. Mr. Speaker, the Columbia Broadcasting System deserves praise for its recent television presentation of "Coming Out of the Ice," a true story of one American citizen's sufferings in the Soviet gulag. It is an extraordinary story and the Wall Street Journal recently published an article which tells us about it.

Before introducing that article into the RECORD, it might be pointed out that the members of the current Soviet Communist Central Committee either directly or indirectly participated in, benefited from and failed to protest the atrocities that "Coming Out of the Ice" portrays. It is as if all of the current high-ranking officials of West Germany were presently members of the Nazi Party and had benefited politically from the creation of death camps under Hitler. These are the kind of people we are dealing with. They are co-conspirators in the most callous and inhuman political system ever devised by the human race. But few seem to care or even mention this fact.

At this point I wish to insert in the RECORD, "CBS Gives the U.S. a First Look at the Soviet Gulag," by Daniel Hennings, from the Wall Street Journal, May 27, 1982.

CBS GIVES THE U.S. A FIRST LOOK AT THE SOVIET GULAG

(By Daniel Henninger)

This past Sunday evening, CBS broadcast a movie called "Coming Out of the Ice," about a U.S. citizen who spent 10 years in one of the Soviet Union's Siberian slave-labor camps. It was a stunning and extraordinary film, but throughout the evening one had to repeatedly convince oneself that a movie about this awful subject was actually being shown on American television.

The reason this struck me as astonishing to the point of disbelief is that the appearance of a full-length feature film about what we now call the Soviet "gulag" is very nearly an unprecedented event in the Western world. American and European filmmakers have produced movies on the Nazi concentration camps but almost nothing on the Stalinist era which caused the death of millions upon millions of Soviet citizens.

The details of how this system of mass death worked have been available in books in the West for some time. Solzhenitsyn is the most famous and extensive chronicler of the gulag. (The British made a 1971 film based on his book: "One Day in the Life of Ivan Denisovitch.") The Soviet scientist Roy Medvedev has written about it. Eugenia Ginzburg's two-volume memoir is perhaps the most poignant account of life in the camps. We have the recently published "Stalin's Secret War" by Nikolai Tolstoy and "The Time of Stalin: Portrait of a Tyranny" by Anton Antonov Ovseyenko, the son of one of the Russian revolution's most famous heroes, whom Stalin had killed.

These histories are relevant to contemporary political life. The incontrovertible fact that the Soviet gulag operated over an extended period lies at the heart of the political conservative's attitude toward the Soviet Union. This attitude was expressed by President Reagan at a press conference last year when he startled reporters by saying that the Soviets cheat and lie and that their system is immoral.

When you read or hear a reporter saying that someone's policy toward the Russians is "hardline" or "right-wing" or "conservative," an attitude like the President's is what he is talking about. The controlling idea behind this "hardline" belief is that Communism contains within it a deadly virus that causes it to consume its own citizens. Ideas like this are usually fought over among intellectuals and makers of foreign policy. With "Coming Out of the Ice." CBS gave millions of Americans a chance to see for themselves one of the subjects that underpins political debate over U.S.-Soviet relations.

"Coming Out of the Ice" told the story of Victor Herman, who was 16 when he left the U.S. with his Russian-born parents in 1931 to work in an auto plant set up in Gorky under contract with Henry Ford. Toward the end of the decade, with the Ford contract lapsed, Mr. Herman wanted to return to the U.S. The Russians let him out in 1976.

He spent 10 years as a prisoner in a Siberian slave-labor camp, cutting wood. When he got out, he was exiled to a town in Siberia. There he married a Russian woman, and after she became pregnant he was sent farther north into solitary exile, where he was to live in the woods and chop wood for a nearby village. His wife, with their infant, joined him in the distant village by walking to it. He was "exonerated" in 1955, and spent the next 20 years fighting the Soviet bureaucracy to let him out. He has an advanced degree in languages, and he now lives in Michigan.

"Coming Out of the Ice" compressed this experience into a taut film.

Shortly after arriving in the Soviet Union, Herman shows exceptional athletic talent and with support from a renowned Soviet military leader (Marshal Tukhachevsky, later executed by Stalin), he receives special training. After setting a world parachute-jumping record, Herman is asked by the authorites to sign a document attesting that the record was set by a Soviet citizen. Herman says that he is an American. Later he is arrested, and "Coming Out of the Ice" descends into the Soviet inferno.

The first clear sign that CBS has produced something quite out of the ordinary was a series of quick scenes between Victor Herman and a prison interrogator in a large, bare room. The guards would let Herman into the room, close the door as they left, and the Russian would come swiftly round his desk and beat Herman savagely with his bare fists. Despite all the violence one sees on television, the silent ferociousness of these scenes was unsettling. The skill and control with which this was handled made it clear that the filmmakers' intentions for their movie and its effect on the audience were more serious than what one normally encounters on TV.

The next hour depicted life and death in a Soviet labor camp as it has been described by Slozhenitsyn, Ginzburg and others.

The ground was covered with snow and ice (the film was made in Finland). The prisoners cut wood with short-handled axes. If you did not fill your work quota, you did not eat. Food was thin soup. Prisoners were intentionally worked to death. Herman glimpses a dead man in a latrine, covered with rats. A train stops at the camp and the guards push some female prisoners out of a boxcar onto the snow and the male prisoners rape them (the director diverts the camera's eye from this scene and shows Herman, looking on). For helping another prisoner, Herman is put in a cage in a hole in the tundra for days. When he gets out, he thinks he is blind. Another prisoner, who is being sent farther north, gives the failing Herman a rat trap, and he eats rats to survive.

It sounds odd to say that a film about such things could be made with tact, but director Waris Hussein, a Briton of Indian descent whose credits include "Edward and Mrs. Simpson" and "The Glittering Prizes," understood that an experience of such horrow would have to be shown with restraint. Directors often lose control of such material, allowing it to become melodrama. Mr. Hussein did not, and he deserves an award for this film.

So does John Savage, who as Victor Herman was asked to play a man whose experiences no actor would fully imagine. The film's dialog displayed a sophistication and intelligence one more often associates with British productions; the script was by an American, Alan Sharp.

A word should also be said about how a movie on Russia's slave-labor camps ended up on a commercial network. We've been led to believe that this sort of "relevant" programming was the special province of the sainted folk at public television or at the networks' news departments.

The fact is that "Coming Out of the Ice" (along with ABC's documentary on yellow rain last year) is the most hard-hitting thing U.S. television has ever done about the Soviet system. In addition to Solzhenitsyn, who now lives in Vermont, the U.S. is now full of Russian emigres who could provide sample material on the Soviet gulag to producers from the networks' news arms or to public television. They have shown little interest in the subject. CBS in Hollywood got there first.

CBS got there first because the agent for Victor Herman's book, published by Harcourt in 1979 and describing his life in the gulag, sent the property to a Hollywood producer named Frank Konigsbert, who presented the idea to a CBS executive named Bernie Sofronski, who committed the network to the project. Then CBS scheduled a film of unknown appeal on Sunday night, preempting proven ratings winners like "Alice" and "One Day at a Time."

Harper & Row, publisher of Solzhenitsyn's three-volume "The Gulag Archipelago," says it has sold 3.3 million copies in the U.S. The Nielsen ratings for "Coming Out of the Ice" estimates that 17 million U.S. homes watched it. There is now a better knowledge in the U.S. of what the Soviet government has been willing to do to its citizens than there was a week ago.●

CANNON ROTUNDA HOSTS "FAREWELL TO SINAI"

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mrs. KENNELLY. Mr. Speaker, a beautiful photo exhibit is on display for the rest of this week in the Cannon Rotunda. I strongly encourage my colleagues and their staff to take time to attend the exhibit and witness the beauty and variety of the Sinai.

We all know the strategic value of the Sinai which has seen four wars between Israel and Egypt. When Israel completed its withdrawal on April 25, 1982, in accordance with the Camp David agreements, it left behind more than roads, airfields, and oil wells. The photo exhibit concentrates on the beauty of the Sinai—the sands, mountains, sunsets, cliffs, and the children.

The photographs were taken by Farag Peri and the captions written by Amos Ettinger. Recent events demonstrate that the hope for peace expressed by the return of the Sinai, and captured in this exhibit, is not the completion of the process but part of a series of steps needed to forge a new era in the Middle East.●

PERSECUTION OF CHRISTIANS CONTINUES IN SOVIET UNION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. McDONALD. Mr. Speaker, religious beliefs continue to be a problem in the Soviet Union. In spite of 65 years of Communist rule, individual citizens of the Soviet Union continue to believe there is more to life than the overfulfilling of a quota for steel or coal. Spiritual manifestations continue to appear in the Soviet Union and just as regularly the Soviet police authorities continue to try and stamp out any religious feelings. There are presently at least 300 Christian believers in the Soviet Union who have been arrested for practicing their Christian faith. The number is increasing all the time. This does not include numerous others who undergo various forms of harassment for showing any evidence of their belief. Specifically, four cases should be mentioned as worthy of note at this time. They are:

YAKOV GRIGORIEVICH SKORNYAKOV

Born: August 8, 1929.

Prison address: uchr. ZhD, 158/4 "Zh", g. Dzhambul, Dzhambulskaya oblast 484049, Soviet Union.

Arrested: July 4, 1978.

Sentenced to 5 years.

Home address: Nina Stepanovna Skornyakova (His wife), 3-1 Trudovio per., 19, g. Dzhambul, Dzhambulskaya oblast 484002, Kazakhskaya SSR, Soviet Union.

Yakov Skornyakov, 53, is an Evangelist and Youth Worker who is serving five years in a labor camp for his activities. He suffers from a stomach ulcer and urgently needs medical attention.

Pastor Skornyakov is a powerful preacher who is beloved by young people across the Soviet Union.

For many years he pastored the 200 member unregistered Evangelical Baptist Church in Dzhambul, Kazakhstan of which nearly half are young people between the ages of 15 and 30.

In 1966, Skornyakov was arrested and sentenced to five years in a labor camp for his youth work. He continued his ministry after his release in 1971 but was arrested again in 1978 and returned to a labor camp. There he led five prisoners to the Lord. For doing this they threatened him with still another sentence. Pastor Skornyakov's wife's name is Nina Stepanovna Dkronyakova. They have nine children.

NIKOLAI GEORGIEVICH BATURIN

Born: December 15, 1927.

Prison address: UN-16/12-44 "D", g. Belovo, Kemerovskaya oblast 652600, Soviet Union.

Arrested: November 5, 1979.

Sentenced to 5 years.

Home address: Valentina Matfeyevna Baturina (his wife), ul. Sadovaya, 4 kv. 13, g. Shakhty, Rostovskaya oblast 346550, Soviet Union.

Nikolai Baturin, 55, is the General Secretary of the Council of Evangelical Baptist Churches in the Soviet Union. He was arrested on November 5, 1979 and sentenced to five years in a strict regime labor camp. He is now serving his sixth term and the total time of his imprisonment is now nearly 19 years. Pastor Baturin is a soft spoken man who loves to sing and write Christian songs.

Recently he was given 15 days in an isolation cell for praying and singing hymns.

ALEKSANDRA TIMOFEYEVNA KOZOREZOVA

Born: January 26, 1936.

Prison address: Still unknown.

Arrested: April 20, 1982.

Home address: ul. Oboronnaya, 92, g. Voroshilovgrad 348047, Soviet Union.

Aleksandra Timofeyevna Kororezova, 46, serves as Chairman of the Council of Prisoner's Relatives. This council is a group of wives and mothers of imprisoned Christian leaders from Independent Evangelical Baptist Churches.

On August 21, 1981 she was given a three year conditional sentence. This amounted to a three year probationary period with a warning that if she continued her religious activities the sentence would become actual. Her husband, Pastor Aleksei Kororezov is serving his third prison term in a strict regime labor camp. They have ten children and their 19 year son is an invalid due to a childhood illness.

GALINA YURIEVNA RYTIKOVA

Born: June 1937.

Prison address: Still unknown.

Arrested: April 20, 1982.

Home address: ul. Podgornaya, 30, g. Krasnoden, Voroshilovgradskaya oblast, Soviet Union.

Galina Yurievna Rytokova, 44, is the mother of ten children. She is one of six women believers arrested by the Soviet Secret Police on a raid in a private home where they were gathered for prayers and encouragement.

In 1978 the authorities attempted to put her in a psychiatric hospital and take away her children. In August 1979, her husband, Pastor Pavel Timofeyevich Tytikova, 51 and her son Vladimir, 22, were arrested for teaching children about God. Both are now serving prison sentences in a labor camp.

Later information received indicates that both Galina Rytikova and Aleksandra Kozorezova received sentences of 3 years and 6 months in the forced labor camps.●

OCEAN INDUSTRIES SUPPORT THE PRESIDENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I recently received a copy of a letter signed by representatives of a number of ocean-related industries. The letter speaks highly of the President's positions on international matters. I feel that the House would benefit from reading this letter and include it in the RECORD.

NATIONAL OCEAN INDUSTRIES ASSOCIATION,
Washington, D.C., April 29, 1982.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, as representatives of the undersigned American business organizations, wish to take this opportunity to jointly express our concerns to you regarding the treaty being developed in the Third United Nations Conference on Law of the Sea.

On January 29, 1982 you issued a statement formally setting out your views on the Law of the Sea Conference, and stipulating six areas in which the draft treaty would need to be materially improved to be acceptable to the United States. Specifically, you said the United States would seek changes during the current session of the conference to achieve a treaty which:

Will not deter development of any deep seabed mineral resources to meet national and world demand;

Will assure national access to these resources by current and future qualified entities to enhance U.S. security of supply, to avoid monopolization of the resources by the operating arm of the International Authority, and to promote the economic development of the resources;

Will provide a decision-making role in the deep seabed regime that fairly reflects and effectively protects the political and economic interests and financial contributions of participating states;

Will not allow for amendments to come into force without approval of the participating states, including in our case the advice and consent of the Senate;

Will not set other undesirable precedents for international organizations; and

Will be likely to receive the advice and consent of the Senate. In this regard, the convention should not contain provisions for the mandatory transfer of private technology and participation by and funding for national liberation movements.

Mr. President, we entirely agree with your position on the draft treaty. We believe that

a suitably improved comprehensive treaty on Law of the Sea would be in the national interest, and would also serve the interests of American business. But we believe the treaty, to be sufficiently improved, must reflect significant improvements in each and every one of the six areas you have identified. We also note that industry has a number of concerns with aspects of the draft treaty not covered in your January 29 statement, particularly in relation to offshore petroleum and fisheries development.

Our concern at this time stems from the various sets of proposed treaty amendments which have been offered for consideration in the current session of negotiations in New York. Each set of amendments, including those offered by the U.S. Delegation on April 13, 1982, appears to fall far short of your stated objectives. Comparing the amendments offered by the U.S. Delegation to the six points you have identified, it is clear, even if all of those amendments were accepted as written:

The resulting treaty would deter development of deep seabed minerals, for a number of reasons including production limitations and mandatory technology transfer;

The resulting treaty would not assure national access to seabed minerals or enhance U.S. security of supply;

The resulting treaty would not clearly provide the United States a decision-making role in the deep seabed regime; it would essentially establish a forum for the sort of "Global Negotiations" toward a "New International Economic Order" you so properly rejected during the North-South Economic Summit in Cancun last October;

The resulting treaty would establish a number of undesirable precedents for international organizations, in the areas of technology transfer, production limitations for other resources, and one-nation one-vote governance of significant sectors of the world economy; and

The resulting treaty would almost certainly fail to receive the Senate's consent to U.S. ratification, since it would continue to include various philosophically and substantively objectionable provisions, as noted above.

It is noteworthy that at least one precedential effect of the current negotiations has already been identified, in the context of talks between the United States and Japan directed to renegotiation of the Governing International Fisheries Agreement (GIFA) under which Japanese fishermen are permitted to operate in the United States' fishery conservation zone. Japan has proposed major revisions of the GIFA which are inconsistent with U.S. law, and has attempted to justify its position in this respect by explicit reference to the draft Law of the Sea Treaty.

We respectfully urge you not to withdraw from your present strong position on the Law of the Sea Treaty, and to examine any agreement reached at the conference with great care before you make a decision regarding United States signature to, or ratification of, that agreement. We would be pleased to meet with you or your staff, to discuss our concerns and respond to any questions you may have.

Thank you for your consideration of our views.

Sincerely yours,

Charles D. Matthews, President, National Ocean Industries Association; Richard M. Hunt, For the Petroleum Equipment Suppliers Association; Lucy Sloan, Executive Director, National Federation of Fishermen; M. Kathryn Nordstrom, Washington Representative, Pacific Seafood Processors Association; Charles F. Darden, President, International Association of Geophysical Contractors; J. Kenneth Smith, Assistant Director, Government Relations, Sun Co., Inc.; Stephen T. DeLaMater, Vice President, Government Relations, Halliburton Co.; James C. Hunter, Director, Federal Affairs, Cities Service Co.; Alexander B. Trowbridge, President, National Association of Manufacturers; Lee J. Weddig, Executive Vice President, National Fisheries Institute, Inc.; Donald W. Banner, Esq., President, Intellectual Property Owners, Inc.; Richard J. Greenwald, General Counsel, Ocean Mining Associates; C. R. Palmer, President, International Association of Drilling Contractors; Don R. Duncan, Federal Relations Representative, Phillips Petroleum Co.; Theron J. Rice, General Manager, Washington Office, Conoco, Inc.●

ADDITIONAL COSPONSOR OF H.R. 4773

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. GOODLING. Mr. Speaker, I am pleased to add my name as an original cosponsor of legislation sponsored by my colleague, Representative BILL GRADISON of the State of Ohio, who today intends to reintroduce his bill, H.R. 4773, to remove the social security trust funds from the unified budget. I was a cosponsor of that measure, and I understand that this new bill will contain two technical corrections.

First, the new bill only removes old age, disability, and health insurance trust funds from the budget—not the non-FICA financed supplemental medical insurance fund. Second, Mr. GRADISON has added language so that intragovernmental transfers between the Social Security Administration and Treasury are counted in the budget of the governmental unit from which the outlays originate.

I have said previously in this Chamber that using the problems of social security to win votes will not help the system's impending financial crisis one iota. Social security affects the young and the aged, the worker and the retired. Any troubles it encounters therefore will hurt everyone. The only way to correct the system's financing problems is by a united effort. I repeat—Congress and the administration must work together to insure the program's short- and long-term success.

In the same vein, using the social security system to "balance the budget" has had the effect of turning the issue into another political football—part of the result being that this body still has not arrived at a budget. In the meantime, I have had letters, phone calls, visits to my offices, as well as constituents at my town meetings all asking the same question: "Why is the old age and survivors insurance program of the social security system part of the Federal budget process when the trust fund up until now has never used general fund money to pay for benefits?" They—and I—question the reasoning for this practice, and welcome an opportunity to end it.

I then explain to my own constituents in the 19th District of Pennsylvania that the fact is—and often for them this is a difficult concept to grasp and to swallow—since 1969 the operations of the general fund and the various Federal trust funds have been unified in a single financial statement. This means of course that, although social security trust funds retain the same statutory basis that they always have had, their receipts and expenditures are considered to be Federal receipts and outlays; these in turn have, in an accounting sense, influenced the size of budget deficits and surpluses.

What bothers me about this is that it enables us to use budget surpluses in the social security trust funds to offset the deficit in the general fund. It is a fact that in fiscal year 1969—coincidentally, the first year that we operated under a unified budget—the books showed that the U.S. budget was operating at a surplus of $3.2 billion. Actually, the Federal funds budget was running a deficit of $5.5 billion. It was the $8.7 billion surplus from the Federal trust funds which made up the difference; of this, social security trust funds improved the overall picture by $1.7 billion. In 1970, the Federal funds deficit rose to $13 billion; this time, trust fund surpluses totaling $10.1 billion reduced the unified budget deficit to $2.9 billion. In that year, social security retirement, disability, and hospital insurance programs comprised $3.5 billion of that surplus.

Members of Congress from the start have been critical of such "illusory" budget surpluses or "distorted" budget deficits. My fear is that these have in the past and could in the future allow politicizing to occur in the budget talks at the expense of both social security recipients and contributors and all American taxpayers.

Mr. Speaker, even after I explain social security's impact on the Federal budget to Richard Smith in Lemoyne—who wants to know how tampering with his benefits will help to "balance the budget"—my constituent still has misgivings. Social security recipients are not all budget examiners or certified public accountants. When we attempt to reform the system within the context of the budget considerations the millions of people who depend on social security only see that

their lawmakers in Washington are trying to steal their benefits away from them.

We might all in this Chamber realize that freezing the automatic benefit adjustment of the social security system for a single year—as painful as that action would be for present beneficiaries—would be more than adequate to insure the short-term solvency of the system. I am not taking this time to advocate this course of action. What I am saying is that we probably will not be able to do anything short of infusing general funds into the system to rescue it so long as the system is part of the budget debate. Otherwise, any proposal will be perceived by beneficiaries and contributors as being more for achieving political ends than for insuring the solvency of the programs.

On the other hand, separation will allow everyone to look objectively at the social security picture without consideration of "what is desirable for fiscal policy reasons." Separation will let us take social security's problems out of this partisan budget debate so that we can, in neutral positions, make the decisions which have to be made soon to insure social security's survival.

As it stands, we cannot encourage a bipartisan package of recommendations from the National Commission on Social Security Reform if that reform becomes entangled in heated, political budget discussions. We cannot say that social security is contributing to the overall Federal deficit and then in the same breath deny the use of general revenues to finance the program when the reserves dwindle down. I might here add that I have never been a proponent of general fund financing for social security; I feel that it defeats the basic purpose of the program and could lead to "means testing" down the road. And we cannot sit back in an election year and do nothing because we simply allow the system's problems to continue.

I continue to believe that so long as the social security trust funds do not need any support from the general fund, than neither their assets nor their liabilities should be included in any budget deliberations. It was for this reason that I cosponsored H.R. 4773, along with 100 of my colleagues on both sides of the aisle. I agree with Mr. PEPPER—who has commended this legislation in the strongest terms—that making the social security trust funds "off budget" would constitute a giant step toward depoliticizing the entire refinancing issue and toward restoring the confidence of the contributors and beneficiaries of social security. I am pleased that H.R. 4773 was supported on this side of the aisle by Mr. MICHEL, Mr. CONABLE, and Mr. KEMP, and that they were joined by Democratic Budget Committee members Mr. SIMON, Mr. WIRTH, and Mr. GEPHARDT.

I urge all of my colleagues who cosponsored H.R. 4773 to support this new measure, and those who did not to consider doing so. We cannot ignore the millions of our constituents who confide in us and are counting on us to revamp the program in such a way that this time, unlike 5 years ago, we can insure its existence well into the next century. I believe that separation is the key to achieving us: Removing the social security trust funds from the budget debate is the only way that we will be able to unite in a truly bipartisan effort to formulate a solution for the system's current financial problems.●

MEMORIAL DAY 1982 SPEECH OF HONORABLE OLYMPIA J. SNOWE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mrs. SNOWE. Mr. Speaker, Memorial Day is a day of remembrance. Today we pause from our normal routine to pay tribute to our countrymen who have given their lives in pursuit and protection of our most cherished national assets—our liberty. Today, some of us grieve for loved ones, while others among us reflect upon the sacrifice of those who have gone before. Today, we feel personal sorrow buoyed by the comforting knowledge that our Nation has been a beacon of freedom in a sometimes dark world.

In the 206 years that we have been called America, more than 1 million Americans have died in service to their country. The first 4,000 of these noble casualties came in our war for independence, in which patriots threw off forever the yoke of repression from our shoulders. Since that time, we as a people have faced other wars and different challenges. We have fought others, and we have fought among ourselves. Some of our conflicts are recongnized as crucibles of freedom against those who would take it from us. Others will be viewed by history as errors of judgment.

But whether our cause be viewed as just or not by those with benefit of hindsight, one fact remains constant. In all of the conflicts, all of the skirmishes, all of the battles in which Americans have taken up arms, these guardians of our freedom have brought honor upon themselves through the sheer magnitude of their bravery and conviction. Few men or women among us would actively seek out the horror of war—but fewer still in our history have failed to assume this terrible burden with dignity and valor.

We come together today to honor those who have fought and died. Perhaps the most constructive way to pay homage to these 1 million brave souls is to dedicate ourselves to a renewed commitment to our unique form of liberty. Our gesture today is meager in light of the actions we praise. Our greatest President, Abraham Lincoln, spoke to this best when he dedicated the cemetery at Gettysburg in 1863. Speaking to the dedication ceremonies, Lincoln said:

> It is altogether fitting and proper that we should do this . . . but, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion . . .

As we stand here today, Americans are at peace throughout the world. No American, thankfully, faces combat today to protect our timeless rights. This is a testimonial—both to our commitment to world peace, and to our renewed pledge to protect our peace with determined strength.

Sadly, however, the world is not at peace today. Even as we gather here, military forces from Great Britain and Argentina meet on the field of battle in the Falkland Islands. A failure of diplomacy has again resulted in the spilling of blood—and again the mothers and fathers of two nations wait helplessly as their children are called upon to fight where diplomats have failed. Let us take a moment today to pray for a swift cessation of these hostilities and a return to normalcy in the South Atlantic.

If we as Americans are to remain free from conflict, and if we are to retain our position as the leader of the world's free nations, we must have two things—the wisdom to negotiate before all else, and the will to maintain a national defense and military strength second to none. Our best protection against aggression remains a deterrent factor based on strength. Others must know, as they have in the past, that America stands ready and able to defend its interests and its principles.

At the same time, we face a greater crisis in our economy. The realities of this crisis demand that we act with wisdom in our attempts to rebuild our military capabilities. For just as we cannot throw money at social problems with impunity and expect a lasting gain, so too can we not allow our desire for a strong defense to supersede pragmatism in our methods.

When we propose to spend more of the taxpayer's hard-earned money on defense, we must redouble our efforts to eliminate waste and fraud from military procurements. And when we work to maintain our Nation's strength, we must take special care not to abuse that power. At all times, we must seek to influence through persuasion instead of through war. In all instances, we must endeavor to coerce through reason instead of through combat. Through all crises, we must remember that leadership is preferable to force.

Today, America must bear the burden of leadership and greatness thrust upon her by her allies. When all else fails, we will again be prepared to meet any challenge to our freedom—to stand up and be counted when the eyes of the world are upon us. We must never turn our backs on friends in need, just as we must never be lulled into a false security that our Nation is safe from all tests.

But a greater challenge faces our Nation today. Our generation is the recipient of the wisdom of the ages, giving us a quality of life that surpasses that of all human civilization. At the same time, this accumulated knowledge has a dark offspring—the threat of incomprehensible destruction through the horror of nuclear war.

The American people, to their everlasting credit, have carried their fears of the unthinkable to their leaders in recent months. Many communities in our State have joined in the crusade to develop meaningful answers to the ultimate folly of a nuclear arms race. You have spoken, and your Government has listened.

There are no easy solutions to the dilemma that our expanded knowledge has brought us. Through our search for a lasting peace, we have built a weapon which harnesses the basic power of the universe. That knowledge is man's burden for all time—it cannot be wiped away. Our only hope is through a shared realization by the nations of the world that these weapons threaten all life, all endeavor, and all the best intentions of mankind.

We can argue that it is time for us to come to grips with this global menace. Despite the variances of our cultures, our languages, and our goals, the people of this Earth bear far more similarities than differences. One quality which is shared by the entire global village is a love of life—but we now see that desire threatened by instruments of unparalleled destruction that can be delivered within a matter of minutes.

For this reason we must negotiate—we have no other choice. All parties in these negotiations must be prepared to deal with good faith, and to stay with the task no matter the obstacles. Both our country and the Soviet Union have shown an interest in this solution, though our conditions still differ markedly. The fact that we have begun the discussion is reason for hope. Now, we must advance this hope into concrete solutions.

I believe that the United States will champion this cause, for we remain the greatest civilization on this planet. For 200 years, hope has been our creed. We have offered a new beginning to the tired masses which have journeyed to our shore. We have taken them in, fed them, and given them new lives and new dreams.

But this proud tradition has been born and developed in a very short time in the lifespan of nations. We live in a world where the balance of power is neither constant or sure. The continuation of the high ideals we have come to know as the American way of life will be determined in large part by our commitment to our system.

Those whom we honor today have left a legacy too precious either to forget or to betray. America's brave but silent soldiers deserve the memorial we offer, but they deserve something more. They have earned the right to expect that our generation and those of the future will possess the qualities they showed when our Nation required it. They have earned the right to know that we will cling with tenacity to the freedoms we enjoy. And they have earned the right to rest in the knowledge that our work goes on to keep America free and strong.

To meet the challenges that these times provide, let us look for inspiration to those Americans who gave the last full measure of devotion. We should borrow from their example the spirit and the faith that preserved our way of life. Our memories should always contain the thoughts of the price they paid—the price of freedom.

America today remains the land of the free and the home of the brave. We do not need the carnage of war to demonstrate that fact—we can see it all around us. Our land has been blessed, though the blessings have not come without terrible losses. Mothers and fathers have lost sons and daughters, children have lost parents, but each of us standing here today is a living affirmation that the losses have not been in vain. Above all else, the perpetuation of our way of life is the greatest gain realized from this ultimate sacrifice.

My friends, we are the greatest of all nations. We have much to be thankful for and much to preserve.●

THE EAST-WEST TRADE DILEMMA

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. MICHEL. Mr. Speaker, on Wednesday, May 26, 1982, three major newspapers carried articles dealing with East-West Trade. I want to bring these articles to your attention because it is clear that we are reaching a critical point in our efforts to get our allies to cooperate with us in this area.

Under the administrations of Democrats and Republicans we have had an on-again, off-again trade policy with the Soviet Union. This kind of improvisation has done great damage to our own domestic industries and farmers and hardly any to the Soviet Union. Either we get a definite trade policy and convince our allies to follow it or else we risk another decade of ineffective symbolism that does little except put our own people out of work.

I am all for being tough with the Soviet Union. But I know the difference between talking tough and being tough. We have been talking tough for 10 years and we still do not have policy. President Reagan in his European trip has tried to tell our European allies the facts. It would appear they will be taking a much more serious view of this problem.

At this point I wish to insert in the RECORD, "U.S. Seeks Consensus on Economic Curbs on Soviet" from the New York Times; "Trading With Russia," by Henry Kissinger, from the Baltimore Sun; and "U.S. Trade Restrictions in Recent Years Are Said to Cost Billions in Lost Business," from the Wall Street Journal, all published Wednesday, May 26, 1982.

U.S. TRADE RESTRICTIONS IN RECENT YEARS ARE SAID TO COST BILLIONS IN LOST BUSINESS

(By Art Pine)

Like many Japanese, Hiroshi Nakamura still remembers vividly the morning of June 28, 1973, when he heard the news broadcast by a Tokyo radio station: The Nixon administration, facing domestic crop shortages, had abruptly embargoed U.S. soybean exports. Without warning, the major supply of one of Japan's basic foodstuffs was almost completely cut off.

Shocked, Mr. Nakamura, the managing director of a large Japanese soybean-processing firm, ordered his buyers to go wherever they could to find soybeans, to Brazil for example. "We had to act quickly," Mr. Nakamura recalls. "We were sure we'd be out of supplies fast."

Although Japanese buyers are again doing business with U.S. growers, Brazil, new to soybean production in 1973, now has a thriving soybean industry that is capturing an increasing share of the world market. Before the U.S. embargo, Brazil accounted for only 18 percent of world soybean-meal sales, while the U.S. commanded 80 percent.

Today, Brazil has some 39 percent of this market, while the U.S. share has shrunk to 35 percent.

The soybean embargo lasted for just a few weeks, but it is on a long list of export and other trade restrictions imposed by the United States that are drawing fire here and abroad. Although these measures were designed to serve certain purposes—from slowing price rises to putting pressure on foreign adversaries—they have cost the nation billions of dollars in lost export sales and have caused foreign buyers to doubt that the United States is a reliable supplier.

U.S. RELIABILITY

Allthough America still is the world's largest producer of soybeans and a host of other products, "we are no longer unique, and a lot of countries are getting leery," says Lawrence Krause, a specialist in international economics at the Brookings Institution in Washington. A top executive in a big U.S.-based multinational corporation says U.S. reliability is being questioned. "More and more, people are asking us, "How do I know that a year from now I'll be able to get parts?' "

Besides the soybean stoppage, a series of other U.S. restraints in the past decade or so have had lasting effects: There was a 10 percent across-the-board import surcharge in 1971; a brief ban on iron and steel exports in 1973; quotas on beef imports in 1974; grain embargoes affecting the Soviet Union in 1975 and 1980; legislation barring U.S. companies from joining the Arab boycott of Israel in 1976; the Foreign Corrupt Practices Act banning questionable payments abroad in 1977; a ban on sales of high-technology equipment to Russia in 1978; President Carter's "human rights" export limits in 1978; the freeze on Iranian assets held in the U.S. in 1979; and President Reagan's ban on the sale of turbine rotors and pipelayers for the Soviet gas pipeline to Western Europe in 1981.

A DEVASTATING EFFECT

In nearly every case, restraints have had important untoward effects:

E. C. Chapman, executive vice president of Caterpillar Tractor Co., which was blocked from selling pipelayers to the USSR earlier this year, complained to Congress recently that while his company's proposed sale was stopped its Japanese competitor Komatsu Corp., went ahead with a similar order. A restriction like this "will have a devastating effect on Caterpillar's reputation as a reliable supplier," Mr. Chapman said. "It forces potential buyers to question whether we'll be able to maintain a long-term relationship, and thus leads buyers in other directions."

West German economics minister Otto Lambsdorff, on a recent United States visit, cautioned that the Reagan administration's move to bar General Electric Co. from selling complex turbine-rotors for the European-Soviet gas pipeline will make buyers abroad think twice. Because the United States has been a dependable supplier of such products, "Everybody relies on G.E." and hasn't bothered to imitate the company's technology. "If that is changed," the economics minister warned, "you'll find many people in the world thinking, 'Can we rely on the Americans—or should we hedge out bets?' "

While the 10 percent import surcharge imposed in 1971 was intended primarily to prod European countries to revalue their currencies upward in conjunction with the U.S. dollar devaluation that year, Canadian Ambassador Allan Gotlieb says it raised doubts about U.S. trade practices and prompted Ottawa to embark on nationalistic "Canadianization" investment policies, which are a source of U.S.-Canadian political tensions.

In Japan, the 1971 import surcharge and the 1973 soybean embargo are widely seen as shattering Japan's belief that it could always count on importing as much food as it wanted. The U.S. actions encouraged Japanese protectionism. Utaka Yoshioka, a former agriculture ministry official, notes that after the 1973 embargo, Japanese consumer groups abandoned their previous call for liberalizing food imports to help reduce prices and instead argued that consumers accept high prices as a way to encourage "food self-sufficiency." As one trade-ministry official says, "It's all the more difficult now to remove import quotas from agricultural products. People still remember 1973."

The Iranian assets freeze, while widely applauded in 1979 as helping to free the U.S. hostages, has made some Arab investors reluctant to deposit money in the U.S. Robert Carswell, deputy U.S. secretary of the Treasury at the time, notes that U.S. banks got ony 2.5 percent of OPEC nations' new deposits in 1980, compared to a sizable 41 percent in 1979. "There are a number of possible reasons for this change," he says, "but among them may well be a reaction to . . . the Iranian blocking."

An executive of a large U.S.-based multinational company says his firm "breaks off the conversation" if a foreign buyer so much as mentions commission schemes that might seem improper to U.S. authorities—for fear of being prosecuted under the Foreign Corrupt Practices Act. "Americans are the only group that has to worry about this," he says. "Our competitors pay whatever is asked—and often wind up getting the contracts."

WHO GETS HURT?

With the possible exception of the Iranian assets freeze, many economists maintain, economic sanctions ultimately wind up hurting the U.S. more than they injure the target country. A study by Schnittker Associates, a Washington-based research group, estimates that the 1980–81 grain embargo cost the nation $11.5 billion in personal income—plus several billion dollars in direct government costs, including $1.5 billion for commodity purchases and $1 billion for interest, storage and handling.

What may be more serious, the Schnittker report suggests, is the longer-term effect: The embargo reduced Soviet dependence on American grain supplies and encouraged other countries to move into the Russian market. Argentina now sells 65 percent of its total grain exports to the Soviet Union, compared with 10 percent in 1978–79, and the Soviets have contracted for increased purchases from Canada and Australia.

Not everyone agrees that the U.S. trade restrictions have backfired. John Connally, the Nixon administration treasury secretary who helped draft the 1971 import surcharge, argues that the United States should use its economic clout more frequently to pursue broad national interests. The only thing wrong with the 1980–81 grain embargo, he contends, is that the government didn't protect farmers' income by buying up enough excess grain. As for the soybean embargo's shocking the Japanese into seeking other suppliers, Mr. Connally says "they'd go buy it somewhere else on the basis of price, anyway."

Nevertheless, most analysts agree that the United States is almost alone in using trade as a foreign-policy weapon. "The thought of any other country interfering with its exports is almost unimaginable," asserts Mr. Krause of Brookings. To both buyer and seller, he says, "these things come as a blind-side surprise."

What particularly galls American businessmen is that because other countries don't have similar restraints, foreign competitors are free to cash in. An example is the Carter administration's 1978 ban on a proposed sale by the Sperry Rand Corp. of a $5 million computer to the Soviet news agency, Tass. Angry at Moscow's treatment of Soviet dissident Alexander Sakharov, the United States kept Sperry Rand from going ahead with the deal. A French firm swooped in and got the business.

Other examples abound. After the United States imposed restrictions on certain sales to Russia by American companies, French suppliers took over an estimated $100 million in orders for construction of a Soviet steel mill at Novolipetsk. West German companies stepped in later to sell another $100 million in technology and equipment for an aluminum smelter in Sayansk; and Moscow turned to Japan for $100 million worth of energy-related equipment.

Michael Samuels, international economic specialist for the U.S. Chamber of Commerce, which strongly opposes the use of trade as a foreign-policy weapon, argues administrations too often turn to such measures because "they're quick, easy and don't spill any blood." It's "usually easy to find a political constituency for what you're doing, and they don't really think about the longer-term effects." Mr. Samuels argues.

Embarrassing paradoxes sometimes result, he notes. "Here we are on one hand pressuring the Europeans not to sell high-technology goods to the Soviets, and yet we're selling Moscow grain. There's an obvious contradiction here, and it's not easy to explain."

TRADING WITH RUSSIA

(By Henry A. Kissinger)

In the wake of the Soviet invasion of Afghanistan and then of the suppression of liberty in Poland, two successive American administrations vainly sought European support to restrict East-West trade. The resulting disagreements have left an unfortunate residue. In America, many believe that Europe subordinates long-term strategy and even security to short-term domestic politics; in Europe, many argue that America seeks to play for geopolitical stakes with European chips, risking the domestic cohesion of friendly countries without ourselves making equivalent sacrifices, as the lifting of the grain embargo suggests.

Pressures for East-West trade grew in the late 1960's and early 1970's—ironically, following the Soviet invasion of Czechoslovakia. It was argued in some quarters that despite occasional Soviet transgressions, increased trade would moderate Soviet behavior by making the U.S.S.R. increasingly dependent on the technology and grain of the industrial democracies. The American administration then in office, in which I served, held from the first that trade should follow prior demonstrations of Soviet commitment to a more peaceful course and should be linked to Soviet international behavior. When the Soviet Union entered into serious negotiations on Berlin, strategic arms limitations, mutual force reductions

and other matters, the United States gradually lifted restrictions, on a case-by-case basis and tied to specific projects. Our European allies followed, and far surpassed us in both the scale of their trade and credit and the ease with which they made it available.

Whatever the merit of the original theories, it is now clear that trade and credits can moderate Soviet conduct only if the Kremlin fears that intransigence will cost it the economic benefits it seeks. Yet that is what is most insistently rejected by the domestic interest groups in all countries that gain from East-West trade and by the Western governments that they influence. More and more, the governments of the industrial democracies act on the premise that the immediate gains in employment outweigh the political risks of strengthening a hostile and aggressive political system. This is all the more shortsighted, since a mounting tide of radicalism and insecurity in the world—inevitably encouraged or abetted by a growth of Soviet power unrestrained by some agreed code of conduct—will sooner or later compound all economic difficulties as well.

There is little doubt that the negotiating balance in East-West trade has been reversed over the past decade. In every crisis, the West invents new excuses for declining to interrupt economic relations. Indeed, economic relations have done much more to induce Western restraint in the face of Soviet misconduct than to encourage Soviet restraint in international behavior.

The inequality in bargaining positions is almost entirely the result of the disunity of the democracies. The West is divided into competing units that are sometimes prevented by antitrust legislation from acting together, and often encouraged by governments that seek special benefits for their national industries by concessional credits. Loans have been offered or encouraged with little or no consideration of Soviet or East European ability to use or repay the funds. Default is avoided by "rescheduling," that is, lending more money to pay interest on what are in effect bad loans—protecting the lenders' balance sheet. In these circumstances it is easy for the Kremlin to play Western countries, and even industries, against each other, obtaining benefits not justified by the economic balance of advantage, much less by political circumstances.

The result has been an anomaly. By any objective analysis, the Soviet Union and its satellites are infinitely more dependent on East-West trade than their trading partners the industrial democracies are. The Soviet Union cannot feed itself without the non-Communist world's grain; it desperately needs Western technology. The inequality in benefits would long since have reduced trade to a trickle had not Western governments stepped in with direct or hidden credits, which now amount to nearly $90 billion for the Communist world. In addition, many export prices are subsidized by governments directly or indirectly. The Communist countries thus are not only gaining a relative advantage in trade, but are also being financed by the nations against whom they are simultaneously conducting a geopolitical offensive. Lenin's legendary dictum that capitalists would compete to sell the rope with which they would be hanged is coming true with a vengeance—for Lenin never guessed that Western governments would provide the money to buy the rope and subsidize the price to facilitate the purchase.

It is unthinkable that the West should continue to use its overwhelming share of the world's economic power so frivolously. We are on the defensive not because we lack resources but because we have failed to muster the will or the leadership to organize a coherent response. We have tried stop-and-go sanctions. They have failed because they affected various countries an different sectors of the economy unequally. They have turned into pinpricks dramatizing the West's weakness rather than its mastery of the situation.

The issue has further been clouded by the extreme manner in which the choices have been stated. Some opponents of East-West trade seem to hope that a total denial of economic benefits would force the collapse of the Soviet system. This theory is disproved by history. The Soviet system survived several decades of economic isolation and did not crumble. And it runs counter to the domestic pressures for seeking negotiations on a broad front. The last 18 months show that the alliance will not sustain a policy of confrontation for its own sake, unrelieved by any hope of diplomatic process.

But the opposite theory, of the automatic mellowing effect of trade, has also been demonstrated to be fallacious. Soviet behavior in recent years has given the lie to the argument that trade and credits by themselves will bring about a benign evolution of the Soviet system. Soviet-Cuban intervention in Angola, in Ethiopia, and in South Yemen; the invasion of Afghanistan; the suppression of Solidarity in Poland; and the use of toxic chemical and biological warfare in Afghanistan and Southeast Asia have all occurred in precisely the period of expanded East-West economic cooperation.

U.S. SEEKS CONSENSUS ON ECONOMIC CURBS ON SOVIET

(By Steven R. Weisman)

WASHINGTON, May 25.—Ten days before the economic meeting of the major industrial nations at Versailles the Reagan Administration remains unable to win agreement from other participants on several of its proposals for discussion including a curb on credits to the Soviet Union.

Administration officials said today that France, the host nation, had balked at the idea of committing participating nations to such a step. President Reagan seeks the curb as part of a broad effort to block economic assistance to the Soviet Union.

As a result of the French position, two top Administration officials will fly to Paris to confer with European officials Thursday in an attempt to resolve the credits issue before the meeting. The two are James L. Buckley, the State Department counselor, and Marc E. Leland, Assistant Treasury Secretary for International Affairs.

U.S. TO PRESS ISSUE

If an agreement on credits to the Soviet Union is not resolved by the time of the meeting, which is scheduled for June 4-6, the Reagan Administration is prepared to continue pressing the issue in other forums, officials said today.

Meanwhile, these officials said, Mr. Reagan is continuing to reserve the option of using all legal means to block a French company from using technology licensed from General Electric to make generators for the natural gas pipeline from Siberia to Western Europe.

It was understood that Secretary of State Alexander Haig Jr. had recommended that Mr. Reagan refrain from trying to delay the pipeline if France and other countries agreed to future credit curbs. But Administration officials said today that Mr. Reagan, after reviewing the matter Monday at a National Security Council meeting, had again put off a decision.

ONE ISSUE NEARLY SETTLED

One potentially contentious issue is close to being defused, however, administration officials said. That is the demand by European nations for the United States to do something about its high interest rates.

The Europeans say the high interest rates are raising the cost of credit worldwide and dampening the prospects for economic recovery. In addition, the rates are said to be attracting capital from Europe to the United States, weakening European currencies.

France, in particular, has asked the Reagan Administration to respond to this problem by agreeing to intervene with European central banks to prop up European currencies. But American officials are philosophically opposed to monetary intervention.

In recent weeks, however, American officials have said that they agree intervention is sometimes necessary when currencies fluctuate because of outside events, like wars or assassinations. Indeed, the United States took action to prop up the dollar after the attempt on President Reagan's life in March 1981.

Also, the Reagan administration was said to be ready to endorse a study of the problem and to reconsider its view if the study showed that exchange rate intervention actually worked. This idea was said to have pleased France.

As the Versailles meeting approaches, administration officials said they were worried that two issues might overshadow both the conference and the North Atlantic Treaty Organization meeting in Bonn—and possibly all of Mr. Reagan's nine-day European trip.

FARM SUBSIDIES AN ISSUE

First there is the dispute between Britain and other members of the Common Market over farm price subsidies. Britain vetoed the subsidies last week, but the market went ahead with them. The resulting furor threatens to disrupt discussions at Versailles.

Second is the war in the Falkland Islands, which, American officials hope, will not draw attention away from other urgent matters Mr. Reagan wants to bring up both in Versailles and in Bonn.●

BRIG. GEN. JAMES L. DOZIER TO SPEAK AT FLAG DAY CEREMONIES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. FOGLIETTA. Mr. Speaker, Brig. Gen. James L. Dozier, who was kidnapped and held hostage in Italy for 45 days, will be principal speaker at Flag Day ceremonies at the historic Betsy Ross House in Philadelphia on Monday, June 14.

In making the announcement, William Van Alen, president of the Betsy Ross House Board of Trustees, said that the former Chief of Staff of NATO Forces in Italy will help observe the 205th anniversary of the Na-

tion's first flag, adopted by the Congress in 1777:

It is most appropriate that someone of General Dozier's status speak from in front of one of the country's great showcases on a holiday that has increased in importance over these many years.

It will give all of us an opportunity of renewing our patriotism as we salute the flag and the man on Flag Day.

General Dozier's visit will add a new dimension to Philadelphia's overall celebration of its 300th anniversary, Van Alen noted.

Van Alen noted that the Flag Day observance would begin at 11 a.m. on Monday, June 14, and will be followed by a luncheon.

The Betsy Ross House event will culminate a week of activities observing the creation of the 13-star flag by Betsy Ross on June 14, 1777.●

ACTION AGENCY: THE GRAVY TRAIN IS OVER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. McDONALD. Mr. Speaker, I realize that several entries I placed in the CONGRESSIONAL RECORD on the matter of where our money is going, from the Conservative Digest of April, this year, has caused a little consternation in some circles. I have also had some entries on the "good guys" who are trying to reverse the process of spending this Nation into bankruptcy.

For the benefit of my colleagues, and the American taxpayer, I would like to share another article from that April 1982 issue of Conservative Digest. It is an interview with Tom Pauken, the President Reagan appointee serving as Director of ACTION. The interview was conducted by Digest editor John Lofton, never known for pulling his punches where getting to the truth of a matter is concerned.

This interview is not only an expose of where our money went, to such socialists as Jane Fonda and Mr. Jane Fonda (Tom Hayden), but far more important, it is a healthy straight forward reply from Tom Pauken as to what is being done to halt this nonsense. They say that if you are not part of the solution, you are part of the problem. Tom Pauken, in my estimation, is one who could be magnified a thousand times in all agencies of the executive branch. And Tom Pauken, as is well known by now, to all the socialists with their water cutoff, is a noble solution to one executive branch problem. Let us have more. Interview follows:

[From the Conservative Digest, April 1982]

A CONSERVATIVE TAKES ACTION AND STOPS THE LEFT'S GRAVY TRAIN

(By John Lofton)

CD: Mr. Pauken, some of those on the left who are having their federal funds cut are critical of what you're doing here at ACTION, and they're accusing you of conducting some kind of leftwing witch hunt.

What exactly are you trying to accomplish and why?

Pauken: The law under which this agency operates is known as the Domestic Volunteer Service Act. Amended in 1973, that act in its section on political activities provides:

"No part of any funds appropriated to carry out this act or any program administered by the ACTION agency shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to federal office or the outcome of any election to state or local public office, or any voter registration activity, etc."

And it goes on to indicate that partisan and nonpartisan political activity is not permitted and that federal funds are not to be used for political purposes on behalf of anybody—conservatives, liberals, socialists or Ku Klux Klansmen.

Our concern in coming into office was that the previous administration, headed by the antiwar activist Sam Brown, was heavily funding politically active organizations involved—directly or indirectly—in lobbying for or against a variety of public policy issues.

That's wrong. We are eliminating that funding in this administration and we're not funding any political activities on the right. I don't believe the federal government ought to be in the business of using tax dollars to promote political points of view.

Specifically, under the previous administration, some $200,000 went to the Tom Hayden and Jane Fonda-related Laurel Springs Institute in California—a part of their Campaign for Economic Democracy unbrella, which they used under VISTA funding.

More than a half-million dollars went to an organization in Chicago, the Midwest Academy, headed by former SDS leaders Paul and Heather Booth. This group, founded by the now deceased radical Saul Alinsky, is the organizational network for the New Left that trains community organizers.

The Citizens/Labor Energy Coalition, heavily funded by this agency in the past, organizes antinuclear activity throughout the country. A variety of tenants' rights activist organizations were funded through VISTA under the previous administration which took positions on behalf of or in opposition to various referenda concerning tenants' issues.

An organization associated with Ralph Nader's Public Interest Research Groups received approximately $1 million from ACTION.

The irony is that they probably shouldn't have gotten it under the law in the first place. If they want to get funding for their idealogical causes, that's fine, but let them go raise it from their idealogical brethren.

CD: How widespread is this problem?

Pauken: Well, I knew that this agency had spent some money on this kind of activity. I didn't realize it amounted to tens of millions of dollars.

I was shocked at the depth of the funding of political activist groups under the previous administration. I'm referring to the various organizations that in the name of the poor, the needy, or the sick, are in reality organized for the purpose of changing this political and economic system and then gaining political power.

In a recent article in Social Policy magazine, one of the officials of the New Orleans-based Association of Community Organizations for Reform Now (ACORN)—which has received substantial grants from ACTION in the past—had this to say:

"We do not use our food-buying clubs as anything other than a tool to build the necessary social bonds for our people to struggle in the political and social arena. Our interest is not in specific or immediate reforms; instead, our purpose in such participation is to build political power."

And then in an ACORN training manual, there is this: "Our goal is building power. We're not interested in just making people like one another."

In addition, the request for funds from the Midwest Academy said their project would address the following issue:

"The great majority of people in poverty feel unable to deal with its causes and remain trapped in its vicious cycle. They need the help of skillful organizers who can help them understand the root causes of their poverty and enable them to take collective action to improve their standard of living."

Under the grant, of course, the Midwest Academy would provide and train the VISTA volunteers so that they could become, "skillful organizers."

Then they had a series of instructions and topics for the VISTA volunteers—again using taxpayers' dollars. Topics on the agenda included "organizing for power, direct action organizing, some guidelines on Mass Lobby Day, organizing rallies."

VISTA volunteers were taught how to pick an issue to fight about, and to target an enemy who could be portrayed publicly in a bad light.

ACTION probably was a significant funding arm of the New Left political movement, and kept a lot of its organizations going. There's no question in my mind that in order to organize they were heavily dependent upon federal funding.

CD: Are we talking about thousands of people or tens of thousands—again, all totaled over the years?

Pauken: It's hard to say. Over the years there were thousands, to be sure. Probably there are a few key organizations, with affiliates in some 50 to 100 communities around the country; if you look beneath the surface at most of those organizations involved in community organizing, they have now or have had federal grants in order to operate.

CD: Are all or most of these activities here illegal, or close to being illegal—or what?

Pauken: The House Appropriations Committee in 1979 raised serious questions about whether this type of funding ought to continue.

Not only was this against the spirit of the law, but—look, it's one thing to inherit somebody else's mess, but after a year, it's your own mess. We resolved from the beginning to do what we could to see that politically activist groups—of any cause—were not involved in getting funding.

I happen to be opposed to abortion; I personally support the Right to Life effort. However, I would not be in favor of a federal agency providing funds for this movement. Politically activist groups need to raise their funds in the private sector and to get volunteers that way too. I think that's

the way it ought to be. Those are the rules for all organizations. Our inspector general's office is auditing the projects, and we require it to follow the rules (concerning political activities).

We terminated a project in Philadelphia where one of the VISTA volunteers was involved in a union demonstration at the home of the mayor. We thought that was rather clearly in violation of the statute, but a federal judge overturned our decision.

We've done two things: made sure funding will not continue to go to these kinds of organizations, and we are auditing many ongoing projects for violations of law. Where there are violations, we refer them to the appropriate authorities.

CD: Do you think, based upon what you've discovered thus far, that the law was winked at, or even blatantly disregarded?

Pauken: It's like having a political organization with one office. If that office is shared by another non-political organization, how can you prove who's using the only telephone for what? Is the non-political organization's telephone service, which is paid for by the federal government, being used by the political organization? I think it's reasonable to assume that funds are commingled, but proving it under the law is another matter.

You may have two organization: one, your "non-political organization" that receives federal funding; and another, separate organization in the same room with the same telephone involved in political activity. And they say, "Gee, we did that on our time," or, "We did separately; in terms of any political involvement, it wasn't connected with the project."

From a legal standpoint, however, there may be technical problems in proving this commingling of funds.

We have upgraded our inspector general's office. The previous administration did not have an independent inspector general. It was an office given low priority. Obviously, we have upgraded it.

CD: Are you its boss?

Pauken: Yes. But although I am the boss, the inspector general is ultimately independent.

CD: You're going to be hard-nosed on this?

Pauken: Yes.

CD: Is ACTION the only federal agency through which federal dollars are given to these radical and liberal groups?

Pauken: We know one case in which we cut off the funding of an organization that had spent substantial sums in grant money for memberships in health clubs and a trip to Puerto Rico to attend some Pan American basketball championship. We found that hard to justify as poverty related.

We also learned in the investigation that this organization had received money from other agencies—including the Department of Education—and were trying to get money from Interior to cover the money they owed this agency. They used the money from this agency to pay off money owed the Department of Education in their grant process.

Organizations like these go to every agency in town to get funding. But we have made it a strong policy that it isn't going to happen here.

CD: Let's talk about your predecessor, Sam Brown. What kind of a ship did he run here?

Pauken: Sam Brown was part of the New Left political coalition. He apparently came into this office with the idea that he would build and support that political network, and he put a lot of federal tax dollars into that network.

His choice as director of VISTA—Marge Tabankin—was one of those who went to Hanoi, and took part in the antiwar activist efforts.

They had Lee Weiner as a consultant. Weiner was a member of the Chicago Seven.

They set out to get as much money as possible out to their ideological brethren.

CD: In doing this, how close did they come, in your judgment, to breaking the law?

Pauken: I think in the 1979 hearings before the House Appropriation Subcommittee it was a very close call as to whether additional action would be taken. In a different time and under a different administration, some action would have been taken. The spirit of the law was violated in my opinion.

CD: When they left, did they strip files or take records? Do you think you really know everything Sam Brown did while he was at ACTION?

Pauken: No. Who knows what was taken? We know that records were taken by a former senior official. Although we were able to get these records back, I can't say we have a complete set of records of what took place in the previous administration.

CD: Did Brown take what he was entitled to take? Of course, one of the problems is that you don't know exactly what he took.

Pauken: I don't know what he took. He was entitled to take his personal papers. But I don't know what else was taken. Sometimes you learn things by an unusual situation. In Dallas, my home community, they funded a self-proclaimed socialist organization called the Bois d'Arc Patriots. They had a VISTA grant, and it turned up on a fluke. We found out that our agency turned over furniture to them, which they were using in their offices. As a result, we got the furniture back.

I sent out a directive to our people asking whether any other agency equipment had been given out to various organizations. At the Laurel Springs Institute we turned up a TV monitor that had been given to them. How that fits in to poverty-related activities, I don't know.

I can't say we've caught everything, but we've got a pretty good record of shutting down most of those activities that were in violation of the spirit, if not the letter, of the law.

CD: What about the bottom line, then? What have you been able to accomplish, and how effective have you been?

Pauken: We have stopped almost all of the funding of politically oriented or activist groups begun under the previous administration, where permitted by the law. Obviously, there's some funding which was in progress prior to our getting in office. Almost all of that will be finished in the next couple of months.

We make sure that these matters are reviewed throughout the organization. So, if someone in the bureaucracy, on a personal whim, wants to fund politically activist groups, they don't have the authority.

CD: Would you say that anyone need be concerned that poor people will suffer from your de-funding of these groups?

Pauken: Absolutely not. These groups didn't do anything for poor people. We're facing budget cuts at this agency, and yet we're putting more volunteers into the field. We're beefing up our Older American Volunteers, the volunteers who truly want to help the needy, and we've cut out this wasteful expenditure of tax dollars.

CD: How have the leftists reacted to your administration of ACTION?

Pauken: Well, I'm not one of their favorite people. But so what? We're here to do what the President campaigned on. These groups don't deserve to be using taxpayers' money. In the Philadelphia case, the opposition was a group that's associated with the Midwest Academy. They were represented by Legal Services' attorneys.

Are they representing the poor people? Are they helping the needy? Or are they involved in politically activist causes?

CD: Has any group sued you to keep their money?

Pauken: Yes. We've won a couple, lost a couple. As I mentioned earlier, a federal judge in Philadelphia prevented us from terminating the project earlier. That case is pending and I would anticipate an appeal. But there has been legal effort, generally using Legal Services' attorneys, against us.●

GERMANY AND THE CRISIS OF MODERNITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. HAMILTON. Mr. Speaker, an important conference was held in Boston May 20–22, 1982, on "Germany and the Crisis of Modernity." Sponsored by the West German Goethe Institute, an internationally known organization that promotes the study of German culture, this conference enabled some 60 American and German participants to examine contemporary political and economic developments in Germany, America's perception of events in West Germany and United States-German relations.

I had expected to attend and participate in this conference but unfortunately had to cancel at the last minute because of the debate on the budget. Nevertheless, I would like to bring to my colleagues' attention the remarks I would have given.

My comments, "Building for Cooperation: Political and Economic Issues in the Atlantic Alliance," appealed for mutual recognition of the need for improved consultations between the United States and our European allies. Rather than focus solely on Germany, I chose to examine how U.S. relations with that country are affected by our relationship with the Soviet Union and other members of the Atlantic Alliance.

But as the President prepares to meet with our allies in an important economic summit at Versailles, I think these observations contain some pertinent reminders of the problems we face.

My remarks follow:

BUILDING FOR COOPERATION: POLITICAL AND ECONOMIC ISSUES IN THE ATLANTIC ALLIANCE

(By Hon. LEE H. HAMILTON)

In its 35 year history the Atlantic Alliance has passed through stormy trials: The rear-

mament of West Germany; the withdrawal of France; and now a controversy that concerns not only the appropriate military posture of the Alliance but the nature of the political and economic relations that bind it together.

Some call the present debate the Alliance's greatest crisis, and there is a vocal minority who claim the United States should withdraw troops from Europe unless West European allies avoid closer commercial and economic ties with East Europe and the Soviet Union.

The focus of this panel is energy, but the context in which energy decisions in the Alliance are made is decidedly political. I wish to suggest briefly the reasons for the present debates in Atlantic relations but also offer hope for those who believe as I do, that close U.S.-West European relations are central to world peace.

INTRODUCTION

The basic challenge of the Atlantic Alliance is to understand that solutions to problems cannot be implemented by any one country alone. The effort of the United States and its allies to soften their differences over sanctions on Poland and the Soviet Union is proof of that. We will not find solutions to the challenges which confront us unless we find the solution together.

This fact pervades discussions surrounding sanctions on Poland and the Soviet Union. President Reagan imposed sanctions on both countries with the expectation that the European allies would support American policy with similar measures. Instead, the allies questioned the timing and value of the sanctions and argued that they needlessly threathened an escalation of East-West tension. But American pressure on the allies and mutual recognition of Soviet responsibility for martial law in Poland has brought the two sides closer. Each knows that the success of Western protests depends on the support of alliance members on both sides of the Atlantic.

Benjamin Franklin said at the time the 13 states joined to form the federal union: "We must all hang together or, most assuredly, we will all hang separately." What he said of the U.S. in its infancy can be said of the U.S. and the countries of Western Europe today.

Personally, I avoid the word "crisis" in describing the present status of the Alliance. I have observed the course of that alliance long enough to believe that these disagreements and differences, which always exist, are not "crises."

The Alliance endures and survives these challenges because fundamental common interests overshadow differences. Our debates and disagreements are a natural condition of an association of democratic states with different political perspectives and competing economic interests, yet similar and common strategic goals.

Regrettably, part of the cause of American apprehension about the Alliance has been the belated focus of Congress on the problem. Congressional attention has more easily been drawn to the most presssing issues facing the country—Vietnam, the Middle East, and the arms race—and not to relations with West Europe. Except for Portugal and Spain, none of the West European countries receives regular U.S. aid.

But in recent months a combination of issues—deployment of intermediate nuclear weapons in Europe, an articulate European anti-nuclear movement, and a debate over economic and energy issues following the impositions of sanctions on Poland and the Soviet Union—has redirected Congressional attention to the Alliance.

The fate of the Alliance in Europe rests heavily on its keystone, West Germany. All members make critical contributions to the Alliance, but it is the plains of central Germany which will be the likeliest route of Soviet attack.

ISSUES IN UNITED STATES-GERMAN AND UNITED STATES EUROPEAN RELATIONS

U.S. relations with West Germany are on a firm footing, but there are underlying problems which create inevitable tensions. A discussion of these reveals an explanation of present disagreements in U.S. relations with all of West Europe as well as with Bonn.

Geography: West Europe and the Federal Republic of Germany share borders with communist-governed East Europe where part of the massive might of the Soviet military is located. West Europeans know their homelands will become fields of battle in case of conflict between the superpowers. We in the United States sometimes overlook these geographical facts in our criticism of the European anti-nuclear movement.

History: Europe has experienced two devastating wars in this century. Its people are disturbed by Soviet military adventurism and the strong anti-Soviet statements from Washington. They fear that misdirected Soviet or American policies could bring a level of destruction dwarfing that of the previous wars. Yet, ironically, the pain of contemplating Europe's tragedies in the twentieth century has led to a sad neglect of history. Ambassador Arthur Burns has found among young Germans, and Americans too, "a lack of interest in the study of history" and thus "a lack of understanding of how the world got where it is." The historical development of Europe is not well understood, and one hears a naive optimism about the intentions and methods of the Soviet leadership.

Ideology: Most West Europeans accept an active role by the government in state planning and protection of social welfare. Socialism has its historical roots in West Europe and many Europeans are puzzled by the American suspicion of socialist policies within a democratic context. Many West European critics believe that present American leadership is abdicating the government's responsibility in protecting the welfare of its people. The Reagan Administration's retreat from environmental and energy policies also disturbs many Europeans who applauded American progress on energy conservation but who now see slippage back toward unrestrained selfish consumption.

The changing source of American leadership: Although Americans may not see a great deal of significance in the fact that recent Presidents have come from the West and South, some European observers fear that leaders from these sections of our country place less importance on the value of the Atlantic Alliance. The shifting interest of American leadership to Latin America and the Far East is explained by some Europeans as a consequence of the shift of American political power to the West and South.

The American nuclear guarantee: Another continuing problem is the American nuclear guarantee to Western Europe. Dependence on the American nuclear guarantee makes Europeans uneasy about American intentions. If Europe is attacked, will the United States commit its intercontinental strategic forces, or will it attempt to confine war to the European continent through use of its theater nuclear forces? This dependence on the American nuclear guarantee and the anxiety it creates about the means and objectives of American strategy is a continuing source of tension in the Alliance.

Regional versus global preoccupations: Another basic problem is the difficulty in reconciling the essentially global view of the United States with the basically regional view of the European allies. Americans dwell on matters related to the world balance of power and world strategy. It is natural that Europe's immediate preoccupations tend to be with problems closer to home. With Europeans believing that the risks and responsibilities of world power rest in Washington, and Americans pressing Europeans to take upon themselves more of these risks and responsibilities, there is another source of tension among the allies.

Economic interdependence between United States and Western Europe: European success in the economic sphere, and the intense economic interdependence between Europe and the U.S. creates dissatisfaction.

Consultation: Consultation is always a headache. I am not sure I can recall a meeting with our European friends during which the subject of consultations and how to improve them did not arise. Mutual recriminations about the timing and amount of consultation have been part and parcel of successive alliance debates. For example, West German Chancellor Helmut Schmidt complained of America's failure to consult its allies before imposing sanctions on Poland and the Soviet Union. Thus, consultation among the allies is often inadequate and always in need of improvement.

No perfect mechanism exists for insuring proper and timely consultation. It remains an elusive goal of the Atlantic partners.

Consultations, however, will not solve all the ills of the Alliance.

In some cases, no amount of timely consultation will help achieve a common view on what to do about a particular problem.

The importance of consultation, however, is that it builds mutual trust and creates a climate in which common ground can be found and differences minimized prior to the enactment of policies. As Ambassador Arthur Burns reminded members of Congress during a recent visit to Washington, "extensive and effective consultations" are the primary means of achieving better understanding between the United States and its European allies.

However, for consultations to succeed it is necessary to address several challenges simultaneously. Each of the issues I am about to list have caused strain in the Atlantic Alliance, and if left untended could create additional strife and contribute to the disintegration of the Alliance.

CHALLENGES TO THE ALLIANCE

1. The conduct of East-West relations

The paramount challenge is the conduct of East-West relations.

Different perspectives in Europe and America on how to conduct these relations create challenges, strains, and potential opportunities for the Alliance.

The central question is what type of relations we want with the Soviet Union.

The United States today is putting priority in real increases in defense spending. Our allies less so.

We have fundamental differences on arms control. Although it is a top priority for Europe, the Reagan Administration has

only recently made a firm commitment to arms control. The present negotiations in Geneva on theater nuclear forces and the possibility later this year of talks on strategic weapons raise European hopes. But only time and the course of events in Poland and Afghanistan will reveal the extent of the American commitment.

In the United States, from the time detente developed as a central element of our foreign policy in the early 1970s to its slow demise at the end of the decade, it was assumed that detente, while contributing to a relaxation of tensions, would also moderate Soviet behavior.

Most Americans thought that aggressive Soviet policies in the Third World, coupled with increasing Soviet military power, could not be reconciled with detente. Detente, then, for most Americans has been perceived as a failure since it did not produce Soviet moderation. Suspicion of Soviet responsibility for developments in Poland has reinforced this perception.

In Europe, detente is seen as having brought an easing of tension and daily economic and personal benefits to the people of Europe, particularly in the Federal Republic of Germany. For them, detente has built a network of interests, tying them to Moscow and to the countries of Eastern Europe. Millions of people have been positively affected by the opening of the borders between East and West, through family reunifications and cross-border visits, of the mutual benefits of trade with the East. Even though they hold the Soviet Union partly responsible for martial law in Poland, they reject the current American view that transfers of credit, trade and technology only strengthen the Soviet Union.

They remain far more convinced that economic ties with the East can loosen alliance ties. We hear with apprehension about the growing dependency of some European nations on Soviet energy supplies, for example.

Thus, many Americans, with less direct experience of the benefits of detente, and with a global perspective that sees Soviet expansionism do not fully understand the European view of detente in Europe.

2. Challenges in the Third World

Our greatest challenges may be in the Third World, where regional conflicts and instability present constant dangers to Western interests.

In the Persian Gulf, the Middle East, and Latin America, we are confronted with a host of policy problems to which there are not simple solutions.

How to deal with the challenges in areas outside the geographical zone covered by the NATO Treaty is becoming a major concern of the Alliance.

The United States does not always like or appreciate European initiatives outside Europe. American criticism of the recent Mexican-French declaration of support for revolutionary forces in El Salvador is a case in point. Nevertheless, the United States must expect initiatives like that as the European states seek a role outside Europe.

American responses to the challenges of the Third World have focussed more on security and military issues. The Europeans feel that the United States is giving insufficient attention to economic and political problems.

In the Persian Gulf, many Europeans see the Carter Doctrine and the U.S. quest for bases as a simplistic military response to an area where the social, economic and political problems simply will not yield to force alone.

In general, Europeans also tend to attach more significance to the North-South Dialogue than Americans. But as French criticism of Soviet policies demonstrates, no European government has sacrificed its ties with the United States for closer relations with the developing world.

3. Economic challenges

A series of economic problems must be dealt with by the Alliance. Their persistency shows that all members of the Alliance will have to give them detailed and frequent attention.

Economic issues both unite and divide the Alliance. They will certainly be a major factor in shaping the Alliance in the years ahead.

The European Community is now larger than the United States in terms of population (260 million to 220 million) and Gross National Product. With the addition of Greece, Portugal and Spain the EEC will clearly emerge as the largest economic unit in the world.

The two areas are closely tied together by bonds of trade and investment.

We also share a broad range of economic problems:

(a) Since the oil shock of 1973, we have both suffered from higher unemployment, slower growth, slower productivity increases and nagging inflation;

(b) We both share a common interest in revitalizing the traditional manufacturing sector; and

(c) We both are attempting to adapt to the competitive challenge of Japan and a number of the advanced developing countries.

Despite the growing closeness of the industrial economies, there are several areas where tensions are likely to persist throughout the next several years:

A. Trade Disputes

The United States is likely to look at Europe as the home of mercantilism, the creator of the Common Agricultural Policy (CAP), and the originator of the modern industrial cartel.

In fact, the Common Agricultural Policy does not keep out American agricultural goods. At times, the CAP surplus affects our ability to export to third country markets.

From the American viewpoint, the restructuring of European industry often involves the usè of government subsidies, trade restrictions, or tax incentives, which affect the pattern of trade. The most recent of these controversies is the charge of seven American steel manufacturers that EEC producers are dumping their steel in the American market.

To the American eye, Europeans have kept their borders largely closed to Japanese goods, putting greater pressure on the American market. Cars are a case in point. France limited imports to 3 percent of the domestic market, Italy restricted the number of Japanese car imports to 3,000 and Britain established a voluntary limit of about 10 percent of the domestic market. The pattern of European protectionism was one important factor that led to the imposition of restraints by Japan on auto exports to the United States.

The European view of trade has not been the same as the American view. It notes that in 1980, the United States had a $20 billion surplus in trade with Western Europe. It sees the American decision on automobiles as deflecting Japanese exports away from inefficient American producers and toward the much more energy efficient European manufacturers.

It has been critical of U.S. energy policy for keeping imports and therefore world prices high. Low U.S. energy prices have also played a role in boosting U.S. exports of manmade fibres to Europe.

B. International Money Markets, Exchange Rates and Interest Rates

Today Europe is concerned about the strength of the U.S. dollar and high U.S. interest rates. To a number of European governments, U.S. policy simultaneously contributes to European inflation (dollar denominated imports become more expensive) and stagnation (high interest rates choke off investment).

Europeans have felt that the United States has not been doing enough to control a domestic inflation that was bound to affect Europe. The talking down of the dollar in 1980 was viewed in many European capitals as an attempt to make U.S. goods more competitive in international markets.

There is in America today a preoccupation with the domestic economy. This determination to put our house in order is perfectly understandable to Americans, but Europeans worry that we are paying insufficient attention to what is happening elsewhere in the world.

C. Relations with Developing Countries

Another economic challenge is our overall approach to the developing world.

The Reagan Administration wants to move away from unilateral development institutions and spend less on economic foreign aid. The Europeans do not share this view.

The Reagan Administration believes that world markets and private enterprise can play a larger role in the developing world. While the developing countries have become more receptive to the multinational corporation and more pragmatic in their approach their stance at the Cancun economic summit was to request additional inter-governmental assistance. They had the support of America's European allies. The Socialist government of French president Francois Mitterand is the foremost advocate of government aid to developing countries, but not far behind are the governments of Helmut Schmidt and Margaret Thatcher.

D. The Search for Energy

The U.S. speaks of energy independence.

Europe does not. It has little hope of supplying all its energy needs from domestic sources anytime in this century. Even for the fortunate few such as Norway or Britain, energy independence ignores the interdependence of virtually every aspect of American-European relations.

With an eye on diversifying their sources of imported energy, the Europeans have expressed a strong interest in the Yamal Pipeline that would bring Soviet nautural gas to Western Europe. If completed, the pipeline would supply 5% of Western Europe's total energy demand and some 30% of the natural gas used to heat European homes.

E. The Yamal Pipeline

The controversy that arose between the United States and its West European allies regarding the Yamal Pipeline, which, after years of discussion, is underway and will eventually bring natural gas to Europe from the Soviet Union, illustrates the influence of the underlying problems in European-American relations I have discussed earlier and proved and need for better and more frequent consultations.

The Administration had legitimate reasons in its decision to impose sanctions on

the shipment of U.S.-made pipelayers and compressor rotors for construction of the pipeline. The growth of energy interdependence between West Europe and the Soviet Union, and the acquisition of much-needed hard currency by the Soviets poses questions that pertain to the health of the Atlantic Alliance. The Soviet Union may choose to use revenue from the sale of natural gas to purchase additional Western technology, strengthen its military forces, or import oil after its own resources have been reduced by the beginning of the next decade.

But the method of the Administration's decision revealed poor appreciation of both West European sensitivities and energy requirements. Although the Administration claimed to have consulted its Allies beforehand, it appears that such "consultation" merely informed the Allies of forthcoming American action. West European critics could recall recent examples of similar "consultations"—the announcements surrounding deployment of the neutron bomb come to mind—and conclude that U.S. policy toward the pipeline demonstrated insensitivity to European views and a tendency to define the Alliance in terms of American interests.

Likewise the pipeline decision reflected a hastily drawn assessment of West European energy needs. Not only did the West Europeans seek to lessen dependency on Middle Eastern oil, they also hoped to prolong the livelihood of their own gas and oil fields. Also important to the West European recipients of Soviet natural gas were the number of jobs to be created by the pipeline's construction and the encouragement of more commercial contact with the Soviet Union and East Europe—a significant consideration for economies of West Europe which depend sizably on the health of high technology industries and exports.

The Americans offered a substitute for the natural gas to be piped in from the Soviet Union—increased exportation of American coal—but this was a hastily devised eleventh hour alternative. It would demand enlargement of American ports and European construction of coal gasification plants, if, as assumed, this was how the Allies would use American coal. The latter process would offer gas at a price higher than imported gas and certainly would not ease West Europe's immediate economic and energy needs. Also, several European countries, most notably Germany, were already in the process of increasing their use of coal as much as possible.

CONCLUSION

The United States may have learned a lesson from the pipeline controversy. Rather than risking the health of the Atlantic Alliance, the Administration chose in mid-April to shift attention from the pipeline to the establishment of credit restrictions and guidelines for East-West trade. In March, a mission led by Under Secretary of State for Security Assistance James L. Buckley traveled to West European capitals to discuss possible joint sanctions and restrictions on credits to the Soviet Union. The Administration plans to press for trade and credit guidelines at the Versailles economic summit in two weeks.

Although efforts at further joint sanctions and restrictions have not been successful so far, they show a willingness to approach issues through genuine consultation and negotiation. The Reagan Administration is finding that West Europeans are hesitant to disrupt their commercial ties with East Europe and the Soviet Union, but indepth prior discussions with our European allies can promote mutual understanding and lessen tensions caused by unilateral actions.

This summer will be a critical time in U.S.-West European relations. Economic uncertainties abound. Significant arms control initiatives are underway but without optimism for any early breakthrough. East-West relations are in flux and the standoff in Poland is raising fears of further violence.

President Reagan's trip to Europe in a fortnight provides a unique opportunity to establish a better dialogue on issues. The personalities now know each other but we need to focus on our differences more clearly. It is hoped that in this process the U.S. will take more seriously the value of Ben Franklin's advice about holding together or dying separately.●

DUBIOUS DOCUMENTATION FROM ABROAD

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. GOODLING. Mr. Speaker, the following article from the Council On Hemispheric Affairs Washington Report clearly points out the great need for care in evaluating information regarding crises abroad. Our offices are besieged daily with vast amounts of documentation from a variety of sources on every conceivable crisis at home and abroad. Those from abroad take full advantage of the freedoms in our country which they would never allow at home so as to spread their word. I discovered this when researching all the horror stories coming out of El Salvador: The opposition there waged and continues to wage a very sophisticated media campaign against the Salvadoran Government, giving a very lopsided view of what is happening down there. It is of utmost importance that we in Congress do our best not to fall prey to such ploys. It is of equal importance that the media stop a minute to consider the extent to which they have all too often allowed themselves to be manipulated by devious publicity campaigns of the Third World, both left and right.

The article follows:

ARGENTINA'S IMAGE-MAKERS

(A research memorandum prepared by Report editor I. Michael Luhan and COHA research associate Robin M. Berrett)

Since the initiation of the Falklands crisis, both Argentines and non-Argentines alike who sympathize with the occupation have complained that the "extracontinental powers" and international press have reduced the issue to a simplistic, black-and-white struggle between a democratic government and a military dictatorship, and have omitted a discussion of the historical rights of the Argentine people to the islands.

Argentina's tarnished image has been a serious problem ever since the military seized control in 1976, and one on which the military junta has spent millions on various public relations schemes trying to correct. The current complaints of its supporters indicate that those efforts for the most part have been expensive, and sometimes strikingly inept, failures.

A case in point is to be found in the May 10 issue of Newsweek. the Argentine government paid thousands of dollars for a two-page spread (Newsweek was publicly chided for not indicating the source of the funds) which gave a highly tendentious analysis of the historical basis of the country's asserted sovereignty over the Falklands (which quietly ignored several key facts in favor of Great Britain). Dominating the advertisement, however, were photos of the forbidding visages of Argentina's ruling military triumvirate, their bosoms bedecked with medals and trussed in the uniforms of their respective branches of the armed forces—the very aspect of the country which Argentina's backers say receives over-attention and have sought to play down.

COUNTERING AN "INTERNATIONAL PROPAGANDA CAMPAIGN"

Such whimsical mishaps may bemuse the sophisticated image-makers of Madison Avenue, but public relations is a deadly serious business for a country which has suffered politically and economically from its international isolation as has Argentina due to its massive human rights violations. Since August 1976, the government has paid more than $5 million to two U.S.-based firms alone—KBS Associates, Inc., and Bursonmarsteller, Inc.—to improve its stature abroad. The former acts as a lobbyist on Capitol Hill for Argentine interests, while the latter has engaged in a variety of activities in the U.S. and seven other countries to produce favorable press reports, primarily on Argentina's investment climate.

The past work of Burson-Marsteller, or B-M as it is known in the trade, is particularly relevant in view of Argentina's current dissatisfaction with the press coverage of the Falklands crisis. Pre-dating the current laments that the country is not properly understood by the world at large because of a hostile and conspiratorial press, B-M wrote in its original 135-page prospectus which led to the signing of a million-dollar contract in August 1976:

Many reporters consider the Argentine government oppressive and repressive, a dictatorial military institution which deserves little more than condemnation. . . . It is clear that the government ought to *project a new, progressive and stable image throughout the world. The key word is stability.* (Their emphasis)

A multiplex and long-range approach was needed, wrote B-M, to counter a "worldwide propaganda campaign, apparently well-financed, to discredit the present Argentine government"—a campaign, furthermore, of mysterious and unspecified "international origin."

B-M proposed to coordinate a national face-lifting by assiduously courting influential figures in the media. It would construct "a system of conduits in the leading newspapers and magazines" by inviting prominent journalists on a "one-by-one basis" to visit Argentina on closely supervised guided tours. B-M suggested a list of 53 selected editors and columnists through whom it would not only place positive articles on Argentina, but influence the "determination of editorial policy" in general toward Argentina.

In its New York and Washington, D.C., offices, the firm would also produce a newsletter and press releases to supply "facts and figures" on new developments, especially in the fields of industry and commerce. "Training seminars" in the Argentine embassies in the eight target countries would coach personnel in relating to the media, with an emphasis on handling the "politically sensitive themes" of terrorism and human rights.

The main goal, B-M concluded, was that "Argentina begin to speak with one sole voice in the nations of today's world. And this can only be achieved through a highly controlled program of communications."

Meanwhile, in conjunction with this campaign to "get the truth out," in the words of B-M's memo, the Argentine government was conducting some housecleaning of its own on the home front. In May 1978, Amnesty International released a report in which it stated that, since the military takeover, at least 29 journalists had been murdered, 40 "disappeared," and another 70 imprisoned. The Columbia Journalism Review followed up that report with another in May 1980 stating that 107 journalists had been killed, disappeared or were still imprisoned. Such were the unpleasant but necessary prerequisites of centralizing the country's communications network under the roof of Burson-Marsteller.

In a December 1981 report, COHA research associate Tood Shapera reviewed the results of B-M's work from 1976 to 1980. In conversations with 11 editors who regularly received B-M's materials, Shapera found that the information had had little or no impact on major publications such as the Wall Street Journal and Business Week, and only slightly more with smaller but influential trade periodicals. Among the comments offered to Shapera on the quality of B-M's "facts and figures":

They have given us a lot of problems. They are not very sophisticated in reporting economic data and are often down-right inaccurate.—George Telfer, International Editor, Journal of Commerce

They were slow in verifying data, and frequently they were useless. It got to the point where I didn't even open their mail.—A. Kaufman, Latin American reporter, Journal of Commerce.

All their stuff is very positive. It's puffery.—John Pearson, reporter, Business Week

It (reporting on Argentine industry and commerce) could have been a gold mine . . . good for Argentina and good for Burson. But they just did not have the expertise.—Georgia Macris, editor, Petroleum Intelligence Weekly.

The firm did have some achievements to its credit, according to the Shapera report, having placed articles almost verbatim in some small and less-than-high quality publications and perhaps inspired the writing of a few articles in *Forbes, Fortune* and several other business magazines. Probably its most effective work was done on the preparations for media coverage of the 1978 World Cup soccer matches in Argentina, for which it organized elaborate conferences for the international press while effectively pulling the shade on the national security apparatus.

KBS GAINS REPEAL OF ARMS BAN

In general, KBS Associates appears to have experienced more measurable success. According to its registration statement with the Department of Justice, KBS was contracted for the purpose of:

. . . improving mutually beneficial trade relationships and opportunities between U.S. and Argentina, *to include repeal of Section 620-B Foreign Assistance Act of 1962, as amended* (Italics ours.)

U.S. PUBLIC RELATIONS FIRMS HIRED BY ARGENTINA

Firm	Year	Amount
Burson-Marsteller, Inc., Washington, D.C., New York	1977	$1,100,000
	1978	848,000
	1979	NA
	1980	1,757,350
Lee Edwards & Associates, Inc., Washington, D.C	1980	11,663
KBS Associates, Inc., Washington, D.C	1980	186,000
	1981	525,000
	1982	[1] 525,000

[1] According to terms of contract for 1982.

Source: U.S. Department of Justice.

The legislation alluded to, the Kennedy-Humphrey bill passed in 1977, specifically prohibited Argentina from receiving any U.S. military assistance, or purchasing on a government-to-government basis U.S. war materiel, because of its sub-standard human rights record.

The selection of KBS for the task of reopening the doors to sales of such equipment was no random decision. Its president, former Minnesota Democratic congressman Joseph Karth, was the president until 1979 of the American League of Exports and Security Assistance (ALESA), which describes itself as "an organization designed to encourage the exports of American goods and services," In Argentina's case, ALESA's 32 member-companies happened to have the sort of goods which the military government was seeking. The roll of members reads like a Who's Who of the defense supply industry. Boeing, General Dynamics, Rockwell International, Hughes Aircraft and a number of other related high-technology firms. Two of ALESA's current vice presidents occupy similar posts at KBS Associates.

Throughout the second half of 1980 and into 1981, KBS lobbyists met, or arranged for Argentine officials to meet, with a fabulous array of more than 50 top ranking State Department, Pentagon and congressional officials, to discuss the matter of the ban on military sales. And in May 1981, the Reagan administration, with KBS's help, prevailed in persuading Congress to lift the Kennedy-Humphrey amendment, paving the way for a resumption of military aid pending a presidential certification of Argentina's human rights improvement.

The administration was reportedly close to making that certification in the weeks leading up to the Falklands invasion, but has since temporarily shelved those plans until the crisis is resolved.

CHILE, GUATEMALA FOLLOW ARGENTINE LEAD

Though Argentina is probably the hemisphere's premier public relations bankroller, it has two avid proteges in the military governments of Guatemala and Chile. The latter has employed at least eight different organizations at various times since 1975 to work in the U.S. on its behalf, in commercial, military and political matters. Most of the contracts were insignificant, however, compared to the multi-million dollar deals swung by KBS and Burson-Marsteller.

Guatemala's efforts have been more protean, utilizing a battery of lawyers, public relations firms and private, pro-business foundations in its attempts to garner favor in Congress and the Fourth Estate. Rather than directly employing their services, however, the Guatemalan government works through two private groups of wealthy Guatemalan and U.S. businessmen, the Amigos del Pais and the Guatemalan Freedom Foundation. These organizations serve as the public relations paymasters and are de facto foreign ministries of the government.

The Amigos finance a high-powered New York public relations agency. Haley, Kiss and Dowd, which produces a slick four-page newsletter entitled Voices of Guatemala. MacKenzie-McChevne, Inc., operated by an Argentinian who frequently services right-wing Latin American regimes, primarily engages in sending its representatives to Washington press conferences to ask heckling questions of critics of the Guatemalan government. It also circulates press releases on "terrorist activities"—excluding, of course, those carried out by the Guatemalan government, which have formed the vast bulk of violence in recent years.

Since the March 23 coup in Guatemala, both the Amigos and the Freedom Foundation have fervently renewed their efforts to repeal congressional restrictions on military aid to Guatemala, which has been suspended since 1977. Members of the House subcommittee on Inter-American Affairs, in particular, have been the objects of intense personal lobbying to authorize the sale of U.S. helicopter spare parts to the Guatemalan military.

Activities by U.S. public relations firms on the part of such notorious human rights abusers would seem to run counter to the Declaration of Principles of the Public Relations Society of America, which calls upon members to "base their professional principles on the fundamental value and dignity of the individual, holding that the free exercise of human rights, especially freedom of speech, freedom of assembly and freedom of the press is essential." But, as Columbia Journalism Review editor Michael Massing has written, those sentiments "are apparently null where void."

"U.S. public relations concerns," he adds, "have become beauticians to the Huns."●

LAW OF THE SEA TREATY MAY HURT U.S. FISHERMEN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I have previously addressed this body on the subject of the Law of the Sea Treaty. Recently, I received a copy of a memorandum written by the executive director of the National Federation of Fishermen which discusses some of the problems that the U.S. fishing industry may face if the U.S. Government were to sign the treaty. Because I think that my colleagues would benefit from the information contained in this memorandum, I include it in the RECORD:

UNITED STATES AND THE UNITED NATIONS THIRD CONFERENCE ON THE LAW OF THE SEA

At the most recent session of the Third United Nations Law of the Sea Conference, the United States called for a roll call vote on whether to accept the draft treaty and then, one of four nations to do so, voted against it, Israel, Turkey, and Venezuela

joined the United States in our 30 April vote. Seventeen nations abstained, including the Soviet Union and all of the Eastern Bloc but Romania, and much of the European Community. Japan, France, and Canada were among those voting to accept the treaty.

The treaty is the result of negotiations which began in 1968 with the Seabed Committee and evolved into the Third United Nations Conference on the Law of the Sea (UNCLOS III), which began in 1973. It deals not only with fisheries, but also with deep sea mining navigation, including passage through straits; protection of the marine environment; marine scientific research; and dispute settlement in the areas the treaty covers.

Why, after years of negotiation, did the United States vote "No."?

In his statement to Plenary after the vote, United States Head of Delegation James Malone said, "Despite our differences [with other nations at the Conference], we have held to the conviction that negotiation and compromise could produce a convention serving the interests of all states. Unfortunately, in our view, the treaty before us does not meet those standards. . . . It also does not serve the broader goal of bringing the developed and developing countries together."

Malone also reminded the Conference of the six points which President Reagan stated 29 January had to be materially improved for the United States to accept the treaty. Four of these dealt directly with deep sea mining the other two, with not setting undesirable precedents for international organizations and with achieving a treaty likely to receive the advice and consent of the Senate.

Because this treaty has potentially very serious negative impacts for United States fisheries, National Federation of Fishermen worked with others in the fishing, mining, and oil and gas industries to try to ensure that, in this vote, the United States voted "No."

Where do we go from here?

An Interagency Group, under the direction of Theodore G. Kronmiller, Deputy Assistant Secretary for Oceans and Fisheries Affairs, Department of State, is conducting a review of the treaty and our vote against it. IG's findings are to go to the White House on 16 June. Again, NFF is working with other ocean industry representatives to try to uphold the United States "No" vote, which would be confirmed by a Presidential decision not to sign the treaty.

The United States' rejection of this treaty is vital to the fishing industry. Theoretically, we could sign it and still refuse to ratify it. But were we to sign it, we would certainly confuse the issue, for the treaty still does not satisfy the President's 29 January objectives, nor is it likely that any further examination will make it more probable that the Senate will consent to it. And NFF's continuing review of the fisheries articles in light of emerging interpretations which foreign fishing nations operating in our zone are expounding reveals more problems, not fewer, for the United States fishing industry.

Further, were we to sign the treaty, we might find ourselves in a troublesome spot internationally. Although we are not a party to the Vienna Convention on the Law of Treaties, that convention, accepted by many and generally reflecting customary law, provides that, "A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when: (a) it has signed the treaty. . . , until it shall have made its intention clear not to become a party to the treaty. . . ."

Thus, it is better that the United States continue to oppose the treaty.

Assuming IG recommends to the President that he continue to reject the treaty, and the President chooses to do so, what next?

For the fishing industry, as well as for other ocean industries, another step will be consideration of Congressman John Breaux's proposed legislation to establish for the United States an exclusive economic zone. Breaux plans to introduce this bill quite soon and, as Chairman of the Merchant Marine and Fisheries/Fisheries Sotte, to hold hearings on it in late July.

As well, if the United States continues to reject the treaty, we may anticipate considerable discussion about how best the United States may achieve its ocean policy goals unilaterally, bilaterally, and regionally. We tried the global approach. It failed.

Meanwhile, nations will attend the final drafting session of the treaty (theoretically for technical and conforming amendments, but also, perhaps for an occasional substantive change) in late July and August in Geneva. Then, from 22 to 24 September, the Conference will reconvene in Plenary in New York to discuss the results of the Geneva session and to plan for the December opening for signature. (Originally, the treaty was to have been signed in Caracas, where the first substantive session of the Conference took place in 1974, but because Venezuela was one of the four nations voting against the treaty, there is speculation that the signing might take place elsewhere.) The treaty will come into force when 60 nations have signed and ratified it.

For those who have not been following this exercise—and perhaps, even, for many of those who have, to one degree or another—two questions remain: First, if we assume the treaty comes into force, where does that leave the United States: Second, why did a preponderence of the 150+ nations at the Conference accept the treaty?

First, simply because the treaty comes into force does not necessarily make it customary international law. There's a common misapprehension that any majority of nations adopting or accepting a practice makes it customary international law. Not so. Customary international law is the sum of practices to implement a policy or policies which States (nations) most vitally affected employ. Thus, because the United States is a major maritime power, were we, for example, to adopt an exclusive economic zone, to follow certain patterns of international navigation, to establish deep sea mining sites, our actions would contribute to the formulation of customary international law. We would not be at the mercy of 60 or more nations party to the treaty as regards what practices became customary international law. And as regards the financial resources necessary to implement certain provisions of this treaty, the United States' position may be even more telling (see the attached United Nations 1981 contributions schedule).

R. Y. Jennings, formerly a Professor of Law at Cambridge University, and now a Judge on the International Court of Justice, has discussed UNCLOS III as law-making; he said:

The task of the Third United Nations Conference on the Law of the Sea certainly includes a large and important element of codification and progressive development. but the context is novel. The subject matter of the conference comprises virtually the entire range of law of the sea, a large part of which is intended to be filled by a major effort at new law-making—not only new substantive law but a new organization and new dispute settlement machinery—the whole to be expressed in a single law of the sea treaty, the product of transaction, and, of course, some portions even of those matters which properly belong to codification and progressive development get involved in the process of negotiation and attempted transaction, not least because the preparation for the conference was committed to a political, not a juridical, body.

It is, however, precisely, when frankly new law is to be made and not merely the old law developed, that some of the main limitations and pitfalls of our present international law-making process by multilateral convention become apparent. A truly legislative procedure not only makes new law but can by the same operation clear away the old. The law-making multilateral treaty, insofar as it can do this at all, can rarely do it cleanly. The result can all too easily be complication and doubt rather than clarity and certainty about the legal position. . . .

The Law of the Sea Conference is not a legislature. The most the Conference can do is to adopt a text of a treaty to be proposed to governments for signature and eventually for ratification. We do not know what the nature of the final clauses might be [this was in 1976], for that question is being considered for the first time at the present session in New York, though it is crucial. But certainly the treaty as such could only be binding upon Governments which expressed their willingness to become bound by instruments of ratification or accession. . . .

. . . in the present state of international law at least, the creation of compulsory jurisdiction depends upon the acceptance of the actual treaty obligation which creates the jurisdiction. In practical terms, there is no question here of the authority of example or the acceleration of the creation of new customary law. Nothing short of the deposit of the appropriate instrument of ratification or accession will do. . . .

Second, a majority of the nations which voted for the treaty are lesser developed countries (LDCs). The Law of the Sea Treaty embodies a doctrine called the New International Economic Order (NIEO). The basic thrust of this doctrine, adopted by the United Nations in 1974, is to coerce the transfer from the developed to the developing nations of massive financial and technological resources. One finds the most striking examples of this transfer in the treaty's deep sea mining provisions, but the fisheries articles may not be without their problems as regards NIEO.

Although deep sea minerals are a strategic resource about which one hears most discussion, fish—food—is also a strategic resource. In a world in which hunger is becoming increasingly a problem (one estimate from the United Nations: 400 million undernourished today; double that number suffer from one form or another of malnutrition), the fact that between 15 and 20 per cent of the world's marine protein is within the United States 200-mile fishery conservation zone become more and more important. One United Nations publication ("A World Economy That Works," 1980), asserts, ". . . to attain world food security in the broad sense would require correcting the present imbalances in the world food situation and

arriving at a new food order as an essential part of the New International Economic Order."

Nor is consideration of fish as a vital resource limited to LDCs. Both Japan (see discussion, Articles 62 and 297, below) and the Republic of Korea have sought to use the then-draft LOS treaty articles on fisheries as justification for their arguments that the Unites States' new model Governing International Fishery Agreement was somehow contrary to customary international law because it outlines various advantages which must accrue to the United States and its fishing industry in exchange for a foreign nation's privilege to fish in the United States' fishery conservation zone. This is one of the more recent reasons why NFF opposes the United States' becoming a party to the Law of the Sea Treaty.

Member States, with 1981 net assessment in U.S. dollars, and percent of budget, follows:

Member States	1981 net assessment (U.S. dollars)	Percent of budget
United States	$167,347,460	25.00
Soviet Union	63,412,040	11.10
Japan	54,728,589	9.58
Federal Republic of Germany	47,473,338	8.31
France	35,762,106	6.26
United Kingdom	25,479,071	4.46
Italy	19,709,147	3.45
Canada	18,737,973	3.28
Australia	10,454,418	1.83
Spain	9,711,754	1.70
Netherlands	9,311,858	1.63
China	9,254,730	1.62
Ukrainian SSR	8,340,682	1.46
German Democratic Republic	7,940,788	1.39
Sweden	7,483,763	1.31
Brazil	7,255,252	1.27
Poland	7,083,868	1.24
Belgium	6,969,612	1.22
Czechoslovakia	4,741,621	0.83
Argentina	4,455,981	0.78
Mexico	4,341,725	0.76
Denmark	4,227,469	0.74
Austria	4,056,086	0.71
Iran	3,713,318	0.65
India	3,427,678	0.60
Saudi Arabia	3,313,422	0.58
Norway, Venezuela	2,856,398	0.50
Finland	2,742,142	0.48
South Africa, Yugoslavia	2,399,375	0.42
Byelorussian SSR	2,227,991	0.39
Greece	1,999,479	0.35
Hungary	1,885,223	0.33
Turkey	1,722,628	0.30
New Zealand	1,542,455	0.27
Israel	1,428,199	0.25
Libya	1,313,943	0.23
Romania	1,199,687	0.21
Kuwait	1,142,560	0.20
Portugal	1,085,431	0.19
Bulgaria, Indonesia, Ireland, Nigeria	914,047	0.16
Algeria, Iraq	685,535	0.12
Colombia, Cuba	628,408	0.11
Philippines, Thailand, United Arab Emirates	571,279	0.10
Malaysia	514,151	0.09
Singapore	457,023	0.08
Chile, Egypt, Pakistan	399,896	0.07
Peru	342,767	0.06
Morocco, Luxembourg	285,639	0.05
Bangladesh, Uruguay	228,511	0.04
Dominican Republic, Ghana, Iceland, Ivory Coast, Lebanon, Trindad and Tobago, Tunisia, Viet Nam	171,384	0.03
Costa Rica, Ecuador, Gabon, Guatemala, Jamaica, Panama, Qatar, Sri Lanka, Syria, Zaire, Zambia	114,256	0.02
Afghanistan, Albania, Angola, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Burma, Burundi, Cape Verde, Central Africa Republic, Chad, Comoros, Congo, Cyprus, Democratic Kampuchea, Democratic yemen, Djibouti, Dominica, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Oman, Papua New Guinea, Paraguay, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Togo, Uganda, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen	57,128	0.01

Contribution rates for Saint Vincent and the Grenadines and Zimbabwe, admitted in 1980, are to be fixed before the end of 1981.

From United Nations: Image and Reality, UN Background paper, III 1981.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 8, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

8:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Defense Establishment.
1114 Dirksen Building

9:00 a.m.
Finance
International Trade Subcommittee
To hold oversight hearings on Government procurement code and related agreements.
2221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Donald D. Engen, of Virginia, to be a member of the National Transportation Safety Board.
235 Russell Building

Judiciary
Agency Administration Subcommittee
Business meeting, to mark up S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
2228 Dirksen Building

Veterans' Affairs
To hold oversight hearings on the administration of out-patient care facilities for veterans.
412 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program, and providing for increased State responsibility.
324 Russell Building

Armed Services
Preparedness Subcommittee
To hold hearings on matters relating to the strategic stockpile.
212 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
Business meeting, to mark up Senate Joint Resolution 163, Senate Joint Resolution 171, Senate Joint Resolution 177, Senate Joint Resolution 191, Senate Resolution 323, Senate Resolution 343, Senate Resolution 370, Senate Executive Resolution 5, Senate Executive Resolution 6, and Senate Concurrent Resolution 81, resolutions providing for a reduction of nuclear armaments by the United States and the Soviet Union, and other pending calendar business.
4221 Dirksen Building

Joint Economic
Monetary and Fiscal Policy Subcommittee
To hold hearings to examine the impact of the administration's economic program.
2359 Rayburn Building

2:00 p.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on energy tax options.
2221 Dirksen Building

Foreign Relations
Business meeting, to continue markup of Senate Joint Resolution 163, Senate Joint Resolution 171, Senate Joint Resolution 177, Senate Joint Resolution 191, Senate Resolution 323, Senate Resolution 343, Senate Resolution 370, Senate Executive Resolution 5, Senate Executive Resolution 6, and Senate Concurrent Resolution 81, resolutions providing for a reduction of nuclear armaments by the United States and the Soviet Union, and other pending calendar business.
4221 Dirksen Building

2:30 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

JUNE 10

9:00 a.m.
Finance
To hold hearings on efforts to reduce projected deficits in the Federal budget.
2221 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1869, S. 1870, S. 1871, and S. 1977, bills revising or repealing certain provisions of the Public Utility Holding Company Act of 1935.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building

Small Business
To hold oversight hearings on activities of small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's).
424 Russell Building

Joint Economic
To resume hearings on the future of monetary policy.
2359 Rayburn Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

Appropriations
Defense Subcommittee
To continue hearings in closed session on proposed budget estimates for fiscal year 1983 for the Defense Establishment, focusing on the rapid deployment joint task force.
S-407, Capitol

Armed Services
Preparedness Subcommittee
To continue hearings on matters relating to the strategic stockpile.
212 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Foreign Relations
To resume hearings on East-West relations, focusing on the Pacific.
4221 Dirksen Building

Government Affairs
Business meeting, to mark up pending calendar business.
3302 Dirksen Building

Rules and Administration
To hold hearings on the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a member of the Federal Election Commission.
301 Russell Building

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Export-Import Bank of the United States.
1318 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

Banking, Housing, and Urban Affairs
To resume hearings on S. 1230, authorizing the minting of special coins commemorating the 1984 summer Olympic games in Los Angeles, California.
5302 Dirksen Building

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To resume hearings on U.S. policies and programs in Southeast Asia.
4221 Dirksen Building

4:15 p.m.
Foreign Relations
Closed briefing on El Salvador land reform.
S-116, Capitol

JUNE 11

9:30 a.m.
*Select on Indian Affairs
To hold hearings on the proposed reorganization within the Bureau of Indian Affairs, Department of the Interior.
6226 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed legislation authorizing funds for certain soil conservation service watershed projects.
4200 Dirksen Building

Foreign Relations
To hold hearings on the proposed Motor Vehicle Treaty with Mexico (Treaty Doc. No. 97-18).
4221 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

JUNE 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2469, providing for improved International telecommunications.
235 Russell Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Select on Indian Affairs
To hold hearings on proposed authorizations for the tribally controlled community college program.
6226 Dirksen Building

Joint Economic
To resume hearings on the future of monetary policy.
Room to be announced

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
4221 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the trade and development program, international disaster assistance, and American schools and hospitals abroad program.
S-146, Capitol

Conferees
On S. 1193, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Department of State, authorizing funds for fiscal year ending September 30, 1982, for the Arms Control and Disarmament Agency, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the International Communications Agency, and authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Board for International Broadcasting.
S-116, Capitol

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on administration of the law requiring half of all Government-impelled cargoes to be transported on U.S.-flag vessels.
235 Russell Building

Foreign Relations
To resume hearings on East-West relations, focusing on the Pacific.
4221 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2043, providing criminal penalties for the mailing of identification documents bearing a false birthday.
2228 Dirksen Building

Rules and Administration
Business meeting, to consider the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a member of the Federal Election Commission, and a proposed resolution of regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.
301 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (superfund).
4200 Dirksen Building

11:00 a.m.
Veterans' Affairs
Business meeting, to mark up S. 2379, requiring veterans to pay a funding fee on guaranteed home loans, and certain provisions of S. 2378, proposed veterans' disability compensation and survivors' benefits amendments, relating to cost-saving improvements in veterans' programs, and other related measures.
412 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.
5110 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 20, S. 661, S. 954, S. 1025, and S. 1339, bills establishing penalties for robbing a pharmacy engaged in interstate commerce of a controlled substance.
2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to resume markup of S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 505, to subject imported grapes to the same requirements as table grapes grown in the Coachella Valley of Southern California.
324 Russell Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1562, proposed Arctic Research and Policy Act of 1981.
3302 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the uranium enrichment program of the Department of Energy.
3110 Dirksen Building

Foreign Relations
To hold hearings on the nomination of James B. Burnham, of Pennsylvania, to be U.S. Executive Director of the International Bank of Reconstruction and Development.
4221 Dirksen Building

JUNE 18

9:30 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
Briefing on current assessment of U.S. economic and commercial prospects in Southeast Asia.
4221 Dirksen Building

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, S. 2012, S. 2015, S. 2092, S. 2113, S. 2176, S. 2321, S. 2413, and section 127 of the Economic Recovery Act of 1981.
2221 Dirksen Building

JUNE 21

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and to extend the scientific advisory panel.
324 Russell Building

JUNE 22

9:00 a.m.
Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2202, authorizing funds through fiscal year 1989 for the Colorado River basin salinity control program.
3110 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Materials and Minerals Policy Act of 1980 (Public Law 96-479).
235 Russell Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2411, Proposed Justice Assistance Act.
2228 Dirksen Building

Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement programs.
4232 Dirksen Building

10:00 a.m.
Governmental Affairs
To hold hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on indirect cost and contract provisions of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 24

9:30 a.m.
Veterans' Affairs
To hold oversight hearings to examine certain health care services provided to older veterans.
412 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JUNE 28

10:30 a.m.
*Judiciary
To hold hearings on S. 1215, proposed Malt Beverage Interbrand Competition Act.
2228 Dirksen Building

JUNE 29

10:00 a.m.
Governmental Affairs
To hold oversight hearings on the use of competition in the procurement process of the Department of Defense.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for foreign assistance programs, focusing on El Salvador.
1114 Dirksen Building

JUNE 30

10:00 a.m.
Judiciary
To hold hearings on the Boulder, Colo. decision, relating to antitrust immunity of city government.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JULY 1

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2325, authorizing funds for Federal vocational and adult education programs, and to provide for State and local occupational assistance programs.
4232 Dirksen Building

JULY 13

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 2378, increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent's allowances, and providing for cost-saving improvements in veterans' programs.
412 Russell Building

Select on Indian Affairs
To hold hearings on S. 1795, providing for the transfer of certain lands in Arizona between the Hopi and Navajo Indian Tribes.
457 Russell Building

JULY 28

9:30 a.m.
Veterans' Affairs
To hold hearings to clarify certain provisions relating to veterans' employment programs.
412 Russell Building

AUGUST 5

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol and drugs on individuals while driving.
4232 Dirksen Building

AUGUST 12

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 2378, proposed veterans' disability compensation and survivors' benefits amendments.
412 Russell Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

SENATE—*Tuesday, June 8, 1982*

The Senate met at 12 noon, and was called to order by the Honorable SLADE GORTON, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

* * * *for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more. O house of Jacob, come ye, and let us walk in the light of the Lord.*—Isaiah 2: 3-5 KJV

God of Abraham, Isaac, Ishmael, and Jacob, Lord of all peoples, hasten the day when these words of Isaiah shall come to pass. Grant restraint to the leaders of Israel, Lebanon, Syria, and Palestine, and to the Governments of England and Argentina. Give us the will to peace. Make us wise to the incalculable waste, destructiveness and futility of war. Gracious God, help our leaders and those of all nations to make peace and not war. Help us all to understand that Thy purpose for history is to unite all things in Christ and grant us the grace to submit to Thy will. In the name of Him who is the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 8, 1982.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SLADE GORTON, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GORTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I understand under the order previously entered, the reading of the Journal has been dispensed with, no resolutions coming over under the rule, and the call of the calendar has been dispensed with; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. Mr. President, following the time of the two leaders, it is my understanding there will be a period for the transaction of routine morning business for 30 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. Mr. President, I intend to yield the time of the leadership on this side to my good friend on my right, Senator HELMS.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE WEEK

Prior to that, let me state that in accordance with the statement made by the majority leader there will be no votes on substantive issues today. We do not anticipate any votes, but procedural votes might occur that might be required; we do anticipate votes both tomorrow and on Thursday, and would intend to be in Friday, if necessary. But we will not plan a long session on Friday because it is my intention to urge all Senators to go to Andrews Air Force Base to greet the President on his return on Friday afternoon. That will necessitate that we recess the Senate early, if we do come in on Friday at all. But we do have the intention to move tomorrow to proceed with the Voting Rights Act. We also have the bail reform bill, the agent identities conference report, we hope we will be able to work out an agreement to take those up, and then proceed with the voting rights bill early tomorrow afternoon and early Thursday afternoon.

It will be the intention of the leadership to have a session of the Senate next Monday also, I might say. But Friday is the one that is in question right now.

I yield the remainder of the leadership time on this side to Senator HELMS.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank my friend, the distinguished acting majority leader, and I thank the Chair for recognizing me.

AMBASSADOR KIRKPATRICK ON "MEET THE PRESS"

Mr. HELMS. Mr. President, I wish not to offend the distinguished chairman of the Senate Foreign Relations Committee (Mr. PERCY) nor do I desire to be unduly critical of him. But I am obliged to observe that Senator PERCY perhaps will acknowledge now that he overspoke himself during the weekend in his criticism of the U.S. Ambassador to the United Nations.

The truth is, Mr. President, that Ambassador Jeane Kirkpatrick has been almost unique in the administration in pleading for a calm and rational U.S. posture concerning the tragic war in the South Atlantic between Great Britain and Argentina, a most regrettable war between two friends and allies of the United States; a war that need never have happened; a war that probably would not have happened if the administration had been more attentive to Ambassador Kirkpatrick's sound judgment.

Mr. President, Ambassador Kirkpatrick appeared on NBC's "Meet the Press" program this past Sunday at a moment of particular tension for the United States at the U.N. Security Council.

In the early evening of June 4, this past Friday, Ambassador Kirkpatrick, acting under specific instructions from Secretary of State Alexander Haig, cast a veto on a resolution calling for a cease-fire in the South Atlantic. Moments later, in response to a last-minute change in instructions ordered by Secretary Haig, Mrs. Kirkpatrick then announced that if the United States could change its vote the United States would abstain.

Ambassador Kirkpatrick, when the media asked about this confusion created by the Secretary of State, was understandably embarrassed—anybody would have been. Indeed, I think the whole Nation must have been embarrassed, for the United States emerged from this latest Haig fiasco with the worst possible results from the viewpoint of both Great Britain and Argentina.

While the belated policy switch was, in fact, a switch to the correct position, it was, sad to say, a switch that came just minutes too late to preserve the interests of the United States.

It is, therefore, an irony, Mr. President, that the policy, which came too late for Ambassador Kirkpatrick to implement properly, was the policy she had been urging all week long.

The intransigence of Secretary Haig on this issue is perplexing, particularly

in view of mounting evidence of the failure of his policy in the South Atlantic war.

Every day we are hearing new reports of the increasing alienation of all of Latin America from the United States, particularly as there is evidence of mounting shipments of U.S. weaponry to Great Britain to kill Argentine soldiers.

Mr. President, Secretary Haig has failed to prevent increasing levels of military force by the British. He has failed to act as an impartial mediator, he has failed to prevent NATO ships and planes from going to the bottom of the South Atlantic, and he has failed to preserve the unity of the West which is so essential to the security of freedom.

Secretary Haig has not only failed to forge strong ties with the anti-Communist nations of South and Central America, but he has also undermined the foundations of NATO which ostensibly he said he was protecting.

Mr. President, it is in this context that I genuinely regretted a statement attributed by the media to my friend, Senator PERCY, over the weekend, in which Senator PERCY reportedly commented that Ambassador Kirkpatrick "does a tremendous disservice and I think she misled the Argentines by buttering them up, by going to their parties and allowing parties in her honor to be given."

Mr. President, I regard Senator PERCY, who is my friend, as a fair man who would not intentionally misrepresent the facts concerning Ambassador Kirkpatrick or anyone else. And that is why I now suggest to him that he request Mrs. Kirkpatrick to appear before the Senate Foreign Relations Committee to ascertain whether his statement regarding Mrs. Kirkpatrick was fair and accurate criticism. I believe it was not.

I believe Senator PERCY will find that she was instructed—instructed—to represent the United States at the functions which Senator PERCY views with such disdain. I think it is only fair, Mr. President, that Senator PERCY, in his capacity as the chairman of the Foreign Relations Committee, make it a matter of record about what other top officials of the United States Government also attended the functions to which he alluded.

I believe, Mr. President, when all of the facts are ascertained, Senator PERCY will apologize to Ambassador Kirkpatrick. And, with all due respect to the Senator, I feel that he owes her an apology.

Mr. President, the United States is fortunate to have as a member of the President's Cabinet an acknowledged expert on Latin America, and particularly Argentina. And that expert is not Secretary Haig, but Ambassador Kirkpatrick. Her reputation as a scholar on Argentina has long been established. Her counsel that we would best protect U.S. interests by abstaining on the Security Council resolution obviously was a wise one.

Mr. President, I would mention that on May 27 I called upon President Reagan to insist on a cease-fire between the two belligerent nations. It is not in our interest to choose between them. It is in our interest to bring them together to the negotiation table, no matter what the injury seen by each side. If our policy to oppose a cease-fire had been allowed to stand, the repercussions would have been devastating to the future of hemispheric security.

In the end, Ambassador Kirkpatrick's policy triumphed, but too late to have any practical effect on the United Nations vote. All we can now hope is that the high profile given to the policy change by Secretary Haig's curious judgment will make it clear to all nations that we have not given Great Britain a blank check.

One result, however, is clear. That is the dignity and restraint with which Ambassador Kirkpatrick handled herself, adding greatly to her stature. The graciousness with which she handled the inevitable questions about the policy switch contrast greatly with the less than gracious remarks of Secretary Haig concerning both President Reagan and Ambassador Kirkpatrick. It also contrasts greatly with remarks attributed to our colleague, Senator PERCY, the chairman of the Foreign Relations Committee.

Mr. President, Ambassador Kirkpatrick's presentation on "Meet the Press" amply fulfilled the expectations of those who admire her sincerity and skill, and I therefore ask unanimous consent that a transcript of that interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

VERBATIM TEXT OF "MEET THE PRESS" INTERVIEW WITH JEANE KIRKPATRICK

Question. The cause was the attempted assassination of the Israeli Ambassador in London. The effect, so far at least, is about 230 dead in Lebanon and what seems to be an Israeli invasion of Lebanon. Has Israel overreacted, has it gone too far, and what should be done about it?

Answer. Quite frankly, I wouldn't state the proposition that way. I don't think, in fact, that the cause of the current violence in Lebanon was simply the attempted assassination of the Israeli Ambassador to London. I think that was one incident in an ongoing cycle of violence that has included in recent days continuing shelling by the PLO into Israel with Soviet-supplied Katusha rockets doing a great deal of damage, in fact.

Question. Prime Minister Begin has said this raid is in retaliation for that shooting. Again, have they overreacted, are they going too far, is there a potential here for a major war involving Israel, Syria?

Answer. I think we believe there is an ongoing cycle of violence in Lebanon and Israel and that border area which has been underway for quite some time in which parties have reacted to each other, and reacted violently to each other. And at every moment there is a possibility for escalation, and unfortunately too often that possibility of escalation becomes an actuality. And is there a danger of escalation and expansion and spreading war—yes, I think the situation is extremely dangerous. And we are taking it very, very seriously, let me say.

Question. What are we doing about it?

Answer. Well, one thing we're doing about it is that the President and Secretary Haig have just met in Europe with Ambassador Philip Habib to discuss his mission. He was, as you know, enroute in a rather more leisurely fashion to that area to look in—to try to deal more effectively with the Lebanese. Now they've had rather detailed conversations this morning. They're very good conversations and Ambassador Habib will be going on to Israel.

Q. Is your response [to earlier question] as to whether the Israelis have overreacted, is it that under the circumstances, in your judgment, they have not?

A. No, I think my answer to the question is that I don't quite know how one measures, in fact, the interaction of violence and violence in a situation like that spiral of hostility that has existed for so long now in the Middle East. That includes firing of rockets by the PLO into Israel, that includes assassinations, that includes bombings by the Israelis of PLO strongholds. I just don't know, but it's very useful even to try to characterize it as over or under or just right. I don't know what the unit of measurement would be, frankly.

Q. Defense Minister Sharon of Israel has said several times that he looks upon initial invasion of Lebanon or holding the territory, driving the PLO into Syria with the eventual overthrow of King Hussein and the takeover of Jordan as the Palestinians State while Israel holds on to the West Bank as the solution. Are we seeing the first stage of what is really a rather mammoth overthrow of different groups and even perhaps governments in the Middle East?

A. I certainly don't think so. I don't see any reason to believe that that's the case. That's not at all my understanding of Israel's policy. My understanding of Israel's policy is in fact that they have no territorial ambitions whatsoever as regards Lebanon, and that they, like we in fact, would like very much to see an independent sovereign Lebanon with whom they could live in peace.

Q. I have been told by the State Department that actually during the ceasefire period there were no major infractions by the Palestine Liberation Organization—in fact that they were being very careful. I was told this just last week. So, doesn't this put a little bit of a different complexion on the entire thing?

A. I think it depends a little on which part of the State Department you talked to, perhaps, I don't know. The fact is that we have been aware in the State Department and in the U.S. Government of continuing violations of the ceasefire. We have never said the ceasefire has broken down. We've said that there have been violations and threats to the ceasefire. If you mean shellings, incidents of shellings, across the Lebanese border into Israel, certainly we've been aware of those. And by the way, the Israeli Government has brought those to the attention of the Security Council at the United Nations repeatedly. There have been other violations of the ceasefire from other

quarters, and we have tried very hard in conjunction with all other parties to this conflict to try to contain and stop those ceasefire violations as they occur. But everybody is aware of those, I think.

Q. I know the United State Government likes not to point the finger of blame at either side in this, but to refer to a cycle of violence. The fact is that the Security Council yesterday voted 15-0 for a ceasefire urging both sides to observe the ceasefire. This morning we're hearing about Israeli tanks going as far north as Tyre on the Mediterranean coast. What will the United States do, and what will the Council do? Will it hold Israel responsible for ignoring that resolution?

A. May I say that I can only tell you what my best understanding of the military situation is there. It's a very rapidly changing military situations, as you know. My understanding truly is that the PLO also continued heavy shelling into Israel—several hundred rounds of shelling into Israel in that period after the ceasefire was called for by the Security Council. My understanding is that the ceasefire—that the restoration of the ceasefire or the end of—we don't believe the ceasefire broke down precisely. We would say that these episodes of violation of the ceasefire seem not to have ceased after the passage of the Security Council resolution, and they seem not to have ceased on either side. Therefore, it would obviously not be reasonable or balanced or fair to simply point a finger of blame to one side for not having honored that Security Council resolution when, in fact, apparently both sides were not responding to the resolution.

Q. Do you regard, then, the Israeli movement of its tanks and troops into Lebanon as a commensurate response to the shelling, that this is an evenhanded——

A. Frankly, truly I don't know where the Israeli tanks are. I heard this morning that there had been some movement across the border. But I think that the movement of tanks across the border and heavy shelling into a country are not so qualitatively different, are they? I mean those are both major acts of violence, and once again I don't know exactly what the unit of measurement would be.

Q. We've just heard the Israeli Ambassador say that the government's goal is to move the Palestinians beyond artillery range from the northern Israeli border. That apparently will be done by Israeli troops. How long should they stay there?

A. Well, I think if it is true, and let me reiterate that I am not an expert from the military situation on the ground or in the air, in that area. If it is true, as I understand it to be the case, that the PLO has been shelling Israel—heavy shelling of Israel—from implacements inside Lebanon, then it would not be unreasonable for Israel to exercise its rights under—or to claim to seek to exercise its rights under article 51 of the United Nations Charter which provides for national self-defense. That would not be an unreasonable move. I don't know whether that's in fact the case.

Q. We keep hearing that the Argentine garrison near Port Stanley is getting squeezed down tighter and tighter, that the British are standing around waiting to do something, or waiting for General Menendez to declare a victory and ask the British for a ride home. Do you have any indications that anything like that is more probable than a final British assault?

A. No, I don't.

Q. Ten years ago almost, Anwar Sadat started a war over a territory that was traditionally Egyptian, lost most of the territory that he invaded, and now the Sinai is in Egyptian hands. Is there a parallel here, is that a foreseeable outcome of the Falkland Islands crisis?

A. I don't know. I don't think we can say at this point. I think it's complicated enough to talk about the present of the Falklands, than to try now to project the future. At a time that the British, for example, are saying different things about the future of the Falklands, maybe unofficially what I read in the newspapers, than they were a few weeks ago. It strikes me this is a very bad time to try to project that.

Q. If you can project a British victory either through surrender or through frontal assault, what does that do to the triumvirate of generals and admirals who is now running Argentina and do you——

A. Actually, I think one has to be cautious in talking about victory in this war, I think one has to be cautious talking about the end of the war. I think it's easy enough to imagine British repossession of the Falklands. I said yesterday, in fact, in a statement at the Security Council that the Argentine possession of the Falklands by force was the end of phase 1 of the current conflict. Probably, I guess if there's a military solution here to this question that British repossession will be the end of phase 2, but that only brings us to phase 3. I don't think we know what will happen then; I think we must be very clear that the British repossession of the islands doesn't necessarily mean the end of this war.

Q. Do you see phase 3 as more likely to be diplomatic or military?

A. I think it might very well be military as well as diplomatic. It could be either in my opinion.

Q. The feud between you and Secretary of State Haig seems to be approaching near legendary proportions. The latest installment came last Friday night when first you joined Britain in vetoing a Falklands ceasefire resolution, and then you were told by Haig through intermediaries, I presume, to change that to an abstention. Do you and Al Haig talk to each other? I mean, can you be candid about this feud and what it could mean or does mean for American foreign policy?

A. Why don't I just try to answer those questions one—analyze your question into parts. Do we talk to each other—yes. We have in fact, we spoke to each other twice from Paris through Washington during the 24 hour period before that vote, in fact. That's one very simple answer to your question, and we in those two conversations planned a cooperative action to looking toward the achievement of the goals of U.S. policy. He was going to do some things, and I was going to do some complementary things, and we each did them in the hope of achieving our goal. We talk to each other, we work together.

Q. But do you work together willingly? Last week Newsweek, for example, quoted Haig as saying about you that you were mentally and emotionally incapable of thinking clearly on the issue—Falklands—because of your close links with the Latins, and also quoted you are saying about Haig that he and his aides are amateurs, Brits in American clothes, totally insensitive to Latin cultures. Is that an accurate measurement of your relationship——

A. I couldn't passively comment on the accuracy of the quotation from General Haig. But I could comment on the accuracy of the one for my own—I did not say that. That is not correct as stated, I can tell you that.

Q. But is there bad chemistry between you two? Is that a problem?

A. I think that we have an idealistic conception in America. We succumb all the time to idealistic conceptions of reality. You know, women for example, were always falling for the ideal of the perfectly kept house. In marriage we're always falling for the ideal of the perfectly harmonious marriage, in which everybody is sweet and loving and considerate of each other all the time. And in government we postulate the model of the perfectly harmonious government. Now, in reality those don't exist, of course. In reality, even friends and certainly spouses and certainly people who work together in governments from time to time disagree. Governments are made up of people with strong views and strong feeling and from time to time they disagree. And they disagree seriously. I don't think one could have a good government in which everyone agreed with everybody about everything. The problem occurs when disagreements about policy leak into the press as disagreements among people. I sometimes say we have a kind of a movie magazine approach to the discussion of policy differences in government in which everything gets personalized. I don't think there's any serious problem here, no. I think Secretary Haig and I do work together, can work together, and furthermore if I may say so, the President expects us to work together.

Q. In what other words, did you say or do you feel that Mr. Haig is inadequately sensitive to Latin American needs and culture?

A. I don't think I said it. Let me just say for the record that I think Secretary Haig did a very serious job of mediating that dispute. I think his effort was a colossally difficult, and he undertook it with great energy and imagination, and I believe today that most parties to the dispute probably think the world would be a great deal better off and they would be had they accepted the proposals that he made then. I think that's about all I'm going to say about that.

Q. Yesterday at the U.N. in a rather startling act, at the last moment you were handed a note, as we have gotten the report, to abstain from the call to the ceasefire instead of to veto it. How do you explain that, and how do you explain the fact that Secretary Haig did not contact you directly on that?

A. It's true, I had instructions to vote "no" on that resolution. I'd had those instructions for several hours. The decision was made to check once more with Secretary Haig, and—it's not easy, let me say to try to carry on discussions and make decisions when you are separated by several thousands of miles. One good reason that I wasn't in direct contact with Secretary Haig at the time that he was changing his mind about how we ought to vote was that I was sitting at the table in the Security Council, and that's where I needed to be, let me say. I had my aides on telephones with an open wire to the State Department, which had an open wire to Secretary Haig. And when the instruction came through that we should abstain rather than vote "no," unfortunately it came through about 3-to-5-minutes too late, and in the United Nations, of course, you can't change your vote. So I was instructed to vote "No", then I was instructed to abstain. When I explained you couldn't change a vote, then I was instructed to explain that if we could change our vote we would abstain. I did all those things. I acted as an instructed representative throughout.

Q. From Paris, Secretary Haig, when he was asked why he had not contacted you directly but had gone through various State Department channel's said—and I quote—"You don't talk to a company commander when you have a corps in between"—unquote. And I wonder, do you consider yourself a company commander?

A. To tell you the truth, I don't know anything about company commanders. I don't know really much about military rank and military titles, and I don't even care much about military rank and military titles. I think that those may be more meaningful to Secretary Haig who is, after all, a general, than they are to me who am a professor in my ordinary life. Armies are very hierarchical, and universities are very informal egalitarian places which don't attach much importance to titles. I can only say that I had spoken in the previous 24 hours twice to Secretary Haig on the telephone from Paris at his initiative. I don't know what that means about corps commanders or anything else.

Q. Some conservatives are saying that President Reagan's foreign policy has been captured by the liberal traditional pragmatic conventional foreign policy apparatus, that the career bureaucrats have taken over. Do you share that sense, do you think the President has done whatever it is he's going to do in changing the direction of American foreign policy?

A. I think that the direction of American foreign policy is in continuous process of evolution. I don't expect any sharp changes, and may I say I never expected any sharp changes. I think the President is taking an ever more active personal role in the direction of our foreign policy, and in all aspects of our foreign policy, by the way, and I believe that in the coming months his personal stance on our foreign policy will become evermore clear.

Q. Argentina's going through a rather traumatic period right now, and you're quite familiar with that part of the world and the people who live there and the relationships between our country and the various Latin American countries. What is this South Atlantic crisis going to do to shape Argentina perhaps somewhat differently, and how is it going to reflect on the way we get along with those various countries?

A. I think whatever happens in the Falklands, it's going to become in Argentine history one of the major events in their national life, probably the equivalent to the fall of Peron or something, or maybe the rise of Peron—anyway, a great national event. I have no doubts that it will shape, it will have lasting influence on them. I fear that it may encourage them to see virtue in building great military strength. I know that it has already persuaded them of the importance of focusing more of their efforts on closer relationships within South America. Their role within South America, I think, will surely be more emphasized as a consequence of it. I think that right now there is some evidence that there may be a sharper sense of Latin nationalism generally through Latin America, right now it looks as though it may be in juxtaposition, or even in opposition to us. I hope we can overcome that problem.

Q. How could we go about that?

A. Well, I think by doing a lot of consulting, a lot of listening, and a lot of finding constructive common activities in which to engage together. That is all the countries of Latin America and us.

Mr. HELMS. I thank the Chair and I yield the floor.

FOREIGN POLICY OF UNITED STATES IS THE RESPONSIBILITY OF THE PRESIDENT AND THE SECRETARY OF STATE

● Mr. PERCY. Mr. President, the senior Senator from North Carolina (Mr. HELMS) has made a number of comments on the floor today which reflect on the good judgment of Secretary Haig in dealing with Western Hemisphere problems and particularly with the unprovoked aggression of Argentina in the Falkland Islands. I would like to reply, because I strongly disagree with the Senator's assessment of Secretary Haig's performance in these matters.

It seems to me that no one in this or any preceding administration has worked harder to solve the problems confronted by the United States in this hemisphere than has Secretary Haig. In fact, Secretary Haig has made a major effort to focus world attention on the deteriorating situation in Central America and the Caribbean. And he has spearheaded a serious and determined policy to stabilize the situation in that region.

As regard the Falklands, it was Secretary Haig who undertook a creative and strenuous negotiation to resolve that crisis without war. The negotiation foundered because the military and civilian rulers of Argentina could not agree among themselves to accept any of the formulas for solution which Secretary Haig advanced. To put the blame on the Secretary is to fault the peacemaker rather than the aggressor.

While I have always had a good relationship with the Senator from North Carolina, and regard him as a friend, I do disagree with his attitude on the Falklands matter. I recall that his position against the Senate resolution supporting the United Kingdom set him apart from every other Senator. The Senate vote was 79–1 in supporting the United Kingdom. He was the only Senator who voted against that resolution which became the stated position of both the U.S. Senate and the next day of the President of the United States.

Ambassador Kirkpatrick, for all her dedication and devotion, has had serious policy differences with Secretary Haig regarding the Falklands crisis. Since her experience with Argentina has been so long and intense, she did not fully share the primacy of the commitment of the great majority of Americans, and of this administration, to NATO and to our great ally and friend, the United Kingdom. She is entitled to her own opinions and judgments, but the foreign policy of the United States is the responsibility of President Reagan and Secretary Haig, and I submit that they have acted responsibly and honorably in the Falklands crisis with the support of the U.S. Senate.●

ORDER OF PROCEDURE

Mr. BUMPERS. Mr. President, I yield to the Senator from Wisconsin such time as he may need.

Mr. PROXMIRE. Mr. President, I thank the acting minority leader.

OUR GROWING NUCLEAR STOCKPILE

Mr. PROXMIRE. Mr. President, in developing our strategy in controlling the nuclear arms race, it is essential that Members of Congress understand precisely where we stand now. What is the size, makeup, and likely future of the U.S. nuclear stockpile?

Three experts, William M. Arkin, Thomas B. Cochran, and Milton M. Hoenig, coeditors of the forthcoming "Nuclear Weapons Data Book," have prepared a highly useful article on our nuclear stockpile.

In the next 2 days I intend to call to the attention of the Senate this expert and excellent summary.

The three authors say:

The size and state of the U.S. nuclear stockpile has remained fairly constant throughout the 1970s. During the 1980s, however, the rate of production and retirements will increase and the complexion of the stockpile will change markedly. Many older weapons are being withdrawn as a new generation of nuclear warheads is produced. The present increase in the rate of warhead production is being accompanied by substantial measures to increase the supply of nuclear materials. Nuclear weapons plans for the late 1980s and early 1990s, however, project further materials shortages in the face of production increases and an accelerated generational turnover of warheads.

Mass production of nuclear warheads began in 1947 with the B3, the production model of the FAT MAN nuclear bomb dropped on Nagasaki, Japan. Since then there have been 58 nuclear warhead types produced. Many warhead models have been used in a variety of weapons configurations and delivery systems. Over 20 additional warhead designs never progressed past the development stage. As indicated in Figure I, between 1955 and 1965, the number of weapons produced was massive. Over 30,000 warheads entered the stockpile during this period. The stockpile growth rate peaked in the period from 1958 to 1960 when approximately 12,000 warheads were added to the nuclear arsenal. In 1967, the stockpile reached its all time high of some 32,000 warheads. That number dropped to 27,000 by 1970, increased to about 29,000 by 1974 and since then has declined to its current size of some 26,000 nuclear warheads.

While the stockpile was made up predominantly of tactical weapon warheads in the 1960s, the mix is now about evenly split between strategic and tactical weapons. Reductions in the stockpile over the past twenty years represent shifts in the mix of characteristics of the weapons rather than any real decline in military capability. The deployment of thousands of multiple re-

entry vehicles on missiles in the 1970s, for instance, sharply increased the number of strategic warheads but did not result in a significant change in stockpile size.

Since their introduction, nuclear weapons have acquired a continually increasing importance in all aspects of military nuclear stockpile, ranging from manned portable nuclear land mines weighing about 150 pounds (W54 Special Atomic Demolition Mine or ADM) to multi-megaton bombs weighing more than 8000 pounds (B53 strategic bomb). Nuclear warheads are fitted to almost every weapons type, and used by the military services for almost all warfare roles.

Six warhead types are in production today, including the air-launched cruise missile warhead (W80), Minuteman III Mark 12A warhead (W78), the B-61 bomb, Trident I warhead (W76), the Lance missile enhanced radiation warhead (W70), and the 8-inch artillery enhanced radiation shell (W79). Sixteen additional types are in research and development and three of these (the B-83 bomb, W-84 ground-launched cruise missile, and W-85 Pershing II) are slated to enter production next year.

A RARE LOOK INTO HITLER'S INNER CIRCLE

Mr. PROXMIRE. Mr. President, "Inside the Third Reich," a movie based on the memoirs of Nazi war criminal Albert Speer, recently aired on ABC television stations. It has received much critical acclaim, including reviews in the Boston Globe and TV Guide.

In the beginning of the 5-hour drama, an old Gypsy woman tells a young, unemployed architect his fortune: "You will rise rapidly, you will win early fame, and you will retire early." And, indeed, as the story unfolds, Albert Speer's fortune proves startlingly true. At 28, he becomes Hitler's "Master Builder," and a member of his elite inner circle; at 36, Speer was named Minister of Armaments, making him responsible for running the German economy including munitions plants operated by a forced-labor corps of up to 5 million; and at 41 he was sentenced during the Nuremberg trials to 20 years at Spandau prison.

Of all Hitler's confidants, Speer is still one of the most fascinating, one of history's curious enigmas. What could have motivated this man to be a party to the Final Solution? He was cultivated, educated, born to wealth, raised by civilized, loving parents, and married to an intelligent, sensitive woman. Speer himself claimed that Hitler had a hypnotic effect over him.

In the end, however, Speer renounced his obsession with Hitler and the Third Reich. As the allies marched on Berlin, he refused to carry out Hitler's "scorched earth" policy—the order that Germany be left in ruins for the allies. Also, Speer was the only top Nazi war criminal to plead guilty at the Nuremberg trails.

Mr. President, the Nuremberg trials play a key role in the history of the Genocide Convention. The treaty exists because the International Military Tribunal at Nuremberg determined that consideration of genocide was outside of the charter that established the Tribunal.

International reaction was swift. The United Nations General Assembly unanimously adopted a resolution declaring genocide an international crime. In the next 2 years, a drafting committee, chaired by the U.S. delegate, worked to draft a convention to implement the General Assembly's resolution. In 1948 the General Assembly unanimously adopted the Genocide Convention and 2 days later the United States signed the Convention.

Mr. President, we in the Senate must take the next step. We must bring to fruition the efforts of those who drafted the Genocide Treaty.

Mr. President, I urge my colleagues to immediately ratify the Genocide Convention.

I thank my good friend from Arkansas and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

REINSTATING OIL AND GAS LEASES

Mr. BUMPERS. Mr. President, I have spoken several times on the floor and in the committee on S. 506, which would reinstate two offshore oil and gas leases for the Pauley Petroleum Group, which is headquartered in California. I am compelled to mention it again because of a recent court action taken by the Pauley Group which I feel is against the public interest and I believe exemplifies a lack of good faith on the part of the Pauley Group.

Mr. President, to give you a chronology, on May 17, 1982, the Pauley Group filed suit in the U.S. District Court for the Eastern District of California seeking to enjoin the Department of the Interior from taking bids upon the two leases which that group abandoned in 1969. Pauley asserted that the injunction was necessary to allow Congress the opportunity to reinstate those leases, but Congress has failed to enact such legislation both during the 96th Congress and thus far during this 97th Congress.

The bill, S. 506, was introduced on February 1, 1981, a hearing was held on July 22, 1981, and it was placed on the Energy Committee calendar on September 11, 1981. The committee has twice considered S. 506 at its business meetings, last considering it on November 18, 1981. Since that time the committee has had 20 business meetings, but it has not considered the proposal. It is abundantly clear that the committee and Congress have had ample opportunity to consider this matter, and Pauley's suit is clearly frivolous.

I have made my reasons for objecting to this legislation very clear, and I am even more opposed to it now. I really think that this lawsuit is an additional show of at least a lack of good faith on the part of Pauley since it abandoned its leases in 1969, following the Union Oil blowout in the Santa Barbara Channel. That oilspill naturally caused the Department of the Interior to reassess its policies and regulations to make sure that they were adequate to prevent similar incidents. Although the Interior's subsequent actions never prevented Pauley from continuing to drill on its leases, Pauley nevertheless sued in the Court of Claims for return of its bonus and its anticipated profits, claiming that the Department had effectively revoked the leases. The court resoundingly rejected every single Pauley claim and the Supreme Court declined to hear the case.

So then Pauley comes to the Congress seeking relief and asking us to reinstate the leases which had become quite valuable during the period of the litigation because oil had been discovered on an adjacent tract and gas had been discovered on another. In a strange turnabout, Pauley argued in hearings before congressional committees that the chance of finding any oil or gas on the tracts was highly problematic, although it had alleged, and its witnesses testified in the court case, that the leases held recoverable reserves of 670 million barrels of oil and 920 million (mcf) of natural gas.

In congressional hearings it claimed that Congress should be limited by the USGS estimate that the leases hold only 44 million barrels of oil and oil equivalent. Although it had sought over $400 million in damages as the measure of the worth of the leases which allegedly were revoked by the Department, Pauley claimed in committee hearings that the United States could only expect to receive $13.9 million in bonuses if these $400 million leases were resold. It claimed in Congress that it had had no other choice but to go to the Court of Claims, but now it has opened another avenue of relief, litigation in district court seeking equitable relief, which has been open to it ever since the blowout.

Mr. President, it has been clear to me from the beginning that the Pauley Group has not been worthy of equitable relief from Congress or the courts. When the blowout occurred, the group had drilled eight dry holes on its leases. Some of the members of the group had already given up on the project and written off their investment as a loss. Others had sold out for a small fraction of their original investment. The uncertainty created in the aftermath of the blowout gave Pauley an opportunity to recoup its losses by abandoning its leases and

going to court, which it did. But it lost completely, the Court of Claims rejecting every single contention raised by Pauley. During the course of that litigation, and during the course of almost 10 years, Chevron discovered oil on the adjacent tract, so as soon as the Supreme Court refused to reverse the Court of Claims, Pauley sought private relief from Congress. It has again failed.

It has now filed a meritless "dog in the manger suit," seeking to keep the leases away from everyone else. It claims in the suit that the leases should not be resold until Congress has had time to act, despite the fact that Congress manifestly has had time to act but has not. In fact, the Energy Committee has refused to act. I consider the lawsuit to enjoin Interior as an affront to Congress, as well as to the court. I will do all in my power to keep their bill from passing and I believe there is no basis for the Pauley Group claiming that "Congress will resolve the reinstatement issue in a matter of months."

Pauley's other assertions are equally without merit. For example, it claims that issuance of the lease will cause it irreparable harm. It is a well-established principle of law that monetary loss does not constitute irreparable injury. It is a readily measurable and compensable injury if it occurs at all.

Pauley also asserts that the public interest will be served by the nonissuance of this lease. Pauley assumes that Congress will eventually reinstate the leases, and it argues that the delay in leasing will serve the public interest by hastening development of the leases when, according to Pauley's hopes, they are restored. This argument needs no refutation, because the illogic is too clear. How can delay speed development of these leases?

In addition, there is no certainty or even a good probability that Congress will ever choose to reinstate the leases under any circumstances.

Far from promoting the public interest, Pauley's lawsuit will harm it, which is why I have felt compelled to speak on this issue today. The suit casts a cloud upon the resale of the two leases by creating uncertainty whether they will be issued at all. The sale of these two leases will be held in conjunction with the largest sale of offshore leasing ever held. The June 11 sale will begin a 5-year program of leasing 993 million acres of offshore lands. This sale will occur when exploration is falling because of reduced demand. Since the beginning of the year, there has been a 30-percent reduction in drilling activity. Under these circumstances, it is virtually certain that the pending lawsuit will discourage potential bidders from bidding on the two tracts involved.

I do not quarrel with anyone taking advantage of all available legal processes. I do not question Pauley's rights. I merely point out that this suit has no merit, just as Pauley's case to Congress has no merit. Furthermore, Pauley's timing seems calculated to reduce the bids made by others for the leases. Pauley has known since January 1982 that these leases would be put up for sale in June 1982. Nonetheless, it let 3½ months pass before filing this suit, leaving a bare 25 days for a court decision and exhaustion of appeals. By comparison, the Pauley Group took less than 2 months time to file its Court of Claims suit after the Department of the Interior changed the regulations governing oilspills. These tactics should be remembered whenever the Senate considers S. 506, if in fact it ever does.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, could we now go into a period of morning business?

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

Mr. JACKSON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

TORPEDO SQUADRONS AT MIDWAY

Mr. JACKSON. Mr. President, last Friday, June 4, marked the 40th anniversary of the Battle of Midway. As we all know, this battle was crucial, occurring when American morale during World War II was at its lowest point. It was won by a combination of the brilliant efforts of U.S. code-breakers, good fortune, and by the fierce and courageous determination of many brave people. Today, I call particular attention to the heroic conduct on the part of the men from three American torpedo squadrons who gave so unselfishly in their attack upon the Japanese fleet and were instrumental in the American victory. These squadrons were led by Comdrs. John Waldron, Eugene Lindsey, and Lance Massey who, along with others who fought so valiantly at Midway, received the Navy Cross for their actions on June 4, 1942.

The Battle of Midway came at a time when Americans were losing hope. In the few months preceding Midway, the Japanese had not only crippled severely the U.S. Pacific Fleet at Pearl Harbor but had also savored triumphs at Hong Kong, Manila, Singapore, and Bataan. While Japan could taste her forthcoming victory in the Pacific, war-weary Americans could only foresee defeat.

Adm. Isoroku Yamamoto, the commander in chief of Japan's Imperial Combined Fleet, devised an intricate plan to destroy the rest of the U.S. Navy. He would invade Midway, lure the Pacific Fleet to the rescue, and then finish it off in an all-out attack. It would be simple, he said, "as easy as twisting a baby's arm." And it should have been simple. In his "Incredible Victory," Walter Lord writes of the Americans: "By any ordinary standard, they were hopelessly outclassed."

The key to Admiral Yamamoto's plan was to catch the American fleet unaware. The problem with his plan was the Americans knew he was coming. Through the brilliant efforts of U.S. cryptoanalysts, the United States was able to decipher coded Japanese messages and thereby learn of Yamamoto's intended trap. With this critical information at hand, Adm. Chester Nimitz prepared to meet the oncoming Japanese naval force.

As planned, the Japanese began their attack on Midway early on the morning of June 4. The Americans, however, were lying in wait and launched their own attack on the advancing Japanese fleet.

The critical period in the battle for Midway began around 9:30 a.m. on June 4 when the American torpedo squadrons began to attack the Japanese ships. Facing the Japanese Zeros and intense antiaircraft fire without the aid of fighter protection, these three squadrons took enormous losses. Ten of 14 planes in Lindsey's squadron were shot down. Ten of the 12 planes in Massey's Torpedo Squadron 3 were knocked down. All 15 planes in Waldron's Torpedo Squadron 8 were lost. In all, 35 of 41 torpedo planes in the three squadrons were cut down. Sixty-eight airmen lost their lives, including Waldron, Lindsey, and Massey. Despite their fierce attacks, the torpedo planes scored no hits on the Japanese fleet. But they did draw a concentrated attack from the Zeros and antiaircraft guns aboard the Japanese ships. This proved to be a critical mistake for Japan because it left their aircraft carriers unprotected and fatally exposed to the American dive bombers.

Shortly after 10, the decisive point in the battle for Midway had arrived. While the Japanese were focused on the torpedo planes, dive bombers from the *Enterprise* and the *Yorktown* were able to swoop down almost unopposed by the Japanese. In just a few minutes, the *Enterprise* bomber squadron, led by Comdr. Wade McCluskey, and the *Yorktown* squadron, led by Comdr. Max Leslie, succeeded in destroying three of the four Japanese aircraft carriers attacking Midway Island. The fourth carrier was destroyed shortly afterward by bombers from the *Yorktown* and *Enterprise*. With the core of the Japanese fleet wiped out, Admiral Yamamoto soon began his retreat and the turning point in the battle for the Pacific had arrived.

In summing up the American victory at Midway, Lord writes:

Against overwhelming odds, with the most meager resources, and often at fearful self-sacrifice, a few determined men reversed the course of the war in the Pacific. Japan would never again take the offensive. Yet the margin was thin—so narrow that almost any man there could say with pride that he personally helped turn the tide at Midway.

The courageous and determined attack by the torpedo planes played a vital role when they diverted the Japanese antiaircraft fire and fighter defenses and paved the way for the success of the bombers. As another writer put it, "the martyrdom of the Navy torpedo men contributed to the triumph of the Navy bombardiers."

Mr. President, two recent articles provided a more detailed description of the Battle of Midway and the important role played by the torpedo squadrons. I ask unanimous consent that an article in the June 1982 Naval Aviation News and a June 4, Washington Post article on one of the few survivors of the torpedo squadrons at Midway be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Naval Aviation News, June 1982]

MEN AND MINUTES AT MIDWAY

(By Clarke Van Vleet)

"Time is everything; five minutes makes the difference between victory and defeat," Lord Nelson said.

At the Battle of Midway it was two minutes.

Between 10:24 and 10:26 the morning of June 4, 1942, the Americans won that great battle which was the turning point of the Pacific war. In those two minutes, three out of four Japanese aircraft carriers attacking Midway Island were wiped out by two separate flights of U.S. Navy dive bombers. Coming from different directions the flights, by coincidence, simultaneously sighted the enemy and attacked. The Japanese never recovered from the defeat.

Timing—some calculated, some coincidental, some dependent on the function of mechanical devices—played a prominent part in the battle.

"Victory . . . often goes to the side which is quicker to act boldly and decisively to meet unforeseen developments, and to grasp fleeting opportunities," wrote Mitsu Fuchida and Masatake Okumiya in Midway, The Battle That Doomed Japan.

Many Americans acted boldly and decisively at Midway. The timing of their acts, whether planned or unintentional, had a profound effect on the outcome.

The Midway-based PBY Catalina flying boats were out early on June 4, 1942, looking northwest of the island for a strike force of Japanese carriers which was to launch attacks against the American outpost that very morning. Ensign Jack Reid's Cat had already spotted elements of the enemy's Midway invasion occupation force, the day before, coming in from the southwest. Now it was imperative to find the carriers which were to come in from the northwest to plaster the island and soften it up for an invasion by 5,000 Japanese troops.

This was according to intelligence provided to Admiral Chester Nimitz, Commander in Chief, Pacific (CinCPac). (See accompanying article, "The Unsung Chorus.") On receiving the intelligence reports, the admiral had beefed up Midway's defenses as best he could. He positioned Admiral Raymond Spruance's Task Force 16 with the aircraft carriers Enterprise and Hornet, along with Admiral Jack Fletcher's Task Force 17 with the recently repaired Yorktown, northeast of the island to counter Admiral Chuichi Nagumo's four carriers, Akagi, Hiryu, Kaga and Soryu.

The odds were against Admiral Nimitz. Admiral Isoroku Yamamoto's combined fleet for the whole operation—the carrier strike, the Midway invasion/occupation, the diversionary Northern/Aleutian and the backup main forces—consisted of eight carriers to the American's three, 11 battleshps to the U.S. Navy's none and 23 cruisers to the Americans' 13.

For the Midway phase of the operation, the enemy had 293 aircraft of all types on its six carriers. The U.S. had 227 on her three flattops, with another 52 attack, 26 fighter and 30 search-type land-based planes at Midway. As for combat experience of pilots and design of aircraft, the advantage lay with the Japanese. Hornet's air group was new and lacked previous battle experience; Yorktown's air group had never operated as a unit.

Yorktown was not even completely shipshape. She had limped, badly battle-damaged, into Pearl Harbor on May 27 from her Coral Sea engagement, and Admiral Nimitz had told the Pearl navy yard, "We must have this ship back in three days." From then until May 29, workmen did an around-the-clock job to jury-rig her into fighting condition. Hull expert Lieutenant Commander Herbert Pfingstag had the patch job completed in 48 hours and Yorktown headed for the line.

Some 200 miles northwest of Midway the fateful morning of the 4th, PBY pilots Lieutenants Howard Ady and William Chase of Patrol Squadron 2 (VP-23, today's VP-10) spotted and reported the locations of elements of Nagumo's carrier force. At 5:30, "A carrier. . . ." At 5:34, "Enemy carriers. . . ." At 5:45 in plain english, "Many planes heading Midway. . ." (Nagumo's strike aircraft). At 5:52, again in the clear, "Two carriers and main body ships. . . ." The plain English reports in the clear were particularly vital as they alerted Midway and the U.S. carrier task forces without the delays of decoding.

As Nagumo's 108 strike planes roared closer toward Midway, they were picked up 93 miles out at 5:53 by the island's radar. Vectored out to intercept them, Major Floyd Parks' Marine VMF-221 fighter squadron, a mix of 25 antique Buffaloes and Wildcats, was no match for the agile Zeros which shot down 15, including the squadron commander. Of the 10 that returned, only two were still in condition to fly combat.

As the Japanese completed their bombing, the five waves of U.S. planes, which had taken off earlier from Midway, approached Nagumo's carriers. They were met by swarms of enemy fighters and antiaircraft fire. Beginning shortly after 7:00, Lieutenant Langdon Fieberling and five of his six Navy torpedo-carrying Avengers were shot down; two out of four torpedo-dropping Army Maurauders were next knocked out; 15 Army Flying Forts unsuccessfully bombed from 20,000 feet; and Marine Major Lofton Henderson (for whom the field at guadalcanal was later named), commanding VMSB-241, was lost, along with 12 planes from his two waves of 16 Dauntlesses and 11 vintage Vindicators, the last to attack at about 8:30. Not a hit was scored. Evasive maneuvering and fending against these attacks, however, caused Nagumo's once compact carrier formation to be delayed and disrupted. Shortly after 8:30, he began recovering his Midway strike planes.

During these attacks, Nagumo had become prey to time and circumstance. About 7:00, he had received by radio a recommendation from his returning Midway strike leader, "Need for a second attack." Having heard no reports of a U.S. force in the area from his search planes, at 7:15 he ordered his standby planes disarmed of their antiship armaments and rearmed with land bombs for a second strike on Midway.

But at 7:28, the search plane assigned to reconnoiter the very area in which Task Forces 16 and 17 were located reported: "Ten ships, apparently enemy. . . ." While there was no mention of U.S. carriers, this first contact report of a U.S. force in the area was 30 minutes later than might have occurred had the search plane for this key sector not been originally delayed in launching by a malfunctioning catapult.

Nagumo decided at 7:45 to suspend the rearming and prepare for a possible attack on the U.S. fleet units. By this time, most of the torpedo planes on Akagi and Kaga were already lined up on the flight decks armed with land bombs and Zeros were airborne on combat patrol, fighting off attacks by the Midway-based planes. Not until 8:20 did a report from the search plane come in, sighting ". . . what appears to be aircraft carrier. . . ." To confirm this vague report, a high-speed reconnaissance plane was launched at 8:30 and, while it located all three U.S. carriers, its radio failed to work and no timely information came through.

Although Admiral Tamon Yamaguchi aboard Hiryu recommended ". . . launch attack force immediately" and strike with what was ready and available, Nagumo opted to complete unloading the land bombs, reload again with antiship armaments and recover his Midway strike and combat air patrol aircraft. The last of these operations was completed at 9:18 when he turned north.

These time-consuming developments caused him to become "a victim of the mechanics of carrier operations," according to the Naval War College analysis on the subject. Also, in the haste to reload a second time with antiship armaments, the unloaded land bombs were not placed in their magazines, but haphazardly piled about, to become exposed ammunition dumps. Moreover, only 10 minutes later, while rearming and new launch preparations were progressing, the first of three U.S. carrier torpedo squadrons arrived to attack with obsolete TBD Devastators.

That morning, the Americans had been making some crucial command decisions of their own. With the 5:52 PBY report in hand, Admiral Spruance took a calculated risk to launch all planes at maximum range to effect surprise and perhaps catch the enemy's Midway strike planes back on deck refueling and rearming. The aircraft launched from Enterprise and Hornet at 7:05, with only the 5:52 position report to go on because communications with Midway, whose land-based planes had tracked Nagumo almost to his turning point, had failed. Admiral Fletcher aboard Yorktown decided to wait for more definitive information on the enemy and ordered only a partial launch at 8:38.

Since the Japanese carriers had changed course and were therefore not at the expected area of interception, Hornet's bombers turned south toward Midway, vainly searching for the enemy. Hornet's VT-8 torpedo squadron, however, spotted the carriers to the north and was the first U.S. carrier unit to swing in on attack at 9:28. Intermittently, for the next 50 minutes, Nagumo's carriers were under siege by torpedo squadrons VT-8 form Hornet VT-6 from Enterprise and, later Yorktown's VT-3, which commenced attacking at 10:16. They scored no hits and most of the planes were cut down by Japanese Zeros and antiaircraft fire. All three squadron commanders, John Waldron, Eugene Lindsey and Lance Massey, respectively were shot down, with 35 out of 41 torpedo planes destroyed. Sixty-eight pilots and airmen lost their lives. By then, the unscathed Nagumo force had beaten off eight U.S. attack waves, shooting down 54 U.S. planes.

In the meantime, Commander Wade McClusky, leading his Enterprise dive bombers, was making some decisions which the War College analysis terms "the most important decisions made by an airborne tactical commander in the Battle of Midway." Reaching the expected interception point at 9:20, he elected to extend his flight into a "box" search by continuing on his heading for another 35 miles and then turning north. While on this northward leg of the flight, he noted a Japanese destroyer heading northeast. He decided to follow it, reasoning that perhaps it was a trailing member of the strike force trying to catch up with Nagumo's carriers. His hunch proved correct and by 10:24 his Dauntless bombers, coming in from the southwest, were diving on two of the enemy's carriers, setting both of them ablaze.

Meanwhile, Yorktown's bombers, led by Commander Max Leslie, were following VT-3 in from the southeast. The bomb on the commander's plane had released prematurely as a result of an electrical failure five minutes after departing Yorktown, but he chose to stay with his squadron and lead it in. "I started my dive from 14,500 feet at 10:25, followed by the squadron diving out of the sun from southeast to northeast," the commander recalled. His planes scored several direct hits, transforming into an inferno another of Nagumo's carriers.

The Naval War College analysis points out "that the Yorktown dive-bombing squadron took departure from its carrier about one hour and twenty minutes after the Enterprise dive-bombing squadron. Yet by a strange coincidence both squadrons sighted the enemy at the same time and made simultaneous attacks on different targets of the same formation, although the presence of each was unknown to the other."

Just before both bombing attacks, which occurred within two minutes of each other, the Japanese had completed their launching preparations and had expected their attack planes to be airborne within five minutes. In their case, however, Lord Nelson's comment proved to be exact. Also, prior to the attacks, the Japanese antiaircraft guns and fighter defenses had been concentrating on the low-flying U.S. torpedo planes, leaving the in-coming, high-flying bombers virtually unopposed in their dives. In effect, the martyrdom of the Navy torpedomen contributed to the triumph of the Navy bombardiers.

The fourth carrier, Hiryu, was several miles north of the three doomed flattops and remained untouched. She got word of Yorktown's position and Admiral Yamaguchi sent out his attack groups, which hit the American carrier at noon and again at 2:43 p.m., crippling her to such an extent that she had to be abandoned by 3:00.

Two minutes after Yorktown was hit the second time, one of her scouting pilots, Lieutenant Samuel Adams, sighted and reported Hiryu's position at 2:45. Ordered out to attack the surviving enemy carrier at 3:30 was a group of 24 bombers from Enterprise, led by Lieutenant Earl Gallaher. The group included Lieutenant Dave Shumway heading 14 Yorktown bombers which had taken refuge aboard Enterprise in the nick of time when their carrier had come under attack by Hiryu's planes. At 5:00, the Yorktown flyers got their revenge, for they were among those who made four direct hits on Hiryu, destroying the enemy's fourth carrier. Then hours later, Admiral Yamamoto cancelled the Midway operation and retired, defeated in the now memorable victory scored by the officers and men of U.S. Naval Aviation on June 4, 1942. It was the turn of the tide, for never again did the Japanese gain the offensive in the Pacific theater.

FORTY YEARS LATER, SURVIVOR RECALLS THE CRUCIAL BATTLE OF MIDWAY

(By Orval Jackson)

NAPLES, FLA.—George Gay spent 30 hours floating in the Pacific Ocean as the savage fighting raged around him after he was shot down 40 years ago today during the crucial Battle of Midway. The course of history changed before his eyes as American forces turned the tide of the Pacific war by dealing a Japanese task force a crushing defeat in its effort to seize Midway Island.

Gay was the lone survivor among 30 fliers in Torpedo Squadron 8, which launched its 15 two-man TBD1 Devastator torpedo planes from the aircraft carrier Hornet for an attack on the Japanese fleet and its four valuable aircraft carriers.

"Torpedo Squadron 3 and Torpedo Squadron 6 came right in behind us," Gay said. By the time the battle ended 35 of the slow, outmoded Devastators had been shot down without doing the slightest physical damage to the Japanese.

"I happened to go down in the middle of the Japanese navy," he said.

"I was right in the middle of that thing all afternoon and all night," Gay said. "I never lost consciousness and was lucid all the time. But it was just colder than the devil. I lost 30 pounds in the 30 hours."

Gay said he salvaged a five-man life raft and a jacket which he kept deflated so as not to be spotted by the Japanese.

"I kept it [the raft] deflated and tried to ride it like a horse," he said.

"They were so close at first that if I'd had my deer rifle I could have been picking off sailors one by one," he said. "But as the battle continued it drifted away and at the end they were seven or eight miles away."

Gay said he saw Japanese planes and boats picking up survivors but said he hid behind floating debris to elude them, and said he never thought about not being rescued.

"I was too busy to give up hope. There wasn't any question of hope. It was a matter of survival," he said.

Gay said the crew of an American PBY plane spotted him the morning after the battle and wagged its wings at him as he pointed the direction the Japanese fleet had gone.

"They had a mission to do and I gave them directions," Gay said. "I was dumbfounded when they came back in the afternoon and picked me up."

Gay, who suffered only a minor wound in the arm and a shrapnel wound in the back of the left hand, says part of the reason the torpedo planes were so vulnerable is that they were carrying obsolete World War I submarine torpedoes that required the planes to be no higher than 80 feet, no farther from the target than 1,000 yards and going no faster than 80 knots at the moment of launching them.

At that speed and that range, the Devastators were sitting ducks to gunfire from the ships and from the Japanese fighter planes flying cover for the fleet.

"Here we had torpedo plane, but no one had designed the aerial torpedo we needed," he said.

But Gay said that even though the torpedo bombers didn't hit the Japanese carriers, their sacrifice in the low-level attacks opened the way for American dive bombers to mop up.

"Torpedo Squadron 8 pulled down the fighter cover onto the water instead of at 18,000 feet where they had been and that let the dive bombers in," he said.

When the battle ended, the Japanese had lost four carriers.

"I've always thought the biggest loss to the Japanese in that battle was not the ships themselves but the high loss of pilots with combat experience," he said.

For his action in the Battle of Midway, Gay received the Navy Cross, as well as several campaign and unit citations.

After a month's leave, Gay returned to active duty and saw further combat in the South Pacific. After the war he became a pilot for TWA, retiring as a captain in 1974.

Three years ago he wrote a book, "Sole Survivor," about his experience in the Battle of Midway. The book is in its second printing.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of May 27, 1982, the Secretary of the Senate, on June 2 and June 3, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on June 2 and June 3, 1982, are printed at the end of the Senate proceedings.)

WAIVER OF CERTAIN SECTIONS OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 142

Under the authority of the order of the Senate of May 27, 1982, the Secretary of the Senate, on June 2, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with subsection 402(d)(5) of the Trade Act of 1974, I

transmit herewith my recommendation for a further 12-month extension of the authority to waive subsection (a) and (b) of Section 402 of the Act.

I include as part of my recommendation my determination that further extension of the waiver authority, and continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China will substantially promote the objectives of Section 402.

This recommendation also includes my reasons for recommending the extension of waiver authority and for my determination that continuation of the three waivers currently in effect will substantially promote the objectives of Section 402. It also states my concern about Romania's emigration record this year and the need for its reexamination.

RONALD REAGAN.

THE WHITE HOUSE, *June 2, 1982.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 143

Under the authority of the order of the Senate of May 27, 1982, the Secretary of the Senate, on June 2, 1982, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Environment and Public Works, the Committee on Labor and Human Resources, the Committee on Foreign Relations, and the Committee on Small Business:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seven new deferrals totaling $14.5 million and revisions to two deferrals previously reported increasing the amount deferred by $140.5 million.

The deferrals affect programs in the Departments of Agriculture, Commerce, Interior and Labor as well as the Board for International Broadcasting, the International Communication Agency, the Railroad Retirement Board and the Small Business Administration.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *June 2, 1982.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 27, 1982, a message from the House of Representatives was received on May 28, 1982, stating that the House has passed the following bill, without amendment:

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 102. Concurrent resolution providing for an adjournment of the Senate from May 27, 1982, May 28, 1982, or May 29, 1982 until June 8, 1982, and giving the consent of the Senate to an adjournment of the House for more than three days.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2535. An act to regulate the operation of foreign fish processing vessels within State waters;

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act;

H.R. 1231. An act for the relief of the Washington Post, the Washington Star, the Dispatch (Lexington, North Carolina), the Brooklyn Times, Equity Advertising Agency, Incorporated, the Seattle Post-Intelligencer, and the News Tribune; and

H.R. 1608. An act for the relief of Mrs. Frieda Simonson.

Under the authority of the order of the Senate of May 27, 1982, the enrolled bills were signed by the Vice President on May 28, 1982.

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources.

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 896. An act to redesignate the control tower at Memphis International Airport, the Omlie Tower;

S.J. Res. 131. Joint resolution designating "National Theatre Week";

S.J. Res. 140. Joint resolution designating February 11, 1983, "National Inventors' Day"; and

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week".

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 5659. An act to authorize the Smithsonian Institute to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

H.R. 5930. An act to extend the aviation insurance program for five years; and

H.J. Res. 225. Joint resolution to designate the week beginning June 5, 1983, and ending June 11, 1983, as "Management Week in America".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that State and local governments should support the fire safety efforts of the United States Fire Administration to reduce lives and property damage lost by fire.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1808. An act to authorize an Under Secretary of Commerce for Economic Affairs.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. GORTON).

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5930. An act to extend the aviation insurance program for five years; to the Committee on Commerce, Science, and Transportation.

HOUSE MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5659. An act to authorize the Smithsonian Institute to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

H.J. Res. 225. Joint resolution to designate the week beginning June 5, 1983, and ending June 11, 1983, as "Management Week in America".

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that State and local governments should support the fire safety efforts of the United States Fire Administration to reduce lives and property damage lost by fire; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary reported that on May 28, 1982, he had presented to the President of the United States the following enrolled bills:

S. 2535. An act to regulate the operation of foreign fish processing vessels within State waters; and

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 12, 1982, the following reports of committees were submitted on May 28, 1982:

By Mr. SCHMITT, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2604: An original bill to authorize appropriations to The National Aeronautics and Space Administration for research and development, construction of facilities, and research and programs management, and for other purposes (Rept. No. 97-449).

S. 2605: An original bill to consolidate and authorize certain programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce (Rept. No. 97-450).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2499: A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 97-451).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 2144: A bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region (Rept. No. 97-452).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1941: A bill to provide for the reinstatement and validation of United States oil and gas leases numbered NM 25447 and NM 25452 Acq (Rept. No. 97-453).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 2146: A bill to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W62250 (Rept. No. 97-454).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2218: A bill to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue Landfill site by the City of New York (Rept. No. 97-455).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2349: A bill to authorize appropriations for the National Science Foundation for fiscal year 1983 (Rept. No. 97-457).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment:

S. 2134: A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 97-458).

By Mr. MURKOWSKI, from the Committee on Environment and Public Works, with amendments:

S. 2250: A bill to amend the Disaster Relief Act of 1974, and for other purposes (Rept. No. 97-459).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 1909: A bill to provide for the reinstatement and validation of United States oil and gas lease numbered W-24153 (Rept. No. 97-460).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments and an amendment to the title:

S. 2311: A bill to revise and extend programs relating to biomedical research, research training, medical library assistance, health information and promotion, and research ethics (Rept. No. 97-461).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with amendments:

S. 2451: A bill to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983, and for other purposes (Rept. No. 97-462).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2607: An original bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes (Rept. No. 97-463).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 2608: An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to supplement existing authorizations for security and development assistance programs for the fiscal year 1983, and for other purposes (Rept. No. 97-464).

By Mr. QUAYLE, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2036: A bill to provide for a job training program, and for other purposes.

By Mr. HUMPHREY, from the Committee on Labor and Human Resources, with amendments:

S. 2365: A bill to expand and extend programs relating to alcohol abuse and alcoholism and drug abuse.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2386: A bill to provide for the establishment of a system to collect data on the geographic distribution of Federal funds.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 2457: A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

By Mr. CARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2606: An original bill to authorize appropriations for mass transportation.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments and an amendment to the title and an amended preamble:

S. Con. Res. 73: A concurrent resolution to condemn the Iranian persecution of the Bahai community.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2481: A bill to provide for the reinstatement and validation of United States oil and gas lease number W 61985 (Rept. No. 97-456).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. J. Res. 110: A joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion (Rept. No. 97-465).

Under the authority of the order of the Senate of May 12, 1982, the following reports of committees were submitted on June 8, 1982:

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 349: A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes (Rept. No. 97-466).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an admendment in the nature of a substitute and an amendment to the title:

S. 2385: A bill to amend subchapter IV of chapter 73 of title 38, United States Code, to modify the VA Health Professionals Scholarship Program, and for other purposes (Rept. No. 97-467).

By Mr. HUMPHREY, from the Committee on Labor and Human Resources:

Report on the bill (S. 2365) to expand and extend programs relating to alcohol abuse and alcoholism and drug abuse (with additional views) (Rept. No. 97-468).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. SCHMITT, from the Committee on Commerce, Science, and Transportation:

S. 2604. An original bill to authorize appropriations to The National Aeronautics and Space Administration for research and development, construction of facilities, and research and programs management, and for other purposes; placed on the calendar.

S. 2605. An original bill to consolidate and authorize certain programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; placed on the calendar.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2606. An original bill to authorize appropriations for mass transportation; placed on the calendar.

S. 2607. An original bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; placed on the calendar.

By Mr. PERCY, from the Committee on Foreign Relations:

S. 2608. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to supplement existing authorizations for security and development assistance programs for the fiscal year 1983, and for other purposes; placed on the calendar.

By Mr. MELCHER:

S. 2609. A bill to amend title 38, United States Code, to establish a program of direct loans to eligible veterans for the purchase of residential property on which the Administrator of Veterans' Affairs has foreclosed after default on loans guaranteed by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHAFEE (for himself, Mr. WEICKER, Mr. HEINZ, Mr. DURENBERGER, Mr. MITCHELL, Mr. BAUCUS, Mr. SYMMS, Mr. WALLOP, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. NUNN, Mr. SASSER, Mr. DIXON, Mr. RUDMAN, Mr. HUDDLESTON, and Mr. GORTON):

S. 2610. A bill to delay Treasury regulations on the debt-equity issue; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. WEICKER, Mr. HEINZ, Mr. DURENBERGER, Mr. MITCHELL, Mr. BAUCUS, Mr. SYMMS, Mr. WALLOP, Mr. BENTSEN, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. NUNN, Mr. SASSER, Mr. DIXON, Mr. RUDMAN, Mr. HUDDLESTON, and Mr. GORTON):

S. 2610. A bill to delay Treasury regulations on the debt-equity issue; to the Committee on Finance.

DEBT-EQUITY REGULATIONS OF THE TREASURY

● Mr. CHAFEE. Mr. President, today I am introducing legislation regarding IRS's proposed regulations on section 385 of the Internal Revenue Code of 1954. If Congress takes no action, these regulations defining corporate debt and equity shall take effect on July 1, 1982, and, as currently drafted, will sharply curb the flow of capital to small and growing American businesses. This bill blocks the proposed regulations and directs the Secretary of the Treasury to take into account relevant legislative history if new regulations under section 385 are promulgated.

To understand the rationale for such regulations, some background is helpful. Federal income tax law requires that a distinction be made between debt and equity for at least two reasons. First, interest on debt is deductible by the borrowing corporation while dividends on preferred stock are not. Second, the holder of a debt instrument when receiving the principal pays no taxes while the owner of preferred stock who collects the original purchase price for the stock may pay taxes on this amount as ordinary dividend income.

Over the past 50 years, the question of deciding whether an instrument was debt or equity has fallen to the Federal courts. The courts have developed reasonable approaches to the debt-equity issue, reviewing such factors as whether a corporation's shareholders held the instrument in generally the same proportions as their holdings of common stock and whether the lender acted as an independent creditor. The situations in which this issue arises are disparate, and the courts have not established any rigid tests or formulas for distinguishing debt from equity, instead passing upon each concrete, factual situation. Of course, this case law, which represents the court's judgments in many situations, has left gray areas in which litigation is often necessary to reach a conclusion.

In 1969, responding to the conglomerate merger wave, Congress enacted section 385 of the code, granting the Secretary of the Treasury authority to promulgate regulations which "shall set forth factors to be taken into account" in making the debt-equity determination. The Senate Finance Committee report specifically stated that the Secretary of the Treasury was granted the "authority to promulgate regulatory guidelines * * * [which] are to set forth factors to be taken into account" in making the debt-equity determination in "a particular factual situation * * *" The report used the words "guidelines" six times and the word "factors" seven times in the one-page explanation of the new section 385.

Because the Congress, like the courts, recognized that the debt-equity question arises in a myriad of contexts, a rigid set of formulas or definitive rules for making this determination were not set forth either in the law or contemplated in regulations. Rather, Congress intended that the regulations should codify and clarify the reasonable approach of the case law, establishing the general guidelines and specific factors relevant to making the debt-equity determination, while leaving to the courts the application of these guidelines to the concrete situations when disputes arose. In short, providing clear guidelines would establish an equitable way for determining whether a financing were debt or equity and would reduce greatly the need for litigation.

Nevertheless, the section 385 regulations now scheduled to take effect on July 1—the revised product of rules first published in 1980—go far beyond congressional intent and, indeed, constitute a needlessly complex maze of highly technical and complicated rules. There are more than 40 pages of confusing and arbitrary rules, subrules, definitions, exceptions, safe harbors, and rules of convenience. A businessman cannot read one portion of the proposed regulations without reading and analyzing dozens of other definitions, exceptions, et cetera. The complexity of these proposed regulations will require small businesses to hire substantially more expert professional assistance—more legal and accounting fees—and will entail longer delays in the making of investment decisions.

While the tortuousness of these regulations is a significant indictment, especially in light of the administration's commitment to simplified Government regulation of business, the real danger of the present section 385 is that they will halt much of the flow of additional capital to small businesses. A simple example can perhaps best illustrate this point. A common practice in small firms is for a major shareholder to lend to the company on a short-term basis in an informal manner, for instance to meet payroll or expand inventory. If a loan were made and neither repaid with any interest nor within 120 days after the end of the fiscal year, the regulations mandate that in most cases the IRS could tax the repayment as a dividend. Indeed, if this same sum were loaned for the same time over a successive number of years, each repayment could be considered a dividend and taxed at a rate of up to 50 percent. Should this issue be raised on an audit, the individual could also owe interest at a 20-percent annual rate on the tax deficiency. With this source of short-term financing put off limits except at a burdensome penalty, perhaps only a bank will loan a cash-strapped business the needed money and then only at the record interest rates now prevailing.

The chilling effect of these regulations as written on capital formation exists not only for established small businesses but also, and perhaps more importantly, for brandnew firms with

an innovative product or service. A company—or individual—with an important new technological advance is a particularly risky investment for there is not yet a market for its product. Traditional financial institutions will usually not bankroll such risky businesses, and often the only source of financing for expansion is a venture capitalist. In order to risk money on such young corporations, though, a venture capital firm must share in the potentially high profits by holding traditional debt instruments which are convertible into stock or provide for an interest rate contingent on a corporation's earnings or financial performance.

Yet, the proposed regulations allow such hybrid debt instruments to qualify as debt only if they meet a Byzantine set of conditions. For example, a hybrid instrument not held proportionately will be treated as debt only if the present value of the instrument's straight debt payments is more than 50 percent of its fair market value. To compute this present value, one ignores any convertibility feature, assumes the smallest possible payment at the latest possible date, and discounts such payments by a rate "within the normal range of rates paid to independent creditors * * * on similar instruments by corporations of the same general size and in the same general industry, geographic location, and financial condition [as the corporation issuing the instrument]." The 50 percent present value test ingores not only the practical difficulties of determining this hypothetical interest rate—it is generally impossible to determine accurately the rate at which such a corporation could make subordinated loans without any conversion or contingency feature—but also the fact that slight variations in the fair market rate are often critical to ascertaining whether the instrument is considered debt or equity.

In my opinion, impeding the flow of capital to these companies on the frontier of technology will have important dynamic ramifications for our enonomy. The American economy is now going through a major wave of change restructuring the face of American business. Our country is moving from its predominant reliance on capital-intensive heavy industry toward knowledge-intensive companies. The businesses which will be the General Motors, Du Pont, and Alcoa of the next generation are shaky young firms today or may not even exist. If the Congress allows these proposed regulations to take effect, the venture capital players will stop investing their money in long-shot companies, which, while admittedly the most risky, may become the foundation of our economy in 20 or 30 years. Indeed, if Congress accepts the Treasury's rationale that "the advantage of objective rules in providing certainty outweigh the disadvantage of not providing the theoretically correct outcome in every case," the subsequent development of our economy's structure may result in less innovation and lower productivity and growth.

One other important point bears mentioning. The Treasury has stated that these regulations are "revenue neutral".

The Federal Treasury will not lose money if the proposed section 385 regulations are not in place, but allowing these rules—drafted from the monomaniacal view of setting "good tax policy"—to take effect could seriously disrupt the essential capital formation for small and growing American businesses.

The bill which I introduce today is relatively simple. It recognizes that a distinction must be made between debt and equity but, unlike the proposed section 385 regulations, acknowledges the relevant legislative history and the negative effect of these regulations on small independent businesses. This legislation blocks the current regulations from taking effect, directs the Secretary of the Treasury to take cognizance of this legislative history if he chooses to adopt new regulations under section 385, and prohibits new regulations from affecting any stock or instrument issued or obligation made until 180 days after the Treasury submits them to the Congress.

My bill, then, will block these unduly tortuous section 385 regulations which will hinder the creation and growth of small business. Perhaps more importantly, however, enacting this legislation will signal continued congressional recognition of the importance of small, growing companies, the engines of job creation and innovation, to the weal of our economy. Over the past few years, Congress has acted on several fronts to reduce the burdens on small business, for example, by passing the Small Business Investment Incentive Act of 1980, which loosened some unnecessary strictures on the operation of business development companies and by cutting the maximum capital gains tax rate from 28 percent to 20 percent as part of last year's Economic Recovery Tax Act. Permitting the Treasury to put in force the proposed regulations would create a new and significant artificial burden for small business, particularly onerous and ill-advised in light of the sky-high interest rates and greatly increased small business bankruptcies of the present recession; such action would also be diametrically opposed to the policy course Congress has taken in the last few years to ease the barriers preventing small business from thriving. I, therefore, urge my colleagues to join me in seeing that this modest legislation passes the Senate as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill to delay Treasury regulations on the debt-equity issue.

There being no objection, the text of the bill ordered to be printed in the RECORD, as follows:

S. 2610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES

The Congress finds that—

(a) for several reasons the Internal Revenue Code of 1954 requires (as did its predecessors) that a tax distinction be made between debt and equity.

(b) For more than 50 years, whenever the Internal Revenue Service has challenged a taxpayers' characterization of indebtedness, the federal courts have reviewed the concrete factual situation presented by the case and made a reasonable determination of whether the indebtedness constituted debt or equity.

(c) Because there have never been statutory or regulatory guidelines to aid in the federal courts in making this determination, Congress in 1969 enacted section 385 of the Internal Revenue Code of 1954, granting the Secretary of the Treasury authority to promulgate general regulatory "guidelines" setting forth "factors" to be taken into account in distinguishing between corporate debt and equity.

(d) Because the debt-equity question arises in a myriad of contexts, Congress recognized in 1969 that it was not possible to set forth in law or regulations a rigid set of formulas or definitive rules for making such determinations. Rather Congress intended that such regulations would codify and clarify the reasonable approach of the case law, elaborating on the general guidelines and the specific factors to be considered, but leaving to the courts the application of these guidelines and the evaluation of these factors in concrete factual situations.

(e) The regulations issued under section 385 which are currently scheduled to become effective on July 1, 1982, violate this congressional intent by imposing rigid formulas and definitive rules rather than general guidelines and factors to be evaluated in individual cases.

(f) It is essential for small, independent businesses to understand the regulations, but the regulations currently scheduled to become effective July 1, 1982, are not understandable to such businesses.

SECTION 2. REGULATIONS NOT TO TAKE EFFECT; NEW REGULATIONS TO BE PROPOSED

(a) Regulations Not to Take Effect.—No regulations determining whether an interest in a corporation is to be treated under section 385 of the Internal Revenue Code of 1954 as stock or indebtedness shall apply to any instrument or stock issues, or obligation made, before 180 days after any proposed regulations under subsection (b) are submitted by the Secretary of the Treasury or his delegate to the Congress.

(b) Proposed Regulations.—If the Secretary of the Treasury or his delegate chooses to adopt regulations under section 385 of such Code he is instructed to take cognizance of section 1 and such regulations, if any, shall be consistent with the findings under section 1.●

● Mr. WEICKER. Mr. President, today I join with Senators CHAFEE,

HEINZ, DURENBERGER, MITCHELL, BAUCUS, SYMMS, WALLOP, BENTSEN, BOSCHWITZ, D'AMATO, NUNN, SASSER, DIXON, RUDMAN, HUDDLESTON, and GORTON in introducing legislation to block the implementation of the U.S. Treasury's proposed regulations under section 385 of the Internal Revenue Code.

Section 385 of the Internal Revenue Code, enacted in 1969, authorizes the Secretary of the Treasury to issue regulations to determine when an instrument issued by a corporation is a debt instrument and when it is an equity instrument.

In March 1980, 11 years after enactment, the Treasury issued the first set of proposed regulations under section 385. The regulations were modified and finalized on December 31, 1980, and scheduled to go into effect on May 1, 1981. Subsequently, the effective date was changed to January 1, 1982 and finally on January 5, 1982, the 385 regulations were amended again and reproposed with an effective date of July 1, 1982.

That is where we are at right now. And Mr. President, after taking a look at the product of Treasury's labors, all I can say is it is time to send them back to the drawing board once again.

After 11 years, the Treasury has presented us with 40 pages of confusing and arbitrary rules, subrules, exceptions, exemptions, qualifications, definitions, safe harbors and rules of convenience. These things read like a Chinese puzzle, and what is worse, they fly in the face of everything we have been working to do recently to aid small businesses in these difficult economic times.

If our small businesses are to grow, they must have access to venture capital. This applies not only to new firms just starting out, but also to mature, well-established businesses that may be going through some tough times right now.

Under these convoluted, conflicting and counterproductive regulations, vital access to venture capital will be effectively denied, just when our small businesses need it most.

As proposed, the section 385 rules could classify certain types of new financing transactions, traditionally treated as corporate debt, as equity. This is critically important to small business because interest on debt is deductible by the payer corporation while dividends on equity are not deductible. In addition, the holder of a debt instrument who receives repayment of the principal amount of his debt is not taxed on the amount of principal repaid, while the holder of an equity instrument who receives back the original purchase price for the instrument may be taxed on such repayment as an ordinary income dividend if he continues to hold a substantial equity interest in the corporation.

I do not need to tell anyone who has ever been involved in the running of a business or who has ever owned his own business what kind of disastrous effect this sort of measure would have on that business.

Mr. President, not only would these misguided regulations greatly impede the efforts of all sectors of Government and private industry to encourage capital formation through venture capital investments, but they would do so in terms which could not be understood by the vast majority of the American public.

Up until now, guidance for distinguishing between debt and equity has been provided by the courts in case law. Now, to be sure, our learned judges do not always write in terms which can be easily read and understood by the common man, but believe me, these regulations are worse. Even if a small business wanted to comply with what the Treasury is proposing in 385, it would take a team of highly paid accountants and lawyers to decipher the regulations first.

At a time when the emphasis of this administration claims to be on simplifying and streamlining Government regulations, this thing appears to have come straight out of the dark ages. Small business owners, lawyers, and accountants, all tell me the same thing: These regulations are incomprehensible to the point of being ridiculous, and thus, will be impossible to apply with any degree of certainty.

I am not the only one who has been hearing complaints about the proposed regulations. On March 10, 1982, the Internal Revenue Service held a hearing to take testimony and comments on the proposal. The message—from representatives of large and small companies, tax attorneys, financial experts and accountants—was clear: The regulations are ambiguous, complex, and extremely difficult to apply. Conclusion? They should be scrapped.

Still others have been speaking out in opposition to the Treasury's proposal:

On April 22, 1982, The National Advisory Council to the Senate Committee on Small Business, a group of 25 small business men and women from around the country, met in Washington and passed a resolution asking for immediate repeal of section 385 of the Internal Revenue Code. This was the number one priority of the Council at its spring meeting.

In February of this year, the tax section of the American Bar Association, at its mid-year meeting, criticized the proposed regulations for being overly lengthy and complex, for placing a substantial burden of small business, and for continuing to fail to use the fair market value of a corporation's assets in determining its debt-to-equity ratio. By a wide margin, the tax section's committee on closely held companies recommended that the proposed regulation be withdrawn and that the Treasury start from scratch with a different approach.

On May 4 and 5, 1982, Small Business United, one of the most broadly based small business coalitions in the country, presented its legislative priorities to the Congress. Heading the list was a recommendation for repeal of section 385.

Additionally, the National Association of Small Business Investment Companies and the National Venture Capital Association have voiced their strong opposition to the proposed regulations. The membership of these two organizations accounts for about 85 percent of all professional organizations operating in the American venture capital industry in terms of assets.

The venture capitalists correctly point out that their regulations, if promulgated, will apply to every new and existing corporation that is attempting to raise additional capital. The effect of these regulations will be to impede the raising of capital from the venture industry because certain types of traditional venture capital transactions such as convertible notes and contingent interest rate notes may be treated as equity instruments.

The tax ramifications of such treatment would, in many cases, destroy the economics of these highly risky financings to the extent that many venture investments in young and growing businesses will become unattractive. The Venture Capitalists contend that this result could occur because the proposed section 385 regulations contain lengthy and confusing objectives tests that are patently artificial and bear no relation to standards used in the marketplace by the American financial community.

Other representatives of the small business community opposed to the implementation of the section 385 proposed regulations include the National Association of Wholesalers/Distributors and the National Small Business Association, both of which are broadly based small business ogranizations.

So obviously, Mr. President, I am not the only one voicing concern over the Treasury's proposal. Responsible representatives of almost every sector of our economy have examined these regulations and found them seriously lacking.

In my view, to go ahead with these regulations now would not only be wrong in terms of the negative effects it would surely have on our small business community, it would be irresponsible. To allow these regulations to go into effect would indicate negligence on the part of the Congress and would send a clear signal to the small business community that we are not serious about reducing the burden of complex Government regulations on small business.

The bill we are introducing today would permit the Treasury to redraft these regulations if they so choose. The proposal we have before us now is

totally unacceptable to me and it should be unacceptable to this administration. It is time we realize that our best hope for the restored economic health of this Nation is the renewed economic health of our small businesses. We will never achieve that health with this kind of economic prescription.●

ADDITIONAL COSPONSORS

S. 1564

At the request of Mr. WEICKER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1564, a bill entitled the "American Tuna Protection Act."

S. 1951

At the request of Mr. BENTSEN, the Senator from Delaware (Mr. ROTH), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of S. 1951, a bill to change the penalties for possession of controlled substances under section 401(b) of the Controlled Substances Act.

S. 1958

At the request of Mr. DOLE, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2148

At the request of Mr. HELMS, the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2148, a bill to protect unborn human beings.

S. 2570

At the request of Mr. SASSER, the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. FORD), the Senator from Montana (Mr. MELCHER), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2570, a bill to recognize the special relationship between Congress and organizations of war veterans, to amend the Internal Revenue Code of 1954 to provide that a limit on the tax exempt status of such organizations shall apply only if such organizations engage in substantial lobbying on issues unrelated to veterans affairs, the Armed Forces, or national defense, and for other purposes.

SENATE RESOLUTION 367

At the request of Mrs. HAWKINS, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 367, a resolution expressing the sense of the Senate with respect to recognition of the Red Shield of David of the Magen David Adom by the International Committee on the Red Cross.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a 2-day workshop on the subject of land protection and management. The workshops will be held on Monday, June 14, and Tuesday, June 15, beginning at 9 a.m. and concluding at 5 p.m. in room 3110 of the Dirksen Senate Office Building.

The workshop will consider in more detail some of the issues raised during a similar workshop held by the subcommittee last year on alternatives to public land acquisition and land protection policies, in addition to taking a closer look at the issue of private ownership versus Federal retention.

Secretary of the Interior James Watt is among a group of distinguished administration officials, Federal and State land managers, industry representatives, private landowners, conservation groups, and tax law experts who have been invited to participate in the 2-day roundtable discussion.

For further information regarding the workshop you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-0613 or Mr. George Shiehl at 287-7251.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider the national materials and minerals program plan and report to Congress issued by the President on April 5, 1982. The hearing will be held on Tuesday, June 29, beginning at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy and Mineral Resources to continue consideration of America's role in the world coal export market. On Tuesday, July 27, the subcommittee will receive testimony of foreign coal ports and the international transportation of coal; and on Thursday, July 29, the subcommittee will receive testimony on the condition of America's coal ports. Both hearings will begin at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

ADDITIONAL STATEMENTS

SENATOR DOMENICI ADDRESSES UNIVERSITY OF VIRGINIA GRADUATES

● Mr. WARNER. Mr. President, recently the chairman of the Budget Committee, our distinguished colleague, Senator DOMENICI, was asked to deliver the commencement address at the University of Virginia. His address was enthusiastically received by the graduating students, the faculty, and the guests present, and I am proud that that speech has become part of the history of that outstanding institution of higher learning.

Mr. President, Senator DOMENICI's address should be included in the RECORD because I believe it is good advice for not only Mr. Jefferson's school, but young men and women across the Nation.

The address follows:

COMMENCEMENT ADDRESS, UNIVERSITY OF VIRGINIA

(By Senator PETE V. DOMENICI)

I was asked to speak for thirty minutes at this occasion. However, I have worked hard on this speech in order that I will belabor you with it for only fifteen or twenty minutes. I hope that you will appreciate this so much that you will clap at least for brevity, if not for any wisdom my remarks may contain.

I say this especially since I can't remember myself who gave the remarks at my graduation either from high school or from college.

However, I remember what my father said after I proudly got my diploma from the University of New Mexico: "Va bene, cafoni; cosa desiderate domani?" And for those of you not blessed with Italian parents, that means, "Okay, Bigshot, what's next?"

Not bad, is it? Just the proper message for a cocky kid who thinks he has a lock on the future.

What next, indeed.

Let's think together about where you are going now. After the parties and after the summer, then what.

As one of my senior staff members says, "Welcome to the NBA—the National Basketball Association." I asked him what that means, and he replied, "That's what they say to a hot-shot rookie after Moses Malone knocks his shot 15 rows up in the stands."

After today, a lot of your shots are going to be blocked. But, a lot are going to go in, too.

And, the nagging fear many of you may feel as you look out over these beautiful hills at the future is that you don't know what will work for you and what won't.

So, let me give you this thought—whatever you do, try to make yourself happy. Do what you like to do, what you want to do.

But, and this is the rub, make sure you really know what you want to do. That's the terrible price freedom and democracy extract—they force us to think and make choices. Since we are allowed to do almost anything in this society, the heavy burden of making ourselves happy falls almost exclusively upon ourselves. We have no tyrant making all choices for us, no benevolent dictator acting as caring father and mother. It's all up to us.

I want to quote John Stuart Mill here. "I never, indeed, wavered in the conviction that happiness is the test of all rules of conduct, and the end of life. But I now thought that this end was only to be attained by not making it the direct end. Those only are happy who have their minds fixed on some object other than their own happiness; on the happiness of others, on the improvement of mankind, even on some art of pursuit, followed not as a means, but as itself an ideal end. Aiming thus at something else, they find happiness by the way. The enjoyments of life are sufficient to make it a pleasant thing, when they are taken en passant, without being made a principal object. Once make them so, and they are immediately felt to be insufficient. Ask yourself whether you are happy and you cease to be. The only chance is to treat, not happiness, but some end external to it, as the purpose of life."

Or as Iowa Bob, the old football player and weightlifter in John Irving's book, "The Hotel New Hampshire," put it, "You've got to get obsessed and stay obsessed."

Now, what should you get obsessed about, I don't know. Nureyev said, "Somehow life tastes better when I dance," For me, politics make life taste better, for others teaching, for others race-car driving. Seek your obsession and thank the Lord when you find it. Many never do, and are never fulfilled.

You will seek your obsession in a rare society. As you seek happiness, what kinds of responsibilities do you have in this democracy? This is more than a rhetorical question, and the answer is not obvious.

It has been written that "democracy is one of the few systems that has ever been willing to risk a long period of confusion and mixed purposes for the sake of giving man a chance to grow up in mind and responsibility." I urge you to cherish this system. I urge you to think about it, shortcomings and all. The old certificates we got from Catholic School said, "Don't stop learning about God." I would add, don't stop learning about this system either. I promise you one thing—you are going to learn more in the next 20 years than you have learned in the past 20, and I hope that you learn most about this extraordinary experiment we are trying in America.

Almost 70 years ago, in a time we now have deemed in our arrogance to have been simpler, less demanding, Woodrow Wilson said, "Patriotism, properly considered, is not a mere sentiment; it is a principle of action or rather is a fine energy of character and of conscience operating beyond the narrow circle of self-interest. Every man should be careful to have an available surplus of energy over and above what he spends upon himself and his own interests, to spend for the advancement of his neighbors, of his people, and of his nation." That sounds a lot like that John Stuart Mill quote I mentioned earlier, doesn't it?

But, are these mere words? Do they mean anything in the real world, the NBA, as we called it earlier?

Those words have marched millions of Americans to battle; have moved this nation to spend billions of dollars in foreign aid and tens of billions each year for the needy and destitute of our land; and have prompted acts of private and public charity unmatched by any other society in the history of the world.

If this Nation is going to continue to make anything out of its experiment with democracy, it will be because you have been careful to have an available surplus of energy to spend on others.

So, then, I have given you two pieces of advice. Seek happiness in action; seek service in love.

Now, let me give a third piece of advice. Stand up for something, or you'll roll over for everything.

How does that work, you might ask.

Let me give you an example, and I hesitate to use this example because it involves my work of the past several months. But, if you'll allow me to talk about myself for a second, I will.

I think we have to reform the Social Security System. I don't think any question remains about it. And, I think we have to reform it this year. We have a moral responsibility in the Congress to save the system, even in this year, an election year.

As many of you in this audience know, those of us who are urging this action are not real popular with a lot of our colleagues in the Congress. They say, "Wait, guys, until the November elections are over. And, even then, we can cover up the problem for a few more years."

The Senate Budget Committee said, "No. No more cover-up and no excuses about election year politics. We need to do our job now."

For those of you who believe that political courage is automatically rewarded, let me enlighten you. The mail to the Senate Budget Committee has been running about ten to one against us. Organized groups are plastering our names in every newsletter they publish, accusing us of trying to dismantle the system. Even the Administration is queasy about tackling Social Security.

Yet, the Senate this past week took the first step toward solving Social Security. And, I believe that the American people are beginning to move to our side. I sense it more and more every day. Because, what many of us are saying is simply true. Over time, we will win this battle and we will make Social Security solvent. And, we will bring peace of mind to millions of elderly Americans.

But, if it had not been for just a few people, many of them Senators and Congressmen even this sophisticated audience may now know well, we would not be this far along. They stood up for something.

To quote once again. "Have the courage to live. Any one can die." And, for those who think that courageous things can happen only in big arenas—like legislators or natural capitals—or only in dramatic ways, like the extraordinary valor shown on the battlefield, let me say this. Everyday living requires courage. It will take a great deal of courage for you to seek happiness and to take a chance on yourselves. Remember, though, you rarely regret what you do. You almost always regret what you didn't try.

This is a good society, a decent society. But, it will remain so only if you do your share, in your own way. Seek happiness in action; seek service by giving a little of yourself to those around; stand up for something when you can. And keep pushing, which is my fourth little piece of advice.

That means—realize how extraordinary this system is, using capitalism and freedom in order to provide so much good for so many. But, don't get lazy about it. Yes, our economic and political systems are unique, but they aren't perfect. Let's keep this great economic machine alive and well, but let's keep working with it and for it so that those who cannot help themselves get help.

I have been told that it is socially graceless to talk about love. Well, let me try anyway.

What I have been talking about today is, in many ways, love. Love yourself by seeking happiness. Love others by giving of yourself. Love the truth by standing for something. Respect our economic and political system by pushing it to a higher standard.

That extra energy that Wilson talked about as patriotism, that obsession that Iowa Bob told us to get, and better taste that Nureyev gets from dancing, all revolve around loving. Don't get cynical about that.

And, speaking about cynicism, I hope that the healthy skepticism our education system has given you will not turn into a bitter cynicism. I hope you will recognize failings of institutions reveal only the failings of individuals. I hope, at the end, viewing these blemishes will allow you to see the great opportunity to act, to make the failings less frequent. If we have taught you that men can be evil, I hope that we have taught you that men can be good; if we have told you that politics is corrupt, I hope that we also told you that politics is moral; if we have shown you that our economic system has flaws, I hope we can show that it bestows blessings beyond any other system. And, If you have learned that men have feet of clay, I hope you can learn that they can have spirits of purest flame.

It's a tough world out here. You don't have any lock on the future. But, then, neither does anyone else. We are all in this together, equally powerless and powerful. If we remember our essential oneness, we will have success; for each fear, bring courage; for each neglect, give attention. So, my final piece of advice must be that you remember the greater community of which we are inextricably, in light and darkness, partners.

Get happy, get strong, take some chances, love some things and somebody, and get out there and help your neighbors. After all is said and done, that about sums it up. Now all you have to do is do it. If you do, what a life you will have led.

Oh, I can't go without the obligatory Jefferson quote, can I? I searched all over for one that would suit the occasion. I know you have been inundated with Jefferson since Day One here, but I finally found one that's really good for a speech that is trying to be both practical and philosophical: "When angry, count to ten," the great Jefferson said. And, when very angry, count to a hundred." It works, my friends. Thank you for having me.●

AWASH IN OIL—FACT OR FICTION?

● Mr. RANDOLPH. Mr. President, for the third time since World War II many persons are allowing themselves to be fooled into thinking the oil crisis was contrived. The Middle Eastern nations want to perpetuate this belief, to discourage a search for new energy sources. By keeping oil prices down for a year or two, development plans for synfuels and other renewable energy forms can be effectively delayed for 5

to 10 years. As shown by recent cancellation of alternative fuels projects, new projects need a $40 to $50 a barrel price to be economic.

Many now say with present oil decontrol and future natural gas decontrol the energy crisis is over. They are as dangerously wrong now as when the Eisenhower administration stopped the first U.S. synthetic fuels program, believing the created international illusion that the world was permanently awash in oil.

Mr. President, if we are again subscribing to this delusion, and if in fact the majority believe that a commercial scale synfuels industry will be a political and not an economic choice, the Synthetic Fuels Corporation (SFC) is more important now than it was when created 2 years ago.

On June 2, the SFC announced 37 proposals were received for its second solicitation for synthetic fuels projects. In releasing this information, Edward E. Noble, chairman of the SFC said:

The private sector's continued commitment to synthetic fuels development is clearly illustrated by the strong response to the corporation's second solicitation. These projects will be the pioneers of a new industry. They will provide the foundation on which a commercial synthetic fuels industry can develop.

Mr. President, is the oil crisis over? No; it is not. A June 1, 1982, article in the New York Times "Periling Energy Security," authored by Stuart E. Eizenstat President Carter's chief domestic policy adviser, illustrated this clearly. I ask the article and my June 8 letter to Mr. Eizenstate on this crucial subject matter be included as part of the RECORD.

The material follows:

[From the New York Times, June 1, 1982]

PERILING ENERGY SECURITY

(By Stuart E. Eizenstat)

WASHINGTON.—A national tragedy is unfolding. Now invisible, it will become evident all too soon at enormous cost to America. It is the crumbling of our infant alternative-energy industry, which held such promise of freeing the nation from its dangerous dependence on foreign oil.

The most recent acts in this tragedy are Exxon's termination of an oil-shale plant that would have produced 50,000 barrels of oil equivalent per day; the Administration's deep cuts in solar-energy programs and alternative-energy research; its chilly attitude toward synthetic-energy programs; its total reliance on crude oil decontrol; and the belief that with today's oil glut our energy problems are over.

America has lost two opportunities to regain the energy security it enjoyed earlier in its history, and is on the verge of losing a third.

The first occurred after World War II when funding was stopped for Franklin D. Roosevelt's wartime program to create synthetic-energy pilot plants to develop the technology that had met Germany's wartime jet-fuel needs without crude oil. It was stopped because discoveries of large quantities of crude oil created an illusion of a world permanently awash in oil. This illusion persisted through the 1950's, when Dwight D. Eisenhower imposed a quota to keep out cheap foreign oil, and the 1960's, when almost unnoticed the Organization of Petroleum Exporting Countries was created, domestic crude oil production leveled off, and our dependence on foreign oil increased.

The second opportunity was lost after the Arab oil embargo of 1973–74, when crude oil prices quadrupled. Despite significant efforts by Richard M. Nixon and Gerald R. Ford, and some modest legislative accomplishments, their energy programs foundered on the rocks of indifference when an oil glut stabilized prices in real terms from 1974 to 1978.

America got its third opportunity in 1979 when the Iranian revolution cut oil supplies and dramatically increased prices. Jimmy Carter and a bipartisan coalition in Congress launched an array of initiatives: crude oil decontrol, a windfall-profits tax, a solar bank, new conservation programs, and a Synthetic Fuels Corporation to stimulate private-sector production of 500,000 barrels of synthetic-oil equivalent per day by 1987.

Yet, this historic opportunity is also being lost. The corporation in more than 18 months has yet to help start its first project. The solar bank is virtually dead. Conservation programs are decimated. The Emergency Allocation Act is vetoed. The Administration's plan to dismantle the Energy Department has just been sent to Congress. Once again, America is letting its guard down because of a temporary oil glut.

Why won't President Reagan's policy of total reliance on "the magic of the marketplace" provide energy security? Certainly, energy policy has been flawed by Government controls. Presidents Carter and Reagan correctly decontrolled crude oil. Natural-gas decontrol should follow. But we would be repeating our mistakes to rely exclusively on the market: It fails to reflect the economic impact of our dependence on foreign oil. The price shocks of 1973 and 1979 initiated and perpetuated the economic stagflation of the 1970's. The last price increase alone raised Western import costs by $170 billion and made prices 9 percent higher and the Western gross national product $500 billion or 6 percent lower than they otherwise would have been.

The market cannot fully reflect the national security implications of dependence on oil from unstable countries. The economic power of Arab oil does influence our foreign and domestic policies. Sheik Ahmed Zaki Yamani, Saudi Arabia's Oil Minister, said it was necessary to moderate oil prices to discourage American alternative-energy technologies from substituting for Saudi crude oil Such discouragement may be in Saudi Arabia's interests but not America's.

Because world oil prices are so volatile and unpredictable, they fail to provide an adequate signal for private sector investment in alternative energy. What seemed a profitable investment with oil prices rising now looks unappetizing. Private industry is driven by short-term profit requirements, not long-term energy decisions. Not so OPEC, which is hardly dead. Its recent cap on production levels is already firming up prices.

We live in the twilight of the crude oil era, with crude a dwindling resource. American and OPEC energy production is unlikely to rise dramatically. We must prepare now for a future with scarce crude oil. The Government must work with industry by creating incentives to stimulate development of all alternatives to foreign oil, or again we will mortgage our future to the temporary pleasures of another oil glut, and again confront national tragedy.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., June 8, 1982.

Mr. STUART EIZENSTAT,
1110 Vermont Avenue NW.,
Washington, D.C.

DEAR STUART: I commend your article, "Periling Energy Security," in the June 1st, edition of The New York Times.

The United States indeed remains vulnerable to a cutoff in oil supplies from the Middle East. This vulnerability could be eased by the production of synthetic fuels from domestic resources, continued support for a solar energy, and fully funded conservation programs. If, as you point out, we do manage to retain our third opportunity to regain energy security by developing a synfuels industry, that industry could boost the economy by providing people with work and by providing new markets for the nation's coal, steel, lumber and concrete industries.

Another oil disruption, and it will come, would reduce the output of manufacturing and other firms that require oil products for their various processes, which in turn would reduce aggregate supply. World oil prices woud again rise significantly. The price increases would further depress our economy as large amounts of money were transferred from domestic consumers to foreign and domestic producers. Inflation would rise. Higher oil prices would ripple through the economy, first through refined petroleum products and then through all other products dependent on petroleum inputs. Again the United States economy could suffer lower output, increased unemployment and higher inflation.

The national interest compels the continued development of a strong commercial alternative fuel industry. Your comments express this challege in a positive and forthright manner.

Truly,

JENNINGS RANDOLPH.●

NATIONAL COUNCIL ON THE HANDICAPPED

● Mr. WEICKER. Mr. President, it gives me great pleasure to present to my colleagues the executive summary of the 1982 annual report of the National Council on the Handicapped. In accordance with Public Law 95–602, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, section 401 (6), this report was submitted to the President, the Secretary of Health and Human Services, the Secretary of Education, and the Congress of the United States.

The Council, its distinguished Chairman, Howard A. Rusk, M.D. and Executive Director, Carol Berman, have done an outstanding job which reflects the substantial effort and time that the Council has invested in 1981. This report contains an insightful critique on the activities of the Rehabilitation Services Administration and the National Institute of Handicapped Research, and a statement on the status

of research concerning handicapped persons in the United States. Among the many topics covered by the National Council on the Handicapped during 1981, a dominant subject was the current and potential impact of executive and legislative proposals relating to the future structure of programs concerning handicapped people. From their thorough and intensive study, the Council has developed astute recommendations which I especially want to call to my colleagues' attention.

I ask that this executive summary and table of contents be printed in the RECORD.

The material follows:

EXECUTIVE SUMMARY

This report to the President, the Congress, the Secretary of Education and the Secretary of Health and Human Services from the National Council on the Handicapped complies with requirements of Section 401(6) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (P.L. 95-602, amending the Rehabilitation Act of 1973). The Act requires that the Council submit a report by March 31 of each year, containing a report on the activities of the Rehabilitation Services Administration (RSA) and the National Institute of Handicapped Research (NIHR), a statement on the status of research concerning handicapped persons in the United States, and such recommendations as the Council considers appropriate.

The report contains four sections and six appendices. Section One describes activities and accomplishments of the Council during the year 1981, and sets the stage for the rest of the report. Section Two briefly highlights programs of RSA and NIHR. Section Three identifies several topics which were of major concern to the Council over the year, many still unresolved, and comments on each issue. Section Four relates to the status of research concerning handicapped people, and includes summaries on ten topics judged to be timely and illustrative of the goals of NIHR and of the wide range of research activities in the field. The appendices may be useful as references. The first two supply information about the National Council, (A) its membership and committee structure and (B) its bylaws. Appendix C supplies the agenda and a brief synopsis of the forum held in May, 1981 on "The Place of Disabled Persons in our Economy." Appendix D contains the Council's "Statement of Policies Governing NIHR," which was developed during 1981 and approved in September. Appendix E contains a map which shows the location of major centers funded by NIHR during 1981, including new awards. Appendix F supplements the status of research report, and includes a list and summary of RSA/NIHR sponsored "State of the Art" workshops and lists the RSA/NIHR supported Institutes on Rehabilitation Services and Institutes on Rehabilitation Issues held during the years from 1973 to the present.

This executive summary highlights some of the major points which appear in greater detail in the body of the report. Of the many topics addressed by the Council during the year, those which are particularly germane to the policymaking process are emphasized in this summary.

MAJOR ACTIVITIES DURING 1981

During 1981, the National Council on the Handicapped (NCH) channeled its energies toward establishing written policies for NIHR, toward developing a processs for working with NIHR in setting annual funding priorities, toward initiating interactions with its constituencies, and toward becoming informed in a systematic way about the wide range of federal programs affecting handicapped people. The Council also developed its first Annual Report, established its bylaws and an ogranizational structure for accomplishing its work through committees and task forces, held a public forum, and took steps toward more fully meeting its assessment and advisory responsibilities with respect to rehabilitation services. One Committee of the Council met several times with the RSA Commissioner or his designee and with leaders of 21 national organizations toward this end. The Council's first forum was held in May, 1981, and plans were made for four forums during 1982. Another Committee of the Council met jointly with officials of NIH and the Director-Designate of NIHR concerning mutual interests in research relating to handicapped people. Informational panels served to bring the entire Council together with policy makers in government and with leaders of ogranizations outside of the public sector.

One of the major undertakings of the Council during 1981 was the development of a "Statement of Policies Governing the National Institute of Handicapped Research." The Council believes that its duty to establish general policies of NIHR called for an explicit statement. Appendix D contains the statement itself, which includes sixteen policies related to program, and nineteen policies related to operations and procedures. The statement is cited throughout the body of the report.

Priorities of NIHR have been another matter consuming Council attention in 1981. Implementation of the original long-range plan would have required annual appropriations at levels two or three times those experienced by NIHR. Selected priorities thus have been announced annually, with the understanding that awards would usually be for multi-year projects and programs. The question of how the Council would influence priorities was resolved through a great deal of Council-Institute interaction and cooperation. Timeliness, protection of confidentiality to protect the fairness of competition, and avoidance of actual or apparent conflict of interest on the part of Council members have been issues faced during the year. A special ad hoc task force of NCH members who are not grantees or potential grantees worked with NIHR staff in shaping priorities which NIHR would announce for uses of 1982 and 1983 funds.

RECURRENT CONCERNS OF THE NATIONAL COUNCIL ON THE HANDICAPPED

Among the many topics covered by the NCH during 1981, a dominant subject was the current and potential impact of executive and legislative proposals relating to the future structure of programs concerning handicapped people. In a May 1981 letter to the President of the United States, to the leadership of Congress, to the Secretary of Education, and to the Secretary of Health and Human Services, the Council offered its continuing support to the Administration and conveyed the following specific recommendations:

(1) That a strong federal role in assuring a free appropriate education and adequate medical care for all handicapped children be maintained;

(2) That the programmatic integrity of the state rehabilitation programs be protected and that there be maintained a federal agency with specific primary responsibility for assisting states in this activity;

(3) That some measure of priority in respect to eligibility for social services be maintained for aged, blind and disabled persons with low income;

(4) That the planning, coordinating and advocacy provisions of the Developmental Disabilities Assistance and Bill of Rights Act be preserved;

(5) That the federal entity responsible for support and promotion of applied research and development related to counter-dependency services and devices for handicapped people be maintained and strengthened; and

(6) That practical aid for families caring for a handicapped member, mediated by community based agencies, public and private, be made a priority of this Administration.

Another recurring concern of the Council has been the regulatory reform activities of the federal government. The Council has been asked to review and comment on proposed regulatory actions for the Architectural and Transportation Barriers Compliance Board (ATBCB), the Education for All Handicapped Children Act (P.L. 94-142) and the Rehabilitation Services Administration. Briefings also were held on proposed changes in accessibility requirements by the Department of Transportation and on the effect of actual and proposed legislative and regulatory changes on programs administered under the Social Security Act. In each case, the primary concern on the part of officials representing the Administration has been the reduction of regulatory burden, complexity and cost; and strict adherence to legislative mandates. The Council has asked to be shown, but has not seen, evidence of a strong commitment to monitoring and supporting affirmative outcomes through technical assistance after the final regulations have taken place. The Council appreciates the unequivocal stand taken by the Administration in favor of a free and appropriate education for all school aged handicapped children. Nonetheless at the time the Council heard proposed regulatory changes of P.L 94-142, it advised the Assistant Secretary for Special Education and Rehabilitative Services that it could not comment meaningfully on the proposals in the absence of a clearly articulated statement of mission and strategy for accomplishing its mission on behalf of handicapped school children. When a panel on Architectural Barriers informed the Council about an intended rescission of the ATBCB's regulations and the proposed elimination of the Board, the Council voted to communicate with the Congress its view that the Board should remain in existence, and later also supported the continuation of the Board's interim guidelines.

OTHER COUNCIL ACTIONS RELATED TO NIHR AND RSA

In reviewing activities of NIHR and RSA, the Council has taken issue with some grants management procedures expressed in Department of Education or OMB regulations, which in the Council's view, are not in the best interest of disabled people. Notable among the concerns expressed by the Council are the following:

Consideration of grant applicants' past records. Department of Education grant

procedures (EDGAR) restricts NIHR's ability to consider an applicant's past record when evaluating grant applications. The Council considers the new procedures constructive in deflecting an earlier perception by professionals in the field that personal influence has played an undue role in the grant award process, but considers that too heavy a reliance on technical merits which can be measured objectively and quantitatively may reward applicants who write well rather than those with demonstrated superior research performance or creativity. The Council believes that past record—good or bad—also is germane in evaluating grant applications.

Use of Discretionary Funds. The EDGAR regulations restrict the ability of the Commissioner to use discretionary funds. The Council acknowledges that by and large these regulations are appropriate, but believes that a limited amount of funds should be earmarked for the Commissioner to use at his discretion to support policy initiatives, as has been possible in the past.

Indirect Cost Rates. In light of NIHR's shrinking budget, the Council considers excessive the Department of Education's allowable indirect cost rates for grantees, especially as applied to NIHR. These rates are considerably higher than those allowed for the same grantees in previous years. Higher indirect costs result in reduced returns on NIHR's research and development dollars, since an ever increasing proportion is allocated to university overhead. It is within the authority of the Secretary of Education to request that OMB change or permit an exception to this policy. The Council has recommended that the Secretary and OMB consider permitting NIHR to set a ceiling on allowable indirect costs for its grants.

Site Visits. The Council has strongly recommended in its statement of policies governing NIHR that site visits be made for grants which will exceed $1 million over the projected period of the grant. It remains unclear whether NIHR will be able to carry out the Council's directive on this aspect of the review process because of shrinking resources. In the Council's view, this would be penny-wise and pound-foolish.

Programmatic issues within RSA and NIHR have been called to the Council's attention through its forum and meetings. Issues related to RSA programs have been basic policy questions. Three are described in this Annual Report.

Client Services. One concern heard by the Council is that vocational rehabilitation agencies may be focusing less energy on client services than on the maintenance of the service delivery system. Any system the size and age of the VR system faces this potential problem and needs constant efforts to be vital and responsive to changing needs and client expectations. The Commissioner and the Council pledged to address and assess this question during 1982.

Service Equity. Disabled minority populations and persons who are severely and chronically ill most need access to rehabilitation services provided through state rehabilitation agencies. Clarification of more specific client service objectives in RSA's mission statement and policy initiatives would clarify the expected level of effort in this area.

VR Outcomes. The RSA Commissioner has expressed concern about an inadequate emphasis on client placement in competitive employment. The Council hopes to assist the Commissioner by suggesting appropriate means for improving placements and for accommodating greater numbers of severely disabled clients with fewer federal dollars.

A research related programmatic issue called to the attention of the Council during 1981 was the discontinuation for technical reasons of a publication called "The Informer." This was an information dissemination mechanism of NIHR's Rehabilitation Research and Training (R&T) Center program, conducted from one of the R&T Centers. The NCH has recommended that a replacement be initiated as soon as possible for this important medium.

When legislative opportunity arises, there have been a few sections of the Rehabilitation Act that the Council believes would be useful to clarify. These pertain to definition of handicapped individual for purposes of NIHR's mission, role of federal scientists in peer review, and interpreter services for post secondary education.

The above recommendations follow from discussion which appears in the body of the report, primarily on pages 28-37. A few other Council recommendations are interspersed with discussions in other portions of the report, and it is useful to cite them here. For example,

The Council supports the goals of the International Year of Disabled Persons and encourages continued federal efforts toward their attainment (page 3);

The Council recommends strengthening the linkages between NIHR and NIH (page 6); and

The Council recommends consolidating the number of annual reports required, since some are redundant (page 11).

Finally, the report on the status of research concerning handicapped people in the United States (Part Four of the Report) includes recommendations for future research on each of the selected topics. Since these summaries are already consolidations, they are not further condensed here. The specific topics addressed in the status of research report are listed in the Table of Contents.

This Executive Summary concludes with the philosophic comments which appears at the beginning of the Report. Quoting the Chairman of the Council, "Rehabilitation, like society as a whole, is deeply involved in the process of social change and ever changing value systems. Its research can no longer be the avocation of the few but must be a basic part of service program planning and development." The recognition of the linkage between services and research is a cornerstone of the Rehabilitation Act. Much progress has been made over the years in fostering the concept that research should enhance but not be subordinated to services and that a formal mechanism is needed to assure that constituencies such as consumer groups, clients, grantees and industry are consulted about the service and research programs designed to involve and serve them.

TABLE OF CONTENTS—EXECUTIVE SUMMARY

I. INTRODUCTION

A. Duties of the National Council on the Handicapped.

B. Major Events in 1981.

C. Progress and Accomplishments of the Council.

D. Future Plans of the National Council on the Handicapped.

II. ACTIVITIES OF THE REHABILITATION SERVICES ADMINISTRATION AND THE NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

A. Activities of the Rehabilitation Services Administration.

B. Activities of the National Institute of Handicapped Research.

C. Interagency Committee on Handicapped Research.

III. ISSUES AND COUNCIL RECOMMENDATIONS

A. Administrative Purpose.

B. Regulatory Reform.

C. Grants and Contracts Management.

D. Data on Disabled People in Service and Benefit Programs.

E. Needed Legislative Clarification.

F. Programmatic Issues.

G. NIHR Priority Setting Process.

IV. STATUS OF RESEARCH CONCERNING HANDICAPPED PEOPLE IN THE UNITED STATES

A. Records of Congress.

B. Syntheses of Research: Functional Assessment; Chronic Back Pain; Microprocessor Technology; Transportation Policy; Research on Peer Counseling; Placement Research in Vocational Rehabilitation; Alternative Living Arrangements for Person with Mental Impairments; Economic Benefits of Vocational Rehabilitation Services; Federal Data on Disabilities; and Information Dissemination and Utilization.

APPENDICES

A. Council Members: Addresses, Terms, and Committee Assignments.

B. By-Laws of the National Council on the Handicapped.

C. Agenda and Synopsis of NCH Public Forum Held in May, 1981.

D. Policies Governing NIHR: Approved by NCH in September, 1981.

E. Map of Centers Receiving Funds or New Awards from NIHR in 1981.

F. Selected Resources: Status of Research.●

THE GM-ISUZU AGREEMENT

● Mr. TSONGAS. Mr. President, on May 24 the United States lost yet another round in its industrial competition with Japan. The General Motors Corp. signed an agreement with Isuzu Motors, Ltd. under which the Japanese company will develop and manufacture a new model of subcompact car. The new car, to be produced in Japan, will replace GM's popular Chevette. GM is thus abandoning plans to manufacture the so-called S-car here in the United States.

I should like to share with my colleagues an analysis published on May 25 in the Wall Street Journal that explores the implications of GM's decision. The article is written by John Schnapp, vice president of the distinguished, Boston-based consulting firm, Harbridge House. Schnapp discusses the alarming portents of the GM-Isuzu contract as it relates to U.S. competitiveness.

The GM decision calls into immediate question the future of over 60,000 employees who are now contributing to the manufacturing of the Chevette. Further, the decision ominously reveals the conviction of the healthiest and largest U.S. auto manufacturer that it can, despite its massive capital modernization program, still produce cars more economically in Japan than in this country.

There is no quick fix for this state of affairs. Tariffs or import restrictions cannot change the fundamental economics of building a car in the United States. We must undertake the long-run structural changes necessary to regain our competitive advantage.

I would like to challenge General Motors. The company has analyzed the comparative cost of producing cars in Japan and the United States and found against the United States. I call upon GM to devise a plan of action that would adjust the economic fundamentals. With the Isuzu contract, General Motors presents the Nation with a fait accompli. GM ought to tell us more. It ought to outline the fundamental changes that would be required to manufacture the S-car more efficiently in the United States.

A blue print for change no doubt will include actions for government and labor, as well as management. Not everyone will agree with the specifics. We need, however, a beginning toward more cooperation between management, labor, and government in solving our industrial problems.

By building its cars in Japan through Isuzu, General Motors enjoys the benefits of an economy that fosters a sense of partnership among business, labor, and government. I hope that GM will work with the Government and labor here on an agenda that would produce the same cost savings in the United States.

Mr. President, we simply cannot continue to lose manufacturing business to other countries. Too often we are stalemated by ideological debate concerning the appropriate roles of business, government, and labor. I would like to see GM join in a dialogue where we focus on specifics. Can we recover the contract to build the S-car? Maybe. But we will never know unless the company closest to the issue will step forward and specify what is required.

Mr. President, I ask that Mr. Schnapp's comments be inserted in the RECORD.

The material follows:

[From the Wall Street Journal, May 25, 1982]

GM SHAKES UP THE AUTO INDUSTRY

(By John B. Schnapp)

In mid-January Michael Juras, the Chevrolet Division's chief engineer in charge of small-vehicle programs, casually revealed a change in the General Motors product development plan. He indicated that GM had decided to abort a project for producing its S-car in the United States. "The S-car," Mr. Juras commented, "ran into some financial difficulties so it is not really a 'go' project by any stretch of the imagination." The story rated six lines on the front page of the Jan. 18 Automotive News, a weekly trade publication.

This week the news came that GM in 1984 will start to import up to 200,000 subcompacts annually from Isuzu Motors Ltd. of Tokyo. This development confirms GM's apparent belief that from a long-term standpoint, 40% of the American passenger-car market must probably be conceded to foreign automakers. A look at the background to this decision provides pertinent insights into the events and issues that contributed to GM's thinking about the future of the company and the U.S. auto industry.

In the wake of the 1973 and 1979 oil shocks, relative demand for subcompact cars reached large proportions. Americans were concerned about fuel prices and fuel availability. Possibly more important, the economic uncertainty of the period caused more car buyers to opt for less opulent vehicles. Last year and the year before and the year before that subcompact cars accounted for nearly 40% of total new car purchases. Six out of 10 of these subcompacts were imports and most were Japanese.

The reaction of the domestic automakers to the subcompact boom has been conditioned largely by the economic factors in that sector of the market. There is almost as much direct labor involved in producing a subcompact in the U.S. as in producing a large car. However, prices for subcompacts are established by foreign firms with lower labor costs and with the benefits of greater manufacturing scale and specialization. In 1980, for example, Toyota produced more than three-quarters of a million Corollas, nearly double the production of the largest selling American-made subcompact. Without approximating Japanese production economics, it would be impossible for U.S. manufacturers to build subcompacts at acceptable levels of profitability.

Nonethless, they tried.

CHRYSLER'S AND FORD'S EFFORTS

Chrysler, in the hands of a management that was guiding it rapidly toward insolvency, tried first. Three-and-a-half years ago it introduced Omni/Horizon, a VW Rabbit lookalike powered by an imported VW engine. But Chrysler equipped only one assembly plant to produce Omni/Horizon, a scale of output too low to produce adequate economies of scale. This decision virtually assured the unprofitably of the product.

Ford made a larger commitment. In the 1981 model year it launched its Escort/Lynx family. During their first full year on the market these cars rolled up U.S. sales of 450,000. But the U.S. plants tooled up to produce them have a two-shift annual capacity, without the use of overtime, nearly twice that large. For Escort/Lynx to prove a profitable product entry, a high proportion of sales would have to be "upscale" versions like the sporty EXP, which cost little more to produce but carry prices 35% higher than the basic model. And a much higher percentage of Escort/Lynx production capacity would have to be tapped.

The situation confronted by GM was more complex. GM's market position was strongest in the larger car size segments of the market, segments that also were the most profitable. And in 1975 GM had to develop long-range plans which centered on the federal government's recently enacted fuel economy regulatory structure. This structure was built around a device called "corporate average fuel economy," which rapidly was transformed into its acronym, CAFE. Under the CAFE formula the average fuel-efficiency level of GM cars sold in 1985 had to exceed 27.5 miles per gallon; in 1974 GM's actual CAFE level was 12 miles per gallon.

This might have prompted GM to unleash an effort to introduce phalanxes of attractive little cars and to persuade its customers to shift to these from what George Romney had characterized in the 1950s as "gas-guzzling dinosaurs." Apart from the doleful financial consequences of such a strategy, GM saw another large obstacle to it. By 1976, as the traumas of the first oil shock had begun to dissipate, there seemed to be a buyer shift away from subcompacts and back toward larger cars again.

So at the very time GM was shaping its long-term product development plan, it saw itself as caught between buyers who still wanted big cars and a government that wanted high levels of fuel-efficiency. The only plausible answer seemed to be an effort to produce a generation of highly fuel-efficient cars that offered the same amenities that typical GM buyers demanded.

The product development program that GM launched for the decade 1975-1985 has been a mammoth and remarkable undertaking. The capital investment levels associated with it each year are more than three times as high as any the company had previously recorded. It has involved two cycles of "re-sizing," each one trimming down in turn the basic GM fullsize cars, then its midsize vehicles and finally its compact sizes. By the end of the second re-sizing cycle all three of these families will have been transformed into frontwheel drive versions with interior space comparable to their gas-guzzling antecedents but with fuel consumption levels of less than half. Only when these transformations of the larger cars were completed did GM plan to turn its technical hand and financial resources to the introduction of a wholly new subcompact, the S-car, originally due for introduction in 1984 but subsequently postponed to 1985.

To reinforce its product line in the subcompact sector, GM decided to replace Vega in late 1975 by transplanting to the U.S. a small conventional subcompact introduced in 1973 by its Brazilian and German subsidiaries. Called Kadet in Europe, it became Chevette here.

Chevette, which involved negligible development and adaptation cost and, because of its conventional character, was relatively cheap to build, became the GM entry in the subcompact derby. GM has sold 1.9 million Chevettes but, nonetheless, has never gained more than about 15% of the subcompact market. And it was to be Chevette, 12 years old by 1985, that was to be superseded by the American S-car.

A FINANCIAL LOSER

In aborting its U.S. S-car project, GM is almost certainly reflecting a view that no matter how much of the subcompact sector it might capture with the S-car and no matter how cost-effectively it might mechanize the S-car production process, the foreseeable labor content and labor cost would make the S-car a financial loser.

By mid-March reports from Japan were reaching the automotive trade press indicating that GM would increase its ownership in Isuzu Motors Ltd. from its current 34.2% and that Isuzu would apply the additional capital to the design and production of a new subcompact vehicle it would export to the U.S. in 1984 as a Chevette replacement. The new car is likely to have a 90-inch wheelbase, weigh 1,600 pounds and be powered by a 1.3-liter gas engine or a 1.5-liter diesel engine. These specifications are similar to those of the S-car.

Thus, the most technically resourceful and financially healthy American automaker seems to have concluded that U.S. factories cannot profitably compete in the largest volume segment of the U.S. passenger

car market, if not permanently then at least for the next decade.

The decision should not significantly affect the fortunes of the domestic automakers. GM may conceivably become as large an importer of Japanese vehicles as Toyota or Datsun's American subsidiaries. Even Ford is backstopping its Escort/Lynx bet by planning to import in 1984 large volumes of a new, slightly smaller subcompact being designed by Toyo Kogyo, the producer of Mazda cars and a firm in which Ford has acquired a 25% equity interest.

But the future for the American suppliers of raw materials and components to Detroit will certainly be a diminished one. It appears unlikely that an industry—automakers, materials suppliers, components vendors—which combined on four occasions to produce in excess of nine million cars will ever again see a seven million car year.●

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, if there are any Senators who wish to make statements during morning business today, I would request they be notified to come to the floor if they intend to make such statements in this period.

FILING OF VETERANS' AFFAIRS COMMITTEE REPORTS ON S. 349 AND S. 2385

Mr. STEVENS. Mr. President, I ask unanimous consent that the reports of the Committee on Veterans' Affairs on S. 349 and S. 2385 being filed today shall be deemed to have been filed on May 28, 1982, in compliance with section 402(a) of the Congressional Budget Act of 1974 and the order of May 12, 1982, with respect to the deadline for the filing of certain committee reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Senators be granted a special order for not to exceed 15 minutes on tomorrow, Wednesday, June 9: Senator CHILES, Senator BUMPERS, Senator LEVIN, Senator PROXMIRE, and Senator CRANSTON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECORD OPEN UNTIL 3 P.M. TODAY

Mr. STEVENS. Mr. President, I further ask unanimous consent that Members have until 3 p.m. today to file statements, bills, or reports from committees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate stands in recess today, it reconvene tomorrow at 11 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow following routine morning business, it is our intention to take up H.R. 5432, providing for a specially struck gold medal to Adm. Hyman George Rickover. After the vote on that bill, and there will be a vote, it is my intention to make a motion to proceed to the consideration of the voting rights bill.

On Thursday, we are trying to clear the consideration of H.R. 4, the agent identities bill. That does not really require clearance; it is a conference report, but we intend to take it up.

Also, we are trying to clear consideration of S. 1554, the bail reform bill.

Following those two items, we will again resume the attempt to motion up consideration of the voting rights extension. That is the program for tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, unless there is further business to come before the Senate now, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

There being no objection, at 12:49 p.m., the Senate recessed until tomorrow, Wednesday, June 9, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate June 2, 1982, under authority of the order of the Senate of May 27, 1982:

THE JUDICIARY

Henry A. Mentz, Jr., of Louisiana to be U.S. district judge for the eastern district of Louisiana vice Lancing L. Mitchell, retired.

Jaime Pieras, Jr., of Puerto Rico, to the U.S. district judge for the district of Puerto Rico vice a new position created by Public Law 95-486 approved October 20, 1978.

DEPARTMENT OF JUSTICE

William C. Whitworth, of South Carolina, to be U.S. Marshal for the district of South Carolina for the term of 4 years vice Andrew J. Chishom, resigned.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Frank J. Donatelli, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1984, vice Herman J. Russell, term expired.

IN THE MARINE CORPS

The following-named U.S. Air Force Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5585/541, subject to the qualifications therefor as provided by law:

Montgomery, Glen D, Jr., 3806

The following-named Marine Corps Enlisted Commissioning Education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531, subject to the qualifications therefor as provided by law:

Baker, Sabrina, xxx-...
Bean, Mark H., xxx-...
Bellemere, David, xxx-...
Benson, John, xxx-...
Bethke, William, xxx-...
Burns, Robert, xxx-...
Cain, James M., xxx-...
Charboneau, David P., xxx-...
Clare, Greg, xxx-...
Danielson, Brian, xxx-...
Davidson, Dale, xxx-...
Dillon, Douglas C., xxx-...
Dungan, Mark, xxx-...
Evans, William S., xxx-...
Gammell, Bradley R., xxx-...
Hanscom, Steven M., xxx-...
Hernandez, Jose, xxx-...
Hirata, Kurt, xxx-...
Johnson, Nannette, xxx-...
Jordan, Samuel, xxx-...
Kollards, Koa P., xxx-...
Lang, Robert, xxx-...
Leeper, Arthur J., xxx-...
Lefever, Larry A., xxx-...
Murphy, Richard, xxx-...
Nelson, Andrew, xxx-...
Noel, Allen, xxx-...
Orlandi, John D., xxx-...
Restine, Michael, xxx-...
Reyes, Richards, xxx-...
Richey, Thomas, xxx-...
Satterfield, Robert C., xxx-...
Sheahan, Terrence E., xxx-...
Shook, John, xxx-...
Smith, David L., xxx-...
Smith, Phillip, xxx-...
Spurr, Patrick M., xxx-...
Starkey, Fred O., xxx-...
Torgler, Randy W., xxx-...
Uribe, Gilbert A., xxx-...
Victrum, Stanley, xxx-...
Villarreal, John J., xxx-...
Whiteside, David, xxx-...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Adams, William L., xxx-...
Bacon, Bartholomew P., xxx-...

Brenstuhl, Thomas K., xxx-...
Dart, Steven G., xxx-...
Johnson, William A., xxx-...
Lissner, Kenneth X., xxx-...
Perkins, George W., xxx-...
Pinckney, Michael E., xxx-...
Tremblay, Paul Lawrence., xxx-...
Waugh, Max Jeffrey., xxx-...
Wood, Christopher M., xxx-...
Wood, Mark S., xxx-...

The following-named U.S. Naval Academy graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531, subject to the qualifications therefor as provided by law:

Abderson, William M., xxx-...
Anderson, Timothy D., xxx-...
Anongos, John F., xxx-...
Aylward, Matthew M., xxx-...
Baker, Raymond B., xxx-...
Baptist, Dwayne P., xxx-...
Barth, Michael D., xxx-...
Beach, William W., xxx-...
Bell, John Adam W., xxx-...
Bennett, Donald C. Jr., xxx-...
Benson, Craig F., xxx-...
Bishop, Leroy C., xxx-...
Borror, Paul J., xxx-...
Brannen, Thomas E., xxx-...
Bugbee, John A., xxx-...
Cates, Lawrence P., xxx-...
Chico, Christian J., xxx-...
Claypool, Robert Edward B., xxx-...
Clover, Kevin R., xxx-...
Coetzee, Frans J., xxx-...
Coulter, Carrie L., xxx-...
Cwick, Mark J., xxx-...
Daniel, Russell B., xxx-...
Davis, William F., xxx-...
Debate, Ivan A., xxx-...
Dejarnette, David K., xxx-...
Deloach, Richard Z., xxx-...
Dimas, Robert Jr., xxx-...
Dinardo, George V., xxx-...
Dinkins, David H., xxx-...
Fehr, Steven P., xxx-...
Ferrell, Theodore J., xxx-...
Fitzgerald, David M., xxx-...
Franklin, Frederick L., xxx-...
Galiyas, David A., xxx-...
Gandee, Linda M., xxx-...
Garmon, James C., xxx-...
Grady, Brian J., xxx-...
Hackett, Edward G., xxx-...
Hammond, James W., xxx-...
Harper, Andrew D., xxx-...
Harrison, Joyce L., xxx-...
Hendry, Robert L., xxx-...
Hintze, Donald W., xxx-...
Horton, Matthew R., xxx-...
Hubbard, Ralph M., xxx-...
Hughes, Tyrone J., xxx-...
Jackson, Timothy J., xxx-...
Jaszczyszyn, Peter J., xxx-...
Jentz, Henry W., II, xxx-...
Johnson, Wade M., xxx-...
Johnston, Michael J., xxx-...
Jones, David I., xxx-...
Jones, Shelley A., Jr., xxx-...
Juarez, Barbara A., xxx-...
Kane, John J., III, xxx-...
Kearley, William F., xxx-...
Kelly, John F., xxx-...
Kennedy, John C., xxx-...
King, Philip H., xxx-...
Korn, John F., xxx-...
Krug, Paul A., xxx-...
Land, Dennis R., xxx-...
Lang, William S., xxx-...
Lema, Donald E., xxx-...
Leonard, Craig K., xxx-...
Lingar, James D., xxx-...
Logsdon, Andrew D., xxx-...
Manzano, Edwin B., xxx-...
Matacotta, Ernest A., xxx-...
May, Gregory T., xxx-...
Maze, Michael P., xxx-...
McAffrey, John P., xxx-...
McArthur, Doman O., xxx-...
McArty, John R., Jr., xxx-...
McDaniel, Edward R., xxx-...
McKenney, Larry B., xxx-...
McKenzie, Robert H., III, xxx-...
Meyers, Edward A., xxx-...
Miller, Daniel K., xxx-...
Miller, Mark A., xxx-...
Mokan, Lawrence L., xxx-...
Montesi, Gregg E., xxx-...
Moody, Benjamin W., xxx-...
Moss, Dana W., xxx-...
Mossbrucker, Jeffrey A., xxx-...
Murillo, Esteban R., xxx-...
Nobles, Walter E., Jr., xxx-...
Norton, Michael J., xxx-...
Ohl, Jeffrey C., xxx-...
Padden, Thomas W., xxx-...
Parker, Carl T., xxx-...
Patch, Phillip M., xxx-...
Patterson, Roger C., xxx-...
Pedley, William D., xxx-...
Perez, Phillip A., xxx-...
Perkins, Richard P., xxx-...
Philon, James M., xxx-...
Quercia, Michael, xxx-...
Rapp, Stephen H., xxx-...
Reese, Everett F., xxx-...
Riso, Brian J., xxx-...
Robertshorsfield, Kieth A., xxx-...
Robillard, Gregory, xxx-...
Rowe, Gerard A., xxx-...
Salinas, Philip L., xxx-...
Samples, David W., xxx-...
Sansone, Rodman D., xxx-...
Schneider, Henry J., Jr., xxx-...
Sims, Mark E., xxx-...
Skopowski, Paul F., xxx-...
Smith, William E., Jr., xxx-...
Snyder, Ronald W., xxx-...
Souser, Gerard, A., Jr., xxx-...
Strait, Peter A., xxx-...
Stroud, Shawn W., xxx-...
Tabert, Mark T., xxx-...
Taracevicz, Steven F., xxx-...
Thomas, Timothy S., xxx-...
Tissue, Phillip C., xxx-...
Tyson, Gregory S., xxx-...
Valore, Orlando M., Jr., xxx-...
Vandenberghe, Raymond J., Jr., xxx-...
Vanhouten, John S., xxx-...
Vaughn, Charles B., xxx-...
Warker, Peter M., xxx-...
Wassink, John R., xxx-...
Weber Lawrence K., III, xxx-...
Wilson, Casey K., xxx-...
Wilson, Joseph M., xxx-...
Wojtan, Edward W., Jr., xxx-...
Yelder, Christopher E., xxx-...
Yorio, Paul R., xxx-...
Zendle, Neal H., xxx-...

IN THE AIR FORCE

The following named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Giannotta, Salvatore F., xxx-xx-xxxx
Koop, Homer L., xxx-xx-xxxx
Moss, Howard T., xxx-xx-xxxx
Webb, Ronald, J., xxx-xx-xxxx
Windrath, Donald C., xxx-xx-xxxx

CHAPLAIN

Davis, Edwin S., xxx-xx-xxxx
Monti, Robert M., xxx-xx-xxxx

LINE OF THE AIR FORCE

To be lieutenant colonel

Wilson, John L., xxx-xx-xxxx

Executive nominations received by the Secretary of the Senate June 3, 1982, under authority of the order of the Senate of May 27, 1982:

DEPARTMENT OF STATE

Robert H. Phinny, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

The following-named persons to be Members of the National Council on Educational Research for the terms indicated:

For the remainder of the term expiring September 30, 1982:

Donald Barr, of Connecticut, vice Helen S. Astin.

For the remainder of the term expiring September 30, 1983:

Carl W. Salser, of Oregon, vice Maria B. Cerda.

For terms expiring September 30, 1983:

J. Floyd Hall, of South Carolina, vice Alonzo A. Crim, term expired.

Donna Helene Hearne, of Missouri, vice Catharine C. Stimpson, term expired.

George Charles Roche III, of Michigan, vice Harold Howe II, term expired.

For terms expiring September 30, 1984:

M. Blouke Carus, of Illinois, vice Barbara S. Uehling, term expired.

Howard L. Hurwitz, of New York, vice Bernard C. Watson, term expired.

Onalee McGraw, of Virginia, vice Jon L. Harkness, term expired.

Penny Pullen, of Illinois, vice Tomas A. Arciniega, term expired.

Elaine Y. Schadler, of Pennsylvania, vice Harold L. Enarson, term expired.

For a term expiring September 30, 1985:

Donald Barr, of Connecticut (reappointment).

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert Haldane, xxx-xx-xxxx (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601;

To be lieutenant general

Lt. Gen. Howard Francis Stone, xxx-xx-xx... U.S. Army.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of Section 531, Title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Abel, Donald S., xxx-xx-xxxx
Abraham, John T., xxx-xx-xxxx
Abruzzese, Vincent A., xxx-xx-xxxx
Adams, David E., xxx-xx-xxxx
Ainsworth, Jon D., xxx-xx-xxxx
Akin, Barbara E., xxx-xx-xxxx
Aksomitas, Allyn, xxx-xx-xxxx
Alberico, David J., xxx-xx-xxxx
Albers, Lesley L., xxx-xx-xxxx

Alexander, Mary L., xxx-xx-xxxx
Allen, Elliott W., Jr., xxx-xx-xxxx
Allen, James Y., xxx-xx-xxxx
Alley, Anthony D., xxx-xx-xxxx
Allman, Clesson D., xxx-xx-xxxx
Anders, Robert E., xxx-xx-xxxx
Andersen, Karen S., xxx-xx-xxxx
Andersen, Robert W., xxx-xx-xxxx
Anderson, Christopher G., xxx-xx-xxxx
Anderson, Cylde T., xxx-xx-xxxx
Anderson, Donna R., xxx-xx-xxxx
Anderson, James S., xxx-xx-xxxx
Anderson, John I., xxx-xx-xxxx
Anderson, Wayne W., xxx-xx-xxxx
Archuleta, Doran A., xxx-xx-xxxx
Artery, Jenny L., xxx-xx-xxxx
Aston, Theodore R., xxx-xx-xxxx
Audelo, Richard A., xxx-xx-xxxx
Avellaneda, Henry A., xxx-xx-xxxx
Avent, Frank V., IV, xxx-xx-xxxx
Baay, Dick, xxx-xx-xxxx
Bacon, Stephen B., xxx-xx-xxxx
Badurek, Darrell J., xxx-xx-xxxx
Baker, Larry L., xxx-xx-xxxx
Baker, William B., xxx-xx-xxxx
Barber, Lawrence C., xxx-xx-xxxx
Barker, Geoffrey B., xxx-xx-xxxx
Barnes, Kenneth F., xxx-xx-xxxx
Barnett, John S., Jr., xxx-xx-xxxx
Barr, Michael R., xxx-xx-xxxx
Barrett, Ernest J., xxx-xx-xxxx
Barth, Thomas L., xxx-xx-xxxx
Baucom, Terry L., xxx-xx-xxxx
Beard, Byron R., xxx-xx-xxxx
Beard, Michele L., xxx-xx-xxxx
Beard, Richard S., xxx-xx-xxxx
Beasley, George C., Jr., xxx-xx-xxxx
Behan, Patrick W., xxx-xx-xxxx
Bekebrede, Paul W., xxx-xx-xxxx
Bell, Constance E., xxx-xx-xxxx
Bell, Richard A., xxx-xx-xxxx
Bell, Thurman A., xxx-xx-xxxx
Benell, Roger D., xxx-xx-xxxx
Benson, Stephen L., xxx-xx-xxxx
Berger, Wilfred E., xxx-xx-xxxx
Berman, Edward B., xxx-xx-xxxx
Best, William J., xxx-xx-xxxx
Bibbs, Charles T., xxx-xx-xxxx
Bieker, Francis D., xxx-xx-xxxx
Birch, Harry K., xxx-xx-xxxx
Bird, Stephen A., xxx-xx-xxxx
Bjornstad, Jerry E., xxx-xx-xxxx
Black, Alexander Jr., xxx-xx-xxxx
Black, Donald G., xxx-xx-xxxx
Blackburn, Thomas D., Jr., xxx-xx-xxxx
Bleakney, Russell C., xxx-xx-xxxx
Blevins, Gerald C., xxx-xx-xxxx
Blum, Chet J., xxx-xx-xxxx
Blum, Robert G., xxx-xx-xxxx
Blume, Thomas J., xxx-xx-xxxx
Boggs, Barton A., xxx-xx-xxxx
Boivin, Charles F., II, xxx-xx-xxxx
Boma, Thomas V., xxx-xx-xxxx
Bond, John B., xxx-xx-xxxx
Bonds, Bruce A., xxx-xx-xxxx
Bonnett, George C., Jr., xxx-xx-xxxx
Borrmann, David W., xxx-xx-xxxx
Botello, Charles J., xxx-xx-xxxx
Botkins, Randall J., xxx-xx-xxxx
Bottomley, Richard H., xxx-xx-xxxx
Bower, Byard B., xxx-xx-xxxx
Bowker, Charles D., xxx-xx-xxxx
Boyda, Christopher L., xxx-xx-xxxx
Boyle, Nolan G., xxx-xx-xxxx
Bradford, William B., xxx-xx-xxxx
Brady, Glenn D., xxx-xx-xxxx
Branan, Mary E., xxx-xx-xxxx
Branin, Gordon W., xxx-xx-xxxx
Bray, Clifton L., Jr., xxx-xx-xxxx
Brindisi, Anthony E., xxx-xx-xxxx
Brinkley, William D., xxx-xx-xxxx
Brockhagen, Bruce G., xxx-xx-xxxx
Brockinton, Billy G., xxx-xx-xxxx
Brooking, Michael W., xxx-xx-xxxx
Brooks, Milo R., xxx-xx-xxxx
Brown, Stephen R., xxx-xx-xxxx
Browning, Richard, xxx-xx-xxxx
Brunner, Lyle A., xxx-xx-xxxx
Buchanan, Charles D., xxx-xx-xxxx
Buchwald, Joseph M., Jr., xxx-xx-xxxx
Buechler, James F., xxx-xx-xxxx
Bulach, Virgil J., xxx-xx-xxxx
Burch , Herbert K., xxx-xx-xxxx
Burke, Stephen L., xxx-xx-xxxx
Burns, Harry A., xxx-xx-xxxx
Burr, Beverly A., xxx-xx-xxxx
Bush, Thomas W., xxx-xx-xxxx
Cahoon, Rory B., xxx-xx-xxxx
Caldwell, Linda W., xxx-xx-xxxx
Cameron, John D., xxx-xx-xxxx
Campos, Gerald S. D., xxx-xx-xxxx
Campos, Ignacio, Jr., xxx-xx-xxxx
Cannon, James R., xxx-xx-xxxx
Carchidi, Robert P., xxx-xx-xxxx
Carey, William J., xxx-xx-xxxx
Carroll, Charles G., xxx-xx-xxxx
Carroll, Ray D., xxx-xx-xxxx
Carson, Russell W., xxx-xx-xxxx
Carter, Michael E., xxx-xx-xxxx
Carter, Richard S., xxx-xx-xxxx
Cash, James R., xxx-xx-xxxx
Castillo, Willie S., xxx-xx-xxxx
Cepuran, Jeffery, xxx-xx-xxxx
Chapman, Dale A., xxx-xx-xxxx
Chavez, Charles R., xxx-xx-xxxx
Cheatham, Harriet E., xxx-xx-xxxx
Chrisman, Michael J., xxx-xx-xxxx
Cicchetti, Paul, xxx-xx-xxxx
Cirafici, John L., xxx-xx-xxxx
Clark, Douglas C., xxx-xx-xxxx
Clark, James M., xxx-xx-xxxx
Clark, Mark S., xxx-xx-xxxx
Cleveland, Joseph A., xxx-xx-xxxx
Clift, william A., Jr., xxx-xx-xxxx
Clore, William E., xxx-xx-xxxx
Clutts, David W., xxx-xx-xxxx
Collins, Charles E., xxx-xx-xxxx
Collins, William C., xxx-xx-xxxx
Colman, James K., xxx-xx-xxxx
Colvin, Oscar Jr., xxx-xx-xxxx
Compton, Martin B., xxx-xx-xxxx
Compton, Melvin L., xxx-xx-xxxx
Conner, Steven R., xxx-xx-xxxx
Conners, Stephen P., xxx-xx-xxxx
Contant, Donald R., Jr., xxx-xx-xxxx
Conte, William A., xxx-xx-xxxx
Cook, David E., xxx-xx-xxxx
Cook, Paul D., xxx-xx-xxxx
Cook, Ronald L., xxx-xx-xxxx
Copponex, Louis S., Jr., xxx-xx-xxxx
Cottman, Preston L., xxx-xx-xxxx
Coulter, James L., xxx-xx-xxxx
Courtoy, James S., xxx-xx-xxxx
Cox, Stephen L., xxx-xx-xxxx
Cox, Thomas W., xxx-xx-xxxx
Craig, Paul S., Jr., xxx-xx-xxxx
Cramer, Michael J., xxx-xx-xxxx
Cranford, Danny G., xxx-xx-xxxx
Crase, Bradley A., xxx-xx-xxxx
Crawford, Alan E., xxx-xx-xxxx
Crevier, David L., xxx-xx-xxxx
Cruthirds, Silas R., Jr., xxx-xx-xxxx
Culclasure, John R., xxx-xx-xxxx
Curdy, David G., xxx-xx-xxxx
Cusac, Leslie S., xxx-xx-xxxx
Dagostino, Arthur R., xxx-xx-xxxx
Dahl, Kenneth W., xxx-xx-xxxx
Danby, James D. D., xxx-xx-xxxx
Daniel, Thomas K., xxx-xx-xxxx
Daniell, Wayne L., xxx-xx-xxxx
Danielson, Ronald C., xxx-xx-xxxx
Dapkus, Gerald P., xxx-xx-xxxx
Darien, Arthur, Jr., xxx-xx-xxxx
Davenport, Vernon L., xxx-xx-xxxx
Davis, Charles R., xxx-xx-xxxx
Davis, Gregory A., xxx-xx-xxxx
Davis, Pamela W., xxx-xx-xxxx
Davis, Robert, xxx-xx-xxxx
Delperdang, Ralph G., xxx-xx-xxxx
Delre, Thomas E., xxx-xx-xxxx
Deluca, Victor C., Jr., xxx-xx-xxxx
Despain, Donley L., Jr., xxx-xx-xxxx
Detrick, Andrew L., xxx-xx-xxxx
Devaney, Michael E., xxx-xx-xxxx
Devine, Kevin A., xxx-xx-xxxx
Dickman, David C., xxx-xx-xxxx
Didaleusky, Dennis G. J., xxx-xx-xxxx
Diesing, Jeffrey W., xxx-xx-xxxx
Dilk, Gary W., xxx-xx-xxxx
Dingwall, William H., xxx-xx-xxxx
Dodds, Wayne S., xxx-xx-xxxx
Doi, Alan J., xxx-xx-xxxx
Dolch, Larry W., xxx-xx-xxxx
Donatelli, David H., xxx-xx-xxxx
Dorre, Richard L., xxx-xx-xxxx
Dove, Herbert M., Jr., xxx-xx-xxxx
Dove, Philip W., xxx-xx-xxxx
Doxey, Kim M., xxx-xx-xxxx
Dozier, Don B., xxx-xx-xxxx
Drewry, Barzielee, xxx-xx-xxxx
Duechting, Jay C., xxx-xx-xxxx
Duell, Charles C., xxx-xx-xxxx
Duke, Lebert, xxx-xx-xxxx
Dula, William V., Jr., xxx-xx-xxxx
Dunn, Virginia L., xxx-xx-xxxx
Dunstan, Guy W., xxx-xx-xxxx
Durr, Michael R., xxx-xx-xxxx
Dutelle, Gary A., xxx-xx-xxxx
Duttry, Steven R., xxx-xx-xxxx
Duval, Philip R., xxx-xx-xxxx
Dybis, Timothy L., xxx-xx-xxxx
Dycus, Gary L., xxx-xx-xxxx
East, Belinda A., xxx-xx-xxxx
Eastman, Kenneth D., xxx-xx-xxxx
Eaves, Thomas J., Jr., xxx-xx-xxxx
Ebaugh, Bradley C., xxx-xx-xxxx
Echols, James C., xxx-xx-xxxx
Edingers, John R., xxx-xx-xxxx
Ellis, John S., xxx-xx-xxxx
Elmiger, George A., III, xxx-xx-xxxx
Enke, Stephen E., xxx-xx-xxxx
Epler, Tony K., xxx-xx-xxxx
Ernst, David L., xxx-xx-xxxx
Ervine, John P., xxx-xx-xxxx
Erwin, Michael E., xxx-xx-xxxx
Eudy, Eileen F., xxx-xx-xxxx
Evans, Edward C., xxx-xx-xxxx
Evilsizor, Stephen L., xxx-xx-xxxx
Eye, Douglas L., xxx-xx-xxxx
Eyestone, Richard L., xxx-xx-xxxx
Facey, Stanley J., xxx-xx-xxxx
Faucheux, Jeffrey P., xxx-xx-xxxx
Fauth, Thomas A., xxx-xx-xxxx
Fay, John J., xxx-xx-xxxx
Fergen, Stewart T., xxx-xx-xxxx
Ferrera, Robert M., xxx-xx-xxxx
Fincher, Alva L., xxx-xx-xxxx
Fitzgerald, Raymond L., xxx-xx-xxxx
Fix, Rene C., Jr., xxx-xx-xxxx
Fletcher, Darrell C., xxx-xx-xxxx
Fouts, Charles S., xxx-xx-xxxx
Fox, Broughton B., xxx-xx-xxxx
Fox, Neal I., xxx-xx-xxxx
Franes, James M., xxx-xx-xxxx
Frank, Michael W., xxx-xx-xxxx
Franklin, Robert G., xxx-xx-xxxx
Frazee, Daniel H., xxx-xx-xxxx
Fredal, Danny, xxx-xx-xxxx
Frost, Charles B., xxx-xx-xxxx
Frost, Charles K., xxx-xx-xxxx
Fuentes, Luis F., xxx-xx-xxxx
Fuller, Roy W., xxx-xx-xxxx
Fulton, James P., xxx-xx-xxxx
Fuston, Timothy D., xxx-xx-xxxx
Gafford, Frederick F., Jr., xxx-xx-xxxx
Gaj, Thomas A., xxx-xx-xxxx
Gammell, Jeffrey G., xxx-xx-xxxx
Gampper, Phillip M., xxx-xx-xxxx
Ganaway, John F., III, xxx-xx-xxxx
Garciadelgado, Carlos L., xxx-xx-xxxx
Garner, Richard B., xxx-xx-xxxx
Garris, Billy L., xxx-xx-xxxx

Gass, Gerald L., xxx-xx-xxxx
Gates, Karl W., xxx-xx-xxxx
Gaudreau, Adrien L., Jr., xxx-xx-xxxx
Gaze, Gregory, H., xxx-xx-xxxx
Gebhard, Edward P., xxx-xx-xxxx
Geck, Randolph F., xxx-xx-xxxx
Geigle, Steven J., xxx-xx-xxxx
Geoghegan, Michael S., xxx-xx-xxxx
George, William L., xxx-xx-xxxx
Gilbert, William T., Jr., xxx-xx-xxxx
Glaubach, Charles S., xxx-xx-xxxx
Glenboski, Ray A., xxx-xx-xxxx
Goldsmith, Rafael A., xxx-xx-xxxx
Golej, Thomas A., xxx-xx-xxxx
Goodman, John C., xxx-xx-xxxx
Goodman, Phillip W., xxx-xx-xxxx
Gordon, Craig A., xxx-xx-xxxx
Gordon, Neal D., Jr., xxx-xx-xxxx
Grabulis, Gary S., xxx-xx-xxxx
Graham, La Goge, W., xxx-xx-xxxx
Graham, Robert H., xxx-xx-xxxx
Graham, Scott L., xxx-xx-xxxx
Granade, Ben T., Jr., xxx-xx-xxxx
Grant, Douglas A., xxx-xx-xxxx
Grant, James F., xxx-xx-xxxx
Grant, John W., xxx-xx-xxxx
Graves, Robert A., xxx-xx-xxxx
Graves, Thomas E., xxx-xx-xxxx
Gray, John D., xxx-xx-xxxx
Gray, Stephen S., xxx-xx-xxxx
Graziano, Richard P., xxx-xx-xxxx
Greasley, Philip H., Jr., xxx-xx-xxxx
Green, George W., Jr., xxx-xx-xxxx
Greene, Traci M. M., xxx-xx-xxxx
Gregoire, Scott L., xxx-xx-xxxx
Gregory, John R., Jr., xxx-xx-xxxx
Griffiths, Calvin E., xxx-xx-xxxx
Griggs, Gerald R., xxx-xx-xxxx
Groke, Robert E., xxx-xx-xxxx
Gurecki, Daniel J., xxx-xx-xxxx
Guryn, Michael T., xxx-xx-xxxx
Haggarty, Daniel O., xxx-xx-xxxx
Hahn, Richard L., xxx-xx-xxxx
Hale, David A., xxx-xx-xxxx
Hall, Lynn C., xxx-xx-xxxx
Halstead, Edwin R., xxx-xx-xxxx
Hamilton, J. D., Jr., xxx-xx-xxxx
Hamilton, John F., Jr., xxx-xx-xxxx
Hammerle, Michael F., xxx-xx-xxxx
Hammes, David J., xxx-xx-xxxx
Hammond, Trent M., xxx-xx-xxxx
Hanle, Donald J., xxx-xx-xxxx
Hansen, Scott R., xxx-xx-xxxx
Hanson, Douglas R., xxx-xx-xxxx
Hanson, Robin L., xxx-xx-xxxx
Hardwick, David M., xxx-xx-xxxx
Hare, Tracy T., xxx-xx-xxxx
Hargrave, Robert L., Jr., xxx-xx-xxxx
Harmon, Steven J., xxx-xx-xxxx
Harris, Gerelene, xxx-xx-xxxx
Harris, Richard G., xxx-xx-xxxx
Harris, Robert W., xxx-xx-xxxx
Hart, Steven H., xxx-xx-xxxx
Hartig, Connie S., xxx-xx-xxxx
Hartikka, Dale M., xxx-xx-xxxx
Hartinger, James V., Jr., xxx-xx-xxxx
Harvey, Kim R., xxx-xx-xxxx
Harvey, Lois M., xxx-xx-xxxx
Hasebe, Thomas N., xxx-xx-xxxx
Haselrig, Alger E., Jr., xxx-xx-xxxx
Hatcher, James E., xxx-xx-xxxx
Havelka, Thomas E., xxx-xx-xxxx
Hawkins, Michael W., xxx-xx-xxxx
Hawley, Michael C., xxx-xx-xxxx
Hayes, Richard R., xxx-xx-xxxx
Heade, James T., xxx-xx-xxxx
Headley, Stephen A., xxx-xx-xxxx
Heinlein, Robert A., xxx-xx-xxxx
Helder, Simon L., xxx-xx-xxxx
Hellinger, Martha M., xxx-xx-xxxx
Helm, Arne E., xxx-xx-xxxx
Hemmitt, Rodney T., xxx-xx-xxxx
Henderson, Richard P., xxx-xx-xxxx
Hening, Richard S., xxx-xx-xxxx
Henion, James T., xxx-xx-xxxx
Henry, Richard A., xxx-xx-xxxx
Hensley, Sue R., xxx-xx-xxxx
Hergesell, Gregory L., xxx-xx-xxxx
Herman, Gregory D., xxx-xx-xxxx
Hernandez, Gilbert D., xxx-xx-xxxx
Hernandez, Joseph E., xxx-xx-xxxx
Herring, Grant F., xxx-xx-xxxx
Herrmann, Paul R., xxx-xx-xxxx
Hess, Robert N., xxx-xx-xxxx
Hester, Charles D., xxx-xx-xxxx
Hettinger, Steven D., xxx-xx-xxxx
Hetzler, William E., xxx-xx-xxxx
Heussner, Jeffrey S., xxx-xx-xxxx
Hilburn, Joseph M., Jr., xxx-xx-xxxx
Hill, Mary V., xxx-xx-xxxx
Hillstrom, David M., xxx-xx-xxxx
Himber, Stephen A., xxx-xx-xxxx
Hines, Jimmie, xxx-xx-xxxx
Hinton, Merle T., xxx-xx-xxxx
Hissem, Richard D., xxx-xx-xxxx
Hofacre, Gregory D., xxx-xx-xxxx
Holoviak, Samuel J., xxx-xx-xxxx
Hoiland, Douglas W., xxx-xx-xxxx
Holeman, Wilfred P., Jr., xxx-xx-xxxx
Holloway, Julia F., xxx-xx-xxxx
Holman, Charles C., xxx-xx-xxxx
Holmes, Sanford E., xxx-xx-xxxx
Holyfield, David W., III, xxx-xx-xxxx
Hooks, Richard C., xxx-xx-xxxx
Hooper, Thomas P., xxx-xx-xxxx
Hoover, Michael A., xxx-xx-xxxx
Horton, George G., xxx-xx-xxxx
Houchin, Richard E., xxx-xx-xxxx
Houser, Edward D., xxx-xx-xxxx
Houston, Henry J., xxx-xx-xxxx
Howell, Alan L., xxx-xx-xxxx
Howell, Richard K., xxx-xx-xxxx
Hudgins, Lewis W., Jr., xxx-xx-xxxx
Hulse, Randall G., xxx-xx-xxxx
Hunt, Donald H., xxx-xx-xxxx
Hunter, Arthur K., xxx-xx-xxxx
Hurd, John G., xxx-xx-xxxx
Hurley, William C., xxx-xx-xxxx
Hutchison, Roderick L., xxx-xx-xxxx
Iloreta, Arsenio R., xxx-xx-xxxx
Ilyko, Stephen J., xxx-xx-xxxx
Imondi, Anthony A., xxx-xx-xxxx
Jackson, Donald W., xxx-xx-xxxx
Jackson, Robert E., xxx-xx-xxxx
Jacob, Stephen A., xxx-xx-xxxx
Jaffe, David R., xxx-xx-xxxx
James, Robert L., xxx-xx-xxxx
Jamison, George L., xxx-xx-xxxx
Jarrett, Bruce D., xxx-xx-xxxx
Jawors, Mark S., xxx-xx-xxxx
Jay, Jeffery J., xxx-xx-xxxx
Jenkins, William H., II, xxx-xx-xxxx
Johnson, David S., xxx-xx-xxxx
Johnson, Donald M., Jr., xxx-xx-xxxx
Johnson, Gordon W., xxx-xx-xxxx
Johnson, Jesse J., Jr., xxx-xx-xxxx
Johnson, Kevin J., xxx-xx-xxxx
Johnson, Larry T., xxx-xx-xxxx
Johnson, Wendell, xxx-xx-xxxx
Jollett, Lewis D., xxx-xx-xxxx
Jones, Floyd G., III, xxx-xx-xxxx
Jones, Gaston L., xxx-xx-xxxx
Jones, Gregory D., xxx-xx-xxxx
Jones, Lester E., xxx-xx-xxxx
Jones, Phillip G., xxx-xx-xxxx
Jones, Robert A., xxx-xx-xxxx
Jordan, Michael A., xxx-xx-xxxx
Jorgensen, Jeffrey M., xxx-xx-xxxx
Joseph, Jan M., xxx-xx-xxxx
Jowdy, Marilyn M., xxx-xx-xxxx
Jung, Phillip, xxx-xx-xxxx
Juntikka, Mary J., xxx-xx-xxxx
Kalbrener, Scott O., xxx-xx-xxxx
Kane, Robert B., xxx-xx-xxxx
Karpack, Randall A., xxx-xx-xxxx
Kastner, Michael L., xxx-xx-xxxx
Kaufmann, William H., xxx-xx-xxxx
Kayl, Kenneth D., xxx-xx-xxxx
Kearney, Stephen L., xxx-xx-xxxx
Kearns, Donn K., xxx-xx-xxxx
Kehren, Paul A., xxx-xx-xxxx
Kehrer, Richard M., xxx-xx-xxxx
Keller, Frederick D., xxx-xx-xxxx
Kelley, Samuel K., xxx-xx-xxxx
Kemp, James W., xxx-xx-xxxx
Kemp, Roger A., xxx-xx-xxxx
Kempf, James M., xxx-xx-xxxx
Kempster, Mark A., xxx-xx-xxxx
Kennedy, Robert J., xxx-xx-xxxx
Kennemore, Dusty K., xxx-xx-xxxx
Kerbow, Steve L., xxx-xx-xxxx
Kerbs, Daniel H., Jr., xxx-xx-xxxx
Kern, Howard S., xxx-xx-xxxx
Keusseyan, John A., xxx-xx-xxxx
Kirkpatrick, Eugene B., xxx-xx-xxxx
Klein, Janice E., xxx-xx-xxxx
Klonoski, Kenneth A., xxx-xx-xxxx
Knock, Marlin A., xxx-xx-xxxx
Koch, Gary D., xxx-xx-xxxx
Kolleda, Mark V., xxx-xx-xxxx
Koogler, Samuel M., xxx-xx-xxxx
Koozin, Walter, xxx-xx-xxxx
Kornovich, Willard M., Jr., xxx-xx-xxxx
Kough, Jeffrey J., xxx-xx-xxxx
Kramer, William A., xxx-xx-xxxx
Krause, Gary R., xxx-xx-xxxx
Kraushar, Charles M., xxx-xx-xxxx
Krauter, Kevin E., xxx-xx-xxxx
Krishack, John F., Jr., xxx-xx-xxxx
Kutzke, Jonathan H., xxx-xx-xxxx
Kweder, Glenn C., xxx-xx-xxxx
Labrato, Eugene R., xxx-xx-xxxx
Lackey, Robert J., xxx-xx-xxxx
Laforgia, Leonard A., xxx-xx-xxxx
Lange, Frederick K., xxx-xx-xxxx
Langkamer, Jacqueline R., xxx-xx-xxxx
Langkamer, James M., xxx-xx-xxxx
Lapierre, John E., Jr., xxx-xx-xxxx
Larivee, Keith W., xxx-xx-xxxx
Larson, Arthur C., xxx-xx-xxxx
Lasater, Bruce A., xxx-xx-xxxx
Latimer, Russell S., xxx-xx-xxxx
Lavoie, William H., xxx-xx-xxxx
Lawhorne, Dale M., xxx-xx-xxxx
Lawson, John B., xxx-xx-xxxx
Lawton, Darcy L., xxx-xx-xxxx
Lawton, Stephen W., xxx-xx-xxxx
Layne, Steven O., xxx-xx-xxxx
Lefler, Daniel P., Jr., xxx-xx-xxxx
Lenz, Robert A., xxx-xx-xxxx
Lenzi, David C., xxx-xx-xxxx
Leonard, Susan N., xxx-xx-xxxx
Leseberg, Mel C., xxx-xx-xxxx
Lewis, Bruce E., Jr., xxx-xx-xxxx
Lewis, Cynthia J., xxx-xx-xxxx
Lewis, Donald A., xxx-xx-xxxx
Lieb, John C., xxx-xx-xxxx
Lieber, William H., xxx-xx-xxxx
Lilly, Brian Thomas, xxx-xx-xxxx
Lim, Donald, xxx-xx-xxxx
Lineback, Giles S., xxx-xx-xxxx
Link, Michael A., xxx-xx-xxxx
Lintz, Terry G., xxx-xx-xxxx
Linyear, Howard L., Jr., xxx-xx-xxxx
Loftis, Benny C., xxx-xx-xxxx
Logan, Danny W., xxx-xx-xxxx
Logan, Glen T., xxx-xx-xxxx
Long, Benson A., xxx-xx-xxxx
Lopes, Craig J., xxx-xx-xxxx
Lopez, Antonio R., xxx-xx-xxxx
Lormand, Steve J., xxx-xx-xxxx
Loyd, John E., xxx-xx-xxxx
Lublinkweddik, Ronald, xxx-xx-xxxx
Ludt, William G., xxx-xx-xxxx
Luginbuhl, Robert T., Jr., xxx-xx-xxxx
Lund, Donn N., xxx-xx-xxxx
Lundie, Robert S., xxx-xx-xxxx
Lutes, Gerald D., xxx-xx-xxxx
Luzzi, August S., xxx-xx-xxxx
Lynch, Michael K., xxx-xx-xxxx
Lynthgoe, Marilyn J., xxx-xx-xxxx
Macchia, Peter, Jr., xxx-xx-xxxx

Maddox, Janie L., xxx-xx-xxxx
Magazu, Domenic, II., xxx-xx-xxxx
Mainzer, James S., xxx-xx-xxxx
Malone, William K., xxx-xx-xxxx
Manahan, Gerald F., xxx-xx-xxxx
Manning, Richard A., xxx-xx-xxxx
Mansur, Minnis V., xxx-xx-xxxx
Marotta, Nicholas G., xxx-xx-xxxx
Martens, Marc S., xxx-xx-xxxx
Martin, George R., xxx-xx-xxxx
Mashburn, Elizabeth A., xxx-xx-xxxx
Masi, Michael A., xxx-xx-xxxx
Masotti, John W. B., xxx-xx-xxxx
Maternick, Chester R., xxx-xx-xxxx
Mature, Roger A., xxx-xx-xxxx
Matuszak, Leo W., Jr., xxx-xx-xxxx
Maurer, Kim, xxx-xx-xxxx
Maxon, Robert L., xxx-xx-xxxx
May, Marilyn A., xxx-xx-xxxx
Mayhew, Hubert N., Jr., xxx-xx-xxxx
Mayo, Leon, xxx-xx-xxxx
McAuliffe, David J., Jr., xxx-xx-xxxx
McCabe, Robert C., Jr., xxx-xx-xxxx
McCarter, Carlton G., xxx-xx-xxxx
McCarthy, Terrance J., xxx-xx-xxxx
McCarty, Michael R., xxx-xx-xxxx
McConeghy, James G., xxx-xx-xxxx
McConnell, Mark R., xxx-xx-xxxx
McConnell, Stephen L., xxx-xx-xxxx
McCormick, Donald J., xxx-xx-xxxx
McDevitt, Phillip A., xxx-xx-xxxx
McDonald, Lee A., xxx-xx-xxxx
McFadden William B., xxx-xx-xxxx
McGarry, Donald S., xxx-xx-xxxx
McGee, Victor W., xxx-xx-xxxx
McGuinnes, Michael C., xxx-xx-xxxx
McGuire, Timothy M., xxx-xx-xxxx
McIntosh, John R. H., xxx-xx-xxxx
McIntyre, Ralph B., Jr., xxx-xx-xxxx
McLean, Bruce A., xxx-xx-xxxx
McQueen, Barry A., xxx-xx-xxxx
Meagher, Richard F. Jr., xxx-xx-xxxx
Mehlhaff, Edward C., xxx-xx-xxxx
Melton, David W., xxx-xx-xxxx
Menze, James K., xxx-xx-xxxx
Mercer, Ronald S., xxx-xx-xxxx
Merrow, Scott F., xxx-xx-xxxx
Meshako, Robert S., xxx-xx-xxxx
Meyer, Richard, xxx-xx-xxxx
Meyers, Ivan E., xxx-xx-xxxx
Michel, Charley L., xxx-xx-xxxx
Mielke, Robert W., xxx-xx-xxxx
Mika, James J., xxx-xx-xxxx
Millburn, Brian G., xxx-xx-xxxx
Miller, Laura E., xxx-xx-xxxx
Miller, Leslie S., xxx-xx-xxxx
Miller, Leslie W., xxx-xx-xxxx
Miller, Michael J., xxx-xx-xxxx
Miller, Neil S., xxx-xx-xxxx
Miller, Vernon A., xxx-xx-xxxx
Miller, William J., xxx-xx-xxxx
Mills, Joseph H., xxx-xx-xxxx
Mims, Eddie R. Jr., xxx-xx-xxxx
Mink, Leroy W., xxx-xx-xxxx
Minnich, Alan D., xxx-xx-xxxx
Mirtle, Roderick G., xxx-xx-xxxx
Misgen, Stephen D., xxx-xx-xxxx
Mixon, Phillip J., xxx-xx-xxxx
Miyaoka, Lester H., xxx-xx-xxxx
Mize, David, L., xxx-xx-xxxx
Modzelesky, Arthur J., Jr., xxx-xx-xxxx
Moffett, Bruce N., xxx-xx-xxxx
Mohrmann, Henry W., III, xxx-xx-xxxx
Moore, Bradley A., xxx-xx-xxxx
Moore, Frederick R., xxx-xx-xxxx
Moore, Garry M., xxx-xx-xxxx
Moore, Richard E., xxx-xx-xxxx
Moore, Robert R., xxx-xx-xxxx
Moreman, Henry G., III, xxx-xx-xxxx
Morgan, Roy A., xxx-xx-xxxx
Morlier, Ronald P., xxx-xx-xxxx
Morrow, Edward E., Jr., xxx-xx-xxxx
Mueller, Raymond J., xxx-xx-xxxx
Muhn, Dennis J., xxx-xx-xxxx
Muirhead, Roger C., xxx-xx-xxxx
Mullen, Dann E., xxx-xx-xxxx
Mumford, Carey G., III, xxx-xx-xxxx
Murone, Ronald L., xxx-xx-xxxx
Murphy, John F., Jr., xxx-xx-xxxx
Murphy, Ronald K., xxx-xx-xxxx
Murray, Brent S., xxx-xx-xxxx
Murray, Ronald B., xxx-xx-xxxx
Myers, Danny R., xxx-xx-xxxx
Myers, Eugene D., xxx-xx-xxxx
Myers, Helen, xxx-xx-xxxx
Nagel, Charles E., xxx-xx-xxxx
Nagengast, Edward J., xxx-xx-xxxx
Nannestad, Steven J., xxx-xx-xxxx
Napoletano, Andrew P., xxx-xx-xxxx
Natoli, Thomas J., xxx-xx-xxxx
Nazario, Antonio, xxx-xx-xxxx
Neary, James E., xxx-xx-xxxx
Nelson, Arthur G., xxx-xx-xxxx
Nelson, Charles E., xxx-xx-xxxx
Nelson, Donald C., xxx-xx-xxxx
Neptune, Gerald E., Jr., xxx-xx-xxxx
Netro, Edward J., xxx-xx-xxxx
Neudorfer, Charles F., II, xxx-xx-xxxx
Neveu, Irwin L., Jr., xxx-xx-xxxx
Neville, Randall L., xxx-xx-xxxx
Nickell, Mark E., xxx-xx-xxxx
Nicolas, Angelito M., xxx-xx-xxxx
Nixon, Roy D., xxx-xx-xxxx
Noel, Danny E., xxx-xx-xxxx
Nolan, Kenneth J., Jr. xxx-xx-xxxx
Nolet, Richard S., xxx-xx-xxxx
Nordquist, David W., xxx-xx-xxxx
Normadin, Neil C., xxx-xx-xxxx
Novy, Dennis E., xxx-xx-xxxx
Noyes, George A., III, xxx-xx-xxxx
Nuila, Otto R., xxx-xx-xxxx
Null, Clinton D., xxx-xx-xxxx
Nunnalle, James B., xxx-xx-xxxx
Nuno, Bernardo, xxx-xx-xxxx
Oates, Constance, xxx-xx-xxxx
Obrecht, Jerry A., xxx-xx-xxxx
O'Connell, Brian W., xxx-xx-xxxx
Ofcarcik, Bruce J., xxx-xx-xxxx
Olbert, Douglas R., xxx-xx-xxxx
Olmstead, Robert C., xxx-xx-xxxx
Olsen, Douglas H., xxx-xx-xxxx
Oltman, Paul W., xxx-xx-xxxx
Oncale, Gary M., xxx-xx-xxxx
Ormston, Robert E., xxx-xx-xxxx
Ostrander, William F. L., xxx-xx-xxxx
Otto, David F. C., xxx-xx-xxxx
Owen, Ronny C., xxx-xx-xxxx
Owen, Thomas E., xxx-xx-xxxx
Pacella, John B., xxx-xx-xxxx
Palmer, Cody F., xxx-xx-xxxx
Palmer, David K., xxx-xx-xxxx
Palmer, Sterling K., xxx-xx-xxxx
Pang, Michael, xxx-xx-xxxx
Parayo, Rudolph A., xxx-xx-xxxx
Parent, Charles T., xxx-xx-xxxx
Parker, Glenn L., xxx-xx-xxxx
Parker, Robbert T., xxx-xx-xxxx
Parker, William E., III, xxx-xx-xxxx
Parrish, Arlan R., xxx-xx-xxxx
Paschkewitz, John J., xxx-xx-xxxx
Paulding, Ronald L., xxx-xx-xxxx
Peck, Thomas D., xxx-xx-xxxx
Pena, Glenn M., xxx-xx-xxxx
Pepin, Lester T., xxx-xx-xxxx
Perrone, Vincent J., xxx-xx-xxxx
Pesonen, Andrew P., xxx-xx-xxxx
Pestana, Mark E., xxx-xx-xxxx
Peterka, Charles F., xxx-xx-xxxx
Petkovich, Joel J., xxx-xx-xxxx
Petkunas, Dannie W., xxx-xx-xxxx
Pfarrer, Richard A., xxx-xx-xxxx
Phillips, Albert L., xxx-xx-xxxx
Phillips, Earl, xxx-xx-xxxx
Pitchford, Darryl N., xxx-xx-xxxx
Poe, Daniel K., xxx-xx-xxxx
Pollick, Robert F., xxx-xx-xxxx
Polson, Houston H., xxx-xx-xxxx
Poole, Roy A., xxx-xx-xxxx
Pope, James L., xxx-xx-xxxx
Porter, David W., xxx-xx-xxxx
Poulos, Thomas, Jr., xxx-xx-xxxx
Powell, Merrilee A., xxx-xx-xxxx
Powers, David J., xxx-xx-xxxx
Prentice-Hitchcock, Noreen, xxx-xx-xxxx
Presley, Rufus L., xxx-xx-xxxx
Preston, Edward L., xxx-xx-xxxx
Price, Dale E., xxx-xx-xxxx
Price, James D., xxx-xx-xxxx
Price, William S., xxx-xx-xxxx
Procko, Jay A., xxx-xx-xxxx
Prosek, Richard J., xxx-xx-xxxx
Prusak, Michael, xxx-xx-xxxx
Quasnitschka, Eric R., xxx-xx-xxxx
Quigley, Bruce M., xxx-xx-xxxx
Quigley, Mark S., xxx-xx-xxxx
Quinn, Michael J., xxx-xx-xxxx
Quinn, William J., xxx-xx-xxxx
Rachal, William T., xxx-xx-xxxx
Rachel, Danny E., xxx-xx-xxxx
Rader, James E., xxx-xx-xxxx
Rainey, James C., xxx-xx-xxxx
Ralphs, Richard J., xxx-xx-xxxx
Rambow, Danny A., xxx-xx-xxxx
Ratcliff, Phillip J., xxx-xx-xxxx
Ratliff, George E., Jr., xxx-xx-xxxx
Razer, Jerry R., xxx-xx-xxxx
Reed, Jack W., xxx-xx-xxxx
Reese, Robert A., xxx-xx-xxxx
Reeves, Samuel L., xxx-xx-xxxx
Regehr, David E., xxx-xx-xxxx
Reher, Raymond W., xxx-xx-xxxx
Reilly, David, xxx-xx-xxxx
Rencher, Don S., xxx-xx-xxxx
Renfro, Charles L., xxx-xx-xxxx
Revels, Paul H., xxx-xx-xxxx
Rhoades, Glenn E., Jr., xxx-xx-xxxx
Ribas, Fernando L., xxx-xx-xxxx
Ricci, James C., xxx-xx-xxxx
Rice, George M., xxx-xx-xxxx
Rich, Edna R., xxx-xx-xxxx
Richards, Lawrence K., xxx-xx-xxxx
Richards, Neil A., xxx-xx-xxxx
Ridenour, Wayne L., xxx-xx-xxxx
Riding, Dean S., xxx-xx-xxxx
Riggin, Susan L., xxx-xx-xxxx
Rizzo, Charles J., Jr., xxx-xx-xxxx
Roach, Jack L., xxx-xx-xxxx
Robert, Ronald K., xxx-xx-xxxx
Roberts, Michael V., xxx-xx-xxxx
Robertson, Charles D., xxx-xx-xxxx
Robertson, Troy D., xxx-xx-xxxx
Roediger, Carl F., xxx-xx-xxxx
Roether, Jeffrey A., xxx-xx-xxxx
Rogers, Robert A., xxx-xx-xxxx
Rogers, Roy W., xxx-xx-xxxx
Rogers, Warren C., Jr., xxx-xx-xxxx
Roller, James G., xxx-xx-xxxx
Root, Thomas A., xxx-xx-xxxx
Rosado, Artemio, xxx-xx-xxxx
Rurak, Ronald R., xxx-xx-xxxx
Ruff, Burton C., xxx-xx-xxxx
Runyan, Thomas W., xxx-xx-xxxx
Rush, Jessie T., xxx-xx-xxxx
Rush, Robert M., xxx-xx-xxxx
Rutledge, William A., xxx-xx-xxxx
Ryan, Dennis P., xxx-xx-xxxx
Rybacki, Andrew T., xxx-xx-xxxx
Sadler, Randy D., xxx-xx-xxxx
Sahut, Henry C. T., xxx-xx-xxxx
Saier, William E., xxx-xx-xxxx
Sasak, Robert E., xxx-xx-xxxx
Saunders, Percy L., Jr. xxx-xx-xxxx
Saunders, Reginald J., xxx-xx-xxxx
Savage, Robert G., xxx-xx-xxxx
Savana, Michael J., xxx-xx-xxxx
Scarborough, David A., xxx-xx-xxxx
Schaaf, Michael J., xxx-xx-xxxx
Schmidt, Robin J., xxx-xx-xxxx
Schnaible, James J., xxx-xx-xxxx
Schomas, William P., xxx-xx-xxxx
Schramm, Kenneth G., xxx-xx-xxxx
Schretter, Lawrence F., xxx-xx-xxxx

Schroeder, Gary W., xxx-xx-xxxx
Schumacher, Max M., xxx-xx-xxxx
Schuppel, Joseph A., xxx-xx-xxxx
Schwenning, David R., xxx-xx-xxxx
Scott, Charles D., xxx-xx-xxxx
Scott, Donald R., Jr., xxx-xx-xxxx
Scott, Robert B., xxx-xx-xxxx
Scott, Wayne R., xxx-xx-xxxx
Seaton, Sherman D., xxx-xx-xxxx
Sedlacek, Donald J., xxx-xx-xxxx
Seeley, Richard A., xxx-xx-xxxx
Sell, Ruby A., xxx-xx-xxxx
Sennate, Keith H., xxx-xx-xxxx
Serangeli, Joseph K., xxx-xx-xxxx
Sexton, Jerry L., xxx-xx-xxxx
Sexton, Monty D., xxx-xx-xxxx
Shadden, Richard R., xxx-xx-xxxx
Shaffer, Alan A., xxx-xx-xxxx
Shank, Timothy A., xxx-xx-xxxx
Shelton, Eddie W., xxx-xx-xxxx
Sherer, Clement P., xxx-xx-xxxx
Sherwin, Kelly V., xxx-xx-xxxx
Shoemaker, Daniel E., xxx-xx-xxxx
Sierchio, James G., xxx-xx-xxxx
Simmons, Van D., xxx-xx-xxxx
Simms, Kevin M., xxx-xx-xxxx
Simon, Michael J., xxx-xx-xxxx
Simonson, Martin A., xxx-xx-xxxx
Simpson, Rick E., xxx-xx-xxxx
Siwik, Wayne J., xxx-xx-xxxx
Skrzyszowski, Robert E., xxx-xx-xxxx
Slack, Howard L., xxx-xx-xxxx
Slep, Shlomo S., xxx-xx-xxxx
Slone, Michael J., xxx-xx-xxxx
Slough, Steven L., xxx-xx-xxxx
Smilek, John M., xxx-xx-xxxx
Smiley, Randall K., xxx-xx-xxxx
Smith, Clifton L., xxx-xx-xxxx
Smith, Dana C., xxx-xx-xxxx
Smith, Emmitt G., xxx-xx-xxxx
Smith, Forrest P., xxx-xx-xxxx
Smith, Gregory D., xxx-xx-xxxx
Smith, John R. III, xxx-xx-xxxx
Smith, Lawrence H., xxx-xx-xxxx
Smith, Vaughn R., xxx-xx-xxxx
Smolin, Michael A., xxx-xx-xxxx
Smoot, Donald E., xxx-xx-xxxx
Smyth, Edward B., xxx-xx-xxxx
Snead, Daniel R., xxx-xx-xxxx
Snow, William T., xxx-xx-xxxx
Snyder, David E., xxx-xx-xxxx
Snyder, Larry D., xxx-xx-xxxx
Soares, Philip J., xxx-xx-xxxx
Soben, Robert S., xxx-xx-xxxx
Sordo, Oscar, xxx-xx-xxxx
Sorensen, Alan W., xxx-xx-xxxx
Souther, Stephen M., xxx-xx-xxxx
Spangler, Christian A., xxx-xx-xxxx
Spangler, Michael R., xxx-xx-xxxx
Spanier, Stewart H., xxx-xx-xxxx
Spence, Donnie C., xxx-xx-xxxx
Spencer, David A., xxx-xx-xxxx
Spencer, Gene A., xxx-xx-xxxx
Spero, Ronald H., xxx-xx-xxxx
Squeo, Anthony J., xxx-xx-xxxx
Staib, Donald L., xxx-xx-xxxx
Stauber, Ben Z., xxx-xx-xxxx
Stauffer, Michael E., xxx-xx-xxxx
Steele, John H., xxx-xx-xxxx
Stefoneck, Jeffrey A., xxx-xx-xxxx
Stein, John H., xxx-xx-xxxx
Steinkamp, David M., xxx-xx-xxxx
Stellar, Frank C., xxx-xx-xxxx
Stephens, David R., xxx-xx-xxxx
Sterling, Thomas J., Jr., xxx-xx-xxxx
Stevens, James R., xxx-xx-xxxx
Stewart, Bradley W., xxx-xx-xxxx
Stewart, Fredric G., xxx-xx-xxxx
Stewart, John R. III, xxx-xx-xxxx
Stimpson, Steven M., xxx-xx-xxxx
Stokes, Clyde M., Jr., xxx-xx-xxxx
Stone, Dallas R., xxx-xx-xxxx
Stone, Jerry L., xxx-xx-xxxx
Strother, Mark O., xxx-xx-xxxx
Struna, Matthew L., xxx-xx-xxxx
Suggs, Charles D., xxx-xx-xxxx
Sullivan, Timothy L., xxx-xx-xxxx
Sulver, James C., xxx-xx-xxxx
Summers, Donald L., Jr., xxx-xx-xxxx
Svendsen, Keith C., xxx-xx-xxxx
Swanson, Stanley O., xxx-xx-xxxx
Swartzwelder, John W., Jr., xxx-xx-xxxx
Szkil, Michael J., xxx-xx-xxxx
Tagert, Ronald R., xxx-xx-xxxx
Talkington, Gilbert J., xxx-xx-xxxx
Tallman, William C., xxx-xx-xxxx
Tankersley, Michael C., xxx-xx-xxxx
Tanner, Harold G., xxx-xx-xxxx
Tanouye, Larry Y., xxx-xx-xxxx
Tatum, Don W., xxx-xx-xxxx
Tatum, Stanley C., xxx-xx-xxxx
Taylor, Tracy A., xxx-xx-xxxx
Temple, Robert C., xxx-xx-xxxx
Templeton, Rodney G., xxx-xx-xxxx
Terrana, Steven W., xxx-xx-xxxx
Terrebonne, Leonard P., xxx-xx-xxxx
Terry, Kenneth E., xxx-xx-xxxx
Tezak, Linda L., xxx-xx-xxxx
Thayer, Arthur R., xxx-xx-xxxx
Thogersen, Steve A., xxx-xx-xxxx
Thomas, Jeffrey A., xxx-xx-xxxx
Thomas, Richard P., xxx-xx-xxxx
Thomas, William S., xxx-xx-xxxx
Thompson, Claude B., Jr., xxx-xx-xxxx
Thompson, Marcum L., xxx-xx-xxxx
Thornburg, Dale E., xxx-xx-xxxx
Thrash, Jimmy P., xxx-xx-xxxx
Tiahrt, Harold, II, xxx-xx-xxxx
Tiedman, Louis J., Jr., xxx-xx-xxxx
Tigner, George T., xxx-xx-xxxx
Tippins, James L., xxx-xx-xxxx
Tlsty, Steven J., xxx-xx-xxxx
Tobin, Roy N., xxx-xx-xxxx
Tompkins, James A., xxx-xx-xxxx
Tovani, Lester M., xxx-xx-xxxx
Tower, Francis G., xxx-xx-xxxx
Tozier, Charles M., xxx-xx-xxxx
Trenor, Robert L., xxx-xx-xxxx
Trimble, John R., xxx-xx-xxxx
Troxel, Bruce R., xxx-xx-xxxx
Trudeau, Charles H., Jr., xxx-xx-xxxx
Tucker, Iler D., xxx-xx-xxxx
Turek, Gary L., xxx-xx-xxxx
Turk, Melba B., xxx-xx-xxxx
Turner, Kristin M., xxx-xx-xxxx
Underwood, Calvin L., xxx-xx-xxxx
Underwood, Kathryn P., xxx-xx-xxxx
Urive, Conrad, xxx-xx-xxxx
Urman, Walter T., xxx-xx-xxxx
Utterback, Loyd S., xxx-xx-xxxx
Vallimont, Joseph C., xxx-xx-xxxx
Vandalinda, Robert P., xxx-xx-xxxx
Vanderwall, John R., xxx-xx-xxxx
Vanlaak, James E., xxx-xx-xxxx
Vanrite, Robert R., xxx-xx-xxxx
Varner, David L., xxx-xx-xxxx
Vaughn, Alan J., xxx-xx-xxxx
Veith, Cary F., xxx-xx-xxxx
Veltri, Thomas F., xxx-xx-xxxx
Venus, James M., xxx-xx-xxxx
Veres, Michael L., xxx-xx-xxxx
Vincent, John C., xxx-xx-xxxx
Vincent, Robert E., xxx-xx-xxxx
Viray, Richard G., xxx-xx-xxxx
Vogel, Eric M., xxx-xx-xxxx
Vogelgesang, James A., xxx-xx-xxxx
Vonderhoff, Selden W., Jr., xxx-xx-xxxx
Vucic, David S., xxx-xx-xxxx
Vytlacil, Steven W., xxx-xx-xxxx
Wacker, Larry J., xxx-xx-xxxx
Waite, Richard D., xxx-xx-xxxx
Walden, David C., xxx-xx-xxxx
Waldrip, Travis G., xxx-xx-xxxx
Waldrup, David A., xxx-xx-xxxx
Wallace, James M., xxx-xx-xxxx
Wallace, Robert T., xxx-xx-xxxx
Walter, Martin J., xxx-xx-xxxx
Walzel, Gerald L., xxx-xx-xxxx
Warner, Helen J., xxx-xx-xxxx
Warren, James A., Jr., xxx-xx-xxxx
Wartgow, Jeffrey G., xxx-xx-xxxx
Warthen, Meade C., xxx-xx-xxxx
Waszczak, Charles A., xxx-xx-xxxx
Waterstreet, David L., xxx-xx-xxxx
Watson, Dennis H., xxx-xx-xxxx
Watson, Frank S., xxx-xx-xxxx
Watson, Nicholas W., xxx-xx-xxxx
Weart, Gregory S., xxx-xx-xxxx
Weathers, Richard B., xxx-xx-xxxx
Weaver, Steven L., xxx-xx-xxxx
Weitkam, Louis, Jr., xxx-xx-xxxx
Wells, Jerry D., xxx-xx-xxxx
Wendt, Gilbert M., xxx-xx-xxxx
Westfall, Philip J. L., xxx-xx-xxxx
Westmoreland, Daniel K., xxx-xx-xxxx
Wetterlin, David R., xxx-xx-xxxx
Wheatley, Joseph M., xxx-xx-xxxx
Wheeler, Gary J., xxx-xx-xxxx
Whicker, George A., xxx-xx-xxxx
Whitaker, Michael H., xxx-xx-xxxx
White, Billy R., xxx-xx-xxxx
White, James E., xxx-xx-xxxx
White, John R., xxx-xx-xxxx
White, Kathleen A., xxx-xx-xxxx
White, Marvin C., xxx-xx-xxxx
Whitlock, Timothy S., xxx-xx-xxxx
Whitson, Stephen S., xxx-xx-xxxx
Wida, Paul J., xxx-xx-xxxx
Wiley, Russell J., xxx-xx-xxxx
Will, Richard P., xxx-xx-xxxx
Willeck, Dennis G., xxx-xx-xxxx
Williams, Linda C., xxx-xx-xxxx
Williams, Lindsey T., xxx-xx-xxxx
Williams, Thomas B., xxx-xx-xxxx
Wilson, Allen P., xxx-xx-xxxx
Wilson, David L., xxx-xx-xxxx
Wilson, Steven M., xxx-xx-xxxx
Winfield, Rosie L., xxx-xx-xxxx
Wirtanen, Richard A., xxx-xx-xxxx
Wolfe, Kevin M., xxx-xx-xxxx
Wolfe, Larry H., xxx-xx-xxxx
Wood, Rexford O., xxx-xx-xxxx
Wood, Stuart R., xxx-xx-xxxx
Woodhull, Mark A., xxx-xx-xxxx
Woodring, Ronald W., xxx-xx-xxxx
Woods, Rosie M., xxx-xx-xxxx
Wooten, Vagola S., xxx-xx-xxxx
Worman, Wayne E., xxx-xx-xxxx
Wordsdale, Thomas R., xxx-xx-xxxx
Wright, Frederick L., xxx-xx-xxxx
Wright, Richard L., xxx-xx-xxxx
Wright, Robert L., xxx-xx-xxxx
Wu, Sally S. Y., xxx-xx-xxxx
Yarbrough, David E., xxx-xx-xxxx
Young, David, xxx-xx-xxxx
Young, Ronald E., xxx-xx-xxxx
Yucha, Stanley E., Jr., xxx-xx-xxxx
Zahrt, John W., xxx-xx-xxxx
Zane, Jerome D., xxx-xx-xxxx
Ziegenhorn, Ross A., xxx-xx-xxxx
Zilvinskis, Helen G., xxx-xx-xxxx
Zinck, George M., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force, under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force.

CHAPLAIN

Anderson, James R., xxx-xx-xxxx
Colton, Kenneth R., xxx-xx-xxxx
Echols, Charles W., xxx-xx-xxxx
Egan, John R., xxx-xx-xxxx
Glatts, Joseph M., xxx-xx-xxxx
Hadley, Robert W., xxx-xx-xxxx
Hamilton, Victor W., xxx-xx-xxxx
Hart, Raymond C., xxx-xx-xxxx
Montecalvo, Carlo F., xxx-xx-xxxx
Mulnix, John R., xxx-xx-xxxx
Nicholson, Patrick L., xxx-xx-xxxx
Olszyk, Thomas P., xxx-xx-xxxx
Robinson, Wallace H., xxx-xx-xxxx
Sandi, Thomas P., xxx-xx-xxxx
Schrum, Everett C., xxx-xx-xxxx
Schueller, Laverne L., xxx-xx-xxxx

Stryjewski, John J., xxx-xx-xxxx
Supa, Joseph, xxx-xx-xxxx
Wilbourne, Henry B., xxx-xx-xxxx
Zoshak, William H., xxx-xx-xxxx

JUDGE ADVOCATE CORPS

Kuster, Robert L., xxx-xx-xxxx
Lehman, Alan F., xxx-xx-xxxx
Smith, Clyde A., Jr., xxx-xx-xxxx
Starr, Eddy M., xxx-xx-xxxx

NURSE CORPS

Adams, Beth L., xxx-xx-xxxx
Ain Deborah, A. B., xxx-xx-xxxx
Allen, Cheryl A., xxx-xx-xxxx
Allen, Dale E., xxx-xx-xxxx
Allsup, Doris J., xxx-xx-xxxx
Arellanez, Mary C., xxx-xx-xxxx
Baer, Rebacca K., xxx-xx-xxxx
Bane, Wendy G., xxx-xx-xxxx
Beinborn, Dean M., xxx-xx-xxxx
Benefield, Nancy S., xxx-xx-xxxx
Bey, Barbara L., xxx-xx-xxxx
Bohnenkamp, Jan S., xxx-xx-xxxx
Boyle, Patricia E., xxx-xx-xxxx
Brauner, Melanie P., xxx-xx-xxxx
Bridge, Rhonda L., xxx-xx-xxxx
Brown, Margaret A., xxx-xx-xxxx
Burtner, Elizabeth, xxx-xx-xxxx
Campbell, Philip P., xxx-xx-xxxx
Carsten, George L., xxx-xx-xxxx
Clark, Christine M., xxx-xx-xxxx
Coleman, Hollis, xxx-xx-xxxx
Collins, Carole S., xxx-xx-xxxx
Cottrell, William J., Jr., xxx-xx-xxxx
Curtis, Ann P., xxx-xx-xxxx
Dabkowski, Edward J., xxx-xx-xxxx
Davis, Susan C., xxx-xx-xxxx
Dewoody, Marvis L., xxx-xx-xxxx
Dipentima, Richard T., xxx-xx-xxxx
Eaton, Kay A., xxx-xx-xxxx
Elliott, James E., xxx-xx-xxxx
Ellis, Steven L., xxx-xx-xxxx
Erickson, Marjorie J., xxx-xx-xxxx
Fisher, Melissa R., xxx-xx-xxxx
Flowers, Patricia E., xxx-xx-xxxx
Fontenot, Carolyn D., xxx-xx-xxxx
Francis, Laura C., xxx-xx-xxxx
Fraser, James D., xxx-xx-xxxx
Fullenkamp, Durelle B., xxx-xx-xxxx
Gagnon, Nancy B., xxx-xx-xxxx
Gilbert, Rebecca A., xxx-xx-xxxx
Gill, James D., xxx-xx-xxxx
Glaser, Mary I., xxx-xx-xxxx
Griffin, Ramona J., xxx-xx-xxxx
Helton, Karen K., xxx-xx-xxxx
Henderson, Linda F., xxx-xx-xxxx
Henry, Kathryn M., xxx-xx-xxxx
Hiller, Denise M., xxx-xx-xxxx
Huard, Janet L., xxx-xx-xxxx
Humphrey, Vicki L., xxx-xx-xxxx
Ikirt, Judy L. W., xxx-xx-xxxx
Janson, Deborah A., xxx-xx-xxxx
Johnson, Rebecca R., xxx-xx-xxxx
Karabin, Helen L., xxx-xx-xxxx
Kayes, Marvin B., xxx-xx-xxxx
Kenebrew, Linda L., xxx-xx-xxxx
Kittrell, John M., Jr., xxx-xx-xxxx
Knecht, Richard J., Jr., xxx-xx-xxxx
Kristensen, Elaine M., xxx-xx-xxxx
Laney, Cathy H., xxx-xx-xxxx
Ledzinski, Teresa A., xxx-xx-xxxx
Loseth, Judith A., xxx-xx-xxxx
Lubitz, Jeffrey, xxx-xx-xxxx
March, Polly L., xxx-xx-xxxx
McIndoe, Kathleen A., xxx-xx-xxxx
Merson, Brent G., xxx-xx-xxxx
Miller, Jane E., xxx-xx-xxxx
Miller, Rita L., xxx-xx-xxxx
Mitchell, Marilee A., xxx-xx-xxxx
Mitro, Edna J. K., xxx-xx-xxxx
Montgolf, Danny E., xxx-xx-xxxx
Mueggenborg, Brenda S., xxx-xx-xxxx
Murdock, Eric C., xxx-xx-xxxx
Ness, Patricia L., xxx-xx-xxxx
Nygaard, Lowell M., xxx-xx-xxxx
Olson, Virginia L., xxx-xx-xxxx
Omahoney, Andrea L., xxx-xx-xxxx
Ororke, Janice K., xxx-xx-xxxx
Paine, Lisa L., xxx-xx-xxxx
Plante, Denise L., xxx-xx-xxxx
Rank, Melissa A., xxx-xx-xxxx
Reeveshoche, Mary K., xxx-xx-xxxx
Richardson, Rita B., xxx-xx-xxxx
Roman, Patricia A., xxx-xx-xxxx
Rusch, Roxane, xxx-xx-xxxx
Russell, Michael E., xxx-xx-xxxx
Sabree, Michelle C., xxx-xx-xxxx
Sampson, Crystal R., xxx-xx-xxxx
Schlittler, Melamie A., xxx-xx-xxxx
Schobel, Deborah A., xxx-xx-xxxx
Schwartz, Judith M., xxx-xx-xxxx
Scialdo, Antonia, xxx-xx-xxxx
Scott, Richard W., xxx-xx-xxxx
Sells, Rudy H., xxx-xx-xxxx
Shak, Robin R., xxx-xx-xxxx
Shoemaker, Colleen L., xxx-xx-xxxx
Simmons, Linda M., xxx-xx-xxxx
Simpson, Donna L., xxx-xx-xxxx
Smith, Frankie G., xxx-xx-xxxx
Specht, Jean M., xxx-xx-xxxx
Stack, Judith E., xxx-xx-xxxx
Stephenson, Susan M., xxx-xx-xxxx
Stewart, Harry J., xxx-xx-xxxx
Sutton, Barbara C., xxx-xx-xxxx
Teal, Brenda C., xxx-xx-xxxx
Tripp, Sandra J., xxx-xx-xxxx
Vanderburg, Kathleen, xxx-xx-xxxx
Veal, Phyllis L., xxx-xx-xxxx
Vega, Sheila D., xxx-xx-xxxx
Verville, Michael C., xxx-xx-xxxx
Vonschlieder, Lynn A., xxx-xx-xxxx
Walker, Marilyn K., xxx-xx-xxxx
Ward, William F., III, xxx-xx-xxxx
Warren, Winnette, xxx-xx-xxxx
Welch, Bonnie J. S., xxx-xx-xxxx
Williams, Calvin W., xxx-xx-xxxx
Williams, Sarah E., xxx-xx-xxxx
Winters, Christine M., xxx-xx-xxxx
Wisniewski, Mark P., xxx-xx-xxxx
Yarnish, Mark W., xxx-xx-xxxx
Young, Catherine D., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Beam, William R., xxx-xx-xxxx
Bunker, Robert J., xxx-xx-xxxx
Cooper, Jeffrey W., xxx-xx-xxxx
Culfa, Joseph J., Jr., xxx-xx-xxxx
Derosa, George, xxx-xx-xxxx
Eckerman, Joseph G., xxx-xx-xxxx
Fye, Samuel P., xxx-xx-xxxx
Gelish, Anthony, xxx-xx-xxxx
Gugenberger, Albert A., xxx-xx-xxxx
Helvey, Charles V., xxx-xx-xxxx
Ingram, C. Jean, xxx-xx-xxxx
Joens, Keith L., xxx-xx-xxxx
Kolwitz, Susan E., xxx-xx-xxxx
Mahlum, Philip L., xxx-xx-xxxx
Mallonee, Leslie L., Jr., xxx-xx-xxxx
Marsh, Richard D., xxx-xx-xxxx
Nelson, Frank L., xxx-xx-xxxx
Obenoskey, Milton T., xxx-xx-xxxx
Riccardi, Ralph J., Jr., xxx-xx-xxxx
Roberts, Melvin D., Jr., xxx-xx-xxxx
Rogers, Jim William, xxx-xx-xxxx
Scripture, Thomas J., xxx-xx-xxxx
Shelton, James W., II, xxx-xx-xxxx
Silvernail, Richard D., xxx-xx-xxxx
Snyder, Billy L., xxx-xx-xxxx
Triche, Gary J., xxx-xx-xxxx
Utterback, Meredith B., xxx-xx-xxxx
Wagner, Jonathan M., xxx-xx-xxxx
Walker, George B., Jr., xxx-xx-xxxx
Wood, Leslie M., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Adams, David C., xxx-xx-xxxx
Ainscough, Michael J., xxx-xx-xxxx
Barber, Jimmy L., xxx-xx-xxxx
Berberich, George L., xxx-xx-xxxx
Brennecke, Cornelius G., Jr., xxx-xx-xxxx
Bridges, Robert E., xxx-xx-xxxx
Buck, Joe A., xxx-xx-xxxx
Cheatham, James M., xxx-xx-xxxx
Cheney, Frank E., Jr., xxx-xx-xxxx
Childress, Terry A., xxx-xx-xxxx
Cotto, Miguel A., xxx-xx-xxxx
Cox, Lewis F., xxx-xx-xxxx
Eckburg, Eva M., xxx-xx-xxxx
Edwards, Dallas N., xxx-xx-xxxx
Fanton, John W., xxx-xx-xxxx
Forbes, Sherman Guy, III, xxx-xx-xxxx
Gengo, Pamela S., xxx-xx-xxxx
Gonzalez, Doris L., xxx-xx-xxxx
Hammond, Kurt A., xxx-xx-xxxx
Hanak, John R., xxx-xx-xxxx
Hobbs, Patricia A., xxx-xx-xxxx
Jenkins, Linda D., xxx-xx-xxxx
Klassy, Sandra S., xxx-xx-xxxx
Koehnlein, Virginia A., xxx-xx-xxxx
Lautman, Stephen M., xxx-xx-xxxx
Lillie, Thomas H., xxx-xx-xxxx
Lull, David C., xxx-xx-xxxx
Mahon, Daniel R., xxx-xx-xxxx
McClure, William K., xxx-xx-xxxx
McKenna, Robert J., xxx-xx-xxxx
Middleton, Timothy R., xxx-xx-xxxx
Odle, Randy T., xxx-xx-xxxx
Ohaver, Paul M., xxx-xx-xxxx
Page, Deborah S., xxx-xx-xxxx
Philpott, Timothy P., xxx-xx-xxxx
Postlewaite, Richard C., xxx-xx-xxxx
Pue, Howard L., xxx-xx-xxxx
Pugh, Richard G., xxx-xx-xxxx
Ricci, John L., xxx-xx-xxxx
Rogers, Linda K., xxx-xx-xxxx
Rudolph, James P., xxx-xx-xxxx
Sadowski, Robert W., xxx-xx-xxxx
Schutte, Richard J., xxx-xx-xxxx
Scott, James R., xxx-xx-xxxx
Sem, Steven R., xxx-xx-xxxx
Sipes, Walter E., xxx-xx-xxxx
Smitherman, Richard E., xxx-xx-xxxx
Spillers, Carol A., xxx-xx-xxxx
Sventek, Jeffrey C., xxx-xx-xxxx
Tallant, Steven H., xxx-xx-xxxx
Tinder, Jan M., xxx-xx-xxxx
Trahan, Donald E., xxx-xx-xxxx
Welenc, Paula A., xxx-xx-xxxx
York, William E., xxx-xx-xxxx
Young, James H., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Rose, Galen J., xxx-xx-xxxx
Walling, Darrell H., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force.

CHAPLAIN

Keane, Thomas F., xxx-xx-xxxx

NURSE CORPS

King, Maureen A., xxx-xx-xxxx
Sheeley, Juanita K., xxx-xx-xxxx

WITHDRAWAL

Withdrawal received by the Secretary of the Senate June 2, 1982, under authority of the order of the Senate of May 27, 1982:

Richard H. Still, Jr., of Georgia, to be U.S. attorney for the northern district of Georgia for the term of 4 years vice William L. Harper, resigned, which was sent to the Senate on March 11, 1982.

HOUSE OF REPRESENTATIVES—*Tuesday, June 8, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In days of serenity and peace, O God, we pray for Your abiding presence, and in times of anxiety, cause Your spirit to give us strength. We admit, O God, that we too often rely on our power, intellect, and insight. Yet, with all our ability we do not build the world we ought and we fall short of the glory of Your kingdom. Teach us to seek Your guidance, that with sensitivity of purpose and a cleansing of our will, we may truly be men and women reflecting the majesty of Your creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

STUDENT FINANCIAL AID—HIGH SCHOOL SENIORS

(Mr. PEYSER of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, yesterday, in the Wall Street Journal, the lead article was titled, "Clouded Dreams," and it really dealt with high school seniors today who are suddenly being faced with the realization that what Congress did a year ago on cutting back on education programs was really having an impact on them and that many were not going to be able to go to the college of their choice, in some cases not going to colleges at all.

Mr. Speaker, I think this is a tragedy. I think that Congress in its action in the next few days on the budget had better be very sure that we make absolutely no further cuts in the student programs, that we protect these young people so we, in this country, can really protect ourselves.

Let us stay with education as the strongest defense we have to protect this country and its future.

THE WILDERNESS PROTECTION ACT OF 1982

(Mr. LUJAN of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, Mr. SEIBERLING and I today are introducing the Wilderness Protection Act of 1982.

This act prohibits the production of oil and gas, mineral and geothermal resources in wilderness areas. It provides also for inventories to be carried on by nondestructive means in wilderness areas. It also provides that if the President finds that there is an urgent national need, that those areas can be opened up for development with the consent of the Congress.

Finally, it protects the existing rights of those who may have rights in this area. I would hope my colleagues would support such legislation.

COMMUNICATION FROM HON. CHARLES ROSE, A MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Hon. CHARLES ROSE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1982.

Hon. THOMAS P. O'NEILL, Jr.
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of Paragraph 2 of House Rule L(50), this is to notify you that a former employee of mine has been served with a deposition subpoena to testify or produce documents for things, issued from the United States District Court for the District of Columbia in *Impro Products, Inc.* v. *John B. Herrick, et al.*, Civil Action No. 78-235-2, a case pending in the Southern District of Iowa. The subpoena calls for production of documents and testimony related to the official functions of the House.

After I have reviewed the matter, and make the necessary determination under Paragraph 3 of Rule L(50), I will communicate them to you as required.

With best wishes,
Sincerely,

CHARLIE ROSE.

COMMUNICATION FROM HON. WALTER B. JONES, CHAIRMAN, COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following communication from Hon. WALTER B. JONES, chairman, Committee on Merchant Marine and Fisheries:

HOUSE OF REPRESENTATIVES, COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., June 7, 1982.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule L of the Rules of the House of Representatives, I am notifying you that I have received a subpoena issued from the United States District Court of the District of Columbia for certain papers in the custody and control of the Committee on Merchant Marine and Fisheries.

Sincerely,

WALTER B. JONES,
Chairman.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 9, 1982.

PATENT AND TRADEMARK OFFICE AUTHORIZATION

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6260) to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the payment of salaries and necessary expenses of the Patent and Trademark Office to become available for fiscal year 1983, $76,000,000, and in fiscal years 1984 and 1985 such sums as may be necessary as well as such additional or supplemental amounts as may be necessary, for increases in salary, pay, retirement, or other employee benefits authorized by law. Funds available under this section shall be used to reduce by 50 per centum the payment of fees under section 41 (a) and (b) of title 35, United States Code, by independent inventors and nonprofit organizations as defined in regulations established by the Commissioner of Patents and Trademarks, and by small business concerns as defined in section 3 of the Small Business Act and by regulations established by the Small Business Administration. When so specified and to the extent provided in an appropriation Act, any amount appropriated pursuant to this section and, in addition, such fees as shall be collected pursuant to title 35, United States Code, and the Trademark Act of 1946, as

amended (15 U.S.C. 1051 et seq.), may remain available without fiscal year limitation.

SEC. 2. Notwithstanding any other provision of law, there is authorized to be appropriated for the payment of salaries and expenses of the Patent and Trademark Office, $121,461,000 for the fiscal year ending September 30, 1982, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

SEC. 3. (a) Section 41(a) of title 35, United States Code, is amended to read as follows:

"(a) The Commissioner shall charge the following fees:

"1. On filing each application for an original patent, except in design or plant cases, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of three, $10 for each claim (whether independent or dependent) which is in excess of twenty, and $100 for each application containing a multiple dependent claim. For the purpose of computing fees, a multiple dependent claim as referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"2. For issuing each original or reissue patent, except in design or plant cases, $500.

"3. In design and plant cases:

"a. On filing each design application, $125.

"b. On filing each plant application, $200.

"c. On issuing each design patent, $175.

"d. On issuing each plant patent, $250.

"4. On filing each application for the reissue of a patent, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $10 for each claim (whether independent or dependent) which is in excess of twenty and also in excess of the number of claims of the original patent. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"5. On filing each disclaimer, $50.

"6. On filing an appeal from the examiner to the Board of Appeals, $115; in addition, on filing a brief in support of the appeal, $115, and on requesting on oral hearing before the Board of Appeals, $100.

"7. On filing each petition for the revival of an unintentionally abandoned application for a patent or for the unintentionally delayed payment of the fee for issuing each patent, $500, unless the petition is filed under sections 133 or 151 of this title, in which case the fee shall be $50.

"8. For petitions for one-month extensions of time to take actions required by the Commissioner in an application:

"a. On filing a first petition, $50.

"b. On filing a second petition, $100.

"c. On filing a third or subsequent petition, $200.".

(b) Section 41(b) of title 35, United States Code, is amended to read as follows:

"(b) The Commissioner shall charge the following fees for maintaining a patent in force:

"1. Three years and six months after grant, $400.

"2. Seven years and six months after grant, $800.

"3. Eleven years and six months after grant, $1,200.

Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee. No fee will be established for maintaining a design or plant patent in force.".

(c) Section 41(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) The Commissioner may accept the payment of any maintenance fee required by subsection (b) of this section after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unavoidable. The Commissioner may require the payment of a surcharge as a condition of accepting payment of any maintenance fee after the six-month grace period. If the Commissioner accepts payment of a maintenance fee after the six-month grace period, the patent shall be considered as not having expired at the end of the grace period.

"(2) No patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall abridge or affect the right of any person or his successors in business who made, purchased or used after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection anything protected by the patent, to continue the use of, or to sell to others to be used or sold, the specific thing so made, purchased, or used. The court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased, or used as specified, or for the manufacture, use or sale of which substantial preparation was made after the six-month grace period but before the acceptance of a maintenance fee under this subsection, and it may also provide for the continued practice of any process, practiced, or for the practice of which substantial preparation was made, after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the six-month grace period but before the acceptance of a maintenance fee under the subsection.".

(d) Section 41(d) of title 35, United States Code, is amended to read as follows:

"(d) The Commissioner will establish fees for all other processing, services, or materials related to patents not specified above to recover the estimated average cost to the Office of such processing, services, or materials. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.".

(e) Section 41(f) of title 35, United States Code, is amended to read as follows:

"(f) The fees established in subsections (a) and (b) of this section may be adjusted by the Commissioner on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor. Changes of less than 1 per centum may be ignored.".

(f) Subsection (a) of section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended by deleting "Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material.".

(g) Section 42(c) of title 35, United States Code, is amended by adding the following sentence at the end thereof: "Fees available to the Commissioner under section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials related to trademarks.".

SEC. 4. Section 3(a) of title 35, United States Code is amended (1) by deleting the phrase "not more than fifteen"; and (2) by inserting the phrase "appointed under section 7 of this title" immediately after the phrase "examiners-in-chief".

SEC. 5. Section 111 of title 35, United States Code, is amended to read as follows:

"SEC. 111. Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include (1) a specification as prescribed by section 112 of this title; (2) a drawing as prescribed by section 113 of this title; and (3) an oath by the applicant as prescribed by section 115 of this title. The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.".

SEC. 6. (a) Section 116 of title 35, United States Code, is amended (1) by deleting the phrase "Joint inventors" from the title and inserting in its place "Inventors"; and (2) in the third paragraph, by deleting the phrase "a person is joined in an application for patent as joint inventor through error, or a joint inventor is not included in an application through error" and inserting in its place the phrase "through error a person is named in an application for patent as the inventor, or through error an inventor is not named in an application".

(b) Section 256 of title 35, United States Code, is amended to read as follows:

"§ 256. Correction of named inventor

"Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Commissioner may, on application of all the parties and assignees, with proof of the facts and such other requirements as may be imposed, issue a certificate correcting such error.

"The error of omitting inventors or naming persons who are not inventors shall not invalidate the patent in which such error occurred if it can be corrected as provided in this section. The court before

which such matter is called in question may order correction of the patent on notice and hearing of all parties concerned and the Commissioner shall issue a certificate accordingly.".

SEC. 7. Section 6 of title 35, United States Code, is amended by deleting paragraph (d) thereof.

SEC. 8. (a) Section 8(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(a)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

(b) Section 8(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(b)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

SEC. 9. (a) Section 13 of the Trademark Act of 1946, as amended (15 U.S.C. 1063), is amended (1) by deleting the phrase "a verified" and inserting in its place the word "an"; (2) by adding the phrase "when requested prior to the expiration of an extension" immediately after the word "cause"; and (3) by deleting the fourth sentence.

(b) Section 14 of the Trademark Act of 1946, as amended (15 U.S.C. 1064), is amended by deleting the word "verified".

SEC. 10. Section 15 of the Trademark Act of 1946, as amended (15 U.S.C. 1065), is amended by deleting the phrase "the publication" and inserting in its place the word "registration".

SEC. 11. The first sentence of section 16 of the Trademark Act of 1946, as amended (15 U.S.C. 1066), is amended to read as follows: "Upon petition showing extraordinary circumstances, the Commissioner may declare that an interference exists when application is made for the registration of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when applied to the goods or when used in connection with the services of the applicant to cause confusion or mistake or to deceive.".

SEC. 12. Section 21 of title 35, United States Code, is amended—

(1) by deleting the phrase "Day for taking action falling on Saturday, Sunday, or holiday" from the title and inserting in its place the phrase "Filing date and day for taking action";

(2) by inserting the following as subsection (a):

"(a) The Commissioner may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Commissioner.";

(3) by designating the existing paragraph as subsection (b); and

(4) by inserting the word "federal" in subsection (b), as designated above, immediately after the word "a".

SEC. 13. Section 6(a) of title 35, United States Code, is amended (1) by deleting the word "and", third occurrence, and inserting in its place a comma; (2) by inserting the phrase ", or exchanges of items or services" immediately after the word "programs"; and (3) by inserting the phrase "or the administration of the Patent and Trademark Office" immediately after the word "law", second occurrence.

SEC. 14. (a) Section 115 of title 35, United States Code, is amended by (1) deleting the phrase "shall be" and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(b) Section 261 of title 35, United States Code, is amended, in the third paragraph, by inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(c) Section 11 of the Trademark Act of 1946, as amended (15 U.S.C. 1061), is amended by (1) deleting the phrase "shall be", first occurrence, and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

SEC. 15. Section 13 of title 35, United States Code, is amended by deleting "(a) 9" and inserting in its place "(d)".

SEC. 16. Section 173 of title 35, United States Code, is amended to read as follows: "Patents for designs shall be granted for the term of fourteen years."

SEC. 17. (a) Sections 1, 2, 4, 7, and 13 through 15 of this Act shall take effect on the date of enactment of this Act. Sections 3 and 16 of this Act shall take effect on October 1, 1982. The maintenance fees provided for in section 3(b) of this Act shall not apply to patents applied for prior to the date of enactment of this Act. Each patent applied for on or after the date of enactment of this Act shall be subject to the maintenance fees established pursuant to section 3(b) of this Act or to maintenance fees hereafter established by law, as to the amounts paid and the number and timing of the payments.

(b)(1) Title 35, United States Code, is amended by inserting after section 293 the following new section of chapter 29:

"§ 294. Voluntary arbitration

"(a) A contract involving a patent or any right under a patent may contain a provision requiring arbitration of any dispute relating to patent validity or infringement arising under the contract. In the absence of such a provision, the parties to an existing patent validity or infringement dispute may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

"(b) Arbitration of such disputes, awards by arbitrators and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the defenses provided for under section 282 of this title shall be considered by the arbitrator if raised by any party to the proceeding.

"(c) An award by an arbitrator shall be final and binding between the parties to the arbitration but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a patent which is the subject matter of an award is subsequently determined to be invalid or unenforceable in a judgment rendered by a court to competent jurisdiction from which no appeal can or has been taken, such award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties from the date of such modification.

"(d) When an award is made by an arbitrator, the patentee, his assignee or licensee shall give notice thereof in writing to the Commissioner. There shall be a separate notice prepared for each patent involved in such proceeding. Such notice shall set forth the names and addresses of the parties, the name of the inventor, and the name of the patent owner, shall designate the number of the patent, and shall contain a copy of the award. If an award is modified by a court, the party requesting such modification shall give notice of such modification to the Commissioner. The Commissioner shall, upon receipt of either notice, enter the same in the record of the prosecution of such patent. If the required notice is not filed with the Commissioner, any party to the proceeding may provide such notice to the Commissioner.

"(e) The award shall be unenforceable until the notice required by subsection (d) is received by the Commissioner.".

(2) The analysis for chapter 29 of title 35 of the United States Code is amended by adding at the end the following:

"294. Voluntary arbitration.".

(c) Sections 5, 6, 8 through 12, and 17(b) of this Act shall take effect six months after enactment.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER), will be recognized for 20 minutes, and the gentleman from New Mexico (Mr. LUJAN), will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on May 11 the Committee on the Judiciary voted by unanimous voice vote to report favorably H.R. 6260, authorizing appropriations for the Patent and Trademark Office. The committee's action followed similar unanimous approval of the bill by the subcommittee handling copyright, patent, and trademark matters.

The reason for the strong committee support for this bill is that it reflects a bipartisan response to the needs of the Patent and Trademark Office.

The bill before you this afternoon is basically the proposal of the President with four changes designed to deal with serious criticisms raised during subcommittee hearings. First, the original administration proposal authorized the Commissioner of Patents and Trademarks to establish fees administratively. The subcommittee approved an amendment to set forth specific fees in the statute and limited the Commissioner's authority to raise fees. Second, the administration recommended that user fees recover 100 percent of the costs of actual processing of patents and trademarks. The sub-

committee amended the bill to reduce by 50 percent patent filing and maintenance fees for individual inventors, small businesses and not for profit institutions. The effect of this amendment is to increase by $8 million the authorized appropriation which would have been provided under the original administration request. Third, the subcommittee adopted a recommendation of the Commissioner of Patents and Trademarks, the American Bar Association and a coalition of corporate patent counsel permitting arbitration of patent disputes.

Finally, during full committee consideration of the bill, an amendment by the gentleman from Massachusetts, Mr. FRANK, was adopted. His amendment grants to the Commissioner of Patents and Trademarks the discretion to establish the level of fees for processing of trademarks.

Mr. Speaker, enactment of this bill will reduce the current level of taxpayer support of the Patent and Trademark Office by $21 million next year. At the same time the innovative fee provisions will permit an increase in the actual level of services available to users of the Office.

The bill before you reflects the contribution of witnesses from a cross section of the patent community. In developing H.R. 6260 we heard testimony from the Commissioner of Patents and Trademarks, the American Bar Association Section of Patent, trademark and copyright law, the American Patent Law Association, the Patent, Trademark, and Copyright Section of the State Bar of Virginia, the U.S. Trademark Association and the General Patent Counsel of the General Electric Corp.

I should add that the committee's amendments have all been agreed to by the administration.

Mr. Speaker, this is a bipartisan bill which will save the U.S. taxpayers over $20 million next year alone. It deserves the support of all Members of the House and I urge its prompt passage.

I reserve the balance of my time.

The SPEAKER pro tempore (Mr. DONNELLY). The Chair recognizes the gentleman from New Mexico, (Mr. LUJAN).

● Mr. BUTLER. Mr. Speaker, I rise in support of H.R. 6260, a bill to authorize appropriations for the Patent and Trademark Office for fiscal years 1983 through 1985.

The problems that have plagued the Patent and Trademark Office and the users thereof are well documented. In his testimony, the Commissioner of Patents, Jerry Mossinghoff, indicated that during fiscal year 1981, 20,000 pending patent applications were added to an already huge backlog, bringing the total of pending applications to over 200,000 cases. Moreover, an estimated 6 percent to 7 percent of the 24 million documents patent examiners must search to decided whether to issue a patent are either missing or misfiled. The trademark operation is in no better shape, with a record 116,000 cases pending and a wait of almost 2 years to register a trademark.

In an attempt to remedy this serious situation H.R. 6260 incorporates the administration's recommendation that user fees be increased to achieve 100 percent cost recovery for patent and trademark application processing. Given the fact that patent fees have remained unchanged since 1965, while inflation has soared, and that the users of the patent and trademark systems are the ones who benefit most directly from the services provided by the Patent and Trademark Office, the fee increases proposed in H.R. 6260 are I believe, reasonable, in these times of severe budgetary restraint.

In response to testimony from several witnesses that an increase in fees beyond what is comtemplated in Public Law 96-517 would work a substantial hardship on independent inventors and small businesses, H.R. 6260 provides for a 50-percent reduction of all fees—filing, issuance, and maintenance—for independent inventors, small businesses, and nonprofit organizations. Initially, I was concerned that this two-tiered fee system would result in additional bureaucracy and increased costs. However, the Commerce Department and the Commissioner of Patents and Trademarks have made a convincing case that the two-tier system is workable and will require no additional resources to administer.

Pursuant to the provisions of H.R. 6260, the Patent and Trademark Office would rely exclusively on a self-certification that a patent applicant qualified as an independent inventor, small business, or nonprofit organization. Any false or fraudulent statement or misrepresentation by an applicant would be a crime under title 18, United States Code, section 1001, and the patent would be unenforceable.

In my opinion H.R. 6260 will go a long way toward providing an effective patent system operating around an efficient, properly funded Patent and Trademark Office. Accordingly, I urge my colleagues support for H.R. 6260, which is a high priority for the Reagan administration.●

● Mr. MCCLORY. Mr. Speaker, I rise in support of H.R. 6260, which authorizes appropriations for the Patent and Trademark Office for 3 years. The overall objective of this legislation which is strongly supported by the Reagan administration is to provide for 100 percent user support for the Patent and Trademark Office costs associated with the actual processing of patent applications by fiscal year 1996. At the present time less than 25 percent of the actual costs of processing patent applications are supported by fee revenue and under Public Law 96-517, which becomes effective on October 1, 1982, this amount will gradually begin to rise but will only reach 50 percent of actual costs in 1996.

There are those who maintain that proposed fee increases will discourage individual inventors and small businesses from using the patent system. H.R. 6260 would clearly alleviate that concern in that it provides a 50-percent reduction in all patent fees for independent inventors, small businesses, and nonprofit organizations. By the same token, it is important to note that if the average $85 filing fee and $145 issue fee established in 1965 had been indexed to the Consumer Price Index, the filing issue fees during fiscal year 1983 through fiscal year 1985 would be higher than the estimated $300/$500 fees proposed in H.R. 6260.

Under H.R. 6260, the patent fees are specifically spelled out in the statute. The bill allows the Commissioner to adjust these fees on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous 3 years in the Consumer Price Index. Under this approach fees can be adjusted to keep up with increases in Patent and Trademark Office operational costs without Congress having to enact a new statutory fee scheduled when operational costs outstrip existing fees.

H.R. 6260 is an important piece of legislation that I believe will greatly improve the quality and timeliness of patent and trademark production and services. I commend it to my colleagues and urge its passage.●

● Mr. IRELAND. Mr. Speaker, I rise in support of H.R. 6260. This bill which authorizes appropriation for the Patent and Trademark Office in the Department of Commerce is a very responsible approach to the costs of processing patents and trademarks considering our present budgetary contraints.

On behalf of the Nation's small business community I would like to thank the distinguished chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Representative ROBERT KASTENMEIER and the members of his subcommittee. The bill stipulates that appropriated funds should be used to reduce by 50 percent the fees paid by independent inventors, nonprofit organizations, and small businesses.

I am pleased to see that the subcommittee recognized the great accomplishments of small business in the field of innovation. Small business has accounted for more than half of all scientific and technological development since the beginning of this cen-

tury. From safety razors with disposable blades to ice cream cones to zippers to bifocals to artificial heart valves to sliced breads—small business invented them.

It is very gratifying to those of us who serve on the Small Business Committee when we see other committees of the Congress becoming sensitive to the plight of small business. America needs its creative entrepreneurs. As I have often said, if America will save small business, small business will save America.●

Mr. LUJAN. Mr. Speaker, I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rule and pass the bill, H.R. 6260, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WEB RURAL WATER DEVELOPMENT PROJECT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4347), to authorize the Secretary of the Interior to proceed with development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the WEB rural water development project, authorized by section 9 of the Rural Development Policy Act of 1980 (94 Stat. 1175), is reauthorized subject to the provisions of section 9 of that Act, as amended by section 2 of this Act. The Secretary of the Interior (hereinafter referred to as the "Secretary") is directed to proceed with the development of the WEB rural water development project, consistent with the terms and conditions of section 9(e) of that Act, as amended by section 2 of this Act, and to make available for immediate obligation any funds appropriated for such project for fiscal year 1981.

SEC. 2. Section 9 of the Rural Development Policy Act of 1980 is amended by—

(1) striking out in subsection (b) all after "the types of construction involved herein" and inserting a period in lieu thereof;

(2) striking out the first sentence of subsection (d); and

(3) striking out the first sentence of subsection (e) and inserting in lieu thereof the following: "The Secretary of the Interior shall use funds appropriated under this Act to provide financial assistance to plan and develop the WEB rural water development project under the terms and conditions of the Consolidated Farm and Rural Development Act and the rules and regulations promulgated by the Department of Agriculture under that Act, except to the extent such Act or rules or regulations promulgated thereunder are inconsistent with the provisions of this section.".

SEC. 3. (a) The Secretary is authorized, in cooperation with the State of South Dakota, to conduct studies pursuant to this Act which shall include consideration of—

(1) alternate uses of facilities constructed for use in conjunction with the Oahe unit, initial stage, James division, Pick-Sloan Missouri River basin program, South Dakota;

(2) future uses in South Dakota of water delivered by the Garrison unit, Pick-Sloan Missouri River basin program, North Dakota; and

(3) a modified plan of development for the Pollock-Herried unit, South Dakota pumping division, Pick-Sloan Missouri River basin program, South Dakota, including alternative lands or a project of a smaller scale than that authorized by the Reclamation Authorization Act of 1975 (43 U.S.C. 615 1111).

(b) In formulating recommendations to Congress, the Secretary shall take into account the land inundated in the South Dakota under the Pick-Sloan Missouri basin program and the irrigation development authorized for South Dakota by the Flood Control Act of 1944.

(c) The Secretary shall report to Congress the findings of the studies, along with recommendations for disposition of the Oahe unit.

(d) The Secretary may contract with the State the carry out the studies authorized by this section.

(e) The studies performed and the reports made under this section shall be of reconnaissance, appraisal, or feasibility grade as is appropriate to determine whether further action on the development of the Secretary's recommendations is warranted.

SEC. 4. (a) The Secretary is authorized to cancel the master contract and participating and security contracts for the Oahe unit, initial stage: Provided, however, That such actions shall be done with the agreement of the Oahe Conservancy Subdistrict and the Spink and West Brown Irrigation Districts: And provided further, That any and all funds accumulated by the Oahe Conservancy Subdistrict under the master contract shall be refunded to or otherwise expended for the benefit of the taxpayers of the subdistrict; and that any repayment obligation existing at the time of cancellation of the master and security contracts shall thereafter be treated as a deferred cost of the Pick-Sloan Missouri basin program to be assumed by the beneficiaries of any future project which utilizes the Oahe unit facilities for which the repayment obligation was incurred.

(b) Those features of the authorized plan of development for the Oahe unit, initial stage, which were designed for and could be used only to deliver irrigation water to the Spink and West Brown irrigation districts namely: Faulkton, Cresbard, West Main, Redfield, James, and East Canals; Cresbard and Byron Dams and Reservoirs; James and Byron pumping plants; and associated features; shall not be constructed by the Secretary without further action by the Congress; but nothing in this Act shall be deemed to limit the authority of the Secretary to recommend development of other features, based upon the study authorized by section 3(a)(1) of this Act.

SEC. 5. The Secretary in cooperation with the Department of Energy, is authorized to make available the Missouri River basin program pumping power to new irrigation projects constructed by Indian tribes or by public entities organized under State law which have been authorized by the Flood Control Act of 1944 to receive such power. Such power shall be made available to the Grass Rope unit, Pick-Sloan Missouri basin program. In recognition of the legislative intent of the Pick-Sloan Missouri River basin program to provide project power to financially sound irrigation development, such power may also be made available at the Secretary's discretion for other such Federal, cooperative Federal, nonfederal irrigation projects, if requested by the Governor or an Indian tribe: *Provided,* That the Secretary determines the project to be economically and financially feasible and in compliance with applicable environmental laws, and submits such proposals to Congress subject to disapproval by joint resolution within ninety calendar days of continuous session of Congress after the date of submission of such proposals.

SEC. 6. Effective October 1, 1982, there are authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4347, a bill to authorize the Secretary of the Interior to proceed with development of the WEB rural water development project that would provide water to 50 towns and about 30,000 people in the northern area of South Dakota.

First, however, Mr. Speaker, I feel it necessary to comment on the background, need and purpose of this legislation.

The economy of South Dakota is heavily dependent on agriculture and for years South Dakota suffered from disastrous floods from the Missouri River which caused considerable losses of life, livestock, crops and damage to soil. Recognizing these problems, Con-

gress enacted the Pick-Sloan Act in 1944 which initiated a program for the construction of a series of massive mainstream dams, resulting in the inundation of over a million acres of the upper basin States most agriculturally productive bottom lands, 500,000 acres of which were located in South Dakota.

In return for this sacrifice, South Dakota was to receive substantial irrigation development to stabilize and insure the long-term economic growth of the region. In 1968, Congress authorized the initial stage of the Oahe unit to assist in compensating South Dakota for the loss of its prime agricultural lands. Construction began in 1974. Problems at the local, State and Federal level, however, resulted.

The Rural Development Policy Act of 1980 authorized the appropriation of $1.9 million for initial planning and construction of the WEB project. This sum was subsequently appropriated, but the use of the funds deferred until certain conditions were met: that legislation deauthorizing the Oahe unit be enacted by September 30, 1981. The original linkage of the WEB rural water development project with deauthorization of the Oahe unit was a precondition for support by the prior administration. H.R. 4347 reflects an agreement by all parties concerned, thus resolving the points in controversy.

The Rural Development Policy Act of 1980 also authorized the appropriation of an additional $68.1 million for further planning and construction. However, this authorization lapsed on October 1, 1981. H.R. 4347 restores the authorization for appropriations.

In order to get a clearer assessment of future development to best serve the needs of the agriculture community of South Dakota, the bill authorizes the Secretary of the Interior to conduct studies—and report his findings to Congress—of certain South Dakota projects, such as, first, alternate uses of the Oahe unit facilities—initial stage; second, future South Dakota use of water delivered by the Garrison unit; and third, a modified plan of development for the Pollock-Herreid unit, including alternative lands or a project of a smaller scale than that authorized by the Reclamation Authorization Act of 1975. Under that act, the Bureau of Reclamation had determined that approximately 15,000 acres of land were necessary for irrigation purposes and to provide a water supply for municipal and industrial needs. However, the Bureau of Reclamation subsequently discovered that only 4,000 acres were irrigable. Therefore, the bill calls for a modified plan of a smaller project or alternative lands.

H.R. 4347 also authorizes the Secretary of the Interior, in cooperation with the Department of Energy, to make available Missouri River Basin pumping power to new irrigation projects constructed by Indian tribes or by public entities authorized to receive such power by the Flood Control Act of 1944; in addition, such power is also made available, at the Secretary's discretion, to other Federal, cooperative Federal and non-Federal irrigation projects, if found to be economically and financially feasible, in compliance with environmental laws and approved by Congress.

CBO estimates the total cost of this legislation to be $82.1 million, with 25 percent of that amount, about $20.5 million, to go for loans under the Consolidated Farm and Rural Development Act provisions.

In closing, Mr. Speaker, I simply wish to remind my colleagues that it has been many years since South Dakota gave up thousands of acres of its highly productive agricultural lands to the U.S. Government for the flood control projects on the Missouri River Basin. They have patiently awaited compensation. H.R. 4347 is a compromise effort by the Federal Government to liquidate that obligation and carry out its part of the original agreement.

I ask all Members to join me in supporting enactment of H.R. 4347.

□ 1215

Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I am very grateful to the chairman for his cooperation and his support and for that of the Conservation, Credit Subcommittee chairman, Mr. JONES of Tennessee. I also want to express my sincere gratitude to the subcommittee chairman, the gentleman from Texas (Mr. KAZEN) and to the Chairman of the Interior and Insular Affairs Committee, Mr. UDALL. We have had remarkable cooperation from both committees in what is a very important piece of legislation for our State.

The bill really is no stranger to this Congress or to those committees. It was introduced as an amendment to authorize the WEB rural water system 2 years ago, and it passed unanimously. I think it is clear that we have that same kind of unanimous support this year. It passed with the same kind of overwhelming endorsement in both the Interior Committee and the Agriculture Committee earlier this year, and rightfully so.

The 1944 Flood Control Act has benefited millions of people, farmers, business, and communities in States south of the Dakotas, from Nebraska and Iowa to Texas and Louisiana. By damming the Missouri River, we have provided flood control and hydroeletric power nearly unparalleled anywhere in the country, but it has been at a cost, a cost mainly incurred by the people of South Dakota.

We lost nearly 540,000 acres of productive farmland, we lost millions of dollars in revenue and taxes, and we lost population as farms and towns were abandoned in the last 30 years. And for the last 30 years our own people have been promised compensation. Initially that compensation was to take the form of an irrigation project entitled and when that proved to be unfeasible in 1976, our State and this Congress and now two administrations have worked to find alternatives. That effort began in 1980 with the passage of the first authorization of the WEB pipeline project in northeastern South Dakota. It is now culminating in our consideration of H.R. 4347 today.

H.R. 4347 is the product of a mutual effort among a wide diversity of people in our State, water organizations and water users, the Governor and the congressional delegation. At long last this legislation will provide desperately needed water to more than 30,000 of our people in our State.

In South Dakota WEB has been the subject of numerous studies from government to nongovernment organizations alike, and with each study it has proven to be extraordinarily feasible. It will mean the delivery of water now unavailable to so many people in the northeastern part of our State for the first time. They have been patient, they have been forthcoming, they have been in need of this project for far too long, and we need to pass this legislation right now.

The bill will also allow us to study other projects to be used in lieu of Oahe. It allows us to study alternative uses of the existing Oahe facilities. it allows us to study the future uses of water delivered by the Garrison unit to North Dakota. It allows us to study the modified plan of development for the Pollock-Herreid irrigation project, and it deauthorizes some of those original provisions first authorized in the Oahe project.

Mr. Speaker, I say to the Members of this House that there is no more important piece of legislation for the development of our water resources in our State than this, and I ask for its unanimous passage.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield?

Mr. DASCHLE. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Speaker, I appreciate the gentleman's yielding.

As the gentleman knows, in the development of this legislation and in discussions with him on other legislation now pending in the Congress, I have a concern for downstream States, the States of Missouri and Iowa and other States of the Missouri River Basin about transferring river water

by diversion, and using it in a coal slurry pipeline outside the Missouri River Basin. There is a sale of water from South Dakota to an energy transportation system which would use it for a coal slurry pipeline, for example.

I want to make sure of the intent of this legislation. I want to insure that it is the gentleman's intent that the studies which are authorized under section 3 of this legislation regarding the alternative uses and future uses and the modified plan, as described therein, involve only irrigation and domestic, municipal, or rural water development for consumption in the State of South Dakota.

Mr. DASCHLE. Mr. Speaker, I appreciate the gentleman's concern. He was instrumental to insuring that the legislation provide this guarantee, and certainly that is our intent.

This legislation deals only with projects specific to South Dakota and water development therein. It has nothing to do with basin transfer or any of the concerns expressed very legitimately by the gentleman from Missouri in the deliberations in committee.

Mr. COLEMAN. And so my statement is correct, and the answer to that question is that that is the gentleman's intent?

Mr. DASCHLE. That is my intent.

Mr. COLEMAN. Mr. Speaker, we have heard a lot from our colleagues from the State of South Dakota regarding the lack of benefits that they have received from the inundation of many acres in their State under the 1944 Flood Control Act, and I hope that the people of South Dakota are aware now that this project, the WEB pipeline project, is going to benefit them, and that this Member of Congress feels that the State of South Dakota and the South Dakotans have a legitimate right to utilize Missouri River water for domestic internal purposes in the State of South Dakota within reason.

So I stand to support the bill. We have worked out this language in an attempt to compromise, and I think it serves both parties well. But I think we have to address other issues regarding river water diversion in the future, and that that will have to be done by other committees in other legislation. I want to thank the gentleman from South Dakota for providing me the true congressional intent.

Mr. DASCHLE. Mr. Speaker, If the gentleman will allow me to use more time, I just want to emphasize again our specific intent with regard to this legislation, and let me make one final point before I yield back to our chairman.

That is that we do not in any way anticipate that this is the final word on water development in South Dakota. It is a tremendous start. It is a very necessary start, but it leaves a great deal to be done as we consider the comprehensive water development needs of our State.

So, Mr. Speaker, as we pass this legislation, it is incumbent on us that we rededicate ourselves to further water development and further projects as the time goes on.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. ROBERTS).

Mr. ROBERTS of South Dakota. I rise in support of H.R. 4347, and ask unanimous consent to revise and extend my remarks, and submit extraneous material into the RECORD.

On July 30, 1981, I introduced H.R. 4347, a bill cosponsored by the entire South Dakota delegation, to provide for water development in South Dakota. My colleagues from South Dakota and I have worked together to make this bill a reality. We share a strong and sincere belief that this legislation embodies the wishes of the people of South Dakota to move ahead with water development in our State.

Following its introduction, I carried H.R. 4347 to the administration to obtain their support. Upon slight revision, I gained the full endorsements of the Department of the Interior, the Department of Agriculture, and the Office of Management and Budget for H.R. 4347.

This bill also enjoys overwhelming support, Mr. Speaker, in the State of South Dakota. The Governor and the State legislature have endorsed H.R. 4347, as have many of the cities and water development associations in the State.

Here in Congress, before both the Agriculture and the Interior Committees, we have extended the necessary assurances to our colleagues throughout the Missouri River Basin that H.R. 4347 will not affect their water supplies in any way.

H.R. 4347 with reauthorize the WEB rural water system to serve the domestic water needs of over 30,000 people in northern South Dakota. The WEB system participants have been waiting patiently since the project was originally authorized by this body in 1980.

The study section of H.R. 4347 will authorize a series of studies exploring the potential of water development in South Dakota. Those studies include: A reformulation of the Pollock-Herreid irrigation unit; the possible use of return flows from the Garrison diversion project in North Dakota for irrigation and domestic purposes in South Dakota; and the development of irrigation and municipal water uses in lieu of the now-defunct Oahe project. The latter study will explore the utilization of the facilities that were constructed for the Oahe project, at a cost of $41 million, and never used. Specifically, those facilities could be used for the CENDAK project, if proven feasible.

H.R. 4347 provides for the cancellation of the supporting and participating contracts on the Oahe project, which will assure that the project will not be built, as well as serve to lift the lien upon the project area lands.

Additionally, this bill prohibits the construction of the northern features of the Oahe project unless specifically directed otherwise by Congress.

The commitment made to South Dakota with the authorizing of the Oahe project remains alive, as this bill both retains that authorization and instructs the Secretary of Interior to remember the sacrifices made by South Dakota when almost 540,000 acres of our prime bottomland were permanently flooded upon the building of the Missouri River mainstem dams.

The original 1944 Flood Control Act provided that inexpensive hydropower would be available to South Dakota to facilitate the irrigation development that was promised to the State as our compensation for the flooded acres. H.R. 4347 provides for South Dakota's future use of that promised power as irrigation is developed.

Recently, the South Dakota Water Congress released a report on the history of the 1944 Flood Control Act and its accomplishments to date. I am, by unanimous consent, placing this report in the RECORD for the examination of my colleagues.

Mr. Speaker, for 40 years South Dakota has been promised much in the way of assistance for water development, all in the name of compensation for our past sacrifices. H.R. 4347 will be a major step toward the realization of those commitments, and I strongly urge its passage.

Thank you, Mr. Speaker.

The report to which I referred is as follows:

A LITTLE HISTORY 'DON'T' HURT

SOUTH DAKOTA WATER CONGRESS

James Watt has said he's likely the last U.S. Secretary of Interior who will have ever heard of the Pick-Sloan Plan. It is possible that some people who oppose South Dakota's water sale have never read it.

To place today's controversies concerning the Missouri River in perspective, it is important to review some of the history of the Pick-Sloan Plan that led to the major developments on the Missouri River.

EARLY FLOODING

Go back to the first recorded flood stage of 12 to 17 feet in 1844 or the severe flooding that occurred in 1881 and chronically through the 1920s. Because of these problems, Congress directed the Corps of Engineers to study ways in which these problems could be avoided. In 1927 the Corps of Engineers completed what is known as House Document 308, a 1,245-page description of methods of providing storage in the Missouri Basin to achieve flood control, irrigation, navigation and power development.

Clearly, however, the attention of the nation was not focused on water resources

development in those depression days of the late 1920s and 1930s and the gathering war clouds that afflicted Europe and Japan. Like so many things, the impetus for moving forward was only partially addressed when, under the leadership of President Franklin D. Roosevelt, the construction of the Fort Peck, Mont., dam began in 1933 as a public works project.

It took severe flooding once again in the early 1940s to refocus government attention. In 1943 it is recorded that seven feet of water covered the Omaha airport. It was then that national planners perceived that this continued disruption of the heartland of America that produced an enormous amount of its goods for the welfare of its citizens and comprised one-sixth of the land mass of the United States had to be addressed, if for no other reason that it posed a threat to the war effort of World War II.

A PLAN OF BENEFITS

Against that backdrop, then, two plans were advanced—one by Lewis Pick, who was the Missouri River division engineer, and later became the chief of engineers, and one by a regional engineer of the Bureau of Reclamation, W. Glen Sloan—to solve the problems of the Missouri River basin. From the marriage of these two proposals was born the Flood Control Act of 1944 which was later renamed the Pick-Sloan Plan in honor of the two gentlemen who authored the major elements of it.

The authorizing document of the Pick-Sloan Plan is Senate Document 191 that was considered Congress in April, 1944. That Senate document, along with House Document 475, identified navigation, flood control, irrigation, power production, the restoration of surface and ground water supplies, furnishing municipal water supplies, abatement of stream pollution, silt control, fish and wildlife preservation, and recreation as the key features of the 1944 Flood Control Act.

It's interesting to look at Senate Document 191 and understand the views of those persons involved at that time. According to Senate Document 191, it was to be "a plan for the conservation and control of the water reservoirs of the entire Missouri River Basin," a radical proposal for that day. It was predicated on "yield for the greatest good to the greatest number of people."

It proposed irrigation development for 5,307,700 acres of land in the Basin and 758,500 kilowatts of hydropower capacity. South Dakota's proposed share of that irrigation development was set at 972,510 acres.

WHO BENEFITTED FIRST?

The key to the development of the Pick-Sloan Project was probably most clearly enunciated by then Chief of Engineers, Maj. Gen. E. Reybold, who, in a letter to the commissioner of Reclamation dated April 25, 1944, stated in part:

"Since reservoirs on the mainstem are the most beneficial from the standpoint of flood control below Sioux City and are vitally needed for cyclic storage, I consider the maximum practical amount of storage must be provided on the mainstem in North and South Dakota."

This, then, clearly outlined the major tradeoffs in the development of the Pick-Sloan Plan and it is important to remember that these are the same sort of issues that are still being debated today.

What were those tradeoffs?

FLOOD STORAGE, IRRIGATION

First, trade reservoir storage space by permanently flooding large areas of South Dakota, North Dakota and Montana to accommodate flood control in return for irrigation development in these upper basin states. South Dakota, for example, permanently flooded over 500,000 acres of Missouri River bottomlands in order to do their part in the development of the Pick-Sloan Plan.

NAVIGATION NOT A PRIORITY

The second major tradeoff concerned the same type of upstream versus downstream fight seen today, but was centered primarily on the use of water for such things as irrigation and power production versus downstream navigation. This conflict was resolved by a key amendment to the act, known as the O'Mahoney-Milliken Amendment, which stated:

"The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction of waters arising in states lying wholly or partly west of the 98th meridian shall be only such use as does not conflict with any beneficial consumptive use, present or future, in the states lying wholly or partly west of the 98th meridian, of such waters for domestic, municipal, stock water, irrigation, mining or industrial purposes."

Iowa lies wholly east of the 98th meridian. This key amendment broke the deadlock between upstream and downstream states by guaranteeing water use by those upstream states—not just a chance to look at large reservoirs.

HYDROPOWER TO BE SHARED

The third major tradeoff or feature of the Pick-Sloan Plan was that the hydropower developed would be shared among the states of the Basin, without regard to the location of those plants which would produce that power.

Navigation.—Another major beneficiary of the construction of the mainstem dams has been navigation with the maintenance of a nine-foot-deep, 300-foot-wide channel that provides an eight-month barge season, in recent years allowing over three million tons of commodities annually to be shipped from Sioux City on south. Approximately one-third of those commodities has been farm produce.

Recreation.—Recreation on the Missouri River furnished 10 million visitor days in 1981, and wildlife has been enhanced.

With that record, then, why is there this new interest and conflict?

It dates, perhaps, from 1973 and the beginning of the oil crises, prompting major energy corporations to look at the Missouri River as a water source for future energy development. Like it or not, this region is blessed in Wyoming, North Dakota and Montana with enormous amounts of coal which in order to be used needs enormous amounts of water. The U.S. Bureau of Reclamation, in their 1977 Water for Energy study, estimated that one million acre feet could be made available for the purposes of energy development without affecting the other uses on the river.

While there has been an uproar lately about the amount of water being used for industrial purposes—the most famous of which is the sale by the state of South Dakota of 50,000 acre feet of water to Energy Transportation Systems, Inc. for coal slurry pipeline—there is presently less than 100,000 acre feet of water that is permitted to major energy users. Compare that with the Corps of Engineers estimate of evaporation losses on the six mainstem reservoirs of one to 2.5 million acre feet annually.

Nonetheless, it raises questions—questions which should be addressed in the context of history.

Issues that cause conflicts between upstream and downstream states in the Basin are not new. They may be created by different and changing pressures, but they are not new. In the past, the conflicts were settled by compromise, negotiation and an overall view, to quote Senate Document 191, to "yield the greatest good to the greatest number of people." It is our responsibility at the state and federal level to pursue this goal.

South Dakota must look to the Missouri River and how it can use what it believes is a fair and yet modest entitlement to foster some state development of municipal water supplies, rural water systems and state irrigation projects. These modest efforts do not in any way relieve the significant federal obligation to South Dakota as its part of the Pick-Sloan "deal."

South Dakota has benefitted from the Missouri River—but in terms of overall concept and major benefits that have occurred as a result of that development, South Dakota has come up short. So short in fact, that in some respects downstream states have benefitted more by accident than South Dakota has by design.

	Acres lost to reservoirs [1]	Acres irrigation promised [2]	Acres irrigation developed [3]	Firm power entitlement [4] (in percent)	Direct navigation benefits	Flood control benefits
Montana	590,097	1,313,930	76,200	8.1	No	No
N. Dakota	584,060	1,266,440	9,000	12.2	No	No
S. Dakota	520,390	972,510	24,100	22.3	No	No
Iowa	0	0	0	14.6	Yes	Yes
Minnesota	0	0	0	24.2	No	No
Nebraska	15,162	1,009,375	222,800	18.6	Yes	Yes
Kansas	0	193,490	72,600	0	Yes	Yes
Missouri	0	0	0	0	Yes	Yes
Wyoming	0	448,960	158,100	0	No	No
Colorado	0	102,999	0	0	No	No
Total	1,673,709	5,307,704	562,800	100.0		[5] $1,489,000,000

[1] Real Estate Division, Army corps of Engineers, Omaha District.
[2] Senate Document 191, May 5, 1944, p. 23.
[3] Table 1, Section III, Customer Brochure, February, 1982, Western Area Power Administration.
[4] Western Area Power Administration.
[5] Corps of Engineers, Missouri River Division 1980–81 Annual Operating Plan, p. 39.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of South Dakota. Certainly, I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Speaker, I appreciate the gentleman's yielding.

I would propound the same colloquy I had with the other gentleman from South Dakota.

Is it the gentleman's intention, under the studies authorized in section 3, to study the impact of the alternative uses, the future uses, and the modified plan described therein, that such studies would involve only irrigation and domestic and municipal and rural water consumption in the State of South Dakota?

Mr. ROBERTS of South Dakota. Mr. Speaker, I thank the gentleman for that question.

I am certainly in agreement with my colleague, the gentleman from South Dakota, that we are certainly just looking at development within South Dakota, and we certainly understand the gentleman's concerns for the people in his area. We appreciate his hard work in helping us get this bill before the floor in a way and in a form that is acceptable.

Mr. COLEMAN. So that is the gentleman's intent?

Mr. ROBERTS of South Dakota. That is correct.

Mr. COLEMAN. It is his intent to so limit it?

Mr. ROBERTS of South Dakota. Yes.

Mr. COLEMAN. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. LUJAN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Speaker, I would like to point out that for the first time we have in this legislation a requirement that there be a study that will be balanced by the Secretary in determining these uses and the use of the Missouri River water.

In the past we have seen that such studies have always been limited in scope dealing with the effect on the State that is the source of this water, this being the State of South Dakota.

□ 1230

For the first time we have asked that these studies be balanced and that recommendations in these studies authorized under section 3 are going to have to show the availability of water for use and consumption in other States in the Missouri River Basin.

Those of us in downstream States many times are overlooked in the process of planning and construction of various water resource projects, and this legislation I think sets a precedent. We and our interests will not be overlooked in the future and these studies will be balanced with the needs of downstream users, which are very important.

So this is a step in the right direction. It was an amendment that I offered and which was adopted in committee report language. I think it is very clear that the Secretary is going to have to balance his approach in any studies made under section 3.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN. I yield to my friend, the gentleman from Iowa.

Mr. BEDELL. I would like to commend the gentleman for his statement and for his concerns that he has expressed. I would like to state to the gentleman that a lot of the water does not start from South Dakota; indeed, a lot of the water that we are talking about starts way upstream from South Dakota.

Mr. COLEMAN. The gentleman is very active in this area, and we are working together to make sure the downstream interests are heard and that we put together a coherent water policy for the Missouri River basin.

Mr. DE LA GARZA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. KAZAN), who is chairman of the Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, and who shares jurisdiction with us on this legislation.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Speaker, H.R. 4347 reauthorizes the WEB water development project in the State of South Dakota. This is a rural water delivery project which will be constructed under the jurisdiction of the Bureau of Reclamation. The principal feature will be a pipeline which will deliver water for municipal and domestic use to serve approximately 30,000 people and 50 rural communities in South Dakota.

The WEB pipeline was authorized by Public Law 96-355. The act authorized the appropriation of $1,900,000 to the Secretary of the Interior for fiscal year 1981 for initial planning and construction. The money has been appropriated, but not yet expended.

Public Law 96-355 also authorized the appropriation of $68,100,000 to the Secretary of the Interior for actual construction of the project. The money, however, under that act was to be transferred to the Secretary of Agriculture when appropriated. This has been changed in H.R. 4347 to provide for construction of the project by the Secretary of the Interior, but in compliance with the provisions of the Consolidated Farm and Rural Development Act. Also, the act made the authorization contingent upon the deauthorization of the Oahe unit of the Pick-Sloan Missouri River basin project by September 31, 1981. Such deauthorizing legislation was not enacted, partly because the deauthorization of the unit would leave in limbo certain features which have already been constructed.

The Oahe unit was originally authorized to partially compensate the State of South Dakota for lands in that State which were inundated by a series of dams constructed on the main stream of the Missouri River to furnish flood control and hydroelectric power to downstream States.

Construction on the initial stage of the Oahe unit was started in 1974, but discontinued in 1977 after the project lost local support and when it appeared that the cost of the project, which would not be approximately $900 million, would not be justified.

H.R. 4347 represents 3 years of work by the South Dakota congressional delegation to arrive at an alternative to the construction of the Oahe unit which would benefit the rural economy of that State as the Oahe unit was to have done.

Mr. Speaker, I want to emphasize that H.R. 4347 is a reauthorization of a project which Congress approved in 1980. The amendment provides that the Secretary of the Interior study alternate uses of the features of the Oahe unit which have already been constructed. However, no new uses will be made of these facilities and no additional construction authorized until the Secretary has reported on his studies to the Congress and the Congress has approved such new uses or construction. If such new uses are approved, the beneficiaries will be responsible for reimbursement of the construction costs as provided by existing law.

Mr. Speaker, I urge approval of this legislation.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I would like to at this time enter into the RECORD letters from the Office of the Legislative Counsel of the U.S. Senate, the Congressional Research Service, and the Department of Interior with legal interpretations of section 4(b), lines 12-14 which says that the features mentioned in lines 8-12 "shall not be constructed by the Secretary without further action by the Congress." Each interpretation concurs that the listed facilities could not be constructed unless Congress reauthorizes them.

Furthermore, Mr. Speaker, during markup of this legislation in the Agriculture Committee the gentlemen from South Dakota both shared this interpretation.

The letters are as follows:

U.S. SENATE,
March 5, 1982.

Memorandum to: Senator Pressler.
(Attention of Mel Ustad).
Re deauthorizing language in H.R. 4347 relating to the WEB pipeline.

You requested an opinion as to the effect of subsection (b) of section 3 of H.R. 4347 which provides as follows:

"(b) Those features of the authorized plan of development for the Oahe unit, initial stage, which were designed for and could be used only to deliver irrigation water to the Spink and West Brown irrigation districts, namely: Faulkton, Cresbard, West Main, Redfield, James, and East Canals; Cresbard and Byron Dams and Reservoirs; James and Byron Pumping Plants; and associated features; shall not be constructed by the Secretary, but nothing in this Act shall be deemed to limit the authority of the Secretary to recommend development of other features, based upon the study authorized by section 2(a)(1) of this Act".

You have specifically asked about the effect of the language "shall not be constructed". If this bill is enacted into law, the effect of the language would be to deauthorize construction of the features specified in such subsection. Any future construction relating to such features would have to be specifically reauthorized by legislation.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Respectfully,

WILLIAM F. JENSEN,
Office of Legislative Counsel.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., March 17, 1982.

To: Hon. Larry Pressler.
(Attention of Mel Ustad).
From: American Law Division.
Subject: Whether Language in H.R. 4347 (97th Congress) constitutes a deauthorization of the Oahe irrigation unit.

This memorandum responds to the request of Mr. Ustad that our telephone conversation on the topic above be put into writing.

H.R. 4347 provides in section 3(b) that—

"Those features of the authorized plan of development for the Oahe unit, initial stage, which were designed for and could be used only to deliver irrigation water to the Spink and West Brown irrigation districts . . . shall not be constructed by the Secretary [of the Interior]. . . ."

Research reveals no reason why the operative phrase—"shall not be constructed by the Secretary"—should be interpreted as anything less than a deauthorization of the specified features of the Oahe unit. The legal literature reveals no rule to the effect that Federal project deauthorizations can only be achieved through use of the term "deauthorize" or any other particular language.

The contemplated addition of the phrase "unless reauthorized by Congress" immediately following "shall not be constructed by the Secretary" seems to be unnecessary, given the foregoing interpretation. It is a truism that a deauthorized project remains so only until such time as it is reauthorized.

ROBERT MELTZ,
Legislative Attorney.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., Mar. 2, 1982.

Hon. JAMES ABDNOR,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABDNOR: In response to your letter of earlier today, this is to confirm your understanding of the meaning of the language of subsection 3(b) or S. 1553/H.R. 4347 regarding the construction of certain features of the authorized Oahe unit, initial stage. The Department has endorsed enactment of this legislation with amendments.

In our view the language of subsection 3(b) is clear on its face. The listed facilities could not be constructed under this provision unless Congress were to reverse itself and reauthorize them. Enacted into law, subsection 3(b) would preclude construction of those facilities by the Department.

While the intent of the language is clear as it is, we would have no objection to a technical amendment citing House Document 90-163 in order to further and more formally identify the features not to be constructed.

I regret any confusion which has resulted on this point as a result of the August 31, 1981, letter addressed to Mr. John Sich by Acting Assistant Commissioner Aldon Nielson. Hopefully, this will clarify the legal interpretation of subsection 3(b).

Sincerely yours,

ROBERT H. BROADBENT,
Commissioner.

Mr. BEDELL. I would like to ask the gentlemen, Mr. DASCHLE and Mr. ROBERTS, to confirm this interpretation of section 4(b).

Mr. DASCHLE. If the gentleman will yield, I can affirm the gentleman's understanding. A letter from Robert Meltz, the legislative attorney for the Library of Congress, dated March 17, 1982, states, "Research reveals no reason why the operative phase shall not be constructed by the Secretary"—should be interpreted as anything less than a deauthorization of specified features of the OAHE Unit."

Mr. BEDELL. I thank the gentleman.

Mr. ROBERTS of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BEDELL. I yield to my colleague, the gentleman from South Dakota (Mr. ROBERTS).

Mr. ROBERTS. I thank my colleague from the great State of Iowa for yielding.

Mr. Speaker, I certainly agree with what the gentleman has read into the RECORD here. That is fact. Before the Secretary would be allowed to go ahead with the water project, it would in fact have to come before this very body for reauthorization.

Mr. BEDELL. I thank the gentleman very much, and I would like to take this opportunity to commend the gentleman. There are times when we have our differences in regard to water, but I think it speaks well that indeed we can work together. The gentleman from Iowa supports this legislation, and I think this shows the way we could try to work together in trying to solve our water problems in the country.

Mr. LUJAN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 4347, a bill to authorize the Secretary of the Interior to proceed with development of the South Dakota WEB pipeline, and other purposes. I particularly want to associate myself with the remarks of the gentleman from South Dakota (Mr. ROBERTS) and commend him for his hard work and outstanding leadership in bringing this bill to the floor.

The purpose of H.R. 4347 is to provide reimbursement to the State of South Dakota for the lands sacrificed for the Pick-Sloan Missouri mainstream dams. These dams, which were constructed during the past 40 years in order to control the destructive flooding in the lower Missouri River basin, inundated over a million acres of the upper basin States' most agriculturally productive bottom lands. In return, upper basin States were to receive substantial irrigation development to stabilize and insure the economic growth of the region. This bill addresses that debt owed to South Dakota.

What H.R. 4347 does is to direct the Secretary of Interior to proceed with the WEB rural development project, and to make appropriated funds immediately available for obligation. The Secretary of Interior is authorized to conduct studies and report to Congress on South Dakota water projects to be developed in lieu of the OAHE and Pollack-Herreid irrigation facilities. Authority also is granted the Secertary to make Missouri River basin pumping power available to Indian tribes and other public entities for use in new irrigation projects.

Mr. Speaker, H.R. 4347 was not without controversy during its consideration before the Agriculture Committee. Several members of the committee, and in particular the honorable gentleman from Missouri (Mr. COLEMAN), raised questions over the legislative intent of this bill. Most of these questions were answered in committee, and I am hopeful and confident that any additional concerns will be addressed today during a colloquy between the gentleman from Missouri and the gentleman from South Dakota (Mr. ROBERTS), so that we may have unanimous support of this legislation before us.

Again, Mr. Speaker, I must commend the gentleman from South Dakota (Mr. ROBERTS), for his excellent leadership in uniting the South Dakota delegation behind this bill. His hard work and dedication have made it possible for us to be considering this legislation today.

I urge my colleagues to support passage of H.R. 4347.

Mr. DE LA GARZA. Mr. Speaker, I would like to thank all of the Members who have worked so diligently on this legislation. This is to assure all of the Members that all of the different opinions and all of the different needs I think have been satisfied, and everyone now is in accord and working in unison—perhaps not all entirely satisfied, but satisfied enough to allow this legislation to continue, with the assurances given by the Members affected primarily by the legislation.

Mr. ROBERTS of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from South Dakota.

Mr. ROBERTS of South Dakota. I thank the gentleman for yielding.

Mr. Speaker, I would just like to thank the chairman of the Agriculture Committee for his fairness and expertise in helping get this particular legislation that is so important to the floor of this body. I would just like to say thanks to the distinguished chairman for the complete fairness that he has provided throughout the Agriculture Committee hearings. Thank you, Mr. Chairman.

Mr. DE LA GARZA. I thank the gentleman for his generosity.

● Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 4347. This bill, as amended in the Water and Power Resources Subcommittee in May, represents a consensus among the congressional delegation from South Dakota and that being so, I am prepared to give it a great deal of deference. It would, among other things, provide for the development of the WEB rural water development project, frequently referred to as the WEB pipeline.

Mr. Speaker, this bill represents the culmination of a long process during which the subcommittee has had an ongoing dialog with those in South Dakota including the dispatching of some of our professional staff to the areas of impact within the State. We have had the advantage of hearings during which those affected have given us the benefit of their counsel.

The WEB pipeline will pass through the counties of Walworth, Edmunds, and Brown as it proceeds eastward from the Missouri River, and will serve some 50 different rural communities and 30,000 people. The WEB project would be built by the Bureau of Reclamation and I understand that Commissioner Broadbent is fully in agreement with its specifics. The project would be built according to Public Law 96-355 which calls for grants for not less than 75 percent of the cost and loans for the rest.

As Hon. CLINT ROBERTS from South Dakota testified before the Water and Power Resources Subcommittee last October, this bill may well represent the last best hope that the people of South Dakota have to be compensated for the taking of almost 540,000 acres of prime bottomland for the Pick-Sloan project to provide benefits which have been enjoyed by States downstream on the Missouri River for approximately the last 20 years. One could easily understand the people of South Dakota if they were to feel that this bill is part of the compensation owed them for that sacrifice.

In the past, the funds authorized for WEB have been deferred because of WEB having been linked with deauthorization of the OAHE unit, which has been surrounded in controversy. This bill removes that link and represents a bipartisan agreement among the South Dakota delegation on how to deal with the OAHE features already constructed as well as an agreement to proceed with dispatch on the WEB pipeline.

The WEB rural water development project is one which the administration supports and I urge my colleagues to support it.●

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARNARD). The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 4347, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958 AMENDMENTS

Mr. MITCHELL of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6086) to amend the Small Business Act and the Small Business Investment Act of 1958, as amended.

The Clerk read as follows:

H.R. 6086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 20 of the Small Business Act is amended as follows:

(a) by striking from paragraph (2) of subsection (n) the figure "$60,000,000" and by inserting in lieu thereof "$167,000,000";

(b) by striking from paragraph (3) of subsection (n) the figure "$35,000,000" and by inserting in lieu thereof "$41,000,000" and by striking from such paragraph the figure "$160,000,000" and by inserting in lieu thereof "$250,000,000";

(c) by striking from paragraph (2) of subsection (q) the figure "$60,000,000" and by inserting in lieu thereof "$167,000,000"; and

(d) by striking from paragraph (3) of subsection (q) the figure "$35,000,000" and inserting in lieu thereof "$41,000,000" and by striking from such paragraph the figure "$160,000,000" and by inserting in lieu thereof "$250,000,000".

SEC. 2. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(f) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals or other amounts due under qualified contracts and other types of financial assistance and to enter commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958 in the full amounts provided by law, including reprograming requests approved by the Appropriations Committees of the United States Senate and the House of Representatives of the United States, subject only to (1) the availability of qualified applications for such direct loans and guarantees and (2) limitations and amounts contained in authorization and appropriation Acts. Nothing in this subsection authorizes the Administration to reduce or limit its authority to enter commitments for direct loans or for such guarantees to qualified applicants.".

SEC. 3. Section 404(b) of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking from paragraph (1) thereof "may be issued" and by inserting in lieu thereof "shall be issued"; and

(b) by striking the period at the end of paragraph (1) thereof and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.".

The provisions of subsections (a) and (b) of this section shall apply to applications (for the issuance of a guarantee described in section 404 of the Small Business Investment Act of 1958) which are pending as of January 1, 1982, or are made after December 31, 1981.

SEC. 4. Section 411 of the Small Business Investment Act of 1958 is amended by adding the following at the end of subsection (h):

"The Administration shall not establish eligibility criteria based on the amount of the bond, subject to the limitation in subsections (a) and (c), or upon a percentage related to previously successfully completed contracts. The Administration shall evaluate each application on a case-by-case basis and based solely thereon shall determine the appropriate guarantee.".

SEC. 5. Section 7 of the Small Business Act is amended by striking the period at the end of paragraph (4) of subsection (a) thereof and inserting the following: ": *Provided further*, That prior to June 30, 1983 the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to a formula involving prime interest rates as a criteria to determine the maximum interest rate a lender may charge on a deferred participation (guaranteed) loan.".

SEC. 6. Section 10 of the Small Business Act is amended by adding the following new subsection:

"(h) The Administration shall maintain a record of all applications for or inquiries about the availability of funding for financial assistance under this Act and for guarantees and purchases under the Small Business Investment Act of 1958. Such record shall include the name, address and telephone number of the applicant or person inquiring and the dollar amount involved and shall be kept for a period of at least one (1) year from the date of each.".

SEC. 7. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(g) The Administration shall notify the Senate Small Business Committee and the Small Business Committee of the U.S. House of Representatives before reprogramming any program amounts authorized in appropriations Acts or reports explanatory thereof and shall notify the Senate Small Business Committee and the Small Business Committee of the U.S. House of Representatives before implementing any reorganization of such agency.".

SEC. 8. Section 2 of the Small Business Act is amended by striking "section 7(i)" from paragraph (1) of subsection (c) and by inserting "section 7(a)(11)".

SEC. 9. Section 7 of the Small Business Act is amended as follows:

(a) by striking, wherever it appears therein, "section 7(i)" from paragraphs (1), (2), (3), (8), (9) and (11) of subsection (j) and by inserting "section 7(a)(11)";

(b) by striking from subsection (k) "section 7(i)" and by inserting "section 7(a)(11)";

(c) by striking subsections (e), (h), (i), and ( ); and

(d) by striking all of subsection (c) after the first two sentences in subparagraph (D) of paragraph (4) and inserting the following:

"Such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 percent of loss if the applicant is a homeowner and 85 percent of loss if the applicant is a business or otherwise. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to this paragraph (4), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

SEC. 10. Section 7(a) of the Small Business Act is amended by adding the following new paragraph:

"(16)(A) No direct loan may be made pursuant to this subsection unless the Administration determines—

"(i) that the applicant for such loan (whether a startup or existing small business concern) demonstrates a potential for sustained business growth as evidenced by (I) capacity to create, expand, or satisfy domestic or international markets for the products or services produced or rendered by such applicant, (II) location in a geographic area suitable for its business operations and access to markets, and (III) lack of unduly restrictive agreements which, if exercised, could substantially impede the profitable operations of the applicant;

"(ii) that the applicant has given reasonable assurance that it will create employment opportunities within a two-year period after all loan proceeds are disbursed; and

"(iii) those managerial or marketing weaknesses which exist with respect to such applicant and devises, in concert with the applicant, a management plan, prior to the disbursement of any proceeds of such loan, to address such weaknesses. Such plan, if needed, shall be in writing, provide for identifiable business goals, plans of action and timetables for accomplishment and shall be incorporated by reference into the loan authorization agreement. The Administration shall provide assistance for the implementation of such plans on a priority basis through such management and technical assistance activities as are authorized by this Act.

"(B) Direct loan funds under subsection (a) shall be allocated to the Administration's regional offices at least quarterly each fiscal year. The amount of such allocation shall be based solely upon the average total number of unemployed workers residing within each regional area as a percent of the average total unemployed work force nationwide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available. Each regional office shall allocate such funds to each district office within its jurisdiction at least quarterly based solely upon the average total number of unemployed workers residing within the district as a percent of the average total unemployed work force region wide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available. During the last fifteen calendar days of each fiscal year quarter, the Administration may reallocate direct loan funds among its regions or districts if it is unreasonable to expect that such region or district will commit substantially all of its allocation before the expiration of such quarter.

"(C) Direct loans authorized by this subsection shall be extended on a priority basis within each of the Administration's designated district areas to those qualified applicants in order of the following priority—

"(i) those applicants which (I) satisfy the requirements of subparagraph (A), (II) are located in or near a labor surplus area (as defined pursuant to Defense Manpower Policy 4B (32A CFR Chapter 1) or any successor policy), (III) agree to perform or render a substantial proportion of their production or services within or near such areas, and (IV) will utilize the loan proceeds solely for construction, renovation or the purchase of land, buildings, machinery or equipment;

"(ii) those applicants which satisfy the requirements of subparagraph (A) and subparagraph (C)(i) (I), (II), and (III); and

"(iii) those applicants which satisfy the requirements of subparagraph (A).

"(D) Neither this paragraph nor the second proviso of paragraph (3)(A) of subsection (a) shall apply to direct loans made pursuant to paragraph (10) of this subsection.".

SEC. 11. Section 7(a)(3) of the Small Business Act is amended to read as follows:

"(3)(A) No loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1) of this Act would exceed $500,000: *Provided*, That the Administration's share of any loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall not exceed $350,000; *Provided further*, That any loan made directly pursuant to this subsection shall be accompanied by an injection of additional funds derived from nonfederal sources in the following amounts:

"(i) if the loan in under $100,000 in amount, at least 10 per centum;

"(ii) if the loan in between $100,000 and $200,000 in amount, at least 20 per centum; and

"(iii) if the loan in over $200,000 in amount, at least 30 per centum.

"(B) The percentages specified in subparagraphs (A) (ii) and (iii) shall be reduced to 10 per centum and 15 per centum, respectively, if the nonfederal source funds are derived from a state or local government, including tax exempt obligations of such governments.

"(C) The Administration shall delegate to each district office the authority to approve direct loans in the amounts specified in subparagraph (A) (i), (ii) and (iii) under the conditions specified in this Act without seeking higher approval within the Administration.

"(D) The Administration may transfer no more than 15 percentum of each of the total levels for direct loan programs as authorized in section 20 of this Act: *Provided, however*, That no loan program level authorized in such section may be increased more than 25 percentum by any such transfers: *Provided further*, That the Administrator is not authorized to transfer direct loan levels to deferred participation (guaranteed) loan levels and that any transfers shall be effective only to the extent approved in advance by the Appropriations Committees of the United States Senate and of the House of Representatives of the United States.

"(E) For purposes of this paragraph the term 'nonfederal sources' shall include, but not be limited to, state and local government funds (including the proceeds from tax exempt obligations of such governments), and funds derived from private financial institutions or private equity sources. In no event shall such term include funds derived directly from any grant or loan made, guaranteed or insured by the Federal government.".

SEC. 12. Subsection (a) of section 7 of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(17)(A) In the case of any applicant—

"(i) which performs abortion,

"(ii) which engages in research which relates, in whole or in part, to methods of, or the performance of, abortion,

"(iii) which promotes or recommends abortion, or

"(iv) which trains any individual to perform abortion, no financial assistance shall be available under this subsection which benefits such applicant with respect to any of the activities described in clause (i), (ii), (iii), or (iv).

"(B) Subparagraph (A) shall not apply to any activity described in clause (i) or (iii) of subparagraph (A) if all of the abortions performed, promoted, and recommended in such activity are in cases where the life of

the mother would be endangered if the fetus were carried to term.".

SEC. 13. Section 15 of the Small Business Act is amended by striking subsections (d), (e) and (f) and inserting in lieu thereof the following:

"(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set asides pursuant to Defense Manpower Policy Number 4B (32A CFR Chapter 1) or any successor policy shall be authorized if the head of the procuring Federal agency or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

"(e) In carrying out small business set aside programs, Federal agencies shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total small business-labor surplus area set aside;

"(2) concerns which are small business concerns, on the basis of a total small business set aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial small business-labor surplus area set aside; and

"(4) concerns which are small business concerns, on the basis of a partial small business set aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority also shall be given to the awarding of contracts and the placement of subcontracts, on the basis of a total labor surplus area set aside, to business concerns which will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or under employment or within labor surplus areas.".

SEC. 14. Section 8(e) of the Small Business Act is amended—

(1) by redesignating clauses (1) through (10) as clauses (A) through (J), respectively;

(2) by inserting "(1)" after "(e)"; and

(3) by adding at the end thereof the following:

"(2) Whenever publication of a notice of procurement actions is required by paragraph (1) of this subsection, the department, establishment, or agency responsible for the procurement (A) shall issue a solicitation for the procurement only after at least fifteen days have elapsed from the date of publication of the notice pursuant to such paragraph; and (B) shall foreclose competition under a procurement action only after thirty days have elapsed from the date of issuance of the solicitation, or, in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a notice of intent to place the order pursuant to such paragraph.".

SEC. 15. Section 3(h) of the Small Business Act is amended as follows:

(a) by striking "availability of credit" and by inserting "availability of sufficient credit"; and

(b) by striking "conditions" and by inserting "conditions and at reasonable rates,".

SEC. 16. Section 3 of the Small Business Act is amended by striking from subsection (a) *"Provided,* That the Administration shall not promulgate, amend, or rescind any rule regulation with respect to size standards prior to March, 1981." and inserting in lieu thereof the following:

"Provided, That notwithstanding the waiver provisions of any other law, the Administration shall not promulgate, amend or rescind any rule or regulation with respect to size standards except in accordance with the procedures of chapter 5 of title 5, United States Code.".

SEC. 17. Section 302(a) of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following:

"With respect to a company licensed pursuant to section 301(d), such capital and surplus shall include funds obtained directly or indirectly from an agency or department of a state government or the Federal government (excluding the Administration) for purposes of section 303 leveraging, provided that such funds;

"(1) are not taken into account with respect to meeting the requirements established by the preceding two sentences; and

"(2) were invested in or were legally committed to be invested in such company prior to July 29, 1980.".

SEC. 18. Section 502 of the Small Business Investment Act of 1958 is amended by striking "plant acquisition," and by inserting in lieu thereof " working capital, plant acquisition,".

SEC. 19. Section 503 of the Small Business Investment Act of 1958 is amended by striking all of paragraph (5) of subsection (b) after "is made" and by inserting the following: ": *Provided,* That the Administration shall not use the source or nature of the funds constituting the remaining per centum of the project cost as a criteria to approve or reject such guarantee; and".

SEC. 20. Notwithstanding the provisions of section 8(a) of the Small Business Act, the programs authorized by subparagraph (B) of section 8(a)(1) of such Act and by paragraph (2) of section 8(a) of such Act shall be continued through fiscal year 1983.

SEC. 21. This Act shall take effect October 1, 1982: *Provided,* That the amendments made by sections 9(d) and 15 shall not apply to any disaster which commenced on or before July 2, 1980.

The SPEAKER pro tempore. Is a second demanded?

Mr. McDADE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

GENERAL LEAVE

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter, and that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6086 and urge the immediate passage of this legislation.

Mr. Speaker, I want to stress at the outset that although this bill makes numerous changes in the Small Business Act and the Small Business Investment Act, it is not going to cost us any additional money. The bill merely modifies existing programs and gives congressional direction as to implementation and operation of programs.

For example, the bill increases three SBA program levels for each of fiscal years 1983 and 1984: Economic opportunity guaranteed loan levels would be increased to $167 million (now $60 million); direct purchases of debentures from Minority Enterprise Small Business Investment Companies would be increased to $41 million (now $35 million); and guarantees of Small Business Investment Company debentures would be increased to $250 million (now $160 million).

The bill also would: Require that SBA fully utilize its program levels unless changes are approved through the appropriations process or through Budget Act procedures; require SBA to keep a record of applicants; prohibit SBA from arbitrarily refusing to approve surety bond guarantees in amounts less than those statutorily provided except on a case-by-case determination; impose a moratorium until June 30, 1983, on changes in the maximum interest rate on SBA guaranteed loans; and make other minor revisions in the Small Business Act and Small Business Investment Act.

I also want to point out an amendment which was added in committee which I am totally opposed to. The provision would deny SBA loan assistance to benefit any applicant with respect to: The performance of abortions; research which relates to abortion; promotion or recommendation of abortion; or training for performance of abortions, unless the performance, promotion or recommendation is in a case where the life of the mother would be endangered if the fetus were carried to term.

SBA can identify only one loan to an Indiana firm whose application described it as a surgical outpatient

clinic. Apparently, however, the borrower was, in fact, engaged in performing abortions.

I am personally opposed to the provision as I support freedom of choice. In addition, I am opposed to it because it would create an administrative nightmare for SBA as unless SBA is to investigate each and every applicant, there is no way they can ascertain the exact business of an applicant. This is especially true today with more than 90 percent of SBA's loans being guaranteed loans made by banks.

This is simply a matter which we will deal with in conference.

There are, however, several provisions I particularly want to bring to the House's attention.

First, it would use SBA direct loans to reduce unemployment. In the past 2 years, we have reduced drastically the amount of SBA direct loans for those small concerns which cannot obtain credit from any other source. I believe that this cut was the exact opposite of what we should have done as the reductions in loans have reduced employment. We should have increased these loans to permit small business to fulfill its role as the Nation's job creator.

Nonetheless we are still confronted with a very low program level. Thus the bill contains a provision to modify substantially SBA's direct loan program by channeling the limited amounts of these direct loans to areas of high unemployment. Also, an applicant would be required, first, to demonstrate a potential for sustained business growth; second, to give reasonable assurance that it will create employment opportunities; and third, to obtain an additional injection of outside funds of between 10 and 30 percent, depending upon the amount of the SBA loan.

Second, it would give small businesses and others a more realistic opportunity to bid on Federal procurement needs. At the present time, the Federal Government is spending some $110 billion per year to procure goods and services. Notice of many of these procurement opportunities is published in the Commerce Business Daily, but frequently the publication is so near to the date the contract will be awarded that most small businesses, especially those outside of the Washington, D.C. area, realistically have little or no opportunity to even bid on these items. The result is that small business is obtaining less than one-fourth of the Federal procurement dollars, as compared to small business accounting for 38 percent of our gross national product. Thus, not only is the current practice bad for the small business community but it is also bad for the Federal Government as we may be paying an excessive amount for goods and services due to the limited competition which now exists. Thus, basically, the bill would require that for any procurement for which a notice must be published in the Commerce Business Daily, there must be a 10-day period between publication of the summary or synopsis of the upcoming contract before the invitation for bids or request for proposals is actually issued. In addition, there would have to be an additional 30-day period between issuance of the invitation or request and issuance of the contract. These leadtimes will give small businesses and others time in which to find out about an upcoming contract and submit a bid.

Third, the bill would effectively reinstate SBA's pollution control bond guarantee program. Under the Tax Code, businesses are allowed to issue industrial revenue bonds to finance plant and equipment changes mandated by pollution control laws. Over 6 years ago we found, however, that although big business was taking full advantage of this source of financing, small businesses did not have sufficient credit to issue these bonds. As a result, the Congress enacted a program through which small business could lease the required equipment and SBA would guarantee the lease payments. These guarantees provided small business sufficient credit and thus enabled them to utilize industrial revenue bonds, which they have done. The program has been very successful and, in fact, is making money for the Federal Government from the fees SBA charges for the guarantee and is making even more money as SBA has invested and is earning interest on these accumulated fees. Through March of this year, SBA has collected more than $22 million in fees and has earned $3 million in interest from investing these fees.

Unfortunately, in January of this year OMB ordered SBA to decline guarantees on any leases if the underlying property or equipment was to be acquired through the proceeds of industrial revenue bonds. Not only was this decision applied to future applications, but it was applied to some 130 pending applications. As a result, the program has ground to a halt and small business is again effectively precluded from using a financing source which is available to big business for expenditures mandated by the Federal Government. To correct this inequity, the bill includes a provision prohibiting SBA from denying guarantees on contracts for pollution control property or equipment solely because it has been acquired through the use of industrial revenue bonds.

Finally, it would incorporate the text of H.R. 4500 which was passed by the House, November 17, 1981, but which is still awaiting Senate action. That provision would extend for 2 years the SBA procurement and surety bond pilot programs for socially and economically disadvantaged firms.

I want to thank all of the members of the committee who worked on this bill, particularly the ranking minority member, JOE MCDADE, who worked on it very hard. I also want to thank Representatives CONTE and BEDELL for their assistance and expertise, particularly with the provisions involving the pollution control bonds. In addition, I want to express the committee's thanks to the Committee on Government Operations for their cooperation and suggestions on the amendment pertaining to the Commerce Business Daily publication requirements.

I believe that this is a good bill and that its enactment will help provide the tools to the small business community to assist them with their financial needs, as well as giving them the opportunity to supply goods and services to the Government.

In conclusion, I want to stress that the bill does not establish any new programs; it merely modifies the terms of established programs so that they will be more useful to the small business community, especially in today's recessionary economy. I also want to note that there is virtually no cost associated with this bill and I urge its support by all Members of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 6086 with amendments. The creation of this bill did not occur without a great deal of effort from both sides of the aisle, beginning with extended discussion in February, prior to the March 15 deadline for the committee report to the Budget Committee. I would like to congratulate my colleagues for their work on the bill, specifically Mr. CONTE of Massachusetts (pollution control program), Mr. MARRIOTT of Utah (small business investment company programs), and Mr. SMITH of New Jersey (handicapped loan program), Mr. ADDABBO of New York (distressed area loan program), and Mr. BEDELL of Iowa (pollution control board program).

MAJOR PROGRAM CHANGE—ABOLISH DIRECT LOANS AND CREATE DISTRESSED AREA LOANS

The bill addresses a number of areas of importance to the administration. At their request we increased the minority small business investment company program from $37 to $41 million; we increased guaranteed loans by $107 million; and we abolished direct loans. These were hard decisions, but too often Congress has failed to carefully target very limited resources or to alter programs that have gone awry. But this bill will do both by making major changes at the SBA.

SBA's direct loan program was a major problem for prior administra-

tions. During the last session, interest rates on these loans were raised from 8 to about 16 percent to reduce costs. But the major difficulty has been the administration of the program. During the previous administration, the loan policy was centered on volume, not quality. I am pleased to say that this policy has been reversed. But today the direct loan portfolio is 36 percent delinquent. We cannot continue a program where one out of every three loans is a grant—a grant that causes financial ruin and heartache for the recipient. Further, we cannot spread an ever-increasing amount of money in a haphazard fashion that depends upon historical use and institutional inertia.

With the chairman's able assistance we have created a bill that will abolish direct loans at the SBA—except for handicapped persons. As an alternative we have created a loan program aimed at the small business owners' two greatest difficulties—capital availability and the cost of that capital. This bill also takes aim at our Nation's greatest problem—unemployment.

The bill targets those small businesses in the Nation's highest unemployment areas. These businesses must use the loans to purchase or improve physical plant or equipment that will create new jobs. In addition, the bill requires that the small business match the Federal loan up to 30 percent. But the bill goes even further. It encourages State and local non-Federal development organizations to join with the SBA to help local businesses expand.

Let me run over those points again:

First, matching loan program—direct loans abolished: Requires small business owner to participate.

Second, economically distressed areas: Where unemployment runs 20 percent above the national rate for the last 2 years; where capital is hardest to come by and most expensive; and where jobs and business taxes are desperately needed.

Third, job creation: Application must show multiple job creation potential; small businesses are proven job creators in our economy, 69 percent of new jobs come from small businesses, 30 percent from Government and 1 percent from big business.

Fourth, fixed asset lending: First priority to loans for purchase or refurbishment of buildings or equipment.

Fifth, State and local participation: Where State and local non-Federal financial assistance is given, matching requirement is reduced.

This change will result in the creation of jobs in our most economically distressed areas. At the same time we expect this program to substantially reduce the rate of default. We must change the way we have done business in the past. We must get more from each dollar expended. This program shows the way to other loan-granting agencies in the Government.

SBA DENYING LOAN PROGRAM EXISTENCE

The committee was faced with a very difficult situation concerning the obligation of loan funds. For at least 3 years previous to 1981, the SBA created a loan policy that stressed volume not quality. This emphasis, in large part, has been responsible for a delinquency rate of 25 percent overall—11.5 percent guaranteed and 36 percent direct loans. The new Administrator of the SBA has moved aggressively to improve the quality of loans made. Unfortunately, as the record makes absolutely clear, in the field the SBA was denying the existence of more than $200 million in loan programs. Despite the assurance of the Administrator that remedial management messages were sent, we were confronted with clear evidence of attempts to reduce loanmaking by denying or discouraging applications.

Although neither I nor any of the members of our committee approve or condone the loose management of the past, we cannot countenance the discouragement of eligible borrowers—deserving small business owners who desperately need these funds. Too many small businesses desperately need loans at less than the 19¼ percent rate of guaranteed loans. Too many small businesses see this 16-percent loan program as the key to survival in these times of high interest rates. These programs must be available to those who qualify. The provision in the bill merely directs that SBA commit loan funds if qualified borrowers exist. It does not require wasteful ways of the past, but it simply requires that SBA no longer conceal its programs.

This bill presents a major initiative begun by me and now bipartisan, which will play a part in solving our most pressing problems: jobs for our citizens and capital for our small businesses in the most needy areas. In keeping with much of our new legislation, we are asking State and local governments to share with us the tasks of helping small business.

I urge your support for this bill. It is a step into the future.

□ 1245

This bill, as my chairman said, does a great deal more.

I want to express my appreciation to my friend, the gentleman from Massachusetts (Mr. CONTE) for his work in the pollution control program; to the gentleman from Utah (Mr. MARRIOTT) for his work in the small business investment programs and to the gentleman from New Jersey (Mr. SMITH) for his outstanding attention to the handicapped loan provisions.

Mr. Speaker, I reserve the balance of my time.

Mr. MITCHELL of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank the gentleman from Maryland for yielding this time to me, and I commend him and our ranking minority member, the gentleman from Pennsylvania (Mr. MCDADE), for bringing forth this legislation.

Mr. Speaker, I rise in enthusiastic support of H.R. 6086, which amends the Small Business Act and the Small Business Investment Act of 1958. As cosponsor of this bill, and as member and past chairman of the Small Business Oversight Subcommittee, I strongly urge the Members to vote in favor of H.R. 6086. I see it as an acceptable compromise which deals with many of the issues brought before the Committee on Small Business over the last year.

As a longtime member of the Small Business Committee, I have consistently been an enthusiastic supporter of direct loans to small businesses because they simply are not treated like large businesses when they go to a bank for a loan. The New York Times article of April 25, 1982, is yet another tale of small firms being told that they are simply too small to merit consideration by banks. Even businesses with adequate credit histories are being denied loans if the loan is too small in amount for banks to deal with. In addition, small firms cannot afford to pay interest at several points over today's prime rate. All of these factors point to the conclusion that SBA should not only provide loan guarantees to banks for small business loans, but must also provide direct loan assistance. H.R. 6086 would continue the direct loan program, but would correct the problems found by the committee caused by bad loanmaking policy on the part of the Small Business Administration.

Following are my comments on specific provisions of H.R. 6086:

UNSPENT MONEY AT SBA

For years, I have challenged SBA's practice of not spending appropriated funds because of their lack of commitment on some programs. It should not be within SBA's discretion to shirk its program responsibilities merely because it does not like a program passed by Congress for the benefit of small businesses. The last time SBA was before the Small Business Committee, its excuse for not spending direct and guarantee authority was lack of demand. However, when pressed, SBA could not document any appreciable decrease in demand which would account for this failure to make more loans. Section 2 would require SBA to spend subject only to availability of qualified applications and appropriations limitations. In addition, section 6 requires SBA to maintain a record of all applications for or inquiries about, availability of funding for financial assistance and for guarantees. This way,

SBA will not be able to claim "lack of demand" without proving it.

DIRECT LOANS

The new direct loan scheme tightens up the program so that SBA will be prevented from making bad loans. The SBA must determine that the loan applicant demonstrates a potential for growth, and that the applicant has given reasonable assurance that it will create employment opportunities within a 2-year period. Also, for the first time, SBA must assist direct loan recipients in developing a management plan after loan approval but before disbursement, to help correct any possible management deficiencies. These new requirements and others will assure taxpayers that only those firms capable of repaying loans will receive them, and that the economy will benefit from such loan assistance.

Direct loans will be allocated on the basis of unemployment within the region and district but it should be stressed that all regions and districts will receive direct loan money. However, within each district a priority is given to labor surplus areas and to businesses seeking to fund hard capital expenditures. Also, matching funds will be encouraged from State and local governments.

SBA districts and regions will still have the flexibility to spend the money where the immediate need is. This should give SBA no excuse for not spending appropriated money.

SURETY BONDS

The surety bond program at SBA is vital to the survival of those businesses that are at the mercy of cautious bonding companies. Section 4 of the committee print restrains SBA from discriminating against those small firms, which, because of fast growth, can demonstrate the ability to complete a contract much larger than previously completed contracts. It might be simpler to deny a bond based on this criteria from a programmatic standpoint, but it simply is not fair, and it prevents small firms from growing any faster than SBA thinks the firm should grow.

COMMERCE BUSINESS DAILY

In previous hearings, we received testimony that many small firms never had the opportunity to compete for Federal contracts because they never got adequate notice of the solicitation. Section 12 would require that a minimum period of time elapse between publication of the CBD and issuance of the solicitation and bid opening or proposal acceptance. The agencies already operate under regulations to this effect, but many small firms report that the regulations are not being followed.

REORGANIZATION OF SBA AND REPROGRAMING

We have heard that the administration is considering a transfer of program responsibilities from SBA to the Department of Commerce. In addition, SBA continues to ask the Appropriations Committee for reprogramings without adequate notice to the Small Business Committee. Section 7 requires SBA to notify the Small Business Committee of these actions so that it can perform adequate oversight.

LABOR SURPLUS PROCUREMENT

Section 13 corrects some of the confusion about the priority given to firms under the labor surplus area preference set forth in the Small Business Act. It also would have the effect of promoting greater uniformity in the Federal acquisition system by removing the existing prohibition disallowing DOD to participate in total labor surplus area set-asides.

Mr. MITCHELL of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in support of passage of H.R. 6086, authorizing Small Business Administration programs for fiscal year 1983. In particular, I wish to commend the gentleman from Maryland (Mr. MITCHELL) and the gentleman from Pennsylvania (Mr. MCDADE) for their leadership in bringing this legislation to the floor with the unanimous, bipartisan support of the Small Business Committee.

As a member of the committee, and as a former small businessman myself, I have viewed with considerable alarm the attitude this administration has taken toward small business. The installation of a new Administrator at the SBA earlier this year has made a marked improvement at that agency, but they remain hamstrung by a variety of directives from the bureaucrats at the Office of Management and Budget.

Particularly troubling to me is the stubborn refusal of this administration to use the funds that already are available to help small businesses. Congress has authorized and appropriated funds for a variety of small business assistance programs, and the President has signed these measures into law, yet the administration has not been using the funds.

At a time of continuing high interest rates and record numbers of business bankruptcies, it is incredible that this administration does not use the authority available to it. This is particularly troubling in light of the fact that small businesses are the greatest source of innovation and new jobs creation in our economy, and the economy certainly can use help in those areas.

H.R. 6086 contains provisions to assure that the administration does what the law intends. It is peculiar that an administration which condemns civil servants for liberally interpreting statutes must itself be instructed by the Congress to observe the law, but that is what we have come to.

Mr. Speaker, to illustrate what is happening, I will take just a minute or two to discuss the SBA's pollution control loan guarantee program. As chairman of the Small Business Subcommittee on Energy, Environment and Safety, I presided over three hearings on this program in recent months.

The SBA's pollution control loan guarantee program was established by the Congress in 1976. Its purpose is to help small businesses finance expensive pollution control equipment that is needed to meet environmental protection requirements imposed by the Government. Without this program, many small businesses would be forced out of business, because of the difficulty of financing nonproductive investments.

We found that the SBA's pollution control loan guarantee program worked beautifully for 5 years. They have issued more than $500 million in guarantees and have suffered defaults totaling less than $1 million. Moreover, the program has actually earned the Government over $25 million in net profit to date. I am sure we would be very happy indeed if more Government programs had that kind of a track record.

The Small Business Committee is quite upset by recent administrative actions that have been ordered by OMB and which have effectively strangled this program. When the SBA's Administrator, Mr. Sanders, testified on H.R. 6086 a few weeks ago, he said that the SBA had not issued a single dollar of loan guarantees since the first of this year, when the OMB directive took effect. The absence of activity in this program is in spite of the facts that they have had over $100 million in completed applications pending since last summer and that the Congress has authorized and appropriated $250 million for the program.

The problem is purely bureaucratic. That is, the bureaucrats at OMB do not want the SBA to do what the law directs.

As it stands now, small businesses are effectively denied access to a successful and efficient program that was established to help them meet extraordinary costs imposed on them by the Government. This change in Federal policy was protested in statements presented to our subcommittee by representatives of the States of Illinois, Massachusetts, Michigan, Minnesota, and Ohio. More would have come, if they had thought we were having trouble getting the message.

Ohio's Gov. James Rhodes, informed us that the SBA's pollution control financing program had already helped 19 companies in his State, saving the jobs of 1,500 people. He

noted that 26 other Ohio companies had applications pending and that the administration's actions jeopardized over 2,100 jobs in his State.

In a letter to me, dated March 9, Governor Rhodes said:

> Without SBA guaranteed tax-free financing, these companies, and many others who don't know yet that they have pollution compliance programs, won't be able to finance mandated compliance. Ohio will find itself in the unpalatable position of having to enforce federal pollution laws against Ohio businesses who are violating those laws because of federal policy changes which destroyed their ability to comply. That is bad government!

Mr. Speaker, after 3 days of hearings on pollution control financing for small business, including listening to the administration's rationale for its action in gutting the SBA program, the members of the Energy and Environment Subcommittee unanimously joined in cosponsoring H.R. 6189, which was introduced on April 28 by our ranking minority member, SILVIO CONTE. That legislation would overturn the recent administrative actions that have throttled the SBA pollution control loan guarantee program; it would restore the program to where it stood before the bureaucrats took it upon themselves to rewrite the law; and it reinstates those applications that were pending at the time of the arbitrary rules changes.

I am pleased to note that H.R. 6086, as amended, incorporates all of the key provisions contained in H.R. 6189. Passage of the legislation pending before us today will have the effect of restoring the SBA's pollution control finance program, which the members of this committee feel very strongly is needed by the small business community to help them comply with Government-imposed requirements.

Mr. Speaker, in particular, I wish to commend the gentleman from Maryland (Mr. MITCHELL) and the gentleman from Pennsylvania (Mr. MCDADE) for their leadership in bringing this legislation to the floor, with the unanimous bipartisan support of the Small Business Committee.

I would also at this time like to take the opportunity to commend my colleague, the gentleman from Massachusetts (Mr. CONTE), who serves as the ranking minority member on my subcommittee and with whom it is a great pleasure to work. I appreciate the cooperation that has been shown in bringing this bill forth.

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 6086, which passed the Small Business Committee unanimously. These are particularly hard times for small businesses, with more small businesses going down the drain than any time since the depression. This bill alone will not turn the tide; but it will make sure that the Small Business Administration is doing its full share in assisting the sector of the economy that needs help desperately.

The impetus for this bill came from the administration, which asked for higher funding levels for programs aimed at the economically and socially disadvantaged. This bill accomplishes that.

The administration asked that all direct loans, except handicapped loans and MESBIC loans, be ended. This bill accomplishes that also.

In place of direct loans, the distinguished ranking member of the committee, JOE MCDADE, proposed a distressed area loan program to provide leveraged funds to areas of high unemployment.

I cosponsored that proposal, and I commend my good friend for such a constructive approach to this country's severe unemployment problem. This proposal puts money where it is needed, in high unemployment areas, and uses it for what is most needed, to create jobs. It is a proposal we can all support. This bill also remedies an administrative problem that has arisen with the pollution control bond guarantee program. The language in this bill combines provisions introduced by the chairman of the committee, Mr. MITCHELL, with the provisions of a bill, H.R. 6189, that I introduced on behalf of myself, the chairman of the Subcommittee on Energy, Environment and Safety, Mr. BEDELL, and the entire subcommittee. As a result of an arbitrary order made by the Office of Management and Budget, which the Small Business Administration followed reluctantly, the pollution control program has been shut down cold. Zero guarantees have been made since January 1. And this is in a $250 million program that is so successful that it actually makes money for the Government—about $29 million a year—for guarantee fees and interest on reserves.

Small businesses, which Congress mandated must comply with stringent and expensive pollution control laws, are going begging for financing and going out of business for lack of a source of that financing. This bill restores the only pollution financing program available to small businesses to the way Congress intended when the program was enacted in 1976, and to the way it has been administered up until this year. It is a program that makes money for the Government and does not cost a nickel.

Mr. Speaker, I would like to have a colloquy with my good friend, the gentleman from Maryland, the chairman of the committee.

Mr. MITCHELL of Maryland. Mr. Speaker, I would be happy to enter into a colloquy with the gentleman from Massachusetts.

Mr. CONTE. I would like to ask the gentleman whether this bill before the House does anything more than return the pollution control program to its original dimensions.

Mr. MITCHELL of Maryland. I can assure the gentleman from Massachusetts that it does nothing more than that.

Mr. CONTE. Does the language of this bill or its report alter any previous SBA rulings other than those actions taken as a result of the directions received by SBA from OMB in mid-December of 1981?

Mr. MITCHELL of Maryland. The language in the bill assuredly does not do that.

Mr. CONTE. I want to thank my good friends who is doing such a great job as chairman of our committee.

I would ask the gentleman for one further clarification. After the pollution control bond guarantee program was originally enacted, the Internal Revenue Service issued Revenue Ruling 78-171, which held that pollution control projects financed with industrial development bonds and backed with SBA guarantees would not be taxable. This ruling was based on the Service's understanding that Congress did not intend the guarantee authorized under section 404 of the Small Business Investment Act to cause the interest on bonds used to finance pollution control facilities to be includable in the gross incomes of the bondholders. I would ask the chairman of the committee whether this amendment to section 404(b) is intended in any way to provide a basis for any change in the interpretation of section 404 put forth in Revenue Ruling 78-171?

Mr. MITCHELL of Maryland. As the gentleman from Massachusetts rightly said in his statement, this amendment is intended to do no more than to restore the program to the way it has been run since the program was enacted.

Mr. CONTE. If I may follow up, would it be correct to say that the committee intends no change in the basic holding of Revenue Ruling 78-171?

Mr. MITCHELL of Maryland. That is correct. The result in Revenue Ruling 78-171 conforms to the intent behind section 404(b) as enacted and as hereby amended. The committee endorses and fully approves of Revenue Ruling 78-171, and intends no change therein.

Mr. CONTE. I thank the gentleman for answering these questions, and commend him for his leadership on this bill.

In conclusion, I urge my colleagues to support this bill for one simple reason—this bill, according to the CBO, has no significant budgetary impact. All it does is ask the SBA to

use the arsenal at its disposal to the fullest to assist small businesses in this battle for their existence. This bill is not a spending bill. It does not authorize MX's or B-1's in the battle for economic survival. What it does is tell the SBA to move into the front lines, get into the trenches, use the weapons Congress has given you to do your duty, which is more important now than at any time since the SBA was created, to help small business survive and somehow even prosper in the midst of the greatest hostilities they have ever faced.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I have asked the gentleman to yield for only a couple questions.

Currently there is $250 million for investment company loan guarantees. That is up, if I have the right figures here, from $160 million, is it not?

Mr. McDADE. Well, I might say to the gentleman that the figure in that particular item is up, but it is reduced by other authority in the bill itself, so one would not find any increase in this entire bill. There are some specific items, including some where the administration requested that we increase the budget authority; but the overall authority of the small business authorization, may I say to my friend, is down and taken out of other existing programs.

Mr. RUDD. Well, I guess I do not quite understand on that. This is up $267 million for economic opportunity loans and that is up $60 million from $107 million, is it not, or is it up $107 million from $60 million?

Mr. McDADE. Yes. It is up $107 million and the administration asked for an increase in that, but we reduced the totals, let me say, in the authorization account, so that there is no net increase. There is an individual increase in this line item, much of it as requested by the administration, but then, may I say to my friend, the committee recognizing the fiscal situation in the Nation reduced other sections of the bill to accommodate that specific increase; so if you took all the specific programs within the SBA, you will find some items up, but we took the authorization away in other areas to pull it down, so we would not have a net figure showing any increases.

Mr. RUDD. Let me just ask the gentleman one more question.

Mr. McDADE. I am delighted to yield to my friend.

Mr. RUDD. Let me ask one more question which I think is of interest to a great many of us.

Personally, I have had a great quantity of mail in the past indicating that these loan guarantee programs pour money into nonprofitable businesses and discriminate in favor of minorities.

Does the gentleman have an answer for that?

Mr. McDADE. Well, may I say to my friend, the gentleman from Arizona, that we on the committee attempt to make sure that every dollar is spent wisely.

Now, there is no question that in the past there has been some unfortunate administration through several Presidencies where we believe there could have been tighter administration of all these programs.

We have made a very strong effort to legislate a new set of guidelines so that we are not burdened by an administrative decision somewhere out in the field to make a loan that neither the gentleman nor I nor most of the members of our committee might concur with.

We have taken actions to tighten those programs, so that some of the regional directors and the loan officers who are out there who in the past have done what the gentleman suggests can no longer occur. We have tightened those all up legislatively, not left it to the discretion of a new Administrator, and we do have, may I say to my friend, a new Administrator whom the President has just appointed. My own impression is that I have full faith and confidence in him. He wants to administer these programs as tightly as he can, so that we will perform the dual function of assisting the small business community, which we all favor, but not wasting one red cent of taxpayers' dollars.

The Administrator, who is down there now, is a breath of fresh air, I think, to all of us and we have confidence that he is going to run these programs, may I say to my distinguished friend, the gentleman from Arizona, with a new spirit of strong administration, yet try to help the constituency, which is the small business community that we are addressing this bill to.

Mr. RUDD. Mr. Speaker, will the gentleman yield further for just one last comment?

Mr. McDADE. Delighted to yield.

Mr. RUDD. I appreciate the gentleman's sincere effort to put this in proper perspective and to answer some of the hard questions that I have put to the gentleman.

One last question. It is my understanding that the administration opposes this legislation because of spending levels and severe conflict with budget targets.

Mr. McDADE. May I say to my friend, and let me emphasize this to my friend, because we have worked together on many bills in this body over many years; we never heard a word of opposition from the administration as we went through the markup and we started this in February. Sometime last night somebody in OMB—not the head of the SBA, they were not informed—somebody in OMB contacted the legislative digest section of the House conference. They never talked to me. They did not talk to one Republican member of this committee, and I want to emphasize to my friend that the Republican side of the aisle is unanimous in support of this bill.

They did not talk to any of us, may I say to my friend. I think that is just a blatant disregard of our long efforts to bring together a bill that we can go to conference with the Senate.

There was one particular item that the administrator fought hard on. I offered the administration's amendment. We lost by one vote.

The Senate is in a different position. I think maybe when we get to conference, we can resolve that issue; but may I say, I am affronted by the way OMB acted here in not even having the courtesy to pick up the phone to discuss with me or any other member of the committee on the Republican side or the Democratic side or any of our staff people, all of whom are professional, any conceivable objection.

The language that they used, may I say to my friend, if you want to hear loose language that means nothing, listen to what they say:

> . . . because it contains seriously objectionable provisions that are inconsistent with the administration's budget request and policies.

Where? They do not tell me where. They have not told me where. As I have indicated to my friend with his penetrating questions, we have pulled the levels of authorization in this bill down. When the administration asked for new budget authority, we pulled it down in other areas because we recognized, we are members of the same body the gentleman is, and we recognized the fiscal constraints that the country is in; so we pulled these programs back ourselves. In the last half of the ninth inning, with no conversation, up comes objectionable provisions, none of them detailed, not one of them. I find that very offensive, may I say to my friend. They should have had the courtesy to let us know even before we came out of committee, because the SBA Administrator, and I do not want to put him on the spot, he is brand new on his job and he is determined to do a good job, I do not want to put him on the spot in between. He has got to be a soldier for the administration. I understand that; but for the OMB to do that, let me say to my friend, is beyond their authority and absolutely disregards every one of us on our side of the aisle and on the Democratic side of the aisle who worked hard to produce what is a unanimous and bipartisan bill. That is why we are on the suspension calendar.

Mr. RUDD. Let me thank my colleague and friend, the gentleman from

Pennsylvania, for as always his statesmanlike response to some tough questions.

Mr. McDADE. I thank my friend, the gentleman from Arizona; it is a pleasure.

Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. MITCHELL of Maryland. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I rise today in support of this bill and ask permission to revise and extend my remarks in this regard.

At this time, however, I want to make clear to my colleagues that I strongly object to a new provision in section 12 of this bill which prohibits the SBA from providing financial assistance to any small businesses which have anything to do with abortions.

I would like to offer an amendment to strike this incredibly inappropriate provision. But I cannot. My hands are tied by the parliamentary procedure which governs bills brought up under suspension.

The Senate bill does not have this antiabortion provision. Why?

Because it is ridiculous. The American people are wondering why we are having so much trouble doing our job in this body and I submit that this is one very good reason why. Chairmen cannot even move a bill, particularly appropriations bills, without the threat of seeing no action on them because somehow whether or not a shred of Federal funds are involved in any way with abortions becomes more important than whether or not we provide funds for Labor Health and Human Services programs, Defense programs, the Treasury and Postal Departments—and now, of all things, the Small Business Administration.

Not only is this provision totally out of place on a bill aimed at aiding this country's small businesses, its impact is unclear, and whether it can be enforced by the SBA is even less clear.

Small businesses in America need our help. They represent more than 97 percent of all American companies and they provide jobs for more than 100 million Americans, 86 percent of this Nation's new jobs will depend on small businesses. But today business failures are running at near depression levels and have risen at least 30 percent just in the past year. These businesses are paying 10 to 12 percentage points above the inflation rate on their bank loans. Any economic progress we hope for in the future depends on the vitality of this Nation's small businesses.

This legislation provides the necessary increases in funding levels for Small Business Investment Companies, Economic Opportunity Loan Guarantees and Minority Enterprise Small Business Investment Companies.

The successful results of the SBIC program are apparent. A study by Arthur D. Little, Inc. on the economic impact of SBIC financing on small businesses showed the average growth rate of SBIC companies was 10 times greater than other small businesses in terms of increased sales, employment and profits. In its 22 years, this program has helped finance the start of 42,000 small companies.

In addition, the SBIC program does not cost the taxpayer because the Federal tax revenues resulting from the program substantially exceed the program cost. For each $1 spent to the program the Federal Government receives $110 returned to the Treasury in revenue.

This is a good bill. I want to vote for it and I will, but I strongly urge my friend and the distinguished chairman of the Small Business Committee, Mr. Mitchell, to work to strike the antiabortion language during conference. And I want to leave no doubt that if this provision is not eliminated during conference, there will be a floor fight on the conference bill.

Mr. MITCHELL of Maryland. Mr. Speaker, I would like to indicate that the gentleman in the well has articulated my feelings very well. I spoke about this issue earlier. It was ruled on by the parliamentarian. There was absolutely nothing we could do about it.

I, too, do not believe that it ought to be in this bill. I hope that something can be done about it.

Mr. Speaker, I want to thank all the members of the committee who worked on the bill, particularly the ranking minority member, the gentleman from Pennsylvania (Mr. McDade) who worked very, very hard on this bill.

I also want to thank the gentleman from Massachusetts (Mr. Conte) and the gentleman from Iowa (Mr. Bedell) for their assistance and expertise, particularly with the provision involving the pollution control bonds.

In addition, I want to express the committee's thanks to the Committee on Government Operations for their cooperation and suggestions on the amendment pertaining to the Commerce Business Daily publication requirements.

● Mr. FAZIO. Mr. Speaker, I note that this otherwise excellent piece of legislation contains amendments which in some way would prohibit financial assistance to any small business applicant who performs abortions, engages in abortion research, promotes or recommends abortion, or provides abortion training. This amendment was added to the bill May 11 in markup without, I believe, any testimony or much evident explanation as to what precise problem it is aimed at and what real effect it would have. There is an exemption for the performance, research, promotion, or recommending of abortions where the life of the mother is endangered. Though the exception seems reassuring, implying both that some legislative judgment has been exercised and that relief is granted where relief is necessary, in fact the exception only compounds the ambiguity of the rule.

It would have benefited the House to have learned what small businesses the antiabortion amendment was really trying to prevent the Federal financing of. Have there been, or could there be private abortion clinics operating as small businesses? Are such the target? If the amendment aims at them, how do we know its application would stop at such businesses? Would it embrace, as on its face it literally does, a small bookstore which sells literature advocating or even objectively describing abortion or related procedures? Would an applicant be required to promise that he or she would refuse to post in a shop window messages or billboards announcing that a local planned parenthood group was meeting, or, worse, that the local revolutionary cell of the League of Women Voters had scheduled a debate on the pros and cons of legislating antiabortion statutes, particularly appending them to other statutes whose subject matter and applicability really bear no relation to the moral question abortion is?

Beyond the question of exactly what the provision applies to, there is the question of when and for how long the prohibition should apply. Would the applicant promise to make no trespass on the abortion matter initially, and then be free to revise the business later? Or would the provision apply during the life of the loan, making the loan subject to recall if the provision were violated? Perhaps the applicant would sign a pledge that never would he or she indulge in such violations, on penalty of forfeiting a bond posted against the possibility of relapse?

At this point in the legislative proceedings, Mr. Chairman, it is not worth asking that this bill be taken off suspense and amended and passed in its straightforward form as a bill to continue helping small businesses. However, I would hope that the conference could resolve the issue so that we have a better bill to pass finally.

Thank you.●

● Mr. BROOKS. Mr. Speaker, I would like to commend Chairman Mitchell and members of the Small Business Committee for their fine efforts on this legislation. I am particularly pleased that the Government Operations and Small Business Committees have been able to work together to develop a provision to improve the small business community's access to Federal procurement information. The timely and adequate notice of pending procurement actions will help small

businesses that lack the resources to seek out this type of information. It will also increase competition by involving more firms in the Federal marketplace.

I have long held the belief that any effort to reform Government procurement practices must include a firm commitment to increase the use of competition in the Federal marketplace. Competition not only provides substantially reduced costs but also insures that new and innovative products are made available to the Government on a timely basis.

Despite the benefits that can be achieved from competition, the sad fact is that the majority of procurements by Federal agencies are noncompetitive. H.R. 6086 is a good first step to reverse this dangerous and costly trend. More needs to be done, however.

The Government Operations Committee is currently working on Government-wide procurement reform legislation which will greatly increase competition and simplify Federal procurement operations so that all of American businesses—small and large alike—can participate fully.

I hope that the Small Business Committee would fully support our efforts to achieve this objective.●

Mr. PRITCHARD. Mr. Speaker, today the House is considering H.R. 6086, the Small Business Investment Act Amendments, under suspension of the rules. Whether or not one agrees with the overall intent and purpose of this bill, I wanted to make my objections known to one particular section, section 12, which I believe is unrelated to the issue under consideration today.

Section 12 would deny any financial assistance to small businesses which, in any way, deal with the issue of abortion. The measure prohibits SBA financial assistance to any applicant which performs abortions, which engages in research which relates to methods of, or performance of, abortions, which promotes or recommends abortion, or which trains any individual to perform abortions.

Over the years, I have become very disturbed with the continuing efforts to insert restrictive abortion language into many different bills, particularly in bills which have no relationship with the subject. This practice has repeatedly disrupted the legislative process. Should this bill go to conference with the Senate, and should the opportunity be available, I would urge the House conferees to drop the language in section 12.

● Mr. ALEXANDER. Mr. Speaker, it is my concern that all my colleagues be well aware of the administration's intentions regarding small business programs before they accept the proposed amendment to the Small Business Act and the Small Business Investment Act of 1958.

It is true that that administration does not support this measure as presented to us today. The reason the administration opposes this bill is that the committee gave the administration what it asked for, but threw in something else, too.

The administration asked increases in equal opportunity loan program funding—which targets aid to firms in areas with high unemployment—from $60 million to $167 million.

It sounds good, but something is rotten in the deal. What the administration has asked for is an increase in loan guarantees because the intention of the administration is to do away with direct loans for small business.

Well, that is fine and dandy, too, until you look at what history has told us about the guaranteed loan program. The authorization and appropriation for those guaranteed loans in 1981 was $60 million—only $20.4 million of that amount was placed into guaranteed loans. Our financial institutions are not interested in being a third party in the program and who can blame them with the economy in recession?

What this bill does in addition to giving the administration what it asks for is to also continue the direct loan program—at a much reduced level under tighter controls and by setting priorities for areas with persistent records of high unemployment. I support a continuation of the direct loan program because I feel that small businesses, which provide more than 90 percent of the new jobs in this Nation, need some support to play the role they can in lessening the highest rate of unemployment in more than 40 years in this Nation. History has demonstrated that this support will not come through a guaranteed loan program.

While I support the bill for this reason, my main concern today is that all my colleagues, including those who are inclined to vote against it, understand the roundabout way the administration is working to achieve its aims.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 6086, the Small Business Investment Act.

The passage of this bill will be of great benefit to our Nation's economy. As you know, small businesses have played a key role in the development of our economy and in the creation of jobs during the last few years.

This bill will increase funding for two vital SBA programs: the equal opportunity loan program which targets aid to firms in areas with high unemployment and increases the current authorization guarantees for minority enterprises SBIC loans. This bill also offers a variety of programs to help small businesses attract capital. It provides direct loans and guarantees loans, bonds, and equity funds issued by private sources.

I urge my colleagues to vote in favor of this bill that will help to concentrate small business effort in those areas and communities where we need it more.●

● Ms. FERRARO. Mr. Speaker, the legislation we are considering is essentially a reauthorization of the Small Business Administration Act. As a strong supporter of small business, and one who understands the tremendous contributions of small businesses to our Nation's economic well-being and to job creation and technological advances, I believe we should act promptly to pass this bill and move it through conference with the Senate and on to the President for signature. The bill makes important changes and improvements in our Federal small business programs at a time when business failures are at their highest level since the depths of the Great Depression.

But there is one provision in this legislation which I vigorously oppose. Frankly, it's outrageous and incredible that the provision even appears in this bill. It is opposed by the chairman of the Committee on Small Business. It is totally unrelated to the purpose of the legislation.

The provision, contained in section 12 of H.R. 6086, would prohibit SBA assistance to any applicant which performs abortions, which engages in research which relates to methods of, or performance of, abortions, which promotes or recommends abortion, or which trains any individual to perform abortions.

The 3½ years I have spent in this House have seen a steady expansion of legislative targets for antiabortion riders. First, we completely frustrated any efforts to produce an appropriations bill for the Departments of Labor and HHS (then HEW). Then we moved on to the appropriations bill on Defense, and then the District of Columbia, and then the Treasury-Postal-General Government. We also dealt with the issue on the child health assistance planning bill.

I have consistently opposed all these efforts to inject the Government into what is an intensely personal decision for a woman and her doctor as inappropriate in a free society and as blatantly antiwomen.

Now the ideologues have produced a provision that is, in its way, the worst of the lot. There is not any shred of rational relationship between the purpose of the bill, which is to promote small business, and the provision on abortion. Not only is it bad policy, but it is terrible legislation. It must be removed.

Mr. Speaker, I do not propose to try to defeat what is an excellent and essential bill because of one odious pro-

vision. My sincere hope, however, is that the House conferees on this bill will agree to drop it in conference. Since the Senate bill includes no such provision, this result can easily be achieved, and it will bring better social policy and better small business policy.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of this bill, H.R. 6086, which would provide much needed financial assistance to our Nation's 15 million small businesses.

The major features of this important measure would:

Increase funding levels for Small Business Administration loan guarantee programs;

Establish small business firms located in persistent high unemployment areas as priority targets for SBA direct loans;

Overturn an SBA decision to deny loan guarantees when tax-exempt Industrial Revenue Bonds (IRB's) are involved;

Freeze the current maximum interest rate charged for SBA-guaranteed loans through June 30, 1983; and

Require SBA to use all of its funds unless there is a lack of demand for those funds.

Simply stated, this legislation aims to help small businesses attract the capital they need to help bolster our Nation's weakened economy. The Small Business Development Act of 1980 established authorization levels and loan ceilings for SBA programs through fiscal year 1984. However, those levels of funding have proven insufficient to deal with the current economic climate. H.R. 6086 would provide the additional assistance that is necessary.

Clearly, if our Nation's economic recovery effort is to be successful, we must do everything possible to stimulate small business growth. Evidence to this fact can be seen through a number of telling statistics. First, small business accounts for nearly half of our Nation's private gross national product (GNP). Second, small business provides the overwhelming majority of new private sector jobs. Third, small business has proven to be far more innovative per R. & D. dollar than larger firms.

At the same time, however, small business is being forced out of the short-term bank borrowing market—its primary source of capital financing—by current economic conditions. That is why this legislation is so important. It would help to insure that adequate capital can continue to be made available to those firms which can do so much, if given the chance, to strengthen our troubled economy.

I am especially impressed with the emphasis this legislation places on aid to minority enterprises and areas of high unemployment. Specifically, this measure would increase loan guarantees to minority enterprise small business investment companies (SBIC's) from $37 million to $41 million for both fiscal year 1983 and 1984, and it would increase equal opportunity loan program funding—which is targeted to areas with high unemployment—from $60 million to $167 million.

Mr. Speaker, at a time when our Nation is facing one of its most difficult economic crises in history, we must do all we can to promote the vast energies and creative genius of small business. I urge the passage of H.R. 6086 as a major step in that direction.●

● Mr. IRELAND. Mr. Speaker, I rise in support of H.R. 6086. In spite of the budget constraints we faced, I believe the committee has come up with an overall piece of legislation that will be beneficial to the small business community. By no means however, should we deceive ourselves into thinking that such legislation is the total answer for all small businesses. We must continue to work for small business in our committee and every other committee in the House and Senate. For everything we do in the Congress affects small business and we should realize that.

I would like to address one specific part of the legislation. We incorporated H.R. 5551 into this bill. H.R. 5551 was introduced by our distinguished full committee chairman and myself in February. What we have done is to provide 45 days notice between publication of the notice of a procurement opportunity and the letting of the contract. Over the years we have discovered that small businesses have not had enough time to take advantage of available contracting opportunities.

It is administrative practice to publish procurement notices in the Commerce Business Daily 10 days before the issuance of a solicitation, but the practice is not constant, and a notice often first appears on the date a solicitation is issued. In addition, regulations presently provide for a minimum bidding time of 20 calendar days except where "special circumstances" call for a shortened time period. What you have then, instead of a cumulative period of 30 days for solicitation and bid, is an arbitrarily imposed timeframe which exists solely at the procuring agency's discretion. The small firm is at a clear disadvantage since it often lacks the financial and human resources necessary to monitor this discretionary, fluctuating process. To compound the situation further, the poor timing of solicitation notices limits a business already functioning at capacity and its ability to prepare and submit timely bids. We have now taken a legislative initiative to address this problem.

The small business community owes a debt of gratitude to the smaller business association of New England who brought this issue to the Small Business Committee's attention and then worked very hard to insure its passage.●

Mr. MITCHELL of Maryland. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 6086, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes."

A motion to reconsider was laid on the table.

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1947) to improve small business access to Federal procurement information, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8(e) of the Small Business Act is amended to read as follows:

"(e)(1) It shall be the duty of the Secretary of Commerce, and the Secretary is hereby empowered, to obtain notice of all proposed competitive and noncompetitive defense procurement actions of $10,000 and above, and all competitive and noncompetitive civilian procurement actions of $5,000 and above, from any Federal department, establishment or agency engaged in procurement of property, supplies and services in the United States; and to publicize such notices in the daily publication Commerce Business Daily, immediately after the necessity for the procurement is established: *Provided,* That nothing in this paragraph shall require publication of such notices with respect to those procurements (A) which for security reasons are of a classified nature, or (B) which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made, or (C) which are made from another Government department or agency, or a mandatory source of supply, or (D) in which only foreign sources are to be solicited, or (E) which are determined in writing by the head of the agency, with the concurrence of the Administrator, that advance publicity is not appropriate or reasonable.

"(2) Except as provided in paragraph (3), whenever a procuring activity is required to

publish notice of procurement actions pursuant to paragraph (1) of this subsection, such activity may not—

"(A) issue a solicitation until at least fifteen days have elapsed from the date of publication of a proper notice of the action in the Commerce Business Daily, except where the solicitation will be for procurement of requirements classified as research or development effort, in which case until at least forty-five days have elapsed from the date of such publication; or

"(B) foreclose competition until at least thirty days have elapsed from either (i) the date of issuance of the solicitation, or (ii) in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a proper notice of intent to place the order; or

"(C) commence negotiations for the award of a sole source contract until at least thirty days have elapsed from the date of publication of a proper notice of intent to contract that provides such specifications and information as practicable regarding the service or performance, and that interested persons are invited to respond or submit proposals in response to such notices within such period of time.

"(3) Nothing in paragraph (2) shall require compliance with any such minimum periods if—

"(A) the procurement action is to be made by an order placed under an existing contract; or

"(B) the procuring activity determines in advance in writing on a case-by-case basis that, with respect to any such procurement action (i) it is of such unusual and compelling emergency that the Government would be seriously injured if the time periods in paragraph (2) were complied with; or (ii) it involves perishable subsistence supplies and it is determined that it is impracticable to comply with such minimum periods.

"(4) Notwithstanding any other provision of law, a procuring activity may not enter into negotiations for the award of a sole source contract for more than $100,000 unless—

"(A) the head of the procuring activity has approved the proposal to negotiate such a contract; and

"(B) the procuring activity has considered all responses to the notice of procurement action as required in paragraph (2) of this subsection.

"(5) As used in this section, the term 'sole source contract' means a contract for the purchase of property, supplies or services which is entered into or proposed to be entered into by an agency after soliciting or negotiating with only one source.".

(b) The amendments made by this Act shall apply with respect to procurement actions to be initiated forty-five days after the date of enactment of this Act.

MOTION OFFERED BY MR. MITCHELL OF MARYLAND

Mr. MITCHELL of Maryland. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MITCHELL of Maryland moves to strike out all after the enacting clause of the Senate bill, S. 1947, and to insert in lieu thereof the provisions of H.R. 6086, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

□ 1300

The title of the Senate bill was amended so as to read: "A bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6086), was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1947

Mr. MITCHELL of Maryland. Mr. Speaker, I now ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1947, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and without objection, appoints the following conferees: Messrs. MITCHELL of Maryland, SMITH of Iowa, ADDABBO, GONZALEZ, RICHMOND, HATCHER, SAVAGE, MCDADE, CONTE, STANTON of Ohio, BROOMFIELD, and WILLIAMS of Ohio.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5705

Mr. BENEDICT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5705, the Home Recording Act of 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE GLADYS NOON SPELLMAN PARKWAY

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4848), entitled, "The Gladys Noon Spellman Parkway," as amended.

The Clerk read as follows:

H.R. 4848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that Gladys Noon Spellman, elected to four terms in the House of Representatives from the State of Maryland, should be afforded recognition not only for her personal efforts in upgrading one of the Capital region's most important transportation corridors, but more broadly for the dedication, commitment, and concern she expended on behalf of the people of Maryland. The quality of her service to the public exemplifies the high ideals and principles she held paramount.

SEC. 2. The parkway under the jurisdiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, shall hereafter be known and designated as the "Gladys Noon Spellman Parkway". Any reference in any sign, law, map, regulation, document, record, or other paper of the United States to such parkway shall be held to be a reference to the "Gladys Noon Spellman Parkway" and any future signs, regulations, records, maps, or other documents of the United States referring to this parkway shall bear the name "Gladys Noon Spellman Parkway". The Secretary of the Interior shall, before October 1, 1983, replace the existing signs for such parkway with appropriate signs designating the parkway as the "Gladys Noon Spellman Parkway".

SEC. 3. The Secretary of the Interior is authorized and directed, in cooperation with the State of Maryland, to design and erect at a suitable location adjacent to the Gladys Noon Spellman Parkway an appropriate marker commemorating the outstanding contributions of Gladys Noon Spellman.

SEC. 4. Effective October 1, 1982, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, H.R. 4848 is a very simple bill to honor Gladys Noon Spellman by naming the Baltimore-Washington Parkway the Gladys Noon Spellman Parkway.

Gladys Spellman, all those who served with her will remember with pleasure, was a four-term Member of the House of Representatives and she was instrumental in obtaining the cooperation of the State of Maryland, local governments and Federal agencies to improve and maintain this parkway as a pleasant, vital transportation corridor between Washington, D.C., and Baltimore. More importantly, Mrs. Spellman served this body with great distinction as a Member of Congress whose high ideals and principles never waivered in the face of conflict and pressure that accompanies the role of a Representative.

Mr. Speaker, I wish to commend our distinguished colleague from Maryland, Mr. STENY HOYER, for the development of this legislation to honor in a small way the outstanding contributions of Gladys Noon Spellman.

I urge that all of our colleagues join in supporting this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. DOWNEY. Mr. Speaker, will the gentleman from Maryland yield?

Mr. HOYER. I yield to the gentleman from New York (Mr. DOWNEY), a cosponsor.

Mr. DOWNEY. Mr. Speaker, in her four terms in the House of Representatives, Gladys Noon Spellman left a legacy of competence and hard work to all those fortunate enough to have had the opportunity of working with her. It is this legacy that I believe would be upheld by the resolution before us today.

Gladys Noon Spellman's career places her commitment to the Prince Georges constituency in vivid perspective. From public school teacher to county council member, to Congresswoman, Gladys' dedication to her area has never missed a step. And I would like to point out that there could never be a doubt that this area was first and foremost, her home.

The Fifth Congressional District of Prince Georges County is a Federal employee community. There has probably never been a more outspoken and skillful representative of this voice in Congress. Her representation covered both the rights and benefits of these workers, but also their morale as well. Demanding the respect of Members on both sides of the aisle, Gladys represented an outspoken voice for a population and area that is importantly concerned with parochial but also national interests. Those who sought a hearing on Capitol Hill could always find a welcome ear in Gladys' office. Her large and growing margin of election victories is the clearest indication of just the amount of support she represented.

There is little doubt that Gladys Spellman's political future was of the greatest potential. It is only the most unfortunate and unpredictable of circumstances that could have brought such a career to an end. It is my hope that we will allow her career and all that it embodied to live on in a fitting salute.

I urge my colleagues to join me in support of this tribute to an individual this area cannot afford to forget.

Mr. HOYER. Mr. Speaker, I rise in support of H.R. 4848, the legislation which would change the name of the Baltimore-Washington Parkway to the Gladys Noon Spellman Parkway.

There are many Members of this House of Representatives who served with my predecessor, Gladys Spellman. So many of you have told me that you admire and respect her as a legislator and even more, you are especially fond of this vivacious, friendly, warm, and caring woman. Hardly a day goes by that one of my colleagues or a staff member does not stop me to ask about Gladys' present condition which, I am sorry to relate, remains unchanged with little hope that it will ever improve. Therefore, I believe, Mr. Speaker, that it is most appropriate and timely that we, in the House, show our great esteem for our former colleague and for the quality of service she so ably gave the Fifth District of Maryland by insuring the passage of this measure.

Gladys Spellman has many friends in this House of Representatives evidenced by the 162 cosponsors of the parkway bill. And she has many friends, too, in the Fifth District of Maryland where she lived and served the public for many decades. Indeed, Mr. Speaker, when I first introduced H.R. 4848, our office received letter upon letter of support from grateful people who remembered her efforts to improve the parkway. There were other letters from supporters who pointed out how involved Gladys was in the upgrading of our schools, the improvement of health care for our citizens, and the development of parklands and roads—to name just a few. Her positive presence is felt in almost every facet of our community life.

We also have had the very important support from those in the public sector, such as the Governor of Maryland, the Prince Georges County council, the Prince Georges municipal association, the Prince Georges Chamber of Commerce, and from each of the towns along the parkway. The Assembly of the State of Maryland, during its 1982 session, adopted a bill which mirrors H.R. 4848. It will make all the name changes on the necessary signs and documents on the State's portion of the parkway. It is a companion effort to see that the entire parkway consistently reflects the name Glady Noon Spellman Parkway. I am happy to report that the Governor has signed the State bill into law.

There have been a few people, of course, who presented me with the view that a slab of blacktop may not be a fitting tribute to a woman who is warm, personable, and so effective. To their credit, they believe—and I join them in that view—that a renaming of a hospital or school would also be a suitable recognition of her contributions. I submit, however, that while their thoughts are admirable, even schools are cold brick and mortar, and while Gladys made significant contributions to both health care and education throughout her public career, it was the parkway which captured her heart and spirit.

Mrs. Dorothy Lupo, Gladys Spellman's sister, said it best, I think, when she wrote to a local newspaper regarding the renaming. She said:

> To Gladys, the parkway was more than just a commuter road. She loved it from the time it was first constructed. We could never ride with her and not hear her comment . . . on its elegant beauty, its magnificent trees, its graceful curves . . . Gladys thought of the parkway as majestic and beautiful . . . that's just the way so many of us think of her. But even more, we think of her much as the parkway suggests—busy, vibrant, every moving.

By those eloquent words, I believe Mrs. Lupo has captured the essence of the meaning in renaming the parkway.

As many of you know, the Baltimore-Washington Parkway is the major north-south artery which could be called the lifeline of Maryland's current Fifth Congressional District. It bisects the district and carries daily tens of thousands of area residents to and from jobs in Washington, Baltimore, and points inbetween. Virtually anyone and everyone who drives a vehicle in this area uses the parkway at some point during the course of a typical week.

Despite the key role the parkway plays in the lives of area residents, in January of 1975, it was in considerable disrepair. Gladys Spellman was just sworn into the House of Representatives at that time, and had joined the thousands of daily commuters on the parkway, from her home in Laurel to her office here in Washington, suffering along with them the bumps and thumps of the badly deteriorated surface.

Tempers flared when antiquated entrance lanes would not allow high-speed access, creating gigantic traffic backups during rush hours. Front-end alinements were everyday repair chores for automobile owners unable to dodge the steady stream of potholes, ruts, and other breaks in the pavement. It was costly, unpleasant, and downright hazardous to travel the parkway in those days.

Many of you may recall that there had been a longstanding intergovernmental impasse which prevented the much-needed reconstruction of the parkway and it was obvious that interim remedies were necessary if the road was to stay open at all. The newly elected Congresswoman went to work on the parkway problem immediately, and things began to happen. Appeals to the House Appropriations Subcommittee on the Interior, important assistance from subcommittee chairman SIDNEY R. YATES III, and help from another member of the subcommittee, Maryland Representative CLARENCE LONG, enabled Gladys Spellman to free up $5.7 million in new funds for the repair work. Mrs. Spellman then guided the appropriation first through the House and then the Senate, working closely with the Maryland Senators, to finally achieve the President's signature. Many would have considered enactment of that appropriation the final step—the crowning achievement—of their efforts to aid the parkway and its users. But not Gladys Spellman. She knew her work was just beginning. With the money now available, she set about the task of having the repair work completed as quickly as possible and with a minimum of disruption for the commuting public.

After expediting the awarding of the construction contract, Mrs. Spellman, using her exceptional skills as a negotiator, called together at a meeting at her home, officials of the National Park Service, the construction company, and numerous citizens' groups from the Fifth District. She arranged to have much of the reconstruction work done at night and on weekends, when it would least interfere with the vital parkway traffic. It was the Bicen-

tennial Year and the unprecedented arrangements to accomplish the repaving neither impeded nor interrupted the increased tourist traffic arriving to celebrate our Nation's 200th birthday.

The bulk of the upgrading was completed by 1976. But followup work on access ramps continued for several more years under Mrs. Spellman's watchful eye. The Fifth District Congresswoman became so personally identified with the parkway work that, right up to the day her seat was vacated due to her untimely illness, she continued to receive letters from grateful constituents thanking her for her efforts on their behalf.

Gladys Spellman was a dedicated, committed public servant whose unflagging spirit we all admire. To place her name on the parkway which runs through the very heart of the county Gladys loves, a parkway which passes by so many communities upon which she left her mark, will be a lasting monument to her good work. Paying tribute to Gladys Spellman, a truly outstanding public official, in this manner is a most appropriate action. With the passage of H.R. 4848, she will not be forgotten by any of us and she will daily be remembered by those who travel along the grateful path of the Gladys Noon Spellman Parkway. I urge my colleagues to adopt H.R. 4848, the Gladys Noon Spellman Parkway.

Mr. SEIBERLING. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Maryland, (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I rise in support of H.R. 4848, legislation to designate the Baltimore-Washington Parkway as the "Gladys Noon Spellman Parkway." The measure also authorizes the Secretary of the Interior, in cooperation with the State of Maryland, to design and erect a marker, at a suitable location adjacent to the parkway, commemorating the outstanding contributions of our former colleague.

It is true that Gladys Spellman was instrumental in obtaining Government cooperation and funding for the maintenance of this parkway. However, this is certainly not the only reason we should choose to honor her in this way.

Former Representative Spellman served four terms in this House, and I do not believe there is a Member or staffer with whom she has worked who could deny that she was an inspiration. Her unyielding dedication to her immediate constituency did not preclude an intense emphasis on human rights and dignity for all people.

It is only fitting that the 19 miles which link the cities of Baltimore and Washington be renamed in the honor of one who has fought heartily, and oftimes, successfully to protect our Federal workers. I can reflect on many days when Gladys and I stood together in an attempt to stave off efforts to deny equitable benefits to these workers. Her eloquence on the floor of the House and in committee was only exceeded by the very personal touch which she brought to each of her many areas of pursuit. These areas included health care, education, and sufficient economic and social opportunities for all people regardless of race or economic status.

Mr. Speaker, I would only urge that we vote for H.R. 4848 overwhelmingly. I am proud to be a cosponsor of this legislation, and there should not be any doubt that the outstanding contributions of Gladys Noon Spellman deserve such a tribute.

Let me also add that words nor gestures are never adequate enough to say thank you. We can only honor those who have worked so hard by the tokens of appreciation provided in the legislation before you. Gladys Spellman is among those who have worked hard, and I urge strongly that each of my colleagues cast a favorable vote for H.R. 4848 in her honor.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bill now under consideration (H.R. 4848) which would rename the current Baltimore-Washington Parkway as the Gladys Noon Spellman Parkway.

This parkway is administered by the National Park Service and is a principal transportation corridor between the cities of Baltimore and Washington, D.C. While the naming of national park system units after individuals is often a matter of controversy due to longstanding policy to not do so, this is not the case in this instance. The Baltimore-Washington Parkway is technically not an individual unit of the national park system, as it is administered as a part of the National Capital Parks, which is a collection of numerous areas administered by the National Park Service in the region of the Nation's Capital.

Mr. Speaker, Gladys Noon Spellman served with distinction as a Member of the House of Representatives. She contributed a great deal of effort toward the betterment of this parkway during her period of representation of the congressional district through which much of the parkway is located. I believe it is entirely appropriate that she be commemorated in the manner set forth by this bill, and I urge my colleagues to support this measure.

● Mr. BARNES. Mr. Speaker, I commend my colleague from Maryland, STENY HOYER, for his initiative in introducing this bill and for his efforts in bringing it to the House floor. This measure would rename the Baltimore-Washington Parkway as the Gladys Noon Spellman Parkway, and I urge my colleagues to support it.

During her tenure as Representative of Maryland's Fifth Congressional District, Gladys earned a reputation as a superb Congresswoman. She came to be known for her effective advocacy of the interests of Federal employees; for her excellent constituent casework and responsiveness to district concerns; and for her activism on regional issues, such as the construction of the area's Metro subway system. One of her countless accomplishments on the local scene was her expert arrangement, in a complicated political setting, for timely and needed repairs to the Baltimore-Washington Parkway.

If this bill is signed into law, as I hope it will be, the Gladys Noon Spellman Parkway will serve as a reminder of her contribution to Maryland and to its citizens over 20 years as a dedicated public servant. It will remind us what a friend we have in Gladys Spellman. She holds a very special place in the hearts of Marylanders, and in the hearts of her colleagues here in the House.

Gladys Spellman is a close friend of mine, and I know that she counted her work on the Baltimore-Washington Parkway as one of her important achievements. This bill is a fitting tribute to her efforts, and I urge my colleagues in the House to support it.●

● Mr. BIAGGI. Mr. Speaker, I wish to rise and lend my support to the pending bill which renames the Baltimore-Washington Parkway after our beloved friend and former colleague Gladys Noon Spellman.

Those of us who had the pleasure to serve with Gladys miss her and remain shocked over the sudden turn of events which caused her to leave this body. We are grateful that we can in some small way pay honor to this fine woman who gave this body and the citizens of Prince Georges County in Maryland 8 years of dedicated and distinguished service.

Anyone who has lived in this area for any period of time has traveled on the Baltimore-Washington Parkway. It is the primary connecting road between the two great cities and is the gateway of the Washington to New York road route. It is a roadway which is both busy and beautiful. Its rolling hills and lush woods are settling to the daily commuter. It is a road which Gladys Spellman loved dearly.

We all still hope and pray that Gladys may recover from the massive heart attack she suffered. In the interim let us again thank Gladys for her fine work and career and service to the people of Maryland and the Nation. I urge adoption of this bill.●

● Ms. MIKULSKI. Mr. Speaker, Gladys Noon Spellman is a friend as well as a colleague. It is fitting that the name of the Baltimore-Washing-

ton Parkway be changed to the Gladys Noon Spellman Parkway. Her ability to organize and get the job done for her constituents along the road was key to her success as a Congresswoman. Her reliability, her steady and soothing manner made her a welcome associate.

Above all her loyalty to her constituents is a model for all of us here. Her mission as a Representative was to look after the needs of the people in her district. We cannot forget that she was the driving force behind the resurfacing of the parkway we seek to rename in her honor; an effort that all who drive the road appreciate.

It is a small token of our love and respect for someone who has touched our lives that I urge the passage of this bill.●

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I want to urge all of our colleagues again to support this bill to honor our beloved former colleague, Gladys Noon Spellman. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING), that the House suspend the rules and pass the bill H.R. 4848, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMERICAN CONSERVATION CORPS ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4861) to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "American Conservation Corps Act of 1982".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) public lands, resources, and facilities, including parks, rangelands, wildlife refuges, forests, water resources, fishery facilities, historic and cultural sites, and urban and community resources, have become subject to increasing public use and resource production demands;

(2) the conditions of many of these lands, resources, and facilities has deteriorated as a result of these increasing uses and demands and as a result of the inability of Government agencies to adequately staff and fund the maintenance necessary to arrest the deterioration;

(3) public land management agencies have a responsibility to assure that public lands and resources are managed—

(A) to assure continued productivity,

(B) to protect public health and safety, and

(C) to assure their wise and economic conservation, maintenance, and use;

(4) a program designed to systematically guide and enhance the conservation, rehabilitation, and improvement of our public lands, resources, and facilities is urgently needed; and

(5) youth conservation programs have proven highly successful and cost effective in providing training and jobs for unemployed youth and in assisting land management agencies at all levels of government to reduce the backlog of neglected public land conservation, rehabilitation and improvement projects and to carry out other public land resource management work.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the backlog of conservation, rehabilitation, and improvement work on the public lands, prevent the further deterioration of public lands and resources and facilities, conserve energy and restore and maintain community lands, resources, and facilities;

(2) establish an American Conservation Corps to carry out a program to improve, restore, maintain, and conserve public lands and resources in the most cost-effective manner;

(3) use such program to assist State and local governments in carrying out needed public land and resource conservation, rehabilitation, and improvement projects;

(4) Provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) use this program to increase (by training and other means) employment opportunities for young men and women especially those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "Secretary" means the Secretary of the Interior, except where otherwise expressly provided.

(2) The terms "public lands" and "publicly owned lands" mean any lands and waters (or interest therein) owned or administered by the United States or by any agency or instrumentality of a State or local government.

(3) The term "program" means the public lands conservation, rehabilitation, and improvement program established under this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program in that State, and the governing body of any Indian tribe.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for individual Indians or Indian tribes, and any real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs, and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the American Conservation Corps in accordance with section 5.

(11) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 4. (a) ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.—Not later than ninety days after the enactment fo this Act, the Secretary, in cooperation with the Secretary of Agriculture and after consultation with the Secretary of Labor, shall establish and administer a public lands conservation, rehabilitation, and improvement program to carry out the purposes of this Act. Under such program, the Secretary shall provide assistance to program agencies for the establishment and operation of residential and nonresidential American Conservation Corps centers and for the implementation by the American Conservation Corps of projects designed to carry out such purposes.

(b) PROJECTS INCLUDED.—The program established under this section may include, but shall not be limited to, projects such as—

(1) forestry, nursery, and silvicultural operations;

(2) wildlife habitat conservation, rehabilitation, and improvement;

(3) rangeland conservation, rehabilitation, and improvement;

(4) recreational area development, maintenance, and improvement;

(5) urban revitalization;

(6) historical and cultural site preservation and maintenance;

(7) fish culture and habitat maintenance and improvement and other fishery assistance;
(8) road and trail maintenance and improvement;
(9) erosion, flood, drought, and storm damage assistance and control;
(10) stream, lake, and waterfront harbor and port improvement, and pollution control;
(11) insect, disease, rodent, and fire prevention, and control;
(12) improvement of abandoned railroad bed and right-of-way;
(13) energy conservation projects and renewable resource enhancement;
(14) recovery of biomass from public lands, particularly forestlands; and
(15) reclamation and improvement of strip-mined lands.

(c) PREFERENCE FOR CERTAIN PROJECTS.—The program shall provide a preference for those projects which—
(1) will provide long-term benefits to the public;
(2) will provide meaningful work experience to the enrollee involved;
(3) will be labor intensive; and
(4) can be planned and initiated promptly.

(d) LIMITATION TO PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on public lands or Indian lands except where a project involving other lands will provide a documented public benefit and reimbursement will be provided to the program agency for that portion of the total costs of the program which does not provide a public benefit. Notwithstanding any other provision of law, any reimbursement referred to in the preceding sentence shall be retained by the program agency and shall be used by the agency for purposes of carrying out other projects under the program.

(e) CONSISTENCY.—The Secretary and the chief administrators of other program agencies shall assure that projects selected under this Act for conservation, rehabilitation, or improvement of any public lands are consistent with the provisions of law relating to the management and administration of such lands and with all other applicable provisions of law.

(f) CONSERVATION CENTERS.—(1) Each program agency may apply to the Secretary for approval of conservation centers to carry out projects under this Act.

(2) Applications for approval of conservation centers shall be submitted to the Secretary in such manner as the Secretary may prescribe. Each application shall contain, in such detail as the Secretary deems necessary—
(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out, including a description of the types and duration of training (including work experience) to be provided;
(B) a description of the facilities and equipment to be available for use in the center;
(C) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required, and the services which will be required for their support;
(D) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and
(E) such other information as the Secretary shall prescribe.

(3) In approving conservation centers, the Secretary shall give due consideration to the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers. The location and type of conservation centers shall be selected in such manner as will increase the enrollment of economically, socially, physically, and educationally disadvantaged youths, and of youths from areas of high unemployment.

(g) LOCAL GOVERNMENT PARTICIPATION.—Any State carrying out a program under this Act shall provide a mechanism under which local governments in the State may be approved by the State to participate in the program and to carry out projects in accordance with the requirements of this Act.

(h) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

(i) JOINT PROJECTS.— The Secretary is authorized to develop jointly with the Secretary of Labor regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this Act are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Comprehensive Employment and Training Act and any successor statutes). Such regulations shall provide standards for approval of joint projects which meet both the purposes of this Act and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval. Such regulations shall also establish a single mechanism for approval of joint projects developed at the State or local level.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 5. (a) ENROLLMENT IN PROGRAM.—(1) Enrollment in the American Conservation Corps shall be limited to individuals who, at the time of enrollment, are—
(A) unemployed;
(B) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than twenty-one years of age at the time of their enrollment); and
(C) citizens or lawful permanent residents of the United States or lawfully admitted alien parolees or refugees.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the Secretary, that they did not leave school for the express purpose of enrolling.

(3) The selection of enrollees to serve in the American Conservation Corps in any conservation center shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have—
(A) applied to, or been recruited by, the program agency, a State employment security service, a prime sponsor under the Comprehensive Employment and Training Act (or comparable entity under any successor statutes), community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program; and
(B) been screened for eligibility and referred to the program agency by the State employment security service.

(4) In the recruitment and selection of enrollees, special consideration shall be given to both—
(A) economically, socially, physically, and educationally disadvantaged youths, and
(B) youths residing in areas, both rural and urban, which have substantial unemployment.

(5)(A) Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment may be enrolled for a period not to exceed twenty-four months. When the term of enrollment does not consist of one continuous twenty-four-month term, the total of shorter terms may not exceed twenty-four months.

(B) No individual may remain enrolled in the American Conservation Corps after that individual has attained the age of twenty-six.

(b) SERVICES, FACILITIES, SUPPLIES, ET CETERA.—The program agency shall provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as the Secretary deems necessary for conservation centers. Whenever possible, the Secretary shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed. The Secretary shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers, and shall assure that such standards are enforced.

(c) CONSERVATION CENTER MANAGEMENT.—Every conservation center shall have sufficient supervisory staff appointed by the chief administrator which may include enrollees who have displayed exceptional leadership qualities.

(d) FUNDING.—(1) The Secretary may award grants to, or enter into agreements with, program agencies for the funding and operation of conservation centers approved by the Secretary under this Act.

(2) The Secretary shall not make any grant to, or enter into any agreement with any program agency for the funding of any conservation center under this Act unless such agency certifies that projects carried out by the conservation center will not—
(A) result in the displacement of individuals currently employed by the program agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);
(B) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or
(C) impair existing contracts for services.

(3) Of the sums appropriated to carry out this Act for any fiscal year—
(A) not less than 35 per centum shall be made available by the Secretary for expenditure by State program agencies;
(B) not less than 25 per centum shall be made available by the Secretary for expenditure pursuant to agreements with the Secretary of Agriculture;
(C) not less than 25 per centum shall be made available by the Secretary for expenditure by program agencies within the Department of the Interior;

(D) not less than 5 per centum shall be made available by the Secretary for expenditure by the governing bodies of participating Indian tribes; and

(E) the remaining amount shall be made available by the Secretary for expenditure by other Federal program agencies and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government which is undertaking or proposing to undertake projects consistent with the purposes of this Act.

10 per centum of the amount disbursed to State agencies under subparagraph (A)(or to local governments within the State where paragraph (4) applies) shall be divided equally among the States and 90 per centum of such amount shall be distributed among such States proportionately according to the total youth population of such States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Any State receiving funds under subparagraph (A) for the operation of any conservation center shall be required to provide not less than 15 per centum of the cost of operation of such center. Any State receiving funds under subparagraph (A) for any fiscal year shall provide not less than 10 per centum of such funds to local governments approved by the State under section 4(g) to carry out projects under this Act unless no such local government in that State is approved before the end of such fiscal year. In any case where no such local government is approved before the end of such fiscal year, such 10 per centum may be expended by the State in accordance with this Act.

(4) If, at the commencement of any fiscal year, any State does not have a program agency designated by the Governor to manage the program in that State, then during such fiscal year each local government within such State may establish a program agency to carry out the program within the political subdivision which is under the jurisdiction of such local government. In any such case, the State share (or a reasonable portion thereof) for such State may be made available by the Secretary for expenditure by such local government program agencies to carry out the program within such political subdivisions. Such local government program agencies shall be in all respects subject to the same requirements as State program agencies. Where more than one local government within a State has established a program agency under this subsection, the Secretary shall allocate funds between such agencies in such manner as he deems equitable.

(5) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

(6)(A) There is authorized to be appropriated to the Secretary for purposes of carrying out this Act $50,000,000 for the fiscal year 1983, and the amount determined under subparagraph (B) for each of the fiscal years 1984 through 1989 from so much of the following amounts as would otherwise be credited to miscellaneous receipts in the Treasury—

(i) all franchise fees estimated to be collected for the fiscal year concerned by the Secretary and Secretary of Agriculture; and

(ii) all receipts estimated to be due and payable to the United States for the fiscal year concerned from (I) permit fees (including fees for special use permits) imposed by the Secretary or the Secretary of Agriculture, (II) sales of timber by the Secretary or the Secretary of Agriculture, and (III) leasing activities of the Secretary and the Secretary of Agriculture other than leasing activities under the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

Such sums shall remain available until expended. Appropriations under this section shall be made without fiscal year limitation.

(B) The amount authorized to be appropriated under subparagraph (A) for each of the fiscal years 1984 through 1989 shall be $250,000,000 plus a percentage increase for each fiscal year based upon the percentage increase in the Consumer Price Index published by the Bureau of Labor Statistics. The increase for each such fiscal year shall be a percentage of $250,000,000 (plus unappropriated balances). Such percentage for any fiscal year shall be equal to the percentage increase of—

(i) the Consumer Price Index for the last calendar year ending prior to such fiscal year, over

(ii) the Consumer Price Index for the calendar year 1982.

(7) No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

FEDERAL EMPLOYEE STATUS

SEC. 6. (a) IN GENERAL.—Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment:

(1) For purposes of the Internal Revenue Code of 1954 and title II of the Social Security Act, enrollees and crew leaders shall be deemed employees of the United States and any service performed by any person as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee member or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary or the conservation center supervisory staff (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(3) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders shall be deemed employee of the United States within the meaning of the term "employees of the Government" as defined inspection 2671 of title 28, United States Code.

(4) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (12) the following new paragraph:

"(13) service as an enrollee or crew leader only if the enrollee or crew leader in the American Conservation Corps later becomes subject to this subchapter.".

USE OF VOLUNTEERS

SEC. 7. (a) Where any program agency has authority to use volunteer services in carrying out functions of the agency, such agency may use volunteer services for purposes of assisting projects related to conservation centers established under this Act and may expend funds made available for those purposes to the agency, including funds made available under this Act, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(b)(1) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding or in facilitating the activities administered by the Secretary through the Bureau of Land Management.

(2) In accepting such services, the Secretary—

(A) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(B) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(3) Volunteers under this subsection shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 8. (a) PAY.—The Secretary shall establish standards for—

(1) rates of pay for enrollees which shall be not less than the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

(2) rates of pay for crew leaders which shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7; and

(3) reasonable hours and conditions of employment.

(b) COORDINATION.—The Secretary and the chief administrators of other program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) MILITARY EXEMPTION STUDY.—The Secretary, in consultation with the Secretary of Defense, shall conduct a study to determine the feasibility and desirability of allowing enrollees who have completed a two-year enrollment in the program to be exempt

from training and service under the Military Selective Service Act (50 U.S.C. App. 456). A report containing the results of the study shall be submitted to Congress not later than one year after the enactment of this Act.

EDUCATION, GUIDANCE, AND PLACEMENT

SEC. 9. (a) ACADEMIC CREDIT.—Whenever possible, the Secretary shall make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed from work experience under this Act.

(b) STUDY.—Program agencies may provide training and educational materials and services for enrollees and may enter into arrangements with academic institutions for academic study by enrollees during nonworking hours to upgrade literacy skills, obtain equivalency diplomas or college degrees, or enhance employable skills. Whenever possible, an enrollee seeking study or training not provided at his or her conservation center shall be offered assignment to a conservation center providing such study or training.

(c) CERTIFICATION.—The program agencies shall provide certification of the training skills acquired by enrollees who had participated in the program.

(d) GUIDANCE AND PLACEMENT.—The program agency shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

EVALUATION AND PILOT PROJECTS

SEC. 10. (a) RESEARCH AND EVALUATION.—The Secretary shall provide for research and evaluation to—

(1) determine costs and benefits, tangible and otherwise, of work performed under this Act and of training and employable skills and other benefits gained by enrollees, and

(2) identify options for improving program productivity and youth benefits, including improved alternatives for: organization, subjects, sponsorship, and funding of work projects; recruitment and personnel policies; siting and functions of conservation centers; work and training regimes for youth of various origins and needs; and cooperative arrangements with programs, persons and institutions not covered under this Act.

(b) DEMONSTRATIONS.—The Secretary may authorize pilot or experimental projects to demonstrate or test new or alternative arrangements or subjects of work and training for programs under this Act, which may include alternatives identified under subsection (a)(2).

ANNUAL REPORT

SEC. 11. The Secretary shall prepare and submit to the President and to the Congress at least once each year a report detailing the activities carried out under this Act. Such report shall be submitted not later than December 31 of each year following the date of enactment of this Act. The report shall describe (1) conservation work procedures, accomplishments and benefits; (2) the extent to which youth who are economically, socially, physically or educationally disadvantaged have been enrolled in and benefited by the program; (3) other youth benefits; and (4) problems and opportunities encountered in carrying out the Act which require attention. The Secretary shall include in such report such recommendations as he considers appropriate.

LABOR MARKET INFORMATION

SEC. 12. The Secretary of Labor shall make available to the Secretary and to any program agency under this Act such labor market information as is appropriate for use in carrying out the purposes of this Act.

EMPLOYEE APPEAL RIGHTS

SEC. 13. In the case of—

(1) the displacement of a Federal employee (including any partial displacement through reduction of nonovertime hours, wages or employment benefits), or the failure to reemploy an employee in a layoff status, contrary to a certification under section 5(d)(2) (A) or (B) of this Act, or

(2) the displacement of a Federal employee by reason of the use of one or more volunteers under section 7(b)(2)(A) of this Act,

such employee is entitled to appeal such action to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

The SPEAKER pro tempore. Pursuant to the rule a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill does not involve a tremendous sum of money by the standards that prevail these days, but it is a very important bill in my opinion.

I am very pleased and proud to bring to the floor the American Conservation Corps Act of 1982.

The concept behind this bill is not new. Indeed, it is tried and true. It had its genesis 50 years ago when Congress established the Civilian Conservation Corps in the 1930's.

As with the old CCC, the more recent youth conservation programs of the 1970's, this legislation has two basic goals: To help provide jobs for our Nation's young people and to help conserve our lands and community resources.

Indeed, H.R. 4861 builds on our lessons from the past to provide a consolidated program that will meet these needs in the 1980's.

Before describing the bill itself, I would like to note that we would not be considering it today were it not for a tremendous amount of work by many Members of this House including three House committees, and an unusual coalition of organizations that have come together to support this legislation. I might say the coalition in the House is a bipartisan coalition.

H.R. 4861 was an outgrowth of oversight hearings held last year by the Interior Committee's Subcommittee on Public Lands and National Parks which I chair and by the Government Operations Subcommittee on Environment, Energy and Natural Resources chaired by Mr. TOBY MOFFETT. The bill which Mr. MOFFETT and I originally introduced with Mr. CONTE, Mr. ROYBAL, Mr. BEREUTER is now cosponsored by over 100 Members of this House. A companion bill, S. 2061, has been introduced in the Senate by Senators MOYNIHAN and MATHIAS.

I would like to take this occasion to thank my fellow sponsors and cosponsors and commend them for their invaluable advice and support on this legislation.

H.R. 4861 was jointly referred to the Committee on Interior and Insular Affairs chaired by our colleague, Mr. UDALL, and the Committee on Education and Labor chaired by our colleague, Mr. PERKINS.

Both committees favorably reported it to the House with amendments. I command Mr. PERKINS and his committee for the improvements they made to the Interior Committee's version of the bill.

□ 1315

I commend the gentleman from Kentucky (Mr. PERKINS) and his committee for the improvements they made to the Interior Committee's version of the bill. Their version of our bill is in fact the vehicle we are considering today.

The bill would establish an American Conservation Corps administered by the Secretary of the Interior with the cooperation of the Secretary of Agriculture, along with the Secretary of Labor, I might add. The program would be funded by using certain Federal revenues generated from various leasing and permitting activities—offshore oil and gas leasing, timber cutting, franchise and other fees.

The authorization for appropriations would be limited to $50 million in fiscal year 1983 and $250 million annually thereafter through fiscal year 1989, with percentage increases allowed each year based on increases in the Consumer Price Index. Of the total annual appropriations, 35 percent would be distributed to the States, 25 each to the Departments of Interior and Agriculture, 5 percent to participating Indian tribes, and 10 percent to other Federal agencies and for special projects. States would be required to provide 15 percent matching funds and a mechanism—including at least 10 percent of these State's funding share—for local government participation.

Conservation projects would include conservation of forests, fish and wildlife, rangelands and soils; revitalization of urban areas and preservation of historic sites; maintenance of recreational areas; energy conservation and production of renewable resources. Work on private lands would be permitted providing they are fully documented as to the public benefit and re-

imbursement for any nonpublic benefits.

The program would have both a year-round and a summer component. Enrollees must be unemployed and between the ages of 16 and 25 for the year-round program and between 15 and 21 for the summer program. Special consideration in the recruitment and selection of enrollees would be given to disadvantaged youth who live in areas of substantial unemployment. Opportunities for training and academic study would be provided and certification granted for skills acquired by enrollees.

I would also like to bring out the fact that in our committee's hearings we had very strong testimony, which the committee agreed with, that this must not be limited to only disadvantaged and only minority youth, that we want a cross section of our population, but with special consideration being given to disadvantaged and minority youth.

The bill also clarifies the Federal employee status of the enrollees and crew leaders. Volunteers may be used to supplement the program. No funding would be provided if any projects would result in the misplacement of existing employees or impair existing contracts for services.

The Secretary of the Interior would provide for research and evaluation of the program and would submit a report to the President and to the Congress on the activities of the program not later than December 31 of each year.

These are some of the highlights of the legislation. I will let my colleagues from the Committee on Education and Labor note the improvements they have made in the bill, which I heartily support.

Before concluding, however, I do want to emphasize that this bill, while relatively modest in terms of funding, offers much needed help not only to our Nation's unemployed youth but also to the productivity of our Nation's lands and resources.

Youth unemployment today is running at the level of 23 percent and minority youth unemployment at the level of almost 50 percent. One of the obligations of the Congress, through our political institutions, is to assure all of the elements of our society that they are being given the kind of consideration that recognizes that they have an important role to play, and I suggest again that this bill, while modest, does address itself to that concern and to their needs. Likewise it addresses itself to another serious national problem, the deterioration of our lands and particularly publicly owned lands and other resources increasingly affected, such as Federal, State, and local parks, wildlife refuges, forests, water resources, historic sites, and community facilities.

As I mentioned earlier, H.R. 4861 was the outgrowth of oversight hearings held by the Committee on Interior and Insular Affairs and the Committee on Government Operations in 1981 concerning two youth conservation work programs which were scheduled for termination by the administration—the Youth Conservation Corps, a summer program, and the Young Adult Conservation Corps, a year-round program. Both programs had proven to be cost effective in providing needed conservation work as well as training and jobs for unemployed youth. The YCC, we found in our hearings, returned $1.04 in work value for every dollar expended, and the YACC returned $1.20 in work value for every dollar expended.

Mr. Speaker, I am inserting at the end of my remarks a partial list of organizations that have strongly supported the bill. This is a broad-based coalition and represents the wide range of interests in land and resource conservation, historic preservation, community development, minority concerns, and youth employment.

I would just like to read a few of the names of the organizations so we can see what a wide range it covers:

The AFL-CIO; the American Forestry Association; the Lzaak Walton League of America; the National Association of CCC Alumni; the National Association of Conservation Districts; the National Audubon Society; the National Congress of American Indians; the National Parks and Conservation Association; the National Recreation and Park Association; the National Urban League; the Sierra Club; the Wilderness Society; and the U.S. Conference of Mayors, just to name a few.

I also would like to thank in particular Mr. Sydney Howe of the Human Environment Center, Mr. Rex Resler of the American Forestry Association, and Mr. William Haskins of the National Urban League for their outstanding leadership on behalf of the legislation.

Also I would like to thank some of the staff members who have worked so hard on this: Loretta Neumann, Dora Miller, and Clay Peters from the Interior Committee; Lester Brown from the Government Operations Committee; and Clark Rechtin from the Education and Labor Committee.

Mr. Speaker, I am including with my remarks the list of the organizations that support this legislation, as follows:

AFL-CIO.
American Forestry Association.
Center for Community Change.
Children's Foundation.
Environmental Action.
Environmental Defense Fund.
Environmental Policy Center.
Friends of the Earth.
Human Environment Center.
Izaak Walton League of America.
Mexican American Legal Defense & Education Fund.
National Association of CCC Alumni.
National Association of Conservation Districts.
National Association of State Conservation Corps Program Agents.
National Audubon Society.
National Congress of American Indians.
National Council of La Raza.
National Parks & Conservation Association.
National Recreation & Park Association.
National Trust for Historic Preservation.
National Urban Coalition.
National Urban League.
National Youth Work Alliance.
Native American Rights Fund.
Natural Resources Defense Council.
Northeast Utilities.
Preservation Action.
Sierra Club.
The Wilderness Society.
Trust for Public Land.
U.S. Conference of Mayors.
Urban Environment Conference.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to the bill before us, H.R. 4861, the American Conservation Corps Act. This opposition does not stem from disagreement with the basic intention of the bill. Rather it stems from the fact that during a period when the Congress must weigh carefully its funding priorities, we do not need to be considering a bill that seeks to reauthorize two programs that are soon to be terminated. H.R. 4861 is an attempt to start up a new program that is a warmed over version of the Youth Conservation Corps (YCC) and the Young Adult Conservation Corps (YACC) programs.

These programs suffered from several problems in both design and implementation. First, there were the problems of overlapping and conflicting bureaucratic responsibility and authority. Second, these were expensive programs given the number of persons served; few enrollees were placed in jobs compared with other youth employment and training programs; and these programs were not designed to meet the needs of the most disadvantaged population. Although some of these concerns may be addressed in H.R. 4861, I do not believe that they have been resolved satisfactorily.

The two major Federal Departments that would have authority over these programs testified against this bill before the House Subcommittee on Public Lands and National Parks on December 8, 1981. This opposition was based on the following reasons: The termination of similar programs, that is, YACC and YCC; the conservation work accomplished would be low priority; the program is not targeted to the most disadvantaged, and if it were, it would then duplicate other programs that serve disadvantaged youth; the funding for this program is from ear-

marked receipts which removes the program from normal competition for Federal dollars, giving it a priority not necessarily consistent with overall spending priorities and requiring a downward adjustment in spending somewhere else in the budget, perhaps from other higher priority programs; and the location of Federal land increases the likelihood that the enrollees in this program will be drawn disproportionately from States which comprise a small percentage of the U.S. population and that have low overall unemployment rates.

YCC and YACC are being eliminated because they could not compete adequately on the basis of their own merits for scarce Federal resources. Should the Congress perpetuate such programs? The budget restraint necessary for economic recovery commands close examination of priorities and requires different decisions.

Additionally, if the past record concerning cost and targeting of similar programs is examined and compared with other youth employment and training programs, even further doubt is raised regarding the reasons to support H.R. 4861. For example, the cumulated value of work done since 1971 through 1980 under the Youth Conservation Corps is $283 million, over $15 million less than was appropriated for the program through 1980. There was not even a dollar for dollar return in cost for this program over a 10-year period.

Also consider that for the years 1971 through 1981, the Youth Conservation Corps spent $32 million to serve approximately 210,000 youth. For the years 1977 through 1981, the Young Adult Conservation Corps spent $888.5 million to serve approximately 260,400 youth. For fiscal year 1981, under the YACC it was estimated that the cost per participant was $11,000. In the regular youth training programs under CETA, title IV–A, the average cost per participant for the same fiscal year was $1,567; for summer youth programs it was $843; and for Job Corps, using the cost per service year of $14,185, the average cost per participant was around $7,100.

The YCC and YACC programs were labor intensive. Little emphasis was given to providing related education and few statistics were maintained regarding placement of the participants after termination from the programs. Each of the other youth employment and training requires a related education or training component so that the social gains for participant are not just the short-term employment provided but the long-term benefits of additional education and employability skills. The positive termination rate (that is, return to school, enter military or enter employment) for fiscal year 1981 under the title IV–A youth programs was 78.9 percent; under the summer youth program, 91.5 percent; and under Job Corps, 89 percent. Each rate being higher than that for YCC or YACC.

Although H.R. 4861 gives perference to serving disadvantaged youth from areas of high unemployment, no targeting is required. In 1980, 54 percent of the enrollees under the YCC program were from families with annual income of $15,000 or less. Under the other youth training programs I have mentioned previously, all the participants are economically disadvantaged as required by law. Again, even so, their cost per participant and positive termination rates are better.

The House will have an opportunity to address the serious issue of youth unemployment problems when it considers H.R. 5320, the Job Training Partnership Act. That bill provides a coordinated training and involves significant private sector participation. We are not ignoring the youth unemployment problem by opposing H.R. 4861. Instead we are calling a halt to duplicative programs, reducing the burden of the Federal deficit, and giving consideration to program funding so that those programs which successfully meet the training needs of our disadvantaged youth are not drained of needed resources.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 7 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise with great pleasure in support of H.R. 4861, the American Conservation Corps Act of 1982, a bill on which I am an original cosponsor.

Today the legislation has a bipartisan group of 101 cosponsors.

Almost 50 years ago the Congress sought to cope with the ravages of the depression era unemployment by enacting the Emergency Conservation Act of 1933 which established the Civilian Conservation Corps. A bold stroke in a time of despair, the CCC furnished employment and valued self-esteem for some 3 million unmarried males during the 9½ years of its existence. At the same time the Nation reaped invaluable natural benefits.

In its heyday, the CCC camps located throughout the 48 States and several territories numbered upward of 1,740, with almost 360,000 enrollees at work to protect and enhance the soil, trees, and streams of our Nation.

More than 4,000 fire observation towers were constructed as a result of the CCC program. Furthermore, Conservation Corps participants planted more than 3 billion trees and laid 85,000 miles of telephone lines. They constructed over 150,000 miles of trails and roads and built approximately 45,000 bridges and buildings.

Today, by casting a vote in favor of H.R. 4861, the Members of this body can also make a wise investment in the youth and the natural resources of our country, in admittedly a different way, but just as our predecessors in 1933 did when they approved the formation of the CCC.

The need today is great, as it was in 1933. Most recent statistics released by the Department of Labor on unemployment are shocking. Tragically, the burden of joblessness falls most heavily on the youth. Although up to 9½ percent of the total labor force presently may have no job, 23.1 percent of the teens are without work. Each Member of this body should be horrified to learn that 49.8 percent of the black youth of this Nation are unemployed. Many, if not most, have lost hope for employment.

□ 1330

For a modest appropriation, we can begin to provide gainful employment, work experience, and some measure of self-esteem again to thousands of disadvantaged youth. At the same time, vital restoration and conservation work on the public lands can move forward. Roads and trail maintenance work, reclamation of strip mined lands, recreational area development, these are just some of the projects which have tapped the energy and talent of these young Americans.

I would advise my colleagues that over the last 3 to 4 years I have visited with a variety of employees and managers of the U.S. Forest Service and the National Park Service about their experience with the Youth Conservation Corps and the Young Adult Conservation Corps. Some of them admitted they had reservations about these two programs at their inception.

Consistently, however, these people told me that any doubts they had were proven to be unfounded, for the results have been very beneficial for those forest areas and for those national park units.

More importantly, they were impressed by the benefits accruing to the individual young people involved. The youth and the young adults involved made very important contributions to our parks and forests and they experienced great personal growth and an enlightened attitude as a result of these working and learning experiences.

I would say, unequivocally, that it is a mistake to phaseout the YACC and the YCC today. Partly I think the problems which have been pointed out—and some of them may be valid—spring from a problem in this Congress itself. The jurisdiction on oversight for these programs has been split between committees in the House, and perhaps in the other body as well. I think with an earlier and a more concerted variety of oversight activity on the part of this Congress, some of those problem areas would have been

corrected without damage to these vital youth employment-education programs. To suggest that these kinds of activities have low priorities, as far as the work accomplished, is just absolutely inconsistent with the facts. If it had not been for the work of these young adults and the youth involved in these conservation programs, our parks and many of our national forests would be in desperate condition. If we terminate these projects, the National Park Service employees can tell you that people involved with resource management, law enforcement, and a wide variety of service activities will not be pursuing those ends responsibly as they should; they will be doing the kind of labor intensive work that these youth and young adults have accomplished. Trails will not be maintained, repairs will not be made, and so forth.

I think in suggesting that these youth employment programs are inappropriate and fail to meet employment training objectives is to suggest only that the criteria on which they are judged are inappropriate. These programs are both educational in nature and they are aimed at accomplishing necessary work. You cannot suggest that they have not met their goals in providing adequate product for the work expended and ignore the fact that they also produce great educational training benefits—exactly what they are aimed at accomplishing. The arguments advanced against this bill and the YACC and YCC are specious and illogical.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the distinguished gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman for the leadership that he has shown in this legislation.

I would also like to just add one comment. Congressman RALPH REGULA and I had a hearing in Akron, Ohio, on this legislation last year, and one of the most moving parts of it was the testimony of the young people as to how much it had meant to them to work in the YCC and the YACC. And even more moving was the testimony of former CCC workers, one of whom was a man of my age, who said that he was headed for the penitentiary if he did not happen to change his course. And what happened was the CCC, and it changed his whole life.

I suggested that that is the kind of thing that can do similar work for young people today, and I commend the gentleman again for his statement.

Mr. BEREUTER. I thank the gentleman for his comments. They were certainly right on target. I had the same experience in visiting with members of the CCC. In walking through portions of any of our major national parks, like Rocky Mountain National Park in Colorado, it is very obvious that many of the activities and projects of those CCC people are still in place and they are being used and enjoyed by the American people.

As Congressmen, we are stewards of our Nation's children and our land. In our desire to pinch pennies, we must not choke off our Nation's future by demoralizing our young people by locking them out of any chance of financial independence and gainful employment. Nor must we choke off our future by allowing our precious natural resources to erode or to deteriorate through misuse, abuse, or neglect.

The need is great. A partial solution is at hand. Please join the 101 cosponsors of this legislation in supporting it.

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to our distinguished colleague, the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I do not know what program the gentleman from Illinois was talking about when he rose to oppose this bill. But as one whose subcommittee held hearings on the Youth Conservation Corps and the Young Adult Conservation Corps, I would point out that we found it to be an enormously successful program. If the B-1 bomber had to undergo the scrutiny that this program has undergone, it would have been left a long time ago. If the Clinch River Breeder Reactor ever had to get under the magnifying glass the way this program has, it certainly would not be funded this year.

I think it is important to point out the real-life implications of this program. One-hundred thousand young people, or roughly that many, will be employed, just as they were in the programs that Secretary Watt and President Reagan decided to ditch last year.

When I held a hearing in Central Park, outdoors, to talk about the impact of this proposal and about the impact of Secretary Watt's desire to get rid of the two very successful youth employment programs, we had panel after panel of young persons, mostly black and Hispanic, with their hard hats on, testify about what it meant to them. Our hearing record is evidence of that. There are very moving stories about these young people, certainly from disadvantaged backgrounds. Over 50 percent of the young people in the program nationally come from families of under $15,000 a year, and over one-third came from families of under $10,000 a year.

When they testified, they said, "Well, Mr. Chairman, I was out on the streets," or "I was unemployed and I heard about this job," and all of these young people from the neighborhood lined up to try to get 10 jobs, 15 jobs. There were hundreds of them that lined up. It was moving testimony. It was inspiring. It was dramatic, emotional testimony.

Then Secretary Watt's deputy came to the witness table, and I said, "Mr. Hites, you have listened for hours to these young people tell their story. You have heard them tell about their experiences. Now what is going to happen to these young people when they are fired by Secretary Watt and President Reagan October 1?"

He said, "Well, Mr. Chairman, under the Reagan program of economic recovery, these young people will be picked right up by the private sector."

I asked him if he would like to turn around and face the young people who were still there in the audience and tell them that the private sector would pick them up.

We know the private sector, even in the best of economic times, is not going to pick up the most disadvantaged youngsters. It has not in the past; it will will not in the future, unless there are some dramatic changes made. In the meantime, what we are doing on a bipartisan basis here is to say, "Let us at least provide a token step in the right direction. Let us at least say that this body recognizes that there is a problem out there to the tune of over 20 percent youth unemployment, probably much higher, and probably 50 percent minority unemployment."

For those Members who would think of voting against this measure, I wonder what their alternative is. Do they want to look into the eyes of those young people and say, "Well, under the Reagan program, or under any program, the private sector will pick you up."

We have a broad and vast coalition in support of this bill. We are proud to have bipartisan support.

I would say that the gentleman from Nebraska made an excellent statement that there have been rather intense scrutinies of this program by I think two or three subcommittees. We think it works. It is not going to have any negative budget impact. And even if we did fund it out of the budget, which we are not planning on doing, every indication shows that it brings back more money than you pay out in terms of the work in these parks.

In the gentleman from Illinois' own State, $17 million in appraised value of conservation work was accomplished under these programs that he criticized, including the planting of 482,000 trees, construction of 350 miles of trails, 270 recreational structures, 85,000 hours of flood control work, in a State prone to flooding problems. Of the 3,300 enrollees employed in Illinois, 54 percent were high school dropouts.

This approach works. We urge your support for it. I hope that this body will support this with an overwhelming vote to let there be no mistake that we are not unaware that there is

a terrible waste of both human and natural resources going out, and we want to do just a little something, at least, to address that problem.

I would like to thank the gentleman from Ohio (Mr. SEIBERLING) for his leadership, and the Members on the other side of the aisle who are joining with us.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank my chairman for yielding, and I commend him on this legislation. We are about to have one-fourth of the American youth in this country out of work, and this bill is just on time. Additionally, it continues the great tradition of conservation in America. We must maintain our great national parks and recreational areas. We must do more to farm our forests, preserve our soils and protect our waters. This bill not only provides jobs to American youth, but it does it in a way that they may assist in the continuation of the grand and vital effort of conservation of our natural resources.

This legislation has been reported by both the Education and Labor Committee and the Interior Committee. I am a member of both, and both committees have done a good job of rounding out the bill. In Education and Labor, however, we did begin to deal with how best to avoid displacing existing workers, but our concerns were not fully resolved. To start, the bill protects all workers from being displaced by the enrollees in this program. This is the "maintenance of effort" concept that is almost standard in job and job training legislation. However, it is important to have procedures set out for settling disputes on violations. We did this for Federal employees in the Education Committee, but we must also develop some refined language to provide a procedure to protect workers in the private sector, who have jobs under contracts with the Government.

Mr. SEIBERLING. Yes; we will want to be certain that such protection is provided.

Mr. WILLIAMS of Montana. Of course, if displacement is prohibited by the bill, as it is, it follows that a procedure will be developed for resolving complaints arising out of a violation. We have found through firsthand experience, however, that it helps to define that procedure. We had a problem in Montana with the YACC program, which is administered by the Departments of the Interior, Agriculture, and Labor. The agencies insisted that maintenance of effort violations for YACC were to be settled by the Interior Department even though that agency has limited mechanisms and experience in settling labor disputes. I believe the law intended for such disputes to be handled by the Labor Department, but this intent was not specifically spelled out, and that is how our problem arose.

Mr. SEIBERLING. We have a good opportunity, then, in this bill, to make sure we do not repeat that mistake.

Mr. WILLIAMS of Montana. Precisely. I hope we will be able to be absolutely specific about our procedures, because with YACC the Department of the Interior wrote the procedures as the complaint developed, and the complainants felt strongly that they were getting the runaround.

Mr. SEIBERLING. I can see why. I have spoken to Senator MOYNIHAN, the Senate sponsor of the bill, about your concerns, and he has agreed to handle them in his bill. I know that you have some very specific items you want covered, so I have asked Senator MOYNIHAN to write to you with his assurances that your specific recommendations will be included.

Mr. WILLIAMS of Montana. I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 4861.

The American Conservation Corps Act of 1982, creates a program to carry out conservation and rehabilitation projects with an emphasis on hiring disadvantaged youth. Projects can be implemented in both urban and rural areas. It is expected that Federal revenues generated from various leasing and permitting activities would be used to fund the program. Additionally, a sustained portion of the program funding goes to States for State-based programs.

This bill combines concepts from the Young Adult Conservation Corps and the Youth Conservation Corps, both scheduled to be terminated in fiscal year 1982. I recognize that there were concerns regarding both programs, but I believe that this bill remedies many of those problems.

There is a considerable backlog of needed conservation work in this country. With reductions in agency budgets and personnel directly responsible for conservation efforts, the approach offered in this bill needs to be supported. Other programs that might provide similar types of services, such as the Job Corps and title V of the Older Americans Act, have also experienced reduced budgets. We need some means by which the deteriorated condition of our public lands and communities can be maintained and improved.

The situation I have expressed most concern about though, is our Nation's youth unemployment problem. Unemployment among youth, especially minorities, continues to grow dramatically. Even though previous youth conservation work programs suffered from lack of coordination, lack of direction and did not clearly focus on conservation, they returned more than $1 in assessed value for each dollar invested. This bill attempts to better target the program to disadvantaged youth and to those who live in areas of high unemployment. It provides youth with meaningful work, teaches transferable skills and benefits more than just the youth involved. Not only can we conserve and improve the Nation's national and cultural resources, but we will make a major investment in the future of our youth.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of this legislation which was introduced late last year by the gentleman from Ohio (Mr. SEIBERLING). As an original cosponsor of this measure, I have great faith in the results we can reap through a conservation, rehabilitation, and maintenance program to improve our Nation's resources using the abilities of our young people.

I have long been a supporter of this type of program, having fought to retain funds for the Young Adult Conservation Corps last year following a rescission proposal by the administration. This bill, I think, makes definite concept improvements for this type of program in that it merges the ideals embodied in the Youth Conservation Corps and the Young Adult Conservation Corps.

At a time when our youth unemployment rates are excessively high, particularly among disadvantaged youth, and a time when we are trying to accomplish such goals as more sophisticated soil conservation methods and better long-term forest yields, we need this program. We face increased demand on our public lands, both for recreation purposes and resource production. These resources will deteriorate in the absence of a continued rehabilitation and maintenance program.

We do not need to talk much on youth unemployment except to say that it is far too high. Time and again we have raised that issue in debates here on the House floor, most recently in the budget resolution debate. A program such as the one put forth in this bill will go a long way in helping to relieve the high unemployment rate among young people, and at the same time, give them a stake in preserving valuable resources for their futures.

On the subject of unemployment, I would just like to say that we are all aware of the problems of the structurally unemployed. This bill could very well have a positive side benefit in that it might steer some of the participants into a career interest area they never before considered, and give them the skills necessary to pursue such a career.

I urge the House to pass this bill, and give our youth the chance to preserve an important part of their Nation—natural resources—through a worthwhile program.

I remember very vividly the old CCC camps, Mr. Speaker. I remember, as a young boy, when we went through the depression and my father lost his job at the General Electric Co., there were no government handouts, as there are now. I used to go up in the mountains to pick blueberries and blackberries and sell them house to house. We used to get about 10 cents a quart for the blueberries we picked. And one day as I was picking berries I saw the CCC camps in action. One of the CCC members I met at their camp befriended me. When he learned that I was of Italian extraction he said,

You know, if you can get a quart of wine that your father makes, I'll give you a baseball glove.

I delivered the homemade wine and wound up with my first baseball glove.

The lasting good that the CCC camps have made in this country are truly immeasurable—the biking trails, the foot trails, the picnic areas, the clearing out of the dead timber in the forests. I go there today, I bring my grandchildren, and these monuments still remain. It is a dollar well spent. I have been one of the greatest supporters on the Appropriations Committee. I tried to save the Young Adult Conservation Corps. Unfortunately, it went out the window.

I appreciate everything my good friend from Illinois said. The Young Adult Conservation Corps was expensive. But I do not believe we have to go in such an expensive program. I talked with Lec Agrassini of the Labor Department, I said,

Look at the old CCC camps, and let us do something patterned on those. Bring in old quonset huts that are surplus, from the Army, the Navy and the Air Force, bring those quonset huts out in the forests.

You could set up trade shops, these young folks can learn a trade during their stay in the forest. Can you imagine the change of environment from the crowded, crime-infested city streets, to our pristine forest, let me read a poem I found.

A buck a day is all we're paid,
And yet this morning in a glade
I saw a deer—a pretty thing.
Before I started working here
I never saw a deer.
Oh, I may have seen a few
Hoping and moping in a zoo.
Another thing I never knew
Is what the smell of pines can do
To make you find
The real resources of your mind.
You know, it may seem odd,
But I think we're getting extra pay from God.

(Said to be written by a boy in the C.C. Corps to his mother.)

□ 1345

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I rise in strong support of H.R. 4861, the American Conservation Corps Act.

In 1974, when I first ran for a seat in the House, I campaigned vigorously in favor of a CCC-type program. The Young Adult Conservation Corps and the Youth Conservation Corps were enacted during my second term. The bill before us today, like the YCC and the YACC, enjoys strong bipartisan support.

Mr. Speaker, we need to pass this bill. This program will enhance our natural resources by supplying the young men and women needed to accomplish critical work on our public lands. From Forest Service campgrounds to fish and wildlife refuges, there is much to be done—and this type of program is the most efficient way to do it. Studies of the YACC and the YCC consistently show that the Federal Government gets more in work accomplished than it costs.

The other obvious benefit from this bill is that it addresses the problem of youth unemployment. The rate of unemployment among our young people, particularly those who are disadvantaged, is at an all-time high. Before it climbs higher, we should send a signal of hope by passing this bill.

Mr. Speaker, I urge Members to vote for this bill—it is good for our public lands and our young people.

Mr. SEIBERLING. Mr. Speaker, I yield the balance of my time, 2 minutes, to the gentleman from Minnesota (Mr. Vento).

Mr. VENTO. Mr. Speaker, I rise in strong support of this bill. I think it properly focuses on the important issues of youth unemployment and protection of our natural resource base.

One other important aspect of this legislation I think, is that it provides this House with the opportunity to look at where we are today in terms of dealing with these issues.

First of all, H.R. 4861 ties together the diverse problems that exist in maintaining and rehabilitating our public lands and public resources. Second, I think very importantly, H.R. 4861 develops an understanding and expresses a concern for those unemployed young people in our country showing them that they have a stake in this country and they have an opportunity and a means by which to direct their efforts and skills so that they develop a value and an understanding of our resources and in doing so feel that they are a worthwhile part of what makes this country as great as it is.

I think that these issues, of course, with regards to our young people and the need to conserve and rehabilitate our natural resources are important in any case during good times and bad times, but I think this legislation gives us a unique opportunity today to suggest that maybe everything is not correct in the way the economy is functioning. With a quarter of our young people unemployed, with almost 15 million people either unemployed or underemployed, who are so discouraged that they do not seek work today, the question raised, is whether this Congress as a national body is ready to recognize the problem, and second, do something about it?

I think that is the question that is being asked across this country today and it is not what went wrong with the economic programs, was it a mistake or not, we all know that it is, it is an economic dud; the question is, whether this Congress is going to do something about it? In a modest way this program is a step that says we are going to do something about it, Congress indeed does care about the significant youth unemployment. We think we better get back into a commonsense program with regard to addressing the serious youth unemployment tragedy.

Serving on the Interior and Insular Affairs Committee has shown me the definite need that exists to preserve and protect our public natural resource base. This legislation allows us to carry out this important responsibility in a manner that is cost-effective. Equally important, H.R. 4861 is designed to promote the development of our greatest natural resource—our young people. The unemployment rate that exists among our youth, especially minority and economically disadvantaged youth, is a national shame. At a time when we should be promoting the development of our young people to become productive members of our society, the stark figures of youth unemployment attest to our inability to make use of the minds, energy, and ambition our young people possess.

For many months, I and other members of the Interior Committee have received testimony and heard witnesses explain the problems facing our natural resources due to the backlog and deferral of necessary conservation work. With the growing use and demands being made upon our public lands and national parks, the necessity of a coordinated conservation program is of critical importance. Resource managers at the Federal and State level within my home State of Minnesota, have voiced their concerns about the pressing demands being made upon them in trying to cope with the conservation and rehabilitation needs that exist. The continued deferral of conservation work is a policy that is penny-wise and pound-foolish and

threatens to destroy the resource which we seek to protect.

Previous youth conservation programs proved to be efficient and cost-effective in helping meet our conservation and rehabilitation deficiencies. H.R. 4861 builds upon the proven track records of these programs in developing a program that addresses known resource and social needs. In this time of fiscal restraint, this legislation offers the opportunity to deliver services of a greater value than the cost of the program, while meeting the problem of youth unemployment head on. The benefits and opportunities for individual growth for our youth, afforded by H.R. 4861, is a value on which we cannot place a cost.

I hope that this body will give an overwhelming vote of confidence to this bill and in doing so provide us with an opportunity to offer hope to the American people, especially our young people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

There is no doubt, Mr. Speaker, this bill is well-intended. It addresses a very real need. Youth unemployment is a serious problem that needs national attention; but as usual, Congress has decided to address a problem by throwing money at another new program. In this case, the amount being thrown is at least $1½ billion, just based upon the amounts that are in the bill itself; that is $1½ billion of money that we do not have and as a result of this bill we will not get to aid us with our budget deficit problems. No matter how well-intentioned, the question is can we afford this program at this time. The answer is that we cannot.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Speaker, there are oftentimes pieces of legislation that you cannot enthusiastically stand up and speak out against. This is certainly one of them, but I do stand in opposition to this legislation today. I do not question the need and/or the desire of the author of the legislation. I am quite clear after having gone through the testimony and the hearings, the markup on this legislation, that his intent and desire is absolutely sincere and concerned.

The question comes on funding. The question comes, where does the money come from and what current services and/or programs being provided by that money do we deprive by rechanneling it and dedicating it into the legislation proposed here?

As a Congressman from a Western State, a public lands State, where the private property owners of that State are oftentimes those who must from their very limited tax base provide the services to the public lands of our Nation so that the general populace can enjoy it through roads and snow removal and fire protection and a variety of other services that are not totally funded or even in part funded, we have to consider the question, should we use our money for those purposes or should we reverse it and dedicate it for legislation as being proposed here.

H.R. 4861 represents a consolidation of two previously authorized programs, the Youth Conservation Corps (YCC) and the Young Adult Conservation Corps (YACC). Both programs terminate, due to funding elimination at the end of fiscal year 1982. The funding for these programs was eliminated for several reasons: Higher cost per participant when compared to other training programs; the work performed was of low priority; the participants served were not typically the most needy; there was no targeting within the programs; and there was a poor record of participant placement.

Another reason that I do not support passage of H.R. 4861 is the funding question. This would target money that is generated from Federal lands and use it to fund the American Conservation Union. What is disturbing here is, that many of these funds are currently used to reimburse States, counties, and cities for large tracts of Federal landholdings. While the local governments do not receive direct Federal revenues through taxation, the Federal government has set up accounts that seek to reimburse the local governments for money spent to provide the Federal properties with Government services, sewer, water, electricity, roads, snow removal, and so forth.

What H.R. 4861 would do is take Federal funds out of these accounts and target them for the American Conservation Union and at the same time, this bill would require a matching fund stipulation if a State wants to participate in the program. Where do the Western States find the revenue to participate?

At a time when we are working to lower the projected deficits facing this country so we can bring down interest rates and put America back to work, H.R. 4861 proposes to spend approximately $1.55 billion over the next 6 years. We cannot accept or afford as a nation, to ask the American taxpayer to pay for programs that will, as experience has proven, grow into a fiscal nightmare.

The idea is not new and it does have merit. But, we cannot implement programs that will drain our Western States of revenue that they sorely need now and in future years.

Until we can wrestle down the deficits that are causing havoc in our financial markets, then programs like the one proposed in H.R. 4861 should not be adopted.

Thank you.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in support of the bill now under consideration (H.R. 4861), which would establish an American Conservation Corps.

This bill is modeled after the successes of a number of similar popular predecessor programs, ranging from the famous Civilian Conservation Corps (CCC) of Depression days, up through the very current Youth Conservation Corps (YCC) and Young Adult Conservation Corps (YACC) of current times. This bill is designed to take the best features and experiences of all of these, and to incorporate them into a new program to continue on where the latter two programs are leaving off, as they are currently being phased out at the end of fiscal year 1982.

Mr. Speaker, our public lands and resources have for decades suffered from insufficient maintenance attention due to limited funding and staffing. In addition, our national economy is currently in such condition that great numbers of people are out of work—apparently at a level unequalled since the end of the Great Depression. Reports from the Bureau of Labor Statistics indicate that in May 1982, total unemployment reached 9.5 percent; youth unemployment reached 23.1 percent; and minority youth unemployment reached 45.5 percent. Mr. Speaker, this is obviously an extremely serious matter.

This bill would combine the problem of inadequate public resources maintenance with that of major unemployment to the mutual satisfaction of each other: The maintenance needs would be addressed by the unemployed, and both needs would mutually benefit.

Moreover, past history indicates that this can be accomplished in a very cost-effective manner. The enactment and implementation of this bill will not solve the unemployment problems of all of our young people, nor will it solve all of our public resource maintenance needs, but it will help. It is at least a constructive step forward in a current environment where not much else that is tangible and proven to be workable by a good track record is around to grab hold of.

I am also inspired, Mr. Speaker, by the less tangible emotional, educational, and psychological effects that such employment can bring to our young people. This is an age of indelible impressions. It is an age where young people are being majorly shaped and influenced in attitudes and thought. The record is strong and clear, from participants in the CCC program of the 1930's to the YCC and YACC pro-

grams of today, that the life goals, career pursuits, and shorter range ambitions and attitudes of many youth are greatly influenced by the healthful, resource-related working relationships engendered by this type of program.

In both the long and the short run, a program such as this is good for America. It is an investment in both her resources and her people. What could constitute a more worthwhile objective, particularly at a time like this.

Mr. Speaker, there are several observations I would like to share with my colleagues pertaining to specific features of the bill.

I cannot overstress the importance of section 4(e) that all projects selected are consistent with provisions of law. This may seem obvious, but more specifically and practically as a progression of this provision, all projects and their conduct should be in full accord with the various existing policies, management plans, and other such documents which guide the protection, management, and use of the resources to be subjected to the conservation projects.

Section 5(a)(4) provides that "special consideration" is to be given the recruitment and selection of enrollees who are disadvantaged and residing in areas of substantial unemployment. Similarly, section 4(f)(3) provides that similar "due consideration" be given the location of conservation centers based on proximity to disadvantaged youth and those living in areas of high unemployment. While this is certainly an important and most meritorious feature of this bill, I want to also point out, as it was a subject of some discussion and quite unanimous agreement in the Interior Committee, that this consideration is not to be to the exclusion of youth or locations not so heavily afflicted with disadvantaged or heavy unemployment attributes. The program should have a healthy mix of youth from many backgrounds, and certainly with special consideration of and appropriate emphasis on the elements of disadvantage and high unemployment locales.

Mr. Speaker, while the bill—section 4(d)—allocates the funding to major recipients generally by percentages, I believe it is most important that as those major recipients suballocate the funds to subrecipients through time, that there be some degree of stability involved and advance planning of expenditure, to the maximum extent possible. I do recognize the need for flexibility and adaptability to changing situations, of course, but I do believe there needs to be some long range projection of priorities so all potential beneficiaries will have a fair idea of what changes to expect through time. For example, the Department of the Interior will have, under the bill's provisions, 25 percent of the funds for allocation to various agencies within that Department. I believe there should be developed ahead of time, at least 3-year advance projections and prioritizations of which agencies will receive how much for which projects or geographic project areas. This will provide better stability for the program, particularly for staffing and program supervision purposes. Last minute major changes and funding diversions are disruptive to program efficiency, staffing, and good morale of personnel.

Finally, Mr. Speaker, section 8(c) provides for a study as to the feasibility and desirability of 2 years of service in the program qualifying an enrollee for exemption for military training and service. I want to point out that such a study should be undertaken on the premise that if such substitution might be deemed to be feasible and desirable, it would have to be on the assumption that the American Conservation Corps program would have to be adjusted in some manner to make its enrollment criteria equally open to all applicants, with no criteria of discrimination whatever in selection of enrollees. Without so doing, a discriminatory process would indirectly develop as a criteria for substituting conservation service for military service, on the basis of disadvantage and unemployment attributes, which would be indefensible. Ideally, this study should be prosecuted in looking at the broader question of the merits and workability of the substitutability of such public conservation service for military service, and then developing suitable criteria to make it work. Using the criteria of enrollee selection embraced by this bill, as a premise of such study, would clearly not constitute an acceptable study approach.

Mr. Speaker, I urge my colleagues to support this bill, which has been endorsed by two committees of the House—Interior and Education and Labor—and to vote for its adoption.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 4861, to establish an American Conservation Corps. I consider this kind of legislation to be especially vital if we are to make inroads into correcting one of this Nation's most serious and chronic economic problems: unemployment among youth.

Specifically, this legislation calls for the establishment of an American Conservation Corps with a modest $50 million authorization in fiscal year 1983 for the purpose of putting young men and women to work on both a full- and part-time basis. I am especially supportive of the summer job, part-time program being targeted to youth in areas of high unemployment.

One of the criticisms registered in the past about public service employment programs was that they were inflationary by nature by virtue of being nonproductive or, as the phrase was coined, "make work" jobs. H.R. 4861 not only provides employment opportunities for youth, it provides meaningful employment opportunities—meaningful to the employee and to our Nation. Included among eligible projects would be those for the conservation of forests, fish, wildlife, revitalization of urban areas, and preservation of historic and cultural sites. I especially applaud the inclusion of projects aimed at energy conservation and production of renewable resources.

It is critical that we develop these types of programs as a positive response to the negative problem of youth unemployment. This legislation provides for a rather novel financing approach. Funds for these jobs would come from Federal revenues generated through such activities as oil and gas leasing and timber sales. This means the cost to the Federal Treasury is greatly limited.

As my colleagues are acutely aware, unemployment is at a post-World War II record level of 9.5 percent. We can approach it in two ways: We can point the finger at who is wrong and who is right, or we can attack the problem. The first approach will not put one single person to work. The second will.

Let me conclude by noting the parallel between the establishment of this American Conservation Corps and the old Civilian Conservation Corps of the Roosevelt era. The economic times were desperate then as they are getting now. Psychologically, the swift passage of legislation by Congress to create the various New Deal programs, including programs to put people back to work, proved to be a catalyst for economic recovery. I hope that history will record the passage of this legislation as a starting point in our recovery efforts to remove ourselves from the throes of this current recession. Youth unemployment is an especially difficult problem which we must recognize as such and work to rectify.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4861, the American Conservation Corps Act of 1982, which is in my opinion a very timely attempt to address both the needs for maintenance and revitalization of our Nation's resources and the high incidences of unemployment among disadvantaged youth. This bill was approved by both the Education and Labor Committee and the Committee on Interior and Insular Affairs, where I am pleased to be able to state that it enjoyed broad support. This proposal is a vitally needed effort in view of rising youth unemployment rates and lowered availability of funds for maintenance of public properties. Its cost-effective approach would speak to both problems in a comprehensive

manner and with a minimal expenditure of Government resources.

Last year you will remember, the administration was successful in defunding the Youth Conservation Corps as authorized under CETA. I must say that I received substantial amounts of mail urging continuance of the program. This mail came from the participants themselves, whose concern lay not in their own potential loss of employment but in their belief that the work they were doing truly benefited the Nation and their knowledge that no one else would fill the gap this program's demise would create.

In Puerto Rico, the conservation corps has been duplicated on the State level, teaching many of our underprivileged youngsters to take pride in their land and to value their abilities to make contributions to the labor force. Passage of this bill will foster other such programs, and will reinforce existing State efforts in this area. The $50 million appropriation level in this bill would allow an extension of services to the community well beyond its monetary value.

Mr. Speaker, I believe this program to be a truly effective method of dealing with the dual problems of youth unemployment and conservation of publicly owned lands, and I fully support its passage. I urge my colleagues to join with me in approving H.R. 4861.●

● Mr. DE LUGO. Mr. Speaker, H.R. 4861 presents all of us who are so concerned about the alarming level of unemployment among our Nation's young people a chance to provide them a job and do something good for our natural resources at the same time. This bill was developed by the Subcommittee on Public Lands and National Parks, of which I am a member, to specifically address these two concerns and does so quite successfully.

In hearings before our subcommittee, we have been reminded time and again of the serious deterioration of lands, resources, and facilities in our Nation's system of parks and refuges. Literally hundreds of millions of acres are considered substandard and this figure is growing every day. At the same time, youth employment opportunities are what I would call substandard, and without a bold program like this one, the situation will only worsen.

The proposal to establish an American Conservation Corps builds upon our country's previous experience with the Civilian Conservation Corps during the Depression and more recently on the Youth Conservation Corps and the Young Adult Conservation Corps. These latter two programs are slated for termination despite an impressive record of returning a greater dollar value of work for every dollar expended.

Let us today go on record in support of efficient, cost-effective conservation programs that have the added benefit of providing training and jobs for unemployed youth. I congratulate my subcommittee chairman, the gentleman from Ohio, for his imaginative approach to solving these two critical problems, and I am proud to be his cosponsor of this measure.

I urge adoption of H.R. 4861.●

Mr. ROYBAL. Mr. Speaker, I rise in strong support of H.R. 4861, to establish an American Conservation Corps modeled after the Civilian Conservation Corps in which I was proud to serve during the 1930's.

As a coauthor of H.R. 4861, I can assure my colleagues that seldom have we had the opportunity to consider legislation so rich in experience. H.R. 4861 combines the best features of the original CCC with the more recent achievements of the Youth Conservation Corps and the Young Adult Conservation Corps to create a new program that promises to become the most successful conservation and jobs effort in this country's history.

Both the Interior and the Education and Labor Committees have worked hard to make H.R. 4861 a piece of legislation worthy of the support of organizations ranging from the American Forestry Association and the National Audubon Society to the AFL-CIO and the U.S. Conference of Mayors. In one comprehensive package, the bill addresses two of the most serious problems facing our Nation today: The substandard condition of our natural resources; and rising youth unemployment. In short, H.R. 4861 would put unemployed youth between the ages of 15 and 25 to work maintaining and rehabilitating public lands and waters. Preference would be given to economically, physically, and educationally disadvantaged youths, thereby assuring employment for those most in need. Under the administration of the Interior Department, funds would be distributed primarily to the States on the basis of their total youth populations. Projects which could be funded include conservation of forests, fish, wildlife, rangelands, and soils; revitalization of urban areas, and preservation of historic and cultural sites; development and maintenance of recreational areas, roads, and trails; erosion and pest control; and energy conservation and production of renewable resources. Arrangements could be made for enrollees to secure academic credits during nonworking hours, and job guidance and placement would be authorized under the bill.

No time could be more critical than the present to approve legislation of this kind. Not since the Great Depression, which led to the formation of the original CCC, has unemployment reached such staggering proportions among our young people. Last month, youth unemployment rose to 23 percent, with fully half of all minority youth out of work. The cost of such extensive unemployment in terms of both national productivity and human suffering is more than our society can afford to bear. In H.R. 4861, we have what I think is a highly effective means of dealing with this crisis.

As an alumnus of the CCC, I can attest to the benefits this type of program has for the young people it employs and for our society in general. As the oldest of a family of eight, I was faced after high school with the prospect of being unemployed at the height of the Depression. But because of the creation of the CCC, I was able to earn enough money building roads in the Sierras of California to help my family and make my own way. Being involved in public service gave me a sense of great pride and self-worth, and the experiences I had in the CCC gave me the will to further my education and pursue a career that has culminated in my election to the most powerful legislature on Earth.

Not many people realize just how important the projects were that we worked on in the CCC—projects that will always remain for the benefit and enjoyment of the American people. Skyline Drive in Virginia, the National Arboretum here in Washington, and Camp David, Md., which has become the Presidential retreat, are all monuments to the hard work and diligence of the nearly 3 million young people who served in the CCC.

Thanks to the achievements of the CCC, the concept of a conservation corps has been resurrected over the years in a series of federally enacted programs. These include the Youth Conservation Corps and the Young Adult Conservation Corps, both of which have been regarded as highly successful. In a number of States as well, including my own State of California, programs modeled after the old CCC have proven invaluable in the protection of our natural resources. Members of the California Conservation Corps, which was established in 1976, have helped to stabilize landslides, to control floods and fires, and—in a project that will long be remembered—to limit the spread of the Mediterranean fruitfly.

To anyone who would question the cost of establishing the American Conservation Corps authorized by H.R. 4861, we can answer very simply that for each dollar we spend to employ a young person, we will receive far more than a dollar's worth of benefits. Experience has proven, for example, that the YCC returned $1.04 in conservation work for each program dollar spent, while the YACC produced a comparable return of $1.20. But even beyond these identifiable economic benefits lie significant social benefits

of which we should all be aware. The deterrence of crime is the best example I can think of. Every measurement of crime and delinquency I've ever seen shows a direct and perhaps causal link between crime and unemployment. By putting our young people to work in the rehabilitation of this Nation's natural resources, we can ease the economic problems that induce crime and at the same time provide a safer and enjoyable environment in which to live.

In his 1933 inaugural speech, Franklin D. Roosevelt said:

> This Nation asks for action, and action now. Our greatest primary task is to put people to work. . . . It can be accomplished in part by direct recruiting by the Government itself . . . accomplishing greatly needed projects to stimulate and recognize the use of our natural resources.

These words, which formed the basis for the establishment of the Civilian Conservation Corps, ring true today almost 50 years later. In the tradition of the CCC, the American Conservation Corps authorized by H.R. 4861 represents a sound investment in two of this country's most precious resources—our land and our young people—and I therefore urge my colleagues to join me in voting to pass the bill.●

● Mr. WIRTH. Mr. Speaker, the creation of the American Conservation Corps today would serve our country well.

Youth unemployment in our Nation is now at the highest level since World War II. We need to utilize and not throw away the resources of American youth. This bill, which would provide jobs for more than 100,000 young people on Federal, State, local, and tribal lands is an important investment in the minds and futures of our youth.

We have an opportunity to establish a cost-effective program to improve our public resources—our parks, forests, and other lands. Young people who want to work would be given valuable training and experience while performing important public service. Because funds to support the American Conservation Corps would be derived from fees collected from private firms using Federal lands, it would have little inflationary effect.

This program has a highly successful predecessor—the Civilian Conservation Corps of the 1930's. It was one of the most successful of the New Deal programs and deserves to be emulated.

The American Conservation Corps would be a significant partnership between rural and urban interests—providing meaningful work for unemployed urban youth and improvement of our public land treasures through conservation work.

The significant bipartisan support this measure has attracted shows that it is reasonable, it is prudent and it is necessary. I urge my colleagues to support its passage.●

● Mrs. KENNELLY. Mr. Speaker, the Bureau of Labor Statistics has been providing us monthly with distressing new numbers on the rate of unemployment in this country. Youth unemployment is at record levels, with joblessness among minority young people reaching nearly 50 percent. But at a time when young people are facing a long, idle summer or months ahead out of school with no work, the administration proposes to terminate the successful and cost-effective Youth Conservation Corps and Young Adult Conservation Corps. These programs have provided important work experiences for our young people in the past and have reduced the backlog of conservation projects that demand attention on our public lands.

It would be naive to think that any one program provides all the answers, but with H.R. 4861, the American Conservation Corps Act of 1982, the Congress can reaffirm its support for the concept of a conservation corps and enact an improved version of the YCC and the YACC. By doing so, we will provide meaningful jobs to young men and women ages 15 to 25, while slowing and repairing the deterioration of our natural and cultural resources.

The YCC and the YACC have been particularly successful in the State of Connecticut. The two programs have been an enormous assistance in properly maintaining our natural resources better and more cost effectively than they had been down before. In addition a full-scale effort has been made with YCC/YACC workers to improve access to the State's recreation and fishing areas for handicapped citizens. I can foresee that the American Conservation Corps will be particularly valuable in helping the State with projects arising from the terrible devastation of last weekend's floods.

When speaking of the 2,100 jobs provided in Connecticut under these programs, it is difficult to quantify the return on investment in human resources. The positive termination rate is high in the State—participants have had the opportunity to be productive, to develop confidence in their abilities, and to gain the self-respect that comes from concrete achievement, all at a critical age in their lives. Some have even learned skills enabling them to go into business for themselves.

As the director of youth conservation programs in Connecticut, Richard Couch, pointed out, the larger question in this debate is how much we are willing to mortgage future generations, whether by negligence of public lands or negligence of our jobless youth. We have idle young people on one hand, and a critical need for manpower on the other. We have the work; young people need the jobs; better than a dollar's worth of work will get done for every dollar devoted to the program. Let us not delay enactment of this important legislation any longer.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 4861, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FISHERIES LOAN FUND AUTHORIZATION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5662) to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956 as amended.

The Clerk read as follows:

H.R. 5662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) (relating to loan authority to finance the acquisition, equipping, and maintenance of commercial fishing vessels and gear) is amended by striking out "September 30, 1982" each place it appears therein and inserting in lieu thereof "September 30, 1983".

SEC. 2. Subsection (c)(6) of section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(6)) (relating to volunteer services in fish and wildlife programs) is amended by striking out "and 1982." and inserting in lieu thereof "1982 and 1983.".

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 20 min-

utes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 munutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5662 will extend, for a period of 1 year, two programs contained in the Fish and Wildlife Act of 1956.

The first of these is the Fisheries Loan Fund, section 4 of the act. This fund was originally established to provide low-cost financing to our commercial fishermen for the purchase, construction, equipment, maintenance, repair or operation of their vessels or gear. For some 8 years, beginning in 1972, this program was not available to fishermen because of a continuing moratorium imposed by several administrations.

However, with the passage of the American Fisheries Promotion Act in 1980, the fund was given a new lease on life for the specific purpose of helping our fishermen to stay afloat in the face of tremendous financial burdens imposed by national and international events over which they had no control. These burdens include high fuel costs and market competition from heavily subsidized foreign fishery products.

As redirected by the American Fisheries Promotion Act, the Fisheries Loan Fund provides low-interest loans to such vessel owners on the following priority basis: First, to those whose loans were obtained through the fishing vessel obligation guaranty program set forth in title XI of the Merchant Marine Act of 1936; second, to those whose Federal loans were not made under this program; and third, to defray operating expenses for those vessel owners or operators who have incurred a net economic loss.

I want to point out that this program, which has been a lifesaver to many American fishermen in the past couple of years, is carried out at no cost to the American taxpayer. The American Fisheries Promotion Act provided that all future costs of the fund would be paid from fees imposed on foreign fishing vessels for the privilege of fishing within our exclusive 200-mile fishery zone. These fees are now bringing in some $30 million per year.

Finally, we have limited this reauthorization to a period of 1 year because my committee wishes to review this program with an eye toward finding new uses for these moneys when the current financial crunch facing our fishermen is eased.

Section 2 of H.R. 5662 would extend funding for section 7 of the Fish and Wildlife Act, to permit the Secretary of the Interior and the Secretary of Commerce to continue to cover various expenses incurred in connection with volunteer programs; $100,000 would be authorized for the Department of the Interior and $50,000 for the Department of Commerce. These expenses are incurred as a result of legislation adopted in 1978 authorizing the recruitment, training and acceptance of services of individuals on a voluntary, unpaid basis to assist the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. The services involved include clerical as well as various field activities of benefit to our fish and wildlife resources.

The committee has made a technical change in H.R. 5662 to correct a printer's error in the bill as introduced. On page 2, line 5, the letter "f" has been inserted between "742" and "(c)" to correct the United States Code citation.

Mr. Speaker, these programs cost the American public little or nothing yet they assist us in maintaining some of our most precious natural resources. I hope my colleagues will join me in support of passage of H.R. 5663 to assure that they continue for the next year.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX), the chairman of the subcommittee.

Mr. BREAUX. Mr. Speaker, the bill before us, H.R. 5662, extends the authorization of appropriations for the Fisheries Loan Fund. This fund, established under section 4 of the Fish and Wildlife Act of 1956, provides low interest loans to certain U.S. fishing vessel owners on the following priority basis; first, to those with outstanding federally backed loans made under the fishing vessel obligation guaranty, or FVOG program; second, to those with outstanding loans not made under the FVOG program; and third, to defray operating expenses for certain vessel owners or operators who have incurred a net operating loss.

To date, due to limited funding, all available moneys in the fund have been used by vessel owners with outstanding FVOG guarantees. The FVOG program, established under title XI of the Merchant Marine Act of 1936, provides a Federal guarantee to private lending institutions that make loans which are used to help capitalize the U.S. fishing industry. The program has long been a major contributor to the development of the domestic harvesting sector and one indication of its success has been the consistently and remarkably low rate of default on such loans.

More recently, however, several U.S. fisheries have fallen into serious economic disarray, despite the past progress made through the aid of the FVOG program. Many U.S. fishermen are now facing certain extinction due to intense, and often unfair, marketing competition from heavily subsidized foreign fishing fleets. This situation has been further compounded by the exaggerated inflationary impact on U.S. fishermen of certain operational costs in the last decade, particularly fuel. The real significance of this situation can be fully appreciated only when one considers that fuel represents more than 50 percent of the operating costs in most offshore fisheries.

In addition to receiving fuel price subidies many foreign competitors enjoy financing at very preferable rates and are free from expensive compliance with U.S. safety, labor, and environmental standards.

The impact of current economics in U.S. fisheries is exemplified by the condition of the Gulf of Mexico shrimp industry. Although this fishery is among the largest and most valuable in our Nation, producing high quality protein with an ex-vessel value of $300 million in 1980, many shrimp vessels remain tied to the dock or are operating without profit or at a loss. As of March 15 of this year, 413 shrimp vessel owners had entered into loan commitments worth $78.5 million under the FVOG program. Sixteen of these vessel owners are now in serious danger of default. Twenty-seven more of these vessel owners are presently facing default but have managed to secure temporary loan deferrals from their lenders. Four other vessel owners have not been so lucky—they have been forced into default and thus bankruptcy. A report by the National Marine Fisheries Service (NMFS) indicates that the default rate on FVOG loans in the gulf shrimp industry has now reached 3 to 4 per month.

Serious economic conditions in the fishing industry are certainly not limited to the gulf area. As far back as 1980, it had become evident that at least 25 percent of the fishing vessels operating in California, Washington, and Oregon that had entered into Production Credit Association loans were in danger of default. These fishermen are also forced to compete on the open U.S. market with subsidized or even government-owned foreign fishing fleets.

Mr. Speaker, the bottom line is that due to these inequities foreign nations have captured a huge share of U.S. fishery markets, have driven prices down to a dangerously low level, and, if not for the fisheries loan fund, would have forced many American fishermen out of existence. In fact, since 1980, the fisheries loan fund has enabled 113 American fishing vessel owners to successfully avoid defaulting of FVOG loans.

It cannot be emphasized enough that although $5.5 million in the fund has been borrowed by U.S. fishermen, these loans were made at absolutely no cost to the American taxpayer. In-

stead, the entire expenditure was provided for by fees charged to foreign fishermen for the privilege of operating in U.S. waters. I repeat, foreign fishing fees are the sole source of moneys in the fund.

Furthermore, NMFS reports that the cost of such defaults to the Federal Government would have been over $21 million had the Fisheries Loan Fund not been available to our fishermen. Instead, this program avoided those defaults. All outstanding loans under both the FVOG and loan fund programs are being repaid on schedule.

Mr. Speaker, the reality of the Fisheries Loan Fund is that it has enabled the U.S. Government to save millions of dollars and, more importantly, has made it possible for many American fishing vessel owners to achieve economic stability in a very difficult fiscal climate. Therefore, I request that this bill, H.R. 5662, be favorably considered and passed so that this invaluable program will be continued for another year.

□ 1400

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the Fishery Conservation and Management Act was enacted, it provided that foreign fishermen would pay a fee for the privilege of operating in the U.S. 200-mile zone.

Initially the level of the fee bore no relationship to the value of the resource being removed by foreign fleets and, in fact, did not even cover the administrative costs incurred by the United States because of the presence of these fleets. The American Fisheries Promotion Act, passed in 1980, solved this problem by requiring that foreign fishing fees equal the administrative cost of having foreign fishermen in our zone.

The American Fisheries Promotion Act solved another problem associated with the foreign fishing fee system. The problem was that these fees were being placed in the General Treasury and no benefit was being derived by the U.S. fishing industry. The act placed foreign fishing fees in a special fund to be used to assist the U.S. fishing industry.

Using foreign fishing fees for this purpose is only right because the once healthy and prosperous U.S. fishing industry had been devastated economically by the predatory practices of foreign fishing fleets, many of which were subsidized. Fish resources which were once abundant were overfished and on the brink of economic collapse when the 200-mile act was passed. The major part of the blame for this resource disaster must be laid at the feet of foreign fishing fleets which operated with little or no regard for the resource. These same fleets, which are now regulated by the FCMA, bear some responsibility to the U.S. industry for the economic damage inflicted by overfishing. The fees paid by these foreign fishermen should be used to provide developmental assistance for the U.S. industry so that our fishermen can fully recover and resume their preeminent role as the harvesters and processors of the resources found in our 200-mile zone.

H.R. 5662 continues the fisheries loan fund which is the repository of foreign fishing fees. Currently, the act authorizes the use of these moneys to assist U.S. fishermen who, because of current economic conditions and competition with subsidized foreign fish imports, are experiencing significant economic difficulties. Moneys which were already available in the fisheries loan fund and which were used to assist vessel owners with federally guaranteed loans not only permitted these fishermen to continue their operations and to recover economically but also to avoid defaulting on approximately $21.1 million in Government-guaranteed loans. This type of short-term assistance benefits the Government as well as the fishermen and the U.S. economy.

It is clear, however, that foreign fishing fees can be used for many other purposes. The Subcommittee on Fisheries and Wildlife Conservation and the Environment is planning to investigate alternative uses for these funds. I believe that these moneys can clearly be used to benefit the U.S. industry. For example, part of the funds could be used to provide grants, similar to Saltonstall-Kennedy Act grants, for industry development. The money could also be used to provide capital for a Federal loan guarantee program to assist the processing industry or to assist higher risk ventures which are not now eligible to participate in the vessel obligation guarantee program. These and other ideas are worth exploring and represent the types of projects which will benefit the U.S. industry and for which foreign fishing fees should be used.

To preserve the fisheries loan fund, through which these foreign fishing fees are, and will be, channeled, I urge the adoption of H.R. 5662.

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I want to congratulate both the chairman of the full committee, and the subcommittee, particularly and the gentleman from New Jersey, who have done a lot of work on this bill. I think it is a sound bill, a step forward and I congratulate all of them and state that I am in strong support of the legislation.

● Mr. AuCOIN. Mr. Speaker, I urge my colleagues to join me in support of H.R. 5662, which extends the authorization of appropriations for the fisheries loan fund.

As every Member of Congress from a coastal district knows, fishermen are in deep economic trouble today. High fuel prices and increasing interest rates are destroying hopes of making a good income.

Our Nation's fishermen are in deep economic trouble today and without support, they might as well call it quits. They cannot survive much longer without assistance.

Fishermen are on the downhill slide economically. In 1980, almost 8,400 fishermen were licensed in Oregon. Last year, 400 simply gave up. The Oregon Department of Fish and Wildlife predicts a further decline in the number of licenses for next year.

What is happening to the industry can best be explained by fishermen themselves. Earlier this year, I held a series of hearings in my district on the plight of small business and fishermen all across the board agree with an experienced fisherman, who told me how fishing fleets "were built with money that was readily accessible at very reasonable rates. Today, intense competition makes the slice of our pie very thin. And when you add mortgages that are on floating interest rates—it is almost impossible to stay current."

The fisheries loan fund will simply provide financial assistance where it is needed. Low-interest loans are made available to owners of fishing vessels. First priority is given to federally guaranteed loans under the fishing vessel obligation guarantee program.

But one may still ask why should there be a fisheries loan fund? Fishermen in my district tell me that most banks are reluctant to loan on commercial boats but will make a loan with a Federal guarantee to back it up.

For these reasons, I urge my colleagues to support reauthorization of the fisheries loan fund and give fishermen an opportunity to make a decent living.●

● Mr. DYSON. Mr. Speaker, the fisheries loan fund provides low-cost financing or refinancing for the purchase, construction, reconstruction, or reconditioning of fishing vessels that are guaranteed by the Federal Government under the title XI fishing vessel obligation guarantee (FVOG) program. The funds involved in this program are derived from fees levied against foreign fishermen, not the U.S. taxpayer.

The woeful status of the American fisherman stems in part from high operating expenses, failing catches, and foreign imports. The total import value in 1981 of edible and nonedible fishery products was a record $4.2 billion, an increase of 14 percent com-

pared with 1980. The total export of edible and nonedible fishery products for the same period was $1.2 billion, up 15 percent from 1980. Clearly, the balance of trade is not in the favor of the United States and substantial increases in the fishery effort will have to be made if this trade imbalance is to be reduced.

It seems altogether appropriate at this time to support reauthorization for appropriations of the fisheries loan fund for 1 year. I believe it is in the national interest to attempt to reduce the balance-of-trade deficit by encouraging modernization of the U.S. fishing fleet and a greatly increased fishing effort. Commercial fishermen have a legitimate need for this fund in the light of the present high-interest rates. It must be remembered that the funds for this program are produced through a foreign vessel user fee, a concept that is entirely consistent with the goals of the administration.●

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5662, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANADROMOUS FISH CONSERVATION ACT AUTHORIZATION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5663) to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal year 1983, as amended.

The Clerk read as follows:

H.R. 5663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended by adding after paragraph (3) the following new paragraph:

"(4) $7,500,000 for each of fiscal years 1983, 1984, and 1985.".

SEC. 2. The first sentence of section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking out "and" after "1981,", and by inserting immediately before the period the following: ", and not to exceed $1,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985".

SEC. 3. Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is amended by adding at the end thereof the following new subsection:

"(e) After September 30, 1984, no funds appropriated under the authority of section 4(a) or 7(d) shall be made available to any of the twelve affected Atlantic coast States which, in the judgment of the Secretary of Commerce, have not implemented the 'Interstate Fisheries Management Plan for the Striped Bass of the Atlantic Coast from Maine to North Carolina'.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina, (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5663 will reauthorize two sections of the Anadromous Fish Conservation Act of 1965. This act provides for the conservation, development, and enhancement of the anadromous fishery resources of our country that are either subject to depletion from such causes as water resources development, or are subject to international agreements imposing conservation commitments on the United States. The species involved include: salmon, steelhead trout, walleye, shad, sturgeon, and striped bass. These are among the most economically important species of fish we have.

At the present time, there are 31 States which meet the criteria of the act; that is, they have anadromous species within their boundaries or they border on Lake Champlain or the Great Lakes and have species that ascend rivers to spawn within their boundaries. Of these 31, 28 States have entered into cooperative agreements with the Secretary of Commerce regarding commercial fisheries or with the Secretary of the Interior with respect to sport fisheries.

The two sections of the act which this bill would reauthorize are sections 4 and 7. Section 4 provides for grants to the States to carry out the purposes of the act. H.R. 5663 provides an authorization in the amount of $7.5 million for each of the next 3 fiscal years, 1983, 1984, and 1985 under this section. This is considerably less than has been authorized for this purpose in the past, but it is more realistic in terms of the actual amounts which have been appropriated for these purposes in past years.

Section 7 of the act was added in 1980. It provides for an emergency research program for striped bass, a species which was found in vast quantities throughout the North and Mid-Atlantic States of our country from Maine to North Carolina, until it suffered a sudden and rapid decline in recent years. The causes of this decline are still not fully known and therefore it is necessary to continue this research program. This bill authorizes $1 million for each of the next 3 fiscal years for this purpose. This reauthorization should enable the National Marine Fisheries Service and the Fish and Wildlife Service together with the affected States to complete the research which we are hopeful will lead to the rejuvenation of this popular and economically important species.

A fishery management plan for this species has been developed and the related States are in the process of adapting to it. In an effort to insure that all of the involved States comply with this plan, the committee included language in H.R. 5663 which would cut off funds under the act to any State which fails to implement the plan by September 30, 1984.

Mr. Speaker, these are important species which are vital to the continued health of both our commercial and recreational fisheries. H.R. 5663 will provide for the continuation of programs which enable our State and Federal governments to work together to assure that these species will thrive in the future for the benefit of all Americans. I urge the adoption of H.R. 5663.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, as this Nation marched into the industrial era, the impact of progress fell heavily upon our fish and wildlife resources. Nowhere was this more evident than with our anadromous fish resources which depended upon access to upriver spawning areas and upon a high degree of water quality to survive. The Anadromous Fish Conservation Act of 1965 was a recognition of the plight of our anadromous fish resources and an expression of this Nation's concern for the conservation, restoration, and enhancement of those fish.

The history of the salmon resource in the Pacific Northwest is illustrative of the need for, and of the potential success of, the Anadromous Fish Conservation Act. During the forties and fifties, the salmon harvest fell dramatically as the abundance of wild stocks declined. This decrease was due to environmental degradation and the loss of spawning grounds. Hydroelectric development on the Columbia and Snake Rivers, for example, blocked access to thousands of miles of tribu-

tary spawning and rearing habitat in the Columbia River Basin. Today, only 50 miles of free-flowing stream remain in the Columbia River. Over 50 percent of the Snake River is no longer accessible to anadromous fish. Compounding this loss of spawning and rearing habitat is the serious decline in water quality in many of our river systems.

To address the conservation and enhancement needs of salmon and other anadromous species, the Anadromous Fish Conservation Act established a matching grant program for States and other non-Federal entities. Eligible individual projects may be funded at a 50-percent matching level. Multistate cooperative agreements are eligible for up to 66⅔ percent. Using funds provided under the act, States have constructed hatcheries and spawning channels which today are producing large quantities of fish to overcome the impact of environmental degradation and of dam construction. Fish screens and by-passes at dams protect young downstream migrant fish. Research on breeding and migration habits have significantly improved salmon survival rates.

The success of this 15-year research and development program is evident today. The ex-vessel value of the total U.S. commercial salmon landings reached $352 million in 1980. If the value added at the retail level is considered, the 1980 commercial salmon harvest generated between $700 million and $1.4 billion to the U.S. economy. The recreational salmon fishery is also of tremendous importance. In 1980, the recreational salmon and steelhead trout fishery generated $73.7 million in the States of Oregon and Washington alone.

Atlantic salmon restoration in New England has also been extremely encouraging. On the Penobscot River in Maine, where 11 fish ladders have opened 275 miles of stream, runs have increased from near extinction to several thousand. On the Connecticut River, we are now seeing the largest salmon runs in 100 years. These increased runs are not only important in their own right, they also serve as indicators of improving conditions in the rivers and of the success of the Anadromous Fish Conservation Act.

Mr. Speaker, in considering this legislation we must not be limited in our focus to salmon alone. Other species of anadromous fish have suffered declines similar to that experienced by salmon. The present populations of Atlantic striped bass, shad, and river herring are respectively one-third, one-eighth, and one-sixteenth the level at which they existed in the early seventies. Atlantic sturgeon has been reduced far below economic extinction. There is a pressing need for the Anadromous Fish Conservation Act to refocus its program from the recovering Pacific salmon fisheries to these other anadromous species. The successes of the Pacific must now be duplicated elsewhere.

Of particular concern is the striped bass. In 1970, the total Atlantic coast commercial and recreational harvest of striped bass was 116 million pounds. One million anglers spent over $100 million. By 1979, the recreational harvest had declined to 7 million pounds.

Although the striped bass may be the most sought after sport fish along the Atlantic coast, the reasons for this dramatic decline are largely unknown and significant problems must be overcome before scientifically based management can be developed. For example, the migratory behavior of each spawning stock along the coast must be determined. Quantitative descriptions of natural and fishing mortality are needed for each age, sex, and class. The factors which control the size of year classes for each spawning stock must be determined. Perhaps most importantly, there is a critical lack of information on the effects of water quality degradation upon the fish.

For the striped bass and for many other anadromous fish species, there is much yet to be done. And let there be no mistake about the economic value of the money spent under this program. Since the Anadromous Fish Conservation Act was passed and first funded, approximately $76 million has been appropriated. The cost-benefit ratio has been approximately 16 to 1. Thus, this $76 million has generated over $2.4 billion in economic benefits to the Nation. These benefits stand in addition to the nontangible and esthetic benefits enjoyed by our citizens.

To address the conservation and enhancement needs of our anadromous fishery resources, H.R. 5663 authorizes $7.5 million in each of the next 3 fiscal years. H.R. 5663 also continues the emergency striped bass research program at an authorized level of $1 million in each of the next 3 fiscal years. The legislation before us today also recognizes the critical importance of coordinating and unifying management for species which migrate over great distances and through the boundaries of many States. In the case of striped bass, the 12 Atlantic coast States, Maine to North Carolina, have recognized the need for coordinated management and have approved such a program for striped bass. These States are now in the process of individually adopting and implementing this program. H.R. 5663 provides that if any of the 12 affected States have failed to implement the program by September 30, 1984, that State shall be ineligible to receive funding under the Anadromous Fish Conservation Act.

Mr. Speaker, H.R. 5663 is one of the most cost effective and important fishery conservation measures ever enacted by Congress and I strongly urge that the authorization for this program be continued.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I thank the gentleman from New Jersey. I think everyone is aware there are many problems in the fisheries business these days. Certainly in the Northwest, salmon has gone through a most difficult time. But with the anadromous bill and the help we have had over the years, and without the research efforts that have been going on and are going on now, I think our case would be really hopeless. So, I want to strongly support this bill.

I want to thank the chairman and the ranking member for their efforts and I say that this is a good step in the right direction and it really is a part of the solution.

So we thank you and I hope the body will strongly support this legislation.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5663, which extends the authorization for the Anadromous Fish Conservation Act. Since this act was first funded in 1967, approximately $41 million has been made available to the Fish and Wildlife Service, which administers part of the program. That $41 million in research, construction, and related activities has enhanced the fisheries and resulted in direct economic benefits to the country valued at $671 million in the commercial and recreational fisheries. The National Marine Fisheries Service which administers another part of the program has estimated that its cost-benefit ratio is just as favorable. In fact, between both agencies, approximately $150 million has been expended and this has generated approximately $2.4 billion in direct and indirect economic benefits to the economy.

By a wide margin the various salmon species have been the most economically important among U.S. anadromous fishery resources. The ex-vessel value of the total U.S. commercial salmon landings reached $352 million in 1980, making this fishery the most valuable of all U.S. finfish fisheries. If the value added at the retail level is considered, the U.S. 1980 commercial salmon harvest generated between $700 million and $1.4 billion to the U.S. economy. The recreational salmon and steelhead trout fishery is also extremely valuable. In 1980 this fishery generated $73.7 million in the States of Oregon and Washington alone.

But salmon is not the only anadromous species with which we are concerned. Species such as shad, river herring, and striped bass have played, and continue to play, an important economic role in various regions of this country. The plight of the striped bass, a premier recreational and commercial fish, is illustrative of the plight of these species. As recently as 1973 approximately 14.1 million pounds of striped bass were landed commercially. Today, the resource cannot support that harvest level. In 1980 only 3.4 million pounds were commercially harvested and only 3.3 million pounds were landed by sportsmen.

The reasons for this decline are found in the continuing degradation of spawning and estuarine areas which are necessary for the survival of the striped bass. In response to this, the Anadromous Fish Conservation Act provides a special research program to determine ways to reverse the decline of this magnificent fish. The striped bass research program has just begun to bear fruit and it should be continued so that we may take the steps needed to enhance the striped bass—a fish which has such an important place in the fishing economy of the Atlantic region.

Not only does the Anadromous Fish Conservation Act provide important economic benefits to the recreational and commercial fishermen of this Nation and to the coastal economies supported by these fishermen, but the act is also critically important to the implementation of the Fishery Conservation and Management Act. Under that act, the United States exercises fishery management authority over approximately 20 percent of the marine fishery resources of the world. Developing management plans for resources of this magnitude requires a tremendous amount of information which the Federal Government does not have the capability to develop. We must, therefore, turn to the States for biological assessment data. And let their be no mistake about the importance of the State role. Approximately two-thirds of the fish resources found within our 200-mile zone spend some part of their life cycle in the coastal and estuarine areas within State boundaries. Generally, when these fish resources are found in coastal and estuarine areas they are at a very vulnerable stage in their life cycle. Improving their chances of survival, as well as assessing the rate of survival, are matters whose importance to fisheries management cannot be overstated.

Approximately 55 percent of the money spent by the National Marine Fisheries Service pursuant to the Anadromous Fish Conservation Act and approximately 45 percent of the funds expended by the Fish and Wildlife Service directly support FCMA-related research. If these funds were not available to the States, the Federal Government would have to undertake the same research. However, making these moneys available to the States is a more cost effective way to undertake this research because the Anadromous Fish Conservation Act is a matching grant program supported by both State and Federal funds.

Mr. Speaker, the accomplishments of this program are many. The contributions it has made to fishery resource conservation and enhancement are clear and I urge my colleagues to support this legislation.

● Mr. AuCOIN. Mr. Speaker, I join my colleagues in supporting reauthorization of Public Law 89-304, the Anadromous Fish Conservation Act.

Anadromous fish are tremendously valuable in many parts of the country. Important commercial and recreational fisheries for anadromous fish exist in 30 coastal and Great Lakes States as well as in the Federal fishery conservation zone established under the Magnuson Fishery Conservation and Management Act.

In the Pacific Northwest, annual total values of specific anadromous fisheries are difficult to estimate, but some information is available. The estimated net economic value of recreational salmon and steelhead fishing in Washington and Oregon marine and freshwater areas is $73.7 million. Salmon fishing also generates secondary economic activity. Regional economic benefits from anadromous fish production in the Columbia River alone are estimated at $102 million annually.

The main focus of Anadromous Fish Conservation Act programs is on coded-wire tagging and stock assessments. It also assists other projects for improved management and productivity of salmon. Oregon and California presently carry out major upriver stocks and habitate studies designed to increase the overall productivity of presently depressed stocks of major salmon rivers. Funding also supports a treaty Indian catch record system which enables Columbia River tribes to provide compatible catch data to the regional data network required for proper management and allocation of the salmon harvest.

Without continuing Federal support, many of these valuable research programs will be stopped.

I urge my colleagues to support the reauthorization of the Anadromous Fish Conservation Act. Once the program is reauthorized, the job to provide the money is left up to the Appropriations Committee, and as a member of that committee, I will work to see that Congress appropriates adequate funding.●

● Mr. DYSON. Mr. Speaker, the Chesapeake Bay is one of the Nation's richest estuaries and is a spawning ground for various anadromous fishes which comprise a large proportion of fish captured in the mid-Atlantic fishery. According to National Marine Fisheries Service (NMFS), fully 80 to 90 percent of the striped bass taken in the mid-Atlantic fishery region were spawned in the upper Chesapeake Bay. This resource has seen a precipitous decline in the last decade and the causes are still obscure. However, research over the past few years has narrowed down the number of reasons and, with continued funding, it is likely that some positive answers to this problem will be forthcoming.

I represent a district in which both commercial and recreational fishing are dominant elements of the economy. The striped bass has long been a popular game fish in the district's waters and this decline is viewed with great alarm. But, it is not the only a-nad-ro-mous anadromous fish that is in decline. Shad, once available in great alarm. But, it is not the only anadromous fish that is in decline. Shad, once available in great numbers, has become so scarce that the State of Maryland has placed a total ban on their taking. Atlantic sturgeon, presently classified as endangered in Virginia and threatened in New Jersey, also spends a portion of its lifetime in Maryland estuaries. Alewife and blueback herring are also important sport, commercial, and forage species which use the estuaries for spawning purposes in the spring and migrate out to sea during the fall.

non-Federal studies specifically directed to conserving, developing, and enhancing our Nation's anadromous fish resources. Section 7 of the act authorizes the "emergency striped bass research study" which has identified numerous factors thought to be responsible for the declining striped bass populations.

Together, the provisions of the act will address significant problems associated with the popular striped bass and will increase the yields of other anadromous fish species through coordinated research, conservation, and management for the benefit of the Nation.●

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rule and pass the bill, H.R. 5663, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal years 1983, 1984, and 1985 and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ENDANGERED SPECIES ACT AMENDMENTS

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6133) to authorize appropriations to carry out the Endangered Species Act of 1973, as amended, through fiscal year 1984, as amended.

The Clerk read as follows:

H.R. 6133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATION OF ENDANGERED AND THREATENED SPECIES.

(a) Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by redesignating subparagraphs (1) through (5) as subparagraphs (A) through (E);

(B) by striking out "sporting," in subparagraph (B) (as so redesignated) and inserting in lieu thereof "recreational,"; and

(C) by amending the penultimate sentence by striking out "by regulation", and by striking out "prudent, specify" and inserting in lieu thereof "prudent and determinable, specify therein".

(2) Subsection (b) is amended—

(A) by inserting "solely" immediately before "on the basis" in the matter preceding subparagraph (A) of paragraph (1); and

(B) by amending paragraph (1)(B) to read as follows:

"(B) allowed each such State 90 days after notification to submit its comments and recommendations (except to the extent that such period may be shortened by agreement between the Secretary and the Governor or Governors concerned) and, if he disagrees with any of such comments and recommendations, provided the State with a written statement of the reasons for disagreement; and".

(3) Subsection (c)(2) is amended to read as follows:

"(2)(A) To the maximum extent practicable, the Secretary shall, within 180 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, determine whether the petition contains substantial evidence indicating that the species concerned is likely to qualify for addition to, or removal from, either of the lists published pursuant to paragraph (1).

"(B) If an affirmative determination is made under subparagraph (A) regarding a petition, the Secretary shall immediately commence rulemaking procedures pursuant to subsection (f) to list or delist, as the case may be, the species concerned. A negative determination regarding a petition under subparagraph (A) shall be subject to judicial review.".

(4) Subsection (f)(5) is amended to read as follows:

"(5)(A) A final regulation adding a species to (whether or not critical habitat is specified therein), or removing a species from, any list published pursuant to subsection (c) shall be published in the Federal Register no later than 1 year after the date of publication of general notice under paragraph (2) proposing such listing or delisting; but no publication of such a final regulation may be made before the close of such 1-year period unless the critical habitat, to the maximum extent prudent and determinable, is specified therein.

"(B) If the Secretary finds that there is substantial disagreement regarding the sufficiency or accuracy of the available scientific or commercial information regarding whether a species should be listed or delisted, the Secretary may extend the 1-year period specified in subparagraph (A) for not more than 6 months for purposes of soliciting additional information from specialists (selected after consultation with appropriate professional organizations) in the matters concerned. If a proposed regulation is not adopted within such 1-year period (or longer period if extension under the preceding sentence applies) because the Secretary has determined that there is not sufficient evidence to justify listing or delisting the species concerned, the Secretary shall withdraw the regulation and shall publish notice of the determination to withdraw in the Federal Register not later than 30 days after the end of such period. A determination to withdraw a regulation shall be subject to judicial review. The Secretary may not propose a regulation that has previously been withdrawn under this subparagraph unless he determines that sufficient new information is available to warrant such proposal.

"(C) If a regulation referred to in subparagraph (A) does not specify critical habitat therein, then a final regulation specifying, to the maximum extent prudent, such habitat shall be published in the Federal Register before the close of the 1-year period beginning on the closing date of the 1-year period (or longer period if extension under subparagraph (B) applies) referred to in subparagraph (A).".

(5) Subsection (g) is amended by striking out "recovery plans," and inserting in lieu thereof "recovery plans (1) shall, to the maximum extent practicable, give priority to preparing plans for endangered species or threatened species that are, or may be, in conflict with constuction or other developmental projects; and (2)".

(b) The provisions of paragraph (5) of section 4(f) of such Act of 1973 (as in effect on the day before the date of the enactment of this Act) shall continue to apply to any regulation that proposes to add a species to a list published pursuant to section 4(c) of such Act of 1973 if the gereral notice proposing such regulation was published before such date of enactment. Any petition filed under such section 4(c) before, and pending with the Secretary on, such date of enactment shall be treated as having been filed with the Secretary under such section on such date of enactment.

SEC. 2. COOPERATION WITH THE STATES.

Section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is amended—

(1) by striking out "66⅔ per centum" in subsection (d)(2)(i) and inserting in lieu thereof "75 per centum";

(2) by striking out "75 per centum" in subsection (d)(2)(ii) and inserting in lieu thereof "90 per centum"; and

(3) by amending subsection (i) to read as follows:

"(i) APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated not to exceed $6,000,000 for each of fiscal years 1983, 1984, and 1985.".

SEC. 3. INTERAGENCY COOPERATION AND COMMITTEE EXEMPTIONS.

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is amended as follows:

(1) Subsection (a) is amended—

(A) by amending paragraph (2) by inserting

"(A)" immediately after "(2)", and by adding at the end thereof the following new subparagraph:

"(B) A Federal agency, promptly after receiving an application for a permit or license for an activity regarding which the Secretary has issued an opinion required under subsection (b)(3), shall issue to the applicant a written statement indicating whether, in the agency's judgment, the carrying out of the action will violate subparagraph (A); and, if the agency's judgment is in the affirmative, whether the agency would likely issue the permit or license but for such judgment."; and

(B) by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

"(3) Subject to such guidelines as the Secretary may establish, a prospective permit or license applicant may consult with the Secretary at any time the applicant has reason to believe that an endangered species or threatened species may be present and that implementation of the action concerned will likely affect such species.".

(2) subsection (b) is amended to read as follows:

"(b) OPINION OF SECRETARY.—(1) Consultation under paragraph (2)(A) of subsection (a) with respect to any agency action shall be concluded within 90 days after the date on which initiated or within such other period of time as is mutually agreeable to the Secretary and the Federal agency; but if the agency action involves a permit or license applicant, such 90-day period may not be extended by the Secretary and the Federal agency—

"(A) for less than 45 days unless the Secretary, before the close of the 90-day period, provides the applicant with a written statement of the reasons for the extension, or

"(B) for 45 days or more unless the Secretary, before the close of the 90-day period, obtains the written consent of the applicant to the extension.

"(2) Consultation under paragraph (3) of subsection (a) shall be concluded within such period as is mutually agreeable to the Secretary and the applicant concerned.

"(3) Promptly after conclusion of consultation under paragraph (2)(A) or (3) of subsection (a), the Secretary shall provide to the Federal agency or the applicant, as the

case may be, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. If such jeopardy or adverse modification is found, the Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a)(2)(A) and can be taken by the Federal agency or applicant in implementing the agency action. An opinion issued by the Secretary incident to consultation under subsection (a)(3) regarding an agency action shall be treated as an opinion issued after consultation under subsection (a)(2)(A) regarding that action if the Secretary reviews the action before it is commenced by the Federal agency and finds that no significant changes have been made with respect to the action and that no significant change has occurred regarding the scientific information used during the initial consultation.

"(4) If after consultation under paragraph (2)(A), the Secretary concludes that—

"(A) the agency action will not violate subsection (a)(2)(A), or offers reasonable and prudent alternatives that will enable the action agency to avoid violating subsection (a)(2)(A); and

"(B) the taking of a listed species incidental to the agency action will not violate subsection (a)(2)(A); the Secretary shall provide the Federal agency or applicant with a written statement that—

"(i) specifies the impact of such incidental taking on the species,

"(ii) specifies those reasonable and prudent measures that the Secretary considers necessary or appropriate to minimize such impact, and

"(iii) sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or applicant in order to implement the measures specified under clause (ii).".

(3) Subsection (c) is amended—

(A) by amending the penultimate sentence in paragraph (1) by inserting ", except that if a permit or license applicant is involved, the 180-day period may not be extended unless the Secretary provides the applicant, before the close of such period, with a written statement setting forth the length of the proposed extension and the reasons therefor" immediately after "agency" and before the parenthesis; and

(B) by amending the first sentence of paragraph (2) to read as follows: "Each permit or license applicant undertaking consultation under subsection (a)(3), and any person who may wish to apply for exemption under subsection (g), may conduct a biological assessment to identify any endangered species or threatened species which is likely to be affected by the agency action concerned.".

(4) Subsection (g) is amended as follows:

(A) The sideheading is amended to read as follows: "SUBMITTAL OF APPLICATION FOR EXEMPTION; REPORT BY SECRETARY.—".

(B) The first two sentences of paragraph (1) are amended to read as follows: "A Federal agency, the Governor of the State in which an agency action will occur, if any, or a permit or license applicant may apply to the Secretary for an exemption for an agency action of such agency if, after consultation under paragraph (2) or (3) of subsection (a), the Secretary's opinion under subsection (b)(3) indicates that the agency action would violate subsection (a)(2)(A). An application for an exemption shall be considered initially by the Secretary in the manner provided for in this subsection, and shall be considered by the Committee for a final determination under subsection (h) after a report is made pursuant to paragraph (5).".

(C) Paragraph (2) is amended—

(i) by amending the first sentence of subparagraph (A) to read as follows: "An exemption applicant shall submit a written application to the Secretary, in a form prescribed under subsection (f), not later than 90 days after the completion of the consultation process under subsection (a)(2)(A) if the agency action does not involve a permit or license applicant; or, if the action involves a permit or license applicant, not later than 90 days after (i) the date on which the applicant receives the written statement required under subsection (a)(2)(B), or (ii) the date on which the Federal agency concerned takes final agency action, for purposes of chapter 7 of title 5, United States Code, regarding such action."; and

(ii) by amending subparagraph (B) by striking out "to the review board to be established under paragraph (3) and".

(D) Paragraphs (3) and (4) are repealed.

(E) Paragraph (5) is redesignated as paragraph (3) and is amended—

(i) by amending that portion which precedes clause (i) to read as follows: "Within 30 days after receiving an application under paragraph (2)(A), the Secretary, in consultation with the Committee, shall determine whether (A) an irresolvable conflict exists, and (B) whether the Federal agency concerned and the exemption applicant have—"; and

(ii) by striking out "review board" in the second sentence and inserting in lieu thereof "the Secretary".

(F) Paragraph (6) is redesignated as paragraph (4) and is amended to read as follows:

"(4) If the Secretary determines that an irresolvable conflict exists and makes positive determinations under subclauses (i), (ii), and (iii) of paragraph (3)(B) the Secretary shall proceed to prepare the report required under paragraph (5).".

(G) Paragraph (7) is redesignated as paragraph (5) and is amended—

(i) by amending that part which precedes subparagraph (A) to read as follows: "Within 120 days after making the determinations under paragraph (4), the Secretary shall submit to the committee a report discussing—";

(ii) by striking out "a summary of the evidence concerning" in subparagraph (B); and

(iii) by adding at the end thereof the following flush sentence:

"The Secretary shall hold at least one public hearing on the matters to be discussed in the report and shall include with the report a summary of the evidence on which it is based.".

(H) Paragraph (8) is redesignated as paragraph (6) and is amended by striking out "subsection (g) of".

(I) Paragraphs (9) and (11) are repealed.

(J) Paragraph (10) is redesignated as paragraph (7) and is amended—

(i) by striking out "a review board" and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "review board to assist it in carrying out its" and inserting in lieu thereof "Secretary to assist him in carrying out his".

(K) Paragraph (12) is redesignated as paragraph (8) and is amended to read as follows:

"(8) All hearings held by the Secretary in carrying out this subsection, and the evidence submitted at the hearings, shall be open to the public.".

(5) Subsection (h)(1) is amended—

(A) by striking out "90 days of receiving the report of the review board under subsection (g)(7)" in the first sentence and inserting in lieu thereof "30 days of receiving the report of the Secretary pursuant to subsection (g)(5)"; and

(B) by amending subparagraph (A) by striking out "review board" immediately after "the report of the" and inserting in lieu thereof "Secretary".

(6) Subsection (o) is amended to read as follows:

"(o) Notwithstanding sections 4(d) and 9(a) or any regulation promulgated pursuant to either such section—

"(1) any action for which an exemption is granted under subsection (h) shall not be considered to be a taking of any endangered species or threatened species with respect to any activity which is necessary to carry out such action; and

"(2) any taking that is in compliance with the terms and conditions specified in a written statement pursuant to subsection (b)(4)(iii) shall not be considered to be a taking of any endangered species or threatened species.".

(7) Subsection (q) is amended to read as follows:

"(q) There are authorized to be appropriated to the Secretary to assist him and the Committee in carrying out their functions under subsections (e), (f), (g), and (h) of this section not to exceed $600,000 for each of fiscal years 1983, 1984, and 1985.".

SEC. 4. CONVENTION IMPLEMENTATION.

(a) Section 8A of the Endangered Species Act of 1973 (16 U.S.C. 1537a) is amended—

(1) by amending subsection (c) by inserting "(1)" after "(c)", and by adding at the end thereof the following new paragraph:

"(2) The Secretary shall base the determinations and advice given by him under Article IV of the Convention with respect to wildlife upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any State to make, estimates of population size in making such determinations or giving such advice.";

(2) by amending subsection (d) to read as follows:

"(d) RESERVATIONS BY THE UNITED STATES UNDER CONVENTION.—If the United States votes against including any species in Appendix I or II of the Convention and does not enter a reservation pursuant to paragraph (3) of Article XV of the Convention with respect to that species, the Secretary of State, before the 90th day after the last day on which such a reservation could be entered, shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives, and to the Committee on the Environment and Public Works of the Senate, a written report setting forth the reasons why such a reservation was not entered."; and

(3) by amending subsection (e) to read as follows:

"(e) WILDLIFE PRESERVATION IN WESTERN HEMISPHERE.—(1) The Secretary of the Interior (hereinafter in this subsection referred to as the 'Secretary'), in cooperation with the Secretary of State, shall act on behalf of, and represent, the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354,

T.S. 982, hereinafter in this subsection referred to as the 'Western Convention'). In the discharge of these responsibilities, the Secretary and the Secretary of State shall consult with the Secretary of Agriculture, the Secretary of Commerce, and the heads of other agencies with respect to matters relating to or affecting their areas of responsibility.

"(2) The Secretary and the Secretary of State shall, in cooperation with the contracting parties to the Western Convention and, to the extent feasible and appropriate, with the participation of State agencies, take such steps as are necessary to implement the Western Convention. Such steps shall include, but not be limited to—

"(A) cooperation with contracting parties and international organizations for the purpose of developing personnel resources and programs that will facilitate implementation of the Western Convention;

"(B) identification of those species of birds that migrate between the United States and other contracting parties, and the habitats upon which those species depend, and the implementation of cooperative measures to ensure that such species will not become endangered or threatened; and

"(C) identification of measures that are necessary and appropriate to implement those provisions of the Western Convention which address the protection of wild plants.

"(3) No later than September 30, 1985, the Secretary and the Secretary of State shall submit a report to Congress describing those steps taken in accordance with the requirements of this subsection and identifying the principal remaining actions yet necessary for comprehensive and effective implementation of the Western Convention.

"(4) There is authorized to be appropriated to the Department of the Interior not to exceed $150,000 for each of fiscal years 1983 and 1984, and not to exceed $300,000 for fiscal year 1985, for purposes of carrying out this subsection, and such sums shall remain available until expended.

"(5) The provisions of this subsection shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate resident fish and wildlife under State law or regulations.".

(b) The amendment made by paragraph (1) of subsection (a) shall take effect January 1, 1981.

SEC. 5. EXPERIMENTAL POPULATIONS AND OTHER EXCEPTIONS.

Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) PERMITS.—(1) The Secretary may permit, under such terms and conditions as he shall prescribe—

"(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, including, but not limited to, acts necessary for the establishment and maintenance of experimental populations pursuant to subsection (j); or

"(B) any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

"(2)(A) No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a plan that specifies—

"(i) the number of the species which will likely be taken;

"(ii) what steps the applicant will take to minimize such taking; and

"(iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized.

"(B) If the Secretary finds, after opportunity for public comment, with respect to a permit application that—

"(i) the taking will be incidental;

"(ii) the applicant will, to the maximum extent practicable, minimize the taking; and

"(iii) the level of such taking is not likely to jeopardize the continued existence of the species;

the Secretary shall issue the permit. The permit shall contain such reporting requirements as the Secretary deems necessary for determining whether the permittee complies with the terms and conditions of the permit.

"(C) The Secretary shall revoke a permit issued under this paragraph if he finds, after opportunity for public comment, that the permittee is not complying with the terms and conditions of the permit.".

(2) Subsection (f) is amended—

(A) by amending paragraph (1)(B) by inserting "substantial" immediately before "etching" and before "carving", and by adding at the end therof the following new sentence: "For purpose of this subsection, polishing or the adding of minor superficial markings does not constitute substantial etching, engraving, or carving."; and

(B) by adding at the end thereof the following new paragraph:

"(9)(A) The Secretary shall carry out a comprehensive review of the effectiveness of the regulations prescribed pursuant to paragraph (5) of this subsection—

"(i) in insuring that pre-Act finished scrimshaw products, or the raw materials for such products, have been adequately accounted for and not disposed of contrary to the provisions of this Act; and

"(ii) in preventing the commingling of unlawfully imported or acquired marine mammal products with such exempted products either by persons to whom certificates of exemption have been issued under paragraph (4) of this subsection or by subsequent purchasers from such persons.

"(B) In conducting the review required under subparagraph (A), the Secretary shall consider, but not be limited to—

"(i) the adequacy of the reporting and records required of exemption holders;

"(ii) the extent to which such reports and records are subject to verification;

"(iii) methods for identifying individual pieces of scrimshaw products and raw materials and for preventing commingling of exempted materials from those not subject to such exemption; and

"(iv) the retention of unworked materials in controlled-access storage.

The Secretary shall submit a report of such review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on the Environment and Public Works of the Senate and make it available to the general public. Based on such review, the Secretary shall, on or before July 1, 1983, propose and adopt such revisions to such regulations as he deems necessary and appropriate to carry out this paragraph. Upon publication of such revised regulations, the Secretary may renew for a further period of not to exceed 3 years any cretificate of exemption previously renewed under paragraph (8) of this subsection, subject to such new terms and conditions as are necessary and appropriate under the revised regulations; except that any certificate of exemption that would, but for this clause, expire on or after the date of enactment of this paragraph and before the date of the adoption of such regulations may be extended until such time after the date of adoption as may be necessary for purposes of applying such regulations to the certificate. Notwithstanding the foregoing, however, no person may, after January 31, 1984, sell or offer for sale in interstate or foreign commerce any pre-Act finished scrimshaw product unless such person has been issued a valid certificate of exemption by the Secretary under this subsection and unless such product or the raw material for such product was held by such person on the date of the enactment of this paragraph.".

(3)(A) Subsection (h)(1) is amended—

(i) by striking out "(other than scrimshaw)"; and

(ii) by amending subparagraph (A) to read as follows:

"(A) is not less than 100 years of age;".

(B) The amendment made by subparagraph (A) shall take effect January 1, 1981.

(4) At the end thereof insert the following new subsection:

"(j) EXPERIMENTAL POPULATIONS.—(1) For purposes of this subsection, the term 'experimental population' means any population authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species.

"(2) The Secretary may authorize the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.

"(3) For purposes of this Act—

"(A) if an experimental population is of an endangered species or threatened species that the Secretary has determined, on the best available biological evidence, to be in decline and in imminent danger of extinction, such experimental population shall also be treated as a threatened species listed under section 4; or

"(B) if an experimental population is of an endangered species or threatened species not described in subparagraph (A), the experimental population shall (except for section 7) be treated as a threatened species listed under section 4; but for purposes of applying section 7, the population shall, except for such time as it occurs in an area within the national wildlife refuge system or the national park system, be treated as a species proposed to be listed under section 4 (but the provisions relating to critical habitat shall not apply).

"(4) The Secretary, with respect to any population of an endangered species or threatened species that the Secretary authorized, before the date of the enactment of this subsection, for release in a geographical area separate from other populations of such species, shall determine by regulation whether such population is an experimental population for the purposes of this subsection.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 15. Except as authorized in sections 6, 7, and 8 of this Act, there are authorized to be appropriated the following sums:

"(1) To enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act:

"(A) Not to exceed $27,000,000 for each of fiscal years 1983, 1984, and 1985.

"(2) To enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act:

"(A) Not to exceed $3,500,000 for each of fiscal years 1983, 1984, and 1985.

"(3) To enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the Convention which pertain to the importation or exportation of plants:

"(A) Not to exceed $1,850,000 for each of fiscal years 1983, 1984, and 1985.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6133 contains a 3-year reauthorization of the Endangered Species Act of 1973 at the existing level of funding, which is $38.9 million per year. It also amends the act in various ways to facilitate certain procedures under the act and to, generally, make it a more effective and efficient tool for the conservation of endangered and threatened species of fish and wildlife and plants.

This law is widely recognized as one of the most comprehensive and effective wildlife conservation measures in the world. It is designed to conserve species which are currently endangered or threatened with extinction and, through a variety of methods, to restore such species to a point where protection is no longer necessary.

Despite an inflated reputation for controversy, this act has worked very well in the past and, with the amendments we are proposing today, we expect it will work even better in the future. The members and staff of my committee have worked long and hard to fashion a package of amendments which is constructive and have thereby defused what just a few months ago shaped up as a major legislative battle between conservation and development. The chairman and the ranking minority member of our Subcommittee on Fisheries and Wildlife Conservation and the Environment and their staffs should be commended for their accomplishment in this respect.

Extensive hearings were held before the bill was drafted and the views of all interested parties were solicited in a long series of meetings. The result is a consensus document which does not represent the ideal of any one group. It is, however, accepted by almost all concerned as an improvement over the existing law which will maintain the integrity of the act at the same time that it resolves real problems which have arisen since the act was last reauthorized.

H.R. 6133 accomplishes these ends by, first, speeding up the process by which species are added to or subtracted from the endangered or threatened species lists; second, facilitating the consultation and exemption processes which are designed to resolve conflicts between species protection and development; third, exempting certain incidental takings of species from the act; and fourth, clarifying the handling of experimental populations of endangered species.

Mr. Speaker, H.R. 6133 will preserve a landmark conservation law but it will also make the job of those who must comply with this law a little less onerous. H.R. 6133 was favorably reported by the Merchant Marine and Fisheries Committee by a unanimous voice vote with strong bipartisan support. I commend this bill to my colleagues and urge their adoption of it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, the legislation that is before the House for consideration at this time is the result of a negotiating process that has involved virtually every interest group concerned with the Endangered Species Act. It has been endorsed by all of the major environmental groups, including such groups as the Audubon Society, the National Wildlife Federation and Friends of the Earth. We also have the support of the State fish and wildlife agencies, the Wildlife Management Institute, and the Wildlife Legislative Fund of America. Finally, the legislation has been endorsed by the Western Regional Council, and Northeast Utilities. Many of the other industry groups that traditionally have problems with the act agree that H.R. 6133 addresses the main concerns they have with the legislation and are not opposing it.

The reason for this remarkable consensus is that almost all of the people who have become involved with the issue of endangered species agree on two major facts. First, that the loss of species is a serious problem that could have catastrophic effects on the human environment, and second, that the Endangered Species Act, while basically sound, is simply not functioning properly in some respects.

These two facts became apparent during the detailed hearings we held on the act earlier this year. A panel of scientists informed us that the rate of species extinction is increasing dramatically and that we are losing some of the basic "cogs and wheels" of the biological mechanism that sustains life on Earth. Not only are some of the magnificent symbols of wildlife in America endangered—the grizzly bear and the bald eagle—we are also losing species like the Antioch Dunes evening primrose, one of a small group of primroses that has been demonstrated to harbor chemical elements that help prevent heart disease. The loss of species in the age of genetic engineering has been compared to burning books before we read them—forgoing priceless genetic resources that may provide cures for diseases, protection for plants from insects, and many other practical benefits to society.

During the same hearings, however, we also learned that, although the Endangered Species Act has matured and is working fairly well, there are still a few areas in the act where it is not functioning properly. First, the listing and delisting of species as endangered and threatened has virtually ground to a halt under this administration because of the linking of the review of the biological status of a species to the economic analysis required under the act to designate critical habitat.

This has resulted in only one species being listed by this administration by the time our hearings were held and several delistings being held up for months while the administration examined the economic aspects of taking species off the list.

Our legislation would amend the act to force the administration to move through the listing process when they receive a petition that contains substantial evidence that a species should be listed or delisted. The economic analysis now required for the designation of critical habitat is continued and the Secretary is directed to designate critical habitat at the same time a species is listed to the maximum extent prudent and determinable. However, the final decision as to whether or not a species should be listed is to be done on a strictly biological basis and cannot be withdrawn or delayed past the 1 year established for consideration of proposals for listing unless there is disagreement in the scientific community regarding the proposed listing.

A second problem that became evident during the hearings was the inability of project developers to consult with the Federal agencies at an early stage in the planning process. Our legislation would authorize permit applicants to consult with the Secretary on whether their anticipated actions will be likely to jeopardize a species. This

89-059 O-86-8 (Pt. 10)

will allow private parties to modify or alter their project plans at an earlier, more flexible point in the design phase of a project.

We also learned that project sponsors who had consulted in good faith and received opinions that their projects would not jeopardize endangered species, were faced with the uncertainty that their projects could still be shut down and their operators liable for criminal and civil penalties if the project resulted in the incidental taking of a species, even if that was contemplated in the consultation process and would not jeopardize the species. H.R. 6133 would provide for such incidental takings subject to measures designed to minimize the takings.

There was considerable concern expressed by industry groups that the current exemption process offered no realistic "light at the end of the tunnel," because of its complexity and the fact that it would take more than a year to complete. Our bill would streamline the exemption process by substituting a secretarial report for the report prepared by a review board. This simplified process could be completed in 170 days. Currently the process could consume 360 days. The membership of the Endangered Species Committee and the standards they would apply in deciding whether or not to grant an exemption have not been changed.

A further problem that came to light in the hearings was the strict protective measures that apply to listed species which discouraged the introduction of new populations into the wild. This legislation would allow for the establishment of experimental populations in a manner that would not trigger the full protective measures of the act.

Finally, we learned that a U.S. court of appeals decision involving the Convention on International Trade in Endangered Species (CITES) has resulted in State agencies being saddled with biologically meaningless requirements regarding the preparation of population estimates before nonendangered, legally taken animals could be exported. This legislation would overrule that decision. It requires the Secretary to make determinations on the basis of the best available biological information derived from "professionally accepted" wildlife management practices. This in no way diminishes the responsibility of the United States under CITES.

Our amendment contains a 3-year authorization of the act at the current levels. This should provide sufficient funding for effective implementation of the act.

Mr. Speaker, this legislation, passed out of the Merchant Marine and Fisheries Committee without a dissenting vote, was not designed to strengthen or weaken the Endangered Species Act, but simply to make it work better. As such it should enhance the chances for survival of the more than 700 species of plants and animals that have been listed as endangered or threatened.

I would like to express my appreciation to the groups that have been working on this legislation. It is an emotional issue but all sides proved willing to listen and consider the views of others as the legislation developed. I think that, in an era where there is an air of confrontation regarding environmental issues, there is an element of hope here that should be nourished. I urge my colleagues to vote for this bill.

□ 1415

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the industrial revolution swept the world in the 1830's it brought tremendous benefits to many nations. Unfortunately, we soon learned that these benefits were not achieved without a cost. Part of this cost was the modification and destruction of the habitats upon which many species of fish and wildlife depended for their survival.

The Endangered Species Act was born out of this Nation's concern that the price of progress had been too high—that a greater effort must be made to conserve our fish, wildlife, and plant resources. In considering the achievements of this act we often frame the issue in terms of the aesthetic value of these resources. While this is important, it is not the real issue. I submit to you that the real issue is the dependence of man on diverse biological gene pool. Take just one example: Medical chemistry. Nearly 40 percent of all prescriptions written in the United States contain as their chief ingredients compounds derived from plants, including lower life from plants. It was through the exploration of nature that these drugs were discovered—and such exploration has a long history of paying off. Centuries ago the Incas learned of the antimalarial properties of the cinchona tree from which quinine was later isolated. The Foxglove plant, the well- known source of the heart drug digitalis is yet another example. But many of the most important plant drugs, such as the anticancer drugs used in the treatment of Hodgkin's disease, were only recently discovered. There is no end to the potential for discovery of this type in nature, because we have only begun the chemical exploration of nature. It is the preservation of biological diversity which I believe is the key issue before us today.

The issue of biological diversity, however, is one that needs to be viewed on a broader scale. The very fact that there are endangered species in this world is symptomatic of the increasingly endangered status of nature itself. We are encroaching upon nature at an unprecedented rate—in this Nation and throughout the world. Species are disappearing because their habitats are disappearing. I recognize and agree that we cannot turn back the hands of time and dismantle the industrial machine we have created. We cannot stop all further growth just because this growth consumes the land and its resources. What we must achieve is a balance between the industrial needs of our society and the biological need to prevent the extinction of species which represent a resource of equal value. The amendments before us attempt to achieve such a balance.

We have all heard the cries that the Endangered Species Act is stopping industrial progress in this Nation. This is not true. The facts in no way support this assertion. In the last 3 fiscal years, for example, there have been 10,762 consultations conducted under the Endangered Species Act. Of those 10,762 consultations, only 192, 1.8 percent, resulted in a finding that the project in question would jeopardize the continued existence of an endangered species. Of these 192 projects, modifications were made in 185 and they went forward. Only seven projects in 3 years were stopped and I would point out that of those seven at least five, and perhaps all seven, were stopped for reasons unrelated to the Endangered Species Act.

Mr. Speaker, the facts do not support the assertion that the Endangered Species Act has blocked the development of American industry. What the act has done is inject a new consciousness into the process by which industrial growth is achieved. This consciousness is, quite simply, an increased awareness of the economic, medical, and aesthetic importance of endangered species. these species are now clearly considered when a project is planned and carried out. Projects continue to go forward but the impact on the environment is more carefully considered now. The purpose of the Endangered Species Act is conflict avoidance through this planning process and I submit to you that the statistics I have cited prove that the act has been a great success in this regard.

This is not to say, however, that the act is without weaknesses. For example, the conflict avoidance process would be strengthened if consultations were conducted as early as possible in the planning process. H.R. 6133 specifically allows this to occur. Further, it is unreasonable to expect the consultation and biological assessment process-

es contained in the act to be extended indefinitely without the permit applicant or the Federal agency knowing the reasons for the extension. H.R. 6133 remedies this by establishing a specific procedure whereby consultations and biological assessments cannot be extended without a clear statement of the reasons for, and the length of, the extension.

H.R. 6133 also seeks to remedy the problem faced by many businessmen who receive a biological opinion that their project will not jeopardize the continued existence of a species, and yet it is known throughout the consultation process that the project will result in the taking of a certain number of the species. These businessmen, even though they have received a favorable report on their project and are allowed to proceed, are confronted with possible prosecution under section 9 of the act which says that the taking of a single endangered species violates the act. H.R. 6133 addresses this issue by providing a special procedure which will result in a section 9 exemption for projects which have received a favorable biological opinion.

Other businessmen confront a different problem. Their projects occur on private lands and they are, therefore, unable to enter into the consultation and exemption process. They are, however, still governed by the section 9 prohibitions of the act. For these businessmen, H.R. 6133 creates a special permit procedure whereby they may be given a permit to take endangered species if the taking is incidental to, and not the purpose of, the project in question and if the taking is not likely to jeopardize the continued existence of the species.

The amendments we are considering also make it clear that there is a difference between economic considerations under the act and biological considerations. Whether a species has declined sufficiently in numbers to justify its listing under the Endangered Species Act is a biological, not an economic, question. To blend the two is to improperly confuse biology with economics. What you do once the species is listed is a biological and an economic question—a question which requires a balancing of the biological needs of the resource with developmental needs. Unfortunately, in the past few years biology and economics have been confused and intertwined in the listing process. H.R. 6133 remedies this by making the listing process solely biological and leaving to the exemption process the balancing of economics and biology.

Finally, H.R. 6133 addresses the so-called bobcat issue. Specifically, H.R. 6133 provides relief from the U.S. Court of Appeals decision which mandated the onerous requirement of reliable population estimates before no-detriment findings could be made under CITES and before bobcat exports could be allowed. In its stead, H.R. 6133 permits no-detriment findings to be made without reliable population estimates. However, if population estimates are available, they must be used as one part of the data considered in making a no-detriment determination. Thus, H.R. 6133 clearly relieves the unnecessarily restrictive requirement of the Court of Appeals decision, while recognizing the desirability of using population estimates when they are available.

Mr. Speaker, H.R. 6133 represents a step forward for the conservation community and for the business community. The legislation provides for a clear and reasonable balance in the Endangered Species Act and I strongly urge its adoption.

● Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6133, a bill to reauthorize and amend the Endangered Species Act of 1973. This bill reaffirms the critical importance of the goals of the original legislation and provides means for achieving those goals more effectively and expeditiously.

The Endangered Species Act is one of this Nation's most important and innovative environmental laws. It has also been one of the most successful. Since its passage hundreds if not thousands of Federal and private actions have been modified to protect endangered species. Many industries, large and small, have voluntarily adopted programs to avoid harm to such species. In addition, the act has enabled the United States to begin a successful effort to reduce illegal trade in wildlife.

A strong Endangered Species Act is essential to preserve both the variety and quality of life on Earth. Biologists estimate that species are vanishing at the rate of almost one a day. Once a species becomes extinct, it is lost forever. Any species is a potential new source of food, energy, chemicals, or raw materials for mankind. Equally important, all species are interdependent and the destruction of any one species diminishes the planet's overall ecological balance. The sacredness of life itself should deepen our concern and respect for the uniqueness of all life forms.

I would also like to take this opportunity to compliment the gentleman from Louisiana (Mr. BREAUX) whose leadership in this complex and difficult area of legislation has enabled the House to consider this potentially controversial legislation under suspensions procedures. I urge approval of the bill.●

● Mr. EVANS of Delaware. Mr. Speaker, during the past 6 months, the Merchant Marine and Fisheries Committee has carefully reviewed the effectiveness of the Endangered Species Act. Our review has clearly demonstrated that the act has been successful in balancing environmental protection and economic needs.

Congress should not change the substance of the act lightly. During hearings, some of the Nation's leading scientists testified about the value of many life forms to man. They emphasized that the magnitude and significance of the extinction problem is little appreciated and that the implications for human welfare are far more drastic than we have previously thought.

It is estimated that 5 to 10 million plant and animal species inhabit the Earth. Of these, approximately 1 million will become extinct during the next 30 years, according to testimony presented to the Subcommittee on Fisheries and Wildlife by Dr. Peter H. Raven, director of the Missouri Botanical Garden.

Our understanding of the interrelationships of various life forms on our plant is limited. We still do not know the implications of losing a million species in the next 30 years. However, it is important to understand that the contribution of wild species to the welfare of mankind in agriculture, medicine, industry, and science have been of incalculable value. These contributions will continue only if we protect our storehouse of biological diversity. Just as one example, Dr. Raven described how research on several species of evening primrose has turned up a fatty substance that may help us to avoid coronary heart disease and to cure such diseases as eczema and arthritis that afflict millions and millions of people. Members of this same plant family are protected under our Endangered Species Act and no one knows what secrets of medical science they hold.

The tragedy of losing plant and animal species to the void of extinction is that we are losing them at a pace far faster than we can evaluate their utility to man. The Honorable James L. Buckley, Under Secretary of State, recently stated:

> The maintenance of biological diversity is fundamental not only to maintaining life on earth over the long term, but also to achieving our economic development and quality of life goals over the nearer term . . . Permitting high rates of extinction . . . is tantamount to bookburning; but it is even worse, in that it involves books yet to be deciphered and read.

Mr. Speaker, our wild plants and animals are not only uplifting to the human spirit, but they are absolutely essential—as a practical matter—to our continued healthy existence. This is a bill that vigorously protects our natural heritage at the same time as it provides for a timely balancing of environmental and economic interests on those rare occasions when the two are irreconcilably in conflict. Both ele-

ments are necessary if we are to have a strong, workable act.

Mr. Speaker, as my colleagues consider the Endangered Species Act, I hope that they will bear in mind the inestimable value of our wild natural heritage.●

● Mr. EMERY. Mr. Speaker, I rise in support of H.R. 6133 and urge my colleagues to approve this important legislation, which was unanimously reported out of the Merchant Marine and Fisheries Committee.

The chairman of the Fisheries and Wildlife Subcommittee, Mr. BREAUX, and the ranking minority member, Mr. FORSYTHE, are to be congratulated for the hard work they and their staff have done to bring to the floor this excellent piece of legislation, which preserves the integrity of the Endangered Species Act and reinforces congressional commitment to the protection of valuable flora and fauna in all parts of the world.

The Endangered Species Act is extremely important to the preservation of a balanced ecological system, and H.R. 6133 maintains the real intent and principles of the act. The law is designed to preserve ecological communities and preserve diversity, and despite the potential for divisive controversy which this topic has, the efforts of all involved have resulted in a bill which does not abrogate the cause of protection of endangered species.

Obviously, extinction which occurs as part of the historical process of natural selection is a fact with which we should not tamper, but the question before us today concerns not this natural extinction but rather the impact of technological developments, urban growth, and suburban expansion, on the habitats of certain plant and animal species. We must take responsibility for our actions when they impact on the destruction or preservation of a species.

The enactment of the ESA in 1973 was a major step forward in recognizing that responsibility, and in amending the law today, I believe we are continuing to act to protect and preserve what are valuable contributions to a balanced ecology and scientific research efforts.

Again, I urge my colleagues to support H.R. 6133 and insure the approval of these amendments to the Endangered Species Act.●

● Mr. LENT. Mr. Speaker, I rise in support of the Endangered Species Act Amendments, H.R. 6133, and urge my colleagues to vote for its passage.

The Endangered Species Act is one of the world's strongest laws to prevent species extinction. Many of its supporters believed the act itself had been targeted for extinction by those who viewed it as an unwieldy and unworkable approach to protecting our natural heritage.

However, our committee developed a compromise bill which won the support of scientists, conservation groups, wildlife managers, and industry. Along with extending the act's protection for 3 years, the bill makes a number of important improvements in the law. They include streamlining the listing process for threatened and endangered species, and requiring that listing decisions be made solely on a scientific, biological basis. In addition, the bill gives highest priority in development of recovery plans to species most threatened by human activities in an attempt to focus the law's protections where need is greatest.

My colleagues on the Merchant Marine and Fisheries Committee are to be commended for reporting this measure and I urge its passage and prompt enactment.●

● Mr. BAILEY of Pennsylvania. Mr. Speaker, I would like to express my support for H.R. 6133, which would amend and reauthorize the 1973 Endangered Species Act. I would also like to commend Congressmen JONES and BREAUX for their leadership and the other members of the Merchant Marine and Fisheries Committee for reporting this bill to the floor.

As my colleagues who have studied this bill are aware, in the past 300 years, approximately 150 species of American birds and animals have become extinct. Since the Endangered Species Act became law in 1973, however, only one species has become extinct. The act has successfully protected 756 species, 288 of which are on the U.S. Endangered Species List, and it is a model for international efforts to protect imperiled animals and plants.

Under the Endangered Species Act, Federal agencies and private firms requiring Federal funds or permits must insure that their activities do not jeopardize the existence of an endangered or threatened species or adversely affect its critical habitat. The taking, harming, or harassing of such species are also prohibited. Before any potentially harmful developments can take place, the agencies involved must consult with the U.S. Fish and Wildlife Service to determine how listed species may be affected. Consultations rarely result in the discontinuance of projects; between 1979 and 1981, the Service issued jeopardy decisions for only about 2 percent of its consultations, and in the great majority of these cases, a reasonable alternative could be found. Consultations have proven to be effective methods for insuring that endangered species are protected while not causing undue delay in the projects considered.

This protection of wildlife is a concern which I share with the members of the Merchant Marine and Fisheries Committee, who have done a fine job in their consideration of this bill. I intend to add my support to H.R. 6133, and I urge all my colleagues to join me in voting for this important legislation.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise in strong support of H.R. 6133, a bill to reauthorize and amend the Endangered Species Act.

Species extinctions are now occurring at a rate of one species every day. This is a faster rate than at any other time on our planet and will increase unless we take strong action to halt species extinction. This massive reduction in biological diversity strains the health of our ecosystems and decreases our chances of discovering natural compounds of importance to medicine, industry, and agriculture.

The Endangered Species Act has proven to be one of this Nation's most important, innovative, and successful environmental laws. Since its passage in 1973, hundreds, if not thousands, of Federal and private actions have been modified to protect endangered species. Many businesses, large and small, have voluntarily adopted programs to avoid harm to such species. Most States have passed their own Endangered Species Acts. And that act has enabled the United States to begin a successful effort to reduce illegal trade in wildlife.

The provisions of H.R. 6133 will insure that in the future, decisions respecting the listing of species will reflect credible, scientific judgments and that species that are in fact threatened or endangered will be promptly so listed. The act provides ample opportunity subsequent to the listing of a species to balance the benefits of protecting a listed species against the cost of doing so. Indeed, that is precisely the purpose of the exemption process which Congress added in 1978 and which this bill further streamlines. This careful balancing must be done at the exemption state, but it is inappropriate and unnecessary at the time of listing, when the only relevant inquiry is the biological status of the species. Under H.R. 6133, because biological considerations are to be the sole determinants of listing decisions, Executive Order 12291 and other authorities requiring consideration of nonbiological factors in agency rulemaking will have no application to the listing process.

The amendments that H.R. 6133 makes to section 5 of the act will also enable the Secretary of the Interior to move quickly to consider the status of many species that had previously been proposed for listing but were withdrawn because of the Secretary's inability to comply with the onerous listing procedures that we now abandon. These species may now be considered again for listing based on the best available biological information without regard to when that information was developed. The Secretary deter-

mined only a year and a half ago that "sufficient information [is] on hand to support the biological appropriateness" of listing a large number of these previously proposed species. H.R. 6133 will enable the Secretary promptly to repropose and list these species.

Section 4—Convention Implementation—of H.R. 6133 constructively resolves the controversy over the appeals court decision pertaining to bobcat pelt exports under the Convention on International Trade in Endangered Species (CITES). The compromise language amending section 8A of the Endangered Species Act strongly upholds U.S. obligations to regulate exports of wildlife species protected by CITES (article IV). Moreover, the compromise language selectively overturns that portion of the court's ruling that specifically requires "reliable population estimates" for valid decisions concerning permissible exports, and stipulates that scientific authority advice on exports shall be based upon "the best available information derived from professionally accepted wildlife management practices." The use of available population estimates is not excluded, but incorporated by a broader and rigorous information standard in H.R. 6133.

H.R. 6133 also contains a number of provisions that will generally improve the administration of the act by reducing delays or eliminating potentially contradictory provisions. These amendments include: first, a reduction of over 50 percent in the time during which an exemption application may be considered; second, a time deadline on consultations under section 7 of the act that can be extended only with the approval of a permit or license applicant; and third, a provision which permits the "taking" of a species which has been the subject of a no-jeopardy section 7 finding if reasonable measures are taken to minimize the take.

Mr. Speaker, H.R. 6133 represents an excellent package of amendments to the Endangered Species Act. It makes an already good law even more practical and effective. It reaffirms U.S. leadership in the protection of threatened and endangered species. I strongly support H.R. 6133 and urge my colleagues to vote for it.●

● Mr. BOWEN. Mr. Speaker, I rise in strong support of H.R. 6133, the reauthorization of the Endangered Species Act. I particularly wish to commend the subcommittee chairman, Mr. BREAUX, and the ranking minority member of the subcommittee, Mr. FORSYTHE, for their diligent and careful work in bringing before this House a bill that continues the commitment our Nation made in 1973 to protecting endangered animal and plant species.

Since its enactment in 1973, the Endangered Species Act has been the keystone of our Nation's effort to protect animal and plant species that are currently in danger of extinction or that may become so in the foreseeable future. The continued existence today of many species can be attributed to the act's protection. H.R. 6133 continues the basic policies of the act.

The legislation which we consider today is a delicate compromise between the legitimate concerns of the environmental community and the fears of others that the act could be used to block projects essential for the economic development and growth of our Nation. I applaud the interested parties for the cooperative spirit that they have shown in negotiating the final version of the legislation. As one who has occasionally been critical of the singleminded pursuit of environmental considerations to the exclusion of those for economic growth, I commend the environmental community, particularly the Endangered Species Act Reauthorization Coordinating Committee, for the attitude of reasonableness and practicality they have shown.

H.R. 6133 presents a balanced compromise. To be sure, neither side has secured all that it originally sought, but both sides have won significant parts of their original requests. The result is a bill that accepts the major thrust of the 1978 and 1979 amendments while incorporating some changes which reflect our practical experience with the act after enactment of those amendments.

Mr. speaker, we all recognize the need to make minor modifications of the act in order to make it work more smoothly and effectively, but I think our experience with the act demonstrates that it has generally been quite successful in meeting its goals. To the extent that problems have emerged, they seem to come more from the implementation of the act by the Department of the Interior than from defects in the legislation itself.

Like many of my colleagues, I have been distressed by the lack of action by the current Interior Department in listing species. When we made changes in section 4 during the 1978 and 1979 amendments, we did not intend that the new procedures be used as a device for unnecessarily delaying decisions on listing. H.R. 6133 removes the problem of unnecessary delay by requiring the Secretary of Interior to complete action on a listing proposal within 1 year of the publication of the proposal. Furthermore, the Secretary must act on a petition for listing within 180 days. These provisions should solve the listing problems we have been encountering recently.

I remain convinced that the designation of critical habitat, along with its accompanying economic analysis, is a necessary part of the balancing of interests required by the act. I am thus pleased that H.R. 6133 retains the concept of critical habitat and requires the designation of critical habitat within a limited period of time following listing in those instances where habitat designation cannot occur concurrent with listing. Designation of critical habitat furthers both the concerns of development groups (who thus are better able to evaluate the risk of a proposed project) and environmentalists (who thus know better where to focus their efforts at protection and recovery).

I am also glad that H.R. 6133 retains the basic elements of the section 7 exemption process, and I endorse the provisions for early consultation as well as for streamlining the actual time required by the exemption process. I continue to feel, as I did when we passed the amendments in 1978 and 1979, that there must be an exemption from the act for those projects which are vital to the economic growth and prosperity of the country but which unfortunately conflict with the prohibitions of the act. H.R. 6133 recognizes the need for such an exemption and facilitates the working of the section 7 process, cutting by roughly half the amount of time during which an exemption application may be considered.

H.R. 6133 also strengthens the role of professional State wildlife management officials and it likewise strengthens the position of the States in operating their wildlife management programs. These changes reflect the view that most States are trying to run professional management programs and that State officials are sometimes more familiar with the particular wildlife problems in their States than are Federal officials.

Mr. Speaker, as I indicated earlier, the bill before us today is a carefully crafted compromise, arrived at after extensive negotiation with interested parties. Having worked long hours with my colleagues on the Subcommittee on Fisheries and Wildlife Conservation and the Environment in drafting the 1978 and 1979 amendments, I am particularly pleased that this bill was much easier to negotiate than those earlier ones were. I feel that H.R. 6133 offers a reasonable approach to reauthorization of this important act, and I heartily endorse it.●

● Mr. BONKER. Mr. Speaker, I wish to support passage of H.R. 6133, the Endangered Species Reauthorization Act.

As chairman of the House Foreign Affairs Subcommittee that oversees the U.S. voluntary contribution to the Secretariat of the Convention on International Trade in Endangered Species (CITES), I am particularly interested in those sections of the bill relating to the implementation of CITES. The House Foreign Affairs Committee has long been committed

to improved implementation of, and broader adherence to CITES, whose negotiation the United States initiated nearly a decade ago. Seventy-seven countries are now parties to CITES. The Convention represents the most comprehensive multilateral effort to protect species threatened by overexploitation through international trade. The 1973 Endangered Species Act promotes U.S. implementation of the international agreement, and stands as an example to other countries seeking to protect and to maintain the integrity of their species diversity.

Mr. Speaker, I wish to commend my distinguished colleague, Mr. BREAUX, chairman of the Merchant Marine Subcommittee on Fisheries and Wildlife Conservation and the Environment, for his outstanding leadership during consideration of this legislation. I urge my colleagues to support H.R. 6133.●

● Mr. DYSON. Mr. Speaker, the Endangered Species Act, as presently conceived, is, in my opinion, a mechanism whereby we can attempt to preserve the diversity of nature and the as yet unknown riches that diversity has to offer us, while at the same time allow us to get on about our business of living and working in a complex modern society.

Critical to the problem of maintaining species diversity is the time previously taken in the listing or determination of whether a species is endangered or threatened. It is believed that no single day goes by without another species becoming extinct somewhere in the world. The rate of extinction is increasing, expected to reach 10,000 per year by the end of this decade. By the year 2000, fully 20 percent of the species now on Earth will have disappeared. The provisions in this amended act specifying that a decision be made within 1 year of a proposed listing appears to me to be a positive means of retarding the rate of extinction.

Similarly, the section 7 exemption process which has proven in the past to be an effective means of reconciliation between an endangered species and economic development has been streamlined and shortened from a maximum of 360 days to 170 days. This acceleration will go far toward relieving the frustrations and expenses formerly experienced by permit applicants by allowing them to enter earlier into the planning phase of a project.

The Endangered Species Act of 1973 focused the attention of the entire world on the problem of its diminishing living resources. The United States has provided leadership in this important area and the act has served as a model worthy of emulation. The Endangered Species Act, as amended, will continue to serve that role by demonstrating a clear commitment by this Nation to maintaining the diversity of life while still permitting human and industrial development.

The bald eagle and the peregrine falcon are all part of the environment of Chesapeake Bay in Maryland, which I represent. Even the small Delmarva fox squirrel is an integral part of a complex environmental system, impossible to evaluate economically, but part of the richness of the region. The Endangered Species Act, as amended, will insure their continuity.●

Mr. FORSYTHE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 6133, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Endangered Species Act of 1973."

A motion to reconsider was laid on the table.

PERMISSION FOR CERTAIN MEMBERS OF COMMITTEE ON THE BUDGET TO SUBMIT AMENDMENT IN THE NATURE OF A SUBSTITUTE TO HOUSE CONCURRENT RESOLUTION 352, FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1983

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that Representative JONES of Oklahoma and Representative LATTA of Ohio each have until 6 p.m. today to submit an amendment in the nature of a substitute to the concurrent resolution (H. Con. Res. 352) revising the congressional budget for fiscal year 1982 and setting forth the congressional budget for fiscal year 1983, for printing in today's CONGRESSIONAL RECORD.

Copies of these amendments should also be submitted to the Committee on Rules by 6 p.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

VALUE OF THE WORK ETHIC

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, this is the time of year when people of our generation appear before people of a younger generation—those who are graduating from high school or from college. We either advise them that the world is their oyster just waiting to be devoured or alternatively, the world is a jungle just waiting to devour them. Such advice is valid in both instances. Unfortunately what we generally forget to do is tell these young people how to deal with the world in such a manner that the outcome will more closely resemble the former than the latter. On May 29, Mr. R. E. Mercer, president and chief operating officer of the Goodyear Tire & Rubber Co., addressed the graduating class of Averett College in Danville, Va., and did just that.

Mr. Mercer brought home to Averett's 1982 graduate some of the cold realities as to why the world they are entering is something less than a red airport upon which they can stroll into a trouble-free futures and it would do us well to ponder these things ourselves. Lowering interest rates is not the be-all-and-end-all of economic recovery. We must rediscover as well the importance to ourselves and to our national well-being the value of the work ethic, the importance of quality in performance and product, if we are to complete in world markets. The significance of integrity in our public and private lives is an imperative if we are to meet the challenge of world leadership.

Mr. Mercer was an excellent choice of speaker but this is not surprising for he was chosen by Dr. Howard Lee, president of Averett, a gentleman whose life and professional career has revealed those fine qualities Mr. Mercer extolled.

I commend Mr. Mercer's address to your reading and include it in the RECORD as follows:

Good morning. Dr. Lee's introduction reminds me of another time I was to address a group of college students. The professor who was to introduce me asked beforehand what I would like him to say. With customary modesty I replied, "Please, just keep it short."

He took me at my word, and put me on the stage in one sentence: I understand that "the less said about Mr. Mercer, the better."

Dr. Lee was considerably more generous. But I wish he had mentioned my qualifications as one with something of value to say to this graduating class of 1982.

He could have described me as something of an authority on education. After all, I have five children, the first one of whom I sent off to college in 1967. I hope to see the fifth one get his degree in 1990—that's a 23-year span of significant contribution to higher education, the Coca-Cola Co., and Levi Strauss.

That's not all: I offer my children counseling whenever I see the need for it—some of which they occasionally accept—with forbearance, if not gratitude.

And in return, they give me a glimpse of the world as seen without bifocals.

Their views of the world differ considerably from those I had when I flipped the tassle on my own mortarboard 36 years ago and prepared to clean up the mess my elders had made of the world.

But I suspect that my class and your class have that ideal in common. In fact, you may well be thinking that senior businessmen like me have left you a pretty sad economy.

There's a story about baseball hall-of-famer Frankie Frisch who closed out his career as a player-manager.

In one game, a rookie second baseman was having a really bad day, dropping ground balls, missing double plays and making bad throws. He couldn't do anything right.

Finally, Frisch had all he could take. He ran onto the field, grabbed the rookie's glove, and took over second himself.

Frisch promptly made three straight errors. He stomped back to the dugout and yelled at the rookie: "You've got second base so messed up nobody can play it!"

Whatever the reason, whoever deserves the credit or blame, the world in 1982 is vastly different from a business standpoint than the one confronting the class of 1946.

In my opinion, you are entering a world that is thrashing in the throes of a second industrial revolution.

Many of the same forces that spread England's industrial revolution to western Europe and the United States in the 19th century are at work transforming the face of industry as we approach the 21st century.

In the broad sense, the forces behind this revolution are identical to those that drove the first: Technological and managerial innovations.

Where the physical wares of the first revolution were the flying shuttle, the steam engine, the sewing machine, and the spinning Jenny, today, it's the semiconductor, the memory chip, the robot, and yes, even an upcoming Japanese version of pac man.

Rather than the autocratic, paternalistic and often adversarial managerial styles born of the first revolution, we are moving toward participative management where manager and employee work together to set objectives and solve problems.

The geography of the first industrial revolution was essentially of the western world. The second is different. Think about it: The watch you'll be looking at if I talk too long probably was made overseas; so was the camera your parents will be using to snap your picture in your cap and gown; like the stereo that helped you concentrate on your studies as you listened to the top 40; and, the TV that helped you keep up with General Hospital.

Few of these are coming from Europe.

While the needs and the markets of the United States and Europe propelled the first revolution, the second is being powered by countries in Asia, Africa and South America in their struggle for the affluence we've enjoyed for so long.

Does this mean that because more want to share in the pie, we must accept a smaller portion, a less tasty slice? No, on both counts.

It does mean we can no longer rest on our laurels. That we, too must face new realities and new challenges.

We must shake ourselves out of our complacency and into competitive shape again with the same burning desire to invent, to innovate, to excel, to win as did our forebears in the years that followed the invention of the telephone and telegraph.

At one time, U.S. industry could claim to be consistently first among the world's machine tool builders, a producer of 47 percent of the world's raw steel, and the dominant producer of automobiles accounting for three-fourths of the world total. That was in 1950.

By 1970, Americans were making only 20 percent of the world's raw steel and a third of the world's autos. And our machine tool builders were down to third place.

Today's statistics unfortunately show the U.S. has slipped even further. You no longer can buy an American-made radio or black-and-white TV set; 40 percent of our color TV's are imported; we account now for only 18 percent of the world's steel production, and, close to my heart, only 25 percent of world tire production, a six-point slip since 1972.

Here in Danville—headquarters of world-known Dan River Mills—the textile and clothing industries also have given up some of their market to foreign firms. One of every seven articles of clothing we buy is now imported.

What happened? It would be easy to point to the Arab oil embargo of 1973 and say that was the start of our decline. Actually, the embargo was mostly an alarm bell that alerted us to a situation that had been developing for some time.

Namely, that the U.S. no longer had many of the competitive advantages we had long taken for granted.

Not only in oil, but in many raw materials. For example at present the U.S. has no domestic production of chrome, manganese or platinum. The major sources of these are southern Africa and the Soviet Union.

Nor do we produce cobalt. That comes from two newly independent countries in central Africa—Zaire and Zambia.

Of the more than 60 commodities listed as essential to our national security, two-thirds are metals and minerals. We are self-sufficient in only two minerals—molybdenum and magnesium.

When the alarm went off, we opened our eyes to the fact that we no longer set the rules for international commerce, nor had unlimited access to and use of the world's resources. We are indeed dependent on other countries of the world.

That realization made more acute our awareness that our plants and equipment were not kept as modern as they might have been * * * that we had been crippling ourselves with regulation and punitive taxation—creating lethargy and draining the supply of capital needed for new equipment, productivity, and catch-up technology.

Our first reaction was to take a defeatist attitude, throw up our hands and begin talking about a no-growth economy.

We started to turn that attitude around, though, in 1980 when we expressed our national resolve by electing an administration committed to pumping new life into our national competitive stature.

Now that we have expressed that resolve, we are trying to return to sound economic policies that encourse investment and growth, and we are finding that the road back is a lot longer than the downhill course we had been traveling.

The media reports on our uphill struggle daily—high interest rates, unemployment, sagging industry, lagging productivity. So where are we now on that road to recovery?

Perhaps a fitting odometer for us is our own automobile industry, upon which our economy has depended upon so heavily as the provider of one in every six jobs in the country over the years.

We know that U.S. cars today match—and in some cases beat—the fuel efficiency of imports. We know that the fit and finish of American cars has made tremendous strides, and that many of the designs and ride qualities truly are more pleasing than those coming from overseas.

Despite that, the portion of the U.S. new car market claimed by imports continues to rise and is now at 30 percent. Detroit expects to build less than 6 million cars in 1982, the lowest level in twenty years.

Interest rates and sticker shock, not to mention the current state of the economy, certainly provide part of the explanation. But I'm convinced that our shaken confidence is still far lower than circumstances warrant.

Perhaps the late Sam Goldwyn of Metro-Goldwyn-Mayer provided the right analysis several years ago when he was commenting on why there had been a sharp drop in movie attendance. Sam said at the time, "When people don't go to the movies, you can't stop them."

If Sam were alive today, he would probably look at Detroit and say, "When people don't buy cars, you can't stop them."

Whatever, our auto industry, our steel industry, and many others have a real challenge ahead in regaining the competitive advantages once taken for granted by virtually every business in the United States.

The rubber industry is no exception.

We multiply each imported car by four or five tires lost to foreign manufacturers. That's a rather large bite out of our production schedules.

The pinch that is hitting many U.S. pockets has slowed the replacement tire market, even though all those baldies on the older cars eventually will mean new tire sales for somebody.

And frankly, radial tires wear longer than bias tires, the big sellers in the past. But that's progress. In the long term, Goodyear's leadership in radials will pay off throughout our operations, including here in Danville.

Since 1975, nineteen tire plants in the United States have closed their doors—a loss of more than 19 thousand jobs.

General Tire recently announced it will close its Akron Truck tire plant, idling 15 hundred more rubber workers, and that will be number 20.

Painful as this is for the employees and the companies concerned—it is part of a shakeout that had to be. Great tire and rubber company names in the past no longer can stand on their history. They no longer can afford to be anything less than efficient, productive, and competitive. Names like Michelin of France and Bridgestone of Japan have removed those options.

These foreign firms and others represent very tough competition, and they have some advantages like lower wage rates, tax subsidies, and particularly in the case of Bridgestone, a work force that has entirely different habits from those that we have allowed ourselves in the United States.

Until recent years, a foreign-made tire on cars coming out of Detroit was a rarity. But during the four-month long strike against the rubber industry in 1976, Michelin made real inroads into our original equipment and replacement tire markets.

Bridgestone, although not a strong a force in the U.S. auto tire market right now, is giving us fits in the large earthmover tire market, and is looked on as a major challenger in all tire markets in the future.

Bridgestone recently agreed to buy Firestone's radial truck tire plant in Nashville,

which will give it its first U.S. production facility, competing with the Danville plant.

Before I sound to discouraging, I better add that Goodyear recognized about ten years ago that our ultimate competition in the U.S. and elsewhere would be Michelin and Bridgestone. We believed, and we said so at the time, that to stay in the tire business, U.S. companies would have to be willing to compete on an international basis, and that those who did not accept this would fall by the wayside.

So while others pulled in their horns in the mid seventies, rather than make heavy investments to increase their efficiency, we went ahead with plans to become the leading radial tire producer.

Goodyear's response to the early signs of a changing world industrial order can be illustrated by our efforts right here in Danville.

The sprawling radial truck tire plant here demonstrates that we have indeed accepted the revolutionary fact that America does not corner the market any more on inventions and technology.

The radial tire concept came from overseas and very honestly we had some catching up to do. A foreign radial truck tire manufacturer had invaded our American market and was making fast headway, virtually without competition.

The $151 million that we have invested in the past 10 years at Danville is in direct response to competition from abroad, not the U.S. Today, the Danville plant ranks as one of the company's most efficient and most technologically capable plants in the world. We no longer take a back seat to anyone with our radial truck tire line. We have proven that the American spirit to compete and to win, along with the risks and guts to back it up, are still within the ranks of both management and employees.

The Danville commitment along with others we made in our worldwide operations helped us become the first rubber company in the world in 1981 to reach and exceed the $9 billion sales level. We also had record profits. This in a year when much of the world was in recession.

In my opinion, there will be many more success stories in American industry in the years ahead.

But at the present time, much of our business and industry is still engaged in reorganizing their assets and their priorities—reshaping them, if you will, for the second industrial revolution.

To you students leaving your classrooms in the spring of 1982, this means a very competitive job market in which to make your entry.

In Goodyear we can measure how tight the job market is by how many employment offers we make to sign up one new employee. In good times, we'll make five offers to land one new college grad; this year, it's closer to two to one. We know what you've been going through.

It is likely that many of you will find yourselves competing for jobs, not only with other American graduates, but in some cases with non-Americans educated in the U.S. and abroad.

Whether you enter business, education or any other field—your challenge is to build on the fine education you have received here at Averett College to compete in the new arena of a one-world economy.

Regardless of the role you wind up playing on the world stage, it will be incumbent upon you to help make our goods, our services, our technology and our efficiency equal to or better than those available from other nations.

And if I might assume my fatherly role for a moment, I want to offer just three gems on "making it" in the 80's.

First gem: Maintain and nourish your personal integrity. Disregard the cynics who say integrity doesn't count anymore. It does. It is a commodity that will be recognized now, as in the past.

Gem No. 2: Get along with the people you work with. You don't have to be the office patsy to do this. But about 95 percent of what you do will depend on cooperation with others. The remaining five is the maximum for sulking, ego trips, or temper tantrums.

And the third gem: Hold onto your mortar boards. Put in a hard day's work, whatever your field, it's the best competitive weapon at your disposal.

There you have the formula—integrity, getting along with others, a hard day's work.

I wouldn't be surprised if some of you are asking, "What's new about that? It's old stuff."

The same advice, or something similar, probably has been served up at more than one graduation since 1946.

But despite all the differences between your generation and mine, all the change that has taken place in the world we live in, the points remain valid.

In fact, they likely are of more value now than then, if we are to pull together in competing with other nations embracing different cultures, customs and languages.

As you begin your careers in the '80's, your personal courage, initiative, ability to communicate, sense of teamwork, your personal commitment and your dedication to your work—in whatever field you choose—will count more than ever.

To perform and compete effectively, we need leaders and followers possessing those qualities as the second industrial revolution reshapes the American relationships among industry, labor and government. We will, of necessity, put to rest the historically adversarial nature of those relationships.

Industry, labor and government—with a healthy respect and a checkmate skepticism of the other—must and will forge a new alliance in the common interest of preserving and improving our American way of life.

You can help make it happen.

Thank you.

ILLINOIS CLERGYMEN PROTEST BUDGET CUTS FOR SOCIAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SAVAGE) is recognized for 20 minutes.

Mr. SAVAGE. Mr. Speaker, as a new Member I am slowly discovering that there is a substantial portion of our work that is rather routine, and so there comes a great joy when something dramatic and of great significance occurs. So I rise because on this day we have with us some 30 members of the clergy.

These members of the clergy from Chicago are here concerned about the material facets and the material dimensions of the spiritual crisis that our Nation now faces. I understand that they come out of a deep response to the concerns expressed in their congregations and their communities for the elderly who are afraid that social security will be changed, that medicare will be tampered with, or that medicaid will be cut, and who are concerned that their checks with this Government to provide for its aged may one day be stamped and returned—"Insufficient funds."

I understand that they are here concerned about the families in their congregations and in their communities, the families some of whom unfortunately rely on aid to families with dependent children, and they are concerned about the cuts that could be made in the budget that we will be discussing this week.

They are here in the great Christian tradition to feed the hungry. They are concerned about the full cuts in food stamps in the last budget. And will the cuts become even deeper in fiscal year 1983?

They are concerned indeed about the least of us, the children of those who have worked hard and who qualify for college training and who just need a little help—not a handout but a handup, a loan perhaps here or a grant there. They are concerned that a cut in our present budget will be proposed to cut further in the budget that will come before us on this floor later this week.

They are concerned indeed about the small ones who have suffered cuts in school nutrition programs; they are worried that our Nation is following wrong priorities; they are worried that we may adopt a budget by which we will further increase the funds for killing and further reduce those for human needs.

And that is where, of course, the clergy should be, and that is where all Americans, regardless of race, regardless of creed, must recognize the kind of spiritual crisis that we face.

We are all in it together. If social security is cut for one, it is cut for all. Education jeopardized for one is education jeopardized for all.

There was a statement once made by a great Member of this Congress who went on to become Vice President of this land. That was Hubert Humphrey, who once said that you could judge the moral make of a nation by how it treated those at the dawn of life, how it treats those in the shadows of life, and how it treats those in the twilight of life—the young among us, the ill and needy among us, and the elderly.

I think that during this week this Nation will stand before its judgment, and the people of this Nation and the leadership of such concerned clergymen need to begin to write their Congressmen and need to begin to lobby their Congressmen and ask them

which side they are on. Which side are they on?

These ministers are going to lobby tomorrow. They are going to visit members of my State delegation, the delegation of the State of Illinois, which has not always been together, and they will ask them those pertinent questions. Where will they stand on a budget this week if it proposes to increase defense spending at the expense of domestic needs? They will ask them this week: Are they going to increase the deficit in this Nation's budget which tends to keep interest rates high and feed inflation? Are they going to vote to increase the deficit in order to build more arms to kill?

They will try to plead with them in righteousness. They will plead with them to harken to a more righteous set of priorities, and I hope and have faith that their pleas may be heard for the benefit of all.

But whether heard or not, for we live in a time when it seems that ears are often hardened, whether heard or not, the record must show that they were here this day and pleaded for a right course to be taken by this Nation.

I understand, unfortunately, that the debate on the budget may not be resumed on tomorrow because of the illness of the Rules Committee chairman, and it may not be debated until Thursday. But in a way that could be a blessing also because it will give Members longer to consider the pleas that will be made to them on tomorrow. If only more clergy from across this land would come to plead for human needs and to put the people above war and profits in this great Nation.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. SAVAGE. I yield to my dear friend and honored colleague, the gentleman from the First District of Illinois, Mr. HAROLD WASHINGTON.

□ 1430

Mr. WASHINGTON. I want to commend the distinguished gentleman in the well for bringing about this special order so that we might address ourselves to several very serious questions which affect not only the First and Second Congressional Districts in the State of Illinois, but congressional districts throughout the entire country, and which reverberate around the world in their implications. I want to commend the ministers and religious leaders for coming to Washington, D.C., from Chicago, because I gather they are here to bear witness against some of the things that are happening in this administration, to give stark testimony by their presence, and also to protest the drift to which this country is being led by the present administration, and, of course, followed by this very Congress.

The gentleman from Illinois, Mr. SAVAGE, has addressed himself to the inordinate budget cuts which we are suffering. He has alluded to the burgeoning defense budget, which this country cannot afford and which is vulgar in its propensities and sends out the wrong signals throughout the world.

He is concerned, obviously, and he alluded to the fact that the tax breaks that are going on are inordinately geared to fattening the coffers of the wealthy and the corporate giants and international cartels of this world. Perhaps he did not touch on one subject which, when we finally get down to it, might be more important in terms of the invidiousness and the insidiousness of all of these budget cuts. That is the massive assault upon the civil rights of people in this country.

There has been a steady trend in these encroachments over the past year and a half. Perhaps the best known is the attempt of this administration to reverse a longstanding practice of denying tax exemptions to public or private institutions which discriminate because of race, creed, or color. This has thrown that whole business into a quagmire and confronted the Congress with the matter, when actually the Congress has assumed, as every person in this country had assumed, that there can be no tax exemptions as a matter of public policy for institutions which discriminate.

The assault upon the rules of the Office of Federal Contract Compliance programs, and the change in the standards of that agency will make it possible for people to get contracts with the Federal Government and to in turn discriminate against some of the people who pay the taxes used to pay these contractors for doing business with the Federal Government.

The Commission on Civil Rights has suffered RIF's and cuts in its budget which will make it very difficult for that agency to do its job, while at the same time, the administration has released from the leadership of that fine agency Arthur Flemming, who has to be considered the conscience and the godfather of the civil rights effort of the Federal Government.

The Equal Employment Opportunity Commission RIF's and budget cutbacks have made it impossible for that agency to continue to do its fine work of investigating and attempting to negotiate discrimination in employment on the basis of race, color, creed, or sex, religion, national origin, age, or handicap.

The near destruction is a shame. I say destruction because there have been drastic cutbacks in the services and limitations on the jurisdiction of the Legal Services Corporation, cutting back class action suits, telling people, in effect, that in this country you have a right, but a limited remedy. By telling people that there no longer will be a teakettle with a whistle to let out the steam, we are going to have people who will blow up. It is a very dangerous, dangerous situation. This administration has moved in that direction dragging its feet on voting rights.

One would assume that this country, if it has anything and is dedicated to anything, it is a long-standing continual development and expansion of the franchise to the point where every person in this country should have the untrammeled right to vote and have that vote counted regardless of race, color, or creed. That is what this country has stood for, and that is what every President in my lifetime has stood for. But yet this President, through legerdemain and every other kind of way of obfuscating the matter, has thrown away the Voting Rights Act into a quagmire.

As to affirmative action, the U.S. attorney and head of the Civil Rights Division have time and time again said that they are going to turn their back on affirmative action, one of the only simple, fine, effective tools that has been devised to make certain that minorities and women can escalate themselves up the economic ladder in this country.

On desegregation, the President has turned his back and has stated his categorical refusal to follow a long line of Supreme Court cases which have made it very clear, that desegregation and affirmative action are the law of this land.

I commend the gentleman from Illinois, Mr. SAVAGE, and these fine ministers from the city of Chicago for coming down here to bear witness to and to protest against this kind of encroachment, not only upon human services and human rights and education, but also upon the whole panorama of human rights, not to mention that which I have not touched upon, the danger of civil liberties in this country.

If ever there was a time where the religious community of this country must speak up, it is now, and the gentleman is to be commended and the ministers are to be commended for being here today.

Mr. Speaker, I include my prepared statement and the following information in the RECORD.

Evidence about the damage caused by the administration's fiscal year 1982 budget continues to mount. For example, sharp cutbacks on services, and increasing unemployment. In fact, when President Reagan took office in January 1981, the unemployment rate was 7.4 percent. Last month it reached a high of 9.5 percent, leaving over 10-

million Americans out of work. Black unemployment jumped from 17.3 percent to 18 percent in March of this year. Corporations have not shown a profit, and instead of creating more jobs with the tax breaks they received, they have used their excess cash to gobble up other companies.

There were major cuts in health care spending including a number of changes in health programs, such as cost-sharing and reimbursement changes under the medicare program, a limit of Federal medicaid reimbursements, and phaseout of a number of smaller programs, such as Federal support for health planning, health maintenance organizations, reductions in support for health professions and nursing education programs. The cost of medical care services has increased 10.8 percent this year, and prices for hospital services increased 14.8 percent.

The level of services previously provided by the Federal Government has been drastically cut in ways that especially hurt poor people, older people, handicapped people, and those on fixed incomes.

In spite of this, even more cuts are planned. In all areas of the country, the fiscal year 1983 budget proposals affecting AFDC, food stamps, energy assistance, medicaid, and housing assistance programs will make poverty a more severe and permanent condition for millions of low-income families. We will see reduced funding to the supplemental food program for women, infants, and children, establishing in its place an expanded block grant.

The proposed budget will not produce anticipated cost savings for the Federal Government. These cuts have nothing to do with balancing the budget or helping the economy. All they'll do is punish poor people, who will endure greater poverty.

According to the Census Bureau, in 1980, 13 percent of the population, or 29.3 million people, had incomes below the poverty level. This includes 15.7 percent of those over age 65, 32.5 percent of black and 25.7 percent of Hispanic families.

We foresee proposed changes in regulations under title VI and IX of the Civil Rights Act, which would limit the forms of discrimination prohibited by the act, permit certain forms of direct student aid to go to discriminatory schools, and permit schools receiving Government grants to discriminate in programs not directly funded by the Federal Government. These changes would significantly limit civil rights protections by redefining what constitutes a violation, and by limiting the definition of who has standing to challenge violations that occur.

The existence of the Legal Services Corporation is being threatened, while in the meantime, has been severely limited in its ability to bring class action suits against the States on behalf of poor people challenging discrimination. Anyone advocating major changes on civil rights enforcement from within the administration, has to understand that, in the aftermath of such clear disasters as the IRS tax exemption proposals for discriminatory private schools, the administration has no credibility on these issues.

Briefly, other issues facing severe cuts are in the area of education. An additional cut is being proposed of 24 percent in the Federal per pupil expenditure for title I, which supports special education programs for educationally disadvantaged children in low-income schools.

In addition to the administration's proposed cuts, the Department of Education has cuts of its own planned for title I. The Department of Education is considering using 1970 census data in calculating ESEA title I allotments to the States. This would result in the loss of hundreds of millions of dollars for States throughout the country in title I funds.

Additional reductions of 19 percent in educational assistance to handicapped children has been proposed. This would affect 4.5 million handicapped children, and reduce the average per pupil Federal contribution from $246 to $180, or 7 percent of average student costs.

Additional cuts of 32 percent in vocational rehabilitation programs, and the elimination of 36 percent of the number of individuals participating in the programs, has been called for, along with a 32-percent reduction in Federal aid for vocational and adult education. There will be reductions in bilingual education assistance by 32 percent, and the elimination of all library program funds, including public, college, and research libraries.

A number of changes are being pushed for aid to higher education, including large reductions in Pell grants and other direct aid to college students, as well as significant increases in the cost of borrowing money through guaranteed student loans. If the administration succeeds in eliminating the graduate student loan program, or in charging commercial interest rates for student loans, then large numbers of minority students will be forced out of higher education. All of the traditionally black colleges estimate that they would have to close their doors, and almost no blacks or other minority students would be able to attend graduate school. We can also expect that teacher training programs would be eliminated at most colleges since high commercial interest rates plus loan initiation fees would eliminate the credit eligibility of everyone except those students with limited financial need.

It is no coincidence that efforts to defund public education come at a time when minority students represent a majority of the public school population in many cities. The Council of Great City Schools, an association of 28 of the Nation's largest school systems, estimates that of the 5 million students in these 28 systems, 75 percent are minority, and 30 percent have incomes below the poverty levels in those areas—30 percent cuts have been proposed in direct funding to these schools, which will increase to 40 percent over the next 2 years, when inflation is factored in.

I oppose these cuts, because they are shortsighted and unnecessary in terms of the economic resources of this country. I think they also represent a fundamental reversal of the U.S. policy of providing access to quality health care and education, and a reasonable standard of living for all people.

RETREAT ON CIVIL RIGHTS BY THE REAGAN ADMINISTRATION

The Reagan administration has settled down for a no-holds barred fight to strip us of every gain we have made over the last 30 years. Time after time, on issues like the Voting Rights Act extension, and the tax status of discriminatory private schools, the administration has refused to accept moderate positions, even where those positions were clearly shared by overwhelming majorities of the Congress and the American people.

The administration is encouraging attempts to amend the Constitution to prohibit affirmative action and busing to achieve desegregation.

They have also supported a variety of legislative attempts to restrict the jurisdiction of the Federal courts, and to limit the sorts of actions that courts and Federal agencies can take to remedy discrimination.

The Reagan administration supports efforts to restrict the ability of minorities and the poor to get into court to bring cases before administrative agencies, and to participate in the political process. Examples include Reagan's attempt to abolish the Legal Services Corporation, to reduce attorneys' fee provisions in civil rights cases, to abolish VISTA, whose workers often made poor people conscious of rights they did not know they had, and to weaken the Voting Rights Act of 1965.

To this, add a number of technical changes being sought, such as shifting burdens of proof and insisting that intent be proven in civil rights cases.

The Reagan team has promoted the use of affirmative discretion to avoid reaching, or allowing a court to reach, findings of discrimination. This tactic is especially apparent in recent school desegregation cases, such as Houston, where the Justice Department has refused to appeal bad lower court rulings, even though there was a strong likelihood of winning on appeal. Add

to this a policy of funding cuts at key enforcement agencies—for example, 40 percent of the Chicago regional OFCCP office has been cut—and deliberately induced personnel chaos within the civil rights enforcement programs.

Stage II of the Reagan plan calls for turning the management of Federal programs over to the States—in the form of block grants—with the understanding that State legislatures, given the choice, will by and large refuse to support programs which benefit minorities and the poor.

The Reagan team knows full well that black folks and poor folks will be isolated within those States, and in most cases, powerless to do anything about it.

The strength that we mustered nationally, cannot be duplicated in 50 separate State capitals throughout the country. And each of the legislative battles and court cases we won, which applied to the entire country, will now have to be fought piecemeal in 50 separate State court systems or, at best, in 11 Federal circuits.

Take enforcement of titles VI and IX of the 1964 Civil Rights Act. Title VI states that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title IX extends the same protections against discrimination on the basis of sex. Now the executive branch wants to rewrite the regulations which give meaning to that law.

The IRS tax exemption issues is a good example. The Reagan administration is still arguing that IRS was without statutory authority to deny the exemption, claiming that the Tax Code itself contains no language prohibiting racial discrimination. Implicit in this argument is the notion that title VI will no longer be seen as applying across the board, and that if you check each of 1,000 separate Federal statutes, do not mention nondiscrimination, then it is OK to discriminate, or at least the Federal Government and the courts should not have anything to say about it.

Also, the Department of Education, with Justice Department concurrence, has recently issued a major reinterpretation saying that title VI would not extend to direct student aid. What this means is that schools which receive thousands of dollars in payments from federally guaranteed student loans are free to discriminate as long as they do not receive any other Federal moneys. The theory is that the student loans are money given to individual students, not Federal funds going to the institutions which discriminate. The next step will be for the Justice Department to argue that even where an institution receives other funds directly from the Government, its obligations not to discriminate are confined to the administration of the exact program for which the funds were received, not to other programs on the campus. Under this theory, if a school received a grant for a computer in its graduate research facility, it would not be prohibited from maintaining racially segregated dormitories for undergraduates. It is an absurd notion, but appears to be the direction in which the administration is headed. Creating an education block grant which transferred program responsibilities to the States creates the final hurdle. Block grants leave it up to the individual States to decide whether to incorporate and how to interpret nondiscrimination requirements such as those now in titles VI and IX.

In the past, most States provided inadequate funding for things like education, social welfare, and the criminal justice system. What funds they did provide were spent in an unequal and racially discriminatory way. The Federal Government stepped in to supplement the level of social welfare spending, and to raise individual States up to a national norm, and at the same time, forced each State to equalize its services, and eliminate discrimination.

Block grants reduce Federal support by 25 to 40 percent. They lump social programs together, and give the States a chance to decide which programs to continue, and at what funding level. And they reduce Federal enforcement to guarantee that the funds are not spent in a racially discriminatory manner.

Mr. Speaker, the following information was developed by the majority whip and illustrates the inconsistency and error in the administration policy.

REAGAN INACCURACIES: MORE MISSTATEMENTS ON UNEMPLOYMENT

The President recently misstated the statistical nature of the unemployment problem for the second time in four months. He attributed the rise in unemployment during the Reagan recession to increased numbers of women and new entrants in the work force.

"Part of the unemployment is not as much recession as it is the great increase in people going into the job market, and ladies, I'm not picking on anyone, but (it's) because of the increase in women who are working today and two-worker families and so forth."—President Reagan, New York Times, 4/18/82.

The President could have avoided this unfortunate misstatement if he had read the unemployment report for March, 1982, which was issued by his own Department of Labor.

All of the over-the-month increase in joblessness was among job losers, most of whom were permanently terminated from their jobs. The number of persons on layoff (job losers expecting recall) rose slightly, following 2 months of decline. Job losers have accounted for nearly all of the increase in unemployment since the recession began and in March comprised over 57 percent of the unemployed.—BLS News, 4/2/82.

The BLS also reported that unemployment rates for adult men and women were an identical 7.9 percent in March, 1982.

The latest incident of Presidential dissembling on the unemployment problem follows on the heels of another serious misstatement in January, 1982.

"I realize there's been an increase in unemployment. It's been a continuation of an increase that got under way in the last several months of 1980 . . . . (I)t was increasing very much more in the last six months of 1980."—President Reagan, press conference, 1/19/82.

The fact is that the unemployment rate was declining in the last months of the Carter administration—from 7.6 percent in October to 7.5 percent in November to 7.4 percent in December, 1980. It reached a low of 7.0 percent in July, 1981.

THE ECONOMY: THE WORST SLUMP SINCE THE GREAT DEPRESSION

The administration "will take the blame, or the credit—I think the credit—for what happens to the economy."—Secretary Regan, New York Times, 2/1/82.

Unemployment: Unemployment reached the highest level since 1941. The overall unemployment rate reached 9.4 percent, easily breaking the post-war record of 9.0 percent set in 1975 and again in March, 1982. The Labor Department reported that if discouraged workers were counted, the unemployment rate would have reached 12.5 percent in April.

A total of 10.3 million Americans were unable to find work in April, up 400,000 on a seasonally adjusted basis from the level in March. Those working part-time for economic reasons increased 100,000 in April to 5.8 million, an all-time high. Combined with the latest (1st quarter) figure for discouraged workers, these figures reveal that 17.4 million Americans were either jobless or underemployed due to the recession.

Record high unemployment rates were recorded by the Labor Department in several subcategories: black unemployment reached 18.4 percent, an all-time record, up from 18.0 percent in March; 8.2 percent of adult men were unemployed, an all-time record, up from 7.9 percent in March; 6.0 percent of married men were unemployed, an all-time record, up from 5.3 percent in March; blue-collar unemployment hit 13.7 percent, an all-time record, up from 12.9 percent in March; and teenage unemployment reached 23.0 percent, an all-time record, up from 21.9 percent in March. These subcategories did not exist in the BLS statistics the last time unemployment was so high, 9.9 percent on a yearly basis in 1941.

The number of employed persons continued to decline. Their number fell 150,000 in April to 99.3 million, well under the 99.9 million Americans employed when the President took office and the peak level of employment, 100.9 million, which was reached in July, 1981.

The President, who has in the past cited pages of want ads in various newspapers to belittle the unemployment problem, would find fewer pages of want ads today due to the recession. The Conference Board, a business research organization, reports that its index of help-wanted advertising fell to 96 (measured on a basis of 1967=100) in March, 1982 from 103 in February. It is the first time the index has fallen below 100 since 1975.

Interest Rates: The prime interest rate remained at 16.5 percent. Mortgage rates remained at 17.5 percent. Unsecured consumer rates from major banks ranged from 19.5 to 22 percent.

Mr. Speaker, I also wish to include the following statement concerning H.R. 5320, the Job Training Partnership Act of 1982:

During the past week, the Committee on Education and Labor met to consider a new job training bill. Amendments that I introduced will guarantee a greater role for minority-owned business and community organizations, in designing this new program.

Last week, we, in the House Labor Committee, met to consider the "Job Training Partnership Act of 1982," known as H.R. 5320. This bill is designed to replace the job training segment of CETA, which the Reagan administration will eliminate this coming August 1982.

After considerable debate, the committee passed, without opposition, several amendments which I introduced. These changes guarantee a greater role for minorities to participate in the new job training program.

The bill we passed allows students ages 14 to 15 to become eligible for summer employment. This has been in very great demand throughout the country. The Federal Government has a responsibility for assisting States in establishing job training and placement programs. We are pushing for the creation of job training programs and for placement of trained people in useful jobs which do have a future.

The bill sets up two governing boards for each training program. Private industry, organized labor, community groups, and State and local governments will be involved in the design and management of these programs. We have provided an opportunity for minority business, community-based organizations, and labor organizations, to be also represented thoroughly on these boards.

The Job Training Partnership Act has not yet been scheduled to come to the House floor; however, we believe it has a good chance for passage.

Finally, Mr. Speaker, I include the following statement in support of amendments which were accepted to insure the provision of opportunities for minorities and women in the Defense Production Act of 1950, H.R. 5540:

At hearings before the House Committee on Education and Labor this week, Congressman HAROLD WASHINGTON successfully introduced two amendments to the Defense Production Act of 1950, H.R. 5540. WASHINGTON's amendments would pave the way for blacks, other minorities, and women to receive technical and computer training in various defense production industries.

WASHINGTON said that while he is opposed to increased defense spending, he feels compelled to support this act because it allows industrial plants to expand their capacity to produce and process critical metals and minerals such as chromium, which is used in the manufacture of steel. He added, "The provisions of this act which provide for job training, skill development, and the retraining of employees in computer and other technical fields not only are critical to defense production; they are key to the revitalization of U.S. industry in general. Together with the Job Training Partnership Act of 1982 which the House Education and Labor Committee recently reported out, I am confident that these acts will equip the unemployed and underemployed with a competitive level of skills necessary for employment in this highly electronic and technical era."

In addition to providing assistance to industry, the bill authorizes $5 billion in State assistance to support training programs in technical and scientific fields, especially computer science. In order to qualify, States must develop plans which are approved by the President. WASHINGTON's first amendment will prohibit the President from approving any State plan which does not include measures to insure opportunities for minorities and women.

Washington expressed strong concern about the lack of technical training centers to prepare minority youth to compete in increasingly technical occupations. His second amendment expands the type of institutions which may receive funds to establish technical and computer training programs in order to include high schools and junior colleges. "To make training opportunities meaningful, they must be available through institutions which are accessible to minorities, women and older displaced workers."

Washington, who supports greater assistance to U.S. companies in order to ease unemployment, is hopeful that the legislation will be passed. He explained, "While the Reagan administration has resisted giving economic aid to troubled small businesses, this bill is specifically addressed to declining businesses in defense related areas. I hope that the administration will support it as a first step in providing necessary assistance to other industries.

This legislation will be a boon to the many small and medium-sized industrial plants throughout the Chicago area and will provide a stop-gap in the swelling ranks of the unemployed."

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. SAVAGE. I yield to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman yielding.

I did not know, because I did not check my schedule carefully enough, that the gentleman was talking this special order today. But I want to compliment him for the leadership he has shown in scheduling and conducting it.

I would add only a couple of thoughts to the points the gentleman and others have made. The main point I would like to share is that we need to, I think, at a time like this remind ourselves what a budget actually is.

A budget is more than just a ledger of numbers. It is not just a game of arithmetic; it is not just subtraction and addition. It is certainly a list of numbers, but more than that it is a dollars and cents statement of national objectives. It is a dollars and cents statement of who we are as a people.

I say that because where we choose to take money and where we choose to put money in the budget or take it out of the budget really defines our own political values as a people. I must say, as I look at who the winners are and who the losers are in the budget that has been presented to this Congress, I am appalled at the definition of the American people that we are being asked to approve.

The winners are the military-industrial complex, the B-1 bombers, MX missiles. We even have funds in this budget for $4.2 billion over the next 5 years for civil defense bomb shelters and evacuation plans which we know are not going to work, which we know are not going to save this country if there is an exchange between the superpowers.

That is $4.2 billion that is coming out of the mouths of hungry children, that is coming out of the health care needs of senior citizens. It is coming out of teenage unemployment programs for inner city youth.

That is where that money is coming from.

In this budget we have funds proposed by this administration for nerve gas production. That is another winner in this budget.

Who are the losers? They are the hungry children, the Hispanics, they are the blacks, they are the minorities, they are the senior citizens, the sick, the weak, the elderly. They are the losers.

What kind of national definition is that of our values of who we are as a people?

I just say to my colleague, when we evaluate the winners and the losers, one can see very quickly that there are not one but two deficits before us for our consideration today at this time in Washington, D.C. First there is the obvious deficit, the $182 billion deficit to the Treasury that this administration proposes on top of all of the other inequities in its budget. But then there is the more pernicious one—and I refer to it as the moral deficit—the moral deficit, because there is no promise, there is no economic boom that has been precipitated as promised by the Reaganomics plan.

Instead, what we have is no boom at all, 10 million people out of work nearly without hope, teenage unemployment for minority youth nearly 50 percent. There is no boom at all, and so what we have instead is a raw shift of resources from those folks at the bottom of the society to those folks at the top.

I think for that reason we do have a moral deficit in the economic plan, and it needs to be corrected. The gentleman has made a contribution toward correcting it by taking this special order, and I compliment him.

Mr. SAVAGE. I wish to very deeply thank my very concerned colleague from Oregon and my colleague from Illinois for beginning to spread on this worldwide record the purposes so noble for which there is present in Washington these members of the clergy.

I am very encouraged because whatever way the budget at this time may

go, we are beginning to build in the record, we are beginning to bear witness to what is right and what is wrong in this country.

I do truly believe that the right will not forever remain on the scaffold while wrong sits upon the throne, that whether it is tomorrow, the next day or even the next year, we may not be able to know as He works his way, but right shall win and the record shall show that there were those who were here on the side of justice, jobs, and peace.

I wish, in conclusion, to list those members of the Chicago Clergy Crusade for Jobs, Justice, and Peace who are here today to lobby:

Rev. N. A. Allen, Mt. Herman Baptist, 7848 South Normal Avenue.

Rev. H. Brady, Christ Hope Baptist, 7559 South Aberdeen Avenue.

Rev. Arleta Spencer, Greater Bethlehem Temple, Chicago Heights, Ill.

Rev. Eugene Cherry, Christ Youth Missionary Baptist, 8801 South Hermitage Avenue.

Rev. Jesse Cotton, Greater Institutional AME, 7800 South Indiana Avenue.

Rev. Augustus Cage, Cage Memorial Chapel, 7651 South Jeffery.

Rev. Joseph Greenwood, Greater St. John Missionary Baptist, 741 West 59th Street.

Rev. Elmer L. Fowler, Third Baptist, 1551 West 95th Street.

Rev. Vera Haywood, Beverly Church of Religious Science, 2255 West 79th Street.

Rev. Connie Crawford, Church of Living God, 1738 West 67th Street.

Rev. Chester McLaurin, Boosters for Christ Revival Center, 8551 South Ashland.

Rev. James Tillman, Memorial Baptist, 1546 West 87th Street.

Rev. Claude Wyatt, Vernon Park Church of God, 7653 South Maryland.

Rev. Carlton Eversley, Shiloh Baptist, 9211 South Justine Avenue.

Deacon William Dillard, Shiloh Baptist, 9211 South Justine Avenue.

Rev. Mable Elliott, Herth Manor Missionary Baptist, 57 West 118th Street.

Rev. Clara Epps, Unity Center of Truth, 8656 South Essex.

Rev. John Stallworth, Pilgrim Baptist Church of South Chicago, 3235 West 91st Street.

Rev. James R. Flint, Union Evangelistic Baptist, Chicago Heights, Ill.

Rev. George Hunter, Calvary Baptist Church.

Rev. Eddie Williams, Pentecostal, 7716 South Aberdeen.

Rev. Samuel L. Day, House of Faith, 13 West 115th Street.

Rev. Hiram Crawford.

Rev. A. J. Wesley, Lilydale Progressive Church.

Rev. Bernard Taylor, Presbyterian Church of Roseland.

Rev. Eddie McMillan, Church of Christ.

Rev. Richard McCreary, New Covenant Baptist.

Rev. James Meeks, Beth Eden Baptist.

● Mrs. COLLINS of Illinois. Mr. Speaker, it is with great pride that I rise today to welcome a group of ministers from the Chicago area who have journeyed here to participate in the Clergy Crusade and lobby the Government regarding the traumatic effect the President's fiscal year 1983 budget, if passed by Congress, would have upon the poor, the elderly, the unemployed, and the children.

It is appropriate that these ministers have chosen to come to Washington this week—the week the House will use the President's fiscal year 1983 budget as the vehicle for the consideration of the Latta and House Budget Committee alternative. I would like to tell these ministers that this will be the week in which my colleagues will vote conscientiously and courageously by defeating the President's budget and others which throw tax dollars to the Pentagon at the expense of people programs. It is doubtful that will be the case.

I unequivocally oppose the President's budget primarily because of my concern over the devastating impact his budget will have upon millions of Americans, specifically children and the elderly.

President Reagan has stated on too many occasions that the truly needy will not be affected by the proposed budget cuts. I am sure these Chicago clergy can attest to a more realistic scenario. The truly needy, along with unemployed middle class and bankrupt businessmen, are dropping like flies through the safety net. And the President has the audacity to propose even larger holes in that net.

It is my belief that the Reagan 1983 budget undermines the moral responsibility of Government to the citizens of America. I agree with the great American, Hubert Humphrey, who stated:

> The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadows of life, the sick, the needy and the handicapped.

Mr. Speaker, the President has failed this test. Last year, under his leadership, the President claimed that his budget proposal was fair. In fact, however, its cuts were disproportionately directed at programs to assist the poor and the disadvantaged, including investment in health, education, training services, and public works. This year the administration has not bothered to pay lip service to the idea of fairness. It has once again targeted for cutbacks the same programs which sustained deep spending reductions last year.

Under this budget, the children will see an additional $8 billion cut in their programs. Child nutrition services will be cut by $334 million in budget authority and $300 million in outlays. The summer feeding program—a program which helps preserve nutritional gains made by children during the school year—will be terminated. The special milk program, a program which subsidizes milk consumption in schools that do not participate in other Federal meal programs, will be eliminated. School breakfast and child care food programs will be placed in a block grant while grants for nutrition education will be terminated.

Medicaid, a health insurance program which pays the medical bills for low-income Americans, children, and pregnant women, will again bear the brunt of the Reagan cuts.

The Federal child support enforcement program, a program which partially reimburses States and localities for expenses in collecting child support payments from absent parents, would also be drastically impacted.

If that is not enough, approximately 165,000 women, infants, and children will be dropped in fiscal year 1983 from the WIC program due to inadequate funding and 370,000 would have to be cut off by fiscal year 1985. This means that some half a million fewer people would be reached.

Suffer the little children.

The aged and elderly are, of course, to assume an even heavier burden if the President's budget is passed. They can look forward to changes in the Federal supplemental income (SSI) program which will exclude some 115,000 individuals in fiscal year 1983 who will not be considered permanently disabled.

Food stamps will receive a $1.3 billion decrease from the fiscal year 1982 authorized spending level. For working poor families, this amounts to encouraging them not to work—a philosophy supposedly counter to the Reagan work ethic. For our elderly, less food. Coupled with less food stamps, the low-income energy assistance program will be cut. Conceivably, our seniors may not have a choice between "heat or eat"; they will not be able to do either.

Under medicaid, we would witness major legislative changes which would cut the Federal payment for all services for medically needy recipients, in addition to including Federal payments to the States for administering medicaid in a new welfare block grant.

Last year, the President claimed he would preserve a social safety net of basic programs to protect the poor and elderly. Despite this claim, the administration and its congressional allies forced cuts in virtually every safety net program. This year's budget proposal continues this policy, and proposes a new round of reductions in the safety net programs, with cuts being requested in medicare, AFDC, supplemental security income, and others.

Mr. Speaker, this is deplorable and further strengthens my resolve to support the program submitted by the Congressional Black Caucus which increases funding for all the programs above while lowering the dreaded deficit.

In closing, I again thank these Chicago clergy who, by making this trek

to the Capitol, are attempting to improve the quality of life for those in the dawn, those in the shadow and those in the twilight of their lives. Certainly they know firsthand just what damage has and will be inflicted upon the truly needy, unemployed middle class, and bankrupt businessmen by the Reagan budget document.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join the Honorable GUS SAVAGE in welcoming the delegation of about 50 clergymen and women from the metropolitan area of Chicago who are visiting Washington today and tomorrow as part of a Clergy Crusade to discuss with various Government officials the effects of Federal policies and programs on the city's disadvantaged.

In the hard economic times faced by our Nation, these religious leaders of the Chicago community have come to Washington to especially express their concern about issues such as the funding of useful social and community programs and the city's current unemployment problem.

As Congress proceeds in its budget considerations, I urge my colleagues to cooperate with the religious and community groups in order to seek innovative ways to see to it that the less fortunate are adequately provided with the basic necessities of life.

Mr. Speaker, the clergy and the religious institutions of our country are vital in maintaining the spirit and hope of our Nation, and I extend my greetings to these men and women, and my best wishes that their stay in Washington is both productive and informative.●

Mr. SAVAGE. Mr. Speaker, I want to extend my thanks to my colleagues from Illinois, Mr. ANNUNZIO, Mrs. COLLINS, and Mr. FARY for the remarks which they have inserted in the RECORD on this special order.

GENERAL LEAVE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 297

Mr. GREGG. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Concurrent Resolution 297.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

TRIBUTE TO FORMER CONGRESSMAN JAMES C. CLEVELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. GREGG) is recognized for 60 minutes.

GENERAL LEAVE

Mr. GREGG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. GREGG. Mr. Speaker, on Friday, May 28, 1982, there will be a ceremony dedicating the U.S. Post Office and Courthouse Building in Concord, N.H., as the James C. Cleveland Federal Building. This is in recognition of the distinguished public service career of Jim Cleveland, my predecessor as Representative from the second district of New Hampshire, who retired at the end of the 96th Congress after 18 years in this body.

It is altogether fitting that the Concord Federal Building bear his name, as provided in legislation initiated by the Committee on Public Works and Transportation, on which he served with distinction. And I think it appropriate to take this occasion to comment on Jim Cleveland's contributions—to which no formal dedication of a single structure can do justice—to his constituents, his country, and this Congress as an institution.

In New Hampshire, there are many monuments to his career that do not bear his name but in fact reflect his contributions as a legislator. Transportation in the form of both individual projects and the regular Federal-aid highway programs for which his support was constant over the years; economic development, notably in the assistance provided to Berlin and other communities through the programs of the Economic Development Administration; the environment, in the form of New Hampshire's benefit from the water pollution control program and the preservation of the scenic values of Sandwich Notch, to name just a few. There was a balance between economic and environmental objectives. Indeed, this was best exemplified by his bringing about the compromise that paved the way for construction of Interstate 93 through Franconia Notch in a manner accommodating both transportation and environmental concerns.

There was balance of another sort in Jim Cleveland's approach to his duties as a Member. Intensely concerned with service to his constituents, he considered the insights gained from the solution of problems facing individuals or communities to be the raw material of the legislative process. Those insights helped him in his role as a national legislator, shaping programs in terms of the problems they are intended to address but cannot address in the abstract.

His concern for getting the facts, and a suspicion of the caliber of information generated in Washington, led him to emphasize the oversight function on the Public Works Committee, his principal legislative assignment. In recent years, the oversight findings were translated into a key water pollution control amendment initially opposed by the Environmental Protection Agency and environmental groups but now embraced in light of the way it has worked in practice.

The same approach led him to focus on the workings of the Congress, congressional procedural reforms and restructuring of committee jurisdictions, staffing, investigations, prerogatives of Members essential to fulfilling their responsibilities, and reforms of political campaigning, the process by which we all get here in the first place. In these and other areas, in those efforts that were successful and those that were not, Jim Cleveland sought civility in debate of the issues, reflecting great credit on those who chose him as their Representative and serving the country well.

In closing, Mr. Speaker, I would offer this quotation from the report of the Committee on Public Works and Transportation accompanying the legislation authorizing the designation of the James C. Cleveland Federal Building:

> We have come to know Jim Cleveland as a valued friend, something of a loner at times, often direct to the point of bluntness, with an integrity making him a formidable adversary and an unwavering ally; a truly learned student of the legislative process, exponent of common sense, of balance and of programs that work, and of responsible and responsive government, a dedicated member of this committee.

□ 1445

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to thank the gentleman for taking this special order today.

I come from the Adirondacks Mountains in upstate New York, not far from the gentleman's district, and had the pleasure of serving on the Public Works and Transportation Committee with Jim Cleveland and also on the Select Committee on Committees. I personally, in the 2 years that I served with him, have never seen a more

dedicated and more capable Member of this House.

In addition, I spent many evenings with Jim and Bob McEwen, former Congressman Bob McEwen, who retired the same year that Jim Cleveland did, and from the decades of service that the two of them had in this House, I just learned so much, and it made a much better legislator out of me. I want to say to the gentleman in the well that he is following in those footsteps. I commend him, and I certainly commend him for taking this special order.

Mr. GREGG. I thank the gentleman from New York.

● Mr. RHODES. Mr. Speaker, it is a real pleasure to join with the many friends of former Congressman James C. Cleveland in this special order honoring him on the occasion of the renaming of the Federal building in Concord, N.H.

The legislation governing the naming or renaming of Federal buildings specifies that there should be nationwide uniformity in building names, and at the same time, each should clearly reflect the character, usage, and location of the building.

To name the Federal Building in Concord, N.H., after our former colleague Jim Cleveland is most certainly in keeping with the spirit and the letter of this law. Jim, like his native State, has contributed significantly to the Nation.

Our former colleague demonstrated his commitment to excellence during his academic career, graduating from Colgate University, magna cum laude, and from Yale University's School of Law.

At that dark hour in our Nation's history in December 1941, Jim enlisted in the Army and served overseas in the Pacific for 40 months. He received a Bronze Star for valor and was recalled to overseas duty during the Korean war.

He has been an outstanding leader in the private and public sectors. His long, and distinguished career as an elected official began in 1950 as the Merrimack County GOP chairman; included several years in the New Hampshire Legislature and culminated with his 18 noteworthy years of service in the U.S. Congress.

It was a pleasure to have had the opportunity to serve with Jim in the House. I remember well the outstanding effort he put forth both as a Member of this body and of the several committees on which he served. I am delighted that he is receiving the well-deserved honor of having the Federal Building in Concord, the capital city of his State, named for him.

This action will serve as a constant reminder for the citizens of Concord and the State of New Hampshire of the significant contribution Jim Cleveland has made to their community and State. I know it will be a source of pride for Jim reminding him every day that his efforts have been appropriately recognized.●

● Mr. CONTE. Mr. Speaker, I am pleased and honored today to join my colleagues in paying tribute to my esteemed former colleague, Jim Cleveland of New Hampshire, on the great occasion of the renaming of the Federal building in Concord after Jim.

Jim Cleveland served with distinction in World War II, winning a Bronze Star for valor in the Pacific. After returning home, he practiced law in New Hampshire as well as organizing and directing the New London Trust Co. Jim served 12 years in the New Hampshire Senate, rising to the positions of majority floor leader and chairman of the judiciary committee.

Jim entered the House in 1962. I served with him nearly 20 years, and I never ceased to be deeply impressed by his great devotion to his constituents, his country, and his responsibility as a public servant. Despite the great demands on his time, Jim has always been very active in charitable and service organizations.

I am sure all my colleagues join me in recognizing Jim's great achievements on the Transportation and House Administration Committees, and as chairman of the Select Committee on Committees. As chairman of the House Republican Task Force on Congressional Reform, Jim was responsible for the influential book "We Propose: A Modern Congress," in 1966.

Jim's warm personality made him well-liked. Serving with him was always a pleasure, especially due to our shared interest in fishing.

On this great occasion, my warm congratulations go to Jim, his wife Hilary, and their five wonderful children, and I wish them all the best for the future.●

● Mr. DERWINSKI. Mr. Speaker, it is a special pleasure for me to join in this special order to honor a former colleague and a good friend, James C. Cleveland. Jim is being appropriately recognized by the State of New Hampshire for his many years of public service. The renaming of the Federal building in Concord, N.H., is a fine tribute to a sincere, hard-working public official.

During his tenure in office, Jim was known by all of us for his outstanding dedication to getting the job done. Jim Cleveland brought honor and distinction to this Chamber, and his many contributions will long be remembered. Jim is a true gentleman who is well respected for his ideals and strength of character.

Throughout his 18 years in Congress, Jim worked diligently on behalf of his district and his country. He was dedicated to the discharge of his congressional duties in a fashion that was totally responsive to the needs of our Nation as well as the State of New Hampshire and the district he represented.

I congratulate Jim on this occasion and commend the citizens of the State of New Hampshire for honoring such an able and dedicated public servant who was a credit to public office and to the Congress.●

● Mr. SHUSTER. Mr. Speaker, I rise in recognition of Jim Cleveland, one of the most distinguished and respected former members of the House Public Works and Transportation Committee. Until Jim Cleveland retired in 1980, after 18 years of dedicated service, the Public Works and Transportation Committee was served by a Member who fought fair and hard for what he thought was right. On the committee, Congressman Cleveland was a strong supporter and formidable advocate of highway safety. In addition, he was well known for his concern for transportation of the handicapped in a manner that would most greatly benefit the elderly and disabled while retaining a viable and balanced mass transportaton system.

Congressman Cleveland was a tireless worker and a firm believer that Government must not intrude unnecessarily into every aspect of a person's life. At the same time, the gentleman from New Hampshire was a strong and clear voice for his State in Congress and he insured that whatever action Congress took that such action would not adversely impact his constituents. In my view, Jim Cleveland is the finest example of a Member of Congress doing the best job he can and succeeding by setting the finest example possible. Therefore, the honor that has been bestowed upon Congressman Cleveland in the naming of the Federal building in Concord, N.H., after him is indeed richly deserved. I offer him my warm and sincere congratulations.●

● Mr. ROE. Mr. Speaker, I take great pleasure today in rising to salute our former colleague, the distinguished gentleman from New Hampshire, Jim Cleveland.

I had the distinct honor of working closely with Jim when he served on the Public Works and Transportation Committee. During that time, he became a recognized national expert in the fields of transportation, water resources and economic development. It can be surely stated that the Second Congressional District of New Hampshire had a forceful representative working for their interests in the halls of Congress.

As a ranking Republican member of the Public Works Committee, Jim consistently left party politics aside when it came to deciding what was best for the people of the Nation and those of his home congressional district. It is no wonder that his longstanding dedi-

cated service to the people of the Second Congressional District of New Hampshire earned him the title of "The Constituent Congressman."

It is also most appropriate that the Concord Federal Building be named in his honor in recognition of his years of outstanding service to the people of New Hampshire.

Mr. Speaker, while Jim Cleveland has spent most of his life in service to New Hampshire, my own State also has a claim on this great American due to the fact that he was born in Montclair, N.J., not far from my own congressional district.

In all seriousness Mr. Speaker, Jim Cleveland's expertise and guidance have been sorely missed in Congress. Jim, I salute you for your fine service to your country.●

● Mr. MAZZOLI. Mr. Speaker, my distinguished friend and former colleague, Jim Cleveland, represented the Second District of New Hampshire with distinction and honor throughout his many dedicated years of service to the House of Representatives.

The newly named James C. Cleveland Federal Building in Concord will remind all of the numerous contributions Jim has made to his State and to his country.

I extend to him my congratulations and best wishes for the future.●

● Mr. BROOKS. Mr. Speaker, I am happy to join in paying this special tribute to our former colleague, Jim Cleveland. We served together on the Joint Committee on Congressional Operations and the Select Committee on Congressional Operations. He had a great love for the House as an institution and worked hard to strengthen and improve its procedures.

Although we miss him here, I am sure he is enjoying being back in his beloved New Hampshire and I am delighted that his years of service to his State and the Nation have been recognized by the naming of the Federal building in Concord after him.●

● Mr. HOWARD. Mr. Speaker, all of us who have served in this body with Jim Cleveland feel a shared sense of pride and gratitude that his long and distinguished public career has now been given lasting recognition by an Act of Congress designating the U.S. Post Office and Court House in Concord, N.H., as "The James C. Cleveland Building."

Jim Cleveland, who returned voluntarily to private life at the close of the 96th Congress, was a longstanding and greatly respected member of the Committee on Public Works and Transportation, which I have the honor to chair, and I count it a high personal privilege to have shared his counsel and friendship through all my own years in the House of Representatives.

It is entirely fitting that the congressional act which renamed the Concord Federal Building in his honor originated with his colleagues on the Public Works Committee—the men and women who had worked most closely with him and knew his qualities most intimately.

The gentleman to whom we pay tribute today has served his country long and well. His career of public service encompassed 34 years of war and peace: More than 4 years of overseas duty with the U.S. Army in World War II and Korea, 12 years in the New Hampshire Senate, and 18 years in the U.S. Congress representing the Second District of New Hamsphire.

Jim Cleveland is sorely missed in the House of Representatives, on both sides of the aisle, but we know that the ending of his service in Washington does not mean the ending of his concern for and devotion to the needs of the Nation.

In announcing his decision to retire from public life, back in April 1980, our colleague left no doubt that he will continue his participation as a private citizen in the life of the Republic. He said:

> My concern for the Nation's affairs will continue, for I feel strongly that there is a desperate need for a better balancing of views in public decisionmaking. I will certainly attempt in whatever way possible to achieve that balance.
>
> Although our country faces serious problems, one may still be optimistic. Our country has self-corrected before and, if the people get the facts, it will self-correct again.

Mr. Speaker, the James C. Cleveland Building will stand in Concord as a reminder that, in our country's time of need, there must always be citizens of Jim Cleveland's stature who accept public service as a high and necessary calling and do not shrink from its burdens.●

● Mr. SNYDER. Mr. Speaker, today I am pleased to honor a former colleague and associate, Congressman Jim Cleveland. I have known Jim for nearly 20 years; I had the honor to serve with him for 16 of those years as a member of the Committee on Public Works and Transportation and during that time I came to know Jim Cleveland as a sincere and dedicated public servant. He was an able legislator and a champion of the rights of States.

I would like to congratulate our colleague, Mr. GREGG, for requesting this special order for those who were unable to attend the dedication of the James C. Cleveland Federal Building, because I believe that Jim and his lovely wife Hillary, deserve to be recognized for his contributions to our Nation and for his diligent efforts on behalf of his beloved State of New Hampshire.

I think that the hallmark of Jim's tenure in Congress was his diligent efforts to assure that the management of Government programs is done at the level closest to the people. His commitment to the goal of reducing the Federal Government stems from a firm belief in the ability of our States to serve the people which he learned from his 12-year tenure in the New Hampshire Legislature where he served with distinction prior to his election to Congress.

An example of his tenacity is the enactment of the Cleveland/Wright State certification program, whereby State water pollution agencies were delegated the management of the Nation's largest public works program—the construction of wastewater treatment facilities for our municipalities. This initiative resulted from a series of oversight hearings conducted in 1974 by the Investigations and Review Subcommittee of the Committee on Public Works and Transportation which delved into the workings of the water pollution control program.

The first round of legislation was introduced in the spring of 1974 and was subjected to strong opposition by the Environmental Protection Agency and the environmental community. But due to Jim's persistent efforts his colleagues began to recognize the importance of this amendment and what it meant to the success of the program. With the passage of the 1977 Clean Water Act the Cleveland/Wright initiative became law and the day-to-day management of the construction grant program was turned over to the States. Those efforts have proven to be one of the most constructive changes made in the 1977 act. I feel it is fair to say that the doubters are now believers in this amendment.

Jim Cleveland also knew how to use his office to resolve conflict. His efforts and personal involvement in the controversy surrounding the routing of Interstate 93 through the Franconia State Park led to a solution which, for over 5 years, no one thought was possible. The environmental community as well as the developmental interests were not able to come to any consensus but, through tedious negotiations coupled with legislation in the 1973 and 1978 Highway Act, Jim was able to work out an agreement which was enthusiastically embraced by all interested parties.

Mr. Speaker, Jim Cleveland's concerns were not focused only on his congressional district. He was committed to seeing that the right thing was done regardless of who benefited. When we were developing the Comprehensive Environmental Response and Liability Act of 1980, which is commonly referred to as the chemical "superfund" bill, Jim was very concerned that there would not be enough money to clean up the problems which have occurred in small States since major attention would go to those large States which were receiving headline coverage. He attempted to see that every State would re-

ceive at least one cleanup effort. For this, he was severely criticized by the Washington Post editorial staff, which characterized his efforts as indicative of a "public works mentality" requiring one project in every congressional district. I know that to be totally erroneous. Jim had seen the affronts caused by careless waste management where some areas of his State were being made a dumping ground and he wanted action. He had the insight to know that small States would not be able to compete on an equal footing with the large ones. Through his efforts top priority was given by EPA to the Nashua problem and I know my colleague, Mr. D'AMOURS, must be especially appreciative because the site is located in his congessional district.

Mr. Speaker, as we now work to return many Federal programs to the States I believe that it is very appropriate to note that Congressman Jim Cleveland had long been working to achieve what we are only now beginnng in this Congress to hopefully do.

Mr. Speaker, today's speakers will chronicle the many accomplishments of Jim Cleveland for quite awhile which will no doubt chagrin our usually staid friend from New Hampshire. Nevertheless, I am pleased to have the opportunity to participate in this special order honoring Jim Cleveland because all too often we do not, or cannot, take the time to recognize the contribution of a colleague. Jim Cleveland has spent virtually his whole career doing things for people and he has done that job very well. He is still at it—his current endeavor is to build residences for the elderly citizens of New London. It is an honor to know Jim Cleveland and to have worked with him.●

● Mr. BRINKLEY. Mr. Speaker, it is a pleasure to participate in this special order honoring our former colleague, Jim Cleveland. It was a special privilege to have served with him in this great body. Many of the goals we shared were identical, and we saw our purpose as holding the country together, rather than tearing it apart, especially during the Vietnam era.

Jim also felt that minding the store was extremely important, and it is to his everlasting credit that this remained front and center with him, and that he never waivered in this dedication.

I miss his quiet, steady, and constant counsel in these Halls, and I am happy to call him my friend.

On April 29, 1980, Jim made his impressive retirement statement. I think it illustrates the life and service of this uncommon man exceedingly well. With your permission, Mr. Speaker, I should like to include it in my remarks today.

Thank you.

RETIREMENT STATEMENT OF CONGRESSMAN JAMES C. CLEVELAND—APRIL 29, 1980

After thirty consecutive years of elective public office (twelve in the New Hampshire Senate, eighteen in the U.S. House of Representatives), the time has come for me to return to private life. Despite my long service in the public sector (with more than four years overseas in the U.S. Army during World War II and the Korean conflict) the decision not to run for re-election was difficult. Public service is a high calling and a necessary one if our nation is to survive.

But I have served long enough and it is time for a change. Commuting to Washington on a weekly basis becomes less attractive with each passing year.

With the proliferation of centralized government in Washington the frustrations of the job increase proportionally.

I would like to spend more time with my family and attend to long neglected personal and business interests.

My concern for the nation's affairs will continue for I feel strongly that there is a desperate need for a better balancing of views in public decision making. I will certainly attempt in whatever way possible to achieve that balance.

I am deeply grateful to my family, friends and staff who have helped and sustained me. Although our country faces serious problems—most of which I take little comfort in having predicted—one may still be optimistic. Our nation has self-corrected before and, if the people get the facts, it will self-correct again—hopefully before it self-destructs.●

● Mr. McCLORY. Mr. Speaker, my remarks in tribute to our former colleague, Jim Cleveland of New Hampshire, will be brief, but they touch on a subject of profound importance to all Americans, a subject to which Jim Cleveland rendered significant service and for which I am sure he has not been sufficiently recognized.

From his first days in the U.S. House of Representatives, Jim Cleveland took an active interest in the day-to-day workings of our National Legislature—not just the substance of legislation, but the processes by which that legislation was shaped and succeeded, or failed. Over the years Jim chaired several Republican task forces or study groups on congressional reform, and in the 1960's he was a member of the Joint Committee on the Organization of the Congress, which held extensive hearings on the organization and procedures of the Congress and from which, by a route too convoluted to recall at this time, eventually came the Legislative Reorganization Act of 1970, only the second omnibus congressional reform measure to be enacted in the Nation's history. Jim also took seriously his service on our housekeeping committee, the Committee on House Administration, not traditionally a favorite assignment of Members, and fought consistently for adoption of better management measures for the House of Representatives.

Jim Cleveland is a modest man. His hard labor at congressional reform was most often performed behind the scenes, and he was ever willing to share credit with colleagues for achievements to which he had contributed a disproportionately heavy share of the work. He was doggedly determined to drag the U.S. Congress into the 20th century in terms of computerized functions, open hearings, televised debate, and 101 other improvements, and we are all in his debt for his persistence, vision, and not infrequent displays of courage.

Mr. Speaker, I am joined in the above sentiments by a member of my staff, Mary McInnis, who was associated with Jim Cleveland for many years in the difficult, wearying, and thankless struggle for congressional modernization. She asked that I include her in an expression of gratitude to Jim Cleveland for his indefatigable and truly significant service to the Nation on congressional reform and for the conveyance of our heartfelt wishes to Jim for a well-deserved and happy retirement.

Mr. Speaker, it is most appropriate that the Federal building in Concord, N.H., should be renamed in his honor as the James C. Cleveland Building. I thank my colleague from New Hampshire and Jim Cleveland's successor in this body, JUDD GREGG, for arranging this special order and this timely tribute to a distinguished former colleague, Jim Cleveland.●

● Mr. FAZIO. Mr. Speaker, I had the pleasure of serving in the House of Representatives with Jim Cleveland for only one term, but because I respect this wise and witty attorney from New Hampshire who has been honored by his former colleagues here today, I wanted to say a few words. We had in common the representation of the State capital of our respective States. This commonality is particularly true recently because Concord, N.H., has become the quadrennial winter home of California Governors seeking a respite from the fiscal difficulties of the Golden State. They descend upon the friendly citizens of the Granite State instead, to promote their economic plans and policies for the whole Nation based upon their experience in California.

We also had in common the fact that we both served in our State's legislature, although there the similarity almost ends. True, we both entered this institution with a profound sense of the legislative body as pre-eminent representatives of the people; we both saw service to the public as a duty to be performed with enthusiasm and vigor; we both served in the State legislature despite deep personal and financial sacrafices. I suppose that I should mention that the California legislators were earning over $25,000—plus perquisites—to make them the highest paid legislators in any State, while the New Hampshire legislators

were earning the princely, yet public service minded, sum of $100 per year.

We also shared a youthful association with the Garden State. Despite our formative years being spent in such a wonderful place, we both sought our careers in our fair home States and have never regretted our choices. We each accepted higher education in the exciting Empire State and then chose to enter politics. Despite all that we share in common, I must say that I cannot understand how he ended up as a Republican Member of this body; but he was highly respected and admired by his Democratic colleagues.

I know Jim Cleveland as a man who still cares about the people that we know as constituents. He has worked with me on a key project to bring housing into rural areas on my district through the Farmer's Home Administration. He worked very hard on this task with a dedication quite uncharacteristic of someone without a personal stake in the outcome. I am pleased that I still have the opportunity to work with Jim; and I extend my congratulations on the distinction associated with the naming of the Concord Federal Building in his honor.●

● Mr. MONTGOMERY. Mr. Speaker, I am delighted today to be able to send congratulations to my former colleague and good friend, Jim Cleveland of New Hampshire.

On Friday, May 28, the Federal building in Concord, N.H., was named in honor of this great American. I can think of no one more deserving.

Jim Cleveland served his State and his country in the House of Representatives for 18 years before retiring in 1980. He served with great distinction on the Public Works and Transportation Committee and was an outspoken advocate of improved highways and for traffic safety.

He will also be remembered for his efforts to aid the handicapped in the area of public transportation. Jim was one of the leaders in formulating legislation that benefited the handicapped who depend on public transportation each day.

I am happy to have served with Jim Cleveland in this Chamber and it is an honor to be able to call him a close friend. Again, I extend congratulations on this great tribute.●

● Mr. SENSENBRENNER. Mr. Speaker, on May 28, 1982, the Federal building in Concord, N.H., was renamed in honor of our distinguished former colleague, James C. Cleveland. I would like to share some thoughts on this occasion recognizing my former colleague's service.

The energy and dedication with which James Cleveland served his constitutents is exemplified through the nine consecutive elections he won since first taking office in 1962.

During the course of his tenure in Congress, he served as the second ranking Republican member on the House Committee on Public Works and Transportation, and as the second ranking Republican member on the House Committee on Administration. His work on both of these committees was respected and admired by all those who had an opportunity to work with him.

Thus, I congratulate Jim Cleveland not only for the dedication of this Federal building in his name, but also for his 18 years of distinguished service in this U.S. Congress.●

● Mr. PICKLE. Mr. Speaker, New Englanders are sometimes described as cautious, unemotional, stone-faced, and conservative individuals. They sometimes live measured—if not austere—lives. They have a great sense of independence and do not go in for a lot of welfarism and government aid. They simply like to take care of their own and do right.

Jim Cleveland comes from that kind of stock. He is careful, cautious, and as solid as the proverbial rock of New Hampshire. I am proud to say we came to Congress in the same year—the 88th class. We have mixed a lot of medicine together and have shared many years of hard work, sacrifice, and achievement.

I salute Jim Cleveland. He has done an outstanding job in Congress and I am proud to have him as a friend. In the Halls of Congress and in our very special library we will miss this pleasant, teasing, hard-working American. It is Jim Cleveland's type of service which gives Congress a good image and a good name.●

● Mr. CLAUSEN. Mr. Speaker, I am delighted to have this opportunity to join in tribute to Jim Cleveland of New Hampshire, with whom it was my pleasure and privilege to serve on the Committee on Public Works and Transportation for many years.

Jim Cleveland genuinely and deeply believed in the role of Federal investment in public improvements in this country, which probably more than any other single fact accounted for his accomplishments in this field. He was keenly aware of the contribution which such investments can make to the economic vitality of communities, areas, and even entire regions, enabling them to recover the flourish economically on the basis of expanded employment in the private sector. This is true not only of our explicitly targeted economic development programs, but also of our more basic infrastructure programs such as highways and airports, not to mention water pollution control and the construction grants program's ability to permit development in an environmentally acceptable manner.

Aside from this long-term role, he was mindful of the short-term stimulus of the construction activity itself. And he was equally mindful of the impatient with the extent to which the mass of Federal regulations and requirements—worthwhile and well-intended individually but stifling and burdensome in the aggregate—often made it difficult if not impossible to accelerate public works construction projects as a job-creating response to recession.

As ranking minority member of the Water Resources Subcommittee through the last Congress, I was pleased to associate myself with many of Jim Cleveland's legislative initiatives in the water area. A particular accomplishment was enactment of State certification, giving qualified States more authority, responsibility, and funding which would enable them to take over the day-to-day operations of the construction grants program. Based in part on Jim's experience with the highway program—which is essentially a federally assisted State program—and in part on a successful experiment in my own State of California, this innovation has made a major contribution to the improvement of the program. It is significant, too, that this was the outgrowth of extensive investigations into the operation of the clean water program, undertaken by the Public Works Investigating Subcommittee, on which Jim long served as ranking minority member. The entire legislative process is served well when a man with the talents of a Jim Cleveland will devote efforts of this magnitude to the painstaking task of inquiring into the way programs really work, fail to work, and can be made to work.

Other Cleveland accomplishments in this area include wetlands protection, dam deauthorization, and nonstructural alternatives in the water resources field. He also deserves credit for an effort during his last terms to increase construction grants funding for fast-moving States, while not penalizing the slower-moving States. This measure passed the House only to be bottled up in the Senate. Nonetheless, it symbolizes the constructive, dedicated and persistent efforts which Jim Cleveland exerted in the discharge of his responsibilities.

The same patient, low-key approach to problems also marked his activities in other areas of the committee's jurisdiction. He also was active in other areas, including congressional procedural reforms and institutional structuring, prerogatives of Members, minority rights and election reforms. And throughout the years, he managed to remain close to his constituency and in the process build an enviable record of service—to individual constituents, their communities, and his State.

All of which makes it most appropriate that the U.S. Post Office and Courthouse Building in Concord, N.H., has recently been designated as the James C. Cleveland Federal Building. And in conclusion, I want the RECORD to show that from the standpoint of his committee colleagues, that designation was as much a reflection of our personal regard for Jim and his family as of our respect and admiration for his record of service.

When all is said and done around here, this body is made up of individuals as well as Representatives. One of the pleasures of serving in this body is the opportunity to make lasting friendships, and I shall always value my friendship with Jim Cleveland.●

● Mr. CLINGER. Mr. Speaker, I would like to join my colleagues in recognizing the character and accomplishments of former Representative James C. Cleveland, who well deserves the honor that we join in celebrating today.

I first encountered Jim Cleveland when, as chief counsel for the Economic Development Administration, I came up to the Hill to testify before his Committee on Public Works and Transportation. Frankly, at that time I found him quite intimidating, with his quick wit and his crusty New Hampshire demeanor. It was clear to me even on that brief acquaintance, however, that Jim Cleveland was one Member who always did his homework. His questions were always perceptive, coming from an obviously deep knowledge of the legislation and the programs under his committee's jurisdiction.

When I was elected to Congress and began my service on the committee before which I had testified, I found Jim Cleveland to be all that I had found him before—witty, hard working, perceptive—and much more. Beneath that crusty New Hampshire exterior there lurked a truly good human being, one who deeply enjoyed his work here in Congress, who cared about the products of his committee and his House—and the only Member I ever knew to rise and speak in opposition to a bill—entirely in verse.

As wise as he was witty, Jim Cleveland taught this freshman legislator at least as much as did anyone else in the 96th Congress. I am delighted to join the other Members speaking today in celebration of the naming of the Federal building in Concord, N.H., after the Honorable James C. Cleveland, a name that will dignify the building in the eyes of all those who know the man.●

AMERICANS EAGERLY AWAIT THE OLYMPIC COIN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I have made a number of pleas for the immediate enactment of the House-passed version of the Olympic coin bill. The fact that our amateur athletes need the funds they would receive from the sale of these coins as soon as possible should be reason enough to act without further delay. However, there is another very practical consideration: Thousands of Americans are eager to purchase the coins now.

Any good businessman knows the importance of consumer interest in the sale of goods. If the product is not available when the demand is great, the purchaser often becomes disgruntled by the delay and takes his business elsewhere. Each day that we force these people to wait by delaying the final enactment of this bill, we run the risk of losing valuable customers. And this is a double-edged sword: The delay frustrates the American consumer and, as a result, causes our amateur athletes to lose huge sums of money.

The entire purpose of striking Olympic commemorative coins is to raise money for our athletes. When the House of Representatives endorsed my Olympic coin proposal by a margin of 302 to 84, it was a vote to have all of the proceeds from the sale of these coins go to the Olympic committees. This plan calls for the minting of two silver dollars and one gold $10 coin to be sold directly to the public by the Mint. Under the rival plan, the profits would have been split between the athletes and the private marketers. By eliminating the private marketers, my proposal avoids both excessive profiteering and the prospect of scandal. The coins will be reasonably priced, and the proceeds from their sale could be as high as $600 million.

And make no mistake about it, Americans are interested in buying the Olympic commemorative coins called for under this proposal. I have received 10,427 pledges from Americans who would like to buy Olympic commemorative silver dollars. Mr. John Wettstein of Chippewa Falls, Wis., writes:

I support Rep. Frank Annunzio in his quest for a total of 6 coins to be sold openly by the Mint. If they are to be sold by the Mint I would order 1 of each. Otherwise, forget it.

And from Mr. Stanley Partin of Carlsbad, N. Mex.:

Congratulations on your recent victory concerning the handling of Olympic coins.

I think you are 100 percent right in favoring the Mint over private marketers. I would like to know when the coins are going to be available to the public.

Obviously, Mr. Partin opposed the rival plan which called for the minting of 17 coin designs to be sold through private marketers who would have retained 64 percent of the profits. His feelings are shared by Mr. Harold Ewald, Jr. of Harrington Park, N.J.:

Even though I am not one of your constituents, I feel that I must write to compliment you on your intelligent, courageous and successful fight to secure all the profits from the sale of Olympic coins for our American athletes.

I watched the House proceedings on C-SPAN with growing admiration as you turned what seemed to be an initially losing substitute into a resounding victory for your position and for the American public. Please continue your good work. We need you watch-dogs to protect us from such bizarre attempted give-aways.

Mr. Richard Koons of Virginia Beach, Va., writes:

With great interest I have followed the debate in regards to the minting of coinage for the 1984 Los Angeles Olympic Games. The reason being that I firmly believe in the olympic games and in government interest in their financial support. Considering our present economy and an uncertain job future for the next few years, I cannot see my attending the games. However, even though I may not be able to attend, I would, in some way, like to be able to say I contributed to our athletes. Also in the years to come I would like to be able to show and pass down to my children some momento of the olympic games of 1984.

Naturally, a 17 coin set costing thousands of dollars is out of the question. Not only myself but also millions of Americans would be unable to purchase such an overwhelming set. The American public would lose an opportunity to contribute to the games, but most importantly, our athletes would be the biggest losers for they would not receive the benefit of the funding.

I would prefer an affordable commemorative coin as a momento that I can pass onto future generations.

Thanks to the overwhelming mandate of the House of Representatives, Mr. Koons may be able to purchase a single, affordable silver dollar. All that is needed for the House-passed version of S. 1230 to become law is the approval of the full Congress and the signature of the President. As soon as these final steps are taken, these Americans can begin buying coins—and our athletes can begin receiving money. Until then, both will have to wait.

PORTUGUESE AMERICAN DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

● Mr. FRANK. Mr. Speaker, today I am proudly introducing a resolution designating June 10, 1982, as "Portuguese American Day." This designation would correspond to a similar declaration made by the Commonwealth of Massachusetts setting aside June 10 as "Portugal Day" in the Commonwealth.

I am pleased to be joined in sponsoring this resolution by a distinguished

Portuguese American, the gentleman from California, TONY COELHO.

The Portuguese community in the United States has a long and very rich history. Portuguese first came to North America in the 16th century and in fact, Portuguese explorers, the Corte Real brothers, landed near what is now Fall River, Mass., even before the Pilgrims. In addition, another Portuguese explorer, Juan Cabrillo, discovered California in 1542. The first large-scale Portuguese immigration into the United States after the Revolutionary War occurred in 1820; many thousands more arrived via whaling ships during the 19th century. With almost 150,000 immigrants arriving in the last 25 years, the Portuguese American community now numbers approximately 3 million strong. Clearly, this is a growing and vibrant community.

Portuguese Americans have made significant and lasting contributions to our Nation's history. One of the founders of the New York Stock Exchange, Benjamin Mendes Seixas, was the son of a Portuguese immigrant, Isaac Seixas. The first American to be killed in World War I, Walter Goulart, was of Portuguese ancestry. Benjamin Cardoza, one of the greatest Supreme Court Justices in our history, was Portuguese. John Philip Sousa, the famous composer; John Dos Passos, the author; Billy Martin, the baseball manager; and Robert le Roy Ripley, the founder of "Ripley's Believe It or Not" are all Portuguese Americans. Humberto Cardinal Medeiros of the Archdiocese of Boston is also of Portuguese extraction.

Mr. Speaker, I am also proud to say that the first Portuguese American to have served in this body, the Honorable Frank B. Oliveira, came from my home State of Massachusetts. In addition, the first Portuguese school in the United States was founded in 1910 in Fall River, in the Santo Christo Parish. The southeastern portion of Massachusetts, of which the newly created fourth congressional district is a part, has one of the largest populations of Portuguese Americans in the country. Their contributions to the growth and vitality of Massachusetts have been tremendously important.

I ask my colleagues to take a moment to reflect upon the importance of ethnic heritage in the makeup of this great Nation. The Portuguese American community has a history of which to be proud and I hope that the introduction and passage of this resolution will provide recognition of their very important contributions and accomplishments.

A copy of the resolution follows.

H.J. RES. 501

Whereas since the 16th century a large number of individuals of Portuguese origin have immigrated to, and have become productive citizens of, the United States;

Whereas these Portuguese Americans have made significant and enduring contributions to the United States, such as the musical contributions of noted patriotic composer John Phillip Sousa;

Whereas the accomplishments and values of Portuguese Americans continue to enhance the principles of the constitution of the United States; and

Whereas all Americans should recognize the contributions which Portuguese Americans have made to United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 10, 1982, is designated as "Portuguese American Day," and the people of the United States are called upon to observe such day with appropriate activities and ceremonies.●

REPEAL OF TAX BREAK FOR MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HIGHTOWER) is recognized for 5 minutes.

Mr. HIGHTOWER. Mr. Speaker, late last year this Congress passed legislation that included a substantial tax deduction for Members of Congress. The bill removed the $3,000 ceiling on the amount that Members could deduct for expenses incurred while living in Washington, and the result, retroactive to the 1981 tax year, gave Members of Congress thousands of dollars of unverified tax deductions which had been unavailable to them.

This tax deduction issue was badly handled by the Congress from beginning to end, and is properly resented by the American people. There are some who point out that this legislation only makes available to Members of Congress what is already available to American businessmen. It is true that businessmen can deduct certain away-from-home expenses as business expenses, and Congress should be treated the same way. The businessman, however, must itemize and justify such deductions, a requirement that was omitted by the congressional version.

I think it is highly inappropriate for Congress to continue to keep on the books what amounts to a windfall tax break for itself when the rest of the Nation is being called on to sacrifice.

Early this year, I cosponsored legislation that would repeal the tax break, and I signed the discharge petition to force the bill out of the Ways and Means Committee and onto the floor for a vote. I urge my colleagues to walk up to the Clerk's desk and sign this discharge petition as well. Whether you favor total repeal of the tax break or some modification of it, sign the discharge petition so that we can get the matter out for discussion and settled once and for all.

INTRODUCTION OF WILDERNESS PROTECTION ACT OF 1982

(Mr. LUJAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LUJAN. Mr. Speaker, I am happy to join today with my colleagues, Mr. SEIBERLING, Mr. CLAUSEN, Mr. UDALL, Mr. LAGOMARSINO, Mr. WILLIAMS of Montana, Mr. PASHAYAN, Mrs. BYRON, Mr. BEREUTER, and Mr. KOGOVSEK, in today introducing legislation which we believe will resolve for once and for all the issue of mineral leasing and development in wilderness and wilderness candidate areas.

Over the past year and a half, Congress, and particularly the Committee on Interior and Insular Affairs, has been immersed in the debate over mineral leasing and development in wilderness and wilderness candidate areas. Public concern over this issue commenced early in 1981 when the Forest Service considered issuing permits for seismic exploration involving the use of explosives in the Bob Marshall Wilderness in Montana, and heightened during the course of that year when leasing recommendations were developed for wilderness area in California, Washington, Wyoming and Arkansas. The furor continued when three leases were actually granted in the Capitan Mountains Wilderness in New Mexico and it was further revealed that there are currently some 1,000 lease applicants pending covering approximately 3 million acres of existing wilderness areas. In addition, hundreds of more applications involving an untold number of acres are pending in areas being considered by Congress or the Forest Service for addition to the wilderness system. In almost every case to date where mineral leasing or development has been proposed in wilderness or wilderness candidate areas, the public reaction has been strong and overwhelmingly opposed to leasing and development.

Given this set of circumstances, one would think that the Government would simply refuse to issue leases in wilderness and wilderness candidate areas. However, matters are not that simple. Whereas some believe that the Secretary of the Interior has ample discretion under existing law to refuse to issue mineral leases in wilderness areas. the legal community is divided as to whether lease applications can be rejected simply because an area is in wilderness or under consideration for wilderness. In particular, both the Departments of the Interior and Agriculture interpret the law as to deny them discretion to turn down lease applications based solely on wilderness grounds. To give Congress time to address the issues, Secretary Watt has placed a moratorium on leasing until the end of 1982 and has suggested that Congress amend the law if it wishes to

clearly enunciate a policy against mineral leasing in wilderness and wilderness candidate areas. Our bill does precisely that. Several other bills and one resolution have been introduced in Congress addressing the subject in various ways.

The bill we are introducing today responds to voluminous mail and testimony received from over 500 individual witnesses at the nine public hearings on the wilderness/mineral leasing issue held by the House Subcommittee on Public Lands and National Parks since last fall. From those hearings we were able to discern four basic principles:

The public appears to oppose almost unanimously mineral leasing and development in wilderness.

There is overwhelming public opposition to seismic activities involving the use of explosives in designated wilderness areas.

Areas under consideration for addition to the wilderness system should not be leased until congressional or Forest Service planning processes and/or reviews of wilderness potential and suitability are completed, and an area is judged unsuitable for wilderness.

The controversial and devisive issue of "release" language should not be included in legislation dealing with the subject of mineral leasing.

These basic principles form the core of our bill and speak for themselves. In drafting the legislation we also recognized a need for allowing nondestructive mineral inventories of wilderness and wilderness candidate areas; a need for some sort of authority for the President, with the concurrence of Congress, to allow withdrawn areas to be opened for development in cases of urgent national need; and a need to honor valid existing rights. These provisions can be found in sections 4, 5, and 6 of the bill.

Because of the numerous bills and suggestions that were presented to the committee and considered in the drafting of our bill, we believe it is also important to note what the bill does not do.

Although the hearings revealed considerable public support for a mining law withdrawal, the bill does not in any way affect or alter existing law insofar as access to wilderness or wilderness candidate areas for purposes of "hardrock" mining exploration and development under the 1872 mining law is concerned. Thus, exploration for, and development of, so-called strategic minerals such as cobalt, chromium, manganese, nickel and tungsten is not affected by the bill. "Hardrock" minerals will continue to be governed by existing laws, including the 1872 mining law and the Wilderness Act.

The bill does not withdraw the 24 million acres of BLM wilderness study areas. Despite a preponderance of testimony in favor of withdrawing these BLM lands, we believe they should continue to be administered and protected as required under the interim wilderness study management provisions of the Federal Land Policy and Management Act of 1976 (FLPMA). These interim management provisions have been labored over for some 6 years now and have been the subject of repeated revisions, refinements and legal opinions. While we may not all agree with various provisions of the current interim management policies, we believe statutory revision at this time would only create new uncertainties and interfere with ongoing administrative and judicial actions to interpret the law and develop a coherent set of interim management regulations and policies.

The bill does not contain so-called "release" language. In rejecting release language in the bill not only are we responding to overwhelming public testimony opposing linkage of the release and wilderness/leasing issues, but we are also recognizing that release is nongermane to the wilderness/leasing question. For one thing, the wilderness/leasing debate centers around the issue of whether mineral leasing for oil, gas, coal, geothermal and other mineral potential should be allowed in wilderness or wilderness candidate areas on which a wilderness/nonwilderness decision has not yet been made. The release issue, however, goes far beyond this relatively simple question, and speaks to the opening of lands determined unsuitable as wilderness for timber harvest, road construction, water project development, intensive grazing development, and other development uses. Further, because release only speaks to the development side of the wilderness equation, we believe it necessarily must be incorporated only in legislation which at the same time designates wilderness * * * and the leasing moratorium imposed by Secretary Watt does not allow time to develop consensus wilderness designation/wilderness release bills on a State-by-State or regional basis.

Finally, we have noted that the release issue has become so controversial, particularly as it relates to the question of whether Forest Service planners can reconsider and study wilderness as a possible land use in the future, that its inclusion in a bill dealing with mineral leasing in wilderness could fatally impair chances of the bill's passage prior to the expiration of Secretary Watt's leasing moratorium. This would leave the Secretary without the official guidance he has requested from Congress, and would raise the possibility that Congress might have to resort to use of its emergency withdrawal authority under section 204(e) of FLPMA, or other measures, to block any undesired leasing. We feel legislative resolution of the problem is far preferable, and do not wish to see legislation to implement the public consensus against leasing fail over the unrelated issues of timber harvest and future forest planning procedures. The release controversy can, and should be resolved separately in the context of statewide or regional RARE II bills, as it was in the last Congress in Alaska, Colorado, and New Mexico.

In summary, Mr. Speaker, we believe our bill represents a reasonable compromise on the wilderness/leasing issue. It permanently protects existing wilderness from the adverse impacts of mineral leasing and development and insures that the wilderness character of areas under consideration for addition to the national wilderness preservation system will not be impaired by mineral leasing and development until either Forest Service or congressional wilderness evaluations are completed. While it does not protect as many areas and acres as some conservation groups might wish, and does not address industry concerns for timber development and amended forest planning procedures, we believe it is a logical approach which responds to the major concerns expressed by the public. We would urge our colleagues to join us in cosponsoring this bipartisan approach to a sensitive problem.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BREAUX) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Mr. HIGHTOWER, for 5 minutes, today.

Mr. BEDELL, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CRAIG) and to include extraneous matter:)

Mr. GINGRICH.

Mr. MCKINNEY.

Mr. HOPKINS.

Mr. MCGRATH.

Mr. BEREUTER in two instances.

Mr. LUNGREN.

Mr. MICHEL in two instances.

Mr. DAUB.

Mr. MCDADE.

Mr. YOUNG of Florida in 10 instances.
Mr. BROOMFIELD.
Mr. WILLIAMS of Ohio.
Mr. LEWIS.
Mr. DUNCAN in two instances.
Mr. LEACH of Iowa.
Mr. GILMAN.
Mr. EVANS of Delaware.
Mr. ROTH.
Mr. HAGEDORN.
Mr. PORTER.
Mr. EMERY.

(The following Members (at the request of Mr. BREAUX) and to include extraneous matter:)

Mr. DE LUGO in two instances.
Mr. HOWARD.
Mr. SOLARZ in two instances.
Mr. ROE in two instances.
Mr. REUSS.
Mr. AUCOIN in two instances.
Mr. MAZZOLI.
Mrs. BYRON.
Mr. HUBBARD.
Mr. SANTINI.
Mr. FLIPPO.
Mr. NEAL.
Mr. BIAGGI in two instances.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 131. Joint resolution designating "National Theatre Week";

S.J. Res. 140. Joint resolution designating February 11, 1983, "National Inventors' Day"; and

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

ADJOURNMENT

Mr. HIGHTOWER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 9, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

4109. Under clause 2 of rule XXIV, a letter from the Assistant Attorney General, U.S. Department of Justice, transmitting a draft of proposed legislation to provide for and encourage criminal justice research and demonstration programs and the collection and analysis of statistical information concerning crime, and for other purposes, was taken from the Speaker's table and referred to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAGEDORN:

H.R. 6541. A bill to expand exports of U.S. agricultural commodities, develop commercial markets for such commodities, promote the foreign policy of the United States, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. LUJAN (for himself, Mr. SEIBERLING, Mr. CLAUSEN, Mr. UDALL, Mr. LAGOMARSINO, Mr. WILLIAMS of Montona, Mr. PASHAYAN, Mrs. BYRON, Mr. BEREUTER, and Mr. KOGOVSEK):

H.R. 6542. A bill to withdraw certain lands from mineral leasing, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 6543. A bill to suspend for 2 years the duty on parts of stepper motors; to the Committee on Ways and Means.

By Mr. FRANK (for himself and Mr. COELHO):

H.J. Res. 501. Joint resolution to designate June 10, 1982, as "Portuguese American Day"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 502. Joint resolution to provide for the designation of the 41st anniversary of the renewal of Ukrainian Independence, June 30, 1982, as "Ukrainian Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. MOFFETT (for himself, Mrs. SNOWE, Mr. WYDEN, Mr. FAUNTROY, Mr. MATSUI, and Mrs. CHISHOLM):

H. Con. Res. 354. Concurrent resolution expressing the sense of Congress respecting maintaining existing regulations assuring nursing home compliance with medicare health and safety requirements; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. YATES:

H. Res. 493. Resolution to disapprove the land acquisition, U.S. Fish and Wildlife Service deferral; to the Committee on Appropriations.

H. Res. 494. Resolution to disapprove the construction and anadromous fish deferral; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 6544. A bill for the relief of Harry W. McKee; to the Committee on the Judiciary.

By Mr. FAZIO:

H.R. 6545. A bill for the relief of Margaret Patricia Lind; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3252: Mr. DAVIS and Mr. HERTEL.

H.R. 4147: Mr. LUKEN, Mr. ANDERSON, and Mr. DUNN.

H.R. 4975: Mr. DAVIS, Mr. SHUMWAY, Mr. DUNN, and Mr. MCCLOSKEY.

H.R. 5133: Mr. HAWKINS, Mr. PHILLIP BURTON, Mr. BIAGGI, Mr. CLINGER, and Mr. WIRTH.

H.R. 5147: Mr. ERTEL.

H.R. 5192: Mr. EVANS of Delaware, Mr. GOODLING, Mr. HOLLAND, Mr. KAZEN, Mr. ROBERTS of South Dakota, Mr. ROEMER, Mr. SHELBY, Mr. STOKES, Mr. VANDER JAGT, and Mr. GEPHARDT.

H.R. 5211: Mr. NEAL.

H.R. 5449: Mr. OXLEY, Mr. DOWNEY, Mr. PORTER, Mr. WEBER of Ohio, Mr. LOWERY of California, Mr. FORSYTHE, Mr. GORE, Mr. ROEMER, Mr. BARNARD, Mr. LONG of Maryland, Mr. PEPPER, Mr. WALKER, Mr. YATRON, Mr. FAZIO, Mr. WEAVER, Mrs. CHISHOLM, Mr. YOUNG of Florida, Mr. MINETA, Mr. VENTO, Mr. ROE, Mr. HYDE, Mr. BARNES, Mr. BADHAM, Mrs. COLLINS of Illinois, Mr. GUARINI, and Mr. NEAL.

H.R. 5573: Mr. FORSYTHE, Mr. DICKS, Mr. ALBOSTA, Mr. LONG of Louisiana, Mr. SANTINI, Mr. TRAXLER, Mrs. ROUKEMA, Mr. MITCHELL of New York, and Mr. DAVIS.

H.R. 5762: Mr. SCHEUER.

H.R. 5833: Mr. STANTON of Ohio.

H.R. 5959: Mr. BAILEY of Pennsylvania.

H.R. 5995: Ms. MIKULSKI, Mr. SCHEUER, Mr. NEAL, Mr. WAXMAN, Mr. WYDEN, Mrs. ROUKEMA, Mr. DOWNEY, Mr. AKAKA, Mr. PEYSER, Mr. MATSUI, Mr. GEJDENSON, and Mr. LANTOS.

H.R. 6070: Mr. WEAVER.

H.R. 6239: Mr. HYDE, Mrs. KENNELLY, Mr. JAMES K. COYNE, Mr. D'AMOURS, Mr. HORTON, Mr. MILLER of California, Mr. LUNDINE, Mr. MARRIOTT, Mr. MOTTL, Ms. OAKAR, Mr. SCHULZE, and Mr. COELHO.

H.R. 6315: Mr. KASTENMEIER.

H.R. 6321: Mr. KOGOVSEK, Mr. MCGRATH, and Mrs. ROUKEMA.

H.R. 6461: Mr. DYSON.

H.J. Res. 172: Mr. KRAMER and Mr. BENNETT.

H.J. Res. 456: Mr. SUNIA, Mr. ROE, Mr. FAUNTROY, Mr. HATCHER, Mr. HALL of Ohio, Mr. MURTHA, Mr. WON PAT, Mr. HUGHES, Mr. SNYDER, Mr. HEFNER, Mr. WEISS, Mr. LANTOS, Mr. LOTT, Mr. DENARDIS, Mr. LEVITAS, Mr. WALKER, Mr. MADIGAN, Mr. FLIPPO, Mr. DUNCAN, Mr. MONTGOMERY, Mr. QUILLEN, Mr. FORSYTHE, Mr. DOWNEY, Mr. VENTO, Mr. RINALDO, Mr. MARRIOTT, and Mr. PERKINS.

H. Con. Res. 278: Mr. WEBER of Ohio, Mr. NOWAK, Mr. PHILLIP BURTON, Mr. COUGHLIN, Mr. BRINKLEY, Mr. MARRIOTT, and Mr. HARKIN.

H. Con. Res. 311: Mr. OTTINGER.

H. Con. Res. 335: Mrs. ROUKEMA, Mr. VENTO, and Mrs. MARTIN of Illinois.

H. Con. Res. 341: Mr. GIBBONS, Mr. QUILLEN, Mr. FRANK, Mrs. BOUQUARD, Mr. DICKS, Mr. SMITH of Pennsylvania, Mr. SHELBY, Mr. STANGELAND, Mr. FORSYTHE, Mr. LAGOMARSINO, Mr. DASCHLE, Mr. ALBOSTA, Mr. WYDEN, Mr. LANTOS, Mr. ROE, Mr. RAHALL, Mr. WEBER of Ohio, Mr. MCKINNEY, Mr. SOLOMON, Mr. KILDEE, Mr. OTTINGER, Mr. MATSUI, Mr. WEAVER, Mr. HOYER, and Mr. IRELAND.

H. Res. 371: Mr. MCDADE and Mr. MILLER of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5705: Mr. BENEDICT.

H. Con. Res. 297: Mr. GREGG.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON. RES. 352

By Mr. JONES of Oklahoma:

(Amendment in the nature of a substitute.)

—Strike all after the resolving clause and insert in lieu thereof the following:

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

SECTION 101. The provisions of this title shall supersede the figures reaffirmed in S. Con. Res. 50 of the Ninety-seventh Congress for the fiscal year beginning on October 1, 1981.

SEC. 102. (a)(1) The level of Federal revnues is $627,000,000,000 and the net amount by which the aggregate level of Federal revenues should be decreased is $200,000,000;

(2) The level of total new budget authority is $785,850,000,000;

(3) The level of total budget outlays is $745,050,000,000;

(4) The amount of the deficit in the budget is $118,050,000,000;

(5) The level of the public debt is $1,143,100,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $63,300,000,000; and

(6) The level of total gross obligations for the principal amount of direct loans is $61,200,000,000, and the level of total new primary commitments to guarantee loan principal is $99,100,000,000, and the level of total new secondary commitments to guarantee loan principal is $68,250,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1981, the appropriate levels of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $218,200,000,000;
(B) Outlays, $190,800,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,750,000,000;
(B) Outlays, $11,450,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,000,000,000.
(4) Energy (270):
(A) New budget authority, $4,750,000,000;
(B) Outlays, $6,500,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $10,400,000,000;
(B) Outlays, $12,850,000,000.
(6) Agriculture (350):
(A) New budget authority, $9,900,000,000;
(B) Outlays, $13,800,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $7,500,000,000;
(B) Outlays, $3,750,000,000.
(8) Transportation (400):
(A) New budget authority, $21,350,000,000;
(B) Outlays, $21,450,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $8,650,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $25,950,000,000;
(B) Outlays, $28,500,000,000.
(11) Health (550):
(A) New budget authority, $79,050,000,000;
(B) Outlays, $73,750,000,000.
(12) Income Security (600):
(A) New budget authority, $261,350,000,000;
(B) Outlays, $251,850,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,800,000,000;
(B) Outlays, $23,800,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,500,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,200,000,000;
(B) Outlays, $5,050,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,350,000,000;
(B) Outlays, $6,350,000,000.
(17) Interest (900):
(A) New budget authority, $102,200,000,000;
(B) Outlays, $102,200,000,000.
(18) Allowances (920):
(A) New budget authority, $3,850,000,000;
(B) Outlays, $2,900,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$30,250,000,000;
(B) Outlays, −$30,250,000,000.

SEC. 103. (a) There is established a congressional Federal credit budget for fiscal year 1982 of which the levels of total Federal credit activity for fiscal year 1982 are:

(1) New direct loan obligations, $63,400,000,000.

(2) New primary loan guarantee commitments, $74,850,000,000.

(3) New secondary loan guarantee commitments, $68,950,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $10,400,000,000;
(B) New primary loan guarantee commitments, $8,100,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $200,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $10,300,000,000;
(B) New primary loan guarantee commitments, $400,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $22,600,000,000;
(B) New primary loan guarantee commitments, $2,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,050,000,000;
(B) New primary loan guarantee commitments, $26,200,000,000;
(C) New secondary loan guarantee commitments, $68,200,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $50,000,000.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, $850,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
(A) New direct loan obligations, $1,300,000,000;
(B) New primary loan guarantee commitments, $6,500,000,000;
(C) New secondary loan guarantee commitments, $700,000,000.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,750,000,000;
(B) New primary loan guarantee commitments, $17,050,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $11,900,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $300,000,000;

(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $30,200,000,000, the on-budget lending activity to a level not to exceed $33,200,000,000, new primary loan guarantee commitments to a level not to exceed $74,850,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,950,000,000.

TITLE II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1983, 1984, AND 1985

SEC. 201. The Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1982—

(1) the level of Federal revenues is $676,700,000,000 and the net amount by which the aggregate level of Federal revenues should be increased is $31,700,000,000;
(2) the level of total new budget authority is $836,200,000,000;
(3) the level of total budget outlays is $784,150,000,000;
(4) the amount of the deficit in the budget is $107,450,000,000; and
(5) the level of the public debt is $1,290,200,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $890,200,000,000.

SEC. 202. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1982, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $242,850,000,000;
(B) Outlays, $212,300,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,450,000,000;
(B) Outlays, $12,100,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $8,150,000,000;
(B) Outlays, $7,750,000,000.
(4) Energy (270):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,700,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $9,650,000,000;
(B) Outlays, $11,000,000,000.
(6) Agriculture (350):
(A) New budget authority, $12,000,000,000;
(B) Outlays, $10,150,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $8,050,000,000;
(B) Outlays, $3,050,000,000.
(8) Transportation (400):
(A) New budget authority, $22,300,000,000;
(B) Outlays, $20,400,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,900,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $28,700,000,000;
(B) Outlays, $27,900,000,000.
(11) Health (550):
(A) New budget authority, $77,300,000,000;
(B) Outlays, $80,850,000,000.
(12) Income Security (600):
(A) New budget authority, $285,000,000,000;
(B) Outlays, $275,950,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,400,000,000;
(B) Outlays, $23,650,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,850,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,500,000,000.
(17) Interest (900):
(A) New budget authority, $114,850,000,000;
(B) Outlays, $114,850,000,000.
(18) Allowances (920):
(A) New budget authority, −$950,000,000;
(B) Outlays, −$750,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$43,650,000,000;
(B) Outlays, −$43,650,000,000.

SEC. 203 (a). There is established a congressional Federal credit budget for fiscal year 1983 of which the levels of total Federal credit activity for fiscal year 1983 are:

(1) New direct loan obligations, $61,200,000,000.
(2) New primary loan guarantee commitments, $99,100,000,000.
(3) New secondary loan guarantee commitments, $68,250,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $11,150,000,000;
(B) New primary loan guarantee commitments, $8,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $11,950,000,000;
(B) New primary loan guarantee commitments, −$850,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $19,150,000,000;
(B) New primary loan guarantee commitments, $2,650,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,150,000,000;
(B) New primary loan guarantee commitments, $40,100,000,000;
(C) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $1,950,000,000;
(B) New primary loan guarantee commitments, $500,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
(A) New direct loan obligations, $850,000,000;
(B) New primary loan guarantee commitments, $7,250,000,000;
(C) New secondary loan guarantee commitments, $0.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,050,000,000;
(B) New primary loan guarantee commitments, $18,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $20,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;

(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee, commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee, commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1983 the off-budget lending activity of the Federal Government to a level not to exceed $31,050,000,000, the on-budget lending activity to a level not to exceed $30,150,000,000, new primary loan guarantee commitments to a level not to exceed $99,100,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,250,000,000.

SEC. 204. The Congress sets forth the following budgetary levels for fiscal years 1984 and 1985—

(1) the level of Federal revenues is as follows:
Fiscal year 1984: $753,650,000,000;
Fiscal year 1985: $846,550,000,000;
and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1984: $51,650,000,000;
Fiscal year 1985: $66,550,000,000.
(2) the level of total new budget authority is as follows:
Fiscal year 1984: $891,900,000,000;
Fiscal year 1985: $957,700,000,000.
(3) the level of total budget outlays is as follows:
Fiscal year 1984: $832,050,000,000;
Fiscal year 1985: $888,450,000,000.
(4) the amount of the deficit in the budget is:
Fiscal year 1984: $78,400,000,000;
Fiscal year 1985: $41,900,000,000.
(5) the level of the public debt is as follows:
Fiscal year 1984: $1,426,600,000,000;
Fiscal year 1985: $1,551,100,000,000;
and the amount by which the statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1984: $1,026,600,000,000;
Fiscal year 1985: $1,151,100,000,000.

SEC. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1984 and 1985 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
Fiscal year 1984:
(A) New budget authority, $268,750,000,000;
(B) Outlays, $235,950,000,000.
Fiscal year 1985:
(A) New budget authority, $297,050,000,000;
(B) Outlays, $267,050,000,000.
(2) International Affairs (150):
Fiscal year 1984:
(A) New budget authority, $16,800,000,000;
(B) Outlays, $12,400,000,000.
Fiscal year 1985:
(A) New budget authority, $21,200,000,000;
(B) Outlays, $12,350,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1984:
(A) New budget authority, $8,300,000,000;
(B) Outlays, $8,100,000,000.
Fiscal year 1985:
(A) New budget authority, $8,100,000,000;
(B) Outlays, $8,050,000,000.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $4,400,000,000;
(B) Outlays, $3,750,000,000.
Fiscal year 1985:
(A) New budget authority, $4,350,000,000;
(B) Outlays, $3,550,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $9,000,000,000;
(B) Outlays, $10,050,000,000.
Fiscal year 1985:
(A) New budget authority, $8,600,000,000;
(B) Outlays, $9,100,000,000.
(6) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $8,550,000,000;
(B) Outlays, $8,400,000,000.
Fiscal year 1985:
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,650,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $8,650,000,000;
(B) Outlays, $2,750,000,000.
Fiscal year 1985:
(A) New budget authority, $8,350,000,000;
(B) Outlays, $2,600,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $22,400,000,000;
(B) Outlays, $20,050,000,000.
Fiscal year 1985:
(A) New budget authority, $22,950,000,000;
(B) Outlays, $20,250,000,000.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,150,000,000;
(B) Outlays, $7,600,000,000.
Fiscal year 1985:
(A) New budget authority, $7,350,000,000;
(B) Outlays, $7,700,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $28,750,000,000;
(B) Outlays, $29,000,000,000;
Fiscal year 1985:
(A) New budget authority, $28,800,000,000;
(B) Outlays, $28,750,000,000;
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $81,900,000,000;
(B) Outlays, $90,650,000,000;
Fiscal year 1985:
(A) New budget authority, $94,250,000,000;
(B) Outlays, $102,450,000,000;
(12) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $315,050,000,000;
(B) Outlays, $291,700,000,000;
Fiscal year 1985:
(A) New budget authority, $345,350,000,000;
(B) Outlays, $314,550,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $25,650,000,000;
(B) Outlays, $24,900,000,000;
Fiscal year 1985:
(A) New budget authority, $26,700,000,000;
(B) Outlays, $26,500,000,000.
(14) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,600,000,000.
(15) General Government (800):
Fiscal year 1984:
(A) New budget authority, $4,700,000,000;
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,700,000,000;
(B) Outlays, $4,500,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,750,000,000;
(B) Outlays, $6,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,850,000,000;
(B) Outlays, $6,850,000,000.
(17) Interest (900):
Fiscal year 1984:
(A) New budget authority, $119,650,000,000;
(B) Outlays, $119,650,000,000.
Fiscal year 1985:
(A) New budget authority, $111,700,000,000;
(B) Outlays, $111,700,000,000.
(18) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $350,000,000;
(B) Outlays, $700,000,000.
Fiscal year 1985:
(A) New budget authority, $650,000,000;
(B) Outlays, $1,100,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$49,500,000,000;
(B) Outlays, −$49,500,000,000.
Fiscal year 1985:
(A) New budget authority, −$50,850,000,000;
(B) Outlays, −$50,850,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATON INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

(A) the House Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $207,000,000 and outlays by $207,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal

years requires additional savings of $530,000,000 in budget authority and $530,000,000 in outlays in fiscal year 1984, and $661,000,000 in budget authority and $661,000,000 in outlays in fiscal year 1985.

(B) the House Committee on Banking, Finance and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $0 in budget authority and $697,000,000 in outlays in fiscal year 1984, and $0 in budget authority and $687,000,000 in outlays in fiscal year 1985.

(C) the House Committee on Energy and Commerce shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $59,000,000 and outlays by $59,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $65,000,000 in budget authority and $65,000,000 in outlays in fiscal year 1984, and $72,000,000 in budget authority and $72,000,000 in outlays in fiscal year 1985.

(D) the House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $171,000,000 and outlays by $171,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $187,000,000 in budget authority and $187,000,000 in outlays in fiscal year 1984, and $195,000,000 in budget authority and $195,000,000 in outlays in fiscal year 1985.

(E) the House Committee on Ways and Means shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $334,000,000 and outlays by $1,749,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $205,000,000 in budget authority and $2,708,000,000 in outlays in fiscal year 1984, and $267,000,000 in budget authority and $3,173,000,000 in outlays in fiscal year 1985.

(F) the House Committee on Ways and Means shall report changes in laws within the jurisdiction of the committee sufficient to increase revenue by $31,700,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high deficits in future years requires additional revenues of $51,650,000,000 for fiscal year 1984, and $66,550,000,000 for fiscal year 1985. If the changes in laws reported to the House Committee on the Budget by the House Committee on Ways and Means pursuant to section 301(F) of this resolution contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other Committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other Committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

SEC. 302. Pursuant to section 301(b)(2) of the Budget Act—

(A) the Senate Committee on Finance shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $393,000,000 and outlays by $1,808,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $270,000,000 in budget authority and $2,773,000,000 in outlays for fiscal years 1984, and $239,000,000 in budget authority and $3,245,000,000 in outlays in fiscal year 1985.

(B) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $31,700,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional revenues of $51,650,000,000 for fiscal year 1984, and $66,550,000,000 in fiscal year 1985.

(C) the Senate Committee on Agriculture, Nutrition, and Forestry report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $207,000,000 and outlays by $207,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $530,000,000 in budget authority and $530,000,000 in outlays for fiscal year 1984, and $661,000,000 in budget authority and $661,000,000 in outlays in fiscal year 1985.

(D) the Senate Committee on Banking, Housing, and Urban Affairs report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $90,000,000 and outlays by $785,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $100,000,000 in budget authority and $797,000,000 in outlays for fiscal year 1984, and $104,000,000 in budget authority and $791,000,000 in outlays in fiscal year 1985.

(E) the Senate Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $81,000,000 and outlays by $81,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $87,000,000 in budget authority and $87,000,000 in outlays for fiscal year 1984, and $91,000,000 in budget authority and $91,000,000 in outlays in fiscal year 1985.

SEC. 303. The committees names in sections 301(A)-(D) and 302(C)-(E) shall submit their recommendations to the Committees on the Budget of their respective Houses. Those recommendations shall be sufficient to accomplish the changes required by such subsection. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

DEFERRED ENROLLMENT

SEC. . (a) In the House of Representatives, no bill or resolution providing—

(1) new budget authority for fiscal year 1983, or

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1983,

which exceeds the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act.

(b) If Congress increases revenues in a trust fund exempt under section 401(d)(1)(B) of the Congressional Budget Act, then for purposes of this section, "budget authority" and "new discretionary budget authority" shall not include spending authority or budget authority derived from such trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954. This subsection shall only apply (1) to trust funds exempt under section 401(d)(1)(B) of the Congressional Budget Act, (2) to trust funds for which revenues are increased, and (3) to the extent that such increased revenues exceed the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act.

302(b) REPORT

SEC. . It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1983; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1983;

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act.

SEC. . It is the sense of the Congress that if Congress acts to restore fiscal responsibility and reduces projected budget deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

By Mr. LATTA:

(An amendment in the nature of a substitute.)

—Strike all after the resolving clause and insert the following:

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNEMENT FOR THE FISCAL YEAR 1982

SECTION 101. The provisions of this title shall supersede the figures reaffirmed in S. Con. Res. 50 of the Ninety-seventh Congress for the fiscal year beginning on October 1, 1981.

SEC. 102. (a)(1) The level of Federal revenues is $628,400,000,000 and the net amount by which the aggregate level of Federal revenues should be decreased is $200,000,000;

(2) the level of total new budget authority is $779,300,000,000;

(3) the level of total budget outlays is $729,200,000,000;

(4) the amount of the deficit in the budget is $100,800,000,000;

(5) the level of the public debt is $1,143,100,000,000, and the amount by which the temporary statutory limit on

such debt should accordingly be increased is $63,300,000,000; and

(6) the level of total gross obligations for the principal amount of direct loans is $63,400,000,000, and the level of total new primary commitments to guarantee loan principal is $74,850,000,000, and the level of total new secondary commitments to guarantee loan principal is $68,950,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $218,200,000,000;
(B) Outlays, $187,500,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,750,000,000;
(B) Outlays, $11,450,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,000,000,000.
(4) Energy (270):
(A) New budget authority, $4,750,000,000;
(B) Outlays, $6,500,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $10,400,000,000;
(B) Outlays, $12,850,000,000.
(6) Agriculture (350:
(A) New budget authority, $9,900,000,000;
(B) Outlays, $12,800,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $7,500,000,000;
(B) Outlays, $3,750,000,000.
(8) Transportation (400):
(A) New budget authority, $21,350,000,000;
(B) Outlays, $21,450,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $8,650,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $25,450,000,000;
(B) Outlays, $28,200,000,000.
(11) Health (550):
(A) New budget authority, $79,050,000,000;
(B) Outlays, $71,300,000,000.
(12) Income Security (600):
(A) New budget authority, $261,350,000,000;
(B) Outlays, $249,100,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,800,000,000;
(B) Outlays, $23,800,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,500,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,200,000,000;
(B) Outlays, $5,050,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,350,000,000;
(B) Outlays, $6,350,000,000.
(17) Interest (900):
(A) New budget authority, $99,550,000,000;
(B) Outlays, $99,550,000,000.
(18) Allowances (920):
(A) New budget authority, $2,850,000,000;
(B) Outlays, $1,900,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$32,650,000,000;
(B) Outlays, −$32,650,000,000.

SEC. 103. (a) There is established a congressional federal credit budget fiscal year 1982 of which the levels of total federal credit activity fiscal year 1982 are:

(1) New direct loan obligation, $63,400,000,000;
(2) New primary loan guarantee commitments, $74,850,000,000;
(3) New secondary loan guarantee commitments, $68,950,000,000.

(b) Based on allocations of the appropriate levels of total federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $10,400,000,000;
(B) New primary loan guarantee commitments, $8,100,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $200,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $10,300,000,000;
(B) New primary loan guarantee commitments, $400,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $22,600,000,000;
(B) New primary loan guarantee commitments, $2,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,050,000,000;
(B) New primary loan guarantee commitments, $26,200,000,000;
(C) New secondary loan guarantee commitments, $68,200,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $50,000,000.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, $850,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $1,300,000,000;
(B) New primary loan guarantee commitments, $6,500,000,000;
(C) New secondary loan guarantee commitments, $700,000,000.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,750,000,000;
(B) New primary loan guarantee commitments, $17,050,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $11,900,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $300,000,000;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $30,200,000,000, the on-budget lending activity to a level not to exceed $33,200,000,000, new primary loan guarantee commitments to a level not to exceed $74,850,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,950,000,000.

TITLE II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1983, 1984, AND 1985

SEC. 201. The Congress hereby determines and declares, pursuant section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1982—

(1) the level of Federal revenues is $665,900,000,000 and the net amount by which the aggregate level of Federal revenues should be increased is $20,900,000,000;

(2) the level of total new budget authority is $800,383,000,000;

(3) the level of total budget outlays is $765,171,000,000;

(4) the amount of the deficit in the budget is $99,271,000,000; and

(5) the level of the public debt is $1,290,200,000,000, and the amount by which the statutory limit on such debt should accordingly be increase is $890,200,000,000.

SEC. 202. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) if section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1982, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $253,566,000,000;
(B) Outlays, $213,966,000,000.
(2) International Affairs (150):
(A) New budget authority, $14,988,000,000;
(B) Outlays, $11,238,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,050,000,000;
(B) Outlays, $7,150,000,000.
(4) Energy (270):
(A) New budget authority, $3,486,000,000;
(B) Outlays, $3,763,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $9,000,000,000;
(B) Outlays, $10,550,000,000.
(6) Agriculture (350):
(A) New budget authority, $6,692,000,000;
(B) Outlays, $9,042,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $6,751,000,000;
(B) Outlays, $1,902,000,000.
(8) Transportation (400):
(A) New budget authority, $21,450,000,000;
(B) Outlays, $20,050,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $6,750,000,000;
(B) Outlays, $7,847,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $26,832,000,000;
(B) Outlays, $26,205,000,000.
(11) Health (550):
(A) New budget authority, $79,289,000,000;
(B) Outlays, $77,816,000,000.
(12) Income Security (600):
(A) New budget authority, $258,141,000,000;
(B) Outlays, $269,841,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,560,000,000.
(B) Outlays, $23,823,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,400,000,000;
(B) Outlays, $4,500,000,000.
(15) General Government (800):
(A) New budget authority, $4,800,000,000;
(B) Outlays, $4,650,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,500,000,000.
(17) Interest (900):
(A) New budget authority, $112,300,000,000;
(B) Outlays, $112,300,000,000.
(18) Allowances (920):
(A) New budget authority,$3,016,000,000;
(B) Outlays, $2,816,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$43,156,000,000;
(B) Outlays −$43,156,000,000.

SEC. 203 (a). There is established a congressional federal credit budget for fiscal year 1983 of which the levels of total federal credit activity for fiscal year 1983 are:

(1) New direct loan obligations, $58,050,000,000;
(2) New primary loan guarantee commitments, $99,400,000,000;
(3) New secondary loan guarantee commitments, $68,250,000,000.

(b) Based on allocations of the appropriate levels of total federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $50,000,000;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $10,650,000,000;
(B) New primary loan guarantee commitments, $8,800,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $11,500,000,000;
(B) New primary loan guarantee commitments, $−200,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0.
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $18,100,000,000;
(B) New primary loan guarantee commitments, $2,650,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $11,150,000,000;
(B) New primary loan guarantee commitments, $40,800,000,000;
(C) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $450,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $1,750,000,000;
(B) New primary loan guarantee commitments, $−100,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $850,000,000;
(B) New primary loan guarantee commitments, $7,250,000,000;
(C) New secondary loan guarantee commitments, $0.
(11) Health (550):
(A) New direct loan obligations, $100,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,050,000,000;
(B) New primary loan guarantee commitments, $18,750,000,000;
(B) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $20,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;

(B) New primary loan guarantee commitments, $0;

(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1983 the off-budget lending activity of the Federal Government to a level not to exceed $30,150,000,000, the on-budget lending activity to a level not to exceed $27,950,000,000, new primary loan guarantee commitments to a level not to exceed $99,400,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,250,000,000.

SEC. 204. The Congress sets forth the following budgetary levels for fiscal years 1984 and 1985—

(1) the level of Federal revenues is as follows:

Fiscal year 1984: $738,000,000,000;

Fiscal year 1985: $821,400,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased is as follows:

Fiscal year 1984: $36,000,000,000;

Fiscal year 1985: $41,400,000,000.

(2) the level of total new budget authority is as follows:

Fiscal year 1984: $862,601,000,000;

Fiscal year 1985: $948,503,000,000.

(3) the level of total budget outlays is as follows:

Fiscal year 1984: $815,979,000,000;

Fiscal year 1985: $874,956,000,000.

(4) the amount of the deficit in the budget is:

Fiscal year 1984: $77,979,000,000;

Fiscal year 1985: $53,556,000,000.

(5) the level of the public debt is as follows:

Fiscal year 1984: $1,426,600,000,000;

Fiscal year 1985: $1,551,100,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1984: $1,026,600,000,000;

Fiscal year 1985: $1,151,100,000,000.

SEC. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1984 and 1985 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1984:

(A) New budget authority, $279,483,000,000;

(B) Outlays, $243,283,000,000.

Fiscal year 1985:

(A) New budget authority, $323,650,000,000;

(B) Outlays, $279,000,000,000.

(2) International Affairs (150):

Fiscal year 1984:

(A) New budget authority, $16,000,000,000;

(B) Outlays, $11,550,000,000.

Fiscal year 1985:

(A) New budget authority, $20,940,000,000;

(B) Outlays, $11,590,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:

(A) New budget authority, $7,050,000,000;

(B) Outlays, $7,100,000,000.

Fiscal year 1985:

(A) New budget authority, $7,050,000,000;

(B) Outlays, $7,050,000,000.

(4) Energy (270):

Fiscal year 1984:

(A) New budget authority, $2,794,000,000;

(B) Outlays, $2,184,000,000.

Fiscal year 1985:

(A) New budget authority, $2,604,000,000;

(B) Outlays, $1,402,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1984:

(A) New budget authority, $8,400,000,000;

(B) Outlays, $9,500,000,000.

Fiscal year 1985:

(A) New budget authority, $7,950,000,000;

(B) Outlays, $8,400,000,000.

(6) Agriculture (350):

Fiscal year 1984:

(A) New budget authority, $8,250,000,000;

(B) Outlays, $7,500,000,000.

Fiscal year 1985:

(A) New budget authority, $5,760,000,000;

(B) Outlays, $7,110,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1984:

(A) New budget authority, $7,385,000,000;

(B) Outlays, $1,425,000,000.

Fiscal year 1985:

(A) New budget authority, $6,965,000,000;

(B) Outlays, $1,055,000,000.

(8) Transportation (400):

Fiscal year 1984:

(A) New budget authority, $21,700,000,000;

(B) Outlays, $19,700,000,000.

Fiscal year 1985:

(A) New budget authority, $22,050,000,000;

(B) Outlays, $19,550,000,000.

(9) Community and Regional Development (450):

Fiscal year 1984:

(A) New budget authority, $6,900,000,000;

(B) Outlays, $7,469,000,000.

Fiscal year 1985:

(A) New budget authority, $7,100,000,000;

(B) Outlays, $7,442,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1984:

(A) New budget authority, $26,924,000,000;

(B) Outlays, $26,124,000,000.

Fiscal year 1985:

(A) New budget authority, $26,214,000,000;

(B) Outlays, $25,369,000,000.

(11) Health (550):

Fiscal year 1984:

(A) New budget authority, $91,094,000,000;

(B) Outlays, $86,249,000,000.

Fiscal year 1985:

(A) New budget authority, $102,569,000,000;

(B) Outlays, $98,830,000,000.

(12) Income Security (600):

Fiscal year 1984:

(A) New budget authority, $278,464,000,000;

(B) Outlays, $285,514,000,000.

Fiscal year 1985:

(A) New budget authority, $314,041,000,000;

(B) Outlays, $306,791,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1984:

(A) New budget authority, $25,830,000,000;

(B) Outlays, $25,704,000,000.

Fiscal year 1985:

(A) New budget authority, $26,940,000,000;

(B) Outlays, $26,497,000,000.

(14) Administration of Justice (750):

Fiscal year 1984:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,350,000,000.

Fiscal year 1985:

(A) New budget authority, $4,250,000,000;

(B) Outlays, $4,250,000,000.

(15) General Government (800):

Fiscal year 1984:

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,450,000,000.

Fiscal year 1985:

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,300,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1984:

(A) New budget authority, $6,700,000,000;

(B) Outlays, $6,700,000,000.

Fiscal year 1985:

(A) New budget authority, $6,850,000,000;

(B) Outlays, $6,850,000,000.

(17) Interest (900):

Fiscal year 1984:

(A) New budget authority, $118,000,000,000;

(B) Outlays, $118,000,000,000.

Fiscal year 1985:

(A) New budget authority, $111,500,000,000;

(B) Outlays, $111,500,000,000.

(18) Allowances (920):

Fiscal year 1984:

(A) New budget authority, $2,383,000,000;

(B) Outlays, $2,033,000,000.

Fiscal year 1985:

(A) New budget authority, $2,150,000,000;

(B) Outlays, $1,750,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1984:

(A) New budget authority, −$48,790,000,000;

(B) Outlays, −$48,790,000,000.

Fiscal year 1985:

(A) New budget authority, −$50,280,000,000;

(B) Outlays, −$50,280,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATION INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

(A) the House Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,457,000,000 and outlays by $1,447,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $2,634,000,000 in budget authority and $2,624,000,000 in outlays in fiscal year 1984, and $3,384,000,000 in budget authority and $3,384,000,000 in outlays in fiscal year 1985.

(B) the House Committee on Banking, Finance, and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $0 in budget authority and $697,000,000 in outlays in fiscal year 1984, and $0 in budget authority and $687,000,000 in outlays in fiscal year 1985.

(C) the House Committee on Education and Labor shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $255,000,000 and outlays by $227,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $900,000,000 in budget authority and $852,000,000 in outlays in fiscal year 1984, and $1,230,000,000 in budget authority and $1,199,000,000 in outlays in fiscal year 1985.

(D) the House Committee on Energy and Commerce shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,212,000,000 and outlays by $1,332,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $2,467,000,000 in budget authority and $2,467,000,000 in outlays in fiscal year 1984, and $2,795,000,000 in budget authority and $2,795,000,000 in outlays in fiscal year 1985.

(E) the House Committee on Government Operations shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $0 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $320,000,000 in budget authority and $240,000,000 in outlays in fiscal year 1984, and $636,000,000 in budget authority and $557,000,000 in outlays in fiscal year 1985.

(F) the House Committee on Post Office and Civil Service shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $104,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $0 in budget authority and $136,000,000 in outlays in fiscal year 1984, and $0 in budget authority and $160,000,000 in outlays in fiscal year 1985.

(G) the House Committee on Veteran's Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $77,000,000 and outlays by $77,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $75,000,000 in budget authority and $75,000,000 in outlays in fiscal year 1984, and $71,000,000 in budget authority and $71,000,000 in outlays in fiscal year 1985.

(H) the House Committee on Ways and Means shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,196,000,000 and outlays by $4,263,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years require additional savings of $1,147,000,000 in budget authority and $5,263,000,000 in outlays in fiscal year 1984, and $1,464,000,000 in budget authority and $5,632,000,000 in outlays in fiscal year 1985. If the changes in laws reported to the House Committee on the Budget by the House Committee on Ways and Means pursuant to section 301 of this resolution contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other Committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(I) the House Committee on Ways and Means shall report changes in laws within the jurisdiction of the committee sufficient to increase revenue by $20,900,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high deficits in future years requires additional revenues of $36,000,000,000 for fiscal year 1984, and $41,400,000,000 for fiscal year 1985.

SEC. 302. Pursuant to section 301(b)(2) of the Budget Act—

(A) the Senate Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,557,000,000 and outlays by $1,547,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $2,834,000,000 in budget authority and $2,824,000,000 in outlays for fiscal year 1984, and $3,684,000,000 in budget authority and $3,684,000,000 in outlays in fiscal year 1985.

(B) the Senate Committee on Banking, Housing, and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of acceptably high budget deficits in future years requires additional savings of $0 in budget authority and $697,000,000 in outlays for fiscal year 1984, and $0 in budget authority and $687,000,000 in outlays in fiscal year 1985.

(c) the Senate Committee on Finance shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $2,408,000,000 and outlays by $5,595,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $3,614,000,000 in budget authority and $7,730,000,000 in outlays for fiscal year 1984, and $4,259,000,000 in budget authority and $8,427,000,000 in outlays in fiscal year 1985.

(d) the Senate Committee on Governmental Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $104,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $320,000,000 in budget authority and $376,000,000 in outlays for fiscal year 1984, and $636,000,000 in budget authority and $717,000,000 in outlays in fiscal year 1985.

(E) the Senate Committee on Labor and Human Resources shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $155,000,000 and outlays by $127,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $700,000,000 in budget authority and $652,000,000 in outlays for fiscal year 1984, and $930,000,000 in budget authority and $899,000,000 in outlays in fiscal year 1985.

(F) the Senate Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $77,000,000 and outlays by $77,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $75,000,000 in budget authority and $75,000,000 in outlays for fiscal year 1984, and $71,000,000 in budget authority and $71,000,000 in outlays in fiscal year 1985.

(G) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $20,900,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional revenues of $36,000,000,000 for fiscal year 1984, and $41,400,000,000 in fiscal year 1985.

SEC. 303. The committees named in sections 301 and 302 shall submit their recommendations to the Committees on the Budget of their respective houses by July 20, 1982. These recommendations shall be sufficent to accomplish the reductions required by those sections of this resolution. After receiving these recommendations, the Committees on the Budget of the house and Senate shall report to their respective houses a reconciliation bill or resolution or both carrying out such recommendations without substantive revision.

SEC. 304. If Congress has not completed action by September 25, 1982, on the Concurrent Resolution on the Budget required to be reported under section 310(a) of the Budget Act for the 1983 fiscal year, then, for purposes of section 311 of such Act, and section 305 of this resolution, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310 (a) of such Act.

SEC. 305. (a) In the House of Representatives, no bill or resolution providing—

(1) new budget authority for fiscal year 1983, or

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1983,

which exceeds the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act shall be enrolled until after the Congress has completed action on the Second Concurrent Resolution on the Budget required to be reported under section 310 of such Act.

(b) If Congress increases revenues in a trust fund exempt under section 401(d)(1)(B) of the Congressional Budget Act, then for purposes of this section, "budget authority" and "new discretionary budget authority" shall not include spending authority or budget authority derived from such trust fund, 90% or more of the receipts of which consist of or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954. This subsection shall only apply (1) to trust funds exempt under section 401(d)(1)(B) of the Congressional Budget Act, (2) to trust funds for which revenues are increased, and (3) to the extent that such increased revenues exceed the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 203 of such Act.

SEC. 306. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1983; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1983;

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by

section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 307. (a) After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 310(a) for fiscal year 1983, and, if a reconciliation bill or resolution, or both, for such fiscal year are required to be reported under section 310(c), after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing authority for—

(1) new direct loan obligations for fiscal year 1983;

(2) new primary loan guarantee commitments for fiscal year 1983; or

(3) new secondary loan guarantee commitments for fiscal year 1983;

or any conference report on any such bill or resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new direct loan obligations for fiscal year 1983, total new primary loan guarantee commitments for such fiscal year, or total new secondary loan guarantee commitments for such fiscal year set forth in such concurrent resolution on the budget to be exceeded.

(b)(1) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon section 203 of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new authority.

(2) As soon as practicable after this resolution is agreed to every committee of each House shall, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, subdivide among its subcommittees the allocation of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

(c) This section shall not be applicable to agricultural price support and related programs of the type in operation on January 1, 1982, that are funded through the Commodity Credit Corporation.

SEC. 308. It is the sense of Congress that reductions in federal employment should be accomplished through attrition only.

SEC. 309. It is the sense of the House that the new spending and revenue levels for fiscal year 1982, adopted by the House, and their underlying assumptions, shall be the ceilings against which the spending and revenue actions of the House will be measured pending final agreement with the Senate on the revision of the Second Concurrent Resolution on the Budget for fiscal year 1982.

SEC. 310. It is the sense of the Congress that if the Congress acts to restore fiscal responsibility and reduces projected deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

H.R. 4800

By Mr. FRENZEL:

—On page 7, after line 23, insert the following:

(4) ELIMINATION OF EXCLUSION FOR CERTAIN TRAVEL—

(A) IN GENERAL.—Subsection (b) of section 4262 (relating to exclusion of certain travel) is hereby repealed.

(B) RETENTION OF EXCLUSION FOR TAX ON TRANSPORTATION OF PROPERTY.—Paragraph (1) of section 4272(b) (relating to exceptions) is amended by striking out "section 4262(b)" and inserting in lieu thereof "section 4262(b) (as in effect on the day before the date of the enactment of the Airport and Airway Revenue Act of 1982)".

(C) CONFORMING AMENDMENTS.—

(i) Subsection (c) of section 4262 is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(ii) Paragraph (2) of section 4262(a) is amended by striking out "subsection (c)(3)" and inserting in lieu thereof "subsection (c)(2)".

By Mr. MOORE:

—On page 3, after line 11, insert the following:

(2) TERMINATION.—Subsection (e) of section 4261 is repealed and new subsection (f) is added as follows:

(f) The taxes imposed by subsections (a) and (b) shall not apply to transportation beginning after December 31, 1983.

—On page 2, beginning in line 17, strike out "12 cents" and, in lieu thereof, insert "8 cents", and

—On page 2, beginning in line 21, strike out "8 cents", and, in lieu thereof, insert "4 cents".

EXTENSIONS OF REMARKS

FEDERAL AID REDUCTIONS SPUR REFUGEES TO FLEE PACIFIC NORTHWEST

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. AuCOIN. Mr. Speaker, I, and many of my colleagues in the House, are continually concerned with the plight of refugees. Thousands of Indochinese refugees come to our country with hopes of finding good living conditions, something they don't have in their own country. Instead, they find high unemployment rates and a Federal Government which made a decision to allow them into this country but which recently cut back drastically on refugee assistance.

This morning, the Washington Post carried an article describing the critical situation refugees face in the Pacific Northwest. I call this to the attention of all Members of Congress so they may better understand the pressing need for refugee aid.

[From the Washington Post, June 8, 1982]

FEDERAL AID REDUCTIONS SPUR REFUGEES TO FLEE PACIFIC NORTHWEST

(By Jay Mathews)

SEATTLE.—Indochinese refugees who fled to the state of Washington two to three years ago are fleeing once again, from economically depressed Seattle to economically devastated Michigan and California, which has more refugees than any other state. The welfare benefits are higher.

Officials in Washington and Oregon, with few available jobs and little local money for welfare, say as many as 2,000 refugees have joined the exodus.

"If I had known it was so bad, I would not have come to this country," said Veunho Saelee, a 40-year-old refugee from Laos who has no job here and no money for rent for his family of four. "I would have just died in Laos."

The sudden migration follows the federal government's decision to cut off benefits to refugees who have been in the country longer than 18 months—despite an initial promise of 36 months of benefits when they arrived. In Washington and Oregon, where the unemployment rates exceed 12 percent, the cutoff has exacerbated a desperate situation of each refugee "competing with 50 unemployed Oregonians for work" said Patricia Rumer, Portland's refugee coordinator.

Rumer said refugee aid officials in Oregon initiated special training for counselors in suicide prevention after news of the cutbacks late last year caused a wave of distress in the refugee community. Seattle officials report marked increase in reports of wife-beating and heightened racial tension as hundreds of refugees have suddenly appeared at long-established food banks for the poor.

The exodus of refugees from the Northwest has particularly upset officials in Michigan, where the unemployment rate is 17 percent but where relatively generous welfare benefits cannot legally be denied to refugees who decide to resettle there.

Paula Stark, Michigan's coordinator of refugees, said her office had reports of refugees arriving from Washington and Wisconsin, She said "we are very fearful" of the possibility of a major influx.

Greg Hope, a job developer for the International Rescue Committee here, said he was stunned when a refugee friend first revealed his moving plans:

"I'm going to Meechigin," he quoted the man as saying.

"Mexico?" Hope said.

"No," the man repeated, "Meechigin."

Hope said he and the rescue committee's Laotian interpreter Maeseng Saechao "have been to refugee houses where they are loading up the cars." He said they pleaded with the refugees "not to go to Michigan. If you have to go anywhere, go where there is employment." The largest recorded migration to date has involved 1,500 members of the Laotian Hmong minority who have moved from Oregon to California since December. Amelia Torres, of Catholic Charities Inc. in Fresno, Calif., said hundreds of Hmong have descended on the Central Valley city. "It is going to make a severe impact on our welfare system," she said.

Kuxeng Yongchu, president of the Hmong Family Association of Oregon Inc., said he expects the migration to California (as well as to Texas where many clan members have found electronics industry jobs) will continue. "The job situation in California is about as bad as it is in Oregon, but in California there is a market for truck farming [a favorite Hmong pursuit) and the welfare is better than in Oregon," Yongchu said.

In March, 587,149 refugees from the communist takeover of Vietnam, Cambodia and Laos lived in the United States, and 309,000 of them were receiving rent, food and medical support from the federal government, according to Oliver Cromwell of the federal office of refugee resettlement in Washington, D.C. The decision to help ease the federal budget deficit by reducing the promised three years of support to 18 months forced 70,000 of those refugees out of the program. Benefits to Cuban and Haitian entrants into the country also were cut.

When Indochinese refugees began to come to this country in 1975, Washington state attracted an unusually high portion because of its large Asian community and because state and Seattle officials were particularly receptive. In March, Washington had 27,285 Indochinese refugees, third highest in the country after California's 197,131 and Texas' 53,368.

But the cut in federal aid left 10,750 of Washington's refugees (39 percent) without funds, much higher than the national cutoff rate. In Oregon, 5,500 or 32 percent of its 17,068 refugees were cut off.

Keo Vilaysack, 26, and Keopraseuth Aikham, 20, two friendly but somewhat bewildered Mien nationality refugees from Laos, were getting $288 each a month under the federal program when it ran out last Tuesday. They have $35 between them, and the $225 monthly rent on the tiny apartment they share is due.

They sat in an upstairs room of the Seattle YMCA and watched as an instructor with the private nonprofit International Rescue Committee showed them how to write a thank-you note after a job interview, "If hired, I will learn fast, come to work on time, and become a loyal employee," the same note on the blackboard said.

"Every day we walk around Seattle looking for a job, but there is none," Vilaysack said. The committee has advised refugees that their landlords must give them proper notice before eviction, hoping to delay further housing problems as long as possible. When the two young men run out of money or food stamps,"we'll go to some Laos family we know and eat with them, Vilaysack said."

Relief officials said young, single refugees like them may be able to find jobs soon. But Veunho Saelee, the 40-year-old refugee with a wife and two sons, faces a more difficult dilemma. He also has thought of leaving Seattle. "I know people in our building who have moved to Michigan," he said, "but I have no money to move."

His final government welfare check for $531 arrived last month, and his family has nothing but $50 worth of food stamps. The refugees will still be entitled to food stamps, but rent and health care is another matter. Saelee's tiny one-bedroom apartment is part of a 45-unit building in a run-down section of Seattle's Capitol Hill. The 12-by-8-foot living room has an old couch, a small table, two kitchen chairs and a telephone. Posters of Kung Fu superstar Bruce Lee and a photograph of a water buffalo in Puerto Rico decorate the walls. Mattresses fill the 10-by-10-foot bedroom. One is screened off with cardboard so Saelee's 18-year-old niece can have some privacy. His 14-year-old son has one tiny mattress. Saelee and his wife Kexiang, 38, share the largest mattress with their 10-year-old son.

The $225 monthly rent is due now. Saelee's only hope is a stopgap state program that may pay him about half of his usual benefits for the next two months. After that, no more welfare will be available to him in Washington. Mike Auyong, Saelee's landlord, said many of the tenants, almost all of them refugees, have been unable to pay the rent recently. Auyong said he does not plan immediate evictions, "but we only have about a month" before his own debts are so great he will have to take some action.

Saelee crouched on a tiny stool in the corner of his living room and smoked cigarette after cigarette as he described his fruitless search for work. "I go looking for work every day," he said through an interpreter. "In the last week I applied to 16 places, but none of them called me back." Before leaving Laos in 1976, he was a farmer, and at the refugee camp in Thailand he ran a little roadside drink stand. But he has never been able to read or write his own language and English is completely beyond him, despite what he said were 540 hours of classes in the two years he has been here. "If I studied until my hair turned brown, I still could not understand," he said.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

"It is not that I am lazy. I am eager to work, but when I go out for a job they say I cannot speak English and I cannot work for them," he said. Saelee said while in Laos he served briefly with one of the Mien nationality armies recruited with CIA money to fight the communists. When the communists won, he left the country to avoid prison camp.

Now, he said, "I would like to ask the U.S. government, if we cannot find a job and the welfare is cut off, please let me go back to my country." He added, however, that he would like the Americans to remove the communists from Laos first.

Refugee officials said Indochinese in the Pacific Northwest have been attracted to states like California because there they can receive some welfare support for their children even if there are two able-bodied parents in the house. Also, California provides general relief to individuals with no other source of income. In cities like San Francisco and San Diego, able-bodied recipients must do some community work and show proof of regular job-hunting to receive the welfare money, a requirement that bothers some older refugees but not younger ones.

Arlene Oki, special assistant to Seattle Mayor Charles Royer, said refugees denied such general relief here may try to sell their food stamps to pay the rent and depend on charity food banks for meals. Jay Keeton, planning and development coordinator for the Central Area Motivation Program, a downtown Seattle food bank, said in the last three months refugees have swamped the food bank's converted firehouse sometimes crowding out poor blacks and other traditional recipients of free food.

"I get here at 7 o'clock and there are already 50 or 60 people lined up," Keeton said. He said the food bank supervisors have tried to prevent outbreaks of violence by explaining to their long-time customers that Asian refugees are just as subject to poverty and discrimination as blacks have been in the past. But, Keeton said, "It's getting more and more tense all the time."●

SOCIAL SECURITY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BEREUTER. Mr. Speaker, I think we all recognize that reforms in the social security system are vital to the system's future. Though some would offer temporary stop-gap measures, the York News-Times recently pointed out that reform cannot merely be superficial. The paper correctly notes that the system will require a massive influx of funds in the future or it will be unable to meet its obligations. Clearly, careful reform is necessary. Those of us charged with such reform can only be helped by thoughtful commentary like the News-Times editorial. We cannot allow the system to fall apart and leave the suffering to "those who aren't politically strong enough to stave off the special interest groups pressuring for their own benefits at the expense of others," the paper said. I would like to have the entire editorial printed in the RECORD:

[From the York News-Times, May 26, 1982]

SYSTEM NEEDS REFORM

America's Social Security system is in trouble, but it is oversimplification to blame a particular administration for the deep depths of chaos in which the system now flounders. Because Social Security has been handled by politicians, it has been handled as a political football, and there is no way a reversal of what it has become can be made with any degree of political safety.

The problem isn't the $40 billion, or whatever the figure might be, that must be saved over the next three years in old-age benefits paid out of Social Security trust funds. That amount really is just peanuts compared to the real difficulty of the system, which is supposed to protect those Americans who have been unable to provide themselves security in their old age out of investments and savings accumulated during their working lives.

Actuarial studies of the system show it must somewhere find $4 trillion more than is projected to be contributed in the future if the fund is to pay benefits to those now contributing to it. Specialists say the designers of Social Security never ever thought everyone who contributes to Social Security should be able to take from it, regardless of need, an amount reflecting the size of their contributions. In other words, "old age insurance" wasn't designed, originally at least, to be an annuity system.

But no matter that intent of 45 years ago, because in the last 20 years politicians have created the expectation of total care for the general public once retirement age is reached. There isn't any way any political candidate, no matter what party is involved, can possibly hope to reverse that conception at this time.

One of the biggest drains may have been that portion of the Social Security system whereby recipients could qualify for the full and highest benefits by paying top contributions for only six quarters—or over an 18-month period. Thus it was that thousands of highly paid executives could qualify for Social Security on top of what private or corporate pension plans were available and disregarding what private investments brought in. Some still are drawing top dollar from Social Security after having paid in only a very modest amount to qualify.

Old age benefits, disability payments and Medicare are paid out of the system's current income, not out of income earned by the trust funds, which aren't endowment funds. While it may have been a mistake to set things up this way, as some even now argue, that's how the system works. Contributors are paying the benefits of "annuitants" and not paying toward their own retirement.

But it is accepted by the electorate and by all but the purists that making the mandatory payroll tax contribution builds rights to benefits without a needs test. In or system of government, the majority will get what it demands even if it has to vote out those who refuse to give it and replace them with those who will.

Still, the question remains of where the $4 trillion more than can be expected to be collected in worker contributions is to come from to pay the benefits of those who now are contributing. This may be a moral obligation rather than a legal debt, but in 1982 politics that amounts to about the same thing.

This is a problem that won't go away and our nation's lawmakers need to address it and address it fully and soundly. We cannot allow this system to collapse in shambles through those who aren't politically strong enough to stave off the special interest groups pressuring for their own benefits at the expense of others.●

COMMEMORATING 70 YEARS OF SERVICE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1982

● Mr. MAZZOLI. Mr. Speaker, on the occasion of Hadassah's 70th anniversary, I wish to extend my thanks and recognition to this organization which has contributed so much to our country.

Since its founding in 1912, this Jewish women's organization has been dedicated to strengthening and improving the quality of life in our Nation and around the world. Chapters are located in every State and with a membership of over 370,000, Hadassah is one of the largest Jewish service organizations in the country.

The influence of Hadassah can be felt in many facets of our society. It has made significant contributions in the fields of education, politics, and community service. Hadassah is active at local, State, and national levels in the United States, and it has had a record of accomplishments in many nations of the world.

I applaud the efforts of Hadassah and wish it many more years of success and achievement.●

VOICE OF DEMOCRACY WINNER

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. McKINNEY. Mr. Speaker, it is my privilege to share with this body an outstanding essay written by one of my constituents, Mr. Brendan C. Murphy. Brendan was the Connecticut State winner of the voice of democracy contest sponsored by the Veterans of Foreign Wars. This year over one-quarter million high school students participated in the contest making Brendan's award an unusually distinct honor.

Brendan is presently entering his senior year at St. Basil's Preparatory School in Stamford, Conn. He was the vice president of his junior class, has achieved the rank of Life in Scouting from the Boy Scouts of America, and has received numerous athletic awards. I hope that my colleagues will take the time to read Brendan's essay on "Building America Together" and

share in his vision of the American spirit.

Building America Together. America is two hundred years old, considered to be the last ray of hope, yet she is still just an infant. We have gone from an age where people believed in superstitions that have since been disproved, through an age where we believed the earth the center of the universe, to an age where we have explored outer space.

The ancient warrior, Hannibal, unwittingly defined America's spirit as follows: "We will find a way . . . or make one."

This nation has been at war both with other nations and with herself; she has seen recession and depression; she has faced catastrophic losses and still prevailed. America has always found a way—or made one!

The building of America depends on all of us. It cannot be done separately, through individual effort alone—it must be done together. We must learn from the mistakes of the past, accept the knowledge of the present, and turn our heads to the building of America's future. No matter what instance of individual effort one points to, that effort could not have been accomplished without assistance. The reason for this is simple: something in our very nature tells us that the American, by definition, works in concert.

In all of America's past, whenever a great accomplishment has taken place, there has been cooperation and compromise. The very founding of our country is an example of this. Without our forefathers' determination, stamina, and endurance, without their cooperation and compromise, this country would have never left the planning stages.

When our country or our people were in danger, we banded together as one. And we have done so again and again, most recently in the Iranian crisis, when a wave of nationalism swept the country. We are banding together even now, in small groups to fight crime, cure diseases, help the needy. If we can continue to work together, to work at a common goal, our hope for the future can then effectively be put into action.

Most people think that the building of America is directly related to her material progress and growth. It is not. The building of this country involves one of our most prized treasures—the American spirit. When our nation was first born, we had no path to follow; we made our own. We had no government; we adopted our own. Because we were all immigrants, we had no unity, we forged our own. This was the beginning of what we call The American Spirit, which bonds each and every one of us together. It could not be broken back then—that is why we went to war—to assert our independence. Through bad times and dark times, and times where it looked as though we would not win, it was only strengthened. It could not be broken in the past. It must not be broken in the future.

The American Spirit is more than just an idea—it is a reality, and a force. A reality that must never fade; a force that will help us build, together.

Our forefathers believed in America. Believed in her so much so that they were willing to put aside personal obligations, and mutually pledge their lives, their fortunes, and their sacred honor in order to make the idea of America a reality.

This should be an example to us and future generations.

We must work together to help build America further. We must regenerate her spirit. This is the first step, and the hardest. If we can achieve this, we will not be considered the last ray of hope. We will be the first of shining examples.●

A SALUTE TO THE DAIRY PRODUCERS OF HENRY COUNTY, KY.

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. HOPKINS. Mr. Speaker, as a member of the Agriculture Committee of the U.S. House of Representatives, I am honored to commemorate Saturday, June 19, as Henry County Dairy Day. I would like to take this opportunity to share with my colleagues the importance of the dairy industry to all of our citizens, and Kentucky's vital contribution to this great industry.

In 1978, total milk production for the State of Kentucky was 2,322 million pounds valued at $239.4 million. This total made Kentucky the 13th largest dairy State in the Nation.

In 1980, Kentucky accounted for 4 percent of all U.S. dairy products which were exported. Dairy was also a significant portion of the total amount of agricultural exports in 1980 which contributed over $23 billion to our balance of trade. These exports helped pay a large part of our bill for imported oil.

As you know, the Agricultural Act of 1949, as amended, requires the Secretary of Agriculture to set a nationwide support price for milk to assure adequate current and future supplies of milk. Unfortunately this Government program has resulted in enormous Government stocks of dairy products and extremely large costs by the Commodity Credit Corporation to purchase and store these supplies. The most unfortunate result of this situation is that a large part of the blame for this problem is falling on the shoulders of the dairy producer. Essentially our country's milk producers are being punished for being too efficient.

What is too often lacking in this criticism is the fact that for a majority of the past 33 years, farm milk prices have been above support prices—the market cleared itself with minimal Government interference. Furthermore, compared to other food items which the consumer must buy, milk prices have remained relatively favorable. However, even in light of favorable prices, milk consumption has not kept pace with production.

The Livestock, Dairy, and Poultry Subcommittee of the House Agriculture Committee, of which I am a member, is currently reviewing several legislative proposals designed to dispose of the current Government surplus of dairy products and to reduce future supplies in order to increase the incomes of dairy farmers and decrease the cost of the dairy program to the Government.

I will be reviewing these proposals very carefully. As we talk about this problem on a national scale in committee, I will remember the farmers of Henry County who provide the backbone of a program which has provided a fresh and bountiful supply of milk for our entire country for many years.

Again, I salute the men and women of our Nation's dairy industry, especially my good friends of Henry County. Your labors are appreciated, and I commend you on your efficient work over all of these years.●

EAST-WEST TRADE: HENRY KISSINGER'S VIEW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. MICHEL. Mr. Speaker, I recently inserted into the RECORD some newspaper articles dealing with the subject of East-West trade. Among those articles was the first part of a two-part series written by former Secretary of State Henry A. Kissinger. I would like to offer you the second part of that series and, therefore, at this point, I am inserting into the RECORD, "Trading With Russia—II," by Henry A. Kissinger, from the Baltimore Sun, May 27, 1982.

TRADING WITH RUSSIA—II

(By Henry A. Kissinger)

If the democracies continue to make available their hard-earned resources for an assault on the geopolitical balance, they must not be surprised at the inevitable decline in their security and prosperity. So long as the Soviet Union asks us for help in solving its economic problems by what amounts to Western aid, the industrial democracies have the right, and indeed the duty, to insist on restraint and stability in international conduct in return.

The industrial democracies are in a position to use their economic strength positively and creatively. There exists a sensible rationale for East-West trade which is neither unrestricted economic warfare nor uncontrolled Soviet access to Western trade, credit and technology. If the democracies cannot concert unified political criteria, they should at least be able to agree on letting market conditions determine the level of East-West trade and credit. If government-guaranteed credits and subsidies were to end, East-West trade would be reduced to the level of reciprocal economical benefit—or a small fraction of what now exists. If the Soviets want to go beyond this—if they seek further credits or subsidized prices—the West should insist on a political quid pro quo.

To this end, the industrial democracies should jointly take the position that they are prepared over the long term to engage in economic cooperation, even on an augmented scale—but only if there is in return

a comprehensive political understanding providing for settlement of the most serious outstanding problems, specific restraint in superpower conduct and major steps toward arms reduction. The condition should not be pious platitudes and should be spelled out in concrete-detail. Nor should we delude ourselves: This cannot be achieved without a period, perhaps of some years, of disciplined coordination and restraint among the democracies to convince the Soviets that we are serious.

Specifically, the democracies should start by specifying their objectives in the political area to provide clear-cut criteria for progress. The most important message would be that the industrial democracies propose to speak with the East with one voice.

Second, there should be an urgent updating of the list of prohibited strategic exports and a determination to stick to it.

Third, the democracies should examine at the highest level on what political terms the Soviet Union and the nations in its system will enjoy governmentally supported access to Western trade and financial resources. Policies on export credits and financial guarantees should be reviewed periodically, based on a commitment to establish a common and non-competitive policy among all members of the Organization for Economic Cooperation and Development.

Fourth, the democracies should agree to end progressively all government subsidies and guarantees for private bank credits to Eastern Europe. Given the nearly catastrophic performance of Communist economies, the marketplace would determine the proper flow of private credit, probably to restrict if not eliminate it. The same principle should apply to subsidized prices. Concurrently, there should be an agreement that rescheduling of existing debts will be heavily influenced by behavior of the countries concerned, especially in the field of foreign policy but including an end of martial law in Poland.

Fifth, there should be an urgent review of the grain export policy of the major grain-producing nations to determine how it can serve the strategy sketched here without undue hardship to the farmers in all our countries.

Finally, there must be a consensus among the democracies about what form of expanded economic cooperation we are prepared to undertake with the Communist world if this strategy of Western economic coordination leads to a broad East-West political understanding. The Versailles summit would seem to provide a useful forum to begin such a process.

What these measures suggest is in the long-term interest of both East and West. It discourages Soviet adventurism grounded in the belief that the West is too weak, too selfish, or too divided to defend its interests with its best weapons. It thus forces the Soviets to make real choices at a time when their succession struggle will inevitably involve an internal debate over priorities and a possible desire to ease outside pressure. If it leads to the sort of political settlement that precludes later reversal, trade and credit can safely be expanded. If such a settlement is unattainable, continuing our present trade and credit practices will in effect accelerate our crisis. In that case, future generations will not be able to explain what possessed their predecessors to engineer their own decline by lassitude, greed or lack of leadership.

If the industrial democracies wish to subsidize their exports by easy credit or pricing policies, the creative area for such efforts is not in the Communist countries but in the Third World—especially among its moderate, market-oriented governments.

The Soviet Union is a system with no legitimate method of succession, a stagnant economy, a demographic challenge in the growth of its non-Russian population, and ideological claims whose bankruptcy is being proven by the working class of Poland in the streets of Polish cities. The joke of recent history is that the only spontaneous revolutions in industrialized countries have been against Communist governments. A system that feels so threatened by even the most elementary liberties, a system so structurally unsound and so patently contrary to the human spirit, can prevail only by our inadequacies, not by its own efforts.

The West, which over centuries has shaped a great civilization—of culture, philosophy, inventiveness and well-being—must not now abdicate control of its own destiny to short-term calculations. Democracy requires above all clarity of thought, fortitude and leaders willing to present the facts to their people and prepared to deal with complexity.●

LAND REFORM IN EL SALVADOR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. LEWIS. Mr. Speaker, there has been much misinformation on land reform in El Salvador. What El Salvador needs is not land reform at any cost, but land reform which works in terms of equity and productivity. For a balanced view on Salvadoran land reform, I am submitting for consideration of my colleagues the May 28 editorial by Smith Hempstone of the Washington Times.

EL SALVADOR LAND REFORM NOT WORKING

Land reform—taking great estates away from wealthy squires and giving them to the poor who work them—inevitably is a good thing, right?

Wrong.

It is not a good thing if the net effect is to destroy free enterprise, substitute one master for another, reduce export earnings and bind peasants to virtually worthless plots of land that cannot support them.

And this, to a degree, is what has been happening in El Salvador, whose lawfully elected constitutent assembly the other day voted to abandon Phase 2 and to suspend Phase 3 of an American-imposed land redistribution scheme.

Enraged by the assembly's action, Sen. Charles Percy, the Republican chairman of the Senate Foreign Relations Committee, declared that "not one cent" of some $226 million in proposed American economic and military aid should be granted El Salvador if it reneges on the program.

Percy's reaction is, to put it mildly, excessive. Ever since those famous "agricultural reformers" took over the Chinese mainland back in 1947, land redistribution has ranked with motherhood and apple pie as next to godliness.

Indeed, it is difficult to argue with the precept that he whose sweat waters the land should own it. Unfortunately, one cannot eat precepts, and shibboleths are not nourishing.

Land redistribution is a good thing when it leads, as it has in Taiwan, to a better life for those who work the land. It is a bad thing when it leads, as it has in Mexico and a dozen other lands, to no discernible improvement in the lot of the peasantry and a fall in the production of both food and cash crops.

And in El Salvador there is a significant body of evidence to suggest that land reform, foisted on that Central American republic by Washington two years ago, simply is not producing the desired results.

Under Phase 1 of the plan, now virtually completed, 263 estates larger than 1,235 acres were confiscated and converted into cooperatives. The net effect of this is that the 35,000 peasant families who once worked for individuals now work for the Institute for Agragrian Transformation, which holds the titles to the estates. According to The New York Times, not a notably reactionary publication, "even the most ardent supporters of the agrarian changes agree that the institute has been inefficient and corrupt."

Result: a 10 to 30 percent decline in coffee production, and a decrease of 30 to 40 percent in cotton acreage. Coffee, cotton and sugar account for about 75 percent of El Salvador's export earnings.

Phase 2 of the ill-starred program, abandoned by the Salvadoran constituent assembly the other day, would have entailed confiscation of all farms larger than 247 acres. The Reagan Administration has withdrawn its support of this part of the plan for economic and political reasons long before the Salvadoran elections took place.

The 1,700 farms involved produce half of Salvador's sugar, 60 percent of its cotton (neither crop is suited to cultivation by smallholders) and 88 percent of its coffee. The proprietors predominantly are members of the country's small middle class.

Phase 3 of the program, the suspension of which so raised Percy's ire, would have allowed 150,000 peasant families to purchase up to 17 acres of the land they'd been working as renters or sharecroppers.

One weakness of Phase 3 is that some of those who own the land are nearly as poor as those who rent it. Another is that the plan ignores the realities both of Salvadoran land-tenure patterns and of the capacity of the soil to endure continuous cultivation.

In many areas of El Salvador, peasant families rent or sharecrop a plot of land for a season or two, then move on to another while the first lies fallow for a time. Under Phase 3, the peasantry would be locked into plots of land averaging less than three acres which, with constant cultivation, would soon become too unproductive to support a family.

Finally, implementation of Phase 3 would have meant the end of any hope on the part of El Salvador's 740,000 landless rural poor of ever acquiring land on a rental or sharecropping basis: no landowner is going to rent land when he knows it can then be confiscated from him in favor of his tenant.

In short, a successful program of land redistribution requires more than good intentions if it is to succeed. It must be fair and gradual. And it requires knowledge of local social customs and land conditions, assumes access of the peasantry to credit and technical help and demands the support of the people.

As a U.S. Agency for International Development report states, the program from the

start was regarded by many Salvadorans as "a symbolic measure proposed because it would look good to American politicians and not necessarily because it would be beneficial or significant in the Salvadoran context."

It is just possible the elected members of the Salvadoran assembly are better informed than the senator from Illinois.●

HEIN CHRISTENSEN—AN OUTSTANDING MAN

HON. RON de LUGO

OF THE U.S. VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. DE LUGO. Mr. Speaker, "service above self" is the motto of the Rotary International. The Rotary Club of St. Thomas recently honored one of their own who truly exemplifies this motto—Hein Eigild Christensen.

All of us here in the Congress recognize the Rotary as a service organization of business and professional men with humanitarian objectives. These men are community-minded individuals who work together in order to build a better community and better nation. There is no better way to describe Hein Christensen than this. His record of public service speaks for itself through his tenure on: Virgin Islands Board of Public Accountancy; Banking Board of the Virgin Islands; Governor's Tax Advisory Board; and, Public Utilities Commission.

The list of organizations to which Hein Christensen gives of his time and talents is enormous. They include: American Institute of Certified Public Accountants; Virgin Islands Society of Certified Public Accountants; Harmonic Lodge (Free Mason); Scottish Rite (Free Mason); Virgin Islands Hotel Association; Virgin Islands Yacht Club; Yacht Club of St. Thomas; Royal Danish Yacht Club; Royal Danish Automobile Club; Friends of Denmark; and, of course, the Rotary Club of St. Thomas. For 23 years, he has served as the treasurer for the latter group. His colleagues refer to him as "Cerberus. . . a mean watch dog, zealously guarding the fruits of Rotary through rolling years."

Hein Christensen has received several honors for his meritorious service. His Most Gracious Majesty King Baudouin, the King of Belgium, bestowed the honor of "Chevalier de L'Ordre de la Courone" for service to the crown in his position as Honorary Consul of Belgium in the Virgin Islands. The Queen of Denmark, Her Royal Majesty Queen Margrethe, knighted him for service to the kingdom. His own professional organization, the Certified Public Accountants of all America, have recognized and honored Hein for his leadership. Finally, the Boy Scouts of America made him an honorary member of their group for his support.

I join with my friends in the U.S. Virgin Islands in paying tribute to Hein Eigild Christensen—truly an outstanding man that has made a difference. He is a man I am proud to call my friend.●

THE BUDGET ALTERNATIVE THAT WASN'T

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. LUNGREN. Mr. Speaker, the failure of the House to adopt a responsible budget during the week of May 24 struck a solid blow to the vital parts of our U.S. economy. After 4 months of fierce wrangling and 46 hours and 12 minutes of actual floor debate on 7 separate budget proposals and 68 amendments to various aspects of these packages, the Democrat-controlled House of Representatives flunked the biggest test of the year.

Since February of this year the main debate in Congress has been over the budget. It now appears that what we were hearing was all talk without any action to back it up.

Quite clearly, the burden of action falls upon the House. The other body has already passed a budget proposal and is waiting to go to conference to reach final agreement. It is the Democrat-controlled House which is holding up the whole process. It is they who are permitting runaway deficits to race on and the prospects of unacceptable high interest rates to persist. Virtually all economists agree that interest rates, which are hampering economic growth and contributing to post-war record unemployment rates, will not come down until the people of this country see Congress pass a responsible budget with controlled and lowered deficit spending.

While I strongly disagree with his conclusions that "Reaganomics is in trouble," Mr. David Broder, a political reporter for the Washington Post, in a recent article put his finger on a major problem: the absence of any viable Democrat budget alternative. In fact, the only proposals which are being put forth by the Democrats are continuations of the immediate gratification economic policies of the 1960's and 1970's. The only alternatives offered are a return to the old, tried and failed tax and tax and spend and spend economic proposals, such as were added to the recent supplemental appropriations bill.

In my view, we still must give President Reagan's economic program a chance. As we did not get into this economic mess in the first place overnight, we will not be able to restore economic vitality overnight. But for the first time in years, President Reagan has brought to Washington a program based on sound long-term economic growth. One of the major obstacles in the way, however, is a reluctance from the Democrat-controlled Congress to change their ways and pass a budget with a lowered deficit.

As Wall Street and, more importantly, Main Street continue their wait, I insert into the RECORD the article by Mr. David Broder, "The Alternative That Wasn't," which appeared in the Washington Post on June 2, 1982, and I recommend it to all of my colleagues:

THE ALTERNATIVE THAT WASN'T

(By David S. Broder)

When the House of Representatives rejected all the alternative budget proposals last week, the country was denied the show of fiscal discipline it needs from government in order to have any chance of crawling out of this crippling recession. But if there is any solace to be found in the House's budget fiasco, it is this: the voters saw a clear demonstration of where the problem lies.

Part of it lies in President Reagan's stubborn resistance to a "mid-course correction" in his own policies—a resistance that inhibits most of the congressmen of his own party from supporting any such change.

But a larger problem is the inability of the Democratic Party to forge an internal agreement on an alternative to Reaganomics.

The House was, as always, a near-perfect reflection of those external realities. By March of this year, Washington Post-ABC News polls showed a shift in public opinion from the earlier broad support of Reagan's policy. By a 2-to-1 margin, those polled said Congress should make "substantial" changes in Reagan's budget. A follow-up poll in April found most saying his tax cuts and domestic spending reductions were too deep.

The House votes last week reflected that judgment. First, a majority amended the Reagan-endorsed budget to shift $4.8 billion from defense to health care—a straight-out Medicare vs. military test. Then, the House rejected the overall Republican plan, which still sacrificed domestic spending to defense needs and the scheduled tax cuts.

There were cheers from the Democratic majority on that vote, for never once in all of 1981 had they been able to derail the president's legislative express train.

But the cheers were short-lived. Having cleared the agenda, at least temporarily, of Reaganomics, the Democrats then failed, on three tries, to find a majority for any plan of their own. They could not muster a majority for a plan devised by five of their brightest young members, in conjunction with a handful of moderate Republicans. Nor could they unite behind either the original or a modified version of the Democratic budget reported by the House Budget Committee and presented by its chairman, Rep. James R. Jones (D-Okla.).

In failing to meet their legislative responsibilities, the House Democrats confirmed another finding of that March poll. The voters—who are rarely fooled—said that as far as they could see, the Democratic alternatives were not better or worse than Reaganomics; there were no alternatives at all.

It was an abject and embarrassed bunch of Democrats who shambled out of the Capitol in the small hours of Friday morning, when the last of the budget-wrecking was done. Echoing in their ears were the words of Speaker Tip O'Neill: "When Americans wake up and find that Congress did not do its job, what frustration there will be."

In the corridor, Rep. Bill Alexander of Arkansas, the chief deputy Democratic whip, made the obvious political point. "Reagan is going to murder us," he said. "We had him on the run, when we could say his budget has failed the country. But now he can say the failure is the Democrats', because we were unable even to produce an alternative."

The seriousness of the failure is heightened by the fact that, this time, the Democrats really did give it their best shot. Rep. Richard Bolling of Missouri, perhaps their most skilled parliamentarian, devised rules for debate designed to give every faction in the party a clean vote on its pet provision—in hope they would support, and not disown, the final product. The agenda guaranteed the Democrats would have the last chance to assemble a majority.

That they could not do so shows how politically divided and intellectually bankrupt they really are. They are worse off, in both respects, than they were a year ago, when Reagan was riding high. Last spring, the Democrats were able to get 176 of their members to support the Jones budget against Reagan's preferred plan. This year, Jones could muster only 171 votes for his product.

Last week, the defections came from both ends of the Democratic spectrum—not just the conservative wing. Barely half the 63 Democrats who voted against the Jones budget were southern "boll-weevils." Most of the black Democrats—angered by what they regarded as inattention to their own budget proposals—also balked, as did a dozen or so white liberals.

The conventional answer of Democrats is to say that if only they had more members in the House, they would do better.

But the voters will not be satisfied with that. They will want to know: do what?

That question ought to be at the top of the agenda for the Democratic Party's midterm mini-convention in Philadelphia at the end of this month. Reaganomics is in trouble. But Democrats still have to learn that you can't beat something with nothing.●

TERRORISM BILL GAINS WIDESPREAD SUPPORT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. McDADE. Mr. Speaker, I am today adding 26 additional cosponsors to H.R. 5449, my bill to prohibit American citizens from committing terrorist acts overseas. It is pleasing to note that Members from all parts of the political spectrum have endorsed this bill. This bipartisan support indicates widespread agreement on the importance of stopping Americans from participating in terrorism.

My bill, which makes it illegal for Americans citizens to commit terrorist acts overseas, closes a major gap in the criminal law. Currently, Americans are not prohibited from selling their services to terrorists such as Muammar Qadhafi and the Palestine Liberation Organization. Terrorism challenges the basis upon which nations relate to one another as well as the basic relationship between a nation and its government. We must do all that we can to curb terrorism, and especially our citizens' involvement in such activities. H.R. 5449 is a significant step toward that goal.

Mr. Speaker, I am delighted to have received such broad bipartisan support for H.R. 5449. This important measure deserves the consideration of the Judiciary Committee. I hope that the committee will schedule action soon.●

CRETE NEWS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BEREUTER. Mr. Speaker, too often the political process produces what is best for the present without concern for the long run. The Crete News recently noted in an editorial that since World War II, this country has allowed the national debt to rise and the social security system to drift near insolvency. The current generation faces the possibility of leaving its heirs with massive bills to pay for its lack of foresight. The News does not like the idea of saddling future generations with a huge debt and a failing social security system. "It is past the time when problems can be solved by borrowing from future generations," the News says. I think the paper makes a point we should all heed. I would like to have the editorial printed in the RECORD.

[From the Crete News, May 26, 1982]

THE PERFECT TIME

Middle aged America has reason to think that it's lived during a good period of history, economically and in respect to taxation.

A person who joined the taxpaying public at about the time of the end of World War II can look back on perhaps only one or two years during which the federal budget was balanced. At the same time citizens in that age group have enjoyed living in probably the most prosperous period in American history. Through many of those years the economy was relatively good. Americans were able to offer foreign aid. They were able to establish welfare programs to take care of many of the disadvantaged. They handled their problems and greatly increased their standards of living.

But how did they do it? For one thing they managed to delay paying some of the bills by borrowing. They inherited a national debt of less than $50 billion, a lot of which was built during World War II. They've provided for their needs by increasing that national debt to more than a trillion dollars though their years of prosperity might have suggested they were better able to pay their way than will those coming later who will be saddled with the debt. And, now, they're suffering tremendous pain in every effort to trim greatly yearly deficits.

Not only has middle aged America enjoyed general taxes lowered by being able to borrow for part of its expenses, but it's benefitted through many years of extremely low Social Security taxes. Many paid only one percent of their incomes up to a maximum of $3,000 each year into the Social Security Fund during its early years. That was only $30 per year (matched by employers). That figure, of course, was gradually raised, but it was only in very recent years that the tax approached any degree of a burden.

The legacy middle aged America will be passing on is not nearly as bright. Even now more than $100 billion each year must be raised simply to finance the existing national debt. We've encouraged the attitude that government has the obligation to solve all problems and provide a comfortable standard of living for everyone whether they are able to produce or not. And middle aged America has not paid sufficient Social Security taxes to build any reserves to provide for its lengthening retirement.

A detailed Social Security article in a recent Time magazine suggested that the 1980s may be difficult for the Social Security system. But some relief is expected during the 1990s when low-birth-rate-depression-era children retire, benefitting from post World War II baby boom workers who will continue to finance the system. But by the 2020s, when this group is in retirement, age problems are again forecast when only two taxpaying workers will be feeding the system for every retiree.

These same taxpayers may be burdened by a much larger national debt requiring much greater tax payments merely to finance the interest on the debt.

The last 35 years have been an ideal period for life in the United States. But it's past the time when problems can be solved by borrowing from future generations. It's time to begin paying the bills, all of them, while attempting to pass on something better than a huge national debt and a Social Security system with no reserves.●

DAVID J. HARKNESS FULFILLS HIS AMBITIONS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. DUNCAN. Mr. Speaker, there is no greater honor than the devotion which is showered upon a native son by a community which takes pride in his accomplishments outside the sheltered confines of his home. Such an event reflects the mutual appreciation felt by the son and community for the encouragement each has received from the other.

This is the case of David J. Harkness and Jellico, Tenn. Mayor Gary Owens has proclaimed this week David J. Harkness Week in Jellico. It is a fitting tribute to the years of service this native son has given to his community, State, and Nation. The people of Jellico are justifiably proud of this

author, speaker, librarian, and friend who, after 34 years at the University of Tennessee, has retired to loaf and "invite my soul."

The citizens of Jellico have seen David J. Harkness progress from school days, when as a senior at Jellico High he was Tennessee's champion extemporaneous speaker, to the 5 years he spent as principal of the high school in the early 1940's. They have watched him travel to Lincoln Memorial University, East Tennessee State College and the University of Tennessee. Through the years he has remained an example and credit to his Jellico roots.

His writings and speaking engagements have earned him a reputation stretching far beyond Jellico. He began by attending the University of Tennessee from 1930 to 1934. There Harkness received his bachelors degree majoring in English and minoring in history. From there he went to New York and Columbia University where he received his masters degree in English.

He returned to Jellico after this educational odyssey to serve as principal of Jellico High School. It was here, a border town once known as a coal empire, where he had been born on April 19, 1913. He grew up with others who would achieve fame outside of the town including Tom Siler, a respected sports editor for the Knoxville News-Sentinel; Grace Moore, the internationally known opera star. His younger brother Alex Harkness became a Knoxville city councilman. Having grown in this community, it made sense for David Harkness to begin his career among the people he knew.

The call of academia took him from Jellico to Lincoln Memorial University in Harrogate, Tenn., in 1944. He taught English at the school and acquired an endearing interest in the man for whom the university was named. His office was in the Lincoln Room, which held tokens of the Great Emancipator's life and career. The mementoes cast their spell upon him and he has responded in a number of books, articles, pamphlets, and speeches about Lincoln. In 1959 he collaborated with the man he had shared the Lincoln Room with at LMU, R. Gerald McMurty, on the book "Lincoln's Favorite Poets." His speech, "Lincoln the Reader," which was delivered to the Lincoln Group of Washington, D.C., was reprinted in the CONGRESSIONAL RECORD.

David J. Harkness came to the University of Tennessee in 1947 to head the school's extension library. He served as director of the library until June 1981. During his service with the university, Harkness' many interests and abilities played a role in his work and the library's collection. The shelves of the library are filled with volumes of works on Tennessee and Tennesseans, as well as books by Tennessee writers. There are books on art, architecture, southern history and literature, folklore, music, radio and television, travel, gardening, wildflowers, the Civil War, and the American Revolution. The collection of plays and musicals has been called the most extensive in the Southeast.

To these works he added his own writings over the fields of history, literature, and geography. One popular series of booklets dealt with the literature and authors of the 50 States. Other series covered the heros and heroines of the American Revolution and the Civil War. His booklets on the history of Tennessee and its neighboring States were used as gifts to the university's alumni from the UT Alumni Association in the 1960's.

Harkness never lost the public speaking abilities he was honored for as a high school senior, and he never forgot the importance of that honor to him. He supervised the Tennessee High School Speech and Drama League for 12 years. The program offered competition to high school students in oratory, debate, drama, and reading. Under Harkness' supervision the competition produced such notable winners as former Gov. Frank Clement, a debate champion; Oscar winner Patricia Neal in humorous reading; and Tony Award winner John Cullum, in one-act play competition.

Harkness has spoken to groups throughout the State and across the country. He has been a favorite speaker at alumni functions, civic clubs, and historic societies. He will undoubtedly continue to entertain and educate many through his speaking engagements and writings in his retirement.

Such a man is justly honored by his community for the achievements which sprang from high school interests to fill a career. The people of Jellico share the pride in these achievements. I feel certain that Mr. Lincoln would approve of the honor the citizens of this community have bestowed on David J. Harkness, for I am sure Mr. Harkness shares Lincoln's ambition. "Every man is said to have his peculiar ambition," he once said. "Whether it be true or not, I can say, for one, that I have no other so great as that of being truly esteemed by my fellowmen, by rendering myself worthy of their esteem. How far shall I succeed in gratifying this ambition, is yet to be developed."

Mr. Lincoln did gratify his ambition, and I believe that David J. Harkness has also succeeded. The people of Jellico honor him this week for that ambition and with that esteem.●

HUMAN RIGHTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BONKER. Mr. Speaker, Roberta Cohen, former Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs under the Carter administration and a renowned human rights advocate, has written a perceptive article entitled, "Does Human Rights Have a Role in Reagan's Foreign Policy?" In her article she notes:

Over the past year this Administration has signalled to the world that it is not in our national interest to advance the cause of human rights. Appeals on behalf of select individuals in the U.S.S.R. and public statements about Poland do not constitute a human rights policy. * * * It is evident that the Reagan Administration's close ties with repressive governments have alienated many around the world who look to this country for leadership in their struggle for human dignity. * * *

I would like to commend to the attention of my distinguished colleagues Ms. Cohen's article which appeared in the April issue of Justice Watch.

The article follows:

DOES HUMAN RIGHTS HAVE A ROLE IN REAGAN'S FOREIGN POLICY?

(By Roberta Cohen)

The Reagan administration took office a year ago determined to downgrade the role of human rights in foreign policy. So successfully has it eliminated human rights from government decisionmaking that the administration now recognizes it went too far. A State Department memorandum published in November recommended that a human rights policy be reinstated:

"We will never maintain wide public support for our foreign policy unless we can relate it to American ideals and to the defense of freedom. . . . Human rights has been one of the main avenues for domestic attack on the Administration's foreign policy."

More than a memorandum, however, will be required to reinstitute a vigorous human rights policy. The December appointment of Elliott Abrams, the memo's author, to the long vacant post of assistant secretary for human rights cannot undo the record of the past year or mask the administration's entrenched opposition to the universal promotion of human rights. A radical shift in attitude at the top echelons of government will be necessary to carry out a genuine human rights policy.

The Reagan administration demonstrated its intense hostility to human rights considerations from the outset. Secretary of State Haig declared in his first press conference that "international terrorism will take the place of human rights" as a foreign policy priority. The administration publicly considered discarding the term "human rights," with its legal and historical meaning, and substituting "individual" or "personal" rights. Senior officials spoke of eliminating the State Department's Human Rights Bureau, and a staunch opponent of human rights was nominated by the President to

head the Bureau. The nominee, Ernest Lefever, believed that beyond "serving as a good example . . . there is little the U.S. government should do to advance human rights." Although the Senate Foreign Relations Committee overwhelmingly rejected his candidacy, the White House insisted that Lefever was "the man for the job." On the one occasion that President Reagan advocated a role for human rights, in a speech to Holocaust victims, a White House spokesman later explained that he "had not meant to alter his policy of playing down the rights issue in foreign relations."

Under international law, most notably the United Nations Charter, the U.S. is obliged to speak out and take action against abridgements of human rights. Under its domestic law, Section 502b of the Foreign Assistance Act, the U.S. is required to promote increased observance by all countries of "internationally recognized human rights." Moreover, the U.S. is obliged to make its military and economic assistance contingent on the observance of human rights, under Sections 116 and 502b of the Foreign Assistance Act, enacted by Congress in 1975 and 1976 and reaffirmed each subsequent year.

The Reagan administration has exhibited little inclination to comply with these international and domestic legal obligations. In fact, the President declared that he was opposed to public statements or sanctions against "pro-Western" countries. In his view, the overriding foreign policy priority was containment of Soviet aggression, which required seeking close relations and visible ties with all "anticommunist" governments.

This attitude explains the major change in U.S. policy toward Argentina. General Roberto Viola was among the first heads of state to be received by President Reagan. Prior to his arrival, eight leaders of the human rights movement in Argentina were arrested and held incommunicado for a week; two trade unionists were abducted and tortured; 68 mothers of disappeared persons were detained by the police for several hours. Ignoring these events, the Secretary of State declared that human rights conditions in Argentina had "substantially" improved, and the administration successfully pressed Congress to repeal its embargo on military assistance and sales to that country. The U.S., furthermore, reversed its position in the multinational banks and voted to support loans to Argentina. At the U.N. Human Rights Commission, the U.S. endorsed Argentine efforts to weaken U.N. action on disappearances.

President Reagan likewise invited the military dictator of South Korea to Washington, publicly praised his "commitment to freedom," and effectively strengthened U.S. military and police ties with that government. In the months before his arrival, General Chun Doo Hwan had seized power by force; suppressed mass demonstrations for democracy; and imprisoned his political opponents. In the Philippines, Vice President Bush embraced the corrupt Marcos dictatorship after a government-controlled election, saying, "We love your adherence to democratic principles and democratic processes."

Close identification with repressive regimes has been bolstered by a policy of unrestrained arms sales. A July presidential policy directive conspicuously omitted reference to human rights in a list of seven factors to be weighed in deciding whether to provide arms to foreign governments. The result has been extensive military support to a large number of regimes abusive of human rights, extending from Pakistan to El Salvador. Many of these governments had previously been denied U.S. weapons on human rights grounds.

United States laws prohibiting the sale of police equipment to human rights violators have also been disregarded. The Reagan administration has sold police equipment to Taiwan, Syria, South Korea, and the People's Republic of China, directly assisting those governments' internal security forces which are responsible for most of the human rights violations in those countries.

The administration has, on occasion, argued that its "security relationship" with repressive governments "can sometimes also enhance our ability to persuade other countries to improve their human rights situations." However, there has been no evidence that the U.S. has used any leverage to promote reform. In El Salvador, for example, rights violations by government security forces have intensified with increased military assistance. In Taiwan, the security police, after receiving U.S. police equipment, tortured to death Professor Wen-Cheng, a U.S. permanent resident who was visiting Taiwan last July.

Economic interests have taken precedence over human rights concerns. The administration introduced a policy of "constructive engagement" with South Africa, claiming that "important Western economic, strategic, moral, and political interests are at stake." President Reagan stated that we could not "abandon" a country which produces minerals we all must have. Administration officials, seeking to make this accommodation with South African racism more palatable, have cited "improvements" in South Africa's human rights situation. Ambassador Jeane Kirkpatrick even told the press: "South Africa's political system has some good elements in it—it is a democracy for whites. . . ."

Commercial considerations influenced the decision to lift human rights sanctions against Chile. One of the administration's first acts was to end the ban on Export-Import Bank credits to Chile to facilitate the purchase of U.S. goods. The sanction had been imposed in 1979 following Chile's refusal to prosecute or extradite to the United States the Chilean police officials responsible for the political murders in Washington of Chilean exile Orlando Letelier and his American colleague Ronni Moffitt.

Even with respect to the Soviet Union, economic benefits have taken precedence over human rights. The U.S. lifted its wheat embargo and proceeded with technology sales despite continued Soviet occupation of Afghanistan; the arrest and trial of leading dissidents; and the President's expressed view that the Soviet Union is the "greatest" human rights violator in the world, requiring "exceptional" treatment. To expand business with the U.S.S.R., the administration, prior to the Polish crisis, considered seeking repeal of the Jackson-Vanik amendment which prohibits trade concessions to communist countries which restrict emigration. The repeal would have eliminated concern for human rights from our economic relationship with the Soviet Union, at a time when Jewish emigration was at its lowest point in years.

The sole method to advance human rights put forward by this administration has been "quiet diplomacy." However, without strength behind it, quiet diplomacy cannot be effective and U.S. actions have shown very little of such strength. There are exceptions—quiet diplomacy for hunger-striking Soviet physicist Andrei Sakharov was buttressed by a public statement. And, when traditional diplomacy failed to help Solidarity in Poland, the President publicly defended the rights of the Polish people and introduced sanctions against the government.

The administration has not done the same for non-communist victims. It may have helped to reduce the sentences of Kim Dae Jung and other South Korean prisoners. But any quiet diplomatic initiatives undertaken in countries like the Philippines, El Salvador, or South Africa have been rendered meaningless by its many actions in support of those regimes.

The administration has rationalized its inaction on human rights with the theory that there is a distinction between "authoritarian" and "totalitarian" regimes. According to Jeane Kirkpatrick, authoritarian countries friendly to the U.S. are only "moderately repressive," whereas totalitarian governments are worse violators of human rights, are less apt to change, and require strronger human rights actions. How one can classify torture, widespread disappearances, and arbitrary detentions without trial as "moderate" is not explained. The Senate Foreign Relations Committee rejected this theory when it rejected Ernest Lefever. "Dead is just as dead if you're killed by a rightist as by a left-wing government," declared Republican Chairman Charles Percy.

A corollary to this theory is that efforts to enhance human rights in authoritarian regimes are dangerous to U.S. interests because they disrupt "law and order." To the Reagan administration, opponents of authoritarian governments are by definition "terrorists" whereas opponents of communist governments are "dissidents." Thus, President Reagan posed for photographs with Soviet dissidents in Washington and Ambassador Kirkpatrick refused to meet with human rights leaders when visiting Argentina and Chile. Secretary of State Haig even speculated that the rape and murder of American nuns in El Salvador followed an "exchange of fire" after the women ran a "roadblock" against the armed forces—a theory refuted by the F.B.I. and the evidence.

This administration's preference for human rights actions against totalitarian regimes has not resulted in consistently strong, meaningful actions directed at those governments. In fact, the administration sold police equipment to Yugoslavia and the People's Republic of China. It waived the Jackson-Vanik Amendment for Romania despite restrictive emigration practices. It remained silent on trials in Czechoslovakia.

Over the past year the administration has signalled to the world that it is not in our national interest to advance the cause of human rights. Appeals on behalf of select individuals in the U.S.S.R. and public statements about Poland do not consitute a human rights policy. State Department officials have themselves expressed concern about pursuing a foreign policy that does not reflect American values. The Department's November memo pointed out that the greatest beneficiaries of such a policy are our adversaries. "Neutralism abroad and a sagging domestic spirit" are the products of this absence of a commitment to defend democracy and freedom. "While we need a military response to the Soviets," asserted the memo, "we also need an ideological response. . . ." It went on to recommend that the U.S. stop "simply coddling friends and

criticizing foes. Despite the costs of . . . a human rights policy, it is essential."

It is evident that the Reagan administration's close ties with repressive governments have alienated many around the world who look to this country for leadership in their struggle for human dignity. The credibility of U.S. initiatives on behalf of communist victims has even been undermined by its support of repression in other areas. The administration's policy has created a climate that makes it easier for governments to increase violations of human rights. Its military and police support for repressive regimes has directly contributed to such violations. Its unqualified endorsement of dictatorships has helped retard transitions to democratic or civilian rule. It has denied moral support to countless victims through its lack of candor about the human rights practices of their governments.

The administration still has time to develop a human rights policy that is strong, consistent, and effective. This will require abandoning the short-sighted perception of U.S. interests and pursuing human rights objectives worldwide as forcefully as military and economic concerns. Priority will have to be accorded to human rights and leverage made available to support human rights initiatives. The record of the first year affords little optimism that this will be done.●

THE PEACE CORPS IN NIGER

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. LEACH of Iowa. Mr. Speaker, last year the Peace Corps, under the able leadership of its current Director, Loret Ruppe, celebrated its 20th anniversary. During those 20 years, the Peace Corps has quietly, and often with little public acclaim or recognition, gone about its mission of sharing with millions in developing nations around the world the knowledge and skills essential toward building a better life for themselves and their communities. In Niger, one such country which has felt the special Peace Corps presence, an article appeared in a daily newspaper late last year which has since been translated and which I would like to share with my colleagues. An informal translation from the French text follows:

[Le Sahel Quotidien, Translation From French by Deborah A. Harding]

TWENTIETH ANNIVERSARY OF THE PEACE CORPS

Recognition of the American Peace Corps Volunteer is rare, even though this year the Peace Corps celebrates its 20th anniversary. Since its creation, more than 80,000 Americans have served as Peace Corps Volunteers in 75 countries. Still today, the mystical spirit of the Peace Corps Volunteer continues.

The first project of the Peace Corps in Niger began in September 1962 with the arrival of a group of 7 teachers. In 17 years the program has diversified and today there are 17 projects with 130 volunteers serving all over the country. These projects are in agriculture, particularly crop protection and pasture-land management; rural development, with volunteers assigned to the Water and Forestry service; public health, with nurses, lab technicians and nutritionists; and lastly national education with volunteers in language teaching, pedagogy, P.E., vocational education and television production.

The Peace Corps Volunteers offer technical assistance, contribute to a better understanding of the American culture by Nigerois and to a better understanding of Nigerois and their culture by Americans.

The volunteers, of which 60 percent are women, come to Niger with various perspectives because of the nature of the recruitment/publicity of the Peace Corps in America. They want to travel, learn a new language, live in a mud hut in the bush, be immediately accepted by the villagers, be a part of a racial minority if they are white, be challenged by a job and promote development and world peace. After three months of technical and cultural training, they have a more realistic concept of what to expect. They are taught their professional, personnal responsibilies as civil servants working for the government and the people of Niger.

Examples of tasks undertaken by 4 volunteers follow: the first volunteer is assigned to the technical Center for Agriculture; the functions there are to increase food production by increasing harvests. His task is to work with the farmers for an entire agricultural season and to use advanced methods and even more to encourage men as well as women to read and write. The volunteer can bring about all sorts of things, repair agricultural equipment which is defective, determine whether the farmers can really use the advanced methods, and if not, why not.

One volunteer works in fisheries as a counterpart to a Nigerian technician in the Waters and Forestry Service. He or she can live with migrant fishermen who travel from one place to another, wherever there is work, collecting data on production and conditions in the marshes and in the fish ponds and helping and advising on reproduction of fish.

One volunteer specializing in the problems of nutrition works for the Ministry of Public Health and Social Affairs in the maternal and child health protection service. These activities concentrate on teaching basic nutrition to mothers and therefore to their families.

Lastly, one volunteer works as an English teacher—this is taught as a foreign language—giving 18-24 hours of course work each week in a secondary rural school. Beyond his/her secondary project such as (school) gardening, work in a local dispensary, the volunteer can be asked to teach art or P.E. or direct a theatre group or set up a library.

WHAT DO THE VOLUNTEERS LEARN IN NIGER?

The new Peace Corps Volunteers often ask "what do all these "fofos" [1] and "ina kwanas" mean? "because they seem to convey very little information?" In fact, we tell them that it doesn't mean anything in the western sense, but it's the way to recognize the presence of another person and to show him respect and that is an integral part of life in Niger. Often it is thus that the "education" of the American volunteer begins, for he must learn to adapt to a different culture from his own and to gain the respect of those with whom he is living.

[1] Fofo is the greeting in Djerma. Ina Kwana is the morning greeting in Haoussa.

Often and sadly a new volunteer hides in his or her house, only leaving to go to work. But as his fear of the "unknown" lessens and he begins to learn what African culture is, he risks more and more going to his neighbors and colleagues homes, who most often offer him a warm welcome, who put him at ease and who teach him how to live with people. To be sure, he retains his American identity, whose characteristics are of interest to his close Nigerian friends, but he learns more and more to get involved in Nigerian life and to stay open to new experiences.

Among the volunteers, there are those who find their satisfaction in the accomplishment of a difficult task under painful conditions. One such volunteer said: "I almost went home 6 times. At the beginning the isolation and the separation from my parents and friends in the USA was intolerable. Now, after having lived for 2 years as a participant in a different culture having different mores, I have gained an understanding and an appreciation of life that I could never have had otherwise. Here is a different world than ours, with its own concepts and definitions of words which I thought I knew and understood. I had to re-learn the sense of some words, such as love, friendship and courage.

In short the volunteers see themselves differently after 2 years in Niger. They know themselves better than at the beginning and they find themselves to be more open and more sensitive for having lived here. When they leave for the U.S. they can say with ease that Niger and the Nigerians have helped them as often, if not more, than they helped Niger.●

TRIBUTE TO SGT. DANIEL D'ANNUNZIO

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to commend Sgt. Daniel D'Annunzio, a deputy sheriff in Trumbull County, Ohio, on his being awarded the American Legion Law Enforcement Recognition Award.

Sergeant D'Annunzio is a dedicated law enforcement officer who possesses the characteristics and traits of a well-rounded deputy sheriff. In the words of Trumbull County Sheriff Richard A. Jakmas, "Sergeant D'Annunzio projects pride and self-confidence and is able to obtain respect and deference when dealing with the public. He is a high achiever and a hard worker who is dedicated to the law enforcement profession."

Sergeant D'Annunzio is well respected by his fellow workers and is always striving to improve his professional skills by participating in training courses. He has an unblemished personnel record and has been involved in every imaginable type of police investigation and activity. He is personally responsible for the arrest of many persons who have been subsequently prosecuted successfully.

On August 14, 1981, Sergeant D'Annunzio, following a series of leads in a case involving a house burglary, confronted the suspect. The suspect shot Sergeant D'Annunzio in the upper thigh with a shotgun. Sergeant D'Annunzio was hospitalized in critical condition. Fortunately, he has effected a complete recovery and is back on duty in his same assignment showing as much interest, initiative, and aggressiveness as he did prior to his wounding. His assailant, you may be interested to learn, was arrested by other Trumbull County sheriff's deputies and is currently incarcerated in the Ohio State Penitentiary after having been convicted of felonious assault, aggravated burglary, and unlawful possession of dangerous ordnances.

In my opinion, Sergeant D'Annunzio is a law enforcement officer of the highest caliber. He brings credit to himself, his family, his coworkers, and to police officers everywhere.●

GPO WAGES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. GINGRICH. Mr. Speaker, my colleague on the Joint Committee on Printing, Senator JOHN WARNER of Virginia, recently received information from the Comptroller General of the United States that I want to share with my colleagues.

The Comptroller General's information indicates certain classes of workers at the Government Printing Office are getting higher than average wages.

For instance, according to the Comptroller General, carpenters at GPO are paid 28 percent higher wages than carpenters in any other Federal agency.

Clearly, the wage scales at GPO will have to be reformed. I urge my colleagues to support efforts to do that, in the interest of fairness to all Federal employees.

The Comptroller General's information follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 11, 1982.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WARNER: This letter is in response to your May 3, 1982, request asking us for any information we might have on the Government Printing Office's (GPO's) wage-setting practices.

In 1976, we issued a report to the Public Printer in which we expressed a number of concerns about the wage determination procedures used at GPO. As discussed in that report, GPO employees' wages were higher than those paid to other Federal and private sector employees doing similar work in the Washington, D.C. area. Enclosure I is a copy of that report.

More recently, we are just completing a review which compares wages paid to Federal employees who collectively bargain to wages paid to Federal employees whose pay is set administratively. GPO was one of the agencies included in the review.

In conducting our current review, we analyzed the prescribed duties of certain GPO craft employees and, with the assistance of Office of Personnel Management classification specialists, matched those occupations with comparable occupations included under the Federal Wage System (FWS)—the system used for most other blue-collar employees in the Government. We then compared GPO wages for six occupations with rates paid under the appropriate FWS schedules for the Washington, D.C. area. As shown in enclosure II, GPO employees in all six occupational comparisons were paid more than their FWS counterparts.

Please let us know if we can be of further assistance.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General
of the United States.

COMPARISON OF GPO AND FWS WAGE RATES [1]

Occupation	GPO pay rate	FWS rate [2]	Difference	
			Amount	Percent
Bookbinder	$27,230	$24,573	$2,657	10.8
Compositor	27,685	23,320	4,365	18.7
Carpenter	27,419	21,286	6,133	28.8
Electrician	27,419	22,410	5,009	22.4
Forklift operator	18,009	16,559	1,450	8.8
Janitor	14,600	12,028	2,572	21.4

[1] Because of differences in the number and timing of wage adjustments, we determined annual earnings by computing a weighted average hourly wage rate and multiplied it by 2,080 hours, the number of hours in an 8-hour day, 260-day work year.

[2] Bookbinder and compositor were compared to the FWS "Lithographic and Printing Plant Wage Schedule" and the other occupations were compared to the FWS regular wage schedule. Comparisons to the regular schedule were made at step 5 which is the highest step of the FWS pay schedule. Step 5 is 12 percent higher than step 2 which is the average prevailing private sector rate.●

FAIR PRAISE FOR KNOXVILLE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. DUNCAN. Mr. Speaker, the 1982 World's Fair in Knoxville is only a little over a month old, yet it has already entertained and attracted over 2 million visitors. While I could express my own praise of this fair, I think my colleagues may be more interested in the views of visitors from the East, Midwest, and West. The following letters appeared in the May 31 issue of the Knoxville Journal.

EDITOR, THE JOURNAL: During the opening week, we spent three days in Knoxville and visited the fair two days. We congratulate you, people of Knoxville.

The fair was everything the promoters promised: an informative, concentrated exhibit of energy. From the oxcart to jet propulsion, from the woodpile to nuclear fission.

The exhibitors who deviated from the theme, like Folklife, Tennessee Sings, China, Peru, Egypt, etc. were frosting on the cake. Pleasantly missing was the unsavory carnival-barker type atmosphere sometimes associated with fairs. The vendors and fair personnel were courteous, pleasant and helpful.

Getting around Knoxville was easy. Directional signs were adequate, to the point and strategically placed. The routes were clearly marked, well lighted and showed signs of good housekeeping.

At no time, day or night, did we feel apprehensive for our personal safety. We send a special thanks to Mayor Tyree and his administration and to the law agency in charge of security, for making strangers feel safe and secure and providing a pleasant atmosphere.

MR. AND MRS. FELIX TYSZKO,
Fredonia, N.Y.

EDITOR, THE JOURNAL: After reading your paper, we were not sure what we would find at the fair. Perhaps we would have a good time, perhaps not.

So we came anyway, hoping for the best. We were in Knoxville the week of May 10, spending May 11 and 12 at the fair. We and 70,000-to-80,000 people had a grand time.

The fair was full of many people of all ages who just wanted us to have a good time, most of them with a big smile. And outside the fair, from bellhops, clerks and cops, to the hotel manager, everyone was most helpful and friendly—and smiling.

The fair itself was great. If all of the Knoxvillians can keep up the great poise throughout the summer until October, you all will have made many great friends for Knoxville.

FRED W. BAUMGARTNER,
La Grange, Ill.

EDITOR, THE JOURNAL: Just returned home to New Jersey from your World's Fair and had to take the time to write and thank your city and people for the way we were treated. The bus drivers, waiters and waitresses, campground personnel, storekeepers, etc., were the friendliest and nicest people we ever met. Your city is really great. We stayed at Fireside Campground and we would also like to thank Mr. Bill Mullins and his staff for the hospitality we were shown while we were there.

I think Knoxville did themselves proud for the way their beautiful World's Fair turned out.

MRS. WILLIAM SOMMERS,
Tuckerton, N.J.

In addition to the views of these visitors, the San Francisco Chronicle looked upon the fair with envy. The following guest editorial from the Chronicle appeared in the May 16 issue of the Knoxville News-Sentinel.

We are a bit envious these fine spring days of the folks in Knoxville, Tenn., (population 184,000) because all they have to do is hop aboard a bus downtown to arrive at their own World's Fair within a couple of minutes. We are envious and a bit wistful, of course, because we have a bagful of memories of the adolescent excitement when we could go over the still new Bay Bridge, fresh out of its Erector set, or board a Key System ferry for a quick sail to the most wondrous event of our youth, the 1939-1940 Golden Gate International Exposition at Treasure Island.

In Knoxville today, the good people are eating Chinese, Japanese, German and French food, the likes of which have never been tasted that close to the Great Smokies. They're taking ride up the 27-story Sunsphere (every fair these days has got to have a tower: Remember the Trylon and Perisphere at Flushing Meadows? The

Space Needle at Seattle?). And in little, old previously-unpretentious Knoxville right now, it is only a few steps walk from the chariot of King Rameses II, who presided over Egypt from 1292 to 1225 BC to a selection of bricks from the Great Wall of China. We bet it is the first time ever that those two objects have been in adjacent pavilions. And, you can bet, there has never been anything vaguely similar to this in the history of Knoxville or many other cities of such modest size.

The fair is expected to bring a huge new flow of tourists (three new hotels have been built) not only to Knoxville but also to motels, hotels, and restaurants within a 100-mile radius. This means a big boost in business, in a time of recession, for Eastern Tennessee but also for portions of Kentucky, North Carolina, Georgia and Virginia which are close by. The promoters say that all roads lead to Knoxville this summer and the people along those roads anticipate that they will be feeding, housing and fueling the multitudes as long as the big party lasts.

Knoxville did what Spokane did in 1974 to push itself into the national spotlight. It took an area of flophouses and unneeded railroad yards, applied the tools of redevelopment and created a temporary jewel complete with some buildings which will be permanent. Twenty-two foreign nations took space, including the People's Republic of China which is participating in the first international fair for China since the St. Louis Exposition of 1904.●

SCARCE SUPPLY OF CREDIT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. DASCHLE. Mr. Speaker, some of our major corporations are wasting billions of dollars of the Nation's scarce supply of credit, and the Federal Government is partly to blame.

When corporations like Mobil and United States Steel borrow billions of dollars to buy up other companies, they use up credit that would otherwise be available for our farmers and small business people. Tighter credit and higher interest rates are the result.

The best available estimate suggests that corporations used up over $30 billion of the Nation's credit supply last year just buying and selling one another.

This corporate credit guzzling "crowds out" productive borrowing just as much as does the Federal deficit.

What is worse, the Federal Government actually encourages this credit waste. A number of loopholes in the Federal income tax laws reward corporations for this unproductive behavior.

It is not the free market that is motivating many of these acquisitions. It is the perverse Government incentives that are written into our income tax laws.

My colleague from North Dakota, Representative BYRON DORGAN, alerted us to this problem by introducing H.R. 4562, the First Things First Credit Act of 1981. Since then, a number of additional proposals have been introduced. On May 24, the Selected Revenue Measures Subcommittee of the House Ways and Means Committee held hearings on these proposals, at which Mr. DORGAN testified. In my view, his statement cut to the heart of this important issue, and for that reason I offer it here for the benefit of my colleagues.

STATEMENT OF CONGRESSMAN BYRON L. DORGAN

"When top-drawer borrowers, such as DuPont, Seagram, and Mobil, hit the banks for multibillion dollar loans to finance merger bids, there is less left for small business, would-be homeowners, or other borrowers."—Business Week editorial, August 3, 1981.

"Takeovers by the corporate giants have weakened or destroyed countless thousands of small and medium-sized businesses that were star performers when they were independent."—Arthur Burck, securities lawyer and merger specialist, in interview in Fortune magazine, Octover 19, 1981.

Imagine another gasoline shortage. People are sitting for hours in sweltering gas lines that stretch on for blocks. At the same time, an enormous fleet of Mac Trucks is parked in a lot, their engines racing. The trucks never go anywhere. They never carry any freight. They just keep trading parking spaces with one another, racing their engines and burning gas.

Imagine further that the federal government helps to buy the gasoline for this fleet of go-nowhere trucks.

That is almost precisely what is happening with this nation's scarce supply of credit.

Credit is the gas on which our economy runs. It is in short supply. The price is so high that many business people and farmers cannot afford it. Bankruptcies are at record levels. The entire economy is sputtering.

CREDIT GUZZLERS

Yet many of our largest corporations are guzzling billions of dollars of our scarce credit for purposes that are about as useful as the Mac Trucks gunning their engines in the parking lot.

They are not using these loans to build new factories or to buy new machines. They are not creating new jobs, except for the lawyers and accountants who grow rich orchestrating megadollar paper shuffles. Instead, they are draining the nation's credit supply merely to buy and sell one another—to trade places in the economic parking lot.

Corporations spent over $82 billion last year playing this monopoly game. That was more than double the amount so spent the year before. If that $82 billion had gone into new factories and equipment instead of into buying up other companies, we could have increased business investment 25 percent last year.

The $82 billion that corporations spent buying up another last year was many times the amount they will receive in tax cuts next year. We could have provided a much greater spur to new investment, at virtually no cost to the U.S. Treasury, if, instead of those new tax giveaways, we had simply channeled some of the $82 billion in more productive directions.

A substantial portion of these takeovers was financed with borrowed money. Nobody knows exactly how much. After examining the financing for the 33 largest deals, the Consumer Federation of America estimated that approximately $34 billion in credit was used for all such takeovers last year.

TAKEOVER TOLL

And that's just the beginning. When you count the credit commitments made to companies that tried to take over other companies, and the commitments made to target companies to help them fight off such attempts, the CFA estimates that a total of approximately $70 billion of the nation's credit supply was diverted into the corporate takeover wars.

How much credit is $70 billion dollars?

It's almost as much as the total value of everything American farmers grew last year. It was enough to finance all farm operating loans made by insured banks in all 50 states in 1980—two times over.

Look at it another way. The $5.5 billion line of credit that Mobil used in its effort to buy up Conoco, was enough to finance all the business and farm operating loans in my state of North Dakota that year, three times over.

This Administration's Dr. Spock-like permissiveness regarding big corporations and their merger plans, no doubt is partly responsible for this torrential credit drain. But we in Congress must share the blame. A number of provisions in the federal income tax laws—for which we are responsible—actually encourage and subsidize the waste.

STUDENT LOANS FOR CORPORATIONS

For example, when a corporation like Mobil borrows money to buy another company, it can deduct the resulting interest payments from its federal income taxes. In effect, the U.S. Treasury chips in about 46¢ for every dollar in interest such corporations pay.

It's like a subsidized student loan program—for corporate mergers. And while we cut the student loan program, the merger subsidy program keeps growing bigger.

It's also doing us great harm.

The guzzling of credit for corporate mergers and takeovers means less for everyone else—and higher interest rates.

SNOUTS AT THE TROUGH

There's been a lot of talk about how the federal government's appetite for credit is "crowding out" other borrowers. There's truth in that. But the federal government isn't the only big snout at the nation's credit supply trough. This wasteful corporate borrowing is right in there too. As Business Week Magazine put it in an August 3, 1981 editorial, "When top-drawer borrowers, such as DuPont, Seagram, and Mobil, hit the banks for multibillion dollar loans to finance merger bids, there is less left for small business, would-be homeowners, or other borrowers."

In other words, the $70 billion in credit that went into the merger and takeover wars meant $70 billion less—and higher interest rates—for the Main Street businesses, the farmers, the builders, the individuals who want to buy homes and cars.

These higher interest rates in turn put many smaller businesses so deep in the hole, that they have to choose between selling out to a larger company, or going bankrupt. In this way the corporate merger spree becomes a syndrome that keeps feeding upon itself.

This isn't just a problem for smaller businesses, moreover. It is a monkey wrench in our entire economy.

Consider the billions of dollars Congress spent last year on new corporate tax cuts, that the Administration persists in calling an "economic recovery" program. We were told that those new tax breaks, that went primarily to the very largest corporations, would be used to invest and build and create jobs and prosperity. But that didn't happen. Instead, much of those billions disappeared down the merger and takeover drain.

STEEL'S ROVING EYE

Consider the United States Steel Company. Steel companies have been blaming their troubles upon the Japanese, the Koreans, the federal government, on just about everyone. If there is one industry that needs new plant and equipment, it is steel. Yet when U.S. Steel accumulated a sizeable bank account, through new tax breaks and otherwise, did it build a new steel plant?

No. It went out and paid $6 billion for an oil company.

How can we ever have a healthy steel industry, if our steel industry itself loses interest in building a healthy steel industry, and if our federal income tax laws encourage our steel executives' roving eye?

What good does it do to give billions of dollars in new tax breaks to big corporations, supposedly for new investment, when tax breaks already in place encourage these corporations to use this money instead simply to take legal title to old investments?

We are always talking about creating new loopholes—politely call "incentives"—when we ought to be talking about eliminating some of the loopholes that impede economic recovery.

It's not just the diversion of capital, moreover. Perhaps more important is the diversion of the time and energy of our corporate executives themselves.

Instead of spending their time designing and producing better products, they sit around plotting like pirates to take over other companies, or to defend their companies from such pirateering.

Just look at the top executives in our major corporations. Increasingly, they are people who don't know a thing about production processes or products. The Henry Fords and the Thomas Edisons have given way to the finance wizards who generate profit without creating wealth. Our economy is performing accordingly.

LESSON FROM JAPAN

On this point we can learn a lesson from the Japanese. In Japan, takeover battles are rare. Japanese law makes them very difficult. Partly as a result, Japanese executives can spend their time developing and producing better products and selling them all over the world. They can use their nation's supply of credit in a similarly-productive fashion.

Each will draw his or her conclusion on whether the Japanese approach to takeovers, or ours, is working better.

While corporate takeovers are diverting the attention and energies of our executives, they are engulfing the genuine producers in our economy in a sea of conglomerate paperwork and red tape.

Traditionally, opponents of such mergers have talked about the lessening of competition. That's important. But equally important is the loss of the initiative and vision of individual entrepreneurs that has always been the spark that has kept our economic engine moving.

When a giant corporation like Exxon buys up another company especially a smaller one, people who were accustomed to making their own business decisions, taking their own risks, suddenly find themselves forced to push paper through endless channels and higher-ups just to make simple business decisions.

FILLING OUT THE FORMS

"It can take a year to get approval for a strategy change," the cofounder of one small company gobbled up by Exxon complained to Business Week magazine. "The speed at which Exxon moves is incredibly slow."

"It's a full time job just filling out all the forms Exxon wants," grumbled the founder of another small company that lost its independence to Exxon's empire-building appetite.

And an engineer for an independent oil company taken over by Tenneco moaned to a Wall Street Journal reporter, "It took me eight weeks to get management to approve a work order just to move a telephone inside my office."

This stifling conglomerate bureaucracy can be the kiss of death for the smaller, more enterprising businesses so acquired. A recent study at the Massachusetts Institute of Technology found that small companies taken over by larger ones fail much more frequently than do those that remain independent.

"Takeovers by the corporate giants have weakened or destroyed countless thousands of small and medium-sized businesses that were star performers when they were independent," Arthur Burck, nationally-known securities lawyer and merger specialist, told Fortune magazine last October.

If we wanted to crush the spirit of initiative and individual risk taking in America, and to cut off our free enterprise system at its roots, we could find no better way than to let the current corporate merger spree go unchecked.

JEFFERSON'S WORRY

The opportunity to be your own boss, and to achieve the financial independence that enables you to to speak your mind in public affairs, in part of what America is all about. Jefferson held the view that business independence is essential to democracy. He did not think democracy could survive if economic power became concentrated in a few hands.

If Jefferson were with us today, I think he would be worried.

It isn't just a question of economic efficiency. It's doubtful that an economy dominated by a few large corporations can be very efficient even in a economist's sense. But even if it were, that wouldn't be the end of the matter. America stands for more than efficiency. It stands for opportunity, for community—for values that have made us a light of the entire world.

Community is not hydroponic. It does not grow in thin air. Community requires an economic culture of local business people who do their business with local banks and suppliers, who know their customers and employees face to face. It requires business people with homes and children and a consequent personal stake in the community's well being.

Locally-owned businesses are a cohesive force that helps to bind together all the rest.

BAIL OUT

When locally-owned businesses are bought out by larger ones, all this changes. There are no more roots. Local banks and suppliers are shunted aside. The factory or supermarket or fast-food outlet becomes just a line item on a conglomerate balance sheet. If times get rough, they don't roll up their sleeves with their neighbors. More likely, they bail out.

The current Administration speaks admirably about "community." But then they become cheerleaders for the mergers and acquisitions which frequently destroy the economic basis of the very communities that they say they value so highly.

Some will disagree. They will offer sophisticated arguments on how corporate mergers advance "efficiency" and other abstractions from the economic texts. They will say, in effect, that the very fact that these mergers occur, makes them somehow right.

Obviously, not every corporate acquisition is to be regretted. Sometimes the owners of smaller businesses want to sell out and retire. Sometimes, acquisition by another company is the only alternative to collapse. But such mergers would happen anyway, without special provisions in the tax laws pushing in that direction.

The major mergers we have seen of late do not fit these categories of innocence. When U.S. Steel bought Marathon, it was not a case of the tired head of a family business selling out so that he could move to Florida. Nor was it a distress sale.

Rather, U.S. Steel had its eye on, among other things, the billion dollars in special tax breaks it stood to gain from this deal. That was in large measure, a tax-loophole-induced merger.

LAWYERS' BONANZA

"Whatever new practice areas lawyers dream up," declared Fortune magazine recently, "it's doubtful that they will ever strike a bonanza as big as takeover work." Fees for this work, according to Fortune, run $400–$600 per hour, or over three times what someone working for the minimum wage will make in an entire week. The two leading merger lawyers in New York City each take home over one million dollars per year.

When Mobil and U.S. Steel were battling to buy up Marathon oil, the lawyers who conducted this fracas made over $10 million dollars. And when du Pont bought Conoco, the cut for the investment bankers was $29 million.

GOOD WORK IF YOU CAN GET IT

Corporate executives benefit as well. The management consulting firm of Towers, Perrin, Forster and Crosby found that chief executives at the 100 largest industrial firms make more than twice the compensation enjoyed by their counterparts at firms ranked 400 to 500. The bigger the company, the bigger the boss's paycheck, and this alone is an inducement to the boss to try to make the company bigger, fast.

We might as well face it. Corporate mergers and acquisitions have become a train of handsome gravy for the lawyers, accountants, executives and financiers who have a piece of this action. Many who oppose the legislation before us today, fall into this group.

I am not suggesting that those with an economic interest in mergers and takeovers have nothing of value to say on the subject. But big mergers do mean big dollars for those involved, and such people may not be inclined to look too critically upon the hand that feeds them so well.

It is my view that we should discourage mergers and acquisitions, so that the energy and resources of our business people can flow in more constructive directions, and so that the economic basis of our communities

and of our democracy can flourish. At the very least, we should stop using the powers of government—specifically, the tax laws—to encourage and reward this form of behavior.

BACK TO FREE MARKET

I am not talking about interfering with the "free market." I'm talking about getting back to the free market—about eliminating the tax provisions that distort this market by encouraging corporations to do that which they might not do otherwise.

I am suggesting only that mergers and acquisitions stand on their own merits, and not on the back of the U.S. taxpayer.

The simplest place to start would be to eliminate the tax deduction for borrowings used in corporate takeovers and acquisitions. I have introduced a bill, H.R. 4562, the "First Things First Credit Act of 1981," to accomplish this.

As presently drafted, H.R. 4562 would apply only to takeovers that are fought by the company being acquired. To be sure, such contested takeovers can be the most monumental diversion of corporate energies and resources since the invention of the expense account. But, the ill effects of credit-financed mergers arise whether they are contested or not.

For this reason, I am now of the view that Congress should deny the interest deduction for all mergers and acquisitions when the combined assets of the companies involved exceeds a set amount, perhaps $200 million.

Beyond this, I support in principle your own bill, H.R. 6295, which would eliminate a number of loopholes which give companies involved in mergers and acquisitions special bonuses not available to those who mind their own business. I have not had an opportunity to review this bill in detail. But clearly it is the direction in which our federal tax policy should go.

I want to commend you, Mr. Chairman, for holding these hearings today. It's about time Congress started looking at the way the loopholes and complexities in our tax laws have twisted our entire economy out of shape. Loophole-induced mergers and takeovers are exhibit number one. To eliminate these tomorrow would not be too soon.●

THE 21ST ANNIVERSARY OF AMNESTY INTERNATIONAL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. AuCOIN. Mr. Speaker, on May 28, Amnesty International celebrated its 21st anniversary. Throughout the world, those who believe in human rights of all individuals, regardless of political, religious, or other conscientiously held beliefs, joined in commemorating this special occasion.

Amnesty International is truly a singular organization. Over the past two decades, it has developed a reputation as an untiring and irreplaceable advocate of human rights. Amnesty International demonstrates to the prisoners and victims around the world who are subjected to arrest, torture, imprisonment, and execution that there are those who care. During its 21 years of existence, the organization has succeeded in helping over 15,000 "prisoners of conscience" gain release. It has accomplished such feats through unending letterwriting, publicity campaigns, legal assistance, missions, and the publishing of special reports.

These activities have raised public awareness of the urgent need for effective international protection of fundamental human rights. By awakening world opinion, Amnesty International encourages a potential regulating force which can exert pressure upon and perhaps check further human rights crises.

Amnesty International's unparalleled achievements have earned the organization worldwide esteem. In 1977 it was awarded the Nobel Peace Prize. In addition, it has been extended consultive status by the United Nations, the Organization of American States, the Council of Europe, and the Organization of African Unity. The organization is recognized for its unique ability to maintain political neutrality while actively upholding the rights of those persecuted by politicians.

I am pleased to bring to your attention, Mr. Speaker, successful efforts of the Portland, Oreg. chapter of Amnesty International. One of the oldest chapters in the country, this group has participated in an impressive variety of projects since its founding in 1974. Portland members of all ages, backgrounds, and interests are brought together in pursuit of their common concern for humanity. Since its start 8 years ago, the group has investigated seven cases which have ended with the release of prisoners of conscience. In addition, the Portland chapter has been very successful in educating Oregonians of the underlying goals and functions of Amnesty International.

Currently, the Portland chapter is actively addressing the general human rights abuses occurring in Guatemala and South Korea. In addition, they are investigating the cases of 15 individuals being held in Poland, and have appealed to local authorities for safer, healthier prison conditions, and eventual release.

It is the combined efforts of this Portland chapter and the 100 or so other chapters around the country which have made Amnesty International the leading defender of human rights. The individuals working for the principles of Amnesty International should be commended for their unremitting struggle in support of the dignity and worth of every human being. We can only hope that more people will continue to rally behind the humanitarian efforts of Amnesty International, insuring a strong and positive future of this great organization.●

CONGRESSIONAL SALUTE TO THE RESIDENTS OF OAKLAND, N.J. UPON THE CELEBRATION OF THE 80TH ANNIVERSARY OF THE BOROUGH OF OAKLAND

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. ROE. Mr. Speaker, on Saturday, June 12, the people of the Borough of Oakland and State of New Jersey will celebrate the 80th anniversary of the incorporation of the Borough of Oakland as a community encouraged and supported by people united together with purpose and progress in seeking to improve the quality of life, recreational and civic endeavors of the families of the Borough of Oakland. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to the residents of Oakland on this most noteworthy occasion.

At the outset I call your attention to the assiduous efforts of the members of Oakland's 80th Anniversary Committee under the general chairmanship of the Honorable Alexander Potash, a former distinguished mayor of Oakland, and the current distinguished mayor, the Honorable T. Emmet Bauer, in planning and presenting a gala celebration to commemorate and reflect on the history of the Borough of Oakland. The 80th Anniversary Committee roster of these exemplary citizens of Oakland is, as follows:

80TH ANNIVERSARY COMMITTEE BOROUGH OF OAKLAND

The Honorable: Alexander Potash, General Chairman; T. Emmet Bauer, Mayor; Russell Minnetti; Johanna Vanderbeck; Edward Vanderbeck; Linda Thomas; Dorothy Whitney; Carol Pierce; Cheryl McCarthy; Dorothy Constancs; Robert Highland; Chris Curran; Harry Litterst; Sue Steuerman; and Linda Schwager.

Mr. Speaker, it is appropriate that we also express our deepest of appreciation and commendation of the diligence and foresight that has been extended by all of the people of Oakland who have participated in its founding and operations throughout the past eight decades. I particularly commend to you the elected representatives of the Borough of Oakland who have earned the respect and esteem of our people for their outstanding public service and administration of a most important all-American community in the interest of all of our citizens. The current members of the governing body are, as follows:

GOVERNING OFFICIALS, BOROUGH OF OAKLAND

The Honorable: T. Emmet Bauer, Mayor; Angelo Lacatana, Councilman; John McCambley, Councilman; Russell Minetti,

Councilman; William Winterhalter, Councilman; David Patton, Councilman; John Del Corpo, Councilman; Jeannine Hickey, Clerk; W. Bruce Knapp, Jr., Tax Collector; Steven Schwager, Treasurer; Donald Hasenballg, Chief of Police; Sidney Stone, Borough Administrator; James Van Delden, Tax Assessor; and Dean Cole, Tax Assessor.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a profile on the early beginnings and establishment of the Borough of Oakland, as follows:

HISTORY OF THE BOROUGH OF OAKLAND

The Borough of Oakland was incorporated on April 8, 1902 by an act of the New Jersey State Assembly. Its territory consists of nine square miles and, at the time of its incorporation, the area was removed from Franklin Township. The Borough of Oakland is a valley surrounded by mountains, with the Ramapa River flowing through the valley. By nature, it enjoys a beautiful, natural setting.

It has a borough form of government: a mayor and six councilmen. The Mayor is elected for a four-year term and in previous years, it was a two-year term. Each of the councilmen is elected for a three-year term. Two of the six councilmen seek election each year.

The borough is primarily a "bedroom community," with most of its residents commuting to larger cities. In late years, it has developed three industrial areas, and has been fortunate in having in these areas clean, light manufacturing, warehouses and office buildings.

The Mayor and Council is assisted in the management of the community by a Planning Board, Library Board, Board of Health, Board of Adjustment, Shade Trees Commission, Recreation Commission, and Industrial Commission. Besides the Mayor and Council, the chief officers are: Borough Clerk, Tax Collector, Treasurer, Chief of Police, Business Administrator and three Tax Assessors, together with other various committees appointed by the Mayor and Council, to perform various special services.

The Police Department consists of the Chief of Police, a Captain, three Lieutenants and a total force of twenty-nine full-time, paid policemen. The new Police Station enjoys the best, modern, electronic equipment and was constructed with the aid of Congressman Robert A. Roe.

The Fire Department consists of two firehouses, located in strategic parts of town. The equipment is modern, including a tower truck. All streets are water mained and hydranted. All firemen are volunteers, except the officers, who are appointed by the Mayor and Council. They are well trained.

Oakland's First Aid Squad has their own building, two ambulances and their personnel has been trained to handle all emergency calls. They make no charges for their services. Once a year they hold a fund drive. They are radio equipped and are tied in to the Police Department radio system.

The Recreation Commission consists of seven members, appointed by the Mayor with the advice and consent of the Councilmen, and receive no salaries. The Recreation facilities are located on thirty acres of land, on which are five regulation tennis courts, nine baseball fields, some of which are converted during their seasons to football and soccer fields. The Borough also supplies needed equipment for the various games of sport. The Borough is very proud of the recreation facilities and, for its size, feels there are none better in the state of New Jersey. Most of the personnel running the programs are volunteers. The Mothers Club and the Fathers Club assist in operating the recreation facilities.

The spiritual growth of Oakland has kept pace with its material growth. We enjoy the Jewish Community Center, the Messiah Lutheran Church, Our Lady of Perpetual Help Roman Catholic Church, P.I.M.E. Missions, Ponds Reformed Church, and the Ramapo Valley Baptist Church.

The Boards of Education are seperate entities. The Ramapo Regional Board of Education consists of nine members who represent the towns of Oakland, Franklin Lakes and Wyckoff. One high school is located in Franklin Lakes, and the other is located in Oakland.

The local Board of Education manages four elementary schools, located in various parts of the community. Three of these elementary schools, go up to and include the 5th grade. The fourth, accommodates 6th, 7th and 8th grade students, specializing in the preparation of these students for high school entrance. All schools enjoy outdoor facilities for recreation and have "All-Purpose" rooms for physical education and lunches.

Mr. Speaker, the story of Oakland is the story of America. The Borough of Oakland is steeped in the history of the early settlers of our country and richly endowed with America's historic beginnings.

In reflecting on the Borough of Oakland's contributions to the cultural heritage and historic advancements of America, we join together in expressing our deepest of appreciation to all of the people of Oakland who throughout their lifetime have sought and achieved a quality of excellence which bespeaks the pioneering efforts of our forefathers and the traditions of a freedom-loving people dedicated to the American principles of democracy and a good family life for themselves and future generations to enjoy.

Mr. Speaker, in commemorating this historic event, I appreciate the opportunity to present the foregoing to you and seek this national recognition of the leadership endeavors manifested by the foresight and expertise of the residents of the Borough of Oakland and the lasting achievements that can be attained with people working together in a common endeavor—all contributing to the American way of life and the American dream.

We do indeed salute the governing officials and citizens of Oakland upon their commemorative observance and celebration of the 80th anniversary of the Borough of Oakland.●

BROOMFIELD COSPONSORS DOMESTIC CONTENT BILL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BROOMFIELD. Mr. Speaker, Douglas Fraser, president of the United Auto Workers, very eloquently described the devastating impact of Japanese imports on the United States auto industry in testimony before a joint hearing of two subcommittees of the House Foreign Affairs Committee last week.

While his principal recommendation was for passage of a domestic content bill for vehicles sold in this country, his basic plea was for simple fairness in our trade relations with Japan.

I found his testimony particularly interesting because I have felt our trading relationship with Japan has for too long been essentially a one-way street.

As Mr. Fraser correctly pointed out, the automotive industry plays a major role in nearly every modern industrialized society. All of them have been faced with similar challenges from Japan. None have sat idly by and allowed the virtual destruction of that industry without taking protectionist measures.

In recent years, Germany, France, the United Kingdom, and Italy have each taken action to curb Japanese encroachment into their markets. In every case, those steps have been effective and, contrary to many predictions, have not caused the economic chaos that had been forecast.

In fact, Mr. Fraser said, there is evidence the Japanese respond positively when they are forced to by effective government policies.

Toyota, Nissan, and/or Mitsubishi have been investing heavily, or negotiating to do so, in Australia, Brazil, Italy, Korea, Mexico, South Africa, Spain, and the United Kingdom.

I agree with Mr. Fraser when he says that companies enjoying large volume sales in the United States should be investing their money here.

Japan does not invest in America simply because we do not require it.

Mr. Fraser believes, and I agree, that the time has come for the United States to insist on balance in its trading relationships with Japan. The $16-billion trade deficit we incurred with Japan last year indicates that we are presently a long way from equity.

The auto industry, which accounted for $13 billion of that deficit, is clearly the place to begin.

Mr. Fraser's remarks echo the sentiments of millions of American workers and many Members of this body, including some who are not from auto-producing States.

His message to the Subcommittees on International Economic Policy and Trade and on Asian and Pacific Affairs, is a clear signal that mandatory restraints will be placed on imports soon unless Japan makes a genuine, good-faith effort to work out our problems on a voluntary basis.

I have studied Mr. Fraser's testimony carefully and, while I have had some reservations in the past about the appropriateness of a domestic content bill, I am convinced that his arguments are grounded in commonsense.

As a result, I have today become the 213th cosponsor of this legislation in the hope that it will send a strong signal to our trade negotiators and to the Government of Japan that this Congress, at least, is dead serious about saving our domestic automotive industry.●

PORTER CONGRATULATES SINGER PUBLISHING COMPANY ON 56 YEARS OF SERVICE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. PORTER. Mr. Speaker, I take this opportunity today to recognize the outstanding achievements of Eugene and James Singer as Singer Printing and Publishing Co. celebrates its 56th anniversary.

Located in my home district, the 10th District of Illinois, the Singers' group of nine newspapers is one of the country's most successful independently-owned and published newspaper chains. In fact, the company's phenomenal success in reader and advertising acceptance during the 1970's is without precedent in the independent newspaper field. Dozens of other publishers throughout the Midwest have since followed Gene and Jim's example.

The success of the Singers' publications can be attributed to both men's desire to produce a quality product that serves the needs of the local community. Community service has, in fact, been a theme consistently stressed by the Singer family ever since Gene and his brother Mort founded a job printing shop on the North Shore in 1928. Throughout the many years since that date, Gene, at first with Mort, and later with his son Jim, operated a publishing company that provided live, accurate, and objective news reporting to the local community. The Singers always put their duty to the community first, preferring to provide readers with a wealth of useful information about the local community, rather than subscribing to the controversiality and sensationalism of the "new journalism." Gene and Jim Singer's desire to provide community news in an ethical and objective manner, and the magnificent success of their publishing enterprise, bode well for the future of responsible reporting in Illinois and the Nation.

I submit for the RECORD the publisher's own account of the growth of this outstanding independent chain of newspapers:

SINGER PRINTING AND PUBLISHING MARKS 56 YEARS: THE MEN BEHIND THESE PAPERS

(By J. E. Kramer)

EUGENE SINGER: BUILDS HIS SUCCESS ON STRONG PRINCIPLES

For a multitude of reasons, many of us never quite reach the lofty heights of our dreams. We set goals for ourselves that appear realistic, but along the way are short-circuited. We're forced to settle for something less. Eugene Singer, Editor and Co-Publisher of the Mail-Advertiser Publications is cut from the cloth that all but guarantees success. His life is filled with it.

Never a man to put off till tomorrow, Singer takes dreams and ideas and starts them into action, carrying along those fortunate enough to be his associates.

These publications are the result of his "dream". A successful editor and publisher earlier in his life, Singer and son, Jim, saw the need in the early 1970's for alternative publications on the North Shore that had long been dominated by the Pioneer Press Publications.

FATHER-SON PUBLISHERS

The Mail-Advertiser Publications were born in 1971 with father-and-son as the driving force. Today, 11 years later, the group of nine newspapers is among the strongest independently owned and published newspaper chains in the United States. Its rise in reader and advertiser acceptance throught the difficult decade of the 1970s is without precedent, and the "publishing miracle" has set the example for dozens of other start-up publishers throughout the Midwest.

To understand the success of these publications, one has to understand the man behind them: Eugene Singer.

Gene, along with his brother, Mort, formed the Singer Printing and Publishing Co. April 16, 1926. Both men were going to school and working part time. Mort was a copy writer for Chicago Direct Mail Advertising Agency and Singer was a staffer with the Chicago American.

"WINDOW" SPARKED IDEA

Both found the concept of newspaper publishing to be very appealing and began discussions with Harvey Bowen, the owner of the "Glennetka Window", about a possible purchase. The "Window" was an advertising booklet serving Glencoe and Winnetka, but Bowen wanted to make it a full-fledged newspaper.

Herman Black, the publisher of the Chicago American, had a better idea. It was suggested to the Singer brothers that they meet with Black to discuss their ambitions related to the "Window" and the Ravinia resident convinced them that their publishing concepts could be better applied to the Highland Park area.

Mr. Black spent hours discussing newspapering and sent the brothers out to discuss their ideas with local civic and business leaders.

COMMUNITY WANTED IT

They found a great deal of interest for a new publication among community leaders and thus formed their own printing and publishing company. They offered readers and advertisers the news of Highland Park in a magazine-format publication that was instantly accepted.

The start-up of a new publication did little to please the Udell brothers, who at the time published the Highland Park Press. They didn't want the competition and used their influence to make life difficult for the Singers. "They were very active socially and in civil affairs," said Gene Singer, "and survival became a real battle." The Udell paper and the "Lake Forester", then an independent, both were typical 6-column, country style newspapers which did not concentrate entirely on local news.

Through those early years, the Singer brothers counted heavily on the moral support of Herman Black. Mr. Black insisted that the policies of the paper were correct and in time would be accepted as such by the public. "The total local news concept; the exclusion of 'filler' from our news content; the live coverage of public meetings, and in particular the news-magazine format which we introduced were the keystones of Mr. Black's newspaper policy," said Gene Singer. "Mr. Black firmly believed in live reporting, having served his apprenticeship in newspapering as a reporter, as both Mort and I did. He believed that dedicated application to accurate reporting on the local scene and complete distribution through the mail would bring widespread reader acceptance."

JOB SHOP STARTED IN 1928

The Singer brothers, at the urging of Mr. Black, introduced a job printing shop shortly after they began publication of the paper. It began in 1928 in the basement of a tiny store at 391 Central Ave.

Despite the intense competition, the Highland Park news-magazine continued to build momentum during the late 1920s and early 1930 and by 1938 was recognized as one of the top publications in the state by the Illinois Press Association. "It was a real honor for us to place first in general excellence in competition with all community publications in our class," said Singer. "It proved once-and-for-all that our newspaper concepts were correct and that Mr. Black's prophesy was accurate." More honors would come. In 1940 the paper was selected as one of the 10 leading community newspapers in the United States.

The award-winning quality of the Highland Park news-magazine and the intense competition were too much for the Udell brothers to handle. They closed up shop and their facilities and building were acquired by the Singers.

LAW AND PUBLISHING

In 1937, Gene and Mort parted company at least as far as newspaper publishing was concerned. Mort, who had been attending law school, was appointed an assistant state's attorney and began his career in law. Gene acquired his share of the publishing company.

The pre-war years were pivitol in Gene Singer's life. Besides acquiring the Highland Park Press, going it on his own, converting the Highland Park news-magizine to paid circulation, and starting up the Deerfield Review, Gene was called to active duty in the Navy. At the time the paper had attained a paid circulation of over 75 percent of the homes in Highland Park, and was considered "The" paper on the North Shore.

Gene accepted the call to duty and left the publication in the capable hands of his father, an accountant and attorney, who attempted to keep the operation going through the difficult war years. "Eighteen employees were serving their country in one branch of the service or another," said Gene Singer, "and it was an impossible task for my father to carry the load alone, so we determined that if we could no longer serve the community as we had promised we would, it was time to turn over the responsibility to someone else." Gene's ship put in for repairs in Portland in 1943 after service on the North Atlantic, and he returned to Highland Park to complete the sale of his publications to the Pioneer Publishing Co. of Oak Park, which was extremely anxious to acquire a North Shore base of operations.

EARNS WAR HONORS

As part of the sale, Singer Printing and Publishing would continue to print the papers, and agreed not to independently publish a paper within a 40-mile radius of Chicago. Singer returned to the war, where he distinguished himself, acquiring a Presidential citation and two meritorious awards while rising from Ensign to Commander in his four and one-half years of active service.

As the war concluded, Gene turned his thoughts to the North Shore. He came "home" once again to oversee the operation of the printing plant, no longer involved in the day-to-day business of newsgathering, but still very much interested in newspapering. His responsibilities, as president of the printing company, provided him with time to spend with his wife, Dorothy, and growing family.

Son Jim joined the company in 1960 an shortly thereafter accepted the presidency. Gene and Dorothy headed for the West Coast to pioneer a new venture in electonics and television.

LEADERS WANT NEW PAPER

Area business and civic leaders, not entirely satisfied with the services being provided by area newspapers on the North Shore, frequently visited the offices of Jim Singer throughout the 1960's attempting to convince him to begin publication of an independent paper. However, because of the contract with Pioneer-Time to publish that company's Deerfield, Highland Park and Lake Forest papers, the Singers felt morally obligated not to enter competition.

In 1970 Pioneer-Time withdrew from its contract with Singer Printing and Publishing Co. to print the papers, thus opening the doors to the Singer family to once again publish a news-magazine on the North Shore since the non-compete contract had been broken.

The Singers seized the opportunity to get back into newspaper publishing. Jim called a meeting of local leaders and found widespread support for a new publication that would serve the needs of merchants who wanted their messages to be read in all the households in the area.

The Mail-Advertiser was born. It was impossible to develop a staff on such short notice, so the re-newed publishing efforts of the Singer family were exclusively devoted to advertising matter. The Highland Park Mail-Advertiser was first, followed by similar publications in Glencoe, Deerfield, Northbrook, Wilmette and Winnetka.

Still, the policies of Mr. Black ran through Gene Singer's thoughts and less than two years after the first issues of the Mail-Advertiser came off the press, the Singers decided to publish a full-fledged weekly news-magazine in Lake Forest.

"At a series of meetings with Lake Forest and Lake Bluff residents we learned that they weren't very happy with the manner in which local news was being treated by the existing publication," said Gene Singer, "and we were pledged the support of the community if we would agree to begin publishing a newspaper."

PAPERS GO FULL SERVICE

Publish they did—sending the news and advertising of the community to every household. The following year all the other Singer publications were converted to full-service newspapers, initially distributed to all households, and ultimately converted to a subscription basis.

Along the way, Singer Printing and Publishing acquired the "Glenview Times" and started up the Vernon News-Advertiser to complement the Highland Park Mail-Advertiser, Glencoe Mail-Advertiser, Lake Forest Lake Bluff News-Advertiser, Deerfield News-Advertiser, Northbrook News-Advertiser, Wilmette News-Advertiser and Winnetka News-Advertiser.

The most recent figures show that the Mail-Advertiser Publications reach 70.4 per cent of the households in the 18 communities we serve on the North Shore, giving these publications 9.5 per cent more total circulation than their nearest competitor.

ENDORSEMENTS AND HONORS

The dedicated local news policy and complete cooperation with all local clubs, schools, churches and non-profit organizations has generated unprecedented endorsements, and in appreciation Gene Singer has been made an honorary member of the Glenview Optimist Club and the Rotary Club of Highland Park. He was also singled out by the Lake Forest Legion Post, Senior Citizens, the Lake County Navy League and the Jaycees, who also expressed their appreciation for his efforts in their behalf.

"I think we've proven once again that the basic policies upon which we started our first paper in 1926 are right ones for the 1980s. People demand a quality product that gives them objective news reporting and a wealth of useful information about their community. That's what we're trying to do and will continue to do," said Gene Singer.

The Singer story is one of modern-day publishing success; one that is based on the determination to work hard, adhere to legitimate policies and always keep the best interests of the community in mind.

James Singer: Sees to the Future; Attends to the Past

Newspaper publishing today is generally acknowledged to be among the most complex of all business ventures, requiring a thorough knowledge of all the "ins" and "outs" of the industry, fast decisions and accurate long-range planning, as well as a willingness to surrender the "old" in favor of the latest technological advances for converting spoken words into black ink.

Although the editorial, advertising and distribution policies of the publications produced by Singer Printing and Publishing have remained rock-solid during the 56-year history of the company, production methods have changed dramatically.

The man responsible for staying on top of the latest "state of the art" alterations to newspaper production is Jim Singer, company President, who sits in the hot seat in terms of hectic day-to-day operations of Singer Printing and Publishing.

HANDLES THE DETAILS

Jim Singer has a reputation for making solid decisions. He is the compamy "idea man", responsible for the final product and the bottom line, who spends his days gathering information, trouble shooting and deciding on a multitude of details necessary for the quality-attentive and cost-efficient operation of the publications.

If there is a new production related product on the market, Jim Singer will be there to test it. If there is a strike in the paper mills, he'll find the newsprint to keep the presses rolling. If there is a production problem in any department, he'll be there, sleeves rolled up, to help out. If an employee has personal problems, he's there with suggestions and solutions.

In short, Jim Singer is Singer Printing & Publishing's "guiding star", the focal point for the successful operation of the company.

SEES BRIGHT FUTURE

As could be expected, Jim Singer is a big booster of weekly newspapers. "I am certain the independent weekly can survive," he said, "Because we have several advantages that the corporately controlled chains don't have. One important factor is our ability to seize opportunites when they present themselves. It's not necessary for us to wade through a chain of managers and red tape to get to a decision.

"Also, because we are a vital part of the communities we serve, it is much easier for us, than it is for the corporate giants, to produce the kinds of newspapers that intimately fit the readership needs of the people. We have the community pulse.

"While we don't have the resources of a large corporation, we also don't have the ruthlessness. We can make decisions in human terms, something the giants rarely do. If there's a so-called 'loser' in their holdings, they'll simply ax it out of the picture without regard for who or what gets hurt in the process," he said.

PUTS "PEOPLE FIRST"

"I think our 'people-first' approach to publishing is the most important factor in our final product. We keep it in mind from start to finish of the production schedule," Singer said.

He pointed to the acquistion of the "Glenview Times" as an example of the "people-first" company policy. "The 'Times' was important to many residents of Glenview, who relied on it for their weekly news and advertising information. We were approached by many of its subscribers who asked that we acquire the paper so that an independent publishing voice would continue to be heard in the community," he said.

The "Glenview times" was acquired by Singer Printing & Publishing, and continues to offer Glenview residents an alternative to the "new journalism" which is geared less and less to community service and more to sensationalism and controversy. In a recent survey of residents by the Village of Glenview. the "Times" was acclaimed as the weekly newspaper from which a majority of persons in the village get information on Glenview activities.

STRESSES COMMITMENT

"We have a commitment to the communities we serve, and that won't take a back seat to anything," said Singer.

Jim Singer, 42, joined the company in 1960 after attending grade school in Highland Park and California, high school in San Gabriel, Calif., and college at the University of Southern California in Los Ange-

les. While attending college he worked part time on a Los Angeles newspaper as a news photographer. One of his photographs received awards from the California State Press Assn. in 1957.

That interest in photography brought him to the lithography camera room of a California publishing concern, where the first high speed web-offset press and computerized typsetting facilities were in use. It was here he developed an intense interest in, newspaper production, and became convinced that the future of the publishing industry centered on highspeed presses and computerization.

INTRODUCED WEB-OFFSET

Jim Singer introduced web-offset printing to the North Shore when he became a Singer Company officer in 1960. At that time the process was totally new to the Midwest, and Singer devoted his energies to selling the concept and the actual application of the process to the employees at Singer Printing. He also established the lithographic camera department, and headed the camera and plate department while others were being trained to assume those duties.

Computerized typesetting was introduced at the Singer plant early in the 1960s and through the years employees have worked with five different typesetting systems in a constant attempt to upgrade quality and speed. All of the systems have come at the direct urging of Jim Singer, and all have succeeded in upgrading the publications.

As for the future, Singer is optimistic. "I can see no reasons for the decline of the weekly newspaper," he said, "granted, many daily papers have closed and others are in serious trouble, but that's because of television news, national magazines and radio as well as an alarming trend that has taken some publishers away from community service as their prime consideration.

PUT SERVICE FIRST

"The solid weekly papers that put community service first will survive because they continue to be the only legitimate source of information on local happenings, ranging from births to deaths to taxes to sports and entertainment. Those editors and publishers who continue to place total emphasis on community news will ride out these difficult economic times and be all that much stronger for it," Singer said.

"The publisher of tomorrow's newspaper won't forget the basic precepts upon which success in this business depends, and will pay close attention to the latest developments in technology which are geared to speed up and simplify the production process," he said.

A mix of the best of the old and the new, that's Jim Singer's credo.●

WAGING WAR OVER THE PREVAILING WAGE

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. EMERY. Mr. Speaker, as we confront the double-edged dilemma of rising unemployment and unmanageable Federal deficits, there is one element of current Federal law which could provide a source of help for both problems. The fall 1981 edition of the Harvard Political Review contains an article by Kirk Jenkins which presents the case being made for repeal of the Davis-Bacon prevailing wage statutes.

I commend this article and consideration of the issue to the attention of my colleagues who share in the desire to lower the deficit and increase employment. Repeal of Davis-Bacon could contribute significantly to both these objectives.

WAGING WAR OVER THE PREVAILING WAGE

Few issues could unite Common Cause and the United States Chamber of Commerce. The New York Times and Wall Street Journal seldom march under the same banner. Economists Walter Heller and Alan Greenspan rarely see eye to eye. Yet in the past year each one has called for repeal of the Davis-Bacon Act, one of the most venerable relics of the wave of labor laws passed during the Depression era.

According to Davis-Bacon, any construction contract of more than $2,000 let by the federal government must be performed by a contractor paying the "prevailing wage of the local area." The bill was ostensibly passed to prevent federal contracts from going to substandard contractors paying their employees very low wages and subjecting them to poor working conditions. In 1931, its sponsors charged that many firms toured the country, housing destitute laborers in cabins and taking federal contracts from local firms.

Many economists feel that it is not difficult to explain the bitter opposition of labor unions to any changes in Davis-Bacon. According to former Labor Secretary Ray Marshall, Davis-Bacon's "prevailing wage" standards help prop up union monopolies. The American Enterprise Institute (AEI) believes the Labor Department itself has contributed to this fact through a willful misinterpretation of the Act. Wage determinations, according to an AEI study, are frequently taken "from areas other than those in which the work is being done—despite the clear legal requirement that local rates be used." The study cites a Marine Corps housing project in Quantico, Virginia. The wage determination was taken, not from Quantico, but from Washington—thirty-five miles away and light-years different in pay scales.

Because of administrative shortcuts used to simplify the job of wage determination, the recommended wage is almost always the union rate. According to the Labor Department's "thirty percent rule," any time thirty percent of the workers in a survey are paid the same wage, that wage is found to be "prevailing." Non-union workers are paid a wide range of rates, depending on skill and experience; union workers are paid a single negotiated wage, so the thirty percent rule favors the union wage even when union workers are in a minority. For example, in late 1980, an initial survey of electricians in Charleston, North Carolina recommended an hourly wage of $8.51. After one-third of the electricians in the survey were inexplicably dropped, the thirty percent rule was invoked and the union wage of $11.85 an hour was found to be "prevailing." Union officials note that despite the fact that only ten percent of Charleston's electricians are actually unionized, the surveyed population was almost one-half union electricians.

Opponents of the Act point out that legislation passed since Davis-Bacon has outdated most of the arguments in support of the law. In 1931, construction workers had little legal protection against the kind of abuses which unions cite. Since that time, however, the federal and state governments have enacted minimum wage and unemployment compensation laws as well as strict legislation regarding the conditions and safety of employment. In addition, tough procurement laws are on the books designed expressly to protect the government from unscrupulous contractors and shoddy workmanship.

Estimates of the inflationary impact of Davis-Bacon vary widely. According to a report finished early in 1980 by the Carter Council of Economic Advisors but not released until the Reagan administration took office, "in each of the thirteen cities where wage data was available, Davis-Bacon minima were significantly above going rates in the local labor market for similar work." Most economists estimate repeal of the Act would result in a yearly saving of more than one billion dollars. The full economic cost of the Act, however, may well be several times that. A growing number of contractors simply boycott all federal jobs because of the disruptive effects of having to pay employees at a federal job more than employees at a private job. The net result is reduced competition and increased cost for government construction. In addition, the maintenance of artificially high wages for federal jobs pulls labor away from private jobs, tending to raise wages and increase costs on private work.

The General Accounting Office (GAO) has recently concluded that Davis-Bacon is impossible to administer. The Labor Department is responsible for determinations in over 3,000 counties for nineteen trades on four different types of construction—a theoretical total of over 228,000 separate judgements. The limitations of having only eighty staff members to make these determinations has made the "prevailing wage" terribly inconsistent. In the same year different wage rates have been set for identical jobs in identical locations. The Labor Department's administrative law judges have been forced to overrule many determinations because of these problems. GAO made no bones about it: "the Davis-Bacon Act is no longer needed and should be repealed."

Pressure is building for repeal. Of the forty states with their own "little Davis-Bacon" laws, four have recently repealed their statutes, while repeal bills have been introduced in another seventeen states. Four separate federal repeal bills have already been introduced. In the Senate, freshman Republican Don Nickles, who promised to seek repeal of the Act during his 1980 campaign, is now chairman of the Labor subcommittee responsible for the Act, and enjoys the support of Labor and Human Resources Committee chairman Orrin Hatch. As yet, the Reagan administration, wary of worsening an already shaky relationship with union leaders, has favored only cosmetic changes in the Act. Opponents promise, however, that they will settle for nothing less than repeal.●

UNITED NATIONS CONTRIBUTIONS BY UNITED STATES TOO HIGH

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. FLIPPO. Mr. Speaker, I rise to protest the administration's action to increase our contribution to the United Nations by 12 percent, at the same time we are cutting vital services to the bone.

U.S. News & World Report says the United States has agreed to increase its contribution to the staggering total of $1,000,000,000, while cutting such programs as student aid, unemployment compensation, senior citizen meals on wheels, highway construction, price supports for farmers and even social security benefits.

Our own U.N. Ambassador, Jeane Kirkpatrick, says "Our influence at the U.N. is trivial, despite the fact that we contribute $1 billion a year."

Need I point out that Ambassador Kirkpatrick was appointed by this administration.

The State Department's Mark Edelman told a Senate subcommittee that the Reagan administration intends to back only groups that practice fiscal restraint. "We have made it clear at meetings throughout this past year that international organizations cannot operate under the illusion that they are immune from the economic pressures and constraints of the times," Edelman said.

I would also point out that the Soviet Union, with two of its republics as separate members, has three votes in the U.N. General Assembly. The United States has only one. Ironically, the Soviet Union and its two satellites contribute only 13 percent of the U.N. budget, while the United States contributes 25 percent—almost twice as much.

It should be emphasized that nearly 30 U.N. officials receive salaries of more than $100,000. We are also contributing to programs that people in this country would have difficulty pronouncing let alone understanding such as the "International Office for Epizootics."

We are asked to contribute more to the U.N. at a time when it has become the biggest and most vocal anti-American forum in the world. At the same time it is harboring the biggest nest of Soviet spies and protecting their activities with diplomatic immunity.

Good ole Uncle Sap.

It's time to yank the purse string on the U.N. and stop funding an organization that has goals that are diametrically opposed to the United States. This country would be hard-pressed to point to one positive contribution from this infamous organization, even though it is located in our largest city.

At a time when we are cutting good programs that help our own people, let us not throw money at an organization that has never helped Americans and probably never shall.●

NEED FOR EXPORT TOOLS

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. EVANS of Delaware. Mr. Speaker, exports are vitally important to our American economy. One of every eight manufacturing jobs, and one of every three agricultural jobs, are related to exports.

Over the past two decades, the U.S. share of world trade has been steadily declining. This is particularly unfortunate since it is clear that many American products could be very competitive in the world market.

Very few of our smaller manufacturing firms have ever engaged in exporting. In most cases, these smaller firms simply have found the giant leap into unfamiliar territory too complicated and too expensive.

On the other hand, our trading partners, especially Japan and the Western European countries, have prospered. One of the reasons they have been successful in the aggressive world market has been their development of export trading companies. American companies must be given the tools to compete effectively with our trading partners. Legislation, already approved by the other body, and now being considered by three House committees, would facilitate the development of U.S. Export Trading Companies. I urge the committees to complete their work as soon as possible and bring the legislation to the floor so that this valuable export tool will be available to provide a much-needed increase in the number of American jobs.●

CONGRESSIONAL SALUTE TO THE HONORABLE RALPH WEISS OF NEW JERSEY "PAUL HARRIS FELLOW," ROTARY CLUB OF HALEDON

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. ROE. Mr. Speaker, on Friday, June 11 the residents of Haledon, my Eighth Congressional District and State of New Jersey will join together with our fellow Rotarians in testimony to an outstanding businessman, community leader, distinguished citizen and good friend, the Honorable Ralph Weiss of Haledon, N.J., whose standards of excellence throughout his lifetime have earned him the most highly coveted honor of being chosen the "Paul Harris Fellow" of the Rotary Club of Haledon—the highest award that Rotary can bestow upon any of its members. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to Ralph Weiss and share the pride of his good wife Charlotte, son Alan, and daughter-in-law Diane in celebrating this milestone of achievements in their family endeavors.

The Rotary Club of Haledon is one of our Nation's most prestigious affiliates of Rotary International whose motto: "We make a living by what we get . . . we make a life by what we give"—"Service above Self"—and their good deeds in helping others, young and adults alike, have served to inspire all of us. Ralph Weiss has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people.

Mr. Speaker, Ralph's personal commitment to the economic, social, and cultural enhancement of our community has been a way of life for him. He was born in Paterson, N.J., attended Paterson Boys High School and graduated with the first graduating class of Eastside High School.

The story of our "Paul Harris Fellow" Ralph is truly an epic in our American heritage where success is within the promise of men like Ralph who have the zest for pursuing what is within one's heart, matched with the determination and sincerity of purpose to always do the best in everything one sets out to do.

Ralph worked at Johnson-Cuman Lumber Yard in Paterson for the financial means to put himself through even classes at New York University and in 1929 graduated NYU magna cum laude with a B.A. degree in accounting. He continued working at the lumber yard as combination accountant and yard hand while working nights and weekends in his father's real estate and insurance business. In 1947 Ralph left the lumber yard and joined the insurance and real estate firm of John Weiss & Co., on a full-time basis.

Mr. Weiss has been a leading and active participant in the business community throughout Haledon and the State of New Jersey. He diligently pursued his professional career goals and objectives and in 1972 was elected president of John Weiss & Co. and Mutual Underwriters Agency, Inc. In 1975 he was designated chairman of the board of directors of John Weiss & Co. and Mutual Underwriters Agency, Inc. It is important to note that his

professional expertise earned him appointment by the courts on over 20 occasions to serve as a condemnation commissioner.

Mr. Speaker, Ralph has also made an outstanding contribution in promoting and encouraging community improvements and has actively participated in many charitable and civic endeavors to help improve the social and cultural endeavors of our community, State, and Nation. He was president of the Patterson Exchange Club and was appointed to and served over 20 years on the Haledon Board of Adjustment, serving as chairman for 15 years. He was the organizer and first chairman of the Haledon Planning Board where he served for over 18 years. In 1958 he was president and State director of the Passaic County Board of Realtors. In 1976 he became president of the Haledon Rotary Club.

He has served as a member of the Advisory Committee of Saint Casimir's Roman Catholic Church and in addition to the Realtors, he has maintained membership in the National Association of Accountants, the Independent Fee Appraisers of America, the Professional Insurance Agents Association, and the Mutual Insurance Agents Association.

Mr. Speaker, as we reflect upon the history of our great country and the good deeds of our people who have made our representative democracy second to none among all nations throughout the world, I appreciate the opportunity to call your attention to this distinguished gentleman and seek this national recognition of all of his good deeds. I know you will want to join with the Rotary Club of Haledon, N.J., in honoring our good friend Ralph as an outstanding citizen and great American. We do indeed salute the Haledon Rotary Club's "Paul Harris Fellow"—the Honorable Ralph Weiss.●

PHYSICAL HANDICAP NO OBSTACLE TO ACADEMIC ACHIEVEMENT, LOU STERNBURG AWARDED DOCTORATE AT BRANDEIS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. SOLARZ. Mr. Speaker, on Sunday, May 23, at the commencement exercises of Brandeis University, my alma mater, I witnessed the culmination of an amazing story which is a towering affirmation of the human spirit, and of the role of a university in aiding students to reach their full potential.

Lou Sternburg, of Newton, Mass., received a Ph. D. in psychology from Brandeis University at its 31st commencement on Sunday, May 23, 4 years after being awarded a master's degree by the same institution.

Mr. Sternburg, who is 57 years old, also is a graduate of the University of Pennsylvania and its Wharton School (1950). From 1950 to 1955 he worked as a manufacturer's representative. In 1955, at the age of 30, he contacted polio. The disease rendered him a quadriplegic and unable to breathe without an iron lung. He was allowed to leave the hospital in 1956 only after he had learned an alternative method of breathing which he could employ in case a power failure cut off his iron lung.

Soon after returning home to his wife and two children, he became interested in creative writing to, in his words, find out what makes people tick; and what makes me tick. Not satisfied with what he was producing, he contacted then Brandeis president, now chancellor, Abram Sachar and soon after a member of the Brandeis faculty was making periodic visits to discuss writing with him.

Interest in writing and motivation led him to psychology. He arranged to take accredited courses in psychology by delivery of taped classroom lectures. In this manner he completed the equivalent of a B.A. in psychology.

Mr. Sternburg came to the attention of James Lackner, chairman of the Brandeis psychology department, who visited him and encouraged him to try for advanced degrees in Lackner's field, psycholinguistics. The same taping arrangement was set up. In addition, Lackner visited him once a week to do control experiments in the subject of Mr. Sternburg's thesis which concerns the relationship of speech and ideas to the individual's intake of air. Since Mr. Sternburg's intake of air is not self-induced but controlled by outside forces, he is full author and part subject of his Ph. D. thesis.

Having been an athlete before his illness and still intensely interested in sports, he has already applied his new psychological knowledge in developing a test to be used by professional athletic teams to determine whether a prospect has desirable mental and personality traits. The Boston Celtics and Patriots have used the test which is copyrighted.

He was wheeled up to receive his doctorate and told a cheering audience: "I'd like to congratulate my fellow classmates, and I'd like to thank the University for welcoming me with open arms." Thanking his wife, children and friends, he said: "In a very real sense, I was just a vehicle for the combined efforts of all those people who made this possible."

Mr. Speaker, I insert the following story from the Boston Globe to be included in today's CONGRESSIONAL RECORD.

POLIO VICTIM GETS DOCTORATE

(By Diane Lewis)

Draped in blankets and shielded from the rain, Lou Sternburg yesterday was awarded the advanced degree in psychology he had worked four years to obtain.

Sternburg, who has been confined to an iron lung most of the time since contracting polio in 1955, was among 50 students to receive doctor of philosophy degrees at Brandeis University.

"I'd like to congratulate my fellow classmates, and I'd like to thank the university for welcoming me with open arms," the 57-year-old Newton resident told the hundreds of people yesterday at the university's 31st commencement.

"Without friends," Sternburg said, "I doubt that this moment would have been possible."

He was among more than 800 students who received degrees yesterday. In addition, 10 individuals were awarded honorary degrees, including commencement speaker Sol M. Linowitz, negotiator of the Panama Canal treaties; Sir William Arthur Lewis, winner of the 1979 Nobel Prize for economics, and violinist Itzhak Periman.

In addressing the estimated 5000 persons who attended the ceremony, Linowitz urged the graduates "to raise your voices as committed, responsible citizens."

"The time has come to halt the know-nothings, the preachers of hate, the fearful ones, wherever they are and whoever they are," he said. "They despoil the true spirit of America and blaspheme its heritage."

Honorary degrees were also awarded to artist Helen Frankenthaler, enzyme researcher Nathan Kaplan, architecture critic Ada Louise Huxtable, chemist George B. Kistiakowsky, and Irving S. Shapiro, former chairman and chief executive of E.I. du Pont de Nemours & Co.

Less than a year before the polio vaccine was first distributed, Sternburg, then 30, contracted the disease.

"When I came home from the hospital, I had a choice," he said in an interview. "I could get angry, or I could do something about it."

His interest in writing and character development led him to study psychology.

As he lay on a chair with a portable respiratory machine, Sternburg talked yesterday about his thesis and psycholinguistics—the study of speech articulation patterns and their relationship to the thought process and breathing.

He said his success was due in part to the support of his wife, his two children and his friends.

"In a very real sense, I was just a vehicle for combined efforts of all of those people who made this possible," he said.●

PEACE IN THE MIDDLE EAST

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. ROTH. Mr. Speaker, all of us desire a quick and stable peace in the Middle East. The road to peace is never easy but I would suggest a few guidelines.

Lebanon is for the Lebanese. All nations should withdraw their forces and

leave the Lebanese people to solve their problems. Furthermore, after decades of senseless war, it is time for all nations in the region to come to a basic understanding: Every nation has the right to exist and the rejectionist posture maintained for nearly 40 years by radicals in the Arab world can only lead to renewed violence and conflict.

Bordering nations and so-called refugees cannot continue to be permitted to violate the borders of Israel. The rule of law and respect for national frontiers must become accepted practice by all nations in the Middle East. All parties must adhere to the guidance set forth in U.N. Resolution 242 and recognize the integrity of one another's borders. The Arab States must understand that Israel exists and must learn to deal with that nation in accordance with commonly accepted diplomatic practice.

Mr. Speaker, I firmly hope that something positive will result from the current renewal of conflict in the Middle East. The world's attention has once more been focused on the problem, and as we try and analyze the situation, a basic fact emerges: Arab nations have for the most part rejected the right of Israel to exist and have consistently promoted efforts to topple that nation.

For a framework of peace to emerge in the region, the rule of law must prevail. As a first step, I believe that it is essential that all nations in the region recognize the right of all other states to exist. This would be a major contribution toward creation of an environment conducive to a peaceful resolution of the problems that have lead to renewed outbreaks of conflict. The integrity of Israel has been a consistent foundation on which American foreign policy is based. This is fully in accordance with normal international diplomatic practice and must also become the touchstone for Arab relations with the nation of Israel.●

"WORLD COLLABORATION OR ANNIHILATION?"

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. SANTINI. Mr. Speaker, Mildred Pressman, an octogenarian concerned about the future of world peace, has written the following remarks in response to discussions about nuclear policy. She calls upon "all nations to consider giving up some of their sovereignty to the United Nations and the International Court of Justice in the interest of saving the family of man."

I would like to urge my colleagues to take a few moments to reflect upon the insights of this remarkable Nevadan who has witnessed nearly a century of a world plagued by war.

WORLD COLLABORATION OR ANNIHILATION?

"IT'S UP TO YOU AND ME, MY FRIEND!"

In preparation for the forthcoming United Nations Second Special Session on World Disarmament, scheduled to take place on American soil at UN Headquarters in New York from June 7 to July 9, 1982, I have a suggestion: I would like to see every statesman, every religious leader, every political leader—including Chairman Brezhnev and the members of his Presidium as well as President Reagan and his advisers—and all other heads of government and their advisers, upon arising each morning, repeat silently to him or herself the following words:

(By Sy Miller and Jill Jackson)

Let there be peace on earth
And let it begin with me;
Let there be peace on earth,
The peace that was meant to be.

With God as our Father,
Brothers all are we.
Let me walk with my brother
In perfect harmony.

Let peace begin with me,
Let this be the moment now.
With ev'ry step I take,
Let this be my solemn vow:

To take each moment and live
Each moment
In peace enternally.
Let there be peace on earth
And let it begin with me.

It's up to you and me, my friend
It's up to you and me
If there's ever to be any peace on earth
It's up to you and me.

This simple thought, "Let There Be Peace On Earth and Let It Begin With Me," was first born one summer evening in 1955 when a group of 180 teenagers of all religions and creeds gathered on a mountain top close to Los Angeles, locked arms, formed a circle and sang this song. It has since continued to travel from person to person, each determined to become a note in a song of understanding and peace free from fear and totally satisfied. Among the most well-known groups associated with this Peace Song is the International Children's Choir. "There is something about the words that gives personal worth and dignity to each human being."

It seems to me that if these words were to be repeated by every American in the silence of one's own soul, and over the months ahead spread to people the world over—each in his own tongue—that it could result in such a ground swell of positive thinking and feeling that all world leaders would unanimously agree, along with the delegates to the forthcoming World Disarmanent Conference, to substitute for the war machine, the United Nations world peace-keeping machine.

Assuredly, any nation with a superiority of nuclear weapons could brag at the end of a nuclear war: We killed you more times than you killed us. Cheers! We are the winners! To us belongs the spoils—a bit of unpoisoned food, some uncontaminated water, and a little air we have found fit to breathe for awhile!

Three years before World War II ended, statesmen dreamed of a United Nations organization made up of all nations, great and small, which would be capable of guarding mankind from ever again experiencing another world holocaust. It is most regrettable that the word "peace" and this determination to develop and to use only peaceful means to help arbitrate and to settle differences between nations has so completely fled from the minds of so many statesmen of our day.

World military expenditures in 1978 amounted to close to five hundred billion dollars. The U.S. Budget Outlays for National Defense and Veterans Benefits have almost tripled since the Charter of the United Nations was adopted in 1945, from 101.5 billion in 1950 to an estimated 288.4 billion in 1982 (in constant 1972 dollars). The Defense-Related Outlay for Research and Development has increased from 6.2 billion in 1955 to an estimated 69.1 billion in 1981.

Many like to put the blame for wars and persecutions on God and reject the idea that man makes his own world. Courageous men and women abolished slavery in our country a century and a half ago. Through mankind's conscious and determined re-education of how to live in a safe world, man has the power within him to also abolish the institution of war.

When the Charter of the United Nations was drawn up in 1945, there were less than a dozen nuclear weapons in the world. The first proposal for stopping nuclear weapon tests was made with negotiations with the Soviet Union, when A Limited Test Ban Treaty was signed in 1963 by Great Britain, the United States and the Soviet Union. It prohibited nuclear weapon testing in the atmosphere, in outer space and under water. But the two other permanent members on the UN Security Council, France and China have refused to approve the treaty. Both have continued to test atomic weapons and have in fact negated this atomic test ban treaty between the Soviet Union and our country and Great Britain. No delegate at the UN Charter Conference held in San Francisco in 1945 expected that these five great super-powers, who unitedly defeated the conspiracy of the Axis powers to rule the world, would ever separate.

Almost 40 years have passed since the United Nations charter was adopted and the United Nations Disarmament Committee was given the task to reduce the use of armaments on this globe. The original goal of the Disarmament Committee has taken the reverse direction. The nuclear freeze which most peace organizations recommend, is but an interim solution until the permanent cure—total disarmament is achieved and the United Nations organization is given the power of law and the unanimous moral support of its members to enforce all international human rights agreements passed by the UN General Assembly to come within the jurisdiction of each member nation for the benefit of their own people, which is not true today.

At this time when the human race is so close to extinction, would it not be better for all nations to consider giving up some of their sovereignty to the United Nations and the International Court of Justice in the interest of saving the family of man?

TUITION TAX CREDITS DESERVE A CHANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BIAGGI. Mr. Speaker, appreciating the interest of many of my col-

leagues in the issue of tuition tax credits, I wish to bring a very timely article on this issue which recently appeared in the Ridgewood Times. This article, by Dr. Howard L. Hurwitz, presents some compelling observations about tuition tax credits, an issue which has generated an intense amount of debate in the education community.

As a member of the House Education and Labor Committee since my election to Congress in 1968, I believe that my record in support of programs which benefit our public school system in this Nation is clear. Support for tuition tax credits cannot be misconstrued as support for private education over public education—such an argument is specious and ill-conceived. To assume that adoption of such legislation would drive children from public schools into private schools in droves is a gross exaggeration of fact. Finally, to argue that tuition tax credits are a violation of the U.S. Constitution is, quite simply, putting the cart before the horse. It is not the role of the U.S. Congress to decide the relative constitutional merits of this issue. To prejudge an issue that must be left to the courts is to interject a red herring into a debate which has no place there.

I command the following article to the attention of my colleagues. In anticipation of tuition tax legislation which the administration plans to submit to Congress later this month, I hope these ideas will stimulate intelligent and thoughtful debate in the months ahead:

[From the Ridgewood Times, May 13, 1982]

(By Dr. Howard L. Hurwitz)

WILL THE REAL TUITION TAX CREDIT ISSUE STAND UP?

Tuition tax credits are again being dangled before parents of parochial and private school children in elementary and secondary schools.

The dangled bait is perceived by teachers' union leaders as a neutron bomb that, if dropped, will obliterate the public schools.

The tax credits are seen by most church and private school people as long overdue financial aid. Some 4,000,000 children attend non-public schools, although their parents pay taxes for support of the public schools.

In Congress, the big names behind tuition tax credits are Senators Daniel Patrick Moynihan (D-NY) and Robert Packwood (R-Oregon). Their bill seemed to take on new life when Ronald Reagan entered the White House. For over a year, however, the bill barely breathed as the President addressed himself to weightier issues.

Now, however, the President announced before the National Catholic Education Association that enactment of a tuition tax credit bill is among his priorities. His bill eliminates aid to parents of youths who attend private colleges.

The administration bill calls for a $100 tax credit in 1983, $300 in 1984, and the maximum projected peak of $500 in 1985. Public school leaders see a $1.5 billion dent in the national budget in 1985. You might think from their outcry that this addition to the trillion-dollar national debt would plunge the nation into penury.

Even Senator Robert Dole (R-Kansas), who favors the bill in principle, has declared his opposition to it because the nation cannot afford the outlay in a time of mounting deficits. He may be recalling the wisdom of the late Senator Everett Dirksen who reflected that a billion here and a billion there and before you know it you're talking about real money.

The real issue has nothing to do with money. It is the prestige of the public schools that is at stake. If the Congress chooses to aid parochial and private schools at the same time that it is cutting back on aid to public schools, it will be telling the people something about public schools.

Public schools have fallen upon evil days. There is increased resistance to paying for them at the state and local level. Their success record has eroded in the past two decades. Despite a common misconception, the federal government has never contributed more than eight percent in any year to the total operating budget of the schools.

But public schools remain the schools for nine out of 10 children. In some cities, however, a third or more of the children go to non-public schools.

President Reagan believes that tuition tax credits will stimulate the public schools to do a better job. Could be. I doubt whether parents who now send their children to private schools will be persuaded to return to the public schools. The great majority of such parents send their children to parochial schools and do so, in large part, for religious reasons.

Nor will those parents who have faith in the public schools be tempted to change to private schools because of the tax credit. The credit is small (and likely to remain so) and will probably be absorbed by rises in private school tuition costs.

In the course of the debate over the tax credit bill, we shall be hearing more about its alleged unconstitutionality. There are people, otherwise reasonable, who actually believe that the credits represent a threat to the separation of church and state. The credits are no more likely to build an established church than are the tax deductions for contributions to churches.

Private schools are not likely to expand in response to tax credits. They are already jammed and most of them are hard-pressed financially. The hysteria of public school leaders is unwarranted. A sob or two might be justified, if only because passage of the tuition tax credit bill will be a vote of no-confidence in the public schools.●

AGRICULTURE EXPORT EXPANSION ACT OF 1982

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. HAGEDORN. Mr. Speaker, today I am introducing the Agriculture Export Expansion Act of 1982, legislation to amend title I of the Agricultural Trade Development and Assistance Act of 1954 to provide a credit facilitating program which would promote additional agricultural exports by stimulating U.S. bank financing for foreign purchases of U.S. commodities on credit terms of 10 years. The program would provide guarantees for repayment by foreign banks on the principal and interest on financing extended by U.S. banks. In addition, it would offer a direct payment by the Commodity Credit Corporation using Public Law 480 appropriated funds to buy down interest up to 4 points on loans extended by the U.S. bank.

The current carryover of U.S. wheat and feed grains has forced record amounts of stocks into the farmer-owned grain reserve. Coupled with a flat export demand for grain and stagnant economies both here and abroad, grain prices are dismally low. Exacerbating the problem, the U.S. Department of Agriculture has projected that ending feed grain stocks for the 1982–83 marketing year will exceed the record currently forecast for 1981–82.

It is imperative that we stimulate the demand side of agriculture. The reduced acreage program for 1982 crop feed grain, wheat, rice, and cotton implemented by USDA is, I believe, a proper course to follow to more effectively control supply. The signup by farmers is encouraging and I sincerely believe that most will participate in the program. Nonetheless, we must become more innovative in exporting agricultural commodities not only for the benefit of the farm sector, but for the U.S. economy as well.

Mr. Speaker, the bill I am introducing would enact a program that would be directed to those credit worthy middle- and upper-income countries where additional U.S. agricultural exports are likely to be generated through the extension of credit and lower interest rates. The interest buy down by the CCC would be paid directly to the participating bank using Public Law 480 appropriated funds. The amount of funds used for the interest buy down would be limited to no more than 25 percent of the program level for Public Law 480, title I as provided for in the annual appropriation act. I am including a table which depicts what the impacts would be on wheat, corn, and soybeans during the 1982–83 marketing year in terms of increased exports, producer prices, deficiency payments saved, and the multiplier effects on the total U.S. economy.

I believe this is an effective way to stimulate agricultural exports over and above current threshold levels. It just makes more sense to stimulate movement of agricultural products through a program such as this rather than having the Government finance the large surplus under loan and in the grain reserve.

Moreover, CCC ownership of surplus grains has grown dramatically. In 1977, CCC held only 1 million bushels of corn. Currently, those stocks total almost 264 million bushels. USDA projects those stocks will increase to 315 million bushels by October of this

year. An industry estimate has placed the Government cost of holding 1 bushel of corn for 2 years in excess of $4 a bushel.

It would behoove Members of Congress to consider the impacts of the financing of our huge grain surpluses through these existing methods. The farmer-owned grain reserve was enacted to build U.S. buffer stocks not serve as a depository for unlimited grain production. CCC acquisitions of corn with costs exceeding $4 a bushel to the taxpayer are simply not cost effective.

It is time to shift our emphasis by allocating funds into this and other types of export programs rather than into CCC price support programs. I believe this legislation is essential and I would hope my colleagues will examine the merits of this bill and join me in cosponsoring it. Thank you, Mr. Speaker.

Attachments 1 and 2 follow:

ATTACHMENT 1

RESULTS ASSUMING A 4-PERCENT BUY DOWN WITH 10 YEAR REPAYMENT TERMS

	1982	1983
Export increase (MMT):		
Wheat	3.6	3.0
Corn	2.1	2.2
Soybeans	0.4	0.3
Export increase (millions) [1]:		
Wheat	$658	$550
Corn	257	272
Soybeans	113	86
Total	1,028	908
Producer price increase (per bushel):		
Wheat	$0.21	$0.23
Corn	0.06	0.09
Soybeans	0.23	0.31
Credit volume required (millions) [2]:		
Wheat	$940	$785
Corn	367	389
Soybeans	161	123
Total	1,469	1,297
Budget outlay required (millions) [3]:		
Wheat	$139	$116
Corn	54	57
Soybeans	24	18
Total	217	192
Deficiency payments saved (millions) [4]:		
Wheat	$262	$287
Corn	180	270
Total	442	557
Storage payments saved (millions)	$28	$26
Increase in net farm income (millions)	$1,000	$1,600
Increase in GNP (millions) [5]	$1,850	$1,634
Increase in Federal tax revenue (millions) [6]	$123	$109
Increase in employment (thousands) [7]	$29	$26

[1] Valued at $175/MT for wheat, $120/MT for corn, $275/MT for soybeans.
[2] Assumes 70 percent additionality.
[3] Direct outlay for interest buy down payed up front.
[4] Based on a 40-percent participation in acreage reduction program each 1 cent per bushel price increase on wheat lowers deficiency payments $12.5 million, for corn each 1 cent increase lowers deficiency payments $30 million.
[5] GNP multiplier is 1.8 of the increase on export value.
[6] Based on 12 percent of the increase in export value.
[7] 28,700 jobs per $1 billion export value.

ATTACHMENT 2

H.R. 6541

A BILL To expand exports of United States agricultural commodities, develop commercial markets for such commodities, promote the foreign policy of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Agricultural Export Expansion Act of 1982.

SEC. 2. The Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended by adding at the end of title I a new section 116 to read as follows:

"SEC. 116(a) In furtherance of the policies of this title, the Secretary of Agriculture is authorized, in connection with export credit sales of United States agricultural commodities, to enter into agreements with the private trade, friendly countries, and financial institutions to: (i) make payments to reduce the effective rate of interest charged to not in excess of four percentum for credit extended for a term of 10 years in connection with such sales, and (ii) guarantee the repayment of credits with respect to which the effective rate of interest is reduced in accordance with clause (i). In carrying out these agreements the secretary may utilize the services and facilities of the Commodity Credit Corporation.

"(b) Commodity Credit Corporation funds may be used for the purpose of meeting the guarantee obligations undertaken pursuant to clause (ii) of subsection (a) of this section. Funds available for carrying our activities under this title shall be used to make the payments provided for by clause (i) of subsection (a) of this section: *Provided,* That, in any fiscal year, the amount of funds so used shall not exceed twenty-five percent of the program level for title I provided in the appropriation act for that fiscal year plus any funds transferred under the authority of section 403(c) of this Act.

"(c) The food commodities acquired through export credit sales involving agreements under this section shall not be considered in determining compliance with section 111 of this title.

"(d) In carrying out the provisions of this section, the Secretary shall, to the maximum extent feasible, safeguard usual marketings of the United States.

"(e) The Secretary shall obtain commitments from purchases that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of agricultural commodities acquired through export credit sales involving agreements under this section.

"(f) The provisions of sections 103(a), 103(d), 103(e), 103(j), 103(o), 401, 402, 409, and 411 of this Act shall be applicable to export credit sales involving agreements under this section.

"(g) The provisions of the cargo preference laws shall not apply to export credit sales involving agreements under this section.

"(h) This authority is in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provisions of law."●

FRED KORNFELD—A GOOD FRIEND AND GREAT LEADER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Fred Kornfeld, a good friend and great leader of the Sea Gate community in Brooklyn, who recently passed away.

Fred's life serves as a shining example and inspiration to all of us. He dedicated his life to serving his community, his synagogue, and his fellow man.

Within the community, he was well known as the president of the Sea Gate Association, a position which he filled with dignity, energy, and kind and tactful diplomacy. His capacity for achievement continued in his role as president of the Sea Gate Chapter of the American Jewish Congress, which he developed into one of the largest and most influential chapters in the entire country.

Fred also served his synagogue, Congregation Kneses Israel, as chairman of its board of directors, a position he filled with devotion and commitment. He was also dedicated to Jewish education, and in 1969 was almost singlehandedly responsible for relocating the Yeshiva Sharei Zedek in the Sea Gate community.

These are only a few of the marks Fred Kornfeld left on his community. His most outstanding legacy, I feel, is not just what he accomplished, but that he carried into all his work a warm and genuine caring for all people that he encountered. No one was unimportant to Fred—regardless of how disadvantaged he may have been in background or social standing.

The Sea Gate community was blessed to have as rare an individual as Fred Kornfeld among its residents. He will be sorely missed by all of us who knew him as long as we live.●

A TRIBUTE TO PEACE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. DAUB. Mr. Speaker, on Sunday, April 25, 1982, Israel withdrew from the Sinai Peninsula, in accordance with the Israel-Egypt peace treaty.

On display in the Cannon Rotunda from June 1 through 12, we are privileged to see testimony to an historic event: The withdrawal of Israel from the Sinai. This exhibit, prepared by Farag Peri and Amos Ettinger, demonstrates the love of the people of Israel for the Sinai, but even deeper, their desire for a lasting peace between Egypt and Israel.

Since 1967, Israel has devoted much energy toward the development of the Sinai; roads, farms, water pipelines, airfields, oil wells. For 15 years, the people of the Sinai have devoted themselves to making the desert bloom.

On April 26 of this year, they gave it all up; for the cause of peace—their hope of a lasting peace for all in the Middle East.

I urge everyone to take a moment out of their busy day and stop by the Cannon Rotunda to view this remarka-

ble display on life in the Sinai—"Shalom Sinai—The Road to Peace."●

YOUNGER MEMBERS MUST TAKE LEAD

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. HUBBARD. Mr. Speaker, James Lee Childress of Wingo, Ky., maintains in a recent letter to me that it is up to the younger Members of Congress to take the lead in correcting the problems that have accumulated in the Federal Government over the years. I believe Mr. Childress' letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR CONGRESSMAN HUBBARD: Being somewhat knowledgeable of the fact that many of you now in Congress have and are inheriting the problems of the past 50 years during your few years as a member, I have the following to say.

It is you, the new members, who are obligated to put the government in its place and strengthen it. And, I don't envy you. We the people of this great country are the ones who are responsible for letting our elected officials get us in this mess be greedily accepting what I call handouts.

We must cut regulations which were not enacted by Congress, cut government spending, and where possible, cut taxes to a reasonable level for government operations. In my opinion, too many government agencies have been allowed to establish regulations, as if laws, that have hamstrung free business operations, making it expensive for business and harder on the economy. Only Congress can make laws, and when it allows agencies to perform regulations, then Congress is irresponsible of its duties.

Spending must be cut to the very necessary governing services that government is established for. Government is not big brother, although some have tried to make it so.

Taxes are necessary for government to have operating funds, but only for the necessary services that are designed to govern people without restrictions to their freedom of living.

The government, like its citizens, can and must live within its income. When we don't have sufficient money to afford the "wants" that we desire, we have to do with what we can afford, doing without many of the bare necessities of life until we can again accumulate the money for such spending. If we do not use conservative reasoning for our spending, we will go bankrupt. And who cares? Certainly not the ones who are continually holding their hands out, be they Americans who are able to work, but don't or the foreigners who take what they can get and don't care what happens to the hand that is feeding them.

We will never correct this economic mess we are in until we cooperate as a team to work out the problems created by a liberal Congress over the past 50 years. Many citizens were happy to receive assistance for nothing in return, and it became a way of life. The rest of us sat on our behinds and allowed Congress to act irresponsibily for us and themselves. It is our fault that we didn't complain and retire them. So now we are in water up to our necks and blaming everybody but ourselves. Does it hurt to cut spending? Of course it does and will. But, I'd rather hurt now than drown later. You younger members of Congress must reverse the downward trend and prove the older members to their errors.

Sincerely,

JAMES LEE CHILDRESS.●

FOREIGN AID IN BANGLADESH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. MICHEL. Mr. Speaker, did you know that Bangladesh, one of the poorest countries in the world, has just built a luxury hotel in its capital of Dacca, amidst its worst slums? Did you know that since its independence 10 years ago, Bangladesh has received $11 billion in foreign aid from many nations and that in fiscal 1982 it will receive between $1.6 and $2 billion? Did you know that United States taxpayers have given Bangladesh nearly $1.8 billion in the last 10 years? And, finally, did you know that despite all of this, Bangladesh is a nation of poverty, pervasive governmental corruption, and inadequate means of getting food and aid to those who need it?

You will find all of the above and much more in an article I will insert in the RECORD at this point. Anyone wondering why there have been questions raised about foreign aid in recent years should read it.

At this point I wish to insert in the RECORD, "Foreign Aid Under Fire" by Ann Crittenden, from the New York Times Sunday magazine, June 6, 1982.

FOREIGN AID UNDER FIRE

(By Ann Crittenden)

Imagine Manhattan's Helmsley Palace in the South Bronx. Dacca's first new hotel since the 1960's is a gigantic five-star refuge, a $40 million product of Japanese aid to Bangladesh, set in the Middle of one of the worst slums in the world. The Sonargaon is an elegant stage setting for local arts, and a retreat where visiting dignitaries, foreign-aid bureaucrats and journalists can relax over imported wines and Chateaubriand. But permeating the luxurious grounds and drifting over the swimming pool is a faint smell of garbage, of smoke fires and human waste. There is an extra edge of obsequiousness in the service, an unnerving desperation in the rickshaw drivers who crowd around the guests as they step into the capital city's street. No matter how insulated, life at the Sonargaon, like life everywhere in Bangladesh, is move or less uncomfortable.

Ever since winning its independence from Pakistan in a brutal civil war 10 years ago, Bangladesh has been the world's pre-eminent recipient of international aid. The country, no bigger than Illinois but with a population of 90 million—more than the United Kingdom, the Benelux countries and Switzerland combined—has been the beneficiary of a steady, multibillion-dollar dole of food and money from governments and private relief agencies from dozens of nations. The money accounts for almost 90 percent of Bangladesh's development budget and roughly one-tenth of its annual gross national product. Dispensing this largesse are some 10,000 employees of Dacca's "aid establishment," most of them ensconced in villas as far removed as the Sonargaon from the squalor of the city's teeming streets.

The presence of this vast aid bureaucracy makes Bangladesh an ideal place to observe the effects of foreign aid as it is currently dispensed: For if economic assistance has alleviated the worst ravages of poverty in parts of the third world and spurred economic growth in others, there is evidence to suggest that, in many instances, it has also hindered profound and lasting development. Increasingly, it is clear that where governments are corrupt or indifferent to the living conditions of the majority of their people, aid may not only fail to relieve poverty, but may shore up a system that perpetuates it.

In Bangladesh, a rich alluvial plain with more cultivable land per person than prosperous Taiwan, the persistence of malnutrition and desperate poverty provokes questions not only about the governments in charge but about the efficacy of the seemingly endless outpourings of aid over the past decade.

To some extent, the Bangladeshis have begun to raise these issues themselves. In March, a military coup overthrew a civilian government, charging it with rampant corruption. And the country's new leaders, in their first pronouncements, declared that the country should rely less on foreign assistance, and more on its own resources.

At a time when the United States seems to have grown impatient with the demands of the third world and is itself experiencing economic difficulties, such developments take on added urgency. On the one hand, many on the political left argue that foreign aid is a subtle form of economic colonialism; on the other, some conservatives insist that charity should begin at home, and that all the United States receives in exchange for its helping hand are demands for more, coupled with denunciations in the United Nations. The upshot of the controversy is that the percentage of its revenues that the United States Government devotes to foreign aid has declined from 0.31 percent in 1970 to 0.25 percent today.

The most lasting achievements of foreign assistance, it is often argued, have occurred in India and Pakistan. Years of outside investment in those countries' agriculture have begun to pay off in bountiful harvests undreamed of only a few years ago. Similarly, injections of development aid into Bangladesh's fertile countryside have resulted in increased food production and some improvement in the lives of the millions of people crowded into the rich delta of the Ganges, Brahmaputra and Meghna Rivers. For the past few years, food production has outpaced population growth and malnutrition has become less prevalent. The 1982 winter harvest was a disappointing one, the result of a severe drought, but barring further civil strife or a devastating natural disaster—perennial possibilities in Bangladesh—further gains in agriculture can probably be made in the near future.

The problem is that these advances have not translated into a better life for fully half the people in the country, who have neither land nor jobs nor the money to buy the additional food that could be produced.

The problem is that the gains have been made despite the indifference of the previous Bangladeshi Government, many of whose officials have preferred to solicit assistance from the West rather than change a feudal land-tenure system. The problem is that a sad, lingering mood of futility hangs over a country where ruler, ruled and benefactor alike often seem to believe that survival depends upon the ceaseless flow of charity from abroad.

Bangladesh may be an extreme case. But the country is not an isolated example of the apparent failure of more than 30 years of development assistance to put poor countries on the road to self-sustaining growth. In Haiti, a long-time recipient of United States aid, two-thirds of the rural population still have an annual per capita income of less than $40. In Tanzania, after years of support from sympathetic Scandinavian countries, the vast majority of the population has seen few if any benefits. Despite decades of aid to Latin America, millions remain destitute.

Given these uneven results, it is hardly surprising that a large section of the American public has soured on aid. More surprising, perhaps, is the aid bureaucracy's unwillingness to acknowledge that more is not necessarily better when it comes to foreign assistance.

Shortly after arriving in Bangladesh last October, I met with two officials of the United States Agency for International Development. Like other American officials I spoke with, their comments centered on the "hopeless" plight of Bangladesh and the need to keep the country afloat. (They also insisted that their names not be used. The Reagan Administration has evidently cautioned Foreign Service officers abroad to treat the American press with the same wariness with which they might approach a K.G.B. official.)

Over lunch in the windowless, nearly empty dining room of the Purbani Hotel, just across the street from the charmless office building that houses the United States Embassy, the two diplomats recited the dismal economic realities facing the country. Bangladesh was bankrupt. The country could not afford the fertilizer imports essential for the next crop and, even worse, was on the verge of running out of cooking oil, necessary if the population is to eat. Only desperate injections of expensive commercial bank loans and World Bank and International Monetary Fund credits were keeping the country from the brink.

"This place is so poor that there are only 17 taxis in Dacca," one of the A.I.D. men mourned. Dacca, a city of roughly two million, is one of the few places left on earth where rickshaws, pulled by men, are still the prevailing mode of transport. "There are no rocks. Cement is cheap everywhere else, right? Here they first have to bake bricks and then break them up for concrete and cement."

"There is no wood," one of the officials continued. "They rake leaves for fuel, which means fires can't be hot enough to cook anything properly. This is a major city with no garbage-disposal system."

Amid this squalor, the American aid mission's first priority is population control. The United States Government is spending more than $20 million dollars a year on family planning. The approach has been less than stunningly successful, considering that the birth rate per 1,000 population is still 46 a year (by way of comparison, India's is 36 a year, Mexico's is 33), down only slightly from the birth rates of the 1960's. This pace will result in a doubling of the population by the end of the century, in what is already one of the most densely crowded countries in the world.

The United States has made agriculture its second priority in Bangladesh, and efforts in this area, along with those of the World Bank and other major donors, have been more rewarding.

Since 1947, despite political and climatic upheavals, Bangladesh has chalked up average annual increases in food production of 2.1 percent (compared with 1.8 percent annual increases in Japan and the United States). After two good crop years, the country in 1981 had a record amount of grain in storage. The stocks have been depleted rapidly since then, however, and the A.I.D. men were not optimistic that much in the way of permanent improvement had been accomplished.

"Even assuming enough food is produced, how do you generate employment so people can buy the food that is being produced?" one asked.

"People don't know how to eat, either. They won't even grow or eat vegetables—it's not in the culture," the other man added, echoing the belief of many nutritionists that poor dietary habits are responsible for much of the undernourishment that affects the majority of the population.

My first conversations with representatives of private organizations were with Martin Hanratty of the Ford Foundation and Rudolph von Bernuth, head of CARE's office in Dacca. At Ford's headquarters, a rambling bungalow in one of the capital's best neighborhoods, Mr. Hanratty began by outlining some of the basic economic and social facts of Bangladesh.

"The British maintained a land-ownership system that didn't require that large landholders live outside of Dacca. The zamindars simply collected taxes and crops from their tenants, and supported the police. That was the government, and the basic structure hasn't changed much since independence. The administrative structure was to move things out of the rural areas, not to infuse large government inputs into the countryside. So when outside donors come in with money intended 'for the poor,' there are a lot of problems with carrying that out."

Mr. von Bernuth expanded on the theme. "Absentee landowners dominate Parliament. In the countryside, the wealthiest 17 percent of the population controls two-thirds of the land and almost 60 percent of the rural population is effectively landless. The system is exploitative, and the inequality is accepted."

"In the United States, we look at wealth as expanding," he continued. "You go out and get it, not necessarily take it from somebody else. Here people are very aware that there are 1,600 people per square mile. The land and its product appear to be extremely finite, and it's dog-eat-dog on all levels."

When the phone rang, Mr. von Bernuth picked up and began talking about an interview he had just given to another reporter. "He was trying to get into the 'food for work' stuff, but didn't ask any really penetrating questions," he assured whoever it was on the other end of the phone. "I kept him happy with some overall numbers; I don't think he got anything."

When the tall, mustachioed relief worker came back and sat down, I decided to pick up where the hapless reporter had left off. When I began to ask Mr. von Bernuth about "food for work," a program that provides landless peasants with rations of grain in exchange for labor on construction projects, he insisted that our discussion be off the record.

Since independence, Bangladesh has received almost $11 billion in foreign aid, and despite recession and budget-cutting in most industrialized countries, the flow is continuing unabated. New aid commitments for fiscal 1982 will amount to approximately the same or slightly more than in 1981, between $1.6 billion and $2 billion. Actual disbursements are lower, however, and are leveling off.

This is partly because, as one World Bank economist delicately put it, "there are problems in getting the Government active again, and involved in organizing and approving projects, after the assassination of President Ziaur Rahman in May 1981."

Moreover, the donors are more and more interested in extending so-called project aid—credits or loans for development projects which can mean sales for their own manufacturers and contractors—than in giving Bangladesh the actual commodities, such as fertilizer, petroleum and raw cotton, which it needs even more. Indeed, World Bank economists say, unless the country gets more commodity aid, which generates Government revenues from its sale within the country, Dacca will not have the funds necessary to finance the local costs of the foreign-sponsored projects.

"The aid has been too easy and not the right kind," said Hugh Brammer, an adviser from the United Nations' Food and Agriculture Organization, based in Rome, to the Ministry of Agriculture. Mr. Brammer, a resident of Bangladesh for more than two decades, is considered a leading authority on the country's food situation. On a long trip to the eastern province of Comilla to visit some model food-production areas, as we drove through the lush green countryside and waited for ferries across the vast rivers that flood the rich land every year, Mr. Brammer began to explain what the massive foreign presence means in Bangladesh.

"Most of the assistance is for specific projects, and the donors are competing with each other for things to do. A few years ago, the World Bank even had to hold up a significant portion of its disbursements because of a shortage of takas [the Bangladesh currency] to finance the local costs of its projects. And since then even more donors have come in and the problem is, if anything, worse.

"It has, in a sense, corrupted the Government," Mr. Brammer said of the aid. "It has allowed them to put off difficult decisions." While we talked for example, a large Bangladeshi delegation was in Cancun, Mexico, lobbying for more aid. Calls to various ministeries for interviews frequently were met with replies that "the minister is overseas."

"Instead of governing," one disgusted A.I.D. official confided to me later, "these guys are running all over the world asking for help."

Among other things, the generous flow of foreign aid appears to have enabled the Bangladeshi Government to avoid taxing its own citizens, a minority of whom live exceedingly well by Western standards. "Five thousand people run this country," an admittedly cynical A.I.D. officer said toward the end of my visit. "These are the ones with two houses—one rented to an embassy or an aid agency—another house abroad, investments in Kuwait, factories in Ireland."

On the last day of my stay in Dacca, I happened to visit such a family. The husband, a prominent young politician, was out of town, but the wife sent a Mercedes and driver to pick me up, for she was eager for a visit from someone from New York, where she had lived before her marriage. At her lovely tropical villa set on at least an acre of green lawn, over tea and delicious Bengali sweets, she complained about the usual depiction of Bangladesh as an impoverished outpost and chatted about her four months last year in Heidelberg and her upcoming trip to Boston.

According to the representative of an international financial institution, who asked not to be identified, such families pay virtually no taxes. As he put it, "There is a lack of revenues relative to the country's income. Tax receipts amount to only 8 percent of Bangladesh's G.N.P., possibly the lowest percentage in the world. (Taxes in neighboring India, by way of contrast, are roughly 18 percent of the G.N.P.)

The United States has invested nearly $1.8 billion in aid to Bangladesh over the past decade, much of it in the form of food. Bangladesh is the world's biggest beneficiary of food aid, and the United States Government alone has shipped some 5.5 million metric tons of grain and cooking oil to the country since 1971.

Contrary to what most American taxpayers might think, however, this flood of food is not going to the poor and the hungry. It is given to the Government, which then sells it at subsidized prices to the military, the police and the urban middle class, the groups that potentially pose a political threat to the Government. Officials with international relief agencies have recently estimated that only about 25 percent or 30 percent of the total food aid distributed in Bangladesh ever reaches people who are hungry.

Donald F. McHenry, the former American representative to the United Nations, wrote in 1977 that Bangladesh's "food-aid imports represent a form of international income distribution favoring the middle class in a poor country."

Even when the food is destined for the needy, corrupt officials easily find ways to siphon off the lion's share. Both the United Nations, through the World Food Program, and the United States, through CARE, operate "food for work" programs, yet a recent study found that during a six-month period in 10 villages only 25 percent of the wheat distributed went to workers. The remainder was appropriated by Government officials and local union council members.

Another report, to the United States Agency for International Development, estimated that "less than 70 percent of the wheat withdrawn for 'food for work' finds its way to the laborers." This report concluded that the "food for work" program strengthens an "exploitative semifeudal system" within the villages of Bangladesh.

Corruption has been so embedded in the entire process of distributing food aid, in fact, that the Ministry of Education recently rejected a World Food Program offer to introduce a free food program into the schools. Only about 30 percent of children attend primary school, and it was thought that the lure of free meals might encourage better attendance. Nevertheless, the ministry has resisted the proposal. According to one of the country's leading nutritionists, Dr. Kamaludin Ahmed of the University of Dacca, "I really think the reason they don't want it is that they're afraid of the bad name they might get from the corruption that would come with such a program."

CARE, whose young American employees try to enforce the "food for work" rules in the field, and the United States Government have recently devised new rules for distributing "food for work." By simply refusing to pay for work that the Americans believe is not being carried, out, they have already saved 20 percent of the cost of the program this year. The agency was spurred in its efforts last year when one of its young women was threatened with death after she warned a corrupt local official to keep his hands out of the grain bin.

One of the angriest people in Bangladesh is the Rev. R. W. Timm, a Roman Catholic priest who has been in the country off and on for more than 20 years with Caritas (known as Catholic Relief Services in the United States.)

A tall, ruggedly handsome man in his 50's, Father Timm is a strange but familiar figure in Dacca as he whizzes around town on his motorcycle. During an interview at his desk in a huge, dimly lit room in the Caritas headquarters, the priest's voice rose in outrage.

"President Zia," he said, "reduced corruption among ministers, but now it's worse than it has ever been, at every level. One of our Caritas field officers applied to administer some of the 'food for work,' about 200,000 takas' worth (about $11,000 at the time), and he was told, 'O.K.—I get 25,000 and you get 25,000.'

"About two years ago, a road was built in one of our districts, and the local union council chairman subsequently got wheat from the Government to pay for building the same road, after it was already finished."

After calling a rickshaw for me and bargaining the skinny man between the shafts down from 50 cents to a quarter, Father Timm strapped on a helmet and climbed aboard his motorcycle. Summing up what goes on in Bangladesh, he boomed, "It is stealing directly from the poor, which is a major crime against humanity."

Given the corrupt climate that has prevailed in Bangladesh, the private voluntary organizations (known in the trade as the P.V.O.'s) and the donor governments inevitably end up trying to police the distribution of that aid and to cajole Bangladesh into accepting their priorities. Because aid constitutes such a huge proportion of the available resources, its dispensers exert a powerful, often overwhelming, influence on local policies.

The World Bank, which gave Bangladesh almost $400 million in low-interest loans last year, mostly for agriculture, has used that leverage to move toward a more free market system of agriculture. The bank, for example, asked the virtually bankrupt Government last year to reduce its subsidies on fertilizer (which would have had the effect of increasing prices) at the precise moment when farmers were deciding what to plant. The threat behind the request was a cutoff in funds for fertilizer imports (a threat, by the way, that bank officials say they never intended to carry out). Similarly, the United States held down food shipments to Bangladesh in 1979 until the Government had raised the procurement price of rice, in order to provide farmers with a greater incentive to produce.

Despite occasional successes, the donors are generally frustrated in their efforts to steer Government policies in what they believe are more constructive directions. Sitting around over drinks with United States officials in Dacca evokes eerie memories of similar evenings in Saigon. One night at the Sonargaon, an A.I.D. man leaned over the table and confided: "I realize we have a long way to go, but there is light at the end of the tunnel."

Interestingly, the United States Governments's motives for investing so much in aid to Bangladesh closely resemble its early intentions in Vietnam. An unclassified United States Embassy document dated last October stated that "U.S. economic assistance to Bangladesh is our principal means for supporting the interrelated objectives of stability and orderly economic growth. A stable Bangladesh in turn contributes to the important U.S. goal of regional stability in South and Southwest Asia."

Specifically, American policy makers have argued that massive aid to Bangladesh had prevented the country from becoming overly close to India, which enjoys close relations with the Soviet Union and whose entry into the struggle for independence from Pakistan guaranteed the victory of the insurgents in what was then East Bengal. Beyond that, the aid staves off what many officials fear could be a major political upheaval if economical conditions were to worsen drastically.

The trouble is that the governments that have succeeded each other in Bangladesh—governments which have been largely sustained by foreign aid—have not appeared to be particularly interested in using the assistance to promote a more equitable distribution of wealth. Official priorities are more evident in the MIG's that flame over the Sonargaon hotel in the mornings, and the tall, well-fed soldiers jogging along the early morning roads past tiny, stooped peasants in the fields.

What would happen if we simply cut off all aid to Bangladesh? The majority of foreign officials there believe that the result would be an increase in human suffering, at least in the short run. "If we left, a lot of people would die," one American official claimed. "And if we left, the problem would come after us. If other donors, like the Japanese or the Arabs, didn't come in, another emergency might come along and we'd have to come back with a much more massive relief effort."

"Were Bangladesh to falter now," the Embassy's presentation to Congress for fiscal 1983 states, "economic dislocation could require us to revert to essentially an expensive relief program along the lines of 1971–75. Thus our current efforts, intended to maintain the momentum of development, in a real sense protects [sic] our investment over the past decade of nearly $1.8 billion."

Other observers in Dacca talk about more constructive kinds of aid that could be given. The extensive investment by the World Bank and A.I.D. in irrigation wells, for instance, has brought water and a third harvest a year to many parts of the country and clearly played a critical part in the recent part in the recent surge in food production. Some of the small P.V.O's are engaged in practical projects that are having a direct effect on poor farmers. Among other things, the Mennonites are conducting research on optimal management of the new three-crop-per-year system.

Above all, a number of experts stress, what Bangladesh desperately needs now is commodity aid, including, especially, fertilizers, which at the moment the country can scarely afford to import. During our drive to Comilla, Mr. Brammer and I figured out

what that kind of aid could mean, in terms of feeding people.

If one spent the $820,000 that Nancy Reagan has spent refurbishing the White House on food aid in the form of rice, we calculated that it would feed more than 21,000 people for a year. If one spent the same amount of money on fertilizer, it would result in the production of enough additional rice to feed more than 81,000 people for a year.

As my plane lifted out of Dacca's modern new airport, built with French aid, I sighed with relief, and noticed that the person seated beside me did the same. We shared some of our impressions and agreed, as fellow guests of the Sonargaon, that the service had been superb, although almost too superb, too touched with servility and an overanxiousness to please.

He was a Swedish lawyer who had been in Dacca to help negotiate terms for a new hydroelectric project that was being built with World Bank funds. "What a funny country," he mused. "Do you know that our lawyer in Dacca, who argued for our terms against those of his own Government, is one of the two leading candidates for President?"

Two weeks later, I noticed in the paper that the other man had won. His victory lasted only four months, however. At that point he was ousted amid charges of corruption. And the country's new President, A. F. M. Ahsanuddin Choudhury, in one of his first public speeches, declared that Bangladesh must begin to be responsible for its own development. "Bangladesh need not have been poor," he said. "It is not because we are poor in resources. It is only because we could not manage our affairs honestly and efficiently."●

MILITARY ASSISTANCE TO CIVILIAN DRUG LAW ENFORCEMENT AGENCIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. GILMAN. Mr. Speaker, in his capacity as chairman of the Government Operations' Subcommittee on Government Information and Individual Rights and as chairman of the Narcotics Select Committee's task force on drug abuse in the military, of which I am a member, the distinguished gentleman from Oklahoma (Mr. ENGLISH) has sought to intensify our Nation's capability to wage "war" on drug trafficking and drug abuse both in the United States and abroad. Under his leadership, the Government Operations Subcommittee recently held hearings on military assistance to civilian narcotics law enforcement agencies, and I commend the chairman and his subcommittee for its efforts in focusing on this vitally important subject.

Through Public Law 97-86, permitting civilian law enforcement agencies to use military equipment and facilities, to receive information collected during military operations and to be trained by military personnel, our Armed Forces are working with the south Florida crime task force headed by Vice President BUSH to help interdict drug traffickers. I understand that high speed Cobra helicopters are on loan to the U.S. Customs Service whose pilots are being trained in the use of this aircraft; that Huey helicopters are available to the Drug Enforcement Administration (DEA) to support their drug interdiction efforts; that the Navy is providing E-2C AWAC's aerial surveillance support to the Coast Guard and high-frequency radio equipment to support DEA operations; that Coast guard personnel are stationed on Navy ships to permit the Coast Guard to board suspected drug trafficking vessels sighted by the Navy; and that the Air Force's radar balloon Skyhook is providing vital information to our law enforcement agencies. The use of high speed assault helicopters, radar-equipped aircraft to detect low-flying drug trafficking intrusions, and other communications equipment are a step in the right direction to enhance this Nation's defense against drug traffickers, whose highly sophisticated and well-financed operations use the best aircraft and vessels to elude detection.

I have previously commended the south Florida drug task force headed by Vice President BUSH for its efforts to plus a major hole through which so much drug trafficking is flowing onto our shores and have urged this administration to establish similar task forces throughout the country * * * task forces that are ongoing and properly equipped, staffed, and funded. I have also urged this administration to elevate drug trafficking and drug abuse to a top priority on its domestic and international agendas.[1]

Our military services are to be commended for their efforts to help train and equip our law enforcement agencies and to work cooperatively with them in a joint effort to interdict the drug traffickers.

Although military equipment is on loan to our law enforcement agencies, I hope that as we reconsider our budget priorities that my colleagues would consider providing increased funds to the Coast Guard, to our Customs Service, and to the DEA to permit them to purchase the desperately needed aircraft, ships, radar, and other communications equipment that is so urgently needed to match the latest technology available to the drug traffickers. Our Nation cannot afford a "borrow-from-Peter-to-pay-Paul" drug strategy that shifts scarce equipment and personnel from one region to another exposing one region to an onslaught of drugs while bolstering the defenses of another area, or that authorizes resources earmarked for the military to be loaned to our law enforcement agencies, thereby unreasonably straining the military capabilities of our Armed Services.

Mr. Speaker, if we truly mean what we say about waging "war" on drug abuse, then we must provide our drug law enforcement agencies with sufficient equipment, personnel, and funds for them to perform their dangerous tasks.●

[1] See my statement entitled, "Resources Urgently Needed for Drug Agencies," Congressional Record (May 20, 1982), pp. E 2361-62.

SALUTE TO COL. BERNARD G. EHRLICH, COMMANDER OF THE 7TH REGIMENT ARMORY, A MAN OF COMMITMENT AND SERVICE FOR OUR COUNTRY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. BIAGGI. Mr. Speaker, on June 12, I will have the distinct personal honor to join with the Board of Officers of the 7th Regiment Armory as they conduct a testimonial dinner for Col. Bernard G. Ehrlich. It will be an evening honoring an extraordinary man whose career in the military spans almost three decades and is replete with accomplishments.

The dinner will pay special tribute to Colonel Ehrlich's herculean efforts which have kept the magnificent 7th Regiment Armory located on Park Avenue in New York City, from being destroyed and replaced by an apartment complex. Colonel Ehrlich, as the commander of the 7th Regiment Armory, Army National Guard, spearheaded an effort which involved fellow members of the military and concerned members of the community united in opposition to any alteration of the 7th Regiment Armory. All indications point to a maintenance of the building in its present form and consequently as a small token of appreciation for the work of Colonel Ehrlich—this dinner is being held.

Colonel Ehrlich's work on behalf of saving the 7th Regiment Armory is but one small but typical example of what his life is all about. It is especially indicative of the selfless work he has performed almost routinely on behalf of his Nation over the past 25 years in the Army and then the National Guard.

Colonel Ehrlich's military career began without much flourish or fanfare. Following graduation from New York University Law School, he entered the Army as an enlisted man. Perhaps as a recognition of his great potential in the military—Ehrlich was assigned to Officer Candidate School at Fort Benning, Ga. Following a stint as a platoon leader he was assigned to military intelligence with the 9th Infantry Division where he served con-

tinuously until the conclusion of his first tour of active duty.

Excepting one brief return to active duty, Colonel Ehrlich has served as a leader in the New York Army National Guard for more than 20 years. His career has been filled with many personal honors and accomplishments of direct benefit to the State and Nation. In his career, Ehrlich has served as commander of three different batallions—the most recent being the commander of the 7th Regiment Armory. Thus far in his career, Ehrlich has risen from the rank of major to lieutenant colonel to the full colonel position he enjoys today. Few expect this to be the final step in the military career ladder for Ehrlich—in fact a new promotion is expected in the very near future for the colonel.

In appearance and attitude—Bernard Ehrlich represents the epitome of a good military man. He is a man who loves his country with a passion—he is an unabashed patriot. He is a man of impeccable integrity and unyielding personal discipline. He is dedicated and committed to each cause he embraces. He has earned the respect both of those whom he worked for and who now serve under him in the National Guard. He was a soldier's soldier and now is an officer's officer. Perhaps the best measurement of the success which Colonel Ehrlich has enjoyed can be seen in the various prestigious honors he has accumulated. Among his many decorations and awards include the Army Meritorious Service Medal, the Army Commendation Medal, and the New York State Long and Faithful Service Medal. It is also noteworthy that my colleague Senator ALPHONSE D'AMATO named Ehrlich as his official military adviser.

In addition to his many time consuming responsibilities in the National Guard, Colonel Ehrlich is a highly respected private attorney. I have firsthand knowledge of this, for we were at one time partners in the law firm of Biaggi and Ehrlich. Colonel Ehrlich brings to the practice of law the same high professional and personal attributes which have made him such a success in the military.

Bernard Ehrlich is a dedicated and loving husband and father as well. His lovely wife Marjorie, as well as his two beautiful daughters Geri and Robin, will be at their father's side on Saturday, June 12 as they have been as a family so many times in the past. They will share a special pride in the tribute that will be paid to Bernard Ehrlich.

My tribute to Colonel Ehrlich would be incomplete were I not to focus on Bernie Ehrlich—my dear and valued friend. Friendship like good wine is enhanced with age. A good friendship is never static—it always grows. I have known Bernie Ehrlich for some 20 years. In that time we have experienced a great deal together. We have commiserated over our failures and basked in our triumphs. One such triumph will be the dinner on Saturday night where Bernie Ehrlich, the man, will receive a most fitting tribute.

Strength, fortitude, courage, and commitment to principle and call of duty, are all trademarks of Bernard Ehrlich, and these personal attributes have carried him to this plateau of success, and will lift him to greater heights in the years to come.

Gen. Douglas MacArthur was a hero to Bernard Ehrlich as he was to millions of other Americans who have worn the uniform of our Armed Forces. MacArthur once said, "It is fatal to enter any war without the will to win it." Colonel Ehrlich has applied that motto to all of the various endeavors of his life. He has the will to win and approaches each assignment, each task with that will to win. It clearly has paid off time and time again.

It is said there are three ways to do things—the right way, the wrong way, and the Army way. I can vouch for the fact that Bernard Ehrlich has done things the way which produces the best results and most success. Therefore it is fitting that he be honored in the fashion he will on June 12. I know that his best days are still before him and I look forward to sharing more happy moments with him.●

SMALL BUSINESS INVESTMENT ACT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Ms. MIKULSKI. Mr. Speaker, today the House passed H.R. 6086, a bill amending the Small Business Act and the Small Business Investment Act of 1958. While I am in general support of this legislation, there is a provision which was added in committee markup which I must oppose.

An amendment adopted by the Small Business Committee would impose a restriction on any Small Business Administration financial assistance to any applicant which performs abortions, which engages in research related to abortions, which promotes or recommends abortions, or which trains any individual to perform abortions. This amendment apparently was adopted because a few years ago there was one SBA loan to help fund the establishment of a clinic where some abortions were performed.

Even though this facility is no longer operating, the committee chose to impose a far-reaching requirement which could prevent loans to many types of facilities which are operating within the law. This additional requirement would have nothing to do with elimination of any illegal activities, nor is it relevant to the likelihood of repayment or importance of the small business applicant's project. This requirement is simply a certain type of insidious intrusion into the lives of citizens which cannot be justified.

I urge my colleagues to support the passage of this bill, while encouraging those on the conference committee to drop this provision preventing financial assistance to legal small business projects.●

BUILD BRIDGES, NOT WALLS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. HOWARD. Mr. Speaker, at this time, I would like to call the attention of my colleagues to an outstanding speech given to the 1982 graduating class of Boston University by our respected House majority leader, JIM WRIGHT.

In addressing the graduating class, Congressman WRIGHT spoke of the need for this generation and coming generations to build bridges to the future, bridges that will unite Americans, and not walls that will separate people from their natural destinies.

This speech was of such an inspirational quality, and it said so many things that need to be said today, that I felt compelled to share it with all of you today. On the occasion of this speech, by the way, JIM WRIGHT was given an honorary doctor of laws degree and, if I may add a personal note, I can think of no one who deserves such an honor more than JIM WRIGHT, who, in Congress, has done so much to shape the laws that have helped make this a better and fairer society in which all Americans can share and prosper.

BUILD BRIDGES, NOT WALLS

Today, as we celebrate the achievement of the graduates, I want us to consider two very familiar models of the building trades. I invite you to think with me about walls and bridges—and about those who build them.

Walls and bridges! Not simply the physical structures of wood and masonry and metal, but in their larger sense—things that divide and things that unite. Almost everything we do in our interpersonal relations and as a society builds either a wall or a bridge. Either we separate people from their natural destiny by means of a wall or we connect them to it by a bridge.

I hope you will be builders of bridges.

Those receiving degrees today—more than 4,000 of you here in this ceremony—have come to the end of a long series of bridges. The years in college bridge the gulf which separates adolescence from adulthood. You step out upon a new shore.

We celebrate today the sometimes sacrificial contributions or your families which have helped you bridge chasms along the way. We celebrate the dedication of teachers whose inspiration and patience have helped you hurdle walls that stood between you and your goal.

Our government depends upon a series of alliances and understandings which build bridges across the geographical and ideological dividing lines that otherwise would separate us.

One of the best known of these is called the Boston-Austin axis. The fact that I, a Texan, was elected to work as Majority Leader of the House under the direction of that quintessential Bostonian, Speaker "Tip" O'Neill, is only the latest in a long series of close personal alliances between this state and mine which have helped to heal differences and to bind our political institutions together.

The bond between John F. Kennedy and Lyndon Johnson, and that which existed for years between Sam Rayburn and John McCormack are well known. Less well known is the bridge of mutual trust between Democrat Sam Rayburn and Republican Joe Martin of Massachusetts during the years when they served alternately as Speaker or Minority Leader.

Sam Rayburn would never permit the utterance of an unkind word about Joe Martin in his presence. Each trusted the word of the other implicitly. This bridge of personal honor which spanned the political parties made the American government work better because of its existence.

WALL BUILDING

The builders of walls, on the other hand, make a cohesive society infinitely more difficult. Four years ago this month, Kevin Phillips wrote an article in Harper's Magazine entitled, "The Balkanization of America." He wrote of a growing spirit of parochialism which he said in the process of splintering our society, and disintegrating our fundamental national unity. Too many Americans, he concluded, have begun to think of themselves first as members of some particular economic or social or geographic group—and only secondly if at all, as Americans.

In the Congress itself, there has grown up in the past few years a Black Caucus, an Hispanic Caucus, a Steel Caucus, a Farm Caucus, a Northeast Caucus, a Sunbelt Caucus, a Tourism Caucus, a Coal Caucus, and a Blue Collar Caucus, just to name a few. As one whose job it is to try to synthesize a course of common action from such heterogeneity of interests, I can attest that the tendency to build walls of division—the us-against-them syndrome—is dissolving some of the glue which once held us together, and making the process of governing an infinitely more difficult and more challenging task.

The very words we speak and write are meant to be bridges of communication. Words and language and ideas are what distinguish man from beast. The curator of a big city zoo once told me that baby gorillas advance more rapidly than infant children for the first 18 months of their lives. After that, the gorilla's learning process almost stops, while that of the human child continues at an ever-faster pace.

The obvious difference is that humans alone have a verbal and written language by which each generation can communicate the store of knowledge to each succeeding generation. That's what we call education. Other members of the animal kingdom learn only by imitation.

Language is the bridge to knowledge. Education is the bridge to human progress. Without records, without books, without the tradition of learning which mankind has evolved, we still would be brutish creatures. There would have been little evolution from Piltdown Man.

Those who abuse language as an instrument of division—those who use it to divide people against people, class against class, race against race, religion against religion, or region against region, prostitute its purpose. They erect walls with those building blocks that were intended for bridges.

And that is why book burning—such as was practiced by the Nazis in Germany and others before them and since—is such a crime against humanity. Its ultimate goal is the walling off of some part of our collective memory of the past or of our awareness of the possibilities of the future.

Some governments and human institutions are essentially builders of walls. In the Third Century, B.C., the Chin Dynasty in China built the world's longest continuous wall to insulate the entire country from what the Chinese leaders considered the evils of foreign influence. Nobody could get in or out. Behind this wall, China languished for 1,800 years and fell hopelessly behind the rest of the world—because it had erected a barrier which mankind's new discoveries and increasing knowledge could not penetrate.

The invisible Iron Curtain that Russia drew across Europe 35 years ago was put into place by more sophisticated means. But it had the same general purpose. It was to seal off the people of the communist bloc countries from unapproved knowledge, unapproved ideas, outside influence.

There could be no more grotesque example than the Berlin Wall whose purpose was not to keep others out but to convert a whole society into a prison, to hold captive the citizens of an entire nation. The refusal of any country to permit the out-migration of citizens who want to leave is a confession of moral and social impoverishment and economic destitution.

AMERICA BUILDS BRIDGES

America through most of its history has been building bridges. Yes, we fall prey to wall building from time to time. In periods of economic recession, we are tempted to raise tariffs and quotas and other impediments to the flow of world trade. These are economic walls.

Those who would throw roadblocks in the way of free expression are builders of intellectual walls.

Pope John XXIII built bridges to a warmer fellowship between religious denominations. There are some in organized religion who would arrogate to themselves the attributes of diety and arbitrarily exclude others. They build religious walls. Some of them would endow their political prejudices with religious justification.

From the beginning there have been some not content to be created in God's image, but intent instead upon recreating God in their own image.

The builders of walls usually operate from fear. All of the legal and economic tricks which for years kept Negroes and other minorities from voting and getting an education and sharing fully in the opportunities and privileges of a free society were walls. They were built, for the most part, by people who honestly feared that—unless minorities were walled off and kept "in their place"—there would be fewer privileges left for themselves.

They see freedom as a thing of short supply, to be hoarded—not as a blessing to be shared.

A decade ago we saw certain civil rights groups building their own walls in retaliation, burning the bridges of understanding that did exist, blaming white people in general with all of their troubles, and defending violence in the name of black power. In this way, one wall begets another. Communications break down, and riots break out.

But as Robert Frost wrote: "Something there is that doesn't love a wall, that wants it down."

Given occasional aberrations, the history of our country has been a long, sometimes sporadic but generally continuous process of building bridges.

We have been breaking through the ceilings, those horizontal walls which hold people down, and through the perpendicular walls that hold people in. We have become the most upwardly mobile, the least economically and socially stratified of the world's societies. From the beginning, this has been our most distinctive national characteristic.

We did not set out to create an aristocracy and install it as a ruling class. Nor did we destroy the aristocracy and supplant it with a dictatorship of the proletariat. Our goal has been to expand the privileged class until it shared its benefits with the humblest citizens of the land.

Ours was to be an aristocracy with a difference. Not a nobility to which some are born and others forever denied, but one to which all could aspire and which most could attain. Not a snobbish aristocracy of exclusiveness, but one which constantly seeks to enlarge its membership. One not of special privilege, but of universal privilege whose members qualify by self-preparation and by assuming the responsibilities which go with privilege.

THE AMERICAN DREAM

This is what came to be called "the American dream." It is the promise of a society in which the humblest child born of a most improvident circumstance may have as his or her birthright an education unlimited by lack of opportunity, an equal right to vote and participate in the political process, the right to useful work, and the very real chance to own property.

In starts and stops, in bursts of creative energy and pauses for regrouping, we have moved consistently toward those goals. They are not yet fully realized for all of America's children.

In the past two years we seem to have entered an era of retrenchment in which our historic progress has been temporarily stalled, and this disturbs me deeply.

Consider what progress we made in two short decades—from 1960 to 1980. In those 20 years, the number of college graduates annually receiving degrees increased by over 150 percent. The growth in graduate education was even more spectacular. By 1980, the nation was conferring approximately 400,000 masters degrees, compared to 78,000 in 1960—an increase of some 400 percent. For millions, these were the bridges of opportunity.

By 1980, we had reached the point where 79 percent of our non-white youth were completing high school. Not enough, but better by far than the 53 percent which were able to do so in 1960.

In the age group of those receiving baccalaureate degrees this year, one out of every four Americans will complete college. In 1960, the figure was not quite one in eight. Members of this class are among the fortunate 23 percent.

And yet—and yet, there is something deeply disquieting in the present scene. The number of high school and college graduates, as a percentage of our population, has remained at a plateau for the past three years and shows alarming signs of turning downward.

Economic conditions in general, and declining availability of student loans and financial assistance in particular, may foredoom the accessibility of higher education to a declining percent of our young population. That, in my judgment, would be tragic!

It would be historically retrogressive, wasteful of our most precious resource, and morally indefensible.

EDUCATION, OUR BEST INVESTMENT

The very best investment our country ever made—with the possible exception of the Louisiana Purchase—was the G.I. Bill of Rights with its educational opportunities immediately following WWII.

Not only did it enlarge the intellectual horizon and enrich the social and economic fabric of our nation beyond anyone's capacity to measure. It actually returned a very handsome profit to the government itself—at least $20 for every $1 of public investment—in the form of higher taxes paid by reason of the enhanced earning capacities of the hundreds of thousands of Americans who availed themselves of those educational benefits.

Today we quibble and quarrel in petty puerility about whether the nation can afford student loans, Pell grants and work-study opportunities. Like Nebuchadnezzar, we seem to have forgotten the dream.

There is something fundamentally deranged in the standard of values of our nation when we reduce bilingual education, vocational education and job training by 28 percent in one year while calling for approximately the same amount of money to build more prisons.

A part of the American dream has been the promise of home ownership. In 40 years, we increased the reality from 30 percent of American families to 70 percent. It is a sorry commentary today that only 3 percent of the newly-formed family units can qualify to buy a house because of the suffocating level to which interest rates have been permitted to rise.

That, in a society which would build bridges instead of walls, is intolerable.

Machines and weapons of the most infinite sophistication cannot assure national security nor restore productivity to a nation which ever forgets that the ultimate guarantor of defense and the ultimate machine of enhanced production, that which has ever been the hallmark of American military and industrial superiority is the cultivated mind and motivated spirit of the trained and educated American. Without the bridges of educational and economic opportunity, ever widening to accommodate ever more people, we cannot be first in industrial production nor preeminent in national defense.

BE BUILDERS OF BRIDGES

On this day of your graduation, I ask you to make a commitment—that you will revive the American dream, tear down the walls of alienation that still exist between our people, and complete the bridges that we have begun.

When this has been done, there still will be work to do, and bridges yet to build.

If democracy is to triumph in the underdeveloped world, bridges of literacy and learning must be extended to the humblest families. They must be given a chance to make a decent wage—a chance to borrow, to get a start, at a rate of interest they can pay—a chance to own a modest home or a small farm of their own. In emerging nations, free societies will thrive only if they build bridges across the impenetrable walls that too often have separated class from class.

Somehow, someday, the vision of humanity must be employed to tear down the walls of fear and hostility and create in their place bridges of understanding between the people of the United States and the people of the Soviet Union.

This is no doubt the most difficult work of all. But it could be the most rewarding.

In this year alone, our two nations will spend half a trillion dollars upon armaments. Just think of the legitimate needs this amount of money could meet. Think of the untold good it could perform if it could be spent instead upon foodstuffs and medicine, upon research and disease eradication, upon libraries and books and schools and hospitals—on bridges rather than walls—on people rather than implements of destruction.

These bridges of understanding between people of different nations will not be finished this year, or this decade, or perhaps in your lifetimes. But if the mind and purpose of man can unite to construct the bridges to a peaceful world, they will serve as no other thing can to bless the generations yet unborn.●

IMPACT OF FEDERAL EDUCATION CUTS ON PRIVATE COLLEGES AND UNIVERSITIES

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. NEAL. Mr. Speaker, much has been said about the effect cutbacks in aid to education will have on the college students of the Nation. The debate has focused largely upon the public institutions of higher learning. Often, if not entirely overlooked, is the effect the policies of this administration are having on private colleges and universities.

I think it is important to realize that when private institutions are in duress, more strain is placed on public institutions. If some private colleges are forced to close—as some almost certainly will have to do—many lower and middle income families will have to limit their educational choices to lower priced public institutions.

These and other facts are presented impressively in an article by Dr. Richard L. Morrill, president of Salem College in Winston-Salem, N.C. The article appeared in the March 1982, edition of "Salem," the college's alumni publication. I would like to enter it into the RECORD at this point.

The article follows:

FEDERAL BUDGET CUTS AND SALEM

I am writing in response to the deep budget cuts that have been proposed in federal student loans and grants for fiscal 1983. It is my unhappy responsibility to report that after this year's 12 percent reductions in these programs any further cuts will have damaging consequences for higher education in general and private colleges like Salem in particular. In my personal view these proposals are painfully shortsighted. They abruptly reverse long-standing commitments, contradict many of the current administration's own fundamental principles, and could easily lead to increased tax burdens at the state level. I would like to ask you to assess the proposed cutbacks and then to consider communicating your views directly to your Congressmen and other officials.

Aid from the federal government to students has been one aspect of the financing of higher education ever since the GI Bill. During the 1950s, 60s, and 70s a series of programs have evolved which assist middle and lower income college students with grants, loans, and work-study opportunities. (See Profile of Programs) The rationale for these efforts is clear and compelling. They have intended to provide students both access and choice regarding college education. The commitment to access has been established for nearly a quarter of a century. It involves the belief that the opportunity for higher education should not be limited by an individual's financial circumstances, but only by his or her interests and abilities. The value of choice involves providing the means for students and their families to choose among the significant array of diverse opportunity within American higher education. We are the envy of the world in being able to offer students the choice between public and private colleges, vocational and liberal arts programs, religious and secular colleges, in-state or out-state education, single-sex and co-educational institutions, small and large colleges, and so forth.

If the drastic cuts proposed by the administration were to be implemented, there is no question that thousands upon thousands of students would simply be eliminated from the roster of higher education. This loss of personal opportunity is paralleled by society's demands of the future. If there is to be a sustained economic recovery in America, then surely we must invest in the human resources to provide the knowledge and the creativity to support economic growth.

The decrease in personal educational opportunity will affect financial aid students whether they attend public or private colleges. From the special vantage point of an independent college, I would like to share some of the particular dilemmas that will be created for Salem and virtually every other private institution. During the past several decades both private and public institutions have responded magnificently to the national challenge of enlarging educational opportunity. The educational and human benefits arising from this distinctively American commitment are obvious. It has been made possible through a skillful combination of federal, state, and private sources of support. The federal government is covering one important dimension of a complex and interactive system of financial assistance. But beyond the threatened decline of economic diversity in the student body of independent institutions, there is something yet more ominous—the eventual permanent closing of many private colleges and univer-

sities. There is little question that many lower and middle income families, lacking support in loans and grants from federal sources, will have to limit their educational choices to lower-priced public institutions. Often missing in the discussions of the proposed budget cuts is the recognition of the significant role that federal and other aid has played in helping to narrow the vast tuition gap that has grown between tuition charges at public and private institutions.

There are only a handful of nationally-known and well-endowed private institutions in the country that are in a position to adopt the unattractive, but eventually necessary, policy of sharply restricting the enrollment of financial aid students as government funds dry up. The great majority of private institutions are dependent upon the attendance of a significant number of qualified financial aid students to maintain basic enrollment and fiscal stability. Most private institutions in America now have from twenty-five to ninety-five percent of their student bodies receiving some form of financial aid. In many ways, then, the existence of a strong *private* sector within American higher education depends upon public policies that will give middle and lower income students a choice about the type of colleges they will attend.

A sad irony in the current proposals is that some of the very things that the current administration has worked to foster, such as an active private sector not controlled by government rule and regulation, are now being threatened as regards higher education. Initially there was discussion by the administration of ways in which tuition tax credits or other devices might give families the ability to send their children to private institutions. Now, however, such talk has ended, and *nothing* is being proposed to take the place of student loans and grants. Without the ability to draw upon qualified middle income students, and with the decline in the number of high school graduates just ahead, small, private, religiously-affiliated colleges will be facing severe pressures for survival during the next decade.

You will be interested to learn what some of these policies will mean at Salem. Salem students have not been nearly as dependent upon federal sources of loans and grants as students at most private colleges. Nevertheless, we can already see what this will mean for Salem over the long-term. For example during the 1981-82 fiscal year Salem College's total tuition income of $2 million (this excludes room and board charges and other fees) has included approximately $950,000 in revenue from all financial aid sources. These figures include approximately $230,000 of the College's own funds in gifts, grants and endowment income, about $130,000 from various North Carolina assistance programs that go directly to students, plus about $580,000 that has come to students and their families from Federal sources. The largest sum in the Federal total is from the Guaranteed Student Loan program which Salem families have drawn upon this year at the level of approximately $450,000. We know that in future years the Guaranteed Student Loan total will be less than half of the current amount because the program has already been thoroughly reorganized and reduced in scope. Income limits, origination fees, increased interest charges and other changes were made in 1981. The administration's most recent proposals concerning the GSL would eliminate support for graduate students completely, and would make loans much more costly, less available and useful to undergraduate students and their families. We simply do not know what sources parents will find to make up for the loss of borrowing power that has resulted from changes in the program. We know even less, but have genuine fears, about what will happen if the program is reduced any further.

Through The Salem Challenge Campaign and increases in our endowment, and other budgetary adjustments, Salem will be able to continue to support its students on financial aid next year, including increases related to adjustments in tuition and fees. Salem students and their parents do not need to worry about reductions in the programs that Salem controls on its own. We also will by necessity be increasing our own financial aid budget significantly to make up for slated reductions in the federal programs that have already occurred. The net effect of some of these adjustments is, of course, simply to accelerate next year's overall tuition increase, a strategy that for the long-term is simply self-defeating. We begin to create a vicious cycle whereby increases in the financial aid budget due to losses of federal support push tuition all that much higher, excluding more middle income and lower income families, which may reduce enrollment and force tuition even higher—and so on.

Another painful irony within the current proposals is that as more middle income students are squeezed out of private colleges, the net effect over a period of years is to raise the cost of tax-funded education at the state level. Approximately 50,000 students are now being educated in North Carolina's private colleges and universities. Were this sector not to exist many of those students would be enrolled in public education at a staggering increased cost in millions upon millions of dollars to the taxpayer. The failure to adopt public policies to maintain private institutions is sheer fiscal folly, as well as being extremely unwise in social and educational terms. Diversity unarguably leads to greater educational quality and choice throughout the total system.

I have to conclude that without other alternatives being proposed, it is unwise, inefficient, and contradictory to seek to gain some temporary budgetary benefits from drastic reductions within student loan and grant programs. If one were to be philosophically committed to the necessity for these dramatic cutbacks, and also to be concerned about the future of private education, then at the very least the prudent course would be to pursue the reductions over a significant number of years. If private colleges and universities had a decade in which to replace federal funds with private and state funds, and if alternative forms of direct or indirect assistance were made available, then the transition could proceed in an orderly fashion. In North Carolina we are initiating efforts to establish private sources for loans and we are seeking to increase giving for financial aid purposes, but all of these efforts take time. Federal loans and grants have become part of the fabric of the ways in which higher education is financed in this country, and one cannot alter the pattern overnight. To do so is to destroy the fabric itself and to do harm to countless individual lives and to society's own resources for economic and social renewal.

If the considerations that have been addressed in this statement concern you about the future of higher education and of Salem, I would ask that you take an active role in communicating your thoughts—by phone, letter, or in person—to your elected representatives. If you support the policies of the federal administration, and also believe deeply in the benefits of private colleges like this one, then I would respectfully request that you communicate in that spirit. At a minimum, private colleges need to have the time to make the adjustment to new methods for financing education. When compared with many of the vast programs within the federal budget, and some of the special interest tax reductions passed last year, higher education programs seem rather small. We are talking about funds that now are highly leveraged since they serve the purpose of supporting individuals while they simultaneously contribute to institutional viability. It would be foolhardy and callous to allow the precious heritage of independent colleges like Salem to become substantially weakened in the future after they have served society so well for so long. This is an issue on which your voice needs to be heard.

RICHARD L. MORRILL,
President.

PROFILE OF FEDERAL STUDENT LOAN AND GRANT PROGRAMS

[Federal loan and grant programs were cut 12 percent in the continuing resolution passed by Congress in December 1981 for the 1982 fiscal year budget]

Program	Administrator's proposed reductions for 1983
Pell grants (formerly BEOG Grants)—direct grants to students based on financial need. 2.6 million recipients. Maximum award $1,800 in 1982.	40-percent cut, eliminating 1 million recipients.
Supplemental education opportunity grants (SEOG)—grants to students, awarded and administered by the campus.	Elimination of the program.
College work-study (CW-S)—campus and other part-time jobs financed 80 percent by Federal support.	30-percent cut, eliminating 250,000 recipients.
National direct student loans (NDSL)—low interest loans to needy students using revolving pool of funds and annual capital additions.	Elimination of new capital contributions.
State students incentive grants (SSIG)—a Federal-State matching program for very low income students.	Elimination.
Guaranteed student loans (GSL)—Loans to students with family income under $30,000 (higher income eligibility when college costs are higher). Interest 9 percent, loan repayment begins after graduation.	Increase current origination fee from 5 percent to 10 percent. Eliminate all graduate and professional school students. Pay market interest rates 2 years after repayment starts.

FEDERAL STUDENT AID 1981-83 EXPENDITURES AND PROJECTIONS

[Fiscal years]

	1981	1982 continuing resolution	1982 rescissions/ supplementals	1983 Reagan budget
Pell grants	[1] $2.346	[1] $2.279	[2] −$91.4	[1] $1.400
SEOG	[2] 370	[2] 278		0
CW-S	[2] 550	[2] 528	[2] −44.0	[2] 398
NDSL	[2] 186	[2] 179		0
SSIG	[2] 77	[2] 74	[2] −6.0	0
Total	[1] 3.529	[1] 3.338	[2] −141.4	[1] 1.798
GSL	[1] 2.535	[1] 1.774	[2] +978.0	[1] 2.485

[1] Billions.
[2] Millions.

HOUSE OF REPRESENTATIVES *Wednesday, June 9, 1982*

The House met at 10 a.m.

The Reverend Elmer L. Fowler, the Third Baptist Church, Chicago, Ill., offered the following prayer:

Lord, thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the Earth and the world, even from everlasting to everlasting, Thou art God.—Psalm 90: 1-2.

O, God of our fathers, Lord of our weary years, grant that the work of this day may be in accordance with Thy will. Give to us strength of spirit, clarity of mind, and health in body that we may do what we have to do with all our hearts. Bless, preserve, and keep our President, our Speaker, and all the Members of this House of Representatives, as they labor together for the good will of our Nation, for peace in our world, and for the good of all mankind, through Jesus Christ, Our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SEIBERLING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SEIBERLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 25, present 2, not voting 65, as follows:

[Roll No. 132]

YEAS—340

Addabbo	Bafalis	Bevill
Akaka	Bailey (MO)	Biaggi
Albosta	Bailey (PA)	Bingham
Alexander	Barnard	Bliley
Anderson	Beard	Boggs
Andrews	Bedell	Boland
Annunzio	Beilenson	Boner
Anthony	Benedict	Bonior
Applegate	Benjamin	Bonker
Archer	Bennett	Bouquard
Aspin	Bereuter	Bowen
Badham	Bethune	Breaux
Brinkley	Gradison	McHugh
Brodhead	Gramm	McKinney
Brooks	Gray	Mica
Broomfield	Gregg	Michel
Broyhill	Gunderson	Mikulski
Burton, Phillip	Hagedorn	Miller (CA)
Byron	Hall, Ralph	Minish
Carman	Hall, Sam	Moakley
Carney	Hamilton	Moffett
Chappell	Hammerschmidt	Molinari
Chappie	Hance	Mollohan
Cheney	Hansen (ID)	Montgomery
Chisholm	Hansen (UT)	Moore
Clausen	Hartnett	Moorhead
Clinger	Hatcher	Morrison
Coats	Hawkins	Mottl
Coelho	Heckler	Murphy
Coleman	Hefner	Murtha
Collins (IL)	Hertel	Myers
Collins (TX)	Hightower	Napier
Conable	Hiler	Natcher
Conte	Hillis	Neal
Corcoran	Holland	Nelson
Coyne, James	Hollenbeck	Nowak
Coyne, William	Hopkins	O'Brien
Craig	Horton	Oakar
Crane, Daniel	Howard	Oberstar
Crane, Philip	Hoyer	Obey
D'Amours	Hubbard	Oxley
Daniel, Dan	Huckaby	Panetta
Daniel, R. W.	Hughes	Parris
Dannemeyer	Hunter	Pashayan
Daschle	Hutto	Patman
Daub	Hyde	Patterson
Davis	Ireland	Paul
de la Garza	Jeffords	Pease
Deckard	Jeffries	Pepper
Dellums	Jenkins	Perkins
DeNardis	Jones (NC)	Petri
Derrick	Jones (OK)	Peyser
Derwinski	Jones (TN)	Pickle
Dicks	Kastenmeier	Porter
Donnelly	Kazen	Price
Dorgan	Kemp	Pritchard
Dougherty	Kennelly	Pursell
Dowdy	Kildee	Quillen
Downey	Kindness	Railsback
Dunn	Kogovsek	Rangel
Dwyer	Kramer	Ratchford
Dyson	LaFalce	Regula
Early	Lagomarsino	Reuss
Eckart	Latta	Rhodes
Edgar	Leach	Rinaldo
Edwards (AL)	Leath	Roberts (KS)
Edwards (OK)	LeBoutillier	Roberts (SD)
Emery	Lee	Robinson
English	Lehman	Roe
Erdahl	Leland	Rogers
Erlenborn	Lent	Rosenthal
Ertel	Levitas	Rostenkowski
Evans (DE)	Lewis	Roth
Evans (GA)	Livingston	Roukema
Evans (IN)	Loeffler	Roybal
Fascell	Long (LA)	Rudd
Fazio	Long (MD)	Russo
Findley	Lott	Savage
Fish	Lowry (WA)	Sawyer
Fithian	Lujan	Scheuer
Flippo	Luken	Schneider
Florio	Lundine	Schulze
Foglietta	Markey	Schumer
Foley	Marriott	Seiberling
Fowler	Martin (IL)	Sensenbrenner
Frank	Martin (NC)	Shamansky
Frenzel	Martin (NY)	Shannon
Frost	Matsui	Sharp
Fuqua	Mattox	Shaw
Gaydos	Mavroules	Shelby
Gephardt	Mazzoli	Shumway
Gilman	McClory	Shuster
Gingrich	McCollum	Siljander
Ginn	McCurdy	Skeen
Glickman	McDonald	Skelton
Gonzalez	McEwen	Smith (AL)
Gore	McGrath	Smith (IA)
Smith (NE)	Tauzin	Whittaker
Smith (NJ)	Taylor	Whitten
Snowe	Traxler	Winn
Snyder	Udall	Wirth
Solarz	Vander Jagt	Wolf
Spence	Vento	Wolpe
St Germain	Volkmer	Wortley
Stangeland	Walgren	Wright
Stark	Wampler	Wyden
Stenholm	Watkins	Wylie
Stokes	Weaver	Yatron
Stratton	Weber (MN)	Young (FL)
Studds	Weber (OH)	Young (MO)
Stump	Weiss	Zablocki
Swift	White	Zeferetti
Synar	Whitehurst	
Tauke	Whitley	

NAYS—25

Barnes	Gejdenson	Schroeder
Brown (CO)	Goodling	Smith (OR)
Butler	Harkin	Solomon
Coughlin	Hendon	Staton
Dickinson	Holt	Walker
Emerson	Johnston	Washington
Evans (IA)	Miller (OH)	Yates
Fields	Roemer	
Forsythe	Sabo	

ANSWERED "PRESENT"—2

Madigan	Ottinger

NOT VOTING—65

Atkinson	Ferraro	Mitchell (MD)
AuCoin	Fiedler	Mitchell (NY)
Blanchard	Ford (MI)	Nelligan
Bolling	Ford (TN)	Nichols
Brown (CA)	Fountain	Rahall
Brown (OH)	Garcia	Richmond
Burgener	Gibbons	Ritter
Burton, John	Goldwater	Rodino
Campbell	Green	Rose
Clay	Grisham	Rousselot
Conyers	Guarini	Santini
Courter	Hall (OH)	Simon
Crockett	Heftel	Smith (PA)
Dingell	Jacobs	Stanton
Dixon	Lantos	Thomas
Dornan	Lowery (CA)	Trible
Dreier	Lungren	Waxman
Duncan	Marks	Williams (MT)
Dymally	Marlenee	Williams (OH)
Edwards (CA)	McCloskey	Wilson
Fary	McDade	Young (AK)
Fenwick	Mineta	

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

THE REVEREND ELMER L. FOWLER

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, I rise in praise of the Reverend Elmer L. Fowler, who has been, and remains, a driving force for meaningful, needed social change, to undergird his spiritual mission, for the betterment of his congregation, the city of Chicago, our Nation, and the world.

As pastor of the Third Baptist Church of Chicago for the past 19

years, Reverend Fowler has continued to inspire and direct a growing commitment to the forgotten and the underserved.

Since his graduation from Bishop College, in 1940, where he received a B.A. degree in social sciences, he has encouraged support, through his church for the United Negro College Fund to generate needed scholarships for students.

Inside his church, Reverend Fowler has called on his congregation to not only carry hope for a better future but also voter registration cards and NAACP membership cards to make more righteous the present.

Outside his church, Reverend Fowler started and now serves as president of the Englewood Community Health Organization. Projects there have ranged from programs for the young and the elderly, to locating emergency lodging and long-term housing for the needy.

When my staff sought a community-based facility to hold accountability report rallies for the Second Congressional District, Reverend Fowler offered his church. He did so because he strongly believes that an informed community, a community that hears the issues and then responds to them, is an enriched community.

I am indeed pleased and honored to have sponsored Rev. Elmer L. Fowler to deliver the invocation for this morning's important session of the U.S. House of Representatives.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 391

Mr. McDONALD. Mr. Speaker, I ask unanimous consent that my name be withdrawn from the list of cosponsors of the bill, H.R. 391.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 352, FIRST CONCURRENT RESOLUTION ON THE BUDGET, 1983

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent the Committee on Rules may have until midnight tonight to file the resolution providing for the consideration of the concurrent resolution (H. Con. Res. 352) revising the congressional budget for fiscal year 1982 and setting forth the congressional budget for fiscal year 1983.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION OF DEPARTMENT OF THE INTERIOR TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the executive communication (No. 3956) from the Department of the Interior dated May 11, 1982, which was referred exclusively to the Committee on Interior and Insular Affairs be re-referred jointly to the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. DAUB. Mr. Speaker, reserving the right to object, I do so only to indicate that there is no objection to the request on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 495), and I ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 495

Resolved, That the following named Members be, and they are hereby, elected to the following Committees of the House of Representatives: Committee on Education and Labor: Steve Gunderson, Wisconsin; Committee on the Judiciary: E. Clay Shaw, Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BUDGET CUTS DRY UP FUNDS FOR VETERANS' ADMINISTRATION BURIAL EXPENSES

(Mr. PEYSER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I was saddened this morning to learn, through a letter I received and then by checking on the facts, that we have veterans of the U.S. military services who have died in this past year and whose bodies are still remaining in morgues around this country because of the cuts made last year in the Gramm-Latta budget that have reduced the amount of money available for burial of these veterans to a point that the Veterans' Administration people cannot bury our own dead, the bodies of veterans who served this country.

I just think this is very deplorable, and it is certainly my hope that this Congress will feel that it has to respond to the veterans of this country better than it has during this past year.

IN SUPPORT OF REINSTATEMENT OF TAX DEDUCTION CEILING FOR MEMBERS OF CONGRESS

(Mrs. BOUQUARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOUQUARD. Mr. Speaker, it is expected that later today conferees will be appointed for the consideration of the urgent supplemental appropriations bill. As the Members certainly realize, there are a number of programs funded by this act which are of significant importance both locally and to the Nation. Nevertheless public attention will be focused on the Proxmire amendment which reinstates the $3,000 business related tax deduction ceiling for Members of Congress.

I along with a substantial number of other Members have repeatedly urged that the House conferees recede to the Senate on this issue. Later today we will be delivering letters to the House conferees underscoring our concern on this matter. This Congress must not place itself in the position of being remembered only for the manner in which we increased our salaries.

Many in the body have already acted to express their opposition to these outrageous deductions. On January 26, 1982, I introduced legislation to roll back the deductions. I have been joined by many of the Members both on my bill and on similar legislation. I have refused to accept the tax deductions because of my objection to the way in which they were approved, and also because I pledged not to accept any pay raise approved during this Congress. These tax deductions are no more than a backdoor pay raise for this Congress.

I would say to all my colleagues who supported the black lung benefits bill because of the overriding importance that legislation had for many of the disabled elderly coal miners of this Nation, and I would point out that 155 Republicans together with 208 Democrats made up the overwhelming majority which approved this legislation, that you will shortly have the opportunity to vote directly on the issue of the tax deductions. I would urge you to vote to repeal the deductions. The American people are clearly and unequivocally opposed to them and we must heed their leadership.

URGING WITHDRAWAL OF PROPOSED NURSING HOME REGULATIONS

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I urge my fellows Members to join me in heading off a disaster—a disaster in America's 18,000 nursing homes.

Today, together with the gentleman from Florida, Mr. CLAUDE PEPPER, chairman of the Select Committee on Aging, I filed a resolution urging Secretary Schweiker to withdraw proposed regulations relating to nursing homes.

These regulations, if approved, would remove one of the basic safeguards relating to our frail elderly, the safeguard of annual inspections for medicare and medicaid certification. Annual inspection clearly curbs abuses in our nursing homes—physical abuses, fire and safety code abuses, fiscal or dollar abuses of patients, and yes, taxpayer's dollars. To eliminate annual inspection is to openly invite tragedy, tragedy to the frail elderly in our 18,000 nursing homes.

To head off this tragedy, Mr. Speaker, I urge the Secretary at the earliest possible date to withdraw these regulations.

INTRODUCTION OF BILL TO PERMIT POOLING OF SMALL-ISSUE INDUSTRIAL REVENUE BONDS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, today I am introducing a bill which will permit the pooling of small-issue industrial revenue bonds. This bill, the Small-Issue Industrial Development Bond Act of 1982, is aimed at preserving one of the most important means of access to capital for many small businesses.

Industrial revenue, or development, bonds, are the tax-exempt instruments used by State and local governments as a means of stimulating industrial expansion. Through the issuance of IRB's, localities are able to exert a great deal of influence over their future economic development. These tax-exempt bonds have taken on an ever-greater importance since the beginning of the lengthy period of record-high interest rates, from which we are currently suffering.

Mr. Speaker, the legislation I am introducing today is quite simple. It would reverse the Internal Revenue Service ruling of last August which prohibited the pooling of small-issue IRB's. I believe it is critical that Congress acts to preserve this vital source of capital for small business. At a time when Congress is in the midst of a vital debate on the future of our economy, we should be striving to sharpen the tools in our arsenal to stimulate economic growth, not remove them. Small-issue industrial revenue bonds are an important part of the arsenal, and this legislation will guarantee their continued availability.

□ 1230

UNITED STATES SHOULD SPEAK OUT ON EXPLOITATION OF LEBANON

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, the exploitation of the country of Lebanon has gone far enough. Thousands of Lebanese have been killed and thousands more wounded, and many are women and children and many are refugees in their own country. This once beautiful country in now in shambles.

In addition, the State Department tells me that 26 Israelis have been killed and 90 wounded.

This violence must end.

What the PLO had done in terms of violence in the past is wrong. What the Israelis are currently doing to the country of Lebanon is wrong.

Thinking people throughout the world know this. What will our Government do? Will we sit idly by and let our ally, Lebanon, and her people disintegrate before our eyes?

I say it is high time our President and this Congress take a strong stand against the exploitation and violence toward the country of Lebanon and its people.

The people of the world are watching to see how we will react.

Lebanon, our ally, should not be expendable. Our President should call all parties together and insist on all foreign elements to leave the country of Lebanon. We should be the leader as negotiator for peace in the Middle East.

CONGRESS SHOULD REPEAL THE TAX BREAK IT GAVE ITSELF

(Mr. ERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERTEL. Mr. Speaker, today I rise to discuss the tax break which was given to the Congress in the recent black lung bill.

We will have an opportunity to vote today to instruct conferees, unless we are precluded by a parliamentary procedure. All of us knew when we chose to run for Congress the pay and benefits which accompany the office and we should not engage in going back and surrepticiously putting in a tax break for Congress.

A parliamentary procedure was used to push through the $75 a day tax break without a single direct vote in the House of Representatives and served only to avoid public debate and scrutiny.

As enacted, the $75 a day tax break does not require substantiation, giving Congressmen and Senators special consideration under the tax law.

Even beyond that, the tax break was made retroactive almost a full year.

I opposed this tax break. I did not use this tax break when I computed my 1981 tax return.

Last year the Senate attached this giveaway of taxpayers' money to legislation insuring adequate revenues for the black lung benefits trust fund. This trust fund pays the benefits of coal miners in Pennsylvania and other States who are disabled by black lung disease.

So supportable a piece of legislation was the black lung benefits that 155 Republicans and 208 Democrats voted in favor of passage. The final vote was a lopsided 363 to 47.

That legislation was so worthy that President Reagan even signed it into law.

Today the situation is different. Today we will have an opportunity to vote directly on the tax break and I urge my colleagues to vote against it.

CONGRESS TAX BREAK

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am also rising to address the issue of the tax break because we are going to be facing a very sticky parliamentary procedure. I hope everyone understands it.

Under the House rules, when we take up the urgent supplemental and we start to appoint the conferees, the minority side has the right to make the motion to instruct the conferees first.

If there is a minority motion to instruct and it does not happen to include Senate amendment No. 62, which is the one dealing with the Proxmire amendment, the only way we can amend the motion to instruct the conferees on that issue is to defeat the previous question.

So I think it is going to be terribly confusing to Members. It is going to be a time when those of us who have worked so hard to do something about this issue and to get the tax bonanza off the books are going to have to pay very close attention to find out exactly what is happening and how we achieve our goal.

I hope today we can put that issue behind us and get back to where we were.

SELECTIVE SERVICE REGISTRATION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I was happy to see the figures released this week by the Selective Service System on the number of young men who have complied with the law and registered with the Selective Service System.

The latest statistics show that there is a 93-percent compliance rate on the national level by young men born in the years between 1960 and the first part of 1964.

I think 93 percent is a very good rate of registration and the number could have been even higher had it not been for confusion on whether to register or not to register.

This week the Selective Service began a computer check in an attempt to find the names of those young men who have not yet registered.

I would hope that the 7 percent who have not signed up with the Selective Service will do so to avoid prosecution.

Peacetime registration is needed for the security of this Nation. Generally registration has gone well.

THE DEATH OF BASEBALL'S LEROY SATCHEL PAIGE

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, yesterday, this Nation lost a folk hero, a giant of an athlete, and one of the premiere figures in baseball—Leroy Satchel Paige. "Satch," as many baseball enthusiasts called him, was believed to be 75 years old at the time of his death.

Mr. Speaker, we all know that Satchel Paige spent his first 22 years with the game in baseball's Negro leagues pitching an unbelievable 125 games per season and simultaneously keeping the fans on their feet. Both blacks in this Nation and the powerful major league owners took note of Satch's outstanding career in the Negro league and agreed that he was one of the greatest pitchers of our time.

Yet, Leroy Satchel Paige was not given the chance to pitch in the major leagues until he was 42 years of age because of baseball's unwritten and unfair policy of not allowing blacks to play. It was not until 1948 that Bill Veeck, the owner of the Cleveland Indians had the courage to sign the legendary Satchel Paige with his major league baseball club. The skeptics and the biased said then that Satchel Paige had passed his prime by that time. However, Satch proved them wrong by boasting a 6-1 record and helping the Cleveland Indians to win the pennant that year.

Satchel Paige went on to distinguish himself in the major leagues as he had done for so many years in the old negro baseball league. At age 56 and pitching for the Kansas City Athletics, he was the oldest man to play major league baseball. He compiled an exhaustive list of statistics and in 1971 was finally admitted to Baseball's Hall of Fame.

Mr. Speaker, Satchel Paige was more than just a baseball superstar. He was an American folk hero. He used his endurance and skill in the game he loved to overcome the injustices embedded in the game.

We shall miss the excitement Satchel Paige brought as he winded up for his knuckleball at the pitcher's mound. We shall never forget the barriers he broke in that all-American sport of baseball and the added greatness and fairness he brought to the game.

Mr. Speaker, Satch always said, "Don't look back. Something may be gaining on you." He never looked back. In my mind, no other pitcher in my lifetime ever reached the perfection or success of Leroy Satchel Paige.

CONGRESS SHOULD REPEAL ITS TAX BREAK

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, the saving grace of this body, as the ultimate authority in our land, is that what it has done it has the power to undo.

When this body makes a mistake it has the power to undo that mistake.

I want to urge my colleagues to give close attention to the complicated parliamentary proceedings that will determine the instruction of House conferees about the Members of Congress tax break.

As my colleagues know, in the rush to adjourn last December this body approved special tax treatment for Members of Congress which then allowed the IRS, after President Reagan signed that bill, to set a $75 tax deduction without any substantiation or audit.

The parliamentary procedures which resulted in that approval did the House a disservice. There was no prior written notice and, most importantly, no separate vote.

With America's economic problems getting worse and worse under Reganomics and our citizens having only one place to look for a helpful course for our country, and that is to the Congress of the United States, any measure which undermines their confidence in our process does our Nation a disservice. It is time that we undo what was done last December.

AMERICAN CONSERVATION CORPS ACT

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, right after this series of 1 minute speeches we are going to be voting under the suspension of the rules on H.R. 4861, the American Conservation Corps Act of 1982.

This is a bipartisan bill for youth and conservation. It has 101 cosponsors.

It will provide conservation-related jobs for unemployed youth. Today youth unemployment is 23 percent; black youth unemployment is almost 50 percent; and both are going up.

This would give a sense of opportunity to over 100,000 youths a year at a very small cost. The initial authorization is $50 million. In years subsequent to 1983 it would be $250 million per year, subject to appropriations, of course.

This is a modest way of sending a message to the youth and the unemployed that the Government of the United States does give them hope and at the same time we are going to take care of our precious national parks, local parks, and other public lands.

I urge everyone to vote aye on the bill.

CONGRESS TAX BREAK

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, it is expected that today we will have an opportunity as Members to vote upon the tax break that we recently gave ourselves as Members of Congress. This may not be clearly stated as such as the vote comes forward, but at least we can expect such an opportunity.

I think there can be many arguments as to whether Members of Congress are properly paid or not. But in my opinion there can be no argument as to whether or not what we do in regard to our salaries should be clearly out in the open.

It would be my hope that in these times when my people are finding that they are having to have their wages cut, when they are finding small-business people not even making a profit, when our farmers are suffering, for us to give ourselves a tax break such as we did, in the manner in which we did,

should clearly tell all of us that it is our duty today to see to it that that tax break is rescinded and then to move forward in the open to make whatever changes are appropriate.

In my opinion, those changes should apply to the next Congress rather than to the Congress in which those Members are serving.

I urge the Members to be aware of the vote that is possible to come up today under normal parlimentary procedures.

CONGRESS TAX BREAK

(Mr. KOGOVSEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOGOVSEK. Mr. Speaker, let me tell my colleagues there are two issues that are of paramount importance right now as far as the media of this country is concerned and as far as the people of my district are concerned. One of them happens to be the economy.

The second one happens to be the tax break that we passed for ourselves last year. Whether that should be the case or not, that in fact is the case.

I think the people of this country are watching to see just exactly what this House and what the other body is going to do about the repeal of that tax break either today or in the months to come.

What we did was wrong the first time. I think if we are going to be involved in the kind of tax breaks that we were involved with last December, then we should do it in the full light of day.

I would hope we would be very careful and very observant as to what we are doing today when we have a chance to vote on the urgent supplement so that we can in fact rectify the mistake which was made last December.

□ 1045

REPEAL OF TAX BREAK TO MEMBERS OF CONGRESS IS VITAL

(Mr. SHAMANSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAMANSKY. Mr. Speaker, as a lawyer, procedure is terribly important to me and to our whole judicial system. It assures people that things are done in a fair and open and aboveboard manner.

With that in mind, what we did as a body last December brought disgrace upon this body, and I think it is terribly unfortunate. It undermined the confidence of the people in the legislative process. It is, therefore, vital that we repeal the so-called tax break which I and many others did not take. It was an unwarranted and unwanted device, and I think it is absolutely vital that we today use the procedures available to us to rectify this most unfortunate development.

LEGISLATIVE AGENDA OF COMMITTEE ON WAYS AND MEANS CONCERNING PUBLIC DEBT LIMIT

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, I take this time to advise my colleagues of the legislative agenda of the Committee on Ways and Means concerning extension of the present temporary limit on the public debt. As my colleagues know, the Treasury Department has requested an increase in the level of the public debt inasmuch as the current ceiling is expected to be reached sometime near the end of this month.

The committee will meet this afternoon at 2 p.m., to consider various proposals for increasing the debt as well as other matters pending before the committee. This morning I am introducing legislation which will provide for an increase in the debt and will also make changes in the controversial tax treatment of Members' business expenses. The legislation that I am introducing will restore the prior law $3,000 ceiling on Members' deductible expenses for 1982. Beginning January 1, 1983, the provision will allow Members to deduct all ordinary and necessary business expenses in Washington so long as they substantiate their expenditures just like any other taxpayer. I have made this provision apply only to the new Congress inasmuch as there has been some criticism of any change in the tax status of Members' deductions for the same Congress in which a Member was elected.

In making this announcement at this time, I would hope my colleagues will allow the Committee on Ways and Means to address this issue as expeditiously as possible. I do so not only to encourage the regular order but also because serious questions have been raised concerning the constitutional prerogatives of this body in regard to attaching Senate-originated revenue-related amendments to appropriation bills. By addressing the Members' tax deduction issue in a House-generated revenue bill, I am hopeful that we can address the concerns many Members have expressed concerning last year's changes and, at the same time, protect the constitutional prerogatives of the House of Representatives.

CONSTITUTIONAL ISSUE INVOLVED IN TAX MEASURE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, will the gentleman from Illinois (Mr. ROSTENKOWSKI) respond a little further to his statement, which I am sure was received with great interest by the House.

Will the gentleman say a little more about the constitutional issues that he feels are involved in this issue?

Mr. ROSTENKOWSKI. If the gentleman will yield, as my colleague recognizes, we are dealing with a tax increase measure attached to an appropriation bill. The Constitution necessarily provides that all revenue-raising measures, originate in the House of Representatives. What concerns me is the precedential impact of a revenue-raising measure beginning in the Senate. I think that should be of concern to all Members of Congress and particularly the Members of the House of Representatives.

Mr. FOLEY. When does the gentleman believe that the committee will report a debt bill for the floor consideration?

Mr. ROSTENKOWSKI. It is my intention to mark this legislation up this afternoon, to try, if we can, to get it to the Rules Committee in the early part of next week—maybe Tuesday—and to have the provision on the floor of the House of Representatives no later than the middle of next week.

Mr. FOLEY. There has been some suggestion that the President might veto the supplemental appropriations bill. In that event, does the gentleman believe that the debt ceiling bill might actually come before the House before final action?

Mr. ROSTENKOWSKI. There certainly is that possibility. But this, of course, provides a safeguard, in that the debt legislation would be adopted and sent to the President, I am sure it will be approved.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to make an inquiry.

I believe the whole issue of Members' tax breaks, though, came out of the Senate. Is that not correct?

Mr. ROSTENKOWSKI. That is correct.

Mrs. SCHROEDER. So does it not make sense, then, to go along with letting the Senate undo what they did to us?

Mr. ROSTENKOWSKI. This is actually compounding a fracture. I am talking about the prerogatives of the House of Representatives. I object to attaching any revenue-raising measure to an appropriation bill or any bill in the Senate. I did not like last year's approach to changing the Code or this year's cure.

As the gentlewoman recognizes, revenue measures, by constitutional proviso, are to be originated in the House of Representatives.

FEDERAL ASSISTANCE NEEDED FOLLOWING CONNECTICUT'S D-DAY

(Mr. DeNARDIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeNARDIS. Mr. Speaker, June 6, 1982, was Connecticut's D-Day. Death, devastation, and destruction of a weekend storm brought 11 inches of rain and the most serious flooding in the 20th century affecting every town and city in my district. The extent of death and damage is still being assessed, but it is clear at this point that the following is true:

Twelve persons dead or missing; hundreds of road and street cave-ins; several bridges destroyed or seriously threatened; over 1,000 people confined to temporary shelters; 2,000 acres of farmland under water statewide; Amtrak and Conrail service for passengers and freight is stalled because of damage to tracks due to washouts; and thousands of homes and businesses have been very badly damaged.

Mr. Speaker, I spent the last 72 hours touring and gathering information from the towns and cities of my district. I strongly commend the mayors and first selectmen of these towns and cities as well as police and fire departments and other local officials whose efforts were aided by thousands of volunteers for their valiant and courageous efforts in the disaster relief effort. It is my judgment, however, that the local governments and our State do not have the resources and capacity to deal with the devastating and widespread damage. The removal of debris, performance of emergency protective work on public and private facilities, financing for the repair, restoration, and replacement of damaged and destroyed public facilities, as well as loans and grants to local governments, businesses, and homeowners will require the programs and resources of the Federal Government.

I hereby request the President of the United States to declare a state of emergency to exist in the affected areas of Connecticut so that Federal assistance can begin immediately.

HEALTH CARE DELIVERY SYSTEM REFORM

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I rise to call attention to the fact that we have yet to see the Reagan administration's long-promised proposal to reform this country's health care delivery system.

Several worthwhile bills to encourage competition have already been introduced in the House. However, these proposals will not receive consideration until the administration's bill, which has been "just a few weeks away" for the past year, finally arrives here.

The rising costs of health care is one of the greatest problems we face in this country. By neglecting to make reforms in the health care system, we insure that the terribly difficult budget problems we face today will continue into the future.

The way to solve our problem of spiralling health costs is not to cut this or that appropriation by 2 or 3 percent. Rather, we must restructure the organization of our health care delivery system to make it more efficient.

I urge the administration to end its delay in putting together its health care bill.

LENDERS OFFER LOW INTEREST MORTGAGES

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, in recent months we have heard much of the economic problems of the Nation. High interest rates have reduced borrowing and helped to cause record high levels of unemployment.

My hometown, Joliet, is no different from many others across the Nation. The mortgage rate in Joliet is 17.25 percent. Unemployment was measured at 19.1 percent though recently it has come down some.

The effect of the high interest rates on home buying has been devastating. The city of Joliet issued 196 single family dwelling building permits in 1978. So far this year it has issued seven. Until recently, no relief was in sight.

Last Friday, 14 financial institutions from Joliet and nearby Will County announced that they had formed a special pool of funds to make mortgages at below market rates, without Federal help.

This program, which has come from a working partnership of local civic and business leaders, is called HOW, an acronym for "help ourselves work." I think it will do just that.

HOW works like this: from now until August 31, the financial institutions involved will make 30-year mortgage loans at 12.9 percent. Those mortgages will be fixed for 5 years, when they become renegotiable at market rates.

Under the current rate of interest monthly payments on a $50,000, 30-year mortgage are $723.00. The monthly payment for such a mortgage written with a HOW interest rate is $549.19.

The difference between the size of the monthly interest rates represents a saving to a family of $173.81 per month, $2,085.72 per year, and $10,428.60 for the 5-year fixed rate period.

This imaginative program will have two direct effects on the economy of Joliet. First, it will put some building trades people back to work. Second, it will increase sales of home-related consumer goods as families move into their new homes.

Also important will be the maintenance of the ideal of homeownership. Too many have had to forgo the pride and responsibilities associated with owning one's own home as a result of our economic situation.

The HOW mortgages are available for both homes newly constructed but not occupied and homes not yet constructed. In certain cases they also apply to the sale of older homes.

The goal of HOW according to Joliet Mayor John Bourg, who took the lead in formulating the program, is to get the housing market moving. With well over $14 million in the fund already, I think the HOW program is well on its way to success.

THE NATION'S ECONOMIC PROBLEMS AND THE NOVEMBER GENERAL ELECTIONS

(Mr. BAFALIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAFALIS. Mr. Speaker, I have just read a most disturbing article by Miss Donna Blanton, of the Orlando Sentinel quoting a major national pollster for the Democrat Party as counseling the Democrat leadership to delay solving this Nation's economic problems just short of letting the country go under.

The pollster is Bill Hamilton. And I quote:

> Unless the economy improves soon, Republicans will take a beating in 1982. A late summer or early fall economic recovery would be of little benefit to the GOP, because it generally takes several months of good times before people are confident.

He admits he and other Democratic-oriented consultants are doing their part to help insure that recovery does not come soon. He continues:

> I and others have been counseling Congress to hold Reagan out there, to hold his feet to the fire as long as we can, short of putting the country under. We need to only hang him out another two or three weeks and we'll have our advantage for this election.

As a Member of Congress, I personally find it outrageous that Americans, suffering from high unemployment and bankruptcy, are being left to twist in the breeze so that the Democrat Party can gain an advantage in the November general elections.

AMENDMENT TO BE OFFERED REGARDING TAX BREAK TO MEMBERS

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I am taking this opportunity to speak, because I want to alert Members of the House to the possibility that a vote might occur later today on the tax break which Members gave themselves last December. This vote may take place when the conferees are about to be appointed on the Urgent Supplemental Appropriation bill. I hope that whoever is recognized to offer a motion to instruct the conferees on this bill will include language that accepts the Senate's amendment No. 62 which repeals the tax break for Members. In the event that a motion to instruct does not include such language, I urge my colleagues to defeat the previous question so that we will have the opportunity to offer an amendment to this motion which would instruct the conferees to retain the tax break repeal amendment. We should make every effort today to see that the House goes on record as opposed to this tax break and ready to repeal it. I urge my colleagues to watch carefully the parliamentary procedures today on this motion to instruct and to take the opportunity we will have to register our strong desire to repeal the unjustified tax break which Members received last December.

THE HOUSE SHOULD COMPLETE WORK ON THE BUDGET

(Mr. PRITCHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRITCHARD. Mr. Speaker and Members of the House, they tell me that we are going to vote for a budget tomorrow, and I would hope that something passes. But after talking to a lot of people, both on the Democratic side and on the Republican side, I am not too sure anything will pass. I think it is terribly important that we move on this budget. While I hope we pass the budget tomorrow, we all know that it is possible that we may miss. I just want to give notice to this House that this Member is going to do everything he can to keep this body in session on Thursday, Friday, Saturday, and Sunday, no matter how long it takes, to get this job done. This country cannot stand to be hung out here with the great amount of uncertainty which adds to our problem of this recession. I think if we have to stay here late at night on Friday and Saturday and we have to cut off the facilities, whatever they may be, it is essential that we get the job done.

I invite the Members to work with me in keeping the House in session.

□ 1100

THE BUDGET

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I just want to piggyback on the remarks of the gentleman from Washington (Mr. PRITCHARD) because I think they are apropos.

Some of us have been working around here day in and day out for the last 6 or 7 days to put together a budget resolution that will pass this House. I am confident that it will, if we do not get subverted by some people who want to sow some seeds of just having everything go down because they do not like to taste defeat once in a while, because they could not fashion the kind of resolution that will pass this House.

I would like to see those Members cease and desist from that effort. Give us a clean shot tomorrow. We either have a good enough package to pass or we do not. But I submit ours is a lot better than what I have seen promoted over there by the majority. I do not want to see our efforts subverted for no other reason than to have us fail so that those who could not put together a winning package can have yet another chance to do what should have been done a long time ago.

MEMBERS WILL HAVE A CHANCE TO VOTE ON BUDGET

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Well, Mr. Speaker, I simply take this time to give such assurances as they may feel that they need to my distinguished friend, the minority leader, and my friend from Washington (Mr. PRITCHARD), that nobody is going to deny them their shot at it. Nobody denied them their shot at it 2 weeks ago. They had a clear shot. They are going to get another clear shot tomorrow. They are going to get a vote up or down. The Membership is going to have a chance to work its will.

I would have thought that if the gentleman from Illinois (Mr. MICHEL) really had an apprehension that there were any substantial number of Members on my side who want all budgets to go down, he would have come and discussed that thing with me.

You know, I did discuss that very thought 2 weeks ago with the gentleman from Illinois, and I promised the gentleman from Illinois that if the Republican substitute had prevailed I would vote for it to get something to conference, and it was my thought, though I am not suggesting that he committed it in writing or gave me any blood oath, that that was the disposition on the other side, that whatever passed was going to be supported in order that we could go to conference. But no, on the other hand, we discovered at the last minute a disposition only to rule or ruin from the Republican side their budget or none.

We were prepared to support finally what happened, and I told that to the gentleman and he understood that I told him in good faith.

Now, I do not think they quite come with clean hands when they point the finger of scorn at those on our side and say we want everything to go down. I assure the gentleman, I do not want everything to go down, I want us to have a budget and I want us to preserve this budget process and I want to turn the economy around. I do not want to do more damage to it. I do not believe—and I do not think most of my side believes—that our political fortunes are going to arise out of the ashes of an economic collapse. Some may feel that is the way to promote a big Democratic resurgence. I do not. I do not care who is blamed or who gets credit, it is not with me a question of avoiding blame for the disaster, I think we should avoid the disaster.

THREE CHANCES TO GET A BUDGET

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we are going to have essentially three chances tomorrow. There will be a liberal vote for the O'Neill budget, a moderate and conservative vote for the Latta bipartisan budget, and a totally irresponsible vote against any budget. If O'Neill loses, those who vote against Latta will be voting for $83 billion more in deficits in 1983. A vote against Latta will be vote for $45 billion more in uncontrolled transfer payments over the next 3 years. A vote against Latta will mean 70 percent of all savings will go to cover deficit borrowing by the Federal Government over the next 3 years.

The most irresponsible of all votes tomorrow will be to vote against everything.

THE BUDGET

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I wonder if I could have the attention of the majority leader.

What I want to ask the majority leader is——

POINT OF ORDER

Mr. ERTEL. Mr. Speaker, I raise a point of order.

Mr. Speaker, are you allowed to yield your time in 1 minute to some other Member?

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor for 1 minute and may yield to his colleague.

Mr. PRITCHARD. Do not take that out of our time either.

What I would like to ask the gentleman, we all feel badly about the way the budget vote was structured last time with the 68 amendments, and I think we can all realize that. What I am concerned about is that if we fail tomorrow, is there feeling on your part, on a determination, that the gentleman will keep this body in and not have it go home over the weekend, which I think is just disgraceful when we need a budget so badly.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Was the gentleman present last week when I announced that we were going to stay, if necessary, through the weekend until we disposed of the matter at hand?

I did not anticipate that the Members would vote everything down.

I would respond to the gentleman that there is a plan B in my mind, and in the minds of a few people in the leadership. I am not going to state what that plan is because I do not want anybody to feel that there is a safe harbor to which he or she may escape by voting everything down.

EXEMPTION WITHOUT ACCOUNTABILITY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I return to my district frequently and I am constantly hearing expressions of dismay and distrust because of that $75 a day exemption for expenses with no accountability. I think the House will serve itself well if we have a clear-cut-up-and-down vote on this issue and lay it to rest.

The House should undo today what it did last December by voting to accept the amendment added in the other body repealing the tax break for Members of Congress. I have introduced legislation to repeal this special congressional tax break and I have spoken against this special treatment for Members many times.

Now the House may have a chance to go on record, with a public vote, in support of or in opposition to the tax break. Anything affecting Members' salaries or taxes will always be controversial. But this is increased tenfold when there is a strong and justified feeling on the part of the public that Congress is sneaking these changes into the law.

Who else is entitled to an automatic $75 a day deduction for living expenses, as presently provided? Why should Members of Congress get any such special, automatic tax break not available to all taxpayers?

I want my colleagues here in the House to know that I have refused to take the $75 a day deduction. When people are losing jobs, accepting wage cuts, and tightening their belts, the Congress has no business voting itself special financial privileges whenever the opportunity arises.

The greatest asset Members of Congress have is their own honor and the people's trust in their public service.

The House should be allowed an opportunity for a clear-cut vote on returning the law in effect since 1954. I intend to make a motion, if recognized, today to put the House on record against the tax break. This motion would have the same effect as the legislation I introduced earlier in the year. This action would help restore the Congress integrity in the eyes of the American taxpayer.

If such a motion is adopted, it would be a great victory for the American people.

AMERICAN CONSERVATION CORPS ACT OF 1982

The SPEAKER pro tempore (Mr. MINISH). Pursuant to the provisions of clause 5, rule I, the unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 4861, as amended, on which further proceedings were postponed on Tuesday, June 8, 1982.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 4861, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—ayes 291, nays 102, not voting 39, as follows:

[Roll No. 133]

YEAS—291

Addabbo	Fountain	Morrison
Akaka	Fowler	Mottl
Albosta	Frank	Murphy
Alexander	Frost	Murtha
Anderson	Fuqua	Natcher
Andrews	Garcia	Neal
Annunzio	Gaydos	Nelligan
Anthony	Gejdenson	Nelson
Applegate	Gephardt	Nichols
Aspin	Gibbons	Nowak
Atkinson	Gilman	O'Brien
AuCoin	Ginn	Oakar
Bailey (PA)	Glickman	Oberstar
Barnard	Gonzalez	Obey
Barnes	Goodling	Ottinger
Bedell	Gore	Panetta
Beilenson	Gray	Pashayan
Benjamin	Hall, Ralph	Patman
Bennett	Hall, Sam	Patterson
Bereuter	Hamilton	Pease
Bethune	Hammerschmidt	Pepper
Bevill	Hance	Perkins
Biaggi	Harkin	Petri
Bingham	Hatcher	Peyser
Boggs	Heckler	Pickle
Boland	Hefner	Price
Boner	Hertel	Pritchard
Bonior	Hightower	Pursell
Bonker	Holland	Rahall
Bouquard	Hollenbeck	Railsback
Bowen	Holt	Rangel
Breaux	Hopkins	Ratchford
Brinkley	Horton	Regula
Brodhead	Howard	Reuss
Brooks	Hoyer	Rhodes
Broomfield	Hubbard	Richmond
Burton, Phillip	Huckaby	Rinaldo
Carney	Hughes	Rodino
Chappell	Hutto	Roe
Chisholm	Ireland	Rogers
Clausen	Jacobs	Rosenthal
Clay	Jeffords	Rostenkowski
Clinger	Jenkins	Roth
Coelho	Jones (NC)	Roybal
Collins (IL)	Jones (OK)	Russo
Conte	Jones (TN)	Sabo
Corcoran	Kastenmeier	Santini
Coughlin	Kazen	Savage
Coyne, James	Kennelly	Sawyer
Coyne, William	Kildee	Scheuer
Crockett	Kogovsek	Schneider
D'Amours	LaFalce	Schroeder
Daniel, Dan	Lagomarsino	Schulze
Daschle	Lantos	Schumer
Davis	Leach	Seiberling
de la Garza	Leath	Shamansky
Deckard	LeBoutillier	Shannon
Dellums	Lehman	Sharp
Derrick	Leland	Shelby
Dicks	Lent	Shuster
Dingell	Levitas	Skelton
Donnelly	Long (LA)	Smith (IA)
Dorgan	Long (MD)	Smith (NJ)
Dougherty	Lowry (WA)	Snowe
Dowdy	Luken	Snyder
Downey	Lundine	Solarz
Dunn	Madigan	Spence
Dwyer	Markey	St Germain
Dyson	Marks	Stangeland
Early	Marriott	Stark
Eckart	Martin (NY)	Stenholm
Edgar	Matsui	Stokes
Edwards (CA)	Mattox	Stratton
Emery	Mavroules	Studds
English	Mazzoli	Swift
Erdahl	McClory	Synar
Ertel	McCurdy	Tauke
Evans (DE)	McDade	Tauzin
Evans (GA)	McEwen	Traxler
Evans (IA)	McGrath	Udall
Evans (IN)	McHugh	Vander Jagt
Fascell	McKinney	Vento
Fazio	Mica	Volkmer
Fiedler	Mikulski	Walgren
Findley	Miller (CA)	Wampler
Fish	Mineta	Washington
Fithian	Minish	Watkins
Flippo	Mitchell (MD)	Weaver
Florio	Mitchell (NY)	Weber (MN)
Foglietta	Moakley	Weiss
Foley	Moffett	White
Ford (MI)	Molinari	Whitten
Ford (TN)	Mollohan	Williams (MT)

Wilson	Wright	Young (AK)
Wirth	Wyden	Young (MO)
Wolf	Yates	Zablocki
Wolpe	Yatron	Zeferetti

NAYS—102

Archer	Gingrich	Myers
Badham	Gradison	Napier
Bafalis	Gramm	Parris
Bailey (MO)	Gregg	Paul
Beard	Gunderson	Porter
Benedict	Hagedorn	Quillen
Bliley	Hansen (ID)	Ritter
Brown (CO)	Hansen (UT)	Roberts (KS)
Broyhill	Hartnett	Roberts (SD)
Butler	Hendon	Robinson
Carman	Hiler	Roemer
Chappie	Hillis	Roukema
Cheney	Hyde	Rudd
Coats	Jeffries	Sensenbrenner
Coleman	Johnston	Shaw
Collins (TX)	Kemp	Shumway
Conable	Kindness	Siljander
Craig	Kramer	Skeen
Crane, Daniel	Latta	Smith (AL)
Crane, Philip	Lee	Smith (NE)
Daniel, R. W.	Lewis	Smith (OR)
Dannemeyer	Livingston	Solomon
Daub	Loeffler	Staton
Derwinski	Lott	Stump
Dickinson	Marlenee	Taylor
Duncan	Martin (IL)	Walker
Edwards (AL)	Martin (NC)	Weber (OH)
Edwards (OK)	McCollum	Whitehurst
Emerson	McDonald	Whitley
Erlenborn	Michel	Whittaker
Fenwick	Miller (OH)	Winn
Fields	Montgomery	Wortley
Forsythe	Moore	Wylie
Frenzel	Moorhead	Young (FL)

NOT VOTING—39

Blanchard	Dreier	Lujan
Bolling	Dymally	Lungren
Brown (CA)	Fary	McCloskey
Brown (OH)	Ferraro	Oxley
Burgener	Goldwater	Rose
Burton, John	Green	Rousselot
Byron	Grisham	Simon
Campbell	Guarini	Smith (PA)
Conyers	Hall (OH)	Stanton
Courter	Hawkins	Thomas
DeNardis	Heftel	Trible
Dixon	Hunter	Waxman
Dornan	Lowery (CA)	Williams (OH)

□ 1115

Messrs. MOLINARI, WATKINS, ENGLISH, and McGRATH changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the amendment to the title recommended by the Committee on Interior and Insular Affairs is agreed to.

There was no objection.

The title of the bill was amended so as to read: "A bill to establish the American Conservation Corps, and for other purposes.".

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO FILE A SUPPLEMENTAL REPORT TO HOUSE REPORT NO. 97-530 ON H.R. 5540, DEFENSE INDUSTRIAL BASE REVITALIZATION ACT

Mr. LUNDINE. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may file a supplemental report to House Report 97-530, part 2, on the bill, H.R. 5540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. McKINNEY. Mr. Speaker, reserving the right to object, can the gentleman inform us of the nature of the supplemental report? I yield to the gentleman.

Mr. LUNDINE. Mr. Speaker, since the Banking Committee filed its report on May 17 on the Defense Production Act, some new information has come to the attention of the committee which we believe should be shared with our colleagues before we are asked to consider this bill in the House.

Mr. McKINNEY. Mr. Speaker, I thank the gentleman. I heartily recommend the gentleman's unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPLANATION OF URGENT SUPPLEMENTAL APPROPRIATION BILL

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, we have before us the urgent supplemental which we reported out of the committee on March 23. For one reason or another, we have been delayed in finishing it. There are a number of items—some 65—in the resolution that we wish to go to conference on.

One of the chief items that has been called to the attention of all the body is amendment No. 62, in which the Senate has restored the limitation on tax deductions for Members of Congress.

I would like to call attention to the fact that this was added in the Senate—the original provision was added in the Senate and went to conference. Later the present position was taken by the Senate.

Also, I might say, there has been much misunderstanding about what is involved in this tax deduction. The figures that appear and are being used were set by the Internal Revenue Service at the instance of our friends on the other side at the time when Congress was not in session.

I take this time to say that it will be my recommendation as chairman of the conferees on this side to accede to the Senate position on amendment No. 62 and go along with that restoration. After counseling with many of our friends—and it is consistent with the position we have taken before.

I make that statement at this time so that Members might know what my recommendation to the conferees will be.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I had difficulty hearing, Mr. Speaker. I wonder if the gentleman would tell me whether my understanding of this statement is correct; that is, that it is the position of the majority of the House conferees to accept the amendment that was adopted by the Senate on the question of congressional pay privilege; is that correct?

Mr. WHITTEN. I have not taken any nose count on the Democratic side, nor of all the committee conferees. As chairman, I will recommend—and have to the Speaker—that they appoint the various subcommittee chairmen of the 11 subcommittees that have items in conference in this supplemental appropriation bill.

Mr. Speaker, again I voted against the change when it was made, and in conference shall vote to restore the law as it was.

So with that statement, Mr. Speaker, that is the full story.

I am unable to yield further.

The SPEAKER pro tempore. The gentleman from Mississippi has the time.

□ 11:30

APPOINTMENT OF CONFEREES ON H.R. 5922, URGENT SUPPLEMENTAL APPROPRIATIONS, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. FINDLEY. Mr. Speaker, reserving the right to object, if I understand the chairman of the Appropriations Committee correctly it would not be adverse to his own recommendations on the question of congressional pay privilege to go to conference instruct-

ed to accept the Senate amendment that had been offered by Mr. PROXMIRE; am I correct?

Mr. WHITTEN. May I say, I chose my words very carefully. I have met with others and I think most Members agree with me.

I do think this issue has been misunderstood. I did not vote for it when the Senate included it. I think it has been misunderstood. All I said was it would be my recommendation to the conferees that we recede—that we go along with the Senate and accept amendment 62, which would restore the earlier law and cut out the added amounts for tax deductions.

As the gentleman knows, there will be many other matters in the bill but that would be my recommendation on this subject. I thought I should make it plain at the beginning that that will be my recommendation. I have made no effort to speak for the other conferees.

Mr. FINDLEY. Further reserving the right to object, Mr. Speaker, I am sure the gentleman is very much aware of the circumstances in which the existing law relating to tax privilege of Members of Congress came into being. It was a part of the black lung benefit bill; it came in during the extraordinary circumstances of the final day of the last session, and I am sure the gentleman recognizes that many Members of this body would welcome a chance to voice their opinion, to state their opinion by a recorded vote, nay or yea, on that question. For that reason, it is my hope that the Speaker will see fit to recognize someone who will offer a motion to instruct the conferees enabling each of us to vote squarely on that issue.

Mr. WYLIE. Mr. Speaker, will the gentleman from Illinois yield?

Mr. FINDLEY. If I have the time to yield, Mr. Speaker, I yield to the gentleman.

Mr. WYLIE. I thank the gentleman from Illinois for yielding.

My apprehension about this colloquy in which we are now engaged is that we will be hornswoggled all over again, that when you get to conference the conferees will buckle under and say we will remove this provision from the bill. I would ask the gentleman from Mississippi: Would he object to having a motion to instruct conferees on section 62, to instruct the conferees on the part of the House to go to conference with an instruction that the House recede to the Senate amendment?

Mr. WHITTEN. Mr. Speaker, I do not know whether that would happen or not or whether that would come up or not and for that reason I made my own position clear, as chairman of the committee. I personally would not need to be instructed to do that which I intend to do myself, anyway. But I do know all Members have the right to speak to the House so they can make their own positions clear. I am in favor of agreeing with the Senate under the circumstances we face, personally.

Mr. WYLIE. Mr. Speaker, I appreciate what the gentleman is doing. I know he is with us on this. He has already cosponsored one of the bills to repeal the tax break. But I am just a bit apprehensive that allowing this to go to conference without some instruction on the part of the House may not be good enough.

So, I am suggesting that we either be afforded the opportunity to instruct conferees to recede and concur on amendment 62 or that if other instructions are made to that section that we recede to the other body on this issue.

Mr. WHITTEN. May I say to my colleague, Mr. Speaker, it is my opinion that the overwhelming majority of the conferees agree with us about the matter, but I did not count noses, did not ask any pledges, or anything of that sort. I can only tell you that is my opinion.

Mr. WYLIE. That is the source of my apprehension.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi (Mr. WHITTEN)?

Mr. ERTEL. Reserving the right to object, Mr. Speaker, may I address the chairman of the Appropriations Committee? It is my understanding there may be a parliamentary procedure here on the floor which would block a motion to instruct the conferees to recede and to concur in Senate amendment 62. Is the gentleman aware of any such procedure being contemplated?

Mr. WHITTEN. I am not aware of any such procedure. Of course, may I say all sorts of reports have been going around about what would be offered, but I have no specific knowledge of it.

Mr. ERTEL. Reserving the right to object further, Mr. Speaker, my understanding is that if that procedure takes place and in fact we cannot get a motion to put everybody on record on this particular vote, and in fact a tax deduction—which I refused to take—is the gentleman assuring us that the House conferees, or a majority of them, will recede and concur in the Senate amendment at this point?

Mr. WHITTEN. In the first place, may I say I cannot assure my colleague as to what all the conferees will do. I can only express my own opinion that they certainly will. But insofar as any guarantee or assurance, as the gentleman knows, I cannot make that not having made a head count.

Mr. ERTEL. Has the gentleman made a head count?

Mr. WHITTEN. I have not.

Mr. ERTEL. You have not.

In other words, we have to get the motion on the floor in order to instruct the conferees to guarantee that the Senate amendment will be concurred in?

Mr. WHITTEN. The gentleman, of course, has his own opinion about what he has to do.

Mr. ERTEL. Mr. Speaker, I thank the gentleman.

I will not object. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. MYERS

Mr. MYERS. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. MYERS moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 5922, be instructed to agree to the amendment of the Senate numbered 50, and to agree to the amendment of the Senate numbered 62, amended to read as follows:

"SEC. 217. Paragraph (4) of section 280A(f) of the Internal Revenue Code of 1954 (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the test of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(b) The amendment made by this section shall apply to taxable years beginning after December 31, 1981.

Mrs. SCHROEDER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. SCHROEDER. I would like to reserve a point of order as to whether the gentleman's amendment is within the scope of the amendment 62 in the Senate.

The SPEAKER pro tempore. Does the gentleman wish to respond?

Mr. MYERS. Yes, it is, Mr. Speaker. Amendment No. 62 in the Senate—and I will discuss it shortly if the gentlewoman will give me an opportunity—it does provide the same language, with striking only one section, that is the automatic $3,000 deduction that has been with us since 1952 and the Senate reimposed. This amendment strikes that section. There will be no automatic $3,000 deduction. The burden will be on Members to claim and to justify any deduction they might make in their tax return; subject to an audit they would have to verify and justify any deduction. That is essentially the difference between the Senate amendment and what we are offering today.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. MYERS) is recognized for 1 hour in support of his motion.

Mr. MYERS. I yield myself 5 minutes, Mr. Speaker.

Mr. Speaker, the first amendment of the Senate, Senate number 50, is the first part of the instructions to the conferees. It has to do with the provision that the Senate offered to our bill that we sent over quite some time ago dealing with a balanced budget.

If the Members will recall, Mr. WALKER and others here, when the bill was first considered as an emergency quite some time ago in this Chamber, an amendment was offered in the committee and passed to provide for a balanced budget, to abide by the law. At the close, back in the House, Mr. CONTE, the ranking Republican Member, offered an amendment to strike that particular provision and it passed.

The Senate has reimposed, in amendment No. 50, that provision that provides we must live within our means; that any legislation, any authorization for expenditure from appropriations has to be within the limits of revenue.

What we have done, what I am doing here by accepting or recommending that the conferees accept, would be going back to the House position as passed in committee and as now in the Senate, that we would have to live within our means, a balanced budget.

Now the second amendment we would be accepting on the Senate amendment number 62, if the Members will read it, we accepted, but we strike their provision of reinstating the $3,000 deduction for Members of Congress. What this means is this: That we no longer have the $75 automatic; if you want to claim a deduction or if you are like the gentleman from Pennsylvania and do not want to claim it—and everyone has to live with their own minds here, as to what they are worth here in Washington, how much they are working, how much you want to pay in taxes, but it eliminates that $75 unsubstantiated per day deduction provided last year in the Black Lung Act. That is what everyone is talking about. It has been the subject of editorials that we are living differently, that we pay taxes under a different code than any other taxpayer. What this instruction would do if it is accepted by the conferees and by the other body and by this body, we would live under exactly the same tax laws as every other taxpayer in the country, no more no less. I do not know how anyone can really take exception with this. Yes, we are average citizens; sometimes we do not get treated that way, but tax-wise, we should not be any more subjected to unnecessary taxes, nor should we have any tax shelters. What this instruction to our conferees does is say that we live under the same code. We have to pay our taxes. If we are audited and we claim some deduction, we would have to justify it. Under the existing law today, we would not have to justify it.

Now we have one little problem, I think. When I first offered the amendment I thought it only fair to Members of Congress because they were thinking we lived under one law and now we are almost 6 months into this taxable year and some Members may not have kept adequate records. I first thought it would be more fair to Members—and I know a lot of people do not care whether we are fair to Members of Congress or not, but we are people, we are taxpayers like everyone else—that we should make it applicable at the end of this taxable year. This would give Members an opportunity to keep better records for the future and have a chance to justify their records. I recognize that there is considerable criticism this year. I have now gone back to this taxable year ending December 31. We would have to live with this and justify any deduction.

Mr. Speaker, I think this is exactly what the American people expect of us, to live under the same laws that they do. My instruction to the conferees would do exactly that.

Mr. BEDELL. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MYERS. I yield to the gentleman from Iowa for purposes of debate only.

Mr. BEDELL. Will the gentleman tell me if someone keeps a home in Washington, and lives in an apartment in the district, wherein their major living expenses are in Washington because most of the Member's time is spent in Washington, would that Member still be able to deduct living expenses in Washington even though it was the place at which the person experienced one's major living expenses?

Mr. MYERS. I am not an authority on the IRS Code but my understanding is that you could continue if you are buying a home and I believe that is what you are talking about here that you could deduct the interest as you have done in the past and as you may this year. That is the existing Code. As far as the cost of living, it is what you could justify.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MYERS. Mr. Speaker, I yield myself one additional minute.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. MYERS) is recognized for 1 additional minute.

Mr. MYERS. If you can justify, if you do not keep a home back in your own district, I would think you would have difficulty in saying that you have a cost of living as far as deducting the part of the capital investment for a home here in Washington.

Mr. BEDELL. The gentleman from Iowa is talking about the cost of living, that if the Member has lived here for a number of years.

Mr. MYERS. Is the gentleman saying that his home is here and that he does not claim a home in Iowa?

□ 1145

Mr. BEDELL. The gentleman does own a home in Iowa, but when he is in Iowa he and his wife live in an apartment owned by his son, which is his residence when in Iowa, and which is an apartment above his son's garage. If the Member is living in Washington and his major living expenses are in Washington the question is whether, under the gentleman's proposal, the Member would be able to deduct living expenses in Washington, where he spends the majority of his time, and where most of his expenses occur.

Mr. MYERS. Mr. Speaker, may I ask, what type of living expenses is the gentleman referring to?

Mr. BEDELL. I am talking about the food that the person eats; I am talking about the various costs a person would normally have.

The SPEAKER pro tempore. the time of the gentleman from Indiana (Mr. MYERS) has expired.

Mr. MYERS. Mr. Speaker, I yield myself 1 additional minute.

Let me respond to the question.

Mr. BEDELL. I think it is a legitimate question.

Mr. MYERS. Mr. Speaker, I think the gentleman is right, but I do not know whether you could substantiate it. I think if you are feeding your family, if you are feeding your kids, I do not think you could deduct this kind of expense; I think you would have difficulty justifying to the IRS this type of thing. But certainly what you eat in the Capitol or what you eat out someplace—you yourself, not your family—if it is reasonable, you could probably substantiate it, but this is something that is between the taxpayer and the IRS.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to my colleague, the gentleman from Iowa, a member of the Appropriations Committee.

Mr. SMITH of Iowa. Mr. Speaker, Members of Congress do have an out. The gentleman is talking about treating Members of Congress exactly like anybody else. Let us suppose you are a plumber and you have a job 150 miles away from home. If you maintain your home and you go to that job, after you

are away overnight, then you start deducting your expenses on that job.

Mr. MYERS. If you can justify them.

Mr. SMITH of Iowa. I am talking about the necessary expenses.

If you give up your home and move to that location, then you do not get any expenses.

The SPEAKER pro tempore. The time of the gentleman from Indiana (Mr. MYERS) has expired.

Mr. MYERS. Mr. Speaker, I yield myself one additional minute.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. MYERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, that is one of the problems around here. There are some Members who do not keep a home in the district. I think it is a part of the job to return to the district quite often I return 20 to 30 times per year. Some who do not need to or choose to keep a home in the district are cannibalizing other Members who do not have those expenses. They do not have those expenses and they cannot justify it to the Internal Revenue Code. Apparently what some want is $3,000 deduction even if they do not have a home in the district and that is why they oppose the previous question and support without change the provisions in amendment 62.

If you want to treat Members of Congress exactly like other taxpayers, then you should do what the gentleman from Indiana says. And these double-income families who are taking the $3,000 but do not even have a home in their districts are not justified to the deductions for expenses they do not have.

Mr. Speaker, I yield 30 minutes of my time to the chairman of the committee for the purposes of debate only.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. MYERS) yields 30 minutes to the gentleman from Mississippi (Mr. WHITTEN), for purposes of debate only.

Mr. WHITTEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I think I am rising to oppose this amendment, and I want to make sure that I have it clear.

One of the problems I have is that I really agree with the chairman of the Committee on Ways and Means, who thinks that we should not be legislating on taxes in appropriations conferences. I think that the beauty of amendment number 62 is that we go back to where the law was, and we then allow the Committee on Ways and Means to do whatever they are going to do at whatever time they are going to do it with the bill the chairman is introducing today. I think that is the clean, clear-cut way to do it.

We got ourselves in this mess because the other body added this tax language. After all, it is the prerogative of the House to begin tax legislation under the Constitution. We got in this mess, it slipped over here, and from that time on we have been going around and around on this issue.

I think it is terribly important to point out that now we have a chance to go back to where the law was. What the Senate amendment says is that they give up on last year because the last year is over and done with. For the next year, the year we are in now, we get the $3,000 exemption, and then obviously that is the way it is unless somebody amends it in the future.

My understanding of what the Myers amendment does is that it does not reenact the $3,000 limit. According to what the gentleman said, it would allow Members to write off their expenses under the procedure of the adoption of the black lung legislation for the next 2 years, this year and next year. I think it would be much preferable to do this in the clean, clear-cut fashion.

The only way we can get to that position is if we defeat the previous question on the motion offered by the gentleman from Indiana (Mr. MYERS) and just have a clear-cut motion to recede and concur with amendment No. 62. I am prepared to offer that motion if we can turn down this motion.

Mr. MYERS. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, I am afraid the gentlewoman misunderstood the motion I offered. We do not go back to 1981. We do not change that year. That is past. Whether it is right or wrong, we do not change that. It is applicable to the taxable year we are presently in, the year 1982.

Mrs. SCHROEDER. Right.

Mr. MYERS. We do not continue what was in the amendment to the Black Lung Act. We do not change that a bit. We do change it inasmuch as we have destroyed it entirely, but we do not go back to it. We go back to everything except the automatic $3,000 deduction. The Members, if they claim the deduction, would be at best subject to an audit. They would have to justify it and prove it.

That is the only difference. We do not have the $3,000 automatic deduction.

Mrs. SCHROEDER. Really, what we are doing is rewriting the law in a new form if we adopt the gentleman's motion to instruct. Therefore, I object to it.

I think it is much cleaner and much wiser to go back to the way the law was before. We really should not be doing this in an appropriation bill anyway. We really should not be writing tax legislation on appropriation bills especially in conference. The only way procedurally to get back to where it was is to defeat the gentleman's motion and then consider a motion to instruct to agree with amendment No. 62, which is, I think, the proper way to do it.

We have to defeat the previous question. I want to make that very clear. So when the previous question is moved on the gentleman's motion, we have to defeat the previous question. Then we can offer the motion to instruct, to recede and concur in order to go along with amendment No. 62. I think that is much preferable to writing tax legislation at this time, and I hope the Members understand the very difficult parliamentary procedure.

Mrs. ROUKEMA. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Speaker, I would like to concur and associate myself with the gentlewoman's remarks, and I do so despite that I have a piece of legislation with 39 cosponsors that would do exactly what this amendment or this motion to instruct would do: That is to treat Members of Congress as other taxpayers in terms of their business deductions.

Nevertheless, I agree with the gentlewoman because it is clear cut and it is a direct response to the outcry from the American people, which I think is completely justifiable. Presently, there is a stain on the record of the 97th Congress that should be removed. There is something else to it, and that is that this action would be consistent with what I think would be proper reform legislation, to wit: That Members of Congress should not vote in the current year on their own financial remuneration. That should be reserved until next year, and I think this would be a great step forward toward that kind of reform legislation.

I think the American people are rightfully outraged when we vote ourselves tax benefits in the same year. Let us vote for future years and be responsible in November. If we could do that, we would be responsible to the taxpayers in the November elections for our actions.

Mr. Speaker, I think it is most important that we have a recorded vote on this and that we defeat the previous question.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from New Jersey (Mrs. ROUKEMA), and I just want to point out one other thing.

I think the gentleman on our side, the chairman of the committee, made an excellent statement. I think that the cleanest thing this body can do is to go back to amendment No. 62 and

defeat the previous question on this question. I think that is the way we should go. It should not be accomplished in amendment to this appropriation bill.

I think that is the way we speak the loudest and the clearest so we can get this thing behind us once and for all.

So, Mr. Speaker, I urge the Members to vote to defeat the previous question when it comes up so that we can go immediately to amendment No. 62.

Mr. KAZEN. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, as I understand it, the Senate amendment goes back to what the law was before last year?

Mrs. SCHROEDER. For this year. It does not go back to last year; it starts at the beginning of this year.

Mr. KAZEN. I understand, but it goes back to what the law was?

Mrs. SCHROEDER. Yes, before.

Mr. KAZEN. With the exemption of $3,000 before we started fooling around with this thing this year?

Mrs. SCHROEDER. That is right.

Mr. KAZEN. Now, what is wrong with going back to that status, as the chairman of the committee has said he would do, and then take up the bill that the chairman of the Committee on Ways and Means talked about introducing today? We could then work our will on that tax bill instead of on this appropriation bill.

Mrs. SCHROEDER. Mr. Speaker, the gentleman from Texas (Mr. KAZEN) has stated the situation very succinctly and I agree. So I hope the gentleman joins with me in voting down the previous question, because that is exactly what we are talking about.

We are talking about not doing tax legislation on the floor now. That is how we got into this mess. Let us go back to where we were and do it properly.

Mr. KAZEN. Mr. Speaker, I agree with the gentlewoman.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. Mr. Speaker, I would like to point out that I agree in entirety with the committee chairman in his position that we should go back to where we were initially in this particular piece of tax legislation, go back to the $3,000 a year, which I do not think is fair in any way, shape, or form, because we do not have to justify it in any way.

But we ought to go back there and start from square one and allow the chairman of the committee, the gentleman from Illinois (Mr. ROSTENKOWSKI), to bring out a piece of legislation on the floor which, in fact, would look at this whole issue and do it in the proper legislative manner. That is what the gentlewoman from Colorado (Mrs. SCHROEDER) has mentioned.

By defeating the previous question we can go back to what the law was prior to the amendment that was put into black lung legislation. That will allow us then to act in an orderly fashion.

If we take the approach of the gentleman from Indiana, what happens is that then we get into all the arguments as to what is a properly allowed deduction. What should we do in this case?

The gentleman from Iowa (Mr. BEDELL), got up and said, "How about me? Do I take off everything here when I really do not own a home back in Iowa?" I think those questions need to be decided.

We have got to go back and start over and go through the legislative process. What we have done so far is caused ourselves tremendous grief and tremendous problems, and what we are doing is legislating on an appropriation bill. Then what we wind up doing is turning it over to the Internal Revenue Service and they have not the foggiest way of knowing what is going on because they have no legislative history to go on. Then they make up the rules, and those rules may be fair, they may be unfair, they may be too generous, or they may be too lean.

So it seems to me the proper approach is to go back, as the gentleman from Mississippi (Mr. WHITTEN) has suggested, start over and have the Members work their will under the legislative process.

Mr. Speaker, I urge all the Members here to defeat the previous question so that then we can instruct the conferees to go back to Senate amendment No. 62 and start from that place.

Mr. MYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I compliment the gentleman from Indiana (Mr. MYERS) for offering this amendment to the conferees.

I have been very interested in listening to the speakers who are opposed to the gentleman's motion. I have been in this House now for 10 years. That is not as long as some of you, but it is longer than many of you. I have watched the Members of this House flog themselves to death with this issue and the tax provision. They demean themselves and tell the public they are not worth what they are being paid.

I have said before, "If you are not worth it, then go home. Do not try to appease that group here that writes that demagoguery."

And I hear the demagoguery on the floor. All I am asking is that the Members listen to what the gentleman says. Let us be considered as equals. Let us pay the same taxes, and let us write the same deductions. And if we really want to get to the core of this problem, let us go after that unearned income and trusts and those hidden sources of funds which many of the Members in this body receive.

Let us go over that on the other side and look at the millionaires who sit over here. Let us find out really what we are talking about.

I can tell the Members that I am one of the working class people who live on my salary. I do not have those hidden funds. There are 190 Members of this body who make more than their salaries on outside income. I am ashamed to think that we stand here and flog ourselves. And we flog ourselves with the press. If you are so worried about keeping the job because you are going to do what you think is wrong, in your heart you know it is wrong. Again I say I am ashamed.

□ 1200

Let us accept this gentleman's amendment. The gentlewoman says let us not rewrite tax legislation in an appropriations bill. They did it last year. They did it on the Senate side.

Are we going to have the guts to vote for DAN ROSTENKOWSKI's bill when he brings it to the floor?

The SPEAKER pro tempore. The gentleman should refrain from reference to the other body.

Mr. YOUNG of Alaska. The elite body, I will not refer to that any more.

I am saying let us stand up for a change. Let us not hide our heads in shame. Let us do what is right for this body.

If it so happens that you do not get elected, then go home. But the guy who takes your place is going to have the proper money and the right to take the same tax deductions that anybody else has.

Every State legislator today in the United States gets $75 a day or whatever that body sets—tax free. Did my colleagues know that? Yet we get browbeaten into this corner.

I am just saying let us support the gentleman's motion and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I want to applaud the comments of the gentleman from Alaska just now and also rise in support of the amendment offered by the gentleman from Indiana (Mr. MYERS).

It is inconceivable to me that we in this Congress are sort of scurrying around like little mice to cover up our tracks on this issue.

Nobody questions the fact that what happened last year was a mistake that should not have happened the way it happened. There is no argument on that.

I have introduced a bill, H.R. 6431, which was put in some time ago which says we should not have any special treatment in this Congress, we should not have $75 a day. We should have just what is allowable to any business person—any business person.

Why are we so different. What is our problem? We are doing the business of the country here and in doing the business of the country let us be treated like any businessman in the country.

I believe that is all the gentleman's amendment does. It says let us get rid of this unfair $75 a day.

Why are we all so worried? I hear about writing tax laws on the bill. We write all sorts of things on the floor.

Mr. LUNDINE. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. LUNDINE. I thank the gentleman for yielding. I want to associate myself with the gentleman's remarks.

I think there has been an overreaction in a sense both ways on this matter. I agree completely that we should be only in the same position as other taxpayers.

Mr. Speaker, today we are once again debating the controversial matter of the tax treatment of Members' business expenses. On procedural grounds, today's debate represents an improvement over Congress action last year on this matter. Last year, the tax change was approved in an indefensibly covert manner; it was, in fact, "hidden" in an unrelated bill involving black lung benefits for coal miners. Today, at least, we are considering the matter independent of any other issue and we are assured of separate rollcall votes.

But, despite the more open procedure, I am still troubled by the substance of today's debate and of the new action which the House seems bent on taking. I am disturbed because once again it seems to me that we are missing the central point of this entire controversy.

The central point is very simple: Members of Congress should be treated the same as all other taxpayers under the Tax Code. Since their permanent residences are in their home districts, they should be allowed to deduct those business-related expenses which they incur, and for which they are not reimbursed, when they are in Washington.

Until last year, Members of Congress were not treated the same as other taxpayers. Unlike anyone else, they were subjected to a $3,000 limit on the amount of personal business expenses which they could deduct. That $3,000 limit was first imposed 30 years ago and had not been altered since. Last year, Congress decided to remove the $3,000 cap on deductions and then directed the Internal Revenue Service to develop guidelines for determining congressional deductions. I supported these measures because their basic effect was to produce more equal treatment under the Tax Code.

Ultimately, the IRS regulations, published in January of this year, permitted an unsubstantiated deduction of $75 for every day a Member was on official business in Washington and defined those days very liberally. This formula probably comes closer to the true level of Members' expenses than the earlier $3,000 cap, but it is still not right. It is not right because, by allowing an unsubstantiated deduction, we are once again treating Members of Congress differently than all other taxpayers.

I believe this new provision should be abandoned and I know that many other Members share my view and that this is why we are debating this issue this morning. The sensible thing to do, it seems to me, is to follow the proposal of our colleague Mr. MYERS and our colleague in the other body, Senator MATTINGLY; namely, abolish the automatic $75 per day deduction and allow Members to deduct their substantiated expenses, just as all other taxpayers can. The inclination of the House at this point seems to be to take a different tack and replace the $75 per day deduction with the previous $3,000 cap. This seems to me to be replacing one faulty policy with another. However, if these are the instructions which the House chooses, I am sure most colleagues—myself included—will feel obliged to vote in favor of sending those instructions on to the conference committee because we want to send some signal that the status quo is not acceptable.

And, if the conferees are, indeed, instructed to reinstate the prior $3,000 cap on deductions, I hope they will exercise some independence and creatively and instead devise a compromise that will allow substantiated deductions for Members and will result in a more uniform Tax Code in which all taxpayers are essentially treated alike.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I just want to briefly ask the gentleman, does he know of any businessman in the country that gets an automatic $3,000 a year write-off without justification?

Mr. PEYSER. If the gentleman will let me reply, I am against that and so is the amendment offered by the gentleman.

There should be no special treatment for this institution or its Members.

We should not get $1,000 extra. We ought to get nothing extra. We ought to just be able to file like anybody else in this country, and for us to do any different is really just demagoguery on this floor.

The American people know what is going on here. They want us to have the courage of our convictions, which is to treat us like every other citizen we represent.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. I think the gentleman is under a misapprehension. I have had discussions for years with the IRS and they have never let me take the $3,000. I would love to be able to take it. I go back and forth every day from my home in Baltimore, and I do not get a cent and could not, not because I would not like to have had it but because they would not let me have it.

I do not know where the gentleman gets the idea that you can get a $3,000 tax break.

Mr. PEYSER. I thank the gentleman for his comments. I say let us vote for the gentleman's amendment. It solves the problem. We will then have a clear conscience on this floor.

Mr. MYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE) for purposes of debate only.

Mr. WYLIE. Mr. Speaker, I oppose the motion of the gentleman from Indiana (Mr. MYERS) and will oppose the previous question and ask that it be voted down.

I appreciate what the gentleman from Indiana (Mr. MYERS) is trying to do. But it is not good enough. It will be misunderstood by those who think what we did back in December was unconscionable, as I do, when we put a tax benefit provision on the black lung benefits bill.

There is no way that what we did can be defended.

The gentleman from New York who was just in the well says this solves the problem. It puts us in the same situation as everyone else.

The problem is that this is attached to an urgent supplemental appropriation bill.

The conferees will go to conference and unless we give them specific instructions as to what we want to do, anything can come out of that conference.

I would predict right now that what will come out of the conference is that amendment No. 62 will be dropped.

As I say, there is no way that this tax break, which was voted, can be defended. What the IRS did actually was wrong when they provided for a $75 a day deduction for every day of the year except when Congress is in recess for 5 days or more. That added up to 262 days last year or a tax benefit of $19,200 in the form of deductions.

It was a sweetheart amendment. Let us face it. There is only one way we can face up to this issue right now and that is to go back, wipe the slate clean, start over, bring it up as a separate issue, and not get it all hung up in this urgent supplemental appropriation bill.

So I would urge that we oppose the motion of the gentleman from Indiana, knowing full well that his motives were honorable. The previous question should be defeated so that we can offer a specific motion to instruct conferees.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. Mr. Speaker, I join with the gentlewoman from Colorado (Mrs. SCHROEDER) and the gentleman from Ohio (Mr. WYLIE) in asking my colleagues to vigorously oppose the previous question.

I think it is extremely important to the American people that we have a recorded vote on the previous question. I think it is also important that amendment 62, authored by Mr. PROXMIRE of Wisconsin, be approved by the House. It is important to the House's reputation that we can cleanse our hands from the means and methods used to enact these self-serving deductions that were buried in the continuing resolutions and also in the black lung legislation.

The only way we can do this is to make sure that amendment 62 is retained in the conference. The best way we can do that is, I urge my colleagues, to vote against the previous question.

I yield back the balance of my time.

Mr. MYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY) for purposes of debate only.

Mr. FINDLEY. Mr. Speaker, I think it is very important that we understand the choices which we will have before us in a very few minutes.

With all due respect to my good friend, the gentleman from Indiana (Mr. MYERS) who very kindly yielded this time to me, the remarks he made earlier may have left a wrong impression, an incorrect impression, of the choices that are before us.

The gentleman's remarks indicated that under the old system that prevailed before the law enacted last December Members could get deductions for expenses in Washington without limit, provided they could persuade IRS that they had proper documentation for it. The information I have from the Ways and Means Committee staff indicates that that is not true.

Under the old system $3,000 was regarded by IRS as the cap, as the limit regardless of what expenses might be incurred in living in Washington. The absolute limit, so I am informed, that might be claimed as a deductible item in computing income tax was $3,000.

So if we adopt the instructions recommended by the gentleman from Indiana we will not be going back to the old system absent the $3,000. We will be changing it enormously. We will be letting Members of Congress who live in Washington and in very expensive houses, and have chauffeurs and all of that sort of thing, perhaps, to list all of those items that can be documented and deduct those in computing taxable income.

I say to my colleagues that is an entirely different position than the Proxmire amendment, the amendment No. 62, which is the subject of this question.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding. I think he is making a very important point, that if this motion is adopted we are going to be misunderstood on the issue.

Mr. FINDLEY. It will be viewed as a tax break for wealthy Congressmen by the countryside and we do not want that. That is the last impression we want to leave by the procedure we are having here today.

Mr. WYLIE. I think the gentleman is right on that score and I think that is all the more reason why, as I say, we need to wipe the slate clean, we need to go back and we need to start over.

This ought to be brought up as a separate issue and not as a part of the very important urgent supplemental appropriations bill.

I think the gentleman is making a significant contribution.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I think the gentleman is in error to this extent: The limitation, the $3,000 was not an absolute cap.

In addition to that, Members took interest on their homes and taxes on their homes and in those cases where they lived in one of those expensive homes the gentleman was talking about with a large mortgage their deduction was $18,000 or $20,000, just the same as it would be for any other taxpayer in the United States. They could take interest and taxes.

Mr. FINDLEY. I thank the gentleman for his comment.

But the fact is that the IRS regarded the $3,000 item as a cap. It was not a written rule, it was not unflexible. But I think the gentleman would agree with me——

Mr. SMITH of Iowa. $3,000 is in the statute.

Mr. FINDLEY. I have yet to meet a Member of this House, a Member of this body who ever claimed more than $3,000 under the old system and if he did the amount claimed in addition to that would certainly be minimal.

But the important point is that if we accept the instructions offered by the gentleman from Indiana we will be opening the possibility of deductions for income tax purposes to the skies, and it will open us once more to the ridicule which we are so fervently anxious to avoid.

Therefore, I ask my colleagues in this Chamber today to support the request for defeating the previous question so that we can have an amended motion to instruct before this Chamber, one that would instruct the conferees to accept the Senate amendment No. 62.

We all should recognize the strong emotional feeling around the countryside concerning this issue. It is not isolated. I am sure it exists in every congressional district.

Those who have the comfort of a wide partisan margin which assures reelection need have no fear, I am sure of that. But for those who are in marginal circumstances. I would advise they pay close attention to this. It is an issue very much on the minds of the American people. It is an issue that they can understand. They may be confused about what we are doing about the budget, but when it comes to privilege under the tax laws for Members of Congress, it is something that they can understand.

The best action is to go back to the old system.

There is a very strong emotional feeling in the country against both the size and the manner of enacting the income tax benefits for Congressmen voted by the House last fall.

Most citizens do not even earn $19,000, the standard undocumented deduction allowable to Members under the new law.

Furthermore, the possibility of documented expenses for the maintenance of an expensive home, its furnishings and for living expenses in Washington fiercely fans the political flame that contends that Washington only cares for the "rich."

Both professional polling and media reports indicate that this is a "sleeper" issue of great impact against incumbents and, if exploited by challengers, it could be the difference in many congressional races where unemployment, bankruptcy, high interest rates, reduction of Federal benefits and general economic adversity dominate the political scenario.

For any Member to be supportive of a legislative position that embraces an effective congressional pay raise up to 30 percent—for those who fully claim the tax advantages now or in an amended return later—during a time of severe economic distress at home may well prove to be politically fatal.

The method of enactment of the congressional tax provisions has created additional public cynicism and disrespect for Congress.

The present provision is not uniform or fair to all Members. The local Representatives and Senators cannot share in the new tax benefits. Other Members have entirely different personal financial conditions that do not conform to the tax treatment provided in the current law.

In summary, the high level of public resentment against major income enhancement for Members of Congress in these tough economic times, the procedural methods employed to enact the present law, the inequitable application of the new law to Members themselves, and the opportunity to perfect the technical details of the amendment in conference all argue strongly for allowing the House to work its will on this issue.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Speaker, I would just like to say if we vote for the previous question we are voting for another tax boondoggle.

Let us vote against the previous question. This is our opportunity to repeal the Members' special tax deduction.

I urge a "no" vote on the previous question and approval for the Schroeder amendment.

I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I want to make it clear, I am for Members of Congress being eligible for exactly the same deductions as every other taxpayer, no more and no less.

There has been a great deal of misinformation about this. Let us go back to what the law was since the early 1950's. The statute says that Members of Congress can deduct $3,000 for business expenses. That is for regular business expenses but Members could still take a deduction for interest and local taxes on their home as any other taxpayer in the United States could, and these with large mortgages, had $20,000 deductible when they included the $3,000, interest and local taxes.

People who do business in Washington and State legislators usually receive a per diem and then deduct their necessary and reasonable expenses. Members of Congress do not receive any per diem—only deductions. Members of Congress were not treated the same as other taxpayers.

Last December, or whenever it was, we instructed the Internal Revenue, in a revenue measure dealing with revenues to support the black lung fund, and that was a revenue measure, the other body added an amendment instructing Internal Revenue to treat us like every other taxpayer and adopt regulations to that effect.

However, the regulations they adopted were not exactly consistent with those for every other taxpayer and those regulations should be changed so that they are. It was not the law that was faulty; it was the regulations that were promulgated that were faulty.

Contrary to what some people have said, the IRS does have arbitrary deduction levels for any Member or any business person in different cities. In Des Moines, Iowa, it is $56 a day. In Washington, D.C., it is $75 a day. They set an arbitrary amount and they say that if a taxpayer claims no more than that amount and qualify for business purposes, then you can take that amount instead of justifying it penny for penny.

□ 1215

It is usually an amount that is low enough they know the taxpayer could justify at least that amount or more. So that part of the regulation is no different. What is different is that they permitted Members of Congress to take taxes and interest on a home, in addition to a standard $50 deduction for other expenses, and that is the part that is different and it should be changed.

When I came to Congress, my wife and I had been practicing law. We gave up a lucrative law practice. I am not complaining about that. But, I consider this to be a husband and wife job, and it is, so we both gave up the law practice to handle this job. But I see some Members talking on this issue who have a double income family, and do not even maintain a home in their home State, and some are taking honorariums in addition—for some reason they seem to be defensive, and think they should divert attention from their own situation by cannibalizing other Members and misrepresenting the situation. I think honorariums are usually provided to influence a Member. I think they are wrong and should be prohibited and I do not accept them.

This proposal of the gentleman from Indiana is proposing has been misrepresented. Some say, "Well, you could get other people to serve in Congress even if they are denied deductions other taxpayers receive." Well, sure. Exxon and General Motors would be glad to furnish a company lawyer to fill every seat in this place. They have been cooperating, I think, for years anyway. They would be glad to divide it up. They would furnish company lawyers who would serve without pay. But that kind of legislators would not well serve the American people. Those legislators would cost the American people a lot more in other ways.

It is time for Members to quit cannibalizing on other Members and to tell the truth. The truth of the matter is that the Members of Congress ought to be treated precisely as every other taxpayer is, no more and no less.

Now, you can say that there might be a better way than the amendment of the gentleman from Indiana. But that is one way to do it. You are not going to get there by voting against the previous question, because if you do that, what you are saying is that you want every Member to get a $3,000 deduction plus interest and taxes, whether they can justify it or not. And that is not right. Some Members should not have that. Members should be treated like every other taxpayer. So if you want to treat the Members of Congress like every other taxpayer, you should vote for the previous question and get to changing the law as the gentleman from Indiana wants to do.

Mr. MOTTL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Ohio.

Mr. MOTTL. I appreciate the gentleman yielding.

Mr. Speaker, I think the disdain that the American public has upon the House of Representatives is the method used and the timing used for these deductions. That is why this vote is so important. That is what I object to.

Mr. SMITH of Iowa. That is partly because Members of Congress played into that. The fact of the matter is, that was a revenue measure. One amendment was added in the Senate. We seldom have separate votes on amendments to the revenue code. You voted for the Reagan tax package last year. It had 200 amendments to the revenue code in it. We did not have separate votes on each one of those amendments. We do not have separate votes on every amendment to the Internal Revenue Code. We never have.

Mr. MOTTL. But we either have the Democratic package or the Republican package. But when we voted on the continuing resolutions, many of the Members did not know that they lifted the $3,000 limitation.

Mr. SMITH of Iowa. Well, the gentleman from Illinois Mr. ROSTENKOWSKI explained it and Members should have known.

Mr. MOTTL. Many of the Members did not know, on the black lung legislation, that that provision was included to allow the IRS to run rampant and give such a generous deduction to the Members.

Mr. SMITH of Iowa. Just as we did in the Reagan tax package, we directed the IRS to adopt rules and regulations that accomplished certain results. That is what it did.

Mr. MYERS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. BEARD).

Mr. BEARD. Mr. Speaker, I rise in opposition to the previous question, and I will rise in support of the effort to instruct our House conferees on the urgent supplemental appropriation bill to agree to the Senate provision repealing the special new tax breaks that the Congress voted itself last December.

I know a lot of my colleagues feel that the new tax breaks are justified. But I believe at a time when people all over this country are tightening their belts, some voluntarily, some involuntarily, in order to restore our economy from the chaos which the Congress helped to create, I feel it is essential that we in Congress set an example of leadership by example, and voting ourselves a tax break was no example of leadership.

Some say that Members of Congress have special financial burdens that require special tax treatment. I believe, instead, that Members of Congress have special responsibilities and obligations, and we should not exempt ourselves from the burdens the rest of the Nation faces.

Mr. Speaker, the special tax deduction should be repealed.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the one thing we can be sure of today is that the House will not do what it ought to do. I think what we did last year was stupid. I think it subjected this place to all kinds of criticism which it, frankly, cannot afford.

Very frankly, the logical thing for us to do today is very simple. We ought to abolish the $75 per day gimmick which was added last year. We ought to adjust the $3,000 item which was set 30 years ago, so that it does reflect what reasonable costs are in this town today, and we ought to couple that with the restoration of tight limits on outside income for both bodies, both the House and the Senate. That is the logical thing for us to do.

But we will not do any of that today, because you—well, I will not get into why we will not do it because it is against the rules of the House to be that frank. But as a practical matter, we all know what is going to happen on this.

I would suggest that what we ought to be thinking about is how this institution is going to legitimately and up front address the question of congressional compensation. We have some people in this body who will take whatever they can get. We have another group of people in this body who will gladly take whatever they can get but they will never vote for it. They ask somebody else to vote for it. We have to find a way to up front deal with this question in an honorable way.

I would suggest, because the Constitution requires us to vote on our own compensation, that there is only one way we can really get the job done, and that is for us to ask the President to appoint the Quadrennial Commission early. We ought to refer the whole question to that Commission. We ought to refer the question of congressional pay, the question of how you treat Members' tax status, the question of how you treat outside income for both the House and the Senate, all to that Commission, and we ought to circulate a petition in this place to ask the Members to commit ahead of time to vote for whatever that Commission brings out. That is the only way you are going to take this issue out of demagoguery. It is the only way you are going to avoid the tendency of this place to find stupid ways to adjust congressional pay when it does not have guts enough to do it through the front door.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. Of course, we have had that now for a good many years. I think all of the 24 years that I have been here we have had a commission that establishes what our salary should be. But the gentleman knows what happens. Every time they make that recommendation and we even go for a little fraction of it——

Mr. OBEY. If the gentleman will yield, it worked once. When this House limited outside income 6 years ago, we got a square deal. You had a legitimate increase in congressional pay through the front door, and you also limited the outside speaking fees, which I submit, in the long run, are far more dangerous to the integrity of the legislative process than anything else we are talking about today.

Mr. MYERS. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, we have an opportunity here today to do what we should have done much earlier. We can comment on whether it was front door or back door, whether we deserved it or did not deserve it, but this is the first of what may be a series of opportunities to correct the impression that we created, that the press may have created, and we can do it here by supporting this amendment and/or any other that is offered so that the people of this country understand that we are not trying to ask them to sacrifice while we decide that we should be excluded from sacrifice.

Mr. Speaker, this is the opportunity to address squarely the issue of the congressional tax break that was instituted last year. There is little doubt that the tax break did not represent the views of a majority of the Members of this body, if it had, it would have been voted in a straightforward fashion instead of instituted by parliamentary scheming.

This tax break is a source of shame for each Member of this House. I did not take advantage of this deduction as I know many other Members did not. To me, it is unconscionable that at a time when we are asking Americans to sacrifice for the good of their Nation, that we would find ourselves enjoying an unexpected and decidedly undeserved increase in pay.

The instruction to the conferees is an overdue effort to rescind a tax break that the American people recognize as an abuse of the trust they invest in us. No Member of this body has not heard clearly the voice of his or her constituency demanding that this be repealed. To fail to do so now would be an insult to those who trust us to represent them in this Congress.

We have important business to attend to in this body. We face a deficit that must be reduced if we are to allow for real economic growth. With good reason the American people have reason to doubt whether we possess the strength and the self-control necessary to achieve this. If we are to make the hard decisions we need their confidence and to obtain that, we need to assure them that we are here attending to their business not divising clever methods to enhance our own pay.

Once we have removed this unjustified tax break, we need to consider methods to insure that such action does not occur again. The solution is simple. We need to enact H.R. 1200, a bill of which I am a sponsor that would require that all legislation that affects Members' pay be subject to a separate free standing vote. It would require that no increase be effective until all Members have stood for reelection. This would allow our constituents to decide whether or not they felt their Representative deserved an increase in pay.

Since this tax break was instituted, I have sponsored legislation to repeal it, I have signed a discharge petition to have legislation that would repeal it brought to the floor and I refused to take it myself. We will have a chance today to all be counted on this shame on this House. Those who will vote to remove it will be on the side of their constituents and their conscience, those who refuse to remove it will have nothing on their side but their own greed and callousness.

The motion to instruct conferees to insist that the other body agree to provide that any deduction taken by a Member of Congress will be subject to itemization, substantiation, and Internal Revenue Service audit is a step in the right direction. The Meyer amendment, with or without the Schroeder

amendment, will clearly undo the grievous, back door tax deduction of December 1981. In point of fact, this does not go far enough. The Ways and Means Committee will hopefully bring additional and clarifying legislation to the House.

Mrs. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. DAUB. I yield to the gentlewoman from Maine.

Mrs. SNOWE. Mr. Speaker, I rise in support of the motion to instruct our conferees to concur with the Senate and repeal the ill-advised tax breaks for Members of Congress enacted last year. That way we will once again be taxed at our former rate, and return Congress to where we were before this all began. Congresswoman SCHROEDER will soon offer an amendment to help us set the record straight, and restore some respect to our cherished institution.

Today we have an opportunity to wipe the slate clean. We can seize that opportunity and collectively go on record against the irresponsible backdoor approach used last year to expand the tax deductions available to Members of Congress.

Late last year, Congress enacted a provision hidden in the black lung benefits bill which changed the rules governing the tax deductions Members of Congress can take while Congress is in session In another irresponsible act, the limit on outside earnings was revised with little warning and no recorded vote. I was outraged, as were the American people.

At a time when the average taxpayer has to work from January 1 through May 5 just to pay off the burden of Federal, State, and local taxes, it is absolutely unconscionable that Members of Congress would deduct more than $16,000 from their taxes for 1981 with no substantiation.

I would point out to my colleagues that I did not take advantage of those breaks when I filed my returns this year. And I have introduced legislation of my own which insures that such distasteful methods are never used again to change Members' taxation or compensation. In fact, more than 30 other bills are presently before the Ways and Means Committee which would repeal the tax break. But the committee has chosen not to act.

Since my election to Congress I have consistently opposed every attempt to raise congressional pay whenever it has come to the floor on a separate vote, and I will continue to do so. I urge my colleagues to support the motion to defeat the previous question, so that we can vote on the Schroeder amendment to instruct our conferees to concur with the Senate and repeal our special breaks.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HEFNER), a member of the committee.

Mr. HEFNER. Mr. Speaker, we put ourselves in the position now—I would like to congratulate the House—where any way that you vote you are going to be embarrassed and be accused of demagoguery. If you go back like we were previously, people are going to say, "The greedy fellow, he wants $3,000 a year without being audited." If we go the other route, "the greedy fellow wants it unlimited where he can list all of his maids and get his lawn mowed and his clothes cleaned, and other things." We have got the worst of both worlds now. Any way that you vote, you are going to be accused of being greedy and want to rip the taxpayers off.

I think we ought to call a timeout and try to get a new play called here, to try to find some way to get this repealed without putting us in the worst of all worlds. And I want to congratulate the House on getting us into a real catch-22 situation. We have done a tremendous job.

Mr. MYERS. Mr. Speaker, for debate purposes only, I yield 2 minutes to the distinguished Republican leader, the gentleman from Illinois (Mr. MICHEL).

Mr. EMERY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maine.

Mr. EMERY. I thank the gentleman for yielding.

Mr. Speaker, I hope that the previous question will be defeated so that we can make the important change to repeal this exemption.

Mr. Speaker, I rise in support of the motion to instruct House conferees on the urgent supplemental appropriations bill (H.R. 5922) to accept without revision the Senate language repealing the $75 per day business tax deductions for Members of Congress inadvertently adopted last year.

During a period necessitating major cuts in a number of Federal programs, it was totally inappropriate and irresponsible for Members of Congress to raise their own salaries by allowing themselves to claim generous tax deductions for working in Washington. Not only were these deductions ramrodded through Congress in one of the more distasteful and despicable examples of back door politics, the increased deductions actually amounted to an income windfall worth over $10,000 for many Members of Congress at a time when most Americans are struggling to beat high interest rates and unemployment.

As a cosponsor of legislation to repeal the tax break enacted last December, I wholeheartedly applaud the Senate vote to restore the $3,000 limit on business deductions which has been in effect for the past 20 years. Moreover, I appeal to the House conferees to embrace the Senate language righting an acknowledged wrong. It is time that we showed the American people that the U.S. Congress does have a backbone and is finally willing to set an example for fiscal responsibility. The $75 per day tax deduction bonus must be repealed.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I support the defeat of the previous question. The motion to instruct which we now have before us will not repeal the tax break nor restore the faith of the American people in this Chamber. By defeating the previous question we will have an opportunity to offer an amendment which simply states that the House wishes to repeal the tax break which it passed last December. Thus, this vote on the previous question is really a vote on repealing the tax break. By defeating the previous question, you will be registering your desire to see that the tax break be repealed.

Mr. MICHEL. If the gentleman will not take all of my time, I would like to make a point or two.

Mr. Speaker, I rise in support of the motion of the gentleman from Indiana.

When I first came to Washington, Members of Congress were paid $12,500 a year, with a $2,500 expense account. Now, any time there has been anything called an expense account or emolument of some form, the press just has a field day with it. I do not care what it is.

I have been arguing around here for the last 10 years that that minuscule $3,000 deduction has always been characterized by the press as some kind of bonanza for us when in fact it has certainly been a penalty for me personally and I would suspect for most Members.

The best way to eradicate this thing is to have no reference, absolutely no reference, to Members of Congress in the Tax Code, period.

I am a little bit disturbed at the suggestions I hear that because we have some Members who are rich, some poor, and some in between that we ought to legislate some kind of equalizer. That would be wrong. This body is a microcosm of America.

We are all elected by the people in our respective districts and responsible to them. Some districts may want a well-heeled Congressman. Other districts may prefer a poor one, and you all know we have had Members elected to this body after being convicted of crimes, gone to prison and reelected, because that district preferred that kind of Congressman. I find it hard to believe sometimes, but that is the case.

I will say it one more time. Just take out all references to Members in the Internal Revenue Code. I want to be a normal, ordinary citizen on this tax question. That is the thing I have argued for all along. That is the only way we can clean up our act and avoid the criticism. If you are able to justify your expenses to IRS, so be it. I have been audited 4 years in a row, a number of years ago when I was critical of some of the things IRS did. But I beat them every time. And you can too if you will just be honest with yourself and do what is right here and eliminate that preference.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALGREN).

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. WALGREN. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the previous question and in support of the amendment to repeal the special tax break for Members of Congress, passed in the twilight hours of last year's session.

I said at the time that it was unconscionable for Congress to bestow upon itself a special tax break, especially when so many people are being asked to endure extraordinary hardships in the name of economic recovery. The plain and simple truth of the matter is that the tax break was wrong—wrong in the most fundamental sense of the word—and it should be repealed.

We must recognize that laws which treat Members of Congress as a separate and privileged class serve only to fuel a growing and debilitating sense of cynicism toward Government. And there is nothing that this House has done that has raised in the public's mind more questions about the credibility and honor of this institution than its action on the tax cut last year.

We must understand that what we are considering today is not merely a provision of tax law; the real issue before us is much larger than that. The credibility of this institution rests upon the passage of this amendment, and it is critical that there be a straight up-or-down vote on the question of repealing the tax break.

I urge my colleagues to oppose the previous question and to support the amendment to repeal the tax break.

Mr. WALGREN. Mr. Speaker, I think the American people will find great inspiration in the fact that the House of Representatives has finally come to grips with undoing what was a mistake last December.

I find it difficult to choose between these alternatives because both seem to be a step in the right direction. Everyone wants to go back to square 1. And square 1, for the American people, is no unaudited deductions whatsoever. Although the thought that was raised by the minority leader, that we should remove all reference to Members of Congress from the Tax Code, is appealing, voting for the Myers amendment will not have that result. The problem is that other references in the Code establish that, for tax purposes, our districts are our residences. And that means that all living expenses in Washington are by definition expenses relating to doing business. And since Congress is now in session at least 4 days a week, Members with families therefore spend substantial amounts of time in Washington. Members of Congress will qualify for excess deductions unless the Code is changed to recognize Washington as their residence for tax purposes.

I would like to emphasize what I understand the difference between these provisions to be. The Schroeder approach of defeating the previous question would essentially impose a $3,000 cap on the deduction provided you can substantiate extra expenses of that amount. If you are in the 40-or-50 percent tax bracket, a $3,000 deduction is worth $1,200 to the taxpayers. I believe the public understands that we do incur more than $1,200 a year of expense in going to Washington. And the fact is that these deductions would be subject to IRS audit. I am concerned that, although the gentleman from Indiana is taking a step in the right direction by eliminating audits, the unlimited deductions he would allow would open the door for Members of Congress to write off large amounts of regular day-to-day expenses unavailable to other taxpayers because the law treats their home district as their residence. This will result in excess deductions that would undermine the faith of the people in our Government. I urge my colleagues to support the Schroeder amendment.

□ 1230

Mr. MYERS. Mr. Speaker, I yield 5 minutes to the distinguished Republican minority leader on the Appropriations Committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion. Regardless of the merits of a tax exemption for Members of Congress—or the lack of merits—the fact remains that Congress should never vote itself a raise in benefits during its term of office. Secondly, at a time when Congress is asking the American people to tighten their own belts, we should not be feathering our own nests. That is why I voted against the last pay raise and refused to accept it and that is why I voted against the black lung bill which contained the present congressional tax exemption we are trying to repeal today. I urge all of you to vote against this motion and then support the next motion which will repeal the special tax break now in effect.

Mr. CONTE. Mr. Speaker, I favor the motion that the gentleman from Indiana has submitted. He instructs the conferees to go along with the Senate in regards to the amendment that I had offered and the House had passed on a voice vote which would have said that we could not have expenditures any greater than receipts. I promised the gentleman from Pennsylvania (Mr. WALKER) that I would do that. I have been around here 24 years and have always been a man of my word and that is part of this motion.

The SPEAKER pro tempore. The Chair wishes to advise the gentleman not to refer to debates in and Members of the other body.

Mr. CONTE. I have here in my hand a bill that will go in the hopper when I get through speaking which will limit outside earnings to $18,000 a year and let us be on equal footing with the other body. The press up there is having a field day and I do not blame them. We do not have the guts to stand up here and do what is right and they can write about you, they write that you do something in the budget and you run for cover. Everybody runs for cover. That is the reason why we cannot get a budget passed.

You want to read the histories of this Congress when they had men and women here who would stand up for principle and what they believed in.

All we are saying, there is an old 30-year law, a $3,000 exemption, you do not have to write anything down, you merely claim the $3,000 expenses from your tax return. Do not say how you spent it. That is the easy way out. All we are saying is we want to be treated like the press, we want to be treated like anybody else and deduct and itemize the expenses we have.

Now, this is all fairness and equity. We do not want to reward ourselves and we do stand to be criticized on the $75 a day. We do not want to be punished either. And I think that the gentleman from Indiana (Mr. MYERS) is asking, and I join with him, what he is asking here is nothing but fairness and equity to the Members of this House of Representatives. If we have expenses, we deduct them and we are subject to an audit by the Internal Revenue Service. I am home every weekend. I am campaigning and mending my fences with my people. I have a house here. I have a house in Massachusetts. I have an automobile here. I have several automobiles in Massachusetts. Why should I not be able to deduct for the expenses that I have

here? I think it is only fairness and equity. Let us stand up once and show that we have got a little courage and vote for this.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SHAMANSKY).

Mr. SHAMANSKY. Mr. Speaker, I think it is essential to understand that we cannot get to the merits of this issue because the procedure was so bad, the procedure we adopted in December. So, therefore, I oppose the previous question because we will never get to the merits.

Let us go back to square 1 and address the merits in a proper procedure, and that is what we are fighting about right now, is to show the public that we will get to it in an orderly fashion, we will never get to the merits, and I think the gentleman from Massachusetts (Mr. CONTE) has made some very good points, but the procedure was so egregious, so bad, that we must change the procedure, defeat the previous question.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, we are in this mess for two reasons. One is that we failed to do this through the normal tax writing committees and we are going to make another big mistake if we try to do it again the way the gentleman from Indiana wants. And, second, we are in trouble because it was sneaked through. Most of the Members, including this Member, did not even know we were voting on it.

The way to correct that is to put things back to where they were before, and let the Ways and Means Committee go to work and do the job right. The gentleman from Indiana's approach will not work. I have looked into this. You cannot put Congressmen in precisely the same situation as every other taxpayer, because our situation is different. We must maintain a residence in our district, yet, because we must spend most of our time in Washington, we need to have our families with us here. Yet present law does not permit us to deduct all of our expense of a second residence if our family lives with us in Washington. That is wrong.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Indiana (Mr. MYERS).

Mr. Speaker, there is no question that most of my colleagues recognize that the House acted improperly last year when it accepted a Senate amendment adding a blanket $75 per day exemption for living expenses for Members of Congress. The amendment the gentleman from Indiana would have the House support today would repeal that law, but in its place, it would substitute an unlimited deduction.

Mr. Speaker, because of our elective responsibilities, we live in our home districts but spend a great deal of our time in Washington. The fact is that if anyone else commuted the long distances we do, staying on their job in another city during the week and returning home for the weekend, they would not be able to take a penny in deductions for business expenses in the city where they do their work, for that city is considered their "tax home," and no businessman may take business expenses incurred in his "tax home."

In recognition of the fact, however, that there are special expenses associated with one's service in Congress, during the 1950's the Congress set a special deduction of $3,000 per year for those living expenses. The level of that deduction is obviously out of date.

I propose that it is time to wipe the slate clean, to return to where we were by eliminating last year's tax break and then, in the cold light of reason, we can examine the entire problem and, in an orderly and reasonable manner, and properly consider the legislation which I have every confidence the Committee on Ways and Means will submit to the floor.

Accordingly, I urge my colleagues to vote to defeat the previous question and to support the Schroeder motion.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, my observation has been in the House that debates are either historical or hysterical, and the historical debates are usually dispassionate and the hysterical debates usually involve Members' privileges.

I only rise to clarify one point. It has been argued over and over again that Members of Congress should be treated exactly the same as other citizens, and I simply say for the record that other citizens of this country who respectively own one house, one home, on this Earth, cannot pretend that it is a home away from home.

Mr. MYERS. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. MYERS) is recognized for 3 minutes.

Mr. MYERS. Mr. Speaker, I cannot help but be concerned when I hear the arguments against this motion to instruct. Either the people who are opposed to the motion to instruct have not read what the motion does or refuse to accept what it does, for some unknown reason.

The suggestion that this is not the place to place a tax revenue amendment is correct but this body did not introduce it. If you will recall, when the supplemental left here it did not have this tax provision. The amendment should have come through the Ways and Means Committee, there is no question about that. This particular amendment that we are concerned about here changes somewhat the amendments added by the other body. So we did not bring it up. The only thing we can do is make it fair. This is what I am attempting to do by my motion today to instruct.

Now, the suggestion about the extravagant living here in Washington. Maybe some of the Members do live that way. But you sure do not do it on a congressional pay. And to suggest that you are going to be able to deduct for drivers, all of the luxury that one might have if he had unlimited funds and deduct it from your tax as a deductible item, could happen, I do not know. Maybe it happens in the business world. When I was in the business world it did not. But if it does the taxpayer would still have to justify it to IRS. I just do not see any Members here today who are going to be voting on this action that would actually take advantage of a situation of the fairness doctrine that we are trying to impose here and to take off unnecessary extravagant living and charge it to the taxpayers of the country.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

There was one person in the legislature who did that, he deducted his hair transplant and the Internal Revenue turned it down. There is one fellow who would take those kinds of things.

Mr. MYERS. I think I heard him mentioned a while ago.

Mr. CONTE. Mr. "X".

Mr. MYERS. In the brief moments remaining, let me go back again to what the instructions I have suggested here to the conferees would do.

It would abolish the $75 daily deduction that IRS gave Members of Congress last year. It abolishes that entirely. That is what we have all been talking about. This instruction abolishes that. It puts us back on the fairness doctrine. Any deduction that we might take for living in Washington, even if we do not keep a house back in our own district—that is up to each of us. If we did claim it here, we would have to justify and defend that action even if it was only for $100. If we are in an audit, we would have to document that and be able to justify that deduction.

Now, if the Members vote against the previous question, what they are doing is building in an automatic $3,000 deduction requiring no justifica-

tion. Can we go back home to our taxpayers and say, "Yes; I get an undocumented deduction of $3,000, but you do not."

What my instructions do is put us on exactly the same basis, of paying our taxes, as every one of the taxpayers back home.

I do not know how anyone can expect anything else. We should have to prove any deduction we take on our tax returns just like any other taxpayer. I ask the Members, if they want to really clean this mess up created last year and be treated like everyone else, do not vote against the previous question.

● Mr. LOWRY of Washington. Mr. Speaker, I plan to vote against the Myers motion to instruct conferees on H.R. 5922, making urgent supplemental appropriations. I fully agree with the objectives of the Myers motion, and I have, myself, introduced legislation, H.R. 5951, that would make the tax liabilities of Members of Congress the same as any other businessman working away from home. But I do not believe that this is the appropriate time or vehicle to try to legislate this change. The Myers motion introduces the kind of complexity to this issue that could lead to a substantial delay in getting any repeal of the tax break. It is a proposal that requires careful consideration and is most appropriately handled by the Committee on Ways and Means, and I urge my colleagues on the committee to proceed with that consideration. Through amendment 62 to H.R. 5922, however, the Senate has given us the opportunity to repeal the special tax allowances that were attached to the black lung benefit bill last December. I think that the House would be best served by instructing its conferees to agree to Senate Amendment 62, and I will support any motion that will accomplish this.●

● Mr. SMITH of New Jersey. Mr. Speaker, at a time when the American people are being asked to bear down under a national policy of fiscal responsibility, I believe that it is only fair that Members of Congress do the same. It is for this reason that I rise in support of a motion to instruct House conferees to insist on repealing the automatic, $75 per day business-related tax deduction allowed Members of Congress. As you are aware, Mr. Speaker, the automatic tax-deduction provision, which replaced a $3,000 annual deduction limit, was incorporated into the Black Lung Benefits Revenue Act of 1981 (Public Law 97-119) and passed both Houses by a voice vote on December 16, 1981.

This action was taken without allowing for open debate and a recorded vote so that each Member of Congress could be held accountable to his or her constituents. These provisions dramatically increased the expense deductions on second homes in the Washington area, to the point where some Members of Congress could conceivably be sheltered from paying any taxes at all. The tax provisions also allowed an automatic $75 per day deduction that Members could take as a business expense without actually having to substantiate the expenses.

In an effort to reverse what I felt was hurried and misguided action, I cosponsored H.R. 5341, to eliminate these particular tax provisions. Besides revoking the increased deductions for housing, this legislation also eliminates the unsubstantiated per diem expenses allowance. In this way, Members of Congress will be treated the same as all other taxpayers, who must justify each item.

Mr. Speaker, I decided against taking advantage of the new tax provisions on my 1981 tax returns. Therefore, I declined to deduct any more living expenses than those which were previously allowed. The Senate has already acted to restore the $3,000 limit on tax deductions. Let us continue their efforts toward an open and honest Government, which does not afford elected officials special tax breaks. I hope my colleagues will join me in this effort, not only to restore confidence in the ability of Congress to responsibly establish rules governing its Members, but also to set an example to the Nation that fiscal responsibilty on the part of every citizen is vital to our economic recovery.●

Mr. MYERS. Mr. Speaker, I move the previous question on the motion to instruct.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. SCHROEDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 176, nays 218, not voting 38, as follows:

[Roll No. 134]

YEAS—176

Addabbo	Brooks	Crane, Daniel
Akaka	Broyhill	Crane, Philip
Alexander	Butler	Crockett
Applegate	Byron	Daniel, Dan
Badham	Carman	Daniel, R. W.
Bailey (PA)	Carney	Daub
Barnard	Chappell	Derwinski
Barnes	Chappie	Dingell
Benedict	Cheney	Donnelly
Biaggi	Chisholm	Dowdy
Blilley	Clausen	Downey
Boggs	Clay	Early
Bowen	Collins (IL)	Edwards (AL)
Breaux	Conable	Edwards (CA)
Brinkley	Conte	Erdahl
Brodhead	Coughlin	Erlenborn
Evans (GA)	Leath	Pickle
Evans (IN)	Lee	Porter
Fazio	Leland	Price
Fish	Lent	Rahall
Flippo	Lewis	Railsback
Ford (MI)	Livingston	Rangel
Forsythe	Long (LA)	Regula
Fountain	Long (MD)	Richmond
Fowler	Lott	Robinson
Frenzel	Lujan	Rodino
Garcia	Luken	Rogers
Gibbons	Lundine	Rostenkowski
Gonzalez	Madigan	Roybal
Gradison	Marks	Rudd
Gramm	Marlenee	Scheuer
Gray	Marriott	Schulze
Hagedorn	Martin (NC)	Schumer
Hall, Ralph	Martin (NY)	Shannon
Hance	Mattox	Shaw
Hansen (ID)	Mavroules	Shelby
Hansen (UT)	McDade	Shuster
Hartnett	McDonald	Siljander
Hatcher	Michel	Skeen
Hawkins	Mikulski	Smith (IA)
Hefner	Mitchell (MD)	Smith (OR)
Heftel	Moakley	Solarz
Hightower	Molinari	Spence
Hillis	Mollohan	Studds
Holland	Montgomery	Tauzin
Hopkins	Moore	Udall
Horton	Murtha	Vander Jagt
Hoyer	Myers	Weiss
Hughes	Napier	White
Hyde	Neal	Whitehurst
Ireland	Nichols	Williams (MT)
Jeffords	Nowak	Wilson
Jeffries	Ottinger	Winn
Jenkins	Oxley	Wortley
Johnston	Pashayan	Wright
Jones (NC)	Patman	Young (AK)
Kemp	Patterson	Young (FL)
Kindness	Perkins	Zeferetti
LaFalce	Peyser	

NAYS—218

Albosta	Dyson	Jones (OK)
Anderson	Eckart	Jones (TN)
Andrews	Edgar	Kastenmeier
Annunzio	Edwards (OK)	Kazen
Anthony	Emerson	Kennelly
Archer	Emery	Kildee
Aspin	English	Kogovsek
Atkinson	Ertel	Kramer
AuCoin	Evans (DE)	Lagomarsino
Bafalis	Evans (IA)	Lantos
Bailey (MO)	Fascell	Latta
Beard	Fenwick	Leach
Bedell	Fiedler	Lehman
Beilenson	Fields	Levitas
Benjamin	Findley	Loeffler
Bennett	Fithian	Lowry (WA)
Bereuter	Florio	Markey
Bethune	Foglietta	Martin (IL)
Bevill	Foley	Matsui
Bingham	Ford (TN)	Mazzoli
Boland	Frank	McClory
Boner	Frost	McCollum
Bonior	Fuqua	McCurdy
Bonker	Gaydos	McEwen
Bouquard	Gejdenson	McGrath
Broomfield	Gephardt	McHugh
Brown (CO)	Gilman	McKinney
Burton, Phillip	Gingrich	Mica
Clinger	Glickman	Miller (CA)
Coats	Goodling	Miller (OH)
Coelho	Gore	Mineta
Coleman	Green	Minish
Collins (TX)	Gregg	Mitchell (NY)
Corcoran	Gunderson	Moffett
Coyne, James	Hall, Sam	Moorhead
Coyne, William	Hamilton	Morrison
Craig	Hammerschmidt	Mottl
D'Amours	Harkin	Murphy
Dannemeyer	Heckler	Natcher
Daschle	Hendon	Nelligan
Davis	Hertel	Nelson
Deckard	Hiler	O'Brien
Dellums	Hollenbeck	Oakar
DeNardis	Holt	Oberstar
Dicks	Howard	Obey
Dorgan	Hubbard	Panetta
Dougherty	Huckaby	Parris
Duncan	Hunter	Paul
Dunn	Hutto	Pease
Dwyer	Jacobs	Pepper

Petri	Shamansky	Vento
Pritchard	Sharp	Volkmer
Pursell	Shumway	Walgren
Quillen	Skelton	Walker
Ratchford	Smith (AL)	Wampler
Reuss	Smith (NE)	Washington
Rinaldo	Smith (NJ)	Watkins
Ritter	Snowe	Weaver
Roberts (KS)	Snyder	Weber (MN)
Roberts (SD)	Solomon	Weber (OH)
Roe	St Germain	Whitley
Roemer	Stangeland	Whittaker
Rosenthal	Stark	Whitten
Roth	Staton	Wirth
Roukema	Stenholm	Wolf
Russo	Stokes	Wolpe
Sabo	Stratton	Wyden
Santini	Stump	Wylie
Sawyer	Swift	Yates
Schneider	Synar	Yatron
Schroeder	Tauke	Young (MO)
Seiberling	Taylor	Zablocki
Sensenbrenner	Traxler	

NOT VOTING—38

Blanchard	Dornan	McCloskey
Bolling	Dreier	Rhodes
Brown (CA)	Dymally	Rose
Brown (OH)	Fary	Rousselot
Burgener	Ferraro	Savage
Burton, John	Ginn	Simon
Campbell	Goldwater	Smith (PA)
Conyers	Grisham	Stanton
Courter	Guarini	Thomas
de la Garza	Hall (OH)	Trible
Derrick	LeBoutillier	Waxman
Dickinson	Lowery (CA)	Williams (OH)
Dixon	Lungren	

□ 1245

Messrs. DUNN, OBEY, MOFFETT, OBERSTAR, WALKER, TRAXLER, LEVITAS, JONES of Oklahoma, ALBOSTA, SMITH of Alabama, STANGELAND, MORRISON, SAM B. HALL, JR., and DWYER changed their votes from "yea" to "nay."

Mr. RUDD and Mrs. BOGGS changed their votes from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

□ 1300

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mrs. SCHROEDER moves that the motion to instruct offered by Mr. MYERS be amended to read:

That the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 5922, be instructed to agree to the amendment of the Senate numbered 50, and to agree to the amendment of the Senate numbered 62.

PARLIAMENTARY INQUIRY

Mr. MYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MYERS. Mr. Speaker, as to the motion offered by this gentleman, on that motion the previous question was rejected.

Is this a proper motion, I ask as a parliamentary inquiry?

The SPEAKER pro tempore. It is a proper motion as an amendment to the Myers motion.

The gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 1 hour.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I would also ask, hoping that we could expedite this, that all Members may have 5 legislative days in which to revise and extend their remarks on this issue.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, I will take the hour that I have and I will yield 30 minutes of it to the gentleman from Massachusetts (Mr. CONTE) for purposes of debate only. Then, Mr. Speaker, if I may, I will use part of my time to explain where we are at this moment.

All my amendment really does is amend the Myers motion and it amends it by saying we go back and recede and concur in the Senate amendment No. 62, period. That is really all it does. It says we take the tax law for Members and roll it back to the way it was before we passed the black lung bill and all those other bills that got this body into so much trouble. I think it is very important. I hope this amendment to the Myers' motion will carry.

I think all this body really has is its honor and its trust and I think one of the ways that we keep that is by going through the normal orderly procedures. The normal orderly procedures, as the gentleman from Illinois, the chairman of the Ways and Means Committee said today, on the House floor, is through the Ways and Means Committee on tax legislation. We got into trouble by ignoring these procedures. I do not need explain the trouble—everybody has heard the trouble. It has been a time where many people have tried to practice double-speaking to get themselves out of the trouble. That has not worked, either.

This provision restores the pre-December 29, 1981, law concerning the taxation of Members of Congress. December 29 was the day President Reagan signed into law the Black Lung Benefits Revenue Act which contained the final language needed to repeal the $3,000 limit on Members' living deductions and changing the law on what constitutes a tax home for purposes of Members of Congress. It also permitted Members to deduct $75 for each day the Congress was in session for living expenses.

The Senate amendment only affects income after January 1, 1982. In other words, no Member will have to refigure his or her taxes for 1981. If you took the deduction in this year's taxes, you can keep it. The old law will be restored next year, under this amendment. The time lag was built in to provide time for the legislative process to work out, in a reasonable and open way, a proper tax treatment of living expenses of Members. The $3,000 limit is probably too low. The $75 a day presumption is too generous. Perhaps, a total dollar limit on deductible living expenses should be established. New law may well be needed. But this new law should be debated and passed in the open and should not be as generous as what is now on the books.

Nearly 200 Members of this body have introduced or cosponsored legislation to repeal the tax break. Many of us were embarrassed by the manner in which the tax break was passed, mainly by being tucked away in a bill dealing with black lung benefits for miners. No two more different classes of beneficiaries could have been found.

These are a number of fetching arguments for shunning motions to instruct, like this. First, no committee likes to be instructed. Second, this instruction requires the Committee on Appropriations to accept language which it would not have added to the original bill in the first place. Third, this instruction condones the other body abrogating the House's constitutional right to raise taxes. All I can say in response to these arguments is that Members of the House have been prevented from voting on the tax break. This motion to instruct is our only means of going on record against this tax break.

So all my amendment does is to amend the Myers amendment. It say we go back and recede and concur to the Senate, which is their amendment No. 62, the one that says the tax law, in re Members, goes back to the way it was before all the hanky-panky began. That is in essence what it is. I would hope the debate would be short. I yield 1 minute to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. Thank you, Mr. Speaker. I thank the gentlewoman for yielding. I want to endorse the gentlewoman's remarks and I enthusiastically support the amendment. I think the House has a unique opportunity to expunge itself from the method that it used in enacting these additional deductions, at this time, and I would hope that the membership would enthusiastically support the gentlewoman's amendment. I think it is important that we support Senate amendment No. 62, Senator PROXMIRE's amendment.

Mrs. SCHROEDER. Mr. Speaker, I would also like to yield as much time as she may need to the gentlewoman from Tennessee (Mrs. BOUQUARD) who was also an author of a bill that would do exactly what my amendment would do.

Mrs. BOUQUARD. Mr. Speaker, on January 26 of this year, I did offer an amendment to go back to the $3,000 cap which has been in existence since

I have been a Member of Congress. Let us go back and let this Congress work its will and let us make the proper decisions, but let us do it with the proper procedure and with the proper motivations and in an honorable way.

It does not take a legislative genius to understand that we got ourselves into this situation by trying to preempt the legislative process—to shortcut the rules. We will not correct the situation by continuing to twist established procedures to meet these circumstances. We should wipe the slate clean, correct our mistakes, and then undertake the proper reforms.

I think perhaps the most significant reform which this body could make in dealing with matters which affect the compensation of Members are to require that all such proposals be considered separately from other legislation, regardless of whether the specific proposal originates in this Chamber or in the other body and to require recorded votes on all such measures. In addition, the actions which one session of Congress takes on the pay and benefits of its Members should not take effect until the succeeding Congress is sworn in. In this way, the rights of taxpayers to express their views on the issue will be protected.

But, as important and as desirable as these steps are, the immediate issue which we face today is the question on whether or not this House will take the necessary steps to correct a flagrant abuse or congressional authority which permitted these deductions in the first place. I can certainly sympathize with the concerns raised by other Members here today. There does need to be a full and thorough examination of the tax status of Members, and especially in regard to business-related living expenses. We ought not to delegate out to the Internal Revenue Service, or the Secretary of the Treasury the responsibility for making these decisions. I was among those who thought that we could rely on this administration in particular to be sensitive to the concerns of the American taxpayer. Unfortunately, such was not the case. But we ought to at least have learned from this experience that Congress must itself deal with these questions. I applaud the gentleman from Illinois (Mr. ROSTENKOWSKI) for his announcement that the Ways and Means Committee will undertake just such consideration. That is a positive step and will lead, I hope, to giving this body an opportunity to work its will on the question of tax status for our Members.

But we must not lose sight of the primary need to right the wrong of last year first, and then proceed to act in an orderly, proper, and I hope expeditious manner.

Mrs. SCHROEDER. Mr. Speaker, I yield to the gentleman from Nevada (Mr. SANTINI) for 1 minute.

Mr. SANTINI. Mr. Speaker, I rise in support of the gentlewoman's amendment. I think the gentlewoman is offering to this House an opportunity to redeem itself from the highjinks and clandestine activities of December of last year.

I think the American people have expressed their outrage and dismay: Over 6,000 Nevadans have expressed their outrage and dismay of both this ripoff of the Federal Treasury and the reputation of the House of Representatives. I would like to share the remarks of several Nevadans who have expressed their outrage about this privileged tax break far better than I.

Mr. William E. Riley of North Las Vegas., Nev., writes:

In response to your letter concerning the recent back door pay raise, I have just spent several hours going through my two-volume dictionary in a futile attempt to find a word or words that would express, truly express, my feelings on the matter. Ludicrous, asinine, absurd, chagrined * * * well, they are close. But, I think the best word I could find was, Crime. Yes indeed, Crime is the best word.

Mr. Leonard Spector of Las Vegas, Nev., writes:

My entire family and many friends are truly disgusted with the greed and arrogance shown in Washington, D.C. Very, very poor leadership. It stinks.

Mr. K. E. Jackson of Fallon, Nev., writes:

Have they no conscience? Thousands are out of work. I am very angry with Congress.

Lonie C. and Judy Empey of Las Vegas write:

Who do they think they are, I'm angry about this. I work two jobs just to make ends meet and pay more taxes. No thanks.

Mr. Edward H. Green of Las Vegas. Nev., writes:

Everybody should pay their fair share regardless who they are.

Mr. Bill Hui of Carson City, Nev., writes:

All elected officials should know that they are elected to serve the public not to make privileges for themselves.

Mr. David L. Andersen of Overton, Nev., writes:

It should be a criminal offense for any public official to vote himself any kind of pay raise or tax break. Public officials serve the people. Not themselves.

Mr. Alonzo Stephens of Las Vegas, Nev., writes:

I think this is just about the same as taking a gun and holding the taxpayer up.

Marion Bransford of Reno, Nev., writes:

This is just one more outrage against the very people they are supposed to serve.

Mr. John Hollis of Reno, Nev., writes:

Let's all suffer together—Why are Congressmen any different?

Mr. Michael Srite of Boulder City, Nev., writes:

If you can't get them to repeal the tax break, see if you can get them to extend its coverage to include all us peons too. Thanks for your efforts.

Ms. Pauline G. Shepard of Verdi, Nev., writes:

I'm with you and also wish the Senior Citizens could get a tax break. I paid $298 on $8,000 income. Especially the single ones. I am a widow.

I am grateful for the efforts of the gentlelady of Colorado so that we have the opportunity to bail this body out of this predicament.

Mrs. SCHROEDER. Mr. Speaker, at this point I would like to reserve the balance of my time.

Mr. CONTE. I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding. I rise in support of the Schroeder amendment to the Myers amendment.

Let me ask the gentlewoman a question, if I could. Am I correct that the language of the gentlewoman, if approved, would continue the balanced budget language? Her amendment includes an agreement to the Senate amendment 50 which is the balanced budget amendment, am I correct in that understanding?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield.

Mr. WALKER. I yield to the gentlewoman.

Mrs. SCHROEDER. The only thing I changed was the amendment to amendment No. 62 in the Myers amendment. My amendment instructs the conferees to adopt amendment No. 62 flat out. All of the rest of the amendment is exactly the same.

Mr. WALKER. I thank the gentlewoman. I would say to the Members that in voting for the Schroeder amendment they are also voting to have the law of the land reflect the balanced budget provisions of Public Law 95-435.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. DENARDIS).

Mr. DENARDIS. Mr. Speaker, I rise to commend my colleague from Colorado for her comments and to express my agreement with them. Congresswoman SCHROEDER has stated the case most admirably. This exclusive and excessive tax break has muddied Congress for months. We now have the chance to wipe things clean. We have the chance to go back to where we were before the black lung bill, with its deplorable amendment was passed. That is the proper way to redress this wrong. We repeal the tax break altogether and return to the flat $3,000 annually for Washington living expenses. Then we address the issue of a

reasonable deduction through proper, open legislative channels. If those Members of Congress who were dissatisfied with the previous allowance for living expenses had done so from the start, instead of slipping an unsustainable tax break into an unrelated bill, we would not be in this mess now.

Mr. MYERS' amendment would not use proper legislative procedure. It would use an appropriations bill to write tax legislation. It would leave the IRS in the baffling position of having to enforce a law which has no legislative history. And by merely requiring Congressmen to itemize, it would do nothing to decide what is a proper allowable deduction. I therefore urge all of my colleagues who were outraged over the passage of the tax break and who wish to treat the issue in clear, clean fashion to vote "nay" when the previous question is moved on Mr. MYERS' motion. We can then vote to instruct the conferees to agree to Senate amendment No. 62, which simply repeals the tax break and returns us to the old law.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Speaker, I stand in support of the Schroeder amendment, introducing a similar amendment after the first vote on the floor of the House here in September. This is not in total compliance with my beliefs but I think it is bringing us back to where we ought to have been.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BAILEY).

Mr. BAILEY of Missouri. Mr. Speaker, I rise in support of the Schroeder amendment.

Last year Congress voted itself a generous gift: over $19,000 in Federal income tax deductions. I oppose such underhanded attempts to increase congressional privileges, especially in these times of budget cuts. Yet, the April 15 tax filing deadline has come and gone, and Congressmen could make away with sizable deductions—in effect, a pay raise.

HOW DID IT HAPPEN?

On October 1, Congress approved a continuing resolution which allowed Congressmen to deduct Washington expenses from their income tax. The deductions were to take effect beginning January 1, 1982. But on December 11, 1981, the House passed a second continuing resolution allowing Congressmen to take these deductions on their 1981 returns as well.

The House acted again on December 15 to guide the Secretary of Treasury as to how the deductions should occur. On that date, a vote was scheduled for the black lung bill—a bill giving benefits to victims of black lung disease. An amendment to the black lung bill was approved allowing Congressmen to raise their incomes by taking $19,650 in tax deductions. Since most Congressmen are in a 50-percent tax bracket, this means they would save about $9,825 in taxes.

HOW IT WORKS

Under the new tax law, Congressmen may take deductions in one of three ways:

First, $75 can automatically be deducted for every day the House is in session, regardless of whether the Congressman was in Washington or not. When filing 1981 taxes, $75 deductions can be made for each of the 262 days the House was in session last year.

Second, Congressmen may deduct actual expenses with the appropriate documentation. This could allow deductions of even more than $75 a day.

Third, Congressmen can deduct $50 a day plus the interest and taxes on their Washington homes. Those with big mortgages and highly valued homes can use this method of figuring deductions.

NO PARTY TO FEATHER NESTING

I want to repeal the tax deduction, which is pure feather nesting. On February 2, I cosponsored the Findley bill, which would set a $3,000 limit on congressional deductions—which was the law from 1952-1981. The Ways and Means Committee has not considered the bill yet. In the meantime, I will not take advantage of the special tax benefits.

On April 15, I filed my 1981 Federal income tax return. I did not deduct the $19,650 presently allowed for Congressmen, nor did I deduct even the old $3,000 allowance. To do so would have been hypocritical and insensitive.

Some justify the deductions by saying Congressmen must have a home in Washington and that Washington is more expensive than most other places in America. Because of the expense, I have only a small apartment in Washington. When I go home I go to Missouri.

PROTEST AND PRAISE

More than 20,000 protest letters flooded the Internal Revenue Service in just 1 day last week. The message for Congress is clear: Americans are not going to sit idly by while some elected officials make away with over $19,000 in tax deductions.

The IRS says the letters are still pouring in by the thousands and this amounts to the biggest grassroots protest in the agency's history. Not only are irate taxpayers bombarding the IRS—the congressional mailroom has been taken by storm, too.

More than 600 letters have poured into my office since I announced on April 15, that I would not take advantage of the $75-a-day deduction allowance. Most of the letters commended me for representing their views and criticized Congress for giving itself a raise during bad economic times.

"Those who make the laws of this land should also live under them," wrote one constituent from my district. "We admire you for trying to live by the spirit of the law." Another called the tax break a "real slap in the face to the people Congressmen are supposed to represent."

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. Mr. Speaker, I rise in support of the Schroeder amendment.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume, to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman from Massachusetts for yielding.

I would like to ask the gentlewoman from Colorado if she would answer a couple of questions for me. I would like to clarify exactly where this would leave us. If a Member of the other body wanted to receive $100,000 in outside earnings as honoraria, would that person still be permitted to do so under her amendment?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, I think the gentleman understands it is outside the scope of anything in this resolution. There is nothing we can do about that. I understand the point the gentleman is trying to make but I think the issue that he wants to get to, you cannot get to here.

I think the gentleman from Massachusetts (Mr. CONTE) addressed that very well on the floor and has introduced a bill. I would hope that the gentleman from Oklahoma would cosponsor it.

Mr. EDWARDS of Oklahoma. Would the gentlewoman tell me if a Member of this body or the other body receives in outside honored income $50,000 or $60,000 or $150,000 or more, would that still be permitted under the gentlewoman's amendment?

Mrs. SCHROEDER. If the gentleman will yield further, Mr. Speaker, I think the gentleman once again is aware of the fact that we cannot reach that issue, that it is not within the scope of what we are talking about here. We are talking about strictly the tax deductions for Members of Congress in re the business of being a Congressperson and that is the only thing we can touch in the scope of this amendment.

So, therefore, we cannot do anything about any of the issues that the gentleman from Oklahoma is addressing.

Mr. EDWARDS of Oklahoma. I understand the lady's answers. I have noticed with some interest the number of people with large amounts of outside earnings who are so "exercised" about this issue.

I thank the gentlewoman for bringing it up.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of the Schroeder amendment.

Mr. Speaker, I support the amendment to the motion to instruct, because it will give this body a chance to right the wrong of last December. We should agree to the Senate-passed amendment to repeal the tax break for Members of Congress, because this will help to restore the faith of the American people in this Chamber. I do not believe that Members of Congress deserve any special tax treatment simply because they hold political office. In fact, I did not take advantage of the tax break but instead filed under the old regulations which set a $3,000 ceiling on living expense deductions.

Undoubtedly each of you has heard from your constituents about this tax break. Our constituents are outraged by the tax break and by the manner it was achieved. I assure you that their anger will not subside until we repeal this unjustified tax break. The public confidence in its elected representatives has been shattered by this tax break, but now we have an opportunity to restore the faith of the American people in this Chamber.

Let me also say that I know many of you agree that the tax break must be repealed, because many of you have cosponsored legislation to do just that. I urge my colleagues to join me in voting for this amendment. Let us go on record to repeal this tax break and undo the mischief of last December. Wiping the slate clean is the only honest way that the House can deal with this issue. If any Member wishes to alter the benefits received by the House, then this should be done through the normal channels of committee consideration and floor debate. Join me in supporting this amendment so that we can reaffirm the standards of equity and fairness that all Americans have a right to expect from their elected officials.

Mr. CONTE. I yield, Mr. Speaker, 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Thank you, Mr. Speaker. I thank the gentleman for yielding. I would like to ask the gentlelady from Colorado a question: Her motion, which I support, I understand to be limited only to the next year; is that correct? It restores the $3,000 cap for 1982; is that correct?

Mrs. SCHROEDER. Mr. Speaker, if the gentlewoman will yield, first of all I would like to thank the gentlewoman from New Jersey. She has been very, very helpful on this issue and I really want to thank her for her help. The gentlewoman is being very helpful in pointing what this amendment does.

The amendment says because in the last year, 1981, many people filed, it puts that behind us and says there is not really much we can do about the last year but that henceforth is the $3,000 cap. I again emphasize it is a cap. It does not say that everybody automatically gets it; you have to have expenses in order to get it. But it is the way the law was before all this started. However we give up on the fiscal year 1981.

Mrs. ROUKEMA. I thank the gentlewoman. I would like to endorse what the gentlewoman is doing here. Essentially we are wiping the slate clean in terms of the parliamentary maneuver and the backdoor increase of last year.

□ 1315

Mr. Speaker, I commend the gentlewoman for that. I would also like to point out, however, that the chairman of the Committee on Ways and Means, at the beginning of this session, indicated his intention of bringing forward a tax measure from the committee that would fairly and justly deal with the problem of tax deductions for Members of Congress.

I would commend the chairman of the Committee on Ways and Means and would point out and acknowledge that the chairman of that committee is finally coming to terms with this issue as a result of what I understand to be an outpouring of outrage from the American people.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey (Mrs. ROUKEMA) has expired.

Mr. CONTE. Mr. Speaker, I yield 1 additional minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, up until now there have been a number of bills, one of which I have offered. My bill has 39 cosponsors and deals with the problem of how the Members of the House are permitted to account for legitimate additional expenses incurred through their need to maintain residences and/or living accommodations when in Washington.

I just wish to stress that I think our action here today, if this amendment is passed, is not enough. We must deal forthrightly with this issue, and I trust the Committee on Ways and Means will deal seriously with the pieces of legislation that are presently before it.

Mr. JOHNSTON. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from North Carolina.

Mr. JOHNSTON. Mr. Speaker, is the gentlewoman aware of any other privileged class of taxpayers that are allowed this $3,000 exemption or cap anywhere in the country, or are we maintaining a two-tier system of tax deductions?

Mrs. ROUKEMA. Mr. Speaker, I say to my colleague, the gentleman from North Carolina, that I am not aware of it, but I do not think that is the issue here. The issue here is righting a wrong of the last Congress.

Mr. FINDLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I would like to mention to the gentlewoman that the $3,000 exemption is subject to an IRS audit if the IRS sees fit to make such an audit.

Mrs. ROUKEMA. I thank the gentleman for his clarification.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, I thank my colleague for yielding this time, and I rise for some purpose.

I am not sure whether I will support the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) for several reasons. First, the amendment that the gentlewoman has introduced still contains all the flaws and all the problems that so many Members have brought up before. This still has tax law in it, it impacts on it, and it actually amends the Tax Code. And it is on an appropriation bill. We have not changed that fact in the least.

The fact that the Committee on Ways and Means has now—and it could have done it before—introduced legislation to remedy the problems, as it should, does not change any of this. And there is no question about that.

Some Members voted against the previous question because they wanted the Committee on Ways and Means to do this. So if the Members are going to carry this out, they are still going to have to vote against this because we are still taking the same action on an appropriation bill. The only difference is that this, just as the gentleman from North Carolina (Mr. JOHNSTON) said a moment ago, could create a special class. That is really what disturbs me. We are permitting Members of Congress to deduct $3,000 as a line deduction.

The gentleman from Iowa (Mr. BEDELL), who does not own a home in Iowa, can still deduct $3,000 here because it is permitted under this amendment. We are specializing in our own categories here, and I think in all seriousness we should look at this carefully. I am not sure whether we brought this up before, but we should

be required to itemize just as our taxpayers back home are.

Mr. JOHNSTON. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to my colleague, the gentleman from North Carolina.

Mr. JOHNSTON. Mr. Speaker, I wonder how many of my colleagues and how many of the American people are aware, that there are Members of this Congress who are charging their expenses while going to their districts, to their office expense accounts and yet are being allowed a special tax deduction for maintaining their only home, which is in Washington, D.C.?

The American taxpayers are paying for it both ways there, and that is wrong. No other category of taxpayer in this country gets to deduct it on both ends.

Mr. MYERS. Mr. Speaker, I hope that the Committee on Ways and Means will remedy this. It will require us to itemize like every other individual, including the gentleman from Iowa, who does not own a home back there or anyone else. We should be required to itemize as other taxpayers have been doing and not to do it the way we would do it under this amendment.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the law is, as I read it and as my tax attorney has read it to me, that you itemize now, and $3,000 is a cap, so you cannot deduct more than $3,000.

Mr. MYERS. I am sorry, but in the years I have been here, which have been several, there is a line item on your standard deduction form which says: cost of living in the Washington, D.C. area. The IRS has $3,000 in it, and in fact it is even typed in the form you turn in for your cost of living in the Washington area. You do not have to take it, but if you do, you do not have to justify it. I would ask, has any Member here ever had to justify that $3,000? I do not see a hand going up, so the answer is no. It is a standard deduction created by the IRS, and that is the way it is going to be treated by the IRS under the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I rise in support of the Schroeder amendment which eliminates the tax cut for Congressmen which passed last year. This cut was passed by voice vote in September, and then made retroactive for 1981 by rollcall vote on December 10, 1981—rollcall vote No. 349—the record shows that I voted against that measure. Since that time, I have cosponsored a bill that would do away with this special tax break and I am pleased to rise in support of the Schroeder amendment which is similar to the bill I have cosponsored. Mr. Speaker, the manner in which this tax break was passed has caused me concern and I am pleased that we can rectify this situation now. I urge my colleagues to support the Schroeder amendment to do away with the tax deduction for Congressmen and return the law to the way it was.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Speaker, I rise to support the motion by the gentlewoman from Colorado (Mrs. SCHROEDER) to restrict the maximum deduction for living expenses for Members of Congress to the original $3,000, and to oppose the gentleman from Indiana JOHN MYER'S amendment to allow unlimited deductions that can be substantiated.

As 1 of the 47 original opponents to the increase in deductions, I urge my colleagues to join with me to restore the maximum deduction to $3,000. At a time when we are asking millions of Americans to tighten their belts and sacrifice to get our economy back on track, it is imperative that Congress take the lead, by rejecting the mistake it made last December and rescind the increased deductions.

My constituents resent this Congress placing itself above the rest of the American people with regard to tax deductions. I concur with their resentment. That is what happened in December when this House in effect gave itself a back door pay increase. I opposed it then, I did not take advantage of it and I urge my colleagues to join with me now and reject it, and support the Schroeder motion to return the maximum allowed deduction to the original $3,000 limit.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, last year Congress approved special tax treatment for Senators and Congressmen as part of a successful sneak attack on the ceiling on congressional pay. As a result of this special tax treatment, Members of Congress are allowed without any substantiation an income tax deduction of $75 per day.

Special tax treatment for Senators and Congressmen is totally wrong. The House of Representatives and the Senate should not become the House of Lords. I reject, did not take, and will not take advantage of the special tax provision approved by Congress last year.

As the author of legislation, H.R. 5410, to flatly repeal the special tax treatment for Senators and Congressmen approved last year, I strongly believe the indefensible special tax treatment approved last year should be repealed and the sooner the better.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in support of the proposal of the gentlewoman from Colorado (Mrs. SCHROEDER).

Mr. Speaker, there was no excuse for the extravagant new tax break Congress voted itself last year, and we should repeal it. Members of Congress should receive fair compensation just like everyone else. But the new tax break went way overboard.

But the problem with the new tax break is that it exemplifies the way we have turned our Federal tax laws into a Christmas tree on which we try to hang baubles and goodies for virtually every interest group in this country—ourselves included.

The Federal tax laws have become so burdened with these special loopholes—politely called incentives—that the entire system is about to fall under its own weight. And there are so many conflicting and wrongheaded incentives—all working at cross-purposes with one another—that the tax laws themselves, the complexity of these laws, have become a major impediment to any kind of economic recovery in this Nation.

We should use the tax laws for one purpose: to raise the revenue necessary to conduct the people's business. We should not try to use those laws as a massive political pork barrel disguised under the various rubrics—incentives and the like—which both, tax lobbyists and ourselves, have come to use so adroitly.

It is for this reason, as well as the sheer extravagance of the provision in question, that I support the Schroeder amendment, and I urge my colleagues to do likewise. I did not take this new tax break on my 1981 income tax return because I felt it was unfair, and I support this effort to repeal entirely the tax break.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in support of the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WASHINGTON).

Mr. WASHINGTON. Mr. Speaker, I rise in support of the amendment of-

fered by my colleague from Colorado, Representative SCHROEDER.

The provision passed last December 16, as part of Public Law 97-119, provides a $75 tax break for Members of Congress, whether we are in Washington or not. The exemption is even available when the House is not in session.

While I am sympathetic to the economic realities of life in Washington, and the problems of maintaining two residences, especially for those Members who have their families with them, I cannot accept this measure as an honorable solution.

There is a great difference between a tax adjustment and a pay increase. This measure was a back door pay increase.

There are several things about this measure that I find especially troubling.

One is the covert way in which it was passed. The provision was brought before the House in a surprise parliamentary maneuver, as the House neared adjournment. In the 10 seconds that it took, I do not think anyone could have known what was taking place. House Resolution 305 was not discussed, and there were no objections raised. I was in my office at the time, and there was certainly no indication from the monitor what was taking place, or even that a provision of this nature was being considered.

The measure was further expanded by the Senate, and returned to the House on December 16, the day we adjourned, buried in an urgently awaited measure to provide continued funding for the victims of black lung.

I truly believe that a majority of my colleagues do not approve this measure, either in its substance, or for the manner in which it was enacted. In fact, when a similar measure, House Resolution 251, was brought to a vote last October 28, I joined 271 of my colleagues in voting against it.

In face of the cruel cuts that were enacted last session, which I opposed, but which a majority of this body accepted, I believe it would be especially unconscionable to let this measure stand.

I urge you to accept the amendment of Representative SCHROEDER, and instruct the conferees to reconsider this matter, starting from scratch.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of the Schroeder amendment.

Mrs. SCHROEDER. Mr. Speaker, I now yield 3 minutes to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. Mr. Speaker, I thank the gentlewoman for yielding me these 3 minutes.

Mr. Speaker, I heard an argument from the other side just recently that indicated that if you voted for the Schroeder amendment, you get an automatic $3,000 deduction. Frankly, that is an audited $3,000 deduction.

Second, the argument is that if you vote against the Schroeder amendment, you are going right back to the same position we were in before, and you will get the $75 a day and be right back in the same position we had in the black lung bill. So if you vote against the Schroeder amendment, what you are now saying is that you want those tax deductions and $75 a day, which is unaudited, and you go right back to that provision.

Mr. Speaker, it seems to me that the Schroeder amendment is absolutely correct in the way it proceeds. It takes us back to square 1. We are able then to go back to the legislative process with the Committee on Ways and Means, and they can then bring out a bill which can address each and every one of the problems that have been raised here. If the Schroeder amendment is defeated, we will then at that point have no instructions to the conferees, and in fact, the conferees can go in and disagree with the Senate amendment, and we will be back to the $75 a day deduction.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, the gentleman was wrong in what he said. If this amendment to the motion offered by the gentleman from Indiana is defeated, we are back to the motion offered by the gentleman from Indiana, subject to further motions by other Members to give instructions. It does not shut that off.

Second, nothing in this motion or any other motion is going to preclude or could preclude the Committee on Ways and Means from performing its responsibilities.

Mr. ERTEL. Mr. Speaker, I thank the gentleman. It is an amendment, and I agree with what he says.

But the point is that you will be back with the fact that you can get tremendous expense deductions here. We do not have a legislative history in any way, shape, or form of what the amendment offered by the gentleman from Indiana (Mr. MYERS) would mean, and, therefore, it would be up to the Internal Revenue Service to make the rules. If someone came down here and rented a room at the Four Seasons Hotel for $200 a day, he could take off that $200 for his time in Washington, D.C. If he decided to go out each night to the most expensive restaurants in Washington, he could take off those expenses as well.

So it seems to me that we are better off with the Schroeder amendment, and then we can have the Committee on Ways and Means come back with a bill, a bill such as I have introduced, which would now limit outside income and in fact look at all the issues. We could come back and say that that would only apply to the next Congress. We would not have to apply it to this Congress, and we would not get accused of voting to feather our own nests.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Buffalo, N.Y. (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I think that most of the Members of this body are, or probably ought to be, against both the $75 per day per diem automatic deduction without substantiation and the automatic $3,000 deduction regardless of whether or not you have those expenses which you can in fact take.

The question is how ought we to vote on these amendments. We have an option in the Schroeder amendment, and that is the Myers amendment. It is not a question of being paid $75 per day as a per diem. If we are opposed to Schroeder, we can vote against the Schroeder amendment and still be opposed to the automatic $75 per diem because we would be left with the Myers amendment which would simply permit us to be treated as ordinary businessmen working here in Washington, D.C.

Having said that, let me also say that this body has not had the courage to come to grips with two fundamental issues. Neither the Schroeder amendment nor the Myers amendment would do that. The first is, should we consider our district residence as our legal residence for tax purposes even if we do not live there and do not have a home there? There are a great many Members of Congress who have a home here in Washington but no home in the district, and yet the law says they shall be deemed to be living in the district for tax purposes. The Schroeder amendment does not cure that defect.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. Not at this point.

Second, we should not have to deduct our expenses here in Washington whatsoever. If any other employee working in Washington, D.C. for any corporation in America would have his actual and necessary expenses reimbursed, they are not deductible. If you go to the State legislatures, to the State of New York or to the State of California, they do not get a per diem deduction; they get a per diem allowance.

What we should be talking about here is curing those two defects in our law. We have the automatic declaration that whether or not you have a home in your district or you live there, you shall be deemed to live there for tax purposes; and second, we should not have to deduct a per diem. We

should get a reimbursement for our actual and necessary expenses, perhaps with a cap upon it. I think it should have a cap put upon it. So truly, then we would be treated like any ordinary citizen of the United States.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I think the gentleman is pointing out what is going on. I think there are two things. No. 1, what we are talking about is the process, and the process is that we should not legislate. This is an urgent appropriation bill.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. LAFALCE) has expired.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to have the attention of my friend and colleague, the gentlewoman from Colorado, Mrs. SCHROEDER. I congratulate the gentlewoman on her leadership.

I think that the vote just cast on the previous question was a major step forward in restoring some prestige to this institution, and I would like to ask the gentlewoman if she would join with me in making what minor legislative history we might be able to make in expressing the hope that henceforth the IRS will insist on documentation for any items up to the $3,000 cap.

They have the authority under existing law, and I think it is high time that they ask for documentation.

Would the gentlewoman have any comment on that?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, I would agree to that with the gentleman from Illinois, and I think the important thing we want to keep emphasizing is that this is an urgent appropriation supplemental bill. This is not where you make legislation.

Mr. FINDLEY. I agree.

Mrs. SCHROEDER. And the reason we have gotten in trouble was that we were trying to bury all these things in there, and we are really fuzzing the issue when we talk about what we hope the law will be or what it can be. We should bring the legislation up in a proper fashion, and then we can act on it in a proper way.

□ 1330

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of the amendment.

Let us not get away from the real issue here on this amendment. The real issues are $19,200 in deductions or $75 a day for Members of Congress.

The other issue is the way it was done. We do not want to confuse those two issues.

We do not want to get a lot of sand in the air by talking about whether we are going to be treated like everybody else during the debate on this amendment. We need to get this issue behind us. We need to get the issue behind us so that we can go on with more important legislation.

The only way we can do it is to instruct the conferees to recede to the Senate amendment numbered 62 so that we are both sending and receiving on the same wavelength. That takes us back, as I said a little bit earlier, wipes the slate clean, and takes us back to where we were. Then we can debate the issue in the open later on if we want to.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. I thank the gentlewoman for yielding.

I urge my colleagues to support this amendment.

However, I do want to stress that this will not wipe the slate clean in the sense of resolving the problem.

I would like to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY). The fact is we are faced with two very imperfect vehicles this afternoon.

The Schroeder vehicle is imperfect because it places an artificial cap of $3,000 on the expenses which Members can deduct and for Members who have their families at home in their home district and incur expenses here out of pocket, they should not be limited to $3,000 because that imposes an unfair burden on Members of Congress as compared to others.

Second, we are not dealing here, as others have mentioned, with a very fundamental problem, and that is outside earnings limitations which, of course, some Members of Congress are treated one way and some Members are treated another.

Finally, we have never come to grips effectively with the problem of compensation. We get into the difficulty of tax breaks for Members of Congress and outside earning limitation increases because we are unable, in terms of the process and substance, to deal with compensation in a straightforward way.

So I want to go back to what the gentleman from Wisconsin said earlier and suggest what we really need is a comprehensive look at all of these issues relating to Members' compensation, tax treatment, outside limitations.

The way to do that, it seems to me, is the legislative vehicle which directs the Quadrennial Commission to study all of those issues and report back to Congress.

The Schroeder amendment is a useful vehicle to bring us back to square 1, but certainly does not resolve these fundamental questions.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to my good friend the gentleman from North Carolina (Mr. JOHNSTON).

Mr. JOHNSTON. I think it is worthwhile to review the history of the $3,000 deduction which as a practical matter we get without having to account for.

Back in 1953 Congress only met about 90 days a year and almost every Member of the House of Representatives had a home in their district.

Today that has changed. There are a significant number of Members of this House who do not have a home in their district, who reside up here all year long.

The Schroeder amendment does nothing to address that problem. We still treat ourselves differently from any other category of taxpayer. We are allowed to deduct our living expenses when we only have one home, and that is in Washington, D.C.

It does nothing to address the other problem; that is Members of Congress charging to their official allowance their living expenses back in the district when they do go back there to visit.

Unless we are prepared to go to a system that treats us like every other American taxpayer, if in fact we can establish we are away from home, and my colleagues will recall that the Constitution says that we shall be residents of the State from which we are elected, unless we are prepared to go back to a system that says yes, we have a home in the district and we are forced by the nature of our occupation to maintain one up here, and we are allowed to deduct those extraordinary expenses that come to someone who has to be employed away from their regular place of residence, then we have done nothing but once again obfuscate the issue insofar as the American taxpayers are concerned.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

I just want to clarify one thing my friend from Pennsylvania mentioned, that if the Schroeder amendment is defeated, then we go back to the $75 a day. I want to make absolutely clear that I have no allusions, and the gentlewoman from Colorado, Mrs. SCHROEDER, knows that I have no allusions that she is going to be defeated. But if she were defeated, we go back to the Myers amendment and the Myers amendment instructs the conferees to drop the $75 a day, drop the $3,000 exemption, and merely makes it an unverifiable expense account.

Mr. ERTEL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Pennsylvania.

Mr. ERTEL. I agree with the gentleman that originally the Schroeder amendment was to be an absolute amendment and to substitute for it, which would have put us back to the $75 a day.

Inasmuch as it was an amendment to the proposal by the gentleman from Indiana, Mr. MYERS, it would then not do that.

The second thing I would like to point out is if we defeat the Schroeder amendment and defeated the Myers amendment, then we would be back to $75 a day.

Mr. CONTE. Yes, but hopefully everyone will vote for the Myers amendment. It was a very, very close vote.

The other point I want to make is the gentleman from Pennsylvania talks about if you eat in expensive restaurants every night you can deduct them. I do not know who has that luxury.

When I walk out of here I go home to my little tomato patch and I fight the bugs out there to grow a few little tomatoes that I can put away for my spaghetti in the fall. I do not have any time to go to any expensive restaurants, I will tell you that.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my friend from Indiana.

Mr. MYERS. I would like to make a response to that.

Mr. CONTE. If you want some tomato plants to keep, come by some night, because I still have some.

Mr. MYERS. In response to the allegation that Members of Congress could charge off expensive meals and lavish living here in Washington, under the amendment and motion I made it would go right back to the existing code which provides under section 162 of the IRS Code (a)(2) "traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business."

It says, "* * * which are lavish or extravagant" are excluded. So you could not take them as a deductible item.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I just want to make two or three observations.

Number one, the vote on the procedural motion on the previous question was rather a mixed bag. I looked at both sides of the aisle and they were pretty well divided on the question.

But I think it does indicate one thing, that this House as a body wants to undo what we did last year, whether it is in the form which the gentlewoman from Colorado prefers, going back to the old $3,000 deductions, or what the gentleman from Massachusetts and I and some others would prefer and that is no reference at all in the IRS Code to Members of Congress.

I just want to say, too, that when I filed my own tax return I asked the Library of Congress to update that $3,000 figure, originally enacted in the early 1950's. The report I got back indicated that if inflation were taken into account, that deduction would be $10,800 in 1982. it is quite obvious we are not going to go to that figure because we run right into the same buzz saw I talked about before.

Any cited tax preference gets you a couple of black eyes no matter in what form.

Having said that, it may all be very academic to put these changes in a supplemental appropriation bill that could very well be vetoed because the overall spending level is too high.

I would hope that our Ways and Means Committee, in its deliberations, will address themselves to this issue and do the very best they can to come up with some suitable answer, but I doubt there is one.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. WYLIE. I would think that would be all the more reason why we should vote for the Schroeder amendment now and remove this as an issue on this urgent supplemental appropriation bill. Then we do not have to get into that.

Mr. MICHEL. It is quite obvious, as I indicated, that there is going to be some change from what the law is now regardless of whether it is done in this appropriation bill or with an amendment to the IRS Code on the debt ceiling bill to be voted out of the Ways and Means Committee next week.

Since raising the debt ceiling will need all the sweetening it can get to pass this House, I would suggest again that repealing Members tax preference would be an ideal one to get the debt ceiling over the hump.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

I intend to vote for the Schroeder amendment. But I would like to say to my distinguished leader, I hope he will not rely on the Ways and Means Committee to get into this subject again. It is quite unlikely that the Ways and Means Committee will want to touch this with a 10-foot pole, given the history of this subject.

I personally will oppose changing the $3,000 ceiling hereafter unless it is based on a much broader study than anything involved in this specific amendment.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume for a couple of housekeeping matters.

First, the bill that I sponsored here, which would limit honorariums on outside income to $18,000 for all Members of the Congress on both sides of this beautiful building has already mounted 40 signatures, so if you really want to show your constituents you want to do what is right, get down there and sign that bill.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank my colleague for yielding on that question.

I could not disagree more with what my colleague is attempting to do. That is a totally separate issue. Outside earned income is totally divorced from this debate.

I have fought against any limitation on outside earned income from the time of the inception of that legislation. I will continue to fight it and I think this effort legitimizes the whole concept which in my judgment is as wrong as it can be, by forcing that same kind of penalty this House has imposed upon itself on the other body.

I would urge my colleagues not to support it and I thank my colleague for yielding.

Mr. CONTE. I thank the gentleman and I am sure we will find out who the statesmen are if we pass that bill here in the House.

The other thing relates to what the gentleman from Illinois (Mr. MICHEL), mentioned. There is no doubt that I have a letter on my desk right now from David Stockman that if we maintain the housing part of the urgent supplemental that we are going to get a veto. He is going to recommend to the President that he veto that bill.

So just remember that you are painting yourself in the corner, especially on the Republican side, and that when that veto comes up, if you vote to sustain your President, and most likely you will, you are also voting to do away with the Schroeder amendment.

You go back and explain that to your people.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, Mr. KOGOVSEK.

Mr. KOGOVSEK. Mr. Speaker, I wish at this time to associate myself with the remarks of the gentlewoman from Colorado (Mrs. SCHROEDER) and commend her for her political courage.

Mr. Speaker, I am very serious when I say that the motion offered by Mrs. SCHROEDER, when we consider the mood that this House has been in, does not make any Member that politically popular. I want to say that those

of us who have been home, as all of us have been home, I think have a chance at this point to show the people of this country that we are willing to listen to them.

I would say that every town hall meeting that I have been to, and I think every town hall meeting everybody in this House has been to, we have heard from the people that they have been upset with what we did last December.

I do sincerely wish to congratulate my colleague from Colorado (Mrs. SCHROEDER) for her courage and determination to see a wrong committed on December 16 righted in this House and by Congress. I strongly support the efforts to repeal the tax legislation which allowed Members of Congress to automatically deduct $75 a day for business expenses without explaining to their constituents—the taxpayers—what those expenses were. The American public sees such a deduction as nothing but a back door pay raise. And like other salary and benefit questions raised in this body, that back door raise was passed in a manner which questions the credibility and guts of every Member of the Congress. I have no quarrel with Members being allowed to deduct reasonable business expenses, true expenses which are not draped in housing costs for an expensive Washington home labeled as housing during a time of business or lavish meals or laundry services. But if we are to alter our business expense rules and regulations, we should do so in an upfront manner and go on record, as we have here today, on the type of expenses we support and find reasonable and acceptable to our constituents. I have served in public office for several years, both in the State legislature and most recently here in the U.S. House of Representatives. During that time, I have found the public to be disgruntled, distrustful even, of its elected representatives. But never during my years of public service have I found the American public to be so thoroughly disgusted with gamesmanship which this time allowed thousands of dollars to legally come into the hands of elected officials. As many of my constituents have stated, the $19,600 tax break voted by Congress last year amounts to more than they earn in 1 year's time. When we are all faced with extremely difficult decisions about the budget, when we all hope to help those who are truly in need of food and clothing and education, it is unthinkable that we as recently as December thought of ourselves first. I hope the current public outrage has taught those in the House who repeatedly attempt to increase pay and benefits in a back door manner a lesson—that lesson being that the public will realize, and will not stand for, such behavior, and certainly will not place its trust in public officials who engage in it.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. DYSON).

Mr. DYSON. Mr. Speaker, I rise in support of the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) which would repeal the $75 per day tax benefit that was given to Members of Congress through legislation adopted last December.

The questionable nature of this benefit is illustrated in the manner in which it was adopted. A rider was added to H.R. 5159, the Black Lung Benefits Relief Act of 1981, by the Senate after it passed the House. When the conference report came before the House and was adopted, this provision had not even been printed. I was most disturbed that this took place without a debate. I was also disturbed by the tactic of adding a rider that was not related in any way to the legislation being considered—it had nothing to do with the black lung benefits bill which was a very important piece of legislation that was strongly endorsed by the administration.

In my opinion, there were real problems in passing legislation of this sort. If the Members of Congress feel they need a pay raise we should have a public, recorded vote on the issue. In this regard, I cosponsored legislation which would prevent this maneuver from occurring in the future. House Joint Resolution 345 would require the Speaker or chairman of the appropriate committee to give notification, on the floor of the House, of consideration of any bill or resolution affecting compensation or outside earned income of Members of Congress. Furthermore, I cosponsored H.R. 5329 which would rescind recent changes in the Black Lung Benefits Relief Act concerning tax deductions for Members of Congress.

With this Congress asking the American people to tighten their belts in order to narrow the Federal deficit, the $75 per day tax benefit for Members of Congress was not only ill-timed but entirely inappropriate.

● Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of the motion to instruct House conferees on the urgent supplemental appropriation to repeal the $75 per day tax deduction for Members of Congress.

Tax laws that unfairly benefit one group over another must be eliminated, so that all Americans pay their fair share in taxes. Accordingly, I strongly disapprove of the Internal Revenue Service rulings that permit Members of Congress to deduct what many taxpayers would consider unreasonable and unwarranted amounts from their taxable income without any sort of verification. Shortly after these regulations were issued, I wrote a letter to the IRS to express my opposition, and pledged to only deduct those expenses I actually incur. Since I live in Delaware, and not in Washington, my actual expenses have been and continue to be below the old $3,000 limit. I would like to include the letter at this point in the RECORD.

JANUARY 22, 1982.

Hon. ROSCOE L. EGGER,
Commissioner, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C.

DEAR MR. COMMISSIONER: All agencies and departments of the federal government, including the I.R.S., must join in our efforts to narrow the federal budget deficit.

Congress especially must set an example and show leadership in our vital plans to achieve economic recovery. Like everybody else, reasonable tax deductions for expenses incurred on the job should be permitted for Members of Congress. However, the tax deduction regulations the I.R.S. issued last week create the potential for abuse and run counter to our efforts to be fair and equitable in achieving economic recovery. The possibliity that, under this new plan, a Member of Congress could deduct up to $75.00 a day would demonstrate extremely poor leadership. I firmly oppose these regulations.

I for one, intend to deduct only those expenses actually incurred, and will reject the loopholes created by the recent I.R.S. regulations.

With kindest regards.

Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.

Members of Congress should not be discriminated against by our tax policies, but neither should they unfairly benefit from them. In order to deal fairly with this entire issue of congressional salaries, tax treatment, and limits on outside earnings, I have cosponsored H.R. 6136, the Omnibus Congressional Compensation Reform Act of 1982.

This legislation would repeal the $75 per day deduction so that Members are treated like any other American taxpayer. In addition, the bill assures that no change in salaries, tax treatment or limits on outside earnings for Congressmen will become effective until after the congressional election following the change. And finally, any change of this nature must be approved by a recorded vote in Congress, in order to make the record clear.

As elected representatives of the people, we have an obligation to show leadership as individuals, and as an institution. Therefore, I urge my colleagues to join me in support of this motion to eliminate the $75 per day tax deduction for Members of Congress.●

● Mr. HANSEN of Utah. Mr. Speaker, I express my support for the Schroeder amendment to repeal Congress $75 per day income tax deduction. It was a terrible mistake in the first place for some of the House leadership to conspire to slip this additional tax deduction past the Congress while most

Members were unaware of what they were voting on.

I firmly believe that we in Congress should be treated just like any other U.S. taxpayer. Therefore, I first voted for Congressman MYERS' motion that would have repealed both the $75 a day deduction and the $3,000 a year blanket deduction. Congress should be subjected to the same tax laws as all other citizens.

During this time of economic hardship for so many, Congress needs to set an example of fiscal restraint. If we in Congress really wanted to send a positive signal to the Nation, we could cut out own salaries. One of my first actions last year as a Congressman was to introduce a bill to reduce Congressmen's salaries by 8 percent.

In an effort to show spending restraint, I have returned approximately $70,000 of my 1981 congressional expense allotment to the U.S. Treasury. This $70,000 is, of course, $10,000 more than I earned as a Congressman last year.

I was able to return the $70,000 by limiting the size and salaries of my staff, and by reducing the amount spent on official expenses for travel and purchase of office supplies.

Almost all segments of society are being asked to reduce their dependence on the Federal Treasury. Congress should not be exempt from tightening its own belt. If Congress preaches the need to cut Government spending, then we here on Capitol Hill should also be willing to subject ourselves to a program of fiscal austerity.●

● Mr. ROBERTS of South Dakota. Mr. Speaker, as one of the few Congressmen who originally voted against the $75 per day tax break, I rise in strong support of the Schroeder amendment before us today which will instruct the conferees on the urgent supplemental appropriations bill to repeal this "windfall" tax break. I take this opportunity to reiterate my frustration at the "back door" method used to initiate that tax provision, and my strong opposition to this body agreeing to such a provision while in the same breath asking the rest of the Nation to tighten its belt to help turn this economy around.

By adopting the Schroeder amendment to the motion to instruct, we may be able to return to the provisions which were in place prior to the black lung vote, and the Ways and Means Committee will then have an opportunity to address the question of Members' benefits in an open and aboveboard manner.

I urge your support for this amendment.●

● Mr. BOLAND. Mr. Speaker, I support the Schroeder motion to instruct conferees on the question of the repeal of the Members' special tax deduction.

As my colleagues know, the Senate added a provision to the fiscal year 1982 urgent supplemental appropriations bill which repeals the special tax deduction that Members of Congress may claim for living expenses in Washington. The Senate provision would reinstitute the $3,000 limit on tax deductions for the Washington living expenses of Members of Congress.

The $3,000 limit has been in effect for almost 30 years. It may need to be modified to better reflect the financial realities that confront Members of Congress, but such modification should not have been made in the manner in which it was done last year. The changes that were made last December were ill-advised in both their timing and their scope and I believe that they should be repealed. The motion to instruction conferees will put the House on record as favoring that repeal.

We have a Committee on Ways and Means that has the expertise to address the tax deduction question. By repealing the special deduction approved last year we can give that committee the opportunity to consider this issue in a thorough and dispassionate manner. We can debate the work of that committee fairly and openly on the House floor. That is the procedure we should follow today, and it has been my consistent belief that it is the procedure that we should have followed last year.

I urge my colleagues to approve the motion to instruct offered by Congresswoman SCHROEDER.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, as a sponsor of legislation to repeal the provision in the Black Lung Benefits Relief Act of 1981 which amounts to a standard deduction for business expenses each day the Congress is in session, I rise in support of the Schroeder motion to instruct House conferees to insist upon repealing the automatic, $75 per day business-related deduction allowed Members of Congress. The Senate has already restored the $3,000 limit with an amendment to H.R. 5922, the supplemental appropriations bill.

While some legitimate arguments can be made for living expense deductions for a second home, few in Congress can justify the method employed at the close of the first session to accomplish this. These changes were made without a recorded vote; and were attached to unrelated legislation by the House leadership.

Congress must act quickly to restore the faith of the American people in their representatives. Americans are angry and disillusioned by the tax exemption Members voted for a Washington second home. By acting now to instruct the conferees to repeal this provision, we can help restore the confidence of the American people in the integrity of the House of Representatives.

We all recall that the House approved this controversial provision which was buried in a much-needed bill to restructure the black lung benefits bill. The leadership remains responsible for attaching this objectionable provision as a rider to the black lung benefits legislation. This technique was unfair to those Members, like myself, who supported the black lung benefits measure on its own merit. It was most unfortunate that the Speaker did not offer a recorded vote on this taxation rider.

Members should support the Schroeder motion, as an official objection to the modus operandi, and the subterfuge involved in its passage. It is incumbent on Members to show the people of this Nation that we want open and proper procedures as well as full accountability on these issues.

In addition, I hope Congress will approve House Resolution 339 to preclude a repetition of such actions, and insure that decisions involving congressional benefits are made with the full understanding of our Members. Legislation should be enacted promptly to:

Require that a recorded vote be taken on any bill or resolution that adjusts the rate of pay for Members, affects the limitations on outside earnings, or provides Members with income tax credits or deductions;

Provide that such changes in compensation be the only item considered; and

Provide that any changes in compensation enacted can only become effective in the Congress following their enactment.

The salary of this job is known at the time an individual becomes a candidate; therefore, I have always been opposed and voted against the procedure of allowing Congressmen to raise their own salaries during a current term of office even though this controversial matter is not a salary increase it is viewed as such by the general public. I am ready to support stringent reforms which will clearly indicate to the national constituency represented by the Congress that this body is not only responsive but responsible as well.●

● Mrs. SCHNEIDER. Mr. Speaker, it is my intention to vote against ordering the previous question on the motion by the gentleman from Indiana. The gentleman's motion will allow deductions to Members far in excess of the $3,000 allowed prior to the unfortunate changes in tax status made in December.

It is important that this body cease trying to increase its compensation through procedural votes and other subterfuge. If Members want increased compensation, tax treatment,

outside earnings, or any other aspect of compensation, then we must address the issue squarely and via a clear, unambiguous vote.

Mr. Speaker, the object here today is to roll back the shameful back-door action of the House last December. The way to do this is to vote against ordering the previous question and for a motion to instruct the conferees to recede in amendment No. 62 in the Senate bill, which repeals these changes.

The gentleman from Indiana wants Congressmen to deduct any living expenses in Washington on the basis that our expenses here are "business" expenses and ought to be deducted just like any other "businessman's." Unfortunately, the expenses which could be deducted under the gentleman's theory may very well far and away exceed any reasonable bounds. Such possibilities at least deserve a comprehensive hearing and a clear vote—not an obscure procedural maneuver.

The American people feel that this is an inappropriate time for Members of Congress to expand their compensation, and I agree with them. I urge all my colleagues to vote against ordering the previous question and for instructing the conferees to concur in the Senate amendment to do away with last December's boondoggles.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I strongly oppose the motion to instruct the House conferees on H.R. 5922, the urgent supplemental appropriations bill with respect to the Proxmire amendment relating to the deduction for Members of Congress.

As I advised the House this morning, I have introduced legislation, H.R. 6550, which includes a temporary increase in the public debt through August 12, 1982, and which modifies the tax treatment of Members of Congress enacted last year. Specifically, H.R. 6550, would repeal the authority of the Secretary of the Treasury to prescribe the $75/$50 a day rule which has generated so much controversy, and would reimpose the prior $3,000 limitation on the deduction for Members of Congress effective for 1982 only. Effective January 1, 1983, Members of Congress will be permitted to deduct all ordinary and necessary business expenses in Washington, D.C., as long as they substantiate those expenses like any other taxpayer. This provision was made prospective and applicable to the new 98th Congress due to the criticism that any change in the tax treatment of Members of Congress should not apply to the same Congress in which a Member was elected.

I want to emphasize that my opposition to the motion to instruct the conferees and the purpose of my introduction of H.R. 6550 derives from my sincere concern for the constitutional prerogatives of this body with respect to the origination of revenue-raising legislation. The Proxmire amendment is a Senate-originated revenue provision, attached to an appropriation bill, and violates the prerogatives reserved to the House of Representatives under the origination clause of article I, section 7. By addressing the issue of the tax treatment of the Members of Congress in H.R. 6550, which is a House-originated revenue bill, I am confident that the concerns expressed by many Members of Congress with the changes made last year, can be adequately addressed and, at the same time, the constitutional prerogatives of the House of Representatives can be fully protected. For these reasons, I oppose the motion to instruct the House conferees with respect to the deduction for Members of Congress.●

● Mr. McGRATH. Mr. Speaker, I rise in support of the Schroeder amendment to instruct the conferees on H.R. 5922 to accept the amendment of the Senate repealing for 1982 the living expense Tax deduction approved by Congress last year.

Mr. Speaker, public opinion polls have shown consistently in recent years that the American people do not have a great deal of faith in Congress as an institution. We may question why this is so, since all of us try to do the job we were elected to do to the best of our ability and in the public interest.

But we do not have to look any further than the way we enact increases in congressional pay and benefits to see one principal reason for the public's disdain. Almost without exception, pay and benefit increases are enacted in the dead of night or buried in continuing resolutions or nongermane bills. It is as if we believe that if we do our business that way, the American people will not find out what we are up to.

Many of my colleagues feel, and perhaps righly so, that the old $3,000 limit, enacted 30 years ago, needs revison. But let us have the courage to standup and change the limit openly, if that is the will of the House. Let us come to grips with the fact that we made a serious mistake last December, wipe the slate clean and go back to the old limit. If we want to change the limit, let us do so by a separate, recorded vote, so the people of this country can see where we stand.

As a cosponsor of legislation to repeal the tax break enacted last year, I applaud the Senate vote to restore the old limit, and I appeal to my colleagues to instruct the conferees to accept the Senate language. We must send a signal to the American people that we are not willing to feather our own nest while all others are being asked to tighten their belts.●

● Mr. MORRISON. Mr. Speaker, I want to add my voice to the debate today on the issue of special tax deductions allowed for Members of Congress. Last year my vote supported the passage of the infamous black lung bill which served as the unlikely vehicle for instructions to the Internal Revenue Service. The instuctions were not our of line, calling for "appropriate amounts" to be set as allowable tax deductions for business expenses for Members of Congress while in Washington, D.C. The IRS decision to allow $75 per day in undocumented expenses as the deductions was out of line, and I joined other Members of the House in sponsoring legislation that would eliminate the $75 decision and go back to the old $3,000 deduction limit that had been in effect since 1952.

My income tax return for 1981 did not take advantage of any of the automatic deductions available under the IRS decision.

There is no question in my mind that the House should join the Senate in voting to rescind the $75 per day deduction. While the old $3,000 limit is out of date, it is the benchmark to which we should return. From this point Congress can address the issue honestly and openly in the future.●

Mrs. SCHROEDER. Mr. Speaker, I move the previous question on the amendment and on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The question was taken; and the Speaker pro tempore announced that the noes appear to have it.

Mrs. SCHROEDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 43, not voting 33, as follows:

[Roll No. 135]

YEAS—356

Addabbo	Bennett	Carney
Akaka	Bereuter	Chappell
Albosta	Bethune	Chappie
Alexander	Bevill	Cheney
Anderson	Biaggi	Chisholm
Andrews	Bingham	Clausen
Annunzio	Bliley	Clay
Anthony	Boggs	Clinger
Applegate	Boland	Coats
Archer	Boner	Coelho
Aspin	Bonior	Coleman
Atkinson	Bonker	Collins (IL)
AuCoin	Bouquard	Collins (TX)
Bafalis	Bowen	Conable
Bailey (MO)	Brinkley	Corcoran
Bailey (PA)	Brodhead	Coyne, James
Barnard	Brooks	Coyne, William
Barnes	Broomfield	Craig
Beard	Brown (CO)	D'Amours
Bedell	Broyhill	Daniel, Dan
Beilenson	Burton, Phillip	Daniel, R. W.
Benedict	Byron	Dannemeyer
Benjamin	Campbell	Daschle

Daub
Davis
Deckard
Dellums
DeNardis
Derrick
Derwinski
Dicks
Dingell
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Duncan
Dunn
Dwyer
Dyson
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnston
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rosenthal
Roth
Roukema
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shamansky
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stark
Staton
Stenholm
Stokes
Stratton
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)
Zablocki
Zeferetti

NAYS—43

Badham
Breaux
Butler
Carman
Conte
Coughlin
Crane, Daniel
Crane, Philip
Crockett
de la Garza
Early
Edwards (AL)
Erlenborn
Ford (MI)
Frenzel
Gibbons
Gonzalez
Horton
Hyde
Jeffries
Jones (NC)
Jones (OK)
Kindness
LaFalce
Lewis
Livingston
Lundine
Martin (NC)
Martin (NY)
McDade
Murtha
Myers
Porter
Rangel
Rostenkowski
Roybal
Savage
Schulze
Shannon
Smith (OR)
Studds
Williams (MT)
Young (FL)

NOT VOTING—33

Blanchard
Bolling
Brown (CA)
Brown (OH)
Burgener
Burton, John
Conyers
Courter
Dickinson
Dixon
Dornan
Dreier
Dymally
Fary
Fenwick
Ferraro
Ginn
Goldwater
Grisham
Guarini
Lowery (CA)
Lungren
McCloskey
Rhodes
Rose
Rousselot
Smith (PA)
Stanton
Thomas
Trible
Waxman
Williams (OH)
Young (AK)

□ 1400

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. MYERS), as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 7, not voting 47, as follows:

[Roll No. 136]

YEAS—378

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Archer
Aspin
Atkinson
Badham
Bafalis
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Benedict
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blilley
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CO)
Broyhill
Burton, Phillip
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Chisholm
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Corcoran
Coughlin
Coyne, James
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Deckard
Dellums
Derrick
Dicks
Donnelly
Dorgan
Dougherty
Dowdy
Downey
Duncan
Dunn
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (OK)
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (GA)
Evans (IA)
Evans (IN)
Fascell
Fazio
Fenwick
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zeferetti

NAYS—7

Butler
Conte
Ford (TN)
Gonzalez
Savage
Williams (MT)
Young (AK)

NOT VOTING—47

Andrews
AuCoin
Bailey (MO)
Blanchard
Bolling
Brown (CA)

Brown (OH)	Dornan	Lungren
Burgener	Dreier	McCloskey
Burton, John	Dymally	Rangel
Conyers	Edwards (CA)	Rodino
Courter	Emerson	Rose
Coyne, William	Fary	Rousselot
Craig	Ferraro	Santini
Crane, Philip	Ginn	Smith (PA)
Crockett	Goldwater	Stanton
DeNardis	Grisham	Thomas
Derwinski	Guarini	Trible
Dickinson	Hawkins	Waxman
Dingell	Jones (NC)	Williams (OH)
Dixon	Lowery (CA)	

□ 1415

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, LONG of Maryland, YATES, ROYBAL, BEVILL, BENJAMIN, FAZIO, CONTE, MCDADE, EDWARDS of Alabama, MYERS, MILLER of Ohio, COUGHLIN, and YOUNG of Florida.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5922, URGENT SUPPLEMENTAL APPROPRIATIONS, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VANDALISM AT SOCIAL SECURITY COMPUTER FACILITY

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SKELTON. Mr. Speaker, last fall the Wall Street Journal ran a front page story reporting acts of vandalism and threats of sabotage at the Social Security Administration's main computer facility in Baltimore. In December, the General Accounting Office reported 45 acts of apparent vandalism inside the Social Security Administration's automated data processing secure area since 1977. It has now come to my attention that the GAO will soon be releasing another report citing further incidents of computer tampering.

Today I am introducing a bill to establish a mandatory minimum jail sentence for anyone convicted of destroying, altering, or abusing social security computers or related equipment. My bill would require a minimum sentence of 3 to 10 years without parole and a fine up to $50,000 for anyone found guilty of causing more than $500 in damage, alteration or abuse of vital social secruity computer equipment and related support systems. We must act now to prevent an incident that could bring the entire social security computer system down. Guaranteeing the security of these computers—guaranteeing the benefits of American workers, retirees, and disabled, is our responsibility. We must have a law to stop destruction of social security computers.

The data processing operation of the Social Security Administration is one of the largest in the world. Records are maintained on over 200 million Americans and benefits are paid to over 36 million people. Damage to the social security computer system could jeopardize the benefits of every American who has ever paid into the system. We cannot afford this risk. The retirement security of almost every American is at stake.

I urge my colleagues to join me in cosponsoring this bill.

COMMUNICATION FROM THE HON. LEON E. PANETTA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LEON E. PANETTA:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Inside Mail.

DEAR MR. SPEAKER: Pursuant to the provisions of Paragraph two (2) of House Rule L (50), this is to notify you that an employee of mine was served with a subpoena on June 8, 1982 to testify in *AFL-CIO* v. *Gorsuch*, Civil Action No. 81-1195, an action pending in the United States District Court for the District of Columbia. The return date on the subpoena is presently June 9, 1982. The subpoena calls for testimony related to the official functions of the House.

After I have reviewed the matter and make the necessaary determinations under Paragraph three (3) of Rule L (50), I will communicate them to you.

Sincerely,

LEON E. PANETTA,
Member of Congress.

COMMONSENSE ECONOMICS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, the recent congressional budget problems should serve as a lesson.

The question is not just whether Congress will adopt a budget, but whether Congress will adopt a realistic and workable 1983 budget that honestly reflects the realities of the American economy and the chief priorities of the American people.

When the 1982 Reagan budget was adopted, it forecast a Federal deficit of $40 billion. Today the Federal deficit has ballooned to an astounding $120 billion. The disparity between what was predicted and the reality of the problem has contributed immeasurably to our economic woes today.

This year, America needs a commonsense Federal budget, not one that is purely wishful thinking. We cannot pretend that everything is just fine, and base our crucial budgetary decisions on untenable and overly optimistic projections about the performance of the economy. Congress must temper Reaganomics and ground our budget actions in the reality of the current recession. We cannot afford another meaningless budget like the one in effect for 1982. The financial markets and the American worker would be best served if we admit the errors of existing economic and monetary policies. What is most important is not to identify scapegoats but—instead—to address the basic problems of our economy today.

One of the most glaring incongruities in the 1982 Federal budget is the projection about unemployment. The 1982 Reagan budget assumed unemployment would be 7.2 percent this year and it is now at a record high 9.5 percent. Similarly, the 1983 budget assumes an unemployment rate of 7.9 percent. Those figures were inaccurate long before the predictions were made.

Indeed, the skyrocketing unemployment is one of the most tragic reminders of the ineffectiveness of the administration's economic policies and the "Alice-in-Wonderland" spirit of White House budget planning.

One of the painful truths about today's official unemployment figures is that they hide more than they show. Pockets of unemployment, much higher than the national figures, exist in all parts of the country. In some industries, joblessness is as high as 70 to 80 percent. There is also a disturbing increase in the number of workers who are so discouraged, so broken in dignity and spirit, that they are no longer looking for work.

Minnesota, through good fortune, has had lower unemployment than the rest of the Nation. Today Minnesota's jobless figures trail the national rate and are lower than the double-digit rate recorded in 20 States.

But even in Minnesota there is great suffering. Nearly 250,000 people cannot find work. Unemployment rates that were unacceptable just a few years ago are now the norm. In some parts of the State, unemployment is far worse than the national average. In the Twin Cities, auto workers are facing the severest hardships in years, with 54 percent out of work.

For blue-collar workers, the jobless rate is 13.7 percent. Minnesota's Iron

Range has been devastated by the recession's impact on the steel industry. Some 10,000 steelworkers in the State, about 70 percent of the industry, will be laid off by summer. The actual unemployment for construction workers in Minnesota is 35 percent. In particular crafts and geographical areas, unemployment runs at 50 percent, 70 percent and more. Around International Falls, woodworkers suffer 50 percent unemployment. The rate is nearly as high for paperworkers in Cloquet.

Teenagers always have a tough time finding jobs. This year, with the severe reductions in youth employment and training programs under administration budget cuts, local officials across the country recognize that teenage unemployment will become alarmingly high. The call to the private sector to voluntarily initiate new programs has brought some response, and these businesses deserve praise. But the poor performance of the overall economy prevents the large-scale job creation that is needed.

The growing number of bankruptcies, especially in small businesses which have traditionally provided the majority of new jobs, makes the reliance on private industry even more tenuous. The tight monetary policy agreed to by the administration and the Federal Reserve Board has resulted in high interest rates which have forced many small and family owned businesses to go bankrupt. In 1980, there were 11,742 bankruptcies, the second highest level since World War II. In the first quarter of 1982, the news is even worse. Over 6,000 small businesses have gone under in the first months of this year, and the projected annual level is 23,000 bankruptcies, the highest since 1932. The reality of what is happening is heart wrenching. Small farms and businesses that have been in families for generations are being lost to creditors.

Despite today's recordbreaking unemployment, the truth is that fewer people are eligible for less help. The Department of Labor estimates that 3.2 million people would have their unemployment benefits cut or eliminated in fiscal 1983 as a result of changes proposed under the administration budget cuts.

Of all the cuts, perhaps the most ironic was the firing of State employment counselors who help the unemployed find jobs. With 15 million Americans out of work, the White House wanted to close down State employment offices across the country and take away the valuable job service programs that matched openings with skills and kept people out of the unemployment lines. It was only because of the strong public outcry that we were able to force the White House to restore the funds it had cut from employment service programs.

The shortsightedness of such policies is obvious. The President himself has pointed out that a 1-percent jump in the unemployment rate raises the Federal deficit by more than $25 billion because of lost taxes and additional unemployment benefits. Yet he and his supporters continue to argue that the only way to solve our economic ills is to cut unemployment benefits even further.

If there is to be any relief from unemployment problems, it must come from Congress. Administration officials are not anxious to admit that their economic policies are a disaster. They stubbornly adhere to their policies of tax cuts for the wealthy, exorbitant Pentagon spending, and high interest rates. They refuse to exert the economic leadership necessary to meet the needs of our recession-riddled economy. Even with growing evidence that the recession is deepening, President Reagan is accusing the media of false reporting when they carry stories about the serious and sometimes tragic consequences of his economic policies.

Over the next months, even before Congress makes the final decisions for fiscal year 1983, we must decide that our central priority is to boost the economy. Congress must act to address these very real needs of the millions of people who are unemployed.

No magical recovery is on its way. The question today is not "when will the hoped for and promised recovery come," but "how will Congress shape public policy to spur our economy and dig our way out of the hole our economy is in."

Mr. Speaker, I strongly urge that this Congress take action on the problems that the people we represent are experiencing. And we must do our part to help resolve the current deep recession.

PUBLIC WORKS PROJECTS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, the deteriorated condition of our public infrastructure demands that Congress address the issue in a forthright manner. The following article from the Christian Science Monitor states that "while almost every State and virtually all major companies have separate budgets for their building projects, Government construction and public works are scattered throughout the Federal budget."

Mr. Speaker, I will introduce legislation in the near future that will separate capital investments from operating expenses in the Federal budget. A capital budget will encourage a conscious balancing between the immediate needs and expenses of Government and the long-term demand for investment in our infrastructure.

I include the aforementioned article from the Monitor in the RECORD so that my colleagues may judge for themselves the need for such legislation:

RUSTY PIPES, PITTED ROADS; WHY PUBLIC WORKS DON'T WORK

(By Julia Malone)

In Cleveland, some residents turn on the faucet and discover the water no longer rushes out. After decades of neglect, the city's water pipes have built up a thick residue that has begun to slow down the flow.

Repairing the water system would cost at least $600 million during the next 10 years. The total bill for restoring the city's public works would exceed $1 billion.

In Albuquerque, about once a month another sewer line collapses. Built after World War II when steel was scarce, the city's sewer pipeline is made of concrete which has gradually been eaten up by gases. The city plans to spend $5 million a year for piecemeal repairs, but the bill for replacing all of the pipes would be $200 million.

Almost half of the 560,000 bridges in the United States are deficient or obsolete, says a new U.S. Department of Transportation study. The total repair bill: $47.56 billion.

Such cases are only part of the evidence that the public works of America have fallen into a state of decay.

After spending a year gathering nationwide data on roads and services, economist Pat Choate concludes that the United States would have to spend as much as $3 trillion this decade just to maintain today's public service level. In a recent report prepared for moderate Republicans known as the House Wednesday Group, he says the country has neglected its capital investments.

WHERE THE $3 TRILLION WOULD BE SPENT

The United States would have to spend an estimated $3 trillion during the next eight years to keep public services at current levels, says Washington economist Pat Choate.

Compiling figures he gathered from local, State, and Federal Governments, Mr. Choate estimates as the most expensive items to repair and maintain:

Highways and bridges outside of urban areas—$1 trillion.

City streets—$600 billion.

Municipal water systems—$125 billion.

Ports, inland waterways—$40 billion.

Construct and renovate up to 3,000 prisons and jails—$15 billion.

Water pollution controls to meet current standards—$100 billion.

Other projects include public libraries, schools, universities, fire-fighting facilities, public energy plants, and dams.

"Clearly, difficult choices are in store for America's public leaders," writes Mr. Choate, coauthor of the book, "America in Ruins: Beyond the Public Works Pork Barrel," and an analyst the high-technology firm TRW Inc.

Among his findings:

America has hit a low point in its spending on public works. In 1965, the nation invested 4.1 percent of the gross national product in roads, schools, water, sewer, and other systems. By 1980 that figure dropped to 1.7 percent.

Every year 2,000 miles of Interstate highway wear out and require reconstruction. Already there is a backlog of 8,000 miles of roads and 13 percent of the system's bridges which need rebuilding.

Half of all US communities have sewage systems that can no longer support industrial or residential growth.

Now that the public is beginning to wake up to the magnitude of nation's repair-and-renovate challenge. Choate says the debate is shifting to, "What do we do about it?"

Public officials often prefer cutting ribbons on opening day for a new public facility to spending money for repairing old ones. Choate says, discussing his report. "Painting them, maintaining them, and fixing them is not politically the stuff that campaigns are made of," he says. Officials often allow existing structures to rust and decay, knowing that future officeholders will have to worry about the result.

"But the jig's up, the bill's due," says Choate. Repairs will become increasingly popular as the public sits in traffic lines because bridges are closed or must cope with backed up sewage, he says.

The future is today for officials like US Rep. William F. Clinger Jr. (R) of Pennsylvania, who says all of the community water systems in his district seem to have worn out at once.

Congressman Clinger, a member of the House Wednesday Group, is one of a growing number on Capitol Hill who are attacking America's public works woes. He proposes taking an inventory of the country's capital needs by and establishing a federal capital budget separate from the operating budget.

Such an idea has already won the interest of lawmakers including conservative Republican Jack Kemp of New York, Democratic House Speaker Thomas P. O'Neill Jr. of Massachusetts, and 18 other House members who wrote the President late last year proposing a federal capital budget.

While almost every state and virtually all major companies have separate budgets for their building projects, government construction and public works are scattered throughout the federal budget. As a result, there is no list of needs and no way to set priorities, say those proposing reform.

Congressman Clinger, who is preparing legislation calling for a separate capital budget, seeks to change the current "pork barrel system of decisionmaking."

But his plan, which is expected to have bipartisan backing, has already met resistance from the Reagan administration. Kenneth M. Duberstein, the President's chief contact with Congress, has suggested the proposal would create complications and probably offer no improvements in dividing up scarce dollars.

"State and local capital assets are deteriorating despite the fact that most state and local governments operate under capital budgets," Mr. Duberstein pointed out in a letter to Choate.

However, Choate says he is hopeful that members of the House, which for years has been guilty of passing pork-barrel projects, now want public works decisionmaking put on top of the table.

BUDGET CHOICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I have asked for this time to talk about the budget choices we will be faced with tomorrow as this House takes its second pass at trying to pass a budget.

The first effort to pass a budget failed when we had a rule which permitted 7 budgets, 68 amendments, 3 days of unending dialog and confusion; but in failing in our first effort, it is important to note that the most votes went to the Latta bipartisan budget, that the second largest number went to the Rousselot balanced budget and that the three liberal budgets lost with increasing numbers voting against each budget based on its degree of liberalism; that is, the more liberal the budget, the more likely it was to lose.

We need a budget for five reasons; first, to bring down interest rates by proving to the savers of America that this Congress is capable of bringing spending under control.

Second, to reassure our allies that the United States can govern itself, that the American political system can make difficult decisions and that we are capable of building our national defense, while at the same time bringing general spending under control, to resolve both our allies' fear about our defense capabilities and our allies' concern about our economic leadership.

Third, to lay the base for nuclear arms talks with the Soviet Union by proving to the Russians that this country is committed to building up our defense to the degree necessary to compete with them. So long as the Russians believe that we will unilaterally disarm by shrinking our defense spending, they have no incentive to meet with us in serious talks about nuclear arms. In that sense, a vote for a budget is a vote for adequate strength to go to the bargaining table.

Fourth, to protect the taxpayers by bringing down the size of government. So long as government continues to grow, we are faced with a continuing crisis. Sooner or later we are going to break the interest rate market by borrowing so much that it is impossible to continue, or we are going to have to dramatically raise taxes. Only by shrinking the size of government and shrinking the rate of spending increases can we, in fact, expect to protect the taxpayer.

Fifth, this budget, along with last year's budget represents the first step toward shifting from the liberal welfare state to a conservative opportunity society.

Clearly the voters of America in 1980 voted for that kind of a shift. They voted to move away from the centralized bureaucracy, the welfare state of the past, toward a new more open conservative opportunity society, which I think will develop more opportunities for more Americans to have jobs and to control their lives through their own local governments and to have a chance for a stable retirement because there is a real economy creating real jobs which then leads to real social security.

□ 1430

Faced with this challenge in these five areas, bringing down interest rates, reassuring our allies, laying the base for nuclear arms talks, protecting the taxpayers and trying to manage the shift away from the liberal welfare state, the liberal Democratic leadership budget which will be offered tomorrow fails on every count. It has $150 billion in tax increases over the next 3 years, nearly three times more tax increases than President Reagan's February budget. It, in effect, cancels 37 percent of the tax reductions voted by Congress last year.

When combined with the already scheduled social security tax increases, and there are $112 billion of additional social security tax increases already scheduled, the liberal Democratic leadership budget will result in $260 billion in tax increases over the next 3 years.

That is $2,600 in additional taxes for every working American.

In fact, the simple reality is that that liberal Democratic leadership budget cannot be achieved without repeal of the third year of rate cuts. And it is the third year of rate cuts that are the fairest; it is the third year of rate cuts for individuals that have 40 percent of the tax cuts for the average working American. So, every person who believes in fairness and is concerned about fairness in the tax cuts has a vested interest in keeping the third year of the individual rate cuts. So, on the grounds of protecting the taxpayer, the liberal Democratic leadership budget fails. Second, the liberal Democratic leadership budget fails in defense both in reassuring our allies and in laying the base for negotiations with the Soviets. It fails because it has $47 billion in pay cuts for military personnel over the President's proposals. This $59 billion total Department of Defense cut eliminates 69 percent of the administration's increase over the last Carter defense budget. In 1980 the American people voted for a stronger defense. Surely with war in the Falkland Islands, in Lebanon, in Afghanistan, we have all the evidence we need that this is a dangerous world. Yet, the liberal Democratic leadership budget would cut fully 69 percent of the administration's increases over the last Carter defense budget.

So, in addition to failing the taxpayer, the liberal Democratic leadership budget also fails on the grounds of setting a base for negotiating with the Russians on nuclear weapons and on the grounds of reassuring our allies. But, it also fails, frankly, to reassure

89-059 O-86-11 (Pt. 10)

the money markets, to have any hope for bringing down interest rates.

The liberal Democratic leadership budget's 1983 discretionary and targeted entitlement savings are a reduction of only four-tenths of 1 percent from the congressional office spending-as-usual baseline.

Let me repeat that because it is almost unbelievable. The liberal leadership's budget in the discretionary and targeted entitlement or transfer payment savings has only a 0.4 percent, four-tenths of 1 percent cut from the spending-as-usual baseline.

The liberal leadership budget provides for 3-year savings of only $21 billion in discretionary spending and targeted transfer payments. That is only 2.6 percent of the 3-year baseline. By contrast, the Latta bipartisan budget has $78 billion in targeted savings or 3½ times as much change in the domestic welfare state spending levels.

To refer back to President Reagan's February budget savings effort, the liberal leadership budget has only 21 percent of those savings, while the Latta bipartisan budget has 77 percent of those savings.

In the narrower area of transfer payments or entitlements, the liberal leadership budget has savings of only two-tenths of 1 percent of current law on a baseline of $1.2 trillion. By contrast, the Latta bipartisan budget has $45 billion in savings or 17 times as much.

So, if you want to cut Federal spending, and you want to decrease the scale of the welfare state, and you want to get money out of Washington and back into the workers' pockets, the Latta bipartisan budget is 1,700 percent better on transfer payments than is the Democratic leadership budget. In fact, the Democratic leadership budget calls for massive social welfare program increases even when compared to fiscal year 1981. Compared to the 1981 outlay levels the liberal leadership budget calls for an increase of 22 percent in health programs in just 2 years, a 23-percent increase in income transfer payments in the welfare program. This amounts to a $66 billion staggering 2-year budget increase.

Note this is not in a period of 13-percent inflation. During a period when we are bringing inflation under control, when, in fact, for the last few months it has been down to around the 3-percent-a-year level, we are talking about a liberal leadership budget that has a health program increase seven times the size of the inflation rate for the first half of 1982. We are talking about an income transfer payment and a welfare program increase which is seven and a half times the size of the inflation rate for the first half of 1982; not just keeping up with inflation but a massive 22-percent increase in health programs and 23-percent increase in income transfer payments and welfare programs.

The Latta budget by contrast is not a cut in social welfare spending. It is an increase, but a prudent realistic increase, an increase of $19.8 billion, or 5.6 percent over fiscal year 1982 social welfare spending, an amount needed to accommodate inflation in new needs.

The difference is that the liberal leadership proposal calls for a whopping $30.3 billion increase in 1983, 352 percent bigger than Latta and far more than is needed if we are to meet legitimate social welfare needs without breaking the bank.

Let me emphasize this point: While the liberal leadership budget totally and irresponsibly fails to cut the growth of Federal spending to bring under control the impact of the Federal Government, to give us a chance to bring down interest rates, it is totally inaccurate to suggest that the Latta bipartisan budget fundamentally cuts social welfare programs and spending. As just noted, in fact, the Latta budget increases social welfare spending by 5.6 percent, by $19.8 billion. Compared with the President's budget there have been substantial improvements. Let me suggest a few areas.

In higher education, the Latta bipartisan budget is 42 percent better than President Reagan's original proposal and adds back $2.193 billion. In elementary and secondary education the Latta bipartisan budget is 50 percent better than the President's proposals and adds back $1.198 billion. In handicapped and vocational education the Latta budget is 37 percent better than the President's program and adds back $499 million. In manpower training, the Latta budget is 21 percent better than the President's program and adds back $636 million. In older Americans employment the Latta budget replaces $266 million where the President had none. In energy conservation, an area of particular concern to our friends in the Northeast and the Midwest, the Latta budget is 1,318 percent better than the President's budget and adds back $290 million. In-low income energy assistance the Latta budget is 44 percent better and adds back $575 million. For those folks concerned about the Environmental Protection Agency the Latta budget adds back 36 percent or $150 million. For Amtrak, of great concern to our friends in the Northeast, the Latta budget adds back 26 percent, $158 million. And WIC, maternal and child health care, the Latta budget adds back 33 percent or $332 million; in WIN, employment services, and for aid to families with dependent children the Latta budget adds back $300 million on a base of zero; finally on economic development, the Latta budget adds back $209 million, an increase of 1,393 percent over the administration budget. But there are other areas. On medicaid, Latta adds back $1.456 billion. On public assistance, aid to families with dependent children and supplemental security income the Latta budget adds back $2.497 billion, almost half of the President's cuts. On nutrition, food stamps, and school lunch the Latta budget adds back $226 million and finally as I noted earlier on student loans the Latta budget adds back $1.985 billion.

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my good friend from Arkansas.

Mr. BETHUNE. I would like to compliment the gentleman for taking the well and going over some of the points that will be important in the debate tomorrow. But the fact of the matter is that if this Congress does nothing, if this Congress does not act to get a budget out, the deficit is going to be $182 billion for next year. That is agreed upon by all parties to the debate. What we must do is give direction and control of this Government in order to stop these ballooning deficits which are taking money out of the credit market, sopping up the private savings account, and driving interest rates up. That is the key to the solution of the problem that we have in the country today. Direction and control is what we must give. This Congress must govern if in fact we are going to restore order and some sense to our fiscal policy in the country. There are two points that I would like to bring out in addition to the points that the gentleman has made: We are not talking here about cuts, we are talking about trying to constrain runaway Federal spending and runaway Federal lending. And in that regard, the comments that you have made point out that the proposals in the Latta document are realistic, and that is a byword for the debate. These are achievable things that the Congress can do to cut that $182 billion deficit down to some workable size and to show a trend over the coming years which will restore the confidence in the marketplace so that they will take that risk premium out of the interest rates, the exorbitantly high interest rates that are being charged now.

If we can pass the Latta budget proposal and give direction and control and achieve these realistic targets that we will set in this budget document, we can bring that deficit down from $182 billion for fiscal year 1983 to $99 billion. Furthermore, I want to comment on something the gentleman said earlier, and that is the question of revenues, because it is very easy in a budget document to reduce the deficit if you want to plug in a higher revenue number, such as the liberal document does. When they plug in revenue increases in excess of $30 billion, they are making an unrealistic proposal for

this House, because the fact of the matter is this House, this Congress, cannot raise $30 billion in revenue in fiscal year 1983 for two reasons. One, it is not economically feasible. It would absolutely devastate the economy if we were to lay on top of the tax burden that the people already have an additional $30 billion in tax. Nothing would stifle growth, productivity, savings, and investment, more than that kind of a tax burden on top of the tax burden, the ever-increasing tax burden that the people have even after the tax cuts.

So, it is not economically good judgment to do that. Second, it is not politically feasible because this is an election year and it is unlikely this Congress, Ways and Means Committee, will produce a tax bill much larger than $15, $16 billion.

So, to plug in a number for revenues up to $30 billion is simply not realistic. It is not going to happen in this country; it should not happen. So, then, the fact of the matter is that the Latta document, with a $20 billion revenue figure for fiscal year 1983 is realistic and the deficit number included in the Latta document of $99 billion when taken with the comments you have made about spending and the need to constrain spending, will produce the deficit of $99 billion.

The second point I want to make about the Latta document, is that it is an enforceable document. It includes strong enforcement procedures, procedures which are needed because this Congress has proven time and again that it will not respond to logic and reason, it responds only to the pressure to spend and spend and spend. And the budget process is the one way in which this Congress can restrain its appetite to spend money and thus elect more people.

So, I want to compliment you for giving us the opportunity to make these very fundamental points. Tomorrow is a very important day in this Congress; it determines whether or not we are going to take one small step, a very small step in the direction of constraining the growth in spending, constraining the growth in lending, holding down the tax burden on the people, reducing that deficit, getting the Government out of the credit market, getting those interest rates down, and getting the economy going again.

And in that last connection, I think it is important to point out something that is overlooked. That is the extent to which the Government is encroaching into the credit market. If we do nothing and we have the $182 billion deficit that I referred to here, then the Government will be absorbing in 1983, 75 percent of the net private savings in this country.

□ 1445

And then in the next year it would be 71 percent, and in 1985 it would be 66 percent.

If this Congress does not act to pass a budget, then we can look forward to the continuation of Government encroachment into the credit market, crowding people out and driving interest rates up.

On the other hand, if the Congress will act and pass the bipartisan budget in fiscal year 1983, the encroachment into the credit market will be 41 percent of net private savings, then in 1984 the encroachment would be reduced to 26 percent of net private savings, and in 1985 the Government's encroachment into the credit market would be reduced to 15 percent of net private savings.

That is the way to get interest rates down, it always has been, and that is the way we can get our economy going and have the growth we all look for and the prosperity we all want.

Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGRICH) for giving us an opportunity to discuss these very important questions.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BETHUNE) for participating. He has been a leader in the fight on the budget to keep down taxes and to keep us moving in the gradual transition away from the liberal welfare state and toward the conservative opportunity society; toward a country in which, when you earn a living, you get to keep most of that living and in which we try to decentralize the Government to again have local control.

As the gentleman said, the Latta bipartisan budget is a prudent, realistic document. It maintains health care services, it increases medicare, it protects the retired Federal employees and social security retirees so they both will get the cost-of-living adjustments they deserve, and it has 7-percent real growth in defense, which I think, in a time of war in the Falklands, in Lebanon and elsewhere is in fact a totally appropriate and prudent amount.

It does cut the deficits. One thing that people seem to forget is that without any action on the part of the Congress, the deficits over the next 3 years will be massive, because we have built into our laws increases in spending that are horrendous. We have 17-percent-a-year increases in spending in 1980 and 1981. Without changes, that would lead to a deficit in 1983 of $179 billion, a deficit in 1984 of $213 billion, and a deficit in 1985 of $230 billion. That is a cumulative deficit over the next 3 years of $623 billion, and it would increase the national debt by 62 percent in 3 years.

That is obviously a rate of deficit that we literally could not sustain. It would lead to a collapse of the interest rate markets.

Thanks to the prudent work of the Latta bipartisan budget, those deficits are cut dramatically. We cut $80 billion out of 1983, we cut $136 billion out of 1984, and we cut $177 billion out of 1985, so that in the next 3 years the Latta bipartisan budget cuts the Federal deficit by $392 billion. That is a 62-percent cut in the size of the Federal deficit.

As our colleague, the gentleman from Arkansas, Mr. BETHUNE, said, that will reduce the Federal Government's share of the savings from taking up 66 percent of all savings in 1983 to taking only 15 percent of all savings. That will lead to a dramatic drop in interest rates, because every time the Government borrows less, interest rates come down, and every time the Government borrows more, interest rates go up.

In order for the Federal welfare state to be succeeded by a conservative opportunity society, there have to be tax cuts to increase incentives, there have to be incentives for savings, and there have to be interest rates low enough to create jobs and build factories.

When we compare the Latta bipartisan budget with President Reagan's earlier request in February, we find that 76 percent of the savings come in spending cuts and debt service savings. That means that $298 billion of the $393 billion in Latta budget reductions in the deficit come from spending cuts. It is a very important difference from the liberal leadership budget that primarily relies on cuts in defense spending and increases in taxes in order to produce savings.

That is a huge difference because, frankly, we do not create jobs and build factories if all we do is continue to raise taxes in order to fight the deficit. If in fact we raise taxes on the American people, they cannot afford to buy houses or cars any more than if we keep interest rates high. We do not want to simply trade higher interest rates for higher taxes because that does not get us anywhere.

The liberal leadership budget attempts to reduce the deficit not by cutting domestic spending but by cutting defense programs and by raising taxes. In fact, $197 billion of the total changes in the liberal leadership budget is either in tax increases or in defense program cuts, while only $54 billion of the liberal Democratic leadership budget is in domestic spending restraint. So that in effect the Government would not change at all in the direction it was going in 1980.

Now, all of us have difficulty tackling transfer payments. It is a sensitive area. But the reality is that in a prudent, slow, realistic way the Latta bipartisan budget does begin to move in

that direction. It does cut $45 billion in transfer payments over the next 3 years, but it does not touch retired Federal employees, social security, or any of the basic entitlements to which individuals are guaranteed.

Frankly, by emphasizing cuts in the welfare state and by emphasizing cuts in discretionary spending, we are shifting from a spending growth of 17 percent in fiscal year 1980 to 11 percent in fiscal year in 1982, and then to 5 percent in fiscal year 1983. And yet we shifted, as I noted earlier, while saving good programs.

The Latta budget is far better on medicaid, public assistance, nutrition, and student loans; the Latta is far better on handicapped and vocational education, elementary and secondary education, manpower training, Older Americans Employment Act, energy conservation, low-income energy assistance, Amtrak, maternal and child health care, and a variety of areas than was the original Reagan budget. It is a real victory for those citizens who are concerned that we maintain a prudent social safety net. The Latta bipartisan budget retains in the key areas the spending which is vital.

The CHAIRMAN pro tempore. (Ms. OAKAR). The gentleman from Michigan (Mr. PURSELL) is recognized.

Mr. PURSELL. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to my colleague, the gentleman from Michigan.

Mr. PURSELL. Madam Speaker, I congratulate the gentleman from Georgia (Mr. GINGRICH) in respect to his concern about the prudence of the Latta budget and in respect to entitlement programs.

I would suggest, if the gentleman cares to comment on this, that the obvious fact is that if we continue at the present rate of spending, we would bankrupt the very system and jeopardize our humanitarian cause and concern for the very people that we are trying to serve, namely, the elderly and the people that are on medicare and medicaid and other such programs that are built into our entitlement programs.

I suggest that maybe we as a party have not, in the spirit of Lincoln, articulated that carefully, that if we reduce the rate of spending and properly focus on the financial stability and integrity of the program that is to me the keystone of the difference in those budgets that we will be voting on tomorrow, therefore, those who are recipients of those various entitlement programs ought to be concerned about the possibility that if we continually spend at an excessive rate, we will destroy the very programs that they have fought so hard to build in the Federal budget.

Mr. GINGRICH. Madam Speaker, I want to commend my colleague, the gentleman from Michigan (Mr. PURSELL), because he has been one of the real leaders in 3 months of long and difficult negotiations, sitting day after day in the meetings where we have tried to build a budget which is at one and the same time prudent and realistic in trying to slow down the rate of increase in spending and so that we can save precisely the systems that our liberal friends worry about.

I think the gentleman has put his finger on it. There can be no social security if there is no American economy; there can be no aid for the poor if there are no jobs for those who are working. I think the gentleman has stated it exactly.

We want to continue to support programs which are necessary and vital at a level which allows this economy to recover and create jobs so we can get the revenues to do the things that are necessary.

Mr. PURSELL. Madam Speaker, if the gentleman will yield further, I find it interesting in a State such as Michigan that has the highest unemployment of any State in the Nation for 2 years—and that is prior to Reagan, I might add—that we ought to be emphasizing policies here that stimulate the economy for quick recovery, and that is obviously to bring down spending and bring down the taxes so that they do have the availability of tax dollars to invest in the automobile or housing industries, as the gentleman earlier suggested.

To me, those people who are on entitlement programs or who are concerned about their fellow neighbors and have the hardships that we know that some people have, those who are handicapped, and perhaps emotionally disturbed, should be concerned about this.

As to the concerns that we legitimately have for our fellow man, in respect to the economic policies of the two bills we will be looking at tomorrow, I suggest that we address the whole issue of taxes and spending and economic policy and not just the simple line item of who has got more money in a particular line item because if we continually go down that path of looking at individual line items and who is higher than another group, I suggest that that is playing a game that even the elderly and the people in the entitlement programs or any other program that is assisted by Federal funds would not want to welcome to the final result.

Madam Speaker, I thank the gentleman for his comments.

Mr. GINGRICH. Madam Speaker, I think, representing Michigan as the gentleman does, he knows far more than most that if we were to simply bring down interest rates and have those automobile factories working full time and have those workers back at those factories, the tax rate in the State of Michigan would go up and a great deal of Governor Milliken's problems would disappear and we would have a far better society for every American.

Madam Speaker, that has to be one of the underlying driving efforts tomorrow as this Congress looks at these two budgets.

Mr. PURSELL. Madam Speaker, if the gentleman will yield further, we have a tax revolt, I think, in about 22 States. Our property tax in Michigan is rising. It is escalating at a rapid clip. We need to control that.

We have increases in taxes at the State level, and I think this is the only institution of the various levels of government that has recommended tax rate reductions, still knowing that the tax increases on the American citizen are continually rising.

So we are going back to the basic issue here again of reducing the rate of spending, and that is critical to not only Michigan but to the entire country and the free world.

Madam Speaker, I congratulate the gentleman for his contribution to that effort.

Mr. GINGRICH. Madam Speaker, I thank the gentleman from Michigan (Mr. PURSELL).

I might pick up with that and note that the Latta bipartisan compromise, as I said earlier, does provide for a 5.6-percent increase over fiscal year 1982 in social welfare spending. For example—and it is useful to keep this in mind as we listen tomorrow to the rhetorical attacks on the Latta bipartisan effort—Federal support for the elderly will average $7,850 per individual and $15,700 per couple in 1983. Twenty-eight percent of all Federal spending will go to the elderly.

The Federal Government will subsidize over 95 million meals per day or 14 percent of all meals served in the United States. That is 14 percent, one out of every seven meals served in America. And this is in the Latta bipartisan conservative and moderate budget; this is not the liberal budget. We will subsidize one out of every seven meals.

Roughly 8.5 million postsecondary awards or loans will be available to students and/or their parents through Federal student assistance programs. That is 8.5 million in a student population of around 11 million. So something on the order of almost 80 percent of all students will have some access to postsecondary awards or loans.

Through medicaid and medicare the Federal Government will pay for the medical care of approximately 47 million aged, disabled, and needy Americans in 1983. That is approximately 20 percent of our total population. One out of every five Americans will be getting help from medicaid or medicare,

and that is 99 percent of the Americans over the age of 65.

About $3.3 billion will be spent on training and employment programs in 1983. That is around $15 for every American, man, woman or child, in the whole country on training and employment alone.

And finally, about 10 million lower-income Americans will be receiving subsidized housing assistance from the Federal Government. Think of it. That is $7,850 per elderly citizen, 28 percent of all Federal spending for the elderly, one out of every seven meals in the entire country being subsidized, 8.5 million postsecondary awards or loans, one out of every five Americans getting help from medicaid or medicare, 99 percent of all senior citizens getting Federal aid for their medical care, and 10 million Americans in low-income housing.

□ 1500

This is a prudent budget. It slowly and systematically attempts to move us away from where the liberal leadership had us and where we were moving toward a budget, which if you take the 1980 laws, by 1985 would have gotten us to 26 percent, technically 25.9 percent of the gross national product of America being spent by the Federal Government.

This is the clearest possible example of the liberal welfare state.

We were moving toward a world in which more than $1 out of every $4 spent in the entire country would have been spent by the Federal Government. That is a higher percentage than the U.S. Government spent in World War II. In peacetime we would have spent a larger percentage of our entire national economy through Washington than we did at the peak of World War II.

Under the Latta bipartisan budget we moved down from 25.9 percent of the gross national product being spent by Washington to only 21 percent, a clear trend back toward allowing you to spend your own money.

I cannot think of a more effective example of the shift from the liberal welfare state to a conservative opportunity society. By trimming Federal spending in a calm, prudent, realistic way, by bringing down taxes, by getting the Federal Government to borrow less so that interest rates can drop, we will liberate the economy.

As interest rates come down, people will buy more houses and more cars, there will be more jobs. As people have more money they will get off of the unemployment lines and Federal spending will drop.

At that point the deficit will shrink, interest rates will come down even lower.

If we can do all of that, as this President has in the last year, while keeping inflation under control, we are laying the base for real productivity.

With this stronger economy we can have a stronger defense. It is vital we recognize we cannot have a strong defense if the Nation is collapsing.

When we have a strong defense, then we can negotiate realistically with the Russians to achieve a reduction in nuclear arms, to achieve a safer and a saner world. But we can only do that from a position of strength.

With a strong economy, we can sustain a strong social security system, and our parents and our grandparents can rest easy because they will know that their children and grandchildren have real jobs that produce real income, that which then can generate real taxes.

That is really a summary of the conservative opportunity society vision.

We expect liberals to vote against the Latta bipartisan budget. They have different values and different concerns.

What concerns some of us is that some conservatives will argue that the Latta bipartisan budget is not strong enough, that it should do more, that it should do it faster. However, before we condemn this bipartisan effort let us look at the context once again.

Under the liberal welfare state the liberal leadership had moved us up to 22 percent of the gross national product, going to 26 percent spent by the Washington Government.

Under O'Neill, the baseline spending was averaging a 17-percent increase a year. We were moving toward $819 billion in spending in 1983, $979 billion in spending in 1984, and $1.080 trillion in spending in 1985. That is what would have happened without the changes last year and this year.

But when you add this year's Latta bipartisan budget effort to last year's bipartisan effort you begin to really begin to reduce the size of the Federal Government.

Those two efforts last year, successful efforts, and what hopefully will be this year's successful effort, cut $112 billion off of the size of the Federal Government in 1983, $161 billion in 1984 and $204 billion in 1985. That is a $477 billion reduction over the liberal Democratic leadership baseline in 1980, $477 billion.

Think of it. In just 2 years' work we have saved enough that without the Latta bipartisan budget we would be spending 19.4 percent more in outlays over the next 3 years.

That is, for every dollar we are spending under the Latta bipartisan effort we would be spending 19 cents more over the next 3 years.

This 19.4 percent or $477 billion in savings is a giant step from the liberal welfare state where we were headed toward in 1980.

If the liberal leadership budget fails and Latta is the vote, every concerned Congressman should look carefully at the choices. Without a budget, we will be drifting toward $631 billion in total deficits over the next 3 years. That is a big enough deficit to destroy credit markets, to put interest rates out of sight.

By contrast, that $631 billion in deficits shrinks to $230 billion under the Latta bipartisan effort. We cut the deficit by 63 percent.

Without a budget, the U.S. Government will absorb 75 percent of all savings in 1983, 71 percent in 1984, and 66 percent in 1985. That is, 3 years from now we will still have very high interest rates because the Government, without a budget, will be absorbing $2 out of every $3 saved.

By contrast, with the Latta bipartisan budget, the Government borrowing drops to only 15 percent. Think of it, a drop from 66 percent of all savings being absorbed by the Federal Government down to only 15 percent of all savings being borrowed. That difference, a dramatic difference, with us borrowing less than a fourth as much under the Latta bipartisan budget, will mean dramatically lower interest rates and a chance to create jobs, build factories, and put Americans back to work.

Without a budget, we will rise to 25.9 percent of gross national product. With the Latta budget we are down at around 21 percent.

It is perfectly reasonable for liberals to vote for the liberal Democratic leadership budget. It is respectable and responsible for liberals to vote for the liberal welfare state, for higher taxes, for higher domestic spending, for a weaker defense, for more borrowing. That is, in fact, the liberal credo.

Similarly, it is a coherent position for moderates and conservatives to vote for the Latta budget, for a budget which does increase spending but at a prudent rate, which does protect more Americans, which does protect the elderly, which does provide nutrition, health care, housing, but which does so while trying to bring down spending and trying to balance the budget over the next few years, and trying to bring down interest rates.

The Latta budget is a realistic, honest, and prudent effort to lay the base for a conservative opportunity society. It is, in a sense, the insect budget. It brings together gypsy moths, boll weevils, and yellow jackets, and it does not satisfy any one group but it is a serious effort on the part of America's leadership to sit down and say if we are going to make the great transition, if we are going to move from a liberal welfare state to a conservative opportunity society, how can we do it in such a way that we protect the elderly, we protect the poor, we create educational opportunities, we insure health care, but at the same

time we lower interest rates, we cut taxes, we create jobs, and we build a healthy America.

As I said, it is responsible for liberals to vote for the liberal leadership budget and it is responsible for moderates and conservatives to vote for the Latta bipartisan effort. But it is irresponsible to vote against both. It will send a signal of chaos to our allies, to the Russians, to the interest rate markets and to businessmen.

The American people have a chance in the next 24 hours to call and wire their Congressmen, to insure that they vote for something. They can vote either for a liberal future, or for a moderate, conservative vote, for higher taxes or lower taxes; they can vote for higher interest rates or lower interest rates.

Tomorrow we have a chance to see where this Congress is going, to see if it has the courage to stand forward and to adopt a budget.

I think the Latta budget is a prudent, effective effort. I think it does meet the concerns of the American people. I think it will bring down interest rates and create jobs. It will reinvigorate the economy, and it does so while protecting our defense base so we can move on to negotiate on nuclear weapons with the Soviet Union.

I hope this Congress will adopt the Latta bipartisan effort.

LOAN LOSS RESERVE DEDUCTIONS

The SPEAKER pro tempore (Ms. OAKAR). Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 15 minutes.

● Mr. FRENZEL. Madam Speaker, today I have introduced H.R. 6556, a bill which would make permanent the present 1-percent rate for computing bank reserves for bad debts.

Under a provision which was enacted late during the last session of Congress, banks are allowed to take a deduction for an amount equal to 1 percent of their eligible loans if that amount is then placed in a bad debt loss reserve account. The 1-percent rate is the minimum that most banks feel is necessary to maintain adequate bad debt reserves.

Despite the fact that the recession would seem to require larger bad debt reserves, the 1-percent limit will be reduced next year to 0.6 percent. In the opinion of many bankers, that would be a dangerous level under normal conditions.

In enacting the 1-percent limit last year, Congress demonstrated its recognition of the fact that a 0.6-percent limit would not provide banks with sufficient loan loss reserves. The 1-year life of the 1-percent limit statute also implicitly indicated that the Congress would focus more attention on the need for adequate loan loss reserves this year, before the 1-percent limit expired. My bill is intended to initiate the discussion on this issue.

I invite all of my colleagues to join me in this effort, so that legislation can be developed which will allow all banks, large and small, to maintain adequate loan loss reserve accounts.●

BUDGET CUTS THAT SHIFT COSTS TO THE MEDICARE BENEFICIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

● Mr. WAXMAN. Madam Speaker, I am introducing today along with 38 cosponsors a resolution opposing budgetary cuts in medicare that would shift costs to the aged and disabled beneficiaries.

We confronted deeply felt differences in many aspects of our last debate on the budget, and can expect to face those differences again this week. However, one area of consensus has become clear—we should not approve budgetary cuts in social security's medicare program that would force us to shift those costs to the elderly and disabled beneficiaries.

Medicare, like our other social security programs, embodies a continuing commitment to the people of this Nation that they will have a measure of protection against the high cost of health care in their retirement years. It is more than just financial protection. Equally important for millions of Americans—working and retired—is the security that comes from knowing that this program is available and will be available in the future.

Unfortunately, the financial protection afforded by medicare is already far too limited—medicare pays less than 45 percent of the health expenses of the aged. Medicare beneficiaries already pay premiums, deductibles, coinsurance, and excess physicians' charges over and above what the program pays. In addition, they must pay in full for uncovered services, such as outpatient prescription drugs. We cannot enact budgetary proposals that would inevitably require us to shift even more costs to those individuals, and further erode the confidence and sense of security that this program provides.

This is not to dispute the need for long-range financing and reimbursement reforms to improve this program. However, we cannot realistically expect to achieve large and immediate short-term savings from such proposals by October 1, when the new fiscal year begins. Even the more limited savings that many of us are willing to accept will require Members to support complex and controversial reimbursement reforms—and that support must include all those advocating even larger cuts today. It will not be easy to maintain support for those more limited cuts, and it is totally unrealistic to set higher targets. We must assure that our budgetary proposals do not result in more costs being shifted to our Nation's most vulnerable citizens.●

AMERICAN CONSERVATION CORPS ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

● Mr. DICKS. Madam Speaker, I wanted my colleagues to know that I strongly support H.R. 4861, the American Conservation Corps Act of 1982, which I cosponsored.

In taking this action today this Chamber addresses a very serious problem—the unacceptably high rate of youth unemployment—and passed a bill which I believe will go a long way toward solving it. At a time, when over 20 percent of young Americans cannot find work, this Chamber's action is timely.

By passing the American Conservation Corps Act, the House puts itself on record in support of a measure which will enable unemployed youths between the ages of 16 and 25 to work on projects which will conserve this Nation's forests, fish, wildlife, rangelands, and soils. In addition, these young people will be able to develop important skills while helping to revitalize urban areas, preserve historic and cultural sites, and assist others to conserve energy.

As a strong supporter of the Youth Conservation Corps and the Young Adult Conservation Corps—the predecessor programs to the American Conservation Corps—I can attest to the fact that Government programs aimed at youth unemployment and conservation of our national urban and wilderness resources can and do work. In fact, this year the Interior Appropriations Subcommittee, on which I serve, heard testimony from administration spokesmen that the Youth Conservation Corps—a program similar to the ACC—returns over $1.05 in value to the Government for every $1 the Government spends.

In my view, the ACC will prove a worthy successor to the YCC and YACC and like them it will prove to be cost effective and beneficial both to the young people it employs and to the American taxpayer who will receive the benefit of their labor.

For these reasons I agree with my colleagues that H.R. 4861 needs to be enacted into law so that young Americans will have the chance to work and to contribute positively to this country. As a cosponsor of this legislation, I am convinced that both they and the

rest of us will ultimately benefit from this investment in our future.●

□ 1510

A TRIBUTE TO RAY EDWARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. HUBBARD) is recognized for 5 minutes.

Mr. HUBBARD. Madam Speaker, a longtime friend of mine, Ray Edwards, died last Friday in my hometown of Mayfield, Ky.

Edwards, 62, was editor and publisher of the Mayfield Messenger for the past 25 years. He also was president of a cable television news service based in Mayfield, publisher of the Metropolis, Ill., Planet, a weekly newspaper, and vice president of Murray Newspapers, Inc., publishing the Murray, Ky., Ledger & Times daily newspaper.

Among the many contributions Edwards gave to his community, he was a past president of the Mayfield Rotary Club, a member of the city's planning commission for 10 years, headed a United Fund drive, president of the city's Civic Music Association and served on the Mayfield-Graves County Industrial Board.

Edwards was a deacon, elder, and trustee at Mayfield's First Presbyterian Church.

Edwards' lifetime accomplishments were described by his minister, Rev. James Nash, in an impressive funeral service last Sunday attended by 300 friends.

During my two terms as his State senator and four terms as his Congressman, Edwards frequently was in contact with me, expressing his views. He was a very conscientious, dedicated American and Kentuckian who wanted the very best for his country, State, county, and city. He never once asked me for anything for himself.

Edwards was a strong supporter of a balanced Federal budget and often criticized excessive Federal spending.

Among the family survivors are his lovely wife, Laura Jane (Lolly) McAlister Edwards, and two talented children—Ray Mac, a 1982 graduate of Centre College, and Laura, a student at Vanderbilt University.

I join Ray Edwards' many friends in expressing sadness and shock at his untimely death—by heart attack while playing tennis—and sympathy to his wife, children, four sisters, and two brothers.

NATO RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 30 minutes.

● Mr. PAUL. Madam Speaker, today, I am introducing a resolution for the planned withdrawal of American troops from Europe and Japan. It is humiliating for American Presidents to continue begging our allies to anteup and spend more on their own national defense. An effort to influence foreign governments' defense appropriations and to alter their economic relationship with Russia is a fruitless task. Subsidizing the defense budgets of rich European and Asian allies so they can use the funds saved on domestic social programs and pipelines to Russia is not in our best interest. If the American taxpayer was not forced to indirectly pay for the cheap loans to Russia by our European friend, it would then be their own business as to how they deal with their Soviet neighbors. But that is not the case. And since Europe's and Japan's response for decades has been benign neglect to our request and public criticism for our policies, the time has come for a reassessment of our entire foreign policy. The 20th century notion that America has been chosen to police the world and pay all the bills, to make the world "safe for democracy" is no longer viable. Economically, we no longer can afford it; militarily, it is of no useful value to us. In the past 65 years, this interventionist policy has given us four major military conflicts. The more we scatter our troops and the more dollars we spend, the more likely we are to have war and the worse our economic problems become.

The Falklands crisis demonstrates so well the failure and inconsistency of an interventionist foreign policy. Our commitment to the Rio Treaty and to NATO is impossible to fulfill. The recent U.N. vote and our attempt to change it after it was cast (seems like Jimmy Carter and Andy Young did something like that also) are symbolic of an overall policy that is contradictory and lacks direction and meaning. This comes about when American interests are confused with demands and manipulation by other nations. A vivid example of this confusion is given in a wire service story about Secretary of State Haig's remarks concerning the latest conflict in the Mideast. According to the official transcript of the briefing, Secretary Haig, speaking to reporters about the Israeli invasion of Lebanon, said, "We not only lost an aircraft and a helicopter yesterday, there's been a claim a second aircraft has been shot down, a second helicopter, and a number of army vehicles." It seems that the Secretary has so confused Israeli and American interests that he speaks broadly as "we."

It is ironic that we support Britain in the Falklands, while Israel, as recipient of billions of dollars of U.S. aid, continues selling weapons to Argentina and Iran. The American taxpayer remains the sacrificial lamb. What is wrong with a foreign policy based on American self-interest? Could it be that a policy like this just might also be a policy of humanitarianism and peace?

At the present time, 60 percent of our entire military budget is being spent on the defense of other nations. Nations we have, for all practical purposes, unilateral commitments to. The commitments, rather than reducing tension, increase it and aggravate the arms race. If Europe and Japan are unwilling to spend whatever is necessary to defend themselves, our exorbitant sacrifice will not preserve their liberty. If we stop our financial and military commitments to allies, their decisions in dealing with the Soviets will suddenly become more objective and realistic. They would become stronger militarily, as we will also. We then would no longer have to plead with them to hold back easy credits to the Communists—which, of course, is an inconsistent request since we ourselves continue to extend many credits to the Soviet bloc nations.

The military subsidies to our allies do not serve the cause of freedom for we frequently see the funds saved used in social programs that are less than free-market oriented. But since we practice the same kind of economic and political nonsense, it's difficult to be critical. If the funds saved by our allies on defense are not spent on trade assistance with the Soviets or aid to domestic socialistic programs, they can be used to subsidize car and steel companies by low taxes and export subsidies, cutting into our faltering market. And tragically, the worse the problem becomes, the more outcries we hear for tariff protection and more export subsidies—programs that contradict the notion of a free society and in the past several decades have contributed significantly to our weak economy, high interest rates, inflation, and unemployment.

NATO was strongly opposed by Mr. Republican himself, Senator Robert Taft of Ohio. At the time of its passage, he said:

> It is clear that the pact is a military alliance, a treaty by which one nation undertakes to arm half the world against the other half, and in which all the pact members agree to go to war if one is attacked.
>
> No matter how defensive an alliance may be, if it carries the obligation to arm, it means the building up of competitive offensive armaments. This treaty, therefore means inevitably an armaments race and armaments races in the past have led to war. . . . It would strain the American economy; Europeans would be encouraged to depend upon Americans rather than themselves for their defense; the U.S.S.R. would be unnecessarily provoked; and Truman had no constitutional right to send American troops abroad in peacetime without prior Congressional approval.

More recently, Dan Smoot restated clearly this belief in the Review of the News:

> On the other hand, if the Soviets hit the United States, the European nations will not come to our defense, and the building up of European nations as nuclear threats

to Russia will be stalemated and neutralized.

But the Soviets are stupid to believe NATO ever was or ever will be a threat to Russia. The United States has squandered something like a quarter of a trillion dollars in NATO, which has never provided a dime's worth of deterrence against Soviet imperialistic aggression, or a penny's worth of defense for the American homeland. It follows therefore, that NATO has been a mighty boon to the Soviets in that it has drained off immense sums of money that could have been spent on weaponry to defend Americans against a Soviet surprise attack. I agree with the Soviet conclusion that none of our NATO allies will come to our aid if the Soviets attack us.

When Eisenhower was Commander of NATO forces, he said: "The large-scale permanent commitments of American troops to relatively fixed positions outside the continental limits would be costly beyond military returns." These quotes are hardly from left-wing liberals.

What will it ever take for us to learn the lessons of history? When will we come to realize that a free nation—unhampered by government intervention, personally, economically, and internationally—is far superior to a coercive state. And if the people of the world are to eat, be housed and clothed, we must recognize the value of productive effort, sound money, and a free market, and a foreign policy dedicated to strength with determination to defend our freedom while minding our own business. One thing I am convinced of is that more and more American people are coming to this conclusion—that it is time we let our rich allies take care of themselves, and that the lives of our young people and the dollars of our American taxpayers be used for the preservation of our security.

I include the following:

H.J. RES. 508

House joint resolution to provide for the complete, orderly withdrawal of American military forces, and our nuclear protection, from Europe and Japan

Whereas, the nations of Western Europe and Japan have populations and wealth which make them fully capable of providing for their own defenses without American subsidies; and,

Whereas, these nations have, for many years, existed in a state of unnatural, unjustified, and unsustainable military dependence upon the United States, at huge cost to the American taxpayers, and with consequent competitive disadvantages for American businesses; and,

Whereas, the United States is committed to the first use of nuclear weapons because of our obligations in Europe, and is also the target of thousands of Soviet nuclear warheads because of these same obligations, and our 350,000 troops in Europe are also vulnerable; and

Whereas, we have expended huge sums of money on military subsidies to these nations at a time when we ourselves are vulnerable and in need of protection, when our resources should be devoted to advanced defensive technologies, especially in space, and when overall federal spending must be drastically reduced; Now, therefore, be it

Resolved that, notwithstanding any other provision of the law, the President shall immediately begin a phased and orderly withdrawal of all U.S. military forces from Europe and Japan, to be completed not more than four years after the date of enactment of this resolution. These forces, once withdrawn, are to be stationed in positions to defend the territorial United States, or disbanded.

Eight years after the enactment of this resolution, the protection provided by American nuclear forces, wherever stationed, will no longer be extended to the nations of Western Europe and Japan, or to any other foreign country.

THE U.S. AND NATO: THE CASE FOR A DIVORCE

(Testimony of the Honorable RON PAUL before the Subcommittee on Europe and the Middle East, of the House Foreign Affairs Committee, June 3, 1982)

Mr. Chairman, I am very pleased to have this opportunity to testify before the distinguished members of this Subcommittee on what is, I believe, the central issue of America's defense and foreign policies: our commitment to the defense of Europe, and our participation in NATO.

As the distinguished members well know, Senator Ted Stevens has recently estimated the cost of NATO to the American taxpayers at around $133 billion, an astonishingly large figure. Prof. Earl Ravenal of Georgetown University, a respected defense analyst, comes up with virtually the same figure: $129 billion. At a time when domestic spending is, supposedly, subject to economies, and when we face hundred billion dollar deficits, the huge cost of our commitment to NATO alone warrants these hearings. However, the case against our continued participation in NATO extends well beyond considerations of cost.

I believe the case against our continued participation is not only formidable but compelling. It is based on the following considerations in addition to cost:

The Europeans are able to defend themselves without U.S. assistance.

Our commitments to Europe jeopardize, rather than enhance, our own security and our chances for continued peace, and perhaps theirs as well.

The Soviet state is aggressive and militaristic, but its power, and the likelihood of an attack on Europe, have been exaggerated by some.

The foreign policy appropriate to a people who prize freedom is based on non-interventionist principles, and is limited to armed neutrality and self-defense.

I would like to expand on these points in my testimony. In doing so, I hope to make a case for the House Resolution I have introduced (the text of which is appended to this testimony) which calls for the withdrawal of all U.S. military forces from Europe and Japan over a four year period, and the removal of our "nuclear umbrella" after eight years. I believe that the partial troop withdrawals suggested by Senator Mansfield in the past, and increasing numbers of my colleagues today, would be inadequate, and would completely fail to address some of the most important problems arising from our commitments to NATO. The threat of withdrawals contingent upon increased European defense spending, as suggested by others, is, in my view, similarly inadequate, as well as being manipulative and presumptuous.

I would like to preface my argument with a few observations. My principal concern in Congress has always been with domestic economic policy. But I have become increasingly convinced that our foreign and domestic policies are inextricably linked. When we sanction government manipulation of the lives of people here at home, we are likely to sanction the same manipulation of people abroad, and vice versa. Our foreign policy is likely to reflect our overall view of man's proper relation to the state, as is our domestic policy.

Our foreign policy of treaties, alliances, and interventions has yielded a mass of complex problems, just as President Washington warned. Our response to these problems indicates how far we have moved from the non-interventionist ideas which once animated our statesmen.

I am appalled that in our frustration with the disparity of our expenditures on defense vis-à-vis wealthy allies like Germany and Japan, and the resulting trade advantages enjoyed by these countries, many of us call for protectionist legislation. The problem certainly exists: It is a result of commitments abroad that lead us to subsidize massively the defenses of our wealthy trading competitors. The problem can and should be solved by severing those commitments. But instead, some call for higher tariffs, which can only make the problem worse: Tariff wars have often led to shooting wars, and tariffs abuse the freedom of our own consumers and shelter inefficient producers.

Why not leave these other countries with the responsibility of providing for their own defenses? This is, in my view, the only logical, workable response to this "free rider" problem.

I am also appalled by those who assert that because the cost of an all-volunteer armed forces is so great, we must have peacetime conscription. We fault our young people for their lack of patriotism, but perhaps they just realize that the defense of Europe and the defense of America are two entirely different things. Chancellor Helmut Schmidt's criticisms of the United States for not conscripting Americans to defend Germany is an example of unparalleled arrogance, but many Americans are apparently ready to go along. We seem prepared to sacrifice the freedom of our young people because it is otherwise too expensive to defend countries which are able, but unwilling, to defend themselves. This strikes me as outrageous. Isn't it freedom, after all, which makes America worth fighting for?

I raise these two issues at the outset because they indicate to me that unless we withdraw from our unjustified and unnecessary military commitments abroad, we will sacrifice our own people's liberty, and destroy the very thing about America which makes us special.

Let me turn, then, to my case against our NATO commitments:

EUROPE'S ABILITY TO DEFEND ITSELF

The NATO alliance was designed at a time when, as Alan Crawford put it, Europe looked like the bottom of a "shake'n bake" bag. Their economies and armies had been decimated by the war. The U.S. commitment was supposed to last no longer than Europe's recovery.

But how things have changed! Western Europe's combined GNP now comes to over $2 trillion. Its industrial capacity has, I believe, even surpassed America's in many ways. Its wealth is almost double that of the Soviet Union and its satellites. In fact, on a

per capita basis, many European countries are now wealthier than the United States: Germany, France, Norway, the Netherlands, and Belgium are all wealthier than America. Even so, they spend little more than half as much for their own defenses (per capita) as we do. (And most of what we spend is spent on them, while they have made no reciprocal commitments to support the United States elsewhere in the world.)

To gauge the impact of American withdrawals we should not overestimate America's contribution to NATO, or underestimate the strength of NATO even without U.S. forces. Without the United States, remaining NATO countries have combined populations of well over 300 million. They presently provide 90 percent of NATO's ground forces, 75 percent of its air forces, and 80 percent of its naval forces. These facts are, indeed, "not appreciated by most Americans."[1] A gradual U.S. withdrawal, as I have proposed, would not leave the Europeans undefended. And their capacities would easily allow them to compensate for the loss of American forces.

Just this week, Spain has become a full member of NATO, adding 340,000 troops, 190 planes, and 30 warships. This very sizable fighting force would go some way toward providing an added cushion for U.S. withdrawals.

Given the fact of tremendous European wealth and manpower who can doubt their ability to stave off a Soviet attack? This is particularly true in a nuclear age when relatively modest expenditures on a nuclear deterrent can instill overpowering reluctance in a potential aggressor. Europe's industrial and manpower capacities alone are quite nearly sufficient reasons for our total withdrawal from NATO.

Two additional points about Europe: First, recent mass anti-American rallies indicate that a disturbing resentment toward the United States is felt by at least a sizable minority of Europeans. It is hard to believe, but apparently true, that many Europeans have come to see America, rather than the Soviet Union, as the principal threat to peace. Continued American control over NATO can only exacerbate these feelings (imagine a European presiding over our military forces).

Second, I believe the Europeans might well take a more realistic view of the Soviet Union and the requirements of their own security if America were out of the picture. We should recall that it is France, outside the NATO command, which has, in many ways, maintained the strongest overall military force among European countries. The "peace movement" has never really taken root in France, where even a Socialist government supports increases in defense spending and a relatively tough line on Soviet aggression.

Too many American defense "experts" act as though the defense of Europe is of more concern to us that it is to the Europeans. Somehow, these analysts manage to depict the Europeans as still the hapless dependents they may have been in 1945, or else they make the Soviets out to be supermen. Neither is true. Given Europe's obvious interest in providing for its own security, and its capacity (as I have argued) to do so, no necessary role remains for Uncle Sam.

America has no business trying to dictate the terms of European defenses to the Europeans, but that is how our role must sometimes appear. Conflicts will be inevitable so long as we have troops in Europe. American generals feel that the neutron bomb is needed to protect our troops, but European politicians are unwilling to have neutron bombs on their soil under the control of American generals. These problems can only get worse, and they will, while our troops remain in Europe.

Finally, it can be argued that our military subsidies to the Europeans allow them to divert resources into socialistic experiments which we ourselves do not intend to support. As I have said, the Europeans have the wherewithal to defend themselves, but if they continue to care more about socialized medicine than security when Uncle Sam is out of the picture, that should be their business.

PARADOXICALLY, THE EFFECT OF OUR NATO COMMITMENTS IS TO JEOPARDIZE OUR OWN SECURITY AND THAT OF THE EUROPEANS, AND OUR CHANCES FOR CONTINUED PEACE

NATO, and the idea that America should maintain a "forward defense" strategy in Europe, is so thoroughly and uncritically accepted by the "experts" that the alternatives have yet to be given serious consideration. This phenomenon is no reason to accept what proves to be, under the critical light of reason, an exceptionally dubious idea.

The idea of "forward defense" demands that we conjure up the possibility of a world in which all of Europe has fallen under Soviet control. It is then, supposedly, obvious that the next "step" will be to attack the East Coast of the United States. Forward defense follows simply from this trans-Atlantic domino theory: Better to fight them in Bavaria than in Boston is, I suppose, how it would go.

This idea might merit serious attention if the Atlantic Ocean were no more than the English Channel, and if Cape Cod were pressed up against the coast of Portugal or France. As it is, Europe is a vast ocean away. The problems the Russians would have, in this missile age, of launching an attack by sea and air on the United States would be considerable, to put it mildly. The trans-Atlantic domino theory doesn't hold water. Furthermore, even if one can imagine a Soviet conquest of all of Western Europe, the likely result would be, as Laurence Beilenson has put it, a fatal case of indigestion.

Concern over the possibility of a nuclear war also ought to lead us to press for a prompt withdrawal from Europe. We must remember that the first-use of American nuclear weapons is part of NATO strategy. Indeed, the whole, irresponsible, M.A.D. strategy, which governs our nuclear forces, is bound up with our commitment to Europe.

We have proclaimed ourselves prepared to use nuclear weapons first should the conventional defenses of Europe falter when under attack. The existence of this threat makes America the target for the bulk of Soviet nuclear weapons. The credibility of this threat depends upon the willingness of an American President to call down a suicidal nuclear attack on the United States if a war in Europe starts going badly. As Henry Kissinger proclaimed to an astonished NATO meeting in Brussels, this threat was credible only so long as America enjoyed a huge superiority over Russia in nuclear weapons. This superiority has now evaporated, and with it, the credibility of our deterrent.

European nuclear weapons would not face that credibility problem; the threat to use their own weapons in defense of themselves would be more convincing (and hence, a more effective deterrent) than is our promise. With a purely defensive strategy, relatively few nuclear weapons would be sufficient to deter an attack. America would no longer need to promise to commit nuclear suicide in the defense of Europe. We could renounce the first use of nuclear weapons, and a significant amount of the present impetus for the arms race would be eliminated. We could concentrate our own resources on less threatening defensive systems like the anti-ballistic missile.

We can renounce the first-use of nuclear weapons only as part of an overall non-interventionist foreign policy. The alternative is clear. Our foreign policy commitments will continue to outstrip our conventional military abilities, as they do now. Given our foreign policy commitments, the conventional buildup urged by the Reagan Administration is in fact, modest. (Defense planners recently testified that without an additional $750 billion over the next 5 years, they may be unable to carry out present foreign policy objectives).

The problem of extended commitments, and limited conventional abilities, led President Carter to extend our nuclear umbrella over the Persian Gulf. It is cheaper to manipulate nuclear threats than to build and deploy conventional forces. But the credibility of the nuclear threat is diminished as it is extended beyond the protection of our own people and territory to less central interests. The result is a very dangerous gamble, and a greater risk of nuclear war.

My point is this: until we throw off the role of "policeman to the world," a role beyond our capacity without the use of nuclear threats, we will continue to invite involvement in any number of foreign conflicts over things non-essential to our own survival. Any of these conflicts could escalate into a nuclear exchange.

Finally, it is almost needless to say that Europe's unwillingness to spend more on its own conventional defenses makes war more likely, and leaves our own troops in Europe vulnerable. Thus, the paradoxical result of our commitments may be to lull them into a false sense of security. Their lax defenses may leave Europe weaker than it would be in the absence of our commitments. By pledging to maintain the status quo, and keep our troops there indefinitely, we perpetuate this false sense of security. The result is that our chances for continued peace are less, and not more, likely thanks to "collective security" and forward defenses.

NATO'S COST TO THE U.S. TAXPAYERS: $130 BILLION IN 1983

Given reasonable estimates of cost increases, over the decade to 1992 NATO will cost us a staggering $2¼ trillion. The burden of justifying this immense cost lies with NATO's proponents, and their case must be strong indeed to justify expenses of this magnitude.

I believe that efforts to wring substantial savings out of the defense budget by way of "streamlining" has an air of unreality. It is all too easy to attribute huge costs to "waste and inefficiency," which are endemic to government. We must face up to the fact that the defense budget is the cost of our foreign policy. There is no way to significantly cut defense spending without changing our policy, that is, without dropping commit-

[1] Earl C. Ravenal, "NATO's Unremarked Demise," (Berkeley: Institute for International Studies, 1979) p. 23.

ments. Our most extravagant commitment is, if I am right, crying out to be severed. The defense budget cannot be cut significantly, as it must be, without cutting air wings, troop divisions, ships, etc., and all that means, as some hawks recognize, cutting commitments.

Now some will reply that the "real" cost of NATO is only the marginal cost of maintaining these forces in Europe rather than in the United States. But who can be so naive as to think we would need to maintain these sorts of forces for the defense of our own territory? This is, perhaps, a fallacious corollary of the discredited trans-Atlantic domino theory. Do we need the M-1 tank, for instance, to guard against a tank attack? From where? Canada maybe? Or Mexico? Any massed attack on the United States would have to come by sea, and the cost of maintaining adequate submarines, and small, fast missile firing ships, would be a small fraction of present overseas commitments. Huge financial savings would result from a policy which takes advantage of America's position between two great oceans. It was, after all, this obvious advantage which led our Founding Fathers to advocate non-interventionism in the first place, and it is no less relevant a factor today.

The orientation of our military forces ought to be defensive: The non-interventionist foreign policy I recommend demands a defensive stance of armed neutrality, not unarmed pacificism. America is, at present, far too weak and vulnerable, and we will remain so until we renounce foreign commitments. We should step up research on laser and other space defense systems, rather than wasting money on more offensive, redundant nuclear weapons. We should maintain much better air and radar defenses of U.S. territory. All this can be done, and America can be more secure than at present, and more assured of continued peace, at a fraction of the cost of our present overseas commitments.

SOVIET POWER SHOULD BE VIEWED REALISTICALLY

The Soviets are militaristic and aggressive, but they are not supermen. They fear the Chinese more than the West, and keep at least one-quarter of their forces on the Chinese border. Their troop divisions, though more numerous than NATO's, are smaller. The loyalty of their satellites is increasingly doubtful. They may have lots of tanks, but anti-tank weapons are increasingly effective. They do not, I believe, enjoy the sort of superiority a successful invader would need.

One shocking inconsistency in our policy toward the Soviets is the fact that we have provided cheap, government-subsidized credit to them and their satellites. We have also permitted export licenses for advanced, strategic technology. In these ways, we contribute to their military machine while spending more to oppose them.

We must immediately cut off all U.S. aid to Communist countries: No more credits or loan guarantees should be made available. And we should get out of the IMF and the World Bank and any other conduits of U.S. tax dollars to our enemies. We must also stop the flow of advanced technology to the Soviets. I believe that these measures would lead to the eventual collapse of the inhumane and inefficient Communist system.

ONLY A NON-INTERVENTIONIST FOREIGN POLICY IS CONSISTENT WITH THE PRESERVATION OF INDIVIDUAL LIBERTY

The foreign policy I advocate is, I believe, the only one consistent with the principles of individual liberty and limited government which so many conservatives espouse. In our own history, when we had our freest economy and soundest currency, we did not fight on foreign soil. As our freedoms eroded, and our marketplace became dominated by special interests—labor and business—involvement in the affairs of other nations increased and foreign wars resulted.

If, for moral and Constitutional reasons, we cannot interfere with our citizens' lives and property, we also cannot manipulate the internal affairs of other countries. The responsibility of our government is, in my view, morally and Constitutionally limited to the protection of the life, liberty, and property of those within our borders.

Washington advised against "entangling alliances" and Grover Cleveland expressed this policy as well as any President:

The genius of our institutions, the needs of our people in their home life, and the attention which is demanded for our vast territory, dictate the scrupulous avoidance of any departure from the foreign policy commended by our history, the traditions and prosperity of our republic. It is the policy of independence favored by our position and defended by our known love of justice and by our power. It is the policy of peace suitable to our interest. It is the policy of neutrality, rejecting any share in foreign brawls, and ambitions upon other continents, and repelling their intrusion here. It is the policy of Monroe and of Washington and of Jefferson; peace, commerce, and honest friendship with all nations; entangling alliances with none.

I am not advocating isolationism: free travel and trade would be unrestricted in a free society. The movement of people and ideas would be less constrained than at present.

But a non-interventionist foreign policy demands the renunciation of our commitments to foreign countries. Individuals should be free to aid foreign countries or factions as they wish, but our government should remain neutral, and limit itself to protecting our own security.

I believe we should return to the non-interventionist policy which we adhered to in the periods of our greatest freedom and prosperity. And this means, among other things, renouncing our participation in NATO.

COMPETING REMEDIES

If the preceding analysis is correct, NATO is an enormously expensive commitment, which does nothing to enhance American security. Indeed, we pay a huge, unnecessary bill every year, and we are made less secure and less apt to remain at peace. Therefore, the cost of simply maintaining the status quo cannot be justified: We invite bankruptcy and war with our present policy.

Remedial policies should be seriously considered, and the alternative getting the most attention is a partial withdrawal of perhaps 100,000 or more of our troops. My colleague, Pat Schroeder, has been particularly vocal in pressing this revival of the Mansfield Amendment. Senator Baker has also warned that such a measure would easily pass in the Senate.

Clearly, partial troop withdrawals are far short of what I am proposing. If the Europeans are wealthy, numerous, and fully capable of defending themselves, what justifies a partial withdrawal? Nothing justifies an indefinite commitment of any sort.

And, if the reason for a partial withdrawal is to prod the Europeans into spending more on their own defenses, then the motive is essentially manipulative. The result is bound to be greatly increased tensions within NATO, greater European resentment against America, and probably even weaker defenses. The United States would be using blackmail to dictate the terms of Europe's defenses to the Europeans.

Subsequent to any partial withdrawal, the United States would remain committed to participate in any future war in Europe. We would remain responsible for the defense of nations fully able to defend themselves. We would continue to shield the Europeans with our nuclear umbrella, and would remain the target for Soviet nuclear weapons. We would have to retain our pledge to use nuclear weapons first. We would continue to lull the Europeans into a false sense of security, thereby discouraging their own defensive efforts. All of these implications of "neo-Mansfieldism," or partial withdrawals, are thoroughly unacceptable. And, as I have argued, we have no reason to accept these implications. A total, phased withdrawal of our commitments to Europe would extricate us from this untenable situation, and is a far preferable course to the partial withdrawal option.

I believe that other aspects of the emerging international situation also testify that the time has come for America to disengage entirely from its foreign military commitments which are external to the requirements of our own survival and peace. America is certainly losing whatever ability it may have had to control events all over the globe. And yet, our foreign policy commitments mean that we must try and do so. To extend our security umbrella over fast-changing, far-flung corners of the globe, where increasingly sophisticated weapons are available to fanatical groups of all descriptions, is a policy which courts involvement in disastrous foreign conflicts. To project American interests abroad in a world which is changing beyond our understanding and control, is to invite repetitions of our horrible experiences in Vietnam and Iran.

Critics of a non-interventionist foreign policy argue that this policy was a luxury possible only in a simpler, bygone era. Quite the contrary, it is the advocates of global interventionism who live in a phantasy world of easily understood and controllable presures abroad, and boundless U.S. power. But we cannot bear the costs, and we should not bear the risks, of our vain interventionist policy. As Robert Taft put it, "We cannot adopt a financial burden in our foreign policy so great that it threatens our liberty at home." Our interventionist foreign policy threatens our liberty and peace in innumerable ways, as I have tried to indicate. America should disengage from military commitments beyond the protection of our people and territory. The obvious place to begin is with NATO.●

THE HATCH-ASHBROOK AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. EMERSON) is recognized for 5 minutes.

● Mr. EMERSON. Madam Speaker, today I am reintroducing a bill that

was introduced earlier by a colleague of ours who is sorely missed by all of us. I am speaking, of course, about the late Congressman John Ashbrook.

The bill I am reintroducing has been commonly referred to as the Hatch-Ashbrook amendment. This bill would provide that the Congress and several States could have concurrent power to restrict and prohibit abortions.

By reintroducing this bill, I am not attempting to overshadow Congressman Ashbrook or the services he provided for this great Nation. I am merely trying to provide that a means for the continuation of the legislative process be established for Congressman Ashbrook's worthy and much-needed bill. By doing so, new cosponsors can be added; and previous cosponsors can reiterate their support.●

CLAIM THAT DUMPING LEGAL NEEDS QUOTA IN ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 25 minutes.

Mr. GAYDOS. Madam Speaker, to understand the reasons behind, and the need for, H.R. 6505, the Fair Trade in Steel Act, it would benefit the House to hear the words of Sir Roy Denman on the idea of free trade as it is understood today in Europe.

Sir Roy is Director General for External Affairs of the Commission of the European Communities so his understanding is complete. He explained it in the United States just last month.

And he said this of the steel crisis:

> The trading rules do not declare dumping illegal.
>
> What is at issue is whether dumping to the extent that it exists is causing material injury to the U.S. industry.
>
> We think that any such claim is moonshine.

Moonshine, in Sir Roy's usage, is empty talk.

He said:

> We are clear that the U.S. steel industry has launched a massive campaign of harassment against European exporters.

Meanwhile, there are 134,837 American steelworkers in what Sir Roy depicts as an empty jug of harassment.

About 106,258 of them are out of work specifically because apparently dumped and subsidized steel—much of it from Europe—has stolen up to 26 percent of the U.S. market for months running, and 28,579 are on short weeks.

For the year to date, imports account for 22.8 percent of available supply.

Steel is the industrial material that is basic to virtually everything else made or done in the United States. It is the cornerstone of industry and defense.

Steel was stressed in the President's campaign for election, and all the concerns for modernization and competitiveness were focused on it and other basic industries.

At this time last year we had wanted to have steel by now well on the road to rehabilitation, and Congress moved half of heaven and all of the Tax Code to get it and the other basic industries moving.

But steel now is at the point of widespread failure and harmful contraction because it is a target for attack in the current trade war waged by friends and allies with enough brass to say, "the trading rules do not declare dumping illegal."

While steel, the linchpin, needs time and profit to modernize, less efficient but subsidized and government-capitalized and cartelized foreign producers carry away jobs and pages from the order books.

These producers have been called to answer according to the trade laws of the United States, which do say dumping is illegal.

But decisions are pending, and during the months of their pendancy, the apparent dumpers and pushers of subsidized steel have not slacked their pace.

If anything, they seem determined to send in as much as possible in the time remaining.

And if the findings go against them, I suggest they will not be long in finding new and clever ways to try to circumvent the countervailing duties and tariffs that are levied. They always have—there is no need to change now.

After all, we have Sir Roy's testimony that in Europe their policy is that, "the trading rules do not declare dumping illegal."

If this was a case to be argued in court, this statement would be admissible as evidence in judging intent and predicting future conduct.

And in this sense a temporary quota is obviously no more than a civil injunction that would prevent a willful and malicious party from doing irreparable harm to an already injured party.

The Fair Trade in Steel Act basically sets a 5-year quota of approximately 10 million tons a year for all of our trading partners, most of whom subsidize and practice dumping, as the facts will show.

This quota amounts to about one-tenth of normal U.S. demand. And it is the equivalent then to a tithe for the well-being of our partners and the developing nations who want steel industries ahead of food for their people. The Holy Bible, a guide for moral conduct in the United States, says the tithe is a fair portion.

And a quota is an equitable remedy.

Quotas are necessary because they cannot be easily circumvented.

Testimony to their effectiveness is that this budget-watching administration recently imposed an import quota on sugar so it would not have to pay almost $1 billion in subsidies to domestic producers.

The cause was an oversupply of sugar. Prices dropped and imports of cheap foreign sugar surged and the U.S. Government was obligated to take up the slack under political commitment.

The idea is to save a domestic industry from failure.

Domestic steel, because it goes into everything, is far more critical and has a dramatically higher claim for a quota.

Of course, steel gets no Government price support and it obtained no real commitment.

It is only a critical industry that is in crisis, the point at which it must get better or die.

And none of this is moonshine, nor is it a campaign of harassment. All of this is reason to act because the facts point to irreparable harm for which America will pay and pay and pay in ways that cannot even be guessed at, if the steel industry disintegrates.

I ask those who are concerned about the survival of industrial America to examine some facts that have developed only since the first of the month.

The Wall Street Journal for Tuesday, June 1, reported that in Belgium the Government has sent still another restructuring plan for one of its steelmakers to Sir Roy's common market.

The Government plan is aimed at getting Cockerill-Sambre S.A. out of the red by 1985.

In the United States, steelmakers get out of the red by themselves or go into bankruptcy court with their creditors.

Nevertheless, Belgium provides 18 specific subsidies to 7 steelmakers, according to a recently published study of the American Iron & Steel Institute.

And these subsidies range from interest free loans to assistance in research and development to help in the purchase of coking coal.

Yet in March, 15,000 Belgian steelworkers shook the peace when they took to the streets to protest a planned overhaul of outdated and inefficient and uncompetitive mills. The plan would have caused unemployment.

We are fortunate that so far none of the 134,837 American steelworkers—who are more efficient but who cannot compete with foreign government subsidy and dumping—are in the streets.

Instead of riot reports, we get news like the story in that same June 1 paper that workers of Laclede Steel in St. Louis voted to accept a 15 percent cut, and that the cut was approved by 63 percent of the workers.

You see, they would rather work than riot. They did it to try to keep their company going in the face of ap-

parently dumped and subsidized imports from countries like Belgium with its 18 subsidies.

The same thing is happening across industrial America, by the way.

Laclede had a reported first quarter loss of $3.2 million.

The first quarter was one of unprecedented import tonnage, much of it from our European trading partners, who worry about the politics of steel and not the economics.

The AISI study totes up 94 subsidies for 28 steelmakers in Sir Roy's European communities.

Add Spain and you have 107 subsidies for 34 steelmakers.

And this is not moonshine.

This is the kind of trade war that trade agreements and law were meant to prevent.

But they have not.

Subsidy and other government help have been fashioned into weapons.

And when challenged, they pout and say, "dumping is not illegal."

However, Europeans other than Sir Roy have spoken about the steel situation.

Last year about this time the Minister of Economics for West Germany, Otto Lambsdorff, had something to say.

He was quoted in the publication "This week in Germany" as holding the opinion that:

> The European steel industry is ailing because steel pricing has been distorted by pervasive state aid; that aid makes it possible for prices to be well below those in Japan or the U.S.

Price agreements and market limitations and subsidies and assorted guidelines are integral parts of economic planning in Europe, the Wall Street Journal reported in February.

And European planners think trading regulations should provide more loopholes and escape clauses, all designed to save domestic jobs by restricting imports, it said.

Why, they even like the idea of internal product quotas.

You see, Madam Speaker, in Europe they do not have to contend with U.S. antitrust law.

However, this internal experience means they should have no trouble understanding the importance of steel or in accepting a quota that will allow them to plan their export programs and properly compete for their share. It will help them rationalize their serious problems of inefficient overproduction.

And the Europeans are not bothered by slavish adherence to theories of trade that are failing and failing spectacularly because governments are determined to twist the principle of comparative advantage into the idea of advantage any way you can get it.

Steel imports from Europe—land of 107 subsidies and even more generous planners—are up 36.4 percent over last year at this time, and last year was the record year for dumping.

Add Brazil and South Africa to the list of subsidized makers exporting to the United States, and you have 131 subsidies for 40 steelmakers.

And the AISI study notes that:

> During the last 6 years the steel manufacturers in these countries have received more than $30 billion in subsidies . . . subsidy programs are now being adopted that will make available even larger sums in the next four years.

By the way, the companies receiving these subsidies have losses to date that are estimated at $20 billion.

This does not sound to me like they want to avert a trade war.

It sounds like they plan major escalations in the one that exists.

And the U.S. market, absent quotas that would provide a good faith tithe, is the target, because it is the only wide-open market.

Meanwhile, unemployment in the U.S. steel industry is near 30 percent and we have 63 percent acceptance of pay cuts instead of 15,000 in the streets.

American steelmakers operate at about 42.5 percent of capacity, where profit is impossible and capital investment in modernization is a forlorn hope. Plants are being closed and one big manufacturer has a third of its capacity for sale.

Instead of $20 billion in losses, a recent study of 18 companies found $23 million in first quarter losses. There are reports that some major producers are almost at the point of joining No. 11 McLouth in bankruptcy. Seven of ten major producers operated in the red.

This is not worker-to-worker competition.

American steelworkers are more efficient than Europeans.

This is not company-to-company competition.

It is a war being waged by foreign governments on American workers.

And American workers are willing to take pay cuts to fight and win it.

Yet the U.S. Government so far has been unwilling to even help them mobilize.

H.R. 6505 would provide the time and the incentive.

The Fair Trade in Steel Act also would help President Reagan keep the commitment that the Heritage Foundation says he made in 1980 when he pledged:

> America needs a modern world class industry. My administration will support policies which will enable us to achieve it.

Quotas are a policy.

And if we do not have some kind of policy and get it quickly, there will be very little industry to modernize.

A steel executive was quoted recently on the turmoil caused by the tandem attack of European exporters and the recession. He was not named and probably asked to be kept anonymous so as not to start rumors about his company.

"I don't know of many steel companies that have the staying power to weather this one," he told the Journal.

"This is not a recession—we are back in the thirties," said another.

And this is not moonshine.

This is what is happening on the front lines of the trade war.

Moonshine comes in containers other than jugs, I am told, Madam Speaker.

And any reasonable examination of intent and facts and consequences in this case will have to lead to the conclusion that Sir Roy's reasoning comes out of the other kind of container—comes out of a crock.

Meanwhile the signs of intent are no more reassuring from the Pacific theater of the war.

That same June 1 paper that carried news of another Belgian-Cockerill plan and the Laclede pay cut also brought word of a development concerning our big Pacific trading partner.

The news involves Japan, where workers generally got a 7-percent spring pay increase and unemployment has been running under 3 percent.

It concerns the same country where they are working up another tired point-by-point list of trade issues to haggle about as a way of buying off action to end the trade war.

The Japanese are regarded as the most efficient producers of steel in the world.

Yet the report of June 1 is that the Department of Commerce has determined they have been exporting a steel product here at 14 percent less than fair market value.

This is important because our previous effort to establish fair trade in steel through the trigger price mechanism was tied to the costs of the most efficient.

The product is stainless clad steel plate.

In 1980 Japan steel works had less than 1 percent of the U.S. market.

But they wanted a market, and this is the open market.

They cut their price for penetration. And in 1981 they had 20 percent of the U.S. market. The volume increase was 8,500 percent.

They did not do it by a leap in efficiency or technological breakthrough.

They did not do it by superior management.

They did it by selling at 14 percent under fair market value.

And that means Japan steel's stainless clad probably sells for more in Tokyo than it does in the United States.

I would like to be able to assert flatly that the price in Tokyo is 14

percent more than the price in the United States, Madam Speaker, but the vagueness of fair market value must be used because the figure is only an estimate.

You see, when the Department of Commerce set out to investigate the complaint of Lukens Steel Co., the Japanese steelmaker refused to provide the information necessary for a more accurate determination.

No company shows increases of 8,500 percent in a year unless it is operating on a very aggressive, highly ambitious plan.

This company is in an industry that was built up by 85 percent government capitalization, and in a country where government and industry walk hand-in-hand like lovers as they plan a happy future.

I don't think such a company could easily refuse such information to an ally and a major trading partner unless the government is exceptionally understanding or involved.

Stainless clad is not a big volume item, but the pattern so classically illustrates the way the Japanese make trade war that it too highlights the need for wariness.

And it certainly shows intent, which can be used to judge future actions.

Steel imports from Japan—land of 8,500 percent increases and 85 percent Government capitalization—are up 21.3 percent for the year to date.

It is further evidence favoring a quota.

Effective trade agreements require good faith on the part of all who agree, Madam Speaker, and effective administration of U.S. trade law requires the ability to focus on that subject rather than military and political alliances.

The Steel Caucus recently heard testimony from an industry fighting those Foreign Governments that also are allies.

For the specialty steel industry, whose foreign competition is 60 percent government owned, Adolph J. Lena asked for quotas because the industry has developed:

. . . A firm belief that the U.S. Government would not enforce the fair trade laws and that imports at less than fair market value would continue to be an ever increasing problem.

The vast array of subsidies and endemic dumping forces us to the conclusion that there is simply no way we can deal adequately with the problem . . . with remedies . . . that leave considerable room for political discretion.

You see, Madam Speaker, we first stepped in this mire by opening wide our market after world War II so our major trading partners could rebuild.

We sank a little deeper by deciding to share the bounty with the poor and developing nations of the world because it was right. We helped them build mills, in fact.

We were following the moral guidance of the Bible when it says:

And when ye reap the harvest of the land, thou shall not wholly reap the corners of thy field, neither shall thy gather the gleanings of the harvest.

And thou shall not glean thy vineyard, neither shall thou gather every grape in the vineyard; thou shall leave them for the poor and the stranger.

But the weak now are strong and want the whole field.

The poor grow fat and demand the vineyard.

And the formerly grateful grow bold and say, "dumping is not illegal."

Well, a quota will properly say, our generosity shall not exceed our means.

It will limit our generosity to a morally proper tithe.

And it will cap the number of jobs that can be exported at a number far below the current 134,837.

It is a measure that must be considered because Europe, the land of 107 subsidies, and Japan, nation of 8,500 percent volume increases, have shown us their clear intent.

If dumping is not illegal, inaction on the part of the U.S. Government certainly would be criminal.

□ 1530

● Mr. MURTHA. Madam Speaker, the steelworkers in my district are out of work because of unfair foreign imports. These hardworking Americans can compete with any workers in the world in efficiency and quality workmanship. But they cannot be expected to compete with industries that are subsidized by foreign governments, that are exporting their unemployment to the United States.

My steelworkers cannot understand this unfair competition in the name of free trade. We allow open access for these countries to flood our markets, but are barred from their markets by highly protective trade barriers.

This is not free trade and as Members of the Steel Caucus we are asking for cosponsors to a steel trade resolution that would request the President to expedite the handling of pending steel trade cases. We have laws on the books now that would prohibit this dumping, and steelmakers have filed suit under these laws. If these trade laws are not enforced as Congress intended, we stand ready in Congress to write laws that can and will be enforced. At the moment, we are developing quota legislation to force fair trade and prevent the further decline of the steel industry .

It is time for the Government to restore order in our trading relations. The steel industry must no longer be the dumping ground for subsidized imports that are stealing our jobs.

Our unemployed steelworkers are the living consequence of the failure to enforce existing trade laws. This resolution says Congress is ready to provide the leadership needed to pull us out of this crisis.●

● Mr. BENJAMIN. Madam Speaker, I am delighted to join my colleague from Pennsylvania in support of H.R. 6505, the Fair Trade in Steel Act of 1982.

More than 60 House Members are supporting this important measure to correlate the flow of steel and iron imports to the resilience of the United States economy.

U.S. steel plants are now operating at 42.5 percent of capacity compared to 60 percent in the European Economic Community. This is the lowest U.S. operating level since 1938 when it sunk to 39.6 percent.

Based on order rates, it is unlikely that American steel companies will ship 70 million tons which is lower than that experienced in 1962.

Despite these abysmal figures which translate into more than 125,000 laid off steel workers, disrupted lines, delaying communities, and a horrendous impact on the American economy, our European trading partners are maximizing their steel exports to the United States.

Unfortunately, our administration is accepting the imports with open arms—if not some glee despite its official posture of filing antidumping and countervailing duty cases and allowing them to run their course while the import penetration increases and puts more Americans out of work.

Madam Speaker, tomorrow will bring an announcement from the Department of Commerce which has taken every possible day allowed by law to make a preliminary determination. Commerce will tell us that the American worker is being protected by its diligence. To the contrary Mr. Speaker, the work done to date on the steel import cases is unresponsive, slow, confusing and less than helpful. It is a smoke screen that must be examined in the light of day and intent of law.

H.R. 6505 will dissuade the politics of the present regimen. It will calculate by quantifiable means rather than qualifiable rhetoric.

The domestic steel industry suffers from the depressed state of the economy and is unable to make a profit in steelmaking operations because of the flood of imported steel at prices below the cost of production. The loss of business by domestic producers from unfairly traded steel products has added to the number of unemployed and indefinitely delayed the over $7 billion modernization program which is vital to its long-term future.

The industry cannot continue to operate at levels less than 50 percent of capability for an extended period without permanently shutting down steel facilities. The recent decision to sell the National Steel facility at Wier-

ton, W. Va., and the announced closings in Midland, Pa., and Fairfield, Ala., are signals of this trend, and evidence of a repeating cycle most recently comparable to the closings in 1977 at Youngstown, Johnstown, and Lackawanna.

The only hope is to introduce stability into the marketplace by establishing orderly import restraints on steel and iron ore. H.R. 6505 imposes floating quantitative restrictions for 5 years. The bill allows expansion or contraction on the basis of inflation, shortages, and steel unemployment. In addition, it establishes a Steel Tripartite Advisory Council to develop information and advice on matters concerning the domestic steel industry.

Madam Speaker, every Member who desires to enforce the intent of our international trading agreements should sign on to suppport H.R. 6505. We have outlawed dumping as an environmental hazard in our communities—let us—finally—outlaw dumping in the international marketplace—as an economic hazard.●

● Mr. WILLIAM J. COYNE. Madam Speaker, while the administration sings the praises of the marketplace, it is dragging its feet on countering an influence that throws the marketplace out of kilter—foreign intervention.

In the steel industry, subsidized foreign steel means a loss of jobs. Here is how the United Steelworkers of America President Lloyd McBride described the current situation in recent congressional testimony:

> We have efficient steel plants and steel companies on the brink in this country in part because of dumping and subsidization of steel operations abroad . . . One out of four tons of steel consumed in the U.S. currently is produced in foreign mills. Entire steel communities are hard hit.

Mr. McBride accurately describes the situation in my city. In the Pittsburgh area, United States Steel has about 13,500 of its 28,000 steel workers laid off. At Jones & Laughlin Pittsburgh facilities, 1,160 of 3,200 employees are out of work.

West Virginia Senator ROBERT BYRD has suggested that the International Trade Commission, which last week announced it would continue its investigation of unfair subsidies involving steel imports from Spain and West Germany, would add to its knowledge as to the affect of steel imports by holding hearings in Weirton, W. Va. In that town, 25 percent of National Steel mill employees are laid off, in part as a result of foreign imports.

The International Trade Commission would do well to consider the Job situation in western Pennsylvania and in the steel industry at large. In January 1981 there were 291,000 hourly employees in the domestic steel industry. By January 1982 that number had dropped to 252,000. The American Iron and Steel Institute reports that for the week ending May 29, 1982, domestic steel industry capacity utilization dropped to 46.1 percent, the lowest level since 1938.

These depressing statistics are not the result of steel imports alone. The administration's failure to revitalize the economy bears some of the blame. By failing to act expeditiously on requests by the steel industry for relief from low priced, subsidized steel imports, the administration risks adding insult to the injury already made.

The evidence of harm resulting from foreign intervention is already before the Commission. University of Pennsylvania Prof. Lawrence R. Klein has estimated that 30 percent of foreign steel's costs is subsidized by foreign governments. I urge the Commission to act quickly to alleviate the foreign pressure on a severely depressed industry.●

● Mr. YATRON. Madam Speaker, I rise today to speak on the issue of steel imports with mixed emotions. I am grateful for the opportunity to join with my distinguished colleagues to discuss an issue of such importance and which commands national attention. It is, however, most regrettable that the issue exists at all.

As a member of the Congressional Steel Caucus, I, along with many Caucus members, have spoken on this subject numerous times in the past. It has been frustrating to see that neither previous administrations nor the present one has done what must be done to curtail the flood of steel imports and preserve the domestic steel industry. It is equally frustrating to see that the problem is getting worse.

The statistics regarding steel trade are both shocking and revealing. Currently, steel imports are 22 percent of the domestic market and continue to rise. The percentage of imports in the specialty steel industry is almost twice as high. At least 130,000 American steelworkers are unemployed or on short workweek, representing approximately 30 percent of the domestic steel work force. This is the highest level of unemployment in the industry since the Great Depression.

Today the domestic steel industry operates at levels less than 50 percent of the capacity. The industry simply cannot continue to function at this capability for much longer without permanently shutting down steel facilities. The recent decision to sell the National Steel facility at Wierton, W. Va. and the announced closings at Midland, Pa., and Fairfield, Ala. are signals of this trend, and evidence of a repeating cycle most recently comparable to the closings in 1977 at Youngstown, Johnstown, and Lackawanna.

Much of the imported steel is sold here below the cost of production in the home country. This practice violates U.S. trade statutes and must be stopped. The loss of business by domestic producers from unfair steel trade practices has threatened to kill the $7 billion modernization program which is vital to the industry's long-term future.

A vibrant domestic steel industry is essential to our industrial base and national security. Regardless of what one may think about the inevitability of the transition from a manufacturing to a service economy, a healthy domestic steel industry is, and will continue to be, vital to a strong and prosperous America.

I believe that one of the most important actions the Congress could take would be to adopt legislation which would bring stability to the marketplace by establishing orderly import restraints on steel and iron ore. H.R. 6505 imposes floating quantitative restrictions for 5 years. The bill allows expansion or contraction on the basis of inflation, shortages and steel unemployment. In addition, it establishes a Steel Tripartite Advisory Council to develop information and advice on matters concerning the domestic steel industry. As a cosponsor of this measure, I strongly support and will continue to actively work for its enactment.

I am confident that the domestic steel industry can experience a full recovery, but our Government must do its part to guarantee that American producers will operate in a trade environment that is both competitive and fair.●

● Mr. ROE. Madam Speaker, I rise today to join my colleagues in expressing my deep concern over the future of the troubled American steel industry.

Our Nation is currently suffering from the greatest economic depression in recent memory, with little hope on the horizon for any major recovery. Our unemployment rate is the highest since the Great Depression, the housing industry is near collapse and we face a Federal deficit that could exceed a staggering $180 billion.

While every segment of our society has been hurt by the economic situation, probably none has suffered more than the American steel industry. Some 130,000 American steelworkers are currently unemployed or on reduced work schedules; a figure representing 30 percent of the domestic steel workforce.

Madam Speaker, the plain fact of the matter is that our steel industry is in this depressed state because of the flood of literally uncontrolled imported steel being sold in this country at prices below the cost of our production. While the steel mills of Japan, West Germany, and Spain are running at full strength, the recently announced closings of steel plants at Midland, Pa., and Fairfield, Ala. and plans to sell the National Steel facility at Weirton, W. Va., are omnious signs

concerning the future of the American steel industry.

It is clear that the only hope of bringing stability to the American steel industry is a strong quota system to stem the tide of cheap steel imports into this country. The House Steel Caucus, of which I am a member, strongly supports that approach. A measure before this body, H.R. 6505, which I have cosponsored, would meet those objectives by establishing restraints on steel imports over a 5-year period. The measure also calls for the establishment of a Steel Tripartite Advisory Council to gather information and offer advice on matters concerning the steel industry.

Madam Speaker, the American steel industry cannot survive if the current import situation is allowed to exist. Japan, which is a major steel contributor to this Nation, has imposed one of the strictest import quota systems in the world to protect its own economy. Our trade deficit with that nation is staggering.

These imports also threaten the steel industry's ability to carry out a proposed $7-billion modernization program which is considered vital to its long-range future.

It is the objective of H.R. 6505 to reestablish the greatness of the American steel industry and to release it from the unfair competition created by the uncontrolled importation of cheap, subsidized foreign steel. Our goal must be American steel for American markets. I ask all Members of this body to join me in achieving that objective by supporting H.R. 6505.●

GENERAL LEAVE

Mr. GAYDOS. Madam Speaker, I thank my colleague and a member of the executive board, the gentleman from Pennsylvania (Mr. MURTHA), for submitting his remarks, and I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARY (at the request of Mr. WRIGHT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. FRENZEL, for 15 minutes, today.

(The following Members (at the request of Mr. GINGRICH) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.

Mr. PAUL, for 30 minutes, today.

(The following Members (at the request of Mr. ECKART) to revise and extend their remarks and include extraneous material:)

Mr. ROYBAL, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. GAYDOS, for 25 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. CORCORAN.

Mr. HOLLENBECK.

Mr. YOUNG of Alaska.

Mr. CLINGER.

Mr. SHUMWAY.

Mr. FRENZEL in five instances.

Mr. MORRISON.

Mr. WHITEHURST.

Mr. BEREUTER in two instances.

Mr. MICHEL in two instances.

Mr. ROBERTS of South Dakota in two instances.

Mr. SMITH of New Jersey.

Mr. ROBERT W. DANIEL, JR.

Mr. MCKINNEY.

Mr. CLAUSEN.

Mrs. HOLT.

(The following Members (at the request of Mr. ECKART) and to include extraneous matter:)

Mr. VENTO.

Mr. STOKES in three instances.

Mr. PEPPER in two instances.

Mr. RODINO.

Mr. FROST in five instances.

Mr. ECKART.

Mr. OBEY in three instances.

Mr. MAZZOLI.

Mr. PEASE.

Mr. AUCOIN.

Mr. HAMILTON.

Mrs. BOUQUARD.

Mr. SKELTON in three instances.

Mr. LEHMAN.

Mr. YATRON in two instances.

Mr. FRANK.

Mr. IRELAND in two instances.

Mr. AKAKA.

Mr. DYSON in three instances.

Mr. WEISS.

Mr. PANETTA.

Mr. RANGEL.

Mr. OBERSTAR.

Mr. SCHUMER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 896. An act to designate the control tower at Memphis International Airport the Omlie Tower.

ADJOURNMENT

Mr. AUCOIN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, June 10, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4110. A letter from the Executive Associate Director for Budget, Office of Management and Budget, transmitting a report that various appropriations have been apportioned on a deficiency basis as a result of pay increases for Federal employees, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

4111. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the decision to convert to contractor performance the transient aircraft services function at Blytheville Air Force Base, Ark., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4112. A letter from the Secretary of Education, transmitting proposed final regulations for the special programs for students from disadvantaged backgrounds, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4113. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting an itemized report of revenues and expenses for the month of December 1981, pursuant to section 308(a)(1) of Public Law 91-518, as amended; to the Committee on Energy and Commerce.

4114. A letter from the Director, Assistant Secretary of Defense (Manpower Planning and Analysis), transmitting the actuarial report on the military retirement system for fiscal year 1981, pursuant to Public Law 95-595; to the Committee on Government Operations.

4115. A letter from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the annual report on the NOAA Corps pension plan for fiscal year 1981, pursuant to Public Law 95-595; to the Committee on Government Operations.

4116. A letter from the Secretary of Defense, transmitting the semiannual report on the activities of the audit, inspection, and investigative units of the Department of Defense, covering the period ended

March 31, 1982, pursuant to section 8(a)(1) of Public Law 95-452; to the Committee on Government Operations.

4117. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual report and audit of the committee for calendar year 1981, pursuant to section 113 (a) and (b) (92 Stat. 3049); to the Committee on the Judiciary.

4118. A letter from the Deputy Administrator, General Services Administration, transmitting a prospectus proposing the acquisition of a building in Dallas, Tex., pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

4119. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to consolidate Federal grants to States for foster care, adoption assistance, and child welfare services and training, to eliminate unnecessary restrictions on those programs and increase flexibility in a State's exercise of its responsibility for program administration, and for other purposes; to the Committee on Ways and Means.

4120. A letter from the Secretary of Energy, transmitting a report of barriers to the development and application of technologies for the recovery of energy from municipal waste, pursuant to section 231(d) of the Energy Security Act (Public Law 96-294); jointly, to the Committees on Energy and Commerce and Science and Technology.

4121. A letter from the Secretary of State, transmitting the second annual report on the professional development programs of the State Department, the Agency for International Development, the International Communication Agency, the Foreign Agricultural Service, and the Foreign Commercial Service, pursuant to section 703(f) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

4122. A letter from the Under Secretary of State for Management, transmitting a report on the names of members of the Foreign Service assigned to positions classified more than one grade higher or lower than the personal rank of the members, pursuant to section 2402(a)(4) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

4123. A letter from the Under Secretary of State for Management, transmitting the first annual report on implementation of the Foreign Service Act of 1980, pursuant to section 2402 (a) and (b) of Public Law 96-465; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. Supplemental report filed on H.R. 5540 (Rept. No. 97-530, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 496. Resolution providing for the consideration of House Concurrent Resolution 352; concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1982 and setting forth the congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985 (Rept. No. 97-600). Referred to the House Calendar.

SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X: The following action was taken by the Speaker:

[Omitted from the Record of June 7, 1982]

The Committee on Foreign Affairs discharged from the further consideration of the bill H.R. 6133; referred to the Union Calendar and ordered printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE (for himself, Mr. YOUNG of Florida, Mr. COUGHLIN, Mr. WALKER, Mr. LIVINGSTON, Mr. OBEY, Mr. MARTIN of North Carolina, Mr. JAMES K. COYNE, Mr. STANGELAND, Mr. HAMMERSCHMIDT, Mr. FRENZEL, Mr. ROGERS, Mr. MCDADE, Mr. NELLIGAN, Mr. ROBERTS of Kansas, Mr. COATS, Mr. TAUKE, Mr. BLILEY, Mr. MOORE, Mr. MADIGAN, Mr. CHENEY, Mr. ARCHER, Mr. DINGELL, Mr. PERKINS, Mr. BREAUX, Mr. STATON of West Virginia, Mr. BAILEY of Missouri, Mr. HAGEDORN, Mr. ERDAHL, Mrs. SMITH of Nebraska, Mr. ATKINSON, Mr. LONG of Maryland, Mr. YOUNG of Missouri, Mr. LOTT, Mr. MONTGOMERY, Mrs. BOGGS, Mrs. KENNELLY, Mr. JACOBS, Mr. BOWEN, Mr. SYNAR, Mr. MCCURDY, Mr. WATKINS, Mr. SKELTON, Mr. TRAXLER, Mr. KASTENMEIER, Mr. VENTO, Mr. ZABLOCKI, Mr. OBERSTAR, Mr. MOLLOHAN, Mr. ECKART, Ms. MIKULSKI, Mr. HUGHES, Mr. GREGG, Mr. JONES of Tennessee, Mr. FITHIAN, Mr. APPLEGATE, Mr. SAWYER, Mr. LELAND, Mr. KRAMER, Mr. LEBOUTILLIER, Mr. BRINKLEY, Mr. WRIGHT, Mr. DICKS, Mr. GEPHARDT, Mr. HUCKABY, Mr. LEATH of Texas, Mr. ROEMER, Mr. STENHOLM, Mr. DAN DANIEL, Mr. MURTHA, Mrs. COLLINS of Illinois, Mr. GRAY, Mr. FAUNTROY, Mr. RAILSBACK, Mr. EDWARDS of Oklahoma, Mr. BADHAM, Mr. RITTER, Mr. CAMPBELL, Mr. SKEEN, Mr. FAZIO, Mr. HARTNETT, Mr. JEFFRIES, Mr. GINGRICH, Mr. MITCHELL of New York, Mr. HORTON, Mr. ROTH, Mr. HILER, Mrs. MARTIN of Illinois, Mrs. SNOWE, Mr. BUTLER, Mr. DAVIS, Mr. JEFFORDS, Mr. EMERY, Mr. LOEFFLER, Mr. FIELDS, Mr. DAUB, Mr. JOHNSTON, Mr. FINDLEY, Mr. ALEXANDER, Mr. LATTA, Mr. MCEWEN, Mr. DOUGHERTY, Mr. CONABLE, Mr. DECKARD, Mr. O'BRIEN, Mr. YOUNG of Alaska, Mr. LEE, Mr. WORTLEY, Mr. DELLUMS, Mr. SAVAGE, Mr. LAFALCE, Mr. SCHUMER, Mr. SOLOMON, Mr. MOLINARI, Mr. SHAW, Mr. BROWN of Colorado, Mr. MCGRATH, Mr. HUNTER, Ms. FIEDLER, Mr. DYSON, Mrs. ROUKEMA, and Mr. MARTIN of New York):

H.R. 6546. A bill to limit the outside earned income of Senators; to the Committee on House Administration.

By Mr. HARTNETT:

H.R. 6547. A bill to prohibit the transfer of the Naval Reserve training vessel U.S.S. *Cone* to another nation; to the Committee on Armed Services.

By Mr. KRAMER:

H.R. 6548. A bill to amend the Federal Mine Safety and Health Act of 1977 to make comprehensive changes in the requirements of such act and in the manner in which such act is administered; to the Committee on Education and Labor.

By Mr. MADIGAN:

H.R. 6549. A bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSTENKOWSKI:

H.R. 6550. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 6551. A bill to amend title 18, United States Code, to modify certain procedures applicable to parole determinations, to require the U.S. Parole Commission to make available to State and local law enforcement agencies certain information regarding parolees, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 6552. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the impact test velocity in the motor vehicle bumper standard established by the Secretary of Transportation shall be 5 miles per hour; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 6553. A bill to amend title 18 of the United States Code to provide a more stringent penalty for certain willful destruction, alteration, or abuse of equipment and other resources vital to the operation of the Federal social security system; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 6554. A bill to amend the Clean Water Act of 1977; to the Committee on Public Works and Transportation.

By Mr. WILLIAM J. COYNE:

H.R. 6555. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the city of Pittsburgh, Pa., to pay the costs of constructing the uncompleted portion of the Saw Mill Run relief sewer; to the Committee on Public Works and Transportation.

By Mr. FRENZEL:

H.R. 6556. A bill to amend the Internal Revenue Code of 1954 to make permanent the present percentage rate for computing the addition to reserves for bad debts for banks and to modify the experience method to allow a showing based on facts and circumstances; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 6557. A bill to provide for a Veterans' Administration hospital in the West Palm Beach area of Palm Beach County, Fla.; to the Committee on Veterans' Affairs.

By Mr. DENARDIS:
H.J. Res. 503. Joint resolution to provide for the designation of July 27, 1982, as "National Recognition Day for the Registry of Interpreters for the Deaf"; to the Committee on Post Office and Civil Service.
By Mr. EMERSON:
H.J. Res. 504. Joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion; to the Committee on the Judiciary.
By Mr. EVANS of Delaware:
H.J. Res. 505. Joint resolution to authorize and request the President to designate the week of June 20, 1982, through June 27, 1982, as "National Safety in the Workplace Week"; to the Committee on Post Office and Civil Service.
By Mr. MAVROULES:
H.J. Res. 506. Joint resolution establishing National Nursing Assistants' Day; to the Committee on Post Office and Civil Service.
By Mr. MOFFETT:
H.J. Res. 507. Joint resolution designating July 27, 1982, as "National Recognition Day for the Registry of Interpreters for the Deaf"; to the Committee on Post Office and Civil Service.
By Mr. PAUL:
H.J. Res. 508. Joint resolution to provide for the complete, orderly withdrawal of American military forces, and our nuclear protection, from Europe and Japan; to the Committee on Foreign Affairs.
By Mr. RATCHFORD (for himself and Mr. PEPPER):
H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress that certain proposed rules concerning survey and certification of health care facilities participating in Federal medicare and medicaid programs should be withdrawn; jointly, to the Committees on Ways and Means and Energy and Commerce.
By Mr. WAXMAN (for himself, Mr. JACOBS, Mr. PEPPER, Mr. RANGEL, Mr. SOLARZ, Mr. BARNES, Mr. BRINKLEY, Mr. BRODHEAD, Mr. PHILLIP BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. HUBBARD, Mr. KILDEE, Mr. LEHMAN, Mr. LUNDINE, Mr. MARKEY, Mr. MATSUI, Mr. MATTOX, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOTTL, Mr. OBERSTAR, Mr. RICHMOND, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SCHUMER, Mr. STARK, Mr. ST GERMAIN, Mr. SUNIA, Mr. WEAVER, and Mr. YATES):
H. Res. 497. Resolution expressing the sense of the House of Representatives opposing any increased expenses for the elderly or disabled as a result of budget or reconciliation reductions in outlays in the medicare program; jointy, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:
H.R. 6558. A bill for the relief of Sui Sam Young; to the Committee on the Judiciary.
By Mr. FARY:
H.R. 6559. A bill for the relief of Muyleng Marjorie Fu-Loqui; to the Committee on the Judiciary.
By Mr. MAVROULES:
H.R. 6560. A bill for the relief of Frederick J. Tassinari; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2515: Mr. GILMAN.
H.R. 2832: Mr. HOYER and Mr. MOFFETT.
H.R. 3984: Mr. DORGAN of North Dakota.
H.R. 4158: Mr. HANCE.
H.R. 4486: Mr. SIMON and Mr. HERTEL.
H.R. 5147: Mr. VOLKMER.
H.R. 5507: Mr. BEDELL, Mr. COATS, Mr. DANIEL B. CRANE, Mr. DICKS, Mr. DUNN, Mr. GOLDWATER, Mr. GOODLING, Mr. HAWKINS, Mr. KOGOVSEK, Mr. LANTOS, Mr. LUNGREN, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MOLLOHAN, Mr. NELLIGAN, Mr. PANETTA, Mr. PATMAN, Mr. SANTINI, Mr. SHARP, Mr. SHUMWAY, Mr. SMITH of Alabama, Mrs. SNOWE, Mr. WIRTH, and Mr. YOUNG, of Missouri.
H.R. 5535: Mr. SAM B. HALL, JR., Mr. MITCHELL of Maryland, Mrs. COLLINS of Illinois, Mr. STUDDS, and Mr. KOGOVSEK.
H.R. 5618: Mr. HATCHER, Mr. MITCHELL of New York, Mr. FAUNTROY, Mr. BROWN of California, Mr. BARNES, Mr. SIMON, Mr. RICHMOND, Mr. WILLIAMS of Montana, Mr. DE LUGO, Mr. SEIBERLING, Mr. DELLUMS, Mr. OBERSTAR, Mr. HARKIN, and Mr. HUGHES.
H.R. 5735: Mr. ROSENTHAL, Mr. VENTO, Mr. DELLUMS, Mr. WASHINGTON, Mr. HEFTEL, and Mr. RINALDO.
H.R. 5760: Mr. SAVAGE and Mr. PORTER.
H.R. 5860: Mr. WORTLEY.
H.R. 5951: Mr. HERTEL.
H.R. 6073: Mr. FINDLEY, Mr. MADIGAN, and Mr. BEDELL.
H.R. 6124: Mr. DASCHLE, Mr. ROE, Mr. FRANK, Mr. JEFFORDS, Mr. NOWAK, Mr. HUBBARD, Mr. EDWARDS of California, Mr. GLICKMAN, and Mr. VENTO.
H.R. 6136: Mr. HAGEDORN, Mr. WEAVER, Mr. NEAL, Mr. SANTINI, Mr. SHAMANSKY, and Mr. RUDD.
H.R. 6170: Mr. CONABLE, Mr. EMERY, Mr. GINGRICH, Mr. BAILEY of Pennsylvania, Mr. GRAY, Mr. VENTO, Mr. MOLINARI, Mr. RINALDO, Mr. BLANCHARD, Mr. MARKEY, Mr. IRELAND, and Mr. CHAPPIE.
H.R. 6219: Mr. THOMAS, Mr. MITCHELL of Maryland, Mr. HUGHES, Mr. LEBOUTILLIER, and Mrs. MARTIN of Illinois.
H.R. 6311: Mrs. BOGGS, Mr. CHAPPELL, Mr. JONES of Oklahoma, Mr. CHENEY and Mr. GRADISON.
H.R. 6342: Mr. MCGRATH, Mr. PORTER, Mr. BLILEY, Mr. FORSYTHE, Mr. MCDONALD, Mr. PETRI, Mr. FRANK, Mr. WILSON, Mr. MOLLOHAN, Mr. BAFALIS, Mr. SOLOMON, Mr. LIVINGSTON, Mr. JEFFRIES, Mr. GOODLING, Mr. D'AMOURS, Mr. COATS, Mr. KRAMER, Mr. HUGHES, Mr. DOUGHERTY, Mr. DUNCAN, Mr. LEBOUTILLIER, Mr. HERTEL, Mr. HOPKINS, and Mr. ERLENBORN.
H.R. 6343: Mr. MCGRATH, Mr. PORTER, Mr. BLILEY, Mr. FORSYTHE, Mr. MCDONALD, Mr. PETRI Mr. FRANK, Mr. WILSON, Mr. BAFALIS, Mr. SOLOMON, Mr. LIVINGSTON, Mr. JEFFRIES, Mr. D'AMOURS, Mr. GOODLING, Mr. COATS, Mr. HUGHES, Mr. DOUGHERTY, Mr. DUNCAN, Mr. LEBOUTILLIER, Mr. HERTEL, Mr. HOPKINS, Mr. ERLENBORN, and Mr. MILLER of Ohio.
H.R. 6348: Mr. FUQUA, Mr. BEARD, Mr. BOLAND, Mr. WEAVER, Mr. BLILEY, Mr. LIVINGSTON, Mr. MAZZOLI, Mr. BENEDICT, Mr. DUNCAN, Mr. LOEFFLER, Mr. SNYDER, Mr. FRANK, Mr. MOAKLEY, Mr. FASCELL, Mr. BRINKLEY, Mr. GONZALEZ, Mr. IRELAND, and Mr. FROST.
H.R. 6352: Mr. DERWINSKI and Mr. JEFFRIES.
H.R. 6375: Mr. D'AMOURS, Mr. DAUB, and Mr. DICKS.
H.R. 6542: Mr. HENDON.
H.J. Res. 172: Mr. LOTT.
H.J. Res. 386: Mr. ALBOSTA, Mr. ANDERSON, Mr. ANDREWS, Mr. ARCHER, Mr. AUCOIN, Mr. BAILEY of Pennsylvania, Mr. BEDELL, Mr. BENEDICT, Mr. BEREUTER, Mr. BLILEY, Mr. BOLAND, Mr. BRODHEAD, Mr. BROWN of California, Mr. BURGENER, Mrs. BYRON, Mr. CAMPBELL, Mr. CARNEY, Mr. CHAPPIE, Mrs. CHISHOLM, Mr. CLAUSEN, Mr. CLINGER, Mr. CONYERS, Mr. COUGHLIN, Mr. JAMES K. COYNE, Mr. PHILIP M. CRANE, Mr. ROBERT W. DANIEL, JR., Mr. DANNEMEYER, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DYMALLY, Mr. EMERY, Mr. ERTEL, Mr. EVANS of Delaware, Mr. FAUNTROY, Mr. FIELDS, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOUNTAIN, Mr. FRENZEL, Mr. GEJDENSON, Mr. GOODLING, Mr. GRADISON, Mr. GRISHAM, Mr. HANSEN of Idaho, Mrs. HECKLER, Mr. HEFNER, Mr. HENDON, Mr. HILER, Mr. HOYER, Mr. HUNTER, Mr. HUTTO, Mr. JEFFRIES, Mr. JOHNSTON, Mr. JONES of North Carolina, Mrs. KENNELLY, Mr. KILDEE, Mr. KINDNESS, Mr. KRAMER, Mr. LEWIS, Mr. LEVITAS, Mr. LONG of Maryland, Mr. MCCLORY, Mr. MCDADE, Mr. MCKINNEY, Mr. MADIGAN, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. MICHEL, Mr. MILLER of Ohio, Mr. NELLIGAN, Mr. PAUL, Mr. QUILLEN, Mr. RATCHFORD, Mr. RINALDO, Mr. ROBINSON, Mr. RODINO, Mr. ROEMER, Mr. ROSE, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr. ROYBAL, Mr. RUDD, Mr. RUSSO, Mr. ST GERMAIN, Mr. SHAMANSKY, Mr. SHANNON, Mr. SHUMWAY, Mr. SIMON, Mr. SNYDER, Mr. SOLOMON, Mr. SPENCE, Mr. STUDDS, Mr. WEBER of Ohio, Mr. WEBER of Minnesota, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. ZABLOCKI, Mr. ZEFERETTI, Mr. BADHAM, Mr. BONIOR of Michigan, Mr. HARKIN, Mr. RITTER, and Mr. CONABLE.
H.J. Res. 456: Mr. PAUL, Mr. PURSELL, Mrs. BOUQUARD, Mr. CAMPBELL, Mr. ST GERMAIN, Mr. PRITCHARD, Mr. DREIER, Mr. MOLLOHAN, Mr. WINN, Mr. GINN, Mr. MCDONALD, Mr. RAHALL, and Mr. BENJAMIN.
H. Con. Res. 278: Mr. CLAUSEN, and Mr. BENEDICT.
H. Con. Res. 335: Mr. DORGAN of North Dakota.
H. Con. Res. 344: Mr. JEFFORDS, and Mr. HARKIN.
H. Con. Res. 346: Mr. HATCHER, Mr. PATTERSON, Mr. MATSUI, Mr. PEYSER, Mr. BONKER, Mr. BARNES, Mr. MOAKLEY, Mrs. CHISHOLM, Mr. FAUNTROY, Mr. NAPIER, Mr. HORTON, Mr. ROE, Mr. BEVILL, Mr. MCHUGH, Mr. SCHEUER, Mr. ADDABBO, Mr. GONZALEZ, Mr. STARK, Mr. EDWARDS of California, Mr. OTTINGER, Mr. SCHUMER, Mr. D'AMOURS, Mr. MURTHA, Mr. SUNIA, Mr. MARKEY, Mr.

WILSON, Mr. MITCHELL of Maryland, Mr. WEISS, Mr. LUNDINE, Mr. WYDEN, Mr. JACOBS, Mr. FRANK, Mr. BAILEY of Pennsylvania, Mr. RAHALL, Mr. WEAVER, Mr. HERTEL, Mr. CORRADA, Mr. OBERSTAR, Mr. AUCOIN, Mr. DAVIS, Mr. VENTO, Mr. BONNER of Tennessee, Mr. DOWDY, Mr. DWYER, Mr. TRAXLER, Mr. FAZIO, Mr. SOLARZ, and Mr. SEIBERLING.

H. Con. Res. 354: Mr. LEHMAN, Mr. GARCIA, Mr. DOWNEY, Mr. HOLLENBECK, Mr. BARNES, and Mr. MINETA.

H. Res. 451: Mr. BROYHILL, Mr. FRENZEL, Mr. BENEDICT, Mr. Forsythe, Mr. WEBER of Ohio, Mr. BEILENSON, Mr. FRANK, Mr. EDGAR, Mr. GRAY, and Mr. LIVINGSTON.

H. Res. 454: Mr. SUNIA, Mr. MITCHELL of Maryland, Mr. FLORIO, Mr. MARKEY, Mr. VENTO, Mr. WEISS, Mr. DWYER, and Mr. FARY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 391: Mr. MCDONALD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

467. The SPEAKER presented a petition of the State Road Commission, Welch, W. Va., relative to the continuance of the Appalachian Regional Commission; which was referred to the Committee on Public Works and Transportation.

SENATE—*Wednesday, June 9, 1982*

(Legislative day of Tuesday, June 8, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Our Father in Heaven, we thank Thee for Thy unconditional love and for the provision Thou hast made in the sacrifice of Christ for our failure and sin. Help us, Lord, when we are not willing to admit our need and thus deprive ourselves of that forgiveness, cleansing, and renewal. It has been said that unrelieved guilt is the most corrosive force in the human heart. Like acid, it burns out moral sensitivity and awareness, neutralizes conscience, dismantling values, dissipating spiritual energy, destroying resolve. We live in the fear of being discovered and the pressure of hiding the truth from spouse, children, friends, and even from Thee.

Gracious God of holy love, deliver us from the delusion that guilt can be ignored. Help us to see that it is poison to the soul. Enable us to turn to Thee in humble repentance and confession, receiving forgiveness and new life which Thou hast so graciously offered in Thy Son, in whose name we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the leadership time on this side be reserved until the completion of the remarks by the distinguished Senator from Arkansas (Mr. BUMPERS).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

PRESIDENT REAGAN'S EUROPEAN VISIT

Mr. STEVENS. Madam President, the United States is fortunate to have a President with leadership, foresight, and vigor. His strength and conviction have helped us to address the very tough issues that this country must face in order to overcome our current problems.

Over the past week, President and Mrs. Reagan have traveled across the Atlantic to visit our European neighbors. Long negotiations regarding economic and foreign policy were conducted with top leaders of the free world.

Yesterday, the President spoke at length to the British Parliament. He spoke not only of economic policy; he spoke of world policy encompassing the values of freedom, safety, democracy, and hope. While acknowledging troubled times in parts of the world, the President held out hope that peace and harmony can be attained in the near future. He maintained the belief that economic troubles will be overcome.

Madam President, the mark of a successful leader is one made by action not rhetoric. President Reagan is making his mark as a leader of the United States and a new leader of the free world. The respect he has gained from this visit to our good neighbors across the Atlantic will certainly reflect positively upon the lives of all Americans.

I ask unanimous consent that the speech delivered by the President to the British Parliament be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 9, 1982]

TEXT OF PRESIDENT REAGAN'S ADDRESS TO PARLIAMENT ON PROMOTING DEMOCRACY

LONDON, June 8 (AP)—Following is the text of President Reagan's speech today to the British Parliament, as made public by White House officials:

The journey of which this visit forms a part is a long one. Already it has taken me to two great cities of the West—Rome and Paris—and to the Economic Summit at Versailles. There, once again, our sister democracies have proved that, even in a time of severe economic strain, free peoples can work together freely and voluntarily to address problems as serious as inflation, unemployment, trade and economic development in a spirt of cooperation and solidarity.

Other milestones lie ahead later this week. In Germany, we and our NATO allies will discuss measures for our joint defense and America's latest initiatives for a more peaceful, secure world through arms reductions.

Each stop of this trip is important but, among them all, this moment occupies a special place in my heart and the hearts of my countrymen—a moment of kinship and homecoming in these hallowed halls.

FEELING AT HOME IN BRITAIN

Speaking for all Americans, I want to say how very much at home we feel in your house. Every American would, because this is one of democracy's shrines. Here the rights of free people and the processes of representation have been debated and refined.

It has been said that an institution is the lengthening shadow of a man. This institution is the lengthening shadow of all the men and women who have sat here and all those who have voted to send representatives here.

This is my second visit to Great Britain as President of the United States. My first opportunity to stand on British soil occurred almost a year and a half ago when your Prime Minister graciously hosted a diplomatic dinner at the British Embassy in Washington. Mrs. Thatcher said then that she hoped that I was not distressed to find staring down at me from the grand staircase a portrait of His Royal Majesty, King George III.

She suggested it was best to let bygones be bygones and—in view of our two countries' remarkable friendship in succeeding years—she added that most Englishmen today would agree with Thomas Jefferson that "a little rebellion now and then is a very good thing."

From here I will go to Bonn, and then Berlin, where there stands a grim symbol of power untamed. The Berlin Wall, that dreadful gash across the city, is in its third decade. It is the fitting signature of the regime that built it.

And a few hundred kilometers behind the Berlin Wall there is another symbol. In the center of Warsaw there is a sign that notes the distances to two capitals. In one direction it points toward Moscow. In the other it points toward Brussels, headquarters of Western Europe's tangible unity. The marker says that the distances from Warsaw to Moscow and Warsaw to Brussels are equal. The sign makes this point: Poland is not East or West. Poland is at the center of European civilization. It has contributed mightily to that civilization. It is doing so today by being magnificently unreconciled to oppression.

Poland's struggle to be Poland and to secure the basic rights we often take for

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

granted demonstrates why we dare not take those rights for granted. Gladstone, defending the Reform Bill of 1866, declared: "You cannot fight against the future. Time is on our side." It was easier to believe in the inevitable march of democracy in Gladstone's day—in that high noon of Victorian optimism.

We are approaching the end of a bloody century plagued by a terrible political invention—totalitarianism. Optimism comes less easily today, not because democracy is less vigorous but because democracy's enemies have refined their instruments of repression. Yet optimism is in order because, day by day, democracy is proving itself to be a not-at-all fragile flower.

From Stettin on the Baltic to Varna on the Black Sea, the regimes planted by totalitarianism have had more than 30 years to establish their legitimacy. But none—not one regime—has yet been able to risk free elections. Regimes planted by bayonets do not take root.

The strength of the Solidarity movement in Poland demonstrates the truth told in an underground joke in the Soviet Union. It is that the Soviet Union would remain a one-party nation even if an opposition party were permitted—because everyone would join that party.

The threats to the world

America's time as a player on the stage of world history has been brief. I think understanding this fact has always made you patient with your younger cousins. Well, not always patient. I do recall that on one occasion Sir Winston Churchill said in exasperation about one of our most distinguished diplomats, "He is the only case I know of a bull who carries his china shop with him."

Witty as Sir Winston was, he also had that special attribute of great statesmen: the gift of vision, the willingness to see the future based on the experience of the past.

It is this sense of history, this understanding of the past, that I want to talk with you about today, for it is in remembering what we share of the past that our two nations can make common cause for the future.

We have not inherited an easy world. If developments like the Industrial Revolution, which began here in England, and the gifts of science and technology have made life much easier for us, they have also made it more dangerous. There are threats now to our freedom, indeed, to our very existence, that other generations could never even have imagined.

Threat of global war

There is, first, the threat of global war. No President, no Congress, no Prime Minister, no Parliment, can spend a day entirely free of this threat. And I don't have to tell you that in today's world, the existence of nuclear weapons could mean, if not the extinction of mankind, then surely the end of civilization as we know it.

That is why negotiations on intermediate range nuclear forces now under way in Europe and the Start talks—Strategic Arms Reduction Talks—which will begin later this month, are not just critical to American or Western policy; they are critical to mankind. Our commitment to early success in these negotiations is firm and unshakable and our purpose is clear; reducing the risk of war by reducing the means of waging war on both sides.

At the same time, there is a threat posed to human freedom by the enormous power of the modern state. History teaches the danger of government that overreaches: political control takes precedence over free economic growth; secret police, mindless bureaucracy—all combining to stifle individual excellence and personal freedom.

Now I am aware that among us here and throughout Europe there is legitimate disagreement over the extent to which the public sector should play a role in a nation's economy and life. But on one point all of us are united: our abhorrence of dictatorship in all its forms but most particularly totalitarianism and the terrible inhumanities it has caused in our time: the great purge, Auschwitz and Dachau, the Gulag and Cambodia.

Historians looking back at our time will note the consistent restraint and peaceful intentions of the West. They will note that it was the democracies who refused to use the threat of their nuclear monopoly in the 40's and early 50's for territorial or imperial gain. Had that nuclear monopoly been in the hands of the Communist world, the map of Europe, indeed, the world, would look very different today. And certainly they will note it was not the democracies that invaded Afghanistan or suppressed Polish Solidarity or used chemical and toxin warfare in Afghanistan or Southeast Asia.

If history teaches anything, it teaches: self-delusion in the face of unpleasant facts is folly. We see around us today the marks of our terrible dilemma—predictions of doomsday, antinuclear demonstrations, an arms race in which the West must for its own protection be an unwilling participant. At the same time, we see totalitarian forces in the world who seek subversion and conflict around the globe to further their barbarous assault on the human spirit.

What should the West do?

What, then, is our course? Must civilization perish—in a hail of fiery atoms? Must freedom wither—in a quite, deadening accommodation with totalitarian evil? Sir Winston Churchill refused to accept the inevitability of war or even that it was imminent. He said: "I do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines. But what we have to consider here today while time remains, is the permanent prevention of war and the establishment of conditions of freedom and democracy as rapidly as possible in all countries."

This is precisely our mission today: to preserve freedom as well as peace. It may not be easy to see, but I believe we live now at a turning point.

In an ironic sense, Karl Marx was right. We are witnessing today a great revolutionary crisis—a crisis where the demands of the economic order are colliding directly with those of the political order. But the crisis is happening not in the free, non-Marxist West, but in the home of Marxism-Leninism, the Soviet Union.

It is the Soviet Union that runs against the tide of history by denying freedom and human dignity to its citizens. It also is in deep economic difficulty. The rate of growth in the Soviet gross national product has been steadily declining since the 50's and is less than half of what it was then. The dimensions of this failure are astounding; a country which employs one-fifth of its population in agriculture is unable to feed its own people.

Were it not for the tiny private sector tolerated in Soviet agriculture, the country might be on the brink of famine. These private plots occupy a bare 3 percent of the arable land but account for nearly one-quarter of Soviet farm output and nearly one-third of meat products and vegetables.

Overcentralized, with little or no incentives, year after year the Soviet system pours its best resource into the making of instruments of destruction. The constant shrinkage of economic growth combined with the growth of military production is putting a heavy strain on the Soviet people.

What we see here is a political structure that no longer corresponds to its economic base, a society where productive forces are hampered by political ones.

The decay of the Soviet experiment should come as no surprise to us. Wherever the comparisons have been made between free and closed societies—West Germany and East Germany, Austria and Czechoslovakia, Malaysia and Vietnam—it is the democratic countries that are prosperous and responsive to the needs of their people.

And one of the simple but overwhelming facts of our time is this: of all the millions of refugees we have seen in the modern world, their flight is always away from, not toward, the Communist world. Today on the NATO line, our military forces face east to prevent a possible invasion. On the other side of the line the Soviet forces also face east—to prevent their people from leaving.

Resisting totalitarianism

The hard evidence of totalitarian rule has caused in mankind an uprising of the intellect and will. Whether it is the growth of the new schools of economics in America or England or the appearance of the so-called new philosophers in France, there is one unifying thread running through the intellectual work of these groups: rejection of the arbitrary power of the state, the refusal to subordinate the rights of the individual to the superstate, the realization that collectivism stifles all the best human impulses.

Since the Exodus from Egypt, historians have written of those who sacrificed and struggled for freedom: the stand at Thermopylae, the revolt of Spartacus, the storming of the Bastille, the Warsaw uprising in World War II.

More recently we have seen evidence of this same human impulse in one of the developing nations in Central America. For months and months the world news media covered the fighting in El Salvador. Day after day, we were treated to stories and film slanted toward the brave freedom fighters battling oppressive Government forces in behalf of the silent, suffering people of that tortured country.

Then one day those silent suffering people were offered a chance to vote to choose the kind of Government they wanted. Suddenly the freedom fighters in the hills were exposed for what they really are: Cuban-backed guerrillas who want power for themselves and their backers, not democracy for the people.

They threatened death to anyone who voted and destroyed hundreds of buses and trucks to keep people from getting to the polling places. But on election day, the people of El Salvador, an unprecedented 1.4 million of them, braved ambush and gunfire, trudging miles to vote for freedom.

They stood for hours in the hot sun waiting for their turn to vote. Members of our Congress who went there as observers told me of a woman wounded by rifle fire who refused to leave the line to have her wound treated until after she had voted.

A grandmother, who had been told by the guerrillas she would be killed when she re-

turned from the polls, told the guerrillas, "You can kill me, kill my family, kill my neighbors, but you can't kill us all." The real freedom fighters of El Salvador turned out to be the people of that country, the young, the old and the in-between. Strange, but there has been little if any news coverage of that war since the election.

Other fights today

Perhaps they'll say it's because there are newer struggles now. On distant islands in the South Atlantic, young men are fighting for Britain. And, yes, voices have been raised protesting their sacrifice for lumps of rock and earth so far away. But those young men aren't fighting for mere real estate.

They fight for a cause, for the belief that armed aggression must not be allowed to succeed, and that people must participate in the decisions of government under the rule of law. If there had been firmer support for that principle some 45 years ago, perhaps our generation wouldn't have suffered the bloodletting of World War II.

In the Middle East, the guns sound once more, this time in Lebanon, a country that for too long has had to endure the tragedy of civil war, terrorism and foreign intervention and occupation. The fighting in Lebanon on the part of all parties must stop and Israel must bring its forces home. But this is not enough. We must all work to stamp out the scourge of terrorism that in the Middle East makes war an ever-present threat.

Some signs of hope

But beyond the trouble spots lies a deeper, more positive pattern. Around the world today, the democratic revolution is gathering new strength. In India, a critical test has been passed with the peaceful change of governing political parties. In Africa, Nigeria is moving in remarkable and unmistakable ways to build and strengthen its democratic institutions. In the Caribbean and Central America, 16 of 24 countries have freely elected governments. And in the United Nations, 8 of 10 developing nations which have joined the body in the past five years are democracies.

In the Communist world as well, man's instinctive desire for freedom and self-determination surfaces again and again. To be sure, there are grim reminders of how brutally the police state attempts to snuff out this quest for self-rule: 1953 in East Germany, 1956 in Hungary, 1968 in Czechoslovakia, 1981 in Poland.

But the struggle continues in Poland, and we know there are even those who strive and suffer for freedom within the confines of the Soviet Union itself. How we conduct ourselves here in the Western democracies will determine whether this trend continues.

No, democracy is not a fragile flower; still it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy.

Some argue that we should encourage democratic change in right-wing dictatorships, but not in Communist regimes. To accept this preposterous notion—some well-meaning people have—is to invite the argument that, once countries achieve a nuclear capability, they should be allowed an undisturbed reign of terror over their own citizens. We reject this course.

As for the Soviet view, Chairman Brezhnev repeatedly has stressed that the competition of ideas and systems must continue and that this is entirely consistent with relaxation of tensions and peace. We ask only that these systems begin by living up to their own constitutions, abiding by their own laws and complying with the international obligations they have undertaken. We ask only for a process, a direction, a basic code of decency—not for instant transformation.

Drive to promote democracy

We cannot ignore the fact that even without our encouragement, there have been and will continue to be repeated explosions against repression in dictatorships. The Soviet Union itself is not immune to this reality. Any system is inherently unstable that has no peaceful means to legitimize its leaders. In such cases, the very repressiveness of the state ultimately drives people to resist it—if necessary, by force.

While we must be cautious about forcing the pace of change, we must not hesitate to clear our ultimate objectives and to take concrete actions to move towards them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings. So states the United Nations' Universal Declaration of Human Rights—which, among other things, guarantees free elections.

The objective I propose is quite simple to state: To foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

This is not cultural imperialism; it is providing the means for genuine self-determination and protection for diversity. Democracy already flourishes in countries with very different cultures and historical experiences. It would be cultural condescension, or worse, to say that any people prefer dictatorship to democracy.

Who would voluntarily choose not to have the right to vote; decide to purchase government propaganda handouts instead of independent newspapers; prefer government- to worker-controlled unions; opt for land to be owned by the state instead of those who till it; want government repression of religious liberty, a single political party instead of a free choice, a rigid cultural orthodoxy instead of democratic tolerance and diversity?

Since 1917, the Soviet Union has given covert political training and assistance to Marxist-Leninists in many countries. Of course, it also has promoted the use of violence and subversion by these same forces.

A bipartisan effort

Over the past several decades, West European and other Social Democrats, Christian Democrats and Liberals have offered open assistance to fraternal political and social institutions, to bring about peaceful and democratic progress. Appropriately for a vigorous new democracy, the Federal Republic of Germany's political foundations have become a major force in this effort.

We in America now intend to take additional steps, as many of our allies have already done, toward realizing this same goal. The chairman and other leaders of the National Republican and Democratic Party organizations are initiating a study with the bipartisan American Political Foundation to determine how the United States can best contribute—as a nation—to the global campaign for democracy now gathering force.

They will have the cooperation of Congressional leaders of both parties, along with representatives of business, labor and other major institutions in our society. I look forward to receiving their recommendations and to working with these institutions and the Congress in the common task of strengthening democracy throughout the world.

It is time that we committed ourselves as a nation—in both the public and private sectors—to assisting democratic development.

Enlisting others' help

We plan to consult with leaders of other nations as well. There is a proposal before the Council of Europe to invite parliamentarians from democratic countries to a meeting next year in Strasbourg. That prestigious gathering could consider ways to help democratic political movements.

This November, in Washington, there will take place an international meeting on free elections, and next spring there will be a conference of world authorities on constitutionalism and self-government hosted by the Chief Justice of the United States.

Authorities from a number of developing and developed countries—judges, philosophers and politicians with practical experience—have agreed to explore how to turn principle into practice and further the rule of law.

At the same time, we invite the Soviet Union to consider with us how the competition of ideas and values—which it is committed to support—can be conducted on a peaceful and reciprocal basis. For example, I am prepared to offer President Brezhnev an opportunity to speak to the American people on our television if he will allow me the same opportunity with the Soviet people. We also suggest that panels of our newsmen periodically appear on each other's television to discuss major events.

The possible Soviet reaction

I do not wish to sound overly optimistic, yet the Soviet Union is not immune from the reality of what is going on in the world. It has happened in the past: a small ruling elite either mistakenly attempts to ease domestic unrest through greater repression and foreign adventure or it chooses a wiser course—it begins to allow its people a voice in their own destiny.

Even if this latter process is not realized soon, I believe the renewed strength of the democratic movement, complemented by a global campaign for freedom, will strengthen the prospects for arms control and a world at peace.

I have discussed on other occasions, including my address on May 9, the elements of Western policies toward the Soviet Union to safeguard our interests and protect the peace. What I am describing now is a plan and a hope for the long term—the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people.

That is why we must continue our efforts to strengthen NATO even as we move forward with our zero-option initiative in the negotiations on intermediate range forces and our proposal for a one-third reduction in strategic ballistic missile warheads.

Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used. For the ultimate determinant in the struggle now going on for the world will not be bombs and rockets but a test of will and ideas—a trial of spiritual resolve: the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

Reasons to hope for success

The British people know that, given strong leadership, time and a little bit of hope, the forces of good ultimately rally and triumph over evil. Here among you is the cradle of self-government, the mother of parliaments. Here is the enduring greatness of the British contribution to mankind, the great civilized ideas: individual liberty, representative government and the rule of law under God.

I have often wondered about the shyness of some of us in the West about standing for these ideals that have done so much to ease the plight of man and the hardships of our imperfect world. This reluctance to use those vast resources at our command reminds me of the elderly lady whose home was bombed in the blitz; as the rescuers moved about they found a bottle of brandy she had stored behind the staircase, which was all that was left standing. Since she was barely conscious, one of the workers pulled the cork to give her a taste of it. She came around immediately and said: "Here now, put it back. That's only for emergencies."

Well, the emergency is upon us.

Let us be shy no longer—let us go to our strength. Let us offer hope. Let us tell the world that a new age is not only possible but probable.

During the dark days of the Second World War, when this island was incandescent with courage, Winston Churchill exclaimed about Britain's adversaries, "What kind of a people do they think we are?"

Britain's adversaries found out what extraordinary people the British are. But all the democracies paid a terrible price for allowing the dictators to underestimate us. We dare not make that mistake again. So let us ask ourselves: What kind of people do we think we are? And let us answer: free people, worthy of freedom and determined not only to remain so but to help others gain their freedom as well.

Sir Winston led his people to great victory in war and then lost an election just as the fruits of victory were about to be enjoyed. But he left office honorably—and, as it turned out, temporarily—knowing that the liberty of his people was more important than the fate of any single leader.

History recalls his greatness in ways no dictator will ever know. And he left us a message of hope for the future, as timely now as when he first uttered it, as opposition leader in the Commons nearly 27 years ago. "When we look back on all the perils through which we have passed and at the mighty foes we have laid low and all the dark and deadly designs we have frustrated, why should we fear for our future? We have," said Sir Winston, "come safely through the worst."

The task I have set forth will long outlive our own generation. But together, we, too, have come through the worst. Let us now begin a major effort to secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny.

Mr. THURMOND. Madam President, I should like to associate myself with the remarks of the distinguished acting majority leader concerning our President's trip overseas.

I watched the President speak to the British Parliament, and I watched his movements in other places. In my judgment, he ably represented this country and did so in a dignified and worthwhile manner. He is to be highly commended.

We are proud of the President, and we feel that this trip will result in great good to our country and will help to bring about peace throughout the world.

ORDER OF PROCEDURE

Mr. PROXMIRE. Madam President, I understand that I may use a couple of minutes of the minority leader's time, and I will proceed on that basis.

REPORT OF THE ANNUAL NUCLEAR STOCKPILE MEMORANDUM

Mr. PROXMIRE. Madam President, the most significant debate that will take place this year will determine this body's position on the continued production and deployment of nuclear arms. Unfortunatly, there has been far too little discussion of the facts concerning our present nuclear stockpile and our plans to produce more nuclear weapons. Yesterday, I called the attention of the Senate to an article by William Arkin, Thomas Cochran, and Milton Hoenig, which has pieced together the composition of the U.S. nuclear stockpile from open sources. The picture they draw is critical in understanding the imperative for and implications of arms control. Today, I call the attention of the Senate to the information gleaned by this study from the "Nuclear Weapons Stockpile" memorandum. This is what these experts reported:

THE STOCKPILE MEMORANDUM

The requirements for new warheads are determined by the Departments of Defense and Energy, and then approved by the President in an annual Nuclear Weapons Stockpile Memorandum. Congress, through approval of the budgets of the Departments, confirms both the weapon systems and warhead plans of the Executive. Traditionally, however, little critical oversight of the specifics of warhead production or materials supply has taken place. This is mostly due to the excessive secrecy surrounding nuclear warhead plans.

The Stockpile Memorandum determines the rate of warhead production and retirements over a period of fifteen years including materials requirements (prior to the 1982 Memorandum, the period was eight years). In the first five years of the Memorandum schedule, the specific rate of warhead production and retirement is detailed by warhead type and is closely tied to weapon system deployment plans. Beyond this period, only gross projections of retirements and new production are provided. Contingency requirements for rapid production increases are also computed in the out years of the Memorandum. The 1981 Memorandum, signed by President Carter in October 1980, authorized a substantial increase in new warhead production and growth in the size of the stockpile. The 1982 Memorandum, signed by President Reagan in early 1982, approved changes in the mix of warheads but authorized only a slight increase over the 1981 Carter plans. Reportedly, that increase amounts to 380 warheads over a five year period. These plans project a progressively increasing gap between production and retirement rates in the mid and late 1980s.

It is estimated that some 23,000 new nuclear warheads are planned for construction during the next ten years and an additional 14,000 are identified in current research and development programs throughout the mid-1990s (Table 3).

THE U.S. NUCLEAR STOCKPILE 1949–90

During the late 1970s, an average of approximately 1,000 warheads were produced annually, and approximately 1,300 warheads were retired. The new production rates, however, will roughly double the rate of the late 1970s. The 1981 Memorandum called for a "dramatic increase in warhead production." Despite this increase in warhead production the "total magnitude of the stockpile" will not change "in any great consequence."According to DOE, "the stockpile will remain well below the historic highs established in the late sixties." This is due to the concomitant increase in the rate of warhead retirements. Table I identifies those warheads earmarked for retirement in the current Memorandum.

GAYLORD NELSON HONORED BY UNITED NATIONS GROUP

Mr. PROXMIRE. Madam President, in the past 20 years the most dramatic change in American domestic policy has been in our discovery of the vital importance of protecting our environment. Rachel Carson jarred this country awake to the menace our technological revolution poses to the environment, but Gaylord Nelson who served with great distinction in this body for 18 years as my Wisconsin colleague has done far more than anyone else to translate that concern into action. Senator Nelson founded Earth Day. He authored most of the significant legislation to protect our air and water. He contributed more than any other public figure to the development of the environmental movement. For that reason I am especially proud to call to the attention of this body the honor the United Nations has bestowed on our former colleague for his contribution to the environmental movement.

I ask unanimous consent to have printed in the RECORD an article from the Milwaukee Journal of last Sunday reporting this honor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, June 1982]

U.N. GROUP LAUDS GAYLORD NELSON

WASHINGTON, D.C.—As part of its 10th anniversary observance, the United Nations Environment Program has honored former Wisconsin Sen. Gaylord Nelson for his contributions to the environmental movement.

At a ceremony here at the home of Wilhelm Wachtmeister, Swedish ambassador to the United States, a UNEP representative presented Nelson with the organization's

International Environmental Leadership Medal.

Nelson's son, Jeffrey, a student at the University of Wisconsin—Eau Claire, accepted the medal for his father, who was out of the city.

After his defeat for re-election in 1980, Nelson became chairman of the 60,000-member Wilderness Society, a nationwide environmental organization.

He was cited, however, for his authorship of legislation and other efforts on behalf of the environment during 18 years in the U.S. Senate. Among other things, Nelson was the founder of Earth Day, generally regarded as the beginning of the modern environmental movement.

UNEP, which has its headquarters in Nairobi, Kenya, was established 10 years ago by the U.N. General Assembly after representatives of 113 nations met in Stockholm, Sweden, for the first world conference on the human environment.

SPECIOUS NOTIONS ABOUT GENOCIDE

Mr. PROXMIRE. Madam President, some assert that the crime of genocide is already outlawed by domestic laws which forbid murder and the conspiracy to commit murder. They further argue that because genocide is already outlawed by laws against murder that the Genocide Convention infringes upon the jurisdiction of the States. Additionally, they believe that the Genocide Convention would create new crimes. These three notions about the Genocide Convention are clearly false and need to be refuted.

First, I would like to refute the notion that murder outlaws everything that genocide does. The Genocide Convention seeks to prevent the extermination of any national, ethnical, racial, or religious group. Thus, genocide is not limited to the destruction of life, but deals specifically with acts intended to destroy or debilitate a group. Besides the commonly held conception of genocide as the elimination of groups through mass murder, the Genocide Convention also prohibits such pernicious practices as forced sterilization and the mass abduction of children from their parents. In other words, genocide can be committed by means other than murder. Therefore, laws against murder are not sufficient to prohibit genocide.

The second notion to be refuted is that the Genocide Convention infringes upon the right of States in their domestic legislation by redefining the crime of murder. States rights are not infringed upon by the Convention because genocide and murder are two different crimes. Not only does genocide not apply to most instances of murder, but it also covers crimes that in no way fall under statutes prohibiting murder. Murder is defined as the criminal taking of another's life. Genocide is defined on the basis of the intent to destroy a particular group. In one sense, murder is broader and more inclusive because it deals with the criminal taking of any person's life. But in another sense, genocide is broader and more inclusive in that groups can be threatened by actions other than mass murder. The Genocide Convention does not redefine statutes against murder because genocide refers to a different crime.

The third notion to be refuted is the idea that the Genocide Convention would create new crimes. But the crime of genocide is not new. Rather, the Genocide Convention represents the first time in which the nations of the world have seriously attempted to define and enforce crimes against national, racial, ethnical, or religious groups. The attempts to enforce are what is new. To view disdainfully the new attempts to stop genocide is to fail to respond responsibly to efforts to put restraints upon man's increasing capability to destroy his fellow man. To fail to make use of a relatively new institution, a multilateral treaty, to aid in the prevention of genocide is also irresponsible.

Genocide is not a new name for murder. Rather, genocide is the name of an old crime, made more horrible by man's growing destructive capability, which nations now realize must be stopped. Since genocide and murder refer to different crimes, it is specious to argue that the Genocide Convention infringes upon States rights. I call on those who still oppose this important treaty to cast aside outworn beliefs and join with us in supporting ratification. Ratification should not be allowed to be delayed any longer.

I yield the floor.

Mr. STEVENS. Madam President, I ask unanimous consent that the time for the leaders on both sides be reserved now until after the special orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

ANTICRIME LEGISLATION

Mr. CHILES. Madam President, over the past weeks, together with Senator NUNN, I have taken the floor of the Senate and spoken out about crime and about the need for the Senate to act quickly to pass a package of anticrime bills. S. 2543 was introduced by myself and Senator NUNN and others. It is now on the Calendar, together with S. 2572, which has been introduced by the chairman of the Judiciary Committee and the ranking member, Senator THURMOND and Senator BIDEN, and myself and many others.

Both of these measures contain a package of anticrime bills which would go a long way toward bringing the Federal Government into the posture of playing a major role in trying to fight drugs and organized crime. Both of those bills are now on the Senate Calendar, can be taken up, and I and many others are trying to see that they are taken up in a timely fashion.

We have less than 60 legislative days remaining in this session to pass anticrime bills. The Senate is ahead of the House in regard to its movement on these bills. However, time is running out, so I think it is very necessary that we get these bills up, try to pass them, and send them to the House so that we can have a chance during this session to make a major mark on crime.

Madam President, thus far this session, we have failed to pass any major bill dealing with crime. Last year, we did pass two bills. One of them amended the statute of posse comitatus to allow the military to use its equipment and to use radar, satellite, and intelligence information it gathers and to make that information available to law enforcement officials. That helps to focus on organized crime.

I can report to you and to the Senate, Madam President, that we have already had some very favorable results because of that bill we passed last year in Florida. As a result of military radar planes, E-2 Hawkeye Navy planes, being based in south Florida for periods of time, we have seen a drastic slowdown in the amount of marihuana and cocaine being flown into south Florida. The planes have disrupted the pattern of smuggling, and they certainly have caused great relief right now.

Relief may only be temporary, and the smuggling routes may be changed. Nevertheless, it is interesting to see that results can be had. We, in Congress, have gotten some additional assets for the Coast Guard to fight drug smuggling. We have seen the work of the South Florida Task Force on Crime. We see results, all of which tell us, Madam President, that it is essential for us to go forward with a Federal effort, and try to increase the pressure now that we have an opportunity to do that.

I have tried to focus over these last days that I have been taking the Senate floor on the individual instances of crime and to show how it comes into the lives of innocent people. By doing that, I hope to remind my colleagues that crime is more than a bunch of statistics; every violent crime leaves the lives of victims shattered, and we all lose a little more in our confidence in the courts and our ability to convict and sentence criminals. That knowledge of what appears to be lenience by our courts has its deepest effect on the young people

of this country. The word gets out among our teenagers that it is all right to try to get away with crime. The chances are that you will not get caught, and if you do get caught and have to go to court, you will end up with little more than a slap on the wrist.

It is not so much an attitude that crime pays. It is more an attitude that if you get caught, nothing serious will happen. The result is that more and more young people are getting involved in crime.

I wish I could say that crime in these instances was no more than some harmless prank, some growing up, that went too far. Unfortunately, however, that is not the case. More and more young people are getting involved in serious crimes, and today's system, with its lack of deterrence, leads them to believe that if they are caught, the punishment will not be severe.

Last December, just before Christmas, a young Florida man named Gregory Adams was arrested in Hillsborough County, Fla., for assault. He had taken jewelry from one woman at knifepoint, and had attempted to rob another in the parking lot of a shopping center. For these crimes, Adams, then a minor, was sentenced to 2 months probation.

Earlier this year, Adams committed another crime, this one far more serious, and this time, the penalty was far more serious. Early on the morning of February 19, Adams approached two young girls who were waiting for their schoolbus in the small town of Seffner, Fla. Seffner is about 10 miles outside of Tampa. He was driving a car, and he stopped to ask directions. When one of the 12-year-old girls approached his car to give him directions, he grabbed her, and pulled the kicking and screaming girl into his car. He drove away to a deserted area, tied up and blindfolded the young girl, and then raped her. In the meantime, one of the other children waiting for the bus who had seen the abduction ran home, and told his parents, who called the police. The police were able to catch Adams almost immediately. At the trial for abduction, sexual assault, and violation of parole, Adams was found guilty by the jury. This time, however, the sentence was not a 2-month probation. It was a 149-year jail sentence, with specific provisions that the trial judge would determine any release on parole for the first 45 years of the sentence.

Madam President, some people might think that this sentence was too harsh. But I am sure that the parents and friends of the young girl do not think that the sentence was too harsh. And I am sure that the citizens of the town of Seffner, Fla., do not think that the sentence was too harsh.

But, looking back at this young man—you have to have some concern that he only received 2 months probation for holding someone up at knifepoint to take her jewelry. He never had to spend a day behind bars for holding up an old lady and putting a knife to her throat in order to take her jewelry. He probably thought he could get away with something else. Now he is going to spend 149 years in jail. But, what is even worse is that the 12-year-old girl might not have been assaulted to start with had the sentence been appropriate for the crime Adams had committed, a crime with a dangerous weapon. At least he would have known—if this young man had received a sentence of 3 or 5 years for the first time, he might not be facing the rest of his life behind bars now.

In Florida, people under the age of 25 accounted for half of all the arrests made in 1981. For class 1 crimes, crimes like murder, rape, and aggravated assault, people under 25 account for over 60 percent of all those arrested. Any fight against crime must place a special emphasis on turning our young people away from crime. One aspect of this emphasis has to be support for juvenile justice programs, that steer our youngsters in the right direction. Another way to get our children headed in the right direction begins at home, with each one of us as parents. Yet another aspect however, has to be making sure that our young people understand that breaking the law is very, very serious business, and that those who break the law will be caught and will go to jail and pay a heavy penalty. Today, we as parents cannot tell that to young people. They know that all too frequently, those who commit a crime will get little more than a slap on the wrist, even if they are caught and go to trial.

Title 3 of S. 2543 is a sentencing reform provision. It increases the penalties for anyone who uses a dangerous weapon to commit a crime, and it triples penalties for persons convicted of smuggling large amounts of marihuana. Cutting crime and making our communities safe is a big job, and it calls for many changes in our laws. But one essential change is to make sure that penalties for crimes are severe enough to make would-be lawbreakers think twice about committing a crime. Strong penalty provisions, especially ones that are enforced, will also be a message to our young people, a message not to get involved in crime to start with.

Madam President, to have a proper deterrent, there also has to be a finality to the sentencing process. We also must be sure that there is a continuity in our courts between the commission of the crime, the time that the person is tried and sentenced, and the time that he serves that sentence. That continuity provides a real deterrent. Another part of S. 2543 is a provision that amends the laws concerning habeas corpus to prevent frivolous appeals from State courts into the Federal courts. It would help to prevent endless appeals after long periods of time, sometimes 10, 15, or 20 years after the commission of a crime. During these long delays, witnesses might have disappeared and the criminal can use that technicality to walk free.

If we reformed habeas corpus, Madam President, young people who are convicted of crimes, would know not only the sentence going to be exacted but that they are going to have to serve out that sentence. That, of course, can be a true deterrent and that is what much of our sentencing system is about.

Madam President, we can get that message across to our young people and to all Americans, but only if we in the Senate act promptly to pass a package of anticrime proposals. Those two proposals that I have spoken of are now on the Senate Calendar and they are ready for action. But time is running out this session, and still the Senate has not acted. We cannot afford to wait much longer.

Madam President, I yield to the distinguished Senator from Georgia (Mr. NUNN) such time as I have remaining under the special order.

The PRESIDING OFFICER. The Senator from Georgia.

TITLE IV, CRIME CONTROL ACT OF 1982 HABEAS CORPUS—2

Mr. NUNN. Madam President, the writ of habeas corpus has been distorted by serious abuse. Rather than act as a bulwark of freedom for our citizens, it has been misused as an appeal device by convicted felons. Frequently, prisoners wait many years and, after witnesses have died, file a habeas corpus action seeking to set aside the judgment and sentence. In such cases, it is often an issue which was not raised and answered in the original record, and the government is simply incapable of refuting the prisoner's testimony. Such a system hardly contributes to public confidence in the judicial system. Most of us agree with those criminal justice experts who tell us that the greatest single deterrent to crime is swift and sure punishment for the guilty. Yet our system too often fails to deliver.

One reason, as Chief Justice Burger pointed out in his recent speech to the American Bar Association, is our inability to reach—at some point—finally of judgment. Judge Coleman of the Fifth Circuit Court of Appeals has stated.

> The [court] decisions say that the Writ may not be used as a second appeal, but from experience the outlaws know better. Instead of being a bulwark of freedom for

the citizen, it has been allowed to become a last, and too often a sure, refuge for those who have respected neither the law nor the Constitution.

One compelling example of the statements by these jurists is the case of Walker against Wainwright, which Senator CHILES has already mentioned. In 1937 Walker was convicted of raping a female child under the age of 10 years. He subsequently used the writ over 30 years later to seek a new trial.

This case is not unique. Our courts are crowded with petitions such as these, petitions which seek review of facts already decided and rulings already made. One example of this constant unending stream of appeals and petitions is the case of Louis against Blackburn. Louis pled guilty to manslaughter on December 19, 1969. In 1972 he filed a petition for writ of habeas corpus in the State courts, but withdrew it. Then in 1973, he filed a similar petition and it was denied.

In 1978, Louis filed the same petition in the State courts. This petition was dismissed as being repetitious, and the ruling was affirmed by the Louisiana Supreme Court. Louis then filed a petition for writ of habeas corpus in Federal court, and the Federal district court denied relief, in part on the ground that relief was barred by the doctrine of laches.

In 1980, the fifth circuit reviewed the ruling of the district court and rejected the finding pertaining to laches. The court held that since Louis had filed his petition in Federal court almost immediately after the denial of relief by the Louisiana Supreme Court, it was not a "delayed" petition. The court also noted that the original petition in State court was filed 3 years after the plea was rendered.

No explanation was given for the fact that Louis waited at least 5 years after the State courts initially denied relief before filing his petition in Federal court, or for the 5-year delay in the refiling of the State court action. This glaring fact was overlooked by the fifth circuit, even though it is evident that Louis was aware of his claim all along. By the time Louis' habeas proceedings are terminated, should there be a retrial, the State will be hard pressed to secure a conviction due to fading memories, lost evidence, diminished prosecutorial vigor, and so on.

Madam President, the rules for habeas corpus cases permit the dismissal of a petition on the ground of laches. However, few cases are dismissed on this ground. At any rate, a trial on the issue of laches is as burdensome as the trial on the merits and, accordingly, has afforded no real relief from stale claims like Walker's. The 3-year statute of limitations on habeas petitions provided for in title IV of the Crime Control Act of 1982 would provide the finality of judgment Chief Justice Burger has called for and bring to an end the absurd abuses of our judicial system exemplified by the Walker case, the Louis case, and the Bryan case.

RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. Bumpers) is recognized for not to exceed 15 minutes.

IMPLEMENTATION OF THE ALASKA LANDS ACT

Mr. BUMPERS. Madam President, 2 years ago at this time the Senate was preparing to decide the most important conservation question since the establishment of the national park system in 1916—the future of the federally owned lands in Alaska. The Alaska National Interest Conservation Act was passed by the Congress and signed into law in December 1980, so that the unique beauty and irreplaceable natural resources of Alaska would be preserved. The Alaska Lands Act was the result of years of careful study, debate, work, and compromise stretching over a decade.

Congress can take great pride in the enactment of this monumental legislation, which is widely regarded as being the most important conservation act in history. Now, 1½ years later, we should consider the status of the act's implementation, because implementation of the act according to congressional intent is of great importance to all who participated in its development, and it is the responsibility of Congress to insure that both the spirit and the letter of the law are being faithfully followed.

Recently, the Subcommittee on Public Lands and National Parks of the House Interior and Insular Affairs Committee held the first oversight hearings on implementation of the Alaska Lands Act. From testimony presented at the hearing, and a special status report prepared by the General Accounting Office, it appears that Congress has reason to be concerned about whether the legislation is being carried out as intended.

This is the reason several of my colleagues and I have come together this morning—to discuss some of the issues raised during the House oversight hearings and emphasize our commitment to seeing that the Alaska Lands Act is properly implemented. We have expressed our concerns about several specific problems in a letter to the President, and have called upon him to insist that the law be carried out in accordance with congressional intent. I ask unanimous consent that the full text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington D.C., June 9, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In 1980, after nearly a decade of study and debate, the Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA). This Act, considered by many the most important conservation legislation in this country's history, was the result of bipartisan cooperation and compromise, as well as tremendous public support. Those of us who participated in the drafting of the Alaska Lands Act take great pride in its passage. Accordingly, we would be negligent if we failed to monitor closely the actions of the Departments of the Interior and Agriculture in carrying out the provisions of the law.

Because of the scope and complexity of the Act, we realized that its implementation would be difficult. In the two years since passage of the Act, we have generally relied on the judgment of the land management agencies to carry out its provisions properly. But recent oversight hearings conducted by the House Public Lands Subcommittee and an April 19, 1982, report of the General Accounting Office have brought a number of problems with the implementation of the Act to our attention. After reviewing both the testimony presented at the hearings and the GAO report, we are very concerned that in some instances Congressional intent is not being implemented by the agencies responsible for carrying out the law.

Several issues raised during the House hearings are of particular concern to us.

One of the most critical provisions of the Alaska Lands Act was the treatment to be given to the coastal plain of the Arctic National Wildlife Refuge. Congress directed that a five-year study be conducted to assess surface values and the potential impact of energy development in the plain. Recently, the Secretary of the Interior attempted to transfer responsibility for the assessment from the Fish and Wildlife Service, the agency which has had responsibility for managing the coastal plain for 30 years, to the U.S. Geological Survey, an agency with no land or wildlife management responsibilities. A federal judge ruled that the action violated the law, stating that:

"Secretary Watt's transfer from the Fish and Wildlife Service to the U.S. Geological Survey, and his assignment to the U.S.G.S. of lead responsibility for approving exploration plans, was a clear error of judgment beyond his statutory authority."

Despite this clear language, we understand that the Department is appealing the decision, and we are concerned about the implications of U.S.G.S. management of the area.

The budget priorities for implementation of the Act are also disturbing to us. For example, the single largest budget item in the Interior Department's FY 1983 request for the Alaska program is $9.4 million for the Alaska Mineral Resource Assessment. This request is $1 million more than the total planning budget for Alaska for all other agencies combined. Further, the request is greater than that for operations on 54 million acres of national park land and more than requested for operations on the 76 million acres of national wildlife refuge lands in Alaska. The Alaska Lands Act increased

total national park land acreage in Alaska by more than 700 percent, but the Park Service budget requests only an additional 50 percent increase in funds to manage the additional area.

The Forest Service budget shows a similar imbalance. In FY 1982, 75 percent of the Alaska-Region 10 budget of $90 million was allocated to logging activities. In contrast, only 11 percent of the budget went to planning, management of fish and wildlife habitat, soil and water quality, and recreation or wilderness. While these intensive resource development activities are important, there must be a balance between funding for these programs and other less intensive management activities.

Still another problem with implementation of the act involves the Interior Department's claim of administrative authority to remove lands from the National Wilderness Preservation System for exchange. St. Mathew Island was added to the National Wildlife Refuge System in 1909, included in the National Wilderness Preservation System in 1970, and reconfirmed as a wilderness by the Alaska Lands Act. Despite this long history of protection, the Interior Department supports a land exchange in the area which will allow construction of facilities supporting exploratory drilling activities. An Interior Department Solicitor's opinion holds that the Secretary has the authority to carry out such an exchange, even if it requires the administrative removal of the lands involved from the National Wilderness Preservation System. This has never been attempted adminstratively before, and the implications for the Wilderness System are obvious. We share the view expressed by Congressman Seiberling in a letter to the Secretary of the Interior regarding this matter:

"A review of the legislative history . . . clearly reveals the intent of Congress in this regard. That intent is to provide the Secretary with authority to acquire land located within conservation system units; not to create new inholdings."

These and many other troubling administrative actions indicate that a redirection of the Alaska program is necessary. All those who were involved in the development of the Alaska legislation are aware that it is a carefully balanced compromise. Congress painstakingly considered competing needs for protection and development of Alaska's resources. Literally years of analysis and planning went into identifying and resolving resources conflicts.

We recognize that budget requirements have placed severe constraints on the agencies with regard to staffing and other needs. But we fear that the compromises adopted by Congress in 1980 are being overturned by administrative decisions, and that the balance between development and protection mandated by the Act is not being achieved.

The provisions of the Alaska Lands Act are far too important to be misinterpreted or improperly implemented. We urge you to review the implementation of the law, and especially those provisions we have specifically addressed. Where Congressional intent is not being followed, we hope that you will insist that the appropriate agencies redirect their actions.

Sincerely,

Dale Bumpers, Alan Cranston, Wendell Ford, Paul Tsongas, Gary Hart, Carl Levin, Henry M. Jackson, William Proxmire, Patrick Leahy, Howard Metzenbaum.

Mr. BUMPERS. Madam President, no one devoted more energy toward helping to decide the future of the Nation's most spectacular lands in Alaska than the Senator from Washington, Mr. JACKSON, who was then chairman of the Energy and Natural Resources Committee. He chaired every one of the more than 60 markups conducted in the Senate in the 95th and 96th Congresses. He also propsed most of the compromises which were ultimately enacted. Under his able leadership, the 50-year dream of protecting the priceless resources of Alaska in national parks and refuges became a reality for this generation and all future generations.

Mr. JACKSON. Madam President, as many of my colleagues know, I have been involved in a number of major Alaska issues beginning with the Statehood Act in 1958; the Alaska Native Claims Settlement Act in 1971; and of course, the Alaska Lands Act in 1980.

Based on this experience, I can assure you that without the great care that went into drafting the Alaska Lands Act, without the spirit of compromise that prevailed in Congress and in the private sector, and without the dedication of many thousands of citizens all across the country, this act would not have been passed.

However, this spirit of compromise and accommodation did prevail and our goal was achieved: To protect for all Americans, present and future, the unparalleled beauty of Alaska and to preserve for all time the natural resources which allow the rural native peoples of Alaska to follow a subsistence way of life. The intent of the act, as stated in the law, is, I believe, worth repeating here:

It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for wildlife species of inestimable value . . . ; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to preserve historic and archaeological sites, rivers and lands, and to preserve wilderness resource values . . . ; and to maintain opportunities for scientific research and undisturbed ecosystems.

During the painstaking crafting of this legislation, Congress also recognized the importance of striking a viable balance between resource protection and resource development. Congress was ever mindful of other national goals, not the least of which is energy independence, that could be met, at least in part, through properly managed development of Alaska's vast lands and abundant natural resources. Therefore, in the designation of specific areas to be preserved as national parks, refuges, wild and scenic rivers, wilderness, and national monuments, great care was taken—in fact Congress went out of its way—to avoid resource conflicts by leaving most high-value mineral, oil, gas, and timber lands outside of conservation system units.

Thus, a proper balance was achieved between the protection of Alaska's "crown jewels" and the economic development potential in Alaska's wealth of resources. Section 101(d) of the act reads in part:

The designation and disposition of public lands in Alaska pursuant to this Act are found to represent a proper balance between the preservation of national conservation system units and these public lands necessary and appropriate for more intensive use . . .

The Alaska Lands Act, then, should be viewed as the bottom line for the advocates of both resource protection and development. And it was a very carefully drawn line indeed. It now appears that the line may be crossed by an administration that is failing to correctly interpret the conservation mandate of that act in some critical areas. It also appears that some priorities being pursued by the administration are not the priorities directed by Congress in the act.

In this regard, the House oversight hearings were certainly timely. This is an appropriate forum for Congress to review implementation of this landmark legislation and to act to correct any actions that may be upsetting the balance that Congress so carefully built into the law. I hope the Senate will follow suit and perhaps conduct some hearings of our own in the not-too-distant future.

Mr. PROXMIRE. Madam President, shortly after taking office, Secretary of the Interior James Watt informed the public that he would use the budget as "an excuse to make policy decisions." In implementing the Alaska Lands Act he has done just that. He is using the budget to carry out policy decisions meant to expedite resource development and as a lever to unhinge conservation programs mandated by the act.

The Alaska National Interest Lands Conservation Act is, first and foremost, just what it says it is—a conservation act. The primary purpose of the act is:

To preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values (section 101(a), Public Law 96-487)

In contrast, the Interior Department budget for implementing the act is turning it into a resource development act.

For example, the single largest budget item in the Interior Department's fiscal year 1983 ANILCA budget request is $9.4 million for the Alaska Mineral Resource Assessment (section 1010). This is $1 million more

than the total planning budget for all other agencies combined in Alaska; $400,000 more than for operations on 54 million acres of Alaska's National Park land; and $5.5 million more than for operations on the 76 million acres of national wildlife refuge lands in Alaska. Yet, the $9.4 million mineral assessment program has no deadlines to meet, no plans to prepare, no programs to implement. All that is required is that an annual report be submitted to Congress.

Meanwhile, the National Park Service (NPS) is getting a mere 50 percent budget increase over its pre-ANILCA level to cope with a 700-percent increase in parkland. The additional $4.7 million the Park Service is getting provides for approximately 18 permanent professional-level employees assigned to the 10 new parks and three assigned to additions to the three old parks. On the average, then, each single new professional must try to manage 2 million acres—or an area equal in size to Yellowstone National Park. Five of the new parks have no one or only one person assigned to them. With the State of Alaska leading the Nation in spending to attract tourists ($11.4 million in 1982), this level of staffing is far from adequate to protect the parks.

Funds for park planning are also being cut. The act requires the Park Service to complete management plans for 13 parks and for 13 wild and scenic rivers by December 1985. In addition, 19 million acres are to be reviewed under section 1317 for possible inclusion in the wilderness preservation system by that date. Nevertheless, in fiscal year 1982, the administration requested only $235,000, less than one-seventh of the Park Service's estimated need of $1,718,000. This was, however, an improvement over the fiscal year 1981 supplemental budget, in which the administration requested no funds for a $1,288,000 planning need.

The budget the Bureau of Land Management provides also tips the balance toward development. For those programs listed in the GAO report which are clearly developmental in nature, the fiscal year 1981 supplemental budget request is $3,332,000—59 percent of the $5,621,000 estimated need. The request for conservation programs of $74,000 is only 2 percent of the estimated need of $3,406,000. Similarly, in fiscal year 1982 developmental programs received 57 percent of the amount requested—$5,057,000 of $8,889,000. Conservation programs again received only 2 percent—$141,000 of a $6,955,000 request.

Clearly, the Federal fiscal crisis demands budgetary restraint. But that restraint can be applied evenly. Particularly for Alaska's national interest lands, Congress has put a high priority on Federal conservation activities and that mandate is not being honored by the budgets so far proposed by the Department of the Interior.

● Mr. TSONGAS. Madam President, I join today in reviewing implementation of the Alaska Lands Act with several of my colleagues who were intimately involved in its passage. It was my privilege then, as now, to work with the Senator from Washington (Mr. JACKSON) to produce a carefully balanced compromise—a bill which preserves and protects Alaska's most spectacular wildlands while providing that other unreserved lands will be made available for more intensive use and development.

When Secretary Watt came before the Senate Energy and Natural Resources Committee for hearings on his nomination to head the Department of the Interior, I asked him several questions pertaining to Alaska lands issues. While Mr. Watt pleaded unfamiliarity with the legislation, he did assure me that the balance set by Congress would be maintained, that the letter and the spirit of the law would be met. It is becoming increasingly apparent to me that we do not share the same view of what is meant by balance. Secretary Watt, judging from his actions thus far, seems bent upon frustrating the intent of Congress in the enactment of this historic legislation.

It appears that the Secretary's every move on Alaska issues is designed to overturn the conservation-development scales so carefully balanced by Congress. Under the guise of implementing the law, the Secretary is, in fact, undoing the law. Through calculated use of the budget, selective enforcement of some provisions of the act but no enforcement of others, and by suspect interpretation of statutory provisions—the Alaska National Interest Lands Conservation Act is being transformed into the Alaska National Interest Lands Development Act.

The compromise reached by Congress was specifically designed to avoid resource conflicts. Congress passed this legislation to set aside certain lands to be preserved in their natural state "for the benefit, use, education, and inspiration of present and future generations." Most of the mandate imposed by the Alaska Lands Act upon the Department of the Interior directs conservation and preservation of lands set aside for protection. Developmental activities set in motion by the act are the exception rather than the rule, and are mostly limited to producing studies and plans for evaluating private development potential.

Nevertheless, Secretary Watt's actions and police directives have been weighted toward development, as though that were the main thrust of the bill. for example, of the four major lands managing agencies in Alaska, only the Park Service has been exempted from concentrating its funds and personnel to expedite and facilitate development. Take the budget for the Bureau of Land Management. Sixty percent of the Bureau's requests, fiscal year 1981 (supplemental) and fiscal year 1982, for estimated developmental activities were granted. From its estimated conservation requirements under the Lands Act, only 2 percent were approved. The BLM has been prohibited from carrying out any wilderness studies, but directed to expedite land use planning so that areas presently closed to mining can be reopened. The Fish and Wildlife Service is facing a battery of assaults from energy-related activities even on designated wilderness areas. The Forest Service, it appears, is no longer interested in forest values other than timber. The concepts of a multiple use and sustained yield are being thrown out the window in a drive to cut national forests at any cost. And while the Park Service has been largely protected from such onslaughts, its budgets for planning and baseline studies have also been cut deeply. So few field personnel have been added to the park and refuge staffs to manage the vast new land management responsibilities that each new staff member has 2 million acres to oversee. Meanwhile, the single largest budget item in the fiscal year 1983 budget request is $9.4 million for the mineral reserve assessment program of the USGS. This is $1 million more than the planning budget for all the other land managing agencies in Alaska combined, and yet the only requirement is that an annual report be submitted to Congress. There are no lands to manage, no plans to prepare, and no programs to implement.

All this, Madam President, should give Congress a clear indication of Mr. Watt's concept of balance. This emphasis on development activities, and total disregard for the law, should come as no surprise. As one of his first major statements of policy, Secretary Watt announced eight specific actions which were intended to put aside the "differences of the past" and to defuse "the Sagebrush Rebellion in Alaska." None of the eight actions were meant to provide any protection to Alaska's national interest lands. All were directed toward development. That was when the assault on the Alaska Lands Act began rolling. Sad to say, the attack is picking up speed.

Madam President, at the time of the Alaska lands debate there was no question in my mind that it was the single most important land conservation issue of this century. Nothing has occured in the past year and a half to make me change my mind about this monumental legislation.

Unfortunatley, Madam President, the Secretary of the Interior is of a different mind—I would hope that this administration would steer away from

its course which threatens to upset the sensitive balance of the Alaska Lands Act and reopen a divisive debate, which is in noone's best interest.●

● Mr. LEAHY. Madam President, the Department of the Interior is not alone in emphasizing the development-oriented provisions of the Alaska Lands Act while disregarding the conservation mandates. The U.S. Forest Service, within the Department of Agriculture, also is seriously shortchanging the nontimber mandates of the act, particularly in the Tongass National Forest.

With the passage of the Alaska Lands Act, the Forest Service was given new responsibilities for protecting and conserving other natural values of forests besides timber. The act designated 5.4 million acres of wilderness in the 17-million-acre Tongass National Forest and added 1.062 million acres to the Chugach National Forest in the Copper River area to be managed specially for the primary purpose of fish and wildlife conservation. Despite these mandates, the administration requested no funding in either the fiscal year 1981 supplemental or the fiscal year 1982 budget to implement any nontimber provisions of the act, according to a recent GAO report. I ask that the GAO budget table be printed in the RECORD at this point.

The table follows:

[Dollars in thousands]

U.S. Forest Service	Alaska Lands Act section	Fiscal year 1981 supplemental		Fiscal year 1982	
		Agency preliminary estimate	Administration request	Agency preliminary estimate	Administration request
Forest operation and management:					
Special regulation of part of the Chugach Forest	501	$213	$0	$75	$0
Management of two national monuments	503/504	1,138	0	315	0
Management of fishery resouces	505	286	0	117	0
Wilderness administration	707	345	0	430	0
Improved property administration	1303	146	0	115	0
Special wilderness management provisions	1315	30	0	0	0
Special allowed uses	1316	49	0	0	0
Boundary maps and legal descriptions	103	50	0	0	0
Special studies:					
Wild and Scenic River studies	604	66	0	115	0
Wilderness study	704	98	0	98	0
Increased timber yield study	705(c)	242	0	33	0
Southeast Alaska timber resources study	706	17	0	17	0
Oil and gas leasing and mineral assessment programs	1008/1010	0	0	49	0
Stikine River region access study	1113	16	0	16	0
Chugach region study	1430	227	0	58	0
Other requirements:					
Admiralty Island land exchange	506	100	0	100	0
Cooperative fisheries planning	507	178	0	46	0
Cooperative information and education centers	1305	71	0		
National Forest timber supply program	705(a)	[1] 36,073	22,000	54,075	45,300
Total		39,345	[2] 22,000	55,659	45,300

[1] Prior to the passage of the Alaska Lands Act, $6.2 million was expended on the program during fiscal year 1981.
[2] The Congress increased and approved the fiscal year 1981 supplemental request at $25 million—all for the section 705(a) timber supply program.

Mr. LEAHY. Madam President, the table shows both the Forest Service's estimate on needed funding to carry out the mandates of the act and the administration's budget request. In category after category, the Forest Service's requests for funds to carry out the conservation requirements of the law were refused. For example, to manage the two national monuments created by the act—Admiralty Island and Misty Fjords—the Forest Service asked for $315,000 in fiscal year 1982. The administration requested no funding. To administer wilderness areas designated by the act, the agency estimated a need for $430,000 but the administration provided no funds. To conduct special studies, the Service estimated a need of $115,000 for wild and scenic river studies and $98,000 for wilderness studies. The administration, again, requested no funding.

In the Agriculture Department's entire Alaska National Interest Lands Conservation Act (ANILCA) implementation budget, the administration requested funding for only one item, the Alaska National Forest timber supply program (section 705(A)). The Forest Service estimated the need at $54,075,000 and the administration requested $45,300,000.

Madam President, I am very concerned about the failure to provide any funds for the portions of the act which are not oriented to commodity production. The toll will be taken not only on those forest lands specifically set aside for protection as wilderness or special wildlife conservation areas, but on the multiple uses of the rest of the forest lands and on the ability of the Forest Service to assure a sustained timber yield into the future.

Section 705 of the act, the National Forest timber utilization program directs the Secretary of Agriculture "to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of four billion five hundred million foot board measure per decade." The GAO reports show that the Forest Service received $25 million in fiscal year 1981 supplemental and $44.3 million in fiscal year 1982 to implement this section. The report also shows that the Service "has started deviating from its standard management practices to achieve the specified rate." It is my understanding that, in "deviating from standard management practices" the Forest Service is not managing the Tongass for the goals of multiple-use and sustained yield. In managing this forest in this fashion, the Forest Service is misconstruing the intent of the act. The Forest Service appears to believe that section 705 requires an actual cut of 4.5 billion board feet per decade (or 450 million per year). Instead, Congress actual intent was that the Service simply offer this much for sale. Thus, despite the depressed timber market and despite the fact that the National Forest has a backlog of almost 40 billion board feet (bbf) which has been sold but not cut, the Service, in its draft regional plan released in November 1981, is proposing an ambitious timber provision schedule for the next 10 years.

Their road construction schedule is equally ambitious. The Service wants to spend more than $50 million per year in order to construct 250 to 300 miles of road per year. The "preroading" will open less accessible stands of timber and will make stands of lower volume timber artificially more attractive. We should not forget that tax funds build these roads, and this extensive and expensive preroading amounts, in fact, to a subsidy of the timber industry. We should also not forget that since all of the Tongass timber goes to Japan, it is also a subsidy to the Japanese housing industry.

John Crowell, Assistant Secretary of Natural Resources and the Environment in the Department of Agriculture, has been complaining about the "wilderness subsidy" in the Tongass. I submit that the opposite is the case. During the period from 1974 to 1978, the American taxpayer spent $53.3 million more than he received in timber receipts on the Tongass, and the situation has not improved since then. In fact, the open-ended funding provision of section 705 has enabled the Service to increase its timber production budget for Tongass.

And I further submit that Mr. Crowell should not be throwing stones. Of the two major firms operating on the Tongass, Mr. Crowell was previously general counsel to one, Louisiana-Pacific-Ketchikan (LPK). LPK was recently found guilty of antitrust violations in timber bidding practices on the Tongass. According to the judge, the companies involved conspired to drive down the prices they paid for Federal timber. Because of this illegal practice to artificially lower prices, the public was bilked out of a substantial sum of money in timber receipts. The Forest Service and the Justice Department have each completed investigations on this case months ago,

but no recommendations have been made as yet.

Other multiple-use mandates are being ignored as a result of the Forest Service's overemphasis on timber production. In order to achieve their expansive cutting goals, all remaining old-growth forests will be liquidated. These forests are vital to a variety of fish and wildlife species, such as the Sitka blacktail deer, which is an important species of great recreational and subsistence value. The Forest Service and the State of Alaska both consider the Sitka blacktail deer to be a management indicator species which, according to the National Forest Management Act regulations, is a:

. . . species with special habitat needs that may be influenced significantly by planned management programs, species commonly hunted, fished or trapped and additional plant or animal species selected because their population changes are believed to indicate effects of management activities on other species of a major biological community or on water quality.

The old-growth forests in Alaska which are being liquidated are the nataural habitat of these deer.

In a June 3, 1981, decision memorandum by the Governor of Alaska and the commissioners of fish and game, the State recognized that clearcut logging on a 90- to 100-year rotation was permanently changing old-growth forest to even-aged forests. They urged that an awareness be developed of what changes in the forest structure meant. State biologists have requested that, as a minimum, critical watersheds containing valuable old-growth stands be preserved so that other multiple-use purposes can be served. So far, the Service has failed to recognize the problem.

Madam President, the Congress, in passing the Lands Act, did not intend that the careful forest management practices in Alaska would be cast aside. As everywhere else in the Nation, national forests there are a heritage and contain a rich supply of renewable national resources, timber being one among many others such as fish and wildlife, clean water and air, soil conservation, and recreation. I urge the Forest Service to implement the historic Alaska lands legislation in the manner in which Congress intended, balancing development with conservation and production with protection.●

● Mr. LEVIN. Madam President, one of the compromises of the Alaska Lands Act that was most difficult to attain concerned the delicate and unique coastal plain of the Arctic National Wildlife Refuge. The refuge is one of our Nation's largest wildlife refuges, embracing the last untouched portion of the American Arctic; containing a wide spectrum of pristine ecologies, it stretches from the mountains to the sea.

The coastal plain of the refuge is the calving ground for the international porcupine caribou herd. It provides vital habitat to polar bears, musk oxen, and millions of birds and other wildlife that depend on its undisturbed wilderness character.

It also contains approximately 5 percent of the onshore Alaskan lands that are classified as "favorable" or "high potential" for oil and gas. Congress acted to resolve the possible resource conflict between wilderness preservation and energy development in a compromise that called for the collection of additional information that would carefully assess and weigh the surface wilderness values against the subsurface energy potential of the coastal plain, and enable Congress to determine the best use of the area.

Because this compromise—which became section 1002 of the act—was so difficult to achieve, the floor discussions among the framers of the compromise are particularly important in defining Congress intent. A number of recent actions by Interior Secretary James Watt violate the clear mandate of the act and its legislative history.

For instance, despite explicit legislative history directing that the Fish and Wildlife Service (FWS) was to be in charge of the assessment, Secretary Watt ordered the transfer of that responsibility to the U.S. Geological Survey (USGS).

The fundamental and overriding concern of the resource assessment program on the coastal plain is that maximum protection be provided to the fish, wildlife, and surface resources. The act's legislative history makes this clear, as stated by Senator JACKSON:

Any exploration activities within the "coastal plain" shall be conducted in a manner which will assure the maximum protection of surface resources and wildlife values (CONGRESSIONAL RECORD, S11139, August 18, 1980).

The Secretary's decision to transfer lead authority from FWS to USGS and to reduce the scope and effectiveness of the baseline study violates both the overall intent of the resource assessment program and ignores the inadequacy of currently available surface resource data.

These decisions have not gone unchallenged. Sued by coastal plain Natives whose lives depend upon healthy populations of wildlife, the Secretary was ordered, by November 1981, to restore the Fish and Wildlife Service to its rightful position in charge of the assessment. Basing his decision on ANICLA and the Refuge Administration Act, the Federal judge found:

That Secretary Watt's transfer—from FWS to USGS, and his assignment to USGS of lead responsibility for approving exploration plans, was a clear error of judgment beyond his statutory authority.

The Department has appealed. In the meantime, it is continuing to defy Congress instructions on the resource protection provisions of section 1002.

In addition, the Secretary shortened to 12 months the time for preparing the mandatory baseline study of the surface resources of the coastal plain and the impacts that seismic oil and gas exploration might have on them. The act allowed for an 18-month study and was a bottom-line compromise, already drastically reduced from the 8-year study period that had originally been proposed. Eighteen months was thought necessary to allow for the collection of two seasons of field data. The result of shortening the study period established by the previous administration and disrupting the program's management is that no field data has been collected for the baseline study. Instead, it depends entirely on data that was available when the Alaska Lands Act was passed—when the Congress decided that more information was necessary before preparing adequate seismic exploration guidelines.

The Secretary of the Interior also ignored the explicit legislative mandate that baseline studies precede the writing of exploration guidelines when he directed, on March 12, that "work is to begin immediately on drafting the exploration regulations." The Secretary also published an expedited schedule for opening the Coastal Plain to exploration and stated:

It is my goal that the regulations be in place to allow for exploration to begin no later than December 1982. The regulations and EIS are to be final no later than July 1982.

The administration continues to pursue its expedited schedule—although the baseline studies required by law have neither been adequately conducted nor published.●

● Mr. METZENBAUM. Madam President, a serious situation is developing on another of Alaska's national wildlife refuges. St. Matthew Island is a part of the Alaska Maritime Refuge. It has been a refuge since 1909 and a designated component of the national wilderness preservation system since 1970. The Alaska Lands Act reaffirmed both of these designations. Nevertheless, the administration is currently nearing the end of negotiations to trade away this island wilderness so that it may be developed as a staging area for Outer Continental Shelf exploration by private oil companies.

Madam President, this proposal not only poses direct threats to the unique wildlife species of this pristine Bering Sea island, but even more important, it would totally undermine the integrity of the national wilderness preservation system and set an intolerable precedent for the future of Alaskan wilderness areas.

The Department of the Interior argues, in a February 5, 1982, Solicitor'

opinion, that the Secretary has the administrative authority to take land out of the wilderness system under section 1302(h) of the Alaska Lands Act. My response is that only Congress can put lands into the wilderness system and only Congress can take lands out. This is not an administrative option, and the Alaska Lands Act did nothing to change that. Congressman JOHN SEIBERLING, the very distinguished chairman of the House Interior Public Lands Subcommittee, and author of much of the act and of this section in particular, explained the intent of the section in an October 28, 1981, letter to G. Ray Arnett, Assistant Secretary of the Interior:

As author of section 1302, I must take issue with the notion that the Secretary has authority to enter into such an exchange—section 1302 was prepared principally to address a concern expressed at hearings by many Alaskans that once conservation system units were established by law the Federal government would condemn inholdings. Thus, the genesis of 1302 was in response to a perceived need to provide the Secretary with authority to acquire inholdings in conservation system units, but with restraint.

A review of the legislative history of Section 1302 clearly reveals that the intent of Congress in this regard. That intent is to provide the Secretary with authority to acquire land located within conservation system units; not to create new inholdings in conservation system units whether established by law or inexistence prior to enactment of the Alaska National Interest Lands Conservation Act.

The St. Matthew situation first arose in March 1982 when an oil company consortium headed by Atlantic Richfield (ARCO) approached USGS for assistance "in obtaining approval to construct" a facility supporting Outer Continental Shelf exploratory drilling in the Navarin Basin. When USGS replied that St. Matthew's "designation as a wilderness area generally precludes any construction or development or use of such an area as proposed." ARCO went to G. Ray Arnett, Assistant Secretary for Fish, Wildlife, and Parks at the Department of the Interior. ARCO was informed that "while sympathetic to the problem, the Interior Department lacks authorization to deal with ARCO short of legislation, but suggested that a land exchange involving a Native corporation might satisfactorily resolve the matter." ARCO took the advice and entered into an agreement with the Cook Inlet Region, Inc. (CIRI). Cook Inlet has been negotiating with the Fish and Wildlife Service since last fall.

An article which appeared in the Washington Post on May 15, 1982, explains the issues fully and I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, May 15, 1982]

OIL FIRM PLANNING AIRFIELD ON A PRISTINE ALASKA ISLAND

(By Dale Russakoff)

With the Interior Department's blessing, the nation's seventh-largest oil company is negotiating to build an air base, with runways the length of Washington National Airport's, on a pristine Alaska island that Congress voted in 1970 to keep "untrammeled by man."

Alaska's St. Matthew Island is "as close to pure wilderness as can be found in the United States today," a recent Interior report says. The treeless stretch of tundra and cliffs in the Bering Sea is home to arctic foxes, sea lions, gray whales, several million sea birds and no humans.

Once part of the land bridge between Asia and North America, it harbors species from both continents. To keep it that way, Congress placed the island in the wilderness system in 1970, a blanket ban on development.

When Atlantic Richfield Co. (ARCO) asked Interior a year ago for permission to build an airfield and harbor on St. Matthew for offshore oil and gas exploration, the answer was a flat no. The Wilderness Act spoke clearly: "There shall be no commercial enterprise . . . no landing of aircraft" in wilderness areas.

But that was before Interior's U.S. Geological Survey directed the oil company in a 1981 letter to explore "appropriate administrative channels." ARCO took the advice.

The result: ARCO struck a bargain with a group of Alaska Indians, Aleuts and Eskimos to run interference through the wilderness laws.

The plan is for the natives to acquire the island land, invoking a federal law designed to protect native claims, and then lease it to ARCO at a handsome profit.

One year after the initial request, Interior has deployed more than a dozen biologists, real estate specialists, marine refuge staffers, offshore oil exploration analysts, researchers, attorneys and ecologists to study the air base proposal, and has produced a solicitor's opinion that, in the words of Interior's deputy undersecretary for Alaska, "gives it the green light."

All parties appear pleased with the bargain. ARCO would get its air base; the natives would make millions of dollars, although no figure has been set yet for the lease. And Interior says the nation's wildlife system would be a winner, too, because the natives will be required to trade land within existing wildlife refuges for the 2,560 St. Matthew acres.

"We expect to get back a lot more land than we give up," said Interior Undersecretary William Horn.

But on Capitol Hill there are cries that the proposed deal circumvents the will of Congress. In Alaska native groups are questioning the idea of making money at the expense of the state's natural heritage.

Environmentalists are threatening to sue in the name of the Wilderness Act and the 1980 Alaska Lands Act, which reaffirmed St. Matthew's wilderness status. And Interior is caught in a balancing act between its conflicting missions of developing offshore oil and protecting the environment.

Interior's Fish and Wildlife Service in Anchorage is still negotiating the land exchange with Cook Inlet Region Inc., the corporation of Indians, Aleuts and Eskimos involved in the swap. The only snag is how much land the natives will cede in return for the St. Matthew acreage.

"Basically, they want more land out of our clients' hides," said an attorney for the natives.

If the Anchorage office approves the exchange, it will be forwarded to Washington for approval, eventually to Secretary James G. Watt.

Horn stressed that Interior will block the deal unless the natives trade enough land to constitute a "net benefit" to the wildlife system. Interior has not yet calculated the potential wildlife loss from development on St. Matthew, but that will eventually be considered, he said.

A "net benefit" swap, Horn said, would meet the spirit of the Alaska Lands Act, which was intended to preserve the state's cultural and natural heritage.

Rep. John F. Seiberling (D-Ohio) disagrees. "Congress made it wilderness, and it's up to Congress to take it out of wilderness," said Seiberling, an author of the Alaska Lands measure. He said he might vote for such a measure if Interior submitted it to Congress and proved it was needed, but "I do not like the precedent of allowing the executive branch to make this kind of an inroad in a wilderness area."

The Wilderness Society, the Audubon Society and the Sierra Club have promised to sue to try to block the swap if Interior approves it.

The groups have obtained an internal memo from the Fish and Wildlife Service saying, "Development on St. Matthew is completely contrary to the wilderness values of the refuge. Construction on even a small section of the island and the commencement of air traffic would degrade the wilderness value of the entire refuge." Air traffic, the memo says, could kill substantial numbers of seabirds, causing adults to abandon chicks and eggs.

The legal debate centers on a section of the Alaska Lands law that allows Indian corporations to exchange lands within wildlife refuges for other public lands. Seiberling, who helped write the section, said it was designed to help Interior eliminate private holdings within wildlife ranges, not to erase one private holding and create another.

But Horn, a former Republican staff member on the House Interior Committee, contends that the conservationists and Seiberling are misreading the law. So does Sen. Ted Stevens (R-Alaska), who in a 1970 speech on the Senate floor supported the designation of St. Matthew as wilderness "to ensure that the natural habitats and breeding grounds of the special seabirds and wildlife on these islands remain well protected."

"We wrote a little of that law too," said a Stevens aide. "Contrary to Mr. Seiberling's views, that law was written to allow exactly what's being done. That base would help protect human life during oil exploration. We feel it's in the interest of the state and the country."

That is essentially the case ARCO made in a June letter to Assistant Interior Secretary G. Ray Arnett, who oversees fish, wildlife and parks programs. Arnett, a former ARCO geologist, has left the matter to his subordinates, according to a spokesman.

ARCO wants to use the proposed St. Matthew base for an exploratory well the company plans to drill next summer, in partnership with 17 other oil companies, according to a company spokesman. The oil firms will use findings from the test well to prepare bids for a 1984 Interior Department lease of oil and gas resources in the Navarin Basin.

The basin is so isolated from existing land bases that it would take more than two days to rescue crewmen or clean up spills in case of emergencies, ARCO Vice President G. T. Wilkinson wrote Arnett last year. Rescue crews could reach the well site from St. Matthew in less than half a day, Wilkinson said.

ARCO's plans for the base include two 6,500-foot runways (National's longest runway is 6,870; its shortest is 5,212), a 1½-mile gravel roadway, warehouses and a harbor. There would be regular takeoffs and landings of large supply planes, a spokesman said. The base would remain active for nine to 50 years, depending on whether oil is discovered, Interior officials said.

ARCO took its problem to Cook Inlet, the fastest growing of Alaska's regional native corporations, because the oil company already had lease arrangements with the group on the mainland, said Cook Inlet Executive Vice President George Kriste.

All the attention has prompted intense soul-searching within Cook Inlet, Kriste said. One of 13 native enterprises created by the Alaska Native Claims Settlement Act, the group is charged with making profits for its native shareholders and also with preserving their cultural heritage—a twin mission with inherent conflicts, particularly as oil money floods into Alaska, Kriste noted.

"These groups were founded on the great premise: Go out an make a buck, guys, and at the same time, hold onto whatever culture you can," Kriste said. "That gives them the highest order of social responsibility. But if you look at the history of American business, most [corporations] didn't become socially responsible until they became fantastically wealthy. It's quite a big order to try to preserve your culture and at the same time bring your shareholders into the 20th century."

One reality of the modern world is litigation, Kriste said, noting that if the environmentalists bring suit, it will be against the Indians, not ARCO, because the oil company is on the sidelines at this point.

"We debated this thoroughly," Kriste said. "We're not doing this as a front for oil companies. We're doing it for economic value to ourselves."

Mr. METZENBAUM. Madam President, the Interior Department has misinterpreted the law. Efforts have been made to set them straight, but so far, to no avail. If the administration persists in this proposal then we will know for sure that anytime wilderness lands are coveted by industry, this administration will not hesitate to grant their wish.●

Mr. BUMPERS. I believe that the statements made this morning by my colleagues provide firm evidence that the Alaska Lands Act is not being carried out as the Congress intended.

Most of my constituents—and my colleague's constituents—will never visit Alaska. But their interest in preserving its unique resources is no less important because they probably will never see them. I hope our statements this morning will focus the attention of other Senators on the problems that have arisen in implementing the legislation that we worked so hard to enact. I also hope that our statements will serve as notice to the Departments of Interior and Agriculture that we have not completely turned over to them the responsibility for carrying out the act, but that we fully intend to oversee their work. The President should redirect the efforts of those agencies so that the issues addressed here today can be corrected. Finally, I hope that the public will be assured that the Congress does not intend to neglect its oversight responsibility to see that the Alaska Lands Act is properly implemented.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 8 minutes remaining.

A-FUEL RECYCLING

Mr. BUMPERS. Madam President, I am going to use the time remaining to speak on a different subject because I have the time and because I am concerned about an article I read in this morning's Washington Post, indicating that this administration is going to remove the prohibition against reprocessing spent fuel in nuclear reactors around the world where the United States is furnishing the enriched uranium as the fuel for those nuclear reactors.

As one of my distinguished colleagues, I believe my friend from Ohio (Senator GLENN) said, the world is going to wind up awash in plutonium, weapons grade plutonium, if the President removes this prohibition.

Congress has certain powers, and I hope that my colleagues will take very seriously this impending proposal.

Everything seems so simple. I can remember the time when I thought this country did not have anything to worry about from an energy standpoint because of nuclear power. We have two nuclear powerplants in my State. All of a sudden I find out that there is a limited supply of uranium in the world, and certainly in the United States. Then somebody said to me, "Do not worry about that; we will build breeder reactors. The beautiful thing about breeder reactors is they manufacture more plutonium than they use."

I can remember getting euphoric over that concept.

Well, little did I know as a country lawyer down in Arkansas that nobody had ever figured out how to store all the spent fuel from nuclear reactors.

Also, how do you go about dismantling a nuclear reactor plant? We have never done it. We now know that it is going to cost a minimum of $1 billion to dismantle and clean up Three Mile Island. We have had nuclear power for 32 years in this country and we have never dismantled a nuclear powerplant. So far as I know, nobody knows how.

We now know that the most difficult problem with nuclear power is, what do you do with the spent fuel? We worked on it for 32 years and the Senate has passed a bill to establish a procedure for developing a nuclear waste technology, but we still do not have a good, safe place for it. Every time it comes up every State demands a veto against it being stored in their State, and I do not blame them. Nobody wants it.

Furthermore, consider the problems with breeder reactors. I have been the most outspoken critic of the so-called Clinch River breeder reactor ever since I have been in the Senate. I have given the reasons almost endlessly. It is a technological turkey; everybody recognizes that. As Senator HOLLINGS has said, it is a CETA project for nuclear scientists. Also, when it is finished we will still be 15 years behind the French.

The General Accounting Office recently said the generators that have been tested are not even the generators that are going to be used in it. The cost is going to be outrageous. The private utilities, who originally agreed to put up 50 percent of the cost, are backing out completely. They have only invested 10 percent of it now, but over $1 billion have been spent. It is unbelievable; $1 billion have already been spent, but the first shovelful of dirt has not yet been turned. And $1 billion has already been spent.

Madam President, that is not the only problem with the Clinch River breeder. You can tell me all about the French, the Germans, and the Russians building breeder reactors if you want to, but I say from a nuclear proliferation standpoint alone it is bad, bad policy.

Why are the people of Western Europe and the United States suddenly and spontaneously agitated to such an intense degree about nuclear weaponry? I will tell you why, because they fear the extinction of civilization.

President Carter had not been President 2 years when he saw the problem with it and said, "We are not going forward with this reactor. We are not going to be culpable when Armageddon comes from our decision to create a plutonium economy for this world."

Certainly I have strong disagreements with this administration about its economic policies, but I disagree even more strongly with its nuclear

policy, and this breeder reactor which everybody now knows is an outrageous waste, a technological monstrosity, and a danger to civilization because it can generate that much plutonium. I also disagree because it has increased the nuclear research budget while virtually eliminating solar energy research and handing that over to the Germans and Japanese. While the world starts getting ready for solar energy, we have discontinued our research and the Japanese and Germans, who will spend three to four times as much as we do this year, will capture the world market. Then we will say, "Is it not awful about how those Germans and Japanese are such tough competitors?"

The administration has followed those mistakes with the announcement this morning that they are proposing to eliminate the prohibition against countries reprocessing the enriched uranium, which we supply, into weapons grade plutonium.

Madam President, it is a travesty and it is one that I will continue to oppose. It is one that I will continue to resist with all the strength that I have, as long as I am a Member of this body.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

Mr. STEVENS. Are we now in routine morning business?

The PRESIDING OFFICER. The period for special orders has not expired, so at the present time we are still in special orders.

Mr. STEVENS. Mr. President, I would like to use the rest of the leader's time at this time then.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

IMPLEMENTATION OF THE ALASKA LANDS ACT

Mr. STEVENS. Mr. President, I am sorry that other matters prevented me from hearing comments made by my distinguished friend from Arkansas and others concerning the implementation of the Alaska Lands Act. It is my opinion that there may be some truth in the comment that the act has not been administered as it was intended, for in my opinion we have not been able to convince the Department of the Interior to proceed as we thought Alaska was intended to be treated under the act.

I think, in other words, that I would go 180 degrees the other direction from the comments that I understand distinguished Members of the Senate have made. We felt that there was in the Alaska Lands Act some commitments that were made to the State of Alaska concerning the preservation of our lifestyle, concerning the rights of Alaskans who are living on lands that are to become a part of the national interest lands.

We particularly believe that we would see Congress recognize the necessity to accelerate even more conveyances of land to the State of Alaska and to the Alaskan Natives.

I am not one who criticizes the Secretary of the Interior, Secretary Watt, for not having moved entirely in the direction I had wished he would move. I understand that may be the implication of statements made here previously, that some people believe the Secretary is not living up to the spirit of the Alaska lands bill.

I believe that, to the best of his ability, he has attempted to carry out the intent of Congress. Unfortunately, with the Members of Congress in the other body constantly haranguing him about doing precisely that, it has not been possible for him, in some instances, to complete the actions intended by Congress in connection with the Alaska lands legislation.

I, for one, hope Congress will recognize that we are talking about lands that are entirely in one State—in my State, the State of Alaska. We are talking about a bill that we fought for years, which finally became law in spite of the fact that it was voted against by each member of the Alaska delegation.

We are now talking about Members of Congress from other States deciding that, in their opinion, the law has not been enforced harshly enough so far as Alaskans are concerned.

I believe that if one examines the record, it will be seen that the Secretary of the Interior has done his best to meet the concerns expressed by the environmental groups, while at the same time trying to recognize the overwhelming Alaskan interests in lands that are totally within our State.

I am of the opinion that upon a fair review—and I would be more than willing to have a fair review—of the implementation of the Alaska Lands Act, one could come to the conclusion only that the national interest has been predominant in the decisions that have been made so far as the Department of the Interior is concerned.

The GAO has made such a report, and I call the attention of the Members of the Senate to that report, intitled "Status of Federal Agencies' Implementation of the Alaska National Interest Lands Conservation Act."

A fair review of that summary indicates the overwhelming problems involved in implementing that act, the reason for some of the delays, and the problems that the State and the managers of the Federal lands face if Congress does not recognize the need for full funding of the functions involved in that settlement.

From my point of view, having just returned from my State, where I had many conversations concerning the Alaska lands implementation, Alaskans are willing to await the full process be completed.

We have fewer complaints now, either from the environmental community or the nonenvironmental community of Alaska, concerning the Alaska lands issues, than we had during the period of the previous administration. The previous administration had a policy of confrontation. They sought at every juncture to find some way to challenge and confront the State of Alaska or its people with regard to Alaska lands and toward the management of Alaska lands.

This administration is trying its best, I believe, to find a way to preserve the traditional State prerogatives of Alaska while addressing problems that would prevail in any other State, and at the same time proceeding with the conveyance of lands under the Alaska Statehood Act. Much of the land that was committed to our State in 1959, for which we are still waiting, and lands that were committed to the Alaska Natives in 1971, for which they are still waiting, remain to be conveyed. There have been delays. Those delays are related primarily to the Alaska Lands Act and its implementation.

I look forward with some interest to reading the comments made by my colleagues concerning the implementation of the Alaska Lands Act. I would be most pleased to have a dialog with any of my colleagues on this issue at another time. Unfortunately, I was unable to be present when those comments were made.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, who else holds the right to a special order?

The PRESIDING OFFICER. There are three special orders: the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from California (Mr. CRANSTON).

Mr. STEVENS. Mr. President, I ask unanimous consent that those special orders be vitiated, in view of the passage of time, and I am informed that the Senators do not wish to use them.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine

morning business, for 30 minutes, in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that at the conclusion of this period for the transaction of routine morning business the Senate stand in recess to reconvene at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5432

Mr. STEVENS. Mr. President, I ask unanimous consent that at 2:30 p.m. the Senate proceed to the consideration of Calendar No. 530, H.R. 5432, a bill authorizing the striking of a gold medal on behalf of Adm. Hyman G. Rickover. I further ask unanimous consent that debate on that bill be limited to 20 minutes, equally divided between the manager of the bill and the minority leader or his designee, and that at the conclusion of debate thereon, the Senate proceed without intervening motion, appeal, or point of order, to a vote on final passage of the measure. Further, I ask unanimous consent that no amendments be in order to the bill.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wish to propound a question to the distinguished minority leader, just for purposes of clarifying it for other Members of the Senate. With that 20-minute time limitation, of course, the latest at which the vote will occur is 2:50 p.m. It may well be that time will be yielded back. So does the distinguished minority leader wish to alert Members of the Senate that a vote could occur at an earlier point in time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator. Other Senators on this side of the aisle will be so informed.

Mr. STEVENS. Mr. President, it is our intention to use that time and the time will be used and we anticipate the vote starting at the expiration of the 20-minute period.

Mr. WARNER. So for purposes of clarification then Senators should be advised that the vote will not occur at an earlier time than 2:50 p.m.?

Mr. STEVENS. That is my understanding. The vote will commence at no sooner than 2:50 p.m.

Mr. WARNER. That is perfectly satisfactory to me as manager of the bill, and again I urge Senators to join in the discussion of this piece of legislation, and the vote will not occur then before 2:50 p.m.

Mr. STEVENS. I thank the Senator.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Mr. STEVENS. Mr. President, I call up Calendar No. 573, S. 2181, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2181) relating to the National Telecommunications and Information Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

On page 3, line 1, strike "Telecommunications", and insert "Telecommunication";

On page 3, line 4, strike "European", and insert "for Economic"; and

On page 3, line 6, strike "Economic and Social Council" and insert "Educational;. Scientific, and Cultural organization".

So as to make the bill read:

S. 2181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the administration of the National Telecommunications and Information Administration $12,417,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1983.

SEC. 2. (a) In order to ensure the effective representation of United States policy, when selecting delegations to conferences involving international telecommunications matters, the Secretary of State shall, where appropriate, select—

(1) representatives of affected agencies of the Government of the United States upon recommendation by any such agency; and

(2) representatives from the private sector.

(b) The provisions of sections 202, 203, 205, 207, and 209 of title 18, United States Code, shall not apply to representatives from the private sector on a delegation of the United States to an international telecommunications conference or meeting who are specifically designated to represent the interests of the United States at such conference or meeting, with respect to a particular matter.

(c) All such representatives shall maintain on file with the Department of State any financial disclosure report which may be required for special Government employees.

(d) For the purpose of this section, international telecommunications conferences and meetings involving international telecommunications matters shall include conferences and meetings of the International Telecommunication Union (ITU), the International Consultative Committees for Radio and for Telegraph and Telephone (CCIR and CCITT), the Organization for Economic Cooperation and Development (OECD), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the International Telecommunications Satellite Organization (INTELSAT), and the International Maritime Satellite Organization (INMARSAT).

Mr. STEVENS. Mr. President, I ask that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

UP AMENDMENT NO. 1017

(Purpose: To provide for a study of the long-range telecommunications and information goals with the United States)

Mr. STEVENS. Mr. President, I send an amendment to the desk in behalf of the Senator from New Mexico (Mr. SCHMITT) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be started.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. SCHMITT proposes an unprinted amendment numbered 1017.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, between lines 3 and 4, insert the following new section:

SEC. 2. The National Telecommunications and Information Administration shall conduct a comprehensive study of the long range telecommunications and information goals of the United States, the specific telecommunications and information policies will ensure that the United States achieves them. The Administration shall further conduct a review of the structures, procedures, and mechanisms which are utilized by the United States to develop telecommunications and information policy.

On page 2, line 4, strike "SEC. 2." and insert in lieu thereof "SEC. 3."

● Mr. SCHMITT. Mr. President, recently, the Congressional Office of Technology (OTA) completed a study done at the request of the Senate Committee on Commerce, Science and Transportation, assessing the impact of the final acts agreed to at the 1979 World Administrative Radio Conference and evaluating U.S. preparations for international telecommunications conferences.

An important part of the OTA study was its discussion of alternative U.S. strategies for dealing with international spectrum issues. These alternatives should be submitted to careful and thorough analysis. The one option that I found particularly promising was the proposal that the United States and other developed countries enter into a joint venture with developing countries to construct, launch and operate a common satellite system to meet their needs for domestic telecommunications and broadcast services.

Back in 1978, I proposed that we thoroughly explore this strategy, but my proposal fell on deaf ears. Unfortu-

89-059 O-86-12 (Pt. 10)

nately, if we leave it to our existing ad hoc approach for developing U.S. international telecommunications policy, I doubt that it, or any other long-range strategy, will be given serious consideration. Although I have hopes that the Cabinet Council on Commerce and Trade will agree on a well-structured long-range strategy, failure to resolve interdepartmental differences will not deter congressional efforts to strengthen the U.S. posture on international forums.

The NTIA authorization bill, S. 2181, reported out of the Senate Commerce Committee, contains a provision, which I originated, exempting private sector representatives from the conflict of interest provisions of the United States Code. This is one way to attract private sector assistance. In addition, today I propose an amendment to that bill, directing NTIA, in conjunction with other interested agencies, to conduct an indepth analysis of the strategic options proposed in the OTA report. This will insure that the executive branch does not continue to ignore the necessity for comprehensive planning that will protect American interests in the radio spectrum and the orbital slots necessary for satellite communications.

Mr. President, you can be assured that Congress will not sit idly by while the executive branch continues to fail to grasp the importance of these issues to the future of this country.●

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska proposed on behalf of the Senator from New Mexico.

The amendment (UP No. 1017) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2181), as amended, was passed, as follows:

S. 2181

AN ACT Relating to the National Telecommunications and Information Administration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the administration of the National Telecommunications and Information Administration $12,417,000, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1983.

SEC. 2. The National Telecommunications and Information Administration shall conduct a comprehensive study of the long range telecommunications and information goals of the United States, the specific telecommunications and information policies necessary to promote those goals and the strategies that will ensure that the United States achieves them. The Administration shall further conduct a review of the structures, procedures, and mechanisms which are utilized by the United States to develop telecommunications and information policy.

SEC. 3. (a) In order to ensure the effective representation of United States policy, when selecting delegations to conferences involving international telecommunications matters, the Secretary of State shall, where appropriate, select—

(1) representatives of affected agencies of the Government of the United States upon recommendation by any such agency; and

(2) representatives from the private sector.

(b) The provisions of sections 202, 203, 205, 207, and 209 of title 18, United States Code, shall not apply to representatives from the private sector on a delegation of the United States to an international telecommunications conference or meeting who are specifically designated to represent the interests of the United States at such conference or meeting, with respect to a particular matter.

(c) All such representatives shall maintain on file with the Department of State any financial disclosure report which may be required for special Government employees.

(d) For the purpose of this section, international telecommunications conferences and meetings involving international telecommunications matters shall include conferences and meetings of the International Telecommunication Union (ITU), the International Consultative Committees for Radio and for Telegraph and Telephone (CCIR and CCITT), the Organization for Economic Cooperation and Development (OECD), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the International Telecommunications Satellite Organization (INTELSAT), and the International Maritime Satellite Organization (INMARSAT)

Mr. STEVENS. Mr President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Nos. 589, 613, 637, 642, 647, 653, 655, and 659 be considered en bloc, passed en bloc, and all amendments thereto adopted.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I apologize to the distinguished Senator. Will he go just a little more slowly?

Mr. STEVENS. Calendar 589.

Mr. ROBERT C. BYRD. Five eight nine—all right.

Mr. STEVENS. Calendar 613.

Mr. ROBERT C. BYRD. Six one three—all right.

Mr. STEVENS. Calendar Order 637.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. Calendar Order 642, 647.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. Calendar Order 653.

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Calendar Order 655.

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. And Calendar Order 659.

Mr. ROBERT C. BYRD. Mr. President, I have no objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAMS ON MILITARY RESERVATIONS AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 1952) authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes, which had been reported from the Committee on Environment and Public Works with amendments, as follows:

On page 2, strike line 17, through and including line 20, and insert the following:

(1) by striking out "ending September 30, 1979, September 30, 1980, and September 30, 1981," each place it appears in subsections (b) and (c) and inserting in lieu thereof "1983, 1984, and 1985"; and

On page 3, strike line 21, through and including line 24, and insert the following:

(1) by striking out "ending September 30, 1979, September 30, 1980, and September 30, 1981," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1983, 1984, and 1985."; and

On page 4, after line 23, insert the following:

SEC. 6. Section 12 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2911) is amended—

(1) by striking out ", out of funds available for the administration of this Act" immediately after "shall conduct"; and

(2) by striking out "the expiration of the thirty-month period following the date of enactment of this Act," and inserting in lieu thereof "December 31, 1984,".

SEC. 7. Section 7(d) of the Anadromous Fish Conservation Act of 1965 (16 U.S.C. 757g(d)) is amended by striking out "$1,000,000 for the fiscal year ending September 30, 1980, not to exceed $1,750,000 for the fiscal year ending September 30, 1981,

and not to exceed $2,000,000 for the fiscal year ending September 30, 1982." immediately after "this section not to exceed" and inserting in lieu thereof "$2,000,000 for the period beginning October 1, 1982, and ending September 30, 1984.".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An Act authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1983, 1984, and 1985, and for other purposes.

BICENTENNIAL OF THAILAND

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 98) expressing the sense of Congress on the occasion of Thailand's bicentennial.

Mr. PERCY. As I said on the floor at the time I introduced this resolution commemorating the bicentennial of Thailand, I was privileged to serve at the head of the U.S. delegation attending the ceremonies in Bangkok during the Easter recess. This gave me the opportunity to observe at firsthand the unique character of our warm and cordial relationship with the Thai and their leaders. Four generations of Thai and American children have studied together in their universities and ours. Their sons and daughters and ours fought side by side in the conflicts in Korea and Vietnam, as testimonial to their, as well as our, devotion to peace and freedom. Indeed, we are allied with the Thai through the Manila Pact which they and we view as among our most solemn international obligations. We have witnessed the great compassion of the Thai people as they have generously and selflessly provided their country as a haven of first asylum for the thousands who have fled the tragedy of Indochina. We have observed the bravery, fortitude, and steadfastness of the Thai as they have confronted the Communist menace along their borders—Thailand is indeed a frontline state and the key to stability in Southeast Asia.

It is, therefore, both fitting and proper that the American people, through their elected representatives in Congress, express to the Thai people the great affection and respect in which we hold the Thai and their wise and benevolent sovereigns, their Majesties the King and Queen, on the occasion of the 200th anniversary of the Chakri dynasty. The Committe on Foreign Relations has carefully considered this resolution now under consideration and I join with my distinguished colleagues on the committee in recommending that you vote for its passage.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 98

Whereas 1982 marks the two-hundredth anniversary of Thailand's illustrious Chakri Dynasty and the designation of Bangkok as the capital city of Thailand;

Whereas this year has been designated in Thailand as the official year of celebration of the two hundred year historical era of the Chakri Dynasty, the "Rattanakosin" Bicentennial;

Whereas the United States has a long history of friendly relations and close cooperation with Thailand, predating even the signing of the Treaty of Amity and Commerce in the year 1833, the first United States treaty signed with an Asian nation; and

Whereas the United States and Thailand share common goals of preserving national independence and individual freedom and of improving the lives of our respective peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby extends to the Thai nation and all of its people warmest congratulations and best wishes during this festive year of celebration of the Rattanakosin Bicentennial.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

The bill (S. 2604) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1982:

(a) For "Research and development", for the following programs:

(1) Space Shuttle, $1,808,000,000;

(2) Space flight operations, $1,448,000,000;

(3) Expendable launch vehicles, $42,800,000;

(4) Physics and astronomy, $491,700,000;

(5) Planetary exploration, $194,600,000;

(6) Life sciences, $55,700,000;

(7) Space applications, $336,300,000, including $39,900,000 for communications and information systems;

(8) Technology utilization, $9,000,000;

(9) Aeronautical research and technology, $296,000,000, including $182,000,000 for research and technology base and $114,000,000 for systems technology programs;

(10) Space research and technology, $133,000,000; and

(11) Tracking and data acquisition, $508,900,000.

(b) For "Construction of facilities", including land acquisition, $110,000,000 as follows:

(1) Construction of data analysis facility, Hugh L. Dryden Flight Research Facility, $4,500,000;

(2) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $2,840,000;

(3) Modifications to the 4- by 7-meter low speed tunnel, Langley Research Center, $7,200,000;

(4) Modifications to upgrade the transonic dynamics tunnel, Langley Research Center, $9,000,000;

(5) Modification of rocket engine test facility for altitude testing, Lewis Research Center, $995,000;

(6) Modification to 450 pounds per square inch air system in engine research building, Lewis Research Center, $2,920,000;

(7) Rehabilitation of airfield, Wallops Flight Center, $2,150,000;

(8) Space Shuttle facilities at various locations as follows:

(A) Modifications to solid rocket booster refurbishment and subassembly facilities, John F. Kennedy Space Center, $1,700,000;

(B) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $17,845,000;

(C) Minor shuttle-unique projects, various locations, $1,860,000;

(9) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, $1,740,000;

(10) Repair of facilities at various locations, not in excess of $500,000 per project, $15,000,000;

(11) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $20,000,000;

(12) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,000,000; and

(13) Facility planning and design not otherwise provided for, $8,250,000.

(c) For "Research and program management", $1,178,900,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for

"Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (12), inclusive, of section 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed ½ of 1 percent of the funds appropriated pursuant to section 1(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to section 1(b) hereof (other than funds appropriated pursuant to paragraph (13) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the 30 day period referred to in the preceding sentence, any days on which either House is not in session because of an adjournment sine die or an adjournment of more than 3 days to a day certain shall be excluded, but in no event shall the total period extent beyond 60 days.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been requested of either such committee.

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the 30 day period referred to in the preceding sentence, any days on which either House is not in session because of an adjournment sine die or an adjournment of more than 3 days to a day certain shall be excluded, but in no event shall the total period extend beyond 60 days.

SEC. 5. (a) Notwithstanding any other provision of law, or any interagency agreement, the Secretary of Defense shall transfer to the Administrator such sums as may be necessary to pay the full costs of placing Department of Defense payloads into orbit by means of the Space Shuttle. Such transfer of funds shall be completed no later than 12 months prior to the scheduled launch date of each payload in question.

(b) Any transfer of funds pursuant to this section shall cover both direct and indirect costs of all launch services and flight services associated with placing the payload in orbit including, but not limited to, materials and services, launch operations, and flight operations. In the event of a multipurpose mission involving both defense and nondefense activities, the total cost of the mission shall be allocated on an equitable basis. In calculating costs under this section, the Administrator may include a credit for the fair value of Space Shuttle launch operations performed (or scheduled to be performed in the succeeding 12 months) by the Department of Defense for the benefit of the National Aeronautics and Space Administration.

(c) This section shall apply to any Department of Defense payloads placed into orbit by means of the Space Shuttle on or after October 1, 1983.

SEC. 6. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1983".

SEC. 8. (a) The Director of the Federal Emergency Management Agency shall ensure that all obligations and responsibilities imposed by the Federal Fire Prevention and Control Act of 1974 are performed during fiscal year 1983, including activities of the United States Fire Administration and the United States Fire Academy.

(b) The Director shall reserve not less than $20,000,000 of funds appropriated to carry out the functions of FEMA as designated in Reorganization Plan Numbered 3 of 1978 to conduct the operations of the United States Fire Administration, the United States Fire Academy, and such other functions and responsibilities as are vested in the Director pursuant to the Federal Fire Prevention and Control Act of 1974.

(Later the following occurred.)

Mr. STEVENS. Mr. President, I ask unanimous consent that the previous action taken today on Calendar Order No. 637, S. 2604, be vitiated, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2604) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research, and program management and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Are we back to third reading now?

The PRESIDING OFFICER. Third reading.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5890, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5890) an act to authorize appropriations to the National Aeronautics and Space Administration.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause of H.R. 5890 and insert the language of S. 2604.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5890) was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Order No. 637, S. 2604, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPALACHIAN TRANSITION ASSISTANCE ACT OF 1982

The Senate proceeded to consider the bill (S. 2144) to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region, which had been reported from the Committee on Environment and Public Works with amendments, as follows:

On page 3, line 11, strike "two year period", and insert "fiscal year";

On page 3, line 12, strike "1984,", and insert "1983,";

On page 3, line 12, strike "$5,800,000", and insert "$2,900,000";

On page 3, line 12, strike "$900,000", and insert "$450,000";

On page 3, line 15, beginning with "for the", strike through and including line 22;

On page 3, line 25, strike "'1987'", and insert "'1983'";

On page 4, after line 2, insert the following:

(1) Subsection (a) of such section is amended by striking "three thousand and twenty-five miles" and inserting in lieu thereof "two thousand three hundred fifty-one miles" and by striking "one thousand four hundred miles" and inserting in lieu thereof "nine hundred thirty-five miles".

On page 4, line 9, strike "(1)" and insert "(2)"

On page 4, line 12, strike "'$215,000,000", and insert "'$100,000,000";

On page 4, strike line 13, through and including line 18, and insert the following:

Provided, that funds authorized for fiscal year 1983 shall only be available for obligation on projects which have not proceeded past engineering and design approval prior to September 30, 1982.

On page 4, line 22, strike "(2)", and insert "(3)";

On page 5, line 6, strike "1987'", and insert "1983'";

On page 5, line 9, strike "October 1,", and insert "September 30,";

On page 6, line 2, strike "October 1,", and insert "September 30,";

On page 6, line 3, beginning with "the Appalachian", strike through and including "Assistance" on line 4, and insert "this";

On page 7, line 19, strike "Transition Assistance Act", and insert "Regional Development Act Amendments of 1982";

On page 7, line 20, strike "October 1,", and insert "September 30,";

On page 8, beginning on line 3, strike "Transition Assistance Act", and insert "Regional Development Act Amendments of 1982";

On page 8, line 19, beginning with "$166,000,000", strike through and including line 22, and insert the following: "$50,000,000 for the fiscal year ending September 30, 1983," and

On page 9, line 1, strike "1987'.", and insert "1983'.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appalachian Transition Assistance Act of 1982".

SEC. 2. Section 2 of the Appalachian Regional Development Act of 1965 is amended as follows:

(1) The sixth sentence of subsection (a) is amended to read as follows: "The public investments made in the region under this Act shall be concentrated in areas where there is a significant potential for future growth and where the expected return on public dollars invested will be the greatest, in severely distressed and underdeveloped counties lacking resources for basic services, and in areas without access to sufficient health services."

(2) Section 2 is amended by adding the following new subsection:

"(c) The Congress finds that substantial progress has been made toward the achievement of the purposes of the Act but that there are still significant deficiencies to be remedied in order to bring the region closer to a fair share in the Nation's prosperity. The Congress also recognizes, however, that considerations of the national economy, consequent limits on Federal resources and competing national interests require an assumption of greater responsibilities by the States. It is, therefore, also the purpose of this Act to provide for an orderly transition from the special assistance of this Act and other Federal programs to increase State, local and private investment in regional development and to provide assistance to narrow certain critical remaining gaps and assure that maximum advantage is derived from investments already made under the Appalachian program in the region.".

SEC. 3. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 is amended to read as follows: "To carry out this section there are hereby authorized to be appropriated to the Commission, to be available until expended, for the fiscal year ending September 30, 1983, not to exceed $2,900,000 (of which not to exceed $450,000 shall be available for expenses of the Federal Cochairman, his alternate and his staff).".

SEC. 4. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1983".

SEC. 5. Section 201 of the Appalachian Regional Development Act of 1965 is amended as follows:

(1) Subsection (a) of such section is amended by striking "three thousand and twenty-five miles" and inserting in lieu thereof "two thousand three hundred fifty-one miles" and by striking "one thousand four hundred miles" and inserting in lieu thereof "nine hundred thirty-five miles".

(2) Subsection (g) of such section is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$100,000,000 for fiscal year 1983; Provided, that funds authorized for fiscal year 1983 shall only be available for obligation on projects which have not proceeded past engineering and design approval prior to September 30, 1982.

(3) Subsection (h)(1) of such section is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum" and by adding at the end thereof the following new sentence: "Projects approved after March 31, 1979, may be adjusted to receive a Federal share not greater than 80 per centum.".

SEC. 6. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 is amended in the first sentence by striking "December 31, 1980" and inserting in lieu thereof "October 1, 1983".

SEC. 7. Title II of the Appalachian Regional Development Act is amended by adding the following new section:

"SEC. 215. After September 30, 1982, the Commission is authorized, subject to section 224 and other provisions of the Act, to make grants to States and public and nonprofit entities for projects which will assist in the creation or retention of permanent private sector jobs, the upgrading of the region's manpower, or the attraction of private investment; or will provide special assistance to severely distressed and underdeveloped counties which lack financial resources for improving basic services; or will assist in achieving the goals of providing reasonable access to primary health care for every resident of the region, providing adequate health manpower, or reducing infant mortality.".

SEC. 8. Section 224 of the Appalachian Regional Development Act is amended by adding the following new subsections:

"(d) Except for development highways under section 201 and for local development district support, research and technical assistance under section 302, no project shall be approved after September 30, 1982, for assistance under this Act unless the Commission determines such project—

"(i) is necessary for a related private sector commitment which assures the direct creation or retention of jobs in the region, or which assures a specific private investment that will meet a high priority objective substantially enhancing the economic development potential of an area;

"(ii) will upgrade manpower for jobs in the region through training relevant to the current regional job market;

"(iii) is for the planning, design and engineering, construction, renovation, necessary site or facilities acquisition, equipment or startup operations assistance to assure proper installation, operation and maintenance of a facility to provide safe drinking water, affordable waste disposal or other similar basic service, in a county designated by the Commission as severely distressed or underdeveloped on the basis of such factors as per capita income, unemployment, percentage of population below the national poverty level, and infant mortality; or

"(iv) is for organizational costs, renovation, equipment, planning and management technical assistance, startup, and not to exceed one year of operations (and, in the case of primary care projects, for construction, including engineering, design, site or facility acquisition) necessary for the provision of primary health care, infant mortality reduction, or recruitment of health manpower in an area determined by the Commission to lack adequate primary health care resources, to have an unusually high rate of infant mortality (considering average infant mortality rate for the three-year period 1977 through 1979 in comparison with 150 per centum of the national average rate and other factors) or in a county with a health manpower shortage area designated by the Department of Health and Human Services.

"(e) Notwithstanding any other provision of this Act, grants under this Act with funds authorized under the Appalachian Regional Development Act Amendments of 1982 shall not, after September 30, 1982, exceed 50 per centum of the costs of any project approved under this Act (except projects under section 201), but such grants may increase the Federal contribution to any project, notwithstanding limitations in other Federal laws, to such percentage as the Commission determines within limitations in this Act.

"(f) No funds authorized under the Appalachian Regional Development Act Amendments of 1982 shall be approved under this Act for projects (1) in connection with libraries, cultural centers, or recreation facilities; (2) for the construction of schools, hospitals, or government office buildings; (3) for community centers or social services facilities (except as provided in subsection (d) (iii) and (iv) of this section); or (4) for operations, except costs for startup and first year of operations.".

SEC. 9. Section 401 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following: "In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act: $50,000,000 for the fiscal year ending September 30, 1983.

SEC. 10. Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

SEC. 11. Sections 203, 204, 206, 208, 212, and 213 of the Appalachian Regional Development Act are repealed.

Amend the title so as to read: "Appalachian Regional Development Act Amendments of 1982."

Mr. RANDOLPH. Mr. President, the Senate has before it today legislation (S. 2144) to modify and extend the activities of the Appalachian Regional Commission through fiscal year 1983. This bill was reported to the Senate on May 28, after being approved by the Committee on Environment and Public Works by a vote of 12 to 4.

Mr. President, this legislation would permit the Commission to begin implementing a phasedown program proposed to the Congress by the region's 13 Governors. This proposal was developed under a directive from the Congress which originated last year in the House Appropriations Committee. Earlier this year I introduced S. 2144 to fully implement the proposal of the Governors. As introduced the bill provided for a 5-year phasedown period of the Commission's nonhighway activities. Highway programs would have been reauthorized for 8 years to complete construction of a reduced regional highway system. Emphasis would be placed on those regional needs which the Governors determined were most essential.

As reported by the committee, the bill reauthorizes the Appalachian program for 1 year to begin the phasedown effort. This measure authorizes $50 million for nonhighway area development activities and $100 million for highway construction.

The Appalachian Regional Development Act became law in 1965 and established a program to facilitate growth and diversity of economic activities in a 13-State region. The program is carried out by the Appalachian Regional Commission, a unique partnership of the Federal Government and the 13 States. The Commission is comprised of the 13 State Governors—one of whom is chosen annually as the States cochairman—and a Federal cochairman appointed by the President and confirmed by the Senate. All decisions are made by unanimous decision of the State and Federal partners. A network of 60 local development districts has been established to develop local project plans and coordinate public and private investment.

There are two general components of the program: Construction of a regional highway network to overcome the transportation barriers of the mountainous area and a wide variety of area development activities. The highway network consists of a designated 3,033 miles of roads connecting points within the region and major population centers on the fringes of the region. Appropriations for highway construction have totaled approximately $2.6 billion through 1981 and 1,730 miles of the developmental highway system have been completed or are under construction. A similar access road program has helped provide short links from highways to development sites at a cost of $160 million.

The area development program, for which $1.76 billion has been provided, assists States and communities in providing the infrastructure and social services programs to help overcome past inadequacies and to make communities more able to undertake and sustain diversified economic growth. Through September 1981, funds were provided to 13,078 projects in health, child development, vocational education, community development, energy enterprises development, environment and natural resources, special demonstrations, housing, local development district planning and administration, and research and technical assistance.

For 17 years the Appalachian program has meant much to the people of the region. There has been substantial progress toward achieving the goals of the program. Infant mortality, for instance, has improved as has the general level of health care. Per capita income is approaching the national average but is still too low. The outmigration of population has been reversed.

In their report, the Governors made these observations:

Despite the dramatic progress made since 1965, Appalachia still lags behind the rest of the country by most measures of economic health. The economy is still fragile and sensitive to downturns in the national economy like those of 1980 and 1981. The progress has been uneven. Some counties remain severely distressed.

As Appalachian Governors and members of the Commission, we have examined what can be done in the face of limited Federal resources to stabilize and improve the economy of Appalachia and to assure that hard won gains are not lost. We have explored the availability of increased State resources, the potential of coal in the economic development of the Region, ways to increase the investments of the private sector in Appalachia and the best ways to capitalize on economic development investments already made in the Region.

The capability of Appalachian States to pick up a greater share of the cost of economic development in the Region is clearly limited:

Income and other significant tax bases in the Region lag behind those of the rest of the nation.

Despite his limited tax base, Appalachian State tax efforts since 1965 on the average have increased at a more rapid rate than the national average.

By 1979 the Appalachian States were making an average tax effort 12 percent greater than the national average.

Federal expenditures in the Region are 16 percent lower per capita than in the nation, and the Federal budget cuts hit Appalachian State and local governments disproportionately hard.

Over the next several years there will be a number of crucial demands on the limited State resources in Appalachia which the States will be unable to meet without assistance.

The highlights of the Governors' plan are as follows:

Set fixed dollar ceilings and termination dates for ARC programs;

Shift greater responsibility to State and local governments and the private sector by reducing maximum ARC funding to 50 percent;

Limit ARC highway assistance to construction of only the highest priority 550 miles of the 1,303 unimproved in the planned Appalachian Development Highway System;

Focus major ARC area development activities on a 5-year jobs and investment program;

Complete in 3 years the Commission's health program by bringing basic health care to those counties not yet reached and reducing infant mortality in counties with rates more than 150 percent of the national average;

Help, in a 5-year program, the 60 or so most distressed and underdeveloped counties in the region meet their most critical needs, especially for safe drinking water and waste disposal;

Seek help from the private sector through a development foundation for Appalachia so that a regional effort can continue;

Leave the region sufficiently strong economically to continue progress toward national standards.

The ARC program is based on the initiation of activities and projects at the local and State levels—the exact opposite of the "trickle down" approach to government which receives strong criticism. It has long been recognized as an innovative and effective method for governments at all levels to determine priorities and for the allocation of resources.

When he signed the original Appalachian Act in 1965, President Lyndon B. Johnson said "* * * this is the truest example of creative federalism in our times." The validity of this approach is confirmed not only in the improvements it has helped to stimulate in the region, but also in the strong bipartisan support at all levels that has existed from the beginning.

Mr. President, I am appreciative of the support and the cooperation shown by members of the Committee on Environment and Public Works in bringing S. 2144 to the Senate. The able Senator from Vermont (Mr. STAFFORD), the chairman of our committee has recognized the need for an orderly phase down of the Appalachian program and has been helpful in developing this legislation as has the chairman of the Subcommittee on Regional and Community Development (Senator MURKOWSKI). Senator BURDICK, the former chairman of the subcommittee and now its ranking minority member has long been familiar with the special needs of Appalachia and has worked closely with others on this and earlier legislation. The Senate's capable majority leader (Senator BAKER) also represents an important Appalachian State, one which has benefited from this program. His close personal involvement in Appalachian matters has contributed greatly to the success that has been enjoyed by this effort over the past 17 years, and I am greatly appreciative for his assistance in bringing this measure to the Senate.

Finally, Mr. President, I commend the Governors of the region for their dedication to the Appalachian program and for the seriousness with which they developed the phasedown program. I call particular attention to the work of Gov. Jay Rockefeller of West Virginia, the States cochairman in 1980; Gov. Lamar Alexander of Tennessee, the States cochairman last year when the phasedown proposal was developed; and Gov. John Y. Brown of Kentucky, the current State cochairman who has been an ardent advocate for the plan's adoption.

Mr. President, this is realistic legislation which meets a continuing need in the Appalachian region. I urge the Senate to approve this measure.

Mr. ROBERT C. BYRD. Mr. President, I rise in strong support of S. 2144, the Appalachian Regional Development Act Amendments of 1982. This legislation to provide a transitional authorization for the Appalachian Regional Commission is a bare-bones proposal that reflects a drastic reduction in the ARC highway program and economic development programs.

The administration's fiscal year 1981 budget proposed to eliminate the Appalachian Regional Commission completely by the end of fiscal year 1982. The Congress rejected that proposal in the Omnibus Budget Reconciliation Act of 1981—Public Law No. 97-35. However, the Commission was directed by that law to submit to the Congress a plan for the gradual termination of ARC activities. S. 2144 embodies the proposals set forth by the bipartisan group of Appalachian Governors in that plan.

I testified before the Committee on Environment and Public Works on March 29, 1982, in support of S. 2144. At that time, I commended Senator RANDOLPH, my colleague from West Virginia and the distinguished ranking member of the committee, for his introduction of this measure. I take this opportunity to reemphasize my respect and admiration for Senator RANDOLPH's efforts on behalf of this legislation.

I also commend the distinguished chairman of the Committee on Environment and Public Works, Senator ROBERT STAFFORD, for his leadership and cooperation in connection with this important legislation.

The Appalachian Regional Commission was created to perform a twofold mission: improvement of the road transportation system, and development of the industrial and commercial infrastructure required for economic progress in the region. S. 2144 scales back the goals of the development program to target the areas of greatest potential future economic growth, and the areas that are critically short of health and medical services or that are the most seriously distressed. The reduction in the highway program amounts to targeting funds for a regional network of roads totaling 2,351 miles—which is approximately 700 miles less than the 3,033-mile network that had been planned. The Governors of the Appalachian Regional Commission member-states considered the completion of at least that portion of the highway system to be a critical element in the future economic growth of their States. I fully agree—commerce can scarcely develop without roads. The mountainous country in West Virginia makes it look like "almost heaven," but it is difficult to build roads over. ARC has helped West Virginia and other States make tremendous strides in their transportation systems, and the economy of the region and the Nation has been improved.

In the nonhighway programs, ARC has been a force in bettering the fundamental economic opportunities of our region. Improvements in our housing stock, health services, technical and vocational education, and basic community services have been accomplished through the efforts of our citizens working with the the Appalachian Regional Commission.

The benefits from ARC highway and nonhighway programs accrue not only to our States but to the Nation as a whole. West Virginia is one of the top energy-producing States, and exports far more energy—in the form of coal, oil, and gas, and electric power, than it uses. The development of these resources has been greatly enhanced by the operation of the infrastructure-creating programs of the ARC.

As I have stated, S. 2144 represents the consensus position of the Governors of the region for a severely reduced ARC program. The reductions are consistent with the effort that the Congress is making to achieve a balanced budget. For those reasons, and because of the need to help spur the economy of West Virginia and other States in the region, I urge the rapid enactment of this bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: Appalachian Regional Development Act Amendments of 1982.".

IMPROVEMENT OF GATEWAY NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 2218) to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue landfill site by the city of New York, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 3, strike "The", and insert "Notwithstanding the provisions of subsection (a) of this section, the"

On page 2, line 9, strike "12", and insert "50";

On page 2, line 11, after "rights.", insert the following:

The Secretary shall grant to the City, its lessee or assignee, all rights-of-way and other permits necessary from the Department of the Interior to extract and transport the gas from the site: *Provided,* That the rights-of-way and other permits shall provide for reasonable restoration of the site, including removal of any processing or storage facilities used in the disposal, development, or extraction of the gas, access by the Secretary to the site for safety and other recreation area purposes, and such other reasonable conditions as the Secretary deems necessary to further purposes of the recreation area.

On page 2, after line 24, insert the following:

SEC. 2. Subsection 4(a) of the Act of October 27, 1972 (86 Stat. 1308), is amended by changing "ten years" in the second sentence to "twenty years".

So as to make the bill read:

S. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of Public Law 92-592 is amended by adding at the end thereof the following new subsection:

"(i) Notwithstanding the provisions of subsection (a) of this section, the United States hereby conveys to the city of New York all rights to the methane gas and associated byproducts resulting from solid waste decomposition on the area within the Jamaica Bay Unit known as the Fountain Avenue Landfill site, subject to payments to the United States of 50 per centum of the revenue received by the city of New York, if any, from the development of such rights. The Secretary shall grant to the City, its lessee or assignee, all rights-of-way and other permits necessary from the Department of the Interior to extract and transport the gas from the site: *Provided,* That the rights-of-way and other permits shall provide for reasonable restoration of the site, including removal of any processing or storage facilities used in the disposal, development, or extraction of the gas, access by the Secretary to the site for safety and other recreation area purposes, and such other reasonable conditions as the Secretary deems necessary to further purposes of the recreation area. All such payments to the United States shall be credited to the appropriations of the National Park Service for the development and improvement of Gateway National Recreation Area.".

SEC. 2. Subsection 4(a) of the Act of October 27, 1972 (86 Stat. 1308), is amended by changing "ten years" in the second sentence to "twenty years".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

● Mr. D'AMATO Mr. President, I am pleased that the Senate unanimously passed S. 2218 as reported by the Committee on Energy and Natural Resources.

S. 2218 conveys the rights to methane gas emanating from the Fountain Avenue landfill in Gateway National Recreation Area from the United States to New York City. S. 2218 also extends the Advisory Commission for Gateway National Recreation Area from a 10- to 20-year term.

I have long advocated the development of alternative energy resources and have believed that resource recovery technology offers us the opportunity to reduce our dependence on imported oil. The legislation which I introduced and has been passed by the Senate makes it possible for the city of New York to continue to develop its methane recovery program and make use of the city's large landfills. It has been estimated that the Fountain Avenue landfill alone could produce the equivalent of over 600,000 barrels of oil annually.

In return for the rights to the methane, New York City will pay to the Federal Government 50 percent of the revenue it receives from the operation of a methane recovery project. This percentage will be dedicated to the improvement and operation of Gateway, and is not an offset to the annual appropriation Gateway receives.

The Federal Government should continue to support projects of this kind. In this case, not a single taxpayer's dollar will be spent on this project, but there will be substantial benefits to the public.

An alternative energy resource will be developed with a promising new technology, putting a landfill to good use. The recreation area will be made a safer and healthier place because the methane will be removed. I might add that this land cannot be used for the purpose for which it was intended until the methane is extracted. In addition, Gateway will receive moneys to be used for the improvement of its recreation facilities and programs.

I hope that the other body moves quickly to adopt similar legislation.●

DISASTER RELIEF ACT AMENDMENTS OF 1982

The Senate proceeded to consider the bill (S. 2250) to amend the Disaster Relief Act of 1974, and for other purposes which had been reported from the Committee on Environment and Public Works with amendments:

On page 3, line 17, after "plan.", strike through and including "emergency." on page 4, line 1.

On page 4, line 14, strike "organization", and insert "organizations";

On page 5, line 25, strike "limitations", and insert "limitation";

On page 5, line 25, strike "are", and insert "is";

On page 6, line 25, strike "1985.". ", and insert "1983.". ";

On page 7, line 23, after "Sec. 9", strike through and including page 8, line 7, and insert the following:

Section 314 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5154), is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) The President shall deny assistance which otherwise could be provided under section 405 of this Act to the extent that damage for which assistance is requested could have been compensated by reasonably available, adequate and necessary flood insurance. A determination concerning the availability, adequacy and necessity of flood insurance shall be made by the President, without regard to subsection (b)(2) of this section. The limitations of this subsection shall apply only pursuant to regulations promulgated by the President.".

On page 9, line 10, strike "President", and insert "Director";

On page 9, line 13, strike "he", and insert "the President";

On page 10, line 12, strike "resulting in a Presidential declaration", and insert "for which Federal assistance is provided";

On page 17, line 21, after "projects", insert "100 per centum of";

On page 18, line 13, after "projects", insert "75 per centum of";

On page 18, line 17, after "disaster", insert "and in conformity with current applicable codes, specifications, and standards.";

On page 19, line 6, after "projects", insert "75 per centum of";

On page 19, line 10, after "disaster", insert "and in conformity with current applicable codes, specifications, and standards.";

On page 20, line 9, after "cases,", insert "except for small projects,";

On page 20, line 16, strike "67", and insert "50";

On page 20, line 17, strike "total";

On page 20, line 18, strike "all", and insert "such";

On page 20, line 23, after "disaster", insert "and in conformity with current applicable codes, specifications, and standards.";

On page 21, line 17, after "projects", insert "75 per centum of";

On page 24, line 10, after "1983", strike "and such sums as may be necessary in fiscal years 1984 and 1985";

On page 24, line 14, after "1983.". ", strike "and such sums as may be necessary in fiscal years 1984 and 1985.". ";

On page 24, line 19, after "5121),", insert the following:

striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

On page 25, line 22, after "or", insert "in major disasters";

On page 26, after line 16, insert the following:

SEC. 23. This Act shall be effective sixty days after enactment, except for major disasters and emergencies declared by the President prior to such date.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1982".

SEC. 2. The short title of the Disaster Relief Act of 1974 (P.L. 93-288) is hereby amended by deleting the words "Disaster Relief Act of 1974" and inserting in lieu thereof "Major Disaster Relief and Emergency Assistance Act".

SEC. 3. (a) Section 102(1) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(1)), is amended to read as follows:

"(1) 'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States.".

(b) Section 102 is further amended by adding to the end thereof:

"(8) 'Director' means the Director of the Federal Emergency Management Agency.".

SEC. 4. Title VIII of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3231-3236), is hereby repealed, and title V of the Disaster Relief Act of 1974, as amended (Public Law 93-288), is hereby amended to read as follows:

"TITLE V—FEDERAL EMERGENCY ASSISTANCE PROGRAMS

"PROCEDURES

"SEC. 501. All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. As a part of this request, and as a prerequisite to emergency assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. Based upon such Governor's request, the President may declare that an emergency exists.

"FEDERAL ASSISTANCE

"SEC. 502. In any emergency, the President may—

"(a) direct any Federal agency without reimbursement to utilize its authorities and the resources granted to it under other Acts, including but not limited to personnel, equipment, supplies, facilities, and managerial, technical and advisory services in support of State and local emergency assistance efforts to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing emergency assistance, and coordinate emergency assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks of hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"EMERGENCY ASSISTANCE

"SEC. 502. (a) In an emergency, when the Federal assistance provided pursuant to section 502 of this title is inadequate, the President may provide assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe. Where debris removal assistance is appropriate under this section, it shall be provided in accordance with the terms and conditions of section 406 of this Act.

"(b) The President, in an emergency, shall not obligate funds appropriated to carry out this Act, other than for purposes of coordination and direction or the provision of technical and advisory assistance, where Federal assistance is available and adequate under other Federal authorities.

"(c) In any emergency and except as provided by subsection (d) of this section, the costs of providing emergency assistance under this section shall not exceed $5,000,000 of funds appropriated to carry out this Act.

"(d) The limitation of subsection (c) of this section may be exceeded when the President determines that continued emergency assistance is immediately required; that there is a continuing and immediate risk to lives, property, public health or safety; and that necessary assistance will not otherwise be provided on a timely basis. In the event that the limitation of subsection (c) is exceeded, the President shall report to Congress on the nature and extent of the emergency assistance requirements and propose additional legislation if necessary.".

SEC. 5. Section 102(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(2)), is amended by:

(1) adding the word "natural" between the words "other" and "catastrophe"; and

(2) striking the words "above and beyond emergency services by the Federal Government,".

SEC. 6. Title II of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131-5132), is amended by:

(1) striking the words "(including the Defense Civil Preparedness Agency)" in section 201(a);

(2) adding the words "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards," between the words "plans," and "except" in section 201(d);

(3) striking "$25,000" in section 201(d) and inserting in lieu thereof "$50,000"; and

(4) adding a new section 203 as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 203. There is authorized to be appropriated to the Federal Emergency Management Agency such sums as may be necessary to carry out the purposes of this title through the close of September 30, 1983.".

SEC. 7. Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by:

(1) deleting sections 301, 305, and 306 and renumbering subsequent sections appropriately;

(2) deleting the caption "FEDERAL ASSISTANCE" of section 302 and inserting in lieu thereof "RULES AND REGULATIONS";

(3) deleting the first and second sentences of subsection (a) of section 302; and

(4) deleting ", or economic status" in the second sentence of section 311(a), and adding "or" before "age."

SEC. 8. Section 303(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5143(a)), is amended as follows:

"(a) Unless otherwise directed by the President, following the declaration of an emergency or a major disaster, the Director or his designee shall become the Federal coordinating officer to operate in the affected area. The Federal coordinating officer shall represent the President in coordinating the emergency or the major disaster response and recovery effort.".

SEC. 9. Section 314 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5154), is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) The President shall deny assistance which otherwise could be provided under section 405 of this Act to the extent that damage for which assistance is requested could have been compensated by reasonably available, adequate and necessary flood insurance. A determination concerning the availability, adequacy and necessity of flood insurance shall be made by the President, without regard to subsection (b)(2) of this section. The limitations of this subsection shall apply only pursuant to regulations promulgated by the President.".

SEC. 10. Section 315 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5155), is amended by adding a new subsection "(d)" as follows:

"(d) Federal disaster assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations to individuals and families shall not be considered as income or a resource when determining eligibility or benefit levels for federally funded income assistance or resource tested benefit programs.".

SEC. 11. Section 316 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5156), is amended by adding "(a)" after "316." and a new subsection "(b)" as follows:

"(b) The Director shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House on each major disaster or emergency that the President has declared.".

SEC. 12. (a) Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5188), is amended by adding at the end thereof four new sections as follows:

"PROTECTION OF ENVIRONMENT

"SEC. 315. No action taken or assistance provided pursuant to section 403, 406, 502, or 503 of this Act, or any assistance provided pursuant to section 405 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provision of law.

"RECOVERY OF FUNDS

"SEC. 316. The Attorney General of the United States is authorized to institute actions in the United States District Court for the district in which an emergency or major disaster occurred, or in such district as otherwise provided by law, against any party whose acts or omissions may in any way

have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to this Act. Upon the showing that an emergency or major disaster or the associated damage or hardship was caused in whole or in part by an act or omission of such party, then such party shall be liable to the United States for the full amount of Federal expenditures made to alleviate the suffering or damage attributable to such act or omission. The authority of this section shall also apply to the recovery of Federal funds expended under the authority of section 419 of this Act for fire suppression.

"AUDITS AND INVESTIGATIONS

"SEC. 317. (a) The Director, when deemed necessary to assure compliance with any provision of this Act or related regulations, shall conduct audits and investigations and in connection therewith may enter such places and inspect such records and accounts and question such persons as deemed necessary to determine the facts relative thereto.

"(b) The Director, when deemed necessary to assure compliance with any provision of this Act or related regulations, may require audits by State and local governments in connection with assistance provided under the Act.

"(c) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of investigation, audit, and examination to any books, documents, papers, and records of any person or entity relating to any activity or program undertaken pursuant to this Act.

"CRIMINAL AND CIVIL PENALTIES

"SEC. 318. (a) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any application or other document in connection with a request for assistance under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for assistance is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(b) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any bill, invoice, claim, or other document requesting reimbursement for work or services performed in connection with assistance provided under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports or statements upon which such request for reimbursement is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(c) Whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the original principal amount of the loan or cash benefit.

"(d) Whoever knowingly violates any order, rule, or regulation issued under this Act shall be subject to a civil penalty of not more than $10,000 for each violation.

"(e) Civil penalties provided under this section shall be imposed in accordance with rules and regulations promulgated by the Director pursuant to the authority in section 601 of this Act.

"(f) Whenever it shall appear that any person has violated or is about to violate any provision of this Act, including rules and regulations issued and civil penalties imposed, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the district court of the United States having jurisdiction where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

"(g) The Director, or duly authorized representative of the Director, shall expeditiously refer to the Attorney General of the United States for appropriate action such evidence developed in the performance of functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.".

(b) Title III of the Disaster Relief Act of 1974 is amended by deleting section 317 (42 U.S.C. 5157) and by renumbering subsequent sections appropriately;

(c) Title IV of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5171), is amended by deleting section 405 and renumbering subsequent sections appropriately.

SEC. 13. Title IV of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5171-5189), as amended by adding three new sections as follows and by renumbering subsequent sections appropriately:

"PROCEDURES

"SEC. 401. (a) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster, including, but not limited to, the cost-sharing provisions pursuant to sections 405, 406, and 410 of this Act. Based upon such Governor's request, the President may declare that a major disaster exists.

"(b) In any case where an eligible applicant (or the State) is unable to assume its financial responsibility under this Act, the President is authorized to lend or advance to the State such 25 per centum share. For purpose of section 405, such loan or advance shall be based upon the occurrence of concurrent, multiple disasters in a given jurisdiction or the extraordinary cost of a major disaster. Any such loan or advance is to be repaid to the United States but shall be interest free for two years from the date of the declaration; thereafter such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States.

"FEDERAL ASSISTANCE

"SEC. 402. In any major disaster, the President may—

"(a) direct any Federal agency without reimbursement to utilize its authorities and the resources granted to it under other Acts including, but not limited to, personnel, equipment, supplies, facilities, and managerial, technical, and advisory services in support of State and local assistance efforts;

"(b) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing disaster assistance, and coordinate disaster assistance with State and local officials; and

"(c) provide technical and advisory assistance to affected State and local governments in the performance of essential community services, warning of risks and hazards, public information and assistance in health and safety measures, management and control, and reduction of immediate threats to public health and safety.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

"SEC. 403. (a) In any major disaster, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

"(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

"(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

"(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

"(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph. Such contributions shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, or such emergency work or services performed by State and local governments.

"(b) Where debris removal assistance is appropriate under this section it shall be provided in accordance with the terms and conditions of section 406 of this Act.".

SEC. 14. (a) Section 402 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5172), is amended to read as follows:

"(a) The President is authorized to make contributions to State or local governments, to help repair, restore, reconstruct, or replace public facilities belonging to such State or local government which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, "public facility" includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

"(b) The President is authorized to make contributions to help repair, restore, reconstruct, or replace eligible private nonprofit facilities which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstruction, or replacing such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'eligible private nonprofit facility' means private nonprofit educational, utility, emergency, medical, and custodian care facilities, including those for the aged and disabled, and facilities on Indian reservations as defined by the President which were damaged or destroyed by a major disaster.

"(c) No authority under this section shall be exercised unless the affected State, local government, or eligible private nonprofit organization first agrees that such facility shall be repaired, restored, reconstructed, or replaced in compliance with environmental protection, floodplain management and hazard mitigation criteria required by the Director, and in conformity with other applicable codes, specifications and standards.

"(d) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the contribution shall be based on 75 per centum of the net eligible costs of restoring such facilities substantially to their predisaster condition, provided that the term 'net eligible costs' shall not include costs which, under a contract, are the responsibility of a contractor.

"(e) In those cases, except for small projects, where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (a) of this section, a contribution based on 50 per centum of the Federal estimate of the net eligible cost of repairing, restoring, reconstructing, or replacing all such damaged facilities owned by it within its jurisdiction. The cost of repairing, restoring, reconstructing, or replacing damaged or destroyed public facilities shall be estimated on the basis of the design of each such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.".

(b) The Disaster Relief Act of 1974, as amended, is amended by deleting section 419 (42 U.S.C. 5189) and by striking "or 419" each place that this phrase appears in section 314 (42 U.S.C. 5154).

(c) Section 403 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5173), is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, whether carried out directly through Federal departments, agencies, or instrumentalities or through grants to State or local governments, Federal assistance provided under authority of this section shall not exceed 75 per centum of the net eligible costs, or for small projects 75 per centum of the Federal estimate of the net eligible costs of debris removal,".

SEC. 15. Section 404(a) of the Disaster Relief Act of 1974 is amended to read as follows:

"(a)(1) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. Temporary housing assistance shall be provided only when adequate alternate housing is unavailable, unless there is a compelling need to do so because of severe hardship. The assistance to be provided shall be determined by the President based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Any mobile home or other readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. The President may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites when he determines such action to be in the public interest.

"(2) The President is authorized to make contributions not to exceed 100 per centum of the costs to State or local governments for the purpose of providing temporary housing assistance to those who require it as a result of a major disaster. Whenever he determines it to be in the public interest, the President is authorized to provide temporary housing assistance by using Federal departments, agencies, or instrumentalities. The Federal financial and operational responsibilities for temporary housing assistance shall not exceed 18 months from the date of a major disaster declaration by the President unless he determines that due to extraordinary circumstances it would be in the public interest to extend the 18-month period.".

SEC. 16. Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is amended by striking the first and second sentences thereof and inserting in lieu thereof the following: "The President is authorized to provide unemployment assistance to individuals who are unemployed as a result of a major disaster and who are not otherwise eligible for payment of benefits or waiting week credit under authority of any other Federal or State Act. The duration of such benefit assistance shall not exceed twenty-six weeks.".

SEC. 17. Section 408(b) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by striking the second sentence thereof.

SEC. 18. Section 408(d) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178) is amended by adding at the end thereof the following new sentence: "Whenever a State demonstrates efficiency by promptly completing all grants to eligible individuals and families within the period prescribed by the President, the State may be reimbursed for 50 per centum of those administrative expenses which exceed 3 per centum of the Federal grant made under subsection (a) of this section.".

SEC. 19. Section 413 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5183), is amended by striking "(through the National Institute of Mental Health)".

SEC. 20. Section 418(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), is deleted.

SEC. 21. Section 606 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), is amended to read as follows: "Except as provided pursuant to section 203 of this Act, there are authorized to be appropriated to the President to carry out this Act $325,000,000 for fiscal year 1983, and to the Federal Emergency Management Agency for administrative expenses $6,108,000 for fiscal year 1983.".

SEC. 22. The Disaster Relief Act of 1974 (Public Law 93-288) as amended, is amended by:

(1) striking paragraph (7) of section 101(b) (42 U.S.C. 5121), striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

(2) striking "the Canal Zone," in paragraphs (3) and (4) of section 102 (42 U.S.C. 5122);

(3) striking "DISASTER" in the caption of title III (42 U.S.C. 5141-5158) and inserting in lieu thereof of "MAJOR DISASTER RELIEF AND EMERGENCY";

(4) striking "section 402 or 404 of" in section 311(b) (42 U.S.C. 5151);

(5) adding "emergency or" before the word "major" each of two places that word appears in section 310 (42 U.S.C. 5150);

(6) striking in section 313(b) (42 U.S.C. 1281) all after the word "areas" and inserting in lieu thereof a period;

(7) striking "or section 803 of the Public Works and Economic Development Act of 1965," each place the phrase appears in section 314 (42 U.S.C. 5154);

(8) striking "402" each place that number appears in section 314 (42 U.S.C. 5154) and inserting in lieu thereof "405";

(9) adding "emergency and major" before the word "disaster" in section 316 (42 U.S.C. 5156);

(10) adding the word "MAJOR" between the words "FEDERAL" and "DISASTER"

in the caption to title IV (42 U.S.C. 5171-5189);

(11) striking "in emergencies or in major disasters" in the third sentence of paragraph (2) of section 404(d) (42 U.S.C. 5174);

(12) striking "311" in section 404(d)(2) (42 U.S.C. 5174) and inserting in lieu thereof "308";

(13) striking "an emergency or" in section 415 (42 U.S.C. 5185) and inserting in lieu thereof "a";

(14) striking "408" in section 605 (42 U.S.C. 5121) and inserting in lieu thereof "410";

(15) striking "301" in subtitle C of title I of the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512; 86 Stat. 919) and inserting in lieu thereof "401"; and

(16) striking "President" and substituting in lieu thereof "Director" in each of the places that word appears in title II and in section 316;

(17) striking "President" each place that word appears in section 312(a) and inserting in lieu thereof "Federal coordinating officer".

SEC. 23. This Act shall be effective sixty days after enactment, except for major disasters and emergencies declared by the President prior to such date.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDINGS AUTHORIZATIONS ACT OF 1982

The Senate proceeded to consider the bill (S. 2451) to authorize appropriations for the public buildings service of the General Services Administration for fiscal year 1983, and for other purposes which had been reported from the Committee on Environment and Public Works with amendments, as follows:

On page 2, line 22, strike "1,956,872,000", and insert "1,992,275,000";

On page 3, line 3, strike "$55,303,000", and insert "$56,303,000";

On page 3, line 5, strike "major";

On page 3, in the material between lines 13 and 14, strike "Texas, Dallas, 555 Griffin Square Building—7,200,000";

On page 3, in the material between lines 13 and 14, strike "6,914,000, and insert "14,114,000";

On page 3, line 16, strike "$217,470,000", and insert "$238,556,000";

On page 3, line 18, strike "major";

On page 3, line 18, after "Renovations,", insert "alterations,";

On page 4, after line 1, insert the following: "of $1,000,000 or more:";

On page 4, in the material between lines 2 and 3, strike "numbered", strike "District of Columbia Auditors 656,000", "strike District of Columbia, Interior 602,000", strike "District of Columbia, Pension Building 1,750,000", insert "District of Columbia, West Heating Plant 2,190,000", insert "Illinois, Chicago, J.C. Kluczynski Federal Building 3,319,000", insert "Federal Depot Building", insert "Federal Depot Building", insert "Massachusetts, Boston, John F. Kennedy Federal Building 2,499,000", insert "Michigan, Detroit, Patrick V. McNamara Federal Building 5,474,000", strike "numbered", insert "Center", strike "North Carolina, Ashville, Grove Arcade 550,000", insert "Ohio, Cleveland, Anthony J. Celebreeze Federal Building 3,951,000", insert "(new)", strike "(new)", insert "Puerto Rico, Hato Rey Federal Building-Courthouse 3,000,000", insert "Center", insert "Federal Building", and insert "U.S.";

On page 4, following the material after line 2, insert the following:

(B) For design of renovations, alternations, and repairs of public buildings at the following locations and costs:

District of Columbia, Auditors Building	$656,000
District of Columbia, Interior Building	602,000
District of Columbia, Pension Building	1,750,000
Georgia, Atlanta, Federal Annex.	653,000
North Carolina, Asheville, Grove Arcade Federal Building	550,000

On page 5, line 1, strike "(B)", and insert "(C)";

On page 5, line 1, strike "minor";

On page 5, line 4, strike "(C)", and insert "(D)";

On page 5, line 6, strike "(D)", and insert "(E)";

On page 5, line 9, strike "$762,100,000", and insert "$770,000,000";

On page 5, line 11, strike "36,361,000", and insert "$44,261,000";

On page 5, line 17, strike "$666,237,000", and insert "$671,654,000";

On page 6, line 3, after (a)(1), insert "and";

On page 6, line 4, strike "and (a)(3)"; and

On page 6, beginning on line 7, strike "or lease entered into,".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Authorizations Act of 1982".

SEC. 2. (a) No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator to carry out the purposes of this Act, unless it has been authorized by the Congress in accordance with this Act.

(b) Beginning in fiscal year 1984, no public building construction, renovation, alteration, repair, or acquisition shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, alteration, repair, or acquisition. Beginning in fiscal year 1984, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over its entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 3. (a) There is hereby authorized to be appropriated for fiscal year 1983 not to exceed in the aggregate, the amount of $1,992,275,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the real property management and related activities of the Public Buildings Service of which:

(1) Not to exceed $56,303,000 shall be available for fiscal year 1983 as follows:

(A) For construction of a public building (including funds for site and expenses) at the following location and maximum construction cost:

Alabama, Birmingham, courthouse	$29,591,000

(B) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

(C) $22,212,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Iowa, Sioux City, post office-courthouse	$1,367,000
Tennessee, Greenville, post office-courthouse	331,000
Virginia, Norfolk, post office-courthouse	6,400,000
Other selected purchases including options to purchase	14,114,000

(D) $3,500,000 for preliminary design of a public building at the following location:

Washington, D.C., Federal Triangle	$3,500,000

(2) Not to exceed $238,556,000 shall be available for fiscal year 1983 as follows:

(A) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000, or more:

Alaska, Anchorage, Federal building-courthouse	$6,968,000
Arizona, Phoenix, Federal building-courthouse	1,724,000
Arkansas, Little Rock, post office-courthouse	1,570,000
California, San Diego, Federal building-courthouse	2,998,000
Colorado, Denver, Federal building-courthouse	2,404,000
Colorado, Denver, Federal Center Building 20	10,087,000
District of Columbia, Archives	2,696,000
District of Columbia, Liberty Loan	4,460,000
District of Columbia, West Heating Plant	2,190,000
Florida, Miami, post office-courthouse	1,400,000
Georgia, Atlanta, Court of Appeals	7,702,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Indiana, Lafayette, post office-courthouse	1,300,000
Indiana, South Bend, post office-courthouse	5,511,000
Maryland, Baltimore, Middle River Federal Depot Building	2,864,000
Maryland, Suitland, Oceanographic Federal Depot Building	4,140,000
Massachusetts, Boston, John F. Kennedy Federal Building	2,499,000
Michigan, Detroit, Federal Building-Courthouse	2,849,000
Michigan, Detroit, Patrick V. McNamara Federal Buildir ɜ	5,474,000
Missouri, St. Louis, Building 110	6,113,000
New Jersey, Bayonne, Archives and Records Center	1,905,000
Ohio, Cincinnati, post office-courthouse	2,636,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Building	3,951,000
Oregon, Portland, (new) U.S. courthouse	2,999,000
Puerto Rico, Hato Rey Federal Building-Courthouse	3,000,000
Texas, Dallas, Terminal Annex	7,997,000
Utah, Ogden, Internal Revenue Service Center	2,779,000
Virginia, Alexandria, Hybla Valley Federal Building	1,627,000

Virginia, Alexandria, Post Office-Courthouse	1,550,000
Virginia, Norfolk, Post Office-Courthouse	6,094,000
Washington, Seattle, U.S. Courthouse	1,623,000
Washington, Yakima, Federal building-post office	1,338,000

(B) For design of renovations, alterations, and repairs of public buildings at the following locations and costs:

District of Columbia, Auditors Building	656,000
District of Columbia, Interior Building	602,000
District of Columbia, Pension Building	1,750,000
Georgia, Atlanta, Federal Annex.	653,000
North Carolina, Asheville, Grove Arcade Federal Building	550,000

(C) $110,578,000 for renovations and repairs of public buildings at project costs of less than $1,000,000;

(D) $0 for major alterations of leased buildings;

(E) $8,000,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000; and

(3) Not to exceed $770,000,000 shall be available for fiscal year 1983 as follows:

(A) $44,261,000 to enter into contracts for new lease ageements and lease renewals; and

(B) $725,739,000 for payments in fiscal year 1983 on leases entered into prior to fiscal year 1983.

(4) Not to exceed $671,654,000 shall be available for fiscal year 1983 for real property operations.

(5) Not to exceed $95,791,000 shall be available for fiscal year 1983 for program direction.

(6) Not to exceed $159,971,000 shall be available for fiscal year 1983 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

(b) Funds appropriated under paragraphs (a)(1) *and* (a)(2) of this section shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided*, That construction, renovation, alteration, repair, or acquisition has been commenced pursuant to section 2(b) of this Act.

(c) Ten per centum of the funds made available to the Public Buildings Service for renovation, alteration, and repair of public buildings and leased buildings and for execution of lease renewals, pursuant to paragraphs (a)(2) and (a)(3) of this section shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

SEC. 4. (a) When the cost of a project exceeds the estimated maximum cost authorized under section 3 of this Act, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 per centum of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 per centum of the gross square feet stated in the approved authorization.

(b) If the Administrator determines that the cost of a project exceeds the estimated maximum cost authorized under section 3 of this Act to such an extent that action under subsection (a) of this section is not sufficient to meet such excess cost, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by subsection (a) of this section, unless such action has been authorized by the Congress.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KENNEDY CENTER NONPERFORMING ARTS FUNCTIONS

The bill (H.R. 5566) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider en bloc the votes by which the bill were passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION ISLAND WILDLIFE REFUGE

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order 608.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1486) to establish the Protection Island Wildlife Refuge, Jefferson County, State of Washington.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments:

On page 3, line 5, after "land", insert the following: "as of January 1, 1982,";

On page 3, line 10, strike "1981", and insert "1982";

On page 4, after line 6, insert the following:

(d) Any owner of property within the refuge may offer to sell his property to the Secretary for the amount determined by the Jefferson County assessor to be the assessed value of the property as of the date that the offer is tendered. Prior to two years after Congress has appropriated funds to the Secretary to make purchases under this Act, the Secretary may immediately purchase such properties pursuant to such offers, may tender immediate payment for such properties, and may take immediate possession of such properties, in order to accommodate such owners. Any purchase made pursuant to this section shall not be subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 U.S.C. 4601-4655).

(e) Prior to two years after Congress has appropriated funds to the Secretary to make purchases under this Act, the Secretary shall not acquire any of the property within the refuge by exercising the power of eminent domain except as may be necessary to control public access to concentrated nesting sites within the refuge.

On page 6, line 2, strike "$5,000,000", and insert "$4,000,000";

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. JACKSON. Mr. President, I am pleased to have this opportunity to join Senator GORTON in expressing my support for H.R. 1486, a bill to establish the Protection Island National Wildlife Refuge in the State of Washington.

Protection Island, located in the Strait of Juan de Fuca in Jefferson County, Wash., is a 400-acre land mass that provides a home for more than 21,000 pairs of nesting sea birds. This represents more than 70 percent of the birds breeding in the Strait of Juan de Fuca and Puget Sound. While the sheer number of birds finding sanctuary on the island is noteworthy, great importance must be given to the fact that the island is the nesting place for the endangered rhinoceros auklet and the tufted puffin. In fact, Protection Island monopolizes more than one-half the population of rhinos in the entire United States. Both the U.S. Fish and Wildlife Service and the State of Washington have cited the island as a unique sea bird habitat of national and even international importance.

This bill has been the result of a cooperative effort on the part of many individuals over many years. I am pleased to see the culmination of these efforts result in the enactment of this bill.

I would specifically like to thank Senator GORTON and members of the Washington State delegation in the House of Representatives for their diligent efforts on behalf of this measure. I also appreciate the patience of many individuals who have worked long and hard for the creation of a na-

tional wildlife refuge on Protection Island.

Mr. President, it is my understanding that ongoing research has existed on Protection Island for a number of years. I would like to see legitimate research be allowed to continue on the island subject to the conditions and regulations imposed by the U.S. Fish and Wildlife Service. I believe that research that is compatible with the island's wildlife resources is a worthy endeavor.

I ask unanimous consent to have included in my statement for the record, a letter from the U.S. Fish and Wildlife Service regarding this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C., June 24, 1982.

Hon. HENRY JACKSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This letter confirms conversations between our staffs concerning Protection Island, Washington, and the wildlife research program being conducted on the island by Walla Walla College. You have expressed concern that the college be allowed to continue their use of the island in the event a wildlife refuge is established.

As you know, the establishment of a refuge at Protection Island would place certain restrictions on the use of the island and its wildlife resources. U.S. Fish and Wildlife Service (FWS) policy is to encourage and support research and management studies in order to provide scientific data upon which decisions regarding management of units of the refuge system may be based. The Service will also permit the use of a refuge for other investigatory scientific purposes when such use is compatible with the objectives for which the refuge is managed. Priority is given to studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitats in their natural diversity.

In keeping with discussions with your staff, the FWS will provide research opportunities to Walla Walla College on any refuge established at Protection Island, consistent with the above policy and subject to prior review and approval by the Service. Any research approved by FWS will, of course, be subject to whatever conditions are determined necessary to ensure compatibility with current Federal policy and regulations governing research on units of the National Wildlife Refuge System. Naturally, the college would also be expected to meet all regulatory and permitting requirements established by the State of Washington.

It is our understanding that Walla Walla College is currently negotiating to purchase a lot from a property owner on the island. The FWS will allow a 15 year use permit for this lot subsequent to any Service acquisition which may occur in connection with establishment of a refuge.

We have suggested to your staff that Walla Walla College contact our Regional Office in Portland, Oregon, to obtain additional information concerning the general procedures to be followed in obtaining approval for a research program.

Please do not hesitate to contact me should you require additional assistance on this matter.

Sincerely,

F. EUGENE HESTER,
Director.

Mr. GORTON. Mr. President, on January 29 of last year, Senator JACKSON and I introduced S. 327, a bill to establish Protection Island as a national wildlife refuge in Washington State. The bill before us today is the House of Representatives' counterpart to S. 327. It passed the House of Representatives last December, and was passed out of the Environment and Public Works Committee by unanimous committee action last month.

Protection Island is located within the inland waters of Puget Sound. It encompasses an area of 400 acres and is approximately 0.6 miles wide and 1.8 miles long. The island provides nesting habitat for 72 percent of the entire sea bird population of Puget Sound and the Strait of Juan de Fuca. Without question, this island serves as the single most important nesting site of marine birds in these waters.

Currently, there are six species of sea birds which nest on the island: Rhinoceros auklets, tufted puffins, glaucous-winged gulls, pelagic cormorants, pigeon guillemots, and black oystercatchers. This assemblage of species and their numbers on Protection Island are unique in the contiguous United States. The island also provides refuge for several other species, including the endangered bald eagle and the harbor seal. The U.S. Fish and Wildlife Service has designated these species as significant wildlife resources.

Protection Island was subdivided into 835 lots in the last decade. Little development has occurred, however because of the unavailability of water and a construction moratorium established by the Jefferson County Commission. The availability of water is imminent, however. And Jefferson County's construction moratorium is of indefinite duration. Now is the time, therefore, for the Federal Government to act in preserving this important wildlife habitat.

I wish to thank the members of the Washington State congressional delegation in the House of Representatives who have actively supported this bill. In addition, Senator JACKSON's strong support for this bill has been most helpful. Senator CHAFEE, whose subcommittee was responsible for hearings in the Senate, has been of great assistance in passing this bill. I thank him.

UP AMENDMENT NO. 1018

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Mr. GORTON and Mr. JACKSON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. GORTON and Mr. JACKSON proposes an unprinted amendment numbered 1018.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

H.R. 1486 is amended by adding a new section 9 at the end thereof as follows:

In consideration of the prior transfer of certain properties now in the San Juan National Wildlife Refuge by the Washington State Parks and Recreation Commission to the Department of Interior, the Secretary of Interior shall transfer all ownership, jurisdiction, and control over the Jones Island National Wildlife Refuge, more particularly described as section 10, tract B; section 11, tract A, lots 1, 2, and 3; section 14, tract C, lots 1 to 5 inclusive, and the northeast quarter of the northwest quarter, all of township 36 north, range 3 west, Willamette Meridian, all in the State of Washington, to the State of Washington for use as a public recreation area to be managed in accordance with the applicable laws of the State of Washington.

Mr. JACKSON. Mr. President, in the early 1970's, the Washington State Parks and Recreation Commission and the Fish and Wildlife Service agreed to exchange some properties in the San Juan Islands. The State owned properties which were suited for inclusion in a refuge or wilderness area; the Federal Government owned lands which could be used more appropriately as a State park recreation area. The Parks Commission consequently transferred the ownership of several small islands and rocks within the San Juan archipelago to the Federal Government for inclusion in the San Juan National Wildlife Refuge or Wilderness Area. In return, the U.S. Fish and Wildlife Service agreed to transfer ownership of Jones Island to the State and to permit the State to use other islands for recreational facilities.

During negotiations over the transfer of Jones Island, the Congress enacted in 1976 Public Law 94-223 which designated the island as part of the National Wildlife Refuge System. This classification precluded the transfer of the island to State ownership. A solicitor's opinion declared that an act of Congress was required. A recreational use agreement for the use of Jones Island by the State was adopted by the State and Federal Government pending removal of the island from the refuge system.

Today the State park located on Jones Island pursuant to the use agreement is one of the most popular marine parks in the San Juan Islands. The Washington State Parks and Recreation Commission and the U.S.

Fish and Wildlife Service still favor transfer of the island to the State.

Mr. President, I would like to point out that there is an important policy question related to the removal of Jones Island from the National Refuge System. This question is one of carefully weighing both the advantages and relative disadvantages of removing certain properties from the refuge system.

I believe that whenever a proposal is made to remove properties from the refuge system for the purpose of development, the proposal should be closely scrutinized by the Congress to determine whether the wildlife and natural value of the properties outweighs the development value. There have been a number of recent proposals to remove lands from the refuge system for the express purpose of allowing the development of that property. Jones Island does not fit into this category. As indicated by its history, Jones Island is clearly appropriate for removal from the refuge system because of the consideration which the State of Washington has already given in return for its transfer and because of a long standing agreement between the State and the U.S. Fish and Wildlife Service promising such a transfer. The purpose of removing Jones Island is not to allow for property development, but rather to cure a failure of consideration in a transfer agreement between the Federal Government and the State of Washington.

Mr. GORTON. Mr. President, I am delighted that my senior colleague from Washington has proposed this amendment regarding Jones Island. I am pleased to accept that amendment and to cosponsor it. Jones Island is an extremely popular recreational facility currently under the management of the Washington State Parks and Recreation Commission. I had hoped that the U.S. Fish and Wildlife Service would find a method to address its failure to transfer Jones Island in an administrative fashion. Were it to do so, this amendment would not be needed. The State of Washington was entitled to receive ownership of Jones Island in consideration of its transfer of several properties to the Federal Government. I understand that only the slowness of administrative procedure within the agency at the time, and the intervening action of the Congress, prevented the transfer.

I echo Senator JACKSON's remarks with respect to the policy on proposals to remove properties generally from the refuge system. They should be closely scrutinized. We in the Congress should only support removals where a clear case can be made that significant economic gains can be achieved for the public by the property's removal and that the public's recreational or esthetic properties are not lost. The Jones Island case is not as Senator JACKSON has stated, within the general case. It is a case of curing administrative inadvertence and rewarding the good faith expectations of the State of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Are there any further amendments? If not, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time, was read the third time, and passed, as amended.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar Order No. 773, under Central Intelligence, the nomination of John N. McMahon, of Maryland, to be Deputy Director.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

CENTRAL INTELLIGENCE

The legislative clerk read the nomination of John N. McMahon, of Maryland, to be Deputy Director.

Mr. GOLDWATER. Mr. President, I rise today to support the nomination of John N. McMahon, of Maryland, to be Deputy Director of Central Intelligence, replacing Admiral Inman who has resigned.

With 31 years of service at the Central Intelligence Agency, Mr. McMahon certainly has the background to do a good job. I believe that he is a topnotch professional who is highly regarded within the intelligence community. His confirmation should have a positive effect on morale within this community.

All of Mr. McMahon's working life has been spent at the CIA where he accumulated a distinguished record. During that time, he served in all phases of CIA operations including top jobs in electronic intelligence, technical services, administration, operations, and analysis. He has also served on the intelligence community staff as acting deputy.

John McMahon will have a tough job replacing Admiral Inman, whom I consider to be one of the best intelligence officers I have known. Nonetheless, I am pleased that someone with John's qualifications and experience has been named for this post.

Rule 5.6 of the rules of procedure for the Select Committee on Intelligence states that:

> No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

John McMahon has filed both of these statements with the committee.

I ask unanimous consent that the unclassified sections of these statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE SELECT COMMITTEE ON INTELLIGENCE
QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

A. Biographical information:

1. Name: McMahon, John Norman.
2. Former name(s) used, if any: N/A.
3. Date of birth: July 3, 1929.
4. Spouse's name: Hugger, Margaret Joan.
5. Former name(s) used by spouse, if any: N/A.
6. Name and year of birth of children: Patricia Joy, 1928; Christopher John, 1927; Timothy Richard, 1923; and Peter Collins, 1918.
7. Education: Holy Cross, 1947-51, B.A.; Georgetown Law, 1951; and Harvard Advanced Management Program 1968.

Employment record (list all positions since college, including military service):

Position or title: (See attachment.)

Name of employer: CIA.

Location and dates of employment: Abroad and Washington, D.C. 1951-present.

[Attachment]

Employment Record:

September 1951-June 1952, communications processing and distribution clerk.

June 1952-June 1952, communications tech (crypt) (overseas).

July 1952-August 1953, communications cable analyst (overseas).

August 1953-July 1954, chief, cable desk (overseas).

July 1954-November 1954, home leave and training at CIA's training site.

November 1954-February 1955, administrative officer (overseas).

February 1955-January 1957, Assistant to Chief of Station (overseas).

March 1957-Septemberr 1957, entered military service under Agency auspices.

September 1957-November 1957, Headquarters, European Division, counterintelligence.

November 1957-December 1958, Deputy Chief, Central Processing.

January 1959-May 1961, case officer for U-2 pilots and contract monitor of technical representatives.

May 1961-November 1962, Executive Officer, Development Projects Division; was responsible for CIA reconnaissance activities, and support to all phases of air operations.

November 1962-January 1964, Chief, Program Analysis Staff/Development Projects Division.

January 1964-July 1964, DCI program analysis staff.

August 1964-September 1965, DDS&T systems analysis staff.

September 1965-September 1970, Deputy Director, Office of Special Projects.

September 1970–July 1971, Deputy Director, Office of ELINT.

July 1971–April 1973, Director, Office of ELINT.

April 1973–August 1974, Director, Office of Technical Service.

August 1974–May 1976, Associate Deputy Director for Administration.

May 1976–April 1977, Associate Deputy to the DCI for the Intelligence Community.

April 1977–January 1978, Acting Deputy to the DCI for the Intelligence Community.

January 1978–April 1981, Deputy Director for Operations.

April 1981–January 1982, Deputy to the DCI for National Foreign Assessment.

January 1982, Executive Director.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

Distinguished Intelligence Medal (2).

Intelligence Medal of Merit.

Certificate of Distinction.

National Intelligence Distinguished Service Medal.

Certificate of Recognition-William A. Jump Memorial Award.

References: Please provide the Committee with the names and current addresses and telephone numbers of five individuals whom you believe are in a position to comment upon your qualifications for the office to which you have been nominated. Please include the names of at least three (3) persons who have known you for more than five years.

Name, address, tel. No., No. of years reference has known you:

Vice President George Bush, White House, 456-7123, 7.

Deputy Secretary of Defense, Frank Carlucci, Pentagon, 695-6352, 6.

Adm. Daniel J. Murphy, White House, 456-6606, 7.

Adm. Stansfield Turner, 1320 Skipwith Road, McLean, Virginia 22101, 522-5258, 6.

Walter J. Stoessel, Jr., State Department, 632-9640, 6.

Qualifications: State fully your qualifications to serve in the position for which you have been nominated.

During my 31 years of government service, I have had the good fortune to work in all four Directorates of the Central Intelligence Agency as well as on staffs supporting the DCI in executing his Intelligence Community responsibilites. Within CIA, my responsibilities in the scientific and technical arena have included reconnaissance operations and research and development (1965–1974). As Associate Deputy Director for Administration (1974–1976), I helped manage our support capabilities, including communications, logistics, data processing, personnel, security and training. I have also served as Deputy Director of Central Intelligence for Operations (1978–1981). In that capacity I was responsible for the collection of foreign intelligence from human sources, counterintelligence, and conducting special activities as directed by the National Security Council. As Deputy Director for National Foreign Assessment (April 1981–January 1982), I was the Director's principal advisor on the analytical process and the production of national intelligence, including Intelligence Community estimates and CIA production. Finally, as Executive Director since January of this year, I have been responsible for the day-to-day management of the Central Intelligence Agency.

Within the Intelligence Community, I served as Associate Deputy (1976) and then Acting Deputy (1977) to the DCI for the Intelligence Community. In those capacities I assisted the DCI in executing his Community responsibilities and served as his principal advisor on all matters relating to the National Foreign Intelligence Program budget and on Community-wide collection tasking. I would also like to note that during most of my career (since 1959), I have served in positions involving national programs requiring coordination, and in many cases joint efforts, with the military services.

I believe my long and varied career has provided me an in-depth appreciation of all facets of the intelligence process, both within the CIA and the Intelligence Community, and therefore qualifies me for the position for which I have been nominated.

Foreign affiliations:

Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business or political adviser or consultant), with or without compensation, a foreign government or any entity controlled by a foreign government? No.

If you or your spouse have ever been formally associated with a law, accounting, public relations or other service organization, have any of you or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or any entity controlled by a foreign government? No.

If the answer to either or both of the above questions is "yes", describe each relationship.

(Note.—The questions above are not limited to relationships requiring registration under the Foreign Agents Registration Act.)

During the past five years, have you or your spouse received any compensation from, or been involved in any financial or business transactions with a foreign government or an entity controlled by a foreign government? No.

If yes, please furnish details.

(Note.—Questions 1, 2, & 3 do not call for a response if the representation or transaction was authorized by the United States Government in connection with your employment in government service.)

Have you or your spouse ever registered under the Foreign Agents Registration Act? No.

(a) As far as it can be foreseen, state your plans after completing government service. Please state specifically any agreements or understandings, written or unwritten, concerning employment after leaving government service in particular concerning agreements, understandings or options to return to your current position.

Undetermined—no agreements or understandings.

(b) Have you received any offer or expression of interest to employ your services in any capacity? If yes, please furnish details.

No.

(c) If you are presently in government service, during the past five years of such service have you received from a person outside of government an offer or expression of interest to employ your services after you leave government service?

No.

Do you have any commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If yes, please furnish details.

No.

List all securities, real property, partnership interests, or other investments or receivables with a current market value (or, if market value is not ascertainable, estimated current fair value) in excess of $1,000. (NOTE: The information provided in response to Schedule A of the disclosure forms of the Office of Government Ethics may be incorporated by reference, provided that current valuations are used.)

Description of Property: Home.

Value: Estimated $170,000.

List all loans mortgages, or other indebtedness (including any contingent liabilities) in excess of $10,000. (NOTE: the information provided in response to Schedule D of the disclosure form of the Office of Government Ethics may be incorporated by reference, provided that contingent liabilities are also included.)

Nature of obligation: Mortgage.

Name of obligee; Richard and Margaret Hugger (in-laws).

Amount $30,000.

List source and amounts of all income received during the last five years, including all salaries, fees dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500. (If you prefer to do so, copies of U.S. income tax returns for these years may be substituted here, but their submission is not required.)

Salary: 1977, $48,427; 1978, $50,003; 1979, $50,584; 1980, $63,299; 1981, $52,749.

Interest: 1977, $284; 1978, $325; 1979, $377; 1980, $498; 1981, $658.

Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If yes, please furnish details.

No.

Have you ever been arrested or named as a defendant in an indictment or information for any criminal violation, other than a minior traffic offense? If yes, please furnish details.

No.

Other information:

1. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

2. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

3. Are you willing to provide such information as is requested by such committees?

Yes.

Mr. GOLDWATER. Mr. President, I have here a letter from the Office of Government Ethics on John N. McMahon. This letter states that:

He is in compliance with applicable laws and regulations governing conflict of interest.

I ask unanimous consent that it be printed in the RECORD as well.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF GOVERNMENT ETHICS,
OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., May 14, 1982.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John N. McMahon, who has been nominated by President Reagan for

the position of Deputy Director of Central Intelligence.

We have reviewed the report and have also obtained advice from the Central Intelligence Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. McMahon is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

J. JACKSON WALTER,
Director.

Mr. GOLDWATER. Mr. President, I have a letter here from Congressman EDWARD P. BOLAND, chairman of the House Permanent Select Committee on Intelligence, which is the counterpart of our own committee in the House of Representatives. Chairman BOLAND writes:

In strong support of the nomination of John N. McMahon to be Deputy Director of Central Intelligence.

As well, I have a letter here from Congressman J. KENNETH ROBINSON, ranking minority member of the House Permanent Select Committee on Intelligence, expressing strong support for John McMahon's nomination.

I ask unanimous consent that both these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C. May 25, 1982.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, Washington, D.C.

DEAR MR. CHAIRMAN: I write in strong support of the nomination of Mr. John N. McMahon to be Deputy Director of Central Intelligence.

During the past nearly five years of this Committee's existence, it has held frequent meetings with Mr. McMahon. He has impressed me with his honesty, integrity and forthrightness. During those years, he has held several of the most senior, sensitive and responsible positions in the Central Intelligence Agency and he has carried out those assignments in an exemplary fashion.

As the Deputy Director for Operations, Mr. McMahon was responsible for some of the most sensitive operations our nation's intelligence services carry out. Under his guidance, the DDO enhanced its professionalism and reinvigorated its morale.

During his tenure as the Deputy Director for Intelligence, Mr. McMahon carried out a major and long overdue restructuring of CIA's analytic assets, bringing cross-discipline capabilities to bear on key issues in a more effective way.

In recognition of his managerial talents, Director Casey appointed John McMahon to the newly recreated position of Executive Director of the CIA. Now, with the retirement of Admiral Inman, Mr. McMahon has been chosen by the President to become the Deputy Director of Central Intelligence.

When Admiral Inman's name was before the Senate Select Committee on Intelligence for confirmation as Deputy Director, I wrote to you endorsing him for that position. In doing so, I stressed his attributes of integrity, deep honesty and well reasoned decisionmaking. The Intelligence Community, the CIA and the nation can be gratified that those very same attributes apply to Mr. McMahon.

John McMahon is an excellent manager, a widely experienced intelligence officer and a well respected senior government official. I am confident that he will do well in his new assignment.

I am certain that all the Members of the Permanent Select Committee on Intelligence join with me in giving an unqualified endorsement to this fine American for the post to which he has been nominated.

With every good wish, I am

Sincerely yours,

EDWARD P. BOLAND,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C., May 26, 1982.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, Washington, D.C.

DEAR SENATOR GOLDWATER: As the ranking minority member of the House Permanent Select Committee on Intelligence I want to join my Chairman, Congressman Edward Boland in endorsing the nomination of John N. McMahon for the position of Deputy Director of Central Intelligence.

During the past five years I have known and worked with Mr. McMahon I have found him to be extraordinarily responsive, forthright and trustworthy in helping this Committee meet its oversight responsibilities of the Intelligence Community.

John McMahon has set a standard of professionalism and leadership unequalled in the intelligence field. He has distinguished himself as head of the Intelligence Community Staff; as Deputy Director of Operations and Deputy Director of Intelligence as well as Executive Director of the CIA. No other officer of the agency has held so many diverse and key positions and done so in such an outstanding manner.

Mr. Chairman, I can assure you that his service in the position to which he has now been nominated by the President will be of the greatest value to the Congress and to this nation. Mr. McMahon has my full support and I urge speedy confirmation.

Respectfully,

J. KENNETH ROBINSON.

Mr. GOLDWATER. Mr. President, when John McMahon appeared before our committee in public session on May 27, 1982, he stated his firm conviction that "Congressional oversight is beneficial, both for the American people and for the Intelligence Community."

He also stated that—

The activities of the Intelligence Community involving Americans are, and must continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished Constitutional rights.

I concur with these judgments, and would like to share Mr. McMahon's full statement with my colleagues.

I ask unanimous consent that his statement before our committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN N. MCMAHON

Mr. Chairman, members of the Select Committee on Intelligence, I am honored to appear before you today to discuss my nomination to be Deputy Director of Central Intelligence. I appreciate the President's expression of confidence in me, and I approach this new challenge with enthusiasm and determination.

I have, as you know, served our Nation as an intelligence officer for over 30 years. I feel fortunate to have had a varied, rewarding, and constantly challenging career, permitting me to serve in all phases of intelligence—from operations to analysis, and from research and development of technical collection systems to administration. Let me briefly review it for the committee.

I began my career with the agency as a clerk in 1951. After serving overseas for 5 years, I returned for basic training in the army, and I then joined the U-2 program. In 1965, I became Deputy Director for the Agency's Office of Special Projects, which was concerned with applying the latest in advanced technology to major intelligence collection problems. Later, I served as Director of the Office of Electronic Intelligence and then as Director of the Office of Technical Service, responsible for technical support to overseas operations. In 1974, I became Associate Deputy Director of CIA for Administration. I then served as Associate Deputy and Acting Deputy to the DCI for the intelligence community, until being appointed Deputy Director of CIA for Operations in January of 1978. In this capacity I directed agency operations overseas. In April 1981 I became Deputy Director for National Foreign Assessment, responsible for directing analysis and production of intelligence. I served in that capacity until January of this year, when I was appointed as the Agency's Executive Director, responsible for the day-to-day management of CIA.

My assignments, many of which involved joint programs with the military, have given me both a detailed knowledge of the Central Intelligence Agency and a substantial appreciation of military requirements and intelligence needs. My 2 years with the intelligence community staff provided me with an in-depth understanding of all national programs, military and civilian, the priority of intelligence requirements associated with those programs, and the best means of satisfying intelligence needs for policymakers, as well as our military commanders in the field.

When I joined the Agency in 1951, Mr. Chairman, we lived in an essentially bipolar world. In those days our adversary was obvious, our mission was clear, and our efforts were focused accordingly. The United States worked to build the democratic institutions and economic capabilities of its friends, while the Soviet Union strove to subvert our efforts. The risk of atomic catastrophe was just then beginning to become a factor in the struggle between freedom and totalitarianism. We focused intelligence resources on the Soviet Union and its allies, and we analyzed world events mainly in terms of their effect on the East-West balance of power.

As we move through the 1980's and beyond, it is clear that the intelligence mission must be geared to threats which are increasingly varied, subtle, and complex. We can never take for granted our ability to accurately assess the military capabilities and intentions of our key adversaries, and the Soviet Union must remain our first intelligence priority. At the same time, we should

also insure that we appreciate fully the broad range of political, economic, social, and religious forces whose interaction will shape world events and influence the destiny of our own country. Finally, we should never set aside the importance of more traditional causes of international conflict, such as irredentism and national pride.

The ability of the intelligence community to provide national policymakers with the timely, accurate, and insightful information they need to advance American interests in the world requires that we constantly strive to improve our capabilities to collect the right kind of information, to analyze it effectively, and to present it in a relevant and useful manner. We are encouraged that the mutual determination of the President and the Congress to restore the vitality of our Nation's intelligence community is helping us translate these goals into reality. As we do so, however, I would like to emphasize for the record that the activities of the intelligence community involving Americans are, and must continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished constitutional rights.

I am firmly convinced that congressional oversight is beneficial, both for the American people and for the intelligence community. The oversight system serves two key purposes. First, it assures the American people that activities which are of necessity undertaken in secret are being monitored by their elected representatives. Second, it assures the intelligence officers who undertake those activities that the Congress and the American people stand behind and support them in their difficult and often dangerous assignments.

The oversight arrangements which have developed and matured over the past several years have also served to enhance congressional understanding of the intelligence mission and of the need for the long-range commitment of resources to meet the challenges which lie ahead. The cumulative impact of the annual authorization of appropriations for intelligence activities by this committee and its counterpart in the House of Representatives, the review conducted in great detail by the appropriations committees, and the statutory obligation to keep the two intelligence committees "fully and currently informed" has made the Congress an active partner in our Nation's intelligence activities. This is as it should be, and I pledge to you that if confirmed I will make every effort to foster and improve this vital relationship.

Mr. Chairman, that concludes my prepared remarks—I would be pleased to answer any questions which you and the members of the committee may have.

Mr. GOLDWATER. Mr. President, in my judgment, the Senate Intelligence Committee has been very thorough in its consideration of John McMahon's nomination to this important position in the U.S. intelligence community.

For example, we have devoted a full 30 days to consideration of his nomination before scheduling hearings. We held a closed as well as a public hearing so that all aspects of his background could be examined in detail. Four senior staff members read his complete personnel file and security file at the CIA. This is an unprecedented precaution and has not been done before. We sent Mr. McMahon both a comprehensive committee questionnaire and followup questions from the staff. These were responded to in writing before our hearings were held, and we inquired of other committees and other agencies of Government about Mr. McMahon before holding our hearings. Finally, in spite of Mr. McMahon's long service with the CIA, we asked that an updated background investigation on him be prepared by the FBI. Yesterday afternoon the vice chairman of the Senate Intelligence Committee, Senator MOYNIHAN, and I personally reviewed the FBI report.

We have been very thorough, and yet we have not been able to uncover any factual information which would reflect adversely on Mr. McMahon. As a result, the committee voted unanimously that his nomination be sent to the floor with a recommendation that it be approved. I have no doubts that we can expect a good relationship with John McMahon in the future as Deputy Director of Central Intelligence, to the benefit of our people and of the country.

I urge my colleagues to support this nomination.

Mr. MOYNIHAN. Mr. President, the choice of John N. McMahon to be Deputy Director of Central Intelligence is a good one. During his 30 years with the Central Intelligence Agency he has compiled a distinguished record of service to his country. He has received five significant awards and has served in leadership positions in all four directorates of the CIA, as well as in the intelligence community staff. He is, in short, as highly qualified a candidate for the position of Deputy Director as we are ever likely to see.

The confirmation process is important not only because it gives the Senate a chance to make an independent evaluation of the qualifications of the nominee, but also because it offers a major opportunity for the exercise of the congressional oversight function. It enables us to take stock of where we have been and where we are headed. During my 5½ years on the Senate Select Committee on Intelligence we have concentrated on two major tasks. First, we have established mechanisms for congressional oversight. Second, we have tried to provide the resources necessary for the rebuilding of our intelligence capabilities.

At both the closed and open hearings on his nomination, Mr. McMahon was asked to address himself to these two concerns.

Concerning the committee's role in rebuilding the intelligence capabilities of the country, Mr. McMahon noted that "the downward trend has been reversed" and that this has occurred "principally on the initiative of the Congress." Too often, Mr. President, the oversight function of the Congress is seen in merely a negative light, as only an exercise in checking the possible abuses of power. But this view is a severely limited one. In fact, the oversight function can and does serve to provide the needed guidance and impetus for the proper use of power as well. It was therefore gratifying to hear Mr. McMahon's comments.

However, the oversight relationship also demands that the Director and Deputy Director of Central Intelligence be willing to provide this committee with the information it needs in a timely and candid manner. During the hearings, I asked Mr. McMahon whether he would feel it his duty under law and his obligation as a professional intelligence officer to inform the committee when he knew that it had been given wrong information or when it had been misled, regardless of whether this was done by persons below or above him in the intelligence community. Mr. McMahon's answer was that he pledged "to keep the committee fully and currently informed" and to make sure that the committee "received the information it deserves to have and needs." We ask for nothing more.

Mr. President, John McMahon is an old friend to the select committee, of which I am now vice chairman. He has appeared before us on numerous occasions during the 6 years the committee has been in existence. I have every confidence that our relationship in the future will be as open, beneficial, and professional as it has been in the past.

Mr. HUDDLESTON. Mr. President, I am pleased to join in urging my colleagues to support the nomination of John McMahon as Deputy Director of Central Intelligence. He brings to that position a wealth of experience in all aspects of the intelligence enterprise, and I expect that we will provide solid leadership for the intelligence community.

At the Intelligence Committee's hearing on his nomination last month, I asked Mr. McMahon several questions which I believe are crucial for the Senate's assessment of his views on key intelligence policy issues. First of all, it was important to find out Mr. McMahon's position regarding the danger of politicization of intelligence. The use of intelligence to serve partisan, political interests has, I believe, increased in the past several years. It poses a serious threat to the integrity of the Central Intelligence Agency and other agencies in the intelligence community.

Problems in this regard are not unique to any one administration or party. They often involve the use of sensitive information to defend particular policies, without regard to the damaging impact of the disclosures on

our national security or the effectiveness of our intelligence agencies.

Therefore, I asked Mr. McMahon in the confirmation hearing what he would do if he learned that intelligence officials were being forced to distort their reports to support an administration's policy decisions. Mr. McMahon replied that he would resign if he were unable to resist such pressures.

The second matter that I raised with Mr. McMahon was the role of the CIA within the United States under President Reagan's recent Executive order on U.S. intelligence activities. Executive Order 12333, issued in December 1981, expanded the authority of the CIA to collect information by clandestine means within the United States about U.S. citizens and domestic groups without their consent. This expansion of CIA's authority to operate domestically has troubled many of us on the Intelligence Committee.

In his prepared statement at the confirmation hearing, Mr. McMahon said:

> The activities of the Intelligence Community involving Americans are, and must continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished constitutional rights.

The question, however, is what the specific limits will be in practice. For that reason, I asked Mr. McMahon whether the CIA would use intrusive investigative techniques within the United States against American citizens. Mr. McMahon replied that the CIA would not be involved in using such techniques against Americans in this country and that only the FBI would have such authority.

I believe it is also important for the Senate to know that at a closed session of the Intelligence Committee prior to the open confirmation hearing Mr. McMahon assured the committee that the wider authority for CIA collection of information within the United States under the Executive order would be exercised only in rare, exceptional cases.

The precise limits and safeguards, such as the determination of intrusiveness of techniques like infiltration of domestic groups, will be contained in implementing procedures to be approved by the Attorney General. I was pleased with Mr. McMahon's assurances to the committee that it would have an opportunity to review the new procedures prior to their implementation.

Finally, I believe this nomination comes at a time of increasing uneasiness about where the intelligence community is going. If there is one thing this committee has tried to do, it is to keep intelligence free from partisan or ideological bias.

We must be a watchdog to make sure that intelligence operations serve the national interest. We must be alert to the danger that an administration may seek to distort intelligence reports or slant intelligence analysis.

Equally important is our mandate to protect constitutional rights and other basic principles of our free society. We need to monitor the safeguards that keep U.S. intelligence activities from violating the rights of our own citizens. And we should also try to strike a proper balance between secrecy and the public's right to know.

On many of these counts I believe we must increase the vigilance of our oversight efforts. No single event leads me to this conclusion. Rather, it is a series of issues which, taken together, make the prospects more disturbing.

The nomination of John McMahon as Deputy Director of Central Intelligence gives us an opportunity to work with an experienced and dedicated intelligence officer in our wider efforts to maintain congressional oversight. I strongly urge my colleagues to support his nomination so that we can work with him to keep the intelligence business free from partisan politics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my hope that we will have another call of the calendar later on today. Is there further morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

PRESENTATION OF GOLD MEDAL TO ADM. HYMAN GEORGE RICKOVER

The PRESIDING OFFICER. The clerk will report H.R. 5432.

The assistant legislative clerk read as follows:

> A bill (H.R. 5432) to authorize the presentation on behalf of the Congress of a specially struck gold medal to Admiral Hyman George Rickover.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The acting majority leader, the Senator from Alaska, is recognized.

Mr. STEVENS. Mr. President, I think the Senator from Virginia (Mr. WARNER) will be designated to handle the time on this side. He will manage the bill.

The PRESIDING OFFICER. There has been no time allocated to this bill.

Mr. STEVENS. While awaiting the manager of the bill, I suggest the absence of a quorum, and I ask unanimous consent that the time not start running yet.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. I thank the able acting majority leader.

Mr. President, I support H.R. 5432, a bill to award Adm. Hyman Rickover a second Congressional Gold Medal.

He has served this Nation long and faithfully. History will remember him as the father of the nuclear navy and our primacy of sea power is largely a result of his tireless efforts on behalf of our national defense.

The quality of our nuclear-powered ships is unmatched by any nation. I feel sure that the outstanding capabilities of our ballistic missile submarines fill Soviet strategic planners with trepidation.

Admiral Rickover developed our first nuclear-powered submarine. It was named the *Nautilus* and put to sea in 1955. From that date he labored tirelessly and singularly to insure that our nuclear-powered ships were the safest and most sophisticated in the world. He has contributed immeasurably to the place that we have enjoyed.

I was here when the first Congressional Gold Medal was awarded Admiral Rickover and had the pleasure of voting for that measure. I am honored today to have the privilege of voting for this Congressional Gold Medal, as I feel that no one in this country de-

serves it more, in the support of our national defense.

Therefore, Mr. President, it is befitting and proper that Adm. Hyman Rickover be awarded a second Congressional Gold Medal.

Mr. WARNER. Mr. President, I thank my distinguished colleague from South Carolina for joining in this effort today.

Mr. President, I support H.R. 5432, an act to authorize the presentation on behalf of Congress of a specially struck gold medal to Adm. Hyman George Rickover.

This is an act to pay tribute to Adm. Hyman Rickover for his more than 50 years of service to the United States.

On January 29, 1982, the Senate considered a similar bill and agreed to it by a voice vote. The House acted on this measure on April 27, 1982, and also passed the bill without objection.

There are only minor differences between the House measure and the version passed earlier by the Senate, but they are not substantial, in my judgment.

The House version authorized to be appropriated not to exceed $22,000 to strike the gold medal, whereas the Senate authorized a value not to exceed $21,000.

The House also directs that the appropriation used to strike the medal shall be reimbursed out of the proceeds of the sale of duplicate bronze medals which may be coined.

Mr. President, Admiral Rickover began an illustrious naval career over 60 years ago upon his graduation from the U.S. Naval Academy.

This legislation is a tribute to his accomplishments in expanding America's nuclear navy over the past 23 years. Indeed, he has properly and rightfully earned everlastingly the title of "The Father of the U.S. Nuclear Navy."

There are, of course, numerous anecdotes about Admiral Rickover that have emerged over the years. However, recently I attended an evening affair at the Chief of Naval Operations' home where the admiral was the honored guest. During the evening he recounted a number of incidents which occurred during his childhood which I would like to share with my colleagues today.

Admiral Rickover was born in Russian Poland on January 27, 1900. His oldest memory is having a spoonful of medicine forced down his throat at age 4. His reluctance to accept authority with which he disagreed was evident at that early age because the doctor had to break his teeth to get medicine in his mouth.

Another memory was the marketplace which was a weekly affair where the peasants brought their produce to town. He remembers being dragged by his mother from the marketplace over the cobbled streets because he did not want to leave and go home.

The next memory he recounted was connected with the Russo-Japanese War of 1905. Poland was then a part of Russia. At that time, people of his religion were not permitted to go to any public school. They did go, however, starting at 4 years of age, to a Hebrew school where they studied the Old Testament in Hebrew. School lasted from sunrise until sunset and was conducted for 6 days a week. If the students did not know the lesson, they were whipped by the schoolmaster. School was not conducted on Saturday, on the sabbath, when most of the day was devoted to prayer in the synagogue.

One incident which still remains with Admiral Rickover occurred during the Russo-Japanese War of 1905. A company of Russian soldiers were marching through the village wearing white trousers. They needed a place to sleep, so the students were chased out of the school.

Meanwhile, the admiral's father had emigrated to the United States. As soon as enough money had been saved, he sent a steamship ticket for the family. Admiral Rickover remembers riding in a covered wagon to the border between Russia and Germany. His mother had grabbed all the family possessions including handmade brass pots and pans, and wrapped them all in a bedsheet. They had to wait until it was dark to steal across the border. The admiral was carried on a guide's back. They then boarded a train and rode to Amsterdam where they boarded a large ship, the *New Amsterdam*. His mother had entrusted the tickets to him, but when asked for them he once again became stubborn and said he did not have them. Even now Admiral Rickover shakes his head at his own actions. After some coaxing he relented and presented the tickets and the family boarded.

On board the ship, the three family members were assigned to a small space on one of the lower decks, in steerage. The steamship line supplied loaves of stale bread and a barrel of salt herring for the steerage passengers for the entire trip, which took 9 days. But most of these passengers had brought their own food along, it too, wrapped in bedsheets, because they could not eat any food, even bread, which might have lard in it. It all had to be kosher.

The children, however, ran all around the ship and the second-class passengers above them would often throw them an apple or orange. Admiral Rickover had seen only one orange in his life before this time. That particular orange had been grown by Jewish settlers in the Holy Land and each family in the town had bought one.

Before the ship arrived in New York, the ship's pursers gathered all the immigrants together and told them they would send a telegram to the next of kin to enable the immigrants to be met at Ellis Island. But, apparently, they kept the money and did not send the telegram, because Mr. Rickover was not at Ellis Island to meet them. In fact, he did not arrive until day 10, the last day the family could remain in the country before the steamship company would have to take them back.

Admiral Rickover recalls that he could not speak a word of English when he arrived in this country. He started school at age 6½ at a grammar school in Brooklyn. Yet, when he went to the Naval Academy, he finished No. 4 out of over 1,000 in English.

Admiral Rickover recalls he was probably as poorly prepared academically as any plebe who entered the Naval Academy with him. While in high school he worked over 70 hours per week as a telegraph messenger for Western Union.

Naturally there are many more stories this remarkable gentleman can remember, but I feel these few remarks illustrate his memory and particularly the humble beginnings from which he came.

It was my privilege to serve with Admiral Rickover in the Department of Defense for more than 5 years during the period I was privileged to serve my country as Under Secretary and Secretary of Navy. We formed a strong bond of mutual personal and professional respect, and I was able to observe firsthand the incalculable contributions this distinguished American made to the strengthening of America's defenses.

It is my honor to recommend that the Senate pass this measure unanimously.

Mr. JACKSON. Mr. President, earlier this year, the Senate passed S. 2018, a bill to authorize the striking of a gold medallion for Adm. Hyman G. Rickover. The awarding of this medallion by the Congress is intended to honor Admiral Rickover for his long, selfless, dedicated service to his country as an officer of the U.S. Navy.

I am in full support of adopting H.R. 5432, the House-amended version of the Senate-passed bill. I believe there are many Americans who will be anxious to purchase a bronze duplicate of the Rickover gold medallion as a personal memento of his distinguished career. The thousands of men and women who have served under his leadership will be a reservoir of enthusiastic purchasers of the Rickover bronze medallions.

I want to reiterate my great esteem for Admiral Rickover as a man of vision, steadfastness, high principles, and thorough devotion to his duties

during his illustrious career of more than 63 years in the U.S. Navy. As one who has tried to be a student of history, I can tell my colleagues that Admiral Rickover is a unique individual. I believe that the name Rickover will always invoke an image of unsurpassed excellence.

I am pleased to support the adoption of this bill.

Mr. STENNIS. Mr. President, I have heard the Senator's remarks here concerning the resolution. It is quite a tribute to Admiral Rickover but, in my opinion, one that is greatly deserved. I shall not undertake to review his record.

I was in the Senate when the question came up about his promotion many years ago; that is, the disposition of his future tenure and all. When that decision was made, the legislative branch took part in that decision. I have always been very glad that we did. It was highly exceptional, something I would not ordinarily approve of. But I certainly did there, and I think it has been justified.

I leave to others to review his great record.

I thought of the fact that he was not born in America but was born in an area under what we used to call the Iron Curtain. I tried to speculate what would have happened should he have remained there and had not gone beyond that area and did not have the opportunities that were beyond that area and, more particularly, did not have the opportunities that belong to us in America, the cherished rights of freedom, inspiration, and a chance to have training that his mind was capable of absorbing and putting to use far, far beyond that which the ordinary person may have. I have personally benefited along with my colleagues on the Armed Services Committee from his wise counsel, his unending energy, his self-discipline, his demand on himself as well as on others.

We held many hearings. I sat there and listened in amazement to the extent of his knowledge.

I shall wind this up by making a reference to myself to this degree. He asked me once while he was a witness in testimony in open hearings if I had read his recent statement on a certain subject, and I told him. I said, "Admiral, I usually read everything you send me but I have not had a chance to read that yet." He said, "How are you going to keep well-informed unless you read what I said?"

So that pretty well reflects one phase of his personality.

But I am delighted to attest to these facts and join in this resolution.

Mr. METZENBAUM. Mr. President, I am pleased to have the opportunity today to play a part in according this special honor to one of the greatest military men this Nation has produced.

Adm. Hyman G. Rickover brought to the nuclear navy an uncompromising devotion to excellence. His standards drew to his programs the finest officers and crews. The rigorous demands he placed upon those who made it through his famous selection process had one objective—to make our best truly incomparable.

He succeeded. There is no more impressive credential in the Navy than the simple statement "I served under Rickover."

Today, the Navy's nuclear fleet comprises 161 vessels. And never, Mr. President, has there been a single accident associated with their nuclear reactors. "One would wish," said one observer, "that his influence in the civilian nuclear power industry had been greater—Rickover-trained people don't turn the wrong valves the way they did at Three Mile Island."

One would also wish that Admiral Rickover's influence on procurement had been greater within the Department of Defense. "I treat the Government's money as if it were my own," Admiral Rickover has said. And he has vividly described what happens when defense contractors know that they can always count upon the Pentagon to save them from the consequences of their own bad management.

"Large defense contractors can let costs come where they will and count on getting relief from the DOD through changes and claims, relaxation of procurement regulations and laws—or other escape mechanisms—they will make their money whether their price is fair or higher than it should be; whether delivery is on time or late."

With Admiral Rickover in charge, the Navy's contractors knew that they had a hard taskmaster.

Admiral Rickover demanded quality construction.

He demanded on-time performance.

He demanded a dollar's worth of value for each and every taxpayer dollar expended.

And because he demanded these things, he made powerful enemies, who mounted spiteful and slanderous campaigns against him.

But Admiral Rickover's contribution went far beyond the standard of excellence he established. In terms of national security, former Navy Under Secretary James Woolsey wrote in the October 1981 issue of Armed Forces Journal International,

> Try to think of another living American to whom you owe more.
>
> There is not a Soviet skipper,

Mr. Woolsey wrote,

> anywhere in the world, who sleeps soundly in his sea cabin. He can never be sure that he isn't in the crosshairs of the periscope of one of Rickover's marvelous, quiet black attack boats. And, as we fuss with the MX and the agonizingly hard problems of fixing the vulnerability of our ICBM's, we have some breathing space because some more of Rickover's products, carrying their Poseidon and Trident missiles, slip silently on patrol somewhere beneath the Atlantic and Pacific. His ships are commanded and operated by some of the most extraordinarily able and professional men you will ever meet. Their standards, and those of many of their colleagues in other parts of the Navy, have been shaped directly and indirectly by Rickover's will and perfectionism.

At the begining of my remarks, I described Admiral Rickover as one of the towering figures in our military history. But like other great military men before him—men like Eisenhower, Marshall, and Bradley—Admiral Rickover has a deep understanding of the role and the limits of military power.

Admiral Rickover has always understood that the purpose of our forces is to insure the security of our democratic society—not the other way around.

He recently described the ships and submarines he built as "a necessary evil." "I would sink them all," he said "if mutual disarmament could be negotiated."

He expressed fear that the world is heading for nuclear holocaust.

He called disarmament the Nation's most urgent need. Put him in charge, he suggested and he would get results.

And in addition, this tough, dedicated military man stated categorically that "in general, we are overarming altogether."

Mr. President, I believe that it was a sad day for this country when Admiral Rickover was forced into retirement. But I am confident that he will continue to serve by speaking out with force and clarity on the vital choices that will confront us in the days to come.

I extend to Admiral Rickover my warmest best wishes and my profound gratitude for the marvels he has accomplished in the Nation's defense.

ADMIRAL RICKOVER DESERVES MORE THAN A GOLD MEDAL

Mr. PROXMIRE. Mr. President, last January 28, just a few days before his retirement, Adm. H. G. Rickover gave his last testimony to Congress in a hearing I chaired for the Joint Economic Committee. I said then that Admiral Rickover should be declared a national treasure because of the many contributions he has made to the Nation, and, more importantly, because of the fact that he is perfectly able and willing to continue contributing.

I am delighted to support the idea of awarding Admiral Rickover a gold medal. But I think every one of us should ask ourselves whether we are doing enough in terms of the national interest.

It is my judgment that it is in the national interest to make it possible for Admiral Rickover to continue playing an active role in public affairs.

This is a time when we are in the process of bestowing an honor to this outstanding individual and I am somewhat reluctant to bring up this matter. But I feel compelled to point out that the Navy is, so far, unwilling to provide even office space to the admiral, except on a temporary basis.

The admiral is now temporarily occupying an office in the Washington Navy Yard on the Anacostia River. The problem is, he is there at the mere sufferance of the Navy. He was told when he was involuntarily retired that he could occupy these quarters for a period of from 3 to 6 months.

His request for a longer, more definite commitment was turned down by the Secretary of the Navy, John Leyman.

My colleagues here and the public at large should, therefore, be advised that while we are at this moment voting to honor Admiral Rickover with a gold medal, the Navy is apparently prepared to evict him at any time from his office.

Admiral Rickover deserves every honor we can bestow on him. But the Navy is earning nothing but shame for its treatment of this national treasure.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WARNER. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield to the distinguished Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I do not rise for the purpose of objecting to striking a medal for Admiral Rickover, whom I very much admire and who has served his country for over half a century, but I do rise to point out my objection to the fact that it is a gold medal and it is costing $22,000, and that really seems a little bit more than necessary.

I am not going to vote against the medal. I am not going to suggest at this point it be changed. It has gone so far along in the whole legislative process that it probably would take more money to try to reverse ourselves at this point than to object to it.

Mr. WARNER. Mr. President, will the Senator from Minnesota yield?

Mr. BOSCHWITZ. I yield to my friend from Virginia.

Mr. WARNER. Mr. President, all Members of Congress today are very conscious of the need to conserve the dollars of the taxpayers.

I draw to the attention of my distinguished colleague page 3 of the bill, and I shall read from section (b):

The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

It is my expectation that the striking and sale of the bronze medals will eventually accumulate a sum of dollars in excess of that requested for the appropriation here.

Mr. BOSCHWITZ. I thank the Senator from Virginia. I understand that indeed duplicates can be made of this and duplicates will be made in bronze and that they will be sold and there may be a profit. But that is no reason, in my judgment, to spend $22,000 for the medal in the first place. They can still make the bronze duplicates. They can still sell them. They could even make a few dollars in the process. It would not hurt.

So I just serve notice that on all future medals, if they are going to be gold, I am going to object to them.

I am not going to keep this bill off the floor, but in some way I shall prevent future bills from arising.

The PRESIDING OFFICER. The time allocated to the Senator from Virginia on this measure has expired.

Mr. WARNER. Mr. President, I ask unanimous consent that the remainder of the time be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, the Senator from Oklahoma (Mr. BOREN) also joins me in this attitude. He believes as I believe that there are few people who have served their country as has Admiral Rickover. We do not in any way mean to reflect our comments on the good admiral. Quite the opposite. But we do serve notice that, in the future if there are going to be gold medals struck, I at least for one will object and I believe other Senators will as well.

I recall very well that one of the first things I did in the Senate was vote for gold a medal and since it was for a Minnesotan and it was for one of my predecessors I felt it would be inappropriate for me to stand up at that moment in the first days of my service to object, but in the future I will object.

I thank the Senator and yield the floor.

Mr. WARNER. Does that, if I may ask the Senator, include any subsequent gold medals awarded to distinguished Senators of Minnesota?

Mr. BOSCHWITZ. Everyone.

Mr. WARNER. Everyone.

Mr. BOREN. Mr. President, I join with my colleague, Senator BOSCHWITZ, in expressing reservations about the use of gold in striking of medals to honor those who have performed special service to our country. Like Senator BOSCHWITZ, I certainly find no fault with honoring Admiral Rickover. I support a special expression of appreciation by the Congress to him for his patriotism and years of able service.

However, I do question why we must use gold to strike the medal at a cost of some $22,000. The value of the medal is not in the metal, but in the uniqueness of the expression by Congress and what the medal symbolizes.

It would have the same value if struck in bronze or some other metal less expensive than gold.

I will not object to the bill today. To amend it and send it back through the legislative process would, itself, incur costs. However, I join the Senator from Minnesota in serving notice that I will object to future proposals unless we use more care in holding down the expense.

To those who are unemployed or are facing cutbacks in their family resources due to the current budgetary crisis, $22,000 is a lot of money, though it may be small in terms of the total Federal budget. Let us find less expensive ways to express our appreciation to those who are deserving of it, like Admiral Rickover.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, that request for the yeas and nays is at the specific instructions of the acting majority leader.

Mr. President, the time of 2:50 p.m. having arrived, I suggest to the Chair that it is appropriate that at this time the vote be held.

The PRESIDING OFFICER. Does the Senator yield back the remainder of the time?

Mr. WARNER. I yield back all remaining time on both sides.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr.

JEPSEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from South Dakota (Mr. PRESSLER) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Maine (Mr. MITCHELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced: yeas 91, nays 1, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—91

Abdnor	Exon	McClure
Andrews	Ford	Melcher
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Moynihan
Bentsen	Goldwater	Nickles
Boren	Gorton	Nunn
Boschwitz	Grassley	Pell
Bradley	Hart	Percy
Brady	Hatch	Proxmire
Bumpers	Hatfield	Pryor
Burdick	Hayakawa	Quayle
Byrd, Harry F., Jr.	Heflin	Randolph
	Heinz	Riegle
Byrd, Robert C.	Helms	Roth
Cannon	Hollings	Rudman
Chafee	Huddleston	Sarbanes
Chiles	Humphrey	Sasser
Cochran	Inouye	Schmitt
Cohen	Jackson	Simpson
Cranston	Johnston	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stennis
DeConcini	Kennedy	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	

NAYS—1

Zorinsky

NOT VOTING—8

Baker	Jepsen	Packwood
Biden	Mitchell	Pressler
Hawkins	Murkowski	

So the bill (H.R. 5432) was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1982

Mr. STEVENS. Mr. President, if we could have the attention of the Senate, it is not our intention to have any substantive votes for the remainder of the day. I really cannot say whether there will be any votes. I do not anticipate any of a procedural nature, but it is possible that there might be some. I think my good friend from North Carolina would indicate that it would be very unexpected if we have any further votes today of any kind.

Mr. President, as announced by the majority leader, I shall move shortly to ask for consideration of the extension of the Voting Rights Act of 1965.

As I start to proceed to call up this bill, I would call the attention of the Senate to the fact that there are only 14 Senators who are still serving in the Senate who were here when the first Voting Rights Act passed. Those are Senators STENNIS, JACKSON, LONG, THURMOND, PROXMIRE, RANDOLPH, ROBERT C. BYRD, CANNON, BURDICK, PELL, TOWER, KENNEDY, INOUYE, and HARRY F. BYRD, Jr. That is a list of those people who were here when this subject was first raised in 1965.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. KENNEDY. Mr. President, could we have order?

The PRESIDING OFFICER. The point is well taken. The Senate will be in order so that Senators who are speaking may be heard.

Mr. ROBERT C. BYRD. May I say to the distinguished acting majority leader that this side of the aisle is ready to debate and ready to vote, ready to act on this measure. I thought the distinguished acting majority leader would appreciate knowing that on this side of the aisle we are ready to go ahead. We can vote today or we can vote tomorrow.

Mr. STEVENS. I am delighted to hear that. That means that we ought to have the kind of consideration of this bill that I think would be important.

Before taking the action which has been requested by the majority leader, I would like to comment on this legislation and its importance to the essential freedom of our Nation.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENS. I would like to make this statement. I am happy to yield to my friend from Louisiana.

Mr. JOHNSTON. I thank the Senator for yielding. I only wanted to make this comment. That is that Senators ought to be made aware of the schedule to a greater degree than they are. There are many of us on this side of the aisle who asked whether or not it was really necessary to come back for this week. We were assured repeatedly that it was absolutely necessary, that we were going to conduct major business, that there would be many votes. Now that we are here we are doing virtually nothing. I am not running for office. Not needing to campaign, it is not as bad for me as it is for some of my colleagues. But, Mr. President, I think it is absolutely inexcusable. I think Senators deserve that information from the leadership. I hope we do not have to get into a position where, failing to be given that information, we have to start conducting guerrilla warfare activities to make sure that we have plenty of votes, and there are ways that we can make sure that we have plenty of votes. I just feel highly incensed that we were not made aware of the schedule. I have missed something that was very important to me by coming back this week.

Mr. STEVENS. Let me point out to my friend from Louisiana that we are prepared to go into controversial matters right now. We have been asked for clearance for the Bail Reform Act, Community Exchange Act, the Federal reclamation bill, the oil shale bill, the water resources research bill. We have asked for clearance on the Sikes Act, the Public Buildings Authorization Act. We have had a whole series of things that we asked for.

Before my good friend from West Virginia takes umbrage, he is trying as hard as I am to get Members on both sides of the aisle to clear those items—and they are controversial—so that we can proceed. But we have been unable to clear anything so far since we returned other than the bill we just passed. I believe we have the agent identities conference report for tomorrow.

The Senator from Louisiana is no more disturbed than I am. I was up in God's country. As people remember my comments on the floor, I do not enjoy the time I spent in this city when we are not in session. I hated to come back to take on the job of being acting majority leader only to find out that we are not able to get our teeth into some of this other business. I think with the help of my good friend from West Virginia we will continue to try to get significant legislation to act on tomorrow and hopefully we can get an agreement to get some significant action on Monday. If we do, we will not be in on Friday. If we do not get that agreement, we will be in on Friday. We may have to motion up some other things.

But we are trying to move with the business of the Senate. My good friend from West Virginia stands on the opposite side of the aisle here. When the tables were turned, I tried my best to help him. He is trying his best to help me. I can only tell the Senator from Louisiana that so far the rest of the Senate has not cooperated with us so that we can schedule a meaningful program for the remainder of the week. As soon as we can get the agreement, we will, in fact, cooperate with the viewpoints expressed by the Senator from Louisiana.

I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I assure the acting majority leader that we are trying to clear measures on this side of the aisle.

Mr. KENNEDY. Mr. President, can we have order? This is an extremely important piece of legislation and I do think that the attention of the Senate is required so that our leaders can be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, we were told that the action this week would be on the voting rights legislation, and that is what we expected. This side of the aisle is ready to proceed with the voting rights legislation and ready to vote after some reasonable amount of time, not later than tomorrow. That is what we were all told, that that was going to be the business.

I can assure the distinguished acting majority leader that we on this side of the aisle will continue to try to help clear some of the other measures. But I would hope that we would get on with the voting rights measure which was announced 2 weeks ago that we would be acting on this week. I want to assure him again that this side of the aisle is ready to proceed with the Voting Rights Act and ready, after some little debate, to vote on that measure this week.

Mr. KENNEDY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader for his patience and letting us interrupt him in the middle of his speech. But could he give the Senate any indication as to when we are going to proceed with the voting rights bill?

Is there an objection on that side of the aisle? There is no objection on this side of the aisle. If there is an objection to moving to it, is there going to be a cloture motion offered so we can get on with the voting rights bill?

Mr. STEVENS. Mr. President, I invite the Senator to listen to my remarks and he will see, I think, why, while there is no objection and I am a cosponsor, I have serious concerns about this bill as it applies to my State. That is why I am here to make this motion. I had hoped we would be able to make it yesterday. I do intend to move to the consideration of the Voting Rights Act extension, but I first want to make this comment about how this legislation in the past has applied to one State and why I have such extreme interest in how it is handled this time.

Again, Mr. President, I wish to go back. I ask that I not be interrupted in making this statement.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting majority leader.

Mr. STEVENS. I thank the Senator from West Virginia.

Mr. President, before taking the action the majority leader has requested I take, I want to comment upon this legislation and its importance to the essential freedoms of our Nation, that of the unhindered right of every adult American to select those who shall serve in elected office and pass judgment on ballot propositions.

Over 100 years ago, the Nation made this right clear by the 15th amendment which simply states that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." For over 100 years the Congress has been charged with the responsibility of guaranteeing this right.

The path toward voting equality for all Americans has not been an easy one, nor has it been fully achieved.

In 1870 and 1871, Congress passed two laws that were designed to protect voting rights under the 15th amendment, but both proved to be ineffective and were largely repealed by 1894. What followed was a legislative void in voting rights legislation until in 1957, 1960, and 1964, Congress passed laws providing the right to file Federal lawsuits to challenge alleged voting discrimination in those years. The 1960 law also authorized Federal courts to appoint referees to help blacks register. In 1964, the 24th amendment, which outlawed the use of the poll tax as a prerequisite to voting in Federal elections, was ratified.

Despite these actions, voting discrimination still continued to be a problem, and by 1965 many Americans expressed strong feelings that an even greater effort had to be made to afford minorities protection from voting discrimination.

In early 1965, President Johnson submitted his voting rights proposals to the Congress and within 5 months—on August 6, 1965—the Voting Rights Act (Public Law 89-110) was signed into law.

Many of its provisions were controversial at the time, and still remain so with various Members of Congress. The act did not have an easy time in the legislative process. It took 25 days to debate in the Senate, with 27 rollcall votes—one of them to break a filibuster launched by opponents. In the House, backers had a 5-week struggle to get a Judiciary Committee bill out of the Rules Committee. When the bill finally came to the floor July 6, 3 days of debate were required to pass it.

The Voting Rights Act's major provisions were designed both to correct discriminatory voting practices and to provide a deterrent to future ones.

One of these is the triggering formula that determines what States would be covered by section 5, the preclearance provision that requires Federal approval before any changes can be made in a State or local election law. A covered State or county has to show that the proposed change would not have a discriminatory effect.

Under the 1968 triggering formula, a State or county was brought under the act if it had a literacy test in effect on November 1, 1964, and if less than 50 percent of its voting-age residents were registered to vote on that date or actually voted in the 1964 Presidential election.

Covered areas could get out from under the act after 5 years by obtaining a judgment from the U.S. District Court for the District of Columbia declaring that they had used no literacy tests or similar devices since 1965.

State and political subdivisions now covered for preclearance as a result of the 1965 triggering formula are Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 39 counties in North Carolina, and 1 county each in Arizona and Hawaii. My own home State of Alaska was captured under this triggering formula, but as any covered State could, it filed a declaratory judgment action to exempt itself from these provisions. On August 17, 1966, the U.S. District Court for the District of Columbia found that Alaska had employed no test or device with the purpose or effect of abridging the right to vote on account of race or color during the preceding 5-year period. Thus, Alaska was relieved of any disability under the act.

The 1965 act proved to be moderately successful in helping blacks and other minority Americans secure their voting rights. However, by 1970, it was clear that the act's purpose had not been fully achieved and an extension was sought from the act's termination date.

After another arduous legislative debate, the act was extended in 1970 (Public Law 91-285) for another 5 years. States and local governments were forbidden to use literacy tests or other voter qualifying devices through 1975, and the triggering formula was altered to apply to any State or county that had a literacy test and where less than 50 percent of the voting-age residents were registered on November 1, 1968, or voted in the 1968 election.

Under the 1970 law, the preclearance requirement applied to those areas affected by the 1965 law and several new ones. Political subdivisions now covered as a result of the 1970 triggering formula are 8 counties in Arizona, 2 counties in California, 3 towns in Connecticut, 1 county in Idaho, 9 towns in Massachusetts, 10 towns in New Hampshire, 3 counties in New York, and 1 county in Wyoming. Mr. President, Alaska was recaptured under these 1970 amendments, but was able to again sue and be exempted from these provisions.

After its first extension, the law continued to be successful in opening and maintaining equal opportunities in the electoral process for all citizens, and so when the act came up again for renewal in 1975, the Congress approved an extension for another 7 years.

The triggering formula was amended to bring under coverage of the law any State or county that was using a literacy test in 1972 and where less than 50 percent of the citizens eligible to vote had registered as of November 1, 1972. Two other major provisions were added to give greater protection to certain language minorities, defined as persons of Spanish heritage, American Indians, Asian Americans, and Alaskan Natives.

The Federal preclearance provisions were expanded to apply to any jurisdiction where:

The Census Bureau determined that more than 5 percent of the voting-age citizens were of a single language minority.

Election materials had been printed only in English for the 1972 Presidential election.

Less than 50 percent of the voting-age citizens had registered for or voted in the 1972 Presidential election.

These amendments significantly expanded coverage of the act, recapturing Alaska for the second time and adding all of Texas and Arizona, as well as selected counties in California, Florida, and several other States.

In addition, provisions were added requiring bilingual elections through August 6, 1985, if the Census Bureau determined that 5 percent of a jurisdiction's voting-age citizens were of a single language minority and the illiteracy rate in English of the language minority was greater than the national English illiteracy rate. Illiteracy was defind as failure to complete the fifth grade.

Alaska was not able to again exempt itself from the preclearance requirement under the act because of an English language requirement for voting that had been in the State constitution. This was despite the fact that the voters of Alaska had repealed this provision in 1972.

Now, 7 years after the 1975 amendments, we are faced again with the question of just how much our Nation is willing to do to keep its promise of voting equality. The Committee on the Judiciary was faced with a difficult task, and on balance, I believe they have answered this question well.

S. 1992 extends the present coverage of the special provisions of the Voting Rights Act, sections 4, 5, 6, 7, and 8; it amends section 4(a) of the act to permit individual jurisdictions to meet a new standard for termination of coverage by those special provisions; it amends the language of section 2 in order to clearly establish the standards intended by Congress for proving a violation of that section; it extends the language-assistance provisions of the act until 1992; and finally it adds a new section pertaining to voting assistance for voters who are blind, disabled, or illiterate.

Jurisdictions that meet the criteria set forth in section 4(b) of the act will continue to be subject to the special provisions of the act until such time as they obtain a declaratory judgment granting termination of coverage as set forth in section 4(a), as amended, but in any event not for a period exceeding 25 years.

A standard for bailout is also provided by permitting political subdivisions in covered States, as defined in section 14(c)(2), to bail out although the State itself remains covered. Briefly, under the new standard, which goes into effect on August 6, 1984, a jurisdiction must show, for itself and for all governmental units within its territory, that: First, for the 10 years preceding the filing of the bailout suit, it has a record of no voting discrimination and of compliance with the law; and second, it has taken positive steps to increase the opportunity for full minority participation in the political process, including the removal of any discriminatory barriers.

S. 1992 amends section 2 of the Voting Rights Act of 1965 to prohibit any voting practice or procedure which results in discrimination. This amendment is designed to make clear that proof of discriminatory intent is not required to establish a violation of section 2. It thereby restores the legal standards, based on the controlling Supreme Court precedents, which applied in voting discrimination claims prior to the litigation involved in Mobile versus Bolden. The amendment also adds a new subsection to section 2 which delineates the legal standards under the results test by codifying the leading pre-Bolden vote dilution case, White versus Register. This new subsection provides that the issue to be decided under the results test is whether the political processes are equally open to minority voters. The new subsection also states that the section does not establish a right to proportional representation.

As I am sure many Senators are aware, the greatest controversy over S. 1992 has been over section 2 and what test should be the standard. Senator DOLE and others worked long and hard to find a position that would be acceptable to the majority of both sides on this issue, and he and all those who worked out the legislative language are to be commended for their diligence and successful effort.

In addition, the bill has had the leadership of the Senator from Utah, the chairman of the subcommittee, Senator HATCH. His efforts cannot go without comment. He has been a great leader in this effort.

The language assistance provisions of section 203 are extended for an additional 7 years by S. 1992. In addition, a new subsection 208 is added, prescribing the method by which the voters who are blind, disabled, or illiterate are entitled to have assistance in a polling booth from a person of their own choosing, with two exceptions.

Section 208 is extremely important to Alaska and States which have significant numbers of Native Americans, since oral voting assistance is necessary for those Natives who do not read English and in whose language a ballot cannot be prepared because the language is unwritten. In fact, Mr. President, Alaska Native language is historically unwritten. There are essentially seven Native languages—Tlingit, Haida, Inupiak, Eskimo, Upiak, St. Lawrence Island Inupiak, and Kuitchin (Athabascan).

I have trouble pronouncing the names of some of these languages, because it has only been recently that some of them have been translated into a written form.

In the past, Alaska Natives have been disadvantaged in the electoral process, since election ballots and information were solely in English. As I have pointed out, the Voting Rights Act now prohibits English-only elections and prescribes other remedies.

In my opinion, Alaska has fully complied with the spirit and letter of this law. Currently, elections in Alaska are conducted by bilingual election boards that assist Native voters in one of two ways. One of the bilingual election officials may accompany the voter to the polling booth to translate the ballot for the voter. In the alternative, the voter may choose to bring his own translator, who takes an oath to protect the secrecy of the vote. Voting information, such as voting procedures, absentee ballots, and registration forms, is also made available in bilingual form.

I am pleased to see that the committee recognized completely the importance of oral assistance to language minority, blind, or disabled individuals.

S. 1992 presents a comprehensive opportunity for the Congress to keep intact one of the Nation's most important pieces of civil rights legislation, and as a Republican in the civil rights tradition of President Lincoln, I am proud to be a cosponsor of this bill.

The issue of voting discrimination is more complicated and subtle now, for obviously tremendous progress has been made in all areas of civil rights, and it would be easy to say that the present achievements are enough. They are not, and that is why the work of past Congresses must be continued.

In my opinion the Voting Rights Act has been successful. Since 1965, voter

registration of minorities in the specifically covered States has increased from 29 percent to over 50 percent. The number of black elected officials in these States has increased from 158 to 1,813 in the last 12 years. However, discriminatory election systems still exist, and so it is necessary to extend the act.

Mr. President, the essence of our political system is compromise; without it, our democracy would have ended long ago, and in fact came very close to doing so during our Civil War on this same general issue of equal rights for all citizens.

As this Congress turns to improve on the work of the previous Congresses, let us keep in mind that the purpose of the compromise is not to vitiate each proponent's side of an issue, but to provide for a strengthening of the common purpose that two sides may share.

No Senator here supports voting discrimination, and so it only becomes a question of how to end it. I have studied the amended bill carefully and, in general, I am pleased with it, as I know most of the Senate will be.

However, I have not closed my mind to those who can or would suggest improvements to it. In reading through the legislation, I have found areas which I believe at least warrant some further clarification. The 1982 amendments provide for substantial changes in the act, and each Senator should examine the amended bill carefully before quick judgments are made for or against floor amendments that may be offered.

Mr. President, in 1970 and again in 1975, I called attention to the fact that my State, which has not discriminated and should not be put in the class of States which have discriminated, would be recaptured. Again I call attention to the Senate that this act will do the same thing, keep us under an act which we should not be under. I intend to try to offer amendments to see to it that that is not done. I think that Alaska, having been represented on this floor for some 23 years, is entitled, finally, to have the Senate and the Congress listen to the facts as they apply to our State.

We do have minorities with unwritten languages. To possibly require us to print ballots in language which nobody can read to me is atrocious.

I do believe that we also should have some concepts regarding the Dole amendment. I find the Dole amendment to be a very good amendment prospectively, but I fail to understand why we should rely upon a committee report which states that that will be the test applied retroactively in the case of a State attempting to bail out from the Voting Rights Act.

I think that principle of the Dole amendment is a good one, and if the committee report means what it says, that it is to apply retroactively for bailout purposes, then we should amend this bill to state that it applies retroactively.

Finally, Mr. President, our country is still relatively new in terms of world history, and although there are opinions to the contrary, most would agree that we have done much to become a progressive and elightened society. It is my view that the day will not be far off when our goals of equal opportunity in the political process will be met, and several provisions of the Voting Rights Act will not be necessary. Until that day, however, we must continue to insure by legislation the voting rights of all Americans.

Mr. President, I move for consideration of Calendar item 598, the Voting Rights Act extension.

I yield first to my good friend, the Senator from Utah, who is the manager of the bill.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from Utah is recognized.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. HELMS. Mr. President, I cannot let pass the interesting forensic exchange that occurred a few minutes ago on this floor, when pious proclamations were made to the effect that "this side is ready to vote; we have so much important business," and that sort of thing.

The truth of the matter is that this particular piece of legislation, so-called the Voting Rights Act extension, has been pushed by the other side.

I was looking the other day at the number of really important, urgent pieces of legislation on the calendar awaiting action by the Senate—some 130 of them. Here are the reports. As my colleagues can see, they make a stack a foot high. But they must wait. They must wait until, one way or another, we have disposed of the so-called Voting Rights Act.

Mr. President, it is not rare for there to be pious pretense on this floor, so I am not surprised. But I think pious pretense should be identified for what it is.

Let several things be clear at the outset. At this moment, the Senate is not debating the Voting Rights Act. The Senate is debating the motion to call up Calendar No. 598, S. 1992, the proposed amendments to the Voting Rights Act of 1965. Somewhere down the line, we will really get into the heavy debate about the legislation itself. But just now, we are debating, presumably, the motion that has just been made by my friend from Alaska, the distinguished assistant majority leader.

The issue to be decided by the Senate is whether it is wise for the Senate to consider these proposed amendments at the present time or whether the Senate, instead, should act on other matters pending on the legislative and executive calendars. So let that be clear: We are not today debating the Voting Rights Act extension. We are debating only the wisdom of taking it up.

Analyzing the issue before the Senate, several facts must be made very clear from the outset, I feel. Much false information concerning both the Voting Rights Act and the proposed amendments to it has misled the public and, I believe, many Senators with respect to the purported necessity for action during this Congress. What is the necessity, Mr. President? What is the urgency?

Mr. President, while we are debating the motion to proceed, let one thing be clear: The Voting Rights Act itself is already a permanent statute which has been on the books for 17 years; and contrary to the totally false impression deliberately created by some, the Voting Rights Act does not expire this year. It does not expire any other year.

I repeat, Mr. President: The Voting Rights Act does not expire this year or any other year. The Voting Rights Act is permanent law. The Voting Rights Act remains on the books as permanent law now and in the future, unless and until Congress and the President agree to repeal it. Since that is highly unlikely, this Senator can say with a high degree of certainly that the Voting Rights Act will remain permanent law far into the foreseeable future. So what is the urgency?

Nothing whatsoever about the Voting Rights Act expires during this year or during any other year. So let us lay aside the fiction that there is some sort of deadline in August by which we must act on this piece of legislation. It simply is not so.

All that will occur under the present, permanent statute is that on August 6, 1982, certain jurisdictions will be given the opportunity, under the permanent law, to prove in Federal District Court for the District of Columbia that they have not discriminated on the basis of race during the past 17 years and that, therefore, they should no longer be required to come up here, with hat in hand, and appear before some bureaucrat in the Department of Justice and plead for mercy if they want to move a voting precinct down the block or across the street.

Mr. President, nothing could be clearer than the fact that the States affected, or the political subdivisions thereof, should no longer be required to clear with "Big Brother" in Washington every change in local law or ordinance affecting elections, no matter how minor. That and that alone is what will happen on August 6.

In other words, the States affected, the political subdivisions thereof, will

have their day in court instead of being under the thumb of a bureaucrat. The court could determine that there had been no discrimination during the past 17 years, or the court could determine otherwise. But at least the States and the political subdivisions will have their day in court.

What is wrong with allowing the Federal courts to hear the evidence and to decide whether or not discrimination has occurred over the past 17 years?

Mr. President, these proposed amendments to the permanent Voting Rights Act of 1965 would deny that right to the Federal courts. What these proposed amendments say is: "You"—the States and political subdivisions thereof—"will not have your day in court. You must continue to be under the thumb of the Justice Department."

These proposed amendments would strip jurisdiction from the Federal courts to hear evidence that no discrimination has occurred over a 17-year period and to determine that the burden of clearing in Washington virtually everything affecting local elections no longer exists.

Obviously, Mr. President, I am prepared to discuss this matter at great length. I will not do so today. Let me assure my colleagues on both sides of the aisle that if we can reach an understanding that 40 counties in North Carolina will no longer be treated as second-class citizens, and if we can have a clear understanding that nothing we do in this Chamber will result in proportional representation, then I will agree with the distinguished Senator from West Virginia—let us go ahead and vote.

However, you will find that they are unwilling to do that. They want to deny a total of 22 States their day in court. Otherwise, they would not be intractable.

I am prepared to discuss this matter until the cows come home, because I am not going to sit silent while 40 counties in the State of North Carolina are made second-class citizens by an act which former Senator Sam Ervin described 17 years ago as being pure tyranny.

Let me say for the record, Mr. President, that in not one of the 40 counties in North Carolina has there been an action reported to the Justice Department implying discrimination in voting rights—not one, not one in 17 years. And yet the proponents of the extension of this legislation would say to those 40 counties and to counties in other States and indeed other States themselves: "No matter; you have to stay under the thumb of the Justice Department. You cannot have your day in court."

Mr. President, out of the 40 counties in North Carolina affected, 39 of them were brought under this act because at some time in the past the literacy test was imposed.

I made a spot check, Mr. President, and there may be in one of the 40 counties somewhere one elected county commissioner today who was sitting as a county commissioner back in that day. But I have not found that one.

So I am saying to the Senate, if we can reach an accommodation on fairness and equity to the people in 40 counties of the State of North Carolina let us proceed and get this bill out of the way, provided that we can also make clear where this Senate stands on the question of proportional representation.

I think we should get onto the 130 pieces of important legislation, but we cannot do that because there has been a demand that we act on this legislation, and there has been the pretense that it expires on August 6, a pretense which is totally false.

Mr. President, I submit that there is no urgency to move to debate this legislation at a time when the calendar is crowded with bills of far more importance to the American people.

I thank the Senator from Utah for yielding to me.

Mr. HATCH. Mr. President, once in a great while this body considers legislation that must be looked upon as a watershed with respect to the direction in which this Nation is going to head. One of these occurred in 1965 in which this Nation committed itself to the goal of insuring that no citizen, whatever his or her race or color, would be denied the opportunity to participate in the electoral process. As there are to all great objectives, there was a cost involved—a cost relating to the transformation of traditional values of federalism. Under the 1965 act, sovereign States would be required to secure the approval of the Federal Government prior to enacting changes in their voting laws and procedures, an obligation that many at the time viewed as inconsistent with the respective roles of the State and national governments.

Despite these costs, the Voting Rights Act of 1965 was necessary legislation and I submit it is necessary legislation today.

It was necessary in 1965 in order to overcome a clear and indisputable history of discrimination in various parts of the country that had worked to deny individuals their constitutional right not to be denied suffrage on the basis of race or color. It was an extraordinary piece of legislation, but it was necessary to secure the most fundamental of all rights in a free and democratic society—the right to vote for the candidate of one's choice.

It was for this reason that I supported extension of this act in both the Subcommittee on the Constitution and the full Judiciary Committee.

Mr. President, today however the Senate begins consideration on legislation that, in my view, is a watershed and is likely to define in an important manner what this Nation is all about. Again, the legislation to be considered is described as voting rights legislation. This time, however, the objectives are different—vastly different. Instead of leading ultimately to the nonconsideration of race in the electoral process as was the objective of the original Voting Rights Act, the present legislation would make this the overriding consideration in decisions in this area. Instead of directing its protections toward the individual as did the original act—and as does the Constitution—the present legislation would make racial groups the focus of protection. Instead of reinforcing in the law the great constitutional principle of equal protection, the present legislation would substitute a totally alien principle of equal results and equal outcome.

Mr. President, in short, the debate on the new version of the Voting Rights Act will focus upon one of the most important public policy issues ever to be considered by this body. I do not believe that my colleague from the House—Mr. HYDE—is far from the mark when he describes this as a measure with "consequences as potentially far-reaching as any legislation ever enacted." This is legislation with both profound constitutional implications and profound practical consequences. In summary, the issue is how this Nation is going to define "civil rights" and "discrimination."

I. SUMMARY OF THE ISSUE

Both in popular parlance and within judicial forums, the concept of racial discrimination has always implied the maltreatment or disparate treatment of individuals because of race or skin color. As the 15th amendment to the Constitution states, in part:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

In other words, discrimination has been viewed as a process by which wrongful decisions were made—decisions reached at least in part because of the race or skin color of an individual.

This conception of discrimination has always been reflected in the constitutional decisions of the judicial branch of our Nation. In interpreting the equal protection clause of the 14th amendment, for example, the Supreme Court has observed:

> A law, neutral on its face and serving ends otherwise within the power of Government to pursue, is not invalid under the equal protection clause simply because it may

affect a greater proportion of one race than of another.[1]

In other words, as the court subsequently observed:

Proof of racially discriminatory intent or purpose is required to show a violation of the equal protection clause . . . official action will not be held unconstitutional solely because it results in a racially disproportionate impact.[2]

Proof of discriminatory intent or purpose is the essence of a civil rights violation for the simple reason that there has never been an obligation upon either public or private entities to conduct their affairs in a manner designed to insure racial balance or proportional representation by minorities in employment, housing, education, voting, and the like. The traditional obligation under civil rights laws has been to conduct public or private affairs in a manner that does not involve disparate treatment of individuals because of race or skin color.

What is being proposed in the context of the present Voting Rights Act debate is that Congress alter this traditional standard for identifying discrimination, i.e., the "intent" standard, and substitute a new "results" standard. Rather than focusing upon the process of discrimination, the new standard would focus upon electoral results or outcome. The proposed amendment would initiate a landmark transformation in the principal goals and objectives of the Voting Rights Act. It should be understood at the outset that proponents of the results test are no longer talking about "discrimination;" they are simply talking about "disparate impact." These concepts have little to do with one another.

Rather than simply focusing upon those public actions that obstructed or interfered with the access of minorities to the registration and voting processes, the proposed results test would focus upon whether or not minorities were successful in being elected to office. Discrimination would be identified on the basis of whether minorities were proportionately represented (to their population) on elected legislative bodies rather than upon the question of whether minorities had been denied access to registration and the ballot because of their race or skin color.

Despite objections to the description of the results test as one focused upon proportional representation for minorities, there is no other logical meaning to the new test. To speak of "discriminatory results" is to speak purely and simply of racial balance and racial quotas. The premise of the results test is that any disparity between minority population and minority representation evidences discrimination. As the Supreme Court observed in the recent city of *Mobile* v. *Bolden* decision:

The theory of the dissenting opinion (proposing a "results" test) appears to be that every political group or at least every such group that is in the minority has a Federal constitutional right to elect candidates in proportion to its numbers . . . the equal protection clause does not require proportional representation as an imperative of political organization.[3]

Apart from the fact that the results test imports into the Voting Rights Act a theory of discrimination that is inconsistent with the traditional understanding of discrimination, the public policy impact of the new test would be far reaching. Under the results test, Federal courts will be obliged to dismantle countless systems of State and local government that are not designed to achieve proportional representation. This is precisely what the plaintiffs attempted to secure in the *Mobile* case and, in fact, were successful in achieving in the lower Federal courts. Despite the fact that there was no proof of discriminatory purpose in the establishment of the electoral (at-large) system in *Mobile* and despite the fact that there were clear and legitimate nondiscriminatory purposes to such a system, the lower court in *Mobile* ordered a total revampment of the city's municipal system because it had not achieved proportional representation.

The at-large system of election is the principal immediate target of proponents of the results test.[4] Despite repeated challenges to the propriety of at-large systems, the Supreme Court has consistently rejected the notion that the at-large system of election is inherently discriminatory toward minorites.[5] The Court in *Mobile* has observed that literally thousands of municipalities and other local governmental units throughout the Nation have adopted an at-large system.[6]

To establish a results test in section 2 would be to place at-large systems in constitutional jeopardy throughout the Nation, particularly if jurisdictions with such electoral systems contained significant numbers of minorities and lacked proportional representation on their elected representative councils or legislatures. Legislative bodies generally that lacked proportional representation of significant minority groups would be subject to close scrutiny by the Federal judiciary, under the proposed results test. To the extent that electoral results become the focus of discrimination analysis, and indeed define the existence or nonexistence of discrimination, it is difficult to conceive how proportional representation by race can avoid being established in the law as the standard for identifying discrimination and, equally important, as the standard for ascertaining the effectiveness of judicial civil rights remedies.

Beyond the fact, however, that the results test, in my view, will lead to a major transformation in the idea of discrimination as well as to a sharp enhancement of the role of the Federal courts in the electoral process, the results test is an inappropriate test for identifying discrimination for several other reasons. First, the results test will substitute, in the place of a clear and well-understood rule of law that has developed under the intent standard, a standard that is highly uncertain and confusing at best. The rule of judges will effectively replace the rule of law that, up to now, has existed in the area of voting rights. There is no guidance offered to either the courts or to individual communities by the results test as to which electoral structures and arrangements are valid and which are invalid. Given the lack of proportional representation and the existence of any one of a countless number of "objective factors of discrimination," it is difficult to see how a prima facie case—if not an irrebuttable case—of discrimination would not be established.

Second, the results test is objectionable because it would move this nation in the direction of increasingly overt policies of race consciousness. This would mark a sharp departure from the constitutional development of this Nation since the reconstruction and since the classic dissent by the elder Justice Harlan in *Plessy* v. *Ferguson* in 1897 calling for a "colorblind" constitution.[7] This would mark a sharp retreat from the notions of discrimination established as the law of our land in *Brown* v. *Board of Education*, the Civil Rights Act of 1964, and indeed the Voting Rights Act itself.

If the results test is incorporated into the Voting Rights Act—and then quite likely into other civil rights statutes as a result—the question of race will intrude constantly into decisions relating to the voting and electoral process. Racial gerrymandering and racial bloc voting will become normal occurrences, given legal and constitutional recognition and sanction by the Voting Rights Act. Increasing, rather than decreasing, focus upon race and ethnicity will take place in the course of otherwise routine voting and electoral decisions.

The Voting Rights Act has proven the most successful civil rights statute in the history of the Nation because it has reflected the overwhelming consensus in this Nation that the most fundamental civil right of all citizens—the right to vote—must be preserved at whatever cost and through whatever commitment required of the Federal Government. Proponents of the Senate measure would jeopardize this consensus by effecting a radical transformation in the Voting Rights Act from one designed to promote equal

[1] Footnotes at end of article.

access to registration and the ballot box into one designed to insure equality of outcome and equality of results. It is not a subtle transformation; rather it is one that would result in a total retreat from the original objective of the Voting Rights Act that considerations of race and ethnicity would someday be irrelevant in the electoral process. Under the Senate-proposed amendments, there would be nothing more important.

II. LEGISLATIVE EVOLUTION OF THE VOTING RIGHTS ACT

The 15th amendment to the U.S. Constitution, ratified in 1870, states:

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Shortly after ratification, Congress enacted two laws pursuant to its enforcement authority in the 15th amendment designed to outlaw activities interfering with the voting rights of the newly-freed slaves. The Civil Rights Act of 1870[8] established Federal penalities for interfering with voting in State and Federal elections for reasons of race or color discrimination while the Antilynching (Ku Klux Klan) Act of 1871[9] sought to penalize State actions which deprived persons of their civil rights.

Despite these efforts, the progress of blacks in securing the protections of the 15th amendment was slow and erratic. The use of poll taxes, literacy tests, morals requirements, racial gerrymandering, and outright intimidation and harassment continued largely unchecked until well into the 20th century. It was not until the late 1950's that the Federal Government reiterated its constitutional commitment to equality of voting rights by enacting new enforcement legislation. Between 1957 and 1964, Congress enacted three statutes designed to enhance the ability of the Federal Government to challenge discriminatory election laws and procedures.

In 1957, Congress enacted civil rights legislation[10] which authorized the Attorney General to initiate legal action on behalf of individuals denied the opportunity to register or vote on account of race or color. Most importantly, this enabled the aggrieved registrant or voter to shift the cost of the legal challenge to the Federal Government. In addition, the Civil Rights Act of 1957 established the U.S. Commission on Civil Rights and provided it with responsibility for investigating and reporting on those procedures and devices used by jurisdictions in a discriminatory manner against racial minorities.

In 1960, Congress again acted to strengthen the National Government's commitment to full and fair voting rights through passage of additional legislation.[11] The Civil Rights Act of 1960 went significantly beyond the earlier legislation by requiring the retention by local and State officials of Federal election records for a period of 22 months and authorized the Attorney General to inspect such records at his discretion. It also enabled Federal courts to identify "patterns and practices" of racial voting discrimination and to order on a class basis the registration of qualified persons of that race who had been victims of such a pattern and practice. The Federal courts were authorized to appoint voting referees who would be empowered to enter a jurisdiction and register voters.

Finally, Congress enacted the Civil Rights Act of 1964[12] which established landmark civil rights reforms in a wide number of areas. Title I of the act prohibited local election officials from applying to applicants for registration tests or standards different from those that had been administered to those already registered to vote. It also established a presumption of literacy—although rebuttable—for potential registrants who had completed a sixth grade English-speaking school education. In addition, the act established expedited procedures for judicial resolution of voting rights cases.

A. VOTING RIGHTS ACT OF 1965

Despite this renewed commitment by the Federal Government to enforcement of the guarantees of the 15th amendment, substantial registration and voting disparities along racial lines continued to exist in many jurisdictions. It was finally in response to the incontrovertible evidence of continuing racial voting discrimination that Congress enacted the single most important legislation in the Nation's history relating to voting rights—the Voting Rights Act of 1965.[13]

This act marked a significant departure from earlier legislative enactments in the same area in establishing primarily, for the first time, an administrative process aimed at eliminating voting discrimination. Earlier legislation had primarily relied upon the judicial process for the resolution of these problems. The major objectives of the new administrative procedures were to insure expeditious resolution of alleged voting rights difficulties and to avoid the often-cumbersome process of judicial case-by-case decisionmaking.

Perhaps the most important provision of the Voting Rights Act was section 5 which required any State or political subdivision covered under a formula prescribed in section 4 of the act—designed to identify jurisdictions with a history of voting discrimination—to "preclear" any changes in voting laws or procedures with the Justice Department. No such change could take effect without the permission of the Department. Under section 5, the political subdivision has the responsibility of showing that the proposed change "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color."

"Covered" jurisdictions, that is those required to preclear with the Justice Department, included all States or political subdivisions which met the two-part test of section 4:

(1) Such a State or subdivision must have employed a "test or device" as of November 1, 1964. Such a "test or device" was defined to include literacy tests, tests of morals or character, or tests requiring educational achievement or knowledge of some particular subject; and

(2) Such a State or political subdivision must have had either a voter registration rate of less than 50 percent of age-eligible citizens on that date, or a voter turnout rate less than 50 percent during the 1964 election.

No part of the trigger formula in section 4 referred to racial or color distinctions among either registrants or voters, or to racial or color populations within a jurisdiction.

Jurisdictions covered by the trigger formula in the 1965 act included the entire States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia, and counties in North Carolina, Idaho, Arizona, Alaska, and Hawaii.

Covered jurisdictions were to be eligible for bailout—or release—from coverage after a 5-year period during which they were required to preclear voting law changes and to temporarily abolish the use of all tests or devices. In establishing such a time period, Congress recognized that the remedy of preclearance was an extraordinary one that deviated sharply from traditional notions of federalism and State sovereignty over State electoral processes.[14]

Other important provisions of the 1965 act included:

Section 2, a statutory codification of the 15th amendment, restated the general prohibitions of that amendment against the "denial or abridgment" of voting rights "on account of" race or color.

Section 6 authorized the Attorney General to send Federal examiners to list voters for registration in any covered county from which he received 20 or more written complaints of denial of voting rights or whenever he believed on his own that such an action would be necessary.

Section 8 authorized the Attorney General to send election observers to any political subdivision to which an examiner had been earlier sent.

Section 10 prohibited the use of poll taxes in State elections.[15]

Section 11 established various criminal offenses with respect to failure to register voters, or count votes, intimidating or threatening voters, providing false registration information, and voting more than once.

Section 12 established criminal offenses with respect to altering ballots or voting records, and conspiring to interfere with voting rights.

It is important to emphasize that the Voting Rights Act of 1965 is a permanent statute that is not in need of periodic extension. I think Senator HELMS has made that clear. The only temporal provision in the law is the applicability of the preclearance and certain other requirements to covered jurisdictions. By the terms of the 1965 act, such extraordinary remedies were to be applied for a 5-year period after which time Congress presumed the residual effects of earlier discrimination were likely to be sufficiently attenuated, and the covered jurisdictions would be allowed to seek bailout.

B. 1970 AMENDMENTS

In 1970, however, upon reviewing the impact of the Voting Rights Act, Congress concluded that, while significant progress had been made with respect to voting rights, there was need for an additional extension of the preclearance period for covered jurisdictions. Such jurisdictions, thus, were required to continue to preclear voting law changes for an additional 5-year period as Congress redefined the basic bailout requirement. Instead of covered jurisdictions being required to maintain "clean hands" for a 5-year period as provided for in the original 1965 act, this requirement was changed to 10 years. "Clean hands" simply meant the avoidance by the jurisdiction of a proscribed "test or device" for the requisite period.

In addition, the basic coverage formula was amended by updating it to include the 1968 elections as well as the 1964 elections. As a result of this change in the trigger formula, counties in Wyoming, California, Arizona, Alaska, and New York were covered, as well as political subdivisions in Connecticut, New Hampshire, Maine, and Massachusetts. The 1970 amendments to the act also extended nationwide the 5-year ban on the use of "tests or devices" as defined by the act and sought to establish a minimum voting age of 18 Federal and State elections.[16] Section 202 abolished residency requirements in Federal elections.

C. 1975 AMENDMENTS

In 1975, Congress again reviewed the progress achieved under the 1965 act and the 1970 amendments and concluded once more that it was necessary to redefine the bailout requirements for covered jurisdictions. Such jurisdictions were on the verge of satisfying their 10-year obligation of preclearance and the avoidance of voting "tests or devices." In the 1975 amendments to the Voting Rights Act, Congress redefined the bailout formula to require 17 years of "clean hands." Jurisdictions covered under the 1965 formula could not hope to bail out prior to 1982 under the amended formula.

In addition, Congress once again amended and updated the basic coverage formula in section 4 to include the 1972 election as well as the 1964 and the 1968 elections. Most significantly, however, Congress chose to redefine the meaning of what constituted a wrongful "test or device." Such a "test or device" was newly defined to include the use of English-only election materials or ballots in jurisdictions where a single "language-minority" group comprised more than 5 percent of the voting-age population. In addition to States already covered, preclearance was required of those States or political subdivisions which, in 1972, had: (a) Less than 50 percent voter registration or voter turnout; (b) employed English-only election materials or ballots; and (c) had a "language-minority" population of more than 5 percent. Such "language-minorities" were defined to include American Indians, Asian Americans, Alaskan Natives, and persons of Spanish heritage.[17]

Included under the 1975 coverage formula were, in addition to those States covered by the 1965 and 1970 provisions, the States of Texas, Arizona, and Alaska, and counties in California, Colorado, Florida, Michigan, North Carolina, and South Dakota. In addition to the significant expansion in the concept of what constituted a wrongful "test or device" to encompass the use of English-only materials, Congress also established other requirements relating to bilingualism. In section 203 of the act, Congress required bilingual ballots and bilingual election materials and assistance in all jurisdictions in which there were populations of "language minorities" greater than 5 percent and in which the literacy rate among that "language minority" was less than the national average.[18] Finally, the 1975 amendments to the Voting Rights Act made permanent the nationwide ban on literacy tests and other "tests and devices".

In this debate, a major issue again is whether or not Congress will redefine the bailout standard when a number of jurisdictions covered by the original 1965 act are on the verge of satisfying the earlier standard; that is, 17 years of avoidance of the use of "tests or devices". In the absence of action by Congress, the Voting Rights Act will not "expire" as some have wrongly suggested. Rather what will occur on August 6, 1982, is that a number of covered jurisdictions will finally be permitted to apply to the District Court for the District of Columbia for a declaratory judgment that they have abided by their statutory obligations and ought to be permitted to bailout. None of the permanent provisions of the Voting Rights Act will "expire"; for example, ban on literacy tests, poll taxes, and discriminatory laws against harassment and intimidation in the voting process; protection of voting rights from denial or abridgment on account of race or color; and so forth. Moreover the present law requires any State or subdivision that has been granted bailout to remain within the district court's jurisdiction for an additional 5-year "probationary" period.

III. JUDICIAL EVOLUTION OF THE VOTING RIGHTS ACT

A. THE ORIGINAL OBJECTIVE

The Voting Rights Act of 1965 was designed by Congress to "banish the blight of racial discrimination in voting."[19] The racial discrimination to which the act was directed entailed methods and tactics used to disqualify blacks from registering and voting in Federal and State elections.[20] As discussed previously, the act was the fourth modern legislative attempt at insuring the rights of disenfranchised southern blacks, and has proven highly effective.

The emphasis in the original Voting Rights Act was upon equal electoral access through facilitating registration and securing the ballot. As Roy Wilkins, representing the Leadership Conference on Civil Rights, stated in 1965 in testimony before the Judiciary Committee:

> The history of the struggle for the right to participate in Federal, State and local elections goes back to the period of reconstruction. . . . In too many areas of the Nation, Negroes are still being registered one by one and only after long litigation. We must transform this retail litigation method of registration into a wholesale administration procedure registering all who seek to exercise their democratic birthright.[21]

Professor Gross described the original objectives of the act as follows:

> The purpose of the act was precisely and only to increase the number of black registered voters. In the 1960's and earlier, to those who fought for it, equality meant equality of opportunity—in this case, the opportunity to vote.[22]

Professor Bunzel was in firm agreement:

> Originally, the Voting Rights Act was clear that it was directed to remedying disenfranchisement.[23]

This original congressional objective of massive registration and enfranchisement of blacks has been substantially transformed since 1965. The present debate reflects this transformation since it focuses upon claims to equal electoral "results," maximum political "effectiveness," and "diluted" votes. The evolution of the 1965 act is in large part attributable to a number of important judicial decisions.

The legislation was challenged shortly after its enactment in South Carolina against Katzenbach,[24] wherein the Supreme Court upheld the challenged provisions of the act as constitutionally permissible methods of protecting the right to register and vote. Although acknowledging that the pre-

clearance provisions of section 5 "may have been an uncommon exercise of congressional power,"[25] Chief Justice Warren, speaking for the Court, stated that "exceptional conditions can justify legislative measures not otherwise appropriate."[26] Thus, the preclearance provisions were upheld "under the compulsion of unique circumstances"[27] which Congress had found from its own evidentiary investigation to exist in the covered jurisdictions.[28] From this rather limited holding based upon "exceptional conditions" and "unique circumstances" then extant in the covered jurisdictions, there evolved a series of cases through which the Court identified additional objectives under the act's preclearance provisions.

The principal case in the judicial evolution of the Voting Rights Act was the Court's 1969 decision in Allen against State Board of Elections.[29] In opinion by Chief Justice Warren, the Court held that the act's preclearance provisions were applicable not only to new laws which might tend to deny blacks their right to register and vote, but to "any State enactment which altered the election law of a covered State in even a minor way."[30] In Allen, the changes in State laws did not relate to the process by which voters were registered and had their ballots counted, but to such things as a change from single-member districts to at-large voting in the election of county supervisors, changing of a particular office from elective to appointive, and changes in qualification procedures of independent candidates.[31] Under the broad construction accorded section 5 by the Allen court, covered States must preclear all laws which may affect the electoral process in any way. As I will note later, the Allen decision effected a substantial transformation of the Voting Rights Act.[32] The breadth of the scope accorded the act by Allen served as the catalyst for further expansion of Federal control over electoral changes in covered jurisdictions.

B. NEW OBJECTIVES

In the 1971 decision of Perkins against Matthews,[33] a divided Supreme Court held that annexations were subject to preclearance and reiterated its Allen holding that a change to at-large elections was also covered. The Court further expanded the scope of preclearance requirements to include legislative reapportionments in Georgia against United States.[34] All such actions were required to be submitted to the Justice Department for approval.

The far-ranging implications of this expansion were evidenced in two important cases which followed. In City of Petersburg against United States,[35] the city of Petersburg, Va. had annexed an area that had been under consideration for nearly 5 years. The annexation was supported by both black and white citizens and involved an area logically suitable for annexation for tax and other reasons. The effect of the annexation, however, was to reduce the black population from 55 percent to 46 percent. When the annexation was submitted for preclearance, the district court held that it was not racially inspired, but nevertheless found that the annexation would have the effect of decreasing minority voting influence. Because of this, the court approved the annexation only on condition that Petersburg change to ward elections so that blacks would be insured of representation "reasonably equivalent to their political strength in the enlarged community."[36] The court specifically noted that the mere fact that blacks made up a smaller percentage of the city after the annexation did not amount to a violation of the act, so long as the court-imposed system of ward elections insured blacks of safe districts. Thus, the ideal of proportionality in representation was introduced, although only in the context of covered jurisdictions.

This precursor to "proportional representation" was followed by the Supreme Court's 1975 decision in City of Richmond against United States.[37] The annexation in City of Richmond reduced the black population in Richmond from 52 percent to 42 percent. The Court reversed the lower court's disapproval of Richmond's preclearance application and remanded the case for reconsideration in light of its explanation that the City of Petersburg decision was intended to "afford [blacks] representation reasonably equivalent to their political strength."[38]

The concept of proportional representation was again involved in United Jewish Organizations against Carey,[39] which related to the Attorney General's rejection of a 1972 legislative redistricting by New York as it applied to Brooklyn, a covered jurisdiction under the act. The Attorney General originally ruled that there were an insufficient number of election districts with minority populations large enough for minority candidates to likely prevail. The Attorney General indicated that a minority population of 65 percent was necessary to create a safe minority seat.[40] In a new plan adopted in 1974, the legislature met the objections of the Attorney General, but in so doing, divided a community of Hasidic Jews which had previously resided in a single district. The Attorney General approved the plan, but members of the Hasidic community objected, claiming that they themselves had been the victims of discrimination.

The Supreme Court rejected their claim. Although unable to agree on an opinion, seven members of the Court did agree that New York's use of racial criteria in revising the reapportionment plan in order to obtain the Attorney General's approval under the Voting Rights Act did not violate the 14th and 15th amendment rights of the Hasidic Jews.

The preceding line of cases, all the progeny of Allen against State Board of Elections,[41] constituted a major judicial expansion of the act's original focus upon facilitating registration and securing the ballot.[42] As Professor Thernstrom has written:

> The traditional concern of civil rights advocates had been access to the ballot . . . [These expansions] assume a federally guaranteed right to maximum political effectiveness. Nowadays, local electoral arrangements are expected to conform to Federal executive and judicial guidelines established to maximize the political strength of racial and ethnic minorities, not merely to provide equal electoral opportunity.[43]

More recent expansion of section 5 occurred in two 1978 decisions. In United States against Board of Commissioners of Sheffield,[44] the Court held that section 5 applied to political subdivisions within a covered jurisdiction which have any influence over any aspect of the electoral process, whether or not they conduct voter registration.[45] Sheffield was required to pre-clear its electoral change from a commissioner to a mayor-council form of government. Sheffield reaffirmed the drift away from the original focus of the Voting Rights Act of equal access to the registration and voting process to focus upon the electoral process itself. In Dougherty County Board of Education against White,[46] the Court held that a school board rule requiring all employees to take unpaid leaves of absence while campaigning for elective office was subject to preclearance under section 5. Thus, the Court held that the Voting Rights Act reached changes made by political subdivisions that neither conducted voter registration nor even conducted elections.

C. SECTION 5 AGAINST SECTION 2

The transformation which had taken place in section 5 was confirmed by the Court in City of Rome against United States,[47] wherein the Court held that although electoral changes in Rome, Ga., were enacted without discriminatory purpose, they were nevertheless prohibited under section 5 of the act because of their discriminatory effect. Thus, the Court affirmed that the standard of conduct in covered jurisdictions seeking preclearance pursuant to section 5 may be measured exclusively by the effects of a change.[48] The evolution of section 5 was fundamentally complete—having been largely transformed from a provision focused upon access to registration and the ballot to one focused upon the electoral process itself. In the narrow context of section 5, the "effects" test was constitutional.[49]

A recent and telling application of the "effects" standard by the District of Columbia District Court can be found in City of Port Arthur against United States,[50] an annexation case in which the Court stated:

> The conclusion reached by this Court is that none of the electoral systems proposed by plaintiff Port Author affords the black citizens of the city the requisite opportunity to achieve representation commensurate with their voting strength in the enlarged community. Blacks comprise 40.56 percent of the total post-expansion population, and we estimate that they constitute 35 percent of the voting-age population. [None of the proposed schemes] offer the black community a reasonable possibility of obtaining representation which would reflect political power to that magnitude.[51]

This transformation from a focus upon access to the ballot to a focus upon the electoral process itself, and proportional representation for covered jurisdictions under section 5 would also have occurred in the context of section 2 but for the case of City of Mobile against Bolden.[52] In Mobile, however, the court reaffirmed original understandings of section 2 and the 15th amendment. Mobile involved a class action on behalf of all black citizens of the Alabama city wherein plaintiffs alleged that the city's practice of electing commissioners through an at-large system unfairly "diluted" minority voting strength in violation of the 14th and 15th amendments. The district court,[53] although finding that blacks in the city registered and voted without hinderance, nonetheless agreed with plaintiffs and held that Mobile's at-large elections operated unlawfully with respect to blacks. The fifth circuit affirmed,[54] but on appeal, the Supreme Court reversed and remanded. The plurality opinion stated:

> The 15th amendment does not entail the right to have Negro candidates elected . . . that amendment prohibits only purposefully discriminatory denial or abridgment by Government of the freedom to vote "on account of race, color, or previous condition of servitude." Having found that Negroes in Mobile "register and vote without hindrance," the district court and court of appeals were in error in believing that the appellant invaded the protection of that amendment in the present case.[55]

Thus, the Court reaffirmed that purposeful discrimination is required for the 15th amendment to be violated and that, since section 2 of the act was a codification of that amendment, the "intent" test applied in all actions under that section.[56]

The proponents of the Senate amendment to section 2 would overturn the Court's decision in the Mobile case by eliminating the requirement of proof of intentional discrimination and simply require proof of discriminatory "results." The change would facilitate a transformation of section 2 from its original focus to new and disturbing objectives of proportionality in representation.

In summary, it is my view that section 5 of the Voting Rights Act of 1965 has undergone a significant judicial evolution. The original purpose was to provide racial minorities with access to the ballot. In the intervening years, the focus has changed to the entire electoral process. As Professor Erler testified:

> In more recent years . . . emphasis has shifted from the issue of equal access to the ballot for racial minorities to the issue of equal results. The issue is no longer typically conceived of in terms of "the right to vote," but in terms of "the right to an effective vote"; no longer in terms of "disfranchisement" but in terms of "dilution." The old assumption that equal access to the ballot would ineluctably lead to political power of minorities has given way to the proposition that the political process must produce something more than equal access. The new demand is that the political process, regardless of equal access, must be made to yield equal results.[57]

The proposal to change section 2 seeks to begin this same process for that section. Indeed, proponents of the Senate amendment rarely speak of "the right to vote" anymore. Instead, such phrases as "equal political participation," "equal opportunity in the political process," "the fair right to vote," and "meaningful participation" are used.[58] I am concerned by any proposal to institute such a new focus in section 2 and to bring to this section concepts of proportional representation that have been developed in other sections on highly limited constitutional grounds.

IV. SECTION 2 OF THE ACT

Section 2 of the Voting Rights Act is a codification of the 15th amendment and, like that amendment, forbids discrimination with respect to voting rights. Section 2 states:

> No voting qualifications or prerequisites to voting, or standard, practice, or procedures shall be imposed or applied by any State of political subdivision to deny or abridge the right to vote on account of race or color.

Section 2 is a permanent provision of the Voting Rights Act and does not expire this year, or any year. It applies to both changes in voting laws and procedures, as well as existing laws and procedures, and it applies in both covered jurisdictions and noncovered jurisdictions.[59] For the past 17 years, section 2 has stood as a basic and noncontroversial provision to insure that any discriminatory voting law or procedure could be successfully challenged and voided.

A. INTENT VERSUS RESULTS

Given the success of the Voting Rights Act and the fact that section 2 is a permanent provision of the law, what is the present controversy concerning section 2? The current issue concerning section 2 is the question of what must be shown in order to establish a violation of the section. In other words, the fundamental issue is the one of how civil rights violations will be identified. Inherent in this issue are the very definitions of "civil rights" and "discrimination."[60]

The Supreme Court addressed this critical issue in city of Mobile against Bolden.[61] In this decision, the Court held that section 2 was intended to codify the 15th amendment and then held that a claim under the amendment[62] required proof that the voting law or procedure in question must have been established or maintained[63] because of a discriminatory intent or purpose. As the Court observed:

> While other of the Court's 15th amendment decisions have dealt with different issues, none has questioned the necessity of showing purposeful discrimination in order to show a 15th amendment violation.[64]

It follows then that proof of a claim under section 2 entails the requirement of showing discriminatory intent or purpose.

The Court's equation of section 2 with the 15th amendment was based on a review and analysis of legislative history:

> Section 2 was an uncontroversial provision in the Voting Rights Act whose other provisions engendered protracted dispute. The House report on the bill simply recited that section 2 "grants a right to be free from enactment or enforcement or voting qualifications or practices which deny or abridge the right to vote on account of race or color." H.R. Rep. No. 89-439 at 23 (1965); S. Rep. No. 89-162, part 3, at 19-20 (1965). The view that this section simply restated the prohibitions already contained in the 15th amendment was expressed without contradiction during the Senate hearings. Senator DIRKSEN indicated at one point that all States, whether or not covered by the preclearance provisions of section 5 of the proposed legislation were prohibited from discriminating against Negro voters by section 2 which he termed "almost a rephrasing of the 15th amendment." Attorney General Katzenbach agreed. Senate hearings, part 1, at 208 (1965).[65]

Until the present debate, there has been virtually no disagreement with the proposition that section 2 has always been intended to codify the 15th amendment.

Controversy concerning the mobile decision, and the intent test required under Mobile, stems from the contentions that the decision was contrary to the original intent of Congress,[66] contrary to prior law,[67] and establishes a test for identifying discrimination which is difficult, if not impossible, to satisfy.[68] Since these arguments serve as the foundation for the case that mobile ought to be overturned, they merit careful consideration.

CONGRESSIONAL INTENT

The first argument raised by proponents of a results test in section 2 in place of the existing intent test, is that such a test would be more consistent with the original intention of the

Voting Rights Act.[69] I strongly reject this contention and believe that the Supreme Court properly interpreted the original intent of Congress with respect to section 2. I note, for example, that Congress chose specifically to use the concept of a results or effects test in other parts of the act. In section 4 and 5 of the act, Congress established an explicit although highly limited use of this test. The fact that such language was omitted from section 2 is conspicuous and telling. If Congress had intended to use a results or effects test in section 2, they had already demonstrated that they were quite capable of drafting such a provision. Congress chose pointedly not to do this.

The unusual standard in sections 4 and 5 was a clear function of the extraordinary objectives of those sections.[70] In those provisions, Congress was addressing selected regions of the country with respect to which there had been identified histories of discrimination and histories of efforts to circumvent Federal antidiscrimination initiatives. It was only as a result of these findings that Congress was even constitutionally empowered to enact these sections.[71] Specifically, it was a function of the fact that the provisions in sections 4 and 5 were designed to be remedial and temporary in nature that the Court sustained their constitutional validity.[72]

Mr. President, great emphasis has been placed upon a single remark of Attorney General Katzenbach during the course of Senate hearings to evidence that an effects test was originally intended by Congress in section 2. The Attorney General, according to the argument, made clear that a section 2 violation could be established "if /an action's/ purpose or effect" was to deny or abridge the right to vote.[73] Quite apart from the fact that a single chance remark by an individual does not constitute a conclusive legislative history, the Katzenbach statement can be used with equal strength by proponents of maintaining the present intent test. In response to a question by Senator Fong about whether or not restricted registration hours by a jurisdiction would be the kind of "procedure" encompassed by section 2 that would permit a suit, the Attorney General responded, "I would suppose that you could if it had that purpose."[74] He subsequently proceeded to make another statement alluding to both purpose and effect in a context suggesting confusion between section 2 and section 5. The Attorney General's statement is a wholly isolated remark in the midst of thousands of pages of hearings and floor debate; to the extent that it is treated as dispositive of the issue, it can equally be relied upon by either side.[75]

I consider the fact that Congress chose not to utilize language in section 2 that it expressly used in sections 4 and 5—i.e., "effects"—to be far more persuasive of original congressional intent, as well as the fact that the concept of an effects standard was discussed thoroughly in the context of sections 4 and 5 but not at all in the context of section 2.

2. PRIOR LAW

In response to the second argument of proponents of the results test that Mobile effected a significant change in prior law, I note again the remarks of the Supreme Court in Mobile:

> None of the Court's 15th amendment decisions has questioned the necessity of showing purposeful discrimination in order to show a 15th amendment violation.[76]

There is absolutely no Court decision that results proponents can point to that holds that proof of discriminatory purpose or intent is not required either in establishing a 15th amendment violation or a section 2 violation.

In this regard, proponents rely almost exclusively in a 1973 Supreme Court decision, White against Regester.[77] In that case, the Court upheld a challenge to an at-large voting system for members of the Texas House of Representatives in several Texas counties.

White is a rather tenuous foundation for the far-reaching changes presently being proposed in section 2 for a number of reasons. First, White was neither a 15th amendment nor a section 2 case; it was a 14th amendment case. It is strange that proponents should rely upon it to suggest that the Mobile interpretation of the 15th amendment was mistaken.

Second, if that is not enough to discredit the authority of White with respect to the Mobile issue, it should be noted that nowhere in White did the Court even use the term "results." If that is the case, it is difficult to understand how the term "results" in section 2 is expected to trigger the application of the White case.

Third, even as a 14th amendment decision, the White case involved a requirement of intentional or purposeful discrimination.

As the Court in Mobile observed about the argument that White represented a different test for discrimination:

> In White, the court relied upon evidence in the record that included a long history of official discrimination against minorities as well as indifference to their needs and interests on the part of the White election officials * * * White against Regester is thus consistent with the basic equal protection principle that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose.[78]

Finally, and perhaps most compelling, is the fact that Justice White, who dissented in Mobile and who wrote the White opinion, agreed that it was consistent with the intent or purpose requirement. Justice White disagreed with the Court's opinion because he believed that the plaintiffs had satisfied the intent or purpose standard in Mobile, not because he disagreed with the standard itself. He observed in dissent:

> The court's decision cannot be understood to flow from our recognition in Washington against Davis that the equal protection clause forbids only purposeful discrimination * * * even though Mobile's Negro community may register and vote without hindrance, the system of at-large election of city commissioners may violate the 14th and 15th amendments if it is used purposefully to exclude Negroes from the political process * * * because I believe that the findings of the district court amply support an inference of purposeful discrimination in violation of the 14th and 15th amendments, I respectfully dissent.[79]

Again, it is important to emphasize that even in dissent, Justice White, the author of the White opinion, agreed with the Court that the case was consistent with the intent or purpose requirement.

Let me add that, if the results test is nothing more than the standard set down by the Court in White against Regester, it is unclear why it is necessary to change the present law, since Mobile did not overrule White or any earlier court decision. If the results test is consistent with White, then it should continue to be consistent even after Mobile. Both White and Mobile are in effect today.

If, despite all, proponents of the results test persist in their view that Mobile altered the White law, then, at the very least, it is incumbent upon them to demonstrate what precisely the White law was. It is not enough to suggest that we ought to rely for guidance upon a law that was interpreted by a clear majority of the Court in a totally contrary manner to the manner in which results proponents would like to interpret it. Until such proponents can explain the results test, I can conclude nothing else than that adoption of the test will lead into totally uncharted judicial waters.

The history of Supreme Court decisions is totally consistent on the foundational requirement that constitutional civil rights violations require proof of discriminatory intent or purpose. However, the Court has sometimes been less than explicit on this point only because it was not until the growth of "affirmative action" concepts of civil rights in the late 1960's and early 1970's that anyone believed that "discrimination" meant anything other than wrongful treatment of an individual because of race or color. It has only been with the development of "affirmative action" that anyone has relied upon statistical and results-oriented evidence to conclusively satisfy constitutional statutory civil rights provisions. In any event, there is absolutely no court decision before or after

Mobile in which anything less than purpose has been required to establish a violation of section 2, the 15th amendment, or any other reconstruction amendment.[80]

3. INTENT STANDARD

The final criticism of the Mobile decision is that it establishes a requirement for identifying discrimination that is "impossible" or "extremely difficult" to satisfy.[81] This criticism greatly overstates the degree of difficulty of this test as well as the uniqueness of the test.

First, I observe that the intent or purpose standard has never proven impossible in a variety of other legal contexts. In the criminal law, for example, not only is there normally an intent requirement but such a state of mind must be proven beyond a reasonable doubt. In the context of civil rights violations, it is only necessary that an inference of intent be raised by a preponderance of the evidence, a vastly less stringent requirement.

In addition, the intent standard has traditionally been the standard for evidencing discrimination not only in the context of the 15th amendment, but also in the context of the equal protection clause of the 14th amendment, the 13th amendment, and school busing cases. In Washington against Davis, for example, the Supreme Court observed, in an opinion written by Justice White:

> The central purpose of the equal protection clause of the fourteenth amendment is the prevention of official conduct discriminating on the basis of race . . . our cases have not embraced the proposition that a law or other official act, without regard to whether it reflects a racially discriminatory purpose, is unconstitutional solely because it has a racially disproportionate impact . . . a law establishing a racially neutral qualification is not racially discriminatory and does not deny equal protection of the laws simply because a greater proportion of negroes fail to qualify than members of other racial or ethnic groups.[82]

In a subsequent decision, the Court reaffirmed this standard, a standard which has never been contradicted in any decision of the Court under the civil rights amendments to the constitution. In Arlington Heights against Metropolitan Housing Authority, it observed:

> Proof of racial discriminatory intent is required to show a violation of the equal protection clause . . . the holding in Davis reaffirmed a principle well established in a variety of contexts, *E. G. Keys* v. *School District No. 1,* 413 U.S. 189, 208 (school); *Wright* v. *Rockefeller,* 376 U.S. 52, 56–7 (election districting); *Akins* v. *Texas,* 325 U.S. 398, 403–04 (jury selection) . . . the finding that a decision carried a discriminatory "ultimate effect" is without independent constitutional significance.[83]

Still more recently, the Court again reviewed the meaning and purposes of the 14th amendment and the equal protection clause in Personnel Administrator of Massachusetts against Feeney.[84] In that decision, the Court stated

> Even if a neutral law has a disproportionate adverse effect upon a racial minority, it is unconstitutional under the equal protection clause only if that impact can be traced to a discriminatory purpose . . . the settled rule is that the 14th amendment requires equal laws not equal results . . .[85]

The Court has also stated expressly that the intent standard is the appropriate standard for identifying discrimination in the area of school segregation. In Keyes against School District No. 1, The Court noted:

> De jure segregation requires a current condition of segregation resulting from intentional State action . . . the differentiating factor between de jure and so-called de facto segregation . . . is the purpose or intent to discrimination.[86]

In addition to the fact that intent or purpose is not an extraordinary test for discrimination, and the fact that it is proven every day of the week in thousands of courtrooms around the country in both criminal and civil litigation, it must also be observed that it has not proven an "impossible" test in the context of several major voting rights decisions that have been handed down under section 2 and the 15th amendment since the Mobile decision. In the recent cases of McMillian against Escambia County[87] and Lodge against Buxton,[88] the fifth circuit found no insurmountable difficulties in identifying voting discrimination under the intent standard.

In short, there is absolutely no need whatsoever under the intent test to find a "smoking gun" of evidence or to "mind read" or to discern the intentions of "long-dead legislators,"[89] as is often alleged. It is this misunderstanding of the intent standard that is undoubtedly responsible for much of the suggestion that it is an unusually difficult test.

I would like to note, moreover, that I am not persuaded that an appropriate standard should be fashioned on the basis of what best facilitates successful legal actions against States and municipalities. If that is the sole (or even the primary) objective of a legal system, then Congress might want equally to reconsider expediting criminal prosecutions by eliminating the "beyond a reasonable doubt" requirement in such cases. In developing an appropriate evidentiary and substantive standard, our society has chosen to consider values such as fairness and due process as well which, not infrequently, will conflict with the value of maximizing successful prosecution or litigation rates.

To describe the intent test as one requiring direct evidence of a "smoking gun" or admissions of racial prejudice and bigotry is to misconceive the test. In fact, as the Supreme Court observed in Washington against Davis:

> Necessarily an invidious discriminatory purpose may often be inferred from the totality of the relevant facts, including the fact, if that is true, that the law bears more heavily on one race than another.[90]

In Arlington Heights, the Court stated:

> Detemining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.[91]

Among the specific factors that may be looked to by the courts in evidencing discrimination, according to Arlington Heights, are the historical background or an action, departures from normal procedural sequence, legislative or administrative history, the disparate impact of an action upon a minority, and the like.[92] As the Court noted, these are only a few of the circumstances that could properly be the subject of an inquiry under the intent test.[93]

In short, it is expected that a judicial body will weigh the "totality of circumstances," whatever such circumstances may be, in evaluating whether or not an inference or purposeful discrimination has raised. The same infinite array of circumstantial evidence commonly used by the courts to identify criminal violations, in the absence of confessions of guilt, has also always been available to prove civil rights violations.[94]

Professor Younger, one of the Nation's foremost authorities on law of evidence, testified before the Constitution Subcommittee and concluded:

> Opposition to the intent test has been practical. To enact it, the argument goes, is to make it difficult or even impossible to prove a violation. A practical objection to be sure but one which suggests to me that its makers lack practical experience in the conduct of litigation. Spend a few hours in any criminal court in the land. What is the stuff on trial? Almost always, a question of intent . . . in nearly all criminal litigation and in much civil litigation, a party must prove the other party's intent. So far as I know, except for the matter before this subcommittee, there has been no serious contention that it is an unduly difficult or impossible thing to do. On the contrary, the courts have worked up several rules to guide juries in ferreting out intent. Intent my be inferred from what X said for example but what X said does not conclude the inquiry: a jury may find that X's intention was the opposite of what was said. or X's intent may be inferred from all the circumstances of his behaviour . . . nowhere does the law of evidence require a "smoking gun" in the form of someone's express acknowledgement of the offending intent; and nowhere has the administration of justice been impeded by the nearly universal absence of such a smoking gun . . . lawyers and judges are familiar with the intent test and juries have no particular trouble applying it.[95]

I conclude that proving intent is not "easy"—it should not be "easy" for a Federal court judge to make findings that will result in the dismantlement of a structure of municipal self-government—but neither is it so difficult that it poses an insurmountable stand-

ard in section 2 cases. It is a standard that the Nation has always lived with in the area of civil rights, as well as other areas of the law, and it has often been satisfied in litigation. Most importantly, it is the right standard in the sense that neither an individual nor a community ought to be in violation of civil rights statutes, and ought not be considered guilty of discrimination, in the absence of intent or purpose to discriminate. To speak of "discrimination" in any other terms—to treat it as equivalent to a showing of disparate impact—is to transform the meaning of the concept beyond all recognition and to embark upon a course of conduct with consequences that may be at substantial variance with the traditional purposes of the voting rights act and of the Constitution itself.

4. RULE OF LAW

I also believe that maintenance of the present intent test is critical if the law in section 2 is to provide any meaningful guidance to States and municipalities in the conduct of their affairs. The more I think about it the more convinced I am that the real distinction between the intent standard and the results standard is even greater than the issue of proportional representation. The real issue is whether or not we are going to define civil rights in this country by a clear, determinable standard—through the rule of law, as it were—or by a standard that literally no one can articulate.[96]

My observation is that the results test has absolutely no coherent or understandable meaning beyond the simple notion of proportional representation by race, however vehemently its proponents deny this. Ultimately, the results test brings to the law either an inflexible standard of proportional representation or, in the words of Benjamin Hooks of the NAACP, in describing discrimination under the results test:

Like the Supreme Court justice said about pornography, "I may not be able to define it but I know it when I see it."[97]

In the final analysis, that is precisely what discrimination boils down to under the results test because there is no ultimate standard for identifying discrimination, short of proportional representation.

Under the intent test, for example, judges or juries evaluate the totality of circumstances on the basis of whether or not such circumstances raise an inference of intent to discriminate. In other words, once they have been exposed to the full array of relevant evidence relating to an allegedly discriminatory action, the ultimate or threshold question is, "Does this evidence add up to an inference of intent to discriminate?" That is the standard by which evidence is evaluated in order to determine whether or not such evidence rises to a level sufficient to establish a violation.

Under the results test, however, there is no comparable question. Once the evidence is before the Court—whether it be the totality of the circumstances or any other defined class of evidence—there is no logical threshold question by which the court can assess such evidence, short of whether or not there is proportional representation for minorities. As Professor Blumstein observed on this matter:

The thing you must do under the intent standard is to draw a bottom line * * *. Basically, is the rationale ultimately a sham or a pretext or is it a legitimate neutral rationale? That is under the intent standard and that is a fact-finding decision in the judge or the jury * * * under the results standard it seems to me that you do not have to draw the bottom line. You just have to aggregate out a series of factors and the problem is, once you have aggregated out those factors: What do you have? Where are you? You know, it is the old thing we do in law school: You balance and you balance but ultimately how do you balance? What is the core value?[98]

There is no "core value" under the results test except for the value of equal electoral results for defined minority groups, or proportional representation. There is no other ultimate or threshold criterion by which a fact-finder can evaluate the evidence before it.

While there have been a number of attempts to define such an ultimate, evaluative standard, more probing inquiry into the meaning of these standards during the Subcommittee on the Constitution hearings invariably degenerated into either increasingly explicit references to the numerical and statistical comparisons that are the tools of proportional representation/quota analysis or else the wholly uninstructive statements of the sort that "you know discrimination when you see it."[99]

The implications of this are not merely academic. In the absence of such standards, the results test affords virtually no guidance whatsoever to communities in evaluating the legality and constitutionality of their governmental arrangements (if they lack proportional representation) and it affords no guidance to courts in deciding suits (if there is a lack of proportional representation).[100]

Given the lack of proportional representation, as well as the existence of a single one of the countless "objective factors of discrimination,"[101] I believe not only that a prima facie case of discrimination would be established under the results test but that an irrebuttable case would be established. What response could a community that is being sued raise to overcome this evidence? Neither the fact that there was an absence of discriminatory purpose nor the fact that there were legitimate, nondiscriminatory reasons for particular governmental structures or institutions, would seem to be satisfactory. These were certainly not satisfactory to either plaintiffs or the lower courts in the Mobile case. What other evidence or what other response would be appropriate to rebut the evidence . . . described here? So long as there is no standard for evaluating evidence, there can be no standard for introducing evidence. The standard that would be fashioned would necessarily be fashioned on a case-by-case basis. By necessity the results test would substitute the arbitrary discretion of judges in place of the relatively certain rule of law established under the intent test.

The confusion introduced by the results test is illustrated somewhat by the near-total disagreement as far as one of the most basic questions involved in the analysis: Does the "results" test proposed in section 2 mean the same thing as the "effects" test in section 5? Despite the fundamental importance of this matter, there has been disagreement among witness after witness on this. Representative SENSENBRENNER, one of the architects of the results test in the House, testified before the Subcommittee on the Constitution and stated:

I think that we are splitting hairs in attempting to see a significant difference in a results test or an effects test.[102]

Mr. Chambers, representing the NAACP legal defense fund, on the other hand, totally disclaimed this meaning:

QUESTION. What is the relationship between the results test in section 2 and the effects test in section 5?

CHAMBERS. They are not the same test. . .

QUESTION. In other words, the experience of the courts with section 5 would not be relevant in determining how section 2 is likely to be interpreted?

CHAMBERS. That is correct.[103]

Ms. Martinez, representing the Mexican-American Legal Defense and Education Fund, however, stated:

The continuing vitality of section 2 depends upon an amendment passed by the House that would permit judicial findings of section 2 violations upon proof of the discriminatory effects or results of voting practices.[104]

Professor Cox found himself in disagreement on this point when he observed:

If you mean the effects test as interpreted by the courts with regard to section 5, I think that is considerably different from the results test in section 2.[105]

During the course of both the House and Senate hearings on the Voting Rights Act, approximately half of the witnesses who discussed this issue claimed that the results test in section 2 was similar or identical to the effects test in section 5, and hence that the judicial history of interpretation under section 5 was relevant; the other half argued that it meant something

substantially or totally dissimilar.[106] Given the inherent uncertainty about the results test in the first place, it is highly instructive that so much continuing confusion could exist on a question as basic as the relationship between the section 2 results test and the section 5 effects test.

In summary, it is my belief that it would be a grave mistake for Congress to overturn the decision of the Supreme Court in City of Mobile against Bolden. Such an action would effect a major transformation in the law of section 2 and would overturn a workable and settled test for identifying discrimination. The results test in section 2 would bring to the Voting Rights Act an entirely new concept of civil rights that would create confusion in the law and, likely, leave thousands of communities across the country vulnerable to judicial restructuring.

B. PROPORTIONAL REPRESENTATION BY RACE

Perhaps the most important and disturbing issue brought to light during the hearings was the issue of whether the proposed change in section 2 of the Voting Rights Act would lead to widespread court-ordered "proportional representation." Put simply, proportional representation refers to a plan of government which adopts the racial or ethnic group as the primary unit of political representation and apportions seats in electoral bodies according to the comparative numerical strength of these groups.[107] The concept of proportional representation has been experimented with—often accompanied by substantial social division and turmoil—in a handful of nations around the world.[108] There seems to be general agreement that the framers of our Federal Government rejected official recognition of interest groups as a basis for representation and instead chose the individual as the primary unit of government.[109] I am deeply concerned with this issue since the proposed change in section 2 could have the consequence of bringing about a substantial change in the fundamental organization of American political society.

1. RESULTS AND PROPORTIONALITY

The analysis of this issue begins with the language of the proposed change in section 2. Existing section 2 provides that:

No voting qualification or prerequisitive to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color or in contravention of the guarantees set forth in section 4(f)(2).[110]

The Senate amendment eliminates the words "to deny or abridge" and substitutes the words "in manner which results in a denial or abridgement of." The House committee report explains that:

H.R. 3112 will amend section 2 of the act to make clear that proof of discriminatory purpose or intent is not required in cases brought under the provision.[111]

Under the current language, as construed by the Supreme Court in the Mobile case, a violation of section 2 requires proof of discriminatory purpose or intent. The Senate bill changes the gravamen of the claim to proof of a disparate electoral result. This change in the very essence of the claim filed under section 2 necessarily changes the remedial options of courts upon proof of a section 2 violation. In the present situation, a court can provide an adequate remedy merely by declaring the purposefully discriminatory action void since the essence of the statutory claim is a right to freedom from wrongfully motivated official action. However, under the proposed change in section 2, the right established is to a particular result and so, inevitably, much more will be required to provide an adequacy remedy. The obligations of judges will require use of their equity powers to structure electoral systems to provide a result that will be responsive to the new right.[112] Otherwise, the new right would be without an effective remedy, a state of affairs which is logically and legally unacceptable.

Thus launched in search of a remedy involving results, it seems that courts would have to solve the problem of measuring that remedy by distributional concepts of equity which are indistinguishable from the concept of proportionality. The numerical contribution of the group to the age-eligible voter group will almost certainly dictate an entitlement to office in similar proportion.[113] It is my opinion that if the substantive nature of a section 2 claim is changed to proof of a particular electoral result, the principles of equity will lead to widespread establishment of proportional representation.

Virtually the same conclusion was stated by numerous witnesses who appeared before the Subcommittee on the Constitution. Attorney General Smith told the subcommittee:

[Under the new test] any voting law or procedure in the country which produces election results that fail to mirror the population's makeup in a particular community would be vulnerable to legal challenge * * * if carried to its logical conclusion, proportional representation or quotas would be the end result.[114]

Assistant Attorney General Reynolds testified:

A very real prospect is that this amendment could well lead on to the use of quotas in the electoral process * * * we are deeply concerned that this language will be construed to require governmental units to present compelling justification for any voting system which does not lead to proportional representation.[115]

Professor Horowitz testified that under the results test:

What the courts are going to have to do is to look at the proportion of minority voters in a given locality and look at the proportion of minority representatives in a given locality. That is where they will begin their inquiry; that is very likely where they will end their inquiry, and when they do that, we will have ethnic or racial proportionality.[116]

Professor Bishop has written the subcommittee:

It seems to me that the intent of the amendment is to insure that blacks or members of other minority groups are insured proportional representation. If, for example, blacks are 20 percent of the population of a State, Hispanics 15 percent, and Indians 2 percent, then at least 20 percent of the members of the legislature must be black, 15 percent Hispanic, and 2 percent Indian.[117]

Professor Abraham has stated:

Only those who live in a dream world can fail to perceive the basic purpose and thrust and inevitable result of the new section 2: It is to establish a pattern of proportional representation, now based upon race—but who is to say, sir?—perhaps at a later moment in time upon gender, or religion, or nationality, or even age.[118]

A similar conclusion—that the concept of proportional representation of race is the inevitable result of the change in section 2—was reached by a large number of additional witnesses and observers.[118-1]

(See attachment A.)

ATTACHMENT A

SELECTED QUOTES ON SECTION 2 AND PROPORTIONAL REPRESENTATION

"The theory of the dissenting opinion ["results" test] . . . appears to be that every political group or at least every such group that is in the minority has a federal constitutional right to elect candidates in proportion to its members . . . The Equal Protection Clause does not require proportional representation as an imperative of political organization."—U.S. Supreme Court, *Mobile* v. *Bolden* (1980)

"The fact that members of a racial or language minority group have not been elected in numbers equal to the group's proportion of the population . . . would be highly relevant [under the proposed amendment.]"—House Report 97-227 (Voting Rights Act)

"[Under the new test] any voting law or procedure in the country which produces election results that fail to mirror the population's make-up in a particular community would be vulnerable to legal challenge . . . if carried to its logical conclusion, proportional representation or quotas would be the end result."—U.S. Attorney General William French Smith

"To overrule the *Mobile* decision by statute would be an extremely dangerous course of action under our form of government."—Former U.S. Attorney General Griffin Bell

"A very real prospect is that this amendment could well lead us to the use of quotas in the electoral process . . . We are deeply concerned that this language will be construed to require governmental units to present compelling justification for any voting system which does not lead to proportional representation."—Asst. Attorney General (Civil Rights) William Bradford Reynolds.

"Blacks comprise one-third of South Carolian's population and they deserve one-third of its representation."—Rev. Jesse Jackson, Columbia State, October 25, 1981

"The amendment must invariably operate . . . to create racially defined wards throughout much of the nation and to compel the worst tendencies toward race-based allegiances and divisions."—Prof. William Van Alstyne, Univ. of Calif. School of Law.

"The logical terminal point of those challenges [to *Mobile*] is that election districts must be drawn to give proportional representation to minorities."—Washington Post, April 28, 1980

"It seems to me that the intent of the amendment is to ensure that blacks or members of other minority groups are ensured proportional representation. If, for example, blacks are 20 percent of the population of a State, Hispanics 15 percent, and Indians 2 percent, then at least 20 percent of the members of the legislature must be black, 15 percent Hispanic and 2 percent Indian."—Prof. Joseph Bishop, Yale Law School

"The amendment is intended to reverse the Supreme Court's decision in *Mobile* . . . if adopted, this authorizes Federal courts to require States to change their laws to ensure that minorities will be elected in proportion to their numbers . . . Representative government does not imply proportional representation."—Dr. Walter Berns, American Enterprise Institute

"Unless we see a redistricting plan that has the possibility of blacks having the probability of being elected in proportion to this population in South Carolina, we will push hard for a new plan."—Dr. W. F. Gibson, President, South Carolina NAACP

"Only those who live in a dream world can fail to perceive the basic thrust and purpose and inevitable result of the new section 2: it is to establish a pattern of proportional representation, now based upon race—perhaps at a later moment in time upon gender or religion or nationality."—Prof. Henry Abraham, University of Virginia

"I may state unequivocally for the NAACP and for the Leadership Conference on Civil Rights that we are not seeking proportional representation . . . I think there is a big difference between proportional representation and representation in the population in proportion to [minority] population."—Benjamin Hooks, Executive Director, NAACP

"What the courts are going to have to do under the new test is to look at the proportion of minority voters in a given locality and look at the proportion of minority representatives. That is where they will begin their inquiry and that is very likely where they will end their inquiry. We will have ethnic or racial proportionality."—Prof. Donald Horowitz, Duke University Law School

"It would be difficult to imagine a political entity containing a significant minority population that was not represented proportionately that would not be in violation of the new section."—Prof. Edward Erler, National Humanities Center

"[The results test would require] dividing the community into the various races and ethnic groups the law happens to cover and trying to provide each with a representative."—Wall Street Journal, January 15, 1982

"Equal access does not mean equal results . . . [Under the amendment] proportionate results have become the test of discrimination."—Dr. John Bunzel, Hoover Institution (Stanford University)

"The very language of the amendment proposed for Section 2 imports proportional representation into the Act where it did not exist before."—Prof. Barry Gross, City College of New York

"By making sheer numerical outcome 'highly relevant' as to the legality of a procedure, the House bill moves to replace the outcome of the voting as the final arbiter by another standard—proportionality. This is not consistent with democracy."—Prof. Michael Levin, City College of New York

"The Alabama legislature [by its districting proposal] is going on record saying in 1982 it still does not feel 25 percent of the population of this State should occupy 25 percent of the responsibilities and obligations of this legislature."—Alabama Rep. Thomas Reed, Washington Post, June 9, 1982

"The proof [of discrimination under the amended section 2] is the number of people who get elected."—U.S. Rep. Robert Garcia (New York)

2. PROPORTIONAL REPRESENTATION AS PUBLIC POLICY

My conclusion is that proportional representation is the inevitable result of the proposed change in section 2, notwithstanding the disclaimer, leads the inquiry to whether the adoption of such a system would be advisable policy. On this point, the testimony was virtually unanimous in conclusion: Proportional representation is contrary to our political tradition and ought not be accepted as a general part of our system of government at any level.[119] Professor Berns, for example, indicated that the framers considered the very question which I have address and rejected any system of representation based on interest groups. He testified:

Representative government does not imply proportional representation, or any version of it that is likely to enhance bloc voting by discrete groups. The framers of the Constitution referred to such groups as "factions," and they did their best to minimize their influence.". . .

Whereas the anti-federalists called for small districts and, therefore, many Representatives, the framers called for (and got) larger districts and fewer Representatives. They did so as a means of encompassing within each district "a greater variety of parties and interests," thus freeing the elected Representatives from an excessive dependence on the unrefined and narrow views that are likely to be expressed by particular groups of their constituents.[120]

The testimony of Professor Erler sounded the same theme:

Nothing could be more alien to the American political tradition than the idea of proportional representation. Proportional representation makes it impossible for the representative process to find a common ground that transcends factionalized interests. Every modern government based on the proportional system is highly fragmented and unstable. The genius of the American system is that it requires factions and interests to take an enlarged view of their own welfare, to see, as it were, their own interests through the filter of the common good. In the American system, because of its fluid electoral alignments, a Representative must represent not only interests that elect him, but those who vote against him as well. That is to say, he must represent the common interest rather than any particular or narrow interests. This is the genius of a diverse country whose very electoral institutions—particularly the political party structure—militate against the idea of proportional representation. Proportional representation brings narrow, particularized interests to the fore and undermines the necessity of compromise in the interest of the common good.[121]

I adopt these views and believe that proportional representation ought to be rejected as undesirable public policy totally apart from the constitutional difficulties that it raises, and the racial consciousness that it fosters. Since it has concluded that the proposed change in section 2 will inevitably lead to the proportional representation and that the disclaimer language will not prevent this result, I necessarily and firmly conclude that the Senate amendment to section 2 should be rejected by this body.

RACIAL IMPLICATIONS

In addition to the serious questions inherent in adopting any legislation which recognizes interest groups as a primary unit of political representation, it must be taken into account that the particular group immediately involved is defined solely on racial grounds. I believe special caution is appropriate when the enactment of any race-based classification is contemplated and rigorous analysis of potential undersirable social consequences must be undertaken.

The first problem encountered is simply one of definition. Legislation which tends to establish representation based on racial group necessarily poses the question of how persons shall be assigned to or excluded from that group for political purposes. Recent history in this and other nations suggests that the resolution of such a question can be demeaning and ultimately dehumanizing for those involved. All too often the task of racial classification in and of itself has resulted in social turmoil. At a minimum, the issue of classification would heighten race consciousness and contribute to race polarization. As professor Van Alstyne put it, the proposed change in section 2 will inevitably "compel the worst tendencies toward race-based allegiances and divisions."[122] This predicted result is in sharp conflict with the admonitions of the elder Justic Harlan who wrote in Plessy:

There is no caste here. Our Constitution is colorblind, and neither knows nor tolerates classes among citizens. . . . The law regards man as man, and takes no account of his surroundings or of his color when his civil rights are guaranteed by the supreme law of the land are involved.[123]

More recently Justice Stevens called the very attempt to define qualifying racial characteristics:

[R]epugnant to our constitutional ideals. . . . If the National Government is to make a serious effort to define racial classes by criteria that can be administered objectively, it must study precedents such as the first regulation to the Reichs Citizenship Law of November 14, 1935.[124]

Thus, I find that the race-based assignment of citizens to political groups is a potentially disruptive task which appears to be contrary to the Nation's most enlightened concepts of individual dignity and civil rights.

The second problem involves doubtful assumptions which are necessary to support a race-based system of representation. The acceptance of a racial group as a political unit implies, for one thing, that race is the predominant determinant of political preference. Yet, there is considerable evidence that black political figures can win substantial support from white voters, and similarly, that white candidates can win the votes of black citizens. Attorney General Smith described the evidence. He referred to the implication that blacks will only vote for black candidates and whites only for white candidates and said:

That, of course, is not true. One of the best examples of that is the city of Los Angeles, where a black mayor of course was elected with many white votes.[125]

Similarly, a race-based system implies that the decisions of elected officials are predominantly determined by racial classification. Professor Berns questioned this assumption on his testimony:

I question whether a black can be fairly represented only by a black and not, for example, by a Peter Rodino or that a white can be fairly represented only by a white an not, for example Edward Brooke.[126]

In other words, there is no evidence that racial bloc voting is inevitable and reason to doubt that fair representation defends on racial identity. Legislation which assumes the contrary may itself have the detrimental consequence of establishing racial polarity in voting where none existed, or was merely episodic, and of establishing race as an accepted factor in the decisionmaking of elected officials.

Finally, any assumption that a race-based system will enhance the political influence of minorities is open to considerable debate. Professor Erler testified that it is not always clear that the interests of racial minorities will be best served by a proportional system:

It may only allow the racial minority to become isolated. The interests of minorities are best served when narrow racial issues are subsumed within a larger political context where race does not define political interests. The overwhelming purpose of the Voting Rights Act was to create these conditions, and probably no finer example of legislation serving the common interest can be found. But transforming the Voting Rights Act into a vehicle of proportional representation based upon race will undermine the ground of the common good upon which it rests. Such a transformation will go far towards precluding the possibility of ever creating a common interest or common ground that transcends racial class considerations.[127]

Professor McManus recalled an instance where politically articulate blacks argued strongly against proportional representation:

One faction of blacks, led by several state representatives, the three black Houston City Council members, argued for spreading influence among three commissioners rather than having a single black "figurehead" commissioner. State Representative Craig Washington, spokesperson for the group, pointed out that three votes are needed to accomplish anything substantive. "As long as we have 25 percent of the vote in any one district we are going to be the balance of power. For that reason it is better for the black community to have voting impact on three commissioners than to be lumped together in one precinct and elect a black to sit at the table and watch the papers fly up and down," he said. Washington argued that packing all the blacks in one district was "not in the best long-term interests of the community."[128]

The city attorney for Rome, Ga., Mr. Brinson, similarly observed:

While the proposed amendment to section 2 may be preceived as an effort to achieve proportional representation aimed at aiding a group's participation in the political processes, in reality it may very well frustrate the group's potentially successful efforts at coalition building across racial lines. The requirement of a quota of racial political success would tend strongly to stigmatize minorities, departmentalize the electorate, reinforce any arguable bloc voting syndrome, and prevent minority members from exercising influence on the political system beyond the bounds of their quota.[129]

A third problem relates to the perpetuation of segregated residential patterns. Since our electoral system is established within geographic parameters, the prescription of race-based proportional representation means that minority group members will indirectly be encouraged to reside in the same areas in order to remain in the race-based political group. A political premium would be put on segregated neighborhoods. Professor Berns used the term "ghettoization" to describe this process. "If we are going to ghetto-ize, which in a sense is what we are doing, with respect to some groups, why not do it for all groups?" [130] Professor McManus emphasized in her testimony that administrative practices in the context of section 5 seemed to encourage such segregation:

A premium is put on identifying racially homogeneous precincts and using that as the test, and it seems to me the bottom line inference is that racial polarization, or having people in racially segregated precincts, is the optimal solution or the ideal, which I find very hard to accept as a citizen. [131]

I reject the premise that proportional representation systems in fact enhance minority influence—as opposed to minority representation. Even, however, to the extent that this were a valid premise, it would be valid only with respect to highly segregated minority groups. Indeed, proportional representation systems would place a premium upon the maintenance of such segregation. For to the extent that a minority group succeeded in integrating itself on a geographical basis, it would concomitantly lose the benefits of a ward system of voting. Such a system would benefit minorities only insofar as residential segregation were maintained for such groups.

Thus, analysis suggests that the proposed change in section 2 involves a distasteful question of racial classification, involves several doubtful assumptions about the relationship between race and political behavior, and may encourage patterns of segregation that are contrary to prudent public policy. These likely undesirable social consequences argue strongly against the proposed change in section 2.

I note with interest the remarks in the New York Times [132] recently by my distinguished colleague from Maryland, Mr. MATHIAS, in which he observes that the common interest on the part of proponents of the intent standard is that we all want to create a "homogenous" Republican Party. With all due respect to my friend from Maryland, that is all utter nonsense. Indeed, it is precisely the opposite reason that motivates many of us on this side of the issue.

The flaw in the argument of proponents of the results test is that they confuse the concept of minority representation with minority influence. While they profess to be concerned about maximizing the number of black individuals or Hispanic individuals or Aleutian individuals on a city council or county commission or school board, they totally fail to recognize, in my view, that this may be entirely inconsistent with the idea of maximizing black or Hispanic or Aleutian influence on these representative bodies.

The proportional representation premise on the part of my colleagues on the other side of this issue implies of course, the creation of district or ward systems of government throughout the country in place of at-large systems, as well as other basic changes in municipal and State government structure. In a community with a 20-percent minority population, and 10 city council seats, this, it is presumed, will be far more likely to insure 2 minority representatives than would an at-large structure.

That may well be true, although I am far more reluctant than results proponents to assume that minorities will inevitably elect minorities to represent their political interests. I reject the idea that only blacks can represent blacks or that only whites can represent whites. In any event, the logical outcome of any ward or district system designed to insure proportion-

ate racial representation for minorities is that such minorities will, in effect, be clustered into what amount to political ghettoes. We will have two districts in this community with heavy concentrations of minority voters, and may well elect two minority individuals to the representative body.

On the other hand, unlike an at-large system in which all 10 councilmen would have to be responsive to a large degree to minority interests, under the system designed to promote proportional representation, there would be 8 councilmen who would not have to pay one iota of attention to minority interests. Potentially successful efforts at coalition building across racial lines would likely be blunted as racial lines were reinforced and emphasized by the proportional representation system. The requirement of what, in effect, amounted to a quota system of representation would tend strongly to isolate and stigmatize minorities by departmentalizing the electorate into black districts and white districts and Hispanic districts and Aleutian districts. Minority members might well have more members of their race or ethnic group sitting on a city council, but their opportunities for exercising influence on the political system outside their districts might well be influenced.

I look at the House of Representatives, for example, and note that there is an 18-Member Black Caucus. I did just a bit of research on this matter and noted that, on the average, each of the districts represented by these 18 Members contained a minority population in excess of 80 percent.[133] Now, if I were a Member of the caucus, I might well be delighted with this state of affairs. I would love to have a district that was nearly totally homogenous in this respect. On the other hand, I question seriously whether minority influence as opposed to minority representation is maximized by this state of affairs. Might not, for example, the minority community in Detroit be better represented in Washington or Lansing if there were three minority districts of 30 percent each rather than a single 90-percent minority district? Might they not be better represented even if they had fewer representatives who were black or Hispanic or Aleutian?

Senator MATHIAS is absolutely wrong, in my opinion, in his suggestion that opponents of the results test oppose it because of their interest in a "homogenous" Republican Party. While my own primary interest in this area has nothing to do with partisanship one way or the other—and is primarily related to constitutional concerns—I would suggest that if a homogenous Republican Party was my objective, I would be delighted with the results test. I am, however, not interested in this.

I would be delighted if that were my interest with the opportunity to have tidy, little districts, in which all the minorities were concentrated. I would be delighted if I was interested in a homogenous party to have tidy, little districts—but many more of them—in which nonminorities were concentrated. I would be delighted, if that were my interest, to concede to minorities x or y number of seats and be able to focus the attentions of my party solely upon the rest of the seats. I would be delighted that I would not have to start by calculations in each district with consideration of what must be done to maximize support, or minimize opposition, from the minority community.

In other words, if one's interest were a homogenous Republican Party, I can think of no better way to achieve that than by removing what is today a predominantly Democratic voting group outside the boundaries of 80 to 90 percent of the districts in the country and conceding them a measure of proportional representation. I would be delighted, if that were my interest, with the rule of the Justice Department developed in recent years that a district requires at least a 65-percent minority population in order to be classified as one "likely to elect a minority representative." I would be delighted not to have to start each and every congressional or State legislative or city council race 10 to 15 percent behind because of the presence of a minority group disproportionately attracted to my partisan opposition.

However, none of that is my interest nor, as far as I know, the interest of anyone else opposing the Senator from Maryland on this issue. I simply do not accept the premise of the Senator, or that of the civil rights leadership in this country today, that the interests of minorities are best served when narrow racial concerns are given predominant focus in the electoral process. I believe instead that it is in the best interests of minorities—all minorities—that racial and ethnic concerns be subsumed within a far larger political context in which race does not define political interests, in which the two are not congruent.

How could the idea of racially identifiable wards or districts ever be looked upon as a civil rights objective? Has the civil rights movement evolved so greatly over the past decade that all hopes and ambitions of ever achieving a colorblind society have been discarded? Does anyone hold the slightest belief that results or effects analysis will do anything other than intensify color consciousness?

How could the idea of a 10-year extension of the Voting Rights Act, adopted by the subcommittee and which I continue to support, ever be viewed as anything other than the highest affirmation of civil rights? It was considered such only 1 year ago. It was only a year ago that Vernon Jordan of the Urban League said of the act that, "if it ain't broke don't fix it." It was only a year ago that Benjamin Hooks of the NAACP testified in the House—

> We support the extension of the Voting Rights Act as it is now written. The Voting Rights Act is the single most effective legislation drafted in the last two decades. I have not seen any changes that were anything but changes for changes sake. It would be best to extend it in its present form.[134]

I understand that political positions change and evolve over time, but I simply do not accept as credible that the position unanimously endorsed by the civil rights community less than a year ago now reflects an "anti-civil rights" position. That is not the intent of anyone that I know who opposes the House measure.

D. IMPACT OF SECTION 2

Assistant Attorney General Reynolds emphasized in his testimony before the subcommittee that the proposed change in section 2 would apply nationwide, would apply to existing laws and would be a permanent provision of the act. These observations cogently establish the parameters for assessing the practical impact of the proposed change in section 2.[135]

Every political subdivision in the United States would be liable to have its electoral practices and procedures evaluated by the proposed results test of section 2. It is important to emphasize at the outset that for purposes of section 2, the term "political subdivision" encompasses all governmental units, including city and county councils, school boards, utility districts, as well as State legislatures. All practices and procedures in use on the effective date of the change in the law would be subject to the new test, as well as any subsequently adopted changes in practices or procedures. Furthermore, since the provision would be permanent, a political subdivision which was not in violation of section 2 on the effective date of the proposed amendment, and which made no changes in its electoral system, could at some subsequent date find itself in violation of section 2 because of new local conditions which may not now be contemplated and which may be beyond the effective control of the subdivision.[136]

Within these general and far-reaching parameters,[137] it appears that any political subdivision which has a significant racial or language minority population and which has not achieved proportional representation by race or language group would be in jeopardy of a section 2 violation under the proposed results test. If any one or more of a number of additional "objective factors of discrimination" [138] were present, a violation is likely and court-

ordered restructuring of the electoral system almost certain to follow.

One witness' remarks are eloquent in capturing a sense of the potential breadth of the amendments to section 2: It is no overstatement to say that the effect of the amendment is revolutionary, and will place in doubt the validity of political bodies and the election codes of many States in all parts of the Union . . . The amendment to section 2 will likely have these consequences: First, it will preclude any meaningful annexation by municipalities, government consolidations, county consolidations, or other similar governmental reorganizations in areas having a minority population. Second, it will outlaw at-large voting in any area where any racial, color, or language minority is found. Third, it will place in doubt State laws governing qualifications and educational requirements for public office. Fourth, it will dramatically affect State laws establishing congressional districts, State legislative districts, and local governing body apportionment of districting schemes. And fifth, it will place in doubt provisions of many election codes throughout the United States.

The probable nature of a section 2 order is illustrated by the action of the district court in the Mobile case.[139] At the time the action was brought, the city of Mobile, Ala. had a city commission form of government which had been established in 1911. Three Commissioners elected at large exercised legislative, executive, and administrative power in the city. One of the commissioners was designated mayor, although no particular duties were specified. The judgment of the district court disestablished the city commission and a new form of municipal government was substituted consisting of a mayor and a nine-member city council with members elected from nine single member wards or districts. The fact that Mobile had not established its system for discriminatory purposes, as well as the fact that clear, nonracial justification existed for the at-large system was considered largely irrelevant by the lower court. Thus, virtually none of the original governmental system remained after dismantling by the district court. The conflict between the district court's Mobile decision and fundamental notions of democratic self-government is obvious. Particularly noteworthy is the district court's finding that blacks registered and voted in the city without hindrance. Notwithstanding this finding, however, the Federal court disestablished the governmental system chosen by the citizens of Mobile, thereby substituting its own judgment for that of the people.

The purpose of this section is to explore the far-reaching implications of overturning the Mobile decision. Research conducted by the subcommittee suggests that in a large number of States there exists some combination of a lack of proportional representation in the State legislature or other governmental bodies and at least one additional "objective factor of discrimination" which might well trigger, under the results test, Federal court-ordered restructuring of those electoral systems where the critical combinations occurs.

There appears to be a lack of proportional representation in one or both houses of the State legislatures in the following States with significant minority populations:[140] Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia.

In addition, there appear to be additional "objective factors of discrimination" present in virtually every one of these States. For example, according to the U.S. Commission on Civil Rights, every State listed has some definite history of discrimination.[141] This often has been exemplified in the existence of segregated or "dual" school systems.[142] In addition, the Council of State Governments has reported that Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, and Virginia provide for the cancellation of registration for failure to vote, a typical "objective factor of discrimination."

The council has also reported that Alabama, Alaska,[143] Arizona, California, Colorado, Illinois, Indiana, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Texas, and Utah established a minimum residence requirement before elections, another typical "objective factor of discrimination."[144] Further, according to the council such States as Alaska, Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Kentucky, Missouri, New Mexico, Oklahoma, Pennsylvania, Tennessee, Texas, and Utah have established staggered electoral terms for members of the State senate, still another "objective factor of discrimination."[145]

From the foregoing, the subcomittee on the Constitution concluded that there is a distinct possibility of court-ordered restructuring with regard to the system of electing members to at least 32 State legislatures if the results test is adopted for section 2.[146] (See attachment B.)

The subcommittee emphasized that the three or four "objective factors of discrimination" discussed above are by no means exhaustive of the possibilities. Additional factors which might serve as a basis for court-ordered changes of systems for electing members of State legislatures which have not achieved proportional representation include: Disparity in literacy rates by race, evidence of racial bloc voting, a history of English-only ballots, disparity in distribution of services by race, numbered electoral posts, prohibitions on single-shot voting, majority vote requirements, significant candidate cost requirements, special requirements for independent or third party candidates, off-year elections, and the like.

ATTACHMENT B—STATES LACKING PROPORTIONAL REPRESENTATION IN ONE OR BOTH HOUSES OF THE STATE LEGISLATURE AND PRESENCE OF "OBJECTIVE FACTORS OF DISCRIMINATION"

[States lacking proportional representation in one or both houses of the State legislature]

	Some history of discrimination	Cancellation of registration for failure to vote	Minimum residence requirement before election	Staggered terms for members of state senate
Alabama	X		X	
Alaska	X	X	X	X
Arizona	X	X	X	
Arkansas	X	X		X
California	X		X	X
Colorado	X	X	X	X
Connecticut	X			
Delaware	X	X		X
Florida	X	X		X
Georgia	X	X		
Illinois	X	X	X	X
Indiana	X	X	X	X
Kansas	X			
Kentucky	X	X		X
Louisiana	X	X		
Maryland	X	X		
Massachusetts	X			
Mississippi	X		X	
Missouri	X			X
New Jersey	X	X	X	
New Mexico	X	X		X
New York	X	X	X	
North Carolina	X	X	X	
Oklahoma	X	X		X
Pennsylvania	X	X	X	X
Rhode Island	X	X	X	
South Carolina	X	X		
South Dakota	X	X		
Tennessee	X	X	X	X
Texas	X		X	X
Utah	X		X	X
Virginia	X	X		

Note: The presence in a State of a particular "objective factor of discrimination" is indicated an "X" in the column on the same line as the name of the State. The information presented in the chart is the same as presented above in the text and the sources are the same as noted above. The chart should be viewed as merely another way of depicting this information, and should be considered in light of the text and related notes. In particular it should be kept in mind that only a sampling of the "objective factors of discrimination" are set forth in the chart.

In addition, the subcommittee analyzed factual circumstances in such communities as Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Cincinnati, Ohio; Dover, Del.; Fort Lauderdale, Fla.; New York City; Norfolk, Va.; Pittsburgh, Pa.; San Diego, Calif.; Savannah, Ga.; and Waterbury, Conn.; and concluded that each of these communities faces a significant possibility of being required to restructure their system of municipal government as a result of the amendments to section 2.

These are discussed in greater detail in the subcommittee report at pages 154-7 of my additional views.

These examples are but a few illustrations of literally thousands of electoral systems across the country which may undergo massive judicial restructuring should the proposed results test be adopted. The information presented has dealt with state legislatures and municipalities, but other political subdivisions such as school boards and utility districts would be subject to the same judicial scruntiny should the new standard be adopted.

I am well aware that proponents of the results test consider this discussion of the impact of section 2 to exaggerate the situation considerably. In response, the subcommittee would make the following general observations: First, the burden of proof in this case rests with those who would seek to alter the law, not those who would defend it. Second, I do not believe that proponents of the results test have been convincing in explaining how the test would work in a manner other than that described in this section. In short, where in the text of H.R. 3112 or elsewhere is there anything which precludes a section 2 violation in the circumstances described in States and municipalities in this section? Indeed, the results test would seem to demand a violation in these circumstances.

Finally, I am utterly confounded as to what kind of evidence could be submitted to a court by a defendant jurisdiction in order to overcome the lack of proportional representation. What evidence would rebut evidence of lack of proportional representation and the existence of an additional "objective" factor of discrimination? I have yet to hear a convincing response. In Mobile, for example, the absence of discriminatory purpose on the part of the city, as well as the existence of legitimate, nondiscriminatory reasons behind their challenged electoral structure, at-large system, was considered insufficient to overcome the lack of proportional representation. Repeatedly, we have been "reassured" that such concerns are not well founded because a court would consider the "totality of circumstances." As noted in section VI(a), this begs the basic question: What is the standard for evaluating any evidence, including the "totality of circumstances," under the results test? What is the ultimate standard by which the court assesses whatever evidence is before it? Apart from the standard of proportional representation, I see no such standard.

V "COMPROMISE" AMENDMENT

Because it has been characterized by some as a "compromise," I would like to add some additional, specific remarks on the Dole committee amendment. In what seems to be the euphoria generated by the proposed compromise, virtually insuring the swift enactment of this measure, I must reluctantly state that I believe that the emperor has no clothes. The proposed compromise is not a compromise at all; its impact is not likely to be one whit different than the unamended House measure.[147]

As much as it is tempting to embrace this language and claim a partial victory in my own efforts to overturn the House legislation, I cannot in good conscience do this. As Pyrrhus said many centuries ago, "Another such victory over the Romans and we are undone." Those who have shared, in any respect, my concerns about the dangers of the new results test may look appreciatively upon the political "out" being afforded us by the present compromise; I would hope, however, that none would delude themselves into believing that it represents anything more substantial than that.

The proposed amendment to section 2 contains two provisions. The first provision is identical to the present House amendment to section 2 discussed in the accompanying subcommittee report. It reads:

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

For all of the reasons outlined in the subcommittee report, I believe this provision to be dangerously misconceived.[148]

The question then is whether or not the second provision—a new disclaimer of proportional representation—would mitigate any of these difficulties and improve upon the House disclaimer provision. It reads:

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one "circumstance" which may be considered, provided that nothing in this section established a right to have members of a protected class elected in numbers equal to their proportion in the population.

This new disclaimer, in my view, will be little different in effect from the purported disclaimer in the House measure discussed in the subcommittee report.[149] Both provisions fail to overcome the clear and inevitable mandate for proportional representation established in subsection (a); any differences between the House and Senate disclaimers provisions are largely cosmetic.

I will focus very briefly on the differences in language between these provisions and then rest upon the analysis in the subcommittee report as an expression of my views.

The compromise disclaimer refers to violations being established on the basis of the "totality of circumstances." This, I gather, is supposed to be helpful language. It is not. There is little question that, under either a results or an intent test, a court would look to the "totality of circumstances." The difference is that under the intent standard, unlike under the results standard, there is some ultimate core value against which to evaluate this "totality." Under the intent standard, the totality of evidence is placed before the court which must ultimately ask itself whether or not such evidence raises an inference of intent or purpose to discriminate. Under the results standard, there is no comparable and workable threshold question for the court. As one witness observed during subcommittee hearings;

Under the results test, once you have aggregated out those factors: what do you have? Where are you? You know it is the old thing we do in law school: you balance and you balance, but ultimately how do you balance? What is the core value? [150]

There is no core value under the results test other than election results. there is no core value that can lead anywhere other than toward proportional representation by race and ethnic group. There is no ultimate or threshold question that a court must ask under the results test that will lead in any other direction. In short, it is not the scope of the evidence—"totality of circumstances" or otherwise—that is at issue in this debate, but rather the standard of evidence, the test or criteria by which such evidence is assessed and evaluted.

In this regard, it is instructive to recall the Supreme Court's summary dismissal of the argument of the dissent by Justice Marshall in City of Mobile that proportional representation was not the object of the results test and that other factors would have to be identified as well. The court stated:

the dissenting opinion seeks to disclaim [the propositional representation] description of its theory by suggestion that a claim of vote dilution may require, in addition to proof of electoral defeat, some evidence of "historical or social factors" indicating that the group in question is without political influence . . . Putting to the side the evident fact that these gauzy sociological considerations have no constitutional basis, it remains far from certain that they could, in any principled manner, exclude the claims of any discrete political group that happens for whatever reasons, to elect fewer of its candidates than arithmetic indicates it might. Indeed, the putative limits are bound

to prove illusory if the express purpose informing their application would be, as the dissent assumes, to redress the "inequitable distribution of political influence."[151]

The compromise provision also purports to establish an explicit prohibition upon subsection (a) giving rise to any right to proportional representation. This is not quite the case. Most pointedly, perhaps, there is nothing in the provision that addresses the issue of proportional representation as a remedy.

There is little doubt that many proponents of the results test, in fact, are adamantly determined not to preclude the use of proportional representation as a basis for fashioning remedies for violations of section 2.[153a]

More fundamentally, however, the purported "disclaimer" language in the amended section 2 is illusory for other reasons as a protection against proportional representation. It states:

* * * nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

It is illusory because the precise "right" involved in the new section 2 is not to proportional representation per se but to political processes that are "equally open to participation by members of a class of citizens protected by subsection (a)." The problem, in short, is that this right is one that can be intelligently defined only in terms that partake largely of proportional representation. This specific right—political processes "equally open to participation"—is one violated where there is a lack of proportional representation plus the existence of what have been referred to as "objective factors of discrimination."[152]

Such "objective factors" purport to explain or illuminate the failure of minorities to "fully participate" in the political process.

They are described in greater detail in the subcommittee report,[153] but the most significant of these factors is clearly the at-large electoral system. The at-large system is viewed by some in the civil rights community as an "objective factor of discrimination" because they believe that it serves as a "barrier" to minority electoral participation.

Under the results test, the absence of proportional representation plus the existence of one or more "objective factors of discrimination," such as an at-large system of government, would constitute a section 2 violation. In a technical sense, it would not be the lack of proportional representation in and of itself that would consummate the violation but rather the lack of proportional representation in combination with the so-called objective barrier to minority participation. It would be largely irrelevant that there was no discriminatory motive behind the at-large system, for example, or that there were legitimate, nondiscriminatory reasons for its establishment or maintenance.

A partial list of these "objective factors,"[153a] gleaned from various sources, includes, (1) some history of discrimination;[153b] (2) at-large voting systems or multi-member districts;[153c] (3) some history of "dual" school systems;[153d] (4) cancellation of registration for failure to vote;[153e] (5) residency requirements for voters;[153f] (6) special requirements for independent or third-party candidates;[153g] (7) off-year elections;[153h] (8) substantial candidate cost requirements;[153i] (9) staggered terms of office;[153j] (10) high economic costs associated with registration;[153k] (11) disparity in voter registration by race;[153l] (12) history of lack of proportional representation;[153m] (13) disparity in literacy rates by race;[153n] (14) evidence of racial bloc voting;[153o] (15) history of English-only ballots;[153p] (16) history of poll taxes;[153q] (17) disparity in distribution of services by race;[153r] (18) numbered electoral posts;[153s] (19) prohibitions on single-shot voting;[153t] and (20) majority vote requirements.[153u]

Each of these factors, when they exist within a governmental system lacking proportional representation may allegedly explain the lack of proportional representation. In my view, the results test leads inexorably to proportional representation because it is the absence of proportional representation that triggers the search for the "objective factors" of discrimination in the first place. The theory of the results test, again, is that such factors allegedly explain why such an absence of proportional representation exists. Given the virtually unlimited array of such "objective factors," it is difficult to imagine any community, with or without proportional representation, that would not be characterized by at least several such factors. Identifying an "objective factor of discrimination" could easily amount to little more than a mechanical and perfunctory process. In [154] practice, the results test, with or without the requirement that "objective factors of discrimination" be identified, is effectively indistinguishable from a pure test of proportional representation.

The root problem with the amended section 2 then is not with an inadequately strong disclaimer, although the present disclaimer is irrelevant and misleading; the root problem is with the results test itself. No disclaimer, however strong—and the immediate disclaimer is not very strong, in any event, because of its failure to address proportional representation as a remedy—can overcome the inexorable and inevitable thrust of a results test, indeed of any test for uncovering "discrimination" other than an intent test.[155]

If the concept of discrimination is going to be divorced entirely from the concept of wrongful motivation, then we are no longer referring to what has traditionally been viewed as discrimination; we are referring then simply to the notion of disparate impact. Disparate impact can ultimately be defined only in terms that are effectively indistinguishable from those of proportional representation. Disparate impact is not the equivalent of discrimination.

The attempt in the "compromise" to define the results test as one focused upon political processes that are not "equally open to participation" is fine rhetoric, but has been identified by the Supreme Court in City of Mobile for what it is at heart. The Court observed in response to a similar description of the results test by Justice Marshall in dissent:

The dissenting opinion would discard fixed principles [of law] in favor of a judicial inventiveness that would go far toward making this Court a "super-legislature."[156]

In short, the concept of a process "equally open to participation" brings to the fore what is perhaps the major defect of the results test. To the extent that it leads anywhere other than to pure proportional representation—and I do not believe that it does—the test provides absolutely no intelligible guidance to courts in determining whether or not a section 2 violation has been established or to communities in determining whether or not their electoral structures and policies are in conformity with the law.

What is an "equally open" political process? How can it be identified in terms other than statistical or results-oriented analysis? Under what circumstances is an "objective factor of discrimination," such as an at-large system, a barrier to such an "open" process and when is it not? What would a totally "open" political process look like? How would a community effectively overcome evidence that their elected representative bodies lacked proportional representation?

In my view, these questions can only be answered in terms either of straight proportional representative analysis or in terms that totally substitute for the rule of law an arbitrary case-by-case rule of individual judges. As Justice Stevens noted in his concurring opinion in City of Mobile:

The results standard cannot condemn every adverse impact on one or more political groups without spawning more dilution litigation than the judiciary can manage.[157]

On the opening day of hearings, I raised several factual situations with my colleagues on the committee: relating to Boston, Mass.; Cincinnati, Ohio; and Baltimore, Md. I asked repeatedly how, given the circumstances in these communities, would a mayor or councilman there assure themselves that a section 2 violation could not be established. I have yet to hear an answer offering the slightest bit of guidance.[158] Each of these communities lacks proportional representation, each has erected a so-called barrier to minority participation in the form of

an at-large council system, and each possesses additional "objective factors of discrimination" such as some history of de facto school segregation. There are thousands of other communities across the Nation in similar circumstances as well.

I reiterate my question: How does a community, and how does a court, know what is right and wrong under the results standard? How do they know enough to be able to comply with the law? How do they know which laws and procedures are valid, and under what circumstances, and which are invalid? How do we avoid having "discrimination" boil down either to an absence of proportional representation or, in the words of one witness, "I may not be able to define it, but I know it when I see it."? [159]

There are other objections to the proposed section 2 "compromise," but most are discussed thoroughly at an earlier point of my statement. I would note, however, that in one important respect the provision is even more objectionable than the House provision. It refers expressly to the "right" of racial and selected ethnic groups to "elect representatives of their choice." This is little more than a euphemistic reference to the idea of a right in such groups to the establishment of safe and secure political ghettoes so that they can be assured of some measure of proportional representation. In this regard, I note the recent statement of Georgia State Senator Julian Bond with reference to a redistricting proposal in the State:

> I want this cohesive black community to have an opportunity to elect a candidate of their choice. White people see nothing wrong with having a 95 percent white district. Why can't we have 69 percent black district.[160]

That ultimately is what this so-called right to "elect candidates of one's choice" amounts to—the right to have established racially homogenous districts to insure proportion representation through the election of specific numbers of black, Hispanic, Indian, Aleutian, and Asian-American officeholders.[161]

Perhaps most importantly, the proposed "compromise" suffers from the defects of the House provision in that it attempts statutorily to overturn the Supreme Court's decision in City of Mobile interpreting the 15th amendment. It is altogether as unconstitutional, in my view, as the unamended House language.[162] Under our system of government, the Congress simply cannot overturn a constitutional decision of the Supreme Court through a mere statute. The Court has held that the 15th amendment requires a demonstration of intentional or purposeful discrimination. To the extent that the Voting Rights Act generally and section 2 specifically are predicated upon this amendment—and they are—there is no authority within Congress to reinterpret its requirements and to impose greater restrictions upon the States in the conduct of their own affairs.[163] There is no power within Congress to act outside the boundaries of the 15th amendment, as interpreted by the Court, at least so long as the Federal Government remains a government of delegated powers.

VI. CONSTITUTIONALITY OF SENATE LEGISLATION

Completely apart from the public policy merits of the Senate-proposed amendments to the Voting Rights Act, I believe that there are serious constitutional concerns about those changes. It is conceivable that the Senate amendments could render substantial parts of the Voting Rights Act constitutionally invalid.

The major constitutional problem arising from the Senate measure relates to the proposed change in section 2 which substitutes a results test for the present intent standard for identifying voting discrimination.

I note as a preliminary consideration that this would overturn the ruling of the Supreme Court in the City of Mobile against Bolden decision [164] interpreting both section 2 and and the 15th amendment, upon which section 2 is predicated, to require a finding of purposeful or intentional discrimination. It is a serious matter for Congress to attempt to overrule the Supreme Court, particularly when that action relates to a constitutional interpretation by the Court. As former Attorney General Bell has observed, for example:

> My view, based on long experience in Government and out is that the Supreme Court should not be overruled by Congress except for the most compelling and extraordinary circumstances—to overrule the Mobile decision by statute would be an extremely dangerous course of action under our form of government.[165]

Completely apart from the public policy implications of overturning a Supreme Court decision, there are important questions relating to whether or not Congress has the constitutional authority to undertake such an action. Although section 2 of the Voting Rights Act has always been considered a restatement of the 15th amendment to the Constitution, it is, of course, true that Congress may choose to amend section 2 to achieve some other purpose. In other words, I recognize that section 2 need not be maintained indefinitely as the statutory embodiment of the 15th amendment.

To the extent, however, that the Supreme Court has construed the 15th amendment to require some demonstration of purposeful discrimination in order to establish a constitutional violation, and to the extent that section 2 is enacted by Congress under the constitutional authority of the 15th amendment, I do not believe that Congress is empowered to legislate outside the parameters set by the Court, indeed by the Constitution.

Section 2 of the 15th amendment provides:

> Congress shall enforce the provisions of this article by appropriate legislation.

Congress, however, is not empowered here or anywhere else in the Constitution to "define" or to "interpret" the provisions of the 15th amendment, but simply to "enforce" those substantive constitutional guarantees already in existence. To allow Congress to interpret the substantive limits of the 15th amendment in a more expansive manner, or indeed in a disparate manner, than the Court is to sharply alter the apportionment of powers under our constitutional system of separated powers.

It is also to enlarge substantially the authority of the Federal Government at the expense of the State governments since it must be recognized that the 15th amendment fundamentally involves a restraint upon the authority of State governments and a conferral of authority upon the Federal Government. To permit Congress itself to define the nature of this authority, in contravention of the Supreme Court, is to involve Congress in a judicial function totally outside its proper purview.[166]

The enactment of a results test in section 2 would be equally improper to the extent that its proponents purported to employ the 14th amendment as its constitutional predicate. As with the 15th amendment, the Supreme Court has repeatedly made clear that it is necessary to prove some discriminatory motive or purpose in order to establish a constitutional violation under the equal protection clause.[167]

While proponents of the new results test argue that selected Supreme Court decisions exist to justify the expansive exercise of congressional authority proposed here [168] I reject these arguments. No Court decision approaches the proposition being advocated here that Congress may strike down on a nationwide basis an entire class of laws that are not unconstitutional and that involve so fundamentally the rights of republican self-government guaranteed to each State under article IV, section 4 of the Constitution.

It must be emphasized again that what Congress is purporting to do in section 2 is vastly different than what it did in the original Voting Rights Act in 1965. In South Carolina against Katzenbach, the Court recognized extraordinary remedial powers in Congress under section 2 of the 15th amendment.[169] Katzenbach did not authorize Congress to revise the Nation's election laws as it saw fit. Rather, the Court there made clear that the remedial power being em-

ployed by Congress in the original act was founded upon the actual existence of a substantive constitutional violation requiring some remedy. In Katzenbach, following a detailed description of a history of constitutional violations in the covered jurisdictions, Chief Justice Warren concluded that:

Under these circumstances, the 15th amendment has clearly been violated.[170] (Emphasis added.)

While Katzenbach and later city of Rome held that the extraordinary powers employed by Congress in section 5 were of a clearly remedial character, and therefore justified the extraordinary procedures established in section 5, there is absolutely no record to suggest that the proposed change in section 2 involves a similar remedial exercise. Because section 2 applies in scope to the entire Nation, there is the necessity of demonstrating that the "exceptional" circumstances found by the Katzenbach court to exist in the covered jurisdictions in fact permeated the entire Nation, although again by its very definition the concept of "exceptionality" would seem to preclude such a finding.

There has been no such evidence offered during either the House or Senate hearings. Indeed, the subject of voting discrimination outside the covered jurisdictions has been virtually ignored during hearings in each Chamber. Indeed as the strongest advocates of the House measure themselves argued, a proposed floor amendment to extend preclearance nationally was "ill-advised" because no factual record existed to justify this stringent constitutional requirement.[171]

During one exchange, Dr. Flemming, the Director of the U.S. Civil Rights Commission acknowledged that the 420-page, 1981 report of the Commission on Voting Rights Violations[172] contained no information whatsoever about conditions outside the covered jurisdictions.[173] In the total absence of such evidence, it is impossible for Congress to seriously contend that the permanent, nationwide change proposed in the standard for identifying civil right violations is a "remedial" effort. As a result, there can be little doubt that such a change is outside the legislative authority of Congress. In short, it is my view that the proposed change in section 2 is clearly unconstitutional, as well as imprudent public policy.[174]

Moreover. A retroactive results test of the sort contemplated in the Senate amendments to section 2—the test would apply to existing electoral structures as well as changes in those structures—has never been approved by the Court even with regard to jurisdictions with a pervasive history of constitutional violations. In South Carolina against Katzenbach, the prospective nature of the section 5 process—applicable only to changes in voting laws and procedures—was essential to the Court's determination of constitutionality.[175] This was closely related to findings by Congress that governments in certain areas of the country were erecting new barriers to minority participation in the electoral process even faster than they could be dismantled by the courts. Thus, even with regard to covered jurisdictions, the Court has never upheld a legislative enactment that would apply the extraordinary test of section 5 to existing State and local laws and procedures.

One other general observation must not be overlooked. In its efforts to enact changes in the Voting Rights Act that would lead to an effective reversal of Mobile, the Senate invites the Federal judiciary to strike down an unidentified, and unidentifiable, number of election laws, some of recent vintage and some reaching back over centuries. The connection which any of these laws may have with actual violations of the 15th amendment, past, present, or future, is left entirely to speculation. Without a far more clearly demonstrated connection, it can only be concluded that the proposed amendment exceeds the power of Congress under section 2 of the 15th amendment, whatever one's constitutional theories are about the enforcement role of Congress under the reconstruction amendments and however innovative and creative one is in justifying exercises of congressional legislative authority.

Finally, I feel very strongly that the proposed change in section 2 is unconstitutional for one further reason. In short, the results test by focusing legislative and judicial scrutiny so intensely upon considerations of race and color, completely apart from acts of purposeful discrimination, is offensive to the basic colorblind objectives of the Constitution generally and of the 14th and 15th amendments specifically. As Professor Van Alstyne has observed:

The amendment must invariably operate—to create racially defined wards throughout much of the Nation and to compel the worst tendencies toward race-based allegiances and divisions.[176]

The kinds of racial calculations required, for example, by the Justice Department in the events leading up to the case of United Jewish Organizations against Carey[177] is but an illustration of the depth of the racial consciousness injected into legislative decisionmaking by a results or effects test for discrimination.[178] Under the proposed change in section 2, this kind of racially preoccupied decisionmaking process would become the norm. Rather than pointing our Nation in the direction of a "colorblind" society in which racial considerations become irrelevant—as was the purpose of the original Voting Rights Act—the proposed amendment to section 2 would move this Nation in precisely the opposite direction. Considerations of race and color would become omnipresent and dominant. My view is that this is inconsistent with either the purpose or the spirit of the 14th and 15th amendments to the Constitution.

In conclusion, I believe that the Senate-proposed amendments to the Voting Rights Act run substantially afoul of the provisions of the Constitution. On those grounds alone, they should be rejected.

VII. MAJORITY VIEWS OF COMMITTEE

Although the majority views of the Judiciary Committee have been available for less than 2 weeks, and there has been virtually no opportunity to assess this language carefully, I would like to respond briefly to a few of the statements in these views that most seriously misrepresent or confuse the issues involved in this debate. These statements are largely a random sampling. Most of these issues have been described more fully in my earlier remarks and in my additional views to the Judiciary Committee report.

A. [The intent test] diverts the judicial inquiry from the crucial question of whether minorities have equal access to the electoral process to a historical question of individual motives (pg. 16).

Response. The intent test has never confined its analysis to the historical motives underlying the establishment of some allegedly discriminatory practice or procedure. The test is violated, whatever the reason for the initial establishment of a practice or procedure, if it is maintained for discriminatory purposes. See; for example, *Whitcomb* v. *Chavis,* 403 U.S. 124, 149 (1971) ("the Civil War Amendments were designed to protect the civil rights of Negroes and the courts have been vigilant in scrutinizing schemes allegedly conceived or operated as purposeful devices to further racial discrimination."); *Perkins* v. *City of West Helena,* No. 81-1516 at page 16 (8th Cir. 1982 ("To summarize, a vote-dilution claim will succeed under the 14th amendment only if the at-large electoral system was created or maintained for a discriminatory purpose.") Of course, the traditional purpose behind intent-analysis was precisely to determine whether or not minorities had equal access to the political process. Results-analysis also borrows the "equal access" terminology when it suits its purposes; in practice, however, such analysis largely defines "equal access" in terms of whether or not "equal results" have been achieved. To define a "results" test in terms of "access" is Orwellianism of the most blatant sort. It is the most perfect of oxymorons.

B. Whether the Fifteenth or Fourteenth Amendment were understood by Congress in 1965 to embody an intent requirement is ultimately of limited relevance. (pg. 17.)

Response. Given the uncontradicted history of description of section 2 as a codification of the 15th amendment, it is curious that the report finds it of limited relevance what the drafters of the Voting Rights Act understood to be the test for discrimination under the 15th amendment to the Constitution. One would have thought that the courts, which have sought to interpret the meaning of section 2, would also have found this to be a relevant issue. In fact, the constitutional test for discrimination in 1965 as it is today was the intent test, *Guinn* v. *United States,* 238 U.S. 347 (1915); *Wright* v. *Rockefeller,* 376 U.S. 52 (1964); *Akins* v. *Texas,* 325 U.S. 398 (1945); *Snowden* v. *Hughes,* 321 U.S. 1 (1944). The courts, if not the majority views, have considered this issue to be relevant.

C. While the Committee finds that Congress did not seek to include an intent test in the original provision of section 2, a plurality of four justices in City of Mobile against Bolden . . . thought that it did. (pg. 17, 49.)

Response. In addition to the four Justices in the plurality opinion who believed that section 2 contained an intent test, Justice White in dissent came to the same conclusion. 446 U.S. 55, 94. ("* * * equal protection clause forbids only purposeful discrimination." Justice White failed to draw any distinctions between the equal protection clause and section 2.) In addition, Justice Blackmun, in his concurring opinion, simply failed to address the issue, while Justice Stevens, in his concurring opinion, rejected both a pure intent or effects interpretation of section 2 or the 15th amendment. Thus, at least five of the eight judges addressing the intent issue found this to be the appropriate standard for identifying discriminatory conduct.

D. Congress now must decide whether to have section 2 continue to be coextensive with the Fifteenth and Fourteenth Amendments, or whether to maintain section 2 as a provision available in situations where discriminatory intent is not proved. Today, Congress faces that choice, but it did not in 1965. (pg. 18.)

Response. Congress was not faced with that choice in 1965 because until the Supreme Court decision in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), virtually no serious constitutional observer believed that Congress possessed any constitutional authority to enact a statute under the 14th or 15th amendments that was not constrained by the substantive provisions of those amendments. Congress failure to explicitly address the intent/effects issue in 1965 was not because they considered it irrelevant but because no one believed that there was the slightest constitutional basis for the exercise of authority going beyond the constitutional limits established by the Court.

E. "The principle that the right to vote is denied or abridged by dilution of voting strength derives from the one-person, one-vote reapportionment case of *Reynolds* v. *Sims.* (P. 19.)

Response. The concept of vote dilution articulated in Reynolds, 377 U.S. 533 (1964), is an entirely different concept than the one that has evolved under provisions of the Voting Rights Act. The Reynolds conception of "vote dilution" was one that was "easily demonstrable mathematically". Id. at 562. If one congressional district within a State contained 500,000 inhabitants and another one 350,000 then there was "vote dilution" in the context of the reapportionment cases. The Voting Rights Act concept of "vote dilution" was introduced in Fortson against Dorsey, 379 U.S. 433 (9165), and refers to some far more vague notion of racial groups possessing something less than their full share of representation, even if they all belong to districts of equal population. The Reynolds and Fortson notions of "vote dilution" have nothing in common but the name. No witness before the Senate Judiciary Committee was able to give anything approximating a coherent understanding of what an "undiluted" vote looks like in the context of racial groups.

F. Justice White said that the plurality had incorrectly viewed each of the Zimmer factors in isolation, rejecting Whites' totality of circumstances test. (P. 25.)

Response. Justice White said that the plurality had incorrectly failed to give adequate evidentiary value to the Zimmer factors. He did not, however, establish a "totality of circumstances" test, and no such test was rejected by the Court. Justice White agreed with the plurality that the proper test was the intent test, 446, U.S. 55, 94; he disagreed merely as to whether or not the evidence involved in the Mobile case satisfied this standard. There is no such thing as a "totality of circumstances" test; the concept of "totality of circumstances" simply defines the scope of evidence that may be considered under a given test for discrimination. It does not define the test itself. There was no disagreement between Justice White and the plurality over either the proper test for discrimination (intent) or the permissible scope of evidence (totality of circumstances). The nature of the disagreement was over the factual determination of whether the circumstances in the particular instance of Mobile, Alabama gave rise to an inference of intent. Justice White believed that they did; the plurality disagreed.

G. The "results" standard is meant to restore the pre-Mobile standard . . . (pg. 27.)

Response. While this, of course, is one of the main aspects of the section 2 controversy, it is worth noting that there is no decision prior to Mobile that ever described the appropriate standard for identifying discrimination under either section 2 or the 15th amendment as a "results" standard. It is not at all obvious why the term results should be used to describe the pre-Mobile test even if one disagrees that this test was an intent test.

H. Purging of voters could produce a discriminatory result if fair procedures were not followed . . . or if the need for a purge were not shown or if opportunities for reregistration were unduly limited. (pg. 30n.119).

Response. This comment illustrates just how truly objective are all the objective factors of discrimination described in the report. What is a fair procedure for purging registration? How does a community show the need for a purge? When are opportunities for reregistration unduly limited? What does all of this have to do with traditional objectives of the Voting Rights Act so long as blacks and whites are treated equally?

I. The results test is well-known to Federal judges. (pg. 31.)

Response. It is so well-known that approximately half of the witnesses testifying before the House and Senate in favor of the results test described it as equivalent to the effects test in section 5, while the remaining half viewed it as something entirely different. See my additional views at 138. For a particularly revealing exchange on the clarity of the results test, see the exchange between myself and Prof. Archibald Cox, Senate hearings, February 25, 1982. The definition of this test has evolved more as a matter of political imperative during the course of congressional debate than from any more enduring rule of law.

J. The disclaimer . . . puts to rest any concerns that have been voiced about racial quotas. (pg. 31.)

Response. Totally apart from the broader analysis that I offered earlier, the list of cases cited to bolster this assertion are hardly assuring. In *North Carolina State Board of Education* v. *Swann,* 402 U.S. 43 (1971), a companion case to that in which forced school busing was established as an appropriate remedy for school segregation, *Swann* v. *Charlotte-Mecklenburg,* 402 U.S. 1 (1971), the Supreme Court overturned a State law forbidding the assignment of students on account of race or for the purpose of creating a racial balance or ratio. In the case of the *Illinois Congressional Reapportionment,* file No. 81-c-3915 (1981), a congressional districting scheme was established in the State of Illinois that did resemble a proportional representation remedy in its commitment to the preservation of homogeneous minority districts at whatever political costs. In *Green* v. *County School Board,* 391 U.S. 430 (1968), the Court embarked upon what many observers view as a retreat from the policy of abolishing dual or segregated school

districts to a policy of requiring the establishment of racial balance. See, for example, Graglia, Disaster by Decree 67-89 (1976, Cornell Univ.). In *Kirksey* v. *Board of Supervisors*, 554 F. 2d 139 (5th Circuit, 1976), a single-number district plan was overturned in a Mississippi county until two seats out of five on a county commission were created for the county's 40 percent black population. It is precisely these cases that give rise to the concern about proportional representation, rather than allaying any such concern.

K. The Committee has been well aware of the great importance of [the issue of cities vulnerable under the results test] and accordingly has examined it at great length. (pg. 35.)

Response. On the contrary. Proponents of the results test have done everything possible to avoid discussion of this issue. The question of which communities will be vulnerable under the results test has been one raised solely by Assistant Attorney General William Bradford Reynolds and other opponents of the results test. Indeed, despite repeated efforts to elicit explanations why specific communities would not be vulnerable to section 2 litigation under the results test; for example, Boston, Baltimore, Cincinnati, and so forth, opponents of the results test have been met with silence. See; for example, Senate hearings, January 27, 1982. What examination has occurred has, in fact, suggested that a tremendous number of communities across the country would be vulnerable under the new standard. See; for example, additional views at 151-7. The committee has not examined this issue at great length apart from this analysis; indeed, it has examined it not at all.

L. The inherent danger in exclusive reliance on proof of motivation lies . . . also in the fact that the defendants can attempt to rebut that circumstantial evidence by planting a false trail of evidence. (pg. 37.)

Response. That is equivalent to saying that because defendants in criminal cases may sometimes wish to mislead judges and juries that we may wish to redefine the elements of criminal conduct. Parties in litigation are always free to perjure themselves, or create false trails of evidence; it is the province of the trier of fact to determine when this is taking place. It is ironic that those most favorable to litigative short cuts with respect to civil-rights defendants are also those the most preoccupied with insuring full due process and procedural safeguards with respect to criminal defendants, the ACLU, and the American Bar Association being good examples of this.

M. The evidence in Lodge was so overwhelming that the plaintiffs victory was to be expected regardless of whether one applied a results or "Bolden intent" analysis. (pg. 38.)

Response.—*Lodge* v. *Buxton*, 639 F. 2d 1358 (5th Cir. 1981), was one of a growing number of post-Mobile cases that has not had extreme difficulty in indentifying a discriminatory purpose behind various electoral arrangements. The report accuses intent proponents of categorizing as intent cases those cases which are more properly result cases, simply by virtue of the fact that the court expressly rejected the idea of proportional representation. Report at 32n.124. Analogously, the majority views seems to argue that the evidence was overwhelming or that there was a smoking gun in every case in which discriminatory intent has been proven. Although each individual will have to make their own judgment on this, I do not see that cases such as *Lodge; McMillan* v. *Escambia County*, 638 F. 2d 1239 (5th Cir. 1981); *Bolden* v. *City of Mobile*, Civ. Action No. 75-297-P (S. Dist. Ala. 1982); *Perkins* v. *City of West Helena*, No. 81-1516 (8th Cir. 1982), involved fact circumstances extraordinary in the area of 15th amendment or section 2 litigation. Certainly, nothing in the majority views evidences this apart from its apparent premise that, if plaintiffs have been successful under the intent standard, there is an extraordinary explanation for this.

N. Additional factors that in some cases have had probative value as part of plaintiff's evidence to establish a violation are . . . whether the policy underlying the State or political subdivision's use of such voting qualification, prerequesite to voting, or standard, practice, or procedure is tenuous. (pg. 29.)

Response. This is another helpful objective factor of discrimination. Communities across the country should immediately be placed upon notice that tenuous public policies will no longer be tolerated under the Voting Rights Act, and that such policies ought to be immediately dismantled.

The substitute amendment codifies the holding in White. (pg. 32.)

Response. Not quite true, at least according to other provisions in the report. In what is perhaps a minor quibble. a majority of the Supreme Court of the United States happened in 1980 in *City of Mobile* v. *Bolden*, 446 U.S. 55, to reaffirm that White required an intent test in identifying discriminatory conduct. This is a test that the majority views apparently reject. In order to reconcile this problem, the majority views inform us in the form of a footnote, report at 28n.113, that they, of course, mean that the new test adopts the White standard "as articulated in *Zimmer* v. *McKeithen*, 485 F. 2d. 1297 (5th Cir. 1973). In other words, in bequeathing the country the well-known White against Regester standard, the majority views make clear that they are referring to the standard, not as defined by the Supreme Court, not as defined by the court that happened to issue the standard, but to that standard as defined by a single circuit court. One does not adopt the White standard simply by taking bits and snatches of words from the White case, removing it from its larger context, and calling it "White". This is false advertising.

P. Under the results test, the court distinguished between situations in which racial politics play an excessive role in the electoral process, and communities in which they do not. (P. 33.)

Response. Yet another helpful objective factor of discrimination: Do racial politics play an excessive role in the electoral process? Along with such other objective factors as the tenuousness of electoral policies, and whether or not the need for public policies is shown, the results test, if it means anything other than pure proportional representation, means simply that Federal courts will have carte blanche to oversee the electoral and structural policies of every State, county, city, and school board across the country.

Q. Typical factors [to establish a violation] include . . . the extent to which members of the minority group in the State or political subdivision bear the effects of discrimination in such areas as education, employment, and health, which hinder their ability to participate effectively in the political process. (P. 29.)

Response. Another objective factor of discrimination. Does anyone have the slightest idea what this means? Do any of the cosponsors of this legislation have any idea what this means? Does any community have the slightest idea what the effects of discrimination are in the areas of education, employment, and health and whether or not such effects impede the ability of minority groups to participate effectively in the political process? What does effective participation look like in contrast to ineffective participation? Is this a judicial standard, or a mandate for the judiciary exercising a roving commission to second-guess State and local policies of self-government? Of equal guidance is the statement in the report that—

The courts have recognized that disproportionate educational, employment, income, level, and living conditions arising from past discrimination tend to depress minority political participation . . . Where these conditions are shown and where the level of black participation in politics is depressed, plaintiffs need not prove any further causal nexus between their disparate socio-economic status and the depressed level of political participation.

Report at 29n.114. I hope that my colleagues will consider carefully the implications of this rather astounding effort at establishing legislative history for the amendments to section 2.

R. The unanimous and uncontradicted testimony of those witnesses was that the parties and the court did not focus on the motives behind the election methods being challenged [prior to Mobile]. (P. 32.)

Response. Apart from the page numbers, there is virtually nothing of substance in the majority views that represents the unanimous and uncontradicted view of witnesses—at least not during Senate hearings when witnesses representing more than a single point of view were invited to testify. That motive-analysis was not an area of focus by courts prior to Mobile was neither unanimous nor uncontradicted during the hearings.

S. The proposed amendment . . . to section 2 is a clearly constitutional exercise of Congressional power. (pg. 39.)

Response.—Whether or not the exercise of power involved in the change in section 2 is hornbook law or not as suggested by the majority views remains to be determined. What Congress is doing here, in short, is placing in legal jeopardy the municipal structures adopted by countless communities across the Nation—structures of self-government that are entirely and indisputably consistent with the Constitution of the United States. Congress purports to be doing so under the 14th and 15th amendments to the Constitution even though these amendments—equally indisputably—require some demonstration of purposeful discrimination in order to establish a violation. The views argue that the results test is justified in order to overcome the substantial risk that more subtle, purposeful violations of the Constitution will go undetected, uncorrected, and undeterred under the intent test. This is equivalent to saying that, because some individuals who have committed criminal activities will escape conviction under a beyond a reasonable doubt evidence standard that we ought to establish an entirely different standard. The intent standard is the constitutional standard precisely because it is the proper standard for identifying discrimination. To establish a results standard, it is true, will insure that no purposeful discriminatory conduct goes unremedied; it will also insure that many times more communities that have not engaged in purposeful discriminatory conduct will be treated in an equivalent manner to wrong-doing communities. The magnitude of this overbreadth would be incalculable. Indeed, this point becomes even more apparent when it is recognized that the elements of a results violation are different not merely in degree from those of an intent violation but rather different in kind. The identification of disparate impact—the objective of results analysis—has nothing whatsoever to do with discrimination—the objective of intent analysis. Unless one appreciates this fact, one cannot appreciate the critical significance of the retreat from the intent standard.

The majority views also labor to distinguish between their amendments and proposed amendments to statutorily overturn the Roe against Wade decision relating to abortion. I find absolutely nothing in this analysis that explains the distinction between these efforts. Both involve attempts by Congress to impose statutory obligations upon the States that exceed the limits of the obligations placed upon the States by the Constitution, overturning in the process an explicit interpretation of the Constitution by the U.S. Supreme Court.

Mr. President, I have not touched upon other concerns that I have about the majority views' discussion of the bailout provisions in the amendments to the Voting Rights Act. Nor have I discussed what I believe are dubious interpretations of such cases as *Whitcomb* v. *Chavis*, 403 U.S. 124 (1971); *Fortsen* v. *Dorsey*, 379 U.S. 433 (1965); *Palmer* v. *Thompson*, 403 U.S. 219 (1971); *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960); and others. While I believe that it is important to focus upon these cases in order to determine the state of the law prior to Mobile, I would hope that colleagues would not lose sight of the great moral and constitutional issues involved in S. 1992 while focusing exclusively upon the fine legal issues involved.

VIII. CONCLUSION

The changes that will be wrought by the amended Voting Rights Act—particularly the amendments to section 2—will not emerge overnight. They will not be felt fully this year, or next year, or during the remaining term of any Member of this body. Over a period of years, however, perhaps only over a period of decades, the proposed amendments will have a profound impact on what this Nation stands for. Each of us can speak all the platitudes we want about concern for civil rights and minority rights, but let us make no mistake about it—both the purpose and the effect of the immediate measure will be to inject racial considerations into increasing numbers of electoral and political decisions that formerly had nothing to do with race. Increasingly, we will be moving in the direction of providing compact and homogeneous political ghettoes for minorities and conceding them their share of officeholders, rather than undertaking the more difficult—but ultimately more fruitful—task of attempting to integrate them into the electoral mainstream in this country by requiring them to engage in negotiation and compromise, and to enter into electoral coalitions, in order to build their influence. Minority representation in the most primitive sense may be enhanced by the proposed amendments; minority influence will suffer enormously.

The new Voting Rights Act will also enhance enormously the role of the Federal judiciary in the State and municipal governmental process. Race-neutral or ethnic-neutral decisions affecting countless aspects of this process will suddenly be subject to new scrutiny by the courts on the basis of whether such aspects are tenuous, whether they contribute to an equal opportunity to participate, whether they permit protected minorities to elect representatives of their choice, and so forth. As the committee report accurately states, the new section 2 requires, above all, the application of "the court's overall judgment". There is, in fact, little more to the test than this.

Above all, the present measure plays havoc with traditional notions of civil rights and discrimination, and distorts these concepts beyond all recognition. In the process, it can only contribute toward undermining the virtually realized consensus in this Nation in behalf of equality and civil rights in their traditional form—equality of opportunity and equality of access, not equality of result and equality of outcome. The historical evolution of this Nation away from the consideration of race in public policy decisions will be halted. The present amendments to the Voting Rights Act represent nothing less than a full retreat from the color-blind principles of law fostered by Brown against Board of Education, the Civil Rights Act of 1964, and the original Voting Rights Act itself.

I would urge my colleagues to study this measure with great care while realizing that the political realities of this debate make it unlikely that final action will be determined by anything approximating a careful consideration of the implications of this legislation. In the likely event that this measure becomes law, I would urge the courts of this country to look critically at the constitutional implications of this legislation. While the courts, in my view, owe great deference to the actions of this branch of the National Government, they also owe loyalty to the fundamental principles and institutions of the Constitution—including those of federalism, the separation of powers, and equal protection of the laws. Having been an active participant in the legislative history surrounding this measure, I can only urge the courts to recognize and appreciate the exceptional political circumstances of this debate. Great principles of constitutional law, and public policy, are not normally decided by 389–24 vote margins unless such circumstances exist. A close examination of the documentary history of this measure will, I believe, cast a great measure of doubt upon the findings and conclusions of both this committee report and that of the House of Representatives, from the perspective even of that court least inclined to question the judgment of the Congress. For the sake of the Constitution and for the sake of preventing the reestablishment of separate but

equal in this Nation, I fervently hope that there will be those on the Court who will carry out this responsibility. Congress, I regret to say, has, in this instance, failed in its own.

FOOTNOTES

[1] *Washington* v. *Davis*, 426 U.S. 229, 242 (1976).

[2] *Village of Arlington Heights* v. *Metropolitan Housing Development Authority*, 429 U.S. 252, 264-5 (1977).

[3] 446 U.S. 55, 75 (1980).

[4] One prominent voting rights litigator, Mr. Armand Derfner of the Joint Center for Political Studies, and formerly of the Lawyers Committee for Civil Rights Under Law, observed during the 1975 hearings on the Voting Rights Act.

"And I would hope that maybe ten years from now we would have learned and progressed enough to say that for some of the things that Section 5 has done we no longer need it while for other things it might be time to put in permanent bans. For example, we might want to put in permanent bans that bar at-large elections not only in the covered states but perhaps in the rest of the country as well. Hearings Before the House Subcommittee on Constitutional and Civil Rights on the Voting Rights Act Extension, March 17, 1975 at 632."

Professor O'Rourke has observed:

"If the revision of Section 2 is not intended to invalidate nationwide at-large elections in every city with a significant minority population, there is nevertheless nothing in the language of Section 2 to foreclose this development. Statement submitted to the Subcommittee on the Constitution by Timothy O'Rourke, Professor, University of Virginia, March 3, 1982."

[5] See, e.g., *City of Mobile* v. *Bolden*, 446 U.S. 55 (1980); *White* v. *Regester*, 412 U.S. 755 (1973); *Whitcomb* v. *Chavis*, 403 U.S. 124 (1971).

[6] 446 U.S. at 60. Approximately 12,000, or two-thirds of the 18,000 municipalities in the Nation, have adopted at-large systems of election. The Municipal Yearbook, International City Managers Association (1972). In addition, of the fifty largest school boards in the United States, approximately two-thirds of those use at-large election systems as well. *Black Voters* v. *McDonough*, 565 F.2d 1, 2 (1st Cir. 1977). For general discussion of various methods of municipal election and the arguments for each, see E. Banfield & J. Wilson, City Politics 151 (1963); Jewell. Local Systems of Representation: Political Consequences and Judicial Choices, 36 Geo. Wash. L.Rev. 790 (1968); M. Seasongood, Local Government in the United States (1933). The growth of the at-large electoral system occurred during the early decades of the 20th century as a Progressive-inspired reform in response to the corruption that had often been characteristic of municipal ward systems. The theory was that more responsible municipal actions would be taken if each member of the city council was responsible to the entire electorate rather than solely to his own ward or district.

[7] *Plessy* v. *Ferguson*, 163 U.S. 537, 559 (1897).

[8] Act of May 31, 1870 (16 Stat. 140), amended by Act of February 28, 1871 (16 Stat. 433). The surviving statutes of this period are 18 U.S.C. See 241-2 and 42 U.S.C. Sec. 1971(a), 1983, 1985(3).

[9] Act of April 20, 1871 (17 Stat. 13).

[10] Civil Rights Act of 1957, 71 Stat. 634 (42 U.S.C. 1975).

[11] Civil Rights Act of 1960, 74 Stat. 86 (42 U.S.C. 1971).

[12] Civil Rights Act of 1964, 78 Stat. 241 (42 U.S.C. 2000a).

[13] Voting Rights Act of 1965, 79 Stat. 437 (42 U.S.C. 1971, 1973 et. seq.).

[14] One high-ranking official of the Justice Department has said of the Act that it "represents a substantial departure from . . . ordinary concepts of our federal system." Hearings on Voting Rights Act Extension Before Senate Judiciary Subcommittee on Constitutional Rights. 94th Congress, 1st Session, J. Stanley Pottinger, Assistant Attorney General of the United States, at 536.

[15] The Twenty-Fourth Amendment to the Constitution had earlier been ratified in 1964, outlawing poll taxes in Federal elections. The Supreme Court held in 1966 that state poll taxes violated the Equal Protection clause of the Fourteenth Amendment. *Harper* v. *Virginia State Board of Elections*, 383 U.S. 663 (1966).

[16] In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court subsequently struck down as unconstitutional this provision insofar as it attempted to set requirements for state elections ("the 18 year old vote provisions of the Act are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections.") Id. at 118. The Twenty-Sixth Amendment was ratified in 1971 overturning *Oregon* v. *Mitchell* in this regard and establishing a constitutional right in eighteen year olds to vote in all elections.

[17] There is no requirement that there be a showing that such language minorities speak only that language. They may be entirely fluent in English. Department of Justice Regulation, 28 C.F.R. Section 55.1 et. seq. (1976). See infra note 238.

[18] Section 203(b) coverage extends to approximately 380 jurisdictions in 29 states.

[19] *South Carolina* v. *Katzenbach*, 383 U.S. 301, 308 (1966).

[20] For a history of events which led to enactment, and discussions of the original purposes of the Act, see H.R. Rep. No. 439, 89th Cong. 1st Sess. 8-16; S. Rep. No. 162, pt. 3, 89th Cong. 1st Sess. 3-16; *South Carolina* v. *Katzenbach*, 383 U.S. 301, 308-25 (1966).

[21] Statement of Roy Wilkins, Executive Director, NAACP, and Chairman, Leadership Conference on Civil Rights, Hearings Before the Senate Committee on the Judiciary, on the Voting Rights Act, 89th Congress, 1st Session (1965) at 1005-07.

[22] Hearings on the Voting Rights Act Extension Before the Senate Judiciary Subcommittee on the Constitution, 97th Congress, 2d Session (1982) (hereafter "Senate Hearings") January 28, 1982, Barry Gross, Professor, City College of New York.

[23] Senate Hearings, February 2, 1982, Jon Bunzel, Senior Fellow, Hoover Institution, Stanford University.

[24] 383 U.S. 301 (1966).

[25] Id. at 334.

[26] Id. at 361. In his dissent as to the constitutionality of Section 5 in *South Carolina* v. *Katzenbach*, Justice Black noted:

"One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either "to the States respectively, or to the people." Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg federal authorities to approve them. 383 U.S. at 359." (footnote omitted.)

[27] Id. at 334.

[28] Id. at 335.

[29] 393 U.S. 544 (1969).

[30] Id. at 566. (Emphasis supplied.)

[31] Id. at 550-52.

[32] In the *Allen* case, Justice Harlan, dissenting in part, observed:

". . . the Court has now construed §5 to require a revolutionary innovation in American government that goes far beyond that which was accomplished by §4. The fourth section of the Act had the profoundly important purpose of permitting the Negro people to gain access to the voting booths of the South once and for all. But the action taken by Congress in §4 proceeded on the premise that once Negroes had gained free access to the ballot box, state governments would then be suitably responsive to their voice, and federal intervention would not be justified. In moving against "tests and devices" in §4, Congress moved only against those techniques that prevented Negroes from voting at all. Congress did not attempt to restructure state governments. The court now reads §5, however, as vastly increasing the sphere of federal intervention beyond that contemplated by §4, despite the fact that the two provisions were designed simply to interlock. 393 U.S. at 585-6."

[33] 400 U.S. 379 (1971).

[34] 411 U.S. 526 (1973). In *Georgia*, the Court held that the Attorney General could object to a preclearance submission even though he could not determine that a change had the purpose or effect of denying or abridging the right to vote. In other words it held that the Attorney General could validly place the burden of proof on the submitting jurisdiction that a change did not have such a purpose or effect.

[35] 354 F.Supp. 1021 (D.D.C. 1973), affirmed *per curiam* (without opinion) 410 U.S. 962 (1973). See note 36 infra.

[36] See *City of Richmond* v. *United States*, 422 U.S. 358, 370 (1975), wherein the Court, through a majority opinion by Justice White, explained its *per curium* affirmance in *City of Petersburg* v. *United States*, 410 U.S. 962 (1973).

[37] 422 U.S. 358 (1975).

[38] Id. at 370. For further illustrations of the proportional representation principle at work, see *Zimmer* v. *McKeithen*, 485 F.2d 1297 (5th Circuit) ("a court may in its discretion opt for a multimember plan which enhances the opportunity for participation in the political processes"); and *Kirksey* v. *Board of Supervisors of Hinds County*, 528 F.2d 536 (5th Circuit) (a single member district plan was overturned until two safeseats out of five were created for the county's 40% black population). See also *City of Port Arthur* v. *United States*, 517 F. Supp. 987 (D.C.C. 1981) *infra* note 50 and accompanying text.

[39] 430 U.S. 144 (1977). Nathan Dershowitz of the American Jewish Congress has described the product of the *UJO* case as follows: "The Williamsburg section of Brooklyn has been tortuously gerrymandered in an attempt to ensure the election of minority groups members." Dershowitz. "Tampering with the Voting Rights Act." Congress Monthly, May 1981, at 9. He describes the result further as "the institutionalization of ethnic representation."

[40] As Professor George C. Cochran of the University of Mississippi Law School testified:

"In interpreting the definitional parameters of districts which give blacks an opportunity to elect the candidate of their own choice, the District Court for the District of Columbia is implementing what seems to be 65 percent voting districts for covered jurisdictions; that is, a 65 percent level of minority population in a given district is viewed by that court as one which will "give blacks an opportunity to elect a candidate of their choice." . . . But the 65 percent rule, which is becoming more and more common in this section 5 business is something that had its beginning stage in *United Jewish Organizations* and is now being carried over into a proper interpretation of section 5 as to whether or not a given political subdivision's voting scenario has the effect of denying minorities an opportunity to elect a candidate of their own choice . . . In the *UJO* case, the 65 percent rule came from a phone call from an unknown staff member at the Voting Rights section of the Department of Justice to attorneys representing the State of New York Senate Hearings February 25, 1982."

One witness referred to a case in which the Justice Department required that a 70 percent minority district be created before it would agree to preclear a single-member districting plan. Senate Hearings, February 4, 1982. E. Freeman Leverett, attorney, Elberton, Ga.

[41] 393 U.S. 544 (1969).

[42] *Beer* v. *United States*, 425 U.S. 130 (1976) involved the rejection by the Attorney General and District Court of a reapportionment plan submitted by the city of New Orleans, because the plan would not have produced black representation on the city council proportional to black population in the city. The Supreme Court reversed, holding that, section 5 prohibits only those voting changes which result in "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Id. at 141.

[43] Thernstrom, "The Odd Evolution of the Voting Rights Act," 55 The Public Interest 49, 50 (1979). See generally this article of a discussion of the judicial evolution of the Voting Rights Act.

[44] 435 U.S. 110 (1978).

[45] Compare Section 14(c)(2) of the act, which provides:

"The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

[46] 439 U.S. 32 (1978).

[47] 446 U.S. 156 (1980).

[48] Id. See generally, McClellan, "Fiddling with the Constitution While Rome Burns: The Case Against the Voting Rights Act of 1965," 42 La. Law Rev. 1 (1981); Keady & Cochran, "Section 5 of the Voting Rights Act: A Time for Revision," 69 Kentucky Law J. 4 (1980).

[49] The Court relied on *South Carolina* v. *Katzenbach* and recalled the determinations by Congress which undergirded the preclearance requirement. As with that case, *Rome's* upholding of the consti-

tutionality of the "effects" test in Section 5 was a highly limited one in this regard. Id. at 174.

[50] 517 F. Supp. 987 (D.D.C. 1981).

[51] Id. at 1014, 1015.

[52] 446 U.S. 55 (1980).

[53] 423 F. Supp. 384 (S.D. Ala. 1976).

[54] 571 F. 2d 238 (5th Cir. 1978).

[55] 446 U.S. at 65.

[56] Id. at 60-61. Justice Stewart noted: "It is apparent that the language of § 2 no more than elaborates upon that of the Fifteenth Amendment, and the sparse legislative history makes clear that it was intended to have an effect no different from that of the Fifteenth Amendment itself." There was no apparent disagreement with this finding from any other member of the Court.

[57] Senate Hearings, January 28, 1982. Edward Erler, Professor, National Humanities Center. The hearings were unpublished at the time of this report and available only in transcript form.

[58] See e.g. Senate Hearings, February 12, 1982, Drew Days, Professor, Yale School of Law; January 28, 1982, Laughlin McDonald, Director, Southern Regional Office, American Civil Liberties Union. See also H.R. Rep. No. 97-227, 31 (1981).

[59] In covered jurisdictions under section 5, it is necessary to preclear only changes in voting qualifications, prerequisites to voting, or standards, practices, or procedures with respect to voting *different* from those in effect in the jurisdictions on the dates in which the trigger formulas were applicable.

[60] On the centrality of intent analysis to civil rights law generally, see Senate Hearings, February 2, 1982, Michael Levin, Professor, City College of New York.

[61] 446 U.S. 55 (1980).

[62] There was no disagreement on this point among the Justices. In addition, the Carter Administration Justice Department, in filing its brief for appellees in *Mobile*, described Section 2 as a "rearticulation" of the Fifteenth Amendment. Brief of the United States as Amicus Curiae at 84, *City of Mobile* v. *Bolden*, 446 U.S. 55 (1980).

[63] Much of the confusion regarding the intent controversy has, in part, been due to the failure by some to acknowledge that a discriminatory purpose may also be proven by a showing that a law has been "maintained" or "operated" for such a purpose, not simply that it was originally enacted for this purpose. See, e.g., *Whitcomb* v. *Chavis*, 403 U.S. 124 149 (1979); *White* v. *Regester*, 412 U.S. 755, 769 (1973).

[64] 446 U.S. at 63.

[65] Id. at 61.

[66] See e.g., Senate Hearings. February 4, 1982, U.S. Representative James Sensenbrenner; February 11, 1982, Frank Parker, Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law.

[67] See e.g., Senate Hearings, February 1, 1982. David Walbert, attorney and former Professor, Emory University School of Law; February 25, 1982, Archibald Cox, Professor, Harvard University Law School, representing Common Cause.

[68] See e.g., Senate Hearings, January 28, 1982, Laughlin McDonald, Director, Southern Regional Office, American Civil Liberties Union; February 4, 1982, U.S. Representative James Sensenbrenner.

[69] See e.g., Senate Hearings, February 1, 1982, Steven Suitts, Executive Director, Southern Regional Council.

[70] *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966). The Court noted at 334, "The Act suspends new voting regulations pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment. This power may have been an uncommon exercise of congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate."

[71] See supra note 77. See also, *City of Rome* v. *United States*, 446 U.S. 156 (1980) in which it was again noted "that Congress had the authority to regulate state and local voting through the provisions of the Voting Rights Act." 179-180 and that the 1975 extension, "was plainly a constitutional method of enforcing the Fifteenth Amendment," Id. at 182.

[72] Id.

[73] Senate Hearings, February 12, 1982, discussion between U.S. Senator Charles Mathias and Drew Days, Professor, Yale School of Law, regarding Attorney General Katzenbach's testimony in the 1965 Hearings about the original intent of the Voting Rights Act.

[74] 1965 Senate hearings. Nicholas DeB. Katzenbach, Attorney General of the United States, March 25, 1965, at 191-2.

[75] See supra note 81. See also 1965 Senate Hearings at 208 in which Attorney General Katzenbach agreed with Senator Dirksen in his assessment of Section 2 as "almost a rephrasing of the 15th Amendment." It is also worth noting that Katzenbach was discussing the Act in terms of its original objectives—equal access to registration and the ballot. The judicial evolution that later occurred, see supra Section III, clearly transformed the Act into one focused upon the electoral process itself. Katzenbach did not allude to such issues as annexations, election systems, districting and apportionment issues, and the like. He could not have foreseen the marked metamorphosis of the Voting Rights Act in his 1965 testimony.

[76] 446 U.S. at 63.

[77] 412 U.S. at 755 (1973). *Mobile* was the first Supreme Court case ever to deal with the legality of the at-large system of government in the context of local governments.

[78] 446 U.S. at 69. See also *Graves* v. *Barnes*, 343 F. Supp. 704 (W.D. Tex. 1972) which discusses at some length the voting rights background in Dallas and Bexar counties (Texas) that was before the Court in *White* v. *Regester*. *Graves* was affirmed by the Supreme Court in *White* v. *Regester*. There can be little doubt that there was substantial discriminatory purpose at work in these counties on the basis of the District Court's findings in *Graves*. It is also interesting to note that in *Gaffney* v. *Cummings*, 412 U.S. 735 (1973), decided on the same day as *White*, the Court pointed out at 754 that multimember districts might be vulnerable "if racial or political groups have been *fenced out* of the political process and their voting strength *invidiously* minimized." (Emphasis supplied.)

[79] 446 U.S. at 102. (Justice White dissenting) The primary difference between Justice White's finding and that of Justice Stewart lay in the fact that Justice White found that the facts gave rise to an inference of discriminatory purpose, while Justice Steward did not. They did not disagree on the proper standard of proof itself—the intent standard.

Proponents of the results test are not only in conflict with the Court itself on the meaning of *White* but they are in conflict with several lower courts upon which they would like to rely for a definition of the results test. Proponents often rely upon a test articulated in the Fifth Circuit in *Zimmer* v. *McKeithen*, 485 F.2d 1297 (1973), yet at the same time are explicit in rejecting one of the major factors involved in this test: "responsiveness of elected officials to minority community" which the House Report rejects as too "highly subjective". H.R. Rep. No. 97-227 at 30.

[80] 446 U.S. at 63.

[81] See supra note 75.

[82] 426 U.S. 229, 239, 245 (1976). A footnote in *Washington* disapproving several lower court decisions did not include any voting cases. Id. at note 12. The requirement of discriminatory purpose far antedated *Washington* v. *Davis*, however. See, e.g., *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886) ("Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practicably to make unjust and illegal discrimination between persons in similar circumstances . . . the denial of equal justice is still within the prohibition of the Constitution."); *Snowden* v. *Hughes*, 321 U.S. (1944) ("The unlawful administration by state officers of a state statute fair on its face resulting in its unequal application to those who are entitled to be treated alike is not a denial of equal protection unless there is shown to be present in it an element of intentional or purposeful discrimination.") The requirement of intent or purpose as a fundamental element of civil rights law is as old as the development of such law itself.

[83] *Village of Arlington Heights* v. *Metropolitan Housing Development Authority*, 429 U.S. 252, 265, 271 (1977). See also *Memphis* v. *Green*, 451 U.S. 100 (interpreting § 1981 of Title 42, a codification of the Thirteenth Amendment, to require purposeful discrimination.)

[84] 442 U.S. 256 (1979).

[85] 442 U.S. 272, 273. The *Feeney* case is also important in elaborating upon the idea of "discriminatory purpose." As the Court observed:

"Discriminatory purpose" implies more than intent as volition or intent as awareness of consequence . . . It implies that the decision-maker selected or reaffirmed a particular course of action at least in part "because of" not merely "in spite of" its adverse consequences upon an identifiable group.

See also 442 U.S. at 279, note 25 in which the Court rejects the notion of intent or purpose being synonymous with the notion of the foreseeability of the disparate impact of an action, while at the same time recognizing this factor as simple evidence which may have a relevant bearing on the issue; Senate Hearings, February 2, 1982, Michael Levin, Professor, City College of New York.

[86] 413 U.S.189, 205, 211, 213 (1973).

[87] 638 F.2d 1239 (5th Cir. 1981).

[88] 639 F.2d 1358 (5th Cir. 1981).

[89] While several witnesses have emphasized the point that throughout our judicial history, the courts have generally refused to examine the motives of legislators, what they do not emphasize is that throughout this same history the courts have also refused to look beyond the face of a statute to identify discrimination. There are few, if any cases prior to *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960) in which the Supreme Court struck down a statute which was not discriminatory on its face. It was in *Gomillion* and in dictum in *Lassiter County* v. *Northampton County Board of Elections*, 360 U.S. 45 (1959) that the Court first began to suggest that a statute could be struck down because of discriminatory intent even though there was no discrimination on the face of a statute. See also *Palmer* v. *Thompson*, 403 U.S. 217 (1971). This, then, represented a significant advance for civil rights plaintiffs. Practices that had earlier been beyond attack because courts could not inquire into legislative motives could now be declared unconstitutional if a discriminatory motive could be demonstrated. Proponents of the effects test now want to take this development one step further. They want to strike down statutes that are not discriminatory on their face even where no intent to discriminate has been demonstrated. This is not a reversion to the old standard of refusing to look at intent but rather a perversion of the new exception to that standard which permits motive to taint an otherwise acceptable practice.

[90] 426 U.S. 229, 242 (1976).

[91] 429 U.S. 252, 266 (1977).

[92] Id. at 266-68.

[93] See, e.g., Simon, "Racially Prejudiced Government Action: A Motivation Theory of the Constitutional Ban Against Racial Discrimination," 15 San Diego Law Rev. 5 (1978) at 1098 where the author discusses additional types of evidence from which the circumstantial inference of institutional motivation may be drawn:

(1) overtly racial rules or regulations that may (a) be symptomatic of prejudice, (b) single out a minority racial group or groups for clear disadvantage, or (c) have neither of these racial characteristics, or share one or the other to some incomplete extent; (2) evidence that the action significantly disadvantages a member or members of a minority racial group relative to others within the relevant population; (3) an explanation of the purportedly innocent goals of the challenged action that is sufficiently contextually peculiar to warrant disbelief, (4) evidence that the action's purportedly innocent goals could have been accomplished by reasonably available alternative means with a significantly less racially disproportionate effect; (5) judicial or administrative decisions that assign race as one of the grounds of decision; (6) an institutional admission, as for example a preamble of legislation racially neutral on its face that recites a racial purpose or an admission by counsel representing the institution that took the challenged action; (7) evidence of a contextual peculiarity in the process that led to the challenged actions, as, for example, the omission of a required or customary hearing; (8) evidence that the specific membership institution has previously been found to have engaged in racially prejudiced actions; (9) evidence of a social-political background or context suggestive of racial prejudice; (10) evidence of the data and arguments, whether by outsiders or members, presented to the institution during the information-gathering and deliberative processes that led to the action.

See also generally Ely, "Legislative and Administrative Motivation in Constitutional Law", 79 Yale L.J. 1205 (1970): Brest, "In Defense of the Anti-Discrimination Principle". 90 Harvard Law Rev. 1 (1976): Goodman. "De Facto School Desegregation: A Constitutional and Empirical Analysis". 60 California Law Rev. 275 (1972).

[94] See, e.g., Appellant's Reply Brief, Frank R. Parker, Lawyers' Committee for Civil Rights Under Law, *Kirksey* v. *City of Jackson*, No. 81-4058 (5th Cir. 1981) at 10:

The absence of a 'smoking gun' in the 1908 legislative history does not, contrary to defendants' argument, negate the evidence of discriminatory purpose . . . and thus circumstantial evidence is highly probative.

Moreover, the brief cited as evidence of discriminatory purpose:

(a) the extensive perception that blacks were a political threat throughout this period; (b) that at-large voting was viewed by at least one legislative leader who supported this legislation as a purposeful device to prevent black political participation; (c) the inevitable and foreseeable consequences of this legislation was to exclude black representation; (d) in fact, it has had this effect in Jackson; and (e) remarks by single legislators which, together with other supportive evidence of discriminatory intent, "have provided a firm basis for findings of invidious purpose in cases within this Circuit."

[95] Senate Hearings, February 25, 1982, Irving Younger, Williams and Connolly, Former Professor, Cornell University School of Law.

[96] Senate Hearings, January 28, 1982, Opening Statement, U.S. Senator Orrin G. Hatch.

[97] Senate Hearings, January 27, 1982, Benjamin L. Hooks, Executive Director, National Association for the Advancement of Colored People.

[98] Senate Hearings, February 12, 1982, James F. Blumstein, Professor, Vanderbilt University School of Law.

[99] See supra note 104. With respect to the Section 5 "effects" test there is at least an objective standard by which to judge the impact of changes upon minorities, i.e. the status quo ante. Thus the "retrogression" standard established in *Beer* has at least some meaning independent of proportional representation, whatever other difficulties there may be with this standard. 425 U.S. 130 (1976). When existing laws are evaluated, however—as opposed solely to changes in the law—as they would be under the Section 2 results test, there is no possibility of a similar standard to that suggested in *Beer*. In short, there is no standard short of comparing actual representation of minorities with the representation to which they would be "entitled" under a proportional representation requirement. See Senate Hearings. March 1, 1982. Assistant Attorney General of the United States for Civil Rights William Bradford Reynolds.

Professor O'Rourke has further observed:

"A challenge to an at-large system of necessity must be predicated on a comparison between electoral opportunity under the existing plan and the opportunity that would or might prevail under one or more alternatives. If the alternatives need not be limited to those which fit within the existing structure of government or the current size of the local governing body, then there is little to prevent the consideration of proportional representation as the model against which the current system could be evaluated" Statement submitted to the Subcommittee on the Constitution by Timothy O'Rourke, Professor, University of Virginia, March 3, 1982.

[100] As the Supreme Court in *Mobile* said in rejecting the results test proposed by Justice Marshall for the Fifteenth Amendment and Section 2.

Mr. Justice Marshall's dissenting opinion would discard these fixed principles [of law] in favor of a judicial inventiveness that would go far toward making this Court a super-legislature. . . . We are not free to do so. 446 U.S. 55, 76.

[101] See note 130 infra.

[102] Senate Hearings, February 4, 1982, U.S. Representative James Sensenbrenner.

[103] Senate Hearings, February 12, 1982, Julius L. Chambers, President, NAACP Legal Defense Fund, Inc.

[104] Senate Hearings, January 27, 1982, Vilma Martinez, Executive Director, Mexican American Legal Defense and Educational Fund. Justice Marshall in dissent in *Mobile* also equated the *White* test to an "effects" standard. 446 U.S. at 113 (dissenting).

[105] Senate Hearings, February 25, 1982, Archibald Cox, Professor, Harvard University School of Law, representing Common Cause.

[106] On occasion, there were even differences of opinion among the same witness in their testimony before the House and the Senate, See, e.g., testimony of Drew Days, Professor, Yale School of Law, Senate Hearings, February 12, 1982: House Hearings, June 25, 1981; Henry Marsh, Mayor, Richmond, Virginia, Senate Hearings, January 28, 1982, House Hearings, May 20, 1981.

[107] It is worth noting that there seems to be at least some semantical differences as to what "proportional representation" means. See, e.g., Senate Hearings, January 27, 1982. Benjamin Hooks, Executive Director, NAACP ("I think there is a big difference between proportional representation and representation in proportion to minority population."); Senate Hearings. February 12, 1982. Drew Days. Professor, Yale School of Law (denying that a Justice Department requirement amounted to proportional representation that required at least one district in a four district community, with a 25% minority population, be structured to elect a minority representative.) See also Senate Hearings, January 28, 1982. Henry Marsh, Mayor, Richmond, Virginia: February 11, 1982. Frank Parker, Director, Voting Rights Project, Lawyers' Committee for Civil Rights, Under Law; in which fundamental disagreement was expressed on whether or not the *Richmond and Petersburg* cases involved proportional representation.

[108] Senate Hearings, February 12, 1982, Henry Abraham, Professor, University of Virginia.

[109] See, e.g., Senate Hearings, January 27, 1982. Walter Berns, Resident Scholar, American Enterprise Insititute: Berns, "Voting Rights and Wrong", Commentary, March 1982 at 31; See also The Federalist No. 10 in which James Madison discusses the concern of the drafters of the Constitution about the development of "factions" in the new Nation.

[110] Section 4(f)(2) includes within the category of groups protected under the Voting Rights Act "language minority" groups. Such "language minorities" are defined to include American Indians, Alaskan Natives, Asian Americans, and those of Spanish heritage. Section 14(c)(2).

[111] H.R. Rep. No. 97-227 at 29 (1981).

[112] The significance of this distinction was noted by Mr. Rios who described "two stages of litigation, that is, the proving your case part and then the remedy part." He testified further that "once the factors delineated in *Zimmer* and *White* have been established then the courts do require that you go to single-member districts but that is at the remedy stage." Senate Hearings, February 4, 1982, Rolando Rios, Legal Director, Southwest Voter Registration Education Project.

[113] For further discussion of the concept of racial "entitlements", see Senate Hearings, February 12, 1982, James Blumstein, Professor, Vanderbilt University School of Law. Professor Blumstein testified that the proposed change in Section 2, if theoretically based at all implies "an underlying theory of some affirmative, race-based entitlements." Later in his testimony, he characterized this theory as follows: "Basically, it changes the notion from a fair shake to a fair share, a piece of the action, based upon racial entitlements, and that is what I find objectionable."

[114] Senate Hearings, January 27, 1982, Attorney General of the United States William French Smith.

[115] Senate Hearings, March 1, 1982, Assistant Attorney General of the United States William Bradford Reynolds.

[116] Senate Hearings, February 12, 1982, Donald Horowitz, Professor, Duke University School of Law.

[117] Letter from Joseph Bishop, Jr., Professor, Yale School of Law, to Senator Orrin G. Hatch, Chairman, Senate Judiciary Subcommittee on the Constitution, January 21, 1982.

[118] Senate Hearings, February 12, 1982. Henry Abraham, Professor, University of Virginia. For other selected quotes on Section 2 and proportional representation, see Attachment B.

[119] Statements in this section are drawn largely from testimony before the Subcommittee on the Constitution with respect to the amendments to section 2 contained in the original version of S. 1992. Some of these individuals may be more persuaded than myself that the full committee compromise addresses the concerns that they expressed. The administration, for example, supports the "compromise" language.

[120] See e.g., Senate Hearings, February 4, 1982, Norman Dorsen, Professor, New York University School of Law, representing the American Civil Liberties Union: "I would be against proportional representation. I think that people are entitled to vote under a fair and constitutional system and that proportional representation has not been our system."; Senate Hearings, February 12, 1982, Julius Chambers, President, NAACP Legal Defense Fund, Inc.

[120] Senate Hearings, January 27, 1982 Walter Berns, Resident Scholar, American Enterprise Institute.

Senate Hearing, January 28, 1982, Edward Erler, Professor, National Humanities Center.

[122] Letter from William Van Alstyne, Professor, Duke University School of Law, Visiting Professor, University of California School of Law, to George Cochran, Professor, University of Mississippi School of Law, February 16, 1982; submitted to the Senate Subcommittee on the Constitution, February 25, 1982.

[123] *Plessy* v. *Ferguson*, 163 U.S. 537, 559 (1897) (dissenting opinion by Harlan, J.).

[124] *Fullilove* v. *Klutznick*, 448, U.S. 448, 534 n. 5 (1980) (dissenting opinion by Stevens, J.).

[125] Senate Hearings, January 27, 1982, Attorney General of the United States William French Smith.

[126] Senate Hearings, January 27, 1982, Walter Berns, Resident Scholar, American Enterprise Institute.

[127] Senate Hearings, February 12, 1982, Edward Erler, Professor, National Humanities Center. Even Justice Brennan, certainly no opponent of affirmative action notions of civil rights, has remarked that efforts to achieve proportional representation could be used as a "contrivance to segregate the group . . . thereby frustrating its potentially successful efforts at coalition building along racial lines." *United Jewish Organization* v. *Carey*, 430 U.S. at 172-3.

[128] Senate Hearings, February 1, 1982, Susan McManus, Professor, University of Houston. The subcommittee draws a sharp distinction between aggregate influence of the minority community generally and the influence of individual minority representatives. While the influence of an individual minority representative may well be enhanced by an overwhelmingly concentrated minority district, it is questionable whether or not minority influence generally is enhanced by such districts as opposed, for example, to greater dispersal of significant minority populations among a greater number of districts. A distinction, thus, must be drawn between minority influence and minority representation.

[129] Senate Hearings, February 11, 1982, Robert Brinson, City Attorney, Rome, Georgia.

[130] Senate Hearings, January 27, 1982. Walter Berns, Resident Scholar, American Enterprise Institute.

[131] Senate Hearings, February 1, 1982, Susan McManus, Professor, University of Houston.

[132] New York Times, April 27, 1982.

[133] These figures were derived from analysis of The Almanac of American Politics (1982 ed.) by Barone and Ujifusa.

[134] House Hearings, May 6, 1981, at 58, 60, 65.

[135] Senate Hearings, March 1, 1982, Assistant Attorney General of the United States William Bradford Reynolds.

[136] Section 5 of the Voting Rights Act, of course, applies only to proposed changes in voting practices and procedures. It does not apply to practices and procedures in effect at the time a jurisdiction becomes covered. Hence, the implications of the proposed change in section 2 are of critical importance for covered jurisdictions as well as non-covered jurisdictions.

[137] Senate Hearings, February 4, 1982, E. Freeman Leverett, Attorney, Elberton, Georgia. These observations are not at significant variance with the observations of a large number of additional witnesses concerned about the change in section 2. To capture further a sense of the potential breadth of the section 2 change, imagine the implications of a State legislature's decision *not* to reduce the minimum voting age in state elections to 16, for example, or to *increase* such age after having voted a reduction. In each case, there would be a clear disparate impact upon racial minorities because of the substantially lower, average age of this population. In each case, a substantially higher proportion of minorities would be effectively "disenfranchised." See Senate Hearings, February 4, 1982, Norman Dorsen, Professor, New York University School of Law, representing the American Civil Liberties Union February 12, 1982, Julius Chambers, President, NAACP Legal Defense Fund, Inc.

[138] The House Report on H.R. 3112 refers to these as being "Objective factors of discrimination". H.R. Rep. No. 97-227. The Voter Education Project describes these as "barriers to minority participation." Hudlin and Brimah. The Voter Educa-

tion Report: Barriers to Effective Participation in Electoral Politics (March 1981).

[139] 423 F. Supp. 384 (S.D. Alabama, 1976), affirmed 571 F.2d 238 (5th Cir. 1978), reversed, 446 U.S. 55 (1980).

[140] This determination was made by reference to: United States Bureau of the Census, 1980 Census of Population and Housing. Advance Reports. Publication Nos. 80-V-i-50 (current as of April, 1980); Joint Center for Political Studies, "National Roster of Black Elected Officials," Vol. 4 (1972)—Vol. 10 (1980); United States Commission on Civil Rights. The Voting Rights Act: Unfulfilled Goals (Sept. 1981), and telephonic inquiries to appropriate state officials.

[141] United States Commission on Civil Rights, The Unfinished Business, Twenty Years Later . . . A Report to the U.S. Commission on Civil Rights by its Fifty-one State Advisory Committees (Sept. 1977). See supra note 131.

[142] Id. See also, The National Institute of Education, School Desegregation: A Report of State and Federal Judicial and Administrative Activity and Supplement (Dec. 1978); U.S. Commission on Civil Rights, Desegregation of the Nation's Public Schools: A Status Report (1979); U.S. Commission on Civil Rights, Racial Isolation in the Public Schools (1967). See supra note 133.

[143] Id. States have been included above which have any such provision. Some states provide for cancellation for failure to vote in the last general election, while others provide for cancellation for failure to vote within a specified number of years or in a specified number of elections, See supra note 134.

[144] The Council of State Governments. The Book of the States (1980-81). The number of days required varies from state to state. States which simply require that a voter be a "resident" were not included in this list. See supra note 135.

[145] Council of State Governments Reapportionment Information Service, State Profiles (Mar. 1981). See supra note 139.

[146] Some witnesses have suggested that the subcommittee exaggerates the impact of the amendments to section 2 because "There are very few of us who have the resources and fearful that every jurisdiction is going to be challenged about everything overnight." Senate Hearings, January 27, 1982. Vilma Martinez, Executive Director, Mexican-American Legal Defense and Education Fund. Even if this is less than comforting to some that, in place of a rule of law precluding action against countless muncipalities throughout the Nation, the results test would substitute a rule in which actions were limited on the basis of the legal resources of various "public interest" litigating organizations.

[147] In this view, I am joined by unexpected allies. See. e.g., Washington Post, May 8, 1982, pg. D-1 (Joseph Rauh of the Leadership Conference on Civil Rights, "It was no compromise at all. We got everything we wanted." See also Washington Post, May 21, 1982, pg. 78; Editorial, Chicago Tribune, May 12, 1982; Human Events, May 15, 1982, pg. 3; Wall Street Journal, May 5, 1982. See also Committee Report, ". . .the Committee adopted substitute language which is faithful to the original intent of the section 2 amendment as passed in the house and included in S. 1992, as introduced . . .".

[148] See especially section VI of the subcommittee report.

[149] See section VI(b) of the subcommittee report, at pgs. 142-6 of Additional Views.

[150] Senate Hearings, February 11, 1982, Professor James Blumstein, Vanderbilt University School of Law.

[151] *City of Mobile* v. *Bolden*, 446 U.S. 75 fn 22.

[151a] The reluctance of proponents of the compromise to explicity reject proportional representation as a remedy raises concern, in particular, becauce of the statements of individuals such as Rolando Rios, Legal Director, Southwest Voter Education Project. He describes: "two stages of litigation, that is, the proving your case part and then the remedy part . . . once the factors in *Zimmer* and *White* have been established then the courts do require you go to single-member districts but that is at the remedy stage." Senate Hearings, February 4, 1982. See also the exchange between Senator Dole and myself on this matter. Executive session, Senate Committee on Judiciary, May 4, 1982. See also Berns, Voting Rights and Wrongs, Commentary, 31, 35 (March 1982).

[152] For a brief introduction to the concept of "objective factors of discrimination", see House Rept. No. 97-227 at 30; Voters Education Project, "Barriers to Effective Participation in Electoral Politics" (March 1981).

[153] See section VI(b) of the subcommittee report.

[153a] From the perspective of the proponents of the results test, an "objective factor of discrimination" is an electoral practice or procedure which constitutes a barrier to effective minority participation in the political process. These factors are derived generally from decisions of federal courts, objections of the Department of Justice to proposed changes submitted by covered jurisdictions for preclearance under Section 5, the House Report, H.R. Rep. No. 97-227 at 30 (1981), testimony presented at the Senate hearings, and other miscellaneous sources.

[153b] See, e.g., H.R. Rep. No. 97-227, 97th Cong., 1st Sess. 30-31 (1981), (hereinafter in this section "House Report"); Senate Hearings, January 27, 1982, Benjamin L. Hooks, Executive Director N.A.A.C.P.; See also, *Gaston County* v. *United States*, 395 U.S. 285, 296-7 (1969). Discrimination against blacks (and perhaps other minorities) has been prevalent throughout the United States and the existence of such discrimination, although going back many generations before, will nevertheless be used as the predicate for broad, far reaching relief under any law using disparate or discriminatory impact as a test." Senate Hearings, February 4, 1982. E. Freeman Leverett, Attorney, Elberton, Georgia.

[153c] See, e.g., House Report at 30-31: This was the argument of the plaintiffs in *City of Mobile* v. *Bolden, 446 U.S. 55, 65-70 (1980).*

The Justice Department has routinely objected to at-large voting systems contained in Section 5 preclearance submissions: e.g. Twiggs County, Georgia (8-7-72); Lexington, Mississippi (2-25-77); Robeson County (N.C.) Board of Education (12-29-75); Horry County, South Carolina (11-12-76) Senate Hearings, March 1, 1982. William Bradford Reynolds, Assistant Attorney General of the United States (Attachments D-1 and D-2); see also, Senate Hearings, January 27, 1982, Benjamin L. Hooks. It is interesting to note that such "objective factors of discrimination" as the at-large system of voting have been attacked even in the context of situations in which "minorities" represent population majorities within a community, e.g. San Antonio, Texas. See Senate Hearings, January 27, 1982, Vilma Martinez. Executive Director, Mexican-American Legal Defense and Education Fund.

[153d] See, e.g., *Commonwealth of Virginia* v. *United States*, 386 F. Supp. 1319 (D.D.C. 1974) affirmed, 420 U.S. 90 (1975).

[153e] See, e.g., House Report at 21 n. 105: Senate Hearings. January 27, 1982, Benjamin L. Hooks; "Barriers to Effective Participation in Electoral Politics", Voter Education Project Report, at 2 (March 1981). The Justice Department has objected to voter purging provisions in Section 5 submissions; e.g. State of Mississippi (4-6-81); Senate Hearings, March 1, 1982, William Bradford Reynolds (Attachment D-2).

[153f] See, e.g., House Report at 30-31: The Justice Department has often objected to residency requirements contained in Section 5 preclearance submissions: e.g. Bogalusa, Louisiana (10-29-73); Waterboro, South Carolina (5-24-74); Pike County, Alabama (8-12-74); Sharon, Georgia (2-10-76); Senate Hearings, March 1, William Bradford Reynolds (Attachments D-1 and D-2).

[153g] See, e.g., *Allen* v. *State Board of Elections*, 393 U.S. 544, 570 (1969).

[153h] The Justice Department has objected, for example, to special elections in preclearance submissions on six occasions, Senate Hearings, March 1, 1982, William Bradford Reynolds (Attachment E-2). It might similarly be argued that "off-year" elections tend to result in disproportionately low voter turn-out among minorities.

[153i] See, e.g., Senate Hearings January 27, 1982. Benjamin L. Hooks; Voter Education Project Report, "Barriers" at 3 (March 1981). The Justice Department has objected to filing fees in Section 5 submissions; e.g. Ocilla, Georgia filing fees for aldermen or mayor (10-7-75); Albany, Georgia filing fee (12-7-73); Senate Hearings, March 1, 1982, William Bradford Reynolds (Attachments D-1 and D-2).

[153j] See, e.g., Senate Hearings, January 27, 1982. Benjamin L. Hooks. The Justice Department has objected to staggered terms in Section 5 preclearance submissions on numerous occasions: e.g., Phenix City, Alabama (12-12-75); St. Helena Parish, Lousiana (3-7-72); Newnan, Georgia (6-10-75); Reidsville, North Carolina (8-3-79); Gretna, Virginia (9-27-79); Senate Hearings, March 1, 1982, William Bradford Reynolds (Attachments D-1 and D-2).

[153k] See, e.g., Senate Hearings, January 27, 1982, Benjamin Hooks—"Whether the polling places are accessible to the communities where the minorities reside, and times convenient for the voters". The Justice Department has objected to polling place changes contained in Section 5 preclearance submissions: e.g., Sumter County, Alabama (10-17-80); Newport News, Virginia (5-17-54); New York City, New York (9-3-74); Senate Hearings, March 1, 1982. William Bradford Reynolds (Attachments D-1 and D-2).

[153l] See, e.g., Voting Rights Act of 1965, § 4(b), 42 U.S.C. § 1973b(b). See *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966).

[153m] See, e.g., House Report at 30-31; *City of Mobile* v. *Bolden*, 446 U.S. 55 (1980); *City of Rome* v. *United States*, 446 U.S. 156 (1980).

[153n] See, e.g., Voting Rights Act of 1965, § 4(a), 42 U.S.C. § 1973(a); *Gaston County* v. *United States*, 395 U.S. 285 (1969).

[153o] See. e.g., House Report at 30-31; *City of Mobile* v. *Bolden*, 446 U.S. 55 (1980); *City of Rome* v. *United States*, 446 U.S. 156 (1980). Senate Hearings Jan. 27, 1982, Benjamin L. Hooks; Voter Education Project Report. "Barriers" at 5 (March, 1981).

[153p] See e.g., Voting Rights Act of 1965 § 203, 42 U.S.C. § 1973(n)(b)(f). The Justice Department has objected to "English-only ballots" in Yuba County (5-26-76) and Monterey County, California (3-4-77). Senate Hearings, March 1, 1982, William Bradford Reynolds (Attachment D-2).

[153q] See e.g., Voting Rights Act of 1965. § 10, 42 U.S.C. § 1973h.

[153r] See e.g., *City of Rome* v. *United States, 446 U.S. 156 (1980); Lodge* v. *Buxton*, 639 F.2d 1358 (5th Cir. 1981); Senate Hearings, Jan. 27, 1982, Benjamin Hooks.

[153s] See e.g., House Report at 30-31. The Justice Department has consistently objected to "numbered electoral posts" in Section 5 preclearance submission: e.g., Birmingham, Alabama (7-9-71); the States of Georgia (7-6-81). Louisiana (4-20-73). Mississippi, (9-10-71). North Carolina (9-27-71). South Carolina (6-30-72); and Texas City, Texas (3-10-76). Senate Hearings, March 1, 1982. William Bradford Reynolds (Attachments. D-1 and D-2); Senate Hearings, Jan. 27, 1982. Benjamin Hooks.

[153t] See e.g., House Report at 30-31. The Justice Department has on occasion objected to "single-shot prohibitions" in section 5 preclearance submissions: e.g., Talladega, Alabama(7-31-71): Sumter Cnty. (Ala.) Democratic Executive Committee (10-29-74). Senate Hearings, March 1. 1982. William Bradford Reynolds. (Attachments D-1): *City of Rome* v. *United States*. 446 U.S. 156, 184 n.19 (1980): U.S. Commission on Civil Rights. "The Voting Rights Act; Ten Years After" pp. 206-207 (1975); Senate Hearings, Jan. 27, 1982, Benjamin Hooks.

[153u] See e.g., House Report at 30-31. The Justice Department has routinely objected to "majority vote requirements" in section 5 preclearance submissions: e.g., Pike County, Alabama (8-12-74): Athens, Ga. (10-23-75), Augusta, Ga. (3-2-81): Orleans Parish, La. (8-15-75); State of Mississippi (6-11-79): Greenville, N.C. (14-7-80): Rock Hill, S.C. (12-12-78); Dumas (TX) Independent School District (3-12-76). Senate Hearings, March 1. 1982. William Bradford Reynolds. (Attachments D-1 and D-2). See Senate Hearings, Jan. 27, 1982, Benjamin Hooks.

[154] This is especially true when one recognizes that the operative premises of many proponents of the results test is that proportional representation by race or ethnicity ought to be the natural state of electoral affairs and that deviations from this norm are necessarily attributable to some discriminatory policy or procedure. When such discrimination is not readily apparent, it is generally assumed that it has simply taken a more subtle form. Given the lack of proportional representation, this theory effectively requires that some otherwise race-neutral or ethnic-neutral policy or procedure be identified as the force responsible for its absence. In other words, to use a favorite term of results proponents, there is no "objective" way to determine whether or not a potential "objective factor of discrimination" is, in fact, responsible for discrimination other than to ascertain whether or not there is proportional representation. If there is not proportional representation, there is no principled basis, under the results test, for demonstrating that any given "objective factor of discrimination" was not responsible. To capture a flavor of the true breadth

of how these "objective factors" may work, it is instructive to note the statement in the Committee Report, "The courts have recognized that disproportionate educational, employment income level, and living conditions arising from past discrimination tend to depress minority political participation ... Where these conditions are shown and where the level of black participation in politics is depressed, plaintiffs need not proved any further causal nexus between their disparate socio-economic status and the depressed level of political participation."

[155] Since the publication of the subcommittee report, the case against the intent test as an "impossible" one (see section VI(a) of the report) has been further undermined by three Federal court decisions all finding Fifteenth Amendment and section 2 violations. See, *Bolden* v. *Mobile*, Civ. Action No. 75-297-P (S. Dist. Ala. 1982); *Brown* v. *Board of School Commissioners*, Civ. Action No. 75-298-P (S. Dist. Ala. 1982) (both decisions on remand from U.S. Supreme Court following *City of Mobile* decision); *Perkins* v. *City of West Helena*, No. 81-1516 (8th Cir. 1982). Critics of the intent test are now more likely to call it an "unacceptably difficult" test rather than an "impossible" one as they have formerly done. The *West Helena* case also makes clear that it is not necessary to establish that an intent ot discriminate existed when the alleged discriminatory law or procedure was originally established, but that such an action is in violation of the Fifteenth Amendment or section 2, whether or not there was a discriminatory purpose in its establishment, if there was a discriminatory purpose behind its *maintenance* at some later period in time.

[156] 446 U.S. at 76. The Committee Report argues that the compromise language is designed to reflect *White* v. *Regester*, 412 U.S. at 755 (1973). This is highly misleading not simply because such language totally removes *White* from its intent moorings, see section VI(a) of the subcommittee report, but it is not even a faithful reflection of the full test expressed in *White*. The express requirement of *White*, for example, that there be "invidious" discrimination is avoided like the plague in both the statutory and report language of the compromise. 412 U.S. at 755, 764, 765, 766, 767. The only place in *White* where the term "results" figures prominently is in the statement taken from the lower court's opinion that Mexican-Americans in the defendant-county has long "suffered from, and continues to suffer from, the *results* and *effects* of *invidious* discriminations and treatment in the fields of education, employment, economics, health, politics, and others." 412 U.S. at 768. If anything, the use of the results concept in this context would seem to clarify that the "invidious" requirement is indistinguishable from a requirement of intent or purpose.

[157] 446 U.S. at 90 (J. Stevens concurring).

[158] The Committee Report quotes from a tangentially relevant Justice Department study and assures us that Cincinnati, having been investigated in the context of vote dilution claims, is not in violation of the law. Apart from the fact such study far predated the development of either the House or Senate language, it begs the basic question of *why* Cincinnati or any other community is not in violation of the law. Apart from case-by-case judicial determinations (or in this case, case-by-case Justice Department investigations), is there any way that a community can conduct its electoral and governmental affairs to ensure that such determinations or investigations will not find them in violation? Despite the rhetoric about the "totality of circumstances", I do not see any principled way in which we can avoid the tendency under the new results test of requiring increasingly small numbers of "objective factors of discrimination" (along with the lack of proportional representation) to establish a violation.

[159] Senate Hearings, January 27, 1982, Benjamin Hooks, Executive Director, Leadership Conference on Civil Rights. Although proponents of the results test like to describe it as an "objective" test, and describe it in the Committee Report as a "clear and straight forward test", there is no serious explanation in the Report as far as how it is to be applied. The most telling comments in the Committee Report are that the test is to be deciphered in terms of "the Court's overall judgment". Providing equal direction to communities attempting to understand the workings of the test are comments that the courts are to consider, *inter alia*, "whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice, or procedure is *tenuous*."

[160] New York Times, May 3, 1982, pg. B-11.

[161] Senator Mathias has observed that the common interest of intent proponents is that they wish to create a "homogenous" Republican party, New York, Times, April 27, 1982. With all due respect to my colleague, I believe that he (and many other proponents of the results test) err in confusing the concept of minority representation with minority influence. See the discussion generally in the subcommittee report at sections VI(c). If, in fact, I were interested in an "homogenous" Republican party—which I am not—I would probably be delighted with the opportunity to have created tidy and compact districts in which minority groups were concentrated. That, in my view, is the inevitable effect of the new test. I would be delighted to concede to minority candidates these few districts and be able to concentrate the attentions of my party solely upon the remaining districts. I would be delighted that I would not have to begin my politcal calculations in each district with the disadvantage of minority group members disproportionately inclined to vote for my opposition. Whatever the intent of proponents of the results test, it will be *their* results test that will lead to homogenous districts and homogenous" parties, not the intent test.

[162] See generally section VIII(b) of the subcommittee report. For a truly outrageous explanation of the Committee's rationale for determining that the immediate measure is necessary to enforce the substantive provisions of the Fourteenth and Fifteenth Amendments, note the comments of the Committee Report, "The Committee has concluded that to enforce fully the Fourteenth and Fifteenth Amendments, it is necessary that section 2 ban election procedures and practices which result in a denial or abridgement of the right to vote. In reaching this conclusion, we find (1) that the difficulties faced by plaintiffs forced to prove discriminatory intent through case-by-case adjudication create a substantial risk that intentional discrimination barred by the Fourteenth and Fifteenth Amendments will go undetected, uncorrected, and undeterred, unless the results test proposed under section 2 is adopted; and (2) that voting practices and procedures that have discriminatory results perpetuate the effects of past purposeful discrimination." To say that this rationale has been constructed out of whole cloth is to elevate it to any undeservedly high plateau.

[163] The Fourteenth Amendment which is also authority for section 2 to the extent that it covers "language minorities" also requires proof of purposeful discrimination. *Mobile* v. *Bolden*, 446 U.S. at 66-7; *Washington* v. *Davis*, 426 U.S. at 240.

[164] 446 U.S. 55 (1980). "No reader of the House report can fail to grasp that Section 2 was written to make winners out of the losers in *Mobile*," Eastland, "Affirmative Voting Rights," The American Spectator, April 1982, p. 25.

[165] Statement submitted to the Senate Subcommittee on the Constitution by Griffin Bell, former Attorney General of the United States, March 4, 1982.

[166] If the "on account of" race or color language in the Fifteenth Amendment is broad enough to permit the development of the statutory results test under its authority, this subcommittee wonders about the implications for the proposed Equal Rights Amendment to the Constitution ("Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.") Compare also the Nineteenth and Twenty-Sixth amendments.

[167] See, e.g., *Washington* v. *Davis*, 426 U.S. 229 (1976); *Village of Arlington Heights* v. *Metropolitan Housing Development Authority*, 429 U.S. 525 (1977); *Massachusetts* v. *Feeney*, 442 U.S. 256 (1979); *Mobile* v. *Bolden*, 446 U.S. 55 (1980).

[168] See, e.g., *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970); *City of Rome* v. *United States*, 446 U.S. 156 (1980).

[169] 383 U.S. at 334.

[170] Id.

[171] See, e.g., remarks of U.S. Representative James Sensenbrenner, at H6976; U.S. Representative Peter Rodino, at H6976; U.S. Representative Mickey Leland, at H6978; October 5, 1981, Congressional Record.

[172] The Voting Rights Act: Unfulfilled Goals, United States Commission on Civil Rights (1981).

[173] Senate Hearings, February 25, 1982, Dr. Arthur Fleming, Chairman, United States Civil Rights Commission.

[174] The Subcommittee would also observe that many of the same constitutional issues raised in the context of Section 2 have also been raised in the context of legislation to overturn the Supreme Court's abortion decision In *Roe* v. *Wade*. In both instances, Congress in purporting to reinterpret a constitutional provision in contravention of the Supreme Court through a simple statute. See, e.g., testimony by Robert Bork, Hearings Before the Separation of Powers Subcommittee on S. 158, June 1, 1981; Additional views of U.S. Senator Orrin G. Hatch, Committee Print of the Subcommittee on the Separation of Powers on S. 158, 97th Congress, 1st Session.

[175] 383 U.S. at 334.

[176] See supra note 159.

[177] 430 U.S. 144 (1976).

[178] Illustrative of this heightened racial consciousness is the rather remarkable observation of former Assistant Attorney General Days that minority identifiable neighborhoods alone would be immune to gerrymandering even if such gerrymandering were indisputably and incontrovertibly related to partisan or ideological factors. Apparently with respect to such neighborhoods, the results test in section 2 would impose a constitutional obligation upon state legislatures to maximize the impact and influence of such neighborhoods, a remarkably privileged status accorded no other geographical neighborhood. See Senate Hearings, February 12, 1982. Drew Days, Professor, Yale School of Law. See also remarks of Julius Chambers, President, NAACP Legal Defense Fund, Inc. on the same day, in which a similar conclusion was reached. Cf. *Mobile* v. *Bolden*, 440 U.S. 55, 83 (concurring opinion by Justice Stevens).

[179] Although I believe strongly in the analysis presented in these views and in the subcommittee report, I do recognize that the "compromise" amendment adopted in this Committee adds at least a small element of confusion as to Congress' purpose with respect to the new Voting Rights Act. In the event that I am wrong in my interpretation of these amendments—and I fervently hope that I am—a court which reviews this new language should consider at least some of the following factors in attempting to make sense out of this language:

(1) It *does* represent a change in language from the House provision, a change that was necessitated by an effective deadlock in this Committee on such language. Although I do not personally view it this way, the new language was designed by its sponsor as a compromise and was supported by a number of members of this Committee in the same vein. See generally, Executive Session, Committee on the Judiciary, April 27, 29, 1982; May 4, 1982; New York Times, May 4, 1982, pg. A-1; May 5, 1982, pg. A-23; Washington Post, May 5, 1982, pg. A-5.

(2) The change in language clearly emerged as a result of concerns that the House language would promote the concept of proportional representation by race. This concern existed despite a disclaimer in this regard in the House measure and despite language in the House report precluding either a right to proportional representation or a right to proportional representation as a remedy. House Rep. No. 97-227 at 30. There is no other way to interpret the new language than to recognize that it attempts to strengthen these prohibitions.

(3) Indeed, that aspect of the proposed language, i.e., prohibition on proportional representation, is probably the clearest aspect of what is generally confusing language. Whatever my own concerns about the success of this effort, there can be little doubt that it was the clear intent of a significant number of supporters of the new language to absolutely and unequivocably preclude proportional representation. Virtually everyone, on either side of this issue, alleged opposition to proportional representation.

(4) The author of the compromise stated expressly that proportional representation was not precluded as a remedy in such language because it was "unnecessary" and that it was a "well established legal principle that remedies must be commensurate with the violation established". Executive Session, May 4, 1982. This concept is reiterated in the Committee Report.

(5) The Committee Report is explicit in its rejection of the views of the Subcommittee on the Constitution with respect to the Subcommittee's (and my own) interpretation of the results test.

(6) The Committee Report could not be more explicit in its adoption of the standard of the Supreme Court in *White* v. *Regester*. It is this test that

has repeatedly been offered in definition of the results standard by proponents of the test during subcommittee hearings and by congressional proponents of the standard. There are significant differences with respect to this standard as evidence by the Supreme Court's decision in *City of Mobile*. Indeed, there is absolutely no indication that *White* is not currently the law of the land never having been over-ruled by the Court in *City of Mobile* or in any other decision. Instead of expressly adopting some generally undisputed legal standard, the Committee has chosen to enshrine in the law the *White* case replete with its apparent inclarities and ambiguities. In other words, the Committee has chosen to adopt language with a history—language that has already been suffused with some meaning by the Court—rather than venture with language that was capable of standing on its own and being interpreted *de novo*. To the extent that they have explicitly anchored this language to *White*—and that point is far clearer in the Committee debates on this issue than even in the Committee Report—courts are obliged to recognize this and to appreciate that Congress (for better or worse) chose to incorporate the case law of *White*—all of its case law—in rendering meaning to the new statutory language. Given the Committee's decision to define the new test in terms of *White*, the Committee Report ironically is reduced substantially in importance.

(7) Despite the "results" language, many proponents of the new test continue to speak in terms of "equal access" to the electoral process. As the author of the compromise remarked during consideration of the measure, "We are talking about access . . . ". Executive Session, May 4, 1982.

(8) Proponents of the results test, including the author of the compromise, have consistently emphasized (at least during Senate hearings, if not House hearings) that the results test represented something significantly different than the effects test currently applicable to section 5. Executive Session, May 4, 1982; Subcommittee Report, section VI(a).

(9) In response to a question as far as whether a community with an at-large system could be found in violation of the new test if another community possessing identical characteristics, *except* for the at-large system, was found *not* to be in violation, the author of the compromise indicated that, "It was not my intent that that happen;" The clear implication of that statement is that the existence of an at-large system will not by itself transform a lawful system of government into an unlawful system of government.

(10) While the House Report clearly rejected the idea of responsiveness of public officials as a factor in determining the existence of "descrimination" under its test, House Rep. No. 97-227 at 30 ("The proposed amendment avoids highly subjective factors such as responsiveness of elected officials to the minority community."), the Committee Report expressly recognizes its utility. The author of the proposed compromise stated during Committee consideration that the fact of "unresponsive elected officials" was a fact to be considered by courts. Unlike the House test, it is clear that there is not the hostility to the consideration of "subjective" factors by the Senate.

(11) In response to a question concerning the impact of the proposed compromise amendment upon legislative districting, see subcommittee report at fn. 235, the author of the amendment expressly indicated his disagreement with the contention that neighborhoods characterized by large numbers of racial minorities were somehow exempt or immune from normal efforts to secure partisan or ideological advantage through so-called "gerrymandering". The implication of this statement would seem to be that there is no obligation upon communities to maximize the influence of minorities, but simply to treat them fairly. That is an important implication.

(12) The amendment refers to its protections being extended to a "class of citizens protected by subsection (a)". So far as I know, there is no "class" of citizens that are singled out for protection under subsection (a) of the amendment. Section 2 of the Voting Rights Act, as a codification of the Fifteenth Amendment, has always provided guarantees in the area of voting to all individual citizens. Even to the extent that the amended section 2 intends to separate itself from the Fifteenth Amendment, it fails to provide for explicitly "protected groups". It is altogether unclear what this clause in the disclaimer is intended to mean, except that citizens of the United States have the right to participate in the electoral process and elect candidates of their choice. This is doubtlessly true and doubtlessly a reasonable policy.

It is because I do not believe that the proposed language in section 2 tracks the intent of many of its proponents despite their sincerity, and because I do not believe a results test in any form can track such intent, that I oppose this test. I do believe, however, that a court interpreting this measure, which views matters differently from myself, might wish to consider some or all of these factors. The proposed amendments cannot properly be understood without some appreciation of such legislative history.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD certain related material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES

No. 77-1844

City of Mobile, Alabama, et al., Appellants, v. *Wiley L. Bolden et al.:* On Appeal from the United States Court of Appeals for the Fifth Circuit.

[April 22, 1980]

MR. JUSTICE STEWART announced the judgment of the Court and delivered an opinion in which THE CHIEF JUSTICE, MR. JUSTICE POWELL, and MR. JUSTICE REHNQUIST join.

The City of Mobile, Ala., has since 1911 been governed by a City Commission consisting of three members elected by the voters of the city at-large. The question in this case is whether this at-large system of municipal elections violates the rights of Mobile's Negro voters in contravention of federal statutory or constitutional law.

The appellees brought this suit in the Federal District Court for the Southern District of Alabama as a class action on behalf of all Negro citizens of Mobile.[1] Named as defendants were the city and its three incumbent Commissioners, who are the appellants before this Court. The complaint alleged that the practice of electing the City Commissioners at-large unfairly diluted the voting strength of Negroes in violation of § 2 of the Voting Rights Act of 1965,[2] of the Fourteenth Amendment and of the Fifteenth Amendment. Following a bench trial, the District Court found that the constitutional rights of the appellees had been violated, entered a judgment in their favor, and ordered that the City Commission be disestablished and replaced by a municipal government consisting of a Mayor and a City Council with members elected from single-member districts. 423 F. Supp. 384.[3] The Court of Appeals affirmed the judgment in its entirety, *Bolden* v. *City of Mobile*, 571 F. 2d 238, agreeing that Mobile's at-large elections operated to discriminate against Negroes in violation of the Fourteenth and Fifteenth Amendments, *id.*, at 245, and finding that the remedy formulated by the District Court was appropriate. An appeal was taken to this Court, and we noted probable jurisdiction, — U.S. —. The case was originally argued in the 1978 Term, and was reargued in the present Term.

I

In Alabama, the form of municipal government a city may adopt is governed by state law. Until 1911 cities not covered by specific legislation were limited to governing themselves through a mayor and city council.[4] In that year, the Alabama Legislature authorized every large municipality to adopt a commission form of government.[5] Mobile established its City Commission in the same year, and has maintained that basic system of municipal government ever since.

The three Commissioners jointly exercise all legislative, executive, and administrative power in the municipality. They are required after election to designate one of their number as Mayor, a largely ceremonial office, but no formal provision is made for allocating specific executive or administrative duties among the three.[6] As required by the state law enacted in 1911, each candidate for the Mobile City Commission runs for election in the city at-large for a term of four years in one of three numbered posts, and may be elected only by a majority of the total vote. This is the same basic electoral system that is followed by literally thousands of municipalities and other local governmental units throughout the Nation.[7]

II

Although required by general principles of judicial administration to do so, *Spector Motor Co.* v. *McLaughlin*, 323 U.S. 101, 105; *Ashwander* v. *TVA*, 297 U.S. 288, 347 (Brandeis, J., concurring), neither the District Court nor the Court of Appeals addressed the complaint's statutory claim—that the Mobile electoral system violates § 2 of the Voting Rights Act of 1965. Even a cursory examination of that claim, however, clearly discloses that it adds nothing to the appellees' complaint.

Section 2 of the Voting Rights Act provides:

"No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States on account of race or color."

Assuming, for present purposes, that there exists a private right of action to enforce this statutory provision,[8] it is appar-

[1] Approximately 35.4% of the residents of Mobile are Negro.

[2] 79 Stat. 437, 42 U.S.C. § 1973. The complaint also contained claims based on the First and Thirteenth Amendments and on 42 U.S.C. § 1983 and 42 U.S.C. § 1985 (3). Those claims have not been pressed in this Court.

[3] The District Court has stayed its orders pending disposition of the present appeal.

[4] Alabama Code, Chapter 11-43 (1975).

[5] Act 281, 1911 Alabama Acts, at 330.

[6] In 1965 the Alabama Legislature enacted Act 823, 1965 Alabama Acts, at 1539, § 2 of which designated specific administrative tasks to be performed by each Commissioner and provided that the title of Mayor be rotated among the three. After the present lawsuit was commenced, the city of Mobile belatedly submitted Act 823 to the Attorney General of the United States under § 5 of the Voting Rights Act of 1965. 42 U.S.C. § 1973c. The Attorney General objected to the legislation on the ground that the city had not shown that § 2 of the Act would not have the effect of abridging the right of Negroes to vote. No suit has been brought in the District Court for the District of Columbia to seek clearance under § 5 of the Voting Rights Act and, accordingly, § 2 of Act 823 is in abeyance.

[7] According to the 1979 Municipal Year Book, most municipalities of over 25,000 people conducted at-large elections of their city commissioners or council members as of 1977. *Id.*, at 98-99. It is reasonable to suppose than an even larger majority of other municipalities did so.

[8] Cf. *Allen* v. *State Board of Elections*, 393 U.S. 544. But see *Transamerica Mortgage Advisers, Inc.* v. *Lewis*, — *U.S.* —, —; *Touche-Ross & Co.* v. *Redington*, — *U.S.* —, —.

ent that the language of § 2 no more than elaborates upon that of the Fifteenth Amendment,[9] and the sparse legislative history of § 2 makes clear that it was intended to have an effect no different from that of the Fifteenth Amendment itself.

Section 2 was an uncontroversial provision in proposed legislation whose other provisions engendered protracted dispute. The House Report on the Bill simply recited that § 2 "grants . . . a right to be free from enactment or enforcement of voting qualifications . . . or practices which deny or abridge the right to vote on account of race or color." H.R. Rep. No. 439, 89th Cong., 1st Sess., 23 (1965). See also S. Rep. No. 162, pt. 3, 89th Cong., 1st Sess., 19-20 (1965). The view that this section simply restated the prohibitions already contained in the Fifteenth Amenedment was expressed without contradiction during the Senate hearings. Senator Dirksen indicated at one point that all States, whether or not covered by the preclearance provisions of § 5 of the proposed legislation, were prohibited from discriminating against Negro voters by § 2, which he termed "almost a rephrasing of the 15th [A]mendment." Attorney General Katzenbach agreed. See Voting Rights: Hearings on S. 1564 before the Senate Committee on the Judiciary, 89th Cong., 1st Sess., 208 (1965).

In view of the section's language and its sparse but clear legislative history, it is evident that this statutory provision adds nothing to the appellees' Fifteenth Amendment claim. We turn, therefore, to a consideration of the validity of the judgement of the Court of Appeals with respect to the Fifteenth Amendment.

III

The Court's early decisions under the Fifteenth Amendment established that it imposes but one limitation on the powers of the States. It forbids them to discriminate against Negroes in matters having to do with voting. See *Ex parte Yarbrough*, 110 U.S. 651, 665; *Neal* v. *Delaware*, 103 U.S. 370, 389-390; *United States* v. *Cruikshank*, 92 U.S. 542, 555-556; *United States* v. *Reese*, 92 U.S. 214. The Amendment's command and effect are wholly negative. "The Fifteenth Amendment does not confer the right of suffrage upon any one," but has "invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude." *Id.*, at 217-218.

Our decisions, moreover, have made clear that action by a State that is racially neutral on its face voilates the Fifteenth Amendment only if motivated by a discriminatory purpose. In *Guinn* v. *United States*, 238 U.S. 347, this Court struck down a "grandfather" clause in a state constitution exempting from the requirement that voters be literate any person or the descendants of any person who had been entitled to vote before January 1, 1866. It was asserted by way of defense that the provison was immune from successful challenge, since a law could not be found unconstitutional either "by attributing to the legislative authority an occult motive," or "because of conclusions concerning its operation in practical execution and resulting descrimination arising . . . from inequalities naturally inhering in those who must come within the standard in order to enjoy the right to vote." *Id.*, at 359. Despite this argument, the Court did not hesitate to hold the grandfather clause unconstitutional because it was not "possible to discover any basis in reason for the standard thus fixed than the purpose" to circumvent the Fifteenth Amendment. *Id.*, at 365.

The Court's more recent decisions confirm the principle that racially discriminatory motivation is a necessary ingredient of a Fifteenth Amendment violation. In *Gomillion* v. *Lightfoot*, 364 U.S. 339, the Court held that allegations of a racially motivated gerrymander of municipal boundaries stated a claim under the Fifteenth Amendment. The constitutional informity of the state law in that case, according to the allegations of the complaint, was that in drawing the municipal boundaries the legislature was "solely concerned with segregating white and colored voters by fencing Negro citizens out of town so as to deprive them of their preexisting municipal vote." *Id.*, at 341. The Court made clear that in the absence of such an invidious purpose, a State is constitutionally free to redraw political boundaries in any manner it chooses. *Id.*, at 357.[10]

In *Wright* v. *Rockefeller*, 376, U.S. 52, the Court upheld by like reasoning a state congressional reapportionment statute against claims that district lines had been racially gerrymandered, because the plaintiffs failed to prove that the legislature "was either motivated by racial considerations or in fact drew the districts on racial lines"; or that the statute "was the product of a state contrivance to segregate on the basis of race or place or origin." *Id.*, at 56, 58.[11] See also *Lassiter* v. *Northampton County Bd. of Elections*, 360 U.S. 45; *Lane* v. *Wilson*, 307 U.S. 268, 275-277.

While other of the Court's Fifteenth Amendment decisions have dealt with different issues, none has questioned the necessity of showing purposeful discrimination in order to show a Fifteenth Amendment violation. The cases of *Smith* v. *Allwright*, 321 U.S. 649, and *Terry* v. *Adams*, 345 U.S. 461, for example, dealt with the question whether a State was so involved with racially discriminatory voting practices as to invoke the Amendment's protection. Although their facts differed somewhat, the question in both cases was whether the State was sufficently implicated in the conduct of racially exclusionary primary elections to make that discrimination an abridgement of the right to vote by a State. Since the Texas Democratic Party primary in *Smith* v. *Allwright* was regulated by statute, and only party nominees chosen in a primary were placed on the ballot for the general election, the Court concluded that the state Democratic Party had become the agency of the State, and that the State thereby had "endorse[d], adopt[ed], and enforce[d] the discrimination against Negroes practiced by a party." 321 U.S., at 664.

Terry v. *Adams*, *supra*, posed a more difficult question of state involvement. The primary election challenged in that case was conducted by a county political organization, the Jaybird Association, that was neither authorized nor regulated under state law. The candidates chosen in the Jaybird primary, however, invariably won in the subsequent Democratic primary and in the general election, and the Court found that the Fifteenth Amendment had been violated. Although the several supporting opinions differed in their formulation of this conclusion, there was agreement that the State was involved in the purposeful exclusion of Negroes from participation in the election process.

The appellees have argued in this Court that *Smith* v. *Allwright* and *Terry* v. *Adams* support the conclusion that the at-large system of elections in Mobile is unconstitutional, reasoning that the effect of racially polarized voting in Mobile is the same as that of a racially exclusionary primary. The only characteristic, however, of the exclusionary primaries that offended the Fifteenth Amendment was that Negores were not permitted to vote in them. The difficult question was whether the "State ha[d] had a hand in" in the patent discrimination practiced by a nominally private organization. *Terry* v. *Adams*, 345 U.S., at 473 (Frankfurter, J., concurring).

The answer to the appellees' argument is that, as the District Court expressly found, their freedom to vote has not been denied or abridged by anyone. The Fifteenth Amendment does not entail the right to have Negro candidates elected, and neither *Smith* v. *Allwright* nor *Terry* v. *Adams* contains any implication to the contrary. That Amendment prohibits only purposefully discriminatory denial or abridgment by government of the freedom to vote "on account of race, color, or previous condition of servitude." Having found that Negroes in Mobile "register and vote without hindrance," the District Court and Court of Appeals were in error in believing that the appellants invaded the protection of that Amendment in the present case.

IV

The Court of Appeals also agreed with the District Court that Mobile's at-large electoral system violates the Equal Protection Clause of the Fourteenth Amendment. There remains for consideration, therefore, the validity of its judgment on that score.

A

The claim that at-large electoral schemes unconstitutionally deny to some persons the Equal Protection of the Laws has been advanced in numerous cases before this Court. That contention has been raised most often with regard to multimember constituencies within a state legislative apportionment system. The constitutional objection to multimember districts is not and cannot be that, as such, they depart from apportionment on a population basis in violation of *Reynolds* v. *Sims*, 377 U.S. 533, and its progeny. Rather the focus in such cases has been on the lack of representation multimember districts afford various elements of the voting population in a system of representative leg-

[9] Section 1 of the Fifteenth Amendment provides: "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

[10] The Court has repeatedly cited *Gomillion* v. *Lightfoot*, 364 U.S. 339, for the principle that an invidious purpose must be adduced to support a claim of unconstitutionality. See *Personnel Admin'r of Massachusetts* v. *Feeney*, 442 U.S. 256, 272; *Arlington Heights* v. *Metropolitan Housing Corp.*, 429 U.S. 252, 265, 266; *Washington* v. *Davis*, 426 U.S. 229, 240.

[11] MR. JUSTICE MARSHALL has elsewhere described the fair import of the *Gomillion* and *Wright* cases: "In the two Fifteenth Amendment redistricting cases, *Wright* v. *Rockefeller*, 376 U.S. 52 (1964), and *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960), the Court suggested that legislative purposes alone is determinative, although language in both cases may be isolated that seems to approve some inquiry into effect insofar as it elucidates purpose." *Beer* v. *United States*, 425 U.S. 130, 148 (MARSHALL, J., dissenting.) The Court in the *Wright* case also rejected claims made under the Equal Protection Clause of the Fourteenth Amendment. See pp. 10-11, *infra*.

islative democracy. "Criticism [of multimember districts] is rooted in their winner-take-all aspects, their tendency to submerge minorities . . . , a general preference for legislatures reflecting community interests as closely as possible and disenchantment with political parties and elections as devices to settle policy differences between contending interests." *Whitcomb* v. *Chavis*, 403 U.S. 124, 158–159.

Despite repeated constitutional attacks upon multimember legislative districts, the Court has consistently held that they are not unconstitutional per se, e.g., *White* v. *Regester*, 412 U.S. 755; *Whitcomb* v. *Chavis*, 403 U.S. 124; *Kilgarin* v. *Hill*, 386 U.S. 120 *Burns* v. *Richardson*, 384 U,.S. 73; *Fortson* v. *Dorsey*, 379 U.S. 433.[12] We have recognized, however, that such legislative apportionments could violate the Fourteenth Amendment if their purpose were invidiously to minimize or cancel out the voting potential of racial or ethnic minorities. See *White* v. *Regester*, *supra*; *Whitcomb* v. *Chavis*, *supra*; *Burns* v. *Richardson*, *supra*; *Fortson* v. *Dorsey*, *supra*. To prove such a purpose it is not enough to show that the group allegedly discriminated against has not elected representatives in proportion to its numbers. *White* v. *Regester*, *supra*, at 765–766; *Whitcomb* v. *Chavis*, *supra*, at 149–150. A plaintiff must prove that the disputed plan was "conceived or operated as [a] purposeful device[] to further racial discrimination," id., at 149.

This burden of proof is simply one aspect of the basic principle that only if there is purposeful discrimination can there be a violation of the Equal Protection Clause of the Fourteenth Amendment. See *Washington* v. *Davis*, 426 U.S. 229; *Village of Arlington Heights* v. *Metropolitan Housing Development Corp.*, 429 U.S. 252; *Personnel Adm'r of Massachusetts* v. *Feeney*, 442 U.S. 256. The Court explicitly indicated in *Washington* v. *Davis* that this principle applies to claims of racial discrimination affecting voting just as it does to other claims of racial discrimination. Indeed, the Court's opinion in that case viewed *Wright* v. *Rockefeller*, *supra*, as an apt illustration of the principle that an illicit purpose must be proved before a constitutional violation can be found. The Court said:

"The rule is the same in other contexts. *Wright* v. *Rockefeller*, 376 U.S. 52 (1964), upheld a New York congressional apportionment statute against claims that district lines had been racially gerrymandered. The challenged districts were made up predominantly of whites or of minority races, and their boundaries were irregularly drawn. The challengers did not prevail because they failed to prove that the New York Legislature 'was either motivated by racial considerations or in fact drew the districts on racial lines'; the plaintiffs had not shown that the statute 'was the product of a state contrivance to segregate on the basis of race or place of origin.' *Id.*, at 56, 58. The dissenters were in agreement that the issue was whether the 'boundaries . . . were purposefully drawn on racial lines.' *Id.*, at 67." *Washington* v. *Davis*, *supra*, at 240.

More recently, in *Arlington Heights* v. *Metropolitan Housing Corp.*, *supra*, the Court again relied on *Wright* v. *Rockefeller* to illustrate the principle that "[p]roof of racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause." 429 U.S., at 265. Although dicta may be drawn from a few of the Court's earlier opinions suggesting that disproportionate effects alone may establish a claim of unconstitutional racial vote dilution, the fact is that such a view is not supported by any decision of this Court.[13] More importantly, such a view is not consistent with the meaning of the Equal Protection Clause as it has been understood in a variety of other contexts involving alleged racial discrimination. *Washington* v. *Davis*, *supra* (employment); *Arlington Heights* v. *Metropolitan Housing Corp.*, *supra* (zoning); *Keyes* v. *School Dist. No. 1*, Denver, Colo., 413 U.S. 189, 208 (public schools); *Akins* v. *Texas*, 325 U.S. 398, 403–404 (jury selection).

In only one case has the Court sustained a claim that multimember legislative districts unconstitutionally diluted the voting strength of a discrete group. That case was *White* v. *Regester*, *supra*. There the Court upheld a constitutional challenge by Negroes and Mexican-Americans to parts of a legislative reapportionment plan adopted by the State of Texas. The plaintiffs alleged that the multimember districts for the two counties in which they resided minimized the effect of their votes in violation of the Fourteenth Amendment, and the Court held that the plaintiffs had been able to "produce evidence to support the finding that the political processes leading to nomination and election were not equally open to participation by the group[s] in question." 412 U.S., at 766, 767. In so holding, the Court relied upon evidence in the record that included a long history of official discrimination against minorities as well as indifference to their needs and interests on the part of white elected officials. The Court also found in each county additional factors that restricted the access of minority groups to the political process. In one county, Negroes effectively were excluded from the process of seating candidates for the Democratic Party, while the plaintiffs in the other county were Mexican-Americans who "suffer[ed] a cultural and language barrier" that made "participation in community processes extremely difficult, particularly . . . with respect to the political life" of the county. *Id.*, at 768 (footnote omitted).

White v. *Regester* is this consistent with "the basic equal protection principle that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose," *Washington* v. *Davis*, 426 U.S., at 240. The Court stated the constitutional question in *White* to be whether the "multimember districts [were] *being used invidiously* to minimize or cancel out the voting strength of racial groups," *White* v. *Regester*, *supra*, at 765 (emphasis added), strongly indicating that only a purposeful dilution of the plaintiffs' vote would offend the Equal Protection Clause.[14] Moreover, much of the evidence on which the Court relied in that case was relevant only for the reason that "official action will not be held unconstitutional solely because it results in a racially disproportionate impact." *Arlington Heights* v. *Metropolitan Housing Corp.*, 429 U.S., at 264–265. Of course, "[t]he impact of the official action—whether it 'bears more heavily on one race than another,' *Washington* v. *Davis*, *supra*, at 242—may provide an important starting point." *Arlington Heights* v. *Metropolitan Housing Corp.*, *supra*, at 266. But where the character of a law is readily explainable on grounds apart from race, as would nearly always be true where, as here, an entire system of local governance is brought into question, disproportionate impact alone cannot be decisive, and courts must look to other evidence to support a finding of discriminatory purpose. See *ibid.*; *Washington* v. *Davis*, *supra*, at 242.

We may assume, for present purposes, that an at-large election of city officials with all the legislative, executive and administrative power of the municipal government is constitutionally indistinguishable from the election of a few members of a state legislative body in multimember districts—although this may be a rash assumption.[15] But even making this assumption, is clear that the evidence in the present case fell far short of showing that the appellants "conceived or operated [a] purposeful device[] to further racial discrimination." *Whitcomb* v. *Chavis*, at 403 U.S., at 149.

The District Court assessed the appellees' claims in light of the standard that had been articulated by the Court of Appeals for the Fifth Circuit in *Zimmer* v. *McKeithen*,

[12] We have made clear, however, that a court in formulating an apportionment plan as an exercise of its equity powers should, as a general rule, not permit multimember legislative districts. "[S]ingle-member districts are to be preferred in court-ordered legislative apportionment plans unless the court can articulate a 'singular combination of unique factors' that justifies a different result. *Mahan* v. *Howell*, 410 U.S. 315, 333." *Connor* v. *Finch*, 431 U.S. 407, 415.

[13] The dissenting opinion of MR. JUSTICE MARSHALL reads the Court's opinion in *Fortson* v. *Dorsey*, 379 U.S. 433, to say that a claim of vote dilution under the Equal Protection Clause could rest on either discriminatory purpose or effect. *Post*, at 5. In fact, the Court explicitly reserved this question and expressed no view concerning it. That case involved solely a claim, which the Court rejected, that a state legislative apportionment statute creating some multimember districts was constitutionally infirm on its face. Although the Court recognized that "designedly or otherwise," multimember districting schemes might, under the circumstances of a particular case, minimize the voting strength of a racial group, an issue as to the constitutionality of such an arrangement "[w]as not presented by the record," and "our holding ha[d] no bearing on that wholly separate question." *Id.*, at 439.

The phrase "designedly or otherwise" in which this dissenting opinion places so much stock, was repeated, also in dictum, in *Burns* v. *Richardson*, 384 U.S. 73, 88. But the constitutional challenge to the multimember constituencies failed in that case because the plaintiffs demonstrated neither discriminatory purpose nor effect. *Id.*, at 88–99, and nn. 15 and 16.

[14] In *Gafney* v. *Cumming*, 412 U.S. 735, a case decided the same day as *White* v. *Regester*, 412 U.S. 755, the Court interpreted both *White* and the earlier vote dilution cases as turning on the existence of discriminatory purpose: "State legislative districts may be equal or substantially equal in population and still be vulnerable under the Fourteenth Amendment. A districting statute otherwise acceptable, may be invalid because it fences out a racial group so as to deprive them of their pre-existing municipal vote. *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960). A districting plan may create multimeter districts perfectly acceptable under equal population standards, but invidiously discriminatory because they are *employed* "to minimize or cancel out the voting strength of racial or political elements of the voting population." *Fortson* v. *Dorsey*, 379 U.S. 433, 439 (1965). See *White* v. *Regester*, *post*, p. 755; *Whitcomb* v. *Chavis*, 403 U.S. 124 (1971); *Abate* v. *Mundt*, 403 U.S., at 184, n. 2; *Burns* v. *Richardson*, 384 U.S., at 88–89." *Gafney* v. *Cummings*, *supra*, at 751 (emphasis added).

[15] See *Wise* v. *Lipscomb*, 437 U.S. 535, 549, and 550 (concurring opinion). It is noteworthy that a system of at-large city elections in place of elections of city officials by the voters of small geographic wards was universally heralded not many years ago as a praiseworthy and progressive reform of corrupt municipal government. See, *e.g.*, E. Banfield and J. Wilson, City Politics 151 (1963). Compare, M. Seasongood, Local Government (1933); L. Steffens, The Shame of the Cities (1904).

485 F. 2d 1297. That case, coming before *Washington* v. *Davis*, 426 U.S. 229, was quite evidently decided upon the misunderstanding that it is not necessary to show a discriminatory purpose in order to prove a violation of the Equal Protection Clause—that proof of a discriminatory effect is sufficient. See 485 F. 2d, at 1304–1305, and n. 16.[16]

In light of the criteria identified in *Zimmer*, the District Court based its conclusion of unconstitutionality primarily on the fact that no Negro had ever been elected to the City Commission, apparently because of the pervasiveness of racially polarized voting in Mobile. The trial court also found that city officials had not been as responsive to the interests of Negroes as to those of white persons. On the basis of these findings, the court concluded that the political processes in Mobile were not equally open to Negroes, despite its seemingly inconsistent findings that there were no inhibitions against Negroes becoming candidates, and that in fact Negroes had registered and voted without hindrance. 423 F. Supp., at 387. Finally, with little additional discussion, the District Court held that Mobile's at-large electoral system was invidiously discriminating against Negroes in violation of the Equal Protection Clause.[17]

In affirming the District Court, the Court of Appeals acknowledged that the Equal Protection Clause of the Fourteenth Amendment reaches only purposeful discrimination,[18] but held that one way a plaintiff may establish this illicit purpose is by adducing evidence that satisfies the criteria of its decision in *Zimmer* v. *McKeithen*, *supra*. Thus, because the appellees had proved an "aggregate" of the *Zimmer* factors, the Court of Appeals concluded that a discriminatory purpose had been proved. That approach, however, is inconsistent with our decisions in *Washington* v. *Davis*, *supra*, and *Arlington Heights*, *supra*. Although the presence of the indicia relied on in *Zimmer* may afford some evidence of a discriminatory purpose, satisfaction of those criteria is not of itself sufficient proof of such a purpose. The so-called *Zimmer* criteria upon which the District Court and the Court of Appeals relied were most assuredly insufficient to prove an unconstitutionally discriminatory purpose in the present case.

First, the two courts found it highly significant that no Negro had been elected to the Mobile City Commission. From this fact they concluded that the processes leading to nomination and election were not open equally to Negroes. But the District Court's findings of fact, unquestioned on appeal, make clear that Negroes register and vote in Mobile "without hindrance," and that there are no official obstacles in the way of Negroes who wish to become candidates for election to the Commission. Indeed, it was undisputed that the only active "slating" organization in the city is comprised of Negroes. It may be that Negro candidates have been defeated, but that fact alone does not work a constitutional deprivation. *Whitcomb* v. *Chavis*, *supra*, at 160; see *Arlington Heights*, *supra*, at 266, and n. 15.[19]

Second, the District Court relied in part on its finding that the persons who were elected to the Commission discriminated against Negroes in municipal employment and in dispensing public services. If that is the case, those discriminated against may be entitled to relief under the Constitution, albeit of a sort quite different from that sought in the present case. The Equal Protection Clause proscribes purposeful discrimination because of race by any unit of state government, whatever the method of its election. But evidence of discrimination by white officials in Mobile is relevant only as the most tenuous and circumstantial evidence of the constitutional invalidity of the electoral system under which they attained their offices.[20]

Third, the District Court and the Court of Appeals supported their conclusion by drawing upon the substantial history of official racial discrimination in Alabama. But past discrimination cannot, in the manner of original sin, condemn governmental action that is not itself unlawful. The ultimate question remains whether a discriminatory intent has been proved in a given case. More distant instances of official discrimination in other cases are of limited help in resolving that question.

Finally, the District Court and the Court of Appeals pointed to the mechanics of the at-large electoral system itself as proof that the votes of Negroes were being invidiously canceled out. But those features of that electoral system, such as the majority vote requirement, tend naturally to disadvantage any voting minority, as we noted in *White* v. *Regester*, *supra*. They are far from proof that the at-large electoral scheme represents purposeful discrimination against Negro voters.[21]

B

We turn finally to the arguments advanced in Part I of MR. JUSTICE MARSHALL's dissenting opinion. The theory of this dissenting opinion—a theory much more extreme than that espoused by the District Court or the Court of Appeals—appears to be that every "political group," or at least every such group that is in the minority, has a federal constitutional right to elect candidates in proportion to its numbers.[22] Moreover, a political group's "right" to have its candidates elected is said to be a "fundamental interest," the infringement of which may be established without proof that a State has acted with the purpose of impairing anybody's access to the political process. This dissenting opinion finds the "right" infringed in the present case because no Negro has been elected to the Mobile City Commission.[22]

Whatever appeal the dissenting opinion's view may have as a matter of political theory, it is not the law. The Equal Protection Clause of the Fourteenth Amendment does not require proportional representation as an imperative of political organization. The entitlement that the dissenting opinion assumes to exist simply is not to be found in the Constitution of the United States.

It is of course true that a law that impinges upon a fundamental right explicitly

---

[16] This Court affirmed the judgment of the Court of Appeals in *Zimmer* v. *McKeithen* on grounds other than those relied on by that court and explicitly "without approval of the constitutional views expressed by the Court of Appeals." *East Carroll Parish School Bd.* v. *Marshall*, 424 U.S. 636, 638 (*per curiam*).

[17] The only indication given by the District Court of an inference that there existed an invidious purpose was the following statement: "[i]t is not a long step from the systematic exclusion of blacks from juries which is itself such an 'unequal application of the law . . . as to show intentional discrimination,' *Akins* v. *Texas*, 325 U.S. 398, 404, . . . to [the] present purpose to dilute the black vote as evidenced in this case. There is a 'current' condition of dilution of the black vote resulting from intentional state legislative *inaction* which is as effective as the intentional state action referred to in *Keyes* [v. *School District No. 1, Denver Colo.*, 413 U.S. 189]." 423 F. Supp., at 398.

What the District Court may have meant by this statement is uncertain. In any event the analogy to the racially exclusionary jury cases appears mistaken. Those cases typically have involved a consistent pattern of discrete official actions that demonstrated almost to a mathematical certainty that Negroes were being excluded from juries because of their race. See *Castaneda* v. *Partida*, 430 U.S. 482, 495–497, and n. 17; *Patton* v. *Mississippi*, 332 U.S. 463, 466—467; *Pierre* v. *Louisiana*, 306 U.S. 354, 359; *Norris* v. *Alabama*, 294 U.S. 587, 591.

If the District Court meant by its statement that the existence of the at-large electoral system was, like the systematic exclusion of Negroes from juries, unexplainable on grounds other than race, its inference is contradicted by the history of the adoption of that system in Mobile. Alternatively, if the District Court meant that the state legislature may be presumed to have "intended" that there would be no Negro Commissioners, simply because that was a foreseeable consequence of at-large voting, it applied an incorrect legal standard. " 'Discriminatory purpose' . . . implies more than intent as volition or intent as awareness of consequences. . . . It implies that the decisionmaker . . . selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable group." *Personnel Adm'r of Mass.* v. *Feeney*, 442 U.S. 256, 279 (footnotes omitted).

[18] The Court of Appeals expressed the view that the District Court's finding of discrimination in light of the *Zimmer* criteria was "buttressed" by the fact that the Attorney General had interposed an objection under § 5 of the Voting Rights Act of 1965 to the state statute designating the functions of each Commissioner. 571 F.2d, at 246. See n. 6, *supra*.

[19] There have been only three Negro candidates for the City Commission, all in 1973. According to the Distict Court, the Negro candidates "were young, inexperienced, and mounted extremely limited campaigns" and received only "modest support from the black community . . ." 423 F. Supp., at 388.

[20] Among the difficulties with the District Court's view of the evidence was its failure to identify the state officials whose intent it considered relevant in assessing the invidiousness of Mobile's system of government. To the extent that the inquiry should properly focus on the state legislature, see n. 21, *infra*, the actions of unrelated governmental officials would be, of course, of questionable relevance.

[21] According to the District Court, voters in the city of Mobile are represented in the state legislature by three state senators, any one of whom can veto proposed local legislation under the existing courtesy rule. Likewise, a majority of Mobile's 11-member House delegation can prevent a local bill from reaching the floor for debate. Unanimous approval of a local measure by the city delegation, on the other hand, virtually assures passage. 423 F. Supp., at 397.

There was evidence in this case that several proposals that would have altered the form of Mobile's municipal government have been defeated in the state legislature, including at least one that would have permitted Mobile to govern itself through a mayor and city council with members elected from individual districts within the city. Whether it may be possible ultimately to prove that Mobile's present government and electoral system has been retained for a racially discriminatory purpose, we are in no position now to say.

[22] The dissenting opinion seeks to disclaim this description of its theory by suggesting that a claim of vote dilution may require, in addition to proof of electoral defeat, some evidence of "historical and social factors" indicating that the group in question is without political influence. *Post*, 8–9, n. 7, 19–21. Putting to the side the evident fact that these gauzy sociological considerations have no constitutional basis, it remains far from certain that they could, in any principled manner, exclude the claims of any discrete political group that happens, for whatever reason, to elect fewer of its candidates than arithmetic indicates it might. Indeed, the putative limits are bound to prove illusory if the express purpose informing their application would be, as the dissent assumes, to redress the "inequitable distribution of political influence." *Post*, at 19.

or implicitly secured by the Constitution is presumptively unconstitutional. See *Shapiro* v. *Thompson*, 394 U.S. 618, 634, 638; *id.*, at 642-644 (concurring opinion). See also *San Antonio Ind. School District* v. *Rodriguez*, 411 U.S. 1, 17, 30-32. But plainly "[i]t is not the province of this Court to create substantive constitutional rights in the name of guaranteeing equal protection of the laws," *id.*, at 33. See *Lindsey* v. *Normet*, 405 U.S. 56, 74; *Dandridge* v. *Williams*, 397 U.S. 471, 485. Accordingly, where a state law does not impair a right or liberty protected by the Constitution, there is no occasion to depart from "the settled mode of constitutional analysis of legislat[ion] . . . involving questions of economic and social policy," *San Antonio Ind. School District* v. *Rodriguez*, *supra*, at 33.[23] Mr. Justice Marshall's dissenting opinion would discard these fixed principles in favor of a judicial inventiveness that would go "far toward making this Court a 'super-legislature.'" *Shapiro* v. *Thompson*, *supra*, at 655, 661 (Harlan, J., dissenting). We are not free to do so.

Almost a hundred years ago the Court unanimously held that "the Constitution of the United States does not confer the right of suffrage upon any one. . . ." *Minor* v. *Happersett*, 21 Wall. 162, 178. See *Lassiter* v. *Northampton County Bd. of Elections*, 360 U.S. 45, 50-51. It is for the States "to determine the conditions under which the right of suffrage may be exercised . . . , absent of course the discrimination which the Constitution condemns," *ibid.* It is true, as the dissenting opinion states, that the Equal Protection Clause confers a substantive right to participate in elections on an equal basis with other qualified voters. See *Dunn* v. *Blumstein*, 405 U.S. 330, 336; *Reynolds* v. *Sims*, 377 U.S. 533, 576. But this right to equal participation in the electoral process does not protect any "political group," however defined, from electoral defeat.[24]

The dissenting opinion erroneously discovers the asserted entitlement to group representation within the "one person-one vote" principle of Reynolds v. Sims, supra, and its progeny.[25] Those cases established that the Equal Protection Clause guarantees the right of each voter to "have his vote weighted equally with those of all other citizens." Id., at 576. The Court recognized that a voter's right to "have an equally effective voice" in the election of representatives is impaired where representation is not apportioned substantially on a population basis. In such cases, the votes of persons in more populous districts carry less weight than do those of persons in smaller districts. There can be, of course, no claim that the "one person-one vote" principle has been violated in this case, because the city of Mobile is a unitary electoral district and the Commission elections are conducted at-large. It is therefore obvious that nobody's vote has been "diluted" in the sense in which that word was used in the Reynolds case.

The dissenting opinion places an extraordinary interpretation on these decisions, an interpretation not justified by Reynolds v. Sims itself or by any other decision of this Court. It is, of course, true that the right of a person to vote on an equal basis with other voters draws much of its significance from the political associations that its exercise reflects, but it is an altogether different matter to conclude that political groups themselves have an independent constitutional claim to representation.[26] And the Court's decisions hold squarely that they do not. See United Jewish Organizations v. Carey, 430 U.S. 144, 166-167, id., at 179-180 (concurring opinion); White v. Regester, 412 U.S. 755, 765-766; Whitcomb v. Chavis, 403 U.S. 124, 149-150, 153-154, 156-157.

The fact is that the Court has sternly set its face against the claim, however phrased, that the Constitution somehow guarantees proportional representation. In *Whitcomb* v. *Chavis*, *supra*, the trial court had found that a multimember state legislative district had invidiously deprived Negroes and poor persons of rights guaranteed them by the Constitution, notwithstanding the absence of any evidence whatever of discrimination against them. Reversing the trial court, this Court said:

"The District Court's holding, although on the facts of this case limited to guaranteeing one racial group representation, is not easily contained. It is expressive of the more general proposition that any group with distinctive interests must be represented in legislative halls if it is numerous enough to command at least one seat and represents a majority living in an area sufficiently compact to constitute a single-member district. This approach would make it difficult to reject claims of Democrats, Republicans, or members of any political organization in Marion County who live in what would be safe districts in a single-member district system but who in one year or another, or year after year, are submerged in a one-sided multi-member district vote. There are also union oriented workers, the university community, religious or ethnic groups occupying identifiable areas of our heterogeneous cities and urban areas. Indeed, it would be difficult for a great many, if not most, multi-member districts to survive analysis under the District Court's view unless combined with some voting arrangement such as proportional representation or cumulative voting aimed at providing representation for minority parties or interests. At the very least, affirmance of the District Court would spawn endless litigation concerning the multimember district systems now widely employed in this country." *Whitcomb* v. *Chavis*, *supra*, at 156-157 (footnotes omitted).

V

The judgment is reversed and the case is remanded to the Court of Appeals for further proceedings.

It is so ordered.

VOTING RIGHTS AND WRONGS

(By Walter Berns)

The Voting Rights Act of 1965 is surely the most successful civil-rights measure ever enacted by the national government. Everybody—or, at least, everybody who has publicly offered an opinion on the subject—agrees with this judgment, and there is good reason why they should. Among civil rights, that of voting is fundamental because the enjoyment of other rights is likely to depend on it; prior to 1965, however, and despite the Civil Rights Acts of 1957, 1960, and 1964, it was a right denied to most Southern blacks. In Mississippi, for an egregious example, only 6.8 percent of voting-age blacks were then registered to vote; thanks to the Act, that proportion is now almost 70 percent, and in 1980 almost 60 percent of them actually voted. What is more, not only do white candidates for public office throughout the South now actively and publicly solicit black support at the polls, and Southern Senators and Congressmen legislate

[23] The presumption of constitutional validity that underlies the settled mode of reviewing legislation disappears, of course, if the law under consideration creates classes that, in a constitutional sense, are inherently "suspect." See *McLaughlin* v. *Florida*, 379 U.S. 184; *Strauder* v. *West Virginia*, 100 U.S. 303. Cf. *Lockport* v. *Citizens for Community Action*, 430 U.S. 259.

[24] The basic fallacy in the dissenting opinion's theory is illustrated by analogy to a defendant's right under the Sixth and Fourteenth Amendments to a trial by a jury of his peers in a criminal case. See *Duncan* v. *Louisiana*, 391 U.S. 145. That right, expressly conferred by the Constitution, is certainly "fundamental" as that word is used in the dissenting opinion. Moreover, under the Equal Protection Clause, a defendant has a right to require that the State not exclude from the jury members of his race. See *Castaneda* v. *Partida*, 430 U.S. 482, 493. But "[f]airness in selection has never been held to require proportional representation of races upon a jury," *Akins* v. *Texas*, 325 U.S. 398, 403; nor has the defendant any "right to demand that members of his race be included," *Alexander* v. *Louisiana*, 405 U.S. 625, 628-629. The absence from a jury of persons belonging to racial or other cognizable groups offends the Constitution only "if it results from purposeful discrimination." *Castaneda* v. *Partida*, *supra*, at 493. See *Alexander* v. *Louisiana*, *supra*; see also *Washington* v. *Davis*, 426 U.S. 229, 239-240. Thus, the fact that there is a constitutional right to a system of jury selection that is not purposefully exclusionary does not entail a right to a jury of any particular racial composition. Likewise, the fact that the Equal Protection Clause confers a right to participate in elections on an equal basis with other qualified voters does not entail a right to have one's candidates prevail.

[25] The dissenting opinion also relies upon several decisions of this Court that have held constitutionally invalid various voter eligibility requirements: *Dunn* v. *Blumstein*, 405 U.S. 330 (length of residence requirement); *Evans* v. *Cornman*, 398 U.S. 419 (exclusion of residents of federal property); *Kramer* v. *Union Free School District*, 395 U.S. 621 (property or status requirement); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (poll tax requirement). But there is in this case no attack whatever upon any of the voter eligibility requirements in Mobile. Nor do the cited cases contain implicit support for the position of the dissenting opinion. They stand simply for the proposition that "if a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are necessary to promote a compelling state interest." *Kramer* v. *Union Free School District*, supra, at 627. It is difficult to perceive any similarity between the excluded person's right to equal electoral participation in the cited cases, and the right asserted by the dissenting opinion in the present case, aside from the fact that they both in some way involve voting.

[26] It is difficult to perceive how the implications of the dissenting opinion's theory of group representation could rationally be cabined. Indeed, certain preliminary practical questions immediately come to mind: Can only members of a minority of the voting population in a particular municipality be members of a "political group?" How large must a "group" be to be a "political group?" Can any "group" call itself a "political group?" If not, who is to say which "groups" are "political groups?" Can a qualified voter belong to more than one "political group?" Can there be more than one "political group" among white voters (e. g., Irish-American, Italian-American, Polish-American, Jews, Catholics, Protestants)? Can there be more than one "political group" among nonwhite voters? Do the answers to any of these questions depend upon the particular demographic composition of a given city? Upon the total size of its voting population? Upon the size of its governing body? Upon its form of government? Upon its history? Its geographic location? The fact that even these preliminary questions may be largely unanswerable suggests some of the conceptual and practical fallacies in the constitutional theory espoused by the dissenting opinion, putting to one side the total absence of support for that theory in the Constitution itself.

with a view to the interests of their black constituents, but major Southern cities have black mayors (Atlanta being the most conspicuous of these). Indeed, there are now almost 2,000 black elected officials in the six states of the Deep South.

So successful has the Act been in achieving its objective (which, as then Attorney General Katzenbach put it, was the removal of barriers to black voter registration), that even some of its devoted supporters began to question whether its "Draconian" preclearance provision in Section 5 was needed any longer. Under this provision, some nine states (mostly Southern) and political subdivisions of thirteen others are required to submit all proposed changes in their voting laws and procedures to the U.S. Attorney General for his approval. For states accustomed to referring to themselves as sovereign commonwealths, this is an ignominious position to be in, especially since, in practice, their appeals are made not to exalted political officials, such as Griffin Bell or William French Smith, but to anonymous persons—who knows their names? and who can bring them to account?—in the Civil Rights Division of the Department of Justice. That great civil libertarian, Justice Hugo L. Black, protested that Section 5 treated the states as "conquered provinces" and was unconstitutional. (More recently, the usually softspoken Thad Cochran, Republican Senator from Mississippi, put it this way: "Local officials have to go to Washington, get on their knees, kiss the ring and tug their forelocks to all these third-rate bureaucrats.") What, these states ask, are they now doing to deserve this treatment? And why single them out? Is there no voting fraud up north, in Chicago, for example? It may have been in response to this question that Henry Hyde of Illinois, the ranking Republican on the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, asked, "Shall we extend the mandatory pre-clearance for these 'selected areas' another ten years . . . or is seventeen years in the political penalty box enough?"

Hyde's question was asked last summer when the House was debating proposals to renew or extend the Voting Rights Act. Unless Congress acts before August 6, 1982, some of these states and political subdivisions will be eligible to petition the U.S. District Court for the District of Columbia to be removed from this Section 5 preclearance coverage; in the words of the phrase coined to describe this procedure, they will be able to "bail out." Rather than permit this, some members of the House proposed that the pre-clearance provision be extended to cover all 50 states and all their political subdivisions; this, at least, would meet the complaint of unequal treatment. At this, Henry Hyde, for one, balked. What is significant, however, is that he ended up voting for the extension. He did so, he explained, because of what he learned during committee hearings on the proposals: "Witness after witness testified to continuing and pervasive denials of ready access to the electoral process for blacks."

Any fair-minded person would have to agree with this assessment. Despite the progress made since 1965, there are still more or less remote areas where state and local officials continue to resist according voting rights to minorities. Without federal supervision, there is no assurance that these practices would not continue or be resumed in other voting districts in some of the states. The price of liberty, as Tom Paine said, is eternal vigilance, and it is unfortunate, but the time has not yet come when we can rely on every local official to provide it.

The House agreed. It passed a bill extending the Act by the overwhelming margin of 365 votes (389-24); and when, on December 16, an identical bill was introduced in the Senate, 61 members of that body, including 8 Republican committee chairmen and several Southern Democrats, immediately indicated their intention to support it. Its easy passage would seem to be assured when it reaches the floor of the Senate, probably in April; as its sponsors, Senators Kennedy and Mathias, were quick to point out, a majority of this size is sufficient to defeat any attempt to filibuster on the bill. It is almost sufficient to overturn a presidential veto, not that there is much likelihood that the President would dare to cast one. Opposition to this bill, even White House opposition, has been conspicuous by its absence, so much so that some Senate staff members have complained of difficulties in finding witnesses willing to testify against it.

This is unfortunate because the bill in its present form is much more than an extension of the current law. Unless it is amended it deserves to be defeated.

What is new in this bill is not to be found in Section 5's pre-clearance provision, on which most of the debate has been focused; that section is unchanged. What is mostly objectionable in this bill is not to be found in the new bail-out section, even though its effect will be to make it almost impossible for any jurisdiction to take advantage of the bail-out privilege. What is new and profoundly objectionable is the seemingly innocuous amendment to the text of Section 2 which, by general agreement, was not one of the Act's "key sections." (In one compendium of significant civil-rights laws, this section was omitted from the text of the 1965 Act precisely because, in the editor's view, it was not one of the "key section.")

In its original form, Section 2 was a mere declaration, or a restatement in statutory form, of the Fifteenth Amendment to the Constitution. Where the Amendment says the "right of citizens of the United States to vote shall not be denied or abridged" on account of race or color, Section 2 says, more explicitly, that no "voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied [so as to] deny or abridge" the right to vote. Not surprisingly, unlike other sections of the Act, this one has given rise to very little litigation, and in the current debate over extending the Act very little attention has been paid to it. Yet its language was altered in a significant way. The words "to deny or abridge" the right to vote were deleted; in their place were put the words "in a manner which results in a denial or abridgement" (emphasis added) of the right to vote. This new language will make Section 2 the key section of the Act, one that will affect the electorial laws and practices of every state and political subdivision in the nation. There is reason to doubt that this was understood by all the Congressmen and Senators who lined up quickly in support of the bill.

The new language is intended to express the difference between the right to vote and what the federal courts, in voting-rights cases, have made of the right to vote. (It was placed in Section 2 of the bill because that section, unlike Section 5, applies to the entire country, and applies to existing voting laws and practices as opposed to voting changes.) Voting, Chief Justice Warren pronounced in a 1969 case, includes, "all activities necessary to make a vote effective," and the effectiveness of a vote is now measured by its results. Thus, a vote can be "diluted"—that is, made less effective—if a city annexes its surrounding territory with the consequence that the proportion of black voters declines from 56 percent to 47 percent of the population; or if, as a result of reapportioning its voting population, a state reduces the percentage of black voters in a district below 65 percent, the proportion calculated by the Justice Department and certain federal District Courts to make it relatively certain that a black will be elected; or if, when changing from a system of plurality to one of majority voting, a city cannot prove that the change will not "dilute the effectiveness of the Negro vote." This last reference is to a 1980 case, *City of Rome* v. *United States*, and a consideration of it and *City of Mobile* v. *Bolden*, decided the same day, will help to explain what Congress is up to.

Rome, Georgia, had a commission form of government, the commissioners being elected on an at-large basis and by a plurality of the vote. (As the Supreme Court noted, "literally thousands of municipalities and other local government units throughout the nation" have such a system.) In 1966, the state of Georgia enacted new laws affecting municipal governance, among them one providing for election of commissioners by majority vote. Since Georgia was covered by Section 5 of the Voting Rights Act, it had to "pre-clear" this electoral change with the Attorney General. He refused his approval and Rome went to court. The trial court found no discriminatory purpose in the new law, but it ruled against the city because the law was discriminatory in effect. As the Supreme Court repeated in its affirmance of the lower court's decision, the law would deprive "Negro voters of the opportunity to elect a candidate of their choice," by which it meant, a candidate of their own race. More precisely, the city had not proved that the new law would not have the effect of depriving Negro voters of the opportunity to elect a Negro candidate.

On the same day, the Supreme Court reached the opposite conclusion in a case presenting starkly similar facts. Mobile, Alabama also had a commission form of government, the three commissions being elected every four years by majority vote in at-large elections. *City of Mobile* v. *Bolden* began when black citizens of the city challenged the legality and constitutionality of the at-large election procedures, alleging that their vote had been "diluted" because, while blacks comprised more than 35 percent of the population, no black had ever been elected a city commissioner. Although the trial court found that Mobile blacks registered and were able to vote without hindrance, it nevertheless held this "dilution" of voting power to be an abridgment of the right to vote in violation of the Fifteenth Amendment, and ordered the replacement of the commission system by a mayor-council system, with council members to be elected from nine single-member districts. A sharply divided Supreme Court reversed, holding that an election law that is racially neutral on its face can be said to violate the Fifteenth Amendment only if it can be shown to have been motivated by a discriminatory purpose and that there was no such showing in this case. A plurality of the *Mobile* Court held that Section 2 of the Act is coextensive with the Fifteenth Amend-

ment, and, therefore, does require proof of discriminatory purpose.

What accounts for the discrepancy in these judgments? The Mobile case was tried not under the Voting Rights Act but, rather, under the Fifteenth—and, to some extent, the Fourteenth—Amendment. Alabama, like Georgia, was covered by Section 5 of the Act, but Mobile, Alabama, unlike Rome, Georgia, had not changed its election law—it had been in effect since 1911—and, therefore, was not required to "pre-clear" it with the Attorney General under Section 5.

Thus, as the situation stands after these two 1980 cases, anyone challenging old election laws, or new laws in jurisdictions not covered by Section 5 of the Voting Rights Act, must sue under Section 2 of the current Act or under the Fifteenth (or Fourteenth) Amendment, and to prevail he must show discriminatory purpose; to prevail under Section 5, it is the city or state that bears the burden of proof and it must show no discriminatory effect.

The amended Section 2 is intended to reverse the Supreme Court's decision in *City of Mobile*. By making it clear that, in its judgment at least, proof of disriminatory purpose or intent is not required in cases brought under the Fifteenth Amendment (by way of Section 2), the House Judiciary Committee, as it frankly admitted in its report on the bill, intended to do away with the discrepancy between the law of *Mobile* and the law of *Rome*.

If enacted, it would permit voting-rights suits to be filed by the Attorney General or any private litigant against every state, city, county, or other electoral jurisdiction in the county. It would put every jurisdiction on notice that it might have to appear in a federal court to defend its election laws—any law affecting elections—against the charge that they "dilute" the votes of blacks and a few other minority groups. And it would, of course, make these federal courts the country's electoral lawgiver.

At the end of his dissenting opinion in *City of Mobile*, Justice Thurgood Marshall said that if the Court "refuses to honor our long-recognized principle that the Constitution 'nullifies sophisticated as well as simple-minded modes of discrimination' . . . it cannot expect the victims of discrimination to respect political channels of seeking redress." Such minatory statements are singularly out of place in judicial reports—after all, judges are not supposed to provoke or even to excuse lawlessness—but, except in the context in which it appears, Marshall's point concerning sophisticated modes of discrimination has considerable merit. There are ways of abridging the right to vote without apparently denying it.

The paradigm case of this occurred some twenty years ago when Alabama, without removing a single white voter, managed to exclude all but a fraction of Tuskegee's black voters from the city (all but 4 of a total of 400) by redrawing the city's boundaries, transforming its shape from that of a simple square to "an uncouth twenty-eight sided figure," as Justice Felix Frankfurter put it. The Supreme Court was unanimous in its judgment that this was a violation of the Constitution, with all but one member agreeing that it was an abridgment, if not a denial, of the Fifteenth Amendment's right to vote.

But in City of *Mobile the Court* was not retreating from its position in the Tuskegee case; it was refusing to join Marshall in his insistence that the Constitution requires that "the votes of citizens of all races shall be of substantially equal weight." To the Court—or, actually, to the plurality of Justices who joined in Justice Potter Stewart's opinion—this was a call for proportional representation. "The theory of this dissenting opinion . . . appears to be that every 'political group,' or at least every such group that is in the minority, has a federal constitutional right to elect candidates in proportion to its numbers." This, said Justice Stewart, is not the law of the Constitution.

Marshall angrily denied that he was calling for proportional representation; this charge was, he said, a "mischaracterization" of his position. There is, he went on, a clear distinction between a requirement of proportional representation and the discriminatory effect or vote-dilution test. "The vote-dilution doctrine can logically apply only to groups whose electoral discreteness and insularity allow dominant political factions to ignore them." In like manner, the amended Section 2 of the Voting Rights Act contains this disclaimer: "The fact that members of a minority group have not been elected in numbers equal to the group's proportion of the population shall not, in and of itself, constitute a violation of this section."

Despite these assurances, however, one from Marshall and the other from Congress, the distinction between the vote-dilution test and the proportional representation of at least some minority groups is likely to be no clearer than that between racial goals and racial quotas.

Those words in the amended Section 2—"in a manner which results in a denial or abridgment"—will derive their meaning in part from the Supreme Court's decision in *United Jewish Organizations* v. *Carey*, and according to Justice William Brennan, "the one starkly clear fact of this case is that an overt racial number was employed to effect petitioners' assignment to voting districts." In equally stark fact, race was the *only* criterion employed in the redrawing of district lines. Yet the Court, with Brennan concurring, approved it by a vote of 7 to 1.

At issue in this case was the New York reapportionment statute enacted after the 1970 census, and more precisely, the district lines drawn in three metropolitan counties, Kings, New York (Manhattan), and Bronx. In one of the newly-drawn districts, the nonwhite majority was only 61 percent, and the Justice Department, from whom Section 5 pre-clearance was required,[1] concluded from this and other facts that the state had not shown that the district lines had not been drawn with the purpose or effect of diluting the voting strength of nonwhites (blacks and Puerto Ricans). Faced with the necessity to have its reapportionment plan in place in time for the 1974 primary and general elections, the state revised the plan as it affected the districts in these counties, increasing the size of the nonwhite majority from 61 percent to 65 percent. This satisfied the Justice Department in Washington but not everyone in the local district, for, in order to find the number of nonwhites needed to achieve the required 65-percent proportion, the state had to reassign to other districts some members of what had been a consolidated Hasidic community. The Hasidim went to court and, as one might expect, lost. They lost because, as Brennan put it in his separate opinion, they had "not been deprived of their right to vote" (which, of course, could also have been said of the nonwhites in the county), and because while their vote may have been diluted as a result of their being divided into separate districts, they do not constitute a group explicitly protected under the Voting Rights Act. Congress at its pleasure has reserved this status for blacks and so-called language minorities: American Indians, Asian Americans, Alaskan Natives, and persons of Spanish heritage. The Hasidim were expected to take their chances along with the rest of the whites, and in this case at least there was no evidence of "cognizable discrimination against whites." Whites could elect their representatives—that is, they could elect whites—in those districts where they were in the majority. *UJO* v. *Carey*, like some cases before it, stands for proportional representation, not, admittedly, for every group—the Court did not join Marshall by saying that "the votes of citizens of all races shall be of substantially equal weight"—but proportional for some groups.

One of Chief Justice Earl Warren's legacies to American politics was the aphorism, "Legislators represent people not trees or acres," and, that being so, states were forbidden by the Constitution to apportion seats in either house of their legislatures on any basis other than population. Now it turns out that legislators represent not undifferentiated people—people defined only as individuals living in districts of approximately equal size—but groups of people defined by their race, and they can be said to represent them only if they are of that race. As the Court said, the votes of blacks will be diluted when the number of blacks in a district is not sufficient "to insure the opportunity for the election of a black representative." How many black representatives? That depends on the number of blacks in the county. How many are required in a district to insure the election of a black representative? If one takes it for granted that blacks vote as a bloc, at least 50 percent, and beyond that the number would seem to depend on voter turnout. In Kings County, turnout tends to be low, so 61 percent was deemed insufficient. Why 65 percent? "A staff member of the legislative reapportionment committee testified that in the course of meetings and telephone conversations with Justice Department officials, he 'got the feeling . . . that 65 percent would be probably an approved figure' for the nonwhite population in the assembly district in which the Hasidic community was located. . . ."

Of course, as any well-informed student of voting behavior could have told these anonymous Justice Department Solons (and told them over the phone), 65 percent may not be sufficient to insure the election of nonwhite representatives. In the first place, voters can (and sometimes do) look to factors other than race when casting their ballots, and it is an insult to assume this to be untrue or even uncharacteristic of "nonwhite" voters. In the second place, in some areas (and Kings County is one of them) nonwhite voter turnout is so low that, even if nonwhites voted as a solid bloc, districts on the order of 80 or even 90 percent would be required to insure the election of their candidate. Voter turnout is related to education—the more education, the higher the turnout—and not at all to race, a fact that

[1] These counties were subject to the pre-clearance provision of the Voting Rights Act because New York then had a literacy test for voting and, given a choice between Richard Nixon and the candidate of a badly discredited Democratic party, fewer than 50 percent of the state's voting-age population had gone to the polls in the 1968 presidential election. In combination, these factors were presumed to be evidence of disfranchisement of some sort.

ought to be pondered by the ideologues in the Justice Department and federal judiciary. Since the non-whites in these Kings County (which is to say, Brooklyn) districts tend to be very poorly educated, it is not surprising that, judging from the returns in the 1980 congressional elections, their turnout may be as low as 10 percent and surely is as low as 20 percent. Whatever the reason, four of the five districts the Justice Department presumed to be safely nonwhite after the 1974 reapportionment proceeded to elect white representatives in the ensuing local elections.

What, then, can we make of Congress's assurance that Section 2 does not require a group's representation to be equal to its proportion of the population—or that disproportionality does not "in and to itself" constitute a violation of the section? If we assume, surely correctly, that this language is not intended to be a repudiation of *UJO* v. *Carey* and the other vote-dilution cases, Congress means that some factor in addition to disproportionality must be present before it can be said that a group's vote has been abridged by being diluted. What factors? Well, for example, the fact that a group's "discreteness and insularity [has allowed the] dominant political factions to ignore [it]"; or the fact that, after a city annexed additional territory, the number of black seats on the council declined; or the fact that there is evidence of racial bloc voting. Where there is "underrepresentation," the presence of any one of these additional factors, or any one of what Justice Stewart in the *City of Mobile* case referred to as "gauzy sociological considerations," will continue to trigger a violation. So much for the "not-in-and-of-itself" disclaimer.

Besides, whatever Congress's intention in making this disclaimer, the courts are likely to treat it the way they treated a similar disclaimer in the Civil Rights Act of 1964. There Congress said specifically that nothing in Title VII of that Act should be interpreted to require employers "to grant preferential treatment" to any person or group because of race, color, sex or national origin, not even to correct "an imbalance which may exist with respect to the total number or percentage of persons of any race [etc.] employed by any employer."

Clear enough, one would think, but the Supreme Court paid it no heed. To read this as written, said Justice Brennan in the *Weber* case, would bring about an end completely at variance with the purpose of the statute by which he meant, the purpose of the Court.[2] Congress's disclaimer should be taken with a grain of salt. If the amended Section 2 is adopted, minorities whose voting power has been "diluted" will be able to file suits against jurisdictions throughout the country, and the remedy for vote dilution will prove to be minority representation in proportion to the size of the minority group.

In trying to achieve this, however, the federal courts will encounter a few problems. Where nonwhite voter turnout is as low as it is in Kings County, New York, will the amended Voting Rights Act require districts with populations 80 or 90 percent nonwhite? Some republicans hope so; they know that the more blacks they can pack into a district, the more Democratic the vote of that district, and, consequently, the better will be their chances to win in surrounding districts. From their partisan point of view, as many districts as possible should be 100-percent nonwhite.

Then, is it not a violation of the Voting Rights Act to combine Puerto Ricans and blacks in the single category, nonwhite? Both are explicitly protected groups and, according to the principle of *UJO* v. *Carey*, each is entitled to representation in proportion to its numbers. (Interestingly enough, the Puerto Ricans of Kings County objected to the 1974 redistricting plan precisely because it did not establish a Puerto Rican district.) Perhaps in future cases the nonwhite group will have to be split into its component parts and each part given a district it can call its own. If so, the redefined Tuskegee (that "uncouth twenty-eight sided figure") will, by comparison, look like a perfect ellipse. And, for one more example, it will be interesting to witness the situation where a city is ordered by the U.S. District Court for the District of Columbia to concentrate blacks in voting districts in order to "undilute" their voting power at a time when the local U.S. District Court has ordered the city to annex surrounding territory in order to integrate the schools.

A genuine system of proportional representation, of the sort sometimes employed in Western Europe, is one where each political group—*Union socialiste et républicaine, Gauche indépendante, Jeune République, Rassemblement du peuple français,* etc.—is guaranteed a share of seats in the legislature equal to its share of the popular vote. Since these groups are defined by their interests or the opinions they hold, and the popularity of these opinions cannot be known until they are elicited, there have to be elections. But one can learn how many blacks there are in the country simply by consulting the census reports. Why, the, bother to hold elections? Why construct these elaborate election districts to insure that black voters will elect, say, a Charles Diggs rather than, say, a Peter Rodino (chairman of the House Judiciary Committee)?

And indeed, one of the unintended consequences of this enactment of the amended Section 2 would be that the other sections of the Voting Rights Act would, in effect, be made superfluous. Who needs statutes providing Attorney General pre-clearance, or bail-outs, or federal election examiners and observers, when, with a few seemingly innocuous words, the judiciary can be authorized to do everywhere what the Justice Department has been doing only in the few "covered" jurisdictions, such a Houston, where it called off a general election, or New Your City, where, merely because it thought it had not been given sufficient information, it prevented the holding of a primary election, or Kern County, California, where it ordered the printing of Spanish-language ballots—67,430 of them, of which number only 174 were actually used—in a 1978 primary election? Government by judiciary can be more efficient—think of school busing, abortion, prison reform—that government by administrative agency, to say nothing of government by local election officials.

[The American Spectator, April 1982]

AFFIRMATIVE VOTING RIGHTS

(By Terry Eastland)

Extension of key enforcement provisions of the Voting Rights Act, scheduled to expire August 6, has never been in doubt. The only question has been the form extension should take, and the current betting would have to favor the version overwhelmingly passed last fall by the House of Representatives, a bill that now has more than 60 Senate supporters.

If this version should prevail, however, the great promise of the Voting Rights Act would be tragically denied. For there would no longer be any reason to hope that the act might facilitate a more integrated vote—one in which voters define their interests in terms other than their own race and ethnicity. Indeed, there would be good reason to fear that the polarization of society along racial and ethnic lines would increase dramatically.

In the first few years after the act's passage, the dream of an integrated vote seemed plausible. In conformity with the original purpose of the Voting Rights Act—to improve black access to the polls—racially discriminatory roadblocks began falling wherever they existed, mainly, of course, in the South. Consequently, black registration began to increase by the thousands. In Mississippi—to cite one of the most heartening results—the percentage of blacks registering to vote jumped from seven percent the year before the act was passed to almost 60 percent in 1967.

Soon enough, however, the Justice Department, which has enforcement authority for the act, ceased to be concerned with ensuring equal political opportunity. Instead, taking its cue from a 1969 Supreme Court decision, it turned to a new issue—the prevention of what it called "vote dilution."

According to Section 5 of the act, nine Southern states and parts of thirteen others must "preclear" any changes in their voting procedures with the Civil Rights Division of the Justice Department. As it worked out, "preclearance" has been required even in changes involving annexations, reapportionments, and shifts from ward to at-large voting. Invariably, the Justice Department has asked whether any such change would "dilute" the voting strength of minority groups (blacks, in most cases). This question assumes that blacks will—and should—vote for blacks. Any voting change that fails to maximize the chances of electing minority group candidates has been instantly suspect, and in most cases rejected.

Amazingly enough, as extension legislation moved through the House of Representatives not one voice was raised objecting to the Justice Department's handling of Section 5 cases. In fact, the House voted not simply to extend Section 5, heretofore merely a temporary provision, but to engrave it permanently into the U.S. Code. And despite opposition efforts by an embattled and tiny group of representatives, the House voted to make "bail-out" from Section 5, already difficult, virtually impossible.

As a result, it is likely that Section 5 jurisdictions will henceforth have virtually no hope of escaping Justice Department pressure to achieve what amounts to proportional representation by race. Section 5, always said to be a temporary measure that would ease the nation into an era in which race won't matter, has become a permanent measure designed to ensure that any new election guidelines will place a premium on skin color and ethnic background.

The problems with Section 5 are small, however, compared with what the House has done to Section 2. A permanent provision of the Voting Rights Act, Section 2 is a codification of the Fifteenth Amendment, which prohibits the adoption of any election law or procedure that denies or hampers a person's right to vote on account of race or color. It applies to all states, not just

[2] See my article, "Let Me Call You Quota, Sweetheart," Commentary, May 1981.

those covered by Section 5. It also applies to any discriminatory voting practice that might have been established prior to 1965, no matter how long ago its adoption.

Like the Fifteenth Amendment, Section 2 requires that an intent to discriminate be demonstrated to prove a violation. In rewriting Section 2, the House Judiciary Committee has dropped this requirement. Now a violation would be established if, as the committee's report explains, "the alleged unlawful conduct has the effect or impact of discrimination on the basis of race, color, or membership in a language minority group."

The implications of this "strengthening" of Section 2 are plain enough. Any political unit—a city, say, or a county—with an at-large voting system that fails to elect minority candidates in approximate proportion to the number of their group in the general population will be vulnerable to a Section 2 lawsuit, and will probably be required to establish a district electoral scheme. To put the matter another way, schemes that "dilute" the vote of minorities will immediately draw fire and probably be outlawed. Courts will probably examine Section 2 claims in terms of "vote dilution," and because the majority of the nation's cities and many counties elect their representatives in an at-large manner, hundreds of lawsuits might ensue.

As disturbing as the revision in Section 2 is very few members of the House found reason to object—four, if my count is accurate. But the voices of Thomas Bliley, Caldwell, Butler, Dick Cheney, and Jim Collins were merely crying in the Washington wilderness. Although it spent seven weeks in hearings, the House Judiciary Committee needed only one day to consider the revision to Section 2. Only three witnesses appeared, and all three favored the change. Press treatment was no better. Mr. Butler, a member of the committee, composed a dissent for the committee report, but it went unreported in the Washington Post. When he and his colleagues raised objections on the House floor during the two debates on the bill held October 2 and 5, their points barely received passing mention in the Post. Thus, no one following the extension legislation could have confidently guessed what was happening to Section 2. Meanwhile, the White House, reticent about taking a position on the extension legislation, did not object to the rewriting of Section 2 until two weeks after the legislation had passed the House, and then only very quietly.

Since late January, when the Senate Judiciary Committee began considering extension legislation, Section 2 has received wider attention. But even now, despite some debate on the issue, there is a conspicuous lack of candor among the defenders of a revised Section 2.

To begin with, few proponents of the House version of extension openly admit that Section 2 has been rewritten to *overturn* a two-year-old Supreme Court ruling in *Mobile* v. *Bolden* which held that a Section 2 violation requires a demonstration of discriminatory intent. The favorite language—whether of the House Judiciary Committee report, the Post editorial page, or civil rights lobbyists—is that the Section 2 version would merely "clarify" the law (and, thus, the Fifteenth Amendment) by "returning" it to the pre-*Mobile* standard. (Suffice to say, when conservatives try to "clarify" the meaning of the Fourteenth Amendment as it might apply to fetuses, or when they try to "return" to the status quo before *Roe* v. *Wade*, they are charged with attempting to undermine the very foundations of the Republic. Overturning the Supreme Court seems to depend on the political ends being served.)

Second, there has been in some quarters a strange silence about what the possible repercussions of a revised Section 2 might be. No reader of the House Judiciary Committee report can fail to grasp that Section 2 was rewritten to make winners out of the losers in *Mobile*. These losers and their allies—the ACLU, the NAACP, and others—have declared without qualification that *Mobile* would keep them from successfully challenging hundreds of at-large systems. Nevertheless, the Post, for one, has said not a word about the rash of lawsuits that would likely result from the House version of Section 2. Nor has it noted that the purpose of these lawsuits would be to effect proportional representation by race, or something close to it. In fact, on January 26 the Post casually wrote: "Opponents of [Section 2] say this would require courts to strike down any voting that didn't result in proportional representation. Not true."

But consider this: After *Mobile* was decided in 1980 the Post commented that the ruling "derails the legal theory that civil rights lawyers had hoped would force a shift from at-large elections to ward or district elections in cities all over the country"; that it "cut[s] down dozens, perhaps hundreds, of legal challenges that would have been made against existing systems of government or multimember legislative districts"; and that it "avoid[s] the logical terminal point of those challenges; that election district lines must be drawn to give proportional representation to minorities." At the least the Post should read its own files. On the other hand, these words from the past might be unsettling: They were voiced in partial sympathy with the Court's decision.

Third, there has been an attempt to argue that Section 2, as revised, is consistent with the legislative history of the Voting Rights Act. Not true, as the Post might say. In trying to justify a Section 2 "effects" test, the House Judiciary Committee, in the most disingenuous sentence in its report, cites Attorney General Katzenbach's 1965 congressional testimony that Section 2 would apply to any voting practice whose "purpose or effect was to deny or abridge the right to vote on account of race or color." But Katzenbach was referring to practices affecting equal access to the ballot—not, as the committee report would have us believe, to "vote dilution."

Fourth, there has been a refusal to understand what the Supreme Court was doing in *Mobile*. Contrary to what defenders of the House extension contend, no Court decision has ever required anything other than an "intent" standard for Section 2 or the Fifteenth Amendment. Although the Court has on occasion used the "effects" standard that the House now wants written into Section 2, it has done so only when considering voting rights claims in a Fourteenth Amendment context. Moreover, in a series of other Fourteenth Amendment cases involving racial issues, the Court has always demanded a showing of discriminatory intent or purpose.

Mobile, as Edward J. Erler of the National Humanities Center pointed out in Senate subcommittee hearings in January, called for a halt to readings of the Constitution and the Voting Rights Act that would not only allow but require proportional representation by race. Accordingly, as Erles said, the most reasonable and effective way for the Court to do this was "to restore the authority of those cases requiring proof of discriminatory purposes as a necessary prerequisite to a claim of voting discrimination." As Justice Stevens wrote in his opinion in *Mobile*, "The fact is that the Court has sternly set its face against the claim, however phrased, that the Constitution somehow guarantees proportional representation."

Finally, none of the proponents of Section 2 have addressed the most important question of all—what kind of society would the House bill help create? No one in this debate has declared himself in favor of proportional representation by race, at least not in public. One can only conclude that everyone recognizes that such representation would violate the basic premises upon which the nation was founded. Why would it violate these premises? To force an answer is to expose unquestioned racial assumptions—that blacks should vote for blacks, that blacks should represent blacks, that there must be "black" view of things (and a Hispanic one, an Indian one, an Asian one)—which no one, at least not in the polite world of Washington, is willing defend explicitly. What proponents of a revised Section 2 prefer is to go about maximizing black and minority voting strength by carving out black majority districts, all the while protesting that proportional representation is not the object of this game. But whatever it is called, or, as Justice Stevens might say, however, it is phrased, there is no difference in principle between preventing "vote dilution" and working toward proportional representation. The principle in both instances is that voting is a group exercise defined by race.

The House version of the Voting Rights Act extension is a towering monument to this principle. It contadicts what Justice Stevens stated in *Mobile*, that "there is no national interest in creating an incentive to define political groups by racial character." It also places a premium on what amounts to the maintenance of segregation, since integration makes it more difficult to draw districts by race. It assumes that proportional representation by race will result in greater legislative benefits for blacks and other minorities, although for this to happen minority representatives would have to form coalitions not based on race—precisely what the legislation would prevent voters from doing. Further, the House bill unfairly implies that at-large systems are inherently inferior to district electoral schemes. In an at-large election, a citizen can cast votes in every election, and thus influence every outcome; in a district election, a citizen is confined to influencing only his district's outcome. The House bill thus invites a sort of separate but equal politics—hardly what the architects of the Voting Rights Act of 1965 envisioned.

Civil rights leaders have turned the House bill into an emotional issue, urging its passage with sermons, marches, and so on. Few politicians have had the courage to ask many questions, and the Reagan Administration is, given its handling of tax exemption for racially discriminatory schools, in a tenuous position to rally opposition. The issue seems to be in the hands of the Senate, but fortunately there may be an easy way out for all those senators nervous about opposing the House bill. Civil rights lobbyists started out last year by saying that they wanted the Voting Rights Act ex-

tended as is, no changes allowed. This would be a splendid alternative.

[From the Public Interest (1979)]

THE ODD EVOLUTION OF THE VOTING RIGHTS ACT

(By Abigail M. Thernstrom)

The Voting Rights Act of 1965 ushered in a revolution. In 1964 James Chaney, Andrew Goodman, and Michael Schwerner were murdered while participating in a voter-registration drive in Neshoba County, Mississippi. In that year less than 7 percent of Mississippi's adult blacks were registered to vote. Within three years black registration approached 60 percent. Ten years after the murders, there were 191 black elected officials in Mississippi alone; prior to the passage of the act, there had been fewer than 100 in the entire South.

The Voting Rights Act was the fourth modern attempt at ensuring the rights of disenfranchised Southern blacks, but the first effective one. The Civil Rights Acts of 1957, 1960, and 1964 had done little more than allow county-by-county injunctions against prejudiced registrars. But such case-by-case adjudication, requiring lengthy litigation in piecemeal fashion, had proven largely ineffective. There were too many recalcitrant registrars, too many indifferent judges, too many uninformed and illiterate blacks. Nor had the heroic efforts of civil rights activists in the early 1960's had much impact. Student Non-violent Coordinating Committee volunteers working in LeFlore County, Mississippi had enlarged the ranks of black voters by only 300. Yet within two months of the initiation of Federal intervention, following the passage of the 1965 act, approximately 5,000 blacks were registered in that same county.

Such immediate and massive registration was precisely the purpose of the legislation, but today the simplicity of that aim has been largely forgotten. Success generated a new view of the protection that was afforded blacks and other minorities by the act. And so, as the problem of registration receded, a host of new and startling questions arose. Should a literacy test, even one administered impartially, be considered discriminatory where there has been a history of unequal educational opportunity? Do multimember electoral districts impermissibly dilute the political strength of minorities? Can heavily black cities annex largely white suburbs without violating Federally protected rights? Are constitutional rights infringed when the Justice Department forces a redrawing of district lines in order to achieve maximum minority representation?

Behind these questions lies a radical redefinition of the meaning of political equality for racial and ethnic groups. The traditional concern of civil rights advocates had been access to the ballot. But these questions involve not simply access, but *result*. They assume a Federally guaranteed right to maximum political *effectiveness*. Nowadays local electoral arrangements are expected to conform to Federal executive and judicial guidelines established to maximize the political strength of racial and ethnic minorities, not merely to provide equal electoral opportunity.

FROM ACCESS TO RESULTS

The Voting Rights Act, then, ushered in a dual revolution: Not only were the names of two million blacks added to the registration rolls, but definition of enfranchisement changed. The right to vote came to mean the right to equal electoral result and maximum political effectiveness.

That no one in 1965 contemplated such a development is indisputable. Equality in the mid-1960's meant equal opportunity, not equal result. Perferential admissions programs were not initiated until the end of the decade. Opportunity in employment did not begin to be measured by the standard of group parity until around 1970. And the use of racial quotas for the purpose of integrating primary and secondary schools was constitutionally sanctioned only in 1971.

In the original Voting Rights Act the emphasis was on equal political opportunity—that is, equal access through securing the ballot. In the Judiciary Committee hearings prior to passage, Attorney General Katzenbach described the act as "aimed at getting people registered." "Our concern today," he said, "is to enlarge representative government. It is to solicit the consent of all the governed. It is to increase the number of citizens who can vote."

Katzenbach was convinced that black ballots were the key to Southern recognition of other Federally protected rights. As Deputy Attorney General under Kennedy, he had been part of a concerted effort to push civil-rights leaders into focusing on voting rights. Some had complained that Washington was nudging the movement away from massive social change and on to safe ground. But by 1965 that safe ground was widely regarded as the territory the movement had to conquer first.

If the ballot was the key to other rights, the elimination of the literacy test was the means to the ballot. "No matter from what direction one looks at it," V. O. Key had written in 1949, "the Southern literacy test is a fraud and nothing more." It was no less a fraud in 1965. In the 1960's Southern registrars were observed testing black applicants on such matters as the number of bubbles in a soap bar, the meaning of obscure passage in state constitutions, and the definition of such terms as "habeas corpus." Booker T. Washington had believed that "brains, property, and character" would "settle the question of civil rights," but 80 years after the founding of Tuskeegee Institute blacks with brains, property, and character in the city of Tuskeegee still found themselves unable to demonstrate their literacy. "If a fella makes a mistake on his questionnaire, I'm not gonna discriminate in his favor just because he's got a Ph. D.," the chairman of the Board of Registrars righteously maintained.

What the Voting Rights Act did, then, was to suspend Southern literacy tests—though indirectly. Without naming any states explicitly, the act inferred a statistical link between low voter registration or turnout, literacy tests, and discrimination. By providing for the automatic suspension of all tests wherever there was inadequate political participation, it circumvented the diffcult task of attempting to prove discrimination. No state which had either a registration or turnout of less than 50 percent of the voting-age population in the Presidential election of 1964 could employ any test or device to screen potential voters.

While the target of the act was clearly the South, in fact the ban on test wherever there was low registration or turnout affected as well a smattering of counties in such states as Arizona, Hawaii, and Idaho. But at the discretion of the District Court of the District of Columbia coverage by the act could be waived.

Judicial discretion had been considered the bane of previous civil-rights bills. Yet the Voting Rights Act did not shift authority from the judiciary to the executive; it augmented the power of both. But the Southern district courts—described by Katzenbach at the hearings as beyond redemption—lost out. For though disputes involving Federal rights are normally taken to a local district court, cases arising under the Voting Rights Act are almost exclusively under the jurisdiction of the District Court of the District of Columbia. And appeals from its decisions go directly to the Supreme Court. It was not a unique arrangement, but Southerners saw it as an insult to Southern justice. "On what basis," Senator Sam Ervin asked, "can you justify saying, 'Close all the courts in the land except one'?"

Justice Hugo Black was among those who saw in the arrangement the ghost of Reconstruction. He was particularly irked by what was called the "preclearance" provision. Section 4 suspended literacy tests and other "devices" in all states and political subdivisions with a voting registration or turnout of less than 50 percent. The preclearance provision—section 5—reinforced section 4 by forbidding in those same jurisdictions the institution of any new "voting qualification or prerequisite to voting" without the approval of the Attorney General or the D.C. court. As Justice Black described it, states were treated like "conquered territories." "I doubt," he said, "that any of the thirteen colonies would have agreed to our Constitution if they had dreamed that the time would come when they would have to go to a United States Attorney General or a District of Columbia court with hat in hand begging for permission to change their laws."

Nevertheless, the motive behind the provision was clear. Southern states were adept at the fine art of circumvention. Banishing literacy tests, it was feared, might not be sufficient. New devices could be created with the same impact as old. Registration could be blocked anew.

THE CHANGE IN SECTION 5

While section 5 was originally regarded as nothing more than a corollary of section 4—the one banning literacy tests and the other making sure that the effect of that ban stuck—in time the provision took on quite a different meaning. It became the instrument by which the definition of enfranchisement was altered. What was a new "standard, practice, or procedure with respect to voting" that had to be precleared to determine that it was not discriminatory? By 1969 procedural changes covered by the act had come to include making an office appointive instead of elective, increasing the requirements for an independent to gain a place on the ballot, and, most important, switching from ward to at-large voting. Later decisions added district-line and city-boundary changes. Thus in 1974 the Attorney General determined that a reapportionment plan for Kings County, New York had to be cleared, even though that plan did not in any way constitute an effort to resist the registration of blacks: New York State had a literacy test and King's County was one of three New York counties with voter turnout below 50 percent. But by then the entire notion of anticipating Southern resistance had been long lost, and the provision transformed.

The original conception died largely because Southern resistance was so successfully extinguished. With the passage of the act, the registration of Southern blacks

soared. By September 1967 registration in Mississippi had risen from an estimated pre-act figure of around 7 percent of the voting-age population to almost 60 percent. In other states the rise was less spectacular, but still impressive.

In part, Southern resistance to registration never materialized because the act—as originally conceived—was on solid constitutional ground and the South knew it. The Fifteenth Amendment prohibited the denial of the right to vote on account of race, and Congress had been given the power to enforce that prohibition by appropriate legislation. The Voting Rights Act was an unimpeachable exercise of that undeniable power. More important, registration was difficult to prevent, for the power given both to the Attorney General and to the District Court of the District of Columbia was extraordinary. And so, in a short time section 5 was deprived of its clearest function. Originally intended to forestall devices designed to hinder black registration, it was left without any obvious use.

A new one, however, soon appeared: ensuring electoral effectiveness. In every Southern state black ballots were being counted, yet in many districts they appeared to have little impact. By 1969 that had become the central concern of both the Justice Department and the D.C. District Court.

THE END OF LITERACY TESTS

The emergency of section 5 as a tool for guaranteeing minority groups maximum electoral effectiveness was aided by a district court decision in the important case of *Gaston County v. U.S.* Under section 4 literacy tests had been suspended in all jurisdictions with a voting registration or turnout of less than 50 percent—a suspension that could be waived if a test were shown to be nondiscriminatory. In 1968 North Carolina's Gaston County brought suit in the D.C. District Court to procure such a waiver. Six years earlier, the county had replaced its traditional oral test with a written one, and had begun a well-publicized process of reregistering all voters. Announcements blanketed both white and black sections of town. The court did not question the test's impartiality.

The Southern setting, of course, made the test suspect. But though the Voting Rights Act was clearly aimed at the South, it did provide for exemptions, and counties such as Gaston should have qualified. The court, however, turned Gaston's petition down. It found the test discriminatory—not in purpose, but in effect. Gaston County had maintained segregated schools until 1965, and, Judge Skelly Wright argued, unequal educational opportunity had resulted in an unequal ability to pass the test. Thus the test penalized blacks for inadequacies imposed by the state.

Although Judge Wright spoke of North Carolina's history of segregation, in fact his logic could be applied to most Northern cities as well. There was no such thing as a racially blind literacy test, Judge Wright effectively ruled. It was a variation on the theme that has since become so familiar: When opportunities have not been equal, meritocratic systems don't work. Gaston had been attempting to administer a test of merit in the context of unequal educational opportunity.

It was a plausible but troubling argument. The Voting Rights Act had assumed that there was a difference between a region that used a literacy test to oppress a racial minority and one that exercised its traditional authority to set standards for voting. It assumed that while race could not be made a qualification, competency could. Judge Wright's reasoning, however, blurred that distinction—or at least dismissed it as worthless in the setting of Gaston.

Judge Wright's opinion had an effect far beyond Gaston County. The interpretation the courts have given to the Voting Rights Act has affected Congressional perception of the act as well. Judge Wright's decision strengthened the hands of those in Congress who favored the abolition of all literacy tests. Enlisting Wright's argument, they succeeded in 1970 in amending the act to provide for a nationwide suspension of all literacy tests for a five-year period. In 1975 that suspension was converted to a permanent ban.

Judge Wright's opinion also promoted the cause of those who argued that through the intervention of Federal power the process of political change could be greatly accelerated. The framers of the original Voting Rights Act had assumed that a massive registration of blacks would eventually result in a radical redistribution of political power. But in Judge Wright's view, judicial intervention could speed up that painstaking process.

That view was challenged by Judge Oliver Gasch. In a concurring opinion Judge Gasch contended that an absence of economic (not educational) opportunity had created black illiteracy.[1] Blacks were disproportionately illiterate because they went to work and not to school. Even the segregated schools, had blacks attended them, would have provided sufficient education to pass the county's very simple test.

Judge Gasch was suggesting (although he did not spell it out) that Federal courts cannot remedy wrongs built into the very structure of society. Unequal education opportunities often result from inequities in the economic structure, but since courts are helpless to affect the latter, they cannot undo the effects of the former. The level of black illiteracy in the end may be the responsibility of the state, but questions of such ultimate responsibility are not—and cannot be—the normal concern of courts.

Yet Judge Wright (and with him Judge Spottswood Robinson) swept that suggestion aside. The registration of blacks, they were convinced, need not await a change in the level of economic opportunity. The process of political change need not be so laborious. While the district court could not directly attack the economic structure, it could lessen the impact of that structure on the political power of minorities. In fact, it was the court's duty to do so. For minorities had the right—as the Supreme Court subsequently agreed—not simply to equal political opportunity, but to equal electoral result.

DISENFRANCHISEMENT AND DILUTION

The implementation of that right awaited the remaking of section 5. Though Judge Wright's opinion in Gaston cleared the way, it was the Supreme Court's 1969 decision in Allen v. Board of Elections that definitively altered the meaning of that provision.

The case, which involved several statutory amendments to electoral procedure—the most important of which was a switch from single-member district to at-large voting in the election of Mississippi county supervisors—opened the way for the Court to rule on the scope of section 5. Were the amendments "practices or procedures" that violated the provision? Did they need to be cleared by either the District of Columbia court or the Attorney General? The Court held that, because the changes had the potential of diluting the black vote, they were subject to review. "The Voting Rights Act," Chief Justice Warren asserted, "was aimed at the subtle as well as the obvious state regulations which have the effect of denying citizens their right to vote because of race."

This was a cumbersome rewording of Justice Frankfurter's 1939 observation that the Fifteenth Amendment "nullifies sophisticated as well as simple-minded modes of discrimination." The Voting Rights Act, and the constitutional amendment upon which it rested, clearly barred subtle as well as obvious disenfranchisement. But what constituted disenfranchisement? That was the difficult issue.

The question of the impact of at-large voting is particularly complex. Multimember districts, it is generally argued, benefit the strong against the weak. The party of the majority is able to capture all contested seats. As a result, it is said, political groups are not represented in proportion to their strength in the voting population, and minorities lose out. But in fact multimember voting does not always disadvantage a minority—an at-large arrangement, in which every single vote counts, may actually benefit blacks. Single-member wards often permit a white majority to ignore a black enclave. But in an at-large system whites may be forced to compete for black votes.

Equally important, disadvantage and disenfranchisement are not the same. Multimember systems may disadvantage blacks, but they do not disenfranchise them. There is no electoral system that ensures representation precisely in proportion to the potential strength of every group. Every districting system discriminates. The drawing of district lines—whether ward or multimember—has an inevitable impact upon the effective power of various political groups. Some groups are split; others find themselves concentrated to the point of greatly diminished returns; candidates of equal quality are not equally available in all wards; district lines often separate a candidate from his natural constituency; and so on. No district with a population greater than one can be created that will guarantee to each voter equally effective political power.

In fact, not only the task of drawing district lines, but even the political process itself discriminates. Formal and informal aspects of government disadvantage some groups and advantage others. Neither campaign funds nor political talent are evenly distributed. A multitude of political decisions made before and after elections affect power. Political alliances make and break programs. How can political weight be judicially distributed so that every vote has equal value?

That dilution is not the same thing as disenfranchisement was acknowledged by Chief Justice Warren in *Allen*. "The right to vote," he said, "can be *affected* by a *dilution* of voting power as well as by an absolute prohibition on casting a ballot" (emphasis mine). Warren carefully distinguished dilut-

[1] The opinion reads like a dissent, but was actually a concurrence. Gasch agreed with the result reached by the court, but on entirely different grounds. The county, he said, had failed to meet the required burden of proof—a demonstration that every election within its boundaries had been conducted in a nondiscriminatory manner.

ing from denying, but he neglected to point out that the Fifteenth Amendment—on which the Voting Rights Act was based and to which the case thus ultimately referred—only protects against denials.

There is one circumstance in which dilution does shade into denial, and it is this circumstance that Chief Justice Warren must have had in mind, for he went on to say: "Voters who are members of a racial minority might well be in a majority in one district, but in a decided minority in the county as a whole. This type of change [at-large voting] could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting." A racial minority, in other words, can find itself permanently locked out, if one assumes (as evidently Warren did) consistent and persistent racial bloc voting. But, in general, to disadvantage a political minority is not to disenfranchise it. Most political losers can imagine a context structured more to their benefit, yet few would argue that they possess either a statutory or a constitutional right to an optimal political environment. But when politics and race become thoroughly entwined—when political identity is inextricably linked with racial identity—then such a claim becomes enticing.

In situations which are politically fluid, disadvantaged voters are not considered disenfranchised. Democrats in a Republican community, for example, are free to join the Republican Party and bore from within. Candidates can choose to emphasize certain issues at the expense of others in an effort to win votes. But in a situation of true racial bloc voting, there is no vying for votes across racial lines. Between two candidates of different races, there is no contest at all. Campaigning is unnecessary; a racial count will do. Color becomes the sole determinant of political effectiveness.

Such a situation must be distinguished from one in which black, white, and other citizens belong to political interest groups that cross racial lines. Race and politics are not necessarily coterminous. While at-large voting usually works to the disadvantage of a political minority, it does not always nullify the ability of blacks to elect candidates of their choice.

The crucial distinction is blurred by Chief Justice Warren's opinion in *Allen*. He begins by speaking about the necessity to guard against the dilution effect of at-large voting. Voting, it is asserted, includes "all activities necessary to make a vote effective." But the racial disenfranchisement he clearly had in mind had nothing to do with an imbalance in political effectiveness. The reference to a "candidate of their choice" makes clear the Chief Justice's perspective: He is envisioning color-coordinated politics—the color of the candidate unfailingly matching the color of his constituency. And he is asserting the right of a minority racial bloc to equal access to the political process.

Allen set the tone for all future Voting Rights Act litigation. It permanently blurred the distinction between disenfranchisement and dilution, and between equality of political opportunity and equality of electoral result.

A CHANGE OF FOCUS

The impact of the decision was not confined to the courts. It had an immediate effect on Justice Department policy as well. The voting section of the Civil Rights Division is primarily responsible for enforcing the Voting Rights Act. Most disputes concerning section 5 are settled by negotiation between local and Federal attorneys; suits are brought in the District Court of the District of Columbia only as a last resort.

In the years between the passage of the act in 1965 and the *Allen* decision in 1969, the focus of Justice Department attorneys was on section 4. The aim was to get Southern blacks registered. But the Justice Department conceived of its role as exceedingly limited—a conception born, in part, of necessity: The Civil Rights Division had a staff of approximately 40 to handle all litigation involving the infringement of civil rights in the South. Yet ideology also restrained the Department. Both Robert Kennedy and Ramsey Clark preferred negotiation to confrontation. They believed in working behind the scenes, in securing compliance through persuasion.

Ironically, it was under Nixon that Justice Department policy radically altered. Beginning in 1969, the Voting Rights Act, and particularly section 5, was enforced with unprecedented aggressiveness. In part, the new militance was the unforeseen consequence of bureaucratic reorganization. Beginning in 1969, attorneys were no longer assigned to a geographical region, but instead to such legal specialties as housing, education, or public accommodations. A voting section was thus created and a cadre of attorneys devoted to the enforcement of the Voting Rights Act emerged. The new specialists had a vested interest in interpreting the act as broadly as possible.

Thus the decision in *Allen* legitimized policies to which this new cadre of attorneys was already committed. The voting section had been at odds with Attorney General Mitchell over the scope of section 5. Mitchell had argued in the 1969 hearings on the extension of the act that section 5 should not be read to cover either redistricting or annexations. He lost both in the courts and Congress. *Allen* was the turning point. Within seven days of the decision, the voting section began to enforce a refurbished section 5. It began to send instructional packets to legal officers in the covered jurisdictions, informing them of the necessity to clear every change in voting procedure with either the Attorney General or the District Court of the District of Columbia. And whereas only 323 voting changes had been received for preclearance by the Department in the years between 1965 and 1969, almost 5,000 were submitted between 1969 and 1975.

The interpretation which the Supreme Court had given to section 5 in *Allen* was not created out of whole cloth. From one perspective, Chief Justice Warren in *Allen* was simply reading into a statute resting on the Fifteenth Amendment those standards for equally effective political participation that had been developed in the Fourteenth Amendment one-man, one-vote cases. *Baker* v. *Carr*, for example, had established in 1962 a constitutional right to equal representation for equal numbers.

But "rotten boroughs" are not strictly analogous to multimember districts, nor was the principle enunciated in *Allen* a necessary extension of that established in the legislative reapportionment decisions. Those decisions focused on individual voter weight, and measured that weight solely by the standard of equal district populations. Their concern was the malapportionment of *individuals*, not the malrepresentation in *interests*. In contrast, *Allen* and subsequent Voting Rights Act decisions establish the necessity for equality among groups—specifically among racial and (more recently) ethnic groups. Today, the test of disenfranchisement is not whether one person's vote is worth more than another's, but whether the group to which that person belongs is "underrepresented" in the system. Group power, not individual worth, is made the measure of political equity.

Quite a different conception was initially built into the Voting Rights Act. Sponsors of the original legislation assumed that once blacks had access to the ballot, their position in the polity would be normalized. They would be citizens in that most elementary sense of the word, possessing the right to lend a voice to the political process. Those sponsors assumed that, in time, an end to discrimination would bring an end to racial bloc voting. Color-blind politics was the ultimate goal: the true integration of Southern blacks in a color-blind electoral process.

But the Court's redefinition of section 5 marks an abandonment of those hopes. It envisions blacks as a permanent group apart. It assumes that there is no escape from race. It acquiesces in separate politics for separate racial and ethnic groups, demanding only that between those groups there should be rough equality. Hence the necessity to be on constant alert for threats to black political power—the necessity to make sure that blacks have more than the right to go to the polls, to make sure that the vote they cast there will have maximum weight.

Perhaps color-blind politics in this color-conscious society was a naive hope, and political access too restricted a goal. Racial bloc voting may be the reality for some time to come, and ward politics may indeed make the most sense for most minorities in most communities. Yet incorporating this depressing political assumption into the Voting Rights Act is costly, for it produces a society in which political interests are defined by racial or ethnic identity and representation is guaranteed in proportion to groups' numerical strength. For when a perceived reduction in the potential power of a racial or ethnic group is called disenfranchisement, then proportional racial representation inevitably becomes the standard by which proper political effectiveness is measured. And although the Supreme Court has had an occasional second thought (not shared by either the D.C. District Court or the Justice Department), this is the basic standard that has applied since *Allen*. Moreover, it has been extended from blacks to a variety of other ethnic groups as well, for in the last few years both the ethnic and geographic scope of the act have been enormously expanded.

Whether we want a society in which citizens are assigned slots on the basis of their race or ethnicity is, of course, precisely the question that the *Bakke* case has since raised with reference to higher education. And it has been the issue in a series of constitutional cases dealing with the problem of desegregation at the elementary and secondary school level. Whether either preferential admissions or pupil assignment in the interest of racial balance makes much sense is far from settled. But whatever the outcome of that debate, it is not likely to settle the question of proportional racial representation in politics, for none of the reasons customarily given for the use of racial and ethnic quotas in education apply to the realm of voting.

PROPORTIONALITY, RACE, AND PARTY

In 1971, with the Supreme Court's decision in *Swann*, racial quotas became a permissible tool with which to dismantle a dual school system. Two assumptions lay behind the Court's ruling: that had there not been a history of *de jure* segregation, schools in the North Carolina district of Charlotte-Mecklenburg would have been racially mixed; and that racially neutral pupil assignment had become inadequate to the task of creating that previously impeded mix. The law of inertia, it was believed, governed segregation, and once set in motion could be checked only by determined interference in the form of racially conscious action. Racial quotas, then, were a permissible means of achieving the racial mix that would have occurred had there been no policy of deliberate segregation, although they were forbidden as an end in themselves. The use of quotas or goals in preferential-admissions programs is supported by a different logic. The motivation in such cases is not to provide an adequate remedy for constitutional wrongs, but to furnish compensation for educational deficiencies produced by centuries of discrimination, public and private.

Neither of those justifications applies to voting. The problem for the Southern black was not a dual system, as in schools, but not access at all. Blacks were not politically "segregated"; they were excluded. The ballot was their immediate and obvious need. In the absence of disenfranchisement, would the racial mix in politics have been statistically "balanced"? Can quotas be justified as part of an effort to create artificially that mix which would have evolved naturally under more auspicious circumstances? In the schools, perhaps, but not in government. Political offices are not equivalent to seats in a classroom. Groups in our society have never been politically represented in proportion to their size. The Irish have been "over-represented," Jews were long "under-represented." Culture and experience—not simply discrimination—have accounted for such differences. Nor does proportional racial representation in voting have anything in common with admissions to desirable educational programs. There is no barrier set to voting, as there is by selective admissions. And one vote has the same value as any other.

Not only is the principle of proportional racial representation difficult to justify; it is impossible to implement. Thus the drawing of district lines to maximize black representation does not guarantee racial proportionality. While racial balance in schools can be attained (more or less) through racially conscious seat assignment, that same balance in politics cannot be achieved by the assignment of citizens to wards.

One case in particular, *Whitcomb v. Chavis* (1971), is often cited as proof that the Supreme Court recognizes the limits of proportional racial and ethnic representation as a standard by which to measure political equity. But *Whitcomb* is a perfect example of the depth of the Court's commitment to a principle it appears to spurn.

The issue in *Whitcomb* was the representation of Indianapolis blacks. The entire county in which the city was located had been reconstituted as one large multi-member district. That change, blacks asserted, unconstitutionally diluted the effectiveness of the minority vote. But the Court held that disproportionate racial representation did not alone prove discrimination. Rather, the Court said, blacks had aligned themselves with the wrong political party. They had insisted upon being Democrats in a city in which Republicans most often won. Political choice had distorted the racial and ethnic balance of legislative seats.

The effect of *Whitcomb* was to assign to courts the impossible task of distinguishing those elections which are racially "clean" from those which are "tainted." Except in cases of persistent and obvious racial-bloc voting, how can a court determine the impact of race on elections? How can it know when the racial identity of candidates or voters and not political issues has determined the outcome of an election? The link between race and politics is often close. If the Democratic Party is perceived as the party of blacks, does that perception help or harm the Democratic vote? How can the court find out?

Despite these difficulties the Court insisted that in situations which are racially "tainted," proportional racial representation—in practice, ward voting—is the standard by which to measure electoral equity. Where black political power is reduced by racial hostility, at-large districting impermissibly dilutes the black vote.

The standard of proportionality was thus indirectly reaffirmed in a case often cited as evidence to the contrary. By the imposition of ward voting, the District Court of the District of Columbia and the Department of Justice are attempting to accomplish for certain minorities what only a very different political system could truly guarantee. How can the creation of single-member districts solve the problem of blacks or Chicanos who side with a losing party? Even the most careful drawing of ward lines does not guarantee the representation of minorities in proportion of their size. Proportional racial and ethnic representation is a dubious end, and single-member districting an inadequate means.

TERRITORIAL ANNEXATIONS

Just how far the courts and the Justice Department are from discarding proportionality or questioning the efficacy of ward voting is demonstrated by three decisions involving territorial annexations. The city of Petersburg, Virginia, like all political subdivisions in that state, is required under section 5 to clear changes in voting procedure with the Federal government. In 1971 it petitioned the Attorney General for approval of an annexation. The pre-annexation population of the city was 56 percent black, 44 percent white. The city's seven-member governing body was elected at-large. Although 7,000 whites and few blacks were added to the city as a result of annexation, blacks and whites alike supported it. Blacks constituted a majority before annexation, and a minority afterwards (47 percent), yet it was generally agreed that the city needed to expand its tax base and enlarge its potential for economic growth. In fact, the annexation ordinance was originally introduced by one of the two black members of the City Council; adoption was unanimous. Nothing about the annexation indicated racial purpose.

After the annexation, a black member of the council presented a proposal to have members of that body elected from single-member districts; it was turned down. At-large voting was traditional in the city, and considered to have some advantages.

Nevertheless, the Justice Department ruled against the city. The reduction in the voting strength of blacks, it said, had a discriminatory effect on voting rights within the meaning of section 5. Congress, it conceded, did not intend for all Southern cities to be prevented from annexing territory. But by maintaining the at-large system in the context of a shift from a black to a white majority, the city wrote into the Petersburg election law "the potential for an adverse and discriminatory voting effect."

The D.C. District Court concurred. It allowed the annexation, but required Petersburg to adopt a ward system of voting. Although the purpose of the annexation, it said, was not racial, the city had had a long history of racial discrimination. While white numerical domination in the mid-1960's had not prevented the election of black councilmen, nevertheless the races had long been polarized and racial bloc voting was the norm. The City Council had polarized and racial bloc voting was the norm. The City Council had always had a majority of white members and had, the court said, been "generally unresponsive to some of the expressed needs and desires of the black community." It had "on some occasions rejected or failed to adopt programs, employment policies, and appointments recommended by blacks." The fact that few city employees were black gave substance to the charge that it was a city run by whites for whites.

Yet a ward system would provide little relief. If district lines were drawn just right, the number of black representatives might increase. That increased representation would provide greater opportunities for patronage. Blacks might secure those "appointments" to which the decision elusively referred. But as long as racial bloc voting persisted, black councilmen would remain in a minority, and those "programs" to which the decision also alluded would have no greater chance of passing. The assumption that runs through these decisions—that equality at the electoral level will produce equality at the legislative level as well—is unfounded. Rearranging electoral districts to equalize legislative seats, even when successful, will not necessarily produce legislative programs of equal benefit to all. Blacks may gain their statistically equitable proportion of seats without gaining a comparable proportion of legislative benefits.

The courts and the Justice Department seem to believe that ward systems universally benefit minorities, but the blacks in Petersburg might have fared even better with a council elected at large. The city was almost half black. In an at-large system every councilman would have had black constituents. With minimal energy and organization those constituents could have made their presence felt.

Political conditions obviously vary from city to city. And the degree to which single-member districts in any one city will actually benefit a minority is unpredictable. In part, those benefits depend upon the skill with which district lines are drawn. The Department of Justice and the D.C. District Court focus on the dangers of lines drawn to disperse black votes and reduce black power. But the black vote can be diluted, as well, by excessive concentration. Votes can be wasted as well as ignored.

Neither the D.C. court nor the Justice Department, in other words, can be certain that one electoral arrangement is superior to the other. And the cost of judicial and executive interference into local electoral arrangements is considerable. When the Federal government intervenes in local electoral arrangements—when it attempts not simply to augment political opportunities but also to shape electoral results—it deprives citizens of their right to achieve through con-

89-059 O-86-14 (Pt. 10)

flict and conciliation those electoral arrangements most suited to their needs.

Decisions such as *Petersburg* have an additional consequence: They create incentives to keep a city ghettoized. Once a ward system is instituted, the geographical dispersion of blacks cuts into black power. How many individuals would actually base a housing decision on such political considerations is, of course, difficult even to speculate about. Nevertheless, courts have often argued that residential segregation is the responsibility of school boards, since decisions establishing school-construction sites mold neighborhoods. It is certainly as plausible that area-based political machines help to shape a city. The courts, by rulings such as *Petersburg*, lend their weight to the cause of those who envision American society as deeply and permanently divided along racial and ethnic lines.

A further difficulty is that the courts and the Justice Department impose ward voting without making clear the precise circumstances which compel their decision. What if blacks had retained a slim majority in post-annexation Petersburg? And when single-member disticts are required, where must district lines be drawn? In reviewing reapportionment in New York after the 1970 census, the Justice Department demanded that district lines in the Williamsburg section of Brooklyn be redrawn to give blacks and Puerto Ricans a 65 percent majority: Because the turnout of minority voters was low, the 61 percent given under the proposed reapportionment plan was found wanting. In other words, the Attorney General made the bizarre assumption that if an ethnic group has a history of low voter turnout, it is necessary to draw district lines in such a way as to increase the concentration of that group! Apparently the whole political system had to be adjusted to take account of that transitory social fact. And if minority turnout increased to the point that minority votes were being "wasted," would the system then require further readjustment?

The inevitable confusion over the when and where of district lines has been further compounded by two decisions involving the annexation of a suburban area by the city of Richmond, Virginia. The annexation in *Petersburg* was indisputably motivated by economic considerations. But race lay behind Richmond's decision to incorporate surrounding territory—or at least that is what the District of Columbia court alleged. Judge Skelly Wright said that whites had attempted to sustain waning power through the addition of more white voters.

THE RICHMOND STORY

Voting in Richmond had been at large. After the annexation the city proposed a ward plan, in hopes of complying with the principle established in *Petersburg*. But a ward plan, the court ruled, cannot save an annexation which is racially motivated, since the Voting Rights Act prohibits the purposeful dilution of the black vote. "To convince a court that such a city . . . has purged itself of a discriminatory purpose," wrote Judge Wright, ". . . it would have to be demonstrated by substantial evidence . . . that the ward plan not only reduced, but also effectively *eliminated* the dilution of black voting power caused by the annexation." (Emphasis mine.)

The only plan which could possibly "eliminate" that "dilution" would be one guaranteeing to blacks the level of power they had previously possessed. The court did not specify, however, whether that level would be the number of seats to which blacks were actually elected, or that which a ward plan without annexation would have given them. But the principle was clear: Annexations which are racially motivated cannot be permitted to dilute the political strength of blacks. Under such circumstances, blacks are entitled to representation not simply in proportion to their present numbers, but in proportion to what those numbers were prior to annexation.

There was a certain logic to preventing a city with a long Jim Crow history from duplicitously shoring up waning white power, if indeed that was what it was doing. But the principle formulated by Judge Wright was unworkable and indefensible. It made annexation conditional upon a fixed balance of power and in effect established a political quota system that guaranteed blacks a permanent right to a certain proportion of the seats in city government. Implementation of the principle was left to a district court in Virgina, one more familiar with Richmond politics.[2]

In fact, Judge Wright had alluded to the option of de-annexation, but by the time the court ruled, the annexation was more than four years old. Moreover, there was some reason to think that blacks actually favored annexation, although Judge Wright conveniently relegated to a footnote evidence of such support. Yet the issue was obviously crucial. Perhaps blacks in Richmond, as in Peterburg, did not regard black numbers as the necessary solution to their economic and political woes. While the court was convinced that the City Council had been unresponsive to black needs and equated that lack or responsiveness with white domination, apparently blacks saw the situation as more complicated.

Undoubtedly, some Richmond whites welcomed the addition of more white voters through annexation, but the motives of even the most racist among them must have been mixed, Annexation made economic, as well as educational, sense. Several months ago, *The New York Times* described the city as beginning to suffer from Northern-style urban pains. "It is becoming blacker, poorer, and older," the *Times* said. The inner-city population has been falling almost 2 percent annually, half the residents are black, the school system has an 80-percent black enrollment, and unemployment exceeds 15 percent in many black sections. The *Times* described the annexation as an effort both to slow white flight and to expand an inadequate tax base. The effort failed; but had it succeeded, the city's new black mayor would be facing far fewer problems. As the situation now stands—and as the mayor has made clear—only the cooperation of the white business elite can prevent further decay.

Not even annexation, then, could preserve the political and economic status quo. Neither the citizens by territorial means, nor the Federal government by judicial ones, could stop the city's demographic, economic, and political change.

The D.C. District Court's decision did not last long. In 1975 it was overturned by the Supreme Court in an opinion which argued that the ward plan already adopted would suffice. Blacks, the Court said, were not entitled to any absolute number of seats, but only to a number proportionate to their current strength.

ADDING LANGUAGE TO RACE

The principle of proportional racial representation could have been repudiated by Congress. Richmond provided the perfect opportunity for legislative redefinitions of the act. The Supreme Court decision was handed down in June 1975. The act was due to expire in August, and hearings on its extension had been underway since late February. But judicial decisions seem to encourage not contraction but expansion of legislative scope. When the Court embellishes the original meaning of a piece of legislation, the new interpretation becomes a tool for those in Congress who favor even greater change. Thus the act's 1975 extension resulted in both a reaffirmation of the principle of proportionality, and the addition of amendments which greatly enlarged the scope of the law. The 1965 act had protected all citizens denied the right to vote on account of race or color. And since it was based on the Fifteenth Amendment, essentially that meant blacks. In 1975 protection was extended to four specifically designated "linguistic minorities": American Indians, Alaskan Natives, Asian-Americans, and citizens of Spanish heritage.

As in the original act, coverage in the 1975 extension was triggered by the existence of a test in areas with a registration or turnout of less than 50 percent. And coverage meant not only suspending those tests, and providing Federal registrars where needed, but the necessity for states and localities to "preclear" all changes in electoral procedure, including annexations and apportionments. Moreover, the definition of a "test" was broadened. Under the 1975 legislation, ballots printed in English were considered a "test" when used in a jurisdiction in which more than 5 percent of the citizens of voting age were members of one of the designated minorities. And the "suspension" of such a test involved the provision of bilingual ballots.

One provision in the 1975 amendments had no counterpart in the 1965 law. Originally the Voting Rights Act covered only those jurisdictions in which a low level of political participation indicated a history of discrimination. But Congress concluded that bilingual ballots were often needed in areas in which voting turnout exceeded 50 percent. The amendments therefore made the provision of those ballots mandatory wherever linguistic minorities with an illiteracy rate higher than the national average resided. Thus a host of counties in California, Colorado, and elsewhere came under partial coverage. They were expected to provide bilingual ballots and other instructional material, but were not subject to other provisions such as preclearance of changes in their electoral laws.

The coverage of these "linguistic" groups compounded the problems already inherent in the act. To the difficulty of guaranteeing maximum electoral effectiveness to blacks was added that of ensuring equal effectiveness to American Indians, Alaskan Natives, and those Asian-American and "Spanish heritage" groups that the Justice Department in implementing the act, designated as having been "effectively excluded from the electoral process." This category includes: Filipinos, Chinese, Japanese, and Koreans;

[2] Ironically, the struggle over annexation took place at the same time that the city was grappling with the problem of school integration. The local district court ordered the consolidation of the Richmond school district with that of two surrounding counties. While one Federal court looked for ways to reduce the effect on black voting power of the addition of more whites, another searched for method to add more votes for purposes of school integration!

persons of Spanish surname in Arizona, California, Colorado, New Mexico, and Texas; persons whose mother tongue is Spanish in 42 states; and Puerto Ricans in New York, New Jersey, and Pennsylvania.

These were groups without a history of disenfranchisement comparable to that of Southern blacks. No test designed to disenfranchise citizens of a particular race had kept them from the polls in recent decades. But the Department of Justice, implementing Congressional intention, concluded that they had been sufficiently disadvantaged by the absence of bilingual election material so as to warrant Federal protection. A "test" of disproportionate ethinic impact (inability to read English was assumed), when coupled with low voter turnout, became the trigger which entitled this odd assemblage of groups to the political privileges created and protected by the Voting Rights Act.

What can explain the passage of these amendments? And why did they take the form they did? For one thing, the inclusion of "linguistic" minorities quieted the customary Southern opposition. "We feel the same way about this as we do about busing," one Louisiana Representative remarked. "Let them stew in their own juice up there." Two Alabama Congressmen publicly endorsed the bill. But though the taste of revenge was sweet, more important was the simple recognition of political realities: By 1975 a quarter of the voters in the seven Southern states covered by the act were black. The expansion of the act would ensure its renewal and blacks wanted it renewed.

Outside the South, too, opposition was muted. The enthusiasm of the North and West in 1965 and 1970 had cost those regions nothing politically, but the amendments proposed in 1975 affected almost every state. Yet the issues were scarcely debated. This was in part because no legislation was more important to the black community, in part because civil rights in general had become a privileged issue and sheltered from political discourse. And in part it was because by 1975 there had developed a remarkable consensus that group effectiveness was the real measure of political equality.

Republican Representatives M. Caldwell Butler and Charles E. Wiggins proposed amendments that would have released jurisdictions from the provisions of the act when they achieved a high percentage of persons registering or voting. The Butler proposal allowed a political unit to bail out as soon as either registration or turnout reached 60 percent. Wiggins wanted release tied directly to the level of black participation. Black turnout would be examined after each Congressional election, and no jurisdiction in which the black vote was over 50 percent would be covered. But both proposals were roundly defeated. The states and counties that fell under the act because of low voter turnout in 1964 were still to be covered after 1975.

The consensus on maintaining supervision over the Southern states went beyond Congress, of course. In the press there was widespread support for the amendments. The view of a *Washington Post* staff writer was characteristic: "Civil-rights lawyer," he wrote, "agree that the law is tough but says that is its beauty—that blacks are protected from sophisticated tecnhiques like racial gerrymanders of election districts that can rob them of voting power just as surely as a gang of klansmen hanging around a voting booth." The equation between terrorism and redistricting did not seem to raise any eyebrows.

The censensus on the need to protect political effectiveness—and the sanctity which enveloped the act—gave a very free hand to the House Subcommittee on Constitutional and Civil Rights, where the amendments were drafted. And it was a committee ready and willing to use that freedom—ready to demonstrate, as New York Representative Herman Badillo put it, that the spirit of the 1960's was not dead.

To help Badillo demonstrate the vitality of that spirit were Chairman Don Edwards of California and Congressman Robert Drinan of Massachusetts. Off the committee, but equally involved, were Texas Congresswoman Barbara Jordan and California Representative Edward Roybal. It was a powerful group, ably supported by a skilled and committed staff, and it was likely to get what it wanted.

THE MEXICAN CONNECTION

At the outset what it wanted was quite limited. Initially, the intention was to extend the act to cover Mexican-Americans in southwest Texas, affording them all the protections of the act, including section 5 on preclearance of changes in electoral procedure. The practice of the Justice Department in implementing the act had been to treat Indians, Puerto Ricans, and Mexican-Americans as racial groups, with the result that Mexican-Americans in states that required literacy tests were covered. But Texas had had no such test in 1964, and was therefore exempt from the provisions of the entire act!

Yet even without the barrier of a test, the Mexican-American registration rate in Texas was low. Precisely how low was difficult to tell, for the figures are distorted not only by the inclusion of aliens, but by the problem of age structure. (The percentage of Mexican-American citizens below the voting age is much greater than that of old-stock whites.) Nevertheless, it was estimated that the registration rate was approximately 46 percent. In the 1972 elections, 38 percent voted. Witnesses pointed out that Mexican-Americans comprised 10.7 percent of the elected officials in Texas, but 18 percent of the population.

These Mexican-Americans, however, could not be covered easily. The 1965 act had been based on the Fifteenth Amendment. It protected against denial of right to vote on account of race or color. While in the view of the Justice Department, Mexican-Americans constituted a separate race, in the view of Herman Badillo (among others) they did not. In 1965 Attorney General Katzenbach had suggested that since every person had a race or color, everybody would be covered. But fortunately that view was not widely accepted. In the 1975 hearings, the Department of Justice, with mock-scientific accuracy, testified that in 1921 the population of Mexico had been 10.3 percent white, 29.2 percent Indian, and 60.5 percent mestizo, that the present breakdown was roughly the same, and since the vast majority of Mexicans were either part Indian or part black, Mexican-Americans could be said to be racially distinct. But the fact remained that the Census Bureau considered the Mexican-Americans to be white, and that Herman Badillo and others still considered it a mark of opprobrium to be classified as non-white. In the end, therefore, the arguments of the Justice Department fell on deaf ears. In any case, officially designating Mexican-Americans as a race would not have resulted in their coverage, but would merely have eliminated any need to refer to a "linguistic" minority. Actual coverage required a new trigger—one which did not depend upon the presence of a literacy test.

A dual solution was forged. The issue of race was dodged, and the base of the act was broadened to include the Fourteenth Amendment, as well as the Fifteenth. Including reference to the Fourteenth Amendment—with its equal protection clause—allowed the coverage of groups disenfranchised by reason of their national origin. At the same time, the meaning of the term "test" was expanded to include the use of English-only electoral materials, thus extending coverage to states without traditional literacy tests. This solution not only obviated the problem of defining race, but by retaining the link between a "test" and low voter turnout—the latter being an indicator of the discriminatory effect of the former—it avoided a return to the pre-1965 need to examine the intentions or actions of individual registrars.

But if some problems were avoided, others were created. A ballot in English is not the same as a literacy test designed to disenfranchise citizens of one race. English-only electoral materials do not discriminate against a racial or ethnic group as such.

There are practical problems as well. How is one to identify accurately citizens who are illiterate in English but literate in some other language, and therefore need foreign-language ballots? Attorneys in the voting section of the Justice Department use the Census Bureau's mother-tongue data, which tell the language spoken in the household in which the person grew up. But for the purpose of identifying those who are illiterate in English, the data are quite unreliable. Based on only a 15 percent sample, and including aliens as well as citizens, it assumes (contrary to fact) that second and third generation immigrants know only the language of their parents. Information on usual language spoken would be much more reliable, and indeed since 1975 the Census Bureau has been able to provide such information. But it would be politically much less useful. The 1970 census lists 43 million Americans as having a foreign mother tongue. Yet quite a different picture emerges when one looks at the figures for usual language. By that measure, only 1.1 million persons of Spanish heritage know only Spanish. Another 2.9 million are bilingual, but consider English their second language. Only 2.2 million describe themselves as having "difficulty in English." The total unreliability of the mother-tongue data is indicated by one more startling figure: Only 17 million Americans list themselves as competent in a foreign language—and that figure includes those who learned that language in school, as well as aliens!

The most serious problem, however, was not the inclusion of a significant number of individuals who were perfectly fluent in English, but the inclusion of groups who made no claim of discrimination. Ethnic identity, linguistic inability, and disenfranchisement were equated. Yet no one believed that any European group was actually the victim of discrimination. The assertion that English-only electoral materials by themselves so discriminated against certain groups as to warrant the extraordinary protection of the Voting Rights Act was nothing but a convenient pretense. No one wanted any special protection for recent Italian immigrants, for example, even though the number of Italians who do not list English as their usual language is only

slightly smaller than that of Asians—593,000 Asians in 1975, compared to 447,000 Italians.

The solution arrived at was unprecedented and extraordinary: Congress simply designated four groups as deserving, and excluded all others. The 1965 legislation protects all citizens denied the right to vote on account of race or color. But the 1975 protection against disenfranchisement on the basis of language extends to certain citizens only: Alaskan Natives, American Indians, Asian-Americans, and those of Spanish heritage.

If four groups could be so designated, why not one group? The original focus of concern was the Mexican-Americans in Texas. Why such a broad-gauged, roundabout, and problematic solution to such a geographically and ethnically confined problem?

In part, political considerations dictated the coverage of groups other than Mexican-Americans. It was difficult to stop once the line from black to brown was crossed, and there was pressure to include other groups. But equally important were the constitutional problems inherent in simply designating one group to be covered but not enunciating some larger principle. Equal protection demands that in conferring legislative benefits upon only certain persons, great care be taken to demonstrate the relationship between remedies and wrongs. The selection of one group for preferential treatment is constitutionally suspect unless that treatment is related to actual deprivation and perceived social needs. That is why the 1965 legislation did not name blacks specifically, but referred to citizens denied the right to vote on account of race, and why, with regard to the Mexican-Americans, the formulation of some wider principle was necessary. Once that larger principle of linguistic disenfranchisement was established, however, other groups seemed logically to qualify.

Yet the logic was strained. Consider Asian-Americans: No evidence was offered at the hearings as to their political oppression, and such evidence would have been hard to come by. Japanese-Americans are among the most successful of all American ethnic groups. They suffer no discrimination at the polls. Nor do Chinese, Koreans, or Filipinos. Census information for the Japanese and Chinese is illuminating. Less than 15 percent of white Americans of native parentage were college graduates in 1970. For second-generation Chinese-Americans the figure was 27.4 percent, and for second generation Japanese-Americans 18.6 percent. Median family income of second-generation Chinese-Americans was 29 percent higher than that of old-stock whites. The figure for Japanese-Americans is even higher: 41 percent above the norm for native whites of native parentage.

Over-inclusion might appear harmless. No deprivation would seem to result from designation. But section 5 makes the inclusion of superfluous groups far from socially benign. The presence of these linguistic groups, in the context of low voter registration or turnout, establishes coverage—and once a political subdivision is covered every change in voting procedure must be submitted for clearance.

Between 1975 and 1977 there were 2,000 such submissions. Most, it is true, involved innocuous electoral changes that were immediately cleared. But a significant number, involving annexations, reapportionments, changes from ward to at-large voting, changes in the method of filling a public office, and so forth, were not. Precisely how many conflicts developed is difficult to tell, for disapproval usually results not in litigation, but in negotiation. That is, the voting section of the Civil Rights Division suggests ways in which the electoral arrangement can be altered to secure approval. Such off-the-record negotiations have become the heart of the enforcement procedure. For example, they lay behind the alteration of district lines in the Williamsburg section of Brooklyn, New York. Only when these negotiations break down, as they did in Richmond, does litigation commence.

Through this informal negotiating process, the Department of Justice has become the national arbiter of political conflicts involving racial and ethnic groups. Across the nation, in districts in California, Arizona, Colorado, Hawaii, Alaska, New Mexico, and New York, in addition to the South, the voting section is engaged in adjusting local electoral arrangements in order to augment the power of certain groups and diminish that of others.

A CONTINUAL ARRIVING

The Voting Rights Act was a noble reponse to the callousness of those who for so long permitted and perpetuated the disenfranchisement of Southern blacks. And its accomplishments have been very real: The old political order has crumbled in the South. Politics is no longer a lily-white preserve.

But not everything that has resulted from the passage of the act has turned out so well. The transformation in the meaning of political equality—the movement from equal opportunity to equal result—cannot be so simply celebrated. Congress, the courts, and the Department of Justice have taken a course that is frequently ineffective and always dangerous. The effort to maximize the political effectiveness of a variety of ethnic and racial groups, even when ultimately successful, is always costly. Proportional racial and ethnic representation inevitably becomes the standard by which to measure that effectiveness, and so citizens become classified for political purposes along racial and ethnic lines. There develops an acquiescence in separate politics for separate racial and ethnic groups, which are then arranged in a hierarchy with those designated for coverage placed at the top.

And the problem of costs is compounded by that of ineffectiveness. Williamsburg is a good example. Buying votes or stuffing ballot boxes works, but the drawing of ward lines cannot fix an election. In order to ensure the selection of a black, the Justice Department forced New York to redraw district lines. But factional strife, both within the black community and between blacks and Puerto Ricans, resulted in the election of a white. The underrepresentation of minorities may be a problem, but we have no reliable remedy, and those we attempt to provide don't come free.

Even where an increase in minority representation has been successfully engineered, the power of minorities may remain exceedingly limited. Such limitations were recognized in Petersburg, where blacks joined whites to choose economic growth over black numerical strength, and are even more apparent in those communities in which minorities are truly in the minority. Neither at the local, state, nor national level will a few more Mexican-American representatives get for the Mexican-American community what it needs most: legislation benefitting the poor. Political alliances are necessary—alliances based on class, rather than race or ethnicity. But the implementation of the Voting Rights Act may be decreasing the possibility of such ties. The political polarization of the society along racial and ethnic lines may be its main accomplishment. In the view of those who have modified and implemented the Voting Rights Act, separate politics for separate racial and ethnic groups appears to have become the norm. Yet if our aim is to create one society—not two or four or twenty—is this the direction in which we want to go?

That direction, it is often asserted, is only a temporary one. When the problem disappears, the act will expire. But the act itself is creating a host of new problems. Moreover, it seems well on its way to becoming a permanent part of our political landscape. How would we know when political success had been attained? We have no measure of political arrival. Those who implement the act now use the standard of racial and ethnic proportionality to assess electoral equity. But proportionality is a destination we shall never reach. We shall always be arriving and never there.

The act is due to expire in 1982, but there is no indication of any lessening of enthusiasm for it. The feeling is widespread, as one advocate recently put it, that "governmental units should not do less than is open to them." Until that feeling changes, and until we arrive at a definition of political equity for racial and ethnic groups that once again focuses on access, and forgoes the temptation to secure maximum effectiveness, the Voting Rights Act will be here to stay.

[From the Washington Post, Aug. 4, 1981]

VOTING RIGHTS: TO WHAT ARE MINORITIES ENTITLED?

(By Abigail M. Thernstrom)

So far the debate on the renewal and revision of the Voting Rights Act—due to expire in August 1982—has not been very edifying. Exaggerated charges and counter-charges have obscured the real complexities of the issue.

It would thus seem a welcome sign that a compromise bill has emerged in the House Judiciary Committee that would allow counties with a history of "good behavior" to extricate themselves from the most intrusive provisions of the act. In fact, as the bill is currently written, no southern county is likely to meet the stringent criteria established. Those who drafted the bill clearly believe that the act should continue to cover the entire Deep South, and if the bill is passed, they will probably get their way.

A few basic facts. The initial aim of the 1965 act was the enfranchisement of southern blacks, and that goal was quickly met. Nor can the ballots once again be taken away. The literacy test (fraudulently administered) was the chief means of disenfranchisement, and the ban on such test will remain. Criminal penalties for voting fraud are here to stay. They are among the permanent provisions of the Voting Rights Act.

It is thus necessary to take with a grain of salt the assertion, frequently made, that if the act is allowed to expire, the South will return to its pre-1965 ways. "Minorities stand perilously close to where they were in 1877, when the nation, grown weary of the race issue, agreed to let local officials deal with voting rights as they saw fit," one civil rights attorney has recently written. But history won't repeat itself. There are neither the economic nor the political conditions for renewed, widespread oppression.

Yet also deserving skepticism is the assertion that black voting has so radically transformed the structure of southern politics that the temporary provisions of the act are no longer necessary. Those who want to see the act renewed, but greatly watered down, argue that to retain all the current provisions is to penalize the South for its past. Yet in many places that past is clearly present. Not penalties, but protection, is what supporters of the act clearly have in mind.

Much less clear, however, is the extent of the need for such protection. The gains are less fragile than some assert, but we lack an accurate sense of the magnitude of actual change. Conflicting conceptions of the South abound, and they are at the heart of the dispute over the act's renewal. Primarily at issue is what is known as Section 5: the provision in the legislation that protects against discriminatory changes in electoral procedures. Black or Hispanic ballots do not everywhere ensure actual power. The gerrymandering of district lines to the advantage of white voters, the institution of at-large elections, and the annexation of largely white suburbs—such changes in municipal and other electoral systems can significantly diminish the impact of the ballots cast. Section 5 requires that all such alterations in the electoral systems of "covered" jurisdictions (mostly in the South) must be "precleared" by either the U.S. Department of Justice or the D.C. Distict Court.

Yet not all at-large voting or disadvantageously drawn district lines are discriminatory. At-large systems in the North are considered legitimate. A certain amount of ethnic-bloc voting is accepted as normal. And thus to the degree that the political process in a southern city or county has come to resemble that in the North, it too is normal.

From the outset, white southerners saw Section 5 as having reduced their region to the status of a conquered territory. Southern states, they said, were forced to go to Washington, hat in hand, to beg permission to change their electoral laws. Time has not assuaged this resentment, to which northern conservatives have now lent a sympathetic ear.

Of course, the conquered territory image was always hyperbole. And the fact is that abuses in the North were less likely to be racially motivated than those in the South. As recently as June 2, federal observers were sent to Mississippi to protect blacks against discrimination in an election.

Yet, the assertion, on the other side, that the problems in a particular Mississippi town on June 2 are typical of those in the entire South, and that the rhetoric of local control is nothing but a cover-up for white racism, is also wrong. When the Voting Rights Act was first passed, Section 5 was considered a draconian measure; only the severity of the problem warranted such a severe solution. Over time, the provision has come to be seen by some as part of the natural legislative landscape. In fact, as the Judiciary Committee has ostensibly recognized, it should not be, and in renewed and revised legislation, some jurisdictions should be allowed provisionally to "bail out" and regain autonomy over their local electoral process.

Which jurisdictions? Take a southern county that is approximately 40 percent black, that has never been a defendant in a suit alleging racial discrimination, that has a record of electing blacks to a school board and of appointing blacks to various boards, and that appears to distribute its public services equally among all sections of the population. If elections at-large for the county commissioners replace an appointive system, should the Department of Justice have the power to insist on single-member districts on the grounds that with such districts more blacks would most likely be elected? Or should Section 5, the special remedy for a special wrong, no longer apply?

Settling that question requires answering a more basic one; namely, the meaning of electoral discrimination. We talk of the "dilution" of the minority vote, but in fact we don't know what a "full" vote is. To what, precisely, are minorities entitled? It is the fundamental issue that 15 years of experience and litigation have not yet settled. And as long at it remains unsettled the basic goal of the Voting Rights Act will remain elusive. Is an integrated political process the aim—a process in which minorities have electoral opportunities equal to those of whites, but are guaranteed no particular results? Or is the goal black and Hispanic political power with seats in proportion to the minority population?

These are just some of the questions a renewal of the Voting Rights Act raises, and the answers are far from obvious. William Jennings Bryan once said in reference to Prohibition: "This is a moral question. There is but one side to a moral question." In 1965, the passage of the act was just such an issue, but the precise form its extension should take is not. We need to be wary of our instincts, and give ourselves time to think.

[From Fortune, May 31, 1982]

THE TROUBLE WITH RESULTS

Coming off a certain dubiety about the possibility of mankind's getting ahead in this world as a result of anything labeled a compromise in Washington, we were instantly suspicious of the Reagan Administration's decision "to endorse a bipartisan compromise bill extending and strengthening the 1965 Voting Rights Act" (as the Washington Post approvingly summed things up) and accordingly reached for the nearest VRA file. Sure enough, the great bipartisan compromise turns out to be nothing but a cave-in to another mindless scheme for converting equal opportunity into equal outcomes.

The issue all along here had been the standards that should apply in considering whether a state or locality is violating the Voting Rights Act. Just about everybody agrees that the act, some parts of which are scheduled to expire this summer, has been a substantial success and should be extended in some form. The question is what form. Specifically, what has to be shown in order to prove that someone's voting rights have been discriminatorily denied or abridged?

When the House of Representatives voted to extend the act last August, it moved to change the operative standards. Section 2 of the existing act simply says that states and localities are not allowed "to deny or abridge" the right to vote. The House reworded this passage so that it would bar any arrangement "which results in a denial or abridgment."

Given the context, that word "results" was ominous. The House was acting to override a 1980 Supreme Court decision—*City of Mobile* v. *Bolden*—which had emphatically rejected the view that electoral results unfavorable to minority voters evidenced discrimination. The Court insisted that there had to be a discriminatory intent before there could be a Section 2 violation. The House vote was meant to implement the alternative view, propounded by Justice Thurgood Marshall, whose lengthy dissent in *Mobile* complained that intent was too hard to prove and argued for a results standard.

The court majority characterized Marshall's theory of the case as an extreme one; nevertheless, it appeared for a while as though the Senate too would buy this line. The Senate held off when a number of Reaganites, conspicuously including Orrin Hatch of Utah, focused on some unpleasant implications of a results standard. It would, said Hatch, "radically transform the goal of the Voting Rights Act from equal access to the electoral process into equal outcomes in that process," and would lead inexorably to "a standard of proportional representation by race as the standard for identifying discrimination. . . . There is no other possible meaning to the concept of discriminatory 'results' . . .".

What's going on here, you will observe, is an argument that runs on parallel tracks to the one about affirmative action. There, too, laws designed to create equal opportunity have long since been translated into a push for equal outcomes. There, too, the Reaganites have elected to compromise their original convictions and to accept the perpetuation of programs that equate discrimination and less equal outcomes for minorities.

In one respect the "compromise" now being swallowed by the Reaganites on voting rights is even more extreme than the Marshall dissent. Marshall at least denied that his logic must lead to proportional representation. The compromise proposal that has now been bought by the White House—it was patched together by assorted conservative and liberal Senators, including Teddy Kennedy—also denies that it's for P.R.; however, it instantly undermines this thought by coupling it to the statement that, in considering whether there has been discrimination, "the extent to which members of a protected class have been elected to office . . . is one 'circumstance' which may be considered . . .".

We gather from the Washington Post that the compromise is considered by the Reaganites to be great politics. Our dubiety extends to that proposition too.

[From the Washington Post, May 8, 1982]

VOTING RIGHTS MAKE STRANGE BEDFELLOWS

(By Mary McGrory)

Joseph L. Rauh Jr., the most liberal Democrat of them all, is going around town singing the praises of his unexpected new hero, Sen. Bob Dole, Republican of Kansas.

What set off Rauh, whose standards many Democrats fail to meet, was Dole's performance in getting the Voting Rights Act onto the Senate floor.

"He was superb," Rauh raved at a Democratic cocktail party on Capitol Hill the other night. "He got us the perfect bill. We couldn't have done it without him."

Rauh calls Dole "the Dirksen of the '80s." Sen. Everett Dirksen of Illinois has a special place in the hearts of the left because, amid some of the most intricate semantics since the Council of Trent, he put over the civil rights bill of 1964, while pretending to tear it to pieces.

"Mightier than armies is the idea whose time has come," Dirksen intoned memorably on the Senate floor, after extracting some concessions from Hubert Humphrey.

Dole did better than Dirksen, according to Rauh, because he gave away nothing sought by civil rights activists. He cut the ground out from under the White House, which, under the guise of "strengthening" the 10-year-old bill, was attempting to gut its key provisions.

Dole broke a committee tie and brought along other Republicans. He did it most diplomatically, calling his revised draft "a compromise."

"It was no compromise at all," says Rauh stoutly. "We got everything we wanted."

All Dole did was to put in writing the fears of the conservatives. He added language which specifically said that the new bill would not lead to the "proportional representation" specter raised by the right.

As late as last Tuesday, when the Judiciary Committee voted the bill out 17 to 1, the Justice Department was still agitating for the "intent" clause written by Sen. Orrin Hatch, the Republican conservative from Utah.

"He was never a vicious racist," says Rauh of the architect of perfection, Dole, "just a conservative guy. I remember him from his House days. He would listen to us, but usually voted against us."

Once the White House realized that Dole had the votes, the president rushed forward to embrace "the compromise." The attorney general has yet to be heard from.

Dole's involvement began when civil rights advocates zeroed in on him as the only hope of ending the Judiciary Committee deadlock. Sen. Howell Heflin (D-Ala.) was out of it because his state was the site of the most fiercely contested court action of the Voting Rights Act. After they had generated some heat from Kansas, Rauh, NAACP President Benjamin Hooks, Clarence Mitchell and other people of the sort that Dole doesn't usually hang around with approached him for support. He took them at their word that they did not want proportional representation, that they accepted the Supreme Court definition of the "result test" and, in fact, wanted only what they said they wanted, as contained in a House version that had passed 389 to 24. "He was superb," says Rauh.

Dole can handle Rauh's raves. He took a leading part in the Voting Rights drama, he says modestly, because he thought the issue should be settled in committee rather than on the Senate floor. A number of Republicans agree with him. What they do not need, in this uncertain spring, was a ugly and divisive debate on discrimination.

"I think Republicans should get out of the back row on things like this," Dole says. "We are sensitive, compassionate people and we ought to act like it, especially if we want to be a bigger party."

It is a philosophy that has been expressed more bluntly by Sen. Robert Packwood, chairman of the Republican Campaign Committee, who is persona non grata at the White House. Dole, who say he has a 94 percent presidential unity rating, claims that his relations with Reagan are fine. Dole's wife, Elizabeth, still has her job as director of consumer affairs, and sometimes Dole sends important messages through her. Naturally, some staff members, seeing Dole's deviations on such issue as food stamps—he is against further reductions—and defense spending—he is for further reductions—believe he is moving to the left in the interests of a 1984 presidential candidacy.

Naturally, Dole denies it.

He is known to make jokes about supply-side economics, which greatly annoys another ambitious Republican, Rep. Jack Kemp of New York. But he has not been indiscreet enough to call for the repeal of the third year of the Kemp-Roth tax cut, an idea the president finds unforgivable.

He also observes the cardinal rule laid down by the Republican National Committee. "The place where the White House and the Republican National Committee draw the line in the sand is that no one attacks the president personally from within our party."

Dole hasn't said a word about Reagan. And Reagan hasn't said a word about Dole, even though he must wonder about a former Republican National Committee chairman getting huzzahs from Joe Rauh, who rarely says anything nice about Republicans.

[From the Wall Street Journal, Mar. 3, 1982]

AN INVITATION TO CLASS WARFARE?

Your editorial on the Voting Rights Act back on Jan. 19 accurately described the debate over extending that law.

It is important to realize that the legislation currently being considered differs fundamentally from present law. The proposal identifies discrimination by looking at the effect of some voting action rather than whether the action was taken with intent to discriminate. Thus, any change which might alter the makeup of an elected assembly in such a way as to lay open the possibility of a decrease in the number of ethnic-minority-held seats could be found to violate the law.

The imposition of an "effects" test in place of an "intent" test resembles similar strategies by those eager to end discrimination in employment and education. Determining the motives behind one's actions, it is argued, is very difficult. Measuring the effect of those actions is much easier. Nobody disputes this. However, when instituting an "effects" test in voting, one alters in a fundamental way what is meant by representation in this republic by promoting the development of a system of proportional representation in which it is implied that individuals have a right to seats in a legislature as well as a right to vote. This transforms the Fifteenth Amendment from one prohibiting discrimination to one requiring racial balance in representative assemblies.

The idea of proportional representation was cast aside by the Framers of the Constitution as being incompatible with political freedom. In Federalist #35, Madison states that "the idea of an actual representation of all classes of the people by persons of each class is altogether visionary." Those favoring such a scheme argue that all classes of citizens should have some of their own number in the represenative body in order for their feelings and interests to be better understood. But, as Madison observed, "this will never happen under any arrangement that leaves the votes of the people free."

A system of proportional representation substitutes one notion of representation for another. The Framers understood represention to be a process of "refining and enlarging the public views." Proportional representation shifts the emphasis from process to product by implying that sound decisions affecting one class of persons can be made only by persons of that class.

The Framers sought to erect a government in which representatives would reach decisions that reflected the best interest of the citizens. They sought to capitalize upon the diversity of American society by establishing a system which would promote the mingling of various points of view, thus protecting minority rights while ensuring majority rule. Representatives would satisfy the concerns of the people or be replaced through elections. Rather than setting classes of citizens against one another in a legislative assembly, the Framers opted for a system aimed at erasing class distinctions.

During the debates that led to the Constitution, Madison observed that "we have seen the mere distinction of color made in the most enlightened period of time, a ground for the most oppressive dominion ever exercised by man over man." The problems of racial and class prejudice continue to plague this country. A voting rights act aimed at ensuring equal access to the ballot has and can continue to contribute to the eradication of racial discrimination. But a representative system may be made undemocratic not only by attaching unwarranted qualifications upon suffrage but also by attaching unwarranted qualifications upon the right to hold public office.

Those of us interested in ending racial discrimination should recognize that Madison was correct to assert that in a democracy, measures which inhibit individual freedom while attempting to address some injustice often represent cures which are far worse than the disease.

EUGENE W. HICKOK, Jr.,
Department of Political Science,
Dickinson College.

[From the Los Angeles Times, Jan. 21, 1982]

VOTING RIGHTS AND BLOC POWER: PROPOSED BILL CHIPS AWAY NOTION OF MAJORITY RULE

(By John H. Bunzel)

The U.S. Senate is about to begin hearings on extending the Voting Rights Act of 1965. President Reagan and most members of Congress agree that the landmark law, which was extended and expanded in 1970 and 1975, should be extended for 10 more years. But a real fight is shaping up over how to go about it.

One of the major issues involves the "intent-effects" distinction drawn by the U.S. Supreme Court that the House-passed voting-rights measure is seeking to overturn. Section 2 of the act, which is applicable nationwide, protects all citizens from having their right to vote denied or abridged on the basis of race or color. It has traditionally been understood to mean, and was reaffirmed by the Supreme Court in 1980, that a violation of that law requires a demonstration of intention or a discriminatory purpose. The court has also ruled that only if there is "purposeful discrimination" can there be a violation of the equal-protection clause of the 14th Amendment.

The House-passed measure would change the standard of proof for Section 2 lawsuits by eliminating the requirement that an electoral jurisdiction has intentionally discriminated in voting laws. Instead, it need only act "in a manner that results in a denial or abridgment" of voting rights. The House proposes a standard for identifying discrimination that looks to the racial "effects" or "disparate impact" of some particular action on blacks or other minorities rather than on whether or not the action was undertaken for an illegal purpose.

It would go beyond the exsisting standard that covers specified jurisdictions with histories of electoral discrimination (mostly in the South) and bans all election practices—gerrymandering election districts, for example—that prevent minorities from enhanc-

ing their political power. The proposed legislation would change the right of minorities to vote to an effective right to vote. In short, not only should blacks and Latinos have the right to select black and Latino candidates—an unarguable right—but also blacks should have the maximum political opportunity to be represented by blacks and Latinos by Latinos.

The presumption is that minorities will be able to increase their political strength and influence only if Congress changes Section 2 of the Voting Rights Act so that blacks and Latinos have more than equal access to the ballot box. They must somehow be assured of equal electoral results. The center of concern would move from eliminating racially motivated discrimination in the voting process to endorsing a theory of group representation that would push our politics closer to institutionalizing a system of single-member districts and racial-bloc voting.

This, it is claimed, is the only way to make sure that the black or Latino vote is not diluted, and that every ethnic group is "fully represented." What worries many observers is that it is only a short step to sanctioning the concept of proportional racial and ethnic representation.

Thus, as Nathan Z. Dershowitz and Marc D. Stern of the American Jewish Congress point out, a law designed to guarantee full minority participation in the democratic process can also undermine a major tenet of that process—majority rule. "What is worse, it does so by insisting that racial considerations be used to dictate election results."

It is in this light that one must weigh carefully the implications of new language in the House-passed measure, which says that the fact that members of a minority group have not been elected "in numbers equal to the group's proportion of the population" shall not constitute a violation of Section 2 "in and of itself." That is the key phrase—and the sleeper. It calls to mind the difference between quotas and goals in affirmative action, Proportional representation may be wrong, but the "effects" test is said to be right and necessary in much the same way that engaging in racially preferential treatment is claimed to be the right remedy for past discrimination.

A more fundamental problem involves the kind of representation to which blacks and other minorities are entitled. Consider a Western state that has a 30% black population but only 15 black state senators out of 100. By itself, this "disproportionate representation" would not violate Section 2. But it could serve as a trigger mechanism. The Justice Department could take a look at the discrepancy in registration figures between blacks and whites, or the disparity in state funds between black and white educational facilities, or the maldistribution of public services, and claim that any one of these additional factors constitutes that scintilla of evidence to make a violation stick.

Furthermore, the "effects" test would permit this kind of evidence in order to "prove" that Section 2 had been violated. By contrast, all factors and circumstances would have to be examined together, as a total package, to satisfy the standard of purposefully discriminatory intent.

Those who have been long-time friends of civil rights are not suddenly enemies simply because they do not favor an electoral system that would shield a black candidate running for office from a white candidate, or because they do not believe that elected officials of one race cannot represent the interests of another. They continue to support the original aims of the Voting Rights Act because they remain committed to working toward an integrated political process rather than toward the goal of black or Latino power that, they feel strongly, is not the true test of electoral equality.

Hardball Voting-Rights Hearings

(By John H. Bunzel)

President Reagan and most members of Congress favor extending the Voting Rights Act and maintaining its basic protections and guarantees. But many of the most enthusiastic friends of the law take issue with parts of the House-passed bill—for example, the bilingual requirements that would give assistance to certain minority groups, or the "bail out" standards by which an electoral jurisdiction can petition to remove itself from coverage but which many believe are almost impossible to satisfy.

What has been deeply disturbing, however, is to discover that some long-time supporters of the Voting Rights Act, who were invited to testify before the House or Senate Judiciary subcommittees, were subjected to harassment and intimidation. They found themselves cast in the role of "enemies" by those who have consistently regarded any criticism of a very complex piece of legislation as outright opposition to the voting rights law—"code words," said the attorney for the NAACP Legal Defense Fund, "for not extending the act."

"No one wishes to be target"

The message from the Leadership Conference on Civil Rights, an umbrella group of organizations that virtually managed the hearings process, was clear: Either you are actively with us in backing all the changes we want in "our bill" or you are actively against us. Faced with an "intimidating style of lobbying" (the words are those of Congressman Henry Hyde, the ranking Republican member of the House Judiciary subcommittee) that "limited serious debate and created a wave of apprehension among those who might have sincerely questioned some of the bill's language," a number of potential witnesses simply chose not to testify. "No one," observed Mr. Hyde, "wishes to be the target of racist characterizations."

There is more than a little evidence that the House subcommittee hearings were not always an unbiased forum. Of the 157 witnesses listed in the committee's report, only 12 expressed reservations about some of the contents of H.R. 3112. Of these, four are documented in the hearing record as having endured personal attacks, ridicule or harassment. Congressman Harold Washington accused two witnesses—one an emeritus college professor, the other a former city attorney—of coming before the committee with "unclean hands," meaning they could not be believed because their opposition put them in complicity with wrongdoers and racists.

A highly respected, black civil-rights attorney, Wilber Colom, told the House subcommittee of the pressure he encountered not to testify.

Mr. Colom: It stopped being pressure and started being intimidation at some point. Apparently someone had called most of my colleagues in Mississippi and I found my friends, my black friends, in the Republican Party, calling me up saying I was coming up here to testify against the Voting Rights Act. They just didn't believe it, and even went so far, my father—who's cochairman of the Democratic Party in one county—said that he had never heard such vicious things about his son.

Mr. Hyde: You were getting calls trying to persuade you not to come and testify?

Mr. Colom: Yes. . . . I do a great deal of civil rights litigation, but it was offensive to me when friends of mine called me and told me and say something about me that would be very offensive. It would be like someone, to use another example, a John Bircher or something, one of his friends called him up and said I understand you are a Communist.

In the Senate hearings, a principal focus has been on the new language in Section 2 of the House bill that changes the standard of having to show discriminatory intent to a new demand that the ballot box, although "equally open" to everyone, must yield equal results for certain racial minorities. Many of those who favor extending the bill fear that such a radically new electoral process will further proportional representation based on race. But, once again, as Sen. Orrin Hatch of the Judiciary subcommittee said during the hearings, people who were asked to testify "have expressed personally to me harassment about testifying and, frankly, have not been able to. I've been appalled by it."

Ordered not to cooperate

A recognized authority on the Voting Rights Act, scheduled to testify on the opening day of the hearings, had planned a research trip this fall to a Southern city. In preparation for the trip, she called an attorney (and a friend), who said he would help set up some interviews with politically active blacks. But a week later she was told that non-cooperation had been ordered by a leading strategist working closely with the Leadership Conference on Civil Rights, unless she backed out of the Senate hearings. It was also made clear that no one else active in civil rights in the South was likely to help her as long as she planned to testify. She withdrew as a witness.

The civil rights movement is a good cause. It has a lot of justice on its side. But no one invited to testify before Congress should have to bow to this sort of pressure. Apparently some civil-rights activists believe they are entitled to do whatever is necessary to get their bill passed. One Senate staffer privately admitted as much: "The ends justify the means, and we'll do whatever we have to do to get through."

Perhaps they will. They may even win. But this is one victory that will come at a very high cost.

Uncivil Act: The Voting Rights Bill Is Fraught With Mischief

(By Peter Brimelow)

Sitting on the edge of his seat, obediently bobbing up and down at the behest of a roomful of electronic journalists and their moody microphones, the bulbous Sen. Charles Mathias of Maryland looked a little like the Goodyear blimp tugging at its mooring mast on a windy day. He was in odd company for a Republican on Jan. 20, the anniversary of Ronald Reagan's first inaugural address, which, in answer to a question, he refused to say was a cause for celebration. But he shared the same prim look of righteous indignation as Senator Kennedy and an assortment of professional liberals sitting at his side, including the NAACP's Benjamin Hooks, whose melodious imputation of racism to a Republican President, Attorney General and/or fellow Senator went equally unchallenged.

The occasion: a press conference called to denounce the postponement for one week of hearings on S. 1992, the Voting Rights Act

Extension bill, of which Mathias is the leading Republican sponsor. The total delay thus inflicted on the measure's legislative timetable: nil.

Supporters of S. 1992 become hysterical at the slightest hint of prolonged debate for a simple reason. It is the same reason as causes them, when prodded, to try to intimidate questioners by evoking the heroic age of civil rights in the 1960s, citing a myriad of establishment supporters, pointing to the lopsided House approval of the identical measure during a lull in the economic wars of 1980, and brandishing the list of 60 Senators co-sponsoring Mathias' bill (some of whom have had second thoughts).

S. 1992 cannot bear scrutiny because it is not merely an extension, but an expansion, of the original 1965 Act. It would profoundly affect not only former Jim Crow areas, but also the entire country. Although Hooks testified in House hearings last year that all he wanted was to prevent the semi-automatic release from Justice Department's oversight that was established in the 1965 Act for communities managing 17 years without discriminatory voting practices, it is now clear that civil-rights politicians have seized another opportunity to carve out racial perquisites, just as the 1964 Civil Rights Act's anti-discrimination provisions have been perverted into a requirement for minority quotas. This is a dagger pointed at the heart of America. Congress' response has been a sordid compound of fatuousness, fear and lack of moral fiber.

The 1965 Voting Rights Act was a brutal measure that should never have been necessary in a free society. The theory behind it was that the denial of access to the polls in certain Southern states was so endemic and vicious as to be irremediable by piecemeal litigation. It required the presumption of guilt, and direct federal intervention. In its aim of inceasing black voter registration, the act was immediately and triumphantly successful. But its methods were necessarily crude. For example, it affected all areas with voter turnouts below 50%, which is how impeccably non-discriminatory communities in New York State come to be included. And this presaged a change of focus, as judges and bureaucrats ceased to concern themselves with the fact of discrimination and entered the more debatable area of its alleged results.

Communities "covered" by the VRA could alter their structure of government only if the Justice Department decided that the effect would not be to discriminate against minorities, who now had the vote. Thus, in 1980, Rome, Ga., was prevented by the Supreme Court from making what was acknowledged to be an innocent change on the grounds that it would coincidentally make it more difficult to elect blacks.

But simultaneously, the Court refused to strike down a similar structure in Mobile, Ala. Because the Mobile structure pre-dated black enfranchisement, and did not reflect a post-1965 change, it could be challenged only on the Constitutional grounds of the 15th Amendment's ban on denial or abridgement of the franchise on the grounds of race. And the Supreme Court ruled that merely because blacks were not elected to the Mobile city commission in proportion to their population share—the "effect"—did not mean its electoral structure was discriminatory. If the law was neutral on its face, the Court said, to overthrow it would require proof of discriminatory "intent."

Supporters of S. 1992 dislike the Supreme Court's view of the Constitution. So they plan to reverse it by statutory means—with fine irony, by the way, since most claim that Senator Jesse Helms' similar strategy with respect to abortion is unconstitutional. Section 2 of S. 1992 would allow a suit to be brought anywhere in the country to suppress all political arrangements that have the "effect" of discrimination. The essential "effect" test: does the arrangement produce minority representation in proportion to minority numbers in the population at large?

Opponents argue that this will inexorably create a system of proportional representation. But minority representation will be not only proportional but guaranteed, as in the Parliament of Rhodesia/Zimbabwe, at the expense of the majority. This was made clear in *United Jewish Organizations vs. Carey.* The Justice Department would not believe that a proposed district in Brooklyn with a 61% nonwhite majority would elect a nonwhite Representative, because nonwhites were expected to have a lower propensity to vote. Redrawing the boundaries entailed dividing a community of Hasidic Jews, who sued to retain "their" seat. Not being black, American Indian, Asian, Alaskan or Hispanic, but merely white, they were not explicitly protected under the Voting Rights Act. So they lost. The new district, however, preferred the Founding Fathers' theory of representation to that of the Justice Department. It elected Frederick W. Richmond, who, is indisputably white.

The political consequences of S. 1992 could be devastating. At minimum, it will remove from the Republicans one of the traditional fruits of American electoral office: robust redistricting—"gerrymandering," after all, is an American invention. Unfortunately for the Republicans, this will now incur the wrath of Justice Department bureaucrats, if the diluted Democrats turn out to be minorities, as they tend to be. Weakening whites, however, is still okay.

More significantly, S. 1992 is one in a series of steps in the last few years tending to exacerbate and institutionalize racial division. Under the system it proposes, it is advantageous and perhaps necessary for every American to cleave to some organized faction—just the eventuality the Constitution sought to prevent. To make matters worse, legislators elected by homogeneous constituencies would have less and less aptitude or taste for compromise. Politics would degenerate into a rerun of "West Side Story."

The truth is that what was once a civil-rights movement has increasingly become a drive for civil privileges. To choose an "effects" rather than an "intent" test, in affirmative action, fair housing or voting rights, is to invest the state on its behalf with the right of endless and infinite social engineering.

Supporters of S. 1992 argue that the intent standard is difficult to prove. Senate opponents plan to produce Irving Younger, one of the country's leading trial lawyers, to argue that it is not. Intent is routinely proved in civil and criminal cases without the confession/"smoking gun"-type evidence that discrimination cases are sometimes said to require. In any case, since when was the law supposed to make things easier for the prosecution at the expense of justice?

Those who support S. 1992 know that the proportional-representation argument is a threat to them. Mathias completely evaded the issue in his Dec. 16 speech introducing the bill, presenting Section 2 merely as a technicality made necessary by the Supreme Court's failure to be "clear," i.e., agree with him. Cornered at the press conference, he fell back on the bill's concession that disportionate representation will not "in and of itself" be evidence of discrimination.

This is just not good enough. The *Weber* decision showed that judges will literally invert the meaning of a statute under the pressure of racial dogma. The vague additional evidence required in S. 1992—a pattern of bloc voting, for example, which could be posited anywhere—will be no problem.

Already some civil-rights politicians, notably Jesse Jackson last fall in Columbia, S.C., frankly asserted that proportionality is their goal.

Senator Mathias will be 60 this year. He has devoted his long career to the liberal cause within Republican ranks, and has met with utter failure. He is not now likely to change his perception of his civil-rights allies, or give up the comforting if illusory sensation of being part of a heavenly (and conquering) host. His own racially divided state will be so hard-hit by litigation if S. 1992 passes that it will practically forfeit self-government. Arguably no great loss. But Mathias, like most elected federal officials, might well calculate that he at least should be able to avoid trouble. Anyway, his seat isn't up until 1986.

And there is an uglier side to the voting-rights debate. It emerges in testimony prepared by NAACP's Hooks for the Jan. 20 hearings. The intents test, it reads, "is oft-times a code word for allowing discrimination to continue, even when the discrimination is there for everyone to see." At the press conference, he left a sly vagueness about his charge of racism as a result of the hearing's postponement: "There has to be a racist around somewhere."

No accusation of witchcraft in Salem ever had the impact that an accusation of racism has on America's current lawmakers.

Others, too: according to opponents of the bill, the leading academic expert on voting rights, Harvard's Abigail M. Thernstrom, has been dissuaded from testifying against S. 1992 by civil-rights politicians threats to withhold cooperation on her forthcoming book.

The Voting Rights Act Extension Bill is unedifying whichever way you look at it. The "bail-out" provisions are so onerous that there is virtually no possibility any Southern area can independently qualify to escape this second Reconstruction. The bill's coverage of Hispanics, sweepingly defined, materially promotes the emergence of a second Quebec. Times have changed since 1965, and the best solution probably would have been to let the act run its course, prosecuting any subsequent offenders in the usual way. But above all, the dagger-point must be broken. The effects test must be defeated.

[From the Washington Post, May 26, 1982]

WHY THE CHEERS ON VOTING RIGHTS?

(By James J. Kilpatrick)

Sen. Robert Dole of Kansas still is receiving plaudits for his "compromise" amendment to the pending extension of the Voting Rights Act. President Reagan too quickly embraced the Dole proposal. Six of 10 Republicans on the Judiciary Committee bought the proposition.

Let me put the matter as bluntly as I can: the Dole "compromise" is no compromise at

all. It is folly. In 40 years of covering politics, I cannot recall a more lamentable legislative error. For the first time since the days of Reconstruction, the Dole amendment would institutionalize racist policies at the very core of our public life—and there was this to be said of the edicts of Reconstruction, that they applied only to the defeated southern states and that they lasted for 12 years only. Dole's amendment would apply to every town, city, county and state, and the act would shape or control our elections for the next quarter-century.

Yes, the Voting Rights Act of 1965 was fully justified. Yes, the act has accomplished great good. And, yes, a reasonable extension of the law's basic provisions would serve the public interest. But the bill already passed by the House—the bill that would be modified cosmetically by the Dole amendment—is not reasonable. It is not fair. The act would perpetuate a demeaning and time-consuming imposition on those states and localities particularly affected by the law; these jurisdictions still would have to apply to the Justice Department, hat in hand, for approval of the slightest change in a precinct polling place—and this would continue no matter how clean their records.

This unfairness—this unrelenting obloquy—is the least of the wrongs in the pending bill. The more profound error lies in the violence this bill would cause to a fundamental concept of our constitutional doctrine, to wit, that the right to vote is an individual right. Until this moment, we have had no inkling of "group" rights or "class" rights in the exercise of our franchise. The goal is that no person, because of his race or color, shall be denied his right to register, to vote or to have his vote fairly counted.

To that goal all of us can willingly subscribe. The pending bill goes ominously much further. For the first time we find language dealing with "minority participation" and with "minority group registration." For the first time, we find that no change may be made that would "dilute" equal access to the electoral process. What means this verb, "dilute"?

The Dole amendment would provide a violation of law "if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a), in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

What we are creating by this language is a "protected class of citizens"—that is, black citizens—whose bloc power must not be "diluted." The implicit assumption, and a racist assumption it is, is that black voters are not individual voters; they are group voters or class voters. In the language of politics, such assumptions are familiar; we speak casually of the labor vote, the farm vote, the Catholic vote, the Jewish vote. But we do not undertake by binding law to protect such groups against dilution of their power at the polls.

From the waves of thoughtless support given to this misguided bill, I respectfully dissent.

[From the Washington Post, Apr. 28, 1980]

THE MOBILE DECISION

It is clear that the Supreme Court dealt a sharp blow to black political aspirations in the South last week when it refused to break up the system that almost guarantees Mobile, Ala., an all-white local government. But it is not at all clear that what the justices did was, from the legal point of view, wrong or even that their decision represented a serious setback to civil rights.

Stripped of its nuances, the issue the court had to resolve was whether Mobile should be forced to abandon the form of local government it has had since 1911 because that particular arrangement makes the election of black officials almost impossible. The answer—that Mobile can stay the way it is—derails the legal theory that civil rights lawyers had hoped would force a shift from at-large elections to ward or district elections in cities all over the country.

In this case, the theory asserted that the existence of the commission system of government in Mobile unconstitutionality dilutes the votes of blacks. Because the commission system mandates at-large elections and because Mobile is still given to racial bloc voting, no black has ever been elected to the city government and none is likely to be in the foreseeable future. If the city, which is 35 percent black, were broken into wards, the election of some blacks would be almost assured.

The trouble with this thesis, in the view of several members of the court, is that it rests on the assumption that the constitutionality of any law depends upon the effects it has on minority groups. They think laws should be judged on the intent with which they were written. This argument—whether it is effect on intent—has been going on among the justices for years, primarily because neither standard is really satisfactory. Some clearly innocent laws have unintended discriminatory effects on some minorities. Accurately discovering the intent with which legislators acted is extremely difficult.

Judged by its effects, the commission system in Mobile clearly discriminates against blacks. They are not only kept out of office but are also deprived of any real participation in local government and, because their votes are in this sense meaningless, confront a government less than satisfactorily responsive to their needs. But judged by the intent of those who were around in 1911, the commission system does not discriminate against anyone. Blacks didn't vote in Mobile then. Besides, the system was adopted in Alabama, and elsewhere, as a reform of corrupt ward politics.

By opting for intent, or something close to it, a majority of the court has cut down dozens, perhaps hundreds, of legal challenges that would have been made against existing systems of government or multimember legislative districts. It has also avoided the logical terminal point of those challenges that election district lines must be drawn to give proportional representation to minorities.

These two factors offset whatever damage may have been done to black hopes of using the legal system to open up all-white local governments. Not all problems of discrimination can (or should) be settled in the courts, and this is one left just as well in the political arena.

[From the Wall Street Journal, Jan. 19, 1982]

VOTING WRONGS

New amendments to the Voting Rights Act of 1965 are up for Senate hearings this week and we wonder if the subcommittee on the Constitution will notice that they have a strange little quirk: In the name of protecting the right to vote they expand federal power to outlaw local elections. The contradiction escaped notice in the House, which already has passed the amendments.

This seems to be a case of Congress not knowing where to stop. The act, originally designed to overcome systematic denial of access to the polls in certain Southern states, has largely accomplished its purpose. In Mississippi, for example, 67% of the eligible blacks are registered, a tenfold increase from 1965. But in 1975 the law was expanded beyond the South and extended to "language minorities" as well. Today, because of "trigger mechanisms" that invoke the law where rights violations are suspected, all voting districts in nine states and some in 13 others are required to "preclear" with the Justice Department any proposed changes in election procedures. Thirty states are required to provide bilingual election material and assistance.

Around 35,000 proposed election law changes have been submitted to the Justice Department since 1965. Of those, Justice refused to allow 811, the bulk of which involved alleged reductions in "minority" voting power through districting changes and use of at-large as opposed to district representation. In some cases, Justice has blocked elections; New York City, for example, has yet to hold its 1981 City Council elections because of a redistricting dispute with Washington.

In only about a tenth of these cases did Justice find any "intent" to discriminate; in the rest, under the act's strict "preclearance" test, it merely found that the proposed changes would have a discriminatory "effect." This "effects" test currently applies only to those states and localities which had a history of intentional discrimination or disproportionate voting patterns.

The Supreme Court has ruled that in other parts of the country the government must first prove "intent" to discriminate before it can apply the provisions of the act. Moreover, in upholding Mobile, Alabama's at large voting system in 1980, the Court said that some existing election practices may result in low representation of minorities among elected officials but that doesn't itself constitute "purposeful" discrimination. "The 15th Amendment," it added, "does not entail the right to have Negro candidates elected."

The House amendments to Section 2 of the Voting Rights Act would depart dramatically from the Court's logic. The federal government would no longer have to prove "intent" to discriminate in elections. It could merely cite voting practice "results" in alleging discrimination. The amendments would obligate the Justice Department to review elections in every state and municipality in the nation and to look not only at proposed changes in procedures but also at every existing election law. The biggest target would likely be the at-large system of voting used in two-thirds of the moderate-size municipalities in the U.S.

Now, the at-large system isn't perfect, but it does have certain merits and, indeed, has often been adopted in reform movements. For one thing, it makes it impossible for incumbents to hang onto their seats through redistricting.

We learned a long time ago that when you allow the Feds to assess "results," they end up doing it by essentially racist methods, dividing the community into the various races and ethnic groups the law happens to cover and trying to provide each with a representative. Somehow this doesn't strike us as the way we should be moving if we are trying to

remove the vestiges of racism in American society. Moreover, we don't find it comforting that the result so far of many disputes between the Feds and the local authorities often has been to suspend elections, disfranchising voters and allowing the incumbents to stay in power.

The amendments the Senate will vote on soon should be scrubbed in favor of a return to the intent test and a planned phase-out of the Voting Rights Act altogether as it becomes increasingly evident that no one is being kept from the polls because of his race, creed or color. Otherwise, we will end up with more, not less, racial and ethnic polarization.

GROUP VOTING RIGHTS ARE UNCONSTITUTIONAL

(By Allan Brownfeld)

By a vote of 14 to 4, the Senate Judiciary Committee has transformed the Voting Rights Act of 1965. No longer is it an act meant to prevent racial discrimination in the polling booth but is, instead, the adoption of a concept which is totally alien to the American political and legal tradition—that of proportional representation and "group rights."

As a result of several key court cases, particularly City of Mobile v. Bolden, those who urged proportional representation were told in clear terms that such an idea was unconstitutional. In the Mobile case, black citizens of that city challenged the legality and constitutionality of the at-large election procedure, alleging that their vote had been diluted because, while blacks comprised more than 35 percent of the population, no black had ever been elected a city commissioner.

The trial court found that Mobile blacks were able to vote without hindrance but still held that this "dilution" of voting powers was an abridgement of the right to vote in violation of the 15th Amendment and ordered the replacement of the commission system by a mayor-council system, with council members to be elected from nine single-member districts. The Supreme Court overruled this decision.

What the Supreme Court said was that an election law that is racially neutral on its face can be said to violate the Constitution only if it can be shown that it was motivated by a discriminatory intent. Under the 1965 Voting Rights Act, anyone challenging election laws must show discriminatory intent.

The Senate Judiciary Committee thus reversed the City of Mobile decision. If the full Congress approves this change, writes Professor Walter Berns of the American Enterprise Institute, "It would permit voting-rights suits to be filed by the attorney general or any private litigant against every state, city, county or other electoral jurisdiction in the country.

"It would put every jurisdiction on notice that it might have to appear in a federal court to defend its election laws—any law affecting elections—against the charge that they 'dilute' the votes of blacks and a few other minority groups. And it would, of course, make these federal courts the country's electoral lawgiver."

To argue that if 10 percent of a community is black that 10 percent of the elected officials should be black is to reject entirely our view of individual rights and responsibilities. It sets in motion the totally alien notion of "group" rights. Why, after all, stop with blacks?

If 20 percent of the population in a given community is Roman Catholic, should 20 percent of the office-holders be of that faith? What if it turns out that 30 percent of the city are Catholic? Should we then remove 10 percent? —And what of ethnic groups? If 10 percent of a given community is of Italian descent should that hold true of city council membership?

Where would it end? Voters would no longer cast their ballots for individual candidates but for representatives of racial, religious and ethnic groups. Group would be set against group. Representative democratic government would be effectively diminished.

Sen. Orrin G. Hatch, R-Utah, one of the few members of Congress to vigorously oppose this outrageous notion, stated that it would transform the Voting Rights Act from one designed to "ensure equal access by minorities to the registration process and the ballot box" into one designed to "to ensure equal results and equal outcome" for such groups. In his view, Hatch said, "both are unconstitutional and the public policy implications of this change in the law may be as great as those of any legislation in the history of our country."

Who is responsible for this distortion of the Voting Rights Act? It is not the liberal Democrats who are pleased with the result—but did not produce it. It is the Republican majority on the Senate Judiciary Committee and the Reagan Administration itself which, eager to court favor with the "civil rights community," acquiesced in it.

The legislation was sponsored by Sen. Robert Dole, R-Kan. Why did he do it? One observer said, "Dole is running for president." Clearly, short-run political advantage not long-run interest for the country lies behind this legislation.

Both the Reagan administration, Dole and the other Republicans who embraced this approach hail it as a compromise. It is not a compromise at all—and the liberals know it. Speaking of Dole, Joseph Rauh, long-time activist with the Americans for Democratic Action and now counsel to the most extreme "civil rights" groups, said: "He was superb. He got us the perfect bill. We couldn't have done it without him. Was it a "compromise?" Rauh says, quite properly: "It was no compromise at all. We got everything we wanted."

The New York Times finally found something to praise. Discussing the president's support for this alleged "compromise," the paper said: ". . . for him finally to display such sensitivity is good for minorities, good for the president and good for all of us."

It is good only if we want to endorse the idea of proportional representation and group rights. Civil rights groups once said all they wanted was equal rights and equal opportunities. No one of good will can argue with this.

What they now want is something different. Why is a conservative Republican administration prepared to embrace these ideas which reject all of our political principles? Politics, as ever, makes strange bedfellows, indeed.

"FIXING" THE VOTING RIGHTS ACT

(By Stephen Chapman)

President Johnson signed the Voting Rights Act on August 6, 1964, in the same room of the U.S. Capitol where Abraham Lincoln had signed a bill freeing slaves forced into the service of the Confederacy. Johnson called the law "one of the most monumental in the history of American freedom" and promised it would "strike away the last major shackle" on black Americans.

The Voting Rights Act, which was intended to ensure black participation in elections, has succeeded beyond even Johnson's fondest hopes. So why is Congress so determined to rewrite it?

The success of the law elicits rare agreement among almost everyone in Washington. Rep. Don Edwards of California, a liberal Democrat, calls it "the most successful civil rights bill in the history of the United States." William Bradford Reynolds, the assistant attorney general for civil rights, calls the Voting Rights Act the "crown jewel" of the civil rights laws.

Its tangible results are phenomenal. In 1964, Mississippi had only 29,000 registered black voters. By 1980 it had 330,000. Alabama's black voter registration has tripled. The law has also opened up elected offices to blacks. There are now more than 2,000 black elected officials in South, compared with fewer than 100 in 1965.

Despite this enviable record, Congress apparently can't resist some substantial changes in the law. These changes go beyond guaranteeing black participation in elections to possibly requiring that minority groups be proportionally represented in elected offices. But the administration—which came into office unsure whether it would support even a simple extension of the act—has endorsed the revised version.

The original battle was expected to be over an interesting issue: should Southern states still be required to get the advance approval of the federal government for every change in their election laws and procedures, no matter how minor? Or have they progressed enough to be trusted with the rights of their minority citizens? Unfortunately, the only question which has been debated is how far the law should be expanded.

The House started the fight by changing a key section of the law. Section 2 proscribes any "standard, practice, or procedure . . . to deny or abridge the right to vote on account of race or color." The Supreme Court ruled in a 1980 case involving a lawsuit against the city of Mobile, Alabama, that the law (like most civil rights laws) forbade only intentional discrimination. So the House outlawed anything which "results" in discrimination, on the theory that intent is almost impossible to prove.

The problem is that, as Assistant Attorney Reynolds put it, this change would endanger "any election system under which candidates backed by the minority community were not elected in numbers equal to the group's proportion of the population." And intent was not so hard to prove in the Mobile case. In the retrial after the Supreme Court's decision the city was found guilty of intentional discrimination.

After adding some disclaimers that proportional representation was not intended, the Senate Judiciary Committee approved a modified version of the new standard. The administration, still mending the fences it damaged by giving tax exemptions to religious schools which discriminate against blacks, decided to support the revised law. The bill is expected to be approved overwhelmingly by the full Senate.

The disclaimers and modifications make things sound a little better, but both the supporters and opponents of the original House bill say they actually will make no difference. In any case, merely changing the basis for determining discrimination invites judicial mischief.

The courts, as always, will ultimately have to decide what the revised law means. It's not hard to imagine a judge finding a disproportionately small number of black officeholders in a city, straining to find some other hint of past discrimination (say, in housing) and concluding that the election laws discriminate. That would be enough to meet the requirements of the new law. Since it doesn't forbid proportional representation as a remedy for discrimination—a significant omission—the judge could then simply order it, regardless of what the electorate wants.

The disclaimers, which say that proportional representation is not required, can be discarded if the judge thinks they conflict with the law's purpose. In allowing racial discrimination against whites in preferential hiring schemes, the Supreme Court explicitly ignored a provision of the 1964 Civil Rights Act designed to prevent such programs.

Of course it isn't clear that the courts will interpret the revised Voting Rights Act in the worst way. But the best way to prevent such interpretations is to write laws as clearly as possible. The compromise version is deliberately ambiguous. And ambiguous laws are to activist judges what idle hands are to the devil.

VOTING RIGHTS ACT: INTENT VERSUS EFFECT

(By James Blumstein)

In the current debate on renewal of the Voting Rights Act, the Senate is focusing attention on probably the most important civil rights issue of the 1980s: What is discrimination and how is its existence proven? Is discriminatory purpose or merely discriminatory impact the proper standard?

The distinction, which implicates fundamental values, is hardly a quibble.

As interpreted by the Supreme Court, Section 2 of the Voting Rights Act requires proof of racially-biased treatment. A course of conduct must be pursued "at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable (racial) group."

Criticism of the proposed standard rests on pragmatism. Plaintiffs can more easily prove that an act adversely affects a racial minority. Statistics are readily available, and the issue often becomes simply a matter of numbers. Proof of discriminatory intent often is more difficult to uncover.

These pragmatic concerns underlie the proposed changed in the Act—from an "intent" standard to a "results" approach. Exclusive emphasis on pragmatic issues, however, can blur the fundamental philosophical issues that lie beneath the purpose vs. effects debate.

While an effects standard may increase plaintiffs' prospect of success, adoption of an effects test may have unacceptably far-reaching implications.

Blacks must not be discriminated against in their exercise of the franchise. There is a fundamental distinction, however, between "discrimination" by government, on the one hand, and neutral government action that has the consequence of disadvantaging an identifiable group, on the other. Identifiable groups, even such historically discriminated against groups as blacks, are not immunized in our rough and tumble political system from the adverse impacts of government action, provided that those actions are not racially motivated.

Nondiscrimination, a procedural concept, focuses on even-handed treatment of individuals. It guarantees individuals a fair shake, a decision-making process free of racial bias. Similarly situated people can not be treated differently because of their race. This concept of discrimination has an essential ingredient of volition—intentional unequal treatment based on race.

Adoption of a substantive effects standard shifts analysis from the decisionmaking process to an examination of results or outcomes. Adherence to that approach turns the doctrine from one of a "fair shake" to that of a racial "fair share," a piece of the action.

That approach subtly but necessarily assumes that racially proportionate rates of participation in society's institutions are the norm; any material deviation from which constitutes illegal discrimination. Color-blind rules and procedures are insufficient; racially-based numerical outcomes control.

The principle of racial neutrality is transformed into an affirmative duty to consider race in achieving racially defined outcomes. In other contexts, integration, not desegregation, and quotas, not fair hiring practices, become central.

In the voting arena, the emphasis on fair participation—equal access to registration and voting—is replaced by attention to the number of elected officials, to the responsiveness of elected officials to perceived minority needs, and to other similar outcome-oriented, "piece of the action" concerns.

General adoption of an effects test of discrimination might make it virtually impossible for government to take any action that disproportionately disadvantages blacks. A cutback on programs designed to benefit blacks would inevitably adversely affect blacks disproportionately. Do these programs have "tenure," immune from the normal political process?

To summarize, in order for a substantive effects approach to make analytical sense, a notion of racially-based entitlements must exist—to seats in school, to jobs, to housing, to elected officials and favorable political treatment, to a vast array of life chances. Equality of end result replaces equality of opportunity as the yardstick for measuring civil rights progress.

Although pragmatic objections to the intent standard are not without some merit, adoption of a substantive effects standard has unacceptably far-reaching implications. A middle ground, which adheres to the intent principle and yet accommodates the pragmatic objections to that standard, should be sought out.

[From the New York Times, Mar. 27, 1982]

THE VOTING RIGHTS ACT

(By William French Smith)

WASHINGTON.—Congress is currently considering the critical question of whether to extend the Voting Rights Act of 1965. That act must be extended. And it should be extended in its tried-and-true form—neither contracted nor expanded to meet unsubstantiated contentions. That simple and straightforward position—to extend the act as is—is President Reagan's position.

Unfortunately, there have been disturbing efforts to derail the dispassionate consideration of this issue by branding anyone who does not support a bill recently passed by the House of Representatives as opposed to the Voting Rights Act itself. The House bill, however, is *not* the Voting Rights Act but something very different. The differences must be carefully considered on their merits.

The most drastic amendment to the existing and effective Voting Rights Act proposed by the House bill is in Section 2, a permanent provision requiring no change. As the 1980 Supreme Court decision in Mobile v. Bolden explained, a violation of Section 2 must be premised on proof of discriminatory intent. The House bill would overturn the subtle rule of law and provide that a violation may be established by proof of mere "results" or "effects"—the test now found only in the special pre-clearance provisions of Section 5.

When it enacted the effects test for Section 5 in 1965, Congress applied it on a temporary basis, only to election law changes, and only to selected jurisdictions with a clear history of voting abuses. The House proposal to amend Section 2, however, would establish this test on a permanent basis, apply it to all existing election systems and practices as well as proposed changes, and extend it nationwide. It would do so without any evidence of abuses to justify such a dramatic change. Even the House report itself recognized that "no specific evidence of voting discrimination in areas outside those presently covered was presented."

The effects test in the House bill, rather than focusing on intent as in the current law, would focus on election results. The test would be triggered whenever election results did not mirror the population mix of a particular community, and could gradually lead to a system of proportional representation based on race or minority language status—essentially a quota system for electoral politics. Elections across the nation at every level of government—from school boards and county commissions to legislatures—could be disrupted by litigation.

More fundamentally, a system of proportional representation based on race is inconsistent with the democratic traditions of our pluralistic society. The House bill is based on and would foster the abhorrent notion that blacks can only be represented by blacks and whites can only be represented by whites. As Prof. William Van Alstyne of Duke University has noted, "The amendment must invariably operate . . . to create racially defined wards throughout much of the nation and to compel the worst tendencies toward race-based allegiances and divisions."

Supporters of the House bill are quick to point to a disclaimer clause that provides that the failure to achieve proportional representation shall not, "in and of itself," constitute a violation. This clause would only come into play, however, after election systems had been restructured to guarantee as nearly as possible that proportional representation would result. If, once this was done, proportional representation was not achieved, then and only then would the disclaimer clause preclude the finding of a violation. The clause simply would not prevent drastic changes in election systems across the country to facilitate attainment of proportional racial representation.

Proponents of the House bill claim that an effects test is necessary because intent is "impossible" or "extremely difficult" to prove. This is simply false. The Supreme Court has made clear, on several occasions, that a "smoking gun" is not required to prove intent. Circumstantial and indirect evidence—including evidence of effects—can be relied upon in proving a violation. The Justice Department, for example, just recently intervened in a redistricting case in New Mexico, maintaining that discriminatory intent can be proved in that instance.

Justice Potter Stewart demonstrated in his scholarly opinion in Mobile v. Bolden that Section 2 was drafted to enforce the protection of the right to vote in the 15th Amendment, which has always required proof of intent. The intent test is the rule in the civil rights area, not the exception. The equal protection clause of the 14th Amendment, for example, under which so many historic civil rights advances have been made, has the same intent test. As former judge and Attorney General Griffin Bell has written to the Senate subcommittee considering the question, overruling the *Mobile* decision by statute would be "an extremely dangerous course of action under our form of government."

This Administration wholeheartedly supports a 10-year extension of the Voting Rights Act in its present form. The act is not broken, so there is no need to fix it. It should be extended as is.

[From the Washington Post, Mar. 29, 1982]

VOTING RIGHTS ACT: EXTEND IT AS IS

(By William French Smith)

On March 20, The Post published the latest in a confusing series of editorials on the appropriate test for challenging election systems under Section 2 of the Voting Rights Act. The existing act, which the Reagan administration believes should be extended, requires proof of intent to discriminate. A bill that has passed the House, however, would change the Voting Rights Act and focus not on intent to discriminate but on "effects" or "results." Numerous authorities and commentators have expressed deep concern that a "results" test could gradually impose a system of proportional representation based on race—a quota system for electoral politics. Judging by its own editorials, the response of The Post to this concern is: yes, no, maybe.

In its April 1980 decision in *Mobile* v. *Bolden*, the Supreme Court explained that Section 2 of the Voting Rights Act required proof of discriminatory intent. In that case, Justice Potter Stewart warned that the theory of the dissenting opinion, which embraced the results test, "appears to be that every political group, or at least every such group that is in the minority, has a federal constitutional right to elect candidates in proportion to its numbers."

The Post agreed with Justice Stewart's concern. On April 28, 1980, it concluded that the court was correct to reject challenges based on the results test. "By opting for intent," The Post reasoned, the court "has . . . avoided the logical terminal point of those challenges: that election district lines must be drawn to give proportional representation to minorities."

On December 20, 1981, however, The Post changed its tune. It then supported the recently passed House bill to overturn *Mobile*. The Post rejected President Reagan's expressed concern that the results test could mandate proportional representation based on race—exactly what The Post had earlier stated was the "logical terminal point" of that test. The Post pointed to a clause in the bill that, supporters claim, guards against proportional representation. It does not do so, but in any case, if proportional representation is the "logical" end of the results test, as The Post claimed, it is difficult to see how any disclaimer clause can be effective. The disclaimer either completely repeals the results test, or is meaningless, The Post nonetheless urged the president to "stop objecting and join the celebration."

On Jan. 26, 1982, The Post again editorialized in support of the House bill, claiming now that the bill would merely return the law to where it had been before *Mobile* changed it—and citing cases that did not support that proposition. As the Post explained in yet another editorial, on Feb. 11, "we believe Mobile set a new and unnecessarily tougher standard for the courts to use in determining whether a particular system is discriminatory." The Post's original editorial—the one that agreed with the [*Mobile*] decision—somewhat oddly made no reference to this supposed "change" in the law. This suggests the new argument that *Mobile* changed the law is a hastily devised smokescreen to obscure the dramatic change proposed by the House bill.

In its latest editorial effort, on March 20, The Post brands my expression of concern that the results test could lead to proportional representation—its *own* argument at one point—as a "scare tactic." But, at the same time, it acknowledges that no one wants proportional representation and urges House bill supporters to "take whatever steps are necessary to reassure undecided senators" that proportional representation—according to The Post, the "logical terminal point" of the results test—will not be compelled by that test. Perhaps The Post is beginning to recognize—as it once did—that the results test could lead to proportional representation. At least The Post is no longer facilely urging those with such concerns to "stop objecting and join the celebration."

The Post contends, however, that it is "almost impossible" to prove intent—even though the intent test is the standard test in civil rights law and many other areas as well, and is often met in the courts. According to The Post, the House bill "would allow the courts to look at a number of factors—history of discrimination, nominating procedures, election results, responsiveness of elected officials." As Justice Stewart made quite clear in *Mobile*, however, that is already true under the intent test. A "smoking gun" is not required and intent may be proved by indirect and circumstantial evidence, including evidence of the sort cited by The Post.

There is of course nothing wrong with the situation in which freely cast votes happen to elect minorities in proportion to the number of minorities in the electorate. What is disturbing, however, is a legislative effort to compel reorganization of electoral systems to guarantee such a result, on the basis of the abhorrent notions that blacks vote only for blacks and whites only for whites. As a society, we have moved well beyond that.

This administration fully supports extension of the Voting Rights Act—for an unprecedented 10 years. The Post, by contrast, supports the House bill and changes in the act. Congress has a choice. It can continue the protection of the most successful civil rights law ever enacted, or it can embark the nation on a perilous and divisive experiment with a new standard. The right to vote is too important to be subject to such experimentation.

We are pleased that The Post is urging Congress to take whatever steps are necessary to guarantee that proportional representation is not compelled. The best way to do that is to extend the act as is.

[From the Washington Dateline, Mar. 29, 1982]

WRONGS IN VOTING RIGHTS

(By Nicholas E. Calio)

The United States Senate is presently considering a bill passed by the House of Representatives which fundamentally modifies the Voting Rights Act of 1965. The bill amends section 2 of the Act by incorporating a so-called "effects test" for proving that a protected minority's right to vote has been denied or abridged in any state, county, city, or other local election.

The Reagan Administration and the Department of Justice favor a straight extension of the 1965 Act, but oppose the modification of section 2. However, neither have organized opposition to the change or made an effective public case for opposing it. With the Administration unwilling to act, one might ask why individual Senators should risk their figurative necks to do so. The answers are not hard to find.

The original wording of section 2 is nothing more than a statutory codification of the Fifteenth Amendment which provides that no "State or political subdivision shall act to deny or abridge the right" to vote on account of race. Not surprisingly, discrimination cannot be proven under the Fifteenth Amendment by a simple showing that a member of a racial or language minority lost an election. A showing of intent or purposeful action to deny a citizen's right to vote is required. This constitutional principle was recently reaffirmed by the Supreme Court in a 1980 decision, City of Mobile v. Bolden.

As amended by the House bill however, "discrimination" under section 2 can largely be proven merely by showing that election "results" had a disparate impact or effect. In other words, the fact that no racial or language minority candidate was elected may henceforth constitute a violation of the law if that minority constituted some percentage proportion of the electorate.

Passage of the amended section 2 will devastate this country's constitutional tradition of popular sovereignty. The Fifteenth Amendment will be changed from a prohibition against discrimination in voting to a proscription for racial balance. Federal courts will be transferred into electoral overseers. As a practical matter, it will create what Justice Stewart referred to in the Mobile case as a "quota system" for elected officials.

Liberal proponents of the change respond that since section 2 contains a "savings clause" which provides that disproportionality of result "shall not, in and of itself, constitute a violation," federal courts will not necessarily require proportional representation on the basis of election results. However recent cases litigated under other statutory provisions which embody an effects test have demonstrated that the courts are willing to find that any factor, in addition to a disproportional result, constitutes an abridgment of the right to vote.

The Mobile decision which upheld the traditional interpretation of the Fifteenth Amendment has spurred the present attempt to amend section 2 of the Voting Rights Act. The liberal proponents of this revision openly base their case on the "need" to overturn the Mobile decision. Ironically, these are the same parties who wail a dirge of "unconstitutionality" whenever Congress attempts to legislate around controversial judicial decisions which do suit their liberal ideology.

Obviously, some intellectual honesty is in order. What is present here is nothing less than an attempt to use the Federal Courts to dictate election results based upon the racial and language composition of the electorate. This hardly comports with notions of federalism. It certainly fails to comport with constitutional notions of judicial authority. Hence, the answer to the question why Senators should resist the revision of section 2: All Americans, including minorities, will pay for years to come if the Senate does not now resist this attempt to obliterate the tradition of popular sovereignty.

[From the Human Events, May 15, 1982]

WILL VOTING RIGHTS CAVE-IN BRING ELECTIONS BY QUOTA?

(By M. Stanton Evans)

Despite many acts of legislative foolishness in alleged pursuit of civil rights, we have to date avoided outright sanction for "quotas" and "affirmative action" in our statute law.

All that could change, however, if the forces seeking to revamp the Voting Rights Act of 1965 succeed in their objectives. The civil rights enthusiasts say they want to judge discrimination in electoral procedures according to "effects" rather than "intent"—the latter being the standard currently on the books, according to existing statutory language and the rulings of the courts.

As the civil rights enthusiasts perceive it, "intent" to discriminate is too hard to prove, so an effects test must be used instead. While efforts are made to disguise the meaning of this approach, it boils down, in essence, to the idea of quotas: indicated by its numerical strength, the "effects" approach suggests it must be because of discrimination.

In obedience to such notions, the House of Representatives has passed a Voting Rights bill that would find communities guilty of discrimination on the grounds of "results" or "effects." The Senate and the Reagan Administration have been holding out against this language, but in recent days the resistance has been crumbling.

A report from the Senate Judiciary Subcommittee on the Constitution puts the matter well. The House version, it says, would mean "a radical transformation in the Voting Rights Act from one designed to promote equal access to registration and the ballot box into one designed to ensure equality of outcome and results."

The line of thinking favored in the House approach leads inevitably to proportional representation—which has some peculiar side-effects for those who claim to be concerned about civil rights. For one thing, such an approach requires us to be intensely conscious of race, color and ethnicity, rather than indifferent to such matters as the civil rights orthodoxy once had it.

The policy implications of this approach are unusual, as well. If it is presumed, for instance, that black citizens must be grouped in such a way that their votes are aggregated rather than being "diluted," this would seem to imply the need for residential segregation of blacks, rather than a random distribution throughout society.

As the Senate subcommittee puts it: "Since our electoral system is established within geographic paramenters, the prescription of race-based proportional representation means that minority group members will indirectly be encouraged to reside in the same areas in order to remain in the race-based political group. A political premium would be put on segregated neighborhoods."

A final irony is that the relentless pursuit of the "effects" approach could actually wind up decreasing the relative influence of ethnic minorities. To the extent that blacks or other minority groups are concentrated in districts to elect "symbolic" representatives of their own, their influence will tend to be confined to those districts, rather than being spread throughout the political system generally.

These points and others like them have been made not only by Senate critics of the House language but also by spokesmen for the Reagan Administration. Last week, however, the White House signaled its readiness to sign off on a "compromise" which would adopt the House language, but add a clause saying the "totality of circumstances" must be weighed in judging whether discrimination has occurred. As pointed out by Sen. Orrin Hatch (R.-Utah), this compromise is actually a disguised acceptance of proportional representation with face-saving language added in.

As matters currently stand, there is an "effects" test for part of the Voting Rights Act—so-called "pre-clearance" for jurisdictions assertedly found guilty of discriminatory conduct and required to purge themselves. This section has been applied by the Department of Justice in a manner clearly tending toward proportional representation, fully justifying apprehensions about the language promoted in the House. What is not suggested is that this peculiar standard be written into the law in general.

Some black spokesmen have argued against the "effects" approach, on the grounds stated above as well as others. In the usual pattern, however, their voices have been drowned out in the official and media cacophony. It begins to appear that election quotas—in the guise of civil rights—may soon be wedged into the statute law of the United States.

SADLY, REAGAN RELENTS ON EXCESSES OF VOTING RIGHTS EXTENSION

(By Patrick J. Buchanan)

"Today, I not only wanted to salute the efforts of those who have forged the compromise, but I also want to give it my heartfelt support. My hope is that it will now pave the way toward swift extension of the Voting Rights Act by the entire Congress."

With that thinly disguised concession, Ronald Reagan ran up the white flag over further resistance to extension of the Voting Rights Act of 1965.

To which reasonable men might respond: About time! What was Ronald Reagan doing temporizing over whether to extend the most successful civil rights law ever enacted?

Well, to be simplistic about it, he was procrastinating because the new Voting Rights Act of 1982 has less to do with guaranteeing black citizens their right to vote than it does with guaranteeing black politicians a right to be elected. When Mr. Reagan signs this legislation, he and Congress will have mandated the racial polarization of American politics for the rest of our lives.

Think that's extreme? Consider what the revised 1965 law is designed to accomplish.

The more benign provision, "pre-clearance," will be extended for a quarter-century. Under this provision, nine Southern states, their cities, counties and school districts will have to continue reporting to Washington for Justice's prior approval of any change in the election laws, no matter how trivial. Justice can veto any change it feels would "dilute" black voting rights—i.e., reduce the chances that a black condidate might be elected.

Under a new provision, however, which "strengthens"—the headline word—the act, every voting district in the United States, from Congress to the state legislature, to the county council, to the board of aldermen can be ordered redrawn by a federal judge, if the "result" of said boundaries is to deny or abridge the right of black Americans to vote.

But if every black who wants to register can register, if every black who wishes to vote can vote, how can the election results be discriminatory? Simple my friend. The principal result that henceforth will be determinant is how many black folks got nominated and how many got elected.

This provision was crafted to dump over a decision of the Supreme Court in 1980 dealing with the city of Mobile. Civil rights groups contended, accurately that even though Mobile was 35 percent black, the city—in its at-large elections for three city commissioners—had never elected a black commissioner. Since the civil rights groups could not prove that the intent of the at-large districts was to keep blacks out of the commission post, the court threw out the suit. Writing for the majority, Potter Stewart held that the "right to equal participation in the electoral process does not protect any 'political groups,' however defined, from electoral defeat."

With this law, all that is changed. Any political jurisdiction in the country with a significant minority population, and without adequate minority representation in its elected offices, will be suspect, vulnerable to court challenge. Gerrymandering along racial lines will not only be legalized. It will very nearly be mandated.

By the Law of Unintended Consequences, the victims of this form of racial politics will be the same white liberals most enthusiastically endorsing it. Militant blacks, searching for an all-black district that can guarantee them permanent public office, will collaborate with white Republicans anxious to be rid of Democratic-voting black constituents. Together, they will re-segregate America. The losers—the Pete Rodinos, liberal whites with large black constituencies that black politicians want, but without the proper racial characteristics to be admitted to the Black Caucus.

One entertaining sideshow, however, should result from the new law. The same old champions of civil rights who were forever demanding that federal judges redraw school boundaries to get more whites in their schools will now be demanding that the same federal judges redraw the voting precincts to get all those damn honkies out of their election district. Integrated schools, and segregated voting districts. That's what it was all about, wasn't it?

And how was Ronald Reagan prevailed upon to endorse, nay embrace, a measure pointing directly toward, if not to, racial quotas in electoral politics? Well, let's be charitable and say he was preoccupied with the Falklands—because I don't want to think about the alternative.

Questions and Answers: Intent v. Result

The Voting Rights Act debate will focus upon a proposed change in the Act that involves one of the most important constitutional issues to come before Congress in many years. Involved in this debate are fundamental issues involving the nature of

American representative democracy, federalism, civil rights, and the separation of powers. The following are questions and answers pertaining to this proposed change. It is not a simple issue.

What is the major issue involved in the present Voting Rights Act debate?

The most controversial issue is whether or not to change the standard in section 2 by which violations of voting rights are identified from the present "intent" standard to a "results" standard. There is virtually no opposition to extending the provisions of the Act or maintaining intact the basic protections and guarantees of the Act.

Who is proposing to change the section 2 standard?

Although the popular perception of the issue involved in the Voting Rights Act debate is whether or not civil rights advocates are going to be able to preserve the present Voting Rights Act, the section 2 issue involves a major change in the law proposed by some in the civil rights community. Few are urging any retrenchment of existing protections in the Voting Rights Act. The issue rather is whether or not expanded notions of civil rights will be incorporated into the law.

What is section 2?

Section 2 is the statutory codification of the 15th Amendment to the Constitution. The 15th Amendment provides that the right of citizens to vote shall not be denied or abridged "on account of" race or color. There has been virtually no debate over section 2 in the past because of its noncontroversial objectives.

Does section 2 apply only to "covered" jurisdictions?

No. Because it is a codification of the 15th Amendment, it applies to all jurisdictions across the country, whether or not they are a "covered" jurisdiction that is required to "pre-clear" changes in voting laws and procedures with the Justice Department under section 5 of the Act.

What is the relationship between section 2 and section 5?

Virtually none. Section 5 requires jurisdiction with a history of discrimination to "preclear" all proposed changes in their voting laws and procedures with the Justice Department. Section 2 restates the 15th Amendment and applies to all jurisdictions; it is not limited either, as is section 5, to *changes* in voting laws or procedures. Existing laws and procedures would be subject to section 2 scrutiny as well as changes in these laws and procedures.

What is the present law with respect to section 2?

The law with respect to the standard for identifying section 2 (or 15th Amendment) violations has always been an intent standard. As the Supreme Court reaffirmed in a decision in 1980, "That Amendment prohibits only purposefully discriminatory denial or abridgement by government of the freedom to vote on account of race or color." *Mobile* v. *Bolden* 446 U.S. 55.

Did the Mobile case enact any changes in existing laws?

No. The language in both the 15th Amendment and section 2 proscribes the denial of voting rights "on account of" race or color. This has always been interpreted to require purposeful discrimination. Indeed, there is no other kind of discrimination as the term has traditionally been understood. Until the *Mobile* case, it was simply not at issue that the 15th Amendment and section 2 required some demonstration of discriminatory purpose. There is no decision of the Court either prior to or since *Mobile* that has ever required anything other than an "intent" standard for the 15th Amendment or section 2.

Hasn't the Supreme Court utilized a results test prior to the Mobile decision?

No. The Supreme Court has never utilized a results (or an "effects" test) for indentifying 15th Amendment violations. While proponents often refer to the decision of the Court in *White* v. *Regester* 412 U.S. 755 to argue the contrary, this is simply not the case. *White* was not a section 2 case and it was not a 15th Amendment case—it was a 14th Amendment case. Further, *White* required discriminatory purpose even under the 14th Amendment. That *White* required purpose was reiterated by the Court in *Mobile* and, indeed, it was reiterated by Justice White in dissent in *Mobile.* Justice White was the author of the *White* v. *Regester* opinion. The term results appears nowhere in *White* v. *Regester.* There is no other court decision either utilizing a results test under section 2 or the Fifteenth Amendment.

What is the standard for the 14th amendment's equal protection clause?

The intent standard has always applied to the 14th amendment as well. In *Arlington Heights* v. *Metropolitan Authority,* the Supreme Court stated, "Proof of a racially discriminatory intent or purpose is required to show a violation of the equal protection clause of the 14th amendment." 429 U.S. 253 (1977). This has been reiterated in a number of other decisions, *Washington* v. *Davis,* 426 U.S. 229 (1976); *Massachusetts* v. *Feeney,* 442 U.S. 256 (1979). In addition, the court has always been careful to emphasize the distinction between de facto and de jure discrimination in the area of school busing. Only de jure (or purposeful) discrimination has ever been a basis for school busing orders. *Keyes* v. *Denver,* 413 U.S. 189 (1973).

What precisely is the "intent" standard?

The intent standard simply requires that a judicial fact-finder evaluate all the evidence available to himself on the basis of whether or not it demonstrates some intent or purpose or motivation on the part of the defendant to act in a discriminatory manner. It is the traditional test for identifying discrimination.

Does it require express confessions of intent to discriminate?

No more than a criminal trial requires express confessions of guilt. It simply requires that a judge or jury be able to conclude on the basis of all the evidence available to it, including circumstantial evidence of whatever kind, that some discriminatory intent or purpose existed on the part of the defendant. Several major cases since *Mobile* have had no difficult finding purposeful discrimination without a "smoking gun" or express confessions of intent.

Then it does not require "mind-reading" as some opponents of the "intent" standard have suggested?

Absolutely not. "Intent" is proven without "mind-reading" thousands of times every day of the week in criminal and civil trials across the country. Indeed, the criminal trials the existence of intent must be proven "beyond a reasonable doubt." In the civil rights area, the normal test is that intent be proven merely "by a preponderance of the evidence."

How can the intent of long-dead legislators be determined under the present test?

This has never been necessary under the 15th amendment. It is irrelevant what the intent may have been of "long-dead" legislators if the alleged discriminatory action is being maintained wrongfully by present legislators.

What kind of evidence can be used to demonstrate "intent"?

Again, literally any kind of evidence can be used to satisfy this requirement. As the Supreme Court noted in the *Arlington Heights* case, "Determining whether invidious discriminatory purposes was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence as may be available. 429 U.S. 253, 266. Among the specific considerations that it mentions are the historical background of an action, the sequence of events leading to a decision, the existence of departures from normal procedures, legislative history, the impact of a decision upon minority groups, etc.

Do you mean that the actual impact or effects of an action upon minority groups can be considered under the intent test?

Yes. Unlike a results or effects-oriented test, however, it is not dispositive of a voting rights violation in and of itself, and it cannot effectively shift burdens of proof in and of itself. It is simply evidence of whatever force it communicates to the fact-finder.

Why are some proposing to substitute a new "results" test in section 2?

Ostensibly, it is argued that voting rights violations are more difficult to prove under an intent standard than they would be under a results standard.

How important should that consideration be?

Completely apart from the fact that the Voting Rights Act has been an effective tool for combating voting discrimination under the present standard, it is debatable whether or not an appropriate standard should be fashioned on the basis of what facilitates successful prosecutions. Elimination of the "beyond a reasonable doubt" standard in criminal cases, for example, would certainly facilitate criminal convictions. The Nation has chosen not to do this because there are competing values, e.g. fairness and due process.

What is wrong with the results standard?

First of all, it is totally unclear what the "results" standard is supposed to represent. It is a standard totally unknown to present law. To the extent that its legislative history is relevant, and to the extent that it is designed to resemble an effects test, the main objection is that it would establish as a standard for identifying section 2 violations a "proportional representation by race" standard.

What is meant by "proportional representation by race"?

The "proportional representation by race" standard is one that evaluates electoral actions on the basis of whether nor not they contribute to representation in a State legislature or a City Council or a County Commission or a School Board for racial and ethnic groups in proportion to their numbers in the populations.

What is wrong with "proportional representation by race"?

It is a concept totally inconsistent with the traditional notion of American representative government wherein elected officials represent individual citizens not racial or ethnic groups or blocs. In addition, as the Court observed in *Mobile,* the Constitution "does not require proportional representation as an imperative of political organization." As Madison observed in the Federalist No. 10, a major objective of the drafters of

the Constitution was to limit the influence of "factions" in the electoral process.

Compare then the intent and the results test?

The intent test allows courts to consider the totality of evidence surrounding an alleged discriminatory action and then requires such evidence to be evaluated on the basis of whether or not it raises an inference of purpose or motivation to discriminate. The results test, however, would focus analysis upon whether or not minority groups were represented proportionately or whether or not some change in voting law or procedure would contribute toward that result.

What does the term "discriminatory results" mean?

It means nothing more than is meant by the concept of racial balance or racial quotas. Under the results standard, actions would be judged, pure and simple, on color-conscious grounds. This is totally at odds with everything that the Constitution has been directed towards since the Reconstruction Amendment, *Brown* v. *Board of Education,* and the Civil Rights Act of 1964. The term "discriminatory results" is Orwellian in the sense that it radically transforms the concept of discrimination from a process or a means to an end into a result or end in itself. The results test would outlaw actions with a "disparate impact"; this has virtually nothing to do with the notion of discrimination as traditionally understood.

Isn't the "proportional representation by race" description an extreme description?

Yes, but the results test is an extreme test. It is based upon Justice Thurgood Marshall's dissent in the *Mobile* case which was described by the Court as follows: "The theory of this dissenting opinion . . . appears to be that every 'political group' or at least every such group that is in the minority has a federal constitutional right to elect candidates in proportion to its numbers." The House Report, in discussing the proposed new "results" test, admits that proof of the absence of proportional representation "would be highly relevant".

But doesn't the proposed new section 2 language expressly state that proportional representation is not its objective?

There is, in fact, a disclaimer provision of sorts. It is clever, but it is a smokescreen. It states, "The fact that members of a minority group have not been elected in numbers equal to the group's proportion of the population shall not, in and of itself, constitute a violation of this section."

Why is this language a "smokescreen"?

The key, of course, is the "in and of itself" language. In *Mobile,* Justice Marshall sought to deflect the "proportional representation by race" description of his results theory with a similar disclaimer. Consider the response of the Court, "The dissenting opinion seeks to disclaim this description of its theory by suggesting that a claim of vote dilution may require, in addition to proof of electoral defeat, some evidence of 'historical and social factors' indicating that the group in question is without political influence. Putting to the side the evident fact that these guazy sociological considerations have no constitutional basis, it remains far from certain that they could, in any principled manner, exclude the claims of any discrete group that happens for whatever reason, to elect fewer of its candidates than arithmetic indicates that it might. Indeed, the putative limits are bound to prove illusory if the express purposes informing their application would be, as the dissent assumes, to redress the 'inequitable distribution of political influence'."

Explain further?

In short, the point is that there will always be an additional scintilla of evidence to satisfy the "in and of itself" language. This is particularly true since there is not standard by which to judge any evidence except for the results standard.

What additional evidence, along with evidence of the lack of proportional representation, would suffice to complete a section 2 violation under the results test?

Among the additional bits of "objective" evidence to which the House Report refers are a "history of discrimination", "racially polarity voting" (sic), at-large elections, majority vote requirements, prohibitions on single-shot voting, and numbered posts. Among other factors that have been considered relevant in the past in evaluating submissions by "covered" jurisdictions under section 5 of the Voting Rights Act are disparate racial registration figures, history of English-only ballots, maldistributions services in racially definable neighborhoods, staggered electoral terms, some history of discrimination, the existence of dual school systems in the past, impediments to third party voting, residency requirements, redistricting plans which fail to "maximize" minority influence, numbers of minority registration officials, re-registration or registration purging requirements, economic costs associated with registration, etc., etc.

These factors have been used before?

Yes. In virtually every case, they have been used by the Justice Department (or by the courts) to ascertain the existence of discrimination in "covered" jurisdictions. It is a matter of one's imagination to come up with additional factors that could be used by creative or innovative courts or bureaucrats to satisfy the "objective" factor requirement of the "results" test (in addition to the absence of proportional representation). Bear in mind again that the purpose or motivation behind such voting devices or arrangements would be irrelevant.

Summarize again the significance of these "objective" factors?

The significance is simple—where there is a State legislature or a city council or a county commission or a school board which does not reflect racial proportions within the relevant population, that jurisdiction will be vulnerable to prosecution under section 2. It is virtually inconceivable that the "in and of itself" language will not be satisfied by one or more "objective" factors existing in nearly any jurisdiction in the country. The existence of these factors, in conjunction with the absence of proportional representation, would represent an automatic trigger in evidencing a section 2 violation. As the *Mobile* court observed, the disclaimer is "illusory".

But wouldn't you look to the totality of the circumstances?

Even if you did, there would be no judicial standard for evaluation other than proportional representation. The notion of looking to the totality of circumstances is meaningful only in the context of some larger state-of-mind standard, such as intent. It is a meaningless notion in the context of a result-oriented standard. After surveying the evidence under the present standard, the courts ask themselves, "Does this evidence raise an inference of intent?" Under the proposed new standard, given the absence of proportional representation and the existence of some "objective" factor, a prima facie (if not an irrebuttable) case has been established. There is no need for further inquiries by the court. There is no ultimate, threshold question for the courts.

Where would the burden of proof lie under the "results" test?

Given the absence of proportional representation and the existence of some "objective" factor, the effective burden of proof would be upon the defendant community. Indeed, it is unclear what kind of evidence, if any, would suffice to overcome such evidence. In *Mobile,* for example, the absence of discriminatory purpose and the existence of legitimate, non-discriminatory reasons for the at-large system of municipal elections was not considered relevant evidence by either the plaintiffs or the lower Federal courts.

Putting aside the abstract principle for the moment, what is the major objective of those attempting to over-rule "Mobile" and substitute a "results" test in section 2?

The immediate purpose is to allow a direct assault upon the majority of municipalities in the country which have adopted at-large systems of elections for city councils and county commissions. This was the precise issue in *Mobile,* as a matter of fact. Proponents of the results test argue that at-large elections tend to discriminate against minorities who would be more capable of electing "their" representatives to office on a district or ward voting system. In *Mobile,* the Court refused to dismantle the at-large municipal form of government adopted by the city.

Do at-large systems of voting discriminate against minorities?

Completely apart from the fact that at-large voting for municipal governments was instituted by many communities in the 1910's and 1920's in response to unusual instances of corruption within ward systems of government, there is absolutely no evidence that at-large voting tends to discriminate against minorities. That is, unless the premise is adopted that only blacks can represent blacks, only whites can represent whites, and only hispanics can represent hispanics. Indeed, many political scientists believe that the creation of black wards or hispanic wards, by tending to create political "ghettoes", minimize the influence of minorities. It is highly debatable that black influence, for example, is enhanced by the creation of a single 90-percent black ward (that may elect a black person) than by three 30-percent black wards (that may each elect white persons all of whom will be influenced significantly by the black community).

What else is wrong with the proposition that at-large elections are constitutionally invalid?

First, it turns the traditional objective of the Voting Rights Act—equal access to the electoral process—on its head. As the Court said in *Mobile,* "this right to equal participation in the electoral process does not protect any political group, however defined, from electoral defeat." Second, it encourages political isolation among minority groups; rather than having to enter into electoral coalitions in order to elect candidates favorable to their interests, ward-only elections tend to allow minorities the more comfortable, but less ultimately influential, state of affairs of safe, racially identifiable districts. Third, it tends to place a premium upon minorities remaining geographically segregated. To the extent that integration occurs, ward-only voting would tend not to result in proportional representation. To summarize again by referring to *Mobile,* "political

groups do not have an independent constitutional claim to representation."

What would be the impact of a constitutional or statutory rule proscribing at-large municipal elections?

The impact would be profound. In *Mobile*, the plaintiffs sought to strike down the entire form of municipal government adopted by the city on the basis of the at-large form of city council election. The Court stated, "Despite repeated attacks upon multi-member (at-large) legislative districts, the Court has consistently held that they are not unconstitutional." If *Mobile* were over-ruled, the at-large electoral structures of the more than two-thirds of the 18,000+ municipalities in the country that have adopted this form of government, would be placed in serious jeopardy.

What will be the impact of the results test upon redistricting and reapportionment?

Redistricting and reapportionment actions also will be judged on the basis of proportional representation analysis. As Dr. W. F. Gibson, the President of the South Carolina NAACP, recently observed about proposed legislative redistricting in that State, "Unless we see a redistricting plan that has the possibility of blacks having the probability of being elected in proportion to this population, we will push hard for a new plan." Similarly, the Reverend Jesse Jackson has stated, "Blacks comprise one-third of South Carolina's population, and they deserve one-third of its representation." Former Assistant Attorney General for Civil Rights Drew Days has conceded that minority groups alone will be largely immune to partisan or ideological gerrymandering on the grounds of "vote dilution".

What is "vote dilution"?

The concept of "vote dilution" is one that has been responsible for transforming other provisions of the Voting Rights Act (esp. section 5) from those designed to ensure equal access by minorities to the registration and voting processes into those designed to ensure equal electoral outcome. The right to register and vote has been significantly transformed in recent years into the right to cast an "effective" vote and the right of racial or ethnic groups not to have their collective vote "diluted". See, e.g., Thernstrom, "The Odd Evolution of the Voting Rights Act", 55 *The Public Interest* 49. Determining whether or not a vote is "effective" or "diluted" is generally determined simply by proportional representation analysis.

Are there other constitutional issues involved with section 2?

Yes. Given that the Supreme Court has interpreted the 15th Amendment to require a demonstration of purposeful discrimination in order to establish a constitutional violation, and given that the Voting Rights Act is predicated upon the 15th Amendment, there are serious constitutional questions involved as to whether or not Congress in section 2 can re-interpret the parameters of the 15th Amendment by simple statute. Similar constitutional questions are involved in pending efforts by the Congress to statutorily overturn the Supreme Court's abortion decision in *Roe* v. *Wade*. As former Attorney General Griffin Bell has observed, "To overrule the *Mobile* decision by statute would be an extremely dangerous course of action under our form of government."

What is the position of the administration on the section 2 issue?

The administration and the Justice Department are strongly on record as favoring retention of the intent standard in section 2. President Reagan has expressed his concern that the results standard may lead to the establishment of racial quotas in the electoral process. Press Conference, December 17, 1981. Attorney General William French Smith has expressed similar concerns.

Summarize the section 2 issue?

The debate over whether or not to overturn the Supreme Court's decision in *Mobile* v. *Bolden*, and establish a results test for identifying voting discrimination in place of the present intent test, is probably the single most important constitutional issue that will be considered by the 97th Congress. Involved in this controversy are fundamental issues involving the nature of American representative democracy, federalism, the division of powers, and civil rights. By redefining the notion of "civil rights" and "discrimination" in the context of voting rights, the proposed "results" amendment would transform the objective of the Act from equal access to the ballotbox into equal results in the electoral process. A results test for discrimination can lead nowhere but to a standard of proportional representation by race.

(The following proceedings occurred during Mr. HATCH's remarks and are printed at this point in the RECORD by unanimous consent:)

Mr. KENNEDY. Mr. President, if the Senator from Utah will yield, as a cosponsor of the legislation, I am wondering whether we are going to have a chance to speak to this. I have been here since 10:30 this morning because I took the word of the majority leader that we were going to be calling this legislation up. I understand the majority's prerogative on this matter, but I would like to at least have some time, having waited 6 hours and 15 minutes, to be able to speak on this issue. Also, I inquire whether it is the intention of the acting floor manager to move to have this legislation before the Senate.

It is now quarter of 5. I have listened to the Senator's presentation. As a matter of fact, I have heard it a good many times. I am sure the Senator will be able to say the same about mine.

Mr. HATCH. We learn a great deal from each other.

Mr. KENNEDY. I am just wondering whether he can enlighten us, first of all, as to whether we are going to move toward and bring this legislation up so we can begin to debate it. Most of the matters that we are talking about now were debated and voted on, and the good Senator from Utah was voted down on most of these measures. These are not the matters which basically have been reported favorably out of the Judiciary Committee.

Be that as it may, I should like to receive some information for those of us who support the proposal whether it is the intention now to move toward accepting the acting majority leader's proposal to have this measure before the Senate.

Then I would appreciate, as an informational point of view, some indication as to whether others who want to speak about this measure are going to have a chance to speak today.

Mr. HATCH. Mr. President, a motion to proceed has been made, and I support that. It is my understanding, however, that there are other Senators who desire to speak to this issue at length. Senator HELMS, for example, has certainly expressed himself on that matter.

What I am doing right now, because this is such an important issue is attempting to make a record, as will the Senator from Massachusetts as soon as I am completed with my statement, I want people to understand, as they read this in the future, the issues involved in this debate. If I am correct about the likely consequences of this legislation, I want it to be known that Congress was fully apprised of these at the time we debated it.

I feel that this record has to be made. I am willing to stay here as long as it takes so that the distinguished Senator from Massachusetts can make his statement today, as well, but I feel that these are very important matters that have to be placed in the RECORD.

Mr. KENNEDY. I would like to just try and find out whether we are going to at least find some way to proceed so that we are either going to rotate speakers or not as we begin this debate and discussion. This is the first day. As I say, I have been here 7 hours. Not one person from this side of the aisle has had an opportunity to speak. I have had a number of Senators speak to me about it.

The majority leader, as he has demonstrated during the budget debate and discussion, I think with great fairness, alternated speakers the best that he could. I think there was generally accepted a certain willingness to permit Senators on both sides of the aisle to be heard.

I would just like to find out, as we are running into 10 minutes of 5 this evening, whether we are going to get a chance to speak sometime in the foreseeable future.

I would like to also be able to indicate to others of my collegues who feel strongly about this issue what opportunities they will have to address this area.

Mr. HATCH. We started at about quarter after 3, maybe it was 10 after 3. We have had a couple of other extraneous speeches made along the way. As manager of this bill, I am going to make this statement. I will try to do it as quickly as possible, but it is important that this record be made.

I presume that the distinguished Senator from Massachusetts, my good colleague will certainly make an important speech on this matter.

Mr. KENNEDY. Considerably shorter.

Mr. HATCH. I hope so. Considerably less profound, as well, naturally.

Mr. KENNEDY. We will let historians judge that.

Mr. HATCH. I think we will let the Supreme Court judge that.

Mr. KENNEDY. They have already judged it, Mr. President. That is why I would like to get on with the debate.

Mr. HATCH. That is what we will do. What I am trying to do is make sure both sides have an opportunity to express themselves. There is no question about that. I am happy to stay here as long as I have to to listen to my colleague's statement. I will also try to expedite my own.

Mr. DOLE. Mr. President, will the Senator from Utah yield to the Senator from Kansas?

Mr. HATCH. I will be delighted to.

Mr. DOLE. I was at another hearing. As I understand it, those of us who are in the majority will have a chance to speak on this bill?

Mr. HATCH. There is no question about it.

Mr. DOLE. It seems rather strange that the minority is now managing the bill. It seems strange to this Senator that that is the case. Although the Senator from Utah did vote to report the bill, I would hope those of us who voted for the substitute will be accorded ample time also to make legislative history because there are some very important issues concerning every Senator in the Chamber, not just the four who voted against the substitute.

Mr. HATCH. I think it will be handled very fairly, and that every Senator will have the opportunity to speak. I certainly will try to see to that.

[Conclusion of earlier proceedings.]

Mr. HATCH. Mr. President, at this point I am happy to yield the floor to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think it is important as we begin this debate to recognize that as to the measure which is before this body—or at least the motion to consider—the Voting Rights Act extension, the language, the purpose, and the legislative history have been spelled out clearly, and precisely I think, in the document called "Report of the Committee on the Judiciary on S. 1992 With Additional, Minority, and Supplemental Views."

On page 1 it states:

> This Committee had given the legislation detailed attention before coming to the conclusions reflected in this Report, which is the statement for the record of the intended meaning and operation of this bill.

I have very considerable respect for my good friend and colleague from Utah, but he has basically resisted many of the provisions of the voting rights legislation which was initially introduced by the Senator from Maryland (Mr. MATHIAS) and myself. And he later resisted strenuously the inclusion of the amendment which embodied the substance of this legislation, and clarified, I think, and strengthened this legislation. I am referring to the Dole-Mathias-Kennedy amendment, which is the substance of the matter which is before the Senate this afternoon.

I certainly take nothing away from the Senator from Utah's views. Nor would I be able to, but I do think, it is important as we are establishing the legislative history, that we understand clearly what the meaning of the various provisions is, beyond than the express statement of the words. Those provisions, and the interpretation of those provisions, are spelled out as clearly and, I think, as well as any committee report that I have seen in a long time in this body.

I have spent a good deal of time personally on this report, and I think it is a superb commentary on exactly what this legislation is about.

In short, what this legislative report points out is who won and who lost on this issue. There should be no confusion for future generations as to what the intention of the language was for those who carried the day.

Mr. President, I am somewhat perplexed that at this point we are not in a position where we are prepared to debate the issue on the substance of the issue.

My colleague for Utah says there are other Senators who want to speak about whether we ought to bring this issue up before the United States Senate this afternoon. I think, as our leader, Senator ROBERT C. BYRD, has pointed out, that the Members on this side of the aisle are quite prepared at this point to get into debating amendments—I know there are a number of amendments—and of disposing of those.

Having said that, I also want to acknowledge that I am sure there are many of my colleagues and good friends on the other side of the aisle who are also prepared to do so.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. KENNEDY. I should note that the history of the Voting Rights Act of 1965, one of the most effective pieces of legislation, and certainly the most effective Civil Rights Act ever passed, has been a bipartisan effort from the very beginning.

It certainly has been bipartisan at this period of time. My comment about those of us on our side being prepared to vote in no way should be thought to diminish the very strong commitment and contributions that have been made to bring this legislation to this point by my colleague from Kansas (Mr. DOLE) or my colleague from Maryland (Mr. MATHIAS).

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

(Mr. RUDMAN assumed the chair.)

Mr. DOLE. I think the Senator is exactly correct. I think it is all but a handful on this side who are prepared to vote final passage, and I would hope we are not going to postpone—I now understand there is not going to be any cloture motion filed, and no intention to dispose of this legislation later this week, which means it will be another week before we get into the merits of the legislation. I hope that is not the case. We can spend whatever time is necessary on it. There are only about four or five Members, and we cannot run everything around here for four or five Members.

Mr. KENNEDY. Mr. President, will the Senator agree with me that what we have listened to in the course of the afternoon was not really a discussion or debate about whether we ought to bring this up, but actually debate on the substance of the measure that is before us.

I have remained here on the floor throughout the discussion, and I have heard no discussion about whether we ought to bring this up. What we have heard has been a very scholarly commentary by the Senator from Utah on views that he is very sincere in holding, which he has debated strenuously before the Judiciary Committee and, I might say, has not been successful there. He may very well be successful here. I hope not. But I do not underestimate his persuasiveness.

Mr. HATCH. Mr. President, will the Senator yield at that point? I personally would like to dispose of this matter; I would like to move it. I had hoped that cloture would be filed today. All I can do is cooperate with other Senators, but I hope we can dispose of this matter expeditiously and vote it up or down, one way or the other.

I have stated my arguments; I think the record has to be made. I have made those arguments sincerely; I believe that the Senator from Massachusetts knows that. He has also made sincere argument, and is likely to prevail in this matter.

I also respect the Senator from Kansas, who has sought to bring about a compromise here that he feels will be workable. I personally do not. But, that does not mean that I am unwilling to have this matter voted upon and moved as expeditiously as possible one way or the other. This matter will finally be determined by the courts, anyway. That is how I feel. But I do believe that we have to make our respective cases. I respect the Senator from Massachusetts who has articulately made his case during this process.

Mr. KENNEDY. Mr. President, I see the acting majority leader here on the floor. I would like to ask him whether it is his intention to file a cloture motion perhaps if not today—the hour is late—but certainly sometime perhaps tomorrow so that at least we can move this process forward.

The fact remains that in spite of the statements of the Senator from North Carolina, even though August 6 comes and passes and the legislation remains on the books, the fact is that the enforcement provisions with regard to the failout provisions lapse and the effectiveness of the whole legislation is significantly undermined.

Those are technical circumstances, but they reach substance, and there is importance in terms of timeliness. I want to indicate that, as a minority member of the Judiciary Committee, neither our chairman nor the chairman of the subcommittee have in any way been dilatory. Sometimes we have taken more time than I thought was necessary to dispose of an issue. But I do not think that any of us who are strong supporters of this legislation have felt that they have not proceeded at least in the way that they thought they must. Or that we have proceeded at the cost of undermining in any way the possibilities of insuring that there would be legislative action.

So I would be interested if the acting majority leader could elighten us at all. I would have asked him about this earlier, if I had had the opportunity to have done so. If he is able to clarify the legislative situation, I would certainly appreciate it. Then I would like to make brief comments on this legislation, because I see both the Senator from Maryland and the Senator from Kansas here. I do not intend to take more than probably 12 or 15 minutes and then ask that the remainder of my remarks be put in the RECORD. But I feel strongly about this legislation, and I do intend to take that amount of time.

Mr. STEVENS. Will the Senator yield for the purpose of responding to his question?

Mr. KENNEDY. Yes.

Mr. STEVENS. I would say to my friend that the difficulty is that we know that even with the cloture motion, in any event, we would be unable to vote until the first of the week, And, we are forced to try and maintain a situation where we do not really seek unanimous consent, although I hasten to add that the Senator from North Carolina indicated he would agree to any timeframe for the vote on the cloture motion should we decide to file it. I hope there would not be one filed.

We are going to work on the conference report to accompany the agent identities bill on tomorrow and then go back to this bill. We will be in Monday. Hopefully, we will not be in on Friday if we can get an agreement for something substantive to take place tomorrow and on Monday. So, we will have Senators return and there will be votes on Monday afternoon, We can then look to, in all probability, the cloture petition being filed Monday night or at the latest, Tuesday, if such a petition is necessary. Now it may not be necessary, as I understand, depending upon some of the conversations that are going on now.

I would say to my friend that I was most sincere about raising the questions on behalf of myself in connection with the problems that my State has faced. Those are the things about which I have been talking both on and off the floor to many Senators. We have those amendements now being looked at by other Members of the Senate. I am hopeful that we might get some agreement on dealing with them.

But the main reason for not filing the cloture motion is that we can expect, once that is done, to have very little opportunity to deal with other matters. We have that opportunity both tomorrow and Monday. We should dispose of very meaningful pieces of legislation and then be definitely committed to a one-track system, I hope, by Tuesday on this bill. That remains to be seen.

Mr. DOLE. Will the Senator from Massachusetts yield?

Mr. KENNEDY. I would be glad to yield without losing my right to the floor.

Mr. DOLE. We are talking about not voting on the motion to proceed until Wednesday or Thursday, and then next week is gone. Then you have the cloture motion to file to proceed on the bill and the next week is gone. It happens that the House is planning a recess starting June 24 until July 12. It also happens that we have a debt ceiling that must be passed and, I assume, hopefully a budget resolution of some kind.

If in fact there were some agreement that will let us proceed on the bill, that is one thing, but to wait until next Tuesday to file cloture on a motion to proceed does not seem to be moving very quickly when the President supports this legislation. There are 77 cosponsors of the legislation. There are only four in the committee who voted against the substitute. I doubt there will be five votes against the bill. It seems to me that we could move more quickly.

Mr. STEVENS. Will the Senator yield further?

Mr. KENNEDY. Yes.

Mr. STEVENS. I understand full well the impact of what the Senator from Kansas is saying. However, I have learned in the past 6 years that being an acting majority leader or minority leader was just that. There are so many bases that have to be touched, including the absence of the leader. The timing of filing the cloture motion, I think, should be his decision to make.

So far we have not been able to come to an agreement on the timing, it would have been my intention to have filed it tomorrow night. As I said, the Senator from North Carolina had indicated a willingness to a time certain to vote on that motion. But we still have the hope that we will be able to do what some people have said—come to the floor with some clarifying amendments that all parties will accept in the interest of seeing to it that the legislation that passes has the maximum support possible and being able to pass the bill in 1 day. We have not given up hope, if we do not have to make a cloture motion to either take up the bill or to pass it. Under those circumstances, I think that is a reasonable hope to pursue.

However, I might say to the Senator from Massachusetts and others that we had made some commitments that we would attempt to get back on routine business by about 5:30. I have taken some of the Senator's time. We do have another series of bills that have been cleared by the unanimous-consent procedure. We are trying to clear other bills for time agreements. We have some 90 Senators who returned in order to work, and we would like to get to this other work if we could. I am not rushing the Senator. I just wonder if the Senators who are involved in the debate could tell me if we could get an agreement on when we might go to the routine business.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. If I could just address the acting leader. I have been one of those, along with the Senator from Maryland and the Senator from Kansas, who had urged the leadership to call this matter up. I was here this morning at the time that we went into session, and I understood that there were special orders. I was here at 10:30 this morning when the acting majority leader was having his press conference. I understood we were going to bring it up around 10 after 12. Then I heard there were some new amendments that were circulating around, which had been made available to my staff and made available to me, which I found unacceptable. Then I understood we were not going on this bill then until around 3 o'clock. Then we went on this bill at 3 o'clock and I have only had the opportunity to speak for about 3 or 4 minutes on this after waiting here for 6 hours.

With all respect, as I mentioned earlier, the explanation being given by the Senator from Utah, who has strong views and is knowledgeable about this bill and feels strenuously about it and took a lot of time on it.

But those are not the views that have carried on the committee.

As I mentioned earlier, I intend now to speak briefly on this measure. Then hopefully Senator MATHIAS, who is the principal sponsor, and Senator DOLE also would have a chance to speak on this measure. But I, for one, would be extremely reluctant to grant the unanimous consent.

Mr. STEVENS. Will the Senator let me interrupt? I think the Senator misunderstood me. I am in a conference, on the supplemental appropriations bill, and I came over because I thought we had reached the point where we would get to routine business. We are perfectly willing to continue the Senate debating to midnight if you wanted to do it. I just wanted to get some timeframe, because we have a series of other Members on the other side in conference.

Mr. KENNEDY. I also want to try to get some idea in the way the majority is going to proceed, because I would be exceedingly reluctant, as one Senator, not to object to moving to other business, quite frankly. If that is going to be the position of the leadership, I want to cooperate with the leadership.

But I think the Senator from Kansas has made a strong point. If we are going to be coming into a cloture motion now for next week, for the end of that week and then another one to proceed after that—I know that there are ways the leadership can get around by moving toward adjourning and coming back in and calling up other measures. But there are other measures which are available to those of us who are supporting this legislation. These are not, as Senators have pointed out, the basic issues that we will be debating that have been debated and debated and debated. They are important.

We ought to at least have an opportunity to address this issue.

Mr. President, I welcome the opportunity, if the majority leader is going to file the cloture petition. I think that is the way it should be. He was the one who set this for scheduling and I respect that responsibility. But I would also say that many of us who believe strongly in this measure, and who believe in the timeliness of this measure, also have rights and also have the opportunity of bringing cloture petitions to the desk. All I am trying to do is to say that I am hopeful that we can find an orderly way to proceed.

I do think that when you have in excess of 77 Members who are cosponsoring this measure, then we are not the ones who are delaying the Senate. We want to move. We are prepared right now to move towards acceding to the acting majority leader's proposal to move towards this amendment. I daresay we would not take more than a half-hour to make additional statements and be prepared to vote. I do think it is exceedingly important for the Members of the Senate and for the American people, who I think support this proposal, as well as for the President of the United States, to find out and know what the situation is here.

Mr. STEVENS. In response to that, the Senator has been here just slightly longer than I, but I have witnessed people who have had the same role that I have today. I ask the Senate for forbearance and to try to work things out, to reach an accommodation. I remember so well the days when Mike Mansfield did that time and time again, and the distinguished Senator from West Viriginia in his role as majority leader did the same thing. I have done that in the absence of our majority leader. He has done it.

We have reached the conclusion that it would be in the best interests of the Senate and the country to attempt once again to try and see if it is possible to have a bill that we could bring up and bring up in a way that we would not have to file cloture. We would like to be able to get to a vote very quickly and dispose of this in the manner of having the maximum support possible. That is still our goal.

I, too, am a cosponsor of the bill. I am delighted to have been able to move to bring the bill up for consideration. I must say to the Senator it is my understanding since this is just a motion, that we can go to other items. We hope we can go to other items and get them done. There is a logjam coming with respect to time and the legislative schedule. We have had a request for a series of items that we could cover in a small amount of time, some of which do require votes on separate amendments.

It is true that there are a number of Senators who are not here this week who will be here next week, as far as the consideration of this measure is concerned. But, it is our responsibility to get as much work done this week as we possibly can.

Again I would state to the Senator that it was my intention to file a cloture petition for tomorrow so that we would have a vote on Tuesday. I was requested not to do that. That request came from the majority leader so that he could have one more meeting with the people who he feels are very close to this issue before we go the cloture petition route. I feel it is reasonable to accord him that courtesy when he is out of the country. It would be my hope that Members of the Senate will accord him that courtesy. He will be back in town and be present on Monday. The decision as to whether to file a cloture petition that day will be his.

I do know of meetings he intends to hold with Members of the Senate and with other Members who are interested in this bill, with the hope that we might be able to make the accommodations necessary to proceed as rapidly as possible to pass the bill. I think there would be no greater symbol to the country if we could pass a bill without having had to invoke cloture.

Again, I hope the Senator will not be too disturbed about the procedures outlined. We have some important business we can get done tomorrow. We hope we can schedule important business for Monday, while those meetings are going on once the majority leader has returned. I would hope then that we would not have to be in on Friday.

Mr. MATHIAS. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator. I would like to inquire of the acting majority leader whether or not it would be possible to lay down the cloture petition tomorrow and have it available. He has said, and I think we all understand, that it would be desirable to proceed without having to resort to cloture. But I recall George Washington's farewell advice to the country which was the best way to keep peace was to prepare for war. Perhaps the best way to avoid the resort to actually imposing cloture would be to set the wheels in motion to do it if we have to do it. There have been occasions when cloture votes have been vitiated, in my experience. By Tuesday, if it is clear that there is no need to do it, we do not have to do it. But if we wait until Monday and then have to go to midweek, we are putting ourselves at some substantial disadvantage.

In the spirit in which the acting majority leader has made his suggestion, I would make a countersuggestion, that we file a cloture petition tomorrow but with the understanding that we hope it will not have to be pursued with a vote.

Mr. STEVENS. Will the Senator yield?

Mr. KENNEDY. Would it be the immediate intention that they would file both on the motion to proceed and on the bill, with two cloture petitions?

Mr. MATHIAS. I think that would violate the spirit that the Senator from Alaska is trying to engender, in the matter of a compromise. I would think if we could merely set the wheels in motion so we could proceed, then we could consider whether or not it was necessary. Maybe by that time the agreements that the Senator from Alaska has referred to will be achieved and we will not need to vote on the motion to proceed or on cloture.

Mr. STEVENS. Mr. President, will the Senator yield for a response?

Mr. KENNEDY. I yield.

Mr. STEVENS. Again, all I can state to my good friend from Maryland, as I have tried to state to the Senator from Massachusetts and the Senator from Utah, is that had I the authority to do it I would follow the course that he has outlined. I have been requested, as I said, on behalf of the majority leader, to accord him the courtesy of being here to make the decision as to whether or not a cloture petition should be filed or has to be filed. He wants to make that decision when he returns on Monday, after conferences with the principals involved. It is not, I think, an unreasonable request from an absent leader. I know there have been times in the past when leaders have been away from Washington.

This absence is on business. It is not a matter connected with any campaign activity. As such, I think the majority leader is entitled to that courtesy and that is what I am asking the Senate to do, to permit me to carry on as the acting majority leader by reporting to you that I have the request that the cloture petition not be filed until the majority leader has an opportunity to have a meeting on Monday with some Members of the Senate and others involved with this bill.

That is a simple request. We are proceeding with a concept here. I am hopeful that, in the course of these discussions, some people may become aware of the fact that there are some of us—and I am one of them—who are concerned about provisions of this bill, as to how they affect States that, once again, will be triggered back into this coverage when they have been affected time and time again and have had to go to court to get out from under it.

Mr. President, I think that is reasonable, to give us some time, also. As I remarked to someone today who said, "Where have you been?" the problem is that every time—this happened in 1970, it happened in 1975, it happened again this year—the people who got together and made the compromise on this extension did not talk to the Senators from the States that were affected by the legislation. They did talk to the people who were the overwhelming advocates—and I am one of those, also—of the concepts involved in this voting rights bill.

I do not see where it should be deemed tardy for some of us to try to protect some of our States.

Mr. President, my State is a typical example. It was in the first time, we got out; it was in the second time, we got out; it was in the third time. Now it will be preserved in the third time if we do not take some action.

The amendments that the Senator from Massachusetts mentions are reasonable, in my opinion. We have indicated a real openness to discuss them, to try to work something out so everyone understands that there is no attempt to write any hidden meaning in them. They take the Dole compromise language from section 2 and apply them in section 5 as one of the tests to meet under the bailout criteria.

The report says that is the case. If that is the case, I do not understand why people are unwilling even to consider this as a technical amendment, because it is carrying out what the committee report, written by the majority who supported the bill, says the bill means. Again, that takes a little while. I think the Senator from Tennessee, our distinguished majority leader, wants to talk to me as well as everyone else in connection with this bill to see if we cannot work something out so there will be no extensive delay as we go to matters that come before us.

Mr. President, I am pleading that the Senate accord the majority leader the courtesy of waiting for his return until we file a cloture motion in this measure. Since he is out of the country, I think that is a matter of Senatorial courtesy that ought to be observed.

Mr. KENNEDY. Mr. President, just as one Senator, I am willing, at the request of the acting majority leader, to accommodate the majority leader. I am somewhat confused, however, because just 2½ hours ago, the acting majority leader moved to consider this legislation. Now we seem to be in a position where we are asked to consider the legislation, when we had already been told 10 days ago that we were going to consider the legislation.

I have a great deal of respect for the majority leader on this. I do think the point has been made, and I am going to underline it, that we are the members of this committee. The Senator from Utah, who, I think, is as knowledgeable about this legislation as perhaps anybody in this body has strong views on it. He is prepared to move forward. The chairman of the Committee on the Judiciary voted in favor of the legislation. I presume he is ready to move forward on this legislation. The compromise that was worked out with Senator Dole—if I may have the attention of the Senator from Alaska—did include two members of the Committee on the Judiciary from affected States, Alabama and Arizona. Both of those Senators voted in favor of this proposition.

I have a communication from the Governor of the State of Alaska that basically he is in support of the legislation.

There are specific provisions on special needs relating to Indians that I know concern the Senator from Alaska (Mr. STEVENS), because of his long-time interest in Indian affairs. I know of that interest personally, having worked closely with him on special Indian affairs matters—we are obviously prepared to accommodate those legitimate interests. I would like to see if we could perhaps get at least the yeas and nays on a motion to proceed, Mr. President.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, that is at least part of the dilemma that some of us find ourselves in at the present time. The question is whether we ought to be trying to persuade our colleagues now on this issue, at least to the extent that we are able to persuade them on this measure.

Mr. RIEGLE. Will the Senator from Massachusetts yield briefly to me?

Mr. KENNEDY. I shall be glad to yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator for yielding.

If I may, Mr. President, I should like for a second to have the attention of the acting majority leader.

Mr. STEVENS. Yes, Mr. President.

Mr. RIEGLE. I just want to make a brief statement to him directly, if I may, and, in turn, to the leadership on that side of the aisle.

I think this is absolutely critical legislation that we have before us. I just want to announce now, so it is a matter of known record, that if we find we are faced with undue delays and stalling and tactics of that sort by whoever might object to this legislation—I do not refer to the leadership, I refer to others who may object to it—it will be the intention of this Senator to find ways to block action on virtually any other item that may come before the Senate. It is not an idle warning I am giving, because I mean it in the most intense way.

Mr. STEVENS. Mr. President, the Senator needs to give us no warning. The majority leader is a cosponsor of the bill. I am a cosponsor of the bill. I have voted for the bill from the first day I got here, I think, and how many times have we voted on it since I have been here? There is no necessity to threaten in any way to impede the flow of action in the Senate in order to get consideration of the bill.

We do have a circumstance that has developed here, as I have said, that we have made one request. I cannot remember asking, since I have been assistant leader, for consideration for the majority leader, on a personal basis, but we have done that. I should think that would be a matter of courtesy. Certainly if the tables were turned, I know and the minority leader knows, I could assure Senators on that side that of the people on our side, that is a courtesy.

There is no intention to delay this bill as far as the leadership is concerned. It is our intention to move to consideration of the Voting Rights Act extension and it is our intention to

seek a vote tomorrow or seek cloture next week. The majority leader has, once more, tried through personal diplomacy to find an opportunity to shorten the time frame to consider the bill—not lengthen it, but shorten it, by virtue of his personal involvement when he returns on Monday. I am hopeful that he will succeed.

In any event, Mr. President, I can state, as represented by the Senator from Kansas, I am perfectly willing to get around to voting. I intend to offer a couple of amendments to take care of my statement, which I am sure the Senator from Massachusetts knows, the Senator from Maryland knows, and the Senator from Kansas knows.

It does seem to me that it is time to start thinking a little bit about what we do in the bill. For instance, again, this business of the bilingual portion, the business of how a State gets out.

I remind the Senator of the situation where my State had repealed a constitutional provision that required that a person be able to read and write English in order to vote, but because we had repealed it 3 years before the Senate acted, we were back under this bill.

I do not think the Senator really believes that States ought to be treated like that. It is up to those of us who represent them to see that it does not happen. This time, I want to see to the best of my ability that the Senate at least addresses some of those problems that did in fact inadvertently cover States and counties under this bill. I think it was inadvertent, not intended. In any case, my State has been put back under it in three instances. That means every bill that comes out of the State legislature that concerns voting must go to the Attorney General and be approved.

Every single resolution out of every political subdivision must be approved. The paperwork and the labor, try to explain that to those people. Believe me, I hope the Senator has to try and explain that sometime to people who say, "Well, why didn't you prevent them from being that stupid?" That is all I am saying. It is going to take some time to work it out.

Mr. RIEGLE. If the Senator will yield briefly just one more time, I am certainly not raising a question about amendments later in the normal course of business that the Senator from Alaska and anybody else wants to offer and the Senate can act upon. What I am saying is—and I want it clearly understood—if we find a pattern of undue delay on this bill, whether it is from the Senator from North Carolina or any other Senator, that is designed in the view of this Senator to thwart action and disposition of this bill, it will be my intention to in turn find ways myself to prevent action on other issues and other matters.

Mr. STEVENS. I say to the Senator I am perfectly agreeable to that. Once we get to the consideration of this bill, if the Senator finds any delay that we could have prevented through leadership action, I will welcome his intervention and support it. We are not seeking to delay this bill. We are seeking to get the largest majority possible in support of a bill which, as I said before, I think is one of the single achievements of our constitutional government, the final addressing of those people who have not yet been accorded the equal opportunity that is guaranteed by our Constitution to be involved in the voting process.

There is not any intention on the part of those who are seeking to amend the bill to in any way thwart the attainment of that goal. That is our goal. I have stated it. I have stated it on behalf of the majority leader. It has been the goal of our party since it was formed by a fellow named Lincoln, and I am delighted to be able to represent the party that still holds fast to that philosophy.

Mr. KENNEDY. I just ask the acting majority leader, will we have an opportunity to address this legislation tomorrow, to debate it and discuss it?

Mr. STEVENS. Yes. The distinguished minority leader is now here, and we might be able to settle it now. It is my intention tomorrow morning, after the special orders have been finished, to go to the conference report on the agent identities bill; that is privileged, and immediately following that to return to the consideration of this bill and the debate that concerns it. If we are able to reach some agreement on some substantive legislation that will get us back here on Monday, we will again have that legislation considered and disposed of and then return to this matter on Monday afternoon. The decision would then be made Monday afternoon as to whether or not a cloture motion is necessary.

Mr. KENNEDY. So we will be on this at some time tomorrow?

Mr. STEVENS. It is the intention of this Senator that we are not going to get off of it until we finish except for items that can be cleared before we get to it each day. Once we do in fact make it the pending business, it is my hope that nothing will interfere with it.

Mr. KENNEDY. I would like to, if I could, just retain the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. STEVENS. That is the understanding, the Senator from Massachusetts has the floor and we ask unanimous consent that he retain it until we go through these routine matters, if we may.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. As I understand it, the distinguished acting majority leader intends to offer a cloture motion tomorrow on the motion to proceed; am I wrong?

Mr. STEVENS. No, that is not my intention now. That was my intention. I have been requested not to file that until the majority leader returns on Monday. He wishes the privilege of making that decision himself.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. But it is our intention, if the Senator has no objection, to come in tomorrow morning at about 10 o'clock and go through the leadership time and three special orders and then the agent identities bill, starting probably at 11 o'clock, with the hope that we will vote by no later than 12:30 on the conference report. We have not received an agreement on that but it would be somewhere around that time. Following that action, I will renew again this motion to proceed. I do not think we need that now that we have the yeas and nays on it. I think it will still be there. Am I correct, we do not need to renew the motion to proceed tomorrow now that we have the yeas and nays on that motion?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. We will be back on this tomorrow. If we get an agreement on what we can do on Monday, we will not be in session on Friday and we will be ready to get back on the voting rights bill again in the afternoon on Monday after we complete the business that we select for that purpose.

Mr. ROBERT C. BYRD. Mr. President, I think it is reasonable to await the return of the majority leader on Monday. I think he should be given the opportunity to see if he can resolve some of the problems which exist on the other side of the aisle. As I indicated earlier today, this side of the aisle is ready to proceed to a vote, but I think it is not unreasonable at all for the acting majority leader to request that we wait until the majority leader returns on Monday to introduce a cloture motion.

May I say to the distinguished acting majority leader that while I would not seek to preempt the majority leader from offering a cloture motion, I hope that that cloture motion would be introduced on Monday if it is obvious that the motion to proceed is not going to be voted on. I will, of course, state that it is certainly the prerogative of any Senator to launch a cloture motion, and a cloture motion would be prepared on this side of the aisle on Monday in the event that it does not appear that a cloture motion is going to be offered by the other side of the aisle and if it appears that the situation and circumstances at that time in-

dicated the necessity for a cloture motion. I would not attempt to preempt the majority leader's wishes to do that, but I do remind all Senators that that cloture motion can be started by any Senator and it would be the intention of this Senator to start such a cloture motion if it is not started by the majority leader.

Mr. STEVENS. I understand that, Mr. President. Might I say to the distinguished minority leader I have conferred with the Senator from North Carolina. I think it would be possible and it would be my urging to the majority leader, if it is necessary to file a cloture motion on Monday, that the vote will take place on Tuesday so that we have not lost any time in view of the delay of waiting to come back, and the Senator from North Carolina has graciously indicated that he would have no problem with that. I think that is the way to take care of the situation. We were going to ask unanimous consent that the vote take place on Tuesday, in any event. If we file the cloture motion on Monday evening, it would be my advice that we again indicate that the vote would take place at 3 o'clock on Tuesday, and with the concurrence of the distinguished Senator from North Carolina I am fairly certain that that accommodation can be entered into. I have not checked that out totally with everybody.

Mr. HELMS. Will the Senator yield?

Mr. STEVENS. The Senator from Massachusetts has the floor until we are through with this discussion here.

Mr. HELMS. Whoever has the floor, if he will yield to me for one second——

Mr. KENNEDY. I yield.

Mr. HELMS. I thank the Senator. I hope we will not have to have a cloture vote. Surely, the spirit of comity and understanding can prevail in this Senate. I have never wanted to delay this matter. If we can work out some modification of the bill with respect to the bailout and one other feature, I am like the distinguished Senator from West Virginia—let us vote tomorrow. So I hope we can work that out, and I think the majority leader is going to try to do that, as has the distinguished minority leader and the acting majority leader.

I thank the Senator for yielding.

Mr. ROBERT C. BYRD. Mr. President, I also hope that it would not be necessary to have a cloture motion filed. I am very satisfied by the indication that a cloture motion would be voted on, on Tuesday, if such a cloture motion is offered on Monday.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

UNANIMOUS CONSENT AGREEMENT FOR VOTE ON CLOTURE MOTION ON TUESDAY NEXT

Mr. STEVENS. Mr. President, I ask unanimous consent that, if a cloture motion is filed, after the majority leader confers with a number of Senators on Monday, the vote take place on that cloture motion at 3 p.m. on Tuesday.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, the distinguished Senator has phrased his request in a way that would allow that vote on Tuesday only if the cloture motion is filed by the majority leader.

Mr. STEVENS. That is correct. That was his request that he be permitted to make that decision after a conference with Members of the Senate and others on Monday.

Mr. ROBERT C. BYRD. Yes. That is all right. I shall not object.

But depending on the circumstances on Monday, if it is apparent that progress is not being made and a cloture motion is not going to be filed on Monday I will be prepared to offer a cloture motion on this side, but I will certainly wish to confer with the majority leader. I know that he in good faith will want to proceed to see if these matters can be resolved, and I am confident that he also will want to offer the cloture motion.

Mr. STEVENS. Yes, I am confident also.

Mr. ROBERT C. BYRD. Yes.

So I have no objection to the request.

Mr. EAST. Mr. President, reserving the right to object, I simply wish to say, having been here for some time this afternoon and listened to the discussion, I am somewhat resistant to the notion that anyone here and certainly on this side of the aisle is trying to obstruct the orderly consideration of this measure.

This is an incredibly important piece of legislation. I certainly have to stand corrected if I misquote him, but I think the distinguished Senator from Massachusetts has indicated to the effect that it is very likely the most important piece of legislation we may consider this year, certainly in that category.

So, being that it deserves obviously serious scrutiny and deliberation, it is in that spirit that I engaged in extensive discussion in the Judiciary Committee, but I think the Senator would agree that I attempted there in every way to move my concerns on in an orderly deliberative way as he has done on the Judiciary Committee with the immigration bill or gun control. He had important substantive amendments, and we talked about them. That is the spirit in which I went about the Voting Rights Act and that is the spirit in which I come to it here in the Chamber.

So I am a little troubled with some to the implications of the comments this afternoon that there are people here who are not interested in an orderly and deliberative pursuit of this very fundamental piece of legislation. There are, and I am in that category, and I have clearly gone on record as opposing it.

I hope, also, that we will not have to invoke cloture and that we can move in a way to resolve some differences here and work out some genuine, meaningful, substantive compromise and get this matter behind us and get on to other important and pressing matters before this body, the budget, and so on and so forth.

So I just wanted to clarify the air that no one here is attempting to obstruct or to delay. I go about this in what I like to think of as a very positive and fairminded approach, and I hope we can work it out and come up with a final measure and move on to other matters.

Consequently, I will certainly, in that spirit, consent to the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, today we begin debate on the extension of one of the most successful pieces of legislation ever approved by any Congress, the Voting Rights Act.

The bill which Senator Mathias and I introduced last December, and which the Judiciary Committee has reported with an amendment offered by the Senator from Kansas (Mr. DOLE), is now sponsored by 77 Senators. A very similar bill passed in the House of Representatives by the margin of 389 to 24.

The record amassed by the House and Senate committees makes a compelling case for strong legislation. We cannot meet our responsibility with a watered-down bill that would fail to protect the most fundamental right of all in a democracy, the right to vote.

The nationwide consensus to preserve a strong Voting Rights Act is overwhelming. The demand to save the Voting Rights Act comes not only from millions of black and brown Americans who want their basic right protected. The call for justice comes also from millions of white Americans who clearly understand that the act has helped us all to combat the stain of prejudice on our history and our society.

The call for passage of a strong bill comes from virtually every religious denomination—Protestant, Catholic, and Jewish congregations across the country, all deeply concerned about the Nation's moral commitment to our fellow citizens.

The call comes from farmers, union members, and corporate executives, all concerned about preserving a strong and indivisible America.

The call comes from mayors, city councilors, and Governors, represent-

ing jurisdictions already covered by the act, who know that hard-won progress in their communities could be endangered if the act is not extended intact.

The call comes from the American Bar Association, and local bar organizations, who understand the need for truly effective laws to fulfill the promises of our Constitution.

But most of all, the call comes from millions of individual Americans, who know what is right and fair, who will judge this Congress by our action on the measure.

There have been threats that the greatest civil rights law of modern times will once again be subject to a filibuster, and a last-ditch flurry of amendments. But of those impediments I say that, once again, we shall overcome.

We may be briefly delayed by diehard efforts to cripple the act. But we shall not be deterred by threats of filibuster. We shall not be derailed by warmed-over amendments already rejected by the House of Representatives or the Senate Judiciary Committee.

The cause of equal opportunity and justice for all Americans shall prevail. I am confident that the Senate will protect and preserve a strong Voting Rights Act.

A strong Voting Rights Act is so crucial because the right it protects is so fundamental. The right to vote and to have that vote counted fully and fairly is essential to representative democracy. All other rights in a democracy flow from that right. As the Supreme Court observed in Reynolds against Sims, it is the right that is preservative of all other rights. Without full enjoyment of the right to vote, a citizen cannot be sure he or she will have a fair opportunity to protect his or her other rights or to ask the Government to listen to his or her concerns. That is why the American people have expressed such a strong concern about the fate of the Voting Rights Act.

There are a number of battles which this society went through in the 1960's and which we thought we had put behind us. Now there are those who would open old wounds. On a number of fronts, they ask us to refight these old battles once again. It is a sad spectacle.

One national commitment which the American people made in 1965 was that we would finally fulfill the proud promise of the 15th amendment. For 100 years, the simple promise of the amendment remained an empty one. In many places, blacks and other minorities could not vote.

The Voting Rights Act has ended that shameful blight for black and brown Americans. It has enabled all Americans to escape the prison of our past and to cleanse that past from our national conscience. More than any other law, the act symbolizes the fundamental decisions which America made two decades ago. We will not retreat from that decision.

In 1970 and again in 1975, efforts were launched to weaken the Voting Rights Act. Each time, Congress repelled those assaults in the face of an undeniable record that the act's full protection was still needed. And, in 1975, the act's protection was extended to Hispanic Americans and other language minorities who have been the victim of similar discrimination in the right to vote.

Today, once more, the question before us is whether a strong, effective Voting Rights Act will continue to protect millions of our citizens. Or will the act be crippled, under the guise of "streamlining" it, and making it more "reasonable"? We have heard those offers to revise the act before. All too often they are code words for sophisticated efforts to gut the most successful civil rights law of our time. The choice is clear. We must not let that happen.

In the days ahead, we will hear a lot of technical discussion about bailout and intent test, about bilingual elections, and section 5 preclearance. But make no mistake about it. The issue to which those terms refer are not mere technicalities. They go to the core of our commitment to protect the right of every American to participate in the political process.

What is more, the American people understand that these are not minor technicalities. They know what this fight is all about. And they are determined that this great law shall not be crippled.

As we review the record, it is important that we keep the central issues in focus. Today I want to emphasize five main points:

First, the special safeguards of preclearance for proposed changes in election laws remain a crucial safeguard for the protection of minority rights.

The second point is a corollary of the first. The revised bailout provision should take into account the actual record of covered jurisdictions but it must remain a firm and careful test for terminating coverage. If the bailout is weakened, there is a serious danger that extension of section 5 would prove a hollow victory. A flimsy bailout would become a sieve. Put simply, it would be a back-door repeal of section 5.

Third, attempts to make preclearance nationwide are unjustified, unwise, and probably unconstitutional.

Fourth, we must reject, as did the Judiciary Committee, the scare tactics that have been unsuccessfully attempted against the committee's proposed amendment to section 2 of the Voting Rights Act. The results test, codified by the committee bill, is a well-established one, familiar to the courts. It has a reliable and reassuring track record, which completely belies claims that it would make proportional representation the standard for avoiding a violation.

Finally, we must preserve the bilingual election provisions of existing law, which have come under attack. They have successfully brought thousands of Americans of Hispanic, Asian, Indian, or Alaskan Native origin into the political process, who were previously unable or hesitant to participate because of their inability fully to speak and read English.

THE CONTINUED NEED FOR SECTION 5 PRECLEARANCE

In the coming debate, we will hear once more the arguments against the act that we have heard in the past. We will be told that preclearance is a drastic departure from the principles of our Federal system. And so it is. But the Supreme Court has repeatedly agreed that Congress was faced with a drastic situation, and that the law contains reasonable remedies that are fast, efficient and effective.

Twice before, Congress has continued the preclearance requirement for States or counties originally covered in 1965. Congress did so in 1970 and 1975, not on the basis of some permanent punishment for events long past, but rather on the basis of a careful review of the contemporaneous record of discrimination and noncompliance with the law in those jurisdictions.

At the beginning of this Congress there again were many who questioned the continued need for the stringent safeguards of section 5. Now those voices are very few. The hearings demonstrated continuing efforts to deny minorities fair and equal access to the political process. Witness after witness warned that without the continued protection of section 5 in their area, the advances of a decade could be wiped out in the short time it would take to impose new discriminatory schemes.

We will hear once more that progress has been made. And it has. But there is now a broad consensus, both in this city and across the land, that section 5 preclearance needs to be extended. The record has again been made that there are still too many problems of noncompliance with the law, too many continued efforts to thwart full voting rights, and too many dangers ahead to eliminate those safeguards now.

NATIONWIDE PRECLEARANCE

Nor is the issue any longer whether the safeguards of section 5 should be dissipated by imposing preclearance nationwide. Last year's objection to the redistricting plan in New York City was a vivid reminder that preclearance is not confined to a single region. To the contrary, parts of 22 States now come under section 5,

which applies to the four corners of America: From counties in Hawaii and Alaska to parts of New England and Florida. More people are protected by section 5 in the three covered counties in New York City than in most of the Southern States.

Moreover, under section 2, which applies literally in every jurisdiction in the country, a judge may impose preclearance on a State or county not covered by section 5 if it is found guilty of discrimination. This has already been done in at least one case.

Minority voters themselves oppose nationwide preclearance on practical grounds. Nationwide preclearance would, in the apt phrase of Representative HYDE, "strengthen the act to death." It would flood an already overburdened staff at the Department of Justice with hundreds of thousands of unnecessary submissions. The system would break down.

In the committee's view, there also was a serious question about the constitutionality of such a proposal, inasmuch as the Supreme Court originally upheld it against attack because of the extensive record of voting discrimination in the covered jurisdictions. It is very unlikely that nationwide preclearance would be sustained in the absence of such findings on a fully national basis.

Thus, a frontal assault on section 5 is no longer very credible. Instead, the focus has shifted to revising the bailout provisions of the act by which jurisdictions may remove themselves from section 5 coverage.

THE BAILOUT COMPROMISE

There already is a bailout provision in the current law. It is linked to the last discriminatory use of literacy tests. Therefore, in most jurisdictions it has not been available during the period of their preclearance coverage.

Our original legislation did not include any new bailout because Senator MATHIAS and I did not believe that an additional one was clearly justified.

However, a new compromise bailout provision was forged during the House of Representatives deliberations which was designed to give jurisdictions an incentive to improve their records and to demonstrate full acceptance of minority participation. The provision passed overwhelmingly by the House is fair and reasonable. At the same time, it is a stiff test, as it should be; it is not designed to remove the protection of preclearance without very clear proof that it is no longer needed. In order to bail out, jurisdictions must have fully complied with the provisions of the Voting Rights Act for the past 10 years; have eliminated discriminatory procedures; and have demonstrated that they accept participation of minorities through constructive efforts such as reasonably accessible registration, efforts to combat voter intimidation, and similar reforms.

The bailout requires the jurisdictions to demonstrate that they have taken positive steps to expand participation of minorities in the political process. This requirement is not, as some would term it, an unwarranted graft of affirmative action onto the Voting Rights Act. It is, in fact, a requirement fully consistent with the underlying spirit of the act. Attorney General William French Smith made this point when he testified before the subcommittee on the Constitution on January 23:

Second, it is imperative that we not lose sight of the fact that while the Voting Rights Act was enacted in part as a prophylactic safeguard against racial discrimination in certain jurisdictions having a history of discrimination in voting, it had another and more critical purpose as well, which was forward-looking and constructive in nature.

That purpose was to encourage States and localities to bring blacks and other racial minorities into the mainstream of American political life. In revisiting the statute, the emphasis should be placed on this positive objective of the legislation, rather than dwelling on the chapter that led to the passage of the act 17 years ago.

The committee report, at page 44, summarizes the careful construction of the bailout provisions of S. 1992. Because of the clear indications that efforts will be made to weaken the bailout in the days ahead, it is worth repeating that summary.

It is calculated to permit an effective and orderly transition to the time when such exceptional remedies as preclearance are no longer necessary. This bailout was carefully crafted to preserve the essential protections of section 5. The provisions work as an integrated complementary whole; removing any element would seriously undermine the entire structure.

The committee has considered and rejected suggestions that the bailout provision be weakened by further revisions. The new bailout already constitutes a very substantial liberalization of the avenues available to covered jurisdictions to end their preclearance obligation.

For example, individual counties in covered States for the first time will be able to bail out separately even though the State as a whole is not yet eligible to do so. The law will now recognize and reward their good conduct, rather than requiring them to await an expiration date which is fixed regardless of their actual record.

At the same time, the revised bailout does not, and should not, provide an easy escape hatch for jurisdictions which have continued to violate the law in recent years and deny minorities access to the political process.

Most of our colleagues in the Senate have heralded the broad consensus on extending section 5, as recognition of the one way to assure continued protection of minority voting rights. Yet if we turn the bailout into a sieve, it would make the extension of section 5 an exercise in futility and a cruel hoax on millions of black and brown Americans. We believe that the extension of preclearance could prove a hollow victory if an excessively easy bailout provision is enacted. That would constitute a back-door repeal of section 5, since many communities where preclearance is still needed would be able to escape coverage.

This part of the majority views in the committee report then goes on to discuss each proposal to weaken the bailout in the bill and rebuts it. I particularly commend this part of the report to my colleagues' attention.

THE RESULTS TEST IN SECTION 2 OF THE ACT

The committee bill preserves the results test for section 2 of the act. It restores the original understanding of Congress in 1965 that proof of intent to discriminate is not an essential element under section 2.

The amendment is necessary because of the Supreme Court plurality decision in the Mobile case. The language of section 2 in the current act does require proof of intent.

We will be discussing section 2 in detail during the debate. We must remember that we are talking about real people in real communities, who are being shut out of a fair chance to participate in the political process.

The basic issue is one of simple fairness. The Congress stands at a crossroads. We can take the path provided in the committee bill and adopt the results tests for challenges to voting discrimination. That would permit minority voters to challenge practices that deny them an equal opportunity to participate.

Alternatively, we can take the path suggested by some and require proof of intent. That road takes us down the path of name calling—of identifying public officials or whole communities as racist. It is terribly divisive.

In most cases the intent test will be inadequate. It will often be too difficult to prove discrimination because defendants will be able to offer manufactured evidence of an alternative nonracial explanation for the challenge procedure.

But most important, the intent test asks the wrong question. If a minority citizen is denied equal opportunity to participate in the political process, then that inequity should be corrected, regardless of what may or may not have been in someone's mind 100 years ago.

Opponents of the results test assert that it would introduce a new and unprecedented standard; that it departs from the original intent of Congress and that it is unconstitutional. Specifically, they allege that the proposed results test would constitute a quota requirement of proportional representation. In fact, as the hearings demonstrated, it reflects the original understanding of Congress in 1965; restores the legal standard that applied for most of the past 15 years; is constitutional; and would not require quotas.

Moreover, the committee substitute adds explicit assurances to the statute itself that section 2 does not create

any right to proportional representation.

BILINGUAL ELECTION ASSISTANCE

The fifth fundamental issue is extension of the bilingual election assistance provisions of present law. These provisions do not expire until 1985. But we should make clear our commitment to provide a sufficient opportunity for these provisions to achieve their purpose. It is particularly important that we do so in view of the fact that bills have been introduced to repeal these provisions during the current extension of the act.

Similar efforts were overwhelmingly rejected in the House. Opponents raise two arguments against these provisions: Their alleged costs and their alleged impact on the American melting pot tradition. Each was rejected by the committee.

After the initial startup and targeting efforts, the administrative burden and cost is not excessive. In Los Angeles County, the costs dropped by over 80 percent between 1976 and 1980 and in the latter election 45,000 voters requested Spanish language materials. Congressman PAUL MCCLOSKEY of California, who questioned these provisions, acknowledged this when he testified in the House.

It can no longer be argued that the cost is excessive for the bilingual ballot.

New York State Attorney General Robert Abrams agreed with that verdict.

The theoretical argument has been that such bilingual assistance might make language minority Americans more separate and insulate them from the mainstream of American society. That argument stands logic on its head. History teaches us that the best way to avoid insularity is to bring people into the political process; not to make them feel shut out.

We should not turn our backs now on the thousands of older Americans who, through no fault of their own, simply have not had the opportunity to learn English well enough to vote without painful embarrassment and dangerous confusion.

The near unanimity of witnesses in support of the bilingual election provision revealed the widespread support they enjoy in the Congress, in the administration, and in the public.

We will discuss all of these issues in more detail during the debate in the next few days. But there is one overriding principle to which we must remain true. We must keep faith with all the millions of Americans who still depend on the Voting Rights Act to protect their political freedom. We cannot waiver from that solemn responsibility.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. The Senator from Kansas (Mr. DOLE) and the Senator from Maryland (Mr. MATHIAS) were here. If I could just inquire about what the Senator from Kansas has in mind—he has been here for a couple of hours—then I will notify the floor manager as to what we intend to do.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas will be speaking on this legislation at length possibly tomorrow. But I do believe the accommodation now agreed to that if, in fact, a cloture motion is necessary that the vote would come on Tuesday, means that the motion to proceed is moving in the right direction.

I would say, as underscored by both Senators from North Carolina, it is not anybody's intention on this side to obstruct the movement of the bill. I think some may be opposed to it, some may be for it, some may want to amend it, but I do not believe there is any intent to try to obstruct the progress of the bill. I hope that is properly noted.

It has been expressed by both Senators from North Carolina and, perhaps, others before the Senator from Kansas arrived. This is important legislation. there are differences of opinion. I confirm what the distinguished junior Senator from North Carolina said that it was his purpose, and he did in committee properly debate each of his amendments, and we voted on the amendments. One was adopted, as I recall. The others were not adopted, but there certainly is not one scintilla of evidence of any effort by the distinguished junior Senator from North Carolina to delay consideration of the bill in committee. So this Senator, for one, is not suggesting we just ought to throw up our hands and simply vote. There are amendments to be offered. This Senator believes we have strengthened the House bill with changes made in section 2 and in section 5. Other Senators will disagree, and certainly there should be ample time for discussion, for debate, for the offering of amendments.

I think now that there has been an agreement by the senior Senator from North Carolina not to object to a vote on Tuesday and, perhaps, when the distinguished majority leader comes back, there can be some changes made that would satisfy everyone.

So far as this Senator knows I know no one who is opposed to the concept of what we want to do in the broad sense. I think when we get into specifics, how it affects certain States, then we have a different view, and it is probably going to be noted that some of those States not affected maybe do not have as much concern as some that are affected.

So I will be speaking about specifics in an effort to make the legislative history, as I think the Senator from Utah did so well earlier, so that in fact people will look at not only the bill, not only the vote on the bill, not only the history of the bill in the committee, but they will also carefully study the legislative history on the Senate floor.

So I say to all those who are involved I hope we can proceed quickly. This is important legislation. It does have broad bipartisan support. It has been endorsed by the President of the United States.

The Senator from Kansas noted, I think a week ago, in the Washington Post a letter to the editor by Bradford Reynolds, of the Department of Justice, who was active in this legislation, who indicated that the bill had been strengthened by changes in section 2, and that the Justice Department had been active in the consideration of those changes.

So this Senator believes we can discuss the bill, debate it, offer amendments, and otherwise proceed in an orderly way.

I suggest the absence of a quorum while we are checking to see whether or not the distinguished Senator from Maryland (Mr. MATHIAS) wants to speak today.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following items be considered en bloc: Calendar No. 595, Calendar No. 614, Calendar No. 615, Calendar No. 617, Calendar No. 618, Calendar No. 619, Calendar No. 620, Calendar No. 621, Calendar No. 622, Calendar No. 623, Calendar No. 624, Calendar No. 634, and Calendar No. 660.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Reserving the right to object, Mr. President.

Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

WYOMING OIL PLACER MINING CLAIMS

The Senate proceeded to consider the bill (S. 1660) to validate certain oil placer mining claims in Hot Springs County, Wyo., which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following:

That (a) notwithstanding any other provision of law, the Secretary of the Interior shall, within thirty days of receipt of an application by Petro-Lewis Corporation on behalf of Partnership Properties Company, issue to Partnership Properties Company, a noncompetitive oil and gas lease (hereinafter referred to in this Act as the "lease") for the following described lands: west half of section 31, township 43 north, range 93 west, sixth principal meridian, Hot Springs County, Wyoming.

(b) The lease shall be—

(1) dated and effective October 22, 1979; and

(2) subject to a royalty on the production removed or sold from the leased land subsequent to October 22, 1979, in the amount of not less than 12½ per centum of all oil production.

(c) The royalty provided in the lease shall not be less than 12½ per centum of the amount or value of the gas and liquid products produced for—

(1) gas, including inflammable gas, helium, carbon dioxide, and all other natural gases or any mixture therefore; and

(2) natural or casinghead gasoline and other liquid production obtained from gas.

(d) No application filed pursuant to this Act shall be accepted by the Secretary of the Interior, nor shall any lease be issued, unless such application is made in accordance with the provisions of this Act within thirty days after the date of enactment of this Act.

(e) Except as otherwise provided in this Act, the lease shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.", approved February 25, 1920, as amended (30 U.S.C. 226(c)). The provisions of section 17(d) (30 U.S.C. 226(d)) and section 39 (30 U.S.C. 209) of such Act, as shall be applicable to the lease.

(f) Neither Petro-Lewis Corporation nor Partnership Properties Company shall be deemed to have been in trespass nor to have abandoned such interests as they might otherwise have had as a result of any past activities or omissions in relation to the heretofore described lands, and such interests in the oil placer claims on the subject lands shall be deemed valid until October 22, 1979, which shall be the effective date of the lease. No payments shall be required for any period prior to the effective date of the lease, nor shall the lease require the drilling of wells in addition to those wells now located on the described lands. The lease shall be deemed held by production from the effective date of the lease because of producing wells located on the lands covered by said lease. The lease will be subject to the East Warm Springs Unit Agreement as approved by the State of Wyoming Board of Land Commissioners on November 6, 1975, which approval and agreement was recorded in book 2 of MF, pages 307-333 of the records of Hot Springs County, Wyoming, or such amended agreement as may hereafter be approved by said Board.

(g) The lease shall be issued by the Secretary within sixty days from the date of application.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to lease former oil placer mining claims in Hot Springs County, Wyoming.".

OLIVER WENDELL HOLMES DEVISE

The bill (S. 2582) to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the first section of the Act entitled "An Act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes", approved August 5, 1955 (69 Stat. 533), is amended in the second sentence thereof by striking out "(3)" and all that follows up to (but not including) the period, and inserting in lieu of the matter stricken the following: "(3) amounts equal to the interest earned on moneys in the fund which are invested in public debt securities pursuant to the succeeding sentence".

(2) The first section of such Act is further amended by adding at the end thereof the following new sentence: "Moneys in the fund shall be invested by the Secretary of the Treasury in public debt securities in accordance with specifications, as to maturity of security and amount to be invested, prescribed by the Permanent Committee for the Oliver Wendell Holmes Devise.".

(b) Section 5 of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "The Committee is further authorized to receive royalties or other income that is generated by the sale of its publications or which otherwise becomes payable to the fund.".

SEC. 2. The amendments made by subsection (a) of the first section of this Act shall be effective in the case of fiscal years beginning after September 30, 1982.

SMITHSONIAN INSTITUTION AUTHORIZATIONS

The Senate proceeded to consider the bill (S. 2390) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purpose of said act which had been reported from the Committee on Rules and Administration with an amendment:

On page 2, line 4, strike "1983 and such sums as may be necessary for the two succeeding fiscal years.". ", and insert "1983, $1,000,000 for fiscal year 1984, and $1,000,000 for fiscal year 1985.". ';

So as to make the bill read:

S. 2390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution $782,000 for fiscal year 1983, $1,000,000 for fiscal year 1984, and $1,000,000 for fiscal year 1985.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY HANKS APPOINTMENT

The joint resolution (S.J. Res. 194) to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S.J. Res. 194

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of James E. Webb of the District of Columbia on June 21, 1982, is filled by the appointment of Nancy Hanks of the District of Columbia for the statutory term of six years.

FOREIGN RELATIONS COMMITTEE PRINTING

The resolution (S. Res. 342) authorizing the printing of "Background Information on the Committee on Foreign Relations, United States Senate" (fifth revised edition), as a Senate document was considered and agreed to, as follows:

S. RES. 342

Resolved, That a compilation of materials entitled "Background Information on the Committee on Foreign Relations, United States Senate" (fifth revised edition), shall be printed as a Senate document, and that there shall be printed two thousand five hundred additional copies of such document for the use of that committee.

APPROPRIATIONS COMMITTEE EXPENDITURES

The resolution (S. Res. 401) increasing the limitation on expenditures by the Committee on Appropriations for the procurement of consultants and the training of professional staff was considered and agreed to, as follows:

S. RES. 401

Resolved, That section 4 of Senate Resolution 333, Ninety-seventh Congress, agreed to March 11, 1982, is amended as follows:

(1) In subsection (b)(1), strike out "$5,000" and insert in lieu thereof "$80,000", and

(2) In subsection (b)(2), strike out "$5,000" and insert in lieu thereof "$9,000".

FOREIGN RELATIONS COMMITTEE PRINTING

The resolution (S. Res. 402) authorizing the printing of the committee print entitled "NATO Today: The Alliance in Evolution" as a Senate document was considered and agreed to, as follows:

S. Res. 402

Resolved, That the committee print of the Committee on Foreign Relations, entitled "NATO Today: Alliance in Evolution", Ninety-seventh Congress, second session, April 1982, be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

CHRISTINE T. BENZA

The resolution (S. Res. 403) to pay a gratuity to Christine T. Benza was considered and agreed to, as follows:

S. Res. 403

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Christine T. Benza, widow of Carmen C. Benza, an employee of the Architect of the Capitol assigned to duty in the United States Capitol Building (Senate wing) at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

OWEN J. DONLEY

The resolution (S. Res. 404) to pay a gratuity to Owen J. Donley was considered and agreed to, as follows:

S. Res. 404

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Owen J. Donley, widower of Mary C. Donley, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARILYN L. KELLY

The resolution (S. Res. 405) to pay a gratuity to Marilyn L. Kelly was considered and agreed to, as follows:

S. RES. 405

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marilyn L. Kelly, widow of Eugene V. Kelly, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADJUSTMENT OF INTEREST PAID ON FUNDS OF THE SMITHSONIAN INSTITUTION

The bill (H.R. 6132) to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan, was considered, ordered to a third reading, read the third time, and passed.

CAPITOL REEF NATIONAL PARK

The Senate proceeded to consider the bill (S. 1872) to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments:

On page 1, line 2, after "assembled,", strike through and including "following:" on page 1, line 5, and insert the following: That section 3 of the Act entitled, "An Act to Establish the Capitol Reef National Park in the State of Utah," approved December 18, 1971 (85 Stat. 639), is amended to read as follows:

On page 2, line 5, strike "the Act of December 18, 1971,", and insert "this Act";

On page 2, line 7, strike "purposes, or for other purposes not inconsistent with the Act of August 25, 1916 (39 Stat. 535);", and insert "purposes of uses incident to grazing";

On page 2, line 12, after: "heirs", strike "successors, or assigns of such person";

On page 2, line 16, strike "Secretary of the Interior", and insert "Secretary";

On page 2, line 18, strike "the Act of December 18, 1971," and insert "this Act";

On page 2, line 22, strike "Secretary of the Interior", and insert "Secretary: *Provided";*

On page 2, line 24, strike "Capitol Reef National Park", and insert "park";

On page 2, line 25, strike "the Act of December 18, 1971," and insert "this Act";

On page 3, line 4, after "default:", insert "Provided further";

On page 3, after line 10, insert the following:

SEC. 2. Within one year from the date of enactment of this Act, the National Park Service and the Bureau of Land Management shall jointly conduct a study assessing (1) the condition and trend of the rangeland resources within Capitol Reef National Park and (2) the present and potential impacts of domestic livestock grazing on the rangeland resources, wildlife, recreational and other values within the park. The two agencies shall then promptly submit a single report of their findings to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs.

So as to make the bill read:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled, "An Act to Establish the Capitol Reef National Park in the State of Utah," approved December 18, 1971 (85 Stat. 639), is amended to read as follows:

"SEC. 3. Where any Federal lands included within the park by this Act were legally occupied or utilized on the date of approval of that Act for grazing purposes or uses incident to grazing, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person so occupying or utilizing such lands and the heirs, shall, upon the termination of such lease, permit, or license, be entitled to have the privileges so possessed or enjoyed by him renewed from time to time, subject to such terms and conditions as the Secretary shall prescribe, for a period of twenty-five years from the date of approval of this Act, and thereafter during the lifetime of such person and the lifetime of his heirs, successors, or assigns but only if they were members of his immediate family on such date, as determined by the Secretary: *Provided,* That grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto after reasonable notice of default: *Provided further,* That nothing in this section shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes. Nothing contained in this Act shall be construed as creating any vested right, title, interest, or estate in or to any Federal lands.".

SEC. 2. Within one year from the date of enactment of this Act, the National Park Service and the Bureau of Land Management shall jointly conduct a study assessing (1) the condition and trend of the rangeland resources within Capitol Reef National Park and (2) the present and potential impacts of domestic livestock grazing on the rangeland resources, wildlife, recreational and other values within the park. The two agencies shall then promptly submit a single report of their findings to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs.

● Mr. GARN. Mr. President, prior to final action on S. 1872, I would like to clarify for the record my understanding of the Senate's preference for grazing management at Capitol Reef National Park.

During the Energy and Reserved Water Subcommittee hearings, the question was asked by Senator WALLOP as to the workability of BLM management of grazing allotments which originate outside the park but overlap into what is now within the boundary of the park itself. My recollection is that both the Park Service superintendent at Capitol Reef and the district manager of the BLM agreed in response, that in fact, BLM management of grazing had proved to be a workable arrangement.

Is it the understanding of the Senator from Wyoming that BLM should continue to manage those allotments within the park in consultation with the Park Service?

Mr. WALLOP. Yes; it is my understanding that this arrangement should continue in accordance with proper land management practices.

Mr. GARN. I thank the Senator from Wyoming.●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SMITHSONIAN INSTITUTION ADDITION

The bill (H.R. 5659) to authorize the Smithsonian Institution to construct a building for the Museum of African

Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street Southwest, in the city of Washington was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the action taken by the Senate on the foregoing measures en bloc.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE S. 2102

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 616, S. 2102, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER TO INDEFINITELY POSTPONE S. 2134

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 652, S. 2134, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER TO DISCHARGE COMMITTEE AND PLACE H.R. 5930 ON THE CALENDAR

Mr. STEVENS. Mr. President, I move that the Committee on Commerce be discharged from further consideration of H.R. 5930 and ask that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ENDANGERED SPECIES ACT AMENDMENTS OF 1982

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 600, S. 2309.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2309) to amend the Endangered Species Act of 1973, to authorize funds for fiscal year 1983, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with amendments, as follows:

On page 2, line 9, strike "any person authorized by the Secretary";

On page 2, line 10, after "has" insert "been";

On page 2, line 17, strike "by any person authorized by the Secretary";

On page 2, strike line 24; through and including page 3, line 2, and insert the following:

(2) striking out paragraph (11) thereof;

(3) amending paragraph (15) thereof by striking out "terrestrial" immediately after "or exportation of"; and

(4) redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively.

On page 3, line 22, after "the", insert "identification of such population and the";

On page 4, line 8, strike "populations.", and insert the following: populations; and

"(3) A permit for the enhancement of the survival of an endangered species which authorizes the incidental taking of individuals of the affected species may be issued where the Secretary finds that—

"(A) a conservation plan has been developed which promotes the long-term conservation of the species; and

"(B) adequate funding is provided by the permittee and the Secretary is otherwise assured the conservation plan will be fully implemented.".

On page 5, after line 10, insert the following:

(B) amending clause (1) by striking out "sporting" and inserting in lieu thereof "recreational";

On page 5, line 14, strike "(B)", and insert "(C)";

On page 5, line 16, strike "(C)", and insert "(D)";

On page 5, strike line 18, through and including page 6, line 18;

On page 6, line 19, strike "(5)", and insert "(2)";

On page 6, line 25, strike "and", through and including "section." on page 7, line 2;

On page 7, line 3, strike "and", through and including "species" on line 4;

On page 7, line 17, strike "(6)", and insert "(3)";

On page 7, line 22, after "him", insert "after conducting a review of the status of the species and";

On page 8, strike line 4, through and including page 9, line 3, and insert the following:

"(2) Species which have been—

"(A) designated as requiring protection from unrestricted commerce by any foreign country, or pursuant to any international agreement; or

"(B) identified as in danger of extinction or likely to become so within the foreseeable future by any agency of a state or of a foreign nation responsible for the conservation of fish or wildlife or plants,

shall receive full consideration by the Secretary to determine whether each is an endangered species or a threatened species.

"(3) Upon receipt of a petition of an interested person under subsection 553(e) of title 5, United States Code, to add any species to or to remove any species from either of the lists published pursuant to subsection (c) of this section, the Secretary shall—

"(A) promptly determine whether such petition presents substantial scientific information indicating that such addition or removal may be warranted;

"(B) within 90 days of the receipt of a petition, publish in the Federal Register a finding whether the petition presents such substantial scientific information and, if such information is present, concurrently publish in the Federal Register a review of the status of such species and conduct such review; and

"(C) within 12 months of the receipt of a petition that presents such substantial scientific information, publish in the Federal Register—

"(i) a proposed regulation to implement the petitioned action;

"(ii) a finding, on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species, that the petitioned action is not warranted; or

"(iii) a finding that the proposal and promulgation of a final regulation implementing the petitioned action is precluded by pending or imminent proposals to add to either of the lists published pursuant to subsection (c) of this section species that are subject to a greater degree of threat than the petitioned species and evidence that he is making efficient and speedy progress in the process of listing such other species.

On page 12, line 1, after "the", insert "proposed";

On page 12, line 4, after "shall,", insert "insofar as practicable";

On page 12, line 10, after "notice,", insert "promptly";

On page 12, strike line 12, through and including line 23, and insert the following:

"(F) shall, within one year after the date of publication of general notice, publish (i) a final determination with respect to such listing with such determination based solely upon the factors set forth in paragraph (1) of subsection (a) of this section, and (ii) if said determination is to publish the proposal as a final regulation, the final regulation: Provided, that if the Secretary finds there is substantial disagreement regarding the sufficiency or accuracy of the available scientific and commercial data on which he will base his determination, he may extend the one-year period specified in this paragraph for not more than 6 months. If the Secretary determines, pursuant to this subparagraph, that a proposal to add a species to any list published pursuant to subsection (c) of this section shall not be published as a final regulation, he shall not again propose a regulation to add such species to such list unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation outstanding as of the date of enactment of the Endangered Species Act of 1982 shall be withdrawn pursuant to this subparagraph before the end of the one-year period beginning on such date of enactment.

On page 14, line 20, strike "date", and insert "data";

On page 15, line 13, strike "(7)", and insert "(4)";

On page 16, line 1, strike "(8)", and insert "(5)";

On page 16, line 4, strike "(9)", and insert "(6)";

On page 16, line 5, strike "(10)", and insert "(7)";

On page 16, line 11, strike "(h)' ". ", and insert "(f)' ". ";

On page 16, line 12, strike "(11)", and insert "(8)";

On page 16, after line 13, insert the following:

(b) Section 11(g) of the Endangered Species Act of 1973 is amended by—

(1) amending subparagraph (1)(B) by striking out "any State," immediately after "species within" and inserting in lieu thereof "any State; or";

(2) amending paragraph (1) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.";

(3) amending that portion of paragraph (1) which follows subparagraph (B) thereof and subparagraph (C) as amended herein, by inserting "or to order the Secretary to perform such act or duty," immediately after "any such provision or regulation,"; and

(4) amending paragraph (2) by adding the following new subparagraph immediately after subparagraph (B) thereof:

"(C) No action may be commenced under subparagraph (1)(C) of this section prior to sixty days after written notice has been given to the Secretary; except that such action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife or plants.".

On page 18, line 22, after the semicolon, insert the following: *"Provided further,* That if the application for an exemption is filed with respect to (i) an action of the Department of the Interior for which a biological opinion of the Secretary of Commerce indicated that such agency action would violate subsection (a)(2) of this section, or (ii) an action of the Department of Commerce for which a biological opinion of the Secretary of the Interior indicated that such agency action would violate subsection (a)(2) of this section, such report shall be jointly made by such Secretaries, in consultation with the members of the committee"; and

On page 20, line 14, after "exemption", insert the following: "or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary—

On page 21, line 2, strike "and";

On page 22, line 4, strike "or", and insert the following: "and

"(iii) to the extent determinable within the time provided herein, refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d); or

On page 21, line 13, strike "(i) and (ii)", and insert "(i), (ii), and (iii)";

On page 21, line 23, strike "(i) and (ii)", and insert "(i), (ii), and (iii)";

On page 22, line 8, after "is", insert "mutually";

On page 22, beginning on line 8, strike "the Federal agency concerned,";

On page 24, line 21, strike "and";

On page 25, line 6, after "if", insert the following: "the Committee concludes that the Federal agency concerned or the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d) or if".

On page 25, strike line 17, through and including page 26, line 22, and insert the following:

SEC. 6. CONSULTATION PROCESS.—Section 7(b) of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately after "(b)"; and

(2) inserting immediately after "or within such other period of time as is mutually agreeable to the Federal agency and the Secretary" the following: ": Provided, That in the case of any agency action involving a permit or license applicant, no extension of such 90 day period for more than an additional 60 days may be agreed to without the permission of the applicant. When the consultation period is extended by agreement, the Secretary shall specify the information required to complete the consultation and the date on which the biological opinion will be completed.".

SEC. 7. Section 7 of the Endangered Species Act of 1973 is amended by adding at the end of subsection (b) the following new paragraphs:

"(2) If after consultation, the Secretary concludes that the agency action will not violate subsection (a)(2), or if he has offered reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or the permit or license applicant in implementing the agency action, the Secretary shall provide the Federal agency or applicant concerned, if any, with a written statement specifying:

"(i) the extent of take of any endangered species or threatened species incidental to the agency action that would not violate subsection (a)(2); and

"(ii) those reasonable and prudent measures that must be followed to minimize such takings of such species.

"(3) Notwithstanding subsections 4(d), 9(a)(B) and 9(a)(C) of this Act or any regulations promulgated pursuant to such sections, any action for which reasonable and prudent measures were specified pursuant to paragraph (2) of this subsection and which is in compliance with such measures shall not be considered a taking of the species which was the subject of the biological opinion.".

On page 28. line 19, after "introduction", insert "from the sea";

On page 28, line 23, after "advice", insert "concerning any specimen of a wildlife species";

On page 28, line 25, strike "reliable", and insert "professionally accepted";

On page 29, line 3, after "introduction", insert "from the sea";

On page 29, line 6, strike "reliable", and insert "professionally accepted";

On page 29, line 17, after "MISCELLANEOUS", insert "(a)";

On page 29, after line 19, insert the following:

(b) Section 9(b)(1) of the Endangered Species Act of 1973 is amended by striking out the text thereof and inserting in lieu thereof the following:

"(b)(1) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.—The provisions of subsections (a)(1)(A) and (a)(1)(G) of this section shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (i) December 28, 1973, or (ii) the date of the publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act; *Provided,* That such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity. With respect to any act prohibited by subsections (a)(1)(A) and (a)(1)(G) of this section which occurs after a period of 180 days from (i) December 28, 1973, or (ii) the date of publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act, there shall be a rebuttable presumption that the fish or wildlife involved in such act is not entitled to the exemption contained in this subsection.".

(c) Section 9(b)(2)(A) of the Endangered Species Act of 1973 is amended by striking out "This section shall not apply to" and inserting in lieu thereof "The provisions of subsection (a)(1) of this section shall not apply to".

(d) Section 2(c) of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately before "It is"; and

(2) adding the following new paragraph:

"(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.".

SEC. 11. REMOVAL OF PLANTS.—(a) Section 9(a)(2) of the Endangered Species Act of 1973 is amended by—

(1) inserting the following new clause immediately after clause (A) thereof:

"(B) remove and reduce to possession any such species from areas under Federal jurisdiction;"; and

(2) redesignating clauses (B), (C), and (D) as clauses (C), (D), and (E), respectively.

(b) Section 11(a)(1) of the Endangered Species Act of 1973 is amended by striking out "or (C)" immediately after "(a)(2) (A), (B)," and inserting in lieu thereof "(C), or (D)".

(c) Section 11(b)(1) of the Endangered Species Act of 1973 is amended by striking out "or (C)" immediately after "(a)(2) (A), (B)," and inserting in lieu thereof "(C), or (D)".

On page 31, line 19, strike "11.", and insert "12.";

On page 32, line 13, after "importation", insert "or exportation";

On page 32, line 14, strike "terrestrial"; and

On page 33, line 7, strike "12.", and insert "13.".

So as to make the bill read:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Act Amendments of 1982".

SEC. 2. EXPERIMENTAL POPULATIONS.—(a) Section 3 of the Endangered Species Act of 1973 is amended by—

(1) inserting before paragraph (7) thereof the following new paragraph:

("7) The term 'experimental population' means any population (including eggs, propagules, or individuals) of an endangered or threatened species, including offspring arising solely from such population, that—

"(A) has been transported and released outside of the current range of the species to further its conservation pursuant to the Act; and

"(B) is wholly separate geographically from nonexperimental populations of the species: *Provided, however,* That a population transported and released outside of the current range of the species to further its conservation pursuant to the Act that is not wholly separate geographically from nonexperimental populations shall be treated as an experimental population in those areas where, and at those times when, it is wholly separate geographically from nonexperimental populations.";

(2) striking out paragraph (11) thereof;

(3) amending paragraph (15) thereof by striking out "terrestrial" immediately after "or exportation of "; and

(4) redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively.

(b) Section 10(a) of the Endangered Species Act of 1973 is amended by—

(1) striking out "." following "PERMITS" and inserting in lieu thereof the following: "AND EXPERIMENTAL POPULATIONS.—(1)";

(2) inserting ", including, but not limited to, acts associated with the establishment of experimental populations" immediately after "species"; and

(3) adding at the end thereof the following new paragraphs:

"(2) Any experimental population shall be treated as a threatened species and, as provided in section 4(d), the Secretary shall issue such regulations as he deems necessary and advisable to provide for the identification of such population and the conservation of such species: *Provided, however,* That if the Secretary determines, on the basis of the best available biological information, that an experimental population, other than an experimental population occurring on a national wildlife refuge, is not essential to the continued existence of an endangered or threatened species, he shall by regulation, specify that, solely for the purposes of subsections 7(a)(2), 7(a)(3), and 7(c), such experimental population shall be treated as a species proposed to be listed under section 4: *Provided, further,* That no critical habitat shall be designated for such nonessential populations; and

"(3) A permit for the enhancement of the survival of an endangered species which authorizes the incidental taking of individuals of the affected species may be issued where the Secretary finds that—

"(A) a conservation plan has been developed which promotes the long-term conservation of the species; and

"(B) adequate funding is providing by the permittee and the Secretary is otherwise assured the conservation plan will be fully implemented.".

SEC. 3. COOPERATION WITH THE STATES.—Section 6 of the Endangered Species Act of 1973 is amended by—

(1) striking out "66⅔ per centum" in subsection (d)(2)(i) thereof and inserting in lieu thereof "75 per centum"; and

(2) striking out "75 per centum" in subsection (d)(2)(ii) thereof and inserting in lieu thereof "90 per centum".

SEC. 4. LISTING PROCESS.—(a) Section 4 of the Endangered Species Act is amended by—

(1) amending subsection (a)(1) by—

(A) amending that part of subsection (a)(1) which precedes clause (1) by inserting "promulgated in accordance with subsection (b) of this section" immediately after "shall by regulation";

(B) amending clause (1) by striking out "sporting" and inserting in lieu thereof "recreational";

(C) redesignating clauses (1) through (5) as clauses (A) through (E), respectively; and

(D) striking out the last two sentences thereof.

(2) amending subsection (a) by adding at the end thereof the following new paragraph:

"(3) The Secretary shall, concurrent with the determination of the status and the listing of endangered or threatened species, to the maximum extent prudent and determinable, designate the critical habitat of any endangered or threatened species. The procedures that govern the designation of critical habitats shall be the same as those that pertain to the listing of species under paragraph (5) of subsection (b) of this section, except that in determining the critical habitat of any endangered or threatened species, the Secretary shall consider the economic impact, and any other relevant impacts, of specifying any particular area as critical habitat, and he may exclude any such area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species.".

(3) striking out subsection (b) and inserting in lieu thereof the following:

"(b) BASIS FOR DETERMINATIONS.—(1) The Secretary shall make determinations required by subsection (a) of this section on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and taking into account those efforts, if any, being made by any state or foreign nation, or any political subdivision thereof, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas.

"(2) Species which have been—

"(A) designated as requiring protection from unrestricted commerce by any foreign country, or pursuant to any international agreement; or

"(B) identified as in danger of extinction or likely to become so within the foreseeable future by any agency of a state or of a foreign nation responsible for the conservation of fish or wildlife or plants,

shall receive full consideration by the Secretary to determine whether each is an endangered species or a threatened species.

"(3) Upon receipt of a petition of an interested person under subsection 553(e) of title 5, United States Code, to add any species to or to remove any species from either of the lists published pursuant to subsection (c) of this section, the Secretary shall—

"(A) promptly determine whether such petition presents substantial scientific information indicating that such addition or removal may be warranted;

"(B) within 90 days of the receipt of a petition, publish in the Federal Register a finding whether the petition presents such substantial scientific information and, if such information is present, concurrently publish in the Federal Register a review of the status of such species and conduct such review; and

"(C) within 12 months of the receipt of a petition that presents such substantial scientific information, publish in the Federal Register—

"(i) a proposed regulation to implement the petitioned action;

"(ii) a finding, on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species, that the petitioned action is not warranted; or

"(iii) a finding that the proposal and promulgation of a final regulation implementing the petitioned action is precluded by pending or imminent proposals to add to either of the lists published pursuant to subsection (c) of this section species that are subject to a greater degree of threat than the petitioned species and evidence that he is making efficient and speedy progress in the process of listing such other species.

"(4) Except as provided in paragraphs (5) and (6) of this subsection, the provisions of section 553 of title 5, United States Code (relating to rulemaking procedures), shall apply to any regulations promulgated to carry out the purposes of this Act.

"(5) In the case of any regulation proposed by the Secretary to carry out the purposes of this section with respect to the determination of the status and the listing of endangered or threatened species, the Secretary—

"(A) shall not less than 90 days before the effective date of the regulation—

"(i) publish a general notice and the complete text of the proposed regulation in the Federal Register; and

"(ii) give actual notice of the proposed regulation (including the complete text of the regulation) to the State agency responsible for the conservation of fish or wildlife or plants in each State in which the species is believed to occur, and invite the comment of such agency thereon;

"(B) shall, insofar as practical, in cooperation with the Secretary of State, give notice of the proposed regulation to each foreign nation in which the species is believed to occur or whose citizens harvest the species on the high seas, and invite the comment of such nation thereon;

"(C) shall give notice of the proposed regulation to such professional scientific organizations as he deems appropriate;

"(D) shall, insofar as practicable, publish a summary of the proposed regulation in newspapers of general circulation in the areas in which the species is believed to occur;

"(E) shall, if any person files a request for a public hearing within 45 days after the date of publication of general notice, promptly hold a public hearing thereon; and

"(F) shall, within one year after the date of publication of general notice, publish (i) a final determination with respect to such listing with such determination based solely upon the factors set forth in paragraph (1) of subsection (a) of this section, and (ii) if said determination is to publish the proposal as a final regulation, the final regulation: *Provided,* That if the Secretary finds there is substantial disagreement regarding the sufficiency or accuracy of the available scientific and commercial data on which he will base his determination, he may extend the one-year period specified in this paragraph for not more than 6 months. If the Secretary determines, pursuant to this subparagraph, that a proposal to add a species to any list published pursuant to subsection (c) of this section shall not be published as a final regulation, he shall not again propose a regulation to add such species to such list unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation outstanding as of the date of enactment of the Endangered Species Act of 1982 shall be withdrawn pursuant to this subparagraph before the end of the one-year period beginning on such date of enactment.

"(6) Neither paragraph (4) or (5) of this subsection nor section 553 of title 5, United States Code, shall apply to any regulation (including any regulation implementing section 6(g)(2)(B)(ii) of this Act) issued by the Secretary in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife or plants, but only if (I) at the time of publication of the regulation in the Federal Register the Secretary publishes therein detailed reasons why such regulation is necessary, and (II) in the case such regulation applies to resident species of fish, wildlife, and plants, the Secretary gives actual notice of such regulation

to the agency responsible for conservation of fish or wildlife or plants in each State in which such species is believed to occur. Such regulation shall, at the discretion of the Secretary, take effect immediately upon publication of the regulation in the Federal Register. Any regulation promulgated under the authority of this paragraph shall cease to have force and effect at the close of the 240-day period following the date of publication unless, during such 240-day period, the rulemaking procedures which would apply to such regulation without regard to this paragraph are complied with. If at any time after issuing an emergency regulation the Secretary determines, on the basis of the best scientific and commercial data available to him, that substantial evidence does not exist to warrant such regulation, he shall withdraw it.

"(7) The publication in the Federal Register of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this Act shall include a summary by the Secretary of the data on which such regulation is based and shall show the relationship of such data to such regulations.

"(8) Any proposed or final regulation which specifies any critical habitat of any endangered species or threatened species shall be based on the best scientific data available and the publication in the Federal Register of any such regulation shall, to the maximum extent practicable, be accompanied by a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation.".

(4) amending subsection (c) by—

(A) striking out paragraphs (2) and (3) thereof and inserting in lieu thereof the following:

"(2) Any list in effect on the day before the date of the enactment of the Endangered Species Act Amendments of 1982 of species of fish or wildlife or plants determined by the Secretary to be threatened or endangered shall remain in effect unless and until changed in accordance with paragraph (5) of subsection (b) of this section."; and

(B) redesignating paragraph (4) thereof as paragraph (3).

(5) amending subsection (d) by striking out "section 6(a)" and inserting in lieu thereof "section 6(c)".

(6) striking out subsection (f) thereof.

(7) amending subsection (h) by—

(A) striking out "subsection (c)(2)" in paragraph (1) and inserting in lieu thereof "subsection (b)(3)"; and

(B) striking out "subsection (g)" in paragraph (4) and inserting in lieu thereof "subsection (f)".

(8) redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) Section 11(g) of the Endangered Species Act of 1973 is amended by—

(1) amending subparagraph (1)(B) by striking out "any State," immediately after "species within" and inserting in lieu thereof "any State; or ";

(2) amending paragraph (1) by inserting immediately after subparagraph (B) the following new subparagraph:

(C) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.";

(3) amending that portion paragraph (1) which follows subparagraph (B) thereof and subparagraph (C) as amended herein, by inserting "or to order the Secretary to perform such act or duty," immediately after "any such provision or regulation,"; and

(4) amending paragraph (2) by adding the following new subparagraph immediately after subparagraph (B) thereof:

(C) No action may be commenced under subparagraph (1)(C) of this section prior to sixty days after written notice has been given to the Secretary; except that such action may be brought immediately after such notification in the cause of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife or plants.".

SEC. 5. EXEMPTION PROCESS.—(a) Section 7(e)(10) of the Endangered Species Act of 1973 is amended by striking out the first sentence thereof.

(b) Section 7(g) of the Endangered Species Act of 1973 is amended by—

(1) striking out "CONSIDERATION BY REVIEW BOARD" immediately after "APPLICATION FOR EXEMPTION AND" and inserting in lieu thereof "REPORT TO THE COMMITTEE".

(2) amending paragraph (1) by—

(A) inserting "(A)" immediately after "(1)";

(B) striking out "a review board in the manner provided in this subsection," immediately after "shall be considered initially by" and inserting in lieu thereof "the Secretary";

(C) striking out "the review board." immediately after "a report is made by" and inserting in lieu thereof "the Secretary pursuant to paragraph (5) of this subsection. Such report shall be made by the Secretary of the Interior, in consultation with the other members of the committee: *Provided, however,* That if the application for an exemption is filed with respect to an agency action for which a biological opinion of the Secretary of the Interior indicated that such agency action would violate subsection (a)(2) of this section, such report shall be made by the Secretary of Commerce, in consultation with the members of the committee: *Provided further,* That if the application for an exemption is filed with respect to (i) an action of the Department of the Interior for which a biological opinion of the Secretary of Commerce indicated that such agency action would violate subsection (a)(2) of this section, or (ii) an action of the Department of Commerce for which a biological opinion of the Secretary of the Interior indicated that such agency action would violate subsection (a)(2) of this section, such report shall be jointly made by such Secretaries, in consultation with the members of the committee"; and

(D) adding at the end thereof the following:

"(B) If biological opinions of both the Secretary of the Interior and the Secretary of Commerce indicate that an agency action would violate subsection (a)(2) of this section, such Secretaries shall jointly make a report, pursuant to paragraph (5), on any application for exemption filed with respect to such agency action.".

(3) amending paragraph (2)(A) by—

(A) striking out ": or" immediately after "consultation process" and inserting in lieu thereof "; except that"; and

(B) striking out "." immediately after "license applicant" and inserting in lieu thereof "such application shall be submitted".

(4) amending paragraph (2)(B) by—

(A) inserting "(i))" immediately after "promptly";

(B) striking out "to the review board to be established under paragraph (3) and"; and

(C) inserting "; and (ii) publish notice of receipt of the application in the Federal Register, including a summary of the information contained in the application and a description of the agency action with respect to which the application for exemption has been filed.".

(5) striking out paragraphs (3), (4), and (5) thereof and inserting in lieu thereof the following:

"(3) The Secretary shall within 20 days of the receipt of an application for exemption or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary—

"(A) determine that the Federal agency concerned and the exemption applicant have—

"(i) carried out the consultation responsibilities as described in subsection (a) of this section in good faith and made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives to the proposed agency action which would not violate subsection (a)(2) of this section;

"(ii) conducted any biological assessment required by subsection (c); and

"(iii) to the extent determinable within the time provided herein, refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d); or

"(B) deny the application for exemption because the Federal agency concerned or the exemption applicant have not met the threshold requirements set forth in subclauses (i), (ii), and (iii) of this paragraph. Such a denial shall be considered final agency action for purposes of chapter 7 of title 5 of the United States Code.".

(6) striking out paragraph (6) thereof and inserting in lieu thereof the following:

"(4) If the Secretary determines that the Federal agency concerned and the exemption applicant have met the threshold requirements set forth in subclauses (i), (ii), and (iii) of paragraph (3), he shall, in consultation with the Members of the Committee, proceed to conduct hearings and prepare the report to be submitted pursuant to paragraph (5).".

(7) amending paragraph (7) thereof by—

(A) striking out that part of paragraph (7) which precedes clause (A) and inserting in lieu thereof "Within 150 days after making the determination under paragraph (3) or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary, the Secretary shall submit to the Committee a report discussing—";

(B) striking out "." immediately after "by the Committee" in clause (C) and inserting in lieu thereof "; and";

(C) adding at the end thereof the following:

"(D) whether the Federal agency concerned and the exemption applicant refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d).."; and

(D) redesignating paragraph (7) as paragraph (5).

(8) redesignating paragraph (8) as paragraph (6).

(9) amending paragraph (9) thereof by—

(A) striking out that part of paragraph (9) which precedes clause (A) and inserting in lieu thereof "In carrying out his duties under this subsection, the Secretary may—";

(B) striking out "review board" in clause (A) and inserting in lieu thereof "Secretary";

(C) striking out "it" immediately after "necessary to enable" in clause (B) and inserting in lieu thereof "him";

(D) striking out "review board" in clause (B) and inserting in lieu thereof "Secretary"; and

(E) redesignating paragraph (9) as paragraph (7).

(10) amending paragraph (10) thereof by—

(A) striking out "a review board" immediately after "Upon request of" and inserting in lieu thereof "the Secretary"; and

(B) striking out "review board to assist it in carrying out its" immediately after "such agency to the" and inserting in lieu thereof "Secretary to assist him in carrying out his"; and

(C) redesignating paragraph (10) as paragraph (8).

(11) amending paragraph

(11) by—

(A) striking out "a review board" immediately after "shall provide to" and inserting in lieu thereof "the Secretary";

(B) striking our "review board" immediately after "services as the" and inserting in lieu thereof "Secretary"; and

(C) redesignating paragraph (11) as paragraph (9).

(12) amending paragraph (12) thereof by—

(A) striking out "of review boards" and inserting in lieu thereof "resulting from activities pursuant to this subsection"; and

(B) redesignating paragraph (12) as paragraph (10).

(c) Section 7(h)(1) of the Endangered Species Act of 1973 is amended by—

(1) striking out "90 days of receiving the report of the review board under subsection (g)(7)" immediately after "exemption within" and inserting in lieu thereof "30 days of receiving the report of the Secretary pursuant to subsection (g)(5)";

(2) striking out "review board" immediately after "the report of the" in clause (A) and inserting in lieu thereof "Secretary"; and

(3) inserting immediately after "habitat concerned." in paragraph (B) the following new paragraph:

"(C) The Committee shall not grant an exemption from the requirements of subsection (a)(2) for an agency action if the Committee concludes that the Federal agency concerned or the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d) or if the Secretary's report, submitted to the Committee pursuant to subsection (g)(5), concludes that the Federal agency concerned or the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d) and the Committee concurs with that conclusion.".

SEC. 6. CONSULTATION PROCESS.—Section 7(b) of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately after "(b)"; and

(2) inserting immediately after "or within such other period of time as is mutually agreeable to the Federal agency and the Secretary" the following: ": *Provided,* That in the case of any agency action involving a permit or license applicant, no extension of such 90 day period for more than an additional 60 days may be agreed to without the permission of the applicant. When the consultation period is extended by agreement, the Secretary shall specify the information required to complete the consultation and the date on which the biological opinion will be completed.".

SEC. 7. Section 7 of the Endangered Species Act of 1973 is amended by adding at the end of subsection (b) the following new paragraphs:

"(2) If after consultation, the Secretary concludes that the agency action will not violate subsection (a)(2), or if he has offered reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or the permit or license applicant in implementing the agency action, the Secretary shall provide the Federal agency or applicant concerned, if any with a written statement specifying:

"(i) the extent of take of any endangered species or threatened species incidental to the agency action that would not violate subsection (a)(2); and

"(ii) those reasonable and prudent measures that must be followed to minimize such takings of such species.

"(3) Notwithstanding subsections 4(d), 9(a)(B) and 9(a)(C) of this Act or any regulations promulgated pursuant to such sections, any action for which reasonable and prudent measures were specified pursuant to paragraph (2) of this subsection and which is in compliance with such measures shall not be considered a taking of the species which was the subject of the biological opinion.".

SEC. 8. CONVENTION IMPLEMENTATION.—Section 8A of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately after "SCIENTIFIC AUTHORITY FUNCTIONS.—", in subsection (c);

(2) adding at the end of subsection (c) the following new paragraph:

"(2) In accordance with Article IV of the Convention, the Secretary shall determine and advise whether the export or introduction from the sea of any specimen of a species included in Appendix II of the Convention will not be detrimental to the survival of that species and whether the export of such specimens should be limited. Such determination and advice concerning any specimen of a wildlife species shall be based upon the best available biological information derived from professionally accepted wildlife management practices. The Secretary shall not be required to use estimates of population size in advising that export or introduction from the sea will not be detrimental to the survival of a species or determining that export should be limited when such estimates are not the best available biological information derived from professionally accepted wildlife management practices.";

(3) striking out subsection (d); and

(4) redesignating subsection (e) as subsection (d).

SEC. 9. ENFORCEMENT.—Section 11(e) of the Endangered Species Act of 1973 is amended by adding at the end thereof the following new paragraph:

"(6) The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act or regulation issued under authority thereof.".

SEC. 10. MISCELLANEOUS.—(a) Section 10 of the Endangered Species Act of 1973 is amended by striking out subsection (i) thereof.

(b) Section 9(b)(1) of the Endangered Species Act of 1973 is amended by striking out the text thereof and inserting in lieu thereof the following:

"(b)(1) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.—The provisions of subsections (a)(1)(A) and (a)(1)(G) of this section shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (i) December 28, 1973, or (ii) the date of the publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act: *Provided,* That such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity. With respect to any act prohibited by subsections (a)(1)(A) and (a)(1)(G) of this section which occurs after a period of 180 days from (i) December 28, 1973, or (ii) the date of publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act, there shall be a rebuttable presumption that the fish or wildlife involved in such act is not entitled to the exemption contained in this subsection.".

(c) Section 9(b)(2)(A) of the Endangered Species Act of 1973 is amended by striking out "This section shall not apply to" and inserting in lieu thereof "The provisions of subsection (a)(1) of this section shall not apply to".

(d) Section 2(c) of the Endangered Species Act of 1973 is amended by—

(1) inserting "(1)" immediately before "It is"; and

(2) adding the following new paragraph:

"(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to revolve water resource issues in concert with conservation of endangered species.".

SEC. 11. REMOVAL OF PLANTS.—(a) Section 9(a)(2) of the Endangered Species Act of 1973 is amended by—

(1) inserting the following new clause immediately after clause (A) thereof:

"(B) remove and reduce to possession any such species from areas under Federal jurisdiction;"; and

(2) redesignating clauses (B), (C), and (D) as clauses (C), (D), and (E), respectively.

(b) Section 11(a)(1) of the Endangered Species Act of 1973 is amended by striking out "or (C)" immediately after "(a)(2) (A), (B)," and inserting in lieu thereof "(C), or (D)".

(b) Section 11(b)(1) of the Endangered Species Act of 1973 is amended by striking out "or (C)" immediately after "(a)(2) (A), (B)," and inserting in lieu thereof "(C), or (D)".

SEC. 12. AUTHORIZATIONS.—(a) Section 15 of the Endangered Species Act of 1973 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 15. Except as authorized in sections 6 and 7 of this Act, there are authorized to be appropriated—

"(1) not to exceed $27,000,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act;

"(2) not to exceed $3,500,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act; and

"(3) not to exceed $1,850,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the

Convention which pertain to the importation or exportation of plants.".

(b) Section 6 of the Endangered Species Act of 1973 is amended by striking out subsection (i) thereof and inserting in lieu thereof the following:

"(i) APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated not to exceed $6,000,000 for each of fiscal years 1983, 1984, and 1985.".

(c) Section 7 of the Endangered Species Act of 1973 is amended by striking out subsection (q) thereof and inserting in lieu thereof the following:

"(q) There are authorized to be appropriated to the Secretary to assist him and the Committee in carrying out their functions under subsections (e), (f), (g), and (h) of this section not to exceed $600,000 for each of fiscal years 1983, 1984, and 1985. The Chairman of the Committee shall report to the Congress before the end of fiscal year 1983 with respect to the adequacy of the budget authority contained in this subsection.".

SEC. 13. EFFECTIVE DATE.—This Act shall take effect on the date of its enactment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1019

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. CHAFEE, Mr. SYMMS, and Mr. MITCHELL, proposes an unprinted amendment numbered 1019.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend section 10 of S. 2309 as reported, by inserting on page 29, line 19, immediately after "subsection (i) thereof" the following: and inserting in lieu thereof the following:

"(i) NONCOMMERCIAL TRANSSHIPMENTS.—Any importation into the United States of a noncommercial shipment of fish or wildlife shall, if—

"(1) such fish or wildlife was lawfully taken and exported from the country of origin and country of reexport, if any;

"(2) such fish or wildlife is in transit or transshipment through any place subject to the jurisdiction of the United States en route to a country where such fish or wildlife may be lawfully imported and received;

"(3) the exporter or owner of such fish or wildlife gave explicit instructions not to ship such fish or wildlife through any place subject to the jurisdiction of the United States, or did all that could have reasonably been done to prevent transshipment, and the circumstances leading to the transshipment were beyond the exporter's or owner's control;

"(4) the applicable requirements of the Convention have been satisfied; and

"(5) such importation is not made in the course of a commercial activity,

be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act while such fish or wildlife remains in the control of the United States Customs Service.".

● Mr. CHAFEE. Mr. President, the importance of what we are doing here today must not go unnoticed. On May 11, 1982, the Senate Committee on Environment and Public Works unanimously approved S. 2309 with amendments, a bill to reauthorize appropriations for the Endangered Species Act of 1973. Today the entire Senate is being asked to approve that bill.

The 1973 act passed the Senate by a vote of 92 to 0 and drew only 12 opposing votes in the House. The near unanimity of the Congress provided a remarkable and gratifying example of bipartisan concern manifested in a farsighted law. After several years of controversy it is encouraging to see a return to the unanimous bipartisan support for this important program.

The Nation has had 9 years of experience with the act. That experience shows that the act has worked well. It has evolved to permit greater flexibility and predictability with regard to economic development and major revisions are not needed.

Developed with the assistance and support of the administration, representatives of the States, environmental and some industry groups, S. 2309 carefully balances practical needs with the goals of the act. In addition to extending the authorization of appropriations for 3 years, the bill amends the current law in several aspects to correct problem areas and to make the program work better. The bill's major provisions are analyzed in great detail in the committee report and I shall not repeat that analysis here.

Mr. President, in addition to S. 2309 as amended by the Committee on Environment and Public Works, I have offered an unprinted amendment on behalf of myself, Mr. SYMMS and Mr. MITCHELL. This amendment concerns noncommercial transshipments of fish or wildlife.

On page 28 of the committee report accompanying S. 2309, it is noted that:

Section 11 of the Act authorizes the seizure and forfeiture of any fish or wildlife or plant that has been imported in violation of the law. As noted in a Fish and Wildlife Service Law Enforcement Memorandum dated April 30, 1982, however, discretion must be applied to avoid unnecessarily harsh forfeiture actions in certain noncommercial importation violations. Seizure for the purpose of seeking forfeiture will not always be appropriate where the conduct providing the grounds for seizure and forfeiture involves a non-commercial importation violation which is also non-culpable, that is, where there is no indication of fraud, negligence, or intent to violate the law.

Game trophies in transit through the United States were specifically addressed in the above-referenced memorandum. It was properly noted that non-commercial shipments of endangered species in transit through the United States should not be seized where such shipments were lawfully exported from the country of origin and country of re-export, may be lawfully imported into the country of destination, and the exporter (or owner) gave explicit instructions not to ship through the United States or did all that could have reasonably been done to prevent transshipment and the circumstances leading to the property's transshipment were beyond the exporter's (or owner's) control. This exception, however, does not authorize the importation for the purpose of processing wildlife products or mounting of trophies in the United States and subsequent exportation without proper permits.

This amendment would codify the above-stated policy. Civil and criminal penalties as well as forfeiture would be affected. However, the burden of proof would be on the person claiming the applicability of this exception. The Government would not have to offer proof that the numerous elements of this affirmative defense have not been satisfied.

Because it is impossible to differentiate commercial from noncommercial shipments without inspection, the amendment would maintain the ability of the Fish and Wildlife, National Marine Fisheries, and Customs Services to inspect all shipments of fish or wildlife. The exception created by this amendment would be a narrow one. Among the conditions that must be satisfied is a requirement that the importation be accidental. The United States must not become a free port for endangered species. The amendment would not authorize the shipment of wildlife into the United States for storage in a warehouse under customs control until a foreign recipient can be located and reexport can occur.

Mr. President, following committee action on this bill, the press reported that Secretary Watt had been rebuffed. This is a totally inaccurate characterization. On February 8, 1982, I received a letter from the Secretary in which he agreed with my position that no major changes are needed in the act this year. He offered his assistance in preparation of a reauthorization bill and I accepted that offer. The Secretary and his staff, most notably Assistant Secretary G. Ray Arnett, Deputy Assistant Secretary Craig Potter, Bob Jantzen, Ron Lambertson, and Kathy Korpon have been truly fine and forthright in working on this year's bill. The widespread support for S. 2309 is a tribute to their work and I thank the Secretary and all his staff for their assistance.

I also thank all of my colleagues, committee staff members Steve Shimberg, Martha Pope, and Libby Halpin, and the many dedicated members of the Endangered Species Act Reauthorization Coordinating Committee.

89-059 O-86-15 (Pt. 10)

Mr. President, the May 1982 edition of Audubon magazine contained an article by David Quammen entitled "Jeremy Bentham, the Pieta, and a Precious Few Grayling." A portion of that article is of particular interest in connection with consideration of this legislation. The potential, unknown utility of genetic diversity is the most frequently cited justification for the preservation of endangered and threatened species. Mr. Quammen eloquently notes the limitations of such a utilitarian approach to legislation and suggests a compelling, alternative argument. I ask that the excerpt I refer to, from pages 100 and 101 of the magazine, be printed in the RECORD at this time.

The material referred to follows:

EXCERPT FROM "JEREMY BENTHAM, THE PIETA, AND A PRECIOUS FEW GRAYLING"

(By David Quammen)

In June 1978, the U.S. Supreme Court ruled that completion of the Tellico Dam on the Little Tennessee River was prohibited by law, namely the 1973 Endangered Species Act, because the dam would destroy the only known habitat of the snail darter. One argument in support of this prohibition, perhaps the crucial argument, was that the snail darter's genes might at some time in the future prove useful—even invaluable—to the balance of life on Earth, possibly even directly to humanity. If the *Penicillium* fungus had gone extinct when the dodo bird did, according to this argument, many thousands of additional human beings by now would have died of diphtheria and pneumonia. You could never forsee what you might need, what might prove useful in the line of genetic options, so nothing at all should be squandered, nothing relinquished. Thus it was reasoned on behalf of snail darter preservation (and thus I have reasoned elsewhere myself). The logic is as solid as it is dangerous.

In fact the whole argument by utility may be one of the most dangerous, even ominous, strategic errors that the environmental movements is currently making. The best reason for saving the snail darter was this: precisely because it is flat useless. That's what makes it special. It wasn't put there, in the Little Tennessee River; it has no ironclad reason for being there; it is simply there. A hydroelectric dam, which can be built in a mere ten years for a mere $119 million, will have utility on its side of the balance against snail darter genes, if not now then at some future time, when the cost of electricity has risen above the cost of re-creating the snail darter through genetic engineering. A snail darter arrived at the hard way, the Darwinian way, across millions of years of randomness, reaching its culmination as a small ugly perch roughly resembling an undernourished tadpole, is something far more precious than a net asset in potential utility. What then, exactly? That isn't easy to say, without gibbering in transcendental tones. But something more than a floppy disc storing coded genetic lingo for a rainy day.

Another example: On a Sunday in May 1972, an addled Hungarian named Laszlo Toth jumped a railing in St. Peter's Basilica and took a hammer to Michelangelo's Pietá, knocking the nose off the figure of Mary, and part of her lowered eyelid, and her right arm at the elbow. The world groaned. Italian officials charged Toth with crimes worth a maximum total of nine years' imprisonment. Some people said aloud at the time, but no one of liberal disposition, that capital punishment would be more appropriate. What probably should have been done was to let Italian police sergeants take Toth out into a Roman alley and smack his nose off, and part of his eyelid, and his arm at the elbow, with a hammer. The Pietà was at that time 473 years old, the only signed sculpture by the greatest sculptor in human history. I don't know whether Laszlo Toth served the full nine years, but very likely not. Deoclecio Redig de Campos, from the Vatican art-restoration laboratories, said at the time that restoring the sculpture, with glue and stucco and substitute bits of marble, would be "an awesome task that might take three years," but later he cheered up some and amended that to "a matter of months." You and I know better. The Michelangelo Pietà is gone. The Michelangelo/de Campos Pietà is the one now back on display. There is a large difference. What, exactly, is the difference? Again hard to say, but it has much to do with the snail darter.

Sage editorialists wrote that Toth's vandalism was viewed by some as an act of leftist political symbolism: "Esthetics must bow to social change, even if in the process the beautiful must be destroyed, as in Paris during *les évènements*, when students scrawled across paintings 'No More Masterpieces.' So long as human beings do not eat, we must break up ecclesiastical plate and buy bread." The balance of utility had tipped. the only directly useful form of art, after all, is that which we call pornographic.

Still another example: In May 1945 the Target Committee of scientists and ordnance experts from the Manhattan Project met to hash out a list of the best potential Japanese targets for the American atomic bomb. At the top of the list they placed Kyoto, the ancient capital city of Japan, for eleven centuries the source of all that was beautiful in Japanese civilization, the site of many sacred and gorgeous Shinto shrines. When he saw this, Henry L. Stimson, a stubbornly humane old man who had served as Secretary of State under Herbert Hoover and was now Truman's inherited Secretary of War, got his back up: "This is one time I'm going to be the final deciding authority. Nobody's going to tell me what to do on this. On this matter I am the kingpin." And he struck the city of shrines off the list. Truman concurred. Think what you will about the subsequent bombing of Hiroshima—unspeakably barbarous act, or a justifiable one in the given circumstances—think what you will about that; still the sparing of Kyoto, acknowledged as a superior target in military terms, was very likely the most courageous and imaginative decision anyone ever talked Harry Truman into. In May 1945, the shrines of Kyoto did not enjoy the balance of utility.

"By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness (all this in the present case comes to the same thing), or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community; if a particular individual, then the happiness of that individual." This was written by Jeremy Bentham, the English legal scholar of the eighteenth century who was a founder of that school of philosophy known as Utilitarianism. He also wrote, in Principles of Morals and Legislation, that "an act then may be said to be conformable to the principle of utility . . . when the tendency it has to augment the happiness of the community is greater than any it has to diminish it." In more familiar words, moral tenets and legislation should always be such as to achieve the greatest good for the greatest number. And by number is meant, of course number of humans.

This is a nefariously sensible philosophy. If it had been adhered to strictly throughout the world since Bentham enunciated it, there would now be no ecclesiastical plate or jeweled papal chalices, no Peacock Throne (vacated or otherwise), no Apollo moon landings, no Kyoto. Had it been retroactive, there would be no Egyptian pyramids, no Taj Mahal, no texts of Plato; nor would there have been any amassing of wealth by Florentine oligarchs and hence no Italian Renaissance; finally, therefore, no Pieta, not even a mangled one. And if Bentham's principle of utility—in its economic formulation, or in thermodynamic terms, or even in biomedical ones—is applied today and tomorrow as the ultimate touchstone for matters of legislation, let alone morals, then there will eventually be, as soon as the balance tips, no snail darter, nor much of anything else that we value principally for nonutilitarian reasons.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1019) was agreed to.

UP AMENDMENT NO. 1020

Mr. STEVENS. Mr. President, I send to the desk an amendment in behalf of myself and Mr. SYMMS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. BAKER, and Mr. SYMMS, proposes an unprinted amendment numbered 1020.

Page 16, after line 13—insert the following:

"(9) inserting the following new subsection: (h) If, in the case of any regulation proposed by the Secretary under the authority of this section, a State agency with jurisdiction over the area in which a species affected by the proposed regulation is resident files comments disagreeing with all or part of the proposed regulation, and the Secretary issues a final regulation which is in conflict with such comments, or if the Secretary fails to adopt a regulation pursuant to an action petitioned by a State agency under paragraph (3) of subsection (b), the Secretary shall submit to the State agency a written justification for his failure to adopt regulations consistent with the agency's comments or petition."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1020) was agreed to.

● Mr. SYMMS. Mr. President, I take this opportunity to commend the work and efforts of Senator CHAFEE in the passage of S. 2309. Many of the con-

cerns I have had over the implementation of the Endangered Species Act involving States rights, water issues, the determination of critical habitats, and problems faced by sportsmen in Idaho and throughout the Nation have been favorably addressed in this legislation. I feel that the efforts of the Environment and Public Works Committee and the amendments adopted by this body today have brought more balance to this statute.

I am pleased that this body adopted the Chafee/Symms and the Stevens/Symms amendments. The former amendment would prevent the U.S. Fish and Wildlife Service from seizing foreign shipments of game trophies in the United States if they were taken legally in the country of origin and may be lawfully possessed in the country of destination. The latter amendment gives the States a greater role in the endangered species process. There are a number of State fish and game agencies which have had disputes with the Interior Department over the question of listing species as endangered or threatened, or overprotective regulations for threatened species. Some of these agencies, including my own in Idaho, have expressed strong concerns over these issues, and the hope that if there were a disagreement, that the Secretary of the Interior should be required to explain the reasons for overriding the State's position. These amendments signficantly improve this legislation and the act itself, and I am pleased that this body adopted them.

In addition, the bill addresses the areas of experimental populations, the section 7 consultation process, the definition of a "critical habitat," and western water concerns. In each case, the amendments improve the complexities of the act. The section 7 amendments allow the permit applicant to exercise a greater role in the consultation process, thereby giving him greater certainty for future planning purposes.

For some time, I have been disturbed at the misuse of the definition of a "critical habitat." Broadly defined in the past as the range of a species, the committee intends that that definition be narrowed to those essential ecological elements necessary to a species' survival.

Finally, Senator SIMPSON's amendment recognizing the complex system of western water laws that govern the agricultural productivity and power-generating capacity of Western States such as my own, was vital to the bill's acceptability. We in the West are always wary of legislation that poses feasible threats to the supremacy of the States in the appropriation of the water that is the lifeblood of our existence.

This legislation makes some of the necessary changes that have come about through the implementation of this act, and I again commend Senators CHAFEE, GORTON, and MITCHELL for their efforts.●

● Mr. MITCHELL. Mr. President, the legislation the Senate is now considering, S. 2309, enhances the protection provided by the Endangered Species Act for wildlife on the brink of extinction and I am happy to have cosponsored the measure with Senator CHAFEE and Senator GORTON. I urge my colleagues in the Senate to join us in supporting and passing the measure.

The Endangered Species Act, like other landmark environmental and conservation laws, receives widespread support in my State of Maine and throughout the Nation. And the United States, because of the protection it affords endangered species, is looked to as an example for other nations throughout the world. S. 2309 does not detract from this country's obligations to help save endangered and threatened plants and animals.

Protecting endangered species becomes more crucial with each passing year. As many as one to three species per day are becoming extinct and that rate may increase to one per hour by the end of this decade. As much as 20 percent of all life forms on Earth will be lost by the year 2000.

Some would suggest that we will neither notice nor miss many of the species or their genetic material that are forever lost to us. That is not a risk we should take. Surely our lives would be diminished esthetically by the loss of the bald eagle or the grizzly bear. And our lives would be diminished materially by the loss of the evening primrose with its hoped for application to coronary heart disease, arthritis, or eczema, or the loss of the rare Mexican perennial grass which may provide us with perennial corn.

The potential for practical and ecologically sound use of genetic material is virtually unlimited. Laboratory experiments have developed a bacteria which consumes hazardous wastes; bacteria which can digest spilled oil have been used to clean up spills in European waters. Research into these promising fields is just on the frontier.

Nearly 40 percent of the world's medicines are derived from plant and wildlife species. Extracts from more than 500 species of marine invertebrates have anticancer effects. I for one am not prepared to choose which of these species we can do without. Nor would I prejudge the value of other species whose importance is as yet unknown.

S. 2309 maintains the integrity of the Endangered Species Act while addressing number of important concerns regarding the act which were identified by hearings on the measure. The bill includes provisions which would:

Accelerate the listing or delisting of species as endangered or threatened by requiring that the Secretary of the Interior decide within 1 year—except in unusual circumstances—whether or not to list;

Insure that listings are based solely on biological factors;

Acknowledge the responsibility of the States for managing nonendangered resident species of wildlife by overturning the so-called bobcat decision;

Encourage the establishment of new or experimental populations of endangered species by providing the Secretary more flexibility in issuing regulations for their protection;

Eliminate unfair references in the act to "sporting" activities as a cause of endangerment of species;

Reduce the potential for conflict between sections 7 and 9 of the act;

Streamline and shorten, from 360 to 200 days, the section 7 exemption process;

Reduce uncertainty for industry by requiring that permit applicants concur in any extensions of consultation under section 7 of the act; and

Provide additional protection for plants on Federal lands.

These provisions reflect the concerns of the administration, the States, and sportsmen and other conservationists. The provisions reflect sound legislation which will enhance the workability of the Endangered Species Act. Most important, they will contribute to the protection provided endangered species and the preservation of their genetic diversity.

The tragedy of extinction which the Endangered Species Act is meant to guard against is not a tragedy which will occur with fanfare, with warning. Rather, it is the tragedy of small, incremental and irreversible losses in our world's genetic heritage that we may not notice until it is too late. As prudent stewards of our world, we must maintain and strengthen the ability of this law to prevent this loss. That is the nature of endangered species protection to which I am committed and which this legislation reaffirms.●

● Mr. GORTON. Mr. President, I am proud today to speak for the reauthorization bill for the Endangered Species Act, a bill which I have cosponsored and supported from its introduction through consideration by the Environmental Pollution Subcommittee and finally to its favorable consideration by the full Committee on Environment and Public Works.

Mr. President, the Endangered Species Act is one of the key pieces of environmental legislation in existence today. Its passage established the United States as a world leader in the international effort to rescue hundreds of invaluable forms of plant and

animal life from the threat of extinction.

The Endangered Species Act has provided comprehensive species protection through four key provisions. Section 4 of the act calls for the listing of endangered and threatened species. Section 6 of the act provides for cooperative State-Federal management of endangered and threatened species. Section 7 of the act prohibits Federal agencies from jeopardizing endangered and threatened species and their habitat, and provides a vital consultation mechanism whereby neither desirable projects nor species survival need be sacrificed. Section 9 of the act restricts the taking of individual members of endangered and threatened species.

The American people support a strong Endangered Species Act. I am proud to be from a State in which abundant wildlife is one of the most cherished treasures. Few States in our Union contain the diversity of species of which Washington State can boast, from the peregrine falcon to the black bear. Yet the pressures on wildlife remain intense.

In my judgment, S. 2309 represents a solid effort at addressing the legitimate concerns that have been raised, while at the same time holding firm to one of the Nation's most farsighted environmental protection laws. The bill contains many urgently needed reforms, the need for which have been highlighted by the administration, State wildlife managers, conservation groups, and industry representatives who have testified before the subcommittee during its oversight hearings last winter and this spring. Some of the major provisions of the bill would:

First, streamline the process of listing and delisting species, by requiring action on proposed listings and delistings within 1 year;

Two, streamline and expedite the exemption process by reducing the levels of review, and by requiring that decisions be rendered within 200 days, instead of the current 360 days;

Three, address the problem of delays associated with section 7 consultations and the need for predictability in the face of current, open-ended extensions of consultations by making extensions of more than 60 days contingent upon the agreement of the applicant;

Fourth, resolve the statutory contradiction between section 7 and section 9 of the act by providing that any action which is in compliance with measures specified by the Secretary to minimize compliance with measures specified by the Secretary to minimize takings in section 7 will be exempt from the prohibition in against incidental takings in section 9;

Fifth, encourage the establishment of experimental populations to aid recovery of species;

Sixth, overrule the Court of Appeals decision relating to implementation of the Convention on International Trade in Endangered Species, by requiring the Secretary of Interior to make determinations on the export of species listed in appendix II of the convention—but not on our domestic list—on the basis of the best available information derived from professionally accepted wildlife management practices, but in no way diminishing the responsibility of the United States under the convention;

Seventh, provide, for the first time, a response to the problem of overcollection of listed plants; and

Eighth, provide for a 3-year reauthorization of the act,

I am very appreciative of the tremendous time and effort which the many individuals and groups concerned with the reauthorization of the Endangered Species Act have put into this process. Without their invaluable and thoughtful suggestions, this bill, which I believe is truly responsive to those concerns, could not have been possible. I am confident that this bill both strengthens the act and makes its provisions more workable and predictable for all who are affected.●

Mr. PERCY. Mr. President, I rise today in support of S. 2309, of which I am a cosponsor and which was introduced by my distinguished colleague from Rhode Island (Senator CHAFEE). S. 2309 would amend and reauthorize the Endangered Species Act for the next 3 years.

I was an original cosponsor of the Endangered Species Act when it was first introduced in 1973. This legislation has proved to be one of the most far-reaching wildlife conservation laws ever enacted by any nation, and has served as a model for wildlife protection measures in other nations. Nearly 300 native American mammals, birds, reptiles, fishes, plants, and other life forms—as well as nearly 500 foreign species—have been placed on the U.S. list of endangered and threatened wildlife and plants and now receive protection under the act.

It is true, as evidenced by the disappearance of thousands of creatures since life began, including the dinosaurs, that extinction is a natural process. However, we can no longer attribute the rising decline of so many species to natural processes. Exploitation, habitat alteration and destruction, pollution and the uncontrolled introduction of new species have all drastically taken their toll on the numbers and variety of species, seriously threatening to upset the delicate balance of nature. This alarming development prompted the drafting and passage of the ESA, resulting in the creation of a national program that today involves the Federal Government, the States, conservation organizations, individual citizens, business and industry, and foreign governments in a cooperative effort to conserve endangered wildlife throughout the world.

Through the designation and protection of critical habitats, the prohibition against removing or harming protected species, and the implementation of recovery programs, the effort to save world species from complete extinction is well on its way. Thus the reauthorization of a strong Endangered Species Act is essential, and I believe S. 2309 not only preserves the act, but improves it. Provisions of S. 2309 include streamlining the species-listing process, clarifying the States' responsibilities for managing nonendangered resident species, eliminating the overlap between sections 7 and 9 concerning the taking of protected species, and encouraging the establishment of new experimental populations of endangered and threatened species.

I would like to commend Senators CHAFEE, MITCHELL, and GORTON for the excellent job they have done in addressing the concerns of all interests in the writing of this legislation. I encourage my colleagues in the Chamber to join me in unanimous support of S. 2309.

Mr. STEVENS. Mr. President, I ask that the bill be advanced to third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. I ask unanimous consent that the Senate proceed to the consideration of the House companion bill, H.R. 6133.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6133) to amend the Endangered Species Act of 1975.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

Mr. STEVENS. Mr. President, I move that the Senate strike all after the enacting clause of H.R. 6133 and insert in lieu thereof the text of S. 2309 as amended by the Senate.

The PRESIDING OFFICER. Is there objection?

The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6133) was passed.

Mr. STEVENS. Mr. President, I send to the desk an amendment to the title, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The assistant legislative clerk read as follows:

Amend the title so as to read: "A bill to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985, and for other purposes.".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the bill, H.R. 6133, as amended, was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move that consideration of S. 2309 be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

BALTIC FREEDOM DAY

Mr. STEVENS. Mr. President, I understand there is a joint resolution which the distinguished Senator from Michigan wishes to have considered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Michigan (Mr. RIEGLE), I send a joint resolution to the desk with regard to Baltic Freedom Day and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 201) designating Baltic Freedom Day.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

The cosponsors of the joint resolution are: Mr. RIEGLE (for himself and Mr. HELMS, Mr. LEVIN, Mr. THURMOND, Mr. JOHNSTON, Mr. ROTH, Mr. DIXON, Mr. LUGAR, Mr. HAYAKAWA, Mr. CANNON, Mr. EXON, Mr. DODD, Mr. INOUYE, Mr. MOYNIHAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. ZORINSKY, Mr. BUMPERS, Mr. BURDICK, Mr. TSONGAS, Mr. HOLLINGS, Mr. DENTON, Mrs. HAWKINS, Mr. DURENBERGER, Mr. METZENBAUM, Mr. KASTEN, Mr. JEPSEN, Mr. EAST, Mr. SYMMS, Mr. DOMENICI, Mr. PERCY, Mr. DOLE, Mr. MCCLURE, Mr. TOWER, Mr. NUNN, Mr. BAUCUS, Mr. HUDDLESTON, Mr. JACKSON, Mr. SASSER, Mr. ROBERT C. BYRD, Mr. PRYOR, and Mr. BRADLEY).

● Mr. RIEGLE. Mr. President, on behalf of Senator HELMS and over 40 cosponsors, I am pleased to introduce a joint resolution calling for the declaration of June 14, 1982, as Baltic Freedom Day.

This year, June 14, will mark the 42d anniversary of the brutal occupation by the Soviet Union of the three Baltic nations: Estonia, Latvia, and Lithuania. Soviet subjugation of the brave and stalwart people of these tiny nations continues to this day, in blatant violation of international law as provided for in the final act of the Helsinki accords.

Since the Baltic States lost their independence to the Soviet Union in 1940, June 14, has been the date on which Americans have joined with Baltic peoples everywhere in commemorating the freedom once enjoyed. This resolution, giving formal recognition of June 14, 1982, as Baltic Freedom Day, pays tribute to the continuing struggle of the Baltic peoples to regain that freedom.

Before the bitter slavery of Soviet oppression was thrust upon them, the Baltic nations enjoyed 20 years of independence. Estonia became the first nation in the world to grant all of its minorities cultural autonomy through Government-subsidized ethnic schools, theaters, and libraries. Latvia had the highest percentage of youths attending high school and college of all the countries in Europe, and was second among all European countries in the number of books published per capita. In 1936, Latvia's Minister of Foreign Affairs, Vilhelms Munters, was elected president of the League of Nations. Within 5 years of their independence from the U.S.S.R., the Lithuanians, known for their determination and hard work, easily surpassed their pre-1914 standards of living without any foreign assistance. During their independence, Government-subsidized cultural programs were greatly expanded, and won the Lithuanians the legacy of being the most culturally sophisticated minority in the Soviet Union.

Unfortunately, as long as the Baltic peoples are subjected to the wholesale violation of human rights by the Soviets, they can enjoy little but the memory of their hallowed independence, as they look forward to the day when they will once again be free.

At the end of World War II, over 100 new nations were able to exercise their inalienable right to form sovereign legislative, judicial, and administrative bodies. Conspicuously absent from among the impressive numbers of newly emerging nations were the Baltic countries of Estonia, Latvia, and Lithuania. While many countries which were once components of the former British, Spanish, and Portuguese empires were gaining their independence, the Soviet Union greedily held onto the ill-gotten Baltic nations.

The history of man has recorded too many incidents of the cruelty humans have imposed on one another. In the case of the Baltic nations, their people were the innocent victims of the expansionist desire of a government that could only be satiated by the access of more territory. While the individual accounts of the horror have not roused the Soviet conscience, these memories, vivid in the minds of Baltic peoples everywhere, continue to fuel the flame of liberty in their hearts.

The horror of the Soviet takeover of the three Baltic nations has been somewhat overshadowed by the atrocities of Hitler's Germany. Nonetheless, the pain inflicted on the Baltic peoples by the Soviets was as severe. Between 1939 and 1949, Estonia had one-third of its population murdered or deported to the Siberian wasteland. The Soviets displayed no mercy as 15,000 Latvians were deported to Siberia in June of 1940, and another 50,000 were sent to Soviet camps in March of 1949 where many met a cruel death. Between June 14 and June 21, 1941, the Soviets continued their reign of terror as they deported 34,000 Lithuanians. Accounts also show that about 10 percent of the Lithuanian population was deported between 1948 and 1949. Awesome as they are, these figures do not tell the whole story. The injustices inflicted upon the thousands of Estonians, Latvians, and Lithuanians stand as a testament to the Soviet Government's disregard for human rights which continues to this day.

Today, the Soviet takeover of the Baltic nations remains incomplete because of the fierce sense of national pride embraced by the Baltic people. Intensification of the Soviet policy of russification, designed to eliminate the unique cultures of the Baltic peoples, has only served to greatly damage the Soviet position in the three nations. While the physical Soviet presence there is evident, that presence must compete with the tireless foe that embodies itself in the spirit of the Baltic people.

As a nation committed to the preservation of basic feedoms for all peoples, the United States must constantly and strenuously remind all nations of the continuing oppression under which the Baltic peoples live. Today, I offer my unwavering support to all Baltic peoples; those still striving to escape Soviet oppression in their homelands, and those here in America whose constant vigilance and work has kept the flame of hope alive for all freedom-loving peoples. As Senator from the State of Michigan, I am proud to represent one of the largest Baltic communities in the United States, and have come to know firsthand of the rich culture and industrious nature of these talented and dedicated people.

It is therefore in recognition of the Baltic peoples tireless struggle to regain their freedom, and in honor of

the supportive role played by members of the Baltic communities in this country, that I have introduced this resolution and urge its prompt approval.●

Mr. TSONGAS. Mr. President, the national identities of the Baltic nations, Latvia, Lithuania, and Estonia, are being quickly eroded by continuing Soviet domination and oppression. The final act of the Helsinki accords requires signatories to respect the fundamental rights of their citizens. Yet, the Soviet Union has refused to abide by this obligation. Instead, it has robbed the Baltic people of their liberties by forbidding religious and political freedoms. Since 1959 the Soviets have pumped in their laborers to forge the Baltic States into three of the most industrialized areas of the Soviet Union. Furthermore, the Soviets have deported native Baltic people to Siberia. The influx of foreigners coupled with the removal of indigenous people has resulted in the destruction of Baltic self-identity.

In light of these flagrant abuses of human rights, I urge my colleagues to recognize Baltic Freedom Day on the 14th of June. This day, the anniversary of mass deportion of Baltic peoples from their homelands, would commemorate a day of solidarity between Americans and the oppressed Baltic people. The United States has long stood for the principles of national self-determination and human liberties. It is time to reassert these principles. We must lead the outrage against Soviet oppression.

The League of Nations recognized the autonomy of the Baltic Republics. Each nation has its own distinct language, customs, and national heritage. These must be preserved. Mr. President, I feel the U.S. Senate must recognize the plight of the Baltic peoples in their struggles for freedom. We must show our support for their heroic pursuits of liberty and oppose the illegal Soviet power plays which threaten to permanently uproot their cultures. Let us recognize the concerns of these peoples, concerns central to the founding of our own country.

Mr. PERCY. Mr. President, I am honored to join today with Senators RIEGLE and HELMS and others of my colleagues in this new initiative to remind the world, and particularly the Soviet Union, that the Baltic nations of Lithuania, Latvia, and Estonia were free and sovereign states and have an inherent right to independence and full control over their own affairs.

This week we note with dismay the 42d anniversary of the U.S.S.R.'s forcible seizure of these three independent countries and the beginning of intensive efforts to suppress the national identities of their peoples. However, the free human spirit, and the ethnic and cultural traditions of the Lithuanian, Latvian, and Estonian peoples, live on. It is thus highly appropriate that we in America, a nation founded on the principles of liberty and self-determination, should proclaim and observe Baltic Freedom Day.

Mr. JACKSON. I am glad to join in cosponsoring the joint resolution calling on the President of the United States to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

As my colleagues know, it has been the longstanding policy of the United States not to recognize the illegal seizure and annexation by the Soviet Union of the three Baltic nations of Estonia, Latvia, and Lithuania. This official policy was not affected by the Final Act of the European Security Conference, signed in Helsinki in 1975. It continues to be national policy not to recognize in any way the forced occupation and incorporation of the Baltic nations into the U.S.S.R.

Moreover, in keeping with our tradition as champion of international human rights, the United States cannot ignore the denial of these rights by the Soviets to the native Baltic peoples, so many of whom have been systematically deported from their homelands to Siberia, and all of whom have been deprived of their fundamental freedoms—cultural, political, and religious.

It is altogether fitting that June 14, the anniversary of the 1941 mass deportation of Baltic peoples, be designated "Baltic Freedom Day" as testimony that we in this country do not forget, and will not forget, these oppressed peoples and their abiding hopes for a future of national self-determination and personal freedoms.

Mr. HELMS. Mr. President, today the Baltic nations—in particular Estonia, Latvia, and Lithuania—continue to live under the oppression of the Soviet Union.

Some four decades ago, Mr. President, the Soviet Union declared that these nations were "in the sphere of influence" and therefore would be brought forcibly into the Union of the Soviet Socialist Republics.

An entire generation of Americans has come along since the Soviets violated every rule of international law by invading Lithuania, Estonia, and Latvia, and placing their citizens under Russian rule. Nevertheless, Mr. President, the United States continues to reject the Soviet claim that the Baltic nations are a part of the U.S.S.R. Our State Department recognizes Lithuania, Latvia, and Estonia as independent nations, as evidenced by Secretary of State Alexander Haig's recent statement to the Lithuanian legation that this Nation's policy will continue to deny the Soviet claim to political, economic, and social control.

Thomas Paine once said "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigue of supporting it." No one knows this better than the people of the Baltic nations. The people of Latvia, Estonia, and Lithuania can testify first hand that once the Soviets have subjugated a people, the Soviets are unrelenting in imposing tyranny.

Still, Mr. President, these people have not forgotten what freedom means. They continue to work and yearn for a time when they can again enjoy it. They suffer, but not in silence. The news is filled with accounts of worker resistance. It is to be hoped that the enslaved people of the Baltic States are aware of the heroic efforts of the Polish people to regain their independence. Like the Poles, the church is part of their national fiber, and we know that their intense and continuing faith in God allows them to resist oppression even in the face of sure, swift, and cruel reprisal.

Mr. President, June 14 has been selected as a day to observe Baltic Freedom Day—the anniversary of the mass deportation of untold thousands of innocent Baltic people to Siberia. I ask that my colleagues support this resolution to keep the plight of the Baltic people before the eyes of the world.

Mr. DODD. Mr. President, the United States has never recognized Soviet rule over Estonia, Latvia, and Lithuania as legitimate in any way. The Soviet invasion and occupation of these free and independent states on the Baltic Sea was naked aggression and Soviet domination over them is just a continuation of that aggression and, as such, illegal. For this reason, we must affirm our support for the independence of these nations and keep faith with them here in the United States.

The peoples of the Baltic States have refused to give up their ethnic identity and heritage and continue to resist the onslaughts of russification. The Soviet regime has resettled large numbers of ethnic Russians in the Baltic States, has deported untold numbers of the indigenous populations and yet these peoples persevere in their brave call for their right to self-determination. The strength of this commitment is demonstrated by such evidence as the Baltic memorandum of 1979, proclaimed by 45 courageous dissidents on the 40th anniversary of the shameful Nazi-Soviet Pact on which the 1940 aggression was based.

Mr. President, I remain firmly convinced that concern for human rights abroad should remain a fundamental objective of our foreign policy—not only because it conforms to our ideals but also because it furthers our national interests. There are few more noble causes in this regard than the

struggle of the Baltic nations to be themselves, free of Soviet oppression. I urge my colleagues to express our support for their just cause by designating June 14, 1982, "Baltic Freedom Day."

The joint resolution (S.J. Res. 201) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 201

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the people of the Baltic Republic of Lithuania, Latvia and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations, belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions and languages, distinctly foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.; and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of democracy, human rights, and religious freedom, and opposed to oppression; and

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June, 1982, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the captive Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GUS DAVID KUHN

Mr. SASSER. Mr. President, it is with profound sorrow that I note the passing of a good and gentle man, Gus David Kuhn. I received the sad news only this morning that my beloved friend had departed this world.

Gus Kuhn was one of those rare individuals who brought dedication and commitment to his work, his religion, his community, his friends, and his family. He was a sensitive and compassionate man who cared deeply about the welfare of others. He displayed a remarkable insight into people and events. His perceptions were of enormous value to me, and I suspect to my two predecessors, Estes Kefauver and Albert Gore, who also counted Gus as a personal friend.

He had a passion for peace because he abhorred human suffering and always sought to relieve it. Gus wished to wage peace with the same unrelenting fervor that those less enlightened would wage war.

As a businessman, Gus was president for many years of Kuhn's Big K, a department store chain. He retired from that position only last year.

As a leader of the Nashville Jewish community, Gus was a member and past president of the Temple congregation. He was also a member of the board of the Union of American Hebrew Congregation and its former vice chairman. He was a forceful supporter of the State of Israel and the hope it represented to Jews around the world.

In the greater Nashville community, Gus was a board member for Meharry Medical College, a member of the Nashville Rotary Club, and a 33d degree member of the Cumberland Masonic Lodge.

Gus was a believing and practicing member of the Democratic Party all of his adult life. He was serving as chairman of the Davidson County Democratic Executive Committee at the time of his demise. I say to my colleagues on the floor of the Senate today that the politics of Tennessee are better today because of the active and energetic interest that Gus displayed over many years.

Mr. President, I would like to take this opportunity to convey my deepest sympathy to Gus' beloved wife, Barbara. My heart is heavy knowing of her deep grief. Perhaps the knowledge that hundreds of friends share in her grief will diminish her burden. We pray that to be so.

Gus Kuhn leaves behind a legacy of good works, a lustrous name and three bright and able sons, Billy, Irwin, and Gus Kuhn III, to carry on the family tradition, along with Gus' brother, Jack Kuhn.

We have lost a great friend and we shall miss him and his great dedication to his country, his State, and his community.

SUBSTITUTION OF CONFEREES—H.R. 5922

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Louisiana (Mr. JOHNSTON) be excused as a conferee on H.R. 5922.

I further ask unanimous consent that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Vermont (Mr. LEAHY) be appointed as additional conferees on H.R. 5922. That is the urgent supplemental bill that is in conference now.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. MERCHANT MARINE

Mr. TOWER. Mr. President, the United States is in many ways an island nation. For supplies of many materials which keep the wheels of industry turning, and for transportation of finished goods to export markets, we depend on the U.S. merchant marine. Additionally, the merchant marine performs a vital national security function, by providing a steady supply of materials critical to defense-related production.

The British experience in the South Atlantic has reminded us that we depend on the merchant marine to provide auxiliary sealift capability for the military in time of national mobilization or crisis.

It is fitting that we should honor the U.S. merchant marine for its long history of service to our Nation, and for its constant willingness to do whatever is required of it in the future.

May 22 was National Maritime Day. Yet, we should note the contribution of the maritime industry throughout the year. In that spirit, I ask unanimous consent that the text of a telegram from Vice Adm. Kent J. Carroll, Commander of the Military Sealift Command of the Navy Department, be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM

May 22 is National Maritime Day and President Reagan has asked that we recognize the contributions of the U.S. merchant marine to our economy and national defense.

Military Sealift Command is responsible for finding sealift for our armed forces when needed, and assets from private sector will be crucial in a mobilization or national emergency. Today we see an example of this in the Falkland Islands crisis where logistics support for the royal navy relies heavily on the British merchant marine.

If the United States had to mount such a force, we would turn to our merchant marine for assets the same as the British did. More than 90 percent of all cargo will go by sea, in merchant bottoms, regardless of where the conflict is located.

The U.S. merchant marine is the key to our current programs. Privately owned ships with civilian crews make up the source of our strategic sealift capability, and in our daily peacetime operations, we rely on the private sector to deliver the vast majority of oceanborne DOD cargo.

So on the occasion of the Maritime Day we at MSC pause and salute all segments of the U.S. maritime industry for their cooperation and professional performance. We look forward to making significant progress in improving our nation's readiness with your help.

HERB BINGHAM—A TENNESSEE LEADER

Mr. SASSER. Mr. President, I rise to salute a great Tennessean—Herbert J. Bingham—who has just retired as executive director of the Tennessee Municipal League.

For the past 36 years, Herb Bingham has been Tennessee's key advocate for cities and towns. I have relied greatly on Herb's advice and counsel for my work in the Senate, first as a Member, then as chairman and now as ranking Democrat—on the Subcommittee on Intergovernmental Relations.

From the Halls of Congress to the corridors of the State Capitol, Herb Bingham's influence on behalf of Tennessee local governments has been formidable.

Cities in Tennessee now get a share of the State gasoline tax and the State sales tax to help provide the expensive local services that taxpayers expect. Herb Bingham is responsible for getting the State Legislature to agree to set aside a local share of these revenues.

Through Herb Bingham's efforts, local governments operate under "home rule" as provided by the State Constitution. Local consent must be given before the legislature can pass a private act affecting the local jurisdiction.

So Herb Bingham has certainly more than left his mark by considerably strengthening local governments in my State.

The local governments are traditionally those "closest to the people." When the street light burns out or the garbage needs to be picked up, the mayor's office is the one to get the call. City governments must keep the streets safe, maintain our highways, and educate the young.

Local governments must undertake these great responsibilities with very narrow taxing authorities. Consequently, the intergovernmental trend for the past three decades has been to help local governments with these duties with added assistance from Federal and State governments. Herb Bingham has certainly been in the forefront of this effort to match fiscal resources with governmental responsibility.

I congratulate Herb Bingham on a job well done as executive director of the Tennessee Municipal League. And I give him my best wishes for a happy and productive future.

WITHOUT RAW MATERIALS, SCHOOLS CAN'T PRODUCE QUALITY AND QUANTITY

Mr. HOLLINGS. Mr. President, I recently had the privilege of meeting an individual who truly understands what is at stake when we talk about public education. The fact of the matter is that our country is severely challenged, and it is not at all certain that we can rebuild ourselves to the position of international preeminence that America held for so many years. We find ourselves on the defensive economically, having exported so many jobs and dollars and so much technology. We find our industrial and technological position very much eroded. And amidst this stark challenge, we hear the call to reduce expenditures for educating our people to cope with harsh reality.

In making America competitive again, we must as never before emphasize human investment. It is not simply a matter of industrial plant and machinery, it is preeminently a matter of knowledgeable and dedicated people to turn this situation around. Our system of education is, in a very fundamental sense, all that is going to save us. It is what will determine the outcome.

James H. Sutton, of the Iowa State Education Association, put the matter succinctly and compellingly in the May 5, 1982, edition of Education Week. I believe his commentary deserves the widest possible audience, and I recommend it to each of my colleagues here in the Congress.

Mr. Sutton not only understands education, but he has a real feel for the subject. Public education is at the top of his priorities, and that is exactly where it should rank in ours, too. We must address ourselves to the urgent necessity of providing both quality and quantity in education, and we must realize the shortsightedness of strangling public education in the name of economy. It can never be wise economy to deny the best investment a nation can make.

Mr. President, I ask unanimous consent that Mr. Sutton's commentary, "Without Raw Materials, Schools Can't Produce Quality and Quantity," be printed in today's edition of the CONGRESSIONAL RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

WITHOUT RAW MATERIALS, SCHOOLS CAN'T PRODUCE QUALITY AND QUANTITY

(By James H. Sutton)

One of the virtues of free public education has been the public's freedom to criticize it. And although I believe that public involvement has, on balance, introduced a note of sanity and common sense into the debate we call "education," it does seem to me that lately educators have been getting more than their share of lumps. Our critics tell us that Johnny can't read, Mary can't write, and the teacher can't do either. Our seers tell us that we are losing our technological edge to Japan. Our prophets claims that we are failing to teach values and morals. Surely some of these critics are sincere.

But many are not. Too many of our critics are more concerned with their pocketbooks than with Johnny's skills; with weaponry than with the discovery and application of knowledge; with preaching rather than teaching. Those who complain about Johnny's lack of skill often advocate massive cuts in educational spending. Those warning us of imminent technological decline often advocate massive cuts in graduate and undergraduate education, as if these factors were unrelated. Those who complain most about the lack of values in our schools are more than willing to ignore the values that are taught and to impose their own values on other people's children.

But not all of our critics are hypocrites, and it would be hypocritical of us to ignore those who are sincere. Too many children are failing to reach minimal levels of academic performance. Too many teachers are burned out or otherwise unprepared for the vicissitudes of today's classrooms. The lure of learning is losing out to the heroin of television. There are severe shortages of teachers in mathematics, engineering, and the sciences. The Japanese are leaving us behind. Our critics are right. Free public education today faces critical qualitative deficiencies.

It could not be otherwise, because free public education was never designed to deliver quantity with quality. It was designed to deliver equity. It was asked to provide every child with a chance to obtain an education. This imperative has been realized. We are the first nation in the history of the world to give everyone a chance for an education. No critic can demean or deny the significance of this achievement.

Our critics should not be surprised that this achievement came at the expense of quality. Public expenditures for education over the past century have never been sufficient to increase opportunity and maintain quality too. Even the best public schools have had to endure a reduction in quality as

their doors opened to increasing numbers of students from increasingly diverse backgrounds. But even the Boston Latin School was never asked, or expected, to compete with Phillips Andover Academy. Andover was expected to produce its hand-crafted diamonds, but the Latin School was expected to mass-produce bricks.

For over one hundred years, free public education has been making bricks, and making them without straw. The amazing thing is that we could make bricks at all, let alone in ever-increasing numbers. But more bricks were made, and they were made by speeding up the assembly line despite a lack of sufficient raw materials. The result was reduction in unit quality.

But now our critics say that our bricks are not good enough. We are told that our bricks do not meet specifications we were never asked to achieve. We are told that our bricks lack straw. And they do. Free public education is incapable of providing quality and quantity on a mass scale. And the public, in its haphazard wisdom, is right to expect us to provide quantity with quality. Our bricks deserve straw.

The challenge for American education for the remainder of this century is to provide quantity and quality simultaneously. As a profession and as a nation, we must be the first to achieve mass education through individual instruction. Only by fusing quantity and quality can we keep ahead of international competitors. Only by fusing quality with quantity can we finally minister to the affective needs of our students. Only by bringing quality into mass education can we ensure either effectiveness or sanity in our schools.

Our bricks need straw. But just when the public is clamoring for straw, Washington asks us to make bricks without clay. This policy undermines public confidence in free public education. How can we make good bricks if our brickmaster tells our customers that he buys his bricks from a competitor who has plenty of straw? Actions like these, actions which subsidize private schools while reducing support for public schools through block grants and voucher systems, do not promote competition but destroy it.

The Reagan administration is proposing a two-tiered education market where the affluent and elite attend one set of schools while those who have the most to learn are consigned to another. A two-tiered education system is not what free public education is about. It is not even what America is about. As a nation, we have labored for over a century to provide equity in education. Now our government says that quality should accrue to the elite while everyone else gets something different.

Educational quality is the issue of the 80's. And if it were not the issue, we would need to make it the issue. But it is the issue because it is being thrust upon us every day. Every day, honest and hypocritical critics alike are holding us responsible for the failure of free public education to achieve the quality of expensive private education. Every day, the public asks why our bricks have no straw. Over and over, the White House says we can improve the quality of our bricks by buying them from our competitors. But even our best critics miss the point: We must have more straw for our bricks.

We happen to have the kind of problem that can be solved by throwing money at it. Reduce the teacher's workload, make individual instruction possible, and the result will be an improvement in educational achievement, student motivation, teachers' vitality, and student deportment. Increase teachers' salaries and the result will be an improvement in the supply of teachers in technical subjects and in the quality of teachers at all levels. There is nothing amazing about what happens when straw is added to bricks.

But straw costs money, and money is something our federal government says it does not have. Yet, while claiming poverty, it proposes to shift funds from the public to the private sector. Then it justifies this creeping socialism in the name of "tax reform" and "stimulating competition." Meanwhile, our government continues to attack us for failing to make improvements that cost money when these are the very improvements that could allow us to become competitive. Such a policy is neither enlightened nor sincere.

As educators, we must remind state and federal legislators that they are responsible for providing straw. We must remind legislators and the public that a two-tiered educational system is not the American plan, but the European plan; and that where it thrives, there also thrives stratification and class struggle along Marxist lines. Equity is still important, but we must remind others and ourselves to add quality to equity. And we must be willing to persuade, cajole, seduce, or compel authorities to give us the necessary resources.

The teacher/student ratio for children with learning disabilities is between 5.5 to 8.5 students per teacher, and this is maintained, by law, to ensure that children with learning disabilities can be all that they can be. Why then do we endure classes of 20, 25, 30, or more children per teacher with those with learning abilities? Do they not also deserve the chance to be all that they can be? Doesn't society deserve the benefit of their achievements?

Education cannot be substantially improved unless government, including the federal government, makes a major new commitment to education—as major as that to defense. Or, as Senator Charles Sumner said it, "Education is a surer defense of liberty than a standing army." My bottom line for defense, as well as for education, continues to be that every child deserves individual instruction. To make good on that or any future, we must have straw for our bricks.

SENATOR JOE BIDEN—PREEMINENTLY A MAN OF CHARACTER

Mr. HOLLINGS. Mr. President, it has been almost 10 years now since one of the most dynamic public servants in the land first took his seat in the U.S. Senate. I speak of JOE BIDEN of Delaware, a man we have all come to admire. We admire him for the incisiveness of his intellect, the candor of his speech, and the courage of his convictions. Working with JOE has to be one of the most refreshing experiences I have ever had the privilege of enjoying. He gets to the heart of problems as quickly as anyone I have ever met, he invariably tells it like it is, and he savors the toughest issues the most.

But if I had to pick out one quality, I would stress that JOE BIDEN is preeminently a man of character. You can see it in his eye, feel it in his presence. It is character fashioned from a close family life in childhood and continuing to this day; and it is character steeled by hard, and tragic, personal experience. The result is an uncommon coupling of intellect and compassion which marks this distinguished Senator as a man with an unbounded future—and a future which I am convinced will be a chapter of its own in our Nation's annals.

This month a major magazine piece about JOE appeared. It is in the June issue of Esquire. While I would not agree with every interpretation given by the article's author, I do think it captures those qualities of character and compassion and intellect to which I earlier alluded. I did not think, before reading this article, that I could possibly admire JOE BIDEN more. Now that I have read it, I do. Mr. President, I ask unanimous consent that Robert Sam Anson's article from the June 1982 issue of Esquire be printed in today's edition of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, AS FOLLOWS:

SENATOR JOE BIDEN IS BACK IN THE RACE

(By Robert Sam Anson)

(No matter how you tell it—that he became one of the youngest senators in history, then suffered an unimaginable tragedy and returned as prime Presidential material—the Joe Biden story must always begin with family.)

It comes back to him now as a kind of dream, a memory of something from a long time ago. He is standing in a hotel ballroom, gilded and high-ceilinged, brass chandeliers hanging down. He sees it clearly: the lights, the cameras, the chaos, the people calling. "Joe!" they are chanting. "We want Joe! We want Joe! We Want Joe!" Neilia is next to him—blond, beautiful Neilia, his friend, his lover, his wife. Baby Caspy is in her arms. The boys, Hunt and Beau, tug at her skirts. And, as the sound wells up, she is smiling. Because it has happened. What everyone said couldn't be done has been done, and the roar that rolls through the Gold Ballroom of the Hotel DuPont in the city of Wilmington this night is the proof. He has become the senator. "Joe! Joe! Joe!" they are chanting, insistent, demanding, "We want Joe!" His mom and dad are there. His sister, Val, is smiling. And, lost in the noise, his brothers, Jimmy and Frank, are laughing. And the people, so many people, all calling for him. He sees himself moving, his arms coming up, stilling the crowd, the room going quiet. "You made it all possible," he hears himself saying. "I promise to do my very best not to let you down." There is a roar and Neilia is with him. He remembers it all. It was November 7, 1972. He was twenty-nine, the second-youngest elected senator in U.S. history. Forty-one days later, his wife and baby were dead.

It is another December, the ninth since what is always called the accident, and once again, winter has come to Wilmington. Outside the big yellow house on Montchan Drive, a Currier & Ives cover of snow blankets the countryside. Within, a fire blazes on the hearth, a dog barks, and children giggle. Christmas is coming; the Senate is in recess; and here, with his family, Joseph

Robinette Biden Jr. is at ease with himself. Superficially, he is still the eager young man who stood in the hotel ballroom nearly a decade ago. The eyes still dance, the arms still pump, the smile still has its crooked curl. But there is a difference. He is older now, more fatalistic. His hair has thinned and his illusions with it. Times change, things happen, but as always, there is family.

There are five of them now: Joe; the boys, now thirteen and twelve; Jill, Joe's wife of five years; and their youngest child, an infant daughter named Ashley. Within minutes live more Bidens: Jean and Joe Senior, the senator's parents; sister Valerie, the manager of his political campaigns; and Frank, the younger of his two brothers and—or so goes the talk in the family—too much like Joe for his own good. Jimmy, Joe's other brother and chief fundraiser, is the sole outsider: he lives in Washington, a fifty-two-cent phone call away.

The Biden clan, at least part of it, will be gathering tonight. That is, if Jilly, as Joe calls her, doesn't brain her husband first. All morning long he's been promising he'll go to the store, and all morning long he's done everything but. He's played racquetball. He's taken Hunt to CYO basketball. He's argued with Beau about football (Beau wants to play; his father, a former safety who still claims "the best hands in Delaware," thinks it's too dangerous). He's phoned Ted Kaufman, his longtime administrative assistant. He's wrestled with the dog. And now, with Ashley slung over his shoulder, he's pacing the living room rug, talking about politics.

Specifically, he is explaining why, despite the protestations of friends and the yearning in his own gut, he will not be running for President. At least, not this time around. Rubbing Ashley on the back, he ticks off the reasons: his youth, his reelection bid in 1984, the issues that claim his attention in the Senate.

He talks on, but the recitation is less than convincing. There is something else, and finally he admits it. "It's family, "Biden says, wheeling around. "I can't do it with the family." He pauses. "It's too soon."

Jill is in the doorway. She is soft and blond and willowy, but there is iron in the lady's voice. "Joe" she commands. The White House will have to wait. The future President is going to the store.

It is a short, slippery ride, and Biden's pedal-to-the-metal style of driving doesn't make it any smoother. Even Bear, lying low in the station wagon's back seat, is whining. Biden takes no notice. Speed is part of his personality. He is—and not just behind the wheel—a young man in a hurry.

It is one of the reasons I am with him. Joe Biden is a comer in the Democratic party, someone who is moving fast—too fast, for some tastes, sliding through the corners, you begin to understand the worries.

We have gone but a mile, and the talk has already switched from Biden's running for President to his being appointed Secretary of State. "I could handle it," he says of the latter; the tone is matter-of-fact. "I mean, I'm not worried whether I'm up to it." He continues chatting casually, telling a story about Helmut Schmidt. The first time they met, Biden relates, the West German chancellor, who prides himself on his English, stumbled over the meaning of the word *seniority* in a reference to Biden's youth. "So I told him," Biden says, "'You've got the *senility* problem, I've got the *seniority* problem.'" Biden laughs. "Schmidt thought it was very funny, The State Department guy who was with us, though, didn't think it was much of a joke." And then he laughs again.

At the supermarket, however, he is simply good old Joe. Most people don't even give him a second look. The few who do call out "Joe, how ya doing?" as they would with a neighbor, not their senator. He answers them in turn.

By the time he gets to the check-out counter, he has greeted half a dozen shoppers by name, asked after their kids, promised two of them he'd see them at mass the next morning, and has said (or been asked) nothing at all about El Salvador or supply-side economics. They can always call if they're interested. His number is right in the book.

He meanders on the way home. The countryside outside Wilmington invites laziness. This is Wyeth country, rolling and unhurried—"a great place to raise kids," Biden calls it. There is a silence; then, once again, Biden begins talking. He is explaining his refusal to live in Washington, and—since it has to do with family, and since this is that time of year again—it is not the easiest of topics. There is also the question of his listener. We have been with each other for some time, and while, in off-the-record moments, he has been startling candid—about himself, about his wives, about a lot of things public people seldom talk about—he is still not sure whether he trusts me. He has been burned by a reporter before. That was years ago, and the interviewer then was, like Neilia, a blonde, and Biden, with his weakness for blondes, told her everything. The result was painful to read.

He had vowed then never to open himself up again, and until now he hasn't. But the Bidens had a family meeting—when big questions are to be decided, the Bidens always have a family meeting—and they decided that, with the proviso that Joe not be required to talk about Neilia, it would be all right. The reasoning was basic: Joe would be a prominent public figure for a long time; he would have to talk, so why not begin now? That one day he would be President was something the family simply assumed.

"So," Joe Biden says to me, keeping his eyes on the road. "Whaddya want to know?"

You begin with family, if only because where Joe Biden is concerned, sooner or later everything comes back to it. They are a tight bunch, the Bidens, tighter even than the typical Irish brood. When they talk about one another, which is most of the time, they use the pronoun we where others use I, as in "We aren't running for President in '84," or, more rarely, "We haven't decided what our position is on that."

The plural is accurate. Decisions are made in common, and have been ever since Joe's childhood. But there are no illusions about democracy in the family. As it did with the Irish kings, primogeniture rules, and Joe, being the oldest, gets, as his brother Jimmy puts it, "the first helping, the biggest slice of the pie." On that, Jimmy adds, raising his right hand, you can have his "word as a Biden," which is something the Bidens say when they're really telling the truth.

Within the family, loyalty is paramount, and the Bidens are forever proclaiming their fealty to one another, often in the most dramatic terms. "Lie down in the street and die for them" is a favorite family expression, and no one who knows the Bidens doubts the sincerity of it. "We saw *The Godfather*," one of the family tells me, "and wept."

It was in this atmosphere that young Joey Biden grew up. Home was a typical split-level, identical to its suburban Wilmington neighbors. His father, Joe Senior, was a genially dapper Chevy salesman and the teller of great tall tales. Mom, as Joe Junior still calls his mother, was the keeper of the family hearth. She was a strong person, and she raised her eldest son to be the same—perhaps too well.

Marty Londergan, who grew up with Joe and played football with him, remembers how it was. Every weekend, Marty says, the fellas from the neighborhood would play two-hand touch against a team from one of the du Pont plants, and every weekend there would be a fight, with Joe Biden right in the middle of it, usually up against someone half again his size. It was, says Marty, his "fast mouth." Finally, the games stopped. No one wanted to play with Biden any more. As Marty puts it: "The guy just wanted to win too much."

It was a trait that came in handy when Joe went out for football at the University of Delaware. He had, as the saying goes, "all the tools" to be a gridiron great. But Joe was distracted. During spring break of his junior year, while on vacation in the Bahamas, he had met a girl from Syracuse University. Her name was Neilia Hunter.

They were the perfect couple. She was green-eyed and blonde; he was dark-haired and dashing. One look, and for Joe Biden there was never anyone else.

He dropped football, spent weekends commuting, and, after graduation, enrolled at Syracuse as a law student to be close to her. It was an idyllic time, a moment for long walks and water-skiing on the lake and planning their life together. Joe talked about the house they would have—an old one, the kind with wide-planked floors and a big tree in the back with a swing for the kids. They had it all figured out: how Joe would run for the Senate; how he'd be in the White House; how, at the age of fifty, he'd retire as Chief Justice of the Supreme Court. They laughed and courted and dreamed. Back, then, everything seemed possible.

In 1966, after three years of steady dating, they married. A year later, fresh from law school, Joe brought Neilia home to Wilmington. He had decided to open a law office. Dave Walsh, a boyhood friend, would be his partner.

They split the practice down the middle—Dave, a tax specialist, taking what he called "the clean cases" while Joe defended the muggers and the robbers. Joe turned out to be an exceptional advocate. Soon the local papers were touting his skills, and not long afterward a delegation of local Republicans came calling, asking him to run for office.

Biden did run—for county council, in an overwhelmingly Republican district—but as a Democrat, and, to the astonishment of nearly everyone, except his family, he won the election handily. The day after the returns came in, he began planning his race for the Senate.

Delaware's senior senator at that time was Republican J. Caleb Boggs, as close to a political institution as the state had ever produced. Congressman for three terms, governor for two, then senator for two, Boggs was charming, cuddly, and beloved. He knew, it was said, the first names and birthdays of everyone in the state. He sent each of them a card at Christmas. And nobody didn't like him—certainly not Joe Biden. It has been kindly Cale Boggs who had once offered Joe an appointment to Annapolis.

But Boggs was getting old; he would be sixty-nine at the end of another term. As Biden saw it, Boggs was also getting tired.

Boggs himself seemed less than eager for a fight. Around the state, rumor had it that he really wanted to retire and gladly would have, had Richard Nixon not called and personally asked him to run. On these slender reeds, Joseph Biden, at the age of twenty-nine, set out to erect a senatorial campaign.

The immediate problem was recognition. Outside of Biden's own political district, virtually no one in Delaware had ever heard of him. The solution was a series of "coffees," hour-long chats with folks in their homes, at a rate of four, five, and six a day, seven days a week.

Overseeing the operation was Mom, who was appointed "coffee chairman." Valerie, the campaign chairman, directed overall strategy and tactics. One of her first moves, undertaken a year before election day, at a time when her brother was still an asterisk in the polls, was to rent the grand ballroom of the Hotel DuPont for a "victory celebration." Whatever resources the Biden family lacked, confidence was not one of them.

Meanwhile, battalions of high school students were recruited as volunteers. Their primary task was manning "lit drops": the distribution, by hand (there being no money to pay for postage), of brochures to every home in Delaware. Seven times during the campaign, the volunteers papered the state, the last during the predawn hours of election day itself. As the volunteers fanned out, the professionals moved in: Pat Caddell, then twenty-one, to handle polling and, from Boston, thirty-one-year-old John Marttila to oversee advertising and brochures. Getting the money to pay for it fell to Jimmy, all of twenty-two.

Few people in Delaware took them seriously, least of all Boggs. He campaigned as he always had, a majestic ship of state sailing serenely along, unconcerned by the flotsam, and jetsam bobbing in its wake. But a leak had sprung beneath the waterline. It wasn't apparent at first.

As late as Labor Day, just nine weeks before the election, Biden's own polls showed him with just 19 percent of the vote. The mood, however, was turning. Week by week, the polls inched upward. By mid-October, what had begun as the most ludicrous of long shots had now become merely impossible—and was racing toward the highly improbable. All at once, the closed doors Jimmy had sat in front of for days at a time began to open a crack.

Late, too late, Boggs realized what was happening. "Joe," He said, smiling wanly, at one of their debates, "sometimes I wish you had taken the appointment to the Naval Academy." By election eve, Caddell's polls showed the race dead even.

The seventh of November in Delaware dawned clear and sunny: Democrat weather—the turnout would be heavy. Biden voted early, then went to his headquarters to talk to Val and the volunteers. Spirits were up, but Biden cautious. Laughingly, Val shooed him away. He went home, played with the kids, then went into the yard to throw the football with a member of his staff. The passes were on target, but Biden kept dropping them. His fingers were itching, he explained. For some reason, they did that before every big play. Now they were itching like crazy.

At the Hotel DuPont that night, the police had to barricade the streets. By the hundreds they had come—kids, most of them—from all over the state. They stood there in the cold for hours, yelling their lungs out, chanting again and again and again. Upstairs in his suite, Joe Biden took the concession call from Boggs and then began to cry, "I didn't want to hurt him," he said. "I didn't want to do that."

The margin had been just three thousand votes, less than one percent. But it didn't matter. Overnight, Joe Biden was a political sensation from coast to coast, and big things were being predicted for him: a Cabinet post, the Vice-Presidency, the White House even. It was bound to happen. He was the ideal candidate, with the ideal family and the ideal wife. He had the magic. It was fated.

The afternoon of December 18, 1972, was a blustery one in Wilmington, cold air blowing from the north. Joe was in Washington, looking over office space and interviewing prospective staff. Neilia had planned to go with him, but at the last minute she had changed her mind. With Joe's victory and the house they were fixing up—the old one, with the wideplanked floors and the swing, just as Joe had promised—there were things to attend to. She had spent the morning doing errands, including picking up the family Christmas tree. Now, at midafternoon, she was driving home. The children were with her; the Christmas tree was in the back. At a certain point in the road, the car in front of her stopped at an intersection. The first car moved off and, apparently without looking, Neilia did the same—directly into the path of a heavily loaded truck. Neilia and the baby, whom they called Caspy because she looked like the friendly ghost, were killed instantly. The two boys were seriously injured. And Joe Biden, the young senator with such a bright future, has never been quite the same.

In the space of my time with him, I had come to know these things about Joe Biden, and some other things as well. I had talked to his friends, to Jean and Joe and Jimmy and Val, to the people who worked for him and the people who'd been bruised by him. I had rounded up all the usual suspects. And still there were questions outstanding.

There was, for one, the matter of his record in the Senate. It was, to say the least, uneven. That he was a savvy, even savage, debater, there seemed to be no doubt; even his enemies—of which there was no shortage—could credit him with that. He was quick on his feet and nimble with his questions. He went to the heart, he pointed the way, he cut through the crap. And yet, and yet . . .

He had, in nine years, pushed through no major piece of legislation. He had been the leader of no big movement. He had not, if the truth be told, really left a mark, only glimmerings of what one could be. What he had done, and all too well, was confuse people. For every liberal act—his opposition to the Vietnam War, his horror over El Salvador, his grilling of the CIA—there seemed to be an equal and opposite conservative act—opposing busing, cutting off federal funds for abortion, beefing up the defense budget. Questioned, he would make sense of everything, go through his record item by item, saying how it all came down to family. Families had to be protected against things like busing and abortion. He didn't want the CIA snooping on *his* family. He didn't want *his* sons fighting in some foreign war. "Blood of my blood," he would say. "Bone of my bone. It's thick. It runs deep."

What was harder to rationalize, what still troubled, was attitude.

He had the reputation, deserved or not, of being—and there was only one way to describe it—a smart ass. That's what they said in Washington, and they pointed to his handling of the confirmation of William Clark as a prime example.

A former California judge, Clark had virtually no foreign-policy experience when Ronald Reagan named him Deputy Secretary of State early in the new administration. This made him red meat for Biden. During the confirmation hearings, Biden, sensing a kill, asked him to name the prime minister of South Africa. Clark couldn't. Well, Biden went on as the television cameras rolled: "How about the prime minister of Zimbabwe?" Clark, who subsequently has become the President's national security adviser, couldn't do that either. Biden smirked. It was like watching someone pull the legs off a fly.

Then there was the matter of his mouth. It had a way of moving when it should have been keeping still, as in his declaration, shortly after coming to town, that he would not be "just one of one hundred who vote: I want to be one of those guys who change people's minds." The other ninety nine who voted felt the same way, the difference was, they didn't say so. Nor did they answer, as Joe Biden did, when asked their reaction when anyone suggested they run for President. "I write his name down." And certainly they didn't interrupt themselves in the midst of solemn committee hearings, as he had, to cheerfully admit, as he did, "Obviously, I don't know what the hell I'm talking about."

Candor like that frightened people, especially when they were on the receiving end of it. Dale Bumpers was once at that receiving end during Biden's performance at a Cook County, Illinois, Democratic dinner, where they were both featured speakers. The hall had been packed with party faithful, and the distinguished senator from Arkansas had delivered a suitably frothy peroration, crediting those present with a host of imagined virtues. Then Biden had gotten up. "Can we have the house lights?" he had asked. A moment later the lights had come up and Biden, grinning mischievously, had looked out over the expectant throng. "Now," he had said, "I want everyone who believes what Dale Bumpers said about them to raise his hand."

There were other things that were said about Biden: That he was a clock watcher. That he got easily bored ("the attention span of a gnat," said one reporter who covered him). That he had problems with staff. That he talked too much. That he popped off. That he didn't do his homework. That he was, as Gary Hart, his rival from Colorado, put it, a "buzz-saw," all noise and bite.

The plain fact was, Joe Biden scared people. There was about him an intensity of the kind Robert Kennedy possessed, a sense that somewhere behind those cool blue eyes a panther was on the loose and that if you made a false step, it would be clawing at your throat.

I personally witnessed the panther in action. The occasion was a getting-to-know-you cocktail party of Young Democrats in Miami, and Biden was the star attraction. The evening had gone well, but on the way out Biden was accosted by one of the guests, who demanded to know his position on Nicaragua. Before Biden had a chance to tell him, the guest, a not-so-young, and very fat, Democrat, told him his. The Sandinistas were all Reds, the fat man said, and they always had been. He knew this, he went on, because his friends, the exiled supporters of Anastasio Somoza, had told him so. At the mention of Somoza's name, Biden's eyes narrowed. "Your *friends*," he hissed, jab-

bing his finger into the fat man's chest, "are the ——— of ——— who murdered the Nicaraguan people, and I have no ——— sympathy for them." With that, Biden spun on his heel and stalked off.

All of this had been churning around in my mind for some time, and the more it churned, the more it worried. Finally, during an airplane ride, I asked Biden about it. To my surprise, he admitted it: yes, he said, a lot of the charges were true—or, at least, had been true once. He paused, as if reflecting. "You know," he added finally, "a lot of that was first-term stuff."

He didn't say more, nor did he have to. First-term. When the wounds were their freshest.

He had nearly not gone to Congress at all. After the accident, he moved into the hospital to be with Hunt and Beau and stayed there more than a month. The rare times he ventured out, it was to walk the streets of Wilmington at night, "looking," as Jimmy, who often walked with him, put it, "for a fight." Sometime during that period, he decided not to take his seat. "They can always get another senator," he said, "but my boys cannot get another father." Eventually, Mike Mansfied, then the Senate majority leader, persuaded him to change his mind, and Biden took his oath at his boys' bedside. But the joy had gone out of him.

For two years he drifted. Mansfield tried to busy him, arranging his appointment to a plum Senate committee, the Steering Committee, and from there Biden was able to get on any committees he wanted: Judiciary, Foreign Relations, Budget, Intelligence. Older members, like Fritz Hollings and Stuart Symington, took him under their wings. Hubert Humphrey came to his office and wept with him. Teddy and Joan had him out to the house. Nothing seemed to work. Joe Biden, as the saying went on the East Side of Wilmington, had "a whole world of hurt."

In the Senate, he merely went through the motions. What little energy he had was devoted almost entirely to constituent service, back to Delaware and home. The rest got only his worst. "I don't need this job," he'd say, and, then, inevitably, there'd be an incident. Usually, it was with the people he needed the most: his colleagues, his contributors, the big interests. The more they could damage him, the more he dared them. Once, an official of a union that had been one of his campaign's most important financial backers came into his office and insisted he had to see him. Biden, who had been meeting with a group of schoolchildren, came out and took the official aside. "How much did your union give me? Two thousand dollars, right?" Biden asked. The union man nodded. "You take that two thousand dollars," he said, "and stick it up your ——— . I'll never ask you for a goddamn dime."

Increasingly, his family feared for him. "Joe," said Jimmy, "just didn't give a damn. He didn't give a damn about anything." Beau and Hunt were the sole exceptions. Val had moved in after the accident and become their functional mother, but Joe was home with them every night. And every night it would be the same. He'd come home bone tired, kissing his sleeping sons, then go into his study and close the door. In the morning, they'd often find him still sitting there, staring at the wall.

Finally, it passed. There wasn't a morning when he suddenly woke up and said, "I'm better now," or a fatherly priest who took a walk with him. All that happened was that time went by and the space between depressions got wider—that, and Jill.

They started going out seven years ago. At the time, Jill, the daughter of a Philadelphia banker, was finishing college at Delaware. As a favor to a friend, she modeled for a promotional picture. It was that picture of her, in the Wilmington airport, that first attracted Biden's attention. He tracked her down, announced himself on the phone, and asked for a date. That she did not seem awed by a senator's call impressed him. That he did not try for a kiss when he took her home that night impressed her. Two years went by. People started noticing changes in Biden. He softened. He took more interest in his work. He stopped looking for fights. Then one morning while Biden was shaving, Beau and Hunt came into the bathroom. "Tell him, Beau," Hunt urged. So Beau did. "Daddy," he announced, "we've decided we should marry Jill."

Saturday night in the Biden house, and Mom and Dad are getting ready to go out. Beau is negotiating the evening's television schedule with his father. There is a program he wants to watch, beyond the usual bedtime, and Joe, opposed to television of all sorts, is adamant against it. In a wide-eyed, wheedling way, Beau is equally persistent for it. They banter, as if haggling over the fine points of a Senate bill, then Beau offers a compromise. He'll trade off Disney tomorrow for the program tonight. "Deal," his father says, and they shake. Kisses all around. As Jill goes out the door, the boys call after her: "Good night, Mom. Have a good time."

We drive to Val's, pause while Biden helps push a car out of a snowbank, then head for a favored Italian roadhouse called Hugo's. There is a noticeable stirring as we walk in. People whisper to one another; someone points. Gradually, it dawns. The commotion is not about Biden; in the full-length fur Jill is wearing tonight, she looks especially stunning.

The evening passes over pizza; pizza and lasagna and linguine and antipasto enough to feed the carabinieri. Joe is stationed at one end of the table; Val, his prettier, skinnier clone, at the other. In between, the in-laws and friends are arrayed, each fighting to get a word into the conversation. You have to be quick in this group: the chatter is nonstop. Val mimics Joe and teases him; he teases her right back. She imitates his ditsy dates; he skewers her beaus. The talk about grade school, high school, college; the priests, the nuns, the friends. "Do you remember the time . . . ?" she says. Yes, he remembers the time, does she remember the other time? And, of course, she does, because the story's been told a thousand times. But that doesn't make it any less funny or less worth repeating a thousand times more. And so it goes for hours. Long past midnight, the table is still hooting.

When it ends, the bar is empty. The Bidens have cleaned the place out. A last straggler catches up to him at the door. "Say, you're the Senator, aren't you?" Biden admits it. The stranger smiles. "I just want to be here the next time you're back. You guys were great." Outside, the sky over the parking lot is ablaze with stars. Looking up, Joe Biden reaches out and pulls his wife close.

It is another night, and we are on a plane going somewhere. On the tray table in front of him the senator is working on a speech. He gives a lot of them these days, and as his 1984 reelection bid approaches, he'll be giving more. He is good on the stump, forceful and dramatic, and people like to hear him. Tomorrow, it will be a convention of auto workers in Florida; two days later, a foreign-policy speech in California; the week before, it was a Jewish group in Texas. The trips are part of a plan, and it leads inexorably in one direction.

Steadily he works at the draft, crossing out a phrase here, inserting a word there. As he does, he silently mouths the sentences, trying to catch their cadence. Satisfied, he pushes the papers aside, sips a Coke—the strongest drink he allows himself—and leans back. We begin to talk.

I have come to like him and he knows it. He is a difficult, imperfect man, still not fully finished, and he knows that, too. "I've not done enough," he says. "I've not followed through enough. All I've done is say the emperor has no clothes. Hell, anyone knows that." But there is time. As we sit there, gossiping about Washington, the Presidential election of 1988 is still 2,130 days off, give or take a time zone or two. Something about him makes you know that he'll be ready.

Biden tells a joke—as usual, a self-deprecating one. It involves the one time an airplane was held for him. "So I get up there to the gate, huffing and puffing, and I ask the guy, 'Has the plane left?' And he says, 'No, we're holding it for the senator.' 'I'm the senator,' I tell him. ——— the guy says. 'I thought we were holding it for Hugh Scott.' " He laughs at himself and rubs the bridge of his nose. It is late and he is tired. But despite the hour, his tie is fully knotted, and the suit with the old-fashioned handkerchief peeking out of the breast pocket still has its press. "Discipline," he explains, and knowing him, you believe it.

A hundred miles pass in silence. The plane begins heading down. "What will happen to you?" I ask. "You mean the President thing?" he replies. "No," I answer, "just you." He stares out the window a moment. Then, almost more to himself than to me, he says quietly: "Things happen. It's like they have to. And you wonder whether they will ever end. But it'll turn out all right. I know that." He looks back and smiles. "There'll be a happy ending," he says. "Word as a Biden?" I ask. "Word as a Biden," he answers.

THE FREEZE REFERENDUM IN RHODE ISLAND

Mr. PELL. Mr. President, as the first U.S. Senator to support the freeze proposal, in November 1981, and as a cosponsor of the Kennedy-Hatfield resolution calling for an immediate freeze to be followed by substantial reductions of nuclear weapons, I am delighted that my home State of Rhode Island will have a freeze referendum on the ballot in November.

Like many Americans, Rhode Islanders are deeply concerned about a nuclear war between the United States and the Soviet Union. In recent months, I have received a very large number of letters from the citizens of Rhode Island expressing genuine fear about nuclear war. A great number of these were from young people—from students in grade schools, high schools, and colleges—who realize that their future and the future of their children and grandchildren are at stake.

In testimony before the Foreign Relations Committee last November, Gen. David C. Jones, Chairman of the Joint Chiefs of Staff, told me that an all-out nuclear war "would be the greatest catastrophe in history by many orders of magnitude." Unless we act now in cooperation with the Soviet Union, a renewed arms race could lead to this catastrophe that we all want so desperately to avoid.

It is clear that Americans are coming to view the freeze as an important first step in curbing the nuclear arms race. There are organized efforts on behalf of the freeze in 50 States and more than 279 House districts. One hundred thirty-eight city councils across the United States and 8 State legislatures have passed resolutions in support of the freeze. In New England, alone, profreeze resolutions have been passed at 388 town meetings. Earlier this year, the Rhode Island House of Representatives passed a nuclear freeze resolution introduced by Representatives John D. Hamilton of South Kingstown.

The bill to place a nuclear freeze referendum on the ballot in Rhode Island was sponsored in the House by Representative Hamilton and championed in the Senate by Senators William C. O'Neill of Narragansett and Edward C. Marth of Richmond. As a result of their dedicated efforts and the outstanding leadership of Senate Majority Leader Rocco A. Quattrocchi of Providence, the bill was passed by the Rhode Island Legislature and sent to Gov. J. Joseph Garrahy, a strong supporter of the nuclear freeze proposal, for his signature. Governor Garrahy's support of the freeze referendum was vital to the bill's passage.

Thanks to the commitment of Governor Garrahy and these key legislators, Rhode Islanders will have an opportunity to vote on the question: "Should the President of the United States propose to the Soviet Union an immediate, mutual and verifiable freeze on the production and deployment of nuclear weapons and of new systems designed primarily to deliver such weapons as a first step in reducing the world-wide levels of nuclear armaments?" This question is of vital importance, not only to this generation, but to future generations as well. I know that Rhode Islanders will readily register their opinions and fulfill their moral responsibility to act now to prevent a nuclar holocaust which, in the words of Jonathan Schell in his book, "Fate of the Earth," would "create an abyss in which all human purposes would be drowned for all time."

LOSS OF GIOVANNI FOLCARELLI

Mr. PELL. Mr. President, Rhode Island has lost a colorful, dedicated, and valued citizen, and I have lost a friend. Giovanni Folcarelli, one of Rhode Island's most influential labor leaders for more than a decade, died on Wednesday, May 26, 1982.

John was in his mid-50's when he was fatally stricken, but his energy and his spirit had already assured him of a full and fulfilling life. John earned a well-deserved reputation as a man of his word, who was often impassioned by his work.

During the 1970's, John forged Rhode Island's largest public employee union, Council 94 of the American Federation of State, County, and Municipal Employees. He served, during that decade, as executive director of the council.

As executive director, he hammered out the complex labor agreement that now covers 11,000 State workers—almost half of the State work force—in 1980. After the conclusion of the 1980 negotiations he became a management consultant.

A native Rhode Islander, John was educated in Providence schools and graduated from Boston College in 1950. He received his law degree from the Boston College Law School in 1952 and started practicing labor law. He then went to work for my predecessor, the late Senator Theodore Francis Green.

It was during this period that John's lifelong interest in politics began to grow. After leaving the Senator, he worked as special counsel for the Attorney General's Office and, in the mid-1960's, served as Rhode Island's Lieutenant Governor.

John's work, including the union he forged, lives after him but he will be sorely missed. I grieve with and for his parents, wife, and family. There are many accounts of his contributions to Rhode Island, but I would like to share two of them with my colleagues.

I ask unanimous consent that articles from the Evening Bulletin of May 27, 1982, and the Providence Journal of May 28, 1982, be printed in the RECORD.

The articles follow:

[From the Journal-Bulletin, May 27, 1982]

A MIGHTY LABORER FOR UNION IS MOURNED

(By Berkley Hudson)

The friends of a man they called Papa John talked yesterday about the big, balding man with the double chin who once led the state's biggest union.

Giovanni Folcarelli died at the age of 55 Wednesday. That day, as he drove along a road in Scituate, heading across state to a labor negotiation session in Bristol, he apparently had a heart attack and his car ran off the road.

Yesterday, in the headquarters of the union organization he helped shape in the 1970s, the friends of Papa John remembered him.

"I have seen him actually cry," Richard DeOrsey said. "Tears come from his eyes, when someone told John a serious problem they had, some guy who maybe lost his brother, mother, wife or father.

"And I would see him actually want to crush somebody because he felt so strongly for his people."

His people were the 14,000 members of Council 94 of the American Federation of State, County and Municipal Employees in Rhode Island: sewer workers, clerks, state hospital workers and bus drivers from Woonsocket to Newport.

"If you called him at 2 o'clock in the morning," DeOrsey said, "he would get out of bed and help you. He was a very passionate kind of person."

Folcarelli was 6 feet tall and weighed 250 to 265 pounds. His capacity for feelings was equally big.

His ideals about fighting for the working man and woman stemmed from his upbringing in Providence by a father he called "a simple millworker" and a mother he said was "a saint."

He was slow to anger, his friends said, but once angered, you knew it. Critics viewed the displays of anger as buffoonery. A mixture of legend and fact tell of his chasing school superintendents around a room and threatening to literally turn over a negotiating table.

But in all-night negotiating sessions, his friends said, he provided the force for unpublicized compromises that gave state workers excellent contracts.

Once, when he was head of Council 94, a judge sent him to jail for an hour when he led Pawtucket city workers on strike. Twice he led strikes at the state hospitals in Cranston and twice the governor called out National Guard troops to intervene.

"There isn't one ----ing labor leader that paid the dues I paid. And I paid them. Heavy prices," Folcarelli said two years ago. "I must have almost got killed 12 times."

He ran unsuccessfully as an unendorsed Democratic candidate for governor in 1976. But before the height of his union days, he was the state's lieutenant governor as a Democrat under Republican John Chafee in the 1960s.

The decade before, after earning a law degree in 1952 from Boston College, he practiced law and then went to work for the late Sen. Theodore Francis Green.

"If he were still executive director, this place would be packed with people today," said DeOrsey, who is now executive director of Council 94.

As he spoke, he sat in a wood-paneled office where Folcarelli presided until he resigned the union post in 1980. Even though Folcarelli had been gone two years, phone calls poured in at the concrete-block building in North Providence.

Ethel Flynn took the calls about the man who was her boss. Callers wanted to know what happened to the man whose big belly shook when he laughed, the man who smoked cigars.

A call came from a union man, a friend from Washington, and she told him:

"He had lost 40 pounds. . . . Two of his sons are married and the other two are at home. . . . Yeah, he left here in 1980 . . . went to work for Henry Marzilli, a labor consultant. . . . Maybe three months ago, John left and opened up a business in his home. . . .

"I'll let Jane know you called. . . . It's Chopmist Hill Road, Scituate, Rhode Island 02857," she said, referring to his widow, Jane Walsh Folcarelli, and giving the family address.

"The last time I say him was Jan. 11 when he came to my mother's wake in Scituate at

Winfield Funeral Home . . . the same place he is going to be 'waked'. . . ."

This afternoon, tonight and tomorrow—in the village of North Scituate across town from where John Folcarelli lived the last 27 years of his life at Ridgeview Farm—mourners will come to a funeral home in a white wood-frame building dating back to before the American Revolution.

Governors, street sweepers and secretaries no doubt will tell one another what they thought of Folcarelli.

Here is what he said of himself two years ago when in a surprise move he left the union to become a consultant for the other side—management:

"I have been a controversial figure all my life. There is only one person I have to account to . . . that is the guy upstairs. Personally I don't give a —— what they are gonna say.

"As long as I can satisfy the Lord when I finally cash in my chips, He is the only one I am worried about."

[From the Evening Bulletin, May 27, 1982]

FLAGS ORDERED AT HALF STAFF FOR GIOVANNI FOLCARELLI, A TOP STATE LABOR LEADER

(By Peter G. Gosselin)

Giovanni Folcarelli, for more than a decade one of Rhode Island's most powerful labor leaders, died of an apparent massive heart attack late yesterday while on his way to labor negotiations in Bristol. He was the husband of Jane (Walsh) Folcarelli.

Mr. Folcarelli, 56, of Ridgeview Farm, Scituate, was alone in his car, which was eastbound on Route 14 near Route 116 in Scituate, when he was stricken shortly after 4 p.m., according to State Police. His car crossed the center line and the westbound lanes, climbed a small embankment and struck a fencepost and a tree, police said.

He was taken to Rhode Island Hospital, where he was pronounced dead at 5:42 p.m.

Governor Garrahy, who ordered state flags to be flown at half staff, praised Mr. Folcarelli today as "a most respected voice for the working men and women of Rhode Island." He said, "I knew him as a man whose word was his reputation. He was a decent and honest man."

Mr. Folcarelli, a bulky man who was affectionately known to supporters as "Papa John," forged Rhode Island's largest public employee union, the 15,000-member Council 94 of the American Federation of State, County and Municipal Employees, from feuding union factions during the 1970s. In the process, he managed to command the respect of both labor and management officials.

"The people of Rhode Island have lost a good, dedicated, honest man," said Angelo P. Azzinaro, the top labor negotiator for the state. "I always found him to be an honest and sincere man. When he gave you his word, he stuck by it."

"Anything that public employees got, they owe to John Folcarelli," said J. Thomas Chellel, the council's current president. "What can I say? He fought for our rights."

Mr. Folcarelli's negotiating style, as the council's executive director, was an amalgam of table-thumping and cajoling, bellowing and pleading, according to those who knew him. It won council members some of the most lucrative contracts in the state.

He hammered out the complex labor agreement that now covers 11,000 state workers—almost half of the state workforce—in 1980. The state and the union have just started bargaining on a pact to replace the agreement, which expires in June.

He left the council immediately after the conclusion of the 1980 negotiations, citing the need for rest, and switched sides, becoming a representative for management as a consultant. He was on his way to Bristol to represent Roger Williams College in a negotiating session with the college's clerical and technical workers' union when he was stricken.

In a newspaper interview at the time he became a management consultant, he explained the move:

"If people say that I have sold out, let me say one thing: I am not concerned. I have paid my dues. . . . I have been a controversial figure all my life and there's only one person I have to account to. That's the guy upstairs."

Besides his career as a labor leader, he harbored a strong—and largely unfulfilled—interest in electoral politics.

He ran unsuccessfully as a Democratic candidate for state Senate from Johnston at the age of 22 in the late 1940s. He said he first entered the race "because the party boss told me I couldn't."

He went to work for the late U.S. Sen. Theodore Francis Green in the mid-1950s and became convinced of the ideal of "honest public service" in government on behalf of the average working man and woman.

His only successful attempt at public office came in 1964 when he was elected lieutenant governor. He lost his reelection bid two years later, in part because he publicly supported a threatened illegal strike by state workers.

He was chairman of the Democratic Town Committee in Scituate, where he lived, for 16 years until 1972. He belonged to too many other political organizations.

Mr. Folcarelli was educated in Providence schools, graduating from Central High School in 1944. He received a bachelor's degree from Boston College in 1950 and a law degree from the Boston College Law School in 1952.

He practiced labor law before going to work for Senator Green. After leaving the Senator, he worked as a special counsel for the Attorney General's Office and did legal work for several unions.

Mr. Folcarelli twice sought and lost the presidency of the Rhode Island AFL-CIO. Although out of union affairs for several years at the time of his death, he was widely reported to be considering a comeback in some position.

He was an Army Air Force veteran of World War II.

He was born in Providence, a son of Thommaso Folcarelli and Francisca (Damato) Folcarelli, both of Johnston, and lived in Scituate for 27 years. Besides his wife and parents, he is survived by four sons, John Folcarelli of New York City, Michael and Joseph Folcarelli of Scituate and Thomas Folcarelli of Newport; a sister, Mrs. Anna Caracciolo of Johnston, and two brothers, Louis Folcarelli of Johnson and Anthony Folcarelli of Fresno, Calif.

The funeral will be held Saturday at 10:45 a.m. from the Winfield Funeral Home, Route 116, North Scituate Village, with a Mass of Christan Burial at noon in St. Joseph's Church, Main Street, North Scituate. Burial will be in St. Ann's Cemetery, Cranston.

Mr. ZORINSKY. Mr. President, F. Scott Fitzgerald once termed youth "a form of chemical madness." I'd like to draw my colleagues' attention to a group of young people from my hometown of Omaha who perhaps could change Fitzgerald's opinion were he around to meet them.

I refer, Mr. President, to the members of the Omaha Area Youth Symphony, the most experienced of the two Omaha Area Youth Orchestras. Seventy-seven symphony members, ranging in age from 13 to 18, will be in the Nation's Capital this weekend as the first stop in an East Coast tour that has been in the planning stages many months.

Purpose of the tour is to expose the highly proficient youth symphony to a larger audience and to allow the young people to hear groups like the St. Paul Chamber Orchestra, currently performing at Washington's Kennedy Center. A highlight will come Sunday, when the youth symphony is tentatively scheduled to play for the American Symphony Orchestra League at the Shoreham Hotel. By coincidence, the league is holding its annual conference in Washington at this time.

Mr. President, these 77 young people, who must survive rigorous competitions to be included in the symphony, are traveling here at their own expense. Together, they raised $45,000 to finance their trip, which also will include stops in Philadelphia and New York. They have been planning and raising money for the tour since September, with events including flea markets, raffles, benefit concerts, and a 24-hour "playathon" in Omaha.

Mr. President, by combining artistic talents with the ingenuity needed to make their trip a reality, the members of the Omaha Area Youth Symphony are a shining example to us all. Their dedication and zeal, as evidenced by their presence here this weekend, is deserving of our highest accolades. I know my colleagues will want to join me in congratulating these young people and in wishing them well during their stay in the Nation's Capital.

NATIONAL FIRE WEATHER SERVICE

Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I am pleased to present to the Senate a concurrent resolution (H. 3749) adopted by the South Carolina General Assembly on April 23, 1982. This resolution calls upon the Congress to maintain the National Fire Weather Service funding at the 1982 level.

Representative Carnell has drafted an excellent resolution that draws our attention to a critical situation. We have a drastic situation in the fire weather program as President Reagan's budget would reduce the present

level of 71 positions and $2,700,000 by 24 positions and $800,000.

As the ranking minority member of the subcommittee that controls the funding of the National Oceanic Atmospheric Administration, which operates the five weather programs, I can assure my colleagues on the general assembly that we fully share their concerns. We recognize the impact that the proposed reduction will have on those who maintain our forests, which this resolution particularly notes.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, the proposed federal budget for fiscal year 1982–83 calls for a drastic reduction in the National Weather Service budget for fire weather services; and

Whereas, the reduction of $800,000 and twenty-three positions is proposed from the budget of $2,700,000 and seventy-one positions in the fiscal year 1981–82 budget; and

Whereas, several fire weather offices are scheduled to close, mobile unit service will be cut back and prescribed burning forecasts will be eliminated; and

Whereas, it is in the national interest to continue full funding of the fire weather program, because reduction or elimination in fire weather funding or facilities increases the risk of loss of valuable natural resources, improvements, and even lives; and

Whereas, the South Carolina Forestry Commission receives a fire weather forecast each morning and an updated forecast each afternoon, with these forecasts being relayed to all forestry district offices and lookout towers in the State making this information available to all landowners and forestry personnel; and

Whereas, the State, federal agencies, industry and private landowners depend heavily on these reports to conduct fire prevention programs, fire suppression activities, prescribed burning, and smoke management; and

Whereas, the safety of forest fire fighters depends on accurate, current fire weather forecasting and the capability to receive immediate warnings when weather conditions will cause a going fire to change direction or behave erratically, now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States is memorialized to maintain the National Fire Weather Service funding at the 1982 level to protect the nations forests, a valuable natural resource, and also to protect real property and the lives of citizens by controlling and reducing loss of fire, be it further

Resolved, That copies of this resolution be forwarded to each member of the Congress of the United States representing South Carolina.

Mr. THURMOND. Mr. President, the National Fire Weather Service provides up-to-the-minute forecasts on weather conditions affecting the risk of uncontrolled forest fires. State and local authorities, as well as private industry and individuals, have come to rely on these forecasts for the vital information they provide.

Unfortunately, the proposed fiscal year 1983 budget submitted to Congress recommended substantial reductions in funding for this service. Responding to this proposed curtailment in Federal funds, the South Carolina General Assembly adopted a concurrent resolution, H. 3749, memorializing Congress to maintain the level of funding provided for this service in fiscal year 1982. Mr. President, I join with my distinguished colleague, Senator HOLLINGS, in bringing this concurrent resolution to the attention of our Senate colleagues and in requesting most careful consideration of the recommendations contained therein.

WALTER J. BROWN, PRESIDENT OF SPARTAN RADIOCASTING CO., 1981 SILVER MEDAL AWARD WINNER

Mr. THURMOND. Mr. President, I take great pleasure in recognizing the achievements of one of South Carolina's premier broadcasting leaders, Mr. Walter J. Brown, president of the Spartan Radiocasting Co. in Spartanburg, S.C., who recently was honored with the 1981 Silver Medal Award of the Advertising Federation of Greenville, S.C.

Mr. Brown has truly made a historic impact on the broadcast industry in our State, with countless accomplishments which have been greatly beneficial to this ever-changing business. He is a renowned pioneer in broadcasting, with such accomplishments as organizing the first radio station in South Carolina, WSPA-AM in Spartanburg. Eventually, WSPA introduced the first frequency modulated station in the State, WSPA-FM, and was the first station in the Southeast to broadcast in stereo. Later, WSPA-TV came into existence, and is now one of the leading television stations in the State.

South Carolina is proud of this man of great vision. The broadcast industry in South Carolina owes Walter J. Brown a great debt of gratitude for his keen foresight, his leadership, and his never-ending dedication and commitment to the communications industry.

Walter Brown has served his country well in several capacities. He was special assistant to the late James F. Byrnes, after Byrnes resigned from the Supreme Court to become Director of War Mobilization during World War II. Walter Brown continued to serve as an assistant to Mr. Byrnes while he was Secretary of State during the Roosevelt administration. Mr. Brown was a distinguished member of the American delegation to the historic Potsdam Conference, a representative of the United States on Communique Committee, and a member of the U.S. delegation to the First Conference on Foreign Ministers in London.

Mr. President, Walter Brown has been a close friend and adviser of mine for about half of my life, and I am especially proud of the invaluable service that he has rendered throughout his lifetime to his community, State, and Nation.

Mr. President, in order to share with my colleagues some of the numerous achievements of this outstanding man, I ask unanimous consent that a biographical synopsis of Mr. Brown's career, compiled by the Advertising Federation of Greenville, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WALTER J. BROWN, HONORED BY ADVERTISING FEDERATION OF GREENVILLE, APRIL 19, 1982

For his contributions to the community, the State of South Carolina and the advertising industry, the Advertising Federation of Greenville proudly presents the 1981 Silver Medal Award to Walter J. Brown, President of The Spartan Radiocasting Company. Mr. Brown is the 22nd recipient of this coveted award and he joins a select group of hard-working, dedicated people whose achievements have surpassed the call to duty.

Mr. Brown is well known not only in South Carolina but throughout the nation, as a pioneer in broadcasting. Until 1940 he managed his own Washington news bureau, which served southern newspapers, primarily in the Carolinas. He was a member of the Press Gallery, U.S. Capitol and White House Correspondents Association; and covered Capitol Hill, the White House, courts, executive departments and regulatory agencies. In 1940 he moved to Spartanburg to become vice president and general manager of the Spartanburg Advertising Company, licensee of W-O-R-D, and subsequently owner of W-S-P-A.

During World War II, Mr. Brown returned to Washington to serve as special assistant to James F. Byrnes, who had just resigned from the Supreme Court at President Roosevelt's request to become Director of War Mobilization with offices in the east wing of the White House. He subsequently served as assistant to Mr. Byrnes while he was Secretary of State. Mr. Brown was a member of the American delegation to the Potsdam Conference and representative of the United States on Communique Committee. He was also a member of the U.S. Delegation to the First Conference of Foreign Ministers in London.

In 1947, Mr. Brown organized The Spartan Radiocasting Company, which now owns and operates WSPA-AM-FM-TV in Spartanburg and W-T-W-A and WTHO-FM in Thomson, Georgia. WSPA-AM was South Carolina's first radio station. In 1946, WSPA-FM became the first frequency modulated station in the state, and in 1961 WSPA-FM became the first station to broadcast in stereo in the southeast. After the FCC granted The Spartan Radiocasting Company's petition to move VHF Channel 7 from Columbia to Spartanburg, the company was granted a license for WSPA-TV—which went on the air April 29, 1956. On February 5, 1982, Mr. Brown opened the new Greenville offices of WSPA in the Hyatt Complex in order "to better serve our viewers and clients in Greenville."

Mr. Brown is a past president of the South Carolina Broadcasters Association and the Spartanburg Chamber of Commerce and also a past trustee of the Spartanburg County Foundation. He presently serves as a member of the Converse College Board of Trustees. He is a member of Spartanburg Rotary Club. Mr. Brown has received many awards in the past few years: in 1975 he was named to the South Carolina Broadcasters Hall of Fame; in 1979 was recipient of the "Citizen of the Year" award by the Kiwanis Club of Spartanburg; and in 1981 received the "Native Son Award" given by the Elberton County, Georgia, Chamber of Commerce.

A native of Bowman, Georgia, this year's recipient is a graduate to Tech High School, attended Georgia Tech and the Henry W. Grady School of Journalism of the University of Georgia. Mr. Brown is married to the former Ann Chadeayne Tindale of Hartsdale, N.Y. Mr. Brown has two sons: Tom Watson Brown of Atlanta, and James Byrnes Brown of Greenville.

Congratulations go out to Walter J. Brown from the entire Advertising Federation of Greenville for a lifetime of service spent in upholding the traditions of the entire broadcasting system and in the achievement of community ideals.

ALABAMA SCHOLAR-ATHLETES AWARDS

Mr. HEFLIN. Mr. President, I recently had the honor and privilege of attending the third annual high school scholar-athlete awards dinner hosted by the Alabama chapter of the National Football Foundation and Hall of Fame.

All too often, we hear and read too little about the achievements of the youth of our country and too much about the wrong-doing of a very small percentage of young people. For that reason, I found this evening particularly refreshing, talking and meeting with the young people who were honored that night.

The evening was filled with honorees and award winners. Dr. Boyd McWhorter, athletic commissioner of the Southeastern Conference, was cited for his contribution to amateur football. Mrs. Ralph Jordan, widow of the great, longtime football coach at Auburn University, accepted recognition on behalf of her late husband, who will be inducted into the National Football Hall of Fame in December, and I was honored to receive the chapter's Distinguished American award.

Without a doubt, however, the real honorees that evening were the high school scholar-athletes. Coaches and principals of about 450 Alabama high schools with football programs had each nominated their school's candidate as finest scholar-athlete. Eliminations on the district level trimmed this number to the 35 who distinguished this evening.

Jake Reiss of Birmingham, president of the Alabama chapter, gave some interesting statistics concerning the winners: 32 of the 35 made all-star teams, and 5 of them were named as high school All-Americans. Eight of them are class valedictorians, and five more salutatorians. Four had perfect 4.0 averages and, collectively, they are presidents of 63 organizations.

Of the 35, 4 received the additional honor of being recognized as the overall winner of each of the State's four competitive classes. Mr. President, I ask unanimous consent that the names of these 4, and the other 31 honorees, be listed here.

Class 1A—David Thaxton, Hazelwood High School of Town Creek;

Class 2A—David Vinson, Red Bay;

Class 3A—Jon Hand, Sylacauga; and

Class 4A—David (Hoss) Johnson, Butler High of Huntsville.

L. Scott Atkins, Tuscaloosa; Randy Baxter, Vinegar Bend; Timothy Floyd Bishop, Boaz; Gregory William Bryant, Anniston; Todd Burkhalter, Leeds; Keith Clark, Huntsville; Todd Dillashaw, Cullman; Ronald Dorsey, Brantley; Robert Dowling, Opp; Bill Flowers, Prattville; Steven Grant, Robertsdale; Brent Hicks, Headland; Roderick Earl James, Birmingham; Richard Alan Kean, Montgomery; James A. Lockett, Jr., Tuscumbia; Donnie Ray Moore, Talladega; Murphy Mullican, Double Springs; Donald Wayne Murphy, Jr., Auburn; John Nunley, Hazel Green; Richard O'Hare, Birmingham; Edward Pappanastos, Montgomery; Jeff Parks, Gardendale; Gray Phillips, Rockford; Scott Pugh, Guin; Llevelyn D. Rhone, Greensboro; Donny Schiesz, Mobile; James Vincent Volturno, Gurley; Christopher Thomas Ward, Huntsville; Patrick Washington, Mobile; Craig Yokley, Birmingham; James Franklin Zumstein, Ariton; Steve Whitehead, Fairhope.

Congratulations to all of these fine young men. They are an inspiration to each of us.

Thank you, Mr. President.

RELEASE LECH WALESA

Mr. JACKSON. Mr. President, in my remarks at the International Solidarity Day rally in Washington, D.C. on January 30 this year, I emphasized that "No solution to Poland's problems is possible without the full participation of Solidarity." I still believe this, all the more, as I watch the continuing civil unrest and the foundering of the Polish economy.

A recent editorial in the Washington Post makes this point:

> The authorities now know that Mr. Walesa's participation in a political dialogue with them is critical to their hopes of avoiding the sort of total breakdown that could yet precipitate a direct Soviet intervention, and of moving the nation toward some minimal measure of civil peace. The latter in turn is vital to the government's attempts to revive the still-desperate Polish economy.

The truth is that the military junta cannot govern Poland without Lech Walesa. This requires first, his release from captivity, second, the freeing of the others arrested in December, third, the ending of martial law, and fourth, the resumption of negotiations with Solidarity.

Mr. President, I ask unanimous consent that the text of the Washington Post editorial be printed at this point in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 6, 1982]

FREE LECH WALESA

"Free Lech Walesa" read the protest signs still occasionally seen in Poland. But Solidarity's leader remains a prisoner, no less so far the fact that the physical conditions of his captivity are not severe—though he has just been moved far from Warsaw and his family—and that the misleading and pretty words "detained" and "interned" are often applied to him. Almost six months after martial law was imposed, he is still being held without charges and without visible prospects for release.

Mr. Walesa may be out of sight but, as those protest signs and much else indicate, he is not out of the minds of the people of Poland. The Communist authorities, whose pretensions to legitimacy he completely shredded, could not rule with him. They are finding now that they cannot rule without him. They cannot even do the one thing you would think they could do most easily—impose order. Street demonstrations and even a mini general strike have taken place since December. Underground Solidarity leaders grant interviews to the Western press. The authorities do not dare to take strict Soviet-type measures to ensure that these things do not happen again.

Most important, the authorities now know that Mr. Walesa's participation in a political dialogue with them is critical to their hopes of avoiding the sort of total breakdown that could yet precipitate a direct Soviet intervention, and of moving the nation toward some minimal measure of civil peace. The latter in turn is vital to the government's attempts to revive the still-desperate Polish economy.

Mr. Walesa, isolated but cool, is aware of his bargaining position. He is insisting that all others arrested in December be freed before he is freed—a tactic that has already helped return thousands of prisoners to their homes. He is also insisting that, in any talks that he joins with the government and the Catholic Church, his advisers take part with him—a demand meant to combat the government's effort to fragment Solidarity. All the evidence suggests that he remains a moderate, eager to carry his mass constituency into a workable compromise with the government. For the radicalization and cynicism that have unquestionably overtaken some parts of that constituency, the government, not Mr. Walesa, is entirely responsible.

The crucial element of Mr. Walesa's strength is his position in his country. But the support he receives in the West is very relevant and useful. The West has more or less given him its proxy: the economic sanctions imposed in January will not be lifted until the authorities allow him to resume a role consistent with his popular standing. Until now, at least, the bottom line of the West's collective policy, as ragged as it has

sometimes appeared, has been: Free Lech Walesa.

In his current trip in Europe, President Reagan will be hearing various appeals to go back to business as usual with Poland. The basic argument is familiar: to continue withholding debt renegotiation, new credits and normal trade is to hurt the Polish people in the name of putting pressure on the Polish government, and to force Warsaw to shrink its ties with the West to the point that it will become irreversibly reliant on Moscow. Sanctions, in short, hurt the wrong party and they backfire: they don't work.

Conceivably there may come a time when that will turn out to be true, but that time has not yet arrived. The sanctions are working in the sense that, six months into martial law, they constitute one of the principal factors forcing the regime of Gen. Jaruzelski to continue to consider relaxing martial law. Significantly, though Solidarity was suspended on Dec. 13, it has yet to be banned. A realistic observer would have to say that it could still go either way. But as long as it could still go Solidarity's way, it would be a political and moral disaster for the West to take the lever of the sanctions out of Lech Walesa's hands.

Some Polish officials suggest it is unrealistic to expect a Communist regime to let Mr. Walesa back on the stage. It would be even more unrealistic for the regime to expect to run Poland its way without him.

TRIBUTE TO DR. LOUIS ARMSTRONG

Mr. HEFLIN. Mr. President, I rise to pay tribute to a man who had a tremendous impact on my home State of Alabama, Dr. Louis E. Armstrong, who passed away on April 9 of this year. "Doc," as his friends knew him, was a remarkable individual who devoted his entire professional career to the education of our young people. Dr. Armstrong was not an educator in the ordinary sense of the word. He was a leader and innovator in the field of secondary education, a man constantly seeking better ideas and methods to prepare students to inherit their future.

Dr. Armstrong had a long and distinguished career in education, spanning more than 30 years. Dr. Armstrong had his greatest impact on education when he served as headmaster of the Indian Springs School, in Helena, Ala., from 1952 to 1972. Under Dr. Armstrong's leadership, Indian Springs gained a national reputation as a leading boys preparatory school. Dr. Armstrong took the initiative in making Indian Springs a school that was always moving forward, experimenting with learning techniques, curriculum requirements, and more reponsive student-faculty government. This willingness to innovate, to create a unique environment in which to learn, was the mark of a truly great teacher and administrator.

To his friends, his colleagues, his students and his family, Dr. Armstrong was a unique, lasting influence. He was philosopher at heart—a man who saw the central struggle for humankind to be one to preserve freedom, to recognize the incalculable value of human worth and dignity. For a professional lifetime he strove to apply this strong belief in the beauty of the human spirit to the rigors of educational excellence. He succeeded beyond measure. Those who knew and loved him in life will cherish his memory. His endeavors in the field of education will endure so long as there are students preparing to move mankind forward to a better world.

An example of the high esteem in which "Doc" Armstrong was held by his colleagues, peers, and students, alike, is exemplified by the eulogy delivered by Rev. Grady W. Richardson of the class of 1957 of Indian Springs School.

Mr. President, I ask unanimous consent to have printed in the RECORD the prayer delivered by Rev. Grady W. Richardson at the funeral of Dr. Louis E. Armstrong, April 9, 1982.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO "DOC"

(Delivered by the Rev. Grady W. Richardson, ISS '57, at the funeral of Dr. Louis E. Armstrong, April 9, 1982.)

"No man is an island, entire of itself . . ." Probably the only words that many of us can recall from any sermon are these preached by an Anglican priest named John Donne almost three hundred and fifty years ago. And if your memory is really good, you will recall that farther into the body of this famous elegy, John Donne talks about the family of mankind as being like a great continent—and when the death of a person occurs, it is as if a piece of that continent is broken off into the sea, with the result that the size of the continent is that much the less. Therefore, Donne said, because I myself am a part of that great continent called mankind, "any man's death diminishes me."

If we might take the liberty today of extending John Donne's famous analogy a bit farther: if we are indeed part of a great continent by virtue of our humanity—we would have to say that during this past week our continent lost a greater than usual chunk in the passing of Louis E. Armstrong. "Doc," as all of us are aware, was a big man in every sense of the word. From his appearance, to what he thought, and taught, and did, Doc simply was no "ordinary person." He cast a long shadow on all of us who had the opportunity, in any capacity, of knowing, or working with him, or even being the beneficiaries of his philosophy of education as all of us who emerged from Indian Springs School have in some way been. Most of us are familiar with Doc's many achievements in his profession—and for whatever we may think about "the Springs" at this point, we realize that that place was—and still is, I suspect—the very incarnation of Louis E. Armstrong. Indian Springs was his "opus magna"—it bears his indelible, inimitable imprint; and though some of us may not care to admit it, so do we. For four years, and forever after, Doc touched our lives in a way that few people—save our own parents or spouses—ever will.

I don't think I ever fully appreciated Doc until I finally became an adult myself, and realized that he embodied what is to me, at least, the most important standard of maturity: and that is, the consistency—the continuity—between what he "preached," if you will, and who he was. There was absolutely nothing phoney, or wishy-washy, or inconsistent about Doc; he was one of those rare individuals who possessed the confidence, courage, and compassion to really practice what he preached and professed. When Doc stressed the importance of the individual, he really meant it. He was one of the most caring, actively compassionate people I have ever known. When Doc announced the death of Dr. Charlie Bryan at the first Town Meeting in the Fall of 1954, that was the first time I had ever seen a grown man cry. I saw Doc cry several times after that—and from this big man with a big, big heart, I learned that there is nothing at all weak or unmanly about demonstrating that love and respect he taught us to have for one another. There was no discrepancy between what Doc taught and who he was—and in his personal example as well as his philosophy of education, Doc has left us a great, great legacy.

The education world, Doc's family, and you and I are—to use John Donne's expression, "diminished," by Doc's death. Our continent has lost a great chunk in the passing from the human scene of this great man. I never heard Doc talk much about "religion" in the sense that we preachers talk about God, Jesus, the Holy Spirit, and what not—but there is no doubt that Doc was an intensely "religious" person in the sense that he glorified the best in God's Creation. It's not exactly fashionable to call one a "humanist" these days—but that, I think, is what Doc was: a humanist, in the best and healthiest sense of the word—for he taught and manifested in himself those God-like qualities that only we humans can have and develop.

I think you will hear this borne out much more eloquently than I have in a selection of writings by Dr. Armstrong that his family has asked that I share with you at this time. He writes:

"The image of God in man is clear. Man does not have to accept himself or his surroundings as they are; he holds it in his power to change both.

"The freedom to fashion and refashion ourselves is the divine spark of the human spirit. It is the source of our dreams and purposes, of our sense of awe and wonder. From the freedom to fashion and refashion ourselves we have contrived the way of science—the modern witchery—a method of inventing. Possessed of it, with despair challenging hope, we struggle desperately to use it as an instrument of constructive change. Always there is the vision of a brave new world, and always the vision is haunted by the dim sound of the breakers dashing on the rocks ahead. Hope is justified so long as the ideal of freedom—of human worth and dignity—is alive. This ideal, though it has suffered many cruel distortions, is yet a hidden, driving force, haunting men and challenging them to the fulfillment of unrealized dreams."

And also:

"Grow with joy whenever possible but with pain when necessary. Live life in the depths rather than in the shallows, and live a life that reflects ultimate rather than temporary concerns. Live in the depths because it is only in the depths that human beings find the kind of hope that cannot be destroyed and the truth upon which life and death are built. It is only in the depths that

human beings find forgiveness for what has passed and courage for what is to come."

And finally:

"To live serenely and yet dynamically in the midst of explosive change, turmoil, strife, and tragedy is a difficult art for both the young and the old. The rules are exacting: determine what your values are and live by them; keep your face open to all men; fight for the life of your mind as you would for your body; teach yourself to see that truth is beauty, love is harmony, and that evil comes from losing them. Strive continuously to keep your senses open to beauty, your heart to hope, your mind to truth. Do your best to love life in all its forms and the earth itself in humility, respect and wonder."

Such words were of and were Louis E. Armstrong. Our own lives will ever experience their effect. Amen.

WE SHOULD SUPPORT ISRAEL

Mr. DECONCINI. Mr. President, the United Nations has accused the Israelis of aggression because of their attack on Palestinian Liberation Organization strongholds in southern Lebanon. This is yet another example of the hypocrisy of the United Nations which has issued no condemnation of PLO shellings of Israel's northern settlements and no condemnation of PLO assassination attempts.

Every nation has a right to defend itself. It is that right which Israel is exercising in southern Lebanon. It is ludicrous to suggest that Israel is attacking a sovereign nation. There is very little reality to Lebanon as a political entity. Internal collapse together with the presence of Syrian troops have made Lebanon little more than a base of operations for an international terrorist organization that should be eliminated. The terrorists of the PLO have no legitimate existence. Any sympathies or rights that might have accrued to them have been dissipated by their repeated barbarism and international banditry. In an earlier day, Mr. President, the nations of the world would have coalesced to eradicate them as they did the Barbary Coast pirates.

There is no question that the American people and the American Government are sympathetic to the legitimate rights of the Palestinian people. We are. But that sympathy and that desire to find a workable solution to their problems and needs does not extend to the PLO which I believe does not represent the true feelings of the Palestinians. Rather, the aspirations of those men and women are being used and exploited by a dangerous and unscrupulous group of political opportunitists led by Mr. Arafat.

Unfortunately, however, the PLO has been afforded a mantle of legitimacy through the continued cynicism of the United Nations. Thus, the international community as represented by that organization has gone on record in favor of assassination and murder for a variety of reasons too complex to detail here, but rich in Machiavellian maneuvering.

The challenge for the international community and, most especially, American foreign policy is to find a way of ridding Lebanon of these criminals. Indeed, rather than condemn Israel we should congratulate her for undertaking a task that needs to be done. I am sure that any rational person is well aware of the simple fact that there will be no peace in the Middle East as long as the PLO and its related organizations are permitted and given safe haven.

In the view of this Senator, Mr. President, Israel is not the aggressor in the present conflict. They are the victim—the repeated victim of savage and cruel attacks on innocent women and children. American policy has worked to restrain Israel from retaliating, and thus we must bear some responsibility for the unnecessary deaths that might have been prevented had Israel acted sooner.

It is bad enough that the nations of the United Nations can and do engage in unrelenting duplicity. Let us be careful not to fall into that same trap. The interest of the United States in this international mess is on the side of reason and responsibility, not unrestrained terrorism. We should support Israel. Any talk by any member of the administration about cutting off arms shipments in retaliation should be ended immediately. Indeed, I would be willing to introduce legislation to prevent such an embargo, and I am sure a majority of my colleagues would as well.

American policy should be clear: evict Syria and the PLO from Lebanon. If this requires the use of force by Israel, we should support Israel's action and not become enmeshed in hypocritical rhetoric. We cannot ask—we should not ask—the Israeli Government to stand idly by while their people are being shelled and murdered by PLO guns sitting across the border in Lebanon.

The use of force should always be a last resort. The Israelis have showed, I believe, remarkable restraint and patience in their efforts to silence the PLO guns in Lebanon. But there comes a point when peaceful persuasion must be replaced by action. Israel has legitimately reached that point. Surely, the United States would do no less if our citizens were being daily bombarded from across the border.

FEDERAL COURT JURISDICTION

Mr. HEFLIN. Mr. President, in the March 16, 1982, RECORD, my colleague, the distinguished senior Senator of North Carolina discussed his disagreement with the position taken by the American Bar Association on the issue of congressional limitations of Federal court jurisdiction. At that time, he inserted into the RECORD, a column by William F. Buckley on the subject, Mr. Buckley's column concerned a letter he had received from David R. Brink, president of the ABA, responding to an earlier Buckley column which mentioned Mr. Brink and the ABA's position on the issue.

As my colleagues are aware, this issue of restricting the jurisdiction of the Federal courts is complex, and is one over which there is wide disagreement as to constitutionality and policy implications. The Conference of State Chief Justices, American College of Trial Lawyers, Federal Bar Association, National Bar Association, Women's Bar Association of the District of Columbia, and a majority of State and numerous local bar associations share the concerns expressed by the American Bar Association, and have gone on record opposing selective legislative limitations of Federal court jurisdiction in constitutional cases.

Mr. President, because of the importance of this issue, I believe it would be helpful to have a complete record of the exchange between Mr. Buckley and Mr. Brink available to every Member of the Senate. I, therefore, ask unanimous consent to have printed in the RECORD the three remaining items in that exchange: The original column by Mr. Buckley entitled "Supreme Court Usurps Legislative Powers"; ABA President Brink's February 10, 1982 response to that column; and the March 24, 1982, letter from Mr. Brink responding to the Buckley column which Senator HELMS inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Newark Star-Ledger, Feb. 4, 1982]

SUPREME COURT USURPS LEGISLATIVE POWERS

(By William Budsley)

What two things happened on Sept. 25, 1789? Give up?

President George Washington signed the Judiciary Act. And the Senate approved the Bill of Rights. And why is this important? Because it has got into the head of people who should know better, most conspicuously Mr. David Brink, the new president of the American Bar Association, that it is both un-American and unconstitutional to propose that Congress look into the merits of redefining the Supreme Court's jurisdiction.

What is significant about the coincidence is that the two principal drafters of the Judiciary Bill (indeed, the original of the bill survives, in their handwriting), Sens. Oliver Ellsworth and William Paterson, were altogether clear about what Congress' rights would continue to be. The Constitution had only recently been adopted. Article II, Section 2, provides: "The Supreme Court shall have appellate jurisdiction, both as the law and fact, with such exceptions and under such regulations as the Congress shall make."

Just what did the Framers mean by those words, asked a querulous delegate during the debate over ratification in the Virginia

assembly. He was set right as to their meaning by no less than John Marshall, whom custom acknowledges as a supreme interpreter of the Constitution. Said Marshall:

"What is the meaning of the term exceptions? . . . Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact . . . of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people."

The Bill of Rights, after all, is to a substantial extent a recitation of the rights of American citizens up against criminal charges. Yet the same Congress that passed the Judiciary Act passed the Bill of Rights. "The Fourth Amendment," C. Dickerman Williams, the legal scholar, summarizes in an essay on "Congress and the Supreme Court" (in the current issue of National Review) "protects against unreasonable searches and seizures; the Fifth protects against compulsory self-incrimination; the Sixth assures the right of counsel; and the Eighth protects against cruel and unusual punishment."

Now what is significant here is that the Judiciary Act did not give to the Supreme Court appellate jurisdiction in any criminal case. This was not done until 1891.

Over and over again, the Supreme Court declined to hear an appeal on the basis of its having been denied jurisdiction in the 1789 Act. For instance poor Mr. Plumer, sentenced to hang in 1859, attempted to break through to the court by charging a writ of error by the trial court, but the court ruled nothing doing, reiterating that there was no appellate jurisdiction in criminal cases and that that had "for too long been acquiesced in as sound expositions of the Judiciary Act to be changed without an act of Congress.

Nor is this only ancient lore. Professor Herbert Wechsler, Harland Fiske Stone Professor of Constitutional Law at Columbia, addressed the issue back when there was all the fighting about limitation in the 60s, and he concluded ruefully (as a political liberal): "I see no basis for the view (that the exceptions clause has a narrow meaning, not including cases of constitutional dimension) and think it antithetical to the plan of the Constitution for the courts."

We live in a time when Professor Herrick's forecast, made at the time Justice Brandeis was appointed, has come true: "The Supreme Court has become the real law-creating body of our government." But it is also true that the Constitution decrees that "all legislative powers hereby granted are vested in the Congress."

What has happened is that the Supreme Court has been accepted as a final conscience of the nation. But that is usurpation. It may suit the new president of the Bar Association to transfer power from Congress to the courts. But it did not suit the Framers, and with all due respect, David Brink's quarrel is with them, not with those in Congress who insist that that power (which should be used only with great care) is still alive.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., February 10, 1982.

Mr. WM. F. BUCKLEY, Jr.,
Universal Press Syndicate,
Fairway, Kans.

DEAR MR. BUCKLEY: Someone has just sent me your recent column on congressional limitation of federal court jurisdiction which mentions me and presents your point of view on that subject. The newspaper carrying your piece captioned it "The Constitution Limits the Court", although it might better have been entitled "Selective Readings in Constitutional Law."

You begin your piece by saying that I believe it is "un-American and unconstitutional to propose that Congress look into the merits of redefining the Supreme Court's jurisdiction." Of course, I have never suggested that anything Congress may be doing is "un-American." Further, what I really urge is that we all, Congress included, look into the question with great care, and that we consider all the pertinent evidence and not just selected portions.

But certain members of Congress are doing a great deal more than simply looking into the question. They are sponsoring bills to strip the federal courts of jurisdiction or limit remedies in a number of constitutional areas. These happen to be areas in which they, and I believe you, are in sharp disagreement with constitutional interpretations by the branch of federal government to which constitutional interpretation was entrusted by our Constitution, namely, abortion, prayer in public schools, and busing and other means of school desegregation. Unfortunately, once that practice is begun, there is no way of stopping it. Neither the proponents nor you, I believe, would favor stripping the federal courts of power to protect for example, our First Amendment rights of free speech, free assembly or the free exercise of religion. However, if the theory of these bills were sound, all rights to be heard on constitutional rights in the federal courts could be stripped away by future Congresses. Since that would destroy the framers' plan for our federal government, they surely did not intend that theory.

The admitted purpose of the present bills in Congress to strip the federal courts of power to protect constitutional rights in these selected areas or to limit remedies is to change the existing constitutional law in those areas. When such an intent is expressed or implied, or when such an effect is produced, Congress deprives our citizens of life, liberty, or property without due process of law in contravention of the Fifth Amendment and, probably, the equal protection clause. Congress has no power to do either, because it cannot, in the guise of limiting jurisdiction, confer on itself other powers that are expressly denied it by the Constitution and Bill of Rights. The exceptions clause has to be read in light of the Bill of Rights which became effective in 1791. If it is, the bills now in Congress become unconstitutional.

In reviewing the history of confrontations between the legislative and the judicial branches, I find little support for your statement that "the entire government of the United States proceeded with exactly that understanding [that Congress has unfettered power to withdraw jurisdiction from the Supreme Court] in mind." In fact, the only attempt by Congress to limit federal court jurisdiction as a means of changing a substantive judicial interpretation of the Constitution, of which I am aware, was held unconstitutional in *U.S.* v. *Klein,* 80 U.S. 128, 147 (1871). And in the many past instances in which such a remedy for judicial interpretation was proposed in Congress, the Congress invariably declined to adopt the proposal and, in the process, stated that its understanding was that the Constitution would be subverted by the proposal.

Of such proposals, Republican Senator Wiley said the following: "If we begin taking jurisdiction from the Court whenever its decisions are unpopular, our property and civil rights would soon be in jeopardy." He later said: "This legislation violently tampers with the basic law of the land as established by the Founding Fathers. It goes to the heart of our most cherished liberties. Its consequences will undoubtedly be frighteningly unwise and can be fatal to the inherent structure of American Government." Senator Morse said that such proposals are "attempts on the part of Congress to supersede the U.S. Supreme Court and to change our Government from one of three coordinate, coequal branches of government into a government of legislative supremacy." Senator Langer said that efforts at jurisdictional limitation "will encourage other legislation which will weaken the jurisdiction of the Supreme Court to which the people look as the guardian of our constitutional guaranties." Senator Mondale said "If statutory efforts to alter constitutional rights and remedies could be made successful merely by reciting the word 'jurisdiction' the Congress could overrule any court decision, and the Constitution would be just a piece of paper."

These are but a few out of many examples of the recognition by members of Congress that, contrary to your statement, it may not, and should not, use the exceptions clause as a means of altering the Constitution. Many statements of the framers and our past Presidents, beginning with George Washington, are in accord. They emphasize that the constitutional means of achieving the result intended by the proponents of the present bills is by amendment of the Constitution. To paraphrase your article, your quarrel is with both past Congresses and the framers.

I hope that the Congress will continue its long past tradition and avoid a constitutional crisis that would be the most serious since our Civil War. In the resolution of a new civil war among the branches of government, Congress—and all of us—would be the losers. At the end of your piece, you suggest that Congress should exercise whatever power it has to withdraw jurisdiction in constitutional cases "only with great care." If "care" implies wisdom, legality and prudence, that means "not at all."

Sincerely yours,

DAVID R. BRINK.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., March 24, 1982.

Mr. WILLIAM F. BUCKLEY, Jr.,
Editor, National Review,
New York, N.Y.

DEAR MR. BUCKLEY: Your second column on attempts by Congress to withdraw from the federal courts the power to hear cases or grant remedies, which you forwarded recently, charges me with using "apocalyptic" prose. From the tone of your piece, I assume that you use that term "apocalyptic" in its secondary sense of forecasting doom or disaster, rather than in its primary sense of being divinely revealed. The underlying problem, of course, is to recognize an apocalypse when one sees it.

Basically you argue that desegregation, abortion and prayer in schools are matters of legislative policy, and, therefore, that only the legislature should have anything to say about them. No one would quarrel with the power of state legislatures, state executives, and, in appropriate cases, members of the executive and legislative branches of federal government, to initiate policy on these or other public issues. But if, as you

seem to suggest, the final determination of the constitutionality of implementation of such policies rested solely in the judgment of Congress, we would have a purely central parliamentary system of government—something quite foreign to the tripartite system set forth explicitly in the written Constitution that is the supreme law of our unique democracy. The interpretation of the Constitution, and the power to test the actions of the executive and legislative branches against it, have always been vested in the judicial branch of government. That principle was confirmed by Chief Justice Marshall, whom you have cited previously with approval, at the very beginning of our republic, and it has been recognized uniformly ever since.

The apocalypse is that if Congress could withdraw the power of the courts to give constitutional review to policy determinations of the executive and legislative branches on these particular social issues, as to which you and some members of Congress feel very strongly, this or future Congresses could keep withdrawing that power in other cases—even the First Amendment—until it is gone. Then, in truth, we would have a central parliamentary system with no enforceable written Constitution. We would have no federal judiciary, and very possibly no state judiciary, to protect the rights all of us hold under our Constitution.

You say that the Supreme Court has made mistakes and cite, first, the case involving deportation of Japanese-Americans during World War II, and, second, the case involving American slaveowners who brought their slaves to free states before the Civil war. Those cases do nothing to help your argument.

For the *Korematsu* decision (1944) was one in which the Supreme Court upheld the right of the executive to issue an order, moving Japanese-Americans from an area of the west coast, for violation of which Congress had enacted a penalty. Hence it is an instance of the Supreme Court's doing exactly what you would want it to do—sustaining policies of the executive and legislative branches—even though such policies, using hindsight, proved mistaken. Can you really have it both ways?

The second decision you describe, is, I believe, the *Dred Scott* case (1857). There the Court held that a slave, traveling with his master into free territories, was not thereby emancipated. Abraham Lincoln was very much distressed by this decision of the Supreme Court of a century and a quarter ago. Yet he said: "We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution." The *Dred Scott* case, and the outcome of the civil War, in fact led to adoption, in 1865, of the Thirteenth amendment, abolishing slavery.

And, of course, it is precisely the process of amendment of the Constitution that the American Bar Association advocates for remedy of any social ills perceived under our existing Constitution as interpreted by the branch of government to which its interpretation has been committed. That process involves the Congress, the states and, ultimately, the people. It cannot be effected, indirectly, by the process you propose—a simple majority vote of Congress alone. An attempt by Congress to eliminate the Constitution, interpreted by the courts, as the ultimate test of American policy *is* the apocalypse, Mr. Buckley.

I hardly expected you to accept Walter Mondale as the sole witness in favor of Congress' inability to bypass the Supreme Court, and, in my earlier letter, I also quoted various Republican Senators to the same effect. Mr. Mondale is perfectly capable of dealing with your exaggerated characterization of his policies, should he care to do so. But I would not suppose that you would deny the conservative credentials of Senator Goldwater, who, with reference to these very bills in Congress, recently expressed to the Senate grave doubt that Congress, by withdrawing jurisdiction, "can accomplish . . . actions affecting constitutional rights which it could not achieve directly." Senator Goldwater pointed out that it would be unwise policy for Congress to ignore the fact that it is limited in its legislative power by, among other things, the Bill of Rights. And it is attempts by Congress to ignore the rights possessed by our citizens under constitutional interpretations of the Bill of Rights that do threaten the apocalypse.

Sincerely yours,

DAVID R. BRINK.

THE TAX LIMITATION/BALANCED BUDGET—SENATE JOINT RESOLUTION 58

Mr. DECONCINI. Mr. President, a national poll has confirmed that 79 percent of the American public favors the tax limitation/balanced budget amendment, Senate Joint Resolution 58, soon to be debated and voted on by this body.

Even more significant for those of my colleagues who are facing reelection this year is the finding that 73 percent of the voters said they would be more likely to vote for a candidate who supported the amendment. Included in this 73 percent was an unusually high percentage of 45 percent who would much more likely vote for a proamendment candidate. Only 6 percent said they would much less likely support a proamendment candidate.

Mr. President, the people clearly want a tax limitation/balanced budget amendment. The perilous economic condition of the Nation warrants it. The Congress, struggling as never before with the budget process, clearly needs it. The time is now and the opportunity is here for us to take action to control Government spending and taxing.

I ask unanimous consent to insert in the RECORD a news release of the National Tax Limitation Committee and the findings of the survey conducted by Market Opinion Research of Detroit, Mich.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAX LIMITATION/BALANCED BUDGET AMENDMENT OVERWHELMINGLY FAVORED BY VOTERS, NATIONAL POLL REVEALS

WASHINGTON, D.C., June 3, 1982.—Nearly 80 percent of the American public favors Congressional passage of the Tax Limitation/Balanced Budget Amendment, according to the results of a national poll released today The National Tax Limitation Committee (NTLC) and conducted by Market Opinion Research of Detroit, Michigan.

Lewis K. Uhler, president of the NTLC, the 600,000 member bipartisan grassroots lobby that spearheaded the introduction of the amendment in Congress, announced that 79 percent of voters, in all income, educational and geographic categories surveyed, gave an affirmative response to the question, "Do you generally favor or oppose an amendment that would require Congress to plan a balanced budget each year?" 59 percent responded they would strongly favor such an amendment, while only 8 percent very strongly opposed.

A total of 73 percent answered affirmatively to the question, "Do you generally favor or oppose an amendment that would limit the amount of money that Congress could spend each year?" 54 percent supported such a provision very strongly vs. 10 percent very strongly opposed.

A total of 73 percent of voters also said they would be likely to vote for a proamendment candidate in Congressional elections, in response to the question, "Would you be more or less likely to vote for a candidate for Congress if you learned that he or she supported a constitutional amendment requiring Congress to plan a balanced budget each year?" Included among the 73 percent who would likely support proamendment candidates are 45 percent who would much more likely vote for that candidate, while only 6 percent would much less likely support him or her in an election.

Commenting on the significance of the poll, Fred Steeper, vice president of Market Opinion Research, said:

"It shows a non-partisan consensus that cuts across all groups. There are few dissenters from this consensus in any of the categories represented—economic, political, racial, geographical, educational or otherwise. This is one of the few widely debated issues of our day which does not polarize people.

"Another dramatic indication of amendment acceptance is the intensity of support vs. opposition in this study. On each of the three questions, strong public agreement with the amendment outranks strong opposition by a majority of at least 5-to-1.

Finally, it strongly suggests that this could be a significant political issue in the fall if two opposing candidates choose to take sides on the issue," Steeper concluded.

Senate debate on the Tax Limitation/Balanced Budget Amendment is expected to commence within the next two weeks, according to the NTLC. Presently, the Senate version (SJR 58) has 57 cosponsors and needs 67 votes to ensure passage.

"It appears that the American people are even more frustrated than formerly over the breakdown of the budget process and the ever-increasing deficit," Uhler said. "This is the kind of overwhelming response that shows if people could vote directly on the amendment right now, the issue would never be in doubt."

MARKET OPINION RESEARCH

HERE ARE SOME AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES THAT HAVE BEEN PROPOSED BY VARIOUS PEOPLE AND ORGANIZATIONS. FOR EACH ONE, PLEASE TELL ME IF YOU GENERALLY FAVOR OR OPPOSE ADDING SUCH AN AMENDMENT TO OUR CONSTITUTION

[In percent]

	Party identification				Regions							
	Total	Republican	Independent	Democrat	New England	Mid-Atlantic	East North Central	West North Central	Border	Deep South	Mountain	Pacific
Total (percent)	100	100	100	100	100	100	100	100	100	100	100	100
Number of cases	1,503	334	626	535	83	857	275	114	112	380	75	208
An amendment that would require Congress to plan a balanced budget each year:												
Very strongly favor	59	65	61	53	57	50	63	64	59	62	63	54
Not too strongly favor	20	21	17	23	22	24	21	14	17	19	17	20
Neither (vol.)	1	1	1	1	1	1	.....	1	.....	1	.....	1
Not too strongly oppose	7	7	8	7	9	7	4	8	9	6	10	11
Very strongly oppose	8	5	9	10	8	14	8	7	5	7	7	9
Undecided	4	1	4	7	3	3	3	6	10	5	2	4
PDI [1]	+63	+73	+62	+58	+62	+54	+72	+63	+63	+68	+63	+53
An amendment that would limit the amount of money that Congress could spend each year:												
Very strongly favor	54	55	58	50	48	52	60	48	48	57	63	49
Not too strongly favor	19	20	17	21	26	22	18	16	18	18	19	16
Neither (vol.)	2	2	1	2	.....	2	2	.....	2	2	.....	2
Not too strongly oppose	10	10	9	12	15	9	5	16	17	9	7	13
Very strongly oppose	10	9	10	10	8	10	10	12	8	8	4	15
Undecided	6	4	5	7	3	4	6	7	6	6	7	5
PDI [1]	+53	+56	+55	+49	+51	+54	+63	+37	+41	+57	+72	+37

[1] PDI: Percentage difference index = percent favor minus percent oppose.

[In percent]

	Education				Income		
	Less than high school	High school vocational	Some college	College graduate	Under $15,000	$15,000 to $30,000	$30,000 plus
Total (percent)	100	100	100	100	100	100	100
Number of cases	224	579	359	338	435	589	356
An amendment that would require Congress to plan a balanced budget each year (percent):							
Very strongly favor	49	64	63	53	57	60	61
Not too strongly favor	28	21	17	17	23	18	18
Neither (vol.)	.....	1	1	1	([2])	([2])	1
Not too strongly oppose	7	5	7	12	7	7	7
Very strongly oppose	6	6	10	13	5	11	9
Undecided	10	5	3	3	6	3	3
PDI [1]	+64	+74	+63	+44	+69	+60	+62
An amendment that would limit the amount of money that Congress could spend each year (percent):							
Very strongly favor	55	59	55	44	56	55	53
Not too strongly favor	15	20	22	16	17	19	18
Neither (vol.)	1	1	2	2	1	2	1
Not too strongly oppose	13	5	8	20	9	10	13
Very strongly oppose	9	8	8	14	9	10	11
Undecided	7	6	5	4	7	4	4
PDI [1]	+49	+65	+60	+26	+56	+54	+48

[1] PDI: Percentage difference index = percent favor minus percent oppose.
[2] Less than 0.5 percent.

WOULD YOU BE MORE LIKELY OR LESS LIKELY TO VOTE FOR A CANDIDATE FOR CONGRESS IF YOU LEARNED HE OR SHE SUPPORTED A CONSTITUTIONAL AMENDMENT REQUIRING CONGRESS TO PLAN A BALANCED BUDGET EACH YEAR? WOULD YOU BE MUCH (MORE/LESS) LIKELY OR JUST SOMEWHAT (MORE/LESS) LIKELY TO VOTE FOR THAT CANDIDATE?

[In percent]

	Party identification				Regions							
	Total	Republican	Independent	Democrat	New England	Mid-Atlantic	East North Central	West North Central	Border	Deep South	Mountain	Pacific
Total (percent)	100	100	100	100	100	100	100	100	100	100	100	100
Number of cases	1,503	334	626	535	83	857	275	114	112	380	75	208
Much more likely	45	49	46	40	46	41	48	41	45	50	53	35
Little more likely	28	30	28	27	30	25	29	35	29	24	23	33
No difference	7	7	9	6	9	11	6	7	9	5	6	10
Little less likely	6	6	4	8	6	7	5	2	5	7	5	7
Much less likely	6	1	6	8	1	6	6	5	7	6	8	5
Undecided	8	7	7	11	8	10	6	9	6	9	5	10
More likely	73	79	74	67	76	66	77	76	74	73	76	68
Less likely	12	7	10	16	7	13	11	8	12	13	13	13

[In percent]

	Education			Income			
	Less than high school	High school/ vocational	Some college	College graduate	Under $15,000	$15,000 to $30,000	$30,000 plus
Total (percent)	100	100	100	100	100	100	100
Number of cases	224	579	359	338	435	589	356
Much more likely	40	48	46	41	43	46	48
Little more likely	30	28	30	24	29	28	27
No difference	3	5	9	13	6	8	10
Little less likely	7	5	4	9	7	6	6
Much less likely	6	5	4	9	5	6	5
Undecided	14	8	7	5	11	6	4
More likely	70	76	76	65	71	74	75
Less likely	13	10	8	17	12	12	11

FUNDING FOR FISH HATCHERIES

Mr. THURMOND. Mr. President, the fiscal year 1983 budget submitted to Congress would discontinue funding for a number of Fish and Wildlife Service fish hatcheries throughout the Southeastern United States. Two of these hatcheries are located in South Carolina, one at Walhalla and the other at Cheraw.

Mr. President, while I support the administration in its efforts to reduce Government spending, I do not believe that we should overlook the contributions these hatcheries make to the people and economy of the areas they serve. Freshwater fishing is a major source of both recreation and nutrition. In fact, sport fishing is the principal outdoor recreational activity in South Carolina, and these hatcheries are vital to the maintenance of the State's sport fishery program. Fingerlings from these hatcheries are used to stock many of the State's lakes and streams, including the headwaters of several Federal hydroelectric projects.

Mr. President, the prospect that these hatcheries may have to close due to a lack of funding has caused great concern among many people. Responding to their concern, the other members of the South Carolina congressional delegation and I have urged the administration and Members of both Houses of Congress to continue funding for these hatcheries. Moreover, the South Carolina General Assembly has adopted a concurrent resolution calling upon Congress to maintain funding for the Walhalla National Fish Hatchery in particular at its current level. On behalf of my distinguished colleague, Senator HOLLINGS, and myself, I ask unanimous consent that this resolution appear in the RECORD following these remarks. It is my hope that the Members of this body will pay special attention to its request.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas the Walhalla National Fish Hatchery in Oconee County is the only cold-water hatchery in the State and is responsible for maintaining the State's brown trout population at a viable level; and

Whereas the United States Department of the Interior intends that the hatchery be closed during 1982 in order to meet President Reagan's budget; and

Whereas the proposed reductions in the National Fish Hatchery System are disproportionately weighted against the southeast with forty-two percent of the hatcheries proposed for closure being from this region of the United States; and

Whereas the closing of the Walhalla National Fish Hatchery and the resulting halt of trout stocking of lakes, streams and tailwaters in Oconee, Pickens and Greenville Counties will have a marked impact on tourism in the contiguous areas of South Carolina, North Carolina and Georgia, and will deprive trout fishermen throughout the Nation of this healthful attraction to this region's natural environment: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the General Assembly hereby memorializes Congress to provide the Walhalla National Fish Hatchery with the funding needed to maintain operations at their present level; and *BE IT FURTHER*

RESOLVED, That a copy of this resolution be sent to the President of the United States, each Senator and Congressman from this State, and to the United States Secretary of the Interior.

Mr. HOLLINGS. Mr. President, I am pleased to present to the Senate a resolution adopted by the South Carolina Land Resources Commission on May 12, 1982. This resolution calls upon the Congress to maintain Federal funding for two vital interests in South Carolina: The fish hatcheries at Walhalla and Cheraw, S.C. I ask unanimous consent that the Resolution be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 10)

Mr. HOLLINGS. The proposed fiscal year 1983 Budget does not include any such funding for these projects and it has come to my attention that preparations are being made to close the facilities during the current fiscal year. These hatcheries provide lakes, ponds, and Federal waters with millions of fish each year, thus contributing vastly to the principal outdoor recreational sport in South Carolina—sport fishing. Sport fishing generates millions of dollars in revenue and closing these hatcheries will have a severe effect on the fishing industry, tourism, and small businesses in South Carolina.

I have received many letters from concerned citizens in my State as well as in neighboring States supporting the hatcheries in Cheraw and Walhalla. Our entire delegation is working with the appropriate committees on Capitol Hill to obtain the funds necessary to maintain these highly successful operations through the coming year.

Mr. President, there is understandably a high degree of anxiety on the part of the personnel employed at these hatcheries as well as in the communities of Cheraw and Walhalla. The administration's proposal to close these hatcheries was based on the assumption that they would be closed this summer so that all closing costs would come out of funds provided for their operation in fiscal year 1982. Of course, this was counter to the action Congress took last year in insisting that these hatcheries remain open. At a hearing of the Appropriations Committee on May 6, 1982, it was made abundantly clear by Chairman MCCLURE that:

Any significant change from the provisions of the 1982 appropriations bill, such as closure of hatcheries, would require a reprograming request.

The distinguished minority leader, Senator BYRD, the ranking minority member of the subcommittee indicated that he would oppose any committee approval of a reprograming request to close the hatcheries. I want to thank both the Senators for their help in our efforts to maintain these hatcheries, and know the folks in Cheraw and Walhalla will be relieved that the immediate threat has been resolved.

EXHIBIT 1

RESOLUTION

Whereas, the revised FY 1982 budget reduction submitted to the U.S. Congress on Friday, October 2, 1981 includes the possible closing of South Carolina's Cheraw and Walhalla National Fish Hatcheries operated by the U.S. Fish and Wildlife Service; and

Whereas, these two fish hatcheries serve such a viable and productive role in the freshwater fishery program of the state; and

Whereas, the closing of these hatcheries would not only effect the current needed fish stocking program but would ultimately

reduce fishing opportunities and revenues for South Carolina; and

Whereas, the Cheraw National Fish Hatchery provides fish for the stocking of approximately 800 farm ponds throughout the state annually and provides the S.C. Wildlife and Marine Resources with all the small mouth bass used in their stocking of public waters; and

Whereas, the Walhalla Fish Hatchery provides the only source of cold water trout in the state for stocking mountain streams, tailwaters, and Lake Jocassee; and

Whereas, the proposed reductions in the National Fish Hatcheries System are directed towards the Southeast with forty-two (42) percent of the hatcheries proposed for closure from this region of the country; and

Whereas, the S.C. Land Resources Commission and the forty-six (46) conservation districts of South Carolina are committed to the conservation of our State's valuable natural resources and very concerned as to the detrimental impact the loss of these two hatcheries will have upon the State's freshwater fisheries program which has become such a viable component of the State's culture; and

Whereas, the S.C. Land Resources Commission will apprise the South Carolina Congressional Delegation of the significance of this proposal and solicit their support in preventing this situation from occurring; and

Whereas, this resolution will be made available to other officials as deemed appropriate in making them aware and seeking their support; and the original copy of this resolution will become a part of the permanent record of the South Carolina Land Resources Commission.

ADDRESS BY LORD MAYOR OF FRANKFURT, DR. WALTER WALLMANN

Mr. MATHIAS. Mr. President, it is particularly appropriate this week, when the relationship between the United States and the Federal Republic is the focus of world attention, to have the benefit of the thoughts of a distinguished West German leader on the current status of that relationship.

Recently, the lord mayor of Frankfurt, Dr. Walter Wallmann, visited the United States. In addition to meetings with a number of Senators and Representatives and with administration officials, Dr. Wallmann gave an important address to the American Council on Germany in New York City. As Senators know, the Council has long played an important role in the U.S.-German relationship and its chairman, John McCloy, is one of America's most distinguished statesmen.

In his address, Dr. Wallmann treats, from an historical perspective, the question of, in his words, "How important is the relationship between the United States and the Federal Republic of Germany for the Atlantic Alliance?"

Dr. Wallmann's current position as the lord mayor of Frankfurt, one of Germany's largest and most dynamic cities, and his previous record of leadership, adds weight to his words. Prior to his election as mayor of Frankfurt in 1977, Dr. Wallmann served in the National Parliament in Bonn from 1972 to 1977, and was a member of the Foreign Affairs and Defense Committees. Since 1976, he has been a member of the executive board of the Christian Democratic Union Party.

I invite my colleagues' attention to the remarks of Mayor Wallmann and ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY DR. WALTER WALLMANN

How Important is the Relationship between the United States of America and the Federal Republic of Germany for the Atlantic Alliance?

Ladies and Gentlemen: I wish to thank you most warmly for giving me the opportunity to express some ideas on the relationship between the Federal Republic of Germany and the United States of America before this distinguished audience.

In recent weeks, there has been a lot of harsh criticism in the mass media of our allies, especially in the French and American press, of the policy of the West German government with respect to Poland. The main theme of this criticism was that the Federal Republic of Germany was too indulgent towards the Soviet Union. And very often one could read between the lines: Will Germany leave the Western alliance to join the camp of the Soviet Union? The amazing thing is that after 30 years of Western integration there is still so much uncertainty about German politics, about its fundamentals, and its reason of state.

It is not for me to judge this. But I believe that we Germans will have to live with this lack of confidence in our politics for quite some time. This distrust not only goes back to the fierce controversy between Konrad Adenauer and Kurt Schumacher in the early fifties over the issue whether or not the Federal Republic of Germany should join the Western alliance. Its origins are still older. It dates back to the unpredictability of German politics ever since 1890.

Germany is not an old nation. And unlike the older nations like the French or British, it did not have the opportunity to formulate a binding pattern of German foreign policy over a couple of centuries. It was not until after 1870 that Bismarck was able to formulate a German reason of state. His main goal was a saturated German state which should become interested in world political controversies only inasmuch as these were likely to threaten its political position. Under Bismarck, Germany's foreign policy was predictable for its partners. After 1890 this predictability was lost. And Bismarck's successors failed to understand its great foreign political value. Bismarck's successors were not capable of defining either the alliance issue or Germany's role in the world politics. They are to blame for the suspicion of Germany which later on drove it to almost complete isolation.

His successors were unable to make up their minds whether to side with the British to check Russian penetration on the Balkans, or whether to side with the Russians for a common colonial and naval policy. They wanted it both ways and so they gambled away both opportunities.

The same difficulties of formulating a German reason of state existed during the Weimar Republic. During the late twenties, German politicians were undecided whether to overcome the consequences of the Versailles system by joining the revolutionary Soviet Union or whether to become part of the system as an ally of the winners of World War One.

The situation was altogether different in France and England. In the two countries, the early development of the united nation state produced patterns of behaviour in foreign policy which were calculable quantities for friend and foe alike.

The classic antagonism between Habsburg and Bourbon—which France abandoned only very reluctantly during the Seven Year War—the creation and safeguarding of natural borders—such as the Alps, the Pyrenees, and the Rhine River—these had been constant elements of French foreign policy throughout the centuries.

It is therefore completely consistent with this historical background that the Socialist President Mitterand is pursuing the gaullistic policy of national independence in all directions.

The same is true of Great Britain. The maintenance of the European balance of power to safeguard its freedom of action overseas, and the independence of the Flemish coast of the influence of foreign superpowers are two classic examples of the British reason of state. The example of Great Britain also illustrates that an historically handed-down reason of state can be so firmly anchored in the public awareness of a country and its leading politicians that it is still being abided by even if the conditions for it have changed.

After World War Two, Great Britain continued to pursue a policy of balance of power on the European continent, although it was no longer in a position to safeguard it. In doing so, Great Britain failed to take the lead in the movement of European unification, a role that would have befitted its world political position after World War Two. The British reason of state had already shown cracks after World War One, after World War Two it was obsolete. But Great Britain continued to hold onto it.

I deliberately elaborated on these historical examples in such great detail, because I wanted to demonstrate that foreign policy is not taking place in a vacuum, but that it follows a pattern of national tradition in Germany, such a tradition has existed only to a limited degree. After 1945, the Federal Republic of Germany was lucky to have a statesman who—for the first time since Bismarck—formulated a reason of state for the newly formed German state. For Adenauer, Western Germany only had a chance of survival within an alliance with those who are today its Western allies. Therefore, the policy of Western integration and absolute priority over any efforts to restore what was left of German unity.

NATO, the European Community, and our close relationship with the United States, are the concrete results of the foreign policy concept formulated by Adenauer for Western Germany. Therefore, his response to the famous Stalin Notes of 1952 was consistent and correct. If at any time, Adenauer had given the slightest impression that the objective of his policy was to establish a reunited neutral Germany the base of Western integration would have been shaken to its foundations. The factual reasons for Stalin's move were mainly to wreck the supposed agreement between the Federal Republic of Germany and France on the establishment of a European Defense Community at the earliest possible stage, that is

to say in the German Parliament. It goes without saying that it had never been the intention of the Soviet Union to help the establishment of a democratic, freely elected, reunited Germany. This was also clear to Adenauer from the way in which the Soviet proposals were worded. They proposed first to conclude a peace treaty, second to form an all-German government and in the third stage only, to hold elections. For the Germans, the order of priority was different, namely first to hold free, all-German elections, second to form an all-German government and third the conclusion of a peace treaty.

One should also recall that in 1952, not even the British Labour government which at that time favored neutralistic ideas, was prepared to accept a neutral Germany. And precisely this suspicion of the new Germany was what Soviet foreign policy was all about. Adenauer was heavily criticized by the Social Democrats and their chairman Kurt Schumacher. Schumacher and his Social Democratic Party believed that it was possible to create a neutral Germany without alignment to either of the two blocs, and that Adenauer was gambling away this possibility. Today there is practically no Western historian who would share this earlier Social Democratic judgement. Let me give you just one example by quoting the American historian David Calleo who in his book "The German Problem Reconsidered" of 1978 said: "In any event, the opportunity for reunification probably never really existed." Calleo argues that in the years after 1945 when it was clear that the Soviet ideal of an all-communist Europe had failed and the Soviet Union had divided the Continent, the power political constellation did not favor the emergence of a German state situated between the newly forming power blocs.

In its ultimate analysis, Adenauer's policy signified that in the scale of values, freedom had priority over the reunification of Germany. Adenauer's decision was correct, not only in foreign terms but also under the aspect of domestic policy. The dream of some German politicians of a third course somewhere between Western democracy and totalitarian communism had crumbled.

This dream, shared also by many German intellectuals and writers, first and foremost Thomas Mann, had lost its foundations in the world political environment of the fifties. Therefore, our country not only needed the political but even more the intellectual rapprochement with the Western democracies, with enlightenment and rationalism, for its mental health, in order to recover from the deep confusion into which it had been plunged by the experiment of national socialism.

The alliance with the United States, Great Britain and France, Germany's membership in NATO and the establishment of the European Community have given my country peace, security and freedom for more than 30 years. This is without precedent in German history. This is the historic benefit of Adenauer, a benefit on which we are still drawing on today.

Thirty years later, Schumacher's question whether this policy has served the interests of Germany can only be answered in the affirmative. This policy has not only served the interests of Germany, is has also served the interests of Europe. The reintegration of Western Germany into the Community of free nations helped Europe to regain stability, despite Stalin's postwar efforts to prevent just this by all means available.

The dividing-up of Europe by the Soviet Union which resulted in the division of Germany has always been an open sore for all Germans. In recent years, the division of Germany has again been the starting point for considerations whether there is not, after all, a possibility of overcoming the division of Europe by fresh foreign policy initiatives.

This was the point of departure for the Federal Government's Ostpolitik of the years 1969 to 1972. The objective of the Brandt government was to bring about "change through rapprochement" by normalizing relations with the East. In other words, to create the conditions for an all-European peace zone and thus to pave the way for the reunification of Germany.

You will certainly understand, Ladies and Gentlemen, that I will not criticize my government while outside the country. And let me make it also quite clear that the need to safeguard peace has never been a point of issue among the democratic forces of my country. It is equally self-evident that the status quo—as it is today—must remain the basis of any realistic policy. But I have serious doubts that the Ostpolitik of the seventies has made peace any safer. Because I fear that its very premises were not right. And, as a matter of fact, peace has not become any safer.

Russian politics, and I deliberately use the term Russian, is also following a reason of state. Ever since the days of the Polish divisions, its leitmotiv has been the creation of a cordon sanitaire in Russia's or, respectively, the Soviet Union's forefields. Therefore, the Soviet Union can only be interested in change inasmuch as it serves its objective of displacing the United States from the European Continent and of strengthening its sphere of influence. The events in Hungary, Czechoslovakia and Poland have demonstrated beyond any doubt that the Soviet Union will use political or military means to stop any change that threatens its political or military predominance. In other words, a reunited Germany or a European peace zone—whatever this is supposed to mean—are only of interest for the Soviet Union if they will cement its political hegemony. This is why I have no faith in the concept of "change through rapprochement."

Historical comparisons aren't any good here. Leading Social Democrats often refer to Bismarck in the sixtieth of the 19th century and the Rappollo Treaty of 1922 to justify their policy. In both cases, however, the power political conditions were completely different, because Prussia, and later on the German Reich, were big powers that negotiated with Russia on an equal footing. This equality no longer exists since the Soviet Union has become a world power.

I am of course aware of the fact that in the beginning, the policy of normalization of relations with the East was approved and supported by many Western governments, and that in some cases, the Federal government was even pushed into this direction. However, many of these who at that time favored this policy of normalization, failed to appreciate its dangers. As early as 1955, Konrad Adenauer had already started to initiate a policy of normalization with the Soviet Union. It was, however, from a position of firm integration within the Western Community that he obtained from the Soviet Union, by negotiations, the return of the German prisoners of war. Kissinger's government also achieved positive results during the period 1966 to 1969 with its policy of opening towards Eastern Europe. The basic premise of this Ostpolitik had always been the firm political and military commitment of the Federal Republic of Germany to the Western Community.

It is only in recent years that we hear again voices in Germany which are suggesting a "national option" of Germany as a "bridge" or a "third force" between the blocs. I think that in the present world political situation, this is not only a mistaken view, but also a dangerous one, since it could offer the Soviet Union a chance to draw the Federal Republic of Germany into its sphere of influence.

To illustrate the risks involved in this policy, let me read out to you some passages of Henry Kissinger's letter to President Nixon of February 16, 1970, in which he described the possible consequences of this policy as follows: "The most worrisome aspects of Ostpolitik, however, are somewhat more long-range. As long as he is negotiating with the Eastern countries over the issues that are currently on the table, recognition of the GDR, the Oder-Neisse, various possible arrangements for Berlin—Brandt should not have any serious difficulty in maintaining his basic pro-Western policy. . . . But assuming Brandt achieves a degree of normalization, he or his successor may discover before long that the hoped-for benefits fail to develop. . . . Having already invested heavily in their Eastern policy, the Germans may at this point see themselves as facing agonizing choices. It should be remembered that in the 1950's, many Germans not only in the SPD under Schumacher but in conservative quarters, traditionally fascinated or enthralled by the vision of Germany as a 'bridge' betweeen East and West, argued against Bonn's incorporation in Western institutions on the ground that it would forever seal Germany's division and preclude the restoration of an active German role in the East. This kind of debate about Germany's basic position could well occur in more devisive form, not only inflaming German domestic affairs but generating suspicions among Germany's Western associates as to its reliability as a partner."

The CDU/CSU is fully aware of these dangers. It is therefore determined to hold on to the cornerstones of German foreign policy that were laid down by Adenauer. One of them is the Atlantic alliance. It is only from within this alliance that the Federal Republic of Germany can pursue a policy of normalization with the East without at the same time, endangering the stability of Europe. Any policy that turns away from the alliance would involve incalculable risks for Europe and would therefore be a threat for peace and security in our as well as your country.

The reunification of my country will remain the objective of any German policy. But this objective must never be in conflict with the maintenance of freedom in the Western part of Germany and in Europe. German politics must remain calculable. Otherwise, suspicion will recur, after having been so successfully dispelled by Adenauer. I think it is well understood that we Germans attach great importance to a successful conclusion of the disarmament talks. This follows from the geographical position of my country which in the event of an armed conflict would automatically become the battlefield between East and West. This is why I am in favor of President Reagan's zero-option, as it would result in a complete removal of all intermediate-range missiles in East and West. However, the proposals so

far put forward by the Soviet Union do not make such a prospect seem very likely. In recent years, the Soviet Union has stepped up its SS-20 potential, thus leading to a superiority in the field of intermediate-range missiles. This development has left Western Europe extremely vulnerable and prone to blackmail. It was against this background that in 1979 the NATO foreign ministers decided on the deployment of missiles. Should the Disarmament talks fail, NATO will have to match the Soviet missiles by an equivalent deterrent force. It is precisely this decision to step up NATO armament which has inflamed the discussions in the Federal Republic of Germany. The objections come from two different quarters. There are the ones who call in question the existing imbalance; others argue against it on the grounds that the American potential of intercontinental weapons would suffice to protect Europe as well.

In my opinion, Ladies and gentlemen, this is a very dangerous way of reasoning. Because, in the ultimate analysis, it suggests that in the event of a threat to Western Europe, the Americans are expected to expose their territory to a Soviet counterattack, without the Europeans making any corresponding efforts of their own. The result would be the disintegration of the Western Community, as I can hardly imagine that the Americans would accept such an uneven distribution of the burdens and risks of defending Europe.

The CDU/CSU, as well as the Federal Chancellor and the Federal Minister of Foreign Affairs therefore, share the conviction that rearmament is inevitable if no positive results are achieved in the field of mutual controlled disarmament.

Before I come to the end of my address, let me refer briefly to another term which has caused a lot of confusion in the foreign political discussion I am referring to the notion of the so-called divisibility of detente. There are people who believe that Europe is less concerned by a Soviet invasion in Afghanistan than, for instance, by a similar event in Poland.

The assumption is, that in the first case, the process of detente can go on, as it is not affected by the events in Afghanistan. I am afraid, I cannot go along with differentiations of that kind as our world is getting smaller and smaller. Western Europe's security is not only being defended along the Elbe river, but also in the Near and Middle East. It is only natural that the different members of the alliance have different functions in keeping with their economic and military weights and their historical traditions.

To be more specific, I do not believe that it would serve the interests of the alliance if German soldiers were sent to the Near East. The situation is entirely different for the Americans, the British or the French. Yet, we all share the same responsibility for peace and security in the Western world. Only if we make it quite clear to the Soviet Union that this identity of interests between the United States of America and Western Europe cannot be dissolved by Soviet action, will the Soviet Union be seriously prepared to reconsider the high economic and political price which its armament efforts are extorting from its people and the risks involved for the stability of the Soviet system. For us Europeans and you Americans this means that we must coolly but resolutely, resist any attempt by the Soviet Union to solve its problems at the expense of the Atlantic alliance.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4347. An act to authorize the Secretary of the Interior to proceed with the development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power;

H.R. 4848. An act entitled the "Gladys Noon Spellman Parkway";

H.R. 4903. An act granting the consent of Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956;

H.R. 5663. An act to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal years 1983, 1984, and 1985, and for other purposes; and

H.R. 6133. An act to amend the Endangered Species Act of 1973.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 896. An act to designate the control tower at Memphis International Airport the Omlie Tower;

S.J. Res. 131. Joint resolution designating "National Theatre Week";

S.J. Res. 140. Joint resolution designating February 11, 1983, "National Inventors' Day"; and

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. LONG of Maryland, Mr. YATES, Mr. ROYBAL, Mr. BEVILL, Mr. BENJAMIN, Mr. FAZIO, Mr. CONTE, Mr. MCDADE, Mr. EDWARDS of Alabama, Mr. MYERS, Mr. MILLER of Ohio, Mr. COUGHLIN, and Mr. YOUNG of Florida as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6260. An act to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes.

HOUSE BILLS REFERRED

The following bills were read twice by unanimous consent, and referred as indicated:

H.R. 4347. An act to authorize the Secretary of the Interior to proceed with the development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power; to the Committee on Energy and Natural Resources.

H.R. 4848. An act entitled the "Gladys Noon Spellman Parkway"; to the Committee on Energy and Natural Resources.

H.R. 4903. An act granting the consent of Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States; to the Committee on the Judiciary.

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; to the Committee on Environment and Public Works.

H.R. 5563. An act to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal years 1983, 1984, and 1985, and for other purposes; to the Committee on Environment and Public Works.

H.R. 6260. An act to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, June 9, 1982, he had presented to the President of the United States the following bill and joint resolutions:

S. 896. An act to designate the control tower at Memphis International Airport the Omlie Tower;

S. 1808. An act to authorize an Under Secretary of Commerce for Economic Affairs;

S.J. Res. 131. Joint resolution designating "National Theatre Week";

S.J. Res. 140. Joint resolution designating February 11, 1983, "National Inventors' Day"; and

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH (for Mr. QUAYLE), from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 2036) to provide a job training program, and for other purposes (Rept. No. 97-469).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S.J. Res. 158. Joint resolution expressing the policy of the Government of the United States of America with respect to the Government of Cuba (with minority views) (Rept. No. 97-470).

By Mr. MATHIAS, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia (Rept. No. 97-471).

By Mr. SIMPSON, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2222. A bill to revise and reform the Immigration and Nationality Act, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PERCY (by request):

S. 2611. A bill to amend the Peace Corps Act; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 2612. A bill for the relief of Mark Maio Fernandez; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 2613. A bill to require the commitment of loan guarantees and insurance to the full extent required by law, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2614. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to reduce the amount of time which must elapse between extended benefit periods; to the Committee on Finance.

By Mr. SASSER:

S. 2615. A bill to combat illegal drug trafficking by maintaining funding for the Drug Enforcement Administration, increasing penalties for smuggling large quantities of marihuana, disallowing tax deductions in connection with the illegal sale of drugs, and requiring judicial officers to require appearance bonds in drug cases equal to the street value of the drugs seized; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 2616. A bill to prohibit assistance under the Urban Mass Transportation Act of 1964 for purchasers of capital equipment subsidized in violation of international agreement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN:

S.J. Res. 200. Joint resolution to designate October 1982 as "National Car Care Month"; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. RIEGLE) (for himself, Mr. ROBERT C. BYRD, Mr. HELMS, Mr. LEVIN, Mr. THURMOND, Mr. JOHNSTON, Mr. ROTH, Mr. DIXON, Mr. LUGAR, Mr. HAYAKAWA, Mr. CANNON, Mr. EXON, Mr. DODD, Mr. INOUYE, Mr. MOYNIHAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. ZORINSKY, Mr. BUMPERS, Mr. BURDICK, Mr. TSONGAS, Mr. HOLLINGS, Mr. DENTON, Mrs. HAWKINS, Mr. DURENBERGER, Mr. METZENBAUM, Mr. KASTEN, Mr. JEPSEN, Mr. EAST, Mr. SYMMS, Mr. DOMENICI, Mr. PERCY, Mr. DOLE, Mr. MCCLURE, Mr. TOWER, Mr. NUNN, Mr. BAUCUS, Mr. HUDDLESTON, Mr. JACKSON, Mr. SASSER, Mr. PRYOR, and Mr. BRADLEY):

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day"; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GARN:

S. Res. 407. Resolution expressing the sense of the Senate with respect to negotiations between the United States and the Union of the Soviet Socialist Republics on the reduction of offensive arms; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2611. A bill to amend the Peace Corps Act; to the Committee on Foreign Relations.

AMENDMENT OF PEACE CORPS ACT

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the Peace Corps Act.

This legislation has been requested by the Peace Corps and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the amendment and the letter from the Director of the Peace Corps to the President of the Senate dated May 14, 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Peace Corps Act is amended by striking out "not to exceed" in the first proviso and by inserting in lieu thereof "not less than."

This amendment shall be effective as of December 29, 1981.

PEACE CORPS ACT AMENDMENT: ANALYSIS

The proposed bill would amend section 6 of the Peace Corps Act (the "Act"), which authorizes the category of volunteer leaders, to delete the limit of $125 per month on the amount of the readjustment allowance which may be paid, and to substitute for it a requirement that the readjustment allowance paid to volunteer leaders must be at least $125 per month.

This change is required to equalize the level of readjustment allowance authorized for volunteer leaders with that provided regular volunteers by section 5 of the Act. Section 5(c) was amended by section 606 of P.L. 97-113 to substitute a minimum readjustment allowance of $125 per month. Through inadvertence, section six, dealing with volunteer leaders, was not similarly amended. This amendment would rectify the oversight, effective December 29, 1981, the date Public Law 97-113 became law.

PEACE CORPS,
Washington, D.C., May 14, 1982.

Hon. GEORGE BUSH,
President, United States Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is an amendment to Section 6 of the Peace Corps Act, and an analysis thereof. The proposed amendment would correct an inequity which resulted when the Peace Corps Act was amended by Title VI of the International Security and Development Cooperation Act of 1981, P.L. 97-113.

Section 606 of P.L. 97-113 authorized an increase in the readjustment allowance paid to volunteers by converting the maximum monthly readjustment allowance of $125 per month to a minimum. Volunteers must now be allowed to accumulate at least $125 per month as a readjustment allowance. Through an apparent oversight, however, the bill neglected to provide similar treatment for volunteer leaders, who represent a small but important group of volunteers who are selected to perform supervisory and other special duties. As a result, while the agency has increased the readjustment allowance paid to volunteers, it lacks authority to provide similar increases to volunteer leaders.

As a practical matter, this inequity of treatment will require that the agency suspend use of the volunteer leader authority until it can provide volunteer leaders with readjustment allowances which are compar-

able to those paid to volunteers, since it would not be possible to justify a smaller payment to volunteer leaders, who usually have greater responsibilities, than to regular volunteers.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

LORET MILLER RUPPE,
Director.●

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2614. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to reduce the amount of time which must elapse between extended benefits periods; to the Committee on Finance.

REDUCTION OF TIME BETWEEN UNEMPLOYMENT BENEFIT PERIODS

● Mr. LEVIN. Mr. President, with nationwide unemployment reaching the highest rate since 1941, and with some economists both inside and outside the administration predicting that it soon will exceed 10 percent, we had better make sure that the unemployment insurance system is ready to carry the load. There is already too much pain, and the potential for additional suffering is already too great for us to take chances that existing flaws in the system will not cause further hardships. Today I am introducing legislation designed to insure that what happened in my State of Michigan last year will not happen again there or in any other State—that a State with already high and rapidly increasing unemployment will not find itself ineligible for extended unemployment benefits (EB) for an entire quarter of a year.

Briefly stated, under current law a State is eligible for extended benefits if its insured unemployment rate exceeds a certain trigger percentage. The insured unemployment rate (IUR) is the percentage of workers covered by a State's unemployment compensation program who are currently claiming State benefits. Traditionally, the IUR has been about 3 percentage points below the nominal unemployment rate, but in recent years the gap has been increasing. Extended benefits provide for an additional 13 weeks of unemployment benefits after the first 26 weeks provided for under the regular unemployment compensation program have been exhausted.

The insured unemployment rate is calculated by taking an average of the State's IUR for the current week and the preceding 12 weeks—known as a 13-week rolling average. This rolling average is designed to minimize the impact of extraneous factors which are not representative of the States overall unemployment trend. Nevertheless, in spite of this safeguard, it is still possible for a State to have its IUR temporarily dip below the trigger level. If this happens, then individuals in that State will not be eligible for extended benefits for 13 weeks even if the IUR climbs above the trigger again 1 week after it dipped below it.

As I say, this is more than just a theoretical problem. For the week ending November 7 of last year, Michigan's IUR dropped below the 5-percent IUR trigger and stayed below that trigger for another week. The primary reason for this drop in unemployment was the exclusion of recipients of extended benefits from the calculation of the IUR, as mandated by the Omnibus Reconciliation Act of 1981. But whatever the cause, the effect was that for 13 weeks people in Michigan were ineligible for extended benefits. This result was not only illogical in light of the fact that Michigan had the Nation's highest nominal unemployment rate at that time, but was outrageous because after only 2 weeks Michigan's IUR climbed again above the trigger for extended benefits and remained there for the entire 13 week period, and in fact still remains there.

Keep in mind that since extended benefit payments in a State are not actually cut off until the third week after the State has triggered off, and since the 13-week clock does not start until after this third week, Michigan was ineligible for extended benefits even though for the entire time of ineligibility it was above the IUR trigger for extended benefits. Furthermore, for 4 of the last 5 weeks before Michigan was once again eligible for extended benefits, Michigan had the highest IUR in the 50 States.

Mr. President, what we have here is a system which simply does not make sense. It is designed to provide assistance for individuals who have been unemployed for extended periods of time. But it allowed the State which had the highest nominal rate of unemployment to be cut off from that assistance for 13 consecutive weeks even though after a blip upturn the State's economic situation grew rapidly worse. More than just not making sense, the system also resulted in people suffering. People who were no longer eligible for extended benefits had to find some other way to put food on their table or there was less food. They had to find money to heat their homes or there was less warmth. Simply put, people who had already been unemployed for 26 weeks, and who had probably substantially drained their savings, were cut off at the knees for a full 13 weeks.

The only reason cited for the 13-week ineligibility period was that when the extended benefits program was started in 1970 some States were concerned that their constantly triggering on and off extended benefits would prove administratively difficult. This was and is an understandable concern. Having worked in local government, I know how burdensome Federal regulations and requirements can be. But in conversations I have had over the past weeks with experts in this field in the Department of Labor, the Senate Finance Committee, and the Congressional Research Service, I have been told that reducing the period of ineligibility from 13 weeks to 6 weeks would not impose an unreasonable administrative burden on the States. Certainly, Mr. President, having the States trigger on-and-off extended benefits every other week would cause administrative problems. But there is clearly a difference between triggering on and off every other week and making a State ineligible for 13 consecutive weeks. We can strike a better balance than the current law, and the legislation I am introducing today to reduce the ineligible period from 13 weeks to 6 weeks does this. It balances the need for administrative simplicity with the goal of the extended benefits program in a way that is more consistent with the underlying concept of that program.

One final remark. It is true that the situation I am addressing here does not happen frequently. But it has happened before, and it could happen again. What are we going to tell the future unemployed in some State who are cut off extended benefits for a full 13 weeks even though the unemployment rate continued to rise during most of those weeks? Are we going to say, "We knew there was a potential problem here, and we knew there was not any good reason for not reforming the law, but we just did not get around to fixing it. After all, it does not happen all that often, you know," Mr. President, once this situation occurs, it in all practical terms is too late to provide a remedy for the people then suffering. If we are to modify the law and to minimize future suffering, then we must do it prospectively. So, it is not a question of "If it ain't broke, don't fix it." Rather, the issue is, "If it is flawed, why wait for someone to get hurt."●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague from the State of Michigan in introducing this legislation which is intended to help correct a serious inequity in our unemployment compensation system. This bill would shorten the period that a State would be ineligible to participate in the extended benefit unemployment compensation system from 13 weeks to 6 weeks once it had triggered off the system.

The extended benefit unemployment compensation system provides an additional 13 weeks of benefits for workers in States that have been particularly hard hit by unemployment. In times of serious economic downturns, this program has provided a vitally important protection to workers who have lost their jobs. It has helped to tide those workers through periods

of especially high unemployment until they could find meaningful work. By providing an economic cushion, it has given unemployed workers hope in a time of despair. It has helped the communities and States in which they live by easing the effects of long-term unemployment.

By any measure, my State of Michigan and our workers have suffered great hardship as a result of the continuing economic recession. Our unemployment rate has been measured in double digits for 30 months. Many of the towns and communities in my State have been devastated by the effects of such a long-term recession. The extended benefits program takes on a special importance for workers in States such as my own under these conditions.

Yet an extraordinary thing happened in Michigan last fall: At a time when my State had the highest unemployment rate in the country, my State triggered off the extended benefit system. This meant that for a 13-week period, an entire quarter of a year, my State and its workers were ineligible to participate in the extended benefit program, notwithstanding the highest unemployment rates in the country. The reasons for this were complex but due primarily to a technical change in the way the trigger mechanism is calculated which was mandated by the Omnibus Reconciliation Act of 1981.

Whatever the reasons, the results were disastrous to the workers in my State who were forced to weather this most serious recession period without the protections of the extended benefit program.

Clearly, this situation cannot be allowed to continue. This bill, which I am joining in introducing today, would go a long way toward minimizing the effects of a temporary triggering off of the extended benefit program.●

By Mr. SASSER:

S. 2615. A bill to combat illegal drug trafficking by maintaining funding for the Drug Enforcement Administration, increasing penalties for smuggling large quantities of marihuana, disallowing tax deductions in connection with the illegal sale of drugs, and requiring judicial officers to require appearance bonds in drug cases equal to the street value of the drugs seized; to the Committee on the Judiciary.

DRUG TRAFFICKING PREVENTION AMENDMENTS OF 1982

● Mr. SASSER. Mr. President, I am introducing today a three-point bill designed to strengthen the Federal Government's hand in combating the flow of illegal drugs.

In this country, violent crime rose by 13 percent in 1980, and law enforcement personnel are convinced that this surge of criminal activity is largely drug-related. Drug trafficking is big business for organized crime. The estimate for the value of the illicit drug trade is $64 billion. That figure would make it the second largest corporation in the United States, behind Exxon and slightly ahead of Mobil.

The byproduct of this illegal industry is more violent crime every year. In my own State of Tennessee, there were 20,284 violent crimes in 1980. These included 10,427 assaults, 8,208 robberies, and 489 murders. Other States fared no better. Georgia's violent crime total was 29,993. Florida is experiencing a virtual crime epidemic due to increased drug activity. Its violent crime total for 1980 was 94,095, including 1,387 murders. These are the kinds of crime that touch most people's lives—muggings, robberies, thefts, and often murder.

First, my legislation will correct a loophole in the Federal Tax Code which presently allows drug traffickers to deduct from their income tax all expenses incurred in illegal drug transactions. It is time to stop treating drug traffickers like honest businessmen. This outrageous situation must be corrected and my legislation will do that.

Second, my bill would further reduce drug trafficking by requiring that bail bonds for drug dealers be set at no less than the street value of the drugs which had been seized during the arrest. All too often it has been reported that drug offenders who are out on bail are operating on the street. Increased bail would reduce that.

To many drug traffickers, bail, even high bail, is just a cost of doing business. In one case, a man was indicted in connection with a $9 million downpayment in a cocaine deal estimated to be worth $200 million. Bail was set at $1 million. Result: the man made the $1 million bail, walked out of court, and has not been heard from since. To him, that was merely a business loss. It is time that bail in these cases was set at a level that gets drug traffickers off the streets and keeps them off.

Lastly, my bill significantly increases the penalties for smuggling 1,000 or more pounds of marihuana. My legislation would establish a 15-year jail term and $125,000 fine for importing large amounts of marihuana. This provision would be directed at the drug traffickers who are the cause of much violent and organized crime.

Mr. President, I believe that this legislation will provide a comprehensive strategy for taking the profitability out of drug trafficking and a better legislative framework for combating drug-related crime.●

By Mr. RIEGLE:

S. 2616. A bill to prohibit assistance under the Urban Mass Transportation Act of 1964 for purchasers of capital equipment subsidized in violation of international agreement; to the Committee on Banking, Housing, and Urban Affairs.

PROHIBITION OF ASSISTANCE FOR PURCHASERS OF CERTAIN EQUIPMENT

Mr. RIEGLE. Mr. President, I am introducing today a bill that would stop foreign governments from using predatory export subsidies in order to unfairly win a share of the U.S. mass transit market, thus exporting their unemployment and knocking American workers out of their jobs. The bill will be referred to the Senate Banking Committee, where I presently serve as ranking member.

Mr. President, the need for this bill is demonstrated by a very disturbing case that has developed in recent weeks. The New York Metropolitan Transit Authority is carrying out a major program to purchase 1,375 subway cars. The first stage of this purchase, a $274 million contract for 325 subway cars, was awarded to Kawasaki Heavy Industries of Japan.

The decision is now pending on the second stage, the purchase of 825 stainless steel subway cars. The New York MTA has negotiated for that contract with one American, one Canadian, and one French firm. Mr. President, a transit order of this size comes along perhaps once every decade. It is worth over $600 million and could involve 3,600 U.S. jobs over the next 5 years, or 18,000 person-years of employment.

The Budd Co., which is the last remaining U.S. subway car manufacturer, competed vigorously for this important order. Recent testimony before the Senate Finance Committee shows that the Budd Co.'s bid was superior to the others in all important respects. Budd's price was $27 million below the Canadian bid, with a price of $770,000 per car compared to $803,000 per Canadian car. Budd could deliver the cars about 6 months faster because of the company's extensive experience in building stainless steel railcars. The Canadian company has never built stainless steel railcars and would have to buy the technology for doing so under license from Kawasaki Heavy Industries of Japan. Budd would include 80-percent U.S. content while the Canadian bidder would include only 40-percent U.S. content.

Nevertheless, New York's MTA has recommended that the contract be given to Bombardier, the Canadian competitor.

The evidence makes it clear that the scales were tipped in favor of Bombardier only because the Canadian Government is prepared to loan MTA 85 percent of the contract value at 9.7 percent for 10 years. These credit terms amount to deep export subsidies that are valued at about $230 million.

Mr. President, an American manufacturer, such as the Budd Co., does not have access to such attractive financing. In fact, during negotiations with the New York MTA, the Budd

Co., was under pressure to purchase foreign-made components which themselves could be financed with subsidized export credit.

The MTA negotiations seem to have been acting within existing law and with the objective of lowering their own costs. However, the outcome is clearly not in the interest of the country as a whole. No American company could win against those unfair obstacles to competition.

The Canadian Government's subsidized loan is precisely the type of predatory export subsidy that is prohibited by international trade agreements. It is a striking example of the unfair trade practices used by foreign governments to help their own industries penetrate the U.S. market. It is the kind of anticompetitive subsidy that has permitted foreign manufacturers to damage one American industry after another. It is the kind of hostile trade action that deprive thousands of American workers of their jobs.

Donald E. deKieffer, General Counsel of the Office of U.S. Trade Representative, recently testified before the Senate Finance Committee that this case "transcends the question of the purchase of subway cars by the metropolitan transit authority and touches upon some of our fundamental international obligations as well as the interpretation of the Subsidies Code and our own countervailing duty laws." He concluded that "the United States has no international legal obligations which would bar effective unilateral action to prevent injury to the U.S. subway car industry and we believe effective remedial action should be taken as soon as possible to prevent the extension of subsidized export credits."

Mr. President, the bill I am introducing today would be the fastest and most effective means to halt this violation of GATT.

The U.S. Government is requesting international consultations under the dispute settlement provisions of the Subsidies Code because of the U.S. Government's conviction that the Canadian-subsidized loan is a violation of the Subsidies Code of GATT. Established international procedures could take several months to determine that there has been a violation.

The bill I introduce today should send an immediate message to New York and other transit agencies that their purchasing decisions should no longer take predatory export subsidies into account.

Mr. President, this is an urgent piece of legislation, and I will do all I can to insure that the Senate considers it fully and passes it promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(i) The Secretary may not furnish any assistance under this Act on or after June 9, 1982, for use by any recipient who, during the fiscal year with respect to which the assistance would be provided, has purchased, contracted to purchase, taken delivery of, or made payment on any article or material with respect to which there has been a violation of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures).".

By Mr. GLENN:

S.J. Res. 200. Joint resolution to designate October 1982, as "National Car Care Month"; to the Committee on the Judiciary.

NATIONAL CAR CARE MONTH

● Mr. GLENN. Mr. President, I am pleased to introduce this joint resolution, which would establish October, 1982, as National Car Care Month.

The purpose of this joint resolution is to promote an awareness among consumers that a well-tuned and properly maintained automobile runs efficiently, conserves energy and saves its owner money at the gas pump.

It is estimated that we could save 5 billion gallons of gasoline each year if all the automobiles on the road today were properly tuned and maintained. For the average driver, this translates into an annual savings of up to 12 percent in fuel bills. In addition, studies show that an additional savings of 5 percent can be achieved simply by keeping tires properly inflated. At a time when gasoline prices continue to average well over $1 per gallon, these savings would total billions of dollars.

The concept of achieving these savings by promoting consumer awareness has been tested and proven effective in Ohio. Just last year, the Ohio Department of Energy developed a special promotional program to inform the general public of the tremendous savings—in energy, money and air quality—that come with a well-maintained car. Over 150 organizations got behind ODOE in this effort, which proved to be one of the most successful public relations campaigns ever undertaken jointly by State government and industry.

Establishing a car care awareness program at the national level would give everyone in the Nation an opportunity to share the benefits we are already enjoying in Ohio. For commercial interests, this means an opportunity to generate business. For consumers, it means a chance to save money through lower fuel bills. And it was also demonstrated in Ohio that many businesses used car care month to offer price discounts on parts and services—providing additional savings to consumers.

For the Nation as a whole, national car care month offers an opportunity to save energy and improve air quality. Taken together, these savings provide ample justification for undertaking a car care promotional effort. I urge my colleagues to join me in supporting this joint resolution.●

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 705

At the request of Mr. DOMENICI, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 705, a bill to authorize the Secretary of Agriculture to convey certain national forest system lands, and for other purposes.

S. 706

At the request of Mr. DOMENICI, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 706, a bill to establish a national policy for the timely notice, conduct, approval, and record of Federal land surveys, and for other purposes.

S. 1365

At the request of Mr. DOLE, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1365, a bill to amend the Bankruptcy Act regarding farm produce storage facilities, and for other purposes.

S. 1595

At the request of Mr. STEVENS, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1595, a bill to provide for the designation of income tax payments to the United States Olympic Development Fund.

S. 1840

At the request of Mr. DURENBERGER, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1840, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1962

At the request of Mr. RIEGLE, the Senator from New York (Mr. MOYNIHAN), the Senator from Washington

(Mr. JACKSON) and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 1962, a bill to amend the Credit Control Act.

S. 2019

At the request of Mr. BUMPERS, the Senator from Illinois (Mr. PERCY) was withdrawn as a cosponsor of S. 2019, a bill to amend title 38, United States Code, to authorize the Administrator of the Veterans' Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans.

S. 2189

At the request of Mr. THURMOND, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2189, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 2225

At the request of Mr. BAUCUS, the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items.

S. 2300

At the request of Mr. FORD, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2300, a bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

S. 2309

At the request of Mr. CHAFEE, the Senator from Montana (Mr. MELCHER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Texas (Mr. BENTSEN), and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of S. 2309, a bill to amend the Endangered Species Act of 1973, to authorize funds for fiscal year 1983, and for other purposes.

S. 2429

At the request of Mr. DECONCINI, the Senator from New Mexico (Mr. SCHMITT), was added as a consponsor of S. 2429, a bill to direct the Administrator of General Services to acquire copper for the national defense stockpile.

S. 2484

At the request of Mr. TSONGAS, the Senator from Missouri (Mr. EAGLETON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Ohio (Mr. METZENBAUM), were added as cosponsors of S. 2484, a bill to amend the Agricultural Act of 1949 to repeal the price support program for the 1982 through 1985 crops of sugar.

S. 2538

At the request of Mr. TOWER, the Senator from Mississippi (Mr. COCHRAN), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of S. 2538, a bill to amend section 5137 of the Revised Statutes to extend, under certain conditions, the period of time a national bank may hold real estate.

S. 2543

At the request of Mr. CHILES, the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 2543, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 2562

At the request of Mr. ROTH, The Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2562, a bill to transfer the functions of the Department of Energy to other agencies, to maintain continuity in vital programs and relationships, to recognize the Federal Energy Regulatory Commission as a separate independent regulatory agency, and for other purposes.

S. 2570

At the request of Mr. SASSER, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2570, a bill to recognize the special relationship between Congress and organizations of war veterans, to amend the Internal Revenue Code of 1954 to provide that a limit on the tax-exempt status of such organizations shall apply only if such organizations engage in substantial lobbying on issues unrelated to veterans affairs, the Armed Forces, or national defense, and for other purposes.

S. 2572

At the request of Mr. THURMOND, the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. CANNON), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

S. 2584

At the request of Mr. RIEGLE, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 2584, a bill to amend the Social Security Act to adjust the formula for determining the Federal percentage with respect to benefits paid by a State plan approved under part A of title IV, to adjust the formula for determining the Federal percentage with respect to benefits paid by a State plan approved under title XIX, and for other purposes.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator form Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act."

SENATE JOINT RESOLUTION 172

At the request of Mr. JACKSON, his name was added as a cosponsor of Senate Joint Resolution 172, a joint resolution designating Baltic Freedom Day.

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Nebraska (Mr. EXON), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MITCHELL), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Carolina (Mr. HELMS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from South Carolina (Mr. HOLLINGS), were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week".

SENATE JOINT RESOLUTION 188

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 188, a joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day".

SENATE RESOLUTION 363

At the request of Mr. SASSER, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Resolution 363, a resolution expressing the sense of the Senate with respect to Federal funding for fossil fuel programs.

SENATE RESOLUTION 391

At the request of Mr. MATHIAS, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 391, a resolution expressing the sense of the Senate with respect to the policy of the U.S. Government during the period of negotiations for a START (Strategic Arms Reduction Talks) treaty.

SENATE RESOLUTION 406

At the request of Mr. KENNEDY, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Resolution 406, a resolution to assure Israel's security, to oppose advanced arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 407—RESOLUTION RELATING TO STRATEGIC ARMS NEGOTIATIONS

Mr. GARN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 407

Whereas the stated policy of the United States Government is to negotiate verifiable reductions to equal levels in the nuclear arsenals of both the United States and the Soviet Union;

Whereas the Congress has expressed its mandate in Public Law 92-448 that the United States should not enter into a nucle-

ar arms treaty that provides for force levels inferior to those of the Soviet Union;

Whereas the Soviet Union has deployed the most destructive nuclear force know to man;

Whereas the Soviet Union deployed this force during a period of the Strategic Arms Limitation Talks (SALT) I interim agreement on strategic offensive arms and sustained negotiations on a follow-on SALT II agreement;

Whereas the Soviet strategic nuclear arms buildup threatens the survivability of the United States' land-based intercontinental ballistic missile (ICBM) force, as well as significant elements of the United States' air-based and sea-based strategic nuclear deterrent;

Whereas the Soviet Union has consistently exploited the terms of the SALT I interim agreement on strategic offensive arms and the Treaty on the Limitation of Anti-Ballistic Missile Systems;

Whereas no arms control agreement is acceptable if its terms cannot be confidently verified;

Whereas National Technical Means of verification will likely prove inadequate to ensure compliance with a Strategic Arms Reduction Talks (START) agreement;

Whereas the Soviet Union has embarked upon a course of military and foreign policy adventurism which threatens world peace and undermines the process of improved relations of which arms control is an important part;

Whereas the SALT II treaty failed to achieve those objectives of equality and verifiability necessary to secure the advice and consent of the Senate to its ratification;

Whereas the SALT II treaty would have allowed for a significant buildup in strategic offensive forces and codified a state of Soviet nuclear superiority; and

Whereas the SALT II treaty would have provided a poor foundation upon which to promote the national security objectives of the United States, enhance international stability, or negotiate equitable and verifiable reductions in the nuclear arsenals of both the United States and the Soviet Union: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should enter into Strategic Arms Reduction Talks (hereafter in this resolution referred to as "START") with the Government of the Union of Soviet Socialist Republics as soon as the national security interests of the United States and world political conditions permit;

(2) the objective of these negotiations should be the achievement of an agreement on verifiable reductions to equal levels in the nuclear arsenals of the United States and the Union of Soviet Socialist Republics; and

(3) any such future START Agreement should—

(A) be based on the principle of true equality as expressed by the Congress in Public Law 92-448 and as determined by an overall assessment of strategic indicators, including missile throw-weight and warheads;

(B) enhance the survivability of the nuclear deterrent forces of the United States;

(C) provide for the dismantling or counting under the force ceilings of missiles excess to those levels needed for maintenance and testing purposes;

(D) provide for cooperative measures of verification, including provisions for on-site inspection, to complement National Technical Means of verification and to ensure compliance;

(E) serve to promote the cohesion of the allies of the United States and to advance North Atlantic Treaty Organization (NATO) security; and

(F) enhance the goals of international stability and the national security interests of the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. GARN. Mr. President, a number of my colleagues have submitted resolutions concerning the issue of nuclear war and arms control. Indeed, I am a cosponsor of one of those proposals, the Jackson-Warner resolution (S.J. Res. 177). The Jackson-Warner proposal seemed to me to be the most reasonable statement we could make with respect to the well-recognized horror of nuclear war and our national commitment to mutual and verifiable reductions in the nuclear arsenals of the two superpowers to equal levels.

Other resolutions that have been submitted on this subject, however, are not in line with my own perception of our Nation's security interests. We have witnessed the call for a nuclear freeze. Yet, this proposal would freeze a strategically significant imbalance in the nuclear equation that favors the Soviet Union and weakens crisis stability. It would undermine our negotiating position in the INF talks currently taking place in Geneva and would insure the failure of any further negotiations on the reduction of strategic nuclear weapons.

President Brezhnev has proposed his own version of the nuclear freeze to deal with both strategic and theater nuclear systems. This, undoubtedly, makes the freeze advocates in this country uncomfortable, and it should. Whatever the merits of their protests that Brezhnev's freeze is not their freeze, the fact of the matter remains that a nuclear freeze, regardless of its variation, plays into the hands of the Soviets and does irreparable damage to the U.S. negotiating position in the INF and START talks.

Several additional resolutions have been submitted that address themselves to the merits of SALT II and the wisdom of abiding by the terms of that agreement. In fact, we are being treated to the same rendition of arguments on behalf of that agreement that failed to sway this body in 1979, and fail just as readily today. Now, it is no doubt true that President Brezhnev would like to combine U.S. endorsement of SALT II with a freeze on new weapons deployments while we negotiate START. This would be a national security disaster for our country of the first magnitude, and I would hope that my colleagues would rid themselves of any allusions to the contrary.

Mr. President, the debate on nuclear arms control, as argued by the proponents of the freeze and SALT II, has evidenced what seems to be a convenient lapse of memory with respect to the U.S. experience with arms control during the 1970's and the serious flaws of SALT II. It is for this reason that I am submitting a sense of the Senate resolution today which provides a more realistic assessment of that experience and highlights the basis upon which the START negotiations could make a healthy contribution to the security of this country and international stability.

Mr. President, we have allowed our attention to shift from the objective of strategically significant nuclear arms reduction. I hope that the resolution I am now introducing will refocus our efforts in the difficult task that lies before us—the task of reducing the threat of nuclear war.●

AMENDMENTS SUBMITTED FOR PRINTING

VOTING RIGHTS ACT EXTENSION

AMENDMENT NOS. 1862 THROUGH 1875

(Ordered to be printed and to lie on the table.)

Mr. EAST submitted 15 amendments intended to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

AMENDMENT NO. 1876

(Ordered to be printed and lie on the table.)

Mr. DENTON submitted an amendment intended to be proposed by him to the bill (S. 1992) supra.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's hearing scheduled for June 10, 1982, at 9:30 a.m., in room 424 of the Russell Senate Office Building, on the oversight hearing of small business investment companies and minority enterprise small business investment companies has been postponed until further notice.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, the confirmation hearing for the three Presidential nominees to the Federal Election Commission is scheduled to begin at 10:30 a.m., instead of 10 a.m., on the morning of Thursday, June 10.

The Committee on Rules and Administration will hear from the three nominees, Joan D. Aikens of Pennsylvania, Lee Ann Elliott of Illinois, and Danny Lee McDonald of Oklahoma. The hearing will be held in room 301 of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 9, at 2:30 p.m., to receive an intelligence briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be authorized to meet during the session of the Senate on Wednesday, June 9, to hold a full committee markup on reauthorization of the food stamp program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be authorized to meet during the session of the Senate on Thursday, June 10, to hold a full committee markup on the reauthorization of the food stamp program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VETERANS' ORGANIZATION TAX REFORM ACT OF 1982

● Mr. SASSER. Mr. President, on May 25, 1982, I introduced S. 2570, the Veterans' Organization Tax Reform Act of 1982. This legislation designed to preserve the tax-exempt status of veterans' organizations such as the Disabled American Veterans and the Paralyzed Veterans of America, currently has eight cosponsors. Senators HUDDLESTON, PRYOR, RIEGLE, BOREN, HEFLIN, MELCHER, FORD, and BURDICK have added their support to S. 2570.

The response to S. 2570 by the veterans' organizations has been gratifying. These organizations, which represent the men and women who sacrificed their freedom, their health and their lives for our Nation, must be secure in the knowledge that they can continue their effective representation of the Nation's veterans. I urge my colleagues to lend their support to S. 2570 and enable its prompt approval by the Senate.

Mr. President, I have received correspondence from the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars in support of S. 2570. It is my understanding that the American Legion, although not corresponding at this time, generally supports the legislation.

Mr. President, I ask that letters from the Disabled American Veterans, Veterans of Foreign War, and Paralyzed Veterans of America be printed in the RECORD.

The letters follow:

DISABLED AMERICAN VETERANS,
Washington, D.C., June 2, 1982.

Hon. JAMES R. SASSER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: On behalf of the 715,000 members of the Disabled American Veterans, I wish to express our deep appreciation for the leadership role you so recently embarked upon relative to an issue of vital importance to our organization.

I am, of course, referring to your introduction in the Senate of S. 2570, the Veterans Organizations Tax Reform Act of 1982, a measure which clarifies and specifically states that it is the intent of Congress to authorize tax exempt status to Congressionally chartered, non-profit veterans' organizations, while at the same time, not forbidding such organizations to lobby the Congress on issues that relate to veterans' benefits and services.

Congressional approval of this legislation is sorely needed in view of the recent decision handed down by the U.S. Circuit Court of Appeals for the District of Columbia (Taxation With Representation, F. 2d, docket number 79-1464). As you are very much aware, this decision casts doubts—and places in jeopardy—the present tax exempt status of veterans' organizations who also maintain legislative offices for the purpose of promoting federal legislation beneficial to our nation's veteran population, their dependents and survivors.

Should an organization such as the DAV lose its current tax exempt status, the financial impact would be such that the ability of DAV to conduct its various programs of service to veterans and their families would be severely inhibited, if not completely curtailed. In addition to "lobbying" the Congress (which, as you know, enhances the ability of the Congress to make informed decisions on veterans' issues) each year the DAV:

1. Provides free, nationwide VA benefit counseling and representation to hundreds of thousands of veterans, their dependents and survivors.

2. Maintains a system of "outreach" mobile vans and offices for Vietnam Era veterans.

3. Provides educational scholarships for the children of needy disabled veterans.

4. Offers direct financial relief for victims of natural disasters and others in need of emergency assistance.

These programs and other services provided by our organization not only add immeasurably to the material welfare of our nation's veteran population but, as they complement and support similar activities conducted by our federal government (Veterans Administration), they result in huge savings to the American taxpayer as well. In these economically troubled times, it should be a national goal of our government to encourage nonprofit, charitable groups such as veterans' organizations to continue in their varied and beneficial operations.

Mr. Sasser, S. 2570 has the strong support of the Disabled American Veterans. I would hope that the majority of your colleagues in the Senate will join with you in supporting Congressional passage of this important legislation. Again, I wish to commend you for taking the initiative in this issue.

Sincerely yours,

SHERMAN E. ROODZANT,
National Commander.

PARALYZED VETERANS OF AMERICA,
June 8, 1982.

Hon. JAMES R. SASSER,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: On behalf of the members of Paralyzed Veterans of America and all veterans I want to thank you for your efforts in recognizing the unique status and relationship between veterans' organizations and the United States Congress. The introduction of S. 2570, the "Veterans' Organizations Tax Reform Act," clearly reaffirms the historic role veterans' organizations have had in representing the needs and concerns of the men and women who have served the nation.

The Congress of the United States has long ackowledged the services provided by veterans' organizations in offering insights into the problems and requirements of the nation's veterans. This long, fruitful relationship between the Congress and these organizations has resulted in a system of veterans' benefits and programs of which the nation can be rightfully proud.

The recent decision by the U.S. Circuit Court of Appeals for the District of Columbia jeopardizes the ability of veterans' organizations to continue to facilitate an awareness of veterans' issues by elected officials. The court's opinion threatens the tax-exempt status of veterans' organizations and could negate the beneficial working relationship which has been fostered over the years. S. 2570 clearly reaffirms the intent of Congress to maintain this historic relationship and clarifies the role veterans' organizations have long provided.

Again, on behalf of Paralyzed Veterans of America I thank you for your introduction of S. 2570 which will reaffirm and continue the valuable relationship between the Congress and veterans' organizations. America's veterans have been well served by this relationship and it must be preserved if the nation's commitment to them is to be maintained.

Sincerely yours,

MICHAEL F. DELANEY,
National President.

VETERANS OF FOREIGN WARS,
Washington, D.C., June 2, 1982.

Hon. JIM SASSER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: On behalf of the more than 2.5 million men and women of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary, permit me to take this opportunity to thank you for having introduced S. 2570 to clarify the intent of Congress in granting tax exemption for veterans' organizations engaging in limited lobbying activities on behalf of our nation's 30 million veterans, their dependents and survivors and with respect to matters of our national defense.

I am hopeful your bill will be advanced expeditiously and the VFW stands ready to support its passage in any way possible.

Again, thank you and with best wishes and kind regards, I am

Sincerely,

ARTHUR J. FELLWOCK,
Commander in Chief.●

GUARDSMEN AND THEIR EMPLOYERS

● Mr. GARN. Mr. President, last December, I introduced Senate Concurrent Resolution 52 which stated that it was the sense of the Congress that "members of the National Guard of the United States and the Reserve Forces of the Armed Forces of the United States deserve public recognition for their vital contribution to our national defense and that members of these forces need the support and cooperation of their civilian employers in order to train and remain ready to respond to national emergencies."

The support I received from my colleagues in behalf of this resolution was enthusiastic and strong. Fifty-one of my colleagues joined me in cosponsoring this resolution in reaffirming this body's commitment to the men and women who serve in our Nation's Guard and Reserve Forces. This show of support provided the basis upon which the Senate adopted this resolution as an amendment to the fiscal year 1983 defense authorization bill. That bill provided needed funds to modernize the equipment used by our guardsmen and reservists. The resolution I introduced did not cost the American taxpayer any money, but it is my hope that its contribution to a vigorous Guard and Reserve program will be felt in terms of the morale of these fine men and women, as well as in the continued cooperation they receive from their employers in performing this service for our country.

A recent article entitled, "Guardsmen and Their Employers," published in the May edition of National Guard magazine, clearly indicates how important the cooperation of the employer is to a healthy Guard and Reserve program. Capt. Arthur E. House, author of the article, writes:

> . . . surveys show about a third of all Army Guard and Army Reserve members who quit the service each year do so because they can no longer juggle the demands of a full time civilian career with those of their parttime military duties. Though many leave when increasing job responsibilities put the squeeze on the time they devote to the Guard or Reserve, many others report that they quit because their bosses pressure them to do so.

With or without an All Volunteer Force, our National Guard and Reserve Forces will continue to play integral roles in preserving the security of this country. It is a major responsibility and these individuals deserve our appreciation. No less deserving, however, are their employers who make it possible for these men and women to contribute to our security in this manner. They, too, deserve our thanks and encouragement to cooperate with their Guard and Reserve employees in this vital undertaking.

Mr. President, I must once again thank my colleagues who joined me in cosponsoring Senate Concurrent Resolution 52, and I ask that Captain House's article be printed in the RECORD.

The article follows:

GUARDSMEN AND THEIR EMPLOYERS

(By Captain Arthur E. House)

I was just a face in the crowd—and it was quite a crowd—on hand at the National Guard armory in Bowling Green, Kentucky, one warm afternoon last November.

In addition to the members of the Kentucky Army Guard's 1st Battalion, 123d Armor, and those of an Army Reserve tank training outfit that shares the facility, there were at least two major generals, a rear admiral, assorted Washington and Kentucky dignitaries, representatives of the city government, the Chamber of Commerce, and officials of many of the Bowling Green area's major employers.

The gathering was a special one, organized by the Kentucky Committee for Employer Support of the Guard and Reserve. The committee and the two units that call the armory their home turned out to honor the employers of the Guardsmen and Reservists who train in Bowling Green.

An Army band entertained the group, plaques and certificates were awarded and speaker after speaker cited the strong backing that Bowling Green industries and agencies extend to Guard and Reserve members in their employ.

But for one citizen soldier present, new and enthusiastic, the day's good cheer struck a discordant note. After the ceremonies he approached me, urged on by a couple of his friends, looking a bit embarrassed about something.

"Are you one of those employer support people?" I replied that I was. "Well, I've got a real bad problem with my boss. Can I tell you about it?"

EMPLOYER SUPPORT PROGRAM

Employer Support of the Guard and Reserve has been an effort of the Department of Defense for a decade. In 1972, with the end of draft calls in sight, the department realized that a huge new burden of readiness would have to be placed on the National Guard and Reserve. Defense planners also foresaw that the strength of the reserve forces—swollen at the time by draft-induced volunteers—was likely to tumble as enlistments expired. The department was right on both counts:

The Guard and Reserve quickly became the nation's sole source of immediate reinforcement for the active duty military forces, and the department's Total Force Policy soon boosted the reserve forces out of second-class status. Each service was configured to respond to future trouble with mobilized reserve elements called up from day one of the emergency. Many critical Guard and Reserve units are now slated, in fact, to deploy to trouble spots in advance of some active Army and Air Force units. Some have been earmarked for service with the Rapid Deployment Joint Task Force, and others are set to assume critical stateside missions vacated by active units deployed to the trouble spot.

Defense was right about the strength problem, too. Guard and Reserve membership ebbed in the years following the halting of draft calls. (It was only in 1981 that the strength of the reserve forces returned to draft-era levels.) Foreseeing this drop, defense analysts said in effect, "If we are going to keep people in the Guard and Reserve voluntarily, we're going to have to secure their employers' cooperation." During draft days, employers generally understood that their employees' membership was, essentially, mandatory. In an all-volunteer military, they feared that the employers' understanding might erode.

Therefore, in 1972, DoD created the National Committee for Employer Support of the Guard and Reserve. At first, the committee was a small, blue-ribbon panel of nationally-prominent industrialists and public figures. Since those early days, the committee has been expanded and decentralized, and exists now as the umbrella organization for 53 state-level committees operating in every state, the District of Columbia, Puerto Rico and the Virgin Islands. And, like the British Empire of old, the sun never sets on the committee's work: with the recent establishment of Guard and Reserve units on Guam, a 54th employer support committee is taking shape there.

Today's committee consists of some 2,000 volunteers, each selected because of prominence in business, government, the military or community affairs. The members, opinion leaders all, conduct a variety of programs designed to reach out to the nation's employers, teach them about the Guard and Reserve, and win their support.

WHAT THE LAW REALLY SAYS

Great confusion, a flood of half-truths, misconceptions and rumors have fuzzed over the actual provisions of the Veterans Reemployment Rights Statute, the body of federal law that includes job-rights protection for the Guard and Reserve. This confusion may be a product of the many amendments, court interpretations and executive actions that have fine-tuned the law over the years.

Guard and Reserve members need to understand the basic provisions of the law. So should their employers. Following is a quick look at the general provisions. Specific questions on how the law is applied can be directed to the National Committee's ombudsman, whose address and phone number appear below.

The specific federal statute, which is what we're talking about here, is contained in chapter 43 or Part III of Title 38, U.S. Code. Many states have their own laws on the subject as well. Where there is a conflict between the federal and state statutes involved, the federal law takes precedence.

Guard and Reserve members have the right to:

Be released from their jobs, on request, to attend military training.

Get their vacation in addition to military training time; normally, employers cannot require employees to use vacation time to attend military training periods, such as annual training.

Belong to any Guard or Reserve service; all enjoy the same protections. (A possible exception involves Guard members on state duties in response to local emergencies. State laws, which generally protect Guardsmen on state duties, differ by jurisdiction.)

Perform voluntary duty; the law protects those who volunteer for assignments as well as those who have mandatory training.

Get their jobs back when training is complete, and be treated the same as if they had never been away from work. The length of time they can be away from work and be eligible for reemployment varies: for extended active duty and active duty Guard and Reserve status, the limit is four years (five at the convenience of the government). Individuals planning lengthy training tours might want to check with the National

89-059 O-86-16 (Pt. 10)

Committee's ombudsman for specific applications.

Employers have the right to:

Know their employees' training schedules, as far in advance as possible.

Ask to see paperwork (such as orders) verifying the military duties for which absences from work are requested.

Deny pay or special work-scheduling arrangements to cover lost work time when an employee is away on military duty. The Department of Defense applauds employers who help their employees make up lost pay or allow them to re-schedule work missed because of Guard and Reserve duties, but the law does not require employers to do so.

Guard and Reserve members must:

Ask for the time off. They cannot simply fail to show up for work using the excuse that they had to attend military training.

Report back to work on the next workday after drill or annual training. If they don't, they do not lose their reemployment eligibility, but their bosses may penalize them the same as other employees who don't show up.

Consider the employers' needs. Though the law allows Guard and Reserve members to take time off for an unlimited number of training tours, abusing the law by taking unnecessary training is in no one's best interest. In disputed cases, courts often look for evidence of obvious abuse.

Employers must:

Allow Guardsmen and Reservists time off for training.

Take their employees back when military duties are completed.

Not fire, not demote, not deny promotion or benefits to employees because of their membership in the Guard and Reserve.

Grant employees their earned vacation periods in addition to any military leave they require.

A FAMILIAR TALE

He was a young man with an old problem; his boss was pressuring him to quit the military. The employer went even further: "Tell me who to call," the boss had asked him earlier that week, "and I'll get you out of the Army, fast. When you're needed here I can't have you off playing soldier."

Until that day, the young soldier was only vaguely aware that his right to serve in uniform without hassels on-the-job was guaranteed by federal law. He'd heard about some court cases someone told him meant "The government isn't going to stand up for us anymore." And, his boss had assured him that any laws on the books only protected employees of military contractors.

It was evident that unless the young man and his employer found out about the law, the Army was soon going to be out one budding tanker.

"I like the Army. I don't want to quit," he told me. Before we were done, it looked as if he wouldn't have to.

A TALE OF RIGHTS AND RESPONSIBILITIES

By the time we finished our talk, I had given him a full rundown on his legal rights along with a factsheet on the subject and advised him to have a talk with his unit commander. I also gave him the name and phone number of Al Baker, the employer support representative in Bowling Green. Baker, I pointed out, just happened to be the president of the Chamber of Commerce, and I suggested that Baker would be delighted to discuss the problem with the young man's boss.

The soldier went away encouraged, and I went away happy. The employer support program, with any luck at all, was helping keep a good soldier in the Army. His employer, it had seemed to him, had held all the cards. But he discovered he held a few cards of his own, a trump or two among them.

His problem was a common one: surveys show about a third of all Army Guard and Army Reserve members who quit the service each year do so because they can no longer juggle the demands of a fulltime civilian career with those of their parttime military duties. Though many leave when increasing job responsibilities put the squeeze on the time they devote to the Guard or Reserve, many others report that they quit because their bosses pressure them to do so.

AVOIDING AND RESOLVING CONFLICT

Most job/military duty conflicts can be avoided by keeping the boss informed about duty requirements, training schedules and the possibility of unexpected call-ups. Informal chats with the employer—casual discussions before and after a training period—take the edge off the subject, and make the topic comfortable and routine for both boss and employee.

But when problems do crop up, the National Committee suggests:

Members should get in touch with their unit commanders. Many problems and scheduling conflicts can be worked out informally between the employer and the commander.

When unit-level efforts fail, members should contact the National Committee ombudsman. The ombudsman operates a toll free hotline (800) 336-4590, Monday through Friday, available for use by employers and by members who have a problem. Matters discussed on the hotline may be referred to local employer support contacts (see the accompanying story about how one state's National Guard handles employer support matters), or worked by the National Committee ombudsman. Particularly tough cases may be referred to the Department of Labor's Office of Veterans Reemployment Rights, which, when necessary, may take the matter to court.

For a detailed analysis of the reemployment rights of Guardsmen and Reservists, write: Rights Fact Sheet, National Committee for Employer Support of the Guard and Reserve, Suite 206, 1735 N. Lynn St., Arlington, VA 22209.●

SMALL BUSINESS AND THE ECONOMY

● Mr. D'AMATO. Mr. President, free enterprise and capitalism are democratic ideals that serve as the foundation of the American economy. Small business epitomizes these ideals and has traditionally spurred the healthful growth and continual expansion of our economy.

Ninety-six percent of all businesses in the United States are classified as small businesses. They produce 43 percent of the private sector gross national product. In addition, two-thirds of all net new jobs created between 1969 and 1976 were provided by firms of fewer than 20 employees and approximately 80 percent were created by firms with 100 or fewer employees. A National Science Foundation study concludes that small business is approximately 4 times as innovative as medium-sized firms and approximately 24 times as innovative as the largest firms. Consequently, it is evident that small business is crucial to the economic health of the United States.

In these brutal recessionary times, it is vital for the U.S. Government to encourage the increased productivity, innovation and job creation that small businesses can provide. The ability of small businesses to accomplish this is contingent upon investment. Because of staggeringly high interest rates, small businesses can no longer afford to borrow money from banks and other such institutions. The only alternative is for an individual to make a personal loan directly to his or her business in order to maintain a capital flow that permits and fosters growth.

Internal Revenue Code section 385 gives the Department of the Treasury broad authority to enact regulations which determine whether the proceeds of loans are to be treated as equity or as debt. If an individual makes a loan to his or her business, it would be possible under certain circumstances for the loan to be classified as stock. Therefore, the interest paid by the corporation would no longer be deductible, but would be taxable as are dividends on preferred stock.

This would clearly have a devastating effect on the cash flow of a business. The influx of venture capital would be inpeded and the small businesses that are the most inovative and that provide the greatest number of new jobs would suffer. In order for economic revitalization to occur, small businesses must be allowed to burgeon; the Government should not constrict them at a time when it most needs strong, expansionary small businesses.

Mr. President, in recognition of the key role that must be played by small businesses, I am pleased to be an initial consponsor of S. 2610, a bill that will delay the implementation of Internal Revenue Service Code section 385 from July 1, 1982 to July 1, 1984, along with my distinguished colleagues, Senators CHAFEE and WEICKER. It took the Treasury Department 11 years to release its first draft of debt-equity regulations and the original 1980 draft was so complicated that the Treasury was forced to release two further drafts of the regulation. I believe that this delay is necessary so that a full analysis of the section 385 conumdrum can be made. Its impact on small businesses must be carefully scrutinized. It is in the best interests of the economy that any undue harm to small businesses which might be caused by the precipitate implementation of the currently proposed section 385 regulations be prevented.●

POLISH DEFAULT IS INEVITABLE

● Mr. KASTEN. Mr. President, 6 months after the imposition of martial law in Poland, the Polish economy is in ruins. The Solidarity movement has gone under ground, Lech Walesa remains imprisoned, and the Polish people continue to fight for their political and economic freedom. Now the Polish Government has announced that it will not pay even the interest it owes to the West in 1982—that it cannot pay anything at all unless substantial new loans are granted.

Yesterday's New York Times reported that, during meetings on the Polish debt situation last month in Warsaw, Western bankers were informed that Poland would fail to make any of its payments unless it receives new loans from the West. Poland owes $4.6 billion to private banks this year, and it owes $15 billion to Western governments. The United States has always demanded that any interest owed be paid before outstanding debt is rescheduled. Now Poland wants to be exempted from that requirement. They owe the West $2.1 billion interest in 1982, and they want the interest due to be rescheduled as well.

What this means is that Polish default is inevitable. Poland is bankrupt, it cannot make its payments, and no one should be willing to lend them additional money under these circumstances. Western governments have pledged that Poland's debts will not be rescheduled until martial law is lifted, and U.S. banks will not reschedule Poland's debts until they come up with $2.1 billion in interest payments. Neither of these events seems likely to occur. So it is simply a question of when default will be declared, and by whom—Poland, the United States, or the NATO allies.

The strategy now being pursued by the State Department puts Poland in charge: Instead of pushing out allies to endorse further sanctions against the Polish military regime, we went to Versailles aiming for some kind of limitation on future credits to the Soviet bloc. We came back with nothing but empty promises—which West German and French officials immediately declared would have no effect at all. I ask that several articles on the unsuccessful Versailles summit be included in the RECORD, and I quote from one in particular, a Wall Street Journal editorial dated June 8:

> Mr. Haig & Co. hoped that by treading softly the U.S. could obtain a broader measure of agreement than if it stuck to a harder line, say by threatening to default the Polish loans. It should be obvious after the Versailles summit that this approach has failed * * * the way to lead an alliance is to lead.

Mr. President, I submit the New York Times article on Poland's inability to pay its debts and a series of articles on the Versailles summit to be printed in the RECORD at this point.

The articles follow:

[From the New York Times, June 8, 1982]

POLAND SAID TO THREATEN DEFAULT IF AID IS DENIED

(By Paul Lewis)

PARIS, June 7—The Polish authorities have warned Western banks that Poland will not be able to pay any of the $2.1 billion in interest due this year on its $14 billion in foreign bank debt unless the West lends Warsaw more money, banking sources reported today.

This was the main message, the sources said, that members of a seven-bank group brought back from Warsaw last month after discussing Poland's demand for a rescheduling of the $2.5 billion in principal due this year to foreign banks.

Poland and its 500 Western bankers reached agreement earlier this year to postpone repayment for several years of $2.4 billion in principal owed in 1981, but only after Poland agreed to complete the payment of interest that came due last year.

Now Poland is seeking postponement of the interest as well as the principal, the banking sources said—a total of $4.6 billion.

The Polish request would raise once again the issue of default, as it did last year during the negotiations to postpone repayment of the principal owed in 1981.

In addition to its private bank debt, Poland owes Western governments $15 billion, part of it borrowed from private banks with repayment guaranteed by a Western government. The Western governments have declined to discuss rescheduling of this debt while Poland is under martial law.

Banks represented by the group that negotiated with the Polish authorities were the Bank of America and the Bankers Trust Company, from the United States; West Germany's Dresdner Bank; Lloyds Bank of London; France's nationalized Société Générale; the Bank of Tokyo, and Italy's Banca Nazionale del Lavoro.

[In New York, bankers Trust indicated that it and other Western banks would adopt a hard-nosed approach to the interest due this year. "Certainly what we're looking for the Poles to do is pay interest due in 1982 before any restructuring is effected," a spokesman said. "That also seems to be the attitude that other American banks are taking."

[A spokesman for the Bank of America in San Francisco said that it did not have any comment.]

ASSET VIEW UNDERMINED

Bankers connected with the group said that, if Poland did not pay any interest due this year, it would be hard for the banks to maintain to regulators that the Polish loans they hold on their books are assets and should not be written off.

They also expressed concern that Poland's reluctance to make some payment on its debt, without new loans, would cause the United States Congress to press the Reagan Administration to declare Poland in default. This would be a means for the Administration to tighten the economic pressure on the Soviet Union and its Eastern bloc allies. The United States Government earlier this year paid more than $70 million to private American banks as reimbursement for guaranteed loan payments that were overdue. The payments were made rather than declare Poland in default.

The banking sources said that, during their visit to Warsaw last month, the members of the Western bank group became aware of a faction within the Polish Government that believes Poland should declare itself bankrupt and announce a moratorium on all foreign debt repayments, instead of trying to negotiate easier repayment terms.

ACCUSATION BY OFFICIAL

The group's bankers said that the Polish Finance Minister, Marian Krzak, had accused the Western banks of breaking an implicit promise to lend Poland more money after agreeing to reschedule its 1981 debt repayments. Without such new loans, he said, Poland did not have the foreign exchange to meet even its interest payments this year.

Western creditor banks are reported divided over how to respond to Poland's demand for release from interest payments this year. One faction, led by the Bank of America and Dresdner, banking sources said, wants to avoid default and favors offering the Poles new loans, perhaps in the form of credits designed to get Poland's export industries working again so they can earn foreign exchange to service the foreign debt.

These credits might be guaranteed by the two banks of the Council for Mutual Economic Assistance. The Comecon banks are jointly owned by all the members of the Eastern bloc, including the Soviet Union. But a second creditor faction is said to be convinced that the Poles are trying to borrow more money with no real intention of repayment and is increasingly resigned to writing off its Polish loans.

[Editorial from the Wall Street Journal, June 8, 1982]

FAILURE AT VERSAILLES

The Reagan team was quick to proclaim success for its labors at the Versailles summit, apparently because it managed after months of discussion to extract some exceedingly vague promises from our allies about limiting credit subsidies to the Eastern bloc and the Soviets.

To us, however, it looks as though Mr. Reagan, following the blueprint laid out for him by the State Department, gave more than he got. And beyond the nitty-gritty of the negotiations, we think the Versailles summit once again points up the flaw in the approach favored by Secretary of State Haig and others in the administration for dealing with our European friends.

At Versailles the U.S. agreed to soften its opposition to intervention in foreign exchange markets, to formation of a new IMF committee to promote "convergence" of economic policies and to a broader role for the UN in the so-called North-South dialogue.

Now we don't think the world will come to an end because of any of this. The administration and the Fed understand that intervention in foreign exchange markets could as easily become an engine for renewed inflation as for monetary stability. And not even France's Socialists, for all their talk about solidarity with the world's poor, have any real intention of turning over Western treasuries to the mercies of the UN. It's even possible, we suppose, that the IMF would promote "convergence" of economic policies in the right direction, though probably only over the dead bodies of a lot of internationalist bureaucrats who like to solve all economic woes by raising taxes.

But at best this was a mess of pottage, in return for which we received precious little. The communique suggested "limits" on credit subsidies and loan guarantees to the Eastern bloc and the Soviets, but the limits weren't defined, leaving individual countries

free to continue business as usual. European spokesmen made it plain they plan to do just that. The Siberian gas pipeline, for which the West Europeans are providing billions in subsidized credit and guaranteed loans, wasn't even mentioned in the communique despite Mr. Reagan's initial sharp objections to the deal.

Mr. Haig & Co. hoped that by treading softly the U.S. could obtain a broader measure of agreement than if it stuck to a harder line, say by threatening to default the Polish loans. It should be obvious after the Versailles summit that this approach has failed.

It may even prove to have been irrelevant. The implicit premise of the Haig approach is that the Reagan administration is politically out of synch with its allies. But before the ink was even dry on the Versailles documents, Germany's conservatives were delivering another electoral blow to Helmut Schmidt's ruling Social Democrats, this time in Hamburg's elections. Some observers wonder if Mr. Schmidt can last out the summer. Conservatives have also scored heavily in recent elections in France and England. The reasons for this trend are arguable, but at least it suggests that the European electorate is not an unalterable constant impervious to persuasion.

The best thing that could come of Versailles would be for Mr. Reagan and other travelers to ponder their failure to get anything meaningful on Soviet bloc credits. For then they might start to sense that the policy of the lowest common denominator is bound to fail, and that the way to lead an alliance is to lead.

[From the New York Times, June 7, 1982]

GAIN FOR U.S. GOALS BELOW EXPECTATIONS

(By Hedrick Smith)

VERSAILLES, FRANCE, June 6—President Reagan traded a last-minute concession on global economic negotiations with the third world for a modest, face-saving gain in his campaign to curb credits to the Soviet Union. But American headway at the economic summit conference here was far short of what Washington had hoped for in advance.

In a very real sense, the Reagan Administration fared better defensively than offensively at the eighth economic summit meeting. The President protected the laissez-faire doctrines of Reaganomics from persistent French pressure for a clear-cut pledge of Government intervention to stabilize volatile currency markets.

SPARED SPECIFIC DENUNCIATION

Although Mr. Reagan was criticized for high American interest rates, he was spared any specific denunciation in the final declaration of the large American budget deficits and the high interest rates that other nations blame for stalling their own economic recovery.

As the only leader here who chose to summarize the three days of talks in a prepared statement rather than at a personal news conference, President Reagan hailed "the spirit of partnership" that had prevailed in Versailles. And evidently, for the sake of solidarity and partnership, he was prepared to settle for less headway than he really wanted on some pet American objectives.

Gamely, Treasury Secretary Donald T. Regan insisted to reporters that the American delegation was "more than satisfied" on the controversial credit issue because the six other nations had publicly pledged to "handle cautiously" their financial and economic relations with Moscow and to observe "the need for commerical prudence in limiting export credits."

CALLED MAJOR OBJECTIVES

But privately, other Americans conceded that this did not set a specific ceiling on overall credit to Moscow and did not explicitly commit the French to stop granting Moscow "subsidized credit" well below prevailing market rates of interest. These were described by Mr. Reagan last Tuesday as major objectives of the Administration at the summit conference.

After three days of steady negotiating here, the net result was what Woody Hayes, the well-known Ohio State football coach, would have called "three yards and a cloud of dust." And it took hard bargaining and some obvious stonewalling by Mr. Reagan on the issue of North-South "global negotiations" on economic issues to gain even that much.

President Reagan was taunted, moreover, by Chancellor Helmut Schmidt of West Germany, who remarked that German and French trade with the Soviet Union had declined since 1978 while Japanese trade had risen and American trade had grown "by 50 percent—five zero percent."

And President Francois Mitterrand of France emphasized tonight that the formula on credits left each country "sovereignly responsible for deciding what is prudent" trade with Moscow.

ISSUE A CLIFFHANGER

The credit issue, an American official said, was "a cliffhanger." At noon today, the leaders were still unable to agree precisely. After a 30-minute discussion, they put the issue aside. Everything else was then settled except the issue of "global negotiations," a pet project of Mr. Mitterrand, who is the main holdout on explicitly limiting credits to Moscow.

As the seven leaders began to edge into the issue of stepped-up negotiations over economic help for underdeveloped nations, President Reagan interrupted to say he needed more time to think over that item. He even proposed a 20-minute break.

But the discussion instead turned back to export credits for the Soviet Union. American officials said that Mr. Reagan never explicitly said he would not give ground on the North-South issue until France yielded on th credit issue, but they said his tactics set up that bargain.

WATERED-DOWN VERSION

After an hour and a half of haggling over language on the credit portion of the final declaration, Mr. Mitterrand went along with a watered-down version. Mr. Reagan then agreed quickly for the first time that the United States would accept an Algerian proposal from a 77-nation third world group as "the basis" for arranging an agenda for a large economic conference of both advanced and developing nations. Canadian, French and European Economic Community leaders hailed this as "a major breakthrough."

The gain for the Reagan Administration on the credit issue was the indirect pledge of the other nations to limit the amount of government subsidized credits and the accompanying agreement to have information on their overall East-West trade pooled.

The disappointment, however, was that, unlike the 1979 summit conference in Tokyo, which adopted specific numerical targets for limiting energy imports, this conference set no specific ceilings on the amount of official credits to finance exports to the Soviet Union. Some American officials contended that official credit would decline, but others said this was already happening because of the unsettling economic conditions in Eastern Europe.

ANOTHER IDEA DROPPED

Moreover, the Americans had to drop another idea. They had hoped to persuade the conference leaders to endorse a proposal of the Organization for Economic Cooperation and Development, a 24-nation group, that would have the effect of raising interest rates on credits to the Soviet Union by about 4 percentage points, to about 12.5 percent.

This would take place by moving Moscow from the second category into the top category of credit recipients and by increasing interest rates for all categories. But France balked on the timetable for this arrangement and the issue was left for the O.E.C.D. to resolve within the next nine days.

Mr. Reagan was also unable to persuade his colleagues explicitly to limit dependence on Soviet natural gas from the controversial pipeline that the Reagan Administration has tried assiduously to block or delay. He left the conference table without deciding to allow shipment of American-made rotors that the European governments and companies want for the pumping stations of that pipeline.

The tough give-and-take on the East-West trade issue was an indication that Mr. Reagan, who dominated last year's conference in Ottawa as the new American President, could not count on having his way as a second-year man, now a familiar face with colleagues who have also felt the impact of his policies.

[From the New York Times, June 7, 1982]

TEXT OF COMMUNIQUÉ ISSUED AFTER THE VERSAILLES CONFERENCE

Versailles, France, June 6 (AP)—Following is the official English-language text of the joint communiqué issued today by the seven major industrial nations at the conclusion of the economic conference here:

In the course of our meeting at Versailles, we have deepened our mutual understanding of the gravity of the world economic situation, and we have agreed on a number of objectives for urgent action with a view to improving it.

We affirm that the improvement of the present situation, by a further reduction of inflation and by a return to steady growth and higher levels of employment, will strengthen our joint capacity to safeguard our security, to maintain confidence in the democratic values that we share and to preserve the cultural heritage of our peoples in all their diversity.

Full employment, price stability and sustained and balanced growth are ambitious objectives. They are attainable in the coming years only if we pursue policies which encourage productive investment and technological progress; if, in addition to our own individual efforts, we are willing to join forces, if each country is sensitive to the effects of its policies on others, and if we collaborate in promoting world development.

In this spirit, we have decided to implement the following lines of action:

Growth and employment must be increased. This will be attained on a durable basis only if we are successful in our continuing fight against inflation. That will also help to bring down interest rates, which are now unacceptably high, and to bring about more stable exchange rates.

In order to achieve this essential reduction of real interest rates, we will as a matter of urgency pursue prudent monetary policies and achieve greater control of budgetary deficits.

It is essential to intensify our economic and monetary cooperation. In this regard, we will work toward a constructive and orderly evolution of the international monetary system by a closer cooperation among the authorities representing the currencies of North America, of Japan and of the European community in pursuing medium-term economic and monetary objectives. In this respect, we have committed ourselves to the undertakings contained in the attached statement.

The growth of world trade in all its facets is both a necessary element for the growth of each country and a consequence of that growth. We reaffirm our commitment to strengthening the open multilateral trading system as embodied in the GATT and to maintaining its effective operation.

In order to promote stability and employment through trade and growth, we will resist protectionist pressures and trade-distorting practices. We are resolved to complete the work of the Tokyo Round and to improve the capacity of the GATT to solve current and future trade problems. We will also work toward the further opening of our markets.

We will cooperate with the developing countries to strengthen and improve the multilateral system, and to expand trading opportunities in particular with the newly industrailized countries. We shall participate fully in the forthcoming GATT ministerial conference in order to take concrete steps toward these ends. We shall work for early agreement on the renewal of the O.E.C.D. export credit consensus.

We agree to pursue a prudent and diversified economic approach to the U.S.S.R. and Eastern Europe, consistent with our political and security interests. This includes actions in three key areas:

First, following international discussions in January, our representatives will work together to improve the international system for controlling exports of strategic goods to these countries and national arrangements for the enforcement of security controls.

Second, we will exchange information in the O.E.C.D. on all aspects of our economic, commercial and financial relations with the Soviet Union and Eastern Europe.

Third, taking into account existing economic and financial considerations, we have agreed to handle cautiously financial relations with the U.S.S.R. and other Eastern European countries, in such a way as to insure that they are conducted on a sound economic basis, including also the need for commercial prudence in limiting export credits. The development of economic and financial relations will be subject to periodic ex-post review.

The progress we have already made does not diminish the need for continuing efforts to economize on energy, particularly through the price mechanism, and to promote alternative sources, including nuclear energy and coal, in a long-term perspective.

These efforts will enable us further to reduce our vulnerability to interruptions in the supply of energy and instability of prices. Cooperation to develop new energy technologies, and to strengthen our capacity to deal with disruptions, can contribute to our common energy security. We shall also work to strengthen our cooperation with both oil-exporting and oil-importing developing countries.

The growth of the developing countries and the deepening of a constructive relationship with them are vital for the political and economic well-being of the whole world. It is therefore important that a high level of financial flows and official assistance should be maintained and that their amount and their effectiveness should be increased as far as possible, with responsibilities shared broadly among all countries capable of making a contribution.

The launching of global negotiations is a major political objective approved by all participants in the summit. The latest draft resolution circulated by the Group of the 77 is helpful, and the discussion at Versailles showed general acceptance of the view that it would serve as a basis for consultations with the countries concerned. We believe that there is now a good prospect for the early launching and success of the global negotiations, provided that the independence of the specialized agencies is guaranteed.

At the same time, we are prepared to continue and develop practical cooperation with the developing countries through innovations within the World Bank, through our support of the work of the regional development banks, through progress in countering instability of commodity export earnings, through the encouragement of private capital flows, including international arrangements to improve the conditions for private investment, and through a further concentration of official assistance on the poorer countries.

This is why we see a need for special temporary arrangements to overcome funding problems for I.D.A. 6 and for an early start to consideration for I.D.A. 7. We will give special encouragement to programs or arrangements designed to increase food and energy production in developing countries which have to import these essentials, and to programs to address the implications of population growth.

In the field of balance of payments support, we look forward to progress at the September I.M.F. annual meeting toward settling the increase in the size of the fund appropriate to the coming eighth quota review.

Revitalization and growth of the world economy will depend not only on our own efforts but also to a large extent upon cooperation among our countries and with other countries in the exploitation of scientific and technological development. We have to exploit the immense opportunities presented by the new technologies, particularly for creating new employment. We need to remove barriers to, and to promote, the development of and trade in new technologies both in the public sector and in the private sector. Our countries will need to train men and women in the new technologies and to create the economic, social and cultural conditions which allow these technologies to develop and flourish.

We have considered the report presented to us on these issues by the President of the French Republic. In this context we have decided to set up promptly a working group of representatives of our governments and of the European community to develop, in close consultation with the appropriate international institutions, especially the O.E.C.D., proposals to give help to attain these objectives. This group will be asked to submit its report to us by December 31, 1982. The conclusions of the report and the resulting action will be considered at the next economic summit to be held in 1983 in the United States of America.●

BORDENTOWN VS. THE BUREAUCRATS

● Mr. GARN. Mr. President, I have always believed that public assistance ought to function as a temporary support system which encourages potentially employable people to become self-sufficient. Too often, however, it happens that welfare becomes a permanent way of life, an income maintenance program that breeds dependence, rather than fostering self-reliance.

My own State of Utah has been remarkably successful over the past decade, a period of soaring inflation and unemployment, in reducing, from 4 percent to 2.3 percent, the percentage of the State's population receiving AFDC and placing recipients into permanent and meaningful jobs. Some officials claim they could do even better, and at less cost, if they had the necessary flexibility.

Obviously, every State's welfare needs are different, and no one solution can be the best, or the most efficient, or the most cost effective for all. For this reason, I support the President's "New Federalism" proposal to turn the AFDC program entirely over to the States, the level, in my view, at which it can be most effectively controlled. There appears to be at least some tentative willingness on the part of the States to take on the job.

It was with these thoughts in mind that I was particularly pleased to note the article in the June 1982 Reader's Digest by Roul Tunley, "Bordentown vs. the Bureaucrats," about how Bordentown, N.J., operates its own welfare system, with its own money, at a fraction of the normal cost. I share the conclusion of that town's mayor, Joe Malone, that the government closest to its people is the one best able to meet their needs. "Unhampered by redtape," says the author "it can be fast and flexible," especially in an emergency. I urge my colleagues to give this article some serious thought, and ask that it be printed in the RECORD.

The article follows:

BORDENTOWN VS. THE BUREAUCRATS

(By Roul Tunley)

Four years ago, Joe Malone, the mayor of Bordentown, N.J., put a broom in the hands of a welfare applicant and raised a cloud of controversy that hasn't settled yet. In the process, Malone has done much to popularize the idea of "workfare," i.e., able-bodied people working for their welfare money. "Most people who need help don't want to get something for nothing," he says. "It's degrading."

Because of the storm he created, Joe became a folk hero to Americans fed up with what he calls the "welfare mess." In addition to receiving thousands of letters hailing his stand, he has appeared on numerous radio and television programs. Not long ago, he was called to Washington for discussions with President Reagan and with Secretary of Health and Human Services

Richard Schweiker, who is studying the advisability of a national workfare program.

The stage was set for the Bordentown brouhaha when a state official decreed in August 1978 that the blue-collar town of 5000 must have a full-time welfare director and a caseworker to deal with its handful of relief recipients—24 people on General Assistance.*

At the time, Bordentown's welfare budget ran only $32,000 a year, and the caseload was efficiently handled by one person working part-time. "The state's demands would have cost an additional $30,000," says the mayor. "It didn't make sense."

Bordentown told the state to keep its money. (The state had been paying 75 percent.) Then the town announced that welfare recipients would have to re-register, and that the able-bodied would be required to work. In the three months after Bordentown's new rules went into effect, only four people registered.

Two were qualified for jobs: one, Mary Eltonhead, a widow in her 40s, said she had arthritis and was unable to work. When her doctor disagreed, welfare benefits were withheld. The other, 29-year-old Jo-Anne Gibbs, needed $135 for rent. She'd lost her job and her husband was ill. Bordentown paid the rent bill and she worked it off, at the minimum wage, by tidying up the community center.

State welfare director Thomas Riti was incensed by Bordentown's action. He gave an interview saying the town's poor were being exploited and stripped of their dignity. Ironically, town and state had the same goal: putting employable welfare people to work. In fact, the state itself had passed a workfare law in 1977, requiring municipalities to refer able-bodied persons to work-orientation classes. If, after three months, they hadn't found jobs, they were to be assigned to municipal tasks, receiving a maximum of $119 a month to work off payments. If they refused, welfare payments would be stopped.

The state law went into operation about the same time Bordentown's did. Out of the 16,000 persons certified as employable during its first five months, a mere 918 actually went to work, and the number of welfare applicants dipped only slightly. A staff of 62 persons, costing taxpayers close to $1 million a year, was required to run this operation. In contrast, Bordentown cut the number of people drawing relief checks by some 90 percent and shaved welfare costs proportionately.

But New Jersey's welfare bureaucrats declared the Malone plan illegal and obtained a court restraining order stating "no work requirements shall be imposed save by referring each applicant to the New Jersey Employment Service."

Undeterred, Malone came up with an ingenious voluntary plan. People were offered a choice of signing up with the state and possibly getting a job later, or of going to work immediately for the town, and at higher wages.

Meanwhile, state investigators set out to bolster charges that Bordentown had wrongfully deprived needy persons of welfare benefits. Only Mrs. Eltonhead and Joe de Silvio, a young man incapacitated by heart disease, signed complaints. The town had approved funds for de Silvio's treatment but denied him hopital costs because these were covered by Medicaid. After being convinced that his hospital bills were, in fact, covered, de Silvio withdrew his complaint.

Mrs. Eltonhead appeared at the Bordentown relief office with a lawyer representing the state and demanded her benefits. The mayor offered her a $300-a-month job (at the minimum hourly wage) washing and sanding chairs in the community center. She accepted.

With its case now seriously undermined, the state tried to have the original court order made permanent. It lost; but Bordentown was required to accept certain guidelines, which the town approved.

The obvious question to an outsider is: Can one really cut a relief roll by 90 percent and not have people hurt?

During my investigation in Bordentown, I found no evidence of anyone having suffered because of Malone's no-work/no-pay policy for able-bodied welfare applicants.

Says former relief recipient Carl Reeder, "I never liked the idea of a handout, and the work I was given led to a permanent job."

Relief applications for people unable to work number only one or two per month, and the town's total welfare costs are holding at approximately $240 monthly, compared with $2,503 before the crackdown.

Malone argues that the Bordentown system is actually more humane than state- or federally-run programs because "it's closer to the people than a bunch of far-off bureaucrats." Unhampered by red tape, it can be fast and flexible in an emergency. When a fire left Alice West and her children homeless, for example, they were ineligible for welfare aid because she had a job. But town officials found an apartment for the family, collected clothing and furniture, and paid the first month's rent.

Bordentown's battle against the bureaucracy paved the way for a new state law that allows other New Jersey municipalities to act on their own and assign work in return for welfare money.

"Any town can do what we did," says Joe Malone, whose program for trimming welfare costs flexibly and humanely has clearly struck a national nerve. If other communities around the country followed Bordentown's lead, state and federal tax savings would be enormous.●

*A catchall welfare category covering mostly single persons and childless couples. It has nothing to do with dependent children, the handicapped or the aged who receive supplemental Social Security payments.

REFUGEE POLICY FAILS

● Mr. HUDDLESTON. Mr. President, for several years I have been saying that the U.S. refugee resettlement program has been expanded beyond the letter and intent of the law. This has become more obvious during the last 2 years, when the U.S. Department of State attempted to classify all economic migrants from Indochina as refugees who would be eligible for resettlement in the United States.

Even though a Presidential report in 1980 revealed that American taxpayers were spending over $2 billion a year on refugee assistance, the State Department continued to push for massive resettlement of Indochinese economic migrants in the United States. In order to keep this massive resettlement program operating while appearing to cut costs, the administration simply shifted more of the costs to the State and local governments.

The result of this overzealous policy is that of the 587,149 Indochinese who have been admitted, over 300,000 are receiving some kind of public assistance. A GAO report recently found that 71 percent of the refugees of employable age had registered for public assistance and that most of these had done so within 30 days of entry. Notwithstanding this, the administration still plans to admit about 100,000 additional refugees next year, in addition to the 140,000 that will probably be brought in this year.

The true tragedy of this refugee policy was revealed in an article in the Washington Post entitled, "Federal Aid Reductions Spur Refugees to Flee Pacific Northwest." I ask that this article be printed in the RECORD.

The article referred to follows:

[From the Washington Post, June 8, 1982]

FEDERAL AID REDUCTIONS SPUR REFUGEES TO FLEE PACIFIC NORTHWEST

(By Jay Mathews)

SEATTLE.—Indochinese refugees who fled to the state of Washington two to three years ago are fleeing once again, from economically depressed Seattle to economically devastated Michigan and California, which has more refugees than any other state. The welfare benefits are higher.

Officials in Washington and Oregon, with few available jobs and little local money for welfare, say as many as 2,000 refugees have jointed the exodus.

"If I had known it was so bad, I would have not come to this country," said Veunho Saelee, a 40-year-old refugee from Laos who has no job here and no money for rent for his family of four. "I would have just died in Laos."

The sudden migration follows the federal government's decision to cut off benefits to refugees who have been in the country longer than 18 months—despite an initial promise of 36 months of benefits when they arrived. In Washington and Oregon, where the unemployment rates exceed 12 percent, the cutoff has exacerbated a desperate situation of each refugee "competing with 50 unemployed Oregonians for work," said Patricia Rumer, Portland's refugee coordinator.

Rumer said refugee aid officials in Oregon initiated special training for counselors in suicide prevention after news of the cutbacks late last year caused a wave of distress in the refugee community. Seattle officials report a marked increase in reports of wife-beating and heightened racial tension as hundreds of refugees have suddenly appeared at long-established food banks for the poor.

The exodus of refugees from the Northwest has particularly upset officials in Michigan, where the unemployment rate is 17 percent but where relatively generous welfare benefits cannot legally be denied to refugees who decide to resettle there.

Paula Stark, Michigan's coordinator of refugees, said her office had reports of refugees arriving from Washington and Wisconsin. She said "we are very fearful" of the possibility of a major influx.

Greg Hope, a job developer for the International Rescue Committee here, said he

was stunned when a refugee friend first revealed his moving plans:

"I'm going to Meechigin," he quoted the man as saying.

"Mexico?" Hope said.

"No," the man repeated, "Meechigin."

Hope said he and the rescue committee's Laotian interpreter Maeseng Saechao "have been to refugee houses where they are loading up the cars." He said they pleaded with the refugees "not to go to Michigan. If you have to go anywhere, go where there is employment." The largest recorded migration to date has involved 1,500 members of the Laotian Hmong minority who have moved from Oregon to California since December. Amelia Torres, of Catholic Charities Inc. in Fresno, Calif., said hundreds of Hmong have descended on that Central Valley city. "It is going to make a severe impact on our welfare system," she said.

Kuxeng Yongchu, president of the Hmong Family Association of Oregon Inc., said he expects the migration to California (as well as to Texas where many clan members have found electronics industry jobs) will continue. "The job situation is California is about as bad as it is in Oregon, but in California there is a market for truck farming [a favorite Hmong pursuit] and the welfare is better than in Oregon," Yongchu said.

In March 587,149 refugees from the communist takeover of Vietnam, Cambodia and Laos lived in the United States, and 309,000 of them were receiving rent, food and medical support from the federal government, according to Oliver Cromwell of the federal office of refugee resettlement in Washington, D.C. The decision to help ease the federal budget deficit by reducing the promised three years of support to 18 months forced 70,000 of those refugees out of the program. Benefits to Cuban and Haitian entrants into the country also were cut.

When Indochinese refugees began to come to this country in 1975, Washington state attracted an unusually high portion because of its large Asian community and because state and Seattle officials were particularly receptive. In March, Washington had 27,285 Indochinese refugees, third highest in the country after California's 197,131 and Texas' 53,388.

But the cut in federal aid left 10,750 of Washington's refugees (39 percent) without funds, much higher than the national cutoff rate. In Oregon, 5,500 or 32 percent of its 17,068 refugees were cut off.

Keo Vilaysack, 26, and Keopraseuth Aikham, 20, two friendly but somewhat bewildered Mien nationality refugees from Laos, were getting $288 each a month under the federal program when it ran out last Tuesday. They have $35 between them, and the $225 monthly rent on the tiny apartment they share is due.

They sat in an upstairs room of the Seattle YMCA and watched as an instructor with the privaite nonprofit International Rescue Committee showed them how to write a thank-you note after a job interview. "If hired, I will learn fast, come to work on time, and become a loyal employee," the sample note on the blackboard said.

"Every day we walk around Seattle looking for a job, but there is none," Vilaysack said. The committee has advised refugees that their landlords must give them proper notice before eviction, hoping to delay further housing problems as long as possible. When the two young men run out of money or foodstamps, "we'll go to some Lao family we know and eat with them," Vilaysack said.

Relief officials said young, single refugees like them may be able to find jobs soon. But Veunho Saelee, the 40-year-old refugee with a wife and two sons, faces a more difficult dilemma. He also has thought of leaving Seattle. "I know people in our building who have moved to Michigan," he said, "but I have no money to move."

His final government welfare check for $531 arrived last month, and his family has nothing but $50 worth of food stamps. The refugees will still be entitled to food stamps, but rent and health care is another matter. Saelee's tiny one-bedroom apartment is part of a 45-unit building in a run-down section of Seattle's Capitol Hill. The 12-by-8-foot living room has an old couch, a small table, two kitchen chairs and a telephone. Posters of Kung Fu superstar Bruce Lee and a photograph of a water buffalo in Puerto Rico decorate the walls. Mattresses fill the 10-by-10-foot bedroom. One is screened off with cardboard so Saelee's 18-year-old niece can have some privacy. His 14-year-old son has one tiny mattress. Saelee and his wife Kexiang, 38, share the largest mattress with their 10-year-old son.

The $225 monthly rent is due now. Saelee's only hope is a stopgap state program that may pay him about half of his usual benefits for the next two months. After that, no more welfare will be available to him in Washington. Mike Auyong, Saelee's landlord, said many of the tenants, almost all of them refugees, have been unable to pay the rent recently. Auyong said he does not plan immediate evictions, "but we only have about a month" before his own debts are so great he will have to take some action.

Saelee crouched on a tiny stool in the corner of his living room and smoked cigarette after cigarette as he described his fruitless search for work. "I go looking for work every day," he said through an interpreter. "In the last week I applied to 16 places, but none of them called me back." Before leaving Laos in 1976, he was a farmer, and at the refugee camp in Thailand he ran a little roadside drink stand. But he has never been able to read or write his own language and English is completely beyond him, despite what he said were 540 hours of classes in the two years he has been here. "If I studied until my hair turned brown, I still could not understand," he said.

"It is not that I am lazy. I am eager to work, but when I go out for a job they say I cannot speak English and I cannot work for them," he said. Saelee said while in Laos he served briefly with one of the Mien nationality armies recruited with CIA money to fight the communists. When the communists won, he left the country to avoid prison camp.

Now, he said, "I would like to ask the U.S. government, if we cannot find a job and the welfare is cut off, please let me go back to my country." He added, however, that he would like the Americans to remove the communists from Laos first.

Refugee officials said Indochinese in the Pacific Northwest have been attracted to states like California because there they can receive some welfare support for their children even if there are two able-bodied parents in the house. Also, California provides general relief to individuals with no other source of income. In cities like San Francisco and San Diego, able-bodied recipients must do some community work and show proof of regular job-hunting to receive the welfare money, a requirement that bothers some older refugees but not younger ones.

Arlene Oki, special assistant to Seattle Mayor Charles Royer, said refugees denied such general relief here may try to sell their food stamps to pay the rent and depend on charity food banks for meals, Jay Keeton, planning and development coordinator for the Central Area Motivation Program, a downtown Seattle food bank, said in the last three months refugees have swamped the food bank's converted firehouse, sometimes crowding out poor blacks and other traditional recipients of free food.

"I get here at 7 o'clock and there are already 50 or 60 people lined up," Keeton said. He said the food bank supervisors have tried to prevent outbreaks of violence by explaining to their long-time customers that Asian refugees are just as subject to poverty and discrimination as blacks have been in the past. But, Keeton said, "It's getting more and more tense all the time."●

SUPPLY-SIDE ECONOMICS IS A WAY OUT

● Mr. MATTINGLY. Mr. President, recently, Dr. James Green—professor of economics at the University of Georgia—wrote an excellent article on the obstacles blocking economic recovery. I think his call for bipartisan cooperation and an incentive-based program is well taken. If there is no objection, I wish to submit it for the RECORD.

[From the Atlanta Journal and Constitution, May 23,1982]

SUPPLY-SIDE ECONOMICS IS A WAY OUT—CONGRESS MUST TAKE JAPANESE LEAD TO BEAT RECESSION

Bipartisan haggling over taxes, deficits, defense and Social Security is sabotaging economic recovery. Whether this dissent reflects deep-seated philosophical differences or a deliberate effort to "Hooverize" the incumbent administration is moot. For you and me the real issue is that the politicians are rigging economic basics against us.

Contemplate in your mind's eye the people in your community. If you think of them primarily as consumers, you remain in the Keynesian mold. If you think of them primarily as producers first and then as consumers, you fit into the supply-side economic philosophy that puts first things first.

Supply-side economics is incentive-oriented. Given incentives, we can produce our way out of this recession. Production creates income and provides the wherewithal for subsequent consumption.

To the contrary, however, Congress is now contemplating additional taxes to further stifle incentives. Such an action in an already sinking economy is to generate a premeditated disaster. Since July 1 of last year, profits are down by 26 percent, sales revenues are inadequate to service debt requirements, illiquidity is intensifying, and bankruptcies are increasing in frequency and size.

With governments taking 40 percent of income produced and usurping 80 percent of total private savings, the private sector's efficiency, access to capital funds and ability to create productive job opportunities are stymied. The deficit question is marginal. The real issue is the total taxing and spending by government and the total shift of resources from the private to the public sector.

Congress must understand the ingredients of economic dynamics, i.e., what makes an economy tick. Without fanfare, the Japa-

nese have designed and implemented a supply-side economics program that works. Incentives are paramount in Japan's tax policies.

In Japan, there is no tax on dividends and interest. There is no capital gains tax. The Japanese can invest, sell and reinvest as opportunities arise in the marketplace. There is no need for tax shelters or tax havens. In effect, savings and investment are neither tax-motivated, tax-oriented nor tax-manipulated. Emphasis is on production.

Unlike the United States, consumption is not encouraged by tax policy. Interest on consumer debt is not tax-deductible, so consumers are not enticed to use credit, to borrow for consumption now and pay later out of future income. To the contrary, Japanese consumers are encouraged to save and invest. Out of disposable income, Americans save only 25 percent of the proportion of income saved by the Japanese.

Following the OPEC boycott in 1973, Japan suffered double-digit inflation and severe recession. To counter inflationary pressures, the Bank of Japan reduced the rate of money growth by one-half. Repeated calls from special interest groups to relax tight controls over money growth were rejected. With the required additional recessionary spending by government, the federal deficit rose from 1 percent of gross national product in 1973 to 10 percent in 1978, with government absorbing 30 to 40 percent of total credit in the economy.

Even with a growing fiscal expenditure, this policy mix with tight controls on credit creation dampened inflation from 20 percent to only 2 percent by 1980. Real output increased. Employment rose. The yen appreciated in buying power, and retail sales flourished. Also, real interest rates fell, reflecting no severe "crowding out" of private borrowers in capital funds markets. Huge federal deficits were financed out of the ample pool of private savings. There was no need to monetize deficits and inflate the money supply.

Hang Shing Ching, economist with the Federal Reserve Bank of San Francisco, has shown that despite high deficits and tight money, Japan's policy mix achieved sustained growth without persistently high interst rates or a deep-seated recession. Supply-side economics is working effectively, and Japan produced its way out of recession. We can do the same . . . it's up to Congress to capture the internal dynamics of economics dynamics and allow them to work here as they are working in Japan.●

PERCY OFFERS SUPPORT FOR REGIONAL PETROLEUM RESERVE STUDY

● Mr. D'AMATO. Mr. President, on May 26, 1982, the Senate adopted my amendment mandating a study by the Department of Energy of a regional petroleum reserve at various locations.

I would like to note that Senator PERCY was a prime cosponsor of the amendment. The case in support of this amendment was greatly strengthened by some of the persuasive testimony delivered on May 21 at a Governmental Affairs Energy Subcommittee hearing chaired by Senator PERCY. The hearing focused on energy resiliency and paid particular attention to the vulnerability of concentrating storage of all our strategic petroleum reserve (SPR) in a narrow band along the Louisiana and Texas gulf coasts.

My colleague from Illinois pointed out that the national security interest is ill served by placing up to 750 million barrels of oil in one geographic area, at sites that may be vulnerable to terrorism or sabotage. In the event of a drawdown, the oil would flow through a single port and a narrow band of pipelines through several critical chokepoints.

I agree with Senator PERCY that dispersed storage would enhance national security. At the same time, it would create employment at the dispersed storage sites that logically could be located in New York State and in Illinois, close to industrial, transportation, and residential users.

I will place in the RECORD a copy of Senator PERCY's opening statement at the Governmental Affairs Energy Subcommittee hearing, and testimony delivered by Arthur Albertson, Washington vice president, Chicago Bridge & Iron Co., of Oak Brook, Ill., and Victor Maggio, international representative of the construction division of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers.

I would also like to correct a statement that I made during consideration of my amendment. I referred to the 1978 amendment to the strategic petroleum reserve plan which mandated a 20-million-barrel reserve for the east coast. While the previous administration proposed such an amendment, the 20-million-barrel reserve provision was not accepted by Congress. Therefore it is more important that the President or his delegate proceed with the comprehensive study of a regional petroleum reserve as quickly as possible.

I ask that the three statements to which I referred be printed in the RECORD.

The statements follow:

OPENING STATEMENT OF SENATOR CHARLES H. PERCY

At this morning's hearing of the U.S. Senate Subcommittee on Energy, Nuclear Proliferation and Government Processes, we shall address a vital but much-overlooked element of America's energy situation—something I would like to call "energy resiliency." Simply put, the question is just how susceptible our energy infrastructure may be to terrorism or sabotage—and just what we can do to reduce that vulnerability.

The brewing war in the Falklands is a reminder that the 1980s could be a dangerous decade. We are starting to see indications that the oil glut is tapering off, and I am firmly convinced that we shall someday find ourselves face-to-face with energy shortages at least as severe as those we faced in the 1970s. And next time those shortages may involve more than just a cut-off of oil imports, gas lines, and rising prices. They may come at a time of greatly heightened global tensions, international terrorism, or even military confrontation.

I hope I am wrong about this, but I am fearful that given the worldwide economic conditions we may see expanding activities of terrorist groups which may have access to all the men and women and money they need, high-technology weapons, and sensitive intelligence. We have to brace ourselves for this possibility.

No one can doubt the importance of energy to the security of the United States. For our economy to function—and for our defense apparatus to remain fully capable—our energy production, storage, and transportation facilities must be able to function well, no matter what the circumstances. If an international terrorist group or anyone else ever wanted to do the United States real harm, this energy infrastructure is one place they might attack. I think it is a forgotten Achilles heel in our entire defense posture.

As some of our witnesses will describe today, our energy system has evolved over the years with only limited regard to its physical vulnerability. Anyone who takes a quick glance at the maps around the room can see that there are some chokepoints—in our energy transportation system, for example. Certainly, we cannot change transportation and storage systems already in place, but we need to do whatever we can to make them more resilient, more secure, and ultimately less vulnerable. This may simply mean maintaining the ability to contain any damage and repair it quickly. Or it may require having back-up or redundant systems to ensure that energy will continue to be delivered, regardless of any possible damage. In isolated cases, it may mean more guards, more fences, and more secure perimeters.

Smoke and fire we could live with, but not month-long blackouts, or hard-to-fix pipeline disruptions, or any lasting damage to the Strategic Petroleum Reserve. One way or the other, we simply must reassure ourselves—and alert terrorists or other adversaries—that attacks on our energy facilities would cause us no real harm.

A year and a half ago, when I asked my staff to begin looking into this, top officials in the Energy Department not only had no answers to our questions, but they did not even understand why we were asking them.

Now we have an Administration that is taking emergency preparedness seriously. At my urging, it has focused on these questions, and has already taken action to improve the security of the Strategic Petroleum Reserve, among other things. I would like to see these efforts expanded, and I would particularly like to see the Federal Emergency Management Agency and Defense Department get more involved. Following this hearing, I may introduce legislation calling for an inter-agency coordinating council, headed by FEMA, to review these security issues and report back to the Congress about any further public or private sector action needed to make our energy facilities less vulnerable.

I would also like to see security considerations given greater weight in decisions made about the future evolution of the Strategic Petroleum Reserve and any civilian power systems of direct significance to our military or communications capabilities.

Finally, I think we need to begin asking these questions as we do research, promote technologies, or set policies which may affect our energy system in the 1990s and beyond. I generally support the Administration's move toward a free, unregulated energy marketplace, but there are important factors—like resiliency and national security—a free market will not adequately consider. Decentralized, widely dispersed energy systems—like solar energy, alcohol

fuels, and especially energy conservation—will almost always be more resilient and more secure than centralized ones. Also, as any businessman can tell you, diversification always brings an extra margin of safety.

Yesterday, I introduced a bill, the Commodity Surplus Disposal Act of 1982, which will contribute to a more diverse and resilient energy supply by promoting the conversion of surplus corn to alcohol fuels. I will have more to say about this bill later in the hearing.

These alternative energy technologies have already suffered sharp budget cuts and reduced priorities in this Administration, but I am beginning to see some signs that—thanks to some prodding from many of us at this end of town—things may be turning around. I hope our hearing today will provide extra impetus to continuing a federal role in developing and promoting these technologies.

STATEMENT OF ARTHUR ALBERTSON

I am Arthur Albertson, Washington Vice President of Chicago Bridge & Iron Company headquartered in Oak Brook, Illinois. During this statement, I will refer to the Steel Plate Fabricators Association as the Association.

Thank you for the opportunity to state the position of our company and the Association. We have prepared a written statement for inclusion in the record.

The Association is an organization representing 145 companies that employ approximately 50,000 people. We are vitally interested in the Strategic Petroleum Reserve both as it affects the security of our country, and as a means to reduce unemployment in our industry.

We believe it is the intent of Congress to fill the Reserve as quickly as possible. In fact, while the law requires a minimum fill rate of 100,000 barrels per day, Congress has encouraged a fill rate of at least 300,000 barrels per day. Regrettably, the present storage construction program will not allow this desired fill rate.

These facts have encouraged CBI and the Association to study the effect the use of steel tanks could have on the program's schedule. The results of our study are incorporated in the written statement. The study clearly shows that storage availability can be accelerated by proceeding immediately with above ground steel tank terminals.

The U.S. Corps of Engineers agrees with our acceleration analysis and has further indicated that above ground terminals are cost effective. This is evidenced in their letter included in our written statement.

The DOE Report, dated July, 1981, entitled "Strategic Petroleum Reserve Acceleration", also concludes that in terms of overall budget costs, "steel tanks are less expensive than a new solution-mined site and competitive with Big Hill alternatives because the oil would be acquired sooner" (see page III-3, Section 4 of our written statement). However, the same report also looks at an investment analysis and concludes that accelerated oil procurement is not a good investment unless a near term supply interruption is foreseen.

The interruption in oil supply that occurred in 1973 was not foreseen in 1972. The SPR was an outgrowth of the 1973 crisis to provide insurance against similar interruptions in the future. The conclusions of the DOE do not consider the likelihood of a near term interruption.

In addition to providing a means for accelerating storage availability, on a cost effective basis, above ground storage provides important characteristics which complement existing facilities by giving the program additional flexibility:

1. Steel tanks allow segregation of oil by grades providing the government greater flexibility in their purchasing program and enabling crude withdrawal for specific refineries designed to process that particular crude.

2. Steel tankage permits geographic dispersion of storage and crude segregation where inground storage dictates concentration.

3. The Corps of Engineers' letter, incorporated in our written statement, points out the advantage of "one hundred percent oil recovery in steel tanks versus unknown recovery in solution-mined sites". It further states that "DOE admits to a 1.5% recovery loss. A 5% loss is regarded as more realistic based upon the many unknowns inherent in long-term storage in solution-mined cavities". This loss factor has not been considered in the DOE storage cost analysis.

4. The viability of steel tanks is not affected by the number of drawdowns whereas inground storage in salt domes is limited to a few drawdowns. Therefore, steel tanks will permit partial use of the reserve, if necessary or desirable, on a periodic basis without affecting the useful life of the reserve program.

5. Steel tanks can be converted to product storage such as gasoline, fuel oil, jet fuel, etc. should the need arise.

The prime advantage of above ground storage is a two year acceleration in the current fill schedule for the 750 million barrel program.

The charts which I am about to show were prepared for an earlier hearing and are based on a DOE award of January 1, 1982 with site selection by April 1, 1982. The completion dates, therefore, must be extended on a day for day basis for the appropriate delay in award. However, the relationship between the time required to complete above ground versus in ground storage will remain unchanged.

Chart 1 shows 200 million barrels of crude in storage at the end of FY 1981. By adding to that storage at the fill rate of 300 thousand barrels per day targeted by Congress, the entire 750 million barrels should be in place by the end of FY 1986.

Chart 2 based on the present "accelerated" DOE Facility development schedule, the 750 million barrel fill capacity, using inground storage, cannot be attained until the end of FY 1989.

Chart 3 combines Charts 1 and 2, showing a short fall between the target fill rate set by Congress and the availability of storage as currently planned. The 750 million barrel storage capacity will be in place 3 years late.

Chart 4 illustrates that storage in steel tanks can be made available, starting mid FY 1985, with 150 million barrels available by the end of FY 1987.

Chart 5 shows that with the use of steel tanks, the full 750 million barrels of storage can be in place by the end of FY 1987, eliminating the need for the Big Hill Development and providing the full storage capability two years earlier than will be the case if Big Hill goes forward.

The construction of the three 50 million barrel terminals referred to in these charts will have a major impact on the presently depressed steel and construction industries; 420,000 tons of steel are required which translates into 1,700 steelworker man years, and in addition, creates employment for workers in mining, shipping and other related areas that go hand in hand with steel making.

The construction of the terminals translates into 6,150 man years of work. This industry, which I represent, is suffering from a lack of new construction in this country, resulting from the decline in the rate of expansion of refining and power generation capacity.

The leaching of caverns requires considerable power and water which account for most of the construction cost, but is not labor intensive. Steel tankage is labor intensive and will provide more employment.

Since Congress has previously attached urgency to the SPR, we conclude it is desirable to accelerate the construction of storage facilities. The question of urgency deserves immediate resolution. Our industry is prepared to move expeditiously, to assist in the early completion of the SPR.

Thank you.

STATEMENT OF VICTOR MAGGIO

Mr Chairman, and Members of the Subcommittee, my name is Victor Maggio. I am an International Representative of the Construction Division of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, affiliated with the AFL-CIO. On behalf of Harold J. Buoy, International President of our Organization, representing one hundred forty thousand (140,000) members in the United States and Canada, I thank you for this opportunity to address an issue of great concern to this International Brotherhood, the Strategic Petroleum Reserve (SPR).

The International Brotherhood of Boilermakers firmly believe that the Strategic Petroleum Reserve is vital to the security of our nation. Our Organization supports a strong national defense policy, realizing the direct relation of an adequate oil reserve and our ability to defend our country. For that reason, we are in concurrence with the original goal of implementing legislation passed by Congress, establishing, as quickly as possible, a seven hundred fifty million barrel (750 MMB) oil reserve, and totally support the priority and urgency recently attached by Congress to the development and fill of the SPR.

Mr. Chairman, it is our understanding that current estimates project between two hundred forty and two hundred seventy million barrels (240-270 MMB) of crude oil being in place at the end of this calendar year. This represents approximately one half (½) of the total amount of the goal provided in the initial legislation.

In testimony by Congressman Marc L. Marks of Pennsylvania, before the House Subcommittee on Fossil and Synthetic Fuels on March 2, 1982, he explained, "Although adverse market conditions precluded significant fill during the 1979-1980 time frame, this should not have adversely affected the development of capacity". He further stated, "The Administration now recommends that completion of the total capacity of the Reserve, to the seven hundred fifty million barrel (750 MMB) level, should be further delayed by one year until the end of Fiscal Year 1990."

It is only too obvious that the Adminstration, not only accepts the current physical constraints of the existing salt domes, but further suggests deferring plans to increase capacity, thus reducing the fill rate substantially. It is our opinion that the Administration's position is definitely contrary to the

intent of Congress to fill the Reserve as quickly as possible.

Furthermore, we believe the Administration's position fundamentally defeats the purpose of the Strategic Petroleum Reserve, "which is to minimize, if not immunize ourselves against the adverse political and economic effects inherent in another crude oil supply interruption".[1]

Our interpretation of these circumstances can only support claims of historical mismanagement, magnified by delay. Mr. Chairman, and members of the Subcommittee, this International Union cannot impress upon you enough as to the importance and need for immediate plans to develop capacity and fill the reserve. We can no longer tolerate the complacency of the Administration and allow further delay of the development and fill of the SPR.

Thus, the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers are in favor of substituting above-ground steel tank storage terminals in place of salt-dome type storage in Phase III of the current plan. Specifically, we support expansion of the SPR to the desired seven hundred fifty million barrel (750 MMB) capacity via the construction of one hundred forty million barrels (140 MMB) of above-ground steel tank storage capacity rather than a similar increase through the development of in-ground type storage proposed at the Big Hill salt-dome located in Texas.

Above-ground steel tank storage can be constructed faster, cost effectively, and be in place for filling in less time than salt-dome type storage. Equally important, the inclusion of above-ground steel tank storage terminals would be tremendously labor intensive and contribute to the improvement of the economy. The following facts will support and substantiate our position:

(1) Results of a study prepared by the Steel Plate Fabricators Association, which has been submitted to you and included in their testimony, "clearly shows that storage availability can be accelerated by proceeding immediately with above-ground steel tank terminals." Further substantiated, ". . . the only storage mode that can be developed in sufficient volume quickly enough to make an appreciable impact on the seven hundred fifty million barrel (750 MMB) storage timetable is the above-ground steel tank alternative."[2]

(2) In a report conducted by the U.S. Department of Energy, in July, 1981, entitled "Strategic Petroleum Reserve Acceleration: Report to the Secretary," analysis of costs between the construction of above-ground steel tanks proved to be less expensive than development of a new solution-mined site and in terms of overall budget costs, competitive to the Big Hill alternative, basically due to the timely acquisition of oil in both instances. The U.S. Corps of Engineers' Analysis, dated October 19, 1981, supports DOE's findings and takes the position that comparatively above-ground storage terminals are cost effective.

(3) Substitution of one hundred forty million barrels (140 MMB) of above-ground steel tank storage for an equal amount of in-ground storage would allow for a three to four (3-4) year acceleration of the SPR and accomplish establishment of the total Reserve. By creating additional storage capacity in less time than anticipated, the U.S. could take advantage of the existing oil glut, reduce overall costs, place the entire Reserve in tact, and afford Americans the protection of a seven hundred fifty million barrel (750 MMB) SPR, thus accomplishing the objective of the program.

(4) Additional advantages of above-ground steel tank storage over in-ground salt dome storage are numerous. Steel tanks permit a greater percentage of oil to be retrieved than in-ground storage. To facilitate the distribution of oil, steel tank storage terminals can be geographically located to complement the existing oil pipelines, which is untrue of salt-dome storage facilities. Also, the construction of steel tanks can be located strategically in areas that enhance our national defense capabilities, as well as provide security for the Reserve, which is not possible and characteristic of in-ground storage. Should need arise at a future date, steel tank storage terminals offer the flexibility for alternative storage uses, with easy conversion to product storage. In theory, above-ground steel tanks provide a mode of storage applicable for almost any substance and allows for total retrievability, which cannot be achieved in salt-dome type storage.

(5) Most importantly, utilization of above-ground steel tank storage represents a far greater job-creating potential than in-ground salt-dome storage. Manpower projections, relative to the inclusion of above-ground steel tank storage terminals in Phase III of the current plan, are astronomical in terms of man years of employment. The incorporation of steel tanks to the plan would require the production of more than four hundred thousand (400,000) tons of steel and provide the currently depressed steel industry with over seventeen hundred (1,700) man years of employment. Additionally, years of employment would be created for people in the mining of raw materials associated with steel production, as well as the shipping industry for the handling and transportation of the materials.

Furthermore and as it specifically applies to the construction industry, steel tanks represent almost six thousand five hundred (6,500) man years of work in the fabrication and construction of the terminals. In an industry currently plagued with a nationwide unemployment rate between twenty and twenty-five percent (20%-25%), the advantages surrounding the construction of steel tanks with regard to the economy are endless. Without explaining the theory of the "ripple effect" and the direct impact on the domestic economy, we ask each of you to consider the affects of this principle which is most applicable in this situation. Although manpower estimates are not available for the development of Big Hill, we are certain that salt-dome storage is far less job intensive than construction of above-ground steel tank storage terminals.

On behalf of this International Union and one hundred thirty thousand (130,000) American members, I urge your support of this proposal and ask that you include above-ground steel tank storage terminals as part of the Strategic Petroleum Reserve.

Thank you.●

[1]Exerpt from testimony of Congressman Marc L. Marks before the House Subcommittee on Fossil and Synthetic Fuels on March 2, 1982.

[2]Ibid.

SENATOR BAUCUS SUGGESTS NO NEED FOR BPA LINE CONSTRUCTION

● Mr. BAUCUS. Mr. President, a number of times in the past, I have inserted in the CONGRESSIONAL RECORD statements and correspondence concerning the problems Montana is having with the Bonneville Power Administration and its proposed construction of twin 500 kv transmission lines.

I have gone into so much detail on this in the past that I shall not make a lengthy statement at this time. However, on May 27, I submitted testimony to the Bonneville Power Administration as part of its environmental impact statement process for the siting of these proposed lines from Garrison, Mont., west. In order to share that testimony with my colleagues and readers of the CONGRESSIONAL RECORD as well as with affected Montanans, I ask to have this testimony be printed in the CONGRESSIONAL RECORD at this time.

The testimony referred to follows:

U.S. SENATE,
May 27, 1982.

Mr. PETER JOHNSON,
Administrator, Bonneville Power Administration, Portland, Oreg.

DEAR MR. JOHNSON: I write to summarize my concerns over the Garrison-West siting of Bonneville's proposed powerlines. Rather then repeat earlier, more specific remarks here, I request that our earlier correspondence be included in your hearing record and that BPA's siting decisions respond to the concerns I have raised separately in correspondence over the past year.

Instead, I will here summarize what I believe to be the most important criteria for siting these lines:

1. Recent changes in the forecasted power demand for the Pacific Northwest raise questions about the continued need for power generated by Colstrip Units 3 and 4. The changes will require a new look at the extent to which Bonneville's further involvement with these lines is necessary. As part of the EIS process, Bonneville should thoroughly review the "no federal line" alternative. Bonneville should thoroughly examine whether or not there is at this time a need for BPA to construct portions of this line. With the many demands being placed upon BPA's resources—including conservation, fish habitat enhancement, and Treasury repayments—your agency has an overwhelming responsibility to avoid projects that are not clearly essential. If Bonneville cannot determine a clear case of existing need for federal construction, Bonneville should advise the private consortium constructing Colstrip 3 and 4 of their option to construct these lines themselves or to await the establishment of such a need once the Regional Power Planning Council has developed its plan.

2. Bonneville should respond to all siting concerns raised by the State of Montana. I am convinced that had BPA recognized the Montana Major Facility Siting Act as the governing authority for line siting from the outset, many—perhaps all—of today's problems with line siting could have been avoided. Any decision made by Bonneville at this time should reflect the intent and spirit as well as the letter of the recent court decision. BPA should cooperate fully with the State of Montana in making all further siting decisions. Nothing in federal law precludes full cooperation with the State.

3. The specific concerns of local residents should be paramount. Line siting costs

should be paid by the consumers of the electricity being transmitted by these lines. Impact aid authority should be used flexibly to mitigate all line impacts. It is not adequate for Bonneville to base siting decisions primarily upon cost factors. The question is not "how much" the lines cost, but who should pay the costs associated with the line construction.

I am particularly concerned about local residents whose lives and property would be affected by the lines and yet who are not entitled to payments under Bonneville's existing compensation policies. Every unmitigated local impact means shifting line costs from electricity consumers to local residents. According, BPA should relocate, redesign, and, if necessary, bury the lines to avoid high impacts. If Bonneville finds such activities to be cost-prohibitive, Bonneville should provide adequate compensation to affected residents and local governments—even if these residents and governments do not have property within the lines' rights-of-way. If Bonneville does not wish to use its discretionary authority to do this, it must return construction to private enterprise immediately.

4. Since Bonneville, as a federal agency, has agreed to build these lines, it is reasonable to expect that these lines be located upon federal lands to the maximum extent possible.

5. Bonneville should closely review all local initiatives and proposals for center line routing. I am particularly concerned about reports from several effected communities that local concerns are not being considered adequately. I will take this opportunity to make clear for the decision record that especially with regard to the Maxville, Miller Creek, St. Regis and Thompson Falls areas my repeated requests for more and improved meetings between local residents and Bonneville personnel have met with only limited success. Further, I have had repeated indications that Bonneville has not to date responded to particular routing ideas and problems raised by local residents.

I repeatedly have requested that in these and other problem areas Bonneville adopt a policy that requires briefing local residents on the particulars of the draft EIS, then helping the residents organize and present their responses, and only then, after adequate time for review and response, holding the formal EIS hearings.

Bonneville has strongly resisted this request. Furthermore, local residents have repeatedly registered both procedural and substantive complaints concerning the line siting process. Recently, it required intervention from my office to secure Bonneville's agreement to accept pre-comment period written comments offered by local residents as a part of the hearing record. Bonneville had advised Maxville area residents that residents would need to duplicate and resubmit their earlier comments if these comments were to be considered during the formal EIS process. This is one of many times when requested and anxious citizen involvement, often combined with congressional intervention, was needed to prod Bonneville into doing what it should have done on its own.

In fairness, BPA personnel say such an apparent lack of responsiveness was inadvertent and local concerns will be explored thoroughly. Bonneville has taken a number of steps over the past year to make its process more responsive and its people more available to the public. Nevertheless, it is essential that the final environmental impact statement show clearly and specifically how each of the local concerns and ideas has been addressed.

6. Bonneville should speed its study of potential health and safety impacts of high voltage transmission lines. The Library of Congress review undertaken last year at my request indicated that too little study had been completed to gain confident knowledge of all potential health and safety impacts of such lines. Bonneville's study should be concluded as quickly as possible, its result published, and its recommendations, if any, promptly pursued.

Let me restate my dismay with Bonneville's overall record concerning these powerlines. This record began with Bonneville's being less than candid in outlining its intentions to Congress. The record continued with Bonneville's stretching its authority to, or in my opinion beyond, its legal authorization for construction of these lines. Bonneville has fought the State of Montana instead of cooperating with it. And Bonneville's siting process, while greatly improved over the past year, has improved only as a result of direct and constant pressure. Even in its improved state, Bonneville's siting process is far less than perfect.

I appreciate and respect the dedication of many of Bonneville's personnel who have honestly tried to improve Bonneville's responsiveness to Montana needs. However, I find myself moving away from support of Bonneville's historic work in bringing electricity to the Northwest toward a new and deep-felt skepticism of projects Bonneville undertakes. My State is receiving quite an education in the workings of a large, cumbersome federal bureaucracy that intervenes in our lives but seems responsible to no one.

I hope the creation of the Regional Power Planning Council becomes a major step forward in making Bonneville more responsible to Montana and to the region. This was the intent of Congress. Further, I hope that all of us have learned from this experience to review more carefully the granting of any Montana permit to construct major facilities such as Colstrip 3 and 4.

The Montana Board of National Resources had no way of knowing that the transmission lines it agreed to as part of the siting of Colstrip 3 and 4 would never be built—that instead the consortium of utilities led by Montana Power Company would wash its hands of these powerlines at Townsend, Montana, west. In the future, it would seem clear that any permits for major facilities should be made conditional upon the original applicant's completion of all the work. And in the future, we must be careful to insure that private utilities and others seeking to construct major projects in our State are held responsible for all of the implications of their projects.

For the present, I urge Bonneville to use this last part of its siting process to improve upon its record in my State. The National Environmental Policy Act was enacted by Congress in an attempt to make federal agencies truly responsive to the citizens they are to serve. In this case, Bonneville's responsibility is not just to electric consumers in the Pacific Northwest, nor just to the consortium of private utilities and the public which these utilities serve. Bonneville's responsibility is also to each local resident being affected by its actions. Bonneville should move the lines as necessary to meet local objections. Bonneville should internalize the cost of these lines instead of dumping the burdens of land depreciation and associated impacts on the backs of local residents. Bonneville as a federal agency has a special obligation to cooperate—not to fight—with the government of the State of Montana.

With best personal regards, I am

Sincerely,

MAX BAUCUS.●

DRUNK DRIVING LEGISLATION

● Mr. DANFORTH. Mr. President, on May 11, 1982, the Senate took an historic step. It was the first time national legislation to fight drunk driving passed either House of Congress. Now, attention is focused on the House of Representatives, where the Public Works and Transportation Committee recently approved legislation which, like S. 2158, creates an incentive grant program for the States and mandates the modernization of the National Drivers Register. I am hopeful that a bill will be sent to the White House for the President's signature by midsummer.

I express sincere thanks, on behalf of Senator PELL and myself, to the 37 of our colleagues who joined us in cosponsoring S. 2158 and who thereby made it possible for the Senate to act expeditiously on this important legislation. I ask that a list of these 37 cosponsors be printed in the RECORD at the conclusion of my statement. The list should include the Senator from Montana (Mr. BAUCUS), whose name was erroneously omitted as cosponsors were being added to the bill before passage.

Senator PELL and I will soon be contacting our colleagues, particularly those who cosponsored S. 2158, to encourage them to announce their support for another important drunk driving bill, S. 2159. This legislation, which is pending before the Judiciary Committee, is designed to close an unconscionable loophc`e in the Federal bankruptcy law. All too often, drunk drivers cause death or injury on the highways, and the victims or their families bring suit for damages, only to have the offender walk across the street to the Federal courthouse to get his or her judgment debt discharged in bankruptcy. In many cases, the Federal bankruptcy judge rules that the debt is dischargeable because drunk driving is not a "willful and malicious" act. Mr. President, I cannot imagine that any Member of this body would say that drunk driving is not "willful and malicious." I hope that the Judiciary Committee would report S. 2159 to the Senate at the earliest possible date.

Mr. President, I ask that an article published in the Christian Science Monitor for May 18, 1982, about the momentum of the antidrunk driving movement be printed in the RECORD following the list of cosponsors.

The cosponsor list and article follow:

COSPONSORS

Senators Boschwitz, Packwood, Pressler, Glenn, Goldwater, Moynihan, Kassebaum, Heflin, Nunn, Ford, Sarbanes, Exon, Hatfield, Metzenbaum, Huddleston, Hollings, Inouye, Hawkins, Jackson, Tsongas, Riegle, Warner, Melcher, Weicker, Lugar, Heinz, Bentsen, Chafee, Randolph, Bradley, Matsunaga, Leahy, Mitchell, DeConcini, Percy, Murkowski, and Baucus.

U.S. SENATE, SOME STATES MOVE TO TOUGHEN DRUNK DRIVING MEASURES

(By George B. Merry)

Efforts to get drunk drivers off American highways are continuing to gain momentum.

Within the last six weeks at least seven states have enacted tougher laws to help prevent liquor-related traffic accidents, which are estimated to account for more than half of the 50,000 deaths across the U.S. last year.

At the same time, the U.S. Senate last week approved legislation providing additional highway safety funds for states whose driving-while-intoxicated (DWI) statutes meet prescribed minimum standards. The bill cleared the Senate by voice vote and without a whisper of dissent.

Key provisions of the measure, co-sponsored by Sens. Claiborne Pell (D) of Rhode Island and John C. Danforth (R) of Missouri, include a major upgrading of the national drunk driver register, by which states share information on arrests and license suspensions.

To qualify for a one-year doubling of federal highway safety funds, a state would have to provide an automatic license suspension of not less than 90 days for a first DWI conviction and a minimum of 48 consecutive hours in jail for the second and each subsequent conviction. Such mandatory sentences could not be suspended nor waived by a judge.

The Senate-approved legislation is similar to a measure being considered in the House.

The Danforth-Pell measure provides an additional $25 million in highway safety funds in fiscal 1983 and twice that amount to be shared among the complying states in the following year.

To speed the collection of drunk driver data, the national registry would be switched from a mail reporting system to an electronic setup, funded by an initial appropriation of $2 million, then with $1.2 million provided for its operations in fiscal 1983, $1.5 million in fiscal 1984, and $2.1 million in fiscal 1985.

At least 17 states have put tougher anti-drunk driver measures on their books thus far at 1982 lawmaking sitting, according to Catherine Yoe of the Highway Users Federation, based in Washington, D.C.

The new statutes, which vary widely from state to state, include tougher penalties for DWI conviction, including mandatory sentences in some instances, longer license suspensions, and raised minimum drinking ages.

Drunk driver legislation also appears to be nearing passage in Arizona and Oklahoma.●

KETER TORAH DAY

● Mr. MOYNIHAN. Mr. President, on June 10, 1982, many New Yorkers will observe Keter Torah Day celebrating the tradition and heritage of the family in America and in New York. In particular, they will acknowledge the challenges met and overcome by generations of Jewish families in academia and in service to the community. Keter Torah Day, the Crown of the Torah, is the culmination of the year's studies of students in the schools of over 150 Conservative Congregations of the New York Metropolitan Region of the United Synagogue of America. The commission on education, Mr. Roy Clements, chairman, and Dr. Eva Pallay, director, as well as the president, Mr. Stephen S. Wolnek, and the executive director, Rabbi Sidney Solomon, have been in support of Mrs. Bernice Rieger, Keter Torah chairman, who has urged continued recognition in this country of the achievements of the young students in the region's constituent communities. They will congregate and be honored on June 10 at the Forest Hills Jewish Center. I wish them well.●

RAYMOND MASON TAYLOR, SUPERINTENDENT OF DOCUMENTS

● Mr. EAST. Mr. President, an outstanding North Carolinian, Raymond Mason Taylor, recently became Superintendent of Documents of the United States. I was honored to be asked to participate in Mr. Taylor's installation ceremony on May 17, 1982, along with two colleagues, Senator HELMS and Senator THURMOND. My esteemed colleague from North Carolina gave an insightful address before he presented Mr. Taylor to the assembled dignitaries and guests. I ask that his address be printed in the RECORD.

The address follows:

Mr. President, Mr. Public Printer, distinguished guests, ladies and gentlemen: It is a special pleasure to see here today so many friends and acquaintances from North Carolina, colleagues in the Congress, and others who have come to witness the swearing in of the newest Superintendent of Documents of the United States, Raymond Mason Taylor.

The Superintendent of Documents is the official principally charged with the sale and distribution of government documents. He is an appointee of the Public Printer. I see that our Public Printer is here today, and I want to say to you, sir, that I commend your good judgment in selecting Raymond Taylor as Superintendent of Documents. Let me add, if I may, that I have observed your performance in office. You have shown that you are a man of courage, conviction, and wisdom. You have demonstrated your determination to take charge of the Government Printing Office and manage it in a lawful, efficient, and businesslike manner. You have my wholehearted support and sincere commendation.

I have known Raymond Taylor many years, and I am honored to have been invited to introduce him to you today. Although Raymond is a now resident of Raleigh, North Carolina, he is a native of Washington, North Carolina, in Beaufort County.

Raymond grew up knowing how to work, and he especially learned the true characteristics of a genuine "public servant," for both his father and his mother set worthy examples. As Superintendent of Cemeteries and Parks for the City of Washington, his father the late Thad R. Taylor was a hard-working and beloved employee of that municipality.

Likewise, Raymond's mother set a high standard of performance during three decades as a county employee and official. She was the first woman to hold elective county office in the history of Beaufort County, and at the time of her retirement in 1966 she was Clerk of Superior Court, ex officio Judge of Probate, and Judge of Juvenile Court of Beaufort County. In one election she received more than 70% of the votes cast—a tribute to her exemplary service. We are pleased to have Mrs. Ada Mason Taylor here today, and I would ask her to stand so that we may recognize her. Her pride in her son is truly understandable.

Following his graduation from Washington High School in 1951, Raymond entered the University of North Carolina, at Chapel Hill, where he subsequently earned a Bachelor of Arts in Political Science, in 1955, and Doctorate of Law, 1960. Between undergraduate school and law school he served in the U.S. Army as a Special Agent of the Counter Intelligence Corps.

Raymond's first professional employment after law school was as a Research Assistant, or "law clerk," to a great Supreme Court Justice in North Carolina, the late Clifton L. Moore. He then practiced law in Wilson, from 1961–1964, during the last two years of which he also taught Business Law part time at Atlantic Christian College. During this time as a lawyer in Wilson, Raymond met the young lady who became his wife and is with us here today. She is the former Rachel High, mother of their only child Elizabeth Lee Taylor, known as Betsy. Betsy is on a previously planned trip with some of her classmates from Campbell University, but we are pleased to welcome Rachel. I ask that she stand at this time and be recognized.

In 1964, the Supreme Court of North Carolina called Raymond to be its Marshal and Librarian. As Marshal he was the Court's executive officer, with broader law enforcement authority than any other official of that state. As Librarian, he soon established a national reputation for law library administration. His achievements are many—let me mention just a few:

He conceived legislation that the Congress enacted in 1972 enabling the Supreme Court of North Carolina Library to become a depository for federal documents. He served as Chairman of State and Court Law Libraries of the United States and Canada. He gained certification from the American Association of Law Libraries as a Certified Law Librarian. He instigated the Federal Trade Commission industry-wide investigation of the law book industry, and he helped formulate the present FTC Guides for the Law Book Industry.

These achievements brought wide-spread recognition that led to his being invited to serve as Project Director of the Federal Judicial Center Study of Federal Court Libraries. The forthright and thoroughly documented study disclosed much waste and inefficiency in the libraries that serve federal courts. It has resulted in improvements that have long been overdue. Results of his study were published last year in two volumes entitled, "Federal Court Libraries," which is a near-definitive treatment of library administration and is in the collections of the major law libraries of the world.

In addition to all that, Raymond Taylor has kept busy with many outside activities.

He has won several journalism awards, taught Business Law at North Carolina State University from 1967 through the spring of 1982, and has spoken at numerous banquets on a nationwide circuit of many clubs. In addition, he has worked with the Federal Depository Library Program—a program he new heads—as an administrator, a professional user, and a public user of these facilities. His insight into the concerns of the Depository Libraries should guide him in the days ahead.

As a private practitioner of law in Raleigh from 1977 until this past December, Raymond was recognized as a specialist in the law information industry. Basically a lawyer, however, he returned to the courtroom when he accepted appointment in December, 1981, as Assistant United States Attorney and Chief of the Appellate Section for the Eastern District of North Carolina. He there was beginning to establish himself again as a good trial and appellate lawyer, when he received the Public Printer's offer to join this Administraton as Superintendent of Documents of the United States.

With everyone's indulgence, I will now speak directly to Raymond.

Raymond, I know your decision to accept this position requires you to give up a more active role in law. But keep in mind that the Superintendent of Documents holds a position of undisputed international importance in the information industry. You have an opportunity to serve an Administration that is not afraid to take courageous stands in the interest of the nation. I do not doubt that you will fit in well. Your unique abilities and experience equip you for this position, and I know that you will make a substantial contribution. I wish you the very best.

And now, Mr. President, without further ado, I am pleased to present for the administration of the oath of office as Superintendent of Documents of the United States, my esteemed friend and fellow North Carolinian, Raymond Mason Taylor.●

ADMIRAL EUGENE CARROLL SAYS A FREEZE IS VERIFIABLE

● Mr. KENNEDY. Mr. President, the national campaign for a nuclear weapons freeze continues to gather impressive force in spite of the Reagan administration's attempts to defuse it. A growing number of national security experts who have seen the nuclear danger up close have endorsed the Kennedy-Hatfield resolution for a freeze and reductions. Contrary to the Reagan administration's claims, they understand that a freeze can be negotiated and verified.

In the June 3 issue of the New York Times a distinguished former admiral of the U.S. Navy, Eugene J. Carroll, Jr., argues persuasively that a freeze can be verified using national technical means and given the Soviet Union's acceptance of the principle of on-site inspection in the comprehensive test ban negotiations. Indeed, as Admiral Carroll points out, based on past arms control negotiations: "Both sides are formally committed to measures that could make a freeze verifiable." Mr. President, I ask that the full text of Admiral Carroll's compelling article appear at this point in the RECORD.

The article follows:

[From the New York Times, June 3, 1982]

A FREEZE CAN BE VERIFIED

(By Eugene J. Carroll Jr.)

WASHINGTON.—Among the most frequently expressed objections to the proposed nuclear freeze is the argument that a freeze on production of nuclear weapons could not be verified. This arbitrary conclusion rests on several assumptions: first, the Soviet Union cannot be trusted to comply with a freeze; second, the United States does not have the ability to verify compliance; third, the Soviet Union will not agree to adequate verification procedures.

These assumptions ignore a crucial point: There is to be no freeze except on the basis of agreement on verification procedures by the two countries. Further, they ignore the fact that the freeze could be implemented in a series of careful steps starting with a complete ban on all nuclear testing; then, a freeze on all further development, production and deployment of new nuclear weapons; and, ultimately, significant reductions in strategic arms.

In accepting the assumptions that a freeze cannot be based on blind trust, the United States should consider its current ability to verify the first step of a freeze. Many informed scientists agree that America, with a high degree of confidence, could now verify Soviet compliance with a treaty totally banning nuclear tests by using our existing so-called national technical means, which include reconnaissance, intelligence and seismographic data.

Herbert Scoville, a former senior Central Intelligence Agency official and a recognized expert on verification of nuclear testing, says that the possibility of Moscow's conducting undetected tests is so slight, at even very low levels of explosive power, that the potential benefit to the Russians would be seriously outweighed by the political harm that would result if they were caught.

Furthermore, the United States, Soviet Union and Britain already have formally agreed to the principle of on-site inspection. Paragraph 19 of their July 31, 1980, report to the United Nations on the status of comprehensive test ban negotiations contains this important statement: "The three negotiating parties believe that the verification measures being negotiated—particularly the provisions regarding the international exchange of seismic data, the committee on experts, and on-site inspections—break significant new ground in international arms limitation efforts. . . ." The national nuclear freeze campaign is a strong signal to President Reagan to get on with final negotiation of a comprehensive test ban treaty in accordance with these provisions.

Once the first step of a freeze was accomplished, two important measures essential to verification of a freeze on production of new weapons would be in place. First, a verifiable test ban would inhibit the design and development of new nuclear weapons (testing is essential to ensure the reliability and military effectiveness of new nuclear systems). Second, agreed procedures for on-site inspections within the United States and Soviet Union could readily be expanded to preclude the undetected manufacture of nuclear weapons.

There would be another major benefit in taking the first step of a freeze. The concluding of a verifiable comprehensive test ban treaty would establish a positive climate for constructive negotiations on successive steps of the freeze. This important first step would do much to ease the mutual fear and distrust that make a successful outcome unlikely in the strategic arms talks that are to begin in Geneva on June 29.

President Reagan's proposal, on May 9 in Eureka, Ill., for mutual reductions by one-third in nuclear warheads on land- and sea-based ballistic missiles, and his Memorial Day commitment to observe SALT II "so long as the Soviet Union shows equal restraint" are appealing. They are also misleading diversions to defuse the freeze campaign while the Administration continues to develop, test and deploy new nuclear systems, including MX and Trident II missiles. Disclosure of the Pentagon's draft five-year defense plan that provides strategy for fighting a long nuclear war leaves no doubt that America intends to continue the nuclear buildup, even renouncing existing arms-control measures if necessary.

Because the Russians would match each American initiative, the Pentagon's five-year program is pure "anti-freeze." It ensures the addition of new, more dangerous weapons on both sides—including the highly destabilizing weapons that the President says need to be reduced.

The public demands an alternative to continuing a futile, dangerous nuclear buildup on both sides. The freeze is a sound alternative that leads the way to genuine arms reduction agreements. Both sides are formally committed to measures that could make a freeze verifiable. Let's get on with a freeze.●

THE MEDICINE-BUSINESS COALITION

● Mr. EAST. Mr. President, one of the most serious problems this country has faced in the past few years is the rapidly rising cost of health care. All the experts agree that something must be done to reduce the costs of medical services. Dr. Russell Blaylock has written an article that appeared in the March issue of Private Practice. Dr. Blaylock traces the origins of our present health care system and makes some interesting comments and observations along the way. I ask that the article be printed in the RECORD.

The article follows:

THE MEDICINE-BUSINESS COALITION

(By Russell L. Blaylock, M.D.)

Business employers paid out approximately $36 billion in medical premiums for their employees in 1979. Escalating health-care costs and increasing demands for more comprehensive medical-care packages have forced businesses to take a long, analytical look at the health-care delivery system within the United States.

The so-called "health-care industry" is the third largest industry within the United States, being exceeded only by agriculture and construction. Since 1965, health care has increased more than $80 billion. The government pays 55 percent of the hospital bills nationwide, with third-party payers paying for the majority of the remaining costs.

THREATENED PROFITS

The Washington Business Group on Health, which represents some 200 of the nation's largest employers, provides medical benefits for some 50 million employees, re-

tirees and their dependents. For various reasons, the share of company profits is threatened more and more by these costs.

The businessman recognizes there is little that can be done about most of these problems. Yet, medical-care costs have the appearance of being a controllable cost factor. While recognizing that employees are unlikely to accept fewer benefits, especially union employees, planners are of the opinion medical costs can be lowered by controlling the behavior of the provider of the services—the physician.

Over the past two decades, the government has accepted more and more responsibility for the nation's health care. The cost of medical care began to escalate at about the time Medicare and Medicaid were introduced. In 1972, under the authority of a Social Security amendment, a network of approximately 200 regional professional standard review organizations (PSROs) was created with the express purpose of assuring cost-effective, quality medical care was being provided to federally sponsored patients. By 1980, approximately $125 million had been spent, not counting the cost imposed upon hospitals in trying to meet the regulations and required audits. Several studies have concluded the PSRO program has not been cost-effective. A report in 1980 found the PSRO program spent $1 to save 40¢.

In 1974, a health-planning act was created to curb the growth of hospital construction and expensive technological duplication. The major thrust came in the form of local regional Health Systems Agencies (HSAs), whose job it was to review all medical expenditures exceeding $150,000.

With President Ronald Reagan's program to balance the budget by deep cuts in the previous federal budget, these two programs have been scheduled for a three-year phase out. They are now turning to big business for financial support. Industries' interest in the HSAs and PSRO programs as cost-cutting mechanisms has been assisted by the employees of these two programs, who point out the following advantage: These programs have already been set up—everything is in place and ready for operation.

WORKABLE SYSTEM

Business is now beginning to supplant government as the regulating agency of the so-called "medical-care industry." There is one major difference—businesses intend for the system to work for them.

Business executives have taken a great interest in medical-care delivery and believe they have isolated several costly problems. Among the most frequently mentioned are: a wide-spread practice of defensive medicine, resulting in excessive numbers of laboratory tests and X-rays; a lack of awareness on the part of physicians as to the impact of their medical decisions on business costs; and inadequate use of outpatient alternatives; weekend admissions to hospitals, causing patients to sit in hospitals over the weekend when few tests are performed; overutilization of hospitals and excessive length of stay; and the wide cost differential for physician's services between various communities.

Other cost containment recommendations include: employee education programs, provider education programs, second opinion programs, utilization reviews, preadmission certifications, discharge planning to include representatives of business and increased use of outpatient facilities. The major thrust by business is to be aimed at health-care planning by medical regimentation and regulation.

Business leaders, for the most part, recognize physicians' fees account for less than 11 percent of medical-care costs, yet they also recognize that physicians' decisions account for the majority of costs. Based on this understanding, business would like control of physician behavior within the medical marketplace.

Providing employees with medical benefits goes as far back as the 1880s. Employers, attempting to attract and retain quality employees, offered them medical benefit packages in addition to monetary payments. The real surge in medical benefit packages came with a change in tax laws which allowed employers to give tax-exempt medical benefits to employees in lieu of cash. In fact, this acts as a $10 billion annual subsidy to entice employers to provide third-party payer services. In 1969, employers throughout the United States had paid some $36 billion in medical premiums for their workers.

Most businesses have offered a wide array of benefits, low or no copayment, and in some cases, first-dollar coverage. Some 80 percent of large employers have policies which require no waiting period; this means younger workers with high turnover rates are consuming a large share of the benefits. Survivor benefits are being provided for an increasingly large proportion of employees. A recent survey has shown that 80 percent of all companies reviewed provided such benefits to all employees, and not just executives—75 percent of these plans provide health benefits for retirees; and 50 percent of all employers pay all of the premiums. Approximately 85 percent of these health-care plans provide for in-hospital psychiatric care.

IN A CORNER

So business is faced with keeping a quality work force, preventing unionism or keeping existing unions satisfied and, at the same time, making a respectable profit. As one executive put it, "We have painted ourselves into a corner and have no idea how to get out." Business planners unfortunately underestimated the effect of assuming the financial burdens of workers' medical care on business profits.

A T & T spent nearly $1 billion last year for employee health benefits. These costs have been increasing 15 to 30 percent per year. The Ford Motor Company and Chrysler Corporation spend approximately $500 million per year for health benefits. Burlington Industries, with a net earning of $81.3 million, paid out $41 million in health-care benefits last year. This figure is double that of five years ago, and quadruple that of the 1972 figure.

ESCALATING COSTS

Escalating health-care costs have become a major factor in business economics since medical benefits come from net earnings and not company profits. The breakdown for most companies is: 80 percent of earnings go to pay employees' salaries and benefits; 10 to 15 percent to pay investor dividends and interest on business loans; and 4 to 5 percent for profit.

Most major medical insurance carriers have been doing very well on Wall Street and none has gone bankrupt. The fact that individuals, for the most part, are not being asked to pay medical premiums removes some of the incentives to keep premium prices down.

The major medical insurance companies recognize business is faced with an enormous amount of pressure to provide comprehensive medical benefits for employees. Most such medical carriers compete to provide more and more comprehensive plans at higher and higher premiums. Even with lower premiums, higher profits are realized by creating more comprehensive plans. The bottom line is that as medical insurance companies compete to create more extensive programs of coverage, businesses' medical costs soar.

PLANNING MEDICINE

The major portion of business programs designed to save on medical costs is being directed toward central planning of the medical-care market. The implication given by business is that capitalism is based on planning. So why should medicine be excluded? The medical-care market is being portrayed as chaotic and without reasoned direction.

So, the business community is turning to major organizations to curb medical costs—the Health Systems Agency and the Professional Standards Review Organization. Both of these organizations are based on central planning and regimentation of medical-care delivery.

There has been the suggestion, from business, that medicine should be more responsive to the consumer. The implication is consumers should hold important positions on planning boards—a concept which business itself has found unacceptable in regards to its own operations. (Many consumer groups, both federal and private, have attempted to attain positions on corporate boards with little success.)

REGIMENTING DOCTORS

One problem is how business views the medical-care sector of our society. Medical-care providers are often viewed as a unit operation producing a single product. Thus, business favors coordination of medical-care delivery through regimenting bodies. What business has overlooked is they are dealing with thousands of individuals—physicians existing in solo practices, group practices, partnerships and corporate-like structures. Each represents an individual economic unit, each has its own way of conducting business and of attaining its goals. Also, included in the medical-care market are hundreds of individual independent economic structures—hospitals, producers of medical instruments and technology, drug companies, pharmacies, medical appliance businesses, physical therapy units, dentists, opticians and a varied assortment of other medical businesses. This is a major reason why much of the escalating cost of medical care is completely beyond control of physicians and, therefore, beyond control by rationing.

Another reason is most of the growth in hospital beds since 1971 has been for specialized units such as intensive care units, rehabilitation, respiratory therapy and radiation units. Specialty beds have increased 70 percent over the past six years. All of these improvements in modern hospitals are secondary to the rapid improvements in medical care available and consumer demand for better care. At least 40 percent of the increasing cost of hospital expense is secondary to improvement in the product.

Another reason is the high cost of practicing defensive medicine. Defensive medicine refers to the methods physicians and hospitals use to protect themselves from malpractice claims. The development of defensive medicine arose during the so-called malpractice crisis of the last decade. Between 1970 and 1975, medical malpractice claims in-

creased from 1,538 to 5,000—a 225 percent increase. In addition, the size of the claims increased dramatically, with many reaching the $1 million mark. In 1975, doctors paid $350 million in malpractice insurance premiums and hospitals paid $650 million. During this same period it has been estimated these claims cost the country between $3 and $7 billion.

Recognizing the problem of rising medical-care costs as applied to business, the AMA has proposed a "medicine-business coalition." The coalition intends to bring the two groups together in order that each may better understand the other's problems, needs and viewpoints.

The coalition should look primarily to the interests of the patient, not to saving big business from its current cost dilemma. Central planning, regimentation and rationing of medical services are not workable solutions.

One answer to the problem may be the education of employees by big business about costs and company profits. Employee education programs could demonstrate how net earnings are divided—how much is spent paying interest on loans, how much is spent on wages and benefits and how much is spent on dividends, equipment renewal and building expansion.

Rationing of services is never the answer to high costs since it can only lead to the misallocation of resources and shortages. Medicine and business can solve their problems together if left to the principles of the free market system.●

EQUAL RIGHTS AMENDMENT

● Mr. TSONGAS. Mr. President, the deadline for ratifying the Equal Rights Amendment (ERA) is June 30. Thirty-five States, with 72 percent of the U.S. population, have ratified the amendment. The total is just three States short of the number needed to approve the ERA, as the 27th amendment to the Constitution.

Just last Friday, 27 male senators in North Carolina voted to table the Equal Rights Amendment. The vote derails ERA consideration in North Carolina this year. But in other States where the amendment is still not ratified—specifically Florida, Illinois, and Oklahoma—there are massive efforts to beat the June 30 deadline.

In the next 22 days, I expect to focus on the importance of incorporating the ERA into our Federal Constitution.

Just 10 years and 3 months have elapsed since March 22, 1972, when the U.S. Congress approved the Equal Rights Amendment and consigned it to the States for ratification. The proposed amendment reads:

SEC. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SEC. 3. This amendment shall take effect two years after the date of ratification.

The Equal Rights Amendment is essential because it would, for the first time, grant women full status as equal citizens under the Constitution and establish a standard for eliminating discrimination based on sex. That is, it would guarantee women and men equal treatment under our laws.

Only a constitutional amendment adequately assures equal rights to the citizens of this country. A statute-by-statute, piecemeal approach to eliminate sex discrimination, whether at the Federal or State level, does not work. Title VII of the Civil Rights Act, title IX of the education amendments, the Equal Pay Act, and the Equal Credit Act are laws most often cited as providing equal opportunities for women. This statutory framework has been flimsy at times, as the experience of the past 20 years shows. The laws have not transformed patterns and practices of discrimination, as hoped. The current laws are simply not enough.

In cases brought on constitutional grounds, those alleging sex discrimination usually rely on the 5th and 14th amendments. But as a remedy for sex bias, these constitutional provisions have proved unreliable and inadequate. Further, the U.S. Supreme Court has not applied the same strict standard in sex discrimination cases that it has mandated for weighing racial discrimination.

The case for ERA is as compelling as ever. Take Federal statutes now in effect. More than 800 sections of the United States Code contain examples of substantive sexually biased terminology that are inconsistent with a national commitment to equal rights, according to the U.S. Commission on Civil Rights. State laws are replete with provisions that assign women, on the basis of their sex, to an inferior role.

Measured by any standard, women still are disadvantaged by gender-based laws and practices despite the enactment of equal opportunity laws. As workers, women are only paid 64 cents to every $1 paid to men. This wage gap is even wider today than it was in 1956. As wives, women are still subject to laws that deny them an equal partnership in marriage. As students, they are often steered away from the education that could pierce the barrier to better paying jobs. The reality today is all too obvious: Women have not achieved equality under the law.

The need for the ERA was great in 1923, when Congress first introduced it. The need was great in 1972, when Congress first approved it. Today, the need is still just as great. After 59 years, we are on the verge of passing an amendment whose time is long overdue. I urge State legislatures that have not yet ratified the ERA to do so now.●

THE PASSIVE RESTRAINT DECISION

● Mr. DANFORTH. Mr. President, a remarkable event occurred on June 1, while the Senate was in recess. The U.S. Court of Appeals for the District of Columbia Circuit ruled that the National Highway Traffic Safety Administration's attempt to kill the air bag rule was "arbitrary, capricious, an abuse of discretion, and a violation of law." The court's decision is a victory for the taxpayers, who bear billions of dollars in accident costs each year, for motorists who have seen their insurance premiums skyrocket recently, and for the 9,000 Americans whose lives could be saved every year by automatic crash protection.

The Court of Appeals said what I have been saying since October, when NHTSA Administrator Raymond Peck announced the rescission of the safety standard requiring that front seat automobile occupants be protected automatically against hitting the windshield or steering wheel in a collision. The court found the evidence of cost-effectiveness so overwhelming and NHTSA's reasoning so contorted that it felt compelled to nullify the Administrator's decision.

Mr. President, I ask that excerpts from the court's opinion be printed at this point in the RECORD.

The excerpts follow:

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[No. 81-2220]

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., KENT MASON, PATRICIA WARREN AND LEORLIN BOYD, PETITIONERS V. DEPARTMENT OF TRANSPORTATION, DREW LEWIS, AS SECRETARY, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, AND RAYMOND A. PECK, JR., AS ADMINISTRATOR, RESPONDENTS. SUPERINTENDENT OF INSURANCE OF THE STATE OF NEW YORK, AUTOMOBILE IMPORTERS OF AMERICA, INC., MOTOR VEHICLE MANUFACTURERS ASSOCIATION, ET AL., CONSUMER ALERT AND PACIFIC LEGAL FOUNDATION, INTERVENORS

MIKVA, *Circuit Judge:* Petitioners in this action seek review of a final order by the National Highway Traffic Safety Administration (NHTSA) rescinding the automatic crash protection requirements of Federal Motor Vehicle Safety Standard 208 ten months before the standard's effective date. 46 Fed. Reg. 53,419 (Oct. 29, 1981) (Notice 25). The standard would have required that large and mid-size automobiles manufactured after September 1, 1982, and all automobiles manufactured after September 1, 1983, carry passive restraints such as airbags or "passive" seatbelts. Airbags are cushions stored under the dashboard that, when triggered by a frontal collision, fill with stored or rapidly generated gas to protect the rider from collision with the car's interior. Passive seatbelts, also called "automatic" seatbelts, move into place automatically when a passenger enters a vehicle and closes the door. Petitioners State Farm Mutual Automobile Insurance Company (State Farm) and the National Association of Independent Insurers (NAII) challenge NHTSA's rescission of the standard as arbitrary, capricious, an abuse of discretion, and a violation

of law as defined by section 10 of the Administrative Procedure Act, 5 U.S.C. §706 (1976).

We agree. This case is complicated because it has far-reaching implications and involves a politically controversial safety standard, but the determining principle is simple. An administrative agency, possessing power delegated by the legislative branch of government, must comply with the legislative requirement that its decisions be reasoned and in accordance with the purposes for which power has been delegated. NHTSA's rescission of the safety standard presents a paradigm of arbitrary and capricous agency action because NHTSA drew conclusions that are unsupported by evidence in the record and then artificially narrowed the range of alternatives available to it under its legislative mandate. NHTSA thus failed to demonstrate the reasoned decisionmaking that is the essence of lawful administrative action.

* * * * *

B. NHTSA's Analysis in notice 25

The issues raised by Notice 25 are best introduced by a general discussion of the safety problem and the regulatory task faced by the agency. The starting point for both NHTSA and the petitioners in this action is the fact, based on survey data and accident reports, that American motorists overwhelmingly fail to use their seatbelts. The usage rate of seatbelts is not only low, but falling. In 1977, DOT estimated that usage of manual seatbelts was around 20 percent. 42 Fed. Reg. at 34,290. Today, NHTSA estimates that nationwide usage has fallen to 11 percent. 46 Fed. Reg. at 53,422.

Although individuals must decide whether to wear a seatbelt, NHTSA and Congress have recognized that seatbelt usage has serious social consequences. It has been estimated that one American dies in a traffic accident every 11 minutes. S. REP. No. 481, 95th Cong., 1st Sess. 2-3 (1977). NHTSA predicts that there will be 61,710 motor vehicle fatalities in 1984, and that "because of the growing number of small cars, passenger car occupant deaths could increase by as much a 7,000 by 1990." *NHTSA Final Regulatory Impact Analysis, Rescission of Automatic Occupant Protection Requirements* (October 1981) (hereinafter cited as RIA), at V-12 n.4, XI-3, J.A. 160 n.4, 263. A significant number of these deaths—and an even larger number of serious injuries—could be prevented if motorists wore seatbelts. The resulting benefits to society include reduced insurance premiums, lower medical and rehabilitative costs, and incalculable savings in terms of human tragedy. Estimating the value of these benefits is necessarily inexact, but estimates can be made. In 1977, for example, DOT predicted that passive restraints could prevent approximately 12,000 deaths and over 100,000 serious injuries annually. 42 Fed. Reg. at 34,298. In Notice 25, NHTSA estimated that if the usage rate of seatbelts rose from 11 percent to 60 percent, Modified Standard 208 would save 8,750 lives and 176,900 serious injuries each year. RIA at IV-71, J.A. 127. The agency estimates the long-term savings in various kinds of insurance premiums alone at $4.3 billion annually, if these fatalities and deaths could be avoided. *Id.* at V-14, J.A. 162.

Investment in safety also has its costs, of course. In 1977, for example, Secretary Adams estimated that passive seatbelts would exceed the cost of manual seatbelts by $25 per car, and that installation of airbags would cost $112 per vehicle. 42 Fed. Reg. at 34,293. These costs have risen with inflation. In 1981, NHTSA estimated that the marginal cost of passive restraints would vary between $50 and $150 per vehicle. The average figure was $89, which includes $15 for added fuel costs over the life of the car. 46 Fed. Reg. at 53,423; RIA at VI-40, J.A. 202. The cost of airbags has also risen sharply and depends to a great extent on the volume of production. If all vehicles manufactured annually were equipped with airbags, the resulting economies of scale would hold airbag costs to between $200 and $330 per car. At lower volumes, however, such as only 10,000 units a year, the cost of airbags could climb as high as $1,200 per vehicle. RIA at VI-10, J.A. 172. NHTSA estimated the cost of Modified Standard 208 to be approximately $1 billion per year. 46 Fed. Reg. at 53,423; RIA at VI-49, J.A. 211.

The regulatory problem facing NHTSA was therefore simple in theory, although extremely difficult in application. It had to predict the savings that would result from Modified Standard 208, and compare that savings with the cost of the standard, so as to conduct "a 'commonsense' balancing of safety benefits and economic cost." United States v. General Motors Corp., 518 F.2d 420, 435 (D.C. Cir. 1975); see H & H Tire Co. v. Dep't of Transportation, 471 F.2d 350, 353-54 (7th Cir. 1972). NHTSA found that the costs of the passive restraints required by Modified Standard 208 could be justified only if nationwide seatbelt usage rose by 13 percentage points, from 11% to 24%. RIA at A-10, J.A. 284. NHTSA concluded that no such increase would occur, and therefore rescinded the standard.

* * * * *

2. Passive restraints in 1977

Concurrent resolutions to disapprove Modified Standard 208 were introduced in each house almost immediately upon congressional receipt of the standard. *See, e.g.,* 123 CONG. REC. 21,760 (1977) (resolution introduced by Senator Griffin on June 30, 1977); *id.* at 24,168 (seven identical resolutions introduced in the House on July 20, 1977). These resolutions were then sent to the appropriate committees. In the House, the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce concluded hearings on September 23. The subcommittee voted by voice vote to recommend to the full committee that the resolution of disapproval *not* pass. The full committee voted to table the resolution of disapproval on October 12. As a result, the standard was not considered by the House and no concurrent resolution of disapproval was passed.

In the Senate, four days of hearings were held by the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation. The subcommittee voted unanimously, 5-0, to disapprove the resolution of disapproval. The full committee voted by voice vote to report the resolution to the Senate, again with the recommendation that the resolution of disapproval not pass. S. Rep. No. 481, 95th Cong., 1st Sess. (1977). On October 12, the full Senate voted 65-31 to table the resolution. 123 CONG. REC. 33,332 (1977). Modified Standard 208 could have been disapproved only by concurrent resolution of both houses; neither house voted to disapprove the standard, and Modified Standard 208 thus went into effect.

Throughout the Senate review, Modified Standard 208 received not grudging acceptance but positive support.

The Senate report stated that the standard "would provide major increased protection for front-seat automobile occupants" that could save "more than $3.5 billion annually." S. REP. No. 481, 95th Cong., 1st Sess. 2-3 (1977). On the floor, one speaker after another affirmed the need for the standard. *See, e.g.,* 123 CONG. REC. 33,318 (Senator Ford) ("the hearing record contains overwhelming support for the Department of Transportation's rule"); *id.* at 33,319 (Senator Ribicoff) (noting "well proven" efficiency of airbags); *id.* at 33,320 (Senator Durkin) ("the only way to have our citizens protected by passive restraints is to mandate them"); *id.* at 33,325 (Senator Bentsen) (the rule is "in the best interest of the public. . . . [P]assive restraint systems are the most effective way to improve vehicle safety"); *id.* at 33,329 (Senator Magnuson) ("it is time to put this matter to rest"); *id.* at 33,330 (Senator Baker) (supporting standard because "there is ample evidence indicating that air bags are effective in preventing injuries, that they would save thousands of lives and prevent many more serious injuries annually if installed on all cars, and that they are not hazardous"). Even critics of the standard focused more on the desirability of further testing and promotion of the systems than outright opposition to the standard. *See, e.g., id.* at 33,322 (Senator Goldwater) ("trying to argue against the idea of saving lives is a lot like arguing against free beer and mother love. It is a difficult thing to do"); *id.* at 33,325 (Senator Cannon) (urging DOT to reinstitute Coleman demonstration project); *id.* at 33,327 (Senator Griffin) (seeking more experimentation or reinstatement of Coleman demonstration project).

* * * * *

B. *The scope of review in this case*

Based on the legislative reaction to the passive restraint standard discussed above, we conclude that rescission of the standard must be subject to "thorough, probing, in-depth review" lest the congressional will be ignored. On the facts of this case, our review must be as "searching and careful" as the judicial review in *Pacific Legal Foundation v. Dep't of Transportation,* where the issue was the promulgation rather than the rescission of Modified Standard 208.

Mere legislative silence in the face of agency action is a hazardous basis from which to infer congressional approval of the agency's interpretation of the statutes involved. "However, a consistent administrative interpretation, shown clearly to have been brought to the attention of Congress and not changed by it, is almost conclusive evidence that the interpretation has congressional approval." *Kay v. FCC,* 443 F.2d 638, 646-47 (D.C. Cir. 1970); *See Udall v. Tallman,* 380 U.S. 1, 17-18 (1965). The Safety Act directs that the Secretary "shall" issue appropriate motor vehicle safety standards; ordinarily this term "is the language of command." *Escoe v. Zerbst,* 295 U.S. 490, 493 (1935) (Cardozo, J.). Despite the legislative battles over whether to specify an airbag requirement or when the standard should take effect, each time Congress reviewed the passive restraint standard it was essentially confirmed. "In the matter before us there is not merely silence, proposals languishing without any Congressional action, but positive action by Congress rejecting the limiting amendments." *National Automatic Laundry & Cleaning Council v. Shultz,* 443 F.2d 689, 706 (D.C. Cir. 1971). Although there may be situations

in which an agency may repeal a regulation on no basis at all, such is not the case here. NHTSA is not writing on a clean slate; it cannot suggest that the congressional actions and failures to act described above have no bearing on the agency's freedom to regulate on this question. It follows that NHTSA has the burden of explaining why it has changed course, and of showing that rescission of Modified Standard 208 was reasonable.

This does not mean that NHTSA may not revoke the standard. If the agency clearly articulates a reasonable basis for that action, we must defer to the policy judgments and expertise of the agency. By no means may we substitute the court's judgment, or fail to "guard against the danger of sliding unconsciously from the narrow confines of law into the more spacious domain of policy," *Phelps Dodge Corp.* v. *NLRB*, 313 U.S. 177, 194 (1941). The line between substitution of judgment and judging whether action has been rational or arbitrary is sometimes fine, and to some critics imperceptible. We fully recognize, however, the side of that line from which the court derives its lawful authority. We also recognize that the course of administrative action is frequently and inevitably characterized by shifts and turns, as agencies continually reassess what is in the public interest. But courts are "not obliged to stand aside and rubber-stamp their affirmance of administrative decisions that they deem inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute." *NLRB* v. *Brown*, 380 U.S. 278, 291 (1965). Judicial scrutiny of agency action—including the rescission of a rule—depends on the extent to which the agency has deviated from congressional expectations. An agency is seldom locked on course, but it must have increasingly clear and convincing reasons the more it departs from the path marked by Congress.

We therefore review NHTSA's rescission of Modified Standard 208 for whether the agency has engaged in reasoned decisionmaking, making actual judgments concerning the significance of the evidence in the record and supporting its decision with "reasoned analysis." *City of Charlottesville* v. *FERC*, 661 F.2d 945, 951 n.35 (D.C. Cir. 1981). We must ascertain the facts on which NHTSA relied, determine whether those facts have some basis in the record, and judge whether a reasonable decisionmaker could respond to those facts as the agency did. *Recording Industry Ass'n* v. *Copyright Royalty Tribunal*, slip op. at 15. The court must also assure itself that rescission is "based on consideration of the relevant factors," *FCC* v. *National Citizens Comm. for Broadcasting*, 436 U.S. 775, 802–03 (1978); see *Home Box Office, Inc.* v. *FCC*, 567 F.2d 9, 36 (D.C. Cir.), cert. denied, 434 U.S. 829 (1977), and determine that NHTSA made "a considered evaluation of the presently available alternatives." *Pillai* v. *CAB*, 485 F.2d 1018, 1029 (D.C. Cir. 1973). With this statement of the appropriate scope of our review, we turn to the merits of NHTSA's action.

III. THE ARBITRARINESS OF RESCISSION

The rescission of Modified Standard 208 on the grounds stated by NHTSA was arbitrary and illogical for two general reasons. The agency has offered no evidence that seatbelt usage will fail to increase as was expected when the standard was first promulgated, and has therefore made no showing that the standard is unjustified as written. More important, NHTSA has failed to consider or analyze obvious alternatives to rescission, and has thus artifically foreclosed attempts to further the purpose of the Safety Act. *See Pillai v. CAB*, 485 F.2d 1018, 1027 (D.C. Cir. 1973). When the agency so narrows its options that it fails to heed the goals that Congress has asked it to meet, the agency violates its basic legislative mandate. Simply put, NHTSA's discussion of ways in which Modified Standard 208 could have been amended was wholly inadequate, and rescission was therefore arbitrary and unlawful.

A. Modified standard 208 as written

NHTSA made three findings in deciding that the standard as written could not be justified, and should either be amended or rescinded. First, most automobile manufacturers planned to use detachable passive belts. Second, once detached, a detachable belt "becomes identical to a manual belt." Finally, NHTSA "cannot reliably predict even a 5 percentage point increase as the minimum level of expected usage increase." *See* 46 Fed. Reg. 53, 421–23.

Although the petitioners challenge each step of this reasoning, we conclude that NHTSA's first finding was not unreasonable. The prediction of how industries plan to comply with an agency regulation is exactly the sort of factual question on which the agency's expert "administrative feel" deserves the greatest deference. It was not unreasonable for NHTSA to conclude, from the comments that appear in the record, that most manufacturers did indeed plan to install detachable passive seatbelts in order to comply with the passive restraint standard.

NHTSA's second finding is also reasonable, although it is important to note the limitations of this finding. The observation that a detachable belt, once detached, is functionally equivalent to a manual belt, does not dictate any conclusion about the usage rate of detachable belts. Any suggestion that this finding alone leads to a prediction that usage rates under the two systems would be identical is inconsistent with NHTSA's third finding, which acknowledged that even detachable passive belts would make some difference in seatbelt usage. The rationality of NHTSA's conclusion about the standard as written depends entirely on how well its third step—predicting usage rates with detachable belts—holds up.

In taking this third step, NHTSA turned the question on its head and thus totally misdirected its analysis. There may well be "substantial uncertainty" about the seatbelt usage rates that can be predicted if detachable belts are widely used. But the question is not whether evidence shows that usage rates will increase by the necessary amount, but whether there is evidence showing they will not. NHTSA has some burden, in other words, to show that a regulation once considered to prevent deaths and injuries efficiently can no longer be expected to do so. This evidence may take the form of statistical data or logical argument, but it must exist in some form. To state this point in the reverse, it would be unreasonable for an agency to promulgate a regulation simply because of "substantial uncertainty" that the status quo was any better. There must be some reason to support any reasoned decision.

There is not one iota of evidence to support NHTSA's conclusion that Modified Standard 208 as written will fail to increase nationwide seatbelt use by 13 percentage points or more. No logical reason has been suggested why even detachable belts—except under a certain condition whose frequency is not known—cannot lead to safety benefits that exceed their relatively small marginal costs. Statistics concerning usage rates of the passive seatbelts now in service suggest exactly the opposite, and NHTSA's conjectural efforts to distinguish these systems miss the point. If, as NHTSA contends, the passive belts now in use cannot be the basis for predicting usage rates under Modified Standard 208, then only a well justified refusal to seek more evidence could render rescission non-arbitrary. *National Ass'n of Demolition Contractors v. Costle*, 565 F.2d 748, 751-52 (D.C. Cir. 1977). NHTSA could have conducted surveys or experimented with detachable belt prototypes, or it could have explained logically why usage rates with detachable belts would increase less than 13 percentage points. The agency did not do so; it rested its decision only on "substantial uncertainty" about these rates. Its decision to rescind the standard thus was arbitrary because the decision was supported by no record evidence whatsoever.

We do not mean this portion of our opinion to seem simplistic. Implicitly, the perpetuation of a regulation also involves a decision that its continuation is worthwhile, and reasonable decisionmaking requires that this too be supported by reasons. If NHTSA was uncertain that Modified Standard 208 would lead to the required usage increase, it could reasonably have decided to suspend or amend the regulation rather than plunge ahead in the blind faith that the standard would succeed. Indeed, this was originally how the agency framed the questions that led to the most recent rulemaking proceedings, But it is one thing to decide that evidence fails to show the wisdom of continuing with a regulatory program, and quite another to decide that evidence shows the regulatory program should be abandoned altogether. There is no evidence at all that detachable passive belts will fail to increase seatbelt usage by 13 or even 50 percentage points, and NHTSA thus went one step further than reason can support.

B. Other forms of modified standard 208

NHTSA explicitly considered a series of alternative amendments to Modified Standard 208 before deciding to rescind the standard. Its notice of proposed rulemaking proposes a wide range of possible changes to the automatic restraint requirements. . . . The Department desires to ensure that it is taking the most effective and reasonable approach to addressing the serious safety problem posed by the low rate of safety belt use in all cars and by the steadily decreasing average size of new cars sold in this country. 46 Fed. Reg. at 21,205–06. The agency considered whether to reverse the sequence of compliance so that small cars would be required to comply before large cars, and whether to amend the standard so as to require simultaneous implementation on all car sizes. NHTSA also considered amending the standard in order to exempt the front center seating position, while retaining the requirements for the driver and front right passenger seats. In reviewing these possibilities, NHTSA's Regulatory Impact Analysis (RIA) was impressively thorough and careful.

In striking contrast, neither NHTSA's decision nor its RIA devoted even a modicum of reasoned analysis to several far more obvious possible amendments to Modified Standard 208. The decision briefly discussed—and summarily rejected—amending

the standard so as to eliminate compliance by detachable belts. The RIA, which was otherwise replete with economic and safety estimates and other data, did not once attempt to analyze the consequences of such an amendment. Even more striking is the agency's failure to consider amending the passive restraint standard so as to allow compliance with airbags only. In both the decision and the RIA, airbags are mentioned only in passing and only in the context of predicting that automobile manufacturers would not install them on a widespread basis. Absolutely no effort was made to compare the costs of airbags against their potential benefits, an omission that is particularly notable because none of the problems that NHTSA identified with passive belts appears to apply to airbags.

In proceeding as it did, NHTSA allowed itself to become captive to the ways in which it predicted automobile manufacturers would comply with Modified Standard 208. Lip service aside, there is no indication of the agency's awareness that it could act positively to develop a passive restraint standard that would advance the purposes of the Safety Act. Courts frequently observe that regulatory agencies do not function "as an umpire blandly calling balls and strikes for adversaries appearing before" them. *Scenic Hudson Preservation Conference v. FPC*, 354 F.2d 608, 620 (2d Cir. 1965), *cert. denied*, 384 U.S. 941 (1966). If NHTSA did not believe the standard as written would fulfill the standard's goals, its foremost obligation was to consider whether an amended standard could. The agency's reasons for not prohibiting compliance with detachable belts are hollow, and its analysis of requiring exclusive compliance with airbags is nonexistent. NHTSA was not required to follow either avenue, of course, but it may not reject these possibilities without reasoned discussion. In stating that "the central issue in this proceeding has become whether [detachable] automatic belts would induce higher belt usage rates than are occurring with manual belts," 46 Fed. Reg. at 53,425, NHTSA lost sight of its statutory obligation to devise the best passenger safety regulation it could. By artificially narrowing the options available—or ignoring those options completely—the agency acted in a totally arbitrary fashion.

* * * * *

2. Airbags

If NHTSA's consideration of continuous belts was minimal, its analysis of airbags was nonexistent. Time and again, the agency failed or flatly refused to evaluate the cost-effectiveness of these devices. The only mention of airbags in the decision focused on Modified Standard 208 as written: Instead of installing air bags in approximately 60 percent of new cars [as had been anticipated in 1977], the manufacturers apparently planned to install them in less than 1 percent of new cars. Thus, automatic belts would have been the predominant means of compliance, and installed in approximately 99% of new cars. Thus, the assumed life-saving potential of air bags would not have been realized.

46 Fed. Reg. at 53,421. It is obvious that airbags would be installed in 100% of new cars if NHTSA were to decide that no passive belts advanced the purpose of the safety standard and that airbags were the only way of complying with Modified Standard 208. NHTSA apparently did not consider this possibility. *See* RIA at IV-10, J.A. 66 (because airbags will be installed on a small scale, "the fatality reduction potential of air bags will not be considered in the main body of the analysis"); *id.* at IV-56, J.A. 112 ("Although benefits would be greater if [large cars were equipped with airbags], it does not now appear that this will happen"); *id.* at VI-19, J.A. 181 ("Air cushion costs are not dealt with in this analysis as the domestic manufacturers have decided to use automatic safety belts rather than air bags to comply with the standard"); *id.* at XI-5, J.A. 265 ("The issue of air bags, constant and controversial as it is, is not in fact squarely before the Agency at this time").

NHTSA's failure to consider this obvious alternative is particularly striking in view of the history of the passive restraint standard. "To some, FMVSS 208 was always intended to be an air bag standard." RIA at XI-5, J.A. 265. The first notice of proposed rulemaking leading to the 1972 version of Standard 208 referred to "inflatable occupant restraint systems," 34 Fed. Reg. at 11,148 (1969), and passive belts were added thereafter. *See* pp. 7-8 *supra*. In *Chrysler Corp. v. Dep't of Transportation*, 472 F.2d at 664, the court suggested that the standard might be called "more descriptively, the Airbag Standard." Congress too has tended to consider airbags the central aspect of the passive restraint standard. *See, e.g.*, 120 CONG. REC. 35,637 (1974) (Representative Dingell) (observing "the desire of the Congress to review and, if appropriate, disapprove a standard imposing air bags on our constituents"); 124 CONG. REC. 17186 June 12, 1978) (Representative Conte) ("The airbag does not go into effect until 1982"); H.R. REP. No. 145, 96th Cong., 1st Sess. 13-15 (1979) (supplemental views) (discussing only airbags). In 1977, when Senator Griffin added Senator Helms as a cosponsor of S. Res. 31 to disapprove Modified Standard 208, the resolution was described as a measure to ban "the use of air bags in automobiles." 123 CONG. REC. 24,879 (1977). It is true that airbags also have been the most controversial aspect of the passive restraint standard. *See* pp. 43-47 *supra* (Senate but not House approved conference report that would have required automobile manufacturers to offer airbags on at least one car line). But this is all the more reason why NHTSA should at least have considered and evaluated the benefits and costs of a standard relying only on airbags before it could rationally rescind Modified Standard 208.

This is virtually self-evident. First, as NHTSA acknowledged in the RIA, the agency has no basis at this time for changing its earlier conclusions in 1976 and 1977 that basic air bag technology is sound and has been sufficiently demonstrated to be effective in those vehicles in current use, such that it could be considered an acceptable method of compliance with the mandates of the Act.

Id. at XI-4, J.A. 264. More important, airbags seem to have none of the problems that NHTSA identified in passive seatbelts. They are less obtrusive and therefore less likely to be disconnected because of "irrational fears" about being trapped. *See id.* at IX-18, J.A. 233. They cannot be analogized to manual seatbelts, and thus their rate of "use" is likely to be higher than that of passive belts. *See id.* at IV-9, 89-90, J.A. 65, 145-46. Moreover, even when used, neither seatbelts nor airbags are completely effective in preventing deaths and injuries under all circumstances, but the "effectiveness" of airbags may be relatively higher. *See id.* at IV-9, J.A. 65. Finally, whereas NHTSA emphasized its uncertainty that discounts in insurance premiums would "materialize on a general basis" under a passive belt regime, *see* 46 Fed. Reg. at 53,423, it observed that a number of insurance companies *already* offer a 30 percent discount on policies for vehicles equipped with airbags. RIA at V-1, J.A. 149. Each of these points suggests that the benefits of an-airbags-only standard would be significantly greater than the minimal benefits now predicted from Modified Standard 208 as written. Yet NHTSA made no attempt whatsoever to evaluate or even mention such a standard.

The agency did, of course, review the cost of airbags. As it observed, the unit cost of these devices is remarkably sensitive to economies of scale, ranging from as high as $1,200 when only 10,000 units are produced to as low as $200 when airbags are installed on a fleet-wide basis. *Id.* at VI-10, J.A. 172. Were the agency to analyze an airbags-only standard, the lower cost figures would obviously be the appropriate basis of its analysis. We may therefore not decide on this record that NHTSA's failure to consider airbags alone was irrelevant; indeed, airbags may be significantly cost-effective. That question is for NHTSA to decide, but it has not yet done so. The only reason that can even be *inferred* for NHTSA's silence on this point is that such a standard risks congressional disfavor under the legislative veto provisions of 15 U.S.C. § 141b. The fact that Congress might veto an airbags-only standard is not a reason for ignoring such a standard; an agency cannot refuse to proceed with reasoned decisionmaking simply because Congress has explicitly stated an intention to review its conclusions at a later time.

* * * * *

IV. THE NEED FOR A REMAND TO NHTSA

The foregoing analysis illustrates several ways in which NHTSA artificially narrowed its analysis of Modified Standard 208. Although that regulation is a performance standard, the agency offered no evidence that certain technology would fail to perform. More important, it then rescinded the standard without analayzing it in terms of technology that clearly would comply.

By any measure of reasoned decisionmaking, NHTSA's action was arbitrary and capricious. Despite carefully issuing notice on an array of possible changes to Modified Standard 208, NHTSA proceeded as though the only question were whether to implement or rescind the safety standard exactly as that standard was first written five years ago. "It is easy enough for an administrator to ban everything." *United States v. Nova Scotia Food Products Corp.*, 568 F.2d 240, 253 (2d Cir. 1977) (FDA regulation concerning smoked whitefish overturned because agency failed to consider formulating rule "with specific parameters that applied to all species of fish"). But "an artificial narrowing of the scope of the regulatory problem is itself arbitrary and capricious and is ground for reversal." *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 36 (D.C. Cir.) *Cert. denied*, 434 U.S. 829 (1977) (overturning regulation of cable television because record evidence failed to suggest existence of problem at which regulation was aimed). *See e.g., Sabin v. Butz*, 515 F.2d 1061, 1069 (10th Cir. 1975) (summary judgment in favor of government on whether regulation was arbitrary was precluded by allegation that agency had failed to consider anticompetitive factors); *Pillai v. CAB*, 485 F.2d at 1027-30 (vacating order extending multilateral air carrier rates because agency considered only alter-

native to be open rates, and thus ignored bilateral negotiations and agency's suspension powers). These cases set aside regulations promulgated without consideration of obvious alternatives, but we see no reason why a different analysis should be applied here to the rescission of a regulation already promulgated. Either form of agency action may at times be irrational.

On balance, it is difficult to find anything positive to say about NHTSA's decisionmaking in this case. After conducting an elaborate quantitative analysis in a 280 page Regulatory Impact Analysis, NHTSA essentially rejected much of this analysis as "hypothetical": For purposes of this analysis only, the Agency has again adopted this approach in order to place hypothetical quantitative bounds on benefits and costs. The Agency, for reasons spelled out in detail in the Final Rule, does not accept these hypothetical bounds, and believes that it is not possible to predict with any accuracy what the usage rates of automatic belts would be.

RIA at XI-13, J.A. 273. *See id.* at IV-51, J.A. 107 (emphasizing that extrapolation from existing data "must be understood to be hypothetical"). In other words, the analysis to support Notice 25 has not yet been undertaken. Moreover, several of the explanations stated in Notice 25 fly directly in the face of the agency's own analysis. In stating that the standard would raise equity problems, for example, because current users of manual belts would "subsidize" the nonusers who "will generate all of the benefits that result directly and solely from this regulation," 46 Fed. Reg. at 53,425, NHTSA ignored the fact that high insurance savings could be realized *even by regular users of manual belts.* See RIA at V-1, J.A. 149. It is difficult to avoid the conclusion that NHTSA's analysis in Notice 25 has been distorted by solicitude for the economically depressed automobile industry—which is not the agency's mandate—at the expense of consideration of traffic safety, which is.

We do not hold, of course, that an agency charged with promulgating safety standards may never rescind those regulations once promulgated. But rescission must be supported by rational explanations, after a reasoned and good-faith effort to consider alternative means of advancing the agency's purpose. If Congress chooses, it has the authority to override Modified Standard 208 or any other regulation. *See, e.g.,* 15 U.S.C. § 1410 (exemption from motor vehicle safety standards for manufacturers of 10,000 cars or less for reasons of "substantial economic hardship"). But NHTSA may not confuse its role with that of Congress. Based on the record and the statements in Notice 25, we must conclude that NHTSA has acted capriciously, wearing blinders that prevented it from reasoned evaluation of methods to fulfill the purposes of the Safety Act.

Nature of the remand

There are obvious problems associated with reversing NHTSA's action, however. Within hours of the issuance of Notice 25—and well before the notice's effective date—the automobile manufacturers began to dismantle their passive restraint programs, and now contend that it would require a minimum of twelve months "following the beginning of the first model year following announcement of the requirement" to restore these programs. MVMA Brief at 70 n.85. Moreover, because of NHTSA's muddy reasoning in Notice 25, manufacturers would justifiably feel uncertain about the technology that satisfies the performance requirements of Modified Standard 208. *See id.* at 69 n.84. NHTSA has yet to make the case that detachable belts would not comply, although it could make that finding or even require compliance by airbags only. We must therefore decline the suggestions of petitioners that the standard take full effect by September 1983, State Farm Brief at 21, or by September 1982, NAII Brief at 64.

At the same time, we should not simply remand this petition to the agency so that recalcitrance might succeed where rational decisionmaking might not. The implementation of a passive restraint standard has already been delayed without acceptable reasons perhaps unconscionably so. Our decision does not foreclose rescission, but requires simply that the agency analyze obvious technological alternatives for compliance before doing so. We therefore remand to NHTSA to recommend to us 30 days from today a feasible schedule for completing analysis of these questions. If technological means are found that conform to the performance requirements of the standard such that its safety benefits are economically justified, NHTSA is further instructed to prepare a practical schedule for the implementation of passive restraint standard. Our order does not, of course, foreclose a reasoned decision by NHTSA that the standard should be suspended or delayed for appropriate reasons, or impede any action that Congress might take to resolve these issues.

NHTSA is correct in expressing concern about negative public reaction to "an expensive example of ineffective regulation." 46 Fed. Reg. at 53,424. There is no basis on the record before us, however, for concluding that Modified Standard 208 is such a regulation. More important, it is erroneous to believe that "ineffective regulation" occurs only when government acts affirmatively. By rescinding the passive restraint standard without legal justification, NHTSA's arbitrary action presents a paradigm of ineffective regulation. Notice 25 has wasted administrative and judicial resources, and has possibly delayed without justification a safety standard that may be, "from an economic point of view, as important as any environmental, health, or safety rule now on the books." At present rates, 1 in every 60 children born today is expected to die in an automobile accident, and 2 out of every 3 will suffer injuries in a crash. *See* 126 CONG. REC. S 13,503 (daily ed. Sept. 25, 1980) (Senator WARNER). These figures may be low, for NHTSA concedes that the problem at which the passive restraint standard was aimed has become more urgent in recent years. *See* p. 15 *supra.* But the agency concludes Notice 25 by observing: "After 12 years of rulemaking, NHTSA has not yet succeeded in its original intent, the widespread offering of automatic crash protection that will produce substantial benefits." 46 Fed. Reg. at 53,426. NHTSA may yet conduct the reasoned decisionmaking that can support the rescission of the passive restraint standard, but it may not reject twelve years of preparation for such a standard until it does so. The agency's action here thus represents "an expensive example of ineffective regulation" of the worst kind.

CONCLUSION

NHTSA began this rulemaking because a number of factors had changed since Modified Standard 208 was approved by Congress in 1977. These changed factors—higher gasoline prices, smaller cars, an ailing automobile industry, and the methods of compliance being pursued by that industry—may fully justify reassessing, modifying, and even deferring the effective date of the regulation, decisions that are not before us here. There has been no showing, however, that these changes justify rescinding the standard outright. The explanations put forward in Notice 25 are arbitrary in their failure to address obviously relevant considerations. The rescission of Modified Standard 208 is reversed.

We recognize that sensitive issues are raised in this case. An administrative agency may well require less basis for its decision not to pursue a particular policy at a particular time than when it decides to act affirmatively. But agencies may not ignore the mandate they have received from Congress, and reverse course without a reasoned or rational foundation for doing so. In this regard, we emphasize that courts, administrative agencies, and Congress are partners, not adversaries. Courts do not substitute judgment for that of the agency, but ensure that agencies exercise their judgment only in accordance with the will of Congress.

NHTSA's rescission of Modified Standard 208 cannot be supported on this record. The agency has 30 days in which to submit a schedule for resolving the questions raised in this opinion, leading either to the rescission or suspension of the standard or to a judicially approved schedule for the effective implementation of that standard or an amended standard. If NHTSA finds nonarbitrary reasons for rescinding the standard, of course, its action will be affirmed. Absent such reasons, or intervening action by Congress, NHTSA may not arbitrarily veer from the course that Congress has set.

It is so ordered.●

A TRIBUTE TO "SATCHEL" PAIGE

● Mr. EAGLETON. Mr. President, I rise today to pay tribute to one of the great sports legends of all time, Leroy Robert "Satchel" Paige, who died yesterday in Kansas City at the age of 75.

Satchel Paige, who spent the first 22 years of his pitching career in the Negro leagues, did not make it to the major leagues until he was 42, after baseball finally allowed blacks to play.

His was a life of courage, endurance, and tragedy. He pitched some 2,500 games, including 55 no-hitters while playing with teams such as the Chattanooga Black Lookouts, the Homestead Greys, the Pittsburgh Crawfords, the Kansas City Monarchs, and teams in Birmingham, New Orleans, Baltimore, and Chicago.

Not until 1948 did Mr. Paige receive the opportunity to play in the major leagues, after Jackie Robinson broke the "color barrier" by becoming the first black man to play in the majors.

Nevertheless, although he was past his prime, he had six victories and one loss after 3 months and was selected to the American League All-Star team in 1952 while playing for the St. Louis Browns.

The list of Satchel Paige's achievements as an athlete is endless. Joe DiMaggio simply said Paige was "the best I ever faced, and the fastest," fol-

lowing an exhibition game before the color barrier was broken.

If any sense of tragedy be attached to Satchel Paige's full life, it would be related to the fact that he was, by the bigotry of the era, denied access to baseball's major leagues until the twilight of his remarkable career.

Mr. Paige was elected to the Hall of Fame in 1971 by a special committee to honor stars of the Negro leagues. But, beyond all his stunning athletic feats, Satchel Paige will stand out in American history as a man who persevered, maintaining his dignity and courage despite the formidable barriers of racial discrimination and injustice.

The memory of Satchel Paige will live on, and will remind future generations to work for a society in which talent, not color, religion, or sex, determines the limits of achievement.

Mr. President, I ask that a commentary about Satchel Paige from the Kansas City Times be printed in the RECORD.

The commentary follows:

[From the Kansas City Times, June 9, 1982]

PAIGE MADE PITCHING THE CONSUMMATE SHOW

(By Joe McGuff)

In athletics, as in music and the theater, there is a special quality, a presence, if you will, that sets a few extraordinary performers apart from their peers. A Horowitz, a Hepburn, the Beatles—just to have seen them is to be part of an enduring emotional experience.

Satchel Paige, who died Tuesday, brought that same sort of commanding talent and personality to baseball. The bigger the game, the better Satch pitched. Not only was he a great pitcher but also a consummate showman who understood how to sell himself and sell baseball.

Wherever Paige went, he packed ballparks, be it in the old Negro leagues, on barnstorming tours or in the majors. He kept the public guessing about his age and he tantalized hitters with his hesitation pitch.

In his prime, Paige had a great fastball and extraordinary control. His fastball had faded by the time he reached the majors in 1948, but he remained a master of disrupting a hitter's timing.

Buck O'Neil, former manager of the Negro leagues' Kansas City Monarchs and now a scout with the Cubs, credits Paige with keeping the league solvent.

"He kept our baseball going," O'Neil said. "He was like Babe Ruth was to the major leagues in the Depression era."

Bill Veeck, who brought Paige to the majors with Cleveland, ranks Paige with Ruth and Dizzy Dean for the hold he had on baseball fans.

"He was a consummate performer on or off the diamond," Veeck said "He was charismatic.

The first time he pitched in Chicago, nobody ever knew how many people were in the park. You couldn't get within eight or 10 blocks of the stadium. They were climbing over the gate and under it. Grace Comiskey owned the park and I begged her and I begged her to open the gates so people wouldn't get trampled.

That day Paige pitched the Indians to a 1-0 victory.

The last game Paige pitched was in Kansas City in 1965. According to the record books, he was 59 at the time. Predictably, Satchel was equal to the occasion.

The idea for Paige's appearance was conceived by Charles O. Finley, who owned the A's and was looking for a special promotion to help the gate near the end of a losing season, Paige started against the Red Sox and allowed only one hit. He struck out one and did not walk a batter.

Carl Yastrzemski doubled on a three-ball, no-strike pitch for Boston's only hit. After that, Paige retired seven batters in a row.

I last visited with Paige on May 27 when I went to his home to interview him for a column. We sat in his living room and talked, surrounded by the memorabilia of a lifetime. The conversation lasted for almost two hours and is one of the most memorable experiences I have had in sports.

Paige, suffering from emphysema and heart trouble, struggled for breath at times, but the longer he talked, the stronger he seemed to grow.

He was critical of the recent television show based on his life.

"It didn't come out like I thought. They held a lot back," he said.

He spoke of post-season all-star games when he pitched against Dean and Bob Feller. He talked about the importance of avoiding cold-water baths and the remarkable control of the pitchers in the Negro leagues. He spoke of the pride he felt in the accomplishments of black athletes once they were given a chance to prove themselves.

Paige lived through hard times and discrimination, but he had the satisfaction of pitching in the major leagues and being enshrined in the Hall of Fame. He was not a racial crusader, but his fame and his accomplishments helped bring down baseball's racial barriers.

Those who saw Paige in his prime say that if you had one big game you absolutely had to win, he might have been the best pitcher to send to the mound. For that matter, he might have been the best pitcher period.●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME

● Mr. CHILES. Mr. President, I wish to recognize the new inductees into the Dr. Nan S. Hutchison Broward Senior Hall of Fame in Broward County, Fla. The nine new members were honored last month during a special ceremony in the Broward County Commission chambers. Persons considered for election into this distinguished group must show outstanding service toward the betterment of life during the years normally reserved for retirement. The hall of fame is named after Dr. Nan S. Hutchison, who served the seniors of Broward County as director of the Area Agency on Aging until her unfortunate death last year.

The nine new "Hall of Fame" members are James Carey, Sister Clarette Gross, Harold Hickey, Minerva B. Kaplan, George Kurland, Arthur Lezar, Henry F. Nolan, Jerry Noyer, and Elizabeth Williams. These active, talented, and generous persons are involved in a wide variety of activities and groups in Broward County, including the Florida Silver-Haired Legislature, veterans' affairs, elderly nutrition, drug rehabilitation, counseling for the terminally ill, tax assistance for the elderly, citizen crime watch programs, and Foster Grandparents.

I urge all of my colleagues in the Senate to commend these nine older Americans for their valuable service to other people of all ages. Their work serves as a shining example for others to follow.●

PROGRAM

Mr. STEVENS. Mr. President, in accordance with the dialog that I had with the distinguished minority leader, I wish to announce that it is the intention of the leadership to call up the conference report on intelligence identities protection, H.R. 4, at approximately 11 a.m. tomorrow. There will be a rollcall vote expected on the adoption of that conference report, after which we will return to the pending motion.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. President, I ask unanimous consent that the following Senators be given a special order for a period of not to exceed 15 minutes on Thursday, June 10: Senator HEINZ, Senator SYMMS, and Senator CHILES.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as I have stated before, it will be the intention to call up the conference report on the agent identities bill as soon as the special orders and the leadership time have expired tomorrow. We anticipate that will be around 11 a.m., probably closer to 10:45 a.m. I do not know how long that bill will take. We do intend to ask for a rollcall vote on the conference report, then resume consideration of the motion to proceed with the voting rights extension bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 10 a.m. tomorrow morning.

There being no objection, at 6:30 p.m., the Senate recessed until tomorrow, Thursday, June 10, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1982:

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Jeane J. Kirkpatrick, of Maryland.

John William Warner, U.S. Senator from the State of Virginia.

Samuel S. Stratton, U.S. Representative from the State of New York.

Edwin J. Feulner, Jr., of Virginia.

Eugene Victor Rostow, of Connecticut.

The following-named persons to be Alternate Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Kenneth L. Adelman, of Virginia.

Sam Nunn, U.S. Senator from the State of Georgia.

Jack Kemp, U.S. Representative from the State of New York.

Louis G. Fields, Jr., of Virginia.

Fred Charles Ikle, of Maryland.

CONFIRMATION

Executive nomination confirmed by the Senate June 9, 1982:

CENTRAL INTELLIGENCE

John N. McMahon, of Maryland, to be Deputy Director of Central Intelligence.

EXTENSIONS OF REMARKS

PRESIDENT REAGAN'S SPEECH TO THE BRITISH PARLIAMENT

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. MICHEL. Mr. Speaker, President Reagan yesterday made a speech to the British Parliament. I consider this speech to be among the most inspirational and moving I have experienced in all my years of public life. At this point I wish to insert the text of this speech, as it was printed in the New York Times, June 9, 1982, in the RECORD:

TEXT OF PRESIDENT REAGAN'S ADDRESS TO PARLIAMENT ON PROMOTING DEMOCRACY

LONDON, June 8.—Following is the text of President Reagan's speech today to the British Parliament, as made public by White House officials:

The journey of which this visit forms a part is a long one. Already it has taken me to two great cities of the West—Rome and Paris—and to the Economic Summit at Versailles. There, once again, our sister democracies have proved that, even in a time of severe economic strain, free peoples can work together freely and voluntarily to address problems as serious as inflation, unemployment, trade and economic development in a spirit of cooperation and solidarity.

Other milestones lie ahead later this week. In Germany, we and our NATO allies will discuss measures for our joint defense and America's latest initiatives for a more peaceful, secure world through arms reductions.

Each stop of this trip is important but, among them all, this moment occupies a special place in my heart and the hearts of my countrymen—a moment of kinship and homecoming in these hallowed halls.

Feeling at home in Britain

Speaking for all Americans, I want to say how very much at home we feel in your house. Every American would, because this is one of democracy's shrines. Here the rights of free people and the processes of representation have been debated and refined.

It has been said that an institution is the lengthening shadow of a man. This institution is the lengthening shadow of all the men and women who have sat here and all those who have voted to send representatives here.

This is my second visit to Great Britain as President of the United States. My first opportunity to stand on British soil occurred almost a year and a half ago when your Prime Minister, graciously hosted a diplomatic dinner at the British Embassy in Washington. Mrs. Thatcher said then that she hoped that I was not distressed to find staring down at me from the grand staircase a portrait of His Royal Majesty, King George III.

She suggested it was best to let bygones be bygones and—in view of our two countries' remarkable friendship in succeeding years—she added that most Englishmen today would agree with Thomas Jefferson that "a little rebellion now and then is a very good thing."

From here I will go to Bonn, and then Berlin, where there stands a grim symbol of power untamed. The Berlin Wall, that dreadful gash across the city, is in its third decade. It is the fitting signature of the regime that built it.

And a few hundred kilometers behind the Berlin Wall there is another symbol. In the center of Warsaw there is a sign that notes the distances to two capitals. In one direction it points toward Moscow. In the other it points toward Brussels, headquarters of Western Europe's tangible unity. The marker says that the distances from Warsaw to Moscow and Warsaw to Brussels are equal. the sign makes this point: Poland is not East or West. Poland is at the center of European civilization. It has contributed mightily to that civilization. It is doing so today by being magnificently unreconciled to oppression.

Poland's struggle to be Poland and to secure the basic right we often take for granted demonstrates why we dare not take those rights for granted. Gladstone, defending the Reform Bill of 1866, declared: "You cannot fight against the future. Time is on our side." It was easier to believe in the inevitable march of democarcy in Gladstone's day—in that high noon of Victorian optimism.

We are approaching the end of a bloody century plagued by a terrible political invention—totalitarianism. Optimism comes less easily today, not because democracy is less vigorous but because democracy's enemies have refined their instruments of repression. Yet optimism is in order because, day by day, democracy is proving itself to be a not-at-all fragile flower.

From Stettin on the Baltic to Varna on the Black Sea, the regimes planted by totalitarianism have had more than 30 years to establish their legitimacy. But none—not one regime—has yet been able to risk free elections. Regimes planted by bayonets do not take root.

The strength of the Solidarity movement in Poland demonstrates the truth told in an underground joke in the Soviet Union. It is that the Soviet Union would remain a one-party nation even if an opposition party were permitted—because everyone would join that party.

THE THREATS TO THE WORLD

America's time as a player on the stage of world history has been brief. I think understanding this fact has always made you patient with your younger cousins. Well, not always patient. I do recall that on one occasion Sir Winston Churchill said in exasperation about one of our most distinguished diplomats, "He is the only case I know of a bull who carriers his china shop with him."

Witty as Sir Winston was, he also had that special attribute of great statesmen: the gift of vision, the willingness to see the future based on the experience of the past.

It is this sense of history, this understanding of the past, that I want to talk with you about today, for it is in remembering what we share of the past that our two nations can make common cause for the future.

We have not inherited an easy world. If developments like the Industrial Revolution, which began here in England, and the gifts of science and technology have made life much easier for us, they have also made it more dangerous. There are threats now to our freedom, indeed, to our very existence, that other generations could never even have imagined.

Threat of global war

There is, first, the threat of global war. No President, no Congress, no Prime Minister, no Parliament, can spend a day entirely free of this threat. And I don't have to tell you that in today's world, the existence of nuclear weapons could mean, if not the extinction of mankind, then surely the end of civilization as we know it.

That is why negotiations on intermediate range nuclear forces now under way in Europe and the START talks—Strategic Arms Reduction Talks—which will begin later this month, are not just critical to American or Western policy; they are critical to mankind. Our commitment to early success in these negotiations is firm and unshakable and our purpose is clear; reducing the risk of war by reducing the means of waging war on both sides.

At the same time, there is a threat posed to human freedom by the enormous power of the modern state. History teaches the danger of government that overreaches: political control takes precedence over free economic growth; secret police, mindless bureaucracy—all combining to stifle individual excellence and personal freedom.

Now I am aware that among us here and throughout Europe there is legitimate disagreement over the extent to which the public sector should play a role in a nation's economy and life. But on one point all of us are united: our abhorrence of dictatorship in all its forms but most particularly totalitarianism and the terrible inhumanities it has caused in our time: the great purge, Auschwitz and Dachau, the Gulag and Cambodia.

Historians looking back at our time will note the consistent restraint and peaceful intentions of the West. They will note that it was the democracies who refused to use the threat of their nuclear monopoly in the 40's and early 50's for territorial or imperial gain. Had that nuclear monopoly been in the hands of the Communist world, the map of Europe, indeed, the world, would look very different today. And certainly they will note it was not the democracies that invaded Afghanistan or suppressed Polish Solidarity or used chemical and toxin warfare in Afghanistan or Southeast Asia.

If history teaches anything, it teaches: self-delusion in the face of unpleasant facts is folly. We see around us today the marks of our terrible dilemma—predictions of doomsday, antinuclear demonstrations, an arms race in which the West must for its own protection be an unwilling participant. At the same time, we see totalitarian forces in the world who seek subversion and conflict around the globe to further their barbarous assault on the human spirit.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

What should the West do?

What, then, is our course? Must civilization perish—in a hail of fiery atoms? Must freedom wither—in a quiet, deadening accommodation with totalitarian evil? Sir Winston Churchill refused to accept the inevitability of war or even that it was imminent. He said: "I do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines. But what we have to consider here today while time remains, is the permanent prevention of war and the establishment of conditions of freedom and democracy as rapidly as possible in all countries."

This is precisely our mission today: to preserve freedom as well as peace. It may not be easy to see, but I believe we live now at a turning point.

In an ironic sense, Karl Marx was right. We are witnessing today a great revolutionary crisis—a crisis where the demands of the economic order are colliding directly with those of the political order. But the crisis is happening not in the free, non-Marxist West, but in the home of Marxism-Leninism, the Soviet Union.

It is the Soviet Union that runs against the tide of history by denying freedom and human dignity to its citizens. It also is in deep economic difficulty. The rate of growth in the Soviet gross national product has been steadily declining since the 50's and is less than half of what it was then. The dimensions of this failure are astounding; a country which employs one-fifth of its population in agriculture is unable to feed its own people.

Were it not for the tiny private sector tolerated in Soviet agriculture, the country might be on the brink of famine. These private plots occupy a bare 3 percent of the arable land but account for nearly one-quarter of Soviet farm output and nearly one-third of meat products and vegetables.

Overcentralized, with little or no incentives, year after year the Soviet system pours its best resource into the making of instruments of destruction. The constant shrinkage of economic growth combined with the growth of military production is putting a heavy strain on the Soviet people.

What we see here is a political structure that no longer corresponds to its economic base, a society where productive forces are hampered by political ones.

The decay of the Soviet experiment should come as no surprise to us. Wherever the comparisons have been made between free and closed societies—West Germany and East Germany, Austria and Czechoslovakia, Malaysia and Vietnam—it is the democratic countries that are prosperous and responsive to the needs of their people.

And one of the simple but overwhelming facts of our time is this: of all the millions of refugees we have seen in the modern world, their flight is always away from, not toward, the Communist world. Today on the NATO line, our military forces face east to prevent a possible invasion. On the other side of the line the Soviet forces also face east—to prevent their people from leaving.

RESISTING TOTALITARIANISM

The hard evidence of totalitarian rule has caused in mankind an uprising of the intellect and will. Whether it is the growth of the new schools of economics in America or England or the appearance of the so-called new philosophers in France, there is one unifying thread running through the intellectual work of these groups: rejection of the arbitrary power of the state, the refusal to subordinate the rights of the individual to the superstate, the realization that collectivism stifles all the best human impulses.

Since the Exodus from Egypt, historians have written of those who sacrificed and struggled for freedom: the stand at Thermopylae, the revolt of Spartacus, the storming of the Bastille, the Warsaw uprising in World War II.

More recently we have seen evidence of this same human impulse in one of the developing nations in Central America. For months and months the world news media covered the fighting in El Salvador. Day after day, we were treated to stories and film slanted toward the brave freedom fighters battling oppressive Government forces in behalf of the silent, suffering people of that tortured country.

Then one day those silent suffering people were offered a chance to vote to choose the kind of Government they wanted. Suddenly the freedom fighters in the hills were exposed for what they really are: Cuban-backed guerrillas who want power for themselves and their backers, not democracy for the people.

They threatened death to anyone who voted and destroyed hundreds of buses and trucks to keep people from getting to the polling places. But on election day, the people of El Salvador, an unprecedented 1.4 million of them, braved ambush and gunfire, trudging miles to vote for freedom.

They stood for hours in the hot sun waiting for their turn to vote. Members of our Congress who went there as observers told me of a woman wounded by rifle fire who refused to leave the line to have her wound treated until after she had voted.

A grandmother, who had been told by the guerrillas she would be killed when she returned from the polls, told the guerrillas, "You can kill me, kill my family, kill my neighbors, but you can't kill us all." The real freedom fighters of El Salvador turned out to be the people of that country, the young, the old and the in-between. Strange, but there has been little if any news coverage of that war since the election.

Other fights today

Perhaps they'll say it's because there are newer struggles now. On distant islands in the South Atlantic, young men are fighting for Britain. And, yes, voices have been raised protesting their sacrifice for lumps of rock and earth so far away. But those young men aren't fighting for mere real estate.

They fight for a cause, for the belief that armed aggression must not be allowed to succeed, and that people must participate in the decisions of government under the rule of law. If there had been firmer support for that principle some 45 years ago, perhaps our generation wouldn't have suffered the bloodletting of World War II.

In the Middle East, the guns sound once more, this time in Lebanon, a country that for too long has had to endure the tragedy of civil war, terrorism and foreign intervention and occupation. The fighting in Lebanon on the part of all parties must stop and Israel must bring its forces home. But this is not enough. We must all work to stamp out the scourge of terrorism that in the Middle East makes war an ever-present threat.

Some signs of hope

But beyond the trouble spots lies a deeper, more positive pattern. Around the world today, the democratic revolution is gathering new strength. In India, a critical test has been passed with the peaceful change of governing political parties. In Africa, Nigeria is moving in remarkable and unmistakable ways to build and strengthen its democratic institutions. In the Caribbean and Central America, 16 of 24 countries have freely elected governments. And in the United Nations, 8 of 10 developing nations which have joined the body in the past five years are democracies.

In the Communist world as well, man's instinctive desire for freedom and self-determination surfaces again and again. To be sure, there are grim reminders of how brutally the police state attempts to snuff out this quest for self-rule: 1953 in East Germany, 1956 in Hungary, 1968 in Czechoslovakia, 1981 in Poland.

But the struggle continues in Poland, and we know there are even those who strive and suffer for freedom within the confines of the Soviet Union itself. How we conduct our selves here in the Western democracies will determine whether this trend continues.

No, democracy is not a fragile flower; still it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy.

Some argue that we should encourage democratic change in right-wing dictatorships, but not in Communist regimes. To accept this preposterous notion—some well-meaning people have—is to invite the argument that, once countries achieve a nuclear capability, they should be allowed an undisturbed reign of terror over their own citizens. We reject this course.

As for the Soviet view, Chairman Brezhnev repeatedly has stressed that the competition of ideas and systems must continue and that this is entirely consistent with relaxation of tensions and peace. We ask only that these systems begin by living up to their own constitutions, abiding by their own laws and complying with the international obligations they have undertaken. We ask only for a process, a direction, a basic code of decency—not for instant transformation.

DRIVE TO PROMOTE DEMOCRACY

We cannot ignore the fact that even without our encouragement, there have been and will continue to be repeated explosions against repression in dictatorships. The Soviet Union itself is not immune to this reality. Any system is inherently unstable that has no peaceful means to legitimize its leaders. In such cases, the very repressiveness of the state ultimately drives people to resist it—if necessary, by force.

While we must be cautious about forcing the pace of change, we must not hesitate to clear our ultimate objectives and to take concrete actions to move towards them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings. So states the United Nations' Universal Declaration of Human Rights—which, among other things, guarantees free elections.

The objective I propose is quite simple to state: To foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

This is not cultural imperialism; it is providing the means for genuine self-determination and protection for diversity. Democracy already flourishes in countries with

very different cultures and historical experiences. It would be cultural condescension, or worse, to say that any people prefer dictatorship to democracy.

Who would voluntarily choose not to have the right to vote; decide to purchase government propaganda handouts instead of independent newspapers; prefer government- to worker-controlled unions; opt for land to be owned by the state instead of those who till it; want government repression of religious liberty, a single political party instead of a free choice, a rigid cultural orthodoxy instead of democratic tolerance and diversity?

Since 1917, the Soviet Union has given covert political training and assistance to Marxist-Leninists in many countries. Of course, it also has promoted the use of violence and subversion by these same forces.

A bipartisan effort

Over the past several decades, West European and other Social Democrats, Christian Democrats and Liberals have offered open assistance to fraternal political and social institutions, to bring about peaceful and democratic progress. Appropriately for a vigorous new democracy, the Federal Republic of Germany's political foundations have become a major force in this effort.

We in America now intend to take additional steps, as many of our allies have already done, toward realizing this same goal. The Chairmen and other leaders of the National Republican and Democratic Party organizations are initiating a study with the bipartisan American Political Foundation to determine how the United States can best contribute—as a nation—to the global campaign for democracy now gathering force.

They will have the cooperation of Congressional leaders of both parties, along with representatives of business, labor and other major institutions in our society. I look forward to receiving their recommendations and to working with these institutions and the Congress in the common task of strengthening democracy throughout the world.

It is time that we committed ourselves as a nation—in both the public and private sectors—to assisting democratic development.

Enlisting Others' Help

We plan to consult with leaders of other nations as well. There is a proposal before the Council of Europe to invite parliamentarians from democratic countries to a meeting next year in Strasbourg. That prestigious gathering could consider ways to help democratic political movements.

This November, in Washington, there will take place an international meeting on free elections, and next spring there will be a conference of world authorities on constitutionalism and self-government hosted by the Chief Justice of the United States.

Authorities from a number of developing and developed countries—judges, philosophers and politicians with practical experience—have agreed to explore how to turn principle into practice and further the rule of law.

At the same time, we invite the Soviet Union to consider with us how the competition of ideas and values—which it is committed to support—can be conducted on a peaceful and reciprocal basis. For example, I am prepared to offer President Brezhnev an opportunity to speak to the American people on our television if he will allow me the same opportunity with the Soviet people. We also suggest that panels of our newsmen periodically appear on each other's television to discuss major events.

The possible Soviet reaction

I do no wish to sound overly optimistic, yet the Soviet Union is not immune from the reality of what is going on in the world. It has happened in the past: a small ruling elite either mistakenly attempts to ease domestic unrest through greater repression and foreign adventure or it chooses a wiser course—it begins to allow its people a voice in their own destiny.

Even if this latter process is not realized soon, I believe the renewed strength of the democratic movement, complemented by a global campaign for freedom, will strengthen the prospects for arms control and a world at peace.

I have discussed on other occasions, including my address on May 9, the elements of Western policies toward the Soviet Union to safeguard our interests and protect the peace. What I am describing now is a plan and a hope for the long term—the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people.

That is why we must continue our efforts to strengthen NATO even as we move forward with our zero-option initiative in the negotiations on intermediate range forces and our proposal for a one-third reduction in strategic ballistic missile warheads.

Our military stength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used. For the ultimate determinant in the struggle now going on for the world will not be bombs and rockets but a test of wills and ideas—a trial of spiritual resolve: the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

REASONS TO HOPE FOR SUCCESS

The British people know that, given strong leadership, time and a little bit of hope, the forces of good ultimately rally and triumph over evil. Here among you is the cradle of self-government, the mother of parliaments. Here is the enduring greatness of the British contribution to mankind, the great civilized ideas: individual liberty, representative government and the rule of law under God.

I have often wondered about the shyness of some of us in the West about standing for these ideals that have done so much to ease the plight of man and the hardships of our imperfect world. This reluctance to use those vast resources at our command reminds me of the elderly lady whose home was bombed in the blitz; as the rescuers moved about they found a bottle of brandy she had stored behind the staircase, which was all that was left standing. Since she was barely conscious, one of the workers pulled the cork to give her a taste of it. She came around immediately and said: "Here now, put it back. That's only for emergencies."

Well, the emergency is upon us.

Let us be shy no longer—let us go to our strength. Let us offer hope. Let us tell the world that a new age is not only possible but probable.

During the dark days of the Second World War, when this island was incandescent with courage, Winston Churchill exclaimed about Britain's adversaries, "What kind of a people do they think we are?"

Britain's adversaries found out what extraordinary people the British are. But all the democracies paid a terrible price for allowing the dictators to underestimate us. We dare not make that mistake again. So let us ask ourselves: What kind of people do we think we are? And let us answer: free people, worthy of freedom and determined not only to remain so but to help others gain their freedom as well.

Sir Winston led his people to great victory in war an then lost an election just as the fruits of victory were about to be enjoyed. But he left office honorably—and, as it turned out temporarily—knowing that the liberty of his people was more important than the fate of any single leader.

History recalls his greatness in ways no dictator will ever know. And he left us a message of hope for the future, as timely now as when he first uttered it, as opposition leader in the Commons nearly 27 years ago. "When we look back on all the perils through which we have passed and at the mighty foes we have laid low and all the dark and deadly designs we have frustrated, why should we fear for our future? We have," said Sir Winston, "come safely through the worst."

The task I have set forth will long outlive our own generation. But together, we, too, have come through the worst. Let us now begin a major effort to secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at least free to determine their own destiny.●

AT SUMMIT, PRESIDENT TO PROPOSE NATO POOL RESOURCES, SENATE VOTES SUPPORT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. WHITEHURST. Mr. Speaker, I am pleased, at this point in the RECORD, to share with my colleagues an article which appeared in the May 1982, issue of the Atlantic Community News concerning the resolution which the Senate has included as an amendment to the defense authorization bill for 1983. This provision is identical to the language of House Concurrent Resolution 335, which I have introduced, and which now has 17 cosponsors: Mr. BEARD, Mr. BLILEY, Mr. CLINGER, Mr. COELHO, Mr. DASCHLE, Mr. DORGAN, Mr. DOUGHERTY, Mrs. FENWICK, Mr. FINDLEY, Mr. KRAMER, Mrs. MARTIN, Mrs. ROUKEMA, Mr. TRIBLE, and Mr. VENTO.

I hope that the House Committee on Foreign Affairs will be able to act promptly on this resolution, in order to further encourage the President in his forward-looking proposal to the NATO allies at the summit this month, and I would urge my colleagues to join me in supporting this resolution.

Thank you, Mr. Speaker.

AT SUMMIT, PRESIDENT TO PROPOSE NATO POOL RESOURCES, SENATE VOTES SUPPORT

The Senate voted strong support for a proposal to be made at the NATO Summit in June by President Reagan, for the NATO

allies to join the United States in agreeing to more effectively pool their defense efforts and resources to create, at acceptable costs, a credible, collective conventional force for the defense of the North Atlantic Treaty area.

In an amendment to the Department of Defense authorization bill of 1983, the Senate on May 13 called upon the President, in order to assure the NATO allies that the policy "has the full support of the American people, the President should work with the Congress in negotiating the implementing strategies, structures, policies and programs, and should present such agreements with the European members of the Alliance acting on a united and collective basis, and with Canada, to the Congress for approval."

With the NATO summit occurring in June, the Senate granted the request of the sponsors—Senators William Roth (R-Del), John Glenn (D-Ohio), and Sam Nunn (D-Ga)—that the amendment be brought to the floor although no committee hearings had been held. Nor had it been decided whether the jurisdiction of the matter would be in the Armed Services Committee or the Foreign Relations Committee. However, because "timeliness was of the essence," a roll call vote was held, resulting in 87 votes in favor, one against the amendment.

SENATE VOTE A CLEAR SIGNAL

Senator Roth told the Senate that the Administration had indicated to him its interest in increasing arms cooperation with our allies, but had stated that "until the climate of Congress would support stronger initiatives, we hesitate in proposing such an undertaking at the NATO Summit."

The adoption of the amendment the Senator said "would be a clear signal to the President, to our allies, and to the Soviet Union that the Congress rejects unilateralism . . . and backed by a strong congressional resolve, the President could go to NATO with a positive and far-reaching proposal that would do much to reestablish lagging American leadership."

The amendment calls for "a cooperative defense-industrial effort" within the NATO countries that would reduce necessary defense costs, eliminate duplication, provide for sharing," equitably and efficiently burdens as well as economic benefits, including jobs, technology, and trade, of NATO defense . . ."

Senator Charles Grassley (R-Iowa) said he dissented from the amendment because he preferred "industrial cooperation, not industrial integration," in standardization of NATO equipment.

The date the defense bill will be brought before the House of Representatives is to be determined.●

IN HONOR OF CLEVELAND'S POLKA MUSICIANS AND BROADCASTERS FOR THEIR ETHNIC CONTRIBUTIONS ON BOTH LOCAL AND NATIONAL LEVELS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ECKART. Mr. Speaker, the Cleveland area prides itself on maintaining diverse ethnic talent especially in the areas of music and dance. Today, I am proud to give special recognition to the Slovenian Society and their cultural contributions which have kept Cleveland the polka capital of the world.

Beginning on June 7, five outstanding musicians and ethnic radio personalities will be honored at Joey Miskulin's Lounge in Cleveland during Polka Week. I have thoroughly enjoyed the music of these men and their well-proclaimed bands for many years, and wish to extend my sincere admiration for their dedication and musical talent. Through their entertainment, these men have allowed millions of listeners, including myself, to enjoy their polka music, and I would like to express my appreciation for their achievements before my fellow colleagues.

Joe Stradiot, drummer and singer of the Johnny Vadnal era, has been performing for over 40 years. Having appeared with the Johnny Vadnal Orchestra on both recordings and television debuts, Joe has contributed significantly to the polka culture in Cleveland. He has been recognized as one of the best singing drummers in the entire polka world.

Walter Ostanek, known as the Canadian Polka King, has traveled to Cleveland to display his across-the-border talents. He has recorded over 300 single records and 20 albums, and has appeared on television with American polka personality, Frank Yankovic. Walter has since become the adopted polka son of Cleveland.

While keeping alive the Vadnal family tradition of contributing to the polka culture in the Cleveland area, Richard Vadnal has demonstrated his musical talents. For 30 years, Richard has been recording polkas and performing with his band providing dance and music entertainment for many appreciative polka fans.

Another polka great, Art Perko, has been displaying his superior musical abilities for over 35 years. While achieving various musical accomplishments with the same band for over 25 years, Art has become most famous for his recording of the "Peanuts Polka."

Tony Petkovsek, one of America's best known polka disc jockeys, has been broadcasting continuous daily polka shows and currently operates with over 20 years of ethnic radio news reporting expertise. One of his newest innovative ideas includes the "Homeland Polka Tours" featuring many of Cleveland's famous local bands which have been newly introduced to radio broadcast exposure. Tony has used the "Homeland Polka Tours" to encourage all nationality heritage interests in the area to seek greater recognition within the polka capital of the world, Cleveland, Ohio.

I encourage everyone who enjoys listening to talented polka musicians to attend the festivities in Cleveland during Polka Week.

Mr. Speaker, these individuals have significantly contributed to the musical spectrum of both the Cleveland area and throughout the Nation. Whether performing in Slovenian homes, at picnics, or festivals, these talented individuals have brought a sense of pride to all Slovenians and the Cleveland community.●

STUDENTS AGAINST DRUNK DRIVING IN WAYLAND, MASS.

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. FRANK. Mr. Speaker, the tragedy of alcohol related traffic fatalities continue to plague our Nation. Approximately 26,000 Americans are killed annually in drunk driving incidents. For Americans up to age 35, the leading cause of death is automobile accidents and more than half these deaths are caused by drunken drivers.

However, I am pleased to say that there is a growing recognition of the seriousness of this problem and I am particularly pleased that new and creative efforts to combat drunk driving are being tried. One very innovative approach was recently begun in Wayland, Mass., a program called students against drunk driving (SADD). The SADD program was initiated by Robert Anastas, the director of health education for the Wayland Public Schools and a noted and well respected specialist in the field of drug abuse. The program is organized to educate students about the problem of drinking and driving and has been in operation since September 1981 in Wayland. But because of the hard work of Mr. Anastas and the students at Wayland High School, similar programs have recently begun in New Jersey, North Carolina, South Carolina, Georgia, and Florida and in other Massachusetts communities. Support throughout the country has been growing.

SADD has four objectives: To help eliminate drunk driving and save lives; to conduct community alcohol awareness programs; to alert students of the dangers of alcohol and driving; and to organize a peer counseling program to help students who may have concerns about alcohol. An integral part of the program is a mandatory course given for sophomores at the high school designed to improve the students' knowledge and attitudes about alcohol and drugs and to assist students plan their behavior in order to reduce their chances of becoming involved in drunk driving situations.

Another very important part of the SADD program involves a contract en-

tered into by parents and students. Students pledge to call parents for advice or transportation at any hour from any place if they are ever in a situation where they have had too much to drink or the person driving them has had too much to drink. The parents, in turn, agree to provide transportation home, or taxi fare home, at any hour or any place with no questions asked or argument given. Discussion at a later time, of course, would be appropriate. In addition, parents agree to seek safe, sober transportation home if they or the person driving them have had too much to drink.

It is clear that the program has already had tremendously positive effects. Carl Olson, president of SADD and a sophomore at Wayland High School, has reported that the attitudes of friends at school have changed as a result of the SADD program. After attending a recent prom and beach party, Mr. Olson said that he saw no evidence of drinking.

Mr. Speaker, I am proud of the hard work and innovation demonstrated by Robert Anastas, Carl Olson and the many students, teachers, and parents involved with SADD in Wayland. If they have saved just one life or prevented just one crippling injury, their efforts have been well worth it. All the citizens of Massachusetts and the Nation as well owe a great deal of gratitude because of their dedication.

I hope that my colleagues will take a monent to reflect upon this fine program and will speak to their own constituents about it. Should more information be desired, Mr. Anastas can be reached in care of the Wayland Public Schools in Wayland, Mass. I am sure he would be delighted to provide whatever assistance he can.●

STUDENT LOANS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. MICHEL. Mr. Speaker, the debate over student loans concentrates for the most part on current programs. But we need to know how we got to this point and where we want to go if debates over current programs are to make sense. It has been argued by one scholar that President Reagan inherited "a jerry-rigged structure" of student loans, "tacked together" by previous administrations. I think we must take this fact into consideration.

One possible answer to the question of how to finance education has been proposed by economist Milton Friedman. He calls it a human capital bank.

This idea and a review of the student loan issue was recently discussed in an editorial in the Detroit News. At this point I wish to insert in the RECORD, "Student-Loan Swamp," from the Detroit News, May 30, 1982.

STUDENT-LOAN SWAMP

The continuing wrangle over federal aid to college students has generated considerable rhetoric, but few sensible solutions.

President Reagan's proposals to pare the programs and tighten eligibility standards for low-interest student loans have been widely criticized in Congress. And while the opponents' theatrics may appeal to the education consitutencies, they do precious little to address the problem—a patchwork of federal aid that is complex, confusing, and, easily abused.

Dennis Doyle, director of policy studies at the American Enterprise Institute, is among those who have concluded that the Reagan administration inherited a rat's nest that requires immediate attention:

"The jerry-rigged structure tacked together by preceding Congresses and administrations was a financial disaster waiting to happen," Mr. Doyle notes. "Eligibility tests were unrealistic, the subsidized point spread so wide that it invited abuse, and the bits and pieces of the various programs so complex and confusing the ordinary person could not make sense to them."

To illustrate his point, Mr. Doyle uses the example of a New York student whose financial-aid package includes: a $1,700 Basic Education Opportunity Grant (BEOG); a $2,500 Guaranteed Student Loan (GSL); and a $500 National Direct Student Loan (NDSL). In addition to this federal largess, she received $1,800 from the state's Tuition Assistance Program (TAP) that is subsidized by Washington, and her college supplied another $1,500 in scholarship assistance. He adds that she also qualified for—but declined—a federally funded College Work Study Program (CWSP) at the minimum wage.

These programs have proliferated to such an extent that the U.S. Department of Education employs a full-time student liaison officer whose sole duty is to interpret and explain the complex web of federal programs. Nor is it surprising that since Washington waded in to the student-aid swamp, the result has been an empire of counselors, bankers, bureaucrats, and collection agencies feeding at federal expense.

Is there a way out of the maze? Mr. Doyle thinks so and suggests the analysis offered by Milton Friedman in his 1955 book, "The Role of Government in Education," as a means of escape.

Mr. Friedman finds that financing higher education is essentially inequitable and uneven because of imperfections in capital markets. He stresses that investment in durables is sound because they can be financed over time and the capital investment is effectively self-collateralizing. The lender can recoup his investment by assuming control of the assets created by the loan. But human capital is not so easily collateralized in a free society that prohibits slavery, serfdom, or indentured servitude.

Mr. Doyle believes the effects of this capital-market paradox are immediately apparent: "Only the very best risks can find private capital to finance investment in themselves: the children of the rich and individuals—medical students being the prime example—who have been rigorously selected to enter professions with high income streams."

Thus, Mr. Doyle thinks it's time to reconsider Mr. Friedman's recommendation that a human capital bank be established to provide long-term loans at commercial rates to all prospective students who meet the dual tests of access and equity. "Students," he says, "could learn now and pay later. The beneficiary of human capital investment would pay for the investment, just as the beneficiary of the capital investment pays for it. Market forces would allocate funds and point students toward productive human capital investment decisions."

Mr. Doyle believes that while the private sector should play a role in providing such a "bank," the federal government should be required to serve as a broker to create and manage the financial resource. Moreover, he suggests that the IRS could, through an income-tax surcharge, collect outstanding tuition advances through future earnings.

Mr. Friedman's idea of a human capital bank is admirable. But we fail to see the advantage of more government subsidies. Some limited federal role in coordinating or monitoring the loans may be advantageous. But another subsidy program would surely be counterproductive.

For the past 40 years, the federal government has pursued a policy of subsidizing borrowers at the expense of savers. For a time the practice succeeded insofar as it encouraged borrowing. But during the past few years it backfired badly, contributing in a major way to record high interest rates.

Subsidized loans are not a free lunch. The taxpayer must pick up the tab. By all means, let's make sure educational loans are available. But let's not repeat past mistakes by getting still more young people addicted to the "junk" of a government handout.●

CONGRESSMAN MARTIN FROST WRITES HADASSAH NATIONAL BOARD

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. FROST. Mr. Speaker, recently I was honored by an invitation to join the Hadassah National Board at a luncheon, and I am pleased to insert a recent letter from my office to the Hadassah National Board.

MAY 20, 1982.

JOAN SACAROB,
Chairperson, Hadassah National Board, Washington Special Programs.

DEAR FRIENDS: As I write this message of greetings and welcome to you, Hadassah's National Board, I am uncertain whether I'll be able to put in even a brief appearance at your luncheon. Choosing from among budget alternatives is the business that keeps me occupied most of today. I am sure that you have been having similar discussions in your organization. Finding additional sources of both money and volunteer power is difficult but vital. The withdrawing of much needed, much appreciated services for lack of funding is a painful experience, one which I hope you can avoid. Hadassah's seventy years of meeting human needs is a joy to the Jewish people.

I hope your meeting here proves fruitful, and that your record of achievement continues to serve as an outstanding example of what willing hearts can accomplish.

Sincerely,

MARTIN FROST.[1]

HOME RULE FOR THE DISTRICT OF COLUMBIA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. McKINNEY. Mr. Speaker, on the evening of June 8, 1982, I had the privilege of participating in the final session of a Smithsonian Institution sponsored series of discussions on the city of Washington. The topic was the evolution of home rule, and the prospects for attaining complete home rule in the future. For the benefit of the 276 Members of this body who were elected after passage of Public Law 93-198, the home rule charter, I insert my prepared statement from this discussion. I hope it will prove enlightening to all of my colleagues:

The text of the charter follows:

THE NATURE AND EXTENT OF HOME RULE TODAY

The degree of home rule granted by Congress to the city in 1973 was partial; the Home Rule Act contains many limitations and Congressional "safeguards". The final result was definitely not what some in Congress had originally intended. It was, by and large, a product of compromise, which is the nature of Congress.

Rather than giving the city the right to self-government, the Congress delegated some of its authority and responsibility to elected city officials. In order to achieve an acceptable piece of legislation, it was necessary to maintain ultimate control over everything the city proposed, from the budget to every piece of legislation including alley closings. It forced the city to undergo a period of trial before the real goal—complete home rule—could be considered. That trial period has been running for nearly nine years, and the track record of the city will be what Congress turns to to decide if it should embark on an aggressive effort to grant complete home rule or simply be satisfied with the status quo.

There have been two major areas of concern to the Congress, and the perception of the progress the city has made in these areas will ultimately temper the will of Congress. The first is the ability of the locally elected officials to run the local government. Simply put, Members of Congress have questioned the ability of the city to make a bureaucracy serve the people, not itself. There are still questions as to how well the city can provide services to its residents and the visitors to the Nation's Capital.

The other major area of concern is the financial health of the city, and the ability of locally elected officials to keep the city above water. Recently, the financial concern has generated the most interest on Capitol Hill, since that, after all, is what will determine whether or not the city can function as something other than a step-child of the Congress.

There are, of course, other important issues, such as the effort for Statehood and the Constitutional amendment to allow representation in Congress. But I think the yardstick that will be used by Congress to measure the success of home rule will be only these two major elements—running a bureaucracy efficiently and maintaining financial viability.

CONGRESSIONAL PERCEPTION OF THE DISTRICT OF COLUMBIA

The attitude of Congress toward the city has changed over the past 9 years, but there are those within the institution that do not understand the unique character of Washington.

I would note that 276 Members of the House of Representatives, nearly two-thirds of the voting membership, have come to Congress since the Home Rule Act was debated and signed into law. Of that number, 73 Members are freshmen. Those of us who favor increased home rule are faced with the task of maintaining the support of those who were here in 1973, and educating and explaining the situation to newer Members.

That can prove difficult when exposure to the D.C. government is limited to what is read daily in the Washington Post about the "bungling bureaucracy". It is more difficult when a Members' water bill doesn't get out on time, or when constituents visiting the Nation's Capital get their cars booted. Unfortunately, not enough of the good things the city does get noticed.

Looking at the problem from another angle, it is difficult to explain and affirm the principle of home rule when Congress and the D.C. Committee are viewed as the court of last resort. Outside groups and individuals who fail to get things done their way at the District Building find absolutely nothing wrong with coming to Congress to get something overturned. We saw an excellent example of this last year when the Moral Majority decided to impose its dictates on the residents of the city. I am referring to the disapproval of the Sexual Assault Bill by the House last October. Despite the fact that the City Council held hearings and in final consideration of the bill made some changes, the Moral Majority did not get the bill into the format they sought. In convincing one Member of Congress to take up their cause, the bill was overturned in what the Moral Majority called their greatest victory on Capitol Hill. In fact, it has been their only victory, and one I find difficult to take pride in.

The point I am trying to make here is that given the inexperience of a large number of the Members of the House of Representatives when it comes to home rule, and given the limited negative perception of the workings of the local government, the job of educating Congress to the reality of home rule is indeed a difficult one.

RUNNING THE LOCAL GOVERNMENT

I think if one looks at the city government today compared to when Congress ran it—not very well, I might add—the progress that has been made is more than apparent. I do not say this is a result of the efforts of my friend here today, Mayor Barry, not that it is in spite of him, as some contend. I am simply saying that it is a fact; an undeniable truth.

Compare the so-called scandals and bungling of the city of Washington, that have been so adequately covered by our local press, with those of any other major city in the country. I can only think of three programs that merit some of the criticism they have received—the Summer Jobs for Youth Program; the water billing system, and management of public housing. But no other major city is totally free from fault.

On the other hand, I think the city has made real progress in many areas. In most cases, victory has not been achieved, but the city is definitely headed in the right direction. Where there were no long range plans for development in the city or for the delivery of services, there are now viable frameworks for the future. Where there were unresponsive, perhaps even inept employees, we now find individuals who are knowledgeable and proud to be working for their own government.

And that leads to perhaps the most important change, in my mind. Where we had despair and division, we now see unity and spirit. It did not happen overnight—indeed it has taken 9 years to get where we are today. But there is an unquestionable positive attitude among residents of this city toward itself. That is something Congress could not dictate, and it is something locally elected officials could not instill. It is the kind of attitude that led to the salvation of New York City and the rebirth of our neighbor to the north, Baltimore. It is now apparent in Washington, and it merits attention.

When enough Members of Congress recognize all of this; when the spirit of the 638,000 residents of this city becomes apparant to the rest of the country, true home rule can, and I pray, will be achieved.

FINANCIAL CONDITION OF THE CITY

The other key consideration for the advancement of home rule is the financial health of the city. Immediately after home rule was granted, it was learned that the city's books were in such miserable condition they could not begin to be audited. As a result of this discovery, Congress created the Temporary Commission on Financial Oversight of the District of Columbia as a partnership between the Congress and the city. The goal of this partnership was to develop and implement a comprehensive financial management system, and a total of $39 million was authorized to accomplish the goal, half from the city and half from the Federal government.

As a result of the work of the Commission, the city's books were finally audited for the first time in 1979. The results of the audit showed an accumulated deficit of $285 million. Without question, a significant portion of that deficit was at the hands of the former leaders of the city—the Congress. In any event, things did not look to good for the city, and a lot of time went to assessing blame.

The 1980 audit, which was more comprehensive in nature, saw the deficit increase to $388 million. The most damaging factor of this audit was the fact that in just one year, a year when locally elected officials were in full control of the city, $105 million was added to the deficit. More than one-fourth of the total accumulated deficit, going back ten years, was directly resultant from just one year of locally controlled government. Needless to say, this did little to generate sympathy, even among Members who were normally considered strongly in favor of home rule. Those with some knowledge of local history recalled that it was financial mismanagement that led to the demise of the limited home rule granted in the 1800's. It appeared that history was about to repeat itself.

The whole situation changed, however, when the results of the 1981 audit were made known. That year ended with a surplus of $68 million. That in and of itself is an accomplishment, but when it is coupled with the fact that the year before resulted in a deficit of $105 million, it is nothing short of a miracle. In addition to the overall

result, the city in 1981 did not exceed Congressionally mandated spending levels for any budget category. Previous years were characterized by an almost blatant disregard for the specific funding levels enacted by the Congress. Through a series of internal controls, and possibly as a result of overall financial management improvements achieved through the efforts of the Temporary Commission on Financial Oversight, the city moved from a posture of extravagant excess to one of competent management.

I think it would be worthwhile to consider all of this information in a comparison of the operating budget of the District of Columbia, and the Federal Payment Congress provides to the city, prior to and since home rule was granted in 1973.

Between 1963 and 1973, the District of Columbia operating budget increased 219 percent, from roughly $225 million to $718 million. During that same period of time, the Federal Payment to the District of Columbia increased 505 percent, from $30 million to $181.5 million. This was when the city was under the complete control of the Congress.

Compare those statistics with the experience since home rule. From 1974 to the present, the operating budget of the District of Columbia increased 121 percent, from roughly $778 million to $1.7 billion. Note that the percentage increase is about half of what it was in the ten years before home rule. The Federal Payment from 1974 to the present increased 80 percent, from $187.5 million to $336.6 million. Thus, the Federal Payment during the ten years immediately preceding home rule increased more than 6 times faster than it has since home rule.

While everyone knows that figures can be made to reflect whatever position one wishes them to reflect, these statistics show a disturbing pattern. No wonder we in Congress have no difficulty faulting the city—we have been reluctant to provide the necessary resources to the elected officials so that the city can be run efficiently. Yet when we had complete control, there was no problem in appropriating additional funds.

The final point I would like to make concerning financial management is that in a relatively short period of time, we have seen the city move from a quasi-Federal agency, in terms of its budget, to a true municipality. If the most current audit is used as a measure, the city has successfully made the transition. The problem now is getting Congress to accept the fact that the city is no longer our fiefdom. It is difficult to consider the city's budget without falling into the pattern of reviewing the budget of a Federal agency. And it is difficult to accept the thought that we in Congress should not be second-guessing the city on budgetary decisions. Once a majority of Congress understands and accepts that concept, true home rule will be closer to reality.

THE ROLE OF THE CITY COUNCIL

Finally, I think it is important to recognize the role of the City Council in the process of home rule. For too long, some in Congress have characterized the Council as a group of neophytes whose only goal is higher elected office.

Each year since passage of the Home Rule Act, the Council has gained new expertise and understanding. Indeed, the Mayor has just signed legislation reasserting the independence of the Council.

Ideally, it was envisioned that the Council would take over the role of Congress, and I feel it is making enormous progress in that direction. I mention this because it is a critical element to the granting of complete home rule. If it is not felt that the Council has the ability and the desire to enact appropriate legislation, there will be a reluctance to take the final step in Congress. But I have found an amazing degree of tolerance among my colleagues, and that is a good sign. For example, to take a currently "hot issue", I am surprised that there has not been an effort in Congress to force the city to institute some form of mandatory automobile insurance. At the same time, I am frustrated when I see my colleagues reject the Sexual Assault Bill, as they did last October. When the Council begins to take on the responsibility we feel it should, we turn around and overturn their efforts.

Still, by and large, the Congress has maintained a hands-off approach to local legislative initiatives, and I think that is a healthy attitude.

SUMMARY

Like it or not, the unique character of the District of Columbia puts the Congress in total control, and that control is based in the Constitution. The current degree of home rule represents the level of authority the Congress is willing to delegate to the locally elected officials.

If complete, or greater home rule is to be achieved, it must come from Congress. The major areas of concern, and therefore the areas which will be measured before any changes are considered include:

The ability of the city to control its bureaucracy and deliver services to its residents in an effective manner;

The ability of the city to achieve and sustain financial stability;

And the ability of the City Council to function in the place of Congress as the legislature for the city.

Finally, since a large portion of the House of Representatives is unaware of, or not fully educated about the concept of home rule, supporters of complete home rule, both in the city and in Congress, have an enormous job ahead of them in explaining the principle and practice of home rule. Thank you.●

THE ENDANGERED SPECIES ACT, H.R. 6133 REAFFIRMS OUR HERITAGE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. MATSUI. Mr. Speaker, I rise to applaud the efforts of Congressman JOHN BREAUX and the members of the Committee on Merchant Marine and Fisheries in crafting H.R. 6133, a thoughtful and balanced approach for reauthorizing an effective Endangered Species Act. H.R. 6133 reaffirms the original intent of this statute, which Congress enacted in 1973, to insure to continued existence of threatened species, both vertebrate and invertebrate, by restoring their populations to levels at which they are no longer in jeopardy. Indeed, I want to commend my colleagues in the House of Representatives for adopting this measure yesterday by a voice vote.

America's commitment to the preservation of its environment and the life that inhabits it is not new. Progressive thinkers and concerned citizens initiated a powerful conservation movement during the administration of Theodore Roosevelt which resulted in the establishment of numerous national parks, forests, and wildlife refuges. This movement has continued to grow, and the Congress has heeded the mandate of the American people by promulgating such necessary measures as the Clean Air Act, the Safe Drinking Water Act, and the Endangered Species Act. H.R. 6133 continues this vital tradition.

The Endangered Species Act, as amended by H.R. 6133, will foster a favorable climate in which a wide diversity of species can be preserved. By streamlining the listing process and requiring the Secretary of Interior to consider listing or delisting a species whenever a petition is received that contains substantial evidence of the need for such action, this legislation shall maintain the multiplicity of life forms which have played a major role in the evolution of human culture.

The existence of a variety of plant and animal species has had positive functional and esthetic effects on the quality of life on this planet. These species afford us a renewable source of food, energy, industrial chemicals, and medicines coupled with breathtaking natural beauty. As an example of their practical value, the National Cancer Institute has tested tens of thousands of higher plant species to determine if they could be developed into anticancer drugs. Before this program was halted by the Reagan administration's budget cutting initiatives, the NCI found that several plants showed promise in combating cancer. In another area, the jojoba plant, indigenous to the Southwestern United States, is being cultivated for the quality lubricant it produces, which is suitable for industrial use. The use of these shrubs is being touted as an alternative to killing sperm whales for their oil. With respect to the esthetic value of preserving a diversity of species, anyone who views a pristine alpine meadow can attest to the intrinsic loveliness of that habitat and the species who dwell there.

Given that the number of extinct species has grown exponentially since the beginning of this century, it is clear that we need a strong Endangered Species Act. Biologists estimate that one to three species are vanishing daily and the rate will increase to one per hour by the late 1980's. It is my firm belief that H.R. 6133, by maintaining the basic thrust of the current Endangered Species Act, will save many species threatened with extinction. While it is unfortunate that our children will never be able to see the

Stellar's sea cow, the Carolina parakeet, or the passenger pigeon, yesterday we took a decisive step forward and our action will allow future generations to enjoy the whooping crane, the hawksbill turtle, and the bald eagle, which is the symbol of our Nation, by endorsing H.R. 6133. Our children and grandchildren will applaud us for our foresight.●

LUJAN FISCAL YEAR 1983 BUDGET PROPOSAL

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. LUJAN. Mr. Speaker, in arriving at a budget resolution for fiscal year 1983, it is imperative that we keep in the forefront of our calculations the goal of a balanced budget. Only with a balanced budget will we be able to realistically attack our current economic problems. At the same time we must consider the need as stated by the President to upgrade and modernize our Armed Forces, continue to provide for the welfare of our senior citizens, and those truly in need.

In the budget category of national defense, the Lujan proposal provides for a 5-percent increase in 1982 outlays. In the categories of income security, general science, veterans, and health, the proposal increases the 1982 expenditures by 3 percent. The categories of international affairs, justice, general purpose fiscal assistance, the levels are maintained at the 1982 levels. The categories of energy, national resources, agriculture, commerce and housing, transportation, community and regional development, educational training, General Government, allowances and offsetting receipts, the requested spending levels made by the President in his budget request are adhered to.

This method of calculating this proposal will result in a fiscal year 1983 deficit of $45.80 billion. This is a savings of $56.10 billion over the administration projections. This level of spending and reduced deficits will result in a balance in the budget in late fiscal year 1984 and most certainly by early fiscal year 1985.

The projected revenues in fiscal year 1983 are increased by $20.20 billion as an automatic result of improved economic conditions due to the large reduction in the overall Federal budget.

FISCAL YEAR 1983 BUDGET—LUJAN SUBSTITUTE AMENDMENT

[In billions of dollars]

Function	1983	1984	1985
050—National defense:			
Budget authority	247.05	259.40	282.37
Outlays	201.30	211.36	231.92
150—International affairs:			
Budget authority	17.15	17.15	17.15
Outlays	11.40	11.40	11.40
250—General science, et cetera:			
Budget authority	7.80	8.03	8.03
Outlays	7.10	7.31	7.31
270—Energy:			
Budget authority	4.25	4.25	4.25
Outlays	4.15	3.00	3.00
300—National resources, et cetera:			
Budget authority	8.45	8.45	9.00
Outlays	9.90	9.00	9.00
350—Agriculture:			
Budget authority	9.10	9.10	9.10
Outlays	9.40	9.00	9.00
370—Commerce and housing:			
Budget authority	3.40	3.40	3.40
Outlays	1.60	1.60	1.60
400—Transportation:			
Budget authority	18.90	18.90	19.00
Outlays	19.55	18.00	18.00
450—Community and regional development:			
Budget authority	6.75	6.75	6.75
Outlays	7.25	6.50	6.50
500—Educational training, et cetera:			
Budget authority	19.00	19.00	19.00
Outlays	21.90	19.00	19.00
550—Health:			
Budget authority	72.65	77.97	87.97
Outlays	75.70	77.97	87.97
600—Income security:			
Budget authority	241.50	289.90	310.00
Outlays	257.00	274.80	290.10
700—Veterans:			
Budget authority	25.00	25.00	26.00
Outlays	24.90	25.00	26.00
750—Administration of justice:			
Budget authority	4.60	4.50	4.50
Outlays	4.60	4.50	4.50
800—General government:			
Budget authority	5.00	5.00	5.00
Outlays	5.00	5.00	5.00
850—Fiscal assistance:			
Budget authority	6.70	4.00	4.00
Outlays	6.40	2.82	2.50
900—Interest:			
Budget authority	106.60	90.00	90.00
Outlays	106.60	90.00	90.00
920—Allowances:			
Budget authority	−.45	−.50	−.50
Outlays	−.50	−.50	−.50
950—Office receipts:			
Budget authority	−41.15	−45.00	−45.00
Outlays	−41.15	−42.38	−45.00
Total budget:			
Budget authority	762.30	808.27	860.02
Outlays	732.10	733.38	777.30
Revenues	686.30	733.38	786.84
Deficit/surplus	−45.80	0	[1] 9.54

[1] Surplus.

FISCAL YEAR 1983 BUDGET—AMENDMENT COMPARISON

[In billions of dollars]

Function	Reagan 1982	Reagan 1983	Jones	Latta	Rousselot	Lujan
050—National defense:						
Budget authority	219.0	263.35	242.85	253.85	243.45	247.05
Outlays	187.6	221.30	212.30	213.25	213.00	201.30
150—International affairs:						
Budget authority	19.0	18.15	16.15	16.20	12.05	17.15
Outlays	11.4	12.15	12.10	12.05	7.50	11.40
250—General science, et cetera:						
Budget authority	7.0	7.80	7.75	7.05	7.00	7.80
Outlays	6.9	7.65	7.60	7.15	6.50	7.10
270—Energy:						
Budget authority	4.8	4.25	5.30	3.60	4.40	4.25
Outlays	6.2	4.15	5.00	3.90	3.30	4.15
300—National resources, et cetera:						
Budget authority	10.1	8.45	9.40	9.00	9.40	8.45
Outlays	12.7	9.90	10.85	10.55	9.00	9.90
350—Agriculture:						
Budget authority	9.6	9.10	6.90	6.40	9.90	9.10
Outlays	12.8	9.40	10.10	9.05	9.60	9.40
370—Commerce and housing:						
Budget authority	6.3	3.40	8.05	7.30	5.00	3.40
Outlays	3.4	1.60	3.05	2.45	2.00	1.60
400—Transportation:						
Budget authority	21.0	18.95	22.30	21.45	21.30	18.90
Outlays	21.2	19.55	20.40	20.05	17.00	19.55
450—Community and regional development:						
Budget authority	6.6	6.75	7.00	6.85	6.70	6.75
Outlays	8.2	7.25	7.90	7.85	6.50	7.25
500—Educational training, et cetera:						
Budget authority	23.8	19.05	27.55	27.25	27.45	19.00
Outlays	27.9	21.90	27.55	26.80	24.00	21.90
550—Health:						
Budget authority	79.1	77.15	77.30	79.80	77.30	72.65
Outlays	73.5	77.50	80.10	76.95	74.00	75.70
600—Income security:						
Budget authority	250.7	257.00	286.95	259.20	286.25	241.50
Outlays	249.6	262.00	273.80	170.90	249.00	257.00
700—Veterans:						
Budget authority	24.8	25.65	24.10	24.71	23.75	25.00
Outlays	24.2	24.40	23.40	23.86	23.05	24.90

FISCAL YEAR 1983 BUDGET—AMENDMENT COMPARISON—Continued

[In billions of dollars]

Function	Reagan 1982	Reagan 1983	Jones	Latta	Rousselot	Lujan
750—Administration of Justice:						
Budget authority	4.5	4.60	4.60	4.40	4.60	4.60
Outlays	4.6	4.70	4.65	4.50	4.10	4.60
800—General government:						
Budget authority	5.2	5.25	5.00	4.90	5.00	5.00
Outlays	5.1	5.00	4.85	4.75	4.00	5.00
850—Fiscal assistance:						
Budget authority	6.4	6.70	6.50	6.50	6.50	6.70
Outlays	6.4	6.70	6.50	6.50	1.80	6.40
900—Interest:						
Budget authority	99.2	113.70	115.00	112.80	92.00	106.60
Outlays	99.2	113.60	115.00	112.80	92.00	106.60
920—Allowances:						
Budget authority	−0.3	−.45	−1.05	−2.95	−1.00	−.45
Outlays	−0.4	−.50	−.85	−2.75	−1.00	−.50
950—Office receipts:						
Budget authority	−31.8	−41.15	−43.65	−43.10	−43.60	−41.15
Outlays	−31.8	−41.15	−43.65	−43.10	−43.60	−41.15
Total budget:						
Budget authority	764.9	807.60	828.00	805.20	701.75	762.30
Outlays	728.9	767.10	780.55	767.50	701.75	732.10
Revenues	628.4	665.10	676.70	665.90	701.75	686.30
Deficit	−100.5	−102.00	−103.85	−101.60	0	−45.80
Revenue increases:						
(a) Automatic as result of improved economic conditions due to balanced budget	0	0	0	0	37.90	
(b) Raise taxes	N/A	N/A	31.70	20.90	18.85	●

FEES CHARGED FOR BASIC PET CARE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ASPIN. Mr. Speaker, the Pentagon is spending more than $3 million a year to subsidize veterinary care for dogs and cats owned by people in the services.

The President is proposing that we chop billions off medical care for our fellow citizens, which makes it not only ironic but also offensive that subsidized pet care in the military remains a sacrosanct Federal program. Medicare gets the ax, but peticare marches on.

As a result of the subsidy, military personel can get such pet care as rabies immunizations and distemper shots for their pets for two-thirds less than civilians pay. Some might say the military is going to the dogs—and the cats, and the gerbils, and the hamsters.

It is not humorous, however, when we consider that while peticare marches on, this administration has sought to cut funding for the child immunization program. Last year's continuing resolution provided $28.3 million for child immunizations. In his September budget proposal, President Reagan proposed cutting $3 million off that funding level—remarkably close to the sum spent to subsidize pet care.

The average fee for a variety of shots and services provided at a dozen surveyed military installations was $3.87. Identical shots and identical services at 15 private animal hospitals telephoned around the country came to $11.54—triple what the military paid.

When we are telling the poor and the aged that they can pick up more of the tab for their medical care, why is Uncle Sam volunteering to pick up the tab so the colonel's dog can get his shots and heartworm check?

My figures on military pet care came from responses to a series of questions I posed to the military services earlier this year. The military defends its provision of shots for pets on the grounds of human health—that it is helping to control animal diseases that are communicable to man. I do not dispute the need for the shots. My sheep dog, Junket, is better off for getting her shots each year. The issue, however, is why the taxpayer should be expected to subsidize pet care for anyone.

Medicare pays 44 percent of the health care costs of older Americans. The administration wants to cut that back severely. Peticare pays 66 percent of the cost of many veterinary services for military pets. The administration has no intention of changing that. Where are the administration's priorities? The House Select Committee on the Aging has estimated that if President Reagan's medicare cuts go through, senior citizens will have to pay an average of $107 more out of their own pockets by 1987 before medicare even begins to pick up part of the bill.

I find it rather curious that the administration defends cuts in medicare as necessary to help control health care costs while it defends subsidized pet care as good for community and human health.

Army Regulation 40-905 states:

Veterinary services; i.e., immunizations, examinations, treatment and hospitalization are authorized for animals owned by personnel authorized military privileges (except those animals maintained for commercial purposes) for the prevention and control of diseases or conditions which may be transmissible to humans or those which may constitute a community health problem.

The hypocrisy is evident within the regulation. Why are diseases carried by animals that a serviceman may be breeding for profit not a "community health problem?" It is because the service knew it could not defend subsidizing care for animals being raised for profit.

If the military wants to provide veterinary care on bases that are remote from communities with private vets, that is one thing. But there is no excuse for the Government picking up any part of the tab. The pet owner should pay the full cost. And if the veterinary services are really provided out of concern for community and human health, then at remote bases they should certainly be available—unsubsidized—even if the owner breeds them for profit.

Here are the key statistics and explanations of their derivation:

The taxpayer bill for providing pet care comes to at least $3,328,831. The Army and Air Force—the Navy has no veterinarians—wrote me that 21 percent of the time of their vets was spent on zoonoses control. Zoonoses are animal diseases transmissible to human. I derived this cost figure by taking 21 percent of the basic military compensation and veterinarian special pay provided to that proportion of veterinarians not engaged exclusively in research and development work—327

of the total of 588 military veterinarians are not in R. & D.—plus 33 percent for fringe benefits. This does not include any pet care provided for other than zoonoses control nor any services provided private pets by enlisted personnel or warrant officers assigned to aid veterinarians. It is therefore a conservative figure.

The savings enjoyed by military personnel receiving subsidized pet care totaled about $12.6 million in 1981. The Air Force wrote me that the fees charged for private care totaled $2.6 million in 1981. This amounted to one-third of the fees charged in the private sector, as I will explain in a moment. So, the savings to Air Force personnel came to $5.2 million. The Army said it was unable to provide a figure on the worldwide gross from the fees charged. Since it had 1.42 times as many vets involved in pet care as did the Air Force, the savings for personnel served by Army vets would come to $7.4 million or a grand total of $12.6 million. Vets at Navy and Marine Corps installations are provided by the Army and Air Force.

The average fee for selected veterinary services at selected military bases is $3.87. The bases and veterinary services were selected by the military services and the fees provided to me in writing. The average fee charged for the identical veterinary services in the private sector came to $11.54. The sample comprised 15 private pet hospitals. In the case of the nine installations surveyed by the Army and Navy, my staff dialed directory assistance and asked for the name of any veterinarian in the nearest community, then telephoned that vet and asked his fees for the services sampled by the Army and Navy. The Air Force provided a different sampling of services. For those, my staff surveyed six vets—one in each of the four main cities in my congressional district—one of which turned out to be far lower than any of the other vets surveyed—one in the Maryland suburbs of Washington, D.C., and one in the Virginia suburbs. There is no uniform military fee scale. As the Army explained it to me:

Prices are determined at each installation. Price determination is based on factors to compensate for shipping, breakage, and deterioration of drugs, biologicals and supplies and an amount sufficient to provide for the purchase of furnishings, the improvement of facilities, procurement of required civilian personnel and equipment necessary to maintain the current state of the art.

This is clearly interpreted with wide variations. At Fort Meade, Md., for example, there is a markup of 30 percent on the wholesale prices of drugs and supplies other than for immunizations. At Fort Eustis, Va., however, the markup is only 10 percent.

The results of the surveys are contained in the following two tables.

FEES CHARGED FOR BASIC PET CARE—ARMY, NAVY, AND MARINE CORPS AND NEARBY CIVILIAN COMMUNITIES

	Canine distemper	Feline distemper	Rabies shot
Annapolis, Md.:			
Military	$7.00	$4.00	$4.00
Civilian	12.50	11.00	10.00
Camp Lejeune, N.C.:			
Military	3.50	3.50	1.50
Civilian	8.00	8.00	9.00
Cherry Point, N.C.:			
Military	5.00	5.00	2.00
Civilian	14.00	12.00	6.00
Norfolk, Va.:			
Military	5.00	3.50	2.50
Civilian	8.00	8.00	7.00
Patuxent River, Md.:			
Military	7.50	4.00	3.00
Civilian	17.00	12.00	10.00
Quantico, Va.:			
Military	5.00	5.00	5.00
Civilian	18.00	18.00	15.00
Fort Meade, Md.:			
Military	4.00	7.00	4.00
Civilian	20.00	15.00	15.00
Fort Eustis, Va.:			
Military	4.00	5.00	4.00
Civilian	12.00	12.00	7.00
Walter Reed Medical Center, D.C.:			
Military	3.00	7.50	4.00
Civilian	20.00	15.00	10.00
Average:			
Military	4.89	5.28	3.33
Civilian	14.39	12.33	9.89

FEES CHARGED FOR VETERINARY SERVICES—AIR FORCE AND SELECTED CIVILIAN VETERINARIANS

Service	Andrews AFB	Langley AFB	Dover AFB	Kensington, Md.	Arlington, Va.	Racine, Wis.	Beloit, Wis.	Kenosha, Wis.	Janesville, Wis.	Average AF	Average Private
Rabies immunization	$3.00	$3	3	$14	$15	$11	$6	$15/$12	10.00	3.00	11.58
Combination vaccine:											
Canine distemper/adenovirus type-2/hepatitus/parainfluenza/leptospirosis	4.50	5	4	17	18	16			19.00	4.50	17.50
Canine distemper/adenovirus type-2/hepatitus/parainfluenza/leptospirosis/PV canine parvovirus	7.50	(1)	5	17	25	16	8	20		6.25	17.20
Feline rhinotracheitis calici-panleukopenia	4.50	4	4	14	18	12	8	13	17.50	4.17	13.75
Parvo virus vaccine	4.50	3	(1)	12	16	11	6	10	13.50	3.75	11.42
Exam for internal parasites	2.00	1	1	4	6	4	3	6	4.00	1.33	4.50
Heartworm examination	2.00	3	1	15	14	10	5	14	5.00	2.00	10.50
Health certificate	2.00	2	2	12	5	4	(2)	9	4.00	2.00	5.67
Average										3.23	11.14

[1] Not offered.
[2] No charge.

TRIBUTE TO FORMER CONGRESSMAN JAMES C. CLEVELAND

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

Mr. ADDABBO. Mr. Speaker, it is with great pleasure that I join my colleagues today to pay tribute to our friend and former colleague, Jim Cleveland. We are celebrating a happy occasion—the renaming of the Federal building in Concord, N.H., in Jim's honor.

There could be no more fitting tribute to the service Jim has provided than to lend his name to a public building to be used by the people he represented with such devotion, time, and concern. All of us who served with Jim remember the tireless work he did as the chairman of the Republican Task Force on Congressional Reform and Minority Staffing, and as a member of the House Committee on Public Works and Transportation. For 18 years, Jim ably represented the Second Congressional District of New Hampshire, and it is certainly appropriate to recognize his accomplishments in this manner. My heartiest congratulations and best wishes go to Jim on this day of honor.

MSGR. RAYMOND TREECE RETIRES AFTER 32 YEARS OF SERVICE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. MAZZOLI. Mr. Speaker, the city of Louisville has benefited greatly from the efforts of Msgr. Raymond Treece, who, after 32 years of service, is stepping down from the leadership of Bellarmine College.

Monsignor Treece was the force behind the college first opening its

doors back in 1950 and since that time he has been instrumental in the growth and progress of the school—serving in just about every position at one time or another.

I have known Monsignor Treece for many years and am well acquainted with the characteristics which have made him such a popular figure on campus, as well as such an able administrator. His presence will be missed on campus.

The following article which appeared in the Louisville Record is worth repeating. I include the article in its entirety:

THIRTY-TWO YEARS ON THE JOB—MONSIGNOR TREECE RETIRING FROM BELLARMINE AFTER SERVING COLLEGE IN MANY CAPACITIES

(By Tom Monahan)

It was October of 1949 when Monsignors Alfred Horrigan and Raymond Treece were summoned to a meeting at the Chancery by the Late Archbishop John Floersh. Because Msgr. Horrigan was editor of the Record at the time and Msgr. Treece was the paper's business manager, they figured the archbishop wanted to talk to them about newspaper business.

When they arrived at the Chancery, Archbishop Floersh said he wanted to build a Catholic liberal arts college for men. He told the two priests he wanted them to head up the effort and to have the school open the following fall.

One year later Bellarmine College opened its doors to 210 students. Msgr. Horrigan was the school's president and Msgr. Treece was the vice-president and business manager. Msgr. Horrigan stepped down as president in 1972, but Msgr. Treece continued serving the college in numerous rolls. He will retire at the end of this month after 32 years at Bellarmine.

Msgr. Treece, 70, has filled just about every position at Bellarmine at one time or another. He's been business manager, vice president, executive vice president, acting president for a year, chairman of the Department of Theology, temporary chairman of the Department of Sociology, campus minister, substitute teacher, board member and "in the early days I even cooked hot dogs when the cook didn't show up."

Although he has spent the last 52 years involved in education, Msgr. Treece said he never intended to pursue an academic career. After ordination in 1939, Msgr. Treece was appointed associate pastor at the Cathedral of the Assumption. He said in those days part of the duties of the associate pastors at the Cathedral was to teach religious education at St. Xavier High School and Nazareth College (now Spalding College). He remained on the faculties of Nazareth and St. X until he was named Bellarmine's first vice president.

Msgr. Treece said he and Msgr. Horrigan "didn't know anything about running a college." After their meeting with Archbishop Floersh, the two priests read every book and catalogue about colleges they could get their hands on. They also visted several Catholic colleges seeking advice.

As the two priests learned how to operate a college, workmen scurried to complete the school's first building off Norris Place. Msgr. Tree said construction began before the blueprints were finished and when Bellarmine opened a month late in October the building still didn't have any doors.

When asked if he or Msgr. Horrigan ever panicked at the task of creating a college in less than one year. Msgr. Treece replied, "We didn't know enough to be scared."

Msgr. Treece said Bellarmine experienced no real crises in its first decade of existence, but said the period after the Second Vatican Council was a rough one for the college as it was for other Catholic institutions. Bellarmine lost faculty members when men left the priesthood.

Msgr. Treece said the opening of Jefferson Community College and the University of Louisville becoming a state school cut into Bellarmine's enrollment. And the most traumatic time for the college, according to Msgr. Treece, came when the old Ursuline College and Bellarmine merged in 1968 to become a coeducational institution.

"Mergers are always traumatic," Msgr. Treece said. "Tradition and heritage become stumbling blocks."

Msgr. Treece is known for his candor. In the words of Howard Cosell, he "tells it like it is." Msgr. Treece said Bellarmine, like many other private colleges, was in bad shape in the late 1960s and early 1970s. He said the enrollment had dropped by 1,000, the budget had been cut drastically and the college was unable to generate the large financial gifts necessary to meet soaring costs.

When Msgr. Horrigan resigned in 1972, Msgr. Treece admitted he too was considering leaving.

"He moved first, and I didn't want it to look like the rats were abandoning ship," Msgr. Treece said of his decision to stay on.

Msgr. Treece was named acting president, and, by coincidence, he was the search committee member sent to Los Angeles to interview Dr. Eugene Petrik, his family and his colleagues. He said he recommended Petrik for the Bellarmine presidency because he had the perfect college wife (Helen), a dog that loved him, and a nun at Mount St. Mary's College where Petrik was vice-president "threatened to kill me if we took Petrik away."

It was a decision Msgr. Treece has not regretted.

"We were lucky enough to find Petrik who was the man able to capture the imagination of the community," Msgr. Treece said. "Petrik has brought an efficient management style to the college. We have reached the point of stability."

Petrik called Msgr. Treece "a good man, a humble man who is easy to work with." He said Msgr. Treece has been a valuable advisor and source of information and will be remembered at the college as "a lovable character."

A quick wit has been one of Msgr. Treece's trademarks. His recent speech to this year's graduates at Bellarmine is a good example.

"I am supposed to say something profound and irrelevant, and be mercifully brief," Msgr. Treece said. "I did some calculations last week and I discovered that in my academic career I must have suffered through well over a hundred graduations. I survived and so will you, so just sit back, relax and be patient. If you get bored you might watch President Petrik squirm, for he is wondering what I am going to say. That is what we call academic freedom."

Another Msgr. Treece trait is his calm under fire. He rarely lets things bother him. He said that wasn't always the case. As a young priest he suffered from hypertension until "I learned to psych myself down."

"I don't look back," Msgr. Treece said. "You make a decision and live with it—good or bad. When things start getting to you, you just have to back off for awhile and take the afternoon off."

Although Msgr. Treece's Bellarmine career is coming to an end, he's not ready for the rocking chair quite yet. In recent years he has been studying gerontology and has formed a corporation that will seek ways of building housing for the elderly.

Msgr. Treece also will be very involved in archdiocesan work with the Office of Continuing Education for Clergy and other groups. He said Archbishop Thomas C. Kelly "has a job for me" which cannot be publicized until a later date. And so while the 32-year reign at Bellarmine is over the life-long dedication to education goes on.●

LET VLADIMIR PRESTIN EMIGRATE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. LEHMAN. Mr. Speaker, 12 long years have passed since Vladimir Prestin and his family first applied for permission to leave the Soviet Union. For Vladimir Prestin and for so many other Soviet Jews wishing only to be reunited with their loved ones, the Helsinki agreements do not exist.

From 1958 through 1970, Vladimir worked as an electronics engineer, a computer scientist and a geophysicist. Shortly after receiving his first refusal to emigrate in 1971, Vladimir was forced to resign from his position as a geophysicist, and since that time has been working at odd jobs. His application was rejected on the grounds that he possessed secret information, in spite of the fact that he worked on computers that became obsolete in 1969 and the information to which he had access was published in 1975.

Despite repeated denials over the years, KGB harassment, searches, interrogations, and seven arrests, Vladimir is in the forefront of beleaguered Jewish cultural life in the Soviet Union. He has participated in demonstrations and hunger strikes, and with his brother-in-law, Pavel Abramovich, founded the magazine "Tarbut," which deals with Jewish history and culture. In 1975, Vladimir and a group of fellow refuseniks formed a committee to organize a symposium on Jewish culture in Moscow. Participants were invited from all over the U.S.S.R. and the West to join in this cultural awareness event. But the symposium never took place since it was banned by the KGB. In March 1979, however, more than a thousand Soviet Jews participated in a weeklong seminar marking the 100th anniversary of the first Hebrew/Russian dictionary compiled by Vladimir's grandfather, Felix Shapiro. This seminar, planned largely by Prestin and Abramovich, was held in private apartments in Moscow and was comprised of lectures concerning the works of great Hebrew writers and the history of Israel.

The Prestin case has not gone unnoticed in the West. Many appeals have

been made to Soviet authorities in their behalf by U.S. officials, eminent scientists and various other organizations. Yet, 12 years after the Prestin family's first application, they still watch as their family and friends left over the years, while they are still denied the right to emigrate.

Vladimir speaks of the psychological effects of being a long-term refusenik:

. . . There are several levels in this isolation . . . what it causes us first of all, we do not believe that we are free; the main feeling of every Jew is fear. It is an illness, a serious sickness of the Jews. It makes us more phobic and it causes many psychic illnesses; we suffer from phobias and paranoia and it destroys our minds. . . . One of the results of our social isolation, especially among the refuseniks, is suspiciousness of each other. We don't only distrust the officials or the KGB, but we also do not trust each other and this destroys us more, I think, than all the efforts of the authorities. The authorities understand this, of course, and they exploit our distrust. . . . Our children cannot discuss their problems at school. They have to keep silent about what it is like to be a Jew, to grow up as one, to emigrate, etc. You see, they have to tell lies sometimes and it is very difficult to help them to live with this. . . .

Vladimir Prestin and his family are now undergoing increased hardship as the situation for Soviet Jews continues to deteriorate in the Soviet Union. I urge the Reagan administration to increase its diplomatic efforts to improve the situation of Soviet Jews, and to reassess its refusal to link human rights to grain sales and to other commercial and technological exchanges with the Soviets. And I urge my colleagues to continue their strong efforts by continuing to bring public attention to these human rights violations and the denial of human dignity that is associated with anti-Semitism.●

A TRIBUTE TO "SATCHEL" PAIGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. RANGEL. Mr. Speaker, yesterday, a great American sports figure, Leroy Robert "Satchel" Paige passed away. His death marks the passing of one of the last of the great folk heroes of the Negro American League.

Throughout his career, "Satchel" Paige was known as the premier pitcher in baseball. But unfortunately for him, his career started in 1924 when blacks were barred from playing in the major leagues because of their color. Yet for 22 years, he performed his miraculous skills as a barnstorming pitcher. During those days, he pitched perhaps 2,500 games, completed 55 no hitters, and performed before crowds estimated at 10 million persons in the United States, the Caribbean, and Central America. He once started 29 games in 1 month in Bismark, N. Dak., and he said later that he won 104 of the 105 games he pitched in 1934. Those are amazing statistics when one considers the stamina of today's ballplayers.

It was not until 1948, a year after Jackie Robinson had broken the color line in the major leagues, and "Satchel" Paige was over 40 and in the twilight of his career, that he received his opportunity to play major league baseball. He became a rookie in July of 1948 for the Cleveland Indians. Many believed that Bill Veeck, the Cleveland owner was making a mockery of the game by introducing such an elderly rookie as merely a drawing card. And he did draw crowds, 72,434 in his first start against the Washington Senators, which he won 5 to 3. But Paige was more than just a drawing card and proved himself by posting a 6 and 1 record that year and helping the Cleveland Indians to their first pennant in years. He also made a brief appearance in relief during the world series.

But the real tragedy was that, as for many blacks of his day, he was prevented from participating in the mainstream of his profession merely because of his color and despite his proven ability. On numerous occasions, he had the opportunity in exhibition games to prove that ability against the greatest the game had to offer. He outpitched "Dizzy" Dean, 1-0. He struck out Roger Hornsby five times in one game. And Joe Dimaggio called him "the best I've ever faced, and the fastest."

It was not until 1971 that organized baseball decided to pay fitting tribute to this great baseball player when a special committee to honor Negro league players elected him to the Baseball Hall of Fame.

"Satchel" Paige was also known for his homespun humor and philosophy. Some of his more famous maxims were, "Avoid fried meats, which angry up the blood," and "If your stomach disputes you, lie down and pacify it with cool thoughts." But probably the saying he is best known for is, "Don't look back; something might be gaining on you."

Well, "Satchel" Paige, nobody is going to ever gain on you again. It is only you who will gain on the history and folklore of America. We are going to miss you.●

AMERICA NEEDS A STRONG EXPORT-IMPORT BANK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ANDERSON. Mr. Speaker, the administration has proposed additional deep cuts in funding levels of the Export-Import Bank. As you know, in fiscal year 1981, the Bank was authorized to spend $5.5 billion in direct lending. During the current fiscal year, funding was reduced—in accordance with the administration's request to cut spending—to $4.4 billion. The administration's current budget proposal calls for $3.8 billion for the Bank's direct loan program in fiscal year 1983. This is a reduction of 13 percent from the 1982 level, and a cut of 30 percent from the 1981 funding level.

In an effort to maintain the Export-Import Bank as a strong weapon in our export trade arsenal, I have cosponsored House Resolution 456 which expresses the sense of the House "that the President should recognize the crucial role of the Export-Import Bank and provide full and sufficient borrowing authority to allow the Export-Import Bank to provide competitive financing which will enable U.S. companies to compete in the world markets on an equal footing with foreign competitors."

Recently, I received an excellent letter from a good friend of mine, Mr. William R. Esser, who is president of the Electronics Division of the Genisco Technology Corp., located in Rancho Dominguez, Calif. In his letter he expresses his views on the need to have a strong Export-Import Bank. He details how the Boeing Commercial Airplane Co. is placed at a severe disadvantage by foreign governments supporting their aircraft industries by subsidized financing, and how important it is for us to offset this in part by adequate Export-Import Bank funding. I would like to share Bill Esser's letter with my colleagues.

The letter follows:

GENISCO ELECTRONICS DIVISION,
May 26, 1982.

Subject: Eximbank and Boeing Commercial Airplane Company.

Hon. GLENN M. ANDERSON,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear GLENN: I would like to appraise you of a concern that many of us have with respect to a very serious set of conditions that well may effect the economic posture of not only California, but your District and the Nation as well.

Apparently the Boeing Airplane Company is no longer able to compete effectively in the world market place of commercial aircraft. Due to a consortium of Western European Countries, the Airbus (A300) has a totally unfair advantage in the world market place. This is not caused by a superior product in the Airbus, but is caused by unfair and subsidized world financing agreements. Namely, that a foreign airlines can borrow money at much more favorable circumstances from European money sources than they can from the Eximbank.

That is problem number one; problem number two is that if the Eximbank is not continued to be authorized, the Boeing Airplane Company will not have any chance

whatsoever of competing in the world market for commercial aircraft. It seems to me that it is unrealistic to remove a vehicle such as the Eximbank that is providing a viable service to the foreign market place and is not costing the U.S. Taxpayers one dime.

The bottom line is simply this, if Boeing Airplane Company is not able to compete effectively in the world market place, potentially 622,000 jobs nationwide will be effected. California accounts for One Billion Dollars in sales of systems, sub-systems, and component parts to the Boeing Company in present annual sales on their commercial aircraft. In your district alone, eight (8) major companies and 25 minority held companies can and will be effected if Boeing cannot continue in a favorable competitive environment in the commercial airplane market place.

For your further edification, I am enclosing some information that tells the Boeing story in more detail. For myself, as well as Genisco Technology Corporation, we urge you to support the continuation of the Eximbank and just as importantly, that more favorable funding in terms be revised with respect to their policies in granting loans to worldwide commercial airplane customers.

Very truly yours,

WILLIAM R. ESSER,
President, Electronics Division.●

POSTAL WORKERS HARD-WORKING PROFESSIONALS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. AuCOIN. Mr. Speaker, I would like to commend the Federal Express Co., for its decision to discontinue recent television commercials which did an injustice to the nearly 700,000 dedicated postal workers in this country.

This advertisement depicted two postal clerks as lazy, insensitive, and unresponsive to a customer's requests—a myth that should have been exposed for what it is long ago. A myth.

The truth is that this country's postal workers are hard-working professionals who process over 100 billion individual pieces of mail each year. On the average, each employee handles over 150,000 pieces. And that is no picnic. The closest competition they have comes from Japan where each postal employee handles on the average about 100,000 pieces of mail yearly. Great Britain's workers, on the average, only handle 60,000 pieces of mail each in the same time period. Our postal workers have a productivity record that bests any other in the world.

Humorous advertisements are usually successful because they catch the viewer's attention. But humor at the expense of hundreds of thousands of valuable employees is not funny.

All three major television networks listened to an overwhelming volume of public criticism, recognized the unfairness of these ads, and stopped running them. I am pleased that Federal Express saw the light. Now I call on the firm to apologize to over a half million good and decent working men and women. They did nothing to deserve these disgusting insults.●

IN HONOR OF THE HONORABLE JAMES C. CLEVELAND

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. COUGHLIN. Mr. Speaker, I am pleased go pay tribute to the Honorable James C. Cleveland on the occasion of the renaming of the Federal Building in Concord, N.H., on his behalf. As a former colleague, I was fortunate in serving in Congress with Mr. Cleveland.

Since the age of 21, Mr. Cleveland has been an exemplary public servant. He became active in politics with his acceptance of the Merrimack County GOP chairmanship in 1950. Mr. Cleveland was a New Hampshire State senator, representing the Seventh District from 1950–62. In 1962, Mr. Cleveland won the Second District congressional seat of New Hampshire.

Mr. Cleveland remained in every succeeding session of the U.S. Congress until his retirement in January of 1981. During his tenure, he had membership on numerous committees and subcommittees. His 18-year record on Capitol Hill is admirable and filled with countless accomplishments. One such achievement was his chairmanship of the House Republican task force on congressional reform. In this position, Mr. Cleveland demonstrated his skill as a legislator and a leader.

Upon retirement in early 1981, Mr. Cleveland returned to New Hampshire with his wife, and their five children. He is presently a practicing attorney. He is active in various social service organizations, and occupies his leisure time with such interests as farming and fishing.

When in Congress, Mr. Cleveland handled the responsibilities of his office with unwavering dedication, honesty, and hard work. It is with pleasure that I congratulate him on the renaming of the Federal Building in his honor.●

TRAINING DISPLACED INDUSTRIAL WORKERS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. PEASE. Mr. Speaker, our economy is on the skids. Unemployment is at its highest levels since the Great Depression of the 1930's. In my own district, the unemployment rate is averaging 14.6 percent across six counties. More than 48,000 of my constituents are without jobs. If you think the Reagan economic recovery program is working, you should ask one of the more than 10 million Americans who is not.

There is a formidable agenda that we must address to repair and to rebuild this country. Nothing would distinguish us from current ineffective policies than taking action to insure that our industrial labor force develops the skills needed to help America regain its competitive edge in the 1980's.

Thousands of Americans in recent years have lost their jobs in our basic industries such as steel, autos, and textiles because of import penetration and our failure to respond to changing production techniques and market demands. Now these people are without the means to reequip themselves to find new employment in different lines of work. Increasingly, they are without hope as they are forced to sell their belongings and to join the welfare rolls.

In my mind, no investment is more frugal, and no investment is more practical, than our investment in America's resource—our people.

Despite growing unemployment lines, skill shortages are predicted for the new jobs being created. The future calls for machinists to make the tools and hardware for new modes of production. The future calls for engineers, drafters, laser technicians, computer analysts, and assemblers in the electronics industry. The future calls for skilled workers to design, produce, install, operate, and maintain the robots to be used on our assembly lines. We must address this mismatch of skill and job openings, if we are to boost productivity and provide work for our people now and in the years to come.

On May 25, I introduced legislation along with 20 of my colleagues to guarantee future funding for employment training programs for displaced industrial workers. Our bill amends the Trade Act of 1974 to transform what remains of the trade adjustment assistance (TRA) program into a training program.

The training to be provided in this legislation will be financed by foreign manufacturers in the form of existing customs duties already levied on foreign imports shipped here for marketing. Last year, nearly $8 billion was collected from customs duties—more than $1 billion from duties in imported vehicles alone. The Congressional Budget Office estimates only $627 million in fiscal year 1983, $315 million in fiscal year 1984, and $30 million in

fiscal year 1985 will need to be transferred to the trade adjustment assistance trust fund. Putting displaced industrial workers back to work will reestablish them as consumers in our economy and as taxpayers who can help reduce the burden of soaring deficits.

Finally, no new governmental bureaucracy or redtape will be involved in providing this training. The displaced industrial worker will be free to shop around and choose the training best suited to his or her needs among the already available training programs or those to be developed by the PIC—private industry councils—prescribed in the pending training bills proposed by President Reagan, Senators QUAYLE and KENNEDY, and Congressmen HAWKINS and JEFFORDS. Those bills envision close consultation among local business, labor, and governmental leaders in the development of meaningful training programs. The Pease bill will allow the worker to choose among the training opportunities offered, subject to the approval of the local employment office.

Rather than anecdotes and glib rationalizations, we offer this legislation as a thoughtful, affordable approach to redressing the suffering of our Nation's displaced industrial workers.●

GILMAN FIGHTS MAIL FRAUD

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. PEPPER. Mr. Speaker, the House Select Committee on Aging has held numerous hearings on the subject of frauds perpetrated against the elderly. We have found tragic examples where senior citizens have invested their entire savings in phony commodities contracts, to purchase land that was underwater or worthless, or to purchase a wide panoply of cures for arthritis and cancer. We have heard from seniors who have been taken by phony franchise or distributorship rackets, and from the elderly who have lost sizable investments in work-at-home schemes. In addition, we have heard testimony about the fraud in Government programs such as medicare and medicaid much of which is perpetrated through the U.S. mails.

Our committee is convinced that something must be done about this growing problem, and something must be done soon. We have analyzed the resources of the Federal Government and have several legislative ideas to help the Commodity Futures Trading Commission, the Federal Trade Commission, and the Food and Drug Administration to deal with these problems. However, it is our conclusion that the most effective thing that we can do to stop these frauds is to strengthen the authority of the U.S. Postal Service. The Postal Service does a marvelous job given the limitations on its authority. The Chief Postal Inspector was the prototype of the inspectors general that we have created in every other department to fight fraud and yet we have failed to give the Chief Postal Inspector the subpena power that we have given each of the other IG's.

I am very pleased to report that our bill to accomplish this purpose has been cosponsored by over 300 Members of the House and as S. 1407 has passed the Senate. I am also extremely proud to report that among the strongest advocates of this bill, which would do so much to stem the tide of fraud and abuse, is the Honorable BENJAMIN GILMAN from New York, the ranking Republican on the Subcommittee on Postal Personnel and Modernization. There are few Members in the House who are more respected. I know BEN has been very concerned with the interests of the Nation's elderly. He is a recognized expert in many fields including the complicated area of foreign affairs. I am happy to have him as a prime cosponsor of H.R. 3973, indeed I have just learned that he introduced a similar bill 2 years ago. Congressman GILMAN deserves our commendation for his good efforts and I would therefore like to insert in the RECORD Mr. GILMAN's remarks at the May 20 legislative hearing on H.R. 3973.

OPENING STATEMENT OF HON. BENJAMIN A. GILMAN IN SUPPORT OF H.R. 3973, LEGISLATION TO STRENGTHEN THE POSTAL SERVICE'S AUTHORITY TO COMBAT MAIL FRAUD

Mr. Chairman, I want to join you in welcoming our distinguished colleagues and panel testifying this morning in support of H.R. 3973, legislation to strengthen the Postal Service's authority to combat mail fraud. I commend the distinguished gentleman from Florida, Congressman Pepper, Congress' recognized champion of our Nation's senior citizens, for introducing this measure, of which I am pleased to be a cosponsor. I congratulate also, our distinguished colleague, Senator Pryor of Arkansas, for taking the initiative to sponsor a similar bill in the Senate. I understand that measure was passed by the Senate last evening. I commend you also, Mr. Chairman, for providing our Subcommittee with the opportunity to review appropriate proposals to strengthen the resources we can bring to bear against mail fraud.

Mr. Chairman, as the ranking Republican on our Subcommittee on Postal Personnel and Modernization, I have long recognized the need to improve efforts to combat mail fraud. In 1977, I introduced legislation which was designed also to help crackdown on fraudulent mail offerings. My concern in large measure, was generated by the fact that all too often the target of these schemes and misleading advertisements is our Nation's senior citizens. Indeed, Congressman Pepper indicated that a comprehensive series of hearings held before the Select Committee on Aging, which he chairs revealed that over 60 percent of those victimized by mail order quackery artists peddling phony health remedies, land fraud, and work-at-home schemes were senior citizens.

H.R. 3973 would go a long way to stemming the rising tide of mail fraud, an epidemic which is estimated to involve hundreds of millions of dollars annually in consumer losses. This measure would: (1) permit the Chief Postal Inspector to seek access to any books or records related to an investigation he undertakes; (2) enable the Postal Service to more quickly obtain from an offeror, a suspicious product; and (3) provide for civil penalties of up to $10,000 per day for anyone who continues to engage in fraudulent schemes after a cease and desist order has been issued, in addition to any criminal penalties which may apply.

Mr. Chairman, while we recognize that the vast majority of our Nation's mail order marketing firms are legitimate and responsible operations, we cannot permit a comparatively small number of firms and individuals to engage boldly in crooked schemes to defraud the public. I am confident that these will be productive hearings, and I look forward to our Subcommittee taking expeditious and favorable action on this measure.●

THE ACC: INVESTING IN AMERICA'S FUTURE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. PANETTA. Mr. Speaker, I am pleased to rise today in support of a bill that invests in America's future. H.R. 4861 establishes the American Conservation Corps (ACC), and represents the first key step in attacking two key problems: America's declining infrastructure and rising rate of youth unemployment.

There is simply no doubt that there is a great backlog of conservation, rehabilitation, and improvement work to be done. A mere partial listing of the projects awaiting the energy and enthusiasm of the ACC gives one an exciting vision of a revitalized America—roads and bridges must be maintained. Strip mined land must be reclaimed. Energy must be conserved and renewable resources enhanced. Damage from flood, erosion, drought, and storm must be attended. There are historical sites to be preserved, recreational areas to be developed, and forests to be rejuvenated. Both the rangelands in need of rehabilitation and the urban centers in need of revitalization point to the importance of assembling the ACC today.

Yet, creation of the ACC is most important because it represents an investment in America's most valuable and singularly precious resource, our youth. The high rate of youth unemployment—especially among minorities—is shocking. It is our single greatest waste of productive and moral resources. The ACC is targeted to increase the employment opportunities

for young men and women, especially those who are economically, socially, physically, or educationally disadvantaged.

The ACC is much more than a mere jobs or "make work" program. In fact, the American infrastructure is begging for the hammers, hoes, rakes—and the young men and women—capable of strengthening it. Moreover, the ACC, as created by H.R. 4861, is designed to enhance the long-term occupational potential of our youth by requiring that such considerations be written into the plans of each project.

It is imperative that we never allow our youth to become demoralized or dispirited by the lack of meaningful and productive work. Creation of the ACC is not intended to present an American panacea—but rather a first step on the road to productive revitalization and complete economic enfranchisement. America's future productive and moral strength depends upon not allowing our resources to erode nor our youth to remain fallow. Establishing the ACC is exactly the investment in America that we need to make today.●

WHY WE NEED NUCLEAR POWER

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mrs. BOUQUARD. Mr. Speaker, the nuclear industry has concisely stated some compelling reasons for continuing and encouraging nuclear-fueled electric energy production. I have long advocated the removal of institutional barriers to encourage the utilization of this technology in the private sector for both environmental and economic reasons.

Nuclear power is environmentally benign and it is the most cost-effective way to supply electric energy for more jobs and industrial growth. Even Peter Bradford, a former NRC Commissioner and reputed nuclear energy critic, has publicly stated "that from a public health and safety standpoint, I thought it (nuclear power) would be a better deal."

It seems clear to me that without growth in the nuclear industry to enhance our Nation's ability to provide electricity, our growing work force will face an inherent inability of industry to employ them, and consequently the standard of living of our increasing population will decline. This alone is sufficient reason to support policies that encourage nuclear electricity growth.

Additionally, electric energy can substitute for oil consumption in transportation and in home heating. Electric vehicles may soon be introduced into the market for commuters and around-the-town driving. Electric energy with heat pumps is, in many areas of the country, the most effective way of displacing the use of home heating oil. This substitution provides an easy mechanism for reducing our oil imports and our dependency on unreliable suppliers.

The close link in our system of electric energy growth with growth in the gross national product of our Nation is yet another compelling reason to support nuclear-fueled electricity production. It is clear evidence of the importance of this energy source to the economic health of the Nation.

It seems clear for all these reasons that our future is intimately tied to the success of nuclear power in our Nation's electric energy industry. Without it, our Nation's quality of life and, ultimately, our system of government will begin to decline.

I am including the industry's fact sheet for our reading. Please take the time to consider it. I believe it is factually accurate and allows for only one logical conclusion: we must encourage nuclear energy growth and other viable energy options by all reasonable means at our disposal so that we have the broadest flexibility in charting a course of economic health for our Nation through energy security.

[From the Nuclear Assembly, May 1982]

ENERGY, ELECTRICITY AND NUCLEAR POWER

Dramatically apparent over the 1970s was the extreme jeopardy to this nation's economic, social and military security posed by excessive reliance on foreign sources of fuel, perilous in availability and capricious in price.

Imperative for the 1980s, then, must be a broad and sustained effort to restore an essential balance between this country's rising demand for energy and the contribution of its domestic fuel resources, secure in supply and stable in cost.

Part of the answer is conservation. Through more efficient and more productive utilization, growth in energy consumption could be reduced by some 25 percent to the end of this century.

The need for increased energy at that time, nevertheless, already has been established:

Population—rising from 225 million to approximately 260 million consumers;

Employment—increasing from 105 million to about 135 million workers;

Households—mounting from 80 million to approximately 110 million units;

Gross National Product—expanding from $2.6 trillion to about $4.5 trillion (1980 dollars).

Fulfilling even modest social and economic expectations to accompany this growth results in a demand for energy by the year 2000—after conservation—of approximately 105 quads: an increase of more than 40 percent over the 1981 consumption of 74 quads.

A quad is a convenient measure for large amounts of energy, equivalent to some 172 million barrels of oil. More useful than its precise definition are the numbers preceding it.

From most of the nation's current energy supplies, however, little expansion over the next two decades can be expected:

Petroleum—unconventional sources and advanced recovery could maintain production relatively constant: about 20 quads.

Natural gas—despite new reservoirs in frontier areas and enhanced extraction, a slight reduction is anticipated: approximately 15 quads.

Hydro, geothermal power—few sites for additional development permit only a small increase: about 5 quads.

Solar, renewable resources—the need for reliable technology and competitive cost will limit significant gains: approximately 1 guad.

Foreign fuels—federal import reduction programs will limit their present supply: some 8 quads.

Together, this maximum production of conventional fuels and extraordinary development of emerging alternatives—as well as continued imports—will provide about 50 quads of energy: less than half the requirement projected for the year 2000.

The solution to this shortfall can be found in the fastest growing segment of the nation's energy system—electricity. In 1981 one-third of U.S. energy was used to generate electric power; by the end of the century, this fraction could rise to nearly one-half.

Only through this uniquely flexible means of energy conversion can the full potential be realized from the sole major indigenous fuel resources capable of significant future expansion:

Coal—recoverable demonstrated reserves can meet present levels of demand for more than 300 years. Primarily for electric production, along with direct burn and synthetic fuels, coal's contribution to energy supply in the year 2000 could reach about 38 quads.

Achieving this level of mining, however, requires an annual rate of growth sustained over the next two decades that is more than double the historical average.

Uranium—applying available reactor technology to reasonably assured resources yields potential energy equivalent to that obtained from all domestic coal, oil and gas. Nuclear power, then, clearly can furnish whatever amount of energy might be necessary—including the remainder urgently needed by the turn of the century: approximately 18 quads.

To meet even this minimum required level, however, the nation's electric utilities must order over the next 10 years as much new nuclear generating capacity as that already operating and being built.

Through this growing use of more plentiful and less expensive domestic coal and uranium made possible by electricity, the U.S. could regain substantial control over the security and cost of its vital energy supply.

Expanded contributions from these fuels are constrained neither by geology nor by technology.

Obstacles to accelerated deployment of new generating facilities, however, must be removed: by improvement of electric utility investment capability, predictable licensing procedures and, above all, commitment to a prudent, pragmatic energy program by the nation's public and political leaders.●

LET NONE DARE CALL THEM TURKEYS

HON. PETER W. RODINO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. RODINO. Mr. Speaker, as we renew the 1983 budget debate, I implore my colleagues to engage in no further derogation of that noble bird, the turkey.

In the last go-around, after all the substitutes were as dead as dodo birds, one of those among us branded all eight proposals as turkeys.

The speaker was implying, I believe, that they were all bummers. This was yet another manifestation of the defamation of this true original native of America. Thanks (or no thanks) to show business turkey has become synonymous with a flop or failure.

In short, the turkey has become something of a sitting duck—a clay pigeon, if you will—for lazy phrasemakers.

It was not always thus. Not always did the turkey wear this albatross. I would remind my colleagues, for instance, that Ben Franklin thought the turkey "a much more respectable bird" to serve as our national symbol, rather than the bald eagle, a creature Ben found to have few redeeming qualities and besides was "often very lousy."

In contrast to the show biz usage, turkey is still a sign of some success—three straight strikes—among the 10-pin bowlers.

In a relatively new usage, popular among our younger citizens, I think turkey is used to convey a gentle, amused affection—as in, "You turkey."

And this fine bird remains a source and symbol of joy and fulfillment and thanksgiving for our great holiday—sad to say for the turkey.

Summing up, I think we should be proud as peacocks of the turkey.

Now we have three more budget proposals to consider. They may be stormy petrel. The may elicit coos of approval from the hawks and shrieks of derision form the doves. Some may even think them a little cuckoo.

But this time let us come to decision. Let us meet our responsibilities. Let us not act like silly geese and bury our heads like ostriches in the sand.

And, above all, with regard to these proposals, let none dare call them turkeys.●

GENE FADNESS—SEWARD COUNTY INDEPENDENT

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. BEREUTER. Mr. Speaker, it is a sad fact about our world that we must rely on nuclear weapons to preserve the freedoms we now enjoy. Though most of us sympathize with those who seek to limit such weapons, we cannot allow sympathy to overcome rational thinking. Gene Fadness of the Seward County Independent is one commentator who has faced reality, no matter how saddening. I would like to recommend to my colleagues his recent column, which applauds the educational efforts of Ground Zero Week while not blinking at the realities of our world political situation. Mr. Fadness notes that we all pray for an end to the arms race but that pragmatic leaders of all ideologies have opposed a freeze of weapons at present levels. I would like to have this clear-thinking article printed in the RECORD.

[From the Seward County Independent, May 19, 1982]

SAD REALITIES

(By Gene Fadness)

The recent groundswell of public opinion and action concerning the arms race has resulted in much that is positive. There at least seems to be a glimmer of hope that public reaction may be the impetus behind an agreement in a halt to the arms race and reduction in existing weapons. For that alone, Ground Zero Week and other such public-awareness events have been worthwhile and even necessary endeavors.

But behind every good thing it seems there is the sheep in wolf's clothing. There is that threatening risk of decisions made based upon emotion, of idealism replacing the awful but nevertheless real facts. Just as we are fearful of death and crippling brought upon us by a nuclear warhead, let us be just as wary of decisions made upon the basis of a waving placard rather than a careful, educated study of the facts—for in the end, this could produce the same result, only perhaps more quickly and convincingly.

Perhaps one of the better things about Ground Zero Week is that it was a venture primarily aimed at educating rather than demonstrating John Lyman, a former president of Stanford University, put it very well when he said, "Almost the worst thing the universities could do would be to opt for a few easy and dramatic gestures, satisfying outlets for our frustrations that might make us all feel a nice warm glow of self-righteousness but would do nothing to advance our basic understanding of the problem." I hope that efforts of Ground Zero Week will not be limited to one week but that a careful and objective study of the problem on the part of the public will continue.

And the problem is a complex one. Too often we hear of liberals decrying the conservatives for simplistic solutions. In this area, I believe, liberals may be advocating a simplistic and dangerous solution. The immediate enactment of a total freeze at present levels could be very dangerous if we don't have absolute assurances from the Soviets and all Communist bloc nations that build-up will discontinue and verification be allowed not only by satellite but even on-site inspections if suspicions warrant it. The same, of course, would be true for the United States and its allies.

One must always keep in mind the past track record of the Soviets. The Soviet people undoubtedly fear nuclear destruction as Americans do, but in the U.S.S.R. the opinions of the people do not weigh that heavily. And it will take a lot of convincing to get this skeptic to agree that Soviet leaders do not have as their prime goal eventual world communism. The only reason their goal has not been realized is fear—fear of an unwinnable nuclear war. Sad, but realistic.

Lest we forget, may I bring these nations and their struggles to your recollection: in the Far East we have Afghanistan, Cambodia and Mongolia; in Africa we have Angola, People's Republic of the Congo, Ethiopia and Libya; in Eastern Europe we have Czechoslovakia, Hungary and Poland; and regrettably in our own hemisphere, Cuba with Nicaragua and El Salvador on a dangerous fenceline.

I'm not dusting off any old atlases to get this information. These few Communist states are recent campaign trophies of the Soviets, most of them in the 1970s, with 1956 as the farthest back I go.

We would do well to keep our eyes on South America now. Should the Falkland Islands war continue, you can bet that the Soviets will take advantage of Argentine anger at the U.S. and try to get a foothold there.

No question about it; their nature is aggression. To be able to dismantle U.S. and Soviet nuclear weapons will require a complete turnaround in Soviet philosophy.

I find it interesting that the past three presidents of both political parties and the past four secretaries of state of both parties have expressed opposition to a freeze at present levels. They have been and are privy to more information than you and I. Even West German Chancellor Helmut Schmidt, considered a dove among U.S. allies, warned against a freeze now.

Those who would portray our president as one wanting war are wrong. His recommendations made so far in arms reductions indicate his careful approach to the problem.

Meanwhile we can continue to pray. Pray that the arms race will end and, in the same prayer, remember those that had to opt for war instead of peace to preserve the freedoms we enjoy today.●

THE 125TH ANNIVERSARY OF TURNVEREIN OF CARLSTADT

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. HOLLENBECK. Mr. Speaker, this weekend I am delighted that I have been invited to help celebrate the 125th anniversary of a very special organization in my community, the Turnverein of Carlstadt.

The proud history of the Turnverein predates the incorporation of the Borough of Carlstadt. It is an integral

part of the history and the development of South Bergen County, N.J.

Originally organized by German immigrants to our area who shared a common desire to achieve success in their new land while maintaining and furthering their unique cultural heritage, the Turnverein established one of Carlstadt's first schools and its fire department.

The tradition of civic responsibility and the motto of "Sound Mind-Sound Body" flourished among the second and third generations of the families of the founders and among the newcomers and other ethnic background members who joined the Turnverein.

Through the years, thousands of residents of our communities have been able to take part in the gymnastic training, physical fitness programs, and chorus activities the group offers at its facilities. And their performances have been enjoyed by countless others and have received awards and honors in competitions throughout the State.

The Turnverein has upheld its legacy because its membership through the years has devoted a great deal in time and energy to its worthy endeavors in the public interest. We recognize this weekend 125 years of community-based involvement and action.

As a lifelong East Rutherford resident, myself of German descent, I am very familiar with the activities of the Turnverein. I am proud to extend my commendations to its members for a fine record of service and my sincere best wishes for every success in the years ahead.●

BUDGETS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SHUMWAY. Mr. Speaker, one of the amazing things one discovers when one gets out of the hothouse of Washington, is that there is a great deal going on in the rest of the country. Here the talk is all about the budget, and will we or will we not get one that most of us can agree upon. Out there, the illusion of the budget has not taken hold, and people are concerned with real things like their jobs, tax rates, the rates of interest, and survival of their businesses.

One comes to the conclusion that a great deal of the problem of the economy is a media creation. After all, the people in the country will not be affected directly at all if we fail to adopt a budget. They will be affected if we raise their taxes, or if we adopt a series of short-term measures designed to help this or that sector of the economy. As to spending, it is not the budget resolution that spends money, but the appropriations process. We can adopt all the balanced budget resolutions we want to, but if we then proceed to appropriate beyond those resolutions, they will not stop us. Only our own political will can save us then. We should not delude the people into thinking that the budget process controls spending. Nor should we allow the media to confuse the real issue.

The media, for instance, are now trumpeting news of huge tax cuts for the rich, of course, and how they are robbing the the Government of revenue needed to balance the budget. The truth, of course, is that there have been no tax cuts at all, so far, and what is scheduled to come will do little more than compensate for inflation.

It is likely that future cuts, especially those in top rates, will have very positive impacts in terms of Government revenues, but this is a point hardly broadcast on the nightly news, or alluded to by headline writers for the major papers.

It is a point addressed by Mr. George Gilder, who finds the prospect promising and encouraging. His is a viewpoint not popular with the pseudoeconomists of the media, or even with many real economists, but it is nonetheless persuasive, and I include it as part of these remarks so that my colleages can see for themselves.

[From the Washington Post, May 24, 1982]

THE BOOM OF THE 1980'S

(By George Gilder)

U.S. economic policy currently operates in a house of media mirrors—a gallery of distorting myths and statistical gargoyles—that panic the policy-makers themselves into blind fits of self-defeating behavior. They raise taxes to fight recession, raid our scarce savings to stimulate the housing industry of the world's most overhoused nation, and ululate over fake data that miss all the dynamics of economic life.

Politicians and editorial writers still talk of "huge tax cuts" on personal income, when in fact even after the October reductions, 1981 brought an effective 10 percent increase in tax rates for most citizens, as inflation pushed wage earners into higher tax brackets and Social Security hikes continued. The oft-repeated estimate of a $750 billion Reagan tax cut is based on Carter administration fantasies of a revenue boom from a 46 percent increase in tax rates, brought by four more years of bracket creep. But a 46 percent rise in rates would bring a depression, not a boom in Treasury receipts.

These phantom revenues, however, have proven to be President Carter's most valuable legacy to his party. For it is this totally mythological money that is now alleged to have been "given" to the rich through the Reagan tax cuts. But in fact it is only the relatively poor who will pay less taxes in coming years.

Wealthy earners of "unearned" income, who have confronted rates well over 100 percent adjusted for inflation, will see their marginal rates substantially reduced. But the long history of tax cuts demonstrates that the decline in the top rate from 70 percent to 50 percent will actually bring a surge of new tax payments from the rich, as they pay more to the government and less to tax lawyers and accountants. On very conservative assumptions, Michael Evans of Evans Economics, Inc., estimates a net revenue increase of $3 billion from this source alone in 1982.

The media mythology becomes especially bizarre on the subject of interest rates. A generation of Keynesian economists constructed an imposing edifice of spurious capital theory on the assumption that interest rates were low during the Great Depression, when, in fact, adjusted for deflation, they were prohibitively high. Now another generation is misleading policy-makers by speaking of today's real interest rates as at a "historic high" when, in fact, adjusted for inflation and taxes, they have long been close to zero for the dominant savers and borrowers.

With an inflation rate of 5 percent, for example, the saver must receive an interest rate of over 14 percent to receive a 2 percent real return after taxes in the 50 percent bracket where most savings occur. Conversely, individuals and corporations borrowing at high tax levels pay relatively low interest rates after inflation and taxes. Thus we punish the supply of funds (personal savings) with exorbitant taxes on false interest; and we reward the demand for this money with an array of subsidies for favored borrowers and with the deductibility of interest costs. The predictable result is a twisted money and bond market that imposes exorbitant rates on all unfavored borrowers in low tax brackets, chiefly unprofitable companies, start-ups and low-income mortgage seekers.

Nor can tax increases in any way relieve our interest rate problem. Increased income tax rates, effected through bracket creep and deferral of the "cuts," will reduce savings virtually dollar for dollar and also repress activity and tax revenues. Tax hikes retard savings four ways: by taxing most heavily the high incomes from which all net personal savings come; by deterring acquisition of further income still more likely to be saved; by taxing interest income at confiscatory rates; and by lowering incomes and savings in the conventional way explained by Keynes.

Thus President Johnson's infamous surtax of 1968-69 destroyed savings, increased inflation and interest rates and brought economic collapse in 1970. President Carter followed the hidden tax hike policy throughout his administration and reduced the federal deficit from almost 4 percent of GNP to under 1 percent by 1979. The result of this triumph over the deficit was a complete collapse of personal savings (to 3.6 percent), soaring inflation doubled interest rates and a deficit that leaped to $60 billion in 1980. Incredibly enough, the Reagan administration followed this path again in 1981, allowing effective income tax rates to rise in an effort to reduce the deficit produced by Carter's tax hike policies. The result is our current predicament: higher deficits and lower growth.

As this decade of experience shows, tax hikes cause deficits by retarding taxable activity, and then exacerbate their effects on interest rates by extinguishing savings. The resultant recession triggers new welfare and other transfer payments that expand the size of government as a share of GNP, while requiring continual cutbacks in popular government spending programs, all in a politically and economically suicidal austerity package that pleases no one but Pete Do-

menici and other budget-blinded politicians and economists.

While President Reagan has so far failed to achieve substantial tax cuts, he has prevented the catastrophic bracket creep increases projected by the Carter administration and still sought by his opponents. Thus he has allowed the economy to maintain the highest level of employment in the West (58 percent of the adult population) while accepting more immigrants than any other country and opening the way for dramatic economic gains in coming years.

Beyond the hall of media mirrors—distorting and exaggerating the econometric gloom—U.S. industry is moving, at astonishing speed, toward a new era of high productivity and growth. While the television cameras circle like vultures around the decaying carcass of Detroit, and financial journalists recite false figures of capital formation and productivity that totally miss the productive breakthroughs in energy and electronics, the nation's economy has made a dramatic transition into the long-heralded computer age.

Over the next three years, the U.S. computer industry—led by companies like Apple and Osborne, which scarcely existed three years ago—will probably sell more personal computers than the Big Three auto companies will sell cars. Together with only slightly more modest surges in other revolutionary products, such as Computer Aided Design and Manufacture, and in energy production and conservation, this entrepreneurial achievement is well on the way to solving the world's energy and productivity problems and launching the boom of the 1980s. The current dismay about our economic prospects reflects a morbid preoccupation with nearly meaningless statistics, an obsession with the declining industrial structure of the past, and a blindness to the entrepreneurial future.●

RUSSIAN JEWISH WEDDING IN NEWTON, MASS.

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. FRANK. Mr. Speaker, last month I had the very great privilege of attending the event which highlighted in the most dramatic possible fashion the difference between a free society such as ours and a totalitarian regime such as the Soviet Union.

Sixty couples who had originally been married in civil ceremonies in the Soviet Union—because they were denied the right to religious ceremonies—were married again according to the tenets of Judiasm at Temple Mishkan Tefila in Newton, Mass.

For all of us who attended, this religious ceremony was an extraordinary moving event. One hundred and twenty Russian Jews were given the chance to marry again according to the tenets of their faith. To those of us who take religious freedom for granted, it was an important reminder that many in the world are still denied this basic right and we must continue to fight on their behalf.

Many people worked hard on this magnificient event. Particular recognition is due to Emily Lipoff who took the lead in organizing the wedding and to Rabbi Richard Yellin of Temple Mishkan Tefila for his leadership. All of us are in the debt of these two talented and dedicated people.

I enclose an article by Sylvia Rothchild which appeared in the May 20, 1982 issue of the Jewish Advocate on the wedding. The article follows:

THE RUSSIAN JEWISH WEDDING AT MISHKAN TEFILA

(By Sylvia Rothchild)

It was a Lag B'Omer to remember! A wedding with sixty brides and grooms, with ten rabbis and three cantors officiating, a thousand guests, a 1,000 square feet of huppah decorated with thousands of flowers! Some of the couples were grandparents, with civil marriages in Kiev and Kharkov and Moscow in the 1930s and some were young couples also married civilly in Brookline, in 1980. All but one had emigrated in the last five years.

An extraordinary occasion! The honorary patrons included Menachem Begin, U.S. Speaker of the House Thomas P. O'Neill, senators, congressmen and national presidents of major Jewish organizations. It was a natural even for the media and the temple was full of cameras, tape recorders and bewildered looking journalists wandering around with their notebooks, trying to get to the heart of the matter.

At first glance it could have passed for a family affair of an unusually successful and public family. Only Gilbert Caterers knows how many tons of knishes, chopped liver and herring were consumed. The wine did not run out. The Bob Kovner Orchestra played everything you could dance to. It was visually a super-colossal "Goodbye Columbus" wedding. It did not look like a political rally, a mass conversion, a proclamation of religious freedom, Messianic hope and survivalist passion, which in fact it was. It was a celebration of ahavat Yisroel and a nose thumbing at bureaucratic invasion of private life, even though it was clearly a very public occasion.

I tend to measure the importance of an event by its ability to move people to tears and the Russian wedding was surely the one where I had the most requests for an extra kleenex that I have ever had in one evening, anywhere. It was as if something frozen in us was thawing, as if artificial divisions and separations had dissolved and Jews born in Brookline, Brooklyn, Leningrad, Odessa and Moscow recognized each other publicly as relatives.

Along with the recognition were unspoken sparks of understanding and remembrance. American Jews noticed faces, gestures, bodies and accents they remembered from an older generation. Russian Jews remembered the people they left behind in the Soviet Union, as well as their own risks, hopes and fears. Celebrating freedom brought reminders of how precious and rare personal freedom is in the world. Celebrating the right to marital privacy was a reminder that Soviet contemporary life includes no respect for privacy at all and that there is not even a Russian word that is a synonym for "private" as we think of it in English.

This mass wedding in some magical way became a celebration of individuality, crossing all the generations, the educations, the capacity for faith, the whole spectrum of feeling about Jewishness. Among the participants were men and women who had deep feelings of Jewish loyalty, some who yearned for connections they had not yet made and some who were testing their ability to shed Soviet ideas that made Jewishness a defect instead of a source of strength.

Some participated for the sake of their parents and some to create good models for their children. Some couples were not at the same place in their Jewish development and saw in it a chance to become closer . . . to each other as well as the American Jewish community into which they had been welcomed. Many echoed Emanuel Borok's wish to "get in touch with his soul," now that he had freedom to work and live as he pleased. Though it was not possible for some to speak of religion as, "food for the soul," it was the religious aspect of the wedding that made it so nourishing.

The generosity of the benefactors, patrons and the businesses that contributed goods and services seemed more powered by nostalgia, the wish to do good deeds, assuage guilt for past errors, and the need for a community celebration than conventional fundraising or advertising. There were overtones of *shtetl* responsibility for marrying off its young people in the giving and the enjoying, the circle dancing, the carrying around of brides, grandmothers and Emily Lipoff, the extraordinary woman who managed the details of the event.

Along with everyone else's reasons I had my own for the damp kleenex in my pocket. I remembered the frightened and bewildered Soviet Jews who came off the train in Vienna ten years ago. They were the mythical "Jews of Silence" who were called Jews in Moscow, Russians in Israel and who received a cool welcome in America by those who saw them only as "noshrim," who did not belong here. Wherever they settled, they too were unsure of their identity and purpose. "My purpose in leaving I knew; my purpose in coming I know not," was heard again and again by those who questioned them.

In many interviews of Russian emigres in the last ten years, I came to admire their strength, their sensitivity, their search for identity and purpose. American Jews in those years also learned to differentiate between the *idea* of Russian Jewry and the real people, all different from each other that make up their constituency. The Russians taught me how much we and they are divided by style, education, class, status and early political indoctrination. They also showed that they could change and respond to their new environment and that they had lessons to teach as well as to learn.

The Russian Jewish Wedding at Mishkan Tefila was a giant step forward in the learning process, a process that engages feelings as much as intellect. The details will fill a space larger than this column affords but one seemed particularly noteworthy. Russians in America are prone to describe themselves by the work they do and are normally very worried about their economic position in life. When I tried to find out the occupations of the brides and grooms, to see if their education or status played any role in their decision to take part in a Jewish wedding. Emily Lipoff said she never thought to include that question in her questionnaire. Without the question, no answer was given. That it should not have seemed important was answer enough.●

TRIBUTE TO FATHER FRANK J. PORAZZO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, on Sunday, June 20, 1982, the parishioners of St. Clare's Church, Florence, N.J., are taking time to show their appreciation to a very special person. That person is Rev. Frank J. Porazzo, pastor of St. Clare's.

For nearly four decades, Father Porazzo has unselfishly served his church and community. It is significant, I believe, that the appreciation dinner falls during the year long celebration by the Diocese of Trenton of a program called Emmaus. The Emmaus program is a spiritual get-together for members of the Catholic clergy—a time for reflection and awareness.

I rise, Mr. Speaker, not to point to any single achievement of Father Frank, as he is known to many, but to recognize a life of achievement. Father Frank possesses those characteristics that have brought stability to parish life.

Let me briefly review the service of Father Frank J. Porazzo. He was ordained on June 30, 1944. Father Frank was an associate pastor for 12 years before becoming pastor of the Church of Assumption in New Egypt, N.J. on December 10, 1957.

Father Porazzo became pastor of St. Clare's Church in Florence on November 20, 1969, where he has served ever since.

As I mentioned, I do not rise to cite an extraordinary event in the life of Father Frank, but to honor his life which has been extraordinary. He has shown dedication to the church and community for 40 years. He has worked hard for his faith and his flock. He is an example of the rock on which a church can be built.

On the road to Emmaus where the two travelers questioned their faith, they were visited by Jesus. After He spoke to them they were reassured. So has Father Porazzo brought spiritual awareness to his parishioners. In Luke 24: 31 it is said, "and their eyes were opened and they knew Him."

Whether it be fighting for the human rights of the unborn or spreading the teachings of his faith, Father Frank has dedicated himself to the task at hand. The day-to-day efforts of Father Porazzo should serve as an example to all, for he truly knows the meaning of sacrifice. As Montague once said, "It is easier to sacrifice great than little things."

It is my pleasure to join with his friends and family in showing appreciation for the limitless sacrifices Father Frank has made on behalf of his church and the people of Florence.●

SPEECH OF ELIZABETH H. DOLE

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mrs. HOLT. Mr. Speaker, my friend Elizabeth Hanford Dole, Assistant to the President for Public Liaison, recently presented an excellent speech on the accomplishments of women in the past and the great opportunities for women in the future.

Contrary to much of the downbeat talk we commonly hear, Mrs. Dole sees a future American economy in which the unique skills of women will be in great demand. I submit this speech for the attention of the House:

I trust you'll forgive me if I begin by looking over my shoulder—to a day in September 1962 when I entered Harvard Law School, one of 25 women in a class of 550 prospective movers, shakers and Wall Street lions. There were precious few lionesses back then. I'll never forget being accosted by a male classmate on my very first day at Harvard, who demanded to know what I was doing there.

"Don't you realize," he said in tones of moral outrage, "that there are men who'd give their right arm for your place in law school? Men who would use their legal education?"

That was my first—but by no means my final—exposure to chauvinism in the shadow of Frankfurter and Pound. Once each semester, there was Professor Leach's Ladies Day—when our otherwise ignored cadre of female scholars would sit before the class and answer questions—after beginning the ritual with a poem. It was at times like that when I gained a uniquely personal insight into how the early Christians must have felt while performing for the good people of Rome—in the Coliseum.

My colleagues at Harvard seemed to have forgotten that the figure of Justice is a woman. They seemed oblivious to the psychological barriers they had erected, ignorant of the fears they inspired or the doubts they nurtured.

Women in 1962 did a lot of wondering. We wondered if there would be jobs when we got out of school. We wondered if we would be accepted by the masculine domain of the legal world, where law books and leather chairs alike tended to be reserved for "old boys" whatever their age.

We wondered at times whether life on the frontier would ever evolve into real civilization—and whether we were doomed to go through our professional lives as the sole female in an audience of tolerant—at best—males. Of my own classmates at Harvard, Susan Shapiro today is a partner at Ropes and Gray in Boston. Elizabeth Holzman is District Attorney in Brooklyn. Stephanie Seemore sits on the 10th Circuit Court of Appeals in Tulsa. Jane Roth is a partner in a Delaware firm. For them as for others, the wondering is over. Success has taken its place, the product of a generation of long hours and lofty ambitions.

Today's graduating women have less to wonder about. They have much more to work toward. Those honored today provide heartwarming evidence of just how profound the changes have been. Those honored represent an extraordinary range of skills and achievements, the frontline troops in a quiet revolution taking place all across America.

There is a sense of history in the air. Precedent has few followers in this group: among its shatterers are Jeane Kirkpatrick, the first woman to serve as U.N. Ambassador, and Sandra O'Connor, who was offered a legal typist's job in 1952—and who went on to break the type, and interpret the law of the land on this nation's supreme tribunal.

Yes, we've made progress, but there are still the problems. Even now, too many Americans practice a subtle form of discrimination. Less obvious than the law, more insidious than verbal prejudice, it's called patronization, and it undercuts women just as surely as the old barriers of statute and custom.

Social critic Marya Mannes put it best, I think, when she wrote the following: "Nobody objects to a woman being a good writer or sculptor or geneticist if, at the same time, she manages to be a good wife, a good mother, good-looking, good-tempered, well-dressed, well-groomed and unaggressive."

In other words, in today's society we are faced with the tyranny of perfection. You, too, can be treated the same as a man—so long as you out perform him. For all our gains, roadblocks still remain on the path to prosperity and job satisfaction. Large segments of our economy continue to regard millions of women as consumers instead of producers. Too many employers regard too many working women as pursuers of pin money—and pay them accordingly, about ⅗, on average, of a man's salary, despite educational backgrounds that may be identical. At the same time, too many of those who are entrusted with economic decisions overlook the painful toll exacted by inflation, or the inequitable burden that hitherto has been written into the U.S. tax code.

In designing its economic program, the Administration has tried to take into account the sad but true reality that inflation falls hardest on women. In cutting taxes, we've made it a priority to ease the marriage penalty, to all but eliminate estate taxes, permitting for the first time a spouse to inherit a farm or business intact. There are incentives to help working mothers with child care—and additional retirement protection in IRA's for wives who do not work and for women who earn less than $10,000.

The public sector can and should do all in its power to make ours an economy colorblind to blue and pink, as well as black and white. And ever since my days on the Federal Trade Commission, I've been keeping one hand on the pulse of the private sector, particularly American business, and measuring the slow but steady growth in female recruitment and utilization.

It seems clear to me that we must now focus on how to maximize the female half of the human resource ledger. We hear much about programs for women to teach them the rules of the game.

We hear much less about efforts to remove those factors causing managers to misuse or overlook female talent.

This can't continue for long, if only because market forces have doomed the old ways of doing business. In the years just ahead, America must wake up to the fact that the very interpersonal skills of consensus building, mediating, moderating, and

dealing effectively with people in general—skills that studies and surveys have historically identified as predominant in women—are the building blocks of a post industrial society. In the evolving service-oriented economy of the 1980's and 1990's, it's the management of people and not the management of machinery or material that will be crucial. It's interesting to flip through the American Management Association's catalog of continuing education and note the number of courses in interpersonal skills being offered to today's managers, most of whom are male.

And with the revolution taking place in this country, the tidal wave of women entering the work force, managers are, I believe, starting to grasp what we have always known: that women share with men the need for personal success, even the taste for power. And no longer are we willing to satisfy those needs through the achievements of surrogates, whether husbands, children or merely role models.

Indeed, the very concept of the role model may be endangered—and rightfully so. For the line separating role models and tokens is a thin one. The role model is a logical by-product of a society unwilling to utilize fully the talents of all its women, and thereby eager to enshrine and celebrate those few it entrusts with meaningful tasks.

Every person in this room recognizes both the problems and the untapped potential of the 52 percent of America's workforce that's female. So do others who are working outside the limelight to advance justice wherever it is blocked, who understand how far we have come, and who know firsthand how far we have yet to travel. What all of us—and all of them—have in common is commitment. And with that commitment goes a vision of society as it might, and ought to, be.

That vision encompasses a limitless horizon for every woman of courage and conviction. In large measure, it is the product of women whose lives demonstrate an ability to see beyond the commonplace, and a reach for greatness that encompasses the distance between their dreams and reality.

One of the country's greatest poets was a woman who never left her home in Amherst, Massachusetts. She never worked in an office, never raised a family, never won a headline. The only power she wielded lay in her poetry. But her artistry and her vision have inspired millions.

"We dwell in possibility," Emily Dickinson wrote in her clapboard cloister nearly 150 years ago.

But we must adapt the gospel of Emily Dickinson's positive thinking to the world as it exists. We realize that for most women, success is achieved by dwelling in the improbable, by challenging the odds and overcoming the conventional wisdom.

Surely it was a combination of possibility—and reaching for the improbable—that led Rosa Parks to claim a seat at the front of a Montgomery bus, and thus launch a peaceful revolution a hundred years overdue. Surely it was a brush with the improbable that raised Golda Meir to the Premiership of Israel—or suggested that Mother Teresa's responsibility to a hungry world involved far more than mere obedience to the rules of her order.

So, even as we join together this afternoon to break bread and break precedent, let us in the pursuit of economic and social equality, continue to strive for the day when the improbable becomes the probable. Back in June 1965, I was welcomed somewhat uneasily into a circle still known as "the fellowship of educated men." I've seen enormous progress since then. I've seen the circle expand, and opportunities open up.

And I am convinced that today's women stand in the reflected light of a rising, not a setting sun. Our day has barely dawned. Our dreams are just beginning to be realized. We dwell in possibility—but we challenge the improbable. So, as we leave this room, let us not forget why we came.●

JOURNAL-STAR "VIP" PROGRAM

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. BEREUTER. Mr. Speaker, some of our more pessimistic citizens were skeptical of this country's ability to face the recent round of budget cuts. Americans will not stand for fewer government services, they said. President Reagan, of course, did not buy that line. And, apparently, neither has the Lincoln Journal-Star Printing Co. of Lincoln, Nebr. The Journal-Star Co., which prints the two largest newspapers located within the First Congressional District, has heeded the President's call for increased volunteer service and launched the "VIP" (Volunteer in Parks) program.

Lincoln's city parks and recreation department suffered from budget cuts that resulted in 65 fewer employees tending the parks. Long grass and weeds became problems. But the Journal and Star did not think Lincoln's citizens would sit back and watch their beautiful parks go to seed.

The newspapers told their readers:

Lincoln's pride and joy, for years, has been its Parks and Recreation System. All of us at one time or another has bragged to others from around the nation that we have the best.

And we do! But, our Parks and Recreation Department desperately needs our help now! . . .

We want to preserve the beauty of our parks and we want to support the President's volunteer program. We want you to join with us in a VIP program—simply meaning Volunteer in Parks.

The newspapers were correct; Lincoln's citizens responded. In a few days over 85 citizens and two of the city's larger businesses had come forward and volunteered to help mow, trim, and cleanup the city's parks. I am sure that many more have since offered their assistance. The Journal-Star Co. has notified the White House about its program, and I would like to take this opportunity to notify my colleagues in Congress and ask them to join me in applauding the newspapers' efforts. Anyone who thought America would not respond to the President's request for more volunteerism need look no farther than Lincoln, Nebr. to find out he was wrong.●

CONGRESS AND THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 9, 1982 into the CONGRESSIONAL RECORD:

CONGRESS AND THE BUDGET

The question on the mind of every member of Congress is whether the House of Representatives will be able to find the majority it needs to adopt a budget resolution for the federal government in 1983.

During a grueling week of extended sessions, House members considered 68 amendments, took 34 recorded votes, rejected seven budgets, and cast into oblivion numerous legislative strategies which had been carefully drawn up weeks in advance. The failure of the House to finish work on the budget told the American public and a tense financial community that there is still no consensus on a taxing and spending plan for the federal government in 1983.

When I was in Indiana immediately following the voting, the first thing Hoosiers asked about was the inability of Congress to agree on a budget. I pointed out that the circumstances surrounding consideration of the seven budgets made passage of any one of them unlikely. The nation's economy is reeling, the projected deficits are huge, interest rates are soaring, unemployment is high, and a general election is approaching. The economic pressures make more difficult the struggle of Congress to write a budget.

Budget resolutions have always been tough to pass because they set basic national priorities which are often hard to reconcile with one another. The philosophical differences among members of Congress are deep and difficult to bridge. Conservatives want to spend more for defense and less for domestic programs; liberals want to do the opposite. On this occasion, half the budgets debated in the house proved too conservative for the liberals and half too liberal for the conservatives. Each group; was strong enough to block the other's proposals but too weak to win with its own proposals. Attempts to accommodate one group quickly antagonized the other. The conflicting ideological crosscurrents now prevalent in the House make it extremely hard to line up a majority behind any single budget resolution.

Other factors complicate the budget debate. For example, budget resolutions provoke intense lobbying by special interest groups. These groups are no longer vying for a larger piece of the pie; rather, they are demanding that their piece not be reduced in size. To add to the difficulty of forming a budget, the budget process itself is being vigorously challenged. There is growing resentment of the budget committees, which, in the view of many members of Congress, are usurping the powers of the standing committees and controlling substance through process. Many of the most powerful and senior members of the House stood on the sidelines during the recent budget debate, complaining that the process absorbed too much of the House's time and that the process really was not all that important because subsequent changes in the budget are invariably made. These members also complained that the budget process has

become far too complex and the procedures of debate far too confusing. The fact that 1982 is an election year has not made things any easier. For many members, competing budget resolutions have not been financial blueprints for running the federal government as much as they have been partisan political statements for use in the campaign. Because a budget resolution covers so many items, reasons to vote against it can always be found. A vote against any of the budget resolutions debated last week could be construed as a vote against enormous deficits, against tax increases, for national defense, or for the poor and the middle class. Whatever the reason, the writing of a budget for 1983 has consumed so much time that Congress has done little else during this session. Unresolved national business is crowding the congressional agenda.

It is not certain whether the forces of fragmentation can be overcome and a budget eventually be produced. We will be successful only if a strong sense of national purpose, expressed in active, bi-partisan leadership, can begin to inform the deliberations of the House. The key to success is the development of a national economic consensus which places fiscal responsibility ahead of partisan or parochial interest.

Last year, the President's election victory and the strong public support which followed it pushed the budget through to enactment. The President was much more in control at that time. This year, however, the President has been unwilling to enter fully into the budget fray; the leadership among the Democrats and Republicans in Congress has been unable to forge an effective alternative to his budget. No one has been able to galvanize the membership of the House in support of a budget.

I believe that the budget has to be put together in the broad middle of the Congress, with support from both sides of the aisle. The theory that a budget can be built out from the center of the political spectrum remains valid, even if its execution is problematic. Not having a budget resolution is the worst possible result, yet the country seriously doubts that Congress can now produce a budget. Failure to do so will indeed send out frightening signals to financiers and ordinary Americans alike.

Delay in dealing with the budget will only prolong uncertainty about the outcome. It will probably reduce the chances for a healthy recovery during the second half of the year. The budget impasse has helped keep interest rates higher than they would have been if there had been the prospect that deficits would decline. A budget is a necessary condition of lower interest rates.

My view is that we must not be discouraged by events in the House of Representatives last week. We must get right back to the arduous, thankless task of passing a budget resolution for the federal government in 1983.●

H.R. 5158 IMPEDES MOBILE PHONE AVAILABILITY, TELEPHONE COMPANY VIABILITY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. CORCORAN. Mr. Speaker, I have previously expressed my concerns regarding H.R. 5158, the Telecommunications Act of 1982, including its provisions affecting "cellular" mobile telephone service. When the Energy and Commerce Committee considers this legislation, I intend to offer an amendment on that subject.

The bill requires the Federal Communications Commission to start fresh to allocate a portion of the radio spectrum for the new cellular mobile telephone service, which uses many low-power radio transmitters so that a great many more calls by mobile phone can be made in an area at one time. The Commission has allocated half of that portion of the spectrum to local telephone companies in at least 35 major markets. In reallocating, the FCC could not, as it did, decide that local telephone companies are especially suited to operate the cellular systems.

This provision of H.R. 5158 would seriously retard advanced mobile telephone availability just as this service is about to be brought to the American public. Also, because cellular mobile service will be an offering of the local telephone companies under the proposed modified consent decree, H.R. 5158 would jeopardize opportunities for growth and revenues in an emerging market which would significantly aid their economic viability.

It makes no sense whatsoever to put the contribution cellular can make to local phone companies' viability at risk and to postpone its availability. It makes no sense to delay American manufacturing of cellular equipment. I hope the committee will approve the following amendment:

AMENDMENT BY MR. CORCORAN

(Amendment to the committee print of April 8, 1982 (H.R. 5158).)

On page 63, line 21, strike "(1)".

On page 64, line 3, strike "(2)" and all that follows through the end of line 8.●

MEMORIAL TO THE VICTIMS OF THE RAPID CITY FLOOD

HON. CLINT ROBERTS

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ROBERTS of South Dakota. Mr. Speaker, on June 9, 1972, 238 persons lost their lives in a flood that ripped through Rapid City, S. Dak. That day, a group of thunderstorms formed over the eastern Black Hills west of Rapid City, and, by a freak of nature, remained almost stationary. Nearly 15 inches of rain fell over a few hours time culminating in the largest flow ever recorded on Rapid Creek. Thirteen thousand acre-feet of water flowed through Rapid City during the 2 days of flooding.

The unexpected flood traveled the 22 miles between Deer Creek and Rapid City in about 3.5 hours, giving little to warn visitors and residents of the impending disaster. The result was the worst catastrophy in the history of South Dakota. The flood left 238 persons dead; 8 missing and presumed dead; 3,057 injured; 1,335 homes and 5,000 automobiles destroyed, with total damage in excess of $160 million in the Black Hills area.

Today, a memorial will be dedicated to remember those lost in the flood. It is most fitting to erect a memorial to honor the victims of the 1972 Rapid City flood, but the most meaningful tribute to those 238 persons will be the efforts made to provide for the safety of the living, now and in the future. We must do all we can to see that such a tragedy does not happen again.

In the past decade, Rapid City has adopted flood-plain zoning laws that restrict development along Rapid Creek, and the city has acquired much of the low-lying area for conversion into parks and greenways. The Bureau of Reclamation began the expansion of the Deerfield Dam this year to increase its capacity and the Bureau is planning a review of Pactola Dam in the next year. Congress is considering legislation to expand the Dam Safety Act, so that more of this work may be done.

I have worked with the Bureau of Reclamation to assure the safety of our present dams, and will continue to do so. But nature can and will exceed the works of man. It is the constant watchfulness and preparedness on the part of citizens and this Congress that will provide a living tribute to the victims and survivors of the 1972 flood.

The memorial is an appropriate tribute, and an explicit warning of the dangers of nature. Let us hope that we will never again have the need to construct such a memorial.●

ANNOUNCING A BILL TO RESTORE THE 5 MPH DAMAGE STANDARD FOR CAR BUMPERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SCHUMER. Mr. Speaker, I am introducing a bill today which I believe is an important test of this Congress willingness to protect the American consumer. The relaxation or elimination of important damage and safety standards is not the way to help the ailing auto industry. Such deregulation is a tragic reversal of our commitment to inform and protect the public.

In 1972, the Congress directed the National Highway Traffic and Safety Administration (NHTSA) to establish a bumper standard which would improve the fragile bumpers then being made. From that early standard came the current 5-mph standard in 1979.

An exhaustive study of the cost effectiveness of the 5-mph standard was made in 1979–80. The study found the 5-mph standard more cost beneficial than a 2½-mph standard. Now, reversing itself, the NHTSA has determined that a 2½/mph standard is "cost effective." Well, it is neither cost effective nor acceptable to the average car buyer whose insurance premiums will skyrocket as "fender benders" take their toll. General Motors has already announced in response to the new ruling that it plans to reduce its bumper standard without offering an optional 5-mph bumper to its customers. Should we really allow a questionable cost effectiveness study to determine car bumper standards, especially when the new standard is opposed by everyone except those in the auto industry?

In 1972, the Congress mandated that safe and reliable bumpers be offered to the car buyer. It is important that we keep our pledge to maintain safe as well as efficient standards in the car industry and, further, that we look critically at attempts to deregulate today's standards. Let us restore the 5-mph car bumper standards; our concern for public safety must be maintained.

A copy of the bill follows:

H.R. 6552

A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the impact test velocity in the motor vehicle bumper standard established by the Secretary of Transportation shall be 5 miles per hour

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1912) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of this Act, any impact test velocity specified in the bumper standard established in part 581 of title 49, Code of Federal Regulations, as in effect on the effective date of this subsection, shall be 5 miles per hour.".●

BILL TO HELP STOP DAMAGE OR DESTRUCTION TO SOCIAL SECURITY COMPUTERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SKELTON. Mr. Speaker, today I am introducing a bill to establish a mandatory minimum penalty for people convicted of willfully destroying, altering, or abusing computers and other resources vital to the operation of the social security system.

The data processing operation of the Social Security Administration is one of the largest in the world. Records are maintained on over 200 million Americans and monthly benefits are paid to over 36 million people. The Social Security Administration utilizes 25 large-scale computers. There are 76 software systems of varying size that comprise the Social Security Administration's basic operations, and these software systems consist of more than 1,200 computer programs in all. Most of the information vital to getting social security benefit checks out is stored in some half-million reels of magnetic tape. All of these resources are essential to the effective operation of this Nation's most important social program, yet we continue to learn of acts of vandalism, sabotage, or malicious alteration which threaten to bring the system down. We cannot afford to jeopardize the financial security of 36 million social security beneficiaries.

Last October, the Wall Street Journal reported on "malicious mischief" at the Social Security Administration's main computer facility in Baltimore. They cited instances of memory discs being intentionally scratched, of tapes containing beneficiary information being thrown in the trash and of various damage to computer machinery. Plugs from operating computer equipment have been kicked out of wall sockets and air-conditioning systems have been turned off. These may seem like small pranks from our own experience, but when dealing with computer systems, these malicious acts can cause serious and expensive computer damage.

Vandalism is not the only security problem for the Social Security Administration. Rhoda Mansher, the former director of the Social Security Administration Office of Systems Development, testified last September before the House Government Operations Committee that she resigned her position because the constant threat of sabotage made her job impossible. She resigned in June 1980, a few weeks after a Baltimore television station got an anonymous threat that the computer program tapes at the main computer facility would be destroyed. That threat required her to make copies of the major program tapes and hide them every night. In the morning she would compare the copies with the tapes running in the computers to make sure that the little magnetic marks controlling our most vital social program had not been tampered with.

In a GAO report which has yet to be published, continuing acts of malicious alteration of social security tapes are reported. Fictitious beneficiaries can easily be entered in the system or deceased beneficiaries can continue to receive checks with a little creative programing.

Mr. Speaker, the social security system is experiencing financial difficulties which, if left unattended, could threaten the well-being of all our Nation's retirees and disabled. The threat of costly vandalism, sabotage, or alteration of social security records and equipment, however, is just as serious. The legislation which I am introducing today would come down hard on anyone convicted of tampering with social security computers and other vital resources. It calls for a mandatory minimum penalty of 3 to 10 years in prison without parole for anyone convicted of willfully destroying, altering, or abusing the equipment, facilities, support systems, or material resources of the Social Security Administration which the Commissioner determines to be vital. In addition, a person could be fined up to $50,000. In determining those resources vital to the operation of the social security system, the Commissioner should consider hardware and software components, storage media, and facility support systems such as electrical and air-conditioning resources.

Our commitment to a sound social security system does not end with getting the checks out every month. The Social Security Administration must maintain accurate records on every worker, beneficiary, and dependent in this Nation. This job could not be done without a dependable computer system. Guaranteeing the security of these computers, guaranteeing the benefits of the American workers, retirees, and disabled, is our responsibility. We must have a law to stop destruction of social security computers. I hope my colleagues agree, and will join me in cosponsoring this important legislation.●

MR. CHARLES ADAMS OF STATION WEEU

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. YATRON. Mr. Speaker, in my most recent trip back to the district I had the opportunity to see a good friend of mine, Mr. Charles Adams, who is a very talented, creative and capable news announcer for radio station WEEU in Reading, Pa. Mr. Adams prepared a news feature for the station and was kind enough to give me a cassette tape and transcript of his remarks. After listening to the tape, I thought Mr. Adams' feature should be shared with the rest of my colleagues in the House. I am submitting a copy of the feature to the CONGRESSIONAL RECORD that others can appreciate Mr. Adams' fine sense of humor and enjoy his witty and interesting piece.

From the Hallowed Halls of Congress have come countless Bi-partisan, co-sponsored bills that help regulate our lives and keep all good Americans on the straight and narrow . . . most notable, the Gramm-Latta

and Kemp-Roth, Taft-Hartley, etc. etc. well, we scoured the "Congressional Handbook" of the 97th Congress, to see what mythical bills could be concocted by using the names of actual Senators and Congressmen.

So here goes. First, Congressmen Jim of Texas and Melvin of Illinois could go a long way by introducing a "Wright/Price" bill to solve the budget dilemma.

And, a companion piece of legislation could come from Congressmen Bill of Alabama and Tim of Colorado could offer a "Nickols/Wirth" proposal.

The ever-mounting problem of tongue-twisters could be legislated by Florida's Claude and Texas's J.J. Pickle and Pepper, who could be joined by New York's 23rd District Congressman to introduce the "Peter Peyser/Pickle/Pepper" bill.

And, of course, Congressman Pickle could link up politically with Pennsylvania's senior Senator to sponsor the "Heinz/Pickle" bill.

And, caviar could be regulated by New York's Hamilton and New Jersey's Robert in the "Fish/Roe" bill.

Auto racing would be the topic of Oklahoma's Congressman Wesley and Ohio's Senator John in the "Watkins-Glenn" proposal.

And, auto safety is the topic of Kentucky's Wendell and Arkansas's Dale "Ford/Bumpers" bill.

And, the publishing industry would benefit if Congressmen from Illinois and Pennsylvania would unite for the "Simon and Shuster" bill.

Golfers would take note of any legislation proposed by Congressmen from Maryland and Florida in their "Byron/Nelson" bill.

And, if the Senator from Ohio and a Congressman from South Carolina even got together on a bill affecting the entertainment business, the "Glenn/Campbell" bill might evolve.

And, Congressmen from Maine and Texas could combine for a fairy tale bill, the "Snowe/White" Act. Congressman White could in turn offer a bill dealing with Santa Claus, by joining with colleagues from Maryland and Tennessee for the "Long/White/Beard" bill.

And, of course, egg farmers would take note of any bill offered by West Virginia and Utah Senators in their "Byrd/Hatch" bill.

And a major foreign policy bill could be introduced by legislators from South Carolina, Florida, Virginia and Oklahoma, in the "Holland/Ireland/Paris/English" bill.

And finally, if Congressman John of California and Gene of Missouri were to unite, they could introduce a "Burton/Taylor" bill—which just might have a tough time of passage if Senator Warner decided to veto it!

For WEEU news, this is Charles Adams.●

THE SMALL-ISSUE INDUSTRIAL DEVELOPMENT BOND ACT OF 1982

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. MARKEY. Mr. Speaker, today I am introducing a bill which will permit the pooling of small issue industrial revenue bonds. This bill, the Small-Issue Industrial Development Bond Act of 1982, is aimed at preserving one of the most important means of access to capital for many small businesses.

Industrial revenue, or development, bonds, are the tax-exempt instruments used by State and local governments as a means of stimulating industrial expansion. Through the issuance of these IRB's, localities are able to exert a great deal of influence over their future economic development. These tax-exempt bonds have taken on an ever greater importance since the beginning of the lengthy period of record-high interest rates, from which we are currently suffering.

Without these small-issue IRB's, small businesses are forced to borrow money as high as 2 or 3 points above the prime rate in order to meet their capital needs. Small-issue IRB's have enabled many small businesses to obtain working capital at prices closer to 60 or 80 percent of the prime rate. Oftentimes, this wide difference in the cost of capital has meant the difference between business expansion and job creation, and the canceling of projects. It is a well-documented fact that small businesses have created nearly 90 percent of all new jobs in this country in the last decade. We must not cut off this key source of capital for small business.

The results of the use of industrial revenue bonds have been dramatic. In Massachusetts, for example, the Massachusetts Industrial Finance Agency has given final approval to over $1 billion in IRB's in just the last 3 years. The use of tax-exempt funding, in conjunction with locally designated commercial area revitalization (CAR) districts, has significantly rejuvenated aging downtown areas in cities such as Malden and Melrose. And, perhaps most importantly, the Massachusetts Industrial Finance Agency estimates that the use of IRB's has created 40,000 new, permanent jobs.

Despite the tremendous boost of economic growth and job creation, IRB's have been subject to considerable criticism, mostly as a result of a number of highly publicized abuses. No one denies that the issuance of IRB's demands strict public scrutiny to insure that they are meeting desired goals. But the relative minority of abuses should not result in the elimination of this important program, or in any restriction which could dramatically reduce its effectiveness.

On August 24, 1981, the Internal Revenue Service issued Revenue Ruling 81-216, which effectively would prevent State and local governments from bundling small-issue IRB's into a larger bond offering. This rule would require each small issue to be handled individually, resulting in significantly higher administrative costs for issuing these IRB's. The effect is clearly discriminatory against small business, since the ruling would only affect bonds of less than $1 million. The size of bonds for large businesses are usually far bigger.

Mr. Speaker, the legislation I am introducing today is quite simple. It would reverse the IRS ruling of last August, and permit the pooling of small-issue IRB's. I believe it is critical that Congress acts to preserve this vital source of capital for small business. At a time when Congress is in the midst of a vital debate on the future of our economy, we should be striving to sharpen the tools in our arsenal to stimulate economic growth, not remove them. Small-issue industrial revenue bonds are an important part of that arsenal, and this legislation will guarantee their continued availability.

Mr. Speaker, I include a copy of this legislation in the RECORD at this time:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to provide that any small issue which is part of a multiple lot shall meet the requirements of the small issue exemption

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(b)(6) of the Internal Revenue Code of 1954 (relating to exemption for certain small issues) is amended by adding at the end thereof the following new subparagraph:

"(K) SPECIAL RULE FOR MULTIPLE LOT ISSUES.—

"(i) IN GENERAL.—An obligation which is part of an issue which issue otherwise meets the requirements of this paragraph shall not be treated as not meeting such requirements if such issue is part of a multiple lot issue.

"(ii) MULTIPLE LOT ISSUE.—For purposes of this paragraph, a multiple lot issue consists of 1 or more issues with respect to which—

"(I) all of the obligations are sold substantially at the same time and at substantially the same rate of interest,

"(II) the obligations are sold under a common plan of marketing, or

"(III) a common or pooled security will be used, or is available, to pay debt service on the obligations.".

(b) The amendments made by this section shall apply to obligations sold after August 23, 1981.●

WEISS OPPOSES ABORTION RESTRICTION IN SMALL BUSINESS ACT AMENDMENTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. WEISS. Mr. Speaker, I am greatly disturbed by the inappropriate and unnecessary antiabortion language that is included in H.R. 6086, a bill which amends the Small Business Act and the Small Business Investment Act of 1958. This represents another in a long line of dangerous attempts by a small, well-funded minori-

ty to impose their morality and personal code of behavior on all Americans.

Section 12 of this bill denies Small Business Act financial assistance to any business which performs abortions, engages in research on abortion, promotes or recommends abortion, or trains any individual to perform abortions. The Senate bill rightfully contains no such provisions.

Enacting antiabortion language as part of this important bill smacks of irresponsible legislating for the sake of political expediency. These restrictions were inserted before any analysis was done on their implications for small business. There have been no hearings and very little public discussion on this matter. Consequently, most Members, both in committee and on the floor, were forced to vote on this provision without any substantive information about how it relates to the plight of small businesses across the country.

Mr. Speaker, I believe that we must put a halt to the efforts of abortion opponents to arbitrarily sabotage, confuse, or hold hostage important pieces of legislation in order to further their narrow position. It is tragic that the actions of the Congress have so eroded the constitutionally protected rights of millions of women and that the issue continues to be recklessly injected into more and more areas of legislative concern.

For these reasons, I urge the conferees to recede to the Senate and drop this provision in conference.●

IMPORTANT PROVISIONS OF THE LATTA BUDGET VERSION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. CLAUSEN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues two important provisions which have been included in the Latta version of the first concurrent budget resolution for fiscal year 1983. One of the provisions relates to user fees; the other relates to 90 percent self-financed trust funds.

However, before describing the provisions, I would like to commend the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL); the distinguished minority whip, the gentleman from Mississippi (Mr. LOTT); the distinguished ranking minority member on the Budget Committee, the gentleman from Ohio (Mr. LATTA); and the other Members of Republican leadership for including these perfecting amendments in the minority substitute. I thank also my Public Works Committee colleague from Pennsylvania (Mr. SHUSTER), who is also a member of the Budget Committee, for his valuable assistance in this successful effort.

These provisions are virtually identical to the amendments which I was prepared to offer to each of the category B substitutes during initial House consideration of the budget resolution. As my colleagues are aware, both the user fee and trust fund issues were resolved by the house prior to the time that my amendments became in order, and thus it was not necessary for me to actually offer them.

I would now like to describe each of these provisions so that the Members of the House will be fully informed when the House continues its consideration of the first concurrent budget resolution for fiscal year 1983.

The user fee provision adds language to the Ways and Means reconciliation section of the budget resolution to provide that if any of the increased revenues, which the Committee on Ways and Means is directed to develop, involve the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House or the imposition of any new or expanded user fee within the jurisdiction of any other committee of the House, an appropriate referral pursuant to rule X of the House should be considered.

This provision does not change a single number in the budget resolution. It is purely technical in nature and is intended to do nothing more than assure that our current House rules relating to committee jurisdiction will be scrupulously followed with respect to any new user charge legislation proposed pursuant to the concurrent resolution.

Under our House rules and normal legislative procedures, there would be no need for this amendment. House rule X requires that all matters relating to subjects within the assigned jurisdiction of a particular committee be referred to that committee so it can consider the matter and report to the House with respect thereto. When, in the course of developing legislation, one committee includes a provision or provisions under the jurisdiction of a second committee, that second committee has a right under rule X to receive a sequential referral of the matter involving its jurisdiction.

I do not believe that anything about either the budget-setting process or the concurrent resolutions we have here before us today should negate the applicability of rule X to this legislation. However, these are not normal times, reconciliation is not a normal procedure, and the form of the reconciliation instructions is unique.

Thus, someone could somehow argue, because of all this unusualness we are caught up in, that authorizing committees having legitimate expertise and unquestioned jurisdiction are precluded from exercising their rights under House rule X, should the Ways and Means Committee choose to respond to its reconciliation instructions by recommending the establishment of new user charges under the jurisdiction of those authorizing committees.

There is no doubt in my mind, and I cannot imagine that there is serious doubt in anyone's mind, that the authors of the Budget Act ever intended to produce such a result.

Let me give an example of the kind of situation this amendment is trying to address. Twice this Congress, the administration has submitted proposed legislation calling for the imposition of new deepwater port user fees. Both administration bills were introduced by request in the House and both bills, H.R. 2959 and H.R. 5073, were referred only to the Committee on Public Works and Transportation. If the Ways and Means Committee, in responding to its reconcilitation directive to raise revenue, was to propose deepwater port user fees, it would be the intent of this provision to assure that the Public Works Committee would receive a sequential referral of the appropriate portion of the legislation.

There are similar but somewhat different problems with respect to current administration proposed legislation calling for new inland waterway user fees. And I suspect that other authorizing committees may be in a similar position concerning other types of user fees, such as Coast Guard fees.

This provision simply assures the authorizing committees with jurisdiction over programs covered by the new fees of their rights under House rule X. It does nothing more. It neither requires new user fees, nor does it prevent them. Rather, the amendment merely provides that if, in responding to the reconciliation instructions contained in this budget resolution, the Ways and Means Committee chooses to recommend new or expanded user fees within the jurisdiction of any other committee of the House, then the latter committee's rights to a sequential referral under rule X of the House would be assured.

The second provision addresses one of the important procedural requirements included in the budget resolution: The so-called deferred enrollment provision. That provision would prohibit final enrollment of any spending bill which exceeds the budget resolution committee spending allocations.

As you know, under the budget resolution substitutes which will be offered, nondefense discretionary spending is, for the most part, held at the fiscal year 1982 appropriated level. Accordingly, the committee allocations under the resolution would reflect

these amounts. However, also included in the resolution is a reconciliation directive to the House Ways and Means Committee to increase aggregate revenues for the next fiscal year. A technical but very real problem that I foresee is that if revenues are increased—specifically trust fund revenue programs—and spending is held at the fiscal year 1982 level, then spending bills which could support these increased program levels would not be able to be enrolled.

Therefore, the amendment proposes to address this specific problem by exempting from the deferred enrollment requirement 90 percent self-financed trust fund spending bills if, and only if, Congress increases revenues for these programs. It is important to note that the exception applies only to the selected trust fund bills which historically apply earmarked revenues for a dedicated purpose.

It does not affect the social security trust funds. It is limited only to 90 percent self-financed trust funds for which revenues are increased and only to the extent that such increases exceed the committee allocations.

Let me share with you an example of how this amendment might come into play.

Most Members are aware that the Secretary of Transportation has been advocating an increase in revenues paid by highway users in an amount equivalent to a 5 cent increase per gallon in the Federal excise tax on motor fuels. Four cents would go into the highway trust fund, and 1 cent into a public transportation trust fund which our committee has requested the Committee on Ways and Means to establish for public transit capital spending.

In the budget process, allocations of budget authority in amounts commensurate with such increases have not been requested. This has been because of the uncertainty over a number of proposals to increase revenues from sources now dedicated to the highway and airport trust funds. This caution was well advised, as events proved, since the President decided just a couple of weeks ago to defer the matter of dedicated highway revenues as far as fiscal year 1983 is concerned.

However, that uncertainty persists. Notwithstanding the President's decision to defer the highway revenue issue, no one can predict with any confidence the outcome of the current budget deliberations or the fate or proposals to increase revenues from a long list of potential sources. If revenues for the highway and airport programs were raised, the constraint against enrollment of authorizing legislation commensurate with those increases would tie the hands of the Congress to no constructive purpose.

This provision would preserve the latitude of not just the Public Works Committee but that of the entire House in dealing with authorizing legislation involving those programs for which new or increased revenue sources ultimately result from the budget process.

This amendment is simply intended to keep the situation open, rather than see it locked up at this point in the budget process. Aside from that, Members would not be committing themselves to anything. Nothing in this amendment would raise trust fund revenues. Nothing in this amendment would govern the use of the increased revenues if taxes for such trust funds were, in fact, increased. Finally, nothing in this amendment would commit any Member to any level of authorization in any bill dealing with trust-fund-financed programs.

Members of this House have clearly recognized the merit of trust fund financing for major capital infrastructure programs such as highways and airports. They have strongly supported the programs, and they have supported the trust funds that sustain them. This support has continued in the years since 1974 when the Budget Act was enacted and, in fact, has been reflected in provisions of that act recognizing the unique character of trust fund-financed programs.

All we ask with this provision is that the same consideration be continued in the case of this budget resolution as we work toward resolution of policy differences which have absolutely nothing to do with the procedural problems which my amendment addresses.

In closing, I would like to reemphasize the limited scope of the trust fund provision. It only applies to those 90-percent self-financed trust funds which are already exempt under section 401(d)(1)(b) of the Congressional Budget Act. Moreover, this provision is only triggered if congress increases one of the user taxes supporting one of these trust funds.

I would also like to take a moment to thank the staff of the Public Works Committee, the Budget Committee, and the House Republican leadership for their efforts with respect to these provisions. While everyone involved did an excellent job, I feel compelled to single out Bill Pitts, John O'Shaughnessy, Jed Morrison, and Ron Boster for the thoroughly professional manner in which they carried out their responsibilities. Despite the enormous pressures they were under with respect to the overall budget resolution, they took time out from their busy schedules to meet with Public Works Committee staff and to allow our staff to present the committee's position on these matters. And finally, I would like to pay special tribute to Sante Esposito, counsel for budget law and economic matters for the Committee on Public Works and Transportation. His work on these provisions, and the budget resolution in general, has been outstanding and has been a benefit to the entire committee.●

TRIBUTE TO JOHN HICKOK, SR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SKELTON. Mr. Speaker, recently, a good friend and a very remarkable Kansas City area resident passed away. John Hickok, Sr., was an active leader in both the business and civil community. It was with great sadness that I learned of his death.

Serving as president of the Dible Development Corp., and partner in the N. W. Dible Co., Jack Hickok was also active in civic and community affairs. He was a former president of the Overland Park Chamber of Commerce, former treasurer for the board of directors of Research Medical Center, and advisory trustee for Big Brothers and Sisters of Greater Kansas City.

Mr. Hickok was also active in the academic community. Serving as president of the board of trustees at Pembroke-Country Day School, he led the fund-raising drive for the construction of the Hall Student Center there. He was also a member of the University of Missouri Kansas City Board of Trustees.

I first met Jack while in school at the University of Missouri. He was a fellow member of the Sigma Chi Fraternity there, and we became close friends. He was ever a source of encouragement through the years. His battle with illness in recent months was an inspiration to all who knew him.

I was truly fortunate to have known Jack Hickok. Although he will be greatly missed by his family and all who knew him, Jack will be remembered for all he has done for his community.●

STATEMENT BY CONGRESSMAN DANIEL K. AKAKA

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. AKAKA. Mr. Speaker, the economics of the world sugar market is too often misunderstood; the history of our domestic sugar policies is too often forgotten. For the benefit of those Members who did not see my "Dear Colleague" yesterday, I would like to insert it in the RECORD, along with the attached analysis by the First Hawaii Bank in support of sugar import quotas.

WASHINGTON, D.C., *June 8, 1982.*

Dear Colleague:

President Reagan's recent decision to impose emergency import quotas on foreign sugar was the most aggressive step taken thus far by this Administration to avoid a massive influx of sugar imports that would destroy the domestic sugar program enacted by Congress last fall.

While this action has been given considerable public attention, we must all remember that a program of import quotas for sugar is by no means a new idea. For 40 years, from 1934 to 1974, the United States had a consistent and effective sugar policy which benefited the consumer, the sugar producer, and friendly sugar exporting nations. The cornerstone of that policy was a system of country-by-country import quotas similar to those imposed by the recent presidential proclamation.

In the period after the expiration of the Sugar Act in 1974, the world price of sugar jumped to 64.5 cents per pound in 1974 and then dropped to 7.07 cents per pound in 1977. In 1980, the price jumped to 44.2 cents and only last week declined to a low of 7.22 cents. The absence of a coherent sugar policy has meant that the domestic sugar price has followed the wildly fluctuating course chartered by world sugar prices. By contrast, the annual average price for domestic sugar during the 40 years when import quotas were in place never varied more than two cents from any one year to another.

Just as the American customer does not benefit from high prices during periods of short supply so, too, he does not benefit from low prices in times of abundant supplies. As pointed out in an article in the Wall Street Journal last December 23, when very high sugar prices pushed the price of sweets up, the price of those products stays up even after the price of sugar falls. This is especially true of prepared products such as candies, ice creams, soft drinks and baked goods. Since almost three-fourths of the sugar consumed in America is consumed in prepared foods, the price "roller coaster" has a particularly harsh effect upon the consumer even when sugar prices are low.

The solution to the price instability which hurts the consumer is a coherent program that will both preserve most of the existing domestic sugar producing industry and assure adequate supplies to consumers at stable prices. Such a program was enacted by Congress in the 1981 Farm Bill. This sugar program is designed to maintain a domestic sugar producing industry which currently satisfies more than half of our domestic needs.

Without a strong and stable domestic sugar industry, there will be nothing to prevent the domestic price from following the "roller coaster" prices of the world market. If the U.S. sugar industry, the fifth largest sugar industry in the world today, fades from the scene, with it will fade our ability to maintain stable sugar prices once we become dependent upon the chaotic world market. With this in mind, the Reagan Administration announced sugar import quotas to protect the price objective established for sugar in the Farm Bill when, in the now familiar price cycle, the world price dropped below 9 cents per pound. Quotas were the only tool available once the world price dropped to such a drastically low level.

The attached analysis by the First Hawaiian Bank will provide you with further insight into the situation I have described. I think you will find it helpful in understanding of the economic realities of world sugar production.

Sincerely,

DANIEL K. AKAKA,
Member of Congress.

[From Economic Indicators, May 1982]

SUGAR IMPORT QUOTAS: THE ONLY ANSWER

Ever since the Congress failed to renew the 40-year-old Sugar Act in 1974, this bank has argued insistently that the only salvation for the U.S. domestic sugar industry would be the reimposition of country-by-country sugar import quotas. This would also protect American consumers from high sugar prices. The Reagan Administration has just reinstituted these quotas, but it is a temporary measure intended to protect the U.S. Treasury from making massive sugar price support payments to domestic growers. These quotas, which will be in effect over the next few months, will stabilize the market, and hopefully show Congress that this is the only solution to the sugar problem—for producers, processors, consumers, and sugar workers. Let us review the problem briefly.

The U.S. produces about half the sugar it consumes. The other half, imported from foreign producers, was controlled from 1934 to 1974 by country-by-country quotas so that the total supply of sugar in the American market would result in a price that would be fair to both domestic consumers and producers. Since 1974, the nation has used various means, all ineffective, to maintain a semblance of a domestic industry. There were direct subsidies by Presidential order in 1977, the de la Garza amendment creating a price support-loan program in 1977–78, various import fees and duties, and finally the inclusion of sugar in the Farm Act of 1981. When the sugar bill failed in Congress in 1979, Congress ratified the International Sugar Agreement, hoping the ISA would control world supply by withholding sugar during low prices and adding to supply when prices rose above 21 cents. However, the European Common Market, among some other exporting nations, declined to be a party to the agreement, and the current world surplus is in large part due to Common Market overproduction.

Sugar available in the world market to fill our national requirements is far more than we need in years of depressed prices, and far less during periods of inflated prices. The so-called world market is normally plagued with an oversupply situation and prices are far below the cost of production, as at present with sugar selling below 9 cents a pound. Less frequently shortages develop and prices skyrocket to astronomical heights. The current oversupply situation has been marketed by "massive imports," according to President Reagan. Agriculture Secretary John Block described it succinctly when he said, "The U.S. has become a magnet for sugar produced in other countries, even to the diversion of shipments already at sea."

Why is the U.S. a magnet for distressed foreign sugar? Simply because sugar is the most tightly controlled commodity in the world, with all the major importing countries except the U.S. buffering themselves against the vagaries of the world sugar market by having long-term agreements with exporting nations to provide them with a normal supply at a normal price—with no other sugar able to enter the country. These long-term agreements funnel 82 percent of world sugar production into a definite market at a definite price even before the sugar is grown.

The remaining 18 percent of production constitutes the world market. This is the world's worst boom-and-bust market for any commodity. The New York spot price, which reflects the world price went from 9.3 cents a pound in 1973 to 64.5 cents in 1974 to 14.2 cents in 1975 to 44.2 cents in 1980. Since the price support program passed Congress last year, the spot price has ranged from 16.8 cents to around 19 cents, but the world price was less than 9 cents a pound in the first week of May. The U.S. is the only major country in the world that has chosen to ride this roller coaster, probably because of our dedication to the concept of free trade. But the boom-and-bust world sugar market is not one in which free trade could ever work to the benefit of the trading countries.

With this volatile world sugar market more often depressed than inflated, why hasn't the American consumer benefited? With more cheap sugar years than expensive sugar years, why isn't the consumer the winner? The reason is that most of the sugar consumed in America is consumed indirectly—in the candies, ice creams, soft drinks, and baked goods that we buy. And, as an article in the Wall Street Journal pointed out last December 23, when very high sugar prices push the price of these sweets up, the price stays up after the price of sugar falls. The result is that the American consumer lives with high sweetener prices even when sugar becomes cheap again. For the two-thirds of our sugar that we consume indirectly we ride the "world" sugar price cycle when it is rising, but we don't ride it when it is falling.

President Reagan's decision to impose country-by-country import quotas at this time is seen as an emergency action to protect the treasury and not necessarily to protect American sugar producers from going out of business nor to protect consumers from periodic astronomical sugar prices that stay high permanently. But anyone who knows the working of the so-called world sugar market knows that this "emergency" is permanent, although it changes its form as world sugar supplies shift from surplus to shortage and back to surplus in a never-ending cycle. It is time the Administration and the Congress realize what the true situation is after eight years of turmoil following the death of the Sugar Act. Reenactment of sugar import quotas will not affect President Reagan's Caribbean Initiative adversely. The nations targeted for special treatment under this program could be given a larger quota and a preferential tariff. And these nations would have a guaranteed market with prices slightly higher than the world price as an incentive to fulfill their quotas. During the 40 years when the U.S. assigned marketing quotas to domestic and foreign producers, the nation encountered no emergencies, American consumers, producers, and sugar workers all benefited, and the federal government didn't have to spend a penny from the general fund. Instead, more than half a billion dollars was added to the U.S. Treasury during the life of the Sugar Act as a result of sugar processing taxes levied in excess of the costs of administering the act.●

PROBLEMS WITH LAW OF THE SEA: A FURTHER ANALYSIS

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, on April 21, 1982, I pointed out to the Members of this body some of the problems that the U.S. fishing industry might face if the Law of the Sea Treaty were signed by the United States. The potential effect of the treaty on the fishing industry has not received a great deal of attention, partially because those who reviewed the fisheries sections of the treaty for the U.S. Government prior to the latest negotiating sessions refused to consult with the fishing industry.

Since my April statement, the Third United Nations Conference on the Law of the Sea agreed to adopt a draft treaty by a vote of 130 to 4, with 17 nations abstaining. The United States, which called for the rollcall vote, was one of the four nations voting against adoption.

While I applaud the President's decision to vote against adoption, I am concerned about continued attempts by treaty supporters to press for eventual U.S. acceptance of the treaty. My colleagues should note that the opinions of some of these supporters, many of whom possess impeccable academic credentials, may be somewhat influenced by the professional relationships that these individuals have maintained with groups in countries that voted in favor of adoption of the treaty. The treaty will be open for signature in December. If the United States were to reverse its position, this could cause serious problems for our Nation.

Because the treaty is now being reviewed by the U.S. Government, I am presenting a further analysis of the potential impacts of the treaty on the U.S. fishing industry so that my colleagues can consider the serious implications of U.S. approval of the treaty.

LAW OF THE SEA AND U.S. FISHERIES MANAGEMENT

It is difficult to analyze the treaty because of the lack of a clear legislative history and the use of terms which are not defined within the body of the treaty. In many cases, arguments could be made which could result in opposing or conflicting conclusions. Therefore, any analysis of the treaty must consider U.S. and foreign governments' positions, past U.S. fisheries policy, and the existing political climate, both foreign and domestic.

Fisheries management in the FCZ is based on the policies, purposes, and statutory requirements of the MFCMA. The law recognizes the need for conservation and management of fish stocks; provides a clear distinction between domestic and foreign fishing; defines management tools to be used; and establishes a system to manage both foreign and domestic fishing.

Recent U.S. fisheries policy has been to promote the development of the U.S. fishing industry and to manage fisheries within the FCZ in ways which will achieve this goal. To emphasize the goal of full development of the U.S. fishing industry, the Congress enacted the American Fisheries Promotion Act which, among other things, expanded the list of criteria which the Secretary of State must use when granting fishing privileges to foreign nations which seek to fish in the U.S. FCZ. These criteria reflect the goal of full development of the U.S. fishing industry by conditioning allocations on such things as purchase of processed fish products, the establishment of joint ventures with U.S. fishermen, transfer of fishing technology, and cooperation in research. These criteria are also included in the new Governing International Fishery Agreements (GIFA's) which are being negotiated by the U.S. Government.

The State Department has also recently changed the way in which allocations are released to foreign fishermen. Before 1982, foreign nations received their allocations at the beginning of each year. The U.S. Government has interpreted both the MFCMA and the existing GIFA's to preclude taking back fishing privileges once we have granted these privileges. Thus, if country X demonstrated a lack of cooperation with U.S. fishermen by, for example, not honoring its promises to engage in joint ventures, the U.S. Government had little leverage with which to induce cooperation that year. In 1982, the State Department adopted a new allocation policy which called for the release of allocations three times each year. This provides the U.S. Government with necessary additional leverage with which to develop U.S. fisheries.

However, were the United States to accept the treaty, we would be required to accept additional factors to consider before we granted allocations. Among other things, we would be required to take into account the need to minimize economic dislocation in States whose nationals have habitually fished in the zone. While this is only one factor to be considered and need not be the factor which determines who gets what fish, Japan has already used the economic dislocation argument to protest both the new allocation policy and an allocation reduction the United States made in conformance with the MFCMA allocation criteria:

The Japan Fisheries Agency on March 23, 1982, stated that the three-step allocation system will be damaging to operational efficiency of the Japanese fishing fleet;

In a letter to Secretary of State Alexander Haig on April 30, 1982, the Honorable Yoshio Okawara, Ambassador of Japan, said: "Japan deeply regrets such a drastic reduction of catch quota because of its tremendous adverse impact upon the Japanese fishing industry . . . the delay of the allocation already resulted in serious dislocation among Japanese fleets . . .";

The Japan Fisheries Association, a Japanese fishing industry group, used the economic dislocation argument in its protest about the second 1982 allocation, stressing that the allocation was smaller than Japan expected.

Not surprisingly, Japan is pressing hard for us to include the economic dislocation test in its renegotiated GIFA. The test is already in the existing GIFA, although not in U.S. law—a damaging incongruity that should not be perpetuated or repeated elsewhere.

Under the MFCMA, a nation dissatisfied with the allocation it receives may either keep fishing until its allocation runs out or stop fishing immediately in the FCZ. In either case, it is still possible for that nation to receive a larger allocation in the future if it complies with the allocation criteria U.S. law outlines. Under the treaty, a State which were to allege that the United States had arbitrarily—a word which is not defined in the proposed treaty—refused to allocate the whole or any part of any declared surplus—that is, those fish which U.S. fishermen will not catch—could take the United States to conciliation. Conciliation by its nature is nonbinding and in no case can the conciliation commission substitute its discretion for that of the coastal State. However, a State's refusal to enter into conciliation shall not constitute a bar to conciliation proceedings. This could allow a State—for example, Japan—which has said it considers that the United States is ignoring alleged economic dislocation of the Japanese fishing fleet by reducing Japan's allocation—a result of implementing the policy to benefit the U.S. fishing industry—to call for conciliation in every instance where Japan did not get all the fish which it thought it deserved.

Under the treaty, then, the United States might face sufficient challenges to our new development-oriented fish-

---

NOTE.—Certain statements in the previous analysis require technical clarification so that there is no misunderstanding. The exclusive economic zone (EEZ) which would be established by the treaty "corresponds" to the Fishery Conservation Zone (FCZ) established by the Magnuson Fishery Conservation and Management Act (MFCMA) in the sense that fishery management authority within 200 nautical miles of the base line is provided to each adjacent coastal State under the treaty and to the United States under the MFCMA. The language in article 59 of the treaty has a bearing on dispute settlement involving fisheries issues to the extent that unanticipated ocean uses may impact them. In addition, a coastal State's refusal to grant another State access to surplus fish does lead to compulsory conciliation, although not automatically; the conciliation process is available if another State were to challenge the coastal State's refusal.

eries policy to cause the executive branch to reconsider its aggressive implementation of this policy to avoid spending all of its time before a conciliation commission. Worse still, as a matter of "good faith" or out of fear of damaged relations, the United States might act to accommodate foreign interests, pending conclusion of the proceedings. Even if the United States continued to take a prodevelopment position, a dissatisfied State could decide to take other actions to influence a change in policy. Among these might be interfering with the importation of U.S. fish products into that State, or withdrawing from joint venture arrangements with U.S. fishermen. Many States are now using similar economic measures to support foreign policy objectives.

The treaty also requires a coastal State to seek to minimize economic dislocation in anadromous species fisheries. Under the MFCMA, the United States asserts management authority over U.S.-origin anadromous fish throughout their ranges, except where fish are found within the 200-mile zones of other nations. Although under the treaty the United States could establish harvest levels for anadromous fish, there is no mechanism by which the United States might enforce those harvest levels outside of our EEZ. Further, we would probably have to accept other States' fishing for U.S.-origin anadromous species outside of our EEZ where to prohibit it could result in economic dislocation for a State other than the United States. This freedom for other States to fish for anadromous species on the high seas is only ameliorated somewhat by the requirement that States consult and enter into cooperative agreements for the renewal of stocks (including the expenditure of funds by States other than the State of origin for such purpose) and the terms and conditions of fishing. Enforcement of regulations would be by agreement between the State of origin and other States concerned.

Again, under the treaty, we would be forced to assess the relative weight of the need to minimize dislocation for other fishing States as a factor which we would have to consider in managing fisheries. If the United States were to set a harvest level equal to the domestic catch of salmon, Japan, for example, which now conducts a high seas gillnet fishery for salmon, could argue that the United States was ignoring the economic dislocation that could result in the Japanese salmon fleet. If this were to lead to no agreement between the United States and Japan on the level of high seas fishing, then neither would any enforcement mechanism exist. If the United States were to use allocations for other species within the EEZ as a lever to induce cooperation (as the United States did in 1978, by way of threat, to force a decrease in the existing high seas fishery), then the United States could use the conciliation process. Under the treaty, the simplest course of action of the United States might be to continue to allow a high seas salmon fishery.

We should also be aware that even if the United States were only to sign, not ratify, the treaty, we could still find ourselves with problems. For example, section 201(e)(1)(H) of the MFCMA allows the Secretary of State to consider other matters as he deems appropriate when he makes allocations. He could choose to consider the need to minimize economic dislocation as such a matter.

One cannot say for certain that the Secretary would use this criterion. However, we must be aware of the possibility in view of past U.S. Government actions:

In 1980, Japan received an extra allocation of 200,000 metric tons of fish when the United States was seeking support for its boycott of the Moscow Olympic Games. That same year, the U.S. Coast Guard seized 11 Japanese fishing vessels for violating the MFCMA, a noncompliance record that no other nation has duplicated.

In 1977 and 1978, Mexico received allocations of bottomfish in the FCZ off Washington, Oregon, California, and Alaska, despite its lack of a historical fishing record for those species. Mexican vessels did not catch these quotas; Korean vessels did under joint venture arrangements, thus causing market access problems for the United States.

Since 1980, we have denied the Soviet Union an allocation, despite considerable Soviet cooperation with U.S. fishermen.

The so-called fish and chips policy (trading fishing privileges for cooperation with the U.S. fishing industry) has helped to minimize the use of allocations for nonfisheries-related matters; however, the potential for nonfisheries use remains, and supporters of the fishing industry in the Congress and the executive branch have often had to fight to make existing domestic fisheries policy work in spite of challenges from elements of the U.S. State Department.

Thus, the treaty presents potential problems for the U.S. fishing industry by expressly requiring consideration of factors sympathetic to foreign fishermen in the granting of access to the fishery resources off the United States and by providing a mechanism which dissatisfied nations could use to challenge U.S. fishery management decisions. The U.S. initial opposition to adopting the treaty supports the U.S. fishing industry. A change in our position could present serious difficulties for U.S. fishermen and processors who are seeking full development of the U.S. fishing industry.●

APPOINTMENT OF CONFEREES ON URGENT SUPPLEMENTAL APPROPRIATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

●Mr. FRENZEL. Mr. Speaker, today we had the opportunity to express ourselves on the tax deductions made available to Members of Congress late last year.

On the first vote, the previous question, I voted "yes," because I believe Members should be treated like other business people.

The old #3,000 deduction which was technically auditable, but in fact it was auditproof, is indefensible today. I have no objection to changing the current law to remove the $75 daily expense assumption, although I do not think it is unreasonable. But, a return to the old $3,000 law makes no sense at all.

Reasonable away-from-home legislative expenses should be deductibe. There should be no floor for deductibility. The expenses should be real. I would not object to a ceiling on expenses to prevent taxpayer financing of an unnecessarilyhigh lifestyle.

The second vote, on the Schroeder amendment, would have instructed House conferees to recede and concur to Senate Amendment No. 62. That amendment would have reinstated the old $3,000 floor and ceiling. I voted against if for the same reason I voted against the previous question.

The final vote today was on the Myers motion to instruct the House conferrees, as amended by the Schroeder amendment. The final vote introduced a new element for it also included instructions to the confees to recede and concur to Senate Amendment No. 50. Senate Amdnement No. 50 would restore the legal requirement, adopted in 1977, and restated in 1980, but never observed, that the Federal budget be balanced. I voted "yes," not because I expect an immediate balance but because I want to keep that important target in a place of prominence where Congress cannot ignore it.

The net outcome of all these votes may be nothing because the urgent supplemental appropriation to which these instructions refer is likely to be vetoed in other grants.

Finally, Mr. Speaker, the chairman of the Ways and Means Committee today announced he will include a new law with prospective effect, which will provide for deductibility of real expense. That effort, which I endorse, would provide not only for rough equality between all traveling taxpayers, but would also do it only for future years.

Much of the public compliant against congressional handing of its pay allowances, and expense deductibility has been directed at actions which took effect either immediately or ex post facto Obviously, a propective law, applying only to a Congress to be elected in the future, would not be considered to have been enacted in the dark of secrecy.

I am concerned that this body is often too anxious to rub ashes on its head. We ought to be above board and transparent in any legislation, especially that which applies to the Members. But, we ought not be too eager to create special tax classes for ourselves which ar inferior to those for other taxpayers. We ought to be as nearly equal as possible.●

A TRIBUTE TO BRYAN "WHITEY" LITTLEFIELD—LONG BEACH LEADER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ANDERSON. Mr. Speaker, this Friday, June 11, 1982, the many friends of Bryan W. "Whitey" Littlefield will gather aboard the RMS *Queen Mary* to honor him for his many contributions in making the city of Long Beach, Calif., a better place to live and work. Specifically, Whitey will be the recipient of the Long Beach Lung Association's first-ever "Humanitarian Award."

Born on Christmas Day, 1932, at Salt Lake City, Utah, Whitey became a resident of southern California 5 years later. After attending area schools, Whitey started in the wholesale beer business in 1954 as a beer truckdriver and soon thereafter, began working with most of the major distributors in the Los Angeles area. Owner of a liquor store from 1961 to 1963, Whitey went back into the beer business and in 1967 became general manager of Somerset Distributors.

An eager readiness to contribute and a sincere commitment to community betterment have been the traits of Whitey's involvement with many civic organizations. His present and past involvements include: Vice president, Long Beach Convention and News Bureau; board of trustees, Long Beach Community Hospital; chairman, Business and Industry—United Way, 1978 campaign; founding chairman, Long Beach Police Widows Trust Fund; honorary Long Beach P.O.A. founding chairman; vice president Cedar House Child Abuse Center; member, Long Beach City College Board, Delta Phi Kappa and distinguished friend of the college, life member; lifetime member, Long Beach Junior Chamber of Commerce; past chairman of the board of directors, Boys Club of Long Beach; past president 49ers Athletic Foundation; honorary member, Signal Hill Police Department; former member of the board of directors, Long Beach Symphony; honorary Boy's Club distinguished alumni of Hollywood; member of the board of directors of the Jewish Institute for National Security Affairs, Washington, D.C.; member, Fine Arts Affiliates, California State University at Long Beach; past director, California Beer Wholesalers Association; life member, No. 7 Long Beach Police Officers Honorary Committee; president's forum, Long Beach City College; founding chairman, Long Beach Grand Prix Charities Foundation; and, 1982 Golden Man and Boy Award, Long Beach Boys Club.

Mr. Speaker, few citizens can claim to have done as much for their community as Whitey has done for Long Beach. In all his endeavors, he has proven himself to be an able and generous leader. To the people of Long Beach and the surrounding harbor area communities, the benefits of this man's dedication are readily apparent.

My wife, Lee, joins me in congratulating Whitey upon receiving this well-deserved award. His dedication, leadership, and service to Long Beach and the entire South Bay community is greatly appreciated by us all. We wish Whitey, his son, Bryan, Jr., and his three daughers, Linda, Lorraine, and Shari, all the best, and hope that the years ahead will continue to be not only successful ones, but happy years as well.●

HUMAN RIGHTS: AN AMERICAN WEAPON

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. OBEY. Mr. Speaker, there has been intense debate in this country over the proper role human rights considerations should play in American foreign policy. I am inserting in the RECORD at this time an article by Rev. J. Bryan Hehir who is known to many of us. Father Hehir, a Roman Catholic priest is associate secretary of the U.S. Catholic Conference's Office of International Justice and Peace. I think this article superbly places in perspective the role that human rights considerations can and must play in the foreign policy of a great democratic nation if it is to lay claim to leadership in the broadest sense of that word.

The article follows:

HUMAN RIGHTS AND THE NATIONAL INTEREST

(By J. Bryan Hehir)

(The philosophical discussions about the nature and origins of human rights are learned, complex and fascinating; it can certainly be argued that before a statesman decides to make a national goal of their promotion he should have a firm moral theory about their essence and their foundations. But much of the literature has a tendency to overcomplicate what is already a formidably difficult subject.)—STANLEY HOFFMANN, Duties Beyond Borders.

Heeding this cautionary note from a perceptive theorist who has explored the philosophical dimensions of rights policy, my limited purpose here is to examine three concepts from Roman Catholic theory that structure the Church's participation in the human rights debate. These concepts are: (1) the foundation of human rights; (2) the range of human rights claims; and (3) the conception of the state in international relations today. The argument is drawn from two contemporary Catholic statements, Pope John XXIII's "Peace on Earth" (1963) and Pope John Paul II's U.N. address of 1979.

The foundation of human rights in the Catholic tradition is the dignity of the human person. John XXIII opened the first chapter of "Pacem in Terris" with a statement summarizing the traditional case: "Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle: that every human being is a person; his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature, which are therefore universal, inviolable and inalienable."

This argument that human dignity is the basis of human rights is rooted in the teaching of Pius XII, was reaffirmed in Vatican II's "Declaration on Religious Liberty," and has been stated with new power and originality by John Paul II. The argument that the person has transcendent worth or dignity has its source in the origin and destiny of each person and in the way the person reflects the presence of God in history. The argument is cast in both philosophical and theological terms; the full appeal is to the resources of both disciplines, although the Catholic conviction has been that an argument from reason, useful in a pluralistic context, can sustain the claim of a unique dignity for the person.

The political significance of this argument is that it protects the person from absorption by any human institution or subordination to any ideology. Since the person has a transcendent destiny—that is, beyond history but achieved through history—no political or economic system can subordinate the person totally to its ends. It is this conviction that was cited by Carl Fiederich years ago as the reason the Church would always have to oppose the totalitarian tendencies of a state.

The logic of the Catholic case moves from dignity to rights, from an affirmation of transcendent worth to an argument about the kinds of rights needed to protect human dignity. Both "Peace on Earth" and John Paul's U.N. address elaborated a spectrum of human rights understood to flow directly from the dignity of the person. The enumeration cuts across the conventional political-civil vs. socio-economic rights. The papal position argues that both are necessary for human development, and society has a responsibility to create the conditions under which both kinds of rights can be protected and pursued. This complimentary conception of rights is, of course, reflected in the

U.N. Declaration of Human Rights and its supporting convenants.

There is contained in Catholic social thought an extensive discussion about the distinct roles of diverse institutions in realizing these rights for the person in a social system. The argument entails a doctrine of the limits and functions of the state, the role of intermediary institutions, and the relationship of Pius XII's principle of subsidiarity to John XXIII's discussion of the process of socialization. What one can conclude about the role of human rights in foreign policy from this social theory is that rights are to be conceived broadly and that a nation should assess its performance and that of other states in light of how political-civil rights are protected and how socioeconomic rights are promoted.

The third contribution of Catholic social theory to the human rights debate is its conception of sovereignty. A continuing theme in the foreign policy process is that the recognition of state sovereignty, the principle on which the international system has operated since the Peace of Westphalia, restricts the role of human rights in foreign affairs. Catholic theory begins its assessment of international politics with a conception of human community, divided into states by historical accident and/or human decision, but bound together by rights and duties to both individuals and states.

This view does not deny, in theory or practice, the significance of the sovereign state in the existing international system, but it continually stresses that national sovereignty is not a moral absolute. In Pope John's words: "The same moral law which governs relations between individual human beings serves also to regulate the relations of political communities with one another." This view attributes a relative moral value to state sovereignty; it fulfills specific, limited, justifiable purposes but does not place the state above or apart from the moral law.

"Peace on Earth" situates the state within a framework of moral and legal restraint. It rejects the idea of the state immune from criticism by its own citizens or by other states, groups, and individuals in the international community. State boundaries do not negate moral responsibility. Violations of basic human rights within sovereign states are an international and not a purely internal issue. That is why a foreign policy should have a human rights component.

POLICY ANALYSIS

Catholic social theory affirms the need for the inclusion of human rights in foreign policy. But the move from philosophical assertion to policy prescription is a complex journey, an exercise in ethical calculus. The two principles that guide the journey are that human rights are a legitimate and necessary element in a balanced conception of national interest, and that human rights concerns must be woven through the broader foreign policy equation. Both principles require elaboration.

There are three distinct arguments to be made in support of the assertion that human rights are a legitimate and necessary dimension of U.S. foreign policy. The legal argument is that the United States is party to international instruments such as the U.N. Charter and the accompanying U.N. Declaration of Human Rights, which at least imply an obligation to assume responsibility for human rights in the international system. The historical argument is that the very sense we have of ourselves as a nation is embedded in a philosophy of rights and thus should find expression in the way we project American influence in the world. Both of these cases admit of detailed exposition, which has been made in other places. Instead of rehearsing these arguments, let me emphasize a third case, drawn from the nature of foreign policy today.

Briefly, the human rights question should be seen today as one of the transnational problems in the international system. These questions, ranging from monetary issues to environmental controls to food and population, exhibit similar formal characteristics. They are macro-questions that cut across national boundaries, affecting large segments of the global population and reaching beyond the capacity of any single state to resolve. Yet they are of such a nature that they cannot be left unresolved. Although the human rights question does not have the same kind of impact on the daily character of foreign policy as do monetary questions, it increasingly is perceived as a central rather than an optional policy problem. Precisely because there exists no adequate international instrumentality to address the transnational issue of human rights, the burden of protecting and promoting basic rights falls upon the states, which remain the unique actors in international politics. The convergence of legal, historical, and analytical arguments establishes the presumption that human rights is an abiding element of policy today, and this policy presumption complements the moral argument as stated above.

The presumption must be implemented by a human rights policy. The essence of policy involves blending a mix of factors into a coherent and consistent pattern of action. This raises the second assertion of how human rights concerns are to be factored into the policy equation. It is presumed here that human rights and foreign policy cannot be equated; the concerns of foreign policy are broader than human rights. At the same time, it is clear that an effective concern for human rights requires that it be included in principle at the very initiation of policy. If human rights objectives are treated as an addendum or footnote to large political, strategic, or economic considerations of national interest, then the human rights factor never will influence policy substantively. The policy product reflects the weight given to each factor at the very initiation of the policy process. The significant shift in human rights policy that occurred with the Carter administration was an acceptance in principle to install human rights as a constant element in the policy equation. This step makes it possible to carry on the politico-moral process of systematically balancing the human rights concern against other objectives of policy. Before commenting on how this weighing of human rights should occur, it is necessary to address the criticism that giving such a priority to human rights will lead to moralism or messianism, to a policy that inevitably will be morally pretentious or politically interventionist.

Two procedural guidelines can be proposed to guard against these real pitfalls. First is the perspective that should govern the role of human rights in foreign policy. The primary function of human rights criteria should not be to tell others what to do but to indicate to others what kinds of policies the United States will neither aid nor abet. Human rights standards should act as a restraint on U.S. policy, limiting active cooperation with regimes that systematically violate basic human rights.

Second, the protection against moralism resides in the rule that the human rights objectives should be weighed systematically against other considerations in the foreign policy equation. The presumption here is that moralism is the corruption of moral reasoning. The antidote to moralism is rigorous application of the standards of moral judgment. It is easier to identify these standards (e.g., principles of generalizability, consistency, etc.) than to apply them in the matrix of foreign policy decisions, but this is true in any serious issue of public morality.

In defining the moral calculus of the human rights policy, it is necessary at the outset to assess the pattern of relationships in which the human rights problem emerges. The two basic relationships are the East-West and North-South questions. From the point of view of U.S. policy, these relations vary in terms of three factors: the nature of the political relationship, the instruments of policy and leverage available, and the domestic constituency supporting a human rights approach to policy.

The East-West problematic, exemplified by U.S.-Soviet relations, is by definition an adversary relationship. This basic characteristic means, in turn, that the instruments for U.S. influence are few (although not absent) and that the margin of movement for U.S. policy is narrow (because our leverage is limited). At the same time, domestic support for such a policy is strong. The North-South problematic, exemplified by U.S.-Latin American or U.S.-Philippine relations, is an alliance relationship. The consequences of this are that the instruments of influence are multiple and U.S leverage, as well as U.S. involvement in the policy of the ally, is usually substantial. Domestic support for human rights policy vis-a-vis U.S. allies is less visible and more fragmented than for U.S. policy toward the Soviet Union. None of these three factors—political relationship, degree of influence, or public support—possesses explicit moral characteristics, but all shape the way in which the moral calculus is determined, since public morality involves a balancing of what ought to be done with what can be done.

DOWN TO CASES

To illustrate just what is meant by the ethical calculus, it is possible to distinguish four general "cases" of human rights and U.S. policy. In all four cases the politico-moral balancing will be cast between human rights considerations and questions of military security. The purpose of the cases is simply to indicate how a commitment in principle to include human rights in the foreign policy equation can produce significantly different policy conclusions, each of which has its own distinctive logic and rationale.

The central case in East-West relations is the role human rights should have in pursuing U.S.-Soviet policy. Some of the commentary on human rights reduces the whole policy to this relationship. It is the most politicized of the human rights questions and involves the highest stakes. It is exemplified today in most dramatic fashion in Poland, but it is not confined to the Polish case. Few, if any, voices in the U.S. policy debate are questioning whether human rights should be part of the policy with the Soviets; the hard questions arise when the moral good of protecting human rights is weighed against a substantial moral good like arms control. Since the political relationship is an

adversary position between parties of commensurate strength, the margin of leverage is narrow and the Soviets retain the capacity to deny the United States objectives that may affect the entire international system. To give human rights a unilaterally determined value in this situation could be morally irresponsible because of the contending values at stake and the narrow margin of leverage the U.S. has in this adversary relationship. In contrast, if the East-West case involved trade with Czechoslovakia, a different calculus would be at work in terms of both the contending values and the degree of influence available to the United States.

A very different kind of political and moral equation emerges in the North-South case or in alliance relationships. Here the posture of the United States is fundamentally different; it is not outside the situation seeking to influence it but is part of the policy equation. The bonds that tie it to the human rights situation in an allied country may be a treaty agreement or economic or military assistance; in some way the United States is closer to being an accomplice than an adversary. Here the problem is one of balancing human rights claims and the military or economic assistance being provided to a government accused of human rights violations. There is a more developed framework for policy judgment for this problem, since Congress has passed legislation that makes it necessary to evaluate all potential recipients of military and economic assistance by human rights criteria. Even with this framework, however, one can discern three types of "security vs. human rights" decisions.

The first exists when the ethical calculus should weigh in favor of the human rights factor, denying legitimacy to the security claim. This is best illustrated in Latin American cases, when the government is accused of gross human rights violations by sources within and outside and yet still receives U.S. military assistance under the justification of security needs. At times the case is made that U.S. security is dependent upon the stability of the government in question or of the region as a whole. After almost twenty years of this pattern, beginning with the Brazilian military coup in 1964 and now extending over the whole of Central and Latin America, enough is known about this argument to deny it the power to override human rights claims. In most instances the threat to "security and stability" derives from a prolonged conflict between an authoritarian military government and the country's civil population. In such instances the presumption of the ethical calculus should be in favor of human rights; the burden of proof rests upon those who would argue for an overriding legitimate security requirement.

The antithetical case is a situation in which legitimate and verifiable questions of security are so dominant that human rights claims can be subordinated, at least temporarily. The example that best fits this model of ethical calculus is the Middle East. There are charges of human rights violations made against Israel and against a number of Arab states. Most of these states, on both sides of the Mideast conflict, receive U.S. military assistance. How should human rights claims be weighed in these cases? The dominant political and moral problem in the Middle East is the conflict over territory, sovereignty, and legitimacy that has convulsed the region for thirty years. Until there is some basic resolution of these macro-questions of politics and security, the ability to deal with human rights claims in a systematic fashion is gravely impaired. In this instance the presumption should be given to the security questions, not because they have greater intrinsic value than human rights claims, but because they must be resolved in order that the human rights questions can be addressed.

A third case fits between the Latin American and Middle East examples. U.S. assistance to the Republic of South Korea is perhaps the most delicate of the "North-South" issues in the human rights debate. It is possible to argue in the Korean case that there exists both an authentic security question (avoiding war on the Korean peninsula) and a human rights situation in the South that cannot simply be subordinated to security considerations. The process of evaluating what weight should be given to human rights claims in deciding how the United States should relate to the Korean regime forces us to examine what we mean by security. The human rights advocates within South Korea do not deny that an external security threat exists; but they are convinced that the regime of authoritarian control is in fact eroding the security of the country by suppressing the spirit and morale of the Korean people. These voices for human rights within South Korea ask that the security claims of the regime be tested critically before they are accepted as the overriding feature of our policy vision regarding their country.

PUBLIC OPINION AND PUBLIC POLICY

An effective human rights policy requires both a conceptual design and a public constituency. The Church's contribution to human rights is not exhausted by its philosophical and moral contributions to the policy argument. The Catholic Church has unique resources to enter the public debate on human rights, resources residing in the Church's structural presence in society. In the face of a transnational problem like human rights, the Church is by nature a transnational institution. In the present international system transnational actors have assumed a major role. These institutions are usually based in one place, present in several others, and possess a trained corps of personnel, a highly developed communications system, and a single guiding philosophy. The Church has each of these characteristics and has been using them for centuries.

The relevance of these characteristics for gathering human rights data, transmitting them and interpreting them is obvious. But the Church is not simply a transnational actor; it is also capable of participating in the U.S. policy debate from within the American political system. This mix of the transnational and the national is one that few institutions possess. To take advantage of its transnational perspective and national position, the Church in the United States must have a policy. The policy must join theological-philosophical theory and an empirical analysis of the U.S. policy debate on human rights.

The origins of a systematic inclusion of human rights in U.S. policy lie with initiatives by the U.S. Congress in the early and mid-1970s. Congressional pressure led to the establishment of the Bureau of Human Rights and Humanitarian Affairs in the State Department. Congressionally sponsored legislation amended the Foreign Assistance Act to provide categories for assessing U.S. military and economic assistance in terms of human rights criteria. The congressional initiatives were resisted in theory and practice during Secretary of State Henry Kissinger's tenure as not being a helpful contribution to diplomacy. During this first period the involvement of the U.S. Catholic Conference (USCC) was aimed at supporting the congressional initiative that sought to establish human rights as a pervasive theme of foreign policy.

The Carter administration made a decisive contribution by accepting the idea that human rights are a central aspect of national interest and a constant element in the policy equation. It is possible to criticize the implementation of the Carter policy while acknowledging that a major step was taken at the level of principle. The USCC supported this affirmation of the centrality of human rights in the policy equation, even though we had several differences with the Carter administration on specific cases of human rights policy.

The Reagan administration brought to office a well-publicized hostility to the Carter conception of human rights and a determination to make policy in this area in direct contrast to its predecessor. While several commentators have noted striking similarities between the recent human rights report of the State Department and its predecessor in the Carter period, there are substantial differences in the two policies on human rights. First, human rights policy is now clearly part of U.S.-Soviet policy and is to be used as an ideological weapon in the superpower competition. This theme was never absent in the Carter period (it was a favorite of then National Security Advisor Brzezinski), but it has been greatly intensified by the Reagan policy. Second, at the philosophical level, the recent human rights report explicitly demotes socio-economic rights from the position they held in previous reports. Third, the now famous distinction between totalitarian and authoritarian regimes has been used during the last year to shift U.S. policy regarding countries such as Argentina and Chile.

In none of these three periods was the Church's position identical with that of an administration. Our participation in the policy debate at the level of philosophical assessment and policy critique and analysis of specific cases will continue. By sharing in the public debate, we believe the Church contributes to both human rights and the national interest.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 10, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 11

9:30 a.m.
*Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed legislation authorizing funds for certain soil conservation service watershed projects.
4200 Dirksen Building

Select on Indian Affairs
To hold hearings on the proposed reorganization within the Bureau of Indian Affairs, Department of the Interior.
6226 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S.2352, S.2392, S.2480, and S.2493, bills authorizing funds for the food stamp program.
324 Russell Building

10:30 a.m.
*Foreign Relations
To hold hearings on the proposed Motor Vehicle Treaty with Mexico (Treaty Doc. No. 97-18).
4221 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program.
324 Russell Building

JUNE 14

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

JUNE 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

*Select on Indian Affairs
To hold hearings on proposed authorizations for the tribally controlled community college program.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Joint Economic
To resume hearings on the future of monetary policy.
Room to be announced

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
4221 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for the Agency for International Development, focusing on the trade and development program, international disaster assistance, and American schools and hospitals abroad program.
S-146, Capitol

Conferees
On S. 1193, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Department of State, authorizing funds for fiscal year ending September 30, 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the International Communications Agency, and authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983 for the Board for International Broadcasting.
S-116, Capitol

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

2:30 p.m.
Conferees
On H.R. 2330, authorizing funds for fiscal years 1982 and 1983 for the Nuclear Regulatory Commission.
EF-100, Capitol

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on administration of the law requiring half of all government-impelled cargoes to be transported on U.S.-flag vessels.
235 Russell Building

Foreign Relations
To resume hearings on East-West relations, focusing on the Pacific.
4221 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2043, providing criminal penalties for the mailing of identification documents bearing a false birthdate.
2228 Dirksen Building

Rules and Administration
Business meeting, to consider the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission, and a proposed resolution of regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.
801 Russell Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

11:00 a.m.
Veterans Affairs
Business meeting, to mark up S. 2379, requiring veterans to pay a funding fee on guaranteed home loans, and certain provisions of S. 2378, proposed Veterans' Disability Compensation and Survivors' Benefits Amendments, relating to cost-saving improvements in veterans' programs, and other related measures.
412 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.
5110 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 20, S. 661, S. 954, S. 1025, and S. 1339, bills establishing penalties for robbing a pharmacy engaged in interstate commerce of a controlled substance.
2228 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 505, to subject imported grapes to the same requirements as table grapes grown in the Coachella Valley of Southern California.
324 Russell Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1562, proposed Arctic Research and Policy Act of 1981.
3302 Dirksen Building

Select on Intelligence
Business meeting, to mark up S. 2422, providing an automatic share in retirement benefits to qualified former spouses of participating CIA employees.
4232 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the uranium enrichment program of the Department of Energy.
3110 Dirksen Building
Foreign Relations
To hold hearings on the nomination of James B. Burnham, of Pennsylvania, to be U.S. Executive Director of the International Bank for Reconstruction and Development.
4221 Dirksen Building

JUNE 18

9:30 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
Briefing on current assessment of U.S. economic and commercial prospects in Southeast Asia.
4221 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed U.S. Army Corps of Engineers construction projects.
4200 Dirksen Building

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, S. 2012, S. 2015, S. 2092, S. 2113, S. 2176, S. 2321, S. 2413, and Section 127 of the Economic Recovery Act of 1981.
2221 Dirksen Building

JUNE 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and to extend the scientific advisory panel.
324 Russell Building

JUNE 22

9:00 a.m.
Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2202, authorizing funds through fiscal year 1989 for the Colorado River basin salinity control program.
3110 Dirksen Building
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

JUNE 23

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2411, proposed Justice Assistance Act.
2228 Dirksen Building
*Select on Indian Affairs
To hold hearings on S. 2084, providing for the resolution of certain disputed Indian land claims in New York and South Carolina.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the Environmental Protection Agency's research and development programs.
4200 Dirksen Building
Governmental Affairs
To hold hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

1:30 p.m.
*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Materials and Minerals Policy Act of 1980 (P.L. 96-479).
235 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 24

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To resume hearings on S. 2533, providing authority to the Secretary of Agriculture to set the milk price support level, providing authority to the Commodity Credit Corporation to donate surplus dairy products to needy persons in the United States and abroad, and establishing a Dairy Advisory Board, and related proposals reducing the Federal Government cost of the dairy program.
324 Russell Building
Veterans' Affairs
To hold oversight hearings to examine certain health care services provided to older veterans.
412 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 2338, expanding the membership of the Advisory Commission on Intergovernmental Relations to include three elected school board officials.
3302 Dirksen Building

JUNE 28

10:30 a.m.
Judiciary
To hold hearings on S. 1215, proposed Malt Beverage Interbrand Competition Act.
2228 Dirksen Building

JUNE 29

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on the national materials and minerals program plan and report to Congress issued by the President on April 5, 1982.
3110 Dirksen Building

10:00 a.m.
Governmental Affairs
To hold oversight hearings on the use of competition in the procurement process of the Department of Defense.
3302 Dirksen Building
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for foreign assistance programs, focusing on El Salvador.
1114 Dirksen Building

JUNE 30

9:30 a.m.
*Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement programs.
4232 Dirksen Building

*Select on Indian Affairs
To hold oversight hearings on indirect cost and contract provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
5110 Dirksen Building

10:00 a.m.
Judiciary
To hold hearings on the Boulder, Colorado decision, relating to antitrust immunity of city government.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JULY 1

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee

To hold hearings on S. 2325, authorizing funds for Federal vocational and adult education programs, and to provide for State and local occupational assistance programs.

4232 Dirksen Building

JULY 13

9:30 a.m.

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings to discuss alternative means of providing legal services to the poor.

4232 Dirksen Building

Veterans' Affairs

To holding hearings on S. 2378, increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent's allowances, and providing for cost-saving improvements in veterans' programs.

412 Russell Building

Select on Indian Affairs

To hold hearings on S. 1795, providing for the transfer of certain lands in Arizona between the Hopi and Navajo Indian Tribes.

457 Russell Building

JULY 14

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 2294, providing for the settlement of certain land claims of the Chitimacha Indian Tribe of Louisiana.

6226 Dirksen Building

10:00 a.m.

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

Employment and Productivity Subcommittee

To hold joint hearings to review employee assistance programs for alcohol and drug abuse problems.

4232 Dirksen Building

JULY 20

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.

4232 Dirksen Building

JULY 21

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

Business meeting, to continue markup of S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on H.R. 3731, relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the U.S. Court of Claims.

6226 Dirksen Building

JULY 27

9:30 a.m.

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To resume oversight hearings on America's role in the world coal export market, focusing on foreign coal ports and the international transportation of coal.

3110 Dirksen Building

JULY 28

9:30 a.m.

Veterans' Affairs

To hold hearings to clarify certain provisions relating to veterans' employment programs.

412 Russell Building

Select on Indian Affairs

To hold hearings on S. 2153, providing for the distribution of funds awarded the confederated tribes of the Warm Springs Indian Reservation in Oregon by the Indian Claims Commission.

6226 Dirksen Building

JULY 29

9:30 a.m.

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To resume hearings on America's role in the world coal export market, focusing on the condition of U.S. coal ports.

3110 Dirksen Building

AUGUST 5

10:00 a.m.

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on the effects of alcohol and drugs on individuals while driving.

4232 Dirksen Building

AUGUST 11

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 1652, restoring certain lands in Arizona to the Colorado River Indian Reservation to be held in trust by the U.S., S. 2418, permitting the Twenty-nine Palms Band of Luisena Mission Indians to lease certain trust lands for 99 years, S. 1799 and H.R. 4364, bills providing for the transfer of certain land in Pima County, Arizona to the Pascua Yaqui Indian Tribe, and the substance of H.R. 5916, providing for certain Federal lands to be held in trust for the Ramah Band of the Navajo Indian Tribe.

6226 Dirksen Building

AUGUST 12

9:30 a.m.

Veterans' Affairs

Business meeting, to mark up S. 2378, proposed veterans' disability compensation and survivors' benefits amendments.

412 Russell Building

SEPTEMBER 21

10:30 a.m.

Veterans' Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

CANCELLATIONS

JUNE 10

9:30 a.m.

Small Business

To hold oversight hearings on activities of small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's).

424 Russell Building

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

Government Affairs

Business meeting, to mark up pending calendar business.

3302 Dirksen Building

JUNE 16

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To hold oversight hearings on the implementation of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Superfund).

4200 Dirksen Building

Senate

(Legislative day of Tuesday, June 8, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our morning prayer will be offered by the Reverend Buddy M. Owens, founder and executive director of Rio Grande Children's Home, Mission, Tex. Reverend Owens is the guest of Senator LLOYD BENTSEN today.

PRAYER

The Reverend Buddy M. Owens offered the following prayer:

May we bow our heads for prayer.

Our gracious Heavenly Father, we thank Thee for last night's rest and for the beginning of a beautiful day.

Dear Father, we ask that You bless each one of these Senators and their respective families.

We pray that You might help this dedicated group of public servants attack the various problems facing our Nation with wisdom only You can provide. May none of us try to depend on our own understanding and strength but seek divine guidance and help from Thee.

Dear Lord, please bless our country, our President, our legislators and all those who have a vital part in keeping our Nation great.

Be with us this day.

We ask it all in Jesus precious name, and for His sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order and the special orders for Senator HEINZ, Senator SYMMS, and Senator CHILES, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., and that Senators may be permitted to speak therein for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, yesterday, I outlined the schedule for the Senate today.

At approximately 11 a.m. the Senate will begin consideration of the conference report to accompany the agent identities bill. We do anticipate a rollcall vote on that conference report.

Following that vote, if we have no other item called up for consideration, we will return, under the existing procedure, to the consideration of the motion made yesterday to proceed to the consideration of the Voting Rights Extension Act.

We have not made a firm determination yet as to a session tomorrow. It is my hope that we will be able to arrange business on Monday that will be significant, so that we can announce later today that there will be no session on Friday. We cannot make that announcement yet, however.

Mr. President, I reserve the remainder of the leadership time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. ARMSTRONG). The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I understand that I am free to use a minute or so of the time of the minority leader.

ANOTHER REASON TO RATIFY THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, the fate of the Gypsies in Europe is but another example which leads me to urge that the Genocide Treaty be ratified. Nearly 1,000 years ago, Gypsies or Roma, as they prefer to be called, were dispersed from their Punjabi homeland by Arab led invasions. The discrimination they faced as dark-skinned aliens brought on their nomadic lifestyle.

Their history has been marked by prejudice and genocide. Approximately one half million Roma were exterminated at the hands of Nazi persecutors. They were not part of the "master race" and the Nazis believed they were incapable of being even slaves.

Because of their dark skin color and nomadic lifestyles, widespread discrimination still torments European Roma. History has shown that any easily identifiable minority can be at risk when times are bad. Now that Europe and the United States are suffering from high unemployment and inflation, this historical record should make us all strive to improve.

Mr. President, on June 16, 1949, President Truman transmitted the International Genocide Treaty to the Senate. The United States has always opposed the horrible crime of genocide, however the Senate has yet to formally ratify this treaty. In order to demonstrate our concern to the world against the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, the United States must support the Genocide Treaty.

Thus far, 88 nations have ratified the Genocide Treaty. United States participation in this treaty would symbolize our worldwide concern against genocidal actions such as those performed on the Roma and many other groups.

Mr. President, the current and future threat of genocide is a very real threat. It is one which this body cannot overlook. We must be able to stand up to this inhuman concept. The dark side of human nature may cause other instances of genocide even if the Senate ratifies this treaty. The United States, with our record of concern for human rights, should not be standing on the sidelines. It is time for the U.S. Senate to apply the necessary prudence and ratify the Genocide Treaty.

THE NUCLEAR STOCKPILE—REQUIREMENTS IN THE 1980'S

Mr. PROXMIRE. Mr. President, the buildup of nuclear weapons planned for the coming decade is very great indeed. Once again, I quote from the article by Arkin, Cochran, and Hoenig that appeared in the April issue of "Arms Control Today." The article reports the following:

REQUIREMENTS IN THE 1980'S

The aspect of current nuclear plans which has received considerable attention is the availability of nuclear materials needed to cover the increases. During the Carter Administration, a number of special studies on future nuclear materials requirements were conducted and concluded that there would be a shortage of materials in the 1980s. Until the early 1960s, an important determining factor in overall stockpile size was the amount of nuclear materials available. Today, this factor continues to strongly

affect planning on the character and mix, if not the overall size, of the stockpile.

Nuclear warheads contain one or more of the materials plutonium or highly enriched uranium and tritium. The type and mix of materials used has changed over time due to new warhead designs. Most modern warheads utilize plutonium, predominantly for the fissile primary component, rather than the highly enriched uranium used in many older weapons. Plutonium is used to obtain a high yield-to-weight ratio and small size. The new neutron yield warheads are also creating significant new requirements for tritium, traditionally used to obtain yield selection and boosting. Over 1,000 neutron yield artillery and missile warheads are scheduled for construction and future plans call for an enhanced radiation anti-ballistic missile warhead. Thus while the projected size of the stockpile in the 1980s will not exceed the record level of 32,000 set in 1967, current nuclear warhead designs demand unprecedented amounts of plutonium and tritium.

Over the past ten years, most of the materials going into new warheads came out of the materials from retired weapons. In the future, however, the plutonium and tritium supply from old weapons will be insufficient and new plutonium and tritium will have to be produced in government reactors.

The initiatives already undertaken by the Department of Energy to increase the supply of plutonium and tritium are acknowledged to be sufficient for the specific, near term warhead requirements of the present Stockpile Memorandum. These initiatives will, in fact, more than double the rate of plutonium production. But the increases in the capacity of the production complex that have been taken to accommodate nuclear weapons planners are still claimed as insufficient. As a result, DOE is considering a number of options to expand materials production even further. The additional options to increase the supply of nuclear materials are designed to accommodate long-range warhead production contingencies and to build a reserve of nuclear materials. These options are supported by the belief that future requirements should not be constrained by the technological capacity of the materials and production complex.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which is part of the article.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II

Projected nuclear warhead production, 1982–mid 1990's

	Number planned[1]
In production (1982):	
B61 bomb	1,000
W70 Lance (neutron bomb)	280
W76 Trident I	2,300
W78 Mk–12A reentry vehicle	543
W79 8" artillery shell (neutron bomb)	680
W80 Air-launched cruise missile	4,268
Subtotal	[2]9,071
Planned (1982–1987):	
W80 Sea-launched cruise missile	460
W81 standard 2ER	350
W82 155mm artillery shell	3,500
B83 bomb	2,500
W84 Ground-launched cruise missile	560
W85 Pershing II	300
W87 MX warhead	2,400
Subtotal	[2]10,070

TABLE II—Continued

	Number planned[1]
In production (1982):	
Future systems (late 1980's–1990's):	
Antisubmarine warfare warhead	1,250
Low-altitude air defense system	500
Lethal neutralization system	1,200
Corps Support Weapon System	500
Advanced tactical air delivered weapon	2,500
Tactical air-to-surface munition	1,500
Advanced cruise missile technology	3,000
Subtotal	10,450
Alternate systems:[3]	
MARV	7,500
Submarine-launched ballistic missile	
Subtotal	7,500
Total warhead production	37,091

[1] Information derived from Nuclear Weapons Data Book (forthcoming) and authors' estimates. Number planned is in addition to those weapons already in the stockpile.

[2] Not all of these warheads will be produced in the 1980's.

[3] Competing warhead programs for Trident SLBM upgrade and Trident II.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I reserve the remainder of the minority leader's time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR SYMMS

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order that was entered at my request for the recognition of Senator SYMMS be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for not to exceed 15 minutes.

S. 2617—PROHIBITION OF MANDATORY RETIREMENT AND EMPLOYMENT RIGHTS ACT OF 1982

Mr. HEINZ. Mr. President, today I am introducing legislation to abolish mandatory retirement. Joining me as original cosponsors of this bill are Senators PERCY, COHEN, GRASSLEY, DURENBERGER, CHILES, MELCHER, BURDICK, KENNEDY, and EAGLETON. Also, Mr. President, Congressman CLAUDE PEPPER, chairman of the House Select Committee on Aging, is introducing identical legislation in the House of Representatives today. In my judgment this bill is fully and totally consistent with the President's declaration that, "when it comes to retirement, the criterion should be fitness for work, not year of birth."

Mr. President, I believe this both a moral and a basic civil rights issue and I think our fellow citizens feel the same way. All available evidence demonstrates that the American public views age discrimination as illegitimate. For example, a nationwide public survey by Louis Harris last September found that by a 9 to 1 margin, a majority of all ages feel that "nobody should be forced to retire because of age." By another lopsided margin, 4 out of every 5 among the entire population are convinced that "most employers discriminate against older people and make it difficult for them to find work." The poll also found that 3 of every 4 retirees wish they had never quit work. Mr. President, older Americans want to work and must be given that chance. Taken together, these survey findings show that mandatory retirement is an obstacle to older workers and, indeed, an abridgement of their right to remain as contributors to the American labor force.

I believe we can conclusively prove that failure to adapt work patterns to the needs of older workers will take a serious toll on the economic well-being of our society, in addition to wasting valuable human resources. Our Nation will need these productive older workers. As you are aware, Mr. President, the age distribution of the population will be shifting dramatically over the coming decades. The population growth of the younger (16 to 44) working-age population will cease sometime between now and the year 1990. By that time, the Department of Labor projects that there will be approximately 90 million workers below age 45. But only 91 million younger workers are projected by the year 2000. This group comprises fully 70 percent of our total work force today. What this means is that our standard of living is threatened due to future labor shortages unless we as a nation continue to increase the size of our work force. And since everyone who will be a younger worker during the next 20 years has already been born, we know that the only way that we will be able to grow and prosper is if

able bodied, productive older workers, who are today in their late forties or fifties or even early sixties, have the opportunity and incentive to continue working. The behavior of this future group of older workers will be vital to our continued economic growth.

The Department of Labor is preparing a report to Congress on the effects of the 1978 amendments to the Age Discrimination in Employment Act. The study's findings will reveal that abolishing mandatory retirement would have no adverse impacts—I repeat, no adverse impact—on other segments in the labor force, most notably youth or women or minorities. The study also noted the following:

Practically speaking, too, our country needs the contributions to our society that older Americans can uniquely make. Recent events confirm that eliminating mandatory retirement will benefit all Americans. Significantly, one of the most important themes of the 1981 White House Conference on Aging was the emphasis on the positive contribution elderly workers make to their communities and to the general economy. The Conference went on to urge that capable older workers be encouraged to remain on their job or find new employment opportunities as an important way to expand these contributions. Furthermore, the post-Conference delegate survey conducted by the Special Committee on Aging and National Retired Teachers Association/American Association of Retired Persons ranked the elimination of mandatory retirement and other forms of discrimination against older workers as among the top 10 overall priorities of the delegates, behind only social security and health care recommendations.

Mr. President, the legislation we introduce today would effectively abolish the current rule which permits forced retirement—regardless of ability—at age 70. It would codify our recognition of the increasing value of older workers—in an era in which technological changes have revolutionized the workplace—and where jobs demanding patience, skill, and judgment vastly outweigh jobs requiring heavy labor and brute strength.

Lifting the mandatory retirement age from 65 to 70, required by the 1978 amendments, is having a positive impact. An estimated quarter-million older workers are projected to remain in the labor force by the end of the century as a result of this change. This is the equivalent of a 5-point increase in the labor participation rate of men over age 65. This represents a fairly dramatic—and positive—change in the employment patterns and aspirations of the over-65 worker, whose labor force participation has been dropping for the past 20 years.

Abolishing mandatory retirement altogether will have the effect of stimulating continued employment opportunities for at least an additional 200,000 workers over the age of 70 by the year 2000. Almost all of this increase is projected for workers still in their sixties. This would represent an additional 5-point increase in the labor force participation rate of older men, and would result in a reversal of the downward trend in labor force participation projected for this group over the coming 20 years.

Abolishing mandatory retirement would have no adverse impact on other segments in the labor force, such as youth, women, and minorities. Analysis of census data revealed that the 1978 amendments resulted in no measurable impact on younger workers, black workers, or women workers. The study projects the same result were mandatory retirement to be eliminated entirely. This confirms findings from other surveys, which have shown that older workers do not compete for the same jobs as younger workers. Older workers desire part-time jobs, rather than full-time work. Also, they are most likely to seek work in different occupational areas from those sought by their younger counterparts.

Mr. President, I said earlier that this bill is entirely consistent with the President's April 2 statement. Yet, as of today, I must in all candor report that the administration is not yet in a position to formally endorse the legislation. I have engaged in a long series of discussions with the White House and the Department of Labor, seeking to obtain their formal support, and I personally wrote to President Reagan urging his assistance in clearing up the misunderstandings that have blocked a formal endorsement. Frankly, I have delayed introduction of this bill for several weeks while these discussions have been taking place, and I am still hopeful that this simple and straightforward legislation will soon receive formal support from the Cabinet Council. The bill I have introduced is intentionally limited to the narrow purpose of lifting the age 70 cap because that is the approach that is most clearly in line with the President's statement, as well as the position of those of us in the Congress who have long felt the need to abolish mandatory retirement and strengthen opportunities and incentives for older workers. Other necessary reforms must wait for further study and political support to develop, but I believe we cannot in good conscience further postpone the legislative consideration of this narrow bill. I see no justification for further delay.

Mr. President, this bill is only a first step, but a necessary one, toward establishing more meaningful opportunities for employment for our Nation's older workers. I say it is only a beginning because there are many other obstacles to employment for older Americans which need close examination and scrutiny. For example, the social security earnings limitation, as it stands today, represents an unfair and needless deterrent to older workers. Likewise, the delayed retirement credit under social security should be increased so that the older worker is not forced to give up part of the expected value of his total retirement if he continues to work past age 65.

Another barrier is not so easily legislated away—the negative attitudes of some employers regarding the older worker. We need to educate employers to see older persons for the valuable resources they are. We must encourage employers to develop second-career and retraining programs, job sharing, and part-time and flexitime work schedules.

Some of the legal barriers to continued employment are ironically part of the very law that is supposed to help and protect older workers. For example, under current provisions in the Age Discrimination in Employment Act, certain executives and policymakers can be forced to retire at age 65.

Another exception under the Age Act allows employers to refuse to hire and also to terminate older workers on the basis of age if age constitutes a so-called bona fide occupational qualification needed for the conduct of a business. Thus workers such as police, firemen, pilots, and incumbents in other jobs that involve stress or relate to public safety are often refused jobs or forced to retire early simply on the basis of age. I realize, Mr. President, that these matters are complicated and that physical strength to meet rigorous job demands may well ebb as a worker grows older. But the history of litigation under this exception indicates that many employers are attempting to utilize it as a means to refuse employment to older workers.

These, along with other obstacles to older workers, are serious problems. As chairman of the Senate Special Committee on Aging, I will continue to investigate ways to effectively remove present barriers in the ADEA. In the meantime, eliminating the mandatory retirement age will signal our recognition of the value of older workers in the workplace and our intention to eliminate all barriers to their full participation. I urge my colleagues to join me in support of this legislation.

Mr. President, I ask unanimous consent that the bill be appropriately referred, and that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prohibition of Mandatory Retirement and Employment Rights Act of 1982".

SEC. 2. Section 12(a) of the Age Discrimination in Employment Act of 1967 (29

U.S.C. 631(a)) is amended by striking out "but less than 70 years of age".

SEC. 3. The amendments made by this Act shall take effect on January 1, 1983.

Mr. CHILES. Will the Senator yield?

Mr. HEINZ. I am happy to yield to my colleague and ranking minority member on the Aging Committee, Senator CHILES of Florida, who has a tremendous concern for our senior citizens.

Mr. CHILES. I wish to compliment the distinguished Senator from Pennsylvania, the chairman of the Senate Committee on Aging, for seeking to remove the mandatory retirement age. I think that this is certainly a very constructive step and something that is not only necessary for our senior citizens who wish to work beyond age 70, but it is also becoming more and more necessary for the country. As we see the demographics of our country change and as we approach zero population growth, the need to keep older people in the work force will intensify.

Of course, we have long known that older persons bring experience, wisdom, and judgment to the workplace—valuable characteristics that we need to maintain

I compliment him on the introduction of this bill. The Senator from Florida has been concerned in this regard, as evidenced in a bill that I introduced a year ago in February to make some changes in the social security system and cure some of the ills. In that bill, I provided for a removal of the mandatory retirement age.

In addition to that, I have also provided in that bill that we eliminate the social security earnings limitation. This imposes a drastic penalty on our people that work beyond 65 by charging them $1 for every $2 they earn over a certain amount. My bill encourages the employment of older persons by providing that the employer would not have to withhold the social security payroll tax for workers over 65, nor would the older employee have to pay his contribution.

So I think steps like the Senator from Pennsylvania is taking today, attempting to remove the mandatory retirement age of 70, along with other steps, are going to be very necessary for the Congress to take if we are going to keep pace with the demographic situation that we face, in regard to our aging work force. Also, of course, these things at the same time certainly help to keep the social security system sound.

I certainly compliment the Senator for his legislation today and am pleased to cosponsor it.

Mr. HEINZ. I thank my friend and most distinguished colleague from Florida for his kind words. He has been a tremendous advocate for the elderly. He has not hesitated to advance very forwardlooking ideas. He has demonstrated a tremendous amount of foresight in these areas. I compliment him for his great interest and concern.

He is absolutely right when he says that we are going to need to help people who want to work longer, to work longer, not only because it is fair and it is right. As of today, the number of people in our work force who hold most of the jobs—the group 18 to 45 holds 70 percent of all the jobs in this country as of today—that group is no longer growing. It is actually declining. That group peaked to about 90 to 91 million people. We know they have all been born at least 18 years ago or more. And between now and 1990, the number of people in that group from which we draw the vast majority of our work force is actually going to decline, is going to go down between 89 and 90 million people.

Now, if this country is to grow, if our gross national product is to increase, if we are to take advantage of the tremendous resources of this country to feed the world, to become more self-sufficient in energy, to do any of the other things that we are capable of doing, how are we going to do it without an expanded work force? If we do not have an expanded work force, we are going to stand still. And we cannot afford to stand still.

The answer is in those statistics I cited earlier. Two out of three people who retire early, and an awful lot of those who retire at age 65 and a vast majority, even a higher number, do not want to quit working. And, thank Heavens, because we are going to need them in our work force.

Here we are with 9 million people unemployed—9 million people—the worst we have had in our memory. I know it sounds maybe like Pollyanna to say that by the end of this decade we are going to be short of Americans in the work force. We will not have enough. We have too many today, but by the end of this decade, if we get through this year and the difficulties we have, there will be a shortage of workers. We will not be able to grow without more people either working longer or, I suppose somebody could charitably say, without a lot more illegal aliens, which we do not want.

The answer, it seems to me, is in the area that the Senator from Florida and I have been working on. We need to make it possible for this country to use the experience and the judgment, the knowhow, the lessons learned over a lifetime in a world where judgment, where understanding, where commonsense, those qualities which you can improve with age—I get a little smarter every day I come out here on the Senate floor—those qualities which you improve with age, that is what, above all, our older workers who conventionally retire have to offer this country. It is a great gift, it is a great resource, and it is a great advantage this country has at its disposal if we are only wise enough to take the key out of our legislative pocket and open the door to opportunity for these men and women.

I thank my friend from Florida.

ELIMINATION OF MANDATORY RETIREMENT

● Mr. KENNEDY. I am pleased to join Senator HEINZ in sponsoring this legislation which will prohibit mandatory retirement in the private sector and I want to associate myself with his remarks on the subject of age discrimination.

As a sponsor of the Age Discrimination and Employment Act of 1967 as well as the 1978 amendments to that act, I am proud of the significant progress we have made in eliminating arbitrary and invidious discrimination against older workers in our society.

I favored eliminating mandatory retirement in 1978. However, at that time concerns were raised about the impact which removal of the age cap would have on the employment opportunities on younger workers. We therefore compromised and raised the age cap from 65 to 70 and directed the Labor Department to conduct a detailed study on the effects of this change on the employment opportunities of younger workers. That report has now been issued and it is clear that the concerns raised in 1978 were unfounded.

The bill we are introducing today is very limited. There are numerous other changes in the law which I favor. I am particularly concerned about the exemption in current law which permits employers to force certain executive and policymaking officials to retire at age 65, as well as the provision which permits employers to cease making pension contributions for those who continue to work past age 65.

We are not addressing those issues because we want to eliminate the upper age limit under the area quickly and without lengthy debate.

At the same time, I want to make it clear that as ranking minority member on the Labor and Human Resources Committee I will withdraw my support for this bill and actively oppose any action by our committee if any effort is made to undermine the important procedural protections in current law during consideration of this bill.

It is no secret that a number of business organizations see this bill as an opportunity to eliminate an individual's right to have his case heard by a jury. As the sponsor of the Jury Trial Amendment in 1978, I can assure you that I will do everything in my power to prevent any weakening of this basic procedural right. At a time when budget cuts and a lack of commitment to vigorous enforcement by the Reagan administration have drastically reduced the effectiveness of the laws covering race and sex discrimination, the ADEA continues to be an extremely effective tool for protecting the rights of older workers. One of the principal reasons is the jury trial provision which has proven to be an important incentive for voluntary compliance. Without this protection plaintiffs in age discrimination cases would

be severely disadvantaged and the entire enforcement mechanism of the act would be severely undermined.

I urge my colleagues to support this legislation and to join me and the other cosponsors in opposing any attempt to amend the law beyond the change we propose today.●

AGE DISCRIMINATION IN EMPLOYMENT

● Mr. EAGLETON. Mr. president, I am pleased to join with the Senator from Pennsylvania, Mr. HEINZ, in cosponsoring S. 2617, a bill to prohibit mandatory retirement by removing the age 70 cap in the Age Discrimination in Employment Act.

As ranking member of the Senate Subcommittee on Aging, Family, and Human Services, I am deeply committed to insuring that all senior citizens be provided the opportunity to continue to be full participating and contributing members of society.

The Age Discrimination in Employment Act, with a few carefully defined exceptions, makes it illegal for a business to fire, demote, or refuse to hire an employee between the ages of 40 and 70. Although passage of this legislation 15 years ago, and its subsequent amendments, was a significant step forward in guaranteeing the rights of our senior citizens, it must be admitted that the 65 upper age limit of the 1967 act, and the 70 upper age limit of the 1978 amendments, were arbitrarily determined.

In my view, it is increasingly important that the arbitrary ceiling be removed. Life expectancy—from birth—has increased from approximately 47 years in 1900 to approximately 72 years in 1980. Findings from recent studies indicate that mental decline with age is not inevitable. A California longitudinal study which tested volunteers for intelligence over a 21-year period has found that most of those tested maintained—or even improved—intellectual competence as they grew older. Other research reports support findings that job complexity and challenge influence psychological functioning and intellectual flexibility throughout life, and that many serious disabilities can be reduced by regimens which reward activity and independence.

To anyone who would question the ability of America's older people to play a significant role in society, I would cite the example of Benjamin Franklin. Dr. Franklin was beyond 65 years of age when he helped write the Declaration of Independence. During the decade of his seventies, Franklin served as Ambassador to France and was instrumental in forging the alliance between France and America that was so vital to our Nation's success in the War for Independence. When Franklin was 81, he played a key role in writing the Constitution.

Throughout this period of enormous accomplishment in which he achieved a status that has rarely been equaled by any American statesman, Dr. Franklin had a characteristically humorous reply to those who asked his age. He always responded: "I am in the prime of my senility." The bill we introduce today is the vehicle with which to welcome all senior citizens to their prime.

Mr. President, I regret that in recent weeks there have been indications that the administration is withdrawing its support of this simple extension of job rights to Americans over 70, and may even be endorsing amendments which would weaken existing law's protection for older workers. Should such amendments be pursued, I will vigorously oppose them, and should they be adopted, I will be forced to oppose the measure as a whole.●

AN END TO MANDATORY RETIREMENT

Mr. PERCY. Mr. President, as a member of the Special Committee on Aging, I am proud to join our distinguished chairman, Senator HEINZ, in introducing legislation to prohibit mandatory retirement. Our bill amends the Age Discrimination in Employment Act (ADEA) by removing the upper limit of protection set at age 70 in 1978. By striking this limit, our legislation extends protection against employment discrimination to persons of all ages.

Mr. President, when Congress enacted the Age Discrimination in Employment Act in 1967, it determined then that our national policy should promote the employment of older workers aged 40 to 65. The ADEA's stated purpose was to "promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; and to help employers and workers find ways of meeting problems arising from the impact of age on employment."

The original act set the upper age limit for protection at age 65 because it was the common retirement age in U.S. industry and the normal eligibility age for full social security benefits.

At that time, little was known about the desires or abilities of older workers. We did know, however, that there was persistent and widespread use of age limits in hiring that was attributed to arbitrary discrimination against older workers regardless of ability. The ADEA of 1967 was a very important first step in addressing this problem.

In 1974 the act was amended to include under its protection Federal, State, and local government employees. Then in 1978, the act removed the mandatory retirement age for Federal employees and raised the upper limit for all others from 65 to 70. It is the age 70 age limit that our legislation would eliminate.

Mr. President, during the debate on the 1978 amendments, many concerns were expressed about the impact of raising the mandatory retirement age to 70. We did not know, for example, what, if any, displacement would occur among younger workers or minority and women workers. Nor did we know if there would be any adverse effect on productivity due to the potential loss of efficiency of workers between the ages of 65 and 70.

What we knew at the time was that forced retirement was not good for older persons. Research conducted since the enactment of the original ADEA showed that there was an important link between activity and good health and that the most important and fundamental emotional need of older persons was to continue as active and contributing members of society. Studies had also concluded that chronological age alone was a poor indicator of the ability to perform work.

It was the issue of equity and an overriding concern for the welfare of older persons that led Congress to raise the mandatory retirement age to 70 in the face of some stiff opposition. The 1978 amendments represented one more giant step in our effort to guarantee the right of individuals to be treated in employment solely on the basis of their ability, not on the basis of stereotypes.

Today, with this legislation, we take the final step to remove from the law the assumption that age alone is an accurate measure of an individual's ability to work.

Although the issue of fairness is most important, it is not the only reason to change this law. Mandatory retirement does not serve our country's best economic interests. It flatly ignores, and thus wastes, a source of manpower which our country can use now, but will desperately need in the near future.

Mr. President, at the beginning of 1981, the nearly 26 million Americans 65 and over made up more than 11 percent of the population. Projections show that 36 million persons will be over 65 in the year 2000—13 percent. That number will increase to 65 million—20 percent—in the year 2030. At the same time, these projections also foresee a dwindling of the size of the youth population who will replace retirees in the labor force. The net effect of this will be a ratio of working age population to elderly of 2.5 to 1, a decline of about 50 percent from its current level of 5 to 1.

If current working and retirement patterns continue, private and public pension systems will face a severe financial strain. But just as important, the economy will suffer as highly skilled older workers continue to withdraw from the labor force in large numbers.

These simple facts demand that we focus attention now on problems confronting older workers. Foremost among these problems is the mandatory retirement age which not only discriminates against persons who want to work, but completely disregards the value of older workers in the workplace.

Moreover, we now have new evidence which concludes that an end to man-

datory retirement will not have an adverse impact on other segments of the labor force, such as youth, women, and minorities.

A Department of Labor study, mandated by the 1978 amendments, clearly indicates that eliminating mandatory retirement will have little effect on other groups of workers because the number of workers who will continue employment, about 400,000, is small when compared to the total U.S. labor force which is expected to reach 134 million by the year 2000. Moreover, the report found that older workers tend to be involved in different occupations than young, women or minority workers. The concern that elimination of the mandatory retirement age will seriously affect job opportunities for other workers is "generally unfounded."

Mr. President, I want to make one final point. It is not the intent of our legislation to reverse the achievements of the past decades or to abridge the retirement benefits that older persons now enjoy. On the contrary, supportive employment policies which do not encourage older persons to leave the work force can only strengthen and preserve our retirement programs.

Our goal is to insure that any person who wants to work is not denied that opportunity because of his or her age. To reach this goal we must adopt a comprehensive approach designed to promote opportunities for older workers. Ending mandatory retirement is the logical place to begin. It will signal our intention to eliminate all barriers to the full participation of older workers. Employment should and must be an option for all ages.

Last fall, Senator GRASSLEY and I chaired a hearing of the Special Committee on Aging in the Quad Cities area. The purpose of our hearing was to explore existing opportunities for older workers, the problems they face when seeking jobs and the public and private resources available to assist them.

For older Americans, the findings of our hearing were mixed. Our witnesses were unanimous in their praise of older persons as capable and dependable employees. But they also testified that older workers still face considerable obstacles when deciding whether or not to stay on the job or to reenter the work force. Our hearing and others the Aging Committee has held during the past 2 years show that despite all we have accomplished to insure equal opportunity, we still lack a national older worker policy to expand employment opportunities for older men and women who want to work.

Let us begin now by abolishing mandatory retirement. I urge my colleagues to join us, the President and the White House Conference on Aging in supporting this important legislation and pressing for its early consideration and passage.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

CRIME CONTROL ACT

ILLICIT DRUGS

Mr. CHILES. Mr. President, 2 weeks ago Senator NUNN and I introduced the Crime Control Act of 1982, S. 2543. Since that time, we have come to the floor of the Senate every day and spoken out on the need for the Senate to act promptly to pass anticrime legislation. I believe that our colleagues are hearing our message, and the message of the American public. Seventeen Senators have joined Senator NUNN and me as cosponsors of S. 2543. In addition, over 30 Senators, including myself, are sponsors of anticrime bill S. 2572 that Senator THURMOND and Senator BIDEN introduced just before Memorial Day. That bill, like the Crime Control Act of 1982, has been placed directly on the Senate Calendar. Now, we must act to call both of these bills from the calendar, and get the Senate to pass them.

We have learned that one of the key contributing factors to crime is the use of illicit drugs. Drugs and crime always seem to go hand in hand. In my home State of Florida, the drug trafficking problems is particularly bad, since much of the marihuana and cocaine that comes into the United States enters through Florida. Big-time drug traffickers do not hesitate to use violence, either as a way to enforce discipline or as a way to get back at anyone who tries to stop them. And this use of violence extends to any person, regardless of who he is, who stands in their way.

The Miami area gets most of the national publicity as a drug center. But in fact, all of Florida's coastline is fair game for drug smugglers, who bring their illegal cargos into small ports or deserted airfields. And the presence of these violent drug smugglers can disrupt a small community, and put all of its citizens in fear for their safety. Earlier this year, we saw an example of how drug-related violence can affect a small town.

In 1980, Mr. Wallace Kelly was arrested at the local Marina in the small town of Placida, Fla., and charged with smuggling a 17-ton loan of marihuana into the United States. Placida is in Charlotte County, a small county with many retired persons on the southwest coast of Florida. After one of the longest trials in the history of Charlotte County, Wallace Kelly was convicted and sentenced to 45 years in jail and a $200,000 fine. I might add at this point, Mr. President, that the reason Kelly was sentenced to 45 years in prison was because Florida has a State law that sets big sentences for large-scale drug traffickers. The Federal Government does not have such a statute, and a person caught smuggling 10 tons of marihuana is subject to the same prison penalties as a person caught smuggling only a couple of ounces. Title 3 of S. 2543 would triple current penalties for those convicted of smuggling large amounts of marihuana.

In any case, the man who put Wallace Kelly behind bars was Mr. Gene Berry, the prosecutor of the Charlotte County Circuit Court. After the trial was completed, Judge Richard Stanley, the man who tried the case, received threats. But Gene Berry heard nothing. He heard nothing that is, until the night of January 16 of this year. That night, Gene Berry answered the door bell to his home in Port Charlotte, Fla. Evidently, he recognized the person at the door, but before he could say more than a few words, he was shot four times in the head with a shotgun. He died instantly.

In April, three persons were arrested for the murder of Gene Berry. One of them, the person accused of firing the shots, was Bonnie Kelly, the wife of the marihuana smuggler that Gene Berry put behind bars back in 1980. She has been charged with first degree murder. Her two accomplices have already pleaded guilty to second degree murder of Gene Berry, and have turned States evidence against Bonnie Kelly. These two accomplices also revealed that there had been another murder plot. This one was to kill an informant who had been working for the Charlotte County Sheriff's Office, and who had already testified against 40 other drug-related defendants. Furthermore, one of the accomplices had been scheduled to stand trial for cocaine charges as of January 20, only a couple of days after Gene Berry was murdered. Gene Berry had been scheduled to prosecute that case. A date for the trial of the killers of Gene Berry has not been scheduled yet.

Mr. President, when we are dealing with drug traffickers, we are dealing with people who seemingly stop at nothing to get their way. A judge is threatened, a prosecutor is shot down in cold blood, a key informant is the target of a murder plot. It is difficult to expect that people this violent and this desperate will feel threatened by a county prosecutor or a county sheriff. Drug smugglers, if they are caught, will try to buy their way out of trouble. If that fails, then they will turn to violence and intimidation. To fight people like this, we must harness the full force of the Federal Government, and we must put the criminals and the drug smugglers on notice that the Federal Government will not tolerate these types of actions.

Mr. President, another provision of the bill that Senator NUNN and I have introduced, S. 2583, makes murder for hire a Federal crime. In this instance,

we see a situation in which these three people plotted to murder the prosecutor, which they carried out. That would also bring Federal law enforcement people into that under the charges of the bill that we are proposing.

To do that, we must have strong laws on the books, laws that enable our Federal, State, and local law enforcement officials track the traffickers down. We also must have reforms in our criminal justice system which make sure that those who are arrested do not use legal loopholes to escape justice. We in the Senate can demonstate our leadership and our commitment to fight drug smuggling, and the violence it creates, but only if we act promptly on a package of anticrime proposals. We have two such packages before us now. But time is running out. There are only 55 legislative days left this session. Unless we act now, the crime, the violence, and the drug trafficking will continue. We can help stop it, but only if we act.

Mr. NUNN. Mr. President, will the Senator from Florida yield any time remaining under his special order?

Mr. CHILES. Mr. President, I yield such time as the Senator from Georgia may require.

TITLE IV, CRIME CONTROL ACT OF 1982, HABEAS CORPUS-3

Mr. NUNN. Mr. President, the provisions of title IV of the Crime Control Act of 1982 will modify the existing habeas corpus statute to prevent the Federal courts from holding an evidentiary hearing if the State court has already conducted one which fully and fairly resolved the merits of the factual question. The U.S. Supreme Court has made it clear that when a finding of fact has been determined after a full and fair hearing in State court, a further factual hearing in Federal court is not required. Unfortunately, many Federal courts apparently regard existing law as impermissive and insist on holding evidentiary hearings regardless of what the State court records show.

There is no rational reason why there should be a second hearing to determine issues of fact if the State court procedures are open for full and fair development of the facts and resolution of the issues. If they are not, the Federal district courts are permitted to intervene and determine the factual issues anew. But, justice requires nothing more, as the Supreme Court has repeatedly noted.

The case of Jurek against Estelle illustrates the need for the type of amendment we have proposed in title IV of the Crime Control Act. In 1973, Jurek was indicted for the murder of a 10-year-old child in Cuero, Tex. At his State court trial Jurek filed a motion to suppress confessions that he had given to the authorities shortly after his arrest. The Texas trial court conducted a suppression hearing; however, Jurek elected not to testify at that hearing. The Texas trial judge entered an order finding that the confessions were voluntarily given and the trial jury was also allowed to determine their voluntariness, weight, and credibility.

Jurek was found guilty, sentenced to death, and thereafter instituted an appeal to the Texas Court of Criminal Appeals. Among the issues raised, Jurek challenged the admissibility of his written confessions claiming they were involuntary. That court found the record supported the trial judge's finding and affirmed the judgment and sentence. The Supreme Court of the United States also affirmed the judgment and sentence after upholding Texas death penalty statute.

Thereafter Jurek filed a petition for writ of habeas corpus in the U.S. District Court for the Southern District of Texas again claiming the confessions were involuntary and thus inadmissible. The Federal district judge after reviewing the State court records and other evidence presented by the parties ruled against Jurek and an appeal was instituted to the U.S. Court of Appeals, Fifth Circuit. On April 23, 1979, in a 2 to 1 decision, the court held "* * * under all circumstances, Jurek's confessions were involuntary. * * *" The panel never mentioned any evidence or indication that the Texas trial court hearing was not full and fair. The panel ordered a new trial and held the confessions given by Jurek could not be used in a subsequent trial.

Judge Coleman in a vigorous dissent stated:

> . . . We have never seen Jurek; we have not seen or heard any of the witnesses. The majority disagrees with the findings of all the judges and jurors who have done so and it follows its own notions of what the evidence should have established. In my opinion, such "independent findings" are unjustified. . . .

Texas filed a petition for rehearing en banc, which was granted on June 5, 1979. On August 11, 1980, 7 years after the crime was committed, a sharply divided court of appeals rendered a 45-page opinion which resulted in a reversal of the order of the lower court denying the writ of habeas corpus. A majority of the court found the first confession voluntary but the second confession involuntary. Nine judges found both written confessions involuntary. Eleven judges concluded both written confessions were voluntary and stated:

> . . . A careful reading of the record convinces us that the findings of voluntariness by the jury, the State Trial Court, the State Appeallate Court and the Federal District Court were sound. . . .

This case illustrates the absolute need for a modification of existing law because if Federal courts are free to make an "independent determination" of questions of fact without regard to the findings made by the persons who heard and saw the witnesses, notwithstanding the fact that those findings are rationally supported by the record, then one must wonder why go through the trouble of holding State court hearings in the first place and whether any judgment can ever be determined to be final.

Mr. President, I think this example and many other examples indicate the need for changes in the law proposed by Senator CHILES and myself. I hope our colleagues will consider these changes in the very near future.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. ZORINSKY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time for morning business has expired.

Mr. GOLDWATER. It has? I ask unanimous consent, during the time we are waiting for something to start, that I might make a few remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAIWAN RELATIONS ACT

Mr. GOLDWATER. Mr. President, recently, during the Memorial Day recess, it was my pleasure to, once again, visit the island of Taiwan and obtain firsthand impressions and reactions to the seeming failure of President Reagan and the administration to live up to the promises made to the American people during the campaign which placed the President in office.

Now, I want to start these remarks by quoting in part from an item appearing in the U.S. News & World Report of June 7:

> Anxious to close a widening rift with China, the United States is reported by congressional sources to be offering Peking this deal: Washington will explicitly recognize China's legal sovereignty over Taiwan, promise to set a cutoff date on shipments of arms to the Taipei Government and meanwhile limit such weapons sales.

On the heals of that report is a similar announcement in the June 14 issue of Newsweek that the United States and Red China are nearing a settlement of the dispute over arms sales to Taiwan which will phase out these sales. The Newsweek article reports that our Government is likely to present the Chinese Communists with a new draft proposal that may well be in the form of an accord similar to the Shanghai communique.

It has been suggested by some observers that if such a document exists it would represent the effort of pro-Peking individuals in the State Department to circumvent and effectively abrogate the Taiwan Relations Act.

According to this scheme, a joint communique would not require Senate approval, as a treaty would, nor action by both Houses of Congress as an actual amendment of the Taiwan Relations Act would. Thus, in the eyes of those persons who wish to abandon Taiwan, a joint communique would be a sneaky way of getting around the Taiwan Relations Act without any prior consultation with the Congress or any form of congressional approval.

That, Mr. President, is the precise fear everyone in Taiwan has that I spoke with, and that goes from the workmen on the street right on up to the very top. I want to ask, through this CONGRESSIONAL RECORD speech, a question of every American and particularly direct this question to the President, the Secretary of State, and others concerned with the keeping of campaign promises and the faith of our country's commitments. Do you want to live the rest of your life with the fact embellished on your mind that you, through your actions, have contributed to the downfall, degradation, and possible bloodshed of 18 million people living on the island of Taiwan? If this type of action is taken, if America goes back on its word and its best interests, this is about what you can expect when the mainland Chinese invade or threaten to use force against Taiwan or its trade activities in the future. Now make no mistakes about this, if we renege on our promises, we are inviting a war in the far Pacific. It is a war that could mean the possible loss of the most strategically valuable piece of real estate we have available out there.

Mr. President, another dangerous aspect of the agreement that the State Department is reported to be promoting is that it would appear to acknowledge for the first time that the Chinese Communist regime has sovereignty over Taiwan. We have never, and I repeat "never," accepted or acknowledged that Taiwan belongs to Communist China. We have merely acknowledged, meaning no more than we take note of, the "position that there is but one China and that Taiwan is part of China."

Now, we should examine the word "part" carefully. It is important to note that "province" is not used. Former Secretary of State Kissinger, who was in Shanghai when the communique was drafted, has revealed publicly that our Government deliberately avoided using the term "province" and instead substituted "part" in order to avoid any false implication that Taiwan was subject to the political sovereignty of the so-called People's Republic.

If we now change our original course and give any specific or tacit acceptance of Chinese Communist "sovereignty" over Taiwan, it would immediately create great tension in the Taiwan Straits. The Chinese Communists might interpret this new development as giving them a free hand to do whatever they saw fit, greatly increasing the likelihood of military confrontation in the Taiwan region. The United States must steer clear of the "sovereignty" issue and maintain close relations with the Government on Taiwan in accordance with the Taiwan Relations Act.

Mr. President, I want everyone connected with the decisions that seem to be in the process of being made to understand fully what they are doing. We can talk all we want about the one-China policy and many people on Taiwan agree with that when we speak of the Chinese nation. But none of them can agree that there can be one China with part of it slave under communism and part of it free under the government practiced on Taiwan.

One China, yes, but one free China. That should be our goal, not the seeming placation of Communists who rant and rave about the Taiwan Relations Act and try to force everyone who vists mainland China into promising that they will seek repeal or amendment of that act.

Next, Mr. President, I would point out that the Taiwan Relations Act, which is the binding law of the land, clearly states that the sale of arms to Taiwan is necessary in order to maintain peace, security, and stability in the Western Pacific, and that it is the policy of the United States to provide Taiwan with adequate military equipment and services so as to enable her to maintain a sufficient self-defense.

In fact, the law gives to the Congress specific affirmative duties to monitor the implementation of the Taiwan Relations Act and to participate as an equal partner with the President in determining the nature and quantity of defense articles and services provided Taiwan under the act.

Finally, Mr. President, it is very important that the United States not give any credence to Red China's peace talks. The phony nine-point reunification offer by the Chinese Communists is garbage, not worthy of our attention. The Communist regime is run by the same brand of tyrants who murdered 50 million or more Chinese people since the military occupation of the mainland in 1949.

Mr. President, I discussed these same matters at greater length in my remarks before the American Chamber of Commerce in Taiwan last week, and I ask unanimous consent that the text of the speech may appear in the RECORD. Also, I ask that articles on China policy from the Washington Times of June 9 and June 10, may appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR BARRY GOLDWATER OF ARIZONA BEFORE THE AMERICAN CHAMBER OF COMMERCE

It is a pleasure for me to accept your invitation to appear before you today at your monthly meeting for June. I will open my talk with an unusual question: Is Red China a dictatorship?

Now, you would not think the question needs to be asked or that anyone would hesitate a moment in giving you the obvious answer, which is that Communist China is a total military dictatorship, which has never respected the human rights of the people on Mainland China and has never given up its claim to absorb Taiwan by force.

And yet, when this question was asked of a State Department representative at a congressional hearing recently in Washington, that official denied that Red China is a dictatorship. The witness squirmed and evaded and went through all kinds of contortions during several minutes of followup questioning, but he adamantly refused to term Communist China a dictatorship.

What is worse, the State Department official even denied that Red China has any ambition to be a leader of the world Communist movement. He flatly denied that the Communist regime is aiding any subversive movement anywhere in the world.

This revealing—and revolting—spectacle occurred at a hearing before the Senate Agriculture Committee on May 3, just 1 month ago. The witness was Thomas Shoesmith, Deputy Assistant Secretary of State for East Asian and Pacific Affairs. The subject was a piece of legislation supported by the State Department to designate Communist China as a "friendly country" so she can become eligible for food aid.

This episode shows that the State Department is still living in a fantasy world. The same attitude of unreality is apparent in three letters addressed to Chinese Communist rulers that were disclosed after Vice President Bush's visit to Peking in May. These letters appear to convey the impression that the United States gives serious credence to the Communist peace offensive initiated last September 30.

One of our Government's letters, dated April 5, was addressed to Vice Chairman Deng. It expressly states that: "We fully recognize the significance of the 9-point (peace) proposal." The letter also conveys "our appreciation of the new situation created by these developments."

Another letter from our Government, dated April 5, was directed to the Communist premier. This letter declares that "there would naturally be a decrease in the need for arms by Taiwan" as progress toward a peaceful solution occurs. The letter wrongly implies that some progress has already been made because it states that "our positions over the past 2 months have reflected this view."

With this background, let us examine three issues. First, is Red China a "friendly country?" Second, is there any substance to the Communist peace talk? And, third, is the United States again shifting its policy away from Taiwan?

The answer to the first question was given in a brilliant rebuttal to the State Department by Ray Cline of the Georgetown University center for strategic and international studies. In answer to the apologetic defense of the Communist regime made by the State Department, Doctor Cline testified that Communist China "is a dictatorship built on the traditional Soviet model . . . it is totalitarian. It subordinates all people, all purposes, every economic activity, to arbitrary political control." Truer words were never spoken.

Doctor Cline added that in the past year many of the steps some people thought to be possible openings toward a looser society in Red China have been cancelled and the direction is now toward tighter control. More than that, the relationship with the United States, which was always one of opportunism and expediency, is now beset with quite a few very serious turbulences.

For example, Communist China is actively engaged in trying to establish Communist parties loyal to Peking which will encourage revolutionary activity against the established governments in every part of the Third World.

As proof of this, you may be interested in a report to the Committee on Foreign Relations which Senator Hayakawa of California filed in March of this year after his visit to the five "ASEAN" countries; Indonesia, Malaysia, Singapore, The Philippines, and Thailand. In three of these nations, Senator Hayakawa reveals, he found that local governments fear the threat of subversion from Communist China as a more immediate and greater threat to their survival than the one posed by the Soviet Union. All five nations are worried about the Red Chinese threat in the next decade.

It is true that Communist China has failed dismally in its ability to Communise the developing nations, but that is not a reason for saying it is not a part of the world Communist movement. Nor is there much evidence that Red China has been friendly to us in any practical way.

For one thing, Red China is constantly trying to bully the United States into abandoning Taiwan with the goal of making her a subordinate province under the thumb of the Communist regime. Moreover, I would remind you that Red China has openly criticized American efforts to resist Soviet and Cuban revolutionary goals in the Carribean. Red China has protested our efforts to stabilize El Salvador. Red China has denounced our support of Great Britain in the Falkland Islands issue.

Also, Communist China has resumed demands that the United States withdraw its Armed Forces from South Korea. Peking claims our forces "impede the relaxation of tension in the Korean Peninsula." Chinese Communist leaders differ openly with United States policy concerning the Palestinian issue in the Middle East and they differ with U.S. regarding sanctions against South Africa.

The Red Chinese have refused to condemn Poland's one-party military dictatorship. Instead, Mainland China increased its level of trade with Poland by 30 percent after the imposition of martial law there. So the State Department is stretching the truth quite a bit when it seeks to call Red China a "friendly country."

Second, I think the administration was badly mistaken in giving the false impression that our Government endorsed Peking's peace talk. At best the Communist reunification talk is propaganda. At worst, it is the prelude to justifying military moves, if and when force is decided on.

Now, I must ask, don't we in the Western world have any sense of history? Surely we can recall that the Communists used the so-called "united front" at least twice in the past as camouflage to develop their strength and expand their area of control against the Republic of China. The first betrayal was their faked cooperation with the Sun Yat-Sen Government in the 1920's. The second happened when the Communists dishonored their pledges to join hands against the Japanese invasion.

And does no one in the State Department remember the promises which were made in a formal agreement between Communist China and Tibet in 1951? These assurances provided that Peking would not "alter the existing political system" and pledged that the "Tibetan people have the right of excercising national autonomy." Despite this agreement, Red China ruthlessly took Tibet by force in 1959 and committed atrocities so severe that it was condemned by the International Commission of Jurists for practicing "genocide."

In other words, beware of Communist peace offers. But let us suppose for a moment that the Republic of China did what Red China demands as a precondition to its reunification plan. The Republic of China would first have to give up its sovereignty and recognize the Peking regime as the true central government of all the Chinese people.

Once the Republic of China had conceded its sovereignty, it would no longer have the legal right to trade, purchase arms or engage in any external activities without the approval of Peking. Thus, I believe the Government on Taiwan has wisely taken the position that unless the Chinese Communists restore human rights and respect private ownership by the people, there is no room for any substantive peace talks.

One American political commentator, writing in the Christian Science Monitor on February 2, 1982, observed that Peking's objection to Taiwan's purchase of defensive arms from the United States makes the reunification offer an empty gesture. If the people on Taiwan cannot feel secure about their lives, freedoms and living standards, how can they trust the Communist proposal as meaning anything?

Robert Downen wrote in the Asia Report of May, 1982, that Argentina's surprise military seizure of the Falkland Islands offers an important lesson regarding Taiwan's security. The incident demonstrates what may happen when an insecure authoritarian government experiences increasing domestic pressure because of human rights abuses and a lagging economy. It may, in desperation, launch an aggressive campaign elsewhere to divert attention from internal problems.

In answer to the third question, I do not believe the rhetoric of the State Department means that the United States has shifted its basic policies toward Peking or against the Republic of China. Unfortunately, there is a strong measure of double talk in our Government's pronouncements on the subject, but I personally retain confidence in the honesty and good judgment of President Reagan. I am convinced he will live up to the commitments he made as a candidate.

Fortunately, I can report to you that I have had several encouraging discussions with administration officials recently that persuade me they are not blind to the basic realities of the Asia-Pacific region.

One of these realities is that the United States and Communist China have totally different social, economic, and political systems. Another is that the brutality and colossal incompetence of every Asian Communist dictatorship in failing to meet the demands of its population for security and a decent standard of living is visible to all nations in the Pacific Basin area.

In contrast, the growing strength and vitality of the newly industrializing and private enterprise oriented nations of the Asian-Pacific region is one of the dominant geo-political facts of this decade. The emergence of at least ten prosperous Asian-Pacific nations, who are modernizing their societies successfully in friendly association with the United States, offers a magnificent opportunity to tilt the balance of world power back to the free world.

These ten countries, Japan, South Korea, Taiwan, Australia, New Zealand, and the five "Asean" nations, are experiencing the highest rates of annual economic growth in the world. The trade of these nations with the United States amounted to $109 billion in 1980, nearly a quarter of our total trade. United States trade with the entire Asian-Pacific region exceeds our trade with Western Europe.

Here is a region in which we have friendly and productive interests. What is needed is a policy that will ensure our continued good relationships with these nations and that will strengthen the development of closer cooperation and ties among them. This means that we should place our relationships with the private enterprise countries of the Asian-Pacific region on at least an equal footing to those we have with Western Europe.

Taiwan is an essential part of any Pacific Basin concept. The Island of Taiwan is in the pivotal position linking Northeast and Southeast Asia. It protects Japan and the sealanes leading from Korea and Japan to the South China Sea. It also provides the geographical link with the Philippines, the northernmost of the five "Asean" States. Thus, Taiwan holds the middle of a very strategic belt of nations.

Taiwan continues to enjoy economic success. The Republic of China achieved an economic growth rate of 6.7 percent in 1980 and 5.6 percent in 1981. The expected growth rate is 7.5 percent this year. These are remarkable results in light of persistent economic recessions elsewhere in the world.

Per capita income of Taiwan in 1981 was $2,600, compared to only $281 in Communist China. The Republic of China plans to raise per capita income to $6,200 by 1989.

There is full employment in Taiwan. The nation keeps commercial ties with more than 150 nations and enjoyed an overall trade surplus of $1.4 billion in 1981. Taiwan's total foreign trade with all nations will likely reach $200 billion by 1989. The 18 million people on Taiwan constitute a larger nation than more than 100 other countries of the world.

However, in addition to the three matters I have discussed, I stand here amazed and puzzled as to how and why any President or Secretary of State of the United States could ever have made such a thoughtless agreement that there is only one Chinese Government.

How in the name of common sense can anyone agree that a government of slavery be equally compared with a government of freedom?

There will be one China when there is one free China. And I pray my countrymen will speak only to that.

The Republic of China has made great strides toward a constitutional democracy and achieved tremendous success in the economy, education, health, communications, and transportation. These achievements have earned the continued friendship of the United States and the emulation of developing nations everywhere. Let us, as Americans, prove that cooperation with the United States is not betrayed and that Taiwan and the United States can work together to show all of the Pacific Basin countries how to become open and free and prosperous societies.

[From the Washington Times, June 10, 1982]

HAIG, STATE'S 'CHINA HANDS' CONTINUE CRAWL TOWARD PEKING

(By M. Stanton Evans)

When Ronald Reagan was elected President, even those with minimal hopes for his

administration assumed he would do better on crucial foreign policy issues than did his vascillating Democratic predecessor.

That assumption seemed especially valid concerning U.S. attitudes on China, where Jimmy Carter had presided over a stunning reversal of our historic policy of friendship toward the anti-Communist government on Taiwan, in order to placate the Communist rulers on the mainland. Reagan by way of contrast was known as a vocal friend of the Taiwanese, in keeping with his general record of sturdy anti-communism.

It comes as something of a shock, therefore, to note that Reagan's policy on China, during his first year and a half in office, has been demonstrably weaker than Jimmy Carter's. As crafted by Secretary of State Haig and the "China hands" in the State Department, it has been even more subservient to Peking, even more willing to rebuff the free Chinese, than Carter's policy at its most cringing.

As part of the bargaining package when Carter broke relations with Taipei and renounced our mutual treaty of defense, Congress passed the so-called Taiwan Relations Act. Under this act, it is stipulated in no uncertain terms that the U.S. will provide Taiwan the arms it needs for its defense. While Carter was in office, such sales in fact continued.

During Reagan's tenure, however, the Taiwanese have had nothing but trouble in making weapons buys from the U.S. Their request to purchase a new model fighter-interceptor has been turned down, as have other weapons requests; hundreds of millions of dollars worth of equipment already in the pipeline was held up; and the administration stalled for upwards of a year on the sale of $60 million in spare parts—the sort of thing that went through routinely under Carter.

The stated reasons for this performance varied, but the actual reason is obvious on the face of it and more or less officially acknowledged: the Reagan State Department has been holding up on arms sales to Taiwan because Peking opposes them. According to Secretary Haig and others in the department, we must truckle to Peking to shore up the internal power position of Deng Tsiao-ping and prevent the Red Chinese from breaking diplomatic relations with us—which supposedly would be a diplomatic tragedy.

Among other things that might be said about this policy, the most obvious is that it is a blatant violation of the law: the Taiwan Relations Act does not say we are to make arms sales to Taiwan if Peking approves them. It says we are to make such sales as are necessary to the defense of Taiwan, period. The Reagan State Department is conducting our policy toward China as though this requirement—and the act containing it — is an inconvenience to be ignored or circumvented.

In this respect, it is noteworthy that the letters from President Reagan that Vice President Bush hand carried to Peking in April made no mention whatever of our government's legal obligations under the TRA. Instead it commended Peking for its supposed interest in a "peaceful settlement" with Taiwan, and said that "we expect that in the context of progress toward a peaceful solution, there would naturally be a decrease in the need for arms by Taiwan." The hint conveyed by this language, it is reported, has since been reemphasized in other communications to the Red Chinese.

Incidentally, these letters—which were obviously drafted in the State Department—are a further example of the Aesopian double-talk in which such missives have been couched since the Shanghai communique of 1972: Permitting differing sides of the China issue to read different meanings into the verbiage, while the substance of policy moves increasingly closer to the requirements of Peking.

Meanwhile, President Reagan has failed to follow up on his campaign pledges concerning the Taiwanese—to relieve them of the petty harassment to which they were subjected under Carter. They are still treated as diplomatic pariahs with whom we can have no official dealings. Assistant secretaries of State and Defense, on a recent Far Eastern junket, conspicuously avoided going to Taiwan, etc.

In short, there is no evidence whatever that our policy on China has improved under Reagan. There is plenty of evidence that it has continued in the negative vein of Jimmy Carter, or has in fact deteriorated. Thanks to the Kissinger-style diplomatists in the Reagan State Department, our China policy continues to be what it has been for most of the past decade—a long, slow crawl toward Peking.

[From the Washington Times, June 9, 1982]

PRESIDENT SWAYED BY BAD ADVICE ON CHINA POLICY

(By Smith Hempstone)

Someone—and that someone almost certainly is Secretary of State Alexander Haig—is selling President Ronald Reagan a bill of goods of China policy.

Reagan, for the sake of those who have forgotten—including the president himself—campaigned on a pledge to "carry out in its entirety the provisions of the Taiwan Relations Act." He asserted that he would support re-establishment of some form of "official government relations" between this country and Taiwan. He vowed that he would "not accept the interference of any foreign power" in the determination of American foreign policy.

President Reagan has done none of these things promised by candidate Reagan. He turned down Taiwan's request to be allowed to buy the FX jet. He has listened patiently while mainland China has complained about the sale of a piddling $60 million worth of spare parts to Taiwan (as opposed to the $800 million in military aid granted Taiwan by the "wishywashy" Carter administration).

And it now appears possible he may agree to cut off all military aid to Taiwan by a date certain, probably within the next three or four years.

Haig is not the only high Reagan administration official kowtowing to Peking. Secretary of Defense Caspar Weinberger and CIA Director William Casey also apparently have become mesmerized at the prospect of "playing the China card" against the Soviet Union.

Some pro-Peking State Department officials—there obviously is not much of a future for a pro-Taiwan sinologist—even go so far as to speak of China as "the Pacific anchor of NATO."

This is, of course, nonsense.

Certainly China will allow the United States to modernize its armed forces at our expense. Clearly Peking will permit Washington to lend it money and provide technical assistance at concessionary rates. Obviously the Chinese maintain large numbers of troops on their border with the Soviet Union.

But China does these things as a means of obtaining its own objectives, not of furthering ours. Haig can hint until he's blue in the face that Deng Tsiao-peng is a closet capitalist, but China remains a Marxist state. Teddy Kennedy can complain (as he did only last month) about martial law in Taiwan, but China still remains a tyranny.

Part of the problem with our China policy—and, for that matter, with our policies in several other parts of the world—is that Reagan, after 18 months on the job, really doesn't understand foreign policy and, having little confidence in himself, is easily swayed by the last person he talks to. Judge Clark, his national security advisor, is not much better grounded.

With the departure of James Lilley and Dick Allen from the National Security Council more than six months ago, there has been no one around to make the case that Taiwan, while it is small, is a far more dependable and politically compatible ally than China.

Even when he gets good advice on China policy, Reagan seldom seems to take it these days. Only last month, five former ambassadors to Taiwan—Karl Rankin (1950-58), Everett Drumright (1958-62), Jerauld Wright (1963-65), Walter McConaughy (1965-74) and Leonard Unger (1974-79)—wrote to Reagan urging him not to seek better relations with China at the expense of Taiwan.

Wrote Rankin: "We are under no obligation to please a regime which remains avowed communist, which practically booted out our representatives in 1949, killed and wounded thousands of American soldiers in Korea, and would make a deal with the Russians against us tomorrow, if it suited their convenience."

Handing over Taiwan to China (the end result of cutting off the arms flow), Drumright wrote, "would really amount to dumping one of the most successful experiments in freedom in East Asia" and amount to "giving up the equivalent of several aircraft carriers."

These are the voices of diplomats who have spent years in Asia, men who need to punch no tickets because their careers are behind them. The president would do well to listen to them.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTELLIGENCE IDENTITIES PROTECTION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I call up the conference report on H.R. 4.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 20, 1982.)

Mr. CHAFEE. Mr. President, it is my understanding that a rollcall vote will take place at 11:30 a.m., although that

has not been entered as an order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, it would be my intention to seek a rollcall starting at 11:30, because I know that some Senators have to leave at that time and then others will be arriving shortly thereafter.

Mr. President, what we have before us today is the conference report on the Intelligence Identities Protection Act of 1982. The original bill passed in the Senate, as you recall, on vote of 90 to 6 at the time.

The conference took place, and the conference report was approved in the House on June 3, by a vote of 315 to 32.

I will summarize the differences between the final piece of legislation before us today and the piece of legislation that was passed in the Senate in March.

The bill is essentially the same, except for section 603. Section 603 deals with cover.

Mr. President, when we got into this matter on the floor of the Senate, there was a group of Senators who felt very strongly that nothing should be dealt with in cover that did not have an exception for the Peace Corps. So the instruction to the Senate conferees, from those who felt so strongly about this issue, was either to include an exemption for the Peace Corps or to have nothing dealing with cover. The House version did have a considerable amount dealing with cover, with no exemption for the Peace Corps. So a compromise was reached which provides as follows:

Under section 603, it really is reduced to this: The President of the United States, after receiving information from the Director of Central Intelligence, shall submit to the Select Committee on Intelligence in the Senate and the Permanent Select Committee on Intelligence in the House an annual report on measures to protect the identities of covert agents and on any other matter relevant to the protection of the identities of covert agents.

Paragraph (b) of section 603 states:

(b) The report described in subsection (a) shall be exempt from any requirement for publication or diclosure. The first such report shall be submitted no later than February 1, 1983.

That is the sum total dealing with cover. It has been greatly cut down from the version that originally existed in the House, and it is acceptable to those who felt so strongly regarding the matter of cover and the exemption for the Peace Corps.

As a matter of fact, we cleared it with those Senators, particularly the senior Senator from California, who felt strongly about it, and he approved of this version in the final bill. That is the only significant change from the legislation that was passed in the Senate in March.

Mr. President, this is the culmination of a long and difficult effort. This matter was debated for some time for 3 days on the floor of the Senate. It has been gone into thoroughly.

The conference report has been signed by the junior Senator from Delaware, who argued against the measure originally on the floor. He has signed the conference report as one of the managers on the part of the Senate. The conference report also has the signature of the junior Senator from Vermont, who also has some concerns about the overall legislation.

Mr. President, it is our hope that this legislation will accomplish its objective—namely, to punish those who make it their business to disclose the names of our agents who are serving this Nation abroad, serving us as Americans, our fellow Americans who were sent overseas to accomplish missions for us, on behalf of this country. We do not believe that other Americans should be disclosing their names.

That is the objective of this legislation. We believe we have tailored it so that we are able to walk that narrow boundary between the objectives we seek and the protection of rights under the first amendment.

I see the distinguished chairman of the full committee in the Chamber, and if he wishes to make any remarks, we will be glad to hear them at this time.

Mr. GOLDWATER. I thank my good friend from Rhode Island.

Mr. President, before I commence my remarks, I should like to compliment the Senator from Rhode Island for the very patriotic thing he has done in the matter of this legislation. It is long, long overdue, for the protection of one of the most important parts of our governmental system, the intelligence family.

Mr. President, the agent identities conference report before us today will help us protect our intelligence personnel in foreign countries. It will stop intelligence sources from refusing to cooperate with us because they are afraid their names will be exposed. It shows we can be trusted to protect them. This bill will assist us to get the information our policymakers need to make informed judgments about the world we live in. This information is vital to the continued security and freedom of our country.

Last week, the House approved this conference report by the overwhelming vote of 315 to 32. Last year, the House passed H.R. 4 by the vote of 354 to 56. On the Senate side, this bill was reported out of my committee in 1980 by the vote of 13 to 1, after 9 days of hearings and over 650 pages of testimony. In March of this year, the Senate passed this legislation by the vote of 90 to 6, after 7 long days of debate.

The bill before us today has wide support but has been delayed over the misperception that it might interfere with first amendment rights of Americans. Well, the first amendment rights of the news media were carefully considered and, as a result, the bill will protect those rights while allowing for the prosecution of those who disclose the names of agents.

This act will help protect our employees working abroad in the intelligence operations of this country. It will reduce the chances of their being identified and exposed and will reduce the risks of their being harassed, shot at, or even killed. The pernicious activity of "naming names" has the sole purpose of disrupting and destroying our intelligence activities. These unauthorized disclosures have been extensive and yet, until today, we have not had a law to stop it. I think it is high time we have such a law. I hope the Senate passes this conference report today by an overwhelming vote.

It is bad enough that our citizens serving overseas and their families are exposed to violence. But to allow someone here at home to do it by putting an ID tag on them so that they become targets does not make any sense at all.

This act sends out a clear signal that U.S. intelligence officers will no longer be fair game for those members of their own society who wish to take issue with the existence of the CIA, or have some other motive for making these unauthorized disclosures.

This bill makes one clear statement: If intelligence identities and intelligence activities are worth protecting, they are worth protecting fully and effectively.

Mr. President, I commend my colleague on the Senate Select Committee on Intelligence, Senator JOHN H. CHAFEE of Rhode Island, for his courage and persistence in pursuing this legislation. He was an original cosponsor of this bill in 1980.

He worked to mold it into its current shape when the committee reported the bill out in the summer of 1980, and he has worked long and hard in getting this legislation through the Congress ever since. He has done a great job for the committee, for the Congress, and for the Nation. We should be pleased and proud that there are men like this in the U.S. Senate. I, for one, consider it a high point of my chairmanship of the Senate Select Committee on Intelligence that I am chairman at the time this bill has passed the Congress and will be signed into law. This is a great event and I am proud to be a part of it.

Mr. President, in concluding my remarks today, I say, thank God for patriotic Americans like Richard Welch, the Kinsman family, Jesse Jones, and many others who serve their Nation loyally on difficult and dangerous missions abroad. These patriotic American families carry the torch of freedom to the dark corners of the world. Their work, their knowledge and their

understanding enlightens our Government and our policymakers. We owe them far more than the simple protection this law provides. They constitute, in effect, the first line of defense of the free world. They are soldiers in the war against ignorance, and they perform their duties amidst great hardship, difficulty and danger. Our support of this bill and of this conference report is a reflection of the Senate's understanding and support for their sacrifice and their contribution. Thank God for these patriotic American citizens.

Mr. CHAFEE. Mr. President, I thank the distinguished chairman of our full committee, the Senate Select Committee on Intelligence, for that fine statement. I also take this opportunity to express my personal thanks to him for the support he has given us in this long and arduous trip we have been on, attempting to achieve passage of this legislation.

I see the distinguished chairman of the Committee on the Judiciary in the Chamber. This measure, of course, was jointly referred, and it also went to the Judiciary Committee. I will be glad to hear from the senior Senator from South Carolina at this time.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from South Carolina.

Mr. THURMOND. Mr. President, as the senior member, I was the chairman of the conference. This matter has been worked out in a way that we think is satisfactory, and I am very pleased that action is finally being taken. It has taken a year or two to do something we should have done in 30 days in view of the high priority of this matter.

I commend the able Senator from Rhode Island.

Mr. CHAFEE. Mr. President, if the Senator will yield for 1 minute, I think we have present in the Chamber a sufficient number of Senators for a rollcall.

Mr. President, at this time, I ask for the yeas and nays on this conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. I thank the Chair and I apologize for the interruption.

Mr. THURMOND. Mr. President, I commend the able Senator from Rhode Island for the great service he has rendered on this piece of legislation. He has worked very diligently day and night to try to bring into being a law that should have been acted on long ago.

In my opinion, there should not have been any question about the passage of this legislation long before now. At any rate, there was objection, but I am glad that the differences have been ironed out and that the bill can pass.

Mr. President, I also commend the fine statement by the chairman of the Intelligence Committee on this report, and I hope that this matter will be speeded and the President will sign this bill promptly so we can give the protection that should have been done long ago to important agents of this Government who are trying to protect our people.

The conference report on H.R. 4 represents the culmination of a great deal of work during at least two Congresses. Legislation of this nature has been examined in one form or another by both the Select Committee on Intelligence and the Committee on the Judiciary since early 1980. Hearings have been held, there has been lengthy debate, and each and every section has been closely and carefully scrutinized. I do not believe that there is much disagreement in the Senate as to whether or not legislation of this type is needed. I think that it is time for the Senate to say with a loud and clear voice that we do not condone the type of action prohibited by this bill.

This measure aims at protecting the identities of those individuals whose anonymity serves the interest of the country. Moreover, this legislation would insure an appropriate balance between individual rights and the absolute necessity for secrecy in intelligence collection vital to the security of the Nation.

The prohibitions contained in H.R. 4 are directed at punishing those individuals who intentionally and without authorization disclose information identifying intelligence officers and agents of the United States. This bill is not intended to apply to members of the press or others engaged in legitimate activities protected by the first amendment. It is intended, however, to stop those people who are in the business of "naming names" of our covert agents.

We must keep in mind the special needs of the brave and unsung employees of the intelligence agencies of this country. We must remember, too, that uninformed policymakers cannot properly serve the people, and without the information these agents provide, the American people will suffer.

I take this opportunity to commend our distinguished colleague from Rhode Island, Senator CHAFEE, for the exemplary service he has done the country in shepherding this legislation through Congress and for his tenacity and determination in seeing the measure become law.

If the Senate approves this conference report on H.R. 4, I am confident the President will sign the bill into law, and when that day comes Senator CHAFEE should be given a major share of the credit for enactment of this overdue and clearly beneficial statute.

I also feel that the Senate should remember the superb work done in the final days of his life by Representative John Ashbrook, of Ohio, a man held in high esteem by his colleagues in the House of Representatives and admired and respected by the Senate.

Representative Ashbrook was responsible for a significant strengthening improvement in this bill which he obtained on the floor of the House of Representatives. That action was typical of his long and distinguished career as a legislator.

I believe it is particularly fitting to remember Representative Ashbrook at this time, while the Senate is acting on one of the many bills to which he devoted his skill and labor.

For that reason I ask unanimous consent that immediately prior to the conference report on H.R. 4 there be printed in the RECORD the speech made by Representative Ashbrook on the floor of the House of Representatives on Wednesday, September 24, 1981, when the House had under consideration the legislation now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, before moving passage of this legislation, I do wish to extend my thanks to a host of people who have helped me and have worked so diligently and effectively in achieving passage of this legislation.

We started on this in January 1980. So, as I mentioned, it has been a long road. I have had the help of a whole host of people. I was an original cosponsor of this legislation. Since that time, many of my distinguished colleagues have lent a strong and able hand to assist in getting this legislation to the point where it now can be signed into law.

First of all, I thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, who has done such an excellent job and given such fine support, and also his able members on that committee, Senators DENTON and EAST who have shown great enthusiasm and support. These men played a key role in conducting hearings and getting the bill reported from the Judiciary Committee last fall.

Senator THURMOND has also played an important role during the conference.

I also thank the distinguished senior Senator from the State of Washington, Senator JACKSON, who joined me as principal cosponsor to our amendment on the floor of the Senate this spring. He rendered yeoman service in having that amendment agreed to by a vote of 55 to 39, and without his help we certainly would not be here today.

I also thank the majority leader, Senator BAKER, and, of course, as I mentioned earlier the outstanding chairman of our Senate Select Committee on Intelligence, Senator GOLDWATER, who has previously spoken, who have given their unqualified support for our efforts in these long and difficult days. They have worked long and hard in bringing this bill to the floor and in promoting its final passage. There are many others who I

wish to thank as well, but I find the list is just too long.

Mr. President, at this time I shall take a moment to comment on the roles played by two Members of the other body regarding this important—indeed historic—legislation.

First, I pay tribute to the late John Ashbrook, whose floor amendment to H.R. 4 last year incorporated the current language of section 601(c) into the bill. John and I did not see eye-to-eye on all the issues, but when it came to the protection of American intelligence officers, we were of one mind. He was a man of unique integrity, great energy, and enduring tenacity. John was a leader in arriving at the point where we are today, and he was dedicated to the protection that we have provided for those who serve us in our intelligence community. I regret that John Ashbrook is not here with us today and that he has missed seeing this body, this Congress, pass this bill in a manner in which I know he would approve.

Second, I praise the distinguished chairman of the House Permanent Select Committee on Intelligence, the Honorable EDWARD P. BOLAND, a Representative in Congress from the Springfield area of Massachusetts. I was designated by the chairman of the Judiciary Committee, Senator THURMOND, as the one to conduct the negotiations with Chairman BOLAND.

Over the past 2 months, I have discussed the issues which this legislation involves with Chairman BOLAND on numerous occasions. His intimate knowledge of the subject, integrity, and great fairness in compromising on many points were largely responsible for the statutory language which we have voted on today. I commend him for the great service he has performed for the Congress and the Nation in this regard.

Finally, Mr. President, I thank Will Lucius and Quentin Crommelin of Senator THURMOND's staff, Joel Lisker and Bert Milling of Senator DENTON's staff, and Sam Francis of Senator EAST's staff for their untiring efforts in getting this legislation through the Judiciary Committee last year and through the conference this spring. I thank, of course, Rob Simmons, who is the staff director of the Senate Intelligence Committee, the counsel for that committee, Victoria Toensing, and Larry Kettlewell, Chip Andreae, and Rose Nahrgang, all who helped us a great deal and for their untiring efforts in support of this important legislation.

Mr. DENTON. Mr. President, I wish to add my voice to those who have spoken in support of Conference Report 97-580 on the Intelligence Identities Protection Act of 1982 (H.R. 4). The report has the overwhelming support of the House of Representatives, which passed it on June 3 by a vote of 315 to 32.

The report has been signed by all the Senate conferees.

Mr. President, this report is not perfect. In some areas I would personally have preferred tougher language, especially in dealing with section 601(c). Nonetheless, I believe that any compromise requires that all the parties accept less than they would ideally like.

In my view, Mr. President, it was imperative to do all that we could to insure that the Intelligence Identities Protection Act of 1982 became law. I believe that desirable result will now be achieved.

The disclosure of the identity of a covert agent is an immoral act, nationally and personally harmful, which cannot be tolerated. The conference report makes clear that prohibition of this activity, as it is defined by the bill, would in no way inhibit an individual from speaking about Government programs that are wasteful. Nor would it impede the whistle-blower who seeks to enhance his Government's ability to perform more efficiently by bringing to the attention or those in responsible positions deficiencies, fraud, or waste.

The reprehensible activities that this bill makes criminal have repeatedly exposed honorable public servants to personal peril and vastly reduced their effectiveness in pursuing their endeavors. This has produced a significant detriment to the national security. The insensitivity, irresponsibility, and amorality shown by those who seek to undermine the effectiveness of our intelligence capability are so inimical to our American democratic system that it seems certain that what we are about to do today should not be necessary. This bill is indeed overdue for passage.

Although in a free society we must welcome public debate about the role of the intelligence community as well as about other components of our Government, the irresponsible and indiscriminate disclosure of names and cover identities of covert agents serves no useful purpose whatsoever. As elected public officials, we have the duty, consistent with our oaths of office, to uphold the Constitution and to support the men and women of the U.S. intelligence services who perform important duties on behalf of their country, often at great personal risk and sacrifice.

I urge my colleagues to vote for this report.

Mr. DURENBERGER. Mr. President, the Intelligence Identities Protection Act, as amended and reported out of conference, should put an end to years of controversy. All of us want to protect our country against those who would maliciously expose American intelligence officers. Yet none of us wants to undermine a free and probing press, whose contributions to an informed public are a bulwark of democracy. Thanks to the hard work of many people, this bill now meets both tests.

The lion's share of the credit for this successful result must go to my good friend from Rhode Island, Senator CHAFEE. He guided this bill through the Senate since its earliest days. He steered a steady, constitutional course despite pressures to weaken the bill or to undermine the freedom of the press.

When the Select Committee on Intelligence reported out an earlier bill in 1980, we wrote a report that set clear limits on the type of conduct this bill would reach. When the Chafee amendment to the current bill was proposed last winter, many feared that it would have a chilling effect on the press. Senator CHAFEE and I recognized that the report language of 1980 was needed to underline congressional intent that the press not be harmed. So he and I engaged in a colloquy last March on the floor of the Senate to reiterate and update the 1980 report language and make it part of the current bill's legislative history.

The conference committee wisely relied upon the legislative history that Senator CHAFEE and I had created. The chairman of the House Intelligence Committee, Representative BOLAND, cited our role in his floor statement of June 2:

> In structuring statement of managers language to explain section 601(c), the so-called Ashbrook or Chafee amendment, the conferees noted that there had been little explanation in the House of the Ashbrook amendment. The most satisfactory sources of explanation were those referred to in the Senate debate—the explanation provided by the 1980 report of the Senate Select Committee on Intelligence to accompany S. 2216, the Senate forerunner of this bill in the 96th Congress, and a colloquy between Senators Chafee and Durenberger which drew from and expanded upon this same report.
>
> It was the intention of the conferees that these sources constitute the legislative history of this statute. Therefore, the conferees very carefully excerpted text from these sources.

The conference report is the primary element of legislative history, and I am certain that the courts will heed its message of moderation. It is this moderation—in the 1980 report, the Chafee-Durenberger colloquy, and now the conference report—that has won over many former opponents of this bill. Senators BIDEN, BENTSEN, and LEAHY all opposed the Chafee amendment, with Senator BIDEN opposing the bill as a whole. All three have signed the conference report, as have seven House Intelligence Committee members who originally opposed this language. Representative BOLAND has acknowledged the constitutionality of the current bill, once this legislative history is taken into account:

> As one who had serious doubts about the constitutionality of this bill as it passed the House, and who returns with a conference report substantially similar to that bill, I must say that, based on the interpretation of this statute as provided in the statement of managers, I believe that this statute can be considered constitutional. I believe that

it has a good chance to withstand the test of judicial scrutiny. It can do so because of its narrow focus and explicit avoidance of proscribing protected speech.

Senator CHAFEE and I always knew that his language had a narrow focus and did not proscribe protected speech. The fact that both Houses of Congress have come to support this stand so overwhelmingly is testament to the importance of preserving this sense of proportion in legislative history. Senator CHAFEE is to be saluted for his role in maintaining this delicate balance.

THE INTELLIGENCE AGENTS IDENTITIES PROTECTION ACT

Mr. MOYNIHAN. Mr. President, I rise to comment on H.R. 4, the Intelligence Agents Identities Protection Act, which the Senate approved by a wide margin on March 18. On May 20, the committee of conference favorably reported H.R. 4 in slightly modified form. I felt constrained to vote in the negative on March 18 and I regret that I must also do so today. The clear weight of scholarly legal opinion is that a major provision of this bill is unconstitutional. Moreover, this provision is, by any measure, imprudent. For we had before us an alternative which was less subject to constitutional objection; recommended by the Committee on the Judiciary as well as by the House Intelligence Committee; acceptable to the Central Intelligence Agency; and enforceable in the opinion of the Justice Department. Unfortunately, it was the will of the Senate and the House to reject this approach, opting instead for a standard of culpability which is preferred by the administration because it will facilitate successful prosecutions. It now appears that we will soon have a law which, while making it easier to convict scoundrels, will chill the exercise of first amendment rights.

Let me say that I do not take any pleasure in voting against H.R. 4. Indeed, it was perhaps the most difficult vote in my 5 years in this body. I sponsored the predecessor of this legislation in the last Congress, when it was considered by the Select Committee on Intelligence, of which I was then a member and now serve as vice chairman. I felt strongly then, as I do now, that the existing espionage laws need to be supplemented by clear criminal prohibitions against unauthorized disclosure of the identities of our Nation's undercover intelligence operatives. Two provisions of H.R. 4 would penalize the unlawful disclosure of a covert agent's name by persons who have had authorized access to classified information relating to the agent's identity. These provisions are sound and have received widespread support. However, a third provision of the bill, proposed section 601(c) of the National Security Act, applies to persons who have not had authorized access to classified information. It would make it a crime to identify publicly a covert agent even if the identify was discovered from public source information and even if there was no intention to harm the national interest. It is this section which, in my view, is unconstitutional. As a consequence, I could not vote for H.R. 4 and in good conscience believe that I had kept faith with my oath to support the Constitution.

Mr. President, I would ask the Chair's indulgence while I discuss the considerations which underlie my position.

Section 601(c) would impose criminal sanctions on a person if he discloses an agent's identity—

In the course of a pattern of activities intended to identity and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States ...

By a vote of 55 to 39, the Senate substituted this version for the one recommended by the Committee on the Judiciary which would have imposed criminal liability on a person who disclosed an agent's name—

In the course of an effort to identify and expose covert agents with intent to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure.

Section 601(c) as approved by the Senate, as well as the Judiciary Committee's formulation, would criminalize the publication or other disclosure of information which could be drawn entirely from unclassified or public sources. There was general agreement among the Members of this body that the national security interest in an effective clandestine service was sufficient to warrant a proscription on what are, in essence, private counterintelligence operations which ferret out and expose the identities of covert agents for the propose of disrupting U.S. intelligence activities. The disagreements arose over how to reduce to statutory language our desire to punish those in the business of naming names without inhibiting legitimate press activity and political debate.

Many law professors and legal scholars expressed doubt that any legislation could be devised which would outlaw such conduct without violating the first amendment's guarantees of free speech and press. This advice could not be lightly dismissed. However, the notion that it was impossible to reconcile the interests of national security and first amendment rights was unacceptable.

The sharpest and most succinct scholarly comment came from Philip B. Kurland, professor of law at the University of Chicago and one of the Nation's leading constitutional lawyers. In September 1980 he wrote:

I have little doubt that it [Section 601(c)] is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published can be valid. Although I recognize the inconsistency and inconstancy in Supreme Court decisions, I should be very much surprised if that Court, not to speak of the lower federal courts, were to legitimize what is for me, the clearest violation of the First Amendment attempted by Congress in this era.

The Judiciary Committee took Professor Kurland's warning to heart and amended the bill as introduced to impose a requirement of proof that a defendant specifically intended to impair or impede U.S. intellience activities by naming names. By putting the Government to a more exacting burden of proof, the intent standard reflected the traditional judgment of our Nation that our interest in preserving free speech and press transcends in importance the value of prosecutorial convenience. This standard of proof properly takes into account that the chief characteristic which distinguishes a person who engages in the business of naming covert agents as against a journalist who reveals agents' names as part of a legitimate news story is the intent with which each acts. The manner of names intends to expose the identity of covert agents with the ultimate purpose of disrupting intelligence operations. The journalist's purpose in disclosing the identity of a covert agent is not to disrupt intelligence activities, but to inform his readers, for example, of possible wrongdoing.

In rejecting the Judiciary Committee's recommendation, the supporters of the "reason to believe" version of section 601(c) have maintained that it would not affect the first amendment rights of those who disclose the identities of agents as an integral part of another enterprise such as news media reporting of intelligence failures or abuses. The statement of the managers in the conference report on H.R. 4 expressly embraced this interpretation. However, saying it does not make it so. There is nothing on the face of this provision which codifies such a limitation. In a September 1980 letter to the Judiciary Committee, another University of Chicago professor of law, Geoffrey R. Stone, pointed out that:

... [A]s drafted, ... [this provision] relies soley upon the "pattern of activities" clause to limit the bill's scope. This is inadequate. The clause is ambiguous and is subject to easy manipulation. Moreover, it might (and probably would) cover a newspaper or other publication that made a regular practice of investigating undercover activities in order to expose abuse.

Professor Stone went on to conclude, as did his colleague Professor Kurland, that a malicious intent standard is "essential if the legislation is to comport with the First Amendment."

I am deeply saddened that the Senate has foresaken the opportunity to codify its desire not to infringe upon the exercise of press freedom. Neither the press nor any member of this body can or should take any comfort in seeingly benign interpretations of section 601(c) offered by its proponents and the conferees. Indeed, the Senate voted down an amendment offered by the Senator from New Jersey

(Senator BRADLEY) which would have codified one such interpretation. Moreover, the arm of Government which will be responsible for enforcing this law has given every indication that it will not apply the law benignly.

During congressional consideration of this legislation, the Justice Department spokesman plainly stated that the language of section 601(c) would be construed to minimize the possibility of a successful defense based on a claim that a disclosure of an agent's name was intended to inform the public about wrongdoing or abuse by intelligence agencies. He stated that this provision would permit prosecution of someone who was merely "negligent" in overlooking the adverse consequences of his disclosure on intelligence activities. Asked how this provision would apply to a journalist who engages for 3 years in a pattern of activity intended to identify double agents or moles in the CIA and writes articles naming such agents, the spokesman acknowledged that this hypothetical at least raises a "question" whether a crime would be committed.

Do we want journalists to be at risk of prosecution and conviction if they reveal covert agents' names in order to expose misconduct such as occurred in the news stories on the Wilson-Terpil affair? Do we want to put a newsman in jail for negligent conduct? Every Member of this body most assuredly would answer "no." But where are the words in the statute that permit the journalist to predetermine that the exercise of his first amendment rights will not constitute a crime in the eyes of the Government? The answer is simply that there are none.

By failing to differentiate between protected first amendment activity and conduct which properly may be made criminal, section 601(c) forces a journalist, at his peril, to speculate as to whether the disclosure of certain information would constitute a violation. The risk which proceeds from the uncertainty in the statutory language is the very essence of a "chilling effect." "Due process" requires fair notice or warning. This requirement is greatest when first amendment values are at stake. Legitimate legislative goals cannot, according to the Supreme Court, "be pursued by means that broadly stifle fundamental person liberties when the end can be more narrowly achieved." *Shelton* v. *Tucker*, 364 U.S. 478,488 (1960). The Court has also said:

> It has long been recognized that the First Amendment needs breathing space and that statutes attempting to restrict or burden the exercise of First Amendment rights must be narrowly drawn and represent a considered legislative judgment that a particular mode of expression has given way to other compelling needs of society. *Broadrick* v. *Oklahoma*, 413 U.S. 601,607 (1972).

I regret that this distinguished body has departed from these principles in passing H.R. 4. This bill does not take the narrower path. Nor does it allow the press the breathing space that is so vital to its effectiveness.

In closing, Mr. President, I must admit that I did consider the possibility of voting for passage on the theory that the judicial branch would save us from mischief that might be done in the enforcement of section 601(c). I suspect that many of my colleagues have predicated their "aye" votes on just this rationale. However, I think we serve the Republic best when we are mindful of the teaching of Justice Oliver Wendell Homes that "legislatures are ultimately guardians of the liberties and welfare of the people in quite as great a degree as the courts."

Mr. LEAHY. Mr. President, the Senate is about to finish one of the most difficult tasks which it has undertaken in the last several years. We have been called upon to strike a careful balance between the very real needs of the men and women who are serving our country in the intelligence services and the stringent dictates of the first amendment.

We have before us a conference report which, I believe, strikes that balance in a proper and constitutional way. The debate over this bill has always been a debate over a handful of words. But this handful of words have the most important implications for a free press and free speech in this country of any I have debated since I have been in the Senate.

The joint explanatory statement of the Committee on Conference provides the crucial piece of legislative history which underscores the Congress commitment to preserving legitimate first amendment rights. As the conference report notes, both those who argued for the "reason to believe" language, as well as those of us who argued for the intent standard, sought to proscribe the same scope of conduct. Both sides were seeking to reach only those individuals engaged in the business of "naming names," the intentional "blowing" of cover. The conference report makes clear that Congress did not intend to invade the province of legitimate commentary by newspapers or scholars.

The focus of the report concerns section 601(c) of the bill. Section 601(c) established three elements of proof not found in section 601 (a) or (b). The United States must prove: First, that the disclosure was made in the course of a pattern of activities, that is, a series of acts having a common purpose or objective; second, that the pattern of activities was intended to identify and expose covert agents; and third, that there was reason to believe that such activities would impair or impede the foreign intelligence activities of the United States.

The conference report makes quite clear that the Government must prove that the defendant engaged in a pattern of activities both intended to identify and intended to expose a covert agent. In my view, it is the latter element which limits the reach of this bill to those individuals not engaged in legitimate first amendment activity. The process of exposing covert agents must involve the deliberate exposure of information identifying the agents. In other words, it must involve the intentional "blowing" of intelligence identities. As the Judiciary Committee report states, this intentional "blowing of cover" implies a design to neutralize a covert agent or to damage an intelligence agency's ability to carry out its functions.

The conference report, thus, narrows the scope of coverage of section 601(c), and, I trust, the courts will seize upon this report to give a narrow, constitutional construction to this act.

Finally, I want to commend my distinguished colleagues, Senator CHAFEE and Senator BIDEN, as well as their staffs, for the countless hours they have devoted to this vital legislation.

Mr. CRANSTON. Mr. President, I want to express my deep appreciation to the distinguished Senator from Rhode Island (Mr. CHAFEE), the ranking minority member of the Judiciary Committee (Mr. BIDEN), and the other Senate conferees for their efforts in achieving a satisfactory resolution of the differences between the House bill and the Senate amendment relating to section 603 of H.R. 4. Section 603 of the House-passed bill contained provisions requiring, in essence, cooperation by Federal agencies in providing "cover" for intelligence agents. Because of the concern that I and other Members of the Senate expressed regarding the potential adverse implications such a policy might have on the Peace Corps and its historic policy of complete and total separation from intelligence activities, the Senate Judiciary Committee voted to provide an explicit exception from this requirement for the Peace Corps, thus reaffirming once again congressional support for the complete and total separation of the Peace Corps from intelligence activities.

When the Senate amendments to H.R. 4 were considered on the floor, the distinguished Senator from Rhode Island, author of the Senate bill, S. 391, offered an amendment to delete the entire section 603 with the understanding, expressed in a colloquy between myself and the Senator from Rhode Island, and a number of members of the Judiciary Committee, that the Senate conferees would insist that if section 603 was retained in the conference bill, it would include the express exemption for the Peace Corps that had been approved by the Senate Judiciary Committee.

I am pleased to report that this understanding was fully adhered to in conference. The conferees worked out an agreement which substituted, for the original House version of section 603, a provision providing merely for a report on measures taken to protect the identity of intelligence agents. This, along with language in the conference report joint explanatory statement reiterating the strong congressional support for the maintenance of the historic separation of the Peace

Corps from intelligence activities, was a totally satisfactory resolution with respect to the concerns which I and other friends of the Peace Corps had regarding the House version of H.R. 4.

I greatly appreciate the adherence of the Senate conferees to their commitments and their achieving full vindication of the Senate's very strong views on this issue. I am also grateful to the House conferees for their cooperation in resolving this matter in a manner that would protect the Peace Corps from even the slightest appearance of connection to intelligence activities. I wish also to acknowledge gratefully the great courtesy of the Senators from Rhode Island and Delaware and of their staffs—especially Rob Simmons of the Intelligence Committee staff—in consulting fully with me and my staff throughout the weeks of efforts to reach a conference agreement. Their cooperation was truly remarkable and of great value to me.

Mr. President, I ask unanimous consent that excerpts of the conference report joint statement relating to the disposition of the difference between the House and Senate relating to section 603 of the House version of H.R. 4, along with a copy of a letter I sent to several of the House conferees be reprinted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 603

The House bill contained section 603 which deals with procedures for establishing cover for intelligence officers and employees. This section required the President to establish procedures to ensure the protection of the identities of covert agents. Such procedures were to include provision for any federal department or agency designated by the President to assist in maintaining the secrecy of such identities.

The Senate struck section 603 by unanimous consent.

The conference report contains a substitute section 603 requiring an annual report from the President on measures to protect the identities of covert agents. The conferees expect such report to include an assessment of the adequacy of affirmative measures taken by the United States to conceal the identities of covert agents.

The conferees stress, however, as was made clear during consideration of this measure in both bodies, that nothing in this provision or any other provision of H.R. 4 or in any other statute or executive order affecting U.S. intelligence activites in any way diminishes the 20-year old Congressionally-sanctioned Executive Branch policy of maintaining the total separation of the Peace Crops from intelligence activities. The importance to the effectiveness of the Peace Corps of maintaining this policy and its essential components was spelled out in detail in the reports of the Senate Judiciary Committee and the House Permanent Select Committee on Intelligence and in the debate on this measure in both bodies and the conferees wish to reemphasize this point and call attention to the strong views of both bodies as set forth in that legislative history.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC WHIP,
Washington, D.C., April 20, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR PETE, I'm writing to you in your capacity as a conferee on H.R. 4, the "Intelligence Identities Protection Act of 1981". Enclosed is a copy of a note I recently sent to John Chafee regarding section 603 in the House bill and the matter of the Peace Corps' being in any way connected with the concept of United States intelligence-cover activities. Also enclosed are copies of a March 1 colloquy I had with a number of Senators and of a May 4, 1981, letter from Dean Rusk on this point.

The long and the short of it is that I feel very strongly that enactment of H.R. 4 with section 603 in it (without a specific Peace Corps exception) could be potentially very damaging to the future effectiveness of the Peace Corps program. Congress has just taken steps to reinvigorate the Peace Corps by restoring its independence as a separate agency. An integral part of that independence is the maintenance of the historic, total separation of the Peace Corps from intelligence activities. In the opinion of Dean Rusk, Ed Muskie, and Cyrus Vance as well as the Senate Judiciary Committee, enacting section 603 without a Peace Corps exception would undermine that historic policy at the very time that it most needs reemphasis.

The Senate agreed to Senator Chafee's amendment to drop section 603 from the bill only with the express understanding that either that result or a section 603 with an explicit Peace Corps exception would be an acceptable result in conference. I remain fully committed to that principle, and I believe that will be the firm posture of the Senate conferees on H.R. 4.

With regard to the necessity of having a section 603 in the bill, I think it is significant that the recent Executive Order No. 12333 (section 1.6(a)) on intelligence operations deals with the obligations of Federal agencies to support intelligence activities and that the CIA does not see the need for a statutory provision to that effect. It seems to me that a statement of the conferees in the Joint Explanatory Statement accompanying the conference report on H.R. 4 (to the effect that the conferees recognize the existence of this intelligence-support provision in the Executive Order—at the same time making clear Congress' understanding that the Order in no way alters the fundamental Peace Corps separation from intelligence activities) would be a reasonable way to accommodate the differing positions of the conferees on the section 603 question.

Peter, I very much hope that you will give this matter your close personal attention and will support either deleting section 603 from the conference report (with language in the Joint Explanatory Statement along the lines I've suggested) or amending it to include a Peace Corps exception in the form reported by the Senate Judiciary Committee.

I will greatly appreciate any help you can provide.

With warmest regards.

Cordially,

ALAN CRANSTON.

Mr. BIDEN. Mr. President, I have carefully reviewed the conference report on H.R. 4 the agent's identities legislation and am pleased with the result. As a conferee on the bill I worked for the narrowest possible construction of the so-called reason to believe language. We largely achieved that goal in the conference by incorporating the so-called Durenberger colloquy into the joint statement of the managers. Therefore I signed the report but I do not feel that that obligates me to vote for passage of the bill in its final form.

In essence what we accomplished in the joint statement of the managers was to incorporate into the bill the language that Senator BRADLEY attempted to have adopted on the Senate floor requiring that the main direction of the reporter's pattern of activities must be toward naming names. It would not be sufficient under this interpretation to prove that the reporter intended to name the names by writing the story with the names or that the reporter should have known that the naming of the names in the article would jeopardize their cover.

Therefore, the conference attempted to make the reason to believe language into the intent standard. For now the Government must prove that the reporter really intended to harm the intelligence collecting apparatus of our Government by the fact of disclosure which is exactly what my amendment of the bill was intended to accomplish. Unfortunately, the Senate rejected my amendment. Furthermore, I am concerned that neither the Justice Department nor the courts will feel constrained to follow the language in the joint statement since it is mere legislative history and indeed appears to be inconsistent with prior action by both Houses in rejecting the intent standard.

I was strongly tempted to vote for the conference report because we had accomplished so much in conference and because I feel that the provisions of the agent identities legislation that do not cover the legitimate media ought to be enacted. However, upon reflection I have decided to cast my vote against the report and the bill. I fear that the Justice Department and the courts will not comply with the legislative history set out in the joint statement.

Continued intransigence on the part of the advocates of the reason to believe language not only raises grave doubts in my mind but is short-sighted. To the extent that the major media organizations of this country fear that the bill will be used as a device for censoring their coverage of intelligence and foreign policy the Department of Justice and the intelligence community can be assured of a serious legal confrontation in the courts. From experience in reviewing the way past administrations and in particular the Department of Justice deal with enforcement of espionage and leak statutes when faced with serious and sophisticated legal challenges, I predict that the agent identities legislation may become dead letter as has

its predecessor section 893 of title 18 which creates a similar strict liability criminal sanction for leaking communications intelligence.

When I was chairman of the Secrecy Subcommittee of the Intelligence Committee, I learned that there were numerous explicit and undisputed violations of section 898 brought to the attention of the Justice Department since that statute was enacted in the 1950's that were not prosecuted. They were not prosecuted because experienced prosecutors in the Department of Justice knew that they would face sophisticated and well financed challenges to their prosecutors that focused both on the gray-mail technique and direct constitutional challenges to the statute. The Department was never willing to have that issue put before the courts because of their own doubts about its constitutionality. Therefore serious leaks went unprosecuted.

To the extent that the impasse that stalled this bill for years in the Congress continues after its enactment, the statute may become dead letter because of a misguided insistence on covering the legitimate media. If this occurs we will have achieved the worst of all worlds. We will have sent a message to the intelligence community and to allied services abroad that our secrets are secure from deliberate efforts to name names by phony journalists, but the statute will remain unenforced because of these fears by experienced prosecutors. So that major leaks that violate this statute, like the violations of 898, will go unprosecuted. Furthermore, if a prosecution goes ahead and a serious test goes up to the Supreme Court the statute could well be held unconstitutional. If either of these developments occur we in Congress will have on the one hand given the impression that our intelligence secrets are secure and on the other laid the groundwork for a successful court challenge to the bill which might well obliterate the legal protections we purport to be giving.

In conclusion, I ask that a recent editorial in the Washington Post making many of these same points be printed at this point in the RECORD.

The editorial follows:

[Editorial from the Washington Post, June 6, 1982]

NICE TRY, BUT NO CIGAR

A bad piece of legislation made some progress on the road to enactment last week. The House accepted a conference report on a bill that makes it a crime to disclose information identifying certain American intelligence officers, agents, informants and sources. The prohibition applies to private citizens as well as government employees and even covers information that is not classified. Supporters intended to put a stop to the activities of a small band of individuals—former CIA agent Philip Agee among them—who have revealed the names of over 2,000 American agents with the express purpose of destroying the American foreign intelligence apparatus. But this bill goes far beyond that narrow objective by eliminating the element of intent from the crime.

Both House and Senate committees reported bills that would have required prosecutors to meet a standard proof that includes "intent to impair or impede the foreign intelligence activities of the United States." On the floor of each house, however, this was changed so that a person could be convicted simply because he had "had reason to believe" that damage to the intelligence apparatus would occur. In practical terms, this language will inhibit the publication of information on such matters as corruption and illegal or unauthorized activity by intelligence operatives even where there is absolutely no intention of disrupting legitmate intelligence activities.

Because there were minor differences between the House and the Senate versions of the bill—though not in the section described above—a conference committee was appointed to work out a compromise, which it quickly did. Then it did something quite unusual. It issued a conference report that dealt at great length with a matter that was not in controversy—the government's burden of proof in cases arising under the proposed statute. Both the House and the Senate had rejected the intent standard by record votes. Yet the conferees sought to minimize the meaning of these votes and to assure judges who will be faced with interpreting the statute that it should be viewed narrowly.

"The standard adopted in section 601(c)" the conferees wrote, "applies criminal penalties only in very limited circumstances to deter those who make it their business to ferret out and publish the identities of agents. At the same time, it does not affect the First Amendment rights of those who disclose the identities of agents as an integral part of another enterprise, such as news media reporting of intelligence failures or abuses, academic studies of U.S. government policies and programs, or a private organization's enforcement of its internal rules." Would that it were so.

The conferees, apparently concerned that Congress had gone too far in eliminating the intent standard, made a well-intentioned effort to soften the clear language of the bill. Unfortunately, the courts have to work with the text of the law first. They only look at legislative history if the law is unclear. Even then, in this case they would look at the House and Senate votes to eliminate the intent standard and have a clear understanding of what Congress meant to do. A conference committee report that is at odds with both text and recorded votes is unlikely to be relied on by the courts.

The House has voted to accept the final version of the bill, and the Senate will act soon. Senators cannot duck the important consitutional question presented here by relying on the assurances of the conference report instead of confronting the plain langauge of the bill. Both should be rejected.

EXHIBIT 1

[From the Congressional Record, Sept. 24, 1981]

INTELLIGENCE IDENTITIES PROTECTION ACT

[Speech of Hon. John M. Ashbrook, of Ohio, in the House of Representatives, Wednesday, September 23, 1981.]

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources.

Mr. ASHBROOK. Mr. Chairman, I rise to support H.R. 4 with amendments. This bill is long overdue. For the past 8 years, a small group of anti-American extremists have been engaged in spying on Americans to identify those who are engaged in gathering intelligence for our country. Some, like Phillip Agee, are former employees of the CIA. Others, like Louis Wolf, come out of the New Left antiestablishment movement. They have united with the aim of disrupting our intelligence capabilities. As we know, without adequate intelligence, our policymakers will be blinded in a hostile environment.

In 1968, the KGB began the program of exposing American intelligence officers. The assignment to do this was given to the East German and Czech intelligence services. The product of their labors was a book called, "Who's Who In The CIA," by Julius Mader, printed in English in East Germany in 1968.

Ladislav Bittman, a former official of the Czech Intelligence Service who worked on the book, testified before the House Intelligence Committee on February 19, 1980, that only about half the names in the book were real CIA officers. The rest were put in to disrupt other U.S. Government activities.

When the Tupamaro terrorists murdered an AID employee, Dan Mitrione, the Cuban Communist newspaper "Granma" justified the murder on the grounds that he had been listed in the Mader book. The listing was one of the false identifications.

In 1973, the focus of the exposure activity shifted to the United States with the publication of the magazine "CounterSpy." Since then, much of the campaign to identify and expose U.S. covert agents has centered around Phillip Agee, a renegade former CIA officer who openly admits his close ties to the Cuban Government and Communist Party.

Agee is affiliated with a publication called "CovertAction Information Bulletin." He was formerly associated with the publication "CounterSpy." Both of these magazines are actively engaged in attempting to identify and expose U.S. covert agents. They also are extremely active in promoting Soviet and Cuban propaganda lines. "CovertAction Information Bulletin," for example, reprinted a Soviet forgery of a purported U.S. Army document that pretended that the United States supports terrorism. Despite worldwide exposure by the United States of that document as a forgery, it was disseminated in our own country by Phillip Agee and his cohorts. "CounterSpy," in addition to naming alleged U.S. covert agents, has published a whole series of propaganda articles closely following the Soviet and Cuban line attacking not only the United States, but each of our allies such as Turkey, Israel, and so forth.

Although it has been 6 years since the CIA chief of station in Athens, Richard Welch, was murdered after his name was exposed in CounterSpy, we have done nothing to stop this kind of irresponsible naming of names. The House Intelligence Committee has been working on the bill for 2 years, but last summer's violence against American diplomats in Jamaica has called public attention to the urgent needs for this legislation. On July 2, 1980, Louis Wolf, Phillip Agee's associate in the CovertAction Information Bulletin, held a press conference in Jamaica in which he identified 15 Americans as CIA officers. He not only listed names, but home addresses, license plate numbers, and the descriptions of their cars. A number of his identifications were incorrect; however, gunmen attacked the homes of two of those named. Richard Kinsman, the victim of the first attack, is the first secretary of our Embassy in Kingston. Mr. Kinsman's home was attacked by persons using a submachine gun and grenades.

Shortly thereafter, gunmen attacked the home of a young AID employee, Jesse Jones. The gunmen exchanged fire with police officers who have been assigned to protect the Jones' home after the attack on the Kinsman home. Mr. Jones, who is in no way connected with the CIA, has left the Government service, rather than risk his own life and the lives of his family in the light of the violence. Mr. Jones is now suing Louis Wolf and CovertAction Information Bulletin.

These are posters put up in Jamaica right after Louis Wolf named the American diplomats as alleged covert agents. You will notice on one poster we have the pictures of some of these people, including Kinsman and Jones. On the other poster, we have the home addresses, license plate numbers, and descriptions of cars. While Wolf disclaims responsibility for the posters they are identical to the press release that he distributed in Kingston, Jamaica.

Last year, the House Intelligence Committee unanimously reported out H.R. 5615 after careful consideration. However, now the bill has been considerably weakened by an amendment suggested by the ACLU and the Center for National Security Studies. As a result, I would prefer the Senate language in place of 601(c), which says it is sufficient for the defendant to have reason to know that it would impede or impair the intelligence activities of the United States.

It is my intention to offer an amendment to bring the House language closer to that of the Senate which I believe is a more appropriate solution to the problem and which protects constitutional rights while penalizing those who knowingly jeopardize the lives and effectiveness of our covert agents. I also intend to introduce an amendment that would make it a crime to knowingly jeopardize someone's life by identifying a person as a covert agent. This would protect real covert agents as well as those falsely identified.

Phillip Agee wrote in the introduction to the book, "Dirty Work," coauthored with Louis Wolf.

"Once the list is fully checked, publish it. Then organize public demonstrations against those named—both at the American Embassy and at their homes—and, where possible, bring pressure on the Government to throw them out. Peaceful protest will do the job. And when it doesn't, those whom the CIA has most oppressed will find other ways of fighting back."

This open invitation to violence against Americans both intelligence officers and other diplomats makes it imperative that we protect our overseas personnel from this kind of attack.

I urge my colleagues to support this bill's passage to assure both our intelligence personnel and our enemies that we intend to protect those whose jot it is to provide us with the vital information needed for American security.

Mr. CHAFEE. Mr. President, the yeas and nays having been ordered, I move passage of the conference report.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON [after having voted in the negative]. Mr. President, I have a live pair with the Senator from Tennessee (Mr. SASSER). If he were here present and voting, he would vote "yea." I have voted "nay." I therefore withdraw my vote.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from South Dakota (Mr. PRESSLER), the Senator from Delaware (Mr. ROTH), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Vermont (Mr. STAFFORD), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) and the Senator from Oregon (Mr. PACKWOOD) would each vote "Yea."

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maine (Mr. MITCHELL), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 4, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—81

Abdnor	Exon	McClure
Andrews	Ford	Melcher
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Nickles
Bentsen	Goldwater	Nunn
Boren	Gorton	Pell
Boschwitz	Grassley	Percy
Bradley	Hatch	Proxmire
Brady	Hatfield	Pryor
Burdick	Hayakawa	Quayle
Byrd, Harry F., Jr.	Heflin	Randolph
Byrd, Robert C.	Heinz	Riegle
Cannon	Helms	Rudman
Chafee	Hollings	Sarbanes
Chiles	Huddleston	Simpson
Cochran	Humphrey	Specter
Cohen	Inouye	Stennis
D'Amato	Jackson	Stevens
Danforth	Johnston	Symms
Denton	Kassebaum	Thurmond
Dixon	Kasten	Tower
Dodd	Kennedy	Tsongas
Dole	Laxalt	Wallop
Domenici	Leahy	Warner
Durenberger	Levin	Weicker
Eagleton	Long	Zorinsky
East	Lugar	
	Mattingly	

NAYS—4

Biden	Mathias
Hart	Moynihan

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cranston, against.

NOT VOTING—14

Baker	Matsunaga	Roth
Bumpers	Mitchell	Sasser
DeConcini	Murkowski	Schmitt
Hawkins	Packwood	Stafford
Jepsen	Pressler	

So the conference report was agreed to.

Mr. CHAFEE. Madam President, I move to reconsider the vote by which the conference report was adopted.

Mr. HATCH. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1982

The PRESIDING OFFICER. The question recurs on the motion to proceed to the consideration of S. 1992, the Voting Rights Act Amendments of 1982.

Mr. HATCH. Madam President, I ask unanimous consent that Senator MATHIAS be designated at the floor manager on this side of the aisle for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Madam President, I yield to the Senator from West Virginia.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Madam President, I would like to ask the acting majority leader what the schedule is for the rest of the day and the rest of the week.

Mr. STEVENS. Madam President, in response to the distinguished minority leader's question, I can say that we are now back on my motion to bring before the Senate for consideration the Voting Rights Extension Act. It is my understanding there will be some debate on that today.

We are still waiting to get an agreement on the military construction bill for Monday. If we can get that agreement to take up Calendar Order No. 626, the bill to authorize the military construction expenditures, on Monday, we will not be in session tomorrow. If we cannot, then I intend to contact the majority leader and it would be my intention to ask the Senate to come in tomorrow. We would move to take up either that bill or some other bill so that the Senate will have business conducted on Monday before we again resume consideration of the motion to consider the Voting Rights Extension Act.

Mr. ROBERT C. BYRD. Madam President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. Madam President, there is a motion now before the Senate to proceed with the Voting Rights Act. How would the Senator move to proceed to the consideration of another matter with that motion pending?

Mr. STEVENS. We would have to consider the question of adjournment of the Senate.

Mr. ROBERT C. BYRD. Which would kill the motion now pending.

Mr. STEVENS. That is correct. Again, all I am trying to do is to get something substantive. There are several bills on which we are waiting for approval. It is on both sides that there are objections to one bill or another.

The purpose is to assure that Senators will return here Monday because

we do intend to go onto the Voting Rights Extension Act on Monday afternoon, and we want Senators to be here for certain. We can see what happens when we do not have something scheduled for certain. I am hopeful there will be a vote on the military construction authorization bill. I hope that we can get that cleared. If we cannot get that cleared, perhaps we can get something else cleared.

We want an agreement that we will be able to proceed to something prior to considering the motion to proceed to the Voting Rights Extension Act so that there will be a meaningful vote and Members will be back for that purpose.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator, efforts are being made on this side of the aisle to achieve a time agreement on the military construction bill. I do not know whether or not those efforts will be successful, but I would like him to know that the efforts are going forward. If successful, I assume that we would be on that bill on Monday.

Mr. STEVENS. That is what we are looking for. We want to assure those who want to proceed as quickly as possible with the voting rights extension bill that we will be limited on another bill, with limited time, and we can vote on it and we will know that people are here to proceed with the voting rights extension on Monday afternoon.

Mr. ROBERT C. BYRD. Does the distinguished acting majority leader anticipate any additional rollcall votes today or tomorrow, if the Senate is in session tomorrow?

Mr. STEVENS. With great respect to the distinguished minority leader I would prefer to refrain from making commitments regarding Friday at this time, but, other than procedural votes pertaining to the pending motion, I would not anticipate further votes today. That, of course, has to be developed by those who are managing the bill today. It would be possible that procedural votes in relation to any motion to proceed with the consideration of the Voting Rights Extension Act may occur.

I shall confer with the minority leader and shall announce later today what the program is for Friday and for Monday.

Mr. KENNEDY. Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, just for the interest of the Member of the Senate, I must say that we want to cooperate with the acting majority leader. We are very mindful of the difficult position he is in pending the return of the majority leader. But the proposal is quite unacceptable to this Senator, and I think to others who believe that the Senate does have business before it. That is the issue of the Voting Rights Act, and specifically the motion to proceed to the bill. We are not even at the point where we are debating the issue itself. Having remained on the floor for 6 or 7 hours yesterday, I found the general discussion was on the substance of the issue, not on whether we ought to be bringing that measure up before the Senate. I do not see how there can be an arrangement that can be worked out, until we at least are going to have this measure before the Senate.

I respect the efforts that have been made by the Senator from Alaska and the unusual request. He said that if we were going to have the measure before us or file a cloture motion on Monday, we could vote on Tuesday. It is completely unacceptable, on an issue of this importance and this consequence, for the will or the desire of one or two Members of the Senate who want to delay this measure, to bring up other measures.

I am mindful of the parliamentary procedures which are available to the acting majority leader, that we shall adjourn. If that is going to be the issue, I shall vote in the negative. Either we are going to be serious about the issue or we are not. Those who want to debate the issue when we bring it up, have, I think, a responsibility to the Senate to express those views. Otherwise, we ought to be about debating this measure.

Madam President, I am as interested in having an effective legislative calendar on this measure as anybody, but we were notified at the time when the majority leader went to China on official business for the Senate that we would be proceeding to this measure when we got back from recess. There are millions of people across this country who are watching the Senate, wondering if we are going to be serious about it, and if we are, we are going to have a debate and discussion and not a long, dilatory process, which is what I think we are beginning to see.

If the majority leader wants to work out an agreement on the bill, he could do so after the bill is up and before the cloture vote on the bill itself. That is something that I am sure Members who are interested and committed on this issue would be glad to accommodate to the extent that those interests can be accommodated. But when we are talking just about bringing up the bill, and not even talking about the bill itself, then I think we are going to have a difficult time in setting this measure aside to consider other matters.

I do not say this in any way to be disrespectful to the acting majority leader, Madam President. I say it recognizing his responsibility and the difficulty that he is in at the present time. But we are talking about 77 Members of the U.S. Senate who are cosponsors of this measure. We are talking about the various amendments which those of us who are involved in this legislation have been debating day in and day out. If we want to get on to the substance of the bill, so be it. But I think I shall just put Members on notice that we may very well be involved in votes that, although they may be procedural, are going to reach the substance of the question, which is whether we are serious about proceeding to the bill to amend the Voting Rights Act.

Madam President, I plan to stay here this afternoon and to listen to this debate that is going to develop, evidently, on why we either should or should not consider even considering a piece of legislation, the most important civil rights legislation which has been passed in the Senate of the United States, and of which 77 Members are cosponsors—Republicans as well as Democrats. For the record, the cosponsors are: Mr. MATHIAS, Mr. KENNEDY, Mr. METZENBAUM, Mr. WEICKER, Mr. BIDEN, Mr. CHAFEE, Mr. MOYNIHAN, Mr. CRANSTON, Mr. ANDREWS, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHILES, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. HART, Mr. HATFIELD, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. INOUYE, Mr. JACKSON, Mrs. KASSEBAUM, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. MATSUNAGA, Mr. MITCHELL, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RIEGLE, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SPECTER, Mr. STAFFORD, Mr. TSONGAS, Mr. WILLIAMS, Mr. JOHNSTON, Mr. STEVENS, Mr. MELCHER, Mr. SCHMITT, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. LUGAR, Mr. JEPSEN, Mr. RANDOLPH, Mr. DOLE, Mr. GRASSLEY, Mr. SIMPSON, Mr. GOLDWATER, Mr. D'AMATO, Mr. WALLOP, Mr. KASTEN, Mr. NUNN, Mr. GORTON, Mr. EXON, and Mr. ZORINSKY.

Mr. STEVENS. Madam President, one of the difficulties about being an acting majority leader is I have a note saying they are going to adjourn a conference if I do not get back there on a matter before the conference of which I put in the bill. I appreciate the statement of the Senator from Massachusetts, but let me say that I can remember the days when a former majority leader—not the Senator from West Virginia, but Senator Mansfield—made a motion to proceed and then proceeded with our consent to go on for 2 days before we had the vote on the motion to proceed. It failed. We went on with other business for 2 days.

We are not doing anything irregular today. We are asking for the convenience and the courtesy of the Senate. Instead, I get criticized by my good friend from Massachusetts about delaying the Senate. We are not delaying the Senate.

The Senate worked 26 days on this bill before, Madam President. We are trying to get it out of the Senate in less time with more support. I think we can do it. I think we can do it if we have the forebearance of the Senate, every Senator, in attempting to work out, within the confines of senatorial courtesy, the concept of trying to find

some ground on which the overwhelming majority will move this bill as quickly as possible.

Again, Madam President, I say there is nothing more we can do. If the Senator is going to object to taking up the authorization bill for military construction, then I shall find something that is privileged.

I am saying to the Senate that there will be a vote on Monday before we go back on this bill. I want the Senate to know that that will be a vote on something that is important, so every Senator who wants his record to reflect that he voted on important matters before the Senate will be here on Monday. That is the only thing I have been requested to do as the acting majority leader, to arrange meaningful business in the Senate to act upon when the Senate convenes on Monday. I think that can be arranged. We shall have a vote here Monday before we go back on this bill.

I should like that vote to be meaningful, Madam President. We may have a substantive vote on the authorization for military construction. There has traditionally been a request for a vote on that. That is a substantial authorization, in the billions of dollars.

I hope we can clear it for consideration on the Senate floor. I hope the Senator from Massachusetts would allow us to bring that bill before the Senate. We are not going to have a vote on the cloture motion until Tuesday at the earliest, as previously ordered by unanimous consent. There is no reason why the Senate should not work on Monday. We get paid for working every day and we ought to be here working. I have had people ask me why we came back this week. Senators came back because they get paid for working. All the work of the Senate does not go on on this floor. But, there is very little attendance in committees unless we are in session. We are in session this week in order to get people in the committees to be working. The conference committee on the urgent supplemental appropriation bill is almost finished. Members would not have been here and we would not have finished if we had not come back this week.

Madam President, I do not take lightly the comment that we are wasting time. We are not wasting time. There is much urgency behind this bill as there ever had been. In fact, there is more, because we pledged to attempt to get this bill through the Senate in less time than it got through before. I think that can happen if the Senate will allow us to have, through the office of the majority leader the conferences that we believe will take place on Monday.

Mr. HATCH. Madam President, I am as concerned as anybody about proceeding to final Senate consideration of this bill. As chairman of the Constitution Subcommittee, I think we expeditiously held hearings. These were extensive and comprehensive hearings. We heard from a large number of witnesses, expert witnesses throughout this country, on all sides of the various issues.

I am working as hard as I can to promote final consideration of this matter; I will certainly work with the distinguished Senator from Massachusetts in seeing that this is done as expeditiously as possible.

I personally believe that we ought to have the Voting Rights Act extended. That will be done soon enough, I can assure the Senator from Massachusetts.

Mr. President, although my remarks yesterday focused upon the difficulties with Section 2 of the proposed amendments to the Voting Rights Act, I would like to address briefly my constitutional concerns with the amendments to section 5 of the act.

I have been a supporter of the concept of preclearance in the past and support extension of the preclearance requirement for a period of years. It is solely for this reason that I supported S. 1992 in committee despite my grave concerns about the implications of the proposed changes in section 2. I believe that continued preclearance is necessary in order to eliminate all remnants of official discrimination in this country.

I am concerned nevertheless with the proposed amendments to sections 4 and 5 because they would require covered jurisdictions (located primarily in the South) to preclear changes in voting laws and procedures for another quarter century. This kind of extension is totally disproportionate to the problems that continue to exist within the covered jurisdictions. As I have stated elsewhere in more detail (see additional views at 101-02, 158-65), I do not believe that the proposed new bailout provisions mitigate this difficulty. These provisions are unreasonably difficult ones in my view, and are not likely to be satisfied by more than a handful of jurisdictions.

The amendments to sections 4 and 5 call for a 25-year extension of the preclearance provisions. This represents a period five times longer than that established in 1965—a time at which minority registration and voting rates in most covered States were a miniscule fraction of what they are today. It represents an extension far exceeding any earlier extension at precisely that time at which it is becoming difficult to distinguish electoral conditions in the covered jurisdictions from those in noncovered jurisdictions. If the proposed bailout is not determined to be a "reasonable" one, I do not see how the reduction of the extension from an inperpetuity one (proposed by the House) to "merely" 25 years saves the amended section 4 and 5 with respect to their constitutionality. The 25-year period is totally disproportionate to any reasonable findings of voting discrimination still existing within the covered jursidictions, as a result of either Senate or House hearings. I will elaborate further upon this observation.

The constitutional foundation of the Voting Rights Act rested in large part upon its temporary and remedial nature. While recognizing that the act was an "uncommon exercise of congressional power", the Supreme Court in South Carolina against Katzenbach nevertheless concluded that:

> Exceptional circumstances can justify legislative measures not otherwise appropriate. 383 U.S. 301, 334 (1966).

Although it noted the intrusion upon traditional concepts of federalism by the Voting Rights Act, the Court upheld the preclearance procedure as a purely remedial measure premised upon the enforcement authority of Congress under section 2 of the 15th amendment, *Id.*

It is difficult for me to understand how such circumscribed authority in Congress can justify a permanent (or a 25 year extension) of this "uncommon exercise" of legislative power. If the justification for the Voting Rights Act is the existence of "exceptional" circumstances in the covered jurisdictions as stated by the Court in Katzenbach, and reiterated more recently in *City of Rome* v. *United States*, 446 U.S. 156 (1980), by what authority is Congress able to enact legislation requiring permanent (or 25 year) preclearance. Can "exceptional" conditions, by very definition, exist for this period of time? The proposed amendments attempt to institutionalize an extraordinary relationship between the States and Congress—one upheld by the Court only to the extent that Congress determined that "exceptional" circumstances obtained in certain parts of the country. As Attorney General William French Smith remarked,

> The Supreme Court in sustaining the Act took special care to note the temporary nature of the special provisions. Senate Hearings, January 27, 1982.

In my view, reasonable individuals can differ with respect to whether or not "exceptional" circumstances continue to exist within covered jurisdictions with regard to the status of voting rights and, hence, whether or not a further temporary extension of the preclearance obligation can be justified. It is extremely difficult for me to understand, however, how such conditions can justify a basically permanent reordering of the Federal structure of our Government.

Ms. Hinerfeld, representing the League of Women Voters testified before the Subcommittee on the Constitution, for example, that:

> The extraordinary conditions that existed at the time of Katzenbach, of course, are not the conditions that exist today and I think that we are all grateful for that fact. Senate Hearings, January 27, 1982.

While such figures are not conclusive, it is interesting to note the registration rates for minority voters in such covered States as Alabama, Louisiana, Mississippi, and South Carolina

exceed the average national minority registration rate. In addition, minority registration has risen substantially in every covered State since the passage of the original Voting Rights Act. In Mississippi, for example, it has risen from 6.7 percent in 1964 to 72.2 percent in 1980, far surpassing minority registration rates in such (largely) noncovered jurisdictions as New York (46.5 percent), New Jersey (48.9 percent), and Kansas (40.3 percent).

REPORTED REGISTRATION FOR STATES, BY RACE

[In percent]

State	White registration	Black registration
Alabama	73.3	62.2
Alaska	69.7	
Arizona	59.4	
Arkansas	67.4	62.6
California	62.1	61.5
Colorado	69.9	
Connecticut	73.2	65.4

REPORTED REGISTRATION FOR STATES, BY RACE—Continued

[In percent]

State	White registration	Black registration
Delaware	67.8	
District of Columbia	67.0	52.4
Florida	64.1	58.2
Georgia	67.0	59.5
Hawaii	65.5	
Idaho	73.6	
Illinois	74.0	72.1
Indiana	69.7	64.2
Iowa	76.4	
Kansas	71.0	40.3
Kentucky	67.7	49.9
Louisiana	74.5	69.0
Maine	81.4	
Maryland	68.3	61.3
Massachusetts	73.4	43.6
Michigan	73.9	68.4
Minnesota	83.8	
Mississippi	85.2	72.2
Missouri	75.5	77.0
Montana	74.7	
Nebraska	72.4	
Nevada	55.2	
New Hampshire	74.1	
New Jersey	69.8	48.9

REPORTED REGISTRATION FOR STATES, BY RACE—Continued

[In percent]

State	White registration	Black registration
New Mexico	68.3	
New York	62.4	46.5
North Carolina	63.7	49.2
North Dakota	92.1	
Ohio	66.5	68.3
Oklahoma	67.7	51.9
Oregon	73.7	
Pennsylvania	61.9	66.6
Rhode Island	74.2	
South Carolina	57.2	61.4
South Dakota	81.9	
Tennessee	66.9	69.4
Texas	61.4	56.4
Utah	77.4	
Vermont	73.6	
Virginia	65.4	49.7
Washington	67.8	70.0
West Virginia	69.5	
Wisconsin	87.8	70.4
Wyoming	64.1	

Note: Numbers represent census estimates.

Source: Bureau of the Census, Department of Commerce, November 1980.

VOTER REGISTRATION IN SOUTHERN 11 STATES, BY RACE: 1960 TO 1976

[In thousands, except percent]

Year and race	Total	Alabama	Arkansas	Florida	Georgia	Louisiana	Mississippi	North Carolina	South Carolina	Tennessee	Texas	Virginia
1960:												
White	12,276	860	518	1,819	1,020	993	478	1,861	481	1,300	2,079	867
Black	1,463	66	73	183	180	159	22	210	58	185	227	100
Percent white	61.1	63.6	60.9	69.3	56.8	76.9	63.9	92.1	57.1	73.0	42.5	46.1
Percent black	29.1	13.7	38.0	39.4	29.3	31.1	5.2	39.1	13.7	59.1	35.5	23.1
1976:												
White	21,690	1,544	817	3,480	1,703	1,445	866	2,137	828	1,886	5,191	1,796
Black	4,149	321	204	410	598	421	286	396	285	271	640	317
Percent white	67.9	79.3	62.6	61.3	65.9	78.4	80.0	69.2	58.4	73.7	69.1	61.7
Percent black	63.1	58.4	94.0	61.1	74.8	63.0	60.7	54.8	56.5	66.4	65.0	54.4

Source: Voter Education Project, Inc., Atlanta, Ga., "Voter Registration in the South," issued irregularly.

Again, it is important to emphasize that the data on tables here is not presented to suggest that no extension of the preclearance obligation is warranted. Few would argue that all traces of the discriminatory history that existed in some of the covered jurisdictions have been eradicated by the passage of years since the original Voting Rights Act. What the tables do suggest, however—quite clearly in my view—is that substantial progress has been made in these jurisdictions over the past 17 years with regard to voting rights. There should properly come a time in the not-too-distant future when this "exceptional" remedy of preclearance should no longer be necessary.

In order to justify a 25-year extension of the pre-clearance requirement, I would expect that the reports of the House and Senate Judiciary Committee have been replete with documentation of constitutional violations in the 7 years since the act was last amended. The constitutionality of the act clearly depends upon its effectiveness in preventing and correcting violations of the fourteenth and fifteenth amendments. There is no such documentation.

The reports, rather, focus primarily upon violations of the act itself. The failure to make all section 5 submissions, for example, is a violation of the act but it does not involve an infringement of anyone's constitutional rights. The fact that the Justice Department objected to a law that was never enforced proves only that the law might possibly have a "retrogressive" effect on minority political power. Even if enforced, such a law would not necessarily violate the Constitution.

The report also focuses on allegedly discriminatory electoral systems which would be rendered illegal by amendments to section 2 of the act. The important thing to note is that none of these systems are currently illegal. Even if section 2 is amended, it will not transform these systems into violations of the Constitution.

Allegations of actual constitutional violations make up a very small portion of the House and Senate reports. In the Senate report, footnote 22 contains the entirety of the allegations. Similar allegations appear at pages 14 to 16 of the House report. I propose to briefly examine each of the allegations of constitutional violations, beginning with the Senate report. I emphasize again that I do not attempt to condone or justify any of the actions involved in the report allegations. That is not the point. The point is that few, if any, of these allegations involve constitutional violations of the sort that justified the passage of the Voting Rights Act, in the first place. In addition, the very constitutionality of the Voting Rights Act rests upon a demonstration of such violations.

Whatever difficulties continue to exist in the covered jurisdictions—and I support an extension of preclearance because I recognize these—there is simply not the demonstration of "exceptional" of "extraordinary" conditions of the sort that would justify an extension of preclearance for a period far in excess of any that has been approved in the past. The status of voting rights has improved in the covered States—substantially so in most instances—and this fact ought to be appreciated by this body, and reflected by our legislation.

My response to the individual allegations of actual constitutional violations is as follows:

1. Ruth Hinerfeld's testimony is cited for her recitation of an incident in Goldsboro-Wayne County, North Carolina: "Two years ago when commissioners were appointed by the Wayne County Board of Elections, the Board of Elections' supervisor would not provide them with adequate training. As they began to work, there were areas they did not understand. One commissioner, Mr. William, was repeatedly harassed by the supervisor." Even if true, these allegations do not amount to a violation of the 15th Amendment. There is no allegation that any person was denied his right to vote. Indeed, there is no allegation that there was so much as an attempt to deny the right to vote. Even if the denial of adequate training might somehow be considered as a violation of the 14th Amendment, there must be a showing of discriminatory intent, which has not even been alleged.

2. The Mississippi report at page 13 reproduces the court testimony of David Jordan regarding conditions in Leflore County. The allegations, even if true, amount only to pri-

vate harassment of black voters. Such conduct is reprehensible, and is properly the subjuct of federal criminal penalties. However, it does not amount of a violation of the 15th Amendment, because there is no allegation of state action. The political system of Mississippi cannot constitutionally be held responsible for these conditions. Indeed, it is important to note that in the case in which this testimony was presented the court actually held that Mississippi had carried the burden of proving that its reapportionment had neither the purpose nor effect of denying the right to vote on the basis of race.

3. Page 94 of that same report covers polling place changes in Hinds County in 1978. These submissions were made to the Justice Department under Section 5, and the Justice Department duly concluded that they had neither the purpose nor effect of discriminating on the basis of race. Apparently the county violated Section 5 by effecting the changes before the preclearance process had been completed. While this is a violation of the Voting Rights Act, it is not a violation of the 15th Amendment.

4. The cited testimony by Abigail Turner complains of special acts of the Alabama Legislature permitting voter reregistration in several counties. Certainly, reregistration is not unconsitutional on its face, although it can be imagined that local officials might conduct a reregistration in a discriminatory fashion. The testimony itself acknowledges that the Justice Department under a Democratic Administration concluded that the Choctaw County reregistrtion had neither the purpose nor the effect of denying anyone the right to vote on the basis of race. The seven hundred black persons removed from the roles have been denied the right to vote, not by any official violation of the 15th Amendment, but by their own failure to reregister. Despite the Department's approval of the Choctaw County reregistration, the Sumter county reregistration had not been approved at the time of the testimony. The testimony provides an interesting picture of the practical application of Section 5 applications, but it sheds no light on the merits of the assertion that the Sumter County proposal would have violated the 15th Amendment. There is also a notation that the Justice Department had objected to the reregistration for Wilcox County, but there is no elaboration, so no conclusion of constitutional violations can possibly be drawn.

5. Vilma Marinez told the House Judiciary Committee about two polling place changes in Texas. Both of these changes were blocked by the Justice Department because of possible inconvenience to minority voters. While I do not minimize the importance of such concerns, I must note that they do not rise to the level of a 15th Amendment violation in the absence of discriminatory intent. No such intent is alleged by the testimony.

6. Rolando Rios told the House Judiciary Committee of a Texan election judge who told a bilingual clerk that Chicanos who cannot speak English should not be permitted to vote. It is impossible to ascertain the veracity of this report, since no names, places, or dates are provided. While such conduct might possibly constitute official harassment of voters in violation of the 15th Amendment, it might also be an entirely innocent statement of opinion, protected by the First Amendment, if no voter who could be intimidated were present. Indeed, it is hard to see how any person who could not speak English could possibly be intimidated by a statement he could not understand.

7. Rolando Rios also told of an incumbent mayor in McAllen, Texas, who hired photographers to take pictures of people voting. While the details are somewhat sketchy, this comes close to an actual 15th Amendment violation. Assuming that the mayor was acting under color of state law, the use of a photographer might legitimately be considered as official intimidation of persons seeking to exercise their constitutional right to vote. The Senate might legitimately wish to investigate this matter further, but the bare allegations here hardly constitute a sufficient foundation by themselves for the extension of the Act for another 25 years in the entire State of Texas.

8. Vilma Martinez told the Senate Judiciary Committee of an act by the Texas Legislature to require a statewide reregistration. As in the case of the Alabama reregistrations noted above, such a law is not necessarily unconstitutional on its face. The Justice Department concluded that it might have the effect of discriminating on the basis of race, and objected to its implementation. While the testimony insinuates that the act was passed with discriminatory intent, which would constitute a violation of the 15th Amendment, there has been no such finding by the Justice Department, and there is no evidence presented in the testimony which would sustain such an allegation.

9. Pages 59 to 61 of the Civil Rights Commission report deal with inconvenient access to voter registration. Again, such problems do not necessarily constitute violations of the 15th Amendment. It is possible that such systems might be designed or maintained with a specific intent of denying blacks access to the registration process. No such allegations are made in the report. If Congress fears that it is impossible to discover disguised constitutional violations in the process of registration, it might well decide to impose uniform national registration requirements, of the sort rejected during the Carter Administration. Such fears, however, can hardly justify the continued imposition of Section 5 upon the entirety of the electoral process in a limited part of the country.

Footnote 22 of the Senate Committee's report concludes with several further page citations to the Civil Rights Commission report. These pages contain no violations of the 15th Amendment, but rather describe the Act itself and offer a few statistics. Apparently the footnote has been misprinted, because the cited material gives no support whatsoever to the allegations made. There are, however, proper citations to the report which appear in the House report on the bill.

10. At page 55 the Civil Rights Commission report describes the experience of a black female registrant in Emporia, Virginia. She was permitted to register, but she described the registrar as "noncongenial." The sworn affidavit of the registrar denying these allegations appears at pages 308-09 of the report. The registrant expressed the opinion that this uncomfortable atmosphere might deter some blacks from registering. The report offers no evidence of any blacks who have actually been deterred from registration. Such unsupported opinions hardly rise to the level of a 15th Amendment violation.

11. At page 85 the report discusses intimidation of black voters in Wrightsville, Georgia, by election officials, state troopers, and private individuals. These allegations, if true, might very well amount to a 15th Amendment violation. The report is based upon a single interview, and it does not contain any names or dates. There is evidence in the Commission's report that the public officials involved were identified and given their statutory right to respond. In the absence of such an opportunity, the credibility of this report can hardly be taken as having been established.

12. At page 75 the report complains that a polling place in Hopewell, Virginia, is located in the Veterans of Foreign Wars Hall in the white community. While this may very well have had a negative effect on black voting, such a practice does not violate the 15th Amendment in the absence of discriminatory intent. No such intent has been alleged, much less proved.

13. At page 77 the report complains that the city of Taylor, Texas, moved its polling place several blocks further from the minority neighborhood. The Justice Department objected to the change on the ground that it might have the effect of making it more difficult for minorities to vote. Again, there has been no allegation or proof that this change was the result of any discriminatory intent. In the absence of such proof, the 15th Amendment has not been violated.

14. The House report also complains that one Arthur Sumbry of Phoenix, Alabama, was convicted of unauthorized voter registration for assisting his pregnant wife, who was a deputy registrar. Neither the House report nor the testimony upon which it was based give any details which might establish that Mr. Sumbry's prosecution somehow violated the 15th Amendment. Presumably, his lawyers had full opportunity to raise any constitutional claims which might exist in the prosecution and in subsequent federal proceedings. In the absence of any of the details of that litigation, it can only be presumed that his conviction was entirely proper.

15. The House report also complains that Pickens County, Alabama, has refused to appoint deputy registrars. Certainly, it can hardly be maintained that there exists a constitutional right to the appointment of deputy registrars. Additional testimony to the effect that the Sheriff has been called to hover about blacks who are attempting to register might well support a claim of unconstitutional intimidation. However, there is no indication in the House report that the Sheriff was ever given an opportunity to explain his actions. Such uncorroborated testimony can hardly be the basis for a finding of a 15th Amendment violation.

16. The House report complains that the mayor of Clio, Alabama, who was also the president of the local bank, required a black candidate for office to bring her mortgage current two weeks before the local election. If true, this action may be reprehensible, but it is hard to see how it would constitute a 15th Amendment violation. The mayor acted, not under color of state law, but in his private capacity as president of the bank. The candidate was in fact delinquent on her loan, and it is hard to see why the bank should be prevented from exercising its undoubted legal right simply because its president happens to be a public official.

17. Finally, the House report accuses registrars in Humboldt County, Nevada, of having refused to register Indians who had improperly filled out registration cards, while similar mistakes by non-Indians were disregarded. This is exactly the kind of constitutional violation which the Act was intended to correct. The federal court decision cited in the report does not appear in the House record, but, if it supports the assertion made therein, a clear constitutional violation would be shown to exist.

From all that appears in the reports, no court has found any substantive constitutional violation anywhere in the covered jurisdictions, although there have been several violations of the procedural provisions of the Act. Of the allegations in the reports

only those in McAllen, Texas, and Wrightsville, Georgia, might possibly be established as constitutional violations. There are not even any allegations regarding the fully covered states of Alaska, Arizona, Louisiana, and South Carolina. Of the partially covered states, relatively there is only a single allegation against a single county in North Carolina. It is on this relatively flimsy basis that the House and Senate Judiciary Committee have decided to continue the coverage of all presently covered jurisdictions.

It is true that a Georgia county was found guilty of intentional voting discrimination in Lodge against Buxton. As the Supreme Court is presently considering the county's appeal, it would be premature for this Congress to conclude that an actual constitutional violation exists there. Likewise, the Mobile case itself has produced a similar finding of intent on remand. That decision, like its predecessor, will presumably be tested on appeal. As for the pre-Mobile cases cited in both reports, the proponents of this bill have argued at exhaustive length that no findings of discriminatory intent, and therefore no valid findings of constitutional violations, were made by those courts.

Outside the covered jurisdictions, a finding of unconstitutional discriminatory intent has recently been made against West Helena, Arkansas. Presumably that finding will be appealed. The only clearly established final judgment of unconstitutional discriminatory intent in the last seven years was made against Escambia County, Florida. That judgment was not appealed, and the court, pursuant to the Act, has imposed a preclearance requirement on that county.

Despite the best efforts of committees in both the House and Senate, and the best efforts of litigators in the civil rights community, the House and Senate reports are largely, if not completely, devoid of evidence of continuing constitutional voting rights violations in the covered jurisdictions. In the absence of such an extraordinary pattern of violations, the constitutional foundations for preclearance are substantially eroded. In their absence, I do not believe that a 25-year extension of preclearance satisfies constitutional standards.

Madam President, I will yield the floor. I believe that the distinguished Senator from Maryland would like to make his remarks at this point. Would the distinguished Senator from Massachusetts care to take the floor? I suggest——

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I regret that the acting majority leader is not here to at least hear me comment that I do not put the blame for delay upon the acting majority leader, the Senator from Alaska.

The fact remains that there are four or five Members of this body who are involved in the process of delaying the work of the Senate. That happens to be the fact of the matter. I refuse to accept the suggestion that those of us who object to other actions of the Senate are the ones who are delaying the work of the Senate. We are not. Evidently there is going to be some kind of a proposed huddle or meeting to consider other amendments. I think we ought to consider them on the floor of the Senate. That is the way we consider legislation. We have considered it in the subcommittee under the chairmanship of the Senator from Utah. We considered it in the full Judiciary Committee. The way that the process works is then, if other Members have amendments, we consider them on the floor of the Senate.

I want to make it clear that I do not place any accusation or any blame on the Senator from Alaska about his efforts to delay the process, but I want to make it equally clear that I reject, in behalf of those that are strongly committed to this program, that we bear a responsibility for requiring the Senate to focus its attention and direction on one of the most important pieces of legislation, given the fact that these issues that are included in this legislation have been debated and discussed and judgments have been made, and we are prepared to debate them and discuss them again and let the Senate make a judgment.

We are not even talking about the substance of the bill. This small group of Senators will not even let us have the legislation before us.

I think it is important at this juncture that we find out where the responsibility for delay and inaction lies, and it does not lie with those that want to have a debate and discussion and resolution of this extremely important issue. In that I certainly include the Senator from Utah, the chairman of our committee; the Senator from South Carolina, and the acting majority leader.

Mr. HATCH. Madam President, I appreciate the comments of the distinguished Senator from Massachusetts. This is an important matter. It has to be resolved. Hopefully, as the acting majority leader has indicated, it will be resolved in less time than the prior debates on the Voting Rights Act. If I have my way, we will resolve this matter as quickly as possible. I am not sure that this floor debate is going to ultimately resolve the Voting Rights Act extension because there are serious constitutional controversies involved here, especially the immense changes in section 2 and section 5. A record has to be made with respect to those changes. Ultimately, the constitutionality of this bill is going to be decided by the Supreme Court of the United States. That may take years. In the intervening time, there are going to be many tests that will be brought as a result of these changes.

Certain Members of this body have raised the issue time and time again that we should not overrule constitutionally based Supreme Court decisions by a simple majority vote by Congress. This is precisely what is being done here; the 1980 case of Mobile against Bolden decided that in 15th amendment cases plaintiffs must prove intentional or purposeful discrimination, and that they cannot get by with anything less. White against Regester, as interpreted by the Court in Mobile against Bolden as well as by Mr. Justice White in dissent in the Mobile case and author of White against Regester, stands for the same proposition.

That is a major issue in this debate.

I have gone on at length in the subcommittee and the committee and on this floor to make clear that this is not an insignificant issue. It is one of the most important constitutional issues in the history of this country, and one with immense practical consequences. We cannot consider it superficially just because there are 77 cosponsors or whatever. Ultimately, the final decision on whether or not this bill is constitutional or unconstitutional—and I believe the changes in section 2 to be unconstitutional—will be made by the Supreme Court of the United States consistent with what they said in Mobile against Bolden.

Mr. HELMS. Madam President, will the Senator yield to me?

Mr. HATCH. I yield.

Mr. HELMS. If the Senator will yield the floor, I will ask for it in my own right.

Mr. HATCH. I will. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Madam President, yesterday I outlined in fairly brief detail why the Senate will make a grave error in proceeding at this time to the proposed changes in the Voting Rights Act. This act does not expire in August of 1982 or September of 1982 or in 1982 at any time or 1983 or 1984.

Let the record be clear again that this act does not expire. It is permanent legislation.

Madam President, in the Washington Post of yesterday there was an article by my distinguished colleague from North Carolina, Senator JOHN P. EAST, entitled "A Perversion of Voting Rights."

In that article, Senator EAST explains why the proposed changes in the present voting rights law would inevitably result in proportional representation as a court-imposed remedy.

As Senator EAST points out, a simple disclaimer of proportional representation as a right under the act will not prevent Federal courts from prescribing proportional representation as the ultimate remedial outcome of the proposed amendments.

Madam President, just before I left my office to come to this Chamber this morning, I had a distinguished professor of law as a visitor. He was appalled by many of the declarations made by the proponents of this legislation. He said that either they cannot read the English language or they are trying to confuse the issue and misrepresent the facts. At the appropriate time, I am going to share with my colleagues the details of this distinguished professor's views.

But let me return to Senator EAST's article, published yesterday in the Washington Post.

Apparently the Post was not content that Senator EAST explain the legal consequences of the proposed changes. The Washington Post felt constrained to carry also its own editorial, entitled "Mr. East and Voting Rights."

The interesting point is that, at complete variance with its own editorial of April 28, 1980, entitled "The Mobile Decision," the Washington Post yesterday asserted that Senator EAST misunderstands the practical impact of the proposed changes in the law, notwithstanding Senator EAST's distinguished career as a professor of political science and constitutional law. It seems to me that the Washington Post, not Senator EAST, has misunderstood the impact of the proposed changes.

The 1980 editorial of the Washington Post stated the true situation. In that editorial, which is now more than 2 years old, the Washington Post approved the Supreme Court decision in City of Mobile against Bolden, and stated:

> By opting for intent, or something close to it, a majority of the court has cut down dozens, perhaps hundreds, of legal challenges that would have been made against existing systems of government or multimember legislative districts. It has also avoided the logical terminal point of these challenges: that election district lines must be drawn to give proportional representation to minorities.
>
> Those two factors offset whatever damage may have been done to black hopes of using the legal system to open up all-white local governments. Not all problems of discrimination can (or should) be settled in the courts, and this is one left just as well in the political arena.

Madam President, what has occurred at the Washington Post since that editorial was written in 1980 is not clear to this Senator, but a strange metamorphosis has apparently taken place. The Post now finds it entirely acceptable for the courts to consider the degree of success of minority candidates in determining what remedy to fashion to increase their share of victories.

The Post's editorial of yesterday also stated:

> One-fourth of all covered jurisdictions should meet (the proportional bailout test) by 1984.

Speaking ex cathedra, the Post gives no explanation for that estimate, but I find it in direct conflict with the testimony of Assistant Attorney General William Bradford Reynolds of the civil rights division of the Department of Justice, who, when asked about the likelihood of bailout under the proposed amendments to the existing law, stated:

> Our assessment is that there are very few, if any, jurisdictions that would be able to bail out coverage for a considerable period of time.

Finally, Madam President, the Washington Post editorial of yesterday stated that "The Senate today takes up the much argued bill to extend the Voting Rights Act."

I have long since ceased to be surprised at the errors of fact in this newspaper and others; but that sentence, which was the editorial's lead sentence, contained two misstatements of fact which are fundamentally misleading.

First, the Senate did not yesterday take up the Voting Rights Act. The Senate does not today have the Voting Rights Act before it. The Senate is engaged in debate to determine whether this is the time to consider amendments to the present law when other pressing matters require action.

Yesterday, I held up this bundle of documents, 130 of them, each being a committee report on an important piece of legislation now on the calendar, awaiting Senate action. I raised the question yesterday, and I raise it again today: Why do we not get about the pressing business of the Senate? Why do we not work on the economy? And let us have no more of this pious pretense that those who are trying to talk sense to the Senate of the United States are somehow holding up the process of the Senate.

The truth of the matter is that the leading proponent of this legislation is absolutely intractable in terms of providing justice for the States now covered.

Mr. KENNEDY. Is the Senator talking about President Reagan?

Mr. HELMS. Madam President, I did not interrupt the Senator, and I ask him not to interrupt me.

Mr. KENNEDY. Just as a point of clarification, was the Senator referring to President Reagan as one of the prime——

The PRESIDING OFFICER. Does the Senator yield?

Mr. HELMS. I do not yield to the Senator, as he knows.

Madam President, I stated yesterday that 40 counties in North Carolina are covered under the so-called preclearance provision. Thirty-nine of those counties are covered because sometime in the distant past, long before any presently elected representative of any of those counties took office—maybe before they were born—the counties administered a literacy test. For 17 years not one complaint has been lodged by the Justice Department with respect to voting rights in North Carolina.

I mentioned 39 counties. The 40th county was brought under because it has a substantial Indian population and because the voter turnout was relatively light in one election year. So, ipso facto, it was determined that Jackson County, N.C., was guilty of racial discrimination, which is an utter falsehood.

So here we have 40 counties in North Carolina being treated like second-class citizens. All that the Senator from North Carolina is saying is that the Senate should be fair to my counties, and the Senator from Massachusetts says: "No; I am going to have it my way."

So what I am doing, Madam President, is defending my people as best I can under the rules of the Senate, and if the Senator from Massachusetts or any other Member wants to hold up the work of the Senate, refuse to let the Senate go ahead and handle other matters, that is his business. He can answer to the American people. I do not have to answer to them. I am perfectly willing to let this Senate proceed.

The falsehoods, the misrepresentations, the scare tactics, and even the political intimidation by pressure groups have caused an inordinate number of Senators to put their names on this legislation as cosponsors without even having once read it. I have had a dozen Senators come to me to say:

> I did not know what was in it. I wish I had not cosponsored it, but I am locked in.

Each Senator has to operate within his own conscience on that question.

Madam President, the Washington Post yesterday in that editorial to which I alluded earlier referred to an extension of the Voting Rights Act. I repeat again, and I suspect I will be required to repeat it time and time again, the Voting Rights Act as such does not expire on August 6. It does not expire any time unless and until the Senate and the House of Representatives repeal it. So that tells us who is engaging in obfuscation.

Madam President, I ask that the Senate compare and contrast the Post editorial of April 28, 1980 with the Post editorial of June 9, 1982, and with the article by Senator EAST. Reading all three together the Senate then can ascertain the truth.

Madam President, I ask unanimous consent that each of these three items be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

I also ask the Senate to consider an article that appeared yesterday on page A-3 of the Washington Post entitled "U.S. Again Rejects Alabama Redistricting," in which the following appears. I am quoting:

> But black lawmakers warned that the new plan still diluted black voting power and predicted it would again be rejected.
>
> "This plan still discriminates against us simply because we happen to be black," said Rep. Thomas Reed (D-Tuskegee). "The Alabama Legislature is going on record saying in 1982 it still does not feel 25 percent of the population of this State should occupy 25 percent of the responsibilities and obligations of this legislature."

Madam President, could there be a clearer, more definitive call for proportional representation than this? This event exposes all of the rhetoric assuring us that the so-called proposed

compromise would not promote proportional representation.

I may not be in this Senate when it happens, none of us may be, but if this legislation passes as it is now drafted—I am speaking about the proposed amendments to the Voting Rights Act of 1965—then practically every elected body in this country ultimately is going to be subjected to proportional representation. The only exception will be the U.S. Senate.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the Washington Post article on Alabama redistricting.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Madam President, let me say again today what I said over and over again yesterday both for the record and in conversations with Senators. All I am asking is fair play for the people of 40 counties in North Carolina.

If my friend from Massachusetts will agree to that, we can vote at 1 p.m. as far as I am concerned, but he will say no. He has said no. I suppose he will continue to say no.

And what he is saying to the people of 40 North Carolina's 100 counties is:

I don't care about the difficulties that you have. I don't care about the second-class citizenship that this imposes upon you.

He is saying:

As far as the Senator from Massachusetts is concerned, you must come up here with your hat in your hand and appear before some bureaucrat in the Justice Department whenever you want to move a voting precinct across the street or down the block.

No matter how trivial the change may be, if these proposed amendments to the Voting Rights Act of 1965 become law, that will continue to be the fate of the representatives of 40 counties in North Carolina, 40 counties which have not had one voting rights violation recorded against them in 17 years, 40 counties which were brought under this law in the first place simply because they had administered a literacy test once upon a time. The only exception is Jackson County, which has a substantial Indian population and which also had insufficient voter turnout to satisfy the requirements of the law.

An interesting point to bear in mind, Madam President, is that the voter turnout percentage throughout the Nation in 1964, if I recall correctly, was only 38 percent. Sixty-two percent of the eligible voters did not go to the polls that year, which is a pretty good argument I would think, for making this law applicable to the entire country.

It raises an interesting point, Madam President. Do you know of another law that is applicable only to some States, some counties, and some people? Here, after 17 years, we have 40 counties in my State whose only sin was that there happened to be in prior years a literacy test requirement, 40 counties against whom there is not one hint of a voting rights violation.

Yet the proponents do not even want to listen. They want to run this railroad train through, get what they want and, in the process, criticize those of us who are trying to defend the integrity, the reputation, and the rights of our people.

Madam President, if I were more naive, I would be astonished at the position of the proponents of the legislation that has been motioned up. But I understand the name of the game. We live in an intimidated society. Senators will come and whisper, "Gee, this is a bad piece of legislation, but I am locked in." But they will not say it publicly. I am saddened by that, but there is nothing I can do about it.

Of course, they, the Senators, know that much of the media will characterize them as being racist if they do not knee jerk their support for legislation of this type. So whether or not we consider this a deplorable state of affairs, it is a fact of life.

Let me say again, Madam President, that this Senator from North Carolina is willing to go to a vote on this measure 5 minutes after it has been agreed that the citizens of 40 counties in North Carolina will not be treated as second-class citizens. But until I have some assurance of that, I am going to do whatever I can to protect my citizens.

I am willing to endure the criticism, I am willing to stomach the false piety that inheres in the arguments of the proponents of this legislation. But I view with sadness the fact that too few of the Senators who cosponsored S. 1992 and now understand the implications of this legislation are unwilling to admit a mistake and face the wrath of the media and of pressure groups.

EXHIBIT 1

[From the Washington Post, Apr. 28, 1980]

THE MOBILE DECISION

It is clear that the Supreme Court dealt a sharp blow to black political aspirations in the South last week when it refused to break up the system that almost guarantees Mobile, Ala., an all-white local government. But it is not at all clear that what the justices did was, from the legal point of view, wrong or even that their decision represented a serious setback to civil rights.

Stripped of its nuances, the issue the court had to resolve was whether Mobile should be forced to abandon the form of local government it has had since 1911 because that particular arrangement makes the election of black officials almost impossible. The answer—that Mobile can stay the way it is—derails the legal theory that civil rights lawyers had hoped would force a shift from at-large elections to ward or district elections in cities all over the country.

In this case, the theory asserted that the existence of the commission system of government in Mobile unconstitutionally dilutes the votes of blacks. Because the commission system mandates at-large elections and because Mobile is still given to racial bloc voting, no black has ever been elected to the city government and none is likely to be in the foreseeable future. If the city, which is 35 percent black, were broken into wards, the election of some blacks would be almost assured.

The trouble with this thesis, in the view of several members of the court, is that it rests on the assumption that the constitutionality of any law depends upon the effects it has on minority groups. They think laws should be judged on the intent with which they were written. This argument—whether it is effect or intent—has been going on among the justice for years, primarily because neither standard is really satisfactory. Some clearly innocent laws have unintended discriminatory effects on some minorities. Accurately discovering the intent with which legislators acted is extremely difficut.

Judged by its effects, the commission system in Mobile clearly discriminates against blacks. They are not only kept out of office but are also deprived of any real participation in local government and, because their votes are in this sense meaningless, confront a government less than satisfactorily responsive to their needs. But judged by the intent of those who were around in 1911, the commission system does not discriminate against anyone. Blacks didn't vote in Mobile then. Besides, the system was adopted in Alabama, and elsewhere, as a reform of corrupt ward politics.

By opting for intent, or something close to it, a majority of the court has cut down dozens, perhaps hundreds, of legal challenges that would have been made against existing systems of government or multimember legislative districts. It has also avoided the logical terminal point of those challenges that election district lines must be drawn to give proportional representation to minorities.

Those two factors offset whatever damage may have been done to black hopes of using the legal system to open up all-white local governments. Not all problems of discrimination can (or should) be settled in the courts, and this is one left just as well in the political arena.

MR. EAST AND VOTING RIGHTS

Today the Senate takes up the much argued-over bill to extend the Voting Rights Act. The measure before it was passed by the House last October by a vote of 389 to 24, has 76 cosponsors in the Senate and enjoys the endorsement of Mr. Reagan. So, passage is all but certain. Still, opposition persists—as Sen. East's column on our op-ed page today demonstrates.

The two main points Mr. East raises—will this bill lead to proportional representation, and does it discriminate against one section of the country?—are legitimate concerns. But they have been addressed squarely by the supporters of the bill, and changes have been made to reassure those who had reservations.

On the first of these concerns, the fact is that it never was the intention of the proponents of the bill to guarantee minority groups election victories in proportion to their numbers in the population. But to be sure that this did not happen, the Senate Judiciary Committee amended the bill. It now provides this guidance to courts considering ways of determining whether a voting system is discriminatory: "The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered, provided that nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population." The committee report goes into great detail on this point and specifically directs federal judges "to act in full accordance with the disclaimer" regarding any claimed right to proportional representation.

Does the bill discriminate against one section of the country? When the Voting Rights Act was passed in 1965, national criteria were established for deciding whether a political jurisdiction would have to get Washington's permission for any changes it wished to make in election laws. True, many states and counties in the South were covered. But so are counties in New York, Idaho, Hawaii, Wyoming, California, Arizona, Alaska, Texas, Colorado, Michigan, South Dakota, and Oklahoma, and towns in Connecticut, New Hampshire, Maine, Massachusetts and Michigan. Amendments in 1975 protecting language minorities brought in additional counties in Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington and Wyoming.

Under the provisions of the pending bill, any jurisdiction can be excused from the pre-clearance requirement if it has not discriminated against voters for a 10-year period and has taken positive steps to increase the opportunity for full minority participation in the political process. One-quarter of all covered jurisdictions should meet that test by 1984. Requiring every county in the United States to submit to pre-clearance is not only unnecessary—for most jurisdictions have no history of discrimination or low voter participation—but also harmful in that it would swamp federal officials with paper work, diverting them from areas where oversight is needed.

The bill reported by the Senate Judiciary Committee reflects compromise, common sense and the thoughtful consensus of legislators across the political spectrum. It should be passed.

A PERVERSION OF VOTING RIGHTS

(By JOHN P. EAST)

Although they often disagreed in their interpretations of the Constitution, Sen. Sam Ervin and Justice Hugo Black were agreed on one issue: the Voting Rights Act of 1965 is unconstitutional. Ervin asserted that the act "is utterly repugnant to the basic principles upon which our system of justice rests." Black declared that it reduced the states to "little more than conquered provinces."

In light of recent congressional action, these words of protest, uttered more than 15 years ago, are today a modest understatement. The Senate will soon take up S. 1992, the Voting Rights Act Extension. A companion bill has already passed the House. this legislation, however, goes far beyond a mere extension of the 1965 act. In essence, it seeks a fundamental alteration of the Constitution and the American democratic system by changing the right to vote from an individual right to a right of group representation for minorities. This radical restructuring of our political system is to be accomplished not by a constitutional amendment but by legislative repeal of the Supreme Court's decision in City of Mobile against Bolden.

In that 1980 decision, the court held that Section 2 of the act and the 14th and 15th amendments all required proof that the voting law or practice in question had been based on discriminatory intent. The court rejected the claim that political groups have an independent constitutional right to representation, and ruled that Mobile did not have to change its electoral system in order to guarantee the minority population a share of elected officeholders. Hence the claim "that the Constitution somehow guarantees proportional representation" was groundless.

Insisting that Mobile was incorrectly decided, the Senate Judiciary Committee has added a so-called "compromise" amendment to Section 2 that substitutes a new and ambiguous "results" test for the current "intent" test. Despite the assurances of the amendment's supporters, it is clear that the new language is unconstitutional; and if it survives constitutional attack it will serve as an open invitation to federal courts to impose a system of proportional representation throughout the country. For even though the amendment declares that this legislation shall not establish a right of proportional representation, it contains no language that would in any way preclude a court from mandating such a system as a remedy. Indeed, analogous disclaimer language in Title VII of the Civil Rights Act of 1964 has not prevented courts from using affirmative action as a remedy.

As Prof. William Van Alstyne of the Duke University Law School has noted, "The amendment must invariably operate . . . to create racially defined wards throughout much of the nation and to compel the worst tendencies toward race-based allegiances and divisions." No less alarming is the likelihood that the vote dilution rationale of the "results test will impede the efforts of metropolitan areas to broaden their tax base through annexation, thereby weakening the economic base of our inner cities and preserving their ghettoes.

Resistant to notions of reason and fairness, the supporters of S. 1992 have also doggedly refused to make any needed improvements in a law that is regional in application and punitive in nature. Good public policy provides incentives and rewards for compliance with the law. But bailout is still an impossibility, and all of the covered jurisdictions, including those that have scrupulously obeyed the law, will be arbitrarily chained to the onerous pre-clearance requirements for another quarter-century. Though contrary to the principles of Anglo-American jurisprudence, the reversed burden of proof will continue to rest on the targeted states, and their elected officials must still come to Washington, with hat in hand, to litigate disputes, because their local federal courts are not permitted to hear the case.

Instead of merely extending certain provisions of the act to protect voter access to the ballot, the proponents of S. 1992, it may thus be seen, have preserved intact all of the vindictive features of the original legislation, while at the same time propelling the entire nation headlong into proportional representation. What was once a well-intentioned effort to increase black voter participation has now become a reckless and revolutionary departure from the basic tenets of American constitutional democracy.

EXHIBIT 2

U.S. AGAIN REJECTS ALABAMA REDISTRICTING

The Justice Department yesterday rejected Alabama's new legislative reapportionment plan, saying the remap of "Black Belt" districts still fails to comply with the Voting Rights Act.

In a letter to state Attorney General Charles Graddick, assistant U.S. Attorney General William Bradford Reynolds said the districts drawn last week do not satisfactorily match county boundaries.

A federal court said earlier that if Alabama does not get an acceptable plan, it will draw new legislative districts.

The original plan adopted by legislators in October was rejected by the department May 6 on the grounds it discriminated against black voters.

The newest plan was drawn in a special, six-day session called to draft boundaries that would give blacks a chance to increase their numbers in the legislature.

But black lawmakers warned that the new plan still diluted black voting power and predicted it would again be rejected.

"This plan still discriminates against us simply because we happen to be black," said Rep. Thomas Reed (D-Tuskegee). "The Alabama legislature is going on record saying in 1982 it still does not feel 25 percent of the population of this state should occupy 25 percent of the responsibilities and obligations of this legislature."

Mr. HELMS. Madam President, I suggest the absence of a quorum.

Mr. GRASSLEY. Madam President, will the Senator withhold?

Mr. HELMS. I withhold briefly.

Mr. GRASSLEY. Madam President, I seek the floor to make some comments on this legislation.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, in my opinion, the proposed extension of the special provision of the Voting Rights Act is one of the most critical issues to come before this Congress. The decisions which the Members of this body will be called upon to make in regard to this bill will not be easy.

The questions raised by this, the third proposed extension of the act, are even more difficult than those originally raised in 1965. The battle lines drawn in these proceedings are not nearly so cut and dried as those drawn in 1965. It would be a gross inaccuracy to characterize the opposing parties in this debate as being simply either for or against the right to vote.

The issues which have been raised in these proceedings are much more complex than this. These are points over which reasonable men may honestly disagree. Therefore, I would urge my colleagues to pay due respect to all of the arguments offered in this great deliberative process.

I am confident, however, that the members of this body will reach the same conclusion as did I, and as did the Committee on the Judiciary. That is that the right to vote is the very cornerstone of democracy, and as such merits the highest protection of the law. While the circumstances surrounding the passage of the original act are far different from those of today, the reasoning which led Congress to enact this legislation in 1965 remains as relevant and logical as ever.

The gains in minority electoral participation achieved through the protections of the act reflect the success with which it has been implemented. The strength of the act as originally adopted lay in its power to proscribe discriminatory practices as they evolved. Today we recognize that the right to vote involves more than the simple act of dropping the ballot in the box. It is our duty to guarantee that all citizens have the same opportunity to participate in the political process and to elect representatives of their choice. The revision in the act which we are now considering is an appropriate and necessary step in fulfilling this Nation's commitment to electoral freedom.

The Senate proceedings on the proposed extension focused primarily on the amendment to section 2 of the act. As a member of the Subcommittee on the Constitution, I had an opportunity to actively participate in those deliberations. Furthermore, as an original cosponsor of the compromise proposal embraced by the Judiciary Committee I believe I am qualified to speak on this aspect of the bill.

I am pleased with the measure reported by the committee and am confident that it will be successful in eradicating any remaining vestiges of racial discrimination. Developing the committee bill was not a simple undertaking. The heartfelt problem in this task was not one easily addressed by cold legalese. The compromise proposal eventually adopted by the committee reflects the difficulty of codifying such broad philosophical conceptions in precise statutory language.

Although there were hard-fought battles over the specific language of this proposal, a consensus developed in the committee that plain and simple, effective bars to the full and fair political participation by members of minority groups must be removed, whether those bars are intentional or not; but that there be safeguards to guarantee that what is prohibited is actual discrimination in the political process, not disproportionate electoral outcome, per se.

The House of Representatives recognized the delicacy of the proposed change to a "results" test in section 2. Critics of this change raised the specter of proportional representation as the inevitable outcome of this change. While some have labeled this argument a "scare tactic" the House recognized the real threat that proportional representation could be the terminal point of the change to a simple "results" test. The House aknowledged this very real possibility and sought to prevent this aberation with the inclusion of the so-called "disclaimer" language. The disclaimer reads as follows:

> The fact that members of a minority group have not been elected in numbers equal to the group's proportion of a population shall not, in and of itself, constitute a violation of this section.

The House thus recognized the distinction between a "disproportionate" result and a "discriminatory" result. The House refrained, however, from expanding upon this distinction other than to reject the notion that these standards were somehow equivalent.

In the Senate there arose further controversy over the requisite evidence for establishing a violation under this new standard. Most notably there was disagreement over the significance of the stipulation that a disproportionate result, "in and of itself", would not constitute a violation of this section. Logically, it was argued that according to this language a disproportionate result and one additional iota of evidence of discrimination could suffice for the establishment of a section 2 violation. It was obvious that the concept of a discriminatory result needed further defining.

As it became evident that there was to be a change in section 2 many of us focused our attention on the problem of distinguishing between a disproportionate result and a discriminatory result. I for one was uncomfortable with the language in the House-passed bill. I was sympathetic to the desires of our colleagues in the House to insure that the prohibitions of section 2 were enforceable. I did not feel, however, that the proposal which the House approved was an adequate guarantee against an ultimate mandate of proportional representation. Therefore, I expressed my reservations with the proposal at the subcommittee markup. I also indicated that I was not satisfied with the pragmatic implications of the intent test and declared my intentions of seeking some form of compromise.

In working on this proposal, I acted on the basic assumption that selected minority groups should not be subjected to invidious exclusion from effective political participation; neither should they be entitled to constitutional protection from defeat at the polls. This premise is simply a functional restatement of the differentiation between a discriminatory result and a disproportionate result. I was confident that some mechanism could be devised by which this distinction could be made in an equitable and certain manner. I believe that the compromise proposal which I cosponsored and which has been approved by the Judiciary Committee is the best possible solution in this regard. It is a qualified results test in that the establishment of a section 2 violation is contingent upon satisfaction of provisions of subsection (b).

It was in light of these considerations that the committee embraced the White against Regester standard embodied by the compromise proposal. Briefly, the amendment substitutes a results test for the intent standard in the original section 2. A new subsection (b) is created which includes specific modifying language taken directly from the Supreme Court's White against Regester decision. This new section 2 might best be characterized as a qualified results test.

By substituting a results test in subsection (a) the proposal clarifies that proof of discriminatory purpose is no longer required for the establishment of a section 2 violation. Subsection (b) directs the courts to conduct a thorough inquiry into the relevant circumstances and objective factors of each case. It is further stipulated that a violation is established only if, based on the totality of the circumstances, it is shown that "the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a)."

"Not equally open" is thereafter defined by the clause "in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

In determining the practical significance of these rather nebulous concepts the committee has ordered that the courts rely upon the Supreme Court's application of this standard in White against Regester.

In that case the Court found that there existed functional bars to participation by both black and Mexican-American citizens in the political processes in Dallas and Bexar Counties. The Court found that blacks in Dallas County were effectively barred from slating candidates in the Democratic Party. In Bexar County the Court noted that Mexican-Americans suffered a cultural and language barrier that made participation in community processes extremely difficult.

Subsection (b) qualifies the scope and meaning of the "results" test in subsection (a) by codifying the analytical interpretation of voting discrimination as articulated in White. In essence, the committee has formulated procedural guidelines by which the courts shall investigate allegations of racial discrimination in voting. The plain language of subsection (b) and the Supreme Court's analysis of the totality of the circumstances in White dictates that the exclusive test in voting discrimination cases is whether there exists an effective bar to minority citizens' equal opportunity to participate in the political process. In the absence of such a bar a section 2 violation could not be established.

This compromise proposal strikes a fine balance between the interests of certainty and equity. I am convinced that it is the best possible alternative to either an "intent" test or a strict "results" test. It has been suggested that the language of this proposal is overly vague and ambiguous. In light of the variety and complexity of these cases this mechanism is as precise and narrow as is justifiably possible.

On page 143 of the committee report there appears a partial list of 20 "objective factors" which the Court might find relevant in its consideration of the totality of the circumstances of each case. Any set combination of these factors is not irrebuttable evidence of a discriminatory result. A certain fact pattern that the Court might find indicative of a violation in one instance might not prove sufficient for establishment of a violation in another context. Each of these cases must turn on its own facts. Determining whether an electoral practice or procedure results in discrimination demands a sensitive inquiry into the totality of the circumstances. In assessing the totality of the circumstances the courts are to be guided by the analytical interpretation of voting discrimination as articulated by the Supreme Court in White against Regester.

It would be virtually impossible to construct a statute which could more precisely identify every specific instance in which there might be a discriminatory result in voting procedures. This proposal is as precise and certain as is equitably possible. The new White against Regester section 2 standard is a practical, effective, and fair mechanism for eliminating any subtle and complex forms of invidious discrimination in voting. I am pleased with the bill as reported by the Judiciary Committee and believe that it deserves the support of this Senate.

Mr. HELMS. Will the Senator yield for a question?

Mr. GRASSLEY. Yes, I will try to answer the Senator's question as best I can.

Mr. HELMS. I thank the Senator. The Senator knows of my affection for him. I think he was on the floor for part of my remarks earlier. But did he hear me outline the circumstances as applied to the 40 counties in North Carolina?

Mr. GRASSLEY. I had an opportunity to hear those both at the Senator's presentation here and then in a smaller group outside of this Chamber where the Senator presented that same point of view.

Mr. HELMS. Does the Senator feel that it is unreasonable for me to suggest that there ought to be a bailout provision for those 40 counties, inasmuch as there has not been one scintilla of evidence of a violation in any of those 40 counties for 17 years? Is it unreasonable for the Senator from North Carolina to ask that of the Senate?

Mr. GRASSLEY. Let me suggest to my friend that the point he raises is probably one that was impressed upon me by the hearing process in the House of Respresentatives that dealt with the provisions that the Senator is suggesting I take a look at, even more so than we did in the Senate Judiciary Committee.

I think that the point that needs to be reiterated is that we assume that because the law has been active and that we have some statistics that show that there are higher personages of minority groups voting in certain covered States than there may be in other States and that there has been a dramatic increase in those, that somehow that statistic in and of itself suggests that the protections of the law are no longer needed. I would suggest to the Senator from North Carolina that the hearings, at least in the other body, effectively answered that point and even changed some of the people who were originally of the view that the Voting Rights Act need not be extended to the point of view that it should be extended.

So I am cognizant of the record that the Senator from North Carolina is suggesting for his State. But I think that the record proves otherwise and that we do need a continuation of this provision with more time to see that the act accomplishes the goals as originally intended.

Mr. HELMS. The Senator understands, of course, that the act does not expire.

Mr. GRASSLEY. Yes, I do understand that. In fact, let me say parenthetically that this is one thing that has bothered me about this whole debate, not being a sponsor of the bill, and only coming around to support it after the proper amendments had been adopted. The only thing that bothered me was the implication by the original sponsors of this bill that the legislation would expire. On the other hand, let us be perfectly open and say that the provisions for bailout, or the ability to go into court to seek bailout, would have been different in August had this bill not been proposed. And that bothered me, as well as some others.

Mr. HELMS. Well, what I am trying to pinpoint is the Senator's view about the fairness of continuing the requirement with no hope of relief, that the officials of the 40 counties involved must come to Washington, D.C., and not have their day in court in North Carolina.

Mr. MATHIAS. Will the Senator from Iowa yield?

Mr. HELMS. If the Senator from Maryland would forbear until I complete my question.

Mr. MATHIAS. I am sorry. I thought the Senator had completed his question.

Mr. HELMS. Bear in mind, I say to the Senator, that the only reason that 39 of the 40 counties in North Carolina are under this preclearance requirement is because at one time there was a literacy test requirement, which was permanently abolished by this act. But in any case, I made a spot check around the counties of my State and I have not been able to find one elected county commissioner serving today who was serving in 1965.

Now I reiterate my question: Is it fair to say to the people in these 40 counties that:

> No, we are not going to let you have a day in court. We are not going to give you any relief. As a matter of fact, we are going to extend it, extend what Sam Ervin calls the tyranny of this law, into the distant future.

Now does the Senator really think that is fair? Does he really think that it is serving the cause of voting rights?

I agree and I will stand with the Senator foursquare in demanding voting rights for everybody. There is no question about that. As the Senator himself was good enough to say, people on both sides of this issue agree on that point. But this legislation is an assault on the good faith of 40 counties in my State, 40 counties which committed no sin in the first place. They had the literacy test they applied in the distant past. The existence of this was the only reason the act applied to them in the first place, and it has not been used in 17 years.

Does the Senator understand my concern about the lack of fairness in this situation?

Mr. GRASSLEY. The only thing I can point to is the evolutionary aspect of this legislation through the subcommittee and the committee process. I can appreciate the fact that the Senator from North Carolina obviously is not satisfied with the result of that evolutionary process. But as we voted the bill out of the full Judiciary Committee, there are even more liberal bailout provisions now in section 5 than there was in the subcommittee. I think it is important to note that. Under certain circumstances, bailout can be achieved under S. 1992. It is just not as automatic as the Senator from North Carolina would like to have it. I think at some point in the process, it seems legitimate that we ought to have an opportunity and a time for seeing if those bailout conditions in the suggested legislation could be met, especially since we have not yet had such an opportunity. They probably could be met in an easier manner than the Senator himself may think that they can be met.

Since I obviously have not adequately answered the question of the Senator from North Carolina, and since the Senator from Maryland has been seeking to help me in this, I would like to yield to the Senator from Maryland and have him address that point, if the Senator from North Carolina will allow me.

(Mr. SIMPSON assumed the chair.)

Mr. HELMS. Just let me say that I am in favor of moving along with the consideration of this legislation, if I can just get an element of fairness put into it. This ball game would be over, or it would never have been started, had I not run into the intractability of the Senator from Massachusetts, who apparently is running this railroad train. As long as he takes the position that no relief is going to be even considered for the people of 40 counties in North Carolina, I have no alternative to doing what I am trying to do. I would like to see this matter ended.

Mr. GRASSLEY. I would suggest to the Senator that he now has before him a piece of legislation on voting rights in the Senate where for the first time his State, under certain conditions, will have an opportunity to bail out that never existed before.

Mr. HELMS. But these are the conditions, I say to the Senator.

Mr. MATHIAS. If the Senator from North Carolina will now permit me to say a word, let me say that my first word is to say, "welcome" to the statement that he has just made that he is prepared to go ahead with this legislation. I think that is good news that all the Senate is going to welcome.

Mr. HELMS. Do not break your desk there.

Mr. MATHIAS. No fear of that. It has been pounded on for 100 years or more over more controversial issues than this.

Let me say to the Senator from Iowa that he does not need any help. He has made a thoughtful and comprehensive statement. I believe he has answered the Senator from North Carolina. The question of the Senator from North Carolina is; is it fair, without relief, to keep these 40 counties within the purview of the bill? The Senator from Iowa has answered that by saying that the bailout provisions have been substantially liberalized under this bill. That was a major compromise that was made early on in the consideration. Bailout is easier today than it has ever been since 1965. I think that becomes an important element.

The Senator from North Carolina has further said that the Senator from Massachusetts is railroading this bill.

As a principal sponsor of the bill, I resent that just a little bit. Not only do I resent it, but there are 75 other Members of the Senate who are cosponsors who ought to resent it, too. Nobody is railroading a bill that has 76 cosponsors. If that is a railroad, I want to buy into it.

I think we have to look at facts. The facts are that we have made a lot of progress in this country, a very great deal of progress. I do not think we ever should forget that. Yet there are racial and language minority discriminations that persist and that affect the right to vote throughout the jurisdictions covered by the section 5 preclearance requirement.

All too often, the background of objected submissions—the failure to choose unobjectionable alternatives, or the absence of an innocent explanation for the proposed change, or the departure from past practices as minority voting strength reaches new levels—all serve to underline the fact that there is a continuing need for section 5.

I believe if the Senator from North Carolina will consider that dispassionately he will recognize the equity of that proposition.

A review of the kinds of proposed changes which have been objected to by the Attorney General in recent years reveals the types of impediments that still face minority voters in the covered jurisdictions. Some of the kinds of things that have been objected to are annexations of political jurisdictions, or the resort to at-large elections to dilute the influence of a minority, or majority vote requirements, or numbered posts, or redistricting. All of these things are devices that have been observed. These are not theories; these are recorded, attested cases.

Mr. HATCH. Will the Senator yield?

Mr. MATHIAS. I yield.

Mr. HATCH. As I understand the Senator's point, he is stating that the bailout in the amended bill, the bill presently before the Senate, is a "liberalized" bailout provision. Can the Senator tell me what the provision on bailout is under the present Voting Rights Act, as presently enacted? Then, can the Senator tell me what are the bailout provisions under the proposed bill before the Senate.

Perhaps, I can help the Senator to this extent: As I understand it, the present bailout provision contains a single requirement—that there has been no "test or device" for 17 years. That is present law.

I would like to know how the proposed bill's language is "liberalized" from that one single requirement that has been the law for 17 years.

Mr. MATHIAS. I am glad the Senator from Utah has asked me that question.

The changes in S. 1992 regarding the procedures by which jurisdictions can bail out from coverage under the act's special provisions, including section 5, deserve special attention. The Senator from Utah, by asking the question that he has, has directed the attention of the Senate to that provision. I think it should be studied very carefully.

If the Senator will let me finish my answer—unless he wants to enlarge the question in some way.

Mr. HATCH. Maybe we could just establish one point, Mr. President. Does the Senator agree with me that the sole requirement of the present bailout provision is that there was no "test or device" over the last 17 years? Is that not basically the present law?

Mr. MATHIAS. Mr. President, let me review the situation with the Senator a little bit. I think, since he called attention to it and suggested we study it a little, we ought to study it at some length. Maybe this is something that we should not study just a little.

The basic concept at the outset that we ought to realize is that the new bailout procedures represent a major change from current law and thus are by no means identical to the bailout procedures in the original versions of the House bill, 3112, and the original Senate bill, 895. It seems to me that we have to recognize we are dealing with something that has been created in the process of this extended debate.

Specifically, Senate bill 1992 contains a liberalized bailout provision. Under the procedure, jurisdictions covered under the act's special provisions—I say to the Senator from North Carolina that that includes section 5—can bailout more easily than if the present law were merely extended.

S. 895 and House bill 3112 as introduced would have continued the existing and more stringent bailout procedures. Thus, the revised bailout represents a major accommodation by the supporters of S. 895 and H.R. 3112, an accommodation to those who objected to the bailout as it has existed, and, as the Senator from Utah points out, it has existed for 17 years.

Mr. HATCH. Will the Senator yield?

Mr. MATHIAS. Under the existing procedures—the Senator raised the question of the existing procedures—the covered jurisdictions can bailout by demonstrating that they have not used a test or device to discriminate for a designated number of years. Thus, a covered jurisdiction would be unable to bailout until the prescribed time period expired irrespective of the perfection of its compliance with the act. But under S. 1992, the bailout mechanism is geared to the jurisdiction's actual and recent record of conduct; in other words, it is tied to the evidence of what has happened.

A jurisdiction with a record of compliance with the act and a commitment to minority participation in the political process would be able and eligible to bailout under S. 1992. I think that the bailout criteria that are established by this bill are fair and they are achievable.

I believe the Senator had some further question.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I yield for a question.

Mr. HATCH. I shall try to put it in as succinct a form as I can.

As I understand it, and the Senator has described it accurately, present law basically states as the bailout requirement that:

> No such test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2).

That statement, of course, is readopted, as I understand it, in whole, in the new bailout provision. In addition to that, however, we add some additional elements, such as:

> No final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision and no consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denials or abridgements of the right to vote.

That is just one additional element. The Prohibition on the use of a "test or device," for 17 years of course, has been the sole bailout requirement in present law. There are at least seven new elements that a jurisdiction seeking bailout has to satisfy under the proposed bill. This is just one. A number of others would include:

> No Federal examiners under this act have been assigned to such State or political subdivision.

Such State or political subdivision and all governmental units within its territory have complied with section 5 of this Act, including compliance with the requirement that no change covered by section 5 has been enforced without preclearance under section 5, and have repealed all changes covered by section 5 to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment.

Mr. President, that requirement alone would bar bailout if any voting law, practices, or procedure were implemented in the 10-year period without preclearance. Needless to say, I recognize the necessity of covered jurisdictions complying with preclearance. Yet, it is conceivable that, inasmuch as the bailout of the greater jurisdiction is tied to the lesser, some minor change would well have been instituted without preclearance. Moving the office of the county registrar from one floor to another might be an example.

Other elements would include:

The Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under section 5, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under section 5; and no such submissions or declaratory judgment actions are pending.

That element would bar bailout if there has been any objection to a submission for preclearance—any objection whatsoever.

In the practice of section 5 preclearance, it is common for the Attorney General to interpose an objection to a voting change simply because there is not enough information on hand for the affirmative decision to be made that the proposal "does not have the purpose and will not have the effect" of discrimination in voting. Accordingly, an objection by the Attorney General does not per se indicate bad faith on the part of the submitting jurisdiction.

Such State or political subdivision and all governmental units within its territory—

(i) have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process;

(ii) have engaged in constructive efforts to eliminate intimidation and harassment of persons exercising rights protected under this Act; and

(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all stages of the election and registration process.

Mr. President, I am getting to my question. I know it is taking longer than the Senator would like, but I shall finish in a second.

Mr. MATHIAS. Mr. President, I must say we are reaching a record, I think, in the length of questions, at least in my short experience here.

Mr. HATCH. These requirements, Mr. President, that I have been listing may or may not be desirable, but my basic question remains: Since they are additional factors and additional burdens placed upon each of these covered States and jurisdictions, how do they constitute a "liberalization" in the place of but a single factor?

We have now substituted for that single factor six or seven new factors that require additional efforts, and that place additional burdens upon the States. Some authorities have indicated that there is going to be no way to bail out, no matter how well the State has conducted itself, under the new bailout provisions. But how is that a liberalization?

Mr. MATHIAS. I am glad to have the Senator's question and I would like to address myself to it. In the first place, it is a very good question, it is a thoughtful question, and it is a proper question. It is the kind of question that I expect from the Senator from Utah, who has always paid very careful and searching attention to the legislation that comes before him.

I might suggest to the Senator from Utah that it is the kind of question which ought to be asked during the consideration of the bill, and I am not sure that it is a question that properly should be brought up when we are merely debating the motion to proceed to the bill. I wish that we would have support for that motion, for the motion of the acting majority leader, so that we can get on the bill and address ourselves to these kinds of questions. But since he has asked it, let me direct his attention to the committee report where, on page 46, we address some of the issues that he has raised.

Now, in the report it is pointed out that:

The bailout utilizes a ten-year reference period for the first part of the new criteria: "A declaratory judgment under this section shall issue only if such court determines that during the ten years preceding the filing of the action, and during the pendency of such action, [the required elements have been satisfied]."

This ten-year period is necessary to ensure that a genuine record of nondiscrimination is achieved by jurisdictions seeking to bail out.

In the other body, Representative HYDE made a proposal on the 30th of July which also employed the 10-year period:

The requisite record involves three elements: compliance with the special provisions of the Act, no adjudication of discrimination, and no assignment of examiners.

I think, as the report suggests, it is important that even if a jurisdiction has failed to comply with every single one of these criteria until the present legislation is enacted, it will now and hereafter be on notice of what it will henceforth be required to do in order to bail out, which is I think equity. The Senator from North Carolina spoke earlier about equity. I think it is equity to tell people where they stand, what they need to do. Assuming that a jurisdiction desires to bail out and assuming that it fully complies with the laws protecting voting rights from that point on, it would be able to demonstrate a 10-year track record no later than 1992, which is the earliest that it would have been able to bail out on the straight 10-year extension of the present law.

Therefore, I stand by the statement that I made that this is a liberalization of the bailout provision.

Mr. EAST. Will the Senator yield?

Mr. GRASSLEY. Will the Senator yield?

Mr. MATHIAS. I yield to the Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from Maryland for yielding.

I think we have to assume in this debate that the record was very clear that there was a need for extension of section 5. There was very little consideration of that in the Subcommittee on the Constitution under the leadership of the Senator from Utah. There was a decision made to concentrate upon section 2, and most of the hearings and the debate in the subcommittee and the full committee centered around section 2. I thought we were assuming that the record was clear from the House of Representatives that there needed to be an extension of section 5. In fact, what did we do? We passed out of subcommittee—and the Senator from Utah voted for it—a bill that would have provided for a simple 10-year extension of section 5, which would have made it impossible to bail out. At least there exists an opportunity for bailout in the provisions that have come out of the full committee and are now before this body.

I think for the first time in 2 days of debate now we have reached the meat of the issue, whether or not the possibility of bailout is adequate or too difficult. Those issues I think are legitimate to discuss on the floor of the Senate.

On the other hand, until now we have just simply talked about whether or not we ought to have bailout under the law as it existed prior to this legislation. I think that we ought to look at the provisions of this legislation and see whether or not these conditions can be met.

I happen to think that they can be met. I obviously happen to think that section 5 should have been extended. That is why we did not concentrate on it in the subcommittee. That is why the provision I sponsored in the subcommittee was voted out, with Senator HATCH's vote. Now we are back to a point where we are concentrating on section 5, when we had spent all in the time in the subcommittee concentrating on section 2. Somehow, here we are with a more liberal provision under which there are possibilities for bailout, while there would not have been possibilities for bailout if the subcommittee recommendations had been followed.

Mr. HATCH. Will the Senator from Maryland let me respond?

Mr. MATHIAS. Will the Senator from Utah wait 1 minute? The Senator from North Carolina had asked me to yield for a question at the same time as the Senator from Iowa.

Mr. HATCH. Will the Senator defer until I can respond?

Mr. EAST. I thank the Senator.

Mr. MATHIAS. I will yield to the Senator from Utah for the purpose of propounding a question so that I do not lose my right to the floor.

Mr. HATCH. I believe we should have a bailout provision as well. I am not making any judgments on what form it should be in, but I did ask the question, which I think is a reasonable question, pursuant to remarks made by my distinguished friend and colleague from Maryland that this new provision is a "liberalization," of present law. There is no way that it is a "liberalization". I do not think anybody can argue, on the facts or on the language itself, that it is a "liberalization."

Mr. MATHIAS. If the Senator from Utah would suspend just a moment, let me say the question of whether or not it is a liberalization is a question of perception. Let me give you an example of that.

Just a few years ago it was my great honor and pleasure to sit over in that row on the Senate floor, and on one side of me I had the distinguished Senator from New York, Mr. Buckley, and on the other side of me I had the distinguished Senator from Arizona (Mr. GOLDWATER). As a matter of perception, to anyone who looked at the three of us sitting in a row there, I was to the right of GOLDWATER, although I was to the left of Buckley.

When you say that it is a matter of liberalization, I think one's point of view comes into mind. On the other hand, somebody who was looking at us from the other side would have said that I was to the right of Buckley and the left of GOLDWATER. So it is just where you are standing that says whether it is more liberal or more conservative than otherwise.

Mr. GRASSLEY. Will the Senator yield?

Mr. MATHIAS. Let me yield again to the Senator from Utah so he can complete his question without losing my right to the floor.

Mr. HATCH. I have no doubt that both of those distinguished Senators sitting by the Senator from Maryland were encouraged toward and benefited from increased liberalization.

On the other hand, that still does not respond to the question I have asked: How can the rewriting of this law to include the requirements that the committee reported in addition to existing requirements, constitute "liberalization?" Just logically, how can that amount to a "liberalization" when in place of factor A we are substituting factor A plus factors B, C, D, and E? I do not see where there is "liberalization" in that. Maybe "liberalization" is something that is needed. Maybe more requirements are necessary.

Mr. MATHIAS. I think we understand the Senator's question.

Mr. GRASSLEY. Whether it is a liberalization or not is directly related to the position from which the Senator from Utah is coming. Does the Senator from Utah believe that section 5 should be extended and that an adequate record has been established, that it should be extended? Or does he not believe that? If the Senator does not believe it should be extended, then, obviously, this is not a liberalization.

However, if he believes it should be extended, and from what happened in the subcommittee, in the concentration on section 2 and a decision not to spend much time on section 5, then I assume the Senator agreed with the position of the other House.

From that standpoint, he agrees that section 5 should be extended. If he believes that section 5 should be extended, then, these conditions for meeting bailout are a liberalization of the law.

Mr. MATHIAS. Let me just add to the observation of the Senator from Iowa this further observation on whether or not it is a liberalization.

I think this is an objective test. This is liberal—whether you are looking from left to right or right to left or back to front or front to back. This is a relaxation of the bailout position in the bill which does not exist in the law—that under existing law, a single county cannot get out if the State is still covered. That is the rule in the city of Rome, Ga., case.

Under this bill, every county in a State can get out even though the State itself is still covered. That is liberal, by anybody's definition. That is objectively liberal. That is not relatively liberal; that is objectively liberal. I think that is why one can say that this is a liberalized bailout provision.

Mr. HATCH. Mr. President, I think the Senator has certainly tried to respond to the Senator from Iowa. Apparently, he has not read the additional views of the Senator from Utah with regard to the bailout provisions.

I believe that a case has been made that some covered jurisdictions should not be allowed to bail out this year. It is one of the reasons, among others, why I support the enactment of the Voting Rights Act extension. It is one of the reason why I fought to extend the present law for 10 more years, including the preclearance provision. I felt that it had to be done.

On the other hand, I think we have covered adequately—and satisfactorily—the problems with the present bailout provision in the proposed legislation.

I recognize that my State does not qualify as a covered jurisdiction. But if I were from one of the covered jurisdictions, I would certainly feel that this bailout did not represent a "liberalization" or an easier way to bail out from preclearance. It would add burdens to what was a very simple and understandable approach to bail out. This new set of requirements constitutes a new test. The new test may be good or bad. I am not making a value judgment on that; I did support a 10-year extension of the present law, but I did not do so in the belief that that was a "liberalization." Neither the 10-year extension nor S. 1992 is a liberalization.

I do not see how anybody can argue that it is, except with respect to the bailout of counties. I respect the Senator from Maryland for stating that.

I am concerned that there be fairness to all 50 States. I know that there are Members of this body who are sincere and dedicated and who have suffered criticism because they stand up for their States and who feel deeply that their States are being discriminated against.

I confess that when I look at the proposed new requirements under section 5, I can see why they feel the way they do.

Mr. MATHIAS. Does the Senator from North Carolina have a question?

Mr. EAST. I do, and I deeply appreciate the distinguished Senator from Maryland's yielding for my inquiry. I shall resist the temptation to make an extended comment.

I am seeking clarification of the word that Senator HATCH has raised—namely, "liberalization." I am asking the Senator a question as to the meaning of "liberalization" here.

I should, however, like to preface my remarks with a comment or two as to what is confusing me, coming as I do from one of the affected States.

Forty counties in North Carolina fall under the provisions of section 5 of this law. If the law were to expire on August 6 of this year, all the affected areas currently subject to this section with all its onerous requirements would be able to come out from under it because none of them uses a literacy test today and all of them have a better than 50 percent minority registration requirement.

Those were the terms under the current law; and all of us, interestingly, according to the Congressional Quarterly of January 9, 1982, page 42, would be able to come out from underneath these provisions of current law.

The new law that is before us creates a long series of vague, imprecise tests which I would be happy to read, but I agree with the Senator that doing so would clutter the CONGRESSIONAL RECORD. The projection is that under these tests no jurisdiction will be able to get out from under section 5 and that none will be likely to do so for the next 25 years.

The distinguished Senator from Maryland says that the proposed new law is a liberalization. I am having trouble with language here. In the 19th century, liberal meant——

Mr. MATHIAS. The word "liberalization" is often troubling to the Senator from North Carolina. Let us change the word from "liberalization" to "relaxation."

Mr. EAST. Liberalization used to mean, in the 19th century, generous and more open. In the 20th century, it has come to mean, in the hands of modern American liberals, greater concentration, greater control, greater regulation. If that is the way the Senator is using the term liberal, I agree.

But I have a hunch the Senator is using it in the older, more generic sense of more tolerant, and less illiberal. In that sense, clearly, the law—and I greatly respect the Senator's eloquence and judgment—is more stringent, in that my 40 counties would not be able to come out from under it, nor would the others.

To tell us that we are getting a better break, more relaxation, a more liberal law, sounds like the Newspeak of Orwell's "1984," rather than a discussion of what constitutes liberal and illiberal.

Words are confusing here, so I ask for a clarification from the Senator.

That is my question.

Mr. MATHIAS. Mr. President, the Senator has posed an interesting question. It is, to some extend, the same thing that seems to worry the Senator from Utah.

I think we should agree that we are going to use the word "relaxation," since the word "liberalization" has so many connotations.

Mr. EAST. It is not relaxation, I say to the Senator.

Mr. MATHIAS. I think it is relaxation. It is the Hyde concept, which is what we are really dealing with, HENRY HYDE'S concept. This distinguished Representative's concept was that jurisdictions can work their way out from under the bill. That is a relaxation of the rigid rule in which they could not do that and in which there was no escape.

Now, if you provide people a way out, that is relaxing. That is a relaxation. I am not saying liberalization. I am saying it is a relaxation. Relaxing is a nice, gentle word. It does not arouse anyone's hackles.

So let us talk about relaxation a bit. Under this bill, counties can work their way out from under the preclearance requirement, and I would say, in anyone's language, that is relaxing the rigid test of the current law.

How do they do it? One is by compliance. The jurisdiction has to show that it has fully complied with the special provisions of the Voting Rights Act for the previous 10 years. It must show that it has not used a discriminatory test or device.

It must also show that it has not failed to obtain preclearance before implementing covered changes in the law, and it must also show that it has not enacted changes which were discriminatory and, therefore, objected to under section 5.

The discriminatory test or device provision should not pose a significant hurdle to any jurisdiction because those jurisdictions that were covered by section 5 in 1965 have been forbidden to use a test or device at all, whether or not it was discriminatory; it simply was just prohibited since 1965. Since 1970 there has been a nationwide prohibition of tests or devices, so there should not be a jurisdiction in the country, those 40 counties in North Carolina or any other counties, that have any problem with that. That surely is something which just with the passage of time has relaxed the law; not liberalized, relaxed.

Furthermore, of course, the jurisdiction must have fully complied with section 5 of the act, including the requirement that no covered change in its law has been implemented without preclearance.

I know that the preclearance process is not popular. No one likes to have to undergo the kind of paperwork that is involved. No one likes the kind of suggestion that they have to go and get consent. But conditions have historically imposed that necessity upon us.

Timely submissions of proposed changes before implementation is the threshold. That is the threshold. The Supreme Court has recognized that the enforcement of the act depends upon the submissions of the jurisdiction which are both voluntary and timely.

The extent of nonsubmission that has been exposed in the hearings in the other body as well as in our hearings is frankly surprising to me. I am disturbed by the fact that there is so much which has not been submitted.

Of course, again, Mr. President, as interesting as this subject is and as pertinent as this subject is, it seems to me that it is a question that we should be discussing when we are debating the bill. I can see very little value unless we are getting it out of the way now. The Senator from North Carolina and I share some sense of concern about economy in printing, and if we are having this debate now and do not have to have it when we get to the bill, why then we have saved a certain amount in the cost of printing the RECORD, and that is worthwhile. But if we are going to have this debate all over again when we get to the bill, then it seems to me we might as well go ahead and take up the motion to proceed; and, then, we can get properly to this very interesting, very important, very significant part of the debate that should take place which is consideration of the changes that have been brought about in the bailout provision, the relaxation of the bailout procedure.

Mr. EAST. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from North Carolina for a question.

Mr. EAST. Yes, I am asking a question.

I was under the impresssion that I was being asked a question, namely, why we should proceed on these matters at this point and not wait until we are into the substance, not just a motion to proceed. If it would be acceptable to the Senator, I wish to respond to that question. I presume that the question was being put to me or perhaps it was merely rhetorical.

Mr. MATHIAS. It was really a question raised to the heavens: What are we doing here? Why do we not get on with the bill?

Mr. EAST. Though I am not in the heavens, I wish to try to respond to the Senator's inquiry. Perhaps he merely is expounding to the heavens and does not wish a person of mortal flesh to answer. If he does not seek to have an answer I shall certainly let him proceed. Obviously, he has the floor.

Mr. MATHIAS. I will yield the floor to the Senator from North Carolina shortly so that he can explain exactly why it is we have to take so much time over the motion to proceed. We have a bill here that 76 Members of the Senate have cosponsored, a bill that has been passed by an overwhelming majority in the House of Representatives. Of course, this bill should be fully explained and explored in the Senate; but, that is why we will have debate on the bill itself. That is why there are various rules in the Senate to protect the right of every individual Member to express his concerns, objections, and reservations. It seems to me that at a time when we face the kind of problems in the world that we face today—war in the Middle East; war in the South Atlantic; a potential deficit of over $100 billion in this fiscal year, $180 billion in the next fiscal year, $220 billion deficit in 1984, $240 billion deficit in 1985—and I know the Senator from North Carolina is concerned about those deficits—with all that is crowding the docket of the Senate and all problems that the people of this country and the Congress are worrying about, one of things we could get on with and get done is a bill that has been as extensively studied, examined, and argued as this bill.

This is no personal criticism of the Senator from North Carolina, and I think he knows that because he is not, in the first place, the only one who wants to talk a little further on the motion to proceed. There are others.

It just seems to me that we have to examine our consciences a little bit about what the national priorities are.

I find myself troubled that when the United States is in a condition of—I cannot avoid the word "danger"—danger, because of the explosive situation in the Middle East, which seems to be escalating almost by the hour. We have a situation in which unemployment is at approximately 10 percent of our working force. We have bankruptcies at a record level, even if you sort out those bankruptcies that have occurred because the bankruptcy laws were relaxed a few years ago. Under those circumstances, I do not think it is inspiring to the people of

the United States or that it instills a great deal of confidence in them that we cannot come to grips with this proposition.

I would not object to as long as it took to debate the bill. But I must say I have reservations about taking a lot of time to debate whether we are going to debate. That becomes metaphysical. That is the type of thing they did in the Middle Ages when it was cold and the winters were long, and they did not have much else to do. But we have a lot else to do.

Mr. EAST. Mr. President, will the Senator yield?

Mr. MATHIAS. We have a lot to do. I think we need to get on and adopt the motion to proceed and then to debate the bill and take whatever time that takes. I would hope it would not be too long.

But I do think, since some of these questions were raised, that we at least need to complete the record here.

The bailout requires that the Attorney General must not have objected to any submissions under section 5 for a 10-year period. The Supreme Court has already indicated that the record of objections is relevant to the issue of continued coverage.

But, as in the case of timely submissions, even those who opposed the bailout criteria in the other body were willing to admit that the no-objection rule was founded upon a general basis of assuring compliance.

It is interesting, I think, that if you study the record, it discloses that about half of all the objections that have been raised since the enactment of the 1965 act have occurred in the 5 years since the last extension in 1975, in other words, between 1975 and 1980. So half of the objections lodged in the 17-year history of the act have occurred in those 5 years. That is something to ponder, as we consider the necessity for any extension at all.

I am not trying to say to the Senate that there were not arguments at all raised against this provision. It has been suggested that a politically motivated Attorney General—not that I can imagine we might ever have a politically motivated Attorney General, but just for the sake of argument we might consider that there was such a possibility—could bar bailout by filing objections just for that purpose. He could object for objection's sake simply because that would create a bar that would start the statute running for another 10 years.

Under section 5, the jurisdiction can appeal that kind of objection. It can file an action for a declaratory judgment de novo if it wishes to do so, if it feels the Attorney General's objection is politically motivated.

The second argument that was raised was that objections are not probative if the Attorney General objects simply because he does not know enough, does not have the information, does not have a record, does not have the evidence, on which to make an intelligent decision.

Well, there have not been many objections on this basis. In those cases what was simply done was to have the jurisdiction supply the information and that would solve the problems. So that is not very valid.

The third objection was that the jurisdiction may not be able to determine whether a change is objectionable and may simply submit it for the Department's decision. The fact is that they have telephones over at the Justice Department. The United States mail delivers mail to the Justice Department. There are all sorts of informal ways of testing the waters, and that is done and can be done and should be done in proper cases.

The question is raised about trivial changes. That does not seem to be a very large objection to the objections policy. Trivial objections really have not been a problem historically, and I think it belittles the Office of the Attorney General of the United States to suggest that an Attorney General is going to file trivial objections merely to clutter the record.

So, Mr. President, I think there is ample ground for saying that the criteria that are established under this bill have relaxed the bailout procedures, and I hope the debate in the Senate today has illustrated that fact.

Of course, it is a matter of opinion, and there are obviously those who disagree. But the record speaks for itself, the facts speak for themselves.

I know the Senator from North Carolina is anxious to make some statement, and I am happy at this point to yield the floor to him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. I thank the Senator from Maryland.

What I would like to just take a minute or two to comment upon is the inquiry he made in his remarks about why we ought not to go ahead and proceed with the substance of this matter rather than debating whether we ought to proceed.

He makes several telling remarks, that, I would submit, answer his own question. First of all, he contends that we have other big issues to deal with, the Middle East, the budget, employment, interest rates.

I would inquire why we are even taking up this matter, then, at this time. With the pressing nature of those problems which do loom up as large and impressive and which should be occupying us, here we are planning to spend considerable time on considering a law that we do not even need.

Now, in 1965, when this law was passed, the major concern was to remove unwarranted obstacles to voter registration. To accomplish this end the law eliminated the literacy test in this country as a qualification for voting. Use of literacy tests in a jurisdiction was one way of triggering special provisions of the law. The other circumstance that triggered these provisions was a voting rate of less than 50 percent in the 1964 Presidential elections.

Using these two trigger provisions, the law affected seven States in the South, including 40 counties in North Carolina.

Allow me to finish, I say to the Senator. Today, every one of these jurisdictions and areas no longer has the literacy test. The region has a registration figure higher than 50 percent. There is no longer any need for the law. And with these other major issues looming up, we ought not to even be discussing it.

Mr. MATHIAS. If the Senator will yield for one brief minute.

Mr. EAST. No, I will not. Let me finish, then I shall yield.

On August 6 of this year, all that would expire would be the preclearance provisions, which we no longer need because the affected jurisdictions have corrected the alleged evil that existed. The rest of the law is permanent and will stay in effect. We do not even need to be discussing it.

So, on the Senator's excellent point about why are we considering it, I wonder, too. The need for the special provisions has disappeared. The other parts of the law are permanent. We have these other pressing national and international issues before us, but the U.S. Senate insists upon talking about a law that we do not need and which has already served its purpose.

That is why I, among some other Senators, feel it very appropriate that we discuss the motion to proceed. Perhaps the Senate will see that it is better to drop this issue for the time being and move on to these other pressing problems the Senator so rightly puts his finger on.

I shall yield to the Senator for a question.

Mr. MATHIAS. I thank the Senator for yielding. I just wanted to interrupt him, with great respect, for one observation from the testimony of a witness. I was a Member of the other body in 1965, a member of the House Judiciary Committee. And I wanted to say that our purpose in 1965 was a little broader than has been described by the Senator from North Carolina. Our purpose was to promote justice in the United States of America. And our purpose in 1982 is to promote justice in the United States of America. Very simply that. And I think we could find time and I hope there will never be any emergency or exigency facing the United States so grave that we cannot find time for justice. But I think that we do not have to prolong the debate with the agenda as pressing as it is.

I thank the Senator for yielding.

(Mr. QUAYLE assumed the Chair.)

Mr. EAST. Well as always the Senator from Maryland makes an excellent observation.

One thing I have been slightly troubled with in the beginning discussions

of this issue is that some way or other the other side claims a monopoly on virtue here. It is they who pursue justice, it is they who pursue truth and humanity, generosity of spirit, and compassion. And the implication arises some way or other, through this convoluted process of reasoning, that those who question this law in its specifics, in its concrete impact and in its implications, and those who raise serious substantive points, are mean-spirited and hard-hearted, lack generosity—in short, lack the spirit of justice, as the Senator so eloquently puts it.

Now, I know it is not quite meant that way but to speak vaguely of justice simply does not frame the issue properly. I do not know of anybody here on either side of this issue who does not believe in "justice," whether it is in the platonic sense of the harmony and balance of things, or whether it refers to the rights of an individual. We had trouble defining liberal a few moments ago and we will probably have greater difficulty in defining justice.

What I am saying is that on a motion to proceed it certainly is proper to bring up whether a given piece of legislation we are about to pursue is of sufficient quality and importance that we ought to proceed. And I have indicated that I do not feel that it is. There is ample time, after we finish more pressing business, to discuss this issue at length.

And I am also arguing, and I think it is a fair point even from a justice standpoint, that when you treat certain areas of the country differently from others in this great Federal system, there ought to be a rational basis for doing so—that justice would require such a basis. And it is a slur upon the 40 counties in North Carolina and it is a slur upon all the targeted handful of States, such as the great State of Virginia, the host State for many of us who serve here in the U.S. Senate, to imply that in some way or other these States and these areas lack that sense of commitment and justice.

I submit if the Senator from Maryland or anyone else looks at it carefully and extensively, they would find that today in these affected States a person can register and vote and have the vote counted irrespective of race or color. That is as it should be. That is the way it is today and that is justice.

But what we are doing here is contending that the situation in these jurisdictions is different and that we should therefore continue to impose upon them an onerous burden that the rest of the country does not have to bear—all done in the name and spirit, supposedly, of Abraham Lincoln. I would submit to the Senator from Maryland as a fellow Republican, that such conduct is rather in the spirit of Thaddeus Stevens—not TED STEVENS, the distinguished Senator from Alaska, but Thaddeus Stevens—because it is punitive, it is dogmatic, and it is arbitrary.

Coming from one of the affected States, I am going to be strongly resistant to the implication that some way or other we are discriminating and that we are running an unjust electoral system. We are not. And we are asking this body and the rest of the country to look at the facts in 1982 and to quit looking back at whatever period their fancy lights upon, the Reconstruction era or whatever it might be.

America has changed dramatically and the Congress and the Senate, as a great deliberative body, ought to look at the facts today and determine whether a law ought to be automatically continued for another quarter of a century. A more stringent law is absurd. And I dare say to the Senator, as eloquent as he is and as keen as his mind is, if he came from one of these affected areas or States, he would say the same thing.

The distinguished Senator from Iowa gets up and talks about the need for section 5. And I have the utmost respect and admiration for him. Significantly, however, Iowa is totally unaffected. I find it is easy to come in and debate that rules and regulations and more centralized government, more regulation, more control, are needed or warranted—everyone is always generous in coming here and asking us to enact such things for everybody but their own constituency and their own State. And, as a defensive mechanism, they throw up this idea that some way or other they act in pursuit of this great abstract thing called justice and that the rest of us are mean spirited.

It is not so.

My point is, as clearly as I can make it, that it is proper, then, to question whether the Senate ought to be proceeding at this point on a measure that, first of all, is unneeded, and, second, is punitive—punitive in the affected States.

I feel we are on very sound ground in not giving unanimous consent on a motion to proceed, but to ask that we hear some sort of reason, analysis, of why we ought to proceed; some substantial showing that discrimination still does exist extensively in the affected areas and that we need to deal with it. We ought to hear about that. But we have not. We will not, because it does not exist.

And we ought to hear why it is that in the great new venture that this act is going to take of moving us beyond simply an intent test that we will now be imposing a nationwide test of effects and results, a test that would dramatically and fundamentally alter the nature of the American electoral system. We ought to hear some justification why that new test is warranted.

So Mr. President, I hope I have, in some small way, helped my colleagues to understand why we ought to discuss the motion to proceed. What justification is there for continuing on this measure? If we did that more regularly it might make us a more efficient body and then it might allow us, as the distinguished Senator from Maryland indicated, an opportunity to have some hierarchy of law, some idea of priority, so that we could get back to the major issues that he has already told us we ought to be debating here today.

Mr. MATHIAS. Will the Senator yield?

Mr. EAST. I have concluded.

Mr. MATHIAS. Mr. President, I would like to request that the Senator from Nebraska (Mr. EXON) and the Senator from Nebraska (Mr. ZORINSKY) be added as additional cosponsors to Senate bill 1992, the voting rights extension bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I would observe this brings our total number of cosponsors to 77.

The acting majority leader advises that in addition to the 77 we have five Members who have not cosponsored the bill but have indicated that they will vote for it, that they will support it. I am happy that both distinguished Senators from Nebraska have agreed to cosponsor the bill.

I would offer the further suggestion that this seems to suggest that we at least ought to get on with the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I am pleased to be an original cosponsor of S. 1992, the Voting Rights Act extension. I am pleased to join with 77 of my colleagues in cosponsoring the extension and strengthening one of the most historic acts this body has ever considered in terms of providing an equal opportunity for every citizen to participate in the political process.

Much has been accomplished since the passage of the 1965 Voting Rights Act. Prior to the act's original passage in 1965, fewer than 300 blacks held elective office in our Southern States. Today, more than 2,400 of our fellow black citizens hold elective office in the South. However, the hearing record continues to be replete with evidence of continued abuses and the need for improvements in protecting the voting rights of every citizen.

I disagree with my colleagues who criticize the Voting Rights Act as being merely regional in application and therefore an unfair restriction on the political process in some States.

The prohibition against election devices which discriminate is a nationwide prohibition, and the preclearance provisions affect such diverse areas of the country as Alaska, Hawaii, Texas, New York, and Florida.

It is true that since the passage of the Voting Rights Act in 1965 most of the overt forms of voting discrimination such as poll taxes and literacy tests have been eliminated. Unfortunately, voting discrimination today is in more subtle forms such as racial gerrymandering, switching from elective to appointive positions, creating at-large districts in place of single member districts, and annexations of large areas to dilute minority voting strength. These subtle forms of voting discrimination against both language and racial minorities are just as insidious as the more overt forms of voting discrimination.

I am puzzled by the so-called intent versus results controversy. No matter how well-intentioned we are in legislating election laws, if the practical effect or result of these laws is to deny one of our most basic rights, the right to vote, then I believe that such a law is wrong and we should be able to challenge it based upon the result produced.

Senate bill 1992 proposes some stringent bailout criteria for jurisdictions which wish to be exempted from the preclearance provisions of the act. At the same time, changes proposed by S. 1992 would allow subordinate jurisdictions, which meet the criteria, to bail out of preclearance requirements even though the State itself might still be covered. This major change allows for some progress to be shown in covered States and creates a goal to be achieved by these covered jurisdictions. For the first time since passage of the act in 1965, some of the covered jurisdictions will be eligible to apply for bailout after passage of S. 1992. This is a significant provision and will encourage others to strive for this goal.

Mr. President, nothing is more fundamental than the right to vote. The first responsibility of a political system is to assure equal access to the political process.

I cannot agree with those who say this bill is too strong. It is impossible to be too strong in protecting the right of all citizens to vote. If there is a doubt as to whether or not to provide oversight of our voting laws, we should err in favor of providing that oversight. We would never want to risk having too little oversight or too little protection of our right to vote.

My position is consistent with Oklahoma's pioneer spirit of giving every person a chance to be a part of the community and to live up to his or her potential.

I believe the passage of S. 1992 will facilitate the protection of these basic voting rights. We must continue to be vigilant in our efforts to extend participation in our political process to every eligible person. I urge my colleagues to participate in this effort by passing this extension of the historic Voting Rights Act.

PROGRAM

Mr. STEVENS. Mr. President, I want to announce there will be no more votes today. At the conclusion of the remarks of the Senator from Oregon, it is my intention to ask the Senate to recess until 12 noon on Monday and after the leaders have been recognized on Monday, it will be my intention to call up the bill that is at the desk, S. 1210, the Environmental Quality Improvement Act, which has been returned to the Senate with amendments from the House. After that bill is laid before the Senate, and it is privileged, there will be a brief period of debate.

ORDER FOR VOTE ON S. 1210 NO LATER THAN 1:30 ON MONDAY, JUNE 14

Mr. President, at this time, I ask unanimous consent that the vote on that bill, when it is called up, take place no later than 1:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr President, the acting majority leader was good enough to indicate to Senator MATHIAS and myself that he was going to make this proposal. The fact remains that he has the opportunity from a parliamentary point of view of adjourning and calling that measure up and proceding to it. I did not object. I am grateful for the fact that his request indicates that we shall have concluded this action by 1:30 on Monday. So it is my understanding that we shall be on this legislation during the course of Monday afternoon.

Mr. STEVENS. Mr. President, the privileged motion will not displace the pending motion to proceed to consider the Voting Rights Extension Act. It will come up immediately after the vote on S. 1210, the Environmental Quality Improvement Act.

The Chair can correct me if I am wrong.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I welcome the fact that we are going to get early disposition of the environmental quality control legislation, and then we shall be back to the business at hand, which is the motion to take up the Voting Rights Act. I recognize now that we shall probably not have other votes, since it is 2:30 on a Thursday afternoon. Having just replaced the principal cosponsor, Senator MATHIAS, it does not appear to me that there will be much of a strong debate or discussion about whether we ought to proceed.

There was not very much earlier today, when I had the opportunity to be the acting floor manager with the Senator from Maryland. There does not appear to be very much in the latter part of the afternoon.

I call this to the attention of our colleagues in the Senate: hopefully, we are going to ask them to end these delaying tactics and permit us to move toward consideration of the bill, then, hopefully, consideration of some of the amendments that have already been filed.

I thank the acting majority leader.

Mr. STEVENS. Mr. President, I further state there will be no session of the Senate tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand that just in a few moments the acting majority leader will make a request that we recess, and I did want to mention, having followed both the discussion and debate yesterday and the discussion and debate today, that the debate and discussion was basically on the substance of the legislation and had virtually nothing to do with whether we should proceed or whether we should not proceed.

I think the leader has spelled out the program for the remaining part of this week and the action that we intend to have next week, and that is that we will continue to work on this legislation.

I am very hopeful that, as the acting majority leader said yesterday, he will get to either introduce a cloture motion or that the minority leader will do so or that we will have the opportunity as I have indicated that I would in the early part of the week.

I think the acting majority leader has given us some hope that when the leader returns we will have the opportunity to address the substance of this issue and perhaps move rapidly to its final and ultimate conclusion. That is certainly my hope and my desire, and I express my appreciation to the acting majority leader. He has been pressed by some of us over the period of the last 2 days, but in pressing him I think he understands as we do it is our concern about this issue. We know that he has had a long record of commitment to full voting rights of the citizens of this Nation, and I respect his responsibility as the acting majority leader.

I thank the Chair.

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Massachusetts for those comments and I assure him that is the goal of this Senator and certainly the absolute stated goal of my State through the Governor and the State legislature. In every contact that I have had from my State indicates an over-

whelming desire on the part of Alaskans that the Voting Rights Act be extended.

We do seek some modifications that have been discussed, and we continue to discuss them and I think that makes sense. I am hopeful they will be adopted, but I do want to assure Members of the Senate, whether adopted or not, I am going to vote for the bill.

I am just trying to improve the bill as it applies to a State that has been under the bill and out and recaptured and then out again and recaptured again and now apparently would stay under the bill for another period of time unless we do refine this bill so that it does not carry with it a double standard as far as the past is compared to the future.

I note that my good friend, the distinguished minority leader, is here to whom I owe a great deal because he has been my friend and instructor for many years in terms of procedure as far as the Senate is concerned.

ORDER FOR RECESS UNTIL MONDAY, JUNE 14, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday next, June 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, after the recognition of the two leaders on Monday, it is my intention to ask the President to lay before the Senate the House amendments to Senate bill No. 1210. At that time after it is before the Senate there would be a motion to concur which is debatable and there is unanimous consent that if a vote occurs that it occur no later than 1:30 p.m.

THE CALENDAR

Mr. STEVENS. Mr. President, I now ask unanimous consent that the President lay before the Senate Calendar No. 605, Calendar No. 606, Calendar No. 607, and Calendar No. 610.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I reserve the right to object.

Did the acting majority leader make reference to Calendar No. 610?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. Mr. President, if he would delete that one item from the request momentarily, I will have no objection to the other three.

Mr. STEVENS. I do understand. I am now informed there is a problem that has come up concerning Calendar No. 610, but I renew my request only for Calendar No. 605, Calendar No. 606, and Calendar No. 607.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOYAGEURS NATIONAL PARK

The Senate proceeded to consider the bill (S. 625) to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 25, after "Bay.", insert the following: "All of the aforementioned boundary changes shall be accomplished such that the boundary of the park shall conform to that generally depicted on the drawing entitled, 'Boundary, Voyageurs National Park, U.S. Department of the Interior, National Park Service,' numbered 172-80, 008-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

On page 3, strike line 21, through and including line 23, and insert the following: "to manage waters of and State lands raparian to Black Bay to preserve the natural resources of the areas so as to complement to the fullest extent possible the purposes for which the park was established.";

On page 4, line 8, strike "(E).'.", and insert the following:

(E): *Provided,* That such conveyance shall be made subject to the express provision that all such right, title, and interest conveyed shall revert to the United States for administration as part of the park at such time as the property conveyed ceases to be managed in accordance with clauses (ii) and (iii) of paragraph (2).".

On page 4, line 20, after "appropriated", insert "after October 1982,";

On page 4, line 22, strike "$10,995,000.'.", and insert the following:

On page 5, line 1, strike "(3)", and insert "Sec. 2.".

So as to make the bill read:

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971 (84 Stat. 1971), is amended as follows:

(1) By redesignating "SEC. 102." as "SEC. 102. (a)" and inserting the following new subsection after subsection (a) of section 102:

"(b)(1) In addition to such revisions as the Secretary may make in the boundaries of the park from time to time pursuant to other provisions of law, the Secretary is specifically authorized in the manner provided in subsection (a)—

"(A) to delete approximately 782 acres in the Neil Point area of the park;

"(B) to add approximately 180 acres in the Black Bay Narrows area of the park;

"(C) to add approximately 18.45 acres owned by the State of Minnesota at the Kabetogama Forestry Station;

"(D) to add approximately 120 acres owned by the State of Minnesota, being a strip of land through that portion of section 1, township 68 north, range 20 west, fourth principal meridian, which is parallel to and 400 feet on both sides of the unimproved road extending northward from the Ash River Trail as such road crosses said section; and

"(E) to delete approximately 1,000 acres at Black Bay. All of the aforementioned boundary changes shall be accomplished such that the boundary of the park shall conform to that generally depicted on the drawing entitled, 'Boundary, Voyageurs National Park, U.S. Department of the Interior, National Park Service,' numbered 172-80, 008-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(2) The boundary revisions specified in subparagraphs (C), (D), and (E) of paragraph (1) shall, notwithstanding anything to the contrary contained in this Act or any other law, become effective only upon (i) the tender of a conveyance to the United States, by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement, by the State of Minnesota of the lands or interests therein described in subparagraphs (C) and (D) for purposes of the park; (ii) the establishment by the State of Minnesota of a wildlife management area in the area authorized to be deleted from the park by subparagraph (E); and (iii) agreement of the State of Minnesota, incorporated in a plan, to manage waters of and State lands riparian to Black Bay to preserve the natural resources of the area so as to complement to the fullest extent possible the purposes for which the park was established.

"(3) At such time as the deletion referred to in subparagraph (E) of paragrpah (1) becomes effective, the Secretary is further authorized to convey to the State of Minnesota all right, title, and interest of the United States in and to property acquired for the park from the State within the area deleted pursuant to subparagraph (E): *Provided,* That such conveyance shall be made subject to the express provision that all such right, title, and interest conveyed shall revert to the United States for administration as part of the park at such time as the property conveyed ceases to be managed in accordance with clauses (ii) and (iii) of paragraph (20.".

(2) By redesignating "SEC. 401." as "SEC. 401. (a)" and inserting the following new subsection after subsection (a) of section 401.

"(b) In addition to such sums as may have been appropriated for the acquisition of property prior to the effective date of this subsection, there is authorized to be appropriated after October 1, 1982, for that purpose not to exceed $12,300,000.".

(3) In subsection 202(b), strike out "ten years" and insert in lieu thereof "twenty years".

SEC. 2. The Secretary is directed to study existing road access to the park and to report to Congress on the impact of park-related use of those roads and to report specific recommendations on improvements necessary to insure adequate road access to the park. The Secretary is directed to report within one year of the date of enactment of this section to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SARATOGA NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 1540) to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

On page 2, line 19, strike "purposes", and insert the following: "purposes, or for commercial agricultural purposes found to be compatible with the General Management Plan,";

On page 2, line 23, after "residential", insert "or agricultural";

On page 3, line 3, beginning with "as", strike through and including "termination." on line 5, and insert the following: "of the term retained by the owner.";

On page 3, line 14, after "appropriated", insert "after October 1, 1982,"; and

On page 3, line 15, strike "necessary" and insert the following: "necessary, but not to exceed $1,000,000 for the acquisition of lands and interests therein,".

So as to make the bill read:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve certain lands historically associated with the Battle of Saratoga and to facilitate the administration and interpretation of the Saratoga National Historical Park, the boundary of the park is hereby revised to include the area generally depicted on the map entitled "Saratoga National Historical Park," numbered 80,001, and dated March 23, 1979. Within the boundary of the park, the Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Except for the tract identified on the aforesaid map as tract number 01-132, which was authorized to be acquired by section 115 of the Act of March 5, 1980 (94 Stat. 71), the Secretary may not acquire (except by donation) fee simple title to those lands depicted on the map as proposed for less than fee acquisition. The map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

SEC. 2. (a) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommerical residential pruposes, or for commercial agricultural purposes found to be compatible with the General Management Plan, on the date of its acquisition by the Secretary may retain, as a condition of such an acquisition, a right of use and occupancy of the property for such residential or agricultural purposes. The right retained may be for a definite term which shall not exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the term retained by the owner.

SEC. 3. Section 2 of the Act approved June 22, 1948 (62 Stat. 571; 16 U.S.C. 159d), is amended to read as follows:

"SEC. 2. The Secretary of the Interior is authorized to accept all or any portion of the General Philip Schuyler Mansion property, real and personal, situated at Schuylerville, New York, comprising approximately fifty acres.".

SEC. 4. There is hereby authorized to be appropriated after October 1, 1982, such sums as may be necessary, but not to exceed $1,000,000 for the acquisition of lands and interests therein, to carry out the purposes of this Act.

● Mr. MOYNIHAN. Mr. President, I rise today in strong support of S. 1540, legislation that I have introduced to extend the boundaries of the Saratoga National Historical Park in Stillwater, N.Y.

As my colleagues are no doubt aware, it was at Saratoga that the Continental Army soundly defeated the British and thus turned the tide of the American Revolution. If I may digress for a moment, a discussion of the events surrounding this great victory seems to be in order, and is certainly relevant to any discussion of the bill's merit.

For centuries, the passage running from Lake Champlain along the banks of the Hudson River was viewed as a strategic highway throughout the Northwest. In the early years of the American Revolution, General John Burgoyne of the Royal British Army devised a plan to lead his troops south along this route and capture the city of Albany. On June 17, 1777, Burgoyne set out with a force of 9,000 British soldiers to accomplish just that. As they advanced toward Albany, Burgoyne and his men suffered a series of setbacks, but still they pressed on. In fact, the British may very well have reached Albany and dealt the embryonic American revolution a crippling blow had it not been for the resourceful planning of General Horatio Gates, Commander of the American forces in the northern colonies. In two separate battles at Saratoga, General Gates, with an army that had grown to nearly 20,000 men, isolated Burgoyne's troops and forced his surrender on October 17, 1777.

The American victory at Saratoga forced the British to reassess their strategy of crushing the colonial rebellion through a series of major land campaigns. They shifted their emphasis to naval warfare and the capture of more limited strategic targets.

The effect the battle at Saratoga had on the Americans was even more profound. It not only bolstered the morale of the Revolutionary Army, it was also instrumental in bringing France into the war. The American Revolution had graduated from a struggle between a mother country and her colony to an international conflict in which an American victory was seen at last to be a distinct possibility.

To commemorate the Battle of Saratoga and the American patriots who sacrificed their lives there, legislation was enacted in 1938 to create the Saratoga Historical Park. While the park is both historically relevant and esthetically a delight, it is nevertheless lacking in a geographic as well as historic sense.

Acreage is missing, acreage that represents the most historically significant sections of the park. Among them, the location of the American headquarters, the American hospital, and the grounds where the largest portion of the American fortified flank stood strong against the British. In total, this area is composed of 803.91 acres which, in several cases, lie virtually in the middle of the confines of the established park. The legislation we are considering today will unify the park and incorporate into our national parks system those 800 acres that are of paramount historical importance.

I should like to recall the words of the eminent educator, Timothy Dwight, who served as president of Yale College from 1795 until the time of his death in 1817. Upon visiting the battlegound in 1779, he was moved to remark that, "Future travelers will resort to this spot with the same emotions of which it is the perpetual memorial." Indeed we have. With this legislation we are finally making complete this memorial to one of the most stirring and important military battles in our Nation's history.

Mr. President, I ask my colleagues to join me in support of this monument to those patriots whose sacrifice made this Republic possible.●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACADIA NATIONAL PARK

The Senate proceeded to consider the bill (S. 1777) relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

On page 2, line 17, strike "comprising", through and including "acres" on line 19;

On page 3, line 5, after "exchange.", insert the following: The Secretary is authorized and directed to acquire by donation, purchase with donated or appropriated funds, or exchange the tract known as the Hamilton lot in Duck Harbor.

On page 3, line 8, strike "ninety days", and insert "one hundred and eighty days";

On page 3, line 20, after "level:", insert "Provided, however,";

On page 4, line 23, strike "In", through and including "1981", on line 25, and insert the following:

(b) In furtherance of the purpose of subsection (a) of this section, the Secretary shall prepare a report establishing carrying capacities for the Isle au Haut portion of Acadia National Park. The report shall be prepared and the carrying capacities estab-

lished with public participation and in consultation with the town of Isle au Haut and other interested parties.

(c) The Secretary shall transmit the report to the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives no later then six months from the date of enactment of this Act. The Secretary shall begin implementing the carrying capacities contained in the report sixty days after the report has been transmitted to the committees.

(d) Carrying capacities established pursuant to this section shall be reviewed, and if necessary revised, every five years. Any revision in such carrying capacity shall be made in accordance with the procedures set forth in subsections (b) and (c) of this section.

(e) Until such time as a carrying capacity limitation is established and implemented pursuant to subsections (b) and (c) of this section, the Secretary shall take such temporary measures as are necessary to assure that visitation does not exceed the average annual visitation for the period 1979 to 1981.

SEC. 5. There are hereby authorized to be appropriated after October 1, 1982, such sums as may be necessary to carry out the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) there are significant scenic, educational, natural, and cultural resources in the town of Isle au Haut, Maine;

(2) due to the isolated location and traditional resource-based economy of the town's island community, these resources are fragile and deserving of conservation and protection through both public and private efforts; and

(3) both residents of the town and visitors to the Acadia National Park will benefit from the establishment of a permanent boundary for the park and the management of parklands on a limited entry, low intensity basis.

SEC. 2. Notwithstanding any other provision of law, the permanent boundary of Acadia National Park lying within the town of Isle au Haut, Maine, is hereby established to include only those lands and interests therein as are depicted on the map entitled "Boundary Map, Acadia National Park, Town of Isle au Haut, Maine", numbered 123-80003 and dated October 1981, which map is on file and available for public inspection in the offices of the Department of the Interior and at the registry of Deeds for Hancock and Knox Counties, Maine.

SEC. 3. (a) Within the boundary established by section 2, and as indicated on the map referenced therein, the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire lands and interests therein by donation or exchange. The Secretary is authorized and directed to acquire by donation, purchase with donated or appropriated funds, or exchange the tract known as the Hamilton lot in Duck Harbor. No later than one hundred and eighty days from enactment hereof, the Secretary shall convey to the town of Isle au Haut all right, title and interest of the United States in and to those lands under the jurisdiction of the Secretary which lie outside the boundary established by section 2 and within the town of Isle au Haut, subject only to such convenants running with the land as the Secretary and the town agree are necessary to preserve the general character of such lands, which shall include covenants to maintain forever in their natural condition (excepting the cutting of fire trails and the extinguishment of fires) lands above three hundred feet above the mean high water level: *Provided, however,* That such covenants with respect to lands above three hundred feet and below four hundred feet shall permit the gathering and removal of dead and fallen timber.

(b) Notwithstanding any other provisions of this Act, the Secretary is also authorized to accept by donation, as a coholder for enforcement purposes only, a limited enforcement interest in conservation easements on lands outside the boundary established by section 2 hereof and within the town of Isle au Haut which may from time to time be donated to the Isle au Haut Land Conservation Trust, a trust established under the laws of the State of Maine. The Superintendent of Acadia National Park is hereby authorized to serve as an ex officio trustee of such trust.

SEC. 4. (a) The management and use of parklands on Isle au Haut shall not interfere with the maintenance of a viable local community with a traditional resource-based economy outside the boundary of the park. To the maximum extent practicable, no development or plan for the convenience of park visitors shall be undertaken which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this portion of the park in as nearly its present state and condition as possible. In recognition of the special fragility and sensitivity of the park's resouces, visitation shall be strictly limited to assure negligible adverse impact on such resources, to conserve the character of the town and to protect the quality of the visitor experience.

(b) In furtherance of the purpose of subsection (a) of this section, the Secretary shall prepare a report establishing carrying capacities for the Isle au Haut portion of Acadia National Park. The report shall be prepared and the carrying capacities established with public participation and in consultation with the town of Isle au Haut and other interested parties.

(c) The Secretary shall transmit the report to the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives no later than six months from the date of enactment of this Act. The Secretary shall begin implementing the carrying capacities contained in the report sixty days after the report has been transmitted to the committees.

(d) Carrying capacities established pursuant to this section shall be reviewed, and if necessary revised every five years. Any revision in such carrying capacity shall be made in accordance with the procedures set forth in subsections (b) and (c) of this section.

(e) Until such time as a carrying capacity limitation is established and implemented pursuant to subsections (b) and (c) of this section, the Secretary shall take such temporary measures as are necessary to assure that visitation does not exceed the average annual visitation for the period 1979 to 1981.

SEC. 5. There are authorized to be appropriated after October 1, 1982, such sums as may be necessary to carry out the provisions of this Act.

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. MITCHELL. Mr. President, I rise in support of S. 1777, a bill to establish a permanent boundary for Acadia National Park on Isle au Haut, Maine, as it has been amended by the Energy and Natural Resources Committee.

I am very gratified that we have reached the point where this legislation can be passed by the full Senate. As I indicated earlier when I introduced the bill with my colleague from Maine, Senator COHEN, this measure is the product of hard work and negotiation on the part of all parties to the boundary question.

The establishment of a permanent boundary for Acadia National Park on this island, authorized by section 2 of the bill, is a goal long sought by town officials who have had no control over the growth of the park on the island. Understandably, they desire more stability for their tax base and for the management of the natural resources on the island and in surrounding waters for local residents who depend on those resources for their livelihood.

The third section of the bill will permit the deletion of certain parcels of parkland which are north of the proposed boundary and are not contiguous to existing park holdings. They will be conveyed to the town and preserved by means of restrictive covenants running with the land. The covenants in question have already been agreed to in principle by the National Park Service in its "Record of Decision—General Management for Isle au Haut," released in February 1981. The appendix to that document contains the substance of the restrictive covenants which both park and town officials believe are necessary to protect the land.

Significantly, section 3 will also permit the addition of valuable natural areas to the park through donations of land made possible by the generosity of private landowners.

Last, that section recognizes the use of conservation easements as a tool for preserving those portions of the island outside the park which local residents may choose to protect. Further, the bill contemplates the creation of a new private entity, the Isle au Haut Land Conservation Trust, which would accept the donation of such easements. The section allows the National Park Service to enforce the easements donated to the trust if the landowner and the park both consent to such an arrangement.

The first section of the bill embodies the finding by Congress that the natural, cultural, and other resources on the island are to be conserved and protected by public and private efforts. By emphasizing such conservation, Congress is acknowledging the fragile quality of those resources and the special need for their protection so future generations can enjoy them. In fostering such action, Mr. President, we are trying to preserve the resources as well as a way of life. Isle au Haut is a small fishing village, and its residents are primarily lobstermen and commercial fishermen. This way of life is rapidly dying out along the Maine coast, and by trying to preserve the natural

qualities here, we are striving to allow such free enterprise to thrive in the future.

Section 4 of the bill works hand in glove with the intent of resource protection by requiring, through statutory language, the National Park Service to establish and implement, after a public process, a carrying capacity for the island. The intent of this section is to place a limit on the numbers of people who can visit the island during the summer months. Since the Park Service began keeping records of island visitation in the mid-1970's, visitor use has more than doubled. Town officials fear that those numbers will double again within 5 years and increase further if nothing is done to keep the number of visitors in check. They believe the current level of visitation is about right, and base that on the fact that there has been noticeable damage to trails and vegetation in the park and because further increases would diminish the quality of the experience on the island; namely, remote island camping and hiking. They also believe, as indicated above, that heightened numbers of visitors would threaten, and ultimately extinguish, their way of life.

The National Park Service will study the island resources and report to the Energy and Natural Resources Committee with its findings no later than 6 months from the date of enactment. Mr. President, it is my hope that the Park Service will indeed be able to meet this directive within the required time limit and that its findings will lead it to establish a visitor limit reasonably close to current levels.

I would like to take the time to commend my distinguished colleagues on the committee—the chairman, Senator McCLURE, the ranking minority member, Senator JACKSON, the chairman of the Subcommittee on Public Lands and Reserved Water, Senator WALLOP, and its ranking member, Senator BUMPERS, for their efforts in making this legislation possible. The committee held a hearing on the bill on April 14 and its members voted unanimously in mid-May to report the bill favorably with amendments. I want to thank these Senators, as well as their staff members, for the time they spent on this measure.

After final passage of S. 1777, the House will begin its consideration of the bill. I wish my colleagues in the other Chamber well during deliberations and hope to see this legislation sent to the White House by adjournment.

Thank you, Mr. President, for this opportunity to speak in behalf of the Isle au Haut legislation.●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the Senate now has passed Calendar No. 605, Calendar No. 606, and Calendar No. 607 with their amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I now renew my request that Calendar No. 610 be placed before the Senate and passed.

Mr. ROBERT C. BYRD. Mr. President, that request has now been cleared and there is no objection.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1983

The bill (S. 2577) to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Act of 1983".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1983 for the following activities:

(1) for air quality activities authorized under the Clean Air Act, $55,685,000;

(2) for water quality activities authorized under the Federal Water Pollution Control Act, as amended, $39,710,000;

(3) for water supply activities authorized under the Safe Drinking Water Act, $25,906,000;

(4) for solid and hazardous waste activities authorized under the Solid Waste Disposal Act, as amended, $33,964,000;

(5) for pesticide activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act, $6,469,000;

(6) for radiation activities authorized under section 301 of the Public Health Service Act, $2,041,000;

(7) for interdisciplinary activities, $10,870,000;

(8) for toxic substances activities authorized under the Toxic Substances Control Act, $28,149,000;

(9) for energy activities, $51,530,000.

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for fiscal year 1983, for program management and support, $9,721,000.

(c) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utulize funds authorized in subsection (a) or (b) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

(d) Funds may be transferred between the categories listed in subsections (a) and (b) except that no funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefore; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(e) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 20 per centum of funds appropriated to the Administrator for environmental research and development for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

SEC. 3. Appropriations made pursuant to the authority provided in section 2 of this Act shall remain available for obligation for expenditures, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

SEC. 4. Of the funds appropriated from the Hazardous Substance Response Trust Fund, $15,000,000 shall be expended for research and development activities in fiscal year 1983.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1036, FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT, INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 100, S. 1036, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE ON THE JUDICIARY DISCHARGED FROM FURTHER CONSIDERATION OF H.R. 4935

Mr. STEVENS. Mr. President, I move that the committee on the Judiciary be discharged from further con-

sideration of H.R. 4935, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

A MILITARY SOLUTION IS NO SOLUTION

Mr. HATFIELD. Mr. President, with Israel's invasion of Lebanon, I do not believe we can any longer afford the silence of quiet diplomacy. The nationhood of Lebanon hangs in precarious balance, and a special friend and ally may have started on a course that threatens the whole community of nations.

The Israeli Government insists that its invasion of Lebanon is only a temporary necessity to defend Israeli civilians from terrorist attacks launched from Lebanese territory. The implication is that, once the Palestinian guerrillas are pushed back a sufficient distance from the border, Israel will withdraw its forces from Lebanon, and a ceasefire again will be instituted.

I hope that is, indeed, what occurs. But—even if the fighting stops immediately; even if Israeli forces withdraw completely from Lebanon; even if the Palestinian organizations are too broken to resume immediate operations against Israel proper; and even if the other states of the region hold their peace—all very big "ifs"—this body must make it clear to all the parties to this conflict that military solutions to regional problems are unacceptable. This is particularly true when those solutions are sought with U.S. weaponry, with U.S. economic aid, and with U.S. military training.

Israel, perhaps more than any nation, has known a history of bitter suffering and harsh struggle. The modern State of Israel was born out of that very suffering and struggle—a triumph of a people over the injustice of centuries. But that birth came also out of violence, and I am very much afraid that Israel's leaders of today have taken violence as their birthright. It has made them quick to make war on their enemies, and, perhaps most ironically, it has left them blind to the suffering of those who are weak and with whom they have no legitimate quarrel.

What of the Palestinians? They, too, have chosen violence for a birthright—to be passed from father to son as soon as those young shoulders can support a rifle. It is not for me to say that their desire to be once more a nation is wrong. But I do say, to wage war from the midst of the very old and very young, from the villages of small shopkeepers and farmers, from the heart of a once beautiful capital—Beirut—of a free nation—that is unconscionable.

The problems of the Middle East are centuries old, and resolutions to those problems, traditionally, have been sought in battle. But the battles of this week, the battles of today, are no longer fought with the simple bow and spear. Today's combatants are using the most modern and the most lethal weaponry, short of nuclear arms, that United States and Soviet technology can provide.

Already, the cities and villages of southern Lebanon are in ruins, the fabric of Lebanese society is torn—perhaps irreparably—and many noncombatants lie dead or critically wounded. Where will the juggernaut lead us next? For, make no mistake, it carries us with it as surely as if we were on today's field of battle. Will we have the luxury of another ceasefire, a little breathing space in which to search for the tattered spirit of Camp David? Or will our time finally run out and the battle be joined by the other nations of the region, nations that have claims on one or the other of the superpowers? Neither we, nor the Soviet Union, can allow our countries to be drawn toward that narrow chasm of confrontation.

It is to avoid that very real danger that I ask President Reagan to call again, as forcefully as possible, for an immediate ceasefire and withdrawal of Israeli forces from Lebanon. And, further, that he urge the combatants to begin negotiations to insure the territorial sovereignty of Lebanon and to resolve the issues which led to the outbreak of hostilities. Until this is done, and until we determine that no U.S. laws have been broken by the use of U.S. weaponry in this conflict, I ask that President Reagan suspend all military aid to the countries of the Middle East, and that he ask the Soviet Union to do likewise.

This latest conflict should convince our governments, once and for all, that stability is not bought with arms. The strength of cooperation among allies is not in any way proportional to the amount of military sales credits allowed a country. The tyranny of fear must be set aside and human needs met before there can begin to be trust between people and between nations. As for holy wars, they exist only in the minds of men too unimaginative to make peace.

ROBERT McC. FIGG, JR.

Mr. THURMOND. Mr. President, one of South Carolina's most eminent lawyers and public spirited citizens has recently been honored, rightly, by his professional peers. Robert McC. Figg, Jr. who has stood in the front ranks of the legal profession for many years has received the 1982 Durant Award for Distinguished Public Service from the South Carolina Bar.

By his expertise, demeanor, and service he had clearly earned this distinction. It is a pleasure for me to extend my congratulations and to commend him for the efforts and leadership which he has contributed to the welfare of his profession, State and Nation.

Although a native of Virginia, Mr. Figg has lived most of his life in South Carolina. He settled in Charleston shortly after graduation from Columbia University Law School and went on to establish a distinguished law practice after being admitted to the bar in 1922. During those years in Charleston, he also served as an outstanding solicitor (prosecuting attorney) and was in the South Carolina House of Representatives for one term.

Mr. President, he became, simply, one of the best courtroom lawyers of his time and has argued many complex cases all the way to the U.S. Supreme Court.

Today, he practices law in one of the leading law firms in Columbia, S.C., where he has lived since serving for several years as dean of the University of South Carolina Law School. In this academic role, Mr. Figg was instrumental in many improvements to the school but, perhaps more importantly, he was able to impart his considerable talents as a lawyer to both the faculty and students whose good fortune brought them together at that time.

I have known Bob Figg for most of my adult life, and, from personal knowledge of his sterling character and extensive ability, I can attest to his high qualifications for the award he has just received. As an able lawyer and public servant, he has set a high standard for all to follow.

Mr. President, I ask unanimous consent that a newspaper article about Mr. Figg's selection for this award which appeared in the State newspaper of Columbia, S.C., June 8, 1982, be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLUMBIA LAWYER HONORED

Columbia lawyer Robert M. Figg Jr., has been honored with the DuRant Award for Distinguished Public Service given annually by the Board of Directors of the South Carolina Bar.

A member of the law firm of Robinson, McFadden, Moore, Pope, Williams, Taylor and Brailsford, Figg received the award Saturday at the Bar's annual convention on Hilton Head Island.

"The presentation recognized tireless efforts, sound judgment and outstanding leadership gratuitously rendered over many years to his profession, community, state and nation," according to a Bar statement.

Figg, a native of Radford, Va., was a longtime resident of Charleston and received his law degree from Columbia University Law School.

Together with John W. Davis, one-time Democratic U.S. presidential candidate, Figg represented South Carolina before the U.S. Supreme Court in the Clarendon County School case, a part of the historic Brown vs. Board of Education ruling in 1954 that desegregated Southern schools.

Figg was admitted to the Bar in 1922 and served in the House of Representatives in 1933 and 1934.

IMPLEMENTATION OF THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Mr. CRANSTON. Mr. President, I want to join my colleagues of both today and yesterday in calling attention to some of the problems that have arisen with the implementation of the Alaska National Interest Lands Conservation Act since its enactment in 1980. Widely considered the most important land conservation in this Nation's history, the Alaska Lands Act was the result of bipartisan cooperation and compromise in which competing needs for resource protection and resource development were carefully balanced. But in exercising his discretion under the act, Secretary of Interior James Watt has upset this balance, time and again emphasizing development. Several instances of this abuse of Secretarial discretion merit special comment.

STEESE NATIONAL CONSERVATION AREA

The Alaska Lands Act establishes a special conservation area for the Steese under the jurisdiction of the Bureau of Land Management. This area is to be managed for multiple use, sustained yield, and the maintenance of environmental quality. But it is temporarily withdrawn from mineral leasing and mining until a land use plan is prepared. The Alaska Lands Act requires that this land use plan be completed by December 1985. In fiscal year 1982, no funds were requested by the Department of the Interior for this purpose. However, in June 1981, Secretary Watt sent a memorandum to BLM Director Robert Burford directing him to spend fiscal year 1982 moneys to begin the planning for the Steese. In fiscal year 1983, $295,000 has been requested by the Department, and the BLM has announced that the land use plan will be completed in September 1984, more than a year early. Secretary Watt's memorandum to Director Burford suggests that a decision has already been made to open the Steese National Conservation Area to mining and that the new decision to expedite the land use plan was made to assist development. The memorandum in part states:

> These areas have a substantial number of mining claims for minerals listed on the Strategic Minerals list. In order that these claims can be developed at the earliest possible date and new mineral exploration can be initiated, you are hereby authorized to initiate land use planning for these two areas, to the extent possible with funds contained in your FY 1982 base program.

This use of the planning process to justify development rather than make sound decisions is contrary to Congressional intent of maintaining a balance and an abuse of the Secretary's discretionary authority.

BLM WILDERNESS REVIEW

I believe Secretary Watt has also abused his discretionary powers in implementing the BLM wilderness provision of the Alaska Land Act. The act contains a provision which relieves the Secretary of Interior from the requirement of the Federal Lands Policy and Management Act to study BLM lands for their possible inclusion in the national wilderness preservation system. However, this relief from mandatory wilderness review does not constitute a prohibition on wilderness consideration. In fact, the Alaska Lands Act states that:

> The Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System.

However, Secretary Watt, in implementing this provision of the Alaska Lands Act, is restricting wilderness review severely. As one of eight policy directives issued March 12, 1981, on the Alaska National Interest Lands Conservation Act implementation, Secretary Watt directed "no further wilderness inventory, review, study or consideration by the Bureau of Land Management is needed or is to be undertaken in Alaska, except in those areas where study is mandated by legislation." To implement the Secretarial directive, the BLM put out the following memo:

> Except for public lands described in Section 1001, ANILCA, all work related to designation of public lands as wilderness in Alaska is to stop immediately. This includes development of alternative land use options as Wilderness in planning, environmental assessments, environmental impact statements, upland oil and gas leasing (including NPR-A), rights of way and other use authorization.
>
> As appropriate wilderness may be considered and evaluated as a multiple use resource. However, under no circumstances will special terms, conditions, or stipulations be included in use authorizations to protect wilderness designations. All such existing wilderness protection measures are hereby rescinded. As appropriate, taking into account workload priorities and staff capabilities, responsible offices should notify any holders of existing use authorization have in wilderness mitigation measures that those aspects no longer apply.

While the Secretary's directive and the BLM's response do not violate the law, they lay bare the pro-development posture Secretary Watt is taking in exercising his discretion under the Alaska Lands Act.

LAND EXCHANGE ACTIVITIES

Finally, I would like to mention the Secretary's use of discretion in land exchange activities in Alaska. Yesterday my colleague from Ohio, Mr. METZENBAUM, discussed a serious misinterpretation of the land exchange provisions of the Alaska Lands Act as it applies to St. Matthew Island refuge wilderness.

There is another exchange proposal which would set the same intolerable precedent for park wilderness. The State of Alaska owns a large area in the Chitina Valley within the Wrangell-St. Elias National Park which it is threatening to dispose of at auction. The National Park Service has been working for several months to find lands which the State would take in trade for those in the Chitina Valley. The standard practice is to offer public domain lands in exchanges to acquire inholdings in parks. However, the BLM opposed such an exchange, asserting that "BLM lands must not be viewed as trading stock for meeting other agency's objectives." With the real possibility of development of lands in the heart of the Wrangell-St. Elias National Park, the Park Service is now proposing to trade eight national park areas in Denali, Glacier Bay, Klondike, and Yukon Charley for the State's lands in the Chitina Valley. Two of these parcels—one in Denali and one in Glacier Bay—are designated wilderness, and their exchange would be contrary to the Wilderness Act and the Alaska Lands Act. In addition, this proposal sets the unacceptable precedent of trading park lands for park lands, and makes no sense at all in that it would remove one inholding by creating one or more new inholdings. This is bad policy, and Secretary Watt should not allow it to be set.

Mr. President, the compromises adopted by Congress in 1980 should not be overturned by administrative decisions. There must be balance not only where the Alaska Lands Act mandates it, but also where the Secretary has been given a choice. I urge Secretary Watt to stop making choices entirely on one side of the ledger.

THE ALASKAN LANDS ACT

Mr. FORD. Mr. President, 2 years ago, when we were debating (d)(2) legislation, it was not even a matter of conjecture that such situations as those described by my colleagues in the last 2 days could threaten the integrity of the wildlife refuges which were soon to be established in Alaska. The debate was over where the boundaries should be drawn, not over what protection should be provided to the lands which were set aside as refuges. Refuges in Alaska were to be established and managed for the same purposes as refuges in the rest of the country—to protect wildlife and their habitat as part of the national heritage. It disturbs me to see how little regard this administration has for the principles on which the National Wildlife Refuge System is based.

The principle by which this administration seems to be managing our refuges in Alaska is one of multiple use—a fine principle when applied to lands which Congress has set to multiple use, namely the forests and the public domain lands. But the national parks and national wildlife refuges of this country have been set aside for another purpose. Congress has specifically dedicated these lands to preserving the finest examples of our natural resource heritage.

The primary purposes of Alaska's 16 refuges are made clear in the act. In each case, the first purpose is to conserve fish and wildlife populations and habitats in their natural diversity. Other purposes include the fulfillment of international treaty obligations, the continuation of subsistence ways of life, and the protection of water quality. Each refuge is to have a comprehensive plan, based on extensive field studies, which achieves these purposes.

The act also allows for some types of development, where such development can be shown to be compatible with achieving the purposes for which the refuge was established.

However, from listening to the situations described by my colleagues, it seems to be that this administration sees its primary purpose as opening the refuges as fast as possible to any development which can possibly be justified. In particular, they seem intent on opening the refuges to oil and gas development.

I ask unanimous consent to have a speech recently delivered by the Regional Director of the Fish and Wildlife Service, Mr. Keith M. Schreiner, to the Alaska Oil Gas Association printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OIL AND GAS DEVELOPMENT AND ALASKA NATIONAL WILDLIFE REFUGES

(By Keith M. Schreiner)

Good afternoon. I'm pleased to be here. Traditionally, oil and gas exploration and development are not high on the list of things important to the U.S. Fish and Wildlife Service that must be done, but the Alaska National Interest Lands Conservation Act changed all of that. Most people know that ANILCA (as I shall refer to the law hereinafter) created or enlarged 16 national wildlife refuges in our state. Collectively these refuges encompass about 76 million acres of prime fish and wildlife habitat. Some of the refuges may have the potential to produce fossil fuel energy, hydroelectric energy, and possibly fuels for nuclear energy in addition to a host of other values.

Clearly refuges offer multiple values—opportunities for fish and wildlife conservation, opportunities for energy production and opportunities for many other forms of development, utilization and conservation. Many of these opportunities for action are much in demand by the populace of our country the people who own these federal lands.

There is a great deal of concern about law, regulations and government. When Assistant Secretary of the Interior Ray Arnett spoke to this association during his last visit to Anchorage, he stated clearly that Interior is charged with looking after the National Wildlife Refuge System in Alaska, and that we intend to do just that.

He mentioned that in our job of overseeing oil and gas activities within federal lands, Interior literally takes the environmental monkey off your back and puts it on our own back. We know that oil and gas are critical needs for the nation, our economy and the public good. It's an obvious fact.

We intend to do our primary job of protecting refuges. However, be assured that the Service will allow oil and gas development in refuges to the extent allowed by law. We will not fuss and fume over energy development as long as the development activities are legally acceptable and accomplished in an environmentally sound manner. And what's more, we will work with industry in a friendly and cooperative manner.

I am convinced that we can accomplish our mutual goals—that is we can permit energy development and yet fully protect fish and wildlife populations and their habitats. I deplore a defeatist attitude because it is counter-productive to the country's best interests. Extremism of any kind has no place in my outfit—not now, not in the future.

Exploration and development were anticipated by Congress in the final language of ANILCA. These laws are real. We don't intend to rewrite them in our minds, or in our regulations; and we don't intend to use them as a barrier against progress. On the other hand, the law protects many different and sometimes divergent interests. ANILCA attempts to accommodate the needs of many Alaskans. It provides reasonable protection for fish and wildlife, and opportunities for access to and development of oil and gas in addition to a multitude of other uses. It is not a matter of personal opinion or bias with us. ANILCA is the guiding law that spells out the requirements and regulations for all activities on Interior's lands in Alaska. Secretary Watt has repeatedly stated that regardless of whatever else the Department of the Interior may do, it will obey the law to the letter.

In administering a multiple use concept on national wildlife refuges, the Fish and Wildlife Service is beholden to the laws established by Congress. Upholding the principles of ANILCA follows a switchback trail at times because of the potential for seesawing litigation in complicated legal processes. But it is imperative that the game rules laid down in ANILCA be followed. It will save grief in the long run by avoiding law suits that are costly to everyone in both time and money.

The business world today—in and out of government—is sometimes forced to follow the direction of a circle rather than the rungs of a ladder ascending to new heights. Take the situation on the Arctic National Wildlife Refuge, for example.

I imagine there is considerable interest among you as to the current status of studies, court decisions and regulations which must be completed before we can accept plans from industry for oil and gas exploration in the Arctic Refuge.

I will bring you up to date as best I can, noting the uncertainties we face with this litigation. A thumbnail background sketch may be of value to those of you who are not familiar with all of the events that have occurred and currently influence the schedule for exploration on this refuge.

Section 10 of ANILCA basically imposes three requirements on the Department of the Interior before oil and gas exploration can be initiated on the Arctic Refuge.

1. The Service must make an assessment of resources of the coastal plain of the refuge. This continuing study is to result in our publishing an interim report within 18 months of enactment of the Alaska Lands Act. That means the due date for this report is June 2, 1982. The report is titled, "Arctic National Wildlife Refuge Resource Assessment, Baseline Study." It is at the printers now and should be available in early May.

This report will be updated as new information is obtained from field studies over the next few years. A final report will be sent to Congress in 1985. This report will contain the Secretary's recommendations concerning further exploration and development of oil and gas on the coastal plain.

2. We must, by regulation, establish initial guidelines governing the implementation of exploratory activities, and;

3. We are required to prepare an Environmental Impact Statement to accompany the initial guidelines.

In a March 12, 1981 memorandum, Secretary Watt designated the U.S. Geological Survey as the lead agency for developing the exploration guidelines and for preparing the accompanying Environmental Impact Statement. During the summer of 1981, the USGS and the Fish and Wildlife Service worked out informal agreements for our involvement as a joint lead agency destined to prepare the guidelines and EIS.

During this period a suit was brought against Secretary Watt by Trustees for Alaska, along with several other plaintiffs. The suit charged that the Secretary had exceeded his authority in granting the USGS the lead role for developing exploration guidelines and an EIS for activities proposed in a National Wildlife Refuge.

The Alaska District Court ruled in favor of the plaintiffs on November 2, 1981, and ordered that the Fish and Wildlife Service immediately assume responsibility for these documents. We took charge of both the regulations and EIS at that time. USGS is providing input into the EIS in a cooperative role as provided by NEPA regulations.

The court issued a final Declaratory Judgment on December 4, 1981, in which it ruled that I must prepare a new schedule of work, actions and products to accomplish the requirements of Section 1002 (d), (e) and (h) of ANILCA.

The new schedule is to be based on the Fish and Wildlife Service's preparing its own draft of the regulations, as distinguished from revising the draft prepared by USGS, which the court disapproved. In addition, we are to develop new exploration assumptions, new regulations and a new outline for the EIS. The court disapproved those that were developed while USGS was the lead agency.

The court further ordered that I prepare a written document containing my determinations as to which portions of the work, actions and products which occurred prior to the December 4 court order are approved, approved in part, or disapproved—along with a written explanation of the reasons for my determinations. Upon its completion, I am to provide my written report to the plaintiff's counsel, who in turn is to be provided an opportunity to comment in writing on my declarations.

My required report has been drafted in several segments and submitted to our central office in Washington for review and comments. To date I've been given approval to forward a segment of the report to the plaintiffs dealing with material USGS provided as input to our baseline study. Inasmuch as the plaintiffs did not choose to seek further relief from the court pertaining to the adequacy of this portion of my report, I directed last week that the interim baseline study report be sent to the printers.

I am still awaiting approval from Washington to submit the remaining reports dealing with the EIS and the regulations to the plaintiffs.

Currently we are proceeding with the preparation of an EIS and regulations. However, these documents cannot be released

89-059 O-86-19 (Pt. 10)

for public review until my written determinations have been made available to the plaintiffs.

In response to the court ruling in favor of the plaintiffs, the Department of the Interior filed a request for stay of the judge's order; pending outcome of an appeal filed in the 9th Circuit Court. The Alaska District Court denied the request for stay on February 19, 1982. This exhausts Interior's remedies before the Alaska District Court. The Department has requested a stay from the 9th Circuit Court pending hearing on the appeal. We expect a ruling on the stay request sometime in the future.

If the stay is granted, the effect would be to restore the Secretary's March 12, 1981 order—placing the USGS again in charge of the EIS and preparation of the regulations. Should this occur, there likely would be little change in the EIS schedule, inasmuch as we have continued to coordinate this effort with USGS in a manner that we believe is acceptable to the plaintiffs and Judge von der Heydt. For these reasons it is doubtful that there would be changes in the EIS. Development of new regulations might require additional time should USGS determine that our regulations need revision.

This too is unlikely because USGS is not apt to make major changes in stipulations obviously required to prevent significant impact to the Arctic National Wildlife Refuge. There could be changes related to shifts in the administrative lead for the exploration program. Such changes in the regulations would probably not delay the EIS and regulations schedule by more than a couple of weeks.

If the stay request is denied, the Fish and Wildlife Service will continue on its current course. We are still committed to finalizing the EIS and regulations prior to the December 2, 1982 deadline mandated in the Act. However, we are one to two months behind the schedule initially established by the Secretary as a result of the court rulings.

According to recent word from Interior's solicitor, a decision on the appeal is not expected until after December 1982. We are still hopeful that by that time, the EIS and regulations will have been finalized. Hence, Interior's appeal may be moot concerning the Arctic National Wildlife Refuge. Results of the appeal, however, may have far-reaching effects in the future administration and management of oil and gas exploration, and development, in other national wildlife refuges in Alaska and elsewhere.

So there you have it, as far as the law suit and the Arctic National Wildlife Refuge goes.

The Kenai National Wildlife Refuge is a popular subject when we talk about gas and oil production in Alaska. The Swanson River oil field is a legend—the forerunner—an example to ponder. Oil and gas development at Kenai helped create economic justification for statehood.

The Fish and Wildlife Service has worked side-by-side with industry in the Kenai Refuge since 1956. By and large, our relationship with industry has been cordial. This is due in no small part to the personalities and attitudes of our field personnel and industry's workers.

Some people contend that since oil and gas development occurred at Kenai without inordinate complications and extraordinary issues, then the same should be true for all present and future development on federal lands in Alaska.

Life would be easier for all of us were this the case. But such a perception is simplistic and outdated. Note that at the time oil and gas activities were initiated at Kenai, many of the present-day environmental laws had not been promulgated. I shall not speculate with hindsight and say whether activities that were allowed in the Kenai then would be permitted today. Such things as blading vegetation during seismic exploration would be very suspect with today's environmental laws.

By and large, oil and gas activities in the Kenai Refuge have had both positive and negative aspects. Some adverse impact is unavoidable with development. Direct funds have not been available to the Service to conduct site-specific research pertinent to oil and gas activities. Our research at Kenai has been limited to management functions and not specific research on the effects of oil and gas activities on fish and wildlife and their habitats.

However, in the last few years, industry—namely ARCO—has provided a grant of $96 thousand to support a research program on wintering moose populations that were subject to seismic activity. These funds have helped the Service in our wildlife management efforts.

We have tried to lessen the impacts on wildlife from seismic and development activities by requiring that this work be done in the winter months. Less harm comes to vegetation and the ground surface when the earth is frozen and snowcover is present. Moreover, the Kenai receives heavy public recreational use in the summer months. Recreationists can be disturbed by signs of industrial activity during the peak visitor seasons. The other major disadvantage of summer oil and gas activities is that this is the time when migratory birds—including the once endangered trumpeter swan—return to the refuge to nest. Also, resident game species such as moose and caribou are dropping their calves. Disturbance and ultimate stress can create serious problems for these animals. This is why we recommend that some of your activities be confined to the winter months.

The Service has worked cooperatively with industry in the Kenai. Our direct and overhead costs to monitor oil and gas development over the life of oil and gas activities have exceeded $1.5 million. This cost represents a direct reduction in my budget to conduct other refuge operations and activities.

The program at the Kenai Refuge cannot logically be used as a mirror model for all other refuges in Alaska. We cannot equate habitat conditions at Kenai with other parts of Alaska. Each site and proposed activity must be considered for its own potential merits and its own limitations.

We place emphasis on the fact that ANILCA provides for exploration and leasing for production of oil and gas within national wildlife refuge lands where activities would be compatible with the purposes for which the refuges were established. "Compatibility" is a key word and it has not been done for most Alaska Refuges as yet.

With passage of the Alaska Lands Act, new horizons have come into the picture. In 1981 we advertised for an expression of interest in exploration on refuge lands. Industry's response was concentrated on the Yukon-Kuskokwim Delta; although other refuge lands attracted some interest also.

We are not simply at standby in a wait-and-see posture. ANILCA requires that comprehensive refuge plans be developed for all 16 refuges in Alaska within seven years of passage of the Alaska Lands Act. A part of our planning is related to determining which lands of interest may be compatibly explored and developed for oil and gas resources. It follows that leasing will not occur in refuge lands until we complete the comprehensive refuge plans.

I brought along a chart to show you our refuge planning schedule.

The Fish and Wildlife Service's responsibilities in the oil and gas arena are not limited to our jurisdictional role with refuges. A whole series of laws require the Service to review various permits, environmental impact statements and plans for land outside the refuge system.

Under the Fish and Wildlife coordination Act, we review Section 404 and Section 10 permits issued by the Corps of Engineers; and Section 402 permits issued by the Environmental Protection Agency.

We have been working closely with industry on the North Slope to help identify the least damaging alternatives for road and drilling pad construction. This early input helps to minimize adverse impacts to fish and wildlife habitat while expediting the permit process.

On OCS lands, the Service plays an active role in helping to identify environmental risks and recommends stipulations which can lessen adverse impacts of development. These recommendations take the form of seasonal windows during which the proposed activity can best be accommodated.

We believe the record shows that significant protection has been afforded fish and wildlife resources even as industry has opened one of the largest oil fields in the world.

As we look forward to the future development on the North Slope, we have some primary concerns. These are technical considerations that we ask you to consider. There are other matters which our technical people are prepared to discuss during the workshop session of this conference, but I would like to mention two primary concerns now.

Transportation systems—roads and pipelines—are of significant importance. This is particularly true with any east-west oriented system running parallel to the Beaufort coastline. They would intersect caribou migrations and drainage systems to a much greater extent than has occurred with the Trans-Alaska Pipeline System and the haul road. I suggest that interagency area-wide planning for the entire North Slope would help develop alignments that pose the least adverse impact on caribou and hydrology.

The extraction, transportation and utilization of gravel, and the reclamation of mined areas are concerns of the Fish and Wildlife Service. We fully understand that gravel is needed as year-round building material for use on the North Slope. Gravel is also an important—even essential—habitat component for many species of fish and wildlife. Recent communications with some industry representatives suggest there is an emerging common awareness that a more thorough analysis is needed if gravel is to be exploited in your activities.

I've touched on some of the intricate facets of oil and gas development. To my mind, it's important that we all understand the reasons and benefits for working within the mandates of ANILCA and the other authorities which affect the oil and gas business. I know we can work together. We've demonstrated this at Kenai and on the North Slope. If the parameters I mentioned seems complicated, it is due to a basic axiom no one can deny. Economic use of refuges means multiple participation, multiple goals, and multiple problems.

In my closing I would like to share with you my instructions to our field personnel who will be making decisions on whether or not to issue special use permits and other clearances for activities affecting fish and wildlife and their habitat on National Wildlife Refuges.

The Fish and Wildlife Service in Alaska will permit energy development on refuges whenever and wherever development can be accomplished without thwarting the

achievement of the major purposes for which each refuge was established.

Stipulations controlling exploration and development of energy will be limited to only those stipulations necessary to protect fish and wildlife and their habitats—and no more.

Energy developers will be dealt with promptly, courteously, objectively and in a manner that is cordial and friendly, the same as all other refuge system constituents.

Multiple use of federal lands is more than a rhetorical term. It is a way of life on U.S. Fish and Wildlife Service lands owned by the American public. The law dictates what we as land managers can and cannot allow. We will not allow that which is prohibited by law and we will provide the protection required by law.

And lastly, one of our objectives is to encourage and support allowed uses of all kinds on national wildlife refuges. Whether I'm talking to industry, environmentalists hunters and fishermen, or just John Q Public, my bottom line is the same. Refuges were established for fish and wildlife, but these federal land units are for people, too. They will be managed accordingly.

Thank you for allowing me this time. Now I and my associates will field your questions, if we may and can.

Mr. FORD. Mr. President, I urge my colleagues to read this speech in full. It is incredible to me that anyone representing the U.S. Fish and Wildlife Service could have made such a statement. "Clearly," he says, "refuges offer multiple values * * * opportunities for energy production and opportunities for many forms of development, utilization and conservation. Many of these opportunities for action are much in demand by the populace of our country, the people who own these Federal lands." Clearly, I say, this official is not upholding the purposes for which the Congress has protected these lands.

Mr. Schreiner goes on to enumerate the instructions he has given his field personnel who will be making the decisions to open a refuge to oil and gas activities. His first directive is:

> The Fish and Wildlife Service in Alaska will permit energy development on refuges whenever and wherever development can be accomplished without thwarting the achievement of the major purposes for which each refuge was established.

This is not the balance that was struck in the Alaska Lands Act. Congress made clear in the act's statement of purpose (section 101) that the lands set aside as conservation system units were meant "to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems."

Section 101 goes on:

> the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition. . .

Congress reserved lands in sixteen wildlife refuges to protect the best examples of Alaska's wildlife and wildlife habitat.

The administration is intent on redefining the balance between conservation and development on 76 million acres of National Wildlife Refuges, in direct disregard of Congress mandate. Mr. President, I had hoped that this issue by now would be behind us. Proper administration of the act can ensure that it is.

ALASKA LANDS ACT

Mr. HART. Mr. President, I join my colleagues in expressing dissatisfaction with the manner in which this administration has chosen to implement the Alaska National Interest Lands Conservation Act (ANILCA). Congress enacted the Alaska Lands Act after years of study and planning to achieve a balance between competing interests—primarily the need for additional domestic supplies of oil and gas and the need for untouched wilderness areas. This act was enacted in the truest sense of bipartisan cooperation, following months of lengthy and thorough debate. Congress recognized the unique, diverse nature of the Alaskan ecosystem and, consequently, the act recognizes and affords protection to the equally unique and diverse abundance of Alaskan wildlife.

Senator CHAFEE and I had a special interest in the wildlife refuge provision in the act. The purpose of that provision is unmistakably clear: To protect and correctly manage some of the Nation's most spectacular wildlife populations and unspoiled wildlife habitat. By law, the Secretary of the Interior must determine if development in these refuges will be compatible with the primary purposes for which the refuges are established.

Unfortunately, the pattern of refuge management this administration has followed threatens to upset the carefully agreed upon balance of the act and, further, threatens to annihilate the very wildlife we sought to protect in enacting the Alaska Lands Act. The treatment of the Arctic Coastal Plain by Interior Secretary Watt and the proposed effort to eliminate the St. Matthew Island refuge wilderness are but two of the more glaring examples of this administration's effort to undermine the Alaska Lands Act. It is clear that budget and field staffing to enforce the act are grossly inadequate, rules and regulations have been far too lax, and management decisions have been skewed toward development, especially development of oil and gas resources.

The administration has chosen not to take a direct approach to opening these lands by introducing legislation in Congress. Instead, the administration's approach is best characterized through analysis of the budget involved. Fiscal years 1981, 1982, and 1983 budgets indicate clearly the administration is pursuing methods for "privatizing" natural resources through selling public lands, selling mineral rights to those lands, administratively easing rules for removing these resources, and inadequately enforcing rules and regulations which cannot be altered administratively.

It is no surprise the single largest budget item on the Interior Department's fiscal year 1983 ANILCA budget request is $9.4 million for the Alaska mineral resource assessment. This is nearly $1 million more than the total planning budget for all other agencies combined in Alaska and nearly $5.5 million more than for operations on the 76 million acres of national wildlife refuge lands in Alaska.

In one of his first policy directives, Secretary Watt, under the cloak of energy crisis charges the Bureau of Land Management with expediting oil and gas development on refuges. Soon after this policy directive, we have seen things begin to move rapidly on the non-North Slope oil and gas leasing program which affects over 100 million acres, 57 million of which are refuge lands. On April 30, 1981, the Department called for expressions of interest by industry for oil and gas leasing on these lands. On September 14, 1981, the Department invited industry to submit applications to conduct geophysical exploration on refuge lands specifically. These applications are in addition to more than 950 pre-ANILCA lease applications, affecting more than 2.4 million acres of refuge land, and all will be processed together.

That the Department of Interior has biased the results of the comprehensive planning process by inviting applications from private industry at this early date is made even more evident by BLM's action plan for settlement mineral leasing and mining location to implement section 1008. The plan sets forth the following assumptions relating to leasing of refuge lands for energy development:

FWS compatibility determinations and delineation of leasing areas will coincide with completion of comprehensive plans and will be complementary to the BLM action plan.

FWS lands are now open to filing of oil and gas applications subject to completion of compatibility determinations.

Categorical exclusions from requirements of the National Environmental Policy Act (NEPA) will be used when possible.

There will be no reduction in funding set forth in BLM budget plan. Any funding cuts will severely curtail the action plan.

The fiscal year 1983 budget request for implementing the North Slope program is $2 million. The Fish and Wildlife Service is to receive $200,000, or 10 percent, with which to meet its responsibilities for 50 percent of the lands in the program. This budgetary imbalance, taken together with the Secretary's directive and the BLM's assumptions, clearly demonstrate the

comprehensive plans for the Alaskan refuges will be tilted in favor of oil and gas leasing rather than trust evaluations on a case-by-case basis for each refuge—as the act intended.

Title III of the Alaska Lands Act added almost 54 million acres to the National Wildlife Refuge System. The budgets for managing these new lands have provided for only a 50-percent increase in field staff, or 20 new employees, which works out to about 2.7 million acres per person. According to a recent GAO report on implementation of the act, of 16 refuges, 2 have no one assigned and 5 have only a refuge manager. Nevertheless, in the next fiscal year, the Department is recommending a decrease from the 1982 field staff.

The Department of Interior is not alone in pushing development over conservation in Alaska. The ANILCA budget is equally out of balance when it comes to the Forest Service. In fiscal year 1982, 75 percent of the Alaska Region 10 budget of $90 million went to logging activities, including road construction, timber sale preparation, and administration. Approximately half of the entire budget went to road building activities alone. By contrast, only 11 percent went to planning, management, and maintenance of fish and wildlife habitat, soil and water quality, and recreation and wilderness.

In June 1981, interim regulations were issued for managing refuges in Alaska. The rules depart from refuge standards and the act itself. For example, refuge lands in the lower 48 are considered to be closed for various public uses until specifically opened by the refuge manager in accordance with a comprehensive plan. In Alaska, the Department has adopted the opposite policy of "open until closed." Furthermore, closure procedures are difficult and time-consuming, even in an emergency. In the lower 48, an emergency closure can become effective immediately upon the recommendation of the refuge manager. In Alaska, under these rules, there must be a notice and a public hearing before a closure can occur. Another inadequacy in the rules is that refuges are the only Federal lands in Alaska which do not have mining regulations at the present time. As a third example, access via snowmachines, motorboats, and aircraft is allowed for "most purposes"—opposing congressional intent in section 1110(a) that access be limited to "travel to and from villages and homesites" for "traditional activities."

The act also requires that comprehensive plans be completed by statutory deadlines. The Fish and Wildlife Service does not yet have a list of the baseline studies to be carried out at the field level, much less the staff or budget to conduct the studies. Without the information these studies are meant to produce, the comprehensive management plans can in no way be a sound basis for achieving the basic refuge purposes, completing mandatory wilderness reviews, or making decisions about the compatibility of developmental activities.

Although critical baseline studies are not being conducted, the Interior Department is, nonetheless, proceeding with the preparation of comprehensive management plans. The Department's intention in proceeding with plans prior to obtaining the mandatory baseline data is made even more potentially damaging by the Department's emphasis on oil and gas development in refuges. Thus, refuges continue to be open to a broad range of uses despite the absence of baseline information and comprehensive plans to insure that such uses will be compatible.

Mr. President, there are countless more examples of this administration's unsatisfactory implementation of the Alaska Lands Act which I have not touched on here. Congress mandated by law that the natural values of Alaska be preserved and protected for the benefit of present and future generations of Americans. Now, Congress must mandate, by whatever means necessary, that the law be carried out in its spirit and intent.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3564. A communication from the President of the United States, transmitting, pursuant to law, the 1982 Budget supplemental of the District of Columbia; to the Committee on Appropriations.

EC-3565. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures during the period October 1, 1981 through March 31, 1982, from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-3566. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on a violation of law involving an obligation in excess of approved appropriation in the Department of Justice; to the Committee on Appropriations.

EC-3567. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting pursuant to law, a report on a study with respect to converting the commissary shelf stocking and custodial services functions at Nellis Air Force Base, Nev., to contractor performance; to the Committee on Armed Services.

EC-3568. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the service credit for professional experience and education in the computation of years of service for determining whether a reserve commissioned officer shall be transferred to the Retired Reserve; to the Committee on Armed Services.

EC-3569. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the transient aircraft services function at March Air Force Base, Calif., to contractor performance; to the Committee on Armed Services.

EC-3570. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report with respect to studies of converting certain functions at certain installations to contractor performance; to the Committee on Armed Services.

EC-3571. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The U.S. Automobile Industry, 1981"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3572. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on alternative subsidy systems for the public housing program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3573. A communication from the Vice President for Governmental Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the itemized revenues and expenses and the revenues and expenses of each train operated by the Corporation for January 1982; to the Committee on Commerce, Science, and Transportation.

EC-3574. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the number of passengers on board and the ontime performance of each train operated by the Corporation for March 1982; to the Committee on Commerce, Science, and Transportation.

EC-3575. A communication from the Acting Assistant Administrator of the National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a notice of final rulemaking implementing the 1980 amendments to the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

EC-3576. A communication from the Deputy Secretary of Energy, transmitting notice that the semiannual report on the alternative fuels production program will be transmitted to the Congress by the end of June 1982; to the Committee on Energy and Natural Resources.

EC-3577. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to revise and extend certain provisions of the Federal Water Pollution Control Act, as amended, for 5 years, and for other purposes; to the Committee on Environment and Public Works.

EC-3578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the operation of title XX of the Social Security Act for fiscal year 1981; to the Committee on Finance.

EC-3579. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report on the transfer of certain voter information to a private concern; to the Committee on Governmental Affairs.

EC-3580. A communication from the Assistant Secretary for Health of the Department of Health and Human Services transmitting, pursuant to law, a report on a new Privacy Act system of records dealing with a study of self-reported drinking; to the Committee on Governmental Affairs.

EC-3581. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on the Veterans' Administration employee counseling services program records system; to the Committee on Governmental Affairs.

EC-3582. A communication from the Deputy Under Secretary for International Affairs of the Department of Labor transmitting notice of a complaint by the Capitol Employees Organizing Group against the U.S. Government; to the Committee on Labor and Human Resources.

EC-3583. A communication from the Secretary of Health and Human Services transmitting a draft bill "to amend the Low-Income Home Energy Assistance Act of 1981 to include emergency assistance generally, to remove certain burdensome and unnecessary Federal administrative requirements on State programs, and for other purposes"; to the Committee on Labor and Human Resources.

EC-3584. A communication from the Administrator of the Energy Information Administration of the Department of Energy transmitting, pursuant to law, volume 2 of the Energy Information Administration 1981 Annual Report to Congress; to the Committee on Energy and Natural Resources.

EC-3585. A communication from the Secretary of Transportation transmitting, pursuant to law, the final report on the Federal highway cost allocation study; to the Committee on Environment and Public Works.

EC-3586. A communication from the Comptroller General of the United States transmitting a report on the reduction of burdensome education paperwork requirements; to the Committee on Governmental Affairs.

EC-3587. A communication from the Assistant Attorney General transmitting an analysis of the administration's proposed constitutional amendment relating to school prayer; to the Committee on the Judiciary.

EC-3588. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to finance payments to certain jurisdictions for food assistance for needy persons; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3589. A communication from the Military Executive of the Reserve Forces Policy Board, Office of the Secretary of Defense, transmitting, pursuant to law, the Board's fiscal year 1981 readiness assessment of the Reserve components; to the Committee on Armed Services.

EC-3590. A communication from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report on certain property to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty; to the Committee on Armed Services.

EC-3591. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of the decision to study the operation of certain vessels operated by the civil service for possible operation under commercial contract; to the Committee on Armed Services.

EC-3592. A communication from the Chairman of the Securities and Exchange Commission transmitting a draft of proposed legislation to require all broker-dealers transacting over the counter to become members of a registered national securities association; to the Committee on Banking, Housing, and Urban Affairs.

EC-3593. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a request for an extension of time in which to reach a decision in the matter of Westinghouse Electric Corp. v. Atchison, Topeka & Santa Fe Railway Company, et al.; to the Committee on Commerce, Science, and Transportation.

EC-3594. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report of the Secretary for fiscal year 1980; to the Committee on Commerce, Science, and Transportation.

EC-3595. A communication from the Secretary of Energy transmitting, pursuant to law, a report on biomass energy and alcohol fuels; to the Committee on Energy and Natural Resources.

EC-3596. A communication from the Under Secretary of the Interior transmitting, pursuant to law, a report on a 1-year deferment of a 1981 construction repayment installment due the United States from the Cedar Bluff Irrigation District No. 6, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Energy and Natural Resources.

EC-3597. A communication from the Acting Assistant Secretary of the Interior for Land and Water Resources transmitting, pursuant to law, a report on lands classified as arid or semiarid in the continental United States; to the Committee on Energy and Natural Resources.

EC-3598. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report on the tule elk herds in California; to the Committee on Energy and Natural Resources.

EC-3599. A communication from the Mayor of the District of Columbia transmitting certain policy and procedural changes in the handling of dishonored checks by the District government; to the Committee on Governmental Affairs.

EC-3600. A communication from the Chairman of the Board of the Student Loan Marketing Association transmitting, pursuant to law, a report on the Corporation's operations and activities for calendar year 1981; to the Committee on Labor and Human Resources.

EC-3601. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to reduce the cost and simplify the administration of the child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3602. A communication from the Executive Associate Director for Budget, Office of Management and Budget, transmitting, pursuant to law, a report on certain appropriations apportioned on a basis indicating a necessity for supplemental appropriations for fiscal year 1982; to the Committee on Appropriations.

EC-3603. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on certain proposed rescissions and deferrals; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, the Committee on Finance, and the Committee on Governmental Affairs.

EC-3604. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a listing of contract award dates for June 15 to August 15, 1982; to the Committee on Armed Services.

EC-3605. A communication from the Secretary of the Air Force transmitting, pursuant to law, a report that two Air Force weapon systems have exceeded their baseline unit cost by more than 15 percent; to the Committee on Armed Services.

EC-3606. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics, transmitting, pursuant to law, a report on a decision made to convert the transient aircraft services function at Blytheville Air Force Base, Ark., to performance under contract; to the Committee on Armed Services.

EC-3607. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, a report on a decision made to convert the publishing distribution office function at McClellan Air Force Base, Calif., to performance under contract; to the Committee on Armed Services.

EC-3608. A communication from the Director, Legislative Liaison, Department of the Air Force transmitting, pursuant to law, a report on revenues derived from recovered materials for fiscal year 1981; to the Committee on Armed Services.

EC-3609. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on urban mass transportation grants, October 1, 1980 through September 30, 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-3610. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on the Bank's loan, guarantee, and insurance transactions with communist countries during April 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-3611. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on the Bank's loan, guarantee, and insurance transactions with communist countries during March 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-3612. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3613. A communication from the Chairman of the Board of the United States Synthetic Fuels Corporation transmitting, pursuant to law, the Corporation's quarterly report for the period ending March 31, 1982; to the Committee on Energy and Natural Resources.

EC-3614. A communication from the Under Secretary of the Department of the Interior transmitting, pursuant to law, the annual report on the implementation of the Redwood National Park Expansion Act; to the Committee on Energy and Natural Resources.

EC-3615. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Issues Concerning the Department of Energy's Justification for Building the Gas Centrifuge Enrichment Plant"; to the Committee on Governmental Affairs.

EC-3616. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a prospectus proposing the acquisition of a building in Dallas, Texas; to the Committee on Environment and Public Works.

EC-3617. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, the annual report on the financial condition and results of the operations of the highway trust fund; to the Committee on Finance.

EC-3618. A communication from the Director of the Congressional Budget Office transmitting, pursuant to law, a report entitled "Containing Medical Care Costs Through Market Forces"; to the Committee on Finance.

EC-3619. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-3620. A communication from the Acting Assistant Legal Adviser for Treaty

Affairs, Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-3621. A communication from the Director for Manpower Planning and Analysis, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics (Military Personnel and Force Management) transmitting, pursuant to law, the fiscal year 1981 actuarial report on the military retirement system; to the Committee on Governmental Affairs.

EC-3622. A communication from the U.S. Postal Rate Commission transmitting, pursuant to law, its opinion and recommended decision relative to express mail flexible acceptance times; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COHEN, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1894. A bill to permit Indian tribes to enter into certain agreements for the disposition of tribal mineral resources, and for other purposes (Rept. No. 97-472).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ (for himself, Mr. PERCY, Mr. COHEN, Mr. GRASSLEY, Mr. DURENBERGER, Mr. CHILES, Mr. MELCHER, Mr. BURDICK, Mr. KENNEDY and Mr. EAGLETON):

S. 2617. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate mandatory retirement and other forms of age discrimination in employment; to the Committee on Labor and Human Resources.

By Mr. ZORINSKY:

S. 2618. A bill to limit the retirement annuity of Members of Congress and former Members of Congress; to the Committee on Governmental Affairs.

By Mr. TSONGAS (for himself, Mr. DURENBERGER and Mr. RIEGLE):

S. 2619. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself and Mr. HAYAKAWA):

S. 2620. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAYAKAWA:

S. 2621. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH:

S. 2622. A bill relating to the tax treatment of long-term contracts with respect to taxable years beginning after December 31, 1982; to the Committee on Finance.

By Mr. COHEN (for himself, Mr. ANDREWS, Mr. MELCHER, Mr. INOUYE, Mr. BAUCUS, and Mr. BURDICK):

S. 2623. A bill to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MELCHER (for himself, Mr. DECONCINI, Mr. BAUCUS, Mr. INOUYE and Mr. STENNIS):

S. Res. 408. Resolution stating that the reprograming authority for the Bureau of Indian Affairs be denied; to the Select Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ (for himself, Mr. PERCY, Mr. COHEN, Mr. GRASSLEY, Mr. DURENBERGER, Mr. CHILES, Mr. MELCHER, Mr. BURDICK, Mr. KENNEDY, and Mr. EAGLETON):

S. 2617. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate mandatory retirement and other forms of age discrimination in employment; to the Committee on Labor and Human Resources.

(The remarks of Mr. HEINZ and Mr. CHILES on this legislation appear earlier in today's RECORD.)

By Mr. ZORINSKY:

S. 2618. A bill to limit the retirement annuity of Members of Congress and former Members of Congress; to the Committee on Governmental Affairs.

CONGRESSIONAL RETIREMENT REFORM ACT OF 1982

Mr. ZORINSKY. Mr. President, today I am introducing legislation which would alter the present situation where retired Members of Congress can receive more money from the Government in retirement than they would receive by actually continuing to serve their country. It should not be more profitable to be a retired Member of Congress than a standing Member of Congress. One should not be able to make more money in the long run by opting to retire from Congress and get on a Government pension.

Congressional pensions should provide fair and equitable retirement benefits. This bill will not change this. It will only stop the future excessive windfall profits that may be made by retired Members of Congress at the taxpayers' expense.

I do not believe it was ever the intention of Congress to make it more profitable to be a retired Member of Congress than a standing Member of Congress. Yet present law allows this excess to occur in some situations.

For example, if one assumes a 10-percent rate of inflation and continuation of present congressional salary levels, then a Member of Congress retiring after 32 years of Government service will reach and begin exceeding his or her old salary within 3 to 4 years of retirement.

The bill's first provision is aimed at two groups: Current Members of Congress and former Members of Congress whose pensions are less than the salary of a standing Member of Congress. This provision will simply cap congressional pensions at the level of the salaries of standing Members of Congress for the current year in which the pension is to be received.

The bill's second provision is aimed at retired Members of Congress whose pensions are already above the current congressional salary level. This provision will lower the annual pension increases of these retired Members of Congress. The present pension levels of these retired Members would not be altered, but their annual pension increases will be reduced to 75 percent of normal. This trimming provision will continue until these excessive pensions are in line with the salary levels of Members of Congress.

In the last year we have asked Americans from all economic levels to sacrifice, to share the burden with their fellow Americans so that our country can regain its economic feet and go forward. I listen to the stories daily from the people back in Nebraska and the media and I know, as my colleagues also know, that this economic dilemma is deeply serious. The daily reports of increasing unemployment, bankruptcies, and financial setbacks pervade the news.

Yet the people are still behind us. They have voted us here to correct the situation, and to make the economic cuts equitably and fairly. The burdens the American people are willing to shoulder are harsh, cold realities. We all have constituents back home who have lost their businesses, lost their jobs, their farms, who have had to trim even their basic necessities but who still support us and support what we are doing here.

What I am introducing today should not be mentioned in the same breath with the kind of belt tightening and financial sacrifice being made by so many other Americans. This legislation seeks to limit outrageous excess that has no place in our present economic budget.

The fact that some Members of Congress can make more from the Federal Government by retiring is Government irresponsibility; it is Government waste; it is an absurdity casually legislated in better days.

Sacrifices abound today in America because of legislation which I have supported in the past year. I hope and believe the cuts and economic decisions which have been passed by this Congress will bring our Nation back to its former prosperity. Our budget-cutting policies will in the end vindicate the American people on their decision

to make us their representatives through these hard times.

Mr. President, I have talked of the sacrifice of the American people. This legislation is not a sacrifice. Compared to the sacrifices of our countrymen, this bill is a small act of decency and fairness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Retirement Reform Act of 1982".

SEC. 2. Section 8340 (b) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting "paragraph (2) of this subsection and" after "provided in"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (P) of this paragraph, in the case of an annuity payable to a former Member the amount of the increase under paragraph (1) of this subsection in any year shall not exceed the excess of—

"(i) the annual rate of pay of a Member effective on March 1 of such year, over

"(ii) the amount of the annuity of such former Member immediately before such increase.

"(B) In the case of an annuity payable from the Fund to a former Member who retired before the date of the enactment of this Act in an amount which on such date exceeded the annual rate of pay of a Member, the amount of the increase under paragraph (1) of this subsection shall be equal to 75 percent of the amount of the increase calculated under such paragraph (without regard to this paragraph) until such time as the annual rate of pay of a Member exceeds such annuity as of the date of any increase under this subsection.

"(C) For the purposes of this paragraph, the term 'annual rate of pay of a Member' means the lesser of—

"(i) the annual rate of pay for a Member referred to in paragraph (1)(A) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(1)(A)) as determined and adjusted pursuant to such section, or

"(ii) the annual rate of pay for such Member as actually payable under any other provision of law, including any provision of law restricting the use of appropriated funds.".

By Mr. TSONGAS (for himself, Mr. DURENBERGER, and Mr. RIEGLE):

S. 2619. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; to the Committee on Energy and Natural Resources.

SYNTHETIC FUELS CORPORATION AMENDMENTS OF 1982

● Mr. TSONGAS. Mr. President, today my colleagues Senators DURENBERGER and RIEGLE and I are introducing a bill to extend the financing authority of the Synthetic Fuels Corporation (SFC) to include district heating and cooling and municipal waste-to-energy projects. This bill is similar to H.R. 5833, which was introduced by Representatives OBERSTAR of Minnesota and SCHNEIDER of Rhode Island and is currently under consideration in the House.

Two years ago, I opposed the version of the SFC approved by the Senate Energy and Natural Resources Committee. I was concerned about the program's enormous scale, aggressive pace, and environmental impact. Today I continue to question the need for a program of this size, as well as the appropriateness of the Corporation's narrow focus on synthetic fuels.

As long as the Corporation does exist, however, it could serve a beneficial purpose by financing a balanced mix of energy source. As the Synthetic Fuels Study Panel observed in their report released on May 18, "There are appropriate roles for the SFC that go beyond the (financial assistance) provisions set forth in title I of the Energy Security Act." The first of their suggestions was:

To the extent that government involvement (including that of the SFC) is indicated in the energy field, balanced consideration should be extended to the broadest array of domestic fuel resources, alternate energy technologies, conservation methodologies, and other techniques to improve productivity on a non-discriminatory basis.

Our bill would make district heating and cooling and municipal waste-to-energy projects eligible for SFC funds and insure that the agency properly considers these innovative energy systems.

The technologies behind both district heating and cooling and municipal waste to energy are sensible and proven. But financial roadblocks hinder their development.

District heating and cooling is a process invented in America in 1877. It works this way. Hot or cold water, or steam, is piped from a thermal source to customers for use in space heating and cooling and industrial processes. A district heating and cooling system supplied by an electric powerplant's waste heat can increase the plant's fuel efficiency from 35 percent to 80 percent.

District heating and cooling is a proven technology. It is used extensively in Europe and the Soviet bloc. The Oak Ridge National Laboratory has estimated that up to 50 percent of this country's space and water heating needs—10 percent of total U.S. energy demand—could be supplied should this process be put into widespread use in the United States.

But there are financing obstacles. Capital expenditures account for about 75 percent of the life-cycle cost of a district heating and cooling system, while operating outlays account for only 25 percent. These high front-end costs and low operating expenses lead to financial losses during the initial years of a project and to substantial profits in the later years. Thus high interest rates, uncertainty of future energy demand, and difficulty in raising capital have deterred communities from investing in district heating and cooling projects that would be uneconomical in the short run, but attractive over a full life cycle. Our bill would correct these market imperfections by making district heating and cooling projects eligible for price guarantees, loan guarantees, and other forms of financial assistance. This aid would reduce financial risk in these ventures and spur their prudent development.

Municipal waste to energy, sometimes called resource recovery, is also an innovative, established technology. It utilizes urban refuse to provide steam for heating or to generate electricity. A resource recovery plant can salvage over 85 percent of a city's refuse destined for landfill and exploit it for energy.

The technology is an everyday fact of life in dozens of American and European cities. If widely adopted in the United States, waste-to-energy plants could produce up to the equivalent of 220,000 barrels of oil per day.

But the financial circumstances are adverse, as with district heating and cooling. Today it is often cheaper for cities to dispose of their garbage in landfills rather than recycle it through resource-recovery plants. But landfill is rapidly becoming scarce. Not long from now many municipalities will face waste-disposal problems. At that time, municipal waste-to-energy plants will be essential. So we must begin to develop them now.

To overcome the financing pitfalls, our legislation would authorize limited price-support SFC loans for municipal waste-to-energy plants. The money would be withheld until a project begins to produce energy. The assistance would be available only during the first 7 years of a plant's operation. At that point, repayment of a loan would commence, continuing over the remaining lifetime of the project. The bill thereby would provide an easily administered, market-oriented mechanism for removing distincentives to the development of this technology.

The bill would have far-reaching benefits. Expanded use of district heating and cooling and municipal waste-to-energy systems would curtail America's crippling reliance on imported oil and bestow upon our cities a measure of energy independence. Unlike synthetic fuels, these technologies can benefit communities throughout the United States. In addition, these systems would provide energy with much less environmental disruption than caused by synthetic fuels production.

Until now, the SFC has been evaluating only synthetic fuels projects proposed by relatively large energy companies. Our legislation would allow SFC loans to aid financially strapped urban areas in developing their own

energy supplies. Our bill would stimulate economic development and create productive jobs through a market-oriented mechanism. The legislation has widespread support from a variety of groups. A similar bill in the House, H.R. 5833, has the backing of the U.S. Conference of Mayors; the National League of Cities; the National Association of Counties; the AFL-CIO; the Consumer Energy Council of America, a coalition of labor, rural, energy, and urban organizations; and other groups.

Mr. President, I believe there is a clear need for a program to aid in the development of district heating and cooling systems and municipal resource-recovery facilities. As I have said, I am no supporter of the SFC and do not believe that it is the only vehicle that can provide financial assistance to these technologies. But the Corporation exists, and its structure is well suited to accommodate these energy systems under its lending authority. I hope that the program to stimulate the development of district heating and cooling systems and municipal waste-to-energy projects contained in this legislation is the subject of committee hearings and receives the serious consideration it deserves.

Mr. President, I ask unanimous consent that a copy of the full text of this bill be printed in the RECORD following my remarks.

Mr. President, the Northeast-Midwest Congressional Coalition has prepared a bill summary and questions and answers material about this legislation. I also ask unanimous consent that these items be printed in the RECORD.

Mr. President, on April 2, the House Energy and Commerce Committee's Fossil and Synthetic Fuels Subcommittee held hearings regarding the SFC. At those hearings, the Honorable James E. Ferguson, mayor of Provo, Utah, testified on behalf of the U.S. Conference of Mayors regarding H.R. 5833, a bill similar to our own. I would like to give special thanks to the U.S. Conference of Mayors, as well as the Northeast-Midwest Congressional Coalition, for their valuable assistance in the development of this legislation, and I also ask unanimous consent that Mr. Ferguson's testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Synthetic Fuels Corporation Amendments of 1982."

DEFINITIONS

SEC. 2. Section 112 of the Energy Security Act (42 U.S.C. 8702) is amended by adding at the end thereof the following new paragraphs:

"(19)(A) The term 'district heating or cooling project' means an integrated pipeline system located in the United States which provides hot water, chilled water, or steam from a heating or cooling source to one or more unaffiliated users for residential, commercial, or industrial heating or cooling, or process steam, or any combination thereof.

"(B) Such term includes the pipe, pipe insulation, valves, pumps, expansion equipment and facilities, heat exchangers, temperature controls, terminal units, meters, and similar equipment, facilities, and property necessary for establishing and operating such system.

"(C) Such term does not include the heating or cooling source used for such system.

"(20) The term 'municipal waste energy project' has the same meaning as given such term in section 203(15) of this Act.

"(21) The term 'construction', when used with respect to any district heating or cooling project, has the same meaning as such term has with respect to biomass energy projects under section 203(9) of this Act.

"(22) The term 'project' means a synthetic fuel project, district heating or cooling project, or municipal waste energy project.".

EXTENSION OF CORPORATION'S FINANCING AUTHORITY FOR DISTRICT HEATING AND COOLING PROJECTS

SEC. 3. (a) Sections 132(a)(1), 133(a)(1), 134, 135(a), and section 137(a) of the Energy Security Act (relating to various forms of permitted financial assistance) are each amended by inserting "or district heating or cooling project" after "synthetic fuel project" each place it appears.

(b) Section 136 of such Act (relating to joint ventures for synthetic fuel project modules) is amended by adding at the end thereof the following:

"(g) The Corporation is also authorized to commit, or to enter into, joint ventures for district heating and cooling project modules under similar terms and conditions as apply under this section with regard to synthetic fuel project modules.".

(c)(1) Section 131(b)(3), (b)(4), (e), (j), and (l) through (u), section 132 (a)(2)(A), (d), and (e), section 133(a)(2), (a)(4), and (c), and section 137(b) of such Act are each amended by striking out "synthetic fuel project" each place it appears and inserting in lieu thereof "project".

(2) Section 135(a) of such Act is amended by striking out "to insure the production of synthetic fuel".

(3) Section 131(b)(1) and section 135(b) of such Act are each amended by inserting "or energy output" after "fuel" and "fuels", each place such terms appear.

(4) Section 137(a) of such Act is amended by striking out "synthetic fuel projects" and inserting in lieu thereof "projects".

EXTENSION OF CORPORATION'S FINANCING AUTHORITY FOR MUNICIPAL WASTE ENERGY PROJECTS

SEC. 4. (a) The Energy Security Act is amended by inserting after section 132, relating to loans by the Corporation, the following new section:

"PRICE SUPPORT LOANS MADE BY THE CORPORATION FOR MUNICIPAL WASTE ENERGY PROJECTS

"SEC. 132a. (a)(1) In the case of any existing municipal waste energy project which produces and sells biomass energy, the Corporation may commit to make, and make, a price support loan in amounts determined under paragraph (3) for the operation of such project. Payments under any such loan shall be disbursed on an annual basis, as determined (in accordance with paragraph (3)) on the basis of the amount of biomass energy produced and sold by that project during the 12-month period involved and the type and cost of fuel displaced by the biomass energy sold.

"(2)(A) In the case of any support loan under this section for an existing municipal waste energy project—

"(i) disbursements under such loan may not be made for more than 5 consecutive 12-month periods;

"(ii) the amount of the disbursement for the second and any subsequent 12-month period for which disbursements are to be made under the support loan shall be reduced by an amount determined by multiplying the amount calculated under paragraph (3) by a factor determined by dividing the number of 12-month periods for which disbursements are made under the support loan into the number of such periods which have elapsed;

"(iii) commencing at the end of the last of such 12-month periods, the support loan shall be repayable over a period equal to the then remaining useful life of the project (as determined by the Corporation) or 10 years, whichever is shorter; and

"(iv) commencing at the end of such last 12-month period, such loan shall bear interest at a rate determined by the Corporation (taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans) plus not to exceed 1 per centum, as determined by the Corporation, and adjusted to the nearest one-eighth of 1 per centum.

"(3) The amount of the loan payment to be disbursed under this subsection for any year with respect to each type of biomass energy produced and sold by an existing municipal waste energy project shall be equal to—

"(A)(i) the standard support price reduced by the cost of the fuel displaced by the biomass energy sold, or (ii) $2, whichever is lower, multiplied by

"(B) the amount of such biomass energy sold (in millions of British thermal units)

"(b)(1) In the case of any new municipal waste energy project which produces and sells biomass energy, the Corporation may commit to make, and make, a price support loan in amounts determined in accordance with the provisions of subsection (a), except as provided in paragraph (2).

"(2) In the case of any loan under this subsection for a new municipal waste energy project—

"(A) disbursements under such loan may not be made for more than 7 consecutive 12-month periods (with reductions as provided in subsection (a)(2)(A)(ii));

"(B) such loan shall bear interest at a rate not in excess of the rate prescribed under subsection (a); and

"(C) the principal of or interest on such loan shall, in accordance with the support loan agreement, be repayable, commencing at the end of the last 12-month period covered by the support loan, over a period not in excess of the period equal to the then remaining useful life of the project (as determined by the Corporation) or 15 years, whichever is shorter.

"(c) For purposes of this section—

"(1) The term 'new municipal waste energy project' means any municipal waste energy project which—

"(A) is initially placed in service after the date of the enactment of this section; or

"(B) if initially placed in service before such date, has an increased capacity by reason of additional construction, and as such is placed in service after such date.

"(2) The term 'existing municipal waste energy project' means any municipal waste

energy project which is not a new municipal waste project.

"(3) The term 'placed in service' means operated at more than 50 per centum of the estimated operational capacity.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'standard support price' means the average price (per million British thermal units) for number 6 fuel oil imported into the United States on the date of the enactment of this Act, as determined, by rule, by the Corporation not later than 90 days after the date of the enactment of this section.

"(B) In any case in which the fuel displaced is number 6 fuel oil or any higher grade of petroleum (as determined by the Corporation) the term 'standard support price' means 125 per centum of the price determined by rule under subparagraph (A).

"(C) In any case in which biomass energy produced and sold by a project is steam or electricity, the term 'standard support price' means the price determined by rule under subparagraph (A), subject to such adjustments as the Corporation may authorize by rule.

"(5) The term 'cost of the fuel displaced' means the cost of the fuel (per million British thermal units) which the purchaser of biomass energy would have purchased if the biomass energy had not been available for sale to that purchaser.

"(6) Any biomass energy produced by a municipal waste energy project which may be retained for use by the owner or operator of such project shall be considered to be sold at such price as the Corporation determines.

"(7) Not later than 90 days after the date of the enactment of this section, the Corporation shall prescribe, by rule, the manner of determining the fuel displaced by the sale of any biomass energy, and the price of the fuel displaced.".

(b) Section 112(10) of such Act (42 U.S.C. 8702(10)), defining loans, is amended by striking out "section 132" and inserting in lieu thereof "section 132 or 132a".

(c) The table of contents for such Act is amended by inserting after the item relating to section 132 the following new item:

"Sec. 132a. Price support loans made by the Corporation for municipal waste energy projects.".

PRODUCTION STRATEGY TO INCLUDE PLAN FOR DISTRICT HEATING AND COOLING PROJECTS AND MUNICIPAL WASTE ENERGY PROJECTS

SEC. 5. (a) Section 126(a) of such Act (42 U.S.C. 8722(a)), relating to the production strategy of the Corporation, is amended—

(1) by inserting "district heating or cooling projects, and municipal waste energy projects" after "synthetic fuel projects" where it appears in paragraph (1)(A); and

(2) in paragraph (2)(A), by striking out "as well as (ii)" and inserting ", (ii)", and by striking out the period at the end and inserting in lieu thereof ", and (iii) provide appropriate financial assistance for district heating or cooling projects and municipal waste energy projects.".

(b) Section 126(b)(3) of such Act (42 U.S.C. 8722(b)(3)) is amended—

(1) by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new subparagraph:

"(G) specifically address what types of district heating or cooling projects and municipal waste energy projects the Corporation intends to assist, as well as how it intends to provide that assistance.".

CORPORATE ORGANIZATION

SEC. 6. Section 117 of the Energy Security Act (42 U.S.C. 8713) is amended by adding at the end thereof the following new subsection:

"(f) The Board of Directors, by establishment of an office or otherwise, shall assure that the Corporation is organized and staffed so as to effectively evaluate, process, and review proposed and funded district heating or cooling projects and municipal waste energy projects.".

SYNTHETIC FUELS CORPORATION AMENDMENTS OF 1982 ANALYSIS

BILL SUMMARY

This bill would broaden the lending authority of the Synthetic Fuels Corporation to include district heating and cooling and municipal waste to energy projects. District heating/cooling is defined as an integrated pipeline system which provides hot water, chilled water, or steam from a heating or cooling source to one or more unaffiliated users for residential, commercial, or industrial heating or cooling. As defined in the bill, the heating or cooling source used for the district heating/cooling system would not be eligible for assistance.

A municipal waste to energy project is defined as any facility, or portion of a facility, primarily for the production of biomass fuel—gaseous, liquid, or solid fuel—(and by-products) from municipal waste; or the combustion of municipal waste for the purpose of generating steam or forms of useful energy, including industrial processs heat, mechanical power, or electricity (including cogeneration). (This is the same definition as that used in Section 203(15) of the Energy Security Act, Public Law 96-294.)

The bill has 3 major components;

Broadens the lending authority of the Synthetic Fuels Corporation to include district heating/cooling. These projects would be eligible for all forms of financial assistance available from the Corporation.

Amends Section 132 of the Energy Security Act, relating to loans made by the Synthetic Fuels Corporation, by adding a new section—Section 132a—authorizing price support loans for municipal waste to energy projects. The price support loan would be based on the difference between a "standard support price" and the average cost of conventional fossil fuel over a 12-month period to the buyer of energy produced from municipal waste. The "standard support price" is defined as the cost of imported No. 6 fuel oil on the date of enactment. The price support is the lesser of the difference stated above, or $2.00 per million BTU. (The price support loan definition is substantially the same as that originally defined in Section 234 of the Energy Security Act, Public Law 96-294.)

Requires the Board of Directors of the Synthetic Fuels Corporation to assure that the Corporation is organized and staffed so as to effectively evaluate, process and review applications for district heating/cooling and municipal waste to energy projects.

QUESTIONS AND ANSWERS

District heating and cooling municipal waste to energy

What is district heating and cooling?

District heating is an American technology invented in 1877. It is a system of delivering hot or cold water or steam from a central thermal source through pipes to customers for space heating and cooling and industrial processes. District heating and cooling (DHC) is a flexible energy distribution system that can obtain heat from any number of fuels and deliver it to many different customers. The central source may be from the waste heat of an electric power plant (cogeneration), refuse incineration, industrial process, geothermal sources (solar, geothermal, ground water, atmosphere), manufactured sources (industrial waste heat and synfuels) or coal. This technology is used widely in Denmark, Sweden, West Germany, France, Italy and the Soviet Block. It is gaining acceptance in Japan.

Why include district heating and cooling in the U.S. synfuels program?

District heating and cooling is attractive because:

DHC reduces the consumption of oil and natural gas

A DHC system has a wide variety of non-scarce fuel options which can replace individual oil and gas burners in residences, commercial buildings and industrial facilities. By the year 2005, DHC systems using alternative sources, could save five quads of scarce fuels annually. One quad can displace 180 million barrels of oil annually and is equal to a quadrillion BTU's, which can heat and cool 7 million typical homes for one year. In addition to waste heat, DHC systems can use coal, lignite, and alternative fuels (for example: municipal solid waste and synfuels) to fire boilers to create hot or chilled water or steam. These are fuels that are impractical for individuals to burn in their homes, yet they are currently used with ease in large boilers—boilers which can be used to heat and cool thousands of homes.

DHC is fuel efficient

The electric power plants in the United States are on average only about 33 percent efficient in burning fuel for electricity. Roughly ⅔ of the energy burned in our power plants is rejected as waste heat. In contrast, a power plant connected with a DHC system achieves fuel burning efficiencies as high as 80 percent.

DHC development will contribute to the economy

Each quad of energy supplied by district heating and cooling will create an estimated demand for $19 billion in construction and manufacturing employment concentrated in cities and urban areas, $27 billion in equipment and pipe manufacturing, and $1 billion annually in alternative domestic fuel production such as coal. Additionally, district energy systems serve to fuse commercial, utility, environmental and governmental interests into a working coalition to cope with our energy challenges.

DHC is environmentally advantageous

In a DHC system the combustion of fuel is concentrated in one location rather than in individual households and businesses, therefore the control of emissions can be more effective. In Stockholm, Sweden, DHC has contributed substantially to a 75% reduction of sulphur dioxide in the air.

DHC is a thermal distribution network

District heating and cooling is a distribution network that provides a method for transporting thermal energy. Without such a distribution system, the potential development of alternative energy technologies will never be met.

Does district heating and cooling have the potential for national application?

Currently, district heating systems account for less than 1 percent of the total annual energy consumed in the United States. However, space and water heating, particularly suitable for district heating systems, account for about 20 percent of the total U.S. energy demand. Oak Ridge National Laboratory (ORNL) sites estimates that one-half of all space and water heating, or 10 percent of total U.S. energy demand, could be supplied by district heating. This means that the U.S.'s antiquated systems have realized less than 10 percent of their potential.

ORNL states that district heating is best suited for those areas having more than 4,000 degree days (the degree difference between the highest and lowest temperature of each day, cumulated for one year). Currently, only 8 states have no areas that are above this threshold. However, these states, characterized by warmer climates would have available to them opportunities to develop district cooling systems.

Currently 28 cities are involved in feasibility studies for DHC systems, which could in the near future benefit from SFC assistance. In addition, more than 100 major urban areas are currently planning to assess the opportunities for developing district heating and cooling in their communities.

Assuming these favorable signs continue, market forecast estimates of district heating and cooling in the U.S. indicate it may be possible to achieve up to a thirty-five fold increase over current supply levels by the year 2005.

Why is financial assistance needed?

One barrier to private financing of DHC systems is the current lack of investor knowledge of DHC as an alternative energy concept, the absence of any privately financed and successfully completed modern city-wide hot water system, and negative perceptions caused by existing, antiquated steam systems built years ago in the United States. No community-based prototypes exist in the U.S., thereby making needed financing extremely difficult to obtain. SFC assistance could alleviate this problem by assuring that prototype systems are built.

Secondly, because of large capital outlays required by DHC systems, governmental incentives are essential if new DHC development is to occur. Private capital formation is deterred by operating losses in the initial years of project operation, even though outyears show significant savings and energy cost stabilization. In addition, the current high costs of capital and the demand for short-term investments lessen the financial incentives for private sector development of district heating and cooling. Assistance from the SFC could mitigate these barriers.

Furthermore, there is a lack of sufficient amounts of required risk capital to initially identify and follow through with upfront project assessment and development. For private developers, the level of risk and uncertainty in developing new DHC systems will greatly limit the search for DHC opportunities. By establishing a viable DHC industry through SFC assistance, this preceived risk would be reduced to allow greater private sector participation.

Finally, another barrier to the financing of district heating/cooling is the difficulty in obtaining from energy customers long term contracts necessary to obtain long term financing. SFC assistance would add security to projects and would encourage long-term customer hook-ups to the systems that in turn would improve the ability to attract long-term financing.

Additional national benefits of district heating and cooling development

In addition to the energy benefits that result from district heating and cooling development, significant employment benefits would be created for medium- and semi-skilled laborers. A recent study by Argonne National Laboratory reveals that cogeneration/district heating projects will be about twice as labor-intensive as coal-fired power plant and synfuel projects. In St. Paul, Minnesota, the first phase of a district heating project is estimated to create 40 permanent jobs and 120 construction jobs over a five to six year period. When fully developed, as planned, over 360 workers will be employed for a fifteen-year period.

District heating and cooling can also help to address the need for long-term stability of energy prices for middle and low-income residents in urban centers. Millions of people currently are dependent upon the federal government to meet basic fuel needs. It is estimated that 21 million Americans are income eligible for assistance under the low income energy assistance program. Many of these families reside in urban centers particularly suited for district heating systems. In order for the country to reduce energy assistance in the future, and to meet the growing need for such assistance, a viable thermal network must be developed. This would provide a long-term strategy to stabilize energy costs by making families less dependent on federal cash payments year in and year out to support their heating needs.

Why is district heating and cooling related to national security and foreign policy?

District heating and cooling originated in the United States, but has been successfully implemented in Europe and the Soviet Union. Since 1965, and particularly since 1973, both eastern and western European countries have significantly increased their DHC capacity with modern, more efficient, and less costly systems. The United States' capacity during this period declined, largely due to antiquated systems and the lack of a national policy to encourage their development.

Development of district heating/cooling systems in the U.S. would make the U.S. less dependent on OPEC oil producing nations and provide long-term thermal energy infrastructures that are less vulnerable to disruption by attack or oil embargo.

What are municipal waste energy projects?

Municipal waste energy projects utilize a readily available resource—urban refuse—for the production of useful, marketable energy. Municipal solid waste (garbage and trash) becomes the "feedstock" for energy production and diverts 85 to 90% of a community's refuse from land disposal. The energy produced is usually in the form of steam, electricity (some combination of the two), or fuel supplement.

The recovery of energy from solid waste represents one of the nation's best near-term opportunities to develop the contribution of alternate fuels to the nation's energy needs. Municipal solid waste is a fuel supply that is replenished day in, day out. Its ability to contribute to the nation's alternative fuel capacity in the near term is very significant.

The amount of solid waste generated in the U.S. is estimated to be at least 130 million tons per year.

The recoverable BTU content per ton of municipal solid waste is rougly equivalent to 1.15 barrels of oil (BOE).

Recovery of energy from slightly more than one-half of the available waste stream will yield about 220,000 BOE per day.

Why include municipal waste energy projects in the U.S. synthetic fuels program?

The time is right to move aggressively to develop the energy resource potential of solid waste because:

By supporting municipal waste energy projects, the U.S. Synthetic Fuels Corporation (SFC) can significantly increase the production of alternative energy in the short term. A municipal waste energy systems processing 2000 tons of refuse per day can conserve scarce fossil fuels at the rate of over 600,000 barrels of oil per year. As is pointed out above, recovery of energy from slightly more than one-half of the available waste stream will yield about 220,000 BOE per day.

The presence of waste disposal problems and the availability of local markets for energy from municipal waste creates promising conditions for project implementation in most areas of the country. Financial assistance is needed because unattractive project economics in early years is a serious impediment to project implementation, even though the life cycle economics of a waste-to-energy project will be attractive due to future energy revenues and the cost of competing landfill.

What is the most appropriate form of financial assistance from the SFC to municipal waste energy projects?

Price support loans. Under this legislation the SFC would be authorized to assist municipal waste energy projects via price support loans.

What is a price support loan?

A price support loan is a price support for the energy product sold by a municipal waste energy project. The price support is in the form of a loan which is repaid with interest to the Federal government.

The price support loan is based on the difference between a "standard support price" and the average costs of conventional fossil fuel over a 12-month period to the buyer of energy produced from municipal waste.

The "standard support price" is defined as the cost of imported No. 6 fuel oil on the date of enactment. The price support is the lesser of the difference stated above, or $2.00 per million BTU.

The price support loan is not a price guarantee, loan gurantee, or construction loan. The proceeds of the price support loan would not be disbursed until construction is completed and the plant begins producing energy.

Therefore, the federal loan assistance authorized in this bill does not subsidize construction costs but stimulates production output consistent with economic signals at work in the marketplace.

Commendable policy features of the price support loan

The concept encourages displacement of imported oil.—The price support loan will be paid only for energy or fuel actually produced, thereby assuring that savings in scarce fuel use will occur.

The program would be relatively simple to administer.—The formula for determining the amount of price support loan assistance to a single project is defined by the bill not by the SFC; it is established rationally and equitably for all projects in relation to national energy priorities.

The price support loan is designed to prevent federal assumption of project risks.—The price support loan does not support construction cost. Furthermore, the price support loan does not require the Federal government via the SFC to accept any technological or financial risks. The Federal loan disbursements do not flow unless and until energy is produced. Therefore, the likelihood of loan repayment is greatly increased and the chances of project default are substantially decreased if not eliminated.

The price support loan requires the private sector to assume normal and appropriate project risks.—The project must make economic sense and it must stand upon the financial capability and the contractual obligations of the public and private parties to the project. The price support loan can not be used to "prop up" otherwise shakey or economically questionable projects.

How would a price support loan actually work?

The price support loan would allow the SFC to pre-determine a price support loan amount to be paid to a new project during

the first 7 years of operation based upon the price support formula.

Example

Assume a standard support price based upon $34 per barrel or $5.48 per million BTU.

Assume actual fuel cost to buyer of energy based on 12 months of prior purchase cost of a conventional fossil fuel, e.g., gas at $4.80 per million BTU.

The resulting price differential is $.68 on a million BTU basis.

The price support is the lesser of the differential shown above or $2.00 per million BTU.

Thus, the value of the price support in this case is calculated at the rate of $.68 per million BTU. In other words, the standard support price minus the average cost of fuel during the preceding 12 months is less than the $2.00 per million BTU maximum allowed by the bill.

The price support ($.68) is multiplied by the total number of BTU's produced to arrive at the actual loan amount.

The value of the support price decreases to zero over a seven year period. This is necessary to insure that the retirement of debt and other expenses of the facility are not totally dependent on the support prices.

At the beginning of the eighth year the total amount of the disbursements made is repaid over a 15 year period or over that period of time when the debt on the plant is retired; which ever is less.

Why is the price support loan the best financial mechanism to use?

The price support loan is tailored to fit the municipal waste-to-energy field. The typical project evaluation is:

Annual Cost of Capital (Debt Service) + Annual Operating and Maintenance (Cost + Profit) = Annual Revenues from sale of Energy and Materials + Annual Payments for Disposal Service (Tip Fees).

Project feasibility requires the equation to balance on a project life-cycle basis. However, a project may be "feasible" on a life-cycle basis, due to escalating energy revenues in the out years of the project, and be "unacceptable" because the first year project cost is higher than alternative disposal costs in the area.

The price support loan not only accelerates energy production from municipal waste, but addresses the positive benefit of preserving scarce landfill space. Unfortunately, the marketplace does not provide incentives for "stretching out" landfill space through the development of municipal waste energy facilities, a dual need of many urban communities.

The price support loan allows a project to show a more attractive tip fee in the early years, and to repay the Federal loan from the project's increasing annual energy revenues during the middle and out years.

STATEMENT OF HON. JAMES E. FERGUSON, MAYOR OF PROVO, UTAH

Mr. Chairman and Members of the Subcommittee, my name is James Ferguson, Mayor of the City of Provo, Utah. I am here this morning on behalf of the U.S. Conference of Mayors, which is composed of the nation's principal cities.

The Conference appreciates the opportunity to present our views to the Subcommittee regarding the future of the U.S. Synthetic Fuels Corporation and its relationship to the nation's cities.

Mr. Chairman, Representative Oberstar and Representative Schneider have been eloquent in reviewing for the Subcommittee some of the background, rationale and potential of H.R. 5833. To enhance their excellent statements, the Conference would like to focus its own brief remarks in three areas:

The exciting prospect of cities as energy producers;

The Synthetic Fuels Corporation as a vehicle to help bring about urban energy production;

The strong and deep support for H.R. 5833 by government, business, labor, and consumers.

CITIES AS ENERGY PRODUCERS

Energy conservation remains one of the most important goals of local officials. But for too long, the enormous potential of cities as energy producers has been dormant. It is time to awaken this sleeping giant.

Mayors all across the nation, in cooperation with their local business communities, firmly believe that municipal-waste-to-energy and district heating/cooling are the technologies to turn this potential productive ability into a reality.

Municipal-Waste-to-Energy

Resource recovery, also known as municipal-waste-to-energy, stands ready to provide great energy benefits to the nation. By cleanly burning municipal garbage and trash, not only do we provide an excellent substitute for imported oil, but we help to solve one of the most difficult problems also facing cities today—finding adequate landfill alternatives for our solid waste disposal needs.

This very week, more than 350 individuals convened under our sponsorship to discuss the issues relating to financing resource recovery facilities. Most participants were from the private sector including banks, the investment community, financial analysts, and the like. The overwhelming sense of this two-day meeting was that if certain financing roadblocks could be overcome, the private sector resource recovery industry would be poised for take-off.

The lists attached to my statement illustrate the enormous number of cities that are on the verge of municipal-waste-to-energy breakthroughs, if the financing problems can be resolved.

The financing package to put together a successful resource recovery facility is complex. Most of it will and should come from the private sector. But, because of the great "front-end" costs, H.R. 5833 wisely would provide "price support loans" to level out and reduce the tipping fees to ensure that a facility could be developed before a community's remaining landfill was entirely depleted at a competitive price in its early years. After the first few years, when the initial startup costs have been absorbed, the revenues generated by the plant would provide for repayment of the loans.

No planning, engineering, construction grants or loan guarantees of any kind would be forthcoming—only very limited price support loans. This approach makes great sense to both the cities that look forward to a healthy municipal waste-to-energy industry and the industry itself which must bear overall responsibility for its future.

District Heating/Cooling

There is great promise for cities in district heating/cooling—an integrated pipeline system providing hot or chilled water or steam from a heating or cooling source to consumers of various kinds.

In the United States, some two-thirds of our energy burned in power plants is rejected as waste heat. With district heating/cooling—making efficient use of that waste heat, some 80 percent of energy burned would be used. It is important to note that 20 percent of our national energy demand is for space and water heating/cooling. By developing thermal distribution networks, a large portion of these needs could be met by capturing waste heat and heat from alternative fuels. All this would result in tremendous fuel savings.

The Department of Housing and Urban Development is currently conducting a 28 city demonstration program to test the feasibility of community-wide district heating/cooling. As you can see from the attached list, district heating/cooling has national applicability—cities of all sizes and in all regions.

High interest rates and a lack of investor knowledge are currently hindering the development of district heating/cooling in our cities. But, by permitting the full range of financing powers available to the Synthetic Fuels Corporation to be used to develop several district heating/cooling prototypes as proposed by H.R. 5833, we believe the institutional limitations can be overcome.

THE SYNTHETIC FUELS CORPORATION AND CITIES

H.R. 5833 would provide that 25 percent of the annual obligations of the Synthetic Fuels Corporation would be earmarked for municipal-waste-to-energy and district heating/cooling. Because these technologies make sense for cities, we believe that actively involving the Corporation in them is the right idea at the right time. Essentially, cities are looking to the Corporation to provide the leveraging ability which will be required to put together complex projects from disparate financing sources.

By providing the Corporation the ability to get involved in projects targeted to urban areas, the Congress will be extending the Corporation's effectiveness and its contribution to national energy independence, while transforming it so that its abilities become truly national in focus.

The Conference of Mayors is fully aware of the fact that several very thoughtful legislative initiatives have been introduced in recent weeks. Some would enhance the abilities of the Corporation; some would abolish the Corporation; some would attempt to do both.

The Conference urges that the emphasis of the Subcommittee in the next several weeks very definitely be on enhancing the Corporation.

We need the U.S. Synthetic Fuels Corporation. But, we need it to be better. Some of the functions of the Corporation have in the past been handled through cabinet-level governmental departments such as Energy, Housing and Urban Development, and Environmental Protection Agency. But, through the budget and reconciliation process, the heart of those agencies' ability to meet the energy challenge has been largely eliminated.

Our Energy future is still dangerously tied to oil imports. That must end. It can only be ended if the federal government has the ability to assist in the development of a wide-range of alternatives to imported oil, and through continued conservation.

H.R. 5833 provides a sound basis for strengthening and invigorating the Corporation to form the basis for an effective program of investment in energy alternatives. Other measures also deserve a close look.

Abolishing the Corporation should not now be an option.

Doing nothing should not be an option, either.

STRONG SUPPORT FOR H.R. 5833

Mr. Chairman, last summer, along with several of my fellow Mayors, I had the opportunity to visit several European cities to survey some of the advances they have made in municipal-waste-to-energy and district heating. We marveled at the extraordinary progress made by our friends across the Atlantic. Our enthusiasm for the great things they have done was dampened only

by the frustration we felt in being so far behind in our own country. Catching up is the least we can do. We have the capacity to do better. We should and must, and quickly.

That's why our support for H.R. 5833 is strong. But we are not alone.

Attached to our statement are letters of strong suppport from the National League of Cities, the National Association of Counties, the Consumer Energy Council of America, a coalition of labor, rural energy, and urban organizations, as well as the International District Heating Association.

Mr. Chairman, the Conference is grateful for the opportunity to visit with you this morning. We have provided to the Subcommittee a detailed analysis of H.R. 5833, as well as an update on cities as energy producers entitled "City Currents," which I hope you will have the opportunity to review.

I would be pleased to take whatever questions the Subcommittee might have.

MUNICIPAL WASTE TO ENERGY—CITIES THAT HAVE UNDERTAKEN RESOURCE RECOVERY PLANNING

1. Alameda, CA
2. Appleton, WI
3. Bannock County, ID
4. Babylon Huntington (Multi-Town Authority), NY
5. Berkeley, CA
6. Broome County, NY
7. Broward County, FL
8. Camden County, NJ
9. Cincinnati, OH
10. Cuyahoga County, OH
11. Dutchess County, NY
12. East Brunswick, NJ
13. Eau Claire, WI
14. Essex County, NJ
15. Eureka, CA
16. Gardena, CA
17. Green Bay, WI
18. Hartford, CT
19. Hillsborough County, FL
20. Kansas City, Mo
21. Laurel, MT
22. Long Beach, CA
23. Los Angeles, CA
24. Marion County, OR
25. Memphis, TN
26. Nashville, TN
27. Naugatuck, CT
28. New Haven, CT
29. New York, NY
30. North Central, WI
31. North Haven, CT
32. North Hempstead, NY
33. North Santa Clara County, GA
34. Ocean County, NJ
35. Oneida County, NY
36. Onondaga County, NY
37. Opelika, AL
38. Plainville (128 West), MA
39. Portland, Or
40. Port Richmond, CA
41. Richmond, VA
42. Salt Lake City, UT
43. San Diego, CA
44. San Francisco, CA
45. Savannah, GA
46. Springfield, MA
47. Springfield, MO
48. St. Louis, MO
49. St. Paul/Ramsey County, MN
50. Ukiah, CA
51. Union County, NJ
52. Wallingford, CT
53. Washington County, NY
54. Williston, ND.

MUNICIPAL WASTE TO ENERGY—CITIES WITH PLANTS THAT ARE CONSTRUCTED OR IN SHAKEDOWN

1. Batesville, AR
2. North Little Rock, AR
3. Osceola, AR
4. Windham, CT
5. Jacksonville, FL (Naval Air Station)
6. Pompano Beach, FL
7. Burley, ID
8. Chicago, IL
9. Ames, IA
10. New Orleans, LA
11. Auburn, ME
12. Baltimore County, MD
13. Braintree, MA
14. Pittsfield, MA
15. Saugus, MA
16. Collegeville, MN
17. Duluth, MN
18. Durham, NH
19. Groveton, NH
20. Albany, NY
21. Monroe County, NY
22. Niagara Falls, NY
23. New York, NY (Betts Ave. incinerator)
24. Oceanside, NY
25. Harrisburg, PA
26. Crossville, TN
27. Dyersburg, TN
28. Gallatin, TN
29. Lewisburg, TN
30. Nashville, TN
31. Gatesville, TX
32. Palestine, TX
33. Hampton, VA
34. Newport News, VA (Ft. Eustis)
35. Norfolk, VA (Norfolk Naval Station.)
36. Portsmouth, VA (Norfolk Naval Shipyard.)
37. Salem, VA
38. Tacoma, WA
39. Madison, WI
40. Waukesha, WI.

MUNICIPAL WASTE TO ENERGY—CITIES WITH PLANTS THAT ARE UNDERGOING CONSTRUCTION OR MODIFICATION BUT MAY BE EXPERIENCING FINANCING PROBLEMS

1. Huntsville, AL
2. Blytheville, AR
3. Wilmington, DE
4. Dade County, FL (Parsons & Whittemore)
5. Lakeland, FL
6. Orange County, FL
7. Pinellas County, FL
8. Redwing, MN
9. Ft. Leonard Wood, MO
10. Livingston, MT
11. Portsmouth, NH
12. Cuba, NY
13. Akron, OH
15. Miami, OK
16. Harrisonburg, VA
17. Glen Cove, NY
18. Ft. Knox, KY.

MUNICIPAL WASTE TO ENERGY—CITIES THAT WOULD LIKE TO SIGN CONTRACTS FOR CONSTRUCTION BUT WHICH ARE EXPERIENCING FINANCING PROBLEMS

1. Dade County, FL (Agripost)
2. Honolulu, HI
3. Baltimore, MD
4. Haverhill/Lawrence, MA
5. North Andover, MA
6. Rochester, MA
7. Detroit, MI
8. Ft. Dix, NJ
9. Oyster Bay, NY
10. Westchester County, NY
11. Tulsa, OK
12. Warwick, RI
13. Burlington, VT
14. Petersburg, VA
15. Portsmouth, VA (S.E. Tidewater Energy Recovery Project).

CITIES WITH HUD DISTRICT HEATING/COOLING FEASIBILITY STUDIES

1. Albany, NY
2. Allentown, PA
3. Atlanta, GA
4. Atlantic City, NJ
5. Baltimore, MD
6. Bellows Falls/Rockingham, VT
7. Berlin, MD
8. Cambridge, MA
9. Campbellsville, KY
10. Columbus, OH
11. Dayton, OH
12. Devils Lake, ND
13. Ecorse, MI
14. Fort Wayne, IN
15. Galex, VA
16. Holland, MI
17. Lawrence, MA
18. Lewiston, ME
19. Missoula, MT
20. New York, NY
21. Norwalk, CT
22. Provo, UT
23. Richmond, IN
24. Santa Ana Pueblo, NM
25. Springfield, MA
26. Thermopolis, NY
27. Union County, OR
28. Gary, IN.●

By Mr. HELMS (for himself and Mr. HAYAKAWA):

S. 2620. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS OF 1982

● Mr. HELMS. Mr. President, I am today, in my capacity as chairman of the Committee on Agriculture, Nutrition, and Forestry, introducing a bill to reauthorize and amend the Federal pesticide registration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Joining me as a cosponsor of this legislation is the gentleman from California. (Mr. HAYAKAWA.)

Mr. President, the last major amendments to FIFRA were enacted in 1978. At that time, significant changes were made in many of the provisions of the law.

Since 1978, a number of problems have been encountered by the pesticide industry. Two of the problem areas that have generated increasing concern involve data required to be submitted to the Environmental Protection Agency (EPA) for registration of pesticides and for other purposes, and public access to health and safety data. many in the pesticide industry firmly believe that the 1978 amendments to FIFRA actually discourage companies from maintaining the time consuming and very expensive research and testing programs necessary to develop safe new pesticide chemicals or to discover new uses for already registered pesticides. This results from the fact that the extensive test data submitted to EPA is not adequately protected under the present law to prevent competitors from gaining access to it and registering competing products that can undercut the market and prevent the original developer from recovering its investment and making a profit.

This situation is of concern to me and, I believe, to many of my colleagues in Congress, due to the impor-

tant role safe and effective pesticides play in the production of agriculatural commodities. In recent years, reliance on pesticides and their importance to profitable agricultural production systems has increased appreciably. Farmers have successfully produced more usable crops per acre as increasingly effective pesticides have become available. New pest control challenges have created demand for new products, and until now the pesticide industry has effectively responded by increasing its research and development activity. It is important to the welfare of both the agricultural industry as well as the pesticide industry that this mutually beneficial relationship be maintained.

The bill that I am introducing today is the product of a great deal of effort by the pesticide industry, public interest and environmental organizations, the EPA, the House Agriculture Committee, and the staff of the Senate Committee on Agriculture, Nutrition, and Forestry. The process by which this bill evolved began in earnest last summer when several industry groups made various suggestions to the House and Senate Agriculture Committees for legislation to amend FIFRA.

Beginning on June 16, 1981, the House Subcommittee on Department Operations, Research, and Foreign Agriculture began a series of extensive hearings on many FIFRA issues. Based on those hearings and numerous working sessions, involving many interested parties, a comprehensive bill (H.R. 5203) was drafted and reported first to the full committee and then to the House of Representatives. The bill is pending action by the full House which is expected to come later this session.

My bill is closely patterned after H.R. 5203, except that it addresses only the major issues involving registration requirements and the protection of trade secrets and other information, and some related matters such as penalties, the extension of the scientific advisory panel, and the reauthorization of the program.

My purpose in introducing this bill at this time is to pave the way for the Committee on Agriculture, Nutrition, and Forestry to consider these major issues without going all the way back to the drawing board. I believe that this is the best way to allow the committee to take advantage of the extensive effort that has already been expended on these matters, while not foreclosing anyone from raising additional matters before the committee. In short, I see this bill as a catalyst to get the process of amending FIFRA in the Senate underway.

I will remain open at all times to suggestions for improvements in the bill and fully expect that the committee will consider and deal with a number of FIFRA issues that are not addressed in this bill.

I ask unanimous consent that the full text of the bill and a summary of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982".

DEFINITIONS

SEC. 2. Section 2 of the Federal Insecticide, Fungicide, and Rhodenticide Act is amended—

(1) in subsection (ee) by striking out "or" immediately before clause (4) and inserting immediately before "*: Provided further,*" the following: ", or (5) using a registered pesticide product in the formulation of another registered end-use product, or repackaging a registered pesticide product into another registered end-use product, unless such use is prohibited by the labeling";

(2) by adding at the end thereof a new subsection as follows:

"(ff) 'Pesticide product' means a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed, sold, offered for sale, held for sale, shipped, or delivered for shipment in any State by a particular person.".

REGISTRATION OF PESTICIDES

SEC. 3. Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by amending subsection (c)(1) to read as follows:

"(1) STATEMENT REQUIRED.—Each applicant for registration shall file with the Administrator a statement which includes—

"(A) the name and address of the applicant and of any other person whose name will appear on the labeling;

"(B) the name of the pesticide product;

"(C) a complete copy of the labeling of the pesticide product, a statement of all claims to be made for it, and any directions for its use;

"(D) data as required by subsection (h) of this section with any trade secret or commercial or financial information, or innovative methods and technology marked as required by section 10(a) of this Act;

"(E) the complete formula of the pesticide product; and

"(F) a request that the pesticide product be classified for general use, for restricted use, or for both."

(2) by amending subsection (c)(2)(A) to read as follows:

"(2)(A) DATA IN SUPPORT OF REGISTRATION.—The Administrator shall publish guidelines specifying the kinds of information which would usually be required to support the registration of a pesticide product and shall revise such guidelines from time to time. The Administrator, in establishing guidelines for data requirements for the registration of pesticides with respect to minor uses, and with respect to various types and classes of pesticides, shall make such guidelines commensurate with the anticipated extent of use, pattern of use, and the level and degree of potential exposure of man and the environment to the pesticide. In the development of these guidelines, the Administrator shall consider the economic factors of potential national volume of use, extent of distribution, and the impact of the cost of meeting the guidelines on the incentives for any potential registrant to undertake the development of the required data. Guidelines and modifications thereof having general applicability shall be published in the Federal Register. The Administrator shall provide for public comment for Agency guidance in development of such guidelines or modifications. Within thirty days after the Administrator registers a pesticide product under this Act the Administrator shall make available to the public the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to the decision. The data shall not be made available in any manner inconsistent with the provisions of section 10 of this Act.";

(3) by amending subsection (c)(2)(B) to read as follows:

"(B) ADDITIONAL DATA TO SUPPORT EXISTING REGISTRATION.—

"(i) If the Administrator determines that additional data are required to maintain in effect an existing registration of a pesticide product (or a category of products) containing a particular active ingredient, the Administrator shall notify all existing registrants of the pesticide to which the determination relates and provide a list of such registrants to any interested person. The notice shall specify the data required, the date by which the data shall be submitted, and the procedure for obtaining rulings by the Administrator on questions concerning the applicability of the notice to various registrants or concerning the nature of the studies to be conducted and of the data required to be submitted.

"(ii) Each registrant of such a pesticide product to whom the notice is applicable shall provide evidence within one hundred and eighty days after receipt of the notification specified in clause (i) of this subparagraph that it is taking the appropriate steps prescribed by the Administrator to secure the required data. If more than one registrant is subject to the notice, such steps shall include entering into a joint data development arrangement, unless the registrants subject to the notice unanimously agree otherwise. The joint data developers shall furnish to the Administrator the name, address, and telephone number of the person to whom inquiries concerning the arrangement should be addressed. As an initial cost of participation the joint data developers shall divide equally 25 percent of the estimated total cost of producing the required data or each shall pay $100,000, whichever is less. The balance of the cost of producing the data shall be paid by the joint data developers as needed, and shall be shared by each joint data developer on the basis of its United States market participation for the pesticide being tested, based on total pounds of active ingredient equivalent sold or used annually. Each joint data developer's market participation shall be adjusted during the period of the data development so that the most recent sales figures are used to compute each member's market share for the purpose of determining its share of the remaining cost of producing the required data. Each of the joint data developers shall submit adequate evidence of its annual market participation to an independent auditor for each of the years during the period of the joint data development. Such independent auditor shall be chosen by the joint data developers. The auditor's decisions and determinations shall be final and binding on each of the joint data developers. If futher data are required by the Administrator under this paragraph, either before or after the additional data that were originally requested have been submitted, the same formula and procedure specified in this paragraph shall apply as if the subsequent request were the initial re-

quest for data. Any registrant who shares in the cost of producing the data shall be entitled to receive a copy of the data, and to examine and rely upon such data in support of maintenance of such registration.

"(iii) Notwithstanding any other provision of this Act, if a registrant who is subject to the notice from the Administrator, within the one hundred and eighty-day period prescribed in clause (ii) of this subparagraph, fails to enter into a joint data development arrangement under that clause, fails to take appropriate steps to secure and submit the required data, or fails to comply with the terms of a joint data development arrangement, the Administrator shall issue a notice of intent to suspend such registrant's registration of the pesticide for which additional data are required. The administrator may include in the notice of intent to suspend such provisions as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide. Any suspension proposed under this subparagraph shall become final and effective at the end of thirty days from receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice, or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If requested, a hearing shall be conducted under section 6(d) of this Act. The only matters for resolution at that hearing shall be whether the Administrator had a valid and reasonable basis for requiring the additional data, whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide product for which additional data is required, and whether the Administrator's determination with respect to the disposition of existing stocks is consistent with this Act. If a hearing is requested, the hearing shall be held and a decision shall be made within seventy-five days after receipt of such request, and the decision shall be final. Any registration suspended under this subparagraph shall be reinstated by the Administrator if the Administrator determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

"(iv) Subject to the provisions of clause (vi) of this subparagraph, data submitted under this subparagraph (before or after the effective date of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982) shall not be considered by the Administrator to support any application for registration, amended registration, reregistration or experimental use permit on behalf of any person other than the joint data developers for a period of fifteen years after the data are submitted, unless such person has reimbursed the joint data developers by paying a share of the real costs of producing the data in proportion to the number of persons sharing in such costs. Upon payment, such person shall be considered to be an original participant and shall share in all rights and be bound by all obligations entered into by the original data developers. Such reimbursement shall be made to the original participants based on the percentage of the overall monetary participation in the joint data development arrangement.

"(v) The provisions of this clause shall apply to health and safety data submitted voluntarily by a registrant or applicant at any time after September 30, 1978, to replace data which such person deems scientifically insufficient under generally accepted good laboratory practices or test standards. In order to obtain the rights provided by this clause and clause (iv) of this subparagraph with respect to such data, a registrant or applicant undertaking such a replacement study shall notify the Administrator that the replacement study is being performed or has been performed. The Administrator shall publish any such notification in the Federal Register promptly after its receipt, and shall state therein whether the validity of the study is under review and any determinations as to its validity which have been made. Each person who, as of the date of publication, is a registrant or an applicant for registration of any product containing the active ingredient which is the subject of the study shall have the opportunity to participate in a joint data development arrangement as provided in clause (ii) of this subparagraph. If a registrant or applicant of record as of the date of publication of the notice informs the person undertaking the study, within ninety days of the date of publication, of the registrant or applicant's decision to voluntarily participate, the registrant or applicant shall have the rights and duties of a joint data developer as described in clauses (ii), (iii), and (iv) of this subparagraph.

"(vi) With respect to any study which has been or is being performed in response to a request for additional data issued under this subparagraph between September 30, 1978, and the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, any person who on such date of enactment is the registrant of a product of the type to which that request applies but who is not already a party to an agreement to share in the cost of performing that study shall be entitled to enter into a joint data development arrangement with any person or group which is performing or has performed that study, under which arrangement such person shall have the rights and duties of a joint data developer as follows: in the case where a study is being performed by two or more persons under a joint data development agreement, a registrant who wishes to avail himself of the rights provided by this clause shall be bound by the terms of such agreement; and in all other cases, a registrant who wishes to avail himself of the rights provided by this clause shall share in the cost of producing the data as provided in clause (iv) of this subparagraph and shall be subject to the provisions of clause (iii) of this subparagraph: *Provided*, That any registrant who wishes to be availed of the rights provided by this clause shall, not later than one hundred and twenty days after date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, submit an irrevocable offer to enter into such an arrangement to the person or group which is performing or has performed the study.";

(4) by amending subsection (c)(2)(D) to read as follows:

"(D) EXEMPTION.—No applicant for registration, reregistration or amended registration of a pesticide product who proposes to purchase a registered pesticide product from another producer in order to formulate such purchased pesticide product into an end-use product shall be—

"(i) Required to submit or cite data pertaining to the safety of such registered pesticide product or offer to pay compensation otherwise required by paragraph (1)(D) of this subsection and subsection (h) for the use of any such data: *Provided*, That

"(I) this exemption shall be applicable with respect to data that concern the safety of a new use and that are entitled to exclusive-use protection under subsection (h)(2)(A) of this section, only as long as the person who submitted such data has given written permission to any applicant and all conditions of such permission remain satisfied;

"(II) if at any time after registration, amended registration, or reregistration the Administrator finds that the registrant ceased using a purchased registered pesticide product as the source of the active ingredient in formulating the end-use product, this exemption shall no longer apply;

"(III) if at any time this exemption becomes inapplicable due to the provisions of clause (i)(I) or (i)(II) of this subparagraph, and the registrant fails to agree to supply the data required for registration as set forth in subsection (h)(2) of this section, the Administrator shall issue an order suspending the registration and a notice providing the registrant an opportunity for a hearing on whether the suspension should be revoked because the registrant is entitled to the exemption. If requested, a hearing shall be conducted as provided under section 6(d) of this Act, except that the only issue to be decided shall be whether the registrant is entitled to an exemption under this subparagraph. The provisions of section 6(d) of this Act regarding referral of matters to a Committee of the National Academy of Sciences shall not apply to such a hearing; and

"(IV) the Administrator may require the submission of data pertaining solely to the safety of a changed use pattern proposed for the end-use product if such data have not already been submitted to the Administrator; or

"(ii) subject to a notice issued under paragraph (2)(B) of this subsection for additional data concerning the safety of the purchased product or of the active ingredients thereof.

Nothing contained in subsection (h)(2) of this section shall limit the provisions of this exemption.";

(5) in subsection (c)(3) by inserting "or (7) of this subsection" immediately after "with paragraph (5)", and by inserting "of this subsection" immediately after "with paragraph (6)";

(6) in subsection (c)(8) by inserting the designation (A) immediately before "Notwithstanding any other provision of this Act", and adding new subparagraphs at the end thereof as follows:

"(B) At least ninety day prior to initiating a public interim administrative review process, the Administrator shall notify all affected registrants of the risks upon which the proposed review will be based. In finally determining whether to initiate a public interim review, the Administrator shall consider any correcting or clarifying data or other information submitted by a registrant, or other interested person, including data on human or environmental exposure. If after giving notice to registrants under this subparagraph, the Administrator determines that it is not necessary to initiate a public interim review, then the Administrator shall make the reasons therefor available to the public.

"(C) The Administrator shall not by regulation or otherwise utilize a public interim administrative review process to abridge entitlement to a public hearing in accordance with section 6 of this Act.

"(D) A decision by the Administrator not to cancel or suspend the registration of a pesticide product or any use thereof or not to restrict the classification of a pesticide, following an interim administrative review, shall be subject to judicial review under section 16(a) of this Act, and any person who has participated in such interim administrative review shall have standing in any such judicial review proceeding.";

(7) by amending subsection (d)(1)(C)(ii) to read as follows:

"(ii) if the Administrator classifies a pesticide, or one or more uses of a pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by or under the direct supervision of a certified applicator, or subject to such restrictions, including but not limited to geographic, hydrogeologic, soil-specific or seasonal restrictions, as the Administrator may provide by regulation: *Provided,* That any such regulation that contains restrictions that apply to the applicator shall require an appropriate notice of such restrictions on the label. Any such regulation shall be reviewable in the appropriate court of appeals upon petition filed within sixty days after the effective date of the regulation by a person adversely affected by the regulation.";

(8) by adding at the end of subsection (g) the following: "The Administrator shall furnish registrants reasonable notice, not less than ninety days, of when they must apply for reregistration of their products. If an application for reregistration of a product is not received by the date specified in such notice, the Administrator shall issue an order canceling the product's registration. The Administrator may include in the order such provisions as the Administrator deems appropriate concerning the continued sale and use of existing stocks of the product. An order issued under this subsection shall be subject to judicial review under section 16(a) of this Act. A cancellation of a product's registration under this subsection shall not affect the right of a person whose registration was canceled to apply for a new registration of that product or a similar product in the future."; and

(9) by adding a new subsection at the end thereof as follows:

"(h) USE OF DATA.—

"(1) DEFINITIONS.—For the purpose of this subsection:

"(A) The term 'pesticide product that contains a new active ingredient' means a pesticide product that is first registered after September 30, 1978, and that contains an active ingredient which as of the date of that product's first registration, has not been listed as an active ingredient in the ingredient statement of any other registered pesticide product.

"(B) The term 'new use' means, with respect to any active ingredient, a use:

(i) that is or was approved for registration for the first time after September 30, 1978;

(ii) that was not part of the original registration for such active ingredient; and

(iii) for which, because of differences between the use and other previously-registered uses of products containing that active ingredient, the Administrator requires or required the submission of data pertaining to the use as a prerequisite to or condition of registering any product for the use.

"(C) The term 'new use data' means data concerning a product's active ingredient(s) submitted to support an application to amend a registration of a pesticide product by adding a new use, or to register a pesticide product with a new use, conditionally or unconditionally. The term shall not include data that pertain to a different, previously registered use that is not a new use.

"(D) The term 'old-ingredient data' means data submitted to the Administrator that concern the safety or affects of any product registered under this Act before the data were submitted, or that concern the safety or effects of any active ingredient of any such product, but shall not include data submitted to fulfill the conditions of a conditional registration under subsection (c)(7)(C) of this section.

"(E) The term 'data concerning a product's active ingredient' includes data from a test performed using the technical or purer grade of the active ingredient, and data from a test performed using an end-use product or other test substance that is intended to provide information concerning the safety or effects of the active ingredient.

"(F) The term 'data required for registration' means the minimun kinds and number of studies which the Administrator would require in order to approve an application for unconditional registration under subsection (c)(5) of this section of a product with composition and labeling identical or substantially similar to that of the applicant's product, including data sufficent to satisfy guidelines issued under subsection (c)(2)(a) of this section: *Provided,* That to the extent that any such data have not been generated by any applicant or registrant or have been determined by the Administrator to be invalid, the provisions of subsection (c)(7) of this section apply: *Provided further,* That for purposes of a manufacturing-use registration, the data required for registration shall include not only the data required solely for registration of the manufacturing-use product, but also all data concerning the active ingredient of the product required for registration of all registered end-use products which the manufacturing-use product can be used to formulate, except to the extent that the label of the manufacturing-use product prohibits its use for the formulation of such an end-use product.

"(2) DATA REQUIREMENTS.—An applicant shall supply the data required for registration as set forth in this paragraph. The applicant shall submit data or cite data previously submitted to the Administrator, or use any combination of those two methods, except to the extent that the applicant is precluded from relying on data by the following provisions:

"(A)(i) The following data shall not, without the written permission of the original data submitter, be relied on by any other applicant to support any application for any registration (conditional or unconditional), amended registration, or reregistration, or experimental use permit during a period commencing with the date the data are originally submitted and ending fifteen years after the date the Administrator approves the original data submitter's application for registration or amended registration:

"(I) data (other than old ingredient data) submitted to support the application for the original conditional or unconditional registration of a product that is, or if registered will be, a pesticide product that contains a new active ingredient and data subsequently submitted to fulfill the conditions of such a conditional registration under subsection (c)(7)(C) of this section; and

"(II) data (other than old-ingredient data) submitted after the effective date of this provision to support an application for an experimental use permit for a pesticide product containing a new active ingredient.

"(ii) New use data pertaining to an active ingredient which was not an active ingredient of any product registered on or before September 30, 1978, shall not, without the written permission of the original data submitter, be relied on by any other applicant to support any application for registration (conditional or unconditional), amended registration, reregistration, or experimental use permit, for a period commencing with the submission of the data and ending fifteen years after the date of the first registration for any new use of any product containing that active ingredient.

"(iii) New use data pertaining to an active ingredient which was not an active ingredient of any product registered before January 1, 1970, but which was an active ingredient of one or more products registered on or before September 30, 1978, shall not, without the written permission of the original data submitter, be relied on by any other applicant to support any application for registration (conditional or unconditional), amended registration, reregistration, or experimental use permit, for a period commencing with the submission of the data and ending on September 30, 1993.

"(B) During the period in which data of an original data submitter are entitled to exclusive use protection under subparagraph (A) of this paragraph, any subsequent applicant also may obtain a registration for a product having the same new active ingredient or new use, or may obtain a permit for the same experimental use, by independently submitting to the Administrator the data required for registration or for the permit and by satisfying the pertinent requirements of section 3(c)(5), 3(c)(7), or 5 of this Act. Data of the type described by subparagraphs (A)(i), (ii), and (iii) of this paragraph submitted by such subsequent applicant shall be entitled to the same exclusive use protection as described in subparagraph (A) of this paragraph, but only for the duration of the period of exclusive use remaining for data submitted by such original data submitter, and can be relied upon by others only with the written permission of the subsequent applicant.

"(C) data concerning a product's active ingredients submitted pursuant to subsection (c)(2)(B) of this section may be relied on by an applicant only in accordance with the provisions of that subsection.

"(D) data concerning a product's active ingredients not described by subparagraph (A), (B), or (C) of this paragraph and submitted by an applicant or registrant after December 31, 1969, but on or before September 30, 1978, to support an application for registration, experimental use permit, amended registration, or reregistration, or to support or maintain in effect an existing registration, may not, during the fifteen-year period following the date the data were originally submitted, be relied on in support of an application by any other person (hereinafter referred to in this subparagraph as the 'applicant') without the written permission of the original data submitter, unless the applicant has made an offer to compensate the original data submitter and submitted to the Administrator evidence of delivery of the offer to the original data submitter. The terms and amount of compensation may be fixed by agreement between the original data submitter and the applicant, or, failing such agreement, binding arbitration under this subparagraph. If, at the end of ninety days after the date of delivery to the original data submitter of the offer to compensate, the original data submitter and the applicant have neither agreed on the amount and terms of compensation nor agreed on a procedure for reaching an agreement on the amount and terms of compensation, either person may initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of the Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings, and the findings and determination of the arbitrator shall be final and conclusive, and no official or court of the

United States shall have power or jurisdiction to review any such findings and determination, except for fraud, misrepresentation, or other misconduct by one of the parties to the arbitration or the arbitrator where there is a verified complaint with supporting affidavits attesting to specific instances of such fraud, misrepresentation, or other misconduct. The parties to the arbitration shall share equally in the payment of the fee and expenses of the arbitrator. If the Administrator determines that an original data submitter has failed to participate in a procedure for reaching an agreement or in an arbitration proceeding as required by this subparagraph, or failed to comply with the terms of an agreement or arbitration decision concerning compensation under this subparagraph, the original data submitter shall forfeit the right to compensation for the use of the data in support of the application. Notwithstanding any other provision of this Act, if the Administrator determines that an applicant has failed to participate in a procedure for reaching an agreement or in an arbitration proceeding as required by this subparagraph, or failed to comply with the terms of an agreement or arbitration decision concerning compensation under this subparagraph, the Administrator shall deny the application or cancel the registration of the pesticide product in support of which the data were used without further hearing. Before the Administrator takes action under either of the preceding two sentences, the Administrator shall furnish to the affected person, by certified mail, notice of intent to take action and allow fifteen days from the date of delivery of the notice for the affected person to respond. If a registration is denied or canceled under this subparagraph, the Administrator may make such order as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide product. Registration action by the Administrator shall not be delayed pending the fixing of compensation.

"(E) Except as provided in subparagraphs (A) through (D) of this paragraph, an applicant may rely on any item of data without obtaining the permission of the original data submitter and without offering to compensate the original data submitter for the use of such item of data. Notwithstanding any other provision of this section, an original submitter of an item of data shall be entitled to rely on the provisions of subsection (h)(2)(A), (B), or (D) of this section with respect to that item of data only if the original submitter (or its predecessor in interest) generated the data, paid for the generation of the data, or purchased the rights in the data afforded under this subsection.

"(F) Notwithstanding any other provision of this Act, no provision of subsection (h) of this section shall abridge the right of an applicant or registrant to obtain a registration, reregistration, amended registration, or experimental use permit (i) solely on the basis of data independently developed and submitted by the applicant or registrant itself, (ii) except as provided in subparagraphs (A) through (D) of this paragraph, on the basis of previously submitted data cited or submitted by an applicant or registrant, or (iii) any combination of the foregoing; and the Administrator shall not in any way abridge such right.

"(G) The Administrator may approve an application only upon a determination that the application is in compliance with subsection (h) of this section. If an applicant has submitted or cited data which are required for registration in a manner consistent with subsection (h), the Administrator may then review any other data in deciding whether approval of such application would cause (or would significantly increase the risk of) unreasonable adverse effects on the environment.

"(H) An applicant for registration of an end-use product shall provide to the Administrator the identity of the source of the active ingredient in the end-use product. The applicant shall certify to the Administrator in its application that the uses for which registration is sought are not prohibited by the label of any manufacturing-use product that the applicant will use as the source of such active ingredient. During the period that the applicant's registration is in effect, the applicant shall report to the Administrator any change in the source of such active ingredient.

"(I) An applicant for registration of a product whose active ingredients and intended uses are identical or substantially similar to those of one or more already registered products need not submit or cite data concerning any of the product's active ingredients unless data of the same type for such ingredients apppear on the indexes prepared in accordance with subparagraph (J) of this paragraph.

"(J) The Administrator shall compile, for each active ingredient affected, an index comprised of each item of data described by subparagraphs (A), (B), (C), and (D) of this paragraph. For each such item of data, the list shall set forth the date the item of data was originally submitted, the identity of the original submitter, a brief description of the kind of study that yielded the data, and the subparagraph of subsection (h)(2) that describes the data. The Administrator shall make the first such set of indexes available for release to the public not later than one year after the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982. An item of data that was originally submitted to the Administrator on or before the date of enactment of this subparagraph may be included on any such index only if, not later than one hundred and eighty days after such date of enactment the Administrator has received from the original submitter of that item of data a written statement setting forth the date the item of data was originally submitted, a brief description of the kind of study that yielded the data, the subparagraph in this paragraph that describes the data, the Environmental Protection Agency data accession number (if known), and the reasons why the item of data is entitled to be included in the index. The Administrator shall update the indexes, at least semiannually by adding any item of data described by subparagraph (A), (B), or (C) of this paragraph and submitted after the effective date of these amendments, and by deleting items of data which no longer are described by subparagraph (A), (B), (C), or (D) or which the Administrator finds were incorrectly included on the indexes. The update indexes shall be made available to the public. An index shall be deemed to include any item of data which is entitled to be in the index but which was received by the Administrator too recently to have been included in the most recent update of the index. A decision by the Administrator to include an item of data in such an index, or to exclude it, shall be subject to judicial review under section 16(a) of this Act.

"(K) At the request of an applicant for registration of a product containing a particular active ingredient, the Administrator shall require the original submitter of any items of data which concern that active ingredient, but which are not included or deemed to be included on any index compiled under subparagraph (J) of this paragraph, to furnish a report, within a reasonable period of time to be specified by the Administrator, which briefly describes the type of study that yielded each such item of data, states the date each such item of data was originally submitted, and states any accession numbers or other identifying information (if known) used by the Agency to catalog the items of data.

(L) Each application for registration of a new product, for reregistration, for an experimental use permit, or for amendment of an existing registration to add a use shall include a list of the applicable data requirements, a list of the data the applicant is submitting or citing to satisfy each such requirement, and a certification that the applicant is not precluded by subparagraph (A), (B), (C), or (D) of this paragraph from relying on any of the data listed with the application. After the Administrator has approved an application, the lists and certification shall be available to the public. Any data submitter who claims that such an applicant has incorrectly listed the applicable data requirements, has not submitted or cited data sufficient to satisfy those requirements, has not submitted a required authorization from a data submitter or otherwise has failed to comply with subsection (h) of this section, and who claims, in that person's capacity as the original submitter of data included on an index described by subparagraph (J) of this paragraph to have been adversely affected by the approval of the application may petition the Administrator to hold a hearing to determine whether the registration should be canceled. Such petition shall be in writing and shall contain a detailed statement of reasons why the registration should be canceled. Upon receipt of the petition, the Administrator shall afford the registrant a reasonable period of time, not to exceed sixty days, to respond to the petitioner's allegations. The Administrator shall then issue a written decision within thirty days, specifying what action to take on the petition.

"(i) If the Administrator finds that the petition and any response show that there is no reasonable possibility that a hearing would lead to cancellation of the registration for the reasons set forth in the petition, the Administrator shall deny the petition. Any such denial shall be subject to judicial review under section 16(a) of this Act. The reviewing court shall not allow discovery proceedings nor receive testimony or evidence, and shall base its review solely on the petition, the registrant's response, the Administrator's decision, and the pleadings and briefs filed with the court. If the court finds that the Administrator's decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, the court shall remand the matter to the Administrator for purposes of holding a hearing under this subparagraph. If the court does not so find, the case shall be dismissed.

"(ii) If the Administrator finds that the petition and any response indicate that there is a reasonable possibility that a hearing may lead to cancellation of the registration for the reasons set forth in the petition, or if the Administrator is ordered by a court to hold a hearing, the Administrator shall issue a notice of intent to hold a hearing to determine whether the product's registration should be canceled, which notice shall be furnished by certified mail to the registrant and the petitioner. The hearing shall be held in the manner provided by section 6(d) of this Act: *Provided*, That the provisions of that section regarding referral of matters to a Committee of the National Academy of Sciences shall not apply to such a hearing: And provided further, That the petitioner shall have the burden of proving that the registration should be canceled.

The Administrator's order following such a hearing shall be issued within ninety days from the date of the notice of intent to hold a hearing. An order following such a hearing that cancels the registration of a product shall take effect immediately upon issuance. Review of the Administrator's order following such a hearing shall be governed by section 16(b) of this Act. The provisions of this subparagraph and of subparagraph (m) of this paragraph shall constitute the sole and exclusive means of review, at the behest of any person other than the Administrator, of the extent to which an application for registration complies with subsection (h) of this section, notwithstanding the other provisions of this Act, chapter 5 and 7 of title 5 of the United States Code, or any other statute.

"(m) For the purpose of enforcing exclusive rights to data submitted to obtain new use registration pursuant to paragraph (2)(A)(ii) and (iii) of this subsection, each applicant for registration of a product with uses previously registered by another registrant shall be required to certify that the applicant has reviewed the indexes prepared pursuant to paragraph (2)(j) and any provisional indexes prepared pursuant to paragraph (5) of this subsection, and further that the applicant is not relying on data submitted by another person, without the written permission of such person, that the indexes show to be unavailable for use because of exclusivity rights provided under paragraph (2)(A)(ii) and (iii) of this subsection. Such certification shall not be required from an applicant who is exempt from submitting or citing the data required for approval of the registration under subsection (c)(2)(D) of this section, and the procedures described in this paragraph shall not apply to such person. Upon receiving the required certification, the Administrator may process an application without determining the validity of any statement contained in such certification. Not later than thirty days before approving the application, the Administrator shall make available to the public the name of the applicant submitting such certification, the active ingredients in the applicant's product, and the uses for which registration is sought. Before petitioning the Administrator to hold a hearing to determine whether such registration should be denied (or if it has been approved, canceled), a person who claims that the applicant has failed to comply with subsection (h) of this section and that the person would be adversely affected by such approval in that person's capacity as the original submitter of data included on such index shall notify the applicant in writing of such position. Within thirty days after receiving this notice, the applicant shall deliver a response in writing to the data submitter. The Administrator may withhold action on the application until ten days after the data submitter receives the applicant's response. After receiving the response, the data submitter may petition the Administrator to hold a hearing to determine whether to approve the applicant's registration, or to cancel such registration if it has been approved. The Administrator may withhold approval of the registration upon finding that the petitioner is likely to prevail in the dispute. If the Administrator at any time finds that the petitioner acted without good cause in prosecuting the dispute or that the applicant acted without good cause in refusing to withdraw an application that relies on the petitioner's data in violation of this section, the Administrator may award attorney's fees or costs of prosecuting or defending the dispute against the person acting without good cause, and may award damages suffered by the party that acted in good faith. In all other respects, the petition shall be processed in accordance with the procedures specified in paragraph (2)(L) of this subsection, and the Administrator's decision shall be subject to review as provided in paragraph (2)(L).

"(3) Except as provided in paragraphs (4) and (5) of this subsection, the provisions of paragraph (2) of this subsection shall not become effective with respect to the approval of applications under this Act until eighteen months after enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982.

"(4) With respect to any application for registration of a pesticide product that contains a new active ingredient (and contains no other active ingredient), or for registration of any other product containing the same active ingredient, that could be registered under this Act but for the provisions of sections 162.9-3 and 162.9-4 of title 40, Code of Federal Regulations, in effect on the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, the following paragraphs shall become effective immediately upon enactment of such amendments:

"(A) Paragraph (2)(F) of this subsection, except for clauses (ii) and (iii) thereof; and

"(B) Paragraph (2)(G) of this subsection.

"(5) With respect to any application to amend a registration of any pesticide product by adding a new use, or to register a product with a new use, paragraphs (2)(A), (2)(L), and (2)(M) of this subsection shall become effective immediately upon the submission by the applicant of a provisional index of the applicant's data submitted to support the new use in the form prescribed by paragraph (2)(I) of this subsection, and the publication of such provisional index in the Federal Register. The Administrator may charge the applicant a fee to cover the cost of publishing the index, which fee shall be placed in a revolving fund to be used for the payment of publishing charges.

"(6) Offers to pay compensation under subsection (c)(1)(D) of this section made before enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982 shall be governed by the law in effect at the time the offer was made.

"(7) Except as provided in paragraph (3) of this subsection, with respect to applications approved before expiration of the eighteen month period after enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, an applicant shall supply the data required under this paragraph. An applicant shall file a statement that includes, except as otherwise provided in subsection (c)(2)(D) of this section, if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, or alternatively a citation to data that appears in the public literature or that previously had been submitted to the Administrator and that the Administrator may consider in accordance with the following provisions:

"(A) with respect to pesticides containing active ingredients that are initially registered under this Act after September 30, 1978, data submitted to support the application for the original registration of the pesticide, or an application for an amendment adding any new use to the registration and that pertains solely to such new use, shall not, without the written permission of the original data submitter, be considered by the Administrator to support an application by another person during a period of fifteen years following the date the Administrator first registers the pesticide: *Provided*, That such permission shall not be required in the case of old-ingredient data;

"(B) except as otherwise provided in subparagraph (A) of this paragraph, with respect to data submitted after December 31, 1969, by an applicant or registrant to support an application for registration, experimental use permit, or amendment adding a new use to an existing registration, to support or maintain in effect an existing registration, or for reregistration, the Administrator may, without the permission of the original data submitter, consider any such item of data in support of an application by any other person (hereinafter in this subparagraph referred to as the 'applicant') within the fifteen-year period following the date the data were originally submitted only if the applicant has made an offer to compensate the original data submitter and submitted such offer to the Administrator accompanied by evidence of delivery to the original data submitter of the offer. The terms and amount of compensation may be fixed by agreement between the original data submitter and the applicant, or, failing such agreement, binding arbitration under this subparagraph. If, at the end of ninety days after the date of delivery to the original data submitter of the offer to compensate, the original data submitter and the applicant have neither agreed on the amount and terms of compensation nor on a procedure for reaching an agreement on the amount and terms of compensation, either person may initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of the Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings, and the findings and determination of the arbitrator shall be final and conclusive, and no official or court of the United States shall have power or jurisdiction to review any such findings and determination, except for fraud, misrepresentation, or other misconduct by one of the parties to the arbitration or the arbitrator where there is a verified complaint with supporting affidavits attesting to specific instances of such fraud, misrepresentation, or other misconduct. The parties to the arbitration shall share equally in the payment of the fee and expenses of the arbitrator. If the Administrator determines that an original data submitter has failed to participate in a procedure for reaching an agreement or in an arbitration proceeding as required by this paragraph, or failed to comply with the terms of an agreement or arbitration decision concerning compensation under this paragraph, the original data submitter shall forfeit the right to compensation for the use of the data in support of the application. Notwithstanding any other provision of this Act, if the Administrator determines that an applicant has failed to participate in a procedure for reaching an agreement or in an arbitration proceeding as required by this subparagraph, or failed to comply with the terms of an agreement or arbitration decision concerning compensation under this paragraph, the Administrator shall deny the application or cancel the registration of the pesticide in support of which the data were used without further hearing. Before the Administrator takes action under either of the preceding two sentences, the Administrator shall furnish to the affected person, by certified mail, notice of intent to take actions and allow fifteen days from the date of delivery of the notice for the affected person to respond. If a registration is denied or canceled under this subparagraph, the Administrator may make such order as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide. Registration action by the

Administrator shall not be delayed pending the fixing of compensation;

"(C) after expiration of the period (if any) of exclusive use and any period (if any) for which compensation is required for the use of an item of data under paragraphs (A) and (B) of this subsection, the Administrator may consider such item of data in support of an application by any other applicant without the permission of the original data submitter and without an offer having been received to compensate the original data submitter for the use of such item of data.".

CANCELLATION AND CHANGE IN CLASSIFICATION

SEC. 4. section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by amending clauses (1) and (2) of the first sentence to read as follows:

"(1) to cancel or phase out its registration, or to change its classification, together with the reasons (including the factual basis) for such action, or

"(2) to hold a hearing to determine whether or not its registration should be canceled or phased out, or its classification changed,";

(2) by striking out the third sentence and inserting in lieu thereof the following: "In determining whether to issue any such notice, the Administrator shall include among the factors to be taken into account the impact of the action proposed in such notice on production and prices of agricultural commodities, retail food prices, and otherwise on agricultural producers, and on the agricultural economy. The determination of such impacts shall be based on biologic and economic assessments, including but not limited to any prepared by the Department of Agriculture."; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "In taking any final action under this subsection, the Administrator shall consider restricting a pesticide's use or uses as an alternative to cancellation and shall fully explain the reasons for these restrictions, and include among those factors to be taken into account the impact of such final action on production and prices of agricultural commodities, retail food prices, and otherwise on agricultural producers and on the agricultural economy, and the Administrator shall publish in the Federal Register a notice of availability of an analysis of such impacts. In preparing the final analysis of such impacts, the Administrator shall fully consider all comments on the proposal, including those provided by the Secretary of Agriculture".

PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

SEC. 5. Section 10 of the Federal Insecticide, Fungicide and Rodenticide Act is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) At the time of submitting information required by this Act, the data submitter shall clearly mark portions thereof believed to fall within the following categories: trade secrets; privileged or confidential commercial or financial information; and data described by subsection (d)(2)(B) of this section. The data submitter also shall explain why each marked portion falls within the designated category and the extent to which it is protected from disclosure or transfer under this section, and shall submit such marked materials separately from the other material required under this Act. Any data (or portions thereof) not so marked submitted more than sixty days after enactment of the Federal Insecticide, Fungicide and Rodenticide Act Amendments of 1982 shall be available to the public without regard to any protections provided in this Act for information that falls within such categories.

"(2) Before disclosing or making available any information under this section that was submitted prior to the effective date of the interim final regulations promulgated pursuant to this subsection (other than information which has already been made available to a member of the public or which the data submitter has previously indicated do not fall within the categories described in paragraph (1) of this subsection), the Administrator shall afford the data submitter a reasonable period of time, not to exceed sixty days from the date of receipt by the data submitter of a request by the Administrator, to identify any portions of the information that the data submitter claims to fall within the categories described in paragraph (1) of this section and to substantiate such claims. If no claim is made within the period afforded, or if the Administrator finds the claim to be without merit, the information shall be made available in accordance with this section.

"(3) A data submitter may file with the Administrator a designation of a representative authorized to receive communications regarding matters arising under this section, in which case all time periods subsequently requiring or permitting action by the data submitter under this section shall begin to run from the date of actual receipt of any notice by such representative.";

(2) by amending subsection (c) to read as follows:

"(c) DISPUTES.—If the Administrator proposes to make the initial public disclosure or transfer of any item of data which the data submitter has claimed to be protected from disclosure or transfer by this section, but which the Administrator determines is not so protected, the Administrator shall notify the data submitter, in writing, by certified mail. The Administrator shall not thereafter make the item of data available to the public until thirty days after receipt of the notice by the data submitter. During this period, the data submitter may institute an action in an appropriate district court for a declaratory judgment as to whether such information is protected from the proposed disclosure or transfer. The procedures prescribed by this subsection shall apply only to the first time a given item of data is disclosed to the public. This subsection shall not apply to any proposed disclosure under subsection (d)(4) of this section.";

(3) by amending subsection (d)(1) to read as follows:

"(d) LIMITATIONS.—

"(1) Notwithstanding any provision of section 552, of title 5, United States Code or any other law, to the contrary, but subject to the provisions of this section, all information concerning the objectives, methodology, results, or significance of any test or experiment performed on or with a registered or previously registered pesticide or its separate ingredients, impurities, or degradation products, and any information concerning the effects of such pesticide on any organism or the behavior of such pesticide in the environment, including but not limited to, data on safety to fish and wildlife, humans and other mammals, plants, animals, and soil, and studies on persistence, translocation and fate in the environment, and metabolism, shall be available for disclosure to the public as provided in paragraphs (2) and (3) of this subsection: Provided, That the use of such data for any registration purpose shall be governed by section 3 of this Act: *Provided further*, That this paragraph does not authorize the disclosure of any information that—

"(A) discloses manufacturing or quality control processes,

"(B) discloses the details of any methods for testing, detecting, or measuring the quantity of any deliberately added inert ingredient of a pesticide, or

"(C) discloses the identity or percentage quantity of any deliberately added inert ingredient of a pesticide, unless the Administrator has first determined that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment.

In exercising its authority under section 24(a) of this Act, a State may, however, obtain information described by clauses (B) and (C) of this paragraph, but shall not disclose any such information except to the extent such information has been disclosed by the Administrator under this section.";

(4) by redesignating subsections (d)(2) and (d)(3) as subsection (d)(3) and (d)(4), respectively, and striking out in subsection (d)(4), as redesignated, "paragraph (2)" wherever it appears and inserting in lieu thereof "paragraph (3)";

(5) by adding a new subsection (d)(2) to read as follows:

"(2)(A) REGULATIONS.—The Administrator shall expeditiously promulgate regulations to implement subsections (d) and (f) of this section. The regulations shall establish procedures pursuant to which information that may be disclosed under subsections (d)(1) and (f) of this section shall be made available to the public. The regulations shall: (i) permit all persons not excluded by subsection (f) of this section, including, but not limited to, employees of the United States, agencies of State governments, and authorized scientific personnel representing an employee of a pesticide producer or registrant or the employee's trade union to obtain copies of data, subject to specified conditions governing further copying of transfer of the data; (ii) prescribe the conditions under which the data are to be maintained while they are being used; (iii) prescribe procedures permitting publication of any information contained in the data regarding the health, safety, or environmental effects of a product (except as provided in paragraph (2)(B) of this subsection), including but not limited to protocols and results of environmental and toxicological studies; and (iv) prescribe procedures for submission of such information in litigation and administrative proceedings under adequate protective orders. Such restrictions, conditions and procedures shall apply to the use and disclosure of data only to the extent necessary to prevent use of the data by persons other than the data owner to obtain or maintain registrations (or other governmentally required approvals) of pesticide products, and to prevent violations of subsection (f) of this section in order to protect the proprietary rights of data owners against the use of their data by competitors as provided in this Act. Notwithstanding any provision of this Act or of any other law, interim final regulations shall be promulgated and become effective within sixty days after enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, and the provisions of section 25(a) of this Act shall not apply to the promulgation of such interim regulations. At least fifteen days before submitting the interim final regulations for publication in the Federal Register, the Administrator shall furnish a copy of such regulations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The interim final regulations shall be superseded as soon as possible (allowing time for notice and comment) by final regulations. The provisions of this

section and the regulations promulgated thereunder shall apply with respect to all data submitted to the Administrator, whether before or after enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982.

"(B) INNOVATIVE METHODS AND TECHNOLOGY.—For the purpose of this section, the term 'innovative methods and technology' means innovative methods or technology (including innovative methods of using known technology) that are not otherwise publicly available, that are employed in obtaining product chemistry, environmental chemistry, residue chemistry, and metabolism data, that are substantially different from known methods or technologies, and innovative compositions of matter, and that, if disclosed, could provide a significant advantage to competitors of the submitter of the data. In no event shall an item of data be considered to be an innovative method or technology for longer than five years after the date of submission to the Administrator or the date of first registration in the case of a new active ingredient. The regulations promulgated under paragraph (2)(A) of this subsection shall establish separate procedures for making data concerning innovative methods and technology available to the public. The innovative methods and technology shall be made available to scientists acting on behalf of Federal or State agencies, independent scientist working in the field to which the data pertain (and otherwise qualified to receive data under subsection (f) of this section), and scientists and staff representatives acting on behalf of nonprofit health, environmental or labor organizations, seeking access to the data to conduct an independent peer review or replicate the study, but shall not otherwise be made available to the general public. The regulations shall establish procedures by which such scientists and representatives may communicate with each other and with the Administrator, and in judicial or administrative proceedings, concerning the innovative methods and technology without disclosing them to the public. Upon request by any such scientist or representative, in writing, by registered mail, the submitter of data concerning the innovative methods and technology shall provide to such requester, within fifteen days after receipt of the written request, a summary of the data for disclosure to the general public. If such summary is not provided within the specified time period, the data shall no longer be considered to concern an innovative method or technology under this paragraph. Any person who is given access to data concerning innovative methods or technology may, after such review or replication has been conducted, request the Scientific Advisory Panel to review such data. The Panel shall be subject to the same conditions regarding disclosure of such data as any other data recipient under this section. If the Panel, after notifying the data submitter and providing interested parties an opportunity to comment, finds that the data does not concern an innovative method or technology or is invalid, or that disclosure is necessary and in the public interest because of concerns as to protection of health, safety, or the environment, it may make recommendations to the Administrator, including a recommendation that such data be made available under paragraph (2) (A) of this subsection. If the Administrator concurs in the recommendation of the Panel, the Administrator may make the data available to the public. The Administrator's decision shall be subject to judicial review under section 16(a) of this Act.";

(6) by amending subsections (f) and (g) to read as follows:

"(f) DISCLOSURE TO PESTICIDE PRODUCERS AND FOREIGN NATIONALS.—Except as otherwise provided in this section, the Administrator shall not, without the consent of the data submitter, knowingly allow access to information, submitted by an applicant or registrant under this Act, to any person engaged in, or who intends to engage in, the production or registration of pesticides (pesticide producer), or to any employee or agent of a pesticide producer, or any other person who intends to disclose such data to a pesticide producer, or to any foreign national not residing in the United States or who will remove the data from the United States. Notwithstanding any other provision of this section, during administrative adjudicatory hearings or court litigation a party who is a pesticide producer or registrant may, pursuant to an appropriate protective order issued by the court or presiding administrative official, examine and obtain a copy of data submitted by another person (other than data described by subsection (d)(1) (A) through (C) or subsection (d)(3) of this section), if the party's access to the data is found to be necessary in order to allow the party to participate fully in the hearing or litigation.

"(g) INTERNATIONAL AGREEMENTS.—Notwithstanding any other provision of law—

"(1) The Administrator shall not make available for public inspection any document or information concerning pesticides if: (A) the Administrator obtained the document or information from the government of another country (or from an international organization of countries); (B) the government or international organization required the Administrator to agree not to disclose the document or information to the public as a condition of furnishing it to the Administrator; (C) the Administrator could not otherwise obtain the document or information; and (D) the government or international organization continues to demand that the document or information not be made available for public inspection.

"(2) The Administrator may disclose information obtained under this Act to the government of another country or its agents (or to an international organization of countries) only under the following conditions. The information that may be so disclosed shall include all information that may be publicly disclosed under subsection (d)(1) of this section but shall not include any information described in subsection (d)(1) (A), (B), or (C), or (d)(3) of this section. The Administrator shall not make such disclosures unless an agreement has been entered into with the other country which furnishes assurances acceptable to the Administrator that the government of that country—

"(A) will not further disclose the information without the consent of either the Administrator or the submitter of the information; and

"(B) will not allow the information to be used directly or indirectly to support any application for, or decision to grant, a license, permit, or other action which allows the production, sale, or distribution of a pesticide under any country's laws.

The Administrator shall provide notice to affected persons and an opportunity for comment prior to entering into any such agreement with the government of another country. The Administrator shall provide notice to the data submitter of the proposed transfer of data to a foreign government under any such agreement. The Administrator shall not consent to any public disclosure of information by a foreign government under subparagraph (A) of this paragraph that would have the effect of permitting the disclosure of information that is otherwise prohibited under this Act, or permitting disclosure under conditions that are less restrictive than those permitted by this section and any regulations promulgated thereunder.";

(7) by adding two new subsections as follows:

"(h) CIVIL ACTION.—Any data submitter under this Act, who is or may be adversely affected by a violation (or threatened violation) of this section by any person (other than a Federal or State official) who is acting willfully in furtherance of a commercial purpose, may bring an action in an appropriate United States district court against such person to prevent and restrain such violation or obtain damages, or both. The court shall award treble the actual damages shown, and shall award punitive damages for a gross violation. A data submitter also may bring an action in an appropriate United States district court against the Administrator or against any agency official specifically to enforce, or restrain violations of, this section.

"(i) UNLAWFUL ACTS.—It shall be unlawful (A) for any person who has obtained information from the Administrator under this section to disclose or transfer the information in a manner prohibited by this section or by regulations implementing this section; (B) for any person to solicit or abet any disclosure or transfer of information that is unlawful under clause (A) of this subsection; or (C) for any person to make commercial use of information that such person received under this section or through a disclosure or transfer that such person knew or should have known to be unlawful under clause (A) of this subsection.".

UNLAWFUL ACTS

SEC. 6. Section 12(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by striking out "or" at the end of clause (O);

(2) by striking out the period at the end of clause (P) and inserting in lieu thereof "; or"; and

(3) by adding a new subparagraph at the end thereof as follows:

"(Q) to discharge from employment or otherwise adversely affect the employment status (including the compensation, terms, conditions, or privileges of employment) of any employee because that person (or any person acting pursuant to a request of the employee) has exercised rights under this Act, filed complaints concerning alleged violations of this Act, testified or is about to testify in any such proceeding (including proceedings concerning alleged violations of this Act), or assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.".

PENALTIES

SEC. 7. Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act in amended—

(1) by redesignating paragraphs (3), (4), and (5) in subsection (a) as paragraphs (4), (5), and (6), respectively;

(2) by adding a new paragraph (3) as follows:

"(3) DISCLOSURE OF DATA.—Any person granted access to data pursuant to subsection (d) of section 10 of this Act who violates the provisions of that subsection or the regulations promulgated thereunder, or the provisions of section 10(i), or who knowingly accepts, obtains or uses data prohibited from disclosure under section 10 (d), 10(f), or 10(g), or under regulations promulgated under section 10(d)(2), may be as-

sessed a civil penalty by the Administrator of not more than $100,000 for each document or study accepted, obtained or used in violation of section 10, and may be denied further access to any data, temporarily or permanently. All registrations issued to such person and to anyone on whose behalf such person was acting shall be summarily canceled without regard to procedures for cancellation in section 6 of this Act that may otherwise be applicable, except to the extent that the Administrator determines that such action would cause injury to the public health, or undue hardship to agricultural producers or other persons making use of the end-use pesticide product. In the case of any violation referred to in this paragraph that was not perpetrated in furtherance of a commercial purpose involving the production, registration, distribution, or sale of a pesticide, the only penalty shall be temporary or permanent denial of further access to data by the violator and such other persons and organizations on whose behalf the violator was acting.";

(3) by amending the redesignated paragraph (5) to read as follows:

"(5) DETERMINATION OF PENALTY.—In determining the amount of the penalty, the Administrator shall consider the appropriateness of such penalty in light of the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Whenever the Administrator finds that a violation occurred despite the exercise of due care, or that the violation did not cause significant harm to health or the environment, the Administrator may issue a warning in lieu of assessing a penalty. In determining the amount of the penalty in the case of a violation as described in paragraph 3 of this subsection, or as described in section 10(i) of the Act, the Administrator shall consider only the gravity of the violation."; and

(4) by amending subsection (b)(3) to read as follows:

"(3) DISCLOSURE OF INFORMATION.—

"(A) Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, shall be fined not more than $100,000, or imprisoned for not more than three years, or both.

"(B) Any person granted access to data under section 10(d) who in furtherance of a commercial purpose involving the production, registration, distribution, or sale of a pesticide knowingly violates the provisions of section 10(d), 10(f), 10(g) or 10(i) of this Act, or knowingly allows such data to be made available in violation of the provisions of section 10 of this Act to any person engaged in the production or registration of pesticide products or any employee or agent thereof, shall be fined not more than $100,000 or imprisoned for not more than one year, or both.

"(C) Any officer or employee of the United States or any State, or any former officer or employee of the United States or any State, who, by virtue of such employment or official position has obtained possession of, or has access to material the disclosure of which is prohibited by section 10, and who, knowing that disclosure of such material is prohibited by such section, willfully discloses the material in any manner to any person not entitled to receive it, shall be fined not more than $100,000, or imprisoned for not more than one year, or both. For the purpose of this subparagraph, any contractor with the United States who is furnished information as authorized by section 10(e), or any employee of any such contractor, shall be considered to be an employee of the United States.

"(D) Section 1905 of title 18 of the United States Code shall not apply with respect to the publishing, divulging, disclosure, or making known of, or making available, information reported or otherwise obtained under this Act. Nothing in this Act shall preempt any civil remedy under State or Federal law for any disclosure prohibited under section 10.".

EXTENSION OF THE SCIENTIFIC ADVISORY PANEL

SEC. 8. Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1984".

EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS

SEC. 9. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new sentence: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1982, and ending September 30, 1983, $44,208,000, and for the period beginning October 1, 1983, and ending September 30, 1984, such sums as may be necessary.".

SUMMARY OF THE FEDERAL, INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS OF 1982

DEFINITIONS

Section 2 of the bill amends the definition of "to use any registered pesticide in a manner inconsistent with its labeling" to exempt from the definition the use of a registered pesticide to formulate another registered end-use product or the repackaging of a registered pesticide product into another end-use product, unless the use is prohibited by the labeling.

This section also adds a new definition of "pesticide product" which means a pesticide in the form in which it is to be distributed, sold, or shipped.

REGISTRATION OF PESTICIDES

A. Guidelines

Section 3 of the bill amends section 3(c)(2)(A) of FIFRA to require that guidelines and modifications specifying information usually required to support the registration of a pesticide must be published in the Federal Register, and that the Administrator provide for public comment in the development of guidelines or modifications having general applicability.

B. Additional data to support existing registrations

This section also amends section 3(c)(2)(B) of FIFRA, which establishes procedures for obtaining additional data sought by EPA on a pesticide that is already registered, as follows:

(1) to require, rather than permit, registrants to enter into joint data development arrangements (unless all registrants agree otherwise) within 180 days after the Administrator notifies registrants that additional data is required;

(2) to establish a cost-sharing arrangement under which each of the joint data developers would pay an initial cost of $100,000 or divide equally 25 percent of the estimated total cost, whichever is less, with the balance of the cost apportioned according to each registrant's United States market share of the pesticide in question;

(3) to require suspension of the registration of any registrant that fails to enter into a joint data development arrangement for the products for which the additional data are requested, with provision for an administrative hearing and judicial review;

(4) to provide a 15-year period of protection for defensive data, during which time any person can obtain the right to use defensive data by reimbursing the previous members of the joint data development group a share of the total data cost of producing the data in proportion to the number of persons sharing in such cost;

(5) to provide that data, submitted to replace previous data that are deemed scientifically insufficient, will be entitled to the same protection as other defensive data requested by EPA; and

(6) to permit persons who received notices from EPA to provide defensive data under current law, but who did not enter into a joint data development arrangement within 90 days after receipt of the notice, to enter into joint data development arrangements with other registrants currently performing testing.

C. Formulator exemption

This section also amends section 3(c)(2)(D) of FIFRA, which exempts formulators, who purchase registered pesticides for the purpose of formulating end-use products, from certain data requirements, as follows:

(1) to provide that a formulator will be exempt from submitting certain data pertaining to the safety of a new use and entitled to new use protection only if the formulator obtains the written permission of the data owner;

(2) to provide that if the formulator at any time ceases to use a registered pesticide as his source of supply for formulating purposes, the exemption would no longer apply and his registration would be suspended; and

(3) to authorize the Administrator to require a formulator to submit data concerning the safety of a changed use pattern for the end-use product if such data have not otherwise been generated.

D. Interim administrative review

Section 3 of the bill also amends section 3(c)(8) of FIFRA by requiring that at least 90 days prior to initiating a public interim administrative review process, the Administrator must notify all affected registrants of the basis for the proposed review, and by requiring the Administrator to consider any additional information submitted by a registrant, or other interested person, before making a final determination to actually initiate the review proceeding. The amendment also requires the Administrator to make public the reasons for any decision not to initiate the review proceeding after giving such notice, and makes a decision not to cancel a registration or restrict the classification of a pesticide after a review proceeding, subject to review in the Federal district courts.

E. Reregistration

Section 3 of the bill also amends section 3(g) of FIFRA to require the Administrator to give at least 90 days notice to registrants required to reregister their products, and to require cancellation of the registration (subject to judicial review) of a product if an application for reregistration is not recieved by the Administrator within the time provided.

F. Exclusive use and compensation provisions

Section 3 of the bill also adds a new section 3(h) to FIFRA to provide exclusive use protection for a 15-year period for (i) data submitted to support the original registration of a new pesticide chemical (new active ingredient) initially registered after September 30, 1978, (ii) data submitted to support the registration of new uses of new chemi-

cals, (iii) data submitted to support experimental use permits for new chemicals, and (iv) data submitted to support the registration of new uses for old chemicals originally registered after January 1, 1970. This section eliminates compensation for data submitted on or after September 30, 1978.

It also authorizes an applicant to choose the method of supporting its application by either submitting data of its own or citing data previously submitted to EPA, or using any combination of these two methods, thus precluding further use by EPA of the "cite-all" method.

The effective date of the new exclusive-use and compensation provisions generally is 18 months after enactment of the amendments. Exclusive-use rights for new active ingredients and the elimination of the cite-all method for such ingredients, however, are made effective immediately. Exclusive use rights for new-use data are made effective as soon as the data owner submits an index of the data to support the new use and the index is published in the Federal Register.

Applications approved during the period after the date of enactment of the bill and before the effective date of new provisions generally are subject to current law.

The new section 3(h) also requires the Administrator to compile, make available to the public, and periodically update indexes that list each item of data submitted for each active ingredient protected by the exclusive use or compensation provisions. In case disputes arise between data submitters and applicants concerning the use of data, a mechanism is provided for an administrative hearing and judicial review.

CANCELLATION AND CHANGE IN CLASSIFICATION

Section 4 of the bill amends section 6(b) of FIFRA to authorize EPA to phase out a pesticide registration if it appears to be in violation of FIFRA or if its normal use causes unreasonable adverse effects to the environment. Currently, the Administrator can only cancel the registration or change the classification of a pesticide.

This section also requires that, in determining whether to take action to cancel or phase out a registration or change a classification, the Administrator must consider the impact of such action on agricultural producers, as well as on the agricultural economy generally, in addition to other factors.

PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

Section 5 of the bill amends section 10 of FIFRA in several respects, as follows:

A. Generally—

(1) The bill requires a data submitter to mark portions of data that are trade secrets, confidential commercial or financial information, or innovative methods and technology, and to explain the basis for designating the data as such. Beginning 61 days after enactment of these amendments any submitted data that is not so marked shall be available to the public.

(2) As to data submitted at any time prior to 61 days after enactment of these amendments, the bill requires the Administrator to allow data submitters up to 60 days to identify protected data and provides that the data be made available to the public if the data submitter fails to respond (or if the claim is not reasonably substantiated) in the time provided.

(3) The bill retains the current disputes procedure (which allows a data submitter to seek Federal court determination of whether data is protected from any proposed release by the Administrator), but limits this procedure to only the first time particular data is proposed to be released and makes the disputes procedure inapplicable in certain instances.

(4) The bill retains the current law protection of trade secrets, except that it allows any State to obtain trade secret information (excluding data relating to manufacturing or quality control processes), as needed, in connection with a State pesticide program, provided that the State does not release the information.

(5) The bill requires EPA to issue regulations governing the disclosure of data under which all persons (except pesticide producers and their employees), including employees of Federal and State agencies and scientific personnel representing employees of a pesticide producer or the employee's trade union, may obtain a copy from EPA of health, safety, and environmental data. In order to prevent the data from being disclosed to competitors, reasonable conditions (that would specifically allow publication of data regarding the health, safety, or environmental effects of a pesticide, except for data regarding innovative methods and technology) would be imposed on further copying and transfer of data by such persons. Interim final regulations would be promulgated and become effective within 60 days after enactment of the bill, using a shortened procedure for notifying Congress in lieu of the statutory Congressional review. The interim regulations shall be replaced by final regulations as soon as possible.

(6) The bill establishes a new category of data under FIFRA designated as "innovative methods and technology". This new category would include data relating to innovative methods and technology that are not otherwise publicly available, that are substantially different from known methods or technologies, and that could provide a significant advantage to competitors of the data submitter if released. Under the regulations, this data will receive an extra degree of protection for a maximum period of 5 years. Namely, this data would only be made available to independent scientists, scientists and representatives acting on behalf of Federal or State agencies, and nonprofit health, environmental, or labor organizations who wish to conduct a peer review or replicate a study, and not otherwise to the general public. In addition, regulations shall specify how recipients of this data may communicate with each other, and in judicial or administrative proceedings, concerning the data. A summary of the data for release to the public must be made available by the data submitter, on request. Failure to provide the summary within 15 days of such request will disqualify the data from further protection under this category. Any person given access to such data may request the Scientific Advisory Panel to review the data and issue recommendations to the Administrator that such information be made available to the public on the same basis as other health and safety data if necessary in the public interest. If the Administrator concurs, the data could be made so available.

B. Disclosure to pesticide producers and foreign nationals

The bill amends section 10(f) of FIFRA to prohibit the disclosure by EPA of health and safety data, without the consent of the data submitter, to: (i) any employee or agent of any pesticide producer, (ii) any other person who intends to disclose the data to any such producer, or (iii) any foreign national not residing in, or who will remove the data from, the United States. Disclosure to a pesticide producer or registrant during an administrative hearing or court proceeding is permitted under certain circumstances.

C. International agreements

The bill amends section 10(g) of FIFRA to: (i) require the Administrator not to make available for public inspection any pesticide information obtained from another government (or international organization of countries) if the government or international organization requires the Administrator not to disclose the information, and the Administrator could not otherwise obtain the information, and (ii) authorize the Administrator, pursuant to an international agreement, to disclose to foreign governments or international organizations of foreign governments data that may be disclosed under FIFRA. In the latter case, the disclosure agreement must provide that the information cannot be further disclosed without the consent of either the Administrator or the data submitter, and that the information would not be used to support a decision to grant a license for production or sale of a pesticide.

D. Civil action

The bill adds a provision to section 10 of FIFRA that authorizes a data submitter to bring a court action for treble damages and punitive damages against a person who violates the data disclosure provisions of section 10 by willfully using data for a commercial use.

E. Unlawful acts

The bill also amends section 10 of FIFRA to make the disclosure of information, by any person who received it from the Administrator, in violation of the data disclosure provisions unlawful.

UNLAWFUL ACTS

Section 6 amends section 12(a)(2) of FIFRA to provide that it shall be unlawful for an employer to discharge any person or otherwise take adverse employment action against a person because of that person (or a representative of that person) exercising any rights under FIFRA, filing a complaint concerning alleged violations of FIFRA, or participating in a proceeding regarding any FIFRA violations.

PENALTIES

Section 7 amends section 14 of FIFRA to expand the Administrator's authority to impose civil penalties to include penalties of up to $100,000 and cancellation of all registrations of any person who violates the data disclosure provisions of FIFRA in connection with the use of the data for a commercial purpose involving the production, registration, distribution, or sale of a pesticide. In the case of violations of the data disclosure provisions that do not involve the use of data in furtherance of such commercial purpose, the only penalty shall be the temporary or permanent denial of further access to data.

This section also increases the criminal penalty to $100,000, or three years in prison for any person who, with intent to defraud, reveals information relative to product formulas acquired under the registration provisions of FIFRA, or for any State or Federal employee, having access to such data, who willfully discloses data to any person in violation of the data disclosure provisions of FIFRA. In addition, this section establishes new criminal penalties of up to $100,000 fine or one year in prison, or both, for any person granted access to health and safety data who knowingly violates the data disclosure provisions of FIFRA by using such data in furtherance of a commercial pur-

pose involving the production, registration, distribution, or sale of a pesticide, or knowingly allows such data to be made available, in violation of FIFRA to a person engaged in the production or registration of pesticides.

EXTENSION OF THE SCIENTIFIC ADVISORY PANEL (SAP)

Section 8 amends section 25(d) of FIFRA to extend the term of the SAP to September 30, 1984.

EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS

Section 9 amends section 31 of FIFRA to extend the authorization for appropriations for FIFRA through September 30, 1984. This section also provides a ceiling of $44,208,000 for fiscal year 1983 and authorizes such as may be necessary for fiscal year 1984.●

By Mr. HAYAKAWA:

S. 2621. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

THE NEED TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

● Mr. HAYAKAWA. Mr. President, today I am introducing a bill to amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). My bill is designed to address a distressing problem that is beginning to surface all across our Nation. Quite simply, the problem is that States have been placing excessive and burdensome requirements on chemical companies in order to register pesticide products.

This is particularly a problem in California, our Nation's largest agricultural State, where the State Department of Food and Agriculture routinely requests data beyond that required by the U.S. Environmental Protection Agency before registering a pesticide. In fact, 85 percent of the applications for registration of products are required to submit additional data, data which the EPA has not seen fit to demand of registrants.

I wholly support the basic intent of FIFRA which recognizes the importance of protecting the health and safety of people and preventing the use of pesticides from adversely affecting the living environment. I believe that the initial passage of FIFRA was based on the congressional desire to bring some degree of national uniformity into the previously haphazard and often contradictory system of registration and application of pesticides in our Nation. California and six other States have attempted to expand their pesticide programs to exceed or duplicate the Federal registration requirements. If we are going to allow each State to establish its own registration process, to interject its own bias into that process, and to exceed or duplicate the entire EPA registration process, then maybe we should consider repealing FIFRA. This would save the taxpayers close to $100 million each year.

I do not think this would be a wise thing to do. But something must be done to limit the authority of States to undermine the integrity of the Federal pesticide registration process.

Allow me to reiterate my conviction that all pesticides, whether used nationally or centered within a particular State, must be safe and effective for their intended uses and that they do not pose unreasonable risks to man and his environment. Both EPA and the States have an important role to play in insuring this result, but excessive, duplicative, and arbitrary regulation by the various States is certain to defeat this common purpose. Excessive State regulation imposes economic hardship upon the pesticide industry and deprives consumers within the 50 States of safe and effective pesticides needed to control pests which disrupt our economy and reduce the quality of our lives.

My bill sets reasonable standards for State regulation of pesticides to insure a proper balance between the role of the 50 States and the EPA. The bill is built around EPA oversight of the States' data requests when such requests are made based on a special local concern or upon a State's belief that additional data beyond that required by EPA should be generated.

This bill leaves intact the present State authority to regulate the sale or use of pesticides, but imposes the following standards for State review and requested generation of data:

First. In the case of existing data previously submitted to EPA in support of a Federal registration, the State may request the data from either the applicant or EPA, thereby resolving the current problem of data availability at the State level.

Second. In the case of special local concerns pertaining either to an increased risk or any unreasonable adverse effect on the environment or reduced efficacy of the pesticide within the State, the State may require additional data but must give the applicant written notice and justification for doing so. The State's request for special local concern data is subject to EPA review and subject to overrruling or modification upon a finding that the State's request is arbitrary or capricious.

Third. A State's request for data which does not come within the realm of special local concern data is reviewable by EPA. EPA may disapprove a data request upon a finding by the Administrator that the request is "arbitrary or capricious or that there is no reasonable basis for making use of the data in connection with a State determination as to registration or approval of the pesticide."

Fourth. The State's decision that a special local concern exists and that additional data will be required before registration is granted is reviewable by EPA.

Fifth. The bill imposes an obligation on the States to act upon most registration applications within 60 days of receipt or the product is considered registered. However, it is different in the case of a pesticide utilized in the production of a commercial food crop. A change in the use pattern or a new active ingredient requires registration within 120 days after the receipt of the application.

Sixth. The bill clarifies the intent of Congress that FIFRA is designed to grant authority to no less than State levels of government. The possibility of fragmentation of responsibility within a State for pesticide use policies endangers the public health and safety by increasing the difficulty of the pesticide user community to know what rules apply at what time and to whom. Pesticide regulations at less than the State level of government will create confusion among users as to what is legal in the use of pesticides in the areas which they live or serve as businessmen.

Detractors of my bill will claim that it is in conflict with States' rights. I have long respected and believed in the doctrine of States' rights. It is neither my desire nor my intent to dispute the rights of States to safeguard the health and safety of their citizenry. What concerns me though is excessive regulation, regulation which does not have a sound basis in scientific fact or regulations which establish barriers to interstate commerce. The California regulations for registration of pesticides are burdensome; they are not realistic and have negative long-term implications for the health of the State's agriculture. Let me remind my colleagues that this is not a California-only problem. The trend is being established; the fear of having 50 mini-EPA's is not that farfetched—preventative action is needed today.

Mr. President, allow me to take just a minute to discuss why Federal review of excessive data requirements is needed. Let me tell you some of the problems currently faced in California and of the consequences of unnecessary and unreasonable State regulations. I speak of California because of my familiarity with the situation there, but in many cases the problems are transferable. Surely the tendency of others States to follow the California lead is already surfacing. In California we grow over 250 crops commercially, many of these are specialty crops grown on limited acreage. The lengthy registration delays and excessive data requirements are making it increasingly difficult for chemical companies to justify the expenditure of resources required to obtain a registration. Manufacturers are effectively prevented from getting their products on the market in a timely and orderly manner. Consumers and users are often denied equal access to useful and effective pesticide products as a result of the deliberate barriers to registration erected by the State.

The California barriers to entry disrupt national distribution channels and nationwide advertising programs.

Market access delays have cost individual companies hundreds of thousands of dollars and denied farmers the tools needed to compete in the national agricultural market.

Surely there will be opposition to my bill. The State of California will be loud and strong against it. They will claim that the problems have been solved, the backlog of registrations cleared and barriers to entry removed. I look forward to hearings when the chemical companies and farmers can tell us that in fact things are still a mess in California. I understand that the recent review of the State registration and use regulations has been productive. However, the fundamental bias of Governor Brown and his advisers against pesticide usage remains. I would like to share with my colleagues in the Senate two examples of the destructive and exploitative way in which the bias against economic poisons has been advanced by the Brown administraton.

First, during the Mediterranean fruit fly crisis. the Governor initially refused to allow malathion to be applied from the air. This was done despite the fact that the safety and efficacy of the pesticide malathion are well documented. Governor Brown exploited the public's fear of the unknown; he used their ignorance to create a level of fear that bordered on hysteria. This was a cruel, unnecessary, and politically motivated manipulation of public concern.

The second example which I feel justifies the need for Federal review of State data requirements is contained in an internal memorandum to members of the Governor's toxic advisory group. This comprehensive new strategy for dealing with toxic chemicals in California contains two frightening proposals. First, the development of a carcinogen I.D. policy under which "The number of identified carcinogens will probably increase from 26 to several hundred." Second, the Brown toxics agenda includes "extension of workers right to know to consumers." This policy would provide for "labeling of fresh and canned produce and meat. Labels will inform consumers of what carcinogens, neurological toxins and reproductive toxins are routinely applied to the commodity; what tolerance levels are set for each; whether or not monitoring techniques are available to detect them; and whether or not residues have been found."

The toxic substances agenda of California is devastating. I fear for the people of California who will be subjected to the patronizing and paranoid claims of the Brown administration. The public is being used, their emotions and fears are being played upon.

My bill will also raise opposition from the National Association of State Departments of Agriculture. This is difficult to understand given their awareness that a problem exists in California. Departments of Agriculture around the country will not be affected by this legislation as long as their registration process is timely and their requests for additional data do not fall into the category of "arbitrary and capricious."

Mr. President, before closing, I would like to list a few things that my bill does not do: It does not preempt the State's authority; it does not prohibit a State from banning a product or denying a registration; and it does not infringe on a State's right to ban or prohibit the sale or use but is directed solely to instances where the State requests additional data and to the timely processing of applications for State registration.

Thank you, Mr. President, for the opportunity to discuss the need for, and introduction of, this legislation on behalf of America's farmers.●

By Mr. DANFORTH:

S. 2622. A bill relating to the tax treatment of long-term contracts with respect to taxable years beginning after December 31, 1982; to the Committee on Finance.

TAX TREATMENT OF LONG-TERM CONTRACTS

● Mr. DANFORTH. Mr. President, I am today introducing a bill which is intended to address the problems which exist in the use of the completed contract method of accounting for long-term contracts.

This method has been recognized as a proper method in Treasury regulations since 1918. It is used today predominantly by the construction, shipbuilding, and aerospace industries. The method is used by these industries because there are extraordinary uncertainties as to profit or loss, which can be accurately determined only as contracts are completed.

The Department of the Treasury has identified some problems with this method of accounting. Unfortunately, rather than attempting to solve those problems, Treasury proposes to repeal the law permitting use of this method. That would be a serious mistake. Not only would it be bad tax policy, but also it would have disastrous effects on the construction industry—which is already in dire straits—as well as add hundreds of millions of dollars to the already ballooning cost of our national defense.

Mr. President, my bill takes a different approach. It seeks to solve directly the problems identified by Treasury. The bill has three general provsions:

First, the bill confirms statutorily the validity of the completed contract method of accounting—as well as other methods which clearly reflect income—for long-term contracts. These methods have previously been recognized only in Treasury regulations.

Second, the bill provides rules designed to eliminate the potential for abuse in the use of the completed contract method. These include determining when a contract should be considered completed for tax purposes, and when a series of agreements should be treated as one or several contracts. It is expected that the Treasury will promulgate regulations to implement these rules.

Third, the bill addresses the issue of period costs—that is, those costs, such as interest expense, which the contractor deducts in the year incurred—and contract costs—that is, those costs which are considered allocable to the production of the subject matter of the contract, such as materials, which are not deducted until the year in which the contract is completed and revenue is recognized.

The bill implicitly recognizes Treasury's authority to prescribe regulations on this matter. However, in view of the intensive study, analysis, and debate by Treasury and the Internal Revenue Service which led to the adoption of the current period cost regulations in 1976, this bill would require that Treasury, in any amended regulations, not reclassify as contract costs any costs which are treated as period costs under current regulations.

Mr. President, it is my hope that my colleagues in the Senate will agree that this legislation is essential to the fair and equitable administration of the tax law to taxpayers with long-term contracts. I ask unanimous consent that the bill and a technical description of it be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 451 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(f) LONG-TERM CONTRACTS.—

"(1) IN GENERAL.—Income from a long-term contract may be included in gross income in accordance with the percentage of completion method, the completed contract method, or any other method which clearly reflects income. For purposes of this subsection, the term 'long-term contract' means any building, installation, construction, or manufacturing contract which is not completed within the taxable year in which it is entered into and which, in the case of a manufacturing contract, involves the manufacture of (A) unique items of a type which is not normally carried in finished goods inventory of the taxpayer, or (B) items which normally require more than 12 calendar months to complete (regardless of the duration of the actual contract).

"(2) COMPLETED CONTRACT METHOD.—The following rules shall apply in the case of a taxpayer utilizing the completed contract method of accounting for long-term contracts:

"(A) SEVERANCE AND AGGREGATION OF AGREEMENT.—A single agreement shall be—

"(i) severed for treatment as more than one contract, or

"(ii) aggregated with other agreements for treatment of the aggregation as one contract, if there is no adequate business purpose for treatment of the subject matter of the agreement in such single agreement.

"(B) CONTRACT COMPLETION.—A contract shall be considered completed when all the items being built, installed, constructed or manufactured pursuant to such contract have been finally completed and finally accepted. Failure to complete contract requirements with respect to spare parts (other than spare parts which constitute a material portion of the contract), or to complete contract requirements other than building, installation, construction, or manufacturing requirements, will not be treated as preventing such final completion and final acceptance.

"(C) CONTRACT COSTS.—(i) Direct material costs, direct labor costs, and indirect costs (except as otherwise provided in (ii)) shall be treated as costs of the contract to the extent that such costs are incident to and necessary for the performance of the contract.

"(ii) No indirect costs listed in Treasury Regulation Sec. 1.451-3(d)(5)(iii) (as in effect on January 1, 1982) shall be treated as allocable to a long-term contract."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) below, the amendments made by this Act shall apply to taxable years beginning after December 31, 1982.

(2) TRANSITIONAL RULE.—With respect to long-term contracts entered into on or before the date of enactment, a taxpayer required to change its method of accounting for any item pursuant to regulations promulgated under the authority of this Act may elect to take into account any adjustment required under section 481 as a result of such change over the lesser of 5 years or the number of years the taxpayer has been using its current method. However, to the extent a portion of the adjustment is attributable to a contract which would have been completed during a taxable year without regard to the provisions of this Act, such portion must be taken into account in that taxable year.

DESCRIPTION

CURRENT LAW

Under present law, taxpayers may, pursuant to regulation, elect to use either the completed contract method of accounting or the percentage of completion method of accounting for long-term contracts, that is, contracts that extend beyond a single tax year. Common examples of such contracts are those for the construction or manufacture of buildings, highways, dams, aircraft, ships and heavy industrial machinery.

Under the percentage of completion method, that portion of estimated income realized from a long-term contract that corresponds to the percentage of the entire contract completed during the taxable year is included in gross income for that year. Expenses are deducted as incurred. Under the completed contract method, income derived from long-term contracts is not reported on an estimated basis, but is recognized for tax purposes only in the taxable year in which the contract is completed and the profit or loss finally computed, even though payments are received throughout the course of the contract. The contractor's deductions for all costs properly allocable to a long-term contract (contract costs) are also deferred until the taxable year in which the contract is completed. Costs not properly allocable to a long-term contract (period costs), are deducted in the year incurred.

Also under current law, some contractors (particularly smaller contractors) are permitted to use the cash or accrual method of accounting for their contracts. This bill is not intended to change the availability of these methods where, under the circumstances, they clearly reflect the income of the contractor.

REASONS FOR CHANGE

The completed contract method is an appropriate method of accounting in the proper circumstances. However, legislation is necessary to deal with problems that have arisen in the use of the method by some taxpayers. Specifically, deferral of completion of a contract for tax purposes (and thus deferral in reporting the income) has occurred in some cases, as follows: (1) incidental obligations requiring a substantial period of time to complete have been included in a long-term contract: (2) certain reorder or change order agreements have been treated as part of an original contract; (3) one contract has been used to encompass several projects with little or no business relationship; or (4) other such techniques have been used to defer the payment of taxes.

DESCRIPTION OF THE PROVISION

A new subsection (f) is added to Section 451 of the Internal Revenue Code of 1954 to confirm legislatively the general validity of the percentage of completion method of accounting and the completed contract method of accounting for long-term contracts. The validity of these methods has previously been specifically recognized solely in Treasury regulations. In addition, in the instance of the completed contract method, this new subsection will specify standards which will permit the Secretary to prescribe regulations to deal with the problems which have arisen in the use of the method.

Paragraph (1) of the new subsection provides that income from a long-term contract may be included in gross income in accordance with the percentage of completion method, the completed contract method, or any other method which clearly reflects income, and defines the term "long-term contract" in accordance with the provisions of the current regulations. In general, the term is intended to apply to building, installation, construction or manufacturing contracts which are not completed within the taxable year in which they are entered into and which do not involve manufacture of inventory items. Thus, a contract to manufacture 15,000 folding chairs which take three days each to manufacture would not be a long-term contract even though it takes more than twelve calendar months to complete the contract. On the other hand, a contract to design, develop, and produce one hundred high-altitude airplanes over a period of five years, under circumstances whereby the costs of producing the initial airplanes will be higher than the costs of producing the final airplanes (although nominally the airplanes are priced at an average price per unit), would qualify for the completed contract method. Similarly, a contract to reconstruct a suspension bridge or overhaul an ocean-going vessel would qualify for the completed contract method, providing that such contract is not completed within the taxable year in which it is entered into.

The employees of a general contractor may in some cases perform no manual labor. Physical erection is often wholly or partly performed by specialty firms contracting with either the owner or the general contractor. New specialties have arisen, such as construction management and item by item facility design (which is often coupled with the purchase of project materials directly as agent for the owner or otherwise). These and related types of services are intended to be qualifying construction services within the purview of long-term contract accounting.

Paragraph (2) sets forth general rules which apply in the case of a taxpayer utilizing the completed contract method of accounting. It is contemplated that the Secretary will prescribe regulations to implement those standards.

Subparagraph (A) of Paragraph (2) deals with the question of when one agreement may be served into separate contracts, or several agreements may be aggregated into one contract, for purposes of determining final completion and acceptance. Severance of a single agreement will result if there is no adequate business purpose for treating the subject matter of the contract in a single agreement, and aggregation of several agreements will result if there is no adequate business purpose for treating the subject matter of the contract as several agreements. The provision is intended to leave the parties where they have placed themselves if there is an adequate business purpose for the contract structure which they have agreed upon, but to allow the Secretary to prevent tax avoidance through deferral of taxable income or acceleration of a loss where the contract structure is artificially contrived. In determining whether an adequate business purpose exists for the treatment of the subject matter of the contract in a single agreement, it is expected that the following factors, among others, will be taken into account:

(1) whether a customary commercial practice exists in the taxpayer's business, or in the purchaser's business, for entering into one agreement,

(2) whether separate units under the contract are priced independently and, if so, whether the taxpayer would have delivered such items under separate contracts at substantially the same price and on substantially the same terms,

(3) whether a single contract has been amended by supplemental agreement or extended by the excercise of an option to increase the number of units to be supplied. However, if the supplemental agreement or extension was reasonably anticipated by the taxpayer, there would be an adequate business reason for the use of one contract. For example, where the purchaser of multiple units is a governmental agency, the use of a supplemental agreement or extension pursuant to option is often necessitated by limitations on annual appropriations or other governmental requirements. In this context, there would be an adequate business reason for such amendment or extension if the amendment or extension was reasonably anticipated at the time the contract was entered into. On the other hand, in the case of an option which is intended simply to permit the purchaser, if satisfied, to purchase additional units, whether in a governmental or non-governmental context, there would generally not be an adequate business reason for recognizing the units acquired pursuant to the option as part of the original contract.

Subparagraph (B) of Paragraph (2) confirms the rule of the present regulations that a long-term contract shall be considered completed when final completion and acceptance have occurred with respect to the building, installation, construction, or

manufacturing requirements of the contract. In order to prevent a taxpayer from holding contracts open by reason of provisions which are secondary to such requirements but which require substantial periods of time to complete, it is contemplated that the Secretary by regulation will prescribe standards for determining when a contract is deemed to be completed for purposes of the completed contract method. Thus, such regulations would prescribe when requirements of a contract other than the building, installation, construction or manufacturing requirements will not prevent the contract from being considered complete. An obligation of the taxpayer to supply spare parts for a manufactured item will not prevent completion unless such spare parts are included and priced in the original contract and collectively represent a material part (e.g., in excess of 10 percent) of such contract. Other examples of contract requirements which, depending on the particular facts and circumstances, would not defer completion of the contract for purposes of the completed contract method include:

(1) an obligation of the taxpayer to provide technical manuals or similar supplemental products,

(2) an obligation of the taxpayer to provide training, technical services or similar supplemental services, or

(3) a performance incentive or testing period (by which is meant a period during which all or a part of the subject matter of the contract is tested and evaluated under provisions set forth in the contract for the purpose of (a) granting the taxpayer additional compensation if the subject matter of the contract meets contract standards or (b) causing the taxpayer to incur additional costs should the subject matter of the contract not meet contract standards) which extends substantially beyond what would otherwise constitute final completion and acceptance. For this purpose, a performance incentive or testing period of no longer than twelve months would not be considered substantial.

On the other hand, failure to complete the following requirements would generally prevent final completion and acceptance because the requirements are building, installation, construction, or manufacturing requirements of the contract:

(1) Completion of construction in accordance with the contract even though the project has been put into service before that time. An example would be construction of a bridge which has been put into service even though the contractor continues to complete construction by painting and other finishing work pursuant to the original contract.

(2) Testing of the item or items built, installed, constructed or manufactured as a condition of final acceptance even though such item or items have been delivered and provisionally accepted. An example would be a contract for missiles where final acceptance is contingent upon test-firing of a sample of the units delivered with successful "hit" results pursuant to predetermined standards.

(3) Alterations, adjustments or changes to the item built, installed, manufactured or constructed, occurring pursuant to an obligation under the original contract and within a reasonable period after possession is tendered to the purchaser of the item. For this purpose, a reasonable period would be no longer than twelve months. An example would be the re-designing (or reengineering) and reconstruction of equipment contained in an ocean-going vessel, subsequent to trials conducted by the purchaser thereof. Additional work pursuant to customary warranty obligations after final acceptance would not, however, delay contract completion.

In no circumstance could a taxpayer delay the completion of a contract for the principal purpose of deferring federal income tax.

Subparagraph (C) of Paragraph (2) codifies the rule of the current Treasury regulations (Treasury Regulation Sec. 1.451-3(d)(5)(iii)) with respect to determining what costs are properly allocable to a long-term contract in the case of a taxpayer utilizing the completed contract method. This provision recognizes the detailed review of the question of cost allocation undertaken by the Treasury during the years 1970-1976 in connection with the promulgation of regulations relating to the completed contract method of accounting and adopts the result of that review as the proper test of cost allocation. This is effected by "freezing" the categories of non-allocable indirect cost, as determined by the Treasury and reflected in the regulations, as of January 1, 1982.

EFFECTIVE DATE

The proposal will be effective for taxable years beginning after December 31, 1982. However, with respect to long-term contracts entered into prior to the date of enactment taxpayers required to change their method of accounting for any item pursuant to any regulations promulgated under the authority of this bill are permitted to spread any adjustment necessitated by such change over the lesser of 5 years or the number of years the taxpayer has been on its current method. However, to the extent a portion of the adjustment is attributable to a contract which would have been completed during a taxable year without regard to the provision of this Act, such portion must be taken into account in that taxable year.●

ADDITIONAL COSPONSORS

S. 479

At the request of Mr. ROBERT C. BYRD, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Florida (Mrs. HAWKINS), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 479, a bill to designate the first Sunday in June of each year as "National Shut-In Day."

S. 1992

At the request of Mr. MATHIAS, the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 2130

At the request of Mrs. KASSEBAUM, the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 2130, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

S. 2269

At the request of Mr. TSONGAS, the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2269, a bill to extend the authorization for the low-income housing program.

S. 2397

At the request of Mr. ROTH, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2397, a bill to require (1) the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition initiated after January 1, 1982, whenever the cost of such acquisition has increased or, on the basis of estimates, will increase over the initial estimate when the project was justified to the Congress by 25 percent or more, and (2) reporting of status information on all major civil acquisitions.

S. 2420

At the request of Mr. HEINZ, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2420, a bill to protect victims of crime.

S. 2446

At the request of Mr. SPECTER, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2446, a bill to amend the Small Business Act and the act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958," to provide assistance to small business concerns in acquiring procurement information and contracts from the United States.

S. 2493

At the request of Mr. DOLE, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2493, a bill to amend the Food Stamp Act of 1977 to reform the food stamp program, and for other purposes.

S. 2507

At the request of Mr. HAYAKAWA, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2507, a bill to require a properly executed warrant before an officer or employee of the Immigration and Naturalization Service may enter a farm or other agricultural operation.

S. 2550

At the request of Mr. HEINZ, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 2550, a bill to provide a program of Federal supplemental unemployment compensation.

S. 2565

At the request of Mr. NUNN, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2565, a bill to amend the Internal Revenue Code of 1954 to provide for the disclosure of returns and return information for use in criminal investigations, and for other purposes.

S. 2585

At the request of Mr. CRANSTON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2585, a bill to provide that the Armed Forces shall pay benefits to surviving spouses and dependent children of certain members of the Armed Forces who die

from service-connected disabilities in the amounts that would have been provided under the Social Security Act for amendments made by the Omnibus Budget Reconciliation Act of 1981.

S. 2600

At the request of Mr. HEINZ, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2600, a bill to amend the Export-Import Bank Act of 1945.

SENATE JOINT RESOLUTION 173

At the request of Mr. TSONGAS, the Senator from Washington (Mr. JACKSON), the Senator from Indiana (Mr. LUGAR), and the Senator from Louisiana (Mr. LONG) were added as cosponsors to Senate Joint Resolution 173, a joint resolution to authorize and request the President to issue a proclamation designating the calendar month of June 1982, as "National Rivers Month."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 193

At the request of Mrs. KASSEBAUM, the Senator from New York (Mr. MOYNIHAN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from New Mexico (Mr. DOMENICI), the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mrs. HAWKINS), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. BOREN), the Senator from Iowa (Mr. JEPSEN), the Senator from Texas (Mr. BENTSEN), the Senator from South Dakota (Mr. ABDNOR), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. GORTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Nevada (Mr. LAXALT), the Senator from North Dakota (Mr. BURDICK), the Senator from Georgia (Mr. MATTINGLY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. GARN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. DENTON), and the Senator from Indiana (Mr. LUGAR), were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating the week of November 7 through November 13, 1982, as "National Respiratory Therapy Week."

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. DENTON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to provide that a handicapped child's right to life should not be abridged or denied on account of age, health, defect, or condition of dependency.

SENATE RESOLUTION 408—RELATING TO REPROGRAMING AUTHORITY FOR THE BUREAU OF INDIAN AFFAIRS

Mr. MELCHER (for himself, Mr. DECONCINI, Mr. BAUCUS, Mr. INOUYE and Mr. STENNIS) submitted the following resolution, which was referred to the Select Committee on Indian Affairs:

S. RES. 407

Whereas the Senate Select Committee on Indian Affairs requested the General Accounting Office to conduct a study of the Bureau of Indian Affairs' reorganization proposal;

Whereas the Senate Select Committee on Indian Affairs requested the Bureau of Indian Affairs to hold in abeyance its proposed reorganization efforts until the General Accounting Office completed its study and reported to the Committee;

Whereas in a letter dated April 7, 1982 the Bureau of Indian Affairs stated its intent to implement its reorganization irrespective of the General Accounting Office's study and the Committee's request;

Whereas the consolidation of 12 area offices into five regional offices will for many Indian tribes require additional travel costs;

Whereas on February 19, 1982 when the Bureau of Indian Affairs announced its proposed reorganization plan no consultation had occurred with Indian tribes as required by law;

Whereas the Bureau of Indian Affairs' reorganization plan creates an additional layer of bureaucracy for Indian education programs;

Whereas the reorganization plan creates five separate regions for education each with equal authority to determine policy and procedures, the plan has no provision for coordination among the five regions;

Whereas the plan establishes new policy authority between the local schools and the Director of Bureau of Indian Affairs education programs—five assistant directors of and education—which will lead to further bureaucratic intrusion;

Whereas no documentation has been provided by the Bureau of Indian Affairs showing how the reorganization plan will bring about better, more efficient and more expeditious service to tribes;

Whereas neither the Office of Management and Budget nor the Department of the Interior has yet provided any reliable information or statistics to substantiate their claim that the reorganization will create meaningful savings;

Whereas Indian Tribes without exception have expressed their dissatisfaction not only with the reorganization plan itself but also with the manner in which it was developed;

Whereas the Bureau of Indian Affairs has to date spent over $2 million in developing and implementing the plan without securing reprogramming authority from the Congress: Now, therefore, be it

Resolved, That the reprogramming authority requested by the Secretary of the Interior on May 28, 1982 for the Bureau of Indian Affairs be denied.

DISCHARGE OF H.R. 4935

Mr. STEVENS. Mr. President, I move that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4935) to amend title 11, United States Code, to correct technical errors, and to clarify and make substantive changes, with respect to securities and commodities, and I ask that it be placed on the calendar.

REFERRAL OF S. 2487

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 2487, a bill to authorized intelligence activities for fiscal year 1983, be sequentially referred to the Committee on Armed Services for not to exceed 30 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED FOR PRINTING

RIGHT TO LIFE OF UNBORN CHILDREN

AMENDMENT NO. 1877

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (S. 2372) to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions.

VOTING RIGHTS EXTENSION ACT OF 1982

AMENDMENT NOS. 1878 THROUGH 1880

(Ordered to be printed and to lie on the table.)

Mr. HAYAKAWA submitted three amendments intended to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

NOTICE OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 705, to authorize the Secretary of Agriculture to convey certain national forest system lands, and for other purposes; and S. 2569, to declare certain lands in the Cumberland Island National Seashore, Ga., as wilderness,

and for other purposes. The hearing will be held on Thursday, June 24, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 10, at 10 a.m., to hold a full committee business meeting to discuss pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORT FOR EXPORT TRADING COMPANIES

● Mr. HEINZ. Mr. President, I would like to call to my colleagues, attention a report entitled "The Renewal of America in the 1980's," which has recently been released by the Fowler-McCracken Commission on Improving Government Business Cooperation in the Conduct of U.S. International Policy. Although there are many important aspects to this report, particularly noteworthy is the Commission's recommendation urging the passage of legislation to allow formation of export trading companies.

According to the report—

> The Commission is designed to help restore the competitiveness and productivity of the U.S. economy, expand international trade worldwide, chart a better course for energy, and strengthen America's economic ties worldwide.

In a survey of Government and corporate leaders, respondents were requested to evaluate 48 proposals regarding trade and investment. The export trading company legislation proposal ranked surprisingly high in the overall rating and was most favored in the "creating incentives" category.

In addition, the Commission's policy committee on trade and investment recommended the concept of export trading company legislation. Commission members and survey respondents "appear to want Government involvement in organizing programs which create incentives for trade, with less emphasis on establishing new mechanisms," the report noted. The most favored proposal in this area is the formation of export trading companies. Many consider such legislation to be "a symbol of Government support for exports," the report said, adding that the primary beneficiaries of export trading companies would appear to be small/medium-sized firms.

The Commission's support for this legislation is consistent with the report's general finding that "the need for Government and business cooperation in international trade and investment has strong support." It is also consistent with the strong emphasis placed on "adopting actions through existing mechanisms rather than reorganizing or creating new Government mechanisms."●

THE ENDANGERED SPECIES ACT AMENDMENTS OF 1982

● Mr. LEAHY. Mr. President, I want to express my strong support for S. 2309, the Endangered Species Act Amendments of 1982. These amendments address the problems that have been identified with the existing process, while preserving the ability of the Endangered Species Act to protect fragile animal, bird, plant, and other species.

These amendments will require the Secretary of the appropriate agency to make a determination as to whether a species should be listed within 1 year from the time it is proposed. Under the current law, consideration of a species is dropped if the Secretary has not made a decision within 2 years. The result of the current law is that a number of species are simply withdrawn from consideration because the Secretary had not made a determination within the required 2 years.

The amendments will also clarify that a decision on whether to list a species will be made solely on the basis of biological evidence. Any economic analysis will be used for informational purposes only. This, in my view, places the emphasis where it should be.

Finally, S. 2309 will extend the act for another 3 years, assuring protection for threatened animals, birds, and plants through 1985.

Mr. President, the Endangered Species Act is the first law of its kind to guard entire species from being lost forever because of development and other human activities. I was pleased to support these revisions to make this important act more flexible and easier to implement, while continuing our efforts to preserve the diversity of life on Earth.●

EFFICIENCY IN TAXING—A FLAT RATE SYSTEM

● Mr. GRASSLEY. Mr. President, all too frequently the Federal Government proves itself to be an inhibitor to economic efficiency and progress. The results of our economic policies of the past 15 years illustrates the point well, as does the present state of the economy.

Since the late 1960's, we have witnessed in this country a systematic weakening of the economy, an inability to produce competitively in world markets, a stifling of inventiveness and progress, and a serious breakdown of our social character.

Many of these symptoms are a direct result of inappropriate Government policies that have made war with competitiveness, efficiency and ingenuity. Instead of encouraging new ideas and fostering the conditions for competition and progress, our Government has squandered billions on unprofitable ventures such as subsidies and bailouts.

Meanwhile, those sectors that have traditionally comprised the heart and soul of American inventiveness and achievement—namely, small dynamic firms and research and development programs—have suffered greatly. They have suffered at the hands of years of uncontrolled inflation, multiplying regulations, an overwhelming tax burden, and simple neglect.

Our economic superstructure has thus become contorted, leading to an economy that is capital starved. The creation and efficient allocation of capital is discouraged. There is no wonder, then, that we have not the means to finance a growing and competitive economy. To a large degree, this is due to an archaic Tax Code muddied with loopholes, inequities, and high marginal rates. It kowtows to special interests and the financially well off, while suppressing lower- and middle-income individuals and 90 percent of all business firms in the Nation. It has bred a class of tax lawyers and accountants who specialize in beating the system. Anywhere from $60 to $100 billion a year are paid to these specialists for their services, bottling up much-needed capital and valuable human resources.

The time has come for tax reform—for a simple, efficient and fair tax system. On April 15 of this year I introduced a bill, S. 2376, which would direct the Treasury Department to study the feasibility of replacing the current income tax for individuals and corporations with a flat-rate tax on various income bases. I have long been a proponent of a flat-rate concept, and I am delighted to see the growing support for it. It is favored by the grassroots and is now beginning to catch on in Congress.

The most surprising proponent of late for the flat tax is also a powerful and influential institution of the Washington establishment—the Washington Post. Unfortunately, many Members of Congress do not take a progressive idea seriously unless there is broad support from the media. For the sake of those members, and for the public, I ask that this editorial

from a recent edition of the Post, endorsing the flat tax concept, be printed in the RECORD.

The editorial follows:

[Editorial from the Washington Post]

FLAT-OUT TAXES

Could it be that—after decades of learned study, presidential commitment and general hand-wringing all around—the time for tax reform has come? Senate Finance Committee Chairman Robert Dole has given life to the possibility. Later this year his committee will hold hearings on proposals to replace the individual income tax—with all its preferences and exclusions—with a flat low-rate tax.

Last year the tax system headed in a different direction. The big tax-cut bill provided new gimmicks by which cagey taxpayers could further reduce their burden. Dispensing favors through the tax machine is nothing new, but this time warning lights started to flash. The public, it seems, is thoroughly fed up with the tax system that is not only of baroque complexity, but also downright arbitrary in impact. Replacing the system with a low-rate tax on income—with few, if any, exclusions allowed—is an idea that, by promising efficiency, equity and simplicity, appeals to all parts of the political spectrum.

The flat tax is not, of course, without its critics. The dozens of tax preferences that the system would chop down didn't just grow spontaneously. They were planted and nurtured by substantial interests—none more powerful that the members of the tax-writing committees who know full well the political leverage that comes from the ability to deliver favors redeemable in cash at tax time.

More high-minded opponents of the flat tax will note that the current system, for all its flaws, is at least moderately progressive. A well-off person is certainly able to share more of his last dollars with the government than a poor person, and a decent tax system will take account of that fact. But there are ways to introduce progressivity without complexity into the tax system—none better than the negative income tax long espoused by conservative economist Milton Friedman.

The progressivity of the current income tax is, in any event, bought at enormous price in inefficiency and unfairness. In 1979, for example, about 20,000 taxpayers with adjusted gross incomes of more than $100,000 paid income taxes of more than 40 percent on that income. Remember that adjusted gross income already excludes many tax preference items, but still these families paid hefty taxes. Another 20,000 families in the same high income bracket, however, paid income taxes of less than 15 percent of that income.

In fact, in the upper ranges of the tax system, what you pay depends mostly on how good is the tax advice you get. This, rather than the general level of taxation, is what irks the average taxpayer most—the sure knowledge that other people in equal or better circumstances are beating the system, and doing it in ways that the system condones and even encourages.

Simplifying the tax code can release the talents and energies that are now diverted into figuring out tax avoidance schemes and counseling others in their use. And the loopholes in the tax law are now so specious that eliminating them can produce higher revenues with far lower tax rates. Congress needs to raise more taxes to close the federal deficit and finance the defense buildup. The administration won't support more than token tax increases for fear that higher rates will stifle incentives for productive work and investment. Tax reform is the perfect compromise.●

IMMIGRATION REFORM AND CONTROL ACT

● Mr. KENNEDY. Mr. President, the Judiciary Committee has voted, 16 to 1, to send to the floor S. 2222, "The Immigration Reform and Control Act of 1980." I voted against the bill because I had serious reservations about the measure in its current form. I attempted to address those concerns in several amendments I offered in the committee, but they were not accepted.

I intend to pursue these issues when the immigration bill is scheduled for the floor, and I want to share with my colleagues the minority views I filed with the committee report.

Mr. President, I ask that they be printed at this point in the RECORD.

The minority views follow:

MINORITY VIEWS

The "Immigration Reform and Control Act of 1982" is the product of extensive study and lengthy hearings, and is based upon the landmark work of the Select Commission on Immigration and Refugee Policy. It represents a careful blend of conflicting views and some very difficult compromises. Nevertheless, I have serious reservations about this proposal in the following areas:

EMPLOYER SANCTIONS

My overriding concern is that this bill must not become a vehicle for discriminatory action against Hispanic-Americans and other minority groups. Immigrants and undocumented aliens must not become scapegoats for the serious problems our country faces today because of the Administration's failing economic policy. The recent nationwide raids by the Immigration and Naturalization Service—called "Operation Jobs"—have spread unnecessary fear and alarm in the Hispanic community, whose members feel that the very name given the raids suggest that migrants and undocumented aliens are being unfairly blamed by the Administration for the current high levels of unemployment in the United States.

We must be extremely cautious to avoid legislative action that raises the level of intolerance and discrimination in our society. The employer sanctions provisions present this danger, and I regret that the committee did not accept my amendment that addresses this issue.

I have in the past supported legal sanctions against employers who knowingly hire undocumented aliens. I have done so as a matter of principle; it is wrong that the sanctions under current law fall solely on the undocumented aliens, not on employers who may be exploiting them. The government needs stronger enforcement tools to deal with the serious problem of employers who engage in pattern and practice of hiring and exploiting undocumented aliens.

However, throughout the Select Commission's work, as well as during the extensive hearings of the Subcommittee on Immigration and Refugee Policy, two central objections were raised again and again; (1) that the proposed employer sanctions might result in discrimination against certain American workers, especially Hispanics and Asians; and (2) that employers would be unnecessarily burdened with paperwork in implementing the sanctions.

The history of immigration legislation in recent decades is that once an immigration law is enacted, Congress does not act again for many years. To assure that Congress will not ignore sanctions, I believe an amendment should be added to provide the following two safeguards:

(1) The employer sanctions should be "sunsetted" after three years, so that Congress will be obliged to face this issue of discrimination squarely. If, as some fear, the sanctions become a pretext for discrimination, then they should expire—and properly so—unless Congress enacts new legislation with additional protections. If no discrimination materializes, then the sanctions will be continued.

(2) To insure that a fair and impartial study of the sanctions program is available to Congress, the General Accounting Office and the Commission on Civil Rights should be explicitly required in the statute to undertake an independent study of their implementation.

Part of the incentive to hire undocumented aliens is their willingness to accept substandard wages and working conditions. We must therefore intensify the enforcement of existing laws, including the minimum wage, the Fair Labor Standards Act, social security insurance, unemployment insurance, and Title VII of the Civil Rights Act. Vigorous and effective enforcement of these laws will reduce the incentive for employers to hire undocumented aliens. To accomplish this, I proposed authorizing additional funds to support these enforcement efforts while employer sanctions are implemented.

I hope the Senate will accept these reasonable proposals. If they are adopted, minorities in our society will be given a pledge that, if a pattern of discrimination emerges, Congress will not ignore it. Given the significant changes proposed by this legislation, this is the minimum assurance we should provide.

Legal immigration

In portions of this report there is an unintended implication that immigration to the United States is bad—that the numbers are too high, the impact is undesirable, and the consequences for the future are negative. These implications fly in the face of American history, and I reject them, as did the Select Commission on Immigration and Refugee Policy.

Illegal immigration must be controlled. But there is no evidence that the current levels of legal immigration are dangerous or contrary to our national interests. In fact, the Select Commission concluded:

"Based on its research and analysis, the Commission has found the contributions of immigrants to the U.S. society to be overwhelmingly positive. It believes that an immigrant admissions policy that facilitates the entry of qualified applicants is in the U.S. national interest. Whether measured by the number of Nobel Prize winners who have come to the United States as immigrants (30 percent of all U.S. Nobel laureates), the introductions of new concepts in music, art and literature or the industries built by immigrant labor, immigration has been of enormous benefit to this country."

The Commission also rejected the notion that current immigration is destabilizing or somehow threatening to our national unity. Although the admission of immigrants and refugees to the United States has increased numerically over the past decade, the pro-

portion of foreign born citizens in the United States is dramatically lower than at any previous point in our history. In 1890, the percentage of foreign born was 14.7; and 1970, it was down to a bare 4.7.

Veiled reference is also frequently made to the more than 800,000 immigrants and refugees who entered the United States in 1980. But all who use that figure—often rounding it off to a neat one million—do so knowing it was an extraordinarily unusual year due to the admission of large numbers of Indochinese refugees and the influx of Cubans and Haitians. The numbers before and since are much lower, and will not reach the 1980 level again in the foreseeable future.

We must avoid scare tactics and scare statistics designed to feed false fears.

Preferences for immigration

The bill makes a number of unfortunate and unwise changes in the existing immigration preference system. These changes will jeopardize our country's historic commitment to family reunion as the principal goal of our immigration policy.

For the first time, this bill places the admission of the immediate relatives of United States citizens—spouses, children and parents—under a rigid annual ceiling. In addition, the current 5th preference for the admission of brothers and sisters of United States citizens is eliminated entirely.

These changes are contrary to the recommendations of the Select Commission as well as to the views of every recent Administration—Republican or Democratic. I agree with the Reagan Administration that they compromise our traditional concern for family reunification.

Throughout our history we have never placed a ceiling on the admission of immediate relatives, and there is no valid reason for doing so now. Under the terms of the bill, immediate relatives are still given the highest priority; but if their numbers increase in the years ahead, other family reunion preferences will be cut back.

We should also restore the 5th preference, at least for unmarried brothers and sisters. This would amount to only 17,000 persons a year—hardly a significant number—yet it represents an essential element in the family reunification goals of several communities in our society.

Judicial review of asylum class actions

Some very important reforms of the asylum adjudication process have been achieved in this legislation and I support them. However, I regret that the Committee limited judicial review of the asylum process without granting full independence to the new Immigration Board, as originally proposed when the bill was introduced. As a result, the Committee bill does not achieve the autonomy the asylum process needs in order to assure fair and non-political adjudication of asylum claims. In this situation, the elimination of judicial review is particulary objectionable, since it has been the only avenue for challenging discriminatory decisions.

There are valid arguments for limiting judicial review of individual asylum applications under the new procedures, however, there is no justification for denying judicial review to asylum class actions, where there is an alleged pattern and practice of discrimination in th processing of asylum claims.

This limited review will not open up the system to a burdensome case-by-case judicial review; but it will help assure that the new immigration judges and officers respect due process and strictly follow the laws that Congress enacts. Such a requirement is essential, since the bill grants authority to the Attorney General to appoint the immigration judges and the new Board. We must assure both the appearance and the reality of fairness in the asylum adjudication process by giving some recourse to the courts if a class of cases is questioned. Habeas corpus jurisdiction is not sufficient to achieve this goal, since the bill also limits this remedy to constutitional, not statutory, habeas corpus.

Temporary foreign workers

I continue to support the unanimous vote of the Select Commission and the actions of the Committee in rejecting the establishment of an expanded temporary foreign worker program. Adoption of the legalization program and implementation of the new immigration system will result in the legal admission of additional immigrants and an adjustment in the status of undocumented aliens already working here.

Until the impact of these changes is assessed, there is no valid justification for a large new temporary foreign worker program. Any such program would have serious consequences for American labor and American wages. The Committee has acted responsibly in rejecting calls for a new "bracero" program.

The existing need for temporary workers can be met by the H-2 visa program. The Committee has acted to make this program more flexible, but we must be extremely cautious not to allow these changes to undermine labor standards or to depress wages. Employers seeking H-2 workers must be required to seek American workers first, and we should plan the elimination of this program in the future, not its expansion.

Foreign students

Under the provisions of this bill, no foreign students will be able to adjust their immigration status without first leaving the United States for two years, unless they marry an American citizen. I believe this provision is too restrictive, especially in areas such as engineering, computer sciences, and other areas of high technology, where the United States is facing critical shortages in industry and in teaching.

The Committee bill should be amended to permit students of exceptional merit and ability—who are participating in essential academic, professional and industrial programs—to remain in this country without leaving for two years. To do otherwise is contrary to our national interests. It also ignores the current reality that exceptionally qualified students do not return to their homes in the Third World or elsewhere; they simply move to Japan or Europe and use their skills to help those nations compete against the United States. It makes no sense, when our own faculties and firms are starved for scientific talent, for the United States to train engineers or computer specialists at M.I.T. or Berkeley for jobs in Tokyo or Bonn.

Legalization program

The Select Commission voted unanimously to recommend that a flexible and generous program be established to adjust the status of undocumented aliens already leading productive lives in the United States. It did so because "the existence of a large undocumented/illegal migrant population should not be tolerated"—and because "the cost to society of permitting a large group of persons to live in illegal, second-class status are enormous." The Commission recognized that mass deportations were out of the question, for both legal and humanitarian reasons; such deportations would undermine new enforcement programs and would waste available enforcement resources.

For a legalization program to work, it must be comprehensive, it must reach out to as many undocumented aliens as possible, and it must have as few exceptions as possible. It is for this reason that I am gratified the Committee voted to support my amendment to make the legalization program more inclusive by moving the cut-off date forward from January 1, 1980 to January 1, 1982. This will mean that as new enforcement programs are implemented, a large, subterranean, exploited class of people will not be left in limbo; it helps to resolve the issue of millions of undocumented aliens in our midst.

Although the legalization program is clearly a crucial element of immigration reform, concern has been expressed over the impact it may have on state and local social service programs. According to the research of the Select Commission and others on the characteristics of the undocumented alien population, these concerns appear to be exaggerated. Undocumented aliens are here to work, not to seek welfare; they are in many respects undocumented taxpayers contributing to the communities in which they live without the benefits of those taxes.

Nonetheless, should there develop clear evidence after the one-year legalization program that a significant financial burden has developed on state and local programs, the Federal Government should, of course, respond to any financial burdens imposed by this legislation.

International cooperation

One of the most important recommendations of the Select Commission was that the United States become more actively involved in efforts to achieve international cooperation on world migration and refugee problems.

I strongly endorsed the Commission's recommendations that the United States should expand bilateral consultations to promote cooperation on migration issues in the Western Hemisphere—especially with our neighbors, Mexico and Canada. These two nations deserve special consideration in our policies, and I commend Senator Simpson for his personal efforts to meet with the leaders of Mexico during the development of this legislation.

However, this bill is moving forward without adequate consultations by the Executive Branch with our neighbors. If we are to achieve genuine cooperation we must consult in advance, before changes in our immigration policies are set.

Unilateral policies, like fences, do not always make good neighbors. Immigration is not only a domestic issue; it is a bilateral and international concern as well. During our consideration of this bill we must give greater weight to this concern and the Administration must give greater evidence that it, too, is pursuing it.

Conclusion

Immigration is both America's past and future. It demonstrates confidence in the continuing promise of our land. It honors our traditional concern for family reunion. It strengthens the economic and cultural life of our country. And it assures that America will always be a home for the homeless.

The Select Commission and the members of this Committee understood the urgent need for immigration reform. Our current immigration laws and policies are out of date; they are inadequate to handle world migration pressures.

As ranking minority member of the Subcommittee on Immigration and Refugee

Policy, I have been honored to work closely with the Chairman, Senator Simpson, in a bipartisan effort to achieve genuine reforms, based upon reason, fairness, and careful study. We have attempted to review immigration policy in light of America's best interest, yet with full regard for our immigrant heritage and our humanitarian traditions. I know from many hours of hearings, and from the two-year effort of the Select Commission, how hard Senator Simpson has personally worked to achieve this difficult task.

I pledge my continued cooperation to enact a bill that reflects our shared goals. We have come a long way—but we still have some distance to go.

We have rejected—as we must continue to reject—calls for harsh and discriminatory enforcement of our immigration laws, including the deputizing of local police officers to enforce our complex immigration policies. We have rejected cruel and racist calls against immigration. We have rejected efforts to drastically reduce our annual immigration quotas and to restrict the admission of refugees.

But we must also assure minorities in our society that no new discrimination will result from any provision in this bill. If we can give this assurance in clear and unmistakable terms—and if we can strengthen the bill in other areas—I believe it should and will become law, and will be a clear step toward immigration reform.●

TOWMOTOR CORP. SPEAKS ON "RECIPROCITY" LEGISLATION

● Mr. HATFIELD. Mr. President, yesterday, I received a letter from Mr. M. A. Flexsenhar, the plant manager at the Towmotor Corp., a subsidiary of the Caterpillar Tractor Co. Caterpillar Tractor is a major U.S. exporter, with overseas sales of $3.5 billion last year.

A company with that much export business ought to be particularly well attuned to the international trade picture. Caterpillar is, and is very concerned about the "reciprocity" bills which are being touted in the Halls of Congress as the only way to insure free, but fair trade.

Presently, trade adjustment assistance, countervailing duties, dumping penalties, tariffs and quotas are the tools being used to insure that trade is free and fair. To impose this additional layer of nontariff barriers would remove all flexibility from the system, and almost guarantee that there will arise a new wave of protectionism.

Mr. President, I ask that this letter be printed in the CONGRESSIONAL RECORD.

The letter follows:

TOWMOTOR CORPORATION,
Dallas, Oreg., June 2, 1982.

Hon. MARK O. HATFIELD,
U.S. Senator,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Congress is currently considering "reciprocity" legislation that, if enacted, could constitute a sweeping change in U.S. trade policy. A number of "reciprocity" bills—designed to force other countries into giving U.S. goods and services the same access to their markets that the United States provides to their products—have been introduced in both houses of Congress.

As you know, Caterpillar is a major U.S. exporter. Last year, 56.6 percent of our sales were outside the United States, and exports of American-made products accounted for two-thirds of that. Our 1981 exports from the United States totaled $3.5 billion. We contributed over $12 billion to the U.S. balance of payments over the last five years. You can appreciate that with this exporting experience and performance, we have a strong interest in free and fair international trade.

We're concerned that "reciprocity" could become a front for old-fashioned protectionism and a return to the beggar-thy-neighbor policies of the past. While the concept is superficially attractive, it could signal the beginning of a long series of harmful measures by the United States and our major trading partners . . . each side believing it was merely retaliating against wrongs committed by the other side. A sharp decline in global trade and prosperity could result.

Although the U.S. market is more open than those of other major industrial countries, we still possess trade barriers of our own . . . enough, in fact, that if other countries adopted similar reciprocity policies, the United States would be shut out of some of its most valuable export markets. For example, a reciprocity policy could be turned against us by the European Common Market, with which the United States had an $11 billion trade surplus in 1981. Caterpillar's 1981 sales in Europe were $1 billion.

It should also be noted that import barriers also hurt the U.S. economy. They limit choices available to both consumers and producers, and contribute to inflation by limiting price competition. This is true regardless of whether foreign markets are open to U.S. products.

We believe that the United States more than ever must play a strong leadership role in the continuing battle for an open and free international trading system. Reciprocal access to trade markets has been a key principle underlying international trade and has helped produce the rapid growth of trade volume over the last three decades. But laws based on a restrictive, retaliatory concept of reciprocity could halt this progress.

Legislation to implement reciprocity has not yet been considered in committee. However, we wanted to provide you with our views before you are asked to take a position. We urge you to carefully examine legislative proposals such as S. 2071 (or H.R. 5457), which is designed to restrict access to U.S. markets, and to weigh the benefits against the probable long-term costs.

Very truly yours,

M. A. FLEXSENHAR,
Plant Manager.●

A POIGNANT ARTICLE ABOUT UNEMPLOYMENT

● Mr. SASSER. Mr. President, one of the little-noticed tragedies of our time is that of the men and women who toil for years at a single occupation or task, only to be left behind or overlooked toward the end of their labors by those for whom they struggled.

These individuals rarely make the headlines or the evening news. Only infrequently is anyone outside their immediate family or neighborhood aware of their plight. These are everyday, hard-working people, not the kind to seek pity or to bewail their woes to the world.

But their stories are well known, if only because deep inside most of us is the knowledge of the wearying sense of frustration and self-doubt that arises from a failure not of our own making. We are familiar, in varying degrees of self-awareness and sensitivity, with the heartache and the sorrow that invade our souls when we have worked for—and wished for—something too long and too hard, only to see it snatched away from our reach at the last minute.

So the shock of recognition rings true when we read or hear of such a person, and our hearts are touched, for we know it to be true. Such is the case with this essay, which appeared May 19 in the Commercial Appeal newspaper of Memphis, Tenn.

Mr. President, I ask that the essay be printed in the RECORD.

The essay follows:

BITTEN BY HIS OWN DOG

(By Rheta Grimsley Johnson)

His life's patterns would make poor lyrics for a country song. For he was straight and clean-shaven, rarely drunk and less often in love.

He kept the children in shoes, his wife in Tupperware and the company car clean. He was middle class when it meant something, back when it was a state of mind and being, before it became just a vanishing socio-economic stratum.

More than three bedrooms, a bath and a half and an oil-stained carport would have been too much. His wildest fantasies were of patio awnings and an automatic charcoal starter for a portable grill. It would have been nice to get the recliner re-covered. He could survey his hankerchief-sized king dom through sliding glass doors.

To have had any more than a 30-year mortgage and Saturdays off would have confused him. And the only confusion he allowed in his life centered on the tint knob on his color TV.

He didn't cheat on his wife or his income tax or, if he did, he did not admit it. He only stole what was expected of him, that allowable under corporate law; an occasional day off, a pencil, a sideways look at a secretary.

For nearly 30 years he hit the road for the same company, applying a high school education, elbow grease and a frightening single-mindedness to any and all problems. He profit-shared his way to modest success, trading in his youth and then middle age for a paycheck. He sang the company song, threw the company pitch and accepted nights on the road and countless motel rooms as his life's assignment.

He was a good provider, the one thing he had always known he must be. To stray from the straight and narrow, to stop and wonder about the grass on the other side, would have wasted time.

Sometimes late at night he'd sit alone, the glowing orange tip of his cigarette a lone spot of light in a dark suburban den. Those nights would frighten his family, would make them wonder if he had second thoughts about the irreversible course he'd charted. He quashed inner rebellion as he'd crush that cigarette, hitting the road again the next morning with shoes shined and sleeves rolled up.

He had no passions, few diversions. Music tried to lure a soul from its dark casing. He had an ear for it, but no time. Baseball brought the sparks but not the fire of emotion.

His politics were practical, timid. He wanted no blacks in school with his children, but no George Wallace sticker on his car. He worried some about going to hell but not enough to go through the hell of organized religion.

He played but one part, that of provider. His life was his job. His job was his life. Do right by the company, the company does right by you.

When he was betrayed, 25 years into his career, it was more than being passed over for a promised promotion. It was like an unfaithful spouse, an errant child, the ultimate treason. The shine was gone from his 25-year silver tray. The company had forgotten its own. He had been bitten by his own dog.

Angry and confused, he slowed down some. He hit the road but with less force. He took off the company ring. He sold his company stock. His bitterness cost him his job.

Now, in a world where recent college graduates dare on slick printed resumes to list salary expectations, this 56-year-old man stands perplexed. Something went wrong, but he's not sure what.

As the miles wrapped themselves around his radials he thought only of the next town, the next job. He had postponed his dreams.

It was a turn of events my father had never considered.●

S. 2183—TO PERMIT THE SALE OF WILD HORSES AND BURROS FROM THE PUBLIC RANGE

● Mr. GOLDWATER. Mr. President, the Arizona State 35th Legislature, 2d regular session, 1982, passed House Concurrent Memorial 2006, urging the Congress of the United States to pass Senate bill 2183 to permit the sale of wild horses and burros from the public range, and I would like to have this document inserted in the CONGRESSIONAL RECORD.

Mr. President, we have a situation on our range lands wherein the wild horse and burro populations have exceeded to manageable levels and because of this, range ecosystems have been disrupted and native wildlife has been displaced. The resources must be treated in a balanced manner and one group of wild life should not have that kind of special protection which allows it to destroy the environment at the expense of other users, whether it be the domestic cow or sheep, or other wildlife species.

Senator MCCLURE's measure seeks to give the Secretaries of Agriculture and Interior the flexibility they very much need at this time if they are to properly manage our range lands on a multiple use basis. This is very important to Arizona, where the management policies on public land directly affect the management of State and private lands.

Mr President, I ask that this memorial be printed in the CONGRESSIONAL RECORD.

The memorial follows:

HOUSE CONCURRENT MEMORIAL 2006

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the public lands in Arizona are intermingled and managed with state and private lands; and

Whereas, management policies on public land impact, restrict and influence the management of state and private lands; and

Whereas, the current policies on public land relative to the management of wild horses and burros have caused severe damage to the vegetative, wildlife and soil resources on public, state and private lands; and

Whereas, the current management policies for wild horses and burros are not cost effective and have not effectively controlled the wild horse and burro populations.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States pass Senate Bill 2183 allowing the sale of wild horses and burros from the public lands.

2. That the Congress of the United States further consider legislation for the management of wild horses and burros which is cost effective, technically sound and considerate of state and private land resources.

3. That the Secretary of State of the State of Arizona transmit copies of ths Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Arizona Congressional Delegation.

Passed the House—April 16, 1982 by the following vote: 48 Ayes, 1 Nay, 11 Not Voting.

Passed the Senate—April 22, 1982 by the following vote: 24 Ayes, 5 Nays, 1 Not Voting.

Filed in the Office of the Secretary of State—April 23, 1982.●

DEFENDING THE STEEL INDUSTRY

● Mr. HEINZ. Mr. President, I would like to share with the Senate a resolution I recently received regarding foreign competition from the board of commissioners of Beaver County, a region currently suffering high unemployment in the steel industry as a result of steel imports. The commissioners urge that Congress impose steel imports limitations for both carbon and specialty steel mill products under the provisions of the Trade Act of 1974. Two weeks ago I introduced, together with 25 cosponsors, a Senate resolution urging that President Reagan and the appropriate agencies vigorously pursue and promptly conclude pending unfair steel trade practices cases involving carbon and specialty steel. Additionally, the proposed resolution calls on Congress, if necessary, to consider appropriate legislation to strengthen the trade laws of the United States.

I hope that will not be necessary; that the pending unfair trade practices cases will adequately restrain imports. In this regard, I was pleased to see the sharp restrictions in imports in April, although they remain well above acceptable levels. If our existing laws, however, cannot solve the problem, I am prepared to seek more certain legislative remedies.

Mr. President, I ask that the commissioner's text be printed at this point in the RECORD.

The text follows:

RESOLUTION No. 100

Whereas, the health of the domestic steel industry is essential to the economic well-being of Beaver County and of consequence to the interests of the entire nation as a strategic resource necessary for our national defense; and

Whereas, American privately-owned steel producers, such as those operating in Beaver County, are now competing in the world-wide marketplace with foreign companies which are government-owned, subsidized or directed and do not have to meet the disciplines of our free-market system; and

Whereas, through the extensive use of the aforesaid subsidization and assistance, foreign steel companies have been able to substantially increase their production capacity and sell their products in the marketplace at prices lower than fair value in violation of United States trade laws and international agreements; and

Whereas, an ever-increasing flow of the aforesaid underpriced and unfair imports into our country, commonly known as "dumping," has seriously undercut the economic base of our basic steel industry; and

Whereas, due to the impact of such unfair dumping of foreign steel on our marketplace, the domestic steel industry has been forced to rollback production and curtail expansion and development, thereby resulting in massive lay-offs of the men and women making up its workforce; and

Whereas, the most recently released figures show unemployment in Beaver County to be at a rate of 10.6% and climbing, the highest percentage rate ever on record; and

Whereas, though our nation's steel industry has always favored development of open, fair, and mutually beneficial world trade, it now finds itself, as well as the rest of our economy, confronted by the problem of assuring that the aforementioned government-assisted foreign companies also compete fairly and legally; and

Whereas, in view of the unwillingness of foreign producers to trade fairly, the historic lack of enforcement of our trade laws, especially on the part of the present federal administration, and the devastating impact these considerations have had on the economic livelihood of our nation and, in particular, Beaver County, it is the belief of this Board of County Commissioners that the time has come for the federal government to take immediate action to establish quotas to control the aforesaid unfair steel imports.

Now, therefore, be it resolved by the Board of Commissioners of the County of Beaver, a Fourth Class County under the laws of the Commonwealth of Pennsylvania, and it is hereby resolved:

1. That the Board of Commissioners of the County of Beaver memorialize the President of the United States and the Congress to impose steel import limitations for both carbon and specialty steel products under the provisions of the Trade Act of 1974.

2. That certified copies of this Resolution be immediately dispatched to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the United States Senators representing the Commonwealth of Pennsylvania, and the United States Con-

gressmen representing the County of Beaver.●

RESOLUTION BY THE HOUSE OF REPRESENTATIVES ELEVENTH LEGISLATURE OF THE STATE OF HAWAII

● Mr. INOUYE. Mr. President, I ask that resolution No. 294 of the Hawaii House of Representatives be printed in the RECORD.

The resolution concerns the Caribbean Basin Initiative, which President Reagan proposed earlier this year. As I have emphasized to my colleagues on previous occasions, the burdens of the package fall unevenly upon different geographical regions, industries, and social groups. For this reason the measure which is enacted ought to take into consideration the need to distribute the burdens more evenly just as the Nation as a whole will benefit from the political stabilization of this area.

The resolution follows:

H.R. 294

Whereas, the Caribbean Basin Initiative is the latest in a series of proposals to help out Latin America going back to President Franklin D. Roosevelt's Good Neighbor Policy, and including President Kennedy's Alliance for Progress and President Carter's own Caribbean plan; and

Whereas, the economic package is an integrated program that helps our neighbors to help themselves, a program which is intended to create conditions under which private entrepreneurship and self-help can flourish; and

Whereas, the "centerpiece" is free trade for Caribbean products exported to the U.S. for twelve years, a period expected to be long enough to encourage investors to take part; and

Whereas, only textile and apparel products have been exempted from the one-way free trade zone program; and

Whereas, we must share to a certain extent in the sacrifices that are necessary to see that our neighbors can have some economic improvements as well; and

Whereas, although the Caribbean aid package in the form of the Caribbean Basin Economic Recovery Act is well-intentioned, it places an extremely heavy burden on Puerto Rico, the Virgin Islands, Hawaii, and those states involved in light manufacturing; and

Whereas, the President's proposal to increase the quantity of duty-free sugar imports will jeopardize the provisions of the Agriculture and Food Act of 1981 and will be of negligible help to the countries involved; and

Whereas, sugar is the single most important export product for the State of Hawaii; and

Whereas, the demise of sugar in Hawaii would have very obvious catastrophic consequences for the State of Hawaii since many thousands would become unemployed, thus creating a situation which would add a tremendous strain to our economy which is currently experiencing one of the highest levels of unemployment ever in its history; and

Whereas, Hawaii's pineapple, papaya, and ornamental flower growers could also be harmed by the President's program depending on the ability of the Caribbean growers to produce and market these crops; and

Whereas, the passage of the Caribbean Basin Economic Recovery Act in its present format would strongly encourage the supply to the United States of imported sugar, agricultural products and light industrial products such as shoes; and

Whereas, it is manifestly unfair to have specific groups and states pay for this national policy initiative; Now, therefore, be it

Resolved, by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, that this body respectfully urges the United States Congress and President Reagan to evaluate all reasonable alternative approaches to the U.S. Caribbean Basin Economic Recovery Act before approving or otherwise implementing the Caribbean Basin Economic Recovery Act.

Be it further *Resolved,* that the Foreign Affairs Committee, the U.S. International Trade Commission, and other appropriate committees or subcommittees of the U.S. Congress be requested to hold public hearings in the State of Hawaii concerning the Caribbean Basin Economic Recovery Act; and

Be it further *Resolved,* that Hawaii's congressional delegation is respectfully urged to give their highest priority to the Caribbean Basin Economic Recovery Act and to act as a united group in a manner which protects the interests of Hawaii; and

Be it further *Resolved,* that certified copies of this Resolution be transmitted to President Ronald Reagan; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to each member of Hawaii's delegation to Congress; to the Chairperson of the U.S. International Trade Commission; and to the Chairperson of the Foreign Affairs Committee.●

FUNDS FOR WIN

● Mr. HART. Mr. President, I oppose the recent action of the Appropriations Committee deleting funds for the WIN—work incentive—program. The Senate should join the House in restoring a supplemental appropriation of $76 million so that the program can continue its operation for the remainder of the fiscal year.

The administration has reduced WIN funding for fiscal year 1982 by 33 percent. This cutback has sharply curtailed the ability of WIN to carry out its essential purpose: Helping welfare recipients find nonsubsidized private sector jobs. The administration's actions have forced many WIN offices to close, or to cut back on personnel—all this in the midst of the worst recession in 40 years.

We have all heard for years the suggestion that the solution to our welfare problems lies in the creation of a program that takes AFDC recipients off the dole and places them in nonsubsidized private sector jobs. WIN is such a program and yet without the urgent supplemental funding the program is slated for extinction.

Mr. President, in comparison with many Government programs, WIN works. It is cost effective. According to figures issued by the Department of Labor, more than 1 million AFDC recipients registered with WIN in fiscal year 1981. During that period, WIN placed 310,000 recipients in private sector jobs at a cost of $365 million. The program reduced AFDC payments in fiscal year 1981 by $760 million and generated over $2 billion in taxable revenue. WIN returns almost $2 to the Government for every $1 spent.

It is ironic that a program so consistent with the stated goals of this administration should be targeted so severely for cuts. Far from being a highly centralized program run from Washington—WIN is State run. Moreover, WIN's emphasis lies in helping hard-to-employ welfare recipients find lasting jobs in the private sector.

Mr. President, we are all in favor of cutting the budget and reducing the deficit. But cutting the budget indiscriminately and shortsighted—with no appreciation or recognition of long-term costs—is not an appropriate fiscal policy for a great nation. I urge my colleagues to support the supplemental appropriation for WIN.●

SERVICES: BUCKING THE SLUMP

● Mr. INOUYE. Mr. President, many economic analysts and journalists have noted an important phenomenon in the U.S. economy: while the manufacturing sector has been severely depressed in output and employment, the service sector has been stable or has even increased in size.

The reasons for the strength of the service sector are not well understood. This sector has not been studied in detail by academicians. Moreover, it consists of many disparate industries, some of which employ the latest technology, while others are highly dependent on unskilled labor. Thus, few accurate generalizations can be made about its component industries.

It is apparent that more public officials and academics are turning their attention to the service sector, which now even has a strong educational arm under the chairmanship of Maurice Greenberg, one of America's most astute insurance executives.

I should like to bring this article to the attention of those who missed it when it was first printed. While I would take issue with the writer, who excludes construction from the service sector, I think that she makes some important points about service companies. The inclusion of construction companies' employment would alter the statistics but it would not change the conclusion, namely, that employment in the service sector has held up stronger than in the manufacturing sector.

I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times]

SERVICES: BUCKING THE SLUMP—EMPLOYMENT IN THIS SECTOR HAS GONE UP

(By Karen W. Arenson)

It is easy to count cars and trucks rolling off assembly lines and ingots of steel being poured. So as production of manufactured goods has slumped, the depth of the recession has seemed alarmingly clear.

But the very visible plunge in manufacturing somewhat overstates the distress of the

economy. For most of the widely followed economic indicators ignore the myriad of services—from medical care to banking to advertising—that account for about two-thirds of America's economic activity.

Although these less visible products of American labor are more difficult to measure than manufactured goods, they have played a major role in cushioning this recession's impact, as they have in so many other business cycles.

A STABILIZING FACTOR

"The service sector is very much a stabilizing factor for the economy," said Irving F. Leveson, director of economic studies at the Hudson Institute. "Service industries tend to have much less fluctuation in employment than goods-producing industries. And to a lesser extent, they also have less fluctuation in wages and production."

Of course, not all service businesses are recession-resistant. Some, such as the airlines, have clearly been hit hard in recent months. But while employment in the manufacturing sector tumbled by 1.3 million jobs between July 1981 and April 1982, employment in the service-producing sector rose by 217,000 jobs.

THE RECESSION-RESISTANT SERVICES SECTOR

[Dollars in thousands]

	Peak Prerecession Employment (July '81)	Current Employment (April '82)	Change	Percent Change
Transportation and Utilities	$5,167	$5,100	−$67	−1.3
Wholesale Trade	5,360	5,301	−59	−1.1
Retail Trade	15,436	15,552	+116	+0.8
Financial, Insur., Real Estate	5,344	5,371	+27	+0.5
Other Services [1]	18,642	18,952	+310	+1.7
Private Sector Services	49,949	50,276	+327	+0.7
Government	15,992	15,882	−110	−0.7
Services Total	65,941	66,158	+217	+0.3
Mining	1,132	1,151	+19	+1.7
Construction	4,272	4,026	−246	−5.7
Manufacturing	20,535	19,258	−1,277	−6.2
Goods-Producing Total	25,939	24,435	−1,277	−5.8

[1] Includes employment in the following industries: health, education, legal, data processing, advertising, credit and collections, lodging and hotels, personnel placement, and amusement.

Source: Bureau of Labor Statistics.

"Not every service industry is going up, and not every manufacturing industry is going down," said Samuel M. Ehrenhalt, the regional commissioner of labor statistics in New York for the United States Department of Labor. "But even though this is one of the more severe recessions in the postwar period, and even though this recession is well past middle age, we still are having job gains in white-collar jobs, and in services in general."

Service-producing companies have also been important in foreign trade. Although sometimes dismissed as "invisible trade," sales of services abroad have helped keep America's balance of trade positive.

"Banking and other service sector contributors enabled the United States to turn last year's $28 billion merchandise trade deficit into a $7 billion current accounts surplus," said Walter B. Wriston, chairman of Citicorp.

There is no simple way to define services. They encompass a wide range of activities, including transportation, public utilities, wholesale and retail trade, finance, health, education, business services and entertainment. Even Government is thrust under the service heading. Despite the many differences among these activities, however, economists find it useful to look at them as a group, as distinct from the four goods-producing sectors of the economy: manufacturing, mining, construction and agriculture.

Surprisingly, the service sector has accounted for more than half of all jobs in the United States since at least the 1920's. But while the percentage of manufacturing employment, composed heavily of blue-collar jobs, has shrunk steadily during this century, the percentage of employment in the services, made up largely of white-collar jobs, has grown steadily. Today, the service sector accounts for about 72 percent of the nation's total employment and 67 percent of its economic output.

Perhaps the most important reason for the huge growth in services is that productivity gains in manufacturing and in agriculture have enabled fewer people to produce more goods, thus freeing many to move into service jobs. And America's growing affluence has allowed consumers to purchase the food, clothing and other goods they need and have an increasing amount of money left for services.

The movement of women into the labor force has also increased the appetite for services. Not only has it meant extra income to be spent on restaurant meals, cleaning services, and even child care, but it has also made these services more important.

BUSINESSES TURN TO SERVICES

A similar appetite for services has developed in the business sector. Many companies, for example, are shifting to outside concerns for automobile fleets, legal work or payroll computation. (Under a statistical quirk, a lawyer—or any other employee—working for a manufacturer is counted as being in a manufacturing job, while the same person working in the same job for a law firm or another service concern is considered a service sector worker.)

While some of the recessionary strength in services undoubtedly comes from its long-term growth, there are services that appear to fare well during downturns. When people postpone purchases of automobiles, appliances and other goods, they do not necessarily cut back equally on purchases of services.

This difference in consumer purchasing patterns has been reflected in spending over the past year. Purchases of services rose by 12 percent between the first quarter of 1981 and the first quarter of 1982, while purchases of consumer durables fell slightly and purchases of nondurables were up by only 6 percent.

"Goods are storable, so during a recession, people keep using the ones they have," explained Victor R. Fuchs, a professor of economics at Stanford University, who is widely known for his research on the service economy. "People don't stop using refrigerators, they just don't go out and buy new ones." In contrast, he noted, services cannot be stored. If they are needed, people must continue to purchase them in a downturn.

DIFFERENT APPROACH TO LAYOFFS

There are, of course, services that are more luxuries than necessities, such as restaurant meals or travel that may be reduced in periods of financial strain. Unlike manufacturing companies, however, which accumulate inventories and then lay off workers until stocks are worked down, the service sector cannot do business if if lays off all its workers since it cannot inventory its product.

So while employment in some services may edge down a bit, there generally are not the mass layoffs found in manufacturing. If a hotel or a restaurant wants to stay in business, its staff must be there every day.

Mr. Leveson of the Hudson Institute added that many service employers feel less pressure to dismiss people since their salaries often do not represent fixed costs, but are paid in tips or commissions.

That is not to say that service businesses are entirely protected from downturns. As Edward Guay, chief economist at the Cigna Corporation, said in an interview, "A service business can overexpand and misallocate capital, just as in manufacturing."

One service sector that has not held up well during this recession is government. Between July 1981 and April 1982, Federal employment fell by 60,000 jobs, to 2.7 million, while state and local government employment declined by 50,000 jobs, to 13.2 million.

Despite the seeming vitality in the overall service sector, industry executives caution that its growth could be hampered by trade barriers imposed by other countries. American companies in the service sector earned about $60 billion in foreign revenues in 1980, according to an estimate by Economic Consulting Services Inc.

"The foreign markets have become very important for certain service businesses," said Ronald K. Shelp, vice president for international relations for the American International Group Inc. Among these, he said, are telecommunications, data processing, advertising, insurance and hospital services.

But while American companies now account for about 20 percent of total world trade in services, their market share has been shrinking. And service sector executives are asking the Government to pay more attention to policies affecting their industries.●

JOHN SMITHERMAN—VETERAN

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. SASSER. Mr. President, it is with great concern that I bring to the Senate's attention the terrible problem of a veteran in Tennessee.

For 6 years, John Smitherman of Mulberry, Tenn. has been trying to convince the Veterans' Administration that the illnesses he is suffering are the result of his service in the Navy. John was aboard the U.S.S. *Allen Sumner* during atomic bomb tests at Bikini Atoll in the Marshall Islands in July 1946. Thus far, his claims of service-connected disability have failed, even though he has lost both legs and now has a left hand swollen to more than five times normal size.

As a result of this situation, Mr. President, John Smitherman will be going to Japan to receive treatment for his radiation exposure. The Navy has refused, on two separate occasions, to admit John to the U.S. Naval Hospital at Bethesda, one of the premiere facilities for treating the illness John has. The Navy's refusal to admit John for the necessary tests has forced him to accept an invitation to go to Japan for treatment. And to get there, John's friends have organized a dinner to help cover the estimated $7,000 cost of obtaining the free treatment.

I consider this situation an outrage. Here we have a veteran of the U.S. Navy—who honorably served his country—and yet the medical facilities necessary to his treatment and potential cure are denied him. Here we have one of the military services coldly relying on entrance criteria—valuable teach-

ing experience—in denying John Smitherman access to Bethesda Naval Hospital. And here we have the Veterans' Administration—whose decision is on appeal—denying his application for service-connected disability when all the evidence, medical and otherwise, points to the atomic tests at Bikini Atoll as the cause of Mr. Smitherman's maladies. He certainly deserves the benefit of any doubt.

I am concerned that a veteran is being forced to go to such lengths to obtain what is rightfully his. I am upset that the bureaucracy has remained so inflexible in spite of John Smitherman's needs. I am upset over the precedent that the VA and Navy's handling of the matter is setting for other veterans.

Mr. President, I urge the Veterans' Administration and the Navy to show some compassion. I urge the bureaucracy to rethink its previous decisions and admit John Smitherman to Bethesda Naval Hospital. The final irony is indeed that it is Japan which considers John Smitherman's condition of greater significance than the U.S. military establishment. Surely we can take care of our own.

Mr. President, in closing, I ask that a number of articles and letters relating to the Smitherman case be printed in the RECORD.

The material follows:

[From the Tennessean, May 4, 1982]

REFUSED BY U.S., VET TO GET JAPAN RADIATION CARE

(By Joe Thomas)

FAYETTEVILLE, TENN.—John Smitherman received word last week that he has been accepted for treatment in a hospital in Hiroshima, Japan less than a week after being turned down for treatment at a U.S. hospital.

Smitherman received word from Dr. Tomin Harada, with the Radiation Research Foundation in Hiroshima, that he had been accepted for treatment of disabilities the Mulberry resident says were caused by radiation exposure he received while in the Navy.

Both of his legs have been amputated and his left hand is swollen five times the normal size.

He was stationed on the USS *Allen M. Sumner* during two nuclear blasts on Bikini Atoll in the Marshall Islands.

The notice of his acceptance in Japan came just three days after he was notified that he had been rejected for treatment by the National Naval Medical Center in Bethesda, Md.

In a letter addressed to Sen. Jim Sasser, Navy Secretary John Lehman wrote:

"A careful and thorough review of Mr. Smitherman's situation has been conducted. It has been determined that approval of his request for treatment at the National Naval Medical Center at Bethesda, Md., would be inappropriate."

"I don't know what to think." Smitherman said of not being accepted at Bethesda. "But it's great to be accepted to go to Japan.

Smitherman said if he can obtain finances he could be leaving for Hiroshima during the first week of June.

The National Association of Atomic Veterans is trying to raise an estimated $3,500 to $4,000 to finance the trip.

Smitherman said NAAV was attempting to get a grant from "The House of Plenty" in Summertown, Tenn.

The Japanese Supreme Court handed down a major decision March 29, 1978, entitling atomic bomb survivors from any foreign country, regardless of their citizenship status, to receive special medical treatment in Japan. This decision enables American victims to receive treatment at Japanese expense.

[From the Tennessean, May 10, 1982]

VET CLAIMING N-TEST MALADY TO BE HONORED

(From staff and wire reports)

FAYETTEVILLE, TENN.—Supporters of John Smitherman, a Navy veteran who says radiation exposure he suffered in 1946 has cost him both his legs are honoring him tomorrow night with a dinner and a check.

With the $7,000 his supporters are contributing, Smitherman said yesterday, he plans to fly to Japan next Wednesday in hopes of obtaining free treatment in that country for his radiation exposure. He has tried for six years to convince the Veterans Administration that his exposure is a service-related problem and that the VA should pay for the treatment.

But the VA has thus far refused, saying Smitherman has failed to present medical documentation to prove that his malady is service-connected. However, there were indications yesterday that an announcement on a change in the VA's stance could come later his week, possibly at the dinner.

Smitherman appeared before the Veterans Board of Appeals in Washington March 22 for the sixth time.

The board had been scheduled to announce its decision yesterday. However, a spokesman for Rep. Albert Gore Jr. told Smitherman yesterday that the annoucement had been delayed until sometime prior to his departure.

Smitherman, angered by the VA's position to date, said he welcomes tomorrow's recognition from his supporters.

"I'll meet so many friends there and try to say hello to them I probably won't get to them all," he said. "I think it proves when you're in trouble, you can look to your neighbors and other people for help."

Smitherman, 53, is to be presented at the dinner with a check from a fund set up to send him to Japan for treatment. Churches, organizations and individuals have been contributing to the fund and $7,000 had been collected by this week, said Bob Garnett, co-chairman of the Fayettville Jaycees committee which is sponsoring Smitherman's dinner.

We are calling it the John Smitherman Recognition Dinner, for lack of any other thing, said Garnett who is also editor of the twice-weekly Elk Valley Times and Observer. "It's a chance to say 'good luck' to John Smitherman."

Smitherman, who lives in Lincoln County's Mulberry community near Fayetteville, said he plans to fly from Huntsville next Wednesday via Los Angeles and Honolulu to Tokyo. He said yesterday he will hold news conferences in the latter three cities.

In Tokyo, he is to undergo tests at the Internal Secretion Research Foundation in hopes of being accepted for 4-6 weeks of free treatment at the Radiation Research Center in Nagasaki.

The Japanese hospital was set up to provide treatment for victims of radiation exposure. Smitherman said he learned of the hospital and applied to it through the National Association of Atomic Veterans, a group of veterans who say they suffer from radiation exposure.

Smitherman's left leg was amputated from above the knee in March 1977 and his right leg below the knee in August 1978. His left hand is now swollen to about five times its normal size. Smitherman said VA doctors have told him he should consider having the hand and part of his left arm amputated.

Among those scheduled to speak at Smitherman's dinner is Gore, who has testified in Smitherman's behalf before the Veteran Board of Appeals and has made a speech in Congress to describe Smitherman's plight.

Mike Kopp, Gore's press secertary, said, "He's taken a special interest in Smitherman because his case is so extreme. He did serve for his country and came down with the symptoms of this disease while he was in the service. It's apparent to us that this is service-related."

Smitherman was assigned to the U.S.S. *Allen M. Sumner* when the Navy ship was docked at the Bikini atoll in the Pacific's Marshall Islands during two atomic bomb tests at the island in July 1946.

He said red blotches formed on his feet and legs about 30 days later and the limbs swelled. He was treated for the swelling and discharged from the Navy in August 1947 for what was then diagnosed as a kidney ailment.

He said he absorbed his medical costs until 1976, when he decided to ask the VA to pay for them.

MARCH 22, 1982.

Hon. KENNETH EATON,
Acting Chairman, Board of Veterans Appeals, Washington, D.C.

DEAR MR. CHAIRMAN. As you know, I have, on numerous occasions expressed my deep concern that the Veterans Administration has not ruled that the present condition, from which Mr. John Smitherman suffers is indeed service connected. It seems to me that the body of evidence is quite clear.

Without doubt, the patience and tolerance exhibited by Mr. Smitherman for the appropriate appeals process is more than most of us could bear, if we were to find ourselves faced with his pain and suffering.

Mr. Chairman, the Veterans Administration is charged by our government with the care of those individuals that have been injured while in the service of our country. I know that you endeavor to administer this care compassionately. I only ask that you consider whether Mr. Smitherman has received his full measure of compassion.

I appreciate your granting me this opportunity to reaffirm my strong support for John Smitherman in his valiant effort for assistance.

Sincerely,

JIM SASSER
U.S. Senator.

APRIL 23, 1982.

Hon. JIM SASSER,
U.S. Senate, Washington, D.C.

DEAR SENATOR SASSER. This is in reply to your inquiry of 29 March 1982 concerning Mr. John D. Smitherman, a former member of the U.S. Navy.

A careful and thorough review of Mr. Smitherman's situation has been conducted. It has been determined that approval of his request for treatment at the National Naval Medical Center, Bethesda, Maryland, would be inappropriate. Medical care designations in situations such as this are considered on a case by case basis. Due to the additional burden these designations create on the medical facilities, it is incumbent on me to exercise this prerogative conservatively. Generally, designations are limited to situations where continuity of care is in the best

interest of a patient whose eligibility has recently expired or in cases wherein a valuable teaching experience is presented by offering care to an individual. As an alternative to care at the National Naval Medical Center, Mr. Smitherman may wish to apply to the Veterans Administration for care of this condition if a service connection can be established.

I hope you will not deem this action as lacking in consideration for Mr. Smitherman's feelings. His feelings were considered; however, the Government cannot, in fairness to those who are eligible to receive medical care, permit Mr. Smitherman to receive treatment at the National Naval Medical Center, Bethesda, Maryland.

Sincerely yours,

JOHN LEHMAN,
Secretary of the Navy.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 10, 1982.

Hon. JIM SASSER,
U.S. Senate, Washington, D.C.

DEAR SENATOR SASSER: Thank you for your letter of 3 May 1982 concerning Mr. John Smitherman.

As stated in my previous letter of 23 April 1982, approval of Secretarial designation for treatment at the National Naval Medical Center, Bethesda, Maryland, is not appropriate in this case. The Veterans Administration health care system was established to determine service-connected disabilities and to provide, if appropriate, the needed care.

Again, I trust that you will not deem this action as lacking in consideration for Mr. Smitherman. His feelings, as well as established guidelines for such situations, were considered. I regret that I cannot grant Secretarial designation to Mr. Smitherman for care, and seek your understanding in this regard.

Sincerely,

JAMES F. GOODRICH,
Under Secretary of the Navy.●

JAPAN'S FIFTH GENERATION COMPUTER PROJECT

● Mr. TSONGAS. Mr. President, much public attention has been given to Japan's premier technology initiative, the fifth generation computer project. This project commits the resources of government, industry, and universities to the development of an advanced generation of computers with the capability of giving Japan supremacy in the competition to develop information technologies.

I would like to share with my colleagues an article written by Prof. M. L. Dertouzos of the Massachusetts Institute of Technology which provides an excellent account of what the fifth generation computer project means to the United States. As importantly, Professor Dertouzos outlines a framework for responding to the challenge the fifth generation project represents. I urge all of my colleagues to give his ideas careful consideration:

The article follows:

PROFITABLE LONG-RANGE INDUSTRIAL RESEARCH: A RESPONSE TO THE JAPANESE FIFTH GENERATION COMPUTER CHALLENGE

(By Prof. M. L. Dertouzos)

1. INTRODUCTION

The familiar signs of a crisis in progress are once again upon us. Editorials, articles, TV specials, conferences, and corridor discussions bombard us with the newest Japanese challenge—the Fifth Generation Computer Project. Slated to consume upward of $300 million, this industry university cooperative effort has a very ambitious goal: To convert in only one decade an amalgam of very-long-range research projects into socially beneficial products and services that will give Japan world supremacy in the information field.

Among the many challenges that have come from Japan, this is a singularly important one because it strives to gain control of the Information Revolution, a movement which in analogy to its industrial predecessor promises to radically change our way of life, dominate our economy and have significant geo-political representations.

For Japan, this development is as natural as it is inevitable. It matches their technological orientation and lack of natural resources with a technologically intensive resource that all can possess and no one can deplace—information! For the U.S. this development is critical, for it strikes at the heart of our technological leadership. In blunt terms, it forces us to ask whether we would like to see ten years from now our computer industry in the same shape as today's Detroit. Information processing and communications is, in my opinion, the most important area of prospective U.S. techno-economic leadership. If we lose our lead in this area, we will suffer serious if not grave economic consequences. In short, we cannot ignore the Japanese challenge. We must respond!

Like every challenge, the Japanese assault on our informational dominance, if properly met, can lead to a valuable opportunity. Thus, in contemplating our response, we should not simply strive to preserve but rather to enhance our own techno-economic position—a feasible prospect in light of the 10-year warning period that accompanies this challenge. Moreoever, in doing so we shall have to reconsider, with some creativity, our traditional practices. In what follows, I would like to examine some of the steps that we might take, in this spirit and toward such a goal.

2. THE FIFTH GENERATION COMPUTER PROJECT

Our first exposure to the Fifth Generation Computer Project took place nearly two years ago when one of our scientists brought back from Japan the first formal project plan. Our first reaction was resentment! We reacted emotionally because we saw in that plan many of the research projects of our own Laboratory and of our sister, the MIT Artificial Intelligence Laboratory. Dominant among these projects were the dataflow multiprocessor architectures of Professor Jack B. Dennis and the cognitive structures of Professor Gerald Sussman.

Before continuing, however, with the consequences of these early reactions, I would like to summarize for you the Fifth Generation Computer Project. Structurally, this plan calls for (1) multiprocessor mechanisms employing hundreds and later thousands of processors; (2) inference mechanisms capable of deriving higher-level concepts from lower-level ones; and (3) structured knowledge bases. These top-level objects use advanced software subsystems, which in turn, reside on top of a VLSI hardware base.

Functionally, the Fifth Generation project has set the impressive goals of achieving (1) machine translation; (2) speech and image understanding; (3) the construction of expert systems; and (4) applied problem solving.

Enveloping these structural and functional charactersitics is a collection of societal and national goals which include: (1) increased productivity; (2) international competition; (3) saving energy and other resources; (4) coping with an increasingly aged Japanese society. Overall cohesiveness is achieved by the project's title, which suggests a generically new system. Finally, national unity if realized by the traditional Japanese cooperation among six participant companies and by the worthy objective of achieving technological and economic supremacy in the computer field.

Earlier comments nothwithstanding, the Fifth Generation Computer Project can not be simply characterized as a copy of promising U.S. and European research. The project has been thoughtfully and creatively integrated, and is likely to lead to research approaches and results that will be original and uniquely Japanese. Furthermore, even if it does not achieve the precise objectives that have been set forth (a likely situation), it will undoubtedly create and educate a large number of specialists in Artificial Intelligence, multiprocessor architecture, and related fields.

Our initial anger at this plan quickly gave way to a different anger which, mixed with frustration, was directed at our own industry! The realization of this not-so-subtle transformation became clear to us when we confronted our Japanese colleagues, including the leadership of the Fifth Generation Project, with the inevitable question "Why in the world did you copy us?" Two answers were given: "You are research leaders. We follow!" and "You are interested in theoretical and prototypical results. We want to make real products and applications!" In their simplicity and directness these answers confirmed the well-known purpose of University research as the free pursuit and dissemination of ideas; and the natural consequence that when these ideas are good, they ought to be reduced to industrial practice.

It was through this chain of events and thoughts that the Japanese Plan led us to focus our attention on our own industrial complex—a system, that with few exceptions, is currently incapable of pursuing ideas with a very-long-term gestation period. The reasons for this uniform corporate behavior rest, of course, on the nature and dynamics of our free enterprise system: Our corporate leaders strive to increase profitability and net capital assets in quarterly, or at best, two-year time frames. This is what we demand of them as directors and as stockholders, and this is what the Government silently endorses with its regulations and its taxation.

The success of the Fifth Generation Computer Project as a rallying force within Japan, and a perceived eccnomic threat outside, is undoubtedly rooted in the spectacular and tangible achievements of that country during the last thirty years. These achievements, in turn, are attributed to the attitudinal, cultural, managerial and work characteristics of the Japanese people. As a result of this realization, several U.S. proposals have been advanced calling for initiation in one way or another of these admirable traits; for example by radically changing our educational system and our management approaches. While there are undoubtedly many ways in which we could improve our own business practices by learning from the Japanese, I believe that creative exploitation of our own technical, social and economic system is preferable to blind imitation of theirs!

3. PREREQUISITES OF OUR RESPONSE

In order to be successful, I believe that our response should recognize the following assumptions:

3.1 It must work well within our own free enterprise system: Indeed, it must take ad-

vantage of the competitive and profit threads that make up our economic, political and social fabric. This assumption means that centralized research, government controlled cooperation, or the sharing of competitive secrets are not appropriate responses.

3.2 It must be a "U.S. positive" rather that a "Japan negative" approach. Thus, trying to stop the Japanese is not a feasible alternative. In particular, realization of the recently evolving trend to close our basic technology doors and keep our own advances from others can only lead to trouble! This is so because the uniqueness and the traditions of the U.S. in all of its endeavors are deeply rooted in the free enterprise of products, services and ideas. It is furthermore impractical because of the growing presence of multi-national corporations that diffuse national boundaries. To be sure, corporate secrets and technological applications that are vital to our national security must continue to be protected. But the rising proposals to arrest the export of basic science and technology, e.g. by restricting research publications and the educational activities of foreign students may have in the long run a negative effect on our overall national interest, precisely because such practices run counter to our basic principles.

3.3 It must strive to improve our productivity, i.e. to increase the quality and reliability of our products, at reduced costs. The Japanese have already demonstrated that our preconceptions to the contrary are simply wrong! Namely, increased quality and reliability can be achieved concurrently with lower product costs.

3.4 It must focus on long-term, high-technology research and development. Information-related high technology has always been our strength. In the past, it was also accompanied by a considerable time lead, primarily because of the absence of any serious international competition. Now, however, that this time lead is shrinking, we must consciously strive to lengthen it.

These assumptions lead us quite naturally to the following conclusion: Our response should strive to improve our productivity and to make very-long-range U.S. industrial research attractive and effective within our free enterprise system.

4. TOWARD A RESPONSE

The particular response that is the focus of this conference seems to fit the above prescription in several ways. I will not discuss it here, however, since that is our purpose during this entire meeting.

At the outset I must also admit that I have no concrete ideas on the first part of our response, namely on how to improve our productivity. This is, I hope, excusable and understandable since product quality, reliability and cost are not normally pursued in the University. This knowledge and experience, however, does reside among you—the representatives of our leading corporations. You must accordingly be the principal architects of our response in this area. The only suggestion I can make is that this meeting be viewed as a first step in a continuing dialogue, which will hopefully yield some tangible results. Perhaps what is in order here is an inter-company consortium whose principal purpose is to continue active discussion and search for such an approach. More concretely, I would like to hope that if nothing else were to come out of this conference, you would at least agree to set up such a group and discuss, on an inter-company basis, the problem of improving our productivity.

Proceeding now with the second part of our response I would like to raise for discussion an approach that is aimed at making very long range U.S. industrial research attractive and effective with our free enterprise system. This approach can be viewed as complementary to the main theme of this conference, or indeed to other approaches that we may wish to pursue. It is based on the following two ingredients:

4.1 Substantial short-term credits are made available by the government against long-term profits, to companies that pursue long-term research projects, e.g. with a product or service payoff 5–15 years in the future.

4.2 A consortium of leading non-profit research institutions identifies promising long-term research projects, serves as a clearing house to reduce duplication of effort, and acts as a communications medium for the participating corporations.

Let us now look at how U.S. corporations, the government and the above consortium would contribute to lengthening the time span of industrial research. First, corporations would have at least three interrelated incentives for pursuing long-term research: (1) an increase of current profits through reduced taxation, (2) the immediate benefits of unplanned research fallout which invariably accompany long-range research, and (3) the potential long-term benefits of the research itself.

The Government would experience a short-term deficit in funding the above tax credits, but would recover it in the long-run from the long-term corporate profits that would result from such research. Correspondingly-long-term government bonds or other instruments could be used to finance these credits, and the entire cycle could be further tuned to absorb the financial risks associated with long term research. Besides these financial considerations, the Government would also have the added incentive of discharging its obligations to the people by improving the long-term basis of our corporate infrastructure.

The consortium of leading non-profit institutions would do what its members do best, i.e. the identification of novel high-risk research ideas. These ideas, in turn, would be made available to the participating companies on a select-as-you-wish basis. Thus, a company could choose to pursue long-range research on ideas generated either by its own people or by the consortium—in either case, under that company's own control. Furthermore, before making this choice, such a company would also know from the consortium's records the number and the names of other companies which are pursuing various specific ideas. In this way, a company might choose to attack a project either because no one else is pursuing it, or conversely because it cannot afford not to compete with the companies that have chosen it. The information shared through the consortium would be controlled by the participating companies, and would inevitably become sparser for any given project as individual breakthroughs are achieved and reduction to practice approaches. The consortium would also help in the communication process among the companies, thereby providing the equivalent of an antitrust shield. In this capacity, the consortium could also be used to search for or coordinate other inter-company approaches that may evolve beyond or in lieu of this approach. Finally, the incentives for the consortium would be the potential realization of its ideas and the funding received for their identification and early research.

CONCLUSION

A response to the Japanese challenge is a necessity and even an opportunity for the healthy development and growth of U.S. Information Technology. To be successful, our response must rest upon and indeed amplify the fundamental forces behind our own social and techno-economic heritage. It is in this spirit that I have made my remarks and that I join you in today's continuing discussion.●

COSTA RICA—DEMOCRATIC PRIORITY

● Mr. KENNEDY. Mr. President, Costa Rica is the sole country in Central America which has managed to maintain a strong, vigorous, and resilient democracy for more than 30 years. At the same time, it has succeeded far beyond its neighbors in improving the quality of life of its citizens. Despite those accomplishments, it continues to find itself low on the priority of nations receiving U.S. support.

Costa Rica now faces overwhelming economic pressures, including a balance-of-payments deficit of enormous size. We can, and we should, help this democratic nation and its people toward economic recovery, working to create a multinational package of short- and long-term economic support that can give Costa Rica the chance to spur a new round of development within a democratic system.

If one compares our treatment of Costa Rica with the kind of support bestowed by the United States on a series of repressive regimes in El Salvador, Guatemala, or Nicaragua, it is not surprising that the citizens of Costa Rica may wonder what kinds of values America has represented in Latin America.

In a recent article in the Los Angeles Times, Ronald Hellman, of the Center for Inter-American Relations in New York, raises these questions in an eloquent and impressive way.

He also highlights the mistaken notion within the administration that the right way to support Costa Rica now is to force it into a national security mold that contradicts its democratic history. Costa Rica has not had a military force since 1948 and its police forces are of appropriately limited size.

Economic cooperation is the right path; military aid could become a dead end for democracy.

I ask that the article, "How to help—and hurt—Costa Rica" be printed in the RECORD.

The article follows:

[From the Los Angeles Times, May 12, 1982]

HOW TO HELP—AND HURT—COSTA RICA

(By Ronald G. Hellman)

The inauguration Saturday of Costa Rica's new president, Luis Alberto Monge, represents a critical moment in U.S. relations with the only authentic democracy in Central America. The peaceful and democratic transfer of power in San Jose coincides with the most severe economic crisis in Costa Rica's history. The fundamentally economic nature of the threat to democracy in Costa Rica has not been recognized by Washington.

The Reagan Administration is unrealistic in relying primarily on the President's Caribbean Basin Initiative to improve the immediate and long-term state of Costa

Rica's economy. The economic assistance provision of $70 million for 1983 falls far short of the sums required next year and for several years ahead, and the initiative's one-way free-trade arrangement will have no effect on the country's leading commodity exports, its primary source of hard foreign exchange. San Jose, to cover its balance-of-payments deficit, needs at least $500 million a year for the next five to six years. This can be secured from official, multilateral and commercial lending sources, provided Washington demonstrates the leadership required.

More perilous still, the Reagan Administration, viewing Central America in narrow U.S. national-security terms, is, regrettably, encouraging Costa Rica to strengthen its rudimentary security and intelligence apparatus. This policy stance must be avoided. It is inappropriate to the country's needs and, above all, a threat to the non-military nature of the Costa Rican state.

Costa Ricans are keenly aware of the Monge government's intent to assure the nation's internal security. Their leaders' response has been to give priority to social and economic policies rather than to devote scarce resources to an expensive and unpopular security apparatus. It is a serious error for the Reagan Administration to encourage Costa Rica to depart from this historically proven approach.

The Costa Rican people have demonstrated a firm commitment to the principles and practices of their social, economic and political democracy. The inauguration of Monge, a moderate, marks three decades of peaceful and democratic transfers of power. In the February elections, Costa Ricans gave less than 6 percent of their vote to candidates of either the left or the far right. Voter participation generally exceeds 80 percent, and, despite economic turmoil, the country continues to be orderly and almost totally free of political violence. The people have expressly repudiated the few recent attempts to pursue a violent road to political change.

Above all there is a national commitment to maintain domestic peace without the existence of a standing army. Costa Ricans believe that the absence of the military enables their society to sustain a strong democratic political system. They are understandably sensitive to the militaristic nature of the state apparatus and the repressive role played politically by the armed forces in nearby Guatemala, El Salvador and Nicaragua under the Somoza regime. Considering this perspective, Washington's increasing reliance on military- and security-assistance programs in Central America, including Costa Rica is creating a high anxiety climate that can only be counter-productive.

As Central America's only authentic democracy—a vital distinction—Costa Rica should be made the centerpiece of U.S. policy in the region. The Reagan Administration should reject initiatives that undermine the demilitarized nature of the Costa Rican state, should strengthen through financial means Costa Rica's ability to recuperate economically, and should recognize that Costa Rica's difficulties, given the hardships already felt by its people, require a three- to four-year adjustment period.

It is precisely the political effects of economic sacrifices that are of greatest concern to the new Costa Rican government. An agreement likely to be signed soon with the International Monetary fund calls for increased harsh economic measures. If the people are required to sacrifice too much in too short a time, both the nation's social fabric and its democratic traditions will weaken.

Costa Rica is without question the most pro-U.S. country in the hemisphere. More than 10,000 American retirees have elected to live in that small country, drawn by its stability and the friendship of its people. Its crisis is manageable with U.S. economic assistance and U.S. leadership for securing other support internationally for Costa Rica. It would be the best investment that the United States could make in the pursuit of our national interest in the Americas.●

STRENGTH IN SERVICES

● Mr. INOUYE. Mr. President, several economic analysts and journalists have noted that employment in the service sector has held up surprisingly well in the current recession.

The causes of this strength are not well understood in large part because the service sector has received very little attention by economists. Economists, public officials, and decision-makers differ even on fundamentals, such as the definition of services. Industries in this sector range from those employing high technology to personal services performed by unskilled workers.

Nevertheless, the phenomena of the shift in the economy to the service sector and the strength of service employment have been duly acknowledged.

As a proponent of strengthening and promoting the service sector, I would like to bring to the attention of the Senate an article which appeared in the Federal Reserve Bank of San Francisco weekly entitled "Strength in Services."

The entire service sector deserves increased study, and I hope that other economists will contribute their time and intellectual efforts to analyzing this sector.

I ask that this article be printed in the RECORD.

The article follows:

STRENGTH IN SERVICES

(By Herbert Runyon)

(Chart mentioned in RECORD not reproduced.)

Analysts looking for a bright spot in the otherwise somber labor-market picture may find it in the services industry. Since mid-1981, employment has declined (sometimes sharply) in manufacturing, construction, and other industries, but it has continued to expand in firms that supply business, health, personal, entertainment and other services. The services industry thus may take on part of the employment-stabilizing role that government agencies played in earlier recessions—but not in this one—especially since services account for one-fourth of all the workers on private non-farm payrolls.

These trends may be difficult to discern because of the different meanings given to the term "services" in labor-market discussions. Here we are referring to the industry which produces business, health and other obvious services. By some definitions, however, "services" encompasses a broader range of activities (such as trade and transportation) which produce various intangible items rather than tangible goods. Statistics on the broad services sector tell us little, however, because of the substantial differences among the industries included in this definition. Separately, but somewhat misleading in this context, analysts use the term "service worker" to cover certain employees who do not fit into the normal blue-collar or white-collar occupational categories.

RAPID GROWTH OF SERVICES

The recent strong performance of the services industry is not surprising, considering that the industry has grown more rapidly than any other throughout the past quarter-century. However, the various parts of this industry have shown a great diversity in growth patterns. In the 1972–80 period, for example, health and business services grew more rapidly than the industry in general, and accounted for almost half of the industry's total employment at the end of that span. In the health sector, employment in doctors' and dentists' offices almost doubled—rising much more rapidly than in the larger hospital sector. In business services, meanwhile, employment more than doubled in data-processing and employment-agency services. Employment also increased very rapidly in several smaller sectors, such as legal services and social services; but at the other extreme, employment grew very slowly in personal services (barber, beauty, and shoe-repair shops) and motion-picture theaters.

The services industry showed several unique structural characteristics during the past decade. According to Michael Urquhart, writing in the October 1981 issue of the Monthly Labor Review, women accounted for two-thirds of the 1972–80 increase in employment in this industry, primarily in health, business, and social services. As a result, women now account for 60 percent of total employment in the services industry. Also, these women as a group generally are older than those working in other industries.

As a related matter, almost one-fifth of all workers in the service industry are part-timers—indeed, this industry accounts for more than one-third of all part-time workers. Thus, the average workweek in services, at less than 33 hours last month, was at least six hours less than in manufacturing (although three hours longer than in retail trade).

Professional and technical workers tend to dominate the services industry, accounting for 39 percent of employment in that industry compared with a 21-percent share of the total private workforce, (The higher educational requirements in this area may help account for the older age of the women working in services.) Paradoxically, in 1980 professional and technical workers far outnumbered the number of "service" workers in the services industry. Health services, for example, showed a heavy representation of physicians, dentists, nurses, managers, and other professionals, along with such service-type workers as hospital aides and practical nurses.

IMMUNE TO RECESSION?

The recent strength in services employment could have been expected, since this industry has been relatively immune to all the recessions of the past several decades. Employment in services increased in each of the four contractions since 1960, although in each case at a slower rate than in the preceding expansion (see table). Employment trends in trade, transportation and other parts of the broader "service" sector paralleled the trends in the services industry, but to a lesser degree—and as expected, employment in goods-producing industries dropped sharply in every business contraction.

Expansion or contraction	Annual employment change percent		
	Services	Other "services"*	Goods producing
February 1961 to December 1969	5.9	3.9	2.4
December 1969 to November 1970	2.4	1.7	−6.0
November 1970 to November 1973	4.1	3.3	3.6
November 1973 to March 1975	3.6	1.5	−8.4
March 1975 to January 1980	7.1	4.3	4.8
January 1980 to July 1980	3.2	0.6	−10.1
July 1980 to July 1981	3.9	2.9	3.1
July 1981 to April 1982	2.2	−0.1	−5.8

*Other "services" includes transportation, public utilities, wholesale and retail trade, and finance-insurance-real estate. Source: Bureau of Labor Statistics.

During the recession which began last July, services employment has risen at a 2.2-percent annual rate—an increase of 310,000 jobs (see chart). But during this same July-April period, only retail trade and finance showed increases among other industries in the broader "service" sector—and indeed, total employment in this sector dropped slightly for the first time in any recession of the past two decades. Employment in the goods-producing sector meanwhile dropped sharply, for an overall loss of 1.5 million jobs.

Unemployment has increased in the services industry as elsewhere during this recession. The jobless rate in the combined services and finance industry has risen almost a full percentage point since last summer's peak, to 7.0 percent in April. But in contrast, the jobless rate for all non-farm workers reached 9.9 percent in April—and the rate reached 11.3 percent in manufacturing and 19.4 percent in construction.

EMPLOYMENT AND INVESTMENT

The strength in services employment, however, has gone hand-in-hand with a flat level of investment in that sector over the past decade. Previously, in the 1947-73 period, investment increased much more rapidly in that area than in non-farm business generally. But between 1973 and 1980, real investment in the services industry grew at only a 0.2-percent rate annually, compared with a 2.6-percent rate of investment growth for all non-farm business.

Altogether, the continued expansion of an industry which accounts for one-fourth of all private non-farm employment helps to impart a certain amount of stability to the labor-market situation. At the same time, the flat level of capital spending by this fast-growing industry suggests a declining capital-labor ratio, which in turn implies minimal gains in productivity. Indeed productivity growth has lagged recently in services; real output per hour declined at a 3.6-percent annual rate in services over the 1972-79 period, compared with a 0.7-percent average rate of decline in all private industry. The lagging productivity figures thus indicate the presence of continued cost pressures in an increasingly important part of the national economy.

THE EQUAL RIGHTS AMENDMENT

● Mr. TSONGAS. Mr. President, I should like to share with my colleagues an article by William Van Alstyne, Perkins professor of constitutional law at Duke University, which appeared in the Christian Science Monitor on February 3, 1982. He explains why the equal rights amendment would strengthen our Constitution.

I ask that this article be printed in the RECORD.

The article follows:

THE CONSTITUTION WOULD BE POORER WITHOUT ERA

(By William Van Alstyne)

This June will mark either the passing of an era or the passage of an ERA. Without approval of three additional state legislatures, 50 years of efforts that moved two-thirds of both houses in Congress, and a decade of effort that won approval by 35 states, will end in failure. The world's oldest written extant Constitution, our own, would still provide no fundamental commitment that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Prudent people already think they know the outcome—that among 15 states there will be no favorable majorities in the general assemblies of even three states. Already the 27th Amendment is treated as a game, the outcome of which we know. "They" (the women) have lost.

From within the Constitution where I live professionally, the view is quite different. It is a view of pending loss, of historic and constitutional opportunity about to be forfeited. It is also a professional sense of sheer amazement. I would have thought that the chance to count oneself significantly in adding a memorable and permanent improvement to the Constitution of the United States, would not lightly be rejected by men and women whose other votes in state assemblies cannot possibly be comparable in significance. It is incredible to me that state assembly members, living from year to year through forgettable bills of appropriation, endless caucuses, and recurring campaigns do not see how one vote, on this issue, provides a greater claim to history than anything else they may do.

The indifference of state assembly members to make ratification their most important business cannot be on grounds that the 27th Amendment is trivial, because it is not. It carries into words eminently suitable for a Constitution a proposition neither condescending nor at all objectionable. Rather, like the 13th Amendment (which forever interred chattel slavery) it speaks against the recurring and incorrigible tendencies of government to be condescending, ignorantly denying equality of rights by gender.

The objection that the wording of the Equal Rights Amendment would be an iron bed of Procrustes, relentlessly indifferent to any gender-related distinctions at all (the example is often given of mandatory unisex dressing rooms or bathrooms in all governmentally-operated facilities) is quite mistaken. Where considerations of hygiene, safety, and privacy are involved, "equality of rights under the law" (which is exactly and only what the amendment provides) is plainly not offended by separate facilities equal in usefulness and the separateness of which signatizes no one.

On the other hand, I have heard it said that the 27th Amendment is not needed because the Constitution already adequately speaks to this subject. But this, too, is seriously in error. The equal protection clause (of the 14th Amendment) has embarrassed the Supreme Court by its very poor adaptability to gender-based discrimination by government.

Partly this is so because such forms of unequal treatment by government played virtually no role whatever in its Reconstruction passage, in 1868. Partly it is because the sole reference to sex in the 14th Amendment itself explicitly allowed women together to be denied any right to vote (an "accommodation" provided by the 14th Amendment that it required the separate 19th Amendment, ratified in 1920, to overcome). And partly it is because the court fully understands that gender-based laws cannot be analyzed in perfect analogy to race-based laws (which are the focus of the 14th Amendment), and that the comparison is often very faulty.

This difference is recognized in the different language of the Equal Rights Amendment itself. Thus, it provides for "equality of rights under the law," and admits to common sense distinctions relevant to gender that would not be relevant to race.

The fact is that the Constitution is a poorer document without this amendment, just as it was once even weaker in having no 14th Amendment and, in the beginning, no Bill of Rights at all.

The amendment should be read again, read privately, thought about quietly. It should be compared with the balance of our Constitution, its conformity in style and spirit examined fairly and with detachment. If that is done, then by June it is still possible for us to mark the passage of the 27th Amendment, and not simply the passing of an era.●

STATEMENT BY ROBERT W. PARRY, PRESIDENT OF THE AMERICAN CHEMICAL SOCIETY

● Mr. BIDEN. Mr. President, I would like to share with my colleagues a recent statement by Robert W. Parry, president of the American Chemical Society.

The statement was brought to my attention by my good friend Gilbert J. Sloan. It was submitted at an April 19, 1982, hearing held by the Senate Committee on Labor and Human Resources regarding the fiscal year 1983 National Science Foundation authorization.

The statement is noteworthy because it forcefully underscores the critical difficulties currently facing scientific research and education in the United States.

For example, in the area of chemistry, Mr. Parry points out that:

The instrumentation used to train students in our universities is clearly inferior;

Current limited research budgets are seriously hampering desired scientific advances;

There is a serious concern about whether the United States will have an adequate number of chemical professionals in the next 5 years.

But chemistry is not the only discipline faced with these kinds of difficulties—they unfortunately are common to research and education in all the sciences at this time. And noting this, Mr. Parry correctly states that "the problem of scientific literacy for our citizeny looms as a challenge to all our hopes and dreams as a Nation."

Mr. President, this is a challenge which we cannot afford to ignore.

Our Nation's greatness has been built to no small degree upon a long-standing preeminence in science and technology. As we move toward the 21st century during a period of rapid

scientific and technological change, we will find ourtselves left far behind if we do not make necessary commitments of resources and will that are going to be required to keep pace with that change.

The time for making these commitments is running short. Already we are seeing our Nation falling behind in key areas, and the picture can only worsen unless we act decisively and soon.

The responsibility for such an effort clearly cannot lie with Government alone. Many segments of our society must play a role. But Government, for its part, can and should make valuable contributions by providing strong support in the areas of scientific research and education.

This may be difficult to do during the current period of budget austerity, but we should not shrink from the task for this reason. Many things are going to be difficult during this period, and our goal must not simply be to reduce Government spending, but also to determine what our spending priorities should be within the framework of the funds which are available to us.

In my judgment, support for scientific research and education should be in the forefront of those priorities.

I ask that the full text of Mr. Parry's statement be included in the RECORD.

The statement follows:

Dear Mr. Chairman: The American Chemical Society is pleased to have this opportunity to present its view on the National Science Foundation. The Foundation's importance to the scientific research enterprise in the U.S. is beyond dispute. NSF bears the major responsibility for maintaining the health of basic scientific research in the U.S. It accounts for about 28 percent of federal support for basic research in academic institutions and maintains U.S. scientific strength by funding research in all fields of science and engineering, through grants to more than 2,000 colleges, universities, and other research institutions in all parts of the U.S.

The statement presented in the following pages focuses on research and education in chemistry because this is the area in which we have the most information. However, these remarks are not to be interpreted as a plea for chemistry alone, since history shows quite clearly that an orderly development of the entire fabric of science is essential for the health of any single science.

ACCOMPLISHMENT AND POTENTIAL IN CHEMISTRY

Contributions made by chemistry to our national progress are most impressive. New and better materials ranging from the super-tough fiber "Kevlar" to medicinals such as the newly approved Hepatitis B vaccine, and the platinum complex for treating one of the forms of cancer, and to a variety of agricultural chemicals which are essential to our agricultural enterprise have their roots in the science of chemistry. Technology arising directly from chemistry is responsible for 6% of our gross national product. In addition, chemistry plays a supporting role in food production and a crucial role in energy technology. These two areas account for over 30% of the gross national product.

Basic research in photochemistry, physical chemistry, and solid state inorganic chemistry contributed to the development of the silicon integrated circuit. The advent of ultra-clear glass made possible the development of optical fibers which are bringing about dramatic changes in the communications industry. The discovery of a catalytic method for refining petroleum, and its inclusion in the crude oil refining process through imaginative chemical engineering, increased the gasoline yield from crude petroleum to 80 percent as compared to a value of 50 percent without the process. It is estimated that 200 million barrels of crude oil are saved each year by this process. Finally, chemistry is important to most scientific disciplines ranging from molecular biology to astronomy. Chemistry is truly a "central science."

The potential opportunities for further discovery and development in the chemical sciences are vast. Chemistry is poised as never before to enter a new period of fruitful inquiry because of advances in theory, discoveries in synthetic chemistry, and the advent of new classes of instrumentation. Whether or not the U.S. develops this potential depends on the resources which we as a nation are willing to commit.

SOURCES OF SUPPORT FOR BASIC CHEMICAL RESEARCH

According to the NSF series Federal Funds for Research and Development, total federal funding of basic chemical research was $290 million in 1981. Six federal agencies are the major sources of funds for such research in chemistry: The National Science Foundation, the Department of Energy, the Department of Defense, the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health. In 1981 the NSF provided about 10 percent of the federal support for basic research in chemistry in the United States. On the other hand, it funded 33 percent of all university basic research in chemistry. Thus the vitality of the research base in our academic institutions depends heavily upon NSF.

Support of NSF is probably one of the better long-term uses of federal resources. The Foundation's support of chemical research is crucial to the advancement of chemistry on all fronts because NSF tries to ensure the pursuit of opportunities in basic research not explored by the mission agencies. NSF can support the "bold idea" or "new thought" from which the next major scientific advance will come.

According to NSF statistics, support for basic chemical research in the 1970's from all sources, federal and nonfederal, varied little in constant dollars. The federal share fluctuated around 40 percent while industry's share fluctuated around 50 percent; this latter point deserves comment. Industrial research complements, but is certainly no substitute for, federal efforts to advance the science of chemistry on all fronts. The programs of NSF provide the "cutting edge" of our research enterprise. Their importance is far larger than their dollar value would indicate.

NSF REQUEST FOR FISCAL YEAR 1983

It is in the best interest of the country for Congress to fund the NSF at the level proposed by the Administration for fiscal year 1983. Under this proposal, support for research and related activities would increase from the fiscal year 1982 current plan of $969.7 million to a total of $1,055.6 million in fiscal year 1983, representing an increase of $84.9 million or 8.7 percent. In view of the urgent need to reduce the federal budget deficit and the resulting intense pressure to cut discretionary programs, the Society supports the Administration's budget. However, the proposed funding level for NSF is by no means the optimum. Many excellent research proposals deserving support will continue to be unfunded, as was the case in the past years in the Chemistry Division at NSF.

The fiscal year 1983 proposed budget for the Chemistry Division is $66.1 million. This represents an increase of $5.4 million or 8.9 percent, allowing for little growth when discounted for inflation. Following upon six consecutive no-growth years, the request for fiscal year 1983 clearly is not extravagant. The same can be said about the proposed funding for the Chemical and Process Engineering Division, and for other NSF programs in which chemistry plays a supporting role. The U.S. cannot afford the luxury of funding less research through NSF than proposed by the Administration.

TABLE ON NSF PROGRAMS SUPPORTING CHEMISTRY AND CHEMICAL ENGINEERING

(Dollars in millions)

	Fiscal year 1982	Fiscal year 1983	Percent increase
Chemistry	$60.7	$66.1	8.9
Chemical and process engineering	20.1	22.2	10.4
Other programs:			
Materials research:			
Solid state chemistry	6.0	6.85	14.0
Polymers	5.3	6.0	12.6
Materials labs	22.5	24.2	7.5
Biochemistry	10.5	11.1	5.7
Atmospheric chemistry	6.9	7.9	14.3
Geochemistry	6.8	8.7	27.9
Marine chemistry	10.4	11.1	6.7

MANAGEMENT OF THE NATIONAL SCIENCE FOUNDATION

The American Chemical Society has full confidence in the National Science Board and in the current management of the NSF. We reiterate a statement made on April 27, 1981 by Professor Albert Zettlemoyer, 1981 President of the ACS, before the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation. He said, "We urge the Congress to exercise its oversight functions and continue to review, analyze, criticize, and support the Foundation, while resisting the natural inclination to become too explicit in instructing the Foundation on how to achieve its mission."

In our judgement the NSF is very effective in supporting only top quality science. Seven specially-appointed panels of distinguished scientists reviewed the operation of the Chemistry Division in 1980. Without exception these seven panels of experts praised the methods used by the Chemistry Division to ensure that only high quality research is funded. The programs reviewed represented research of very high quality.

We will now turn to the consideration of a number of issues facing the U.S. chemical profession.

INSTRUMENTATION

An expanding body of information indicates that the instrumentation used to train students in our universities is clearly inferior to that used in industry. Advances in instrumentation have been occurring at a furious pace, principally because of advances in electronic hardware and computers. Replacing worn-out instruments and laboratory equipment, and updating laboratories with new, advanced instrumentation, are extremely expensive propositions. Most academic laboratories have not been able to keep up. The end cost can be enormous because research laboratories that are inadequately equipped spawn inefficiencies and

produce inadequately trained scientists. The obsolescence of instrumentation used for instruction is even worse than that for research instrumentation.

The present plan of the NSF Chemistry Division to put $5.8 million into instrumentation for departmental use and an additional $6.0 million for special instrumentation for individual research projects is extremely wise. This plan recognizes the dependence of the research enterprise on an expanding arsenal of very sophisticated research tools. These new instruments are urgently needed for both research and training. However, it must be recognized that this $11.8 million is being diverted from research grants. This approach is not the ultimate answer to the instrumentation problem. The funds obtained in this manner do not measure up to the magnitude of the problem.

ADEQUACY OF RESEARCH GRANTS IN CHEMISTRY

There is evidence that the current limited research budgets are seriously hampering desired scientific advances. The seven outside panels that reviewed the way the chemistry Division dispenses its grant money were dismayed at the large number of good research proposals that had to be declined for lack of money. The extremely competitive nature of the selection process severely affects the young investigators who are tomorrow's professors. The NSF Chemistry Division is currently funding only one out of five proposals received from first-time applicants. Those who are new to the system and have not developed a long record of accomplishment are having a terrible time obtaining funding. In some cases their inability to obtain funding has been used to deny them permanent positions on university faculties. It is quite certain that more than 20% of the bright young men and women beginning careers in university teaching are capable of doing constructive and valuable research. The American Chemical Society believes that when so many young investigators cannot get funding, our country is the loser.

Because inflation is very seriously eroding the ability of investigators to carry out their research goals, the Chemistry Division has decided to increase the average size of grants in FY 1983 to compensate for inflation. Most of the budgeting increases for chemistry will be used in this manner and the overall number of grants will remain constant at 875. Thus, the long-term problem of an insufficient number of grants will remain.

In Chemical and Process Engineering the FY 1983 budget provides for an increase in the number of awards. In spite of this increase, the overall number of awards in FY 1983 remains relatively small at 403.

SCIENCE EDUCATION

Science education is one of the more visible trouble spots in the U.S. scientific apparatus. A host of problems have been identified and much information is already on the record. The major issues are reviewed here.

PROFICIENCY OF HIGH SCHOOL GRADUATES IN MATHEMATICS AND SCIENCE

The problem of scientific literacy for our citizenry looms as a challenge to all of our hopes and dreams as a nation. For reasons still not well defined, the interest of young Americans in science and mathematics is declining. The situation has been worsening over the past 15 years. The presentation of science to our young people in high school and college is generating little interest in this area of human endeavor that is truly central to life in any modern nation. Fewer and fewer high school students are taking courses in high school chemistry, physics, or mathematics. In 1980 less than 17% of the students in high school had studied chemistry and only 10% had studied physics. This problem is at the root of the shortage of technical experts in America. In view of the demographic data indicating that the number of U.S. citizens reaching the age of 18 will decline over the next 10 years (from 4.2 million in 1980 to 3.3 million in 1990), there is cause for concern that the pool of talent required to operate America's industrial and military enterprise is shrinking at a time when opportunities for discovery and development are very high. This problem deserves serious examination by academia, industry, and government.

SHORTAGE OF QUALIFIED SCIENCE AND MATHEMATICS TEACHERS

Fewer young people are preparing to become science and mathematics teachers, causing a sever shortage in these fields. According to the National Science Teachers Association, a recent survey of secondary school principals shows that 50% of the newly employed science and mathematics teachers are unqualified. They are employed on an emergency basis because of the shortage of qualified teachers. In addition, it has been brought to the attention of the Society that teachers experienced in other fields but without credential for chemistry teaching are being reassigned by school administrators to the chemistry classroom.

PH.D. SUPPLY IN CHEMISTRY

At present there is a serious concern about whether the U.S. will have an adequate number of chemical professionals to operate the chemical enterprise in the next five years. A severe shortage of Ph.D. analytical chemists already became apparent last year. This problem is so severe that a chemical industry panel is investigating the options faced by the chemical profession. The shortage of chemical engineers is also recognized as a serious national problem. Survey data indicate that the situation will get worse before it gets better.

A major portion of the chemical research and development work of the country is spearheaded by well trained Ph.D's. Thus, the supply of chemistry Ph.D.'s concerns us. In 1980 the country produced fewer Ph.D.'s in chemistry (1,538) than in 1966 (1,594). To put this comparison into perspective, the number produced in 1966 was judged to be inadequate to meet the nation's needs then. A further complication is that 22% of the Ph.D.'s produced in 1980 was composed of foreign nationals, many of whom are not available for the U.S. labor force.

STRATEGY IN SCIENCE EDUCATION

Last year the American Chemical Society strongly opposed the elimination of funds for Science and Engineering Education at the NSF. We stated this position to the Administration and to the Congress. The Society has a very genuine interest in science education. A number of ACS permanent operations are devoted to chemical education, including a staff of 30 at National Headquarters, a Committee on Chemical Education, and a Division of Chemical Education with 2,800 members. These activities are a major component of the total ACS operations. Thus, as one might expect, the Society supports a strong federal effort in science education.

This year, again, we are facing an NSF budget that eliminates the Directorate of Science and Engineering Education and takes the Foundation out of the education business, except for the continued administration of a graduate fellowship program of $15 million. The National Science Board and the Director of NSF are looking to the new Commission on Precollege Education in Mathematics, Science, and Technology to come up with a plan to "do something about the problems" in precollege mathematics and science education, and not just to study them.

This course of action has been seriously questioned by members of the Congress and by organizations concerned about the state of science education in the U.S. While remaining strong supporters of a federal role in science education through the NSF, the Society does support the concept of the Commission. The following points carried great persuasive weight in the formulation of our position:

As stated earlier, the problem in science education developed over the past 15 years. It took the convergence of many actions and factors to bring about the current scientific illiteracy that is a national disgrace. Factors beyond the control of any one group were at work, such as the cultural aversion to science and technology that developed in the 60's. Research scientists are to blame for their neglect, and sometimes disdain, toward science educators. Educators are to blame for some poorly thought out programs which did not deliver as expected. Government programs demanding that scientists choose between careers in research or education are to blame. And finally, the Congress is to blame for creating a hodgepodge of programs in response to the desires of its members' constituencies.

The Administration is proposing the termination in FY 1983 of all NSF activities in science and engineering education, except for the graduate fellowships program. It is clear that the decision was precipitated in part by budget constraints. The termination of all NSF involvement in precollege education in science and mathematics would be totally unacceptable. Such action would violate the statutory charter of the Foundation, and is not responsive to current national needs. We take note, however, that the National Science Board and the Director have taken steps that could pave the way toward a fresh start for the Foundation in the realm of precollege education in science and mathematics.

The Society looks upon this approach as an opportunity for the science and education community to pull together and develop a consensus on how to achieve science literacy in the public. The Society also hopes that the Commission will be a mechanism for highlighting this national problem. This visibility may instill in the public a sense of the magnitude of the problem and the need to devote to it public resources at all levels of government—federal, state, and local—as well as private efforts within the community and the family structure.

For the reasons stated above, the ACS supports the work of the Commission. The Society also endorses the Foundation's current plan to continue funding graduate fellowships. These have been extremely effective in training future scientists. In addition, the Society would strongly endorse the creation of a reserve, perhaps $10 million, to be used to implement sound recommendations for improving science education that may emerge from the early stages of the work of the new Commission, the NSF and the National Science Board. In making this recommendation, we emphasize that such a reserve should not be created through diversion of funds from the research activities of the Foundation.

In summary:

The ACS urges the Congress to fund the NSF at the level requested by the Administration for FY 1983.

The Society endorses the effort of the Na-

tional Science Board's Commission on Precollege Education in Mathematics, Science, and Technology.

The American Chemical Society appreciates this opportunity to submit its views on the National Science Foundation and the state of the chemical research enterprise. ACS is an individual membership organization of more than 120,000 chemists and chemical engineers reflecting a broad spectrum of academic, governmental and industrial professional pursuits. Founded in 1876, the Society was granted a National Charter in 1937 by an Act of Congress. The objectives stated in the ACS congressional charter are to encourage the advancement of chemistry and to promote research in chemical science and industry, thereby fostering the public welfare and aiding in the development of our country's industries. The Society stands ready to assist this Committee in any way which you deem appropriate in carrying out the important charge before you.●

SUGAR IMPORTS

● Mr. INOUYE. Mr. President, sugar has been the subject of much renewed debate ever since President Reagan announced his Caribbean Basin Initiative in February of this year. I should like to bring to the attention of my distinguished colleagues two important articles on the subject of sugar quotas. The first is an editorial from the Honolulu Advertiser of May 25, 1982, which clearly explains why our domestic sugar producers need Federal protection. The second article is by Dr. Thomas K. Hitch, senior vice president of the First Hawaiian Bank. It analyzes how the Congress can best protect the U.S. imperiled sugar industry.

Mr. President, I commend these two articles to my colleagues and ask that they be printed in the RECORD.

The articles follow:

[From the Honolulu Advertiser, May 25, 1982]

AMERICA'S SUGAR INTERESTS

Of all the agricultural products which the U.S. supports, protection of sugar is among the most fiercely and vituperatively attacked. Perhaps only tobacco (which, unlike sugar, has no redeeming value beyond that many farmers grow it) is more severely criticized.

For example, a New York Times editorial, "A Shameful Sugar Policy," recently said, ". . . President Reagan will bring joy to a few thousand American sugar growers at a cost of about $1 billion to consumers and a further drain on the incomes of poor countries that depend on sugar exports. In a rational world, the U.S. would not bother producing sugar in constant need of protection. . . ."

And on this page several weeks ago, Washington Post economist Hobart Rowen's column was reprinted as an example of the thinking which influences (and is influenced by) national decisionmakers.

Rowen called sugar quotas "a raw political deal coming back to haunt (Reagan)—and American consumers," a "bilateral pact with the devil" making "a farce out of the administration's pretense that it believes in free trade," and "an enbarrassment for Reagan and his highly publicized Caribbean Basin Initiative."

But in a long letter of response, Robert H. Hughes, president of the Hawaiian Sugar Planters Association, notes, "Mr. Rowen represents the viewpoint of a strong consensus of the press of the Eastern Seaboard (which) obtains almost all of its sugar from foreign sources which is refined in East Coast cities."

But there are good reasons beyond provincial interest (Hawaii's or that of the East Coast) for protecting the domestic sugar industry. One is that no other major sugar-producing nation does without protection of it's own industry, so the market can hardly be called free or open.

Another is that the fundamental purpose of the farm bill under which, quotas are imposed is to maintain domestic farm industries through good times and bad both to insure economic well-being and to protect national security.

While the threat of a sugar OPEC is remote, it is not in the national interest to be completely dependent on good will, stability and large crops in countries like Brazil, the Philippines and the Caribbean for sugar.

Support for the domestic sugar may mean somewhat higher prices for users—though not necessarily as high as the naysayers warn. In return there is some assurance supplies and prices will be stable and not fluctuate wildly from year to year, making planning impossible and profits (for industries like candy and soft drink makers) precarious.

Finally, while we sympathize with and support the Caribbean Basin Initiative, it seems most unreasonable to offer a helping hand to neighbors, however impoverished, while sabotaging an economic mainstay for Hawaii. In common with Caribbean countries, this state has no alternative for economic well-being and reasonable use for its land but to grow sugar.

SUGAR IMPORT QUOTAS: THE ONLY ANSWER

(By Dr. Thomas K. Hitch)

Ever since the Congress failed to renew the 40-year-old Sugar Act in 1974, this bank has argued insistently that the only salvation for the U.S. domestic sugar industry would be the reimposition of country-by-country sugar import quotas. This would also protect American consumers from high sugar prices. The Reagan Administration has just reinstituted these quotas, but it is a temporary measure intended to protect the U.S. Treasury from making massive sugar price support payments to domestic growers. These quotas, which will be in effect over the next few months, will stabilize the market, and hopefully show Congress that this is the only solution to the sugar problem—for producers, processors, consumers, and sugar workers. Let us review the problem briefly.

The U.S. produces about half the sugar it consumes. The other half, imported from foreign producers, was controlled from 1934 to 1974 by country-by-country quotas so that the total supply of sugar in the American market would result in a price that would be fair to both domestic consumers and producers. Since 1974, the nation has used various means, all ineffective, to maintain a semblance of a domestic industry. There were direct subsidies by Presidential order in 1977, the de la Garza amendment creating a price support-loan program in 1977–78, various import fees and duties, and finally the inclusion of sugar in the Farm Act of 1981. When the sugar bill failed in Congress in 1979, Congress ratified the International Sugar Agreement, hoping the ISA would control world supply by withholding sugar during low prices and adding to supply when prices rose above 21 cents. However, the European Common Market, among some other exporting nations, declined to be a party to the agreement, and the current world surplus is in large part due to Common Market overproduction.

Sugar available in the world market to fill our national requirements is far more than we need in years of depressed prices, and far less during periods of inflated prices. The so-called world market is normally plagued with an oversupply situation and prices are far below the cost of production, as at present with sugar selling below 9 cents a pound. Less frequently shortages develop and prices skyrocket to astronomical heights. The current oversupply situation has been marked by "massive imports," according to President Reagan. Agriculture Secretary John Block described it succinctly when he said, "The U.S. has become a magnet for sugar produced in other countries, even to the diversion of shipments already at sea."

Why is the U.S. a magnet for distressed foreign sugar? Simply because sugar is the most tightly controlled commodity in the world, with all the major importing countries except the U.S. buffering themselves against the vagaries of the world sugar market by having long-term agreements with exporting nations to provide them with a normal supply at a normal price—with no other sugar able to enter the country. These long-term agreements funnel 82 percent of world sugar production into a definite market at a definite price even before the sugar is grown.

The remaining 18 percent of production constitutes the world market. This is the world's worst boom-and-bust market for any commodity. The New York spot price, which reflects the world price, went from 9.3 cents a pound in 1973 to 64.5 cents in 1974 to 14.2 cents in 1975 to 44.2 cents in 1980. Since the price support program passed Congress last year, the spot price has ranged from 16.8 cents to around 19 cents, but the world price was less than 9 cents a pound in the first week of May. The U.S. is the only major country in the world that has chosen to ride this roller coaster, probably because of our dedication to the concept of free trade. But the boom-and-bust world sugar market is not one in which free trade could ever work to the benefit of the trading countries.

With this volatile world sugar market more often depressed than inflated, why hasn't the American consumer benefited? With more cheap sugar years than expensive sugar years, why isn't the consumer the winner? The reason is that most of the sugar consumed in America is consumed indirectly—in the candies, ice cream, soft drinks, and baked goods that we buy. And, as an article in the *Wall Street Journal* pointed out last December 23, when very high sugar prices push the price of these sweets up, the price stays up after the price of sugar falls. The result is that the American consumer lives with high sweetener prices even when sugar becomes cheap again. For the two-thirds of our sugar that we consume indirectly we ride the "world" sugar price cycle when it is rising, but we don't ride it when it is falling.

President Reagan's decision to impose country-by-country import quotas at this time is seen as an emergency action to protect the Treasury and not necessarily to protect American sugar producers from going out of business nor to protect consumers from periodic astronomical sugar prices that stay high permanently. But anyone who knows the working of the so-called world sugar market knows that this "emergency" is permanent, although it changes its form as world sugar supplies shift from surplus to shortage and back to surplus in a never-ending cycle. It is time the Administration and the Congress realize what the true situation is after eight years of turmoil following the death of the Sugar Act. Reenactment of sugar import quotas will not affect President Reagan's Caribbean Initia-

tive adversely. The nations targeted for special treatment under this program could be given a larger quota and a preferential tariff. And these nations would have a guaranteed market with prices slightly higher than the world price as an incentive to fulfill their quotas. During the 40 years when the U.S. assigned marketing quotas to domestic and foreign producers, the nation encountered no emergencies, American consumers, producers, and sugar workers all benefited, and the federal government didn't have to spend a penny from the general fund. Instead, more than half a billion dollars was added to the U.S. Treasury during the life of the Sugar Act as a result of sugar processing taxes levied in excess of the costs of administering the act.

WESTVACO CHAIRMAN AND CHIEF EXECUTIVE OFFICER DAVID L. LUKE III, SUPPORTS PRESIDENT REAGAN'S ECONOMIC PROGRAM

● Mr. HATCH. Mr. President, support for President Reagan's economic program is vital if we are to restore economic stability.

In his televised address to the Nation on April 29, the President called for a responsible budget now that will lead to permanent recovery. He asked the American people to support a budgetary approach that would rely on spending cuts to reduce the Federal deficit in the years ahead.

David L. Luke III, chairman and chief executive officer of Westvaco Corp., has communicated with more than 70 Members of Congress urging that they support the President in the budget battles ahead. In addition, the company has activated its grassroots effort and has asked plant and mill managers, in the 35 States in which they operate, to write letters to the editors of local newspapers in support of the President's efforts.

It will take this kind of commitment from corporations and from citizens generally if we are to carry forward the goal of reduced Federal spending, the strategic need for correcting existing weaknesses in our national defense posture and the need to arrest the extraordinary growth in the entitlement programs which now amount to an overwhelming two-thirds of our entire national budget.

Mr. Luke's letter to me is a concise outline of where we have come from, where we are now, and the support needed now for continued recovery. I insert Mr. Luke's letter to me in the RECORD at this time and I commend it to my colleagues:

DEAR SENATOR HATCH:

I am writing this letter to strongly urge that you provide vigorous support for President Reagan's economic program.

In January 1981 our defense capability was suffering from an obvious and real credibility gap. The combination of high inflation, low savings rates, inadequate capital investment and increases in federal expenditures running out of control had produced very disturbing trends in our national economy. Stagflation, negative productivity and a decline in our competitive economic condition relative to the other countries of the western world were matters of serious concern.

Since January 1981, President Reagan has led the Congress and the American public in an effort to start correcting these problems. There are already some positive signs:

Inadequacies in defense are being rectified.

Inflation is down sharply.

The savings rate is up.

The new tax programs will provide a genuine incentive to add further to the savings rate and given time will fuel productive capital investment.

It is clear that a start has been made and it is equally clear that much remains to be done. At the moment, however, the economy remains stalled and interest rates remain high primarily because of doubts as to whether the President can get the necessary congressional support for his programs in an election year. The President has indicated a willingness to work with Congress but the Tip O'Neills and others have indicated no willingness to work with the President and have now become the obstructions to recovery and sound progress in the economy.

The country badly needs to continue to work on its problems. President Reagan has offered clear and positive leadership. I hope very much that you will give the President the strong support that he deserves. Some of the choices involved will not be easy, but if all of us consider the major problems which we were facing in January 1981, I think it is clear that there is no alternative but to support the President and move forward.

Very cordially yours,

DAVID L. LUKE III●

PRIME OSBORN STEPS DOWN TO ACTIVE RETIREMENT

● Mr. HUDDLESTON. Mr. President, a year and a half ago two great railroad systems, the Chessie and the Family Lines, merged to form the largest railroad in the Nation. A major carrier of coal, the CSX Corp. and its subsidiary the Louisville & Nashville Railroad are a major force in the economy of Kentucky.

A principal architect of the merger was Prime F. Osborn, who on May 1 stepped down as chairman of the board of CSX. A native of Alabama, Mr. Osborn is well known to Kentuckians from his years of service as president of the Louisville and Nashville Railroad. The highly successful CSX merger was the capstone of a distinguished 36-year career in the railroad industry. As a responsible business leader, Prime Osborn has given generously of his time over the years to community service and has been a leader in the work of the Salvation Army, the Boy Scouts, and the Episcopal Church. For his public service he has received many awards including the Silver Buffalo Award of the Boy Scouts, the William Booth Award of the Salvation Army, and the Americanism Award of the B'nai B'rith's Anti-Defamation League. I join Prime's many friends in wishing him well in his active retirement, and also look forward to continuing to work with him as he enters this new phase of his truly distinguished career.●

RECORD OPEN UNTIL 4 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD be kept open until 4 p.m. today for statements and submission of bills or reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE ACTING MAJORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, I wish to take this occasion to compliment the distinguished acting majority leader for the skill and the workmanship he has demonstrated in handling the work of the leader during the absence of the leader.

I have always found the acting leader to be very cooperative, courteous, and considerate. He is in a tough spot from time to time, as I have been in previous years when Mr. Mansfield was away.

He is to be commended for the efforts he has put forth to keep the program as it was announced and to keep the process moving, and I salute him.

Mr. STEVENS. Mr. President, I am grateful to my good friend from West Virginia, the distinguished minority leader, for his kind remarks.

It is a privilege to work with him in trying to keep the Senate moving. I think we have succeeded in some small way this week.

PROGRAM

Mr. STEVENS. Mr. President, I will again state that when the Senate resumes its business on Monday, at noon, there will be a normal period for the leaders' time.

ORDER FOR RECOGNITION OF SENATOR CHILES ON MONDAY NEXT

Mr. President, I ask unanimous consent that the Senator from Florida (Mr. CHILES), be recognized for not to exceed 15 minutes following the leaders' time on Monday, June 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Following that, we intend to proceed to the consideration of S. 1210, the Environmental Quality Improvements Act. I am informed that there is little, if any, debate to be expected on that bill. In any event, it will not extend beyond 1:30 p.m., at which time or before there will be a vote on the motion to concur in the House amendments to that Senate bill.

RECESS UNTIL MONDAY, JUNE 14, 1982

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess.

The motion was agreed to; and at 2:53 p.m. the Senate recessed until Monday, June 14, 1982, at 12 noon.

HOUSE OF REPRESENTATIVES— *Thursday, June 10, 1982*

The House met at 10 a.m.

Rev. Carleton C. Rogers, D.D., First United Methodist Church, Elgin, Ill., offered the following prayer:

Almighty merciful God, who alone grants wisdom and understanding, be with these assembled leaders this day as they face momentous problems in their deliberations. Grant them visions of truth and righteousness as they endeavor to help our Nation be a blessing to its people and to all the world. Lead all of us to help destroy tyranny and oppression and truly be messengers of good will. Where there is hatred, bring love; where there is prejudice, send the spirit of unity; and where there are divisions, bring healing. We long for faith in each other and pray for strength and power to help promote peace in our world. We thank Thee for the greatness of our Nation and ask that You will bless our President and all who work with him, that we might be worthy of the heritage which is ours. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 32, answered "present" 1, not voting 47, as follows:

[Roll No. 137]

YEAS—352

Addabbo	Annunzio	Bafalis
Akaka	Anthony	Bailey (MO)
Albosta	Archer	Bailey (PA)
Alexander	Aspin	Barnard
Anderson	Atkinson	Beard
Andrews	AuCoin	Benedict
Benjamin	Erdahl	Lee
Bennett	Erlenborn	Lehman
Bereuter	Ertel	Lent
Bethune	Evans (DE)	Levitas
Bevill	Evans (GA)	Lewis
Biaggi	Evans (IN)	Livingston
Bingham	Fascell	Loeffler
Blanchard	Fazio	Long (LA)
Bliley	Fenwick	Long (MD)
Boggs	Ferraro	Lott
Boland	Fiedler	Lowery (CA)
Boner	Findley	Lowry (WA)
Bonior	Fithian	Lujan
Bonker	Flippo	Luken
Bouquard	Florio	Lundine
Bowen	Foglietta	Lungren
Breaux	Foley	Madigan
Brinkley	Ford (TN)	Markey
Brodhead	Fowler	Marlenee
Brooks	Frank	Marriott
Broomfield	Frenzel	Martin (IL)
Brown (CA)	Frost	Martin (NC)
Brown (CO)	Fuqua	Martin (NY)
Brown (OH)	Gaydos	Mattox
Broyhill	Gilman	Mazzoli
Burgener	Gingrich	McClory
Burton, Phillip	Glickman	McCollum
Byron	Gonzalez	McCurdy
Campbell	Gore	McDade
Carman	Gramm	McDonald
Carney	Gray	McEwen
Chappell	Green	McHugh
Chappie	Gregg	Mica
Cheney	Grisham	Michel
Clausen	Guarini	Mikulski
Clinger	Gunderson	Mineta
Coats	Hagedorn	Minish
Coelho	Hall, Ralph	Mitchell (NY)
Coleman	Hall, Sam	Molinari
Collins (IL)	Hamilton	Mollohan
Collins (TX)	Hammerschmidt	Montgomery
Conable	Hance	Moore
Conte	Hansen (ID)	Moorhead
Conyers	Hansen (UT)	Morrison
Corcoran	Hatcher	Mottl
Courter	Heckler	Murphy
Coyne, William	Hefner	Murtha
Craig	Heftel	Myers
Crane, Daniel	Hendon	Napier
Crane, Philip	Hertel	Natcher
Crockett	Hightower	Nelligan
D'Amours	Hiler	Nelson
Daniel, Dan	Hillis	Nowak
Daniel, R. W.	Hollenbeck	O'Brien
Dannemeyer	Hopkins	Oakar
Daschle	Horton	Oberstar
Daub	Howard	Obey
Davis	Hoyer	Oxley
de la Garza	Hubbard	Panetta
Deckard	Huckaby	Parris
Dellums	Hughes	Pashayan
DeNardis	Hunter	Patman
Derwinski	Hutto	Paul
Dingell	Hyde	Pease
Donnelly	Ireland	Pepper
Dorgan	Jeffords	Petri
Dougherty	Jeffries	Peyser
Dowdy	Jenkins	Pickle
Downey	Jones (TN)	Porter
Dreier	Kastenmeier	Price
Duncan	Kazen	Pritchard
Dunn	Kemp	Pursell
Dwyer	Kennelly	Quillen
Dymally	Kildee	Rahall
Dyson	Kindness	Rangel
Early	Kogovsek	Ratchford
Eckart	Kramer	Regula
Edgar	LaFalce	Rhodes
Edwards (AL)	Lagomarsino	Rinaldo
Edwards (CA)	Lantos	Ritter
Edwards (OK)	Latta	Roberts (KS)
Emery	Leach	Roberts (SD)
English	Leath	Robinson
Rodino	Skelton	Walgren
Roe	Smith (AL)	Wampler
Rogers	Smith (IA)	Watkins
Rose	Smith (NE)	Waxman
Rosenthal	Smith (NJ)	Weaver
Rostenkowski	Smith (PA)	Weber (MN)
Roth	Snowe	White
Roukema	Snyder	Whitehurst
Roybal	Solarz	Whitley
Rudd	Spence	Whittaker
Russo	St Germain	Whitten
Santini	Stangeland	Williams (MT)
Sawyer	Stanton	Williams (OH)
Scheuer	Stenholm	Wilson
Schneider	Stokes	Winn
Schulze	Studds	Wirth
Schumer	Stump	Wolf
Seiberling	Swift	Wolpe
Sensenbrenner	Synar	Wortley
Shamansky	Tauke	Wright
Shannon	Tauzin	Wyden
Sharp	Taylor	Wylie
Shaw	Thomas	Yatron
Shelby	Traxler	Young (FL)
Shumway	Trible	Young (MO)
Shuster	Udall	Zablocki
Siljander	Vander Jagt	Zeferetti
Simon	Vento	
Skeen	Volkmer	

NAYS—32

Badham	Goodling	Mitchell (MD)
Barnes	Harkin	Roemer
Butler	Hartnett	Sabo
Clay	Holt	Schroeder
Coughlin	Jacobs	Smith (OR)
Dickinson	Johnston	Solomon
Emerson	Jones (OK)	Staton
Evans (IA)	LeBoutillier	Walker
Fields	McGrath	Yates
Forsythe	Miller (CA)	Young (AK)
Gejdenson	Miller (OH)	

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—47

Applegate	Gephardt	Moffett
Bedell	Gibbons	Neal
Bellenson	Ginn	Nichols
Bolling	Goldwater	Patterson
Burton, John	Gradison	Perkins
Chisholm	Hall (OH)	Railsback
Coyne, James	Hawkins	Reuss
Derrick	Holland	Richmond
Dicks	Jones (NC)	Rousselot
Dixon	Leland	Savage
Dornan	Marks	Stark
Fary	Matsui	Stratton
Fish	Mavroules	Washington
Ford (MI)	McCloskey	Weber (OH)
Fountain	McKinney	Weiss
Garcia	Moakley	

□ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5432. An act to authorize the presentation on behalf of the Congress of a spe-

cially struck gold medal to Adm. Hyman George Rickover;

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 5659. An act to authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington; and

H.R. 6132. An act to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day."

The message also announced that Mr. JOHNSTON be excused as a conferee, on the part of the Senate, on the bill (H.R. 5922) entitled "An act making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes"; also Mr. SPECTER and Mr. LEAHY be additional conferees, on the part of the Senate, to the above-entitled bill.

□ 1020

THE REVEREND CARLETON C. ROGERS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY Mr. Speaker, our guest chaplain in the U.S. House of Representatives this morning is a longtime personal friend. Dr. Carleton Rogers, minister of the First United Methodist Church of Elgin in my congressional district serves a large congregation of Methodists and assumes an even larger role of spiritual and civic leadership in the Kane County area of my congressional district in Illinois.

For some years before I undertook a career of public service, Dr. Rogers was the minister of Grace Methodist Church in my hometown of Lake Bluff, Ill. Dr. Rogers and his wife Eleanor and their children had a close relationship with my wife and our children. Now for the past 32 years, Dr. Rogers has served the First United Methodist Church in Elgin where during the past 11 years, he has spearheaded an annual interfaith service which has brought together Protestants, Catholics, and Jews, as well as church representatives from various ethnic and racial groups, to share a common service of faith and spiritual dedication.

I know that I echo the sentiments of all my colleagues in the U.S. House of Representatives in expressing appreciation for Dr. Rogers' opening prayer of love and healing, and we welcome him and his wife Eleanor here today.

SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 5118) to provide water to the Papago Tribe of Arizona and its members, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes.

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 5118, be referred to the Committee on Interior and Insular Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. DAUB. Mr. Speaker, reserving the right to object, I wish to state only that there is no objection from this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1983

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 496 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 496

Resolution providing for the consideration of the concurrent resolution (H. Con. Res. 352) revising the congressional budget for the United States Government for the fiscal year 1982 and setting forth the congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985

Resolved, That upon the adoption of this resolution it shall be in order, section 305(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 352) revising the congressional budget for the United States Government for the fiscal year 1982 and setting forth the congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985, and the first reading of the resolution shall be dispensed with. General debate in the Committee of the Whole on said resolution shall continue not to exceed two hours, with not to exceed one hour equally divided and controlled as provided in section 305(a)(2) of the Congressional Budget Act and not to exceed one hour for debate on economic goals and policies as provided in section 305(a)(3) of the Congressional Budget Act. No amendment to the resolution shall be in order except the amendment in the nature of a substitute printed in the Congressional Record of June 8, 1982, by Representative Latta of Ohio, said amendment shall be in order any rule of the House to the contrary notwithstanding and shall be considered as having been read, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Said amendment shall not be subject to amendment except for a substitute consisting of the text of the amendment in the nature of a substitute printed in the Congressional Record of June 8, 1982, by Representative Jones of Oklahoma, said amendment shall be in order any rule of the House to the contrary notwithstanding and shall be considered as having been read and said amendment shall not be subject to amendment but shall be debatable for not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The resolution shall not be subject to a demand for a division of the question in the House pending final adoption. It shall also be in order to consider the amendment or amendments provided in section 305(a)(6) of the Congressional Budget Act of 1974 necessary to achieve mathematical consistency. Upon the adoption of H. Con. Res. 352, the concurrent resolution S. Con. Res. 92 shall be considered to have been taken from the Speaker's table, to have been amended with an amendment in the nature of a substitute consisting of the text of H. Con. Res. 352 as adopted by the House, to have been adopted by the House as so amended, and the House shall be considered to have insisted on its amendment to S. Con. Res. 92 and to have requested a conference with the Senate thereon; the Speaker shall then appoint conferees without intervening motion.

□ 1030

POINT OF ORDER

Mr. WALKER. Mr. Speaker, I reserve a point of order against consideration of the rule.

The SPEAKER. The gentleman has to state his point of order. There is no reserving a point of order against consideration of a report from the Committee on Rules.

Mr. WALKER. Mr. Speaker, I request a point of order against the legislation for the fact that it puts in order consideration of a bill which, if passed, would violate the law of the land; namely, Public Law 95-435; and that the rule provides no waiver for that particular violation of law, nor does the resolution that we will be taking up provide any waiver of that law.

So, therefore, Mr. Speaker, we will be considering a rule and legislation which would be in direct contravention of a law which was reaffirmed by this House yesterday by a vote of 375 to 7.

Mr. Speaker, I would demand a ruling on my point of order.

The SPEAKER. Does the gentleman from Florida (Mr. PEPPER) wish to speak on the point of order?

Mr. PEPPER. Mr. Speaker, I invite the ruling of the Chair.

The SPEAKER. The Chair is ready to rule.

Section 904 of the Budget Act makes it clear that that act was adopted as an exercise of rulemaking powers. Those rules and laws which do constitute rules of the House may be waived at any time by either House of the Congress of the United States, and this power lies in the Rules Committee.

However, the statute that the gentleman cites which has been amended is not a rule of the House. It triggers no point of order, it needs no waiver, so the gentleman's point of order is not well taken.

The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I shall consume.

Mr. Speaker, we will make this discussion very brief because we know that Members are anxious to proceed to the consideration of the merits of the resolution and the two substitute amendments which this rule provides for.

My colleagues remember that when we considered the last budget resolution we spent 5 days in its discussion. We had authorized in the rule under which that debate occurred 7 different substitutes to the pending measure and we made in order 68 perfecting amendments.

The result was the delay of 5 days in the debate and with no final decision being made by the House as to the adoption of a budget.

This time, by a unanimous consensus of the Rules Committee, we have tried to present these two measures to the House under a rule which provides a clear option for the Members as to whether they wish to prefer the Democratic resolution on the budget offered by the able chairman of the House Budget Committee, the gentleman from Oklahoma, Mr. JONES, or the Republican resolution on the budget offered by the able gentleman from Ohio, and ranking minority member of the Budget Committee, Mr. LATTA.

What we make as the pending business is H.R. 352, which is known as the Reagan budget proposal.

Then we make in order two amendments in the nature of substitute, one the Jones substitute and the other the Latta substitute. There are to be no amendments, by the rule, of either one of those substitute amendments.

In other words, they will be voted up or down in each case.

There will be 1 hour of general debate under the Humphrey-Hawkins requirement of the Budget Act in the general debate preceding the consideration of the specific resolution, and there will be 1 hour of additional debate on the base resolution itself.

Then the gentleman from Ohio (Mr. LATTA) will offer his substitute amendment. Then immediately thereafter the gentleman from Oklahoma (Mr. JONES) will offer his substitute.

There will then be 2 hours of general debate and 1 hour will be devoted to the discussion of the Jones substitute in which case the time will be controlled by the gentleman from Oklahoma (Mr. JONES), and the gentleman from Ohio (Mr. LATTA).

Then there will be an hour discussion or debate on the Latta resolution and the time will be controlled in the same manner.

When the total 2 hours of debate has been consumed in the discussion of those two amendments, then there will be a vote, according to the rule, on the Jones amendment first as a substitute for the Latta amendment.

If that amendment is adopted, then there will be a vote on the adoption of the Latta substitute, as amended.

If that is carried then the Committee shall rise and go back into the House again for the consideration of the matter further.

I believe the only additional important element in the rule is one allowing the House to expedite a conference with the other body which has already passed a budget resolution. The rule provides that upon the adoption of House Concurrent Resolution 352 that the House shall be considered to have adopted a motion to take from the Speaker's table the Senate resolution on the budget and it shall be considered that that resolution has been amended to include the House-passed language and agreed to and then it shall be considered that there has been a request for a conference on the matter.

The Speaker, without further action on the part of the House, under this rule, will appoint the conferees.

In that way, when the House has adopted one or the other of the substitute amendments and eventually the resolution itself, as we hope it will, then we can proceed immediately to the appointment of conferees by the Speaker, and the matter will then be in conference with the other body.

I believe that pretty well covers the gist of the resolution and the rule as we submitted it.

The SPEAKER pro tempore (Mr. MINISH). The Chair will state that the gentleman from Florida (Mr. PEPPER) has consumed 4 minutes.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statements just made by the able gentleman from Florida, (Mr. PEPPER), concerning this rule. As he outlined, we had some difficulties a week or so ago with the rule that we reported.

We had too many substitutes, too many amendments, and are of them were voted down.

This country needs a budget and they need it now. Hopefully before the end of this day is over we will report a budget that we can go to conference with.

This is not the end of the road. we are going to go to conference with these figures that appear in these proposals.

I think it was proper that we now come back to an up or down vote on two proposals.

We have the proposal offered by the gentleman from Oklahoma (Mr. JONES); we have the proposal offered on our side by myself.

Let me say it shows very distinctly the differences between the two sides of the aisle. We have tried to work with both sides in forming a bipartisan package that will meet the neeeds of the country while slowing the growth in this Government.

I think we have crafted something in this rule that will produce at the end a vehicle that we can go to conference with. That is most important today.

Keeping that in mind, let me just reiterate what the gentleman from Florida stated. Under this rule I will be offering the substitute on this side first. Then the gentleman from Oklahoma will offer his as an amendment to mine.

We will be debating for 2 hours, and then we will have a vote on the Jones proposal first. If the Jones proposal prevails, that is it, that becomes the vehicle we will go to conference with, if it is sustained in the House.

If his proposal fails, and then we will vote on our proposal. If that is sustained by the House, we will go to conference on that proposal.

But if that one goes down then we are left with the proposal submitted by the President that we are using as the vehicle at this time.

As our Minority Leader indicated the other day, we will have a proposal at that point that probably will not be voted on favorably by this House that will mean no budget again to go to conference with.

This country is waiting for Congress to act on a budget so that we can get interest rates down and get this economy rolling again.

That is what we are after in trying to pass the budget, and let us keep that in mind today.

Let me also point out that under this rule, when it is adopted, the gentleman from Oklahoma will have 30 minutes and I will have 30 minutes on our side for general debate. At the end of that time, Humphrey-Hawkins will have 1 hour to be debated, 1 hour on Humphrey-Hawkins at the conclusion of the 1 hour on our side and the other side. We will have 1 hour of Humphrey-Hawkins.

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, I take this time simply to ask the House to turn down this rule. And the reason I do, is because this rule makes in order two proposals, the Jones proposal and the Latta proposal, the Jones proposal with a defi-

cit in excess of $100 billion, and the Latta proposal with a budget deficit of $99.27 billion.

Incidentally, it has crept up a little bit from 2 or 3 days ago, when it was supposed to be $99.25 billion. I just imagine it will keep on creeping up with each new estimate that we get.

Both of these proposals are clearly unacceptable. We are talking about a $100 billion deficit. We talk about the message that we are going to send because we are now going to bring Government spending under control. What kind of a message is that? A message that brings us a $100 billion deficit.

I ask Members to turn the rule down. Yesterday I appeared before the Rules Committee and made a proposal that the rule include a substitute that does the following: You take the 1982 expenditures and increase defense by 5 percent. That takes us to $201 billion in defense. I notice that the Latta proposal now is $213 billion. There is not that much difference. The others that are increased are the ones that we all have had difficulty with—and with good reason—because we do not want to deny anyone their social security benefits, their veterans' benefits, and retirement benefits. So it calls for an increase of 3 percent in income security, general sciences, veterans and health programs.

Now, in the categories of international affairs, justice, general purpose fiscal, and fiscal assistance the levels are maintained at 1982 levels. No one should have any trouble with those categories. The other categories remain at the OMB estimates.

That brings us to a $45.8 billion deficit.

They tell us that if we do not pass either of these two proposals, the Latta or the Jones, that we will be facing a $180 billion deficit. And that is perhaps correct if we just drop it there and take no further action; but this House clearly showed, when we took the votes the last time, the highest number of votes was for the Latta resolution, the second highest number of votes was for the Rousselot resolution, which was a balanced budget resolution, and the third highest number of votes was for Mr. MILLER, which was also a balanced budget resolution.

I do not believe that this House will just drop the subject if we do not pass either of those two proposals today.

I would suggest to the Rules Committee and to the leadership of this House that if we turn this rule down—and I think it is a reasonable request—to allow a rule which I have drafted to be used in place of the present rule. That is what I suggested yesterday to the Rules Committee but I was told, "We have already made up our mind." If the Latta and the Jones resolutions both go down, then give us an opportunity to present at least this third resolution, which is a middle ground between the zero deficit and the $100 billion dificit.

We have had so much debate on these issues already that I just do not believe that it is necessary to go into every single item. My purpose is simply to say that if we could not agree on a zero deficit resolution, and we certainly do not want a $100 billion deficit—whether you couch it in terms of $99.25 billion, it is still $100 billion—let us try the middle ground so we can end this budget debate by passing the resolution which I propose.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, if I understood the ruling of the Chair a few minutes ago on the point of order that I raised against this rule, the ruling of the Chair was that the Budget Act under which we are operating here today gives us the power to waive all laws of the land, because the point of order was based upon the fact that the law of the land at the present time requires a balanced budget. The law of the land passed in 1978, Public Law 95-435, states clearly that this Government must operate under a balanced budget. That law is not something that we just passed in 1978 and ignored. We reaffirmed that law in 1980, and then again on this House floor just yesterday, by a vote of 375 to 7. That is right, we reaffirmed that law, 95-435. So it is not something that we have just simply set aside. It is something where we have said ever since 1978, in fact, it is something we refused to repeal, we have said we want to have it as the law of the land.

Now, this rule that we are considering and the budget acts that are before us, all of which are far over a balanced budget, do not waive that law. There is no waiver in this rule, there is no waiver in either of the bills that we are to consider here today. There is nothing to say that the law is rendered meaningless except that the Budget Act, evidently if I understand the ruling of the Chair, says that all law is meaningless.

I think that it is important to recognize that what this rule really says is that we are going to go arrogantly forward in this House, saying that the law is meaningless. And if we can say that this law is meaningless, what laws are meaningful? How is it that we have the arrogance to do that which no State legislature can do that has similar laws? The State legislatures across this country have balanced budget laws in place, and those balanced budget laws are important to them.

I do not understand why in this House it is not important. I do not understand why we have a Budget Act which says that the law can be rendered meaningless by saying that it does not apply because it waives all laws of the land. I am disappointed by this kind of arrogance, Mr. Speaker, and I would hope that we would vote against this rule.

Mr. PEPPER. Mr. Speaker, I yield 7 minutes, for debate purposes only, to the able gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I believe that I speak for many Members of the House, on both sides of the aisle, when I say that I am not proud of any of the budgets before us today.

This budget process, while frustratingly complex, offers us the opportunity to make a simple declaration to the American people, that we are committed to bring spending under control and to balance the budget.

The budgets before us today send no such signal. In fact, they send exactly the wrong signals.

The Democratic substitute, while providing spending for programs which are essential to the economic well-being of millions of our neglected and jobless citizens, hides the cost of that program by adding nearly $100 billion to the deficit over the next 3 years.

The Republican substitute savages the poorest, the weakest, the unemployed, the children, and the aged of this country at a rate 2½ times as severe as contained in the Reagan-endorsed, Senate-passed budget. The Latta budget also sustains unjust tax benefits for the wealthy, and still yields historic deficits and renounces prospect for the balanced budget which the Republican Party claims to be so fundamental to their political credo.

Little need be said of the Reagan budget, whose $122 billion deficit has already been unanimously repudiated by the President's own Budget Committee members in the Senate.

Two weeks ago, liberals, moderates, that "the people we represent do not expect miracles from the Congress, but they do expect the truth."

Mr. Speaker, and my colleagues, let us tell the truth to the American people.

There is no way to assure adequate Federal revenues if we irrevocably pledge ourselves to discredit a $750 billion tax loss which the financial institutions and business leaders of this country renounce as nonproductive, and the people of this country condemn as inequitable.

There is no way to heal our economy or even to make serious inroads into reducing the deficit by making only modest alterations in a $900 million a day military budget while slashing spending for jobs and training, for child nutrition, for health care, and for education and housing.

We, in Congress, must decide what it costs to run this Government and to provide essential services to our constituents. We must be courageous enough to tell the voters what that will cost, and to raise the revenues necessary to pay for most additional spending.

We cannot continue to pass along tens of billions of dollars in deficits to the future. That policy, which is the policy of the three budgets before you today, prolongs our current depression well into the future by telling Wall Street and Main Street that we are running away from economic reality.

I believe that the American people are more realistic than these budgets give them credit for being. And I believe this Congress can be more honest with the voters.

Two weeks ago, liberals, moderate and conservatives, 80 percent of all Democrats, joined together to support the "pay as you go" budget in larger numbers than they supported any other budget because it spoke straight with the American people. Yes, it raised a lot in taxes, because that is the cost of the policies this Congress embraced. But that budget did not add a single dollar to the deficit, and it produced a $27.5 billion surplus in 1985.

The "pay as you go" balanced budget failed for one reason only: the President ordered Republican Members not to vote for any Democratic-sponsored budget—not even one which ends the deficit and balances the budget. And so all but three Republicans voted against "pay as you go." If just 23 of those Republicans, only 13 percent of those who voted "No," had matched their rhetoric with their vote, the House would have adopted a balanced budget plan 2 weeks ago.

Instead, the Republican leadership has come to this House with deficits of $231 billion, and will try to blame the Democratic Party for the deficit. They continue to come to this Congress with a program of double taxation—tax increases of $95 billion, and a hidden tax which will be imposed on every prospective home buyer, on every small businessman, on every car purchaser—the hidden tax of continued high interest rates due to an unbalanced budget and an historic deficit. That is a strategy which will not end our reliance on the deficit; it will not lead to a balanced budget. Instead, that approach dedicates us to another decade of deficits.

Some complain there is no alternative. That is not true. The 181 Members of this House who voted for "pay as you go" know there is another way, an approach which requires us to have the courage of our convictions and raise revenues when needed to offset new spending, but an approach which is honest with the American people.

In place of continued deficits and unfair cuts, the "pay as you go" budget offer steadily shrinking deficits, and a surplus of $27.5 billion by 1985. By addressing the economy as it is and not as we would like it to be, "pay as you go" provides the clear message the financial markets of this Nation are awaiting instead of a misleading and ineffective jumble of smoke, mirrors, and contrived numbers which inspire no confidence in the financial community.

"Pay as you go" remains the most equitable, the most honest, and the most easily explainable budget approach. Alone among these budget plans, it commits this Congress to a balanced budget, and establishes a sound policy for reaching that goal within 3 years.

Together with colleagues here and in the Senate, I will pursue the "pay as you go" plan as a means of restoring honesty and soundess to the budget process. In the meantime, we sadly face alternatives which offer no real hope of economic revival, no hope of equity, no hope for ending the ceaseless cycle of deficit after deficit, unemployment and recession.

□ 1050

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding and I want to congratulate him for his remarks today and for his continuing effort.

The gentleman from Pennsylvania, as the gentleman from California heard, spoke about State legislatures. I would suggest that State legislatures budget for the most part exactly the way the gentleman from California proposes, and that is: What they decide are necessary, needed programs for the people of their States they stand up and have the courage of paying for. In some cases, of course, the States are constitutionally precluded from deficit spending, but in others they do so on the basis of policy. The proposal of the gentleman from California would preclude as from simply borrowing funds for programs that this Congress on both sides of the aisle is clearly unwilling to cut to the extent of balancing the budget which so many people talk about.

Again, I congratulate the gentleman from California. I think he is moving in exactly the right direction.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

Mr. PEPPER. I yield 2 additional minutes to the gentleman from California (Mr. MILLER).

Mr. MATTOX. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Texas.

Mr. MATTOX. I thank the gentleman for yielding.

I would like to associate myself with the remarks of my colleague from California, and I would say that I think the gentleman is headed down the right path, and I think that the resolutions that we are offering here today are not ones that many of us are satisfied with.

As a matter of fact, back in 1980 I offered a resolution that was called a "No new starts resolution," where we tried to cap off the new programs. At that time I managed to get 13 votes with me, not enough for even a record vote, and my good colleagues on the other side of the aisle over there, whose rhetoric is always so strong for balancing the budget, and yet we are ending up with the largest deficits in American history from a President who when he was running against Jimmy Carter said that his deficit of $50 billion was an utter complete total disaster.

I do not know how you describe the deficits we have today.

I would hope that we would go with this gentleman's suggestion, give us an opportunity to offer this pay-as-you-go type of approach, and I think if we do that we can fashion far better resolutions than what we are having offered here today.

Mr. MILLER of California. I thank the gentleman for his remarks.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Speaker, we recently went through a week of high spirited democracy-in-action—or was it inaction?—with seven different substitutes in order for the budget resolution and 68 exciting amendments, in which everyone had their chance for ravaging the fiscal and political balance of their rivals, everyone had their chance for savaging each other in anticipation of the November elections, and everyone had a chance to do their thing. Everyone had a chance for rhetorical excess and political assault, but no one really had a chance to pass a budget. No one really had a fair chance to accomplish anything because of the parliamentary hemorrhage that was created by the rule.

The economy never had a chance to receive any real relief from high interest rates, because nothing prevailed. Nothing could under that circumstance.

With seven substitutes in order, everyone had a chance to vote for one or two and against the other six or five. Thus no proposal really had a chance to pass.

The rule before us today would allow a more realistic choice. Members will face a choice between a $99 billion deficit, unacceptable as that is, with the deeper spending cuts, and on the other hand, a $107 billion deficit, more unacceptable as that is, especially with its unrealistic higher tax increase.

That is not the best choice for everyone but it is the best choice today for achieving a majority.

To allow a third or fourth option will have the same result as before. Members will vote for one against the other three and all will fail, and the hope and confidence of our people will be shaken, especially those businesses that are desperately holding on, by means of high interest loans that they really cannot afford, in hopes of an economic recovery.

I doubt that the so-called "pay as you go" proposal will really help the economy anyway, as it has been crafted. After all, its emphasis is not on balancing the budget—and it will not do that in the next couple of years—its

emphasis is on how you "pay." Its emphasis is on how to "pay" with higher and higher taxes, "as you go" on down the road of higher and higher spending. That is, its formulation of "pay and pay and go and go" is just another way of saying "tax and tax and spend and spend."

It is time now for us to do the best that we can do. This rule before us allows that. It will not allow the chaos and confusion of another seven-ring circus but it will allow us a chance to do the best we can for the economy.

Let us agree to this rule so that the American economy will have a chance to see, if not perfection, at least lower interest rates and a chance of recovery.

● Mr. HARKIN. Mr. Speaker, the reason I am going to vote against this rule is because it is deficient in that it does not provide for a vote on the one budget that the first time around received more votes than the Jones budget. Of course, I am talking about the Miller "pay as you go" budget.

So now the Rules Committee presents us with a rule providing for two substitutes. While they may appear to be different, they do not differ on the fundamental question of Reaganomics. Both of these substitutes accept the premise that we must continue to live with both the huge tax cuts given to the rich and to big business, and with the huge buildup in military spending, coupled with intolerable deficits. I do not accept that premise and neither do many of my colleagues.

We must face the fact that Reaganomics does not work. We must remove our blinders which give us only these narrow options of either Jones or Latta. We must tell the Nation that we truly are serious about doing something to reduce the deficit. The Jones budget has a deficit of $107 billion, the Latta budget has a $99 billion deficit, and, of course, President Reagan's budget calls for a deficit of $122 billion. In the coming years, the Jones budget calls for a deficit in 1985 of $42 billion, the Latta budget would have a deficit of $54 billion, and President Reagan's budget would have a deficit of $89 billion for 1985. I find all of these unacceptable.

Both of the substitutes before us today call for major increases in military spending. The Jones budget calls for a 7-percent over inflation for military spending, the Latta—Republican—budget calls for an 11-percent increase. Again, I find both of these unacceptable. At the most, I cannot vote for any budget that increases real military spending above a maximum of 5 percent in real growth.

Let me return to the Miller budget presented by Representative GEORGE MILLER during our first budget debate. While it did provide for a high deficit next fiscal year, it did basically freeze levels of spending at the fiscal 1982 level for the next 3 years, and by 1985 would have provided for a budget surplus rather than a deficit. It was termed a "pay as you go" budget because it contained a new idea that is not only straight forward but is logical and honest. The Miller proposal said that if a new program is needed or if an old one is to be expanded—including the military—we would have to have a vote on the floor of the House to find the money to pay for that new or expanded program. In other words, if someone wanted to raise a program for medicare, then we would also have to have a vote on raising the necessary taxes to pay for it. Likewise, if someone wanted to come in to fund a new missile or B–1 bomber, we would have to then vote to raise the taxes to pay for it.

That is really what makes this budget sensible and understandable to the American people. First, if we were to increase taxes to get a new program or expand an existing one, you can bet that Representatives here on this floor would take a very hard look at the real need for that program. The Miller budget would have brought back to the Congress something that has been missing for a long time: a sense of responsibility. It would provide the voters of this country a measuring stick by which they could hold their elected representative accountable. No longer could Members hide behind fuzzy votes by which they could obfuscate the real impact of their actions.

Under the Miller budget, without any games and phony assumptions, the budget would be balanced by 1985. If we were to pass the Miller budget this year, businesses and money markets would see that we did mean business. Interest rates would come down and we could have a real economic recovery.

Now my friends to the left are nervous about the Miller budget because they are fearful the programs they support would have a tougher time getting passed. My friends to the right are fearful that increased defense spending would have a tough time passing under the Miller budget since they would have to vote for a tax increase to pay for it. My answer to both the left and the right is this: Let us go back and undo the tax program of Reaganomics; let us have fair and equitable tax burdens in this country; let us close the loopholes. Then I believe we would have the necessary revenues to meet the legitimate needs of the Federal Government. To the fears of my friends on the right and left that they will have a tougher time passing their spending priorities, I say it is about time that we consider all of the ramifications of these programs and increases, including what the real cost is of each program.

I believe the American people would be much happier with this kind of honest approach then we now have. That is why I urge my colleagues to vote down whichever budget prevails on the early vote—and put the pressure on our leadership to bring out once the Miller pay-as-you-go budget on the floor.

I would just point out that both the Latta and the Miller budgets the first time around were supported by 45 percent of the Members who voted. I believe that all of those who voted for the Miller budget the first time will do so again, and I believe with more careful consideration and debate that we will pick up enough Members to pass the Miller budget.

That is why I am voting against this rule. The Miller budget got more votes than the Jones budget and under this rule we are not permitted to have another vote on the Miller budget. I believe that is wrong. I hope that the next budget round, we will be given that opportunity.●

□ 1100

Mr. LATTA. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, may I just say that I hope we can speedily adopt this rule and proceed to the consideration of the budget resolution and the two substitutes thereto which are pending and in the wisdom of the House and its good judgment, it can adopt one or the other of the alternatives as the budget of our country and let the critics of this Congress see that we are capable of making a decision about so fateful a matter as a national budget.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentleman from Ohio.

Mr. LATTA. Mr. Speaker, let me emphasize also what the gentleman has just stated. We need this rule. I hope it passes overwhelmingly. I would urge everybody to support it.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUJAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 72, answered "present" 1, not voting 20, as follows:

[Roll No. 138]

YEAS—339

Addabbo	Atkinson	Benjamin
Akaka	AuCoin	Bereuter
Albosta	Badham	Bethune
Alexander	Bafalis	Bevill
Anderson	Bailey (MO)	Bingham
Andrews	Bailey (PA)	Blanchard
Annunzio	Barnard	Bliley
Anthony	Barnes	Boggs
Applegate	Beard	Boland
Archer	Beilenson	Boner
Aspin	Benedict	Bonior

Bonker	Hall (OH)	Panetta
Bouquard	Hall, Ralph	Parris
Bowen	Hall, Sam	Pashayan
Breaux	Hamilton	Patman
Brinkley	Hammerschmidt	Patterson
Brodhead	Hance	Paul
Brooks	Hansen (UT)	Pease
Broomfield	Hatcher	Pepper
Brown (CA)	Hawkins	Perkins
Brown (OH)	Hefner	Petri
Broyhill	Heftel	Peyser
Burgener	Hendon	Pickle
Burton, Phillip	Hertel	Price
Butler	Hightower	Pritchard
Byron	Hiler	Pursell
Campbell	Hillis	Quillen
Carman	Holt	Rahall
Carney	Horton	Railsback
Chappell	Howard	Rangel
Cheney	Hoyer	Ratchford
Chisholm	Hubbard	Regula
Clausen	Huckaby	Reuss
Clay	Hunter	Rhodes
Clinger	Hutto	Richmond
Coats	Hyde	Ritter
Coelho	Ireland	Roberts (KS)
Coleman	Jenkins	Roberts (SD)
Collins (IL)	Johnston	Robinson
Collins (TX)	Jones (NC)	Rodino
Conable	Jones (OK)	Roe
Conte	Jones (TN)	Roemer
Corcoran	Kastenmeier	Rogers
Coughlin	Kazen	Rose
Coyne, William	Kemp	Rosenthal
Crockett	Kennelly	Rostenkowski
D'Amours	Kildee	Roth
Daniel, Dan	Kindness	Roukema
Daniel, R. W.	Kogovsek	Roybal
Daschle	Lagomarsino	Rudd
Davis	Lantos	Russo
de la Garza	Latta	Sabo
Deckard	Leath	Santini
Dellums	LeBoutillier	Savage
Derrick	Lee	Sawyer
Dickinson	Lehman	Scheuer
Dicks	Lent	Schulze
Dingell	Lewis	Seiberling
Donnelly	Livingston	Shamansky
Dougherty	Loeffler	Shannon
Dowdy	Long (LA)	Shaw
Downey	Long (MD)	Shelby
Duncan	Lott	Shumway
Dwyer	Lowery (CA)	Shuster
Dymally	Lowry (WA)	Siljander
Dyson	Lundine	Simon
Eckart	Lungren	Skeen
Edgar	Madigan	Skelton
Edwards (AL)	Markey	Smith (AL)
Edwards (CA)	Marriott	Smith (IA)
Emery	Martin (IL)	Smith (NE)
English	Martin (NC)	Smith (PA)
Erlenborn	Martin (NY)	Snowe
Ertel	Matsui	Solarz
Fascell	Mazzoli	Spence
Fazio	McClory	St Germain
Ferraro	McCloskey	Stanton
Fiedler	McCollum	Stark
Fields	McCurdy	Staton
Findley	McDade	Stenholm
Fithian	McEwen	Stokes
Flippo	McGrath	Studds
Florio	McHugh	Stump
Foglietta	Mica	Swift
Foley	Michel	Synar
Ford (MI)	Miller (OH)	Tauzin
Ford (TN)	Mineta	Taylor
Forsythe	Minish	Thomas
Fountain	Mitchell (MD)	Traxler
Fowler	Moakley	Trible
Frenzel	Molinari	Udall
Frost	Mollohan	Vander Jagt
Fuqua	Montgomery	Volkmer
Garcia	Moore	Walgren
Gaydos	Moorhead	Wampler
Gejdenson	Morrison	Washington
Gephardt	Mottl	Watkins
Gibbons	Murphy	Waxman
Gingrich	Murtha	White
Glickman	Myers	Whitehurst
Gonzalez	Natcher	Whitley
Goodling	Nelson	Whittaker
Gore	Nichols	Whitten
Gramm	Nowak	Williams (MT)
Gray	O'Brien	Williams (OH)
Green	Oberstar	Wilson
Gregg	Obey	Winn
Guarini	Ottinger	Wirth
Gunderson	Oxley	Wolf
Wolpe	Wylie	Young (FL)
Wortley	Yates	Young (MO)
Wright	Yatron	Zablocki
Wyden	Young (AK)	Zeferetti

NAYS—72

Bennett	Gilman	Mikulski
Brown (CO)	Grisham	Miller (CA)
Chappie	Hagedorn	Mitchell (NY)
Conyers	Hansen (ID)	Napier
Courter	Harkin	Neal
Craig	Hartnett	Nelligan
Crane, Daniel	Heckler	Oakar
Crane, Philip	Hollenbeck	Porter
Dannemeyer	Hopkins	Rinaldo
Daub	Hughes	Schneider
DeNardis	Jacobs	Schroeder
Derwinski	Jeffords	Schumer
Dorgan	Jeffries	Sensenbrenner
Dreier	Kramer	Sharp
Early	LaFalce	Smith (NJ)
Edwards (OK)	Leach	Smith (OR)
Emerson	Levitas	Snyder
Erdahl	Lujan	Solomon
Evans (DE)	Luken	Stangeland
Evans (GA)	Marlenee	Tauke
Evans (IA)	Mattox	Vento
Evans (IN)	Mavroules	Walker
Fenwick	McDonald	Weaver
Frank	McKinney	Weber (MN)

ANSWERED "PRESENT"—1

Dunn

NOT VOTING—20

Bedell	Fary	Marks
Biaggi	Fish	Moffett
Bolling	Ginn	Rousselot
Burton, John	Goldwater	Stratton
Coyne, James	Gradison	Weber (OH)
Dixon	Holland	Weiss
Dornan	Leland	

□ 1110

Mr. EVANS of Delaware changed his vote from "yea" to "nay."

Mr. YOUNG of Alaska changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 352) revising the congressional budget for the U.S. Government for the fiscal year 1982 and setting forth the congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985.

GENERAL LEAVE

Mr. Speaker, pending that motion, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, during consideration of House Concurrent Resolution 352.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. JONES).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 352, with Mr. BEILENSON in the chair.

□ 1120

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to House Resolution 496, the first reading of the concurrent resolution is dispensed with.

The gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes and the gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes.

After opening statements by the chairman and ranking minority member of the Committee on the Budget, the Chair will recognize the gentleman from California (Mr. HAWKINS) or another member designated by the chairman of the Committee of the Budget and the gentleman from Ohio (Mr. LATTA) for 30 minutes each to control debate on economic goals and policies. After this 1 hour of debate has been consumed or yielded back, the Chair will recognize the chairman and ranking minority member of the Committee on the Budget to control the remainder of their 1 hour of debate.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this House has been involved in a truly great struggle this year trying to find the wisdom and the courage to pass a budget that will meet the economic needs of our country at one of the most critical times in our economy during the last 50 years. We are at it again today, trying to pass a budget that will have some positive effect on the financial markets.

Mr. Chairman, I think if all of us would be honest with ourselves, we would have to admit that we have missed the golden opportunity earlier this year to pass a responsible budget. If we had acted earlier, our efforts would have a very positive effect on the financial markets, and would have a positive effect on getting interest rates down to levels that can allow this economy to take off.

The three key elements we should have dealt with were to do something about indexing, which automatically increases half the Federal budget every year; to do something responsible about the level of increases in military expenditures; and to do something about getting revenues into the Treasury and to not sustain a tax cut that cannot be justified in relation to the overall economic conditions.

There is a lot of responsibility and blame that can go to both political parties for failing to deal with those three key issues, but the fact of the

matter is we did not deal with them. At this point, it is too late to deal with these issues in order to affect the 1983 fiscal year significantly. We find ourselves here today under these circumstances, trying to put together the best budget possible at this time to deal with the economic problems we face.

One thing is absolutely clear. For the American people, for the American economy, we must have a budget. If we fail to pass a budget; if we rid ourselves of that responsibility, the general agreed consensus among economists is that the deficit next year will be $182 billion. In 1984, that deficit will escalate to $216 billion, in the year many of us were hoping to have a balanced budget. In 1985, it will escalate to nearly $250 billion. Deficits of that size are frightening everyone who has anything to do with the U.S. economy. They have completely destroyed long-term borrowing. They have flattened the incentives for capital investment and improvements. We simply have to get those deficits under control. We simply have to get them on a downward path. We simply have to get them down to a manageable size.

That is the purpose of discussing the budgets we have before us today. Now, the two substitutes, if we were to be honest, offer no first choices for anybody in this Chamber. All of us would write a budget different than those two that are before us. If we want an excuse to not pass a budget, there are plenty of reasons we can find. But if we want to respond to what the American people are asking for, which is to get a budget in place, then I think we have got to pass a budget here today.

What I would like to do now in the general debate is to outline the differences as I see them between the Democratic substitute and the Republican substitute as they are before us today. Last year, Members will recall that I said there are two factors that are absolutely necessary for the success of any public policy. One is that that public policy must be workable and must be perceived as workable by the American people; and, two, public policy must be fair and must be perceived fair by the American people. Last year, I said that the administration's program did not pass either one of those tests, and I think as we look at the reality a year later instead of promise, we find that that economic program has not passed the test of fairness and workability.

Those same two tests should be applied to the choices we have before us today, and we have to apply them to the conditions that exist today. One of the major problems facing this Congress is the highest level of unemployment this country has experienced since the Depression; more people out of work than at any time since the thirties.

□ 1130

There are more young people out of work today than at any time since the thirties. Young people face no prospects of finding work or finding training in order to get a job.

I think there is a significant difference between the Democratic proposal and the Republican proposal in dealing with this question of unemployment. If you look first to the area of extended unemployment benefits, in the Democratic proposal two factors are included. One would extend for an additional 13 weeks the unemployment benefits for those who are eligible; and, second, the Democratic proposal would correct the error that was made last year in the State trigger unemployment benefits area. This October, 14 States will trigger off the extended unemployment benefit eligibility. That includes some very large States in every section of the country.

I think it is important to provide the additional 13 weeks of unemployment benefits. It is important to show some compassion not only for those in the past who have shown they are willing to work and those who want to work to show some compassion, but it is also important for the overall economic conditions in the communities in which those people live.

A few weeks ago the chairman of the board of a major automobile manufacturer was in my office, and he was genuinely concerned about the direction of this economy. He pointed out to me that in the automobile assembly industry there are 250,000 unemployed workers, and they are not being called back to work any time soon. There are additional 300,000 auto supplier workers, and they are not going to be called back to work any time soon.

The significant factor that he pointed out is this: These 550,000 workers—people who had good jobs, solid citizens in their communities—have had unemployment benefits and supplementary union benefits. But at the end of June these 550,000 people will have run out of the unemployment benefits and union supplementary benefits which sustained them at nearly 90 percent of their working wages. At that point many of them will not be able to pay the mortgages on their homes. They certainly will not be able to go to the local department store, the drug store, and the local retail outlets to purchase goods, and that is going to have a devastating economic effect on the communities in which they live.

That is just one industry. I think we have to understand that. We need to provide the additional 13 weeks unemployment that is provided in the Democratic substitute. It is not provided in the Republican substitute.

Another growing problem is youth unemployment, particularly minority youth unemployment. The unemployment statistics that came out last Friday showed that 49.8 percent of black youths are unemployed in this country. That is 1 of every 2. That not only is a huge economic problem, it is a gigantic social problem and one that we are going to have to live with. We will have to live with it not only in the summer of 1983 but in the summers and falls and springs and winters of years to come.

In the Democratic substitute, a $2 billion job-training stimulus is provided in fiscal year 1982. In fiscal year 1983, a $4.65 billion job training stimulus program is provided that will help those who are untrained now or who need to be retrained for new jobs.

The Republican substitute, on the other hand, has no additional funds in 1982 for job stimulus and job training. In 1983, the Republican budget calls for only $3.5 billion below the program level of 1982. So at a time when we have 10.5 million people out of work and when 1 of every 2 of our young black people has no hope of a job, the Republican substitute cuts back on job training from the 1982 level. The program level in job training for 1982 was $3.10 billion, and the Republican substitute provides for a little over $3 billion next year. That does not make any sense.

The question of fairness was raised during the debate 2 weeks ago on the various budget proposals, and again I think the Democratic substitute is vastly preferable to the Republican substitute. For example, in the area of student loans all of us have felt the pain of students trying to get a higher education and who were denied that education because of actions taken last year. All of us on both sides of the aisle have pledged to students who have marched into our offices that we are going to take care of them, and we are not going to have further cuts in 1983. That is the case in the Democratic substitute; it is not the case in the Republican substitute.

Under the Republican substitute, the guaranteed student loan program in 1983 will eliminate some 500,000 students. I think we ought to consider that.

On medicare, we had a great debate here 2 weeks ago and said that we were going to preserve medicare and not cut the benefits of medicare recipients. In the Democratic substitute that principle is upheld. The $1.4 billion in savings in medicare under the Democratic substitute comes totally out of hospitals cost containment items such as reimbursement of doctors. The Republican substitute cuts medicare $3.2 billion, and there is no way those kinds of savings can be made unless the elderly and the disabled dig deeper into their own pockets to pay for primary health care and to pay for physicians' fees.

So the beneficiaries under medicare will have to pay more under the Republican substitute or savings of that level simply cannot be achieved.

Everybody likes to kick food stamps and talk about the person who is cheating on food stamps, but every one of us who has seen how food stamps are used by the elderly and the disabled have no quarrel there. The CBO estimates that under the Republican substitute as many as 500,000 elderly or disabled persons will either be removed from food stamp eligibility or have reduced benefits.

Medicaid is another problem. In the Democratic substitute, medicaid savings are achieved by lowering the error rate, and clearly that ought to be done. In the Republican substitute, in addition to error rate reduction, they have made other cuts to the tune of $1 billion 350 million next year, and that just shifts the burden of medicaid to the States which cannot handle even the cuts that were made last year. And that means if that level of medicaid benefits is going to be sustained, there are going to be higher State or local taxes to pay for it. I do not think that is sound social or sound economic policy.

So these are some of the differences on the question of fairness. Now let me shift to the 1982 budget. A lot of debate was centered on that issue 2 weeks ago. Again the 1982 budget in the Republican substitute that is now before us is below the current 1982 spending level.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. Let me finish my statement, and then I will yield.

The Republican substitute is below the level of spending, as certified by the Congressional Budget Office, by $3.2 billion in budget authority, and $9.6 billion in outlays. According to the CBO, that means nothing else can be enacted this year. It means a point of order will lie against the pending urgent supplemental, the defense supplemental, and the essential food stamp and disaster assistance funds. They cannot be enacted under this Republican substitute in fiscal year 1982.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. As a point of clarification, would that not also be true of the gentleman's proposal?

Mr. JONES of Oklahoma. The answer is no. Under our proposal, as the gentleman knows, we have accommodated about $10 billion.

Mr. LATTA. Mr. Chairman, if the gentleman will yield further, until it comes out of conference, that is true?

Mr. JONES of Oklahoma. I am sorry, I did not hear the gentleman.

Mr. LATTA. Until it comes out of conference, that is true?

Mr. JONES of Oklahoma. No; the gentleman is correct. From that standpoint, the levels of the 1982 budget as they now exist will not accommodate that. The point I am making is that under the Democratic substitute these can be accommodated. Under the Republican substitute, if that is what becomes law, these urgent supplementals, defense supplementals, and so forth, cannot be accommodated in fiscal year 1982.

The final point I want to make deals with deficits because that is an item that concerns many of us. The Republican substitute, according to the Republicans, has a deficit of $99 billion in fiscal year 1983.

□ 1140

The Democratic substitute, according to the Democrats, has a deficit of $107 billion in fiscal year 1983.

If you put all of the bills, the Democratic substitute, the Republican substitute, and the President's February budget, which is the main vehicle in this debate, on the same playing field and you ask the Congressional Budget Office to score where they are in deficits, this is what you find:

First of all, the highest deficit of all is the President's own February budget with a $120.2 billion deficit in 1983.

The second highest deficit is the Senate-passed resolution which is $115.9 billion deficit in 1983.

The third highest deficit is the Democratic substitute at $113.9 billion; and

The fourth highest deficit is the Republican substitute at $109.8 billion.

That is for fiscal year 1983.

The interesting factor is if you take fiscal years 1983, 1984, and 1985, the greatest deficit reduction is in the Democratic substitute. The Democratic substitute over that 3-year period has $66 billion less in deficits than the President's own February budget and nearly $11 billion less in deficits than the Republican substitute.

So I think that those who have listened to the bipartisan group of former Secretaries of the Treasury who have warned that we have to get the deficits down, and that it is the cumulative 3-year deficit total that counts, then I think you ought to look favorably at the Democratic proposal.

Clearly it is preferable to either the Republican substitute, the bill passed in the other body, or the President's February budget.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Arkansas.

Mr. BETHUNE. One of the problems we have had now for almost 5 months is the problem of partisanship dividing people.

The party forces are strong here. We have had special interest forces at work and then we have had personality clashes.

During the gentleman's remarks he has made some 30 references, maybe more, to the Republican substitute.

Mr. JONES of Oklahoma. And the Democratic substitute.

Mr. BETHUNE. Yes; I was in on the drafting of the substitute which will be offered by the gentleman from Ohio and most of the time during the 6 days of sessions that we had there were more Democrats in the room than there were Republicans.

This is the only bipartisan substitute coming to the floor today and I hope that in the references today that it will be characterized as that because it genuinely is a bipartisan effort, let us not drive a wedge between the coalition that has a chance to pass a budget.

Mr. JONES of Oklahoma. I thank the gentleman for his comment. I do not think I would take a back seat to anybody in this Chamber on the desire to have a truly bipartisan approach.

My definition of bipartisan is to have a majority of both parties supporting a particular proposition. Every time I have brought a bill to the floor, whether it was a tax bill or any other, that has been the criteria I use for determining bipartisanship.

As a matter of fact, every time I have brought a bipartisan piece of legislation to the floor it has passed because we have had a majority of Members of both parties.

That is where I think we ought to be on this budget resolution. We all know, for a variety of reasons, that blame can be administered on both sides of the aisle. That is not where we are today.

I hope that that is where we will be in the future but that is not where we are today.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Florida.

Mr. NELSON. I think the gentleman from Oklahoma has made an extraordinarily important statement as to the figures. We know that there are so many figures floating around, and I would like to just underscore what the gentleman from Oklahoma has just said.

Is it true that the gentleman said that as a result of CBO's reestimates last night that the Latta substitute does not have a deficit in 1983 of $99 billion, as they claim, but, instead, a deficit of almost $110 billion?

Mr. JONES of Oklahoma. The gentleman is correct.

Mr. NELSON. And for comparison purposes, the Jones substitute would be at a figure of almost $114 billion?

Mr. JONES of Oklahoma. The gentleman is correct.

Mr. NELSON. But over the 3-year period of the cumulative deficits, over the 3-year period of 1983–85, the Jones substitute has less of a deficit by almost $10 billion than does the Latta substitute?

Mr. JONES of Oklahoma. The Jones substitute would be $10.7 billion less in deficits than the Latta substitute and $65.8 billion less in deficits than the President's original February budget.

Mr. NELSON. I thank the gentleman for that very important new information.

Mr. JONES of Oklahoma. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma (Mr. JONES) has consumed 20 minutes.

Mr. LATTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say first on that hopefully today this House will pass some sort of a budget resolution that we can go to conference with because the country is hurting for the want of a budget and this Congress is hurting for the want of a budget.

We can play around with figures all day, as apparently the chairman of the committee wants to do.

As the gentleman from Florida indicated, there are all kinds of figures floating around this place.

I do not care how much you stretch your imagination or stretch your figures, when you put money in for more spending you end up with more deficit unless you put more in for taxes.

I do not care how you try to avoid it.

If the gentleman has some sort of magic where he can put all of this extra spending in and end up with a lesser deficit I would like to have it. But to date I have not found it.

While we are speaking about numbers, let me point out something that I think needs pointing out at the outset of this debate. We are going to hear a lot about this CBO baseline. What are we talking about?

They take the 1982 figures and automatically add 7 percent in spending and that is how they come up with their baseline, and if you go below that you are somehow cutting expenditures. Let us keep this in mind during this debate.

Let me also say this CBO baseline permits all entitlements to grow unchecked. I do not think we ought to accept that baseline as something we want to follow religiously because it seems to me that those unchecked expenditures have gotten us in the position we are in today.

Two weeks ago, May 27, was the day economist Herb Stein dubbed "Terrible Thursday" and the day the House adjourned after voting on eight budget resolutions and came up empty. After that day I heard several Members on both sides of the aisle say maybe it was a good thing that we failed to adopt a budget.

A good thing that this House failed in its responsibility? I do not think so.

Is it a good thing that interest rates have gone up again? Go back and see what 6-month Treasury bills sold for last Monday. They had risen for the first time in weeks and sold for 12.11 percent.

□ 1150

Is that what we want? I do not think so. Is it a good thing that the American people are losing confidence in this Congress ability to deal with its responsibilities? And certainly passing a budget is a responsibility of this Congress.

Now, let me say something about a former Member of this House, a highly respected Member, a former member of the Budget Committee, Chairman Bob Giaimo. Bob gained quite a reputation in this House as a man of honesty and integrity, and nobody in the House understood and appreciated the budget process more than Bob Giaimo. Nobody labored harder to make it work than he did. What does Bob Giaimo think about "Terrible Thursday"? Well, he reported his thoughts in an article to the Washington Post last week, and I would just like to read a couple of quotes from it.

The Members of the House of Representatives did much more than fail to adopt a budget last week. They—

That means Members of this House—

supported amendments to unrealistically increase discretionary spending programs at the expense of defense (something President Reagan with his veto powers would not permit). They—

Meaning this House—

chose to ignore unacceptable growth in entitlement programs.

Students of Congress know that we have a hemorrhaging budget out of control and threatening our economy and well-being. They know that remedial action to curb deficit spending by Congress will require a budget process with extraordinary tools, such as reconciliation, deferred enrollment of spending bills, and other restraints.

And so last week the House sent out the messages:

We cannot adopt a budget. Spending will be increased. Congress will not take the necessary steps to put the economic house in order. These are the real messages the House has sent to the people—

According to Bob Giaimo, a Democrat, not me; these are his words.

Now what do they do? Tell the American people that they are incapable of disciplining themselves? That they will not and cannot curb excessive spending?

The Budget Act of 1974 was basically a contract whereby Congress agreed to curb its undisciplined spending habits and the President gave up his impoundment powers. If Congress now finds itself incapable of making the tough political decisions involved in curbing spending, then it will have to restore such powers to the President.

These are not my words. These are the words of the former Democratic Chairman of the House Budget Committee.

It will have to give him the power to impound. Someone in our government must be able to act decisively in a crisis to make the hard political decisions.

The House has had its temper tantrum. Now it must get down to the people's business and adopt a budget of restraint. Extraordinary times demand heroic actions and not politics as usual.

Now, let me repeat. These are Bob Giaimo's words, not mine.

Oh, you can come down here on the floor and say you are going to cut this, you are going to cut that, without ever explaining that you will be spending more. You are still going to be spending more money than in fiscal year 1982 in these budgets. What we are trying to do is to get a hold of some spending by this Government that is out of control, and the American people know it, if we do not as a majority of this House. Every poll I have seen, the American people have said "reduce Government spending," not "increase taxes."

I do not like to even refer, in these few minutes that I have, to the Democrat proposal, but since our friend, the chairman of the committee, has seen fit to do so and call a really bipartisan proposal the Republican proposal, primarily for political reasons, let me say that they increased taxes to the tune of $150 billion in 3 years.

I have not had any mail lately saying the American people want to be taxed to the tune of $150 billion in the next 3 years as proposed in the Democrat budget.

So today during this debate we are going to have a choice. We are going to have a clear choice. Which course are we going to take? Are we going to take the Jones proposal and go on the same course that got us in the mess that we are in now, tax and spend, tax and spend, and go home and pound ourselves on the chest to every group in the country and say, "Look what we have done for you"?

Well, look what you have done to the country by listening to all of these special interest groups. It is high time that this House does something for the country, and does it today, by reining in spending that we cannot afford.

In a couple of weeks you are going to be asked to increase the debt ceiling to $1.275 trillion. Can you imagine that? A debt of $1.275 trillion hanging out there for our kids and our grandkids to inherit from us. Can we go home and gloat over the fact that "we have done something for you" when you are facing a debt of this magnitude.

Let me tell you that the American people have wised up to that. They know you are doing something to them, and they do not like it. If they say, "Do something," they are saying, "Pay for it now."

We have gone too far down the road, and we are going to have an opportunity today to decide a clearcut issue whether or not we are going to go on that same road that we are on, tax and spend, tax and spend, or whether we are going to rein in somewhat from the tremendous growth of spending by this Government.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. FINDLEY. If I understood the chairman of the House Budget Committee correctly, when he was on the floor a few moments ago, he indicated that the Michel-Latta budget's recommendation, for which the gentleman is speaking now, would actually cause an increase in some premium cost to medicare beneficiaries.

My understanding is to the contrary. And I am wondering if the gentleman

from Ohio can give me assurances that the cuts in the medicare program that are proposed in the Michel-Latta bill that is under consideration today will not result in an increase in the cost of these premiums and not result in corresponding reductions in social security checks.

Mr. LATTA. Let me respond to the gentleman first by saying that there are no cuts, no cuts, in medicare in 1983 as opposed to 1982. We are merely trying to slow down the growth in costs.

Last year we had an increase in costs of about 19 percent. What we are trying to do now in this bipartisan proposal is to slow that growth to 14 percent. We will have a letter later on from Secretary Schweiker to read to this House to indicate that there is no reduction in benefits to the individuals.

What we are trying to do is to rein back the increased cost that the health provider is putting on the taxpayer. And anybody who has been unfortunate enough to be in the hospital lately knows that there has been some increase in costs. I heard somebody say the other day he cannot even afford to get sick any more. Well, I think it is important that we rein in those costs. Downtown they are going to be trying to rein them in, and they will not be affecting the individual recipients. So cutting is the wrong word to use.

Mr. Chairman, 2 weeks ago today, on May 27—the day Economist Herb Stein has dubbed "Terrible Thursday"—the House adjourned after voting on eight budget resolutions and rejecting all eight. After that incident, I heard Members on both sides of the aisle say that maybe it was a good thing that we failed to adopt a budget.

A good thing that we failed? I do not think so. Is it a good thing that interest rates have gone up again? Is it a good thing that the American people are losing confidence in Congress ability to handle its responsibilities?

A highly respected Member of the House before he retired 2 years ago was a man I consider my friend, Bob Giaimo. In the years he served on the Budget Committee—first as a member and then as its chairman—he gained a reputation as a man of honesty and integrity. Nobody in this House understood and appreciated the budget process better. Nobody labored harder to make it work.

What does Bob Giaimo think about Terrible Thursday? I think we ought to have the benefit of his thinking. He gave us that in an article he wrote for the Washington Post last week. I would like to read a little of that article.

He wrote, and I quote:

> The Members of the House of Representatives did much more than fail to adopt a budget last week. They supported amendments to unrealistically increase discretionary spending programs at the expense of defense (something President Reagan with his veto powers will not permit). They chose to ignore unacceptable growth in entitlement programs, particularly Social Security, Medicare and related programs.
>
> Students of Congress know that we have a hemorrhaging budget out of control and threatening our economy and well being. They know that remedial action to curb deficit spending by Congress will require a budget process with extraordinary tools, such as reconciliation, deferred enrollment of spending bills and other restraints. They know that reliance on the regular standing committee process will be futile and will not result in budgetary restraint. Unfortunately, each committee views its programs as most vital to the national interest and consequently not proper subjects of restraint.
>
> . . . The spending and taxing committees of Congress should welcome the budgetary discipline of the Budget Committees rather than look upon them as threats. The Budget Committees are too weak to threaten Congress all powerful appropriations or entitlement or tax committees.
>
> And so last week the House sent out the messages: "We cannot adopt a budget. Spending will be increased. Congress will not take the necessary steps to put the economic house in order . . . " These are the real messages the House has sent to the people.
>
> The budget process is designed to force difficult political choices on Congress, to compel it to spend and tax in a restrained and disciplined manner, to oblige it to have regard for government deficits and for its corrosive effects on the economy . . .
>
> The real tragedy of last week's resounding defeat for the budget process was the joy with which substantial majorities, unable to agree on a budget, did agree to further weaken the budget resolution's capability to restrain the House's spending habits. They sure taught that uppity Budget Committee a lession! Like the kings of old, they killed the messenger. Now what do they do? Tell the American people that they are incapable of disciplining themselves? That they will not and cannot curb excessive spending?
>
> The Budget Act of 1974 was basically a contract whereby Congress agreed to curb its undisciplined spending habits and the President gave up his impoundment powers. If Congress now finds itself incapable of making the tough political decisions involved in curbing spending, then it will have to restore such powers to the President. It will have to give him the power to impound. Someone in our government must be able to act decisively in a crisis, to make the hard political decisions.
>
> The House has had its temper tantrum. Now it must get down to the people's business and adopt a budget of restraint. Extraordinary times demand heroic actions and not politics as usual.

Bob Giaimo has cut to the heart of the matter and has stated his case honestly and truly. Congress must get down to the people's business and adopt a budget of restraint.

If we stall and fail again today, who will be to blame? It will not be the President. It is not the President who wants to continue this reckless spending. It will not be the Federal Reserve Board. The Fed has not wanted to pump up the money supply. No; the Fed has been fighting an often lonely battle to combat inflation. The Fed will not be the villain.

If the budget process fails this year, the money markets will know who the real villain is and the American people will know it. The villain will be Congress.

Let me tell my friends on both sides of the aisle who are so concerned about the November elections. If Congress fails to adopt what Bob Giaimo calls a budget of restraint, it does not matter which party you belong to; the word incumbent is going to be a dirty word in November. If we do not adopt a responsible budget none of us will like the message the American people will be delivering in November.

Does it matter then who wins the budget battle as long as we agree on something? Yes. It matters very much. Just any old budget resolution will not do the job. We must have a budget of restraint, one which will slow the growth of Federal spending, reduce the deficit, and hold tax increases to a minimum.

If we do not make the hard and unpleasant choices now to hold the line on the deficit, it will soar to $180 billion in fiscal year 1983. But we cannot paper over that deficit with tax increases. That would make a bad situation worse. The real problem is spending—Government spending out of control. Until we are willing to take the steps to slow that spending and bring it in line with what the Nation can afford, the financial markets and the economy will not respond the way we want to see them respond.

Later today I will introduce a bipartisan resolution which will offer Members of the House an opportunity to vote for a budget which will responsibly hold down the growth of Government spending and set us on the path toward a balanced budget.

It will be a budget which will tell the Nation that this Congress intends to continue on the economic course charted by President Reagan last year. You remember last year. We passed a budget resolution and a reconciliation bill which cut fiscal 1982 spending growth by $35 billion. Over 3 years that savings was $135 billion. We must continue that course. The substitute I will offer is the working product of Members from both sides of the aisle and will continue to rein in a runaway Government. The substitute which Chairman JONES and the Democratic leadership plan to offer will not do that. It will instead have us reverse course and go back to the same old mistakes of spend and tax.

□ 1200

Mr. FINDLEY. The idea that many people are advancing that this would result in an increase in premiums for beneficiaries is wrong, it is false, it is incorrect; is that correct?

Mr. LATTA. That is correct. And let me also say that even the Democratic proposal recognizes the need to rein in the cost of medicare, and they are reining in about 1.4 percent.

Let me say we will have plenty of time to discuss all of these things later

on. We have some people waiting to discuss Humphrey-Hawkins.

I would like to complete my statement here. Let me make a couple of other comments because it is mighty important that we pass a bill today, a resolution with which we can go to conference. I would hope that we would look at the figures and the facts.

I know how politically expedient it is to come down here in the well of the House and appeal to this particular group and that particular group and say why you are not cutting their program—you are cutting them.

We cannot go on without thinking about the country as a whole. I would hope today that we would forget about the special interests and think about the country—and the country is going down the drain if we do not do something.

Everybody you talk to is talking about high interest rates, and unemployment which is primarily due to high interest rates.

I was talking to an automobile manufacturer the other day, and he said, "You know, really it isn't the high cost of the automobile, it is the interest rates. If we could get the interest rates down we could sell some cars and put people back to work."

Is that not what we are after? I would hope so.

Talking about housing. We have heard mention today about housing. We have two letters that we will be reading a little bit later on which spell out the housing situation.

The National Association of Realtors sent out a letter yesterday, June 9, to "Dear Representative." I assume that it went to every Member of this House:

The National Association of Realtors urges your vote tomorrow for the budget resolution to be offered by Representative Latta because it reduces the fiscal year 1983 deficit below $100 billion and it contains a binding reconciliation date which will force the process towards a balanced budget in future years. We believe that passage of a federal budget reducing the deficit below $100 billion in 1983 is a necessary step toward the real goal of interest rates declining to normal levels. Without this action government spending will continue to increase faster than people's income and federal deficit borrowing will consume virtually the entire savings pool of the American people. Congress must write a budget that will regain control over the deficit and provide impetus necessary to restore the health of the many insensitive segments of the nation which have been devastated by unaffordable interest rates. We are hopeful that this action will result in a decline in interest rates sufficient to generate economy recovery.

We are not happy with the high deficits in the out years forecast for the Latta resolution.

Let me interject that I am not either. We have cut better than $80 billion out of the 1983 deficit and we are cutting more out of the future year deficits, but we will have an opportunity in future years to take further cuts.

Continuing the letter:

In recent months, we have urged on the Congress a deferral of the personal income tax cuts which, regrettably, is not included in this package but we have opted for the Latta substitute resolution because its direction remains the best alternative for future years.

Let me also read a letter from the National Association of Home Builders dated June 9.

On behalf of the more than 115,000 members of the National Association of Home Builders, I am pleased to note that the revised Latta budget alternative, which will be offered for consideration by the House on Thursday, June 10th, provides sufficient budget authority for the emergency housing stimulus program, as passed by the House last month. We believe this emergency program is necessary to provide desperately needed jobs and housing construction this year. This program will also generate employment and positive economic activities in other industries as well.

In addition, our review of the Latta budget indicates sufficient funding for the $1 billion in GNMA tandem funding for multifamily housing in the HUD pipeline as approved by the House in the Urgent Supplemental Appropriations. Also, the Latta budget does retain FHA and GNMA commitment levels for fiscal year 1983 at the fiscal 1982 levels. Specifically, $40 billion in primary commitments for FHA and $68 billion in secondary commitments for GNMA are provided. These levels, we believe, are sufficient to continue the FHA and VA unsubsidized programs as demand programs.

Regarding rural housing, we are pleased to learn that the Latta budget contains funds for these essential interest credit programs at fiscal year 1982 levels. These programs provide the only source of affordable housing credit for millions of rural Americans.

We believe the Latta budget alternative retains a strong commitment to housing while showing responsible fiscal discipline.

Let me say that is from the National Association of Home Builders. That ought to lay to rest any argument about housing when we get these builders saying they support this program which has sufficient funds. Also the realtors support the program.

Mr. Speaker, I reserve the balance of my time.

The CHAIRMAN. The Chair will now recognize the gentleman from California (Mr. HAWKINS), or another Member designated by the chairman of the Committee on the Budget, and also the gentleman from Ohio (Mr. LATTA) for 30 minutes each to control debate on economic goals and policies.

Mr. HAWKINS. Mr. Chairman, we shall not take the full time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JONES), because I understand that he needs the time and I doubt seriously if there are many individuals who are going to pay much attention to the goals mandated in the law itself under the Full Employment and Balanced Growth Act, because it seems that we have been ignoring it anyway. The President has ignored it completely. He stands in violation of the act itself.

It should be obvious to all of us that policy cannot and should not be made by the President acting alone, it is not made on the Democratic side of the aisle or on the Republican side, but it is made, as any other act is passed in this House, by joint action of the President and of the Congress, and if the act itself is going to be ignored or changed, that it should be done in the same way that is was first created. So that we are dealing in this budget debate not with individual ideas but with the mandated provisions of the Full Employment and Balanced Growth Act.

I know that it is difficult to recognize the Act's mandates in some of these budget discussions, but I would like to remind my colleagues of what we said in 1980 about full employment and rational ways to reduce inflation—which was under a different administration—and here it is in 1982 and we are doing the same thing that we did in 1980 and did in 1981, with accusations being made on both sides, but not relating anything that we are doing to national goals to the question of an overall economic policy, and almost completely ignoring the fact that today almost 15 million Americans are unemployed.

There is very little that we are doing in order to correct that.

I think that the Jones budget goes in that direction and should, therefore, be supported.

I think the Michel-Latta budget resolution goes in exactly the opposite direction, in a direction that will never achieve either maximum production or full employment, but continue a budget deficit creation exercise.

In 1980, we said this, and I think the same thing is true in its application to the Michel-Latta substitute today that "the 1978 act established in law an inseparable relationship with the economic goals and policies of the Government and the actual levels of the Federal budget expenditures and receipts. In other words, the budget should support our national goals and should not be isolated from overall economic policy." We said in 1980 and again can say today to my colleagues that "the budget resolution before us is based on pursuing the discredited economic policy of trading off jobs and deliberately creating economic recession to fight inflation."

That was before the recession—since we anticipated that recession by the use of policies that have been continued, to use unemployment as a means of fighting recession.

The President will say, "Look at what I have done. I have lowered inflation." But then he, having taken credit for that, does not say that I low-

ered that inflation by creating a recession. So in a sense he violates simple logic or stands it on its head.

□ 1210

The most destabilizing thought, however, about this debate over the Federal budget is its approach. We will, I fear, as usual go through it without relating what we are doing to any overall economic policy or to the purposes of a budget, that of providing for much-needed human and national needs and in achieving the objectives of a free society.

The current economic policy assumptions have absolutely no basis in justification. They are distortions of reality, and lack any form of economic soundness. A budget resolution based on such a misguided economic policy as related to the Michel-Latta substitute, should not in all good consciousness be supported.

The purpose of the Full Employment and Balanced Growth Act was to require this Government to shed the discredited economic policies I have just mentioned and to embark on a mandated policy of economic growth and full production.

Now, since that time, or since this administration came into power a little over 1½ years ago, corporate profits, if we want to measure it that way, have fallen constantly from the first quarter of 1981 and continue. Business failures are up 55 percent, but even more if we measure this administration in terms of human values, then we should first recognize that since that time, 2 million persons have been unemployed by deliberate policy.

I would ask you to question whether the Michel-Latta substitute does anything in the direction of dealing with what today is a major economic policy facing this Nation. I doubt, I questioned them in the other budget resolution a few days ago when we had the budget discussion up as to what moneys were available for employment and training, for example, and we got three different answer. I think that it indicates a lack of awareness or a lack really of compassion for the fact that almost 15 million Americans are underemployed and unemployed.

Now, this is not just individuals. It is persons who are suffering from hypertension, from strokes, who are suffering from all of the social and economic problems brought about through poverty and starvation, inadequate diets, the lack of health care, and a host of other social problems identified with insecurity and fear.

It is a matter of young people dropping out of schools because of the education cuts.

It is a question of individuals who cannot get jobs because factories are closing up, and it is not just minorities who are losing these jobs. That once was true, but today it will be those who are the best educated and the most experienced who will be losing their jobs. It is widespead and intense suffering.

Nothing has been said in the Michel-Latta substitute or in the President's program about plant closures or those displaced by technology or by foreign imports. Everything deals with the problem as if it is a small number of black youth who are unemployed and certainly this is a problem but not all that is wrong. Yet in the President's budget which he presented to us and which is implemented in the Michel-Latta substitute, reduced the total moneys available for employment and training from the $8.4 billion which was available in 1981 to $2.4 billion this year. Of that amount, it is estimated that only $900 million will be expended for employment and training. It is just a direct violation of the Full Employment and Balanced Growth Act, which says that you could not use unemployment as a means of fighting inflation and consequently we have created this condition today in which millions of Americans throughout this land are suffering as a means of fighting inflation.

The President talks about jobs. His administration has admitted that the Job Corps, for example, is an excellent program and that its returns are cost effective; that it is actually returning 40 cents on the dollar in the Job Corps; yet the President would reduce that program almost 50 percent.

In the WIN program, in which we are trying to take women off welfare and put them into jobs, into the payroll approach the President talks about, instead of on the welfare roles, and yet the WIN program would be obliterated completely by the administration, and would also under the Michel-Latta substitute.

We talk about taking people off welfare, we charge they are chiselers, that they are driving around in white Cadillacs and so forth, as if General Motors is selling them so many Cadillacs, you wonder why General Motors would be in trouble; but this is the way they picture those on welfare, and yet we are doing nothing to produce job opportunities for these individuals, and a program which has returned millions of dollars, twice more than we ever expended on the program, to take people off the program, we are going to dissolve it. It just does not make any logical sense.

The President's 1983 budget provides no funds for summer youth employment. All of us talk about summer youth with a great deal of rhetoric. We fear the problems that may be created during the summer because of summer youth and yet in the President's proposal no money at all is provided.

It just seems that we approach it merely from the viewpoint of values that have nothing to do with human beings.

The deficit—there is no problem about why we have a deficit. In 1980 we told you that you would have a deficit. We said the same thing a year ago. You have a deficit today, not because of excessive spending, if that is the problem; certainly you would do something more about some of this spending that is unwise. We should approach it on the basis of what is cost effective. How do you spend the money?

The budget is a plan of expenditures. You cannot get away from it. It is not a document that is merely to engage in cuts. You must have some expenditures before you can cut them. All economic activity involves expenditures.

Would the American airlines be better off if they kept their planes on the ground rather than flying them and thereby save the money for fuel? Their profit is built on spending—but spending wisely.

So every economic activity involves spending; but let me remind you that as long as we are under this administration supporting a budget resolution which incorporates a plan whereby during this administration on an annual basis we will be spending additionally $120 billion on defense, $140 billion on tax cuts, and an additional $40 billion on interest rates, these are all additional, is there any wonder we have a deficit? How can you avoid a deficit for that type of expenditures?

So it seems to me that some of those who yell about spending should look at what we are spending on excessive interest rates, what we are spending on the tax cuts and what we are spending on the defense buildup. They should not attack only that spending on human beings on the poor on our senior citizens, and disadvantaged minorities.

Now, I have voted for virtually every defense expenditure and I will continue to do so for most of them where justified; but let me assure you that the time has come when we should tax accordingly to pay for defense. We should put these expenditures on a pay-as-you-go basis, and if those of us who want to support this defense buildup, and I support it, should be willing to pay for it. I do not think that we should take the position that because we want an adequate defense in this country and want to be safe, that we should not ask only the welfare recipients, only the elderly, only those who are poor, to support it or should expect them to make the sacrifices. We should not expect them to take the budget cuts while those of us who support these heavy expenditures, and maybe wisely so, do not ask those who are more able to pay, to pay their proportionate share.

□ 1220

I regret exceedingly that in these debates we have altogether gone away

from what the law itself mandates when we get into things which are absolutely uneconomical and certainly morally wrong. I think we should question whether or not having the ability as a great nation to produce, that we should today be suffering because of the lack of economic growth in this country, often on a negative basis.

Since this administration has come into power, on the basis of full employment through balanced growth without inflation, the economic growth of this Nation has declined to the point that in the last quarter of last year it was a negative 4.5, and that in the first quarter of this year it was, again, a negative amount; when, as a nation, we need at least a 4- to 5-percent economic growth merely to keep up with the population growth. And if we are talking about putting people to work, if we are talking about getting the revenues to balance the budget, then we certainly need to reopen our closed factories, we need to be using unused equipment, we certainly need to be using the resources of 15 million Americans who, if they had jobs, would be contributing to reducing the budget deficit.

That is the way to go. The way to go is not downhill, as we are doing now.

I said a year ago we would have a tremendous deficit and so the only saddening thing that I could glean from the substitute is that if we go that way, the budget is going to go up. It follows a simple logic.

Now, as far as budget cutting is concerned, we also said then, and I repeat now, that we started under the previous administration, the last year of the Carter administration, dealing only with budget cuts, and that as an obsession. We are still in that obsession. As a result of that, the budget deficit has not decreased, it has increased, and unfortunately, that is the direction in which we are now headed.

I would suggest, therefore, that we begin to relate what we are doing to some overall economic goals. I think we should relate it to economic growth. I think we should relate it to employment and production. Let us reopen the factories; let us put people to work. That is the way to go.

I think that the Jones budget substitute starts in that direction. It does not go as far as I would like to see it go. I have some objections to it, but I think overall it starts in the proper direction and it seems to me we need drastically to redirect the images, the efforts, the skills, and the resources of our Nation along that particular line.

Mr. BETHUNE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas, Mr. PAUL.

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Humphrey-Hawkins substitute. But I would like to make one point about all the substitutes; the major substitutes that we are dealing with today in relationship to the projected deficit versus the debt increase that we are requesting.

Most of our concentration so far has been on the deficit that we might have in this next year. We all know that it might be well over $100 billion or near $100 billion. Yet, buried in the budget there is a request to increase the national debt $211 billion in fiscal year 1983, which I find rather interesting. It just happens that the debt increase is the only portion of this whole resolution that has the force of law. The rest does not.

Over the next 3 years, the request for the debt increase adds up to $616 billion. We are raising the national debt from the present level of $1.079 trillion to $1.551 trillion.

I think it is astonishing that we are working with such tremendous increases, and yet throughout the Nation the perception is that we are doing a lot of cutting; a lot of slashing of the budget. The plain truth is we are actually planning to spend a lot more money than we are even indicating, because if we are talking about a deficit of $100 billion, why are we asking to increase the national debt by $211 billion? The 3-year projection for the increase in the national debt, of the $616 billion, is equivalent to the entire deficit that we had over a 200-year period.

In 1983, we are asking for an increase in the national debt to the tune of $211 billion. This happens to be equivalent to our entire budget in 1971.

It is hard to believe but we are planning a debt increase equivalent to our entire budget of 1971. I think it is so important to realize that this portion of the budget resolution has the force of law. That one particular line item extracted by the Clerk, sent to the Senate, and it will eventually be signed by the President and made into law. It is important that we all realize this and know that a lot more spending is going on here than we actually are admitting to.

Where does all this increase in the deficit come from? Obviously, it is the off-budget items that we are not dealing with in the budget resolution. So it looks to me like we are planning at least 111 billion dollars' worth of off-budget items that will be an additional increase to our national debt next year. And this to me means one thing, more of the same, more big spending, more huge deficits, more money creation, more inflation, higher interest rates.

How can it mean anything else if we are planning to do this? I believe the Government remains out of control and that we have shown no indication whatsoever to the American people that we intend to get it under control.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from California, Mr. DELLUMS.

(Mr. DELLUMS asked and was given permission to revise and extend his remarks.)

Mr. DELLUMS. I thank the gentleman for yielding me this time.

Mr. Chairman, 2 weeks ago this body debated a number of budget resolutions and we defeated all of them. I think there are a number of learnings from that experience.

First, the fact that my colleagues on this side of the aisle chose not to even accept President Reagan's budget submittal is a clear indication that the President no longer has this body in his control. The fact that we defeated the Latta substitute the week before last also indicates that there is literally no consensus among my colleagues on this side of the aisle.

The fact that the Latta substitute went down the week before last indicates my colleagues on this side of the aisle do not have their consensus developed as yet. Many of them realize they have to place some distance between themselves and Reaganism and Reaganomics, whether on social security, medicare, or whatever.

We would then be left with two budgets on this side of the aisle constructed in the middle of the body politic. Both of these budgets went down. The people voting against the two moderate Democratic proposals were my Republican colleagues and those of us on the right and the left of the Democratic Party on this side of the aisle.

□ 1230

This points out that there is no consensus among my colleagues in the Democratic Party; that those of us who have an ideological orientation have been, in my estimation, left out of the budget process. We made that statement when we voted during both of those proposals.

Now, where the American people speak loudly and clearly and eloquently, my colleagues on both sides of the aisle, Republicans, Democrats, liberal conservatives, whatever, got the message. The American people said, "Do not cut any more social security." Everyone got the message and everyone did the dance.

The American people said, "Do not cut medicare any further." My colleagues on both sides of the aisle got the message and they did the dance.

But, the American people now have to speak powerfully and eloquently on a whole range of questions, because I would submit, Mr. Chairman, that my colleagues on this side of the aisle for the most part are waiting for the American people to speak, and they lack the will to lead in a terribly important moment in the evolution of life in this country and in the world.

I went home and said to my constituents, "I voted against both moderate Democratic proposals because to move 1° or 2° or 3° to the left of Latta was certainly no major Democratic victory, and that if we in this country realize

that Reaganomics and Reaganism is a recipe for disaster, then morally, politically, intellectually, and ethically we have a profound obligation to pose a significant alternative to my colleagues' proposal on this side of the aisle. But, we did not do that, and that proposal went down.

Now, we are faced with two new proposals, and I would like to speak to them. My statement is not a partisan statement because I think the issue transcends Republicans and Democrats. Let us look for a moment at the Latta proposal. It has a huge military budget financed on the backs of the poor. It attempts to reduce the budget deficit again on the backs of the poor. It attempts to add on a few political sweeteners, again taking the funds from the poor to finance these. I think that is a tragic proposal and an even greater recipe for ultimate disaster and chaos in this country.

With respect to the Jones proposal, with all due respect to the Budget Committee and to the leadership of the Democratic Party on this side of the aisle, I will oppose the Jones budget for the following reasons. It still embraces the largest military budget in the history of this country—$242 billion in budget authority. This, to me, is an obscenity.

The only proposal that came to the floor of the Congress that last year's Gramm-Latta harmed millions of people and attempted to rectify that human misery was a proposal presented by the Congressional Black Caucus. No other budget attempted to reconcile those problems. This budget, this Jones budget, writes into history, institutionalizes, the insanity and the madness of Gramm-Latta last year. I cannot stand with that proposal.

Third, I realize that some of the social programs are funded to a little better extent than in the Latta proposal, but again, shifting 2° or 3° to the left of Latta is no great moral victory. And certainly is no great Democratic victory. It would seem to me that if we believe that these policies are chaotic policies, then it is immoral.

The CHAIRMAN. The time of the gentleman from California has expired.

The time is controlled either by the gentleman from California (Mr. HAWKINS) or by the gentleman from Oklahoma (Mr. JONES).

Mr. HAWKINS. Mr. Chairman, I have no time. I have promised to other Members the remaining time.

The CHAIRMAN. The Chair advises the gentleman from California (Mr. HAWKINS) that he has 8 minutes remaining.

Mr. BETHUNE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I appreciate that from my colleague, particularly from this side of the aisle. I could not get it from my own party. But, perhaps because I am trying to make an ethical statement here and not playing politics.

Both of these budgets are absurd budgets. The American people want someone to lead, right or wrong, but there is no leadership here. We are all clustered in the middle. The Democrats have one leg in Reaganomics and one leg out. The Republicans have one leg in, two knees, another toe out. We are both playing games here, and it would seem to me that we are harming human beings. I think the ethical, moral, political, intellectual statement we need to make is to reject both these budgets.

My colleagues are waiting around for the consensus to come. In the primary in California an interesting statement was made by the voters. Where they chose Republicans, they chose the more moderate Republican, not the conservative. Where they had to choose in the Democratic Party, they chose the most liberal person, which says that the American people in 1982 are prepared to repudiate the madness of Reaganomics.

It would seem to me that my colleagues on this side of the aisle should understand that and be prepared to assume the risk of leadership and come to the floor with a much better budget than one calculated to be 3° to the left of the Latta budget.

I would like to thank my colleague for giving me the opportunity to speak. I deeply appreciate it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to commend my colleague.

Mr. Chairman, neither of the budgets offered today provide us with the opportunity to reject the policies embodied in last year's administration budget, policies which are responsible for record economic distress, tremendous human suffering, and the sense of impending disaster which now pervades our communities. Rather, both budgets offer continued record cuts in domestic programs, continued increases in defense spending, and continued inequity in the Tax Code, in short, unparalled human distress and economic calamity.

The Republican substitute proposes cuts in domestic programs amounting to roughly $100 billion over the next 3 years, including $11.5 billion in medicare, $6.6 billion in medicaid, $7.7 billion in food stamps and child nutrition, and $3.4 billion in welfare. In fiscal year 1983 alone, it proposes the outright elimination of the Legal Services Corporation, leaving indigents without even the possibility of adequate legal representations, elimination of new contracts for subsidized housing, and reductions in budget authority for education of approximately one-half billion dollars. But while slashing entitlement and discretionary outlays by $3.5 billion, it provides the budgeting of an outrageous $254 billion for the largest peacetime military buildup in history, and continues the most egregious tax give-aways in American history.

But the tragedy of the Democratic budget is that it is only marginally different from the one voted down 2 weeks ago. No one can claim they did not hear me say that it explicitly supports the theory of its Republican counterpart: $50 billion in domestic program reductions over the next 3 years. In fact, "Jones II" is hardly different from "Jones I" in this regard. It is not different at all in the following functions: Commerce and housing credit, Transportation, community and regional development, administration of justice, general government, and general purpose fiscal assistance. The only function funded at a level over 5 percent greater than that in "Jones I" is Agriculture, which has jumped 74 percent in budget authority. While I believe the farm sector needs the additional $5 billion budgeted for the Commodities Credit Corporation, I object to the easy politics evidenced by the disparity between this increase and funding levels for domestic programs. Rather than seize the opportunity to present a budget which recognizes the affirmative obligation of the Federal Government to meet human needs and develop human potential, an obligation traditionally recognized by Democrats, the leadership has callously decided to avoid the confrontation and play the boll-weevil game by trying to pass a Republican budget resolution with a Democratic name.

Our constituents want a budget policy that responds to the current economic crisis by supporting domestic programs, eliminating the perpetuation of unfair tax breaks, and ending the unconscionable increase in additional weapons production.

On the tax side, "Jones II" calls for $10 billion more than "Latta" in revenue increases, which will almost certainly come from repealing third-year tax relief for middle-income Americans, thereby alienating our largely Democratic constituents, who are now being asked to forgo their tax relief while the upper-income group and corporate sector have already made off with the lion's share of tax reductions. Like its Republican counterpart, "Jones II" deliberately continues to perpetuate the systemic inequity inherent in the U.S. Tax Code.

But it is in the Defense portion of "Jones II" that is reflected the ultimate betrayal of our Democratic constituents. "Jones II" calls for a $242.85 billion Defense budget for fiscal year 1983, and a 3-year increase in military spending totaling $79 billion. Similar to the Republican proposal, it includes funds for a new generation of the most devastating, destabilizing, and

unnecessary nuclear weapons and delivery systems ever produced. These weapons include the MX, which Prof. Hans A. Bethe, the leading American nuclear physicist, called "a futile expenditure of money," ground-, air-, and sea-launched cruise missiles, Pershing II missiles, Trident missiles and submarine, B-1 bomber, and Stealth bomber programs, which many leading experts have repeatedly testified against.

Here inside this Chamber the usual Democratic defectors played the game to its fullest measure and went all the way for "Latta." But a Republican budget called "Jones" fools only a few and not for long.

Mr. DELLUMS. Mr. Chairman, with whatever few seconds I have remaining, there is a consensus developing in this House, but my more moderate colleagues on this side of the aisle, we cannot wait for that consensus to develop and to be written in stone so that you can make a step without any risk. The burden of leadership is to assume the responsibility and the risk at a significant moment in our history. This is a significant moment. To adopt either one of these budgets is to fly in the face of reality.

Mr. BETHUNE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, in this week's Newsweek there is a story about what happened to one of the major corporations of America, Chrysler, which lost $3.5 billion over 4 years. In this article it relates what it did to turn itself around.

The article said:

> In tracing Chrysler's return from near-bankruptcy three years ago, Mr. Iacocca said the firm had to cut its 40,000-man white collar force in half, closed or consolidated twenty obsolete plants, and won salary and benefit concessions worth $1.2 billion from union and non-union employees.

This is that Chrysler had to do to turn itself around when it found itself in the problem status of the outgo exceeding the income by $3.5 billion over 4 years.

What has the U.S. Government done? In the course of the last 4 years of the Carter administration, we added over $300 billion to our national debt, now a little over a trillion dollars. The deficit for 1982, the first year of the Reagan administration, is estimated to be $98.6 billion.

In a recent letter from one of my friends in Washington State, Senator Jack Metcalf, described that in a recent speech he called the spending habits of the U.S. Government—the most shameful violation of the public trust in the 20th century.

I think that aptly describes what we are proposing to vote on today. It is with reluctance that I must stand here in the well of the House and suggest that the three alternatives that we will be asked to vote on today are nothing more than the continuation of the most shameful violation of the public trust in the 20th century.

I do not know about you, but I have difficulty in going home to my constituents and explaining to the young people how we have the moral authority to vote these deficits and pass on to the next generation the duty of paying for what we are consuming today. I do not choose to go that route.

The tragedy of it is that we are so close in this Chamber of having the ability of turning the economy around if we but have the courage to do it; if we just have the courage to cut spending as proposed by about $60 billion, we could drive down the prime rate by about 4 points in 60 days, and I think that is the posture we should take.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BETHUNE. Mr. Chairman, I yield 1 minute to the gentleman from California.

Mr. PASHAYAN. Mr. Chairman, will my colleague yield?

Mr. DANNEMEYER. I yield.

Mr. PASHAYAN. Mr. Chairman, I think it is difficult for a lot of people to make the vote the gentleman has talked about, but what about the idea that if this Congress, if we do not fashion a budget today, the deficit will be even higher?

□ 1240

And what about the argument that by voting no, in effect we are voting yes on a deficit that is going to be even higher than what is in either budget today? What does the gentleman say to that?

Mr. DANNEMEYER. Mr. Chairman, I am glad the gentleman asked that, because I think what should be done, if that eventually comes about, is this: The President of this country has the ability to move into that vacuum. If the Congress does not approve a budget, the President has it within his authority to say to Congress, "I, in my capacity as President, will set the spending level for 1983 at $738 billion."

I would say it should be $738 billion because; that is what we are about to spend in 1982.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield further on that?

Mr. DANNEMEYER. Mr. Chairman, the gentleman asked me a question and I am trying to respond.

And within that spending total of $738 billion, the President can say, "Among the 19 divisions that comprise the budget, I will approve and sign appropriation bills if they do not exceed the aliquot share I have established." For instance, for defense it would be $213 billion. And all we have to do is sustain the veto. The President can govern with one-third plus 1 of each House supporting him.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. HAWKINS. Mr. Chairman I yield 3 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, let me say to my colleagues in the House that I am speaking now only on the employment portion of the budget. I will be speaking on the other portions of the budget a little later on. I disagree with my esteemed friend, the gentleman from California (Mr. DELLUMS), on the conclusion that he drew just a few minutes ago. We face two choices in the employment portion. In the employment portion, for training, and so forth, the amount here is $1.5 billion higher in the Jones budget than it is in the Republican alternative. We face, then, two choices. One is a humanitarian choice, and there we know the statistics on what happens on health, on child abuse, and on suicides as unemployment goes up. There the choice is clear.

There is a second choice that somehow does not seem to be quite as clear, at least to some, and that is the economic choice, the pure dollar choice. If the President is correct in saying that 1 percent unemployment means a loss of $25 billion to the Federal Government—and I believe he is correct—and if every study that we have seen that shows that when you put money in training, you save money for the Federal Government is correct, then in fact when you cut out that $1.5 billion in training, you end up costing this Federal Government dollars and adding to the deficit in addition to what you do to the lives of these people.

Now, I hear people who say, "Well, anyone who really wants a job can get it." I even hear that in my high unemployment district, and they cite the help wanted ads in the newspapers. I took the liberty of going through one of those help wanted sections the other day. I found that I cannot fill 90 percent of those jobs, and I like to think I am reasonably well qualified, although there may be some question about that on the part of some of my colleagues. But then, how can someone who may not speak the English language, who has limited education and no skills, fill those jobs? When there is one job available in a tiny restaurant in my district, we find 130 people applying for the job.

That is the world we live in. It is a world where we now have 29 percent idle plant capacity.

The Jones budget says, "Let's do something about it," and I think we ought to do something.

My colleague, the gentleman from California (Mr. DELLUMS) is correct when he says we are not doing enough. We are still, I think, living in a dream world where just around the corner we believe the private sector

will provide enough jobs and we will not need to do anything. Let us at least move in the direction the gentleman from Oklahoma (Mr. JONES) is suggesting and save dollars doing it.

Finally, I would add something else, and this applies not only to the employment area but to the other portions of the budget.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. SIMON) has expired.

Mr. BETHUNE. Mr. Chairman, we have no further requests at this time.

Mr. HAWKINS. Mr. Chairman, may I inquire, is the gentleman on the other side going to use his time?

Mr. BETHUNE. Mr. Chairman, I may inquire, how much time do we have remaining?

The CHAIRMAN. The gentleman from Arkansas (Mr. BETHUNE) has 20 minutes remaining on this section, the debate on economic goals and policies. The gentleman from California (Mr. HAWKINS) has 5 minutes remaining.

Mr. BETHUNE. Mr Chairman, we will yield 5 minutes of our remaining time to the other side.

Mr. HAWKINS. Then, Mr. Chairman, I yield 5 minutes of our time to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, this portion of the debate was to have been devoted to economic policies, the Full Employment Act, but fortunately or unfortunately, we have moved away from that in terms of the discussion on the two budget proposals. Therefore, I want to speak to those two budget proposals. I regret that I have to do that, because I think it is more important that we talk about a comprehensive employment program for this Nation.

I yield to no man or woman in this House in terms of my liberal credentials—no one. Having said that, I am indicating that I am going to support the Jones budget. I would like to explain why I am going to do it.

This administration will never say it, but its ultimate objective is to destroy every single social program on the books. That is consonant with a totally conservative policy. When the President has spoken about getting government "off the backs of the people," he was talking in part about these programs, and he, his administration, and Members of the Congress have engaged in what I consider to be a diabolically clever way to end all of these social programs.

Their basic position is that government should not supply housing for the poor because the private sector can do it better; government should not supply jobs for anyone because the private sector can do it better; and that government should not supply health needs because the private sector can do it better. That is the basic conservative position.

To further their position, what have they done? First of all, they rammed through a tax cut bill which, if it extends to the third year, is going to result in our losing $750 billion in revenues. Once that is done, then the administration and its supporters in Congress can almost properly say that we have got to get rid of the programs because there is no revenue to pay for them. That is point No. 1.

Point No. 2; as a part of the whole scenario to end Government programs, they rammed through what I consider to be just the most unconscionable piece of legislation I have ever seen in my life in this House, and that was the Gramm-Latta bill with reconciliation. Huge chunks were taken out of social welfare programs and human service programs. The Latta proposal this year does exactly the same thing. It goes back to those whom we bled last year and bleeds them and guts them some more.

The game plan is to put the tax package in place and continue to cut away at these programs so that finally they have emasculated them. That is the strategy. The administration is not going to say that. No one on this side is going to say that we want to end all social programs. No one is going to say that. It is not the political thing to do. Yet that is exactly what is in the process.

□ 1250

Faced with this situation, what options do we have on this side?

I am operating under the option that somehow or another if we can just keep these programs in place this Congress will finally regain its sanity and we can begin to put them back on an operative basis.

I am operating under the assumption that for the first time we see in the Jones budget a movement away from that stampede last year that decimated programs, and hurt the poor.

It is not easy. It is not easy at all. I am a liberal. I will always be a liberal. I believe that the role of government is to provide for people when the private sector has failed.

I believe, as a liberal, that the role of government is to provide housing, education, welfare, and everything else and, therefore, it is not easy for me to accept this Jones budget, but practically and pragmatically if we do not, if we vote for the Latta substitute and it prevails, then every person who votes in that manner has furthered the scenario and the process of the administration proposals.

I wish I could be an ideological purist. I cannot. Therefore I support the Jones budget.

Mr. BETHUNE. Mr. Chairman, I yield 7 minutes to the gentleman from North Carolina, Mr. MARTIN.

Mr. MARTIN of North Carolina. I appreciate the time that my colleague from Arkansas has yielded to me.

Having supported and having helped to write the Rousselot-Martin balanced-budget resolution, and I am happy to note the presence of my distinguished colleague from California, Mr. ROUSSELOT, in the Chamber, I have been asked how I can accept and vote for the Latta substitute with its $99 billion deficit.

The compelling answer to that question arises from the essential question: "What deficit is acceptable?"

My colleagues, today, my answer to that question is that the only "acceptable" deficit is the lowest deficit that will muster a majority to vote for it.

After weeks of chaos and uncertainty and misdirection, the only deficit that is "acceptable" is the smallest deficit that can pass this House. Any deficit that is higher than that is unacceptable. Any hypothetical alternative put forward for the practical purpose of defeating the two options before us today is also unacceptable unless it can be shown to have a good probability of being passed.

We have run out of time for such diversions. We tried all of that 2 weeks ago.

Given that test of what is acceptable; namely, the lowest deficit that a majority of us can pass, let us examine the two alternatives before us.

Which has the lowest deficit that can pass the House? It is absolutely clear that the Latta bipartisan substitute has clearly the lowest deficit. The Latta substitute projects a high enough deficit of $99 billion. The Jones substitute projects an even higher deficit of $107 billion.

But in practical reality, the Jones substitute is even higher than that, as high as $118 billion in deficit. That is the Jones substitute, and that is even higher than the Senate budget resolution with its $115 billion deficit.

I want to explain what I have just said because my conclusion is not based on that late, last midnight, desperate, diversionary calculation by the CBO in its effort to confuse the numbers. Let us set that aside for now.

What I am saying is the Jones substitute has an even higher deficit than it or CBO claims because of its phony and unrealistic and imaginary claim that taxes will be raised by $31 billion in 1983.

You and I know that is never going to happen. Any member of the tax writing Committee on Ways and Means can tell you that there is no way that committee will report out any bill to raise taxes another $31 billion. It is a tough enough prospect whether they will even raise taxes $20 billion as proposed in the Latta substitute.

But a $31 billion tax hike? No way.

Ask the distinguished chairman of that committee, who has been quoted repeatedly that any bill to raise taxes must have support from a majority of

the Republicans on Ways and Means. It is ironic that the responsibility is to be shared with the committee minority that has been artificially limited to only one-third of the committee seats by a heavy-handed partisan rule.

Will the Ways and Means Committee Republicans support a $31 billion tax increase? I ask a member of the Committee on Ways and Means the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from California.

Mr. ROUSSELOT. The answer to the question as far as this Member is concerned is absolutely not, there will be no $31 billion increase in taxes. I just wondered if there had been any description here as to how those $31 billion of new taxes would be raised.

Has anybody described it?

Mr. MARTIN of North Carolina. No. Of course not. If the CBO wants to score the Jones substitute in a fair way, it can increase the score by another $11 billion on the Jones deficit because there is no probability of raising taxes $31 billion. That is the score.

The Jones budget has a deficit of $118 billion because you have to add on the $11 billion that it imagines are going to be raised in taxes, but that in fact are not going to be raised.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I am certainly pleased at this time to yield to the distinguished chairman of the Budget Committee who himself is a member of the Ways and Means Committee and he knows what I am talking about.

Mr. JONES of Oklahoma. I thank the gentleman for yielding. While we are on the subject, will the Republicans on the Ways and Means Committee also support cuts in medicare of $11.5 million over the next 3 years? I am curious, because if they do not do so in committee, they will have an opportunity to offer it on the floor, I am sure.

Mr. MARTIN of North Carolina. The proposal we have does not require any medicare cuts for individuals. As the ranking member of the budget committee, the author of the Latta substitute, has pointed out: It will not require cuts for any individuals in medicare.

We have been very careful on that point and I thank the chairman.

Returning to my point, let me say I am not sure the Ways and Means Committee will report out even a $20 billion tax increase. There are many who believe that since taxes, under current law, are rising fast enough, rising slightly faster even than inflation, that ought to be enough.

We ought to be able to make do somehow with the automatic tax increases that still exist, even after being slowed down a bit by the 1981 tax cut.

So the committee may not report out more than $10 billion or $15 billion in tax increases anyway.

But if so, if the tax package is only $15 billion, then the Latta substitute is off $5 billion and the Jones substitute is off worse by that and another $11 billion. Either way, the Jones substitute has a deficit that is $19 billion higher than the Latta substitute, because of this imaginary assumption of taxes that will not be there.

I want to say another word about the CBO because this relates to the question of whether any budget can pass. Muddy the waters enough, and maybe nothing will.

Late last night they coughed up their CBO version of the two substitutes in a last-ditch desperate effort to add confusion to the debate. It had become clear in the Budget Committee that if there were a clear difference between the two proposals before us there would be a reasonable chance for one proposal to pass. But if that clear difference could be obscured by a last-ditch effort to confuse the House, the chance of passage of anything would be lost.

Fortunately this tactic in guerrilla warfare is not going to work. No one on this side is going to give any credence to that desperate CBO attempt to confuse the choice before us.

The CBO diversion is rejected.

We do have a choice before us. Let us make the best choice of the two. Let us choose the alternative that has the lowest deficit, with or without the imaginary tax increases in the Jones substitute.

What deficit is acceptable? Again, my colleagues, the only acceptable deficit is the smallest deficit that can muster a majority of the House.

Is a $99 billion deficit too high? Yes; it certainly is. Is a $99 billion deficit "acceptable"? Only if that is the lowest deficit that a majority will vote for.

Mr. BETHUNE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise today in strong support for the Latta bipartisan budget.

Today is a day that I hope the American people will remember favorably. I hope they will remember it as a day when the majority of the Members of this body again showed some courage, some leadership, and some responsibility.

Sadly, this Congress has not exhibited very much of either lately.

In the "Wizard of Oz" you will remember that the cowardly lion struggled on and on in his attempt to find the wizard and ask him for a little bit of courage, not a lot, just a little bit of courage, only to have the wizard tell him that courage could only come from within. It was not a magical gift that could be bestowed by the wave of a wand.

I have to tell you today that there is no wizard waiting out there to give we Members any magical courage. We are going to have to find it ourselves.

Our constituents are pleading for it.

We are going to have to find and exercise that courage not only today. This is just the first budget resolution. We are going to really need it in the days ahead.

The time for personal courage, not political expediency, is long past. I believe the American people are watching our actions closely today and I hope they will weigh our decisions and respond accordingly.

□ 1300

I would ask the Members today to remember this one thing: It does not take any courage to spend other people's money. But as we have discovered in trying to deal with this out of control Federal deficit, which we have just heard reestimated upward dramatically overnight, it certainly takes a great deal of courage to stop spending.

You will also no doubt remember in the "Wizard of Oz" the tin man was looking for a heart. We have all heard those charges that those of us who want to stop this runaway freight train of spending are heartless. Let me ask you: Is it heartless to recognize that the spending that you and I are voting on today will have to be paid for by our children and by our grandchildren? Do you really think they are going to thank us for this legacy of debt? Is it heartless to leave them a bankrupt country and a dead dream?

Chairman JONES earlier mentioned the need for wisdom and courage. Surely, we must also add fairness to that. But remember the fairness test must be answered not only for today, but for tomorrow as well. It is important to remember that the wizard pointed out that even though no one thought the tin man had a heart, he had one all along. His actions proved that.

This is not a heartless budget, but it is a responsible one, one that our children and grandchildren will thank us for tomorrow, and one that the American taxpayer will thank us for today. It is a budget that those that are truly in need in this country—and there are millions of them in this country today who are truly in need—that if we in this Congress do our job in the committees by allocating those resources in this budget to see that they do truly go to those who have need, they, the needy, will also thank us.

Let me say this: There is only one major unfair characteristic about the Latta bipartisan budget, and it is a major characteristic of unfairness. It does not deal with COLA's, cost-of-living adjustments. You and I know, as we have agreed privately day after day, that we cannot really get Federal

spending under control without dealing with those areas of automatic-spending increases that have been made such political issues that they are now deemed to be untouchable. Those programs must be dealt with, with the wisdom and with the courage and, yes, with the fairness that the people of America demand upon us. They cannot always be ignored.

Mr. HAWKINS. Mr. Chairman, I yield the balance of my time to the gentleman from the District of Columbia (Mr. FAUNTROY).

The CHAIRMAN. The gentleman from the District of Columbia (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Chairman, I rise to express my grave reservations about both budget resolutions before the House. However you look at it, both the Jones budget and the Michel budget are conservative proposals, that place their spending priorities in the wrong place. Neither budget addresses the consequences of the budget cuts from last year, which have left hundreds of thousands of poor people with reduced assistance, thousands of local governments with fewer resources to meet pressing local needs, and many Federal agencies with a weakened ability to provide the data collection, research support, regulation, and public investment that our society and our economy depend on. Moreover, both budgets propose to make still deeper cuts in these types of spending, with dire consequences for our poor and our public institutions. Finally, both budgets suffer from the naive notion that our national defense can be secured by throwing dollars at the military, while refusing to obtain an adequate level of revenues to support our national public responsibilities.

Nontheless, there are clear differences between the two budget resolutions. The Latta budget, it should be clear to all, is fundamentally unsound and morally bankrupt. It is unsound because it makes only token efforts to reduce defense spending and increase tax revenues, which are two of the major sources of the enormous deficits we are facing under Reaganomics. It is morally bankrupt because its spending cuts are so heavily biased against the poor and minorities. The clearest example of this is the cynical way in which its sponsors have treated medicare. The spending levels for medicare were clearly inadequate in the Latta budget, as the Republican leadership has acknowledged by increasing medicare spending in this resolution. But instead of raising taxes or cutting defense spending to offset the increase, the Republicans have proposed still deeper cuts in aid to families with dependent children, in food stamps, in medicaid, and in other benefits to the poor. As we all know, medicare benefits are not means tested. Most medicare recipients clearly deserve and need those benefits under any criteria, but many are rich enough to easily do without them if need be. By restoring funds for medicare while making deeper cuts in benefits to the poor, the Republicans are literally taking from the poor to give to the rich. The proposals in the Latta budget 2 weeks ago for medicare cuts, while providing inadequate funding for medicare, were at least fairer and more honest to the poor than this budget is.

As for the Jones budget, it cannot be said that it is in any sense a liberal or progressive alternative to the Reagan/Michel budget. While it does ostensibly preserve benefit levels for most entitlement programs, it makes real cuts, through an imposition of a freeze in spending levels, of many discretionary spending programs in health, in food and nutrition, in social services, in education, and in urban development and housing. It perpetuates the reductions that were made in these programs and in aid to the poor last year. It proposes a 5-percent real growth in defense spending from fiscal year 1982, which translates into a 7-percent real growth in defense from fiscal year 1981 before President Reagan pushed through his giveaway to the military. It proposes to recover only about one-third of the tax revenues lost over the next 3 years because of last year's unbalanced tax act. For all these reasons, it is clear that the Jones budget is not a liberal democratic budget, it is simply a less conservative budget than the alternative.

That being said, I am nonetheless prepared to support the Jones budget. If it does not do nearly enough to help the poor and the unemployed, it at least makes gestures in that direction. It does provide funds for education and job training which our poor people so desperately need, and it does provide for the extension of unemployment benefits to 52 weeks that is urgent to keep our more than 10 million unemployed Americans from falling into total despair in the difficult times ahead. Finally, it does provide a realistic prospect of reducing the devastating deficits brought to us by the Reagan administration, which would without action lead to even greater economic declines and still higher unemployment. The Jones budget is not a good budget—certainly it is far from what I consider the budget that we need in this country—but it is the best we are likely to obtain in this political climate.

The CHAIRMAN. The time of the gentleman from California (Mr. HAWKINS) has expired.

Mr. BETHUNE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate on economic goals and policy has been consumed.

The Chair will now recognize again the chairman and the ranking minority member of the Committee on the Budget to control the remainder of their 1 hour of debate.

The Chair will advise the gentleman from Oklahoma (Mr. JONES) that he has 10 minutes remaining for general debate under his control, and the Chair will advise the gentleman from Ohio (Mr. LATTA) that he has 12 minutes of general debate remaining under his control.

The Chair recognizes the gentleman from Ohio (Mr. LATTA).

□ 1310

Mr. BETHUNE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PASHAYAN).

Mr. PASHAYAN. Mr. Chairman, I should like to say that we are trying to weigh a lot of factors here and among them is the amount of taxes the American people are going to have to pay under one budget or the other. I think that is a very important consideration. But I should also like to point out that there is a date approaching us, and that date is in July when the second phase of the tax cut takes effect, the larger phase, the phase that everybody is going to feel when he has more money in his pocket, when his paycheck comes back. It is going to increase the purchasing power on the part of the public remarkably and in my own mind I think if this Congress cannot fashion a budget by the time that that tax phase comes in July, then maybe we had better take a look at a different tact entirely and maybe we ought to go a course that requires the President to say that he would veto independent appropriations bills above whatever certain amounts he chooses and try to struggle through the rest of the year that way.

I think that is the less desirable course of action to take now but I think if we are going to have a budget we ought to do it before that very important July date comes—not any budget, but a budget that has been fashioned by Members from both parties in balancing the amount of taxes the people have to pay with the amount the Government is going to spend.

But I see July as a time that could haunt us because once we are into that second tax cut, that second phase, the economy is going to be different and it may well be that this Congress will have to take a different look at the whole idea of having a budget at all, and let us see what the voters say in November.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I rise in support of the substitute offered by the gentleman from Oklahoma, the distinguished chairman of the Budget Committee, Mr. JONES. The Jones substitute represents our best opportunity to fairly consider the diverse needs of our Nation at the present time, while setting a responsible

framework for Federal spending over the next several years.

The budget resolution establishes Federal spending priorities for the next 3 years, and needs to be viewed in this context. The Jones substitute offers the lowest cumulative deficit—$3 billion less than the Republican proposal, and nearly $94 billion less than the cumulative deficits proposed by President Reagan. If we are serious about getting Federal spending under control, then we must opt for the proposal which provides us with the lowest deficit.

But in our efforts to reduce Federal spending, we cannot lose sight of the fact that this budget effects each and every American. We cannot cast off some unfortunate individuals because some are willing to view their loss as a price that has to be paid for lower Federal deficits. We can have a lower deficit without casting off millions of Americans who have a very real need for certain Federal programs.

How did we get where we are with this deficit? The President likes to blame Congress, and in particular the Democrats, for our budgetary problems. But last year we adopted President Reagan's grand design—Reaganomics—and we have yet to hear a single economist not in the employ of the administration who will tell us that Reaganomics will work. Unemployment is at its highest level since World War II. Americans are finding it impossible to buy a home because interest rates are outlandish. The State of Michigan is facing unemployment at a rate of 17 percent with no real end in sight. Yet the President is telling Americans that everything will get better if we just wait. We have been waiting for a year, Mr. President, and things are not better. They're worse.

The President told us his priorities in fiscal 1982 and fiscal 1983—cut domestic spending, because it was loaded with waste, fraud, and abuse, and increase defense spending because a higher stack of dollar bills will offer a stronger deterrent to our potential adversaries.

In fiscal 1981, the budget authority for the Department of Defense was $182 billion. In fiscal 1982, President Reagan got defense increased by nearly 20 percent to $218 billion. For fiscal 1983, he wants another increase of 20 percent in budget authority to $263 billion. In fiscal 1981, outlays for the Department of Defense—the dollars actually spent in that year—were $159.7 billion. President Reagan got an increase of 17 percent to $187.5 billion, and for fiscal 1983 he wants another 18-percent increase to $221 billion.

Has this increase in the defense budget helped? In June of 1981, unemployment in Michigan stood at 11 percent, but in June of 1982, unemployment is up to 17 percent. I do not know of anyone in Michigan who feels more secure as a result of Reaganomics. In fact, the best thing that Reaganomics has done for Michigan is to make Michigan the No. 1 State in the Union in its ability to receive free cheese for distribution to the needy. My constituents would prefer to get up in the morning and stand in line at the timeclock to standing in line for a free package of cheese.

How does the Reagan budget and the Republican substitute respond to the needs of the people of Michigan? The Republican substitute wants to cut medicare by $3.2 billion in fiscal 1983, medicaid by $1.4 billion, food stamps by $1.4 billion, child nutrition by $100 million, supplemental security income by $200 million, and guaranteed student loans by $50 million. For the people of Michigan this means that many of our elderly will have to do without essential medical care. The unemployed who cannot find work in Michigan because of the depression in our State will have to do with fewer food stamps and a poorer diet. Some schoolchildren will have to give up school lunches, because the cuts the President made last year forced some schools in Michigan to totally shut down their school lunch programs, and school food service people in Michigan tell me that this Presidential budget and its Republican substitute will force even more children off the school lunch program. Some students who are trying to complete their last 2 or 3 years of college—and maybe even some students in their final year—will have to drop out because they will no longer be able to get student loans, and their parents do not have the ability to provide the assistance for college tuition that they might provide in better times.

The Jones substitute, on the other hand, recognizes that people have needs today, not in the tomorrow that the President promises but does not deliver. The Jones substitute responsibly provides an additional 13 weeks of unemployment compensation for workers who have exhausted their regular and State extended benefits—meaning many in Michigan will be able to have some income for an additional period of time that the Republican substitute would not allow.

The Jones substitute provides for adequate medical coverage for the elderly both by providing an additional $50 million in budget authority and outlays for in-home care, and by responsibly reducing support for nonessential medical assistance, such as payments for private hospital rooms and other high-cost matters not directly related to the provision of medical care. By contrast, with all of the cuts proposed in the medicaid budget under the Latta proposal, Michigan would lose $64.5 million in medical assistance for its residents, a cut that the State simply cannot afford.

The Jones substitute also operates on an honest basis. The Latta substitute and the President's budget presupposes the adoption of all kinds of legislative proposals which would place programs in block grants, and would create user fees for a number of programs including dredging programs currently operated by the Corps of Engineers—a proposal which every major shipper along the Saginaw River tells me would mean the end of Saginaw and Bay City as major shipping ports. The Jones substitute recognizes the fact that the President has yet to submit the actual legislation which he promised us back in February. It also recognizes the fact that in each instance when many of these proposals have been considered in the House and the Senate in its development of the fiscal 1983 budget that these legislative modifications have been rejected as proposals which are not in the best interest of Americans.

The Jones substitute also recognizes that no one—not those who run the food stamp program, nor those who run the Department of Defense—can get a 17-percent increase in spending and spend it responsibly. Defense is subjected to the same scrutiny that is imposed on every other nondefense program. Defense must prove that the dollars being spent are spent wisely, and that it is using every single method available to reduce costs. As a result, the Jones substitute reduces defense spending by $21.8 billion in fiscal 1983 from the President's request, still allowing for an increase over fiscal 1982 of $22 billion, or 10 percent. We can have a strong defense, but we can do it without throwing money at the Pentagon. If some people think that throwing money at social programs got us where we are, throwing money at defense programs is not likely to get us out.

It is true that the Jones substitute has a deficit which is $8 billion higher than the Latta substitute, but it must be noted that the Jones deficit is still $15 billion less than the President's own budget, and it does a better job of recognizing that Americans are facing problems that need help today, and that these very same Americans cannot afford to wait for the promised tomorrow unless they can get through today. The Latta substitute promises tomorrow and denies today. But it is today and we cannot deny it.

Mr. Chairman, Americans have needs beyond defense, and we must recognize these needs. All Americans are entitled to a piece of the American apple pie. All Americans are entitled to pursue the American dream. But if we accept the empty plate of the Latta substitute and the nightmare of Reaganomics, we can forget about telling our constituents that we have represented their interests. I urge the adoption of the Jones substitute. According to a recent New York Times poll, 48 percent of the American public implicitly rejected Reaganomics when they said that they would be more likely to

support Congressmen who vote against President Reagan's economic policies, while only 38 percent said that they would support a Member who supported the President. The American people have rejected Reaganomics. It is time for Congress to do the same.

Mr. Chairman, an editorial in today's Washington Post eloquently states the case for rejecting the Latta substitute, calling it a "phony document designed to fool people into thinking that things have been settled which are not settled at all." Another editorial in today's New York Times described the new Latta substitute as one intended to "bleed the poor twice as much" in its efforts to reduce Federal spending, noting that these people are "not only poor, but politically impotent, unlikely to raise * * * (a) * * * election-year stink." In other words, the Republican budget cuts those who are least likely to be able to defend themselves against what the Times described as a budget which was "twice as callous" as the original Latta proposal.

I would like to insert copies of each of these editorials in the RECORD at this point. In order to provide a budget that is fair to all Americans, I again call for the adoption of the Jones substitute.

[From the New York Times, June 10, 1982]

MAKE THE POOR PAY, AND PAY AGAIN

Two weeks ago House Republicans devised a splendid way to trim the deficit in their proposed Federal budget: bleed the poor. They lost, but they're back, and today the House will vote on a G.O.P. proposal that improves on the original. It would bleed the poor twice as much. The Democrats, too, are putting up a new budget proposal. It may or may not be politically impractical, but the new Republican proposal is morally indefensible.

The earlier Republican plan, called "Latta" after its sponsor, Delbert Latta of Ohio, embodied a bold—bald—idea. No matter that the Reagan Administration has already cut sharply into spending for the poor. Latta sought to chop more. After all, they are not only poor, but politically impotent, unlikely to raise the kind of election-year stink that would follow an effort to cut even a penny out of, say, Social Security.

Latta lost, and one reason was that it would have cut $23 billion out of Medicare. That is the program of medical assistance for the elderly, many of whom are not poor. The new Republican budget proposal restores about $12 billion in Medicare. But at whose expense? People who are all poor.

To call the new version Latta Two is right in a rueful way; it is twice as callous. Over three years, Latta One would have cut $1.7 billion out of Medicaid, medical assistance solely for the poor; Latta Two would cut $6.6 billion. Latta One would have chopped almost $5 billion out of anti-hunger programs; Latta Two would take almost $8 billion. All told, the original version would have reduced basic programs for the poor by about $8 billion. Latta Two would chop almost $18 billion.

Neither party has distinguished itself during the interminable budget battle. When no plan could win a majority two weeks ago, the sensible course would have been for both sides to draw together in a political bargaining process. No such luck. The new proposals are more polarized than ever, and a weary question resounds: why bother with any Congressional budget at all?

One answer is that there is no such thing as no budget. Even if Congress does not finally agree on a unified plan, it will still pass laws to spend so much for defense, or vaccinations. Revenues will still total a certain amount. The difference will still constitute the deficit. In other words, a no-budget budget. Though Congress may insist on counting only trees, the forest won't go away.

But there are things worse than a no-budget budget and the latest one is Latta Two. If this cruel proposal can be defeated today, the House can try again in the days ahead to bargain out a more reasonable compromise. If not, the pain will be felt by those who can bear it least, for years to come.

[From the Washington Post, June 10, 1982]

WORSE THAN NO BUDGET

There are some things worse than a budget impasse. One is the Republican budget alternative scheduled for a vote in the House today.

This new budget attempts to reconcile the irreconcilable—low deficits, tax cuts, high defense spending and a deferential regard for powerful constituencies—at the expense of basic aid to the poorest of the nation's citizens. It doesn't succeed—the deficit would still be enormous—but much harm would be done in the process.

The plan more than doubles the cuts in such aid that were proposed in the earlier House Republican plan, which failed two weeks ago. Roughly $4 billion—more than twice as much as the Senate voted—would be taken next year from Medicaid, welfare for families, the aged and the disabled, food stamps and nutrition programs for poor children. Over three years, these programs would lose almost $18 billion. The plan would also phase out legal services, stop all low-income housing starts and make deep cuts in job training for the poor.

The hefty cuts made in these programs this year were supposed to confine the programs' benefits to the "truly needy." These people are now being called on to make larger sacrifices. Not so the better-defended beneficiaries of the middle-class entitlement programs that dominate the domestic budget. The budget shies away from any curtailment in inflation-adjusted benefits for Social Security, civil service and military pensioners and restores many of the proposed cuts in Medicare. Restorations are also promised in other popular programs, although it is hard to see how these can be reconciled with the more than $8 billion that the plan would take from non-entitlement domestic spending.

It would, of course, be an enormous relief for House members to adopt any budget resolution at all that promised significantly lower deficits than the administration's own plan. That would end the heat that they have been getting from the White House for causing high interest rates. But adopting the Republican plan—the likely winner if there is any winner at all—would be bad policy, and it would also be misleading.

Adopting a budget resolution is, after all, not the same thing as adopting a budget. All it does is set guidelines for future legislation and appropriations. If the resolution is premised on Congress' later doing things that it could not in good conscience do, then it is a phony document—designed to fool people into thinking that things have been settled which are not settled at all. If you doubt this, consider the discrepancy between the small budget deficit called for in last year's resolution and the actual fact a year later.

If Congress really wants to act responsibly—in a way that the administration has not—it will face up to the fact that there is only one way to finance a massive defense buildup. And that is by raising taxes.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Chairman, let us make no mistake. Today, as we look at science and technology features of this budget, we are asking the question about a national investment. Is this country willing to invest seriously in a high-technology future? It is that simple. The question is whether we are willing to come up with the Federal venture capital to assure U.S. involvement in high technology through the coming decades. The Jones Budget in support of energy, space and science, functions 250 and 270, makes a commitment to this kind of investment. Without this commitment we are telling the world that high technology role beyond the year 2000 is too high a risk for the United States to make the investment.

It is ironic to me that Mr. Stockman's new job is rumored to be with an investment firm. Clearly, he was the architect of the unfortunate low levels of funding for high technology in the Latta amendment. Thus, he has taken the nearsighted position that this work is even too high risk for the Federal Government to support.

Mr. Chairman, in the discussions of the various budget alternatives pending before us, I am afraid that there is a great tendency on the part of some Members to continue with a business-as-usual approach, to quote a popular cliche of the moment. This economy is now on the verge of emerging from the greatest realinement since the industrial revolution. We are now a service-oriented economy. Industry and manufacturing are declining in terms of their contribution to GNP, to jobs, and to growth. The economy of the future is inseparably bound to the development of technology. The jobs of the future are going to be jobs in high technology fields, or in servicing the high-tech industries of the future. If the Congress is really serious about addressing the problems of this economy, we have got to recognize this reality.

America can compete with the rest of the world only if we can capitalize on our present advantages in science and technology, to override the advantages which the rest of the world have in terms of labor differentials, natural resources, or other factors. We are the world's leader in high technology. We can create jobs and create wealth by using this to our advantage. If we fail

to take advantage of this competitive edge, we are dooming our economy to high unemployment, declining productivity and, eventually, subservience to other nations or groups of nations who are already committed to high technology innovation.

There is another aspect Mr. Chairman, which seems to escape this body. I was a small businesswoman, I think I have some understanding of how the private economy operates. If an innovation to improve product quality, and/or to reduce cost, or to simply provide a better service or product comes along, both business and consumers are going to take advantage of it regardless of where it comes from. I would suggest to my colleagues that by reducing the level of support for technology development, you are simply assuring that some years down the road you will be purchasing that technology from Japan, Europe, or somewhere else. The United States will lose the jobs, lose the capital, and our people will lose the advantages which this economy has developed.

The Jones budget provides $5 billion of funding for energy programs and $8.1 billion for space and general science programs. These funding levels are keyed to determining where this country will be in terms of technological preeminence in the year 2000 and beyond. The Congress, as the board of directors of this U.S. high-tech venture corporation, must take a long-term view and support this approach. These figures are not arbitrarily chosen. They are based on the need to encourage productivity and innovation in this country's overall science and technology enterprise. This means jobs, and it means we will be competitive worldwide in selling advanced technology products, and ultimately we will revive a feeling of national pride and a general confidence that this country can do anything if it sets its mind to it.

Both in space and energy, the high-risk funding support must be looked upon as part of our national security effort. U.S. advances in space technology must, clearly through the Shuttle and other elements of the program, have strong links with the Air Force requirements for defense space platform capability. In the energy areas, all the technology development programs, particularly fossil energy, are key elements of our national security posture. The fossil program which I have supported at or near fiscal year 1982 levels, directs the DOE to provide the Federal research and technology base for synthetic fuels development projects to be carried out by the Synthetic Fuels Corporation in creating a national security reserve.

This funding maintains a strong technology development position in energy and aviation for the Federal Government. It is based on a strong historical Federal industry partnership demonstrated in large balance-of-payment surpluses, not from a phobic concern that all government does is regulatory of stifling.

The low levels of the Latta budget, roughly $2.5 billion below the Jones amendment in these key areas, ignores a variety of major factors. The Latta levels, which are in the neighborhood of $1.5 billion below even the President's fiscal year 1983 budget request, threaten skilled teams and the very institutional integrity of our national laboratories. At our Oak Ridge National Laboratory in Tennessee, dozens of excellent programs in fossil, conservation and basic research and threatened, and hundreds of eminent scientists and very valuable engineers are in peril. Besides this, major technology development for critical nuclear R. & D. becomes vulnerable to budget tradeoffs because there simply will not be the funds unless the Jones amendment is adopted.

The type of thinking that says we cannot afford such long-term investments, will doom our advanced technology enterprises to follow the way of today's automotive industry. Despite the outstanding track record of return on capital from our Federal investments in aviation and space technology, the Latta approach would have us ignore history. The Jones substitute is a positive, hopeful indicator of belief in our very technological future.

In the energy area, the very low level of funding puts enormous pressure on the Appropriations Committee in both bodies to make terrible choices between technologies and among vital projects within technologies. The Latta myopia is counter to the position the Senate Budget Committee has taken, which is very close to the figures in the Jones budget. I must, however, share my confusion with other Members on what is the real Reagan budget. We have a fiscal year 1983 administration request, an interim April budget supported by the President, and now I understand not only does he support the Senate-passed budget resolution, but he also supports the Latta amendment. I wish the real Reagan budget would be put forward.

I want to congratulate the gentleman from Oklahoma and the committee for including the specific high-technology initiatives in his budget amendment to provide almost $2.5 billion for increased research and development by universities in general. The National Science Foundation budget increases would provide for upgrading facilities and equipment, and also enhance funding for graduate fellowship programs. There is a serious problem in terms of both quality and quantity for science and engineering education in this country and we suffer greatly by comparison with other developed nations such as Japan and the Soviet Union.

A vote on the Jones amendment is a vote for high-technology investment, for jobs and progress, and for U.S. survival in international high-tech competition during the coming decades. We cannot afford to vote no on this resolution if we believe at all in the old-fashioned American sense that our people are capable of any enterprise, no matter how complex or demanding, if only the Nation's leaders have the national will to show them the direction and encourage them on the way.

Mr. BETHUNE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I have a question for my colleague from Ohio (Mr. LATTA). There seems to be a bit of misinformation or at least conflicting information concerning the status of the pending urgent supplemental appropriations bill for 1982. I wonder if the gentleman could clarify the issue for me and our colleagues. Is it not correct that the status of the urgent supplemental appropriations would be the same under each of the budget substitutes, including the Latta substitute?

I ask this question because it is of extreme importance to me and many other Members since we have had commitments and expressed our commitments to constituents on urgent questions regarding student loans, housing, refugee assistance, and so forth.

Mr. LATTA. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentlewoman for yielding.

The gentlewoman is correct. Let me point out to the House that for some reason the so-called fact sheet on 1982 is misleading.

The CHAIRMAN. The time of the gentlewoman from New Jersey (Mrs. ROUKEMA) has expired.

Mr. BETHUNE. Mr. Chairman, I yield 1 additional minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mr. LATTA. It stated that if the Latta amendment is adopted a point of order will lie against all spending bills in 1982. In fact, because the current level of spending exceeds the aggregate level of spending contained in the second budget resolution for 1982 a point of order lies against all spending bills presently. Even if the Jones resolution were to pass, that fact would remain the same. However, the fact is that the current level estimates of revenues and spending now in the possession of the Parliamentarian are incorrect, as acknowledged even in the latest CBO monthly report on Federal spending. The current level estimate of revenues is $623 billion. CBO now believes it will be $627 billion and go as high as $630 billion. The current

level estimate of spending is $637 billion. The CBO now believes that if the current trend continues then the 1982 spending would total $634 billion. In accordance with the standard practice after the conference of the budget between the House and Senate, a new current level would be agreed between the Budget Committee and CBO. Obviously that new level will reflect the latest change in revenue estimates and indicate a lower 1982 deficit than is now assumed in the current level.

Mrs. ROUKEMA. Would my colleague further comment that it is the clear understanding that under the Latta substitute, the funds that are included in the urgent supplemental for 1982 will not be jeopardized or treated any differently than they would under the Jones substitute?

Mr. LATTA. That is correct.

Mrs. ROUKEMA. I thank the gentleman.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, once again we are confronted with a budget—the Latta budget—that slashes funding for our Nation's health programs. We should not be fooled by the rhetoric surrounding this budget—the revisions do not alleviate the devastating impact of the cuts on our Nation's most vulnerable citizens—they just shift them to those less able to afford it. This Latta budget slashes programs for the poor. This Latta budget is a disaster. This Latta budget is no improvement over the Latta proposal we rejected just 2 weeks ago.

Latta continues to propose deep cuts in health of $4.9 billion in fiscal year 1983, and $20.7 billion over 3 years.

While they talk about restoring the medicare cuts, they still propose to cut social security's medicare program by $3.2 billion in fiscal year 1983. That may be considered a restoration for those who proposed the irresponsibly absurd level of cuts in the last Latta bill. But it is in fact a deep cut—a cut that will require us to shift even more costs to the aged and disabled medicare beneficiaries.

How do they finance this so-called restoration? One way is by drastic cuts in medicaid, shifting even more costs to the States on top of the Federal cuts we enacted last year, and cutting funding for children, the aged poor, and those in nursing homes.

Finally, they have done nothing to improve their earlier proposal for flat funding for discretionary health programs for 3 full years. The result will be a severe cut in real purchasing power for biomedical research, and critical public health programs.

Let's look at these proposals in more detail. They propose a $3.2 billion cut in medicare, and for that they are trying to take credit for how nicely they are treating medicare. The fact that that is an improvement over their last proposal simply highlights how ridiculous their last proposal was. $3.2 billion is a deep cut—and our aged and disabled constituents will not be fooled by rhetoric about restorations when their annual deductible increases under this proposal. They will not be fooled when their cost sharing for home health services increases under this proposal. They will not be fooled when they pay more and more out of pocket for physician services to make up for Latta's arbitrary cuts in physician payments. So I urge my colleagues not to be fooled by this rhetoric—further shifts of costs to the elderly are unwarranted. Medicare is already so restrictive that it pays just 45 percent of the health bill of the aged. We should not endorse this proposal that shifts this administration's budget problem to the aged person needing medical care.

For medicaid, the Latta budget is even worse. Apparently, the designers of Latta made a rather cynical decision to "give" to the aged with one hand, by restoring a limited portion of the medicare cut, while taking away with the other hand from those aged who are the very poorest, by slashing the medicaid program. Let us look at these medicaid cuts in detail.

Just last year, medicaid was cut severely, and those cuts—of nearly a billion dollars a year—were extended for 3 full years. States are now desperately trying to cope with this year's cut. They face a further cut of 4 percent that is already programed into fiscal year 1983. Now, Latta proposes a new cut of $1.3 billion—a cut even larger than the controversial proposal we enacted last year. More than $1 billion of this cut is nothing more than a pure shift of costs to the States—I think we all know that the States cannot afford this shift on top of the cuts we enacted last year. I have sent to each of you preliminary estimates of what these cuts cost each State—but let me provide some examples to give you a sense of the order of magnitude of this harsh proposal. Pennsylvania would lose $36 million under two of the Latta provisions, on top of the $43 million cut already programed into fiscal year 1983—total reduction to Pennsylvania—$79 million. Illinois would lose $35 million under two of these Latta provisions, on top of the $32 million reduction they already face going into fiscal year 1983—total reduction to Illinois—$67 million. I would be glad to share copies of this State data so that you can see the impact of each of your States. The implications are clear—this budget attempts to "solve" the Federal budget problem brought on by this administration by abrogating responsibility for it and shifting it to the States. We cannot accept that policy.

How would the administration achieve these shifts of costs to the States? It is interesting to try to determine this. Every explanation of how the cuts will be achieved changes as soon as the specifics are criticized. OMB is now in the act—trying to confuse the picture of how the savings will be made. They are banking on the fact that by shifting gears every few hours, they will fool enough people here so that they can get votes for the Latta budget before we in the Congress understand what the cuts mean. But I do not believe Members will be fooled. The billions of dollars they intend to cut have not changed. And I think we all understand that the real way they intend to achieve these cuts are the ways shown in all the descriptions that accompanied the Latta proposal when it was released.

What were those changes?

First, they would shift $600 million to the States by reducing the current Federal medicaid matching rate for all so-called "optional" services and "optional" eligibility groups by 3 percentage points. This means that States will either have to increase the amount of money they put into medicaid, or cut back on current coverage.

I want everyone to understand who these "optional" groups are and what these "optional" services are. The optional eligibility groups are not just the medically needy, but include all elderly and disabled persons in nursing homes with income in excess of $25 a month. They are considered "mandatory" eligibles only if they receive less than $25 per month from all sources. These are the people Latta defines as "optional" for purposes of cutting Federal funds under medicaid. States would have their Federal support slashed for the large majority of medicaid aged and disabled individuals in nursing homes.

What are the so-called optional services? They include nonskilled nursing home care, prescription drugs, dental care, eyeglasses, and hearing aids. This 3-percentage point cut in matching will force States either to find additional funds of their own, or to eliminate coverage for these services and people. That is how Latta proposes to solve the Federal budget problem.

For our Nation's discretionary health programs, Latta proposes flat funding of $8 billion per year for 3 full years. Real purchasing power will decline, and the result will be serious shortfalls in critical programs. Biomedical research at the National Institutes of Health will decline. Funding for important and cost-effective programs like childhood immunizations, maternal and child health services, family planning, and nursing programs will be at risk.

This budget is totally unacceptable for health. The aged and disabled medicare beneficiary cannot afford to have this budget pass. The States cannot afford to have this budget pass. Low-income children, aged individuals, and nursing home patients

cannot afford to have this budget pass. Our public health efforts cannot afford to have this budget pass. I urge all of you to defeat the Latta substitute and to support the Jones budget.

□ 1320

Mr. BETHUNE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. Mr. Chairman, I thank the gentleman from Arkansas for yielding.

At the outset I would express my wonderment at the continued statements that we are talking here about cuts. In Latta II what we are talking about in medicare is a 44 percent increase over the next 3 fiscal years. A 44-percent increase is tens of billions of dollars.

In Latta II in medicaid, we are talking about a 24-percent increase over the next 3 fiscal years, an average increase of 8 percent a year, when all the economists in the country, both private and in Government employment, tell us that the rate of inflation will be less than 8 percent a year. A 44-percent increase in medicare, a 24-percent increase in medicaid, cannot be construed in any reasonable person's imagination as being a cut in those programs.

Let me speak to the three points specifically that the gentleman from California has made. With regard to the higher annual deductibles for part (B) which he says is contained in Latta II and which he represents as being such an extreme hardship on the elderly in this country, the acturials in the Health Care Financing Administration tell us that if Latta II were adopted and if hospital costs were to continue inflating at the same exorbitant rate as has been the case in the past 10 years, that what we would be talking about would be a $5—a $5 obligation for the elderly, an increase in their copayment from $75 to $80, if health care costs continue to inflate as they have been.

With regard to the allegation that there would be some increase in the coinsurance provision for home health care, there is no coinsurance provision at all now, so it would not be increased, but we would require the implementation of a 5-percent coinsurance factor for the first time, bearing in mind that home health care is the only item under medicare which does not have some percentage contribution required now, and the others range as high as 20 percent. Here we are talking about only 5 percent for home health care.

The most amazing part of this whole debate put forth by my good friend, the gentleman from California, is that he suddenly is concerned that there may be some out-of-pocket costs to physicians if Latta II is implemented. In my State last year, one physician received over $600,000 from medicare alone, and a radiologist in my home State received over $400,000 from medicare alone.

I am astounded now that my colleague, the gentleman from California, is suddenly wondering and worrying that some physicians may receive a little bit less than they are currently receiving. I would remind the gentleman and the House that they are the highest paid professions in the country. As a profession, no one in this country makes more money than these physicians that my colleague has suddenly come to be concerned about.

With regard to the arguments about medicaid and what this 3-percent factor would do in fact these are the things that would not be affected at all by Latta II: Inpatient hospital services, outpatient hospital services, physician services, rural health clinic services, nurse-midwife services, early and periodic screening, family planning services, skilled nurses facility services for adults, home health care for adults, laboratory and X-rays services; none of those things would be affected under medicaid under the provisions of Latta II as we have those before us now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BETHUNE. Mr. Chairman. I yield 2 additional minutes to the gentleman.

Mr. MADIGAN. We have a letter today from Secretary Schweiker that says that all of the savings contemplated in Latta II can be accomplished without having any impact upon beneficiaries at all.

Let me remind my colleagues that in 1978 the then Secretary of HEW, Mr. Califano, came before Congress, testified before a committee, on the record, that in his judgment the waste and abuse in these programs amounted to $9 billion annually.

□ 1330

The response to that by the Congress in each succeeding year has been to increase substantially the amount of money available for these programs. That is how we respond to being told that we are wasting billions of dollars—by providing billions of dollars more. I think the Congress has to send a new signal to the managers of these programs, not only the middle management people in the Federal Government, but also the people in all of the several States across the country, and that message has to be that we are going to put less of an increase in these programs and those managers are going to have to manage them as they are supposed to be doing or else resign, and resign in disgrace.

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Maine.

Mr. EMERY. I thank the gentleman for yielding.

I am glad the gentleman mentioned the Califano study of a couple of years ago. I am sure the gentleman from Illinois will also remember that when that information was brought to the Members on the floor of the House, we were faced with an amendment that would have removed a small portion of that $8 billion or $9 billion. This House rejected even that token reduction of waste, fraud, and abuse that the Secretary of HEW then pointed out.

So our track record to date in controlling these wasteful programs has not been, really, very good. This process gives us an opportunity, in the context and framework of a well thought out budget, to try to get at those problems, to control cost growth, and to demonstrate we have the capability of sorting out waste and abuse where it occurs.

Mr. JONES of Oklahoma. Mr. Chairman, I yield one-half minute to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. I thank the gentleman for yielding to me.

Mr. Chairman, I was interested in comments on the waste and abuse matter. At the San Diego Shipyards, it has been reported, and the FBI is investigating, that there has been an 80-percent cost overrun—80-percent cost overrun on naval vessels in the San Diego Naval Shipyards. Yet we are putting more money into the military for that purpose. I think that ought to be on the record.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman form Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman and members of the committee, I rise in support of the alternative by the chairman of the Budget Committee (Mr. JONES). I do it on two basic grounds that I hope Members will concentrate on.

First, on fairness or balance in the deficit reduction contained in the Jones package, I think it has a greater sense of fairness and balance because it asks for deficit reduction among the three major areas of the budget on a more or less even basis; that is, in defense, domestic programs, and revenue programs.

The second reason the Jones program is better is because it has a better effect on the economy. We are all interested in interest rates and the effect of deficits on interest rates. If that is the real concern of Members, over the 3-year period the Jones budget does better by $10 billion, and reaches by 1985 a deficit of about $11 billion less than the Republican package.

I urge Members on the ground of fairness and on the ground of economics to support the Jones package.

● Mr. PERKINS. Mr. Chairman, 2 weeks ago, the House, in what passed for wisdom in these remarkable times, voted down the Latta substitute for the first concurrent budget resolution.

A majority of our colleagues simply decided they could not swallow a dose that was too drastic, punitive in prescription, and unhealthy in its consequences.

Undaunted by rejection, the "pharmacists" who mixed that original mess, went back to their mortars and pestles and retorts and have come up with another batch of their medicine.

The brewers of Latta III have succeeded beyond their own wildest dreams of stirring up a dose that is even worse than the original.

This House ought to rise up in righteous indignation and throw the whole pot out of the window. And keep throwing it out until we have before us a budget resolution that is fair and equitable to all of the people.

I say it is a disgusting proceeding because we are deluding the American people and ourselves into thinking that the numbers that we come up with, in whatever budget resolution is passed by the Congress, means something.

How meaningful are the numbers adopted by the Congress in the final budget resolution last session for fiscal year 1982?

While much of the debate has centered around fiscal year 1983, outlays, appropriations, and revenues—yes, the size of the deficit—we have obscured the fact that title I of this budget resolution we are debating today is to revise those sacred numbers in the budget resolution passed last year in terms of what has actually happened to them.

In the last budget resolution passed by the Congress for fiscal year 1982, we said that revenues were going to be $657.8 billion. In reality, they are going to be $30 billion less. And under either version, Jones or Latta, these revenues are $627 to $628 billion dollars.

We said that the deficit was only going to be $37.65 billion. In reality, that deficit is in excess of $100 billion under either the Jones or Latta provision of the 1982 budget resolution.

Mr. Chairman, we delude ourselves if we think that the budget resolution which we adopt or fail to adopt today, or at some point during the session, will have any effect or bear any resemblance on what will ultimately be revenues, outlays, or level of deficit.

An example of the wonderland nature of the numbers which we are playing with is revealed in considering the impact of, say, unemployment and interest rates on the deficit. In standard budget parlance, a 1-percent increase in unemployment results in an additonal $25 billion in the deficit. At the current level of interest rates, the interest on the national debt is about $112 billion, with 3-month treasury bills estimated to average for the year about 14 percent. In 1977, when 3-month treasury bills were annually averaging 5.3 percent the interest on the national debt was only $23 billion.

If the Congress is, indeed, serious about elimininating the deficit and balancing the budget, it may give some thought to reinstituting the concept of usury and establishing a sound jobs training program to get people back to work.

Our obsessions and concerns during the course of these proceedings have been with the size of the deficit. Why should this be? The Reagan administration apparently is not concerned. The budget resolution that was submitted to the Congress proposed a $132 billion deficit. In fact, I think it ought to be clear at this point that the administration is not concerned with the deficit in the short run. Its strategy has been, through the enormous tax cuts and increases in military spending rammed through the Congress last session, to present to the Congress a budget dilemma, a budget dilemma in which the administration hopes that, faced with the alternative of increasing taxes and reducing military spending or again drastically reducing spending for health, nutrition, job training, education, natural resource development and farm programs, the Congress will choose the latter.

I, for one, don't buy this. But this is what the Latta substitute would do. Let me illustrate: The 1982 appropriation level for nondefense discretionary programs is $133.45 billion. For 1983, Latta would cut $28 billion from this level, a 21-percent reduction in domestic spending. Jones, on the other hand, would increase the 1983 level by only $7.65 billion. Considering inflation, this is scarcely anything more than maintaining existing programs at their presently reduced level.

From domestic programs, the Latta substitute would cut more than $100 billion below what would be spent under current law after allowing for inflation.

Those programs include those which are the mainstays of support for the poor, the elderly, the disabled, the children, and the jobless.

The mischief it does is so pervasive that days would be required to sort it out, item by item. And so, today, I want to limit myself largely to the mischief the Latta proposal does to education in this country.

Make no mistake: This proposal is antieducation. Its passage could cause serious harm to the training of our country's youth and adults. And I believe it is provable that such harm would be permanent and thus cripple a large part of the younger generation.

In my judgment, no friend of education can cast a vote for the Latta substitute.

Just 2 weeks ago, this House voted 323 to 99 for the Simon amendment which brought Federal education programs up to an appropriations level needed to maintain current services. That action would not have permitted growth, but at least it would have kept education programs even.

That vote, I believe, reflects the judgment of this House that education is important in America, and that the programs we have hammered out over the years are constructive and worthwhile.

But do you think the mixers and the stirrers and the sweeteners who wrote the formula for the Latta substitute paid any attention to that? They did not.

They simply cut out another $1.75 billion—to reduce by that amount the funding education programs need simply to stand still. Backward, into the hole. That is the whole philosophy of the Latta substitute, as it applies to education.

This version preserves the severe cuts the House voted down 2 weeks ago. And then it goes on to slash deeply into the guaranteed student loan program and the school breakfast program.

In the guaranteed student loan program, the Latta substitute cuts $500 million in outlays for fiscal year 1984, and more the $700 million in outlays in fiscal year 1985. These cuts are on top of the $31 million in outlay cutbacks the original Latta substitute proposed and which the new version incorporates.

These cutbacks will severely cripple the guaranteed student loan program and visit enormous hardship on young people and adults who want to pursue their education in an increasingly technological society.

Beyond these guaranteed student loan reductions, the Latta substitute mandates that all other student aid programs be frozen at the fiscal year 1982 level for the next 3 years. The Pell grant program is already at an inadequate level, and to freeze it there for 3 years compounds the injustice to poor students. Current legislation calls for a maximum Pell grant of $1,800, but the Latta substitute would cap it at $1,674.

Ninety percent of all the children in the school breakfast program are poor. As a direct result of the Gram-Latta resolution last year, 365,000 children have dropped out of the program.

Two weeks ago, the Latta substitute sought further cuts. The version before the House today goes beyond that and requires a block grant for the school breakfast and child care programs and a cutback in their funding of 25 percent.

Passage of this version of the Latta substitute would simply mean program elimination for many of the 3,000,000 poor children still receiving school breakfasts.

That, in my judgment, is unthinkable. And I hope the Members will bear that in mind when they vote on this measure.

Mr. Chairman, it has been said over and over again that it is patently unfair to try to balance the Federal budget on the backs of the poor.

If the domestic programs for the poor and the elderly and the jobless really made the difference between a budget in balance and one out of balance, I think you would be surprised how many of them would say, "All right, go ahead and we'll make the sacrifice."

But this Latta substitute does not provide a balanced budget this year or next year or 5 years on down the road. This budget proposal is still $100 billion out of balance.

Sacrificing the poor barely helps at all in this fiscal monstrosity of a so-called budget. So, why should we pretend that it does?

I say, let us throw out the whole thing and try to find a formula which has as its first ingredient—Fairness.●

● Mr. FRENZEL. Mr. Chairman, I rise in support of the Latta budget substitute. The Nation has waited for 4 months as we have worked falteringly to arrive at a budget resolution. Two weeks ago, we failed to pass any of seven alternatives. Today, our choice is limited to two options. We must pass one of them. I do not believe the Nation should wait any longer.

The Jones substitute will give us unreasonable deficits and unreasonable taxes. It is the embodiment of the old discredited tax-and-spend philosophies.

Instead of making the necessary cuts in social programs, the Jones budget depends on a staggering $150 billion increase in taxes to arrive at its $107 billion deficit. The Jones substitute raises taxes too much and cuts spending to little. It will give us more high interest rates. Its extra taxes will inhibit our economic recovery.

In the long run, deficits and inflation cannot be controlled unless spending is reduced. Jones does not cut much. The Latta substitute goes after the spending problem. It cuts back Federal spending and thereby reduces Government influence and interference. It brings us closer to long-term economic strength.

Because Latta cuts spending, it places on the taxpayer only that additional burden that is absolutely necessary to keep deficits down and declining. It raises $55 billion less taxes than the Jones version. The differential is enormous.

The Latta and Jones proposals flow from the same processes and baselines, yet they are worlds apart. Those who wish to crush the economy with the sledgehammer of higher taxes should vote for the Jones version. Those who believe that spending must be cut, that Federal spending ought to be controlled, that taxpayers should be burdened less severely, should vote for the Latta budget.

The Latta substitute will promote economic recovery. The Jones version will stifle the economic recovery. The obvious choice is Latta.●

● Mrs. SCHROEDER. I rise in support of the Jones budget and in strong opposition to the Latta proposal. The Reagan budget has such a high deficit, such excessive cuts in programs for the disadvantaged, elderly, and women, and such exorbitant waste in defense that it is not worthy of serious consideration.

So, the choice is between the Jones budget and the Latta budget. Let me start off by pointing out what is wrong with both of these budgets. First, and most serious, both contain unconscionably large deficits. Over the next 3 years, each proposal calls for more than $225 billion more in spending than in receipts. Our economy cannot tolerate a budget this far out of balance for this long. But, even on this score, the Jones budget is preferable since it plots a more direct path to a balanced budget. The fiscal year 1983 deficit in Jones is 39 percent of the fiscal year 1983 deficit. On the other hand, in the Latta budget, the fiscal year 1985 deficit is 54 percent of the fiscal year 1983 deficit.

Second, both contain excessive defense spending. Over the next 3 years, the Jones budget increases the defense function outlays by $154 billion over 1982 levels, while the Latta budget increases those outlays by $174 billion. Far more damaging to the prospect of a balanced budget in the future is the fact that the Latta budget increases budget authority by over $200 billion during the same period. Clearly, some increase in defense spending is needed to maintain our military preparedness. Increases of the type proposed in these budgets are entirely unnecessary and lead to increased waste, fraud, and mismanagement. The Latta budget fails to assert any critical scrutiny to any part of the Pentagon's plans. Every weapons system, no matter how unnecessary, unworkable, or expensive, is funded in full. The President's plans for civil defense, chemical warfare, and nuclear weapons are supported with eyes shut and no questions asked. The Jones budget is better on defense, while still shifting too high a portion of our Federal resources to function 050.

Deciding between these two budgets is much easier on the domestic side. The Latta budget recomputes current year spending in such a way that extended unemployment benefits, housing interest rate subsidies, and urgent supplemental appropriations cannot be accommodated. The Republicans say they want to fund these programs. So we are left to wonder whether the Latta budget eliminates crucial recession-caused spending or whether we are meant to take the proposal with a grain or two of salt.

The policy decisions for the future are clear. The Latta budget reduces the deficit and funds, insufficiently, increases in medicare and student loans by stealing money from programs helping the poor, the elderly, women, the unemployed, and the hungry. Unemployment benefits and employment and training are cut by over $1 billion in the Latta budget. Food stamps and child nutrition are cut by a larger amount. Aid to family with dependent children and medicaid are cut nearly as much. Education, health, legal services, energy, space, transportation are all slashed by huge amounts. While the Jones budget does make some real cuts in programs which can be tightened up, it does not decimate basic social programs in the way the Latta budget does.

In the civil service area, the Latta budget doubles the cutback in Federal employment which was provided for in the previous data budget. Instead of eliminating 20,000 jobs, the Latta budget would abolish 40,000. Further, the Latta budget ignores the clear vote of the House for a 5-percent pay raise during our prior consideration of the budget and, instead, imposes a 4-percent cap. The Latta budget would greatly reduce the amount of compensation which injured Federal workers receive. It mandates significant cuts in the civil service retirement system.

The Latta budget seems to be based on the theory that the best way to frame a budget is to attack the weakest and support the strongest. Strong interest groups, like veterans and defense contractors, get generous treatment from Latta. The old, poor, injured, and discriminated against get saddled with carrying the whole burden. And the huge tax bonus for the rich is left untouched.

I urge my colleagues to reject the Latta budget and pass the Jones budget.●

● Mr. SHUMWAY. Mr. Chairman, I rise in support of the Latta substitute budget resolution. Before discussing the specific details of this proposal, however, I would like to talk for a moment about the economy and the overall budget process.

There is no question, Mr. Chairman, that our Nation's economy is currently suffering from a variety of serious problems. Far too many Americans who want to work are unemployed. After-tax corporate profits declined 17.5 percent during the first quarter of 1982. Nominal interest rates remain at excessive levels, while real interest rates are at historic highs, largely as a result of our recent successes on the inflation front. Those sections of the economy which are particularly interest sensitive, such as housing and automobiles, are at near-depression levels. As was pointed out during our recent debate on the Net Worth Assistance Act, 80 percent of our thrift

institutions lost money in 1981; if anything, conditions are worse now.

I make these observations, Mr. Chairman, not to assign blame for the condition of our economy—and in this regard I specifically object to claims that the President's program which took effect last October 1 is responsible for a recession that had its beginnings in 1979, and which began in earnest last July—but to underscore the importance of the debate we are now engaged in and the actions we are about to take.

Quite simply, Mr. Chairman, the American people expect Congress to act expeditiously, responsibility, and in the best national interest in adopting a budget resolution that can contribute to economic recovery. Unfortunately, the congressional budget process has shown increasing signs of disarray, particularly over the past several months. Our performance 2 weeks ago contributed greatly to the perception that we are unable to take meaningful action. Given the inability of the House, the Senate and the administration to achieve even the slightest agreement on the parameters and priorities defining the 1983 budget, it is hardly surprising that the financial markets remain unconvinced that real progress will be made in reducing the deficit and the growth of Federal spending. It is, of course, generally accepted that the size of our projected deficits as well as the belief that spending is not really under control that are the most important reasons for the persistence of high interest rates.

I am well aware that every member has his or her own preferences as to the most appropriate content for the fiscal year 1983 budget. We have different interests, objectives, and priorities; we represent widely varying geographical areas and constituencies. Yet if we refuse to compromise, if we continue to allow partisan differences to blind us to the urgent need for budgetary certainty, economic recovery will remain elusive. If we each insist upon our own budget preferences, the American people will be the ultimate losers. In a very real sense, we are all in this together, and I would suggest that it is past time that we got down to the business of adopting a fiscal year 1983 budget that can provide a ray of hope for our farmers, small businessmen, unemployed construction and auto workers, our senior citizens, and all others who look to Congress to display leadership.

It is clear, Mr. Chairman, that only a budget proposal with broad appeal, one that is basically consistent with the views of Members with varying philosophies can be effectively implemented. In contrast to the proposal drafted by Chairman JONES, the Latta subsitute best satisfies this requirement and, if enacted, will best assure that we move toward resolution of our economic problems. The Jones substitute unfortunately appears based on the assumption that the tax-and-spend policies of the past—the policies whereby the Federal Government consumes an ever greater share of the GNP each year and which, under President Carter, led to unprecedented inflation and interest rates—must be reinstated.

When President Carter took office, Federal tax receipts totalled 18.5 percent of GNP. By 1980, this rate had grown to 21 percent, a level unmatched since World War II. President Reagan's personal income and business tax reductions enacted last summer were intended to reverse this trend, and to allow the productive businesses and workers of our country to save and invest a greater percentage of their earnings. Yet, even with the Economic Recovery Tax Act, taxes as a percentage of GNP will decline to only 19.1 percent by 1985. In essence, most taxpayers, even with the Reagan tax cuts, will do little more than break even over this period because of the effects of "bracket creep" and rising social security taxes. I find it extremely difficult to believe, therefore, that a majority member of the Budget Committee has actually voiced the view that "Americans are fundamentally undertaxed."

Implicitly adopting this view, the Jones substitute provides for tax increases totaling $150 billion over the next 3 years. When coupled with the social security tax increases presently legislated, this total rises to $262 billion. I personally feel that, if anything, Americans are fundamentally overtaxed and that, particularly during the current recession, we should not be contemplating tax increases of any sort. In other words, we should not attempt to reduce the deficit through revenue increases—especially since much of the present deficit is the result, ironically, of lower than anticipated inflation, as well as the recession. In this regard, I am certainly not pleased with the tax increases contained in the Latta substitute, although they are more than $50 billion less than Jones over the 3-year period.

I am also concerned, Mr. Chairman, with the manner in which our essential defense expenditures are treated by the Jones proposal. Although I, too, have expressed the belief that reasonable and prudent reductions can perhaps be made in defense expenditures, the Jones substitute goes too far in providing for $21 billion less in outlays over the next 3 years than does Latta.

Our constituents understand that we must assure that, above all else, our national security needs must be met; most polls of which I am aware show overwhelming support for adequate defense spending. In 1961, when President Kennedy took office, defense consumed nearly 50 percent of the Federal budget, while human resources programs were allocated a little more than 25 percent. By 1980, those figures had been reversed: more than 50 percent of the budget went to human resource programs, while only 23.6 percent was spent on defense. The need for an improvement in our defense capability cannot be overstated; in meeting legitimate domestic problems over the past 20 years, we have neglected the fact that the United States exists within a hostile world, and that we must be ever vigilant in the protection of our freedoms. The Latta substitute reduces the President's proposed defense expenditures by more than $35 billion over the next 3 years; the Jones substitute makes more than $20 billion further in cuts. We should certainly spend no more than necessary for our national security; unfortunately, under the budget resolution written by Chairman JONES, we do not spend enough.

The Jones substitute, while providing for excessive revenue increases and defense reductions, does not go far enough in terms of discretionary spending and entitlements savings. In fact, Chairman JONES has accepted less than half of the President's recommendations in this regard. Again, Mr. Chairman, the Latta substitute is distinctly superior.

As I mentioned a moment ago, it is essential, if we are to progress on our economic problems, that we enact a responsible budget. It seems almost as if the entire financial community is unable and unwilling to move until we in Congress act. We must, therefore, put aside our partisan differences; we must continue to reject the bankrupt taxing and spending policies of the past.

I am not happy with the fiscal year 1983 deficit projections contained in either the Latta or the Jones substitute. I would prefer a substantially lower target. I am not happy with the need to increase taxes; I am not happy that we are unable to identify additional spending reductions. I am, nevertheless, prepared to support a budget resolution with which I do not totally agree because of the necessity that we act. The Latta substitute, although not perfect, moves further in the direction of continuing the process of reordering our economic priorities and restoring the fundamental role of the private sector in our Nation's economy than does the alternative advocated by Chairman JONES.●

● Mr. REUSS. Mr. Chairman, at the beginning of the debates on the first concurrent budget resolution this year, I spoke in this Chamber on the importance of including language in the budget resolution that mandates the reevaluation of the Federal Reserve's monetary targets in response to our actions to reduce prospective budget deficits for the years ahead.

Regardless of how we attack the deficit, whether by raising taxes, cutting domestic spending or cutting defense, the Federal Reserve must respond by insuring growth in the money supply sufficient to support recovery and lower interest rates.

The language included in the Senate Budget Resolution already approved, and in both substitutes to the budget resolution vehicle before us, represents a carefully thought out, judicious, prudent and sensible approach to our responsibilities in the monetary realm. The section reads:

It is the sense of the Congress that if Congress acts to restore fiscal responsibility and reduced projected budget deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

This language sends an unequivocal message to the Federal Reserve: Congress expects that monetary policy be coordinated with fiscal policy, and that our change of course be followed by a coordinate change of course by the Federal Reserve. We do not dictate how the Federal Reserve is to respond to our direction; we do not propose to manipulate monetary policy for short-run political gain; we do not substitute our technical judgments for those of the Federal Reserve. But we do say that monetary policy is not to be established in isolation from what we do here today, and must indeed adjust so as to support the goals of higher employment and lower interest rates which we seek in our actions today on the deficit.

The key to responsible correction in monetary policy is for the Federal Reserve to shake off the supertight 5.5 percent M_1 monetary growth ceiling into which it has encased itself. This ceiling, which is far below the rate of money expansion already achieved so far this year, has placed the Federal Reserve in an impossible dilemma.

Either it now reduces the sharp money growth in order to meet its ceiling, thereby driving up interest rates, or it continues to allow money creation above the ceiling, and creates the expectation that it will soon tighten, thereby driving up interest rates.

The way out is to reevaluate that monetary target, as directed by the language in the budget resolution, revise the ceiling so as to permit continued adequate expansion of the money growth this year, and announce that decision promptly to the markets and the world.

Will the Federal Reserve obey Congress directive? The letter of May 24, 1982, from Chairman Volcker of the Federal Reserve System to me leaves little doubt that the Federal Reserve will now respond to a congressional instruction. Chairman Volcker says:

I was asked to confirm to you the full understanding of all members that the Federal Reserve is a creation of Congress and responsible to it, that the Congress plainly has the Constitutional authority and the right to determine the control of money, that the System is subject to Congressional oversight and, of course, will follow the law.

I believe that Chairman Volcker's reply constitutes a highly satisfactory expression of the Federal Reserve's intent to respect the will of the Congress and the law. This is the first time that Chairman Volcker has stated in categorical terms his agreement with the traditional relationship between the Federal Reserve and Congress.

Chairman Volcker did say in his May 24 letter that Congress should not use its ultimate authority over monetary policy to direct "a specific course for monetary policy, such as a precise monetary target" or to undermine the Federal Reserve's "insulation from transient political influences." Chairman Volcker rightly states that "monetary policy manipulated toward short-term or partisan purposes could have potentially adverse repercussions for our economy."

I agree with Chairman Volcker in these qualifications and concerns. Indeed, the language incorporated in the Senate Budget Resolution and in all versions of the House Resolution debated and voted on last week is carefully framed to avoid injecting short-term political influences into monetary policy, or to undermine the good judgment of the Federal Reserve on purely technical questions. There need be no fear on either score.

We owe this country an intelligent mix of balanced fiscal and monetary policy. Holding the line on Government spending and on tax cuts must be accompanied by reasonable growth in the money supply.

Language advising the Federal Reserve Open Market Committee first by the Senate, and now in section 304 of House Concurrent Resolution 352, is a crucial part of the budget process.●

● Mr. IRELAND. Mr. Chairman, as we take up the debate again today on the budget resolution, I want to say that I could not be happier that so many of my colleagues are at long last realizing that budget deficits are a bad thing. That they do cause inflation, and high interest rates, and economic stagnation. It took almost a generation, and hundreds of billions of dollars of excess spending, but the lesson is at last being learned. But it is too soon yet to welcome home all the prodigal sons and daughters. Too soon, because only half the lesson is learned. What many of the otherwise promising economic students in this body have yet to grasp, is that how you reduce the deficit is as important as the fact that you are reducing it. Too many in this House think the way to make the world safe for big government is to balance the budget by increasing taxes. This is a cure almost as bad as the disease. The way you eliminate deficits and produce a healthy, vital economy at the same time is to reduce spending. When this second part of the lesson is learned, America will be back on the road to prosperity.●

● Mr. GONZALEZ. Mr. Chairman, we are presented here with two bad choices, neither of which will make one whit of difference in the economic health of the Nation. Neither addresses the colossal mistakes committed last year, neither contains any basic difference in its economic content, and neither will alter the disastrous course on which the Nation is traveling.

What we have here are two political agendas. One, by the gentleman from Ohio (Mr. LATTA) has enough phony numbers and false assumptions to create the fiction that adoption of his resolution would bring the projected deficit down below the magic $100 billion level. Suddenly, a deficit below $100 billion has become the fiscally sound position of my friend from Ohio, who for many a year has proclaimed that any deficit at all is irresponsible. It does not matter what devices are used, my friend from Ohio wants to be able to claim that he will bring the deficit below the politically magic mark, but he knows that the actual result will not be so, for he knows that the magic mark has been reached only by the use of tricks and mirrors.

It is bad enough that the Latta program employs fiction to create the desired political illusion. What is worse is that in order to eliminate or reduce cuts that were thought to be unpalatable he doubles the cuts to the poor, the unemployed, and the downright desperate. It is a crude, coarse, and morally indefensible thing to lay all the budget cuts on the backs of the economically weak and the politically impotent. That is what was done last year, and that is what the present Latta budget aims to do this year, only in a redoubled fashion. What is worse, he brings this forward at a time when there are millions of newly unemployed, at a time when there are hundreds of thousands whose benefits are about to run out. He well knows that even now only 1 out of 5 unemployed workers today is able to draw unemployment benefits—yet his plan will throw hundreds of thousands more of the unemployed onto the welfare rolls. At the same time, he would reduce by many billions of dollars the help that is available for family assistance, for food, housing, and for medical care. Even as there are hundreds of thousands of newly poor people, created by the program he championed last year, he would make more hundreds of thousands suffer new deprivations. He wants to make more and more people struggle for less and less, in the name of cynical expediency, to foster a budget illusion.

Last year, it was clear that the Republican program is an economic

policy that is a rich man's war and a poor man's fight. The Latta resolution this year makes that even more plain. It would make the poor even more poor, and it would create more poor to join them in fighting for survival in an ever-shrinking pond of opportunity: fewer jobs, less help, less hope, less everything.

The proposal put forward by my friend from Oklahoma (Mr. JONES) at least has the virtue of not making a bad situation very much worse. It does no favors for the poor, but at least it avoids the egregious and morally indefensible action of redoubling the burdens that have been thrust upon them. It, at least, recognizes that the truly needy can use some true help. It at least does not pretend that there is any way within the Reagan framework that the deficit can be held below the magic $100 billion level. Not even the Republican Senate, nor Ronald Reagan, believes that. It simply cannot be done unless Mr. Reagan is willing to make changes that he thus far has refused to make.

The Jones proposal is the better of two bad choices. But the shame of it is that nothing the House will do today will make any difference in the economic mess of the country.

We are in a case of economic policy gridlock. Nothing we do today will start the traffic moving. All that the two proposals hope to do is to stop everybody from honking their horns for a while, trusting that something in the next few months will persuade Mr. Reagan to reconsider his stubborn refusal to accept any change in his policy, and thereby unlock the policy jam.

The Reagan policy, let us remember, was supposed to produce a 1982 deficit less than half as big as we will actually experience. It is a policy that was supposed to produce a 1983 deficit of less than one-fourth of what my Republican friends are today fervently embracing. It is a policy that was supposed to produce a balanced budget, even a surplus—but which now not even Mr. Reagan says can ever happen.

The reason is simple. Even under a full employment economy, the Reagan tax program will not yield anything close to the revenues needed to support the Reagan expenditure proposals. Mr. Reagan knows this, his budget office admits it, and yet he will not accept the responsibility to come forward with any meaningful changes in his tax program.

This Reagan policy, let us remember, was supposed to create a great boom in economic activity. The fact is that the economy is in its weakest state since the Great Depression; it is shrinking, going backward, and growing more fragile by the hour. In its economic effect, the Reagan program has been precisely the opposite of what was predicted for it.

This is a policy, let us remember, that was supposed to reduce unemployment. Instead, we have better than 2 million newly unemployed persons. We have a depression in the housing industry, a depression in the auto industry. Our steel industry is working at far below half its capacity. One-third of our industrial plants sit idle. There is no prospect for a healthy economic recovery. Brave predictions by one or another of the Presidential wise men tell us from time to time that a return to health is just around the Laffer curve, but the curve turns out to be endless.

This Reagan policy, let us remember, was supposed to create a dramatic drop in interest rates, but that did not happen. Interest rates for housing are as high, or even higher, than they were a year ago. Corporations, and not even the Federal Government, are able today to finance long-term borrowings. The interest rates are choking off the economy, killing business, killing prospects. What is more, not even the Secretary of the Treasury foresees the kind of drop in interest levels that would be necessary to produce any meaningful economic recovery. And the reason for this is simple. It is not possible for interest rates to go down if the Federal Government maintains a fiscal policy that is in direct conflict with a tight monetary policy. So interest rates are destined to remain high, no matter what we do here today, because the choices laid before us do not change that fundamental and deadly contradiction.

That brings us to the nub of the issue. At a time when we need a statement of economic policy, we get political agendas—neither of which addresses the economic issue at all. One of the agendas, the one offered by my friend from Oklahoma (Mr. JONES) is a little less unsatisfactory than the other, but by no means a prescription for economic recovery nor a guide for the necessary changes that must be made.

Neither proposal before us has aroused huzzahs from Wall Street nor hosannas from the people. Both the financial wizards and the citizens on the sidewalk know that neither of these proposals changes the policy mix that constitutes the oozing swamp through which we are walking.

The truth is that the Budget Act never was envisioned as a vehicle for development of economic policy. It was envisioned as a method through which the Congress could set its fiscal priorities. It assumed that the world would be a more or less predictable place, that the economy would be more or less stable, that we would be faced with choices around certain narrow margins. Last year the act got twisted into a juggernaut of economic policy—overridding all economic judgment, overriding all careful legislative process, overriding all counsels of caution and moderation. The result was tragic, and the tragedy continues today, because we are persisting in seeing the budget process as a determinant of economic policy. The policy has already been determined. The budget process, as we see it today, only reaffirms the bad policy that got embedded into law last year. It has become an embarrassment to those who brutally misused it last year—for having twisted it into something it never was, they cannot now return it to the original purposes for which it was intended. Neither are they able to use it to reverse or even modify the policies that were created through it less than 1 year ago.

The leadership is now rethinking the budget process, and that is all to the good. Meanwhile, we have a legislative process that is choked and tangled by the wreckage of the budget process this year. Legislative committees cannot legislate policy, because we do not know what the budget will eventually allow. Appropriations committees cannot mark up their bills, because they do not know what the budget will eventally command. The irony of it all is that for all this stumbling in the dark, we know that no economic change will be wrought here today or in the conference that will follow any decisions we reach.

It might be different if we were, in fact, faced with a real choice between budgets. It might be different if we were given a budget proposal that faced up to the economic realities of today—that faced up to the need for redressing some of the unfairness in last year's tax giveaway, that faced up to the need to stand on some kind of principle of fairness for the poor, the elderly, the sick, the disabled, the unemployed, or that faced up squarely to the growing desperation of unemployment created by a shrinking economy. But we have no such proposal before us. We are given tokens, much like political wooden nickles, that will make no economic difference, and perhaps little political difference either.

If we are going to permit the budget process to be the vehicle for deciding all economic policy, let us at least have some clear choices between the affirmative and the foolhardy, between the just and the unjust. Last year we had the choice between the foolish and the indifferent; the majority chose the foolish. This year we have the choice between the hopelessly immoral and the pale nod toward justice. Neither time have we been given any reason to think that our choice would change the economic result, for in each case the choices accepted the premise of the Reagan program.

If we are going to pretend that the budget means a choice between economic policies, let us have choices that at least rest on differing premises. But if we are not, let us have done with this whole weary process, and return to a world in which Congress can at least function, a world in which its

committees can at least act, and in which it can make decisions. Let us not continue pretending that the budget process is something that it never was.

The budget as it is being used here, and as it was used last year, is a blind auction. We do not know with any precision what the consequences will be if we adopt either one of the proposals we have here—we only have a hazy idea, and we are not given time nor the information to gain any meaningful information. The budget resolution is a bidding war, just as I predicted it would become when the House passed the Budget Act 8 years ago. It is axiomatic that in such bidding wars it is the people who lose.

The victims of last year's bidding war are better than 2 million freshly unemployed people; they are the thousands of businesses that have been forced to close down because of high interest rates; they are the sick, the hungry, the old, the young searching for jobs, the middle class people hoping to buy homes, the students trying to finance an education, and the autoworkers trapped in a downhill run. They are the taxpayers who know how grossly unfair the tax system has become, the downtrodden looking for simple justice. The victim of last year's bidding war is the whole country. Yet here we are again, not talking about the needs of the country, not talking about what we can and should be doing to rectify last year's mistakes. We are simply engaging in another act of a bidding war that cannot make things better, and for which we have only the faint hope the outcome will not make things worse. It is a travesty and a tragedy, and it sickens all who watch it, and all who take part in it.●

● Mr. GOODLING. Mr. Chairman, I rise in support of the Latta revised bipartisan recovery budget proposal.

Clearly, this proposal reflects some difficult policy choices. On balance, however, I believe that it establishes an appropriate hierarchy of priorities and will achieve necessary reductions in Federal outlays, thereby strengthening our Nation's economy and improving the economic well-being of all Americans.

Nonetheless, Mr. Chairman, I am deeply troubled to learn that this revised bipartisan recovery budget package contains major additional changes in our child feeding programs. It is my understanding that this revised package calls for the consolidation of the child care food and the school breakfast programs into a block grant with estimated savings of $100 million in fiscal year 1982, and $200 million and $300 million in fiscal years 1983 and 1984, respectively.

In addition, Mr. Chairman, I am advised that the revised bipartisan recovery budget proposal retains an earlier recommendation to incorporate the special supplemental feeding programs into an expanded maternal child health block grant program. The combined funding level for this latter change will reduce the current service levels for these two programs. To maintain the current WIC caseload in fiscal year 1983 would require a funding level of $1,002,000,000 for the special supplemental food program for women, infants, and children (WIC) and $31 million for the commodity supplemental food program. Currently, the maternal and child health program is funded at a level of $347.5 million. In short, current services for these programs cannot be maintained with an fiscal year 1983 level of $1,332,000,000.

The 1981 Reconciliation Act resulted in major policy and funding changes in the national school lunch and child nutrition programs. These combined changes reduced Federal assistance to child feeding activities by an estimated $1.5 million in fiscal year 1982. Mr. Chairman, until we have had an opportunity to assess fully and carefully the impact of the changes incorporated in the 1981 Reconciliation Act, I believe that further child nutrition program changes—with major policy implications inherent therein—are premature and inappropriate as a part of the budget process.●

● Mr. WOLF. Mr. Chairman I rise in support of the Latta budget substitute and urge the support of my colleagues as well.

Although there are areas of this budget with which I do not agree, I believe this measure holds the greatest hope for restoring economic prosperity to this great Nation. I believe support of the Latta budget will be in the overall best interest of this country, our economy and the future of our children.

I would like to also urge my colleagues who will be appointed as conferees on this legislation to review with special care the section of the budget regarding postal subsidies.

Where I agree that some revisions in the postal rate subsidy are needed to make the system more equitable, I believe a dramatic alteration in the postal subsidy as proposed under the Latta bill could have dire consequences for particular individuals in our society.

I am referring to the blind and handicapped individuals who rely heavily on this postal subsidy for acquisition of library and related materials. Most of us are blessed with sight and more often than not, take for granted our ability to walk to a nearby library or bookstore to acquire reading material. But consider momentarily the plight of the sightless handicapped person who must rely on the postman to deliver the livelihood, material and information provided by a library equipped to accommodate the needs of the blind. The staggering costs of sudden responsibility for these materials would be to not only deny these individuals the small privileges such access to information allows but would further compound the handicap of blindness.

I am supporting the Latta budget proposal even with these problem areas because I have confidence in the compassion of my colleagues to use the Senate language and work out a compromise as related to postal subsidies.

I hope my conferee colleagues will consider these concerns carefully while negotiating a compromise on postal subsidies. I believe sudden elimination of this subsidy could seriously impact charitable organizations as well as other third-class mailers, and I hope these concerns will be taken into account as well. I would urge consideration and adoption of the Senate language as it pertains to postal subsidies.●

● Mr. MOFFETT. Mr. Chairman, the American people are appropriately disturbed by the failure of the House to pass any of the seven alternative budgets that were voted on 2 weeks ago. Today we meet again to exercise one of the most fundamental responsibilities we have—deciding how much of the taxpayers' money should be spent on what kinds of programs. The fact is, as every American will agree, we need a budget plan. It is not sound policy to prevent budgets from being passed, as the Republicans and the "Boll Weevil" Democrats did 2 weeks ago, after their conservative budgets lost by significant margins. We need a budget that deals with the immediate problem of the $1.4 trillion in cumulative deficit that the Reagan economic game plan is piling up this year and over the next 4 years. We need a budget to demonstrate the direction our Nation is taking. We need a budget to fund programs for the coming year—health, environmental, human services and national defense—which are regarded as national priorities.

We also need a program to provide emergency funding in the event of natural disasters, such as the terrible floods which have ravaged large parts of my own home State of Connecticut. This is impossible under the Latta budget, because it hides deficits under false economic assumptions. It reduces, for the current fiscal year, budget authority by $3.2 billion and actual outlays by $9.6 billion. Cutting outlays by $9.6 billion means that no further spending is permitted from the moment that Latta is passed for emergency needs. That means no disaster aid for Connecticut citizens who have lost their homes. That means no disaster aid for any other area of the country hit by similar natural disasters.

We need a budget which copes with economic disasters, such as the 16-percent interest rates that have killed the homebuilding market. The Latta $9.6 billion cut prevents any additional

moneys for the unemployed, or for stimulating housing construction. Just a few weeks ago, a bipartisan coalition passed such a housing stimulus bill by large majorities in both the House and Senate. Yet that bill will never be enacted if Latta passes. Is it the fault of homebuilders or autoworkers or construction workers that Reaganomic's 16-percent interest rates have made it impossible to buy homes or cars? When unemployment benefits run out—as they will—should we throw these citizens to the wolves? Are we supposed to starve them? Are they and the victims of natural disasters supposed to disappear from view, so we can forget about them? That is precisely the intent and the result of the Republican alternative. It is a shell game meant to hide deficits, by imposing enormous hardship on the American people.

We should remember that it is the President's own tax and spending plans that got us into this mess. The Congressional Budget Office now estimates—in figures accepted and used by the White House—that President Reagan's taxing, spending and military priorities will create more deficits, more red ink than any other program championed by Presidents of either party in the Nation's history. The Reagan budget deficits will amount to $1.356 trillion over the next 5 years; a 13-digit deficit. It will mean that in just 5 years we will have more than doubled the entire existing national debt. Finally, the Reagan deficits, in order to be financed by the Treasury, will consume between one-half and three-quarters of all the credit available in the economy.

By almost any standard, the Reagan program is a crazy experiment.

Credit consumed by the Government means less money for housing, home loans, building business inventories, consumer, and car loans. With less borrowing for productive investments, our unemployment rate of 9.5 percent—representing 10.5 million jobless Americans—becomes an inevitability verging on a fact of life.

As a courtesy to the President, the House Budget Committee is sending his original budget proposal to the floor for a vote. House Members will also be able to choose between two other proposals; ones which actually do something about the Reagan deficits, but which offer radically different vision for our Nation's future. I have no objection to a straight up-or-down vote on the President's 13-digit deficit; but clearly, it is not a worthy economic blueprint for discussion.

The House must really choose between two major proposals—one offered by House Democrats; another authored by Republicans who may share the concern of Democrats about the President's deficits, but who share his sense of direction for the Nation. The Democratic alternative is not entirely satisfactory to me; but neither are the times and the economic conditions in which we live.

But the Democratic alternative does speak to some of the Nation's current and future needs. It provides a decent minimum safety net rather than a shredded and shorn fragment—as embodied in the Republican approach—which essentially mocks our past concerns and commitments. Some of the key differences between the two proposals include:

The Democratic alternative provides $1.65 billion more in employment and training funds than the Republicans, at a time of the highest unemployment rate in 41 years;

The Democratic alternative provides $2 billion more in unemployment compensation than does the Republican proposal, including an additional 13 weeks of benefits for States with unusually high unemployment;

The Democratic alternative provides $1.2 billion more in food stamps and child nutrition, while the Republican version would eliminate or reduce benefits for 500,000 elderly and disabled citizens;

The Democratic alternative has $2.45 billion more over 1983-85 for increased research and development, a basic part of economic survival, while the Republicans freeze all such spending at 1982 levels resulting in a 25 percent cut over 3 years in real dollars;

The Democratic alternative has $31 million more for graduate student loans, while the Republican proposal would eliminate 500,000 students from the GSL program in 1983, and would impose even greater cuts in 1984 and 1985;

The Democratic alternative provides $5.5 billion more than does the Republican proposal in 1983-85 for medicare, while the Republicans would cut medicare by $11.5 billion, and requires that the elderly pay greater out-of-pocket costs for primary health care and physician fees;

The Democratic alternative imposes no cuts in child nutrition programs, which provide free or reduced price school meals to 4 million children daily, while the Republicans cut such funding $10 million in 1983 and $60 million over 1982-85;

The Democratic alternative provides $5.6 billion more for medicaid over 1983-85, to provide for a still-inadequate level of medical care for the poor, while the Republicans cut medicaid by $6.6 billion;

The Democratic alternative retains trade adjustment assistance funds for workers who lose their jobs from foreign under priced goods, while the Republicans finish the job of destroying this program, which was cut by 90 percent in the 1981 Reagan budget bill;

The Democratic alternative has $75 million more over 1983-85 for subsidized housing for the elderly than do the Republicans;

The Democratic alternative does not cut housing programs by $22 billion in 1983, as the Republican plan would do, thus eliminating 300,000 housing units for the poor and elderly that are already in the pipeline; nor does it cut more than $60 billion between 1983 and 1985; both of which would occur under the Republican proposal;

The Democratic alternative includes $300 million for summer youth employment programs, at a time when teenage unemployment has reached historic highs, while the Republican version has no such funds;

The Democratic alternative has $200 million for employnent of elderly citizens, to give our retired citizens minimum wage jobs that provide them a sense of contribution and satisfaction;

The Democratic alternative will not eliminate disability benefits for 80,000 more elderly Americans, which the Republican version does, continuing social security cuts imposed by the 1981 Reagan budget.

Despite the fact that the Democratic alternative spends more on human needs, unemployment compensation, research and development, and vital infrastructure, it generates a 3-year cumulative deficit of $227 billion, which is $3 billion less than the Republican alternative. It can do this because, among other things, it holds the Pentagon to a rate of increase of 5 percent, above inflation, rather than the Republican figure of 7 percent. This alone saves tens of billions of dollars. The Democratic alternative is also far less costly than the Senate Republican Budget, which has a 3-year cumulative deficit of $285 billion, including a 25-percent cut in all domestic programs. Finally, the Democratic alternative results in progressively decreasing deficits, in stark contrast to the progressively increasing deficits under the President's budget.

The Democratic alternative is based on CBO estimates that are considered both realistic and reasonable. It is far from perfect, but it is far preferable to the kind of distorted priorities represented by the Republican alternative. The Democratic budget contains funds for the unemployed, for the sick, for the elderly, for those who need education, and still has more than enough for the Pentagon. If we continue to fail to make reasonable choices among our many competing priorities, we will wreck the economy and the future of our Nation. We are increasingly unable to compete economically, because we devote too much of our resources to useless weapons projects, like the B-1 bomber or the MX missile. These are projects to satisfy the egoes of competing branches of the armed services. They have no relevance to our true defense needs. At the same time, we are disinvesting, under Reagan, in the human and educational needs of the country. We are letting the physical infrastructure of the Nation fall apart. We are deceiving

ourselves that we can get something—the future—for nothing. We are ignoring the needs of the poor. And we are rewarding the greed of the wealthy. It is time to heap Reaganomics onto the junk pile of history, and to get on with preserving and building upon what is good and true about our Nation.●

● Mrs. HOLT. Mr. Chairman, none of the budget plans we have reviewed is pleasing to each of us in all details, but we have an obligation to our country to achieve the compromises necessary to pass a budget that will guide fiscal policy for the next fiscal year.

The Latta substitute represents such compromises, not only among Republicans with differing constituencies, but also with Democrats who are concerned about exercising frugality for the health of the economy.

In contrast, the Jones substitute leans toward the liberal-spending elements of the Democratic Party. It moves toward the free-spending policies of the past, the very policies that dragged the formerly great American economy into stagnation and then recession.

As I examine the alternatives before us, I find that the Jones substitute would spend $19 billion more than the Latta budget; it would increase the tax burden by $11 billion more than the Latta budget, and the deficit would be $8 billion more than that of the Latta budget.

That makes the choice very easy for me. At a time when the American economy appears to be on the threshold of recovering from a long and deep recession, it makes no sense whatever to adopt a budget that would spend more, tax more, and borrow more to cover deficits.

Mr. Chairman, last year we embarked on a new economic program for America based on less Government spending, less inflation, and lower taxes. It is a program that offers real hope for strong economic growth in the months and years ahead, and the Latta budget would keep us on course.

The biggest remaining problem is the budget deficit, which some estimates have placed at far more than $100 billion for the 1983 fiscal year. The prospect of such huge Federal borrowing is a prime cause of high interest rates that are plaguing the economy.

The Latta substitute has the virtue of keeping the budget deficit under the $100 billion mark, sending the right signal to the nervous financial markets that we intend to apply stern controls on spending. That is the message to permit a decline in interest rates.

Mr. Chairman, it is important to understand how our economy fell into such deep economic trouble. From 1970 to 1980, Federal spending almost tripled, the per capita tax burden increased 150 percent, and consumer prices went up 112 percent as measured by the Consumer Price Index.

Congress was on a spending spree that created waves of inflation and a rising tax burden, while some of us were struggling against the tide and demanding a slowdown in Federal spending.

There has been almost no real growth of the American economy in 3 years. We had the recession of 1980 followed quickly by the recession of 1981–82, and it should be obvious to everybody that Government cannot spend us to prosperity.

Last year, with a new President and a new Congress, we started correcting the causes of the economic blight we have endured. The dramatic fall of the inflation rate and the tax cuts taking effect this year and next year are the foundation for strong economic growth.

The way to reduce the nagging problem of high budget deficits is not by raising taxes, but instead by exercising discipline on spending. The Latta budget accomplishes that by a considerable margin in contrast with the Jones version.●

● Mr. EVANS of Delaware. Mr. Chairman, I rise in support of the bipartisan recovery budget proposal. While there are many shortcomings in this plan, many programs that should receive a higher level of funding, I belive it deserves the support of this House.

We need to approve a budget, so that we may go to conference with the Senate and work out a final, workable plan. I will urge my colleagues on that conference committee to come up with more equitable funding levels for programs such as medicare and medicaid, education and job training, legal services, and other important people programs.

However, in the meantime, this House must send a signal to the Nation that we are serious about lowering interest rates, putting people back to work, and returning our economy to the path of full recovery.

And how do we send that signal? We do it by fulfilling our responsibilities and approving a budget that narrows the deficit. A budget that will, in a phased-in, yet determined way, bring us to a balanced budget. Among the proposals before this House today, bipartisan recovery plan has the lowest deficits, and more quickly balances revenues with expenditures.

That is how we tell the millions of unemployed working men and women that there will be jobs for them. That is how we will lower interest rates so American families can once again purchase a home, and realize the American dream.

I believe we must continue the Federal Government's important obligations to the poor, the sick, the elderly, and those Americans with special needs. Those responsibilities will be carried on only if we achieve economic recovery. We cannot do that unless we pass a budget.

Today's economic conditions demand that we take difficult, yet responsible actions. Simply raising taxes to finance the huge spending of the Federal Government is a proven failure. We pursued that policy for years, and where did it lead us? At the end of the previous administration, the prime rate was 21.5 percent and inflation raged along at a nearly 13 percent clip. Today, inflation is down around 5 percent, and the prime down to about 16 percent—still too high, but a definite improvement over 21.5 percent.

Clearly, continuing the broad thrust of the economic recovery program we began last year represents our best hope. That program is a sound and effective plan involving restraint in spending, lower taxes, responsible monetary policy and regulatory reform.

Those of us who have fought long and hard to ease the crushing burden of taxes on hard-working men and women are not ready to give up on our program—a program that has only been in place for 8 short months. We are not ready to return to the failed policies of the past that taxed and spent until our economy was on its knees. We are not ready to return to policies that lower productivity, slow down growth, discourage savings and investment and tie us more and more to Government subsidies and Government control.

I urge my colleagues to give our program a chance to work for all Americans and approve a budget.●

● Mr. ERDAHL. Mr. Chairman, the decision we have to make is an extremely difficult one. No one wants to vote to cut programs that are providing benefits to people. However, the rapid growth of such programs over the last decade has resulted in a rapidly growing Federal budget, deficit financing and a trillion dollar national debt. This has produced a stagnant economy, declining productivity and unacceptable levels of unemployment. It is essential that the economy be stimulated so that jobs will be available for all who want to work. We need to pass a budget today that will be a clear signal to Wall Street, Main Street, and Elm Street that Congress is firm in its intention to reduce the deficit and thereby ease the pressures that produce high interest rates and the resulting economic slump.

Of the three alternatives offered here today, the Latta budget is the only budget that adequately gets the deficit figures down to a range that I consider acceptable. Without any action on the budget, we are facing a projected deficit for fiscal year 1983 of $181.8 billion. The Latta budget provides a deficit of $99 billion in fiscal year 1983. The Jones budget deficit figures of $107 billion for fiscal year 1983 and that figure is arrived at, in

part, by assuming increased revenues of $31 billion in fiscal year 1983. These figures are unrealistic. There is no way that revenue increases of that magnitude can be achieved by the House Committee on Ways and Means in an election year. It will be difficult, if not impossible, for the committee to raise revenues by $20 billion. Given this scenario, the Jones budget would have a deficit projection closer to $118 billion.

I do have some serious reservations about many aspects of the Latta substitute as well. The Republican members of the Education and Labor Committee, of which I am a member, worked very hard to develop a balanced approach to both the deficit problem and the need for continued education funding. Unfortunately, the restrictive rule which was passed yesterday, and which I opposed, did not allow any of us to offer the amendments which would eliminate many of the ambiguities and uncertainties of the current budget choices.

As a member of the Select Education Subcommittee of the Education and Labor Committee, which has particular interests in Federal programs which affect handicapped children and disabled adults, it is my understanding that the assumptions in the Latta substitute for function 500 include $50,000,000 more in fiscal year 1983 for education of handicapped children over the 1982 baseline, an 8.6-percent increase over 1982 for vocational rehabilitation. This would provide for an appropriation of $1.029 billion. If my understanding is correct, I will support the Latta substitute, but I caution my colleagues that others like myself seek a clear national policy in support of programs for the disabled, and we should work in conference to correct any inherent inconsistencies in various proposals. To promote a clear strong policy in support of disabled Americans makes good economic sense.

As a member of the Education and Labor Committee I would like to comment briefly on some other education programs. I am pleased to see the Latta substitute assumes add-ons of $130 million to the current level of funding for chapter I of the Education Consolidation and Improvement Act. This chapter deals with compensatory education. Further, the Latta substitute assumes an add-on of $78 million to the current level of funding for chapter II of the ECIA, which is the block grant approved last year. While these add-ons represent only a partial restoration of cuts made during the 1981 reconciliation process, I feel that they reflect concern for disadvantaged children and their need for compensatory education. Similarly, I support the Latta substitute assumption of a $109 million add-on for Pell grants. This, too, reflects support for our Nation's needy college-bound students. While I personally would prefer to see larger add-ons, the economic conditions that our Nation faces prevent it. The add-ons in the Latta substitute do, however, acknowledge the importance of a Federal role in meeting educational needs of elementary and postsecondary students.

Let me comment briefly on health programs. We see the need to work to curb costs of health care. I do not suggest that quality of care be sacrificed to save money, but steps can be taken, as recognized in the Latta bill, to bring down health costs inflated because of duplicative paperwork, review procedures, or overhead reimbursement. These savings can come about without shortchanging the intended beneficiaries, the people served.

Our dilemma revolves around whether we want to act responsibly as a body and pass a budget that will go into conference committee with the Senate-passed version. In my mind, to do nothing would be far worse than to pass a budget with which I have some reservations.●

● Mr. HOLLENBECK Mr. Chairman, I rise to share with my colleagues in this Chamber some of my thoughts concerning the budget substitutes before us and relate these observations to our country and the needs of the Ninth Congressional District in New Jersey.

While I agree with the President that the Federal deficit must be lowered, that we must reduce the tax burden, and that we should move in the direction of smaller government, I deeply feel that many of the proposals contained within the Latta budget as revised from 2 weeks ago will accomplish these goals at the expense of the Northeast. I have supported the President in the past, but believe that many aspects of his budget and the Latta substitute are this year detrimental to the essential needs of New Jersey and the entire Northeastern region.

President Reagan's February budget, which is before us today as the vehicle through which consideration of the budget alternatives will proceed, was meant to be the next step in the administration's program to reduce Federal spending, cut taxes, and provide for certain necessary increases in defense expenditures. The President stated publicly that if his budget were fully enacted into law our Federal deficit would be held to $91.5 billion in fiscal year 1983 and would decline steadily in the years to follow. While the President had the best of intentions, it was widely recognized by economists and business leaders that the adoption of the administration budget would lead to unacceptably high deficits.

The fact of the matter is that if the President's budget were to be fully enacted by this body our Federal deficit would be $132.4 billion for fiscal year 1983 according to the Congressional Budget Office. This is unacceptable even by the President's own standard for reducing the Federal deficit. Financial leaders have argued that the large budget deficits—with the prospect of even higher budget deficits to come in the future—would create servere pressures in the Nation's credit markets, keeping interest rates at unfortunately high levels, and thereby preventing recovery from the current recession.

Of the two budget alternatives before us this afternoon both are relatively close in terms of the projected deficit. In fiscal year 1983 the Latta substitute calls for a deficit which is $8.2 billion lower than the Jones substitute. However, by fiscal year 1985, this situation has been reversed with the Jones deficit lower than the Latta deficit by $11.7 billion. In terms of cumulative deficits over 3 years, Jones is clearly less than Latta. Deficits previouly approved by the Senate are higher than those of either House proposal throughout this period, while the deficits resulting from the President's proposals are the highest of all.

Under the administration's proposal before us today, medicaid cuts total $57 million for New Jersey. Of this amount approximately $4 million would be taken from residents of New Jersey's Ninth Congressional District. Food stamp cuts would be $66 million from New Jersey recipients and particularly hit hard familes of the working poor; 32,000 recipients who try to work would lose eligibility or have benefits severely reduced. Welfare (AFDC) cuts totaling $47 million in New Jersey would tighten eligibility still further.

The President's budget states that our basic welfare standard is, "To help the poor work their way out of need rather than fostering dependence on government assistance." The administration's budget proposals, however, would simply continue those policies initiated last year which, in fact, eliminated most incentives to encourage the poor to seek and hold jobs. These policies are a direct consequence of the administration's view that welfare should serve the extreme poor. It was bad policy last year to achieve much of the welfare savings at the expense of the working poor. It is surely misguided to make deeper cuts this year. Supplementing the marginal incomes of the working poor is a legitimate and necessary part of a sensible welfare policy. Neither New Jersey nor the Nation can afford a set of welfare programs which drive the poor out of the work force.

Now, in place of the initial proposal, the House Republican leadership compromise being offered by Mr. LATTA places even further unacceptable cuts on entitlement programs. As a matter of fact, I understand that the new Latta proposal more than doubles the cuts in basic benefit programs for the poor over what they were in the original Latta proposal.

Proponents of the new Latta package claim that such large savings will come from reform of the medicare/medicaid reimbursement systems for hospitals and physicians. However, in the absence of comprehensive, across-the-board reforms these cuts will be shifted to medicare/medicaid beneficiaries and private pay patients. I believe that cuts of this nature will undoubtably require the Nation's elderly to pay huge new out-of-pocket costs for medical care.

I feel that requiring such cuts fails to recognize that the elderly's out-of-pocket costs for medicare increased as a result of last year's cuts. I do not believe that such a cut can be justified when medicare now pays only 38 to 44 percent of older persons total health care costs.

The Latta substitute represents a loss of at least $2.1 billion in housing for the State of New Jersey during the next 3 fiscal years. Section 8 subsidies would be reduced so that 106 planned housing units for senior citizens in Hackensack, N.J., could no longer be afforded. Statewide it is my understanding that 1,715 dwelling units intended for both families and senior citizens could not be constructed. I find these cutbacks under the revised Latta proposal to be just as unacceptable as I found them in the original proposal voted down by the House 2 weeks ago. I cannot bring myself to support cuts of this nature when funding is being directed instead to an already bloated defense budget which I addressed in the amendment I introduced to the Jones.

The proponents of the revised Latta package have claimed that education is provided as an addon over fiscal year 1982 levels. This assertion ignores several fundamental facts that seem to me to add to education cuts in the Latta package. I direct the attention of my colleagues to the fact that $700 million in deferrals are not included in the fiscal year 1983 function 500 baseline thus lowering the base to which the additions are made. Latta reduces funding for the guaranteed student loan program. Latta reduces need-based student aid programs and reduces funding for scientific research. This will detrimentally affect the National Science Foundation, NASA, and space research. With tuition costs increasing as Federal support programs decrease, we face the very real danger of sacrificing the most important investment in our future—educational opportunity for our citizens—in the name of short-term budget savings.

The Latta energy budget represents a revised $1.4 billion reduction below fiscal year 1982 program levels. Under these provisions, I am afraid Congress will be taking additional steps to abandon its attempt to establish a national energy policy that pursues a balanced and broad based range of energy programs. Relieving our dependence on foreign oil is vital to our Nation's economic recovery and the deep cuts or total elimination of many conservation and renewable energy programs will not serve to foster U.S. energy independence.

The revised Latta package reduces the natural resources and environment function by $400 million below fiscal year 1982 levels. At a time when the Environmental Protection Agency's responsibilities are increasing, the resources allocated under Latta for the achievement of its tasks will be inadequate. I believe that the environmental laws which protect the health of the American public and maintain the quality of our natural environment should not be abrogated through the budget process by this Congress. In a time of increasing environmental concern, we must address the problems of hazardous waste disposal and provide the necessary funding for the Environmental Protection Agency.

In summary, the revised Latta proposal before the Congress this afternoon reduces the deficit by making drastic cuts in entitlement programs designed to help the poor. Outlay reductions below current services levels would be directed at medicare, medicaid, food stamps, AFDC, child nutrition, guaranteed student loans, and supplemental security income. While nondefense discretionary programs will be frozen at fiscal year 1982 levels, Latta proposes reductions in the following discretionary programs: employment and training, transportation, energy, postal service, space and science, subsidized housing, health programs, education, legal services, and small business loans. The Jones budget alternative shows that we do not have to severely reduce entitlement and discretionary programs in order to reduce our Federal deficit; however it does not measure up in its treatment of defense spending. As well, it raises taxes in an unacceptable amount without greatly decreasing the deficit. I cannot support it. I cannot support Latta.●

● Mrs. BOUQUARD. Mr. Chairman, as I have listened to the debate today, one question kept running through my mind: Who will operate the machinery of our Nation? I fear that too many of my colleagues fail to recognize that education is critical to our survival. We need a strong defense, but can we have one on the basis of weapons alone? We need educated, trained service people. Can we continue to lead the world in science and technology? Will we have a well-informed public capable of preserving our democracy?

Education is the key to the hope of the future, just as it has been the success of the past. For every dollar invested in education, we get a high return in increased productivity.

The Latta substitute proposed reductions of $562 million in education budget authority including elementary, secondary, and vocational education and in financial assistance for college students. This substitute results in a half million students being eliminated from the guaranteed student loan program. The investments we make in these programs is the very same investment we make in our Nation's future. If our own young people don't have access to the skills required by business, where will business turn? As we move from an industrial economy to an increasingly technological one, we must have people trained whether by colleges or by vocational-technical schools. Or will we fall behind Germany, Japan, the Soviet Union, and other nations in world markets.

This is not a problem that can be turned over to the States. First of all, it is a problem of national scope. But equally important, the States are in no financial condition to bear any greater burden.

On the basis of Gramm-Latta II, more than 1 million disadvantaged and low achieving children will be denied title I services, another 300,000 will lose training under vocational ed programs. That was last year. The Latta substitute we considered today proposed spending $26 billion for function 500, education, training, and employment. That is a billion less than the Latta substitute of 2 weeks ago. It is $1.7 billion less than what is needed for current services. Our country cannot afford this level of loss in programs that benefit our most treasured resource—the God-given human minds of our young people.●

● Mr. CLAUSEN. Mr. Chairman, today the primary issue in considering the three budget proposals before us is whether the Congress is willing to offer the leadership necessary to bring about a healthy economy. The failure of the House 2 weeks ago to adopt a budget after consideration of 8 different proposals and 68 amendments is clearly not responsive enough to the concerned citizens across the Nation who are demanding that we put an end to the paralysis of decisionmaking.

Make no mistake, the burden of action falls upon the House of Representatives. The other body has already passed a budget proposal and is waiting to go to conference so that we can demonstrate our commitment to solving our economic problems. The Budget Act has had some difficult challenges over the past 8 years, however, the Congress has been successful in putting together budget after budget. This year, the process is facing its greatest challenge ever. The budget for fiscal year 1983 must fulfill the long-term responsibility of the Federal Government in providing adequate, fair, and balanced levels of spending for both defense and social programs, and at the same time, provide the necessary impetus to get the economy moving.

Mr. Chairman, the reason we failed to pass any of the budget proposals during the last week in May was simple—a budget with a deficit of over $100 billion will not pass. I do not believe the American people are willing to accept a deficit of over $100 billion. The message is clear—what I am hearing from my congressional district is: "Enough is enough—get politics out of the economy—cut spending—reduce the deficit—reduce Government borrowing—lower interest rates—now." Voter surveys consistently reveal that the Nation's fiscal problems are of highest priority to 4 out of 5 Americans.

Mr. Chairman, I join my colleagues in supporting the Latta bipartisan budget package. It is the only package which contains a balanced deficit reduction package which cuts the deficit to below $100 billion. It is the only package which puts the deficit on a steady downward path, dropping the deficit to approximately 1 percent of the GNP by fiscal year 1985. It is the only package which permits addbacks to the administration budget for key domestic education and social programs, including medicare, while still achieving $16 billion in discretionary and entitlement savings. It is the only package which achieves defense economies of $11 billion and still permits a 7 percent real growth rate to carry forward our defense rebuilding program. Finally, I would like to commend the members of the Republican leadership for being responsive to the earlier votes on the perfecting amendments which, 2 weeks ago, gave a clear message to the Congress to lift the proposed caps on COLA's for Federal and military retirees.

Mr. Chairman, the process of economic recovery can continue under the bipartisan recovery budget resolution. Let us not lose this opportunity—it is what the American people want.●

● Mr. JEFFORDS. Mr. Chairman, I find myself today in the unenviable position of being unable to vote for either budget substitute that is being brought to the floor for consideration. I regret that this is so, because I am acutely aware of the fact that the financial markets in this country are waiting anxiously to see if the Congress will find the discipline and the willpower to control Federal spending and deficits. The fate of investment decisions which are critical to the economic recovery of our private sector and the Nation hinges on what we do.

Two weeks ago, during the first round of budget resolution votes, I voted for two budgets, the Aspin/coalition substitute and the unamended House Budget Committee bill. The coalition budget was my first choice. It was the handiwork primarily of five moderate Democrats and five moderate Republicans, including myself, known as the "Gang of Ten." For several weeks, we met in an effort to find the common denominators which could attract Members of both parties and which could leave behind the partisan posturing which had characterized negotiations to that point. Of the three major budget blueprints before the House at that time, it had the lowest fiscal year 1983 deficit, under $100 billion by our estimates, and the largest 3-year deficit reduction figure.

When the coalition budget was defeated, in a second effort to see a resolution adopted, I voted for the House Budget Committee bill in unamended form, even though I was far from pleased with it. What happened in the final analysis is history. After debating 8 budgets and considering some 67 amendments, the House voted everything down.

It is ironic to me that, after this debacle, no real attempt was made to find a middle ground. At the request of the steering committee for the group of moderate Republicans known as the Gypsy Moths, I participated in the negotiations on the new Republican substitute, Latta II. I approached these sessions in good faith. My goal was to get the Republican leadership to agree to funding restorations in enough key program areas to insure moderate Republican support for the final product and adoption of that plan by the full House.

Other participants in the bargaining meetings were representatives of the Reagan administration, the Boll Weevils, or Southern Democrats, and the Yellow Jackets, or conservative Republicans. I made clear that I could not accept some of the program cuts that had been included in Latta I and many of the new proposals for cuts over and above Latta I that were on the table for discussion.

I recommended that the revision draft be modified so that an additional $3 billion in defense savings be achieved and an additional $2.2 billion in revenues be raised, bringing the revenue total more in line with the Senate budget revenue figure.

With the total $5.2 billion freed up in this manner, I suggested the following redistribution scheme: $737 million to function 500 to bring education spending into line with the Simon amendment to Latta I; $1.1 billion to function 270 to protect the energy programs important to the Northeast; $2.5 billion to function 550 to guard against undue benefit reductions for medicare recipients; $700 million to function 600 for the food stamp and WIC programs; and $127 million to function 600 for unemployment compensation. I felt certain that this reordering of priorities within the general Latta budget framework would produce a plan acceptable to the Gypsy Moths and to the House as a whole.

Unfortunately, instead of moving toward the middle of the political spectrum, over my protests the negotiators move further to the right. Although $1.7 billion of the Latta I medicare cut was restored, largely in view of the overwhelming votes on the Oakar amendments, and although most of the necessary unemployment compensation funds were restored, my other recommendations were ignored and deeper cuts were made in new areas. For example, disregarding the will of the House as expressed on the Simon amendments to Latta I, Jones I and Aspin, the negotiators not only failed to add back any education funding to the Latta I levels, they decided to cut an additional $400 million; $304 million of this extra reduction is attributable to technical reestimates which have yet to be specified or explained.

At the same time this was occurring, the Democrats, in their revised budget, were moving further to the left. They come to us now with an unacceptably high deficit. The net result is that the objectionable features of both original proposals have been worsened rather than improved upon.

Returning to the Latta II blueprint, it is interesting to note that this budget poses a serious threat to President Reagan's New Federalism proposal which is presently under negotiation between the States and the administration. I say this after having spoken with Richard Snelling, Governor of Vermont and chairman of the National Governors Association, and a party to these negotiations. As Members will recall, the President, in his state of the Union address in January, suggested that the Federal Government take over the State share of medicaid payments for the poor, while the States take over the Federal share of the aid to families with dependent children (AFDC) program, plus the food stamp program, currently completely federally run. After considerable criticism of this idea by the States, the administration modified it so that Uncle Sam would continue to run food stamps.

Now under a national medicaid program, certain individuals presently eligible for assistance under liberal State plans, such as the Vermont system, would no longer be eligible. We are therefore confronted with the likelihood that, with a national program, States like Vermont would have to pull in the slack with some sort of supplemental medical benefits program. Latta II would exacerbate this situation by putting into effect a real reduction in medicaid. In fiscal year 1982, the program level is $17.82 billion in outlays. Under Latta II, it would be $17.67 billion. More slack to pull in.

The same problem would exist for the food stamp/AFDC portion of the New Federalism. Latta II would fund the food stamp program at $10.5 billion in fiscal year 1983—excluding the Puerto Rican part of the program. The 1982 level is $10.6 billion. Reduced

food stamp benefits next year, under New Federalism, would mean additional State expenditures for their AFDC programs. We all know that a good number of States have been using the food stamp program to subsidize their shares of the AFDC program for years by setting low AFDC benefit levels. With the Latta II food stamp cut, we could see the roles reversed here. The States that would be hardest hit would be those who had the most liberal eligibility criteria. Particularly in a State like Vermont, which already has a very high tax effort, we will be hard pressed to generate the necessary new revenues. We rank near the bottom in terms of per capital personal income and out State and local taxes as a percent of adjusted personal income have been as high as 12.31 percent.

Let me turn to some other areas of the budget where I feel that Latta II has a serious funding shortfall. All told, Latta I reduced funding for the core entitlement programs for the poor by roughly $8 billion over 3 years; Latta II slashes them by nearly $18 billion.

For the food stamp program, Latta II cuts much more than the reductions contained in legislation introduced earlier this year by Senator DOLE. In introducing his bill, Senator DOLE pointed out that his 1983 reduction of $750 million was as far as Congress could go without causing serious harm to the needy. The Latta II 1983 food stamp cut is $1.3 billion.

For subsidized housing, Latta II provides only $7.4 billion in outlays next year, and actually has a negative $5 billion in budget authority, representing a $22.6 billion cut from the Jones budget.

I think the transportation function is also seriously underfounded, with fiscal year 1983 outlays of only $20 billion. Mr. LATTA proposes to cut back on interstate transfers, which will have serious implications for Vermont, which has used interstate money to fund important primary and secondary projects. Latta II also provides a low funding level for Amtrak, which could jeopardize the Montrealer.

Two additional points, Mr. Chairman. The Latta defense budget is far too high. Latta II cuts defense a mere $300 million more than Latta I. This token gesture is not sufficient. The Aspin/coalition budget provided a 5 percent real increase for defense in 1983 over 1982, and this level of funding was more than adequate. Latta II provides a 7 percent real increase. I want to point out that our defense adequacy will be determined by readiness, not by some dollars and cents relation to defense spending by Soviet bloc countries. The Pentagon has yet to come up here to the Hill and present us with a cogent, comprehensive plan of where it thinks threats to our national security around the world will be in years to come, and what combination of weapons systems will be needed to meet those threats. We will not insure security simply by throwing money at the Pentagon. The Latta II defense figures will be inflationary, will create industrial bottlenecks and will hamper the productivity of our private sector.

Finally, Mr. Chairman, although the deficit figure for fiscal year 1983 under the Latta plan is somewhat appealing, it is also beguiling. I think there has been some legerdemain used in arriving at the $99.3 billion figure, and I think we will see that number grow in actuality to well over $100 billion if we adopt this plan.

Mr. Chairman, while this country urgently needs a budget from the House of Representatives, it does not need, nor will it be well served by, the Latta II budget. We need a plan that balances the need for a strong defense with our legitimate social needs. We need a plan which balances the need to reduce spending and taxes and keep the deficit down with our duty to honor commitments to certain basic rights for all Americans. The Latta II budget does not represent this sort of equity and evenhandedness. It bleeds the poor.

Thank you, Mr. Chairman.●

● Mr. LAGOMARSINO. Mr. Chairman, there has been a lot of oratory today about what the Jones budget will do for people, what the Latta budget will do, and so forth. This kind of discussion is important, but let us be candid with the people: What we are talking about here today is only an outline. As an outline, it is extremely important, even essential. It projects the total spending level of the Government for the coming fiscal year. It projects the total spending level of the Government for the coming fiscal year. It sets a revenue target, which means it spells out our intention in the way of new taxes. And perhaps most significantly, it sets the level of the projected deficit for the year. These three targets are vital not only to the planners, administrators, and users of Government services and benefits, but also, and more importantly, to the private sectors of the economy—to Wall Street, to the national and international financial community, and to Main Street, to investors large and small, and to savers and taxpayers. In fact, the lack of a final decision on these targets most certainly will impede economic recovery for the Nation. In that sense, the people who have perhaps the most direct interest in what we do here today are those who are out of work, out of a job. For them, the most important thing is that the economic recovery succeed.

What this resolution does not do, Mr. Chairman, and what many of the speakers today and the special interest groups who have been deluging our offices with calls and literature over the past few days seem to have lost sight of, is that this document does not set the level of any specific program for next year. I have had calls from groups saying, LATTA cuts this program," or JONES saves that program." Neither LATTA nor JONES "cuts" or "saves" any Federal program. That's not what this document is about. And everyone on this floor knows that, or I hope they do. What LATTA, JONES, and all the rest say, is how much we intend to collect, in total, for taxes next year, and how much more we intend to spend next year; in other words, how much we're going into the hole. That's the only thing this document really does, and even at that, there's nothing binding about it. It will be superseded, hopefully before September 15, by the second budget resolution, which will contain binding floors and ceilings.

So a lot of what has been said today is rhetoric, for political consumption. But when you cut through all the rhetoric, there remains an important policy question to be decided—namely, how much are we going to put the Nation into debt next year.

This is not an idle question. Everyone wishes they had enough money to spend to satisfy their desires. As individuals, most of us know we have to restrain those desires—that in the long run, we can only spend as much as we have. The same is true of the Nation. We get our money from only one place—the taxpayers.

And if we are too timid to ask today's taxpayers to cough up enough money to meet our spending goals, then the only other place to get it is from tomorrow's taxpayers. Those who would argue that it doesn't matter if we run a deficit are saying, in essence, that we should steal from our children, from the next generation.

Past Congresses have burdened the present generation of taxpayers with a national debt exceeding $1 trillion. Under the proposed 1983 budget deficit, we would add to that total by 10 percent.

Just to take an example, if we were to extend the current level of spending and revenues into next year, the resulting deficit will absorb 74 percent of the net private savings in the economy. Three-fourths of the money available in the economy for job creation, productivity improvements, capital expenditures—would be absorbed by the deficit! Under the Latta substitute, that absorption rate would be reduced to 41 percent next year, and to 15 percent by 1985, compared to 67 percent in 1985 under current policy. In other words, under Latta, capital will be made available for the creation of four times as many new jobs in 1985 as under current policy. This is not just an abstract concept, Mr. Chairman; it translates directly into real jobs in the real world. The question is whether we can afford to continue under a policy in which two thirds of the available

job creation funds are eaten up by Government borrowing.

The Jones amendment does not address this issue. In fact, the Jones budget exacerbates the problem by taking yet more tax funds out of the private sector, making less funds available for investment.

The only real choice available to us, Mr. Chairman, the only path toward lower deficits, lower interest rates, and more jobs, is the path laid out in the Latta proposal. There will be much to be done, even if Latta passes, and hard choices to be made. But there are no hard choices today—only a choice between ever deeper deficits and a start back on the path to fiscal sanity and a healthy economy.●

Mr. TRIBLE. I rise in support of the Latta substitute. After the extended debate, all that can be said on the 1983 budget has been said.

Now we must act.

The Nation is waiting for the House to produce a budget which will reduce the deficit, so that we can bring down interest rates, and spur job creation and investment. Home buyers and homebuilders, automakers, steelmakers, thrift institutions and farmers all demand an end to this shameful budget stalemate.

But not any resolution is acceptable. The firm sense of the majority of the House is: To reduce the size of the deficit and put it on a declining path through spending reductions; to keep last year's personal and business tax reductions in place; to insure adequate spending on national defense, and to end the economically disruptive clash between our monetary and fiscal policies.

Only the bipartisan substitute will achieve these ends. Only the bipartisan substitute will foster economic recovery and continued growth. Only the bipartisan substitute attacks the heart of our current dilemma—Federal overspending.

The bipartisan substitute places Federal deficits on a steadily descending curve. By 1985, deficits will drop to only 1 percent of the GNP. It will reduce Government spending as a percentage of GNP from 22.5 to 21 percent. And, though this is hardly a triumph, the substitute reduces the deficit to under $100 billion.

The Jones budget would impose on the American people a $107 billion deficit. It makes no effort to control Federal spending. In fact, the Jones budget not only fails to reduce entitlement spending, it creates a new entitlement.

The Jones budget is an unprincipled appeal for votes. It seeks victory at any cost. And the tremendous costs will be borne by the hard-pressed taxpayer and those who are afflicted by a sluggish economy. If there can be a victory without a prize, it will be the Jones resolution.

The Jones alternative continues Government as usual—tax and tax, spend and spend. In fact, the Jones alternative proposes to increase taxes $148 billion over the next 3 years. The American people do not want these massive tax increases.

This policy simply makes no sense. It was responsible for the soaring rates of inflation and interest during the Carter administration. And it will result in a substantial tax increase for our citizens just as we are recovering from a recession. That is a formula for killing economic recovery.

The Latta substitute will insure that the income tax cuts enacted last year will remain intact. No element is more vital to our recovery.

Moreover, the bipartisan budget has been improved since our last debate. Funds for medicare, unemployment compensation, and cost-of-living adjustments have been added. These are all significant improvements and will reassure the elderly and the unemployed that they will not be neglected.

The bipartisan substitute insures that the badly needed buildup of our defense capability will continue. The Jones alternative contemplates substantial cuts in defense spending. We cannot compensate for a decade of neglect in 1 year, yet the Jones budget would make a mockery of our efforts last year.

We live in a hard world and the cost of peace and freedom is high. Still, we must bear these costs for there is no more important function of government than providing for the security of its citizens.

While the bipartisan substitute reduces Government spending, it insures that social programs receive their due. Funding for income assistance, nutrition programs, medicare, and student loans are increased markedly over the President's original proposals.

In sum, the bipartisan substitute offers the American people a Federal budget that restrains Federal spending without jeopardizing economic recovery, maintains defense, and continues programs for those most in need. I urge its adoption.

The CHAIRMAN. All time for general debate has expired.

Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read for amendment and open for amendment at any point.

The concurrent resolution is as follows:

Resolved by the House of Representatives (the Senate concurring), That—

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

SEC. 101. The provisions of this title shall supersede the figures reaffirmed in S. Con. Res. 50 of the Ninety-seventh Congress for the fiscal year beginning on October 1, 1981.

SEC. 102. (a)(1) The level of Federal revenues is $623,000,000,000 and the net amount by which the aggregate level of Federal revenues should be decreased is $0.

(2) The level of total new budget authority is $764,500,000,000.

(3) The level of total budget outlays is $738,300,000,000.

(4) The amount of the deficit in the budget is $115,300,000,000.

(5) The level of the public debt is $1,143,100,000,000 and the amount by which the temporary statutory limit on such debt should accordingly be increased is $63,300,000,000.

(6) The level of total gross obligations for the principal amount of direct loans is $62,450,000,000, and the level of total new primary commitments to guarantee loan principal is $73,850,000,000, and the level of total new secondary commitments to guarantee loan principal is $48,700,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $218,300,000,000;
(B) Outlays, $190,850,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,750,000,000;
(B) Outlays, $11,400,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,000,000,000.
(4) Energy (270):
(A) New budget authority, $4,750,000,000;
(B) Outlays, $6,450,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $10,350,000,000;
(B) Outlays, $12,800,000,000.
(6) Agriculture (350):
(A) New budget authority, $9,900,000,000;
(B) Outlays, $13,800,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $6,300,000,000;
(B) Outlays, $3,550,000,000.
(8) Transportation (400):
(A) New budget authority, $20,800,000,000;
(B) Outlays, $21,300,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $6,650,000,000;
(B) Outlays, $8,450,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $24,050,000,000;
(B) Outlays, $27,950,000,000.
(11) Health (550):
(A) New budget authority, $77,850,000,000;
(B) Outlays, $73,250,000,000.
(12) Income Security (600):
(A) New budget authority, $249,400,000,000;
(B) Outlays, $251,300,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,800,000,000;
(B) Outlays, $23,750,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,500,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,250,000,000;
(B) Outlays, $5,050,000,000.

(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,350,000,000;
(B) Outlays, $6,350,000,000.
(17) Interest (900):
(A) New budget authority, $101,200,000,000;
(B) Outlays, $101,200,000,000.
(18) Allowances (920):
(A) New budget authority, −$300,000,000;
(B) Outlays, −$300,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$30,500,000,000;
(B) Outlays, −$30,500,000,000.

SEC. 103. (a) There is established a congressional Federal credit budget for fiscal year 1982 of which the levels of total Federal credit activity for fiscal year 1982 are:
(1) New direct loan obligations, $62,450,000,000.
(2) New primary loan guarantee commitments, $73,850,000,000.
(3) New secondary loan guarantee commitments, $48,700,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:
(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $10,400,000,000;
(B) New primary loan guarantee commitments, $8,150,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $200,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $10,300,000,000;
(B) New primary loan guarantee commitments, −$500,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $22,600,000,000;
(B) New primary loan guarantee commitments, $2,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $11,050,000,000;
(B) New primary loan guarantee commitments, $25,850,000,000;
(C) New secondary loan guarantee commitments, $48,000,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $700,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, $650,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $1,300,000,000;
(B) New primary loan guarantee commitments, $6,500,000,000;
(C) New secondary loan guarantee commitments, $700,000,000.
(11) Health (550):
(A) New direct loan obligations, $100,000,000;
(B) New primary loan guarantee commitments, $150,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,750,000,000;
(B) New primary loan guarantee commitments, $17,050,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $11,850,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $30,250,000,000, the on-budget lending activity to a level not to exceed $32,200,000,000, new primary loan guarantee commitments to a level not to exceed $73,850,000,000, and new secondary loan guarantee commitments to a level not to exceed $48,700,000,000.

TITLE II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1983, 1984, AND 1985

Sec. 201. The Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1982—
(1) the level of Federal revenues is $657,100,000,000, and the net amount by which the aggregate level of Federal revenues should be increased is $12,100,000,000,
(2) the level of total new budget authority is $806,050,000,000,
(3) the level of total budget outlays is $779,300,000,000,
(4) the amount of the deficit in the budget is $122,200,000,000, and
(5) the level of the public debt is $1,290,200,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $890,200,000,000.

Sec. 202. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1982, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:
(1) National Defense (050):
(A) New budget authority, $263,550,000,000;
(B) Outlays, $223,150,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,800,000,000;
(B) Outlays, $12,150,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,800,000,000;
(B) Outlays, $7,650,000,000.
(4) Energy (270):
(A) New budget authority, $4,150,000,000;
(B) Outlays, $4,350,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $8,750,000,000;
(B) Outlays, $10,500,000,000.
(6) Agriculture (350):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $10,250,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $3,400,000,000;
(B) Outlays, $1,800,000,000.
(8) Transportation (400):
(A) New budget authority, $19,100,000,000;
(B) Outlays, $19,400,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $6,800,000,000;
(B) Outlays, $7,700,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $19,400,000,000;
(B) Outlays, $22,200,000,000.
(11) Health (550):
(A) New budget authority, $76,600,000,000;
(B) Outlays, $78,050,000,000.

(12) Income Security (600):
(A) New budget authority, $256,700,000,000;
(B) Outlays, $267,000,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,650,000,000;
(B) Outlays, $23,800,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,700,000,000.
(15) General Government (800):
(A) New budget authority, $5,350,000,000;
(B) Outlays, $5,150,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,500,000,000.
(17) Interest (900):
(A) New budget authority, $115,650,000,000;
(B) Outlays, $115,650,000,000.
(18) Allowances (920):
(A) New budget authority, −$600,000,000;
(B) Outlays, −$550,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$40,150,000,000;
(B) Outlays, −$40,150,000,000.

Sec. 203. (a) There is established a congressional Federal credit budget for fiscal year 1983 of which the levels of total Federal credit activity for fiscal year 1983 are:
(1) New direct loan obligations, $50,800,000,000.
(2) New primary loan guarantee commitments, $91,550,000,000.
(3) New secondary loan guarantee commitments, $38,400,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:
(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $11,500,000,000;
(B) New primary loan guarantee commitments, $8,500,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $11,500,000,000;
(B) New primary loan guarantee commitments, −$2,300,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $15,550,000,000;
(B) New primary loan guarantee commitments, $2,650,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $6,000,000,000;
(B) New primary loan guarantee commitments, $37,650,000,000;
(C) New secondary loan guarantee commitments, $38,400,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $100,000,000;
(B) New primary loan guarantee commitments, $500,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, −$100,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $600,000,000;
(B) New primary loan guarantee commitments, $4,850,000,000;
(C) New secondary loan guarantee commitments, $0.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,050,000,000;
(B) New primary loan guarantee commitments, $18,750,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $20,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1983 the off-budget lending activity of the Federal Government to a level not to exceed $28,350,000,000, the on-budget lending activity to a level not to exceed $22,450,000,000, new primary loan guarantee commitments to a level not to exceed $91,550,000,000, and new secondary loan guarantee commitments to a level not to exceed $38,400,000,000.

SEC. 204. The Congress sets forth the following budgetary levels for fiscal years 1984 and 1985—
(1) the level of Federal revenues is as follows:
Fiscal year 1984: $720,600,000,000;
Fiscal year 1985: $798,800,000,000;
and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1984: $18,600,000,000;
Fiscal year 1985: $18,800,000,000;
(2) the level of total new budget authority is as follows:
Fiscal year 1984: $869,650,000,000;
Fiscal year 1985: $952,550,000,000;
(3) the level of total budget outlays is as follows:
Fiscal year 1984: $830,100,000,000;
Fiscal year 1985: $888,200,000,000;
(4) the amount of the deficit in the budget is:
Fiscal year 1984: $109,500,000,000;
Fiscal year 1985: $89,400,000,000;
(5) the level of the public debt is as follows:
Fiscal year 1984: $1,426,600,000,000;
Fiscal year 1985: $1,551,100,000,000;
and the amount by which the statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1984: $1,026,600,000,000;
Fiscal year 1985: $1,151,100,000,000;

Sec. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1984 and 1985 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:
(1) National Defense (050):
Fiscal year 1984:
(A) New budget authority, $291,200,000,000;
(B) Outlays, $255,050,000,000.
Fiscal year 1985:
(A) New budget authority, $338,450,000,000;
(B) Outlays, $294,300,000,000.
(2) International Affairs (150):
Fiscal year 1984:
(A) New budget authority, $17,650,000,000;
(B) Outlays, $12,650,000,000.
Fiscal year 1985:
(A) New budget authority, $17,300,000,000;
(B) Outlays, $12,850,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1984:
(A) New budget authority, $7,700,000,000;
(B) Outlays, $7,800,000,000.
Fiscal year 1985:
(A) New budget authority, $7,250,000,000;

(B) Outlays, $7,400,000,000.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $4,050,000,000;
(B) Outlays, $3,500,000,000.
Fiscal year 1985:
(A) New budget authority, $3,650,000,000;
(B) Outlays, $3,200,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $8,150,000,000;
(B) Outlays, $9,300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,900,000,000;
(B) Outlays, $8,450,000,000.
(6) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $8,400,000,000;
(B) Outlays, $8,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,800,000,000;
(B) Outlays, $7,500,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $4,300,000,000;
(B) Outlays, $1,500,000,000.
Fiscal year 1985:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $300,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $18,950,000,000;
(B) Outlays, $18,800,000,000.
Fiscal year 1985:
(A) New budget authority, $19,250,000,000;
(B) Outlays, $19,350,000,000.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,400,000,000.
Fiscal year 1985:
(A) New budget authority, $7,400,000,000;
(B) Outlays, $7,550,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $17,900,000,000;
(B) Outlays, $19,700,000,000.
Fiscal year 1985:
(A) New budget authority, $17,250,000,000;
(B) Outlays, $17,400,000,000.
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $80,800,000,000;
(B) Outlays, $85,900,000,000.
Fiscal year 1985:
(A) New budget authority, $93,350,000,000;
(B) Outlays, $94,800,000,000.
(12) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $284,300,000,000;
(B) Outlays, $281,750,000,000.
Fiscal year 1985:
(A) New budget authority, $316,500,000,000;
(B) Outlays, $302,550,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $25,600,000,000;
(B) Outlays, $24,800,000,000.
Fiscal year 1985:
(A) New budget authority, $26,650,000,000;
(B) Outlays, $26,450,000,000.
(14) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $4,650,000,000.
Fiscal year 1985:
(A) New budget authority, $4,600,000,000;
(B) Outlays, $6,550,000,000.
(15) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,200,000,000;
(B) Outlays, $5,050,000,000.
Fiscal year 1985:
(A) New budget authority, $5,200,000,000;
(B) Outlays, $4,950,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,650,000,000;
(B) Outlays, $6,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,800,000,000;
(B) Outlays, $6,800,000,000.
(17) Interest (900):
Fiscal year 1984:
(A) New budget authority, $122,800,000,000;
(B) Outlays, $122,800,000,000.
Fiscal year 1985:
(A) New budget authority, $118,950,000,000;
(B) Outlays, $118,950,000,000.
(18) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $950,000,000;
(B) Outlays, $1,100,000,000.
Fiscal year 1985:
(A) New budget authority, $850,000,000;
(B) Outlays, $1,100,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$46,600,000,000;
(B) Outlays, −$46,600,000,000.
Fiscal year 1985:
(A) New budget authority, −$50,250,000,000;
(B) Outlays, −$50,250,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATION INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

The appropriate committees of the House and Senate (as indicated by the joint statement of managers accompanying the conference report on this resolution) shall report changes in laws within their respective jurisdiction sufficient to reduce budget authority and outlays in fiscal year 1983 in amounts consistent with reductions in entitlement programs assumed in this resolution; and to increase revenues in fiscal year 1983 in amounts consistent with the assumptions in this resolution.

DEFERRED ENROLLMENT

SEC. 302. In the House of Representatives, no bill or resolution providing—

(1) new budget authority for fiscal year 1983, or

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1983—which exceeds the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act.

302(b) REPORT

SEC. 303. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1983; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1983;

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act.

SEC. 304. It is the sense of the Congress that if Congress acts to restore fiscal responsibility and reduces projected budget deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

The CHAIRMAN. Pursuant to House Resolution 496, no amendments are in order except the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of June 8, 1982, by Representative LATTA which shall not be subject to amendment except for a substitute consisting of the text of the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of June 8, 1982, by Representative JONES of Oklahoma. It shall also be in order to consider the amendment or amendments provided in section 305(a)(6) of the Congressional Budget Act of 1974 to achieve mathematical consistency.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. Pursuant to the provisions of House Resolution 496, the amendment in the nature of a substitute is considered as having been read.

The Clerk will designate the amendment in the nature of a substitute.

The amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. LATTA: Strike all after the resolving clause and insert in lieu thereof the following:

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

SECTION 101. The provisions of this title shall supersede the figures reaffirmed in Senate Concurrent Resolution 50 of the Ninety-seventh Congress for the fiscal year beginning on October 1, 1981.

SEC. 102. (a)(1) The level of Federal revenues is $628,400,000,000 and the net amount by which the aggregate level of Federal revenues should be decreased is $200,000,000;

(2) the level of total new budget authority is $779,300,000,000;

(3) the level of total budget outlays is $729,200,000,000;

(4) the amount of the deficit in the budget is $100,800,000,000;

(5) the level of the public debt is $1,143,100,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $63,300,000,000; and

(6) the level of total gross obligations for the principal amount of direct loans is $63,400,000,000, and the level of total new primary commitments to guarantee loan principal is $74,850,000,000 and the level of total new secondary commitments to guarantee loan principal is $68,950,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New Budget authority, $218,200,000,000;
(B) Outlays, $187,500,000,000.
(2) International Affairs (150):
(A) New Budget authority, $16,750,000,000;
(B) Outlays, $11,450,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,000,000,000.
(4) Energy (270):
(A) New budget authority, $4,750,000,000;
(B) Outlays, $6,500,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $10,400,000,000;
(B) Outlays, $12,850,000,000.
(6) Agriculture (350):
(A) New budget authority, $9,900,000,000;
(B) Outlays, $12,800,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $7,500,000,000;
(B) Outlays, $3,750,000,000.
(8) Transportation (400):
(A) New budget authority, $21,350,000,000;
(B) Outlays, $21,450,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $8,650,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $25,450,000,000;
(B) Outlays, $28,200,000,000.
(11) Health (550):
(A) New budget authority, $79,050,000,000;
(B) Outlays, $71,300,000,000.
(12) Income Security (600):
(A) New budget authority, $261,350,000,000;
(B) Outlays, $249,100,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,800,000,000;
(B) Outlays, $23,800,000,00.
(14) Administration of Justice (750):
(A) New budget authority, $4,500,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,200,000,000;
(B) Outlays, $5,050,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,350,000,000;
(B) Outlays, $6,350,000,000.
(17) Interest (900):
(A) New budget authority, $99,550,000,000;
(B) Outlays, $99,550,000,000.
(18) Allowances (920):
(A) New budget authority, $2,850,000,000;
(B) Outlays, $1,900,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$32,650,000,000;
(B) Outlays, −$32,650,000,000.

SEC. 103. (a) There is established a congressional federal credit budget for fiscal year 1982 of which the levels of total federal credit activity for fiscal year 1982 are:

(1) New direct loan obligations, $63,400,000,000;

(2) New primary loan guarantee commitments, $74,850,000,000;

(3) New secondary loan guarantee commitments, $68,950,000,000.

(b) Based on allocations of the appropriate levels of total federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $10,400,000,000;
(B) New primary loan guarantee commitments, $8,100,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $200,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $10,300,000,000;
(B) New primary loan guarantee commitments, $400,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $22,600,000,000;
(B) New primary loan guarantee commitments, $2,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,050,000,000;
(B) New primary loan guarantee commitments, $26,200,000,000;
(C) New secondary loan guarantee commitments, $68,200,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $50,000,000.
(9) Community and Regional development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, $850,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $1,300,000,000;
(B) New primary loan guarantee commitments, $6,500,000,000;
(C) New secondary loan guarantee commitments, $700,000,000.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,750,000,000;
(B) New primary loan guarantee commitments, $17,050,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $11,900,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $300,000,000;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;

TITLE* II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1983, 1984, AND 1985

SEC. 201. The Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for fiscal year beginning on October 1, 1982—

(1) the level of Federal revenues is $665,900,000,000 and the net amount by which the aggregate level of Federal revenues should be increased in $20,900,000,000;

(2) the level of total new budget authority is $800,475,000,000;

(3) the level of total budget outlays is $765,263,000,000;

(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $30,200,000,000, the on-budget lending activity to a level not to exceed

$33,200,000,000, new primary loan guarantee commitments to a level not to exceed $74,850,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,950,000,000.

(4) the amount of the deficit in the budget is $99,363,000,000; and

(5) the level of the public debt is $1,290,200,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $890,200,000,000.

SEC. 202. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1982, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $253,566,000,000;
(B) Outlays, $213,966,000,000.
(2) International Affairs (150):
(A) New budget authority, $14,988,000,000;
(B) Outlays, $11,238,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,050,000,000;
(B) Outlays, $7,150,000,000.
(4) Energy (270):
(A) New budget authority, $3,486,000,000;
(B) Outlays, $3,763,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $9,000,000,000;
(B) Outlays, $10,550,000,000.
(6) Agriculture (350):
(A) New budget authority, $6,692,000,000;
(B) Outlays, $9,042,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $6,751,000,000;
(B) Outlays, $1,902,000,000.
(8) Transportation (400):
(A) New budget authority, $21,450,000,000;
(B) Outlays, $20,050,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $6,750,000,000;
(B) Outlays, $7,847,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $26,832,000,000;
(B) Outlays, $26,205,000,000.
(11) Health (550):
(A) New budget authority, $79,289,000,000;
(B) Outlays, $77,816,000,000.
(12) Income Security (600):
(A) New budget authority, $258,141,000,000;
(B) Outlays, $269,841,000,000.
(13) Veterans benefits and services (700):
(A) New budget authority, $24,560,000,000;
(B) Outlays, $23,823,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,400,000,000;
(B) Outlays, $4,500,000,000.
(15) General Government (800):
(A) New budget authority, $4,800,000,000;
(B) Outlays, $4,650,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,500,000,000.
(17) Interest (900):
(A) New budget authority, $112,300,000,000;
(B) Outlays, $112,300,000,000.
(18) Allowances (920):
(A) New budget authority, $3,016,000,000;
(B) Outlays, $2,816,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, $43,064,000,000;
(B) Outlays, $43,064,000,000.

SEC. 203(a). There is established a congressional federal credit budget for fiscal year 1983 of which the levels of total federal credit activity for fiscal year 1983 are:

(1) New direct loan obligations, $58,050,000,000;
(2) New primary loan guarantee commitments, $99,400,000,000;
(3) New secondary loan guarantee commitments, $68,250,000,000.

(b) Based on allocations of the appropriate levels of total federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligation, $50,000,000;
(B) New primary loan guarantee commitments, $50,000,000;
(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligation, $10,650,000,000;
(B) New primary loan guarantee commitments, $8,800,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $11,500,000,000;
(B) New primary loan guarantee commitments, −$200,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $18,100,000,000;
(B) New primary loan guarantee commitments, $2,650,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $11,150,000,000;
(B) New primary loan guarantee commitments, $40,800,000,000;
(C) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $450,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $1,750,000,000;
(B) New primary loan guarantee commitments, −$100,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations, $850,000,000;
(B) New primary loan guarantee commitments, $7,250,000,000;
(C) New secondary loan guarantee commitments, $0.
(11) Health (500):
(A) New direct loan obligations, $100,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,050,000,000;
(B) New primary loan guarantee commitments, $18,750,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $20,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1983 the off-budget lending activity of the Federal Government to a level not to exceed $30,150,000,000, the on-budget lending activity to a level not to exceed $27,950,000,000, new primary loan guarantee commitments to a level not to exceed $99,400,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,250,000,000.

SEC. 204. The Congress sets forth the following budgetary levels for fiscal years 1984 and 1985—

(1) the level of Federal revenues is as follows:

Fiscal year 1984: $738,000,000,000;

Fiscal year 1985: $821,400,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1984: $36,000,000,000;

Fiscal year 1985: $41,400,000,000.

(2) the level of total new budget authority is as follows:

Fiscal year 1984: $862,601,000,000;

Fiscal year 1985: $948,483,000,000.

(3) the level of total budget outlays is as follows:

Fiscal year 1984: $815,979,000,000;

Fiscal year 1985: $875,416,000,000.

(4) the amount of the deficit in the budget is:

Fiscal year 1984: $77,979,000,000;

Fiscal year 1985: $54,016,000,000.

(5) the level of the public debt is as follows:

Fiscal year 1984: $1,426,600,000,000;

Fiscal year 1985: $1,551,100,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1984: $1,026,600,000,000;

Fiscal year 1985: $1,151,100,000,000.

SEC. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1984 and 1985 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1984:

(A) New budget authority, $279,483,000,000;

(B) Outlays, $243,283,000,000.

Fiscal year 1985:

(A) New budget authority, $323,650,000,000;

(B) Outlays, $279,000,000,000.

(2) International Affairs (150):

Fiscal year 1984:

(A) New budget authority, $16,000,000,000;

(B) Outlays, $11,550,000,000.

Fiscal year 1985:

(A) New budget authority, $20,940,000,000;

(B) Outlays, $11,590,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:

(A) New budget authority, $7,050,000,000;

(B) Outlays, $7,100,000,000.

Fiscal year 1985:

(A) New budget authority, $7,050,000,000;

(B) Outlays, $7,050,000,000.

(4) Energy (270):

Fiscal year 1984:

(A) New budget authority, $2,794,000,000;

(B) Outlays, $2,184,000,000.

Fiscal year 1985:

(A) New budget authority, $2,124,000,000;

(B) Outlays, $1,402,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1984:

(A) New budget authority, $8,400,000,000;

(B) Outlays, $9,500,000,000.

Fiscal year 1985:

(A) New budget authority, $7,950,000,000;

(B) Outlays, $8,400,000,000.

(6) Agriculture (350):

Fiscal year 1984:

(A) New budget authority, $8,250,000,000;

(B) Outlays, $7,500,000,000.

Fiscal year 1985:

(A) New budget authority, $5,760,000,000;

(B) Outlays, $7,110,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1984:

(A) New budget authority, $7,385,000,000;

(B) Outlays, $1,425,000,000.

Fiscal year 1985:

(A) New budget authority, $6,965,000,000;

(B) Outlays, $1,055,000,000.

(8) Transportation (400):

Fiscal year 1984:

(A) New budget authority, $21,700,000,000;

(B) Outlays, $19,700,000,000.

Fiscal year 1985:

(A) New budget authority, $22,050,000,000;

(B) Outlays, $19,550,000,000.

(9) Community and Regional Development (450):

Fiscal year 1984:

(A) New budget authority, $6,900,000,000;

(B) Outlays, $7,469,000,000.

Fiscal year 1985:

(A) New budget authority, $7,100,000,000;

(B) Outlays, $7,442,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1984:

(A) New budget authority, $26,924,000,000;

(B) Outlays, $26,124,000,000.

Fiscal year 1985:

(A) New budget authority, $26,214,000,000;

(B) Outlays, $25,369,000,000.

(11) Health (550):

Fiscal year 1984:

(A) New budget authority, $91,094,000,000;

(B) Outlays, $86,249,000,000.

Fiscal year 1985:

(A) New budget authority, $102,569,000,000;

(B) Outlays, $98,830,000,000.

(12) Income Security (600):

Fiscal year 1984:

(A) New budget authority, $278,464,000,000;

(B) Outlays, $285,574,000,000.

Fiscal year 1985:

(A) New budget authority, $314,041,000,000;

(B) Outlays, $306,791,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1984:

(A) New budget authority, $25,830,000,000;

(B) Outlays, $25,704,000,000.

Fiscal year 1985:

(A) New budget authority, $26,940,000,000;

(B) Outlays, $26,497,000,000.

(14) Administration of Justice (750):

Fiscal year 1984:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,350,000,000.

Fiscal year 1985:

(A) New budget authority, $4,250,000,000;

(B) Outlays, $4,250,000,000.

(15) General Government (800):

Fiscal year 1984:

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,450,000,000.

Fiscal year 1985:

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,300,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1984:

(A) New budget authority, $6,700,000,000;

(B) Outlays, $6,700,000,000.

Fiscal year 1985:

(A) New budget authority, $6,850,000,000;

(B) Outlays, $6,850,000,000.

(17) Interest (900):

Fiscal year 1984:

(A) New budget authority, $118,000,000,000;

(B) Outlays, $118,000,000,000.

Fiscal year 1985:

(A) New budget authority, $111,500,000,000;

(B) Outlays, $111,500,000,000.

(18) Allowances (920):

Fiscal year 1984:

(A) New budget authority, −$2,383,000,000;

(B) Outlays, −$2,033,000,000.

Fiscal year 1985:

(A) New budget authority, −$2,150,000,000;

(B) Outlays, −$1,750,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1984:

(A) New budget authority, −$48,790,000,000;

(B) Outlays, −$48,790,000,000.

Fiscal year 1985:

(A) New budget authority, −$49,820,000,000;

(B) Outlays, −$49,820,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATION INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

(A) the House Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,457,000,000 and outlays by $1,447,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $2,634,000,000 in budget authority and $2,624,000,000 in outlays in fiscal year 1984, and $3,384,000,000 in budget authority and $3,384,000,000 in outlays in fiscal year 1985.

(B) the House Committee on Banking, Finance, and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $ and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $ in budget authority and $697,000,000 in outlays in fiscal year 1984, and $ in budget authority and $687,000,000 in outlays in fiscal year 1985.

(C) the House Committee on Education and Labor shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $255,000,000 and outlays by $227,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $900,000,000 in budget authority and $852,000,000 in outlays in fiscal year 1984, and $1,230,000,000 in budget authority and $1,199,000,000 in outlays in fiscal year 1985.

(D) the House Committee on Energy and Commerce shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,212,000,000 and outlays by $1,332,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $2,467,000,000 in budget authority and $2,467,000,000 in outlays in fiscal year 1984, and $2,795,000,000 in budget authority and $2,795,000,000 in outlays in fiscal year 1985.

(E) the House Committee on Government Operations shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $0 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $320,000,000 in budget authority and $240,000,000 in outlays in fiscal year 1984, and $636,000,000 in budget authority and $557,000,000 in outlays in fiscal year 1985.

(F) the House Committee on Post Office and Civil Service shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $104,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $0 in budget authority and $136,000,000 in outlays in fiscal year 1984, and $0 in budget authority and $160,000,000 in outlays in fiscal year 1985.

(G) the House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $77,000,000 and outlays by $77,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $75,000,000 in budget authority and $75,000,000 in outlays in fiscal year 1984, and $71,000,000 in budget authority and $71,000,000 in outlays in fiscal year 1985.

(H) the House Committee on Ways and Means shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,196,000,000 and outlays by $4,263,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $1,147,000,000 in budget authority and $5,263,000,000 in outlays in fiscal year 1984, and $1,464,000,000 in budget authority and $5,632,000,000 in outlays in fiscal year 1985.

If the changes in laws reported to the House Committee on the Budget by the House Committee on Ways and Means pursuant to section 301 of this resolution contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other Committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(I) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of the committee sufficient to increase revenue by $20,900,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high deficits in future years requires additional revenues of $36,000,000,000 for fiscal year 1984, and $41,400,000,000 for fiscal year 1985.

SEC. 302. Pursuant to section 301(b)(2) of the Budget Act—

(A) the Senate Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $1,557,000,000 and outlays by $1,547,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $2,834,000,000 in budget authority and $2,824,000,000 in outlays for fiscal year 1984, and $3,684,000,000 in budget authority and $3,684,000,000 in outlays in fiscal year 1985.

(B) the Senate Committee on Banking, Housing, and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $ and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $ in budget authority and $697,000,000 in outlays for fiscal year 1984, and $ in budget authority and $687,000,000 in outlays in fiscal year 1985.

(C) the Senate Committee on Finance shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $2,408,000,000 and outlays by $5,595,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $3,614,000,000 in budget authority and $7,730,000,000 in outlays for fiscal year 1984, and $4,259,000,000 in budget authority and $8,427,000,000 in outlays in fiscal year 1985.

(D) the Senate Committee on Governmental Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $ and outlays by $104,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $320,000,000 in budget authority and $376,000,000 in outlays for fiscal year 1984, and $636,000,000 in budget authority and $717,000,000 in outlays in fiscal year 1985.

(E) the Senate Committee on Labor and Human Resources shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $155,000,000 and outlays by $127,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $700,000,000 in budget authority and $652,000,000 in outlays for fiscal year 1984, and $930,000,000 in budget authority and $899,000,000 in outlays in fiscal year 1985.

(F) the Senate Committee on Veterans Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $77,000,000 and outlays by $77,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $75,000,000 in budget authority and $75,000,000 in outlays for fiscal year 1984, and $71,000,000 in budget authority and $71,000,000 in outlays in fiscal year 1985.

(G) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $20,900,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional revenues of $36,000,000,000 for fiscal year 1984, and $41,400,000,000 in fiscal year 1985.

SEC. 303. The committees named in sections 301 and 302 shall submit their recommendations to the Committees on the Budget of their respective houses by July 20, 1982. These recommendations shall be sufficient to accomplish the reductions required by those sections of this resolution. After receiving these recommendations, the Committees on the Budget of the House and Senate shall report to their respective houses a reconciliation bill or resolution or both carrying out such recommendations without substantive revision.

SEC. 304. If Congress has not completed action by September 25, 1982, on the Concurrent Resolution on the Budget required to be reported under section 310(a) of the Budget Act for the 1983 fiscal year, then, for purposes of section 311 of such Act, and section 305 of this resolution, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act.

SEC. 305. (a) In the House of Representatives, no bill or resolution providing—

(1) new budget authority for fiscal year 1983, or

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1983—which exceeds the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act shall be enrolled until after the Congress has completed action on the Second Concurrent Resolution on the Budget required to be reported under section 310 of such Act.

(b) If Congress increases revenues in a trust fund exempt under section 401(d)(1)(B) of the Congressional Budget Act, then for purposes of this section, "budget authority" and "new discretionary budget authority" shall not include spending authority or budget authority derived from such trust fund, 90% or more of the receipts of which consist of or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954. This subsection shall only apply (1) to trust funds exempt under section 401(d)(1)(B) of the Congressional Budget Act, (2) to trust funds for which revenues are increased, and (3) to the extent that such increased revenues exceed the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act.

SEC. 306. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1983; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1983; within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 307. (a) After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 310(a) for fiscal year 1983, and, if a reconciliation bill or resolution, or both, for such fiscal year are required to be reported under section 310(c), after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate

to consider any bill, resolution, or amendment providing authority for—

(1) new direct loan obligations for fiscal year 1983;

(2) new primary loan guarantee commitments for fiscal year 1983; or

(3) new secondary loan guarantee commitments for fiscal year 1983;

or any conference report on any such bill or resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new direct loan obligations for fiscal year 1983, total new primary loan guarantee commitments for such fiscal year, or total new secondary loan guarantee commitments for such fiscal year set forth in such concurrent resolution on the budget to be exceeded.

(b)(1) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon section 203 of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new authority.

(2) As soon as practicable after this resolution is agreed to every committee of each House shall, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, subdivide among its subcommittees the allocation of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

(c) This section shall not be applicable to agricultural price support and related programs of the type in operation on January 1, 1982, that are funded through the Commodity Credit Corporation.

SEC. 308. It is the sense of Congress that reductions in federal employment should be accomplished through attrition only.

SEC. 309. It is the sense of the House that the new spending and revenue levels for fiscal year 1982, adopted by the House, and their underlying assumptions, shall be the ceilings against which the spending and revenue actions of the House will be measured pending final agreement with the Senate on the revision of the Second Concurrent Resolution on the Budget for Fiscal Year 1982.

SEC. 310. It is the sense of the Congress that if the Congress acts to restore fiscal responsibility and reduces projected deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes and the gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma, Mr. JONES.

AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LATTA

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The CHAIRMAN. Pursuant to the provision of House Resolution 496, the amendment in the nature of a substitute is considered as having been read.

The Clerk will designate the amendment in the nature of a substitute.

The amendment offered as a substitute for the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. JONES of Oklahoma as a substitute for the amendment in the nature of a substitute offered by Mr. LATTA: Strike all after the resolving clause and insert in lieu thereof the following: The text of the amendment printed in the RECORD of June 8, 1982.

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

SECTION 101. The provisions of this title shall supersede the figures reaffirmed in S. Con. Res. 50 of the Ninety-seventh Congress for the fiscal year beginning on October 1, 1981.

SEC. 102. (a)(1) The level of Federal revenues is $627,000,000,000 and the net amount by which the aggregate level of Federal revenues should be decreased is $200,000,000.

(2) the level of total new budget authority is $785,850,000,000;

(3) the level of total budget outlays is $745,050,000,000;

(4) the amount of the deficit in the budget is $118,050,000,000;

(5) the level of the public debt is $1,143,100,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $63,300,000,000; and

(6) the level of total gross obligations for the principal amount of direct loans is $61,200,000,000, and the level of total new primary commitments to guarantee loan principal is $99,100,000,000 and the level of total new secondary commitments to guarantee loan principal is $68,250,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1981, the appropriate levels of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $218,200,000,000

(B) Outlays, $190,800,000,000.

(2) International Affairs (150):

(A) New budget authority, $16,750,000,000;

(B) Outlays, $11,450,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $7,000,000,000;

(B) Outlays, $7,000,000,000.

(4) Energy (270):

(A) New budget authority, $4,750,000,000;

(B) Outlays, $6,500,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, $10,400,000,000;

(B) Outlays, $12,850,000,000.

(6) Agriculture (350):

(A) New budget authority, $9,900,000,000;

(B) Outlays, $13,800,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, $7,500,000,000;

(B) Outlays, $3,750,000,000.

(8) Transportation (400):

(A) New budget authority, $21,350,000,000;

(B) Outlays, $21,450,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $7,000,000,000;

(B) Outlays, $8,650,000,000.

(10) Education, Training, Employment and Social Services (500):

(A) New budget authority, $25,950,000,000;

(B) Outlays, $28,500,000,000.

(11) Health (550):

(A) New budget authority, $79,050,000,000;

(B) Outlays, $73,750,000,000.

(12) Income Security (600):

(A) New budget authority, $261,350,000,000;

(B) Outlays, $251,850,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, $24,800,000,000;

(B) Outlays, $23,800,000,000.

(14) Administration of Justice (750):

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,650,000,000.

(15) General Government (800):

(A) New budget authority, $5,200,000,000;

(B) Outlays, $5,050,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, $6,350,000,000;

(B) Outlays, $6,350,000,000.

(17) Interest (900):

(A) New budget authority, $102,200,000,000;

(B) Outlays, $102,200,000,000.

(18) Allowances (920):

(A) New budget authority, $3,850,000,000;

(B) Outlays, $2,900,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, −$30,250,000,000;

(B) Outlays, −$30,250,000,000.

SEC. 103. (a) There is established a congressional Federal credit budget for fiscal year 1982 of which the levels of total Federal credit activity for fiscal year 1982 are:

(1) New direct loan obligations, $63,400,000,000.

(2) New primary loan guarantee commitments, $74,850,000,000.

(3) New secondary loan guarantee commitments, $68,950,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):

(A) New direct loan obligations, $0;

(B) New primary loan guarantee commitments, $0;

(C) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

(A) New direct loan obligations, $10,400,000,000;

(B) New primary loan guarantee commitments, $8,100,000,000;

(C) New secondary loan guarantee commitments, $0.

(3) General Science, Space and Technology (250):
(A) New direct loan obligations, $200,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $10,300,000,000;
(B) New primary loan guarantee commitments, $400,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $22,600,000,000;
(B) New primary loan guarantee commitments, $2,700,000,000;
(C) New secondary loan guarantee commitments, $0
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,050,000,000;
(B) New primary loan guarantee commitments, $26,200,000,000;
(C) New secondary loan guarantee comments, $68,200,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments $750,000,000;
(C) New secondary loan guarantee commitments, $50,000,000.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $2,000,000,000;
(B) New primary loan guarantee commitments, $850,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
(A) New direct loan obligations, $1,300,000,000;
(B) New primary loan guarantee commitments, $6,500,000,000;
(C) New secondary loan guarantee commitments, $700,000,000.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,750,000,000;
(B) New primary loan guarantee commitments, $17,050,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $11,900,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $300,000,000;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $30,200,000,000, the on-budget lending activity to a level not to exceed $33,200,000,000, new primary loan guarantee commitments to a level not to exceed $74,850,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,950,000,000.

TITLE II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1983, 1984, AND 1985

SEC. 201. The Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1982—

(1) the level of Federal revenues is $676,700,000,000 and the net amount by which the aggregate level of Federal revenues should be increased is $31,700,000,000;

(2) the level of total new budget authority is $836,200,000,000;

(3) the level of total budget outlays is $784,150,000,000;

(4) the amount of the deficit in the budget is $107,450,000,000;

(5) the level of the public debt is $1,290,200,000,000; and the amount by which the statutory limit on such debt should accordingly be increased is $890,200,000,000;

SEC. . Based on allocations of the appropriate level of total new budget authority and of the total budget outlays as set forth in paragraphs (2) and (3) of section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1982, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $242,850,000,000;
(B) Outlays, $212,300,000,000.
(2) International Affairs (150):
(A) New budget authority, $16,450,000,000;
(B) Outlays, $12,100,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $8,150,000,000;
(B) Outlays, $7,750,000,000.
(4) Energy (270):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,700,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $9,650,000,000;
(B) Outlays, $11,000,000,000.
(6) Agriculture (350):
(A) New budget authority, $12,000,000,000;
(B) Outlays, $10,150,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $8,050,000,000;
(B) Outlays, $3,050,000,000.
(8) Transportation (400):
(A) New budget authority, $22,300,000,000;
(B) Outlays, $20,400,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,900,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $28,700,000,000;
(B) Outlays, $27,900,000,000.
(11) Health (550):
(A) New budget authority, $77,300,000,000;
(B) Outlays, $80,850,000,000.
(12) Income Security (600):
(A) New budget authority, $288,000,000,000;
(B) Outlays, $275,950,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,400,000,000;
(B) Outlays, $23,650,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,850,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,500,000,000.
(17) Interest (900):
(A) New budget authority, $114,850,000,000;
(B) Outlays, $114,850,000,000.
(18) Allowances (920):
(A) New budget authority, −$950,000,000;
(B) Outlays, −$750,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$43,650,000,000;
(B) Outlays, −$43,650,000,000.

SEC. 203. (a). There is established a congressional Federal credit budget for fiscal year 1983 of which the levels of total Federal credit activity for fiscal year 1983 are:

(1) New direct loan obligations, $61,200,000,000.

(2) New primary loan guarantee commitments, $99,100,000,000.

(3) New secondary loan guarantee commitments, $68,250,000,000.

(b) Based on allocations of the appropriate levels of total Federal credit activity as set forth in paragraph (1) of this subsection, the appropriate levels of new direct loan obligations, new primary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;

(C) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
(A) New direct loan obligations, $11,150,000,000;
(B) New primary loan guarantee commitments, $8,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
(A) New direct loan obligations, $150,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(4) Energy (270):
(A) New direct loan obligations, $11,950,000,000;
(B) New primary loan guarantee commitments, −$850,000,000;
(C) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
(A) New direct loan obligations, $19,150,000,000;
(B) New primary loan guarantee commitments, $2,650,000,000;
(C) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations, $12,150,000,000;
(B) New primary loan guarantee commitments, $40,100,000,000;
(C) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
(A) New direct loan obligations, $350,000,000;
(B) New primary loan guarantee commitments, $750,000,000;
(C) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
(A) New direct loan obligations, $1,950,000,000;
(B) New primary loan guarantee commitments, $500,000,000;
(C) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
(A) New direct loan obligations, $850,000,000;
(B) New primary loan guarantee commitments, $7,250,000,000;
(C) New secondary loan guarantee commitments, $0.
(11) Health (550):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $100,000,000;
(C) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
(A) New direct loan obligations, $2,050,000,000;
(B) New primary loan guarantee commitments, $18,700,000,000;
(C) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations, $1,050,000,000;
(B) New primary loan guarantee commitments, $20,950,000,000;
(C) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(15) General Government (800):
(A) New direct loan obligations, $50,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations, $250,000,000;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(17) Interest (900):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations, $0;
(B) New primary loan guarantee commitments, $0;
(C) New secondary loan guarantee commitments, $0.

(c) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1983 the off-budget lending activity of the Federal Government to a level not to exceed $31,050,000,000, the on-budget lending activity to a level not to exceed $30,150,000,000, new primary loan guarantee commitments to a level not to exceed $99,100,000,000, and new secondary loan guarantee commitments to a level not to exceed $68,250,000,000.

Sec. 204. The Congress sets forth the following budgetary levels for fiscal years 1984 and 1985—

(1) the level of Federal revenues is as follows:
Fiscal year 1984: $753,650,000,000;
Fiscal year 1985: $846,550,000,000.

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1984: $51,650,000,000;
Fiscal year 1985: $66,550,000,000.

(2) the level of total new budget authority is as follows:
Fiscal year 1984: $891,900,000,000;
Fiscal year 1985: $957,700,000,000.

(3) the level of total budget outlays is as follows:
Fiscal year 1984: $832,050,000,000;
Fiscal year 1985: $888,450,000,000.

(4) the amount of the deficit in the budget is:
Fiscal year 1984: $78,400,000,000;
Fiscal year 1985: $41,900,000,000.

(5) the level of the public debt is as follows:
Fiscal year 1984: $1,426,600,000,000;
Fiscal year 1985: $1,551,100,000,000.

and the amount by which the statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1984: $1,026,600,000,000;
Fiscal year 1985: $1,151,100,000,000.

Sec. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1984 and 1985 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
Fiscal year 1984:
(A) New budget authority, $268,750,000,000;
(B) Outlays, $235,950,000,000.
Fiscal year 1985:
(A) New budget authority, $297,050,000,000;
(B) Outlays, $267,050,000,000.
(2) International Affairs (150):
Fiscal year 1984:
(A) New budget authority, $16,800,000,000;
(B) Outlays, $12,400,000,000.
Fiscal year 1985:
(A) New budget authority, $21,200,000,000;
(B) Outlays, $12,350,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1984:
(A) New budget authority, $8,300,000,000;
(B) Outlays, $8,100,000,000.
Fiscal year 1985:
(A) New budget authority, $8,100,000,000;
(B) Outlays, $8,050,000,000.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $4,400,000,000;
(B) Outlays, $3,750,000,000.
Fiscal year 1985:
(A) New budget authority, $4,350,000,000;
(B) Outlays, $3,550,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $9,000,000,000;
(B) Outlays, $10,050,000,000.
Fiscal year 1985:
(A) New budget authority, $8,600,000,000;
(B) Outlays, $9,100,000,000.
(6) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $8,550,000,000;
(B) Outlays, $8,400,000,000.
Fiscal year 1985:
(A) New budget authority, $7,000,000,000;
(B) Outlays, $7,650,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $8,650,000,000;
(B) Outlays, $2,750,000,000.
Fiscal year 1985:
(A) New budget authority, $8,350,000,000;
(B) Outlays, $2,600,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $22,400,000,000;
(B) Outlays, $20,050,000,000.
Fiscal year 1985:
(A) New budget authority, $22,950,000,000;
(B) Outlays, $20,250,000,000.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,150,000,000;
(B) Outlays, $7,600,000,000.
Fiscal year 1985:
(A) New budget authority, $7,350,000,000;
(B) Outlays, $7,700,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $28,750,000,000;
(B) Outlays, $29,000,000,000.
Fiscal year 1985:
(A) New budget authority, $28,800,000,000;
(B) Outlays, $28,750,000,000.

(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $81,900,000,000;
(B) Outlays, $90,650,000,000.
Fiscal year 1985:
(A) New budget authority, $94,250,000,000;
(B) Outlays, $102,450,000,000.
(12) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $315,050,000,000;
(B) Outlays, $291,700,000,000.
Fiscal year 1985:
(A) New budget authority, $345,350,000,000;
(B) Outlays, $314,550,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $25,650,000,000;
(B) Outlays, $24,900,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000;
(B) Outlays, $26,500,000,000.
(14) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,600,000,000.
(15) General Government (800):
Fiscal year 1984:
(A) New budget authority, $4,700,000,000;
(B) Outlays, $4,600,000,000.
Fiscal year 1985:
(A) New budget authority, $4,700,000,000;
(B) Outlays, $4,500,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,750,000,000;
(B) Outlays, $6,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,850,000,000;
(B) Outlays, $6,850,000,000.
(17) Interest (900):
Fiscal year 1984:
(A) New budget authority, $119,650,000,000;
(B) Outlays, $119,650,000,000.
Fiscal year 1985:
(A) New budget authority, $111,700,000,000;
(B) Outlays, $111,700,000,000.
(18) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $350,000,000;
(B) Outlays, $700,000,000.
Fiscal year 1985:
(A) New budget authority, $650,000,000;
(B) Outlays, $1,100,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$49,500,000,000;
(B) Outlays, −$49,500,000,000.
Fiscal year 1985:
(A) New budget authority, −$50,850,000,000;
(B) Outlays, −$50,850,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATION INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

(A) the House Committee on Agriculture shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $207,000,000 and outlays by $207,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $530,000,000 in budget authority and $530,000,000 in outlays in fiscal year 1984, and $661,000,000 in budget authority and $661,000,000 in outlays in fiscal year 1985.

(B) the House Committee on Banking, Finance, and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $0 and outlays by $695,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $0 in budget authority and $697,000,000 in outlays in fiscal year 1984, and $0 in budget authority and $687,000,000 in outlays in fiscal year 1985.

(C) the House Committee on Energy and Commerce shall report changes in law within the jurisdiction of that committee to reduce budget authority by $59,000,000 and outlays by $59,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $65,000,000 in budget authority and $65,000,000 in outlays in fiscal year 1984, and $72,000,000 in budget authority and $72,000,000 in outlays in fiscal year 1985.

(D) the House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $171,000,000 and outlays by $171,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $187,000,000 in budget authority and $187,000,000 in outlays in fiscal year 1984, and $195,000,000 in budget authority and $195,000,000 in outlays in fiscal year 1985.

(E) the House Committee on Ways and Means shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $334,000,000 and outlays by $1,749,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional savings of $205,000,000 in budget authority and $2,708,000,000 in outlays in fiscal year 1984, and $267,000,000 in budget authority and $3,173,000,000 in outlays in fiscal year 1985.

(F) the House Committee on Ways and Means shall report changes in laws within the jurisdiction of the committee sufficient to increase revenue by $31,700,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high deficits in future year requires additional revenues of $51,650,000,000 for fiscal year 1984, and $66,550,000,000 for fiscal year 1985. If the changes in laws reported to the House Committee on the Budget by the House Committee on Ways and Means pursuant to section 301(F) of this resolution contain changes involving the impositions of new or expanded taxes to directly finance programs within the jurisdiction of any other Committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other Committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

SEC. 302. Pursuant to section 301(b)(2) of the Budget Act—

(A) the Senate Committee on Finance shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $393,000,000, and outlays by $1,808,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $270,000,000 in budget authority and $2,773,000,000 in outlays for fiscal year 1984, and $239,000,000 in budget authority and $3,245,000,000 in outlays in fiscal year 1985.

(B) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $31,700,000,000 for fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future fiscal years requires additional revenues of $51,650,000,000 for fiscal year 1984, and $66,550,000,000 in fiscal year 1985.

(C) the Senate Committee on Agriculture, Nutrition and Forestry shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $207,000,000 and outlays by $207,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $530,000,000 in budget authority and $530,000,000 in outlays for fiscal year 1984, and $661,000,000 in budget authority and $661,000,000 in outlays in fiscal year 1985.

(D) the Senate Committee on Banking, Housing and Urban Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $90,000,000 and outlays by $785,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $100,000,000 in budget authority and $797,000,000, in outlays for fiscal year 1984, and $104,000,000 in budget authority and $791,000,000 in outlays in fiscal year 1985.

(E) the Senate Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to reduce spending in amounts sufficient to reduce budget authority by $81,000,000 and outlays by $81,000,000 in fiscal year 1983; further, the Congress finds that the prospect of unacceptably high budget deficits in future years requires additional savings of $87,000,000 in budget authority and $87,000,000 in outlays for fiscal year 1984, and $91,000,000 in budget authority and $91,000,000 in outlays in fiscal year 1985.

SEC. 303. The committees named in sections 301(a)-(D) and 302(C)-(E) shall submit their recommendations to the Committees on the Budget of their respective Houses. Those recommendations shall be sufficient to accomplish the changes required by such subsection. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

DEFERRED ENROLLMENT

SEC. . In the House of Representatives, no bill or resolution providing—

(1) new budget authority for fiscal year 1983, or

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1983—which exceeds the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act shall be enrolled until after Congress has completed action on the second

concurrent resolution on the budget required to be reported under section 310 of such Act.

(b) If Congress increases revenues in a trust fund exempt under section 401(d)(1)(B) of the Congressional Budget Act, then for purposes of this section, "budget authority" and "new discretionary budget authority" shall not include spending authority or budget authority derived from such trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954. This subsection shall only apply (1) to trust funds exempt under section 401(d)(1)(B) of the Congressional Budget Act, (2) to trust funds for which revenues are increased, and (3) to the extent that such increased revenues exceed the appropriate allocation or subdivision of such new discretionary budget authority or new spending authority made pursuant to section 302 of such Act.

302(b) REPORT

SEC. . It shall be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1983; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1983;

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act.

SEC. . It is the sense of the Congress that if Congress acts to restore fiscal responsibility and reduces projected budget deficits in a substantial and permanent way, then the Federal Reserve Open Market Committee shall reevaluate its monetary targets in order to assure that they are fully complementary to a new and more restrained fiscal policy.

The CHAIRMAN. Pursuant to the provisions of House Resolution 496, the gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes and the gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, in order to resolve the technicalities, I will use 30 minutes on the Jones substitute first, and the remaining 30 minutes on the Latta substitute. I think we have agreed to alternate back and forth the total hour we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. SIMON) a member of the committee.

Mr. SIMON. Mr. Chairman and my colleagues of the House: Just a couple of points briefly.

First, I would underscore what the gentleman from Missouri (Mr. GEPHARDT) said on this floor just a few minutes ago: The smaller deficit in these 2 choices is the Jones deficit, if you look at the 3-year picture. It is a smaller deficit in actual figures used by $3 billion, by the two sides. According to CBO, it is $10 billion smaller in the deficit, and I strongly believe it is much lower than that because the $99 billion in the GOP proposal is brought to us by the same people who brought us a $37 billion deficit 1 year ago (now well over $100 billion) and it is based on a number of assumptions that I think are not valid.

Let me shift over to one other point.

This House overwhelmingly, just a few days ago, had the wisdom and the good sense and the vision to adopt an amendment on education that says we want to move ahead, and now we are being asked to do the opposite.

For example, on the guaranteed student loan program, alone, using the most conservative figures, will mean that 135,000 young people in our schools are not going to be able to go to college in the next 3 years. That is by the most conservative figure, and that applies only to the guaranteed student loan program. I cannot believe that we think we can build a finer, better America by denying educational opportunity to the young people of this Nation.

In child nutrition the Latta proposal says, $1.4 billion less than the Jones proposal. Child nutrition is primarily school lunch programs. We already have over 600 school districts in this Nation that have dropped school lunch programs. And who is hurt? Well, you immediately hurt some kids who really need those school lunch programs.

We know, clearly, from tests that you hurt the educational product. But who is hurt really? Why, the Nation is hurt. We do not move in this direction without greatly harming the Nation.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my distinguished colleague from New York.

Mr. PEYSER. I thank the gentleman for yielding, just to make a point.

On the guaranteed student loan program, anyone who says they support education, how can you vote for Latta—it increases interest rates tremendously, cuts down on all of the benefits of this program and will take 500,000 students out of school. Where are all those Republicans who just a few weeks ago said they would not cut education. I hope the parents and students are watching.

Mr. LATTA. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this amendment before us is not a fiscal document. It is a political document. The Jones-O'Neill amendment makes no attempt to solve the very real and pressing economic problems of the Nation. Its sole purpose is to attempt to solve the political problems of the Democratic party.

There is no fiscal restraint in this resolution. It completely ignores the Nation's economic problems and attempts to return us to the old backroom politics of spend and tax.

Would you want to take this document to conference with the Senate? I would not. It has got a deficit of almost $108 billion in fiscal year 1983. Put that up against the $116 billion deficit in the Senate resolution and we all know what will come out of conference. We will be staring at a deficit of somewhere around $112 billion. How many of you think you can vote for a $112 billion deficit?

Exactly what is this amendment? It is based on the original resolution that Chairman JONES offered 2 weeks ago and which this House rejected by a vote of 253 to 171. But they have made a bad situation worse. They took that resolution the House rejected and they added sweeteners. They added additional spending that the House rejected when it was offered 2 weeks ago as amendments on the floor.

Remember the amendment we defeated on the floor by a vote of 232 to 186 that would have added $300 million in budget authority for the Eximbank? Well, the Democratic leadership has put that money into the new Jones-O'Neill budget.

Or, the amendment that sought to add $668 million in budget authority for various education programs? It is back again in the Jones-O'Neill amendment at a budget authority figure of $650 million.

Then there is an add-on in the Jones-O'Neill budget resolution for the Environmental Protection Agency. That is $250 million in budget authority. Someone else wanted more money for high technology. All right, they added $600 million in budget authority. And so it went as the Democratic leadership put together the Jones-O'Neill amendment.

It reminds me of the comment by the late Senator Everett Dirksen who said, "A billion dollars here and a billion dollars there—pretty soon it adds up to real money."

It adds up all right. In this case it adds up to $784 billion in spending for fiscal year 1983. That's $19 billion more than would be spent under the bipartisan recovery budget resolution.

How is the Government going to find that extra $19 billion? First, according to the Jones-O'Neill budget, the Government will add to the tax burden of the American worker. Over the next 3 years the Democratic leadership wants to see taxes increased by $150 billion. That would mean the possible elimination of the 10-percent personal income tax cut for individuals.

I hear talk that this House will not vote $150 billion in tax increases, and I tend to believe it. So, if we do not vote the taxes to pay for this spending, what will happen? Obviously, it will be added to the deficit.

But the Democratic leadership already has said it wants to add $230 billion to the deficit over the next 3

years. If we add the $150 billion we will not get in taxes, we are looking at a 3-year addition to the deficit of $380 billion.

What do you propose we tell our children and our grandchildren? Should we tell them that we have a real good deal for them? All we want to do is add another $380 billion to the debt they will have to pay off. They are sure to thank us for that in a few years.

This House must act responsibly. We must adopt a budget that gets a handle on runaway Federal spending, that holds down both taxes and the deficit, and a resolution that has real teeth in it to assure that what we promise will happen actually happens.

As I look at the Jones-O'Neill Resolution, I do not see any real enforcement measures in it. In the reconciliation provisions I do not see a date for the authorizing committees to report back. I do not see anything about making the first budget resolution binding should we fail to adopt a second budget resolution this year.

Without enforcement provisions in the budget resolution it becomes nothing more than a sense of the House resolution. It simply tells the country what we would like, not what we will do.

There is no longer any question about whether Federal fiscal policy has an impact on the economy as a whole. If we are going to achieve the economic recovery that is needed and make the economic changes the American people said they wanted when they elected Ronald Reagan President, then we must reject the Jones-O'Neill amendment and adopt the bipartisan recovery budget resolution.

□ 1340

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I come here with the same complaint I had last year when we had the Gramm-Latta budget resolution. Now, we have the Latta proposal, and if it did not have the name or my dear, good friend, Mr. LATTA, on it, I would say it was very sloppy work.

As chairman of the Agriculture Committee, I cannot yet find out what the Latta proposal would do to agriculture. The staff on this side, does not have the information, and neither does the staff on the minority side. We are asked here to vote, but regretfully, unfortunately, the communications I am getting do not go into details. Instead, they say, "Support the President," or "Don't support TIP O'NEILL."

With all due respect to both gentlemen, in the end I doubt that either one of them knows what is in the packages if even our House staffs do not know what is in the packages.

I am very concerned because, for example, there are errors still in the Latta proposal. And our copy of the proposal was not stolen at midnight, as I understand they claimed the 1981 version was. For example, the Latta proposal now before us counts the same savings in soil conservation, watershed programs twice—once in function 300, and a second time in function 350. Turning to the Rural Electrification Administration, program I am informed that Mr. STENHOLM advised the National Rural Electric Cooperative Association that REA would not be included in the Latta proposal. Mr. STENHOLM now tells me he really does not know. The staff over here does not know. My staff cannot find it in the documents.

I am not going to vote, as a responsible legislator, for something when I do not know what is in it, when the staff does not know what is in it—and when the authors of the proposal do not know what is in it. Certainly, TIP O'NEILL and Ronald Reagan do not know what is in it. Mr. Chairman, this is a very irresponsible way to legislate.

□ 1350

They tell me that the answers are in the figures shown in the proposal—but they cannot give me the figures. They say it will be taken care of in reconciliation.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the chairman of the committee.

Mr. JONES of Oklahoma. Mr. Chairman, on the REA question, the credit question, the Latta substitute would be set at $4.46 billion. That is a 30-percent cut from fiscal year 1982 and our analysis is that that will double the rates for REA loans.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman's informing me of that.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to my colleague, the gentleman from Texas, since I mentioned his name.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

To the best of my knowledge, the reason why we cannot find it in the language of the CONGRESSIONAL RECORD is the fact that it is not in the reconciliation package. It is assumed in the numbers. The numbers do add up. The Rural Electrification program is exempted from the suggestion that the credit program go to 90 percent of the cost of money. It is off budget. Therefore, it does not show up in the numbers.

Mr. DE LA GARZA. That is still not definite assurance.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

Mr. REGULA. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in support of the Latta substitute. I think it is absolutely vital that we adopt a budget today, not just a budget but a fiscal policy for the U.S. Government.

I recognize that it is a temptation to vote no, to vote no on everything. That is easy to defend at home, but it is not responsible—it would be an abdication of our duty. A Member can vote no and say, "I am waiting for the perfect budget." Well, we are not going to get the perfect budget because we would need 435 budgets or perhaps 240 million budgets to satisfy everyone in our Nation.

We have a basic choice today. Do we want more Government or less? In the absence of adopting a fiscal policy, the economy stagnates and interest rates go up.

On Monday Treasury had an auction of Treasury bills, the bid price was up from 11.5 to 12.1 percent. This increase in rates recognizes that the marketplace looked at what this body did 2 weeks ago in not establishing a fiscal policy as a result interest rates are starting to climb.

I think we have a great responsibility to the people of this Nation to make a choice today. We have a responsibility to the American people, to those who are seeking jobs and who are making decisions on job producing investment to adopt a fiscal policy for this Nation.

In the campaign of 1980, President Ronald Reagan gave America a clear choice—shrink Government or business as usual. Business as usual has brought us to a point where Government consumes almost 25 percent of all the goods and services produced in this Nation. Think about that; 25 cents out of every dollar produced comes to Washington and is spent here. Something is wrong when the Federal Government consumes almost 25 percent of the Nation's GNP. The voters said clearly in the election of 1980, "We have had enough of bloated Government." They said, "Let us keep more of what we work hard to earn in the mines, the mills, the factories, and the farms of this Nation. We deserve a larger share since we are producing it."

Downstairs, over the door into the House restaurant is a quotation from Thomas Jefferson, and it says, "Man is not made for the state, but the state for man." That is what the voters said in 1980. We think the state should be the servant of man, and when the state is taking about 25 percent of what we produce, we want to change the direction of our Government.

The choice today is which direction or which path this Nation should take. The Latta budget responds to the voters' mandate of 1980. It shrinks the 25-percent consumption of the GNP by the Government to 21 percent by 1985.

Do the Members know what that means? That means that $180 billion of the product of American workers will stay in their hands and not in the hands of Government. That means there is $180 billion available to create jobs for the young people of this Nation.

In the Latta budget we propose to reduce the bureaucracy by 2 percent through attrition in fiscal 1983. That was another message that was sent here in the election of 1980, to shrink the bloated bureaucracy, and we propose to do that.

During my tenure on the Budget Committee, the most depressing testimony was in about 1978 when the testifying economists, without exception, said that productivity in the United States is flat; we are not growing, we are not improving our standard of living. To get back on track and to expand the economy of this Nation, we need to invest more in America. We need to put more in the industrial soil of America to make it productive.

That is what this budget is all about.

Mr. PEYSER. Mr. Chairman, will the gentleman yield on that point for a moment?

Mr. REGULA. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for yielding.

Just in keeping with the point, what I find so hard to understand in the Latta proposal—and perhaps the gentleman can explain it to me—is, if we need that productivity, why they are making a cut of $1 billion $130 million in education, in student-aid loans. I ask the question because those are the young people who are going to give us that productivity.

Mr. REGULA. Mr. Chairman, I think if the gentleman will examine that portion of the budget that we are saying to those who have family incomes of $40, $50, $60, and $70,000 or more that it is not the responsibility of their neighbors to finance their education; it is their own responsibility.

We are saying, let us give Government back to the people. It is the function of the State to be the servant of man.

Mr. Chairman, I do not wish to yield any further because I do not have a lot of time.

Another point I want to make about the Latta budget is that because of the loan deficit base line, we will reduce what is required to fund Federal deficits. In the absence of any change on the base line, we are looking at the Federal Government borrowing 74 percent in 1983 of the net private savings. Is it any wonder that interest rates are up?

I would point out to my colleagues that in the Latta budget in 1983 we reduce borrowing from 74 percent to 41 percent of net private savings; in 1984, borrowing is 26 percent; and in 1985, it is 15 percent. What a sharp contrast to the base line budget which takes 60 to 70 percent of all the savings of this Nation just to fund deficits.

This is the crossroads we are at in this Nation today. Do we leave the money that is saved by our people in the credit unions, the savings and loans and the banks for the people to borrow at a reasonable rate to buy homes, to start a business, to finance their education, or does Government continue to take the lions share. That is the kind of choice that exists for us today.

I have one last point I want to make, and that is that the Latta budget has tough reconciliation language. It is a tiger with teeth. The Jones budget is a tiger without teeth. We cannot affect the fiscal policy of this Nation unless we have adequate reconciliation language. We address that problem.

Let me close by saying that we do truly have a fundamental choice. Do we go the road of less Government, less taxes, and a lower deficit, or the road of more Government, more taxes, more spending, and a higher deficit? This is the choice we must make today for the future of this Nation, if we are to lower interest rates, if we are to have a strong economy, and if we are to have opportunities for our young people.

Mr. Chairman, I urge my colleagues to vote for the Latta substitute.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Ms. FERRARO).

Mr. BEDELL. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I believe that we must have a budget. Given the state of the economy with its near record high levels of interest and unemployment, we can no longer afford the luxury of saying no, of simply refusing to pass a budget as we did 2 weeks ago when we voted down eight different plans.

I can assure you that neither of these two plans are my preferred choice. But economic conditions demand a budget, however distasteful, because the alternative of not having one is even worse. It is absolutely essential that the Congress demonstrate that it is willing and capable of getting a hold of and significantly reducing the runaway deficits, which are keeping interest rates at incredible levels and choking off economic activity. Not doing so would only worsen matters.

Mr. Chairman, I will support the Jones substitute, and prefer that it prevail over the Latta budget. I believe the Jones plan is eminently preferable to the other one not only in its priorities, but in its fairness.

However, I am prepared to support whichever budget prevails only for the purposes of passing a budget so that interest rates can have a chance to come down. Such a vote, Mr. Chairman, is, in my opinion, the only responsible thing left to do. We must have a budget.

Ms. FERRARO. Mr. Chairman, 2 weeks ago, I sat on the floor of this House and listened to 4 days of debate on the budget. When it was over, I was outraged by what I consider a lack of concern that was ordered for the poor of this Nation, especially poor women and children. I was also annoyed at myself that I did not get up and point out how unfair it was.

Reaganomics, which has been an economic disaster for all Americans except the very rich, has inflicted especially serious pain on poor people by reducing food, medical, housing, legal, and educational assistance. The Republican substitute before us today further aggravates that pain, and I oppose it.

The depth of insensitivity of the supporters of the Republican plan to the pain they have caused was demonstrated during the budget debate 2 weeks ago. The gentleman from Texas (Mr. GRAMM) rose to defend the Latta substitute against the charge that it included no funds for the mortgage buydown program approved by the House 2 weeks before. His contention was that the $1 billion could be taken out of the section 8 subsidized housing account.

To understand the heartlessness of that suggestion, you have to consider what Reaganomics has already done to subsidized housing.

In 1981, the baseline funding level for subsidized housing, the amount needed to continue it at current levels, was $29.5 billion. Last year's Reagan budget cut that by 41 percent, to $17.4 billion.

We have all heard the President and his supporters say they haven't actually cut programs, but have merely cut the rate of growth. Well, subsidized housing was cut 41 percent last year, and somebody should tell the President. Those changes resulted in the loss of over 9,000 housing units in New York City in 1982 alone, and many thousands more in future years.

And who has been hurt? Women and children. Two-thirds of American families living in subsidized housing are headed by women. That means single women and children. So when somebody suggests cutting another billion dollars from subsidized housing, they aren't just juggling numbers. They're juggling people's lives—people who have never had much and have even less now because of Reaganomics.

Actually, the Republican plan eliminates subsidized housing this year, cutting from $17.4 billion to zero in new starts. The difference between the Democratic plan, which maintains

the program at the reduced $17 billion level, and the Republican plan, is between 100,000 and 200,000 housing units for needy families.

You can run down the whole list of Federal programs that help poor people, poor women and children, and the story is the same. Cuts that were made last year have been made deeper in the new Republican budget.

And let me point out that the Democratic plan does little to restore last year's cuts. It simply does less new damage—much less new damage.

For instance, in the major entitlement programs which provide health care, food and nutrition, and income assistance for poor Americans, the Latta budget cuts another $4.1 billion, on top of the $3.7 billion cut last year. The Democratic plan imposes less than half a million dollars in new cuts, and stresses that they are to be made by reducing error rates rather that benefits.

The chief Federal welfare program—Aid to Families With Dependent Children—provides assistance to about 11 million Americans. Almost 8 million of them are children. Are these children the welfare cheats? Clearly not.

The Latta budget would cut AFDC, which was cut by over $1 billion last year, by another billion this year, compared to the Democratic plan, which cuts just $200 million in 1983, and anticipates those cuts can be made by reducing error rates, not by reducing benefits.

Incidentally, the Republican plan continues the shortsighted policy adopted at the Reagan administration's request last year which discourages poor Americans from trying to work their way off welfare. The Democratic plan reverses this idiotic policy, so people receiving assistance who take jobs will not be worse off for going to work.

The medicaid program provides health care to poor Americans. It was cut $1.1 billion last year, and Latta would cut another $1.7 billion this year. The Democratic plan makes only $50 million in new cuts. Again, two-thirds of the program's beneficiaries are women and children.

In Federal antihunger programs, Latta cuts even deeper than last year. Food stamp spending, which was cut $1.5 billion last year, would be cut another $1.15 billion. Two-thirds of food stamp recipients are women and children. Child nutrition programs, including school breakfasts and child care food programs, which were cut 30 percent last year, are cut another $600 million this year.

Ninety percent of school breakfast children and two-thirds of children in the child care food program are low-income, since last year's cuts forced eligibility changes that squeezed out all but the "truly needy." In contrast to the Republican cut of $1.75 billion in food and child nutrition programs, the Democratic plan cuts only $200 million.

What is truly appalling is that in each of these areas, the Latta budget is much worse than the Latta budget we rejected 2 weeks ago. Medicaid cuts have been tripled, public assistance cuts almost doubled, and food and nutrition cuts doubled. There is apparently no limit to the harm the sponsors of this budget are willing to do.

There are other new cuts.

In a country that rightfully prides itself on believing in equal justice for all, the Latta budget phases out legal services for the poor—69 percent of legal services clients are women.

In a country where the right to a good education is seen as the key to economic development, the Latta budget cuts educational services to disadvantaged children.

In a country where motherhood is revered, the Latta budget would drop 165,000 women, infants, and children from a special nutrition program for pregnant women and new mothers. Over 3 years, the Democratic plan would help half a million more women and infants than the Republican plan.

In addition to its devastating impact on the poor, the Republican plan also fails to respond to the highest unemployment levels since the Great Depression. The Democratic plan adds $3.3 billion more for emergency jobs and job training to help ease the pain of those who have lost their jobs, as well as $2 billion in extra unemployment compensation, compared to the Republican plan. In vital higher education programs, including guaranteed student loans and Pell grants, the Democratic plan is better for America's students and better for America's future.

While pursuing its women and children overboard policy, the Latta budget shows a strong preference for preserving tax breaks for the wealthy and unnecessary and extravagant defense spending levels.

Last year's Reagan-Kemp-Roth tax cut gave $3.6 billion in tax relief to 164,000 Americans who had over $200,000 in income. That's a tax cut of $22,000 each.

The same tax bill gave the 30 million Americans who earn less than $15,000 a total of $2.9 billion in tax relief, or less than $100 each.

The defense budget is totally out of control, as the administration tries to set new records for throwing money at problems. It's unclear how much money exactly; the administration publicly has said $1½ trillion over 5 years. But Pentagon documents estimate it could easily be 50 percent higher, or $2¼ trillion, and we all know enough about weapons cost overruns to believe the higher number.

Just for the record, let me point out that the Democratic plan increases defense outlays by $22 billion this year, or over 10 percent, over last year. And last year's defense budget was up $29 billion from 1981. So we'll have the steady defense buildup needed to improve our national security.

So those are the priorities of the Latta budget and the Reagan administration. Billions in tax cuts for wealthy Americans, and trillions for defense.

There are numerous ways we could change those priorities to have them make more sense. If we took away just half of the 1982 tax cut for those with incomes over $200,000, we could restore all the cuts in education aid for poor children and the income assistance program for poor women and children.

If we took away half the 1982 funding for the B-1 bomber, which, according to Defense Secretary Casper Weinberger, will be obsolete within 4 years after the first one comes off the assembly line, we could restore the $900 million cut in 1982 from guaranteed student loans and Pell grants for low-income college students, which could really contribute to our national security.

There are other changes I would make, in both of the budget plans before us. The Democratic plan is far from an ideal budget. But it is so much better than the Latta budget, in meeting the real needs of our people and in being fair, that I support it, and I hope it passes.

The differences between the two budgets we are considering are clear. And let us make sure we know exactly what they are.

It is not a question of deficits, or reducing Federal spending, and everybody in this House knows it. In a $3 trillion economy, an $8.2 billion difference in the size of the Federal deficit doesn't matter to anybody, including the financial markets.

It's a question of priorities, and it's a question of politics. As the lead editorial in today's New York Times put it, the people hurt by the Latta budget "are not only poor, but politically impotent, unlikely to raise an election-year stink."

Shame on us all.

I urge my colleagues to join me in supporting the Jones budget.

□ 1400

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, in going around my district over the last few days, the first question that is asked is when or whether the House is going to pass a budget resolution. This question seems to be on everybody's minds. As I went around to meetings, that question comes up first.

To be sure, the budget issue has become very symbolic and it has grown out of all proportion, considering that there was no budget process for Congress before 1975 and the budget process did not become a really big issue, I submit, until last year

when it became a test of political strength for a new President.

But the budget vote was played up by the media, and it has become the congressional issue on everybody's mind right now.

Wall Street and the money markets want us to pass a budget. Almost everyone thinks that we need a budget as a measuring stick, and our inaction has become very unsettling.

Never mind that the budget we passed last year called for a fiscal year 1982 deficit of $45 billion and now it is projected to be almost double that. But as I say, the budget has become a symbolic test of wills.

We must recognize that this symbolism is important. It is too bad that it has become as political as it has.

But I think the Latta substitute has the best chance of passage. It is below $100 billion in deficit. There is something symbolic about getting below $100 billion in deficit for fiscal year 1983.

I think the $99.2 billion deficit is still too large. I think the increase in defense spending is still too much, given our economic problems that we have today.

But I do feel, Mr. Chairman, that we need to pass a resolution; we need to get this issue behind so that we can go on to many more important things.

The Latta substitute seems to be the best under the circumstances we face.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, there is broad agreement that the fiscal year 1983 deficit could reach $182 billion if Congress fails to adopt a budget and we continue with current spending and tax policies. A deficit of $182 billion is unacceptable and could result in a further deterioration of our already weak economy. If we are going to put this country back on a path of economic recovery, the trend of large and ever-growing deficits must be reversed. Congress must act responsibly and quickly to adopt a budget which will convince the business community, the financial markets, and the American workers that deficits will be reduced. Failure to adopt a budget could have disastrous and irreversible consequences on our economy.

Both the Democratic and Republican budget alternatives before us today show declining deficits over the next 3 years—the Democratic alternative reduces the deficit of $41.9 billion in fiscal year 1985 and the Republican alternative reduces the fiscal year 1985 deficit to $53.3 billion. However, the Democratic budget plan utilizes a more balanced approach to reducing the budget. It distributes the burden of reducing the deficit more equitably among the beneficiaries of Federal spending and the individual and corporate taxpayers. This budget plan is more responsive to the public demand for reduced Government spending and a lower deficit, while at the same time responding to the needs of the poor and elderly in our society, promoting economic growth and development, and maintaining our commitment to our national defense.

The budget passed by this Congress last year cut deeply into the basic benefit programs for the poor. Despite the Reagan administration's promise to protect the safety net, we have seen people slipping through the holes in the safety net which were widened by the Reagan budget. We must stop hacking away at benefits for the poor and elderly. Members must begin to realize that we are no longer cutting the fat—the "fraud, waste, and abuse"—from the Federal budget, the knife is now cutting the arteries of economic survival for our Nation's poor. The Democratic alternative makes needed reforms in targeted entitlement programs by reducing administrative costs and error rates, but assures that the neediest in our society will not bear a disproportionate share of the burden of cutting Federal spending.

The Democratic budget also addresses the need for investment in the human and capital resources of our society. While many investments are best left to the private sector, most Members will agree that there are certain investments which must be made by the Government to insure a sound economic future for the country. The private sector alone will not provide adequate resources for education, highways, mass transit, airports, or long-term investments in scientific research and development.

Our country's worn-out and obsolete infrastructure is becoming a barrier to this Nation's economic growth and development. Infrastructure, which includes roads, bridges, sewers, waterways, airports, airways, and mass transit, in the foundation of basic public works that enables our complex economy to function. Our Nation's infrastructure is currently suffering serious economic decay. Two-thirds of all our communities are unable to support modernized development and growth until major new investments are made in their basic public works. Economic recovery must be a major focus of policymakers during the next few years, and our Nation's infrastructure is an essential element of that recovery. Without rebuilding and expanding our public facilities, economic recovery and growth will be severely thwarted.

The Republican budget alternative does not provide adequate funding for our infrastructure needs. The Republican budget assumes reductions in EPA research and development, hazardous waste management programs, pollution control and abatement, and toxic waste activities. The Democratic alternative, on the other hand, provides an increase in funding for all of these EPA programs. The Democratic budget also contains funding above the Republican plan for grants-in-aid to airports, interstate transfer highway, Amtrak, and the Coast Guard.

Expenditures in the area of infrastructure also assists in economic recovery through the creation of jobs. Federal spending for infrastructure creates more jobs than spending on the military and tax cuts. A recent study comparing the job impact of the B-1 bomber program and a tax cut with a public housing project of equal amounts shows that over 5 years, the housing project yields 70,000 more jobs than the B-1 bomber program and 40,000 more jobs than the tax cut. A study done by the Council on Economic Priorities compared the job creating potential of the MX missile with a range of alternative projects. Mass transit showed a job creation potential of 45,397 more jobs for $1 billion of Federal expenditures than $1 billion spent on the MX missile. One billion dollars spent on highways created 78,000 more jobs, and $1 billion spent on railroads created 31,819 more jobs.

Moreover, the Democratic alternative includes $3 billion in fiscal year 1982 funding for emergency jobs creation. This country cannot expect to experience economic growth when more than 10.5 million persons are out of work. The jobs initiative contained in the Democratic alternative assumes $1 billion for infrastructure related jobs.

Finally, the Democratic budget provides $2.45 billion in budget authority over the next 3 years for increased research and development which will help stimulate the technology necessary to provide productivity growth. In addition, the Democractic plan includes significant investment in primary secondary education, student aid, and graduate fellowships—investments in the country's human resources which are also necessary for increasing productivity.

Congress needs to adopt a budget; however, I want to caution Members to review carefully the budget alternatives before us. We are now beginning to see the results of last year's hastily passed budget and tax cut packages. The country has fallen into an ever-worsening recession, and budget cuts are no longer figures in a budget resolution or a reconciliation bill, rather, they are people—heads of households standing in unemployment lines, handicapped children are not receiving preventing and diagnostic medical services, and students are dropping out of universities because they can no longer qualify for student loans.

I urge my colleagues to support the Democratic budget alternative. This

budget will require adjustments and sacrifices by everyone, but I believe that this budget plan reduces the deficit while still providing program funding levels necessary to meet the social and economic needs of our society.

Mr. DOWNEY. Mr. Chairman, I think the difference for the working poor between the Latta budget and Jones budget is substantial. I think the only way to characterize the Latta II budget for the working poor is to call it a scorched Earth budget, because it is vicious in what it does to the working poor.

The Ways and Means Committee went out and had some field hearings. In Chattanooga, Tenn., we listened to a woman whose name is Linda James, who has a daughter with asthma. Mrs. James is taking the only job that she could find for $3.35 an hour. She works approximately 10 hours a week. She makes about $70 every 2 weeks.

Under the reconciliation language of 1981 Mrs. James is no longer eligible, because she makes too much money, for AFDC and medicaid. So the next time that her daughter has to go into the hospital Mrs. James is going to give up her job so that she can pay the medical expenses for her child.

That is not what America is all about.

She is just one of the thousands of families who have lost or could lose AFDC and medicaid benefits.

The Latta budget doubles the size of the cuts for AFDC in the next 3 years over what it originally proposed.

Let me tell you who these people are. More than half of the total of the poor families are maintained by women. They have a poverty rate six times that of male-headed households and a poverty rate that is 32 percent, compared to the 5 percent for male heads of households.

There is no question, my colleagues, that if you adopt the Latta substitute you are going to work a hardship, a severe hardship on poor women who want to work, who do not want to be dependent. They are not going to be able to work because they will have no choice but to accept total public assistance if they have medical problems.

The Jones substitute incorporates H.R. 6369, the changes that we had made in the Ways and Means Committee to try and work out a system where we can get women off the cycle of poverty, allow them to get some benefits and also allow them to work.

There is a very big difference between what my party wants to do for the working poor and what your party wants to do for the working poor. If you have any doubt about it, ask someone who is hungry or ask someone who is poor, and they will tell you.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, there has been one clear loser in the budget debates this year—not the Republicans or the Democrats or the boll weevils or the yellow jackets or any of the other types that live on Capitol Hill. The real loser has been Congress itself—and perhaps a bit of the American spirit. Congress made a national spectacle of itself debating for days last month and finally approving not one of the eight bills offered. Our colleagues in the other body did only marginally better, approving a bill that provides for big increases in both real spending and taxes while maintaining a big budget deficit. I have been home running in a statewide primary and I can tell you what I heard. I heard folks at home saying it is "business as usual" here in Washington, with Congress either paralyzed into inaction or approving resolutions of dubious fiscal responsibility. Congress simply appears to be unwilling to offend any of the special interest groups who so effectively court votes of its Members.

Congress loss is the Nation's loss, and it has created a voting apathy evident in the primary elections earlier this week—the result of cynicism about government's willingness to do the right and necessary things. Last year Congress put on the books an economic recovery program that is our only hope to reverse years of inflation, economic stagflation, declining real wages, and falling employment opportunities. We must not undo the great good we did last year by succumbing in an election year to short term political expediency. We must approve a budget that keeps the major elements of last year's tax cuts in place. At the same time we must provide a realistic plan for reducing budget deficits by cutting unproductive Federal spending. In my opinion the Latta resolution comes closer to achieving that objective than either the Jones alternative before the House or the resolution approved in the Senate.

We cannot achieve economic recovery until we approve a budget that tells the financial markets that we mean business about ending inflation without restoring the punitive taxes that have so grievously reduced capital formation in our Nation. We must act and we must act now.

At the same time, we cannot expect miracles overnight. Rome was not built in a day and America cannot be rebuilt in one either. Our Nation has been building our present economic problems for at last a decade. The President's program will take time to work. But there are signs that recovery is beginning—the leading economic indicators are improving: The cost of living and underlying rate of inflation are falling; car sales are rising; and interest rate reductions are awaiting our action. The President's program is more than a plan to end the recession that began before he took office. It is a plan to revitalize the American economy for decades to come.

Although it is not yet 1984, this budget debate has taken place in an Orwellian dream world of double speak. We are throwing around numbers on the deficit and revenues and spending that have no realistic basis in fact. For example, we are speaking of tax increases without even specifying what these increases are. It is time for us to get our act together, to tell both the financial markets and the people that we mean to carry out the only economic program that has a chance to reverse years of high inflation, high unemployment, and economic stagnation. A vote for the Latta resolution is an important step toward reaffirming our only hope, the President's program for economic recovery.

□ 1410

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I think it is important for all of us to understand why we are here in this situation. Listening to the debate, one wonders whether or not the President's program was in fact put in place last year, with the talk about the desperate situation in the economy, with the talk about business as usual. But I think it is well to remind the Members about the promises that were made last year.

The promise last year was that we would have an economic recovery if the President's program was put in place. We now have an economic recession, the worst since the 1930's.

The promise last year was that enacting this program would produce employment for Americans. We now have the worst unemployment since before World War II, with 15 million Americans unemployed.

The promise last year was that if we enacted that program, we would have a balanced budget by 1984. We now anticipate a virtual doubling of the national debt in the next few years, a trillion dollars added to the national debt.

Those were the promises of a program if it was fully enacted—by Mr. LATTA, by Mr. GRAMM, by the administration. Every promise that I have mentioned has failed. Every promise has failed. We are continuing to borrow not just for programs that were enacted by Democratic administrations. We are continuing to see an economy that is in its worst state since World War II.

And so today the promise is: Give us a little more of the same and everything will be OK.

The reality is that we can no longer accept that kind of promise.

The purpose of the budget process is not just to cut away at programs. It is to set national priorities that focus on and respond to the needs of our society. Our problems today are not just economic. They are also human. And we cannot simply sacrifice one for the other, nor can we take the Federal budget and simply make it a partisan statement on one side or the other without being responsible to all American citizens.

So the test of the budgets that are before you are twofold: Is it responsible to the needs of our society? Is it fair? And is it balanced to all Americans?

The judgment we make today is ours and ours alone. How do these resolutions add up? With regards to the area of fiscal responsibility, the effort to try to reduce the deficit over the next 3 years, the reality is that over the next 3 years the Jones substitute would reduce the deficit more than the proposal by Mr. LATTA, $11 billion more in reductions in deficits over the next 3 years.

The reality is that the Jones substitute is $8 billion less than the deficit enacted by the Republican Senate, a resolution that has been blessed by the President.

Last, the $99 billion deficit contained in the Latta substitute is about as real as the $35 billion to $40 billion deficit contained last year. They do not consider the $5 billion that will be needed for the Commodity Credit Corporation. They do not consider the reestimates that CBO concludes will have to be made. They do not consider the votes of this House with regard to medicare and education. So the reality is that that deficit is nowhere near the $99 billion that is being promised to this House.

More importantly, it is in human terms that we must ultimately judge both of these budget resolutions. Is the Congress, is the House going to abandon its commitment to protecting the fabric of our society? Make no mistake about it, our economy is fragile; but our society is even more fragile. Are we going to abandon our commitments to the unemployed? The fact is, this House will not do that. And LATTA says, "Yes, we will; we will cut $700 million from jobs and training, we will not extend benefits to those who are unemployed."

Are we going to abandon the elderly or the disabled or the poor? The reality is that this Congress will not do that. It will not do that, as we showed with regards to social security and the minimum benefit, as we showed with regards to education and medicare. And yet LATTA says, "Yes, we will," and cuts those programs twice as much as Latta 1. In 3 years they will cut these programs that are income related by the tune of $18 billion. In Latta 1 they cut it by $8 billion.

In the end, there is no choice, we must not listen to the siren call of more promises. The issue is common sense and common decency. And that fairness, balance and compassion is contained only in the Jones substitute. I urge an "aye" vote.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, the greatest crime any society can commit is to rob a man of his future.

In his book, "Demian," Herman Hesse wrote: "Europe had conquered the world, only to lose its soul."

A nation, just like an individual, can lose its soul. It can lose its soul if it betrays those things which are the essence of its being.

The essence of America, Mr. Chairman, is opportunity. That is all that America is. That is all that makes America great. That in this land there is opportunity.

I will support that Latta budget proposal, Mr. Chairman, and I will vote against the Jones proposal, because there is one essential difference between the two. The Jones budget would increase the taxes on the American people by $55 billion more than the Latta budget over the next 3 years. And, if we adopt the Jones budget we will destroy opportunity. We will rob Americans of their futures.

I recently had the opportunity to be a part of a congressional delegation to Poland. That was a very moving experience for me, because my family is Polish. My father's parents lived in a tiny village just outside of Warsaw. My aunts and uncles were born and raised outside of Warsaw. My mothers parents lived in tiny Lithuania. And they all came to America, like so many other people, because they had heard that in America we had streets of gold.

Mr. Chairman, they did not speak a word of English, but they were not stupid. They knew that we did not have gold paving stones in America. But they knew that here there was opportunity they could not find anyplace else but in America.

One of my grandfathers worked in a scrap yard sorting through pieces of scrap metal, and my other grandfather pushed a cart through the streets of Cleveland selling old rags and scraps of clothing. And they did it because they knew that here they could find the American dream. And, Mr. Chairman, maybe it is a trite phrase now, but I assure you they knew what the American dream was.

It meant that in America they could own their own homes instead of living two or three families in a flat, sharing a bathroom and a kitchen.

It meant that in Amercia they could save and send their children to college. I am a college graduate, Mr. Chairman, the first person in the history of my family since the beginning of time to be able to go to college.

It meant that in America they could save for their retirement instead of working in the fields or the factories until they fell over dead.

That was the American dream, Mr. Chairman.

And Government is destroying that dream.

This is a nation with a great heart, the hearts of people on both sides of the aisle who care about people and want programs to help them. But we have become a Congress that cannot say no, and so we have started programs to help the poor and watched them grow into programs to subsidize those who are not poor—food stamps for strikers and students, student loans that can go to the children of the rich and often become not loans but gifts. And we watched as interest rates went up to nearly 22 percent, as inflation went beyond 12 percent, and as taxes went higher and higher, and today there is no money to save, and there are no homes being built and there are no people who can buy them and the dream of owning your own home becomes dimmer and dimmer.

Mr. Chairman, we as a Congress must stop robbing Americans of their futures. We must stop robbing them of opportunity. The Jones budget is more of the same, Mr. Chairman: It would spend and spend and spend and tax and tax and tax and tax, and the American dream will die. Walt Kelly, in the "Pogo" comic strip, once wrote: "We have met the enemy and he is us."

We are the enemy, Mr. Chairman. We are the people standing in the way of the American dream, and if we pass the Jones budget we may well kill it forever.

□ 1420

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the chairman of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, today, we again enter a debate on the first budget resolution. The House is being asked to choose between two alternatives which in their individual details are wholly satisfactory to none of us. But, we have reached a point where the need for a budget must clearly be weighed against each Member's policy objections. While I do not find every element of the Jones substitute completely acceptable, it is clearly superior to the Latta resolution.

Since the last debate, some significant policy changes have taken place in both resolutions, but particularly in

89-059 O-86-22 (Pt. 10)

the Latta resolution. Let me explain why the Jones resolution is superior to that of the Republicans.

The authors of the Latta resolution recognized that the $23 billion of medicare reductions from 1983 to 1985 in their original resolution were unobtainable. Now they are recommending $11.5 billion in reductions. Where did they compensate for this loss in savings? They compensated by reducing AFDC (Aid to Families With Dependent Children) by an additional $1.2 billion; by reducing food stamps by $3.0 billion; by reducing medicaid by $4.9 billion; by reducing aid to the disabled in the SSI (Supplemental Security Income) program by $0.5 billion. This administration has few qualms about reducing Federal aid to the poor. On the other hand, they do have difficulties about reducing tax subsidies that primarily affect the rich.

MEDICARE

To achieve the medicare cuts assumed in the Latta substitute would require major reductions in that program. Proponents of the Latta budget, however, have failed to specify how these saving might be achieved. Initially, the architects of the revised Latta budget had listed means of achieving their targets. These included major increases in out-of-pocket expenses for the elderly and reductions in reimbursement to hospitals and physicians. Those details have now been withdrawn, and last minute changes have failed to provide any details on how savings of this magnitude might be achieved.

An analysis of the assumptions in the Latta resolution is difficult because of the lack of specifics. The Latta assumptions simply state that there will be no reductions in medicare benefits that affect beneficiaries and that 50 percent of the total savings will come from hospital cost containment or apparently, some new unknown system of prospective reimbursement. The medicare savings from hospital cost containment would have to reach about $1.7 billion in fiscal year 1983 and $6.1 billion over 3 years to be consistent with these unspecified Latta assumptions. In sharp contrast, the Hospital Cost Containment Act of 1979, which many of the proponents of the Latta budget opposed, as reported by the Committee on Ways and Means, had medicare savings of only $0.3 billion in the first year and $2.3 billion over the first three years. That comparatively modest legislation failed. Reductions of the magnitude found in the Republican substitute will at best be difficult to achieve, and would result in significant reductions in hospital reimbursement.

If savings in hospital reimbursement of the size assumed in the Latta resolution are not achieved—a not unlikely result—the additional savings would have to come from reductions in benefits for the elderly and disabled. The authors of the Latta resolution know that. Moreover, in the absence of a mandatory assignment provision requiring doctors to accept the medicare allowed charge as their full charge, reductions in physician reimbursement will ultimately be borne by the beneficiary.

While the proponents of the revised Latta budget argue that savings of $3.2 billion can be reached, they have refused to specify how those savings can be achieved. They assert that large cuts in medicare can be made without reductions in benefits for the elderly, but they have failed to provide any details on how that can be done. We should have been provided with these details. The impact of the Latta substitute should be completely understood before any Member is asked to vote on it.

However, regardless of which resolution carries today, let me repeat what I said in debate on the Oakar amendment. The Committee on Ways and Means will make as many medicare cuts as we can reasonably make. But should we not meet the obligation that is given us, I intend to come back to the floor of the House of Representatives, and to give those people who voted for the Latta amendment and the $3.2 billion cut in medicare a chance to follow through on that commitment. I am going to expect you to support amendments in the Ways and Means bill that will cut medicare to the degree that you advocate today.

SSI

The original Latta budget cut payments to elderly, disabled and blind individuals under the SSI program by $137 million in fiscal year 1983. The Latta substitute now includes an additional $75 million cut in SSI in fiscal year 1983, bringing the total proposed SSI savings to $976 million through fiscal year 1985.

The additional $75 million SSI reduction in the Latta substitute is achieved by making it more difficult for disabled individuals to qualify for SSI disability benefits. Latta assumes enactment of an amendment under which eligibility for SSI disability benefits will be based on medical factors without taking age or skills into account. Approximately 80,000 disabled individuals will be deprived of SSI benefits in fiscal year 1983 under this change. This is an average loss of $2,580 per recipient per year.

In contrast, the Jones substitute contains no SSI reductions for elderly and disabled citizens.

AFDC

The proposed AFDC spending cuts contained in the Latta substitute will be in addition to the large fiscal year 1983 reductions in the program resulting from the amendments enacted in the 1981 Budget Reconciliation Act. In other words, if we make no additional changes in the AFDC program, it is estimated that fiscal year 1983 AFDC costs will be reduced by approximately $800 million because of last year's amendments. The Latta substitute, which adds another $800 million in cuts, will raise the total fiscal year 1983 reduction in AFDC to $1.6 billion. It is apparent that in choosing priorities the Latta budget puts a low value on the needs of the poor and children of the poor.

AFDC amendments contained in the 1981 Budget Reconciliation Act put many AFDC families in the position of being better off financially if the mother quits working and the family depends completely on welfare. How can an administration which believes in supply-side economics; which believes in increasing incentives for working and savings for the wealthy of our society, not support changes that assure that AFDC mothers who want to, and can work, receive more in total income than mothers who do not work? By comparison, the Jones substitute assumes enactment of H.R. 6369, reported by the Committee on Ways and Means on May 25, which would restore the financial work incentives that were eliminated under last year's Reconciliation Act. The Latta resolution does not accommodate this policy change. This is yet another example of the confused and distorted sense of priorities which characterizes the Republican substitute.

CONCLUSION

I have not decided how I will vote in the event the Jones substitute fails. Let me emphasize that it is imperative that a budget resolution be adopted today. For the reasons I have outlined, the Jones resolution is clearly a better product than the Republican substitute and therefore I urge my colleagues to adopt that resolution.

Mr. REGULA. Mr. Chairman, I yield 20 seconds to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I would like to offer at this point in the RECORD some commentary on the medicare cuts that the chairman expressed uncertainty about. He was unable to yield me any time but I would like to have appear in the RECORD some discussion of the nature of the cutbacks and how they could be financed.

The commentary follows:

The Latta Bipartisan Compromise Budget targets the major portion of its savings on providers of services, primarily hospitals and physicians. No assumptions are being made to reduce outlays through direct increases in beneficiary cost sharing.

Medicare savings under the Latta Compromise Budget for fiscal year 1983-85 total $11.5 billion, about one-half of the previous Latta proposal. The savings represent 5.7 percent of the $200.3 billion in outlays projected under current law over the next three fiscal years.

Over half of the savings under the Bipartisan Compromise Budget would come from placing some prospective limit on runaway hospital costs under the Medicare program. The House Budget Committee also listed reforms to limit hospital reim-

bursement as a source of savings. Although no dollar amount is specified in the Budget Committee proposal, the Bipartisan Compromise Budget calls for about $6 billion in savings (about 4 percent) from projected medicare hospital expenditures of $135.2 billion during fiscal year 1983-85.

The balance of the $11.5 billion in outlay reductions under the Latta Compromise Budget ($5.5 billion) could come from other provider reimbursement reforms and a proposal to make Medicare coverage secondary to private group insurance for the working aged.

The following sources of saving could be used to make up the approximately $5.5 billion in additional reductions over the three year period, fiscal years 1983-85.

Eliminate the private room subsidy, $209 million.—Presently, Medicare pays hospitals the excess cost for private rooms—an unintended byproduct of current Medicare cost calculation methods. This proposal would remove the excess cost of private rooms prior to calculation of Medicare's share of total costs. Thus the Federal Government would pay its equitable share of the services provided to Medicare patients.

Reduce unnecessary use of hospital and medical care, $580 million.—The current length of stay of Medicare patients is 11 days on the average. On a nationwide basis, wide variations in the average length of stay indicate that some of these 11 days are unnecessary. This proposal would establish objectives for Medicare contractor activities in cooperation with private sector efforts to reduce unnecessary days and other services. In addition, current provisions that waive provider liability for the cost of unnecessary of uncovered care would be eliminated.

Reduce skilled nursing facility medicare reimbursement to the medicaid rate, $37 million.—In some States, the Medicaid program pays for SNF care on a different basis than Medicare. This proposal would assure that the Medicare program benefits from economies achieved from Medicaid.

Eliminate radiologist/pathologist percentage contracts, $220 million.—This proposal would eliminate current payments for specialists' services which are reimbursed on a percentage basis from gross revenue for laboratory and X-ray services. Present compensation is not commenserate with actual services performed. This reform would bring these reimbursement practices into conformance with prevailing practices.

Eliminate double overhead payments for teaching hospital physicians, $280 million.—At present, physicians practicing in teaching hospitals are directly reimbursed for overhead. The teaching hospital itself is also reimbursed for this cost center.

Delay physician fee screen update, $675 million.—The annual physician "fee screen" for charge increases would be put back three months to conform with the Federal fiscal year.

Cap physician fee screen annual increase $135 million.—The physician fee screen annual increase would be limited to a 5 percent increase in the maximum reimbursable fee.

Reduce duplicate compensation for physician care in hospital outpatient departments, $655 million.—This proposal would eliminate the double payment currently made to physicians who practice in hospital outpatient departments. At present, the overhead costs of such care are reimbursed twice—once to the hospital and once through the physician charge payment.

Reduce excessive provider reimbursement, $605 million.—Radiologists and pathologists would be reimbursed at the prevailing rate for all other physicians—80 percent, rather than the current 100 percent paid to these two specialties.

Make medicare coverage secondary to private group insurance for the working aged, $2.1 billion.—Current law provides that all employers who offer health benefit plans may provide employees over age 65 with group health plans that carve out benefits covered by Medicare. This proposal would require employers to offer employees age 65 through 69 the same private health benefits plans offered to younger employees. An estimated 625,000 Medicare beneficiaries (85 percent of the working aged) would be affected by this program. The program would not be a disincentive for hiring the aged as acceptance of private insurance by the aged employee would be optional.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Chairman, there is a song in the show "Annie," and that song is "Thank you, Mr. Hoover, you made us what we are today." The people will be thanking us the same way if we pass either of these budgets.

May I say, if you look around this body, do you believe that any of you on the Democratic side can go back to your constituents and tell them with a straight face that you did them a favor by trying to pass a budget that had a $105 billion deficit in it?

Were we on this side to go out to our colleagues and tell them that we did a bigger favor by passing a deficit of only $99 billion. The people would think we are all living in the world of fantasy.

Only the savior of the Republican Party, the gentleman from New York, would believe that deficits have no effect whatsoever on interest rates.

You ought to walk the streets, if you have not recently, in Baltimore or Buffalo, or in Erie, or in Atlanta, or any place else in the country, and talk to those 20 million people, not 12, not 15, but 20 million people who are unemployed. They are not crazies. They are going to be walking in the streets this summer and they are going to be looking at all of you—thank God not me—all of you when you come up for reelection, and they are going to ask you that question, how in God's name can you tell us you saved us by bringing in a budget with a deficit of $100 billion?

The Washington Post today said it and said it well. "Better that there be no budget than any one of these ludicrous budgets that are presented today."

I suggest to you the country will not go to hell without a budget. We will get a better one, one in which you will have a much smaller deficit this year and surpluses next year. I beg of you not to pass either one of these budgets.

Mr. Chairman, on May 25, 26, and 27, the House voted down eight different budget proposals—none came close to securing a majority of the House, all were rejected, all contained unacceptable deficits of approximately $100 billion.

Now we are at it again. This time the deficits proposed are $99 billion under Latta and $105 billion under Jones. The President's refigured, remassaged, and reconjured deficit now appears at the $122 billion level.

My distinguished colleague from California, a member of the Budget Committee, says the proposals we have before us today have only a 50-50 chance of approval.

What does it take? What must we do or say? How can it be impressed on both budgetmakers and the administration that they must present us with a lower deficit?—and they must do it without squeezing down the deficit on the backs of those least able to defend themselves.

A distinguished Member of the House, well-versed in the mysteries of the Federal tax ritual, has said it will be impossible—impossible no matter what the final budget mandates, to raise taxes next year by more than $20 billion overall. I find that statement incredible.

Have the special interests so tied down this House? Is Congress now institutionally incapable of standing up and saying "no" to the greed of the wealthy? Instead of repealing that act of fiscal drunkenness known as the Economic Recovery Tax Act, must we squeeze economic recovery out of the hides of the poor, the sick, the handicapped, feeding infants, and the unemployed? If that proves to be the case, then we should all be ashamed.

Mr. Chairman, there is plenty of revenue out there in a wealthy America—money needed to help balance the budget and restore a prosperity from which the wealthiest of us will reap billions, workers will again find jobs and the poorest may have restored to them the basic human dignity of adequate food, shelter, and clothing. I might add that Congress might also restore to itself a modicum of politicial survivability if not self-respect.

This Congress must find the intestinal fortitude to do what is both economically and humanely right. Everytime we go through this type of charade we weaken what is essentially a sound though imperfect budget process. Complaints are heard that the process does not work. The real problem is that we have not had the guts to make it work.

The real problem is not the budget process—the problem is getting up enough nerve to repeal that fiscally irresponsible third tax cut we passed last year. We passed an overall tax cut last year—and I voted for it—that we all now know we just cannot afford under present economic circumstances.

We also went along with proposed increases in the defense budget which we cannot afford, and if we actually

try to spend them, will exacerbate our present economic problems through runaway inflation and cost overruns in the defense sector.

Respected economists estimate that this orgy of defense spending and witless tax cutting will add about $40 billion every year in increased interest cost and debt increases.

We must reduce defense outlays significantly for 1983. We must reclaim additional billions of dollars in revenues beyond what the Budget Committee proposes and then we could easily have a deficit of under $70 billion for 1983. Following the same policies for 1984 and 1985 will produce a surplus. It can—it must be done.

I urge the administration to come to terms with reality on this issue so vital to the economic survival of the National. But even if the President takes a trip every time the Congress starts to work on a budget, the Congress must meet its responsibilities. The American people will know who is working to set the economy straight and who is working to create jobs for millions of unemployed American workers. The American people will know who is and who is not on holiday.

I respectfully urge this House to reject both budget substitutes. After defeat of both Jones and Latta, I respectfully recommend the Budget Committee then withdraw the President's budget.

Along with a number of my colleagues, I absolutely refuse to believe that either of these budgets is preferable to no budget at all. As a distinguished Washington newspaper, the Post, editorialized this morning, this is "worse than no budget." Even if the Budget Committee has to go back to the drawing board again and again—better that than a deficit level will continue to inhibit the growth we need to create jobs and get the Nation's economy moving again.

□ 1430

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, never has so much nonsense been spoken by so many people on this House floor in such a short period of time. Any discussion of any meaningful differences on the deficits between these two proposals is irrelevant and laughable. The purpose of bringing down deficits, I thought, was to bring down interest rates because of restored confidence in the credit markets. There seems to be some magic impression on this side of the aisle that because their deficit for this year gets below $100 billion, somehow that is going to sell and reassert confidence in the financial markets.

Big deal. It is below $100 billion. It is only $99.3 billion.

Look at the facts. The facts are that for this year the Democrats are $8 billion above the Republicans on the deficit. Over the 3 years, the Democrats are $11 billion below the Republicans on the deficits.

I say that gives the Democratic package a marginal preference, because over 3 years it provides somewhat less in deficit spending; but it is marginal at best and neither one of these proposals does what is necessary to reduce the deficits enough to really make a difference in the financial markets. That means that there are only two issues left. One is the question whether there is going to be any budget at all. The second is whether any budget that we adopt will be needlessly vicious to human beings in the most pain.

I would suggest to you on those grounds we ought to vote for Jones.

One of the most important differences between these two packages is the fact that under the Jones proposal there will not be 1.2 million people who lose their extended unemployment compensation benefits.

There are 25 States: Arkansas, Georgia, California, Delaware, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin, in which persons who would be entitled to extended unemployment benefits will not receive them under the Latta proposal because they will be shut off if that proposal passes.

Do you have any idea what it feels like to lose your job, to not be able to find an alternative? Do you have any idea how much your dignity and your confidence is shattered?

I suggest you try it out sometime and see how it feels and then decide if you are going to go home to your States and tell your people that you decided on the vote on this floor to allow your State to lose extended unemployment benefits, as you will do if you vote for the Latta proposal.

I would also suggest if you come from a farm State that the Latta proposal shortchanges the amount of money needed in the Commodity Credit Corporation by $5 billion.

Third, as has already been indicated, this program, the Latta proposal, is absolutely vicious in terms of its effect on the poor. It makes a mockery of equity. It makes a mockery of the word "decency." Given what this House has done over the last years, that does not surprise me, but it does sicken me.

I would suggest that there are only two major differences which you ought to consider in voting on these resolutions. One is that the Jones proposal is the only vehicle left which provides any opportunity at all to have any rational and reasonable compromise come out of the conference between the House and the Senate, and second, Latta simply cannot be implemented. If Latta is passed on this floor, I predict you will see a bloodbath when we hit the reconciliation process that will bring the whole effort down.

I think we would like to see some budget produced this year. If you are going to produce a budget, it ought to be realistic. It should not be a budget resolution which is so outrageous in its demands against programs that affect poor people on medicaid and the poor on antihunger programs and the rest, that you simply will not vote for it when you have to face those specifics on specific votes. You are going to get those specific votes if Latta passes and I will bet that this side will not vote for those amendments any more than that side will.

If you want a resolution that can pass, that can be implemented, that can give the country some final decision on a budget, the only choice you have is to vote for Jones.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, I thank the gentleman for yielding.

We have come to the point where we have two choices. I would like to very briefly outline the differences that exist between the Latta budget and the Jones substitute. If you look at the broad figures, the differences are pretty clear. In spending commitment, the Jones budget, written by the Democratic leadership, commits $36 billion more to spending than does the Latta budget.

In spending in 1983, it spends $19 billion more than the Latta budget.

In tax increases in 1983, it raises taxes by $11 billion more than the Latta budget.

In deficit, it has a deficit of $8 billion above the Latta budget.

What happened to the so-called Jones budget between the debacle of 2 weeks ago and today is that it clearly moved to the left. Massive new spending programs were added to the so-called Jones budget. Like most massive new spending program, they were poorly thought out.

One of the major initiatives is to have extended unemployment benefits, 52 weeks for every State. Now what that means is that a State like Texas that has an insured unemployment rate of 1.6 percent now will have 52 weeks of unemployment compensation. Not only is that not needed, that will have a negative impact. In fact, one of the things we found in studying the 1975 recession was that extended unemployment compensation reduced labor mobility, induced people not to move and made the measured unemployment rate 0.5 percent higher than it would have been had extended benefits not existed.

Now, let us look at the differences in cuts. They have been talked about. What are they? In discretionary spending and targeted entitlements, the Jones budget cuts $1.2 billion in 1983. That is 0.4 percent from the CBO base line that is growing due to built-in spending momentum and inflation.

In entitlement cuts in 1983, the Jones budget cuts $2.5 billion, but it adds $2.65 billion, so that the Jones budget raises entitlements, the single-most expansive spending program in the whole budget, above the 1982 base line as estimated by CBO with a massive growth factor in it.

In other words, with the CBO base line, we are going to have more entitlement spending with the Jones budget than we would without a budget. He raises entitlement spending. He does not cut it.

Over 3 years, in a $1.2 trillion entitlement expansion program, the Jones budget cuts $2.6 billion—0.2 percent.

Now, I ask you, are you willing to go home and tell your constitutents that with a built-in $1.2 trillion entitlement package over the next 3 years that the best Congress could do was .2 percent reduction in that growth, which is almost twice the growth in many of the programs of the inflation rate?

In social welfare spending, the "vicious" Latta budget increases spending by $19.8 billion, or 5.6 percent. The Jones budget increases social welfare spending by $30.3 billion, or 52 percent higher than the Latta budget.

There is a clear choice. I urge my colleagues to vote "no" on the Jones budget.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself 20 seconds to clear up a misstatement of the gentleman from Texas.

The substitute which I offered does not reinstate the national trigger and, unlike what the gentleman from Texas said, the State of Texas would not trigger into 52 weeks of unemployment benefits. The record should be very clear on that, because the gentleman misspoke himself.

Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, in the discussions that I have had with my constituents throughout the last 2 weeks there is a sense of urgency expressed that Congress should pass a budget. Both farmers and business people alike believe that interest rates remain high because there is no budget. There are two clear choices before us today. We should vote for one or the other.

I rise in support of the Jones substitute because I believe it best serves the constituents that I represent, also serving the Nation as well. It is a budget alternative that attempts to balance social justice with fiscal responsibility.

The budget President Reagan submitted in February was flatly refused by the American people because it contains an unacceptably high deficit, ranging from $122 billion to $182 billion, depending upon the assumptions used to calculate the deficit.

Congress has been wrestling with the budget process for months now, thus far in a vain attempt to produce a budget alternative.

During the budget discussions between the Congress and the White House a consensus did emerge calling for lower deficits for fiscal 1983 ranging from $100 to $110 billion.

Both Democratic and Republican alternatives generally comply with this consensus. The Republican proposal has a lower deficit for fiscal 1983, but the Democratic proposal has a lower cumulative deficit over the next 3 years.

Thus, the choice we have is not so much numerical as I believe it to be philosophical.

I support the Democratic budget:

Because it provides more support for farmer prices than the alternative;

Because it provides more assurance for assistance for rural electrification associations;

Because it would not increase the health care costs for older Americans as the alternative does;

Because it does not take financial aid away from a half million students as the Republican substitute does;

Because the Democratic alternative provides more dependable support for unemployed workers thrown out of work by the recession; and

Because the Republican substitute cuts special postal privileges for charitable organizations and churches and will increase the cost of postage from 86 percent to as high as 191 percent.

It is not enough for Congress and the President to turn to the American people with empty hands. The needs are too great. The concerns are too serious. The pain is too severe and the consequences too grave.

I urge my colleagues to vote for the Jones alternative.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from New York, Mr. CONABLE.

Mr. CONABLE. Mr. Chairman, rhetorically, I am afraid we have moved beyond the land of reason into the land of hyperbole. This body is very good at following the accommodative political process. Instead of standing on opposite sides of a chasm and shrieking ideological absolutes at each other, we move to relatively close positions, magnify small differences and ignore a very wide area of consensus.

That is true in this case. It is remarkable how little difference there is between these two budgets. But by focusing on the differences, I think we reduce our capacity to achieve a budget, and that is regrettable because we need a budget. Similarities do not mean that we do not need a plan for the year, an overall outline for Government.

We need also the discipline of the budget procedure. I want to tell those of my colleagues who did not serve here before the Budget Reform Act was passed that we are really in trouble if we can do whatever lovely thing we want to do whenever we want to do it. We need a plan.

Now, a lot has been said here about reality. I happen to support the Latta budget as the preferable of these two. Is it realistic to permit medicare, for instance, to grow 15 percent a year indefinitely because we are unwilling to deal with the problem at all? We are not serving the cause of the elderly, we are not serving the cause of good government, and we are not creating the confidence people must have that we can mold and control our programs in order to have the resources to finance them.

I would like to say also in the area of reality, if Members think we can raise $30 billion in the economic environment we have now, then they do not understand another aspect of reality. In fact, I think we are going to have a difficult time raising $20 billion in additional taxes. Clearly, more than that, as in the Jones budget, borders on "Hoover Economics" in a time of recession, even assuming it is somehow allowable.

I wanted to interrogate my leader, the chairman of the Ways and Means Committee, to find out where and how he is going to find the $30 billion, but I did not have the chance. I think it will be impossible—but if we adopt the Jones budget, I will watch with interest to see how he does it, and how we all respond to the opportunity.

PARLIAMENTARY INQUIRY

Mr. REGULA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REGULA. What is the situation at the moment? Have we completed with the first hour, that is, in effect, the debate on the Jones substitute?

The CHAIRMAN. In effect, the Chair has. The Chair believes, and it has been treating the time as a fungible commodity. The total time has been allocated as to both amendments. In effect, the gentleman from Ohio has remaining to himself to yield, 30 minutes, and the gentleman from Oklahoma has 29 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. LOTT), our minority whip.

Mr. LOTT. Mr. Chairman, as my friend and colleague from Missouri, GENE TAYLOR, would say, "Let me put it down where the critters can get at it."

There are some fundamental differences between the two budgets that are pending. In the case of the O'Neill-Jones budget, the difference is a deficit of at least $107 billion versus $99 billion for the bipartisan budget.

In addition, Jones cuts $8.6 billion out of defense, whereas the bipartisan proposal would only reduce defense spending by $7.85 billion.

There are not really any spending decreases in the O'Neill-Jones budget; there are, in fact, increases in spending, and there should not be any doubt about that.

In tax increases, the budget that the gentleman from Oklahoma is proposing would raise at least $30 billion in taxes; whereas, the bipartisan package would raise only $20 billion.

There are real teeth in the bipartisan package that the gentleman from Ohio has presented. We have binding controls on the spending process, including reconciliation, and a specific date by which this reconciliation would have to take place. There are no such provisions in the alternative of the gentleman from Oklahoma.

Let me talk about the process for just a minute. Members know that we started over 8 weeks ago, with the "Gang of 17," to attempt to produce a budget. We worked long and hard with the leadership from both sides of the aisle, from the House, from the Senate, with the administration. Certainly, the gentleman for Oklahoma did a good job in that effort.

Then there was a meeting between the Speaker and the President, That did not work.

Then we went through the process that led to the votes 2 weeks ago. That did not work.

Ladies and gentleman, this is it. This is the last pass at getting a budget out of this House, in my opinion, this year.

What are the alternatives? We are not going to go back to the negotiating table again. There will be nothing but chaos and confrontation the rest of the year.

So we have this one last opportunity to abide by the budget process.

One other thing that worries me is that, institutionally, we have a lot at stake here. We need to pass a budget, and the only one we can pass is the Latta bipartisan substitute.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio, Mr. ECKART.

Mr. ECKART. Mr. Chairman, throughout 1981 I was intrigued by the promises that were made by both the President and leaders on the other side of the aisle about the great economic recovery that was going to take place. Making promises was the watchword.

1982 has brought about a little different change. Now we seem to be pretty busy making excuses for the failure of an economic package that was called a "riverboat gamble" by the majority leader of the other body and which has resulted in tens of millions of Americans, our constituents, all over the country, out of work.

Well, the unemployed do not want excuses; in fact, the unemployed have run out of time. The best way to characterize the Jones budget, which I rise to support this afternoon, is to call it a back-to-work budget.

The unemployed cannot handle any more time. The provisions in the Jones budget put Americans back to work; it repeals the changes made in last year's Gramm-Latta II budget that savaged the benefit levels for America's unemployed.

It makes the changes in a meaningful and responsible way. It makes significant changes in the areas of employment; it adds $300 million for the older American employment program; it forces people to work instead of onto welfare, which the Reagan recessionary budget does by continuing existing funding levels for title XX programs.

□ 1450

The Jones budget will provide for 200,000 additional housing units, a program that is needed not only to put our building trades back to work, but to provide much-needed housing for Americans everywhere.

The Jones budget provides $1.5 billion more for job training programs, programs that create taxpayers and not welfare recipients. In research and development, the Jones budget creates jobs by expending moneys far in excess of the Reagan recessionary budget in nonmilitary research and development. The Jones budget puts people back to work with funding in excess of the Reagan recessionary budget for alternative energy resource development.

Mr. Chairman, Members of the House, the Jones budget offers hope; the Reagan budget offers despair. The Jones budget offers opportunity; the Reagan budget offers callous insensitivity. The Jones budget offers growth; the Reagan budget offers retrenchment. I agree with the previous speaker, the choice is indeed clear. The unemployed want jobs and dignity, not a dole. The Jones budget offers work for all Americans.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Chairman, this is certainly the most important issue that this session of Congress has yet faced. The signal that we send with our action today will not merely establish a few numbers on a piece of paper, or to establish our budget targets, but it will also control the expectations of our economy throughout the remainder of 1982. The signals that we send for taxes or for the deficit or for the growth in Federal spending are probably as important as any other aspect of this legislation. The Nation awaits our leadership. Our failure to pass a budget or our inability to perform this very important task will undoubtedly affect the success of the President's trip to Europe, the potential for reducing interest rates, the ability to put Americans back to work, and more importantly, the importance of showing the American people that this Congress has the will and the courage even in an election year to get a handle on the growth of Federal spending and control the growth of programs—an effort that we give lip service to year after year.

Finally, we have a fundamental decision to make. What direction will our economy take through the remainder of this century? Will we retreat to the tax and spend policies of the Great Society, where programs grew and deficits grew and inflation grew; or will we go fundamentally in the direction we have charted in this Congress, to cut taxes, to reduce the burden and to allow economic growth; to cut spending so that we can show our children and our children's children that they will not be faced with a continual expansion of Federal programs; to reduce Government regulation so that the private sector and individuals can join hands in an economic alliance to provide us with hope for the future?

I wish everyone in this Chamber could have been in those negotiating sessions during the last 2 or 3 weeks, to understand how difficult it has been to come up with a budget document that meets these goals: To reduce the deficit below $100 billion while at the same time maintaining the commitment to the social safety net; to satisfy those who favor programs that are important to their districts, but at the same time to maintain that fundamental balance between military and social services, and targeted entitlements, and of course other programs as well. It is extremely difficult to do.

There are fundamental differences here. The Republican bipartisan proposal assures only $20 billion of new revenue, as opposed to $32 billion in the other proposal. Our deficit is some $8 billion less than in the Jones alternative, but more importantly, we have been able to cut the growth of nonsocial security entitlement programs, which has very important implications to the growing cost of Federal spending during the next 3 or 4 years.

Finally, let me say that there are some things we certainly cannot do if we expect to get this problem under control. We cannot simply add back all of the spending in 1982 that this Congress cut in 1981. If we do that, all our efforts to control the deficit will surely fail. We cannot expect economic growth and expansion if we add back all the taxes that we cut in 1981. This would surely place a burden on the private sector and on our ability to increase industrial activities that strengthen the prospects for those who are looking for jobs and economic security.

Finally, the bipartisan budget sends the right signals; sends the right signals to the American people, to our trading partners and allies overseas, to Wall Street and the Fed. But more im-

portantly than that, it sets us on the proper economic track to create jobs, reduce expansion of Federal programs, put Americans back to work, and demonstrate to the following generation that we can control our economy in a constructive and effective fashion.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL. Mr. Chairman, why is it that when we look at two different budgets, yet the total figures are not far different, that we have such a debate today? It is clearly because of the direction of those two different budgets.

We are talking about the peoples' budget. This is their money, and how it should be spent, and I think it is about time that we paid attention to the peoples' wants and desires.

We see in the Latta budget a 17-percent increase in defense spending, but we see less money for job training; we see less money for education.

Let me argue that the future of this country depends on the education of our young people now and in the future. Because of the deep recession we are in, because of the failure of Reaganomics, our local school districts and States cannot afford to increase education. If we want to take the issue of defense, we cannot have a strong defense when we have the lowest level of education among our recruits that we have had since the 1930's.

Yet, the Latta budget cuts education. We cannot move ahead and revitalize our economy when we have less engineers graduating than in foreign nations. Again, the Latta budget spends less for education.

In fact, we cannot have the kind of democracy we need, because the greatest strength of a democracy is an educated citizenry, and that is what separates our Nation from many in the world that do not have the opportunity for education. We must move ahead and expand education.

I associate myself with the remarks of Mr. SIMON regarding the college loan program, because all students should have a chance to go to college. It is one program where we, the Government, get the money back after it is invested in someone's education. It should be available to all citizens. The fact is that in the next few years, unless we are going to train more people, we are not going to reduce the unemployment rate. We have ten million Americans who are unemployed. In my State of Michigan we have 700,000 people who are unemployed, at the rate of 17 percent.

If we do not improve the situation for these people, who through no fault of their own are unemployed we cannot succeed. We must end the failure of the supply-side idea, the trickle-down idea, that had no way of working at all because we cannot do what was done last year and have any success in reducing the deficit. We ask for a humane budget.

We ask for a humane budget, a budget that takes into consideration the desires and the needs of the American people. We have got to turn the corner on unemployment. One way to do it is to give those people an extension of benefits. Another way is to get job training, and a third way is to have more educational opportunities for those in our schools and colleges later on so that we can have new industries and new professions, new discoveries, and new inventions. New growth, new jobs, and better lives for Americans.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. PURSELL).

□ 1500

Mr. PURSELL. Mr. Chairman, last week we had seven major proposals before us; this week we have three. I think we have to discount the Jones budget because it loses on all three major economic factors, three major counts, and the Latta budget wins on those three major counts. That is that our taxes are less by $11 billion, our spending is less by $19 billion, and our deficits are less by $8 billion.

I had the opportunity to talk to Dr. Paul McCracken from Ann Arbor in the district which I represent, the campus of the University of Michigan, and he said:

> Carl, don't worry about a billion or two in deficit difference. It is the trend that counts, and the trend is our way. The trend for the future of the country is the economic prosperity and the opportunity to provide jobs and to restore employment. It is the trend that counts to the financial community and to the American taxpayer, and the trend on taxes is a trend on the deficit.

So the trend on all three of those economic factors is important to the future of this Nation. I personally would have liked to have reduced the defense budget more, maybe to a 5- or 6-percent growth instead of 7 percent. We added back from the Reagan budget in February—and the Reagan budget is before us today—about $5.8 billion more in discretionary programs.

So I think the Latta budget has fairness and equity but yet achieves those economic factors which I described earlier.

Now, in the Midwest and the Northeast we have some serious problems. So in conclusion, in the spirit of Michel and in the spirit of another great colleague who served in this House in the past, I would like to read a brief quotation from a former colleague, a former U.S. Congressman from Illinois:

> You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves.

So in the spirit of Abraham Lincoln, who spoke those words, and BOB MICHEL, I suggest that we defeat the Jones budget and adopt Latta II.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, there is some slight satisfaction that I have in that both budget substitutes restore some of the medicare cuts. I would have hoped for full restoration, but we are faced now with an ultimate decision about two budget proposals and my decision is to support the Jones substitute because it is eminently more fair to the American people and eminently more fair to the older Americans in particular.

The Latta budget would cut medicare 2½ times more than Jones, a whopping $3.2 billion cut in medicare. And since Latta has not specified how they are going to arrive at these cuts, let me tell the Members what will happen. The Republican budget will cut home health care services for the elderly. Our older people will have more out-of-pocket expenses which they cannot afford, and elderly people who turn 65 will have to wait a month with no medical coverage whatsoever. We could go on and on and on; 3.2 billion dollars' worth of cuts will devastate the only health plan most elderly disabled have.

The Jones budget is eminently more fair to our elderly in other areas. The Latta budget proposal more than doubles the cuts in basic benefit programs to older people. It cuts 250,000 older Americans from the food stamp program. The Jones proposal has $300 million in forward funding for the older Americans employment program, title 5 of the Older Americans Act. The Latta substitute guts the program by not having that forward funding.

The Jones budget is eminently more fair because it provides for full entitlement for title XX, a program that our elderly need. Latta cuts this program dramatically by $350 million.

Latta changes the eligibility rules of SSI, making it almost impossible for our elderly to become eligible.

Latta changes the rules that are already horrendous on disability insurance, making it really impossible for older and disabled people to qualify.

The Latta budget is unfair because it cut medicaid by a dramatic $6.6 billion over a 3-year period. What are the elderly who are in nursing homes to do? What is the solution to their plight without this insurance?

The Latta budget once again picks on Federal retirees by cutting $0.4 billion over a 3-year period.

The Latta budget cuts housing for the elderly dramatically leaving many older people potentially homeless.

Therefore in the areas of employment, health care, food and housing, the Latta budget is eminently unfair. Support the Jones budget—it treats our parents, and grandparents more fairly.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding this time.

I am advised that no fiscal year funds are specifically assumed in the Latta budget resolution substitute for the Motor Carrier Ratemaking Commission since all nondefense discretionary spending is held, for the most part, at the fiscal year 1982 level and the Commission received all of its appropriation in fiscal year 1981.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct. However, I would point out that the budget resolution, by its very nature, is not a line item resolution. It only identifies total spending for each budget aggregate and for each functional category. The final judgment is made by the proper committee, the Committee on Appropriations.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman. That being the case, is it not true that the level of funding contained in the Latta budget is enough to accommodate approximately $750,000 in fiscal year 1983 for the Ratemaking Commission, should the Appropriations Committee decide to make the money available for that purpose?

Mr. REGULA. The gentleman from Pennsylvania is correct.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Ohio, and I just want to indicate for the record that I have discussed this with the distinguished chairman of the Committee on the Budget, the gentleman from Oklahoma (Mr. JONES), with regard to his budget resolution, and that he also concurs.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I rise in strong opposition to the Latta substitute budget and in support of the House Budget Committee resolution, offered by my colleague, Mr. JONES of Oklahoma.

We are now confronted by the projection of extraordinarily high Federal deficits through fiscal year 1985—deficits which threaten to postpone indefinitely any semblance of an economic recovery. Frustration is widespread and decisive action is absolutely necessary. But as we prepare to take action, it is important that we understand the source of our economic problems and the cause of our Nation's despair.

What is being suggested by the proponents of the Latta substitute is that the principal attack on the Federal deficit must focus on further deep cuts in domestic spending—particularly in those programs most critical to the economically most vulnerable States and individuals. This is a position that might make some sense if it was our commitment to these domestic programs that was chiefly responsible for the massive deficits we now confront. But that is simply not the case.

It is instructive to remind ourselves of how we have come to expect a fiscal year 1983 deficit in excess of $180 billion. We should remember that during last year's consideration of the budget—a budget that cut sharply into domestic programs—the administration issued every reassurance that if the Congress would only pass its economic program, there would be an immediate expansion of private capital, a corresponding, and sharp reduction in interest rates, a noticeable reduction in unemployment, and a balanced budget by 1984. As we are all aware, the administration secured its budget victory, but today—1 year later—interest rates are still chronically high, unemployment has surged to depression levels, we face the largest Federal deficit in the 200-year history of the Republic, and the Nation is in the midst of its deepest and longest recession.

What went wrong?

David Stockman answers that question for us. In his now infamous Atlantic Monthly interview, Stockman admitted that when the administration entered its plans for a supply-side tax cut, massive defense spending, and domestic program cuts into the computers at OMB, there emerged a projection of enormous Federal deficits rather than a balanced budget in 1984. Only by reprograming his computers—using untested, overly optimistic economic assumptions—could he produce the numbers to support the claim of administration supply siders that you could cut over $750 billion in taxes and increase total Federal spending—with defense increases much larger in size than domestic program cuts—by $350 billion over the same period, and somehow end up with a balanced budget.

In sharp and distressing contrast to the administration's initial prediction of a balanced budget in fiscal year 1984, we now face a deficit projection—accepted by the administration—in excess of $182 billion for 1983 and for an even greater deficit in 1984.

Remarkably, we are now informed that the 5-year total of the projected deficits under the administration's economic program exceeds the total of all of the deficits accumulated over the first 190 years of our Nation's history—running from the Presidency of George Washington through the Presidency of Richard Nixon. Indeed, the projected deficits for this 4-year period, if we fail to make midcourse corrections, are almost four times greater than all of the deficits produced during the 4 years of the Carter administration.

We must understand further that the magnitude of the Reagan deficits has been enlarged by the cavalier attitude this Congress has taken—an attitude taken at the administration's urging—toward frivolous and wasteful defense spending.

It is difficult to conceptualize the sheer magnitude of the defense program being promoted by the administration. Over the next 5 years, the United States will spend over $1.6 trillion on defense—$1.6 trillion. If we were to spend that sum at the rate of $1 million per day, 365 days per year, it would take over 4,000 years to exhaust the war chest. Put another way, over the course of the next 5 years, we will be spending, on average, $830 million a day on defense alone. And not so incidentally, the Pentagon recently disclosed that the cost of the defense buildup they wish to implement over this period may have been underestimated by as much as $750 billion.

Most economists agree that we cannot maintain this level of defense spending without advancing to ever greater levels of deficit spending. With tax reductions exceeding cuts in social spending, the defense increases will push the Federal budget even further into the red—meaning continued high interest rates and compounded economic distress. Frankly, this conclusion should not surprise us. It is instructive to remember that Lyndon Johnson plunged this country into one of its deepest recessions when he embarked upon a before-unprecedented military buildup in the 1960's—a military spending program that is dwarfed by the sheer magnitude of the administration's Pentagon spending plan. No one doubts the importance of maintaining the highest possible defense readiness—the world is simply too dangerous to be unprepared—by throwing dollars at the Pentagon does not enhance our military security; it only insures greater waste and extravagance. In this connection it should be borne in mind that in one recent 3-month period the cost overruns for 47 weapons systems increased by $47 billion—more than the total of all domestic program cuts that were made last year. What a commentary on waste. What a commentary on our national priorities.

Having said all this, it should come as no surprise that, in my estimation, the Latta substitute will not produce a substantially lower deficit. This is because the Latta substitute merely ex-

tends the erroneous economic policies of last year. The Latta substitute fails to recognize the fundamental problem inherent to any budget that reduces revenues far beyond the level of reductions in spending. Furthermore, the substitute marches along in the same unchanging and unthinking cadence of more and more defense spending—an approach this Congress embraced last year that assumes we can solve our defense problems by simply throwing money at them.

On the other hand, the Jones alternative takes a far more responsible approach on the revenue side. The Jones alternative recognizes that the vast majority of the tax benefits passed by this Congress last year flow to the wealthiest members of our society, and it increases revenues substantially while redirecting the benefits of the Economic Recovery Tax Act to low- and middle-income families. Moreover, the Jones budget protects important investments in our Nation's economic and social infrastructures, while making reasonable reductions in the rate of growth in the Pentagon budget.

Mr. Chairman, very simply, the Jones alternative is the best alternative. It plots a course toward controlling runaway Federal deficits by revising some of the erroneous economic policies this Congress embraced last year. It promises to quell some of the frustration caused by the impending high Federal deficits because it both understands and addresses the source of those deficits.

I urge the support of my colleagues for the Jones alternative.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. FIEDLER).

Ms. FIEDLER. Mr. Chairman, in listening to the debate, we hear a good deal about crocodile tears. In fact, we could fill buckets with them. We have had buckets full of them here on the floor today. But the real issue is what happens as a result of all the Federal spending that we are doing.

If we spend more money for education, do we get higher test scores? Are our children able to achieve the kind of quality education that permits them to have a better quality of life? I would say to the Members that that is not necessarily so because the outcome of that money being spent is not necessarily invested well.

□ 1510

Spending more does not necessarily insure better quality of life for our children.

In the area of welfare, we spend billions, and billions. Are there less poor? The answer to that is no, unequivocably no.

In the area of Government spending, we create larger and larger bureaucracies, we make tremendous numbers of loans. We are soaking up huge portions of the gross national product and yet more and more people are out of work as we absorb more and more money into the Government sector and take it out of the private sector.

We hear a good deal of argument about defense spending. I do not think there is anybody on this floor or in this country that wants to see us spend huge sums of money on national defense. I think all of us would like to live in peace. Regrettably, we do not live in a world that permits us to live with that kind of peace.

We have been through an extended budget debate. We have heard everybody's argument from one side to the other.

We hear people still saying that they may not be able to vote for a budget. I would urge the Members of this House to consider seriously the consequences of our inability to pass a budget.

We have a moral obligation to make a decision. We cannot make a decision on each of our own specific budgets, but we can choose between the two alternatives that are before us.

I would hope that we are able to pass the bipartisan package. But I think the passage of a budget here on this floor today is absolutely critical to the economy of this country. So let us set aside the crocodile tears, and let us really think about the people that are going to be affected by the decisions that we make, and for God's sake, let us make a decision.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, a few short weeks ago a friend of mine asked me was I going to run for reelection, and I said "Yes." They asked me had I not become cynical because I have been here 12 years and I said, "The answer is no, I have not."

I am afraid that if that question is put to me today I might not be able to answer in the same fashion.

If there is one scintilla of truth in what I hear being bruited about on this floor, then I am cynical, because I hear the comments going on both sides: "Is it not better not to pass any budget at all," those on that side are saying and that way we can blame the Democrats; the Democrats on this side saying do not pass a budget and we can blame the Republicans. The Republicans are saying to not pass any budget at all, and that way we can show that there is no leadership in the House. The Democrats on this side are saying do not pass any budget because if we pass a budget we are still going to be villified by the President.

If that is true, then this House has become indecent, and I am cynical.

The problem with taking that approach, is that caught in between those extremes are human beings, human beings who need to eat, who need to work, who need a roof over their heads, human beings who need to raise their children and educate them.

I say it is disgusting if there is some type of game being played; it is reprehensible and indecent if that kind of game is being played.

The gentleman before me just talked about crocodile tears. I feel tears right now, and they are not crocodile tears. I feel tears for those people who would be absolutely drained of every vestige of hope if this Latta budget passes.

There is some hope in Jones, not as much as I would like to see, not as much as anybody else would like to see, but there is some hope.

I think people want to know—the basic question is whether or not the human being still is paramount in this system in this country. That is the question. Not whether or not the institution that is known as Congress has to protect itself, whether or not the financial institutions are paramount to a human being. They are not. It is the human being that is first, and we are talking about literally thousands of people.

We are talking about literally thousands of people who are not part of any PAC operation. They do not have money to contribute to your campaign. They do not have any lobbyists on this Hill. They have only their lives and the lives of their children to lead.

No crocodile tears but genuine tears. If we are going to put those people in a squeeze play between these two extremes, that is wrong. The only budget that does anything for them, the only budget that does anything even in a very miniscule fashion for them is the Jones budget.

Those are the people that this Nation is supposed to protect. That is the group we committed ourselves to protect, those who cannot speak for themselves, those who are weak, and those who are politically powerless. No social welfare concept about your seat and being in Congress as your right should even be in consideration.

Pass the Jones budget.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas, Mr. BETHUNE.

Mr. BETHUNE. Mr. Chairman, an interesting thing happened a couple of years ago. Two writers analyzed our Nation's situation and agreed that the country is in a mess. The interesting thing is that the writers were from the right and the left. Michael Harrington wrote a book called "The Twilight of Capitalism," and William Simon wrote a book called "A Time for Truth."

The point they were making is that we cannot stand at the crossroads any longer. The country needs to choose whether we are going to the right of center or whether we are going to the left of center.

I believe the people want to go to the right of center. In fact, I believe this House wants to go to the right of

center, but the problem is there are 243 votes on this side of the aisle and 191 votes on this side of the aisle. So we have a nominal majority controlled by those who wish to go to the left.

The House, as a result of that, is divided by partisanship. Political concerns have overwhelmed the real concerns and the real choices that need to be made. Over the last 5 months, party forces, special interest forces, and personality clashes have interferred with the business of the House and caused 5 months of idiotic posturing. We have had House committees producing bills which would bust any budget by some $50 billion. We have had ad hoc groups here known as the Gang of 17, and ultimately we had the Byzantine process that we saw here on the floor 2 weeks ago.

Now after all of that happened, a group got together and it was a bipartisan group, really concerned about the need to get a budget out for this country, and there were more Democrats in those meetings than Republicans.

□ 1520

We met for more than 6 days, because we wanted to produce a document that could pass, which was in accordance with the wishes of this House and the people—just to the right of center.

The Latta proposal is not a Republican proposal; it is a bipartisan proposal, one that is intended to overcome the powerful institutional forces that are at work at this very moment in this House. It is a good proposal. It has realistic numbers in it. It is a proposal that can be enforced because it has strong enforcement features.

Mr. Chairman, I say this to the Members: Let us break away from the institutional forces, the partisan forces, and the forces of the special interest groups that are work at this very moment in this House, and let us pass the proposal that is just to the right of center, the one that will keep this country on the course that we need to be on.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. WIRTH), a member of the committee.

Mr. WIRTH. Mr. Chairman, today we have a very clear choice to make. The importance of a first budget resolution is its role as a blueprint—a map of which direction we want to lead this country. It embodies our choice about what is important and what is less so. Today our choice is between two very different maps.

The Republican map, as proposed by Mr. LATTA, is a budget resolution which marks a fundamental retreat from our Nation's traditional commitment to provide assistance for those in our society who are old, sick, or otherwise unable to care for themselves. This budget resolution cuts about $100 billion in domestic spending over the next 3 years. The burden of absorbing those cuts would fall squarely on the shoulders of those who already were most affected by last year's spending reductions, and those least able to bear this additional burden.

The Latta budget proposal would increase medicare costs for 29 million elderly and disabled people. It would slash the food stamp program by more than $7 billion in the next 3 years, hurting hardest those seeking to work their way off welfare. Overall, discretionary programs benefiting low-income persons are cut by nearly $25 billion below the Democratic substitute in 1983 alone. Very real harm would be done to millions of individuals.

Mr. Chairman, none of us would argue that these programs have been totally free of some waste and abuse in the past, but another round of deep cuts in addition to those made last year is simply unfair.

Nor is there any argument that we must take dramatic action to reduce the $182 billion deficit we face in 1983 if we do nothing. Congress must clearly and decisively reduce the deficit, and must do so honestly without indulging in the shenanigans we saw last year in which faulty economic assumptions were used. But the Latta budget plays the same games we saw last year. For example, it reduces the deficit by almost $3 billion by assuming a 1982 deficit of $100 billion instead of the $118 billion everyone knows is the reality. These sorts of tricks will not aid our economy. They will not convince the financial markets that we are serious about relieving the pressure on high interest rates.

Mr. Chairman, I would like to commend Chairman JONES for his budget proposal, which is a map for our society much more attuned to the direction the American people wish to travel. The Jones budget reduces the deficit rapidly over the next 3 years—by $73.9 billion in 1983, $136.9 billion in 1984, and $190.25 billion in 1985. The Latta budget would tolerate a $53 billion deficit in 1985, $11 billion more than the Jones substitute. The huge deficits created by the administration's economic program are so severe as to require this multiyear solution.

But in the Jones substitute, these deficit reductions are not achieved by retreating on any level of fairness or compassion. The Jones budget realizes that the extraordinary economic troubles we now face require a freeze on most discretionary spending. But it also carefully selects areas where that freeze level will cause severe hardship, or will neglect investments that must be made if we are to regain long-term economic health. Its add-backs in medicare, veterans' medical care, employment training, and unemployment benefits recognize the reality of the severe economic stress millions of Americans are now facing. Rather than declaring that Government will turn its back on all these people, it declares that Government does have a legitimate role to play in solving problems largely created by an unfair and unworkable economic program.

The Jones budget realizes that while we must continue to strengthen our Nation's defense, we cannot tolerate the massive waste contained in the Latta proposal. Real growth in the Defense budget was 3 percent in 1980, 12 percent in 1981, 10 percent in 1982, and the administration proposed another whopping 13-percent growth rate for 1983.

There was no discipline in the administration's proposal for Defense, and the Latta proposal goes even further. Nonpay portions of the Defense budget—things like weapons systems and operations—would be given a 16-percent increase under the Latta proposal. The Jones budget contains a far more rational approach to Defense increases.

I would like to draw special attention finally to two unique features of the Jones budget which are of particular importance to me.

One is the funding it provides for the Environmental Protection Agency to do the job Congress has mandated in cleaning up toxic waste dumps, active and abandoned. Under the Latta budget, potential Love Canals might continue to endanger the health of millions of Americans for the rest of the century. We must not allow this to happen.

Second is the "productivity package" the Jones budget includes. I developed this modest but important package of investments in our future after extensive consultations with leaders of major universities. It would fund research and development, university graduate fellowships, and improved laboratory equipment. These are investments which will do much to turn around the alarming decline in our Nation's productivity growth. By giving our brightest minds the support they need to continue making scientific breakthroughs, this package of investments will help our Nation improve its competitive position in world markets. At the same time, the Jones budget increases funding for education and thus acknowledges that among the most important investments we as a Nation can make are in the minds of our young people.

I urge my colleagues in making today's clear choice to cast your votes for the blueprint of our Nation's future which expresses the compassion, vision, and fairness which are so much a part of our heritage. I urge you to adopt the Jones substitute.

Mr. Chairman, at this point I will insert in the RECORD a memo from the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA), which outlines very clearly the differences between these two budgets, the importance of supporting the Jones budget, and I would hope that the Members who are concerned about this long-term investment might come over and get a copy of the Fuqua memo which outlines these differences.

The memorandum is as follows:

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 10, 1982.

MEMORANDUM

To: All Members.

From: DON FUQUA, Chairman.

Subject: Impact of Budget and Substitutes on Committee's Programs.

The attached materials have been compiled by Committee staff concerning the effect of the budget resolution and the two substitutes on major program areas under the Committee's jurisdiction.

BUDGET COMPARISON

[June 10, 1982]

	HBC [1]	Latta	Jones
Budget authority	806.05	800.38	836.2
Outlays	779.30	765.17	784.1
Revenues	657.10	665.90	676.7
Deficit (−)	−122.10	−99.27	−107.4
050—National defense:			
Budget authority	263.55	253.56	242.85
Outlays	223.15	213.96	212.30
150—International affairs:			
Budget authority	16.80	14.98	16.45
Outlays	12.15	11.24	12.10
250—General science, space, and technology:			
Budget authority	7.80	7.05	8.15
Outlays	7.65	7.15	7.75
270—Energy:			
Budget authority	4.15	3.48	5.0
Outlays	4.35	3.76	4.7
300—Natural resources and environment:			
Budget authority	8.75	9.0	9.65
Outlays	10.50	10.5	11.00
350—Agriculture:			
Budget authority	7.00	6.69	12.0
Outlays	10.25	9.04	10.15
370—Commerce and housing credit:			
Budget authority	3.40	6.75	8.05
Outlays	1.80	1.90	3.05
400—Transportation:			
Budget authority	19.10	21.45	22.3
Outlays	19.40	20.05	20.4
450—Community and regional development:			
Budget authority	6.80	6.75	7.0
Outlays	7.70	7.84	7.9
500—Education, training, employment, and social service:			
Budget authority	19.4	26.83	28.7
Outlays	22.2	26.20	27.9
550—Health:			
Budget authority	76.6	79.29	77.3
Outlays	78.05	77.82	80.85
600—Income security:			
Budget authority	256.7	258.14	285.0
Outlays	267.0	269.84	275.95
700—Veteran's benefits and services:			
Budget authority	24.65	24.56	24.4
Outlays	23.80	23.82	23.65
750—Administration of Justice:			
Budget authority	4.6	4.4	4.6
Outlays	4.7	4.5	4.65
800—General government:			
Budget authority	5.35	4.8	5.0
Outlays	5.15	4.65	4.85
850—General purpose fiscal assistance:			
Budget authority	6.5	6.5	6.5
Outlays	6.5	6.5	6.5
900—Interest:			
Budget authority	115.65	112.3	114.85
Outlays	115.65	112.3	114.85
920—Allowances:			
Budget authority	−0.60	3.01	−.95
Outlays	−0.55	2.81	−.75
950—Undistributed offsetting receipts:			
Budget authority	−40.15	−43.15	−43.65
Outlays	−40.15	−43.15	−43.65

[1] President; re-estimated by CBO.

HOUSE SCIENCE AND TECHNOLOGY COMMITTEE—BUDGET RESOLUTION AND COMPARISON (JUNE 10, 1982)

[In billions]

Function	President Reagan [1] Reestimated by CBO	Latta amendment	Jones amendment	Fiscal year 1982 program level
250—General Science, Space, and Technology				7.0
1982: Outlays [2]	7.00	7.00	7.00	7.00
1983:				
Budget authority	7.80	7.05	8.105	
Outlays	7.65	7.15	7.75	
1984:				
Budget authority	7.70	7.05	8.30	
Outlays	7.80	7.10	8.10	
1985:				
Budget authority	7.25	7.05	8.10	
Outlays	7.40	7.05	8.05	
270—Energy				3.5
1982: Outlays [2]	4.35	4.35	6.5	4.75
1983:				
Budget authority	4.15	3.486	5.00	
Outlays	4.35	3.763	4.70	
1984:				
Budget authority	4.05	2.794	4.40	
Outlays	3.50	2.184	3.75	
1985:				
Budget authority	3.65	2.604	4.35	
Outlays	3.30	1.402	3.55	
300—Natural Resources and Environment				6.80
1982: Outlays [2]	12.85	12.85	12.85	8.7
1983:				
Budget authority	8.75	9.00	9.65	
Outlays	10.50	10.55	11.0	
1984:				
Budget authority	8.15	8.40	9.00	
Outlays	9.30	9.50	10.05	
1985:				
Budget authority	7.90	7.95	8.60	
Outlays	8.45	8.40	9.10	
400—Transportation				18.05
1982: Outlays [2]	21.45	21.45	21.45	17.80
1983:				
Budget authority	19.10	21.45	22.30	
Outlays	19.40	20.05	20.40	
1984:				
Budget authority	18.95	21.70	22.40	
Outlays	18.80	19.70	20.05	
1985:				
Budget authority	19.25	22.05	22.95	
Outlays	19.35	19.55	20.25	

[1] Re-estimated by CBO.

[2] Revised 2d Concurrent Budget Resolution (H. Con. Res. 115) passed Congress December 9, 1981.

FACT SHEET—GENERAL SCIENCE, SPACE, AND TECHNOLOGY PROGRAMS (JUNE 8, 1982)

[By fiscal years, in billions of dollars]

	Dollar comparison					
	1983		1984		1985	
	BA	O	BA	O	BA	O
Jones substitute	8.15	7.75	8.30	8.10	8.10	8.05
Latta substitute	7.05	7.15	7.05	7.10	7.05	7.05
Latta over (+) under (−) Jones	−1.10	−.60	−1.25	−1.00	−1.05	−1.00

The Latta amendment freezes general science programs and NASA space programs at the fiscal year 1982 funding level resulting in a reduction from the Jones substitute of over $1 billion in fiscal year 1983. Such a reduction would force the space shuttle operations and production schedule to be drastically altered. It would delay production of the fourth orbiter by at least one year and increase its final cost. The Air Force might have to procure additional Titan missiles to insure future launches. Potential and currently scheduled commercial users of the shuttle would probably use alternative launch systems, such as the French Ariane, which would reduce NASA's revenues from these users.

The Latta amendment would also greatly reduce the research and development funding provided to the National Science Foundation. The R&D activities of NSF are vital to expanding our technological base and ultimately increasing our productivity growth which has been level or decreasing in recent years.

FACT SHEET-HIGH TECHNOLOGY PACKAGE

(June 8, 1982)

The Jones substitute provides a multifunction package of funding designed to increase the Federal investment in civilian research and development and stimulate the technology necessary to provide productivity growth. The United States has experienced a pattern of level or declining productivity in recent years making it more difficult to compete in a world of intensifying foreign economic challenges.

The high technology package would provide $2.45 billion in budget authority between fiscal years 1983 and 1985 for increased research and development by universities, upgrading university facilities and laboratory equipment, and providing increased funding for graduate fellowship programs. By budgetary function the package is as follows:

[Fiscal years]

	1983		1984		1985	
	BA	O	BA	O	BA	O
Function 250: General science, space, and technology	0.40	0.15	0.55	0.35	0.50	0.45
Function 250: Agriculture	0.10	0.05	0.15	0.10	0.15	0.15
Function 550: Health	0.10	0.05	0.25	0.15	0.25	0.25
Total, high tech package	0.60	0.25	0.95	0.60	0.90	0.85

The Latta substitute would essentially freeeze funding of non-military research and development programs at the fiscal year 1982 level. It would not provide either a current policy funding level or the high technology initiative contained in the Jones substitute.

COMPARISONS OF NSF BUDGETS

[By fiscal years, in millions of dollars]

Category	Fiscal year 1983 request	Fiscal year 1983 H.R. 5842 [1]	Fiscal year 1983 Latta
Research and related activities	1,052.3	1,052.3	970.7
Science and engineering education	15.0	35.0	20.9
Special foreign currency	2.2	2.2	4.6
Total	1,069.5	1,089.5	996.2

[1] Passed on the House floor, May 19, 1982.

In the case of the National Science Foundation a freeze to last year's level means a 9.6 percent reduction below the level the House voted last month, which is almost $100 million.

Taking the NSF budget back to the fiscal year 1982 freeze would:

Eliminate all education programs, with exception of graduate fellowships.

Reduce physical sciences research by $65.1 million.

Eliminate $18.2 million for strengthening the Economic, Social and Information Sciences of the Foundation.

Eliminate the Women's National Research Opportunity Grants program.

Severely reduce the Experimental Program to Stimulate Competitive Research, and the Innovation, Intergovernmental and International Research Programs.

Eliminate $13 million of the Antarctic Research Program.

IMPACT OF LATTA AMENDMENT ON NASA

(Hold Funding Ceiling to Fiscal Year 1982 Level)

NASA fiscal year 1983 budget—$6.610 billion;

NASA fiscal year 1982 operating plan—$5.940 billion; difference—$0.670 million.

IMPACT

The impact of remaining at the fiscal year 1982 level through fiscal year 1983 would be very significant and would involve some combination of the following:

Slip orbiter delivery schedules with resultant penalties;

Reduce Shuttle flight rate;

Further postponement of the Gamma Ray Observatory;

Closing field centers—JPL and/or Lewis;

Deferral of TDRSS operations and progress payments;

Cancellation of Galileo;

Further reductions in applications and aeronautics with applications already below the fiscal year 1982 level and aeronautics at the fiscal year 1982 level.

BACKGROUND

If held to the fiscal year 1982 level, NASA would have to make significant reductions with a most probable option of:

Delayed production of the 4th Orbiter at least one year;

A strong possibility that the USAF would have to procure additional Titan missiles to insure future launches; and,

Potential commercial users of Shuttle would look more closely at alternative launch systems, such as the French Ariane.

Reduce total Space Shuttle flights through 1985 from 32 to 20-24 with severe impact to viability of total systems;

Defer the development of Shuttle performance augmentation critically needed for national security missions launched from West Coast;

Delay Space Telescope at least one year; and,

Delay Spacelab Missions and related instrument development.

If a decision were made to protect the Shuttle, then the impact most likely would be:

Closing JPL and/or Lewis;

Termination Galileo;

Deferring Gamma Ray Observatory;

Further reductions in applications below the fiscal year 1982 level.

NOTE OF INTEREST

NASA's share of the total federal budget has decreased from 1.33 percent in 1972 to 0.78 percent in 1982.

In terms of real buying power, the total budget request for fiscal year 1983 represents only 74 percent of the budget in fiscal year 1972.

FACT SHEET—FUNCTION 270: ENERGY (JUNE 8, 1982)

[By fiscal years, in billions of dollars]

	Budget authority	Outlays
1983:		
Democratic substitute	5.00	4.70
President's budget reestimated (HBC)	4.15	4.35
Republican substitute	3.486	3.763
Republican over (+)/under (−) Democratic	−1.514	−.937
1984:		
Democratic substitute	4.40	3.75
President's budget reestimated (HBC)	4.05	3.50
Republican substitute	2.794	2.184
Republican over (+)/under (−) Democratic	−1.606	−1.566
1985:		
Democratic substitute	4.35	3.55
President's budget reestimated (HBC)	3.65	3.30
Republican substitute	2.604	1.402
Republican over (+)/under (−) Democratic	−1.746	−2.148

The Democratic substitute assumes that energy programs in fiscal year 1983 will be funded at their fiscal year 1982 program level. In other words, the Democratic substitute assumes that energy programs in fiscal year 1983 will be "frozen" at their fiscal year 1982 program level, *including* the deferrals of fiscal year 1981 budget authority that were used to support energy program spending in fiscal year 1982. It also assumes enactment of a nuclear waste fee, as recommended by the President, to support appropriations for a program to provide safe disposal of commercial nuclear wastes.

On the other hand, the Republican budget assumes major reductions in energy programs for fiscal year 1983. *For example, based on the latest information available, the Republican budget substitute seems to assume that:*

Solar Energy Programs would be funded at $72 million, or cut by approximately 75 percent of their fiscal year 1982 level of $268 million contained in the Democratic substitute. In fact, all energy supply R&D activities would be funded at $1,657 million for fiscal year 1983, which is $778 million below the $2,435 million level funded in fiscal year 1982 and contained in the Democratic substitute for fiscal year 1983. The Republican substitute is also $223 million *below* the President's budget request for these programs.

Fossil Energy R&D Programs would be funded at $107 million, or cut by approximately 75 percent of their fiscal year 1982 level of $436 million which is contained in the Democratic substitute for fiscal year 1983.

Energy Conservation Programs would be funded at $312 million, or cut by $75 million of their fiscal year 1982 level of $387 million contained in the Democratic substitute for fiscal year 1983.

Rural Electrification Administration (REA) credit programs would, in the Republican substitute at most be funded at $4.46 billion, or *cut by at least 30 percent* of their fiscal year 1982 level of $6.245 billion. The Democratic substitute provides for funding REA at $6.245 billion.

Federal Energy Regulatory Commission (FERC) user fees in the Republican substitute would be enacted, and estimated to raise $60 billion in fiscal year 1983, so that the funding request to support FERC programs could be reduced to $32 million. If the legislation is not enacted in timely fashion, FERC's funds will be sufficient to fund only *one third* of the program planned by the Reagan administration. Alternatively, if the legislation passes, FERC will become a "bounty hunter"—an agency with a stake in raising fees to finance its program. This will make for poor public policy under either circumstance.

Nuclear Waste User Fees in both the Republican and Democratic substitutes assume these fees would be enacted and estimated to collect $300 million in fiscal year 1983. The Democratic substitute, however, has sufficient funds to support a nuclear waste program, the Republican substitute does not.

Additional Unexplained Reductions. The Republican substitute assumes an additional $200 million, approximately, in reductions from the Democratic substitute that could come from energy conservation supply and other activities in the function.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Chairman, this body faces a major decision this afternoon. That decision is whether or not to act on what we all agree is in the best interest of this country.

We all know that interest rates must come down if we are to reduce unemployment. And we all know that what stands between us and that goal is the size of the fiscal year 1983 deficit. We must either accept the fact that we have limited resources and make decisions—difficult though they may be—on how to allocate those resources or do as proposed by some in this body and continue to spend moneys we do not have causing interest rates to rise while we saddle our children and their children with a debt that we refuse to bring under control.

As I review the Latta budget, I see areas where I wish that we could spend more but I also recognize that to do so requires either that we borrow the money and worsen our Nation's fragile economy or to raise taxes on people who are already paying more and more every year and have told us if they have told us anything that they want that burden reduced.

We were sent here to make decisions. We asked to be sent here to make these decisions on behalf of our friends and neighbors thoughout this country. And today is one of those days when we see how many of us are up to it. Those who would reject the Latta budget are in effect saying that this job is too tough for them to handle. They cannot stand the heat of having to admit that this year, there is not enough money to increase spending to everyone's satisfation and therefore, they are going to abdicate their responsibility and refuse to vote for a budget that realistically addresses the issues.

I cannot believe that there are those so cynical that they would rather ignore the clear and present danger of a runaway deficit so that they could avoid having to make a decision that would not be popular with some.

Much debate has been directed at whether or not one budget is more generous than the other and whether we are meeting the needs that this Government has pledged to meet. Let us look at the facts. We know that we need to insure an adequate defense but many of us felt that President Reagan's initial budget was excessive. Well this budget calls for 30 percent less in defense spending. With regard to veterans, the Latta budget provides more than the Jones. In the medicare area, we have added $1.7 billion to the original budget so that benefits to recipients will not be affected but will require the health care community to get a better hold on their expenses. In the education area, we have not cut the 1982 levels but in fact have added $217 million for disadvantaged children, added $50 million for handicapped education, put another $20 million in for vocational and adult education and finally, have added $110 million for the Pell grant program to assist low-income and disadvantaged college students.

Mr. Chairman, we do not have a choice today so much as we have an opportunity. We can take this occasion to demonstrate that this Congress is willing to accept responsibility, that it is willing to act for the good of the whole country, and that it is willing to do the work it was sent here to do. I urge my colleagues—particularly those who do not find the Latta proposal completely to their liking—to recognize that we need to show that we can make a decision. That we can address circumstances that require us to compromise with others for the good of the country. And that this Congress will restore the kind of fiscal order that will bring interest rates down and will lead us toward real economic growth.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I rise in support of the Latta bipartisan substitute to House Concurrent Resolution 352. I do so, not with enthusiasm, but with a sense of duty that must be performed for the American people.

This budget, with a $99 billion deficit, is the only reasonable alternative to have emerged from this body's deliberations.

While I feel that the alternatives presented for consideration indicate that this Congress has not yet made up its mind to achieve concrete and legitimate control over the growth in Federal spending, I feel that the Latta substitute is the only alternative that does include meaningful control of the excess growth of entitlement programs and preservation of the personal income tax reform that is so necessary for reviving the economy.

It is important for the program for economic recovery to be given a chance to work. Many critics argue that having been given 1½ years to work, the program has failed. This is simply not the case. It is impossible for any initiatives to control runaway Federal spending to undo damage done over a 40-year period instantly.

When the program for economic recovery was passed by this Congress, this Government was still on a 40-year-old binge of overspending, overtaxation, and overregulation. The debt service alone was larger than the entire 1963 budget. And spending was still increasing at ever higher rates of increase every year to the point that the growth in Federal spending was reaching a point of 17 percent per year.

Contrary to the "current wisdom" the reductions in the Federal budget did not represent an actual cut in spending levels. Rather, the rate of increase in spending was reduced. It is a fact that whatever budget is passed, spending levels, in real terms, will be higher in 1983 than in 1982.

But, with the Latta bipartisan substitute, spending, especially in the critical entitlement areas, will have some substantial controls to prevent continued unrestrained increases.

We need to have a budget in place. The Latta substitute is far from what I consider the best budget possible. It is, however, the best of the alternatives and contains the important redeeming factor that will give us firm control on entitlement spending. Only the Latta bipartisan substitute will provide the framework for the continuation of the vital changes contained in the program for economic recovery.

We have a duty in this body to act in the best interests of this great Nation. Passage of the Latta substitute is the best thing that can be done for this country right now.

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, it is only early June, and here the 97th Congress is facing its last hurrah. I, like many Members in this House, did not vote for either of the budget alternatives 2 weeks ago. We felt the deficits were too high. Neither alternative would get interest rates down and turn this economy around.

For the last 2 weeks I have sat in the bipartisan negotiations. I do not like either of the choices that are before us today. But to be honest with you, I think that the Latta proposal is the absolute best that we have a chance of passing.

My colleagues, as you know, America is bleeding today, more so than she has in the last 50 years. America needs us this afternoon. It needs us to pass a budget so that we can have some reasonable expectation of turning this economy around.

I urge the Members to support the Latta substitute.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Chairman, the Jones budget is no picnic if you are poor. But the Latta budget is a mean and vicious budget. What it does is take the people who are on the floor and bleeding, and it kicks them. Does it cut from programs of your wealthy constituents? Not at all. It cuts from the people who need help the most.

The Founding Fathers, de Tocqueville, Bagehot, said that a democracy cannot survive when 90 percent of the people are taken care of by the government and 10 percent are totally neglected.

If we continue on this course, the days of our democracy are numbered. If you want to cut the budget, be fair. Do not be mean, do not be vicious.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to clear up one thing. My good friend, the gentleman from Arkansas (BILL ALEXANDER) made the point—and I have seen it written before, and I understand where he got the information; I have no problem with that—that under the bipartisan substitute the REA program in the off-budget credit allocation was not adequate to funds required by REA. That is not so. The figures as to direct loans are $1.1 billion, and the figures as to loan guarantees are $4.8 billion.

I think the Jones figures are approximately the same, $1.1 billion and $5.3 billion. The $1.1 billion figure and the $4.8 billion figure are as I understand it, totally acceptable to the NRECA.

I have been often described, Mr. Chairman, in my year and a half in this House as an unguided missile. I plead guilty to at times being emotional and very combative. But I would like to put some guidance on the missile if I could in the minute and one-half that I have remaining.

No. 1, I, like you, deeply believe in this country. I dislike having politicians who run it down. And the question I ask them is: If America is so bad, how come no one is leaving? They are all trying to get in.

And the reason that is true is our pursuit of and commitment to economic freedom and personal liberty.

We should recommit ourselves to the pursuit of those freedoms by one action here.

The second guidance I would like to put on the missile is an economic one. There is not much wrong with America that a 4-point drop in long-term interest rates would not cure.

If a taxpayer in this country would walk on the floor of this House and look at these two budgets, I think he would agree with those who say that Latta is the best. It is not the best that we could have done. But it is the best choice that we have now. For only in Latta do we address the problem of interest rates, and we do it, in my opinion, in a fair manner.

Entitlements, which equal $357 billion, in the budget are up 285 percent in 8 years. In Latta we cut $7 billion from the baseline. No cuts in 1982 spending; but from the baseline, $7 billion. Look at the spending chart for major low-income cash and in-kind assistance programs:

Major Low-Income Cash and In-Kind Assistance Programs

	1970	1978	1981	1982	Latta-Bipartisan, 1983
Medicaid	2.7	7.4	16.8	17.8	17.7
Food stamps	0.6	5.5	11.3	11.2	11.5
Social Security Insurance and AFDC	4.1	12.5	15.7	16.0	15.3
Low-income and public housing	0.5	5.4	6.9	8.2	9.5
Low-income energy assistance	0	0	1.7	1.9	1.9
Maternal and child health, WIC	0.3	0.8	1.3	1.4	1.5
Total	8.2	39.3	53.8	56.7	57.3

In discretionary spending, which equals in excess of $160 billion, we cut $8 billion from the baseline.

What does the alternative do in entitlements?

It increases spending, not decreases. It increases by almost $500 million.

In discretionary spending, Jones manages to cut slightly over $2 billion.

The Jones budget makes less than $2 billion in cuts in more than $500 billion in Federal spending. That's a message to the money markets. It is a message which says raise interest rates, deepen the recession, and increase unemployment. It is the wrong message to send.

Finally, the taxpayer would find that there is a lot of conversation here about equity. Yet almost no conversation about the equity between taxpayers and tax eaters. A vote against the Jones budget and for the Latta budget is exactly what the taxpayers need.

□ 1530

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, there have been awfully good campaign speeches made here today and I have finally made up my mind what I am going to do: I am going to hold my nose a little bit and vote for Jones, although I do not like a $107 billion deficit. I want to hold my nose a lot if it fails and vote for Latta, simply because we have to have a budget and I hope that we can go to the Senate and the Lord will see fit to lay His hands on the Senate and the conferees may be able to do some things that will be more constructive. I hate to be pessimistic but I do not believe a $100 billion deficit is going to drive these interest rates down and cause people to buy homes and automobiles and I do not think it is going to send a very good signal to Wall Street. The $42 billion projected deficit last year did not do it and if we do as well in this budget as we did last year, we can be here next year talking about a $280 billion deficit and getting it down to $250 billion.

I hope we have some success in getting some budget out over here that we can go to conference with and at least send sort of a signal, at least it will send a signal different than has been sent in the last several months.

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, this is a tough decision for all of us. No budget proposal before us is a document which pleases any one of us, but we have to make a decision. My views, I think, are pretty well expressed by a letter that I received today from the NFIB that represents 500,000 small businesses across this Nation. It says:

Thank you for standing with us on the principle of a balanced budget. You and your colleagues who share this position have worked hard in recent negotiations to lower the deficit by cutting federal spending. We are extremely disappointed with the budget choices before the House. We do not believe that any of them does enough to cut spending and lower deficits and interest rates significantly. Without lower interest rates the economy cannot recover and many small businesses across the country will fail. Unfortunately, we do not believe that the process is capable of enacting a better budget resolution at this time, therefore, we are faced with making a choice between two distasteful alternatives. Our choice is clear.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ARCHER) has expired.

Mr. LATTA. I yield 30 additional seconds to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. "Our choice is clear," say 500,000 small businesses across the country. "The Latta substitute, which is $19 billion less in outlays, $11 billion less in tax increases, and has an $8 billion smaller deficit, is clearly the better for the economy and small business. On behalf of our 500,000 small businesses we strongly urge you to vote against the Jones amendment and for the Latta substitute."

Mr. Chairman, we must make tough decisions to get spending down and live within our means. The fastest growing category of Federal spending is in entitlements. These spending programs now consume 50 percent of the total Federal budget. If we are to have any hope of balancing the budget we must restrain the growth of entitlements. The Latta budget does so in the amount of $7 billion. Incredibly the Jones amendment increases the rate of growth of entitlements in 1983. Anyone who supports a balanced budget by restraining spending should have a difficult time voting for Jones.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, I want to compliment the chairman of the committee and others on the committee who have worked so hard.

Important distinctions between these two budgets have been mentioned by other speakers in the technology and science area, education, medicare, job training. I want to briefly point out one other important issue that distinguishes these two alternatives.

In the area of environmental protection, the 10 largest environmental organizations in the United States have endorsed the EPD portion of the Jones substitute and they write as follows:

CITIZENS FOR AN EFFECTIVE EPA,
Washington, D.C., June 9, 1982.

DEAR REPRESENTATIVE: Today you will vote on the first budget resolution for fiscal year 1983. We urge your support for H. Con. Res. 352, offered by Congressman Jones. While we take no position on other components of the budget resolutions under consideration, the Jones substitute is the only one which contains an adequate funding level for the Environmental Protection Agency.

Neither President Reagan's budget submission nor the substitute to be offered by Congressman Latta provide sufficient funding levels to allow EPA to carry out its more recent mandates in the toxic and hazardous waste areas.

The Environmental Protection Agency is charged with implementing vital legislation to prevent pollution and safeguard the environmental health of all our citizens. This legislation was passed with bipartisan effort by the Congresses of the last 12 years and is supported overwhelmingly by the American public.

The Jones alternative funding level is the only one under consideration which will allow EPA to maintain existing programs in the air, water, and toxic substances pollution areas and to begin its new and demanding hazardous waste and Superfund tasks.

Sincerely,

SUSAN FRY,
Natural Resources Defense Council.
(For: Sierra Club, The Wilderness Society, Friends of the Earth, Environmental Policy Center, National Wildlife Federation, American Environmental Safety Council, Environmental Action, The National Audubon Society, Izaak Walton League of America, and Environmental Defense Fund).

Mr. Chairman, I urge adoption of the Jones budget alternative.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I would like to put in just brief perspective the situation in which we now find ourselves.

There was a tax cut last year of $90 billion, forced upon this House by the administration. The Latta budget proposes to increase defense spending in 1983 over the 1982 level by $36 billion. Add those two figures and you have $126 billion. Subtract that sum from the anticipated deficit of $182 billion for 1983 and you have a $56 billion deficit for fiscal year 1983. In order to preserve those two protected items, the administration and the Republicans are telling us they want to cut domestic spending $42 billion for 1983 and lower the standard of living and quality of life for millions of our fellow Americans. I hope the American people understand what it is that produces the necessity in the opinion of the administration and the Republican party of making all these tragic cuts in domestic programs and the standard of living of so many millions of our people—especially the elderly, the ill, and the poor.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, we must pass a budget. It is imperative for the good of the country. I think all of us ought to admit to each other, though, that whatever we do today we are not touching the entitlements; that is, the cost of living and indexing programs. We have not gotten into that area at all, and yet we should have. We will not get control of the

Federal budget until we make adjustments in the entitlement programs.

So I ask my colleagues to vote for a budget; either one, they are not all that far apart. These are target figures, and we can work them out in conference.

The second thing is this. When you vote for either one of these budgets remember that we have to raise the revenue to carry it out. We will, therefore, as members of the Ways and Means Committee, expect you to support these revenue bills when they come to the floor to carry out your commitment.

Mr. JONES of Oklahoma. Mr. Chairman, we just have three speakers left and so I would yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. DENARDIS).

Mr. DENARDIS. Mr. Chairman, I rise in opposition to both the Latta and Jones budgets.

Mr. Chairman, we are meeting once again today in an effort to achieve what we were not able to do 2 weeks ago: pass a budget. No one recognizes the need for such action more than I do, but I have come to the conclusion that there is no proposal before us today which I can in good conscience support.

Last year, I was sent to Washington by the voters of the Third District of Connecticut to help bring order to this economy. There was a strong feeling that both taxes and Federal spending had to be reduced. In that first year, I supported the largest tax reduction in this Nation's history, and supported spending reductions of over $35 billion. These actions were major strides in changing the tax and spending policies we have experienced in recent years. As a result, inflation has been reduced, and the process of bringing spending under control was initiated.

The process must continue if we are to reduce excessively high interest and provide a firm foundation for economic recovery, but it must be based on fairness and equity. In my view, neither of the alternatives before us today meet these goals. The Jones substitute offered by the Democrats reverses the trend initiated last year and returns us to the policy of tax and spend initiated in the 1960's and 1970's. With a proposed deficit of over $107 billion for fiscal 1983, the Jones alternative proposes to increase revenues by $31.7 billion in fiscal 1983, and by $150 billion through fiscal 1985. I do not believe that the American public either wants or supports such a concept at this time. I believe that some indirect tax increases are possible, and in some instances desirable, but not on such a massive scale.

The Latta proposal offered by the Republicans, on the other hand, includes more modest revenue increases, but achieves a projected deficit of slightly under $100 billion through further severe cuts in programs designed primarily to assist the poor, the elderly, and the handicapped. The test of fairness and equity dictates that these groups must not be asked once again to bear the brunt of needed spending reductions. We simply cannot ask them to do more than they have already been required to do.

I cannot and will not support either proposal. While I recognize the need for the passage of a budget, I do not believe that failure to pass the proposals before use will result in economic chaos. I do not believe I was elected to support any budget at any cost under any circumstances. Further opportunity to compromise can be achieved only be defeat of these proposals. Only then can we fashion a fair and equitable compromise, which puts political considerations aside, and recognizes that we can reduce the deficit in such a way that no one element is harmed at the expense of others. Specifically, I refer to the need to further reduce defense expenditures to more reasonable levels. I have strongly supported the revitalization of this Nation's defense capabilities, but I am convinced that current proposals go too far.

Two weeks ago, I coauthored a proposal which I feel met the criterion I have alluded to. Not only did the Aspin-Pritchard coalition compromise provide for fair and equitable economic actions, but also resulted in a deficit lower than any we were asked to consider today. I continue to feel that this was the proper approach to take, and for that reason I will vote to defeat the proposed budgets before us today, and urge that we come together in a true spirit of compromise and address the pressing economic problems we all face and share.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Chairman, I rise in strong support of the Latta budget.

Mr. Chairman, this is the week for every Congressman to stand up and be counted.

We have to make a choice on the 1983 budget, and none of the alternatives seem very attractive.

As far as I am concerned, the American taxpayer has already lost the battle of the budget, because there is no proposal before us which would have balanced the budget.

I realize that such steep cuts, caused by a balanced budget, would have delayed our efforts to restore our national defenses. I also realize that domestic cuts would have caused sharp pains for a short while. But, a balanced budget would have strengthened our economy, and I honestly feel that it is better to have short pains for a short while in return for a strong and growing economy than it is to suffer from a long and lingering pain over a protracted period.

We had an opportunity to balance the Federal books, to bring down interest rates, and to create millions of jobs. But this House missed that opportunity.

Now we have to pick between two budget proposals that all have major problems.

Both alternatives leave us with mind-boggling deficits. It seems incredible that we are arguing about which plan we should use to provide for a $107 billion deficit. Such a deficit could keep interest rates at intolerable levels, denying jobs to millions of Americans and threatening to wreck our agricultural, automotive and construction industries. Such a deficit could also be the spark that ignites a new round of double-digit inflation.

Both budget alternatives raise taxes. Those tax increases come at a bad time, when the average taxpayer is already laying out 35 cents from every dollar for Federal, State and local taxes.

Both budget alternatives cut the growth of popular programs which many Americans have come to depend upon.

On the questions of deficits, taxes, interest rates, inflation, unemployment, and program cuts, none of these budget proposals are attractive.

But as you know, Congressmen have to vote "yes" or "no" on these issues. There is not a "maybe" slot for us to select. You cannot vote "maybe" on the Jones or Latta budgets. You have to make a choice.

On the basis of taxes, deficits, interest rates, inflation, unemployment, and serving the people at the bottom of our economic ladder, our clear choice is a vote for the budget alternative offered by our colleague from Ohio (Mr. LATTA).

Taxes would be billions higher under the Jones budget than under the Latta budget. Even with these huge tax increases, the deficits of the Jones budget are higher than those under the Latta plan.

The biggest problem facing the people of the small towns in northwest Minnesota whom I represent is the double-digit level of interest rates. Since Congress apparently cannot balance the budget, these interest rates could remain at the same levels.

My constituents tell me that if we have to have a deficit that maintains high interest rates, the last thing they want is to combine a $107-billion deficit and a heavy tax increase. They do not want deficits or tax increases, but they just cannot survive with both.

Inflation hits my constituents harder than most Americans. Energy costs in northwest Minnesota are already double that of the national aver-

age. Every added point of inflation boosts the input costs of our farmers who are being crushed in the squeeze between high production costs and low commodity prices. Inflation robs from the large community of senior citizens in my district who live on fixed incomes.

We have had good fortune with inflation during the past year. Our first steps toward restraining spending last year, along with the effects of deregulation, have contributed to the drop in inflation. The 1981 tax reforms have also reduced the inflationary expectations of many workers. A worldwide oil glut, stable food prices, and the effects of a tight monetary policy on housing costs, and other prices, have been part of the equation that led to a significant drop in inflation.

But if we now pass a $107-billion deficit and a huge tax increase, we might expect a new round of double-digit inflation. And that is the combination that would be produced by the Jones proposal—a $107-billion deficit and huge tax increase.

May of my colleagues deplore the cuts in domestic programs. I agree with them.

It would be nice to guarantee maximum amounts for student loans, COLA's and other worthy projects. It would also be nice to guarantee enough defense spending to insure our national security and to deter aggression.

But the Federal Treasury is not a goose which lays golden eggs. For every spending project we approve, there has to be an increase in taxes or Federal borrowing. Those measures raise interest rates, increase inflation, and expand unemployment.

My colleagues join me in expressing concern about the needs of those Americans at the bottom of the economic ladder. But I would like to point out that we should emphasize "opportunity" as well as "assistance" for the neediest Americans.

If we vote for huge deficits and high taxes, we will be eliminating the opportunity of many people to get jobs, to find housing, and to care for themselves and their families.

If we vote for renewed inflation, we will be eliminating the opportunity for our elderly to rely on the buying power of their savings.

It took us a long time to get into the situation we are in today. Federal spending was camouflaged by a growing economy.

But in 1979, the growth of our gross national product stopped. The gap between our growing Federal budget and our sagging economy has become apparent. It is time to get spending back within our means.

The huge tax increases proposed by the Jones budget would continue to deflate our economy: So would the inflation, high interest rates, and unemployment which would be caused by the $107 billion deficit of the Jones proposal.

My friends, in my whole life, I never dreamed I would be asking colleagues to vote for a budget proposal that includes a $99 billion deficit. But since we cannot vote "maybe" on the 1983 budget, I am urging you to vote for the one plan which does not couple the deficit with heavy tax increases.

We do not have the luxury of voting "maybe." So I ask you to vote for the bipartisan recovery budget offered by Mr. LATTA, even though I deplore the large deficits which it envisons.●

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, we are getting down to where we are pretty close to a vote. We all know the difference between the two propositions.

Those who would like to have more spending and add more taxes to the taxpayers should vote for the Jones substitute.

Those who believe that interest rates are a problem, and want to reduce Federal spending, and want the least possible new taxes, should vote for the Latta amendment.

We need a budget. We do not need it for Wall Street, nor for the boardrooms. We need it for Main Street.

The people of the United States expect us to put this House in order, and to deliver a budget. We must do so, and we shall do so.

We have the opportunity to do the job right with the Latta substitute. It provides a deficit of less than $100 billion and a declining deficit in the outyears. I urge your support of the Latta substitute and I hope the Jones substitute is defeated.

□ 1540

Mr. JONES of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, just a few minutes ago a Member on the Republican side said to me when I was in the back of the House, why did not I stop talking about the education programs?

Well, I can understand why a Republican would ask that question, Mr. Chairman, because the Republican plan cuts over $1,300 million out of education, increases the interest rates for every student in this country, eliminates over 600,000 students by September of this year.

Boy, I do not wonder why they do not want to talk about education in this country. Just remember, when that vote is cast, who is for education and who is against it. I hope parents and students throughout this country will be watching who votes for the Republican budget that turns back the clock on education. I also want to note, Mr. Chairman, that anyone who votes no on both budgets does not deserve to sit in this Congress.

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. Mr. Chairman, I think this is a good thing. It is a good time, as the gentleman from Minnesota said, to put things in proper perspective.

This I am not sure is a good debate, but it is a great eulogy to a man named JONES, one of our colleagues, and our other colleague named LATTA. I think both of them deserve a great deal of credit for what they have tried to do to bring this thing to a head.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. STANTON of Ohio. I will if the gentleman gives me 1 more minute.

Mr. JONES of Oklahoma. Just to correct the word "eulogy," if the gentleman would not mind using another term.

Mr. STANTON of Ohio. Fair enough. Do not take that out of my time, Mr. Chairman.

What we want to do is put ourselves in proper perspective and humility, to realize that neither one of these budgets will last once we get them over to the other body and into conference.

The important thing is to take a vehicle over there and to save this day and the respect of the House of Representatives and to pass something.

My hat is off to the gentleman from North Carolina who said that he is going to vote with the noes for Mr. JONES, but if it fails, he is going to vote for Mr. LATTA. Maybe that is an answer.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I just want to commend all our colleagues on the Budget Committee for their hard work.

Mr. LATTA. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me say, I think this has been a good debate. We have heard all the arguments I think that can be made.

I was a little bit surprised to hear the chairman of the Ways and Means Committee bemoaning the tax bill that he reported out of his committee last time.

You know, I think the closed rule takes care of most tax bills, so if there is anything wrong with any tax bill, the gentleman ought to correct it before it comes out on the floor.

Let me also say we have heard a lot about Reaganomics. What would have happened last year if we had not passed that $35 billion slow down in expenditures? We would have had $35 billion more to finance this time and

$35 billion more in deficits; so it is a good thing we did that.

Certainly everybody realizes here that after you have talked about all these programs, we are really dealing in aggregates. We are dealing in aggregates and it is up to the authorizing committees and the Appropriation Committees to take action after we pass the budget and hopefully we are going to do that.

It has been pointed out time and time again what the difference is between these two budgets. On the one hand you spend and tax more. On the other hand you try to save a little bit for the taxpayers and get the interest rates down. If you have the time to take a look at the two proposals, Latta and Jones, you find that in every single functional category, Jones has more spending, with the exception of defense and veterans.

Now, what in the name of sense would they want to cut back on veterans for? These are people who have served their country, yet, this is the one area where they are lower than we are. I would think that they would want to correct that as a matter of record and not cut back on those veterans.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise in favor of the Jones amendment.

I would just like to observe that you have not heard from them yet, but you will. Since 1904 we have carried braille material for the blind through the U.S. Post Office free and the Latta amendment will now put that back under commercial rates.

I wish to say a few words about a relatively small dollars-and-cents portion of the total Federal budget—but a portion which dramatically illustrates the differing philosophies underlying the Jones and Latta substitutes. I am speaking of postal subsidies.

National policy in this area dates back to the earliest days of our Nation. Historically, we have helped certain people pay their postal bills, not as a special favor to them, but in furtherance of the national good. Low rates for rural newspapers facilitate the flow of necessary information in all sections of the Nation. Subsidized rates for schools, libraries, and suppliers of classroom material help advance the education of our young people. And low rates for mailings by charitable organizations may make some small contribution toward helping the truly needy.

The President last year succeeded in cutting this subsidy to the point that rates paid by these mailers have risen by anywhere from 50 to 150 percent. And now, Mr. Reagan wants to cut this subsidy even more for fiscal year 1983. If he succeeds, their rates will go still higher.

The President's fiscal year 1983 budget calls for a subsidy level $208 million below the already-reduced level authorized by the 1981 Reconciliation Act. But—I know this is hard for some of us to believe—the Latta substitute eliminates the entire postal subsidy. Under Latta, nonprofit organizations, libraries, and other historically favored mailers would begin paying regular commercial postage rates. A fundraising appeal from the Salvation Army would bear the same postage as a solicitation from a giant insurance company. The blind and the handicapped—whose mail presently travels free of postage—would also have to pay regular commercial postage rates. This means, for example, that a book in braille, or a sound recording for a blind person, would have to bear the same postage as a Montgomery Ward mail-order catalog.

The Jones substitute, on the other hand, adheres to the fiscal year 1983 authorization levels agreed to in last year's Reconciliation Act. It would continue the public service appropriation for another year at a level of $100 million—a relatively small amount to be sure, but it sustains the important public policy principle inherent in a nationally subsidized postal system.

The Jones subsititute also assumes an appropriation of $708 million for revenue forgone—the direct subsidy of postage rates paid by nonprofit groups, libraries, the blind, and others. This level of funding would still be $205 million below the full funding level, but it would be sufficient to rescue most of the charitable, educational, and religious organizations which would be doomed by the astounding postal rate increases necessitated by the Latta substitute.

I have asked the Postal Service to provide me with a comparison of rates in the major subsidized categories of mail for typical individual pieces under the alternatives before us.

COMPARATIVE POSTAL RATES: ILLUSTRATIVE MAILINGS

[In cents]

Types of mail	Rates [1]	Present rates	Rates [2]	Rates [3]
In county: Rural newspaper	2.7	3.4	3.6	9.9
Second-class nonprofit:				
Veteran's magazine; Church bulletin; University publication; Labor press	3.9	8.0	6.6	9.2
Classroom: Classroom publication	5.5	7.3	6.7	17.3
Third-class nonprofit:				
Fund-raising letter (e.g., Salvation Army; Crippled Children's Society; American Cancer Society)	2.9	5.0	4.3	9.3
Fourth-class library rate: Book between libraries	33	43	47	86
Blind and handicapped: Cassette tape ("Talking Book")	0	0	0	71

[1] Before 1981 Reconciliation Act.
[2] As of Oct. 1, 1982 under Jones substitute.
[3] As of Oct. 1, 1982 under Latta substitute.

For this and many other reasons, I urge defeat of the Latta substitute.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time has he may consume to the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE).

Mr. WILLIAM J. COYNE. Mr. Chairman, I rise in strong opposition to the Latta substitute, a budget measure even more harsh in its effect on the poor and handicapped than the proposal offered by the Republicans a few short days ago.

To cover the administration's budget deficit—a deficit brought on by poor economic management, a bloated military budget, and a budget-busting tax cut—the Latta budget now before us would reduce Federal outlays for entitlement programs by $2.2 billion more than Latta originally proposed.

What programs bear the brunt of the effort to close the administration's widening deficit? Certainly not the military. The reductions envisioned by Latta are perfunctory at best. True to administration policy, the tax break enacted last year is preserved. Where are the outlay reductions below current service levels for fiscal 1983?

In medicare, Latta provides a $3.2 billion reduction;

In medicaid, Latta would cut a $1.4 billion;

In food stamps, Latta would make a $1.4 billion reduction;

In child nutrition, a $100 million reduction;

Employment and training programs, a $963 million cut.

The list goes on, covering energy programs, space and science efforts, housing, health, education and legal services. Wherever the Federal Government exists to aid the needy or the handicapped, there stands Latta against it.

Mr. Chairman, as we debate the various budget resolution alternatives, the numbers we use are in the billions of dollars—often the hundreds of billions. One of the great inequities of this approach to governance is that programs of relatively small size—but of great importance to their need recipients—tend to get lost in the shuffle.

In the Latta budget, for example, I am especially concerned that a program which provides critical assistance to thousands of blind and physically handicapped Americans may be eliminated. I speak of the free matter for the blind and physically handicapped program, which faces extinction if the Latta budget, with its proposal to eliminate the $713 million postal service appropriation, is eliminated.

The free matter for the blind and physically handicapped program allows libraries, organizations, and individuals to mail the following items without cost: books in braille; large print and recorded materials; aid and appliances such as braille writers, watches and clocks, as well as record and cassettee players. These items are mailed in postage free, franked envelopes under this $20-million program.

According to the 1980 Annual Report of the Postmaster General, 27.8 million pieces, at a weight of 39.7 billion pounds, were mailed under this

program. In 1981, 400,000 blind and physically handicapped readers received 18 million books and magazines postage free. Without the free-matter program, the few State libraries for the blind—there are only two in my own State of Pennsylvania—would be hard pressed to cover mailing costs for the many books and records they send outside their immediate geographic area.

If this program is killed, blind and physically handicapped persons, who often transport material which is often quite heavy and bulky, would be faced with prohibitive mailing expenses. The Jones budget resolution, which I support, would continue the Postal Service appropriations level at $708 million, allowing for retention of the free matter for the blind and physically handicapped program.

Few Members of this legislative body are averse to using cost-free, franked mail. I do not see how we can, in all good conscience, go along with a budget that would cruelly eliminate this option for the blind and handicapped.

I urge rejection of the Latta budget, a measure which would eliminate this and other programs which aid the truly needy and handicapped. I ask that you support the Jones budget, a fairer, more humane alternative.

I include the following article from the New York Times of June 10, page A-30:

MAKE THE POOR PAY, AND PAY AGAIN

Two weeks ago House Republicans devised a splendid way to trim the deficit in their proposed Federal budget: bleed the poor. They lost, but they're back, and today the House will vote on a G.O.P. proposal that improves on the original. It would bleed the poor twice as much. The Democrats, too, are putting up a new budget proposal. It may or may not be politically impractical, but the new Republican proposal is morally indefensible.

The earlier Republican plan, called "Latta" after its sponsor, Delbert Latta of Ohio, embodied a bold—bald—idea. No matter that the Reagan Administration has already cut sharply into spending for the poor. Latta sought to chop more. After all, they are not only poor, but politically impotent, unlikely to raise the kind of election-year stink that would follow an effort to cut even a penny out of, say, Social Security.

Latta lost, and one reason was that it would have cut $23 billion out of Medicare. That is the program of medical assistance for the elderly, many of whom are not poor. The new Republican budget proposal restores about $12 billion in Medicare. But at whose expense? People who are all poor.

To call the new version Latta Two is right in a rueful way; it is twice as callous. Over three years, Latta One would have cut $1.7 billion out of Medicaid, medical assistance solely for the poor; Latta Two would cut $6.6 billion. Latta One would have chopped almost $5 billion out of anti-hunger programs; Latta Two would take almost $8 billion. All told, the original version would have reduced basic programs for the poor by about $8 billion. Latta Two would chop almost $18 billion.

Neither party has distinguished itself during the interminable budget battle. When no plan could win a majority two weeks ago, the sensible course would have been for both sides to draw together in a political bargaining process. No such luck. The new proposals are more polarized than ever, and a weary question resounds: why bother with any Congressional budget at all?

One answer is that there is no such thing as no budget. Even if Congress does not finally agree on a unified plan, it will still pass laws to spend so much for defense, or vaccinations. Revenues will still total a certain amount. The difference will still constitute the deficit. In other words, a no-budget budget. Though Congress may insist on counting only trees, the forest won't go away.

But there are things worse than a no-budget budget and the latest one is Latta Two. If this cruel proposal can be defeated today, the House can try again in the days ahead to bargain out a more reasonable compromise. If not, the pain will be felt by those who can bear it least, for years to come.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, someone on the other side referred to buckets of crocodile tears by way of characterizing the Jones amendment.

I look at the Latta amendment and I see buckets of blood. It is the blood of the young and the old; the weak and the poor; the disabled and the dispossessed. Only the greedy and the callous can take comfort or satisfaction at the prospect of the Latta proposal being adopted.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I do not want to repeat what I pointed out in the opening of the debate were the differences between the substitute offered by the gentleman from Ohio (Mr. LATTA) and the substitute offered by myself. I think there are some clear-cut differences that have been pointed out. I think very clearly the substitute we have offered is the very best document to take into conference.

I think we have to look back to a year ago when the debate on the first budget resolution occurred. At that time, many in this Chamber put blind faith in the promises of the President and this administration. I think those who voted for that budget said, "Let's do it to give the administration a chance."

They were asking for that chance when they asked us to pass the budget, the reconciliation bill, the tax bill. They asked for a chance to show that under their program, beginning this year, capital investment would be flourishing. They got their chance, but unfortunately, that has not turned out to be true. The Commerce Department today in its survey that was just released revised downward the capital investment spending plans for 1982. It will be down 2.4 percent from 1981.

What this program has brought is lower capital investment in 1982 than in 1979; clearly, not a very good record.

A year ago the administration said, "Give this program a chance and we are going to protect those truly needy with a social safety net."

I do not think I need to go into the number of stories that have occurred over the past year to show that that social safety net was very weak indeed and did not protect many of the truly needy.

Virtually every one of us from our districts have had truly disabled people thrown off the rolls, unable to support themselves because of the programs that were passed last year when we gave the administration's program a chance.

Mr. Chairman, a year ago we were asked to give the administration's program a chance, because we were promised that inflation would be brought under control, but not at the expense of throwing people out of work.

What has happened a year later? We have the highest number of unemployed people in the United States at any time since the 1930's, 10½ million people out of work who cannot find a job.

A year ago we were told that we would have a $37 billion deficit this year and we would have a balanced budget in 1984 and that would bring interest rates down.

I think many of you recall my standing in the well and saying that that cannot happen, those numbers do not add up. The deficit this year will be over $100 billion and the program will not lead to a balanced budget by 1984, and that is precisely what has happened. The deficit this year will be at least $110 billion and it is going upward from there under this program.

Now, the goals that were outlined by the administration last year are goals which are broadly supported by the American people. They are goals which I fully support.

□ 1550

So what we are asking today is not to repudiate the broad goals that President Reagan has stated; but what we are asking today is to make some midcourse corrections that the American people are demanding as a better way to achieve those goals.

As I said at the opening of this debate, neither one of these substitutes really tackled the problems of the economy, indexing, military expenditures, and revenue loss because of the tax bill of last year. But since they do not, we have to make the best with what we have to work with now. What we have to work with now, I think, can better be solved by the substitute which we have offered, it can bring the deficits down more. As the Congressional Budget Office pointed

out, over the next 3 years the Democratic substitute lowers deficits $11 billion more than the substitute offered by Mr. LATTA. That will have a more positive effect on bringing interest rates down than the substitute offered by Mr. LATTA.

I plead with my colleagues to support the substitute which we have offered.

Mr. MURTHA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 139]

ANSWERED "PRESENT"—407

Addabbo	Conte	Forsythe
Akaka	Conyers	Fountain
Albosta	Corcoran	Fowler
Alexander	Coughlin	Frank
Anderson	Courter	Frenzel
Andrews	Coyne, James	Frost
Annunzio	Coyne, William	Fuqua
Anthony	Craig	Garcia
Applegate	Crane, Daniel	Gaydos
Archer	Crane, Philip	Gejdenson
Aspin	Crockett	Gephardt
Atkinson	Daniel, Dan	Gingrich
AuCoin	Daniel, R. W.	Ginn
Badham	Dannemeyer	Glickman
Bafalis	Daschle	Gonzalez
Bailey (MO)	Daub	Goodling
Bailey (PA)	Davis	Gore
Barnard	de la Garza	Gradison
Barnes	Deckard	Gramm
Beard	Dellums	Gray
Bedell	DeNardis	Green
Beilenson	Derrick	Gregg
Benjamin	Dicks	Grisham
Bennett	Dingell	Guarini
Bereuter	Dixon	Gunderson
Bethune	Donnelly	Hagedorn
Bevill	Dorgan	Hall (OH)
Biaggi	Dougherty	Hall, Ralph
Bingham	Dowdy	Hall, Sam
Blanchard	Downey	Hamilton
Bliley	Dreier	Hammerschmidt
Boggs	Duncan	Hance
Boland	Dunn	Hansen (ID)
Boner	Dwyer	Hansen (UT)
Bonior	Dymally	Harkin
Bonker	Dyson	Hartnett
Bouquard	Early	Hatcher
Bowen	Eckart	Hawkins
Breaux	Edgar	Hefner
Brinkley	Edwards (AL)	Heftel
Brodhead	Edwards (CA)	Hendon
Brooks	Edwards (OK)	Hertel
Broomfield	Emerson	Hightower
Brown (CA)	Emery	Hiler
Brown (CO)	English	Hillis
Brown (OH)	Erdahl	Hollenbeck
Broyhill	Erlenborn	Holt
Burgener	Ertel	Hopkins
Burton, Phillip	Evans (DE)	Horton
Butler	Evans (GA)	Howard
Byron	Evans (IA)	Hoyer
Campbell	Evans (IN)	Hubbard
Carman	Fary	Huckaby
Carney	Fascell	Hughes
Chappell	Fazio	Hunter
Chappie	Fenwick	Hutto
Cheney	Ferraro	Hyde
Chisholm	Fiedler	Ireland
Clausen	Fields	Jacobs
Clay	Findley	Jeffords
Clinger	Fithian	Jeffries
Coats	Flippo	Jenkins
Coelho	Florio	Johnston
Coleman	Foglietta	Jones (NC)
Collins (IL)	Foley	Jones (OK)
Collins (TX)	Ford (MI)	Jones (TN)
Conable	Ford (TN)	Kastenmeier
Kazen	Natcher	Siljander
Kennelly	Neal	Simon
Kildee	Nelligan	Skeen
Kindness	Nelson	Skelton
Kogovsek	Nichols	Smith (AL)
Kramer	Nowak	Smith (IA)
LaFalce	O'Brien	Smith (NE)
Lagomarsino	Oakar	Smith (NJ)
Lantos	Oberstar	Smith (OR)
Latta	Obey	Smith (PA)
Leach	Oxley	Snowe
Leath	Panetta	Snyder
LeBoutillier	Parris	Solarz
Lee	Pashayan	Solomon
Lehman	Patman	Spence
Leland	Patterson	St Germain
Lent	Paul	Stangeland
Levitas	Pease	Stanton
Lewis	Pepper	Staton
Livingston	Perkins	Stenholm
Loeffler	Petri	Stokes
Long (LA)	Peyser	Stratton
Long (MD)	Pickle	Studds
Lott	Porter	Stump
Lowery (CA)	Price	Swift
Lowry (WA)	Pritchard	Synar
Lujan	Pursell	Tauke
Luken	Quillen	Tauzin
Lundine	Rahall	Taylor
Lungren	Railsback	Thomas
Madigan	Rangel	Traxler
Markey	Ratchford	Trible
Marks	Regula	Vander Jagt
Marlenee	Reuss	Vento
Marriott	Rhodes	Volkmer
Martin (IL)	Richmond	Walgren
Martin (NC)	Rinaldo	Walker
Martin (NY)	Ritter	Wampler
Matsui	Roberts (KS)	Washington
Mattox	Roberts (SD)	Watkins
Mavroules	Robinson	Waxman
McClory	Rodino	Weaver
McCloskey	Roe	Weber (MN)
McCollum	Roemer	Weber (OH)
McCurdy	Rogers	Weiss
McEwen	Rose	White
McGrath	Rosenthal	Whitehurst
McHugh	Rostenkowski	Whitley
Mica	Roth	Whittaker
Michel	Roukema	Whitten
Mikulski	Rousselot	Williams (MT)
Miller (CA)	Roybal	Williams (OH)
Miller (OH)	Rudd	Wilson
Mineta	Russo	Winn
Minish	Sabo	Wirth
Mitchell (MD)	Sawyer	Wolf
Mitchell (NY)	Scheuer	Wolpe
Moakley	Schneider	Wortley
Molinari	Schroeder	Wright
Mollohan	Schulze	Wyden
Montgomery	Schumer	Wylie
Moore	Seiberling	Yates
Moorhead	Sensenbrenner	Yatron
Morrison	Shamansky	Young (AK)
Mottl	Shannon	Young (FL)
Murphy	Sharp	Young (MO)
Murtha	Shaw	Zablocki
Myers	Shelby	Zeferetti
Napier	Shumway	

□ 1600

The CHAIRMAN. 407 Members have answered to their names, a quorum is present, and the Committee will resume its business.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to advise the members of the Committee that under the rule, 5 minutes remain to the gentleman from Ohio (Mr. LATTA) to control and yield; and 6 minutes remain to the gentleman from Oklahoma (Mr. JONES) to control and to yield.

The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. Mr. Chairman, I rise in opposition to both the Jones and Latta substitutes. I do not take this position lightly, but with a strong belief that the American people deserve a better product than the two alternatives we are given today.

Let us look at these proposals with a critical eye.

With the Jones substitute, we are faced with massive tax increases, a huge deficit, minimal defense savings and, nonetheless, human service decreases of $50 billion over 3 years. In the Latta substitute, we are faced with even smaller defense savings, a deficit slightly lower than the Jones version but still in the neighborhood of $100 billion, although some estimates place it higher than Jones over 3 years, and deeper human service cuts.

Mr. Chairman, I think it is appropriate to stop for a moment and ask ourselves exactly what we are trying to accomplish. The people of the Second District of Rhode Island sent me to Washington to work to restore health to our economy, manageable size to our Government, and better, more equitable allocation of Federal resources. They did not send me here to vote for $100 billion deficits and politics-as-usual. But that is what we are voting for if we vote to send either the Jones or Latta proposal to conference today.

Mr. Chairman, 2 weeks ago a group of Republicans and Democrats, including myself, brought forth the Aspin coalition budget in an effort to bring the extremes together at the center. Unfortunately, we were not successful. But neither will the country be successful if we continue the polarizing policies at the extreme ends of the spectrum. We can come together and cast off politics as usual and aim for the future.

I believe, Mr. Chairman, that this body can sit down and work to formulate a budget that can bring the deficit down significantly below $100 billion without raising punishing taxes, neglecting national defense, or making draconian reductions in programs designed to help pull the unfortunate from a lifetime of poverty. Keep veterans programs for those who have risked their lives for our country, and subsistence programs for the disabled and those unable to work. We can do this by taking a good look at the sacred cows and the bloated waste on which the Government has rested for so very long and which my constituents, I am confident to say, is here to straighten out.

I believe Congress can come up with a better alternative—and we owe it to the American people to do so. I suggest that we stay in session around the clock until we arrive at a responsible budget: One that makes deep inroad in the deficit; one that does away with traditional pork barrel spending; one

that provides enough money to strengthen our Armed Forces, but not so much that economic recovery is doomed.

We need a budget that fulfills our responsibility to provide essential services for people whose very lives and well-being depend on Government support—a budget that requires that sacrifices be equitably shared.

We need a future-oriented budget that invests in human capital, that recognizes that economic recovery depends on people having access to the resources and training they need to be productive members of society. Only then will we remain a leader in the world marketplace.

We need a budget that tells the financial markets that we are serious about bringing the deficit down and taking the pressure off interest rates, so that industry and individuals have room to thrive and grow and invest. It is true that, without a signal of fiscal restraint from Congress, the economy will choke. A $100 billion deficit is the wrong signal.

What we need—what the country desperately needs—is a true bipartisan compromise, an end to political bickering and placing the blame on someone else's shoulders. The American people are looking for leadership from their elected representatives. Will we measure up? If we do not, then all that remains is a dismal failure. I believe we have the talent and know-how to fashion a responsible budget.

What we must show now is willpower. I urge my colleagues to meet the challenge. Mr. Chairman, contrary to what some of my colleagues are saying today, this is not the final choice. We can do better. Therefore, I urge all Members to vote these two alternatives down and quickly get back to the drawing board.

Mr. LATTA. Mr. Chairman, I yield the remainder of my time to the minority leader, the gentleman from Illinois, (Mr. MICHEL).

□ 1610

Mr. MICHEL. Mr. Chairman, let me finally address one question that has been raised about our proposal. I speak of the accusation that it hurts the poor and the needy.

We have heard that accusation in this Chamber. We have read it in major newspapers this morning.

I want you to know we consider it a serious charge, all the more serious because it is, in my judgment, incorrect.

In the immortal words of Yogi Berra, it is the most unheard-of thing I ever heard of.

I am not here to harangue the other side for its false accusations. And I am not here to give our bipartisan troops a rousing pep talk. I think we all have gone beyond such dramatics.

I am here, instead, to remind you of certain facts.

In the past 10-year period:

Medicare expenditures have gone up from $9 billion to $47 billion, a 430-percent increase, or 43 percent a year.

Medicaid expenditures have risen from $2.5 billion to $17 billion, a 588-percent increase, or 58 percent a year.

Food stamps expenditures have risen from $2 billion to $11.2 billion, a 580-percent increase, or 58 percent a year.

AFDC expenditures have gone up from $3.5 billion to $6.8 billion, a 94-percent increase, or 9.4 percent a year.

SSI expenditures have risen from $2.3 billion to $8 billion, a 250-percent increase, or 25 percent a year.

This is the basic reason why Federal spending has soared out of control and why we are facing these massive deficits.

The poor, the needy, the elderly, those who need help in our society, cannot and will not be helped by policies whose major assumptions are rooted in attitudes that have caused so much economic difficulty in the past.

Congress has created a state within a state, a 51st state, a new state of poverty composed of poor and needy clients of the Government, forever dependent on the whims of Congress. We have to bring the poor and needy back to the American experience through long-term growth and prosperity.

Anyone can shout compassion. Indeed, many in this House have over the years made a career out of doing so. But shouting compassion and then voting for inflation never created a single job. It never lowered an interest rate. It never brought one poor family into the economy.

I received a call from President Reagan this morning from Bonn, West Germany. He told me of his full support of our substitute. And he told me that his European counterparts, with whom he has been dealing all week, are very interested in what we do today.

Moreover, the American people want us to get with it today and are looking to us for leadership. Remember that word, which has not been heard around here for so long. Leadership, with all that it means in terms of foresight and, yes, courage to do the right thing.

Let me say one final thing about a rumor that has been floating around here. It says that if the Latta substitute goes down, the Speaker and I will rush off to some secluded rendevous and put together a compromise.

I do not know where that myth started but it has about as much basis in reality as the Loch Ness Monster or Big Foot. There is little room or little time left now for compromise.

Do not think there is a liferaft waiting for you. If the bipartisan substitute goes down we all go down not just those of us in this House, but millions of Americans still waiting for us to act.

I am not going to review the torturous process by which we arrived at this point. I will let historians trace the history of the Gang of 17, the endless, frustrating skull sessions in rooms all over the capitol and buildings all over town for 4 long months.

The hand of compromise has been extended for all of that time and it has been turned aside.

Today is what matters. Right now is what matters. Either we do it right this time, or else history and the American people will never—and should never—forgive us.

If I have any time left, Mr. Chairman, I want to express my sincere thanks and appreciation to those on the Democratic side who have helped us fashion our bipartisan substitute. These Members within the last 2 weeks sat in on our deliberations with the so-called Gypsy Moths and Yellow Jackets, and its was a learning process for all those Members involved. There was not a one who got his way, everyone had to give some and take some. And on my own side where there were some marked differences of opinion and shades of philosophy represented on the various issues, I want to compliment my Members for their cooperative spirit and their willingness to give and take all in the interest of putting together a winning combination. That is the name of the game. We feel we have put together a package here that will prevail, that does credit to this House, and more importantly will give the American people a measure of confidence that this institution can work for the good of the people when put to the ultimate test.

Mr. JONES of Oklahoma. Mr. Chairman, I yield the remaining 6 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, this is the moment of decision. I hope that every Member will make that decision because we have a clear choice. I ask every Member in this House to exercise that choice. I hope that every Member will vote for one or the other of these proposals. To do otherwise, to vote against both, would be a craven copout and a retreat from responsibility.

If the House should fail to get a budget, the responsibility would lie squarely upon the shoulders and in the hands of those who chose the copout route and voted for neither.

Now, so far as I am concerned, I think the choice is clear. It is for me. We decide to do one of two things: either we try to do something positive to help people through this recession, to stimulate jobs and economic revival; or else we passively acquiesce to a continuance of this ever-deepening Reagan recession.

I think most people still admire Mr. Reagan personally and they wish him

well, but they do not admire Reaganomics. They do not admire his unemployment policy. They do not admire his high interest rates. They do not admire what they perceive to be his favoritism for the rich. They do not admire and they do not desire a rubberstamp Congress that bows to his every whim.

We were essentially a rubberstamp Congress last year, flabby, obsequious and submissive. Because we were, 3 million more Americans are out of work than were out of work at this time last year, 58,000 businesses have gone broke, thousands of farms and homes are in foreclosure, old people have been denied prospectively the rights of the very minimum benefit under social security, young people are finding it harder to go to college, young couples cannot buy homes, and we have plunged the country into an ever-deepening recession, the worst economic morass the Nation has suffered in the last 40 years.

□ 1620

Those people are the victims of our failure to assert our independence. What are we going to do for those people now? Are we going to apply a tourniquet to stop this economic hemorrhage? Or do we do as the medieval bleeders did, and if the patient does not respond to the first bleeding and, indeed, gets worse, we just bleed him some more?

That is the route of the Latta budget.

Those of you who find attractive the illusion of this $99 billion deficit, a bargain basement figure if ever I saw one, those of you who find that attractive, let me just ask one question; you answer it honestly for yourself. Just what do you think happened to that $37 billion deficit that Mr. Stockman's computer told you he was giving you last year?

I will tell you what happened. Raging unemployment, a rise of more than 2½ percent in the unemployment rate, more than 3 million more Americans thrown out of work, which raised that roseate figure of $37 billion to $115 billion for 1982.

And if you fear the President will flagellate you verbally for supporting a $107 billion deficit, which provides jobs and training and help for the handicapped, how possibly could he do this after having publicly embraced, endorsed and claimed paternity for the $116 billion deficit in the Senate resolution?

Last year we gave the President everything he asked for, everything he demanded. We gave him Gramm-Latta 1, Gramm-Latta 2. We gave him the excessive tax cuts which bleed $96 billion out of the 1983 revenues and make these high deficits inevitable.

For your obedience, Mr. Reagan promised you economic recovery. You remember how sweet was the sound of that phrase.

What did you get? Did you get economic recovery? No. What you got was economic recession.

Mr. Stockman promised you a $37 billion deficit, and what you bought was a $115 billion deficit.

Mr. Stockman promised you 7½ percent interest rates, and what the Nation got was an 18-percent interest rate as a result of his policies.

Is that the advice that you want to follow again this year? Has Mr. Volcker promised any of you that he will bring interest rates down if you will just vote down Jones and vote up Latta? To suggest so would be ridiculous. The difference in the two figures could not of itself justify the faintest change in interest rates. But the fundamental difference within the two could profoundly affect the dangerously deepening recession.

The Latta budget is not just a blueprint, I remind you, it is a straitjacket. Any body who thinks otherwise, let me remind you of the sequel to the first budget last year—Gramm-Latta 2, more than 800 pages of it, written in the executive branch of the Government and given to us on the day of the vote, which arrogantly overrode the will of the committees of the House and almost repealed the committee process itself.

So I would warn you, if you vote against Jones and for Latta today, do not be surprised. What you are voting for is a revisitation of a harsher, more radical, and even more severe Gramm-Latta 2.

So my friends, I ask that we support the Jones budget and reassure the American people that Congress is not blind to their plight, that we have not totally abandoned fairness, and that we care what happens to them.

● Mr. STOKES. Mr. Chairman, I rise in reluctant support of the Jones substitute to House Concurrent Resolution 352. I do so with grave reservation, but with the belief that the Jones budget happens to be the better of two bad choices.

Both the Jones substitute and the Latta substitute are conservative budgets. Neither go far enough, in my opinion, in protecting the millions of Americans who have a very real need for their Government to assist them in meeting the basic necessities of life. Both proposals do a disservice to the elderly, the poor, the handicapped, and the least fortunate in our society by sustaining the ill-advised budget reductions of last year which left millions of people with reduced assistance and increased frustration and despair. It is tragic that both the Jones and the Latta budget alternatives grant a greater importance to reducing the Federal deficit and balancing the Federal budget than to balancing peoples' lives.

I believe that both the Jones and the Latta alternatives are wrong to promote excessive spending increases for defense at the expense of responsibly meeting human needs. Over the next 3 years, the Jones budget would increase defense outlays by 82 percent over 1982 levels, while the Latta budget proposes a 93-percent increase. Although some increase in defense spending is necessary and desirable to maintain military preparedness, exorbitant increases of the magnitude found under both alternatives would only generate more waste, inefficiency, and mismanagement in the Pentagon.

Despite the flawed nature of both the Jones substitute and the Latta substitute, there is a marked difference between the two budget proposals. The difference is that the Latta proposal fails overwhelmingly to meet any standard of human compassion and decency that our Government is supposed to be about. As stated in a June 10, 1982 New York Times editorial, "Make the Poor Pay, and Pay Again," the Latta proposal "is morally indefensible."

Under the Latta substitute, a national responsibility to Americans who want to work—to the unemployed and the underemployed—would be totally abandoned. The Latta budget simply continues the bankrupt economic policies of the Reagan administration, which have thrown over 10 million Americans out of work and discouraged several millon more Americans from even looking. In the black community, one out of every six persons is out of work. Among black teenagers, one out of every two youths is out of work. Yet, funding for Federal employment and training activities would be cut by $700 million below current levels which have already been slashed by 50 percent in 1981.

In contrast, the Jones proposal at least maintains a semblance of extending a helping hand to 1.2 million people who will lose their extended unemployment compensation benefits this year. The Jones alternative would begin to put Americans back to work under a $1 billion employment stimulus package as well.

The Latta substitute is cruel in its treatment of programs on which poor mothers and children rely. Mothers and children are asked to pay the price for the failure of the Reagan economic program. Under Latta, over $4 billion would be slashed from the primary entitlement programs benefiting mothers, infants, and children, as compared with a cut of only $450 million under the Jones budget in fiscal year 1983. Over a 3-year period, nearly $18 billion would be chopped out of the heart of these programs under the Latta, substitute, as compared with $3 billion under the Jones alternative. A cut of $3 billion is far too much. But, a cut of $18 billion is simply outrageous. These draconian budget reductions can only relegate millions of Americans to a life devoid of hope or promise.

It is appalling that the medicaid program, which was cut by over $1 billion last year, would be cut by another $1.7 billion in fiscal year 1983 under the Latta substitute. Food stamp spending, which was reduced by $1.5 billion last year, would be cut another $1.15 billion fiscal year 1983 under the Latta substitute. Most of medicaid and food stamp recipients are mothers and children. Child nutrition programs, including school breakfast and child care food programs, were slashed by 30 percent last year. Now, under the Latta substitute, they would be slashed again.

I for one, cannot accept the confused and misguided priorities which characterize the Republican-sponsored substitute. Cuts of the magnitude proposed can only create additional suffering and misery for the most vulnerable segment of our society—the young and the poor. Millions of children who need these programs to grow up strong, healthy, and educated would be abandoned to fend for themselves under the Latta budget. In stark contrast, no benefit reductions in these programs would be necessary under the Jones alternative budget. At least, under the Jones proposal a basic minimum level of health care and social services would be maintained for needy mothers and children.

The Latta proposal would also undermine the economic and social foundation of our Nation by slashing Federal aid for education—the basis for progress in any society. Equal educational opportunity for minorities and the handicapped would fade into nonexistence with reductions of $562 million from current policy levels of education spending. Cuts in title 1, education for the handicapped, and student financial assistance would severely hinder educational attainment for millions of our youth. In a country where education is seen as the key to achieving the American dream, the Latta proposed budget cuts in education demonstrate the depth of insensitivity displayed in this proposal.

Mr. Chairman, I would like to reiterate that the Jones substitute is not a budget to which I can give my enthusiastic or unqualified support. I would have much preferred that the Congress had adopted the budget alternative crafted by the Congressional Black Caucus. In my view, that budget is far superior to either of the alternatives before us now. But, the choice is between the Jones substitute and the Latta substitute. Of the two, I believe that the Jones budget best preserves that principles of equity, justice, and compassion while moving this Nation toward economic recovery.●

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. JONES) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. JONES of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 225, not voting 5, as follows:

[Roll No. 140]

AYES—202

Addabbo	Fountain	Oakar
Akaka	Fowler	Oberstar
Albosta	Frank	Obey
Alexander	Frost	Ottinger
Anderson	Garcia	Panetta
Andrews	Gaydos	Patman
Annunzio	Gejdenson	Patterson
Anthony	Gephardt	Pease
Aspin	Gibbons	Pepper
AuCoin	Ginn	Perkins
Bailey (PA)	Glickman	Pevser
Barnes	Gonzalez	Pickle
Bedell	Gore	Price
Beilenson	Gray	Rahall
Benjamin	Guarini	Rangel
Bevill	Hall (OH)	Ratchford
Biaggi	Hamilton	Reuss
Bingham	Hance	Richmond
Blanchard	Harkin	Rodino
Boggs	Hatcher	Roe
Boland	Hawkins	Rose
Boner	Hefner	Rosenthal
Bonior	Heftel	Rostenkowski
Bonker	Hertel	Roybal
Bouquard	Hightower	Sabo
Bowen	Howard	Scheuer
Brodhead	Hoyer	Schroeder
Brooks	Hubbard	Schumer
Brown (CA)	Hughes	Seiberling
Burton, Phillip	Jacobs	Shamansky
Chisholm	Jenkins	Shannon
Clay	Jones (NC)	Sharp
Coelho	Jones (OK)	Simon
Collins (IL)	Jones (TN)	Smith (IA)
Coyne, William	Kastenmeier	Smith (PA)
Crockett	Kazen	Solarz
Daschle	Kennelly	St Germain
Davis	Kildee	Stark
de la Garza	Kogovsek	Stokes
Derrick	LaFalce	Stratton
Dicks	Lantos	Studds
Dingell	Lehman	Swift
Dixon	Leland	Synar
Donnelly	Long (LA)	Tauke
Dorgan	Long (MD)	Traxler
Dowdy	Lowry (WA)	Udall
Downey	Luken	Vento
Dwyer	Lundine	Volkmer
Dymally	Markey	Walgren
Early	Matsui	Washington
Eckart	Mattox	Watkins
Edgar	Mavroules	Waxman
Edwards (CA)	Mazzoli	Weaver
Ertel	McHugh	Weiss
Evans (GA)	Mica	Whitley
Evans (IA)	Mikulski	Whitten
Evans (IN)	Miller (CA)	Williams (MT)
Fary	Mineta	Wirth
Fascell	Minish	Wolpe
Fazio	Mitchell (MD)	Wright
Ferraro	Moakley	Wyden
Fithian	Moffett	Yates
Flippo	Mollohan	Yatron
Florio	Mottl	Young (MO)
Foglietta	Murtha	Zablocki
Foley	Natcher	Zeferetti
Ford (MI)	Nelson	
Ford (TN)	Nowak	

NOES—225

Applegate	Breaux	Chappie
Archer	Brinkley	Cheney
Atkinson	Broomfield	Clausen
Badham	Brown (CO)	Clinger
Bafalis	Brown (OH)	Coats
Bailey (MO)	Broyhill	Coleman
Barnard	Burgener	Collins (TX)
Beard	Butler	Conable
Benedict	Byron	Conte
Bennett	Campbell	Conyers
Bereuter	Carman	Corcoran
Bethune	Carney	Coughlin
Bliley	Chappell	Courter
Coyne, James	Hyde	Quillen
Craig	Ireland	Railsback
Crane, Daniel	Jeffords	Regula
Crane, Philip	Jeffries	Rhodes
D'Amours	Johnston	Rinaldo
Daniel, Dan	Kemp	Ritter
Daniel, R. W.	Kindness	Roberts (KS)
Dannemeyer	Kramer	Roberts (SD)
Daub	Lagomarsino	Robinson
Deckard	Latta	Roemer
Dellums	Leach	Rogers
DeNardis	Leath	Roth
Derwinski	LeBoutillier	Roukema
Dickinson	Lee	Rousselot
Dougherty	Lent	Rudd
Dreier	Levitas	Russo
Duncan	Lewis	Santini
Dunn	Livingston	Savage
Dyson	Loeffler	Sawyer
Edwards (AL)	Lott	Schneider
Edwards (OK)	Lowery (CA)	Schulze
Emerson	Lujan	Sensenbrenner
Emery	Lungren	Shaw
English	Madigan	Shelby
Erdahl	Marks	Shumway
Erlenborn	Marlenee	Shuster
Evans (DE)	Marriott	Siljander
Fenwick	Martin (IL)	Skeen
Fiedler	Martin (NC)	Skelton
Fields	Martin (NY)	Smith (AL)
Findley	McClory	Smith (NE)
Fish	McCloskey	Smith (NJ)
Forsythe	McCollum	Smith (OR)
Frenzel	McCurdy	Snowe
Fuqua	McDade	Snyder
Gilman	McDonald	Solomon
Gingrich	McEwen	Spence
Goodling	McGrath	Stangeland
Gradison	McKinney	Stanton
Gramm	Michel	Staton
Green	Miller (OH)	Stenholm
Gregg	Mitchell (NY)	Stump
Grisham	Molinari	Tauzin
Gunderson	Montgomery	Taylor
Hagedorn	Moore	Thomas
Hall, Ralph	Moorhead	Trible
Hall, Sam	Morrison	Vander Jagt
Hammerschmidt	Murphy	Walker
Hansen (ID)	Myers	Wampler
Hansen (UT)	Napier	Weber (MN)
Hartnett	Neal	Weber (OH)
Heckler	Nelligan	White
Hendon	Nichols	Whitehurst
Hiler	O'Brien	Whittaker
Hillis	Oxley	Williams (OH)
Hollenbeck	Parris	Wilson
Holt	Pashayan	Winn
Hopkins	Paul	Wolf
Horton	Petri	Wortley
Huckaby	Porter	Wylie
Hunter	Pritchard	Young (AK)
Hutto	Pursell	Young (FL)

NOT VOTING—5

Bolling	Dornan	Holland
Burton, John	Goldwater	

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. John L. Burton for, with Mr. Goldwater against.

Mr. SHUSTER changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

● Mr. HARKIN. Mr. Chairman, I want to make it clear that my vote of "aye" for the Jones budget should in no way be interpreted as my approval of that budget. Rather, because of the way the rule was constructed, the first vote was really a vote on which budget—given no other choices—we preferred, the Jones or Latta budget.

Given just that choice, I preferred the Jones budget. However, regardless of which budget finally did prevail, I intended to vote "no" because I did not want either one to finally prevail.

As I said earlier in my remarks on the rule, I wanted to bring back the Miller pay-as-you-go budget. I believe if we had brought the Miller pay-as-you-go budget back on the floor, it would have prevailed and we would not be stuck with this terrible Latta budget, which will do nothing more than cause more unemployment and increase interest rates.●

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 207, not voting 5, as follows:

[Roll No. 141]

AYES—220

Archer	Evans (GA)	Lewis
Atkinson	Evans (IA)	Livingston
Badham	Fenwick	Loeffler
Bafalis	Fiedler	Lott
Bailey (MO)	Fields	Lowery (CA)
Barnard	Findley	Lujan
Beard	Fish	Lungren
Benedict	Forsythe	Madigan
Bereuter	Fountain	Marlenee
Bethune	Frenzel	Marriott
Bliley	Fuqua	Martin (IL)
Breaux	Gephardt	Martin (NC)
Brinkley	Gibbons	Martin (NY)
Broomfield	Gingrich	McClory
Brown (CO)	Ginn	McCloskey
Brown (OH)	Goodling	McCollum
Broyhill	Gradison	McCurdy
Burgener	Gramm	McDade
Butler	Gregg	McDonald
Byron	Grisham	McEwen
Campbell	Gunderson	McGrath
Carman	Hagedorn	Michel
Carney	Hall, Ralph	Miller (OH)
Chappell	Hall, Sam	Mitchell (NY)
Chappie	Hamilton	Molinari
Cheney	Hammerschmidt	Montgomery
Clausen	Hance	Moore
Clinger	Hansen (ID)	Moorhead
Coats	Hansen (UT)	Morrison
Coleman	Hartnett	Myers
Collins (TX)	Hatcher	Napier
Conable	Heftel	Nelligan
Conte	Hendon	Nelson
Corcoran	Hightower	Nichols
Coughlin	Hiler	O'Brien
Courter	Hillis	Oxley
Coyne, James	Holt	Parris
Craig	Hopkins	Pashayan
Crane, Daniel	Horton	Patman
Crane, Philip	Huckaby	Paul
Daniel, Dan	Hunter	Petri
Daniel, R. W.	Hutto	Pickle
Daub	Hyde	Porter
Davis	Ireland	Pritchard
Deckard	Jeffries	Pursell
Derwinski	Jenkins	Quillen
Dickinson	Johnston	Railsback
Dreier	Jones (TN)	Regula
Duncan	Kindness	Rhodes
Dunn	Kramer	Ritter
Dyson	Lagomarsino	Roberts (KS)
Edwards (AL)	Latta	Roberts (SD)
Edwards (OK)	Leach	Robinson
Emerson	Leath	Roemer
Emery	LeBoutillier	Rogers
Erdahl	Lee	Roth
Erlenborn	Lent	Roukema
Evans (DE)	Levitas	Rousselot
Rudd	Spence	Weber (OH)
Sawyer	Stangeland	White
Schulze	Stanton	Whitehurst
Shaw	Staton	Whitley
Shelby	Stenholm	Whittaker
Shumway	Stump	Williams (OH)
Shuster	Tauke	Wilson
Siljander	Tauzin	Winn
Skeen	Taylor	Wolf
Skelton	Thomas	Wortley
Smith (AL)	Trible	Wylie
Smith (NE)	Vander Jagt	Young (AK)
Smith (OR)	Volkmer	Young (FL)
Snowe	Walker	Young (MO)
Snyder	Wampler	
Solomon	Weber (MN)	

NOES—207

Addabbo	Florio	Neal
Akaka	Foglietta	Nowak
Albosta	Foley	Oakar
Alexander	Ford (MI)	Oberstar
Anderson	Ford (TN)	Obey
Andrews	Fowler	Ottinger
Annunzio	Frank	Panetta
Anthony	Frost	Patterson
Applegate	Garcia	Pease
Aspin	Gaydos	Pepper
AuCoin	Gejdenson	Perkins
Bailey (PA)	Gilman	Peyser
Barnes	Glickman	Price
Bedell	Gonzalez	Rahall
Beilenson	Gore	Rangel
Benjamin	Gray	Ratchford
Bennett	Green	Reuss
Bevill	Guarini	Richmond
Biaggi	Hall (OH)	Rinaldo
Bingham	Harkin	Rodino
Blanchard	Hawkins	Roe
Boggs	Heckler	Rose
Boland	Hefner	Rosenthal
Boner	Hertel	Rostenkowski
Bonior	Hollenbeck	Roybal
Bonker	Howard	Russo
Bouquard	Hoyer	Sabo
Bowen	Hubbard	Santini
Brodhead	Hughes	Savage
Brooks	Jacobs	Scheuer
Brown (CA)	Jeffords	Schneider
Burton, Phillip	Jones (NC)	Schroeder
Chisholm	Jones (OK)	Schumer
Clay	Kastenmeier	Seiberling
Coelho	Kazen	Sensenbrenner
Collins (IL)	Kemp	Shamansky
Conyers	Kennelly	Shannon
Coyne, William	Kildee	Sharp
Crockett	Kogovsek	Simon
D'Amours	LaFalce	Smith (IA)
Dannemeyer	Lantos	Smith (NJ)
Daschle	Lehman	Smith (PA)
de la Garza	Leland	Solarz
Dellums	Long (LA)	St Germain
DeNardis	Long (MD)	Stark
Derrick	Lowry (WA)	Stokes
Dicks	Luken	Stratton
Dingell	Lundine	Studds
Dixon	Markey	Swift
Donnelly	Marks	Synar
Dorgan	Matsui	Traxler
Dougherty	Mattox	Udall
Dowdy	Mavroules	Vento
Downey	Mazzoli	Walgren
Dwyer	McHugh	Washington
Dymally	McKinney	Watkins
Early	Mica	Waxman
Eckart	Mikulski	Weaver
Edgar	Miller (CA)	Weiss
Edwards (CA)	Mineta	Whitten
English	Minish	Williams (MT)
Ertel	Mitchell (MD)	Wirth
Evans (IN)	Moakley	Wolpe
Fary	Moffett	Wright
Fascell	Mollohan	Wyden
Fazio	Mottl	Yates
Ferraro	Murphy	Yatron
Fithian	Murtha	Zablocki
Flippo	Natcher	Zeferetti

NOT VOTING—5

Bolling	Dornan	Holland
Burton, John	Goldwater	

□ 1650

The Clerk announced the following pairs:

On this vote:

Mr. Goldwater for, with Mr. John L. Burton against.

Mr. FLIPPO and Mr. LONG of Maryland changed their votes from "aye" to "no."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. JONES of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the concurrent resolution, as amended, be agreed to.

The motion was agreed to.

□ 1700

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BEILENSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 352) revising the congressional budget for the U.S. Government for the fiscal year 1982 and setting forth the congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, had directed him to report the concurrent resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the concurrent resolution, as amended, be agreed to.

The SPEAKER. First of all I want to congratulate the Chairman of the Committee of the Whole. He did a marvelous job; he acted like a real schoolmaster and responded as a chairman should respond up here. The discipline was excellent. The gentleman did a marvelous job.

Under the statute, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the concurrent resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JONES of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 206, not voting 7, as follows:

[Roll No. 142]

YEAS—219

Albosta	Bevill	Cheney
Alexander	Bliley	Clausen
Anderson	Bouquard	Clinger
Anthony	Breaux	Coats
Aspin	Brinkley	Coleman
Atkinson	Broomfield	Conable
Badham	Brown (OH)	Conte
Bafalis	Broyhill	Corcoran
Bailey (MO)	Burgener	Coughlin
Barnard	Butler	Courter
Beard	Byron	Coyne, James
Bedell	Campbell	Daniel, Dan
Benedict	Carman	Daniel, R. W.
Bennett	Carney	Daub
Bereuter	Chappell	Davis
Bethune	Chappie	Deckard

Derwinski	Johnston	Pursell
Dickinson	Jones (NC)	Quillen
Dreier	Jones (OK)	Railsback
Duncan	Jones (TN)	Regula
Dunn	Kindness	Rhodes
Dyson	Lagomarsino	Ritter
Edwards (AL)	Latta	Roberts (KS)
Emerson	Leach	Roberts (SD)
Emery	Leath	Robinson
Erdahl	LeBoutillier	Roemer
Erlenborn	Lee	Rogers
Evans (DE)	Lent	Rose
Evans (GA)	Levitas	Roth
Evans (IA)	Lewis	Roukema
Fenwick	Livingston	Sawyer
Fiedler	Loeffler	Schulze
Findley	Lott	Shaw
Fish	Lowery (CA)	Shelby
Flippo	Lundine	Shumway
Forsythe	Lungren	Shuster
Fountain	Madigan	Siljander
Frenzel	Marlenee	Skeen
Fuqua	Marriott	Skelton
Gephardt	Martin (IL)	Smith (AL)
Gibbons	Martin (NC)	Smith (NE)
Gingrich	Martin (NY)	Smith (OR)
Glickman	Mazzoli	Snowe
Goodling	McClory	Solomon
Gradison	McCloskey	Stangeland
Gramm	McCollum	Stanton
Gregg	McCurdy	Staton
Grisham	McDade	Stenholm
Gunderson	McEwen	Stump
Hagedorn	McGrath	Tauke
Hall, Ralph	Michel	Tauzin
Hall, Sam	Miller (OH)	Taylor
Hamilton	Mitchell (NY)	Thomas
Hammerschmidt	Molinari	Trible
Hance	Montgomery	Vander Jagt
Hansen (ID)	Moore	Wampler
Hansen (UT)	Moorhead	Watkins
Hartnett	Morrison	Weber (MN)
Hatcher	Myers	Weber (OH)
Hefner	Napier	White
Heftel	Nelligan	Whitehurst
Hendon	Nelson	Whitley
Hightower	Nichols	Whittaker
Hiler	O'Brien	Williams (MT)
Hillis	Oxley	Williams (OH)
Holt	Panetta	Wilson
Horton	Parris	Winn
Huckaby	Pashayan	Wolf
Hunter	Patman	Wortley
Hutto	Petri	Wylie
Hyde	Pickle	Young (AK)
Ireland	Porter	Young (FL)
Jenkins	Pritchard	Young (MO)

NAYS—206

Addabbo	Dellums	Gore
Akaka	DeNardis	Gray
Andrews	Derrick	Green
Annunzio	Dicks	Guarini
Applegate	Dingell	Hall (OH)
Archer	Dixon	Harkin
AuCoin	Donnelly	Hawkins
Bailey (PA)	Dorgan	Heckler
Barnes	Dougherty	Hertel
Beilenson	Dowdy	Hollenbeck
Benjamin	Downey	Hopkins
Biaggi	Dwyer	Howard
Bingham	Dymally	Hoyer
Blanchard	Early	Hubbard
Boggs	Eckart	Hughes
Boland	Edgar	Jacobs
Boner	Edwards (CA)	Jeffords
Bonior	Edwards (OK)	Jeffries
Bonker	English	Kastenmeier
Bowen	Ertel	Kazen
Brodhead	Evans (IN)	Kemp
Brooks	Fary	Kennelly
Brown (CA)	Fascell	Kildee
Brown (CO)	Fazio	Kogovsek
Burton, Phillip	Ferraro	Kramer
Chisholm	Fields	LaFalce
Clay	Fithian	Lantos
Coelho	Florio	Lehman
Collins (IL)	Foglietta	Leland
Collins (TX)	Foley	Long (LA)
Conyers	Ford (MI)	Long (MD)
Coyne, William	Ford (TN)	Lowry (WA)
Craig	Fowler	Lujan
Crane, Daniel	Frank	Luken
Crane, Philip	Frost	Markey
Crockett	Garcia	Marks
D'Amours	Gaydos	Matsui
Dannemeyer	Gejdenson	Mattox
Daschle	Gilman	Mavroules
de la Garza	Gonzalez	McDonald
McHugh	Rangel	Solarz
McKinney	Ratchford	Spence
Mica	Reuss	St Germain
Mikulski	Richmond	Stark
Miller (CA)	Rinaldo	Stokes
Mineta	Rodino	Stratton
Minish	Roe	Studds
Mitchell (MD)	Rosenthal	Swift
Moakley	Rostenkowski	Synar
Moffett	Rousselot	Traxler
Mollohan	Roybal	Udall
Mottl	Russo	Vento
Murphy	Sabo	Volkmer
Murtha	Santini	Walgren
Natcher	Savage	Walker
Neal	Scheuer	Washington
Nowak	Schneider	Waxman
Oakar	Schroeder	Weaver
Oberstar	Schumer	Weiss
Obey	Seiberling	Whitten
Ottinger	Sensenbrenner	Wirth
Patterson	Shamansky	Wolpe
Paul	Shannon	Wright
Pease	Sharp	Wyden
Pepper	Simon	Yates
Perkins	Smith (IA)	Yatron
Peyser	Smith (NJ)	Zablocki
Price	Smith (PA)	Zeferetti
Rahall	Snyder	

NOT VOTING—7

Bolling	Ginn	Rudd
Burton, John	Goldwater	
Dornan	Holland	

□ 1710

The Clerk announced the following pair:

On this vote:

Mr. Goldwater for, with Mr. John L. Burton against

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES TO SENATE CONCURRENT RESOLUTION 92

The SPEAKER. Pursuant to House Resolution 496, the concurrent resolution, Senate Concurrent Resolution 92, is amended with the text of the concurrent resolution, House Concurrent Resolution 352, as agreed to by the House, and the concurrent resolution, Senate Concurrent Resolution 92, is agreed to, as amended. The House insists upon its amendment thereto and requests a conference with the Senate thereon.

The Chair appoints the following conferees: Messrs. JONES of Oklahoma, OBEY, SOLARZ, NELSON, ASPIN, HEFNER, DOWNEY, BENJAMIN, DONNELLY, LATTA, REGULA, FRENZEL, and BETHUNE, Mrs. MARTIN of Illinois, and Ms. FIEDLER.

The SPEAKER. Without objection, House Concurrent Resolution 352 is laid on the table.

There was no objection

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce at this time that the graduation of the Page School is Monday next.

Every year, the Speaker has a member of the senior class as page. This year I was blessed and very fortunate to have the first young lady who ever acted as the Speaker's page, and she did an outstanding and a beautiful job. I know many Members have come to know her well.

As she leaves the Page School and as she leaves the rostrum, she is going to the Air Force Academy this year. She is one of the most able, talented, beautiful, and pretty young ladies I have ever met:

To our pages, and to my page particularly, who is leaving for the Air Force Academy, I want to wish her Godspeed. She is such a beautiful person—Pollyanna Padden.

I do not want the Members to think that Polly and I have not had some disagreements. General Haig is one of her favorite people.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 11, 1982, TO FILE REPORTS ON H.R. 5617 AND H.R. 6307

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight Friday, June 11, 1982, to file its reports on H.R. 5617 and H.R. 6307.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to check with the gentleman to find out whether or not this has been cleared with the minority.

Mr. ROE. I always take care of that, Mr. Speaker.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5922, URGENT SUPPLEMENTAL APPROPRIATIONS, 1982

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 11, 1982, TO FILE REPORT ON H.R. 6337, NATIONAL ENERGY EMERGENCY PREPAREDNESS ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, June 11, 1982, to file its report on H.R. 6337, the National Energy Emergency Preparedness Act.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. DAUB. Reserving the right to object, Mr. Speaker, I do so only for the purpose of inquiring of the gentleman, has this been cleared with the minority?

Mr. JONES of North Carolina. It has not, to my knowledge.

□ 1720

Mr. DAUB. Mr. Speaker, further reserving the right to object—Mr. Speaker, the House is not in order, and it is difficult for us to hear on this side.

Mr. JONES of North Carolina. Mr. Speaker, this is merely an extension of time to file the committee report. The committee finished its work this morning. This is the Committee on Merchant Marine and Fisheries.

Mr. DAUB. Mr. Speaker, the question I put to the gentleman was: Has the minority cleared this on the committee?

Mr. JONES of North Carolina. I cannot answer that truthfully.

The SPEAKER. The Chair would say that the gentleman is making a routine request to have until midnight tomorrow to file a report on legislation.

Mr. DAUB. Mr. Speaker, we really were having trouble hearing. We really did not get the message.

Mr. JONES of North Carolina. No, it is not a hearing. The hearing is over; it has been concluded.

Mr. DAUB. Mr. Speaker, reserving the right to object, it has been difficult for us to hear what the gentleman was saying, and that is the problem. Now, if the gentleman could state it again while the House is in order, perhaps we could hear the request.

The SPEAKER. He asked for permission until midnight on the 11th to file a report.

Mr. DAUB. And, Mr. Speaker, our reservation is to inquire whether or not this has been cleared with the minority on the committee.

The SPEAKER. The Chair will state that this is normally a perfunctory manner.

Mr. DAUB. But in order to have the ability to protect the rights of the minority, we ask that question.

The SPEAKER. The Chair at this time hears an objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader about the program for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, I am pleased to announce the program for next week, before which I want to congratulate my distinguished friend, the minority leader, upon the victory that he achieved today.

Mr. MICHEL. Mr. Speaker, I thank my friend. It is a victory for the House, and I am so happy that we are over that hurdle so that now we can go to conference and move along expeditiously.

Mr. WRIGHT. Mr. Speaker, we are finished with legislation for today, and the House meets at noon on Monday. We are finished today, there being no meeting tomorrow.

There will be a meeting on Monday, but there will be no votes on Monday. The House will meet at noon on Monday, and there are five suspensions that we have scheduled. They are as follows:

H.R. 4476, Administrative Conference Act Amendments;

H.R. 6198, Manufacturing Clause Extension;

H.R. 5161, Monongahela Forest, West Virginia, Wilderness Designation;

H.R. 6290, Authorizations for Voyageurs National Park, Minnesota, Sleeping Bear, Michigan, Cape Cod, Massachusetts, and Cape Lookout, North Carolina; and

H.R. 6350, a bill to Promote Recruitment and Retention of Veterans' Administration Nurses.

Any votes demanded on those suspensions would be postponed until Tuesday. We will meet at noon on Tuesday. We will have the Private Calendar, and following any recorded votes postponed from the day before, we would expect to take up H.R. 6296, a bill of some significance. That is the Housing and Urban-Rural Recovery Act of 1982. That is a very important bill brought to us by the Committee on Banking, Finance and Urban Affairs.

On Wednesday and the balance of the week, we will come in at 10 o'clock. First, we will complete the Housing and Urban-Rural Recovery Act. Then probably we would be able to take up H.R. 6254, a bill for the protection of foreign missions, and H.R. 6249, the African Development Fund authorization, as well as H.R. 5879, the Refugee Assistance Act Amendments of 1982.

Each of the three last-named bills is under an open rule, with 1 hour of general debate. It is expected that the debt limit bill, subject to the granting of a rule, would be scheduled sometime during the coming week, and also we might expect the conference report on H.R. 5922, which, of course, is the urgent supplemental appropriations bill.

Those are the important matters for next week. Any additional program will be announced later, and, of course, conference reports may be considered at any time.

We would hope to adjourn by 3 o'clock on Friday, if there be a Friday session, and adjournment times on all other days will be announced.

Mr. MICHEL. Mr. Speaker, will the gentleman refresh my memory on this? Are we now, having concluded the budget resolution, in recess over tomorrow?

Mr. WRIGHT. Yes.

Mr. Speaker, if the gentleman will yield, that is exactly right. When we conclude today's business, we already having concluded the legislative business scheduled for today, we will adjourn over until Monday, and I will ask unanimous consent that that be done.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 11, 1982, TO FILE REPORT ON H.R. 6337, NATIONAL ENERGY EMERGENCY PREPAREDNESS ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight, Friday, June 11, 1982, to file a report on H.R. 6337, the Natural Energy Emergency Preparedness Act.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. DAUB. Mr. Speaker, reserving the right to object there is no objection on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 14, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to convene at 12 o'clock noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I take this time at this point, as I imagine my distinguished friend, the gentleman from Texas knows, again to raise the question about the disappearance of the regulatory reform legislation from the calendar. Many of us have been interested in this for quite some time. It has been out of the committee since, I think, February 28. It has gotten tremendous bipartisan support, and I think, by any stretch of the imagination, I would say to my good friend that there has been a degree of patience exercised by reasonable men.

It would, therefore, be my purpose next week sometime to initiate those necessary procedures to bring this legislation to the floor at some point through the procedures provided for in the rules of the House unless there can be some assurance before Monday of next week that this matter will otherwise be scheduled.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, let me just respond by saying, as he knows, I am a cosponsor of this bill, I sympathize with him, and I agree with him; I think it is a good bill. I think it is outrageous that it has not been scheduled.

But the truth is that, as the gentleman knows, for a long while the chairman of the subcommittee, Mr. Danielson, was out of office, he having accepted an appointment as a Federal judge and having retired, and the subcommittee chairmanship being vacant, there was no formal request from the committee to the Committee on Rules for a rule.

Now, the Rules Committee, of course, is aware of the desire for a rule, and it is ridiculous to pretend otherwise. I think I just have to say to the gentleman that the Chairman of the Committee on Rules, the gentleman from Missiouri, Mr. BOLLING, has an interest in this legislation and in the gentleman's position. However, the gentleman from Missouri, Mr. BOLLING, is in the hospital right now, and since he is in the hospital, I do not feel free to make a commitment in his absence beyond saying that the gentleman has indeed demonstrated remarkable patience for which I commend him, and I think the gentleman has every reason to be outraged that his bill has not been given a chance to get its day in court.

□ 1730

I would hope that it would get its day in court, but I cannot speak for absent Members.

I do want to preserve and protect the rights of the chairman of the Rules Committee.

Mr. LEVITAS. Further reserving the right to object, and I want to thank my good friend from Texas for his comments, I know that he has been a cosponsor of this legislation and shares the frustration that I have felt about not being able to get this matter to the floor of the House so that the Members could work their will on it one way or the other.

I should also like to say that the difficulty about the former chairman of the subcommittee having departed and gone on to other tasks has been resolved for 2 weeks now.

The chairman of the subcommittee, the gentleman from Texas, Mr. SAM HALL, has indicated his willingness and readinesss to go forward.

I have been told for 2 weeks a letter was supposed to be going to the Rules Committee requesting a rule. None of that has happened.

I just get the feeling, and I think I had better lay it out right now, in the interest of candor and honesty, that a small group of people are holding up the legislation from the floor so the House cannot do its will. It is the very type of thing that the chairman of the Rules Committee for many years fought against when there were other people in control of the Rules Committee.

I think it is only appropriate that this legislation, which has vast bipartisan support, and the support of the people of the United States, be given a chance to come to the floor.

It is obvious it is not going to happen in any other way, or at least does not seem to and, therefore, I think it is necessary to utilize the rules of the House.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Texas.

Mr. ARCHER. I share the gentleman's concern for rapid consideration of the regulatory reform bill.

I would like, if the gentleman would yield further, to ask the majority leader a question about the schedule for next Tuesday. Is it the intention to have votes on the housing bill on Tuesday or will there just be general debate?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Texas.

Mr. WRIGHT. We do not expect to conclude the housing bill on Tuesday. We expect that we would conclude general debate and quite possibly if there were amendments we might get into amendments on Tuesday.

Mr. ARCHER. So you might have some votes on amendments then on Tuesday?

Mr. WRIGHT. I think that is altogether possible because we have a 2-hour open rule and the only other thing we have scheduled for Tuesday are recorded votes that have been put over from Monday.

So I would suggest to the gentleman that he might reasonably expect the possibility of some recorded votes on amendments which may be offered to the Housing and Urban Renewal Recovery Act.

Mr. ARCHER. I thank the gentleman for yielding.

Mr. LEVITAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6296, HOUSING AND URBAN-RURAL RECOVERY ACT OF 1982

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 97-602) on the resolution (H. Res. 498) providing for the consideration of the bill (H.R. 6296) to amend and extend certain Federal laws which establish housing and community and neighborhood development and preservation programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5879, REFUGEE ASSISTANCE ACT AMENDMENTS OF 1982

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 97-603) on the resolution (H. Res. 499) providing for the consideration of the bill (H.R. 5879) to amend the Immigration and Nationality Act to extend for 3 years the authorization for appropriations for refugee assistance, to make certain improvements in the operation of the program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6149, AFRICAN DEVELOPMENT FUND AUTHORIZATION

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 97-604) on the resolution (H. Res. 500) providing for the consideration of the bill (H.R. 6149) to

provide for increased participation by the United States in the African Development Fund, which was referred to the House Calendar and ordered to be printed.

A BILL TO END SANCTIONS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, I am introducing today, with my distinguished Foreign Affairs Committee colleague, DON BONKER, as cosponsor legislation to terminate the U.S. sanctions on the export of oil and gas pipeline equipment to the Soviet Union.

It is clear that these sanctions do not work. In hearings on this matter, representatives of the State Department and key exporters of pipeline equipment testified that the sanctions have not influenced Soviet behavior on Poland or elsewhere. Perhaps Springfield, Ill., UAW President Harry Wells summed it up best when he said:

> If the sanctions were lifted we would be able to proceed with business transactions with pipelayers with the Soviet Union. We in our union support the struggle of the Polish workers and the Soldiarity Union, and if something could be done that worked and was effective, we would support that. But the trade sanctions, as they are, are just not working.

He is right. The major impact has been to export American jobs and business overseas. Their ineffectiveness stems from the fact that the U.S. sanctions remain unilateral; our allies have not joined us in upholding them. Indeed, these sanctions have provided a windfall for Komatsu of Japan which is gladly taking over the Soviet pipelayer market.

It is ridiculous to continue sanctions of the U.S. export of pipelaying equipment to the Soviet Union when the United States is no longer even pressing our European allies not to go ahead with the construction of the Soviet gas pipeline. The United States made no attempt to place the Soviet gas pipeline on the agenda of the Economic Summit at Versailles. And, as Assistant Secretary of State for Economic Affairs, Robert Hormats said in a recent Foreign Affairs Committee hearing:

> I think the pipeline will be built . . . The question is do we have the capability to prevent its being built, and the probability is we do not. The probability is we do not have much capability to delay it.

It would, therefore, be a foreign policy travesty and an economic injustice to continue these pipeline sanctions. The United States should be putting in place an effective way to convince the Soviet Union to respect U.S. interests: a strong U.S. defense and a coordinated effort with our allies to restrict credits and subsidies for the Soviet Union. The answer to influencing Soviet behavior in Poland is a multi-lateral, unified Allied effort. The answer is not in imposing sanctions on U.S. goods while Japanese and European sales of the very same goods to the U.S.S.R. remain unfettered.

I believe that there will be action on this legislation in the near future and urge my colleagues in the House to support this effort.

Text of bill follows:

H.R. 6564

A bill to amend the Export Administration Act of 1979 to terminate certain export controls on goods or technology for the construction of oil or gas pipelines or pipeline facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended by adding at the end thereof the following new subsection:

"(1) TERMINATION OF CERTAIN CONTROLS.—No export controls imposed under this section on goods or technology for the construction of oil or gas pipelines or pipeline facilities shall be effective on or after the date of the enactment of this subsection.".

THE LATE SATCHEL PAIGE

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WINN. Mr. Speaker, Joe DiMaggio called him one of the greatest pitchers he had ever faced. Bill Veeck, his first major league boss, said he was the best ever.

Satchel Paige was truly a legend in his own time. Despite years of obscurity in the Negro leagues, he is remembered as a master of the art of pitching. Sadly, Satchel died the other day at the age of 75 in my hometown of Kansas City where he played for the Monarchs.

It is difficult to get a handle on Satchel's career because of the sketchy statistics kept during his 22 years in the Negro leagues. It is estimated that he pitched in as many as 125 games a season, throwing every imaginable pitch known to man. When he entered the big leagues in 1948, he immediately lived up to any advance billing associated with a legend by making the Cleveland Indians squad at the age of 42.

In 1965, Satchel accomplished the amazing feat of pitching in a big league game with the Kansas City A's of the American League at the age of 58. He pitched three innings and allowed only one hit.

Satchel was known for some humorous one-liners as well. Many fans are familiar with "Don't look back, someone might be gaining on you." In describing Cool Papa Bell, a teammate of his in the Negro leagues, Satchel said he was so quick that Cool Papa could flick the switch and hop in bed before the lights went out.

We will all miss the great Satchel Paige, who in addition to being a great athlete, was an inspiration to black athletes everywhere in every sport.

BANKRUPTCY REFORM NEEDED TO PROTECT FISHERMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today which would correct a blatant inequity in the Federal Bankruptcy Code which has unfairly penalized U.S. fishermen. This legislation would simply provide fishermen with a degree of protection in bankruptcy cases filed by fish processing firms and would close a loophole in the law which has allowed a few unscrupulous firms to bilk fishermen of millions of dollars.

Of course, it must be emphasized that in Alaska, as elsewhere, the vast majority of processing firms are ethical and follow good business practices. Such firms realize that the longrun survival of both fishermen and processors depends to a large degree on both parties being treated fairly. This is particularly true during difficult economic times and fluctuating markets. Passage of this legislation will not hinder those businesses acting in good faith. It is designed merely to close a loophole in the law and provide fishermen with some protection against firms which would seek short-term gain at their expense by taking advantage of their status as unsecured creditors.

Under current law, fishermen are treated as ordinary creditors of fish processors and are not entitled to protections given secured creditors or employees of the bankrupt firms. Although secured creditors and employees are not guaranteed repayment under the bankruptcy law, they are entitled to priority in payment of debts to be discharged in bankruptcy proceedings. Priority is given to these parties in recognition of their special relationship to the debtor and their justified reliance debts will be repaid.

This legislation would amend title XI of the Bankruptcy Code to provide that priority shall be given to unsecured claims of fishermen. The change in the law would bring it into compliance with many State laws which treat fishermen as labor for purposes of filing materialman liens. Also, the code amendment would help emphasize to new and reorganizing firms that commitments made to fishermen

are just as important as those made to other creditors.

The change in Federal law is necessary because a few firms have taken advantage of Federal law by inducing fishermen to rely on payments being honored and then obtaining protection from the Bankruptcy Code to discharge those debts which were lawfully owed. Secured creditors, assured priority under the code, are protected, at least to the extent of being entitled to priority as the assets of the bankrupt firm are liquidated. However, fishermen, with no priority, are often left without any payment on the dollar and without any recourse or legal method of receiving payment.

In my State of Alaska, there have been instances in which fishermen have been left unpaid for a year's work when a processor went bankrupt. One bankruptcy last year left over 200 fishermen with unpaid debts totaling nearly $2 million. Another bankruptcy in 1979 left 300 fishermen with unpaid debts totaling $2.5 million. There is little chance that these fishermen will ever receive any payments on the debts owed.

This legislation is designed to prevent a recurrent theme of some of the bankruptcies in the industry. There have been cases in which some processors have taken advantage of the unsecured position of fishermen. Typically, fishermen have been induced to rely on payments when proper initial payments have been made early in the fishing season. Later, revenues from product sales or loans are diverted to disportionately pay loans and debts to secured creditors since these creditors are more important to the operator, especially if the firm plans to seek additional financing. While these revenues are being diverted to other creditors, the fishermen are typically told not to worry, that the firm is experiencing only temporary cash flow problems. By the end of the season, secured creditors will have received the largest portion of sales revenues, while fishermen will have the highest levels of unpaid debt. If a bankruptcy petition is filed, the secured creditors have priority and some assurance of payment while fishermen, without priority may never be paid.

I believe that fishermen should be entitled to more equitable treatment under the law. Because of the nature of the fishing industry, fishermen have traditionally relied on informal business dealings in selling fish for processing. Most fishermen rely on payments from processors as the sole source of income and may sell their entire yearly catch to one processor. Trust and reliance on payment are essential elements of this industry both to fishermen and to processors.

I urge my colleagues to give this legislation prompt consideration.●

OSHA DATA MANAGEMENT MAY HAVE A DOUBLE MEANING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, nothing is as basic to public affairs in the United States as the idea that the governed have the right and the duty to pass judgment on the effectiveness of Government.

Readily available information is necessary to do this, and the Congress even has established a freedom of information law to help the idea along.

Yet at the Occupational Safety and Health Administration, in a time of great change and wide experimentation with untested theory, the trend does not seem to be following that tenet.

At OSHA, under information-oriented-and-directed management, representatives of the governed are having a progressively tougher time getting information.

But judgments are being made nevertheless.

OSHA's trend toward Government in the shade first showed itself shortly after the new management moved in; there was a decision that policy-level employees should not speak publicly on changes pending in safety and health regulation.

Speculation could "unnecessarily elevate our unwarrantedly reduce concerns" on the part of interested parties, a spokesman was quoted as saying when the gag went in place.

Translated, it sounded like they did not want anybody rocking the boat.

This year there is controversy because OSHA has denied information on inspection and enforcement activity to representatives of organized labor.

AFL-CIO safety director George Taylor has called this a blackout.

At OSHA they call it an overhaul of the recordkeeping system.

The result—information formerly available on a monthly basis almost as it was gathered now will be available to the public only after a delay of one-quarter of a year.

So whatever comes out monthly—after this delay of 90 days—will be 3 months after the fact. This is like getting your morning newspaper for June 10 on September 10. Chances are the informative news would be too old to be of any benefit.

In addition, OSHA's managers offer a justification that is not altogether comforting.

They note that, "Data undergo significant change as they mature" and that the 90-day delay will allow time to adjust "monthly aberrations."

It sounds like they could be moving to a decision to manage their information and not their agency; toward management that believes not in readily available information but in information that is available only when ready to serve management's purpose.

There has been one more recent development regarding information, or the lack of it.

Last week OSHA proposed to excuse almost 500,000 employers from any requirement to keep any records on occupational injuries and illnesses.

About 18.4 million persons are employed in these businesses that OSHA would exempt.

Of them, an OSHA spokesman said that complaints and fatalities still will draw official attention. But there will be no records to show what was going on before the fatality or what might have been involved in spawning the complaint.

However, the spokesman also said the change will save several million dollars a year.

Taking several million to mean at least $3 million, these employers would save about $6.33 a year each.

If the phrase means $50 million, the savings would amount to only $105.48 per employer.

These amounts are hardly the stuff of unfettering business or improving capital investment and productivity. These amounts are hardly even the stuff of one good tax deductible business lunch.

Despite the growing shortage of information, or maybe in part because of it, judgments are being made by the governed.

One such judgment recently was voiced by AFL-CIO President Lane Kirkland at last month's National Conference on Occupational Safety and Health in Washington.

Mr. Kirkland found on the part of the new managers a plan to "enfeeble" OSHA.

Mr. Speaker, excerpts of Mr. Kirkland's remarks are as follows:

> The Reagan administration has made clear its determination to enfeeble the Occupational Safety and Health Act and the Mine Safety and Health Act. We are here to make equally clear our determination to resist.
>
> OSHA and MSHA are the workers' laws. They belong to us. Organized labor fought long and successfully to see them enacted. We have seen enough of funerals of workers killed on the job in accidents, or who died the tragic and slow death of exposure to chemicals and other toxic agents.
>
> We were sick of toothless State programs that accomplished nothing while 114,000 workers were being killed every year from occupational accidents and illnesses.
>
> Imagine—every decade more than 1 million needless deaths. It is as though, every decade, the people of Buffalo or Indianapolis were wiped off the map.
>
> Yet to carry out the purposes of OSHA, the Federal Government grudgingly doles out the equivalent of about $3 for each worker. Is it worth no more than $3 to save a worker's life or health?

A term in the jargon of regulatory economics is "cost effectiveness." It means that a regulatory agency like OSHA or MSHA should analyze alternative methods of complying with a health or safety rule. A responsible policy would require the choice of whichever method most effectively reduces the hazard to safe levels.

Corporations and the administration, however, would require the choice of whichever method is least costly to management. This means that, instead of reducing noise through engineering controls, employers force workers to wear earplugs. Instead of removing unsafe concentrations of dust or chemicals, employers encase the workers in respirators. The worker is engineered, not the workplace.

OSHA has taken administrative steps to do just that. The administration has rolled back advances made when Ray Marshall and Eula Bingham were in charge.

A new compliance directive makes it harder for workers to file complaints with OSHA over hazardous job conditions. OSHA warns an employer, by letter, when a worker files a complaint—which is close to violating the act's prohibition against giving advance notice of inspections.

Assistant Labor Secretary, Thorne Auchter's scheme for targeting general schedule safety inspections would exempt 73 percent of manufacturing firms from such inspections—thus depriving nearly 13 million workers of the protection of the law.

The Assistant Secretary heaps self-praise on his cost-effective administration of OSHA and on the efficient deployment of his small compliance staff.

He neglects to mention that under his targeting system inspectors first visit the workplace to check its records. If the records show no evidence of hazard. The inspector simply departs—without inspecting the plant. Yet the Assistant Secretary insists that these are real inspections.

Like the economic indicators, the OSHA indicators all point down; inspections, complaints, followups—down; citations and penalties—down; field personnel—down by 272; OSHA field offices—one-third closed down.

Nor has OSHA escaped the "new Federalism" virus that eats away at the foundations of National Government. Greater reliance on State OSHA programs is the order of the day—as if the passage of OSHA had not been occasioned by the States' inability or unwillingness to protect worker health and safety.

Let the administration understand—and let the politicians who seek our support in this election year understand—that our commitment to the survival and improvement of OSHA is tenacious.

We will defend the health and safety of workers anywhere—the courts, the legislatures, the bargaining table, the streets, if necessary, and wherever public opinion is shaped.

The right to a safe and healthful workplace is as basic as the right to freedom of speech, religion, or a fair and speedy trial. None of those rights should be subordinated to the supposed right to make profits.

Mr. Kirkland concluded:

We face a hard fight. The administration's assault on OSHA is only part of a larger assault on the philosophy and programs that we helped to shape over the last half century.

□ 1740

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MEDICARE FINANCING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 10 minutes.

● Mr. FRANK. Mr. Speaker, 2 weeks ago, during our initial consideration of the first budget resolution, the House spoke very clearly, in adopting the Oakar amendment to that resolution, that it would not tolerate budget reductions in the medicare program. Today I am introducing legislation which will assure the solvency of the medicare trust fund by injecting general revenues into that fund. These general revenues would be generated by repeal of some of the most outrageous provisions of the Internal Revenue Code—those relating to tax preferences for oil producers and royalty owners.

We have a moral commitment to the health of our Nation's older citizens and medicare is perhaps the most significant and important Federal program helping to fulfill that commitment. Today, 26 million older persons and 3 million disabled persons depend on medicare to help meet their health care costs. Sixty percent of these beneficiaries are older women. As important as medicare is, it only meets between 33 to 40 percent of the health needs of older Americans. Clearly, significant reductions or added out-of-pocket costs for beneficiaries would be a tragedy for many of our neediest elderly and disabled citizens.

I believe it is the height of folly to look to reductions in medicare benefits in order to cut Federal expenditures when, at the same time, we have wholesale giveaways to oil companies existing in our Tax Code. There are a number of provisions, some of which passed last year as part of the Economic Recovery Tax Act, that have little, if any, economic justification and which should be repealed. I am proposing that the revenue collected by closing these loopholes be specifically earmarked and directed to the Federal hospital trust fund, from which medicare is financed.

Last year I joined the gentleman from New York (PETER PEYSER) and 74 of my colleagues in proposing to repeal those sections of ERTA which amended the Windfall Profit Tax Act by exempting 2 barrels of oil per day—3 starting in 1985—for royalty owners, reducing the tax on newly discovered oil from 30 to 15 percent over 5 years, and exempting stripper oil by independent producers altogether from the windfall profit tax. These three provisions will cost the Treasury $1.962 billion in 1983, $2.333 billion in 1984, and $2.995 billion in 1985 for a 3 year total of $7.29 billion. The bill I am introducing today would also repeal these provisions. These massive, unjustified exemptions for royalty owners and producers were motivated by nothing more than pure political gamesmanship, certainly not by economics or sound energy policy.

In addition to the repeal of the ERTA provisions, I am also proposing significant changes in two other provisions of the code—the percentage depletion allowance and the expensing of intangible drilling costs. Under percentage depletion, independent producers and royalty owners are given an option accorded to no other taxpayers in our country. They may choose cost depletion, which is essentially like straight line depreciation available to all taxpayers holding capital assets, or percentage depletion, which allows a deduction of 18 percent of gross oil related income, with certain restrictions.

Since percentage depletion can be used for whatever number of years the oil well continues to produce, we are left with the outrageous result that total deductions can far exceed the taxpayer's investment. If it could be demonstrated that percentage depletion led to greatly increased production of oil, perhaps it could be justified. However, economists question whether percentage depletion has any stimulative effect at all on the production of oil. Even worse, the drain on the Treasury is tremendous: $1.5 billion each year in 1983 and 1984, and $2.2 billion in 1985 for a 3-year total of $4.2 billion.

Another preference accorded the oil industry is the allowance of expensing for intangible drilling costs. IDC's include drilling, shooting and cleaning the well, draining, roadmaking, surveying and geological work in preparation for drilling, construction of derricks, tank pipelines necessary for drilling, and preparation of the well for production. In any other context, costs like these would be treated as capital expenditures and depreciated over the useful life of the asset, or perhaps some other reasonable fixed period of time which bears some relation to its useful life. However, IDC's can be expensed in the first year, which results in a tremendous tax deferral opportunity for the oil industry.

Although the 1976 Tax Reform Act restricted the use of IDC expensing, the tax preference is still very much in existence. Analysis by the Joint Economic Committee has concluded that the major oil companies, who comprise 70 to 75 percent of those using this device, can absorb the increased tax without a shortage of capital if the expensing option were eliminated. The cost to the Treasury due to IDC expensing is staggering: $3.5 billion in 1983, $7.7 billion in 1984, and $8.4 billion in 1985 for a 3-year cost of $19.6 billion.

Mr. Speaker, the total in forgone revenue represented by these provisions equals $6.962 billion in 1983, $11.533 billion in 1984, and $13.595 billion in 1985 for a 3-year grand total $32.09 billion. All the figures I have cited were generated by the Joint Committee on Taxation.

We have a very simple choice: We can continue to waste over $32 billion over the next 3 years on tax breaks for the oil industry, provisions which do little to stimulate oil production or energy independence. Or we can take that sum of money and invest it in our Nation's elderly and disabled, helping them to live a more healthy life. The House has spoken once already in adopting the Oakar amendment, declaring that the health care needs of our older citizens are important than reconstructing broken-down, obsolete battleships. I ask my colleagues to speak once again and pass this legislation, demonstrating that our commitment to the elderly and disabled takes a priority than giveways to the oil companies.

A chart detailing the figures discussed herein follows:

FORGONE REVENUE

[In millions of dollars]

Provision	1983	1984	1985
Royalty	959	996	1,252
New oil	316	605	973
Stripper	687	732	770
IDC	3,500	7,700	8,400
Depletion	1,500	1,500	2,200
Total	6,962	11,533	13,595

●

□ 1750

WAR IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 30 minutes.

Mr. RAHALL. Mr. Speaker, it is unfortunate that at a time when two major world leaders—Pope John Paul II and President Reagan—are traveling the globe advocating world peace, military confrontation is raging in the South Atlantic, and not to anyone's surprise, in the Middle East. With these two wars, the fragile climate of world peace is being pushed beyond the point of reasonable stability.

Israel's actions are troubling since once again in blitzkreig fashion, Israel has chosen a time when world attention is focused elsewhere to strike out in the name of self-defense. It is further troubling since it comes at a time when the leaders of the Western democracies are struggling with worldwide economic concerns and the growth of nuclear weapons supplies.

All peace-loving people of the world applaud and share the principal expressed by President Reagan this week in his speech before the British Parliament that, "Armed aggression must not be allowed to succeed." It is even more unfortunate that our President's moments of glory amid world summitry and glitter, expected and aimed to enhance his standing back home through constant leadoff coverage by our media is now being upstaged by one Mr. Menachem Begin.

While President Reagan's comments were made in reference to the Falklands crisis, it is my belief that the same principal must be followed in the case of Israel's invasion using massive numbers of troops, into Southern Lebanon—and now much further than Southern Lebanon—indeed further than the country of Lebanon itself.

Aggression is aggression, regardless of where it takes place or who instigates it. Therefore to maintain a consistent foreign policy, the United States must call Israel's action just what it is—an invasion, one which has been long planned. To say it is in response to the tragic attempted assassination of its Ambassador to Great Britain, is to be naive—at best. Even if the guilty lunatic had PLO links, which still has not been proven, how can the PLO be expected to control all the crazy kooks of the world.

Instead, newspapers throughout this country carry headlines that state: "United States avoids criticism of Israeli assault," and "United States vetoes United Nations resolution on sanctions against Israel on a 14-to-1 vote."

Peace is the issue. Any threat to peace or use of military force to obtain a desired goal, while ignoring the preferred course of negotiation, should and must not be tolerated anywhere or by any nation, regardless if they are friend or foe.

It is because of the blind allegiance to our ally Israel by administration after administration and Congress after Congress that that country now feels it has a free hand and one that uses American firepower with total disregard for America's best interests. Even if the PLO could be annihilated, America's best interests would not be served. Peace in the Middle East would not be achieved. Communism would not be stopped. Yes, every country has the right to self-defense, but, for the sake of humanity, how far can this whitewash be spread.

Being of Lebanese descent and having had the opportunity to visit the ravaged land of my grandparents, it is difficult to set aside emotion.

To see libraries and public facilities built with my grandparents money occupied, at least until recently as PLO headquarters, is a taxing thought. To see hospitals, now completely obliterated and communities cut off with even the bare necessities of life, is emotionally draining to say the least.

I call on this administration and on this Congress to put some real teeth into what we often publicly state as solutions to the "problem" in Lebanon. Yes, let us strengthen the Lebanese Central Government and army so the Lebanese can control Lebanon without proxy leaders actually controlled by Syria or Israel or the PLO, or even any compromise between the above. Yes, let us recognize the territorial sovereignty of Lebanon as one country, indivisible. Yes, let us stop the continued injections of poisonous firepower and money from outside powers to the various selfish and jealous militias within Lebanon. Yes, let us put teeth into our demands that all military forces withdraw from Lebanon and a cease-fire be immediately undertaken.

Lebanon has survived decades of internal political and religious factionalism fueled by selfish outside powers. For over a decade now, Lebanon has found itself the destitute guardian of an orphaned and determined people who are legitimately seeking a long lost homeland, not refusing help from anyone willing to give them the time of day. The Lebanese devastation will not be solved until the Palestinian issue is met head-on. Situated as it is in the Arab world, the peace-loving country of Lebanon has long been caught in the crossfire of Israel's alleged claims and fears of an ever-expanding Syria, further threatening Israel's security and Syria's alleged claims and fears of Israel's desire to further annex Lebanon through further Golan Heights and West Bank type settlements.

Will Israel stop its maddening surge, already much deeper than they originally announced, into Lebanon inflicting hundreds of deaths upon children, mothers, and innocent citizens under the guise of self-defense against terrorists?

Will Israel withdraw completely from Lebanon as it has stated it would or will further victory flings by Menachem Begin be witnessed to display the Israel flag over Lebanese cities?

Or will Israel continue until they control the lifeline to Lebanon, the Litani River? Mr. Speaker, I only wish the "peace for Galilee" carnage would cease for all humanity's sake.

Although a bit foggy, I can see the desire of this administration to maintain leverage over Israel and strive not to undercut Ambassador Phillip Habib's current negotiating efforts. However, it is time to publicly question and recognize where this strategy has gotten us in the past as far as a lasting comprehensive peace in the Middle East.

Yes, we had a cease-fire last summer at the height of the Israeli-Syrian missile crisis. The ensuing months were relatively long and calm as cease-fires go in the Middle East. We saw the PLO fail to react to teasing by Israel. To many observers, the PLO appeared to take a turn toward a more moder-

ate, restrained, and calm approach and seemed to be on its best behavior in a long while.

I am certainly not advocating any return to violent, aggressive actions that characterize certain radical elements of the PLO.

And I have personally expressed my desire to Yassar Arafat to see the PLO recognize Israel and its right to exist within secure boundaries—an action for which there certainly must be a quid pro quo.

But I believe, in conclusion Mr. Speaker, that it is time for this administration and this Congress to publicly question how this free hand we have given Israel, how this moderate reaction and failure to get tough, so often referred to during campaign time, has furthered America's desire for a just and lasting peace in the Middle East.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding and I want to commend him on introducing a resolution today that I think is in the best interests of world peace and certainly in the interest of the people who are suffering so greatly in the country of Lebanon.

Mr. Speaker, I deplore violence of any kind. I deplore the senseless violence in El Salvador, the Falklands, and certainly Lebanon. I deplore violence, whether it is done by the PLO, the Syrians, the Lebanese themselves, or the Israelis.

I honestly believe that the majority of these people in the Middle East want peace. I think the men, women, and children who live in the Middle East, and particularly in Lebanon, want peace. But I have come to believe that the leadership in the Middle East does not want peace, and indeed there is a void of leadership on the part of our own Government in a quest for peace. The most prominent example currently is in the case of Lebanon. The blatant invasion of Lebanon by Israel violates the territorial integrity, sovereignty, and political independence of Lebanon. Lebanon has always been our ally. In less than a week, many thousands of casualties have resulted and thousands more have been injured. Some estimate that 10,000 people have been killed in Lebanon. And most of these victims are not part of the PLO and not part of any persuasion, they are civilians. They are the men, women, and children who are native Lebanese. Yes, they are Christian. Yes, they are Moslem. Life is life irrespective of their religious persuasion.

Besides the other homeless refugees in Lebanon, there are now native Lebanese who are refugees and so we know that the bombs strike Christian as well as Moslems.

This should be of special concern to this Congress and to the American people.

The invasion which purports to enhance Israel's security, in fact, in my judgment, does great harm to the long-term security interests of Israel which most of us are very interested in.

The violence generates ever greater hostility which serves to galvanize the Arab opposition.

Already there is evidence that Iraq wants to end its war with Iran in order to enter the fray against Israel.

Another generation of displaced refugees will be convinced that the only way to a solution for their homelessness is to answer violence with violence.

For the sake of Israel, for the sake of Lebanon, for the sake of the entire Middle East, indeed for the sake of the world, our President should speak out before the war even further escalates. The United States is the supplier of an overwhelming proportion of Israeli weapons and other assistance. We are in a position to demand a halt to this invasion.

President Carter was able to do so in 1978 by threatening to invoke the provisions of the U.S. Arms Export Control Act when Israel entered Lebanon with its armed forces.

At this point I would like to submit for the RECORD an article by Evans and Novak on this very subject.

The article says:

[From the Washington Post, June 9, 1982]

WILL REAGAN CURB ISRAEL?

(Rowland Evans and Robert Novak)

Embarrassed and undercut by Israel's invasion of Lebanon as the last mishap ruining his European grand tour, President Reagan has been advised to respond toughly or risk the further labeling of his administration as irrelevant in world affairs. That advice comes from senior Republicans in Congress, mid-level State Department officials and influential outsiders with access to the president. They are furious that Prime Minister Menachem Begin would use the false pretext of an alleged PLO assassination attempt on an Israeli diplomat for its long-planned invasion at a most embarrassing time for Ronald Reagan.

The weapon in Reagan's hand that he is being advised to use forthwith is a law forbidding Israel to employ U.S. Arms except in "legitimate" self-defense. Yet considering past reluctance by Reagan and Secretary of State Alexander Haig to confront Begin, nobody is betting that the president will use that weapon—as the maligned Jimmy Carter did. When Begin first invaded Lebanon in strength in the spring of 1978, Carter used the law to force Israel out. Begin ordered Israeli withdrawal, but U.S. satellite photography quickly revealed the presence of U.S. supplied armor still inside Lebanon. Carter wrote Begin a short, stern note warning that U.S. weapons flow would stop immediately if the tanks were not pulled out. Begin complained, but did what Carter demanded.

Begin is weaker today. What's more, only a minority of American politicians believes the Israeli claim that the PLO was responsible for the shooting of Israel's esteemed ambassador to Britain, a claim used to justify Israel's invasion. U.S. officials accept the findings of a British investigation that the PLO had nothing to do with it.

Begin's decision to strike into Lebanon came at the worst of times in Ronald Reagan's effort to show himself capable of leading the Free World. The dismal backdrop includes U.S. failure to mediate the Falkland Islands crisis, Reagan's failure to soften Margaret Thatcher's demands against Argentina and failure of the Reagan administration to get its way with its summit partners in Paris last week on cutting Western credits to the Soviet bloc. That explains warnings to the president that if he pulls punches with Israel, he risks ridicule—from both allies and enemies. But will Reagan take the next step and send a letter to Congress suspending all shipments of American weapons? Given the record of the first 18 months of the Reagan administration, nobody can be sure—a doubt steeped in melancholy for the free world.

The world is watching to see whether we will now issue Prime Minister Began a blank check or whether we will insist on his honoring the terms under which we supply his country the arms and other assistance during a time when we are preoccupied with the issue of nuclear war.

We must keep in mind that any conflict in the Middle East has the potential of drawing the super powers into a face-to-face confrontation that could escalate into a general war within a matter of days, indeed even hours.

Mr. Speaker, I want to call to your attention and the attention of my colleagues an article that I could not believe, quite honestly. It was an editorial that appeared in the New York Times entitled, "Ever Greater Israel." I want to quote one sentence from it.

It said, "Peace is the issue, not Lebanon." It said, "There is no Lebanon or plausible plan to revive it."

I want the editors of the New York Times to tell the natives who live in Lebanon that there is no country of Lebanon and indeed tell the 3 million Americans who are of Lebanese descent that there is no Lebanon. Tell the millions of Lebanese throughout the world that there is no Lebanon. This is the attitude you see that some people take about how easily exploitable Lebanon is.

So I say for the sake of Lebanon and Israel, indeed, the world, I call upon the President to demonstrate his leadership. Going horseback riding with the Queen while thousands of people in Lebanon are being killed and maimed is despicable. Why is the President and the administration mysteriously silent on this issue? Surely it is not in the interest of peace.

So I want to urge our President and the administration and Members of Congress to exert our leadership ability and indicate our absolute chagrin that this invasion has taken place and

the unfortunate killing that is taking place in Lebanon and say to the Lebanese people and to the people throughout the world that Lebanon is not expendable and it certainly deserves our support in this time of absolute need.

I want to commend my friend from West Virginia for the introduction of this very important and courageous resolution.

Mr. RAHALL. I thank the gentlewoman for the comments that she has made and want to associate myself with those comments and certainly express my appreciation to her as well as to the gentleman from Illinois (Mr. FINDLEY); the gentleman from Michigan (Mr. CROCKETT); the gentleman from Illinois (Mr. SAVAGE); the gentleman from Mississippi (Mr. BOWEN); the gentleman from the District of Columbia (Mr. FAUNTROY); the gentleman from California (Mr. MCCLOSKEY); the gentleman from California (Mr. DYMALLY) and the gentleman from Michigan (Mr. CONYERS) who have joined with me in sponsoring this House concurrent resolution expressing the sense of the Congress that the United Nations Security Council Resolution 509 should be implemented immediately and unconditionally and reaffirming that the territorial integrity, sovereignty, and political independence of Lebanon must be maintained.

□ 1800

Ms. OAKAR. Mr. Speaker, will the gentleman yield further?

Mr. RAHALL. Yes; I will be glad to yield.

Ms. OAKAR. I wanted to point out that in the resolution that the gentleman and I and others have sponsored that we insist and urge that all foreign combat forces be withdrawn form Lebanon and that we urge that all parties immediately and simultaneously cease their military activities, not only within Lebanon, but across the Lebanese-Israeli border and immediately seek peace through negotiation.

I think it is important to point out that this resolution, while it certainly chastises Israel's activities, calls for all parties, and that includes the PLO, the Syrians, and the Lebanese, as well as the Israelis, to cease their activities, their military activities, and to seek peace through negotiation.

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for her comments. She certainly makes a well-intentioned point.

As one of the drafters of this resolution, that was a concern of mine that we do include that language, that all foreign combat forces be withdrawn from the country of Lebanon.

It is time that all powers in the region and in the entire international community realize that Lebanon is not expendable, as the gentlewoman has stated in her comments, and that the Lebanese problem will not be solved until all forces withdraw from Lebanon, until there is a national reconciliation and a discussion among all the various factions within the country of Lebanon itself and their willingness to support the central government of the country of Lebanon and in that manner foreign powers can be kept from reentering that country in the years ahead.

I might add, Mr. Speaker, that the gentleman from Illinois (Mr. FINDLEY) had wanted to remain and participate in this special order, but because of previous commitments had to leave and wanted to express his association with the remarks of the gentlewoman from Ohio and myself during this special order.

GREEK OLYMPIA COINS: FANCY MARKETING CANNOT CONCEAL BAD BUY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, last week an American coin collector brought a very interesting packet of information to my attention. It contained a colorful brochure, an order blank and several other pieces of literature, all aimed at promoting a unique numismatic adventure—Greek Olympia coins. These coins are being marketed by Numinvest Corp., a subsidiary of the Paris-based international bankers, Lazard Freres, an organization that wanted to market U.S. Olympic commemorative coins.

As you know, the House of Representatives recently approved my Olympic coin proposal by a vote of 302 to 84. This plan calls for the minting of two silver dollars and one gold 10-dollar coin to be sold directly to the public by the mint. The House vote signaled an overwhelming rejection of a rival proposal that called for the minting of 17 coins to be sold to the public through private marketers.

I vehemently objected to the private marketing plan because it had all the ingredients of a first-class ripoff: Too many coins issued with nontraditional face values, a prohibitively high price tag and an enormous potential for private profiteering at the expense of our Olympic athletes. If Numinvest's Greek venture is any indication of how they would have approached the marketing of our Olympic commemorative coins, my suspicions were well-founded.

When I opened the Greek Olympia Coins brochure, I was immediately struck by the slick packaging. There is absolutely no way to deny it—this is an impressive brochure. The photographs are clear, the layout bold and the text of the copy persuasive. It is filled with reference to the history of the modern Olympics and their Greek heritage. Indeed, the designs for the coins shown in this brochure were based on ancient works of art.

After perusing the leaflet a bit longer, I decided to look more closely at the information on the coins themselves. And this is where the story really gets interesting. This pamphlet merely describes the first series of coins—there are two more to come. These coins can only be purchased in sets of either three silver or two gold coins. So, if you want to buy just one coin, you are out of luck.

Although the brochure contains quotes like "These coins have already captured the interest and admiration of experts around the world due to their historical significance, beauty, attention to detail and affordable price in light of their generous precious metal content," these coins are hardly what you would call a good value. A set of silver coins in uncirculated condition costs $64.50; the same coins in proof condition are $93. Based on current exchange rates and silver prices, these coins have a total face value of $13.14 and contain bullion worth $8.31. That is an incredible markup, ranging from 390 percent to 608 percent over the intrinsic value of the coins.

The gold coins are priced in a similar fashion. They are available only in proof condition with a set of two going for $527.70. These coins have a face value of $116 and contain bullion worth $176 at today's gold prices. The consumer is paying three times the intrinsic value of the coins.

A complete set of three silver and two gold series I coins in proof condition has a price tag of $620.70. For this sum the consumer receives $184 worth of precious metal and coins with a face value of $129.

One should keep in mind that these figures represent the cost of owning only one series of coins in proof condition. The actual cost of participating in the program could be considerably higher since there are three, three-coin series each of proof and uncirculated silver coins and three, two-coin sets of proof gold coins. Indeed, owning a complete set of the coins would cost $2,056. The 24 coins in the complete set would have a combined face value of only $427 and contain bullion worth $577. These figures certainly refute the brochure's claim that "this is truly an affordable collection."

Contrary to the marketers' claim that "The Greek Olympia coin collection is sure to be sought after by collectors as the first authentic coin issue of its kind," these coins are not likely to appreciate in value. The Greek Olympia coins are what experts call pseudo-coins. That means that the coins, although they officially have legal tender status, are really more like medallions since their face values and technical specifications are artificial and arbitrary. As a result, they are

not attractive to coin collectors. Numismatists tell me that the coins are not likely to be worth any more than their bullion value. Thus, the consumer is paying over $2,000 for bullion worth only $577.

One piece of literature states that—

Three percent of the face value realized from the sale of the coins in the United States and Canada will go to their respective Olympic teams and athletic federations. Therefore, as a subscriber to this collection you become, in a real sense, a participant in one of man's oldest and noblest traditions.

If someone purchased these coins in order to support our amateur athletes, he or she would be sorely disappointed. Spending either $64.50 or $93 for one series of the silver coins would yield the U.S. Olympic Committee exactly 39 cents. Our amateur athletes would receive $3.47 from the $527.70 one spent on a set of gold coins. If one paid $2,056 for the entire series of coins, the net to our athletes would be $12.75. This is hardly a cost-efficient means of supporting amateur athletics.

I soon realized that the slick packaging was a vain attempt at disguising the shortcomings of the product itself. You may in fact be wondering exactly what it is that Greek Olympia coins are commemorating. I wondered the same thing as I was leafing through the brochure.

The marketers go to extreme lengths discussing the Greek Olympic tradition—undoubtedly in the hope that you will think that these are Greek Olympic coins. They are not. These coins are being struck to commemorate the 1982 Pan-European Games to be held in Athens. Nevertheless, you would have an extremely difficult time figuring this out from the sales material. One piece of literature mentioned the word "Olympic" or its derivatives 23 times; there was only one reference to the Pan-European Games. Apparently, this ploy can be very effective. The person who sent me this material attached a note that began "Enclosed find letter I received on Greek Olympic coins."

As you can see, this is a clear case of misleading advertising. The coins are grossly overpriced, worthless to collectors, useless as a means of raising money for amateur athletes, and have absolutely nothing to do with the Olympics. Given the history of privately marketed commemorative coins, I should not have been surprised by this latest commemorative coin scheme.

Throughout the entire Olympic coin controversy, I warned this Congress about the inadvisability of allowing the consortium formed by Lazard Freres and Occidental Petroleum to market our Olympic coins. The Greek Olympia program is a clear example of that. The House vote signaled a clear mandate to keep these people out of our program. However, although the House has endorsed a Government-run program, the full Congress and the administration have not yet concurred. If they retreat from the House position and favor the private marketers, we may very well end up with a Greek Olympia-type program. If that happens, these marketers will make huge profits at the expense of both the American consumer and our amateur athletes.

CONFERENCE REPORT ON H.R. 5922

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 97-605)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 18, 25, 43, 44, 49, 53, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 8, 9, 10, 11, 15, 17, 28, 35, 36, 38, 41, 42, 45, and 50, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert *$57,621,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert *$5,650,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 12, 13, 14, 16, 18a, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, 37, 39, 40, 46, 47, 48, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, and 65.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH
(except amendment No. 49),
JOSEPH P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES
(except as to the action of the House conferees on amendment No. 62),
EDWARD R. ROYBAL,
TOM BEVILL,
ADAM BENJAMIN,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JACK EDWARDS
(only as to amendment No. 63),
Managers on the Part of the House.

MARK HATFIELD,
TED STEVENS,
LOWELL P. WEICKER,
JAMES A. MCCLURE,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ALLEN SPECTER,
ROBERT KASTEN,
ALPHONSE D'AMATO,
MACK MATTINGLY
(except for amendment No. 16),
WILLIAM PROXMIRE,
JOHN C. STENNIS
(except for amendment No. 49),
DANIEL K. INOUYE,
ERNEST F. HOLLINGS
(except for amendment No. 49),
THOMAS F. EAGLETON,
LAWTON CHILES
(except for amendment No. 49),
PATRICK J. LEAHY,
DENNIS DECONCINI,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
DALE BUMPERS
(except for amendment No. 49),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5922), making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I

CHAPTER I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

EMPLOYMENT AND TRAINING ASSISTANCE

Amendment No. 1: Appropriates $63,000,000 for the summer youth employment program as proposed by the Senate. The House bill included no funds for this.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $210,572,000, of which $168,457,600 shall be for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of the Older Americans Act of 1965, as amended, and $42,114,400 shall be for grants to States under paragraph (3) of section 506(a) of said Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for "Health Services", $60,080,000, of which $3,500,000 shall be used to provide twelve months of transitional funding for those University Affiliated Facilities previously funded under section 502(a) of the Social Security Act or predecessor legislation (title V of the Social Security Act as in effect prior to the enactment of the Maternal and Child Health Services Block Grant), but for which termination of such funding has been announced during fiscal year 1982.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

No similar provision was included in the House bill. The additional amounts agreed to include $33,850,000 for community health centers, $24,480,000 for the Maternal and Child Health Block Grant and $3,500,000 for certain university affiliated facilities specified in the Senate bill of which $1,750,000 shall be derived from funds available under the Sec. 502b set-aside provision.

HEALTH RESOURCES ADMINISTRATION

Amendment No. 4: Appropriates an additional amount of $1,000,000 for nursing research grants as proposed by the Senate. The House bill contained no funds for this.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

WORK INCENTIVES

Amendment No. 5: Appropriates $57,621,000 for work incentives instead of $76,842,000 as proposed by the House and $38,400,000 as proposed by the Senate.

SOCIAL SECURITY ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 6: Restores appropriation of $23,340,000 for refugee and entrant assistance as proposed by the House. Representatives of a number of States have brought to the attention of the Congress the possibility of a significant shortfall in fiscal year 1982 funds available for cash and medical assistance provided to refugees. This potential shortfall relates to payments fully authorized under the March 12, 1982 regulation and is completely separate from the issue covered by amendment numbered 6. In response to this claim, the Department of Health and Human Services has recently completed a review of State costs which indicate that current appropriations appear to be adequate. Negotiations between the Federal government and the States to resolve this dispute are continuing. While hopeful that additional funds will not be required, the conferees want to state clearly that 1982 funding currently available has been provided based on a policy of 100 percent reimbursement of eligible costs. Should current appropriations be inadequate, they expect the Administration to submit a supplemental or amended 1983 request to cover all legitimate claims.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 7: Appropriates $5,650,000 instead of $4,650,000 as proposed by the House and $6,550,000 as proposed by the Senate.

The conferees have agreed to an appropriation of $5,650,000 for Departmental Management, Salaries and Expenses, within the Department of Education. This appropriation is to cover costs associated with the administration of the Pell grant program.

Of the total provided, $4,650,000 is to be used to pay for Pell grant processing costs. The Department of Education's original budget request for processing costs underestimated the actual cost for data processing of Pell grant applications. Without this supplemental, the Department would be unable to proceed with processing of applications without having to furlough large numbers of Education Department employees.

The additional $1,000,000 would be used by the Department to validate roughly half of the Pell grant applications to prevent overawards and underawards to Pell grant recipients.

This procedure would require the parents of Pell grant applicants or the students themselves, to submit IRS 1040 forms to verify income information on Pell grant applications selected for validation. The Department has information indicating that erroneous awards of up to $100,000,000 have resulted from misreporting of income data on student applications.

The conferees support the Department's effort to reduce error rates, and direct that this money be targeted toward validation of those applicants who statistically are most likely to be in error.

The conferees are agreed that the Department should validate 100 percent of Pell grant applications in administering the appropriation for fiscal year 1983 and subsequent years for this program.

Before proceeding with the expanded partial validation of Pell grant applications, the Department of Education will take steps to guarantee that confidentiality and privacy related to the tax forms submitted is strictly protected. Conferees expect the Department of Education to work closely with the concerned House and Senate committees in carrying out this directive.

SPECIAL INSTITUTIONS

HOWARD UNIVERSITY

Amendment No. 8: Deletes $5,808,000 proposed by the House.

The conferees are agreed that the supplemental budget request of $5,808,000 for Howard University will be considered as part of a future supplemental appropriations bill. The conferees are cognizant of the funding needs of Howard University and other special institutions as a result of the four percent reduction imposed by the 1982 continuing resolution. Restoration of those funds, while not of an urgent nature, will nonetheless be given careful consideration in the near future.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

Amendment No. 9: Appropriates $24,400,000 for fiscal year 1984 as proposed by the Senate. The House bill included no funds for this.

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE

SALARIES AND EXPENSES

Amendment No. 10: Appropriates $309,000 as proposed by the Senate. The House bill included no funds for this.

CHAPTER II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(Rescission)

Amendment No. 11: Inserts headings proposed by the Senate for housing programs, amended to delete reference to transfer of funds, instead of the headings proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Of the amount of authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 and prior Appropriation Acts, $94,382,000 of contract authority and $4,098,640,000 of budget authority are rescinded: Provided, That any balance of authorities made available prior to enactment of the Department of Housing and Urban Development-Indpendent Agencies Appropriation Act, 1982, which are, or become, available for obligation in fiscal year 1982, shall be added to and merged with the authority approved in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1982: Provided further, That $190,860,000 of contract authority and $4,098,685,000 of budget authority, shall be used for the public housing program, including $18,960,000 of contract authority for assistance in financing the development or acquisition cost of low-income housing for Indian families, $90,000,000 of contract authority for modernization of existing low-income housing projects, and $1,263,005,000 of budget authority for new construction and substantial rehabilitation as authorized by Section 5(c) of the United States Housing Act of 1937, as amended, (42 U.S.C. 1437c); and $870,969,000 of contract authority and $15,228,518,000 of budget authority shall be used for new construction and substantial rehabilitation and assistance to existing housing units, including amendments for units reserved in prior years, under the low-income housing assistance program (section 8, United States Housing Act of 1937, as amended): Provided further, That of the foregoing amounts, $152,715,200 of contract authority and $3,700,000,000 of budget authority shall be for projects under section 8, United States Housing Act of 1937, as amended, the rents for which are approved pursuant to the note governing financing adjustments (46 Fed. Reg. 51903, October 23, 1981) or any published amendment thereto or successor note, except that the Secretary shall include in the determination of the fair market rental a debt service factor reflecting the lesser of 14 percent, or one-half percent below the rate of interest on the permanent instrument sold to finance the project, and except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to October 1, 1982: Provided further, That with respect to newly constructed and substantially rehabilitated projects under section 8, United States Housing Act of 1937, as amended, during 1982, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases

set forth in section 8(1) of such Act: Provided further, That none of the merged amounts available for obligation in 1982 shall be subject to the provisions of section 5(c)(2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): Provided further, That no funds provided under this or any other Act shall be used to terminate a reservation of contract authority for any project under section 8 of the United States Housing Act of 1937, as amended, on account of the inability of the developer or owner of that project to obtain firm financing, unless such termination occurs no less than 24 months following the date of initial reservation of contract authority for such project: Provided further, That $74,375,000 of contract authority and $1,750,000,000 of budget authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, shall not become available for obligation until October 1, 1982, and $89,321,727 of the foregoing budget authority shall be for the modernization of 5,073 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act: Provided further, That to the extent that the amount of budget authority which is recaptured or deobligated, including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. Part 883.207, does not equal $5,000,000,000 on June 30, 1982, the amounts deferred in the immediately preceding proviso may be used in accordance with, and in addition to, the amounts provided in the third proviso of this paragraph, except that to the extent such amounts are used, an equivalent amount of such recaptured or deobligated contract authority and budget authority, which become available on or after July 1, 1982 through September 30, 1982, if any, shall be deferred until October 1, 1982.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for Operation of Low-Income Housing Projects", $198,000,000: Provided further, That of the total amount available in fiscal year 1982 for "Payments for Operation of Low-Income Housing Projects", $1,215,275,400 shall be made available pro rata solely in accordance with the Performance Funding System (as set forth in 24 C.F.R. Part 890, as of February 8, 1982).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Committee of Conference has included a provision establishing the levels of assistance permissible under the financial adjustment factor (FAF). The provision permits the Department to provide FAF of one-half of one percent below the rate of interest on the long-term, tax-exempt bond sold to finance the project, but not in excess of 14 percent. The conferees believe that this will provide adequate levels of financing for the FAF eligible projects in the pipeline.

The Committee of Conference has also included bill language providing that $1,750,000,000 appropriated in P.L. 97-101 and recommended to be deferred until 1983 be available for financial adjustment and cost amendments. The conferees are concerned that the Department's estimates of recaptured authority that would be used to fund FAF and cost amendments are overly optimistic. The $1,750,000,000 is to be used after June 30 together with the actual recaptures in order to preclude a shortfall of FAF and cost amendment funds. In the event that the total funds available for the FAF and cost amendments exceed the $5,000,000,000 estimate, the excess would be deferred to October 1, 1982, for use as specified in future appropriations acts.

The following tables contain comparisons of the House, Senate and Conference recommendations.

FISCAL YEAR 1982—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

	Units		
	House	Senate	Conference action
Authority Available			
Recaptures	NA	NA	NA
Deferred authority	NA	NA	NA
Carryover balance (other than deferred authority)	NA	NA	NA

FISCAL YEAR 1982—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING—Continued

	Units		
	House	Senate	Conference action
Permanent authority	NA	NA	NA
New authority	NA	NA	NA
Subtotal, available authority	NA	NA	NA
Less:			
Proposed deferrals	NA	NA	NA
Payments to FFB	NA	NA	NA
Public housing operating subsidy	NA	NA	NA
Proposed recission	NA	NA	NA
Total, available authority	NA	NA	NA
Use of authority			
Public housing:			
New	16,000	150	3,293
Rehab	4,000	4,000	3,000
Indians	4,000	4,000	3,160
Amendments	NA	NA	NA
Lease adjustments	NA	NA	NA
Modernization	NA	NA	NA
Subtotal, public housing	24,000	8,150	9,453
Section 8—New construction:			
Section 202	14,929	14,929	14,929
HFDA / FmHA / Other—Insured / Other—Noninsured	5,009	5,009	7,220
Subtotal, new	19,938	19,938	22,149
Substantial rehabilitation:			
Section 202	2,004	2,004	2,004
HFDA / Other—Insured / Other—Noninsured	560	560	760
Subtotal, sub. rehab	2,564	2,564	2,764
Mod. rehab:			
Mod. rehab	8,909	8,909	5,000
Property disposition	10,000	10,000	10,000
PHA fees	NA	NA	NA
Subtotal, mod. rehab	18,909	18,909	15,000
Existing: Regular	30,387	2,385	30,387
Conversions:			
Section 23	5,000	5,000	5,000
Rent supplement/RAP	60,000	60,000	60,000
Loan management	5,000	5,000	5,000
5-year optouts	1,000		1,000
PHA fees	NA	NA	NA
Subtotal, existing	101,387	72,385	101,387
Amendments:			
New/substantial rehab	NA	NA	NA
Existing	NA	NA	NA
Loan management	NA	NA	NA
Subtotal, amendments	NA	NA	NA
Subtotal, section 8	142,798	113,796	141,300
Total, all programs	166,798	121,946	150,753

[Dollars in thousands]

	Contract authority			Budget authority		
	House	Senate	Conference action	House	Senate	Conference action
Authority Available						
Recaptures	$199,000	$199,000	$199,000	$5,000,000	$5,000,000	$5,000,000
Deferred authority	15,000	15,000	15,000	300,000	300,000	300,000
Carryover balance (other than deferred authority)	89,151	89,151	89,151	2,472,058	2,472,058	2,472,058
Permanent authority	30,257	30,257	30,257	30,257	30,257	30,257
New authority	897,178	897,178	897,178	17,373,528	17,373,528	17,373,528
Subtotal, available authority	1,230,586	1,230,586	1,230,586	25,175,843	25,175,843	25,175,843
Less:						
Proposed deferrals	−158,049	−83,560	−74,375	−3,783,253	−1,825,280	−1,750,000
Payments to FFB				−1,400,000		
Public housing operating subsidy	NA	NA	NA	NA	−254,400	
Proposed rescission	−4,350	−255,071	−94,382	−100,000	−5,985,124	−4,098,640
Total, available authority	1,068,187	891,955	1,061,829	19,892,590	17,111,039	19,327,203
Use of Authority						
Public housing:						
New	78,480	750	22,030	2,354,400	22,500	660,905
Rehab	19,620	19,620	20,070	588,600	588,600	602,100
Indians	25,112	25,112	18,960	703,136	703,136	530,880
Amendments	15,000	15,000	15,000	480,000	480,000	480,000
Lease adjustments	24,800	24,800	24,800	24,800	24,800	24,800
Modernization	90,000	90,000	90,000	1,800,000	1,800,000	1,800,000
Subtotal, public housing	253,012	175,282	190,860	5,950,936	3,619,036	4,098,685
Sec. 8—New construction:						
Sec. 202	92,560	92,560	92,560	1,851,196	1,851,196	1,851,196
HFDA / FmHA / Other—Insured / Other—Noninsured	31,557	31,557	42,677	725,804	725,804	1,024,260
Subtotal, new	124,117	124,117	135,237	2,577,000	2,577,000	2,875,456

	Contract authority			Budget authority		
	House	Senate	Conference action	House	Senate	Conference action
Substantial rehabilitation:						
Sec. 202	12,425	12,425	12,425	248,496	248,496	248,496
HFDA Other—Insured Other—Noninsured	3,528	3,528	4,535	81,144	81,144	108,838
Subtotal, sub. rehab	15,953	15,953	16,960	329,640	329,640	357,334
Mod. rehab:						
Mod. rehab	40,803	40,803	22,900	612,048	612,048	343,500
Property disposition	45,800	45,800	45,800	687,000	687,000	687,000
PHA fees	9,454	[1] (10,637)	9,454	9,454	[1] (10,637)	9,454
Subtotal, mod. rehab	96,058	86,603	78,154	1,308,503	1,299,048	1,039,954
Existing: Regular	109,391	8,586	109,391	1,640,863	128,790	1,640,863
Conversions:						
Sec. 23	12,555	12,555	12,555	188,325	188,325	188,325
Rent supplement/RAP	150,660	150,660	150,660	2,259,900	2,259,900	2,259,900
Loan management	13,500	13,500	13,500	202,500	202,500	202,500
5-year optouts	3,600		3,600	54,000		54,000
PHA fees	44,326	[1] (35,658)	44,326	44,326	[1] (35,658)	44,326
Subtotal, existing	334,032	185,301	334,032	4,389,914	2,779,515	4,389,914
Amendments:						
New/substantial rehab	223,429	285,000	285,000	5,120,736	6,350,000	6,350,000
Existing	6,586	4,700	6,586	65,860	6,800	65,860
Loan management	15,000	15,000	15,000	150,000	150,000	150,000
Subtotal, amendments	245,015	304,700	306,586	5,336,596	6,506,800	6,565,860
Subtotal, sec. 8	815,175	716,674	870,969	13,941,654	13,492,003	15,228,518
Total, all programs	1,068,187	891,955	1,061,829	19,892,590	17,111,039	19,327,203

[1] PHA fees included in above figures.

NET CHANGE IN NUMBER OF UNITS ASSISTED

	Current budget	House	Senate	Conference
Program level	219,917	166,798	121,946	150,753
Less: Deobligations	—64,000	—44,136	—44,136	—44,136
Net program level	155,917	122,662	77,810	106,617
Less: Conversions	—178,000	—65,000	—65,000	—65,000
Net change in number of units assisted	—22,083	57,662	12,810	41,617

The Committee of Conference has included $198,000,000 in supplemental funds for public housing operating subsidies in 1982. The conferees expect that these monies will be allocated under an arrangement between the Department and public housing authorities which includes a revised energy conservation performance program. For fiscal year 1982, the conferees agree that no housing authority shall be reduced by more than 10 per centum under this new program.

Finally, the conferees direct that these funds shall be released within 30 days of enactment of the bill.

RENT SUPPLEMENT

(Rescission)

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting language to rescind up to an additional $3,340,000 of contract authority in the rent supplement program.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

For additional gross obligations in fiscal year 1982 for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), $150,000,000, notwithstanding section 333(a)(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Committee of Conference has included $150,000,000 in additional mortgage purchase authority to be used for 100 percent Section 8 assisted projects. It is the conferees' intent that this funding be provided to those projects eligible for financial adjustments but owing to other factors cannot receive such financial adjustments. The additional tandem assistance provided would be in place of the financial adjustment for those projects. It is also the conferees' intent that the Secretary would have the discretion to determine project eligibility for Section 8 tandem assistance.

Amendment No. 15: Deletes language proposed by the House providing $1,000,000,000 for a Housing Production Assistance Payments program.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

EMERGENCY MORTGAGE INTEREST REDUCTION PAYMENTS

For emergency mortgage interest reduction payments, $3,000,000,000, of which $2,500,000,000 shall be available for use in connection with mortgages or loans involving dwellings referred to in section (g)(3)(A), not more than $400,000,000 shall be available for use in connection with mortgages or loans involving dwellings referred to in section (g)(3)(B), and $100,000,000 shall be available for assistance payments with respect to that portion of the principal obligation of mortgages or loans assisted under this heading which exceeds $77,625, to remain available until expended. Such amount shall be made available under the terms and conditions of the following paragraphs:

(a) For the purpose of assisting middle and lower income families in acquiring a home, a manufactured home, or membership in a cooperative association operating a housing project or in substantially rehabilitating a home or a unit in a cooperative housing project, the Secretary of Housing and Urban Development, hereafter referred to as the Secretary, is authorized through the Government National Mortgage Association, to make and to contract to make periodic interest reduction payments on behalf of such families. Such assistance shall be accomplished through payments to mortgagees and lenders or their transferees holding mortgages and loans meeting the requirements of this heading.

(b) The Secretary may not enter into any contract to make emergency home mortgage interest reduction payments under this heading during any month unless the Federal Home Loan Bank Board's home mortgage interest rate index for conventional home mortgage loans closed, based on the moving average for the most recent two-month period, exceeds 12.5 per centum per annum.

(c) To be eligible for emergency interest reduction payments under this heading, the first mortgage or loan secured by the property, manufactured home, or shares in a cooperative must meet the requirements of or be insured under section (g).

(d) Assistance payments under this heading may be made over a period of not to exceed five years with respect to any mortgage.

(e) The amount of all emergency interest reduction payments made under this heading shall constitute a second lien on the property or shares with respect to which the payments are made and shall be repayable—

(1) when the property is sold;

(2) when the property ceases to be the principal residence of the mortgagor or borrower;

(3) upon any other disposition of the property specified in regulations of the Secretary; or

(4) upon the refinancing of the first mortgage or loan on the property or shares,

except that the amount repaid may not exceed 60 per centum of the homeowner's net equity, as determined by the Secretary.

(f) The amount of the emergency mortgage interest reduction payments with respect to any mortgage or loan shall be an amount not exceeding the lesser of—

(1) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at the rate of 11 per centum per annum; and

(2) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at a rate four percentage points less than the rate specified in the mortgage or loan.

(g) Notwithstanding any other provision of law, the Secretary may assist or may insure a mortgage or loan which shall—

(1) be executed by a mortgagor or borrower whose total family income did not exceed $30,000 during the year preceding the application for the mortgage or loan and who intends to occupy the property as a principal residence, except that the Secretary may increase the limitation contained in this paragraph by such amount as the Secretary determines to be necessary to enable mortgagors and borrowers to qualify for increased principal amounts established by the Secretary pursuant to paragraph (2);

(2) have a principal obligation not to exceed $67,500 except that the Secretary may establish increased principal amounts not to exceed the maximum principal obligation insurable in the area pursuant to section 203(b)(2) of the National Housing Act;

(3) involve a one- to four-family dwelling the construction, substantial rehabilitation, or manufacture of which (A) commenced on or after the date of enactment of this section heading and was substantially completed by November 30, 1983, or (B) commenced no earlier than one year prior to the date of enactment of this heading and was substantially completed by November 30, 1983, and which has never been sold other than to the mortgagor;

(4) provide for complete amortization over a period of not to exceed thirty years, but provide that (A) the mortgage or loan payment shall be adjusted for the second, third, fourth, fifth, and sixth years of the mortgage or loan by increasing the payment required during each such year by 0.75 per centum of the original principal obligation, and (B) the amount of the increase will be applied to reduce the principal obligation;

(5) provide, after the sixth year, for equal monthly payments in the same amount as the amount required in the sixth year, but only for the period necessary to pay off the remaining principal obligation;

(6) have been accompanied by disclosures of the scheduled adjustments in the monthly payment and of the requirements of section (e);

(7) be originated by a mortgagee or lender who is responsible and able to service the mortgage or loan properly;

(8) in the case of a manufactured home loan, comply with the regulations issued under section 501(c) of the Depository Institutions Deregulation and Monetary Control Act of 1980; and

(9) bear interest and contain such other terms and conditions as the Secretary may prescribe.

(h) The Secretary shall allocate the amount available to carry out this program among the States on the basis of a formula so that—

(1) one-third of such amount is allocated on the basis of the ratio of the population of each State to the population of all States;

(2) one-third of such amount is allowed on the basis of the percentage decline in one- to four-family housing starts, measured from 1978 to 1981, of each State relative to the percentage decline for all States; and

(3) one-third of such amount is allocated on the basis of the ratio of each State's number of unemployed persons for the most recent three-month period for which data are available prior to the allocation to the number of unemployed persons for all States for such three-month period.

(i) Any mortgage insured or assisted under this heading shall be eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(j)(1) The Secretary shall assure that the amounts allocated pursuant to subsection (h) are made available in a manner which maximizes participation by eligible lenders and borrowers.

(2) The Secretary shall maximize timely utilization of authority under this heading by limiting the time within which a firm commitment may be issued to ninety days after the commitment (other than a firm commitment) is made.

(3) Notwithstanding any other provision of law, the Secretary shall issue final regulations, make allocations, and begin to issue commitments pursuant to this heading not later than thirty days after the enactment of this Act.

(k) The funds provided under this heading shall remain available for commitment until January 1, 1983.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

INDEPENDENT AGENCIES

Amendment No. 17: Inserts the word "Agencies" in the heading as proposed by the Senate, instead of "Agency" as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 18: Restores section number prohibiting the use of funds for three projects as proposed by the House, instead of one project as proposed by the Senate.

Amendment No. 18A: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

205(k), except that for the project authorized by said section the Administrator shall allocate to the State of New York an amount equal to one-third of the total cost from the amount made available under this paragraph to the State of New York, one-third from the amount made available to the State of New Jersey, and one-third from the amounts made available to the remaining States,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that one-third of the cost of the New York City Convention Center project will come from the State of New York's regular allocation, one-third from the State of New Jersey's allocation, and one-third from the total before the funds are distributed to the other States.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

but not to exceed three systems suffering operational problems outside the warranty period where the existing Environmental Protection Agency planned systems have proven to be inoperable by the local municipalities,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

: Provided further, That nothing herein shall prohibit any project specified in section 201(m) from receiving a grant under section 201(g), in compliance with all relevant procedures under title II of the Federal Water Pollution Control Act, as amended, and paid from funds allotted to the State by section 205 and appropriated by this Act: Provided further, That the Administrator, upon application by the Governor of the State of Ohio, with the approval of the Committees on Appropriations, shall before October 1, 1982, commit existing unobligated funds from the State's Wastewater Construction Grant allotments to fund the Solid Waste Energy facility in Akron, Ohio

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing up to $7,000,000 from the Hazardous Substance Response Trust Fund for the Department of Health and Human Services to carry out its medical and research activities.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and Development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: $31,200,000 for expendable launch vehicles; $323,500,000 for physics and astronomy (including $40,000,000 for Shuttle-Spacelab payloads); $205,000,000 for planetary exploration (including $1,700,000 for the mid-level facility in Hawaii); $39,500,000 for life sciences; $328,200,000 for space applications (including $2,300,000 for the search and rescue program, $5,000,000 for technology transfer, $6,000,000 for upper atmospheric research satellite experiments, $16,200,000 for Shuttle-Spacelab payloads, and $15,400,000 for a 30/20 gigahertz test satellite); $8,000,000 for technology utilization; $264,800,000 for aeronautical research and technology; $111,000,000 for space re-

search and technology; and $42,100,000 for tracking and data acquisition: Provided, That of the funds available for the Space Shuttle, including space flight operations, not less than $80,000,000 shall be made available for design, development and procurement of liquid hydrogen-liquid oxygen (Centaur) upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: Provided further, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: Provided further, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the costs of such mission (exclusive of the costs attributable solely to equipment for the Solar Maximun spacecraft and to equipment capable of reuse): Provided further, That upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed $50,000,000 from the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of Facilities" or "National Aeronautics and Space Administration, Research and Program Management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: Provided further, That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees included a provision establishing minimum amounts to be applied to National Aeronautics and Space Administration programs other than the space shuttle. These minimums are identical to the operating plan submitted to the Congress in January 1982 except for the following: $15,400,000 is earmarked for work on a 30/20 Gigahertz test satellite to maintain U.S. leadership in communications satellites and $264,800,000 is set aside for aeronautics research—the level recommended by President Reagan in March 1981. The conferees have deleted a Senate provision that would require the transfer of $3,000,000 from funds previously appropriated for the solar electric propulsion system to the 30/20 Gigahertz Program. Instead, these funds would remain available for use in NASA advanced programs for existing studies, such as a space station, space platform and orbital transfer vehicle. Other unobligated funds would be used to augment the 30/20 program.

Funds for a mission to retrieve and repair the solar maximum scientific satellite presently in orbit are made contingent on the Department of Defense bearing half of the cost of this mission. Since demonstration of the capability of the shuttle to retrieve and refurbish or repair satellites is of importance to both the civil and national security communities, the conferees believe it is reasonable to expect the Department of Defense to fund half the preparation cost for the mission (excluding solar maximum satellite costs and costs of equipment, such as the manned maneuvering unit, capable of reuse). Based on information requested and received from NASA, the conferees have established $6,600,000 as a minimum amount for DOD to fund. Under this funding level, DOD would be expected to transfer approximately $2,000,000 to NASA in fiscal year 1982, $3,600,000 in fiscal year 1983 and $1,000,000 in fiscal year 1984.

Within the space shuttle program, the provision directs NASA to continue preparation of the Centaur for use in the planetary program. It is the clear intent of the conferees that all work on lower energy upper stages—the inertial upper stages—for the Galileo and Solar Polar missions be terminated.

The conferees have deleted a Senate provision that would have required NASA and DOD to undertake a study and a competitive procurement of an additional high energy upper stage. Although the conferees agree such a study should be conducted and that a competitive procurement policy should be pursued, if possible, for a post-Centaur upper stage, the establishment of such a requirement in law was considered to be premature. The conferees note that an Air Force reprogramming request to undertake such a study is now pending before the Congress and that neither Defense Appropriations Subcommittee has approved this request. The conferees believe that these subcommittees must be included in determining the study design, objectives and time frame and intend to work closely with them to address this issue.

If shuttle schedule or cost would be adversely affected by application of fiscal year 1982 appropriations as specified in the provision, the bill language directs the Administrator of NASA to submit a request to the Appropriations Committees for authority to apply up to $50,000,000 in unobligated balances in the "Construction of Facilities" or the "Research and Program Management" accounts to the shuttle, including any funding necessary to prepare Pad 39-B at the Kennedy Space Center for use by January 1, 1986.

ADMINISTRATIVE PROVISION

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate modifying the limitation on the National Aeronautics and Space Administration's Office of External Relations.

CHAPTER III—DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION CONSTRUCTION AND IMPROVEMENTS

(Disapproval of Deferral)

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which disapproves the deferral of $216,520,000 as reported by the Comptroller General in his message of March 25, 1982.

The conferees are in agreement with the language of the Senate report that directed the Administration to move ahead without further delay to obligate Coast Guard construction funds released on May 27, 1982. The conferees further direct that the House and Senate Committees on Appropriations be provided by June 15, 1982 with a project priority listing of how these funds will be used.

FEDERAL HIGHWAY ADMINISTRATION

INTERSTATE TRANSFER GRANTS—HIGHWAYS

Amendment No. 25: Appropriates $12,150,000 as proposed by the House.

FEDERAL-AID HIGHWAY PROGRAM

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum of $19,000,000 named in said amendment, insert: *$38,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes funds for the following bridges:

Bismarck-Mandan Bridge	$15,000,000
Steubenville-Weirton Bridge	4,000,000
Canal Street Bridge, East Chicago	10,000,000
U.S. 12 Bridge over Trail Creek, Michigan City	9,000,000
Total	38,000,000

NATIONAL SCENIC AND RECREATIONAL HIGHWAY

(Liquidation of Contract Authorization)

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

NATIONAL SCENIC AND RECREATIONAL HIGHWAY

(Liquidation of Contract Authorization)

Any amounts previously authorized to be derived from the Highway Trust Fund for the payment of obligations in carrying out the provisions of 23 U.S.C. 148 are to be transferred to an administered under the appropriation "Federal-aid highways".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Section 303(d) of the Rail Passenger Service Act, 45 U.S.C. 543(d), is amended by changing the period at the end thereof to a semicolon and adding the following:

except that the holding of securities issued by a railroad shall not be deemed to be violative of this prohibition: Provided, that the officer who hold such securities recuses himself from any decisions which bear directly on such railroad, and makes full public disclosure of such holdings.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RELATED AGENCIES

Amendment No. 28: Conforms heading.

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $28,400,000.

The conferees note that the conference report on the fiscal year 1982 Transportation Appropriations bill indicated that the section 406 program should be terminated. The language included in this bill would enable the orderly implementation of that intent, but in no way precludes the Congress from agreeing to continue to fund the section 405 program in fiscal year 1983.

INTERSTATE COMMERCE COMMISSION

PAYMENTS FOR DIRECTED RAIL SERVICE

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which extends by one year the Interstate

Commerce Commission's authority to order the estate of the Rock Island Railroad to lease its commuter railroad lines to Chicago's Regional Transportation · Authority based on a compensation rate determined to be reasonable by the Commission.

CHAPTER IV—DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Amendment No. 31. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate. This amendment appropriates $23,825,000 as proposed by the Senate instead of $15,740,000 as proposed by the House. It also inserts language which prohibits the reorganization of the Bureau until September 30, 1982, and permits the reorganization after that date only if approved by both the House and Senate Committees on Appropriations.

U.S. CUSTOMS SERVICE

Amendment No. 32. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate. This amendment appropriates $14,865,000 as proposed by the Senate instead of $3,433,000 as proposed by the House. It also inserts language which provides $8,000,000 for Operation Exodus. The purpose of Operation Exodus is to stop the exportation of American technology to enemies of the United States.

U.S. SECRET SERVICE

Amendment No. 33. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate. This amendment appropriates $2,700,000 for the Secret Service and designates the United States Secret Service Training Facility as the "James J. Rowley Secret Service Training Center."

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 34. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the effective date of "on June 20, 1982", named in said amendment, insert the following:

ten days after enactment of this Act

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $62,000,000 to the Postal Service and revises the method of allocating revenue forgone appropriations.

INDEPENDENT AGENCIES

Amendment No. 35. Changes word in heading from "Agency" to "Agencies".

GENERAL SERVICES ADMINISTRATION

Amendment No. 36. Inserts heading.

Amendment No. 37. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

National Archives and Records Service

operating expenses

For an additional amount for "Operating expenses", $6,500,000, of which $1,500,000 for allocations and grants for historical publications and records shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OFFICE OF INSPECTOR GENERAL

Amendment No. 38. Appropriates $500,000 for the Office of Inspector General as proposed by the Senate.

FEDERAL BUILDINGS FUND

Amendment No. 39. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate to permit funds presently available to be used to initiate design and related work required to begin repairs and alterations of the U.S. Court of Appeals building, Atlanta, Georgia.

ADMINISTRATIVE PROVISION

Amendment No. 40. Reported in disagreement.

OFFICE OF SPECIAL COUNSEL

Amendment No. 41. Appropriates $238,000 for salaries and expenses as proposed by the Senate.

CHAPTER V—DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

(Transfer of Funds)

Amendment No. 42: Provides $3,500,000 by transfer from the Economic Development Revolving Fund, as proposed by the Senate, instead of $4,500,000 by transfer from said Fund, as proposed by the House.

RELATED AGENCIES

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 43: Deletes language proposed by the Senate which would have prohibited the FTC from reducing the number of its regional offices below ten.

Subsequent to passage of the bill by the Senate, Federal Trade Commission officials assured the House and Senate Appropriations Committees that the regional office reorganization will be delayed until fiscal year 1983 in order to allow the Congress sufficient opportunity to reach fiscal year 1983 funding decisions for the Federal Trade Commission and to examine fully the issue of regional restructuring. Thus, the Senate language is unnecessary.

INTERNATIONAL COMMUNICATION AGENCY

SALARIES AND EXPENSES

(Transfer of Funds)

Amendment No. 44: Deletes proposal of the Senate to transfer $2,100,000 form "Acquisition and Construction of Radio Facilities" for international youth exchanges.

The conferees are agreed that the matter of additional resources for international youth exchanges will be considered when the President submits a budget request to the Congress for this purpose.

CHAPTER VI—DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

Amendment No. 45: Appropriates $1,006,616,000 for Food Stamps as proposed by the Senate.

The conference agreement provides the full amount of the President's supplemental request for the Food Stamp Program. Together with the amount previously appropriated, this supplemental brings the program up to the authorized legal "cap" of $11.3 billion for 1982.

The conferees take note that benefits under this program are required by law. The Food Stamp Program is administered by the Federal government and is operated directly by State public assistance agencies through their local offices. Further, the conferees note that this program, by its very nature, is extremely sensitive to economic conditions in general, and to unemployment in particular. The record is replete with the efforts by Congress and the Administration to see that only those who really qualify get the assistance. Any misuse of this program is at the expense of the people who are entitled to and need the help. The record contains eight pages which describe recent legislative actions which have been taken to tighten this program. Right now, even more than in the past, there will be limited funds and any part wasted or misused leaves that much less for those really entitled to it.

The conferees agree that provision be made for the distribution of commodities that are surplus to domestic requirements.

PUBLIC LAW 480

The President's budget for fiscal year 1983 requested supplemental appropriations language for fiscal year 1982 for the Public Law 480 program. This language was requested to allow a Title II program level of $19,300,000 above the fiscal year 1982 appropriation level. However, when the fiscal year 1982 appropriation bill (P.L. 97-147) was amended in Sec. 611 of that bill, only the appropriation and not the program level was changed. As a result, the enacted bill provided for an appropriation of $674,873,000, and a program level of $722,496,000. Therefore, the requested language is not required.

RURAL ELECTRIFICATION ADMINISTRATION

The conferees have agreed that no action will be taken on proposed supplemental bill language for fiscal year 1982 which would have the effect of reducing the amount of REA loan guarantees.

CHAPTER VII—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Flood Control and Coastal Emergencies

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $40,000,000 for flood control and coastal emergencies.

The conference allowance replenishes the Flood Control and Coastal Emergencies account depleted as a result of emergency operations caused by severe storms and flooding in Indiana, Kansas, Missouri, Iowa, Nebraska, Idaho, Washington, Ohio, Michigan, Illinois, Texas, Oklahoma, Rhode Island and Connecticut. Funds are also provided to implement and maintain by dredging and other means, needed flood control measures and features on the Cowlitz and Toutle River in the State of Washington.

TITLE II

GENERAL PROVISIONS

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment. The Senate amendment inserts the phrase "International Organizations and Programs" in place of "the United Nations".

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment. The Senate amendment adds the phrase ", the South West Africa Peoples Organization,".

Amendment No. 49: Restores language proposed by the House which provides that during fiscal year 1982 the Mine Safety and Health Administration shall have the same enforcement authorities vested in such Administration on September 30, 1981.

It is the intent of the conferees that MSHA resume jurisdiction over the surface mining of stone, clay, colloidal phosphate, sand and gravel, and with respect to any person engaged in construction activities on the surface area of any coal or other mine. However, it is clearly intended that MSHA refrain from harassment of these operations, keeping regulatory activities to the minimum necessary for enforcement of the law.

Amendment No. 50: Deletes language included in the House bill which repealed Section 7 of Public Law 95-435.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 205. Effective upon enactment of this Act and for the remainder of fiscal year 1982, notwithstanding any other provisions of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement specifies that the amendment applies only to fiscal year 1982 and requires a declaration of default unless the President reports monthly to Congress that payments are in the national interest. The conference agreement will prevent a breakdown in the loan guarantee program which is essential to maintaining farm exports.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that: Notwithstanding any other provision of law, the amounts appropriated for fiscal year 1982 under Public Law 97-51 (as amended by Public Law 97-85) and Public Law 97-92 (as amended by Public Law 97-161) for purposes of section 340 of the Public Health Service Act shall be available for funding grants and contracts under such section in areas that are not urbanized areas and in urbanized areas.

Amendment No. 53: Deletes language proposed by the Senate which earmarks $7,500,000 for grants to university affiliated facilities and satellite centers. There is no similar provision in the House bill.

The Conferees agree that all University Affiliated Facility projects funded under the Developmental Disabilities Assistance and Bill of Rights Act shall be funded during fiscal year 1982, as long as they meet existing standards.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which inserts two new sections which require the Secretary of Education to allocate the 1982 appropriation for supplemental educational opportunity grants and college work study using a ratable reduction procedure based on 1981 grant allocations. The House bill contains no similar provision.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which prohibits the Department of Education from premature termination of its agreement with educational laboratories and centers. The House bill contains no similar provision.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds a new general provision providing that the Secretary of Agriculture shall initiate construction of not less than 15 new watershed projects in fiscal year 1982 and proposed projects will be deemed approved if the Director of the Office of Management and Budget has not completed his review within 90 days.

Amendment No. 57. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment deals with tax status of Industrial Revenue Bonds.

Amendment No. 58: Deletes language proposed by the Senate earmarking up to $50,000 for International Military Education and Training for Brazil. The House version contained no similar provision.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which provides that none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration, shall be used to classify a mine in the potash industry as gassy based upon air samples containing concentrations of methane gas, unless such classification standard has been adopted through formal rulemaking on or after November 5, 1981.

The House bill contained no similar provision.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which provides that none of the funds provided in this or any other act shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps. The House bill contained no similar provision.

The conferees are agreed that this limitation applies only to funds available through fiscal year 1982 and that it does not restrict the authority of the Secretary of the Department of Health and Human Services to make reductions in the size of the Corps which he determines to be in the best interest of the Public Health Service. The conferees agree and recognize that this issue may have to be addressed again in future appropriations bills if the effort persists to disrupt the Corps in carrying out its designated mission.

Amendment No. 61. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs the Forest Service to spend not less than $1,000,000 of available funds for research on the cyclocrane concept of a lighter-than-air heavy lift vehicle for use in logging operations. These funds are to be taken from funds available for the timber sales preparation program which have no impact on the Helistat program.

Amendment No. 62: Reported in disagreement. The action of the managers on the part of the House will be to offer a motion that is in conformance with the instructions of the House provided to the House conferees regarding living expense deductions for Members of Congress.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The managers agree to include language proposed by the Senate without setting a new precedent. The intent of this provision is to derive the Medical Assistance to Safety and Traffic (MAST) program funding by transfer only from operation and maintenance funds available to the Kentucky National Guard with no adverse impact on annual training.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

Sec. 219. (a) None of the funds which are made available by this or any other Act shall be used to study, plan, or implement the termination of the operation of the Southwestern Indian Polytechnic Institute located in Albuquerque, New Mexico, in fiscal year 1982.

(b) The Secretary of the Interior shall use funds made available to the Department of the Interior under the Act of December 23, 1981 (95 Stat. 1391) to operate Southwestern Indian Polytechnic Institute through fiscal year 1982.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Secretary of Transportation to approve the use of regular Interstate construction funds on projects for resurfacing, restoring, rehabilitating, and reconstructing primary, secondary or urban systems in those states which receive Interstate funds with a minimum one-half apportionment factor for fiscal year 1983.

CONFERENCE TOTAL—WITH COMPARISONS

NEW BUDGET AUTHORITY

The total new budget (obligational) authority for the fiscal year 1982 recommended by the Committee of Conference, with comparisons to the fiscal year 1982 budget estimates, and the House and Senate bills for 1982 follow:

Budget estimates of new (obligational) authority, fiscal year 1982	[1]$4,579,679,000
House bill, fiscal year 1982	5,992,274,000
Senate bill, fiscal year 1982	[2]10,630,924,000
Conference agreement, fiscal year 1982	[2]8,924,835,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1982	+4,345,156,000
House bill, fiscal year 1982	+2,932,561,000
Senate bill, fiscal year 1982	−1,706,089,000

[1] Includes $1,027,321,000 of budget estimates not considered by the House.

[2] Includes $24,400,000 in advance appropriations for fiscal year 1984.

RESCISSIONS

In addition, the total rescission of budget authority recommended by the Committee of Conference, with comparisons to the President's proposals, and the House and Senate bills follow:

President's proposals	−$7,750,269,165
House bill	−100,000,000
Senate bill	−7,564,604,165
Conference agreement	−5,678,120,000
Conference agreement compared with:	
President's proposals	+2,072,149,165
House bill	−5,578,120,000
Senate bill	+1,886,484,165

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH
(except amendment No. 49),
JOSEPH P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES
(except as to the action of the House conferees on amendment No. 62),
EDWARD R. ROYBAL,
TOM BEVILL,
ADAM BENJAMIN,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. McDADE,
JACK EDWARDS
(only as to amendment No. 63),
Managers on the Part of the House.
MARK HATFIELD,
TED STEVENS,
LOWELL P. WEICKER,
JAMES A. McCLURE,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ALLEN SPECTER,
ROBERT KASTEN,
ALPHONSE D'AMATO,
MACK MATTINGLY
(except for amendment No. 16),
WILLIAM PROXMIRE,
JOHN C. STENNIS
(except for amendment No. 49),
DANIEL K. INOUYE,
ERNEST F. HOLLINGS
(except for amendment No. 49),
THOMAS F. EAGLETON,
LAWTON CHILES
(except for amendment No. 49),
PATRICK J. LEAHY,
DENNIS DeCONCINI,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
DALE BUMPERS
(except for amendment No. 49),
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. GREGG, for 60 minutes on Wednesday, June 16.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. GAYDOS, for 30 minutes, today.
Mr. FRANK, for 10 minutes, today.
Mr. RAHALL, for 30 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRIBLE, to revise and extend his remarks to appear before vote on the Jones of Oklahoma substitute.

Mr. HARKIN, on the Latta substitute to House Concurrent Resolution 352 in the Committee of the Whole today.

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. DOUGHERTY.
Mr. YOUNG of Alaska in two instances.
Mr. COLLINS of Texas in three instances.
Mr. GREEN.
Mr. BAILEY of Missouri.
Mr. SHUMWAY in two instances.
Mr. PAUL.
Mr. HOPKINS.
Mr. WILLIAMS of Ohio.
Mr. RITTER.
Mr. McGRATH.
Mr. McKINNEY.
Mr. LENT.
Mr. GILMAN in three instances.
Mr. DREIER in two instances.
Mr. PARRIS.
Mr. GOODLING.
Mr. LeBOUTILLIER.
Mr. DERWINSKI in two instances.
Mr. RUDD in two instances.
Mr. WYLIE.
Mr. FIELDS in two instances.
Mr. BETHUNE.
Mr. McCLOSKEY in two instances.
Mr. SHUSTER.
Mr. LAGOMARSINO in three instances.
Mr. PORTER.
Mr. BADHAM.
Mr. KEMP.
Mr. FISH.
Mr. SPENCE.
Mr. JEFFRIES.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Mr. WILLIAM J. COYNE.
Mr. STARK in three instances.
Mr. OTTINGER in five instances.
Mr. RANGEL.
Mr. ROSTENKOWSKI.
Mr. SOLARZ.
Mr. IRELAND.
Mr. KASTENMEIER in two instances.
Mr. SIMON in two instances.
Mr. LUKEN.
Mr. ADDABBO.
Mr. RICHMOND.
Mr. ROSENTHAL.
Mr. NOWAK.
Mr. HOWARD in two instances.
Mr. DE LUGO.
Mr. MAZZOLI.
Mr. PEPPER in two instances.
Mr. PEYSER.
Mr. FOWLER.
Mr. FITHIAN.
Mr. CONYERS.
Mr. LOWRY of Washington.
Mr. BONKER.
Mr. SCHUMER.
Mr. GINN in two instances.
Mr. FLORIO.
Mr. DELLUMS.
Mr. WEISS in two instances.
Mr. GUARINI.
Mr. BLANCHARD.
Mr. WAXMAN.
Mr. HUBBARD.
Mr. ROYBAL.
Mr. TRAXLER.
Mr. SHANNON.
Mr. ANDERSON.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5432. An act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover;

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 5659. An act to authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington; and

H.R. 6132. An act to amend section 5590 of the revised statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan.

ADJOURNMENT

Ms. OAKAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, June 14, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4124. A letter from the Comptroller General of the United States, transmitting his review of the revised deferrals of budget authority contained in the message from the President dated May 18, 1982 (H. Doc. No. 97-181), pursuant to section 1014(c) of

Public Law 93-344 (H. Doc. No. 97-194); to the Committee on Appropriations and ordered to be printed.

4125. A letter from the Comptroller General of the United States, transmitting a report on a deferral of budget authority for the Coast Guard's acquisition, construction, and improvement account, pursuant to title 10 of the Impoundment Control Act (H. Doc. No. 97-195); to the Committee on Appropriations and ordered to be printed.

4126. A letter from the Director, Facility Requirements and Resources, Department of Defense, transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

4127. A letter from the General Counsel, Department of Energy, transmitting a notice of meetings related to the international energy program, pursuant to section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272); to the Committee on Energy and Commerce.

4128. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4129. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of proposed new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4130. A letter from the Deputy Assistant Secretary of Defense, transmitting copies of a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4131. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting a notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4132. A letter from the Assistant Secretary of the Interior, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4133. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Inspector General of the Agency for the period ending March 31, 1982, pursuant to section 5(b) of Public Law 95—452; to the Committee on Government Operations.

4134. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the Administration for the period ending March 31, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

4135. A letter from the Under Secretary of the Interior, transmitting the draft and final study on the proposed Desert National Scenic Trail, pursuant to section 5(b) of Public Law 90-543 (82 Stat. 919); to the Committee on Interior and Insular Affairs.

4136. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the Corporation's 1981 annual report, pursuant to section 11 of Public Law 92-578; to the Committee on Interior and Insular Affairs.

4137. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4138. A letter from the Secretary of the Interior, transmitting the sixth annual report on Tule elk herds in California, pursuant to sections 3 and 4 of Public Law 94-389; to the Committee on Merchant Marine and Fisheries.

4139. A letter from the Assistant Secretary of the Army for Civil Works, transmitting a report on the tributaries to the Delaware River, N.Y.; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NICHOLS: Committee on Armed Services. Supplemental report filed on H.R. 1400 (Rept. No. 97-80, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6198. A bill to amend the manufacturing clause of the copyright law (Rept. No. 97-575, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6550. A bill to provide for a temporary increase in the public debt limit, and for other purposes; with amendments (Rept. No. 97-601). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 498. Resolution providing for the consideration of H.R. 6296, a bill to amend and extend certain Federal laws which establish housing and community and neighborhood development and preservation programs, and for other purposes (Rept. No. 97-602). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resoluton 499. Resolution providing for the consideration of H.R. 5879, a bill to amend the Immigration and Nationality Act to extend for 3 years the authorization for appropriations for refugee assistance, to make certain improvements in the operation of the program, and for other purposes (Rept. No. 97-603). Referred to the House Calendar.

Mrs. CHISHOLM: Committee on Rules. House Resolution 500. Resolution providing for the consideration of H.R. 6149, a bill to provide for increased participation by the United States in the African Development Fund (Rept. No. 97-604). Referred to the House Calendar.

Mr. WHITTEN: Committee of conference. Conference report on H.R. 5922 (Rept. No. 97-605). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINSON (for himself, Mr. MOAKLEY, and Mr. SKEEN):

H.R. 6561. A bill to provide that the drug, Proven, may be used for the treatment of multiple sclerosis; to the Committee on Energy and Commerce.

By Mr. BONKER:

H.R. 6562. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DE LUGO (for himself, Mr. WON PAT, Mr. CORRADA, and Mr. SUNIA):

H.R. 6563. A bill to provide payments to American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY (for himself and Mr. BONKER):

H.R. 6564. A bill to amend the Export Administration Act of 1979 to terminate certain export controls on goods or technology for the construction of oil or gas pipelines or pipeline facilities; to the Committee on Foreign Affairs.

By Mr. FITHIAN (for himself and Mr. HAMILTON):

H.R. 6565. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to clarify certain provisions relating to remedial actions at facilities owned and operated by a State or political subdivision thereof; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 6566. A bill to amend the Internal Revenue Code of 1954 to repeal the option to expense intangible drilling and development costs in the case of oil, gas, and geothermal wells, to repeal percentage depletion in the case of such wells, and to repeal certain benefits enacted by the Economic Recovery Tax Act of 1981 with respect to the windfall profit tax on domestic crude oil; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. ROSENTHAL, and Mr. MOFFETT):

H.R. 6567. A bill to authorize humanitarian assistance for the people of Lebanon; to the Committee on Foreign Affairs.

By Mr. GREEN:

H.R. 6568. A bill to delete the provision of the Internal Revenue Code of 1954 which treat Members of Congress separately with respect to living expense deductions; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 6569. A bill to require the Secretary of Agriculture, under certain conditions, to permit borrowers who are farmers to transfer, encumber, or lease property securing certain loans made under provisions of law administered by the Farmers Home Administration; to the Committee on Agriculture.

H.R. 6570. A bill to amend title 28, United States Code, to modify the bar membership requirements for U.S. magistrates; to the Committee on the Judiciary.

By Mrs. HECKLER:

H.R. 6571. A bill to require that a representative of small business be appointed to all Federal advisory councils on business; to the Committee on Government Operations.

By Mr. HEFTEL:

H.R. 6572. A bill to amend the Internal Revenue Code of 1954 to extend the general energy investment tax credit to December 31, 1985, and to expand the application of the special rules for certain long-term projects; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 6573. A bill to amend the Internal Revenue Code of 1954 to allow individuals to designate $1 of their income tax liability to be used for purposes of reducing the public debt of the United States; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 6574. A bill to amend the Higher Education Act of 1965 to prohibit inmates of penal institutions from receiving student financial assistance under that act; to the Committee on Education and Labor.

By Mr. MARKEY:

H.R. 6575. A bill to amend the Internal Revenue Code of 1954 to provide that any

small issue which is part of a multiple lot shall meet the requirements of the small issue exemption; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. RINALDO, Mr. HAWKINS, Mr. ROYBAL, Mr. BIAGGI, Mr. JOHN L. BURTON, Mr. ALBOSTA, Mr. AUCOIN, Mr. BEREUTER, Mr. BEVILL, Mr. BINGHAM, Mr. BONER of Tennessee, Mr. BONKER, Mr. BRODHEAD, Mr. BROWN of California, Mr. CARMAN, Mrs. CHISHOLM, Mr. CLAY, Mr. CLINGER, Mr. COATS, Mr. CORCORAN, Mr. CRAIG, Mr. CROCKETT, Mr. D'AMOURS, Mr. DAUB, Mr. DAVIS, Mr. DECKARD, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DERWINSKI, Mr. DOUGHERTY, Mr. DOWNEY, Mr. DYMALLY, Mr. EDGAR, Mr. ERDAHL, Mr. EVANS of Iowa, Mr. FARY, Mr. FAUNTROY, Mrs. FENWICK, Ms. FERRARO, Ms. FIEDLER, Mr. FINDLEY, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GRADISON, Mr. GUARINI, Mrs. HECKLER, Mr. HOLLENBECK, Mr. HOPKINS, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KILDEE, Mr. JOHNSTON, Mr. JONES of Oklahoma, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN, Mr. LELAND, Mr. LENT, Mr. LONG of Maryland, Mr. LUNGREN, Mr. MCCLORY, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCKINNEY, Mr. MARKEY, Mr. MATSUI, Mr. MATTOX, Mr. MICA, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOTTL, Mr. MURPHY, Ms. OAKAR, Mr. O'BRIEN, Mr. OTTINGER, Mr. PANETTA, Mr. PARRIS, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. RICHMOND, Mr. ROBERTS of Kansas, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SANTINI, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHANNON, Mr. SHAW, Mr. SOLARZ, Mr. SMITH of New Jersey, Mr. SYNAR, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WINN, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. WYDEN, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. ZEFERETTI):

H.R. 6576. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate mandatory retirement and other forms of age discrimination in employment; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 6577. A bill to amend the Federal Water Pollution Control Act regarding the effects of such act on other Federal and State laws; to the Committee on Public Works and Transportation.

By Mr. SHANNON (for himself and Mr. CONABLE):

H.R. 6578. A bill to amend the Internal Revenue Code of 1954 to clarify the exclusion from income for the value of lodging located in the proximity of an educational institution and furnished by such institution to its employees; to the Committee on Ways and Means.

By Mr. SMITH of Alabama:

H.R. 6579. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for a certain amount of wages paid to a previously unemployed individual if such individual is hired between June 15, 1982, and October 15, 1982, and such individual represents a net increase in employment by the employer; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 6580. A bill to reform the regulation of sailing school vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN (for himself and Mr. BREAUX):

H.R. 6581. A bill to amend section 2 of the Public Utility Holding Company Act of 1935; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 6582. A bill to amend title 11, United States Code, to provide that priority shall be given to unsecured claims of U.S. fishermen arising from the sale of fish to certain fish processors; to the Committee on the Judiciary.

By Mr. GARCIA (for himself and Mr. LELAND):

H.J. Res. 509. Joint resolution to prohibit military assistance and sales to Guatemala for fiscal years 1982 and 1983; to the Committee on Foreign Affairs.

By Mr. STARK:

H.J. Res. 510. Joint resolution to designate the week of April 17, 1983, as "National Architecture Week"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. GILMAN, Mr. ZEFERETTI, Mr. CARNEY, Mr. FISH, Mr. FOGLIETTA, and Ms. FERRARO):

H. Con. Res. 356. Concurrent resolution to call for an end to the use of plastic bullets by British security forces in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. GARCIA:

H. Con. Res. 357. Concurrent resolution to commemorate September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street central power station, as "Pearl Street Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H. Con. Res. 358. Concurrent resolution regarding the negotiation of nuclear arms reductions; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. RAHALL (for himself, Ms. OAKAR, Mr. FINDLEY, Mr. CROCKETT, Mr. SAVAGE, Mr. BOWEN, Mr. FAUNTROY, Mr. MCCLOSKEY, Mr. DYMALLY, and Mr. CONYERS):

H. Con. Res. 359. Concurrent resolution expressing the sense of the Congress that United Nations Security Council Resolution 509 should be implemented immediately and unconditionally, and reaffirming that the territorial integrity, sovereignty, and political independence of Lebanon must be maintained; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

404. By the SPEAKER: Memorial of the House of Representatives of the State of Texas, relative to railroad retirement benefits; to the Committee on Energy and Commerce.

405. Also, memorial of the Senate of the State of Oklahoma, relative to budget-balancing amendment to the U.S. Constitution; to the Committee on the Judiciary.

406. Also, memorial of the Legislature of the State of California, relative to coastal salmon season; to the Committee on Merchant Marines and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINSON:

H.R. 6583. A bill for the relief of Mohamed Tejpar and Nargis Tejpar; to the Committee on the Judiciary.

By Mr. AUCOIN:

H.R. 6584. A bill for the relief of Celia Maarit Halle; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 6585. A bill for the relief of Roy Gonsenhauser, Rachele Gonsenhauser, and Eve Gonsenhauser; to the Committee on the Judiciary.

By Mr. SANTINI:

H.R. 6586. A bill for the relief of the estate of Nell J. Redfield; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 756: Mr. KEMP.
H.R. 757: Mr. KEMP.
H.R. 767: Mr. FAZIO.
H.R. 768: Mr. GOODLING.
H.R. 1368: Mr. SIMON.
H.R. 1918: Mr. LUKEN.
H.R. 2034: Mr. ROUSSELOT, Mr. EMERY, and Mrs. COLLINS of Illinois.
H.R. 3526: Mr. ZABLOCKI.
H.R. 4280: Mr. GUNDERSON, Mr. DAN DANIEL, Mr. TAUKE, Mr. RINALDO, and Mr. YOUNG of Florida.
H.R. 4912: Mr. FOGLIETTA and Mr. AKAKA.
H.R. 5038: Mr. GINGRICH.
H.R. 5242: Mr. MCDONALD, Mr. CORCORAN, Mr. MITCHELL of New York, Mr. DANIEL B. CRANE, Mr. ROBERTS of South Dakota, Mr. ALEXANDER, Mr. KEMP, Mr. CHAPPIE, Mr. APPLEGATE, Mr. KRAMER, Mr. OXLEY, and Mr. MYERS.
H.R. 5329: Mr. SMITH of Alabama, Mr. HAMMERSCHMIDT, Mr. COLLINS of Texas, Mr. LEBOUTILLIER, Mr. MADIGAN, Mr. LENT, Mr. KEMP, and Mr. RATCHFORD.
H.R. 5351: Ms. MIKULSKI, Mr. FRENZEL, Mr. MCCURDY, Mr. ERDAHL, Mr. PATMAN, Mr. NAPIER, Mrs. KENNELLY, and Mr. NELLIGAN.
H.R. 5362: Mr. RAHALL.
H.R. 5465: Mr. ALEXANDER, Mr. ANTHONY, Mr. BLILEY, Mr. LONG of Louisiana, Mr. BOWEN, and Mr. MOORE.
H.R. 5471: Mr. COURTER.
H.R. 5600: Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mr. COATS, Mr. CONTE, Mr. D'AMOURS, Mr. DAVIS, Mr. DUNCAN, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. HANSEN of Idaho, Mr. HEFTEL, Mr. MARKEY, Mr. PANETTA, Mr. RICHMOND, Mr. RINALDO, Mr. SUNIA, and Mr. WINN.
H.R. 5629: Mr. BROWN of California, Mr. JAMES K. COYNE, Mr. BARNES, Mr. SUNIA, and Mr. SIMON.
H.R. 5818: Mr. D'AMOURS, Mr. FRANK, Mr. SHANNON, Mr. STUDDS, Mr. WASHINGTON, Mr. O'BRIEN, and Mr. MAVROULES.
H.R. 5853: Mrs. COLLINS of Illinois, Mr. GRAY, Mr. LEBOUTILLIER, and Mr. FOGLIETTA.
H.R. 5950: Ms. OAKAR, and Mr. NEAL.
H.R. 5976: Mr. DWYER, Mr. DE LUGO, Mr. BEDELL, and Mr. RATCHFORD.
H.R. 5995: Mr. BAFALIS, Mr. GARCIA, and Mrs. COLLINS of Illinois.
H.R. 6092: Ms. MIKULSKI, Mr. BEDELL, Mr. HOWARD, and Mr. BAILEY of Pennsylvania.
H.R. 6255: Mr. JONES of Tennessee, Mr. ROBERTS of Kansas, Mr. ROBERTS of South Dakota, Mr. STANGELAND, Mr. DASCHLE, Mr. DAUB, Mr. BEDELL, Mr. HAGEDORN, and Mr. ERDAHL.
H.R. 6299: Mr. GINGRICH, Mr. SMITH of Pennsylvania, Mr. ALBOSTA, Mrs. HOLT, and Mr. MITCHELL of Maryland.
H.R. 6429: Mr. STATON of West Virginia, Mr. DANIEL B. CRANE, Mr. DORGAN of North

Dakota, Mr. SMITH of Iowa, Mr. STANTON of Ohio, Mr. WYDEN, Mr. ECKART, Mr. BEDELL, Mr. SMITH of New Jersey, Mr. DAUB, Mr. LUKEN, Mr. MAZZOLI, Mr. STENHOLM, Mr. RICHMOND, Mr. CONTE, Mr. FARY, Mr. SAVAGE, Mr. IRELAND, Mr. ROEMER, Mrs. SNOWE, Mr. HANSEN of Utah, and Mr. WEBER of Minnesota.

H.R. 6433: Mr. BAILEY of Pennsylvania, Mr. BAFALIS, Mr. BOLAND, Mr. PEPPER, Mr. JACOBS, Mr. MOAKLEY, Mr. NELSON, Mrs. COLLINS of Illinois, Mr. AKAKA, Mr. UDALL, Mr. BEDELL, Mr. MARRIOTT, and Mr. RATCHFORD.

H.R. 6492: Mr. BLILEY, Mr. JOHN L. BURTON, Mr. CARNEY, Mr. DUNCAN, Mr. FORSYTHE, Mr. GOODLING, Mr. HAGEDORN, Mr. LEBOUTILLIER, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. MOLINARI, Mr. ROTH, Mr. STANTON of Ohio, Mr. WALKER, Mr. WHITEHURST, Mr. WINN, Mr. WOLF, and Mr. WORTLEY.

H.R. 6514: Mr. DAVIS.

H.R. 6530: Mr. PRITCHARD.

H.R. 6546: Mr. GOODLING, Mr. WEBER of Minnesota, Mr. LEACH of Iowa, Mr. WEBER of Ohio, Mr. WYLIE, Mr. BETHUNE, Mr. REGULA, Mr. SMITH of Alabama, Mr. HEFNER, Mr. MILLER of California, Mr. WHITLEY, Mr. BEREUTER, Mr. GLICKMAN, Mr. GORE, Mr. ROBERTS of South Dakota, Mr. THOMAS, Mr. COELHO, Mr. BONIOR of Michigan, Mr. LOWERY of California, Mr. EVANS of Delaware, Mr. DREIER, Mr. STANTON of Ohio, Mr. BROOMFIELD, Mr. HOPKINS, Mr. PURSELL, Mr. HAMILTON, Mr. PRITCHARD, Mr. MILLER of Ohio, Mr. VANDER JAGT, Mr. HANSEN of Utah, Mr. WHITTAKER, Mr. DONNELLY, Mr. ENGLISH, Mr. DASCHLE, Mr. RATCHFORD, Mr. PORTER, Mr. DANNEMEYER, Mr. NOWAK, Mr. BARNARD, Mr. EMERSON, Mr. ROBINSON, Mr. CHAPPIE, Mr. MORRISON, Mr. HILLIS, Mr. DICKINSON, Mr. BAFALIS, Mrs. FENWICK, Mr. COLEMAN, Mr. CARNEY, Mr. NICHOLS, Mr. MCDONALD, Mr. HANSEN of Idaho, Mr. FORSYTHE, Mr. MCCLOSKEY, Mr. GUNDERSON, Mr. GILMAN, Mr. KEMP, and Mr. BENEDICT.

H.J. Res. 81: Mrs. HECKLER.

H.J. Res. 104: Mr. MOLINARI.

H.J. Res. 144: Mr. PETRI, Mr. ROBINSON, and Mr. MCDONALD.

H.J. Res. 359: Mr. BENEDICT, Mr. FLORIO, Mr. GRAMM, and Mr. RATCHFORD.

H.J. Res. 386: Mr. TAUKE, Mr. WHITLEY, Mr. LELAND, Mr. WYDEN, Mr. DAVIS, Mr. WALKER, and Mr. NEAL.

H.J. Res. 417: Mr. ROSENTHAL, Mr. SKELTON, Mr. MOAKLEY, Mr. RAHALL, Mr. DOWNEY, Mr. BAILEY of Pennsylvania, Mrs. MARTIN of Illinois, Mr. ANDREWS, Mr. PURSELL, Mr. HAGEDORN, Mr. FINDLEY, Mr. HOPKINS, Mr. ZEFERETTI, Mr. MARTIN of North Carolina, Mr. LEE, Mr. DIXON, Mr. PRITCHARD, Mr. BRODHEAD, Mr. ROBERT W. DANIEL, JR., Mr. MILLER of Ohio, Mr. MCDADE, Mr. CHAPPIE, Mr. WON PAT, Mr. COUGHLIN, Mr. SHUMWAY, and Mr. LEBOUTILLIER.

H.J. Res. 426: Mr. GRAY, Mr. LELAND, Mr. YATES, Mr. AUCOIN, and Mr. DOWNEY.

H.J. Res. 455: Mr. SHARP, Mr. MOLINARI, Mr. FORD of Tennessee, Mr. HANCE, Mr. JACOBS, Mr. FRENZEL, Mr. FORSYTHE Mr. O'BRIEN, Mr. BOWEN, Mr. HYDE, Mr. WHITTAKER, Mr. GINN, Mr. FROST, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. LIVINGSTON, Mr. REUSS, Mr. SCHEUER, Mrs. SNOWE, Mr. YOUNG of Florida, Mr. MONTGOMERY, Mr. HENDON, Mr. ANNUNZIO, Mr. HERTEL, Mr. HUGHES, Mr. GEJDENSON, Mr. WHITEHURST, Mr. DICKS, Mr. BREAUX, Mr. ROBINSON, Mr. UDALL, Mr. STENHOLM, Mr. GINGRICH, Mr. BEDELL, Mr. HOPKINS, Mr. FASCELL, Mr. RANGEL, Mr. CORCORAN, Mr. MARRIOTT, Mr. SANTINI, Mr. NAPIER, Mr. ROEMER, Mr. FIELDS, Mr. MCEWEN, Mr. BENEDICT, Mr. JEFFORDS, Mr. FRANK, Mr. FITHIAN, Mr. MORRISON, Mr. DAN DANIEL, Mr. TRIBLE, Mr. DORGAN of North Dakota, Mr. MCCOLLUM, Mr. STANTON of Ohio, Mr. SHAMANSKY, Mr. LOTT, Mr. MADIGAN, Mr. HATCHER, Mrs. BYRON, Mr. BURGENER, Mr. SUNIA, Mr. EDWARDS of Oklahoma, Mr. ST GERMAIN, Mr. QUILLEN, Mr. HUNTER, Mr. KRAMER, Mr. EVANS of Iowa, Mr. ROBERTS of South Dakota, Mr. DANIEL B. CRANE, Ms. MIKULSKI, Mr. DOWDY, Mr. HOYER, Mr. WILLIAM J. COYNE, Mr. BAILEY of Missouri, Mr. FLIPPO, Mr. MATSUI, Mr. SIMON, Mr. ERTEL, and Mr. PASHAYAN.

H.J. Res. 468: Mr. VENTO, Mr. SUNIA, Mr. BARNES, Mr. MURPHY, and Mr. FOUNTAIN.

H.J. Res. 482: Mr. ALBOSTA, Mr. ATKINSON, Mr. BAILEY of Pennsylvania, Mr. BARNARD, Mr. BEARD, Mr. BEVILL, Mr. BIAGGI, Mr. BONIOR of Michigan, Mrs. BOUQUARD, Mr. BOWEN, Mr. BREAUX, Mr. BRINKLEY, Mr. BRODHEAD, Mr. BROOKS, Mr. BROWN of Ohio, Mr. BROYHILL, Mr. BURGENER, Mr. JOHN L. BURTON, Mr. BUTLER, Mrs. BYRON, Mr. CAMPBELL, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAUSEN, Mr. CONTE, Mr. CORRADA, Mr. COURTER, Mr. DAN DANIEL, Mr. DE LA GARZA, Mr. DERRICK, Mr. DICKINSON, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. DYSON, Mr. EDGAR, Mr. EMERY, Mr. EVANS of Delaware, Mr. EVANS of Georgia, Mr. FAUNTROY, Mr. FAZIO, Mr. FINDLEY, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOWLER, Mr. GINGRICH, Mr. GINN, Mr. GONZALEZ, Mr. GREGG, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HARTNETT, Mr. HATCHER, Mr. HEFNER, Mr. HEFTEL, Mr. HERTEL, Mr. HOLLAND, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. JEFFORDS, Mr. JEFFRIES, Mr. KEMP, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEBOUTILLIER, Mr. LEE, Mr. LENT, Mr. LIVINGSTON, Mr. LONG of Louisiana, Mr. LOTT, Mr. LOWERY of California, Mr. MCCURDY, Mr. MCDADE, Mr. MCDONALD, Mr. MCEWEN, Mr. MATTOX, Mr. MAVROULES, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. MURPHY, Mr. NAPIER, Mr. NEAL, Mr. NICHOLS, Mr. OBERSTAR, Mr. O'BRIEN, Mr. PARRIS, Mr. PAUL, Mr. PEPPER, Mr. PERKINS, Mr. PORTER, Mr. PRICE, Mr. QUILLEN, Mr. RICHMOND, Mr. ROBERTS of Kansas, Mr. ROBERTS of South Dakota, Mr. ROBINSON, Mr. ROE, Mr. ROEMER, Mr. SHELBY, Mr. SHUMWAY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Pennsylvania, Mr. SPENCE, Mr. STOKES, Mr. STUMP, Mr. TAYLOR, Mr. TRIBLE, Mr. WAMPLER, Mr. WEBER of Ohio, Mr. WHITE, Mr. WHITEHURST, Mr. WILLIAMS of OHIO, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WRIGHT, and Mr. WYLIE.

H.J. Res. 486: Mr. WON PAT, Mr. HOYER, and Mr. WEBER of Minnesota.

H. Con. Res. 27: Mr. ST GERMAIN.

H. Con. Res. 298: Mr. FOGLIETTA and Mr. DIXON.

H. Con. Res. 330: Mr. LENT, Mr. GILMAN, Mr. OBERSTAR, Mr. MOAKLEY, Mr. MINETA, Mr. WEBER of Ohio, Mrs. SCHROEDER, Mr. SCHUMER, Mr. BLANCHARD, Mr. FORD of Michigan, Mr. ROSENTHAL, Ms. FIEDLER, Mr. BEILENSON, Mr. DREIER, Mr. SMITH of New Jersey, Mr. WILLIAM J. COYNE, Mr. SCHEUER, Mr. EDWARDS of Oklahoma, Mr. PORTER, Mr. DERWINSKI, Mr. DOWNEY, Mr. BOWEN, Mr. DORNAN of California, Mr. ADDABBO, Mr. LANTOS, Ms. MIKULSKI, Mr. ALBOSTA, Mr. SHAMANSKY, Mr. GINGRICH, Mr. HOLLENBECK, Mr. FAZIO, Mr. FROST, Mr. CORCORAN, Mr. FORD of Tennessee, Mr. MATSUI, Mr. ROE, Mr. KEMP, Mr. JEFFRIES, Mr. YATES, Mr. BRODHEAD, Mr. LONG of Maryland, Mr. PRITCHARD, Mr. SOLARZ, Mr. KILDEE, Mr. WEISS, Mr. BARNES, Mr. FAUNTROY, Mrs. FENWICK, Mr. RICHMOND, Mr. DWYER, Mr. FISH, Mr. PEPPER, Mr. PEYSER, Mr. GREEN, Mr. MOTTL, Mr. EDWARDS of California, Mr. GEJDENSON, Mr. LEBOUTILLIER, Mr. BLILEY, Mr. WORTLEY, Mr. SEIBERLING, Mr. WYDEN, Mr. FITHIAN, Mr. DOUGHERTY, Mr. LEVITAS, Mrs. HECKLER, Mr. EDGAR, Mr. BIAGGI, Mr. BEDELL, Mr. MINISH, Mr. BAILEY of Pennsylvania, Mr. HUGHES, Mr. GRAY, Mr. RITTER, Mr. ATKINSON, Mr. WAXMAN, Mr. JACOBS, Mr. FLORIO, Mr. VENTO, Mr. PATTERSON, Mr. ROEMER, Mr. FIELDS, Mr. RATCHFORD, and Mr. TAUKE.

H. Con. Res. 333: Mr. FLORIO, Mr. STATON of West Virginia, Mr. ROBERTS of Kansas, Mr. SOLOMON, Mr. GRAY, Mr. FORD of Tennessee, Mr. COURTER, Mr. VENTO, Mr. MINETA, Mr. ROEMER, Mr. BENJAMIN, Mr. GONZALEZ, Mr. BEDELL, Mr. SIMON, Mr. OBERSTAR, and Mr. TAUKE.

H. Con. Res. 334: Mr. SOLOMON, Mr. MCCOLLUM, Mrs. BOUQUARD, Mr. MILLER of Ohio, and Mr. LEE.

H. Con. Res. 344: Mr. DORGAN of North Dakota.

H. Res. 234: Mr. DWYER, Mr. BEILENSON, Mr. FORD of Tennessee, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. MATSUI, Mr. CORRADA, Mr. BEVILL, Mr. FROST, Mr. WON PAT, Mr. SCHEUER, Ms. MIKULSKI, and Mr. WINN.

H. Res. 422: Mr. ANDERSON, Mrs. BOUQUARD, Mr. ST GERMAIN, Mr. MOLINARI, and Mr. MINETA.

H. Res. 483: Mr. MORRISON, Mr. ROBERTS of South Dakota, Mr. LIVINGSTON, and Mr. BETHUNE.

H. Res. 486: Mr. OBERSTAR, Mr. BRODHEAD, Mr. BINGHAM, Mr. OTTINGER, Mr. WEAVER, Mr. MINETA, Mr. FAUNTROY, Mr. DYMALLY, Mr. EDGAR, Mrs. CHISHOLM, Mr. ROE, Mr. MITCHELL of Maryland, Mr. LELAND, Mr. WEISS, Mr. CORRADA, and Mr. ROSENTHAL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

468. By the SPEAKER: Petition of Board of County Commissioners, Citrus County, Inverness, Fla., relative to defense contracts; to the Committee on Armed Services.

469. Also, petition of the Transport Workers Union of America, Railroad Division, relative to railroad retirement funds; to the Committee on Energy and Commerce.

470. Also, petition of the Monroe County Legislature, Rochester, N.Y., relative to nuclear weapons; to the Committee on Foreign Affairs.

471. Also, petition of the House of Representatives of the Republic of Cyprus, relative to the Aremenian people; to the Committee on Foreign Affairs.

472. Also, petition of the International Good Neighbor Council, Monterrey, N.L., Mexico, relative to the quota for immigration to the United States of Mexican and Canadian citizens; to the Committee on the Judiciary.

473. Also, petition of the County Council of Harford County, Md., relative to the Federal budget; to the Committee on Ways and Means.

474. Also, petition of the Board of Selectmen Town Offices, Chelmsford, Mass., relative to nuclear armaments; jointly, to the Committees on Armed Services and Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6030

By Mr. WEISS:

—Page 2, line 12, strike out "$2,948,500,000" and insert in lieu thereof "$1,682,040,000".

—Page 8, after line 12, insert the following new section:

PROHIBITION OF PROCUREMENT OF NUCLEAR WARHEADS

SEC. 109. None of the funds authorized by this title shall be available for procurement of nuclear warheads.

—Page 8, line 23, strike out "$10,409,196,000" and insert in lieu thereof "$10,191,196,000".

EXTENSIONS OF REMARKS

A VOLUNTEER OMBUDSMAN TELLS HIS UNHAPPY STORY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GUARINI. Mr. Speaker, it is with a great sense of lost faith that I relate this story to the House of Representatives. An outstanding businessman, and a man respected in his own right, Arthur Imperatore of Fort Lee, N.J., recently resigned as ombudsman of the International Communication Agency after only 6 months on the job.

Arthur Imperatore came to the position of ombudsman of the ICA with a great deal of enthusiasm and determination. He was a successful businessman who was agreeing to serve in a voluntary position. President Reagan asked him to serve because his business and civic record had made it clear that if there was a job to do, he could effectively do it. And yet, Mr. Imperatore resigned on April 27, less than 6 months at the job saying, "I was heeding the President's call for volunteers. But I left because it became clear to me that I was a party to a sham."

Mr. Speaker, I know Arthur Imperatore well. He values his political independence and he has a deep sense of service to his community and country. He is honest, forthright, patriotic, and public spirited. It hurt him deeply to resign, and I can assure the Congress that he would not make such a move without careful thought and concern about the direction the International Communication Agency was headed.

In his April 27 letter to ICA director Charles Z. Wick, Imperatore wrote,

> After many serious efforts to assist the agency and to persuade you of the seriousness of agency problems, I have concluded that I can no longer be associated with the mismanagement, waste, inefficiency and concern about the possibilities of corruption or fraud which remains unaddressed and unabated.

It is my understanding that Mr. Imperatore's charges have been turned over to the Department of Justice, the Comptroller General, the President's Council on Integrity and Efficiency in Government, and the office of the Department of State's Inspector General. It is my request that the pertinent House committees monitor this situation and conduct their own investigations into the ICA situation.

With your permission Mr. Speaker, I would like to include an article which appeared in the New York Times on May 19, 1982, about Mr. Imperatore's story. This article by Barbara Crossette is very helpful in understanding the circumstances surrounding Arthur Imperatore's resignation.

The article follows:

[From the New York Times, May 19, 1982]

A VOLUNTEER OMBUDSMAN TELLS HIS UNHAPPY STORY

(By Barbara Crossette)

WASHINGTON, May 18—The story of Arthur E. Imperatore is one of a capital romance gone sour. He came to Washington to serve as the kind of free-enterprise troubleshooter the White House said big government needed, but left just six months later, disillusioned and angry.

Mr. Imperatore, who resigned late last month as the unpaid ombudsman of the International Communication Agency, refused at first to talk publicly about what happened, anxious not to appear disloyal to an Administration he helped elect.

But the other day, after news articles about his departure had been published, he agreed to discuss the frustrations he encountered while at the I.C.A., the agency that oversees the Voice of America and other international information and cultural functions of the Government.

"I'm a patriot," said the 56-year-old head of the New Jersey trucking company A-P-A. Transport. "I am also an expert in management and productivity. I was looking to do public service. I was heeding the President's call for volunteers. But I left because it became clear to me that I was party to a sham."

Mr. Imperatore told of an agency overmanned, wasteful of resources and so poorly run that allegations of corruption were raised but rarely corrected, particularly at the Voice of America.

He did not make specific allegations or offer evidence, on the ground that he had been appointed as an ombudsman, not an investigator. But he said he had heard employee complaints of nepotism and cronyism, of favored employees' being allowed to work at home, of abuses in the hiring of aliens and sexual misconduct. He said he had taken the complaints to agency investigators and been told by at least one of them that senior officials wanted to "kill" unpleasant findings.

Mr. Imperatore outlined his concerns in his April 27 resignation letter to Charles Z. Wick, the agency's director and a close friend of President Reagan.

On April 30, in a more detailed letter to Mr. Wick, Mr. Imperatore catalogued what he saw as the agency's problems and called on Mr. Wick to resign before he damaged the Administration and the Republican Party. He said that Mr. Wick was using the agency for his own "whimsical purposes."

Phyllis Kaminsky, a spokesman for the agency, said that Mr. Imperatore was entitled to his personal views and added that in an organization with more than 7,000 employees in 26 countries, "it is inevitable that from time to time irregularities come to light."

"No investigation has been killed," she said, adding that Mr. Imperatore's charges had been turned over to a number of agencies, including the Justice Department, the Comptroller General's office and the President's Council on Integrity and Efficiency in Government.

MADE FORTUNE IN TRUCKING

One of 10 children, Mr. Imperatore grew up in northern New Jersey and made his name and fortune in the tough world of interstate trucking, earning a reputation as a strong-willed, occasionally hot-tempered loner who ran an honest business.

He came to the agency with no experience in Government, foreign affairs or the communications industry and said he was given little instruction. "But I knew what an ombudsman was," Mr. Imperatore said.

He arrived here in November to find that the I.C.A., formerly the United States Information Agency, had been embroiled in several controversies. Until Congress stepped in, it had all but eliminated the Fulbright and other Federal exchange programs. The Voice of America was in the midst of an internal policy dispute over the network's news functions.

Mr. Imperatore said he declined to involve himself in matters of policy, saying they were "outside my area of competence."

"He approached it from a strictly management and morale problem," said Bernard H. Kamenske, the former news director of the V.O.A. who left in December to join Cable News Network. "Whatever his personal political views were, he impressed me as a man who would be fair and would persevere until he knew the facts. His efforts to ameliorate differences gave me reason to encourage the staff when I left to hope that the situation would improve."

Shortly after joining the agency, Mr. Imperatore went to Europe on private business and took the opportunity to visit "eight or nine" foreign posts.

"There was a common pattern of concern that there was no communication," he said "Project Truth, for example, had not been cleared with the people in the field." Project Truth, a program to counter Soviet "disinformation," provides quick-response material for dissemination by diplomats abroad.

The I.C.A. said Monday that while policy decisions are not "reached by consensus," Foreign Service officers had been involved in the project and continued to be.

Mr. Imperatore said that on his return he had asked to talk with Mr. Wick, but that "it was almost five weeks to the day until I could get to see him." He added that "in six months, I spent no more than half an hour with him in that office." Mr. Wick's records show seven office appointments with Mr. Imperatore between November and April.

Mr. Imperatore's departure was lamented last week in a newsletter of the employees' union. "Every time Imperatore saw a management problem or a legitimate employee concern, he was ignored," it said. "He didn't want to run the show, but he did want to make an impact. When it became abundantly clear that he couldn't, he left."●

MAJ. GEN. ROBERT A. SULLIVAN'S ADDRESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. SKELTON. Mr. Speaker, during my years in Congress, and especially

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

since I have been a member of the House Armed Services Committee, I have frequently spoken out on the qualities which I feel make an outstanding military leader. Those qualities include, first, the ability to understand and employ the high technology weapons and support systems that are so much a part of today's Armed Forces; second, the ability to manage a complex force of personnel and equipment and to mold people of diverse talents and background into a cohesive military unit; third, and most important in my view, an outstanding military leader must know and understand military history, the study of strategy and tactics through the ages and have a deep appreciation for our American heritage.

Recently, I had the opportunity to introduce such an individual as the guest speaker at the commencement exercises of my alma mater, Wentworth Military Academy. This man, Maj. Gen. Robert A. Sullivan, is truly one of our Nation's foremost soldiers, as evidenced by his dedication to duty, his devotion to our Nation, his personal integrity, and his sense of honor.

I would like to share his words on that occasion with the Members of this body.

The address follows:

GRADUATION EXERCISES ADDRESS

(By Major General Sullivan)

It is a genuine pleasure to receive an invitation to speak to such a distinguished audience. I thank you for inviting me to share this very special occasion with you. Graduation is a happy time, and it's great to be a part of this important event in your lives.

First off, I would like to pay tribute to this institution. We—the Army—are extremely proud of Wentworth just as we are proud to be a part of Wentworth. Your active support of the ROTC program is nothing short of outstanding, and we thank you for it.

During the eight months I have been in my present assignment, I have been visiting colleges and universities across the fifty States. I have been able to talk with a great many young people and the educators who are preparing them for the future. I believe I can make a few comments about both these groups with a certain degree of objectivity.

One of the first things I noticed was that the Armed Forces and the educational institutions of this country have a lot more in common than most people appreciate.

We both work with and for young people. We both seek to instill initiative and responsibility in those in our charge. We both share an interest in preparing young people for a future leadership role in our Nation. I like to think we share devotion to our missions, as well.

We are both concerned with educational processes. We have an impact on young people at a formative time in their lives, a time when life patterns are molded which are important to them. At certain times and in certain places, such as at Wentworth, we can combine to carry out our missions in a genuine spirit of mutual compatibility and concern. We blend our teachings to the benefit of everyone.

One of these happy combined efforts is, of course, ROTC. I am certain that most of you appreciate that the Reserve Officers' Training Corps is the very lifeblood of the Army officer corps. About 70 percent of the new second lieutenants entering the total Army each year come from our program. This is healthy, because it has always meant that the majority of the officer corps comes from every geographic, economic, ethnic, and religious facet of what is a very diverse society.

Through ROTC, the Army has also been able to draw upon the diverse disciplines and teaching styles of hundreds of American colleges and universities. I don't think anyone can ever say that all ROTC-commissioned officers are cast in one mold or another. That simply isn't possible considering the backgrounds they come from and the education they have been exposed to. And that is the way we want it as citizens. We want a sizable percentage of our military leaders of the future to represent "we the people" and to bring a civilian outlook to their careers as soldiers. This justifies ROTC in my mind. ROTC is essential to the Army, healthy for colleges and universities and good for the country. We hope it will always offer a challenge to our young people into the 21st century and beyond. You are the leaders of the future, of the year 2000. You are very important people in the eyes of the Army and in those of your country.

By the year 2000, many of you who made the decision to become professional Army officers will be in the field grade ranks. Those of you who decided just to try the Army for a tour will all be firmly settled into your careers back home and making your third or fourth million. I hope that you will look back on your service with pride and pleasure.

You field grade officers will be in the command and staff positions which are customary for officers of your rank and experience. Some of you will be doing the staff work which keeps the Army going. You will be assisted, in all probability, by new electronic and mechanical devices which will make your job easier.

If you are a commander, by then, I would expect you to have new communications devices and weapons systems. We hope they will rarely break, and when they do, any member of your unit will be able to repair them.

Yes, I am sure that we will have developed a great many more things to make what we do easier, more efficient and more effective. I am not quite so sure that we will have been able to make all that many improvements in our basic element—people.

I do not believe that we can develop and field a system which will guarantee that each of you will become master leaders, the kind that never makes errors in thought or judgment. Nor can we guarantee you a 100 percent perfect corps of followers. We couldn't do that in 18 years, or in 1800 for that matter. And I am not certain we would want to. If we were masters of all that we did, we would make no mistakes. That would be dull, if nothing else. Then, too, there is the thought that we learn from mistakes, and that if we did not learn, we would not grow.

Learning and growing are the best parts of our job as Army officers. The ultimate aim of all this learning and growing process is the development of your personal leadership capabilities to as high a point as you can reach. The business of leadership is a complex process involving interaction of the leader, the group, and the situation. Sometimes we discuss the differences and the similarities between a leader and a manager. In business and industry, an individual who runs the show is considered a manager. In the Army, calling a combat commander a manager seems a little inadequate when you consider that the stakes are considerably higher. By that, I mean that the stakes for a combat commander are something more than so many units of whatever product he is producing. His stakes are causes such as human rights, freedom, and justice, not to mention the lives of the men and women he commands.

So, we will call those of you on duty with the Army in the year 2000 leaders. Managership will be important to your leadership roles. Your ability as a manager will always be of concern to your superiors the same as you will come to depend upon the management talents of your subordinate.

Some might accuse me of being a card carrying optimist, but I truly believe that the young people of our country are still looking for responsibility, respectability, challenge, job satisfaction, and adventure, and I believe they are searching for purpose and direction as well. A military career can satisfy these aspirations. It is a career that demands a sense of responsibility and from that flows a sense of duty. We in the military require men and women of unique abilities and dedication. This special kind of person must be "special" in numerous ways.

Capable of thinking and talking action—a specialist with particular knowledge about a specific field of endeavor and a generalist with an awareness and appreciation of all the factors that inevitably have a bearing on military policy. This person must have a broad knowledge of the interplay of each instrument of national policy, the political and socio-economic, psychological, and the military. But above all, on the person to person level, on the top level, the officer must be a leader!

In the military profession we devote great effort to the study and practice of leadership. It is the main yardstick by which officers are judged. It is the principal characteristic that distinguishes one officer from another and, collectively, it is the one quality that determines in the end which Army fails and which prevails.

A military organization depends upon sound leadership at all levels for we operate on a fast moving, decentralized basis in the Armed Forces. We probably study and consciously practice leadership more than most other sectors of society because we are in a business where men must be led well in order to perform well under the harsh stresses of combat.

There is, of course, no single, best formula for leadership. My personal definition, based upon observing good leaders in action, encompasses six indispensable qualities which I would like to outline for you. I do not list them in any particular priority. All are vital. I will discuss each one briefly.

The first is integrity. One of the greatest leaders this country has ever produced was Gen. George C. Marshall, a VMI graduate, World War II Chief of Staff, and postwar Secretary of State and Secretary of Defense. His greatest strength and distinguishing qualities were his shining character and towering integrity. He could not be deflected from what he judged to be right and he would not compromise with fact. Moreover, his sole desire was to get at the heart of a problem by the most direct route and solve it on an honest basis. You would do well to adopt this great American as your model of honest character and integrity. These are qualities which must be developed and then zealously defended against corrosion by the maternal influences and abrasive stresses which surround human endeavor; these are qualities which are not only important to the would-be leader but also to any person who seeks inner serenity.

The second ingredient of leadership—competence—is a compound of knowledge and experience. Competence is not a quality which is conferred upon the individual. It is a capability earned by observation, study and practice. Finally, it is not something which needs to be advertised, for its existence is usually self-evident and its absence cannot be long concealed from those whom the leader would lead.

Imagination is my third ingredient of leadership. By imagination I mean the capability to think creatively, to generate original ideas, and to offer constructive dissent. Einstein once said, "Imagination is more important than knowledge." I agree—and I'm sure this gives real comfort to Einstein. All of us have more capability to absorb knowledge than to apply it. Leaders and followers are separated by the difference in their ability to break trail, to pioneer, and to originate.

The fourth ingredient of leadership is dedication. Certainly the uninspired individual is a weak magnet for others. Also, dedication supplies the drive which sustains one during those often bleak years of preparation, apprenticeship and gradual advance.

You will find, I think, that dedication to your work is easier if you have chosen the right endeavor. For that reason, take care in deciding what you will do with your life and have the courage to adjust, if you find you have made a wrong choice. Seek a form of endeavor to which you can freely dedicate yourself. With dedication you can stay the course, without it you may falter in the early running.

The requirement for sound judgment, the fifth ingredient, needs no special justification. But, do not expect to find judgment lying around in some convenient package. It is the by-product of painful experience and cannot be developed without making a few errors along the way. Gen. Omar Bradley put this thought best when he said, "Good judgment comes from experience, and experience comes from bad judgment."

The sixth and last ingredient of my formula for leadership is the ability to communicate. Those who would lead must first be able to explain and persuade. And must have mastered the written and spoken word. Without this mastery, the effect will be ineffective and unconvincing. At any rate, the individual who can organize thoughts, reduce them to lucid writing, defend them in direct discussion, and project them in a way that will make sense and inspire a wholesome response, that individual will probably find the short route to the top in any field.

There is a very important debate going on in this country over the Federal budget. It is a healthy and necessary debate. At the eye of the debate is the defense budget which is, in fact, our roadmap for national security during a very dangerous period of vulnerability for our country.

There are so many important elements in our complex society today that impact on national security, and I'm not so sure that tanks, ships and planes, important as they are, head the list of criticality. There are political, economic and social implications, but I want to place my emphasis today on fundamentals—underlying issues and concerns which to me are the most critical of all because they ultimately determine whether or not we can remain secure and defend ourselves successfully. We must all show the burden of thinking these fundamentals through, and resolving them.

First, is the need to gain an understanding and a measure of agreement on the national purposes. For me, these are stated with both clarity and present-day relevance in our founding documents and philosophy. But we must dust them off, relate them to both the national and international circumstances of today, and reaffirm as a people who we are, where we are going, today, and reaffirm as a people who we are, where we are going, and what we propose to achieve.

Related to that is national understanding of our society, our goal, and the crucial issues of the land. We must have a rigorous educational system, one which sets and insists upon high standards, and, among its most important objectives, insists that all graduates—secondary school and college alike—be equipped with the knowledge and understanding necessary to be active and effective citizens. We also need news media who contribute to this end with reporting which is informed, reasoned, objective and much more thorough than simple snapshots taken at the shallow surface of human events. And we need leaders in all professions and vocations whose "special interest" is the national interest and not self-interest, and who contribute honestly and knowledgeably to a dialogue of good faith and reason.

Then there is the need for national will. This can stem from our national purposes and understanding, but it must also be based on character, strength, and a strong belief that liberty has a higher value than luxury.

One clear manifestation of national will is national discipline—self societal and governmental! A most fundamental question, closely associated with discipline, is whether as individuals and as a nation, we will choose to be selfish or selfless. The answer will determine in large part whether we will become a soft, spoiled and inconsequential land of has-beens in the years ahead, or whether we will sustain a greatness in spirit and action.

And will we ever achieve balance and constancy needed for the long term? In this regard, General Omar Bradley, speaking soon after WW II, stated that "America has matured to world leadership. It is time now," he said, "to steer by the light of the stars and not by the lights of each passing ship." A third of a century later, we still bear closer resemblance to a yoyo, or pendulum, than we do to a great national ship guided by a sextant and a compass.

In our world today there are many threats. Among them one can count hunger, disease, inequality, population explosions, resource scarcities, new frictions, terrorism and simmering wars in half a dozen places. But, perhaps the most immediate threat—if not the most dangerous in the long run, is the expanding power and building aggressiveness of the Soviet Union.

I will not repeat the figures and trends in defense expenditures, which finally have alarmed all but the most naive apologists for what is clearly an unwarranted offensive, as well as defensive, build-up by the chief imperial nation of our era. I will simply point out that the Soviet Union has now moved far beyond the dictates of defense, far beyond the needs understandably imposed by her recollections of past aggression and death in her homeland, far beyond the need to assist her allies, indeed far beyond the demands of her present aggression. These expansionist moves, and the Soviet willingness to use military forces in open aggression, is a threat we just cannot ignore.

This is true in spades when her forces move toward, and around, the largest known sources of oil on this Earth. And the threat is reinforced in awesome dimension by the fact that the nuclear genie long ago escaped its bottle. With the blinding flash and ominous mushrooms cloud of Alamogordo a third of a century ago, we could hope that the last day of the gunslinger had dawned. But there are still gunslingers on the loose, and they are armed with much more than colt revolvers.

Our nation's defense must be framed within a national and military strategy based first on our finest national values, comprehensive policies, long-term goals, and an absence of expediency anyplace, in or out of uniform.

These young people graduating today represent the generation that will guide this country into the 21st century. The responsibility is awesome. It will take leadership that must be sensitive and sensible, and contribute to the only kind of peace which has genuine meaning—peace with freedom.

I am a professional soldier because I decided early in my career that I would dedicate my life to protect the freedoms they enjoy today—simply the right to matriculate at a school of their choice, study a discipline of their choice and express their opinions freely without fear of recrimination. This generation will protect those freedoms for my grandchildren. In fact, I charge you with that responsibility.

Again, my congratulations to all of you graduating today and your loved ones. You are all great Americans, and I couldn't be prouder to be at your service.●

EXCESSIVE SALT IN PROCESSED FOODS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. NOWAK. Mr. Speaker, realizing the potential health risks created by excessive ingestion of sodium, several bills have been introduced in this Congress to require processed food manufacturers to label certain food products for their sodium and potassium content. This would enable consumers concerned with high blood pressure, heart disease, and other illnesses treated with low sodium diets to better select their food products. The Buffalo Federation of Women's Clubs has adopted a resolution relative to this issue and has asked me to bring it to the attention of my colleagues in Congress. The resolution is as follows:

[Resolution adopted by the Buffalo Federation of Women's Clubs, Mar. 25, 1982]

EXCESSIVE SODIUM (SALT) IN PROCESSED FOODS

Whereas, Excessive amounts of sodium (salt) in the diet have been shown to be harmful; and

Whereas, Some processed foods contain more sodium than we should ingest; therefore

Resolved, That the Buffalo Federation of Women's Clubs:

1. Urges our representatives in Congress to vote for legislation now pending that will decrease the amount of sodium in processed foods;

2. Commends the Food and Drug Administration for proposing this legislation;

3. Urges the General Foods Corporation and other food processors to proceed with plans to put the salt content on labels; and

4. Will send a copy of this resolution to our representatives in the U.S. House of Representatives and Senate, the Food and

Drug Administration and the General Foods Corporation.●

COSTS AND BENEFITS OF SOCIAL SECURITY PROGRAMS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. ADDABBO. Mr. Speaker, I would like to share with my colleagues a timely and thought-provoking article written by my good friend, Mr. Irving Zuckerman. Irving is a well-known economic consultant, and formerly the Assistant Director for Planning and Budget, Office of Coal Research, Department of the Interior. I trust my colleagues will be interested in this approach to social security.

COSTS AND BENEFITS OF SOCIAL SECURITY PROGRAMS

The flow of money spent by Social Security recipients goes into many parts of the economy. Indeed, looking at the many corners of the economy receiving benefits indirectly through the Social Security recipients, it seems possible that all of the segments of the economy might well be expected to contribute to the Social Security trust funds—providing, of course, that we were to follow a stricter policy of charging costs to those who benefit. However, with even small contributions from the general tax fund being readily denounced as "socialistic", why bring up the possibility of a broader application of cost/benefit policy?

Nevertheless, it might be interesting to speculate on what would be the questions and what might be the answers in the light of the flow of Social Security expenditures. It is easy to see why farmers, let us say, favor the food stamp plan administered by the Agriculture Department—the food stamps are distributed by the government to lower-income people who otherwise would be buying less food. With cost/benefit in mind it does not seem preposterous to suggest that the farmers should be contributing to the cost of the food stamp program, but what about the processing industries which buy from the farmers and sell to the food distribution system, and what about the food distribution system which sells to the food stamp recipients? And what about those who sell to the multitude who earn incomes when those incomes are being spent? So it is not difficult to see why the cost/benefit approach might end up with justification for charging the food stamp plan to the general tax fund, especially since the government's tax collection are also enhanced due to the various taxable incomes generated in those various economic sectors.

In the general context of where we are compared to where we ought to be, it is pertinent to recognize that as a general principle there might be too large a gap between the flow of benefits apart from the flow of costs. Without suggesting that there should be no gap at all, it is fair to say that if those gaps become too large, the economy becomes unstable. That seems to be fundamental. It is also probably fundamental that economic instability of that kind is soon followed by other forms of instability.

From the standpoint of having those who benefit contribute in the flow of the related costs, it is possible that technically speaking the entire contribution of the employers share to Social Security trust should be shifted to the general tax fund. Not likely to happen? Perhaps, but I am merely reflecting in the abstract, although the abstract is often a long way from the concrete. But it is important to note that many a bankruptcy which we now face might be avoided if the employers' Social Security tax were shifted to the general tax fund. Then the employers would merely be middlemen in the tax collecting process. It may be vital to bear in mind that the recipients who receive the Social Security checks do not buy directly from the employers who paid into the fund, but rather the recipients who receive the Social Security checks immediately start a flow of benefits to the economy at large, including additions to taxable incomes along the way. (When it gets to detail, the shift to general tax fund could be spread over 3 or 4 years.) This would be reflected in increased profits and to some extent in increases in income tax to federal and states so that the net change for the general tax fund might well be acceptably small, with possibility of added general economic benefits from a much better allocation of costs in relation to benefits that flow therefrom. That might also contribute to a reduction of cost-push inflation as well as increased exports. Increasing the employers' profit by this relief measure might tend to reduce unemployment and in so doing reduce some Federal expenditures.●

FAREWELL TO SINAI

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. ROSENTHAL. Mr. Speaker, I would like to take this opportunity to thank my colleagues, Representatives LES AUCOIN, JIM COYNE, JONATHAN BINGHAM and EDWARD DERWINSKI for sponsoring the artistic photography exhibit currently on display in the Cannon Rotunda. I highly commend this exhibit to each of you.

Entitled "Farewell to Sinai," it is a sensitive and captivating photo essay highlighting the enchantment and enamoring qualities rather than the turmoil and turbulence most recently associated with the Sinai region.

The photos, taken by one of Israel's foremost photographers, Farag Perri, are eloquently complemented by Amos Ettingers' perceptively fitting captions. The haunting faces of children, the interminable desert horizons, the uniqueness of the natural elements and the vibrant colors so particular to the Sinai are splendidly captured in these photographs.

While this is a sad farewell to an emotional era, the exposition highlights the aspirations for peace and friendship. I urge my colleagues to take a few minutes before June 12 to enjoy this presentation that so sensitively symbolizes all the thoughts and emotions the return of the Sinai evokes: optimism, sorrow, pain, uprootedness, loss, anticipation, hope, tradition, custom, love, and most of all the sacrifices made for a more peaceful future.●

FOREST SERVICE VOLUNTEERS POINT THE WAY

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. EDWARDS of Oklahoma. Mr. Speaker, I recently introduced the Volunteering in Government Act, H.R. 6373. This legislation will allow all executive departments of the Federal Government to accept the services of volunteers—a practice now prohibited by law.

Over the years, Congress has made exceptions to that law for a handful of Federal programs. These programs have clearly demonstrated how well volunteers merge with the paid Federal work force and allow services to stretch to the limit of available dollars.

A prime example is the volunteers in the national forests program, which since 1972 has provided individuals with the opportunity to use their skills to assist in the maintenance and utilization of our forest resources. Volunteers in this program clear trails, host campgrounds, provide information to the public and prepare historical research papers.

The Forest Service asked Congress for permission to utilize volunteers in response to intense public pressure. Individuals and groups had complained for years about the need for improvements in the Forest Service and offered their services as volunteers. Unfortunately, this was prohibited by law until Congress approved an exemption for the Forest Service.

From 1978 to 1981, the number of volunteers in the Forest Service program grew from less than 7,000 to more than 16,000. In 1981, the cost of the program to the Forest Service was approximately $125,000. However, these 16,000 volunteers contributed services valued at nearly $8.3 million dollars.

By using sponsors such as Good Sam and the Boy Scouts of America, the Forest Service had reduced the costs of administration for the program and often relies on these and other organizations for volunteers and supervision.

Handicapped and elderly volunteers also contribute their time through programs specially designed for them by the Forest Service.

Volunteers in the Forest Service receive the same training for their duties as paid employees and each receives a work and performance record at the termination of their service.

The volunteers in the Forest Service program is just one example of how volunteers have proven so valuable as part of the Federal work force. By enacting the Volunteering in Government Act, Congress can open up many additional opportunities for voluntary

service throughout the Federal Government.●

THE LAW OF THE SEA TREATY: DOES IT THREATEN OUR NATIONAL DEFENSE?

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I have recently directed the House's attention to certain serious deficiencies in the Law of the Sea Treaty which would have a negative impact on the U.S. fishing industry. While in my opinion these deficiencies alone are enough reason for the United States to oppose the treaty, I think that the Members should be aware of other problems in this document.

The enclosed letter and analysis from the National Ocean Industries Association delineates the problems that U.S. approval of the treaty would pose to our national defense. If the United States were to approve the treaty, we could find ourselves in difficulty in regard to the transfer to foreign nations of U.S. defense technology.

I think that this issue should be closely considered by my colleagues and I therefore ask that the enclosed letter and analysis be printed in the RECORD.

NATIONAL OCEAN INDUSTRIES ASSOCIATION,
Washington, D.C., June 8, 1982.

Hon. Don Young,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. YOUNG: The National Ocean Industries Association has noted with pleasure your recent efforts to inform the Congress, and public in general, of the hazards posed by the treaty concluded April 30 by the Third U.N. Conference on Law of the Sea. Your insertions of materials into the Congressional Record, and your correspondence with the news media, have been very helpful to those of us who believe acceptance of the Law of the Sea Treaty would not be in the best interests of the United States.

In addition to expressing the Association's appreciation for your efforts thus far, I would like to bring to your attention one specific aspect of the Law of the Sea Treaty which has never yet been given a close examination in a public forum, but which has tremendously serious implications for the United States should our government ever choose to ratify and implement the treaty. I refer to the relationship of the treaty's provisions on transfer of technology to our national defense export controls. The Congress, through the Export Administration Act of 1979 and related laws, has made its position entirely clear, that the United States should exercise considerable restraint in East-West sales of high technology goods and services, to avoid to the extent possible giving potential adversaries any strategic advantages through access to Western technologies.

Should the United States ever accept and adhere to the Law of the Sea Treaty in its present form, and thus undertake to comply with the treaty's provisions on transfer of technology, our national program of export controls would be substantially damaged. To outline the nature of this problem, I have enclosed a copy of a paper prepared in November of 1980 for the use of one of NOIA's members in his capacity as an adviser to the Office of Technology Assessment. While this paper is a bit dated, the substance of the statement remains accurate—the final text of the treaty still contains exactly the same technology transfer articles as were in the draft from 1980. As is noted in the paper, U.S. acceptance of mandatory transfer of technology would undermine national defense export controls, and would also make it very unlikely that any mining company, regardless of nationality, would be able to mine the seabed. Thus we would face the indirect effect of being denied access to a secure source of supply of metals critical to our economy, and to our ability to manufacture a variety of strategically critical items including jet engines, tanks and armored vehicles, computer components, and so forth.

I would appreciate your help in bringing this aspect of the treaty to the attention of the Congress, to ensure that any future debate on consent to ratification or an implementation of the treaty will include discussion of this extremely serious flaw in the agreement. Thank you very much for your continuing support.

Sincerely,

CHARLES D. MATTHEWS.

DEFENSE SENSITIVE TECHNOLOGIES MAY BE SUBJECT TO COMPROMISE UNDER A TREATY ON LAW OF THE SEA

(By Richard A. Legatski)

For a number of years, the United States has participated with other nations in the Third United Nations Conference on Law of the Sea. In 1975, Dr. Kissinger offered conference participants the assurance that the technologies applicable to exploration for and exploitation of the hard mineral resources of the deep ocean (the so-called manganese "nodules") would be made available to developing nations as a quid pro quo for the assurance that any treaty concluded by the conference would guarantee American mining companies and thus the American economy access to those same minerals. Since Dr. Kissinger's proposal was advanced, the conference has sought to define a legal regime under which transfer of technology would in fact be assured. (Arguably, the conference has not sought to establish a regime which will assure minerals access, notwithstanding the quid pro quo nature of Dr. Kissinger's proposal.)

The most recent conference text, the "Draft Convention on the Law of the Sea (Informal Text)," contains provisions which would in fact make transfer of technology mandatory under certain circumstances. While the transfer would be under "fair and reasonable commercial terms and conditions" (Annex III, Article 5), the quoted phrase is not defined in the text. Thus there is no certainty of fairness or reasonableness in the event of compelled transfers. Given the compulsory nature of the transfer provisions, many companies in developed nations have objected to the transfer regime, particularly since there is no assurance in the text of adequate compensation in the event of compromise of proprietary materials. Many of the technologies affected are also employed in much larger markets, such as the offshore oil and gas industry. Compensation, even if it were assured in the treaty, would have to be based on this greater market to be full and fair to the transferring companies.

Beyond the commercial implications of mandatory transfer, it is becoming evident from recently published materials that certain defense sensitive technologies would be among those subject to the transfer regime the treaty would create. In July, 1980, a contract study for the Bureau of Mines was completed by Science Applications, Inc. (Contract No. J0100037). Among other matters covered in the report, there is an Appendix identifying the technologies which would be required to assemble a commercial-scale seabed mining project, and listing representative potential suppliers of those technologies. On October 1, 1980, the Department of Defense published a Federal Register notice (pages 65014-65019) identifying "Militarily Critical Technologies," which are defined in the notice as "technologies whose acquisition by potential adversaries would be detrimental to national security." If the DOD listing is compared with the list of seabed mining technologies in the SAI study, it is clear that there are substantial overlaps. In other words, several "Militarily Critical Technologies" would be subject to mandatory transfer.

It is noteworthy that the current draft treaty text includes a new Article 302, which purports to permit treaty parties to refrain from disclosure of information under the treaty, where the disclosure would be "contrary to the essential interests of (the party's) security." But the "essential interests" limitation is not defined, and a claim to apply the exemption is subject to mandatory dispute settlement. Thus for the United States to assert a right to withhold a technology on this basis would be subject to a challenge which would compel the government to divulge the technology to an international adjudicatory entity, and make a convincing "essential interests" argument, before that technology could be withheld. And even if the claim of national security constraint on transfer is accepted by the adjudicatory entity, the consequence would be that no mining company, even if American, could employ that technology for seabed mining, until it was released to the international "Enterprise," the quasi-corporate organization the treaty would create to conduct mining on behalf of the developing nations.

If all defense-sensitive technologies needed to conduct seabed mining are withheld from the market place, it is very unlikely that any commercial mining venture can be established for want of necessary equipment and skills. But the American economy needs access to secure sources of cobalt and maganese, major constituents of the "nodules" on the deep seabed. The technology transfer regime, in fact, is one of the greatest obstacles to pursuit of assured access, the quid pro quo associated with the original offer to negotiate a transfer regime.

A further difficulty is in the precedential effect the law of the sea negotiations have had on other international developments. To accept a mandatory transfer regime under a law of the sea treaty would jeopardize the United States' ability to negotiate more acceptable transfer arrangements in the forthcoming U.N. Conference on New and Renewable Sources of Energy; possibly the Antarctic status negotiations; and others. In fact, similar difficulties have already been experienced in negotiation of the "Moon Treaty," which has recently been opened for signature. In each of these instances, to accept mandatory transfer is to create great difficulties for international commercial activity, and will probably also raise the prospect of even broader opportunities for compromise of defense sensitive technologies.●

WISCONSIN VFW VOICE OF DEMOCRACY WINNING SPEECH

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. KASTENMEIER. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy Contest in which more than 250,000 secondary school students compete for five national scholarships. Local VFW posts and auxiliaries sponsor these programs in communities across the country and local and State winners of the contest, receiving their own awards, compete for national honors.

The contest theme this year was "Building America Together." It gives me great pleasure to announce that the Wisconsin winner was Roderick J. Peterson, a sophomore from Monoga Grove High School in my congressional district.

Roderick's speech gives us some ray of hope that the youth of today still cherish the values upon which this country was founded and still maintain an idealism so vital if we are to continue to fulfill the promises of our heritage. I would like to share his winning speech with my colleagues.

VFW VOICE OF DEMOCRACY WINNING SPEECH

When people talk about building things, I tend to think of material things, such as a skyscraper, a ship, or a statue. So, when the idea of building a country is the topic of conversation, I relate it to something I can see and feel. I think of building America the way the sculptor of "Miss Liberty" must have felt when he began to shape her out of sheets of copper.

First, he gave her two feet, two feet on which her country stands solidly. These two feet represent the foundation of America, the foundation laid by our forefathers and preserved by their children. These feet move with progress through new technology in order to solve problems of disease and famine. They move with prosperity within the business and industrial communities to improve our standard of living. With increasing momentum, they climb to new heights never reached before in areas of communication, science, and the fine arts. These symbolic feet of which I speak will never slow down because they know that "Miss Liberty" will not wait for them. They know that she is out in front, and destined to be a winner.

Similarly, the people of my generation will keep this country on the move. They will take big steps toward their goals of teaching others how to appreciate the land in which we live, maintaining world peace and strengthening our relationships among all of mankind. They will destroy prejudices among people of different races and tongues and will establish a new spirit within them. They will work together to find solutions to these problems and will then put their words into action. They know that they must solve the problems of racial violence and of unemployment. They know that they must preserve our natural resources and stop polluting our lakes and streams. After looking at our country, they know that they must seriously work together to solve the problems of this nation, so they can maintain "Miss Liberty's" steady pace.

Next, the sculptor gave her two hands, two hands holding justice and truth. In her left hand she holds the tablet of independence and in her right, a lighted torch welcoming others to share her country's prosperity. She knows that this prosperity was not achieved overnight, but was a result of the hard work of those who had a dream, a dream of ". . . life, liberty, and the pursuit of happiness . . ." This was what prompted our forefathers to establish this nation, and this is what we have to fight for. In order to preserve these rights, we must exercise them just as we exercise our bodies. Only by doing this, can we become stronger as a nation—so strong that "Miss Liberty's" lighted torch will never falter but will always stand erect.

In comparison, those hands of "Miss Liberty" represent the hands of the working American and the bands of justice. My peers will not only use those hands to build this country out of steel and concrete, but they will use them to maintain law and order. They, too, will never grow tired nor give up. They are enthusiastic about the challenges which lie ahead of them and are determined to make this country a success. After building this country they will not let it fall but will hold it up with those same strong hands. Those powerful hands which reshape and reform are also loving hands which are always outstretched for those who need them. They are hands which not only cradle the crying babies of the world but also those which touch the hearts of the old. "Miss Liberty's" hands show the wrinkles and the scars of time, yet they still gently touch those who reach for them.

As his final touch, the sculptor adorned her with a robe and a crown. Her robe keeps her country safe from corruption and injustice. It is a heavy robe, and it is not easily torn. Although many have tried to break its seams, they have proved to be virtually impenetrable. Her crown represents her country's pride, pride which has taken many generations to accumulate and which she wears with such dignity. It never ceases to shine but increases in its brilliance.

For this reason, I tell America we are not finished building our country but are just beginning. We need to continue to give "Miss Liberty" a reason to keep moving. We have to make sure that her robe does not tear and that her crown does not tarnish. However, most importantly we must not let her torch burn out, but continue to keep that fire going.●

NATIONAL ORCHESTRA WEEK

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. RICHMOND. Mr. Speaker, Public Law 97-183, approved on May 24, 1982, designates the week of June 13 to 19 as "National Orchestra Week" and proclaims America's 1,572 symphony and chamber orchestras as "among our Nation's finest cultural and artistic resources." More than 23 million Americans attend orchestral performances each year, and our great professional orchestras are recognized as among the finest in the world.

America's numerous orchestras not only present magnificent musical performances, but in some areas of the country provide the only available musical education to our schoolchildren. Orchestras make a special effort to reach beyond the concert halls and into the community with tours and educational programs. Millions of schoolchildren are first exposed to symphonic music through local orchestras' highly developed educational programs that feature youth concerts, in-school training programs, and demonstrations.

In addition to their outreach programs, orchestras reach millions during the summer months through special outdoor concerts. For example, last summer's National Symphony concerts on the Capitol grounds attracted nearly 300,000 listeners.

The musical achievements of our orchestras are most valuable, but we must not ignore the positive impact on the economies of the communities they serve. Total expenditures of orchestras have grown to over $250 million annually, and it is estimated that they generate $750 million in additional economic activity. Orchestras have not limited themselves to one source of funding and are supported by earned income, foundations, corporations, individuals, and all levels of government. In many cases, direct grants from the National Endowment for the Arts have been catalytic in generating additional sources of support.

Mr. Speaker, in conjunction with the observance of "National Orchestra Week," I would like to recognize the Brooklyn Philharmonic Symphony, the only professional orchestra in New York City's most populous borough. The orchestra, created in 1954 amid the beginning of a cultural renaissance in Brooklyn, has been in residence throughout its 28-year history at the Brooklyn Academy of Music, a major performing arts center established in the late 19th century.

With the arrival of the world-renowned composer Lukas Foss as musical director and conductor in 1971, the orchestra began to attract audiences from beyond the local boundaries of Brooklyn. Since the 1975-76 season, the Brooklyn Philharmonic has more than tripled its audience, mainly as a result of its major concert series featuring world-famous soloists.

Their magnificent performances and their valuable outreach programs have created a vital link between our Nation's orchestras and the American people. The devotion and endurance of these organizations is indeed a credit to our Nation. They deserve our sincere recognition. Mr. Speaker, I am proud to support "National Orchestra Week."●

GRASSROOTS CONCERN ABOUT NUCLEAR DESTRUCTION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SIMON. Mr. Speaker, one of the things that is heartening is that from grassroots America there is more and more concern about how close we are to nuclear destruction.

One of the churches that is close to Capitol Hill is the Lutheran Church of the Reformation.

I am inserting into the RECORD the resolution adopted by the church council of that church.

We do not need a great many empty resolutions adopted by churches that do not express sentiment of those in the churches, but when groups like the Lutheran Church of the Reformation from the grassroots—in this instance, from one of their Sunday school classes—come up with resolutions of this kind, this shows a concern and sentiment in the Nation that I hope we heed.

The hour for our civilization is late. Very late! We share the judgment of knowledgeable and responsible persons of every nation that the irony of our age is this: the high achievement of our technology holds us and the entire earthly creation hostage to nuclear destruction. It is not sufficient to say that a nuclear war is unwinnable. This is indeed an accurate statement; but it is also a misleading description of the situation. Nuclear war is unacceptable, for it would visit upon the Earth a disaster of apocalyptic proportions.

"I have set before you life and death, blessing and curse; therefore, choose life, that you and your descendents may live." Deuteronomy 30:20. Before our civilization two roads stand! One leads to death; the other to life. To turn our backs upon life and to continue stockpiling death is to deny the will of the Creator Who calls us to life. To engage in actions which could result in the extinction of our species and of the environment itself can only be seen as a direct violation of the will of God, perhaps "the unforgivable sin" of which Scripture speaks. This is for us a profound conviction arising out of our religious tradition. We are convinced that people of all faiths as well as people without specific religious faith must resonate to the same concern.

In the face of this unprecedented global emergency, we as Christians lift our voices to all who, as our Lord said, "have ears to hear."

1. We implore our nation's leaders to consider as the highest human priority the halting of and the reversal of the nuclear arms race, to commit themselves to this priority, and so to lead the nations of the world, including those perceived as "enemy peoples," in a common new endeavor for peace and life.

2. We believe that two actions are necessary at this time, especially for the two super-powers, on behalf of peace and life for all. First, divert resources from the current arms build-up to efforts for peace and life and mutual understanding. Second, accelerate an exchange of people of all nations for mutually supportive work and for the personal friendships which develop from such an exchange.

3. We urge the leaders of all nations to utilize religious leadership in addition to their internal governmental units in this cause of the future of human kind.

4. We appeal to all religious leaders of the world to offer their faith, their resources, and their faith-filled members to work in concert with the nations and their governmental units in an unparalleled campaign for peace and life.

(Adopted by the Church Council of the Lutheran Church of the Reformation, Washington, D.C., on Tuesday, April 13, 1982.)●

RAISING THE RETIREMENT AGE FOR SOCIAL SECURITY IS A BAD IDEA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. OTTINGER. Mr. Speaker, for some time now I have called for reform of the social security system—we are facing both an immediate funding problem and the possibility of serious funding problems in the future. While these problems have different causes and solutions, both demand our swift but careful consideration. How we react and the measures we enact will have an impact not only on the program's viability but also on the public's confidence in it and their willingness to continue to support it.

Pension policy will be affected profoundly by demographic changes including a declining birth rate, increasing numbers of individuals age 65 or older, and longer life expectancies.

There is a letter to the editor which appears in the New York Times, May 19, 1982, from Leonard M. Greene, president of the Institute for Socioeconomic Studies, located in White Plains, N.Y., which I include in the RECORD for you and my colleagues' information. Mr. Greene criticizes a proposal, made in a recent New York Times editorial, for raising the retirement age from 65 to 68. I agree wholeheartedly with his argument and encourage those persons who think otherwise to reconsider.

Since social security was established in 1935, there has been a significant increase in life expectancy for both men and women. In spite of the longer life expectancy, people are not working longer. Early retirement means smaller contributions and longer benefit periods. As the baby boom generation reaches retirement age, the impact of this problem will multiply. Also, families are having fewer children, and if this trend continues, it will aggravate the imbalance. What we will have are fewer workers supporting more retirees. Our social security system as presently structured probably will not be able to meet the needs of the changing society in the 21st century.

Indeed, several people have suggested raising the normal retirement age from 65 to 68 and the early retirement age from 62 to 65. In light of the increased life expectancy I believe it makes sense for older people to continue working, but I would prefer to encourage this rather than require it. As the head of the National Council of Senior Citizens pointed out not too long ago, "the suggestions for later retirement come from those who have never experienced the exhaustion of lifting 50-pound boxes for 8 hours a day or continually operating a pneumatic press. Yet, they assume that 65-year-old workers can continue to lift those weights and operate heavy machinery until they reach 68."

We need to encourage people to continue working in order to relieve the pressure on social security, and there are positive changes that can be made to achieve this result without cutting benefits to those who wish or need to retire.

The text of Mr. Greene's letter follows:

To the EDITOR:

Your editorial made some valuable suggestions for the long-term solvency of the retirement fund. However, the proposal to raise the retirement age to 68 is a step in the wrong direction. Let's accept facts. We are dealing with people, not just figures. Different people have different needs.

Flexibility should be the hallmark of any Social Security reform. Individual circumstances—health, family considerations, employment—make it necessary for some to retire at 62 or 65. The program must allow people to meet their needs. The benefit schedule should contain actuarial differences to permit this flexibility.

There are far better ways to strengthen the fund. You mention two—taxation of benefits drawn by the well-to-do and elimination of "doubledipping" by Government retirees. Another way would be to repeal the earnings penalty imposed on those receiving benefits. This is a powerful work disincentive for our most productive and experienced group—senior citizens.

Their removal from the labor force creates difficulties for those who wish to remain productive and need the added income. The drain on the economy is obvious: productivity is squandered and income and payroll taxes that could prop up the system are lost.

Social Security should be thought of as a supplement to income that has been reduced or may be reduced because of age. Such a concept would assure workers that adequate income awaits them in their golden years and that the benefits they have earned are theirs when they want and need them.

LEONARD M. GREENE,
President, Institute for Socioeconomic Studies, White Plains, May 12, 1982.●

CHRISTINE COY WINS FLAG DAY ESSAY CONTEST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. STARK. Mr. Speaker, each year the Castro Valley Lion's Club sponsors a Flag Day essay contest among ele-

mentary school students in the Castro Valley School District. The winner of the essay contest this year is Christine Coy of the sixth grade at Vannoy Elementary School.

Christine's eloquent essay is entitled "What the American Flag Means to Me," and I would like to share the contents of her essay with my colleagues:

The American flag is very important to me and I take great pride in it. It represents our country's belief and is symbolic of our country's progress. Our flag has thirteen stripes which remind us of how we started with the thirteen colonies. The fifty stars represent how we finally progressed and formed into fifty states.

Our flag has kept in remembrance the wars many men fought for our freedom and lost their lives in. It symbolizes our freedom in our daily life. We can learn about other peoples' way of life. We have the freedom to fulfill our dreams, to become what we want, and to do what we want. We can be a part of a religion of our choice. We have the freedom of the press to publish or broadcast the news without the permission of the government. Also, if we disagree with the government we have the right to express our thoughts and opinions about them.

Our flag is a symbol that states are equal to each other and it represents our rights and our laws. Our flag represents our beliefs in equality of man, an idea which was fought for by many. Our flag is the symbol of the Civil Rights which our people have further developed. It was further developed in the 1960's and in recent times to include and insure the equality of women and to prevent a person from being discriminated against simply because she is a woman.

Our flag has fifty stars in the corner to show that we are one country with many states. It shows that we have worked together in forming these states and winning our independence.

Our flag symbolizes our ongoing struggle to maintain the freedom and rights of our people, as well as the basic value we place on the dignity of human life. Because of all these concepts and ideas which our flag represents, I am filled with great pride and respect when I see it flying. I am also very grateful to be a citizen of this great country which it represents. This is why I take pride in the flag of our country.

I join in congratulating Christine on her essay and I applaud the Castro Valley Lions Club on its commitment to young people by sponsoring this essay contest.●

BILL GREEN OPPOSES ANTIABORTION LANGUAGE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GREEN. Mr. Speaker, I am very concerned about language contained in the Small Business Investment Act, on which we voted yesterday. This langauge seeks to bar award of any funds by the Small Business Administration to any agency which is involved in activities relating to abortion—whether it be performing or training in the performance of, research on, referrals for, or any other service.

I take issue with this language on two accounts. The use of the Small Business Investment Act as a vehicle for the consideration of the abortion matter is entirely inappropriate. I object to its being used to express antiabortion sentiment and in an attempt to decrease the incidence of abortion. The abortion issue, should it be discussed at all, should be debated seriously and separately from any other issue, as it rests on deep moral and religious questions.

I also object on the grounds that we have no notion of how many businesses would be affected by the trap set by this antiabortion language and whether it would be detrimental to the purpose which we are trying to achieve with passage of this legislation. We are seeking to provide sorely-needed economic relief to the small business owners in our districts with this bill, and I would hate to see this goal hampered with the inclusion of qualifying language. Therefore, I would urge the conferees on this bill to strike the antiabortion language and recede to the Senate position.●

A TRIBUTE TO JANET FARRAR

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. HOPKINS. Mr. Speaker, I would like to take this opportunity to congratulate Janet Farrar of Lexington, Ky., winner of the ninth annual William B. Ruggles scholarship competition sponsored by the National Right to Work Committee.

Janet, a sophomore journalism student at the University of Kentucky, was selected as the winner from a score of nationwide entrants by a distinguished panel of judges.

Established in 1974, the Ruggles scholarship gives a $2,000 grant to a promising journalism student "who best exemplifies the ideals and standards of excellence of William B. Ruggles." Janet will be honored at a luncheon in Dallas, Tex.

I extend my most sincere congratulations to Janet and wish her continued success in her journalistic endeavors.

Her essay follows:

THE RIGHT TO WORK: A RIGHT—THAT WORKS

I've frequently heard my father, who is a college teacher, remark somewhat ruefully that the way to get ahead in the academic community is to "work hard and turn left."

Growing up near campus, as I have, as a conservative member of a conservative family, I've often had to defend my political and economic beliefs. Questioning the value of union monopolies, especially in a liberal intellectual atmosphere, is to challenge one of the great sacred cows of modern times.

If compulsory unionism were good for labor—and good for consumers—then that would be the end of the matter for me; I'd join the liberal chorus and pretend that we as a nation were still able to dominate the world's markets in terms of efficiency and productivity. Such is not the case, however; our economy is in deep trouble. Wage demands go up while productivity does not. In far too many plants the American worker—potentially the most dynamic and effective in the world—is throttled by a monopolistic union obsessed with its own cushy ideas of "job security." And we, the buying public, get stuck with the bill. "In the name of equalizing bargaining power," an economist, Dr. Henry C. Simons, wrote in Economic Policy for a Free Society, "we have sanctioned and promoted the proliferation of militant labor monopolies whose proper, natural function is exploitation of consumers."

The newspaper field—the field I hope to enter—provides a dreary case in point. For years powerful typographical union officials fought off dramatic technological breakthroughs that could have saved great newspapers from extinction. The Philadelphia Bulletin, Washington Star, Chicago Daily News and New York Tribune are a few of the newspapers that have died just in the years since I entered high school in 1978. Of those newspapers that are left, many are in economic jeopardy. Only a few months ago the Philadelphia Inquirer narrowly avoided a crippling strike by settling with 17 separate union monopolies—any one of which could have shut the paper down. Union monopolies, in my judgment, pose a more serious threat to the First Amendment than any bureaucrat, federal agency, or foreign power.

If our liberties mean anything, then individual workers should have the clear right to earn a living without submitting to—and without pay for—union "protection" they may neither want nor need. While I would certainly defend the rights of those who want to join unions to do so, I feel we must respect the wishes of individuals who are eager to work without submitting to union officials' regimentation in the process. Union officials can drain away an individual's incentive, productivity, energies, pride of craftsmanship. These are the very traits which made American workers great, and we must not thwart them. Our entire nation is weakened when we do.

Whatever else they have done, union monopolies have placed the American worker in an adversary relationship with American business. In this regard, the Japanese have taught us a lesson: That when workers and management see themselves as partners, not as adversaries, then everybody benefits. We as Americans can do better. It's time to turn our people loose to do the best that's in them. The Right to Work is a right—that works.●

CLEANUP OF HAZARDOUS WASTE

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FITHIAN. Mr. Speaker, today I am introducing a bill which would tear down the bureaucratic barriers impeding the cleanup of hazardous waste sites across the country. My bill will force the Environmental Protection Agency to move urgently to remove the chemicals which threaten the health of many communities, rather

than rely on a technical interpretation of the environmental legislation to delay action at hazardous waste sites.

The Subcommittee on Environment, Energy and Natural Resources of the House Government Operation Committee, of which I am a member, last week convened a hearing in Seymour, Ind., the site of one of the Nation's worst hazardous waste sites. More than 50,000 barrels, many filled with highly toxic chemicals, have been sitting unattended for years at an old recycling plant about 2 miles from the city's central business district. My colleagues and I on the subcommittee were appalled by the obvious dangers at the site and by the apparent threat to public health and to the environment. We were very shocked, however, when we learned that EPA's interpretation of the Comprehensive Environmental Response, Compensation and Liability Act ("Superfund") has had the effect of delaying the removal of the wastes from that site.

Superfund contains a provision which states that cities and States which owned a hazardous waste site at the time toxic wastes were disposed there must pay 50 percent of the cleanup costs. This provision, as you know, was included to prevent cities from using Federal funds to clean up their own municipal garbage dumps which may contain dangerous chemicals.

The city of Seymour owned the land on which the hazardous waste site existed, but did not operate the hazardous waste facility on that site during the time that thousands of gallons of toxic chemicals were poured into the ground and the 50,000 barrels were accumulating. The city simply leased the land to a private firm during the time the chemicals were dumped.

Because neither the city of Seymour nor the State of Indiana can provide 50 percent of the $12 to $20 million that it will take to clean up the Seymour site, EPA has refused to initiate either removal or remedial action at the site. In effect, the situation is at a stalemate.

My bill would insure that only those cities and States which have owned and operated, not simply owned, hazardous waste facilities will be held responsible for 50 percent of their cleanup costs. Seymour is one example of a city entangled by the language of the law. There are other cities and counties in a similar bind, and the list of such cities and counties will grow as EPA expands its investigation of sites which merit attention under Superfund.

I urge each of my colleagues with both an interest in removing hazardous wastes and an interest in untying the bureacratic knot of Superfund to join me in support of this bill.●

REQUEST FOR A RULE ON H.R. 6550, PUBLIC DEBT CEILING EXTENSION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, on June 9, 1982, the Committee on Ways and Means ordered favorably reported H.R. 6550, to provide for a temporary increase in the public debt limitation and for other purposes.

I take this occasion to advise my colleagues that the Committee on Ways and Means has requested a modified closed rule for the consideration of this bill and that we will seek to be heard before the Committee on Rules as expeditiously as possible.●

ENDING MARTIAL LAW ON TAIWAN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SOLARZ. Mr. Speaker, at a time when the United States has rightfully condemned the imposition of martial law on the people of Poland, it is entirely appropriate that we also oppose the continuation of martial law on Taiwan. On May 20, 1982, the 33d anniversary of martial law on Taiwan, 31 Members of the House released a statement we had written calling upon the Taiwanese authorities to lift martial law and let the people of Taiwan enjoy the benefits of democracy. Our statement notes:

Were Taiwan a more open, free, and democratic society, it would strengthen Taiwan's moral claim to American support.

I would like to share with my colleagues the text of our congressional call for an end to martial law on Taiwan.

The statement follows:

ENDING MARTIAL LAW ON TAIWAN

On May 20th, the courageous people of Poland will be suffering their 158th day under a hatred martial law regime. The President and the Congress have both publicly called for an end to martial law in Poland.

But May 20th will also mark the 12,053rd day of martial law for the people of Taiwan. In both Taiwan and Poland strikes are outlawed, severe restrictions are placed on freedom of speech and association, and civilians are all to frequently hauled before military courts.

What makes the case for an end to martial law on Taiwan, as in Poland, so poignant and compelling is that, in both cases, brave and able citizens have, through years of sacrifice and courageous effort, proved to the whole world that they know how to make a more democratic system work.

The living standards of the people on Taiwan are the envy of much of the developing world. The people of Taiwan, by their hard work ingenuity, have created an educated citizenry, a relatively prosperous middle-class society, and a respected body of politically able local representatives.

Despite these most admirable achievements, the martial law regime is so feared that Americans of Taiwan descent who have spoken out for democracy, are often too frightened to return to Taiwan, even for the funeral of a beloved parent.

In fact, if the rationale for martial law in Poland is weak, the justification for martial law on Taiwan is even weaker. There is no serious threat of a military invasion of Taiwan. Martial law actually weakens the ability of Taiwan to meet the challenges now confronting it. Martial law is used on Taiwan to suppress legitimate political expression. Were Taiwan a more free, open, and democratic society, it would strengthen Taiwan's moral claims to American support.

We are joining together to call for an end to martial law on Taiwan so that the people on Taiwan can enjoy the blessings of freedom and due process to which they are entitled.

Stephen Solarz (NY), Jim Leach (IA), Michael Barnes (MD), Anthony Beilenson (CA), Jonathan Bingham (NY), Don Bonker (WA), Shirley Chisholm (NY), Silvio Conte (MA), John Conyers (MI), Bob Edgar (PA), Walter Fauntroy (DC), Vic Fazio (CA), Floyd Fithian (IN), Thomas M. Foglietta (PA), Sam Gejdenson (CT).

Tom Harkin (IA), Robert Kastenmeier (WI), Robert Matsui (CA), Norman Mineta (CA), Joseph Minish (NJ), Toby Moffett (CT), James Oberstar (MN), Richard Ottinger (NY), Jerry Patterson (CA), Peter Rodino (NJ), Pete Stark (CA), Bruce Vento (MN), Doug Walgren (PA), Ted Weiss (NY), Howard Wolpe (MI), Robert Young (MO).●

STEEL IMPORT QUOTAS NEEDED NOW

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. NOWAK of New York. Mr. Speaker, media reports in recent weeks have steadily traced the deterioration and erosion of our Nation's steel industry.

The New York Times on May 24 reported:

Seven out of 10 steel companies operated in the red during the first quarter (of 1982), and losses are expected to mount in the second quarter.

The Buffalo Evening News on May 26 carried this headline: "Republic Steel Lays Off 275; Will Close South Buffalo Plant."

The plant, which once employed 2,500 workers, will be closed indefinitely, the company said.

The May 31, 1982, issue of Business Week carried an article ("U.S. Steelmakers Slim Down for Survival") projecting that "steel shipments for the first half of this year will probably amount to no more than 34 million tons, almost 14 million tons less than in first-half 1981 and the lowest in two decades." The ariticle went on to report that the domestic steel industry's payroll is down to 331,000, "its lowest since the depression."

And this week, the Wall Street Journal, June 8, 1982, carried another bleak headline, confirming the industry's serious plight: "Steel Operations Rate Dropped Last Week to 42.5 percent, Lowest Since 39.6 percent of 1938."

Industry spokesmen acknowledge that recession-related, reduced demand for steel products from such major customers as the auto and construction markets and prime interest rates that hover at the 16-percent mark are major causes of the current serious condition.

But the recession is not the only reason 106,258 American steelworkers were on layoffs as of May 29 or that another 28,579 were on short work weeks. The recession is not the only reason thousands of Bethlehem Steel and Republic Steel workers are out of work in the Buffalo-Lackawanna, N.Y. area, joined on the jobless rolls by thousands more, particularly in the auto industry and related firms.

No; the recession is not the only major culprit. While thousands of our workers are unemployed, imports of foreign steel continue to pour into our country. Through April, nearly 6 million tons of steel mill products—5,954,220—entered the United States, up 9.9 percent from the same first 4 months of 1981.

Mr. Speaker, as an active member of the executive committee of the Congressional Steel Caucus since it was founded in September 1977, I have worked closely with my colleagues, with representatives of industry and labor and with several administrations to seek a nonlegislative solution to the serious problems confronting the steel industry, vital not only to our economy but our national defense. We have advocated a variety of measures, including the establishment of the now-defunct trigger price mechanism, more thorough an aggressive enforcement of exisiting unfair trade laws and voluntary restraint on the part of our trading partners.

Unfortunately, these efforts—as current statistics have shown—have been in vain.

Therefore, I have joined with scores of my colleagues in introducting legislation—H.R. 6505—which would mandate a solution that has eluded our best and well-intentioned efforts over the last 4½-half years.

H.R. 6505, the Fair Trade in Steel Act of 1982, proposes the establishment of quotas, specific quantitative restrictions, on steel and iron ore imports, linked to the levels of unemployment in our domestic steel industry. It would also establish in law a Steel Tripartite Advisory Council, with representatives of the steel industry, labor, and Government agencies, to advise the President on a continuing basis of the problems and possible remedial actions involving the industry.

I would like to commend my colleagues, Mr. GAYDOS, the chairman of the Congressional Steel Caucus, and Mr. BENJAMIN, the chairman of our executive committee, for their leadership in this matter. Currently, comments from interested parties are being sought in an effort to refine and perfect H.R. 6505.

We all advocate free trade that is fair. But our steel industry has been a victim of trade policies that have been unfair and detrimental to our national interests. H.R. 6505 is an attempt to redress that situation and to signal our trading partners of the seriousness of our concern.

We would like to urge our colleagues to study this dialog here today and join us in cosponsoring H.R. 6505 and to urge the House Trade Subcommittee to hold hearings on it as expeditiously as possible.

In December, the Reverend William T. Hogan, S.J., professor of economics and director of the Industrial Economic Research Institute at Fordham University, strongly urged the establishment of import quotas to assist the U.S. steel industry.

Testifying before the House Public Works Subcommittee on Economic Development, Father Hogan said the United States needs some imported steel as a domestic supplement but he said:

> I repeat we don't need 20 million tons of (imported) steel, and we don't need steel coming in at prices that are very much below the list price, so that it fractures the price structure in the American industry * * * I personally feel there is no alternative to quotas if we are going to be successful.

I agree with Father Hogan. We have looked at alternatives and they have proved wanting. The only viable alternative is the establishment of quotas.

As Father Hogan poined out:

> We need to preserve what we have of the steel industry. It is not less than it was in 1974. We cannot afford to lose much more steel capacity * * * We need the industry to maintain current capacity, and that capacity must be modernized and upgraded and something is needed that will control the import situation.

Mr. Speaker, I hope that a majority of our colleagues will agree that something is needed and needed now to halt the decline of America's steel industry and they will join in supporting H.R. 6505 as an inescapable step in the right direction.●

AMNESTY INTERNATIONAL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PEYSER. Mr. Speaker, I am pleased to take this opportunity to recognize 21 years of growth and progress in the world's leading international organization for human rights, Amnesty International. Since London lawyer Peter Berenson began his campaign for an "Appeal for Amnesty" on May 28, 1981, an increasing number of volunteers—over 200,000 working in 123 countries—have joined Amnesty International to defend the rights of persecuted prisoners worldwide.

Jailed for their beliefs, color, language, or religion, each prisoner is taken up as a separate case by a subgroup of Amnesty International. Individuals defend individuals in the organization. When a regional group assumes responsibility for a prisoner, the members of Amnesty provide material and moral aid to him/her and his/her family. In addition, they contact prison and government authorities and do all within their power to break the wall of silence and isolation until the prisoner is released.

I am a firm believer in the international cause for human rights and have supported the Hudson Valley Chapter of Amnesty International in a number of cases. For example, Salamat Ali, a Pakistani journalist, was arrested in Islamabad for writing a supposedly slanderous article regarding martial law and regarding the reactions of the Pakistani people to the system. He was sentenced to 1 year of hard labor.

Amnesty International adopted the case on May 13, 1979, and I was able to write to the Ambassador of Pakistan in support of Mr. Ali's factual and scholarly report shortly thereafter. Within 2 weeks of receipt of the letter, Mr. Ali had been released from his labor sentence.

I would like to commend Amnesty International once again for 21 years of dedicated service. I strongly support their legal rights principles and will continue to fight with Amnesty International for the benefit of prisoners unjustly treated in all parts of the world.●

DISABILITY—A NATIONAL SCANDAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. OTTINGER. Mr. Speaker, I wish to bring to your and my colleagues' attention the outrageous review of social security disability benefits now being conducted by the Social Security Administration. SSA officials have clearly gone overboard—to the detriment of a great many disabled individuals—as manifested by the 60 percent of those terminated getting their terminations reversed. As my colleague, Mr. WAMPLER, states, the increased review of all disability cases has overburdened the State agencies and administrative law judges that currently hear appeals.

This increased burden placed on disabled persons and review agencies was certainly not our intent when we legislated the periodic review of social se-

curity disability cases in 1980. We cannot allow the Congress to fall victim to administration assertions that Social Security Administration officials are doing no more than what we had instructed them to do. It is quite apparent that these officials are taking our directive for better management and disbursement of disability benefits to an extent that neglects our intent and supplants it with a scandalous budget-cutting motivation. The very fact that the Social Security Administration requires State agencies reviewing disability cases to use eligibility criteria that are much more stringent than Federal standards supports the notion that there are inequities and inconsistencies in the review process. Clearly, the amount of time and effort wasted is not consistent with our initial objectives.

Mr. PEPPER has characterized the disability crackdown as "a wholesale purge of the disability roles." I agree with his assessment of the social security review and submit for your consideration the following two articles from the New York Times (May 22, 1982). Both Mr. Pear's article and Mr. Stein's letter to the editor deserve the attention of all Members of Congress, on both sides of the aisle. We cannot be satisfied with having the effect of our legislation become a national scandal.

The texts of the New York Times articles follow:

[From the New York Times, May 22, 1982]

SOCIAL SECURITY DISABILITY CUTOFFS ASSAILED AT CONGRESSIONAL HEARING

(By Robert Pear)

WASHINGTON, May 21.—Members of Congress joined disabled people and state officials today in criticizing the Social Security Administration for the way in which it was removing people from the disability insurance program.

At a four-hour hearing of the House Select Committee on Aging, disabled people said the Federal Government had ended their benefits even after Government doctors certified that they could not work. In some cases, they said, benefits were cut off with no medical examinations.

The Government pays more than $17 billion a year in disability benefits to 4.5 million disabled workers, their spouses and their children. The average benefit for a disabled worker is $419 a month.

Social Security officials began what they call a "crackdown on ineligibility" under the terms of a 1980 law requiring periodic review of all disability cases. At today's hearing, it became clear that members of Congress were dissatisfied with the manner in which the review was being conducted. Also, the review of eligibility emerged as a sensitive political issue.

Representative Claude Pepper, Democrat of Florida, the committee chairman, said that there had been "a wholesale purge of the disability rolls" in the last 15 months, leading to the removal of many people entitled to benefits.

Two Republicans also expressed concern. Representative William C. Wampler of Virginia said that the stepped-up review of disability cases had overburdened state agencies and administrative law judges, who hear appeals. There are many "inequities" and "inconsistencies" in the program, he said. Representative Hal Daub of Nebraska said that some of the terminations were "outrageous," but in an interview, he also complained that "the Democrats are doing their level best to politicize this issue."

Marion J. Woods, director of the California Department of Social Services, said that the Federal Government's "fervor" to remove disabled people from the rolls was an "atrocity."

No spokesmen for the Reagan Administration testified at the hearing. Charles H. Edwards 3d, chief of staff for the committee, said, "We invited the Administration and they chose not to come."

John B. Trollinger, a spokesman for the Social Security Administration, said that the agency received the invitation Tuesday and did not have "ample time" to prepare testimony. But Mr. Trollinger asserted, "We feel that Mr. Pepper is needlessly frightening people. We have a mandate from Congress to review the disability rolls, and it is our goal to make certain that those who still meet the eligibility requirements are not taken off the rolls."

In the first 13 months of accelerated reviews, 436,000 cases were examined and 174,000 people, or 40 percent, were ruled ineligible.

But Social Security officials report that two-thirds of these people who have appealed to administrative law judges have won restoration of their benefits. The reason for the high reversal rate, according to a report by committee investigators, is that Social Security requires state agencies reviewing cases to use criteria that are "much more stringent than the law."

State agencies, financed by the Federal Government, make the initial determination whether a disability exists, and they are supposed to follow Federal standards.

One of the witnesses at today's hearing, James B. McKeown of Philadelphia, had his benefits cut off last December despite certificates from doctors stating that he had only one kidney, was blind in his left eye, had suffered a loss of hearing in his left ear and had received psychotherapy for depression.

[From the New York Times, May 22, 1982]

A DISABILITY BENEFIT REVIEW PROGRAM THAT HAS GONE AWRY

To the Editor: Robert Pear's otherwise excellent front-page report [May 9] on the scandal of termination of Social Security and Supplemental Security Income benefits to clearly disabled people who have met the strictest tests for these benefits unfortunately understates the problem and fails to explain adequately the causes of these arbitrary terminations.

As statistics graphically illustrate, 60 percent of those terminated get their terminations reversed, once they obtain their first and only independent, face-to-face hearing in the system. Over half of the others succeed when they take their cases to Federal court. Thus, one gets a better picture of how unfair and illegal the great majority of the 175,000 terminations between March 1981 and March 1982 have been.

There are many reasons for these shocking terminations, some constituting longstanding inequities in the disability determination process.

It is simply impossible for state disability determination review agencies to review fairly 540,000 cases this year, 860,000 next year and more there after. The 1980 amendments calling for these mass reviews must be rescinded.

State review agencies never see the beneficiaries face to face to evaluate the disability, especially subjective complaints.

Social Security, without public notice and without Congressional authorization, has improperly narrowed standards by which disabilities are evaluated.

State review agencies ignore or fail to obtain treating physicians' medical evidence, while relying on cursory, one-shot consultative examinations by doctors who don't know the beneficiaries.

Also contrary to law, state agencies ignore vocational factors, ignore non-exertional factors, such as mental impairments, and—most shockingly—ignore the reality of pain in evaluating disabilities.

Social Security no longer deems it necessary to show that there has been substantial medical improvement in the disabled beneficiary's condition since the person was previously found to be disabled, thus treating the beneficiary as if he or she were applying for the first time.

The inequities arising from the mass reviews (currently, 30,000 cases are being shipped out to state agencies per month) are made that much more harsh for the tens of thousands cut off—only to be reinstated on appeal—because current law does not permit disability insurance benefits to continue pending the administrative hearing decision when there is an appeal.

Thus, innocent, severely disabled people, who as past wage earners have been the backbone of our nation must wait months or even years for reinstatement while they suffer loss of medical care, their homes, necessities of life and even life itself, as the suicides of some beneficiaries have sadly demonstrated.

I hope that the scheduled hearings by the House Select Committee on Aging and the Senate Government Affairs Committee will lead to prompt remedial action to right these wrongs.

JONATHAN M. STEIN,
Chief of Special Projects, Community Legal Services, Inc., Philadelphia, May 14, 1982.●

HONORING DR. KING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. RANGEL. Mr. Speaker, I bring to your attention the following column published in the Washington Post on May 13, 1982. The column, written by Richard Cohen and entitled "Dr. King," reminds President Reagan of the many significant contributions made by Dr. Martin Luther King, Jr. during his lifetime—contributions which succeeded in bringing this Nation more in line with the principles on which it was founded.

The column also urges the President to discard tendencies to think of the current movement to memorialize Dr. King as a black issue, or to minimize the contributions of Dr. King by placing him in a category marked Special Americans. This is not only a black issue; it is an issue for all Americans.

Furthermore, Dr. King was more than special. He was a great American, who worked tirelessly throughout his lifetime as a civil rights activist, an antipoverty activist, and an antiwar activist in order to make our country a better place in which to live. His efforts in all these areas demonstrated

that he was not just a man who believed in the ideals of freedom, justice, and liberty for all, but one who dedicated his life to implementing them.

DR. KING

(By Richard Cohen)

Let us begin with the old joke about the Lone Ranger and Tonto and how they find themselves surrounded by a horde of hostile Indians. The Lone Ranger sizes up the situation and asks, "Tonto, what do we do now?" To which Tonto replies, "What do you mean 'we,' white man?"

Like "blood is thicker than water" and other such sayings, this joke has entered the folklore as yet another way of saying we are what we are or, to put matters another way, what we were born. Still, not since Tonto kissed off his close personal *kemo sabe* have we seen such a statement of racial identification as Ronald Reagan's explanation of why the birthday of Martin Luther King, Jr. probably should not be a holiday.

The president first declared neutrality on the issue, saying, "I haven't taken a stand one way or the other . . . ," thereby implying that to do nothing was about the same as doing something. Of course, this is not the case since to do nothing is to favor the status quo—or, in other words, to take a position against making King's birthday a holiday.

But the president did not stop there. Speaking as a white man, he reminded blacks that, while he had the "deepest sympathy" for the movement to honor King, there were other minority groups in this country and they had their heroes, too. "We could have an awful lot of holidays if we start down that road," the president said, adding that someone had to consider the cost of it all.

" . . . [It] might be that there's no way we could afford all the holidays."

Offhand, it is hard to come up with a single movement to memorialize the birth of any person other than King. But granted such a movement and such a person exists it is interesting that the president has lumped Dr. King in with the obscure. Worse than that, though, he is talking about him as if he were the bizarre creation of some ethnic group—the arcane hero of an arcane group. If that were the case, a bridge or a causeway would do very nicely.

But King is no such person. He is a Nobel laureate of peace, a man of enormous accomplishment who had the kind of vision and commitment and, in the end, sheer guts that you think exists only in myth and fiction. King was the field marshal of the civil rights movement. He helped change America and while it might have changed anyway there is hardly anyone who would not concede that Martin Luther King made a difference.

There is no doubt that King and his accomplishments have a special meaning to blacks. There is also no doubt that in some way King had—and in some ways still has—a special dimension because he was black. A holiday memorializing him would, after all, be the only holiday honoring a black person. That has got to have meaning to black people—a meaning lots of white people could not begin to appreciate.

But where the president misses the boat is in failing to realize that King is not just a black hero, any more than George Washington is just a white hero. Not only did King lead a civil rights crusade (not to mention antiwar and antipoverty movement) that was racially integrated itself, he did it in behalf of an entire nation. The immediate beneficiaries of his civil rights activities, of course, were black. But in the end, the whole nation benefitted. We are all better off because of what King did.

The president misses the entire point of the civil rights movement if he continues to see it as something done for blacks only and if he persists in seeing blacks as some sort of "them"—not regular day-in-day-out Americans. He has made the same mistake with working women and with poor people and with any other group that is not off some old Saturday Evening Post cover about general stores and potbellied stoves.

Maybe not enough time has passed to evaluate King's contribution and see whether he measures up to the likes of Washington or Lincoln—not to mention Jefferson, whose greatness goes unrecognized by a national holiday. But whatever the decision, it is just plain insulting to King's memory and to people who revere him to refer to him as some sort of token, and to trivialize the attempt to memorialize him as yet another bizarre demand made by "those people." That is the sort of mentality King fought all his life. Maybe we need a day to think about it.●

A SALUTE TO LAWRENCE HIGH SCHOOL

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. McGRATH. Mr. Speaker, I would like to call the attention of my colleagues to the remarkable accomplishments of the student body of lawrence High School, located in New York's Fifth Congressional District, which I represent.

In an annual competition sponsored by Newsday, the Long Island newspaper, the student body of Lawrence High School engaged in a series of projects devoted to improving the life of their community.

One of the most significant projects was an activity called the "Green Circle," which is a consciousness-raising program designed to fight prejudice. Concerned that the roots of bias often begin at a very early age, the Lawrence High School students visited several fourth-grade classes and discussed the causes and effects of prejudice against individuals because of race, creed, or national origin.

Other activities initiated by the Lawrence High School student body included: a Crisis Intervention Committee, which dealt with potential problems in the community; a Peer Drug Committee, which used the influence students have on each other to combat the use of drugs; and the Student Community Conference, which involved an effort to assess community needs, fight student apathy, and make use of the time, talent, and energy of young people to engage in meaningful problem-solving.

These remarkable efforts have been recognized by Newsday, which is presenting to the Lawrence High School student body the 1982 Newsday Long Island High School of the Year Award for Community Service in a special assembly at the school today. The award is a check for $2,500 and an engraved plaque in recognition of the students' remarkable achievements. This is the seventh year of the annual competition, which this year involved 48 schools on Long Island.

Mr. Speaker, all too often in our society we focus our attention on the minority of teenagers who get into trouble. We frequently fail to recognize the vast resource of talent, dedication, and energy among our Nation's youth. I want to applaud the student body of Lawrence High School for putting their concerns into constructive action; and I would also like to applaud Newsday for recognizing their outstanding accomplishments.

I also urge my colleagues to share with their communities the concept of recognizing neighborhood service projects conducted by young people. An incentive such as this is a most worthwhile investment in our Nation's youth—which is, after all, a resource too precious to waste.●

WORLD HUNGER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GILMAN. Mr. Speaker, I was pleased to have conducted a contest for high school seniors in the 26th Congressional District of New York on the subject of world hunger.

Mr. Daniel E. Shaughnessy, president of Western Great Lakes Maritime Association, Inc., formerly executive director of the Presidential Commission on World Hunger and the judge for this contest, commented:

It was extremely difficult to make a selection among these final entries and all essayists are to be commended for their interest in the problem of world hunger and their willingness to take the time to describe their own thoughts and feelings. It is this type of awareness that is most important in attaining a final solution to the problem of world hunger and you are to be commended for encouraging this type of participation.

I recommend as the winner the essay by Howard Mills of Middletown. Mr. Mills concisely explains the problem, why we must be concerned about it and how its solution could be a path to world peace . . . The essays submitted by Judy Fredricks and Joel Berg were particularly poignant in their description of the problems and potential solution.

Because of the intense interest shown in the writings of these students for their Government, it is my privilege to share with my colleagues the thoughts expressed in the following three winning essays:

WORLD HUNGER

(By Howard Mills, Pine Bush High School)

One of the most horrible of the many problems now facing our world is the problem of world hunger. It may be hard for some of us to accept the fact that millions of people starve to death each year. Most of

us in this country have never had to go even one day without more than enough food. Yet, the danger of world hunger is very real and unless something is done soon, it can only get worse.

The facts are appalling. This year 15 million people will die of starvation or hunger-related diseases. One third of all children in developing nations die of malnutrition before the age of five. The number of malnourished people in the world increased from 400 million in the early 1970's to 455 million at mid-decade.

What can be done to help these people? Certainly there is no instant cure, but for the short term we can send emergency food supplies to those areas where people are starving. However, the real solution lies in helping the poor, developing nations to become as self-sufficient in food production as they can.

The hope that one day no one will go hungry depends upon the cooperation of governments, careful management in both food production and distribution, and on new scientific breakthroughs. But it also depends on individuals like you and me. We can each do our part by simply changing our eating and spending habits. Many people in the world's wealthier nations actually harm themselves by overeating. The average American consumes nearly a ton of grain a year while the average Indian consumes less than 400 pounds. It is estimated that with more equitable distribution of food now produced, one-half million people would not be starving right now.

The problem of world hunger can and must be solved. We owe it to our fellow citizens of this planet who are starving to do all we can to eliminate their suffering. The day must come when no child will go to bed hungry while others waste and squander more than they need. Once we have stopped the threat of starvation, perhaps we will reduce the risk of war and will create for everyone a better world in which basic human needs are met.

World Hunger

(By Jody Fredricks, Port Jervis High School)

India, Bangladesh, Pakistan, Ethiopia, Honduras, Phillipines, Upper Volta—all countries, all highly populated, all starving. And each one of them forlornly stares at the back doors of the world in patient agony. But sadly, their frustratingly serious burdens call for an immediately essential aid that appears never shall be relieved. It is an aid that would require international cooperation (individual response is good and necessary, but collective responses is better and much more productive.) The starvation problem is so intense that to solve it would require mobilization of communities, churches, Scout troops, various societies, clubs, groups, unions, and national as well as international bodies. It would also require far closer cooperation among all people than in all history. Most importantly, an able willingness, deeply motivated by humanity—not guilt, exploitation, or gratitude—the ultimate goal, begin to provide a better quality of life for all people on this earth. The answers cannot be easily found or inexpensively produced, but a world-wide backing would divide the needs a little more fairly, and "hasten the healing." As John F. Kennedy once said, "We have the ability, we have the means, and we have the capacity to eliminate hunger from the face of the earth. We need only the will."

It is probably difficult, and to the average middle class American uncomprehensible to disbelieve that every person in the world could survive if he only applied himself, worked hard, saved his money, and grabbed all readily available opportunities. But let me ask, what opportunity await these people? Basically the starving nations are illiterate, and this is in itself a major problem. Without knowledge, there can be no teachers to introduce and educate others to read and think more effectively, bringing forth new leaders who could logically solve internal problems, while encouraging community developments. Actually it's a vicious circle.

With no schooling—there are no jobs, for they know how to skillfully do nothing—this creates the poor—who in small cities, move to larger cities in search of jobs and money—hundreds of wanderers roam the country—once in city, there are so many people, no jobs are available—no jobs create corruption, like prostitution—lack of knowledge and money (again) this time towards contraception creates rapid growth in birth rates—creating overcrowding which creates both disease and famine—both of them due to no money for medicine and lack of food cause death.

For these who live, the circle continues mercilessly, for who can work and learn to create new leaders and knowledgeable citizens if they are too weak to barely move!

A majority of the American public is undereducated as to the true extent of the problem. It's just not enough to contribute a few dollars, and relying on the few who now and then get the urge to show "concern." (In my opinion, that is an aluminum nickels and dimes game—self interest flying under the false colors of generosity.) But I know I shouldn't send others on a guilt trip, just as I shouldn't be buried with pictures of starving babies and lamenting mothers, if I should somehow get put on the hunger (CARE) mailing list. We all have financial and emotional limits. But the general public should be informed as to what is really "going on." First let me define my ideas towards real aid. The term aid should be used when there is a "real transfer of resources to the poor for reasons of raising living standards and lessening the gap between rich and poor nations." To the government, it is applied to any form of capital invested outside the country (grants, loans, goods, services, etc.). The biggest misconception about the foreign aid program is that we send money abroad. We don't! Generous Americans would be shocked at this revelation, and most disappointed. Foreign aid, I have learned, is American equipment, raw materials, expert services, and food. Much of the money, I feel Congress is appropriating by buying and shipping these goods to countries they do not need, do not want to pay for. It is made available to the poor countries that do not need, do not want to pay for. It is made available to the poor countries (American industrial technology) and most of the nations cannot absorb it. (First you have to teach the elephant to dance before you put it in the ring!). "It is not enough for free man from the hunger imposed on him by an insufficiency of food. Man must be freed of all forces that oppress him—of natural, economic and political order." This is how some feel, okay, but it should not be done for our own benefit! Half the financial assistance we give is in the form of loans that must be repaid with interest. Right now, the aid conveniently provides a market for U.S. goods and services, increases the developments of over-seas markets for U.S. Companies, and "adjusts" national economics towards "free enterprise" systems in which private U.S. firms can prosper. (Some gift!)

The best contribution, most generous gift we can made towards world poverty is to desert or change many of the policies we now call foreign aid, that actually do more harm than good to under-developed nations. Of course, its more advantageous and much less of a painful "sacrifice" to create and fund handy "all talk, no action" projects than to painstakingly change the policies. (Policies that preserve American wealth and power, but at the expense of poor counties. Kind of like squeezing raisins through a grape sieve. We must not close our eyes, hiding in the shadows of corrupt conflicts of interest between Americans squabbling "tooth and nail" over maintenance and increased personal prosperity in these countries. We must project our interests towards preserving the people of under-developed nations; restoring their dignity and helping them to survive in the light of day. We cannot carry them forever, for sooner or later we all shall grow tired.

One final thought—why not entertain our nation's "nuclear defense obsessed" leaders with a new toy? (A harmless one) king of active as if we are preparing for war (we are)—a war not to destroy mankind, but to save it. That way they can have their cake and eat it too!

Pangs in Prosperity: Hunger in a World Breadbasket

(By Joel Berg, Spring Valley Senior High School)

Millions of people around the world are dying slow, painful deaths. Their stomachs buldge and their ribs protrude. Their bodily functions deteriorate. These people are children. These people are adults. These people are senior citizens. These people are suffering not because they have done anything wrong or because they are bad people, but because they don't have enough food and they are starving. Yet farmers in the United States are paid not to grow food.

The problem of world hunger is indeed a paradox. Humankind has a general commitment to help each other survive. Men have often pledged to insure that everyone on earth has the basic necessities of life. But man often breaks his promises. As richer brothers often forsake their less well off siblings, so do nations. Many countries currently have great food surpluses in storage but sending these to other nations might hurt their economy. Some countries which can not feed their own people encourage the growing of cash crops for exports, but discontinuing this practice might cut into personal profits. So it seems that world compassion does not run as deep as self interest.

Humans, however, can and have changed. For the most part, we have wiped out slavery and small pox. Hunger should be a little more difficult to eradicate from the face of the earth, but it is possible. We have the means, all we need is the global will.

The real problem in ending hunger is international cooperation. Nations can not help each other if they are fighting and bickering. Hunger must be made a separate issue, linked with no other political issues. An international agency, independent of the United Nations and the World Bank, must be created and supported by all nations to allocate food. The sharing of agricultural technology will give worldwide food production a quantum leap and hunger can quickly be wiped out. But this takes effort and can only be accomplished when all nations are willing to make that effort to help their fellow man. Unless the world is willing to lose millions of billions more helpless people, that day must come soon.●

A LOOK AT THE SOVIET GULAG

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. RITTER. Mr. Speaker, I, and many Americans, were personally touched by the CBS television special a couple of weeks ago called, "Coming Out of the Ice," about a U.S. citizen who spent 10 years in one of the Soviet Union's Siberian slave labor camps.

As one who has lived in the Soviet Union and observed first hand many of the oppressions faced by Soviet citizens, I was pleased to see the American media finally devote some prime time to the Soviet gulag.

I would like to enclose for the benefit of my colleagues, an article from the Wall Street Journal of May 27, 1982, which summarizes the story behind the CBS movie and the excellent presentation of CBS in bringing the story to the attention of the American public.

I commend CBS for the movie which was well done, and more importantly for the fact that they devoted some time and attention to this ignored problem. I am encouraged to see a presentation on this world-shaking aspect of contemporary history that is timely, pertinent, and well done and which the American people have a right and obligation to be aware of.

The article follows:

[From the Wall Street Journal, May 27, 1982]

CBS GIVES THE U.S. A FIRST LOOK AT THE SOVIET GULAG

(By Daniel Henninger)

This past Sunday evening, CBS broadcast a movie called "Coming Out of the Ice," about a U.S. citizen who spent 10 years in one of the Soviet Union's Siberian slave-labor camps. It was a stunning and extraordinary film, but throughout the evening one had to repeatedly convince oneself that a movie about this awful subject was actually being shown on American television.

The reason this struck me as astonishing to the point of disbelief is that the appearance of a full-length feature film about what we now call the Soviet "gulag" is very nearly an unprecedented event in the Western world. American and European filmmakers have produced movies on the Nazi concentration camps but almost nothing on the Stalinist era which caused the death of millions upon millions of Soviet citizens.

The details of how this system of mass death worked have been available in books in the West for some time. Solzhenitsyn is the most famous and extensive chronicler of the gulag. (The British made a 1971 film based on his book: "One Day in the Life of Ivan Denisovitch.") The Soviet scientist Roy Medvedev has written about it. Eugenia Ginzburg's two-volume memoir is perhaps the most poignant account of life in the camps. We have the recently published "Stalin's Secret War" by Nikolai Tolstoy and "The Time of Stalin: Portrait of a Tyranny" by Anton Antonov-Ovseyenko, the son of one of the Russian revolution's most famous heroes, whom Stalin had killed.

These histories are relevant to contemporary political life. The incontrovertible fact that the Soviet gulag operated over an extended period lies at the heart of the political conservative's attitude toward the Soviet Union. This attitude was expressed by President Reagan at a press conference last year when he startled reporters by saying that the Soviets cheat and lie and that their system is immoral.

When you read or hear a reporter saying that someone's policy toward the Russians is "hardline" or "right-wing" or "conservative," an attitude like the President's is what he is talking about. The controlling idea behind this "hardline" belief is that Communism contains within it a deadly virus that causes it to consume its own citizens. Ideas like this are usually fought over among intellectuals and makers of foreign policy. With "Coming Out of the Ice," CBS gave millions of Americans a chance to see for themselves one of the subjects that underpins political debate over U.S.-Soviet relations.

"Coming Out of the Ice" told the story of Victor Herman, who was 16 when he left the U.S. with his Russian-born parents in 1931 to work in an auto plant set up in Gorky under contract with Henry Ford. Toward the end of the decade, with the Ford contract lapsed, Mr. Herman wanted to return to the U.S. The Russians let him out in 1976.

He spent 10 years as a prisoner in a Siberian slave-labor camp, cutting wood. When he got out, he was exiled to a town in Siberia. There he married a Russian woman, and after she became pregnant he was sent farther north into solitary exile, where he was to live in the woods and chop wood for a nearby village. His wife, with their infant, joined him in the distant village by walking to it. He was "exonerated" in 1955, and spent the next 20 years fighting the Soviet bureaucracy to let him out. He has an advanced degree in languages, and he now lives in Michigan.

"Coming Out of the Ice" compressed this experience into a taut film.

Shortly after arriving in the Soviet Union, Herman shows exceptional athletic talent and with support from a renowned Soviet military leader (Marshal Tukhachevsky, later executed by Stalin), he received special training. After setting a world parachute-jumping record, Herman is asked by the authorities to sign a document attesting that the record was set by a Soviet citizen. Herman says that he is an American. Later he is arrested, and "Coming Out of the Ice" descends into the Soviet inferno.

The first clear sign that CBS had produced something quite out of the ordinary was a series of quick scenes between Victor Herman and a prison interrogator in a large, bare room. The guards would let Herman into the room, close the door as they left, and the Russian would come swiftly round his desk and beat Herman savagely with his bare fists. Despite all the violence one sees on television, the silent ferociousness of these scenes was unsettling. The skill and control with which this was handled made it clear that the filmmakers' intentions for their movie and its effect on the audience were more serious than what one normally encounters on TV.

The next hour depicted life and death in a Soviet labor camp as it has been described by Solzhenitsyn, Ginzburg and others.

The ground was covered with snow and ice (the film was made in Finland). The prisoners cut wood with short-handled axes. If you did not fill your work quota, you did not eat. Food was thin soup. Prisoners were intentionally worked to death. Herman glimpses a dead man in a latrine, covered with rats. A train stops at the camp and the guards push some female prisoners out of a boxcar onto the snow and the male prisoners rape them (the director diverts the camera's eye from this scene and shows Herman, looking on). For helping another prisoner, Herman is put in a cage in a hole in the tundra for days. When he gets out, he thinks he is blind. Another prisoner, who is being sent farther north, gives the failing Herman a rat trap, and he eats rats to survive.

It sounds odd to say that a film about such things could be made with tact, but director Waris Hussein, a Briton of Indian descent whose credits include "Edward and Mrs. Simpson" and "The Glittering Prizes," understood that an experience of such horror would have to be shown with restraint. Directors often lose control of such material, allowing it to become melodrama. Mr. Hussein did not, and he deserves an award for this film.

So does John Savage, who as Victor Herman was asked to play a man whose experiences no actor could fully imagine. The film's dialog displayed a sophistication and intelligence one more often associates with British productions; the script was by an American, Alan Sharp.

A word should also be said about how a movie on Russia's slave-labor camps ended up on a commercial network. We've been led to believe that this sort of "relevant" programming was the special province of the sainted folk at public television or at the networks' news departments.

The fact is that "Coming Out of the Ice" (along with ABC's documentary on yellow rain last year) is the most hard-hitting thing U.S. television has ever done about the Soviet system. In addition to Solzhenitsyn, who now lives in Vermont, the U.S. is now full of Russian emigres who could provide ample material on the Soviet gulag to producers from the networks' news arms or to public television. They have shown little interest in the subject. CBS in Hollywood got there first.

CBS got there first because the agent for Victor Herman's book, published by Harcourt in 1979 and describing his life in the gulag, sent the property to a Hollywood producer named Frank Konigsberg, who presented the idea to a CBS executive named Bernie Sofronski, who committed the network to the project. Then CBS scheduled a film of unknown appeal on Sunday night, preempting proven ratings winners like "Alice" and "One Day at a Time."

Harper & Row, publisher of Solzhenitsyn's three-volume "The Gulag Archipelago," says it has sold 3.3 million copies in the U.S. The Nielsen ratings for "Coming Out of the Ice" estimate that 17 million U.S. homes watched it. There is now a better knowledge in the U.S. of what the Soviet government has been willing to do to its citizens than there was a week ago.●

THE LITHUANIAN PEOPLE

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MICA. Mr. Speaker, June 15, 1982, will mark the 42d anniversary of the military occupation and forcible annexation of Lithuania by the Soviet Union.

Today about 2 million emigre Lithuanians are scattered from New York to California to Florida. They join the 3.4 million people remaining in Lithua-

nia in seeking the right of the Lithuanian people of self-determination.

Lithuania, Latvia, and Estonia, were Provinces of Imperial Russia before World War I and independent nations between World War I and World War II. The Soviet invasion of Lithuania occurred four decades ago, but we continue to see Soviet expansion even today as we witness their actions in Poland and Afghanistan.

To this day the United States does not formally recognize Soviet authority over Lithuania. I certainly believe that the right to self-determination of the peoples of the Baltic States ought to be of the highest priority, and that this certainly should becomes a prime objective of the U.S. delegation of the United Nations.●

MAXWELL E. GREENBERG TO BE HONORED BY ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. WAXMAN. Mr. Speaker, on June 16, 1982, Maxwell Greenberg will be honored by the Anti-Defamation League of B'nai B'rith on his completion of 4 years as national chairman of that organization. The event is fondly and appropriately called the "Celebration of Max."

Maxwell Greenberg or Max as he is known to the numerous friends, associates, and committee members he has met and worked with through the years was from his earliest days an achiever.

Graduating with highest scholastic honors from Los Angeles High School in 1937, he continued his studies at UCLA where he was elected Phi Beta Kappa at age 18, and received his A.B. cum laude. World War II interrupted his Harvard Law School education and he enlisted in the U.S. Army as a private in 1942. Four years later he was honorably discharged as a first lieutenant and recipient of the Army Commendation Ribbon. Resuming his legal studies, Max graduated from Harvard Law School magna cum laude in 1949. While at Harvard he was editor of the Harvard Law Review.

The senior partner of the law firm of Greenberg, Bernhard, Weiss & Karma, Max has given generously of his time and resources to numerous community endeavors. Because of his expertise on a wide range of social and political issues, he was invited to participate in the national educational television network program, "The Advocates." The program received the Peabody Award.

A partial list of Maxwell Greenberg's community and professional affiliations—the complete list is too long to detail—includes current service as a police commissioner, city of Los Angeles; past chairman, community relations committee, and vice president, Jewish Federation Council of Greater Los Angeles (1975–1977). Before becoming national chairman of the Anti-Defamation League, he served as president of ADL's Pacific Southwest region board, chairman of ADL's national executive committee. Max Greenberg was past chairman, California State Bar Committee on Unauthorized Practice of Law (1975–76); past chairman, attorneys division, United Jewish Welfare Fund (1968); past chairman of the board of the OEO-funded Rural Development Corp.—for the development of low-cost housing in rural areas; director and vice-president-legal, California Special Olympics, Inc., adjunct professor of law, UCLA Law School 1972; member of UCLA Alumni Association, Harvard Law School Association, and Harvard Club, Phi Beta Kappa, and member of the Bar of the State of California and the State of Illinois.

Maxwell Greenberg was an official delegate, Prime Minister's Conference in Israel, December 1975. In November 1976, he was granted a private audience with His Holiness Pope Paul VI in Rome, Italy for discussion of American Jewish-Catholic affairs and in July 1979 met in private audience with His Holiness Pope John Paul II in Rome on the same subject.

A dynamic yet sensitive and caring man, Maxwell Greenberg's lifelong priority has been the advancement of peace—among nations, and among people. To this end he has been a leader in the fight against all discrimination, whether it be based on religion, race, sex, or national origin. He is joined and supported in his work by his family. Maxwell Greenberg is justifiably proud of his children, Jan and Richard. Jan and her husband Mel Levine have one son, Adam Paul. Richard and his wife Joanne also have one son, Aaron Matthew.

I ask the Members to join with me in saluting Maxwell Greenberg on his accomplishments, on his leadership, and on his extraordinary sense of humanity.●

OUR ARMED FORCES NEED ADDITIONAL C-5 AIRCRAFT TO RELIEVE THE OUTSIZE AIRLIFT SHORTFALL

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FOWLER. Mr. Speaker, when the House considers H.R. 6030, the Department of Defense Authorization Act, an attempt will be made to reverse the recommendations of the Defense Department and the House Armed Services Committee that the United States acquire C-5B aircraft to alleviate our severe military airlift shortfall.

Speaking as one who believes that we must apply the same stringent cost-effectiveness standards to military as well as nonmilitary expenditures, I believe that the facts, and our defense needs, strongly support the acquisition of the C-5B.

I would like to share with my colleagues a factsheet illustrating our current outsize airlift shortfall. This report clearly demonstrates that we still face a severe lack of capacity to quickly transport helicopters, tanks, and other outsize cargo to where they are needed. Only the C-5B can remedy this situation in a timely manner.

The information referred to follows:

CURRENT OUTSIZE AIRLIFT SHORTFALL

Simple arithmetic demonstrates that the Congressionally Mandated Mobility Study (CMMS) supports what our military field commanders are saying—we have large shortfalls in our outsize strategic airlift capabilities. The following analysis demonstrates that massive shortfalls exist even when the unrealistic assumption is made that the current C-5A fleet is limited to carrying only outside cargo. The advocates for the 747 as a substitute for the DoD request for the C-5B call the limitation of the C-5A fleet to outsize only as "better management" of the fleet. Considerable evidence exists that this limitation would be inefficient and would not meet the needs of our field commanders. However, the analysis presented here lays this fact aside to demonstrate that, even with this unrealistic assumption, the CMMS shows large outsize airlift shortfalls.

STEP 1 USE CMMS DATA TO QUANTIFY OUTSIZE AIRLIFT REQUIREMENT

The CMMS final report gives both the total airlift requirement (outsize, oversize and bulk) and the percentage of the total tons that is outsized combat equipment. Simple multiplication yields the outsize airlift tonnage:

CMMS scenario	Total Airlift tons required by day 15	Outsize percentage	Outsize airlift tons required by day 15
I	199,400	20	39,800
II	206,200	12	24,740
III	478,700	27	129,250
IV	199,400	22	43,870

The last column in this table shows how much outsize combat equipment must be moved by airlift in the first 15 days.

STEP 2 CALCULATE OUTSIZE TONS DELIVERED BY EACH C-5A FLEET ROUND TRIP

The total tons of outsize combat equipment which the current C-5A fleet can deliver in one round trip is found by multiplying the total number of C-5A aircraft available times the average weight of the C-5A outsize loads:

CMMS scenario	C-5A aircraft available (table C.3)	Average C-5A outsize load (tons)	Total outsize tons delivered per fleet round trip (tons)
I	65	40	2,600
II	65	48	3,120
III	64	46	2,944
IV	65	50	3,250

The typical C-5A outsize load for the units being moved in the CMMS scenarios fills the inside of the airplane without using all of the C-5's tremendous weight-carrying

capability. The following is illustrative of these loads, all representing full C-5A loads of helicopters:

Helicopter	Number in full C-5A load	Total weight (tons)
UH-60 Blackhawk	6	38.4
AH-1 Cobra	5	18.8
CH-47 Chinook	3	35.2

STEP 3 FIND NUMBER OF DAYS FOR C-5A ROUND TRIP

The number of days for a C-5A to make a round trip can be found by first dividing the round trip distance by the average C-5A flight speed; the result of this calculation is the total C-5A flight hours. The number of days for the round trip is found by dividing the total flight time by the average number of hours a C-5A can fly each day. These simple calculations are summarized below:

CMMS scenario	Round trip distance (NM) (table C.23)	C-5A average speed (NM/HR) (table C.8)	Rond trip flight hours	Flying hours per day (table C.1)	Days for round trip
I	14,600	441	33.1	12.5	2.65
II	14,600	441	33.1	12.5	2.65
III	9,400	441	21.3	12.5	1.70
IV	14,600	441	33.1	12.5	2.65

STEP 4—CALCULATE NUMBER OF FLEET ROUND TRIPS IN 15 DAYS

The number of round trips the C-5A fleet can make in 15 days is found by dividing 15 days by the number of days it takes a C-5 to make a round trip:

CMMS scenario	Days	Days for round trip	Fleet round trips in 15 days
I	15	2.65	5.7
II	15	2.65	5.7
III	15	1.70	8.8
IV	15	2.65	5.7

STEP 5—CALCULATE C-5A FLEET OUTSIZE TONS DELIVERED IN 15 DAYS

The final step in calculating the 15-day outsize capability of the current C-5A fleet consists of multiplying the outsize tons delivered by each C-5A fleet round trip (Step 2) times the number of fleet round trips in 15 days (Step 4):

CMMS scenario	Total outsize tons delivered per fleet round trip	Fleet round trips in 15 days	C-5A fleet outsize tons delivered in 15 days
I	2,600	5.7	14,820
II	3,120	5.7	17,800
III	2,944	8.8	25,900
IV	3,250	5.7	18,500

STEP 6 FIND OUTSIZE AIRLIFT SHORTFALL

The outsize airlift shortfall is found by subtracting the capability of the current C-5A fleet from the required tonnage:

CMMS scenario	15-day outsize		
	Requirement (tons)	Capability (tons)	shortfall (tons)
I	39,880	14,820	25,060
II	24,740	17,800	6,940
III	129,250	25,900	103,350
IV	43,870	18,500	25,370

The outsize shortfalls, presented as a percentage of the requirements, are:

CMMS scenario:	*Outsize airlift shortfall (percent)*
I	63
II	28
III	80
IV	58

It is noted that these outsize shortfall values are based on the unrealistic assumption that the C-5A fleet is dedicated solely to carrying only outsize cargo. The actual shortfalls will be greater than these derived values because the needs of our field commanders dictate using the C-5A in a broader role than outsize only. The need to use the C-5As in this broader role has been convincingly argued by our military leaders.●

ANOTHER GOOD REASON TO SUPPORT JONES AND OPPOSE LATTA

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. TRAXLER. Mr. Speaker, just this afternoon I have received some very distressing news from the Michigan Press Association. They urge me to oppose Latta and to vote "yes" on Jones. They point out a small item in the Latta substitute which will have an impact on all Americans: substantially increased third-class postage rates.

According to the Michigan Press Association, the elimination of certain third-class mail assistance currently provided by governmental appropriations would mean that some of the postage rates applied to bulk mail deliveries, including newspapers and magazines, could triple. This means that every person who depends upon mail delivery for newspapers would either see subscription rates skyrocket, or would see their service terminated.

Additionally, the reductions proposed in the Latta substitute could result in the curtailment of door-to-door delivery and force the closing of small post offices, located primarily in rural areas. The U.S. Postal Service could become a service available only to those with a great ability to pay escalating postage rates, or who live in or near major urban areas. In-county newspaper rates could go from 3.4 to 9.9 cents. Classroom publication rates could go from 7.3 to 17.3 cents. Charitable and educational association rates could go from 5 to 9.3 cents. In a word, these budget cuts proposed in the Latta substitute are ill-advised and rash.

Support services for all Americans by voting yes on Jones and no on Latta.●

ANTINUCLEAR HYSTERIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to call the attention of my colleagues to a column in the Washington Post today by Richard Cohen. Mr. Cohen, who would not object, I believe, to being called a liberal, discusses a recent film in the context of the antinuclear movement. I am inserting the particle in the RECORD at this point:

[From the Washington Post, June 8, 1982]

HYSTERIA

(By Richard Cohen)

The other night I saw a movie called "The Atomic Cafe." It is a documentary in which old Cold War-era newsreels and propaganda films are used to depict an America so caught up in rabid anticommunism that it uncritically embraced the atomic bomb. I had an interesting time. The audience watched the film and I watched the audience—and wondered about the antinuclear movement.

The film showed the anticommunism hysteria in America, the advent and then deepening of the Cold War, and the concurrent belief that all that stood between us and the Red hordes—the qualms of liberals, pinkos and commies notwithstanding—was the bomb. To a whole generation of Americans it was seen as the great equalizer, and if the Russians threw it back at us, no problem. With a proper shelter, the bomb could be less menacing than the twister that sent Dorothy off to the land of Oz.

The picture you get of America is of a country gone bonkers. And indeed that was somewhat the case. The anticommunism and general intolerance of the period was ugly. (So, for that matter, was the clothing.) But all of it is either shown without context, or the context is parodied. You would think from watching this film that Americans had little reason to fear communism or, in particular, the Soviet Union—that the Soviets had not, since the war, colonized Eastern Europe and played a hand in the Korean War.

But of course, history tells a different story. It tells a tale not only of postwar Soviet expansionism, but of a regime so ruthless that since 1917 it has killed or contributed to the death of tens of millions of its own people. The actual number is open to debate and will probably never be known, but suffice it to say that even the lowest figures would make Joseph Stalin history's foremost mass murderer.

Stalin is dead, of course, and new and more moderate men rule in his place, but the Soviet Union of today, no matter how remarkable its improvement, is a long way from being a benevolent regime—no pal of peace. Yet the Soviet Union is not being discussed in those terms. As in the film "The Atomic Cafe," the growing antinuclear movement here seems to be operating without any context—as if the problem were only in Washington and not also in Moscow.

It's wrong to characterize any movement as all one thing, and the antinuclear move-

ment is no exception. It is made up of many parts, some of them thoughtful, reasonable and downright hard-nosed. But some elements of the movement are wishful, romantic, even silly. It seems to have a kind of flower-child mentality, as if through some combination of marches, folk songs and newspaper ads the world's nuclear stockpile simply will go away—ours first. But you cannot demand an end to the nuclear standoff. It is like demanding a 26-hour day or thinking that just because something is right and makes sense, it will come to pass. If that were the case, no one would smoke.

No matter. Hunks of the antinuclear movement do not want to be bothered with details, such as what the Soviets will do. These people prefer, instead, a kind of escapism, a program based mostly on sentiment: Nuclear war is bad for children and all other living things. No kidding.

The sentiment is understandable. People were scared to death by the gunslinger rhetoric that initially came from the Reagan administration. Talk of limited nuclear war, of demonstrating nuclear weapons, are the sort of stuff that makes for nightmares. Then, too, the world seems to be going to hell in a handbasket. The British are fighting the Argentines and the Iranians are fighting the Iraqis and the Israelis are fighting the Palestinians. And of course, there is always Afghanistan and Northern Ireland and South Africa. It's enough to make you want to pull the blankets over your head.

But neither that nor wishful thinking about nuclear disarmament will do the trick. The world is a nasty place, full of nasty people and nasty countries, and while it is one thing to try to change that—to become involved in issues such as nuclear policy—it is quite another thing to forget that we are not alone, that we have real enemies and that they, like us, are armed to the teeth. This is what the audience that watched "The Atomic Cafe" seemed to ignore. It was watching a farce. And I was watching a tragedy.●

PUTTING A STOP TO AGE DISCRIMINATION IN EMPLOYMENT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PEPPER. Mr. Speaker, today I am introducing a bill to once and for all end mandatory retirement and to extend basic job rights to workers age 70 and over. The bill, entitled the Prohibition of Mandatory Retirement and Employment Rights Act of 1982, is cosponsored by 123 Members of the House, including my distinguished colleagues, MATTHEW RINALDO, ranking minority member of the Select Committee on Aging, and AUGUSTUS HAWKINS, chairman of the Education and Labor Committee Subcommitte on Employment Opportunities, which has legislative jurisdiction over this issue.

The Prohibition of Mandatory Retirement and Employment Rights Act of 1982 would only remove the upper age limit of 70 from the Age Discrimination in Employment Act (ADEA). Presently, the ADEA protects workers between the ages of 40 and 70 from age discrimination in hiring, promotions, terminations, and terms and conditions of employment. The ADEA also contains a set of carefully designed enforcement procedures which, among other things, guarantees an aggrieved older worker the right to a trial by jury and, if the employer is found guilty of willful violation of the act, the court can award liquidated damages. These and all other procedural protections in the ADEA must be retained. My bill would not in any way alter these procedures, nor would I abide any amendments to that effect.

It was just 4 years ago that Congress enacted legislation that I introduced, resulting in the complete elimination of mandatory retirement for nearly all Federal workers and an increase from 65 to 70 in the permissible mandatory retirement age for non-Federal workers. Those were the 1978 Amendments to the Age Discrimination in Employment Act (ADEA).

The bill I am introducing today would build those earlier amendments and would thereby extend the act's coverage to most workers over 70 who are not now covered. By so doing, it is estimated that 195,000 more older workers will be in the labor force by the year 2000 than would be under current law. This would be a substantial boost to social security and will help meet a growing demand for experienced labor.

The increase in labor force participation by older workers brought about by enactment of this bill would come at a time when our Nation begins to face critical labor shortages. These labor shortages, which will begin to emerge in the next 5 years, stem from a dramatic decline in the birth rate and a subsequent reduction in the number of young age workers entering the labor force. The Bureau of Labor Statistics reports that the population aged 18 to 24, which, during the decade 1970–80, grew by 22.5 percent, will decline by 15 percent during the decade 1980–90. Moreover, our Nation's colleges and universities will fall far short in meeting the demand for skilled workers, such as engineers and computer technicians. The result of these shortages will be an increased demand for older workers.

Encouraging older persons to remain employed longer also is critical to our economy and to the future of social security and other retirement income systems. According to a Data Resources Inc. study presented to the Select Committee on Aging earlier this year, an increase in labor force rates of older men to 1970 levels would, by the year 2005, add $10 billion annually to the social security trust funds. Moreover, this increase in older worker employment would increase the GNP by 4 percent, add $40 billion annually (in 1980 dollars) in New Federal, State, and local tax revenues, and provide an average annual increase of $1,050 in income to the elderly. Eliminating mandatory retirement would be a start toward increasing employment levels and adding a needed stimulus to the economy.

It is all well and good, one might say, to increase employment among older people, but what about the adverse impact on other groups? The response: There would be very little adverse impact. The Department of Labor, which has been studying the effects of the 1978 amendments to the ADEA, offered conclusive evidence that raising the mandatory retirement age to 70 has had no significant effect on women or minorities. According to the Labor Department report,

> The estimated additional number of comparable age 65 workers are potential competition for less than one-quarter of 1 percent of all full-time workers ages 16–24; less than one-half of 1 percent of all full-time black workers ages 16–59; and around one-tenth of 1 percent of all full-time female workers ages 16–59.

Eliminating mandatory retirement would, in fact, increase the rights of minorities and women, since members of these groups also grow older. It would indeed be ironic if after years of struggling to gain their employment rights, minorities and women were to be denied these rights by the mere fact that they survive to old age.

A second concern often raised is that promotional opportunities for younger workers will be severely strained if older workers remain on the job longer. Again, the findings in the Labor Department report refute this. According to a study cited by the Labor Department, a substantial increase (10 percent) in labor force participation rates of men over 65 would on average delay promotions at the highest ranks by one-half year, while at the lower ranks individual promotions would be retarded by 5 to 10 weeks. These are insignificant effects, especially when weighed against the harmful consequences of forced retirement based on age.

Extending job rights to more older workers makes good economic sense. More importantly, however, such legislation would add another chapter to the long and illustrious history of progressive civil rights legislation in our great Nation. We have made significant strides toward protecting the employment rights of women and minorities. It is now long overdue that we offer such unqualified protections to Americans, irrespective of age. While my bill still leaves some important stones unturned, it nonetheless marks a significant step forward in the civil rights guarantees for older Americans.

This bill will remove a very important impediment to continued employment for older workers, but we must not overlook the fact that several obstacles will still face these older workers. One such obstacle is the policy of some employers to discontinue pension contributions for workers who are age 65 or older. A quirk in the legislative history of the 1978 ADEA amendments allowed this loophole, and the result is that roughly one-half of all

employers are taking advantage of it to freeze pension benefits at age 65 and discourage older workers from continued productive employment. The practice of freezing pension benefits at 65 is not done for cost reasons; a major new study by a prominent actuary firm that was released recently by our Aging Committee clearly demonstrates that there is no cost justification for freezing pensions at age 65. Apparently, this practice is followed either out of ignorance of the actuarial facts or, worse yet, out of maliciousness to deny older workers their rights to equitable treatment on the job. In either case, the practice should be abolished.

A second loophole in the ADEA not addressed by this bill is the provision allowing forced retirement at age 65 for some high policymaking executives who would receive $27,000 or more in private pension benefits upon retirement. This exemption, which was included to allow employers to create turnover at the highest corporate levels, results in legalized discrimination against a selected group of employees and should be abolished. At the very least, the pension test of $27,000 should be indexed to the CPI or the wage base to insure that this exemption is not applied too broadly.

These and other changes must come about before older workers can be free of pernicious discrimination in the workplace. The bill I am introducing today would, if enacted, send a clear message to the country that Congress and the administration are serious about encouraging older Americans to remain productive as long as they are able. This would give needed impetus to Congress efforts to remove the remaining work obstacles facing older workers and the devise incentives for continued employment.

In closing, I would like to say that I was heartened by President Reagan's statement of April 2, 1982, in which he announced his support for legislation to end mandatory retirement and other forms of age discrimination in employment. I have had my disagreements with the President over other matters, but I was hopeful that this might be an opportunity to work with him on something that could be of great benefit to older Americans. Naturally, I was very disappointed when I later learned that the President had changed his mind on this issue and that he now only supports extending ADEA protections to those over 70 who already have a job.

It is ironic that if the President and I tried to find a job outside the Federal Government, we could be turned away simply because we are "too old." The bill I am introducing today would change that and would require employers to make all employment decisions based on a person's qualifications rather than age alone. This bill would bring an end to one of the most wasteful forms of discrimination in our society. Swift enactment of the Prohibition of Mandatory Retirement and Employment Rights Act of 1982 would, therefore, be good for the Nation, for its older workers, and for all future generations of workers who have much to contribute well beyond their 70th birthday.

Following is the text of the bill and a complete list of original cosponsors:

LIST OF COSPONSORS

Mr. Pepper, Mr. Rinaldo, Mr. Hawkins, Mr. Roybal, Mr. Biaggi, Mr. John L. Burton, Mr. Albosta, Mr. AuCoin, Mr. Bereuter, Mr. Bevill, Mr. Bingham, Mr. Boner of Tennessee, Mr. Bonker, Mr. Brodhead, Mr. Brown of California, Mr. Carman, Mrs. Chisholm, Mr. Clay, Mr. Clinger, Mr. Coats, Mr. Corcoran, Mr. Craig, Mr. Crockett, Mr. D'Amours, Mr. Daub, Mr. Davis, Mr. Deckard, Mr. de la Garza, Mr. Dellums, Mr. Derrick, Mr. Derwinski, Mr. Dougherty, Mr. Downey, Mr. Dymally, Mr. Edgar, Mr. Erdahl, Mr. Evans of Iowa, Mr. Fary, Mr. Fauntroy, Mrs. Fenwick, Ms. Ferraro, Ms. Fieldler, Mr. Findley, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Frank, Mr. Frost, Mr. Garcia, Mr. Gilman, Mr. Gingrich, Mr. Goodling, Mr. Gradison, Mr. Guarini, Mrs. Heckler, Mr. Hollenbeck, Mr. Hopkins, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Hutto, Mr. Kastenmeier, Mrs. Kennelly, Mr. Kildee, Mr. Johnston, Mr. Jones of Oklahoma, Mr. Lantos, Mr. Leach of Iowa, Mr. Lehman, Mr. Leland, Mr. Lent, Mr. Long of Maryland, Mr. Lungren, Mr. McClory, Mr. McCollum, Mr. McCurdy, Mr. McKinney, Mr. Markey, Mr. Matsui, Mr. Mattox, Mr. Mica, Ms. Mikulski, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Mottl, Mr. Murphy, Ms. Oakar, Mr. O'Brien, Mr. Ottinger, Mr. Panetta, Mr. Parris, Mr. Porter, Mr. Price, Mr. Pritchard, Mr. Richmond, Mr. Roberts of Kansas, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Santini, Mr. Sawyer, Mr. Scheuer, Mrs. Schneider, Mr. Shannon, Mr. Shaw, Mr. Solarz, Mr. Smith of New Jersey, Mr. Synar, Mr. Udall, Mr. Vento, Mr. Waxman, Mr. Weiss, Mr. Whitehurst, Mr. Winn, Mr. Wirth, Mr. Wolpe, Mr. Won Pat, Mr. Wyden, Mr. Yates, Mr. Young of Florida, Mr. Young of Alaska, and Mr. Zeferetti.

H.R. 6576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prohibition of Mandatory Retirement and Employment Rights Act of 1982".

SEC. 2. (a) Section 12(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631(a)) is amended by striking out "but less than 70 years of age".

(b) The amendment made in subsection (a) shall take effect on January 1, 1983.●

ISRAEL'S DEFENSE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SCHUMER. Mr. Speaker, I feel it is important at this point to address the current situation in Lebanon. While I deplore the deaths and injuries that will occur as a result of the renewal of hostilities between Israel and the PLO, I think it is important to understand Israel's motives for entering Lebanon in contravention of the "cessation of hostilities" agreed to last summer.

Although last summer's negotiations obtained a ceasefire between Israel and the PLO, continued violations of the agreement by the PLO has steadily undermined the tenuous stability of the region. Terrorist bombings against Israeli citizens and the use of violence against Israeli diplomats abroad do not represent a "cessation of hostilities." Nor has the massive PLO military buildup in southern Lebanon helped to alleviate Israeli fears, especially as the PLO is, in addition to receiving aid from neighboring Arab countries, becoming increasingly well-supplied by the Soviet Union and its allies.

Since the end of the civil war in Lebanon in 1976, the authority of the Lebanese Government has been tremendously eroded. Today, Lebanon is overrun by 30,000 Syrian "peacekeeping" troops and is held hostage by the PLO, which terrorizes much of the civilian population through an aggressive military posture and a virulent campaign against Lebanese Christians and Jews.

Clearly, then, Israel cannot afford to ignore the PLO troops massing on its northern border. To eliminate the danger posed by the PLO forces, Israel has gone into Lebanon with a single goal: to destroy the PLO emplacements on the border, and to push the Palestinian forces beyond rocket and artillery range of Israeli towns in the Galilee.

Israel has done what any nation would do when 20 percent of its people have had to spend much of their existence in underground shelters as protection against PLO artillery and missiles.

Israel's measures against the PLO are taken out of self-defense. The Syrian "peacekeeping" troops in Lebanon have done nothing to prevent the arming and mobilization of the Palestinian terrorist forces in southern Lebanon. Likewise, the U.N. forces have been ineffective in halting the PLO's growing military dominance of U.N.-occupied territory north of Israel. To insure the survival of its citizens in the Galilee and to protect the integrity of its northern border, Israel has attacked the PLO Let us not condemn Israel's determined bid to protect herself; instead, let us understand Israel's motives and applaud her courage.●

SENATE JOINT RESOLUTION 149

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MURPHY. Mr. Speaker, recently, the House and Senate passed Senate Joint Resolution 149 designating the week of June 6-12 as National Child Abuse Prevention Week. I am pleased to insert these comments to

honor those individuals and organizations who, each year assist families in which child abuse and neglect are present.

Last year, the National Center on Child Abuse and Neglect, of the Department of Health and Human Services estimated that the actual number of children abused and neglected annually in the United States is at least 1,000,000. Approximately 1,000 die from the maltreatment of those persons responsible for their well-being. In many instances, the treatment needs of these victims and their families were addressed by the professionals and volunteers for whom this week is intended to be an honor.

As chairman of the Subcommittee on Select Education, I have closely observed activities related to the prevention and treatment of child abuse, as our committee exercised oversight jurisdiction of the Child Abuse Prevention and Treatment and Adoption Reform Act. I am greatful for the continuous efforts of such organizations as Parents Anonymous, the National Exchange Club Foundation for the Prevention of Child Abuse, the National Committee for the Prevention of Child Abuse, the American Humane Association, the National Alliance for the Prevention and Treatment of Child Abuse and Maltreatment, and the other members of the National Child Abuse Coalition. As the representative of the 22d Congressional District of the Commonwealth of Pennsylvania, I am particularly pleased to commend those individuals in my district who assist these families. Finally, as a concerned parent and grandparent, I say thank you for a job well done.●

SELLOUT OF TAIWAN NO WAY TO BEGIN CRUSADE FOR FREEDOM

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, in his recent address to the British Parliament, President Reagan set forth a simple agenda for the United States and the Free World:

To foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

In short, the President said that

"it is time that we committed ourselves as a nation—in both the public and private sectors—to assisting democratic development.

As described, the President's drive to promote democracy and freedom is not a short-term plan. Rather, it is "a plan and a hope for the long term—the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people."

There are manifold reasons to hope for the success of this effort, not the least of which lies in the extraordinary spirit of man. Within the inner exigencies of the human spirit lies an inexorable law which impels man to protect and extend freedom, according to the laws of prudence. And, just as Sir Winston Churchill called forth the indomitable spirit of the British people during World War II, so President Reagan said,

Let us ask ourselves: What kind of people do we think we are? And let us answer: free people worthy of freedom and determined not only to remain so but to help others gain their freedom as well.

Let us now begin a major effort to secure the best—a crusade for freedom—that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny.

The tragedy is that this "crusade for freedom" is already being undermined by those chiefly responsible for its implementation. In a front page editorial appearing in Human Events on June 5, 1982—"Reagan's Taiwan Policy: On the Edge of a Sell-Out?"—Capitol Hill Editor Allan H. Ryskind points out that, with the enthusiastic help of senior members of the State Department, the United States is in the process of abandoning one of its longest and most reliable allies in the Western Pacific, the Republic of China. In its place, the United States seems intent—against all a better counsel—on giving increased economic and military support to the Marxist-Leninist, totalitarian regime on mainland China—a principle enemy of freedom in the world and a country whose Gulag even exceeds that of the Soviet Union.

Mr. Speaker, how can America be considered the principle defender of freedom in the world—and its principle exemplar—when it consciously and deliberately acts to jeopardize the survival of a free people in favor of a ruthless Communist state? How can the United States tolerate such contradictions at the heart of its foreign policy? How can the U.S. State Department set forth a policy which indeed shames the American people? How could the Reagan administration ever let itself be pushed into such a posture?

Not unlike other such similar situations, the fault lies not with the President. As the editorial concludes,

We do not believe for a moment that President Reagan wants to turn over Taiwan to the tender mercies of Communist China, but we do fear—judging from the evolving record and the huge push from the State Department—that he may soon be maneuvered into taking actions that will pave the way for an end to the Republic of China's sovereignty.

Mr. Speaker, this is no way to begin a "crusade for freedom."

I commend this editorial to my colleagues as follow:

[From Human Events, June 5, 1972]

REAGAN'S TAIWAN POLICY: ON THE EDGE OF A SELL-OUT?

The Reagan Administration is on the edge of selling out the Republic of China. It is almost inconceivable to us that this situation has arisen during Ronald Reagan's presidency, but we believe the prognosis for Taiwan—barring a sudden change in policy—is exceedingly grim. We do not come to this blow lightly.

We come to this conclusion because highly informed sources, within the State Department, the White House and the Congress, many of whom are intimately bound up with "the Taiwan problem," as it is quaintly referred to in State, have repeatedly warned that the ROC is in the greatest jeopardy. High-octane words like "desperate" are used to describe Taiwan's fate because of the unremitting concessions we are making to Peking and the lathering momentum behind these concessions.

This Administration is pursuing a policy that is, in many respects, worse than President Carter's, according to these sources (a judgment that tends to be borne out by Allan Ryskind's report to Taiwan that begins on page 9). President Carter cut all diplomatic ties with Taiwan and scrapped the U.S. defense treaty with the ROC. But even President Carter, albeit under stiff pressures from Congress and the passage of the Taiwan Relations Act, supplied Taiwan with spare parts and arms in a fairly steady fashion.

With Secretary Haig's State Department leading the charge, the first thing that the Reagan people did was to squeeze all the spare parts and weaponry for Taiwan that had already been okayed by the Carter team. It took over a year for the Reagan government to finally release some of these spare parts in any quantity, and even then it seemed to do so reluctantly. Virtually all arms sales are still being blocked, with the F-5E—a plane the ROC already has but is not satisfied with, but which the President promised it could purchase—still needing a formal go-ahead signal.

The Administration's policy on arms rules has especially aroused concern among pro-ROC circles within and without the government. The Administration has denied Taiwan the right to purchase an advanced aircraft in the teeth of mounting evidence that such aircraft is essential for the ROC's long-term survival and stability. It has held up the sales to the ROC of huge quantities of military items, such as armored personnel carriers, ground-to-air missiles, air-to-air missiles, advanced radar and the like. Only recently, the Administration blocked Taiwan from acquiring a device to render enemy torpedoes harmless.

Equally alarming is that this Administration, again according to well-placed sources, has made an informal decision to deny Taiwan the right to improve its military capability over the level it had attained in 1978. We have refused, even, to permit Taiwan to buy purely defensive equipment if it is more advanced than what the ROC possessed four years ago. Yet while putting the screws to Taiwan, we have informed Peking that we are willing to modernize its military.

Like the Carter Administration before it, the Reagan government has continued to impose humiliating restrictions on Taiwan, treating it as if it were an unwanted stepchild, rather than the strong ally and trading partner that it actually is.

Because of State Department regulations implemented during the Carter years—and essentially unchanged during the Reagan Administration—Taiwan officials are still unable to meet U.S. officials in U.S. government buildings; they cannot even meet with U.S. authorities at the American Institute in Taiwan, which functions as our American Embassy there used to function, but, through a legalized fiction, is considered a non-governmental organization. Mr. Ryskind points out that one American from the AIT even cautioned him not to disclose that he had appeared at a purely social function with Taiwan's officials, lest it offend Peking's sensibilities.

Clearly, President Reagan, whatever his deepest desires, has not come close to fulfilling the promises that he made on Aug. 25, 1980, in Los Angeles, when he wholeheartedly embraced Taiwan as a friend whose status should be upgraded. In the statement he released, he forcefully argued that the Taiwan Relations Act "spells out our policy of providing defensive weapons to Taiwan and mandates the United States to maintain the means to 'resist any resort to force or other forms of coercion' which threaten the security or the social or economic system of Taiwan."

He pledged to "eliminate petty practices of the Carter Administration which are inappropriate and demeaning to our Chinese friends on Taiwan," and specifically condemned as "absurd" regulations that said "our representatives are not permitted to meet with Taiwanese officials in their offices and ours."

Taiwan, he maintained, should have the same number of offices in this country that it had before we broke our relations, and suggested he would reverse the Carter policy in which "Taiwanese military officers are no longer permitted to train in the United States or to attend service academies."

The three letters from the President that Vice President George Bush carried with him to Peking have underscored how far this country is willing to grovel to "win" Peking's friendship. In these communications, the President forcefully put himself on record as strongly favoring a "one-China" policy, stressing that "We will not permit the unofficial relations between the American people and the Chinese people on Taiwan to weaken our commitment to this principle." No U.S. President has gone so far.

Further, while the President said that "I fully understand and respect the position of your government with regard to the questions of arms sales to Taiwan," he conspicuously omitted any defense of the U.S. position on the arms sales and failed, in any of the three letters, to refer to the Taiwan Relations Act, the fundamental law which requires the U.S. government to sell defensive weapons to the ROC.

The Red China lobby at State—headed by Secretary Haig, Assistant Secretary John Holdridge and Foreign Service Officers Bill Rope and "Chas" Freeman (now in Peking)—is going full speed ahead to get the President to deliver the next deadly blow: to agree, in principle, to cut off all arms sales to Taiwan. An Associated Press dispatch from Peking hints, in fact, that just such a move may be around the corner. "The United States has told China," said the dispatch, "it does not expect to sell arms to Taiwan indefinitely, in what senior foreign diplomats described as a major show of U.S. flexibility."

We do not believe for a moment that President Reagan wants to turn over Taiwan to the tender mercies of Communist China, but we do fear—judging from the evolving record and the huge push from the State Department—that he may soon be maneuvered into taking actions that will pave the way for an end to the Republic of China's sovereignty. It is difficult to believe that a Reagan Administration could recover from the magnitude of such a betrayal.●

TRIBUTE TO JIM CLEVELAND

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1982

● Mr. SHUSTER. Mr. Speaker, I rise in recognition of Jim Cleveland, one of the most distinguished and respected former Members of the House Public Works and Transportation Committee. Until Jim Cleveland retired in 1980, after 18 years of dedicated service, the Public Works and Transportation Committee was served by a Member who fought fair and hard for what he thought was right. On the committee, Congressman Cleveland was a strong supporter and formidable advocate of highway safety. In addition, he was well known for his concern for transportation of the handicapped in a manner that would most greatly benefit the elderly and disabled while retaining a viable and balanced mass transportation system.

Congressman Cleveland was a tireless worker and a firm believer that government must not intrude unnecessarily into every aspect of a person's life. At the same time, the gentleman from New Hampshire was a strong and clear voice for his State in Congress, and he insured that whatever action Congress took, that such action would not adversely impact his constituents. In my view, Jim Cleveland is the finest example of a Member of Congress doing the best job he can and succeeding by setting the finest possible example. Therefore, the honor that has been bestowed upon Congressman Cleveland in the naming of the Federal building in Concord, N.H., after him is indeed richly deserved. I offer him my warm and sincere congratulations.●

THE 100 YEARS OF UNITED STATES-KOREA FRIENDLY RELATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. DERWINSKI. Mr. Speaker, we recently commemorated the 100th anniversary of friendly relations between the United States and Korea. The May 27 suburbanite Economist Newspaper, serving suburban Chicago, Ill., editorializes on the positive record of friendship that the two countries have enjoyed. I wish to insert this editorial as it points out the strong diplomatic example that this represents:

[From Southtown Economist Newspapers, May 27, 1982]

THANKS, KOREA

It has been a hundred years since the United States officially established diplomatic relations with Korea and to mark the beginning of the second century Korea is designating this a "year of friendship . . . a year of many celebrations and observances in both countries as Koreans and Americans join together to commemorate the beginning of their friendship so many years ago."

Korea is familiar ground to many middle-age Americans who served there during the Korean War of 1950-53. Koreans represent a growing segment of the Chicago area population, about 60,000 now living here. Business and cultural ties between the two countries have come closer with each passing year. Korea was among the countries that supplied troops and military assistance to South Vietnam.

The ties between Korea and the United States have been called "unique" and that they are. It is a relationship ardently desired by both nations and continued without a rupture. It linked a small, Asian nation, struggling to retain its independence and sovereignty, with a major western nation destined to become a world power. Most unusual, it brought two remarkably dissimilar peoples together into intimate contact and cooperation at almost all levels of life and human endeavor.

American educators and missionaries were vital to Korea's development and the U.S. was also responsible for introducing electricity, streetcars, the first railway and automobiles in the country. American troops liberated the southern portion of the country in 1945 and led United Nations troops in resisting the Communist invasion in the '50s.

It is a very friendly gesture of Korea to proclaim this "year of friendship," and we hope that these friendly, mutually beneficial relations will continue for the next century as well.●

MEMORIAL DAY, 1982

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. McCLOSKEY. Mr. Speaker, a few of my friends have suggested that some brief remarks I made at a Memorial Day observance the other day were worthy of inclusion in this RECORD. With some humility, they are offered for the consideration of our colleagues.

REMARKS BY CONGRESSMAN PAUL N. MCCLOSKEY, JR., AT VETERANS' CEMETERY, COSTA MESA, CALIF., ON MEMORIAL DAY, 1982

On this day, nearly 100 years ago, a distinguished veteran of the Civil War gave a quiet Memorial Day address at Keene, New Hampshire.

Then, as now, there were those who questioned why there should be a Memorial Day. The Civil War had ended nearly 20 years earlier. The speaker, Oliver Wendell Holmes, Jr., wounded in three of that war's great battles, Bull's Bluff, Fredericksburg and Antietam, undoubtedly spoke then, as I do today, primarily to a group of his fellow veterans and their loved ones.

Looking back, Holmes said this of those with whom he had served:

"Through our great good fortune, in our youth our hearts were touched with fire. It

was given to us to learn at the outset that life is a profound and passionate thing.

"As life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.

"It is not well for soldiers to think much about wounds. Sooner or later we shall fall, but meantime it is for us to fix our eyes upon the point to be stormed and to get there if we can."

Holmes' words were those of a fighting faith . . . and enthusiasm for full effort in a noble cause . . . that the soldier owed a duty to serve with "a splendid carelessness for life" . . . that war brought out the greatest talents and abilities of men . . . Washington at Valley Forge, Pickett's charge at Gettysburg . . . in defeat as in victory . . . Lee at Appomattox.

Memorial Day, then as now, was a tribute to courage . . . a pause, at the loveliest time of the year . . . in the spring of wild flowers and new life . . . to reflect on those who were cut down in the flower of their youth in order that our traditions, our unity, our institutions of law, built up so painfully over the centuries, might endure and prosper.

Memorial Day today, however, is not entirely a time for reflections on past glories and the honoring of the best of us who died.

In our most recent conflict, Vietnam, our veterans have no glory to remember, and our country no victory to celebrate. War in Vietnam was not the noble cause we understood so well at Guadalcanal and Anzio and Omaha Beach . . . or at Belleau Wood and Chateau Thierry.

Vietnam had no Yorktowns, or Gettysburgs or charges up San Juan Hill.

The living veteran of Vietnam today perhaps deserves a renewal of our respect and assistance more than any honor we can do to those who died in wars where the justice of our cause was clear and shared by all.

Perhaps also, Memorial Day in 1982 should include, as much as reflections on the past, a careful look at the future . . . the certain understanding that in the next war the push button exchange of 10 and 20 megaton nuclear missiles will cause human destruction and suffering the likes of which Holmes and Lee and Ulysses S. Grant could have never foreseen . . . or indeed that any of you who served in France or North Africa or Iwo Jima could have scarcely conceived.

There can be no glory in a repetition of Hiroshima or Nagasaki on the scale now within the decisionmaking capacity of one or two people in Moscow or Washington . . . and perhaps soon within the capacity of single individuals in Rawalpindi, Pakistan or Jerusalem or Tripoli.

Death in a nuclear holocaust is death without glory or meaning.

So perhaps this Memorial Day, the more important . . . the most important service we can do for those who have gone before . . . is to turn our thoughts and creativity to how their children and grandchildren may be spared from the horror of nuclear war and death by fire.

We have succeeded in most things. In this treasured place, California, we have learned how to excel in business, the law, the arts . . . the last battles fought here were over a century ago, by Fremont and Kit Carson against a handful of Mexican lancers.

We are blessed in our location and with our successes. The question is whether we can here build a mechanism for the achievement of peace . . . whether we can demonstrate the will, the desire and the intelligence to avoid nuclear holocaust which in a single explosion could destroy all that we see here from the mountains to the ocean.

I suspect that if we are to avoid nuclear war it is those of us who have seen a little of the horror and the misery and the fear of warfare, and who are privileged to share the incredible blessing of being Californians, who should lead the way.

The path to peace is not easy.

It includes maintaining strong conventional forces as well as an equality of advance in the new weapons of the space age. It may well require, in my judgment, that we return to the concept that our military forces should include the best of our young men and women . . . that we return to the principle that every young man and woman, at age 18, as part of the privilege of being an American, contributes a year or two of service to the nation, in either the armed services or in community service, but with college benefits going to those who choose to serve in the combat arms.

The path to peace require serious reconsideration of our first strike umbrella over NATO, the numbers of U.S. troops in the NATO forces, and the negotiating posture we adopt in the nuclear reduction and ABM talks that are about to commence.

The path to peace includes a hard look at the original Japanese peace treaty and our whole relationship with Japan . . . trade balances as well as defense contributions in the Pacific.

In our ever shrinking resources for defense hardware, we have hard choices . . . between the B-1 and Stealth bomber . . . in siting of the MX missile system . . . in choosing between additional nuclear aircraft carriers and refurbishing World War II battleships as floating cruise missle launchers.

The current British-Argentine war should be scrutinized carefully as we once scrutinized . . . but failed to learn . . . from the Spanish Civil War in the 1930s.

All in all, 1982 is a time for rethinking our military options and defense strategies, and how we best deter war by remaining constantly able to fight wars with skill and competence.

What better time than Memorial Day, 1982 . . . this brief pause for honoring the dead of past wars . . . to commence a thoughtful reappraisal of how best we avoid the incredible holocaust a nuclear war will visit upon us?

The best of mankind's achievements have sometimes been achieved when the perceived peril was the greatest.

The very brink of disaster can furnish the stimulus for the otherwise-unattainable.

As his Honor, Justice Holmes, suggested as the soldier's faith: "Let us fix our eyes on the point to be stormed and get there if we can."

On Memorial Day, 1982, the point to be stormed is the avoidance of nuclear war.●

THE CLEAN AIR ACT

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MICA. Mr. Speaker, I have been following the House Committee on Energy Commerce's markup of the Clean Air Act reauthorization with great interest. One reason is that I had the privilege of working with the Honorable Paul Rogers, who sponsored the 1977 amendments, and as chairman of the House Subcommittee on Health and Environment, presided over 70 markup sessions of the bill. Congressman Rogers, speaking then of the legislation he worked so hard at forming, said: "* * * the premise and the foundations of the Clean Air Act remains under this bill—the protection of the health of the people. That we committed ourselves to in 1970, and we remain so committed today." This goal remains as important as it was in 1970, as important as it was in 1977, and requires the same commitment in 1982.

The criteria that must remain at the forefront of the reauthorization process is the data provided by our scientific community. By relying on objective findings, I believe an appropriate balance can be struck between the Nation's environmental and economic concerns.

Mr. Speaker, when a bill is presented to the full House, I plan to support the version that best preserves the purpose of the act, and that is a measure that establishes standards to insure that we have clean, healthy air now and for generations to come.●

PROBLEMS IN SUPPORTING CENTRAL AMERICAN ALLIES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a recent commentary by Evans and Novak, appearing in the June 4 edition of the Washington Post, clearly describes the problems this administration is facing in trying to support our Central American allies. The comments offered by Evans and Novak should be given serious consideration. I urge my colleagues to reflect on their views as the issue of military assistance comes before the House.

CENTRAL AMERICA'S DOUBTS ON U.S.

(By Rowland Evans and Robert Novak)

GUATEMALA CITY.—In the decline of U.S. influence and prestige throughout Latin America, not only is military aid to Guatemala nonexistent in the precarious battle against leftist guerrillas, but leaders here actually doubt whether Washington's help would be worth the trouble. U.S. hesitancy over trying to keep Central America's most important country out of the Castro-communist net can be traced to liberal House members and Carter administration holdovers in the State Department. Latin American leaders who danced in the streets in November 1980, when Ronald Reagan was elected, have glumly resigned themselves to the reality that very little has changed.

During a two-week, four-nation reporting trip through Central America, we found anti-communist Latins feeling they must seek their own salvation without help and, hopefully, without interference from Washington. The prospects are not all bad. El Salvador's new democratically elected government is winning the guerrilla war. Honduras has its first elected government in 10 years. Unrest grows in Marxist-Leninist Nicaragua. An unbelievably corrupt and brutal military regime in Guatemala has been supplanted by a vastly more honest and decent junta.

89-059 O-86-24 (Pt. 10)

Nevertheless, Guatemala is Central America's worst trouble spot. Government plans to clear out some 800 communist guerrillas near the Mexican border in the northwest are impeded by poorly trained and equipped troops. The junta would at least like a few U.S. helicopters, but nothing is in prospect. One reason is the verdict by visiting aides of Reps. Stephen Solarz (N.Y.), Gerry Studds (Mass.) and Tom Harkin (Iowa) that the army commits human rights violations in the countryside. Could the unpublished judgment of aides to three superliberal Democrats condemn this important country to communism? Now without help from staffers in the State Department's Latin America division who are holdovers from the Carter administration and maintain its human rights dogmatism.

Actually, sympathetic officials in the U.S. Embassy here wonder whether the aid is worth the kind of congressional scrutiny now threatening retaliation from Washington because El Salvador's elected representatives amended the land reform law. Many Guatemalans feel the same way. Gustavo Anzueto, a thoughtful conservative leader, has proposed seeking military aid from South Africa, Israel and Argentina—but not the United States.

Honduras wants U.S. military aid to counter the massive buildup across the border in Nicaragua, but a pessimistic, considering Washington's slow pay on economic aid. A high-ranking Honduran official recently wrote a heated letter to the U.S. Embassy noting that a flying visit to Moscow by a Nicaraguan commandante brought $200 million in Soviet aid; one year of negotiations still has not produced a promised $35 million for democratic Honduras.

And U.S. support for Britain in the Falklands has created disillusionment throughout Central America about "our big brother." Officials in all four countries told us the next time the gringos ask for a vote at the United Nations, the answer from the Latins will be no.●

OMNIBUS VICTIM-WITNESS PROTECTION AND ASSISTANCE ACT OF 1982

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FISH. Mr. Speaker, on May 27, 1982, I introduced H.R. 6508, the Omnibus Victim-Witness Protection and Assistance Act of 1982, which is designed to provide much needed relief to the unfortunate victims of crime in the Federal criminal justice system. I am submitting today for the benefit of my colleagues in evaluating the bill a detained section-by-section analysis of its provisions. I strongly urge my colleagues to join me in this important effort to provide redress for the grievances of our often-forgotten crime victims by cosponsoring H.R. 6508.

ANALYSIS OF THE OMNIBUS VICTIM-WITNESS PROTECTION AND ASSISTANCE ACT OF 1982, INTRODUCED BY HON. HAMILTON FISH, JR.

The Omnibus Victim-Witness Protection and Assistance Act of 1982 provides for the protection of, and assistance to, victims and witnesses in the federal criminal justice system by making the following changes in existing law:

A. VICTIM IMPACT AND RESTITUTION STATEMENT

Section 2 of the bill amends Rule 32(c)(2) of the Federal Rules of Criminal Procedure to require that the presentence investigation report provided to the judge include, in addition to information required under current law, (1) information relating to nonprison programs and resources available to the defendant and their effect on his ability to make restitution to the victim, (2) an assessment of injury or loss suffered by any victim, including the financial, social, psychological and medical impact of the offense, and (2) information relating to the defendant's ability to make restitution and any gain or loss caused by his conduct.

B. VICTIM-WITNESS INTIMIDATION AND RETALIATION

Section 3(a) of the bill adds a new Section 1512 to Chapter 73 of Title 18 to impose criminal penalties on a person who knowingly uses physical force, threat or fraud with intent to (1) influence testimony in an official proceeding, or (2) cause another to withhold testimony or evidence, destroy or conceal evidence, or evade a summons to appear or produce evidence in an official proceeding, or (3) hinder another from advising a law enforcement officer about a possible federal offense or violation of conditions on probation, parole or release pending judicial proceedings. The defendant may raise an affirmative defense to a prosecution involving the influencing of testimony that the threat involved lawful conduct solely intended to induce truthful testimony. The facts that the official proceeding was not pending or imminent and that the evidence involved would have been inadmissible are precluded as defenses. The penalties for victim or witness tampering are five years' imprisonment and/or $250,000.

Section 3(b) of the bill adds a new Section 1513 to Chapter 73 of Title 18 to impose criminal penalties on a person who (1) by his knowing conduct intentionally causes bodily or property injury to another with an intent to punish that person for attending or providing evidence in an official proceeding or for providing information to a law enforcement officer relating to a federal offense or a parole, probation or release violation, or (2) by his knowing and unlawful act intentionally causes economic loss to another with a similar intent to punish. Attempts to commit the offense are also punishable. The penalties for the offense are five years' imprisonment for an offense involving bodily or property injury and two years' imprisonment with respect to economic loss, and/or $250,000.

For purposes of both offenses, an "official proceeding" includes court, congressional and agency proceedings. A "law enforcement officer" includes any federal employee (including an elected official, judge or juror) authorized to prevent, investigate or prosecute offenses or a federal probation officer.

C. OBSTRUCTING JUSTICE WHILE ON RELEASE

Section 3(c) of the bill makes two changes in connection with release pending judicial proceedings. First, it requires the judicial officer to impose as a condition of release that the defendant refrain from committing any chapter 73 (obstruction of justice) offense. Second, it imposes additional and consecutive penalties for the commission of a Chapter 73 (obstruction of justice) offense while on release pending judicial proceedings. The penalty is two to ten years where the offense is a felony and ninety days to one year where the offense is a misdemeanor.

D. WITNESS RELOCATION AND PROTECTION

Section 4 of the bill transfers Title V of the Organized Crime Control Act of 1970 (P.L. 91-452; 84 Stat. 933), which established the federal witness relocation program, to a new Chapter 224 in Title 18 of the United States Code. 18 U.S.C. 3521(A) would authorize the Attorney General to provide for the relocation or protection of a witness or potential witness for the government where a federal, state or local witness intimidation offense is likely to be committed. A member of the immediate family of, or person closely associated with, such a witness may also be relocated or protected if endangered.

18 U.S.C. 3521(B) would permit such protection or relocation to last for as long as the Attorney General determines that danger exists and to involve any measure determined by the Attorney General to be necessary, including—

1. providing new identity documents;
2. providing new housing and moving expenses;
3. providing a tax-free subsistence payment;
4. assistance in obtaining employment; and
5. refusing to disclose the identity or location of the relocated person after considering potential dangers of disclosure to such person and the program and the benefits accruing from such exposure.

18 U.S.C. 3521(c) would permit the service of process in certain civil causes of action arising prior to relocation to be served upon the Attorney General who must make reasonable efforts to serve such process upon the relocated person. The Attorney General is directed to urge such person to comply with any judgment rendered against him and may, after considering the danger posed, disclose such person's identity upon the condition that further disclosure only be made where necessary to the plaintiff's recovery. No cause of action lies against the United States for damages resulting from any such disclosure or nondisclosure.

18 U.S.C. 3222 would authorize the Attorney General to condition assistance provided upon reimbursement from a state or local government.

E. RESTRAINT ON VICTIM/WITNESS INTIMIDATION

18 U.S.C. 3523 would authorize a district court of the United States in which a criminal proceeding has been, or may be, instituted to issue an order to restrain certain federal offenses involving victims or witnesses. The court may order a defendant or certain other persons to refrain from committing such an offense, maintain a certain distance from the victim or witness and refrain from communicating with such victim or witness except under specified circumstances, after:

1. Holding a hearing;
2. Finding that such an offense has occurred or is likely to occur absent such protection; and
3. Considering (A) whether potential injury to the victim or witness in the absence of an order will be greater than injury to the defendant's ability to conduct his defense under the restraint and (B) whether other means of protection are inadequate.

F. RESTITUTION

Section 5 of the bill adds a new Section 3579 to Title 18 of the United States Code which authorizes the court to sentence a defendant found guilty of certain offenses under Title 18 to make restitution to the victim of that offense in addition to any other authorized sentence. Upon conviction of an offense resulting in bodily injury or death, the defendant may be required to pay necessary medical, funeral and burial expenses. Where the offense involves property loss or damage, the defendant may be required to return the property or to pay the greater of the value of the property on

either the date of damage or sentencing, less the value of any returned property. The court may also order the defendant to make other restitution as it deems appropriate.

Proposed 18 U.S.C. 3579(b) requires the court to limit restitution to the extent necessary to avoid unduly complicating or prolonging the sentencing process.

Proposed 18 U.S.C. 3579(c) establishes certain rules to insure that restitution will not duplicate other compensation received by the victim. First, the court may not impose a sentence of restitution with respect to any judgment or settlement under which the victim has or will receive compensation. Second, any restitution received must be set-off against amounts received as compensatory damages in a subsequent civil suit.

Under proposed 18 U.S.C. 3579(d), restitution is to be made immediately unless the court requires that payment be made within a specified period or in specified installments. Proposed 18 U.S.C. 3579(e) requires as a mandatory condition of parole or probation that the defendant make any restitution to which he has been sentenced. Failure to do so is grounds for revocation. Proposed 18 U.S.C. 3579(f) permits a sentence of restitution to be enforced by the United States like a civil judgment and gives a restitution sentence priority over any federal lien.

6. VICTIM COMPENSATION

Section 5(c) of the bill requires the Attorney General, within six months after enactment, to report to Congress concerning any needed legislation to justly compensate victims of crime where restitution is insufficient. Such support must specifically address the proposal to fund such compensation by levying additional fines on all individuals convicted of federal crimes.

H. SUITS AGAINST THE UNITED STATES FOR GROSSLY NEGLIGENT RELEASE OF DANGEROUS OFFENDERS

Section 6 of the bill amends 28 U.S.C. 1346 to grant the federal district courts exclusive jurisdiction over actions against the United States for damages resulting from property or bodily injury cause by a dangerous federal offender who has escaped or been released from the custody of the United States because of the gross negligence of an employee or agent of the United States. The failure to warn reasonably foreseeable victims of the offender's release or escape would constitute "gross negligence."

I. GUIDELINES FOR THE FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES

Section 7(a) of the bill requires the Attorney General (and, to the extent applicable, heads of other federal law enforcement agencies) to implement guidelines for the fair treatment of victims and witnesses in federal criminal cases. Section 7(b) of the bill makes it clear that this requirement is not intended to create any cause of action against the United States.

In establishing guidelines, the Attorney General and other law enforcement agency heads should consider the following objectives:

1. Ensuring that crime victims receive prompt emergency services and information on available compensation programs, the victim's role in the criminal justice process and protection against intimidation.

2. Notifying victims and witnesses of scheduling changes which will affect their scheduled court appearances.

3. Giving victims and witnesses the opportunity to request advance notification of judicial proceedings relating to their cases, including the accused's arrest, bond decision, and disposition of the case.

4. Obtaining from interested victims their non-binding views as to certain prosecutorial decisions relating to plea negotiations, release pending judicial proceedings and other matters.

5. Providing victims and witnesses with a waiting area during court proceedings that is secure and separate from all but prosecution witnesses.

6. Promptly returning a victim's property held as evidence in the absence of a compelling law enforcement reason for retention.

7. Offering to assist victims and witnesses in informing employers about cooperation which may necessitate absence from work and in informing creditors about any serious financial strain resulting from the crime.

8. Ensuring that victim assistance training is offered to law enforcement officials.

9. Ensuring that other means of assistance, such as transportation and translator services, are available to the extent feasible.●

MR. PRESIDENT: DO NOT PUNISH ISRAEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LENT. Mr. Speaker, we are now hearing demands from Arab leaders that the United States take action to apply sanctions or some other form of punishment to Israel to force Israel to halt its campaign to clean out the terrorist Palestine Liberation Organization forces in southern Lebanon. Mr. Speaker, I believe it would be a grievous error for the United States to comply with these Arab demands. I believe such a course would be very harmful to American interests, both in the Middle East and throughout the world.

I am sure that every American would like to see the fighting stopped in Lebanon. But as President Reagan told the British Parliament this week, all parties must cease fighting. Mr. Speaker, that means Syrian forces and PLO forces as well as Israeli units involved. It is totally wrong to apply pressure on just one of the parties involved.

Mr. Speaker, I believe President Reagan has followed the prudent and wise course in this crisis. He has instructed the U.S. delegate to the United Nations to veto the U.N. Security Council resolution seeking sanctions against Israel. He has called upon all parties to cease fighting. And, most significantly, he has warned that until the scourge of terrorism is cleansed from the Middle East, war will be an ever-present threat.

This seems to me to be the proper position for the U.S. Government. I have written the President applauding his actions, and urging that he continue to pursue this wise course, and to avoid applying sanctions to Israel. I have also urged the President to seize a new opportunity now opening to stabilize Lebanon and curb, if not eliminate PLO terrorism in that unhappy country. I hope and trust the President will take full advantage of this opportunity.

Mr. Speaker, I ask that the full text of my letter to the President be entered in the CONGRESSIONAL RECORD at this point.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, D.C., June 9, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I congratulate you on the courageous action you have taken in directing the United States to veto the United Nations Security Council resolution seeking to apply sanctions against Israel as a result of the outbreak of fighting between Israel and the Palestine Liberation Organization (PLO) in Lebanon. You recognized the hypocrisy which produced this outrageous and one-sided effort to single out Israel for punishment.

Your remarks yesterday to the British Parliament demonstrated clearly that you also recognize the terrible danger that PLO-sponsored terrorism presents, not only to Israel, but to U.S. interests and democratic institutions. The more you can do to eliminate this threat to world stability, the stronger the chances for an enduring peace in the Middle East.

Mr. President, I urge you in the strongest terms to continue on your statesman-like course, resisting all those who seek to cut off aid to Israel or to invoke some other form of punishment. Any such course would be self-defeating, and against our own bests interests. You must resist any effort to suspend arms shipments or other aid to Israel. Certainly every American hopes for a swift end to the fighting in Lebanon. But to take actions which would permit the return of the PLO and its terrorist activities to menace Israel, would bring back a new threat of war. The United States must help Lebanon rid itself of this force for evil!

Mr. President, the United States now has a great opportunity to help stamp out, or at least greatly reduce the deadly and disruptive force of terrorism in the Middle East by working with our ally Israel to keep the PLO out of southern Lebanon. I urge you to seize that opportunity. I believe, too, this is a propitious time to explore the possibility of widening the Camp David peace process. Moderate Arab leaders in particular should be encouraged to join in this process as soon as possible. I trust you will do all in your power to aid in such an effort.

With my best wishes for success in your efforts, I remain

Sincerely,

NORMAN F. LENT,
Member of Congress.●

ROANOKE WAR MEMORIAL

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BUTLER. Mr. Speaker, on May 31, 1982, I was privileged to be present at the dedication of the Roanoke Valley War Memorial in my own city of Roanoke, Va. It was a very moving and rewarding experience, made more so by the remarks of the Honorable Jack B. Coulter, judge of the Roanoke Circuit Court, and the address of the Honorable W. Graham Claytor, Jr., formerly Secretary of the Navy, and a native of Roanoke.

The war memorial includes a list of all those from the Roanoke area who gave their lives in the service of our country in World War I and in each of the succeeding conflicts. It will serve as a reminder of their sacrifice for us.

One of those is André P. Fallwell, who was killed in the Battle of the Bulge on December 25, 1944, at the age of 20. He had also participated in the landing on Normandy on D-Day and shortly thereafter he wrote a poem entitled "Lest You Forget," which is also inscribed on the Roanoke Valley War Memorial.

Mr. Speaker, I ask that this poem as inscribed on our war memorial and the names of those 753 also included there be printed in the RECORD at this point.

LEST YOU FORGET

Lest you forget—
We piled into assault boats bobbing high,
And charged the beach amid the thundering roar,
Meanwhile the winds and dismal rain whipped by
To watch us die
On Europe's battered, bleeding shore!
We fought our way to land;
We left there in the sand
Our native blood. Although the sea
Will drench it clean, we claim our hand
Released the forces soon to free
Old Europe's battered, bleeding shore!

On, comrades, on! We stay behind—
The Peace is yours to win.
The fight claims us, but you will find
Us here for all eternity;
As though we hadn't been
The price for our posterity—
Do you remember when?

Lest you forget—
Our fight is over now, and it is won;
But we are not alive to share the goal
Of glory. Only see that all your sons
Recall our guns—
Before the drums have ceased to roll!
Our standards lie amuck
Where last we falling stuck
Them waving proud. Although the next
Will take it up, we claim our pluck
Has written freedom's newest text—
Before the drums have ceased to roll!

On, comrades, on! We stay behind—
The Peace is yours to win.
The fight claims us, but you will find
Us here for all eternity;
As though we hadn't been
The price for your posterity—
Do you remember when?
And after war deserts our kind,
Will you remember when?

(Andre' P. Fallwell, a native of Roanoke, aged 20 years, wrote this poem shortly before his death in the Battle of the Bulge, December 25, 1944.)

We must not forget. Pause here to remember the debt we owe to those we honor in this place and to dedicate ourselves "that these dead shall not have died in vain".

Our freedom and our way of life were bought anew by their sacrifice. Let us cherish their memory forever.

WORLD WAR I—APRIL 6, 1917-NOVEMBER 11, 1918

To Make the World Safe for Democracy—Wilson

George E. Adams, James Becker, Radar M. Bishop, Harry R. Bodow, Fitzhugh L. Boothe, Everett G. Booze, William B. Brooks, Carl H. Broughman, Frank A. Browne, Clifton O. Burks, Hobson Dewey Byer, James H. Christian, Aubrey L. Compton, Henry A. Crouch.

Addision A. Deyerle, T. Blair Dillard, Clarence E. Dillman, George T. Dunithan, Arthur L. Eanes, Edward F. Eanes, John C. Elliott, Everett R. Epperly, Charles B. Ferguson, William B. Ferguson, Auburn S. Fisher, John C. Freeland, Harry V. Garman, Lucian F. Garman.

Isaac H. Gibson, Lewis H. Grant, Jesse Gravely, Robert Lee Green, Robert E. Greer, Roscoe S. Hawks, Harry Frank Jones, Patrick Journette, Edward M. Kelly, Claude S. Lancaster, John Collins Leavell, Garnett F. Lee, James B. Marks, Earl M. Marsh.

John F. McBurney, Harry P. McFalls, Frederick Bruce McGrady, George W. Meadows, Clarence E. Metz, John Keith Miller, Daniel C. Moomaw, Aubrey H. Parry, Samuel Pasley, Auburn Pennington, John A. Philpott, George, E. Pittard, Charles A. Quinn, Harry Charles Reckley.

Harry St. Clair, William O. St. Clair, Joseph H. Seymour, Clarence L. Simms, James A. Sink, Lewis E. Slusher, Keller T. Smith, Fred B. Stultz, Charles L. Sweeney, Roy B. Sworeland, Thomas A. Taylor, Campbell W. Tetter, Prentiss G. Thompson, William O. Thompson.

Marion B. Tinnell, Ben T. Tinsley, John Wheeler, Bernard A. White, Ligon M. White, W. R. Whitescarver, Jr., Roy O. Whitmire, Harry C. Williams, William Sterling Willis, Harry I. Wilson, Albert W. Woodson, Crockett I. Wright, Richard D. Wright, Harrison, Wright, George J. Zeller.

We are the dead . . . .
To you from failing hands we throw the torch; be yours to hold it high. If ye break faith with us who die.
We shall not sleep, though poppies grow in Flanders fields.—McCrae.

WORLD WAR II—SEPTEMBER 16, 1940-DECEMBER 31, 1946

Brothers All in Honour—Wordsworth

Joseph N. Adams, Eva V. Ageon, Herbert R. Aldred, Edgar Lewis Allen, James G. Alley, Herbert W. Altice, Swanson W. Altice, Herman Levi Amos, James A. Arnold, Roy A. Arthur, James R. Atkinson, James S. Atkinson, LeRoy E. Aulthouse, Guinn L. Bailey, James D. Baldwin, James E. Baldwin.

Russell J. Baldwin, Nathaniel H. Ball, Williams E. Ballou, David D. Bane, Derwood M. Basham, Mac L. Basham, Horace A. Bass, Jr., Charles B. Bates, Jr., Joseph E. Baxter, Jr., Edward H. Benson, Jr., Paul C. Bent, Jr., Ernest D. Blankenship, Harry A. Blankenship, Jr., James W. Blankenship, Joseph M. Blankenship, Lewis C. Blankenship.

Linwood E. Blankenship, George W. Bohon, Samuel Bolden, Jesse S. Boston, Jr., Richard E. Bow, Robert E. Bowers, Aaron J. Bowling, Bruce Bowman, Ernest A. Bowyer, Joseph W. Boxley, Russell R. Boyd, Wilbur W. Boyd, Paul Francis Brammer, Robert M. Brice, Henry L. Brightwell, James L. Brinkley.

Gordon C. Brooks, Alexander G. Brown, Jr., Benjamin L. Brown, Cletus R. Brown, Jack A. Brown, Lonnie J. Brown, Warren J. Bryan, Jack D. Buchanan, Mack Buchanan, Clovis C. Buck, James W. Burke, Sherman V. Burroughs, Robert G. Burton, James F. Bush, James H. Bush, Keith S. Callahan.

Flanders B. Callaway, Jr., Roy E. Callis, Jr., George P. Carper, Oscar E. Carroll, Roy W. Carter, Wesley P. Carwile, William O. Cassell, Albert F. Chaffin, Harold B. Chandler, Jr., Carlton Chapman, Harry P. Chapman, Jr., Clyde W. Childress, Billy B. Christie, Roland W. Clare, Douglas V. Clark, Horace I. Clark.

Robert M. Clarke, Joseph G. Clyburne, Clarence L. Cole, Carlton V. Coleman, Charles N. Coleman, Frank G. Coleman, Roy W. Coleman, William W. Coleman, Edward P. Collins, Andrew L. Conner, George P. Conway, Russell H. Cook, Jr., Francis M. Cowan, James A Cox, Clayton L. Crawford, Jesse E. Crawford.

John G. Crawford, Richard D. Crawford, Terry L. Crawley, Jr., Otway D. Creasy, Jr., Max L. Crowder, Paul C. Crowder, Carey B. Cullen, Fred L. Cumbie, James B. Cumbie, Jr., Charles C. Cunningham, George P. Curry, John C. Daniel, Jr., Claude L. Davison.

George L. Davison, R. L. Davidson, Walter W. Davis, George O. Dillon, John B. Dillon, John H. Dillon, Richard P. Dillon, William F. Dillon, Selma J. Dogon, Charles W. Doran, Alton L. Duffield, T. W. Dunkelberger, Jr., John Dunlop.

Sidney E. Dye, Emett K. Eades, John H. Eanes, Wayne H. East, Lewis C. Elgin, Walter E. Emerson, Elwood A. Etter, Elmer Evans, André P. Fallwell, Amos E. Farewell, John R. Faris.

Claude S. Ferguson, Leonard Fewox, Raymond S. Fielder, Henry Filiziani, Joseph Allen Findley, Daniel L. Finley, Alexander W. Finney, Shirley D. Flint, Aubrin E. Flora, George A. Ford, Richard V. Fowlkes, Jr., Paul Fox, Henry L. Francis, Jr.

Randolph C. Francis, Guy E. Franklin, B. E. Frazier, Billy C. Fretwell, Leslie S. Fulcher, John E. Furrow, Jr., Lawrence E. Furrow, William J. Gallagher, Jr., Richard C. Garst, William M. George, James A. Gibbs, Jesse E. Gilmore, Burger S. Gish.

James Bernard Glenn, Stephen M. Goggin, Cary L. Gray, Herbert O. Gray, Walter R. Gray, George T. Greer, Jr., James A. Gregory, Joseph D. Gregory, Jr., Edward D. Grigsby, Jr., Clifton A. Grisso, George W. Grisso.

Howard L. Gross, Norris P. Guerrant, George W. Gunter, Jr., Leonard D. Guthrie, Ralph W. Hale, Cloyse E. Hall, Linwood F. Hall, Marion C. Hall, Wesley B. Hall, William H. Hamm, Darden C. Harmon, Charles L. Harris, George B. Harris.

George B. Harris, Jr., Clyde N. Harshbarger, Dennis R. Hartman, Cecil W. Haskins, William N. Hawkins, Enoch H. Heath, Hilary H. Hedrick, James P. Hedrick, Jackson R. Henry, John W. Henson, Jr., Roy Higgins, Reese C. Hight, Edwin E. Hill.

Garnett G. Hill, Harry L. Hinchee, Frederick A. Hippey, Robert L. Hobart, Lawrence W. Hogan, Joseph R. Holcomb, Robert B. Holladay, F. Lane Holland, John L. Holland, Max L. Holland, Leonard H. Holt.

Elmore K. Hood, Armond N. Howard, Benjamin R. Hubbard, Ralph D. Huddleston, George D. Hunter, Jr., James Harold Hurt, James L. Hurt, Welford J. Hurt, Roy Hylton, Walter L. Hylton, Jr., Russell W. Ingram, Warren P. Irvin, John R. Jamison, Jr.

Alonzo E. Janney, James T. Jarrett, Henry R. Jenks, Claude Woodrow Jennings, Daniel M. Jennings, Jr., Fred J. Jewell, Andrew T. Johnson, Jr., Darnell Johnson, Ellis O'Neal Johnson, George D. Johnson, Nathaniel Johnson, Preston O. Johnson, Robert D. Johnson.

Alred A. Jones, Marshall F. Jones, Ralph Van Kirk Jones, Roy W. Jordan, Emmett A. Journell, Alvin S. Kaplan, Robert S. Kavanaugh, Eugene M. Keen, Donald D. Keesling, Andrew J. Kelley, James Emory Kelly.

Frank A. Kemper, James O. Kesler, Sammie H. Kidd, Philip H. Killey II, Archer E. King, Jr., Eugene J. King, John W. King, Alvin C. Kingery, Clarence E. Kingery, Walter Willard Kiser, Philip E. Koontz, John J. Krzysko, Ralph L. Kyle.

Richard C. Kyle, Fred W. LaBrie, William H. Lambert, William B. Lane, Robert M. Lange, John W. K. Lawson, Billy C.

Layman, Clinton G. Lee, Leon E. Leonard, Tony Lewis, Jr., Bert L. Light, Edward D. Light, Wheeler L. Light.

Alfred E. Long, Jr., F. Millard Long, Jr., Arlan L. Looney, Ernest L. Loyd, Jr., Leonard K. Lucardo, Warren P. Lucas, Frank J. Lungford, Cecil H. Maddox, Kenny Magee, Alton L. Manning, Lynwood V. Marshall.

James S. Martin, John H. Martin, Rush S. Martin, Jr., William Mason, Howard G. Mattox, Gordon S. Maxwell, Charles H. McAllister, David P. McBride, Jack L. McBride, Morris F. McCaffrey, Fred Sears McDaniel Furman L. McDonald, Frank K. McGrady.

C. Truman McGuire, Willie M. McMinis, Robert J. McPeak, Duane W. McPherson, John C. McVey, Clinton K. Menefee, Alfred F. Michael, Earl T. Miller, Richard E. Miller, Harry C. Miller, John N. Miller, James P. Milliken, Charles R. Milliron.

Calvin C. Millner, Ben F. Mills, Robert B. Mills, Joe Milton, John H. Minter, Daniel L. Montague, Sr., Peter G. A. Moock, Dallas D. Moody, Claude S. Moore, John D. Moore, Ralph Morgan.

Wiley S. Munsey, Jr., Herbert P. Myers, Irving B. Myers, William F. Myers, Sr., Francis D. Nance, Frank T. Nave, Phillip L. Naviaux, Clarence H. Neighbors, Wilson G. Newman, William H. Newton, Howard L. Nichols, Sheldon T. Nichols, Ralph E. Nimmo.

Melvin J. Norton, Frederick W. Nover, David R. Oakey, Fred A. Obenchain, James R. Obenshain, Raymond E. Obenshain, James B. O'Brien, Harry J. Ofsa, John J. O'Hearn, Jr., Earl P. Oliver, Busey A. Overstreet, Charles A. Pace, Harold R. Pace.

Henry C. Pace, Eugene P. Pandlis, Charles L. Parker, Marvin C. Parsons, Robert L. Patsel, Robert R. Patterson, Huntington P. Paul, Ernest C. Pauley, Robert V. Payne, Jr., Randolph M. Peale, John A. Peoples, Jr.

Fred C. Perdue, William G. Perdue, Robert W. Peters, James W. Pflueger, James R. Philpotts, Philip E. Phlegar, George H. Pierpont, William G. Pingley, Jr., Moss A. Plunkett, Jr., William P. Potter, Henry C. Powers, Joseph A. Preston, Alvah S. Price.

James E. Price, Jr., Raymond E. Price, John N. Priest, Edward R. Prillaman, Leonard W. Prillaman, Robert L. Pritchard, David M. Puckett, Sr., Eugene P. Puckett II, William H. Quesenberry, Edward T. Quinn, Walter J. Rader, Bertram L. Ragland, Joseph B. Raleigh.

Ralph N. Ramsey, Virgil L. Rea, Thomas E. Reed, George E. Reynolds, Cecil W. Rhodes, Everett J. Rice, Cecil F. Richardson, James W. Richardson, Cleo M. Robertson, Norman A. Robertson, Oscar B. Robertson.

James L. Rogers, Junior Eugene Rogers, Robert L. Roope, Jr., Leslie G. Ross, Alonza T. Rountree, Jr., Earl C. Rucker, Philip Russell, Sherman T. Sadler, George C. St. Clair, George St. Clair, Joe R. St. Clair, Hubert C. Sandefur, Jr., William C. Saul.

James H. Saunders, Jesse J. Saunders, Jr., Otey P. Schilling, Jr., Walter O. Schilling, Shelby W. Scott, William E. Scott, Charles H. Scruggs, Stephen V. Selwyn, Charles W. Sexton, Jr., James E. Sexton, John G. Sexton, Gray W. Shanks, James E. Shaw.

Eugene D. Shelton, William H. Shepheard, Nicholas M. Shively, Jr., Ivan P. Shuler, Irving I. Shure, Cecil E. Siler, Clarence E. Simmons, James W. Simmons, Jack R. Simms, Walter D. Sink, Jr., Victor E. Sisson, Jr.

Glenwood Clifton Sizer, James E. Sledd, Clovis W. Slusher, Jr., Earl T. Smith, Elmer J. Smith, Guy R. Smith, Jr., Harvey P. Smith, John C. Smith, Richard C. Smith, Stewart B. Smith, Charles J. Snyder, Ray L. Snyder.

John W. Sours, John G. Sowder, Curtis N. Somers, Robert E. Spangler, Robert H. Spencer, Jr., William W. Spencer, Robert P. Spillan, Edward D. Spradlin, Elmo W. Spradlin, Henry McCabe Spradlin, Leonard C. Staley, Joseph Staney, Jr.

Joseph H. F. Stanley, Norris Page Stanley, Vernon O. Stanley, Paul M. Stewart, Adolphus H. Stone, Luther K. Stone, David B. Stuart, William E. Stuart, David E. Stump, Robert M. Stump, Joe P. Sturdivant.

Paul E. Sublett, Lorenza B. Swartz, Charles L. Sweet, Jr., Herbert A. Taylor, Jr., Samuel M. Templeton III, Samuel C. Terry, Sanford L. Thames, Billy S. Thomas, Ellis Thomas, Ralph R. Thompson, James E. Thurston, Wilbur W. Tingler.

Edmond P. Tompkins, William F. Topham, Enoch B. Trent, George A. Trimmer, Paul C. Tucker, Jr., Clarence P. Turner, Everette G. Turner, Frank E. Turner, Walter R. Unrue, Gaylord Vanhorn, Clyde E. Vaughan, Dallie A. Vaughn.

Eugene R. Venable, Delmar B. Wade, Lucian B. Walters, Rodger W. Walters, Edward D. Walton, William H. Watson, Charles Watterson, Jr., Eldridge R. Weaver, M. Reginald Weaver, William B. Weaver, George B. Webber.

Harold C. Webber, Orland I. Webley, Alvin P. Webster, Harold C. Webster, Julian J. Weeks, Manuel E. Weeks, Ulysses B. Weeks, Jack W. Weston, Walter O. Wheeler, William C. Whitehead, Jr., Ashby A. Whitlock, Jr.

George C. Wickham, Edmund J. Wilcox, Walter W. Wilkins, LeRoi S. Williams, Nathaniel E. Williams, Erie M. Wimmer, Paul D. Winston, John A. Witt, Richard L. Witt, Royall K. Witt, Dexter S. Wohlford, Jr., Lewis F. Woodson.

Rennie P. Woodson, William E. Wrench, Charlie M. Wright, Grover R. Wright, James L. Wright, Lawrence E. Wright, Sankey M. Wright, George H. Yeager, Jr., Thomas B. Youell, Jr., George A. Zimmerman, Jr., Andrew L. Zini.

KOREAN CONFLICT—JUNE 27, 1950—JANUARY 31, 1955

Uncommon Valor was a Common Virtue—Nimitz

James F. Akers, Irvin L. Atkins, Jim B. Barns, Stewart S. Boyden, Woodrow H. Broughman, G. Ernest Brown, Jr., Ralph G. Brown, Jr., Herbert S. Bruner, George W. Cauley.

George W. Coggin, Thomas E. Cole, Robert C. Cox, Gordon W. Craig, Rufus P. Craighead, Paul E. Crowder, Vernon C. Custer, Daniel W. Dent, Paul L. Dickerson.

John A. Dille, Jr., William E. Dressler, Raymond E. Duncan, James S. Earles, Elzia M. Edwards, James S. Edwards, Henry E. Ellis, Vernon G. Ferris, Lawrence Fitzgerald.

Joe M. Francis, Jr., Homer J. Goad, James Gravely, Wilbur C. Hairston, John T. Hassell, W. Perkins Hazlegrove, Jr., Herman E. Hill, Frank S. Hopkins, Walter M. Johnson.

Eugene T. Kelly, Andrew W. King IV, James A. Lowe, Jr., Paul E. Martin, Clyde A. McGuire, William L. Moore, James R. Parker, Eugene E. Payne, Willie E. Perry.

John H. Powell, Carl R. Rogers, Lawrence G. Rule, Willie A. St. Clair, Marvin E. Short, Elmer C. Turner, Jr., Guy L. Underwood, Jr., Cecil O. Ware, John T. Whitt, Wallace D. Witt.

SPECIAL CATEGORY

Eugene Warsenure Williams—Berlin Airlift.

John Davis Harvey—Iran.

VIETNAM ERA—AUGUST 5, 1964-MAY 7, 1975

In the Midst of Battles, in the Roar of Conflict, They Found the Serenity of Death—Ingersoll

Marshall J. Angell, Roger D. Atkinson, Lester C. Blevins, Joseph B. Bowman, Donnie J. Bragg, Barry E. Brickey, Ira C. Brown, John A. Brown, Joseph W. Brown III, Joseph W. Burkett, Luther W. Burton, Bill D. Callahan, Robert J. Carter.

Ronald H. Chittum, Paul F. Cobb, John P. Craig, Warren K. Davis, Lloyd D. Doering, Charles R. Emory, Billy K. Evans, Jr., Thomas Alfred Garman, John F. Goodlett, Henry B. Grammer, Lawrence E. Hackley, Robert B. Hamblett, Douglas L. Harrison.

Roger M. Hartman, Clyde R. Herman, James E. Hughes, Vassar W. Hurt III, Calvin Johnson, David C. Johnson, Donald R. Johnston, Fowler P. Johnston, Jr., Robert M. Journell III, Timothy J. Keesee, Randall C. Knisely, James G. Lawson, John T. Logan.

Norman L. Long, Jr., Phillip M. Long, Douglas O. Looney, Gary A. Martin, Dewey M. Mason, Jr., Dennis M. Mattox, Robert T. McDaniel, Charles D. McGinnes, James R. McIlwee, J. Berkeley McLendon, Daniel R. Meador, Angelo F. Michelli, Charles H. Millner.

Ward W. Mills, Jr., John S. Myers, Sr., William L. Newsome, Francis S. Oberson, Paul M. Reed, Aubrey A. Reid, Jr., Donald R. Robertson, John W. Rucker, Clarence H. St. Clair, Bruce A. Saunders, Patrick F. Shanley, William F. Silver, Jr., James R. Snyder.

Donn L. Sweet, John R. Thornhill III, Kester Ulrey, Harry E. Underwood, Robert D. Ware, Thomas L. Waterman, Eddy E. White, Roger D. Williams, Kenneth M. Willis, Thurman Woody, Jr., David I. Wright, Johnny W. Wright, James R. Young.●

WORLD PEACE IS BEING THREATENED

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MILLER of Ohio. Mr. Speaker, the Israeli Army, aided with U.S. arms, has invaded neighboring Lebanon and is moving toward a full-blown war with Syria. At this time there is no way to predict how this conflict will end. I think that the Members of this body should reflect very seriously on the fact that the United States bears a responsibility for making Israel a major military power. Many of the weapons Israel is using in this campaign were supplied by the United States with the stipulation that they were to be used for defensive purposes only. It is apparent that Israel has stretched U.S. law to the limit. The Congress has no choice other than to make it clear to the Israeli Government and to the rest of the world that it will not stand for violations of the agreement that American arms are to be used for legitimate self-defense and that the penalty for thwarting this restriction will result in a cutoff of aid.

I am also concerned that Israel may seek to occupy a sovereign nation. Such a policy will not bring peace to the Middle East but only harden Palestinian nationalism and make compromise impossible. The invasion of Lebanon can only lead to increased bitterness and more violence in the Middle East—it will not dissuade the Palestinians from their cause and can only diminish Israel's standing in the eyes of the world.

Though I sympathize with Israel's desire to dislodge Palestine Liberation forces from southern Lebanon, I cannot condone its full-scale invasion of another country be it for 5 days or 50 days, or for 1 mile or 25 miles. If a country is being shot at, it is fully justified to shoot back. However, Israel has the means to counter the bombing of its northern border communities, through the use of the highly sophisticated weapons it has in its arsenal without having to resort to the extreme course of action it has elected to pursue.

By its action Israel has made a shambles of the spirit of Camp David. It has placed the future of world peace in serious jeopardy with little regard for the ramifications of its actions or for the concerns of its free world allies.

Unless we make it clear to the government of Menachem Begin that this country will not sit idly by and condone its acts of aggression, Israel will continue to abuse the good name and intentions of the United States. We must put Israel on notice, that enough is enough, that it does not have a blank check to use our weapons as it pleases in the name of self-defense.●

BATH IRON WORKS BUILDS SHIPS OF QUALITY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mrs. SNOWE. Mr. Speaker, the Wednesday, June 9, Christian Science Monitor printed two articles which I think are quite noteworthy and am submitting for the RECORD. These stories focus on the consistent quality of shipbuilding produced by Bath Iron Works (BIW) in my home State of Maine. Mr. Speaker, BIW's record of delivering ships ahead of schedule and underbudget is a testament to American productivity and stands as a shining example for all American industry. BIW, with its fine tradition of hard work and skilled craftsmanship, deserves to play a major role in the construction of the 600-ship U.S. Navy.

[From the Christian Science Monitor, June 9, 1982]

NAVY SHIPS THAT STAND UP TO MISSILES? LOOK FOR BATH LABEL

(By Gregory M. Lamb)

America's newest guided-missile frigate and the now-sunk British destroyer Sheffield both have aluminum superstructures. But it's unwise to jump to any hasty conclusions.

So says Capt. Charles L. Mull, who retired last year as the Navy's supervisor of shipbuilding at the Bath Iron Works (BIW).

When the Sheffield was hit by a sea-skimming Argentine missile May 4, its aluminum superstructure (the part above the main deck) melted. The melting point of aluminum—far lower than steel—was blamed by some for the severity of the blaze.

Some observers have expressed concern that the new US guided-missile frigates (FFG-7s) also have aluminum superstructures. And other questions have been raised about the ships' defensive capabilities and the relatively exposed position of its sensitive electronic gear.

The US Navy remains reluctant to comment on the Sheffield incident or on the way in which that ship was deployed. But a Navy spokesman does point out that standing orders for more FFG-7s in future years, all with aluminum superstructures (the hulls of the US frigates are steel, as was the hull of the Sheffield) should signal the confidence the Navy holds in its ships.

Captain Mull, who joined in the planning for the FFG-7 in 1973 and has been called the "father" of the program, is less reluctant to speak. Captain Mull served as supervisor of shipbuilding for the FFG-7 program at BIW. He notes that the use of aluminum in Navy ships began in the 1950s as complex systems—missile launchers, guns, radars, magazines—continued to be added to topside areas. These required a lighter material than steel for superstructures to keep the ships seaworthy and stable.

"Yes, aluminum melts," Mull agrees. But he adds that comparing the FFG-7s with the Sheffield simply because of their common use of that metal is still comparing apples and oranges. "There are factors in the Sheffield incident that don't apply" to the FFG-7s, he says. "The Sheffield was by herself, she had no air cover." In many ways, he says, "she was a sitting duck."

"The FFG can detect low-flying missiles" and defend itself against them, Mull points out. And if hit, "it has fire walls to minimize the spreading of the fire within the superstructure." The Navy's chief inspector, a veteran of World War II sea battles, insisted on the change after the first sea trials in 1977, Mull says.

In addition, according to a Navy spokesman, the ships contain both Halon gas and foam fire-control systems. And the aluminuum superstructure is strengthened at key points by a polycarbon fabric called Kevlar.

"Ships the size of a frigate are always vulnerable," Mull concedes, "but the probability of a single hit sinking one of these ships is low."

Most important, he notes, the FFG-7s are designed to work in concert with a task force formed around an aircraft carrier. While the frigates go about their job of protecting the task force from threats from enemy submarines, surface ships, or aircraft, carrier-based aircraft provide added protection for the frigates. The Sheffield has no such air cover.

If a missile—such as the French-made Exocet that sank the Sheffield—did elude all other defenses, the FFG-7s are equipped with a "close in" defensive system to shoot it down. The Phalanx—a gattling gun that fires 3,000 rounds per minute—uses "closed loop" radar to guide its shells to their target. It is being installed on new FFG-7s and will be retrofitted onto earlier versions. "If an Exocet missile came at one of our ships equipped with Phalanx, and all other systems failed to stop it, the Phalanx would destroy it," says a Navy spokesman confidently, adding, "The British don't have this."

That the ships are being built to the Navy's standards is not a point of contention. Nestled here on the Kennebeck River along Maine's scenic southern coast, Bath Iron Works has developed an international reputation for producing quality ships on time and under budget. Last fall, the Navy itself termed the FFG-7 program at BIW "one of the most successful in naval shipbuilding history." BIW "delivered the first seven FFG-7-class vessels at a total of $44 million under budget and a total of 99 weeks (nearly two years) ahead of schedule," the Navy report concluded. "This trend of early-delivery/below-cost construction shows every indication of continuing."

The FFG-7s are meant to play a key role as part of the Navy's modernization effort, replacing aging destroyers. They carry innovative, computerized defensive and offensive weapons directed from a command room chockful of "Star wars"-style video displays. Due to automation, the ship operates with a crew of 185. A crew of about 350 is needed to man the destroyers it replaces.

In May, the yard launched the 10th of the 23 FFG-7s it is scheduled to build. BIW is still ahead of schedule and cost, although the Navy has asked it to no longer release the exact number of weeks or dollars. (The Navy would like to budget for 60 of the ships over the next few years; Todd Shipbuilding Corporation on the West Coast is also building the frigates.)

BATH SHIPYARD: $1 BILLION BACKLOG—AND GROWING

Its rivals call it the "postage stamp shipyard."

But little Bath Iron Works (BIW) in Bath, Maine, is making all of its 54 acres count as it continues to make waves as a successful shipbuilder.

With more than 7,300 employees, up from just 3,300 in 1975, BIW has become the largest single private employer in Maine. The yard continues to hire new skilled workers as fast as their applications can be processed—about 65 a week. (But if you're one of the growing number of unemployed Americans, don't head for Maine yet. BIW is drawing first from some 14,000 applications for work already on file at the yard.)

And this growth, says BIW spokesman Frank Kerr, does not include a new US Navy contract worth $305 million awarded last month to build one of the new Aegis guided-missile cruisers. That work will begin in November 1983 and means that for the first time in its history, the yard has a $1 billion backlog of work. "This puts the company in a solid financial position through the 1980s," says Mr. Kerr. More important, he adds, it means the yard will stay abreast of the latest techniques in warship design and construction.

BIW success runs against the economic tide both in Maine and in the US shipbuilding industry. It has helped buoy employment in a state in which many industries—such as poultry farming—have been sinking. At the same time, hard times in commercial shipbuilding have quieted some shipyards and led to keen competition for prized US Navy contracts.

On the surface, BIW has little to offer but the 375 years of shipbuilding tradition in Bath—known as "the City of Ships." Wooden ships had been built here since 1607. Nearly a century ago Bath Iron Works became part of that tradition, but abandoned wooden hulls for the newfangled use of metal.

Early on, BIW was a builder of commercial ships and yachts. The yard delivered

the $3.5 million luxury cruise ship "Corsair" to tycoon J. P. Morgan in 1930, the most expensive ship of its type at that time. He wrote back a letter of thanks, calling his new vessel "as perfect a piece of work as could have been done." Later, during World War II, the yard turned out a destroyer every seven months.

The success at BIW has been attributed to its shipbuilding tradition, the Yankee ethic of hard work, and the family-style atmosphere at the yard. With the arrival of John F. Sullivan Jr. as board chairman in 1975, BIW also began to revise its building methods. Modular construction techniques—borrowed from the Japanese and Dutch, and then refined—improved productivity and cut costs. Each ship is built section by section on land (an FFG-7 frigate requires 16 sections) where workers have easy access to all systems. The modules are then fitted together.

BIW's efforts to expand its operations were given a boost June 4 when it restarted work on a new drydock in Portland, Maine. The small size of the Bath yard has limited the shipyard's ability to bid on contracts to overhaul and repair existing vessels. The new facility, scheduled for completion in the fall of 1983, should create at least 1,000 additional jobs at BIW and more than 3,000 "ripple effect" jobs in the Portland area, say BIW spokesman Jim McGregor.

The lobby group Common Cause, which opposes the use of a state bond in funding the project, is appealing a court ruling that permits BIW access to the funds.●

THE WORKING POOR

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. ROYBAL. Mr. Speaker, I would like to share my concern with other Members regarding the fate of the working poor under Republican economics. It is ironic that the one group of people President Reagan professes to admire most—those who are genuinely trying to pull themselves out of poverty—are the very group who will be hurt most by his budget cuts.

Every aspect of the President's economic recovery program seems designed to discourage, rather than encourage, employment. Cuts in AFDC, food stamps and medicaid are aimed primarily at the working poor. The Budget Reconciliation Act reduces AFDC benefits to thousands of recipients and greatly restricts eligibility. Hit especially hard are working mothers who receive AFDC benefits to supplement their marginal incomes. A disproportionate number of these women are black or Hispanic.

The act altered the rules for these families by placing a time limit on the work incentive bonus and dollar limits on the work expense allowance. The elimination of the work incentives means that, in most States, a four-person family with a working parent cannot remain eligible for AFDC even though the family remains living in poverty.

To make matters worse, the act permits States to count food stamps and housing subsidies as income and places a limit on allowable resources of $1,000 per family in equity value excluding a home and one motor vehicle. This last change removes 16,000 families from AFDC.

While the provisions decreasing AFDC cash benefits will cause a rise in food stamp benefits for a family, it is only an illusion. The fact is, the act imposes an earnings limit of 130 percent of poverty level under the program. However, those families with incomes of 130 percent over poverty, or about $11,000 a year, make up the largest single group losing all food stamp benefits.

Similarly, a drop in AFDC cash will cause an increase in a family's subsidy from the low-rent public housing program or the section 8 housing assistance program. But again, there is a catch—fewer new federally subsidized dwellings will be available and people who already live in subsidized housing, and have been paying 25 percent of their income for rent, will pay up to 30 percent by 1986. And, as we all know, President Reagan wants to completely discontinue the building of any more federally financed housing.

These same AFDC provisions will decrease medicaid benefits, except in the 33 jurisdictions with medically needy programs, where higher income limits are set. States are required to provide medicaid only to those receiving AFDC benefits and in most cases, supplemental security income. Some States have set up medically needy programs that extend coverage to those whose incomes and resources are large enough only to cover daily living expenses, but not enough to pay for medical care. Only 33 jurisdictions have these programs, so in areas without medically needy programs those ineligible for AFDC will lose medicaid coverage.

And what is the logical conclusion of these reductions and changes? A family of four with a wage earner making about $11,000 a year, counting housing subsidies and certain household items as income, would lose AFDC and be ineligible for food stamps and medicaid. This family, reacting to the dictates of economic survival, would quickly add up the figures and find that they would be better off giving up employment and relying totally on Federal benefits. For many mothers concerned primarily with the health and well-being of their children, there is little choice.

Those persons who seek employment and training are met with discouragement at every turn. President Reagan has proposed the decimation of job-training and employment programs, advocated severe reductions in education funds and student financial assistance, and has discouraged compliance with Federal job safety regulations.

In its annual report to the President, the National Commission on Employment Policy stated that:

The opportunity for all citizens to be productive is essential if the United States is to meet its economic, social and national security interests. The increase in human capital is as critical as the growth of financial resources for the expansion of the economy and the well-being of the population. There is a national interest in ensuring that our human resources are developed to their fullest potential.

As we continue our consideration of various solutions to the current economic crisis, we will do well to keep the above statement in mind. Our Federal social programs do offer realistic ways to improve the standard of living and provide economic and social opportunity for all citizens. For every horror story President Reagan can tell about welfare cheats and food stamp hoarders, we can more than match him with examples of men and women who, with the aid of these same programs, have pulled themselves out of poverty and are making substantial contributions to society. And we can counter with horror stories of our own about the thousands of very wealthy individuals who hide their income in tax shelters, or about million-dollar corporations who take advantage of so many loopholes that they wind up receiving a tax refund from the Government. There are thousands of Americans who are desperately trying to improve their lot and attain that exalted state our President so greatly admires—self-sufficiency. We must encourage them rather than throw more obstacles in their paths.●

PROPOSED AMENDMENTS TO THE HOUSING AND URBAN-RURAL RECOVERY ACT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. WYLIE. Mr. Speaker, next week the House is scheduled to consider H.R. 6296, the Housing and Urban-Rural Recovery Act. At that time, I plan to offer an amendment to title III of this bill to prohibit the use of these Federal funds for a new Government-subsidized multifamily housing program in communities which impose rent controls on newly constructed units.

Rent control is not a partisan issue. It is not a Democratic versus Republican issue nor is it a liberal versus conservative one. Rather, opponents to rent control come from all across the political-philosophic spectrum once people understand how counterproductive such controls really are.

Senator THOMAS EAGLETON, as chairman of the Senate District of Columbia Committee, conducted a wide-range investigation into the effects of rent control here in the Nation's Capital. His findings were set forth in an article which he wrote for Reader's

Digest entitled "Why Rent Controls Don't Work."

Senator EAGLETON points out in this article "the sad truth is that rent controls—enacted for the best of motives to protect middle- and low-income tenants actually work against the very people they were designed to aid."

He concludes his article by saying "throughout my political career I have worked to promote decent housing for poor and elderly Americans. Opposition to rent control is consistent with this record."

I urge my colleagues, especially those on the other side of the aisle, to read Senator EAGLETON'S excellent, well-thought-out article, the full text of which I am inserting in the RECORD after these remarks.

The article follows:

[From the Reader's Digest, August 1977]

WHY RENT CONTROLS DON'T WORK

ACROSS THE NATION, RENT-CONTROL ORDINANCES ARE GAINING ACCEPTANCE. BUT—AS ONE DEMOCRATIC LEGISLATOR HAS LEARNED—THEY PLAY A CRUEL HOAX ON THE VERY PEOPLE THEY'RE DESIGNED TO HELP

(By SEN. THOMAS F. EAGLETON)

Retired teacher Alicia Byrd (not her real name) lived for 38 years in the same impeccably maintained Washington, D.C., apartment development. When the city government adopted strict rent controls, Miss Byrd and her 174 fellow tenants liked the idea. After all, who wants to pay higher rents? Now, four years later, she says, "I see how ill-advised rent controls can be."

Earlier last year, in what came as a traumatic shock to many of the residents—especially the elderly—the apartments' owners announced that the buildings had been sold and soon would be razed for construction of an office building. "We had no choice," say the owners. "With rents controlled and operating costs skyrocketing, the buildings were simply no longer profitable."

Alicia Byrd learned the hard way that rent controls provide a cure worse than the disease. Yet government control of rents has gained widespread acceptance in this country. In the last four years, some 200 cities and counties have adopted controls, and hundreds more are considering them.

Not long ago, rent controls were regarded as a wartime phenomenon, imposed along with wage and price controls to blocks profiteering in times of national emergency. But following expiration of the Nixon Administration price controls, which covered housing, there were immediate pressures on localities to impose long-term ceilings on rents. Many quickly acceded. From a political standpoint, it was not surprising. There are far more renters than landlords. And when prices soar, immense pressure is exerted on government officials to stop the spiral. While restriction of commerce is usually beyond the legal reach of local officials, they can enact statutes limiting rents.

Had I been serving on a city council, I, too, could well have voted to impose controls. However, as chairman of the Senate District of Columbia Committee (which reviews the actions of Washington's elected city government), I conducted a wide-ranging investigation into rent control in the nation's capital. The facts that emerged have had a profound impact on my attitudes toward rent control. For the sad truth is that rent controls—enacted for the best of motives to protect middle- and low-income tenants—actually work against the very people they were designed to aid.

Washington's rent-control program has driven apartment owners, large and small, out of business. For example, more than 60 renters lost their apartments when their building was converted into a more profitable home for the aged. Recently, a modern 170-unit apartment structure—built less than ten years ago—went on the market with advertising publicly warning that as a residential rental property it was not a good investment.

Studies estimate that Washington will need more than 1200 new rental units each year to keep up with demand. Since the implementation of rent controls, however, the city has experienced a net loss in available units. Worse still, the construction of private apartments has virtually ceased. Washington's leading mortgage lender has publicly stated that no loans will be considered for apartment development until there is an adequate return to the investor. Even city officials who once championed rent control now concede that the program should be phased out.

In a free-market economy, price and supply are regulated by demand. If prospective tenants outnumber available apartments, rents will increase, but so, too, will investments, prompting more apartment construction. Ideally, as the number of available apartments increases, prices will stabilize. Controls, however, interfere with the law of supply and demand. As George Sternlieb, a respected housing authority and head of Rutgers University's Center for Urban Policy Research, testified before my committee: "By cutting off the creation of new housing, you will have further housing squeezes, justifying the continuance of rent control, because clearly the housing shortage will get worse, not better."

The effect of rent control on apartment-building maintenance is also insidious. Today, instead of replacing leaky roofs, owners frequently patch them. Painting has been postponed indefinitely in many projects. In one 35-year-old building, the pipes are sorely in need of replacement. Once, says the owner, he would have replaced them all. Now he is making only emergency repairs because he insists that he can't get the rent increases needed to make new plumbing worthwhile. Moreover, with no end to controls in sight, he questions whether he should invest any substantial sum to upgrade his property.

Unfortunately, it is the poor and lower-income residents of apartment buildings—the very people rent controls are supposed to help most—who are the primary victims of a system which provides an incentive for decay. (Affluent apartment dwellers typically live in newer structures valued more by owners and less dependent on timely maintenance.) The owners of one development in Washington appealed to the rent commission for increases to finance essential roof repairs. Shortly after the appeal had been turned down, building inspectors demanded that a roof be repaired and threatened to lift the owners' apartment license if it was not. Result: a 17-unit building was closed; its windows were boarded up and its tenants left to find housing elsewhere. Declares Flaxie Pinkett, head of a property-management firm and one of the city's most progressive citizens: "No one in his right mind would consider substantial rehabilitation of a property in the city as long as this law is on the books."

Along with contributing to urban blight, the city's rent-control procedures also create demoralizing and costly red tape—"an administrative nightmare," says the Washington Post. It took one apartment-building owner six months—and a good lawyer—to win a hardship rent increase despite the fact that not a single tenant opposed his application. Another modest apartment investor waited more than two years before winning an emergency increase on a building that clearly was losing money throughout the period. "I spend more time coping with rent control than I do running a good apartment building," he says.

Often "hardship increases" do not approach the actual rise in owners' costs. In court actions, apartment owners have argued that they should be allowed to pass-through unavoidable increases in operating costs. But the city contends: "Unlimited pass-throughs would mean no control of rents at all."

Even the act of registering with the rent-control office is a major hassle. A government worker who owns four rental units told our committee how he went to the rent commission on his lunch hour, intending to register his modest properties quickly. Instead, he was given 15 pages of forms which were so complex he had to seek legal help to complete them.

Those who want to see where rent controls ultimately lead need only examine the experience of New York City, where 30 years of rent controls have had a devastating effect on private-apartment housing. In recent years, apartments have been abandoned at a rate of more than 25,000 a year. Some areas where handsome apartment buildings once stood resemble bombed-out European cities in the aftermath of the war.

True, many economic and sociological factors have contributed to the shocking state of affairs in the city. But numerous studies make clear that rent-control laws have had a major role in the decay of the city's housing supply. Declares Roger Starr, former head of New York City's Housing and Development Administration: "Rent control discourages investment in older housing, hastens the deterioration of existing buildings and keeps the supply permanently inadequate."

Rent controls also have contributed significantly to New York's fiscal crisis. The city has lost tens of millions of dollars in property taxes because of abandonments and reduced assessments on decaying rent-control properties. Yet administering controls costs taxpayers more than $13 million annually.

Throughout my political career I have worked to promote decent housing for poor and elderly Americans. Opposition to rent controls is consistent with this record. The Washington Star put it best by comparing such controls to hard drugs: "Starting is euphoric. Trying to stop is painful. Continuing is disaster."●

FIRST BUDGET RESOLUTION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FIELDS. Mr. Speaker, I take this opportunity to state for the RECORD my true sentiments on the budget resolution which this legislative body has just approved.

While I voted in favor of the Latta substitute, I did so with a lack of enthusiasm and a recognition that it may not be the proper tonic necessary to cure our ailing economy. Nevertheless, it was the best available option from a list of undesirable proposals.

What is tragic, however, is that this body has once again denied the American people an opportunity to balance the Federal budget and put our economic house in order. In my judgment, both the Latta and the Jones substitutes are nothing more than business-as-usual budgets which fail to adequately address the issues of meaningful entitlement reforms and record Federal deficits.

It was for this reason that I voted no on final passage of this resolution in order to express my extreme disappointment with the budget choices we faced in the House of Representatives.

Frankly, it is incomprehensible to me that this body has not learned the economic lessons of the past and continues to go back to the tired, old, failed, and worn-out solution of increasing taxes on an escalating basis on our citizens.

In this time of recession, I do not believe that tax increases are the solution to our long-term economic recovery. In fact, the overwhelmingly majority of historical evidence clearly indicates that higher taxes do not increase employment nor stimulate economic growth. Rather, tax increases exacerbate the problems of unemployment, low productivity, and economic stagnation.

In conclusion, Mr. Speaker, I recognize that I have only been through this budget process a few times and that I am not as jaded as some of my colleagues. Nevertheless, I believe we can break this tragic cycle of inflation, recession, and ever-increasing taxes, if we could only develop the courage to meet our economic problems head-on and not always be looking over our shoulder at the next election.●

NATIONAL NCO/PETTY OFFICER WEEK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SPENCE. Mr. Speaker, today the names of 131 of my colleagues were submitteed as cosponsors of House Joint Resolution 482, which will designate the week beginning June 28, 1982, as National NCO/Petty Officers Week.

The role our noncommissioned and petty officers play in this Nation's military structure is of the greatest importance. Adm. Thomas B. Heyward, Chief of Naval Operations, recognized the Navy's petty officers as so critical that their absence would prohib he Navy's seagoing ability. The admi l's statements were echoed by Army's Chief of Staff, Gen. Edward L. Meyer, who has recognized the shortage of experienced noncommissioned officers as a major factor in the "not ready" status of many units. Marine and Air Force officers have also acknowledged the crucial need to retain our noncommissioned officers. The condition of our Armed Forces is dependent on the abilities of these NCO and petty officers.

A most difficult burden has been placed on our Armed Forces and more specifically our NCO and petty officers as a direct result of the All-Volunteer Force. NCO's and petty officers are too often diverted from their fields of specialty training in order to fulfill the great need for training and recruiting personnel brought on by the All-Volunteer Force. More and more enlisted NCO's and petty officers have elected to leave the military in order to seek opportunities in the civilian world, which the military has ignored. The loss of seasoned personnel continues to be costly to the entire defense effort, both in the financial cost of training a new generation of NCO's and in the experience gap that prevails during this process. Our Armed Forces are thus crippled and left on an uneasy foundation.

There are, however, those dedicated and patriotic Americans who have accepted the task placed upon them. These are the NCO's and petty officers who deserve to be recognized. They are the proud service men and women whom we owe so much and yet have given too little. The pay increases adopted in 1980 have generated continued improvement but we must strive toward a much more sound posture which a strong NCO "backbone" would give our military.

We have now an opportunity to recognize these determined patriots. Join with me in acknowledging their contributions by cosponsoring National NCO/Petty Officers Week.

I respectfully submit the names of the following cosponsors:

Albosta; Atkinson; Bailey of Pennsylvania; Barnard; Beard; Bevill; Biaggi; Bonior of Michigan; Mrs. Bouquard; Bowen; Breaux; Brinkley; Brodhead; Brooks; Brown of Ohio; Broyhill; Burgener; Burton, John L.; Butler; Mrs. Byron; Campbell; Chappell; Chappie; Clausen; Conte; Corrada; Courter; Daniel, Dan; de la Garza; Derrick; Dickinson; Dornan of California; Dougherty; Dyson; Edgar; Emery; Evans of Delaware; Evans of Georgia; Fauntroy; Fazio.

Findley; Fish; Florio; Foglietta; Ford of Tennessee; Forsythe; Fowler; Gingrich; Ginn; Gonzalez; Gregg; Hammerschmidt; Hansen of Idaho; Hartnett; Hatcher; Hefner; Heftel; Hertel; Holland; Holt; Hopkins; Horton; Howard; Hoyer; Hubbard; Hughes; Hunter; Hutto; Hyde; Jeffords; Jeffries; Kemp; Kramer; Lagomarsino; Latta; LeBoutillier; Lee; Lent; Livingston; Long.

Lott; Lowery of California; McCurdy; McDade; McDonald; McEwen; Mattox; Mavroules; Mazzoli; Montgomery; Murphy; Napier; Neal; Nichols; Oberstar; O'Brien; Parris; Paul; Pepper; Perkins; Porter; Price; Quillen; Richmond; Roberts of Kansas; Roberts of South Dakota; Robinson; Roe; Roemer; Shelby; Shumway; Skeen; Skelton; Smith of Pennsylvania; Spence; Stokes; Stump; Taylor; Trible; Wampler; Weber of Ohio; White; Whitehurst; Williams of Ohio; Wilson; Winn; Wolf; Wolpe; Won Pat; Wright; Wylie; Udall and Philip M. Crane.●

LAW OF THE SEA

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. McCLOSKEY. Mr. Speaker, whatever may be the ultimate U.S. position on the Law of the Sea Treaty, the enclosed guest editorial for Sea Technology written by Ambassador Elliot L. Richardson is worthy of careful study.

SEA TECHNOLOGY

(By Elliot L. Richardson)

The real importance of the convention on the Law of the Sea adopted in New York on April 30, 1982 cannot be found either in the sum of its parts or in its extraordinarily comprehensive whole. It lies rather in its demonstration of the capacity of 160 sovereign states to work out rational accommodations among vital competing interests. This is an achievement whose significance will loom ever larger as the world increasingly finds itself forced to come to grips with its own inseparability.

For the United States, meanwhile, the convention clearly benefits a large number of national interests—the mobility of air and naval forces, commercial navigation, fisheries, environmental protection, scientific research, marine mammals, dispute settlement, and more. The clearest such benefit is to our interest in gaining an alternative source of nickel, copper, cobalt, and manganese. The convention is our only means of assured access to these strategic minerals.

The estimated cost of a single deep seabed mining project is $1.5 billion. The exhaustive review initiated by the Reagan administration soon after it took office found that if the United States were not a party to the convention, no U.S. miner would risk the investment of such a large sum under domestic legislation; U.S. miners would choose instead to operate under the flag of a country that had joined the convention. The review also concluded that if the convention seemed likely to enter into force, reciprocal arrangements outside the convention—a so-called "mini-treaty"—would be equally unattractive to investors. The General Accounting Office has since disclosed that major financial institutions queried by it would not be willing to lend money to a deep seabed mining venture sanctioned only by reciprocal legislation.

If, as we insist, deep seabed mining is a high-seas freedom, why should there be this reluctance to invest? The answer comes in two parts. First, to have a reasonable chance for a profitable return on its investment, a deep seabed miner must have a secure legal right to exploit a defined area of the seabed good for at least 20 years. It is not enough for this right to be respected by the nationals of the few other countries that have entered into a "reciprocating states regime." The seabed mining states concede that states not belonging to the reciprocal regime would not be required to respect it. Thus, even if it were generally recognized that deep seabed mining is a high-seas freedom, it would be useless as the legal foundation for investment.

Second, only a few leading industrial countries in fact share the view that deep seabed mining is a high-seas freedom. Those same countries have accepted the jurisdiction of the International Court of Justice. Despite their view of the law, there would be the ever-present risk (perhaps the likeli-

hood) that the Court will eventually declare illegal any deep seabed mining activity that does not conform with the convention.

Understanding this, the deep seabed mining industry's most responsible members have always wanted a universal treaty to serve as the legal framework for their future operations. Their efforts have been directed not at scuttling the convention, but at improving it. Following the substantial gains made in 1978–80, the United States won a number of additional concessions this year. By far the most important are the preparatory investment protection (PIP) provisions. These would give the U.S. companies that have pioneered in developing deep seabed mining technology assured access to a specific minesite of up to 150,000 square kilometers on a basis meeting substantially all the concerns set forth by President Reagan in his statement of January 29, 1982. The United States also won the explicit guarantee of a permanent seat on the Council, the Authority's principal governing body, and some improvement in the review conference provisions. Had our negotiating strategy been directed solely toward obtaining the best possible treaty and not distorted by ideological pressures, we could have gained additional improvements as well, particularly in the technology transfer provisions.

Though less good than it might have been and far from perfect, the result is not unworkable. Depending upon metal price prospects, the deep seabed mining companies belonging to other Western industrial countries would be willing to operate under it, and they will have the encouragement of their governments in doing so.

It follows that the U.S. national interest in access to strategic minerals demands our participation in the convention. It would be ironical—pathetic, indeed—if the subordination of that interest to ideological purity forced us to hand over the control of deep seabed minerals to our industrial competitors. The delegation's negative vote on adoption of the convention was self-defeating. It is not too late to seek an outcome that better serves the security and economy of the United States.●

COLA MUST BE PRESERVED

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. HUBBARD. Mr. Speaker, many of my constituents have written me lately expressing their concerns about proposals to reduce or delay the cost-of-living increases for social security and Federal retirement recipients. Mr. and Mrs. A. B. Riley of LaCenter, Ky., have written me a perceptive letter on this issue. I believe the letter from these constituents is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR CONGRESSMAN HUBBARD: We are greatly disturbed by the attitude of many Congressional leaders to drastically reduce the annual cost-of-living adjustment for millions of retirees receiving benefits from the Social Security and federal retirement programs.

From experience, we know that older people are having increased difficulty in meeting their living expenses. Food is supposed to have been a few cents cheaper this past month but someone forgot to tell the grocers in our area to reduce prices. In fact, prices have increased at our local grocery stores as older people are unable to go into Paducah or other towns that have chain stores that do sell at a reduced price. Our house payment has not changed, instead the interest rate increased on the loan. Our fuel bill doubled this January and February over what it was a year ago. The gas and electrical companies both seem to have a free hand at raising the rates to suit themselves due to Congressional approval. Medical care is out of range. Fortunately we have some insurance coverage, but the premiums are increasing to such a degree that we may be forced to cancel the policies.

Since the senior adult, retired and broken in health, does not have the clout to automatically increase his benefits as the U.S. congressman did to increase their salaries and to pass the $75 per day living expense, it is up to you, our elected representative—our voice in Washington—to protect us at all cost.

It was quite a joke that when Mr. Haig got ready to go on his first peace mission, there were no planes available to fly him to London and Argentina because the congressmen had checked them out for "fact finding missions over the Easter recess." We may have gray hair and wrinkles, but we are neither dumb or stupid when it comes to what is happening in Washington. So, get with it and see that those of us who weathered the Depression, fought World War II and Korea, and worked to educate ourselves and provide for old age, are actually taken care of. We do not need to go to war again, or to give away billions to other countries when our own citizens are suffering, since many are worried sick over what will happen if Social Security is depleted.

Yours truly,

Mr. and Mrs. A. B. RILEY.●

LAW OF THE SEA TREATY REPORT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FIELDS. Mr. Speaker, I submit for the record the conclusions of a 21-page report and update on the United Nations Law of the Sea Conference (UNCLOS III). This report is part of a larger project, the United States assessment project, being carried on by the Heritage Foundation. Mr. Ed Feulner and his associates at the foundation deserve the thanks of all Americans for the work they carry out in general, and for this much-needed project in particular.

In that line, I also submit an article from a recent issue of the American Legion magazine upon the subject of the United Nations. As the author, Mr. Clarke, noted, many Americans are totally fed up with billions of their tax dollars being used to support an organization that is vehemently anti-American. I add my personal praises for the extraordinary job our U.N. Ambassador, Jeane J. Kirkpatrick, is doing in representing this Nation. Her remarks and conduct serve the interests of her Nation better than those of any past Ambassador simply because they represent the reality of the world in which we must live. I cannot say enough to express to her my personal gratitude.

I commend both these inserts to my colleagues.

CONCLUSION

Given the refusal of many delegates to UNCLOS III, particularly among the developing nations, to negotiate in earnest toward fulfilling the six objectives of the Reagan Administration, the decision of the U.S. Delegation not to approve the Sea Law Treaty is justified. It should be supported not only by those who had urged the Reagan Administration to reconsider the direction of the negotiations during the past decade, but also by those concerned with maintaining freedom to transit and explore the oceans and to develop the oceans' resources. For these groups, and for the Reagan Administration itself, however, several immediate, challenging tasks remain. Among them:

Demonstrating clear support for the rationale and decision of the U.S. Delegation to cast a negative vote on the Draft Commission;

Demonstrating to the American public and to the rest of the world community through all available media why approving the treaty in its present form fails to serve the best interests of either the U.S. or the developing nations;

Presenting equally clear reasoning, based on the above, why the U.S. should not sign the treaty, and why the Senate should not ratify it;

Demonstrating that both the ideological and practical objections to the Draft Convention are shared by a large, diverse body of public and private interest groups, politicians, businessmen, and concerned citizens, and that these objections will neither diminish nor disappear with a change in the political power structure in Washington;

Stressing the willingness of the United States to enter into reciprocal arrangements with its allies and with any other nation who wishes to cooperate in acknowledging mutual recognition of claims and ensuring a market approach to the mining of minerals within the seabed.

In summary, the main philosophical argument against the current Draft Convention of the Sea Law treaty is that it is based on the concept of property that the seabed is the "Common Heritage of Mankind," which is antithetical to the American belief that property ownership devolves on those who take risks to identify natural resources and mix their labor with them. Secondly, the concept of the "Common Heritage of Mankind" has been used by the U.N.'s G-77 as a vehicle to establish the "New International Economic Order," a massive redistribution of wealth from the developed to the undeveloped nations of the world. Such direct transfer of wealth and resources is certainly not in the best interests of the United States or its industrial allies, nor would it ultimately benefit those nations who seek it. The NIEO has already been identified as antithetical to the long-term goal of improving the social and economic ills within the Third World. The Reagan Administration has proposed more workable solutions that would rely on self-sufficiency, supply-side economics, and "bottom-up" development initiatives.

From the practical point of view, the current draft of the Sea Law treaty is objectionable because its anti-production bias would restrict the world supply of minerals and U.S. access to strategic minerals; and because it contains concessions to the devel-

oping nations that would create a disastrous precedent for future international negotiations.

Finally, since all maritime states already enjoy through accepted international law the privileges that would supposedly be granted in the non-seabed articles of the treaty, it offers no additional benefits to its potential signatories. In certain instances, the nonseabed articles may demand that the major maritime states give up much of what they now enjoy in such areas as fisheries management.

For these many practical and philosophical reasons, the United States should refuse to become a signatory of the Draft Convention of the Sea Law treaty as it now stands, and should actively seek an alternative regime that would allow, in cooperation with other nations, true freedom of access to the sea and its many valuable resources.

ROGER A. BROOKS,
United Nations Assessment Project.

BATTLING BACK AT THE U.N.

(By Philip C. Clarke)

The U.S. Ambassador to the United Nations, Jeane J. Kirkpatrick, was more than indignant. She was outraged.

In September, the heads of 93 Third World delegations meeting at U.N. headquarters in New York City had issued a communiqué accusing the United States of almost every international crime conceivable. We were proclaimed guilty of, among other things, causing a new arms race, exploiting the world's poorer nations, undermining the rights of the Palestinians, committing aggression against Libya, supporting militant Zionism, destabilizing Cuba, Nicaragua and Grenada, and maintaining colonial rule in Puerto Rico.

While assailing the United States as the primary threat to world peace and stability, the 21-page tirade failed even to mention the Soviet invasion of Afghanistan.

"Enough is enough!" exploded the U.S. Ambassador. Without waiting for Washington, she fired off nearly identical letters to 60 of the Third Worlders normally considered neutral or, at least, not hostile.

"Your Excellency," the letters began, "I think you no more believe these base lies and malicious attacks upon the good name of the United States than I do, and I do not believe they are an accurate reflection of your government's outlook. And yet, what are we to think when your government joins in such vile, absurd and erroneous charges, for that is what you have done in failing to disassociate yourself from them?" She closed by saying, "I would very much appreciate hearing from you."

The letters hit the plush-carpeted lounges and corridors of the U.N. like a bombshell. Some of the more committed anti-Americans, accustomed to insulting the U.S. with impunity, were shocked and infuriated. Others deplored what they saw as a resort to "undiplomatic rhetoric" reminiscent of the Cold War. But about a third of the recipients reacted with embarrassment, offering a variety of excuses. A few lamely confessed they hadn't really examined the document. Significantly, more than half of the signers promised to disassociate themselves from the virulent anti-U.S. diatribe.

Did Ambassador Kirkpatrick's blunt back talk do any real and lasting good? In an interview with The American Legion Magazine, the feisty, 55-year-old political science-professor-turned-diplomat said she's certain that many Third World delegates will now think twice before automatically signing everything handed down by extremist leaders of the NAM, acronym for the U.N.'s influential and free-wheeling Non-Aligned Movement. "The letter also helped encourage our good friends to work a little harder for more balance," said the Ambassador.

Kirkpatrick also had an answer for a tradition-minded colleague who suggested it was "demeaning" for the U.S., a superpower, to respond to the provocations of lesser nations. "A dog," he tut-tutted "does not fight with a chicken." Snapped the Ambassador: "Yes, but what if the dog is being pecked at by 93 chickens?"

In the 157-member U.N., in fact, most delegations behave as part of a pack, voting not necessarily their consciences or even in their nations' best interests, but as members of a political, geographical or ethnic bloc. Overlapping all is the largest and most disciplined bloc, the Non-Aligned Movement. Founded 20 years ago on the initiative of Third World leaders Tito, Nehru and Nasser, to offset the U.N.'s preoccupation with East-West rivalries, the NAM has since grown to embrace all African and Arab states, most of the Asian nations and a small but increasing number of Latin American countries. Without exaggeration, whatever NAM wants in the U.N., NAM gets. And what it gets is usually what Moscow wants, particularly now that NAM's chairman is Communist Cuba's Foreign Minister, Isidore Malmierca Peoli.

During the Carter Administration, U.N. Ambassador Andrew Young worked closely with Third World delegations, particularly with the African "front line" states in their opposition to South Africa and former, white-ruled Rhodesia (now Marxist-ruled Zimbabwe). Since then, the U.S. has shied away from playing bloc politics and now usually finds itself alone and isolated—a splinter of one without a party. Even the West European group of "10," including loyal members of NATO, often deserts the United States in the U.N., preferring to "play chicken" and abstain on many controversial votes rather than risk the wrath of the non-aligned majority.

American diplomats recount with wry amusement how the delegates of some friendly allies often blithely vote with the majority against the U.S., and then later apologize over cocktails, saying: "Sorry, old chap. We really didn't mean it, but you know how it is."

Former U.N. Ambassador Daniel Patrick Moynihan, now the Democratic Senator from New York, once remarked that the U.S. was "frequently reduced to voting in a bloc which, with variations, consisted of ourselves, Chile and the Dominican Republic." Since then, says Jeane Kirkpatrick, "we seem to have lost Chile and the Dominican Republic.

"What we really have in the U.N.," says Ambassador Kirkpatrick, "is a kind of 'silent majority.' The moderates don't speak up, so the radicals dominate on the side of the Soviet Union. As a consequence, the Soviets emerge the winners."

Yet, despite deliberate attempts by adversaries to humiliate the U.S., Kirkpatrick denies any intention to be confrontational toward the nonaligneds. "We try very hard to cultivate good relations with the Third World," she says. "The only time we engage in verbal attacks is when we are first attacked. And we think it's entirely appropriate to respond instead of simply suffering in silence."

In one instance, Mrs. Kirkpatrick exercised her right of reply in the U.N. after an Ethiopian delegate charged the U.S. with "spearheading" an imperialist effort to "reverse national liberation and social emancipation in Southern Africa." Warning the U.S. "cannot sit by quietly when the Big Lie echoes here," she branded the accusation "an extreme example of the Orwellian inversion of truth." She then proceeded to list, in documental detail, a catalog of atrocities committed by Ethiopia's Marxist regime against its own and neighboring peoples. Example: 30,000 political executions in Ethiopia in the past four years.

Regardless of whether she's winning friends and influencing people at the U.N., Ambassador Kirkpatrick is gaining strong support in Congress and among the American public. Both houses of Congress are on record—the Senate by an 88 to 0 vote—in favor of withholding U.S. aid to countries that continue to side with the "hate America" cabal.

Her no-nonsense attitude was in sharp evidence during the debate early this year on Israel's alleged annexation of the Golan Heights, conquered from Syria in the June 1967 Arab-Israeli war. The Ambassador chastised the 15-member Security Council for "unleashing a tide of invective" against Israel and the U.S., and for talking loudly of aggression and popular will without even considering "the massive, brutal repression of the people of Poland."

"What an extraordinary institution this is," she admonished, peering in her professorial manner over horn-rimmed glasses at the uneasy male delegates. "It has been a month since the imposition of martial law in Poland, and yet there has been no mention here of the violation of Poland's human rights (or) the violations of the U.N. Charter, the Helsinki Declaration and the Universal Declaration of Human Rights that have occurred in Poland."

By all indications, an overwhelming majority of Americans are fed up with shelling out 25 percent of the U.N.'s budget to support an organization that seems to spend a majority of its time "spitting in Uncle Sam's face," to quote one scornful cynic. Adding injury to insult, the United States' contribution is nearly double that of the Soviet Union and Japan combined, and more than three times West Germany's share.

Americans also grumble over what they regard as the U.N.'s lavish life style and unreasonably high salaries. The U.N. Secretary General, for example, receives $158,340 a year, tax free, plus a $22,500 "hospitality allowance." Since the U.N. began operations in 1946, until permanent headquarters were completed in 1952, the United States poured at least $10 billion into the world body. And this figure doesn't include the $8.5 million donated by John D. Rockefeller, Jr., for the 18-acre headquarters site in midtown Manhattan and the $67 million interest-free loan from the United States for the U.N.'s complex of majestic buildings.

The specific questions Americans are asking with growing irritation are: What, if anything, are we getting out of the U.N.? Is it worth all the money and the abuse we endure?

Few Americans, however idealistic, still entertain the lofty hopes of the U.N.'s founders or believe that its members honor the charter's admonition "to practice tolerance and live together with one another as good neighbors * * *." Even a majority of the U.N.'s own diplomats, in an in-house survey, were found to be disillusioned with the organization.

Optimism ran high when, as World War II was nearing its end in 1945, the representatives of 51 U.N. charter members—including the U.S., Britain, France, China and the USSR, as the veto-empowered Big Five—converged on San Francisco's Civic Opera House to create this bold new instrument "to save succeeding generations from the scourge of war."

To allay Joseph Stalin's suspicions of being outmaneuvered by the U.N.'s initial Western majority, the U.S. and its allies agreed to give the Soviet Union not one, but three voting memberships—the USSR, Byelorussia and the Ukrainian S.S.R. This contrived Soviet advantage remains, even though the Soviet bloc and its supporters in the Third World now easily outvote the West on most major issues.

Post War tensions between East and West soon were reflected in the arena of the United Nations itself. At the U.N. General Assembly in Paris in 1948, Eleanor Roosevelt argued long and bitterly with a Soviet professor before the Assembly approved the Universal Declaration of Human Rights. Open to varying interpretations, it has had little relevance to the real world. In 1960, Russia's Nikita Khrushchev created a spectacle at an Assembly session in New York by banging his shoe on a desk. Cuba's Fidel Castro added ridicule by plucking chickens in a Manhattan hotel lobby and preaching revolution to crowds in Harlem.

The 1960s saw the PLO's Yassar Arafat, a pistol bulging beneath his robes, flailing away at Israel and the U.S. from the Assembly's rostrum. And when Nationalist China, one of the original Big Five, was booted out of the U.N. and its seat awarded to Peking, Third World delegates cheered and danced in the aisles.

As Secretary of State Dean Acheson once remarked: "The U.N. was oversold to the American people from the very beginning. Its charter was depicted as a kind of Holy Writ."

No longer. A March 1981 Roper Poll indicated that only 10 percent of the American public believe the U.N. has been "highly effective." Yet, even the U.N.'s most consistent detractors concede that some good has been done. A U.N. high point came in 1950 when President Truman got the Security Council to come to South Korea's defense after it was invaded by North Korea. This was due to the fact that a few days earlier the Soviet delegate had staged one of his periodic walkouts and, thus, wasn't on hand to veto the Korean action. Although American forces did most of the fighting and dying, 15 other nations sent at least token contingents, and 41 countries sent supplies. And, the "bottom line," South Korea was saved.

Over the years, other U.N. peace-keeping forces have managed, more or less, to keep occasional brushfires from getting out of control, notably in the Congo in 1960 and in the India-Pakistan conflict in 1965. In their largest operations, U.N. forces have maintained uneasy truces between wars in the Middle East, losing 34 men killed and 110 wounded in southern Lebanon since 1978. Moves are now under way to increase the 11-nation U.N. contingent in that explosive region from 6,000 to 7,000 troops.

At the same time, however, some critics contend that the U.N.'s presence has prevented any real settlement between the antagonists. Whatever the case, there's general agreement that some of the U.N.'s "specialized agencies" have proved useful, especially in providing technical assistance to the underdeveloped, and humanitarian aid to the hungry and homeless.

After visiting U.N refugee camps in Thailand and Pakistan last year, Ambassador Kirkpatrick had high praise for the Office of the High Commissoner for Refugees, winner of Nobel Peace Prizes in 1954 and 1981. Operating out of Geneva with a staff of about 1,000--small by U.N. standards—the agency has cared for millions of the world's displaced for more than 30 years.

Other U.N. agencies, however, have been almost as politicized as the General Assembly itself. In recent months, only the threat of a cutoff of U.S. funds has slowed efforts by the U.N. Educational, Scientific and Cultural Organization (UNESCO) to impose what's called a "New World Information Order," or NWIO. Under leftist domination, NWIO could lead to the licensing of journalists and censorship of world information.

Ambassador Kirkpatrick believes the United States has, in her words, "acquiesced in the perversion of a good many of the U.N. agencies and activities by failing to object as vigorously as we should have, or to demonstrate our unhappiness, for example, by withholding funds." She cites such agencies as the International Labor Organization (ILO), the U.N. Environmental Program, and the Decade of the Women's Conference as among the agencies that had been transformed into platforms for anti-U.S. demagoguery.

U.S. policymakers are increasingly concerned, for example, over a U.N.- sponsored scheme known as the "New International Economic Order," or NIEO. NIEO is based on the premise that the industrialized Western nations are largely responsible for the poverty of the less developed countries and, therefore, are obligated to solve their problems. NIEO's backers, comprising a solid majority of U.N. members, have devised a plan for "global negotiations" to achieve their objectives. Kirkpatrick says that by eliminating economic freedom, NIEO and "global negotiations" are "recipes for failure."

Less known, but equally alarming, is a U.N. agreement for an international regime to govern the exploration and development of resources on the moon and elsewhere in outer space. Again, the less-developed nations would have the biggest voice. The U.S., for obvious reasons, has refused to endorse this scheme.

Last December, the General Assembly instructed the "Centre on Transnational Corporations," another U.N. spinoff, to prepare a register of profits made predominantly by Western business interests in areas under "colonial domination." And the U.N.'s, new Secretary General, Javier Perez de Cuellar, has called for accelerated "global negotiations between North and South" (i.e., the developed and the under-developed nations), with the purpose of redistributing wealth and "social well being" to the latter.

Another source of continuing controversy involves the diversion of U.N. funds to what most Western members regard as terrorist organizations. According to statistical records, a number of U.N. agencies have been helping to finance the Marxist-dominated South West Africa People's Organization (SWAPO), which has been waging a guerrilla war for several years in mineral-rich Namibia, formerly mandated to South Africa. One such agency, the U.N. Development Program (UN-DP), has provided SWAPO with at least $185,000 for "education and training," and the General Assembly has formerly granted the guerrilla group recognition as the "sole legal representative of the Namibian people." Nonetheless, the U.S. and other Western powers are pushing an independence plan aimed at a more peaceful and democratic solution.

Beyond all, there's the nagging worry that the Soviets and their Communist partners are making even greater use of the U.N. as a giant spy nest to steal our secrets and to plot terrorism against our free institutions and leaders. Ambassador Kirkpatrick told the American Legion Magazine that "everyone knows there is a large surveilliance and espionage activity, including electronics, going on here. But the FBI and other security agencies of ours are absolutely keeping an eye on this."

As for our Ambassador, she means to keep a closer than ever watch over any and all attempts at the U.N. to run roughshod over American principles and interests. "It seems to me," she said, "that what we have to do is hang in and engage in dialogue and keep looking at the evidence . . . and keep trying to point other people toward it, and not mind terribly much if, in fact, we stand alone or nearly alone.

"I believe," she added, "that if we work harder at the politics of the United Nations, we may at least win back a few regular allies. In any case, I think we will not and should not get out of the U.N. But neither will we acquiesce in the allocation of responsiblity for crimes we did not commit, and neither will we acquiesce in prescriptions for remedies which we do not believe will work."

Furthermore, Kirkpatrick intends to keep pressing for a full discussion of the Communist crackdown in Poland, first in the U.N.'s Human Rights Commission and later in the General Assembly. And the U.N. will be hearing more U.S. evidence of the Soviet-sponsored use of "yellow rain," or mycotoxin poisons, against defenseless populations in Laos, Cambodia and Afghanistan. Not surprising, a U.N. fact-finding mission to Southeast Asia last year, headed by a Soviet official, failed to reach a conclusion on the "yellow rain" charges.

With the U.N.'s blocs stacked against the U.S., isn't a fair deal out of the question?

"Not necessarily," says Ambassador Kirkpatrick. "In January 1980, we were joined by 103 countries in condemning the Soviet invasion of Afghanistan, while only 18 voted on the Soviet side. Eleven months later, the vote against the Soviets was 111 to 22." The General Assembly also voted to condemn Iran's seizure of U.S. hostages in 1979.

At the same time, Mrs. Kirkpatrick readily concedes that the U.S. cannot expect a realignment in the U.N. any time soon. Still awaiting possible further action is a Soviet-supported resolution, adopted last year by the U.N. Special Committee on Decolonization, condemning the U.S. for allegedly perpetuating "colonial rule" over Puerto Rico.

Yet, the Ambassador professes no great surprise or concern at "the failure of the U.N. to ensure peace in a world of fractious people. I am more bothered," she said, "by the possibility that the U.N. actually makes conflict resolution more difficult than it otherwise would be."

She stressed this danger in an address before The American Legion's Foreign Relations and National Security Commissions last February. Responding to questions, she said: "If we look at what happens in New York in the Security Council and the General Assembly, then I guess I believe it is a very dismal show. And what is worse, I think its effect is almost precisely the opposite of the intentions of the founders of the United Nations . . . above all to assist in conflict resolution.

"What we find, instead, is that conflicts, rather than being resolved, are in fact polarized, extended and exacerbated. They are much harder to solve, generally speaking."

Ambassador Kirkpatrick told The American Legion Magazine that she sees the present period as "perhaps the most perilous in our history." The dangers, she added, arise "from the conjunction of two factors: U.S. military inferiority and the growing Soviet activity that threaten our interests all over the world. I do believe we are confronted with an unprecedented challenge while we rebuild our strength.

"If we keep our powder dry and our hopes up," said Ambassador Kirkpatrick, "we can come through this all right. . . . We must be

cool, clear-eyed and level-headed about responding to Soviet challenges." Furthermore, she said, it's important for us to remain in the U.N. "if for no other reason than it's there, a reality, like Mt. Everest.

"To survive," says our Ambassador, "the U.N. must restore contact with what is real. The true interests of a vast majority of nations at Turtle Bay most surely are self-determination, self-government, democracy, development, peace—the goals that inspired the founding of the U.N. Anything which distracts from their pursuit is time wasted."

For Americans tired of being kicked around at the U.N., too much time already has been wasted. For a change, the United States—as the U.N.'s host country and largest contributor—is demanding respect for its rights as a sovereign entity.

Also for a change, it appears that the U.N. is beginning to listen.●

EAGLE SCOUTS IN SEEKONK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FRANK. Mr. Speaker, I was recently privileged to participate in a very important ceremony in the town of Seekonk, Mass., in which a group of very impressive young people were honored for their outstanding achievement. Two of these young people Gary Crowley and Christopher Vandal achieved the rank of Eagle Scout. In addition, they joined several of their fellow young people in becoming the first Americans to receive, on American soil, the Duke of Edinburgh awards for outstanding achievement in various areas.

The presentation of this important award to these young Americans was largely the result of the very dedicated work of Dr. Albert J. Roy of Scout Troop 3 in the town of Seekonk. Dr. Roy has been a tireless worker on behalf of young people and it was a privilege for me and other elected officials to join in making the awards which his hard work had made possible.

Mr. Speaker, I wish to include here a list of the winners of the various awards:

Eagle Scout: Christopher Vandal, Gary Crowley.

Gold Duke of Edinburgh: John Ellis, Philip Berson, William McNally, Andrew Hiccox, William Carden, Scott Bosworth, (Miss) Fiora Harris.

Silver Duke of Edinburgh: Christopher Vandal, Gary Crowley, Michael Slattery.

Bronze Duke of Edinburgh: Richard Ellis, James Harrison, Harold Carlson, Thomas Fasteson, Robert Tavares, Christopher Eva, Timothy Bessette, Brian O'Connell.●

POW'S FIGHT FOR DIGNITY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LAGOMARSINO. Mr. Speaker, most newspaper articles on Vietnam these days seem to revive the old arguments against the war and the comparison to more contemporary events. However, a recent article in the Wall Street Journal of April 16, 1982, written by Adm. James Stockdale, offers a keen insight into the mind of a Vietnam prisoner of war and the psychological battle he fought with his captors. It is to the credit of these POW's that they continued to fight for their own dignity during the long years of captivity in North Vietnam.

DIGNITY AND HONOR IN VIETNAM

(By James Bond Stockdale)

Chivalry was dead in my prison. Its name was Hoa Lo, meaning "fiery furnace," located in downtown Hanoi, a prison the French built in 1895.

I arrived there, a prisoner of war in North Vietnam, in the late morning of a rainy Sunday in September 1965, a stretcher case. I had a broken leg (which my welcoming party, a street mob of civilians, had inflicted), a broken back (which I charge off to my carelessness in not having had the presence of mind to brace myself correctly before ejecting into low-altitude, high-speed air from a tumbling airplane), and a gunshot wound in my good leg (which an irate farmer had pumped into my stretcher during my first night on the ground, an act I credit as morally neutral just to keep the score balanced). The North Vietnamese officer who presided over my arrival after three days in the back of a truck was about my age (42 at the time), also a career military man.

A PROPAGANDA FACTORY

I asked him for medical attention for my broken bones and open wounds. "You have a medical problem and you have a political problem," he said. "In this country we handle political problems first, and if they are satisfactorily resolved, that is, if you demonstrate a proper understanding of the American war of imperialist aggression in Vietnam and take concrete actions to stop it, we will attend to your medical problems." That was the last time the subject of medical attention for me ever came up in my next eight years as a prisoner of war.

In intense, bizarre form, the prison was an extortion factory, a propaganda factory. It was much like the one Dostoyevsky described in 19th Century Siberia, like the one Solzhenitsyn described in the modern Gulag. It was almost identical to the one Koestler described in the Moscow of the Stalinist purges, in that prison book, "Darkness at Noon," fiction no less, that gives me more shudders of authenticity than any other in print. Cervantes experienced the same pressures for seven years in a Moslem political prison in Algiers, after he was captured in the battle of Lepanto over 400 years ago.

These prisons are all the same; the name of the game is to unstring their victims with fear and polarize them with guilt. There are always more rules than can practically be obeyed, always a tripwire system to snare you in a violation that the jailers can brand as moral turpitude—and there is always an escape valve, a way to make amends if you repent.

The tripwire in Hanoi was based on the "no communication" rule. As with all tripwires, the prisoner had a choice to make, and he stood to lose either way. If he obeyed and did not communicate with his comrades, he accrued the conscience problems of betraying his fellows and at the same time sentenced himself to a desperate loneliness which would likely get to him after a year or two. If he communicated, and this was the only way to go for loyalty, for a feeling of self-worth, for dignity, he would periodically be caught and tortured under the charge of ingratitude for the "humane and lenient treatment" he was being given.

KOESTLER'S COMMISSAR

(Incidentally, communication grew to be a very refined, high-volume, high-speed, highly accurate though dangerous art. We used the same code Koestler's fictional Commissar N.S. Rubashov used during his Moscow trial and execution period in the late 1930s).

By torture, I don't mean leg irons or handcuffs or isolation. We were always careful to remind ourselves that those were just inconveniences, not to panic. By torture we meant the intentional imposition of pain and claustrophobia over as short a time as necessary to get the victim to "submit."

In my experience this is best done by heavily slapping the prisoner, seating him on the brick floor, reeving his upper arms with ropes, and while standing barefoot on his back cinching up the elaborate bindings by jerks, pulling his shoulders together while stuffing his head down between his feet with the heel of your foot. Numb arms under contorted tension produce an excruciating pain and a gnawing but sure knowledge that a clock is ticking while your blood is stopped and that the longer you wait before submitting the longer useless arms will dangle at your sides (45 minutes of blood stoppage usually costs about six months of dangle). The claustrophobia also concentrates the mind wonderfully.

How long to submission for a good man? About 30 minutes. Why not hold your silence and die? You can't just will yourself dead and have it happen—especially in that position. Why not just give them what they want and be done with it? Reasons that come to mind include dignity, self esteem, contempt for B-grade pageants. They can make you tell them most anything they know you know. The trick is, year in and year out, never to level with your captors, never let them really know what you know.

There are a lot of things you can't do with torture. Aristotle said that compulsion and free will can coexist, and he was right. Unlike our courts, spring-loaded to excuse any action to which the general term coercion is attached, prison societies get down into the messy details of degree of coercion and complicity before making judgments. The man about to undergo torture must have burned into his mind the fact that he can be hemmed in only within a very narrow window and that he need not volunteer information or "spill his guts."

How exactly to behave in the ropes, to make the torture team work for everything they get—the specific information, the personal concessions—to give no indication that you're short on courage yet supply a convincing submission before you've lost your mental skills, to minimize their net gain after you are let up and sat before the tape recorder, are all matters of dramatic art—a deadly dramatic art, which if revealed for what it is will assure your being reduced to a whimpering heap in minutes.

For all this, it obscures the fact that the extortion experience, even in a harsh political prison, is not a physical experience. It's an emotional experience.

I do not mean an experience like "getting brainwashed" or "breaking" or falling into the arms of your captor, smitten by "Stockholm Syndrome." Yes, over time, pain and isolation, a "persuasive interrogator" and lack of sleep can probably bring about dis-

continuities in the victim's decision-making patterns, but never a "whammy" that would go as deep as character change. Nobody who has had any extensive experience in captivity would have the guts to try to pass off succumbing to intolerable pain or even suffering a nervous breakdown as a case of being "brainwashed" or "breaking" or developing a "syndrome." Seasoned hostages see these terms for what they are—polite expressions that allow the inexperienced to feel more comfortable in avoiding the issue of holding a person responsible for his actions.

To keep your integrity, your dignity, your soul, you have to retain responsibility for your actions, to deal with guilt. ("Yes, I lost the bubble, I might have done better, but I didn't.") You need to look squarely at what you did and measure its limited gravity in the light of the overall truth of the total situation, then use the guilt, such as it is, as a cleansing fire to purge the fault, as a goad for future resolve, and above all not be consumed by it. But you have to do all this yourself. To say guilt doesn't exist or that it was the work of "evil spirits" or "brainwashers" is self-delusion.

PRISON NIGHTMARES

The political prison experience is an emotional experience in that you learn that your naked, most inner self is in the spotlight, and that any detected shame or deep fear, any chink in your moral armor is a perfect opening for the manipulative crowbar. And once the manipulator gets it into you, he can put you out front working for him because he has something on you of which you are genuinely ashamed; he has the means to destroy your reputation if you fail him. Fates like that are what prison nightmares are made of, not fear of pain.

When good people try to commiserate with a person coming out of these circumstances, the language of both parties seems to find common meaning only in terms of physical things—years of solitary, months or years in leg irons, torture stories, mail deprivation, weight loss and so on. Relatively speaking, those are hardly problems at all. (It was not uncommon among us to try to starve yourself, to make yourself an immobile Gandhi, just to take yourself out of the eligibility zone of those they were trying to entrap into public exposure with the touring of a "fact-finding" American.) For us, the deprivations from the physical side of the good life and even the pain and the loneliness were shallow complaints compared to finding yourself stripped of all entitlement to reputation, love or honor at home.

I am often asked: "What are the attributes of those who best measure up in these circumstances?"

Rather than high thresholds of pain, I think it was the persistent practitioner of endurance who carried the day for courage. The game of physical intimidation was not won or lost in one grand showdown. The hero of us all was the plucky little guy who made them start all over every day, the person who refused to accept the extortionist's logic of "being reasonable," of accepting the inevitable, of granting yesterday's tortured concession free of charge today.

Fierce political dedication undoubtedly strengthened the resolve of some. But if I were an interrogator trying to make a good estimate as to whether the new prisoner across from me was likely to be a soft touch, I wouldn't base my estimate on the vehemence of his political protestations. But I would be delighted if he seemed to need my reaction to his expression of political virtue. The player who needs to interact with those around him, even his enemies if friends are not available, is an extortionist's dream. Lock people like that up for a few months and they start looking for a friend.

Religious conviction? It was certainly a positive force for the great majority of us. But indispensable? No. Some good prisoners did not rely on it. What is indispensable to avoiding entrapment in the web of fear and guilt is the ability to stand isolated, without friends and surrounded by entreaters, and quite uncharitably say "no," without the crutch of anger, without embarrassment, with finality and with commitment to the consequences. This is a very hard thing for many well-brought-up, mannerly, considerate, American men and women to bring themselves to do. It seems so impolite to leave it at just "no."

A CONFRONTATION

This sort of thing was a big initial hurdle for the typical young, well-brought-up, well-educated American pilot in prison. He was put through the gantlet when shot down, and maybe the next day's target list was beaten out of him. This he more or less expected. But a month later, after lying low, learning to communicate through the wall, receiving all the standing orders of unified resistance, he is pulled out for interrogation and told to read Harrison Salisbury's Hanoi articles from the New York Times over the prison public-address system. He has been warned by the American next door that this would be coming up. Moreover he has been coached by this experienced friend, and so he goes through the dialogue, but it seems awkward to him this first time:

"Good morning," says the interrogator. "You look well. I have your first assignment for you. We want to provide the American criminals with news from U.S. newspapers, but we Vietnamese have an accent that makes us difficult to understand on the camp radio. You will read these American articles into the tape recorder and they will be played at noon today."

"No."

"What do you mean, no. The camp regulations require that you obey all orders. You must do it. My superior has decreed that you shall do it."

"I refuse."

"You can't refuse. You must obey the laws of this country. You are a criminal. If you refuse, you will be severely punished. Shall I call the guard and have him punish you? I think you remember the punishment, and that you cannot overcome it. What do you say?"

"I say nothing. The problem is not mine, it is yours. It's up to you."

Many of us are brought up to believe that a person, particularly a person in authority, is entitled to an explanation, at least a better answer than a figurative "stick it in your ear." It seems so unfair, so unnatural not to drop in a word of regret or at least a counterproposal. (And any smart extortionist will know that.)

It was the counterproposal that our captors counted on to get us on the hook—we become partners that way, guilty partners. "You are an American, you are a pragmatist, your submission is inevitable. We don't like to punish you. Meet us half way. Be reasonable."

FIGHTING CITY HALL

Young Americans in Hanoi learned fast. They made no deals. They learned that "meeting them half way" was the road to degradation. My hypothetical young prison mate soon learned that impulses, working against the grain, are very important in political prisons, that one learns to enjoy fighting city hall, to enjoy giving the enemy upside-down logic problems, that one soon finds himself taking his lumps with pride and not merely liking but loving that tapping guy next door, the man he never sees, the man he bares his soul to after each torture session, until he realizes he is thereby expiating all residual guilt. Then he realizes he can't be hurt and he can't be had as long as he tells the truth and clings to that forgiving band of brothers who are becoming his country, his family.

This is the power of comradeship and high-mindedness that ultimately springs up among people of good will under pressure in mutual danger. It is a source of power as old as man, one we forget in times of freedom, of affluence, of fearful pessimism—like now.

Eight years in a Hanoi prison, survival and dignity. What does it all come down to? It does not come down to coping or supplication or hatred or strength beyond the grasp of any normal person. It comes down to unselfish comradeship, and it comes down to pride, dignity, an enduring sense of self-worth and to that enigmatic mixture of conscience and egoism called personal honor.●

HOUSE JOINT RESOLUTION 375

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. WEISS. Mr. Speaker, in the last minute rush to enact House Joint Resolution 375, a resolution to declare the week of June 13, 1982 National Orchestra Week, the names of the following Members desiring to be cosponsors were inadvertantly omitted: Mr. BETHUNE; Ms. MIKULSKI; Mr. HYDE; Mr. BIAGGI; Mr. PHILLIP BURTON; Mr. TAUZIN; Mr. LIVINGSTON; Mrs. COLLINS of Illinois; Mr. LOEFFLER; and Mr. LONG of Louisiana.

I request that their names appear as cosponsors of House Joint Resolution 375, now signed into law by the President as Public Law 97-183.●

NO AMNESTY FOR ILLEGAL ALIENS

HON. JIM JEFFRIES

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. JEFFRIES. Mr. Speaker, there is currently moving through Congress legislation that would reform our immigration laws, but which contains a fatal flaw: sweeping amnesty for illegal aliens. This amnesty proposal will intensify two serious economic problems which the United States now faces: First, unemployment, and second, deficit spending. To grant amnesty to millions of illegal aliens in a time when unemployment is over 9 percent and when the Nation is struggling to reduce the largest deficit in history, is inimical to the welfare of this country.

Currently unemployment is 9.4 percent, the highest percentage since post World War II, and, consequently, 10.3 million Americans are jobless. This high unemployment figure could be

drastically reduced if millions of valuable jobs now held by illegals were made available to Americans who deserve them. Leonard Chapman, former Commissioner of the Immigration and Naturalization Service, estimated in 1976 that illegal aliens held 1 million good paying jobs, and that 2 to 3 million more illegals had acquired lesser paying jobs. Former Deputy Chief of the U.S. Border Patrol, Gordon MacDonald, now estimates that Chapman's figures have doubled. These facts were supported by Attorney General William French Smith when he testified before a Senate subcommittee that a substantial 30 percent of illegal aliens hold blue-collar jobs, and that only 15 percent of the illegals are estimated to work in agriculture. Therefore, it is fallacious to presume that illegal aliens only hold low paying jobs. According to Donald Huddle, an economist from Rice University, illegals are earning $7 billion a year in wages from the construction industry alone.

These lawbreakers not only take billions of dollars in revenue from American citizens, but they augment unemployment—which causes the Treasury to go in the red $29 billion for each percentage-point increase. From these facts and others, I believe it would be ludicrous for this Congress to support amnesty, when illegal aliens currently have millions of jobs badly needed by Americans.

Granting amnesty to illegal aliens will also increase costs in the Federal welfare assistance programs and, thus, cause the Federal deficit to loom larger. Already, studies report that aliens are using and abusing welfare all over the country. Welfare costs will intensify substantially if these illegals are granted legal entry and are eligible for permanent governmental assistance. Amnesty will also have repercussive effects, for it allows illegals to bring into the country relatives, outside of normal immigration quotas. This will augment, even more, the number of people eligible in the United States for unemployment or welfare assistance.

The National Association of Counties (NAC) conservatively estimates that expenses during the first year of amnesty for illegals, will require the Federal Government to pay $513.5 million, in order to assist 2.7 million illegal aliens in cash and medical assistance. Attorney General Smith estimates that the number of illegals in the United States is much higher, stating that 1.5 to 2 million illegal aliens enter the country each year. Hence, most experts estimate that there are roughly 10 million illegal aliens in the United States. If this is the case, NAC's total cost figure for the Federal Government should be around $2 billion—for the first year alone.

Amnesty will impose a similar burden on State and local governments. Los Angeles, San Diego, Miami, and New York already report that they have lost millions of dollars in granting free hospital care for illegals. The sweeping amnesty proposal presently moving through Congress will, in effect, require the States and localities to bear over one-half of the total welfare cost burden. The NAC refuses to accept this imposition. Speaking on this issue they said, "The Federal Government—not States and localities—should bear financial responsibility for the costs of the legalization program. It is the Federal Government which is responsible for national immigration policies—including responsibility for controlling our Nation's borders against illegal immigration." Their estimate for State and local governments, during the first year of amnesty for illegal aliens in local cash and medical assistance, is $546 million. Again, taking previously mentioned estimates into consideration, this figure could realistically be $2.2 billion. The total accrued cost for Federal and State governments in the first year after granting amnesty might reach $4.2 billion.

Amnesty discriminates against those seeking jobs who are coming to this Nation legally. There are currently 1,176,983 people waiting patiently to enter the United States as legal immigrants. Discriminatory amnesty would undermine the sense of justice upon which America is built. Such sweeping amnesty for illegal aliens also endorses lawbreaking. Speaking on granting amnesty to illegal aliens, Richard Schweiker, when Senator, said, "It put the Government squarely behind the lawbreakers, and in effect says, 'Congratulations, you have successfully violated our laws and avoided detection—here is your reward.'"

Efforts to prohibit sweeping amnesty for illegals do not originate from malevolence for newcomers, but rather because the United States can only assimilate a certain number of immigrants each year, if we are to maintain economic strength and social stability. The United States is the most generous nation in the world in allowing foreign nationals legal entry—808,000 in 1980 alone. This figure is more than any previous year in our Nation's history, and more than the rest of the world combined.

Proponents of amnesty for illegal aliens are critical of what will happen to illegals if amnesty is not granted. Critics argue that mass deportation is not feasible because of the large number of illegals or because such a massive deportation is inhumane. However, several measures can be implemented which will mitigate these criticisms. In regard to the U.S. ability to deport aliens, last year alone the Immigration and Naturalization Service deported over a million people. To say that the United States neither has the capability nor the resources to deport 3 to 6 million lawbreakers is simply wrong.

If other enforcement measures are implemented, mass deportations may not be necessary. Since jobs are the primary reason for illegal immigration, sanctions on employers that knowingly hire illegal aliens will cause many of the illegals to leave voluntarily. Jack W. Flynt, national commander of the American Legion, substantiated this argument by saying that "If jobs are unavailable, the illegals will depart on their own and at little cost to the Federal Government."

Because there is no current law to prohibit businesses from hiring illegals, Attorney General Smith spoke of its immediate necessity. He said, "Without a law against [hiring] illegal aliens, illegal immigration will not be stopped or even slowed down." By creating a secure identification system through social security cards, draft cards, birth certificates, or even by a new identification system, the United States could ensure a nondiscriminatory method of refusing illegal aliens jobs sought by Americans.

Most Americans do not want amnesty to be granted to illegal aliens. According to a November 30, 1980 Gallup poll, a majority of Americans opposed amnesty. One cannot blame the American people for feeling this way when, according to the Federation for American Immigration Reform, "one-half of all the new jobs created in the late 1970's went to legal and illegal immigrants." With the current unemployment rate spiraling upward, I believe many more Americans are motivated to stop the illegal flow of workers coming into the United States, and are ready to send illegals home who now have jobs wanted by American citizens.

I have recently introduced legislation, House Concurrent Resolution 334, which expresses the sense of the Congress that no amnesty be granted to illegal aliens. I urge my colleagues to join me in cosponsoring this measure to help provide Americans with more jobs and less taxes, and to maintain a sense of justice at home and abroad.●

LEBANON: OPPORTUNITY OUT OF CRISIS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. KEMP. Mr. Speaker, Israel's move into Lebanon has incurred dear costs, in terms of lives and property, but it has also wrought an opportunity for the West to restore sovereignty in Lebanon to where it rightfully belongs: with the Lebanese, to assure the security of our vital ally Israel.

If we act with foresight and resolve, I believe that the United States can join with the parties involved to fashion a solution to the problems besetting Lebanon that will address the root causes of the present conflict. In

particular, a withdrawal of Israel's forces should be contingent first upon the effective reassertion of Lebanese Central Government control over the south, or perhaps a multilateral peacekeeping force that could secure the border area. We should also seize this opportunity to negotiate a Syrian withdrawal from Lebanon.

If these goals are achieved, the resulting new order will be an enormous gain for regional stability and peace. First, the Palestinian terrorists base of operations will have been destroyed. Second, the Lebanese people will be free to reassert their independence and their democratic traditions. Third, the Soviet Union will have suffered a major setback in its quest to expand its influence and control through its Syrian surrogate and through its clandestine exploitation of the PLO. And forth, Camp David will have been given new vigor with the prospects of an independent Lebanon and perhaps other Arab nations lending support to the peace process.

President Reagan has called upon all parties to cease hostilities and for Israel to bring its forces home. "But this is not enough," the President stressed. "We must all work to stamp out the scourge of terrorism that in the Middle East makes war an ever present threat."

I agree Mr. Speaker. Anarchy in southern Lebanon has been a breeding ground for terrorists, freely exploited by the Soviets, a locus from which instability could be fostered and spread. Bashir Gemayel, leader of the Lebanese Christian Front, calls the Palestinian guerrillas in Lebanon "the Cubans of the Middle East". The United Nations force (UNIFIL) has been wholly ineffective in limiting terrorist activities. PLO intimidation of the local Arab population has been and remains the single greatest obstacle to the success of the autonomy talks. And PLO terrorist acts are a threat to free people worldwide. This is the scourge we are challenged to address.

But the problems afflicting Lebanon do not end with the PLO. It is Syria's occupation of nearly two-thirds of Lebanese territory that has deeply compounded the tragic disintegration of Lebanon's democratic government and political integrity. With Soviet backing, Syria's historical aspirations for a Greater Syria have found expression in Syrian domination, both militarily and politically, of Lebanon. Syria's forces in Lebanon, euphemistically called the Arab deterrent force, have only served to deter the central government from asserting its authority over Lebanon, which was once the only democracy in the Arab world. Many in Lebanon have expressed fears that the outcome of the Presidential elections scheduled for next month would be determined more by Syrian coercion than by the free choice of the electorate. Little by little, Syria has been consolidating its control over Lebanon, at the expense of Israel's security and of Lebanon's sovereignty.

Clearly, the status quo ante in Lebanon was intolerable: intolerable from the standpoint of the Israelis who live in range of Palestinian artillery, intolerable for the Lebanese who have been denied their sovereign rights over vast areas of their country, and intolerable for the United States and the Western world who seek stability and freedom from terrorism and the curtailment of Soviet power and influence in the strategically vital Middle East.

It is apparent that a mere restoration of a cease-fire is not enough to resolve the conflict in Lebanon. And forcing a precipitate withdrawal by Israel would be a tragic mistake. Absent a mechanism to guarantee a cordon sanitaire along the frontier, an Israeli withdrawal would only leave a vacuum which Palestinian forces would fill—as demonstrated by the events of 1978. And so long as Syrian forces occupy Lebanese territory, Lebanon's independence will be a sham.

I had occasion to visit Israel last year to meet its leaders and to meet Major Haddad, the leader of the Free Christian Lebanese Army in southern Lebanon. I would like to remind my colleagues of what I said in this Chamber upon my return from the Middle East:

> It is one of the most tragic situations on the face of this Earth that the sovereign rights of the Lebanese people have been ruthlessly disregarded for so long * * * Two-thirds or more of the nation of Lebanon, which was once a thriving democracy, which was once at peace, and which in all likelihood would have been a supporter of the Camp David accords, has now been invaded and occupied by external forces that are no friends of Lebanon, no friends of Israel, no friends of this country and no friends of peace * * * I am convinced that the "independence, sovereignty, unity and territorial integrity of Lebanon' cannot be sustained so long as the Syrians and the PLO are occupying that country.

The challenge for the United States is to seize the opportunity now before us to further the interests of the Free World—including a free Lebanon—in cultivating stability and enhancing the prospects for the continued success of Camp David and the realization of a lasting peace.

Mr. Speaker, today I sent a cable to President Reagan, expressing my concerns over a resolution of the crisis in Lebanon. I request that the text of that cable be reprinted in the RECORD.

Text of cable from Congressman KEMP to President Reagan, June 10, 1982:

> MR. PRESIDENT: My warmest greetings and compliments on your successful trip. I am writing out of concern over apparent pressures from some quarters to force a precipitate Israeli withdrawal from Lebanon. Israel has given us the opportunity to set back Soviet/Syrian advances in the Middle East, to destroy international terrorism's most fertile base of operations, to restore the sovereign rights of the Lebanese and reinvigorate the Camp David peace process. I would urge you to seize this opportunity by insisting that Israel's withdrawal be contingent upon a suitable arrangement to guarantee a secure border and the withdrawal of Syrian forces from Lebanon.
>
> With deepest respect,
>
> JACK KEMP.●

ENERGY TAX CREDITS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. McKINNEY. Mr. Speaker, despite the current dip in petroleum product prices brought on by the world oil glut, the goal of reducing our reliance on imported oil and developing domestic energy sources is still a high national priority. Our trade position and our national security interests demand that Americans continue to use energy wisely while we develop and commercialize new, innovative energy technology. I have vigorously advocated programs and policies designed to spur both conservation and alternative energy development. I would like to take this opportunity to outline the tax incentives, loans and grants available to my constituents in these areas. What follows is a summary of programs in which Connecticut residents may participate and the offices in Connecticut and Washington D.C., where additional information and assistance may be found. I hope that many of my constituents will take the initiative to look into these programs:

I. ENERGY TAX CREDITS

Energy tax credits are available for both the homeowner and businessman with restrictions on qualifying equipment as well as the life and amounts of credit available. A tax credit is a dollar for dollar offset against the amount you would normally pay in income tax.

For the homeowner: Taxpayers can presently take a 40 percent credit on the first $10,000 spent on renewable energy sources, which include solar, geothermal, or windpowered equipment. The maximum credit is $4,000. This credit may be taken until 1985. Individuals can also take a 15 percent credit on the first $2,000 spent on items to save energy, for a maximum credit of $300. Qualifying equipment includes insulation, caulking and weather stripping, modified flue openings, storm doors and windows, automatic furnace ignition systems, and clock thermostats. The credit is retroactive to cover systems installed after April 20, 1977 and is available through 1985.

If you have further questions, contact Carolyn Hammond of the state Internal Revenue Service at (203) 244-3473 and Box 959, Hartford, 06101 or contact your local IRS office at (800) 343-9000, with branches in Bridgeport at 915 Lafayette Blvd., 06604; in Stamford at 300 Broad Street, 06901; and in Norwalk at 83 East Avenue, 06851.

For business: Energy tax credits are available to business for equipment which uses solar or wind energy to generate electricity or provide heating, cooling, or hot water in a commercial structure. This credit is refundable. In addition, equipment which uses solar energy to provide industrial, agricultural or commercial process heat are eligible for a 10 to 15 percent non-refundable credit.

These credits cover systems installed between October 1, 1978 and January 1, 1986.

If you have any further questions about this type of credit, contact Carolyn Hammond of the state Internal Revenue Service, or your local IRS office, at the telephone numbers and addresses above.

TAX EXEMPTION IN CONNECTICUT

A Connecticut state program exempts newly installed solar energy heating or cooling systems from property taxes for the first fifteen assessment years. There are qualifications pertaining to the dates of installation.

Connecticut permits any municipality to exempt solar energy heating and cooling systems from property taxes. This exemption represents the difference between the assessed valuation of the real property with the solar system and with a conventional heating or cooling system. It will apply to any building or addition constructed on or after October 1, 1978 and before October 1, 1991 and will apply only to the first fifteen assessment years. The exemption applies to both business and individual homeowners.

If you want further information about this program, contact your local tax assessor at the following addresses and telephone numbers: Bridgeport: Leo McBride, City Hall, Room 124, Lyon Terrace, 06604 at 576-7243. Darien: Joseph A. Cullen, 719 Boston Post Road, 06802 at 655-0661. Fairfield: Thomas A. Fitzpatrick, 611 Old Post Road, 06430 at 255-8282. Greenwich: Albert Kirk, 101 Fieldpoint Road, 06830 at 622-7885. New Canaan: Gordon Donley, 77 Main Street, 06840 at 966-3539. Norwalk: Alan Fabrizion, 41 North Main Street, South Norwalk, 06850 at 838-7531, ext. 236, 237, 238, 239. Stamford: James Hyland, Old Town Hall, 429 Atlantic Street, 06901 at 358-4019. Trumbull: Irene Simalchik, 5866 Main Street, 06611 at 261-3631. Westport: John Byers, 110 Myrtle Avenue, P.O. Box 549, 06880 at 226-8311, ext. 100.

In addition, active and passive solar systems are exempted, with some restrictions, from the state sales tax. Alternative energy companies are exempted for the first five years from the state corporate income tax.

II. LOANS

Loans are available to home owners for the purpose of installing solar equipment and making energy conservation improvements on homes. Certain restrictions, guidelines, and upper limits exist on the amount of the loans.

HOME IMPROVEMENT LOANS

Homeowners may qualify for government guaranteed loans to install solar heating, cooling and hot water units under the Federal Housing Administration's Insured Home Improvement Loan Program. A maximum of $15,000 is available for up to fifteen years at an interest rate of 18 percent. (Interest rates are subject to change.)

To qualify, an individual must own or have a long term lease on the property, have a satisfactory credit rating and be able to pay back the loan over its term. Before approving the loan, the FHA must be satisfied that the solar system to be installed has proven to be reliable. Field offices have been issued guidelines for evaluating the acceptability of the proposed system.

FHA's willingness to guarantee loans for solar equipment may vary regionally. Applicants should contact the local HUD/FHA office or any approved lender.

For more information on loan activity, please contact Jim Anderson of the Federal Housing Administration, 451 Seventh Street, Washington, D.C. 20410, at (202) 755-6880, or your local FHA/HUD office, 1 Financial Plaza, Hartford, Connecticut 06103, at (203) 244-2268.

VETERANS' LOANS

The Veterans Administration guaranteed loan program can be used in connection with loans for a variety of conservation improvements, including insulation, caulking, weather stripping, storm doors and windows, and furnace modifications.

For more information contact Lyman Miller of the Veterans Administration, 810 Vermont Avenue, Washington, D.C. N.W., 20420, at (202) 389-2691.

OTHER LOANS

The Connecticut Department of Housing has established an energy conservation loan fund which subsidizes loans for the purchase of alternative energy devices. Interest rates vary depending on income. Loans range from $400 to $3,000. Contact the State Energy Office for more information in Hartford, 80 Washington Street, 06115 at (203) 566-2800 or the hotline at (800) 842-1648.

III. GRANTS

Grants are available for individuals, schools, and hospitals. The scope of the grants vary and the specifications differ with each program.

SCHOOLS AND HOSPITALS GRANTS

Energy conservation renovation grants to public and private non profit schools and hospitals are authorized under the National Conservation Policy Act. When fully funded, the program would pay up to 50 percent of the cost of energy conservation projects (or 90 percent in cases of severe hardship) with the state or private sources paying the remainder. Energy conservation projects may include solar heating and cooling, water heating and electric generating systems.

For more information on these grants contact Bob Chase of the Region I office of the Department of Energy, 150 Causeway Street, Boston, Mass., 02114 at (617) 223-5207.

LOW-INCOME WEATHERIZATION PROGRAM

This program provides grants for low income individuals, particularly the elderly and the handicapped. There is an income limit based on the Office of Management and Budget's guidelines, with an exception for those receiving Federal, state or local cash assistance payments. The Department of Energy gives the grant to the state government which proceeds to give it to a local organization, in most cases a Community Action Group, to distribute the funds. The maximum grant per dwelling is $800. Equipment qualifying includes insulation and weather stripping, modified flue openings, storm doors and windows, automatic furnace ignition systems, clock thermostats, and certain furnace modifications.

For more information contact the Region I office of the Department of Energy at the above address and telephone number.

For general information on conservation and alternative energy systems programs in Connecticut, or if you have any questions regarding the above mentioned programs, contact the State Energy Office at (800) 842-1648 or (203) 566-2800.

One additional program offered by the state is Connsave, which offers energy audits of residences and businesses around the state for a minimal fee. You can arrange for an audit by calling (800) 842-7333.●

CHEMICAL WARFARE IN AFGHANISTAN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. RITTER. Mr. Speaker, I would like to share an article from the Wall Street Journal of Monday, June 7, 1982, called "Chemical-Biological Warfare in Afghanistan." This article deals with personal accounts of various individuals affected by the Soviets' use of chemical-biological warfare in Afghanistan. The excerpts are taken from a United Nations report based on interviews conducted with victims and eyewitnesses of the Soviet use of chemical weapons in Afghanistan. You cannot read the article without being deeply moved and sickened by the harsh realities of the "yellow rain" falling in Afghanistan on helpless men, women, and children.

For those who are insisting on any kind whatever of agreement or treaty with the Soviets, on a nuclear arms freeze, I would suggest they study carefully what is going on in Afghanistan at this moment and observe how the Soviets have honored the 1972 Biological Weapons Convention Treaty which they signed in Geneva. It is sad to see but, as they have done before, as the history books show, the Soviets have resorted to whatever measure they deem desirable to wage their battle against free people who would resist their imperialism. It is sad to see how predictable they really are. I support efforts to reduce the burden and the danger of nuclear arms in discussions with the Soviets. In that process, I urge the American people to keep their eyes open and deal carefully with the Soviet Union. The example of their violation of the Biological Weapons Convention should not be ignored.

Meanwhile, thousands of helpless men, women, and children of Afghanistan continue to suffer and die in horrible ways with hardly any attention or notice from the Western media. How long must they suffer and how long must the freedom fighters hold the line against enormous odds with virtually nothing to aid them.

Again, I commend this article to my colleagues and encourage them to read and ponder it.

CHEMICAL-BIOLOGICAL WARFARE IN AFGHANISTAN

The UN General Assembly voted last December to extend its investigation, begun in 1980, of allegations about the use of chemical and biological warfare agents by the Soviet Union and its allies in Southeast Asia and Afghanistan. Three members of the UN's expert team, headed by Maj. Gen. Dr. Esmat Ezz of Egypt, along with other UN officials, visited Afghan refugee camps at Peshawar and Quetta in Pakistan from Feb. 8 to Feb. 22 this year. The following are excerpts from the group's 36-page verbatim record of the interviews, which has been ob-

tained by The Wall Street Journal. The interviews were conducted with victims and eyewitnesses of Soviet biochemical warfare attacks in Afghanistan. The UN team does not plan to make its report public until the fall.

Chairman of UN group: We are here representing the United Nations and we are interested in meeting people who were exposed to chemical attack, eyewitnesses and those who might have brought fragments of the ammunitions along with them, and also to speak with medical doctors who might have attended patients exposed to chemical attack.

Gul Badin, Leader of Hezb-e-Islami: I welcome you here. You are familiar with the conditions in Afghanistan and with the chemical warfare. We shall provide you with the evidence we have. There are two parties involved in Afghanistan—the Soviet Union and the freedom fighters.

In each division there is one unit which is involved in the chemcial warfare. They have used chemical weapons in a number of places where napalm, other weapons and helicopters have not been effective. Initially they were using dumdum bullets and they have destroyed villages, crops and forests. When the local population feared death from the dumdum bullets, they tried to get protection in the karez. [A "karez" is an underground water channel by means of which the land to be irrigated can be connected to the base of the source of water. At more or less regular intervals, there are vertical air shafts leading down to the "karez." These underground channels are sometimes used both by Mujahideens and the local population as shelters when the area is under attack.] The Soviets tried to kill them by using chemical weapons in these areas. There have been many people affected by chemical weapons who were treated in Peshawar and they are present now.

Name: Dagarwal Bismilla, brigadier chief commander of Wardak Front:

Q. Can you tell us what happened?

A. In late July 1981 at 10 a.m. fierce fighting started. They fired chemical weapons upon us. Many people were injured; the entire body was swollen, there was sneezing and coughing and after the attack people became unconscious and had headaches. We wet a handkerchief and put on our faces to revive ourselves. . . .

Q. Did the diarrhea come straight away?

A. During the retreat about one hour. During the retreat from the first line to the second defense line (4 km) 65 people died from bullet wounds. Their bodies were swollen and had boils on them. When ordered to go to the second line they started vomiting and sneezing and after one hour some died. Those who died were the ones that were not able to retreat. The back line was about 4 km. Many developed diarrhea several hours later, at night. Those who escaped and were fighting, during the night were shot with chemical bullets and their bodies swelled and had boils which developed overnight. . . .

Q. Is there anybody here with you who was affected?

A. Many were affected but they are still fighting in Afghanistan. The Soviet soldiers put on gas masks before the attack. Two masks were captured and are to be sent to the United Nations within one month.

Interview with doctors at Hezb-e-Islami Hospital:

Chairman: We are particularly interested in the use of chemical weapons in Afghanistan. If in your dealings with the refugees you have come across any refugees who have been victims of chemical attack, we would like to know.

A. Chemical gas delivered from an airplane produced some black smoke which turned yellow. When inhaled caused asphyxia, laryngeal spasm and unconsciousness. Some died after 24 hours, bodies decomposed and limbs separated from each other when touched. Skin rash, necrotic ulcerations. Americans took pictures of this. Some of the individuals who survived showed necrotic points below the skin, pyogenic fistulae and ulcerations which took months to heal. Perhaps some chemical or biological weapon was responsible for this. . . .

Name: Shah Jahan, (Saw a gas attack but was not personally affected.)

Q. Can you describe the gas attack?

A. It was a helicopter attack—dropped bombs—some burst in the air before reaching the ground like a bag. When it burst there were red and green colors. All the trees, rocks and bushes took that color.

Q. Could you tell the size of the bag?

A. Whosoever was close by would become unconscious. The degree was reduced as the distance progressed. Depending upon the distance, the period of unconsciousness was between four-five hours to 24 hours. They were given i.v. drips right away. If blood pressure was normal, saline was given; if low, glucose was given.

Name: Alif Khan.

Q. Have you seen a chemical attack?

A. Saw one in the Spinghar (white) mountain area.

Q. What did you see?

A. There was a gas attack. People wet their turbans and put them to their faces. Some families hid in the cave in the mountain. Attack was by MIG fighters followed by helicopters. An hour later by infantry. Two days later they found everybody in the cave dead. Two men, three women and five children 15 meters inside the cave, dead, swollen but no injuries on their bodies. Some were in a state of stupor. The victims lay in different positions. Many goats were outside and they were all killed. I did not actually see the animals but heard so.

Q. How long have you been working in the hospital?

A. One year and six months.

Q. Have you ever treated cases which were exposed to chemical attack?

A. About 250 patients suffered from neurosis because of the gas attacks. Physical effects lasted a couple of days. Also had mental effects.

Name: Mohammed Sharif.

Q. Have you been in any way exposed to chemical attack, eyewitness or just heard about it?

A. Saw and treated patients who suffered from chemical attack. I have never been in a chemical attack—was one or two kilometers away and saw it with binoculars. On one occasion was 250 meters from the place where the bomb burst. I was aware how to deal with it, so I wet my handkerchief and put it to my mouth and then forward to treat the patients.

Q. Where did the attack occur?

A. A place called Kassimpool in Kandahar. Signal plane attack. Father and son wounded. Son completely burned. Father had a big wound on his thigh, bleeding very profusely. Assumed it was a chemical attack, did not see a wound large enough to cause such bleeding.

Q. Can you remember the date when the attack occurred?

A. April 1981.

Second attack:

Places Arghandab, Nagahar; Munara in Kandahar. In February 1981 something resembling a balloon, 700 mm. diameter was dropped from a helicopter or MiG which burst before it reached the ground. It scattered yellow and pink powder. Received patients who had rashes on the body, difficulty in breathing, watery eyes, sneezing and dyspnea. The parts of the body which were exposed were brown. Skin was also itching, heavy vomiting, light diarrhea. Was given hydrocortisone. Could not get them out in the open air because of the bombardment. About 35 people were affected; 17 died—those who were closer to the explosion.

Q. How soon after the attack did they die?

A. Some after six hours, some after eight hours, some next day. Some that developed apistaxis died. Four died on the spot. The flesh came apart like it was burned and smelled like burned flesh.

Q. Was there any evidence of hemorrhaging?

A. One had nose bleeds; most of the trouble was vomiting.

Name: Nur Mohammed

Q. Were you a victim, eyewitness or heard stories about a chemical attack?

A. I have not suffered myself but treated two patients.

Q. Where did you treat these patients?

A. Horban. About three hours after the attack in June 1981.

Q. What was wrong with them?

A. Dyspnea, vomiting, dizziness.

Q. How long have you been a freedom fighter?

A. Two and a half years.

Q. Can you explain what you saw?

A. Something resembling a bag was dropped by a helicopter. Before it reached the ground it burst in the air—it was yellow.

Q. How many bags did it drop?

A. Three.

Q. Did the yellow powder harm the vegetation?

A. The bushes were not burned, but the color was changed. They looked half-dead.

Q. Was the color of the bodies affected?

A. The parts of the body which were exposed were burned. The clothes were not burned.

Q. Was there any secretion from the nose?

A. Nose was running. Eyes were running too. Blisters developed on the exposed skin in seven hours.

Q. Did you notice any smell?

A. Yes, from the clothes—smelled like burning charcoal.

Name: Sultan Jan.

The village was surrounded in the night by tanks and troops. In the morning when I awoke I found Russians all around the village. Twelve companions escaped but they did not get very far. I took shelter in the karez; saw liquid poured from a bottle. The gas was green in color. When they poured the liquid and dropped the bottle into the water, the water started bubbling up and making a noise. The water became offensive and I wet a cloth and put to my face. Those not protected vomited. Three people died. The skin got irritated—felt as though needles were going through my body. My feet were in the water and when I took them out there were scratches on them. The water had chemicals. Sometimes I get hot flashes. I started receiving injections and tablets here—still have a bitter taste in my mouth.

Q. When did the attack take place?

A. December 1981 in Qaray.

Q. How soon after the green liquid was poured into the water did your friends die?

A. The ones who were close to the place where they poured the green liquid died.

Name: Khwaja Muhammed.

Helicopters came and dropped a case of gas. Before it reached the ground it exploded (no parachute) at about 1 meter above ground. Gray smoke came out, people were suffocated as if their throats were being caught. Water came from their eyes

and head was turning around. They started to vomit ordinarily but then blood came from their mouths and they had diarrhea with bleeding. After five or 10 hours when I awoke I had vomiting, headache and diarrhea. After the bomb exploded when they were exposed to the smoke, my head felt as though it was turning around and my throat felt as though it was being pressed. I do not remember anything else as I became unconscious. Shortly after evening I came to and felt like taking a walk but I started vomiting at that time. There was no food in the vomit—blue liquid—and later bleeding.

Q. How many times did you vomit?

A. 20 times.

Q. At what intervals?

A. Between two and five minutes.

Second instance:

In summer 1981—on the border with USSR—one group went into the cave. Russians brought tanks but they were not able to enter the cave so they started drilling. Twenty-five friends were inside the cave. The Russians made a hole and put a pipe into it and pumped something into the cave and then went away from the site. When we went to the cave the pipes were undug and we found the bodies were as if cooked, flesh was very soft and came apart.

• • •

Name: Khazak.

On Dec. 5, 1981 two forces came to our area in Wardak Province, Tangi region from Logan and Main. When we observed that the forces were too much, we thought we should draw back from our positions just to gain time and to prevent losses. We drew back from the highway to a safe position which was located in the hillsides. They started bombing our fronts. We thought it was just regular bombs and bullets but we felt something extraordinary—jet fighters, helicopter artillery and tanks. There were some bombs which set the hillside on fire. Some of these bombs created smoke—blackish gray or gray and red.

The effect was not sudden, it took a little time but it was hard for me to look at my watch. My head started turning around, eyes and nose running. I went inside and after I woke up I vomited and diarrhea started. Diarrhea was first green liquid then bleeding started. The effects varied from person to person. The smell was like burning rubber; my eyes were irritated also. For 24 hours I was out of order. Three people died, two of whom were my cousins. Their arms were contracted close to their chest, even when they died liquid was coming out of their noses and blood out of their mouths. Their legs were also in contraction, the bodies were gathered after two days. In the village there were 50 to 60 more bodies, in contracture like my cousins.

Name: Doulat Khan

The second battle happened in an area called Behrana Mukhor, Gazni in January 1982. At that time after heavy resistance by Mujahideen, Russians started shooting automatic cannons. Smoke rose up, Mujahideens vomited and had burning in the eyes with tears. Some of them also vomited blood.

In the morning about 10:30 the shooting started and went on until the evening, almost sunset. When the Russians drew back we were able to go and see our friends. The bullets hit the ground and exploded and gas came out. Black smoke rose up and spread fast and covered a vast area. The smell was very bad. Five people died because of the gas; they vomited and lost a lot of blood. The bodies of the ones who died were black. Sixty to 70 other people were affected. Before the battle started, I was watching and I saw all the weapons being put in one place and the positions of the cannons. When the Russians approached our village women and children in the farm went to the tunnels. When the battle was finished we found bodies. The Russians had sprayed chemicals in the karez.

Did you notice any effect on the animals and vegetation?

A. The area where the chemicals were sprayed vegetables turned yellow and dried. Shortly after the chemicals are used the wheat turns black and it becomes yellow and then turns yellow ash.

Q. Was the gas used for a specific area or indiscriminately?

A. It depended on the resistance. If the resistance is hard and it is a key area they use chemical weapons to paralyze the Mujahideens.

Name: Gholan Mohammed

Q. Have you heard anything about chemical weapons or poisonous gases?

A. In December 1980 in Zarkashan in Mogkur, Gazni Province, a very large force of Soviets came to our area. We encircled them at 4 a.m. There were 17 gun ships and three jet fighters bombing us. . . . Twenty-four persons were killed by the bullets, about 40 persons died of gas, 60 persons affected by gas and after two days three died. The doctor in the group helped the Mujahideens. A helicopter was shot down which burst into flames and fell in a valley below.

Q. Did the bomb have a smell?

A. It smelled like the rotten body of some animal. I lost consciousness. I also saw the Russians wearing masks on two occasions.

Q. Did you see the bodies of the dead persons?

A. No. I was unconscious.

Q. Did you have any problems with breathing?

A. Yes, I felt like I was being choked.

Name: Moulvi Arsala Rahmani, general commander of Paktika.

We were attacked by tanks and they put small bombs in the karez. In June 1981, 11 Mujahideens took cover in the karez. Everybody was killed. I did not actually see the attack but saw the dead bodies; the flesh on the bodies was very soft. . . . Mujahideens shot down a plane and then a large number of planes came and dropped something which caused severe headache and vomiting among the people. It was a rain of white particles or powder which the planes sprayed from about 500 meters.

Second instance:

Two people were hit by bombs and died. Their clothes were burned; their flesh was soft and rotted. A yellow and bloody discharge came out of the burns. Faces were blackened. An Afghan spy was caught and confessed that the water was being contaminated. When the bombs burst they broke into four clouds and came down slowly. The noise was like a rifle shot; it hit the ground and bounced and caught fire.

Third Instance:

In May 1981 a large force of Mujahideens were fighting with the Russians. The Mujahideens were winning and then the Russians launched a gas attack. Many Russians and Mujahideens were killed. The Russians wore masks. A Russian was captured, converted to Islam and told us of the poisons being used and showed us how to use the masks. . . . The Russians are using a rifle which has 40 rounds; the bullets make the victims shout and scream.

Name: Saifullah

I was an eyewitness and was also affected in April 1981 in Mangari. In the morning about 10 o'clock the village was surrounded by the infantry, tanks and helicopters. Bags were dropped from the airplane which burst in the air or ground. It was a dust-colored smoke, my eyes were affected and I could not see.

Q. Did you manage to capture any fragments?

A. It was not possible to start picking up pieces of those things; we are too busy looking after our dead.

Q. Apart from the eyes was any other part of your body affected?

A. Only my eyes. In another instance my heart and body were affected. Those who were close to the attack suffered for one month; those not too close recovered quickly and only had watering eyes.

Second instance:

In October 1981 in a place called Ashaqual, Takm south of Gazni, 30 men were attacked by the Russians. We fought for a while and after running out of ammunition we went into our shelters. The Russians came after us with a pipe 30-40 meters long. They touched a button and a sound like a pistol shot was heard (they carried the pipe coiled up). There are four kinds of gases: (1) causes asphyxiation: (2) pressure on the heart; (3) skin irritation; (4) burning of the skin. When we tried to get out of the wells the Russians shot us. The gas that poison does not have much of a smell. The one that asphyxiates has a very offensive smell. . . .

The irritation does not last for more than 24 hours. The intention of the enemy is to flush us out so that they can shoot us. The Russians got wise to the Mujahideens using their handkerchiefs so they put something in the water and when we drink the water we become sick. It is offensive, asphyxiates and smells like high explosive.

Name: Mohammed Akram

In June 1980 I was in the karez for two hours. There was a gas attack. The Russians brought a tank to the hole, lowered a pipe in the hole and poured gas. Ten people who were close to the gas died and their bodies were swollen and has nose bleeds. Others had diarrhea, dizziness and nausea. After having yogurt and buttermilk we felt better. Those who were close died within five minutes.

Mr. Culpepper, from U.S. Consulate:

I interviewed refugees in Thailand during 1976-79 and 1980. The hill tribe refugees were attacked by aircraft dropping powder. No one called it yellow rain; it left a residue on the leaves. In an area called Phubia people experienced nausea, dizziness, hemorrhaging from the mouth and very often death. In 1978 we began hearing stories so we started looking for those which were similar. The best accounts came from women and children. We heard accounts of entire villages being wiped out. We constantly questioned refugees to find out true accounts. Small aircraft dropping some kind of powder mist.

For four months I have been here in Pakistan and have heard similar accounts coming from Afghanis. Aircraft dropping some sort of powder, explosion, black, white and yellow. People experience nausea and dizziness. Some similarity between these and the accounts in Southeast Asia. Attacks in Laos were against entire villages but in Afghanistan strategic places are attacked.

Would the UN test soil from Afghanistan? Perhaps some collection kits could be given to the freedom fighters so that they could obtain some samples.●

PERSONAL EXPLANATION

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GINN. Mr. Speaker, yesterday the House voted on a motion to instruct the conferees on H.R. 5922, the urgent supplemental appropriations bill for fiscal year 1982, to concur with the Senate provision which repeals the special tax deduction for Members of Congress.

It was not possible for me to be present for this vote, but I would like to record today the fact that had I been present, I would have voted "yea" to eliminate the $75 per day tax deduction.

In April, I announced that I was not taking the new deduction on my 1981 taxes, and instead claimed only the $3,000 deduction which has been in place for many years. This decision required me to pay an additional $5,250 in Federal income taxes. Had this tax deduction been brought to a vote earlier this year, I would have opposed it.

It has always been my position that any significant increase in congressional remuneration, including a tax deduction, should be enacted only on a recorded vote, and should not in any case go into effect until after the next congressional election. In that way, a Member's constituents may determine if he or she is entitled to this change.

For that same reason, I did not accept the $12,000 salary increase enacted in 1977, and instead returned that money to the Treasury. In my view, the congressional tax deduction also was not appropriate, and for that reason I did not accept it.●

CINDY SMALLWOOD MEDICAL FOUNDATION HONORS DR. MICHAEL A. LeNOIR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. DELLUMS. Mr. Speaker, on December 6, 1981, the Cindy Smallwood Medical Foundation, Inc., held its third annual award day banquet to honor Dr. Michael A. LeNoir.

The Cindy Smallwood Foundation was founded in 1973 by Catherine Smallwood, Ph. D., as an interracial, nonpartisan, nonprofit medical educational and financial assistance service organization devoted to improving the welfare of the San Mateo County bay area community in the State of California. The foundation promotes community and individual health care through a comprehensive research outreach program which is communicative and sensitive to the problems of trauma resulting from aging, terminal illness, and death. It provides direct financial aid to deserving disenfranchised persons, with first preference given to minority women toward medical school education. The staff consists of experienced, licensed psychotherapists, marriage, family and child therapists.

This December, Dr. Michael A. LeNoir was recognized by the Cindy Smallwood Medical Foundation for his outstanding accomplishments and contributions in the field of health and welfare. Dr. LeNoir is assistant clinical professor of pediatrics at the University of California, San Francisco; chief of allergy service, San Francisco General Hospital; executive board member of the Northern California Comprehensive Sickle Cell Center; secretary-treasurer of the pediatric section of the National Medical Association; and president of the John Hale Medical Society of San Francisco. Dr. LeNoir has published in the Journal of Allergy and the Journal of the National Medical Association. He has served on the medical school admissions committee for the University of California, San Diego and the University of California, San Francisco. He has served as pediatric consultant for the Sickle Cell Anemia Research Foundation. He has been instrumental in developing a rapid personal and competent healthcare delivery system for large numbers of children and has worked diligently to bring both the medical and the disenfranchised communities together.

It is with pleasure that I bring the accomplishments of the Cindy Smallwood Medical Foundation and Dr. Michael A. LeNoir to the attention of my colleagues.●

PERSONAL EXPLANATION

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BLANCHARD. Mr. Speaker, yesterday the House voted on a motion to instruct the conferees on H.R. 5922, the Urgent Supplemental Appropriations bill for fiscal year 1982, to concur with the Senate provision which repeals the special tax deduction for Members of Congress.

Although I have been present for 90 percent of all recorded votes during this session of Congress, commitments in Michigan made it impossible for me to be present and voting yesterday. Unfortunately, the vote had not been previously scheduled. Therefore, I missed this vote, which was brought to the floor unexpectedly. Had I been present, I would have voted in favor of eliminating the $75 per day tax deduction.

When I filed my 1981 tax returns in April, I did not choose to take advantage of this tax deduction, which would have allowed me an additional deduction of $10,100 and saved me several thousand dollars. I am glad, therefore, that my colleagues have expressed their opposition to the special congressional tax break, and I am hopeful that the provision to repeal it will soon be signed into law.●

TERRITORIAL FOOD AND NUTRITION GRANT ACT

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. DE LUGO. Mr. Speaker, the members of the Territorial Caucus and I are introducing today legislation which, if enacted, would be known as the Territorial Food and Nutrition Grant Act.

Our bill closely resembles draft legislation transmitted to the Congress recently by the Acting Secretary of Agriculture. As would that proposal, our bill would authorize grants to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands to fund locally designed and operated nutrition assistance programs. These grants would supplant current territorial participation in the national food stamp, child nutrition, and school lunch programs.

The territorial nutrition grant concept was initially proposed by the President in his fiscal year 1983 budget. It represents the administration's sole new territorial policy initiative to date, and as such, warrants serious consideration. In principle, it responds to the Congress advice that the consolidation of program grants in the territories may more effectively achieve program goals because of the unique circumstances and needs of the Americans of our insular areas.

The proposal was the subject of a hearing by the Subcommittee on Insular Affairs, April 26. Our bill modifies the administration's bill slightly, in keeping with the concerns articulated during that hearing, and makes other necessary changes.

It would sustain the administration's 12-percent reduction in nutrition assistance program funding imposed on the territories this fiscal year. But it would not make the further cut of 15 percent advocated by the President. A total cutback in excess of one-fourth of Federal assistance is out of proportion to reductions in the States, and is contrary to need.

In addition to continuing spending at the 1982 level, our modification prescribes a method of calculating funding for ensuing years. The administration's bill was silent on this point. In keeping with the restraint mandated by the current budgetary situation, we propose simply increasing or decreasing funding based on actual changes in the cost of the assistance.

We have also proposed some minor improvements in the administrative working of the grant as proposed by the administration.

First, our bill would require the Executive to inform the Congress territorial authorizing committees if it disapproves of the required territorial plans for the use of the grants. Congress would also be sent the biennial audits of the territorial nutrition programs.

Second, in the event of disapproval of territorial plans, funding would be continued at existing levels, rather than withheld.

Third, if the Executive objects to territorial implementation of approved plans, it is empowered to seek injunctive relief, rather than withhold assistance and seek such relief.

Fourth, we would have audits of the programs conducted by the Federal Comptroller for each territory, rather than impose that burden on the Territorial government.

Mr. Speaker, we have proposed this legislation as a good faith effort to make imperative, generally minor, improvements to an administration initiative. We hope that it will be regarded in this light as a reasonable substitute.●

HOUSE CONCURRENT RESOLUTION 288

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PARRIS. Mr. Speaker, I would like to voice my pleasure at the passage on June 2, 1982, of House Concurrent Resolution 288, expressing the sense of the Congress that State and local governments should support the fire safety efforts of the U.S. Fire Administration (USFA) to reduce lives and property damage lost by fire and that Congress should continue support of the goals and programs of USFA. I strongly urge support of the contention that the USFA should persist in developing a close working relationship with States and localities in reviewing, evaluating, and suggesting improvements and uniformity in State, local, and model fire prevention and building codes.

The U.S. Fire Administration was established in 1974 to reduce significantly the unacceptable high rate of death, injury, and property loss in the United States. The President has requested no fiscal year 1983 funding for USFA, believing that firefighting is clearly a local function and that the Federal role should be limited. Although I support many of the President's budget reduction programs, I cannot agree with this "no funding" proposal since the USFA deals literally with life and death issues.

The valiant firefighters that risk their own lives daily to assist those in extreme danger need all of the support and cooperation we in Congress, the State and local governments and the general public can give them. I was encouraged to see this philosophy expressed when the House wisely passed House Concurrent Resolution 288.●

REPEAL OF MEMBERS' TAX BREAK

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. DREIER. Mr. Speaker, I am extremely pleased that efforts of Members such as myself to repeal the tax break which the House voted for itself last year have finally been successful. That tax break was one of the most deplorable actions taken by this body in recent years.

No one will deny that Members of Congress incur expenses while in Washington during the time that Congress is in session. However, we cannot in good conscience justify a tax break that, last year, would have allowed every Member to claim a minimum of $19,000 as a business deduction for living expenses. To do so would be to insult all the other taxpayers of this country who are unable to vote such a reduction in taxes for themselves.

We have been telling the American people that we need to reduce Federal spending in order to return stability to our economy. Such spending cuts must continue to be made if our country is to get back on its feet.

We must recognize, however, that these cuts require many people to make personal sacrifices. It is inconceivable that we could even consider giving ourselves a special tax break at such a time.

By voting to repeal the tax break which we had given ourselves, we have taken a long-overdue step toward proving to the people of this country that we do not believe that we deserve to receive any better treatment than any other taxpayer. I urge my colleagues of the House-Senate conference to act promptly in finalizing the repeal.●

H.R. 6578

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SHANNON. Mr. Speaker, I am introducing, along with my colleague Mr. CONABLE, legislation which would redress a serious problem created for colleges and universities as of recent Internal Revenue Service actions. For many years a substantial number of colleges and universities, both public and private, have maintained faculty housing programs whereby residences owned by the institution are rented to members of their faculties and staffs. These housing programs, designed to insure that housing is available to faculty and staff members on or near the campus, have been operated in order to create a collegial atmosphere and to encourage formal interaction between faculty members and students. The educational institutions have charged rents reflecting the relevant costs to the institutions in maintaining the housing and the value of the housing to the employees.

Although these housing programs have been in place for many years the IRS has never, until very recently, taken the position that there is anything improper in the maintenance of these programs. Recently, however, in two technical advice memorandums, the IRS took the position that the difference between the rent charged a faculty member and the hypothesized rent that could be obtained if the educational institution chose to rent its housing to members of the general public constituted income to the faculty member. In other words, if a faculty member is charged rent of $300 a month to live in a small house near the campus for which a business executive, attracted to the atmosphere and open spaces of the campus, would pay $400 a month, the faculty member is deemed under the IRS position to have received additional "income" of $100 a month. The IRS further announced in the technical advice memorandums that such "income" would also constitute "wages" on which the employer must withhold taxes, and that the educational institution would be retroactively liable for the full amount of withholding taxes not collected in past years.

It is arguable that this announcement by the IRS runs against the moratorium imposed by Congress in 1978 (Public Law 95-427) on the creation of new regulations in the fringe benefit area. In any case, the imposition of this retroactive tax liability on colleges and universities raises the specter of crippling tax liabilities for educational institutions that heretofore had believed that they were not responsible for withholding taxes on the highly speculative differential between the rent charged its faculty members and the rent that could be charged to members of the general public.

In order to clarify the tax treatment of these longstanding faculty housing programs, we are introducing legislation which would amend section 119 of the Internal Revenue Code to provide that if an educational institution rents lodging located on or near its campus to its employees at a rent reflecting the carrying cost of the lodging, and if employees not residing in such lodging do not receive a living expense allowance in lieu of the lodging, then any additional value of the lodging over and above the rent charged would not constitute income to the employees. This legislation would also remove the specter of large retroactive tax liabilities owed by educational institutions and would prevent the dismantling of

closely knit university and college communities throughout the country.

If this legislation is not enacted, colleges and universities could effectively be forced to sell off their residential properties. The revenue loss that would be created by the homeowner deductions for mortgage interest and property taxes on these privately owned residence would more than offset any revenue generated by collecting these withholding taxes.

Colleges and universities have enough financial problems these days without adding any further burdens. I hope that my colleagues will join Mr. CONABLE and myself in supporting this measure to assist them.

The text of the bill follows:

H.R. 6578

A bill to amend the Internal Revenue Code of 1954 to clarify the exclusion from income for the value of lodging located in the proximity of an educational institution and furnished by such institution to its employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 119 of the Internal Revenue Code of 1954 (relating to meals or lodging furnished for the convenience of the employer) is amended by adding at the end thereof the following new subsection:

"(d) LODGING FURNISHED BY CERTAIN EDUCATIONAL INSTITUTIONS TO EMPLOYEES.—

"(1) IN GENERAL.—There shall be excluded from the gross income of an employee of an educational institution described in section 170(b)(1)(A)(ii) the value of lodging—

"(A) located on, or in the proximity of, a campus of such institution, and

"(B) furnished to the employee, his spouse, or any of his dependents by or on behalf of such institution.

"(2) RENT MUST NOT BE LESS THAN DIRECT COST OF LODGING.—Paragraph (1) shall not apply to the value of any lodging to the extent that the direct cost of such lodging to the educational institution exceeds amounts paid by the employee for the use of such lodging.

"(3) EMPLOYEES NOT RESIDING IN FURNISHED LODGING MUST NOT RECEIVE LIVING EXPENSE ALLOWANCE.—Paragraph (1) shall not apply to employees of an educational institution who do not reside in lodging described in paragraph (1) receive a living expense allowance in lieu of such lodging."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

(c)(1) For purposes of the employment taxes, subsection (d) of section 119 of the Internal Revenue Code of 1954 (other than paragraph (2) thereof), as added by this Act, shall apply to all open taxable years beginning before January 1, 1982, if the educational institution had a reasonable basis for not treating the value of lodging described in paragraph (1) of such subsection as being subject to such taxes.

(2) For purposes of paragraph (1), an educational institution shall in any case be treated as having a reasonable basis for not treating the value of lodging as subject to the employment taxes if the educational institution charged a reasonable rental amount for such lodging, taking into account such factors as—

(A) the necessary direct costs of such institution in furnishing the lodging,

(B) the value of the lodging to the employees to whom the lodging is furnished, and

(C) the institution's educational purposes in furnishing such lodging.

The reasonableness of the rental amount shall not be affected by the fact that the fair rental value of the lodging may have exceeded the rental amount.

(3) For purposes of this subsection—

(A) the term "open taxable year" means any taxable year for which the assessment of a deficiency, or the allowance of any credit or refund, with respect to the employment tax involved is not barred by any law or rule of law, and

(B) the term "employment taxes" means the taxes imposed by subtitle C of the Interal Revenue Code of 1954.●

FAREWELL TO SINAI

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LOWRY of Washington. Mr. Speaker, I would like to call the attention of this body to the outstanding photography exhibit depicting the life of the Sinai now on display in the Rayburn House Office Building.

The area called Sinai as this exhibit so clearly represents, has been a source of awesome beauty and historical significance to all who have shared in its life. For Israel to withdraw from this symbolic piece of land has shown the world that in the pursuit of peace, the greatest of sacrifices can be made, and the greatest of risks can be taken.

Let us all take pride and pleasure in the fine photographs brought to us by Perri Farag and Amos Ettinger.

And let us all hope that this noble act for peace will encourage others to work toward this goal and bring a lasting friendship to Israel and all her neighbors.●

WHITE HOUSE CONFERENCE ON AGING REPORT IS AN AFFRONT TO THE ELDERLY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. WEISS. Mr. Speaker, the final report of the White House Conference on Aging and Secretary Schweiker's recommendations to implement the national policy on aging represent tne last chapter in a very shabby affair.

This administration has attempted to politicize the White House Conference from beginning to end by making it a reaffirmation for President Reagan's bankrupt economic policies.

The final report paints a rosy and distorted picture of the elderly, claiming that "they are the wealthiest, best fed, best housed, healthiest, most self reliant older population in our history."

However, older Americans are not going to be deceived by the administration's attempt to gloss over the real and serious problems. All this rhetoric will not camouflage the harsh facts of life for the elderly:

Nearly 3.9 million persons 65 or older lived in poverty in 1980. Another 2.5 million were marginally poor: Their income was within 25 percent of the poverty threshold. The bottom line is that approximately 6.4 million, or about one out of every four older Americans were either poor or near poor.

More than 600,000 elderly persons were poor in 1980 than in 1978. This represents the sharpest jump over a 2-year period since poverty statistics were first tabulated.

Poverty is a bare-bones existence by any definition. Single aged persons were poor in 1980 if their annual income was below $3,941, or about $74 a week for housing, energy costs, food, medical care, transportation, and other necessities. Aged couples were poor if their income was below $4,954, or approximately $96 a week.

About 53 percent of all blacks 65 or older either live in poverty or so close to it that they cannot really appreciate the difference.

These figures represent only the tip of the iceberg, because there is a substantial amount of hidden poverty among the elderly. People who are institutionalized, for example, are not included in the Government's official tabulation. About 1.3 million older Americans are in nursing homes or other extended-care facilities. It is conservatively estimated that at least one-half of these individuals are impoverished. In addition, many older Americans—perhaps a million or more—are not counted as poor even though their incomes are below the Government's threshold. This is because they live with others who have a sufficient amount of income to raise them above the poverty level.

Official figures are not available for 1981. But Reaganomics is expected to plunge more older Americans into destitution.

The administration's national policy virtually ignores the recommendations of the 2,000 voting delegates attending the White House Conference on Aging. It omits key proposals adopted by the elderly, such as opposition to cutting social security benefits. It represents an abdication of Federal responsibility to respond to the problems and challenges confronting aged and aging Americans.

The report and recommendations for a national policy on aging are unworthy documents. Congress should reject the administration's proposals and chart a more sensible, equitable, and humane course of action to enable all of our older Americans to live with dignity and self-respect.●

STRENGTHENING THE EXIMBANK

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BONKER. Mr. Speaker, today I am introducing legislation to restructure and strengthen America's Export-Import Bank.

This legislation is a companion bill to one introduced by Senator HEINZ. I want to commend the Senator for his leadership on this issue, for it is absolutely necessary that we render the Eximbank more capable of combating the predatory trade subsidies of our international competitors.

The legislation has three major goals: First, to rationalize the budget process regarding the Bank; second, to instill independence in the Board of Directors through permanent fixed terms; and third, to create an additional war-chest fund to convince the Europeans and Japanese of our seriousness, and to help defend small- and medium-sized U.S. exporters against the unfair credit practices of their foreign competitors.

This legislation should set the agenda for the debate on the Eximbank Charter, which is set to expire at the end of fiscal year 1983.

By creating fixed terms for the Directors, the bill will force debate on the need for Eximbank independence and the degree to which the Bank should be responsive to Congress. By taking the Bank out of the unified Federal budget, though it would still be considered by the Appropriations and Budget Committees, the bill forces the issue of whether the Eximbank should be part of a Federal credit budget.

By creating another war chest, similar to one proposed in legislation introduced by my distinguished colleague STEPHEN NEAL, the bill will stimulate additional debate on the international context of the Eximbank.

The legislation also responds to the concerns of those who would like to see more Eximbank resources channeled to agricultural exports. The war chest fund would allow the Bank to enter into arrangements with the Commodity Credit Corporation, whereby the CCC would guarantee agricultural export credits, thus reducing the interest rates, and Eximbank would further reduce loan rates through subsidization. The expertise and combined resources of the two institutions would thereby be utilized.

As chairman of the House Export Task Force, I have become aware of the vital role played by the Eximbank. To reduce the funding for the Bank, as the administration proposes to do, at a time when our negotiators are attempting to convince our trading partners to limit their credit subsidies, amounts to unilateral credit disarmament.

This legislation will strengthen the hand of our negotiators. For example, the French have been the most intransigent on the issue of manufactured export credits. They are, however, particularly sensitive about their agricultural sector. Facing increased financing competition in both areas should make them more willing to come to terms in negotiations.

I have included a section-by-section analysis of the legislation. For those who wish to cosponsor the bill, or who wish more information, please contact the House Export Task Force at x63480.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

Section 1 provides that the bill may be cited as the "Export-Import Bank Restructuring Act of 1982."

TERMS OF OFFICE OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK

Section 2 amends the Export-Import Bank Act of 1945 by providing that the members of the Board of Directors of the Export-Import Bank shall serve for terms of four years, except that two of those Directors (other than the President and First Vice President of the Bank) shall be appointed initially for terms of two years, and then for terms of four years thereafter.

This results in a staggering of terms for the Members of the Board of Directors. The terms of office of the President and Vice President of the Bank and that of one of the other Board Members would correspond with that of the President of the United States, while the terms of the other two Board Members would expire two years later. The terms of those currently holding office would expire on January 20, 1985.

OFF-BUDGET PROVISION

Section 3 amends the Export-Import Bank Act of 1945 by providing that the receipts and disbursements of the Bank shall not be included in the totals of the Federal Budget and shall be exempt from any annual expenditure and net lending outlays limitations imposed on the Federal Budget. This would not apply to administrative expenses of the Bank.

The President would be required, in keeping with the Government Corporation Control Act, to annually transmit to the Congress a budget for program activities of the Bank and administrative expenses, including an estimate of the annual net borrowing by the Bank from the Treasury.

The President shall also annually submit to the Congress a report of the amount of net lending of the Bank, including that created by the net borrowing from the Treasury, that would be included in the totals of the Federal Budget if it were not so excluded by this section. The amendment made by this section would take effect on October 1, 1982.

COMPETITIVE AGRICULTURAL COMMODITY AND MANUFACTURED PRODUCT EXPORT SUBSIDY FUND

Section 4 establishes at the Bank a Competitive Agricultural Commodity and Manufactured Product Export Subsidy Fund to be administered by the Board of Directors to subsidize the interest rates offered by commercial lenders for financing U.S. agricultural and manufactured exports. In the case of agricultural export support, the Bank is authorized to enter into arrangements with the Commodity Credit Corporation to subsidize the interest rates on loans guaranteed by the CCC. The Bank shall report to the Congress within thirty days of entering into an agreement to make subsidy payments to a commercial lender. Such report shall include the purpose for making the payments; the type of export involved; the terms and conditions of the transaction and the parties involved therein; the nature of the foreign export credit competition; the methods used to compare the foreign export credit competition and the proposed export credit subsidy from the Fund; and other such information as the Board considers advisable. The purpose of the fund is to further negotiations toward the elimination of export subsidization by nullifying any competitive advantage that a foreign exporter might seek from such subsidies.

$2 billion are authorized for the Fund, without fiscal year limitation.

Section 5 would amend Section 8 of the Export-Import Bank Act of 1945, as amended, to extend the life of the Bank from September 30, 1983 to September 30, 1988.●

EXPLANATION OF VOTES MISSED ON WEDNESDAY, JUNE 10, 1982

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Ms. FERRARO. Mr. Speaker, due to personal family business in New York, I was unable to be present while the House was in session. Had I been here, I would have voted as follows:

Rollcall No. 132—To approve the Journal of the previous day's proceedings, "yea."

Rollcall No. 133—To suspend the rules and pass H.R. 4861, to establish an American Conservation Corps to provide youth employment in an effort to improve natural and cultural resources, including revitalization of urban areas, "yea."

Rollcall No. 134—To order the previous question on the Myers motion to instruct conferees on the urgent supplemental appropriations bill to replace the existing system of tax treatment of living expenses deductions for Members of Congress with a system treating Members like any other business person, "yea."

Rollcall No. 135—An amendment to the motion to instruct the conferees which would instruct them to agree to the Senate provision to repeal the special tax deduction for Members of Congress and to return to the system limiting deductions to $3,000 a year, "yea."

Rollcall No. 136—Agreeing to the motion to instruct the conferees to agree to Senate amendments 50 and 62, "yea."●

FAIR TAX TREATMENT FOR MEMBERS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GREEN. Mr. Speaker, today I am introducing legislation which will treat Members of Congress in exactly the same manner as all taxpayers for the purpose of business tax deductions. We have all heard from our constituents that they resent the special tax treatment for Members of Congress. We have also heard a great deal of debate on the floor of the House which leads me to believe that most Members of Congress do not want any special treatment. Specifically, this legislation would remove any reference to Members' deductions. This would mean the repeal of the legislative authority which permitted the $75 per congressional-day deduction, as well as the provision in the Internal Revenue Service Code which designates a Member's "tax home" as the congressional district or State he or she represents. Senator LONG has introduced similar legislation in the Senate.

Let me briefly explain both provisions of this bill. The intent of the first section of this legislation is to end any reference to a specific dollar amount which may be deducted by a Member of Congress. There is no similar provision for a regular taxpayer who is entitled to take a business deduction. An unsubstantiated amount of $75 per day for Members, as contained in Internal Revenue Service (IRS) regulations, is out of line. The $3,000 per year allowed under a law passed in 1952 which was amended last year is similarly unfair. Both designate a specific amount which no other taxpayer is entitled to under the law. Second, both give some Members a tax deduction which, if they were regular taxpayers, they would not be granted. These unsubstantiated deductions have been allowed even if Members' actual deductible expenses did not add up to the designated amount. A Member should be able to deduct whatever amount he or she is legitimately entitled to, just the same as any other taxpayer. The provision in this bill would mean that Members of Congress would be governed by rules applicable to other taxpayers whose jobs require that they spend time at two distant locations. All reasonable and unreimbursed expenses for travel, meals, and lodging incurred while the taxpayer is away from his or her principal place of business or "tax home" would be deductible. This is nothing more nor less than that to which any taxpayer is entitled.

The second provision of this bill completes the process of making all Members of Congress equal to other taxpayers. It removes the provision in the Code which designates the State or district which the Member represents as his or her "tax home." Taxpayers may have only one principal place of business, which is designated as the "tax home" for the purposes of Federal income taxes. When a person has a job requiring the maintenance of two residences, the IRS applies three tests, with an emphasis on the first, in determining where a person's "tax home" is located. The IRS considers length of time spent in each location; degree of business activity in each location; amount of money earned in each location. Under current law, a Member who lives in Washington for 5 days during the week and travels to his district on weekends can deduct the expenses of those 5 days because the law designates his or her "tax home" as his district. My legislation would change the law and treat the Member like any other taxpayer. Continuing with the example, the change in law would likely result in most such cases in the Member's "tax home" being designated as Washington. The unreimbursed expenses of the 2 days spent in the congressional district would be treated as business expenses and those which are reasonable and necessary could be deducted. This illustration is just an example, and where a Member's "tax home" is designated would depend on each Member's own circumstances. Like any other taxpayer, a Member could deduct such expenses attributable to his or her use of a residence away from the "tax home" including, but not limited to, depreciation, maintenance, and utilities. These expenses would be prorated, based on the amount of time used by the Member. As is the case with any other taxpayer, the full amount of interest and property taxes is deductible on all residences.

This bill treats all Members of Congress the same way as any other taxpayer. It removes the provisions in the law that have treated Members of Congress as a special class of taxpayer. I urge my colleagues to support this just approach to a serious question of equity.●

OUTSTANDING PERFORMANCE AT CFTC

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I want to take a few moments to bring to the attention of my colleagues a status report on the operations of the Commodity Futures Trading Commission.

The report was provided to me in a letter from Philip McBride Johnson, Chairman of the CFTC, since I serve as chairman of the subcommittee with legislative jurisdiction over the Commodity Exchange Act.

I provide this information to you because Congress is now in the process of considering legislation to extend the funding authorization for the CFTC. The Futures Trading Act of 1982, H.R. 5447, has been reported by the House Agriculture Committee by a voice vote and received a 30-day sequential referral to the House Committee on Energy and Commerce.

Recent statements regarding the ability of the CFTC to properly regulate futures trading has concerned me, and I want to bring the true situation to light by inserting Chairman Johnson's letter. I commend Chairman Johnson, his fellow Commissioners, and the CFTC staff for the great strides they have made:

COMMODITY FUTURES TRADING COMMISSION,
Washington, D.C., May 25, 1982.

Hon. ED JONES,
Chairman, Subcommittee on Conservation, Credit, and Rural Development, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Within the next few days, I will complete my first full year as Chairman of the Commodity Futures Training Commission. It has been an important and highly productive period for the Commission. In certain areas—law enforcement and new futures contracts—it has been a recordsetting year. In this letter, I am reporting to you on a number of the more significant developments.

First, however, let me say that I have never worked so hard. And yet, our staff has worked even harder. Any misconceptions about "bureaucratic lethargy" that I might have held a year ago have been washed away by the collective perspiration that I, my colleagues and the staff have shed over the past twelve months. Much credit must be given to my predecessor, James M. Stone, who guided the young Commission through turbulent waters, and to my other colleagues—David G. Gartner, Susan M. Phillips and Kalo A. Hineman, who have stimulated a "can do" attitude throughout the Commission.

I. PRODUCTIVITY

The Commission's mission consists fundamentally of two responsibilities: protection of the public, and service to the markets and their participants. In both areas, records have been set in the past year.

A. *Law Enforcement.*—In the past twelve months, the Commission has assessed approximately $2,000,000 in civil penalties against contract markets, professionals and traders for infractions under the Commodity Exchange Act. This one-year civil penalty total exceeds the fines levied by the Commission in all of the previous years combined (1975-81).

Registrations were denied, suspended or revoked on 64 occasions. More than 220 injunctions were obtained through judicial and administrative proceedings. At least 82 persons were indicted on criminal charges resulting from Commission investigations and actions. During the period, 20 off-exchange "boiler rooms" selling fraudulent commodity investments were put out of business. Endangered customer funds approximating $10 million were protected through court action.

The strength of the Commission's Division of Enforcement was increased as well, despite severe budget constraints. In the spring of 1981, the Division had a staff of 94. Today, that number is 99, and 6 more have been authorized. Similarly, the budget of that Division has been increased 7 per-

cent, with another 14 percent increase proposed for fiscal year 1983. Reinforcement of the Division has helped the Commission to respond to problems by targeting specific violators, and has reduced the necessity of promulgating costly blanket regulations that burden the entire trading community.

B. *New Futures Contracts.*—During the past twelve months, the Commission has acted upon 28 new futures contracts, more than the total of the previous five years combined.

Among the new futures contracts were a number of unprecedented proposals: bank certificates of deposit; Eurodollar time deposits; leaded and unleaded gasoline; and stock indices.

For the first time in history, futures contracts calling for settlement in cash rather than physical delivery were authorized by the Commission. Cash settlement is permissible only when there exists a continuous, impartial and reliable cash quotation system for the underlying item, from which the financial obligations of the parties can be accurately calculated. Cash settlement alleviates the potential for manipulations and other market disorders that can occur when delivery is required and the underlying item is difficult to procure.

Stock index futures, which had been stalled within the Commission for as much as four years (see "Jurisdiction," below), represent the first opportunity to utilize futures as a hedge against adverse trends in the stock market. It is estimated, for instance, that the "bear market" in stocks over the past months has reduced the value of NYSE stocks by roughly $750 billion. Stock index futures, like those in other items (e.g., corn, metals, T-Bonds), can be used to cushion those losses and, according to early data, are being used by securities professionals as well as by traditional speculators. Although there has been some litigation over copyright claims or proprietary ownership of certain indices, the contracts themselves have not yet experienced any regulatory problems.

The advent of futures contracts in gasoline and other petroleum products created the opportunity for refiners and middlemen to better manage the price risks associated with a business that has been beset with both domestic and international uncertainty. The most active petroleum futures, those in heating oil, are heavily used by distributors.

C. *Contract Market Rules.*—The majority of rules adopted or amended by contract markets must be submitted to the Commission for approval. In the past year, nearly 800 rules were approved, up 17 percent from the previous year.

D. *Reparations Program.*—Injured commodity investors may file claims with the Commission if violations of the Act have occurred, and the Commission may award damages. In the past twelve months, initial decisions have increased by 23 percent, from 457 to 591 cases.

In the same period, a fifth Administrative Law Judge was hired. The program was reorganized for faster action, and the amount of time required to process a claim prior to hearing has also been reduced by 40 percent, as compared with two years ago.

Under amendments to the Act recommended by the Commission and now pending in Congress (H.R. 5447 and S. 2109), the reparations program would be revamped and streamlined further to achieve speedy results for injured investors.

E. *Exchange Self-Regulation.*—The contract markets are required by the Act to perform effective self-regulation. This is the "first line of defense" against market disorders and abuses.

In the past year, the Commission has conducted a total of 8 reviews of exchange self-regulation, of which 3 related to overall rule enforcement programs (Chicago Board of Trade, Chicago Mercantile Exchange, and New York Mercantile Exchange) and 4 involved the sufficiency of programs to assure financial strength among commodity firms (Kansas City Board of Trade, MidAmerica Commodity Exchange, Minneapolis Grain Exchange, and New York Mercantile Exchange). in one instance, the exchange was found to be operating an inadequate rule enforcement program, and was directed to conduct a major overhaul of that program. In addition, the exchange was assessed $200,000 in civil penalties, and three futures contracts were terminated. In other instances, deficiencies at certain contract markets were identified, and corrective measures were required.

F. *National Futures Association.*—During the past year, the Commission granted registration to the NFA as the commodity industry's first nationwide self-policing organization (comparable to the National Association of Securities Dealers, Inc. in the securities industry). The NFA will be responsible for enforcing ethical standards, financial integrity and customer rights in regard to thousands of industry professionals.

G. *Pilot Option Program.*—After presentation to the Commission's legislative oversight committees in Congress last fall, the Commission finalized extensive rules governing an experimental test of options on a limited number of nonagricultural futures contracts. Only one option per contract market will be authorized initially, with a total of approximately 8 such options. Trading is expected to begin within the next several months.

II. THE 1979-80 SILVER MARKET

From the middle of 1979 until the spring of 1980, the silver markets experienced an unprecedented rise in prices, followed by a rapid decline. During that period, certain speculators accumulated or held massive positions in physical silver and/or silver futures. Moreover, some of the speculation in silver futures was made possible through loans made by banks and brokers against the speculators' physical silver. Finally, substantial participation in the silver futures market was traceable to foreign investors, about whom little was known at the time. In the past year, the Commission has undertaken several steps to minimize the possibility of a repeat of the conditions that existed in the 1979-80 silver market.

A. *Speculative Position Limits.*—Last September, the Commission mandated that limits be placed on the size of futures positions held by speculators in all commodities—including silver—where such limits did not exist. The contract markets have submitted speculative position limits to the Commission for approval, and they are being processed at this time.

B. *Borrowings Against Physical Commodities.*—Through amendments to the Commission's financial requirements for brokerage houses, substantial "haircuts" against capital are now assessed whenever a broker lends money against a physical commodity for the purpose of purchasing futures in the same commodity.

C. *Foreign Traders.*—The Commission is now actively considering a new rule to impose restrictions and sanctions on persons, including foreign traders, who fail or refuse to provide trading information to the Commission that is needed to assess whether a market disorder exists or is threatened. Today, the Commission approved the text of such a proposed rule for public comment.

III. CUSTOMER PROTEC

During the year, the Commission focused upon certain practices that were potentially dangerous to customers, and two steps were taken to alleviate those problems.

A. *Loss Guarantees.*—A few brokerage firms solicited customers with promises that the firms, rather than the customers, would absorb market losses above a certain level. This practice, which appears to have been alluring to some customers, threatened to impose great financial strain on the guaranteeing firms and, therefore, increased significantly the risk of bankruptcies or insolvencies. Should that occur, customer funds could be jeopardized. Therefore, the Commission has prohibited the practice of guaranteeing customers against market losses.

B. *Margin Collection.*—The contract markets prescribe the level of margins required to trade futures, and the brokerage firms carrying customer accounts are required to collect those sums. However, some firms dealing directly with customers (called "originating firms") do not pass those margins through to the firms that are responsible for executing and clearing those customers' trades (called "clearing firms"). Indeed, the originating firms frequently submit all customer trades to the clearing firm as if they were a single account (an "omnibus account"), and forward to the clearing firm only the amount of margin needed on the net position in the omnibus account (i.e., short contracts in excess of long contracts, or vice versa). As a result, only a fraction of the margins required on the trades reaches the clearing firm. This poses two risks: (i) that the originating firm will not diligently collect margins from its customers, since far smaller sums must be sent to the clearing firm; or (ii) that large amounts of customer funds will remain with originating firms that are often weaker financially than the clearing firms. To assure that originating firms collect full margins from their customers, and that those margins are held in the "strong hands" of a clearing firm, the Commission has directed that originating firms having omnibus accounts with clearing firms must pass the entire margins through to the clearing firm.

IV. JURISDICTION

The Commission has exclusive regulatory jurisdiction over all futures trading, commodity options and leverage transactions. For nearly 8 years, serious conflict has existed between the Commission and the Securities and Exchange Commission over their respective jurisdicitions, especially in the area of financial futures (e.g., various debt instruments and stock indices). This tension has resulted in assaults both in Congress and in the courts, to the detriment of new trading and hedging vehicles that have been stymied within both agencies. During the past year, the Commission and the SEC reached an accord on a variety of jurisdictional issues. Subject to Congressional ratification, the accord will permit both agencies to conduct their affairs without the disharmony that characterized the past and frustrated the evolution of important tools for trading and hedging.

The Commission has also taken steps to encourage a more active and broader role for State law enforcement agencies. Since 1978, States have been empowered to pursue commodity fraud in State or Federal courts, using local general antifraud laws or our Act, respectively. In light of disappointing utilization of these tools by States, the Commission has taken several steps in the past year: (i) communicating with the Attorney General of each State about the need for greater State effort; (ii) distributing a

"Spotter's Guide to Commodity Investment Fraud" for use by State law enforcement officials; (iii) expanding the membership in the Commission's Advisory Committee on State Jurisdiction and Responsibilities; (iv) proposing broadened State enforcement powers in H.R. 5447 and S. 2109; and (v) organizing a 2-day seminar for State officials on preparing commodity fraud cases. These efforts should create a stronger and more aggressive role for the States, without impeding the Commission's duty to provide centralized and uniform regulation.

V. AGENCY ADMINISTRATION

The Commission is a relatively new agency, founded in 1975. It has undergone all of the strains of a new organization. Temporary space had to be found immediately, followed by a search for permanent facilities. A staff had to be developed and hundreds of rules were promulgated. Some 30,000 commodity salesmen had to be screened, a reparations system had to be developed, hundreds of commodity firms (commodity pool operators, commodity trading advisors) had to be registered. Major scams in the so-called "London options" area had to be eradicated. And, at the same time, an industry experiencing phenomenal growth needed to be regulated. There simply was no time for easing into the Commission's new and expanded responsibilities.

Building on the organizational gains achieved in the past, the Commission made some major strides in the last year as well.

A. *Morale.*—While Government-wide attrition has averaged 23 percent over the past twelve months, the Commission's turnover has been only 15 percent. This a most gratifying statistic for an agency populated largely with accountants, economists and attorneys who could command impressive salaries in the private sector. Considering the budget uncertainty, rumors of RIF's and furloughs, and a perilous brush last fall with agency closings, it is clear to me that the Commission is blessed with an extraordinarily dedicated and unflappable staff.

B. *Automated Data Processing.*—The Commission inherited 1960's computers from the Commodity Exchange authority that are woefully outdated and prone to breakdowns. In the past year, the Commission linked up with the Environmental Protection Agency's state-of-the-art computer facility in North Carolina, and many tasks are being processed through that system pending a full-scale review of the Commission's long-range needs.

C. *Reauthorization.*—As you know, the Congressional reauthorization process has required the Commission to devote great resources to that effort, including recommendations for ways to improve and strengthen the Commission's operations. It is notable that, despite that fact, the Commission has kept pace with its other responsibilities throughout the period.

D. *User Fees.*—The Commission, after reviewing its needs as well as the Government-wide effort to restrain Federal spending, has developed a proposal to impose a small "user fee" on transactions that it regulates. While our sister agency, the SEC, has enjoyed a $40,000,000 increase in its budget since 1975, the Commission receives only $5 million more than in 1975, even though the futures industry has grown much faster than the securities business during that period. I remain hopeful that this "user fee" will become a reality.

E. *Paperwork Reduction.*—As the result of our review of unnecessary or duplicative reporting requirements, the Commission was able in the past year to reduce the paperwork burden on the trading community by approximately 375,000 filings per annum.

Much remains to be done, of course. But, with the exceptional talent that exists among my colleagues and our staff, I have every confidence that the Commission will soon become a leader in the family of Federal agencies, and a credit to the Government as a whole.

Sincerely,

PHILIP MCBRIDE JOHNSON,
Chairman.●

H.R. 6086: THE SMALL BUSINESS INVESTMENT ACT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. OTTINGER. Mr. Speaker, on Tuesday, June 8, the House considered the Small Business Investment Act (H.R. 6086) which essentially reauthorizes the Small Business Administration. Of special concern to me and many of my colleagues is section 12 of this bill. This section of the proposed legislation would deny any financial assistance to small businesses which, in any way, deal with the issue of abortion.

What otherwise was a politically attractive piece of legislation, H.R. 6086 has now been tainted with the language of section 12 that has no immediate, legitimate connection to the original bill itself. Furthermore, because the bill was being considered under suspension of the rules, I was not, nor any other Member, able to amend the legislation in any way to reflect our dissatisfaction with the bill. The fact of the matter is that the section denying financial assistance to small businesses that perform abortions, engage in research relating to abortion, promote or recommend abortions, or train individuals to perform abortions has no place whatsoever in a bill reauthorizing the SHA.

Since the Senate version of this bill contains no provision similar to section 12, I urge the conferees on this legislation to consider the concern I have raised and drop this obnoxious and inappropriate provision from the bill.●

COMPARISON OF COST OF PLANES

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GINN. Mr. Speaker, in recent days a great deal of confusion has been created over the cost comparison between the Air Force's decision to buy the C-5 aircraft and the Boeing Company's proposal to substitute 747's for those C-5's. I welcome the opportunity to clarify for the Members the actual costs associated with these proposals.

The Air Force and the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense have performed independent estimates of the costs of both the C-5B and the 747. The cost comparison based on these costs is even-handed and represents an "apples-and-apples" situation.

Both Lockheed and Boeing have made fixed-priced proposals. It is important to note that both proposals cover the flyaway cost of the aircraft only; there are significant other costs which must be added to both of the fixed price numbers to cover initial support, other Government costs, military construction and operating and support costs. In the Air Force/OSD independent cost estimates, the basic unit costs of the two aircraft—the fixed price proposal values—were not changed.

Boeing suggested a 747 fleet size of 48 aircraft as equivalent to the DOD-proposed buy of 50 C-5Bs. The Boeing fleet size was based on a Boeing redefination of only one of the scenarios from the congressionally mandated mobility study. Also, most of the Boeing analysis assumptions were nonstandard. When the Air Force and OSD analysts ran their respective computer programs using consistent assumptions, they derived a 747 fleet size of 55 aircraft, not 48 as suggested by Boeing. This 747 fleet sizing by the Air Force and OSD is more than fair to the 747, since no penalty was assessed against the 747 to represent its military utility deficiencies such as lack of short and soft-field landing capabilities, very high cargo deck height, small door sizes, lack of fore and aft doors, and inability to load outsize combat equipment.

The following table compares the Air Force/OSD estimates with the Lockheed and Boeing fixed-price proposals:

Number of aircraft	New 747's		New C-5B's	
	Boeing proposal	Air Force estimate	Air Force Estimate	Lockheed proposal
Buy	48	55	50	50
Operate	41	48	44	44
Aircraft Flyaway costs: Billions of dollars fiscal year 1982	[1]$3.00	[1]$3.45	$5.35	$5.35

[1] $63 million each.

This illustrates that the only change to the contractor fixed price proposals is a slight—less than 15 percent—increase in the 747 total flyaway costs to get the two fleet sizes on an equivalent basis.

The two following tables present the results of the Air Force/OSD total cost estimates for the C-5B and the 747. Note that the fleet sizes and aircraft flyaway costs are the same in these tables as the values given in the previous table.

AIR FORCE C–5B TOTAL COST RESULTS

[Fiscal year 1982 dollars in billions]

	New C–5B's	
	Air Force total cost	Lockheed proposal
Number of aircraft:		
Buy	50	50
Operate	44	44
Acquisition costs:		
Aircraft flyaway	$5.35	$5.35
Initial support	0.45	
Other Government costs	0.40	
Military construction	0.20	
Total acquisition	6.40	
Operations and support costs (20 years):		
Fuel	4.50	
Operation and maintenance	4.50	
MAC and ATC training	0.60	
Total O&S	9.60	
Total life cycle cost	16.00	

AIR FORCE 747 TOTAL COST RESULTS

[Fiscal year 1982 dollars in billions]

	New 747's	
	Air Force total cost	Boeing proposal
Number of aircraft:		
Buy	55	48
Operate	48	41
Acquisition costs:		
Aircraft flyaway	$3.45	$3.00
Initial support	0.40	
Other Government costs	0.35	
Military construction	0.20	
Total acquisition	4.40	
Operations and support costs (20 years):		
Fuel	5.50	
Operation and maintenance	4.50	
MAC and ATC training	0.70	
Total O & S	10.70	
Total life cycle cost	15.10	

By way of overall comparision, the 747 would be $2.0 billion less in acquisition than the C–5B but only $0.9 billion less in life cycle cost.

In reviewing the Air Force 747 estimates for the added cost elements, it appears that they have been more than fair to the 747. The added acquisition costs for the 747 total $0.95 billion for 55 aircraft while they are $1.05 billion for the C–5B for only 50 aircraft. Since the 747 would be a new aircraft in Air Force inventory it is not likely that these added costs would be less for the 747 than for the fewer number of C–5s—an aircraft that is already in the Air Force inventory. The only significant difference between the O & S costs for the two aircraft is in fuel costs. The 747 fuel cost is about 22 percent higher than that for the C–5B—the result of a higher fuel usage per flight hour (higher speed and greater weight) and a 9-percent higher fleet size.

The 747 cost estimates above are for new 747 aircraft. Boeing has also proposed used aircraft. The Air Force has testified that the used 747's are not significantly less expensive than the new aircraft. This is due to the fact that the purchase price of the used aircraft plus the cost to refurbish and modify these older aircraft is only very slightly less than the Boeing proposed price for the new aircraft.●

TRIBUTE TO COL. LEO DRAPER, U.S. ARMY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. ANDERSON. Mr. Speaker, on the 30th of June, Col. Leo Draper, who has served as the commander of Fort MacArthur, Calif., since August 1979, will retire. He will be concluding a distinguished military career that encompasses 27 years, and which has seen him serve in a variety of key staff and command assignments.

The commander of Fort MacArthur has over the years been a key military figure in the life of the South Bay communities. He has represented the Army, as have his Navy, Air Force, Coast Guard, and Marine Corps counterparts their services, at a variety of functions in this strongly prodefense area. And, by tradition, he has participated fully in the civilian community. Colonel Draper has been no exception to this tradition as he, too has shown the "Army green" frequently. Active in the military affairs committees of three chambers of commerce—San Pedro, Long Beach, and Torrance—he was well known among the influential business leaders of the area. Colonel Draper was chairman of the ROTC Affairs Committee and a member of the board of directors of the Greater Los Angeles Chapter of the Association of the U.S. Army; he was chairman of Community Services Committee and a member of the Policy Committee and Army spokesmen with the Los Angeles Federal Executive Board; he was the Army representative on the board of directors of the Los Angeles Chapter of American Defense Preparedness Association; and a member of the San Pedro Coordinating Council. Colonel Draper also gave of his free time as an active participant in numerous fund raising activities in support of visual research programs and other nonprofit organizations sponsored by the Lions Club of San Pedro, and was active in the Oceanview Baptist Church where he served as a senior layperson.

Colonel Draper's military career has taken him to Korea, Vietnam, and Germany, as well as to various assignments in the United States. His distinguished service has been recognized by the award of the Bronze Star Medal, the Joint Service Commendation Medal, the Defense Meritorious Service Medal with oak leaf cluster, the Army Commendation Medal, and various campaign ribbons and service decorations.

My wife, Lee, and I have seen Leo and Margaret Draper on numerous occasions, and have always been impressed by the fine manner in which they have represented the U.S. Army. As he moves into another career back in his home State of Texas following his retirement from the military, we wish Leo and Margaret Draper, their son, David and their daughter, Melinda the very best in the years ahead. It has been good knowing you, and we and the South Bay area will miss you.●

LAW OF THE SEA OPTIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. GILMAN. Mr. Speaker, as a congressional adviser to the U.S. delegation to the Third United Nations Conference on the Law of the Sea, I was pleased to have the opportunity to attend the most recent Conference session in New York which ran from March through April. At that session, the Law of the Sea Conference, following 8 years of negotiations, adopted a comprehensive treaty. The United States, citing concern about certain aspects of the treaty, voted against the measure.

Mr. Speaker, I am submitting at this point in the RECORD for my colleagues review, the complete text of the recent remarks by Leigh S. Ratiner, the former Deputy Chairman of the U.S. delegation to the U.N. Law of the Sea Conference, concerning the Conference outcome and possible future options for the United States. I urge my colleagues to note Mr. Ratiner's observation that "an immediate and widespread effort to build global support for additional amendments to this treaty which would make it workable and ratifiable," is in the best interest of the United States. The alternative, he states, is for the United States to become isolated from other nations and groups of nations which might soon accept the treaty. In that event, the institutions created by the Conference document, "will safeguard the mining claims of our industrial competitors and reject rights claimed by American-flag companies."

The review referred to follows:

REMARKS ON THE LAW OF THE SEA CONFERENCE BY LEIGH S. RATINER,[1] DELIVERED TO THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MAY 26, 1982

On April 30, the United States was the only Western industralized country to vote against the final treaty adopted by the United Nations Law of the Sea Conference. The treaty falls short of the goals sought by the Reagan Administration. It establishes a mixed economic system for the regulation and production of deep seabed minerals and, as a matter of principle, the United States could not, consistent with its free enterprise philosophy, have done otherwise when the time came to vote.

[1] The author was Deputy Chairman of the United States delegation to the Law of the Sea Conference on 1982 on leave of absence from the Washington law firm of Dickstein, Shapiro & Morin in which he is a partner. He had served prior to 1977 in three previous administrations as a senior advisor and negotiator at the Law of Sea Conference on seabed mining, energy and national security issues.

Unfortunately, our strong and uncompromising defense of principle may have cost us a golden opportunity to convert the treaty into a better vehicle for commercial operators.

But that loss could be minor when compared with the prospect that the United States might now decide to exclude itself from a new global regulatory organization which may—sooner rather than later—count among its members all of our allies, the Third World and the Socialist bloc. This new institution will safeguard the mining claims of our industrial competitors and reject rights claimed by American flag companies.

Moreover, if the United States stays out of the sea law treaty, and most major nations join it, we risk conflict over American assertions that we are entitled, without participating in the treaty, to treaty created rights related to navigational freedoms and jurisdiction over our continental shelf.

Should all this come to pass—and it seems likely it will—we will suffer a significant, long term foreign policy setback with grave implications for United States influence in global economic and political affairs.

How did we bring ourselves to this point? In March, 1981, the new Reagan Administration began a much-needed, soul-searching review of the draft convention on the law of the sea. It was clear that notwithstanding the treaty's many potential benefits its deep seabed mining provisions were anathema to some elements of the Reagan Administration and the treaty was considered unratifiable in the Senate.

The United States policy review lasted more than a year. Out of respect for our power and influence the world waited for the United States decision. The Law of the Sea Conference went into neutral, avoiding final adoption of the treaty which had been virtually completed in 1980 with apparent United States agreement. By the time President Reagan announced on January 29 that the United States would return to the negotiating table, the United States negotiating leverage was substantial.

When the Conference resumed in March, the United States had its golden opportunity. The rest of the world was ready, willing and anxious to reshape important aspects of the treaty to attract United States support. Yet at the end, 130 countries adopted the treaty without United States support. Seventeen countries, including the Soviet bloc, abstained. The Soviet abstention was prompted by a minor point but the Soviets are likely eventually to sign the treaty. Two of America's closest allies, Japan and France, despite pleas for solidarity, voted in favor—a startling and potentially powerful signal about Japanese post-war foreign policy development. Germany, Britain and a handful of other Western allies abstained in support of the United States but they may well sign the treaty with or without the United States.

A few words will suffice to explain why and how this occurred. After its policy review, the United States returned to the bargaining table with instructions to fix every important defect in the seabed mining provisions—in short to convert the treaty into a pure free market system with overwhelming voting power for the United States and its closest allies. All of the improvements we sought were desirable and important. Some of them were fundamental to making the treaty commercially workable. But the primary United States objective, in fact was the eradication of ideological impurity. As a result, when the time came for compromise, the United States did not make ideological concessions to the Third World in exchange for pragmatic improvements. The Western allies maintained solidarity with the United States throughout the negotiations. In doing so, our allies, who in varying degrees, share our ideological views—but not our willingness to sacrifice concrete accomplishments for them—were deterred from negotiating more modest improvements on their own behalf.

Our strong stance on every issue persuaded the bulk of Conference participants that the United States appetite was too great—no improvements were likely to satisfy us that could also be swallowed by the Third World. Many hoped up until the final hours that the United States would moderate its position on other issues, so as to create a fruitful negotiating climate. We did finally, but our concessions were small when measured against our remaining demands. Indeed even the few concessions we offered brought cries of sellout from Members of Congress, the Industry and elements of the Executive Branch. Thus, the only major negotiation during the final session occurred over the issue of "grandfather rights" for existing deep seabed miners.

The United States demand in this area was widely regarded as directed toward repairing a genuine defect in the treaty. Despite strong and emotional ideological opposition in the Third World to legitimize the rights of existing miners who had been acting under domestic legislation, they were granted secure, effective grandfather rights. This result is an indicator of our negotiating adversaries' willingness to meet reasonable demands related to concrete interests. Had we been more realistic on other issues and better able to convince our adversaries that the Reagan Administration would support a treaty which effectively met our concerns, the final treaty could have been vastly improved over what it is today.

Even so, the final treaty satisfies some American interests and presents ironic choices. If the U.S. were to join the treaty, it would have guaranteed, automatic access to the strategic raw materials of the seabed for the first generation of seabed mining. Ten seabed mining entities, including four named consortia in which United States companies participate, are entitled to all of the mineral production likely or possible from the seabed for the next 30 to 50 years. Metal market projections indicate that demand for manganese, copper, cobalt and nickel from the seabed is unlikely to reach, much less exceed the production capacity of these grandfathered miners during that period nor will it exceed the production ceiling in the treaty which could accommodate more than 20 such mine sites in the same period. Thus, with the notable exception of mandatory technology transfer and the procedure for amending the treaty—the offensive ideological provisions of the treaty would not effectively apply before the middle of the 21st century. By that time there would have been a thorough treaty review and an opportunity to re-negotiate.

The negotiations produced improvements in addition to grandfather rights for existing miners. For example, the United States is guaranteed a seat on the Executive Council of the new global institution, the Seabed Authority. The provisions for amending the treaty have been improved. The contract approval system for miners has less potential for abuse and discretion. The policy orientation of the Seabed Authority is slightly more favorable to mineral production, and the Seabed Authority must adopt rules and regulations for newly discovered seabed minerals once a nation capable of exploiting them makes a request—thus avoiding one of the fatal flaws of the previous treaty, a moratorium on these other minerals.

These achievements were modest, however, and did not rectify fundamental inequities and adverse precedents which the Administration quite properly opposed. Nevertheless, they may be sufficient to make the treaty very attractive to other Western industrialized countries who, while sharing our ideological views, are more interested in secure access to strategic raw materials and influence in global economic decisionmaking. Under the treaty, they will be guaranteed mineral access for a substantial period into the future and will play a large role in shaping the rules for seabed mining.

Perhaps the greatest irony for the United States is that the treaty now authorizes, even commands, what the Third World had long vehemently opposed—a mini-treaty among those countries who wish immediately to resolve overlapping mine site claims and obtain global approval for their legal rights. But there is a catch. To obtain global approval, they must sign the treaty. If they fail to sign, and instead sign an alternative mini-treaty regime, they will provoke global disapproval of the lawfulness of their mining claims. The President of the Conference has vowed to challenge an alternative mini-treaty before the United Nations General Assembly and seek an opinion of the International Court of Justice. The resulting protracted litigation will have a chilling effect on seabed mineral investment. For this reason, among others, in my judgment, Japan, France, Germany, Britain and most other potential seabed mining nations ultimately will sign the law of the sea treaty and a mini-treaty among themselves which will dovetail with the law of the sea treaty. In any such mini-treaty, or allies will surely make certain that any such agreement preserves their option to sign the law of the sea treaty. They will do so because the law of the sea treaty creates unchallengeable rights, superior to those created by a mini-treaty. Absent United States ability to persuade our allies to sign a permanent mini-treaty as an alternative to the treaty, the United States ultimately will be abandoned by its allies who would be prohibited from recognizing United States mine site claims once they have signed the treaty.

This point is crucial because I believe the decision not to compromise ideological issues was founded on an assumption that after the Conference ended, the Western industrialized countries would ignore the law of the sea treaty and set up an alternate mini-treaty. This approach presumably assumed that a mini-treaty would include all potential seabed mining countries and therefore would provide sufficient legal security to attract the billions of dollars of private capital necessary to set up commercial mining operations. I suspect that if William Safire had understood that this outcome was, at best, improbable and unworkable, he would not have suggested in the New York Times on April 9, 1982, that the United States should shelve the treaty negotiations. I believe that if President Reagan understood the realistic prospects for an alternative mini-treaty regime he, too, would have had second thoughts about the pursuit of principle over pragmatism.

United States policymakers may have also made another assumption which could prove false; that the United States could stay outside the treaty but claim and enjoy its numerous beneficial provisions which establish rights such as the 200-mile economic zone which guarantees to every coastal state broad jurisdiction over its continental shelf, freedom of military and commercial navigation within the economic zone and through and over international straits, would be accepted by other nations because the treaty

reflects custom—an accepted way of formulating international law.

I do not believe that serious consideration was given to the possibility that the contrary argument could be made—that the law of the sea treaty only creates rights for those who are parties to it and who assume the treaty's obligations. For example, coastal states may choose to impose stricter regulations on oil tankers flying a United States flag, arguing that they have a right to discriminate against non-parties to the treaty. Moreover, in a Middle East crisis Arab countries might be tempted to seize on United States non-participation in the treaty as an excuse to attempt to limit our activities within their economic zones. Thus for those nations who eschew the treaty obligations, treaty rights may be claimed as a matter of customary law but may also be successfully challenged in protracted litigation before the International Court of Justice. Thus the Court may one day resolve America's rights to freedom of navigation and the successful ten-year negotiating effort to gain these rights could conceivably be lost.

One final point remains. The totality of the seabed mining provisions of the treaty are hard to defend on the merits. I am a conservative who sympathizes with the Reagan Administration's criticisms of the law of the sea treaty. Presumably that is why the Reagan Administration asked me to join the effort at renegotiation. I am certain that the final treaty would have better satisfied United States interests had the Administration been less ideologically rigid in its approach. I also would be the first to acknowledge that the best that could have been done would have involved important compromises of principle.

But the dilemma for the U.S. now goes far beyond the specifics of this flawed treaty. In time—probably sooner rather than later—our allies, the Soviet bloc and the Third World will sign and ratify and treaty. They see a long—term future in the treaty, and they will want to be part of it. They will want to protect "grandfather rights" for their companies, secure international approval for broad jurisdiction over their continental shelves, have a voice in organizing, staffing and drafting the rules of the new Seabed Authority and lay to rest numerous other potential disputes about varying uses of ocean space and resources.

If the Western industrialized powers, minus the United States join the Soviet bloc and the Third World, they will create an historic global organization. One which for the first time in history regulates, manages and produces globally shared resources. One day this institution could use its taxing power to become self-financing. Should all this occur without American influence, participation and leadership, our nation will suffer a much more serious adverse precedent than any of the adverse precedents we fought against in the treaty negotiation itself. We will stand as the emperor without clothes—for the entire world will see that it can do amazing and stupendous things without American money, leadership or technology. If the United States is not part of the treaty system, American companies will have to go to other countries to be able to conduct business in the seabed. As a result, the United States will lose direct access to strategic raw materials from the seabed, a goal it has sought consistently throughout the ten-year law of the sea negotiations.

In short, the guardians of pure conservative ideology may have won a battle when the United States stood alone at the Law of the Sea Conference, but the United States may lose a very important war.

If my political analysis is correct, the United States has two choices ahead—either an immediate and widespread effort to build global support for additional amendments to this treaty which would make it workable and ratifiable or alternatively it may wait until it is clear to all who doubt these predictions that it will be isolated. At that time either this or some future administration will probably sign and ratify the treaty in its present form because it will understand that the costs of isolationism are far higher than the costs of accepting some of the rhetoric and principles of the North-South dialogue. And if we choose the latter course, when the United States does eventually join, the rules of the game will already be set and our industrial competitors will already have gained a major lead into political and economic advantages associated with the start-up work of the new institution.

Our senior foreign policy makers should understand that once leadership is abdicated and the world finds that it can proceed without us, it will not be easy for the United States to reclaim its influence.●

FAREWELL TO SINAI

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. FLORIO. Mr. Speaker, I would like to commend to each Member's attention the photography exhibit, "Shalom Sinai—Road to Peace," which is on display in the Cannon House Office Building. The photographs were taken by one of Israel's most famous photographers, Farag Peri. The exhibit captures the love of the land and the hope that peace will finally come.

Israel's return of the Sinai to Egypt represented a courageous and significant step toward achieving peace in the region. The Israelis understand that they made a crucial and strategic decision to give up the Sinai. Although mostly barren and largely uninhabited, the Sinai is strategically vital. Control of the peninsula by hostile forces could pose a great threat to Israel's security.

I urge my colleagues to see the exhibit which is on display through June 12.●

WHAT FREEDOM OF THE PRESS MEANS TO ME

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1982

● Mrs. BOUQUARD. Mr. Speaker, I am pleased to offer for inclusion in the RECORD today an essay composed by Jimmy Mosier of Tyner Junior High School in Chattanooga, Tenn. Jimmy was 1 of only 10 winners in the Current Events National Essay Contest, "What Freedom of the Press Means to Me." I congratulate Jimmy on this outstanding accomplishment.

I share the pride of his parents, Mr. and Mrs. Mosier, his teachers, and his fellow students at TJHS and know I join with them in wishing him the very best in his future endeavors.

The essay follows:

WHAT FREEDOM OF THE PRESS MEANS TO ME

In no other country today do the citizens enjoy as much personal freedom as we do here in America. One of the most important freedoms we have is the freedom of the press. This was made possible by our forefathers who wanted a new way of life.

In the early days of America, when the settlers from Europe were colonizing America and establishing new lifestyles, there was no guarantee that they would have the freedoms which they sought. In fact, since the colonists were still under the domination of the sovereign country of England, they had little control over their own affairs. They were taxed without representation and worst of all were unable to speak out against the crown without fearing for their lives.

Since the colonists' very reason for coming here was to get away from oppression, they soon took action to insure their right to life, liberty and the pursuit of happiness. They won their independence from England on July 4, 1776. The leaders of the nation immediately got together to protect this new liberty.

Our founding fathers wrote the Constitution of the United States in which are stated the ideals of the new nation. They added the Bill of Rights, the first ten amendments, in order to guarantee several major freedoms. One of the most important freedoms, the freedom of the press, is found in the first amendment. This freedom gives all American people the right to express their opinion in the media which includes the newspapers, radio, and television. The government is not allowed to interfere or censor material even if the opinions expressed criticize the government. I believe that criticism and different viewpoints keep the government healthy. Since we have representative government, our lawmakers and our President need to know how we feel. Also a constant flow of information to the people from the press keeps them informed and brings the government closer to the people where it should be.

It might appear that freedom of the press would allow the press to get by with lying and unjustly hurting someone. However, there are checks and balances as in the rest of our democratic system. Americans may sue and collect damages for untrue statements written about them. The legal term for this suit is called libel. This ability to sue keeps the press honest and reliable.

I realize how necessary freedom of the press is and how fortunate I am to live in a country where we have it. I believe that every citizen has an obligation to help protect this freedom. We should not take it for granted but should keep up with proposed censorship laws and vote on them. We should keep up with current events through the media and report any false publications or broadcasts. We should take advantage of editorials and voice our opinion on government matters. Only by protecting this great freedom can we continue to have a government of the people, by the people, and for the people.●

H.R. 4929 (PEPPRA)

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PEPPER. Mr. Speaker, it has come to my attention that some misinformation has been circulating regarding H.R. 4929, the Public Employee Pension Plan Reporting and Accountability Act of 1982, (PEPPRA) which was recently reported out of the Education and Labor Committee. H.R. 4929 would prescribe minimum reporting, disclosure, and fiduciary standards for State and local government retirement plans. The bill is designed to correct many of the abuses found to exist in the operation of such plans documented in the 1978 Pension Task Force Report issued by the Education and Labor Committee. States are granted an exemption from reporting and disclosure and certain other requirements of PEPPRA if State governing laws are substantially equivalent to PEPPRA.

Unfortunately, certain opponents of the PEPPRA bill have been spreading false rumors and innuendos over what the bill would do in an effort to defeat this much-needed legislation. For example, the administration of the Teachers Retirement System of the State of Texas (TRS) recently sent out a bulletin to TRS participants stating that H.R. 4929 would—

Override existing state constitutional protections for members and annuitants, provide a means to allow investment of retirement funds at lower rates for social purposes (e.g. to bail out insolvent governmental units with low cost loans), place federal controls on state and local government employee benefits (and) open confidential individual accounts to public disclosure.

In fact, the PEPPRA bill would do none of these undesirable things. H.R. 4929 would not override any existing State protections for State and local government pension plan members and beneficiaries, nor would it provide a means to permit the investment of plan assets at lower rates for social purposes, nor would it affect any State law relating to plan benefits, nor would it open information relating to an individual's benefit to public disclosure.

I am a strong supporter of the PEPPRA bill because I believe it will provide some extremely important retirement income protections for State and local government pension plan participants and beneficiaries. Whether you look to the comprehensive report on public plans issued by the House Pension Task Force or to a host of other private and government studies, it is clear that a crisis now exists in the operation of State and local government pension plans. These plans face problems which threaten not only their own fiscal stability and the rights and interests of the workers who have contributed to them but threaten as well the financial health of State and local governments.

As a constructive means of addressing the public pension crisis, H.R. 4929 would require the reporting and disclosure of certain benefits, financial, and actuarial information, as well as establish fiduciary standards for State and local government retirement plans. Effective reporting, disclosure and fiduciary standards will serve to activate local political processes so that public pension problems will be solved at home, rather than in Washington. As my distinguished colleague from Illinois, Mr. ERLENBORN, recently pointed out:

PEPPRA will result in enhanced accountability in public pension plan operations, greater protection and clarification of public employee pension benefit expectations, and the recognition that public pension funds "belong" to plan participants and should be invested for their exclusive benefit. In sum, PEPPRA is the embodiment of the principle of good government carried out within the framework of a reasonable and appropriate State-Federal compact.

In an effort to set the record straight concerning the objectives of this important bill, I would like to insert a factsheet on the PEPPRA legislation, prepared by the Subcommittee on Labor-Management Relations, into the CONGRESSIONAL RECORD:

FACTSHEET ON H.R. 4928 AND 4929 (PUBLIC EMPLOYEE PENSION PLAN REPORTING AND ACCOUNTABILITY ACT)

(1) States have it within their own control as to whether or not pension plans within their jurisdiction are subject to Federal reporting and disclosure requirements.

Although the bills set up certain minimal federal requirements concerning reporting and disclosure, those requirements would not apply to plans in States where the Governor certifies that state law contains substantially equivalent provisions. (Sec. 102 of both bills)

(2) Neither bill affects any State law or plan provision relating to benefits, including those dealing with eligibility for or amount of benefits.

This assurance is found in two sections of H.R. 4928 and in one section of H.R. 4929. Only those laws which relate to the specific items covered in the bills would be superceded—therefore no additional Federal controls over state and local government employee benefits are added. In fact, the bills are deregulatory because there are currently several provisions of the Internal Revenue Code (and thus Federal law) which do affect benefits and those sections of the Code are amended to specifically exclude state and local plans from coverage (for example, section 415 of the Code limits the benefits and contributions of these plans). (Sec. 309 of H.R. 4929 and secs. 309 and 401 of H.R. 4928)

In its report on the bills, the Committee noted:

"The effect of this change will be to remove the Federal Government from intruding into those areas of public plan operation best left to State and local discretion—i.e., the setting of benefits and contributions. In other words, the bill is deregulatory in nature. It eliminates an opportunity for future conflicts between the Federal Government and State and local governments over benefits and contributions. This should set at ease the minds of those who might view the legislation as just a means of expanding the Federal role and jurisdiction over pension plans maintained by State and local governments."

(3) These bills do not override any existing State protections; they simply fill in the gaps in which protections do not exist.

The exemption from Federal reporting and disclosure requirements where the Governor certifies that the state law already provides similar protections encourages states to deal with retirement issues themselves so as to avoid Federal standards. As explained under #2 above, none of the hard-fought, benefit protections are affected by these bills. In addition, the reporting requirements generally do not take effect for about 5 years, thereby giving states the incentive to make any adjustments in their practices necessary to avoid Federal regulation. (sec. 312 of both bills)

(4) The bills provide full public disclosure of financial information concerning only the plan itself—including vital information about the plan's unfunded liability and investments. No information relating to an individual's benefit would be subject to public disclosure. However, if an individual wanted to know about his or her own benefit, the plan would be required to give it to the individual himself or herself.

Plan participants and taxpayers have a right to know what is being done with their money. Others have no right to know what an individual's benefit is.

(5) The current rules which require plan assets to be used for the exclusive benefit plan participants and beneficiaries are continued. In addition, the bills would require all investments to be prudent.

This means that plan assets cannot be simply taken to bail out insolvent governments. In the two cases in which a substantial portion of plan assets were used to rescue failing city governments, those cities had to come to either the Internal Revenue Service or the Congress or both for special permission to use plan assets for that purpose. Neither of these bills would change that. In fact, enactment of either of these bills would make it harder for plan assets to be diverted to that purpose.

(6) These bills will not increase the potential tax liability of any public plan participant.

In the past, certain zealous IRS agents have tried to challenge the tax status of state and local pension plans and assess additional tax liability against unsuspecting plan participants. H.R. 4928 would prevent that from occurring in the future by granting an unqualified exemption from taxation to plans which comply with the bill's other requirements. Thus participants in those plans will continue to receive favorable tax treatment without fear of possible IRS action against them because of uncertainty of the plan's tax status. (secs. 401 and 404)●

SUPPORT OF EXPANDING THE TOIYABE NATIONAL FOREST, NEVADA/CALIFORNIA

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SANTINI. Mr. Speaker, I have introduced legislation today to expand the Toiyabe National Forest by adding 10,000 acres in the Sierra Nevada Mountains extending from Reno, Nev., to Lake Tahoe. This land has been identified by the U.S. Forest Service as

a high priority for preservation in its natural state.

My legislation would transfer 10,000 acres to the U.S. Government as credit in the amount of $17 million against the Federal tax liability of the estate of Nell J. Redfield. This acreage was originally part of the 50,000-acre estate of LaVere Redfield, 30,000 acres of which was acquired by the Forest Service for an estate tax credit enacted into Federal law in 1976. My bill will simply complete action begun in the early 1970's to acquire all remaining Redfield forest lands identified as having exceptional natural beauty. We now have a once-in-a-lifetime opportunity to acquire a piece of the Sierra Nevada range for future generations of Americans. The land is pristine and undisturbed and lies almost entirely within the existing boundaries of the Toiyabe National Forest.

In 1976, Congress amended the Internal Revenue Code to allow 30,000 acres of the original Redfield estate to be acquired by the Federal Government in exchange for estate tax relief. The bill I introduced today adds the remaining 10,000 acres of the Redfield estate to the U.S. forest system. I urge my colleagues to join with me in support of this legislation. Failure to act now will result in a tremendous natural resource loss which will probably never be regained.●

ARMS CONTROL—THE ROLE OF SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BROWN of California. Mr. Speaker, the attention being paid to the Second United Nations Special Session on Disarmament by the U.S. press is a welcome change from the coverage of the first special session held in 1978. Perhaps if that important international meeting had received the attention it deserved, the extreme policies of the Reagan administration would never have been articulated, and the progress toward real arms control would have been greater. In any case, we now have an administration that is still getting its act together as it tries to articulate and rationalize simultaneous support for nuclear superiority and nuclear disarmament, and everything in between.

One of the most interesting peace initiatives proposed in the 1978 Special Session on Disarmament was the French proposal to establish an International Satellite Monitoring Agency. The second session will have before it a feasibility study entitled, "Study on the Implications of Establishing an International Satellite Monitoring Agency," that clearly establishes the positive value and feasibility of using remote sensing from satellites as a tool for peace.

In this country, this deceptively simple concept has been championed for years by Howard Kurtz, a retired Air Force officer and the moving force behind the small, nonprofit group called War Control Planners, Inc. As one who has long been familiar with Howard Kurtz and the concept he promotes, I have often been surprised at how little attention this proposal has gotten both in and out of Government.

There are exceptions to this near myopic view. Prime among these exceptions has been the technical press, which has an understandable interest in new applications of advanced technologies. Perhaps inspired by the popular press' attention to the Special Session on Disarmament, the Institute of Electrical and Electronic Engineers' (IEEE) journal, Spectrum, and the Washington Remote Sensing Letter, each recently ran stories about the relationship of the International Satellite Monitoring Agency proposal to arms control. Each publication, quite properly, singled out Howard Kurtz for his tireless efforts to promote this concept.

Mr. Speaker, it is time for Members of this Congress, and the general public to pay attention to an important tool for peace. It is time to get this discussion beyond the technical journals and into the public debate on how we achieve peace. To help contribute to this end, I wish to insert an editorial from the IEEE journal, and two brief articles from the Washington Remote Sensing Letter, in the CONGRESSIONAL RECORD at this time.

The articles follow:

[From the IEEE Spectrum, June 1982]

ARMS CONTROL

The topic of disarmament currently enjoys a high profile in the popular press, presumably because there is a great populist concern about the prospects of nuclear war that did not exist a few years ago. This broader concern by the public is counterbalanced by a slowing of progress in disarmament negotiations at the governmental level and by an escalation in size of nuclear arsenals, particularly those of the U.S. and the Soviet Union.

Meanwhile, the United Nations General Assembly is about to convene the Second Special Session on Disarmament, June 7 to July 9. Not a great deal of progress is measurable since July 1, 1978, when the UN's initial Special Session on Disarmament was adjourned. The 1970s had been declared the Disarmament Decade by the UN, but as the 1978 special session drew to a close, it was clear, in the words of that session's final document, that "there has not been any real progress . . . that might lead to the conclusion of a treaty on general and complete disarmament under effective international control." The document also concluded that "it has not been possible to free any amount, however modest, of the enormous resources, both material and human, which are wasted on the unproductive and spiralling arms race and which should be made available for the purpose of economic and social development. . . ."

Four years later, on the eve of the second disarmament session, world military spending is over $500 billion annually and rising, and so great hope is placed upon this meeting. In addition to a review of a proposed action program, stemming from the first session, the agenda includes the possible convening of a World Disarmament Conference.

Meanwhile, spokesmen like Admiral Noel Gayler (ret.), who was commander-in-chief of U.S. forces in the Pacific and former director of the National Security Agency, propose a phased bilateral reduction in weapons on the part of the U.S. and the USSR. Writing in a recent issue of the Sunday magazine section of the New York Times, Adm. Gayler called for the immediate negotiation of deep cuts "because they are in the best interests of both parties." They can be designed to have a stabilizing effect and reduce the risk of nuclear war, he said, adding that "Solutions are available to all obstacles, real or imaginary."

Adm. Gayler cited the principal reasons that the U.S. Senate refused to ratify the SALT II nuclear-arms-limitation treaty signed by President Carter and Leonid Brezhnev. The hangups related to questions as to: (1) what is fair and equal? (2) what is verifiable? and (3) how are weapons to be classified and counted?

Adm. Gayler's proposal is to permit each side to relinquish an equal number of weapons of its own choosing. On the theory that many weapons make vulnerable targets, he believes that self-interest would make each side give up its most vulnerable weapons (like land-based strategic missiles in fixed silos). As the arsenals decrease in size and vulnerability, the value of the remaining missiles as offensive weapons decreases, he postulates. The weapons would be delivered to a joint U.S.-Soviet commission referred by a third party for convention into nuclear power for civilian purposes. Adm. Gayler's is one of numerous mechanisms proposed in recent years to reverse the arms spiral.

The UN's first session agreed that disarmament was possible only if participating nations could be confident of the others' good faith, and that "States should accept appropriate provisions for verification in such agreements." It further agreed that efforts should be made to develop procedures that "are nondiscriminatory and which do not unduly interfere with the internal affairs of other states or jeopardize their economic and social development."

Those objectives are laudatory but not easy to meet. Not only is the UN's own Committee on Disarmament studying options, but other groups have put forth proposals. One of the most elaborate is by a group calling itself War Control Planners, whose president and driving force is Howard Kurtz. Mr. Kurtz has proposed to enlist technology to build a giant open-to-the-public "global information cooperative," linked to a series of earth-orbiting, intelligence gathering satellites and other global information-gathering sources. His idea was explained to readers of Spectrum in a December 1973 article, in which the twofold objective was given as (1) to maintain a public inventory of potential global public danger, whether threat of war, or pollution, or drought, or hurricane, or blight, or shipwreck, and (2) to provide earth-resources-development information to assist the economic programs and well-being for people of all nations.

At that time, Spectrum invited a panel of experts, including William Linvill, who was chairman of the department of engineering and economic systems at Stanford University; Roy Amara, president of the Institute for the Future; Clare McGillem, an expert in remote sensing; and Fazlollah Reza, a specialist in communications science and information theory, to comment on the imagi-

native proposal, it was then generally conceded that such a system would be technically feasible but politically unlikely. Dr. Linvill thought two systems necessary—one generally available for worldwide military surveillance that could also handle weather surveillance and search and rescue, and the second for demonstrations of experiments in limited areas. Since that time, important advances have been made in remote sensing, but no progress has been made toward an "open skies" policy for military surveillance.

Finally, there has been a movement, albeit limited, among the engineering and scientific communities to consider the international political arena as a system that might be modeled with an eye toward manipulating it so as to promote world stability. Among those probing the factors involved in such a systems approach is a subcommittee of the International Federation for Automatic Control. Such a modeling task seems monumental, even to its proponents, yet the real benefits from even limited efforts may stem chiefly from the sensitizing of the technical community to the hazards of continuing unrestricted arms escalation.

In this issue of Spectrum, on page 65, readers are invited to participate in a mail survey concerning the topic of disarmament. Spectrum encourages other correspondence as well on this vital and complex issue.

DONALD CHRISTIANSEN.

[From the Washington Remote Sensing Letter, May 1982]

The negative vote cast this past week by the U.S. at the U.N. Law of the Sea Conference pretty much certifies the administration's point-of-view on international co-operative activities, especially where hard-dollar U.S. interests are concerned (and rightly so). None-the-less, if it can be shown that U.S. interests can not only be maintained, but actually enhanced, would it then be worthwhile to back an International Satellite Monitoring Agency? Howard Kurtz, a retired Air Force officer thinks so, and he has been lobbying on behalf of this idea for many years. He suggests going further than does the U.N. document cited above, and calls for the creation of twelve global agencies. It is no coincidence that satellite remote sensing can be the nodal point for the activities performed by each of these agencies. In fact, the list reads like a Table of Contents for a text on applications of satellite remote sensing. The agencies would deal with world-wide aspects of (1) Weather and Climate Monitoring and Forecasting, (2) Mapping, (3) Food and Fiber Monitoring & Inventory, (4) Search and Rescue, (5) Forest Monitoring & Inventory, (6) Undersea, Sea Surface, and Space Traffic Control, (7) Environmental Pollution Monitoring, (8) Arms Control and Peacekeeping Monitoring, (9) De-Classified Intelligence, (10) Disaster Watch, (11) Earth Resources Exploration, (12) Information Retrieval. Kurtz makes the point that each of these activities can be undertaken in addition to national security interests of individual countries, and each would provide massive employment opportunities world-wide. The concept is noble. Contact him at P.O. Box 19127, Washington D.C. 20036.

[From the Washington Remote Sensing Letter, May 1982]

A very significant document has been overlooked by most workers in remote sensing because it was published as a U.N. Committee Report and thus received but a restricted distribution. The title of the report is Study on the Implications of Establishing an International Satellite Monitoring Agency. It was written by the Preparatory Committee for the Second Special Session of the General Assembly Devoted to Disarmament, and published on 6 August 1981 as U.N. Document No.A/AC.206/14, available through the United Nations Publication Office in New York. The document, 120pp long, was prepared without U.S. participation, and though lacking technical depth, it does present a point of view embraced by most of the rest of the world, including industrialized countries, third-world countries, and LDCs. As such it deserves careful reading. If we conclude nothing else from this report, we will come to understand that there is a global awareness of the good to be accomplished by judicious and equitable civilian applications of satellite remote sensing. As our own national expertise in remote sensing becomes tied in, more and more, with DoD requirements, it is unrealistic to expect the rest of the world to simply stand by as their U.S. data sources evaporate. With the launch of Landsat-1 in 1972 the U.S. laid the foundation for digital analysis of remote sensing data and proclaimed the broad applicability of the information thus derived. For the better part of a decade we led the world, told the world, and showed the world, by example, that satellite remote sensing, though not a panacea, is a very, very powerful tool. The Japanese believed us. As did the Germans, the French, the Soviets, the Canadians, and many other industrialized countries. From INPE in Brazil to Telespazio in Italy, they believed us. the Third-World countries believed us. They became our willing partners and customers. And now, suddenly, the only one who doesn't believe us anymore . . . is us. If we do advocate our visible leadership in this area, if we do move basic remote sensing research, development, and applications behind the DoD curtain, or eliminate them altogether by insisting that an un-willing private sector take up the slack, then it is important to know the following: Satellite data will still be acquired. It will still be processed. It will still be distributed worldwide. It will still be digitally enhanced. It will still be analyzed. The only difference will be that the people doing all-of-the-above will not be Americans.●

DEVELOPMENTS IN THE MIDDLE EAST

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MICA. Mr. Speaker, we are all distressed and gravely concerned by recent developments in the Middle East, and hope for a prompt cessation of hostilities in southern Lebanon. The causes of violence are deep-rooted and long-standing. The profound emotions of ethnic and religious loyalty and anxieties about national and individual security in the fragile Middle East have all too often erupted into the painful kinds of events we have witnessed over the past few days.

The event that triggered the latest round of violence, the brutal attack on Israel's distinguished Ambassador to Great Britain, Shlomo Argov, was perhaps the last straw in a series of mounting pressures and stresses on the ever-security conscious Israeli Government. Acts of terrorism should be deplored, and the Israelis have proven in the past to be masters of the firm and decisive response to such deplorable actions. We in the United States have long admired the ability of Israel's security and defense forces to guard its vulnerable population from the multiple threats it faces.

The events of recent days in war-ravaged Lebanon are indeed tragic. While we anxiously urge the end of the fighting, and arrangements to insure to the greatest extent possible the reduction or elimination of terrorism, our interests and the interests of regional stability and security for the nations and peoples of the area may be best served by assuming a patient and diplomatic posture. Premature judgments regarding the current crisis may only harm the delicate task of restoring peace in the Middle East.●

IRRELEVANT WEEK

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BADHAM. Mr. Speaker, another year has gone by and it is time again for that zany tribute to the last college football player drafted by the National Football League, an event held in my hometown of Newport Beach, Calif., each year to recognize all the unsung heroes and nonheroes in our Nation's society.

"Irrelevant Week," as it is called, singles out the 334th player drafted by the NFL as symbolic of those throughout society who are picked last, even though last may be the top of the line for thousands of others.

And for Tim Washington, a defensive back for the Fresno (California) State Bulldogs, having been picked last by the Super Bowl Champion San Francisco 49'ers, Irrelevant Week will offer him a high level of fun, good humor and gifts which may serve to offset the difficulty he faces in making a world champion team when it goes into training in a few weeks for the rigors of the 1982 NFL season.

Not that Tim Washington is without talent, for that is far from the truth. Tim has excelled as a kickoff returner for the Bulldogs of Fresno State and primarily as a premier tackler, who has made 54 tackles, 42 of them unassisted.

Tim is a native of Fresno, where he lettered 3 years in football and 3 in track. At Fresno City College he was the most valuable defensive back and later, during a 1-year stint at the University of California at Berkeley, he won a most valuable player award and later returned to Fresno State to lead the school in punt returns.

He has several interceptions and one touchdown to his credit and plans to graduate from Fresno this summer with a degree in radio-television. His coaches and scouts give him a good

chance of making the 49ers this year and the scouting reports indicate that he has good speed, raw talent, and above-average athletic ability.

Not only that he has a brother, Anthony, also a graduate of Fresno State, who now plays with the Pittsburgh Steelers. If there is anyone among us who would not wish to recognize Tim Washington for being selected last in the NFL draft I would not suggest making a point of it in his presence, for he is an expert at karate and not one to trifle with.

To Tim Washington, and to all those in America who have been selected for honors small and large, I am proud that all have been chosen for acclaim. Perhaps a week in Newport Beach and other lively spots in California and Nevada will not be a trade-off for a season in the National Football League, but it is a mighty fine second prize.●

THE SANTA BARBARA NARCOTICS ACCORD

HON. ELDON RUDD

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. RUDD. Mr. Speaker, the 22d session of the Mexico-United States Interparliamentary Conference was held on May 27 through June 1, 1982, at Santa Barbara, Calif. The U.S. delegation was led by the distinguished gentleman from Texas (Mr. DE LA GARZA) and the distinguished Senator from Illinois (Mr. PERCY).

As a member of our House delegation, I commend my colleague, the gentleman from New York (Mr. GILMAN), for his leadership at the bilateral conference in focusing attention on the efforts of both nations to combat drug trafficking and drug abuse. His statement before the Conference's Political and Social Committee, which was chaired by Senator PERCY and Senator Joaquin Gamboa Pascoe of Mexico, was the catalyst for the parliamentarians to formulate the Santa Barbara Narcotics Accord, a resolution sponsored by Senator PERCY, Senator Gamboa, Senator Horacio Castellanos Coutino of Mexico, Mr. GILMAN, and Deputy J. Carlos de Saracho Calderon of Mexico and adopted by the delegations of both nations.

Twice in the 22-year history of this bilateral conference legislators have adopted resolutions relating to complex issues governing the relations between our two nations, and in both instances, the legislators adopted measures committing the two nations to greater cooperative efforts to combat the drug problems. In both instances, the gentleman from New York has been the inspirational force in formulating resolutions to achieve that objective. In 1977, the parliamentarians adopted the Hermosillo declaration on combating the traffic in drugs at the international level and now, at our 22d bilateral conference, we adopted the Santa Barbara Narcotics Accord.

The Santa Barbara Narcotics Accord commits our two nations to elevate to the highest priority the problems emanating from narcotics production, trafficking and abuse. It also pledges both nations to develop a comprehensive, coordinated, regional drug strategy to first, interdict drug traffic; second, eradicate the illicit production of drugs at their sources and increase the technical cooperation of the United States to Mexico in their permanent campaign against illicit production and trafficking of narcotics; third, educate our citizens regarding the dangers of drug abuse; fourth, encourage proper treatment and rehabilitation of those individuals who are dependent upon drugs; and fifth, support the development of crop substitution programs fostering agricultural and livestock, industrial and commercial activities and accompanied by economic incentives to insure their success.

As a former FBI special agent who devoted 20 years to law enforcement and as a member of our Mexico-United States Interparliamentary conference for the past 5 years, I am delighted that this bilateral conference could formulate the Santa Barbara Narcotics Accord. It is imperative that our two nations intensify joint cooperative efforts to combat narcotics production, trafficking and drug abuse. The Government of Mexico has been highly successful in developing drug eradication programs that other nations could emulate and its leadership and influence within the Latin American community could help formulate a comprehensive, coordinated regional drug strategy. Hopefully, as a result of the Hermosillo Declaration and the Santa Barbara Narcotics Accord, both nations will intensify their efforts to implement the fundamental principles underlying these resolutions.

Mr. Speaker, in an effort to inform my colleagues on the details of the Santa Barbara Narcotics Accord, I am at this point in the RECORD inserting the complete text of the remarks of my distinguished colleague from New York (Mr. GILMAN) and the complete text of the Santa Barbara Narcotics Accord.

STATEMENT OF THE HON. BENJAMIN A. GILMAN

Mr. Chairman, distinguished legislators from Mexico and the United States, I welcome this opportunity to once again participate in these annual bilateral conferences and to join our colleagues from Mexico in the deliberations of the 22d Mexico-United States Interparliamentary Conference, and to discuss with this committee the critical issue of preventing and controlling narcotics trafficking and drug abuse.

As a member of the U.S. House of Representatives Select Committee on Narcotics Abuse and Control that has held extensive hearings both in the United States and abroad on the problems of drug abuse, I wish I could report that the drug problem in our Nation and elsewhere has diminished since we met last year in Manzanillo. Unfortunately, that is not the situation. The drug problem has not dissipated. To the contrary, it has reached epidemic proportions throughout the world. Almost every nation in the world has become a victim to drug trafficking and drug dependency. No nation is immune to the insidious operations of the international narcotics traffickers who reap unknown billions of untaxed dollars from their deadly business transactions, causing untold misery for so many throughout the world. Just in the United States alone, drug trafficking has reached a staggering $90 billion activity, second in sales only to Exxon Corporation. Obviously, this is only the tip of the iceberg since global narcotics trafficking far exceeds that amount.

Both our nations share the common urgency to prevent and control drug abuse. The cultivation of Marihuana has become a major cash crop undermining the political, economic and social institutions in various regions of both our nations. In Oaxaca, an area of 570 municipalities and nearly 3 million inhabitants, the cultivation of marihuana and poppies far exceeds the production of food crops. In California, Marihuana has become a billion dollar business; other areas of the United States are also reporting the adverse economic effects of marihuana cultivation as it disruptively contributes to an underground economy.

Hardly a day goes by that Mexican law enforcement authorities do not report a substantial seizure of illicit drugs. From July 1980 through June 1981, Mexican law enforcement officials seized 15 drug laboratories, 240 pounds of heroin, 350 pounds of opium, 165 pounds of cocaine, nearly 397,000 pounds of marihuana, and 252,000 drug dosage units.

Although Federal, State, and local drug law enforcement authorities in the United States are also reporting massive seizures of heroin, cocaine, marihuana, and other dangerous drugs, our two nations must not become complacent and must not rest on their prior accomplishments. We must intensify our efforts to combat drug trafficking and drug abuse.

Despite reports that Mexico is fast becoming a transshipment state for cocaine originating from clandestine staging areas in Colombia, Peru, Ecuador, and Bolivia, your Federal Judicial Police have made significant inroads in interdicting this dangerous drug and in arresting cocaine traffickers.

One interesting development in the ever-shifting trafficking patterns by the international criminal syndicates was the recent seizure by the Federal Judicial Police of 1 ton of amphetamines that had been shipped from Germany to Mexico. The amphetamines could have made more than 181 million hallucinogenic pills selling on the street at $2.00 a pill or nearly $364,000,000. And, just last December, Mexican and German INTERPOL agents seized nearly 5 tons of methaqualone, a psychotropic substance, that was shipped from Hamburg, West Germany in a vessel flying the Swedish flag. That seizure was valued at nearly $30 million. The law enforcement agents also captured 3 narcotics traffickers who were part of an international syndicate operating in Europe, Mexico and the United States.

Cooperation between our two nations in interdicting narcotics trafficking and in eradicating the illicit production of drugs at their sources has resulted in substantial dividends. During the mid-1970's, approximately 80 percent of the heroin being sold on the streets of the United States originated from Mexico. Today that figure has been reduced to less than 25 percent. In 1977, approximately 40 percent of the marihuana entering the United States originated from

Mexico; today that figure has been reduced to less than 8 percent. Clearly, Mexico's law enforcement and drug eradication programs have been highly effective and should serve as successful models for other nations to emulate.

But the "war" on drug abuse and drug trafficking is far from over. Much work in intensifying the cooperation between our two nations remains.

Mr. Chairman, as we have stated at previous meetings of our bilateral conferences, there is a pressing need for both our nations to continue to work closely together to prevent and control drug abuse. There is also an urgent need to develop a comprehensive, coordinated regional drug strategy designed (1) to interdict drug trafficking, (2) to eradicate the illicit production of drugs at their sources, (3) to educate our citizens regarding the dangers of drug abuse, and (4) to properly treat and rehabilitate those individuals who are dependent upon or addicted to drugs.

If the "war" on drug abuse is going to be won in this part of the world, then it is imperative that we formulate a long range regional drug strategy and that Mexico exercise its influence and leadership to help establish that strategy. All of us will benefit from the leadership, skill and dedication of Mexico's law enforcement officials.

It has been 5 years since both our delegations adopted the Hermosillo Declaration committing our nations to greater cooperative efforts to prevent and control drug abuse. Much has been accomplished but much remains to be done since that declaration was adopted in 1977. We must translate those noble words and well-meaning ideals into a concrete program of joint, cooperative action as part of a regional drug strategy, a strategy that will help implement the United Nation's recently adopted commitment to formulate a global drug prevention and control strategy. The international community will prevail over the drug traffickers only if nations of the world recognize the need to pool their resources, equipment, personnel, technology and funds into regional and global drug prevention and control strategies.

I understand that under the patronage of the President of Mexico, and through the good efforts of the Federal Attorney General and the financial support of the United Nations Fund for Drug Abuse Control (UNFDAC), Mexico recently hosted a training seminar for drug control administrators and law enforcement officers in Latin America. We commend the Government of Mexico for conducting that seminar last December.

Finally, Mr. Chairman, we also wish to commend the Government of Mexico for contributing to UNFDAC and urge it to encourage other members of the Latin American community to contribute to the UN Drug Fund. According to UNFDAC's report for 1981, 7 nations from Latin America contributed or pledged slightly more than $24,000 to the Drug Fund: Argentina ($8,818), Barbados ($250), Bolivia ($2,000), Brazil ($5,000), Chile ($4,000), Mexico ($1,937), and Venezuela ($2,000). Surely, the Latin American community can manage to contribute more than $24,000, an amount that is hardly enough to underwrite the publication and global distribution costs of a single UNFDAC brochure. Mexico has materially benefitted from UNFDAC; the December 1981 training seminar for law enforcement officers held in Mexico City is one important example of the assistance that Mexico and the entire Latin American community has received from this international organization.

Mr. Chairman, we look forward to continued cooperation with Mexico and look forward to working closely with the new Administration in our joint efforts to prevent and control drug abuse.

Thank you, Mr. Chairman, for providing me the opportunity to share my thoughts with you and this distinguished committee.

SANTA BARBARA NARCOTICS ACCORD

(Sponsored by Senator Charles H. Percy, Senator Joaquin Gamboa Pascoe, Senator Horacio Castellanos Coutino, Congressman Benjamin A. Gilman, and Deputy J. Carlos de Saracho Calderon, at the Twenty-Second Mexico-United States Interparliamentary Conference, Santa Barbara, California)

Whereas, the law enforcement and drug eradication programs of the Government of Mexico have been highly effective and have served as successful models for other nations in the hemisphere; and

Whereas, cooperation between the United States and Mexico in interdicting narcotics traffic and in eradicating the illicit production of drugs at their sources has resulted in substantial progress; and

Whereas, the increasing flow of narcotics throughout the world necessitates continued and intensified efforts to control drug abuse and drug trafficking in the hemisphere; and

Whereas, both delegations recognize the growing investment by the government of Mexico in addressing the narcotics problem and encourage the full support of all nations for the United Nations Fund for Drug Abuse Control (UNFDAC) and to develop a global strategy for dealing with narcotics problems; and

Whereas, it is advisable for both delegations to request their governments to support and encourage the expansion of the efforts of the United Nations crop substitution programs and to include therein agricultural, and livestock, industrial and commercial activities in areas of illicit narcotics production.

Now, therefore, be it resolved that the delegates of the 22nd Mexico-United States Interparliamentary Conference, recalling the principles set forth in the Hermosillo Declaration of 1977, reaffirm the commitment of both governments to address with highest priority the problems emanating from narcotics production, trafficking and abuse,

And, be it further resolved that we pledge our two nations to the development of a comprehensive, coordinated regional drug strategy to—

Interdict drug traffic;

Eradicate the illicit production of drugs at their sources and increase the technical cooperation of the United States to Mexico in their permanent campaign against illicit production and trafficking of narcotics;

Educate our citizens regarding the dangers of drug abuse;

Encourage proper treatment and rehabilitation of those individuals who are dependent upon or addicted to drugs; and

Support the development of crop substitution programs fostering agricultural and livestock, industrial and commercial activities and accompanied by economic incentives to insure their success.●

WE CAN'T GO ON LIKE THIS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PORTER. Mr. Speaker, the failure of the House to adopt a budget indicates that this body is unwilling to take the difficult, but necessary, steps to put America's economic house in order. Such a failure threatens to undercut congressional input and influence in the budget process, and sends the wrong signal to financial markets—a signal that Congress is unable to discipline itself even for the good of the Nation. I submit for my colleagues an article written by our former colleague, Bob Giaimo, whose experience as chairman of the House Budget Committee gives him a unique perspective on the effects of continuing fiscal irresponsibility:

[From the Washington Post, June 4, 1982]

CONGRESS MUST GET SERIOUS

(By Robert N. Giaimo)

The members of the House of Representatives did much more than fail to adopt a budget last week. They supported amendments to unrealistically increase discretionary spending programs at the expense of defense (something President Reagan with his veto powers will not permit). They chose to ignore unacceptable growth in entitlement programs, particularly Social Security, Medicare and related deliberately crafted to weaken an already nearly toothless budget process in favor of standing committees of the House . . . committees that have a tradition of all too often succumbing to special interest pressures for ever increasing spending programs.

Students of Congress know that we have a hemorrhaging budget, out of control and threatening our economy and well being. They know that remedial action to curb deficit spending by Congress will require a budget process with extraordinary tools such as reconciliation, deferred enrollment of spending bills and other restraints. They know that reliance on the regular standing committee process will be futile and will not result in budgetary restraint. Unfortunately, each committee views its programs as most vital to the national interest and consequently not proper subjects of restraints.

Turf battles are particularly bitter in the House, sometimes taking precedence over the national interest. The spending and taxing committees of Congress should welcome the budgetary discipline of the budget committees rather than look upon them as threats. The budget committees are too weak to threaten Congress' all-powerful appropriations or entitlement or tax committees.

And so last week the House sent out the messages: "We cannot adopt a budget. Spending will be increased. Congress will not take the necessary steps to put the economic house in order. Deficits in fiscal year 1983 will exceed $180 billion and will grow to almost $250 billion in fiscal year 1985. Deficits of a quarter-trillion dollars in one year! Higher interest rates with the demonstrated constraints upon the necessary and required economic growth in real gross national products." These are the real messages the House has sent to the people.

The budget process is designed to force difficult political choices on Congress, to

compel it to spend and tax in a restrained and disciplined manner, to oblige it to have regard for government deficits and for it corrosive effects on the economy. The budget process is not designed to captivate, to charm or enrapture members of Congress. It has no "goodies" to dispense. There are no special interest recipients of federal largess to protect it.

The real tragedy of last week's resounding defeat for the budget process was the joy with which substantial majorities, unable to agree on a budget, did agree to further weaken the budget resolution's capability to restrain the House's spending habits. They sure taught that uppity Budget Committee a lesson! Like kings of old, they killed the messenger. Now what do they do? Tell the American people that they are incapable of disciplining themselves? That they will not and cannot curb excessive spending?

Parenthetically it should be noted that in this same period the House, unable to vote budget restraints, did vote billions to subsidize mortgage interest payments. How irresponsible! The way to help the housing industry is to bring down real interest rates. And that means a responsible federal budget.

The Budget Act of 1974 was basically a contract whereby Congress agreed to curb its undisciplined spending habits and the president gave up his impoundment powers. If Congress now finds itself incapable of making the tough political decisions involved in curbing spending, then it will have to restore such powers to the president. It will have to give him the power to impound. Someone in our government must be able to act decisively in a crisis, to make the hard political decisions.

But we well know that the power to impound implies the setting of spending priorities. Clearly, Congress should not give up those powers to the president. But its only choice is to adopt a budget, and the only tool it has available is the budget process. The budget committees, weak and without constituents, serve at the pleasure of the leadership and deserve their confidence and support.

The House has had its temper tantrum. Now it must get down to the people's business and adopt a budget of restraint. Extraordinary times demand heroic actions and not politics as usual.

(The writer, who served in Congress from 1959 to 1981, was chairman of the House Budget Committee. He is co-chairman, along with Sen. Henry Bellmon (R-Okla.) of the Committee for a Responsible Federal Budget.)●

AMERICA NEEDS FREE TRADE, NOT PROTECTIONISM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. PAUL. Mr. Speaker, free trade versus protectionism is an ancient question, but it is also a very important one for our Nation today. Many people believe we can actually protect American business by imposing tariffs and quotas on imports. History shows, though, that this notion is mistaken.

Protectionism has always been a harmful policy. Tariffs and quotas hurt the consumers, and in the long run they will hurt our businesses as well. As I explain in the essay that follows, only free trade in free markets can bring prosperity and economic stability.

THE CASE FOR FREE TRADE

(By Congressman RON PAUL)

On May 20, 1981, the Federal Register published a declaration from President Reagan: "I determine that it is in the national interest for the Export-Import Bank of the United States to extend a credit in the amount of $120.7 million to the Socialist Repbulic of Romania [for] the purchase of two nuclear steam turbine generators."

This loan, for two General Electric products, carries an interest rate of 7¾%. The loan is for ten years, but the first payment isn't due until July, 1989.

Not too long before this announcement, the administration had made public its "voluntary" restraints on the number of cars Japan can export to the United States.

These two items—one which uses your money to subsidize a big company and its Communist customer, and the other which prohibits American consumers from buying more than a certain number of Japanese autos—are all too typical of our present trade policy.

RESTRAINT OF TRADE

Although we think of ourselves as a free-trading nation, it takes more than 700 pages just to list all the tariffs on imported goods, and another 400 to inventory all the non-tariff restraints, such as quotas and "orderly marketing agreements."

A tariff is a tax levied on a foreign goods, to help a U.S. industry and its unions at the expense of American consumers.

A trade restraint or marketing agreement—on the number of inexpensive Taiwanese sneakers that Americans can buy, for example—achieves the same goal, at the same cost, in a less forthright manner.

And all the trends are towards more subsidies for U.S. exporters, and more prohibitions and taxes on imports.

Trade is to be subsidized or restrained, not left to the voluntary actions of consumers and producers.

PROTECTIONISM HURTS EVERYONE

In 1930, Congress passed the Smoot-Hawley tariff bill, imposing heavy tariffs on imports, with the avowed motive of "protecting" U.S. companies and jobs. Within one year, our 25 major trading partners had retaliated with their own tariffs on American goods. World trade declined sharply, and the depression was made world-wide and longer-lasting.

Today the policy of protectionism is again gaining favor in Congress, and in other countries. But it must be fought with all our strength.

Not only does protectionism make everyone poorer—except certain special interests—but it also increases international tensions, and can lead to war.

"If a foreign country can supply us with a commodity cheaper than we ourselves can make it," wrote Adam Smith in 1776, "better buy it off them with some part of the produce of our own industry, employed in a way in which we have some advantage. The general industry of the country will not therefore be diminished * * * but only left to find out the way in which it can be employed to the great advantage."

THE DIVISION OF LABOR

An important economic principle is called the division of labor. It states that economic efficiency, and therefore growth, is enhanced by everyone doing what he does best.

If I had to grow my own food, make my own clothes, build my own house, and teach my own children, our family's living standard would plummet to a subsistence, or below-subsistence level.

But if I practice medicine, and allow others with more talent as farmers, builders or tailors to do what they do best, we are all better off. Precious capital and labor are directed to the areas of most productivity, and through voluntary trading, we all benefit.

This principle works just as effectively on a national and world-wide scale, as Adam Smith pointed out.

It may be that Japan can make cars more efficiently than Detroit, at least certain kinds of cars, and that the capital and labor in parts of the U.S. auto industry could be better employed in other areas. With quotas, however, we will never find out. We will only increase the price of those Japanese cars that do get through, and of U.S. cars as well, since competitive pressures will be taken off General Motors and Ford.

FREE TRADE AND THE FOUNDING FATHERS

Free trade at all levels makes for more prosperity, as the Founding Fathers knew. That's why they gave Congress power to remove barriers to interstate commerce.

During the period of the Confederation—after our independence but before the adoption of the Constitution—some of the states erected tariff barriers against imports from their neighbors. The resulting economic stagnation and antagonism threatened the unity of our country, and led to the adoption of the interstate commerce clause by the Constitutional convention. The removal of all trade barriers—and not meddling in the economy—was the purpose of the clause.

As a result, we, as Americans, are free to trade with all other Americans, so that resources are put to their most efficient use in our giant domestic market. This happy consequence is no small contributor to our wealth.

DOMESTIC TARIFFS

Without this Constitutional prohibition, state legislatures would listen to lobbyists for special interests, and enact protection against "unfair" out-of-state competition.

Knowing how similar situations come about, we could bet that agribusiness interests in Minnesota, with idle greenhouses, would lobby the state legislature, pointing out that farmers in Florida, California, and Texas have too easy a time growing oranges. To protect Minnesota farmers, and create "jobs," they would call for a heavy tax on out-of-state citrus, so greenhouse growing of oranges would become economic in Minneapolis.

As a result, oranges would drastically increase in price, and the quality would be lower. Minnesotans who like orange juice would be able to afford less, and what they could get would not be as good. But the agribusiness interests, and probably their political friends as well, would reap windfall profits, at the expense of the consumer. And pressure in orange-growing states would grow to retaliate against Minnesota products, to the detriment of everyone in the country. And we could bet that interstate antagonisms would increase as well. International trade barriers work no differently.

But because our Constitution forbids such domestic barriers, a company in Laredo, Texas, can trade freely, easily, and profitably with a firm in Oregon, thousands of miles away. (It's important to remember that both parties to a non-coerced, non-fraudulent trade benefit from the exchange, or hope to benefit, or the exchange would not take place.)

But let that Laredo firm seek to trade with a Mexican company only a mile away, and tremendous impediments spring up, thanks to government regulations on both sides. "The motive of all these regulations," wrote Adam Smith, "is to extend our own manufactures, not by their own improvements, but by putting an end, as much as possible, to the troublesome competition of such disagreeable rivals."

No one worries about the balance of trade between Oregon and Texas. That between Mexico and Texas should be of no consequence either. It is a problem only to government planners.

Dr. Murray Rothbard, who lives in New York City, has said that he's delighted the federal government doesn't keep interborough trade statistics. "We'd have the Bronx and Brooklyn worried about balance of trade!"

"Nations," notes Dr. Rothbard, "may be important politically and culturally, but economically they appear only as a consequence of government intervention."

PROTECTIONISM DOES NOT SAVE JOBS

But doesn't protection save U.S. jobs? Yes, it can save the jobs of some, but it costs jobs overall.

Limiting Japanese car imports, for example, does protect the jobs of high-seniority members of the United Auto Workers, who earn twice the average U.S. industrial wage. And it certainly protects, as well, the jobs of auto executives, who are very well paid indeed. But it takes away any incentive to correct government-caused productivity problems.

But diverting resources into uneconomic uses takes them away from other, more productive, areas and costs jobs. Some jobs are lost; others are never created. The uneconomic effects of protectionism benefit a few—usually well-to-do—at the expense of the great majority, including the poor. It transfers wealth, like so many other programs, from the powerless to the powerful, from the poor to the rich.

Protectionism cannot be justified on economic or moral grounds. As Frederic Bastiat wrote, tariffs are "legalized plunder." The law is used to steal.

By what right does the U.S. government tell an American citizen he cannot buy a foreign product? Such action is reprehensible on every ground imaginable, and is totally incompatible with individual freedom.

SUBSIDIZING TRADE IS INEXCUSABLE

Also inexcusable on any ground is the vast network of U.S. trade subsidies.

The taxpayers subsidize the profits of big companies through the Export-Import Bank, the Department of Commerce, and the Overseas Private Investment Corporation, to name only three.

Such programs contribute to inflation, high taxes, "crowding out" in the capital markets, higher prices, and misallocation of resources.

Companies like General Electric benefit, as do foreign customers like the Romanian government. Only the U.S. taxpayers lose.

Recently, Congress cut $875 million out of a giant Export-Import Bank appropriation and loan guarantee, to bring it in line with the administration's request. Overnight, 69 votes were changed, and the money was put back in.

We didn't mind the first vote, a corporate lobbyist told the Washington Post, because it gave us a chance "to show our clout."

Billions to subsidize exports are another example of transfers from the poor to the rich, as it is the giant companies that get most of the money.

But every average American suffers from the consequences, as prices go up and resources are diverted from productive to less productive areas.

Exports are only useful economically when they are profitable. Otherwise they represent a net loss.

When cheap loans at your expense are the difference between profit and loss for General Electric, the export of generators to Romania hurts our people. Only the ruling class in Bucharest, and GE, come out ahead.

But don't we need our own subsidies because other countries have theirs? If the government of France wishes to help impoverish their own citizens to send us cheap products, why should we impoverish ours as well? We can, and should, oppose those policies for France as well as the United States, but we have no right to take away buying oportunities from our own consumers.

Wouldn't it cause bankruptcies among U.S. businesses? French trade subsidies are unlikely to do so, but if they do, capital and labor will migrate to better uses economically. Management will suffer, however, and it is precisely management that lobbies for American subsidies.

If we take the corporate arguments to their logical extension, notes the Council for a Competitive Economy, we should consider what would happen if a foreign country decided to give us free cars, TVs, steel, and other products. Would this hurt the American people? To ask the question is to answer it.

FREE, UNSUBSIDIZED TRADE IS THE ANSWER

Every economic intervention in trade, domestic or foreign, should be abolished, for practical and moral reasons.

Even if other countries maintain tariffs or subsidies, we would be helped, not hurt, by unilaterally ending ours.

We would improve our productivity, shift resources to those areas where we have an advantage, grow more prosperous, and make a greater variety of less-expensive goods available to our people.

And we would serve the cause of peace and set a good example for the world to emulate.

"When people and goods cross borders," goes the old saying, "armies do not." Free and extensive trade, unsubsidized, between the peoples of the Earth lowers tensions and makes us all better off.

Economic independence leads to hostilities. Economic interdependence leads to peace. If trade with foreign countries raises a nation's standard of living and supplies needed goods, armed conflict is less likely.

It is no coincidence that Congressional supporters of trade restrictions use the language of war.●

HARRISONVILLE, MO.—A REAL SHOW-ME CITY

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, for months now, this House has been besieged by prophets of doom who say the end is near, the economy is in collapse, the Federal Government has got to step in and solve all our problems.

The facts of the situations are quite different. I go home to Missouri every week and I have been visiting almost every city and town in central and western Missouri. I have found just one central fact. The people of Missouri are tired of government as usual, thinking as usual. They are tired of government telling them what programs their children should watch on television, tired of government telling them how to bury their dead or how to buy a car and in what condition.

Wherever I go in the district the people object strenuously to more government than they have ever asked for and more government than they ever wanted. Not only that, but they are tired of someone else telling them how to spend their money, without their having a voice in the planning or the spending.

I constantly hear: Was the Pomme De Terre Lake project really worth $15 million? Can you imagine the Harry S. Truman Reservoir project will cost at least $515 million when it is completed in 1985? Can you believe the Blue Springs Lake and Longview Dam project is going to cost $153 million—and it is not even half finished?

Invariably, the comment which follows is "They're spending our money and we have absolutely no say in it."

For the past 10 years, the people of Missouri have been growing restless, chomping at the bit, seething about government.

What I am getting around to saying is, the Fourth District of Missouri does not plan to let any so-called recession get them down. They do not plan to let the Government make all their decisions for them.

And the best example I know at this moment can be seen at Harrisonville, down in Cass County, Mo., south of Kansas City.

Harrisonville and its 6,372 citizens are in the midst of a major expansion, revitalization, and promotion project which they are backing up with more than $4 million in planned projects. Merchants, private businesses, local financial institutions are all cooperating to get the job done.

I am impressed with what Harrisonville Mayor Howard McHenry told Blake Gumprecht, a special correspondent for the Kansas City Star: "We're not relying on the Government to do anything. It's really unbelievable, with a recession going on, the way people are getting behind the program. With most communities drawing back, tightening their belts, we're doing just the opposite."

I happen to think Mayor McHenry and Harrisonville have more get-up-and-go than the whole passel of down-in-the-mouth gloom-and-doomers.

I want to go on record as citing Mayor McHenry and Harrisonville for the kind of leadership that has always been the mark of Missouri. We don't

say we can make things better, we just show you that it can be done.

For that reason, I recommend to your reading and your consideration Blake Bumprecht's excellent article in the May 26, 1982 edition of the Kansas City Star, "Harrisonville Bulldozing Through Recession."

I submit the article for the RECORD.

[From the Kansas City Star, May 26, 1982]

HARRISONVILLE BULLDOZING THROUGH RECESSION

(By Blake Gumprecht)

HARRISONVILLE, MO.—Drive 40 miles south of Kansas City and you'll think there is no recession.

While many cities and states are desperately trying to cut costs, trim spending and eliminate jobs, Harrisonville and its 6,372 residents are talking expansion, revitalization and promotion and backing it up with more than $4 million in planned projects.

"They're doing a hell of a lot," said Bud Peck, manager of marketing activities for the Missouri Division of Community and Economic Development, who met with city representatives earlier this month. "It's not coming earlier this month. "It's not coming as easy as it used to, but we're impressed by their aggressiveness and their enthusiasm."

In the words of Harrisonville Mayor Howard McHenry, "The news is full of depression, budget cuts, etc. We're not going to let it drag us down—that's all there is to it. We feel this is the time to go on the offensive. Perhaps we'll rip this recession."

This is the Cass County seat, a city whose population grew 26.1 percent in the last decade. Bulldozers and road graders seem to be everywhere.

The work ranges from rebuilding all the major roads—entirely at city expense—replacing water mains, renovating city buildings and planning a face lift for the square to touches such as landscaping and new "welcome" signs.

There also are three $1 million projects being planned: a new bank building, a new information center and an airport. New shopping centers and a city-operated nursery are further down the line.

Construction in progress has created a mess, made worse by recent rains, but even businessmen clobbered financially seem enthusiastic about the future.

Commercial Street, parallel to U.S. 71 and the city's main thoroughfare, has become an obstacle course of detours and ditches. Rebuilding and widening of a three-quarter-mile section is the second phase of the city renovation project, which began last year with building of a new street connecting the downtown area with Commercial Street. Completion is expected in July. Eventually the remaining 1½ miles of Commercial Street, which includes part of Missouri 2, also will be done.

While the street is being widened to three lanes, storm sewer systems and driveways for businesses along the route are being installed for the first time. The Commercial Street project is expected to cost almost $2 million.

Next in line is similar work for a seven-tenths mile section of Mechanic Street (Missouri 7), which connects Commercial Street with the downtown area.

All the road work is financed by a 1 percent city sales tax. Not a penny was sought from the state or federal government, even though much of the work benefits state-owned highways, said George L. Satterlee Jr., Kansas City district engineer for the Missouri Highway and Transportation Department.

More than $116,000 has been earmarked for renovation of a building for the police and civil defense departments and remodeling of City Hall.

"Financially, our city is in excellent shape," said David Wilhite, city administrator. "Most cities can't say that these days."

The 1 percent sales tax brings in more that $400,000 a year, Mr. Wilhite said.

Private businesses are involved as well. Commerce Bank of Harrisonville is planning a new office, pending approval by the comptroller of the currency.

The Cass County Historical Society is planning an information center near downtown that will unite the society and the Chamber of Commerce with the county library system's administrative offices and its Harrisonville branch.

Merchants on the historic downtown square are cooperating with the city to replace all the sidewalks on the square and one block in each direction at an estimated cost of $350,000. The city share is being paid for with sales tax revenue.

The city and Harrisonville's four financial institutions have engineered a loan program for merchants who can't afford the work, allowing them to repay the loans over 10 years at 8 percent interest.

"We're not relying on the government to do anything," Mr. McHenry said. "It's really unbelievable, with a recession going on, the way people are getting behind the program. With most communities drawing back, tightening their belts, we're doing just the opposite."

J. Harold Smith, a Harrisonville real estate agent, recently donated 104.82 acres east of town for future construction of a municipal airport.

Civic organizations are paying the $12,000 bill for six new welcome signs incorporating the city's new insignia. There are four citizen committees staffed by 49 volunteers.

Commercial Street merchants have been hit hardest by the construction inconveniences. Even some of the 26 who recently placed a half-page ad strongly supporting the project in the Cass County Democrat-Missourian have financial problems.

Wallace Graham, owner of the Cortez Motel, said a 60 percent drop in business forced him to get a $6,000 loan: "I'm all for it, but when they first started they were extremely slow, a lot of time was wasted. I know that other people sooner or later are going to have to do the same thing I did—get a loan or go out of buisness."

But others, such as Janet Copeland, part-owner of Consolidated Realty, said, "Sometimes, you've got to put up with some inconvenience to get something nice out of it. I think it's fantastic."●

PRODUCTS LIABILITY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. SHUMWAY. Mr. Speaker, the June 14 issue of U.S. News & World Report features a comprehensive article entitled "Product Safety: A New Hot Potato for Congress." Being keenly aware of the quagmire of existing products liability law, I have introduced H.R. 5214, the Products Liability Act of 1982. I will shortly be circulating a letter amongst my colleagues urging cosponsorship of this important measure. In the interim, I commend the U.S. News article to their attention, and include it herewith:

PRODUCT SAFETY: A NEW HOT POTATO FOR CONGRESS

While suits over faulty goods soar, lawmakers are being asked to settle bitter disputes between businesses and consumer advocates.

A battle between business and consumer groups over costly liability suits from allegedly unsafe products is reaching such a pitch that Congress is being asked to settle the issue.

A crazy quilt of state laws on product liability, firms say, is driving up the cost of goods, delaying product improvements that could reduce hazards and sometimes jeopardizing the survival of companies.

Consumer and lawyer groups argue that those views are overblown. Yet many of the court fights are long and confusing, and the victims of faulty products often see the awards they receive from juries gobbled up by legal expenses.

Now, the two sides are grappling over proposals for federal legislation that would preempt the maze of state product-liability laws—a system that often leads to vastly different results in virtually identical cases.

JAMPACKED COURTS

The number of product-liability suits continues to soar. In the fiscal year ended June 30, 1981, 9,071 were filed in federal courts, up 17 percent from the previous fiscal year and a jump of more than 120 percent from the level in fiscal 1977. State-court suits in 1981 are estimated at 100,000 or more. Among the principal targets of recent suits:

Procter & Gamble was ordered in April to pay $300,000 to an Iowa man who claimed that his wife died from toxic-shock syndrome as a result of using Rely tampons. The company faces more than 400 similar suits.

American Motors Corporation, maker of the CJ5 Jeep, recently settled for 5 million dollars with an Ohio man disabled in a rollover he claimed was caused by the vehicle's instability. Another suit for 26 million dollars is among several cases pending.

Firestone Tire & Rubber, Goodyear and two smaller producers of tire rims face some 200 suits totaling more than 100 million dollars. The charge is that multipiece truck rims were improperly designed and blew apart, maiming or killing truck operators or mechanics who installed the tires. The tire firms deny the charge, noting the government has yet to recall the product.

"The crisis is worse than ever," says Victor E. Schwartz, a Washington product-liability expert who headed a government task force to reform the system of compensating victims of faulty products. "How many warnings can you put on a product? How many guards can you put on a lawn mower? It's a matter of fairness."

It is the unpredictability of the current system that upsets business most. Says Prof. Sheila Birnbaum of New York University Law School: "Manufacturers are fearful because they don't know what to do. They don't know what standards to follow when they make their goods."

For example, in 47 states, evidence that a manufacturer has made a product safer after an accident cannot be introduced in court, thus protecting a firm from the charge that it was trying to improve a shoddy item. But in the nation's two largest

states, California and New York, as well as in Alaska, that evidence is allowed. The result, notes Birnbaum, is that manufacturers, who often do not know where items eventually will be sold, balk at making products safer, fearing that such steps will be used against them in court.

A sampling of court decisions highlights the uncertainty that exists. In California, the State Supreme Court in 1980 upheld a ruling that favored women who said they had contracted cancer because their mothers had taken the drug diethylstilbestrol (DES) while pregnant. The women could not name the company that made the pill their mothers took, but the court held that six drug firms would be responsible in proportion to their market share of DES unless they could prove that they hadn't made the actual doses the women took.

In Maryland, an industrial laundry dryer stuffed with a 128-pound hot-air balloon disintegrated at high speed, nearly severing one man's arm and slicing open another's abdomen. A jury awarded them $885,062 in compensatory damages, ignoring the manufacturers' claim that the machine was not made to handle such an item.

In another case, containers for a wall-paneling adhesive carried a warning that the product was flammable and that it should be applied only in a cross-ventilated area. An Oklahoma couple ignored the warning, used the adhesive in an unventilated area and were injured when they plugged in a fan, causing an explosion. They recovered $600,000.

AN UNFAIR SYSTEM?

Companies argue that such rulings prove that the courts are stacked against them. But plaintiffs' lawyers, who typically receive between one third and two fifths of any money awarded to injured parties, say that the product-liability "crisis" has been manufactured by businesses and insurance companies.

"There are a lot of lies, not just misrepresentations" about the effect of product liability upon business, says Richard A. Bieder of the Association of Trial Lawyers of America. The group argues that insurance firms pay out far less in damage claims than they collect in premiums.

Insurance-industry figures show that more than 1 billion dollars in premiums was collected in the product-liability line in 1980, while 254 million in claims was paid out that year. However, insurance firms note that hundreds of million more are eaten up by reserves and overhead.

"If there's a crisis, it's a crisis for defendants," says lawyer Tony Roisman, head of Trial Lawyers for Public Justice, a new group that presses for plaintiffs' rights through major damage suits against government and industry. "The mood of the courts is very much turning to the view that what plaintiffs ask for is just." Roisman adds that, "having lost a fair fight in the courts," business is now seeking help from Congress.

INSURANCE COSTS

A law passed by Congress last year, the Product Liability Risk Retention Act, eases some business concern over high insurance premiums by allowing manufacturers to form their own insurance companies. Although increases in premiums have fallen off substantially since 1975, when industrywide hikes averaged 117 percent, some firms still pay enormous sums. Product-liability-insurance premiums for Cincinnati, Inc., a metal fabricator, have risen from $200 per machine in 1970 to $12,000 today.

Now, business groups are pushing for uniform federal legislation, sponsored by Senator Robert Kasten (R-Wis.), that would preempt state product-liability statutes. Among its features:

Manufacturers would be liable for injuries from design defects or improper warnings only if it could be proven that they were negligent.

The period during which these suits could be filed would be limited to 25 years after the product was first sold. Currently, a Chicago firm is being sued over the design of a machine it sold 50 years ago.

Plaintiffs would have to name a specific company—a provision in direct reaction to the California DES "market share" case.

Consumer groups are openly skeptical. Says Jay Angoff of Ralph Nader's Congress Watch: "Manufacturers know that this is a probusiness Congress, and they're really trying for this legislation that's been on their wish list for a long time now."

The Kasten bill's chances of passage are considered only fair. While business interests are solidly behind the measure, it has only tepid support from the White House. Commerce Secretary Malcolm Baldrige has called for more economic data. The reason: It would put the federal government in an area that has been the province of the states, a move that runs counter to the Reagan New Federalism philosophy.

Still, if Congress doesn't act, industry officials warn that consumers will pay higher prices for products as companies seek to recover the costs of insurance and legal fees.●

A LASTING MEMORIAL FOR VIETNAM VETERANS: A PERSONAL STORY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. KASTENMEIER. Mr. Speaker, 1 week ago we celebrated Memorial Day, a day set aside to honor those who died in the wars fought by our country. Our country's tradition has been to pay homage to and assure a lasting commitment to remember those who gave their lives for values and principles which as a Nation we viewed as vital enough to fight for on the battlefield.

Two weeks before Memorial Day, on May 15, the Vietnam Veterans Against the War were finally granted permission to pay similar honor to their war dead. They were granted a permit sought for more than 10 years to hold their own memorial service in Arlington National Cemetery for their fallen comrades.

Following that service, an observance was held at the site of the Vietnam Veterans Memorial here in Washington, at which some of those veterans spoke. Among the speeches given was one by Marvin Freedman from my congressional district, who spoke eloquently and with a depth of feeling that perhaps can only be understood if you had been in Vietnam. He spoke of that war and its impact on him and on many of his fellow Vietnam veterans. As much as his message concerning the impact of that war on those who fought there should be listened to with our hearts as well as our minds, so should the ultimate message of his statement become a promise to today's youth and the youth of generations to come—never again.

Mr. Freedman's speech follows:

SPEECH BY VIETNAM VETERAN MARVIN FREEDMAN

My name is Marvin Freedman. My story is mine. My story unfortunately is the story of too many of us who served. I served with the 25th Infantry Division in Cu Chi and Tay Ninh during 1970. On Thanksgiving Day of 1970, I got on a Freedom Bird at Bien Hoa for my trip back to The World. But today—almost eleven and a half years later—I—like so many others who served—I still have not come home.

We all went to Nam for many reasons. I went, as did many of us, because I did not consider myself any better than anyone else who was struggling to survive fighting a tragic war which should not have been being fought—which our Government was not trying to win—and which the American people were attempting to forget even while men and women were dying and being maimed. But the reasons we each went doesn't matter—what does matter is that our country sent you and me—millions of us—to Nam during the course of over 13 years.

And still I have not come home. I got off that Freedom Bird and thought I could put my year in Nam behind me and move on with my life. For almost eleven years I held a job and fought an internal war I did not understand. Last fall my life came to a crashing halt—I could not function in any sense of the word—and last December I began a very extended medical leave of absence. Then they told me about Agent Orange—to which I found out I had been exposed. They told me about delayed post-traumatic stress disorders. The internal war I had been fighting for eleven years which I could not understand began to become understandable—the reoccurring periods of severe depression—the inability to deal with stress as I once did on a day-to-day basis—a thirteen year marriage which would have been fifteen years long yesterday if it had not been for Nam. Before I came to Washington, two Veterans Administration doctors told me—as private doctors had—that I have what they called a "text-book" case of post-traumatic stress disorder. None of them can tell me what the Agent Orange is doing to me. I have been told I might not get a service-connected disability. My application is pending.

But I am going to come home—I'm in the process of doing that right now. And I am convinced that with time—understanding—and the treatment we all deserve—we shall all come home some day.

But there is a rage—an unbelievable rage burning inside me which was sparked by my year in Nam and the eleven years of my own hell which followed. And as I am coming home that rage is subsiding—but I shall be damned if I shall ever let that rage within me die completely. I shall keep some of that rage forever alive so I shall not forget—so I shall never let our country forget what it did to us when it forgot us while we were there and as we came back to The World—and most importantly I shall keep some of that rage alive so the men and women who will never have a chance to come home will never be forgotten.

They're building us a monument—it is cold black marble listing the names of the Vietnam War dead—but as others have said while we've been in Washington this week, the real monument is carried in the warmth of the hearts of each of us who were there.

We each have our own personal list of friends who will never come home. Whether we have one or one hundred on our own lists—those lists are too long. I have 25 on mine. I am here today for each of them as well as myself. I shall eventually come home for each of them as well as myself. Their names will never be just inscriptions in marble as long as I live. I was going to go through my list of those 25 men today—but it would not be fair to each man and woman here to single out those 25 men when each of you are carrying within you your own lists—and I don't doubt for a second that each of the 25 men on my list will understand and would want it this way.

Bob Dylan wrote a song called "With God On Our Side." He tells about how we were taught and learned to believe the laws of this land to abide and that we have God on our side. He went on to say that you don't ask questions nor do you count the dead when God's on your side. Our legacy to this nation is that questions will be asked and the dead will be counted. But as Bob Dylan concluded his song, "If God is on our side, He'll stop the next war."

So today I shall conclude by saying that there was a cry that resounded after the Holocaust of World War Two—and let that same cry continue to be heard loud and clear from those of us who are the survivors of Vietnam—Never Again—Never Again—Never Again!

THE FIGHTING IN THE FALKLANDS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, the fighting in the Falkland Islands seems very far removed from Washington and even more distant from my home State of Alaska. But often events can bring a conflict like this close to home.

The particular event of which I speak is the attack on an oil tanker in the South Atlantic 2 days ago. The attack was obviously a mistake but this reminds us once again that during a war, combat is not always restricted to the armed forces of the belligerents. It also demonstrates how this war, in a remote area of the world, can affect us.

The tanker that was attacked was on its way to the Port of Valdez, Alaska. It was registered in Liberia, was steaming to an American port which had no possible connection to either Argentina or England. Yet it became a victim of this war.

I hope that this event will serve as a lesson to those who insist on pushing shortsighted policies, especially shortsighted energy policies.

Right now, our energy transportation systems are a chain of vulnerable links that can be disrupted or broken with very little effort. However, we do not seem to want to take the steps necessary to make certain that our energy supplies are secure and that they will remain secure in the future.

Three major energy transportation projects have been delayed or abandoned in the last 4 years. Pipelines that would have brought Alaskan oil and gas to the Lower 48 have been put on the shelf because we are temporarily able to easily obtain all the energy we want.

But what happens if the small war raging in the Middle East turns into a big war? What if a Sandinista-style government comes to power in Panama? If there is a major disruption of the sealanes?

The projects of which I speak are important and are necessary even in the current good times. They would become critical if any of the scenarios I mentioned ever came to pass.

There is no northern tier pipeline or Sohio pipeline or Alaska natural gas pipeline because things are too easy right now. America has developed a false sense of security. Cold homes and lines at the gas station are just a hazy memory.

Another week of war in the Middle East could turn those memories into an ugly, and permanent, reality.●

FAREWELL TO THE BLUEFIN TUNA?

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. HOWARD. Mr. Speaker, under a Fishery Conservation and Management Act (FCMA) exemption, tunas are the only species of fish within the United States 200 mile fishery conservation zone over which we do not exercise final and exclusive management control. Relatively unhampered by existing international management schemes, today foreign fleets are using this loophole to mount unsustainable pressure on the bluefin tuna resource in U.S. waters. Taking tens of thousands of tons of bluefin tunas annually, these fleet's overkill has become so extreme that fisheries biologists are warning that the species will soon be faced with commercial, if not biological extinction.

A recent article in Audubon magazine describes the worsening plight of the bluefin tuna in stark terms. Because of the need for timely and effective action to protect this species, and proposed legislation such as the Tuna Protection Act, H.R. 4457, which I have sponsored, I would like to commend this article to my colleagues.

The article follows:

FISHERIES: BLUEFIN TUNA IN DIRE STRAIT

(By George Reiger)

Eight years ago ("Farewell to the Bluefin," July 1974) we concluded that "time is running out for the bluefin. Every month there are fewer of them. Soon there may be no more tuna." Nothing much has happened since then to alter the prognosis. In fact, unless immediate steps are taken, the Atlantic bluefin tuna (Thunnus thynnus) could become the first pelagic fish species to face commerical extinction.

By the end of last summer, the bluefin was already exhibiting the early, unhealthy signs of commercial extinction:

The average size of fish caught had increased dramatically. In the 1950s, a 300-pound bluefin was considered a giant. Today, that is a medium-sized fish; giant tuna average over 700 pounds.

Fisheries managers can no longer promulgate meaningful regulations, because of wild swings in population estimates. For the last two years, posted quotas have gone unfilfilled despite increased fishing pressure.

Few small tuna are seen in the fishery, indicating that too few fish are surviving to sexual maturity. When the present stocks of spawners are gone, there will be no more bluefin tuna.

Commercial extinction is not biological extinction, and the former may help to prevent the later. Commercial extinction occurs when a resource becomes so scarce that, despite high prices for its products, it is no longer profitable to mount expeditions to find it. That is what happened to the northern fur seal at the turn of the century and, more recently, to most species of great whales. Following the collapse of the industries associated with the overexploitation of a commercial resource, frequently the resource will restore itself if enough protection is provided to make it possible. That is what happened in the case of the fur seal and what we all hope will happend in time with the great whales.

Biological extinction did not seem a real threat to the bluefin tuna in 1974 because the 1973 spawning had been so successful. With the faintest trace of comprehensive management, the bluefin tuna should have begun rapidly increasing its numbers a couple of years ago, when the 1973 year-group came on line as major spawners.

Unfortunately, while the pen may be mightier than the sword, it seems to be weaker than the fish hook and the harpoon. The commercial overkill of bluefin tuna has been so astonishing, and government management so inept, it's a real horse race whether biological or commercial extinction will come first.

In 1974 we expressed astonishment at a dockside price of $1.20 per pound for tuna. Within two years, Japanese buyers were paying U.S. fishermen more than $5 per pound. Some giant tuna were sold for more than $3,000 apiece. For a while, West German buyers were willing to pay premium prices for bluefin tuna, but gave up competing with the Japanese when the dockside price went over $2 per pound.

Sport fishermen joined the commercial fray, spearing and handlining the tuna as well as catching them on rod and reel. Some "sport" fishermen were making tens of thousands of dollars a week off tuna. Throughout coastal New England—where most of this shameful slaugther took place—greedy anglers excused themselves with, "I'm only picking up enough to cover expenses." Or, "If I don't do it, somebody else will."

The Japanese obsession with giant bluefin is based on their demand for chiai. This midlateral strip of blood-red meat, particularly evident in the larger tunas, is believed by certain of its fanciers to contribute to their longevity, financial success, and sexual potency. For sure, it represents one of the greatest concentrations of muscular hemoglobin in the animal kingdom.

Recently, dockside prices in New England plummeted back down to the range of $2 to

$3 per pound. Some Americans imagined that even the lavish expense accounts of Japanese automobile and television manufacturers must finally have given way before a more realistic assessment of the nutritional value of bluefin tuna meat. That isn't what happened at all. The Japanese merely wanted to cut out American middlemen and eliminate the costs of airshipping tuna in special freezer jets. By keeping the whole process "in the family," the Japanese could take the fish back to Japan in their own freezer ships. After all, wholesale tuna prices at Tokyo's Uogashi Market had climbed as high as $20 per pound. Besides, new American fishing regulations made it even more attractive for the Japanese to do all the fishing themselves.

When a 200-mile offshore economic zone was proposed in the 1970s, many marine conservationists hoped it would provide a tool that federal biologists and administrators could use to manage the diminishing stocks of bluefin tuna. However, California's tuna industry saw to it that that didn't happen.

California tunamen, who have been poaching within the territorial waters of other sovereign nations for decades and are regularly arrested and bailed out with federal funds, refused to support the 200-mile-limit legislation unless tuna were declared creatures of the high seas and made exempt from federal management and regulation. Besides the political clout of the tuna industry, the 200-mile offshore economic zone was held hostage by the U.S. Navy and Department of State, which argued that any such unilateral declaration would jeopardize both the already stalemated Law of the Sea treaty negotiations and the ability of American submarines and spy ships to work close to the coasts of other nations which had declared similar 200-mile regulatory zones. Because conservationists were more concerned about the terrible despoliation of the continental shelf than about CIA or Navy creepy-peepy maneuvers, a compromise was struck. So, in 1976, a Fishery Conservation and Management Act that exempted tunas from federal control became law.

But the tuna exemption wasn't uniform; it only applied to foreign fishermen. The tuna catch by U.S. fishermen within the new economic zone was controlled. Thus, as the 1970s came to an end, marine conservationists were treated to the ironic spectacle of American purse-seiners off North Carolina and Virginia being closely monitored and restricted as to the number of small- and medium-size bluefin tuna they could catch, while Canadian vessels fishing right alongside them were legally hauling out as many fish as they could carry. Sport fishermen off New Jersey and Long Island were limited to four tuna a day, yet foreign longliners fishing in the same area could kill all the tuna they wanted.

Under the International Commission for the Conservation of Atlantic Tunas (ICCAT), toothless "gentlemen's agreements" were forged to try to persuade other nations to comply with our guidelines. The Japanese government assured the New England and Mid-Atlantic Fishery Management councils they were only interested in catching the relatively undepleted Atlantic bigeye (*T. obesus*) and yellowfin (*T. albacares*) tuna, not the longsuffering bluefin. At the same time, Japanese fish companies were outfitting and sending large, longline fishing vessels into the Gulf of Mexico to harvest the giant bluefins as they began their annual spawning run to and through the Straits of Florida.

A modern longline stretches across twelve to twenty miles of ocean with thousands of hooks dangling from it on secondary lines like the teeth on some colossal comb. Each ship tends two to three such lines. The kill of pelagic fish—broadbill swordfish, marlins, and sharks, as well as tunas—is staggering. The National Marine Fisheries Service (NMFS) protested the overkill of billfish, but the U.S. tuna industry's loophole in the 200-mile-limit law prevented the agency from intervening directly in behalf of the bluefin.

Last year, seventeen Japanese vessels fishing west of Key West, Florida, and two others fishing south of the Mississippi Delta killed 8,000 giant bluefin tuna as well as tens of thousands of white and blue marlin, pelagic sharks, and swordfish. (In contrast, thousands of American sport fishermen, handliners, and harpooners working the Atlantic between New York Bight and Boothbay Harbor, Maine, took fewer than 2,000 giant bluefin.) When the Japanese finished mopping up last year's spawners, they came north and took another 10,000 medium-size bluefin off the mid-Atlantic coast along with a comparable slaughter of billfish and sharks. The Japanese claim their bluefin catch is incidental to their fishery directed at bigeye and yellowfin tuna. Last year, the "incidental" bluefin catch nearly exceeded that of the other tunas.

As Bruce Freeman, formerly with NMFS and now administrator of New Jersey's Bureau of Marine Fisheries, observed, "It now appears that we have reduced our catch in an effort to provide a larger catch for Japanese longline fishermen."

The bluefin tuna's situation is desperate, and emergency steps to save it at last are being taken. The strategic, or longterm, solution is to end this illogical and disastrous exception to our nation's fishery-management plans, to close the tuna loophole in the 200-mile limit. Senator Lowell P. Weicker of Connecticut and Representative James Howard of New Jersey have introduced legislation that would do so. In this they are strongly supported by marine conservationists who have marshaled forces behind the National Coalition for Marine Conservation's American Tuna Action Committee. Hearings have been held on the Senate bill (S. 1564), but the House bill (H.R. 4457) has been bottled up in the fisheries subcommittee of the Committee on Merchant Marine and Fisheries by two powerful opponents: Chairman John Breaux of Louisiana and Ranking Minority Member Edwin Forsythe of New Jersey.

The tactical or short-term effort to save the bluefin stems from last year's adoption of a more aggressive conservation posture by most members of ICCAT—the Japanese naturally objecting. The commission finally approved restrictions that would limit the Canadian catch to 250 metric tons of bluefin tuna taken exclusively off the Canadian coast, the U.S. catch to 605 metric tons, and the Japanese catch to 305 metric tons.

To put these quotas into perspective, last year the Japanese took more than 3,800 metric tons, while American purse-seiners alone landed more than 800 metric tons. This year, our purse-seiners will be allowed only a bycatch of bluefin in fisheries directed at skipjack tuna (*Katsuwonus pelamis*), bigeye, and yellowfin. Last year the rod-and-reel sport catch of bluefin was approximately 84 metric tons, and it may even increase this year if the purse-seiners do not set on the schools of small bluefin rounding Cape Hatteras in June.

"That's the rub," says Allan J. Ristori, executive director of the Atlantic Professional Boatmans Association. "If the new regulations don't go into effect until July, the purse-seiners can legally have a field day until then." If they do, he observes, it will "scrap the season for everyone else along the coast" and cause the United States to lose face internationally because of its inability to control its own fishermen.

However equitably or inequitably this Amerivan fishing season turns out, the improvement in tuna management regulations may be more apparent than real. There is still too much concern for legal loopholes and short-term profits and too little for the perpetuation of that beleaguered bison of the high seas, the Atlantic bluefin tuna.●

IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. MAZZOLI. Mr. Speaker, Senator ALAN SIMPSON and I, as coauthors of the immigration reform legislation now before this Congress, the Immigration Reform and Control Act of 1982, have been gratified by the comments of editorial boards and editorialists around the country on our proposed legislation.

These comments reflect the hard work and dedication of all the people who have examined this immigration problem, and whose insights went into the development of our bill.

Recently, Mr. Mike Royko, the nationally syndicated columnist of the Chicago Sun-Times, wrote an excellent piece about our bill. In his usual nonsense and straightforward fashion, Mr. Royko makes the point that while we can and must continue to be a humane and generous country in our immigration policy, unlimited and uncontrolled immigration is unacceptable.

Because I find Mr. Royko's piece so insightful, I am including it at the conclusion of my statement for my colleagues to read.

STEM THE ALIEN TIDE

(By Mike Royko)

It was a question I expected. "Where did your parents or grandparents come from?"

I knew somebody would ask it after I wrote a column supporting a proposed bill aimed at reducing the number of illegal aliens in this country.

The person who asked the question—a lady with a throbbing social conscience—added: "I assume you're of immigrant stock."

The answere was obvious. Of course I'm of immigrant stock. Who isn't?

Only two American groups aren't descended from immigrants: The Indians, who are the only true American natives, and the blacks, who were essentially kidnap victims.

So all the rest of us are here because somebody got on the boat. The only differences are when our ancestors came here and from where—a distinction that's important only if you want to get into the Social Register.

In my case, my father was brought here by his widowed mother when he was a child. My mother was born here of immigrant parents.

I knew what the lady's next question would be:

"Then how can you propose depriving others of the kind of opportunity that your immigrant ancestors had?"

Ah, she thought she had me.

But she didn't, because I'm not proposing that anybody be deprived of the kind of opportunity that my immigrant ancestors had.

They came here legally, at a time when the national policy of this country was to encourage immigration.

This country, with its incredible industrial expansion, needed more people for the factories and mines and mills. It needed them to work farms.

But that's not the national policy anymore. We don't need millions of immigrants, most of them unskilled, because the economy can't absorb them.

So I'm in favor of immigrants having the same kind of deal as the earlier ones had—coming here legally, and within a numbers limit set by this country.

I'm also in favor of this country continuing to be humane in granting political asylum to those who are valid political refugees.

But I'm not soft-headed enough to believe that we should let the torrent of illegal immigration go on—not when millions of this country's citizens can't find work, and the cost of social services is already being stretched to the breaking point.

Yet, this is what some naive souls believe—that if somebody manages to slip across the border, that should be enough to assure him or her of resident status.

Some daffy groups even want illegals to receive full social benefits—including voting rights.

They consider themselves humane and generous and concerned for their fellow man.

But are they? It they are that concerned about their fellow man, then why haven't they considered the impact that millions of illegal aliens will have on those who are already at the bottom of the economic ladder?

Most of the illegals come here for one reason: jobs.

They work hard, they work cheap, and they are the kind of employees that many businessmen love—they keep their mouths shut and, out of fear do exactly what they're told.

That's why many businessmen are delighted by our sieve-like borders. They don't have to build plants in Mexico to find cheap labor; they just wait for the Mexicans to sneak up here.

So they spread the myths that only the illegals are willing to do the dirty and hard jobs; that native-born Americans refuse to take these jobs.

Basically, that's racist propaganda. What it obviously means it that blacks, who have the highest jobless rate, are turning down jobs that illegal immigrants are willing to take.

And that's nonsense. Blacks have been doing the dirty jobs in this country longer than anyone else.

Every immigrant group has had to start at the bottom. The Irish, the Slavs, the Italians have all been in the ditches, the mines and the mills.

But nobody's done the dirty jobs longer, for generation after generation, than the blacks. Think—when was the last time you saw a blond, blue-eyed shoe-shine man?

And they're still willing to take them, if that's all that the job market has to offer. Any time some Chicago plant puts up the for-hire sign, blacks are waiting in line, no matter how much drudgery the job involves.

It's probably true that black employees aren't as putty-like as some terrified illegals. And they shouldn't be. Their ancestors paid their slavery dues. So by 1982, they have a right to ask a reasonable rate of pay and decent working conditions for a day's labor.

But many of the employers who bleat that only illegals will do their dirty work are saying, in effect, that they are unwilling to pay enough to get anybody but an illegal to do it.

So the answer isn't to let million of illegals pour into this country and take those jobs, but to pay a decent wage and, if necessary, pass the cost on to the customer. In the long run, that's cheaper than supporting an underground population of illegal immigrants.

That's why I'm in favor of a bill pending in Congress that would require everyone in this country to have an official work card. Without it you couldn't get a job. And unless you're here legally, you wouldn't get a job. With the lure of jobs gone, the flow of illegals would stop.

The bill would also grant legal immigrant status to any illegal who came here in 1978 or before. And to most of the Cubans and Haitians who came here in 1980.

That's not exactly hard-hearted. Just try plunking yourself down in almost any other country in the world and asking for a similar deal.

Try it in Mexico. Go there and tell them that you're broke and have few skills, but you'd like to stay there permanently and draw welfare, if need be, and take a job away from a native.

Oh, they might let you stay for a while. But the room where you sleep could have padded walls.●

THE PHOTO EXHIBIT—"FAREWELL TO SINAI"

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1982

● Mr. LUKEN. Mr. Speaker, we are fortunate to have in the Cannon House Office Building a wonderful photographic exhibit entitled, "Farewell to Sinai". This exhibit is a series of captivating photographs by Farag Peri, an Iraqui born Israeli and one of the best known photographers in Israel.

The exhibit, which can be seen in the Rotunda of the Cannon building, captures the richness of the Sinai, the pain in departing and the promise of peace between Israel and its neighbors. I would strongly suggest to all members that they take a few moments out of their schedule to view the Peri exhibit.

Perhaps more importantly is the timeliness of this exhibit. Once again, we are confronted with a need for a peaceful solution in the Middle East, to replace the armed conflict that is going on. Let no one assume that peace is cheap, that the costs on both sides are not dramatic. In dollar terms, Israel has sacrificed a $17 billion investment by withdrawing from the Sinai. This includes military expenditures, construction and oil exploration. In addition, industry and military installations as well as the residents of the Sinai have been uprooted and the costs involved cannot be reduced to mere dollars.

Yet I believe that most people believe that the costs of a true and permanent peace are worth the costs that Israel has experienced. By any measure it is a far better path to follow than the armed conflict that is currently taking place in Lebanon.

So when you view the exhibit by Farag Peri, admire the art of the photographs, but also appreciate the cost of peace and the greater need to secure a permanent and just peace in the Middle East.●

HOUSE OF REPRESENTATIVES—*Monday, June 14, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our prayers reach out to You, O Lord, imploring Your presence and comfort in our lives and in the lives of those we love. Bring healing to those who are ill, give hope to those who are anxious, and give peace to every troubled soul. We recognize that our ability to make things right is limited, and we have too often followed our own way and sought to make change through our own power. Grant us this day, O Lord, the fullness of Your grace and by turning to You in all humility we may be filled with that wisdom that You alone can give. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the Houses on the amendments of the Senate to the bill (H.R. 4) entitled "An act to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1952. An act authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 6133. An act to amend the Endangered Species Act of 1973.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 625. An act to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes;

S. 1540. An act to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes;

S. 1660. An act to lease former oil placer mining claims in Hot Springs County, Wyo.;

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine;

S. 1872. An act to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes.

S. 2144. An act entitled the "Appalachian Regional Development Act Amendments of 1982";

S. 2181. An act relating to the National Telecommunications and Information Administration, and for other purposes;

S. 2218. An act to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue landfill site by the city of New York;

S. 2250. An act to amend the Disaster Relief Act of 1974, and for other purposes;

S. 2390. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purpose of said act;

S. 2451. An act to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983, and for other purposes;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes;

S. 2582. An act to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes;

S.J. Res. 194. Joint resolution to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S. Con. Res. 98. Concurrent resolution expressing the sense of Congress on the occasion of Thailand's bicentennial.

THE AMERICAN CONSERVATION CORPS ACT OF 1982

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, last week I was delighted when the House passed H.R. 4861, the American Conservation Corps Act of 1982, which I cosponsored.

In taking this action this Chamber addressed a very serious problem—the unacceptably high rate of youth unemployment—and passed a bill which I believe will go a long way toward solving it. At a time when over 20 percent of young Americans cannot find work, this Chamber's action was most timely and appropriate.

By passing the American Conservation Corps Act, the House put itself on record in support of a measure which will enable unemployed youths between the ages of 16 and 25 to work on projects which will conserve this Nation's forests, fish, wildlife, rangelands, and soils. In addition, these young people will be able to develop important skills while helping to revitalize urban areas, preserve historic and cultural sites, and assist others to conserve energy.

As a strong supporter of the Youth Conservation Corps and the Young Adult Conservation Corps—the predecessor programs to the American Conservation Corps—I can attest to the fact that Government programs aimed at youth unemployment and conservation of our national urban and wilderness resources can and do work.

In fact, this year the Interior Appropriations Subcommittee, on which I serve, heard testimony from administration spokesmen that the Youth Conservation Corps—a program similar to the ACC—returns over $1.15 in value to the Government for every $1 the Government spends.

In my view, the ACC will prove a worthy successor to the YCC and YACC and like them, it will prove to be cost effective and beneficial both to the young people it employs and to the American taxpayer who will receive the benefits of their labor.

For these reasons, I congratulate my colleagues who voted to pass H.R. 4861. Now, young Americans will have the chance to work and to contribute positively to this country. As a cosponsor of this legislation, I am convinced that all of us will ultimately benefit from this investment in our future.

ERA MUST PASS BY JUNE 30

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, a very historic effort is going on right now as we see women across the country moving to try and attempt to pass the ERA by June 30.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

One of the fasters happens to be a woman from Colorado, a very brave and courageous woman, Shirley Williams. We all wish them the best.

I would like to ask other Members to join with me in doing everything possible to make sure that the democratic process works. I think it would be unconscionable to have June 30 come and go and see other actions such as the one we saw in North Carolina, where the Lieutenant Governor tabled it rather than allow the equal rights amendment to come to a vote, because he knew that the votes were there to pass it. That is the type of thing that I think does not speak well for the democratic system, and I hope every Member joins with me in making sure that when June 30 comes, we will know that the democratic process has been allowed to work, and the equal rights amendment will finally pass.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT). Today is the day on which we have scheduled motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 15, 1982.

AMENDING THE ADMINISTRATIVE CONFERENCE ACT

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4476) to amend the Administrative Conference Act, by authorizing appropriations therefor, as amended.

The Clerk read as follows:

H.R. 4476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 576 of title 5, United States Code, is amended to read as follows:

"§ 576. Appropriations

"There are authorized to be appropriated to carry out the purposes of this subchapter sums not to exceed $2,300,000 for the fiscal year ending September 30, 1982, and not to exceed $2,300,000 for each fiscal year thereafter up to and including the fiscal year ending September 30, 1986.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. SAM B. HALL, JR.) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4476 provides for the authorization of the Administrative Conference of the United States for the years 1982 through 1986.

The Administrative Conference of the United States was established in 1964. Its purpose is to study the effectiveness, efficiency, and fairness of procedures used by the Federal Government. When the Conference determines that Government procedures need improvement, it submits a recommendation to the President, the Congress, the relevant agencies, and, when appropriate, the Judicial Conference. During the past 18 years, many of its recommendations have been adopted either through legislation or through changes in agency procedures.

The Conference works with agencies on a continuing basis to improve and simplify their regulatory enforcement, and adjudicatory functions. It also renders technical assistance and advice to agencies charged with the implementation of new legislation, such as the Equal Access to Justice Act and the Regulatory Flexibility Act. In addition, the Conference has statutory mandates, such as those in the Sunshine Act and the Magnuson-Moss Act, to monitor agency implementation of statutory programs.

The Conference serves the public by working to attain fairness and balance in the procedures followed by agencies.

Finally, the Conference, in its published recommendations, assists the Congress by suggesting legislative changes necessary to increase efficiency and fairness in agency procedures.

H.R. 4476 provides for a 4-year authorization of the Conference—through 1986. The authorization which the bill contains for 1982 is simply carried forward from the present authorization, so only 4 new years are authorized.

The bill, as amended by the committee, provides an authorization ceiling of $2.3 million for each year through 1986. This amount allows the Conference to obtain the appropriations needed to carry out its present statutory mandates. This ceiling also provides the necessary flexibility for the Conference to seek additional appropriations to carry out new responsibilities if they are imposed by Congress. Examples of new statutory responsibilities imposed in recent years include advisory and evaluation duties under the Regulatory Flexibility Act, the Equal Access to Justice Act, and the Government in the Sunshine Act. In the past, such new responsibilities have often been imposed without the grant of new budget authority. Therefore, flexibility in the authorization amount is necessary so that the Conference will not be required to divert resources, both money and staff, from its ongoing program in order to meet such new statutory responsibilities.

The Administrative Conference of the United States performs a valuable service in helping improve Government procedures. In many instances it has been tremendously helpful to Congress on such matters as regulatory reform, the Equal Access to Justice Act and the Sunshine Act. I urge the House to act favorably on this authorization so that the Conference may continue in its much needed work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, few agencies return to the Federal Government more in savings than they receive in appropriations. The Administrative Conference is one such agency. The composition of this body includes the best and the brightest in the field of administrative law. With the exception of its chairman, participants in the Conference serve without compensation.

Not only legal scholars, but private practitioners, agency general counsel, as well as State government attorneys are members the Conference. Their mandate is to assist the Congress, administrative agencies, and executive departments in improving existing administrative procedure in their regulatory, enforcement and adjudicatory functions. It has primary responsibility for conducting studies of the efficiency, adequacy, and fairness of present administrative procedures. As a policy neutral body, the Conference has authorized a number of the provisions contained in the regulatory reform bill (H.R. 746).

Another important function of the Administrative Conference is to render technical assistance and advice to other agencies charged with the implementation of new legislation. Their assistance has been especially helpful to agencies required to implement the Regulatory Flexibility Act, a law that came from the Judiciary Committee in the last Congress.

Finally, I urge dispatch in passing H.R. 4476, otherwise the Conference will expire at the end of the present fiscal year. The authorization is within present budgetary constraints and it is a very small agency. It performs a valuable service and deserves to be continued.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to congratulate the gentleman from California (Mr. MOORHEAD) and the gentleman from Texas (Mr. SAM B. HALL, JR.), the new distinguished chairman of the Subcommittee on Ad-

ministrative Law of the Judiciary Committee, for bringing this legislation to the floor.

Mr. Speaker, to call the Administrative Conference of the United States a clearinghouse on Federal administrative law is to understate their vital role in governing America. Their mandate goes far beyond this. The Conference streamlines, simplifies, and clarifies the administrative process. Consistently they have fulfilled and exceeded that ma. .ate. In so doing they have saved the taxpayers money and the Government's time. They have the expertise to distinguish between red-tape and due process.

Since the Administrative Procedure Act impacts the operation of every Federal agency, it has been chosen as the vehicle for regulatory reform. Instead of amending hundreds of enabling statutes, we can accomplish this much needed reform by changing just one law—the APA. Many of the recommendations of the conference have been incorporated into the House version of regulatory reform. I remind my colleagues that the Conference is a policy neutral body. But even more important, once regulatory reform becomes law, the Administrative Conference will help the agencies adapt to required changes.

We on the Administrative Law Subcommittee look upon the recommendations of the Conference as gospel. Such recommendations are carefully researched, thoroughly debated, and thoughtfully written. Many of the recommendations are now finding their way into statutory law, even more have been quoted in regional and appellate reporters. Others have been adopted under individual agency authority.

Finally, Mr. Speaker, the authorization we seek to approve today is a modest one. It has the approval of OMB and maintains ACUS at its current level.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM B. HALL, JR.) that the House suspend the rules and pass the bill, H.R. 4476, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

BALTIC FREEDOM DAY

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 201) designating "Baltic Freedom Day."

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. HYDE. Mr. Speaker, reserving the right to object, I reserve the right to object only to inquire of the gentlewoman from Colorado the nature of this resolution.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, I am sure the gentleman from Illinois knows very, very much about it. It is the resolution that was passed by the Senate last week and has many, many cosponsors. I believe it has 240 cosponsors in the House. It would designate June 14 as "Baltic Freedom Day."

□ 1215

Mr. HYDE. Mr. Speaker, I thank the gentlewoman from Colorado (Mrs. SCHROEDER) and reserving the right to object, I wish to congratulate her for her cooperation in getting this important Senate joint resolution before the House. We understand that through the cooperation of the Speaker, we are going to get it over to the President for signature today. It is a very important resolution.

Mr. Speaker, the resolution (S.J. Res. 201) we are about to vote on establishes the observance of Baltic Freedom Day today, June 14. The House resolution (H.J. Res. 386) which I originally introduced on January 27, 1982, now has more than 230 cosponsors.

A cynic might say, "well, that is an easy vote." After all, there is probably not one among us that does not have within our constituency a citizen of Baltic heritage for whom this proclamation is of significance.

But we are not cynics. We know that this resolution transcends one's heritage; it is significant to all Americans who share a common and priceless heritage—freedom. We who are fortunate enough to share the blessings of liberty are proclaiming to the Baltic States that we deplore their enslavement and that we are keeping a vigil with them until they are able to regain their own freedom and national independence and self-determination.

The middle of June marks the anniversary of two major events in the loss of independence by the Baltic States and their seizure by the Soviet Union. Between June 14 and June 17, 1940, the Soviets presented the nations of Estonia, Latvia, and Lithuania each with an ultimatum and then invaded and occupied them. This was followed by incorporation of these nations as "constituent republics" in the Soviet Union. A year later, within a few days centering around June 14, 1941, thousands of Estonians, Latvians, and Lithuanians were deported to various parts of the Soviet Union, mainly Siberia.

These three Republics, free and proud, members of the League of Nations, and recognized by the Soviet Union which continues to occupy them and deny their peoples basic rights, religious freedoms, and self-determination.

The United States has never recognized the incorporation of the Baltic States into the Soviet Union.

On July 23, 1940, our Acting Secretary of State Welles said in part:

> The policy of the Government is universally known. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. They are likewise opposed to any form of intervention on the part of one state, however, powerful, in the domestic concerns of any other sovereign, state, however weak.
>
> The U.S. will continue to stand by these principles, because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and or law—in other words, the basis of modern civilization itself—cannot be preserved.

In 1953, Secretary of State Dulles reconfirmed our commitment to freedom for the Baltic States.

He stated:

> Some may say that it is unrealistic and impractical not to recognize the enforced "incorporation" of Estonia, Latvia, and Lithuania into the Soviet Union. We believe, however, that a despotism of the present Soviet type cannot indefinitely perpetuate its rule over hundreds of millions of people who love God, who love their country, and who have a sense of personal dignity.

And he continued:

> The Soviet system which seeks to expunge the distinctive characteristics of nation, creed, and individuality, must itself change or be doomed ultimately to collapse. The time of collapse depends largely on whether the peoples who remain free produce spiritual, intellectual, and material richness and a faith which can penetrate any Iron Curtain. The captive peoples should know that they are not forgotten, that we are not reconciled to their fate, and, above all, that we are not prepared to seek illusory safety for ourselves by a bargain with their masters which would confirm their captivity.

By passing this resolution today we are saying once again to the Baltic people that we are not reconciled to their present fate. We are saying that the American people continue to share their desire for freedom and national independence. And we are telling the Soviets that time has not dimmed our memory, that their crimes today in

other parts of the world like Poland and Afghanistan, only underscore more vividly their crimes of yesterday.

I urge my colleagues to lend their strong support to this resolution.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. HYDE. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out that in his modesty the gentleman from Illinois (Mr. HYDE) did not mention that he was the sponsor of a similar resolution here in the House.

I believe I am accurate in saying that the chairman of the Census Subcommittee, the gentleman from New York (Mr. GARCIA), has indicated his support and approval of this procedure. I think it is very timely and proper that we expedite its handling.

Mr. Speaker, on June 14, 1940, the Soviet Union began to execute its policy of forcible occupation and incorporation of the Baltic States into the U.S.S.R. and the subsequent deportation of hundreds of thousands of Lithuanians, Latvians, and Estonians to Siberian concentration camps. Those days are a clear historical truth, reflecting the attitude of the Soviet Union toward basic human rights.

Before the conquest of these three nations, they had a short yet glorious period of independence. Latvia, Lithuania, and Estonia all declared their independence following World War I and enjoyed democratic governments until 1940. Under Stalin, tens of thousands of the Baltic peoples were killed and over a million were deported to slave labor camps. Many others were removed from their homelands because of their resistance to the subjugation or because of their political and religious views. As the Estonians, Latvians, and Lithuanians were deported, they were replaced by peoples from other areas of the Soviet empire. This exchange of population has substantially altered the ethnic composition of the Baltic nations. Only through russification can the Russian rulers hope to destroy the national identity of the Baltic people.

Throughout the free world, the peoples of Estonian, Latvian, and Lithuanian origin have maintained their traditional civic, cultural, and church organizations and bravely continued their efforts on behalf of their enslaved compatriots held captive within the U.S.S.R.

The Soviet Union has blatantly ignored the human rights provisions of its own constitution; the provisions of human rights in the United Nation Charter; and it has ignored the implementation of the provisions of the Final Act of the Helsinki accords and the Belgrade Conference.

As a nation, we stand for freedom and the right of self-determination. In the past, we in the House of Representative, and the Senate have recorded our denunciation of the Soviet's annexation of the Baltic nations in the passage of resolutions expressing the nonrecognition of the Soviet Union's forcible annexation of the Baltic States. Therefore, it is necessary for the policy of the United States to continue to be that of nonrecognition; and further to demand the release of political prisoners of Estonian, Latvian, and Lithuanian nationality from Soviet incarceration and return the right of self-determination and territorial integrity to the Baltic nations.

As we draw attention to this tragic anniversary, we must recognize that it is the responsibility of the United States to support the cause of freedom for these Baltic peoples. Only with the end of political repression, religious persecution and cultural genocide in these nations can the legitimate aspirations of the Baltic peoples be fulfilled.

● Mr. NELLIGAN. Mr. Speaker, I rise to commemorate one of the most important days for the people of Estonia, Latvia, and Lithuania: Baltic Freedom Day, which is celebrated each year on or around June 14.

For those who may be familiar with Baltic history, let me recount what the date means to the Baltic people. On that day in 1940, the Soviet Union offered ultimatums to each of these three countries, which resulted in annexation and occupation by the U.S.S.R.

In 1941, again on June 14, the Soviet Union order mass deportations of these peace-loving people to the U.S.S.R., many of them going to Siberia. Since the occupation, the Baltic people have been subjugated to the tyranny of their eastern neighbor, and have had to relinquish their political and cultural freedoms.

The United States has long recognized the independence and right to self-determination of the Baltic republics. Baltic Freedom Day offers us the chance to reaffirm our strong and lasting friendship with the people of this region.

As a member of the Ad Hoc Committee on the Baltic States and Ukraine and as cosponsor of House Joint Resolution 386, which would officially designate June 14 as Baltic Freedom Day, I look to the day when these countries can again enjoy the privilege of cultural and ethic independence.●

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 201

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations, belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions and languages, distinctly foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.; and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of democracy, human rights, and religious freedom, and opposed to oppression; and

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1982, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the captive Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COPYRIGHT MANUFACTURING CLAUSE EXTENSION ACT

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6198) to amend the manufacturing clause of the copyright law.

The Clerk read as follows:

H.R. 6198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(a) of chapter 6 of title 17 of the United States Code is amended by striking out "1982" and inserting in lieu thereof "1986".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House today a bill which has the unanimous support of the Committee on the Judiciary and has won the approval of the Committee on Ways and Means under a sequential referral. Mr. Speaker, I believe there is a broad consensus of opinion that this legislation should move forward promptly. I urge my colleagues to join their committees in supporting this bill.

The sole purpose of H.R. 6198 is to extend for 4 years the provisions of section 601 of title 17, United States Code, which are the manufacturing requirements of the copyright law. Present law provides that these manufacturing requirements shall expire on July 1, 1982, just 17 days from today. The requirements as they exist in present law generally provide that nondramatic literary works, chiefly books and periodicals, written in English by Americans and domicilaries of the United States must be printed and bound in the United States or Canada if they are to enjoy complete copyright protection in this country.

Since 1981 there has been a manufacturing clause in the U.S. copyright law. Its scope has been reduced on several occasions, the most recent occurring in 1976 when it was limited to its present form and assigned a termination date. Proponents of the manufacturing clause believe that it contributes significantly to a healthy domestic printing and book manufacturing industry; its opponents believe it is an anachronism whose arguable past utility has disappeared and that it is now a form of government interference in the marketplace which is both a hindrance to the freedom of choice of some American authors without being particularly helpful to its intended beneficiaries. To date the research is divided on the economic impact of elimination of the clause, but the committee, recognizing the serious economic downturn which the Nation is suffering and the real possibility that the expiration of the manufacturing clause could mean the loss of valuable American jobs and business in the printing industry, has approved H.R. 6198 unanimously.

Mr. Speaker, this bill will extend for 4 years the existing requirements of the copyright law so as to provide continued protection for American jobs while giving Congress and the executive branch ample time to develop and promulgate a more appropriate mechanism to insure fairness in the international book markeplace. With this goal in mind, the Committee on the Judiciary welcomes the interest and expertise of the Committee on Ways and Means in the trade issues associated with manufacturing requirements of the copyright law. We thank them for their speedy consideration of this legislation and encourage their active participation in the permanent resolution of this issue.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this is a typical, almost classical nontariff trade barrier that the Department of Labor estimates protects anywhere from 78,000 to 172,000 jobs in the United States in the printing and publishing industry. They estimate that a repeal of it would result in a loss of between 170,000 and 362,000 jobs in the total economy, which is just what we do not need at the present time.

To show the potentials of this, particularly in the Pacific basin, including Hong Kong and Singapore, in Singapore publishing or book publishing is one of its industries and about 4.6 of the cost is represented by the cost of labor, whereas in the United States it is 16.7 percent. Obviously, with those wages rates, which are about a quarter of ours, we would find it not possible to compete. It is estimated that it might cost as high as 40 percent of the printing jobs in the United States.

Another example of what happens is that Australia in about the mid-1960's repealed a similar provision of their law, and they currently have to subsidize their printing industry and their publishing and binding industries to the tune of about 33-percent subsidies to keep them in business competing with the Pacific basin area, Hong Kong, Singapore, and similar countries.

We have extended the phaseout or termination date which had been scheduled for 1982 for 4 years to 1986. I am not so sure I am in total agreement with the subcommittee chairman that we ought not to retain this where it is, as opposed to moving it into a trade situation. This is a device, the so-called nontariff trade barriers that the Japanese use exceedingly effectively against our products of all different varieties, and they are still able to say, "Look, we have no tariffs at all." They just have these other nontariff-type trade barriers.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. SAWYER. Surely, I yield to the gentleman from Illinois.

Mr. McCLORY Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 6198, a bill to extend the manufacturing clause of the copyright law. The manufacturing clause is scheduled to be phased out on July 1, 1982, as a result of an amendment to the 1976 revision of the Copyright Act. H.R. 6198 which has been favorably reported by both the Judiciary Committee and the Ways and Means Committee, represents a bipartisan effort, that would extend the clause for 4 years, until July 1, 1986.

In testimony before the courts subcommittee proponents of the clause made a strong case that business enjoyed by American firms would go abroad where wages were considerably lower than in the United States and modern technology was available if the manufacturing clause were allowed to expire. In support of this contention several witnesses cited a recent U.S. Labor Department study that concluded that anywhere from 170,000 to 367,000 job opportunities could be lost in the printing and related industries if the manufacturing clause were allowed to expire on July 1, 1982, as scheduled. While the extension of the clause is not without some controversy, I think we as a Congress would be hard put to justify eliminating the clause at this time, given the beleaguered economic circumstances we currently find ourselves confronted with.

A 4-year extension, as proposed in H.R. 6198, will provide the Congress and the executive branch ample time in which to explore possible alternatives to the manufacturing clause that may satisfy parties on both sides of this issue. H.R. 6198 is a reasonable bill and I urge its adoption.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I first want to thank the gentleman from Wisconsin (Mr. KASTENMEIER) and the members of the Committee on the Judiciary for their consideration of the Ways and Means Committee interest in this legislation.

Let me say at the outset that the committee supports the passage of this bill. We view it as an interim step pending the time when we would take effective action on this subject.

This is normally not the kind of bill I would like to support, but under the referral procedure, we simply did not have enough time to adequately digest all the information that should have been available but has not been adequately available to us for our consideration. That is no reflection at all upon the Committee on the Judiciary. They have been trying to pass us this bali for 4 years, and we just did not see the lateral pass until too late.

I can assure the Members of the Congress that we intend to look at this very vigorously, and we have already instituted a study with the International Trade Commission on the impact of this legislation.

Mr. Speaker, with that limited caveat, I urge the passage of the bill. I realize that my good friend, the gentleman from Minnesota (Mr. FRENZEL) will take a more vigorous stand against this type of legislation than I do at this time, but I want to assure him and the others who are listening and reading this RECORD that we will vigorously move forward in this area to make sure that not only our copyright laws are respected by other nations but to make sure that we maintain a free and fair stance toward this type of legislation.

Mr. Speaker, I urge adoption of H.R. 6198, which the Committee on Ways and Means has ordered favorably reported. This is a bill to extend until 1986 the so-called manufacturing clause of the copyright law. It was sequentially referred to us after being favorably reported by the Judiciary Committee.

The manufacturing clause prevents the importation from all countries except Canada of certain copyrighted materials such as English language books, periodicals, and newspapers, thus requiring that such materials be printed in the United States or Canada in order to receive full copyright protection. It has been a part of our copyright law since 1891, although it has been substantially diluted over the years. The clause does not further any policy of copyright law; its sole purpose is to afford a measure of protection to the domestic printing industry. Therefore, it is very much like a number of trade restrictions normally under the jurisdiction of the Committee on Ways and Means.

My colleagues are aware that I do not normally support outright nontariff barriers of this type. I believe there is merit to our trading partners' complaints about this law, and I do not approve of blanket protection for selective industries. However, in these unique circumstances, I am willing to support a 4-year extension for several reasons: First, this is an industry which has grown up with this protection; second, there has been no reliable economic study of the impact of terminating such protection; third, Congress has not given any serious thought to how we might facilitate the industry's adjustment to import competition; and fourth, the general state of the economy—with unemployment at nearly 10 percent—makes it very difficult to eliminate the clause entirely.

The Committee on Ways and Means has had very little time to analyze this issue in terms of our overall trade policy. The committee only had referral of the bill for 3 weeks and did not have an opportunity to closely examine the operation of the clause. A limited extension will enable the Subcommittee on Trade to look at this matter more thoroughly and explore possible options to achieve greater equity in the international trade of printed materials. We have requested a study by the International Trade Commission to determine the true impact of terminating the manufacturing clause on U.S. producers and workers. Once that study is completed, I hope we can work to achieve a reduction in protection for this industry.

If this bill introduced a new form of protection for the printing industry, I would vigorously oppose it. However, for the reasons stated above, I am willing to support a limited extension. I hope that by 1986 we can resolve this issue permanently.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I want to compliment the gentleman from Florida, (Mr. GIBBONS) on his statement, but I want to assure him that it is not a question of passing a lateral pass to him either from the Judiciary Committee or to the Ways and Means Committee. The leadtime on this was 6 years, 1976 to 1982, and we suggested in our report that if the printing trades or the printing industry felt they could not live with the expiration of the manufacturing clause, their recourse was the trade laws of the United States. The failure is not a failure of the Ways and Means Committee nor is it a Judiciary Committee failure. It is a failure on the part of the principals involved who did not at a more timely point pursue their case and pursue it in the right legislative forum to seek a preferable solution.

Mr. GIBBONS. Mr. Speaker, we will take steps not to let that failure occur again, and we will vigorously move forward on it. It seems to me in effect that the copyright laws as we have them now or the manufacturing clause of the copyright holders in this country; it puts an undue burden on them and makes them uncompetitive in other countries.

Mr. Speaker, that concludes what I have to say on this subject.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I strongly oppose the bill, H.R. 6198, which would extend through July 1, 1986 the protectionist provision in our copyright law prohibiting the importation of a particular class of literary material unless substantially printed in the United States or in Canada.

None of the other speakers have noted it for the RECORD, so I will, the fact that the administration also opposes this bill.

This so-called manufacturing clause is contrary to this country's obligations under the General Agreement on Tariffs and Trade, known as GATT. It discriminates against a particular class of copyright holders, and it does not do much to protect jobs or enhance the competitive position of the printing or publishing industries.

The United States is the only major book publishing country in the world that restricts its book trade through manufacturing requirements and copyright laws. The statute applies only to copyrighted nondramatic, literary materials published in English by authors living in the United States, so it does not apply to works of art, musical compositions, dramatic works, sound recordings or motion pictures. Therefore, it discriminates against a particular type of artist, the author all by himself or herself, the only class of persons who have to bow to this manufacturing clause.

□ 1230

It denies them the copyright protection if they participate in the international market just as musicians and cinema artists and playwrites can do.

There is absolutely no reason for this particular kind of discrimination. The origins are lost in history and no longer have any meaning to us.

At a time when there is so much talk about unfair trade practices of other countries and when American sectors, pressed by the recession, are screaming for a level playing field or fair practices, we ourselves find that we are reinstating a needless, unfair practice of our own.

This bill in fact keeps our hands dirty in the international forum where we are trying to clean up the hands of others. It makes it much more difficult for our negotiators to say give us a fair shake in our country.

In this instance we are the ones who take too lightly our obligations under those trading rules.

This clause violates GATT in two particulars. First of all it is contrary to the principle of national treatment whereby countries agree to provide importers no less favorable treatment than domestic producers.

Second, it violates the most-favored-nation principle by providing Canada and no other trading partner an exemption from the manufacturing requirement.

I am told this originated when it was thought that Canada would participate in the Florence Conventions so we exempted from the manufacturing clause the nation of Canada, our neighbor to the north.

But, instead, all the other countries who signed the Florence Convention are maltreated by this manufacturing clause, and Canada, the nation who did not, is granted an exemption under it, a very strange way for it to operate in international relations.

Our trading partners have repeatedly raised the GATT illegality of the manufacturing clause. The United States has stated just as repeatedly that the clause was not an appropriate topic for negotiations because it was going to expire this year.

During the MTN negotiations concluded in 1979 we simply said that it is going to expire anyway, we cannot negotiate it away.

I do not think our trading partners are going to accept another 4-year extension without a formal challenge that will lead to retaliations against U.S. exports.

That makes this bill a real mistake.

It has been argued that the industry needs protection; jobs would be lost if the clause were allowed to expire. There is no basis for such conclusion.

The Department of Labor, in its testimony, simply took the worst case projections that the industry gave it. The printing and publishing industry is a healthy and vibrant one. It encompasses a broader range of activity than that covered by the narrow scope of the manufacturing clause.

According to studies by the Congressional Research Service and the testimony of the U.S. Copyright Office, growth in exports and domestic demand are expected to offset any dislocation that might occur through imports.

This manufacturing clause is the last vestige of a statute enacted in 1891. When it was extended in this narrow form in 1976 Congress clearly recognized the justification for the provision no longer existed. But we wanted to give industry and labor a fair warning that they would be expected to compete without unfair protectionism.

They have not apparently taken advantage of that warning and have come back saying they need the extra protection.

In my judgment the printing industry can now compete responsibly with others.

Mr. Speaker, when the Judiciary Committee presented the 1976 extension to us it said in its committee report, and I quote: "After carefully weighing the arguments the committee concludes there is no justification on principle for a manufacturing requirement in the copyright statute," and "although there may have been some economic justification for it at one time that justification no longer exists."

Mr. Speaker, that statement is more true in 1982 than it was in 1976. It is time for industry to keep its responsibility and it is time for Congress to honor this country's commitments to international trading disciplines.

I am delighted the distinguished chairman of the Trade Subcommittee has referred this committee to the ITC for study. I think it will be illuminating for all of us.

In the meantime I would ask this body and all of its Members to support the administration's opposition and to vote down H.R. 6198.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 2 minutes.

Much of what the gentleman from Minnesota said is correct. I trust that our action here today does not constitute a retreat from principle as announced in the 1976 report the gentleman referred to, for I still do believe that ultimately the manufacturing clause has no place in the copyright laws.

I would furthermore say that if we believed it did we would extend it in perpetuity. We are not doing that.

We are taking notice of the fact that to the extent that jobs are affected that in response to the reality of the moment, the recession the country faces, mindful that there may be many job opportunities lost by virtue of this expiration, we are temporizing and extending the law. But I do hope, it is my intention and my hope as chairman of the subcommittee dealing with copyright, that some other solution be found than resort to the manufacturing clause of the copyright laws and that it is in fact allowed to expire 4 years hence.

Mr. Speaker, I urge adoption of the bill.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I want to thank the gentleman for his gracious statement. I feel much better about the bill going forward since the gentleman has explained the scrutiny he is going to give it in the future.

I would also like to mention, simply in passing, that the prime sponsor of this bill is our departed colleague, the gentleman from Ohio, Mr. Ashbrook, who took a very important step when he put it in because of his concern for jobs in his own State and elsewhere.

I simply wanted that noted before we moved on and I thank the gentleman for yielding.

Mr. KASTENMEIER. I thank my colleague for his comment.

I would also like to say, if I may, there are those who would extend the bill, the manufacturing clause without termination. But I feel that the administration's position, as reflected to us, perhaps ought to be understood.

I quote the Office of the U.S. Trade Representative in their testimony to the Judiciary Committee:

> The administration proposes a compromise that would extend the manufacturing clause but would delegate to the executive branch the authority to terminate the clause upon a determination that it is in the national economic interest to do so.

Of course, the Judiciary Committee is in no position to write such a conditional extension. Our extension had to be, to the extent that it does represent a compromise, had to be unconditional.

It is an extension, a temporary one, Mr. Speaker, and I trust the House can at least, in considering the economic conditions of the country today, go along with that extension.

I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself 1 minute.

I just want to comment that the fact in 1976 the Judiciary Committee voted to extend only until 1982 and then have it expire indicates, one, that any committee, even the Judiciary Committee, might make a mistake.

But it is also to be noted that at the same time the other body considered it and renewed the clause and on a vote of 87 to 0. It was merely the phaseout that was granted only in conference by the conferees. So it was by no means a unanimous bicameral decision at that time.

There was a very strong difference and it came out of conference as opposed to the product directly of both Houses.

● Mr. ROSTENKOWSKI. Mr. Speaker, I support H.R. 6198, which would extend for 4 years the domestic manufacturing requirements of the copyright law. There have been several studies indicating that failure to extend the clause will result in increased unemployment in the printing trade. At a time when unemployment is already unacceptably high, we cannot afford to remove altogether the protection this clause affords. I recognize that we must work toward the reduction of trade barriers, and I am hopeful that by 1986 we will be

able to replace the clause with some other form of gradual adjustment to unfettered trade.

However, given the present economic climate, I do not believe it is fair to burden American workers with the consequences of altering this long-standing policy of limiting copyrighted imports. The manufacturing clause has existed since 1891. It is not a new restriction. The time to relax this restriction is when our economy is healthy and world trade is growing, rather than in the midst of a terrible recesssion when most of our trading partners are themselves increasing trade restrictions.

I would like to compliment the Committee on the Judiciary for their diligent efforts on this matter, and particularly the gentleman from Wisconsin (Mr. KASTENMEIER), who worked so hard with his colleagues to achieve an acceptable compromise on this very difficult matter. The Committee on Ways and Means will continue to work together with the Committee on the Judiciary in permanently resolving this issue.●

● Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 6198, a bill which would extend the manufacturing clause of the Copyright Act for 4 years. I would like to commend the chairman and members of the subcommittee for their work in favorably reporting H.R. 6198. By the same token I would like to pay tribute to our former, distinguished colleague, John Ashbrook, who was the first to begin working for the indefinite extension of the manufacturing clause when he introduced H.R. 3940, which had the support of over 100 cosponsors.

The manufacturing clause which has been part of the Copyright Act since 1891, currently provides that a book which is preponderantly of nondramatic literary material and written by an American author domiciled in the United States, must be printed in the United States or Canada to be entitled to full and unqualified copyright protection in the United States.

During the subcommittee's 3 days of hearings on this issue, the case for extending the manufacturing clause was well documented. I believe one of the primary concerns many of the members, including myself, have with allowing the clause to expire as scheduled on July 1, 1982, is the significant number of jobs for U.S. workers that could be lost without any reciprocal gain to the U.S. economy. A recent U.S. Department of Labor study concluded that phaseout of the clause could result in the loss of job opportunities in the printing industry alone in the range of 78,000 to 172,000 with a total loss of job opportunities to the entire U.S. economy in the range of 170,000 to 367,000.

In considering the merits of whether or not to extend the clause, I think it is important to keep in mind that the printing industry is a highly labor intensive industry, probably the most highly labor intensive of any major manufacturing industry in the United States. As a result, wage differentials between the United States and low wage rate countries such as Hong Kong and Singapore are much more destructive to printing than to most other manufacturing industries. A study prepared by E. Wayne Nordberg, general partner of Prescott, Ball & Turben, for the Book Manufacturers Institute, concluded that 30 percent of the U.S. book market could be taken over by Asian producers if the manufacturing clause were eliminated.

In addition to the potential job loss and devastating impact phaseout of the clause would have on the U.S. printing industry, the clause is also important in that it is one of the few weapons available for dealing with many of the U.S. international printing problems.

I do believe that many Members, including myself would prefer to see the manufacturing clause extended indefinitely. However, given the time constraints imposed by the July 1, 1982, expiration date, coupled with the reservations various Members and interested parties have with extending the clause, H.R. 6198 represents a reasonable first step in an effort to preserve the vitality and productivity of our Nation's seventh largest industry and its employees. Accordingly, I urge my colleagues support for H.R. 6198.●

● Mr. WORTLEY. Mr. Speaker, I rise in strong support of the bill, H.R. 6198, the Manufacturing Clause Extension. By extending the current provisions, we are demonstrating Congress' commitment to a healthy domestic printing industry.

The legislation we are considering extends the provisions enacted in 1976 for another 4 years. During that time, both Congress and the executive branch will have adequate opportunity to decide if it should extend further, modified, or repealed.

After consideration by both the Judiciary and Ways and Means Committees, the consensus is that this legislation is essential to protect the jobs in the printing and publishing industry as well as those in paper and ink production.

If this provision is repealed now, the Department of Labor estimates that up to 367,000 American jobs in these industries will be lost—clearly, a situation no one wants.

In theory, free trade is a laudable goal. However, I caution my colleagues that free trade must also be fair trade. The bill before us embodies that principle.

I urge its adoption.●

● Mrs. SCHNEIDER. Mr. Speaker, we all recognize the debilitating effect that unemployment has upon the economy and the lives of the American people. At this time I would like to express the importance of H.R. 6198, the domestic manufacturing clause of the copyright law extension. Passage of the extension until July 1, 1986, will serve to save American jobs and help restore health to our weakened economy.

Those opposed to the extension try to justify their arguments with accusations that the manufacturing clause is a barrier to free trade. I am unable to assume that American authors would continue to have their works printed in the United States should the manufacturing clause expire on July 1, 1986.

A preliminary Department of Labor report indicates that between 172,000 and 360,000 printing jobs could be lost should the manufacturing clause be stricken from U.S. law. Additionally, estimates show that printing interests in Japan and the Far East would engulf 40 percent of U.S. interests should the manufacturing clause lapse.

Last year, I cosponsored H.R. 3940, which sought an indefinite extension. Although I maintain my support for this extension, I feel H.R. 6198 is a first step.

It ought to be evident, then, that during this period of serious economic downturn and widespread unemployment, it would be unfair to terminate the manufacturing clause extension without first analyzing the overall impact on the U.S. economy. H.R. 6198 will allow for this necessary analysis and see that printing jobs are kept in America.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 6198.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MONONGAHELA FOREST, W.VA., WILDERNESS DESIGNATION

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5161) to designate certain lands in the Monongahela National Forest, W.Va., as wilderness; and to designate management of certain lands for uses other than wilderness, as amended.

The Clerk read as follows:

H.R. 5161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DESIGNATION OF WILDERNESS AREAS

SECTION 1. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-five thousand six hundred acres, as generally depicted on a map entitled "Cranberry Wilderness—Proposed", dated May 1982, and which shall be known as the Cranberry Wilderness: *Provided,* That for purposes of the Act of July 14, 1955 (69 Stat. 322) as amended, the Cranberry Wilderness may be reclassified only by Act of Congress enacted after the date of enactment of this Act;

(2) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork North Wilderness—Proposed", dated November 1981, and which shall be known as the Laurel Fork North Wilderness; and

(3) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork South Wilderness—Proposed", dated November 1981, and which shall be known as the Laurel Fork South Wilderness.

MAPS AND DESCRIPTIONS

SEC. 2. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 3. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of the relevant provision of this Act.

EXCHANGE

SEC. 4. (a) The Secretary of the Interior (hereinafter in this Act referred to as "the Secretary"), in consultation with the Secretary of Agriculture, is authorized to acquire within three years after the date of the enactment of this Act—

(1) all nonfederally owned coal deposits and other mineral interests and rights within the boundaries of the Cranberry Wilderness; and

(2) coal deposits and mineral interests and rights outside the boundaries of the Cranberry Wilderness which are—

(A) contiguous to the deposits, mineral interests, and rights referred to in paragraph (1) and owned by the person or entity which owns the deposits, interests, and rights referred to in paragraph (1); or

(B) economically accessible only through the exercise of rights held within the wilderness.

Such acquisition shall be carried out through the exchange of federally owned coal deposits or other mineral interests or rights which, after such exchange, will be freely alienable, recoverable, and removable.

(b) For purposes of carrying out the exchange required under subsection (a), not later than three months after the date of the enactment of this Act, the Secretary shall initiate negotiations with the owner or owners of coal deposits or other mineral interests and rights within the Cranberry Wilderness (hereinafter in this Act be referred to as "the owner").

(c)(1) The negotiations between the Secretary and the owner shall include the mutual identification for possible exchange at least one, but no more than four, sites having federally owned coal deposits or other mineral interests and rights. Such identification shall be completed within six months after the date of the enactment of this Act. If the Secretary and the owner fail to mutually identify such a site or sites within the six-month period, the Secretary and the owner may each identify not more than four sites for possible exchange and submit such sites for arbitration pursuant to subsection (d).

(2) Following identification of sites under paragraph (1), the Secretary shall conduct such coal or mineral evaluations—

(A) with respect to such sites, and

(B) with respect to the coal or other mineral interests or rights within the Cranberry Wilderness

as may be necessary to determine fair market value. The Secretary may contract with the owner to conduct such evaluations and may compensate the owner therefor through payment of money or the subsequent exchange under this section. Such evaluations shall be completed within one year after the identification of the site or sites concerned. Where the Secretary conducts such evaluations, he shall provide the owner with all data available to the Secretary as a result of the evaluations. If the Secretary and the owner fail to agree on any such evaluation within one year after the identification of the site concerned, the Secretary and the owner shall each submit a proposed evaluation for arbitration under subsection (d).

(3) Upon completion of the evaluation, the owner shall designate one or more of the evaluated sites for exchange, and the Secretary and the owner shall then seek agreement to consumate such exchange within three years after the date of the enactment of this Act.

(4) The fair market value of the coal or other mineral interests or right exchanged under this section shall be substantially equal (taking into account any compensation due the owner for evaluation costs under paragraph (2); or, if they are not of equal value, the values may be equalized by the payment of money to the Secretary or the owner so long as the payment does not exceed 10 per centum of the value of the leases to be issued by the Secretary. The Secretary shall try to reduce the amount of the payment of money to a small an amount as possible. Fair market value of any interest shall be determined for purposes of this Act on the assumption that all coal or other minerals to which such interest pertains are legally recoverable and removable.

(d)(1) If the Secretary and the owner fail to agree, within the time periods specified in subsection (c), on—

(A) the identification of a site or sites under paragraph (1) of subsection (c);

(B) the evaluation under subsection (c)(2) of the coal or other mineral interests or rights at any such site; or

(C) any other aspect of the exchange

the issue shall be submitted to binding arbitration to ensure an appropriate exchange under this section. The Secretary and owner may mutually agree to extend any of the time limitations set forth in subsection (a), (b), or (c) of this section.

(2) The arbitration shall be conducted by an arbitration board in accordance with the rules of the American Arbitration Association. Each member of the arbitration board shall be selected under the procedures of the American Arbitration Association, except that such board shall consist of not less than three arbitrators, unless the Secretary and the owner mutually agree to a lesser number.

(3) The decision of the arbitration board shall be binding on the owner and the Secretary and shall not be reviewable. The exchange proposed by the board shall be carried out by the owner and Secretary pursuant to the order of the board. If either the Secretary or the owner fails to comply with such order, the other party may apply to the District Court for the Southern District of West Virginia to enforce such order, and the court may make such rulings and issue such orders as may be necessary for such purposes.

(e) Effective October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to establish the value of the nonfederally owned mineral interests or rights lying within the Cranberry Wilderness area and to establish the value of federally owned interests to be exchanged under the authority contained in this section. Effective October 1, 1982, there are hereby authorized to be appropriated such sums as are necessary to carry out the other provisions of this Act: *Provided,* That no payment shall be effective except to the extent or in such amounts as are provided in advance in Appropriation Acts.

(f) Exploration activities, including core drilling and use of mechanized ground equipment, shall be allowed in the Cranberry Wilderness designated by this Act to determine the value of the nonfederally owned mineral resources therein, under such reasonable stipulations and conditions as may be imposed by the Secretary of Agriculture.

(g) The Secretary and the United States Government shall deal separately and independently with each owner and the mineral interests or rights of each such owner shall be valued separately from the mineral interests or rights of any other owner.

OTHER PROVISIONS

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of West Virginia and of the environmental impacts associat-

ed with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than West Virginia, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of West Virginia;

(2) with respect to the National Forest System lands in the State of West Virginia which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of West Virginia reviewed in such final environmental statement and not designated as wilderness by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of West Virginia for the purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from California (Mr. PASHAYAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5161 which designates three new wilderness areas in the State of West Virginia. The bill is very similar to legislation (H.R. 7033) which unanimously passed the House in the last Congress.

H.R. 5161 is long overdue legislation to implement the bulk of the Forest Service's RARE II proposals for the State of West Virginia. The centerpiece of H.R. 5161 is the proposed 35,600-acre Cranberry Wilderness. The Cranberry area was designated as a wilderness study area by Congress in 1975 and has been proposed for wilderness by many West Virginians for decades. In 1979 the Forest Service completed the required wilderness study and recommended wilderness for the area contained in H.R. 5161. I have personally visited the area, and can understand why the Forest Service and so many West Virginians support such a designation.

By virtue of its size, scenic beauty, watershed and wildlife values, and relative remoteness, the proposed wilderness has long been recognized as one of the outstanding wild areas in the Eastern United States. Ofparticular importance are the wildlife values. The proposed wilderness is within the Cranberry Black Bear Sanctuary and is closed to all bear hunting by the State of West Virginia in order to provide a secure breeding area for an estimated 100 bears. Other wildlife populations include an estimated 900 deer, 900 wild turkeys, 1,800 grouse, and possibly cougar.

In addition to wildlife values, the proposed wilderness contains more than 100 miles of hiking trails, is extremely popular for hunting and fishing, and provides significant water flows to the Cranberry and Williams Rivers. Primitive recreation use of the area is increasing rapidly and is expected to double by the year 2000. The Highland Scenic Highway forms the eastern boundary of the proposed wilderness and offers convenient access for those seeking a wilderness experience.

Unfortunately, the proposed Cranberry Wilderness represents a typical pattern of national forest land ownership prevalent in the East, in which Federal surface ownership is underlain by privately held mineral interests. This results from the fact that when the Monongahela and other eastern national forest lands were acquired by the Federal Government in the early part of this century, the Government often bought only the land surface. In the case of the Cranberry, plans for two underground coal mines and attendant surface facilities within the wilderness proposal have been pending since the mid 1970's and have encountered strong State and national opposition. Happily, CSX Corp., which owns the mineral interests, has responded to the public opposition to mining by agreeing to accept an exchange of its mineral rights for Federal coal or other minerals outside the proposed wilderness. I want to personally thank CSX for their public-spirited efforts to find a solution to this difficult issue, and I especially commend their patience and diligence in negotiating this legislation.

The exchange provisions worked out to acquire the CSX mineral interests are elaborately explained in the committee report on H.R. 5161 and so I will not go into detail here. Suffice it to say, however, that in finalizing the details of the proposed exchange procedure we have drafted the bill to insure that cash costs to the Government will be minimal to nonexistent. In particular, the bill provides that Government administrative and exploration costs in working out an exchange agreement can be minimized through the payment in minerals, instead of cash, to CSX. The bill provides, if needed, for binding arbitration to insure that an exchange is actually consummated, thereby avoiding any need to resort to Government purchase of privately owned mineral rights.

Before closing I should mention one brief point. It has been alleged that acquisition of the CSX mineral rights may be constrained by section 5 of the Eastern Wilderness Act of 1975 because that act limited acquisition to no more than $5 million in all eastern wilderness areas. In response, I would note that section 5 of the Eastern Wilderness Act pertained only to wilderness designated by that act in 1975. The proposed Cranberry Wilderness is not to be governed by the Eastern Wilderness Act, and section 5 of that act in no way pertains to our new designation under H.R. 5161. And, as I have already noted, H.R. 5161 mandates a virtually cost-free exchange, so even if the $5 million limitation were to apply to the Cranberry, it would have little, if any, affect.

In summary, Mr. Speaker, I urge my colleagues to join Congressmen BENEDICT, RAHALL, and MOLLOHAN, West Virginia Gov. Jay Rockefeller, the CSX Corp. and numerous local and national conservation groups in supporting this worthy legislation.

Mr. PASHAYAN. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. BENEDICT).

Mr. BENEDICT. Mr. Speaker, the House has before it today a bill, H.R. 5161, to designate three wilderness areas in my district in West Virginia. These areas, which will provide significant and much desired additions to the existing wilderness system in the East are the 35,500-acre Cranberry, the 6,100-acre Laurel Fork North, and the 6,100-acre Laurel Fork South Wilderness areas.

This bill represents the final step in what has been over a decade of study, review, recommendation, and congressional consideration.

H.R. 5161 is a compromise. It strikes a balance between development and environmental interests and will benefit the citizens of West Virginia and the rest of our country by making worthwhile additions to our national wilderness preservation system.

This legislation completes the process under the National Forest Service's second roadless area review and evaluation study, that is the RARE II process, completed in January 1979.

□ 1245

All the wilderness areas in this bill were recommended for wilderness designation. Two other areas within the forest are released from further consideration under the RARE II process.

Outstanding among the proposed wilderness areas of West Virginia and the East is the Cranberry. Lying within the Monongahela National Forest, the Cranberry is a diverse undeveloped forest that is recognized by many for its unique biological characteristics. Because it is unique in the East, the Eastern wilderness Act of 1975 singled out the Cranberry for special study. The area, virtually all of which has been closed to motorized use since its designation as the Cranberry Back Country in 1936, is bordered on two sides by the Williams and Cranberry Rivers. The Cranberry lies in the Allegheny Plateau and consists of tall mountains divided by steep drainages. It provides a home for more than 50 species of bird and rare vegetation.

Public support for designating the area as wilderness is widespread. The Cranberry provides excellent opportunities for recreation in a primitive setting. The popularity of such recreation can easily double in the years ahead, and this particular area is easily accessed from the East by modern highways. In 1978, when it appeared that the area might be mined for privately owned coal beneath the potential wilderness area, the West Virginia Legislature imposed a temporary moratorium on mining to give this Congress the opportunity to act to preserve the area in its pristine state. We must exercise that opportunity today.

Although the surface rights to the Cranberry were bought by the Federal Government early in the 1900's, the subsurface mineral rights, which include coal, are owned by a private corporation, the CSX Co. This bill offers a solution to the problem of private ownership of subsurface rights by providing for an exchange of privately owned coal for federally owned coal of equal value outside the Cranberry area.

I want to stress that this is of no cost or no significant cost to the taxpayer, for the mineral rights which are given up in another area are of equal value to those coal rights retained and brought to the Government in this exchange.

The exchange provisions in this bill contain three main features. First, the exchange concept itself avoids direct cash outlays by the Federal Goverment by allowing the swap of already owned Federal mineral rights for those owned by CSX in the Cranberry. Second, the bill establishes a 3-year timetable for completion of the exchange. And last, in order to insure the completion of the exchange within the 3-year period, the bill provides for impartial and binding arbitration to be conducted by an arbitration board in accordance with the rules of the American Arbitration Association, so that the rights and interests of both parties will be fully protected. This last feature will assure expeditious settlement and, most importantly, will help avoid the need to resort the Government purchase of the privately owned mineral rights. In short, these provisions will insure a swap with the least possible cost to the Federal Government.

Mr. Speaker, I am proud to be a West Virginian, and I am equally proud to sponsor this legislation. I urge my colleagues to join me in this opportunity to make a beautiful and meaningful addition to our wilderness system.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. BENEDICT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman for introducing this legislation and for the work that he has done to bring it to this point. I urge every Member to support the gentleman in that endeavor.

Mr. BENEDICT. I thank my chairman, and I wish to add my thanks for his hard work and to his colleagues on the Interior Committee for bringing this very important legislation forward.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. BENEDICT. I yield to the gentleman from California.

Mr. PASHAYAN. Mr. Speaker, I should like to say that the gentleman is an outstanding Representative of his home State of West Virginia. the gentleman has put in a lot of work on this bill, and I rise in support of H.R. 5161. The bill designates three new wilderness areas on the Monongahela National Forest in West Virginia and provides for the exchange of the privately owned mineral rights within the Cranberry Wilderness.

The bill has had a long history. If it passes today, it will be the second time a wilderness bill for West Virginia has passed the House. The issues have not changed significantly. However, we have finetuned the exchange language to reflect changing circumstances and, as a result of the able leadership of the gentleman from West Virginia (Mr. BENEDICT), we have deleted from wilderness consideration a 21,800-acre area known as Seneca Creek.

The three new wilderness areas total 69,000 acres. The largest area is known as the Cranberry Wilderness, totaling 35,600 acres. The remainer is contained in two smaller areas known as Laurel Fork North and Laurel Fork South.

Most of the controversy has centered around the Cranberry area. The majority of the area has been closed to motorized use since 1936 when it was administratively designated the Cranberry Backcountry. The area is characterized by broad rounded mountains which are heavily forested in mixed hardwoods and red spruce. The most striking wildlife found in the area is black bear which have led to their protection by both the State and U.S. Forest Service.

When the area was acquired by the Federal Government, only the surface was bought. This was typical in the Eastern United States. The subsurface mineral rights were left in private ownership. The dilemma we face is how to protect the surface values and the legal rights of the owners of the coal, CSX Corp. The bill before us today provides for the exchange of the mineral rights for similar rights elsewhere. An earlier bill also included possible purchase of the mineral rights but given our current budgetary constraints, this option was left out this year. CSX Corp. fully supports the exchange provisions.

The administration testified against the bill and the exchange option. Their concern centers around the feasibility of the exchange. There is no doubt but that we are establishing a new precedent. Our committee has spent a great deal of time working out the exchange language and making it as workable as possible. At each step in the process we have provided for a system of binding arbitration if the negotiations fail. It is our hope that CSX and the Department of the Interior will be successful in finalizing an acceptable agreement.

The bill, as introduced, did not include release language. After a lengthy debate in committee, so-called "soft release" was added to the bill. There are many that believe the release language should be changed to extend the time in which the remaining roadless areas in West Virginia cannot be reconsidered for wilderness. There is no doubt in my mind that if we are going to see any wilderness bills signed into law this year, we must reach some concensus on this issue. We cannot simply leave the issue to the Senate to resolve. I regret that our committee has shown little willingness to negotiate on this issue.

Passage of this bill will, however, give us one more vehicle for such a resolution. Therefore, I urge my colleagues to support H.R. 5161 but to also keep an open mind on the wilderness question in hopes of our finalizing this and other proposals before we adjourn.

Mr. BENEDICT. I thank the gentleman for his remarks.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WIRTH). The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 5161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INCREASING AUTHORIZATIONS FOR VOYAGEURS NATIONAL PARK, CAPE COD NATIONAL SEASHORE, CAPE LOOKOUT NATIONAL SEASHORE, AND SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6290) to increase authorizations of appropriations for land acquisition for Voyageurs National Park, Cape Cod National Seashore, Cape Lookout National Seashore, and Sleeping Bear Dunes National Lakeshore, as amended.

The Clerk read as follows:

H.R. 6290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971 (16 U.S.C. 160k), is amended by striking out "$26,014,000" and inserting in lieu thereof "$38,314,000".

SEC. 2. Section 9 of the Act entitled "An Act to provide for the establishment of Cape Cod National Seashore", approved August 7, 1961 (16 U.S.C. 459b-8), is amended by striking out "$33,500,000" and inserting in lieu thereof "$40,000,000".

SEC. 3. Section 8 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (16 U.S.C. 459g-7), is amended by striking out "$7,903,000" and inserting in lieu thereof "$9,903,000".

SEC. 4. Section 15 of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes", approved October 21, 1970 (16 U.S.C. 460x-14), is amended by striking out "$57,753,000" and inserting in lieu thereof "$66,153,000".

SEC. 5. (a) For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceilings on appropriations established by the amendments made by this Act shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.

(b) In determining amounts authorized to be appropriated pursuant to the amendments made by this Act, there shall not be taken into account any appropriations made available under section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)) before October 1, 1982.

SEC. 6. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required of this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from California (Mr. PASHAYAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6290 would increase the authorized ceilings on appropriations for land acquisition for Voyageurs National Park, Minn.; Cape Lookout National Seashore, N.C.; Sleeping Bear Dunes National Lakeshore, Mich.; and Cape Cod National Seashore, Mass.

The bill also provides that the new ceilings will be deemed to be the ones which existed for those areas prior to the convening of the 95th Congress for purposes of application of the provisions of Public Law 95-42. It also clarifies that previously appropriated funds from that act are not included in the new ceilings and that the new budget authority will not be effective until fiscal 1983.

Under the various laws establishing units of the National Park System, ceilings have been set on the authorizations for appropriations for land acquisition. In 1978, Congress enacted an amendment (Public Law 95-42) to the Land and Water Conservation Fund which allows appropriations each year to exceed the ceilings by 10 percent of $1 million, whichever is greater. The purpose was to give the administration the flexibility to promptly seek needed appropriations without experiencing unnecessary delays and to avoid requiring Congress frequently to enact new authorization ceilings for a great number of areas.

Although in most cases the available authorizations have been sufficient, several part units currently require increases in their unauthorized ceilings. H.R. 6290 combines separate legislation, requested by the administration, to increase the ceilings for the four parks specified in the bill.

Each of the four parks has reached its previously authorized ceilings for land acquisition. Additional appropriations were requested by the Reagan administration in the fiscal 1983 budget request to cover anticipated deficiency payments awarded by the courts. In the case of Voyageurs, H.R. 6290 includes the amount recommended by the administration in its report on H.R. 846, a bill to revise the boundary of Voyageurs National Park.

The Congressional Budget Office estimates expenditures to be $20.7 million in fiscal 1983, $0.9 million in fiscal 1984, and $3.8 million in 1985 and 1986.

It should be noted that H.R. 6290 is actually a reduction from the administration's proposals for Cape Cod and Sleeping Bear Dunes. The administration's proposals unnecessarily included amounts previously authorized under Public Law 95-42, and do not need to be reauthorized.

Mr. Speaker, the legislation has the support of all the Members in whose districts the parks are located. I join them in urging its passage by the House.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. My colleague, the gentleman from Ohio (Mr. SEIBERLING), has stated the case quite aptly.

Mr. Speaker, this is a very simple bill, which merely raises the ceiling for authorized appropriations for land acquisition for four existing units of the national park system.

The ceilings in existence for these four areas have now been or soon will be reached, while a certain amount of acquisition yet remains to adequately complete and protect these areas. For the most part, the amounts authorized by these ceiling increases will cover court awards for lands already well into the acquisition process.

Mr. Speaker, it is important to point out that while this administration has cast a very discerning eye on the land acquisition process within the national park system, the new authorization increases contained in this bill were advocated by the administration.

In addition to the authorization ceiling increases, the bill indicates a pattern to be followed by these areas, and for any further ceiling increases to follow in later times for other park units of how new ceilings will integrate with the provisions of Public Law 95-42.

Briefly, any earlier acquisition ceiling applications of the provisions of Public Law 95-42 (section 7(a)(3) of the Land and Water Conservation Fund Act), or any subsequent applications of those provisions, shall be held separate and apart as an accounting measure, and shall not be incorporated

within the base ceiling as it may be expanded by bills such as this one.

Mr. Speaker, I support this bill, and urge my colleagues to vote for its adoption.

Mr. KILDEE. Mr. Speaker, the funds authorized by this legislation are needed to pay outstanding court judgments resulting from land condemnation suits. The amount of outstanding court judgments for Sleeping Bear Dunes National Lakeshore is one of the highest of any of the National Park Service properties. The administration itself recognized the hardships and unnecessary problems which result from the continued delay in the payment of these awards and submitted its own legislation to increase the acquisition ceiling for Sleeping Bear. The Federal Government has a moral as well as legal obligation to honor these judgments. I urge my colleagues' support for this measure.

● Mr. OBERSTAR. Mr. Speaker, H.R. 6290 authorizes a $12.3 million increase in land acquisition authority for Voyageurs National Park, which is located in my congressional district.

I support this provision of H.R. 6290 and commend the Subcommittee on National Parks and Public Lands and particularly the Chairman of this subcommittee the gentleman from Ohio (Mr. SEIBERLING), for his leadership in bringing this authorization to the floor.

Early in this Congress, I introduced H.R. 846, legislation increasing acquisition authority for the park, and making boundary adjustments in the park, including: First, the addition of approximately 180 acres for administrative facilities near Black Bay Narrows; and second, the return of approximately 960 acres, mostly water, of Black Bay to the management of the State of Minnesota.

The House Interior Committee appropriately reported the authorization increase by May 15 in order to meet the requirements of the Budget Act.

Inadequate funding for land acquisition and park development has seriously restricted the realization of the tremendous potential for Voyageurs both as a unit of the National Park System, and as a factor in the economic development of the International Falls region. Congress must provide increased funding for the Park, both for acquisition and development, in the next several fiscal years.

The provision increasing the acquisition authority is noncontroversial. Six members of the Minnesota House delegation, three from each party, have cosponsored my bill, H.R. 846. The Senate on Thursday, June 10, passed the companion legislation, introduced by Senators DURENBERGER and BOSCHWITZ.

The Carter and Reagan administrations both supported this legislation, as does the State of Minnesota.

The passage of H.R. 6290 would be an important step in the legislative process for the future of Voyageurs National Park and would come only 4 days after Senate passage of S. 625.

I hope that in a very few minutes this House will give unanimous approval to H.R. 6290. In addition, I urge the House Interior Committee to act expeditiously to approve the remaining provisions of H.R. 846, so that the House and Senate may send this legislation to President Reagan.

I want to emphasize for the gentleman from Ohio my position that the increased authorization is only part of the package agreement on Voyageurs Park. Our acquiescence in the authorization increase is predicated upon a commitment by the National Park Service to support the Black Bay management proposal described in H.R. 846.

I know that the subcommittee had to move quickly on the authorization part of the package because of the budget time constraints. I appreciate the chairman's repeated commitment to a hearing on the remainder of the package, in accordance with established committee practice, and want to urge the chairman to hold that hearing as soon as possible, so that we can dispose of these remaining, lingering obstacles and get on with the development of Voyageurs to its full potential.

Mr. Speaker, I ask unanimous consent to include with my remarks my letter of May 7, 1982, to Chairman SEIBERLING on this matter.

MAY 17, 1982.

Hon. JOHN F. SEIBERLING,
Chairman, Subcommittee on National Parks and Public Lands, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express support for that provision of H.R. 6290 which would increase acquisition authority for Voyageurs National Park by $12.3 million.

The provision of your bill is very similar to the increase which would be authorized by a provision of legislation which I have introduced, H.R. 846, which has been cosponsored by 5 members of the Minnesota Congressional delegation, including Bruce Vento, a member of the Subcommittee.

Inadequate funding for land acquisition and for park development has seriously restricted the realization of the tremendous potential of Voyageurs National Park. It is essential that Congress provide adequate appropriations in the next several fiscal years. Enactment of an increase in the authorization ceiling is required.

I am pleased that the Interior Committee is moving ahead with the authorization provision of my legislation, H.R. 846, in order to meet the May 15 budget deadline. On Thursday, May 13, I will testify before the Interior Appropriations Subcommittee regarding Voyageurs National Park. The Reagan Administration has requested $3.8 million in fiscal year 1983 to pay court awards for acquisition. Without the enactment of either H.R. 846 or H.R. 6290, the Appropriations Committee will not be able to fund even the Administration request.

Under P.L. 95-42, Voyageurs National Park has received approximately $6.3 million in land acquisition funds above the statutory authorization of $26,014,000. I would ask that the Subcommittee include specific language in H.R. 6290 to make it clear that appropriations under P.L. 95-42 will not be counted against the increase in acquisition authority in H.R. 6290. Voyageurs National Park needs a minimum of $12.3 million, in addition to already appropriated funds.

After the May 15 budget deadline, I very much hope that the Subcommittee will act quickly on the remaining provisions of H.R. 846. The legislation has broad, bipartisan support among the members of the Minnesota House and Senate delegation. It was endorsed by both the Carter and Reagan Administrations and by the Governor of Minnesota.

I look forward to working with you and the Subcommittee towards the enactment of both H.R. 6290 and H.R. 846.

With best wishes.

Sincerely,

JAMES L. OBERSTAR,
Member of Congress.●

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASHAYAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 6290, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROMOTING RECRUITMENT AND RETENTION OF VETERANS' ADMINISTRATION NURSES

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6350) to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide that Veterans' Administration nurses who work two 12-hour regularly scheduled tours of duty over a weekend shall be considered to have worked a full basic workweek, and for other purposes.

The Clerk read as follows:

H.R. 6350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

section 4107 of title 38, United States Code, is amended—

(1) in subsection (e)(3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end thereof the following new subparagraph:

"(B) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Saturday, may receive additional pay for each hour of service on such tour. The Administrator may provide for such pay on a nationwide, local, or other geographic basis and may set a rate for such pay within any geographic area at such level as the Administrator considers necessary within that area to recruit and retain an adequate nursing staff. Rates for such pay shall be established as a percentage of a nurse's hourly rate of basic pay and may not be established at a rate greater than 25 percentum of such hourly rate."; and

(2) by adding at the end the following new subsection:

"(h)(1) In order to achieve and maintain adequate nurse staffing levels at any Veterans' Administration health-care facility, the Administrator may provide that a nurse employed at such facility who was appointed under section 4104 of this title and who works two regularly scheduled twelve-hour tours of duty within the period beginning at midnight Friday and ending at midnight Sunday of any weekend shall be considered for all purposes (except computation of full-time equivalent employees for determining personnel ceilings) to have worked a full basic workweek.

"(2)(A) A nurse who works a basic workweek as described in paragraph (1) of this subsection is entitled to basic pay as prescribed in subparagraphs (B) and (C) of this paragraph.

"(B) The hourly rate of basic pay for such a nurse for service performed between midnight Friday and midnight Sunday of any weekend as part of regularly scheduled twelve-hour tour of duty shall be derived by dividing the nurse's annual rate of basic pay by one thousand two hundred and forty-eight.

"(C) Such a nurse is not entitled to overtime pay under subsection (e)(5) of this section for any period of service performed in excess of the regularly scheduled twenty-four-hour basic workweek described in paragraph (1) of this subsection unless the total officially ordered or approved service performed during an administrative workweek is in excess of fifty-two hours, is in excess of eight hours on a day not included in the nurse's regularly scheduled twenty-four-hour basic workweek, or is in excess of twelve hours on a day included in the nurse's regularly scheduled twenty-four-hour basic workweek.

"(D) Except as provided under subparagraph (C) of this paragraph, such nurse is not entitled to additional pay under subsection (e) of this section for any period included in such nurse's regularly scheduled twenty-four-hour basic workweek.

"(E) A nurse who is absent on approved sick leave or annual leave during a regularly scheduled twenty-four-hour basic workweek described in paragraph (1) of this subsection shall be charged for such leave at a rate of five hours of leave for three hours of absence.

"(3) The Administrator shall prescribe regulations for the administration of this section.".

(b) The amendments made by section (a) shall take effect with the first pay period beginning on or after October 1, 1982.

SEC. 2. Section 601(4)(C)(v) of title 38, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

SEC. 3. The first sentence of section 5033(a) of title 38, United States Code, is amended to read as follows: "There is hereby authorized to be appropriated such sums as may be necessary for fiscal year 1982 and for the three succeeding fiscal years.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 6350 is an important bill that will enhance recruiting and retention of nurses to insure essential nursing care to veterans in VA hospitals throughout this great land of ours.

I want to compliment the gentleman from Ohio (Mr. MOTTL) the chairman of the Subcommittee on Hospitals and Health Care, and the members of his subcommittee for their effort in behalf of this legislation.

We are all well aware of the shortage of nurses in most of our VA hospitals throughout the country, and this bill will certainly go a long way to improve the VA's ability to compete with the private sector for nursing personnel.

Mr. Speaker, I yield such time as he may consume to a very able member of the Subcommittee on Hospitals and Health Care, the distinguished gentleman from Florida (Mr. MICA). Mr. MICA has an excellent attendance record. He attends all of our subcommittee hearings in markup sessions. There is a large increase of veterans moving into Florida and the Sun Belt area every month, and the gentleman from Florida is certainly trying to watch it and see that we give good medical care to these veterans. He is a very active member and continues to do an excellent job for all veterans, and especially those who reside in the great State of Florida.

Mr. MICA. I thank my distinguished chairman for those very kind comments.

Mr. Speaker, the Subcommittee on Hospitals and Health Care has held hearings on the VA's difficulties in recruiting and retaining sufficient nursing personnel to provide quality health care to eligible veterans. The Chief Medical Director of the Veterans' Administration has confirmed in testimony before the subcommittee that an estimated 800 hospital beds were closed during 1981 in the VA's health care delivery system due to the acute shortage of nursing personnel. Mr. Speaker, we on the committee find that to be an intolerable situation.

H.R. 6350 is a major step in correcting a situation which appears to be getting out of hand. H.R. 6350 would give the Administrator of Veterans' Affairs discretionary authority to pay premium pay for Saturday work, but not to exceed 25 percent of a nurse's hourly rate of basic pay. Authority currently exists for paying premium pay at a rate of 25 percent of the hourly rate of basic pay for tours of duty beginning midnight Saturday and ending midnight Sunday.

The committee has found that the major factor contributing to the nationwide shortage of VA nurses is the inability of the VA's Department of Medicine and Surgery to successfully compete with the private sector for nursing personnel. Difficulties in recruiting and retaining nurses in the future without the needed flexibility to provide personnel incentive plans will be exacerbated by the shortage of nurses in the private sector.

Several witnesses, including the Director of the VA Nursing Service, indicated that the agency's ability to recruit and retain registered nurses would be enhanced if it had the flexibility to pay premium pay for Saturday work.

H.R. 6350 would also give the Administrator discretionary authority to utilize a pay plan similar to the so-called Baylor plan in any geographic location in which recruitment and retention of registered nurses are problems. The Baylor plan allows nurses to receive full-time pay for working two regularly scheduled 12-hour tours of duty over a weekend. We have found that this plan has become particularly attractive in the private sector, allowing those registered nurses who may have families they cannot leave during the week to continue their careers, and allowing a needed breather to those registered nurses who prefer not to work weekends.

VA nurses provide nursing care to hospitalized veterans 24 hours a day, 7 days a week. The Director of the VA's Nursing Service testified before the Subcommittee on Hospitals and Health Care on the extent of VA nursing shortages and the urgent need for more flexibility in the provision of pay, particularly over the weekends.

H.R. 6350 would grant the Administrator discretionary authority to exercise these options to enhance recruiting and retention of nurses to insure essential nursing care to veteran patients between the hours of midnight Friday and midnight Sunday, if he felt the need to do so. With such flexibility, the VA would be able to selectively provide directors of VA medical centers with the authority which would best assist in recruiting and retaining this critical category of personnel based on local employment conditions.

The reported bill would also extend for 1 year the authority of the Administrator of Veterans' Affairs to waive the restrictions placed on the provision of hospital care and medical services to eligible veterans who are residents of the Commonwealth of Puerto Rico and the Virgin Islands. The loss of the Administrator's authority to waive these restrictions would place an undue hardship on eligible veterans in Puerto Rico and the Virgin Islands by limiting the provision of such services in Government and private facilities to the annually determined incidence of such care in the 48 contiguous States. The VA medical center in Puerto Rico cannot meet the demand for care in the area.

Finally, H.R. 6350 would extend for 3 years the authorization for the appropriation of such sums as may be necessary for the construction, alteration, or modernization of State veterans homes. Current authority will expire on September 30, 1982.

The State veterans homes provide hospital, nursing, and domiciliary care to veterans in State-operated facilities. The Veterans' Administration shares the cost of care with the States by paying part of the per diem cost for each veteran treated in State home facilities. The rate of per diem reimbursement to the States by the VA is dependent upon the level of care provided. A second method of cost sharing is a grant program through which the VA pays up to 65 percent of the cost of construction, alteration, or modernization of State extended care facilities.

Mr. Speaker, this is good legislation; this is needed and important legislation which will improve the quality of health care and extended care for this Nation's veterans. We owe them no less, and I urge my colleagues to support this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6350. It is a bill which has received extensive consideration by the Subcommittee on Hospitals and Health Care of the House Veterans' Affairs Committee and also by the full committee. I appreciate and concur with the remarks of our colleague, Mr. MICA.

Mr. Speaker, it is necessary for VA's Department of Medicine and Surgery to compete with the private sector and with other sectors of the medical care community in the recruitment and retention of nurses. The distinguished chairman of our committee and I are in complete agreement that H.R. 6350 will be of material assistance in that regard. It gives the VA the tools to be competitive, but only authorizes rather than directs. The Administrator of VA will only exercise the discretionary authority of this bill on an "as needed" basis. Its provisions are rather commonplace in the hospital business and VA needs this authority.

Mr. Speaker, the chairman of our committee has explained the other two provisions of H.R. 6350. They extend authorities which are about to expire. One provision extends for 1 year current authority for VA to contract for non-service-connected medical care in Puerto Rico and the Virgin Islands. Medical demand in both places is very high. During this next year we can seek permanent solutions as to how to best provide care in the islands and how to solve some problems which exist there.

The other provision extends authority for 3 years for the VA to participate with the States in the providing of medical care in State-extended care facilities. This program is an excellent example of good Federal-State relationships and one which has enjoyed great success over the years.

I urge my colleagues to support H.R. 6350 and I congratulate the chairman of our committee, Mr. MONTGOMERY, and the chairman of the Subcommittee on Hospitals and Health Care, Mr. MOTTL, for the work they have performed in bringing this good bill to the floor of the House.

Thank you, Mr. Speaker.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I have only a brief comment. I thank the gentleman from Arkansas for his total support of this legislation. It is very essential to continue to provide quality health care for our veterans that we adopt this bill.

● Mr. CORRADA. Mr Speaker, I rise in strong support of H.R. 6350, which would give the Administrator the needed flexibility to provide personnel incentive plans enabling the Veterans' Administration to fulfill its needs of recruiting and retaining of nurses, extends the authority of the Veterans' Administration to provide contract hospital care and medical services to veterans in Puerto Rico and the Virgin Islands and extends the authorization for appropriations for Veterans' Administration hospital construction grants.

The purposes this bill entail are highly commendable. It is directed to reinforce the backbone of our veterans benefits, their health care. Section 1 of this bill brings forth a new, long overdue initiative which will enable the Veterans' Administration to compete with the private sector in the recruiting of nurses and put an end to the acute shortage of nursing personnel in the Veterans' Administration facilities. The closing of 800 hospital beds due to an insufficiency in nursing personnel during 1981 in Veterans' Administration's health care facilities at a time when they are highly needed to meet the demand for health care of our fellow veterans leaves much to be desired.

Section 2 offers Congress the needed additional time to consider the merits of the Veterans' Administration "Report to Congress on Health Care for Veterans in Puerto Rico and the Virgin Islands," while permitting the uninterrupted continuation of services to our veteran population in these islands. The high demand for medical assistance by veterans in Puerto Rico overwhelms the capabilities of the Veterans' Administration's limited facilities on the island, which also services the veterans of the Virgin Islands. Contracting out medical services in Puerto Rico is still the only way for the Veterans' Administration with its present facilities, to give adequate medical attention to all those veterans in need of care in Puerto Rico. The extension of the authorization to contract out until September 30, 1983, will indeed be very helpful in the future consideration of a new program to take care of the needs of the veterans in Puerto Rico and the Virgin Islands.

Section 3 extends through September 30, 1985, the authorization for appropriations to make grants to States for the construction and alteration of State veterans homes. The State homes serve a vital role in our efforts to offer complete hospital, nursing, and domiciliary care to veterans.

Many States are already fully benefiting from this cost sharing program with great results and hopefully it will extend to all parts of the Nation.

Mr. Speaker, even at times when our country pledges economic austerity we must not disregard the basic needs of those who so gallantly and proudly answered our Nation's call to duty in defense of our peace and our freedom. We must look forward to the day when no ill veteran be denied proper medical attention. We must strive to fulfill our veterans' needs inasmuch they said present when we so desperately requested their services.

I urge my colleagues to support this legislation.●

● Mr. MOFFETT. Mr. Speaker, I wholeheartedly support H.R. 6350, an important bill which will enable the Veterans' Administration to promote the recruitment and retention of nurses in VA facilities.

VA nurses are the backbone of our veterans' health care system. At present, however, the VA hospitals are suffering from an acute shortage of nursing personnel. The Committee on Veterans' Affairs reported recently that an estimated 800 hospital beds were closed due to insufficient staffing during 1981. The committee attributes this shortage to the VA's lack of flexibility to compete with private sector recruiting and retention incentives. This situation threatens to deteriorate further in the future—the Department of Labor predicts that in 3 years there will be a quarter of a million nursing vacancies nationwide. Without adequate nursing personnel, the VA will fail to provide the quality hospital care and medical services due our Nation's veterans.

H.R. 6350 will help remedy this potentially dangerous situation. The legislation will give the Veterans' Administration discretionary authority to utilize an approach similar to the private sector's so-called Baylor plan. Nurses who work two 12-hour, regularly scheduled tours of duty over a weekend would be considered to have worked a full basic workweek. The administration will also have the authority to grant premium pay for Saturday work, not to exceed 25 percent of the nurse's hourly rate of basic pay. This proposal reflects the desires of the Nurses Organization of the VA and should provide the incentive necessary to recruit and retain more VA nurses in the coming years.

Mr. Speaker, only with legislation such as this can we avoid a full-fledged crisis in veterans' health care. We must not fail those who served us bravely in our Nation's time of need; we owe American veterans quality medical care at the very minimum. I urge you all to join me in support of H.R. 6350, therefore, to demonstrate Congress commitment to the health and well-being of this Nation's veterans.●

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MICA). The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 6350.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1982

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes as amended.

The Clerk read as follows:

H.R. 6273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom the records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(d) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the mag-

nitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6273 authorizes appropriations for the National Highway Traffic Safety Administration (NHTSA) for fiscal years 1983, 1984, and 1985. The authorization levels are consistent with the administration's requests for fiscal year 1983 and continues funding at that current policy level for fiscal year 1984 and 1985. This a bare-bones budget for NHTSA. Overall, the agency has sustained budget reductions in several areas, but still must address the awesome and important congressional mandate of reducing the highway death toll of 50,000 Americans each year.

In 1966, when the National Traffic and Motor Vehicle Safety Act was passed, Congress mandated that NHTSA establish a coherent safety program to mitigate the increasing fatality rate. While safety standards established under the act have been tremendously successful to date, a recent NHTSA study forecasts that yearly traffic fatalities will increase to 70,000 by 1990 unless major safety improvements are made. Because cars are getting smaller, and therefore less safe, NHTSA's role at this juncture is even more critical in advancing the state-of-the-art in technological solutions to stem this tragic trend. The funds authorized for the Vehicle Safety Act today will allow NHTSA to continue to develop and promulgate safety standards, conduct safety research, and to order recalls or remedies of automotive defects. Given the potential loss of life and limb involved, and the yearly cost of nearly $50 billion to Americans due to auto accidents, a more important and cost-effective use of funds can hardly be imagined.

This bill also authorizes appropriations under the Motor Vehicle Information and Cost Savings Act. Passed in 1972, this landmark legislation reaffirmed the consumer's right to know about the safety and cost of operating our cars. Under this act NHTSA is mandated to provide consumers with meaningful and comparative information on automobiles in order to make informed purchasing decisions. The agency is also directed to devise standards for bumpers to minimize consumer costs in low-speed collisions, and to generally establish protections for consumers against odometer tampering and fraud. In our report, the Committee on Energy and Commerce expressed concern that NHTSA may not be carrying out this important statutory mandate with sufficient enthusiasm. In authorizing funds for these programs, I hope that NHTSA will place a much higher priority on these programs.

In addition to authorizing NHTSA, H.R. 6273 clarifies the role of States in enforcing safety standards identical to Federal standards, which they have adopted. Since the implementation of the Safety Act, States have played an active role in enforcing Federal safety standards. Because NHTSA has a policy of self-certification—whereby a manufacturer simply states that the product complies with applicable standards until a time when or if NHTSA determines that the product is not in compliance—States have felt that their approval and testing programs have complemented the Federal enforcement effort. Until very recently, NHTSA and the States have followed agency guidelines established in 1971, which allowed States to enforce safety standards by requiring submission of items for State approval, as long as the sale of equipment was permitted pending approval.

However, a recent court case and NHTSA opinion have changed the scope of traditional State enforcement, and may have the effect of stripping States of the enforcement powers they now employ.

Given that section 103(d) of the Vehicle Safety Act did not specifically address State enforcement of safety standards, this legislation establishes a scheme for State efforts, and therefore alters the NHTSA opinion.

Specifically, the bill reiterates that States are not preempted from enforcing any safety standard identical to Federal standards. While States may not require certification or approval of motor vehicles or equipment, States may disapprove these products in determinations made through independent testing, or examination of test data submitted by manufacturers.

Manufacturers are responsible for performing necessary tests required to determine compliance with applicable Federal regulations and State laws, and therefore should pay for the costs associated with in-house, or independent testing and review of tests. The Committee reiterates in our report that States should strive to limit duplication in testing and should aim to share administrative costs of such testing programs.

Additionally, if a State finds that a product does not comply with applicable Federal standards, it may prohibit the sale of the product within its borders. In developing this scheme, our committee determined that a partnership of Federal and State enforcement of safety standards best served the national interest by providing the necessary checks by States of the Federal self-certification program.

The final section of H.R. 6273 provides for the registration of tires on a voluntary basis by the purchaser, rather than by independent tire dealers of distributors. Specifically, independent dealers and distributors are required to furnish purchasers with standardized registration forms, which purchasers may return directly to tire manufacturers. After 2 years, the Secretary of Transportation is required to evaluate the effectiveness of this voluntary registration program and may propose new requirements by rule if this is necessary to decrease the risk to motor vehicle safety. Under this section of the bill the Department of Transportation is also authorized to issue a public notice of a recall of defective tires after consulting with tire manufacturers, considering the safety risk caused by the defect and the cost of the public notice. Taken together, these provisions will greatly enhance the speed and efficiency of recall notification and safety. Mr. Speaker, H.R. 6273 enjoys bipartisan support on the Committee on Energy and Commerce and in the House and I urge my colleagues to pass it favorably today.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6273, the Motor Vehicle Safety and Cost Savings Authorization Act of 1982. This legislation amends the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985. The bill also contains a provision to clarify the authority of States to enforce motor vehicle safety standards and a provision to change the system of registration of tires and notice of tire defects.

Congress has not authorized appropriations since 1978 for the two statutes under consideration today. The National Highway Traffic Safety Administration, which administers these statutes, has in past years exercised somewhat poor judgment in carrying out its mandate to promote motor vehicle safety and provide consumers with information on which to base automobile purchases.

Last year, in April 1981, the agency announced a comprehensive regulatory reform effort and a review of a number of regulations and rulemakings in progress. NHTSA has reviewed and is in the continuing process of reviewing both regulations currently in effect and those which have been promulgated and are scheduled to become effective in future years. I commend NHTSA for this effort and urge that it continue to review the many regulations and requirements imposed on motor vehicle manufacturing to insure that they are cost-effective while still promoting safety.

The legislation before us today authorizes funding for 3 years for the National Traffic and Motor Vehicle Safety Act of 1966. This statute provides for the establishment of Federal motor vehicle safety standards and authorizes NHTSA to order recalls or remedies of automotive defects or failures to comply with safety standards. The bill follows the administration's budget request for fiscal year 1983 and continues funding at current policy levels for fiscal years 1984 and 1985. The legislation authorizes $51.4 million for fiscal year 1983, $55 million for fiscal year 1984, and $58.7 million for fiscal year 1985.

The bill also authorizes funding for three titles of the Motor Vehicle Information and Cost Savings Act. Title I of the act, which requires NHTSA to establish crash resistance standards for automobile bumpers, is authorized in the amounts of $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.

Title II of the Cost Savings Act requires NHTSA to study crashworthiness and maintenance costs of automobiles and to disseminate this information to consumers to aid them in making purchasing decisions. This title is authorized in the amounts of $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.

Title IV prohibits the disconnection of or tampering with automobile odometers. It also requires transferors of automobiles to indicate their mileage and provides civil and criminal penalties, as well as private damage action, for violation. Funding to carry out this title is authorized in the amounts of $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985. The authorization figures in the Motor Vehicle Information and Cost Savings Act also comply with administration budget figures.

Section 3 of H.R. 6273 clarifies the rights of States to enforce Federal safety standards which they have adopted as their own. It amends section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966. This section presently provides that if a Federal motor vehicle safety standard has been established, States may not adopt different standards. Under the present statutory language, the authority of States to enforce State standards identical to Federal standards is unclear. This section provides an affirmative statement that States have a role to play in enforcing motor vehicle safety standards.

The committee report states specifically that States may not require certification or approval of motor vehicles or motor vehicle equipment. The committee also intends that States may not impose fees for laboratory approvals, although it is appropriate that States review manufacturers' test data and review the qualifications of the laboratory selected by a manufacturer, whether in-house or out-of-house. If a manufacturer, upon reasonable request, fails to submit test data demonstrating compliance, or if a State determines that a product does not comply with Federal and identical State standards, States may prohibit sale of the product or exercise other remedies in accordance with State law.

Section 4 of H.R. 6273 changes the present system of tire registration and provides NHTSA with authority, in certain circumstances, to require public notice of recalls of defective tires. This section is very similar to H.R. 1508, the Consumer Tire Registration and Public Notice Improvement Act, which many Members of the House have consponsored.

Under present law, tire dealers must fill out registration forms for each tire sold and return them to manufacturers. The bill changes this system for independent tire dealers and distributors and requires them to furnish tire purchasers with registration forms which they may complete and return to the manufacturer. The bill also contains a provision requiring NHTSA to evaluate the new procedures under this section after 2 years to insure that they are working effectively.

Another part of this section authorizes NHTSA to require tire manufacturers to give public notice of recalls of defective tires. Before requiring such public notice, NHTSA must consult with manufacturers and must consider the risk to public safety of the defect and the cost of public notice compared to the additional number of tire owners who would be notified.

I urge the House to suspend the rules and pass H.R. 6273.

● Mr. DINGELL. Mr. Speaker, H.R. 6273 amends the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act in order to authorize appropriations for fiscal years 1983, 1984, and 1985.

The National Traffic and Motor Vehicle Safety Act was enacted by Congress in 1966 to reduce accidents, deaths, and injuries to persons resulting from traffic accidents. To carry out these objectives, Congress determined that it is necessary to establish safety standards for motor vehicles and motor vehicle equipment and to undertake and support safety research and development.

The National Highway and Traffic Safety Administration (NHTSA) is responsible for implementation of these programs.

To assure that sufficient funds are available for these efforts, the committee has authorized $51.4 million for fiscal year 1983, $55 million for fiscal year 1984, and $58.7 million for fiscal year 1985. This is consistent with the President's budget request for fiscal year 1983 and continues funding at current policy levels for fiscal years 1984 and 1985.

NHTSA also administers the Motor Vehicle Information and Cost Savings Act. This legislation was passed in 1972 and was a major attempt by Congress to provide consumers with meaningful information to make informed purchasing decisions, to avoid unnecessary damage to their cars, and to foster easy diagnosis and repair of passenger vehicles.

Title I of the Motor Vehicle Information and Cost Savings Act requires NHTSA to promulgate standards applicable to bumpers. Under H.R. 6273, the agency is authorized $320,000 in fiscal year 1983 to continue work on the bumper standard. This amount increases very moderately to $343,000 in fiscal year 1984 and $365,000 in fiscal year 1985 to account for increased costs and program growth.

Title II of the Motor Vehicle Information and Cost Savings Act requires NHTSA to compile information on motor vehicles in order to aid consumers in making purchasing decisions. NHTSA is required to disseminate information on damage susceptibility, crashworthiness, ease of diagnosis, repair, insurance, and operating costs of vehicles to consumers.

In order to carry out the purposes of this title, H.R. 6273 authorizes $1.677 million for fiscal year 1983, $1.8 million for fiscal year 1984 and $1.95 million for fiscal year 1985.

Title IV of the Motor Vehicle Information and Cost Savings Act prohibits disconnecting, setting back, or otherwise tampering with an automobile's odometer. As contemplated by Congress, its purpose is to reduce the high cost to consumer of odometer tampering, estimated at over $1 billion per year. It requires transferors of automobiles to indicate the mileage of the automobile and provides for civil and criminal penalties, and private damage actions for violations.

To carry out purposes of this title, H.R. 6273 authorizes $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.

H.R. 6273 also addresses the question of State enforcement authority. To assure uniform national motor vehicle safety standards, section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 prevents the States from promulgating State standards different from applicable Federal standards. The authority of the States to use various enforcement mechanisms has been the subject of NHTSA interpretations and court cases. In January 1982, NHTSA issued an opinion stating that section 103(d) preempts States from presale enforcement of safety standards, prohibits States from requiring fees for State approval, and prohibits States from imposing requirements for approval which have the effect of prohibiting the sale of equipment which has been self-certified under the Federal statute.

Section 3 of H.R. 6273 is consistent with this ruling and clarifies the extent of State authority to enforce Federal standards. States may not require certification or approval of motor vehicles or motor vehicle equipment, and hence may not impose product certification or approval fees, including fees for laboratory approvals. However, States may undertake independent testing of vehicles or equipment, and may require manufacturers to submit adequate test data concurrently with the first sale within a State, or thereafter. Moreover, States may review a manufacturer's laboratory testing data as well as the qualifications of the laboratory selected by a manufacturer. States may not, however, require manufacturers to use outside laboratories, or specified laboratories. Finally, political subdivisions of a State may not exercise separate enforcement authority.

H.R. 6273 also addresses tire registration and recall provisions. It amends section 158(b) of the Safety Act to prohibit NHTSA from requiring independent tire dealers or distributors to complete or compile registration records of tire purchasers. Instead, such dealers or distributors are required to furnish the first purchaser of a tire with a standardized registration form, containing the identification number of the tire, which would be recorded on the form by the dealer or distributor at or before the time of purchase. Purchasers may then directly return these registration forms to manufacturers. The current mandatory system would continue for manufacturers of tires, manufacturer-owned stores, and brand-named marketers of tires. The new voluntary system would apply only to independent tire dealers or distributors. After 2 years, NHTSA is required to evaluate the effectiveness of the new procedures, and determine whether any other requirements are necessary to increase the registration of tires.

Mr. Speaker, H.R. 6273 is a well-crafted and carefully considered piece of legislation. It clarifies current law and alters existing requirements in ways that will improve public safety without burdening an ailing industry. It authorizes enough to allow NHTSA to carry out its tasks of providing for automobile safety and consumer protection, but no more. It provides a lean, cost-effective budget.

I urge my colleagues to consider this legislation favorably.●

● Mr. RINALDO. Mr. Speaker, I rise in favor of H.R. 6273 and, in particular, the provisions that set up a new system of voluntary tire registration. These are based on my bill, H.R. 1508, the Consumer Tire Registration and Public Notice Improvement Act.

The bill before us replaces the present failed system of tire registration, under which tire dealers are required to fill out and return to the manufacturer a form containing the name and address of the purchaser. The purpose is to permit easy notification of the purchaser in the event a defect is found in the tire. But the system is not working. Our hearings revealed that the present registration rate from this source is only 20 percent. Under my procedure, dealers would provide the purchaser with a standardized form, which the purchaser would then fill out and send to the manufacturer. An independent survey, commissioned by the National Tire Dealers & Retreaders Association demonstrated that about 85 percent of those responding would register their tires under this voluntary system. This provision was unanimously included in the Senate in the last Congress in S. 1159, the NHTSA authorization bill. It was subsequently adopted by the House and Senate conferees, but the bill was not enacted because of other, controversial provisions of the conference report.

The bill also directs NHTSA to evaluate the new system after 2 years. If it finds the system to be unsuccessful, the agency may impose new requirements after taking into account safety and relative cost.

Finally, the bill authorizes NHTSA to require tire manufacturers to give public notice of recalls of defective tires. Before doing so, the agency must consult with manufacturers and consider the risk to public safety as well as relative cost. An identical provision was part of a bill passed by the House in October 1979 by a vote of 380 to 9.

These provisions are proconsumer, prosafety and proderegulation. They have the strong support of NHTSA, the AAA, and the National Tire Dealers & Retreaders Association. They were approved in committee with wide bipartisan backing, and I urge all Members to vote with me and approve this needed reform.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 6273, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 6273, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

POULTRY PRODUCTS INSPECTION ACT AMENDMENTS

Mr. HARKIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3863) to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15(c)(3) of the Poultry Products Inspection Act (21 U.S.C. 464(c)(3)) is amended by striking out "slaughters" and all that follows and inserting in lieu thereof the following:

", in the current calendar year—

"(A) slaughters or processes the products of more than 20,000 poultry; or

"(B) slaughters or processes the products of poultry at a facility used for slaughtering or processing of the products of poultry by any other poultry producer or person.

Notwithstanding clause (B), the Secretary may grant such exemption to any poultry producer or other person if the Secretary determines, upon application of such poultry producer or other person, that granting such exemption will not impair effectuating the purposes of this Act.".

SEC. 2. Section 15(c)(4) of the Poultry Products Inspection Act (21 U.S.C. 464(c)(4)) is amended by striking out all of clause lettered (i) and inserting in lieu thereof the following: "(i) such producers slaughter not more than 1,000 poultry during the calendar year for which this exemption is being determined;".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Iowa (Mr. HARKIN) will be recognized for 20 minutes, and the gentleman from Montana (Mr. MARLENEE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3863, a bill to amend the Poultry Products Inspection Act to increase the number of turkeys that can be slaughtered annually without Federal bird-by-bird inspection and eliminate the inequitable distinction presently made between turkeys and birds of other species in the exemption for small processors.

The Poultry Products Inspection Act provides for inspection of poultry and poultry products and otherwise for the regulation of the processing and distribution of these products to prevent the distribution in interestate or foreign commerce of adulterated or misbranded products. Among the requirements to that act are provisions for a bird-by-bird inspection of the carcass of each bird processed. The act provides certain exemptions, and section 1 of H.R. 3863 amends section 15(c)(3) of the act so as to increase from 5,000 to 20,000, the same number that currently applies to birds of other species, the maximum number of turkeys that may be slaughtered and processed annually without a bird-by-bird inspection. This exemption applies to the following categories:

First, poultry raised and slaughtered or processed by a producer on his own premises for distribution within the State;

Second, poultry slaughtered or processed by any person for distribution solely within the State and directly to household consumers, restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers; and

Third, poultry slaughtered or cut up for distribution as carcasses or parts within the State by small enterprises not otherwise exempt.

Further, the amendments clarify the law by adding specific language to prevent the exemption provision from being circumvented by other individuals slaughtering or processing additional turkeys in the same plant.

The Secretary, however, is authorized to grant an exemption from this limitation to any additional person when he feels such action will not impair effectuating the purposes of the act.

Finally, section 2 of H.R. 3863 amends section 15(c)(4) of the act, which under current law exempts from the requirements of the act poultry producers with respect to poultry of their own raised on their own farm, if (i) such producers slaughter not more than 250 turkeys or not more than 1,000 birds of all species during the calendar year (4 birds of other species deemed the equivalent of 1 turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of the poultry moves in interstate or foreign commerce. Section 2 amends clause (i) to increase from 250 to 1,000 the number of turkeys that may be slaughtered under the exemption, thereby bringing the provisions of this paragraph in conformity with the changes made in section 15(c)(3) by section 1 of H.R. 3863.

The purpose and need for this legislation is to free our Nation's turkey farmers and processors from unnecessary and costly regulatory control while still maintaining adequate protection to the public against adulteration and misbranding.

H.R. 3863 would allow the small, family-sized turkey processor, who depends on a seasonal local market, to be exempt from bird-by-bird inspection conducted under the auspices of the U.S. Department of Agriculture on the same basis as processors of other birds. Under the legislation there would be no compromise in the wholesomeness of turkey products. The products must continue to be sound, clean, and fit for human consumption when distributed and comply with the protections in the act against misbranding—other than the requirement of the inspection legend.

The limitation in the exemption under the existing statute that equates one turkey to four birds of other species works a hardship on the small businessperson. The exemption in current law applies only to turkey processing operations that are insufficient to maintain a level of income proportionate to the capital invested. To maintain facilities and equipment that comply with Federal bird-by-bird inspection regulations requires a capital investment that causes hardship to many small producers. For example, the plant must provide the Federal inspector with office space, a shower and uniform and must maintain special equipment for this purpose. It was estimated that the cost of supplying these special needs could amount to $30,000, according to the American Farm Bureau Federation witness. Increasing the exemption limitation to 20,000 turkeys under section 15(c)(3) of the act and to 1,000 turkeys under section 15(c)(4) of the act, would provide a more reasonable return on labor and investment while assuring the continued maintenance of a high quality product.

Continued spot inspection of the processed poultry, as well as required health and sanitation requirements, would assure compliance with the intent and standards of the Poultry Products Inspection Act. Furthermore, H.R. 3863 would save the Government money—approximately $200,000 per year in inspection costs.

This bill is supported by the National Turkey Federation, the American Farm Bureau Federation, numerous turkey growers, and State organizations, and the Department of Agriculture recommends its enactment.

I ask all Members to join me in supporting enactment of H.R. 3863.

□ 1315

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the able chairman of the Agriculture Committee, Mr. DE LA GARZA, and the chairman of the Subcommittee on Livestock, Dairy, and Poultry, Mr. HARKIN, for their assistance and support in bringing H.R. 3863 before the House.

Americans have called for regulatory reform. The cry for reform has come from all segments and interests, by big and small business alike, as well as the farmer, taxpayer, and all who must supply the Government with information or file for benefits. The burden has been overwhelming and extremely costly to the consumer.

The legislation before the House today is a step in the direction toward regulatory reform. H.R. 3863 would allow the small, family-sized turkey producer to increase his processing of birds from 5,000 to 20,000 without being subjected to bird-by-bird inspection conducted under the direction of the U.S. Department of Agriculture. The producer would still have to meet all health and sanitation requirements within and around his processing facilities; it is only the bird-by-bird inspection procedure that my legislation would change. I can assure my colleagues that there would be no compromise in the wholesomeness of turkey products with the passage of H.R. 3653.

There are roughly 200 turkey-processing plants in the United States today. Of these, 71 slaughter over 100,000 birds a year, while approximately 97 slaughter 5,000 or fewer, and 13 plants account for production of between 5,000 and 20,000. As you can see, this regulatory relief is aimed at assisting the small producer.

Today, it is not economically feasible for a family enterprise to exist on only 5,000 turkeys a year. And the capital investment for a farmer may be too great to increase his operation and meet all USDA requirements. This legislation is designed to keep such producers in operation.

I think it significant to note that this legislation will also save the Government money—approximately $200,000 per year in inspection costs.

Mr. Speaker, this legislation has the support of the administration, the National Turkey Federation, the National Farm Bureau Federation, numerous turkey growers, and State organiza-

tions. In addition, I have received thousands of letters and petitions in support of this legislation.

Mr. Speaker, the legislation is noncontroversial and passed both the subcommittee and the full committee unanimously.

I urge the House to suspend the rules and pass H.R. 3863.

● Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 3863, which amends the Poultry Products Inspection Act to increase the number of turkeys from 5,000 to 20,000 that can be slaughtered or processed annually without Federal bird-by-bird inspection. This would eliminate the present distinction between turkeys and other birds. In addition, it would add clarifying language to prevent the exemption provision from being circumvented by other people slaughtering or processing additional turkeys in the same plant.

H.R. 3863 would allow the small, family-sized turkey producer, who depends on a seasonal local market, to increase his processing of turkeys from 5,000 to 20,000 without being subjected to bird-by-bird inspection conducted under the auspices of the U.S. Department of Agriculture. The producer would still have to meet all health and sanitation requirements.

The production and processing of only 5,000 turkeys is restrictive and insufficient for the small businessman to maintain a level of income relative to his capital investment. By increasing the exemption level to 20,000 turkeys, producers would be provided a more reasonable return on labor and investment while assuring maintenance of a high quality product in a market that is short lived and highly competitive.

There are several small turkey producers in my own State of Virginia whose livelihood is constrained by this present limitation which prevents them from expanding their operations. Complying with Federal bird-by-bird inspection regulations would require a considerable capital investment.

Mr. Speaker, I urge the Members to support the passage of this most important legislation. Thank you.●

Mr. MARLENEE. Mr. Speaker, I have no further requests for time.

Mr. HARKIN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. HARKIN) that the House suspend the rules and pass the bill, H.R. 3863, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CRIMINAL JUSTICE SUBCOMMITTEE CONTINUES HEARINGS ON PUBLIC SAFETY OFFICERS' BENEFITS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, the Subcommittee on Criminal Justice, which I chair, is holding its second in a series of hearings on four bills to amend the Public Safety Officers' Benefits Act on Tuesday, June 15, 1982, at 2 p.m., in room 2237 of the Rayburn House Office Building.

The witnesses scheduled to appear and testify before the subcommittee on Tuesday are: Robert F. Diegelman, director, Office of Justice Assistance and Research Statistics, on behalf of the Department of Justice, which administers the act; Norman Darwick, executive director of the International Association of Chiefs of Police; Jack Person, president of the National Association of Police Organizations; and Vincent McGoldrick, chairman of the National Legislative Committee of the National Fraternal Order of Police.

A third hearing on this legislation is being planned.●

BATTLE TO CURB STRIP-MINING ABUSES ENTERS NEW PHASE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, Members who served in the 95th and earlier Congresses will remember the 6-year struggle to enact legislation curbing the most destructive practices of the coal strip-mining industry. Strong strip-mining control legislation passed the House four times and twice was the subject of vetos by President Gerald Ford. It was not until 1977, after President Carter took office, that a meaningful strip-mining control bill was finally enacted.

The leader in this long battle was our distinguished colleague from Arizona, MORRIS UDALL. However, once the law was enacted, it fell to President Carter's Secretary of the Interior, Cecil A. Andrus, to commence implementation. Secretary Andrus selected, as the Director of the new Office of Surface Mining, Mr. Walter Heine, who had been the administrator of the surface mining agency of the State of Pennsylvania. Pennsylvania was the pioneer State in developing strong strip-mining control legislation, and the selection of Mr. Heine was viewed by the supporters of the Federal act as a very excellent choice. Mr. Heine proceeded to assemble a staff of outstanding technical people and to draft a set of regulations to implement the legislation. For those who wanted a tough strip-mining law, the regulations, as well as the enforcement of them, satisfied their concerns.

As might be expected, however, the coal mining industry, which had fought the legislation from start to finish, proceeded to challenge the law, the regulations, and their enforcement. One of those most active in challenging the law was James Watt, then head of the Rocky Mountain Legal Foundation. Another activist in challenging the law was James R. Harris, an Indiana State senator and coal industry consultant.

With the installation of the Reagan administration, the opponents of the strip-mining law became the "enforcers," with Mr. Watt becoming Secretary of the Interior and Mr. Harris replacing Mr. Heine as the Director of the Office of Surface Mining. They wasted little time in mounting a two-pronged assault on the program. One arm of the assault was to start rewriting the regulations watering down the language of several key provisions. The second arm of the attack was to reorganize the Office of Surface Mining by transferring personnel, reducing its size, especially in the field, and making it clear that zealous enforcement of the act was no longer in keeping with the philosophy of the new administration.

Concurrently with these changes, and to some extent as a result of them, the majority of the coal producing States' strip-mining laws were certified as meeting the requirements of the act, with the result that the State replaced the Federal Government as the primary enforcing agent. For those States, the role of the Federal Government, as provided in the act, shifted from direct enforcement to overseeing the States' programs to make sure they are run in compliance with the Federal strip-mining law.

Unfortunately, the changes that have been made in the Office of Surface Mining, and particularly the signals sent by the new administration, can be construed by the strip-mining industry as indicating that State programs will not be very tightly supervised at the Federal level.

Fortunately, one of the benefits of the long battle over strip mining was to mobilize public opinion in some coal mining States behind strong strip-mining laws. Moreover, the Federal

law gives local citizens the right to review strip-mining plans and to "blow the whistle" when they believe the law is not being complied with. So there is some hope that the terrible devastation inflicted on so many Appalachian communities through bad strip-mining activities will be largely avoided in future strip-mining activities.

The Federal law also set up a special fund for reclaiming old strip-mined lands so that the erosion and landslides associated with them can be brought under control and the lands returned to a productive state. Unfortunately, even though the funds are earmarked from a special reclamation fee imposed by the 1977 act, the administration has been slow to release the funds to the States to get such projects underway.

The Washington Post for June 6 and 7 contained two outstanding articles by Dale Russakoff laying out in some detail the present status of the strip mining law and the way it is working out in the coalfields of Appalachia. She describes the dramatic improvements brought by the new law, but also the drastic downshift in Federal enforcement philosophy and personnel. Her articles are well worth reading for anyone who has a deep feeling for the land and the people of Appalachia. The full text of both articles follows these remarks.

The Washington Post for May 1, 1982 contained a very interesting short article by Colman McCarthy about a related outrage inflicted on the people of Appalachia by the coal industry in conjunction with State and local governments. The article cites a recent study sponsored by the Appalachian Regional Commission which reveals that in 80 counties in 6 coal-producing States 75 percent of the land is owned by outside corporations, more than three-fourths of whom pay less than 25 cents an acre in taxes.

At the same time, individual landowners are assessed much larger taxes. Mr. McCarthy cites the case of one woman in West Virginia whose most recent tax bill for 600 acres totaled $12,000, while such land, if it belonged to an outside corporation, would be assessed only $150. Furthermore, her present tax bill is 10 times that of 10 years ago, largely because coal is under the surface of her land and the strip-miners want it. As the article points out, because she couldn't get a company to promise proper reclamation of the land, she declined to sell. Now, through this "legal persuasion" from tax assessors, she is being pressured to reconsider.

The full text of the Colman McCarthy article is printed in the RECORD following the two articles by Dale Russakoff.

Mr. Speaker, I am offering these articles at this time to emphasize that Congress still has an important role to play in the protection of the land and its people against those in the coal industry who do not seem to care about either. Congressman UDALL has conducted vigorous oversight of the activities of the Interior Department in connection with the Federal strip-mining law. We can be sure that, under his leadership, such oversight will be continued.

We also need to examine the tax impacts revealed by the Appalachian Regional Commission to determine whether citizens in the coalfields are being denied the equal protection of the laws guaranteed by the Constitution and, if so, whether remedial legislation is in order.

[From the Washington Post]

THE UNFORCER—STRIP MINING AGENCY FALLS VICTIM TO REAGAN'S REFORMS

(By Dale Russakoff)

For four years, Bruce Boyens was a symbol of the federal presence in the coal-rich hills of southern Appalachia. In faded jeans and mudcaked boots, he stalked the sites of strip mines, forcing coal companies to restore the natural landscape of hills and mountains they had laid bare.

When operators threatened to beat up his inspectors, he called in federal marshals to subdue them. When state officials seemed too cozy with coal companies, he leaned on them to get tough.

Now his days as a fearsome enforcer in the coals fields are over. Boyens quit Thursday, a month after the chief of the Interior Department's Office of Surface Mining sent him a terse notice that he was being transferred to Washington, far from Appalachia where his family has deep roots.

OSM called it a salute to his expertise. Boyens, who had no choice, took it as a "get out" letter.

Boyens has become a symbol of another sort, a casualty of a bureaucratic civil war being waged far from the coal fields.

Without changing a word of the tough federal strip mining law, the Reagan administration has systematically weakened the agency that enforces it. Dozens of stringent regulations are being relaxed, including rules governing everything from the size and shape of sedimentation ponds to the placement of topsoil on reclaimed hills.

In the course of a massive reorganization, coupled with a personnel cutback that will shrink the agency by more than 30 percent, regulators tagged as "zealots" have been moved out. A new team led by former coal industry consultants and coal state officials has taken charge.

Citations against mine operators have dropped markedly; appeals of adverse court rulings have been cut in half. There is increased discretion for state regulators, whose past laxity prompted Congress to enact the sweeping law five years ago.

OSM is only one front in the administration's "regulatory reform" crusade. But from the start, the small agency has been a big symbol of what Ronald Reagan was elected to change.

The Heritage Foundation, think tank of the Reagan transition team, fingered OSM as a classic case of "regulatory excesses." Interior Secretary James G. Watt branded it a "bureaucratic nightmare . . . more designed to obstruct coal production than to further the cause of reclamation."

Watt made the taming of OSM his No. 1 priority and he points to it now as the place he has made his biggest mark.

Watt and his OSM team say the changes reflect the advent of reason, not a retreat from the goal of reclamation. They note that the federal law, while stringent, left wide maneuvering room for its enforcers, and they insist that their predecessors shared too little of that room with industry and the states.

But Boyens' view from the field is considerably different. In his Knoxville office, surrounded by souvenirs from his activist past as a mine workers lawyer, he said:

"I have to say I think they're gutting the program. They got people anxious. They took away their job security. They made speeches about getting the OSM zealots off the industry's back. You start to go home at night and ask yourself, what does this administration want from me? After a while, no matter how hard I pushed people, it was like pushing on a string.

"Some of our regulations were bad. Some of them needed changing. But an across-the-board attack is wrong. We had a strong program. We had industy complying. This could be a signal to operators that they can do what they want now."

The men appointed to change OSM, who knew the agency from the other side, dismiss such attacks as unfounded.

OSM Director James R. Harris was a coal industry consultant and state senator who helped write Indiana's strip mining law. His deputy, Steven J. Griles, was a leader of Virginia's strip mine reclamation office.

They saw OSM as a young, over-zealous agency filled with people who had never seen a strip mine, a federal monster that shackled the coal industry and the states.

They arrived here as determined to tame OSM as Boyens was to keep it fearsome.

"You must not only intellectually believe in what you're trying to change, but you must emotionally believe in it," said the 34-year-old Griles. "If you're not emotionally committed, you'll never make it, not when you're up against the federal bureaucracy."

Griles is known around OSM for his 18-hour days, his seven-day weeks and his unflagging loyalty to the administration. On the wall behind his desk two photos hang, showing a smiling Griles with Watt and Sen. John W. Warner (R-Va.).

Warner inscribed one: "To Steve Griles. The jobs of many Virginians—and Americans in the coal industry nationwide—are looking to you for leadership."

Griles and Harris had shown their commitment to change early on. Their two states had filed a U.S. Supreme Court challenge to the federal strip mining law, and they had helped prepare the case. Watt, days before joining Interior, had filed a brief supporting the challenge on behalf of Mountain States Legal Foundation.

The case was still pending when the new leaders arrived at OSM, creating confusion in the ranks. Suddenly, the federal law was being enforced by men who were on record against it.

In the solicitor's office, one team of lawyers was defending the law before the high court while another was drafting memos on how to dismantle OSM in case the challengers won. When the court upheld the law, 9 to 0, in October, an Interior solicitor recalled telephoning Griles to report: "Did you hear? We won." Griles responded: "No. We lost."

Griles said he does not remember the conversation, but stressed that the court battle

is far behind him. "I believed the law raised constitutional questions. Obviously the Supreme Court has answered those questions."

OSM was due for a transformation even before Watt arrived.

The strip mining law, in a blend of old and new federalism, said OSM would police the coal fields only temporarily, until the 24 coal states rewrote their laws to conform with tough new national standards. Then OSM would pass the torch to the states, making reorganization and layoffs inevitable.

The Reagan team pushed forward with a swifter and more sweeping reorganization than was planned in the President Carter's years. OSM's 1,010 authorized slots were cut to 650; its five regional offices were abolished. Federal inspection forces were cut sharply, even in states where OSM was still in charge.

Most technical positions were reassigned to two new centers, in Denver and Pittsburgh, giving many biologists, hydrologists and other scientists the choice of moving or leaving the agency.

The shifts, combined with the change in philosophy, prompted an exodus from the technical, legal and management ranks.

When the dust had cleared, Harris said, only one of 50 top managers from the Carter era remained in his original job, a statistic Watt cites in speeches as evidence that his OSM campaign has succeeded.

Harris and Griles acknowledged the transfers were sometimes used to push out or subdue regulators viewed as overzealous by the new team.

"I believe when someone has been trained in one philosophy it's easier to move him than to change his ways of operating he's held for a long time," Harris said. "We had to put these people in new jobs so we could train them in our philosophy."

Referring to OSM's two top officials in Denver who resigned early in the new administration, Griles said, "Those were two people who had to go. If they didn't leave, they were going to be moved."

While the shakeup allowed Griles and Harris to assemble their team, it also created morale problems and a drain on staff expertise, Griles acknowledged.

Four of the top officials who oversaw inspection and enforcement from Washington have left their jobs, two in the last month. That was one reason cited by OSM for trying to transfer Boyens here.

"We tore this agency to hell. Now we have to build it back up," Griles said.

One part of the buildup was a new system of "hands-on" management. Routine judgment calls once made by attorneys or technicians in the field are now routed through Griles or his aides.

This was done, according to one memo, to ensure that policy calls conform to "the secretary's goals of decreasing regulatory restraints on productivity or deferring to state decisionmaking in local matters."

The approach tamed many former firebrands, who saw their recommendations for court appeals, for tougher regulations, for environmental impact studies stop at their bosses' desks.

Some sought transfers; some became moles for Hill Democrats or environmentalists. Others, once known for working late hours and weekends, became clock punchers and did as they were told.

"I had to decide if what I was doing was absurd or obscene. I've decided it's absurd so I'm still here," one Carter-era veteran said recently. "I used to make national policy when I made decisions. Now my decisions get passed along the line and reversed. They're made by my boss's boss's boss's boss and I've become a drone."

The new team has put its imprint on almost every quarter of OSM.

Take the obscure field of administrative appeals, a process barely visible to outsiders, but the heart of policymaking because it sets the limits of OSM's regulatory reach.

This is how it works: OSM cites a coal operator for poor reclamation practices. If the operator appeals to an administrative law judge and wins, OSM loses its right to regulate against those practices. To regain it, OSM can file an appeal with Interior's Board of Surface Mining Appeals.

In the last year, OSM's appeals of cases lost to industry have dropped by more than 50 percent.

Another major drop came in the number of citations against mine operators for violating the law. In Southern Appalachia, OSM violation notices dropped from 3,352 in 1980 to 1,005 in 1981, well before OSM ceded power over the coal fields to any state in the region.

OSM spokesmen call the drop a sign of voluntary compliance from industry and the states. Several former inspectors called it a sign of short staff and low morale.

One of the most far-reaching shifts came down to a single word change in a key regulation, the rule OSM uses to judge whether a state is ready to police its strip mines. The Carter-era OSM refused to relinquish control unless states rewrote their laws to be "as stringent as" OSM's.

The new rule says they must be only as "effective," giving states much more freedom to deviate from strict federal guidelines.

Nowhere is the change in direction more evident than in the feverish campaign to rewrite hundreds of pages of highly technical Carter-era regulations. The rules not only required companies to prevent environmental damage, they also told them how to do it—how to build sedimentation ponds, how to impound mine wastes, what species of grass to plant on reclaimed hills.

The proposed rule changes pouring out of OSM would give coal companies and state regulators more leeway to come up with their solutions, requiring only an "effects test"—whether a pond or impoundment prevents flooding, pollution, landslides and other damage.

This "regulatory rewrite" campaign has consumed more time and staff than any other front of the OSM battle, yet it is here that the new team has made the least headway. More than four dozen proposed rule changes are snagged in the courts or in the circuitous federal rule-making process, silent testament to the resilience of the bureaucracy OSM's leaders hope to tame.

"We had all our regs ready for public comment last September. The problem ever since has been getting them through the bureaucracy," said a harried Dean Hunt, a former industry consultant hired by Griles to head up the revision of technical regulations.

Hunt and other OSM officials concede that they underestimated the difficulty of their task. Teams of biologists, hydrologists, inspectors, technicians, clerks, typists, editors and managers have been assigned to the job since Watt took office.

Each rule traveled across more than a dozen desks, Hunt said, from the staff member who wrote it to a supervisor, to solicitors, to the chief OSM solicitor, to Griles, to a succession of top Interior officials, to the Office of Management and Budget and back to Interior.

Watt originally set a deadline of July, 1981, for finishing the rules. But that became October, 1981, then January, 1982, then July, 1982. Then came a lawsuit from environmentalists, which OSM settled out of court, agreeing to conduct environmental impact studies that will further delay the rules.

For now, the stringent Carter-era rules remain in force.

In ways, the conflicts within OSM have roots in the long and bitter battle for the strip mining law itself. The titanic congressional struggle lasted six years, polarizing the environmentalists and citizens groups who sought the law, the coal companies and state officials who fought it. The measure was vetoed twice by then-President Ford before Carter signed it into law in 1977.

"There's still a tremendous amount of bitterness on both sides," said Rep. John F. Seiberling (D-Ohio), an author of the law who has kept close watch on the OSM changes. "The environmentalists felt the coal industry was a bunch of selfish, ruthless ogres who didn't care about people or the environment. The coal companies felt environmentalists were impractical people trying to hurt the coal industry."

And so, Seiberling said, OSM was destined to be a battleground. "I expect it'll keep seesawing. If the next administration is more concerned about protecting the land, it'll change again. It's a good thing we have a several hundred years' supply of coal. Nobody can wreck it all at once."

[From the Washington Post]

FOR THE COAL STATES, A "NEW FEDERALISM"

(By Dale Russakoff)

LONDON, KY.—The U.S. occupation of the Kentucky coal fields is over now, but virtually no one around here doubts the power of Washington—known locally as "the federals"—to change their lives anymore.

The evidence is written all over the mountains that rise up in every direction.

Take a drive down any winding road, past the hardwoods and hemlocks, the white oaks and hard maples, into the coal fields of Viper or Cranks, Hazard or Harlan, Middlesboro or London.

On one side, the forests are pocked with black gashes—abandoned strip mines oozing silt and mud, tree limbs and rocks, which flood the streams and poison the well water.

These are the legacy of the days before federal regulation, when a state government dominated by coal interests held the only whip.

But across the way or down the hollow lie grassy slopes where strip mines used to stand, reclaimed hills built and planted by some of the same companies that left the old sores. Congress gave them no choice if they wanted to stay in business.

Now the regulation of strip mining—and lives affected by it—are again in flux. And again, it is because of Washington.

The U.S. Office of Surface Mining, the agency created to enforce the landmark 1977 strip mining law, has become a prime battleground for the Reagan administration's "regulatory reform" campaign.

Carter administration officials who stood for harsh federal regulation have been replaced by a team that preaches partnership with those it regulates: the coal industry and the nation's 24 coal states. The changes come as the coal states are resuming control

of their own strip mines, backed by tougher state laws but facing the same political pressures as before.

In Washington, these changes have become the stuff of intense political debate. Interior Secretary James G. Watt portrays them as part of the Reagan mandate to cut federal regulation of industry and return power to the states. Those who founded the young agency in the Carter administration decry them as opening wedges for renewed abuse.

This battle between the old and the new federalism is barely audible from the coal fields. But that is where the effects will be felt—and seen.

The 1977 Surface Mining Control and Reclamation Act did to the coal states what the Civil Rights Act in its early years did to the South.

It declared that states had failed to protect their citizens, in this case from the ravages of strip mining. And it yanked away local control, in this case over the coal fields, until state laws were brought up to federal standards.

Like the Civil Rights Act, the law was far from popular with the states and business. There were horror stories about federal inspectors citing operators for such minor infractions as failing to label topsoil piles, about federal regulations that cost thousands of dollars to obey, about federal bureaucrats who treated Kentucky officials like hillbillies.

"If Mr. Udall [Rep. Morris K. Udall, the Arizona Democrat known as the father of the law] came into this country, I do believe he'd be crucified," says Donnie House, the red-bearded, 33-year-old president of Black Magic Mining Inc., a small operator who stripped 89,000 tons of coal from the mountains around London in 1981.

But the law was hailed in hollows like tiny Cranks, Ky., where in the words of a mother of six named Becky Simpson: "We've been demolished by surface mining."

Cranks became a national symbol of the ravages of unregulated strip mining in 1977, when its box-shaped frame homes were buffeted by floods thick with mud, silt, stones and tree limbs from the unreclaimed mountainsides.

Simpson remembers walking onto the porch of her rough-lumber house on that November morning, the black waters surging around her. The shaky bridge that was her only link to high land had given way hours earlier when the creek overflowed. She watched her brother's house and cars wash away. Three uprooted sycamore trees smashed through a neighbor's house.

She recalls she looked up at the mountains that surround the hollow on all sides, and her eyes fixed on the familiar black gashes, some of them 40 feet deep, the strip mines abandoned years earlier.

"It all became clear to me then. The mountain was washing down," she says. "And I thought to myself: It's surface mining. You could see where the rocks were coming from, rocks the size of car bodies. You could see the silt and the coal and the tree stumps that clog up our creek."

A state investigation later concluded that spoil from strip mines was largely to blame for the Cranks flood.

Simpson hadn't heard of the new federal law back then, but a state official told her to call the new U.S. Office of Surface Mining in Washington for help. The response: a $1 million dredging project to clear the spoil from Cranks Creek.

"I always had a lot of faith in the Commonwealth of Kentucky," Simpson observed recently as she walked the rebuilt but rickety wooden bridge over the dredged creek, which runs within 20 yards of her home. "But I've come to like the federals."

For Becky Simpson and her neighbors, though, the danger has not passed. Rocks and silt still spill out of the open gashes, and the creek bed is clogging again. The people of Cranks Creek still hold all-night vigils when it rains, haunted by fears of another flood.

"Those people won't be really safe unless they tear those mountains down," a federal official said.

Now Simpson and her neighbors' safety is back in the hands of Kentucky officials. So is the regulation of such companies as Donnie House's Black Magic.

Watt ruled recently that Kentucky had toughened its law to meet federal standards. Last month, he officially restored its primary enforcement power—"primacy," the federal law calls it—over an estimated 5,000 strip mines. Only four of the 24 coal states remain under federal control.

Now, as the law provided, only a diminished federal watchdog force remains in the coal fields to insure that Kentucky enforces its program. If the state fails, Washington can revoke its primacy, but that is unlikely, officials say. For the most part, the nation's number one coal-producing state is on its own again.

The "federals" who will watch over Kentucky's shoulder from now on are considerably different from the group that arrived here in 1978, and that, too, has prompted uncertainty for the state, for the people in the hollows and for industry.

Watt has loudly attacked the Carter-era strip mine inspection forces as "zealots," and has commissioned an extensive project to relax hundreds of pages of stringent regulations. His new OSM team has changed policies to give coal-state officials and coal companies new flexibility to deviate from federal standards.

Donnie House has read about these changes from his office near London, but he says he has yet to feel the effects. He and the leaders of the Kentucky Coal Association say the 1977 federal law changed their industry so dramatically that no change in administration—from Carter to Reagan, from Washington to Kentucky—will make a marked difference.

"The industry did abuse their power," House volunteered recently, adjusting the bill of his Black Magic cap on a bumpy drive through the coal fields outside London. "There's a creek down in Clay County that shows you why we got that law. It's filled up with surface mining spoil. It looks like they had a war down there. They've ruined a lot of land down here. They asked for it.

"I'm not sure they asked for what they got, though," he added.

What they got was a stringent, detailed law and regulations governing every step of strip mining—from applying for a permit to planting grass on restored hillsides. The law stated unequivocally that operators must restore stripped mountains to their "approximate original contour."

It forbade them to dump spoil down the mountainside when stripping away rocks and dirt to reach the coal. Neither rule had ever before been on the Kentucky law books.

Thanks to other requirements in the federal law, Kentucky's own strip mining laws are now tougher than ever before—even though Watt allowed more flexibility than his predecessor, Cecil D. Andrus, and Gov. John Y. Brown, a Democrat, has appointed an enforcer with a reputation for toughness named Elmore Grim to run the revamped state strip-mining office.

In addition, new permits required by the federal law spell out in detail how a miner must strip a hillside, protect the surrounding lands and reclaim the mountainside.

Donnie House took an old permit out of the filing cabinet in the yellow trailer that is his office and waved it in the air. It used to cost $5,000 to prepare a state permit, including engineering and technical costs, he said. "Now it's going to cost me $15,000."

And an engineering study to monitor ground-water effects, required under the revamped state program, could cost as much as $30,000 more, House went on. He contends that reclamation takes $10 out of the $27 he now gets for a ton of coal.

He had hoped that a high-speed drive by Watt and OSM officials to relax dozens of federal regulations would reduce the costs. But so far, most of the proposed rule changes remain snagged in the rule-making process or in the courts.

For a small operator, the pinch is more painful now because the coal market is depressed. House laid off four of his 16 employees last week—because of the coal glut, not because of regulations, he stressed. Even large companies have posted "No Applications Accepted" signs. The problems in the coal business seem much bigger than primacy and federal laws, he said.

But for the state government, primacy means responsibility, and officials say they feel pressure. The law requires Kentucky to issue new permits for more than 5,000 mining operations. If any environmental protection requirement is omitted from the permits, inspectors cannot enforce it.

"If the system breaks down here, we could see more abuse in the next 18 months than we saw since 1977," said Ed Grandis of the Citizens Mining Project, which monitors enforcement of the federal act from Washington.

And there is pressure of another sort. The political influence of the coal industry in Kentucky, the nation's number one coal-producing state, is legendary.

Coal employs more than 100,000 Kentuckians, by far the biggest industry in the state, and generates more than one-fifth of the money in the state treasury. Coal executives have been credited with persuading past governors to dump firebrand enforcers.

In East Bernstadt near London, House and about a dozen other small operators recently complained to their state legislator about an "overzealous" state inspector. Similar meetings have taken place about inspectors in other coal fields, officials say.

"They listen to us more in Frankfort than they do in Washington," House said.

A 65-year-old former strip-mine inspector named Bill Hays, now retired in Viper, Ky., knows this well.

The son of a coal miner, raised in a mining camp, Hays inspected Kentucky surface mines for more than a decade, bucking politicians and coal executives, eventually getting transferred to the state highway department because, he said, "I was really getting to some operators." The Carter administration appointed him to supervise eastern Kentucky in the first two years of the federal occupation.

Hays, who now teaches a course for townspeople who want to monitor strip-mine violations, said he was skeptical that Kentucky could resist industry pressure without a harsh federal enforcer at its back.

89-059 O-86-26 (Pt. 10)

"They've got good people in Frankfort now, but they may not stay on when we get a new governor. Strip mining may even be an issue in the next election," he said. "Politics has kept the coal industry all-powerful in the past, and I believe it will again."

For all the fears and promises, officials say it will take at least a year before the new administration leaves its imprint on the mountainsides—the only place it counts. If the abuses of the past resume, the state and the Reagan administration will be stuck with the legacy.

As they say in eastern Kentucky: You can't hide a bad strip mine.

[From the Washington Post]

STRIP MINERS' TAX BREAK

(By Colman McCarthy)

ELKINS, W. Va.—"If they keep taxing us this way," said the owner of 600 acres of land a few miles outside this small mountain community, "we'll be driven off."

It is statement—from an Appalachian woman who asked for anonymity—uttered as much in fear as in anger. Her most recent tax bill totaled $12,000, 10 times the taxes of 10 years ago. Coal is under the surface of her land, and strip miners want it. Because she couldn't get a company to promise proper reclamation of the land it would gouge, she declined to sell. Now, through this "legal persuasion" from tax assessors, she is being pressured to reconsider.

The economic stress felt by this woman is one of the silent horrors of the coal fields. During the 1970s, the public outside the region came to know that strip mining meant thousands of miles of unreclaimed land, erosion, polluted streams, flooding and the destruction of a rare natural beauty. Among the nation's corporate polluters, strip miners—with some exceptions—are unique as environmental slobs.

But more than what the destruction of an individual strip miner can do to a hillside—or a plain in a western state—the damage done to citizens through unfair land taxes is the quintessential story of Applachian powerlessness.

Part of this story is told by such individuals as the Elkins landowner. But a fuller and more incriminating exploration of corporate might and governmental complicity is found in the recent Appalachian Regional Commission-sponsored study. "Land Ownership Patterns and Their Impacts on Appalachian Communities."

In research on 80 counties in six coal-producing states, no doubt is left about who controls the land or who keeps it dirt cheap. Seventy-five percent is owned by outside corporations. More than three-fourths of these absentee landlords are asked to pay less then 25 cents an acre in taxes. Hypothetically, this means that if the 600 acres owned by the Elkins citizen belonged instead to an outside firm the latter would pay not $12,000 but $150.

The study found that in Campbell County, Tenn., more than a third of the land is owned by one company. But it pays less than 10 percent of the property taxes. In Virginia, individuals pay $1 per acre, absentee corporations 42 cents. In Martin County, Ky., the largest 10 mineral owners—whose land is valued at more than $9 million—paid together less than $100 in taxes in 1978.

The poverty of mountain communities is directly related to these losses in revenues. The wealth of the hills is dug for strangers—from the strip mines and deep mines—by local people whose schools, hospitals, roads, water and sewer departments are impoverished. Not only do outside owners pay little, but the effects of their power plays mean that the difference must be made up by local citizens.

The difference is never made up, which explains Appalachia's permanent underclass that is caught between survival at any cost and corporations that pay little of the cost. The companies control the local politicians and they, in turn, have learned how to deliver votes to the national politicians. It is no accident that Appalachia rarely sends a congressman or senator to Washington who challenges the region's tax gap. In the past 20 years only former congressman Ken Hechler of West Virginia spoke out.

The land study may help to create a climate of reform. Until now, the inequality was never documented in one region-wide survey. One of the coordinators for the project, John Gaventa of the Highlander Research Center in eastern Tennessee, wrote in his 1981 book, "Power and Powerlessness," about a British-owned company that controlled 90 percent of one Appalachian county's coal wealth, but paid as little as 4 percent of the local taxes:

"Not only could the Clear Fork Valley citizens not gain access to the decision-making agenda of the multinational, but they could not even discover for certain who financially controlled it or how the control was maintained. . . . The consequent powerlessness of the would-be protesters is like that of the farmer in Steinbeck's 'Grapes of Wrath' who, as the absentee-owned bulldozer mows down his crops, pleads but 'who can we shoot?' "

If information is power, a small share is finally in the hands of Appalachia's long-suffering citizens. With it, the struggle to regain the land and a fair share of its wealth can begin.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MARLENEE) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 60 minutes, today.

(The following Members (at the request of Mr. HARKIN) to revise and extend their remarks and include extraneous material:)

Mr. GONAZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. COYERS, for 5 minutes, today.

Mr. GAYDOS, FOR 30 MINUTE, ON JUNE 15.

Mr. MONTGOMERY, FOR 15 MINUTES, ON JUN 15.

Ms. FERRARO, FOR 60 MINUTES, ON JUNE 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KILDEE, prior to the vote on H.R. 6290.

Mr. SEIBERLING, notwithstanding the fact that it excees two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,166.

(The following Members (at the request of Mr. MARLENEE) and to include extraneous matter:)

Mr. LAGOMARSINO.

Mr. ARCHER.

Mr. NELLIGAN.

Mr. DAUB.

Mr. DOUGHERTY.

Mr. ROUSSELOT in two instances.

Mr. BEREUTER.

Mr. SMITH of New Jersey.

Mr. BROWN of Ohio in two instances.

Mr. SOLOMON.

Mr. SILJANDER.

Mr. DERWINSKI.

Mrs. FENWICK.

Mr. RUDD.

Mr. FRENZEL.

Mr. MARRIOTT.

(The following Members (at the request of Mr. HARKIN) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FARY.

Mr. EDWARDS of California.

Mr. MINETA.

Mr. RODINO.

Mr. REUSS.

Mr. WYDEN.

Mr. GARCIA.

Mr. ZEFERETTI.

Mr. DE LUGO.

Mr. ST GERMAIN.

Mr. DINGELL.

Mr. STARK.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 625. An act to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1540. An act to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine; to the Committee on Interior and Insular Affairs.

S. 1872. An act to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2451. An act to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1983, and for other purposes; to the Committee on Public Works and Transportation.

S. 2582. An act to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes; to the Committee on House Administration.

S.J. Res. 194. Joint resolution to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S. 2218. An act to provide for the development and improvement of the recreation facilities and programs of Gateway National Recreation Area through the use of funds obtained from the development of methane gas resources within the Fountain Avenue Landfill site by the city of New York; to the Committee on Interior and Insular Affairs.

S. 2390. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purpose of said act; to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day."

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4. An act to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources.

ADJOURNMENT

Mr. HARKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 15, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4140. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on recissions and deferrals of budget authority as of June 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-196); to the Committee on Appropriations and ordered to be printed.

4141. A letter from the Secretary of Health and Human Services, transmitting a quarterly report on the effectiveness of State medicaid utilization control programs for the period ended November 30, 1981, pursuant to section 1903(g)(6) of the Social Security Act, as amended; to the Committee on Energy and Commerce.

4142. A letter from the Secretary of Health and Human Services, transmitting notice of a delay in reporting on the compliance of States in the accreditation and certification programs by the States regarding radiologic procedures and programs, as required by title IX of Public Law 97-35; to the Committee on Energy and Commerce.

4143. A letter from the Deputy Secretary of State, transmitting a draft of proposed legislation to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon; to the Committee on Foreign Affairs.

4144. A letter from the President, North Atlantic Assembly, transmitting a copy of a resolution adopted at the Assembly's Spring Plenary Session regarding the search for an Alliance consensus on East-West relations after Poland; to the Committee on Foreign Affairs.

4145. A letter from the Acting Director, International Development Cooperation Agency, transmitting a determination to continue funding private and voluntary organizations in Nicaragua during fiscal year 1982, pursuant to section 123(e) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4146. A letter from the Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, transmitting notice of proposed new records systems, changes in existing systems, and the deletion of systems, pursuant to 5 U.S.C. 522a(o); to the Committee on Government Operations.

4147. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting comments of the Council on the proposal of the Office of Surface Mining to approve a permanent mining program for Pittsburgh & Midway Coal Mining Co.'s operation of the McKinley mine in New Mexico, pursuant to section 106 of the National Historic Preservation Act of 1966; to the Committee on Interior and Insular Affairs.

4148. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on confronting racial isolation in Miami, pursuant to section 104(c) of Public Law 85-315; to the Committee on the Judiciary.

4149. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's annual 5-year plan for research, development, and demonstration, pursuant to section 5 of Public Law 475; to the Committee on Science and Technology.

4150. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the financial report of the Corporation for the quarter ended March 31, 1982, pursuant to section 177(c) of Public Law 96-294; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

4151. A letter from the Comptroller General of the United States, transmitting a report of methods that the Veterans' Administration and the Department of Housing and Community Development could use to improve services and reduce costs in insuring home mortgage loans (AFMD-82-15, June 11, 1982); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, and Veterans' Affairs.

4152. A letter from the Comptroller General of the United States, transmitting a report on several problems with the Federal court reporting system (GGD-82-11, June 8, 1982); jointly, to the Committees on Government Operations and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 10, 1982, the following reports were filed on June 11, 1982]

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5617. A bill to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes (Rept. No. 97-563, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 6307. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes; with amendments (Rept. No. 97-570, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina. Committee on Merchant Marines and Fisheries. H.R. 6337. A bill to amend the Energy Policy and Conservation Act to extend certain authorities relating to the international energy program, and for other purposes; with an amendment (Rept. No. 97-585, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 5427 to the Committee on Energy and Commerce extended for an additional period ending not later than June 24, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MITCHELL of Maryland.

H.R. 6587. A bill to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy; to the Committee on Small Business.

By Mr. WEAVER:

H.R. 6588. A bill to provide for Federal recognition of the Cow Creek Band of Umpqua Tribe of Indians; to institute for such tribe those Federal services provided to

Indians who are recognized by the Federal Government and who receive such services because of the Federal trust responsibility; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY (for himself, Mr. BAILEY of Pennsylvania, Mr. SMITH of Pennsylvania, Mr. YATRON, and Mr. FOGLIETTA):

H.J. Res. 511. Joint resolution to provide for the designation of a congressional flag; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

407. By the SPEAKER: A memorial of the Senate of the State of South Carolina, relative to imported fire ant control or eradication program; to the Committee on Agriculture.

408. Also, memorial of the Legislature of the State of Michigan, relative to steel import limitations; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 748: Mr. BARNARD, Mr. COURTER, Mr. DORGAN of North Dakota, Mr. GRAY, Mr. SMITH of New Jersey, Mr. WALGREN, and Mr. WYDEN.

H.R. 4288: Mr. ROE.

H.R. 4309: Mr. SILJANDER.

H.R. 4928: Mr. ST GERMAIN.

H.R. 5705: Mr. BIAGGI, Mr. BRINKLEY, Mr. EVANS of Georgia, Mr. FLIPPO, Mr. FORSYTHE, Mr. GILMAN, Mr. HORTON, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. LUNDINE, Mr. MCGRATH, Mr. MARKEY, Mr. MATSUI, Mr. UDALL, and Mr. WORTLEY.

H.R. 5834: Mr. ECKART.

H.R. 6082: Mr. EMERSON.

H.R. 6311: Mr. SAWYER, Mr. ARCHER, and Mr. QUILLEN.

H.R. 6334: Mr. NEAL.

H.R. 6467: Mr. LELAND, and Mr. LANTOS.

H.J. Res. 484: Mr. FOGLIETTA, Mr. SIMON, Mr. EVANS of Georgia, Mr. EVANS of Delaware, Mr. FARY, Mr. LEE, Mr. LENT, Mr. SANTINI, Mr. CHAPPIE, Mr. CHAPPELL, Mr. ANNUNZIO, Mr. MARTIN of North Carolina, Mr. LAGOMARSINO, Mr. MAVROULES, Mr. TAUZIN, Mr. SUNIA, Mr. SMITH of Pennsylvania, Mr. MCCOLLUM, Mr. MATTOX, Mr. MCEWEN, Mr. FAUNTROY, and Ms. MIKULSKI.

H.J. Res 486: Mr. RAHALL and Mrs. KENNELLY.

H. Con. Res. 332: Mr. LAFALCE and Mr. BEDELL.

H. Res. 427: Mr. HOYER, Mr. DONNELLY, and Mrs. COLLINS of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

475. By the SPEAKER: Petition of the New York City State legislators, relative to Federal funds to municipalities that enforce rent control laws; to the Committee on Banking, Finance and Urban Affairs.

476. Also, petition of Dr. Harold D. Kletschka, Minneapolis, Minn., relative to impeachment; to the Committee on the Judiciary.

477. Also, petition of various employees of the State of Ohio, relative to mandatory social security coverage for State and local government employees; to the Committee on Ways and Means.

478. Also, petition of the council of the borough of Liberty, McKeesport, Pa., relative to steel import limitations; to the Committee on Ways and Means.

479. Also, petition of the city council of McKeesport, Pa., relative to steel import limitations; to the Committee on Ways and Means.

480. Also, petition of the city council of Trenton, N.J., relative to nuclear weapons; jointly, to the Committees on Armed Services and Foreign Affairs.

SENATE—*Monday, June 14, 1982*

(Legislative day of Tuesday, June 8, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. The opening prayer will be delivered by Rabbi Kenneth S. Cohen, Congregation Beth Shalom, Wilmington, Del.

Rabbi Cohen is the pastor of Steve Kaufman, President of this year's graduating class of the Capitol Page School.

Rabbi Cohen.

PRAYER

Rabbi Kenneth S. Cohen offered the following prayer:

Almighty God, we invoke your blessings upon this session of the United States Senate. Bestow upon our legislators "the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord." May they and all who govern our beloved United States of America be ever mindful of the awesome responsibilities they thus assume, to make this land an example of justice, prosperity, and freedom to all nations and peoples. May all of us be united together in the bond of brotherhood, that together we may create for our world a new era of mutual respect, harmony, and peace. May the time not be distant, O Lord, when the vision of your prophet will be realized: "Nation shall not lift up sword against nation, neither shall men learn war any more."

We ask, O Lord, that the deliberations and decisions made in this distinguished assembly be pleasing in Your sight, that the prayer of the Psalmist might be fulfilled:

"And let Thy graciousness, O Lord our God, be upon us; Establish Thou also the work or our hands for us; Yea, the work of our hands establish Thou it." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the Proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE GRASSHOPPER

Mr. BAKER. Mr. President, soon it will be summer, and accordingly, I ask unanimous consent that this week's poem, "The Grasshopper," by Alfred Lord Tennyson, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE GRASSHOPPER

I

Voice of the summer wind,
Joy of the summer plain,
Life of the summer hours
Carol clearly, bound along.
No Tithon thou as poets feign
(Shame fall 'em, they are deaf and blind),
But an insect lithe and strong,
Bowing the seeded summer flowers.
Prove their falsehood and thy quarrel,
  Vaulting on thine airy feet.
Clap thy shielded sides and carol,
  Carol clearly, chirrup sweet.
Thou art a mailed warrior in youth and
      strength complete;
    Armed cap-a-pie
    Full fair to see;
    Unknowing fear,
  Undreading loss,
A gallant cavalier,
Sans peur et sans reproche,
  In sunlight and in shadow,
  The Bayard of the meadow.

II

I would dwell with thee,
  Merry grasshopper,
Thou art so glad and free,
  And as light as air;
Thou has no sorrow or tears,
Thou hast no compt of years,
No withered immortality,
But a short youth sunny and free.
Carol clearly, bound along,
  Soon thy joy is over,
A summer of loud song,
  And slumbers in the clover.
What hast thou to do with evil
In thine hour of love and revel,
  In thy heat of summer pride,
Pushing the thick roots aside
Of the singing flowered grasses,
That brush thee with their silken tresses?
What hast thou to do with evil,
Shooting, singing, ever springing
  In and out the emerald glooms,
Ever leaping, every singing,
  Lighting on the golden blooms?

ORDER FOR PERIOD FOR THE TRANSACTION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order and the special order in favor of the distinguished Senator from Florida (Mr. CHILES), there be a period for the transaction of routine morning business to extend not beyond 1 p.m. in which Senators may be permitted to speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, it is my understanding that following morning business there will be a vote on the House amendments to S. 1210, the Environment Quality Improvement Act; is the correct?

The PRESIDENT pro tempore. If that measure is laid before the Senate, the vote had been ordered to occur at 1:30 p.m.

Mr. BAKER. Yes.

Mr. President, it is anticipated that the Chair will be asked to lay that message before the Senate in advance of the time provided for the vote at 1:30 p.m. today.

Is it 1:30?

The PRESIDENT pro tempore. The vote is ordered to occur not later than 1:30 p.m.

Mr. BAKER. Not later than 1:30 p.m. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I might give an overview of the legislative situation as I see it at this time.

The distinguished minority leader is not in the Chamber at this moment, and I shall confer with him when he arrives.

As all Senators know we have a very, very heavy schedule and responsibility to discharge before the Fourth of July recess which is scheduled to begin on July 2.

In addition to the Voting Rights Act, a motion to proceed to the consideration of which will be pending at some point during the day today, it is necessary in the judgment of the leadership on this side to consider a constitutional amendment dealing with the balanced budget, the urgent supplemental conference report, and presumably a conference report on the budget resolution.

In addition to those items it is anticipated that there will be a requirement for the Senate to turn to the consideration of an increase in the debt limit for the Government of the United States.

Each one of those items is an important and controversial one and may

perhaps require a great amount of time.

Therefore, Senators should be on notice that they should expect active days of legislative business including votes Mondays through Fridays. I repeat, between now and the Fourth of July recess, it is anticipated Senators should assume that there will be active legislative business including votes Monday through Friday, and with the possibility of Saturday sessions, as necessary, during the period between now and the Fourth of July recess in order to address the list of items that I have just recited together with other matters as may come before the Senate.

It is anticipated that the leadership will attempt to maintain the policy of late evenings only on Thursdays during this period but in order to transact the business which we must deal with between now and the Fourth of July recess I also expect that from time to time on virtually every day between now and the 2d of July the Senate will be asked to convene at an early hour, as early as 9 a.m., and that votes will occur very early.

In terms of the meeting of committees, committees are permitted to meet, of course, for the first 2 hours after the Senate convenes. Unanimous consent will be given for committees to meet thereafter unless there is important legislative business but not past the early afternoon.

Mr. President, I will repeat that between now and the 2d of July, the date scheduled and published for the beginning of the Fourth of July recess, it would appear that these items must be dealt with:

First, the motion to proceed with the Voting Rights Act, which is now pending, and at some point the Voting Rights Act itself;

Second, the urgent supplemental conference report, which should be available this week from the House of Representatives, which must act first;

Third, a constitutional amendment dealing with the balanced budget;

Fourth, the debt limit increase as and when it reaches us from the House of Representatives;

And, fifth, the conference report on the budget resolution.

Mr. President, that is not necessarily the order in which these matters shall be dealt with but it is some suggestion of the general outline and plan for the schedule of the activities of the Senate between now and the 2d of July.

I repeat, the operating plans for the Senate in terms of days and hours of convening and concluding the activities of the Senate are such that Members should be on notice that Mondays through Fridays will be active legislative days, votes should be anticipated on each of those 5 days, and that Saturday sessions should be anticipated between now and the 2d of July as they are necessary. The leadership will make every effort to announce that requirement as far in advance as possible.

I would urge Senators not to make plans on Saturday, however, that cannot be changed or easily rearranged during the period between now and the 2d of July.

ANTICRIME BILLS

Mr. CHILES. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. CHILES. I just listened to part of the proposals the distinguished majority leader had mentioned, and perhaps I did not hear all of it. There are two bills, S. 2543 and S. 2572, that are on the calendar. One of the bills, S. 2543, is by myself and Senator NUNN, and S. 2572 by Senator THURMOND, Senator BIDEN, and others.

Both of those bills have to do with crime, and both have gone directly to the calendar without going to the committee, although similar legislation has already been submitted to the committee, the Judiciary Committee, and to other committees. I know there are 17 cosponsors on S. 2543, and I think there are more than that on S. 2572.

Senator NUNN and I since the 19th of May, I think, have been speaking on the floor every day about the necessity of taking up the package of bills dealing with crime, the Senate, even with its endeavors, not having passed any during this session ahead of the House, and we need to get bills passed here in order to get them through the House if we are going to have some anticrime bills working during this year.

We think it is essential that we do so. The President has proposed a package, and many of these bills are bills that are endorsed by the President.

The Attorney General has endorsed these bills and similar bills, and many of us in Congress and, of course, my State, as the majority leader knows, happens to be in a terrible plight in regard to drugs and crime.

I wonder if there is some way of getting those bills scheduled?

Mr. BAKER. Yes, Mr. President, I thank the Senator from Florida. He is exactly right. These are important measures, and there is an extraordinary requirement for legislation of this type, particularly in his own State of Florida where extraordinary circumstances have exacerbated the situation considerably.

The matter has been brought to my attention more than once, and I would be happy to cooperate.

Both measures are on the calendar, as he correctly points out. I am told the committee in each case is not now prepared to proceed to their consideration, but it would be the intention of the leadership to proceed with these measures or similar measures within the reasonably near future.

Whether or not we can do it between now and the 2d of July would be highly problematical, but I would be pleased to do that if we can find a window for it and obtain the clearances that otherwise would be necessary.

Mr. CHILES. I thank the majority leader for that statement.

I would just point out we have probably less than 55 legislative days left between now and the time we will adjourn this year, and the fact that we do not have the impetus in the House that we have in the Senate is one of the reasons why I am pushing so hard, along with Senator NUNN and others, to try to see that the Senate acts so that we can try to build up some momentum in the House.

I think if we got a good package of bills over there, the House probably would want to do something on this subject before election time this year. But I would be afraid if we waited too long that we would not get that favorable action from the House.

Mr. BAKER. I share the Senator's concern. I wish to assure him I will cooperate with him in trying to see that we get the earliest possible consideration of these measures or similar measures. I will be glad to confer with him privately on how we can work that into the schedule.

Mr. CHILES. I thank the Senator.

Mr. BAKER. I thank the Senator from Florida.

THE DEATH OF THE KING OF SAUDI ARABIA

Mr. BAKER. Mr. President, I was saddened to learn yesterday of the death of King Khalid ibn Abdul-Aziz ibn Saud of Saudi Arabia. He was a revered leader of a great people and he will be missed not only by the Kingdom of Saudi Arabia but by the Islamic world and the world community at large.

In April of last year, I had the honor to meet with King Khalid in Jidda. In keeping with the traditions of his people, he was a thoughtful and gracious host and I will remember our meeting with pleasure and affection.

Mr. President, I am pleased that the transition from King Khalid to King Fahd proceeded smoothly and without difficulty. It is a reassuring measure of the stability of the Kingdom that an orderly succession in the Government has occurred and that we can expect with confidence continuity in the policies of the Government of Saudi Arabia.

We who have worked with Fahd as Crown Prince, look forward to working with King Fahd in strengthening the relationship between the Kingdom of Saudi Arabia and the United States in order to protect our mutual national interests. In a region that never ceases

to demonstrate its volatility, friends are good to have.

I am pleased to learn that Vice President BUSH will be traveling to Riyadh along with a delegation including Senators PERCY and JOHNSTON. I believe it altogether fitting and proper that we pay our respects to the late King and reaffirm our relationship with his successor. I am also pleased to learn of President Mubarak's visit to Riyadh to pay his own respects. It is, of course, my hope that these two great Arab nations can overcome their past differences in a common search for peace.

RESERVATION OF LEADERSHIP TIME

Mr. BAKER. Mr. President, I ask unanimous consent that the time allocated the minority leader under the standing order may be reserved to him until some time during today.

The PRESIDING OFFICER. (Mr. RUDMAN). Without objection it is so ordered.

Mr. BAKER. Mr. President, if I have enough time remaining under the standing order, I reserve it under the same terms and conditions as that permitted to the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SALUTE TO A SACRED BANNER

Mr. ROBERT C. BYRD. Mr. President, on June 14, 1777, the Continental Congress decreed:

> The flag of the United States shall be thirteen stripes, alternate red and white, with a union of thirteen stars of white on a blue field, representing a new constellation.

Our Founding Fathers knew that they were embarking on one of history's boldest adventures, and they likened their actions to setting a new constellation in the heavens. The flag that they commissioned reflected their grand conviction. Not surprisingly, for more than two centuries, our evolving flag has been America's most eloquent symbol. President Woodrow Wilson captured well our flag's significance when he wrote:

> This flag which we honor and under which we serve is the emblem of our unity, our power, our thought and purpose as a nation.

Britain has the Union Jack, France the Tricolor, and Canada the Maple Leaf banner, but perhaps no flag in the world commands the devotion, respect, and reverence among the people whom that flag represents as does Old Glory. Since American Presidents are relatively transient by most world standards, our flag enjoys an almost royal position in our society. In a culture in which ceremony and heraldry have been kept to a minimum, we have invested our flag with a compensatory majesty and grandeur that Caesar and Napoleon might have envied.

But our flag's aura was not won by congressional fiat alone. In war and peace, the American flag has em*** BAD MAG TAPE ***bodied the hopes and ideals of the millions of American men and women who have marched and worked under it. From the American Revolution to the Vietnam war, hundreds of thousands have bled and died to preserve those hopes and ideals. In the same period, Americans young and old have venerated our flag not only as a symbol of our power but as an assurance of justice as well. Thus, Old Glory earned the respect and love of those who followed it through our history's brightest and darkest moments.

Today is our flag's birthday. In remembrance of all that the flag has shared with us throughout America's history and all that it means to us today, we salute it. But our salute extends beyond that flag itself to embrace all those in every generation who have laid down their lives in defense of that flag, and to all those in our own time who have risked all that is dearest to them to insure that our flag continues to fly over a free land.

RECOGNITION OF SENATOR CHILES

Mr. BAKER. Mr. President, I understand there is a special order in favor of the Senator from Florida (Mr. CHILES) if he is prepared to execute that order at this time and, if so, I am prepared to yield to him.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

CRIME CONTROL ACT

BAIL REFORM

Mr. CHILES. Mr. President, over the last few weeks, along with Senator NUNN, I have come to the floor of the Senate each day to speak out about crime, and about the need for the Senate to move promptly on a package of anticrime bills. On May 19, Senator NUNN and I introduced just s}ch a package of proposals, S. 2543. Since we introduced S. 2543, 17 of our colleagues have joined us as sponsors of this anticrime package. We were able to have S. 2543 placed directly on the Senate Calendar, and it now could be called up for consideration. In addition, 1 week after we introduced our anticrime package, the chairman and the ranking member of the Senate Judiciary Committee, Senator THURMOND and Senator BIDEN, introduced another package of crime-fighting proposals, S. 2572. I joined them as an original sponsor of S. 2572, and I also worked with them to have S. 2572 placed directly on the Senate Calendar. Since then, over 30 Senators have joined as cosponsors of S. 2572.

So at this point, we have two crime fighting proposals on the Senate Calendar, and either one could be called up. I am pleased that these bills are on the calendar, but I am deeply concerned. I am concerned, Mr. President, because time is running our on this session of the Congress; there are as few as 53 legislative days left before we adjourn. If we are truly determined to fight crime and drug smuggling, we must act quickly to bring these bills before the Senate, pass them, and then give the House an opportunity to pass a package of crime-fighting bills.

Mr. President, from your work which you have done on the committee, the Permanent Committee on Investigations, and the other work you have done in the Senate, I know you well know exactly what I am talking about, and I know you are a cosponsor of these particular proposals about which I am talking.

Title 2 of S. 2543 is a bail reform proposal, and reforming our bail laws is a key element in any fight against crime. It recognizes that our bail laws simply have not worked when it comes to dealing with drug traffickers. Accordingly, it establishes special bail provisions for those persons who are arrested on Federal drug charges. It reverses the normal presumption that a person will go free on bail for certain types of persons who have been arrested on drug charges, such as persons with prior drug convictions or illegal aliens. For such persons, bail would not be available unless the person arrested could show special reasons justifying release on bail prior to trial.

Mr. President, we need this reform in our bail laws because today, as far as drug traffickers are concerned, our bail laws operate as a revolving door. A drug dealer is arrested, then he posts bail no matter how high it is set. Afterward, he simply never shows up for trial. The bail money that he forfeits is simply viewed as a temporary business loss, a loss that usually can be made up in a matter of months, or even weeks.

An example of the failure of today's bail laws to deal effectively with drug traffickers is shown clearly by the case of Hector Espinosa. Espinosa was arrested last year in Miami, and Drug Enforcement Administration agents seized 44 pounds of cocaine in his possession at the time of his arrest. At a price of $100 per gram the cocaine had a street value of $2 million. Espinosa was arrested along with Isaac Kattan, one of the foremost illegal drug money laundry operators in the United States. At the bail hearing before a U.S. magistrate, both the U.S. attorney and the Drug Enforcement Administration recommended setting bail at $5 million. However, their request

was denied, and bail was reduced to $500,000. Now, half a million dollars sounds like a tremendous amount of money to me. You would think that it would sound like a tremendous amount of money to Espinosa, who portrayed himself as an unemployed butcher from Nicaragua. Nevertheless, this supposed unemployed butcher was able to post bail in 2 days. Espinosa then challenged the legality of the search at the time of his arrest, the search that uncovered the 44 pounds of cocaine in his possession. The court upheld the legality of the search. Then, to no one's surprise, Espinosa simply disappeared.

Fortunately, this case has a happy ending. Several months later, Drug Enforcement Administration agents tracked Espinosa down and arrested him. This time, he was held without bail, and at trial he was convicted. Mr. Espinosa is now where he belongs, in prison.

Mr. President, we all should be pleased that justice finally caught up with Mr. Espinosa. But it is important to remember that he was a fugitive for months. During that time, he was free to engage in further criminal activities. Moreover, our Drug Enforcement Administration officials had to devote valuable time and resources to catch someone who they had already caught earlier. That time and effort detracted from the Drug Enforcement Administration's efforts in other cases. Finally, and sadly, while Mr. Espinosa was captured, the U.S. Marshal in Miami still is trying to locate some 300 other drug-related bail jumpers—300, Mr. President, in Miami alone.

Mr. President, we in the Senate have an opportunity to do something about this problem, and to close the revolving door situation for drug traffickers. Both S. 2543 and S. 2572 contain bail reform provisions that would help assure that drug dealers who are arrested will not be able to buy their way out of jail on bail. Both S. 2543 and S. 2572 are on the Senate Calendar. They are ready for consideration by the full Senate. But time is running out, and unless we move quickly to consider these bills, we will lose an opportunity to stop crime.

Mr. President, I reserve the remainder of my time. Senator NUNN is on his way to the floor and would like to speak a minute on the same subject.

(Later, the following occurred:)

Mr. NUNN. Mr. President, I understand the Senator from Florida has time remaining under his special order. I ask unanimous consent that I may use the remainder of that time.

The PRESIDING OFFICER. The Senator is correct. The Senator from Georgia is recognized.

TITLE IV, CRIME CONTROL ACT OF 1982 HABEAS CORPUS—4

Mr. NUNN. Mr. President, the problems generated by an overburdened judicial system are part and parcel of the crime crisis which the American people face daily. We cannot hope to effectively deter crime as long as our criminals routinely view punishment as an uncertain, distant, and slight possibility at best. Unfortunately, we have reached the point where our criminals know only too well how to manipulate our criminal justice system to their benefit. Senator CHILES and I, in introducing the Crime Control Act of 1982, are proposing responsible legislative action to correct these abuses.

Our bill speaks, and rightly so, to the need for reform of our system of habeas corpus proceedings. As the law now stands, criminals have made a mockery of what was once considered the "great writ of liberty" at common law. Rather than serve to correct and prevent unjust imprisonment within our system, the writ of habeas corpus is now commonly seen as a vehicle to defer, delay, and ultimately frustrate the imposition of just and deserving criminal punishment.

Such was the case in Bryan against State. Bryan was convicted in Florida of robbery after entering a plea of guilty in 1964. In 1979 a petition of habeas corpus was filed in Federal court even though at the time of such filing the sentence had been completely served. The State accordingly filed a motion to dismiss while Bryan alleged the prior conviction was used to enhance his Federal sentence. The Federal court denied the motion to dismiss.

Instead, the court on its own asked the parties to address the issue of laches since some 15 years had elapsed from the date of conviction to the date of filing the petition. Bryan pled unawareness of the remedy. The State indicated the lapse of time made it difficult to find witnesses, and those witnesses found could not independently recollect the events. This was evidenced by the fact that the prosecutor Wallace Allbritton (then an Assistant Attorney General) was not called as a witness since he informed the State he had no recollection of the case even after reading the case file on the matter. And the former defense counsel, Judge Rawlins, prefaced his testimony at the evidentiary hearing with the statement that he had no independent recollection and his answers were based on his review of the court record and record from the public defender's office. The magistrate, without addressing the laches issue, recommended denial of the petition on the merits. As of this date, this case is still pending.

This case should have never been heard on the merits due to the gross delay in filing the petition. Such a case would not be heard in the future with enactment of the statute of limitation.

The point of the Bryan case, and the others which Senator CHILES and I have previously mentioned, is not that the defendants may be eventually released. More serious is the fact that these petitions, mostly frivolous and most seeking review after review after review, have turned our Federal and State courts into overcrowded judicial lotteries. We are telling all convicted felons: "Just keep on filing writs of habeas corpus, because maybe you will finally be a lucky winner and get a new trial." Surely this is not the purpose for which the writ was originally designed.

Think of the time and expense we waste in our courts every year in reconsidering facts and legal issues that have already been decided. The Crime Control Act of 1982, with its provisions to prevent further abuse of habeas corpus, has now been awaiting action on the Senate Calendar for over 2 weeks. As a responsible Congress, we cannot afford to allow our scarce judicial resources to be needlessly squandered any longer. We should act now to enact these provisions in a strong, determined, and effective effort against crime.

Mr. President, I yield back the remainder of the time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

EQUAL OPPORTUNITY INCLUDES THE OPPORTUNITY TO LIVE

Mr. PROXMIRE. Mr. President, on June 9, the annual convention of Rotary International voted overwhelmingly to prohibit membership restrictions based on race, color, creed, or national origin.

This welcome development reminds us that more and more people around the world are recognizing the harm done by distinctions based on these factors. Individuals and organizations everywhere are taking steps to make sure that opportunities and freedoms are available to all, regardless of membership in any national, ethnical, religious, or racial group.

We should commend Rotary International for its action to counter discrimination and broaden opportunities in the sphere of professional and community activity. We should encourage other business and civic associations to do the same. The effort to tear down the barriers of prejudice in business, government, education, and every field

of endeavor is essential to the well-being of our Nation and the world.

But while we are striving to secure for all individuals the opportunity to participate fully in modern economic and intellectual life, we are overlooking the need to secure a yet more basic and important opportunity—the opportunity to live.

Mr. President, there are people in many places in the world whose hopes for professional and economic success are continually in jeopardy because their very lives are in jeopardy. There are people who fear not only discrimination in the workplace, but discrimination in its most extreme form: The attempted destruction of an entire ethnic, religious, or national group. There are people for whom the threat of genocide is a stark reality.

We in the United States must reaffirm our commitment to equal opportunity for all by taking action to safeguard the equal opportunity to live. I call upon my colleagues in the Senate to take this action by ratifying the Genocide Convention.

SPENDING FEDERAL MONEY FOR NUCLEAR MATERIALS FOR NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, for the last several weeks, I have been reading into the RECORD information on the nuclear arms acquisition by this country and nuclear arms production because I feel that all of us should have as much of the facts as we can get in the debate that is likely to follow, which may be one of the most important debates in the Senate this year or in any other year, for that matter.

The material that I have been reading from in the last few days is from the Arms Control Today, a publication of the Arms Control Association, and particularly from an article by three distinguished experts, including William M. Arkin, Thomas B. Cochran, and Milton M. Hoenig. These gentlemen are as follows: Mr. Arkin is the director of the arms race and nuclear weapons research project at the Institute for Policy Studies, in Washington, D.C.; Mr. Cochran is senior staff scientist, and Mr. Hoenig is consultant to the National Recources Defense Council, in Washington, D.C.

They are particularly concerned with the nuclear stockpile and with the justification thereof. Reading from their publication, they point out:

MATERIALS GAP

Long-range production and materials requirements, based upon gross projections, have created a materials "gap" in the 1990s. This gap is a vivid reminder of the fact that among the impulses behind a never ending arms race are the "shortages" which can always be manufactured by the planning process.

The plans of the late 1980s and early 1990s which project such a gap are for an accelerated generational replacement of strategic systems, including the MX missile, Trident II, and a new cruisie missile. In addition, new warhead designs and innovations are deemed to be necessary and their development and deployment are assumed. It can be argued that some of the new warheads do not represent additional military capabilities. The military requirements for neutron bombs over fission weapons, for higher yield small MX warheads, or for enhanced radiation and directed energy antiballistic missile warheads have been questioned both technically and politically, and they are only "exotic" new ways of doing old things.

The supposed materials gap prior to when a new production reactor comes on-line is thus, for the most part, falsely manufactured. The projection of a shortfall of materials is based upon a set of inflated contingencies and exaggerated requirements. Beyond the current planning period, the projected acceleration in new weapons production could indeed create an artificial shortage of nuclear materials. But after an expensive and extensive undertaking to upgrade the materials production complex, the argument that there is still a pressing need for further expansion should be closely examined. The planning gap provides the impetus to justify a further $6–10 billion factory upgrade, even though the capabilities warhead production are already adequate for any but the wildest dreams of nuclear weapons planners.

The bottom line is that the need for nuclear materials and weapons should not be determined by the weapons designers. The "plans" for new weapons should be inextricably linked to overall military policy and plans. If a huge nuclear build-up is thus the plan for the next decade, it should be the subject of an intense public assessment and debate.

Mr. President, I yield the floor.

NATIONAL PECAN MARKETING ORDER

Mr. THURMOND. Mr. President, I would like to take this opportunity to express my concern over a proposed Federal Marketing Order for Pecans, presently being considered by the Department of Agriculture.

Throughout its history, the pecan industry has enjoyed a marked degree of success. Without restraints from any Government price or production control regulations, the producers of this crop have been able to find adequate markets, as well as receive an acceptable price for their commodity.

It is my understanding that this marketing order is being supported by some of the larger producers of pecans. As it stands now, this proposed marketing order for pecans would be for advertising and promotion purposes only. I would impose a tax of 1 cent per pound to cover promotion costs, with built-in increases for inflation in the future. I have found that there is widespread opposition to this marketing order in the Southeast, where the majority of pecans are produced. They fear that it is the intention of the promoters of this order to amend it in the future so as to place controls on production, quality, and other aspects of the pecan industry. These farmers are strongly opposed to any such controls, feeling they would not be in the best interest of either the growers or consumers.

Mr. President, I share their concerns in this matter and I find it hard to understand why a proposal to increase Government expansion would be considered at this time, when the keynote of this administration is the reduction of Government involvement in all areas of private industry.

Unlike other agriculture commodities, the pecan industry does not have a Federal program governing its marketing practice. The growers in the Southeast are proud of this unique situation. They voiced this fact recently by overwhelmingly expressing their opposition to the proposed order during the Agriculture Department's solicitation of views on this matter. I feel that this expression should be accorded great deference before the U.S. Department of Agriculture decides to further pursue this matter.

Mr. President, I might add, too, that, in my opinion, the consumers, the buyers of pecans, do not want these controls.

Mr. President, on behalf of my distinguished colleague from South Carolina, Senator HOLLINGS, and myself, I ask unanimous consent that a South Carolina State Senate Resolution memoralizing the Secretary of Agriculture to oppose the proposed National Federal Marketing Order concerning pecans, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 1055

Whereas, a majority of the pecan growers in South Carolina oppose the National Federal Marketing Order concerning pecans; and

Whereas, South Carolina produces ten million pounds of pecans a year; and

Whereas, ninety percent of this amount of pecans is produced by small growers who engage primarily in casual sales; and

Whereas, it is the understanding of this body that the one cent per pound check-off required by the proposed marketing order is allocated for advertising; and

Whereas, it would not only be exceedingly difficult to collect this fee but, assuming it is collected, it would be of minimal service to the small growers especially since the National Pecan Marketing Council presently provides comparable, if not more efficient, advertising service; and

Whereas, the application of the collection aspect of the order is further complicated by the fact that nowhere in legislation or the proposed order is the term "pecan grower" defined. As a result, it is not known who would be eligible to vote in the referendum on the proposed order; and

Whereas, the proposed order should be quashed at its inception since it will not generate any improvement in the pecan industry and, if passed, would simply lead to the establishment of another unneeded bureaucracy. Now, therefore,

Be it resolved by the Senate of the State of South Carolina: That the United States Secretary of Agriculture is memorialized to oppose the National Federal Marketing Order concerning pecans. Be it further resolved that copies of this resolution be forwarded to the United States Secretary of Agriculture, the South Carolina Congressional Delegation, and Mr. Allen Belden, United States Department of Agriculture, Washington, D.C.

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a moment I will suggest the absence of a quorum once more.

It is anticipated that a decision will be made on whether to call up the CEQ bill, S. 1210, within the next 10 or 15 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business has expired.

ENVIRONMENTAL QUALITY IMPROVEMENT ACT

Mr. GORTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1210.

I have the authority of the majority leader to make the request.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1210) entitled "An Act amending the Environmental Quality Improvement Act of 1970", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended—

(1) by striking out "; and" at the end of paragraph (a) and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following:

"(c) $44,000 for the fiscal year ending September 30, 1982.

"(d) Such sums as may be necessary for each of the fiscal years ending September 30, 1983, and September 30, 1984.".

Amend the title so as to read: "An Act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984.".

Mr. GORTON. I yield to the Senator from Pennsylvania, Mr. President.

UP AMENDMENT NO. 1021

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an unprinted amendment numbered 1021.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new Section:

SEC. . (a) Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

(b) Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes" (15 U.S.C. 72) is amended to read as follows:

"(a) It shall be unlawful for any person to import, assist in importing, or sell within the United States, at a purchase price less than the foreign market value (or, in the absence of any such value, the constructed value) prevailing at the time, if the reasonably forseeable effect of such importation or sale of such article is—

"(1) injury to a company or an industry in the United States; or

"(2) the prevention, in whole or in part, of the establishment, modernization, or expansion of an industry in the United States.

"(b)(1) Any person who has been injured in his business or property by reason of any violation of, or conspiracy to violate this section, may sue in the District Court of the United States for the district in which the defendant resides, transacts business, is found, or has an agent, without respect to the amount in controversy.

"(2) In any suit filed under paragraph (1), the court shall have jurisdiction to decide such suit and may issue a temporary or permanent injunction or a temporary restraining order prohibiting the importation or sale of any articles which will be imported or sold in violation of subsection (a) of this section, or prohibiting the sale of any articles that have been imported in violation of such subsection.

"(3) Any plaintiff prevailing in a suit filed under paragraph (1) of this subsection shall, upon a finding of injury under subsection (a), recover the damages sustained by the plaintiff, any other equitable relief as may be appropriate, and the cost of the suit, including reasonable attorney fees.

"(c) The standard of proof in any action filed under subsection (b) is a preponderance of the evidence. Upon a prima facie showing that there has been a violation of subsection (a), or upon any final determination by the International Trade Commission or administering authority that is affirmative under sections 705 or 735 of the Tariff Act of 1930 (19 U.S.C. 1671d or 1673d) and which shall be considered a prima facie case for purposes of this section, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless it is affirmatively shown that articles have not been imported or sold at less than foreign market value, the court may issue an appropriate order, including any penalty or sanction authorized by subsection (b).

"(d) If, during the course of any proceeding under this section, the court determines that there is reason to believe that there is a violation of this section, the court may direct that the articles concerned be prohibited from entry into or sale in the United States, pending completion of the suit.

"(e) Whenever it shall appear to the court before which any proceeding under this Act is pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned before the court, whether or not they reside in the district in which the court is held, and subpoenas so summoning those parties may be served and enforced in any judicial district of the United States.

"(f) If a defendant, in any proceeding brought under subsection (b) of this section fails to comply with any discovery order or other order or decree of court, the court may enjoin the further importation into the United States, sales, or distribution in interstate commerce within the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree, or may take any other action authorized by law, including entering judgment for the plaintiff.

"(g) If a plaintiff, in any proceeding brought under subsection (b) of this section fails to comply with any discovery order or other order or decree of such court, the court may dismiss the complaint.

"(h) The confidential or privileged status accorded to any documents, comments or information by law shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, may accept depositions, documents or affidavits under seal, and may disclose such material under such terms and conditions as it may order.

"(i) Any suit filed under subsection (b) shall be advanced on the docket and expedited in every way possible.

"(j) For the purpose of construing the terms 'foreign market value' and 'constructed value', the court shall apply the definitions of such terms contained in the Tariff Act of 1930 (19 U.S.C. 1671 et seq.). To the extent that any governmental or other subsidy provided to a manufacturer or producer is not included in the foreign market value or constructed value, then the amount of such subsidy shall be added on to the foreign market value or constructed value.

"(k) Any foreign manufacturer or exporter who sells the products of that manufac-

turer or exporter in the United States or who designates another party to sell those products in the United States shall be considered to have designated the Commissioner of Customs to be the lawful attorney of that manufacturer or exporter, upon whom may be served all lawful process in any action or proceeding under this section relating to the foreign manufacturer or exporter.

"(l) The action brought under subsection (b) shall be barred unless commenced within four years after the cause of action accrued.".

"(c) It is the sense of the Congress that the provisions of this section are consistent with and in accord with the General Agreement on Tariffs and Trade (GATT).

Mr. SPECTER. Mr. President, I had intended to ask for immediate consideration of this amendment, but I shall refrain from doing so in order that the pending legislation may be considered.

This is an amendment, if I may speak briefly for about 3 or 4 minutes before 1:30, when the time for the vote is called——

Mr. GORTON. Mr. President, will the Senator withhold that and take 1 minute? I have an amendment myself.

Mr. SPECTER. Two minutes.

Mr. GORTON. I have to put an amendment in before 1:30.

Mr. SPECTER. I will allow the Senator time.

This amendment would grant American industries broader access to the courts to prevent economic injury in antidumping cases.

I had decided to press this matter today in the wake of Friday's findings of very substantial damage to the American steel industry with very conclusive evidence being forthcoming about subsidies by foreign governments for as much as $250 per ton, which have resulted in enormous losses to the American steel industry. There are similar problems with other industries, including but not limited to textiles, leather, mushrooms, and shoes as a result of foreign dumping.

This amendment is urgently needed to alleviate the high rate of unemployment and the rapidly declining production in many American industries caused by the dumping of products on American markets and foreign government subsidies to foreign corporations. This amendment will provide more expeditious and effective relief to domestic companies and industries injured by foreign products, many of which are subsidized and being dumped or sold on the American market at less than their fair value.

As just one example, the steel industry is currently operating below 50 percent capacity, a rate lower than that during the Great Depression, and unemployment in that industry is over 100,000 employees. Dumping and the selling of Government subsidized products is clearly a violation of international trade laws, including the General Agreement on Tariffs and Trade. This legislation does not impose any barriers to free trade or initiate any protectionist measures. Rather, it only insures that trade laws will be enforced with greater certainty, vigor, and speed.

This bill does not impede or interfere with the legitimate trade of products and services that are not unfairly subsidized by the foreign government and which are not being dumped on the American market.

The Trade Agreement Act of 1979 provides an administrative mechanism for the handling of antidumping and countervailing duty complaints. However, a typical antidumping matter may take 13 to 17 months, from the time when the domestic corporation initiates an investigation until it receives relief. This administrative mechanism requires multiple decisions by two different administering agencies which must produce evidence regarding prices in the seller's home market, prices in the third country markets, and support allegations of injury to a U.S. industry.

Under the prior law, in one instance involving the television industry, the investigation took over 7 years. In another instance covering 8 years, an American typewriter company unsuccessfully sought to secure the proper assessment of antidumping duties. Despite final determinations of dumping and the substantial margins of dumping, no relief was provided. This statutory, administrative mechanism is clearly inadequate, because relief is long delayed, prospective in nature and consists only of duties.

Foreign companies, subsidized by their governments, can dump their products on American markets for extended periods of time without being subject to sanction. Once a foreign company commences dumping, it will take the American industry 6 or more months to become aware of and gather evidence concerning this practice. Once a complaint is filed with the administering authorities, it takes an additional 6 months or more before a preliminary determination is made. Thus, over a year transpires before any sanction is imposed on these companies who are illegally dumping products on the American market.

Further, evidence indicates that once duties are imposed, these companies halt the exportation of goods to American markets. Thus, no duties are collected and no sanction is ever imposed. Another tactic of these foreign companies is to voluntarily agree to halt the importation of products into our markets once the preliminary determination is impending. Thus, they are allowed to dump their products on the American markets for up to a year or more without paying any duties or damages.

In response to numerous complaints by the steel industry, the Carter administration initiated by administrative action a trigger price mechanism (TPM) for steel products only, which was originally intended to be more efficient than the administrative antidumping and countervailing duty procedure. In addition, an antisurge mechanism was initiated. In the 1979 act, the TPM and the antisurge mechanism have not been successful because they have not significantly shortened the timeframe for antidumping and countervailing duty investigations. In addition, since relief is only prospective, delays result in significant injury to American industry. The harm is done before the investigation is completed.

There have also been shortcomings in the operation of these administrative mechanisms. For example, in a study of the administration of TPM prior to its extension in 1980, the GAO determined that 40 percent of foreign steel imports were coming into the country below trigger price, with 6 percent significantly below trigger price. However, in only 1 percent of all imports were antidumping investigations being triggered by the Department of the Treasury. Also, since the TPM only triggered an antidumping investigation, all the procedures set forth in the 1979 Trade Agreement Act still apply.

As a result of these shortcomings, the steel industry filed massive complaints in the spring of 1980, causing the Carter administration to suspend the TPM. It was subsequently reinstated immediately prior to the elections. In January, the steel industry initiated massive complaints and the Reagan administration again suspended the TPM. Separate complaints were filed by many of the major steel companies, including United States Steel, Republic Steel, Bethlehem Steel, Jones & Laughlin, Babcock & Wilcox, Inland Steel, National Steel, and Cyclops Corp.

These complaints allege wholesale violations of antidumping and countervailing duty laws and that European steel companies have received $30 billion in Government grants, loans, guarantees, and other forms of subsidies in the past 6 years and will receive another $30 billion in the next 4 years.

Over the past 6 years, certain European steel companies have had losses of over $20 billion and would have been forced out of business without these subsidies.

In response to the massive complaints filed by the steel industry, the ITC has instituted 92 separate preliminary investigations. ITC has dismissed 54 of these matters, but has determined to proceed affirmatively in 38 separate investigations, including 89 percent of the steel products covered by the complaint. The preliminary determination will occur in June and August on these investigations.

Even when the administering authority has found in favor of the American steel companies, the foreign producers will have had 18 months of time to dump their products on American markets. Clearly, this is not acceptable.

If this amendment had been in effect during the past year, these companies would be subject to damages for dumping their products on the American markets throughout this period. Based on past experience, it is clear that many of these companies would have been deterred from commencing this practice in the first place if they were aware that they could be subject to damages from the commencement of their illegal activities.

Mr. President, in introducing this amendment today, I have made several modifications to the original text of my bill, S. 2167, introduced on March 4.

Subsection (a) would place section 72 of title 15, United States Code—the Unfair Foreign Competition Act—under the Nation's antitrust laws, thus providing plaintiffs with all of the remedies, rights of action, and so forth, provided for under those laws. Dumping is a predatory, anticompetitive act, and plaintiffs in these cases would have the ability to use the precedents, procedures, and immediate remedies of antitrust laws.

Subsection (b) would amend section 72 of title 15, United States Code, and extend the coverage of this legislation from importers and those who assist in the importation of goods in the United States to include those persons who sell products which are dumped on American markets. It utilizes terms contained in the Trade Act to reduce the vagueness in the current statute. The use of these terms is well established under the trade laws. The existing terms used in the statute, while having been previously construed in court tests, do not have as well-defined meanings.

In addition, this subsection would cover instances where products are not sold in the home country or in another foreign country. Using the constructive value approach eliminates this problem.

Instead of proving that the foreign manufacturer, importer, or government intends to destroy or injure an industry of the United States, subsection (a) would require that such actions result in and have the reasonably foreseeable effect of injuring the American industry or preventing the establishment or modernization of the industry in the United States. This would significantly reduce the standard of proof required in any court action.

Subsection (a) of the act, as amended, would also permit the recovery of damages when a company can prove that it has been damaged and not the entire industry. This is a clarification from the original bill.

The criminal penalties contained in the original bill have been eliminated.

Subsection (b), as amended, provides that any person who has been injured by reason of a violation of this section may sue in district court. A plaintiff may recover the damages sustained, the cost of the suit, and any other equitable relief as may be appropriate. The treble damages provision has been eliminated.

Subsection (c) of the act, as amended, changes the standard of proof and provides that upon a prima facie showing of a violation, the burden of rebutting the prima facie case will be upon the defendant. A final determination by the ITC or administering authority will be considered to be a prima facie case, but not a preliminary determination as provided for in the original bill.

Subsection (g), as amended, provides that if plaintiff fails to comply with a discovery order or other order, the court may dismiss the complaint. The remainder of the amendment is the same as the bill introduced on March 4, with certain technical, drafting changes.

With the steel industry operating at a level lower than in the Great Depression and many other industries similarly situated, urgent action is clearly required.

In order that the pending legislation may proceed, I have decided not to press this amendment today. I have consulted with Senator THURMOND, the chairman of the Judiciary Committee, who has agreed to set prompt hearings, further hearings, an initial hearing having been held on May 24, and I have consulted with Senator DOLE, chairman of the Committee on Finance, who has suggested prompt hearings before the Finance Committee, with a request that they be before the recess commencing with the beginning of July.

For these reasons I will not press this amendment today, but I do wish to state for the record that if there is another pending piece of legislation to which this amendment can be attached in the course of the next several days or between today and the end of June, I do intend to call this matter up for consideration by this body at the earliest possible time.

Mr. President, at this time I withdraw the amendment for the reasons I have already given.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPECTER. Mr. President, I yield the floor to the Senator from Washington.

UP AMENDMENT NO. 1022

Mr. GORTON. Mr. President, I move that the Senate concur in the House amendments with a Senate amendment which I have sent to the desk.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask that the amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. JACKSON, proposes an unprinted amendment numbered 1022.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. Strike out all after the enacting clause, and insert:

That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended—

(a) by striking out "; and" at the end of paragraph (a) and inserting in lieu thereof a period; and

(b) by adding at the end thereof the following:

"(c) $44,000 for the fiscal years ending September 30, 1982, 1983, and 1984."

Sec. 2. That a new section of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) be added as follows:

(a) Subject to valid existing rights, all Federal lands within the area described in subsection (b) of this section are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto, except as is necessary to dispose of such lands for the protection of drinking water watersheds.

(b) The area referred to in subsection (a) shall comprise those lands which are owned by the United States within the Mount Baker-Snoqualmie National Forest and which lie within the physiographic boundaries of the watersheds of the Cedar River, the Green River, the North and South Forks of the Tolt River. The boundaries of such area shall be as depicted on maps entitled "Boundary Map, Mount Baker—Snoqualmie Proposed Withdrawals," dated May 12, 1982. Such maps shall be on file and available for inspection in the offices of the United States Forest Service, Department of Agriculture.

Sec. 3. Amend the title so as to read: An Act to authorize appropriations for the operations of the Office of Environmental Quality and the Council of Environmental Quality during the fiscal years 1982, 1983, and 1984, and withdraw certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws.

Mr. GORTON. Mr. President, I ask unanimous consent that the vote set for 1:30 be deferred until 1:35.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON. Mr. President, the matter before the Senate at this time is the authorization for the Council on Environmental Quality for the fiscal years 1982, 1983, and 1984.

The Council on Environmental Quality (CEQ) is a three-member advisory and policy coordination group in the Executive Office of the President. The Council was established on January 1, 1970, by the National Environmental Policy Act of 1969 and was given a series of functions which, in addition to advising the President, include overseeing the implementation of national environmental programs and conducting various information, research, and education activities along with producing an annual report on environmental quality.

During the previous administration, the Council on Environmental Quality served an active and highly visiable role in the development and execution of the administration's environmental policy. Now, as we all know, the Council on Environmental Policy performs a much less visiable role. Environmental policy in the current administration is much more likely to be determined by the administrative decisionmaking of the Environmental Protection Agency and the Department of Interior. Notwithstanding this fact, the hypothetical role, and the actual practice, of the current members of the Council on Environmental Quality are important and significant elements in the formulation of environmental policy.

I believe that the members of the Council on Environmental Quality should be ears for the administration to listen to the Nation's environmental community. In addition, they should be advocates within the administration's decisionmaking bodies for environmental concerns which they hear voiced by the environmental community.

Appropriations for the Council on Environmental Quality and its Office of Environmental Quality are authorized under the National Environmental Policy Act and the Environmental Quality Improvement Act. Since the creation of the CEQ in 1970, those acts together have authorized an average annual budget of $2,610,000. The administration budget proposal for CEQ in 1982 was $1,044,000, $1,000,000 of which would be authorized under the continuing NEPA authorization. The administration budget proposal for 1983 is $926,000, all of which would be authorized under the continuing NEPA authorization.

S. 1210, as originally introduced and passed by the Senate called for an authorization level of $2,544,000 for fiscal year 1982 only; $1,000,000 of that total would have been authorized under the continuing NEPA authorization. I promoted that much higher level of funding because I felt that the role of the Council on Environmental Quality had been significant in environmental policy development in previous years and I did not want to witness the total termination of the work of the agency without the attendant development of a policy influencing substitute. I was, of course, concerned about total authorization levels and recommended compensating decreases in Environmental Protection Agency authorization levels to accommodate the proposed increase over the administration's budget proposal.

As S. 1210 was amended by House action in September of last year, it now provides for an authorization of $44,000 for fiscal year 1982, identical to the administration's proposal for 1982 when the continuing NEPA authorization is added, and such sums as may be necessary in fiscal years 1983 and 1984.

I believe that the CEQ should be more active than it is now. To be more active, greater financial resources are required. I do believe that the current members of the CEQ are performing their jobs to the extent of the resources which the administration is prepared to seek that the Congress provide. It is obvious that the administration is not prepared to seek more. To be sure, I support the administration's general objective to spend the Government's money at levels that do not cause major deficits.

I am therefore reluctantly prepared to accept the amendments of the House of Representatives to S. 1210, at least with respect to fiscal year 1982, where they have accepted the administration's recommendation. And to be consistent with that acceptance, I would propose that the same authorization level be accepted for fiscal years 1983 and 1984.

Previously I stated that environmental policy in the current administration is developed by administrative action rather than the preformation of policy objectives. A relevant case in point occurred recently within the State of Washington, which I represent. Early in April of this year, the Bureau of Land Management announced that it had awarded oil and gas exploration leases on U.S. Forest Service managed land in the drinking water watersheds of the cities of Seattle and Tacoma. This action was taken notwithstanding the prior objection of the U.S. Forest Service, the existence of a city of Seattle and Forest Service agreement defining mutual rights and responsibilities toward the goal of water quality protection, and the absence of any environmental analysis of the implications of such action.

The BLM canceled the leases after protestations from all quarters, including my own. Nevertheless, they may be regranted. There is no insurance, even when the procedural protection offered by an environmental analysis or impact statement, that future similar action is foreclosed. The administration has stated by its action or at least the public of the State which I represent perceive that it has stated, that its environmental policy is that oil and gas exploration, even where there is no known oil and gas reserves, outweighs the protection of the natural forested areas in which the population of two large Amercian cities draws its drinking water. I do not believe that this is a good policy.

Mr. JACKSON. Mr. President, the purpose of this amendment is to withdraw certain public lands in the Mount Baker-Snoqualmie National Forest in the State of Washington from mining and mineral leasing. This amendment is practically identical to legislation Senator GORTON and I introduced on May 13, 1982.

Like many of my constituents, I was shocked to learn last month that the Department of the Interior has issued five oil and gas leases on Federal lands in the Mount Baker-Snoqualmie National Forest that are part of the watershed for the water supply systems of the cities of Seattle and Tacoma. These leases were issued over the objections of the U.S. Forest Service. They were issued despite the fact that the Forest Service and the cities have a cooperative agreement calling for management practices on Federal lands designed to protect watershed values. Since they were issued, the entire Washington State congressional delegation has gone on record in opposition to the leases and they have been rescinded.

While the immediate threat to these lands appears resolved, I am deeply concerned at the helter-skelter approach the Department is taking with respect to additional leasing. It appears that there is a policy of leasing whatever land industry asks for, with little or no thought given to the potential impacts of development. Surely, municipal watershed lands should be one of the last places leased. The same can be said for congressionally designated units of the National Wilderness preservation system.

The Department's current program files in the face of the principles of the Federal Land Policy and Management Act and the National Forest Management Act, both of which I helped to enact in 1976. These laws call for multiple-use decisions on national forest and Bureau of Land Management lands to be made in accordance with land management plans which consider all resource values and are subject to review and comment by State and local governements and the general public.

The Department's actions on the Seattle and Tacoma watershed leases reverses the process to a "lease first and get comments later" approach. The result is predictable—public outrage and opposition. Furthermore, this "act first and think later" approach is bound to stimulate widespread opposition to development, even in circumstances where development would be appropriate.

As a response to this approach, Senator GORTON and I are offering this amendment which will insure that these lands will not be leased in the future.

The only difference between this amendment and the bill we introduced in May is the addition of language making it clear that the bill will not preclude a land exchange between the affected cities and the Forest Service if something can be worked out satisfactorily to both parties. It is my understanding that the cities are currently attempting to acquire some of those lands by exchange to insure permanent watershed protection.

Mr. President, I urge the adoption of this amendment.

Mr. GORTON. Mr. President, I move that the Senate concur in the House amendments with the amendment I have sent to the desk.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington (Mr. GORTON). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. BRADY), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), would vote "yea".

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Mr. MITCHELL), the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. RIEGLE), the Senator from Maryland (Mr. SARBANES), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. SASSER), the Senator from Rhode Island (Mr. PELL), and the Senator from North Dakota (Mr. BURDICK), would vote "yea".

The PRESIDING OFFICER (Mr. COCHRAN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 76, nays 0, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—76

Abdnor	Ford	Metzenbaum
Andrews	Garn	Moynihan
Armstrong	Glenn	Nickles
Baker	Goldwater	Nunn
Baucus	Gorton	Packwood
Boschwitz	Grassley	Percy
Bumpers	Hatch	Pressler
Byrd, Harry F., Jr.	Hatfield	Proxmire
	Hayakawa	Pryor
Byrd, Robert C.	Heflin	Quayle
Cannon	Helms	Randolph
Chafee	Huddleston	Roth
Chiles	Humphrey	Rudman
Cochran	Inouye	Simpson
Cohen	Jackson	Specter
D'Amato	Jepsen	Stennis
Danforth	Johnston	Stevens
DeConcini	Kennedy	Symms
Denton	Laxalt	Thurmond
Dixon	Long	Tower
Dole	Lugar	Tsongas
Domenici	Mathias	Wallop
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
East	McClure	Zorinsky
Exon	Melcher	

NAYS—0

NOT VOTING—24

Bentsen	Hart	Mitchell
Biden	Hawkins	Murkowski
Boren	Heinz	Pell
Bradley	Hollings	Riegle
Brady	Kassebaum	Sarbanes
Burdick	Kasten	Sasser
Cranston	Leahy	Schmitt
Dodd	Levin	Stafford

So the motion was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1982

The PRESIDING OFFICER. The question recurs on the motion to proceed to S. 1992.

The majority leader is recognized.

Mr. BAKER. Mr. President, if I may have the attention of the Senate for a moment, it is the intention of the leadership to ask the Senate to continue the debate on this motion as long as necessary today.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senator's point of order is well taken. Will the Senate please be in order?

The majority leader.

Mr. BAKER. It is my understanding that, by reason of a unanimous-consent order which was entered into previously, if I file a cloture motion today, the vote will occur on tomorrow; is that correct?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will state the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION FILED

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

Howard Baker, Ted Stevens, Arlen Specter, Slade Gorton, William Proxmire, Mark Andrews, Lowell Weicker, Charles McC. Mathias, Jr., Richard G. Lugar, John C. Danforth, William V. Roth, Jr., Dan Quayle, Robert Dole, John H. Chafee, Edward M. Kennedy, Robert C. Byrd, Roger W. Jepsen.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. It is still my hope, Mr. President, that this matter can be resolved. I think the issues that divide the parties on this measure are not great. I think there is an overwhelming sentiment in the Senate that this bill should be passed and that the passage should occur promptly. There are honest differences of opinion as to the final form this measure should take. There are some Senators who have amendments that they may wish to offer. The amendments are not frivolous. The concerns that they express are genuine and real, and I urge Senators to consider that there should still be negotiations on the matter of trying to resolve the differences between the parties on this measure.

Mr. President, this is a cloture motion to proceed. It is not a cloture motion on the bill itself. If cloture is invoked, of course, the Senate will then proceed to the consideration of this measure and there will be ample time to engage in whatever negotiations may be desirable and necessary in order to expedite the Senate's consideration of this measure.

SENATE SCHEDULE

I anticipate that in addition to this measure this week, it may be possible to consider other measures. For instance, the conference report on the urgent supplemental appropriations bill may be available to the Senate this week. It is my hope that the voting rights bill will be finished in time to proceed to the consideration of

that measure as well, if it is received from the House of Representatives.

I will repeat very briefly what I said at the opening of the Senate today. We have a heavy schedule before us between now and July 2, when the Senate is scheduled to go on its 4th of July break.

In addition to the Voting Rights Act and the urgent supplemental appropriations conference report, it is the intention of the leadership to ask the Senate to turn to the consideration of a constitutional amendment dealing with a balanced budget.

In addition to that, Mr. President, it is very likely, almost certain, that we will have to deal with a bill to increase the debt limit. Also, I anticipate that we will have before us a conference report on the budget resolution.

I am advised now by the distinguished chairman of the Judiciary Committee and others that a crime package consisting of two bills that are now on the calendar may perhaps have been cleared for action. When and if we can find a window for consideration of those measures, it would be the intention of the leadership to ask the Senate to do so. There may be other matters that can be taken up this week as well, including perhaps a jobs training bill offered by the Senator from Indiana and others.

Mr. DOLE. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. DOLE. I see the Senator from Arizona on the floor. We have an interest in S. 2000, the bankruptcy reform bill, which we believe could be disposed of in an hour or so. We certainly would like to find a window for that somewhere between now and July 2.

Mr. BAKER. Yes.

Mr. DECONCINI. Will the Senator yield for just a moment?

Mr. BAKER. I yield to the Senator from Arizona.

Mr. DECONCINI. Mr. President, this is very important, and I do not know of any hold on the bill. There may be a little debate, but this is something the Senator from Kansas and myself have been working on for a year and a half. I would appreciate it if we could grind this out before the Fourth of July recess.

Mr. BAKER. I thank the Senator from Arizona.

Mr. President, I, too, want to see that measure addressed and dealt with in the Senate, and I assure both the Senator from Kansas and the Senator from Arizona that I will make every effort to find a window for that so that we can take it up and dispose of it.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, as the Senator knows, I have been urging for some time that we find the time to consider the amendments to the 1902 Reclamation Act. There is some urgency on that.

As Senators know, there is a court order which is kind of in suspense now. It is not being followed by the Department of the Interior, as it was not by the last administration, although Secretary Andrus in the last administration moved not just to enforce the court order but to go beyond it. There is a court order which at sometime somebody will seek to use to force some change in the administrative procedures. Action on the part of the Congress ought to precede that push, so I hope that at sometime in the not too distant future we would be able to schedule the time. Although we have not had any success as yet in reaching unanimous consent on time, I am hopeful that we will. But with or without that unanimous consent, we simply must act on that legislation this year, and I hope earlier rather than later.

Mr. BAKER. Mr. President, I agree with the Senator from Idaho, and I assure him that I will cooperate with him and other Senators in finding the appropriate time to deal with that.

I will be perfectly happy to do that before the July 2 recess, if we can find the time in which to do it.

Once again, these five items are urgent and must be dealt with, and I expect that most Senators will agree that they should have priority in the time that remains to us before the Fourth of July break.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. DECONCINI. Does the leader have any idea about Friday, Monday, Saturday?

Mr. BAKER. Mr. President, I announced earlier today, when the Senate convened, that it is the hope of the leadership that we can stick as close as possible to the regular schedule for concluding the business of the Senate, which we have abided by for some time—that is, on weekdays, other than Thursdays, the Senate would conclude its activities around 6 or 6:30, and that Thursday would be the late evening, if necessary.

But in view of the potential for a great amount of time that may be necessary to deal with these five items, it would be my intention to ask the Senate to convene earlier than usual in the morning, in order to provide a maximum opportunity to deal with these matters.

ORDER FOR RECESS UNTIL 9:15 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. on tomorrow, Wednesday, Thursday, and Friday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Once again, Mr. President, it is not my intention to ask the Senate to remain in later than necessary. Of course, it may not be possible to abide by the 6 or 6:30 hour on days other than Thursday, but that will be the intention of the leadership, to the extent that the schedule will permit.

I do not anticipate a session this Saturday, but Senators should be on notice that after this Saturday, there is the possibility of a Saturday session in the time between now and July 2, if that seems indicated in order to complete the agenda of business I have described.

Mr. KENNEDY. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the announcement of the schedule.

I believe it is important to recognize that since Wednesday last, we have had what I would call a desultory discussion about whether the Voting Rights Act extension measure, which is cosponsored by 78 Members of the Senate, Republican as well as Democrat, and supported by the President of the United States, will be permitted to be before the Senate. With the exception of a few moments during the debate, there has been relatively little that has had anything to do with whether or not we should proceed to consider the proposed legislation.

We have taken a great deal of time debating the motion to proceed debate of a bill which the House has passed by a 389-24 vote. As I have mentioned, there is very broad agreement on this measure. I think the majority leader has pointed out that some aspects of this legislation are controversial. Most of those provisions, whether they deal with section 2 or section 5 of the Voting Rights Act, have been examined in considerable detail in the subcommittee chaired by the Senator from Utah (Mr. HATCH) and before the full Judiciary Committee, where we voted upon a series of amendments. In the final vote, all but one member of the Judiciary Committee voted in favor of the legislation.

I certainly want to accede to the leader's proposed schedule, and I want to cooperate with him in every way. But I think it is important, as I have stated previously, to point out that the delay that is being imposed upon the Senate is not being imposed by any of those who support or oppose the other pieces of legislation to which the majority leader has referred, but by a handful of Senators who are not permitting the Senate to work its will.

The acting majority leader, Senator STEVENS, showed his good faith and

his intention to have the Senate address this issue by making the unique request that should the majority leader file a cloture motion today, we would be able to vote on it tomorrow.

I believe that Senator ROBERT C. BYRD, the minority leader, even indicatd that if the majority leader was not prepared to file a cloture motion today, he would be prepared to file it. It was not even included in the unanimous-consent request that the minority leader would be given the courtesy of a vote on Tuesday, if he were to file a cloture motion. so we would have had to have been voting on Wednesday of this week on the motion to take up, and that it would have meant another delay period before we could consider cloture on the bill itself.

We have a considerable agenda, as the majority leader has outlined. We are going to have before us the matter of raising the debt limit, which will take some time; there will be very strenuous debate on that, as I know the majority leader is aware.

I consider this to be the most important and successful civil rights bill this Congress has ever passed. The issue before the Senate is one which I thought we had resolved some 17 years ago, in 1965, once and for all. Now we are back debating it again for the fourth time. The issues are not new.

I had hoped that the negotiations would be carried out on the floor of the Senate in the form of amendments; so that we could debate and consider them openly, as we did with the amendments in the full Judiciary Committee and in the subcommittee. I hope we will not postpone consideration of this piece of legislation. I think I speak for other Members, those who are supporting this bill, such as the Senator from Maryland (Mr. MATHIAS)—I see the Senator from Kansas here, and he can speak for himself—the Senator from Michigan (Mr. RIEGLE), and a number of my other colleagues who have indicated that we would not be prepared to move off this legislation should there be any attempt to do so.

I mention this with some reluctance, because I have great respect for the prerogative of the majority leader in establishing the agenda for the Senate. I believe he has acted in complete good faith in scheduling this matter and he has demonstrated his good faith today by filing this cloture motion and indicating—by virtue of his announcement of the schedule—that he is rather hopeful that we will be able to dispose of this legislation this week. So I take him at his word. But I also want to indicate that, should these conversations not be successful, I hope he will understand our reluctance to sidetrack this legislation.

I am aware that the leader has a variety of parliamentary measures he can take advantage of in order to postpone consideration of the bill. But it is my personal belief that he is strongly committed to the legislation. I have spoken to him about it over a period of time, and he has shown his willingness to put it on the agenda and to take the action he has taken today.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. The majority leader has the floor.

Mr. MOYNIHAN. I ask the majority leader and the distinguished Senator from Massachusetts whether they are aware, as I think they may be, that the managers of this legislation in the other body have indicated that if we will adopt the measure as reported from the Judiciary Committee, there will be no need for a conference. The House will simply adopt it, and this matter will be beyond us.

We can dispose of this in very short order.

Mr. BAKER. Mr. President, I am aware of that.

I am sure my friend from New York and my friend from Massachusetts both would be the first to acknowledge I also have a responsibility, however, to Senators who have a genuine and real concern about certain aspects of the bill.

I support this bill. I will vote for it in its present form. But I recognize the merit of the contention of other Senators and I acknowledge and respect the concerns expressed by some Senators. Their concerns are not frivolous, and the amendments that they have proposed are not without meaning and importance.

I think that we will proceed now in a way that will give all Senators an opportunity to express their views and to make their points and perhaps even to urge their point of view in terms of an amendment, and what the Senate decides to do with those amendments, of course, is up to the Senate.

But what we have done at this point is I think in keeping with the traditions of the Senate to do justice to every Member, and that is provide that we will proceed to the matter and to the bill in good time, which we have done; to file cloture to limit debate on the motion to proceed, which has now been done; to assure the Senate that we are going to dispose of this matter as promptly as possible, which I have done; and try to protect the rights of Senators who have points of view that they wish to elaborate and perhaps even amendments that they wish to offer.

But I think altogether the Senate is now in a position procedurally to see that no rights are trampled and that the opportunity to present the arguments on this bill or any amendments to it have been adequately provided for and to expedite its passage within the limits of prudence and equity.

I expect, Mr. President, that it may be possible to dispose of this matter this week. I sincerely hope so.

With that, I am prepared to yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I thank the Chair.

VOTING RIGHTS ACT AMENDMENTS OF 1982

Mr. President, we have in effect begun consideration of legislation to extend the Voting Rights Act of 1965 which is a momentous occasion for it provides us an opportunity once again to reaffirm this Nation's commitment to that most basic and fundamental guarantee embodied in the Constitution which is the right of every citizen to exercise his or her right to vote for those who would represent them in Government. It is the right that ultimately remedies all other wrongs.

And the distinguished senior Senator from Massachusetts could not have been more correct, in my view, than when he observed that this had proved the most successful civil rights measure in the history of the Republic.

I have a small history of involvement with this issue. In 1965 I was a member of the administration of President Johnson and it fell to me to write the first draft of the address on civil rights that the President delivered at Howard University on June 4, 1965, just 17 years ago.

That speech was entitled "To Fulfill These Rights," and it recounted the struggle for civil rights in this Nation, paid tribute to progress that had been made, and called attention to obstacles that were yet to be overcome.

Illustrative of this progress was the enactment of the Civil Rights Act of 1957 under President Eisenhower, the first of its kind since Reconstruction. Lyndon Johnson was then majority leader in this body. Then there were Civil Rights Acts of 1960 and 1964.

The President then turned to the question of the Voting Rights Act which was at that very moment being debated in this Chamber, and he stated in his address that he considered passage of the Voting Rights Act to be as fundamental as any measure we would ever adopt or consider.

In addressing that measure President Johnson said and I quote him:

> No act of my entire administration will give me greater satisfaction than the day when my signature makes this bill, too, the law of the land. The voting rights bill will be the latest and among the most important

in a long series of victories, but this victory, as Winston Churchill said—of another triumph for freedom—"is not the end." But it is, perhaps, the end of the beginning. That beginning is freedom; and the barriers to that freedon are tumbling down.

He went on:

Freedom is the right to share, share fully and equally in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

Shortly after this address Congress passed and President Johnson signed into law the Voting Rights Act of 1965.

As Congress assembled for the 1st session of the 97th Congress in January of last year, a major concern was that on August 6 of this year certain important provisions of the Voting Rights Act would expire. Many of us thought they ought not to expire, and that important improvements could be made in the legislation, given the experience of some 17 years. I was proud to join my distinguished colleagues, Senator MATHIAS, Senator KENNEDY, and Senator WEICKER, in concert with Representative RODINO and others in the House of Representatives, proposing on April 7, 1981, now more than a year ago, legislation to extend the major provisions of the Voting Rights Act.

Our goal was to achieve enactment of the strongest possible bipartisan measure. This has always been a bipartisan measure, as was the Civil Rights Act of 1964, which the distinguished memorable father-in-law of our present majority leader helped to bring into being.

We would have thought this extension of the measure was not simply beyond party but in some significant sense beyond politics. It was something we had agreed to in our Nation and had agreed to most especially as our judgments were confirmed that it would work, it would have great and good consequences in the Nation.

However, we encountered not only outright opposition to the measure we had proposed, but we also faced the very real prospect that amendments would be adopted which, in our view, would have sharply diminished the effectiveness of the Voting Rights Act as it had come to be after a series of reenactments, the first being in 1970.

Another difficulty about which I would wish to be candid but not to press as a point was the administration's conflicting and often tentative expressions in this matter. The first real progress toward achieving our goal came in the House of Representatives where, after extensive hearings by the Judiciary Committee throughout the better part of 1981, the committee voted overwhelmingly to report H.R. 3112, a measure which was similar to the Voting Rights Act extension measure which we introduced in the Senate.

On October 5 of last year the House passed that bill by the extraordinary vote of 389 to 23.

In the Senate, however, we continued to encounter resistance to the consideration of the legislation we had proposed. Indeed, I, at one point, feared it would prove impossible to reach agreement in the Senate on any measure, and I do not think I was alone in that apprehension.

Accordingly, on December 16, I joined again with Senators MATHIAS and KENNEDY in introducing S. 1992, which was indentical to the voting rights extension measure as passed by the House.

We had over 60 cosponsors on the day S. 1992 was introduce.

Over the next 5 months extensive negotiations took place in an effort to reach agreement on a measure that could be brought to the Senate floor. On May 3 such an agreement was reached, and on May 25, the Senate Judiciary Committee voted 17 to 1 to report S. 1992 to the full Senate. It is that measure that is before us today, and no praise could be too great for Senators MATHIAS, KENNEDY, and DOLE for their efforts in reaching this compromise, for I am convinced it will allow us to realize the objective we have all had in mind from the beginning of this Congress, the enactment of a strong extension of this most fundamental of American laws.

Moments ago Mr. President, I observed that the managers of the legislation in the House have indicated that if we will adopt the bill reported from the Senate Committee on the Judiciary it will, in turn, be adopted by the House of Representatives. There need be no conference. There is much we must do this year and the prospect of finding time for the agenda ahead of us must daunt the majority leader—it daunts me—so then how more important is it that the Voting Rights Act can be disposed of by a direct vote. If there are some amendments that Senators wish to offer, let them be offered, but first we must proceed to the bill so that they may be offered.

How can we not address ourselves directly to this matter? How can we not think of it as a matter of the first priority and of essential simplicity? We have agreement. We are for this legislation. Overwhelmingly the House has adopted it, overwhelmingly the Senate will adopt it.

If we should allow procedures to obstruct the will of the Senate, the will of the people in this matter, what will be said of us?

I was in this city in 1965 when you could argue this was an issue unresolved in the minds of the Congress and of the people. But that was a political generation ago. We have accepted this measure and incorporated it into our lives, as no single event of this century since the 19th amendment provided that women as well as men should vote. These are the two great acts of the 20th century. They have made fundamental changes in the expanding of the franchise and strengthening the democracy, the Republic.

On the floor of the House the majority leader, Mr. WRIGHT, spoke so well when he said, spoke such truth when he said, "We have never made a mistake when we have extended the franchise." Never, never. The franchise of the 19th century was a very limited one. Property qualifications were the first to go; racial qualifications in theory the next; gender qualifications finally. The 27th amendment provided for 18-year-old voting. Certainly not an unimportant event. But the great issues have been gender and race.

And the great fact was the constitutional guarantees of the 15th amendment to the Constitution after a century—one century, 1865 to 1965—had not been upheld. There were people across this land whose constitutional rights were not protected and in particular the right to vote. And so at long last we passed the Voting Rights Act and we settled an issue that had been with us a century.

I, to repeat, was in this city, part of the administration, working on statements for the President on the matter. I would have thought that, once this was resolved, the issue would never be before us as anything more than a technical or where experience suggested a specific improvement.

We are not new to this issue. The 15th amendment, in its first section, states that:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Section 2 provides that:

The Congress shall have the power to enforce this article by appropriate legislation.

And it was to the exercise of that power in the pursuit of that guarantee that President Johnson spoke at Howard University on the 4th of June, 17 years ago.

And is there not an extraordinary record of achievement—and how proud he would have been of that record—in the aftermath of enactment? Just slightly less than 100 years after the Constitution was amended, the legislation was put in place to give the guarantees to the Constitution force. And what force they have shown.

In the seven fully covered States under the act, there were, in 1965, 100 elected black officials, and only 100. By 1980, the number had increased twentyfold to over 2,000. And it was with this significant progress in mind that Senators MATHIAS and KENNEDY

and I and the others of us, introducing the Voting Rights Act in April a year ago, observed that there is a tendency now to suppose that the objectives of these great enactments have been obtained and that they have served their purposes and therefore they are no longer needed.

But to the contrary, you could not have had such an extraordinary change in the composition of our elected officials in this period of some 17 years without indicating, without demonstrating, the extraordinary depth and duration of the problem to which the legislation was addressed.

General de Gaulle once observed that no great issue is ever solved in a single generation. And it would not be difficult to point to a half-dozen issues on this floor which are not going to be resolved in this generation, either.

But the issue of voting rights is an issue that was with us over four or five generations and now into a sixth one, scarcely precipitous in our conduct and not altogether admirable in our willingness to be patient. There are some things concerning which patience is scarcely a virtue and after a point concerning which patience becomes a form of avoidance.

Mr. TOWER. Will the Senator yield for a question?

Mr. MOYNIHAN. I am happy to yield to my friend from Taxas.

Mr. TOWER. I do not find disagreement with the things the Senator has just said. There is one thing that concerns me, and that is that our objective should not be just to elect more members of various ethnic minorities but to make sure that the ethnic minorities have a franchise, have vote to be fairly counted and have some impact on the electoral process. Because I can remember instances where the Republican Party in my State has run black candidates of predominantly black constituents only to be defeated by a white with 90 percent of the black vote. And this kind of thing can occur.

I have seen Anglos predominate over Mexican Americans and predominantly Mexican American constituents, which is the same sort of thing, because of the traditional alinement, of course, of the blacks and the Mexican Americans in the Democratic Party. That is understandable. It is not a phenomenon of any kind.

But I think that we should make this very clear: That the objective is not to try to seek quotas of elected officials. Because if that is the case, then I think that actually runs against the spirit and the letter of the Constitution.

Mr. MOYNIHAN. Would my friend from Texas allow me to agree with him? He is entirely correct.

It is possible, however, to measure certain effects of legislation. And we do know that there were some parts of our country in which this was the case with respect to all matters, and all parts of our country with respect to which this was the case regarding some matters, in which a particular group was effectively disfranchised. And a measure of the normal workings of the political process is to observe what was the condition prior to the enactment of this legislation and what came about naturally in the aftermath.

The great cities of the South began to elect black mayors, typically did so from majority white constituencies and typically have gone back to white mayors and randomly across the wide ethnic spectrum of America.

The point is a random outcome associated with ability, energy, and issues, independent of race, independent of gender. We do not have random outcomes independent of gender. If we did, 48.6 percent of this body would be male and 51.4 percent would be female.

We do not have random outcomes with respect to race or we would not be the body we are. But we are moving in that direction, and certainly this legislation has nothing to do, as the sponsors have said so carefully, with proportional representation, with quotas, with anything of the kind. Were it to do so, it would be as much a violation of the principle of the 15th amendment as the previous refusal to enforce those guarantees and protect those guarantees.

Anyone who is familiar with the rich tapestry of American life as is the Senator from Texas, who has, after all, taught government as well as practiced it, knows that we have had a long and enduring and quite intelligible practice of seeking representation for all the various ethnic, religious, and regional groups of this country in the electoral system. It is a natural aspect of diversity. It was as present in the days of Andrew Jackson as it was in the days of Lyndon Johnson. There is nothing the matter with that. Indeed, although it began in its first appearance as an aberration from some ideals of a republic led by platonic aristocracy, when people started to say, "Well, you have to have a German on the ticket in Philadelphia," it has proved an enduring source of stability and a sense of shared reward and shared responsibility.

It is said that at the Paris Peace Conference at Versailles in 1919, Samuel Gompers, the head of the American labor movement, was trying to describe to a European audience the plans for the International Labor Organization that President Wilson had brought with him. He made a statement to that skeptical audience which, it seems to me, could hardly be improved. He said, "You do not know how safe a thing freedom is." And the freedom of the franchise, I would like to suggest, and I am sure the Senator from Texas would agree, while at some level is seen as giving access to the rewards of society, sooner or later commits individuals and groups to the responsibilities of society as well. That is the enduring part and the enduring consequence. That is what we have done with this legislation.

That is why I so very much hope that we will not delay, that the Senate will work its manifest will, and that legislation of the highest ethical purpose, ethical and governmental purpose, will be adopted before the country for a moment gets the impression that we have any doubts about what we should do and what we will do.

The country has the right to expect of us that seeing our duty we will proceed to perform it, and not for frivolous or unworthy or allow inconsequential purposes to avoid that duty.

I thank the Chair.

Mr. TOWER. Will the Senator yield for a brief comment?

Mr. MOYNIHAN. I am happy to yield.

Mr. TOWER. I hope I will be able to overcome my somewhat ethnic or religious background to say that that would make no difference, that people would be selected on the merit of their political philosophy, and the ability to reflect the needs and aspirations of people. I hope that day will sometime come. As a practical politician, I am aware that it is not here, and, as the Senator from New York has suggested, it may not come for a generation or perhaps two.

I remember back in New York City in 1960 there being some balance about having Lefkowitz and certain others on the ballot, but the effort lost.

Mr. MOYNIHAN. Would the Senator mind if I reported that it lost to an almost identical combination on the other side.

Mr. TOWER. I am sure the combination on the other side was somewhat similar.

But I think we should not ignore the fact that we have made great progress, and with the progress initiated through the courts. I think ultimately the courts must be the guardians of the rights of people to their franchise with unimpeded restraint. I know that in my own State there was a day when nomination in the Democratic primary was tantamount to election, because we were a one-party State, and blacks, were not permitted to vote in the Democratic primary. There was the classic case of Smith against Cole in the Supreme Court in 1944, which forced the Democratic Party to open its primaries. That was a landmark decision. From that point we have made great progress in my State and I would say generally speaking that discrimination has been confined largely to

certain local areas. We have been going in the direction of assuring that everyone, not just the black Americans but Mexican Americans as well, have access to the franchise and are not in any way deterred in asserting their privileges and responsibilities through unreasonable gerrymandering or through administrative antics designed to prevent them from exercising their franchise.

Mr. MOYNIHAN. Could I thank the Senator from Texas for calling attention to the aspects of this legislation that deal with Hispanic Americans, of whom there is the greatest diversity ranging from the Mexican subjects overrun during the American expansion to emigrants from a whole range of the Western Hemisphere, to American citizens from the island of Puerto Rico, who are protected by this legislation, who have a second language.

In the State of New York, the three counties of New York County, Kings County and Queens County are covered by the voting Rights Act. This is in part having regard to the language provisions.

There are wrongs that had to be remedied—the all-white primary, the requirement of people with one native language to know another in order to vote. These are not new to America. It is not the last of it. But what we have always shown is a capacity to respond.

It is not where you are in these matters, it is where you are going. Where we are going is forward. We are going to pass this bill, Mr. President. There may be those in this body who have some different thought, who have so mistaken the temper of the Senate itself and the unquestioned desire and, I should say, will of the people that they think this could be obstructed or delayed, that, somehow, other matters will intervene. They will not, Mr. President. We will pass this bill. There is no way it can be prevented. And it will not be.

When it is done, and I hope it will be done with expedition and such grace such that, in the aftermath, we do not look back and wonder, did we cast a shadow on that shining moment; did we dim the achievement of Lyndon Johnson and the Congress that adopted the Voting Rights Act of 1965, and that of the men and women who died to bring it about? Because there were those who did.

We are dealing here with an American tradition, Mr. President, one we can be proud of, every bit as much as we are dealing with the extension of a statute.

Mr. President, I ask unanimous consent that President Johnson's commencement address at Howard University on June 4, 1965, "To Fulfill These Rights," in which he talked of the Voting Rights Act of 1965, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS AT HOWARD UNIVERSITY: "TO FULFILL THESE RIGHTS"—JUNE 4, 1965

Dr. Nabrit, my fellow Americans: I am delighted at the chance to speak at this important and this historic institution. Howard has long been an outstanding center for the education of Negro Americans. Its students are of every race and color and they come from many countries of the world. It is truly a working example of democratic excellence.

Our earth is the home of revolution. In every corner of every continent men charged with hope contend with ancient ways in the pursuit of justice. They reach for the newest of weapons to realize the oldest of dreams, that each may walk in freedom and pride, stretching his talents, enjoying the fruits of the earth.

Our enemies may occasionally seize the day of change, but it is the banner of our revolution they take. And our own future is linked to this process of swift and turbulent change in many lands in the world. But nothing in any country touches us more profoundly, and nothing is more freighted with meaning for our own destiny than the revolution of the Negro American.

In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.

In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long been denied. The voice of the Negro was the call to action. But it is a tribute to America that, once aroused, the courts and the Congress, the President and most of the people, have been the allies of progress.

LEGAL PROTECTION FOR HUMAN RIGHTS

Thus we have seen the high court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1957, and 1960, and again in 1964, the first civil rights legislation in this Nation in almost an entire century.

As majority leader of the United States Senate, I helped to guide two of these bills through the Senate. And, as your President, I was proud to sign the third. And now very soon we will have the fourth—a new law guaranteeing every American the right to vote.

No act of my entire administration will give me greater satisfaction than the day when my signature makes this bill, too, the law of this land.

The voting rights bill will be the latest, and among the most important, in a long series of victories. But this victory—as Winston Churchill said of another triumph for freedom—"is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

That beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally, in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

FREEDOM IS NOT ENOUGH

But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line or a race and then say, " you are free to compete with all the others," and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual, and to pursue their individual happiness.

To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.

PROGRESS FOR SOME

This graduating class at Howard University is witness to the indomitable determination of the Negro American to win his way in American life.

The number of Negroes in schools of higher learning has almost doubled in 15 years. The number of nonwhite professional workers has more than doubled in 10 years. The median income of Negro college women tonight exceeds that of white college women. And there are also the enormous accomplishments of distinguished individual Negroes—many of them graduates of this institution, and one of them the first lady ambassador in the history of the United States.

These are proud and impressive achievements. But they tell only the story of a growing middle class minority, steadily narrowing the gap between them and their white counterparts.

A WIDENING GULF

But for the great majority of Negro Americans—the poor, the unemployed, the uprooted, and the dispossessed—there is a much grimmer story. They still, as we meet here tonight, are another nation. Despite the court orders and the laws, despite the legislative victories and the speeches, for them the walls are rising and the gulf is widening.

Here are some of the facts of this American failure.

Thirty-five years ago the rate of unemployment for Negroes and whites was about the same. Tonight the Negro rate is twice as high.

In 1948 the 8 percent unemployment rate for Negro teenage boys was actually less than that of whites. By last year that rate had grown to 23 percent, as against 13 percent for whites unemployed.

Between 1949 and 1959, the income of Negro men relative to white men declined in every section of this country. From 1952 to

1963 the median income of Negro families compared to white actually dropped from 57 percent to 53 percent.

In the years 1955 through 1957, 22 percent of experienced Negro workers were out of work at some time during the year. In 1961 through 1963 that proportion had soared to 29 percent.

Since 1947 the number of white families living in poverty has decreased 27 percent while the number of poorer nonwhite families decreased only 3 percent.

The infant mortality of nonwhites in 1940 was 70 percent greater than whites. Twenty-two years later it was 90 percent greater.

Moreover, the isolation of Negro from white communities is increasing, rather than decreasing as Negroes crowd into the central cities and become a city within a city.

Of course Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many—far too many—are losing ground every day.

THE CAUSES OF INEQUALITY

We are not completely sure why this is. We know the causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.

First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in, in slums, without decent medical care. Private and public poverty combine to cripple their capacities.

We are trying to attack these evils through our poverty program, through our education program, through our medical care and our other health programs, and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.

We will increase, and we will accelerate, and we will broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will.

But there is a second cause—much more difficult to explain, more deeply grounded, more desperate in its force. It is the devastating heritage of long years of slavery; and a century of oppression, hatred, and injustice.

SPECIAL NATURE OF NEGRO POVERTY

For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are differences—deep, corrosive, obstinate differences—radiating painful roots into the community, and into the family, and the nature of the individual.

These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and they must be dealt with and they must be overcome, if we are ever to reach the time when the only difference between Negroes and whites is the color of their skin.

Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice.

The Negro, like these others, will have to rely mostly upon is own efforts. But he just can not do it alone. For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded—these others—because of race or color—a feeling whose dark intensity is matched by no other prejudice in our society.

Nor can these differences be understood as isolated infirmities. They are a seamless web. They cause each other. They result from each other. They reinforce each other.

Much of the Negro community is buried under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides and we must raise the entire cover if we are to liberate our fellow citizens.

THE ROOTS OF INJUSTICE

One of the differences is the increased concentration of Negroes in our cities. More than 73 percent of all Negroes live in urban areas compared with less than 70 percent of the whites. Most of these Negroes live in slums. Most of these Negroes live together—a separated people.

Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the men.

There is also the burden that a dark skin can add to the search for a productive place in our society. Unemployment strikes most swiftly and broadly at the Negro, and this burden erodes hope. Blighted hope breeds despair. Despair brings indifferences to the learning which offers a way out. And despair, coupled with indifferences, is often the source of destructive rebellion against the fabric of society.

There is also the lacerating hurt of early collision with white hatred or prejudice, distaste or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin. I have seen this uncomprehending pain in the eyes of the little, young Mexican-American schoolchildren that I taught many years ago. But it can be overcome. But, for many, the wounds are always open.

FAMILY BREAKDOWN

Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination, which have attacked his dignity and assaulted his ability to produce for his family.

This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans.

Only a minority—less than half—of all Negro children reach the age of 18 having lived all their lives with both of their parents. At this moment, tonight, little less than two-thirds are at home with both of their parents. Probably a majority of all Negro children receive federally-aided public assistance sometime during their childhood.

The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. And when the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled.

So, unless we work to strengthen the family, to create conditions under which most parents will stay together—all the rest: schools, and playgrounds, and public assistance, and private concern, will never be enough to cut completely the circle of despair and deprivation.

TO FULFILL THESE RIGHTS

There is no single easy answer to all of these problems.

Jobs are part of the answer. They bring the income which permits a man to provide for his family.

Decent homes in decent surroundings and a chance to learn—an equal chance to learn—are part of the answer.

Welfare and social programs better designed to hold families together are part of the answer.

Care for the sick is part of the answer.

An understanding heart by all Americans is another big part of the answer.

And to all of these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

But there are other answers that are still to be found. Nor do we fully understand even all of the problems. Therefore, I want to announce tonight that this fall I intend to call a White House conference of scholars, and experts, and outstanding Negro leaders—men of both races—and officials of Government at every level.

This White House conference's theme and title will be "To Fulfill These Rights."

Its object will be to help the American Negro fulfill the rights which, after the long time of injustice, he is finally about to secure.

To move beyond opportunity to achievement.

To shatter forever not only the barriers of law and public practice, but the walls which bound the condition of many by the color of his skin.

To dissolve, as best we can, the antique enmities of the heart which diminish the holder, divide the great democracy, and do wrong—great wrong—to the children of God.

And I pledge you tonight that this will be a chief goal of my administration, and of my program next year, and in the years to come. And I hope, and I pray, and I believe, it will be a part of the program of all America.

WHAT IS JUSTICE?

For what is justice?

It is to fulfill the fair expectations of man.

Thus, American justice is a very special thing. For, from the first, this has been a land of towering expectations. It was to be a nation where each man could be ruled by the common consent of all—enshrined in law, given life by institutions, guided by men themselves subject to its rule. And all—all of every station and origin—would be touched equally in obligation and in liberty.

Beyond the law lay the land. It was a rich land, glowing with more abundant promise than man had ever seen. Here, unlike any place yet known, all were to share the harvest.

And beyond this was the dignity of man. Each could become whatever his qualities of mind and spirit would permit—to strive, to seek, and, if he could, to find his happiness.

This is American justice. We have pursued it faithfully to the edge of our imperfections, and we have failed to find it for the American Negro.

So, it is the glorious opportunity of this generation to end the one huge wrong of

the American Nation and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for freedom.

All it will take is for all of us to understand what this country is and what this country must become.

The Scripture promises: "I shall light a candle of understanding in thine heart, which shall not be put out."

Together, and with millions more, we can light that candle of understanding in the heart of all America.

And, once lit, it will never again go out.

(Note: The President spoke at 6:35 p.m. on the Main Quadrangle in front of the library at Howard University in Washington, after being awarded an honorary degree of doctor of laws. His opening words referred to Dr. James M. Nabrit, Jr., President of the University. During his remarks he referred to Mrs. Patricia Harris, U.S. Ambassador to Luxembourg and former associate professor of law at Howard University.

(The Voting Rights Act of 1965 was approved by the President on August 6, 1965 (see Item 409).)

(See also Items 548, 613.)

Mr. MOYNIHAN. I thank the Chair for its courtesy.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I can recall an article written by the distinguished Senator from New York a few years back in the publication, Public Interest, on the subject of what do I do if the Supreme Court is wrong, or something along that line. It was an excellent article and, if my recollection serves me correctly, I put excerpts of it into the RECORD.

Mr. MOYNIHAN. Mr. President. may I interject to say the Senator most certainly did and it was a distinct sense of honor that I felt at the time. The article was entitled "What Do You Do When The Supreme Court Is Wrong?"

Of course, Mr. President, the distinguished Senator will recall that I defined that word "wrong," as meaning wrong in the sense that the Court subsequently declares itself to have been wrong.

Mr. HATCH. That is correct, Mr. President. That was an excellent article. I commend the Senator for it again.

I might say, however, Mr. President, that I do not recall that one of the suggestions made by my distinguished colleague from New York was that Congress statutorily overrule any constitutionally based decision that it believed to be "wrong."

I ask the distinguished Senator from New York, does he believe today that overruling a constitutionally based decision is an appropriate response to a "wrong" Supreme Court decision?

Mr. MOYNIHAN. If I can recapitulate the article, Mr. President, I said that those persons who are of the view that the Supreme Court has interpreted the Constitution in a way that is inappropriate should follow what I discerned as a pattern of "Debate, legislate, litigate," the simple proposition being to bring before the Court further opportunities to make decisions.

In exactly that pattern, the decision in Lochner against New York was reversed. Lochner decided in 1905, embodied the notion of substantive due process and said that the State of New York could not enact labor legislation. Despite Mr. Justice Holmes' observation that the "14th amendment does not enact Mr. Herbert Spencer's social statistics, it became the law." There followed a period of debating Lochner, of passing "hours of work" legislation, and finally, cases came to the Court and the Court said, "We no longer hold as we held in Lochner."

Just 2 weeks ago, in United States against Ross that presented a question of police search and seizure, the Court reversed its holding handed down but a year ago, and why? Because the Court had another case come before it.

But, Mr. President, I should like to ask in what sense is there any aspect of this legislation whatever that reverses a finding of the Supreme Court with respect to a constitutional right?

The question the Senator asks—may I read from page 41, section (f), of the committee report, if the Senator will bear with me, and I am sure he will, and he has a copy. We appear to be in chapel here together. I read the following passage:

It has been suggested that the Committee bill would overturn a constitutional decision by the Supreme Court, in spite of the strenuous opposition of some of the bill's proponents to unrelated Congressional efforts to override Supreme Court decisions in other areas by statute rather than by constitutional amendment.

This argument simply misconstrues the nature of the proposed amendment to section 2. Certainly, Congress cannot overturn a substantive interpretation of the Constitution by the Supreme Court. Such rulings can only be altered under our form of government by constitutional amendment or by a subsequent decision by the Court.

If I may point out to the Senator from Utah, my friend (Mr. HATCH), the point I made in the article in Public Interest followed that of Abraham Lincoln in the debate with Douglas—Lincoln said that a Supreme Court decision is not a "thus saith the Lord;" that the Court is human and can change.

If you are a U.S. Senator, you have the right to vote your judgment of the Constitution. Mr. President, I have repeatedly said that we have no obligation to agree with the Supreme Court. Our obligation is to obey it.

To continue:

Thus, Congress cannot alter the judicial interpretations in *Bolden* of the Fourteenth and Fifteenth Amendments by simple statute. But the proposed amendment to section 2 does not seek to reverse the Court's constitutional interpretation. Rather, the proposal is a proper statutory exercise of Congress' enforcement power described above and it is not a redefinition of the scope of the Constitutional provisions. As American Bar Association President David R. Brink emphasized:

"Under this amendment, the Supreme Court's interpretation of the proper constitutional standard would be left intact. Only the section 2 statutory standard would be changed to reinstate the prior legal standard."

As Professor Cox noted, the proposed amendment to section 2 is clearly distinguishable from proposals pending in the 97th Congress to offset substantive Supreme Court interpretations of the Constitution by simple statute.

Unlike legislation proposed in other areas, S. 1992 does not attempt to restrict the federal court's jurisdiction in any way. It does not direct the result or the remedy that courts may reach with respect to claims brought under the Fifteenth or Fourteenth Amendments. Nor does it purpose to redefine terms in either amendment for purposes of constitutional adjudication.

That is the view of the committee, and it is precisely my view, and I hope it is, consistent with my observations, in Public Interest. But I am happy to hear the Senator from Utah, who is my friend and counsel in these matters, too.

(Mr. SYMMS assumed the chair.)

Mr. HATCH. I am aware that this is the majority view. Although section 2 of the Voting Rights Act has always been considered a restatement of the 15th amendment to the Constitution, it is, of course, true that Congress may choose to amend section 2 to achieve some other purpose. In other words, I recognize that section 2 need not be maintained indefinitely as the statutory embodiment of the 15th amendment. To the extent, however, that the Supreme Court has construed the 15th amendment to require some demonstration of purposeful discrimination in order to establish a constitutional violation and to the extent that section 2 was enacted by Congress under the constitutional authority of the 15th amendment, I do not believe that the Congress is empowered to legislate outside the parameters set by the Court, indeed by the Constitution. Section 2 of the 15th amendment provides that Congress shall "enforce" the provisions of this article by appropriate legislation.

Congress, however, is not empowered here or anywhere else in the Constitution to "define" or to "interpret" the provisions of the 15th amendment but simply to "enforce" those substantive constitutional guarantees already in existence. To allow Congress to interpret the substantive limits of the 15th amendment in a more expansive manner or indeed in a disparate manner than our Court is to sharply alter the apportionment of powers under our constitutional system of separate powers.

What has intrigued me is that many of those who argue that that can be done through the new language in section 2 have a very difficult time with

the question of the constitutionality of the so-called Human Life Statute, which would overturn Roe against Wade by redefining the term "person" in the 14th amendment.

I should like to briefly discuss some of the interesting things relating to the Voting Rights Act which have happened in New York very recently.

Mr. President, I ask unanimous consent that several articles be placed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 9, 1982]

COURT GETS MASTER'S DISTRICTING PLAN

(By Maurice Carroll)

A plan by a Federal Court master to revise New York's political boundaries—scrambling districts and pitting incumbents against each other—was made public yesterday.

Drawn as an alternative to lines voted by the State legislature, the plan will be weighed tomorrow by three Federal judges.

"If the Justice Department approves the Legislature's plan, that probably would be the plan," the master, Robert P. Patterson Jr., said after sending his maps and documents to the court. But he noted that Federal approval had not yet come.

In Washington, a Justice Department spokesman, Arthur P. Brill, deputy director of public affairs, said the department was "still actively reviewing" the lines submitted by the Legislature. "There is no way of estimating when the decision will be made," he said.

MAJOR DIFFERENCES IN TWO PLANS

Mr. Patterson was appointed by a special Federal court panel that was convened under a Federal law that provides for considering constitutional challenges involving reapportionment.

As legislators studied the relatively small Assembly districts in Mr. Patterson's plan, the thick black lines on the maps made detailed judgment difficult.

"It'll take a while to figure out who'd run against who," said.

But the Congressional districts, being bigger, were easier to sort out, and it was clear that Mr. Patterson's version would make major changes from the Legislature's, including these:

Brooklyn-Queens: The district represented by James H. Scheuer, which takes in parts of both boroughs, vanished. Two of Brooklyn's four districts seemed heavily black. The district represented by Frederick W. Richmond—which the Legislature would link to two predominantly Hispanic slices of Manhattan—would merge instead with the Flatbush section represented by Stephen J. Solarz. It also would include the conservative community of Bay Ridge, which the Legislature would attach to Staten Island.

Manhattan-Bronx: Manhattan would be split up the middle, forming two full districts, with a third Harlem based district now represented by Charles B. Rangel joined to the Bronx. Representative Jonathan B. Bingham's Bronx area would be joined to Westchester, not to Manhattan as on the Legislature's map.

PLAN DRAWN BY COMPUTER

Drawn by computer with deliberate disregard of political factors, the Patterson plan still would have immense political impact. For example, in western New York, Representative Jack F. Kemp, one of the nation's most prominent Republicans, would be put into a heavily Democratic district in Buffalo represented by Henry J. Nowak, a Democrat.

The three judges, convened in Federal District Court in Manhattan, picked Mr. Patterson to draw lines reflecting the 1980 census when the Legislature failed to meet a court deadline. Subsequently, the reapportionment plan drawn up in Albany was sent to Washington. Clearance by the Justice Department is needed because the Voting Rights Act of 1965 applies to Brooklyn, the Bronx and Manhattan.

Because of population shifts, both plans provide for five fewer Congressional seats than the present 39 and reduce the power of New York City.

In the report that Mr. Patterson submitted late Monday, he rejected appeals to respect political niceties like protection of incumbents.

He was under orders not to cut the number of districts where racial minorities were in the majority.

"Where possible," he wrote, "lines were drawn which would permit discrete minorities, black, Hispanic or Chinese, a fair opportunity to elect candidates."

[From the New York Times, June 11, 1982]

U.S. ACCEPTS COUNCIL LINES AIDING MINORITIES

(By Jane Perlez)

WASHINGTON, June 10.—The Justice Department approved a redistricting plan for the New York City Council today, saying that the Council had drawn lines that increased the voting strength of minority groups.

The approval, which came eight months after the Justice Department rejected as discriminatory a redistricting plan that was proposed last year, cleared the way for City Council elections on Nov. 2.

"The new plan was approved because the City Council made changes to correct problems we noted before," the Justice Department said in a statement. "The Council redrew district lines to eliminate the fragmentation of minority groups and to increase minority voting districts."

The plan, approved by the City Council and signed into law by Mayor Koch last month, increases the number of Council seats to 35 from 33. The Justice Department said the plan increased from nine to 12 the number of seats where "the minority community could choose the incumbent."

In these 12 districts, black and Hispanic residents make up more than 65 percent of the population.

The Justice Department did not say explicitly that these were districts in which minority candidates could be expected to win. But Council leaders, who have consulted the department during the last six months, said the department's directions were intended to give minority candidates a winning chance in the 12 districts.

Council leaders have said privately, however, that minority candidates are likely to win only nine or 10 of the 12 new districts. The Council now has eight minority members.

A 13th district in the plan has a minority population of more than 50 percent.

Meanwhile, in the litigation in New York City over new Congressional and legislative boundaries, a special three-judge Federal court prodded the Justice Department to act quickly on the new lines so that the state could hold its election on time.

"You've got the ball now," Judge Robert J. Ward told a Justice Department lawyer at a hearing in Foley Square on reapportioning State Senate and Assembly districts and the state's Congressional districts. "We'd appreciate if you'd move on it."

Under the Voting Rights Act of 1965, the Justice Department must approve electoral changes in the Bronx, Brooklyn and Manhattan to insure that minority participation is not diminished.

The decision by the Justice Department today ended nine months of intense wrangling within the Council itself, between the Council and the Mayor and between the Justice Department and the Council.

The Council had its first trouble with the Justice Department on the eve of last September's scheduled primaries when a federal court ruled that the city had failed to provide the department with supporting data for approval of its original redistricting plan.

With the help of a private counsel, Edward N. Costikyan, the Council provided additional information and legal arguments, but the department rejected the plan on Oct. 27, ruling that the lines would "lead to a retrogression in the position of racial minorities." The rejection led to the cancellation of Council elections last November.

SECOND PLAN SUBMITTED

The Council then went back to the drawing board, and according to Mr. Costikyan, the lines in the plan approved today were mapped "in consultation with the Justice Department." The second plan was submitted to the Justice Department on May 4.

The 10 at-large members of the Council were not affected by today's action.

A Federal judge last month barred the city form holding elections for the at-large members in the fall. Judge Edward R. Neaher of Federal District Court in Brooklyn ruled that the at-large members could stay in office until November 1983, when voters will be asked to vote on a new formula for electing the at-large members.

Judge Neaher and the United States Second Court of Appeals for the Second Circuit had found earlier that the city's method of electing at-large members violated the one-man, one-vote principle, because there are two at-large members for each borough, regardless of population.

MEETING IN WASHINGTON

After the Federal court in New York City urged prompt Federal action on Congressional and legislative redistricting, a Justice Department lawyer, Sheila Delaney, said, "We're trying our best."

The court sought a decision that would allow the state political calendar start June 22 with the circulation of nominating petitions.

Miss Delaney would not give a promise. She noted that the dapartment's deadline for action ran until Aug. 2.

The new Council districts in which the minority population is more than 65 percent, with the incumbents, were listed by the Justice Department. They are these:

District 5, Manhattan: Frederick E. Samuels: 73.5 percent black residents, 15.5 percent Hispanic residents. Combined minority population: 89.12 percent.

District 6, Manhattan: Stanley E. Michels; 17.36 percent black, 52.50 percent Hispanic. Combined minority population: 69.86 percent.

District 8, Bronx-Manhattan: Robert Rodriguez; 28.9 percent black, 41.89 percent

Hispanic. Combined minority population: 70.79 percent.

District 9, Bronx: Wendell Foster; 54.58 percent black, 37.01 percent Hispanic. Combined minority population: 91.59 percent.

District 11, Bronx: Gilberto Gerena-Valentin; 32.79 percent black, 60.24 percent Hispanic. Combined minority population: 93.03 percent.

District 13, Bronx; a new district; 32.39 percent black, 53.06 percent Hispanic. Combined minority population: 85.45 percent.

District 24, Brooklyn: a new district, which includes part of Leon A. Katz's old district; 69.59 percent black, 22.66 percent Hispanic. Combined minority population: 92.55 percent.

District 25, Brooklyn: a new district, which includes part of Theodore Silverman's old district; 57.07 percent black, 12.47 percent Hispanic. Combined minority population: 69.49 percent.

District 26, Brooklyn: Enoch Williams; 86.52 percent black, 8.59 percent Hispanic. Combined minority population: 95.47 percent.

District 27, Brooklyn: Luis A. Olmedo; 22.75 percent black, 59.30 percent Hispanic. Combined minority population: 82.05 percent.

District 28, Brooklyn: Mary Pinkett; 27.88 percent black, 11.69 percent Hispanic. Combined minority population: 89.57 percent.

District 17, Queens: Archie Spigner; 82 percent black, 4.48 percent Hispanic. Combined minority population: 86.48 percent.

The district with more than 50 percent minority population and the incumbent was listed as:

District 14, Bronx: Jerry L. Crispino; 34.31 percent black, 19.45 percent Hispanic. Combined minority population: 53.75 percent.

Mr. HATCH. What both articles make clear, as if it is not already quite clear, is that the Voting Rights Act increasingly is losing sight of its traditional objectives. Rather than attempting to promote racial neutrality and racial nondiscrimination in the voting process, the act now requires minute calculations of percentages of racial and ethnic groups within various electoral districts. I do not know what that has to do with the original purposes of the act.

What we see taking place on a limited scale in New York City under section 5 is going to become a normal occurrence throughout the Nation under section 2. Racial gerrymandering and race-conscious districting will become standard procedure. In the process, our Nation will have lost a great deal.

As the new York City experience indicates clearly, the concerns that have been raised about the changes in section 2 are not merely speculative; one need only look at what has been taking place recently under the narrowly circumscribed "effects" test in section 5.

I would also recall one of the more interesting cases that have occurred under the Voting Rights Act—*United Jewish Organizations* v. *Carey case*, at 403 U.S. 144 (1977). This case involved the Attorney General's rejection of New York's 1972 legislative redistricting plan as it applied to Brooklyn which is covered under the Voting Rights Act.

The Attorney General ruled that there were an insufficient number of districts with nonwhite populations large enough that nonwhite candidates could win an election. The Attorney General then went on to indicate that a nonwhite population of 65 percent was necessary to create a safe nonwhite seat. In a new plan adopted in 1974, the legislature met the objection of the Attorney General but in so doing divided a whole community of Hasidic Jews which had previously resided in a single district.

The Attorney General approved the plan but the Hasidic Jews went to court claiming that they had been the victims of racial discrimination. The Supreme Court rejected their efforts but was unable to produce a majority opinion. Seven members of the Court did agree, however, that New York's use of explicit racial criteria in revising the reapportionment plan in order to obtain the Justice Department's approval did not violate the 14th and 15th amendment rights of the Hasidic Jews.

Nathan Dershowitz, director of Law and Social Action of the American Jewish Congress, had this to say about the case:

The Williamsburg section of Brooklyn has been tortuously gerrymandered in an attempt to assure the election of minority group members.

He described it further as the "institutionalization of ethnic representation."

Mr. President, I wish to make clear once again that I am a strong supporter of the 1965 Voting Rights Act. I agree with Senator KENNEDY, who spoke here earlier, that it has been the single most effective and successful civil rights act in history. There is no question in my mind that we need to continue and extend the law.

I also agree that preclearance, under section 5 needs to be extended, because there are still instances in this country of invidious discrimination, although I am pleased that they are growing fewer each year.

I have fought to see that fair hearings were held on this matter, and I believe that these hearings demonstrated that there is continued need for the Voting Rights Act of 1965.

My major concerns have been with proposed amendments to sections 2 and 5.

Some have argued here that section 5 has been liberalized in its approach so that States can more easily bail out from the requirements of preclearance. That simply is not true; additional provisions have been added that would make it significantly more difficult to bail out. I believe that there should be real incentives to bail out. They do not exist in S. 1992.

Section 2 is a more difficult issue. Section 2 is an issue with respect to which we are changing the entire thrust of the Voting Rights Act. I believe that the new results test for identifying discrimination is leading us into uncharted waters that will likely lead to the polarization of races and increased race isolation in our country.

Be that as it may, I recognize that the bill is going to pass. I will continue to do everything in my power to have the bill brought up, to see that this motion proceeds with expedition, and to have an up-and-down vote on this bill as soon as we possibly can. Along with the majority leader and others, I feel very deeply about that.

That does not negate the fact, however, that some of the issues we are raising with respect to section 2 and section 5 are important constitutional issues, that transcend the interests of any particular group in our society, and that may be among the most important constitutional issues ever raised on the floor of the U.S. Congress. They may have as far reaching and as profound effect, in the final analysis, as any legislation that has come before it.

Mr. President, I have done a brief analysis of several cases that are pertinent to this particular issue, and I ask unanimous consent that the analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. CONSTITUTIONALITY

South Carolina v. Katzenback, 383 U.S. 301 (1966)

In an opinion by Chief Justice Warren, the Supreme Court held the original provisions of the 1965 Voting Rights Act to be a constitutionally permissible method of protecting the right to vote. The Court upheld the preclearance provisions of Section 5 under the rationale that "exceptional conditions can justify legislative measures not otherwise appropriate." *Id.* at 334. Because Congress had found from its own evidentiary investigation that "unique circumstances" existed in the covered jurisdictions, the preclearance provisions were held justified. *Id.* at 335. Justice Black dissented on the Section 5 issues.

Katzenbach v. Morgan, 384 U.S. 641 (1966)

In an opinion by Justice Brennan, the Supreme Court upheld Section 4(e) of the 1965 Act which provided that certain persons educated in Spanish in Puerto Rican schools would not have to comply with the literacy tests imposed by certain states as a precondition to voting. This provision rendered New York literacy tests invalid as applied to those persons. The Court held that this step was within the power of Congress under Section 5 of the Fourteenth Amendment to enforce that Amendment's guarantee of equal protection of the laws, even though a court might not have held that the New York law was unconstitutional. The only question to be determined by the Court was whether Congress had a reasonable basis for its conclusion that such action might be necessary to protect minority rights. Justices Harlan and Stewart dissented, arguing that Congress had no right to strike down a

state statute unless a court would have found that statute unconstitutional.

City of Rome v. United States, 446 U.S. 156 (1980)

In an opinion by Justice Marshall, the Supreme Court held that a political subdivision within a covered state could not bail out under Section 4(a) independently from the state itself, even though that subdivision had proven that it had not been guilty of discrimination for the previous seventeen years. The Court also held that where exceptional circumstances exist Congress had the power under Section 2 of the Fifteenth Amendment to prohibit practices that have only disparate racial impact with no discriminatory intent. In dissent, Justice Powell said that the Act should be interpreted to permit subdivisions to bail out from the preclearance requirements even though the state itself could not bail out. Justice Powell went on to say that in the absence of an independent bailout, Section 5 of the Act would be unconstitutional. Justices Rehnquist and Stewart concluded in dissent that Congress does not have the power under Section 2 of the Fifteenth Amendment to prohibit practices having only a disparate racial impact where the governmental unit had affirmatively proven that it had not been guilty of any discriminatory intent for a period of seventeen years. The majority also held that the city had not carried its burden of proving that certain annexations and electoral changes did not have a disadvantageous effect on minority voters.

II. JURISDICTIONS COVERED UNDER SECTION 5

United States v. Board of Commissioners, 435 U.S. 110 (1978)

In an opinion by Justice Brennan, the Supreme Court held that all governmental units within a covered jurisdictions were required to submit all covered changes under Section 5 of the Voting Rights Act. The Court rejected arguments that only states and "political subdivisions" were required under Section 5 to make submission, and that Section 4(c)(2) defined political subdivisions to include only those governmental units which register voters, and not those which do not. In dissent, Chief Justice Burger and Justices Stevens and Rehnquist concluded that only those governmental units which meet the definition of political subdivisions should be required to submit changes. In separate concurrences, Justices Blackmun and Powell expressed reservations as to the correctness of the decision, but believed it to be compelled by Allen. Justice Blackmun also remarked that he considered Congressional action in 1970 and 1975 to have been an endorsement of the Allen rule.

Gaston County v. United States, 395 U.S. 285 (1969)

In an opinion by Justice Harlan, the Supreme Court held that Gaston County, North Carolina, had not met the criteria for bailout in Section 4(a) of the Act in that it had not proven that its literacy tests had not been used with either the purpose or effect of denying or abridging the right to vote on the grounds of race. The Court affirmed a finding of the district court that the county's previous maintenance of a segregated school system had resulted in inferior education for its black citizens. The inability of many blacks to pass the literacy tests was a result of this prior discrimination, and the test therefore had the effect of denying or abridging their right to vote because of racial discrimination. Justice Black dissented because of his view that the preclearnace provisions of the Act were unconstitutional.

City of Rome v. *United States (See I above)*

III. CHANGES COVERED UNDER SECTION 5

Allen v. State Board of Elections, 393 U.S. 544 (1969)

In an opinion by Chief Justice Warren, the Supreme Court held that private litigants could bring suit before a three-judge district court in their local districts to argue that state laws had not been precleared under Section 5. The Court held that the preclearance provisions were applicable, not only to changes in laws directly affecting registration and voting, but all changes "which alter the election law of a covered State in even a minor way." *Id.* at 566. The Court specifically held that the change from a district system to an at large system was covered, as was the changing of a particular office from elective to appointive. Also covered were changes in procedures for qualifications of independent candidates and for casting write in votes. Justice Harlan dissented, concluding that Section 5 covered only "those states laws that change either voter qualifications or the manner in which elections are conducted." Id. at 591. Justice Black again dissented because of his conviction that Section 5 was altogether unconstitutional.

Perkins v. Matthews, 400 U.S. 379 (1971)

In an opinion by Justice Brennan, the Supreme Court held that a local Federal district court was without jurisdiction to determine whether or not a particular change had the purpose or effect of denying or abridging the right to vote. Rather, the only function of a local court was to determine whether or not the change is subject to preclearance under Section 5 of the Act. The Court went on to hold that the municipal annexations and changes in locations of polling places must be precleared. Chief Justice Burger and Justice Blackmun separately concurred under the authority of Allen. Justices Black and Harlan dissented on the basis of their opinions in Allen.

Georgia v. United States, 411 U.S. 526 (1973)

In an opinion by Justice Stewart, the Supreme Court concluded that legislative reapportionments must be precleared under Section 5. The Court also held that the Attorney General could object to a submission even though he could not conclude that a change had either the purpose or effect of denying or abridging the right to vote. The Attorney General could validly place the burden of proof on the submitting jurisdiction, and could interpose an objection whenever that jurisdiction failed to prove that a change did not have such a purpose or effect. Chief Justice Burger concurred, while reiterating his reservations about Allen. Justices White, Powell, and Rehnquist dissented on the grounds that the Attorney General should not put the burden of proof on the submitting jurisdictions.

IV. MUNICIPAL ANNEXATIONS UNDER SECTION 5

City of Petersburg v. United States, 410 U.S. 962 (1973)

The Supreme Court wrote no opinion but summarily affirmed a judgment of the district court finding that Petersburg's annexation of a predominantly white area could not be approved under Section 5 because it would have the purpose or effect of denying or abridging the right to vote on the basis of race. The district court also ordered that the annexation could be permitted if the at large government of the city were to be changed to a council of single member districts. This is one of only two cases in which the Supreme Court has found a municipal annexation to be in violation of Section 5. The result in this case was later explained by a majority of the Court in an opinion by Justice White in *City of Richmond* v. *United States*, 422 U.S. 358 (1975). The Court explained that the annexation of the white area coupled with an at large form of government tended "to exclude Negroes totally from participation in the governing of the city through membership on the city council." Id. at 370. This effect could be cured by the establishment of a ward system which would afford them representation "reasonably equivalent to their political strength in the enlarged community" Ibid. The Court specifically noted that the mere fact that the blacks made up a smaller percentage of the city after the annexation did not amount to a violation of the Act.

City of Richmond v. United States, 422 U.S. 358 (1975)

In an opinion by Justice White, the Court applied the same test it had applied without an opinion in the Petersburg case. The district court had disapproved an application by Richmond to annex white areas while changing to the single member system. The Court did not have occasion to rule as to whether the annexation standing alone would have constituted a violation of the Act, but it reversed the district court and remanded for reconsideration in light of its explanation of the Petersburg case. In dissent, Justices Brennan, Douglas, and Marshall concluded that the annexation had been motivated by discriminatory purpose. Moreover, they felt that by reducing the percentage of blacks in the city of Richmond, the annexation had the effect of denying or abridging the right to vote.

City of Rome v. United States (See I above).

V. SCOPE OF SECTION 2

City of Mobile v. Bolden, 446 U.S. 55 (1980)

In this case, the district court had found that Mobile's election of its city government at large had the effect of discriminating against black voters, and it ordered a new governing board be created consisting of a mayor and a city council with members elected from single member districts. The Supreme Court reversed, but there was no majority opinion. In an opinion joined by Chief Justice Burger and Justices Powell and Rehnquist, Justice Stewart concluded that Section 2 of the Voting Rights Act had the same meaning as the Fifteenth Amendment itself, and therefore reaches only the intentional abridgements of the right to vote. In dissent, Justice Marshall explicitly agreed that the provisions of Section 2 of the Act were congruent with the protection of the Fifteenth Amendment, but he concluded that proof of discriminatory impact was sufficient to secure relief under the Fifteenth Amendment. *Id.* at 105n.2. Justice Brennan agreed with Justice Marshall's interpretation of the Fifteenth Amendment, but no member of the Court explicitly disagreed with the conclusion that Section 2 had the same meaning as that Amendment. Justice Stewart's opinion concluded that the Fifteenth Amendment was satisfied wherever all races have access to the ballot, and that claims of "vote dilution" must be tested under the equal protection clause of the Fourteenth Amendment. Justices Stevens and Marshall explicitly disagreed, find-

ing that dilution cases could also be brought under the Fifteenth Amendment. Justice Stewart concluded that there was insufficient evidence of discriminatory intent in the creation and maintenance of Mobile's form of government; he did not explicitly state that proof of such intent would have sufficed to justify relief. Justice Brennan, White, and Marshall concluded is dissent that there was adequate proof of discriminatory intent, and that such intent justified the relief granted by the district court. Justice Blackmun joined in the reversal, even though he expressed some sympathy for the viewpoint of the dissenters, because he felt that the relief ordered by the district court was too drastic. Justice Stevens in his concurrence indicated that the question of intent in municipal government cases should be largely irrelevant. He concluded that so long as there was any rational justification for an at large form of government, it should be upheld by the courts, even though some of its supporters might have discriminatory motives.

VI. MUNICIPAL GOVERNMENTS UNDER THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Gomillion v. Lightfoot, 364 U.S. 339 (1960).

An act of the Alabama Legislature had redrawn the boundaries of the city of Tuskegee in such a way as to remove from the city almost all of the black voters without removing any of the white voters. Whereas the city had previously been in the form of a square, its new boundaries had twenty-eight sides over a much smaller area. In an opinion by Justice Frankfurter, the Court concluded this removal of black voters from the city denied them the right to vote in contravention of the Fifteenth Amendment. In a separate concurrence, Justice Whittaker held that the Fifteenth Amendment had not been violated, because all persons of every race were permitted to vote in the areas in which they resided. However, he found that the action violated the Fourteenth Amendment because blacks had been clearly segregated out of the city.

Beer v. United States, 425 U.S. 130 (1976).

Under the 1960 census, the city of New Orleans was governed by a council made up of five members elected from single member districts and two members elected at large. The 1970 census revealed that 45 percent of the city's population and 35 percent of its voters were non-white. The city submitted to the Attorney General a reapportionment plan which preserved the two at large seats, created two districts with black population majorities, and for the first time created one district with a black voter majority. The Attorney General and the district court rejected the plan because it would produce black representation on the council roughly proportional to black population in the city. The district court added that the city should abolish the two members elected at large. In an opinion by Justice Stewart, the Supreme Court reversed. The Court held that the district court had no authority under Section 5 of the Act to consider the existence of the at large seats, since those seats had been in existence prior to 1964. Moreover, the Court held that Section 5 prohibits only those voting changes which result in "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Id. at 141. Because this plan created more black majority districts than the plan that it replaced, it should have been approved under Section 5. Justices White, Marshall, and Brennan all dissented. They would have held that Section 5 prohibits the approval of a plan which does not result in an approximation of proportional representation where there is also evidence of bloc voting and certain bars to participation in the electoral process.

City of Mobile v. *Bolden* (See V above).

VII. LEGISLATIVE DISTRICTS UNDER THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Whitcomb v. Chavis, 403 U.S. 124 (1971)

In an opinion by Justice White, the Supreme Court held that multi-member state legislative districts are not necessarily unconstitutional. In dictum the Court states that multi-member districts in some circumstances might be proven to work as an unconstitutional dilution of the voting power of the minority voters within the district. In this case the Court found that minority voters had ample opportunity to participate in the selection of Democratic candidates, but that Republicans regularly defeated those candidates. The disadvantage to the minority voter was based not upon race, but upon partisan affiliation. Justices Douglas, Brennan, and Marshall dissented, finding that the dilution of the minority vote had already been proven to the district court. They also indicated that there was no need to prove discriminatory intent. In a separate dissent, Justice Harlan argued that the entire question of dilution could not be managed by the courts in a neutral and objective way, and concluded that the courts should stay out of reapportionment altogether.

White v. Regester, 412 U.S. 755 (1973)

In an opinion by Justice White, the Supreme Court affirmed a decision of a district court in Texas requiring that state legislators from Dallas and San Antonio be elected from single member districts rather than at large in their respective counties. This is the first and only case in which the Supreme Court has found that multi-member districts actually dilute the minority vote. In Dallas the Court emphasized that blacks did not have a fair opportunity to participate in the nominating process of the Democratic party. In San Antonio the Court emphasized that language and cultural barriers made it difficult for Mexican-Americans to have their views represented in a delegation elected at large.

United Jewish Organizations v. Carey, 430 U.S. 144 (1977)

This case involved the Attorney General's rejection of New York's 1972 legislative redistricting as it applied to Brooklyn, which is covered under the Act. The Attorney General originally ruled that there were an insufficient number of districts with nonwhite populations large enough that nonwhite candidates could win an election. The Attorney General indicated that a nonwhite population of 65% was necessary to create a safe non-white seat. In a new plan adopted in 1974, the Legislature met the objections of the Attorney General, but in so doing, divided a community of Hasidic Jews which had previously resided in a single district. The Attorney General approved the plan, but the Jews went to court claiming that they had been the victims of racial discrimination. The Supreme Court rejected their efforts, but was unable to produce a majority opinion. Justices Brennan, Blackmun, and Stevens joined an opinion by Justice White which held that the Legislature could legitimately use racial quotas in order to create a plan which would be acceptable under Section 5 of the Act. From the record made in the district court, it did not appear that the Legislature had done any more than comply with the requirement that minority voting strength not be decreased. Justices White, Stevens and Rehnquist went on to say that, even absent the requirements of the Act, the Constitution permits a state to draw lines in such a way that the percentage of non-white districts would approximate the percentage of non-whites in the population, so long as whites were in the population, so long as whites were likewise provided with fair representation. Justices Stewart and Powell rejected the argument that race consciousness is unconstitutional per se. They found this plan constitutional because there was no purpose of invidious discrimination. Chief Justice Burger dissented, finding that the use of a quota system in redistricting offended the Fifteenth Amendment and that an effort to require an effort to comply with the Voting Rights Act could not cure that infirmity.

Mr. HATCH. Mr. President, perhaps the analysis of these cases will be of some assistance to my colleagues who are reviewing this matter.

With that, I yield the floor.

Mr. EAST. Mr. President, I should like to make a comment or two apropos some recent remarks that have been made here regarding the question of proceeding on this very important measure.

Senator HATCH has made some very cogent and telling remarks, which he always does so well and so eloquently.

I have also been intrigued with some of the comments of the distinguished Senator from New York (Mr. MOYNIHAN). He touched on a theme that seems to appear fairly commonly among those supporting the measure; namely, that in some way or other, it is inappropriate that we take the time to deliberate and to reflect seriously upon what we are doing on these issues.

I simply point out to him that at the very moment he was making that point, he was interrupted by the Senator from Kentucky (Mr. FORD), who was submitting an amendment indicating his concern about this measure and the impact it will have in his State. I suspect that, in due course, we may very well hear from other Senators as they begin to have the opportunity to reflect on this legislation.

I should like to quote briefly from a column by Mr. James Jackson Kilpatrick with respect to this measure. He says this as regards this measure:

> The Dole "compromise" is no compromise at all. It is folly. In 40 years of covering politics, I cannot recall a more lamentable legislative error.

He concludes his column, a very recent one, by saying:

> From the waves of thoughtless support given to this misguided bill, I respectfully dissent.

In between those statements, he gives a very trenchant analysis of the great weaknesses in this bill. There are enormous weaknesses, and we should be looking at them as we even consider whether to take up the measure.

Passage of this bill will, in the first place, have enormous impact on election politics in the United States. Whether Senators would like to admit it or not, it is going to introduce the quota concept into the election process. It will revolutionize American politics in a way no bill has ever done before.

Then, when you look at the burdens of preclearance that are still carried, without justification, by the affected States, including my own, and when you look at the major flaws in the legislation—the venue problem, the burden of proof problem, the absence of a fair and equitable bailout—it becomes clear that we need to spend more time thinking carefully and analyzing what we are doing. I submit to any fairminded Senator who is studying this matter that substantive issues are at stake and certainly the so-called greatest deliberative body in the world should not shy away from looking at them.

But I do not find a great deal of enthusiasm for looking at this legislation because, I expect, it does not bear up well under careful scrutiny.

I have always felt very strongly that if we could get our colleagues to look seriously at this legislation, as they have looked at other very important matters before us, we would see a very changed attitude in this body.

Mr. President, the Wall Street Journal, a responsible publication in this country, on May 5 had this to say, if I might quote briefly about this legislation. It says:

> The new bill would further embroil the courts in local elections across the country and would give citizens less of a voice in deciding on the type of government that they want to run their local affairs.

And it continues:

> The "compromise" further muddies the waters with the legalistic jargon such as a "totality of circumstances" rather than making effects the sole test. The point of the exercise is to write a bill that means all things to all parties. But since the bill gives contradictory instructions, it means nothing at all.
>
> The practical effect, of course, will be to dump the hot potato into the hands of the courts. Our guess is that the end result will be a huge impetus toward proportional representation for minorities. But our certainty is that the courts will take a long time figuring out what the legislation means, and that in the meantime a great many local elections will be suspended.

Then it concludes:

> The "compromise" on voting rights solves the political problems of Congress, but is going to cause no end of mischief in the land. What kind of compromise is it that gives us a voting rights act that will stop the voters from voting?

We are finding in a growing number of very responsible sources an appreciation that the legislation Congress seems to be on the threshold of passing has been drafted too quickly. We are moving on impetuously, I repeat, Mr. President, because the supporters of this bill seem to dread what would happen if we proceeded in a careful and orderly way to examine the substantive impact that the bill will have.

So, Mr. President, I am a bit concerned that those of us who wish to explore the legislation with some care and at some depth are labeled as obstructionists. We are not at all. I rather think we do credit to this great deliberative body by wanting to explore important matters with some care and some substance, as the very distinguished Senator from Utah has been doing. Mr. President, in these few remarks here I particularly want to underscore that his willingness to look at the bill carefully deserves to be publicly commended. And, with all due respect to our able opponents, I submit that their desire to rush on offering simply the full flourish of rhetoric, but not really looking at things with any depth, penetration, or substance, is an ill-advised course to take.

So I implore my colleagues not to be rushed into something that quite frankly many of us feel is ill-advised and precipitate.

I agree with Mr. Kilpatrick. I agree with the Wall Street Journal. And I agree with many other distinguished observers and students of this matter outside Congress, be they in the halls of academia, be they in journalism, or be they elsewhere who feel that this measure is radical, that it is going to dramatically alter the nature of the American Federal system and of the whole election process in the United States.

All I am requesting and all I feel that many others such as the distinguished Senator from Utah are requesting is simply: "Let us look carefully at this. Let us make sure we understand what we are doing, and if we do pass a bill like this one, then let us be prepared to live with the results."

But I ask my colleagues let us not come back in 6 months or a year or 2 or 3 and have to say: "My goodness, I had no idea that legislation would allow them to challenge at-large elections in my State or annexations in this city or staggered elections in that."

Let us really look at this bill. It is an open invitation for the courts to make such challenges and to impose appropriate remedies. Many responsible authorities have made this clear. It will have tremendous impact and tremendous importance. Any why we should not examine it with care I do not know.

So, Mr. President, it is in that spirit that I have been involved in this measure since it first saw the light of day in the Judiciary Committee. Now that it is being brought before the Senate, I find the approach that I wish to take and that others such as the Senator from Utah are taking to be eminently responsible and very consistent with the deliberation and examination that should characterize good representative government. By taking time to think, we are acting in the best interests of the country in general and of our constituencies in particular.

So I do not believe, as our distinguished opponents imply, that, oh, we are obstructionists, oh, we do not understand the importance of getting on. Yes, we do, certainly we do.

We are simply asking that we not rush headlong into something that frankly few people really understand. Therein lies our great problem and our great dilemma—how to inform our able and busy colleagues just what the problem is and how at the same time to alert the people of this country that they are in for a very fascinating time in terms of their State and local elections if this bill goes through.

And if we do nothing else in this process but make that point and that message, even if we lose, I feel we will have served a very vital role, a very responsible role. If we play that role, we can ultimately walk away from here and say we did our best; we tried to inform others, they did not want to listen, or they did listen and they said no, and we move on to other issues.

But please now let our opponents not hammer on that we should not look at the legislation carefully, that we should not examine it, and that a fairminded reasonable mind could not possibly disagree with their position. Oh, yes, he can. And I offer again the distinguished Senator from Utah as an example of such a man, a man who is known for great care, great prudence, and great insight into what he does.

I found him to be in my brief tenure in the Senate one of the most thorough Senators I know in terms of keeping up with a whole range of difficult and complicated issues and in terms of trying to inform himself.

I offer his approach as an example to all of my colleagues, however they ultimately come down on the bill. Please examine this measure with care, with deliberation, and then ultimately we can decide as a body, as a Congress, and as a Nation where we wish to go with it.

Thank you, Mr. President, I yield.

● Mr. TSONGAS. Mr. President, it is indeed unfortunate that we are unable to proceed to debate on the Voting Rights Act. With 77 Senators favoring extension of S. 1992 in its present form, it is only a matter of time before cloture is invoked to limit debate. We can then proceed to vote on the bill itself. I would like to draw my colleagues attention to yesterday's New York Times editorial and ask that it be placed in the RECORD.

The editorial follows:

[From the New York Times, June 13, 1982]

A FILIBUSTER? ON VOTING? IN 1982?

Senator Jesse Helms promises to filibuster "until the cows come home" to prevent a vote on the Voting Rights Act. But the debate is over and the cows are coming home. Though he is taking days to say it, the North Carolina obstructionist has nothing new to say. Underneath it all there is an old message.

Senate Republican leaders say they will conduct "shuttle diplomacy" with him and the handful of other opponents of the bill. But since the votes for cloture are amply available, this seems pointless. The drafting, improving and compromising are done, yet Senator Helms won't even agree to a preliminary motion to take up the bill for debate. All temporizing could accomplish is snarl it in other Senate business—as the August deadline for renewing key voting rights provisions approaches.

The House passed an extended, improved version of the law last fall by an overwhelming 389 to 24. The Senate Judiciary Committee reported a bill so popular that President Reagan embraced it. Four-fifths of the Senate favors that bill. Senator John Stennis of Mississippi, up for re-election, suddenly sees its merit.

But Senator Helms drones on. Most of his complaints about "regional discrimination" are as hollow as they were when raised against the original 1965 voting rights law that has enfranchised—and elected—so many minority citizens. His charge that the law would create racial election quotas is fully answered in the compromise worked out with the important help of Senator Dole.

The Senator's demonstration, if more genteel in phrasing, is no less mean-spirited and no less an anachronism than those of the Thurmonds and Eastlands who once made the word "filibuster" redolent of racism. Even those few legislators who remain openly opposed to racial equality are embarrassed into silence when the subject is voting, the right that preserves other rights. Is Senator Helms beyond embarrassment? It's time for the Senate to stop the talking and do some voting of its own.●

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS BILL

Mr. HAYAKAWA. Mr. President, as the Senate approaches consideration of the conference report to the urgent supplemental appropriations bill, I am compelled to remind my colleagues that this not merely an urgent supplemental bill. It contains legislation initiating a massive new housing program which I oppose and which President Reagan opposes. While it is an affront to the budget process that we consider additional appropriations for the current fiscal year, allowing legislative language containing both authorization and appropriations for a new program on this bill, does double duty. It violates the appropriations process by providing new funds which are not necessary to continue the function of government on this urgent supplemental bill, and providing both appropriations and authorization in one vehicle. The appropriations process was specifically designed to be separate from the authorization process; combining the two merely as an opportunistic measure of forcing enactment of the Lugar amendment does violence to our congressional responsibility.

Because the conference report contains this legislation, I intend to vote against it, and if it passes it is my hope that the President will veto it.

In this morning's Wall Street Journal an editorial appeared that discusses this state of affairs. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 14, 1982]

NOW THE FUN BEGINS

Mr. Reagan finally pried out of the House the 1983 budget resolution he said he wanted. It still must be reconciled with the Senate version, but the differences aren't great and already the air is thick with proclamations of another great budget victory for the administration.

But quite aside from the merits of this particular budget resolution, which we think are dubious at best, it should be remembered that budget resolutions are only the beginning, not the end, of the budget cycle. Now comes the actual appropriations process. This is where the fun really begins as the vested interests go to work on the individual committees to ratchet spending ever higher.

Indeed, there will be an immediate test of whether the 1983 budget resolution is worth the paper it's written on. At the same time that Congress was wringing its hands and beating its breast about future deficits, it was quietly whipping through a budgetbusting housing bill calling for $3 billion to $5 billion of "anti-recessionary" mortgage subsidies over the next five years.

This housing bailout is likely to reach the President's desk later this week. Its sponsors, hoping to make it veto-proof, have attached it to an "urgent supplemental appropriation" of monies needed to keep the government operating through the current fiscal year. (Those urgent supplementals are a neat little trick too, by the way; Congress habitually makes its budget ceilings look better in the fall by underestimating fixed obligations. Then comes back for a supplemental in the spring.)

Mr. Reagan, tired of these budget-busting games, has indicated he's ready to veto the whole package and let Congress sweat over who pays the government's bills. But the House, for all its show of restraint on the 1983 resolution, is almost certain to override him on this issue of real substance. And in the Republican-controlled Senate he could lose as well; 51 Senators co-sponsored the housing subsidies to begin with.

If Congress does override the President, it will be a sure sign that the old politics is continuing: tax and tax, spend and spend, elect and elect. And we're not just talking about Democrats. The main backers of the housing boondoggles, which would provide mortgages to the middle class at up to four percentage points below market, have been Republican Senators Richard Lugar of Indiana and Jake Garn of Utah.

If housing needs special treatment, after all, why not the auto industry, the aircraft industry, the thrifts, the elderly, the young, or anybody else with the clout to press an "entitlement"? Republicans can play the game as well as Democrats. And in the present economic climate, it will not be difficult to play on the sympathies of the press and public, not to mention the electoral fears of the politicians.

But failure to hold the line will be an equally clear signal to the markets that Congress has no serious intent of getting a grip on spending and the deficit. If interest rates are indeed staying high because of fear of future deficits, as most of the political establishment seems to assume, they are unlikely to decline after getting such a clear signal of budget irresolution. Yet the same political establishment moans that high interest rates are choking off economic recovery.

It's not as if the budget resolutions passed by the Senate and House are models of restraint. They call for $95 billion in new taxes—most of which will never get out of committee, fortunately—but with spending continuing to rise so fast that the deficit next year would still be about $100 billion. And since when has Congress met even the modest targets it set for itself?

Mr. HAYAKAWA. I thank the Chair.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CEASE-FIRE ON THE FALKLAND ISLANDS

Mr. BAKER. Mr. President, I have been advised by officials of our Government that they have received word that there has been at least a cease-fire between British and Argentine troops in the Falkland Islands off South America.

One set of accounts indicates there has been a negotiated surrender of Argentine troops to British forces on the Falklands. Another report is to the effect that there has been at least a cease-fire.

I believe the reports carried by wire services from Buenos Aires indicate that it is a cease-fire for the purpose of further negotiations. In either case it is welcome news, Mr. President.

It is clear now from the reports that have been received by our Government and are being carried on the wire

services, by the wire services, that the fighting has stopped.

It is my fervent hope and wish that the cessation of hostilities is permanent and that further bloodshed has been averted. I just talked to the Vice President on the telephone who indicated I might convey that information to the Senate.

Mr. STENNIS. Mr. President, will the Senator restate his second point? I was to the rear and I really did not catch it, and I am referring to the second point the Senator made.

Mr. BAKER. Yes.

I was advised by officials of our Government, including the Vice President on the telephone, that according to information we have received, and also according to wire service reports which were circulated at this time, that there has been at least a cease-fire with respect to military activities between the British and Argentine forces on the Falkland Islands.

According to one press account and, perhaps, other sources as well, the cessation of hostilities may have amounted to the surrender of Argentine forces to the British forces on the Falkland Islands. That situation is not now clear. I hope it will be clarified in the next little while. But at the very least it seems that hostilities have ended for the time being. It is my hope that they have ended permanently and that further bloodshed in the Falkland Islands has been avoided.

Mr. STENNIS. I thank the Senator. He well-stated it.

Mr. BAKER. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF SENATOR STROM THURMOND BEFORE THE TENNESSEE BAR ASSOCIATION

Mr. HATCH. Mr. President, the Honorable STROM THURMOND, the Senator from South Carolina, gave a remarkable speech before the Tennessee Bar Association the other day in Memphis, Tenn. I think this is the type of speech that everybody who is interested in law and interested in this country should read.

I ask unanimous consent that Senator THURMOND's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR STROM THURMOND

President Allen, president-elect Tune, vice-president Waters, Chief Judge Harry Phillips, Chief Justice Harbison, distinguished guests and ladies and gentlemen:

It is a pleasure for me to be here in the great State of Tennessee—home of the Grand Ole Opry, the World's Fair of 1982 and Howard Baker.

Senator Baker is, in my opinion, the ablest majority leader the Senate has had during the 28 years that I have served in that body. He is a man of vision; a man of action. He is highly respected in both Houses of the Congress. Howard Baker has also earned the confidence and respect of the President of the United States. The people of Tennessee are indeed fortunate to have Senator Baker in Washington.

Tennessee has also given three of its finest lawyers to the service of the American Bar Association. Three past presidents of the ABA came from right here in Memphis—Walter P. Armstrong, Edward W. Kuhn, and most recently, S. Sheppard Tate. That is a distinguished record and one I am sure you as members of the Tennessee Bar are proud.

During the 1968 Presidential campaign, and especially at the Republican Convention of that year, I remember the valuable service rendered by a very bright young man who I understand is in the audience today. Three years ago he was appointed as the youngest state judge in Tennessee and is now on Executive Committee of the State Judicial Conference. Judge Ed Williams of Johnson City, Tennessee has my admiration for his achievement and my best wishes for his continued success.

ROLE OF LAWYERS IN OUR SOCIETY

As all of you are keenly aware, the legal profession has historically played a major role in this Nation of laws. Attorneys were among the Founding Fathers who framed the Declaration of Independence and the Constitution. Lawyers have a rich tradition of service at all levels of government, including interpreting our laws as members of the Federal judiciary.

As Chairman of the Senate Committee on the Judiciary, I have the opportunity to review the records and meet those members of the bar who are chosen by the President to serve on our Federal courts. For the most part, these are extremely competent and able attorneys with excellent credentials. They do a great service to our Country by giving up, in many cases, a successful practice to join the Federal bench.

But the legal profession is not without criticism and skepticism among out citizens. Watergate, as much as I believe that should be put behind us, revealed activities by lawyers which in some cases transcended the legal canon of ethics, and in a few cases, the law itself.

Public opinion polls frequently list lawyers way down the line when people are asked the question "which are the most respected professions?" One reason, besides occasional scandals in the newspapers involving members of the legal profession, is the perception that not all segments of our society benefit equally from the services lawyers provide. In other words, the perception is that only the wealthy can afford the high legal fees lawyers charge.

That reminds me of the story of the lawyer who had to have some plumbing work done in his home. After the plumber had finished his work, he presented the lawyer with the bill.

"My goodness," exclaimed the lawyer, "you charge more per hour than I do."

"You know," replied the plumber, "that is what I used to think when I practiced law."

Perhaps legal fees are not the sole reason for many people to hold lawyers in less than high esteem. Some time back the American Bar Association published a report of a national survey by the Special Committee to Survey Legal Needs. Some of the findings are interesting. Of the group surveyed: 57 percent to 39 percent agreed that the rich are favored over everyone else by the legal profession; 62 percent to 30 percent agreed that fees charged by lawyers were more than the services are worth; and 56 percent to 38 percent disagreed that lawyers worked as hard for the poor as for the rich.

The study also showed that the profession was generally uninterested in doing anything about the "bad apples" in its ranks. The argument has always been that other lawyers are reluctant to discipline their fellow attorneys.

I believe that these charges are being met in a responsible manner by many State and local bar associations. My own State of South Carolina has pursued a vigorous program of hearing complaints against members of the bar and taking the appropriate steps to act on them. Disbarments in my State have risen sharply in the last few years and I think the impact of those proceedings and actions have not been lost on the public.

Another area of critricism of the legal profession has come from no less than the Chief Justice of the Supreme Court of the United States. Chief Justice Burger has stated on several occasions that in his opinion the competency of lawyers now in practice and coming out of the law schools is not up to the standards the American public deserves. I do not need to detail his views here because I know most of you are well aware of them.

Again, State and local bar associations have taken steps to respond to this criticism. Continuing legal education programs have sprouted up throughout the Nation. South Carolina now requires at least 12 hours of continuing legal education a year for members of the State Bar. Other States have adopted similar requirements in an effort to ensure a competent level of attorneys. These efforts are sure to improve the quality of the legal profession in America.

Lawyers are officers of the court, and in that capacity we must not forget our responsibility to not only our clients but also the legal system itself. Each of us swears to uphold the law and conduct ourselves according to the Canon of Professional Responsibility. We must rededicate ourselves to those commitments every day. I am confident that if that is done many of the perceptions held by the public about lawyers will be dispelled.

As Chairman of the Senate Committee on the Judiciary, I am mindful of the importance of our laws relating to the criminal justice system and the constitutional rights of all citizens. For example, I have been especially aware of the right of a jury trial as guaranteed by the United States Constitution. The longest speech I made in the Senate—22 hours and 18 minutes—was in 1957 and had to do with the right of a trial by jury. It is one of the most precious rights in our constitutional framework and I can foresee no conditions that would change our guarantee of that right.

REFORMS IN CRIMINAL JUSTICE SYSTEM

One of my major efforts as Chairman of the Committee on the Judiciary is to make reforms in our criminal justice system. Why is that a priority for me and many others in

the United States Senate? Let me tell you why. Reports from the Department of Justice indicate that last year almost one-third of all households in the United States were victimized by crime. There was a crime committed every 2.4 seconds. Violent crimes have the most frightening report with one aggravated assault every forty-eight seconds, one robbery every fifty-six seconds, one forcible rape every six minutes, and one murder committed every twenty-four minutes.

Pollster George Gallup and others have found that people today favor stricter and harsher punishments to control the flourishing crime rate. Mr. Gallup suggests that these public feelings "coincide with a sharply rising fear of crime on the part of the American people."

In the United States there are more than six million known criminals. If we consider those criminals that are unknown to the authorities, this already huge number becomes even larger. To illustrate this point further, in 1977 there were only 1,331,000 persons employed in the food products trade, 1,156,000 in the wearing apparel trade, and 1,010,000 in the motor vehicle trade, three of the largest employing trades in America. The number of criminals in the United States is nearly double the number of employees of all these trades combined.

A Newsweek magazine article some months ago reported a survey which the respondents were asked: "How much confidence do you have in the police to protect you from crime?" Forty-two percent of these responding said, "not very much." The question, "How much confidence do you have in the courts to sentence and convict criminals?" was also asked, and fifty-nine percent answered, "not very much." Persons responding to a Gallup poll listed lenient court systems, second only to economic problems, as the major cause of the growing crime rate.

Of course, State and local lawmakers must accept their responsibility to maintain law and order within their jurisdictions. They must take an active role in motivating the members of their communities to become involved in crime prevention. Strong community spirit has proved to be a major deterrent to crime in several areas of the nation.

Two weeks ago, I introduced in the Senate, along with 43 cosponsors, legislation entitled the "Violent Crime and Drug Enforcement Improvements Act of 1982". This bill is a comprehensive approach to this problem and is made up mostly of measures that have already been approved by the Senate Committee on the Judiciary or have been the subject of hearings in the Judiciary Committee. Several of these measures are pending on the Calendar of the Senate. The legislation has the support of the Reagan Administration and is cosponsored by Republicans and Democrats alike.

It is time to stop talking about the crime problem. It is time to address the issue with changes reflecting the best thinking in the criminal justice field. The package is directed primarily at violent crime and drug trafficking which, in many parts of the country, have increased to the point of being beyond the present control of law enforcement. Let me briefly describe some of the major provisions in the bill.

Title I of the bill contains provisions which amend the Bail Reform Act of 1966 to, among other things, (1) permit danger to the community to be considered in determining whether to release a defendant pending trial, or, if release is appropriate, in determining conditions for release; (2) tighten significantly the criteria for post-conviction release pending sentencing and appeal; (3) provide procedure for revocation of release and contempt of court prosecution for committing a crime while on release; (4) provide consecutive sentences for crimes committed on pretrial release; and (5) increase the penalties for bail jumping. It also includes a presumption that a particular individual is a danger to the community if he committed a serious drug trafficking offense or used a firearm in a violent crime.

There are safeguards to ensure that due process rights of individuals are protected. A hearing before a judicial officer is required. The defendant has a right to counsel, to present information and witnesses, to be given written findings or statement of conditions, and to testify in his own behalf.

Title II would require a presentence report to include a "victim impact statement" to advise the judge on this important factor in sentencing the defendant. It would make it a crime, punishable by imprisonment for 6 years or $25,000, or both, to hinder harm, annoy, or injure any victim or witness who is involved in the criminal justice process. It also makes it a crime to retaliate against a witness or victim after the completion of the criminal justice process.

Title IV amends section 351 and 1751 of title 18, United States Code, to make it a Federal crime to kill, kidnap, or assault certain senior White House officials, a member of the cabinet and his next in command, and a Justice of the Supreme Court.

Title V makes fundamental changes in the sentencing system of current law. The major features include for the first time setting forth the purposes of sentencing and changing the sentencing system to a determinate system, with no parole and limited good time credits. A seven-member sentencing commission would be responsible, subject to review by Congress, for promulgating sentencing guidelines for the courts to use in determining an appropriate sentence. The court must explain the basis for sentences outside the guidelines. The defendant may appeal a sentence more lenient than the applicable guideline. So-called "safety net" provisions are included to provide, after service of a specified portion of the sentence, an opportunity for review and modification of a long sentence in unusual circumstances.

Title VII contains procedural changes in the law impacting on mentally ill persons in the Federal criminal justice system. One feature of this part of the title closes a loophole in current law by providing a Federal commitment procedure for a dangerous Federal defendant found not guilty by reason of insanity, if no State will commit him on other grounds.

Another aspect of this title would replace the current Federal insanity defense with a narrower defense applicable only to those individuals who were so mentally ill that they could not form the mental state required for the crime.

In addition to these provisions, the legislation makes a number of changes in current title 18 provisions such as:

Permit emergency electronic surveillance in life endangering situations;

Strengthen federal juvenile justice provisions;

Extend kidnapping jurisdiction to protect federal officials listed in 18 U.S.C. 1114 if connected with performance of official duties;

Protect the immediate families of certain federal officials from acts of violence perpetrated to coerce action by or retaliate against such official;

Expand the offenses relating to destruction of interstate motor vehicles to include cargo carrying vehicles;

Make it a crime to solicit the commission of a federal crime of violence;

Expand the list of dangerous crimes applicable to felony-murder, to include escape, murder, kidnapping, treason, espionage, and sabotage; and

Increase the penalties for distributing controlled substances in or on, or within 1,000 feet of, an elementary or secondary school.

It is my hope this package of tough, anti-crime measures can be enacted this year. Behind the economy, crime is the number one social problem in America. Crime is essentially a State and local problem, but passage of this legislation at the Federal level can send a signal to State and local governments and encourage them to enact similar laws where appropriate.

In addition to this comprehensive anti-crime package, legislation to reinstate capital punishment for certain serious and heinous crimes should be acted on by the Congress. I personally believe capital punishment can be a deterrent to violent crime. There are those who do not share that view, and I respect their opinion and beliefs on the death penalty.

The penalty of death is the only punishment, in my opinion, that even comes close to compensating for trampling on the sanctity of innocent life. As violent crimes grows, the public sentiment increases in favor of the death penalty as a deterrent to crime. Approximately two-thirds of the American people now favor the death penalty for persons convicted of murder.

There is now on the Senate Calendar a bill to impose the death penalty for certain Federal crimes, murder, treason and espionage. This measure should also be considered by the Senate this year.

The entire judicial process must be speeded up. At some point, a decision and judgment must become final. Continued appeals as a means of delaying punishment have clogged the entire court system. By designating a point at which all appeals must end, the judicial system will become more effective. Just recently, Chief Justice Burger in his Year-End Report on the Judiciary, expressed the need for changes in Federal court jurisdiction over collateral review of state court convictions. He said, "The administration of justice in this country is plagued and bogged down with a lack of reasonable finality of judgments in criminal cases." I have already introduced legislation in the Senate to respond to this problem and it is pending before the Senate Committee on the Judiciary.

The so-called exclusionary rule, under which highly relevant evidence is excluded from consideration in a criminal trial because it was obtained through an illegal search and seizure, should also be abolished or modified. It makes little sense to turn the criminal loose as a method of punishment of a police officer for failure to comply with the often technical requirements of the Fourth Amendment laws on search and seizure. We should punish the criminal and at the same time provide a civil and administrative remedy to deal effectively with the erring police officer.

VOTING RIGHTS LEGISLATION

One priority for the Senate next week will be action on the Voting Rights legislation

now before the Senate. Foremost in my mind is the need to assure all Americans that the right to register and to vote will be protected against discrimination of any kind.

Throughout consideration of this legislation I have expressed concern over three important aspects of the bill. First, I have sought assurance that the proposed changes in Section 2 of the Act would not result in court-ordered establishment of systems of proportional representation by race. Second, I have sought the inclusion of a reasonable bailout provision so that jurisdictions subject to the preclearance requirements of Section 5 would have a genuine incentive to rid themselves of any lingering discrimination. Third, I have sought a period of extension that is responsive to present conditions.

With respect to the proportional representation issue, I am hopeful that the legislative history will provide some protection against the establishment of electoral systems that will result in proportional representation by race.

OTHER PENDING LEGISLATION

In addition to consideration of Voting Rights legislation, the Congress faces the prospect of action on several of the so-called social issues—abortion, busing, and voluntary prayer in schools. Let me discuss each briefly.

There are two approaches being taken to reverse the 1973 decision of the Supreme Court in the case of *Roe* v. *Wade*, which permits abortion the first 3 months on demand and during the next 3 months when the life of the mother is in danger. One is to pass a bill defining "person" in the Constitution to include an unborn person. The other is to pursue a Constitutional amendment that would permit each State to pass legislation on the question of abortion so long as it were not less restrictive than the Federal law. The Committee has reported S.J. Res. 110, which adopts the latter approach.

With regard to limitations on court-ordered busing, there are again several bills before the Congress. In practice, being only slightly different, they have the objective of either limiting severely, or prohibiting altogether, the use of busing as a means to achieve racial integration. The objective is one that I support. This social experiment has not worked, and in fact, has become a hardship on the families and children of both blacks and whites. The failure of busing is not a partisan issue. Both Senators JOHNSTON (D-La.), BIDEN (D-Del.), and Senators HELMS (R-N.C.) and others are outspoken critics of forced busing as a means to achieve racial integration.

Quality education for all our children should be the goal of our government policy. The use of busing ignores that objective and place great emotional and financial strains on the families and communities where it is practiced. I hope the Congress will act favorably on this legislation during the present session.

Finally, in the area of social issues, the Committee may also act on legislation to allow voluntary prayer in schools. We must always recognize the Constitutional requirement to keep Church and State separate, where there is any hint of compulsory action by the Government. The Supreme Court has wrestled with this question only recently. Voluntary prayer in schools does not, in my opinion, violate the principle of separation of Church and State and should be permitted. I have introduced a constitutional amendment to restore voluntary prayer in the schools, which was endorsed by President Reagan last month. Hearings and Senate action may be expected this year.

In addition to these issues, reform of the immigration and refugee laws is a major priority for the Committee and the Senate this year. S. 2222, the Immigration Reform and Control Act, was approved by the Committee last month by a vote of 16 to 1, and will be considered shortly on the Senate floor.

The problems of immigration in general, and refugees coming to America in large numbers in particular, have gone on too long without a coherent and clear response. The sudden arrival of more than 125,000 Cubans in April of 1980 only brought national attention to a problem that has plagued South Florida for several years—that of the influx of refugees from Haiti and other Caribbean basin countries which has overwhelmed local jurisdictions in South Florida.

The immigration laws of this Nation need to be changed to respond to the economic pressures in other countries that are pushing increased numbers of foreign nationals to our shores. But we cannot continue to allow refugees and foreign nationals to come to the United States solely for economic reasons. The law is clear—there must be a showing of a fear of persecution because of religious or political beliefs. We can and will do our share, but we cannot possibly take all those who wish to come.

These are just a few of the major issues that the Congress should take action on this year. Adoption of a responsible budget will, of course, be a priority item over the next few weeks.

We in the Congress must act on the budget. Federal spending must be brought under control. President Reagan has made every effort to present a budget that is fair, that preserves the strength of our military, and will start us on the road to a balanced budget. This issue is so important to the future of our Country that partisanship must be set aside and every effort applied to achieving agreement on a budget as soon as possible.

In conclusion, I challenge you as members of the bar to take a stand in improving the role of the legal profession in society, to support laws that will lead to the reduction of crime, and to express yourselves to the Congress on matters that vitally concern you and our country.

Let me express my appreciation to President Allen for inviting me to be with you today and for the fine Tennessee hospitality that has been extended to me.

Mr. HATCH. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, apparently there is no requirement for additional time to debate the motion to proceed this evening. Therefore, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 5:30 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, these requests, I believe, have been cleared by the minority leader. I will state them now for his consideration and that of other Senators.

JOINT REFERRAL—PRESIDENTIAL MESSAGE 136

Mr. BAKER. Mr. President, I ask unanimous consent that Presidential Message 136 on the international fishery agreement between the United States and the Soviet Union be jointly referred to the Committees on Commerce, Science, and Transportation and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST CONCURRENT RESOLUTION ON THE BUDGET

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 92.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 92) entitled "Concurrent resolution setting forth the recommended congressional budget for the United States Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the United States Government for the fiscal year 1982", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendment, and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MATTINGLY) appointed Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. HATCH, Mr. TOWER, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, and Mr. METZENBAUM conferees on the part of the Senate.

REREFERRAL OF S. 2519

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2519, a bill for the relief of the Grace Baptist Church, Portland, Maine, and that the bill be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW JAPAN-UNITED STATES AVIATION AGREEMENT EXTENDS "FRIENDLY SKIES"

Mr. PERCY. Mr. President, on June 4, 1982, President Reagan and Japanese Prime Minister Suzuki announced that a new aviation agreement had been concluded between the two countries.

This outstanding agreement should be of significant benefit to the Midwest, to consumers, and to the aviation industry.

In a nutshell, the agreement permits United Airlines to begin daily nonstop service to Tokyo from both Seattle and Portland. United has been attempting to secure these Japanese landing rights for the past 16 years. During that time I have worked closely with officials from this Illinois-headquartered airline in this effort. Only 2 months ago, I spoke directly with Japanese Foreign Minister Yoshio Sakurauchi to urge him to approve United's entry into Japan. I am very grateful that the Japanese Foreign Minister and the Office of the Prime Minister responded so constructively to help extend the Friendly Skies westward to the Orient. I understand that United plans to originate these flights at O'Hare International Airport beginning on April 1, 1983, which is the earliest time permitted under terms of the agreement.

In addition, Japan Air Lines is permitted to begin service on the same date from Tokyo to both O'Hare International Airport and Seattle. If JAL chooses to operate nonstop from Chicago to Tokyo, Illinois residents will be given competitive service for the first time between these two points. Trade relations between Illinois and Japan could improve with the entry of JAL into this important route. JAL has a well-deserved international reputation for excellence and is preferred by many Japanese and foreign travelers.

I have attached a full copy of the Record of Consultations which spell out further details of this outstanding agreement.

I should like to personally thank members of the entire U.S. delegation who worked over the Memorial Day holiday and into the early morning hours of last week to conclude the agreement. They include:

From the Department of Transportation: Darrell M. Trent, Deputy Secretary; Judith T. Connor, Assistant Secretary for Policy and International Affairs; Frank Willis, Deputy Assistant Secretary for Policy and International Affairs; Jeffrey N. Shane, Assistant General Counsel for International Law; and Vance Fort, Director of the Office of International Policy and Programs.

From the Department of State: Robert D. Hormats, Assistant Secretary for Economic and Business Affairs; Matthew V. Scocozza, Deputy Assistant Secretary for Transportation and Telecommunications; and James Ferrer, Director of the Office of Aviation.

From the Civil Aeronautics Board: Dan McKinnon, Chairman; Dan Casper, Director of the Bureau of International Aviation; and Charles (Bob) Mallalieu, Jr., from in the Bureau of International Affairs.

This agreement is a demonstration of how trade differences can be handled without resorting to counterproductive sanctions or retaliation. I know that for the employees of United Airlines—with 10,000 of them furloughed—this should be welcome news. This new route should open up scores of new employment opportunities for United employees.

I ask to have printed in the RECORD the agreement and the article from the June 7, 1982, Wall Street Journal describing the agreement.

The material is as follows:

RECORD OF CONSULTATIONS

With respect to the outstanding issues between Japan and the United States of America concerning bilateral civil aviation relations, an interim agreement should be concluded comprising the following elements:

1. The Government of Japan and the Government of the United States of America should reconvene the negotiations by the end of 1983, in order to review the bilateral civil aviation relations comprehensively and to arrive at an overall balance of benefits under the Civil Air Transport Agreement signed at Tokyo, August 11, 1952, as amended.

2. The Government of Japan and the Government of the United States of America have agreed on the following provisional measures:

(a) Implementation of the measures and extension of the duration of the measures recorded in the Memorandum of Consultations dated September 20, 1980, modified as follows:

For the United States of America, effective April 1, 1983: Continental/Air Micronesia will be permitted to operate seven round trip flights per week on the basis of narrow body aircraft on a route between Saipan and Nagoya.

For Japan: On a date to be agreed upon later by the two governments, a Japanese designated airline will be permitted to operate scheduled all-cargo services on a route between Tokyo and Chicago at the level of two round trip flights per week on the basis of narrow body aircraft.

(b) Other elements

EFFECTIVE APRIL 1, 1983

For the United States of America: A U.S. designated airline not currently operating between the U.S. and Japan will be permitted to operate seven round trip combination flights per week on a route between Seattle/Portland and Tokyo.

For Japan: A Japanese designated airline will be permitted to operate five round trip combination flights per week on a route between Tokyo and Seattle/Chicago.

EFFECTIVE APRIL 1, 1984

A Japanese designated airline will be permitted to operate two round trip combination flights per week on a route between Tokyo-Los Angeles-Sao Paulo/Rio de Janeiro with full traffic rights.

This does not affect in any way the right that Japan has with regard to the beyond sector from Los Angeles under the present schedule to the Agreement; nor does this Record of Consultations in any way affect the rights which the U.S. has with regard to the beyond sectors from Japan.

For Both Countries—Effective upon Signature of the Interim Agreement: (c) 300 one-way charter flights per year for the airlines of each country will be permitted to be operated in accordance with country of origin rules.

(d) These provisional measures mentioned in paragraphs (a), (b), and (c) should be manitained for three years after the date of entry into force of the interim agreement, or until the negotiations mentioned in paragraph 1 above are concluded, whichever is later.

YOSHIO HATANO,
Envoy Extraordinary and Minister Plenipotentiary, embassy of Japan.
DARRELL M. TRENT,
Deputy Secretary, U.S. Department of Transportation.
WASHINGTON, D.C., June 4, 1982.

[From the Wall Street Journal]

U.S., JAPAN REACH 3-YEAR AVIATION PACT, BOOSTING SERVICE BETWEEN THE TWO COUNTRIES

The U.S. and Japan concluded a three-year aviation agreement that will boost service between the two countries, culminating 18 months of difficult negotiations.

The "interim" pact resolved some of the air-route issues that have proved highly troublesome in the long series of talks. Other matters weren't settled, however, and were put off for more bargaining, to begin by the end of 1983.

The new agreement will permit United Airlines to start Seattle-Tokyo and Portland-Tokyo flights April 1, 1983. Japan had long resisted those flights despite a 1978 Civil Aeronautics Board award of the routes to the UAL Inc. unit.

In Chicago, United said it will begin flights between the two countries next April. A spokesman for United said the airline will probably fly daily between Tokyo and Seattle or Portland. The flight will originate in Chicago, United said. Currently, only two other U.S. carriers fly between the two countries, the spokesman added. Northwest Airlines flies from Los Angeles, Seattle and Chicago and, beginning this Thursday, will fly from New York. Pan American World Airways also flies the route.

United applied for permission to fly to Japan in 1966. That initial application was denied in 1968, but a second request was approved by the CAB in July 1978. Service was delayed because of the disagreement between the U.S. and Japanese governments.

CONTINENTAL AIRLINES AFFILIATE

Other provisions of the new agreement will let a Continental Airlines affiliate in Micronesia expand its service to Japan to include flights to Nagoya, and will improve the charter-flight authority for U.S. and Japanese-flag airlines alike, including a substantial expansion of the number of annual charter flights. Continental is a Texas Air Corp. unit.

In return, Japan Air Lines will be permitted flights linking Tokyo with Seattle and Chicago, and to pick up Los Angeles passengers on some flights enroute from Tokyo to Sao Paulo or Rio de Janeiro.

Conceding JAL the Los Angeles-South America route was central to making the new agreement acceptable to the Japanese. They had demanded the route vociferously in the previous round of talks in March but the U.S. had refused to grant it.

When the U.S. conceded the route this time, hard-liners on the Japanese side from JAL and Ministry of Transportation still weren't satisfied, but their position was undercut. The concession gave fresh ammunition to Japanese foreign ministry officials, whose primary concern is U.S.-Japan relations and who had long been pushing for some sort of settlement before the opening of the current seven-nation economic summit in Versailles. With the concession coming on the eve of the summit, "the timing was right" for an agreement, said one Tokyo insider.

The U.S. also gained agreement language that U.S. officials said buttressed its argument that a 1952 bilateral aviation agreement with Japan, still in effect, permits American carriers serving Japan to make unlimited flights beyond that nation.

The Japanese government had been seeking to limit any expansion of existing U.S.-flag service beyond Japan, or even to pare down that service. This "beyond rights" issue prevented an agreement during eight days of talks in March of this year in Palo Alto, Calif. Similar language preserving Japanese rights for flights beyond Los Angeles was written into the new pact, signed in Washington over the weekend.

However, it's understood that the new language the U.S. obtained, while ensuring U.S. carriers the right to fly through, say, Tokyo, to a "beyond" point such as Seoul, doesn't specifically address the related problem of the carriers' rights to pick up new passengers in Tokyo for the Tokyo-Seoul leg of the flight. The Japanese have long complained that U.S. carriers abuse these so-called fifth freedom rights by picking up large numbers of new passengers in Japan.

The issue could arise anew if China grants Pan Am new rights to fly to Peking. To make the flights economically feasible, it is thought, Pan Am would want to stop in Tokyo and pick up new passengers there for the Tokyo-Peking journey. Whether the Japanese would grant them that right is at this point unclear.

SECOND CARRIER

The agreement was scaled down from what was termed a "mini-package" that U.S. negotiators had hoped Japanese representatives would accept during the Palo Alto discussions. At that time, Japanese officals seemed willing to allow a second additional U.S. carrier, other than United, to begin flying U.S.-Japan routes, and to let the U.S. designate one more Japanese city to be served by an American carrier.

U.S. bargainers were also willing, at the time, to expand JAL's service to include one other U.S. city, to be named by Japan, besides Seattle and Chicago. But the "wish list" was reduced in the most-recent talk "and we tried out darndest not to blow it back up again," said one U.S. negotiator.

Later talks will deal with such issues as the designation of more U.S.-flag airlines to serve Japan, firmer assurance of flying rights beyond Japan for American carriers and lower fares for U.S.-Japan markets, all sought by the U.S., the official said. Also involved will be Japanese goals—more American cities to be served by JAL, more rights for JAL beyond the U.S., and a limit of U.S. flag flight capacity over the Pacific, she said.

In Tokyo, it was also clear that despite the new agreement, the Japanese continue to regard the basic 1952 treaty overall as unbalanced in favor of the U.S., an imbalance they will undoubtedly attempt to rectify in future negotiations.

Meanwhile she said, the CAB will drop any plans to impose sanctions on JAL, as it had proposed to do in retaliation for Japanese restrictions, including Japan's opposition to United's service. Japan had countered by imposing its own sanction, including the clampdown on U.S. flag "beyond rights."

PRIME MINISTER HAUGHEY SPEAKS ON IRISH UNITY IN NEW YORK CITY

Mr. KENNEDY. Mr. President, during his brief visit to New York City last week to address the United Nations Special Session on Disarmament, Prime Minister Charles Haughey of the Republic of Ireland also spoke on the issue of Northern Ireland at a reception for Irish Americans.

In his remarks at this reception, the Prime Minister talked eloquently of the special bonds between Ireland and the United States and the influential role of Irish Americans in helping to achieve an end to the violence in Northern Ireland and a peacful settlement of the conflict.

The Prime minister stated that "the first political priority of the Irish Government is to promote the unity of the people of Ireland." He emphasized, moreover, that the great goal of Irish unity can be achieved only through peaceful means, not through violence, and he urged all Americans to avoid any actions that encourage such violence.

Mr. President, I believe that the Prime Minister's address will be of interest to all of us concerned about Northern Ireland, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRIME MINISTER CHARLES J. HAUGHEY

I am fortunate that my brief visit to New York allows me an opportunity of meeting this distinguished assembly of leaders of the Irish American Community and friends of Ireland.

In my address at the White House on Saint Patrick's Day this year when we were the guests of President Reagan, I sought to convey something of the immense pride taken in Ireland in the magnificant contribution Irish-Americans have made in the building of the United States. Many of the Irish men and women who made their home in America came first to this city of New York. It is to this great metropolis, too, that representatives and leaders of the Irish people came to seek that support from Irish-Americans which was crucial in our struggle for independence. One such leader was Eamon De Valera who was born in New York and on my last visit here I gave myself the pleasure of visiting the Church of St. Agnes where he was baptised one hundred years ago. It is a great honour for me on behalf of the Irish people at home in this centenary year of Eamon De Valera to express to you all, Friends of Ireland, our gratitude for your steadfast support for our political, economic and social development.

At home we have perhaps sometimes taken that support for granted. In our pride in the achievement of our compatriots here, we have not always realised the immensely varied part played by Irish-Americans building of this land and the sacrifices made in dong so. Neither have we always made an adequate effort to ensure that our friends in America were fully informed of the evolution of the greater part of the Irish homeland into a modern, progressive democratic society. We must now look to a future of greater mutual understanding and constructive co-operation among Irish people everywhere in the achievement of Irish national objectives.

For my part, I can assure you of my Government's appreciation of the sympathies and traditional loyalties which have given strength to successive generations of Irish emigrants and their descendants in this country. I know from my personal experience that the Irish American Community of today is anxious and is well placed to continue this great tradition.

I am deeply aware of the obligation on me to explain fully and communicate clearly to you, the representatives of the Irish-American Community, the politics of the Irish Government for the attainment of our fundamental aim of welding historically diverse cultures and traditions into a unified modern nation.

It is my conviction that much of the confusion which has existed regarding the Irish Government's approach to the problem of Northern Ireland stems from a failure in communication and I am determined to remedy that failure.

Let us be clear then about one thing—the first political priority of the Irish Government is to promote the unity of the people of Ireland. This is not a question simply of territorial integrity. We seek a union of culture and traditions in a nation which, like yours, is based on democracy and repects fully the freedom of the individual. Our energies are directed towards creating a framework in which an All-Ireland settlement can be negotiated to ensure that in the new Ireland which will emerge the rights of all Irish men and women will be entirely repected and fully guaranteed. We are convinced that it is only in unity that the divisions which are undermining the material wellbeing of generations of Irishmen can be ended. Only in unity can the true fulfilment of our two great traditions be achieved.

Britain has a major responsibility in solving the problem of Northern Ireland. As we contemplate the appalling cost of Northern Ireland's failure as a political and economic entity, not only to the community in the Six Counties but to all of us who live on the island of Ireland, we are entitled to ask for British help and cooperation in finding a new and more constructive basis for the management and development of Irish affairs by Irish men and women in their own best interest. I have always argued that this will not only restore peace in Ireland but it will remove the shadow which hangs over relations between Britain and Ireland.

It is not in the Irish interest alone that we seek British help and goodwill in the solution of the Northern Ireland problem. It is also in Britain's interest, in America's interest, and in the interest of democracy everywhere that the present unstable situation is not allowed to continue.

At this stage, I believe that only joint action by Dublin and London, taking fully into account the views of all the Northern people, can begin to end division among Irish people.

As Taoiseach, therefore, I have actively pursued the creation of an institutional relationship with Britain as a way of providing an appropriate framework for such joint action.

In my address at the White House last March I expressed the hope that the encouragement of Irish unity would rank high among the international objectives of the United States. The President has already emphasised that the Northern Ireland conflict and the instability which it represent is a problem which should concern all of us in the Western Democracies. The United States as a friend of both Ireland and Britain can do much to encourage a change of attitudes in Northern Ireland which would pave the way for Irish unity. Moreover, the U.S. Administration continues to express concern about the declining economy of Northern Ireland and a readiness to encourage private investment into Northern Ireland when stability has been restored through the decisive political progress we seek.

I urge you and through you all Irish Americans, to unite behind the clear policy upon which we are embarked. This policy already commands the support of the overwhelming majority of the Irish people. Broad Irish American support for our objectives will, I believe, enable the U.S. Administration to play a more effective role in resolving this problem which your President rightly regards as one for the entire community of Western nations.

I was glad in recent days to welcome in Dublin a group of visitors from the Congressional Organisation, the Friends of Ireland. I am happy to be able to meet more of these true friends of Ireland here this evening. I look forward to many more such visits in both directions across the Atlantic in the future. These interchanges help to inform people about the real cause of the conflict in Northern Ireland and promote Irish unity as the most effective road to peace.

My Government will work with all those in America who share our ultimate objective of the unity of the people of Ireland and our abhorrence of violence. And let me emphasise that violence, evil in itself and appalling in its consequences, can only postpone the day of Irish unity. Far from advancing, it will further delay a final British military and political withdrawal from Ireland. Violence and the bitterness it involves only frustrate the ultimate achievement of national unity.

I know that many of you are deeply concerned about the Northern Ireland situation and the Irish Government share your concern and hopes for your understanding and support for the view that progress in removing the causes of violence can only be made by peaceful political means.

Friends of Ireland in America, that is the message I have come to give you. It is a positive message. I set before you a positive aim, the peaceful reunification by agreement of our people and of our country. I have described the peaceful framework in which we shall pursue that aim. Let us do nothing that will separate Irish men and women, whatever side of the Atlantic they may live on—that is the most fundamental lesson of our history. I am confident that we will not forget it, but that we will from now on work together by peaceful persuasion to build a national will for progress, a will to solve the most obdurate problem which stands between us and the fulfilment of the wider nationhood which embraces all the traditions of Ireland.

Nobody in America, therefore, should support or subscribe to policies which envisage violence and terror as the means of bringing about the unity of Ireland.

We intend to mobilise effectively American political and public opinion in favour of the cause of Irish unity by peaceful political process, the only true and lasting basis for such unity. We intend to weld together the constructive efforts of the Friends of Ireland and of Irish Americans generally, both individually and through their various organizations, to support the cause of Irish unity by peaceful but purposeful negotiations as the ultimate and only sensible way to end the intolerable situation in Northern Ireland.

We want your support and help in that political constitutional process. But there are always of course many other particular ways in which you can help the further and fuller development of Ireland and her people.

Ireland today is engaged in a vast programme of modernization through education, through industrial expansion based on advanced scientific and technological industries, through growing commerce and trade and through our rapidly-improving economic infrastructure.

We seek your help in bringing Ireland to the front rank of the small modern economies, an ambition within our reach given our rich natural resources and the energy and enterprise of our people.

Your partnership can take many forms, all of practical benefit to you and to Ireland.

You and your families can come on holidays to Ireland, as so many of you have done down the years. Bord Failte (the Irish Tourist Board), Aer Lingus and CIE and travel agents everywhere can provide you with all the advice and assistance you need for a happy and rewarding holiday in Ireland.

You may be in a position to encourage your particular firm or corporation to invest in manufacturing or service industry in Ireland knowing you will get the most favourable tax facilities, financial incentives and investment returns available anywhere in Europe. The offices of our Industrial Development Authority throughout the United States will help you avail of the full range of investment opportunities Ireland now offers.

You can support our growing export trade. We are now one of the highest exporters of goods and services in Europe relative to the size of the country. The range and quality of our exports now offer not alone attractive consumer products for the individual but also new trading possibilities to importers, wholesalers and retailers. The officer of Coras Trachtala, the Irish Export Board, in the United States will help you gain access to this growing new trading opportunity.

On a completely different level we will shortly adopt a scheme proposed by Dr. Eoin McKiernan of the Irish American Cultural Institute which will enable Irish-Americans to sponsor the planting of trees in Ireland dedicated to themselves, their relatives or their friends.

Their personalized tree planting and dedication will add a new interest to a visit to Ireland and will remain for many generations a testimony of our practical and affectionate interest in Ireland.

In conclusion, I would ask you to think seriously on what I have said in this short address about the support we need from you for our positive but peaceful policies and our economic endeavours.

I also hope that you will avail of one or other of the practical ways I have outlined, to join with us in building a modern progressive and prospering Ireland where conditions are now so different from the deprivation which drove the Irish originally in great numbers to seek a better life overseas. We are now a land of growing opportunity. My purpose here today is to invite you to join us in realising these opportunities, to enlist your encouragement—and support for our enterprising economic plans and our prudent political endeavours.

Contact: Mr. Frank Sheridan, 462-3939.

June 10, 1982.

PROTECTING INNOCENT HUMAN LIFE

Mr. HELMS. Mr. President, as a cosponsor of Senate Concurrent Resolution 101, I believe it is imperative that Congress make clear "That a handicapped child's right to life should not be abridged or denied on account of age, health, defect, or condition of dependency."

On April 20, Representative HENRY HYDE and I wrote to Secretary of Health and Human Services Schweiker to request swift action "to insure the equal protection of our laws to handicapped children." I was encouraged by the response that I received from Secretary Schweiker. I ask unanimous consent that his letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, we must pray that the time is not too distant that the Senate will act, as Secretary Schweiker put it, "to protect the rights and welfare of all persons, particularly those least able to protect themselves."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., May 6, 1982.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: This is in response to your letter concerning the question of withholding life-sustaining medical care for mentally and physically handicapped newborn infants.

On April 30 of this year the President issued a statement deploring the denial of care to such infants and confirming the applicability of Section 504 of the Rehabilitation Act of 1973 in such cases. I fully support the President on this issue and on May

18 the HHS Office for Civil Rights issued notice to health care providers who are recipients of Federal financial assistance to remind them that it is unlawful to withhold discriminatorily from a handicapped infant medical treatment or nutritional sustenance that would be provided to a non-handicapped infant.

I joing the President in supporting the vigorous enforcement of Federal laws prohibiting discrimination against the handicapped. This Department will continue to protect the rights and welfare of all persons, particularly those least able to protect themselves.

I hope this information is helpful.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

PROCTER & GAMBLE DEDICATES A NEW PLANT IN NORTH CAROLINA

Mr. HELMS. Mr. President, on June 4 I was among several hundred people who attended dedication ceremonies for a new Procter & Gamble plant in Greensboro, N.C.

I added this event to my schedule that day because it occurred to me that I had little firsthand knowledge about an enormous U.S. corporation that now has two facilities in my State. Moreover, I am intrigued at what exists today because a couple of Americans, one named Procter and the other named Gamble, decided to go into the business of manufacturing soap and candles 145 years ago. Talk about having come a long way, Mr. President. The Procter & Gamble story is almost incredible.

It is not often, Mr. President, that I read into the RECORD a speech delivered at a plant dedication. In fact, I believe this is the first time I have done so. But I think Senators may be interested in the remarks on that occasion by A. E. Harris, Procter & Gamble's group vice president, who came down to North Carolina from Cincinnati to represent his company. And if Mr. Procter and Mr. Gamble were still around, I suspect they would not be merely interested—they would be amazed at what they started.

Mr. President, I ask unanimous consent that Mr. Harris' observations be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MR. A. E. HARRIS

Senator Helms; Secretary Faircloth; Chairman Campbell; Mayor Forbis, distinguished guests, ladies and gentlemen.

This gathering exemplifies the warm reception we have been receiving from the Greensboro community ever since March 1980, when we first announced the construction of this plant. We are very pleased to show our appreciation by having you all join us in our dedication celebration today.

Procter & Gamble has manufacturing facilities throughout the United States and around the world. This is our second plant in North Carolina. Our first was built just 8 years ago in Greenville. We take this opportunity to publicly thank you who represent the Greensboro community, for the support and assistance you have provided in helping us establish new roots here. Our acceptance has been most heartwarming and our establishment here has been easier to accomplish because of all of you.

Our company's arrival here has also been made easier by Greensboro's reputation as one of the most livable cities in the U.S. You can be proud of your good government, your good people, your diversified business base, your schools of higher learning, your excellent recreational opportunities, and your many cultural assets, which are so important to the continued healthy growth of your community.

Our new plant in Greensboro is one of three Procter & Gamble plants in the U.S. dedicated to the manufacture of beauty care and personal care products. The first product being produced here since the plant's startup a few months ago is Crest toothpaste—the leader in its field and a brand which I hope is familiar to all of you—but just in case, we'll have samples for all of you later on.

It was about fifty years ago when Procter & Gamble first entered this beauty care and personal care field. Our first entry was Drene shampoo, in 1933. Since then we have introduced Prell shampoo, Lilt home permanents, Gleem and Crest toothpastes, Secret and Sure deodorants, Head & Shoulders shampoo, Scope mouthwash, Wondra hand & body lotion, and Pert shampoo. Our research and development effort in these divisions is a strong one, and we anticipate being able to bring you more fine products in the future.

The Greensboro plant is a result of the continuing growth of these products and their acceptance by consumers throughout the U.S. As you may know, Procter & Gamble goes back a long time, over 145 years and the company's success has been built on providing quality products at reasonable costs. Mr. Procter & Mr. Gamble started out in 1837 making candles and soap, but today the company which they began produces a great variety of well-known consumer products—including Tide, Cheer, Folger's coffee, Pampers, Charmin, White Cloud and Bounty, Jif, Duncan Hines, Crisco, Pringles, Ivory, Camay, Zest, to name just a few. We're proud that it's almost impossible to enter an American home without finding at least one of our products.

Our experience in building this plant has been good and we are pleased with the results.

When it came time to take employment applications, we were actually a little surprised by the tremendous interest shown. Some of you may still remember the traffic jam created by job applicants the first day. Such quantity. Well, our management people here will also attest to the high quality of the applicants—for they have yielded for this plant an excellent group of technician employees. All the technician employees—some 100 of them thus far—were employed from the surrounding communities.

You can see that the plant occupies only a small part of this 288-acre site. Experience has taught us that we should allow ourselves plenty of "growing room" when building a new plant. We've done that here.

We have no present plans for using any of this extra land and no one can say with certainty when we'll need it. But, if we can draw some conclusion about the future by looking at the past, Procter & Gamble's long-term and broadscale growth record points to long-term growth here as well.

Today's program has been called a "dedication" program. Therefore, it seems appropriate that I should say to what this plant is "dedicated."

First of all, we dedicate this plant to the American consumer, because everything we do in every part of our business is aimed at benefiting that consumer. The entire physical plant is designed for, and the plant's people must be everlastingly devoted to, providing the consumer with the best possible products at unvarying high quality and at a reasonable price.

But also,

We dedicate this plant to a happy and prosperous long-term relationship between Procter & Gamble and the greater Greensboro community, and the State of North Carolina.

We dedicate this plant to a continuation here of the good relationship between Procter & Gamble and its employees that has long been an outstanding characteristic of our company.

We dedicate this plant to the tens of thousands of people who have put their trust in us by investing in the company, our shareholders.

And, finally, we dedicate this plant to the American system of free enterprise that has helped so much to build in this nation a standard of living unparalleled in world history.

THE AGRICULTURAL ECONOMY AND FARM POLICY

Mr. HELMS. Mr. President, Dr. William G. Lesher is a well-liked and highly respected economist who has reached top rank in his profession at the U.S. Department of Agriculture.

Dr. Lesher last month presented an excellent statement on the farm economy and agricultural policy. It discloses not only the strength of his economic and analytical skills, but also provides very thoughtful insights into the future direction of farm, food, and trade policy.

We are especially proud of Bill Lesher because he previously served in a completely bipartisan way on the staff of the Senate Agriculture Committee. He was trained in agronomy and agricultural economics at Purdue and Oregon State University. He taught and received his Ph. D. at Cornell. Originally from an Indiana farm, he was an assistant to Senator LUGAR before joining the committee staff. Today he serves as Assistant Secretary for Economics at USDA.

His address at St. Louis on May 10 highlighted current and upcoming issues facing agriculture. He acknowledged the dairy surpluses and current economic problems in farming, but described some hopeful signs. Several points are particularly significant for the U.S. Senate to consider.

First, the United States is assuming a greater share of the burden of holding the world's stocks of grain. Al-

though current worldwide grain inventories are large, they are still a fairly typical percentage of the amount of grain used each year. What is different from most years is that the U.S. share of those world stocks of grain is higher than at any time in the last 20 years. In short, the United States is maintaining the world's granary by itself. Policymakers must be aware that other grain producing countries would like the United States to bear the entire expense of maintaining these stocks—an expense that American taxpayers and farmers can ill afford.

Second, the bipartisan 1981 farm bill is working and providing assistance to farmers. Signup in the voluntary acreage reduction program authorized by the farm bill has reached unprecedented levels.

During debate on the 1981 Farm Act, some criticized the measure for not providing enough economic aid to farmers.

The fact is that loan rates and target prices were increased for nearly every commodity covered in the act.

The fact is that this act will be used to provide nearly $11 billion of assistance to farmers.

The fact is that net outlays for 1982 price support programs under the new legislation will be over 2½ times the outlays in the previous year.

A third point made by Dr. Lesher is that U.S. farmers are part of a dynamic, competitive world economy, and our farm program decisions must take that fact into account.

The United States is now offering an acreage reduction program to remedy the oversupply situation which is depressing farm prices for grain. At the same time, however, other grain producing countries are increasing their production and taking advantage of the higher prices resulting from the self-restraint of the United States.

The net result is that our competitors benefit and our farmers lose their share of the market, which reduces our long-term profit potential.

Mr. President, there is one further observation I will make which is not directly included in Dr. Lesher's statement, but is certainly related.

The Farm Crisis Act of 1982 has been introduced by others in Congress as a response to the serious economic problems in agriculture today. On May 25, the House Agriculture Committee is conducting hearings on the measure.

I am sure that the hearings will find what we in the Senate already know—agriculture is in economic distress. The remedy is not to be found in a Farm Crisis Act, however. It is found in profits provided to farmers by the marketplace.

The Farm Crisis Act will increase price supports and impose production controls.

Such measures will treat the symptom—not the cause—of farm problems. In fact, if low farm prices are caused by world overproduction, then higher price supports only encourage more production and make the problem worse.

In terms of production controls, the Secretary of Agriculture has a number of tools which he can and will use. This authority must be used carefully, however.

As Dr. Lesher so wisely points out, other countries are taking advantage of the United States by expanding acreage and subsidizing their exports. In 1982, while the United States is implementing its acreage reduction program, Canada has told its farmers to pursue all-out production. Argentina is considering bringing into cultivation a potential 20 to 25 million acres. Australia is expected to have record plantings of wheat this year.

In the face of this expanded competition, what does the Farm Crisis Act propose? Further restraints on American farmers, while foreign growers expand at our expense.

This constitutes withdrawal from world markets, a return to the 1950's and 1960's. It is an approach that we pursue at our peril.

We can and must expand our markets, not surrender them to our competitors.

We can and must be competitive in the world marketplace.

We can and must stand by our farmers to maintain and expand their market share.

The Farm Crisis Act may be well-intended, but it would reduce the ultimate profit potential in the markets which serve U.S. farmers. These are markets that the American farmer and the American taxpayer cannot afford to lose.

Dr. Lesher's statement sets forth the reasons this is true. I ask unanimous consent that the text of Dr. Lesher's address be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE U.S. AGRICULTURAL ECONOMY—CURRENT SITUATION AND FUTURE DILEMMA

(Remarks delivered by William G. Lesher, Assistant Secretary for Economics, St. Louis Agri-Business Club, St. Louis, Missouri, May 10, 1982.)

It is a pleasure to have this opportunity to discuss the current state of the agricultural economy. The outlook for U.S. agriculture has strengthened somewhat in recent months. This is not to say, however, that our problems are behind us. Many uncertainties still exist. But, world and U.S. markets are showing some signs of underlying strength that hopefully should support future improvement as adjustments are made to market realities.

I would like to begin by discussing the current economic situation for livestock, dairy and grains and then describe what I see as a dilemma facing U.S. agriculture in the near future.

LIVESTOCK

Overall, farm prices are still below a year ago, but are up over 5 percent from last December—with the livestock sector showing significant strength. Despite the current weakness in consumer purchasing power, livestock feeders are enjoying the first sustained positive feeding margins since 1979. In early May, hog prices had increased a third since the first week of the year, while prices for Choice steers has risen 20 percent. Broiler prices have fluctuated widely but are up about 9 percent. The principal factor affecting price has been producer adjustments in the form of a significant reduction in meat output—primarily pork. Total red meat and poultry production in the first quarter declined 3 percent from a year earlier. Output for the balance of the year will likely run 4 or 5 percent below last year, with the largest reduction coming in pork. With consumer demand benefiting from the July 1 tax cut and with improvement in gereral economic conditions, I expect the livestock industry will enjoy its first moderately good year in some time.

DAIRY

While other parts of the livestock sector have been making production adjustments, the dairy industry clearly has not. Dairy herds and milk output have continued to expand. Surplus dairy stocks have continued to accumulate. Net Federal Government outlays for the dairy support program for fiscal 1982 are projected to approach $2 billion again, and uncommitted CCC inventories may exceed the equivalent of 17 billion pounds of milk by the end of the fiscal year—5-times more stock than the CCC owned in fiscal 1979.

Much of the problem has its roots in the Food and Agriculture Act of 1977. Through rigid parity formulas indexed twice a year, dairy producers were given a signal to expand production and—like any other producer—they responded to the incentives. But the signal was coming from the Federal Government and not from the marketplace—and the signal was wrong!

When the Reagan Administration took office, we tried to change the signal to reflect the realities of the marketplace—first by making no adjustment in the price support on April 1, 1981, and then by holding the support level at $13.10 per hundredweight in the Agriculture and Food Act of 1981. While adjustments in dairy production take time, particularly when conditions are changing so dramatically, there are some encouraging signs. For example, milk production this past March was up only 1 percent from a year earlier, compared with a 3 percent increase in the 12 months ending last December. But dairy farmers and the Reagan Administration agree that more decisive actions are needed, not only to permit the market to send a clear signal to producers to reduce production but also to dispose of the large surplus stocks that will be with us for some time.

On May 5. Secretary Block proposed an emergency dairy package designed to bring balance to the nation's dairy industry. The package covers many areas—disposal of current stocks both here and abroad, research on new uses of dairy products, product promotion and distribution—but the key to the program is to have the tools to act expeditiously and with good judgement. We asked Congress to give the Secretary of Agriculture discretion in setting the dairy price

support level. The Secretary also proposed to establish a Dairy Advisory Board to advise the Federal Government in making decisions affecting the dairy industry.

Secretary Block has pledged not to adjust the present support level until January 1, 1983. This will give farmers a few months to cull their herds before any adjustments are made in the support level. We view this as fair, since the current critical situation is primarily the fault of inflexible dairy policies, not the dairy farmer. The market situation will be carefully monitored until January 1, and, based on an analysis of the figures, any necessary adjustments will be made at that time. We do not believe at this time that the price support level will have to be lowered below $12 per hundredweight. Dairy farmers should cull heavily this summer and fall. While no support adjustment will occur before January 1, it is imperative that Congress provide the authority to the Secretary as quickly as possible to give the clear signal so that Dairy producers will respond. Any delays will only lead to further confusion and continued deterioration in the situation.

GRAINS

The U.S. crop sector continues to reflect the impact of large world supplies in the face of a worldwide economic downturn, compounded for our farmers by an exceptionally strong U.S. dollar in international markets. However, grain and oilseed prices have recently moved up from their seasonal lows—supported by increased Commodity Credit Corporation loan activity, heavy movement into the farmer-owned reserve, and some recovery in export demand. By season's end, nearly four-fifths of the corn carryover and two-thirds of wheat stocks are expected to be in the farmer-held reserve and government inventory. More recently, corn exports have recovered somewhat, boosted by large shipments to the Soviet Union. April corn exports averaged 48 million bushels per week, the highest rate since May 1981. Wheat exports during March and April of this year were up more than 15 percent from the same period last year.

While the grain reserve program has isolated a significant quantity of grain from the market, further production adjustments are clearly needed if we are to bring world supplies more in line with demand and ensure a favorable return for U.S. producers. The U.S. has announced voluntary acreage reduction programs for wheat, feed grains, cotton and rice, which are expected to remove 10 to 15 million acres of land from production this year. The preliminary signup for the program shows that farmers enrolled 79 percent of the total acreage base. They enrolled more than 90 percent of the rice and cotton acreage; more than 80 percent of the wheat acreage; and more than 70 percent of the feed grain acreage. Final compliance, of course, will be a function of relative prices and weather developments between now and the deadline for compliance.

While I look for some improvement in corn and soybean prices over the next few months due to some tightening in the free stock position, there is no way to know the magnitude, given the instability always present from such factors as weather and economic conditions. World grain stocks are large and do serve as a damper on upward price movements, but they represent only about 16 percent of annual utilization. This would be around the level of stocks with which we entered the 1979/80 season and which were subsequently drawn down very sharply. During the 1960's grain stocks ranged from 17 to 28 percent of utilization with an average level around 20 percent. What is different is that the U.S. is carrying a larger share of the total stocks than at any time in the last 20 years. In 1981/82 world grain stocks are expected to increase by 35 million metric tons, with U.S. stocks increasing by 33 million metric tons or more than 50 percent.

DOMESTIC AND INTERNATIONAL AGRICULTURAL POLICY

In developing a consistent and cohesive set of agricultural programs for the Agriculture and Food Act of 1981, the Reagan Administration recognized that agriculture differs greatly from other sectors of the economy in that production depends on natural and biological forces. Weather alone can transform crop abundance into scarcity. Thus, there is a need to provide protection against natural disasters. It is also necessary to protect against economic disasters, which are inherent in an agricultural industry with substantial fluctuations in output. Agricultural commodity price variations can be large as supplies change, leading to significant changes in farm income from year to year.

Without a sound program of assistance, farmers work at odds with the market—too much fixed capital investment during periods of high prices and incomes, with disinvestment during periods of low prices and incomes. While recognizing the need for farm programs, the Reagan Administration feels that farm programs need to embody a basic principle—they need to be adaptable and embrace a market orientation.

While we did not achieve all we wished in the Agriculture and Food Act of 1981, it was a step in the right direction. Utilizing the programs contained in this legislation, the Reagan Administration has been able to provide assistance to farmers that will total nearly $11 billion in fiscal 1982. Net outlays for on-going CCC price support programs, which were designed with flexibility to deal with a surplus production situation such as we are now experiencing, will increase by around $6½ billion in fiscal 1982—over 2½ times the fiscal 1981 outlays. It is difficult to agree with those who say that this Farm Bill is a "do-nothing" bill when we have had increased outlays of this magnitude.

Farmers are having a difficult time and we are using the provisions of the Farm Bill to assist them. But farmers don't want their income from the Federal Government, they want it from the marketplace. We are going to provide all the assistance possible without jeopardizing the further development of markets that our farmers must have for their longer-term prosperity. The Federal Government can help farmers adjust but it can never provide enduring prosperity for farmers. It is unfair to farmers to suggest otherwise.

Domestic and international programs and policy objectives are not separable in the agricultural sector. That is why the philosophy with which the Reagan Administration approached the 1981 Farm Bill has carried over to basic trade policy. One of the first actions Secretary Block took was to lay the groundwork for President Reagan to end the Soviet grain embargo. The embargo was terrible for our farmers; it also was bad for the economy; and it did little to punish the Soviets. Not only did this Administration lift the embargo, but more recently President Reagan stated very explicitly three essential components of our long-term policy on farm exports:

First, no restrictions will be imposed on farm exports because of rising domestic prices. Farm prices go up and farm prices go down. High prices signal market-oriented farmers to produce more, and they will, if we allow them to compete freely in foreign and domestic markets. This is best for everyone, from farmer to consumer.

Second, farm exports will not be singled as an instrument of foreign policy. Farm exports could only be a part of a broad embargo in a situation so extreme that our national security is threatened. Agricultural commodities are fungible; that is, they are easily interchanged for the same commodity from other nations. For this reason the embargo of 1980 was ineffective in achieving its intended purpose, yet it caused great economic hardship to U.S. agriculture. This Administration will not repeat such action.

Third, world markets must be freed of trade barriers and unfair trade practices. We must continue to pursue this objective aggressively. World economic health will be improved and strengthened by freer agricultural trade. Our great agricultural system must be turned loose to benefit not only Americans but people throughout the entire world.

Farmers and the agri-business community may not appreciate fully the implications of the long-term farm export policy presented by President Reagan. For example, it is the first time that I can remember a U.S. President clearly stating in writing that short supply situations will not result in trade restrictions. That is something that U.S. farmers and agri-business can eagerly pass on to our foreign customers who have expressed a continuous concern over the issue for some years.

THE FUTURE

By now it is evident that I am basically optimistic about the potential for U.S. agriculture. However, in all candor, I do have a very serious concern about the responsibilities and roles of the U.S. and other countries in world markets. This concern extends to our major competitors as well as to the world's major importers. At issue is the burden of adjustments to changing market conditions as influenced by trade restrictions such as tariffs and quotas and internal export or producer subsidy programs. The current adjustments in the world wheat market are an excellent example of this concern.

The record world wheat harvest in 1981/82, coupled with virtually no growth in consumption, is leading to a buildup in world wheat stocks for the first time since 1978/79. About half of the increase in stocks is occurring in the United States, where carryover stocks on June 1 are expected to exceed 1.1 billion bushels, the highest in 4 years. Current U.S. wheat at the farm prices are the lowest in 2 years.

The United States has taken steps to bring supplies more in line with consumption, thus serving to strengthen prices for producers. Secretary Block announced a 15 percent wheat acreage reduction program for the 1982 crop, with target price and loan rate incentives designed to encourage participation. The program is designed to remove 5 to 8 million acres of land from wheat production, thus reducing the potential 1982 crop by 130 to 210 million bushels. Complementing this action was the grain reserve program, which will absorb an additional 200 million bushels from the 1981/82

crop and isolate it from the market. Additionally, Secretary Block announced acreage reduction programs for feed grains, rice, and cotton.

While the U.S. is attempting to deal with the excess supply situation through the farmer-owned reserve, reduced acreage programs, and freer world trade, producers in other exporting countries are offsetting the impact of the U.S. program to a large degree by increasing acreage. Canadian producers have indicated intentions to increase wheat acreage by 3 percent in 1982. If these intentions materialize, Canadian producers will have expanded acreage by 20 percent in 3 years, contributing to the current burdensome world supply situation. Austrailian wheat acreage may be up 4 percent or more in 1982, after a 5-percent increase in 1981. Argentina's acreage may continue to rise, following a 15-percent increase during the past 2 years. At the same time, wheat production in the European Community, principally in France, continues to grow under an export subsidy program that insures increased production will directly enter into export markets at subsidized prices. Acreage expansion in these exporting countries is undermining U.S. efforts to reduce world wheat supplies, and strengthen prices for producers in this country and around the world.

Not only are our competitors increasing acreage, but they are limiting their stock buildup by subsidizing exports, which puts added downward pressure on world prices. The recent sale of subsidized EC wheat flour to Chile at a lower price than domestically produced Chilean flour is an example of gaining entry to non-traditional markets through the use of subsidies. The subsidized price undercuts domestic flour mills in Chile which has in recent years imported mainly wheat, about 1 million tons per year, all from the United States.

In 1981, for example, the European Community (EC) spent nearly $1½ billion to subsidize cereal exports. At the same time, the U.S. spent billions of dollars drawing grain into the farmer-owned reserve to isolate it from the markets and strengthen prices. Additional outlays will result from the incentives offered to U.S. producers to reduce acreage and limit production in 1982/83. The result is not only sizable outlays, but an accumulated burden for the United States. The U.S. share of world wheat stocks has been increasing steadily since the mid-1960's—this country held about 23 percent of the world stocks during the second half of the 1960's. The share increased to 31 percent during the late 1970's. For 1981/82, the United States is projected to hold 37 percent of global stocks, a level exceeded only once in the past 17 years.

While I have outlined what our competitors are doing, I do not want to give the impression that the U.S. is without fault. Clearly, our dairy program is not in accord with world markets. However, we treat the symptoms of over-production differently than others. We do not dump surplus products on world markets while at the same time increasing price support levels. In fact, we are giving our dairy farmers a choice—either cut back on production or we will reduce the price support level for milk. Sugar is another example in which we are now operating a restrictive system for imported sugar. We view the quotas, however, as a short-term measure which will be dismantled after world sugar prices increase. Moreover, we ended up with this program in partial response to others dumping sugar on world markets, lowering the price substantially. And, according to recent reports, it does not appear that our sugar program will lead to increased sugar production domestically.

A DILEMMA

I cannot help but wonder how long the United States can continue to absorb the burden of unilateral adjustments to world market conditions. Perhaps we are approaching the point at which policy adjustments, which may be painful in the short-run, are necessary to ensure longer-term prosperity for U.S. agriculture.

Deputy Secretary Richard Lyng and I went to Europe recently to discuss our concerns over EC policies with officials from the Community. Secretary Block was there last year. Our hope was to create an open dialogue and find some common area of agreement from which to proceed. Our discussions were very candid and friendly, but I found the common areas of agreement few indeed. For example, they did not feel that subsidized EC wheat exports lower world wheat prices. Nor did they feel any commitment to an internal grain stocking policy in years of surplus production. Their perception of world markets—how they operate and the responsibilities of the participants in the marketplace—are so different from our viewpoints that an effective dialogue on these issues appears bleak in the near future.

Simply put, the dilemma is this: the market is signaling that a reduction in output is needed, and many United States' producers are responding by idling acreage. The other exporters are applauding U.S. farmers' actions as being beneficial to world prices and at the same time are expanding their own production. It is not surprising that United States' farmers are becoming upset as they see our competitors taking over world markets while they are reducing output. The problem is further compounded for U.S. farmers when they are encouraged to seek assistance through higher loan rates which are effectively the floor under world grain prices. Higher loan rates in periods of over-supply only aggravate the longer term problem by generating higher world prices and greater incentives for world production increases.

Moreover once our competitors have applauded U.S. farmers' response to large supplies through idling acreage and encouraged them to raise world prices through higher loan rates, they negotiate bilateral agreements to ensure that any future market deterioration would not impact their trade.

Canada, after applauding our efforts to reduce production at the April 22-23 Grain Exporters Conference in Ottawa, signed a new wheat agreement in early May with China, providing for a substantial increase in shipments over the next 3 years. Senator Hazen Argue, minister responsible for the Canadian Wheat Board, commented on the new agreement, and according to newspaper reports called for "all out production" from Canadian farmers. It appears that other exporters want to push U.S. farmers back to the 1950's and 1960's when they idled 50-60 million acres and produced primarily for domestic markets at higher per unit costs.

It seems we are rapidly approaching a choice. One choice is to reduce our agricultural base, which generates 20 percent of our Gross National Product and requires the services of 22 percent of the nation's labor force, as we withdraw from world markets over time. This would be painful economically because each 1 million metric tons exported generates, on average, at least 5,000 new jobs, and stimulates additional economic activity beyond the farm sector. The other choice is to draw a line and say—enough—do not go beyond this point, and implement policies that will ensure that American farmers share in the benefits of expanding world markets.

The President has laid out the basic principles which will guide our export policy development, and I believe it is the correct course to secure the greatest benefits for the U.S. as well as the world. However, it may be necessary to deviate temporarily from our free market stance and engage in costly short run trade wars to achieve the principles that we have set forth. Other countries which point to their trade surpluses with the United States as a justification for their actions in agricultural markets are not fooling anyone. It would seem that this surplus is primarily a result of goods and services they wish to buy in the marketplace, and not the result of any desire to do anyone a favor.

I know there are some who like the status quo, for they are doing the business that now goes on. I can understand that, but I think there is a longer-run view that must be appreciated and around which a dialogue must take place. For those that believe that scarcity will soon be upon us and much higher farm prices will ensue, I need only point to the fundamental principle that there is no scarcity or surplus if prices are allowed to move freely.

I strongly disagree with those who endorse the "scarcity syndrome," as my friend Don Paarlberg has characterized it. There is no basis for expecting a prolonged period of tight supply/demand conditions for U.S. and world agriculture which would absorb all the world's productive potential and eliminate our dilemma. Such a development is simply not consistent with the price adjustment and response mechanisms which have always been evident in all markets to a large degree. Adjustments take place everyday in a free market, which allocate resources efficiently and provide maximum social welfare.

Our farmers have always been responsive to market signals, and I have no reason to believe that they will not be in the future. Nor does it recognize the potential new production technologies which may soon be in place. There is an increasing agreement that a number of new technologies such as nitrogen-fixation, genetic engineering, enhancement of photosynthetic efficiency and high-efficiency pesticide application may be less than a decade away. Such breakthroughs, even in the face of stronger economic growth, would again force significant adjustments in major producing countries. Market economies assimilate and adjust to new breakthroughs, leading to increased efficiencies and great economic development.

The experiences of the 1960's and 1970's will teach us something if we only take the time to examine the record objectively. If markets are permitted to function in setting the prices of our products, the right signals will be given to both the production and consumption sides of the market. Our goal should be to enhance the operations of the markets with policies which are designed to minimize any interference in the function of such markets and avoid the syndromes of surplus or scarcity which generate self-fulfilling policies and continue to force a misallocation of our resources.

The value of our comparative advantage in agriculture, and the greatest welfare of

the world in general, can best be reaped through free trade in open markets. But it seems unlikely that we can continue our present policies and ignore the actions of the other participants in agricultural trade. I believe this will be the issue of the 1980's, and not one of scarcity. Will we seek the markets we must have to utilize our comparative advantage or will we retrench as others fill the world's needs?

The reason I bring up this issue today is that I believe that we will soon be embarking on policies that will chart the direction we will go for some time in the future. The choices will have to be made soon and I believe it is too important to decide without a thorough discussion. The 1983 crop decisions will have to be announced soon and large deficiency payments on the 1982 crop appear a near certainty. Do we continue to cut back production, reduce budget outlays and raise farm prices while other countries aim for all-out production? If we do, it means we are willing to shrink our agricultural base. If we do not, then what type of policies do we embark upon and what short-term risks are involved? This is the dilemma—one that deserves a great amount of thought and attention.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the Committee on Armed Services.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States, reported that he had approved and signed the following enrolled bills and joint resolutions:

On May 25, 1982:

S. 1611. An act to amend the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes.

On June 1, 1982:

S. 2535. An act to regulate the operation of foreign fish processing vessels within State waters.

S. 2575. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

S.J. Res. 53. Joint resolution to provide for the designation of September 5, 1982, as "Working Mothers' Day."

S.J. Res. 59. Joint resolution designating the square dance as the national folk dance of the United States.

S.J. Res. 160. Joint resolution to provide for the designation of July 9, 1982, and April 9, 1983, as "National P.O.W./M.I.A. Recognition Day."

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its clerks, announced that the House insists upon its amendments to the bill (S. 1947) to improve small business access to Federal procurement information, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MITCHELL of Maryland, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. GONZALEZ, Mr. RICHMOND, Mr. HATCHER, Mr. SAVAGE, Mr. MCDADE, Mr. CONTE, Mr. STANTON of Ohio, Mr. BROOMFIELD, and Mr. WILLIAMS of Ohio as managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 5432. An act to authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman George Rickover;

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 5659. An act to authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution building adjacent to Independence Avenue at 10th Street Southwest, in the city of Washington; and

H.R. 6132. An act to amend section 5590 of the Revised Statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 12:41, a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 1:35 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the Speaker has signed the following bill and joint resolution:

H.R. 4. An act to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources; and

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:27 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4861. An act to establish the American Conservation Corps, and for other purposes.

The message also announced that the House insists upon its amendments to the concurrent resolution (S. Con. Res. 92) setting forth the recommended congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the U.S. Government for the fiscal year 1982, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES of Oklahoma, Mr. OBEY, Mr. SOLARZ, Mr. NELSON, Mr. ASPIN, Mr. HEFNER, Mr. DOWNEY, Mr. BENJAMIN, Mr. DONNELLY, Mr. LATTA, Mr. REGULA, Mr. FRENZEL, Mr. BETHUNE, Mrs. MARTIN of Illinois, and Ms. FIEDLER as managers of the conference on the part of the House.

HOUSE BILL REFERRED

The following bill was read twice by unanimous consent, and referred as indicated:

H.R. 4861. An act to establish the American Conservation Corps, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 14, 1982, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 201. Joint resolution designating "Baltic Freedom Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3623. A communication from the Deputy Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3624. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report and evaluation of the Mayorial Mailing to Senior Citizens; to the Committee on Governmental Affairs.

EC-3625. A communication from the Deputy Assistant Secretary of Defense,

Comptroller, transmitting, pursuant to law, a report on four new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-3626. A communication from the Assistant Secretary of Health and Human Services, for Health, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3627. A communication from the Secretary of Education transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3628. A communication from the Director of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, a copy of the 1981 NOAA Corps pension plan; to the Committee on Governmental Affairs.

EC-3629. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on his review of the maintenance and replacement policy for the Department of Environmental Services motor vehicles; to the Committee on Governmental Affairs.

EC-3630. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "A CPI for Retirees is not Needed Now but Could be in the Future"; to the Committee on Governmental affairs.

EC-3631. A communication from the Deputy Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3632. A communication from the Deputy Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental affairs.

EC-3633. A communication from the Secretary of Agriculture transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1981, to March 31, 1982; to the Committee on Governmental Affairs.

EC-3634. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1981 through March 31, 1982; to the Committee on Governmental Affairs.

EC-3635. A communication from the Secretary of Transportation transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1981 through March 31, 1982; to the Committee on Governmental Affairs.

EC-3636. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a report on the Commission's activities under the Government in the Sunshine Act for Calendar year 1981; to the Committee on Governmental Affairs.

EC-3637. A communication from the Assistant Attorney General for Administration transmitting, pursuant to law, a report on a modified Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3638. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a report on the activities of the Commission during calendar year 1981 under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3639. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report on the activities of the Office of Inspector General, Department of Commerce for the period October 31, 1981 through March 31, 1982; to the Committee on Governmental Affairs.

EC-3640. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report on the activities of the Office of Inspector General from October 1, 1981 to March 31, 1982; to the Committee on Governmental Affairs.

EC-3641. A communication from the Secretary of Education, transmitting, pursuant to law, the fourth semi-annual report of the Inspector General for the period October 1, 1981 through March 31, 1982; to the Committee on Governmental Affairs.

EC-3642. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Labor, for the period October 1, 1981 through March 31, 1982; to the Committee on Governmental Affairs.

EC-3643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on March 23, 1982; to the Committee on Governmental Affairs.

EC-3644. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on May 11, 1982; to the Committee on Governmental Affairs.

EC-3645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on May 11, 1982; to the Committee on Governmental Affairs.

EC-3646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on May 11, 1982; to the Committee on Governmental Affairs.

EC-3647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on May 11, 1982; to the Committee on Governmental Affairs.

EC-3648. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on May 11, 1982; to the Committee on Governmental Affairs.

EC-3649. A communication from the Secretary of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of judgment funds of the Pyramid Lake Paiute Tribe in dockets 343-70 and 87-C before the United States Court of Claims; to the Committee on Indian Affairs.

EC-3650. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3651. A communication from the Office of Legislative Affairs of the Department of Justice, transmitting, pursuant to law, a draft of proposed legislation to reauthorize and extend significant portions of the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on Judiciary.

EC-3652. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, reports of the Proceedings of the Judicial Conference of the United States from March 12 and 13, 1981 and September 24 and 25, 1981; to the Committee on Judiciary.

EC-3653. A communication from the United States Environmental Protection Agency (Freedom of Information Office), transmitting, pursuant to law, the annual report on the activities of the Agency under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-3654. A communication from the Commissioner of the Immigration and Naturalization Service, Department of justice, transmitting, pursuant to law, a report on waivers granted under certain sections of the Immigration and Nationality Act for the first half of fiscal year 1982; to the Committee on the judiciary.

EC-3655. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, legislative and administrative steps to implement the National Policy of Aging, from the 1981 White House Conference on Aging; to the Committee on Labor and Human Resources.

EC-3656. A communication from the Chairman of the National Diabetes Advisory Board, transmitting, pursuant to law, the annual report of the National Diabetes Advisory Board for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-3657. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations for the Special Program for Students from Disadvantaged Backgrounds; to the Committee on Labor and Human Resources.

EC-3658. A communication from the Secretary of Education, transmitting, pursuant to law, the report entitled "The Condition of Education in America, 1982 Edition"; to the Committee on Labor and Human Resources.

EC-3659. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1981; to the Committee on Rules and Administration.

EC-3660. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a number of recommendations for legislative action; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURENBERGER, from the Committee on Governmental Affairs:

A report to accompany the bill (S. 2386) to provide for the establishment of a system to collect data on the geographic distribution of Federal funds (Rept. No. 97-473) (Additional views filed).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 399. Resolution waiving section 303(a) of the Congressional Budget Act of 1974 for consideration of S. 2574.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2624. A bill to amend section 1407(h) of title 28, United States Code, to permit the consolidation of civil antitrust actions for trial; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2625. A bill to amend the Federal Property and Administrative Services Act of 1949 to make Federal surplus property more accessible to local emergency preparedness and volunteer firefighting organizations and to authorize and direct the Federal Emergency Management Agency to recommend available Federal surplus to the Administrator of the General Services Administration for transfer to such organizations and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAXALT (for himself and Mr. CANNON):

S. 2626. A bill for the relief of the estate of Nell J. Redfield; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MELCHER:

Senate Resolution 409. Resolution to disapprove the plan for distribution of judgment funds awarded to the Gros Ventre Tribe of the Fort Belknap Reservation Docket 649080L, U.S. Court of Claims; to the Select Committee on Indian Affairs.

By Mr. TSONGAS:

Senate Resolution 410. Resolution expressing the sense of the Senate that the Secretary of Education use the 1980 census data in determining the amount of grants under title I of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DeCONCINI:

S. 2624. A bill to amend section 1407 (h) of title 28, United States Code, to permit the consolidation of civil antitrust actions for trial; to the Committee on the Judiciary.

CONSOLIDATION OF CIVIL ANTITRUST ACTIONS

Mr. DeCONCINI. Mr. President, I am today introducing a bill directed at giving the judiciary an important procedural tool which will be of great assistance in the management of large and complex antitrust cases. It is a bill aimed at solving many of the problems which constantly confront us in such cases.

The Multidistrict Litigation Act, 28 U.S.C. 1407, presently permits civil antitrust actions to be transferred to a single district court for pretrial proceedings. It also allows parens patriae cases brought under section 4C of the Clayton Act to be consolidated in one district court for trial as well as pretrial purposes. Today's bill makes this procedure available for trial in private antitrust suits as well as in parens patriae cases.

It is important to note that consolidation in a single district court for trial would not be required. If in particular cases separate trials were appropriate, the Judicial Panel on Multidistrict Litigation would retain its present power to order such a result. This bill would vest the judicial panel with the authority to order a single, consolidated trial when that would be the most efficient and just procedure.

The adoption of this procedure simply makes good commonsense. It would permit a case to be tried once in a single district court, rather than having the parties face multiple trials in several States following coordinated, consolidated pretrial proceedings. The procedure would also conserve judicial resources in the trial of multidistrict cases. Without this change, however, plaintiffs and defendants who have conducted all of their pretrial proceedings before one judge are required to disperse to face a series of trials in different States. This in turn creates the further risk of inconsistent adjudications and duplicative recovery.

The Judiciary Committee previously had an opportunity to consider this subject when it was part of the bills introduced during the 96th Congress to overturn the Illinois Brick decision. While those bills were extremely controversial as they related to the rights of indirect purchasers, both opponents and proponents testified in favor of trying multiple actions arising from the same set of facts in a single forum. This idea has firm support from every segment of both the legal and business communities.

Finally, and of equal importance, Mr. President, this proposal creates no cost whatsoever to the U.S. Government while it nonetheless provides our citizens with swifter and fairer resolution of complex antitrust cases.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 1407 (h) of title 28, United States Code, is amended by striking out "section 4C of" and inserting in lieu thereof "section 4 or 4C of".

By Mr. LAXALT (for himself and Mr. CANNON):

S. 2626. A bill for the relief of the estate of Nell J. Redfield; to the Committee on Finance.

ESTATE OF NELL J. REDFIELD

● Mr. LAXALT. Mr. President, I am today introducing along with my distinguished senior colleague, Senator CANNON, legislation that will have a dramatic impact of preservation of the Lake Tahoe basin. Our legislation will transfer to the U.S. Forest Service 10,000 acres of pristine forest lands.

The acreage in the Carson Range of the Toiyabe National Forest will be turned over to the Forest Service by the estate of Nell J. Redfield in exchange for a credit against $17 million in estate taxes owed by the estate. In 1976, Senator CANNON and I were pleased to sponsor, and eventually see passed, special legislation which enabled the Forest Service to acquire 29,000 acres in the Tahoe basin in exchange for a credit against taxes owed by the estate of Mrs. Redfield's husband LaVere Redfield.

Mr. President, the Forest Service has identified the land in question as being of high priority for acquisition and have a value disproportionate to their size. Private development of the property would have an adverse impact of the scenic qualities of the basin and could conceivably increase soil erosion and water pollution.

I look forward to the prompt consideration and passage of this legislation by the Senate.●

● Mr. CANNON. Mr. President, I am pleased to join with my colleague, Senator LAXALT, in sponsoring this legislation for the relief of the estate of Nell J. Redfield.

Mr. President, the history of this issue goes back to 1974 when Nell Redfield's husband, La Vere Redfield, died and left a considerable estate. Included in that estate were some 50,000 acres of prime forest land, 40,000 acres of which were identified by the U.S. Forest Service as being desirable for additions to the Toiyabe National Forest. The availability of this land provided the State of Nevada with a unique opportunity to secure some of the most beautiful, pristine, and scenic areas in the Sierra Nevada Mountains.

Significant support in northern Nevada was garnered in favor of a plan to deed some 29,000 acres of the 40,000 total to the Forest Service as a credit toward the $9.9 million in estate taxes due to the Federal Government. Because I believed that everything possible should be done to preserve these lands for future generations, I, along with Senator LAXALT, sponsored an amendment to the Tax Reform Act of 1976, to permit the U.S. Treasury to accept the 29,000 acres of land in lieu of the Redfield Estate's tax obligation. I am pleased that our efforts were successful and these unspoiled land areas were transferred to the U.S. Forest Service. Not only were these lands of interest to the Forest Service because of their esthetic and recreation value, but they also provided a valuable watershed function.

Since 1976, Mr. President, thousands of Americans, not just Nevadans, have

enjoyed the beauty of these lands in the Lake Tahoe basin. All parties surely benefited from this action: The Treasury Department's needs were met, the Forest Service was able to secure prime land, and the national interest was served by insuring that these vital areas were preserved. A forced sale of those lands would, indeed, have been a tragedy.

Now, Mr. President, we have another rare opportunity to save at least 10,000 more acres of these lands from commercial and residential development so that the natural resources, open space, quality air and water can be enjoyed by everyone who visits the area. Prior to Nell Redfield's death she entered into negotiations with the Forest Service to transfer the remaining lands of the Redfield estate. However, because the Forest Service was unable to secure sufficient appropriations, the purchase was not completed. When Nell died in 1981, her estate included the remaining lands that were previously identified by the Service as priority lands in 1974.

This bill would, once again, permit the Department of the Treasury to accept the transfer of the Redfield lands to the Forest Service in lieu of the Redfield estate tax liability. Such an action would complete the Forest Service's original 1974 plan, and would insure that a portion of America's natural beauty will be preserved for years to come. Such an opportunity will not be available again, and we must act now so that our children and grandchildren will not miss the special opportunities that these lands offer.

This legislation has the support of those at the local and State levels of Nevada government, and I urge the Senate's support of this important issue.●

ADDITIONAL COSPONSORS

S. 1008

At the request of Mr. THURMOND, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1008, a bill to provide that retired officers of the armed services recalled to active duty and detailed to duty with the American Battle Monuments Commission shall not be charged against the authorized end strengths and grade limitations prescribed for the Department of Defense or the military departments concerned.

S. 1215

At the request of Mr. PROXMIRE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1450

At the request of Mr. CANNON, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1450, a bill to provide for the continued deregulation of the Nation's airlines, and for other purposes.

S. 1581

At the request of Mr. JEPSEN, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 1581, a bill to amend the Internal Revenue Code of 1954 to allow the taxpayer the choice of a tax credit or a deduction for each household which includes a dependent person who is at least 65 years old.

S. 1825

At the request of Mr. ARMSTRONG, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1825, a bill to prohibit price support for crops produced on certain lands in the Western part of the United States which have not been used in the past 10 years for agricultural purposes, and for other purposes.

S. 2131

At the request of Mr. MOYNIHAN, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2131, a bill to amend the Safe Drinking Water Act, to provide for the protection of certain recharge areas overlying sole source underground water supplies.

S. 2147

At the request of Mr. DECONCINI, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2147, a bill to require amendment of the Internal Revenue Code of 1954 to provide a simple income tax with low marginal rates and to require the Secretary of the Treasury to propose legislation to establish such an income tax.

S. 2174

At the request of Mr. THURMOND, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2225

At the request of Mr. BAUCUS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items.

S. 2261

At the request of Mr. PRESSLER, the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. BAUCUS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2261, a bill to authorize funds for the U.S. Travel and Tourism Administration for fiscal year 1983.

S. 2334

At the request of Mr. DURENBERGER, the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 2334, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 2362

At the request of Mr. ARMSTRONG, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2362, a bill to abolish the Synthetic Fuels Corporation.

S. 2366

At the request of Mr. DOLE, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2366, a bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

S. 2425

At the request of Mr. ROTH, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, to make tax-exempt bonds available for certain residential rental property, and for other purposes.

S. 2459

At the request of Mr. RANDOLPH, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2459, a bill to strengthen certain national resources, facilities, and services for deaf-blind individuals and other handicapped individuals, and for other purposes.

S. 2572

At the request of Mr. THURMOND, the Senator from Delaware (Mr. ROTH), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

SENATE JOINT RESOLUTION 58

At the request of Mr. HATCH, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 159

At the request of Mr. ROTH, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Joint Resolution 159, a joint resolution entitled the "White House Conference on Productivity Act".

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Connecticut (Mr. DODD), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a procla-

mation designating October 19 through October 25, 1982, as "Lupus Awareness Week".

SENATE CONCURRENT RESOLUTION 93

At the request of Mr. DOLE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Concurrent Resolution 93, a concurrent resolution to urge the Government of the Soviet Union to facilitate the emigration of certain Soviet citizens, and for other purposes.

SENATE RESOLUTION 270

At the request of Mr. HUDDLESTON, the Senator from Utah (Mr. GARN), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. FORD), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Resolution 270, a resolution relating to the "Great Friendship Run".

SENATE RESOLUTION 355

At the request of Mr. DECONCINI, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Resolution 355, a resolution expressing the sense of the Senate with respect to the need to continue Federal funding for energy conservation and renewable energy resources.

SENATE RESOLUTION 379

At the request of Mr. CANNON, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 379, a resolution to urge the Secretary of Transportation and the Chairman of the Civil Aeronautics Board to convene an Airline-Government Summit Conference for the purposes of examining Federal Government policies affecting the airline industry and discussing airlines' fare policies under deregulation.

SENATE RESOLUTION 394

At the request of Mr. WARNER, the Senator from Oregon (Mr. HATFIELD), the Senator from Virginia (Mr. HARRY F. BYRD, Jr.), the Senator from Alabama (Mr. HEFLIN), the Senator from Nevada (Mr. CANNON), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. DENTON), the Senator from Ohio (Mr. GLENN), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from South Carolina (Mr. THURMOND), the Senator from Michigan (Mr. RIEGLE), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Oklahoma (Mr. BOREN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from Idaho (Mr. SYMMS), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Resolution 394, a resolution expressing the sense of the Senate to commemorate the bicentennial of the great seal of the United States.

SENATE RESOLUTION 409—RESOLUTION RELATING TO DISTRIBUTION OF CERTAIN INDIAN JUDGMENT FUNDS

Mr. MELCHER submitted the following resolution; which was referred to the Select Committee on Indian Affairs:

Resolved, That it is the sense of the Senate that the plan submitted on March 26, 1982, by the Secretary of the Interior pursuant to the Indian Judgment Funds Act of October 19, 1973 (87 Stat. 466), for the distribution of judgment funds to the Gros Ventre Tribe of the Fort Belknap Reservation awarded by the Court of Claims in Docket 649-80L be disapproved.

● Mr. MELCHER. Mr. President, I am submitting today a Senate resolution to disapprove a plan for the distribution of judgment funds awarded by the U.S. Court of Claims in docket 649-80L to the Gros Ventre Tribe of the Fort Belknap Reservation, Mont.

The plan, as submitted to the Congress in accordance with the Indian Judgment Funds Act of October 19, 1973, stated that it was to conform to an amendment to S. 1986 a bill pending before the Senate Select Committee on Indian Affairs. However, the plan makes reference to a specific amendment to S. 1986 that was further amended by the committee in a recent business meeting. To be sure that the distribution of funds in docket 649-80L is in accordance with the decision of the Select Committee, the plan should be disapproved as submitted. If possible, the committee will include authorization to distribute these judgment funds in S. 1986 before the bill is reported to the Senate.●

SENATE RESOLUTION 410—RELATING TO TITLE I COMPENSATORY EDUCATION GRANTS

Mr. TSONGAS submitted the following resolution, which was referred to the Committee on Labor and Human Resources:

S. RES. 410

Resolved, That it is the sense of the Senate that the Secretary of Education shall, in carrying out section 111(c)(2) of the Elementary and Secondary Education Act of 1965, use the date compiled by the Bureau of the Census in the 1980 decennial census for determining the number of children aged five to seventeen, inclusive.

● Mr. TSONGAS. Mr. President, today I am submitting a sense of the Senate resolution that opposes the use of 1970 census data in determining compensatory education grants under title I of the Elementary and Secondary Education Act. I raise this issue because it relates to a title I funding cut that is being implemented outside the budget process.

Title I grants are linked to the number of disadvantaged youngsters identified in the census data. In 1970, 116,900 youngsters in Massachusetts were classified as disadvantaged. The 1980 data show a 25-percent increase to 146,580. But the Department of Education has harked back to the old data.

The purported rationale is the incompleteness of aggregate data from the 1980 census. The missing data pertain to Puerto Rico, which has not yet submitted its findings. I contend, Mr. President, that the administration has a different reason for using outdated figures: To continue its assault on the title I program. This decision is shortsighted and inequitable. It will devastate the title I program in my State of Massachusetts and throughout the rest of the Nation.

Because of a lack of funds, fewer than half the children in this Nation who qualify for title I services are receiving them. There is often the specter of having to rob Peter to save Paul. The first round of budget cuts in title I forced the sacrifice of a math program in Boston to preserve the reading program. We have come to a sad crossroad when we must choose whether to teach reading or arithmetic to poor children.

The capricious disregard of 1980 census data will result in a $6 million loss in title I funds that Massachusetts would otherwise recieve. Additional budget cuts in title I for fiscal year 1983 will cost Massachusetts an additional $4 million. The loss will amount to a total of $10 million. This is a loss we can ill afford.

Mr. President, there has been very little disagreement regarding the success of title I in improving basic reading and math skills for disadvantaged youngsters. There are no horror stories about fraud and abuse related to title I funds. Secretary of Education Bell has frequently lauded title I and has acknowledged its success. This program works. It has the potential for further far-reaching results. For months we have been grappling with the problems of record unemployment and slumping production. We can only exacerbate those problems if we fail to provide educational opportunities for disadvantaged children.

I have written a letter to Secretary Bell asking that he reconsider the use of 1970 data in calculating title I grants. I urge my collegues to do likewise and help rebuff the attack on this vital program.●

AMENDMENTS SUBMITTED FOR PRINTING

REGULATION OF CARRIERS OF PASSENGERS

AMENDMENT NO. 1881

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 3663) to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

EXTENSION OF VOTING RIGHTS ACT

AMENDMENT NO. 1882

(Ordered to be printed and to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

AMENDMENT NO. 1883

(Ordered to be printed and lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill (S. 1992) supra.

Mr. FORD. Mr. President, I have submitted an amendment to the voter assistance amendment of the voting rights extension bill, S. 1992, which will make the voter assistance provisions effective January 1, 1984.

The voter assistance amendment will guarantee privacy and confidentiality to all voters by giving those voters who require assistance the opportunity to select a person whom they know and trust to help them in the voting booths. Although all States now provide some form of voter assistance to those individuals who require aid due to a disability, some States do not extend help to persons who cannot read or write, and many place restrictions on who actually may assist a voter.

In many States, voters requiring assistance must accept the aid of a single or bipartisan pair of election officials. Such requirements certainly compromise the confidentiality and hinder the free exercise of the right to vote to those voters who require help in voting. By choosing their own aids, their votes are less likely to be influenced or manipulated.

Although I have some reservations about the necessity for those restrictions placed on the voters' selections by the amendment, I fully support the goal and objective of this amendment to protect the right of all voters with the maximum privacy possible.

In view of the primary elections already underway, and the upcoming general election this fall, there could be a considerable amount of confusion should this amendment become effective upon passage. It is the purpose of my amendment merely to assure that the States have adequate time to review their various assistance provisions, and to make any changes that they may deem necessary in light of this amendment while guaranteeing that its goals will be fully implemented during the next Presidential election.

AMENDMENTS NO. 1884 THROUGH NO. 1892

(Ordered to be printed and lie on the table.)

Mr. EAST submitted nine amendments intended to be proposed by him to the bill (S. 1992) supra.

DAMAGES FOR CERTAIN ACTIVITIES UNDER THE CLAYTON ACT

AMENDMENT NO. 1893

(Ordered to be printed and lie on the table.)

Mr. GORTON (for himself, Mr. RUDMAN, and Mr. DANFORTH) submitted an amendment intended to be proposed by them to the bill (S. 995) to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act.

EXTENSION OF VOTING RIGHTS ACT

AMENDMENT NO. 1894

(Ordered to be printed and lie on the table.)

Mr. HAYAKAWA submitted an amendment intended to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices will hold a hearing on S. 505 on Thursday, June 17. S. 505 would make imported grapes subject to the same marketing regulations as domestically grown grapes.

The hearing will begin at 10 a.m. in room 324, Russell.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Monday, June 14, to continue the markup of food stamp legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 15, at 2 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRESSIONAL PAGES HOLD MEETING ON FLAG DAY—SENATORS AND REPRESENTATIVES SPEAK

Mr. RANDOLPH. Mr. President, today the helpful pages who serve the Members of Congress met in the House of Representatives Chamber with their teachers, parents and families prior to the annual commencement program for graduating seniors from the Capitol Page School this evening. This pages program held a special significance, I feel, because June 14 is Flag Day throughout the United States.

David Hartman, on today's "Good Morning America" program of ABC, appropriately recognized Flag Day.

In my remarks, the shortest of President Abraham Lincoln's speeches was quoted in full. His words, at the flag-raising ceremony at the U.S. Treasury Building, are as follows:

> The part assigned to me is to raise the flag, which, if there be no fault in the machinery, I will do, and when up, it will be for the people to keep it up.

I further said:

> Our flag symbolizes the human spirit. The noted author, Henry Ward Beecher, wrote: "A thoughtful mind, when it sees a nation's flag, sees not the flag, but the nation itself. And, whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth."

General Washington, when the Star-Spangled Banner was first flown by the Continental Army, is said to have described it in these words:

> We take the stars from the heaven, the red from our mother country, separating it by white stripes—thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

On the eve of the First World War, President Woodrow Wilson spoke at a Flag Day ceremony in words which I feel describe our thoughts on this day. He said:

This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and our purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

Thoughtful and inspiring talks were presented to the approximately 200 persons in attendance, by STROM THURMOND, the President pro tempore of the Senate; Senator ORRIN HATCH of Utah; Representative JIM WRIGHT, majority leader of the House; Representative MORRIS UDALL of Arizona and WILLIAM WHITEHURST, Representative from Virginia.

Andy Glick, a House page and William Norton, of the Democrat cloakroom staff, introduced the speakers.

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on June 1, 1982, was 231,307,930. This represents an increase of 168,471 since May 1, 1982. Since this time last year, our population has grown by an additional 2,205,961.

In 1 short month we have added enough people to our population to more than fill the city of Lincoln, Nebr. Over the past year, our population has increased enough to fill the city of Indianapolis, Ind., more than three times.

Mr. President, the problems of increasing population is not limited to the United States. In most parts of the world the population problem is far more severe and the solution less close at hand than in the United States. The Population Reference Bureau, Inc., located in Washington, D.C., has outlined the progress made in some parts of the world and the tremendous problem that still exists in other areas in its "1982 World Population Data Sheet." Some of the statistics contained in this data sheet are startling. The bureau estimates that the mid-1982 world population is 4,585,000,000, a number that is projected to increase to 6,082,000,000 by the year 2000—up by 1.5 billion in 18 years. If the current estimated growth rate of 1.7 percent persists, global numbers will double in just 40 years.

The good news is that progress is being made. Population growth rates have turned downward in the last few years in all regions except Africa. Populations have stopped growing or, in a few cases, begun to decline in the industralized countries. In the less developed countries growth is still rapid. The proportion of people in the world who live in less developed countries is much greater than in the recent past and will continue to increase.

Mr. President, the impact of this continued growth in the less developed countries is incalculable. As we all know, population increases can detrimentally affect, among other things, every country's economy, employment picture, and environment. As the world grows smaller, the problems of one country become more and more the problems of all countries. For this reason, it is up to the United States to provide nations around the world with leadership in the common battle against the population explosion.

Because of the importance of this issue, Mr. President, I ask to have printed in the RECORD the "1982 World Population Data Sheet," just issued by the Population Reference Bureau. I think many will find the information contained in the data sheet extremely informative.

The material follows:

1982 WORLD POPULATION DATA SHEET OF THE POPULATION REFERENCE BUREAU, INC.

Region or country [1]	Population estimate, mid-1982 (millions) [2]	Crude birth rate [3]	Crude death rate [3]	Natural increase (annual, percent) [4]	Population "doubling time" in years (at current rate) [5]	Population estimate c. 1940 (millions) [2]	Population projected to 2000 (millions) [6]	Population projected to 2020 (millions) [6]	Infant mortality rate [7]	Total fertility rate [8]	Population < age 15/65 + (percent)	Life expectancy at birth (years) [9]	Urban population (percent) [10]	Labor force engaged in agriculture (percent) [11]	Per capital GNP, 1980 (US$) [12]
World	4,585.0	29	11	1.7	40	2,277.0	6,082.0	7,678.0	85.0	3.9	35/6	60	37	46	$2,620
More developed	1,152.0	15	10	7.6	116	798.0	1,248.0	1,310.0	20.0	2.0	23/11	72	69	13	8,130
Less developed	3,434.0	33	12	2.1	33	1,479.0	4,835.0	6,368.0	96.0	4.6	39/4	57	26	60	680
Less developed (excluding China)	2,434.0	38	14	2.4	29	949.0	3,635.0	4,968.0	108.0	5.3	42/3	53	32	60	860
Africa	498.0	46	17	2.9	24	175.0	847.0	1,344.0	121.0	6.5	45/3	49	28	66	770
Northern Africa	117.0	44	13	3.1	22	42.0	190.0	265.0	110.0	6.5	43/3	54	43	52	1,110
Algeria	20.1	46	14	3.2	22	7.7	36.3	56.8	118.0	7.4	47/4	56	61	51	1,920
Egypt	44.8	43	12	3.1	22	16.9	66.7	92.4	103.0	6.0	40/4	55	45	44	580
Libya	3.2	47	13	3.5	20	.8	6.1	10.0	100.0	7.4	49/4	55	52	17	8,640
Morocco	22.3	45	14	3.2	22	7.6	37.5	56.5	107.0	6.9	46/3	55	41	52	860
Sudan	19.9	47	17	3.0	23	6.1	33.1	51.3	124.0	6.6	44/3	46	25	77	470
Tunisia	6.7	35	11	2.4	29	2.9	9.6	12.4	100.0	5.6	43/4	58	52	32	1,310
Western Africa	150.0	49	19	3.0	23	47.0	265.0	449.0	140.0	6.8	46/3	47	22	64	750
Benin	3.7	49	19	3.0	23	1.3	6.6	12.0	154.0	6.7	46/4	46	14	46	300
Cape Verde	.3	29	8	2.1	33	.2	.4	.5	82.0	3.1	36/4	60	20	57	300
Gambia	.6	49	28	2.1	33	.2	1.0	1.8	198.0	6.4	42/2	41	19	78	250
Ghana	12.4	48	17	3.1	22	3.7	21.5	32.7	103.0	6.7	47/4	48	36	52	420
Guinea	5.3	46	21	2.5	27	2.1	8.8	15.0	165.0	6.2	43/3	44	19	81	290
Guinea-Bissau	.8	40	21	1.9	36	.4	1.2	1.8	149.0	5.4	38/4	41	24	83	160
Ivory Coast	8.8	48	18	2.9	24	2.5	15.1	25.0	127.0	6.7	45/2	46	38	80	1,150
Liberia	2.0	50	20	3.0	23	.8	3.8	6.7	154.0	6.9	41/4	53	33	72	520
Mali	7.1	52	24	2.8	24	2.3	12.2	21.4	154.0	7.0	48/1	42	17	87	190
Mauritania	1.7	50	22	2.8	25	.6	3.0	5.4	143.0	6.9	42/6	42	23	83	320
Niger	5.8	51	22	2.9	24	1.9	10.4	18.7	146.0	7.1	43/3	42	13	89	330
Nigeria	82.3	50	18	3.2	22	24.0	149.7	258.1	135.0	6.9	47/2	48	20	54	1,010
Senegal	5.9	48	22	2.6	27	2.3	9.7	15.3	147.0	7.1	44/3	42	33	75	450
Sierra Leone	3.7	46	19	2.6	26	1.6	6.1	9.8	208.0	6.2	41/5	46	25	66	270
Togo	2.8	48	19	2.9	24	1.0	4.8	8.0	109.0	6.5	50/4	46	17	68	410
Upper Volta	6.7	48	22	2.6	27	3.1	10.9	17.2	211.0	6.5	44/3	42	8	82	190
Eastern Africa	141.0	48	18	3.0	23	50.0	246.0	402.0	112.0	6.7	46/3	47	15	78	310
Burundi	4.4	45	23	2.2	31	2.0	7.0	11.7	122.0	5.9	44/2	41	2	84	200
Comoros	.4	44	14	3.0	23	.1	.6	.9	93.0	6.2	43/3	46	19	64	300
Djibouti	.5	49	22	2.6	26	.1	.7	1.0	—	—	—	—	74	—	480
Ethiopa	30.5	50	25	2.5	28	13.3	50.6	79.6	147.0	6.7	43/3	40	14	80	140
Kenya	17.9	53	14	3.9	18	4.8	35.4	59.3	87.0	8.1	50/4	54	14	78	420
Madagascar	92	45	18	2.7	26	3.6	15.2	24.2	71.0	6.4	44/4	46	18	84	350
Malawi	6.6	51	19	3.2	22	2.4	12.0	20.8	172.0	7.0	44/4	46	10	84	230
Mauritius	1.0	27	7	2.0	35	.4	1.2	1.5	32.9	3.1	35/4	64	43	29	1,060
Mozambique	12.7	45	19	2.6	27	4.9	20.7	32.7	115.0	6.1	45/2	46	8	65	270
Reunion	.5	25	7	1.8	38	.2	.7	.8	20.0	3.1	35/4	65	41	29	3,830
Rwanda	5.4	50	19	3.0	23	1.7	9.5	15.5	107.0	7.0	51/2	46	4	90	200
Seychelles	.1	28	7	2.1	34	(*)	.1	.1	26.6	4.2	38/6	65	25	18	1,770

1982 WORLD POPULATION DATA SHEET OF THE POPULATION REFERENCE BUREAU, INC.—Continued

Region or country [1]	Population estimate, mid-1982 (millions) [2]	Crude birth rate [3]	Crude death rate [3]	Natural increase (annual, percent) [4]	Population "doubling time" in years (at current rate) [5]	Population estimate c. 1940 (millions) [2]	Population projected to 2000 (millions) [6]	Population projected to 2020 (millions) [6]	Infant mortality rate [7]	Total fertility rate [8]	Population < age 15/65 + (percent)	Life expectancy at birth (years) [9]	Urban population (percent) [10]	Labor force engaged in agriculture (percent) [11]	Per capital GNP 1980 (US$) [12]
Somalia	4.6	46	20	2.6	26	1.5	7.2	12.0	147.0	6.1	45/2	42	30	80	—
Tanzania	19.9	46	14	3.2	22	6.8	35.3	59.9	103.0	6.6	46/4	50	13	82	260
Uganda	13.7	48	16	3.2	22	4.3	23.9	39.0	97.0	6.2	45/3	52	7	81	280
Zambia	6.0	49	17	3.2	22	2.1	11.0	19.1	106.0	7.0	46/3	48	40	67	560
Zimbabwe	8.0	47	14	3.4	21	2.1	14.7	23.9	74.0	6.7	51/2	54	20	59	630
Middle Africa	56.0	46	20	2.6	27	24.0	90.0	145.0	122.0	6.0	44/3	45	30	75	370
Angola	6.8	48	23	2.4	28	3.7	11.3	19.2	154.0	6.4	44/3	41	21	58	470
Cameroon	8.9	45	20	2.5	28	4.3	13.8	20.9	109.0	5.7	43/4	46	35	81	670
Central Africa Republic	2.4	44	22	2.2	32	1.1	3.9	6.6	149.0	5.9	41/4	42	41	88	300
Chad	4.6	44	24	2.0	35	2.3	6.7	10.4	149.0	5.9	41/3	40	18	84	120
Congo	1.6	45	19	2.6	27	.7	2.7	4.6	129.0	6.0	43/3	46	37	35	730
Equatorial Guinea	.3	42	19	2.3	30	.2	.4	.7	143.0	5.7	42/4	46	54	75	—
Gabon	.7	34	22	1.2	58	.4	.9	1.2	117.0	4.7	34/6	44	36	77	3,680
Sao Tome and Principe	.1	42	10	3.2	21	.1	.1	.1	49.7	—	—	—	33	—	490
Zaire	30.3	46	19	2.8	25	10.7	50.5	81.3	112.0	6.1	44/3	46	30	75	220
Southern Africa	34.0	37	12	2.5	28	12.0	55.0	82.0	98.0	5.2	42/4	59	47	35	2,120
Botswana	.9	51	18	3.3	21	.4	1.6	3.0	83.0	6.5	46/5	48	29	81	910
Lesotho	1.4	40	16	2.4	29	.7	2.2	3.3	115.0	5.9	40/4	50	4	84	390
Namibia	1.1	44	15	2.8	24	.4	1.8	2.9	120.0	5.9	44/3	51	45	49	1,410
South Africa	30.0	36	12	2.4	28	10.3	48.9	71.5	96.0	5.1	42/4	60	50	29	2,290
Swaziland	.6	48	19	2.8	24	.2	1.0	1.7	135.0	6.5	48/3	46	9	74	680
Asia	2,671.0	30	11	1.9	37	1,245.0	3,528.0	4,368.0	91.0	4.2	36/4	58	23	59	920
Asia (excluding China)	1,671.0	35	14	2.1	33	715.0	2,328.0	2,968.0	108.0	5.0	40/4	53	30	57	1,340
Southwest Asia	106.0	39	12	2.7	26	36.0	171.0	250.0	102.0	5.6	43/4	58	52	48	3,520
Bahrain	.4	37	8	2.8	24	.1	.7	1.0	53.0	7.4	41/3	66	78	3	5,560
Cyprus	.6	22	9	1.2	55	.4	.7	.8	18.0	2.3	25/10	72	53	35	3,560
Gaza	.5	51	14	3.7	19	.3	.7	.9	92.0	—	—	—	90	—	—
Iraq	14.0	47	13	3.4	20	4.0	24.2	37.4	78.0	7.0	49/4	55	72	30	3,020
Israel	4.1	24	7	1.7	40	1.5	5.6	7.1	14.1	3.5	33/8	73	89	6	4,500
Jordan	3.5	47	10	3.6	19	1.0	6.5	10.3	69.0	7.3	51/3	60	42	27	1,420
Kuwait	1.5	42	5	3.7	19	.1	2.9	4.6	39.1	6.1	44/2	69	88	2	22,840
Lebanon	2.7	30	9	2.1	32	1.0	4.0	5.3	41.0	4.3	43/5	65	76	11	—
Oman	.9	49	19	3.0	23	.3	1.7	2.6	128.0	7.2	45/3	47	7	62	4,380
Qatar	.3	37	10	2.8	25	(*)	.4	.6	53.0	6.8	45/3	57	86	—	26,080
Saudi Arabia	11.1	46	14	3.2	22	3.2	20.5	32.7	114.0	7.3	45/3	53	67	61	11,260
Syria	9.7	46	9	3.8	18	2.7	18.7	30.0	62.0	7.4	48/3	64	47	32	1,340
Turkey	47.7	33	10	2.2	31	17.8	70.7	95.2	123.0	4.3	40/4	60	44	56	1,460
United Arab Emirates	1.2	30	7	2.3	30	.1	1.9	2.8	53.0	6.8	34/3	62	72	5	30,070
Yemen, North	5.5	49	24	2.4	28	2.5	8.8	13.5	162.0	6.8	45/3	41	10	75	460
Yemen, South	2.0	48	21	2.7	26	.8	3.4	5.3	146.0	7.0	46/3	44	37	40	420
Middle South Asia	988.0	38	16	2.2	32	422.0	1,396.0	1,797.0	125.0	5.5	41/3	49	22	64	230
Afghanistan	15.1	48	23	2.5	27	7.0	26.5	39.3	205.0	6.9	45/3	40	11	78	—
Bangladesh	93.3	47	19	2.8	25	38.6	149.2	210.1	136.0	6.3	42/3	46	10	77	120
Bhutan	1.4	43	21	2.2	31	.7	2.0	2.9	150.0	6.2	42/3	43	4	94	80
India	713.8	35	15	2.0	35	316.3	967.6	1,196.8	123.0	5.3	40/3	49	22	64	240
Iran	41.2	44	14	3.1	22	14.0	66.5	95.5	108.0	6.4	44/4	58	50	37	—
Maldives	.2	47	14	3.1	22	.1	.3	.4	120.0	—	45/2	—	11	—	260
Nepal	14.5	44	21	2.3	30	7.7	20.7	28.5	150.0	6.5	40/3	43	5	93	140
Pakistan	93.0	44	16	2.8	25	31.3	142.7	198.2	126.0	6.3	46/3	51	28	54	300
Sri Lanka	15.2	29	7	2.2	31	6.0	20.9	25.6	37.1	3.4	39/4	65	27	54	270
Southeast Asia	374.0	34	12	2.2	32	152.0	519.0	658.0	86.0	4.8	42/3	53	23	65	580
Brunei	.2	28	4	2.4	29	(*)	.4	.5	20.0	5.1	34/3	66	76	—	11,890
Burma	37.1	39	14	2.4	29	16.0	55.1	76.7	101.0	5.5	40/4	52	27	65	180
Democratic Kampuchea	6.1	38	19	1.9	36	3.0	9.2	11.7	212.0	—	—	37	14	74	—
East Timor	.5	44	21	2.3	30	.5	.7	1.0	—	—	42/3	42	11	60	—
Indonesia	151.3	34	16	1.7	40	70.5	197.1	236.4	93.0	4.7	42/2	48	20	65	420
Laos	3.7	44	20	2.4	29	1.6	5.5	7.4	129.0	6.2	42/3	44	15	74	—
Malaysia	14.7	30	7	2.4	29	5.3	21.3	27.5	31.0	4.4	40/4	63	29	49	1,670
Philippines	51.6	34	8	2.6	26	16.5	77.3	102.8	55.0	5.0	43/3	61	36	49	720
Singapore	2.5	17	5	1.2	57	.8	3.0	3.3	11.7	1.8	28/5	71	100	1	4,480
Thailand	49.8	28	7	2.1	33	15.3	69.9	88.0	55.0	3.7	42/3	61	14	73	670
Vietnam	56.6	37	9	2.8	25	23.0	80.0	102.3	100.0	5.3	41/4	53	19	71	—
East Asia	1,204.0	21	7	1.4	50	635.0	1,441.0	1,663.0	41.0	2.7	31/6	66	22	54	1,330
China [13]	1,000.0	22	7	1.4	48	530.0	1,200.0	1,400.0	45.0	2.8	32/6	65	13	61	290
Hong Kong	5.0	17	5	1.2	59	1.8	6.6	7.4	13.4	2.4	27/6	76	90	1	4,210
Japan	118.6	14	6	.8	92	72.5	126.4	129.0	7.4	1.8	24/9	76	76	9	9,890
Korea, North	18.7	32	8	2.4	29	8.0	27.3	35.8	34.0	4.5	40/4	62	33	47	—
Korea, South	41.1	19	5	1.4	50	15.5	52.8	62.2	34.0	2.6	38/4	66	55	34	1,520
Macao	.3	28	8	2.0	35	.4	.4	.5	—	—	38/5	—	98	—	2,020
Mongolia	1.8	38	9	2.9	24	.8	2.7	3.7	55.0	5.4	43/3	62	50	50	—
Taiwan	18.5	23	5	1.8	38	6.0	24.6	29.6	24.0	2.7	33/4	71	66	30	—
North America	256.0	16	9	.7	95	145.0	286.0	308.0	12.0	1.9	23/11	74	74	4	11,240
Canada	24.4	16	7	.8	82	11.7	26.9	33.4	10.9	1.8	24/9	74	76	5	10,130
United States	232.0	16	9	.7	96	133.1	259.0	274.1	11.8	1.9	23/11	74	74	3	11,360
Latin America	378.0	32	8	2.3	30	129.0	549.0	769.0	67.0	4.4	40/4	63	63	40	1,910
Middle America	95.0	33	7	2.6	26	27.0	142.0	202.0	60.0	5.0	43/3	64	60	42	1,840
Belize	.2	40	12	2.8	25	.1	.3	.3	—	—	49/4	—	49	29	1,080
Costa Rica	2.3	29	4	2.5	28	.6	3.4	4.6	24.2	3.7	38/4	70	43	36	1,730
El Salvador	5.0	35	8	2.7	26	1.6	8.6	13.5	53.0	5.8	46/3	62	41	41	590
Guatemala	7.7	42	10	3.2	22	2.2	12.7	19.8	70.2	5.7	45/3	58	36	57	1,110
Honduras	4.0	47	12	3.5	20	1.1	7.0	12.0	88.0	7.1	48/3	57	36	61	560

1982 WORLD POPULATION DATA SHEET OF THE POPULATION REFERENCE BUREAU, INC.—Continued

Region or country [1]	Population estimate, mid-1982 (millions) [2]	Crude birth rate [3]	Crude death rate [3]	Natural increase (annual, percent) [4]	Population "doubling time" in years (at current rate) [5]	Population estimate c. 1940 (millions) [2]	Population projected to 2000 (millions) [6]	Population projected to 2020 (millions) [6]	Infant mortality rate [7]	Total fertility rate [8]	Population < age 15/65 + (percent)	Life expectancy at birth (years) [9]	Urban population (percent) [10]	Labor force engaged in agriculture (percent) [11]	Per capital GNP, 1980 (US$) [12]
Mexico	71.3	32	6	2.5	27	19.8	102.3	140.0	56.0	4.8	42/3	65	67	40	2,130
Nicaragua	2.6	47	12	3.4	20	.8	4.6	7.9	90.0	6.6	48/2	55	53	42	720
Panama	1.9	27	6	2.1	33	.6	2.7	3.6	34.0	4.1	43/4	70	51	51	1,730
Caribbean	30.0	27	7	1.8	38	14.0	41.0	53.0	62.0	3.7	38/6	66	52	39	1,540
Antigua and Barbuda	.1	16	6	1.1	64	(•)	.1	.2	31.5	2.6	—	—	34	—	1,270
Bahamas	.2	22	5	1.7	41	.1	.3	.4	31.9	3.5	44/4	69	54	—	3,300
Barbados	.3	17	8	.8	82	.2	.3	.4	25.1	2.2	31/9	70	4	17	3,040
Cuba	9.8	14	6	.8	85	4.6	12.3	14.0	19.3	1.9	35/11	73	65	24	—
Dominica	.1	21	5	1.6	43	(•)	.1	.1	19.6	—	—	—	—	—	620
Dominican Republic	5.7	37	9	2.8	25	1.8	8.6	12.4	68.0	5.4	45/3	60	51	57	1,140
Grenada	.1	24	7	1.8	39	.1	.1	.2	15.4	—	—	70	—	—	690
Guadeloupe	.3	19	6	1.3	54	.2	.3	.4	25.0	2.9	32/6	69	43	18	3,870
Haiti	6.1	42	16	2.6	27	2.7	9.4	13.5	115.0	6.0	41/4	51	25	67	270
Jamaica	2.2	27	6	2.1	33	1.2	2.9	3.6	16.2	3.7	40/6	70	50	29	1,030
Martinique	.3	23	7	1.6	43	.2	.3	.4	22.0	2.9	32/6	69	66	16	4,640
Netherlands Antilles	.2	29	7	2.2	32	.1	.3	.4	25.0	—	38/5	—	90	1	4,290
Puerto Rico	3.3	23	6	1.7	41	1.9	4.1	4.9	20.4	2.8	31/7	74	70	6	3,010
St. Lucia	.1	32	7	2.4	29	.1	.2	.2	33.0	—	50/5	67	—	—	850
St. Vincent and the Grenadines	.1	35	7	2.8	25	.1	.2	.2	38.1	—	—	67	—	—	520
Trinidad and Tobago	1.1	25	6	1.9	37	.5	1.4	1.6	26.4	2.7	37/4	69	49	12	4,370
Tropical South America	209.0	33	9	2.4	28	67.0	313.0	452.0	74.0	4.5	41/3	62	62	37	1,890
Bolivia	5.6	45	18	2.7	25	2.5	9.3	16.7	131.0	6.6	42/4	49	42	46	570
Brazil	127.7	32	9	2.4	29	41.2	186.7	267.2	77.0	4.4	41/3	62	63	39	2,050
Columbia	25.6	28	8	2.0	35	9.1	36.3	47.1	56.0	3.8	40/3	62	60	28	1,180
Ecuador	8.5	42	10	3.1	22	2.5	14.6	23.3	82.0	6.3	45/4	60	45	45	1,220
Guyana	.9	28	7	2.1	33	.3	1.2	1.5	44.0	3.9	44/4	69	30	22	690
Paraguay	3.3	34	7	2.6	26	1.1	5.4	7.9	47.0	4.9	45/3	64	40	44	1,340
Peru	18.6	38	11	2.8	25	6.5	30.7	50.2	88.0	5.3	44/3	57	67	40	930
Suriname	.4	28	8	2.0	35	.2	.6	.8	36.0	—	51/4	67	45	18	2,840
Venezuela	18.4	34	5	2.9	24	3.7	28.3	37.4	42.0	4.3	43/3	66	76	19	3,630
Temperate South America	43.0	24	8	1.5	45	21.0	53.0	61.0	40.0	2.9	29/7	68	82	14	2,360
Argentina	28.6	25	9	1.6	43	14.2	34.3	39.3	45.0	2.9	27/8	69	82	13	2,390
Chile	11.5	22	7	1.5	47	5.1	14.9	18.1	37.9	3.0	34/5	66	81	16	2,160
Uruguay	3.0	19	11	.8	87	2.0	3.4	4.0	37.4	2.8	27/10	70	84	16	2,820
Europe	488.0	14	10	.4	187	377.0	511.0	508.0	16.0	1.9	23/13	72	69	16	7,990
Northern Europe	82.0	13	11	.2	352	68.0	84.0	83.0	11.0	1.9	22/14	73	74	5	9,020
Denmark	5.1	11	11	0	—	3.8	5.1	4.8	8.5	1.5	20/14	74	84	8	12,950
Finland	4.8	13	9	.4	187	3.7	4.9	4.7	7.7	1.6	21/12	73	62	11	9,720
Iceland	.2	20	7	1.4	50	.1	.3	.3	5.4	2.5	29/10	76	88	12	11,330
Ireland	3.5	22	10	1.2	57	3.0	4.1	4.9	12.4	3.2	31/11	73	58	19	4,880
Norway	4.1	12	10	.2	277	3.0	4.1	4.0	8.8	1.7	23/14	75	44	8	12,650
Sweden	8.3	12	11	.1	990	6.4	8.0	7.4	6.7	1.7	20/16	75	83	6	13,520
United Kingdom	56.1	14	12	.2	462	48.2	57.1	56.5	11.8	1.9	22/15	73	77	2	7,920
Western Europe	154.0	12	11	.2	423	113.0	155.0	142.0	11.0	1.7	21/14	73	81	7	12,600
Austria	7.6	12	12	0	—	6.7	7.3	6.8	13.9	1.7	21/15	72	54	11	10,230
Belgium	9.9	13	12	.1	630	8.3	9.9	9.3	11.0	1.7	21/14	73	95	3	12,180
France	54.2	15	10	.5	147	41.3	56.4	56.6	10.0	2.0	22/14	74	78	8	11,730
Germany, West	61.7	10	12	.2	—	43.0	59.9	49.3	12.6	1.5	20/15	72	85	6	13,590
Luxembourg	.4	12	12	0	—	.3	.3	.3	11.5	1.5	20/13	71	68	—	14,510
Netherlands	14.3	13	8	.5	147	8.9	14.9	14.2	8.6	1.6	23/11	75	88	6	11,470
Switzerland	6.3	12	9	.2	347	4.2	6.2	5.6	8.5	1.5	20/14	75	58	7	16,440
Eastern Europe	111.0	17	11	.6	117	93.0	120.0	127.0	21.0	2.2	23/12	71	59	28	4,390
Bulgaria	8.9	14	11	.4	192	6.7	9.5	9.8	19.9	2.2	22/11	72	60	34	4,150
Czechoslovakia	15.4	16	12	.4	169	12.7	16.6	17.9	16.6	2.1	24/12	71	67	11	5,820
Germany, East	16.7	15	14	0	—	16.8	16.8	15.3	12.1	1.9	20/16	72	76	10	7,180
Hungary	10.7	14	14	0	—	9.3	10.9	10.9	23.1	1.9	21/13	70	46	22	4,180
Poland	36.3	20	10	1.0	71	31.5	40.9	44.7	21.2	2.3	24/10	71	58	30	3,900
Romania	22.6	19	10	.9	80	15.9	25.6	28.3	31.6	2.5	26/10	70	49	48	2,340
Southern Europe	141.0	14	9	.5	131	103.0	152.0	156.0	19.0	2.0	25/11	72	61	23	5,090
Albania	2.8	29	7	2.2	32	1.1	3.9	4.8	47.0	4.2	38/5	69	37	61	—
Greece	9.8	16	9	.7	96	7.4	10.6	11.3	18.7	2.3	23/13	73	65	38	4,520
Italy	57.4	11	10	.2	462	43.8	57.4	54.1	14.3	1.7	22/12	73	69	14	6,480
Malta	.4	15	9	.6	110	.3	.4	.4	15.5	2.0	24/8	71	83	6	3,470
Portugal	9.9	16	9	.7	100	7.7	11.2	12.1	26.0	2.2	28/10	70	31	27	2,350
Spain	37.9	15	8	.7	94	26.3	43.3	47.3	11.1	2.2	27/11	73	64	17	5,350
Yugoslavia	22.6	17	9	.8	87	16.4	25.1	26.1	32.8	2.0	25/9	69	46	39	2,620
U.S.S.R.	270.0	18	10	.8	88	195.0	302.0	346.0	36.0	2.3	24/10	69	62	17	4,550
Oceania	24.0	21	9	1.3	55	11.0	30.0	35.0	42.0	2.7	31/8	69	72	20	7,600
Australia	15.0	15	7	.8	87	7.1	18.0	19.9	11.0	1.9	27/9	73	86	6	9,820
Fiji	.7	30	4	2.6	27	.2	.8	1.0	37.0	3.6	41/2	71	37	41	1,850
French Polynesia	.2	30	7	2.3	30	.1	.2	.3	—	—	45/2	—	39	—	6,780
New Zealand	3.1	17	8	.9	80	1.6	3.8	4.3	12.6	2.1	28/9	73	82	10	7,090
Papua-New Guinea	3.2	44	16	2.8	25	1.1	5.2	7.5	104.0	6.3	44/4	50	13	83	780
Samoa, Western	.2	37	7	3.0	23	.1	.2	.2	40.0	5.8	48/3	65	20	61	—
Solomon Islands	.2	44	9	3.5	20	.1	.4	.7	78.0	6.2	48/3	—	11	—	460
Vanuatu	.1	45	17	2.8	25	(•)	.2	.3	101.0	—	—	—	—	—	530

General notes: "World Population Data Sheets" of various years should not be used as a time series. Changes in data from year to year often reflect improved or revised estimates incorporated in successive editions, particularly in the case of the less developed countries (LDC's). "Figures for regions and the world:" Population totals include small areas not listed separately; regional data have been independently rounded and rates and percentages are weighted averages. "Sources of data and estimates:" Unless otherwise cited, basic data used come primarily from the following sources: United Nations (U.N.); "Demographic Yearbook"and "Population and Vital Statistics Report" of the U.N. Statistical Office; periodic "Working

Papers and "Assessments" of world population of the U.N. Population Division. Other sources include: "Working Population," 1979 and 1981 editions, of the U.S. Bureau of the Census, published World Bank estimates and projections, County Reports of the World Fertility Survey, official country publications, special studies, and direct communication with demographers and statisticians both in the U.S. and overseas. Thanks are expressed to staff members of the International Demographic Data Center and Foreign Demographic Analysis Division of the U.S. Bureau of the Census, the UN's Population Division and Statistical Office, the Office of Population of the U.S. Agency for International Development, and the World Bank for their assistance in obtaining some of the data and estimates. PRB demographer Cary Davis performed computer runs for the Data Sheet and interm Ken Kochanek gave valuable statistical assistance. The PRB assumes responsibility for all figures shown. "Meaning of symbols:" Dashes(—) indicate that data or estimates are unavailable (*) indicates a population estimate less than 50,000 in 1940.

[1] The "Data Sheet" lists all geopolitical entities with a population larger than 150,000 and all members of the United Nations. Classification of "more developed" and "less developed" regions follows U.N. practice, whereby "more developed" regions comprise all of Europe, and North America, plus Australia, Japan, New Zealand, and the U.S.S.R. All other regions and/or countries are classified as "less developed."

[2] Based upon data from a recent census or by incorporating estimates made by the U.N. the U.S. Bureau of the Census, and official country publications. The estimate for circa 1940 was obtained with primary consideration given to the U.N. "Demographic Yearbook," 1959 and 1962 editions, the U.N.'s 1963 "Assessment," and special studies. Due to the many different geographic definitions of countries, boundary changes, and the presumably poorer quality of data in 1940, these estimates are not in all cases completely consistent with population figures given elsewhere on the "Data Sheet."

[3] Annual number of births or deaths per 1,000 population. For more developed countries (MDC's) with complete registration of vital events, nearly all rates refer to 1979 or 1980. For LDC's most of whom lack complete registration systems, estimates refer to some point in the late 1970s. "Crude" rates, particularly the crude death rate, can be affected by a population's age composition; thus, the higher death rates for MDC's are a reflection of the larger proportion of the older population in those countries (which is in turn caused by lower birth rates in MDC's).

[4] Birth rate minus the death rate; since the rates were based on the unrounded birth and death rate, they do not always equal the difference between the rates shown on the "Data Sheet."

[5] Based on the current unrounded rate of natural increase (RNI). This column is provided to provide some indication of the potential effect of different levels of the RNI and is not intended to forecast the actual doubling of any population. The columns on projected populations in 2000 and 2020 should be consulted for the change in population size actually anticipated under a reasonable set of assumptions regarding future birth and death rates.

[6] For most countries, projected by applying growth rates incorporated in projections prepared by the U.N. the World Bank, or the U.S. Bureau of the Census. For many MDC's with low birth rates PRB projections incorporating an assumption of constant fertility were used. Projections to 2020 are, of course, subject to particularly wide margins of error.

[7] Annual deaths to infants under one year of age per 1,000 live births in a given year. For countries with data considered to be of good reliability by the U.N. (complete or nearly complete registration), nearly all data refer to 1979 or 1980 and are shown to one decimal place; these data are from U.N. ("Population and Vital Statistics . . ."). For countries with incomplete data, the estimates are shown in whole numbers and refer to 1980. They were derived by averaging the estimated rates for the periods 1975–1980 and 1980–1985 given in U.N. population Division, "Infant Mortality Rates: Estimates and Projections By Country and Region." 1970–2000 (forthcoming). These estimates are the result of a new study by the Population Division, with financial assistance from UNICEF, which evaluated data from all available registration systems, surveys, and censuses. We thank the Population Division for their assistance.

[8] The total fertility rate (TFR) indicates the average number of children that would be born to each woman in a population if each were to live through her childbearing lifetime (usually considered ages 15–49) bearing children at the same rate as women of those ages actually did in a given year. A TFR of 2:1 to 2.5, depending upon mortality conditions, indicates "replacement level" fertility—the level at which a country's population would eventually stop growing (or declining), leaving migration out of account. Most TFRs shown here refer to the 1975–1980 period for less developed countries and are from the U.N. Population Division's "1980 Assessment" . . . or survey estimates such as those of the World Fertility Survey. For more developed countries, rates are the latest officially reported as shown in the sources noted above or from Alain Monnier", L'Europe et les pay développés d'Outremer. Données statisitques. Population, 36:4–5," institut national d'études démographiques, Paris, 1981 and refer to 1980.

[9] Average years an infant can be expected to live under current mortality conditions. Estimates are primarily those of the U.N. Population Division or the "Demographic Yearbook" and refer to the mid to late 1970's.

[10] Percentage of total population living in areas termed urban by that country. Estimates refer to some point in the 1970's.

[11] Definition of agriculture also includes hunting, forestry, and fishing; data are from the U.N. Food and Agriculture Organization, "Production Yearbook," 1979 or a recent census as given in international Labour Organization Yearbooks.

[12] Per capita Gross National Product estimates are provisional World Bank estimates, refer to 1980, and are from the "1981 World Bank Atlas."

[13] Many unknowns regarding China's demography may be clarified when China conducts its first national census in some time during July 1982. Estimates given here represent a departure from previous Data Sheets and are largely based upon work done by Judith Bannister of the U.S. Bureau of the Census and in consultation with H. Yuan Tien, PRB's Visiting Scholar.

BALTIC FREEDOM DAY

● Mr. DOLE. Mr. President, June 14 has been selected as the day to observe Baltic Freedom Day. On this day in 1941, the Soviet Government initiated mass deportations of such magnitude that 48,000 Estonians, Latvians, and Lithuanians were wrenched from their homelands. The terror that reigned during the night and the suffering and anguish that these families endured compel us to remember and honor the Baltic peoples today.

Two years earlier, in 1939, Nazi Germany and the Soviet Union had signed the notorious Molotov-Ribbentrop Pact which paved the way for a Russian invasion of the Baltic nations. In a secret amendment to the pact, the nations of Estonia, Latvia, and Lithuania were placed within the "sphere of influence" of the Soviet Union. The fact that all three nations were members of the League of Nations at that time did nothing to deter the aggression of the Soviets and prevent the incorporation of all three states into the Soviet empire.

NIGHT OF TERROR

The June 14 deportations constituted a night of terror that can never be forgotten by those who experienced it. Described by Khrushchev as a "task of great political importance" which was to rid the Soviet Union of nationalists, or "anti-Soviet elements," the deportations were conducted in a cold, calculated, and brutal manner by the Soviet authorities. One of the cruelest features of the campaign was the separation of heads of families from their wives and children. Special care was taken to keep this particular fact secret from the deportees; its inevitable discovery added further terror to the nightmare.

The deportations of June 14 were merely a prelude to those which were to follow in the years 1944–49. During these years, half a million Lithuanians, Latvians, and Estonians were forcibly removed from their homelands to Siberian labor camps. It is estimated that only 20 percent returned. Of those who returned, many had become physical wrecks.

While the massive deportations have stopped, Russification—in the form of Russian efforts to discourage the use of native Baltic languages and in attempts at resettlement—continues to this day. Moscow's attempts at cultural and linguistic Russification, however, have met with stubborn resistance. Estonian, Latvian, and Lithuanian activists continue to speak out in behalf of their national, political, cultural, religious, and linguistic rights, despite the Soviet Government's repressive measures against them. The Baltic peoples continue to preserve their sense of national identity and cling to their dream of independence.

The suppression of the Baltic peoples is a stark illustration of the Soviet Government's disregard for the Helsinki Final Act. The Commission on Security and Cooperation in Europe, which monitors compliance with the Helsinki Final Act and on which I serve as cochairman, has amassed countless pieces of evidence from Latvia, Lithuania, and Estonia pointing to Soviet violations of principles pertaining to human rights and self-determination.

We must not forget the Baltic peoples in their quest for freedom, for to do so would be to forget our own tradition of freedom.●

FEDERAL COURTS JURISDICTION

● Mr. MOYNIHAN. Mr. President, on Sunday last it was my honor to address the graduating seniors of the St. John's University Law School. I had prepared an address on the subject of those bills, now pending in Congress, that would limit the jurisdiction of our Federal courts including the Supreme Court. I did not deliver my remarks in their entirety, however I did say that I would place the full text in the RECORD and I ask that that be done.

The text follows:

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

In 1981, not long after the 97th Congress convened, the American Bar Association testified before the judiciary committees of Congress that legislation then beginning to be introduced that would strip Federal courts, including the Supreme Court, of jurisdiction over various subject matters was both unwise as to policy and questionable as to constitutional validity. The president of the ABA, Mr. David R. Brink wrote the committees:

"We confront, at this very moment, the greatest constitutional crisis since the Civil War."

A year has gone by. One such measure has passed the Senate by an imposing vote. Others are being "marked up" and reported out, still others are already on the calendar. The proponents of such measures grow more confident. The grounds for their confidence are clear. The Congress would seem to be theirs. The Judiciary, the "least dangerous branch" as Madison had it, is silent in obedience to its custom and to its constitutional role. There is in that respect a stand-off. The one event that might change this balance has not occurred, which is to say that the Executive Branch, and more specifically the Justice Department, might take a stand on behalf of the Court, and in the judgment of some of us, the Constitution.

The Justice Department, however, chooses as best it can to act as if there were no crisis. It is in the main silent; at best ambiguous. Above all, it is unconcerned.

As one Senator very much concerned, I must state that, in my view, in the face of this crisis, in the face of a fundamental assault on constitutional procedure, the Department of Justice has been complacent to the point of collusion.

I speak, or if you will, write as someone who has been much interested in the histo-

ry of the Court's reversing itself, and very much involved in some issues of the present age in which it seems to me the Court ought to do and which I dare to think it will.

Put plain, the Supreme Court is often wrong. Not in the sense that one of us might think it wrong, but in the specific sense that the Court having decided an issue, subsequently declares that its decision was incorrect and either modifies or in some cases, quite reverses its early decision.

In the largest matters, these changes occur over a generation; more often over two generations. If we use the somewhat dim convention that a generation is to be measured as thirty years, it was one generation before the Court reversed itself in Lochner, two generations before it reversed itself in Plessy. I need not tell law graduates that these are often cultural as much as legal events. Hence my judgment that it will take the better part of two generations entirely to reverse Everson, a process already underway, but by no means completed.

On the other hand, the Court can reverse itself within the space of a year, as it did on this past Tuesday, June 1 in U.S. v. Ross.[1]

In the fall of 1979, I published an article in The Public Interest entitled: "What Do You Do When The Supreme Court Is Wrong?" I argued that at various points in American history, and sometimes for extended periods, the Court had been "wrong" about one or another of the principal constitutional issues of the day, and that the Court had subsequently reversed itself, saying in effect that it had been in error.

My purpose was to examine the process by which earlier Court reversals had come about—and could today. I described a simple hierarchy of responses—responses to the question, what do you do when one thinks the Supreme Court is wrong?—responses that in one combination or another had commonly led the Court to change its position. My argument, deriving as much from Finley Peter Dunne as from any more contemporary political scientist was that the Court does respond to positions reasonably propounded. I suggested a hierarchy, if you will, of advocacy. One was to Debate, to Legislate, to Litigate.

Briefly, issues upon which the Court had ruled would remain vital in public forums. Debate would continue on the same question. Variations of the originally contested law would be enacted by legislators who thought the Court had been wrong. The laws would be challenged in the lower Courts and indeed in the Supreme Court, which might already have changed its position. If it wasn't already convinced, if it rules again that legislators had written an unconstitutional law (I wrote), the solution was to draft yet another law to the same effect. Changed social circumstances, a differently (or better!) argued case, or a new Justice might lead to a favorable ruling.

I hoped that those who disagreed with one or another of the Court's decisions, as I had done with respect to opinions on aid to non-public schools and public access to pretrial judicial proceedings, would remember that the Court can change its mind and that there is a legitimate and time-tested way to get it to do so.

But I fear that something else has happened. In the intervening three years, some people—indeed, a great many people—have decided that they do not agree with the Supreme Court and that they are not satisfied to Debate, Legislate, Litigate.

They have embarked upon an altogether new and I believe quite dangerous course of action. A new triumvirate hierarchy has emerged. Convene (meaning the calling of a constitutional convention), Overrule (the passage of legislation designed to overrule a particular Court ruling, when the Court's ruling was based on an interpretation of the Constitution) and Restrict (to restrict the jurisdiction of certain courts to decide particular kinds of cases).

Perhaps the most pernicious of these is the attempt to restrict courts' jurisdictions, for it is both colorably constitutional (at least in the case of inferior courts) and profoundly at odds with our nation's customs and political philosophy.

It is a commonplace that our democracy is characterized by majority rule and minority rights. Our Constitution vests majority rule in the Congress and the President while the courts protect the rights of the minority.

While the legislature makes the laws, and the executive enforces them, it is the courts that tell us what the laws say and whether they conform to the Constitution.

This notion of judicial review has been part of our heritage for nearly two hundred years. There is not a more famous case in American jurisprudence than Marbury v. Madison and few more famous dicta than Chief Justice Marshall's that: "(I)t is emphatically the province and the duty of the judicial department to say what the law is."

But in order for the Court to interpret the law it must decide cases. If it cannot hear certain cases, then it cannot protect certain rights.

As cases produce winners and losers, so do the ideas and principles upon which the cases rely produce supporters and enemies. So I suppose that it is only natural that those who see the courts ruling against them should seek to prevent these rulings by denying the courts the power to decide at all, or, failing that, by denying litigants certain kinds of relief, such as the bussing of school children to eliminate illegal segregation.

These court-curbing bills—there are currently thirty-two (32) of them pending in the 97th Congress—would deny federal courts the authority to hear cases on a variety of such issues. The Senate, I regret having to report, has already adopted one such measure, having voted 58 to 38 on February 4, 1982, substantially to limit the authority of lower federal courts to require bussing as a remedy for the unconstitutional segregation of school children.

These bills are troublesome, not least because they are arguably constitutional. The jurisdiction of the Supreme Court is set out in Article III of the Constitution which states in Section 2:

"The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases of admiralty and maritime jurisdiction; to controversies between two or more States, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign States, citizens or subjects.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

I repeat: "with such exceptions, and under such regulations as the Congress shall make."

The plain meaning of the penultimate clause—the "exceptions" clause—is that Congress may, by statute, set boundaries for the Supreme Court's appellate jurisdiction. Indeed, in Ex Parte McCardle (1868), the Court itself seemingly bowed to the authority of the Legislature. The Court dismissed for want of jurisdiction an appeal based on a law repealed by Congress after the case had been argued before the Court, while it was awaiting final decision. Some have suggested that the Court's decision was not truly a test of Congress' powers in the area of jurisdiction in that it merely altered the manner in which a Habeus Corpus question could be brought before the Court and in no way questioned the Court's ability to hear the case. But it is frequently cited as the leading case in this area by those who would have Congress restrict the jurisdiction of the Court. The Court said:

"We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

"What, then, is the effect of the repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the Court cannot proceed at all in any case. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause."

This is not, however, the end of the matter. For the Constitution has other sections including Article VI which states in part:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the contrary notwithstanding."

Must we not presume from this, the "supremacy clause", that the Constitution's framers intended that there should be but a single arbiter of this supreme law, rather than the anarchy of a separate interpretation by each State's highest Court? Why write a constitutional "supremacy clause" if there were not to be a single supreme tribunal authorized to interpret and pronounce the meaning of the Constitution and of Federal law? Indeed, in the case of Martin v. Hunter's Lessee, (1816), Mr. Justice Story said as much.

[1] The Court in *Ross* upheld the right of police to search luggage or packages found in an automobile provided the police had probable cause both to search the vehicle and the container. In so holding the Court expressly overruled a decision it had handed down less than 12 months before disallowing such a search. Writing for the majority, Associate Justice John Paul Stevens explained: "Our decision today is inconsistent with the disposition in *Robbins* v. *California* and with the portion of the opinion in *Arkansas* v. *Sanders* on which the plurality in *Robbins* relied. Nevertheless, the doctrine of *stare decisis* does not preclude this action. Although we have rejected some of the reasoning in *Sanders*, we adhere to our holding in that case; although we reject the precise holding in *Robbins*, there was no Court opinion supporting a single rationale for its judgment and the reasoning we adopt today was not presented by the parties in that case."

"A motive of another kind, perfectly compatible with the most sincere respect for state tribunals, might induce the grant of appellate power over their decisions. That motive is the importance, and even necessity, of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the constitution. Judges of equal learning and integrity, in different states, might differently interpret a statute, or a treaty of the United States, or even the constitution itself: If there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the constitution of the United States would be different in different states, and might, perhaps, never have precisely the same construction, obligation, or efficacy, in any two states. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot be believed that they could have escaped the enlightened convention which formed the constitution . . . (T)he appellate jurisdiction must continue to be the only adequate remedy for such evils."

Thus we have the notion that the court has certain "essential functions" under the Constitution. And that any power the national legislature might have to limit jurisdiction is itself limited. Professor Leonard G. Ratner of the University of South Carolina suggests that:

". . . Reasonably interpreted the (exceptions) clause means "With such exceptions and under such regulations as Congress may make, not inconsistent with the essential functions of the Supreme Court under this Constitution.

We find ourselves, then, not knowing if the Supreme Court's appellate jurisdiction is subject to the will of Congress. We have in Ex Parte McCardle a leading case, but rather an old one, that suggests that it is. I think it would be fair to say that most modern commentators would say that it is not.

The claim that the Congress makes on the jurisdiction of lower courts though is I think more clear. Section 1 of Article III says:

"The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

It is held that this section gives Congress absolute discretion to establish lower federal courts and by implication the power to control the jurisdiction of the courts it creates. There are those who would disagree. Professor Theodore Eisenberg of Cornell has said that because of the proliferation of Federal law and the dramatic increase in Federal court caseloads since the first lower Federal courts were established in 1789, these courts have become a constitutional necessity since the burden of harmonizing conflicting interpretations of Federal law by the fifty state court systems and vindicating Federal rights would be more than the Supreme Court exercising its appellate jurisdiction could bear. Others have said that Federal courts are constitutionally necessary to bar unconstitutional acts by Federal officials since state courts are generally without power to afford relief in such cases.

Again we find ourselves in the situation of not knowing for sure what the powers of Congress in this area are. The legislature has repeatedly, and without serious challenge, exercised its power to decide what the lower courts' jurisdiction should be in organizational or administrative matters, such as the minimum dollar amount that must be in controversy before a case can be heard. But it has never tried to say that certain outcomes would not be tolerated or that certain cases rather than classes of cases could not be heard.

If the constitutionality of these jurisdiction-stripping bills is unclear, two things are not. One is that they are a profoundly bad idea that raises the spector of a constitutional crisis that could leave our courts crippled and the Congress diminished. The other is that the Reagan Administration has at least tacitly acquiesced in the actions of those who would take away the courts' power to decide.

On October 29, 1981, Attorney General William French Smith spoke before the Federal Legal Council in Reston, Virginia. After saying that "the multiplication of implied constitutional rights . . . has gone far enough," Mr. Smith concluded:

"We intend in a comprehensive way to identify those principals that we will urge upon the Federal courts. And we intend to identify the cases in which to make our arguments all the way to the Supreme Court."

Fair enough. It is the duty of the Attorney General to enforce the laws as he sees fit and to interpret the Constitution as best he can. But Mr. Smith also said "Through legislation and litigation we will attempt to effect the goals I have outlined."

Back in October, I had hoped by this the Attorney General meant he had come to accept my hierarchy. He had, by the very fact of his address, already begun the debate on the courts' decisions with which he disagreed. I thought he might then seek passage of laws that would bring before the courts those issues he wished to have decided differently, and that he would argue in court for the changes he sought. Debate, Legislate, Litigate.

But it now appears that he had something quite different in mind. For on May 6, 1982 he wrote Congressman Peter Rodino, Chairman of the House Judiciary Committee endorsing the constitutionality of S. 951 the Senate-passed version of the Department of Justice authorization bill that limits the power of lower Federal courts to order bussing. It was clearly his duty to do this, to tell us if he thought the legislation constitutional or not. But the Attorney General of the United States has other duties too. It is his duty to advise on the prudence and the wisdom of matters touching on the Court, of which he must be the first defender.

The Attorney General failed in that duty. However much one might disagree, it would be possible to respect a position by the Attorney General supporting the court-stripping bill. After all, fifty-eight Senators did so. But what is one to say of silence. The mere assertion, as stated in the accompanying press release:

"With regard to the anti-bussing legislation, the Attorney General has concluded that this legislation may be enacted consistent with the Constitution."

Indeed, I grant, that might be so. But should it be? The American Bar Association declares this to involve "the greatest constitutional crisis since the Civil War". The Attorney General declares, in effect, that it is no concern of his.

In the course of the debate on S. 951, I had occasion to speak of this matter on the floor.

"Many times I have stood on this floor and said that as to a particular issue I thought the Supreme Court was wrong, but I have always said simultaneously that our obligation to the Court is not to agree with it but to obey it. Indeed we see over history the Court changing its mind, as repeatedly it has done as new evidence, new thinking, and new Justices come to the fore . . . Whatever else we do, we should not attempt to deny the Court its most fundamental reality, which is to act as a court, to decide matters which are brought before it by litigants. When you say that there are matters the Court may not consider you say it is less than a court; much less a Supreme Court. you are saying the court acts at the toleration and on the terms set by this body; that this body becomes the supreme arbiter of what may be judged and what may not.

"At that point a profound constitutional transformation takes place, a constitutional transmutation. We are not thereafter the same Republic we have been."

For nearly 200 years this country has succeeded for the most part in resolving its political disputes in a manner that, if it did not satisfy everyone, at least left adversaries feeling that they had been treated fairly. We have been able to do this because we have agreed on certain things that, while not contained in the Constitution, are related to it. First, we would not reach basic decisions on great issues without coming to more or less a national consensus. We would not try to overpower the opposition because we knew that one day we might be the opposition. Political parties might forget that they would not always be in power, but those in power generally tried to ensure that the rights of the minority were protected.

Next, we have respected our institutions. The Congress might war with the President but the Presidency was honored. We now find ourselves in danger of losing both these things. In large part the matters sought to be decided by these jurisdiction-stripping bills are matters where concensus does not yet exist, and the bills themselves are fashioned to endanger the way Americans feel about their government and the way the branches of government feel about each other. And that is why they must be opposed. I end today where I began my article three years ago, with the words of Erwin N. Griswold:

"An institution charged with the role which the Supreme Court has successfully filled for so many years is entitled to our respect and understanding. If one criticizes the Court (as people have always done in the past, and should continue to do in the future), it should be essentially for the purpose of trying to contribute to that respect and to that understanding. The debt which we all owe to the Court is far greater than any individual can repay. Criticism of decisions of the Court or opinions of its members should be offered as an effort to repay that debt, and with the thought that conscientious criticism may be an aid to the Court in carrying out its difficult and essential task."●

INTELLIGENCE IDENTITIES PROTECTION ACT

● Mr. JEPSEN. Mr. President, as a cosponsor of S. 391, the Intelligence Identities Protection Act, I would like to express my continued support for the bill, and my regret at being necessarily absent for the rollcall vote last Thursday. I had voted in its favor when it first passed the Senate, and

was unable to be present for the conference vote because of a commencement speech at the National Defense University's Industrial College of the Armed Forces.

The strength of our Nation depends on the effectiveness of its branches of government. Yet we should be ever watchful lest the strength of this Government, and the legislation of this body, infringe upon the basic freedoms and balances that have made our system flexible, long lasting, and the model to be copied and envied by so many other nations.

Mr. President, I believe S. 391 effectively delineates the thin line between competent intelligence activities, and the first amendment freedoms of our public and press. This piece of legislation, long overdue, while not limiting the press in its gathering and reporting of information regarding CIA activities, finally puts a hold on those who might endanger our agents' effectiveness and lives by a wanton disclosure of their identities.

The conference has reported out a good bill, and I would like to congratulate the Senators, Representatives, and staffs on both sides of the aisle for their efforts on its behalf.●

THE FATE OF MIKHAIL KUKUBAKA

● Mr. DOLE. Mr. President, I would like to call the attention of my colleagues to a communication that I have recently received and that I view with a great deal of alarm. I am referring to a report that Mikhail Kukubaka, a Soviet prisoner of conscience from Bielorussia, has been transferred from the prison where he had been held to the notorious Serbsky Institute of Forensic Psychiatry in Moscow.

As many of my colleagues are aware, Mikhail Kukubaka has already spent 6 years in psychiatric confinement in the U.S.S.R.—from 1969 to 1976—for openly refusing to participate in Soviet elections, for writing letters of protest against injustice in the Soviet system, and for acquainting his fellow Soviet citizens with the provisions of the United Nations Universal Declaration on Human Rights. Following his release, Kukubaka renounced his Soviet citizenship and requested permission to emigrate to any free country. Then, in 1979, he was sentenced to 3 years of prison for such alleged crimes as writing and disseminating his essays "Human Rights and detente Are Indivisible", and "The Stolen Fatherland," along with other articles dealing with human rights violations in the Soviet Union and in Kukubaka's homeland, Bielorussia.

It should come as no surprise that Mikhail Kukubaka was treated in prison with that particular inhumanity reserved by the authorities for those "dangerous" persons who attempt to express themselves freely within Soviet society. According to a document released by the Moscow Helsinki Group, Kukubaka was assigned to work beyond his physical capacity, and then, when he could not fulfill his daily production norm, his food rations were reduced. His attempts to protest against this mistreatment only resulted in harsher measures meted out by the authorities.

AN INDEFINITE SENTENCE?

But even in the Soviet Union, prison terms, if allowed to run their course, do come to an end. It would seem, however, that Mikhail Kukubaka was not to be allowed to go free. In 1981, we learned that the authorities were preparing new charges against him, and now we have word that prisoner Kukubaka has become "patient" Kukubaka at the Serbsky Institute. If this report is true—and there is no reason to believe otherwise—this is a most alarming development. For while prisoner Kukubaka might have anticipated release at the end of his term, "patient" Kukubaka may be subject to an arbitrary diagnosis of "mentally incompetent" and kept in confinement for an indefinite period.

Mr. President, we are entering a period of heightened world tensions when the fate of mankind may well depend on the conscientious observance of international agreements, and a rational approach to those disagreements that inevitably arise between nations of the world. I call upon the Soviet Government to consider carefully the consequences of its callous disregard of the humanitarian provisions of the Helsinki Final Act, both with regard to Mikhail Kukubaka, and to all prisoners of conscience in the Soviet Union.●

CORPORATE PHILANTHROPY

● Mr. DURENBERGER. Mr. President, last month the Council on Foundations published a study on corporate giving, which draws conclusions about corporate philanthropy based on the opinions of chief executive officers from more than 200 of the Nation's largest corporations. I recommend the study to my colleagues as evidence of the need to rethink and rewrite the role of the private sector in society, to help provide services the Government can no longer afford or provide effectively.

The study concludes that although major corporations are making generous cash contributions to nonprofit organizations—probably more generous than most of us assumed—and although most said they plan to increase their donations in the future, the funds often are not administered in an effective fashion, with an eye toward fulfilling a specific social policy. This is largely because corporate giving is not seen as a major social function, but rather as a self-serving concession to the community, and at best, a small supplement to Government support. While the majority of the corporations expressed a desire to help their communities through their donations, most giving programs are "relatively underdeveloped corporate functions." They often are administered poorly, rather unprofessionally, with little plan for where and how the available funds can be used to make a real difference. It is no wonder that many corporate executive officers are disappointed at their failure to achieve meaningful social and corporate objectives.

Yet, as the study indicates, many executive officers have emphasized a willingness to strengthen the effectiveness of their donations. A number of companies, although mainly the very largest, already have special staffs to administer their giving programs.

I believe that by more fully understanding the role of corporate philanthropy and how it can best be used to benefit society, we can realize the potential for societally effective philanthropy. Corporations can stop throwing money haphazardly into the nonprofit pool, and start making real qualitative changes in their communities.

Given the relevance and timeliness of the Council on Foundations' study, I ask that a summary of the study be printed in the RECORD.

The summary follows:

OVERVIEW

SUMMARY OF KEY FINDINGS

Five principal conclusions emerge from the study:

1. Major American corporations are quite generous in their philanthropic programs—and more generous than previously supposed. In addition, many CEO's forecast increases in their company's giving in the future.

2. The CEO dominates corporate giving decisions, although other powerful corporate figures, such as members of Boards of Directors and top executives, also play influential roles. CEO's indicate, however, that Boards of Directors have great, largely unrealized potential power to increase their company's giving in the future.

3. Corporate giving is an expression of enlightened self-interest. It is genreally not regarded as a form of social policy in any meaningful sense of the term.

4. Many CEO's their giving programs are underachieving their major corporate and social objectives.

5. Corporate giving is a relatively underdeveloped, poorly understood function in most companies.

MORE GENEROUS THAN PREVIOUSLY SUPPOSED

Many who believe that corporations have yet to achieve their enormous potential as donors to the third sector point to earlier studies that show that 65 percent of all companies with a positive income fail to make cash contributions to nonprofit organizations. While this figure may be accurate, it is also open to misinterpretation.

Approximately 90 percent of the companies represented in the survey made cash contributions to nonprofit organizations in the last fiscal year—and virtually all of these companies claim a history of giving. Recall that these companies account for the bulk of the profits in this country and are the companies most able to give. It follows that the nongivers tend to be small companies with relatively modest incomes—those least able to give.

These findings are both encouraging and chastening. On the one hand, it is satisfying to know that our most prosperous corporations have generally taken on the responsibility of giving to the third sector. But it also suggests that the potential for increases in corporate giving is not as great as might be assumed by projection from the fact that two-thirds fail to give. How much do these companies contribute in cash and cash equivalents, such as securities? On average, Fortune 1300 companies made cash contributions of 1.1 percent of their total pretax net income. Companies of intermediate size (annual sales ranging from $50 to $100 million) gave 1.3 percent of their pretax income. The smaller companies in our sample (annual sales of $25 to $49 million) contributed 1.7 percent of pretax income.[1] It should be noted that the generosity of these companies is partially hidden from public view. Most estimates of the level of corporate cash giving to nonprofit organizations are derived from IRS returns. Yet 38 percent of these companies do not report all of their contributions as charitable giving and choose instead to report part of them as other types of legitimate expenditures. This tendency is especially pronounced among the largest givers in the Fortune companies. Thus, IRS data understate the level of cash contributions.

The future also looks promising, assuming a recovery from the current recession. About 6 in 10 of the companies studied plan to increase their philanthropic contributions over the next few years (in real dollars adjusted for inflation). About a third anticipate a constant level of giving and virtually none expects to decrease the amount given.

Among the Fortune 1300 companies that plan increases, CEO's predict that, three years hence, their giving will be 28 percent above the current level in real inflation-adjusted dollars. The comparable figure for intermediate size companies is 27 percent and for smaller companies is 25 percent.

THE ROLE OF THE CEO AND OTHER POWERFUL CORPORATE FIGURES

Commitment at the very top of the organization is the key to how much and how a company gives. The CEO is far and away the dominant figure, particularly in intermediate size companies and smaller size companies. The CEO who is committed to corporate giving is something of a "type"—an individual who expresses his/her public-spiritedness in a number of ways. Thus, there is a correlation between a CEO's commitment to corporate giving and his/her (a) involvement in the community; and (b) personal giving to charity.

While the CEO dominates these decisions, he/she does not act alone. CEO's indicate that members of the Board and other top executives play far more than a passive, certifying role. More importantly, the Board has great latent influence. Forty-five percent of CEO's (and 51 percent of Fortune CEO's) claim that a desire on the part of their Board members to contribute more would almost certainly yield that result.

By contrast, groups external to the corporation play a relatively modest role in shaping the character and influencing the level of corporate giving programs. And this situation is likely to endure. CEO's state that any future pressures from outsiders of almost any variety—customers, suppliers/vendors, industry groups that might set guidelines for giving, elected officials, federated campaigns, or soliciting organizations/communities—will have a negligible impact on their giving. In short, corporate giving is, above all, a response to powerful voices within the corporation. The inner-directed nature of the decisionmaking process suggests that corporate giving seeks to address an internal corporate agenda first and a public agenda second. This point is further documented when one analyzes the stated goals of corporate philanthropy.

ENLIGHTENED SELF-INTEREST

The overriding purpose of corporate giving is to assist those in need in a manner that serves larger corporate objectives. In the eyes of CEO's, philanthropy is, at best, a small supplement to government-sponsored social programs and, at worst, has the potential for being regarded as a stand-in for those programs.

Thus, the vast majority state that their giving efforts are motivated by a mixture of self-help and helping others.

Seven in ten are seeking to help the needy in the communities in which their company has plants/locations.

Two out of three emphasize the goals of improving local communities in order to benefit their own employees.

Two-thirds hope to improve the "public opinion climate" in which they do business.

About a third hope to improve their company's corporate image through their giving programs.

About a quarter expect their efforts to enhance their ability to recruit quality employees.

Moreover self-interested goals are especially important to CEO's of Fortune 1300 companies, which account for the lion's share of cash contributions.

"SHORTFALL" IN ACHIEVING THE GOALS OF CORPORATE GIVING

Many CEO's are disappointed that their programs are not achieving some of these crucial objectives, notably: helping the needy in the communities in which they have plants/locations; generating benefits for their employees in those communities; and protecting and improving the environment in which they do business.

Interestingly, there is also one area of significant perceived "overachievement" of goals: meeting the pressures exerted by prominent corporate figures to contribute to organizations that they favor.

RELATIVELY UNDERDEVELOPED CORPORATE FUNCTION

Most giving programs are relatively underdeveloped corporate functions. There is insufficient information available to corporate givers on important matters; there is often a lack of a formal structure or a highly professional staff; and behavior is more reactive than proactive. There is, in short, a lack of surefootedness even among some of the most generous.

Regarding informational needs, about a third of the CEO's claim that they are unaware of the giving activities of other companies in their community and peer companies in their industry. This makes it difficult to establish external criteria to evaluate one's own giving efforts. In addition, about a third confess limited knowledge of the tax laws that apply to cash contributions to nonprofit organizations. This knowledge gap is particularly unfortunate, since those who are most familiar with the tax laws are also inclined to evaluate them as a strong incentive to give.

In a number of companies, special staffs or foundations have been established to administer the corporate giving program. Yet this formalization/professionalization is concentrated in Fortune companies.

Moreover, in describing the activities of these corporate giving staffs/foundations, CEO's indicate that they play a largely reactive role. It is rare to find a program that includes systematic methods to assess either corporate or community needs.

The underdeveloped quality of the corporate philanthropy function is partly a consequence of its general character—as the domain of the CEO and as an expression of corporate interests. Yet this does not mean that the situation is unchangeable, for many CEO's emphasize their interest in strengthening their company's ability to give more efficiently.●

[1] Throughout this report, companies with annual sales of $50 to $100 million are referred to as "intermediate size companies" and companies with annual sales of $25 to $49 million are referred as "smaller size companies."

THE NEED FOR THE EQUAL RIGHTS AMENDMENT

● Mr. TSONGAS. Mr. President, over the next 3 days, I would like to share with my colleagues excerpts from the December 1978 report by the U.S. Commission on Civil Rights concerning the equal rights amendment. The report points out the need for the equal rights amendment and the benefits at making it a part of our Constitution.

I ask that the first part of the report be printed in the RECORD.

The material follows:

THE NEED FOR THE EQUAL RIGHTS AMENDMENT

Discrimination on the basis of sex continues to be a major national problem almost 7 years after Congress proposed the Equal Rights Amendment. A recent Civil Rights Commission review of statistical measurements of equality provides clear documentation of continuing and serious problems of sex-based inequality in employment, education, and housing.[1] These inequities exist despite the passage of Federal and State legislation to combat certain forms of sex discrimination. While this statement is not an exhaustive survey of all the areas in which change is needed, the examples discussed dispel the myth that women already have equality under law.

In Federal statutes alone, the Civil Rights Commission has identified over 800 sections of the U.S. Code containing examples of substantive sex bias or sex-based terminology that are inconsistent with a national commitment to equal rights, responsibilities, and opportunities.[2] "The cumulative effect," as Civil Rights Commissioner Freeman has pointed out, "is to assign women, solely on the basis of their sex, to a subordinate or dependent role."[3]

Footnotes at end of article.

CURRENT STATUS OF WOMEN

Family Law

A woman's rights during marriage, as well as after—whether the marriage ends as a result of death or divorce—have traditionally been those of a second-class citizen. Many State laws still reflect their roots in the English common law view of the married woman as the property of her husband.[4]

Some of the more oppressive aspects of this discrimination have been removed over the past century, so that a married woman can now own property, enter into contracts, be granted custody of her children, and, in most cases, keep her own earnings.[5] However, laws covering marriage continue to deny women equal rights.[6]

Marital property laws illustrate the persistence of sex bias against women. In Georgia, for example, a married couple's home belongs only to the husband, even when it has been paid for by the wife.[7] In other States, the husband is given the right to manage and control marital property without the wife's consent, again, even if it was purchased with the wife's earnings.[8] In Wisconsin, the earnings of a married woman "accruing from labor performed for her husband, or in his employ, or payable by him" are not considered her separate property and are subject to her husband's control.[9]

The same bias is evident in laws that deny a woman the right to sue a third party who has injured her husband and thereby deprived her of his services. A husband, similarly deprived, can sue.[10]

The married woman who chooses to be a full-time homemaker has the least legal and economic protection of all, since many States do not recognize her labor as having economic value.[11] This is repugnant to the view of marriage as a partnership between the husband and the wife, with both performing different but equally important roles, each having economic significance.[12]

The lack of economic value accorded a woman's contributions to a marriage is demonstrated in the case of a Nebraska farm couple who worked the land together for 33 years.[13] When the husband died in 1974, his wife learned that in the Federal Government's eyes the farm belonged entirely to him. Unless she could prove that she helped to pay for its purchase or improvement, she would be liable for a $25,000 inheritance tax. Her years of work, even the joint title, was no proof. Had the wife died first, her husband would have had to pay no tax.[14]

In most States, when a marriage ends, distribution of the marital property follows a similar rule. Until a recent successful challenge under the Pennsylvania State ERA, a woman in that State was faced with the legal presumption that all the household articles acquired during the marriage—such as the stove, the TV, and even her jewelry—belonged to her husband, unless she could prove that she paid for them.[15] While States like New York do not have such an explicit presumption, the result is often the same because one's legal rights to property generally are determined by proof of actual economic contribution or of receipt as gift. Most homemakers who earn no wages cannot establish such proof.[16]

Sex-based roles and presumptions also affect a married woman's ability to get credit.[17] This is true even under the Federal Equal Credit Opportunity Act (enacted to make credit available without discrimination on the basis of sex or marital status), since creditors may consider State marital property laws in determining creditworthiness.[18]

Similar hardships face the homemaker under the social security program. Since she has no independent entitlement to benefits, if she becomes disabled, she and her dependents have no right to social security, even though her services are lost to her family.[19] Because the program does not recognize the economic value of her contribution to the family, she will not receive benefits under her husband's coverage if she is widowed before the age of 50 unless she has minor or disabled children in her care. This is true even if she is disabled and cannot work.[20]

The only economic "right" the married woman has traditionally had is the theoretical "right to support during a marriage." The significance of this "right" and the potential effect of the ERA on it have been primary targets of distortion by ERA opponents trying to argue that the amendment will strip away women's rights. In fact, the legal duty of a husband to support his wife is largely unenforceable. It is little more than myth, since courts will not interfere in an ongoing marriage to ensure adequate support either for the wife or for the children.[21]

Laws governing support and alimony during separation and after divorce are similarly illusory in the benefits they appear to confer upon women.[22] The reality is that only 14 percent of divorced wives were awarded alimony in 1975 and that fewer than half were able to collect their payments regularly.[23] Similar enforcement problems exist for collecting child support. A study tracing child support payments over 10 years showed that 62 percent of male parents failed to comply fully with court-ordered child support payments in the first year after the order, and 42 percent did not make even a single payment. By the 10th year, 79 percent were making no payments at all.[24]

Support laws are so poorly enforced that most separated and divorced women have no choice but to work outside the home or turn to welfare. A study in Jefferson County, Alabama, revealed that the average amount of support ordered for a woman and two children was $80 per month, substantially less than the amount she would receive under welfare.[25] In Rhode Island, because support payments are so erratic, they are not counted as income when applying for credit.[26]

As discussed in chapter 3, women in traditional homemaker roles who are so poorly protected by current laws have much to gain under the Equal Rights Amendment. The amendment would prohibit explicit sex-based statutes and common law doctrines associated with family law. Even laws neutral on their face, but that affect one sex more harshly than the other, would have to be reexamined.

This does not mean, however, that the ERA will alter family structure. It will not force women out of the home or downgrade the roles of mother and homemaker. "Indeed, it would give new dignity to these important roles. By confirming equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become position accepted by women as equals, not roles imposed on them as inferior. . . ."[27]

Women in the Labor Force

Women who work outside the home continue to be disadvantaged by sex-role stereotypes and gender lines that affect employment opportunities and achievements. These women, too, stand to gain under the Equal Rights Amendment. Despite recent legislative reform and efforts to enforce Federal and State antidiscrimination laws, sex bias in employment persists.

While the labor market has provided increased job opportunities for women in recent years, most of the openings have been in clerical and service areas traditionally dominated by women. Indeed, occupational segregation by sex increased substantially between 1970 and 1976.[28] Not only are the jobs held by women different from those held by men, but the evidence is that they are valued less by society.[29]

In professional and technical fields, women are overrepresented in jobs that are lower on the career ladder than men in the same industries: women are teachers more often than principals, bookkeepers more often than comptrollers.[30] Even within a traditional woman's field, clerical occupations, women are more likely to be employed in lower paying positions as typists, stenographers, secretaries, and file clerks, while men tend to be employed as administrative assistants, a higher paying clerical occupation.[31] In general, the jobs in which women are concentrated pay lower salaries than those paid in traditionally male-dominated positions, even when these positions involve equivalent skill, effort, and responsibility.[32]

Even when adjustments are made for education and occupation, women earn less than men. In 1976 a woman who attended 4 years of college was earning about as much as a man with 8 years of elementary school education.[33] On the average, in 1976 women clerical workers earned $4,200 less than male clerical workers, and saleswomen earned $6,900 less than salesmen.[34] In public employment, the median income for women working full time was $9,215 in 1975, while the median income for men was $13,118.[35]

Although women of all races consistently earn less than majority group men, the earnings gap between minority women and majority men is even more pronounced. In 1975, American Indian, Alaskan Native, black, Mexican American, and Puerto Rican women averaged less than $5,000 a year in earnings, not even half of the average $11,427 earnings of majority men.[36] These differences persisted even when occupation, age, education, State of residence, and time worked were taken into account.

Indeed, the earnings gap between men and women in public and private employment has *increased*. In 1956, before the enactment of Federal equal employment legislation, women's average earnings were 63 percent of men's. Twenty years later, they had fallen to 60 percent of men's earnings.[37] For minority women, the earnings gap is greater still.[38]

In 1963 Congress began the task of improving the legal status of working women with passage of the Equal Pay Act, which, as amended, broadly prohibits sex discrimination in wages paid in public and private employment.[39] A ban on sex discrimination was included in Title VII of the Civil Rights Act of 1964 and has been expanded to cover workers in public as well as private employment.[40]

But the task of reforming the law is unfinished at both the Federal[41] and State levels. Some employees, such as those who work for the Congress, still are not covered by laws prohibiting sex and other forms of discrimination in employment.[42] Express sex bias also persists in our Nation's laws.

For example, a 17-year-old girl who wants to work for a contractor with the Federal Government cannot, but a 17-year-old boy can.[43] Although such a restriction may have been intended as "protective" legislation, surely if working conditions are unsound for young women, they are unsound for young men as well and should be corrected.

Other laws and government programs restrict job opportunities for women in ways that are less direct, but no less damaging. For example, the automatic preference given veterans in public employment is a program that few women can take advantage of, owing primarily to the history of sex discrimination that has restricted their opportunities in the military.[44] In this context, bias clearly breeds bias. This is apparent in Federal civil service test results. Women are 41 percent of those who pass the college-level test, but only 27 percent of those who are hired. Veterans, on the other hand, are only 20 percent of those who pass the test, but 34 percent of those who are hired.[45]

Finally, recent court decisions have narrowed the application of equal opportunity laws such as Title VII. For example, the Supreme Court has exempted certain discriminatory seniority systems from Title VII,[46] has allowed an employee's "womanhood" to disqualify her from a job,[47] and has upheld the denial of disability benefits and accrued sick pay to employees disabled by pregnancy.[48] Lower courts, moreover, are largely failing to apply Title VII standards at all to academic employment.[49]

In general, courts have not brought to sex discrimination cases "those judicial virtues of detachment, reflection and critical analysis which have served them so well with respect to other sensitive social issues. . . . 'Sexism' . . . is as easily discernible in contemporary judicial opinions as racism ever was." [50]

The Equal Rights Amendment will be an important legal and symbolic weapon to counter sex-based discrimination in employment, particularly meaningful to minority women, who participate in the labor force at a higher rate than majority women.[51] It will help to complete the Federal and State efforts to erase the sex bias in laws that have limited employment opportunities only for women.[52] It will, at a minimum, give government workers already protected against job-related sex discrimination under Federal civil rights statutes a stricter standard for the review of their claims [53] and extend such protection to congressional workers who are not already covered. In addition, the ERA will provide an impetus for more effective and vigilant enforcement of anti-discrimination laws. Finally, the courts will be governed by the provisions of Equal Rights Amendment as they decide cases raising problems of sex-based discrimination.

Criminal Law

Criminal law is another area in which women and men are treated differently because of their sex. This treatment has most often been disadvantageous to women, as both victims and offenders.[54]

In some jurisdictions, definitions of criminal behavior and legal defenses reflect sex-based notions. In Alabama, for example, if a husband finds his wife in the act of adultery and immediately kills her, he is not guilty of murder, but of the lesser crime of manslaughter.[55] However, the same defense is not available to a wife.

This view that husbands have a special prerogative when it comes to their wives also is reflected in the laws of those States that do not recognize a charge of forcible rape as a crime when committed by a husband against his wife, regardless of the circumstances and degree of coercion involved.[56]

Explicit sex lines similarly are found in prostitution laws. Traditionally, prostitution was defined as a "woman's act," with no attempt to penalize the men who paid or were paid for it.[57] Although many jurisdictions have revised these laws to cover men as well as women, "less than half explicitly penalize the patrons of prostitution, and many of those that do impose less stringent penalties against patrons than prostitutes."[58]

Sex-based definitions of criminal behavior also permeate the juvenile justice system, which often subjects girls and boys to differing definitions of delinquent behavior and to different sentences. In general, more girls are detained for "status" offenses such as promiscuity or truancy, while boys are arrested for delinquent acts such as theft.[59] On the average, girls are institutionalized for less serious conduct than boys and for longer periods of time.[60]

Sentencing and parole statutes and practices further illustrate the persistent sex-based discrimination in criminal law. In some States, laws still mandate indeterminate sentences for women, while men receive set minimum and maximum terms.[61] This disparate treatment stems from the sex-based presumption that "women, including women offenders, are more malleable than men and thus more amenable to reform and rehabilitation. In practice, this means that a woman offender remains in custody until the prison administration finds she has been 'corrected' while a man who has been imprisoned 'does time' for some set period. . . ."[62] The result may be that the female offender is incarcerated far longer or far shorter than a man convicted of the same offense; in either case, the comparative time in prison may bear no relationship either to the crime or to rehabilitation.

Once in prison, there is further evidence of different treatment for male and female offenders. Women generally receive far less vocational training or job placement assistance, and the training that is offered in women's prisons tends to be sex stereotyped, tracking women into lower paying jobs.[63]

Commenting on the sex bias throughout the criminal justice system, Commissioner Freeman has noted its particular bearing on minority women. "Given the conditions in which many minority people live and how these conditions breed crime, and given the greater likelihood of arrest and conviction of minority people, the double jeopardy in which minority women are placed by actions which discriminate on the basis of sex is apparent." [64]

The Equal Rights Amendment would require neutralizing the distinctions that penalize perpetrators and/or protect victims of crime differently depending on their sex. This does not mean that any criminals will go unpunished, but rather that men and women will be judged by the acts they commit, not by their sex.

Education

In describing the need for the Equal Rights Amendment in 1972, congressional proponents pointed to the field of education as evidence of the persistent pattern of sex discrimination.[65] Despite Federal and State legislation prohibiting such discrimination in educational programs and institutions, many discriminatory patterns persist. Eduction is an important route for personal advancement; therefore, its opportunities must be open to our daughters as well as to our sons.

Yet, in elementary and secondary schools girls still are steered away from mathematics, science, and the training needed for the better paying fields currently dominated by men. In the 3 years from 1972 to 1975, the proportion of girls in technical education rose less than 1 percentage point, from 10 percent to 11 percent. The increase was about the same—from 12 percent to 13 percent—in trades and industrial occupations.[66]

In a recent case, when a ninth-grade girl who had won awards in geometry and science wanted to go to a public school that offered advanced courses and superior facilities in these fields and for which she was qualified by all objective standards, she was turned down because the school was for boys only.[67] Susan Vorchheimer took her case all the way to the Supreme Court, where she was turned down again.[68] The Court has not yet recognized such sex-based segregation as a form of sex discrimination nor is it likely to do so while the ERA is pending.[69]

Inequality is widespread in school sports, a traditional training ground for leadership and a route to higher education through athletic scholarships. For every one girl playing high shool sports, schools are still providing teams and equipment that advantage two-and-a-half times as many boys.[70] At the college level, budgets for women's sports are still only 10 to 15 percent of men's.[71]

Women are less likely than men to complete 4 or more years of college. When minority women are compared with white men, the disparity is particularly pronounced.[72]

College-level discrimination is perhaps most severe among the ranks of faculty and college administrators. Women are only 25 percent of full-time faculty; they are clustered at the lower professional ranks, and their status has been described as "sliding slowly downhill." [73] College administration is still a male-dominated field; as of May 1977 only about 1 percent of all presidents of 4-year colleges and public and private universities were women.[74]

Federal legislation to address these problems includes Title IX of the 1972 Education Amendments, which broadly prohibits sex-based discrimination in education programs financed by the Federal Government.[75] However, two extensive reviews of Title IX show it has failed to have much effect.[76] The outcome of the July 1978 deadline for compliance by secondary and post-secondary schools with the athletics provisions of the regulations remains to be seen. The Department of Health, Education, and Welfare (the Federal agency chiefly responsible for Title IX enforcement) took 3 years to issue the regulations necessary to enforce Title IX, and other agencies with enforcement responsibilities still have no regulations at all more than 6 years after Title IX became law.[77]

Even after HEW's delayed response, a court order was necessary to trigger even minimal administrative enforcement of the statute.[78] The administrative enforcement process itself has failed to result in clear and consistent rulings; has included withdrawal of rulings when they became the center of controversy; and in 6 years has reached a final decision in less than 500 complaints of sex discrimination of a total

of 1,400 pending—an average of less than one complaint per investigator per year.[79] Indeed, for the 10 months preceding June 1977, HEW stopped making decisions on Title IX almost completely and did not even answer mail dealing with the act.[80]

Individuals turning to the courts for relief under Title IX have met with further resistance. In fact, their right to go to court at all under Title IX has been questioned.[81]

The Federal Equal Rights Amendment will provide an independent basis with which to challenge sex bias in education programs that directly or substantially involve government action. Unlike Title IX, Federal funding will not be required to trigger its application. The right of a student or teacher to go to court when faced with sex-based discrimination will be clear. Ratification of the ERA can be expected to prompt more effective enforcement of antidiscrimination laws concerning education. It will be a clear mandate of the highest order that sex bias is not acceptable in our Nation's schools.

Moreover, the symbolic effect of the Equal Rights Amendment on our childrens' education cannot be overestimated. It will assure that the study of the Constitution finally will include the principle that women and men are equal before the law.

EXISTING CONSTITUTIONAL GUARANTEES

The 5th and 14th amendments have never been interpreted to prohibit *all* discrimination against women as a class. Indeed, before 1971, even the sharpest sex-based classifications survived constitutional review, usually justified as "preferential" to women. Gender lines upheld by the Supreme Court have included those that kept women off juries,[82] barred them from occupations ranging from attorney [83] to bartender,[84] and before the 19th amendment, denied them the right to vote.[85]

The Court signaled a new direction in *Reed* v. *Reed*, a 1971 decision that struck down an Idaho statute which gave men preference over women in administering the estates of deceased relatives.[86] Following *Reed*, the Court in *Frontiero* v. *Richardson* [87] declared unconstitutional a statute that gave automatic fringe benefits to wives of men in the uniformed services, while requiring husbands of servicewomen to prove dependence.

Despite this new willingness to reject sex-biased laws, the Court consistently has stopped short of declaring a sex a "suspect" classification, as it has done with race and national origin. The explanation for this hesitancy offered by Justice Powell in *Frontiero* underscores the importance of ratification of the ERA:

"There is another, and I find compelling, reason for deferring a general categorizing of sex classification as invoking the strictest test of judicial scrutiny. The Equal Rights Amendment, which if adopted will resolve the substance of this precise question, has been approved by the Congress and submitted for ratification by the States." [88]

Supreme Court rulings in sex discrimination cases following *Frontiero* have been uneven. The Court has upheld sex-based classifications against equal protection challenges in some cases,[89] while invalidating them in others.[90] In one case challenging sex-segregated schools (*Vorchheimer* v. *School District of Philadelphia*), it was unable to reach any decision at all.[91] The effect in *Vorchheimer* was to let stand the lower court's opinion allowing sex-segregated schools.[92]

In the recent *Bakke* decision, Justice Powell, writing the deciding opinion, explained why the Court "has never viewed [gender-based classifications] as inherently suspect or comparable to racial or ethnic classifications for the purpose of equal-protection analysis." Discrimination against women, Justice Powell states in *Bakke*, is not "inherently odious" when compared to the "lengthy and tragic history" of racial bias.[93] Such a comparison of victims of discrimination surely is neither required nor appropriate, and Justice Powell himself recognizes elsewhere in his *Bakke* opinion that "the kind of variable sociological and political analysis necessary to produce such rankings simply does not lie within judicial competence. . . ." [94] Moreover, Justice Powell's summary of the Supreme Court's view of sex-based classifications is further evidence that the Court has failed to recognize and understand the history and invidious nature of sex discrimination in this country.

The Court's record in the 7 years since *Reed* has included some remarkable gains. But as Columbia law professor Ruth Ginsburg has commented: "the 1970's break with tradition is hardly clear and clean. The Court's performance is characterized by vacillation, 5-4 decisions and a tendency to shy away from doctrinal development." [95] Indeed, the unsettled issue of the ERA itself seems to be causing the Court to move less forcefully in striking down gender-based discrimination.

Ratification of the Equal Rights Amendment will set a standard for review of sex discrimination claims that clearly goes beyond current interpretations of the 5th and 14th amendments in such cases. The ERA standard would prohibit sex-based classifications, except where the constitutional right to privacy or physical characteristics unique to one sex are concerned.[96] The amendment will provide a firm root for the doctrine of equal protection for women and men under the law. The application of this principle of equality is discussed in chapter 3.

FOOTNOTES

[1] U.S. Commission on Civil Rights, *Social Indicators of Equality for minorities and Women* (1978) (hereinafter cited as *Social Indicators*).

[2] U.S. Commission on Civil Rights, *Sex Bias in the U.S. Code* (1977) (hereinafter cited as *Sex Bias in the U.S. Code*).

[3] Freeman, testimony Before Subcommittee on Civil and Constitutional Rights of House Judiciary Committee (May 19, 1978).

[4] *See*, Crozier, *Marital Support*, 15 Boston Univ. L. Rev. 28 (1935); W. Blackstone, *Commentaries on the Laws of England* 442.

[5] *See, e.g.*, Ill. Ann. Stat. ch 68, §§, 6, 9 (Smith-Hurd 1959); Me. Rev. Stat. Tit. 19, §§ 161-63 (West 1965).

[6] *See generally*, B. Brown, A. Freedman, H. Katz, A. Price, *Women's Rights and the Law: The Impact of the ERA on State Laws* 97-202 (1977).

[7] L. McGough, *The Legal Status of Homemakers in Georgia* (Nat'l Comm'n on the Observance of IWY, 1977).

[8] Louisiana law describes the husband as the "head and master" of the community property and grants him the rights to full management and control. La. Stat. Ann. Civ. Code Art. 2404 (West 1971). The constitutionality of the "head and master" law was upheld by the Louisiana Supreme Court. Corpus Christi Parish Credit Union v. Martin, 358 S.2d 295 (1978), *cert. denied*, 47 U.S.L.W. 3246 (1978). The legislature recently has amended this law, but the changes are not effective until 1980. La. H. Bill 1569 (enacted on July 12, 1978).

Male management principles also survive in two common law property States. D'Ercole v. D'Ercole, 407 F. Supp. 1377, 1380 (D. Mass. 1976); Rauchfuss v. Rauchfuss, 234 S.E.2d 423 (N.C. App. 1977). *See also*, C. Slaughter, *The Legal status of Homemakers in Mississippi* (Nat'l comm'n on the Observance of IWY, 1977).

[9] Wis. Stat. Ann. 246.05 (1975).

[10] *See, e.g.*, Bates v. Donnafield, 481 P. 2d, 347 (Wyo. 1971) *See generally*, Brown et al., *Women's Rights and the Law, supra*, at 118.

[11] *Real Women, Real Lives—Marriage, Divorce, Widowhood* 17-19 (Wisc. Gov. Comm'n on the Status of Women, 1978) (hereinafter cited as *Real Women, Real Lives*).

[12] *See, e.g., Report of the President's Commission on the Status of Women* 47 (1963). Of course, not *all* homemakers are women, and sometimes the laws that disadvantage homemakers deny fair treatment to men.

[13] *See More Perfect Union, supra*, at 13-14.

[14] For a discussion of Federal inheritance and gift taxes imposed on property transfers between spouses, *see, e.g.*, S. Cunningham, *The Legal Status of Homemakers in Nebraska* 13 (Nat'l Comm'n on the Observance of IWY, 1977). Changes in Federal tax laws in 1976 and 1978 may have eased the burden on the Nebraska woman described in the text, but did not eliminate the unequal treatment of homemakers and their wage-earning spouses.

Similar inequities sometimes result under State tax laws. *See, e.g.*, Oreg. Rev. Stat. §118.010 (2)(a)(1974); Rhode Island Gen. L. Ann. §44-22-7(6).

[15] DiFlorido v. DiFlorido, 459 Pa. 641, 331 A.2d 174 (1975). *See* discussion *infra*, ch. 3, "Domestic Relations."

[16] *See, e.g.*, J. Goodman, *Legal Status of Homemakers in New York* 16 (Nat'l Comm'n on the Observance of IWY, 1977); S. Sousa and M. Tracey, *Legal Status of Homemakers in Rhode Island* 14 (Nat'l Comm'n on the Observance of IWY, 1977). *See, generally*. A. Bingman, "The Impact of the ERA on Marital Economics," *Impact ERA: Limitations and Possibilities* 116-25 (ed. Calif. Comm'n on the Status of Women. 1976).

[17] *Id.* at 118.

[18] 15 U.S.C. §1691d(b) (Supp. 1978); 12 C.F.R. 202.5(l)(1977).

[19] *See* Department of Health, Education, and Welfare, *Report of the HEW Task Force on the Treatment of Women under Social Security* (1978). *See also, Sex Bias in the U.S. Code, supra*, at 36 (1977). Women who are wage earners also are disadvantaged in several ways under the social security program.

[20] 42 U.S.C. § 402(b) and (e) (1974) as amended (1978 supp.).

[21] *See, e.g.* McGuire v. McGuire, 59N.W.2d 336 (Neb. 1953); Commonwealth v. George, 358 Pa. 118, 56 A.2d 228 (1948). *See* Paulsen, *Support Rights and Duties*, 9 Vanderbilt L. Rev. 709, 719 (1956).

[22] *Real Women, Real Lives, supra*, at 43-45.

[23] *More Perfect Union, supra*, at 16.

[24] L. Weitzman, *Legal Regulation of Marriage: Tradition and Change*, 62 Cal. L. Rev. 1169, 1195 (1974).

[25] J. Crittendon, *The Legal Status of Homemakers in Alabama* 11 (Nat'l Comm'n on the Observance of IWY, 1977).

[26] Sousa and Tracey, *The Legal Status of Homemakers in Rhode Island* 17 (Nat'l Comm'n on the Observance of IWY, 1977). In some instances, this practice may be successfully challenged under the Equal Credit Opportunity Act, *see* Reg. B, 12 C.F.R. 202.6(b)(5)(March 1977).

[27] Rep. Florence Dwyer, 117 Cong. Rec. 35319 (1971).

[28] *Social Indicators, supra*, at 39-45. For example, a higher proportion of employed women were clercial or service workers in 1970 than in 1960. U.S. Department of Commerce, *A Statistical Portrait of Women in the U.S.* at table 8-1 (1976).

[29] *Social Indicators, supra*, at 45.

[30] Women's Equity Action League, "Women and Work: The Unequal Paycheck," 7 *WEAL Washington Report* 6 (April 1978). *See generally*, U.S. Department of Labor, *1975 Handbook on Women Workers* 88-92 (1975).

[31] U.S. Commission on Civil Rights, *Women and Poverty* 7 (1974).

[32] *See, e.g.*, U.S. Department of Labor, *Women and Work* 1-7 (1977).

[33] U.S. Bureau of Census, *Income and Poverty Statistics of Families and Persons in the United States 1976* at table 7 (P-60 No. 107, Advance Report).

[34] U.S., Department of Labor, *U.S. Working Women: A Databook* 34 (table 36) (1977) (hereinafter cited as *U.S. Working Women*).

[35] U.S., Bureau of the Census, *Money Income in 1975 of Families and Persons in the U.S.*, table 55 (Current Population Reports Series, P-60 No. 105).

[36] *Social Indicators, supra,* at 54.

[37] *Compare* U.S. Department of Labor, *1975 Handbook, supra,* at 131 with U.S. Commission on Civil Rights, *The State of Civil Rights* 2(1977).

[38] *See, U.S. Working Women, supra,* at table 53. See also G. Borjas, Discrimination in HEW: Is the Doctor sick or Are the Patients Healthy? (unpublished paper, Center for the Study of the Economy and the State, Chicago, Ill., 1978), which showed white males employed in one Federal agency earned about 23 percent more than white females in 1977 and 31 percent more than black females.

[39] 29 U.S.C. § 206(d)(1974).

[40] 42 U.S.C. §§ 2000e-2003-16 (1974). Some State legislatures also have enacted broad fair employment practices laws.

[41] The U.S. Commission on Civil Rights has reported elsewhere on the persistent enforcement problems with respect to Federal equal employment laws *see, e.g., The Federal Civil Rights Enforcement Effort—1977, to Eliminate Employment Discrimination: A Sequel* (1977).

[42] Employers of fewer than 15 employees also are not covered by Title VII. 42 U.D.C. § 20003e(b) (1974).

[43] 41 U.S.C. § 35: *See also,* 30 U.S.C. §187, which flatly prohibits hiring women to work in certain mineral mines on federally-owned lands. For a review of State protective labor laws, *see* Brown et al., *Women's Rights and the Law, supra,* at table 6.1.

[44] For a review of sex discriminatory provisions regarding the armed forces, *see Sex Bias in the U.S. Code, supra,* at 19-33: ACLU, "Women and the Military," *Notes from the Women's Rights Project* 6 (1977); veterans preference programs exist at both the Federal and State levels.

[45] The White House, Proposed Modification of Veteran's Preference Fact Sheet 2 (1978). The result of this bias is seen in the case of a Dallas woman who applied for a Federal air traffic controller job. She scored a perfect 100 percent on the civil service examination, but because of job preferences automatically given to veterans, she was ranked 147th on th job roster. A. Otten, "Congress and the Veterans Lobby." *Wall Street Journal,* July 26, 1978, at 12. The House of Representatives recently voted to retain existing veterans preference standards by adopting an amendment to H.R. 11280, Civil Service Reform Act of 1978, 124 Cong. Rec. H9401 (daily ed. Sept. 11, 1978).

[46] International Brotherhood of Teamsters v. United States, 413 U.S. 324 (1977).

[47] Dothard v. Rawlinson, 433 U.S. 321 (1977). *See* P. Ogg. *Title VII: Are exceptions Swallowing the Rule?* 13 Tulsa L. J. 108 (1977).

[48] General Electric Co. v. Gilbert, 429 U.S. 125 (1976). Workers disabled by pregnancy, however, cannot be denied accumulated seniority. Nashville Gas Co. v. Satty, 434 U.S. 136 (1977). In the 1978 session, Congress amended Title VII to require that pregnancy, childbirth, and related medical conditions be treated the same as other disabilities under employer programs. Act of Oct. 31, 1978, Pub. L. No. 95-555, 92 Stat. 2076-77 (to be codified in 42 U.S.C. § 2000e).

[49] *See, e.g.,* Johnson v. University of Pittsburgh, 435 F. Supp. 1328 (W.D. Pa. 1977). *See generally,* Vladeck and Young. *Sex Discrimination in Higher Education, 4 Women's Rights L. Rep.* 59 (1978).

[50] Johnston and Knapp, *Sex Discrimination by Law: a Study in Judicial Perspective,* 46 N.Y.U.L. Rev. 675, 676 (1971).

[51] *U.S. Working Women, supra,* at 44.

[52] *See,* Brown et al., *Women's Right and the Law, supra,* at 223-25 (description of State reform efforts).

[53] *Cf.* P. Ogg. "Title VII . . .," *supra.*

[54] In some instances, however, men have received harsher treatment in the criminal justice system. *See generally* Brown et al., *Women's Rights and the Law, supra,* at 45-96.

[55] *See* Farr v. State, 304 So.2d 898, 902 (Crim. App. Ala. 1974); Warren v. State, 34 Ala. App. 447, 41 So.2d 201 (1949).

[56] As of 1977 rape statues in 27 States provided for the husband's immunity. *See, e.g.,* Cal. Penal Code § 261 (West Supp. 1976); Rev. Stat. Ann. § 14.41 (West Supp. 1976). *See generally, The Marital Rape Exemption,* 52 N.Y.U.L. Rev. 306 (1977). As an example of lesser protection given men under criminal laws, approximately 25 States do not protect any male victims of sexual assault in their forcible rape statutes. *See* Brown et al., *Women's Rights and the Law, supra,* at 46.

[57] For example, the Alaska statute defining prostitution refers specifically to "females." Alaska Stat. § 11.40.210 (1970). *See generally,* Brown et al., *Women's Rights and the Law, supra* at 66.

[58] *Id.* at 67. *See, e.g.,* Ill. Ann. Stat. Ch. 38, § 11-14, 11-18 (Smith Hurd 1977); Kan. Stat. Ann. 21-3512, 21-3515.

[59] American Bar Association Commission on Correctional Facilities and Services, "Women in Detention and Statewide Jail Standards," 7 *Clearinghouse Bulletin* 1, 7-8 (March 1974), reports that 70 percent of female youths are detained for status offenses while only 23 percent of male youths are detained for such offenses. *See also* P. Cohen, "A Double Standard of Justice," 10 *Civil Rights Digest* 10 (Spring 1978); Female Offender Resource Center, *Survey of Educational and Vocational Programs in State Juvenile Correctional Institutions* (American Bar Association, 1975).

[60] U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, *Little Sisters and the Law* (1977). According to this study, girls have longer average confinements than boys even though the vast majority of the boys (82 percent) were criminal offenders and nearly half of the girls were status offensers (p. 16). *See also,* R. Vinter and R. Sarri, *Time Out: A National Study of Juvenile Correction Programs* (National Assessment of Juvenile Corrections, University of Michigan, 1976).

[61] Brown et al., *Women's Rights and the Law, supra,* at 83. *See, e.g.,* Conn. Gen. Stat. Ann. § 18-65.

[62] Brown et al., *Women's Rights and the Law, supra,* at 83.

[63] *See, e.g.,* Crisman, Position Paper on Women in Prisons 2 (unpublished report, ACLU Nat'l Prison Project 1976); Haft, "Women in Prisons: Discriminatory Practices with Some Legal Solutions," 8 *Clearinghouse Review* 1 (1974). *See generally,* U.S. Commission on Civil Rights, Information Sources: Women in Prison (1975).

[64] *Extending the Ratification Period for the Proposed Equal Rights Amendment:* Hearings Before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 95th Cong., 1st and 2d sess., 337 (1977-78) (testimony of Frankie Freeman, Commissioner, U.S. Commission on Civil Rights).

[65] S. Rep. No. 92-689, Senate Committee on the Judiciary, 92d Cong., 2d sess, 8 (1972).

[66] Bureau of Occupational and Adult Education, Comparative Analysis of Vocational Education Enrollment by Sex in Fiscal Year 1972 and 1975 (unpublished report, U.S. Office of Education)

[67] *See* A. Novick and D. Griffiths, *Sex-Segregated Public Schools: Vorchheimer v. School District of Philadelphia and the Judicial Definition of an Equal Education for Women,* 4 Women's Rights L. Rep. 79 (1978).

[68] Vorchheimer v. School District of Philadelphia, 400 F. Supp. 326 (E.D. Pa 1975). *rev'd,* 532 F.2d 880. (3d Cir. 1976), *aff'd mem by an equally divided Court,* 430 U.S. 703 (1977).

[69] Frontiero v. Richardson, 411 U.S. 677, 692 (1973) (concurring opinion).

[70] National Federation of State H.S. Association, *1977 Sports Participation Survey* (1977).

[71] Margot Polivy, attorney for the Association for Intercollegiate Athletics for Women, quoted in "Comes the Revolution," *Time,* June 26, 1978.

[72] *Social Indicators. supra.* at 14-16.

[73] *On Campus with Women* (Association of American Colleges, June 1978), citing figures from *No Progress This Year: Report on the Economic Status of the Profession, 1976-77* (American Association of University Professors). See Suzanne Howard, *But We Will Persist: A Comparative Research Report on the Status of Women in Academe* (American Association of University Women, 1978).

[74] A.W. Astin, Data Pertaining to the Education of Women: A Challenge to the Federal Government (unpublished paper, 1978).

[75] 20 U.S.C. §§1681-86 (1976). In addition to applying only to federally-financed schools, the statute has several exceptions. Institutions and the activities expressly exempted include: (1) admissions to elementary and secondary schools, private undergraduate colleges, and public colleges that have been single sex from the beginning; (2) military training schools; (3) religious schools where compliance with Title IX would be inconsistent with religious tenets; and (4) Boys State/Girls State 20 U.S.C. §168(a). In addition, Federal regulations promulgated under Title IX expressly exempt such activities as the "Y," Boy Scouts, Girl Scouts, and Campfire Girls. 45 C.F.R. §86.11 (1977).

[76] *See* Project on Equal Education Rights ("PEER"), *Stalled at the Start* (1977); American Friends Service Committee, *Almost as Fairly* (1977).

[77] The HEW regulations became effective June 4, 1975. *See* PEER, *Stalled at the Start, supra.* With respect to other agencies, *see* National Advisory Council on Women's Educational Programs, *The Unenforced law; Title IX Activity by Federal Agencies Other Than HEW* (1978).

[78] *See* consent order in Adams v. Califano, No. 3095-70 and WEAL v. Califano, No. 74-1720 (D.D.C. Dec. 29, 1977).

[79] National Coalition for Women and Girls in Education, Statement by Dot Ridings et al. 1 (June 26, 1978).

[80] PEER, *Stalled at the Start, supra,* at 8.

[81] The only Federal appellate court to decide so far whether private parties have an implied right to sue private universities under Title IX held that such right does not exist. Cannon v. University of Chicago, 559 F.2d 1063 (7th Cir. 1977) (on rehearing), *cert. granted,* 46 U.S.L.W. 3799 (June 27, 1978). Another Federal appellate court recently has held that such a right can be implied under Title IX with respect to public schools. De la Cruz v. Tormey—F.2d—(9th Cir. Sept. 13, 1978). As to employment discrimination in educational institutions, recent district court decisions have held that Title IX does not apply at all, thereby limiting the statute's scope to students. *See, e.g.,* Romeo Community Schools v. HEW, 438 F. Supp. 1021 (E.D. Mich. 1977), on appeal to the Sixth Circuit.

[82] Hoyt v. Florida, 368 U.S. 57 (1961).

[83] Bradwell v. Illinois, 83 U.S. 130 (1872).

[84] Goesaert v. Cleary, 335 U.S. 464 (1948).

[85] Minor v. Happersett, 88 U.S. 162 (1874).

[86] 404 U.S. 71 (1971). *See generally,* R. Ginsburg, "From No Rights, to Half Rights, to Confusing Rights," 7 *Human Rights* 13 (1978).

[87] 411 U.S. 677 (1973).

[88] Frontiero v. Richardson, supra, 411 U.S. at 691-2 (Justice Powell, concurring, joined by Justice Blackmun and Chief Justice Burger.)

[89] *See, e.g.,* Schlesinger v. Ballard, 419 U.S. 498 (1975) (upholding Navy rule guaranteeing female officers more years than male before mandatory discharge for lack of promotion; no consideration given ways men were advantaged by this differential); Kahn v. Shevin, 416 U.S. 351 (1974) (upholding exclusion of widowers from tax exemption granted to widows: the exception saved the widow who owned real property the sum of $15 annually and was granted to only two other classes of people: the blind and the totally disabled); Geduldig v. Aiello, 417 U.S. 494 (1974) holding a State statute that excluded women disabled by pregnancy from a workers' income-protection insurance plan.).

[90] *See, e.g.,*Califano v. Goldberg, 430 U.S. 199 (1977) (invalidated social security provision requiring widowers to prove they had been dependent on their wife's income while automatically qualifying widows for survivors' benefits); Craig v. Boren, 429 U.S. 190 (1976) (invalidating State law that allowed 18-year-old girls to purchase beer but made boys wait until they were 21); Weinberger v. Weisenfeld, 420 U.S. 636 (1975) (invalidating social security provision that denied widowed fathers who wished to take care of their children the same benefits available to widowed mothers).

[91] Vorchheimer. V. School District of Philadelphia, 532 F.2d 880 (3d Cir. 1976), *aff'd mem by an equally divided Court* 430 U.S. 703 (1977).

[92] *See generally,* A. Novick and D. Griffiths, Sex-Segregated Public Schools. . ., *supra,* and discussion *supra* in "Education." ch. 2.

[93] Regents of the University of Calfornia v. Bakke, 438 U.S.—,98 Ct. 2733, 2755 (1978).

[94] *Id.* at 4903. For a discussion of parallels between race and sex discrimination, *see* G. Myrdal, *An American Dilemma,* 1073-78 (1962 ed.).

[95] R. Ginsburg. "From No Rights . . ., "*supra,* at 47.

[96] See Brown et al., *Women's Rights and the Law, supra,* at 15-19.●

ELIMINATING MANDATORY RETIREMENT

● Mr. DURENBERGER. Mr. President, the American dream is a promise of opportunity. It is a promise that each of us, limited only by our own abilities, can strive to achieve any goal we seek. In real terms, we are still seeking to achieve this equality of op-

portunity. Today, we have a chance to bring every American closer to this ideal. We can achieve this by supporting legislation that Senator HEINZ, Senator CHILES, and I are introducing this morning, legislation which would eliminate mandatory retirement.

It seems incredible to me that in a country where we so strongly value the right to choose our own careers and lifestyles, we still have a law which allows mandatory retirement. Through this law, we condone the dismissal of a worker for no better reason than the fact that he or she turned 70 years old. This is not freedom. This is not fair. And, this should not be allowed to continue.

Not every older American wants to continue working past the average retirement age. Many seniors look forward to retirement as an opportunity to pursue hobbies, travel, and leisure activities with their loved ones. Others are forced into retirement due to illness or disability. But it is also true that the decision to retire is not a pleasant one for every senior. Many older workers see the approach of retirement age, not as an opportunity for a different lifestyle, but as a barrier to continuing their career.

We began to address the problem of forced retirement when Congress passed the Age Discrimination in Employment Act Amendments of 1978. These amendments completely eliminated mandatory retirement for Federal employees and raised the retirement age for private employees to 70. Today, with the introduction of legislation to remove this age 70 "cap," we have the opportunity to eliminate mandatory retirement altogether.

What will this mean to workers and to the businesses they serve? It will mean that each employee, whether 17 or 70, will be evaluated as an individual with different talents and skills. The mere fact that someone has turned 70 years of age will not mean that he or she is no longer a productive employee. We need only look as far as the White House to see a man well past retirement age handling the most grueling job in Government. In the private sector, Ronald Reagan's 70th birthday might have marked the point of mandatory retirement. Instead, it marked the beginning of a new phase in his public service.

Older workers can represent a viable part of the American work force. Today more than 26 million Americans, over 11 percent of our population, are 65 years of age or older. This age group will build in significance as more than 5,000 Americans celebrate their 65th birthday each day. I am talking about the phenomenon known as the graying of America. Projections show that by the year 2030 over 20 percent of our population will be 65 or older. At the same time the number of older Americans is increasing, there will be a dwindling number of younger persons in the labor force. This means that we will be facing a worker shortage at the same time we will have a burgeoning senior population.

These older Americans offer a wealth of experience and skills that will be sorely needed in the workplace. Every senior many not want to work past average retirement age and every senior may not be qualified for the job he or she seeks, but age alone should not be the limiting factor. We need to look beyond a few gray hairs to the person and realize that older Americans can continue to be an important part of a productive economy.

I hope each of my colleagues will join me in supporting the end to mandatory retirement. Let us back up the promise of opportunity with action.●

GRADUATION 1982

● Mr. GARN. Mr. President, the Memorial Day recess was, as it always is, graduation time for many high schools throughout the country. Utah was no exception as thousands of graduates "commenced" a new life in the real world. For most it appeared to be a time of hope; for a significant number, it was a time to reflect on their high school careers, and to assess the value of that career, in terms of the demands placed upon them and the preparation it gave them for the future.

The Salt Lake Tribune took the opportunity to survey the opinions of typical high school graduates in Utah, coming up with some interesting findings. I make no pretense that Utah is typical of the Nation, or that this survey can accurately reflect the views of all graduates, but it did provide me with some food for thought. Perhaps it will others as well. I insert the survey, together with two explanatory articles from the Tribune, be printed at this point in the RECORD.

The material follows:

[From the Salt Lake Tribune, May 30, 1982]

TRIBUNE SURVEY—SENIORS' LAST YEAR WORTHWHILE

(By Diane Cole)

Most students in Utah's Class of '82 think their senior year of high school was worthwhile. Few say their graduation requirements were too difficult, but many describe them as too easy.

These are just a few results of a Tribune survey of 910 seniors this spring. The survey also reveals wide lifestyle differences between private and public school students.

Nearly five times as many private school students as public school students said they smoke cigarettes. More than three times as many regularly drink alcohol and/or use drugs, and more than twice as many say they're "sexually active."

VIEW LIFESTYLES

Fewer private school students feel their family life is good, and fewer consider themselves religious. Also, fewer have jobs and full access to a car.

Yet these private school students appear more academically motivated than their public school peers.

In general, students with below-average grades report an even greater incidence of cigarette smoking, drug or alcohol use and sexual activity than private school students. (Since only 2 percent of all respondents fell into this category, these statistics may be skewed.)

Of students with less than a C average, 58 percent said they drink alcohol and/use drugs regularly; 37 percent smoke; 63 percent are sexually active, and 32 precent are religious. On the other hand, of students with B-plus or better only 9 percent drink alcohol and /use drugs; 3 precent smoke; 10 precent are sexually active, and 82 percent are religious.

MORE MALES ACTIVE

It also appears that three times as many male students as females say they are sexually active. More girls consider themselves religious, and less than half as many drink alcohol or use drugs regularly.

Fifteen schools throughout the state, including large, small, public and private institutions, particpated in the survey. They are South Rich, Parowan, Grantsville, Valley High (Jordan District), Judge Memorial Catholic, Rowland Hall-St. Mark's, St. Joseph Catholic, Wasatch Academy, Cedar City, Orem, Layton, Viewmont, Olympus, Hillcrest and East high schools.

(Administrators at Richfield, San Juan, Carbon, Roy and Mount Vernon Academy failed to return the questionnaires. Douglas W. Loosle at Richfield, for example, refused to expose his students to the questions involved.)

The survey results obviously are shewed toward students planning to attend college, according to Lerue Winget, associate state superintendent of public instruction. However, he added, the Tribune survey produced some useful information.

HIGH SCHOOL DROPOUTS

The skewing may be the result of many unmotivated students dropping out of school before the survey was given, Dr. Winget said, noting 15 to 19 percent of Utah's high school students fail to finish school. Also, some schools gave the surveys to English classes full of college-bound students.

The high proportion of academically inclined students shows up in the high numbers of respondents earning B-plus and better grades, taking foreign languages, completing calculus, earning college-level credit and planning to continue their education.

For example, the Tribune survey shows that 93 percent of the members of the Class of '82 will seek further education Dr. Winget said 69 percent is more accurate. The survey also indicates in 27 percent earned college-level credit in high school, but state school officials estimate only 5 percent fall into this category.

SOME DISCREPANCY

While 35 percent of the respondents reported having a 3.5 or better grade-average, 35 percent above 3.0 is probably more accurate, Dr. Winget said. The figures for foreign language and math also are a little high, he added.

Of those students participating in the survey, 53 percent are male, 47 percent are female. Twenty-five percent attended small schools, 75 percent are from large schools

and 9 percent of the respondents attended private schools.

Vocationally oriented students generally receive lower grades than academically oriented students, according to the survey. Also, a larger percentage of females earn the best grades for academic performance, and only 3 percent of the females surveyed plans to be full-time homemakers.

Private school students tend to receive lower grades than public students do, but private school students also seem to take more challenging courses. More of them also plan professional careers.

DISCIPLINE TOO STRICT

Private school students are more likely to say school discipline is too strict, and fewer say their teachers are too lenient. Yet few feel their teachers were too demanding.

Although more public than private school students said their graduation requirements are too easy, 23 percent of all respondents describe them as too easy.

Half of all respondents said their senior year was worthwhile, and another 42 percent described it as semi-worthwhile. Only 7 percent feel the year was a waste of time.

In written comments on the survey, it became apparent that students feel the social life and extra-curricular activities like sports greatly added to the value of the year. Students also said it's possible to either take advantage of good educational opportunities or to slide by with little effort.

REEXAMINE REQUIREMENTS

This comes at a time when the state school board is re-examining graduation requirements because of the perception that high schools aren't challenging seniors. Also, college and university officials are considering raising entrance requirements.

Students value team sports more than any other school activity. Dances and music also rank among the most important activities, while field trips and clubs are at the bottom of the list. Students with the lowest academic grades rated dances above sports.

More than 20 percent of the seniors said job training and career and college counseling were inadequate at their schools.

More than five times as many private school students as public school students plan to leave Utah for their college education.

The reputation of the school emerged as the most important factor in students' choice of colleges.

THE 1982 HIGH SCHOOL GRADS—FOR BETTER OR WORSE?

(By Diane Cole)

Most high school teachers and administrators think the behavior and academic performance of this year's seniors are the same or better than previous classes.

In a survey conducted in 15 Utah high schools, The Tribune tested 124 educators' perceptions of this year's graduating class.

More counselors and administrators (39 percent) than teachers (20 percent) feel this class is academically superior to previous groups of students. Only 9 percent overall said these seniors are worse than those of other classes, and 66 percent said they're comparable.

On the other hand, slightly more teachers (27 percent) than counselors and administrators (22 percent) believe student behavior this year was better than in the past. Only 7 percent of all respondents said the Class of '82 is worse behaved than past groups.

LESS DRUG ABUSE

The educators indicate they believe there is less abuse of drugs and alcohol among this year's seniors.

Respondents are about equally divided in their opinions of student participation in extracurricular activities and challenging courses. Therefore, it is impossible to conclude that students today enroll in more or less difficult classes or that students participate in more or fewer school activities.

Here is a sample of the educators' written comments on concerns about the Class of '82:

Roslyn Rappaport, Hillcrest High math teacher—"We must raise our academic expectations. Kids take the easy way out and are graduating far less prepared than they could be."

MUST IMPROVE WRITING

Carol Spackman, Olympus language arts teacher—"Student writing needs to improve, and this won't happen until teachers assign more writing. This won't happen if class loads are increased."

Rob Northness, Judge Memorial Catholic High language arts teacher—"Students would appreciate education more and standards would increase if it were seen as a privilege, not a right."

Cedar City High vocational teacher—"We have many talented, outstanding seniors. There seems to be growing numbers of students who are rude, use crude language and lack respect for anyone."

BEHAVIOR PROBLEMS

Ronald L. Huber, Olympus physical education teacher—"A lot of the behavior problems today go back to the home environment and the backing from the home. We hear how test scores are dropping over the last 15 to 20 years, but we have never heard that we have more students staying in school than before. I know when I was in school, we had around 700 students in my sophomore class, and my graduation class had around 425."

Orem High language arts teacher: "If our expectations and standards are lower than 20 years age, it is simply because parents and students have insisted on it. If either group had resisted, we would have held the line. Society gets what it wants, and today, everybody has a high school diploma."

1982 SURVEY OF UTAH HIGH SCHOOL SENIORS [1]

[Amount in percent]

	Total [2]	Male	Female	Public	Private
Question:					
Which classes did you focus on most the past 2 years?					
Academics	74	74	73	72	92
Vocational	26	25	27	28	8
What is your average GPA (4.0 is the highest) the past 4 years?					
3.5 or above (B+)	35	27	44	36	27
2.0 or below (D)	2	3	1	2	2
Other	62	70	54	61	69
Describe your senior year:					
Very worthwhile	50	48	52	49	54
A waste of time	7	7	7	7	7
Semi-worthwhile	42	45	40	43	36
Describe your high school graduation requirements:					
Too tough	4	4	3	4	5
Too easy	23	25	20	23	16
About right	73	70	76	72	80
Yes, I have studied a foreign language	57	55	59	53	94
What is the highest level of math completed?					
General	11	12	11	12	4
Algebra 1	22	21	24	23	11
Geometry	13	11	16	13	14
College algebra or trigonometry	39	38	39	38	48
Calculus	14	17	10	13	23
Yes, I earned college-level credit while in high school	27	28	26	28	19
Describe most of your teachers:					
Too demanding	6	7	5	6	7
Too lenient	14	14	14	15	1
About right	79	78	80	78	90
How would you describe your school's discipline?					
Too strict	19	22	16	18	30
Too lenient	15	14	17	17	2
About right	65	64	66	65	66
Has high school adequately prepared you for your next step in life?					
Yes	57	55	59	56	65
No, not in academic skills	8	10	6	9	2
No, not in career and college counseling	22	21	23	22	24
No, not in job training	22	22	21	22	19
No, not in life skills	10	11	9	10	11
What do you plan to do now?					
Get married within 6 months	3	2	4	3	1

1982 SURVEY OF UTAH HIGH SCHOOL SENIORS [1]—Continued

[Amount in percent]

	Total [2]	Male	Female	Public	Private
Go on an LDS mission	31	48	12	34	1
Get a full-time job	15	18	11	16	2
Go to college, technical school or a university	93	92	94	92	99
Serve in the military	9	15	1	9	8
What career will you pursue?					
Medicine, law, prof. nurse, scientist, architect	22	23	21	21	33
Politician	1	1	1	1	4
Business administrator	13	12	14	13	8
Salesman	1	2	0	1	0
Engineer, computer scientist	15	23	6	15	19
Professional entertainer (musician, actor)	2	2	2	2	4
Writer, artist	4	3	5	4	5
Teacher, social worker	9	3	17	10	5
Skilled worker	7	12	1	7	0
Technician	6	2	11	6	1
Professional athlete	1	1	0	1	1
Homemaker, full time	2	0	3	2	0
Other	15	13	18	15	18
Which school do you hope to attend?					
U. of U. or USU	34	36	32	35	22
BYU or Ricks College (LDS-owned)	18	17	20	20	0
Westminster College	1	1	0	1	0
Weber State College	6	5	6	5	10
Rural Utah college	9	8	10	10	2
Technical college	9	10	7	9	0
Private trade or technical school	2	1	4	2	2
Out-of-state college or university	15	16	15	11	60
What two factors most influenced your choice of college/university?					
Size of school	24	25	23	24	27
Religion	14	11	17	15	5
It's away from home	16	14	18	14	37
It's close to home	41	42	40	42	25
Reputation of school	45	47	42	44	52
Social life of school	15	14	15	15	12
Parent's desires	8	7	10	8	12
Yes, I can attend college without scholarships, grants or loans	55	55	56	55	58
How many hours per week did you work this year?					
None	21	17	25	20	31
Fewer than 10 hours	8	6	10	8	6
Between 10 and 20 hours	37	34	40	37	34
More than 20 hours	33	41	24	34	24
Describe your family life:					
Good	79	78	79	80	67
Fair	17	18	16	16	23
Poor	4	3	5	3	7
Describe yourself:					
I have full access to a car	72	77	67	73	60
I smoke cigarettes	7	7	6	5	24
I regularly drink alcohol and/or use drugs	15	20	9	12	41
I am sexually active	19	27	10	17	41
I consider myself religious	71	67	76	72	59

[1] Of the 910 questionnaires sent to 15 participating high schools, 892 were returned, for a 98 percent return rate. Utah has approximately 22,000 seniors, so some 4 percent were surveyed.

The 15 schools are: South Rich, Parowan, Grantsville, Valley High (Jordan), Judge Memorial Catholic, Rowland Hall-St. Mark's, St. Joseph Catholic, Wassatch Academy, Cedar City, Orem, Layton, Viewmont, Olympus, Hillcrest, and East. Five schools—San Juan, Carbon, Richfield, Mount Vernon and Roy—failed to respond, so their 285 questionnaires were not counted in the return rate.

Although principals were asked to give surveys to a broad spectrum of students, a large share of the respondents appear to be among the most academically motivated. Therefore, results may be skewed toward the best students in the Class of 1982.

[2] Some percentages do not total 100 percent, because more than one response was requested for some questions, some students did not answer all questions and only some answer choices are shown on this chart.

RABBI NAHUM M. BEN-NATAN

● Mr. SARBANES. Mr. President, Beth Jacob Congregation in Baltimore is an important center of Jewish religious thought and cultural activity. Its great tradition of service has been carried forward under the spiritual guidance and leadership of Rabbi Nahum M. Ben-Natan.

A dedicated supporter of increased educational opportunities, Rabbi Ben-Natan has worked tirelessly to improve the quality of Jewish education. He has served as chairman of the Rabbinical Advisory Committee of the Board of Jewish Education, as a member of the Baltimore Board of Teacher Certification, and Licensing Board of Jewish Education, and as a lecturer in the Department of Continuing Education at Baltimore Hebrew College. His energy and concern are reflected in his work within his own congregation, and he has given a strong sense of direction and purpose to the Beth Jacob Lecture Series, the Hebrew School, and the Sisterhood Bible Class.

Recognizing the central role of the family to a community's sense of cohesion, Rabbi Ben-Natan was instrumental in establishing a seminar for lawyers and social workers on the impact of divorce on the Jewish community. He has also served as a board member of the Associated Jewish Charities Placement and Guidance Bureau, and his personal commitment to charitable causes is eloquent testimony to his public-spirited initiative.

Mr. President, during the last decade Rabbi Nahum M. Ben-Natan has shared his wisdom and scholarship with the members of Beth Jacob Congregation. In appreciation for his compassionate leadership, the congregation will be honoring him June 16 at its annual Patrons of Education dinner. On this fitting occasion, I ask my colleagues to join me in recognizing the outstanding qualities of this community leader.●

VICE PRESIDENT BUSH ADDRESSES FREEDOMS FOUNDATION AWARDS LUNCHEON

● Mr. GOLDWATER. Mr. President, on Thursday, the 10th of June, Vice President GEORGE BUSH was the featured speaker at the Freedoms Foundation awards luncheon. In his speech, the Vice President stressed the fact that the heroes of our society come from all walks of life and, for the most part, do their work quietly and without fanfare. These are the people the Vice President said, who believe in the basic values of our Government and our society. The values Vice President BUSH emphasized were: "The importance of the family, of national defense, of the volunteer spirit, of vigorous free enterprise, and of Government that truly serves the people, and views that serve as its fundamental mission."

Mr. President, I ask that the complete text of Vice President BUSH's remarks be inserted in the RECORD so that all our colleagues may have the

benefit of the basic truths about which he spoke.

The speech follows:

REMARKS OF VICE PRESIDENT GEORGE BUSH

You know, this is about the first time in months that my audience has outnumbered my Secret Service detail.

I'm just delighted to be here to join you in congratulating the winners of your fine award—or the fine winners of your award, whichever way you want to put it.

You'll be hearing the citations shortly, so I won't go into very great detail myself about the admiration I have for Justice O'Connor and for the Special Olympics Committee, for the National Coalition for Growth and the Heritage Foundation, that bastion of supply siders on the Potomac. My deepest congratulations to all of you.

You know, I had the occasion not long ago to read a lecture given by Doctor Russell Kirk at the Heritage Foundation. It was titled, "Audacity, Rhetoric, and Poetry in Politics." It was one of those characteristically breathtaking Kirkian sweeps through western civilization. This one took as its premise that audacity is at the heart of all truly exciting and vital political movements. And indeed, that almost nothing is possible without it. Doctor Kirk dismissed with a cursory wave of his hand the predilection of some for the middle of the road. He quoted Richard Weaver's rhetorical admonition, "Do you drive in the middle of the road?"

Dr. Kirk quoted from Danton, T. S. Eliot, Julius Ceasar, Shakespeare, Disraeli—I think Dr. Kirk could probably quote from Disraeli in his sleep. The line I best recall was Disraeli's "Success is the child of audacity." And it's that idea that we might meditate on for a few moments today. Because we've come here to honor audacious, and therefore successful people.

Too often we tend to associate bravery, courage, audacity, patriotism with aspects of war. At the same time, I don't think any of us can have been untouched by reading the account of Mrs. Reagan laying a wreath the other day at the graves of the American soldiers who died at the Normandy beachhead. How grim those statistics still are: over 10,000 American boys killed in the invasion, the invasion which made possible the liberation of Europe. Their audacity took the form of crashing through bullet-ridden surf, jumping out of planes into almost certain death. Well, there were ten thousand forms of audacity shown during those days.

But what I have in mind today is the audacity of peacetime; the other thousand forms of sacrifice shown by heroes and patriots whose names, most of them, we do not know, and would not recognize. This is why occasions such as this, and awards such as these, should be taken seriously. And it is to the credit of the Freedoms Foundation that it has brought about these occasions, occasions which honor—well, patriots. One does not have to die gallantly on a beach somewhere to be a patriot.

I think through the years we've seen a changing definition of the term. During our last, traumatic decade, the decade of Vietnam and Watergate, the conventional wisdom seemed to be that there just weren't any heroes any more. The interesting thing about conventional wisdom is that—to paraphrase Voltaire—it is neither conventional, nor wise. What happened, I think, was that, given the mordant cynicism of the decade, hero's were no longer . . . fashionable. Ah—but there were still heroes. And now I think they may be back in fashion. They may look a bit different from yesterday's heroes. But there they are—and some of them are in this room with us today.

Now, any organization that maintains its national headquarters at Valley Forge can be accused of being slightly old fashioned. But I also think that being a bit old fashioned is itself coming back into fashion. This is—heavens—not to say that America is turning to its past, reverting, regressing, or going back to her old ways.

We may simply be drawing once again on some of our more traditional values: The importance of the family, of national defense, of the volunteer spirit, of vigorous free enterprise, and of government that truly serves the people and views that service as its fundamental mission. These are values that sustain us, even as we enter new periods of history that demand change. In that lecture of his, Dr. Kirk quotes a line of Robert Frost's poem, "The Black Cottage": "Most of the change we see in life is due to truths being in and out of favor."

The Freedoms Foundation, and those it honors with these awards, reminds us that whatever the times bring—whatever turbulence, whatever hot passions, or heated rhetoric—that some truths are never out of favor, and that our successes are due to the courage of patriots, even quiet ones. The memory of Valley Forge is strong. But it is good also to contemplate what Henry Ward Beecher wrote some time ago, that: "The world's battle fields have been in the heart chiefly; more heroism has been displayed in the household and the closet, than on the most memorable battlefields in history."

Thank you, and once again, congratulations to you all.●

OCCUPATION HEALTH NURSES

● Mr. INOUYE. Mr. President, today I would like to express my appreciation for the contributions that the 12,000 members of the American Association of Occupational Health Nurses make to the health and well-being of our Nation's industrial workplace.

This professional organization was founded in 1942 and has an active affiliate in my home State of Hawaii. All of the Hawaii firms that employed the six nurses who formed the Isle chapter of the national association in 1950 still have full-time industrial nurses on their payrolls.

The first companies were Hawaiian Tuna Packers, Hawaiian Telephone Co., Pan American Airlines, Dole Pineapple, Del Monte Corp., and the Hawaiian Electric Co.

In addition, association members work for Sheraton Hotels, Maui Pineapple, Reynolds Metals, the Polynesian Cultural Center, and Queen's Hospital, as well as on the military payroll at Barbers' Point, Schofield Barracks, Tripler Army Medical Center, and the Naval Regional Medical Center. They also are on the Government payroll at the Post Office, the Federal Building and the Cancer Center. In all we have 20 members at home. Although nationally 95 percent of their membership are female, there has been an increasing number of male nurses who have expressed interest in this important field.

In the workplace, managers generally recognize that an employee's performance is directly related to his physical and emotional well-being. The occupational health nurse contributes effectively to the worker's health. Frequently, it is the occupational health nurse who first encounters the worker and gives counsel on matters of his or her family's health. He or she is involved in the early detection of symptoms which are indications of acute or chronic diseases; such early recognition results in lowered costs and less time lost from work.

There has been a persistent lack of understanding and recognition of the occupational health nurse as a member of the interdisciplinary team, consisting of nursing, medicine, industrial hygiene, safety, management, and the employee.

Occupational health nursing can be defined as the application of nursing principles in conserving the health of workers in all occupations. It involves the prevention, recognition, and treatment of illness and injury, and requires special skills and knowledge in the areas of health education and counseling, environmental health, rehabilitation, and human relations.

One realizes from this definition that this is a specialized practice occurring most frequently in an independent setting. The nurse must incorporate management/administrative principles, public health concepts and research methods in order to provide comprehensive health care that includes more than the traditional focus of diseases and cure-oriented care. The occupational health nurse bases his or her practice on a holistic approach to the worker and the dynamic interaction between the worker and the environment, and emphasizes health promotion, disease prevention, and the preservation of well-being.

The occupational health nurse is a registered nurse; who has graduated from an approved nursing education program authorized by the State to prepare persons for licensure. After successful completion of the program, this graduate must then meet various State requirements for licensure in the State in which she wishes to practice. An ever-increasing number of occupational health nurses are prepared at the baccalaureate level in university programs approved by the National League of Nursing.

Due to the independent nature of the occupational health nurse's role, many are seeking master's degrees and nurse practitioner education; these two must meet State licensing requirements.

Also, a certification examination has been prepared and implemented to evaluate the occupational health nurse's knowledge of her special practice area. This is but another insur-

ance to the employer and clients that the nurse has the basic knowledge and skill to practice occupational health. The occupational health nurse must practice a minimum of 5 years in the occupational health setting to be eligible to sit for this exam; recertification is required every 5 years.

In the workplace the occupational health nurse functions in a variety of ways. In a crisis such as an industrial injury he or she reacts by providing immediate and lifesaving measures until the client can be transported to a local emergency room.

Some examples of non-critical nursing intervention are palliative treatment for minor conditions; brief assessments and physician referrals, liaison between physicians and company; liaison between employees and administrators or supervisors; well health teaching; input for occupational and plant safety; department budgeting and supply ordering; and recordkeeping of worker's compensation, OSHA, insurance, and so forth.

In addition, a nurse practitioner in the occupational health setting can diagnose and treat, prescribe, initiate and perform laboratory studies, perform treatments including ultrasound, perform psychosocial evaluation, perform physical examinations, perform suturing, and improve the evaluation skills of ancillary medical personnel.

Examples of health problems that can be treated include complete physical examinations, both preemployment and periodic, including pelvic and Pap smear for females, prostate and hernia check for males; muscle strains including low back, tendonitis, and carpal tunnel syndrome, "tennis elbow," lacerations, ganglions, burns, chemical toxicity, and foreign bodies in the eye.

Other health problems that nurse practitioners in the occupational health setting can treat include headaches, dermatitis, fracture follow-up, gastritis, viremias, chalazions, and conjunctivitis. He or she treats infections including those of the respiratory tract, urinary tract, eye, vagina, and soft tissue. He or she manages chronic medical illnesses such as hypertension, diabetes, obesity, chronic obstructive pulmonary disease and arthritis. He or she provides counseling for mental and physical well-being on such problems as depression, alcoholism, drug abuse, sexuality, family planning, and stress management.

The exact cost of replacing an employee who is absent because of illness is difficult to calculate. Illness absenteeism has been considered by authorities in the industrial field to be 10 times more costly than industrial accidents. The need for such a service is evidenced by the continuing growth of occupational health programs and the increasing number of occupational health nurses (some 24,000 currently exist). These nurses contribute to the total health picture of our Nation's work force.

The basic health care problems of prevention and promotion are becoming priority items on the agenda of the occupational health nurse. As a physician may not be involved in the health professional-client interaction, the nurse is constantly challenged to improve herself or himself as a health care provider; he or she is challenged to develop more effective strategies for health promotion and disease prevention. The occupational health nurse is meeting these challenges by supporting the premise that all workers are entitled to a safe, healthful environment, and to quality health care.●

BUS DEREGULATION IN RURAL AMERICA

● Mr. PRESSLER. Mr. President, the National Farmers Union recently released a statement on H.R. 3663, the Bus Regulatory Reform Act of 1982. This statement explains the reasons for the union's opposition to this measure. In brief, intercity bus service in rural areas will suffer if total deregulation is approved. We have already seen serious dislocation and loss of transportation service due to rail and airline deregulation. We must not make the same mistake again.

Out of 15,000 communities served by regular-route bus service, 14,000 have no alternative form of transportation. A large percentage of intercity bus passengers are elderly. Obviously, our rural senior citizens will be hardest hit if deregulation causes a drop in service. These are the very people who cannot afford a private automobile or are unable to transport themselves. In rural States, people must often go long distances for medical care or business needs. In such areas, dependable and affordable intercity bus service is crucial for a large, but vulnerable, portion of the population.

I will be offering amendments to H.R. 3663 when it comes before the Senate for consideration. I would ask my colleagues to join me in modifying some of the provisions in this bill so that rural States and small farming and ranching communities do not suffer a disproportionate loss.

Mr. President, I ask that the statement by the National Farmers Union be included in the RECORD.

The statement follows:

MEMORANDUM—NATIONAL FARMERS UNION

JUNE 11, 1982.

To: Members of the U.S. Senate.
From: Paul R. Sacia, legislative assistant.
Re H.R. 3663, bus deregulation.

The National Farmers Union respectfully urges you to oppose H.R. 3663. Major changes made during Senate Commerce Committee deliberations this spring concerning entry and exit of common carrier and charter service especially makes this bill unpalatable to our members.

Many of our rural communities are served by small bus companies. Oftentimes, the financial viability of these companies depends on the profitability of a few routes, with the aid of charter servicing, to balance losses incurred from feeder runs to small communities. H.R. 3663 so eases entry by the two dominant carriers into such profitable routes and charters that smaller carriers could be devastated by subsequent price wars.

We believe this legislation will lead to a weakening of the financial health of smaller carriers dedicated to servicing their rural customers. Our members cannot afford further transportation setbacks. Please oppose H.R. 3663.

Thank you for your consideration.●

PHILLIP RATNER

● Mr. METZENBAUM. Mr. President, Members of this body were able to see some very fine sculpture on display in the U.S. Senate Rotunda this week. The 20 works are by the local artist Phillip Ratner. Phil Ratner is from Washington, D.C., but he is known in many parts of America for his work in prints, sculpture, drawings, and other media. He is a unique and multitalented artist who has contributed much of his talent to themes associated with the Nation's Capital, and in turn, his work is displayed in many of our buildings such as the Library of Congress, the White House, and the Supreme Court; and now the Capitol.

I think that Phil Ratner's documentation of the immigrant experience in America in his piece "The Ellis Island Suite" will be seen and remembered for a long time to come. For his artistic depiction of Europeans coming to this country we will be able to acknowledge an important historic event and gain a lesson in humanity. For this and more, we should owe our debt of gratitude to Phillip Ratner.

I urge my colleagues to view his work and to read the following article which appeared in the Washington Post. I am certain that you will find his work studied, exceptional and characteristic of a very gifted and conscientious artist.

The article follows:

[From the Washington Post, June 9, 1982]

THE ELLIS ISLAND SAGA IN SCULPTURE

(By Michael Kernan)

"I had these nightmares," said Phillip Ratner. "The bronzes would be too small. Too big. Wouldn't fit through the door. But yesterday I walked into the lobby of the Statue of Liberty—and there they were!"

His whole face smiles.

"Imagine! My stuff in the most famous place in the world!"

Never was a sculptor so pursued by a project.

It has pursued him right into the U.S. Senate rotunda, where 20 of his pieces are being shown this week, through Saturday.

Three years ago Ratner's wife Mimi urged him to take some time out from his lucrative art career in stained glass, tapestries and vinyl sculptures. There was plenty of money, she said, and she had her income as

executive director of the American Digestive Disease Society. Why didn't he try some sketching?

That spoke to him. For years he had been haunted by the great American saga of the Ellis Island immigrants. All four of his grandparents had come to Washington from Kiev (one grandfather was concertmaster of the National Symphony under Hans Kindler; there was Ratner's music store at 13th and G), so he started drawing immigrant scenes from old photos.

A few days later Eleanor Sreb of the American Folklife Center was talking with him about a set of his biblical lithographs that a friend had bought and donated to the Library of Congress. He mentioned the immigrant sketches. She got excited, sent him to Ross Holland at the National Park Service. Holland saw the sketches, got excited, sent him to David Moffitt at the Statue of Liberty.

And David Moffitt had a dream. He had always hoped to ring the lobby with sculptures that captured the spirit of the immigrants.

But there was no money.

A week later Ratner just happened to meet a man who took one look at the sketches and offered to donate the entire set of four-foot-high bronzes if he could add a small plaque honoring his immigrant parents.

By now slightly obsessed, the sculptor started work on 30 more pieces, smaller ones to go eventually into the refurbished Ellis Island hall. He brought his drawings to a party in Los Angeles. In an hour he had commitments for 12 pieces at $5,000 each.

Besides the eight bronzes in the statue lobby and the 30 on Ellis, there will be four life-size portrait sculptures in the statue's garden on sites set aside for them in 1935. They will portray Frederic Auguste Bartholdi, the Statue of Liberty's sculptor; Gustav Eiffel, the engineer; Joseph Pulitzer, the money man, and Emma Lazarus, the poet of the immigrants.

"The best thing for us at the National Park Service," said Holland, "is that it isn't costing the government a penny. But after all, that's how the Statue of Liberty came to us, too: paid for by the people of France."

Meanwhile, the small pieces will tour the country for the next year or two to raise money for Ellis Island, and a book of lithos and photos will be published soon. Last week Ratner presented a copy to President Reagan at the White House.

The sketches on which they are based have an appealing energy. Ratner dashed off "about a thousand for the 39 I kept." They show the world of the immigrants: family groups, brave solitary children ("we have four children ourselves"), fruit vendors, organ grinders, newsboys, necktie sellers, an Ellis Island three-tiered bed, the old people, the young couples dancing while they await processing ("I found this old piano at Ellis . . ."), the laundresses and dockworkers, the forlorn ones sitting on trunks, the sleek first-class passengers ("oh yes, not all the immigrants came in steerage"), the pregnant, the weary and the just-born.

Who is Phillip Ratner, anyway?

"I'm a Washington boy, born here 45 years ago, I sold shoes at the Mary Jane stores downtown when I was 14 years old. After I got out of Pratt Art Institute I spent four years in New York but came back. Everyone told me this was no place for an artist."

After getting his M.A. at American University he went to Anacostia High as an art teacher. Stayed for 20 years. It was only in '79 that he broke away to work full time on a career that now threatens to get ahead of him. He lives in Potomac now.

"I have as much work as I can handle. And it's just starting. My next thing is a major commission for a sculpture garden in Jerusalem commemorating the Torah."

Though he has never put much stock in galleries, shows and the conventional art scene, he has a knack for getting his work shown. His sculpture portrait of the Warren Supreme Court found its way onto postcards published by National Geographic. His life-size Holocaust memorial and a stained glass Ark of the Covenant are among his several landmarks at suburban churches and shopping centers.

He works in vinyl, soft as clay, which he daubs onto welded steel armatures, bakes in a low-fire kiln and coats with bronze paint. "You really can't tell it from bronze, but it's much lighter." The figures are elongated, sometimes 12 heads tall, to give them a monumental, heroic cast, but they are not at all like the skeletal people of Giacometti, whom Ratner admires. They are character studies, the expressions suggested with a few skillful pinchings. They recall Daumier the most.

"I'm good, I'm very good, but a lot of others are too who aren't recognized, and some terrible artists who are. It's not luck but grace, a blessing. What you need to make it are talent, grace—and a couple of millionaires." ●

A PERCEPTIVE VIEW OF THE NEW FEDERALISM

● Mr. MOYNIHAN. Mr. President, on Sunday, May 30, 1982, readers of Newsday magazine were treated to a particularly insightful article about the administration's proposals for a New Federalism.

The author, Mr. Michael DelGiudice, is certainly one we should heed. He is currently first vice president of Shearson/American Express Inc. and he served as director of policy management for Governor Carey in New York and as secretary to former speaker of the New York State Assembly, Stanley Steingut.

Mr. DelGiudice offers what I believe to be one of the finest accounts of the New Federalism proposals and he provides a good deal of information on what the likely consequences of those proposals might be.

Mr. President, because I consider this article such a fine contribution on a topic of extraordinary national importance, and because it comes from one as distinguished and as experienced as Mr. DelGiudice, I ask that it be printed in the RECORD.

The article follows:

[From Newsday, May 30, 1982]

REAGAN'S TROJAN HORSE

(By Michael DelGiudice)

(An expert on state government contends that concealed in President's New Federalism proposals are the seeds of economic, fiscal and social turmoil)

"You've been asking for New Federalism for years. All I can say is, you've asked for it, you've got it, and you deserve it."

That's how Alan Rosenthal, at a recent meeting of the National Conference of State Legislatures, described President Reagan's plan for turning federal programs back to the states. Rosenthal, director of the Eagleton Institute of Politics at Rutgers University, has spent his career in the study of state government.

"Actually, I didn't really mean it to be so negative," Rosenthal later said, "but we all better know what we're getting into before we rush into swapping and turning back of programs without a full understanding of their impact. We need to realize that there is a direct relationship between spending and taxes, and that the New Federalism 'ain't no free ride.' "

Although a major element of the program to enact President Reagan's long-held vision of the New Federalism suffered a setback last month, we can be certain that he will not give up. Now, even more than before, Americans must beware of passage of the remainder of his proposals or any new versions of the total program to be enacted by Congress.

Indeed, the specific New Federalism program proposed by Reagan—and even the general principle of New Federalism as supported by the National Governors' Association (NGA), the National Conference of State Legislators (NCSL), the United States Conference of Mayors and the National Association of Counties—could prove to be a modern Trojan horse, concealing a legion of disruptive forces never known before in this country.

Thousands of public officials are beginning to analyze the impact of the New Federalism proposals and will make every effort to support any eventual compromise, because it means more authority and responsibility for them.

But "the people"—the hundreds of millions of Americans to whom the new Federalism is supposedly dedicated—have not yet been aroused by this debate, even though they should be. It is a fitting time to focus on some basic questions about an issue that could soon affect all of us.

WHAT IS THE NEW FEDERALISM

The New Federalism is both a fundamental idea of governmental responsibilities and a specific proposal of program and revenue changes to implement the Reagan administration's vision of that idea. The basic components of the idea are (1) the withdrawal of federal responsibility for a wide variety of programs, (2) the transfer of these programs to the states and, for a limited period of time, the funding sources to pay for them, and (3) the power of the states to terminate or continue these programs and to decide how to raise the money to pay for them.

It is an idea that seems to have all the elements of motherhood-and-apple-pie politics—less federal involvement in our daily lives, more power to the people most affected by these programs, a reduction of federal expenditures and an increase in states' rights and home rule.

It is also an idea that has long been advocated by a diverse range of actors on the political scene—conservatives seeking to stop federal growth, moderate organizations such as the Advisory Commission on Intergovernmental Relations urging a "sorting out" of federal programs, and liberals advocating a more grassroots approach to government in their communities.

The idea is not new. "We've had so many different federalism proposals in the past 20

years, I've forgotten them all," says Utah State Sen. Miles Ferry, a Republican and president of the Utah Senate, vice chairman of the National Conference of State Legislatures, and a member of the legislative, and a member of the legislative team negotiating with the administration. "Actually, this New Federalism is really the old federalism of states' rights provided in the Constitution and which we gave to Washington years ago. The states shouldn't have done this, and I support the President trying to give it back to us now."

The New Federalism as an idea is, in fact, a genuine "devolution" in the making. It is this states' rights idea that could represent the literal passing of authority from a national government responsive to a national interest, to 50 governments responsive to 50 state interests. It seeks to reverse the national policy of the past 40 years, which attempted to reduce the inequities of opportunities and services afforded Americans who were treated differently by the States.

As a specific proposal, the basic feature of Reagan's New Federalism involved a $50-billion transfer of Federal programs to the States, phased in over an eight-year period. This transfer had two basic parts, the first being a $20-billion permanent swap. Effective in 1984, the Federal government would take over Medicaid in exchange for a state takeover of food stamps and aid to families with dependent children (AFDC).

The second part of the transfer would be a massive shift to the States of 43 Federal programs in education, transportation, community development and social services, beginning in 1984. For four years, these programs would be financed by a trust fund of existing Federal excise tax revenues of $11.3 billion and oil windfall profits taxes of $16.7 billion. Beginning in 1988, these funds would be phased out over four years, and the States would then have to decide which programs to continue and how to finance them.

Reagan has withdrawn for this year his offer to make the swap, after he and the nation's governors could not agree on a compromise. In fact, it was obvious from the outset that a basic principle of Federal responsibility was at the center of the discussions—whether the Federal government should be responsible for paying for all of the "income security" needs of individuals and families.

It was also obvious that there were, and are, three distinct political positions that simply could not be negotiated or compromised. Reagan believed that he was being generous by assuming responsibility for Medicaid and thought the States should be grateful enough to pick up the tabs for food stamps and aid to families with dependent children. He was adamant about this, and even before the final stalemate, he had threatened to take Medicaid "off the table" unless the governors changed their position.

The governors and legislators maintained that shifting responsibility to the States for the cost of income-maintenance programs, food stamps and aid to families with dependent children meant that the States would become solely responsible for income programs of needy persons and families. This they adamantly opposed, maintaining that "income security" is a Federal function and that needy persons should have equal protection from poverty, regardless of where they live.

They also contended that need is determined primarily by national economic policies that are not controlled by the states, and that income-support programs require large and inflation-sensitive sources of funding, which only the federal government can provide.

Congressional conservatives opposed almost any kind of aid to the needy. They feared any growth in Medicaid spending, believing that the residents of less populous states would end up carrying a disproportionate and unfair burden of the costs. To dissuade their colleagues from paying for what they perceived to be "a grossly wasteful boondoggle," they began focusing on the abuses and fraud in the system.

So, the "single, bold stroke," as Reagan termed his package of proposed changes in this year's State of the Union address, is not to be. The remainder of his program is under discussion, but it, too, leaves much unanswered until the programs are transferred and the implications are fully considered.

The principal issues are:

Loss of funds: The National Governors' Association estimates that the initial trust fund allocation will be $9.1 billion short of covering the states' costs for the programs to be inherited from the federal government. The Congressional Budget Office (CBO) estimate is even higher—$15 billion. This shortage can be eliminated only by turning over more revenue or fewer programs to the states, thereby increasing the federal deficit, or by requiring the states to raise taxes to close the gap. Both options are filled with problems.

Brad C. Johnson, director of the State Office of Federal Affairs, estimates that the shortage to New York and its localities will be $800 million to $1.4 billion annually by fiscal 1984. Again, the alternatives for the federal government and the states are not attractive.

Interstate Winners and Losers: While the Administration maintains that the takeover of Medicaid and the turnback of trust fund revenues will produce a savings to the states, other analysts contend that this is based upon unreliable assumptions.

The Congressional Budget Office and the National Governors' Association estimate that 39 states would lose money and 11 would come out ahead. The Northeast-Midwest Congressional Coalition estimates that its states would be responsible for $14 billion, or 49 per cent, of the turnback programs, but would receive only $4 billion, or 35 percent, of the freed-up federal excise taxes.

Matching the Trust Fund: Starting in 1988, as the federal trust fund is phased out, states are supposed to decide whether to impose the same taxes to take up the slack. Even if the states were to impose all of these taxes, there would be substantial problems. All but five states have little or no oil resources and cannot replace the windfall profits tax, which finances more than half of the fund. The excise taxes—on gasoline, tobacco, alcohol and telephones—are fixed and will not expand with inflation to meet the full costs of the programs they are supposed to finance.

State and Local Tax Increases: The consequences of these risks are substantial future increases in state and local taxes. The early evidence is that the $11 billion of federal program shifts enacted last year are being replaced by the states. This year, 26 states are considering tax increases totaling $6.8 billion per year, $4 billion of which are consumer taxes—the highest level in a decade.

The probability, therefore, is that future program shifts and the withdrawal of federal funds will result in even higher state taxes. Sen. Daniel Patrick Moynihan estimates that New York State taxes will increase 10 percent under Reagan's proposals. The result of New Federalism then would have become merely a complicated exercise of tax shifting from progressive federal taxes to more regressive local taxes.

Equity and Standards Among States and Recipients: People who are currently receiving federal assistance fear that returning to a states' rights view of services will result in increased disparities in benefit levels among the states. Pressures on the states will lower the quality of the services in states unwilling to finance the programs, and it will increase taxes in states that are.

The administration recognizes this, but, as the President has said many times, "voters can vote with their feet" and move to another state. So the recipients will, as was the case in the '50s and '60s, when many poor people migrated from rural areas to cities and states that provided higher assistance levels. The result then, and the risk for the future, is that these disparities will lead to new demands for redress and further social turmoil.

State-Local Relationships: Many local government officials do not believe that there is or ever will be an effective state-local partnership. Mayor Helen Boosalis of Lincoln, Neb., chairman of the United States Conference of Mayors and a negotiator on the Federalism Committee, cites this as being the overriding issue among the nation's mayors. "I'm basically positive about the idea of New Federalism," she said, "but I'm fearful about urban programs being turned over to the states. Our track record with the state Legislature is not good. The cities just are not a priority."

She was clear about her goals: "I want a guaranteed and progressive source of revenues, and I want a real say in delivery of services. I'm doubtful I'll get either from the states."

Reapportionment: The problems of urban areas will be exacerbated by the reapportionment required this year in all states. Industrialized states will lose seats in Congress, and city and metropolitan areas will have fewer representatives in state legislatures as the number of these districts is reduced to reflect population changes in the past decade. The problems faced by mayors in the past will become even more difficult.

This is the New Federalism—a seemingly popular idea, but a program with highly uncertain consequences.

WHO WOULD BE AFFECTED?

The answer is simple—nearly everybody. Four groups of people would be affected the most—government officials, program recipients, program employees, and taxpayers.

Virtually all elected state and local government officials would be forced to make decisions about which programs to retain or cut, and what taxes to impose. These decision-makers would include governors, legislators, mayors, county executives, town and county legislators, and other local elected officials.

Also affected would be tens of millions of persons receiving assistance from the federal programs being considered for the states. These include high school and college students, the elderly, needy children, the unemployed and under-employed, neighborhood groups, transit riders and commuters, orphans, mental patients and working women.

The jobs of millions of people in the public and private sectors—teachers, social workers, health-care professionals, and counselors—would be changed or eliminated. The operations of hundreds of thousands of agencies and institutions—schools, hospitals, clinics, transit systems, construction and building trades—could be substantially reduced.

And finally, tens of millions of individual and business taxpayers would be affected by decisions to maintain or increase the trust fund taxes now levied by the federal government, or to levy new income, consumer, property, user, and commercial taxes to pay for program decisions.

The impact could be even worse for the people and agencies that are in more than one of the groups and, therefore, affected in more than one way—such as, by the loss, of a job, a cutback in tuition assistance, and higher taxes. The impact also could vary significantly among the states, as would the timing of the decisions.

So, nearly everyone would be affected if New Federalism were to become reality. The only uncertainties would be how, how much, and when.

WHAT ARE THE PROSPECTS FOR PASSAGE?

The answer depends upon the President's motives in putting forth the program.

Many critics argue that New Federalism is a political diversion calculated to project a presidential image of favoring a popular idea but that, in reality, it is intended to distract lawmakers from other issues, such as the recession, high unemployment and the giant budget deficits. Most important, they say, it serves as a convenient rationale for cutting the federal budget.

The President seemed to anticipate this criticism by creating a serious-looking mechanism to develop a consensus program. He set up a Presidential Advisory Committee on Federalism, coordinated by Richard S. Williamson, his presidential assistant for intergovernment affairs, to negotiate with bipartisan representatives of states and localities. A state and local coalition of the National Governors' Association, the National Conference of State Legislatures, the mayors and the counties has been formed by these groups to work with Reagan's committee. They have met periodically with the White House since March.

Gov. Richard A. Snelling, (R-Vt.), chairman of the National Governors' Association and a leading negotiator for the states, carefully characterized these discussions: "It would be a great shame if anyone were to say that the New Federalism will rise or fall on the present negotiations. I think change is inevitable because of the financial restraints now being imposed upon the federal government and the Congress. They have no choice but to sort out responsibilities and costs."

Nearly all congressional observers admit that the administration's program is doomed in Congress unless Reagan is able to get agreement with the states and present a unified package to Congress.

"We've given the White House a good set of alternatives." Snelling said. "Now, it's up to them. We're waiting for a response."

As of now, the states and localities have the stronger negotiating position with the administration, since their approval is needed for the turnback proposals. If they do not like the White House program, they still can negotiate with the Congress.

There are modifications being developed. Sen. David Durenberger (R-Minn.), chairman of the government affairs subcommittee on intergovernmental relations, has agreed to the principle of swapping Medicaid for food stamps and aid to families with dependent children, although he has different ideas on how to finance this. He would like to see the trust fund financed by permanent percentages of the income tax, instead of the windfall profits tax. Other suggestions include combinations of programs and revenue sources. And still others want neither program transfers nor new taxes.

Ultimately, whether any version of the New Federalism is enacted will be a question of motive. If the President wants a political position that he can talk about to the American people, then he will present his own bill and exert pressure on Congress. If he wants legislation enacted to reflect an agreed-upon federal-state concept of New Federalism, then he will continue negotiations earnestly and strive to co-opt the governors, legislators and mayors into a unified program with him.

Regardless of whether the discussions between the administration and the governors result in an agreement, Reagan will have a program in legislative form before the Congress. It is then that the states and localities must guard against the desire of both the administration and Congress to use New Federalism as an excuse to cut federal spending and reject programs. After months of study and debate, the 1981 federal budget was hurriedly enacted in a few late Washington evenings. Only after weeks of analysis was the full impact of all the actions understood—bigger-than-expected tax cuts and deeper spending cuts—all in the name of supply-side economics and New Federalism.

"The road to perdition lies in unwavering principles," Norman J. Powell, a former political science professor at the City University of New York, used to say about politics. We all need to beware of election-year efforts to use the principle of New Federalism to cut domestic social spending, but to not cut military spending, not delay existing tax cuts or levy new ones, and not finalize the budget until after the November elections. Then, beware of the New Federalism axe that may fall.

WHAT ARE THE ALTERNATIVES?

The New Federalism debate is now sufficiently far along so that most of the affected constituent groups have debated the issues and staked out positions.

The debate, however, is very much like an old management-consultant joke about a high-priced professional's response to a client who complains that his agency is not operating efficiently.

"If his agency is centralized, I give him a full report and recommendations to decentralize," the management-consultant confides. "If his agency is decentralized, I give him a full report and recommendations to centralize."

It's not very philosophical, but it makes the client feel better for a while.

A simplified description of policymaking, but it aptly describes what many constituent groups, federal officials and many congressmen are trying now to give to most Americans and taxpayers—what they want to hear. If the "old federalism" of an active, centralized federal government is not producing lower taxes, better service and lower spending, then let's try a decentralized "New Federalism." But, what else can be done?

The most effective way to make a public policy decision is to understand and acknowledge the political, fiscal and social realities of the problem and then to identify and define a set of guidelines that can be put forth to develop a solution.

These, then, are some of the realities of the New Federalism:

The driving impetus for the New Federalism is based on Reagan's conservative indeology and federal desires to cut social spending. There is no expressed method to reform management and operations, to deliver more effective services to recipients, or to mitigate state and local tax burdens. New Federalism is an idea whose time has come to be debated, because Reagan sincerely believes its tenets, and both he and Congress must face the realities of scarce resources and the need to cut spending.

The desire of governors and local officials to support the New Federalism is genuine but essentially political. The goal of these non-federal elected officials is to have more control of programs, and that is understandable. Many have reorganized their governments and worked hard to make improvements. But having the responsibility for programs does not ensure having the resources to do a good job. Without the resources, the result would be a poor job or higher taxes—both detrimental to taxpayers and the public.

Good intentions aside, if states were given responsibility for $50 billion of new programs, the fiscal and administrative consequences would be troublesome because of inadequate revenue growth and administrative inadequacy.

States today—as the continuing budget crisis in New York typifies—have less revenues available than they did just several years ago. Between 1977 and 1980, 36 states cut their income tax rates, 22 reduced sales taxes, and nine altered their tax systems to allow for the effects of inflation.

The civil service systems would experience substantial administrative and personnel problems, since the number of state employees has been cut in recent years and some management systems have been eliminated.

The New Federalism is not a clear policy choice advocated by the American people. Every New Federalism supporter argues that "the people" are fed up with the federal government and, therefore, power must be returned the the states.

All polling data do not support this. The Advisory Commission on Intergovernmental Relations has conducted public opinion polls for the last 10 years, asking: "From which level of government do you feel you get the most for your money—federal, state or local?" Of the three, state governments has always ranked lowest. In eight of the past 10 years, the federal government has ranked highest.

Last year, for instance, 33 per cent of those polled indicated they believed the federal government gave them the most for their money, 26 per cent chose local government and 22 per cent picked state government. The other 19 per cent has no opinion. Among people living in the Northeast, the disparity was even greater: 36 per cent chose the federal government, 26 per cent local and 17 per cent state.

This is not to say that public policy should be based upon opinion polls. Rather, the point is that the premise that the people want government turned back to the states is wrong. In fact, they have consistently viewed the states as being the least effective level of government.

The forces of fiscal restraint will remain for the immediate future. There is no question that all three levels of government are in deficit situations. The federal deficit will

exceed $100 billion a year over the next three years. Federal aid has dropped from 31.7 per cent of state and local revenues in 1980 to 25.7 per cent this year, its lowest share in 10 years, and it is likely to drop below 20 per cent in the next few years.

In this context, enacting a comprehensive New Federalism program this year is neither urgent nor prudent. The President won round one of the New Federalism issue last year, when 77 categorical grants were consolidated into nine new block grants and turned back to the states. All but three states—California, New York and New Hampshire—assumed responsibility for some or all of the transferred grants.

There has not been enough evaluation of the effects of these changes upon the recipients, state and local taxpayers, and agency employees, and much less upon the social and economic goals of the programs. Reagan's proposal simply is not ready for enactment. It contains too many elements of uncertainty, unsupportable analyses, imprecise calculations of effects, and, above all, does not take into account experience with the transfer in 1981.

The urgent federal need is to restore economic policy balance. The state and local systems are now suffering fiscal pains as a result of a decline in general revenue, partly because of federal aid cuts. New York State received 26 per cent less federal aid this year than last year and 37 per cent less than 1980, in terms adjusted for inflation.

State tax revenues also have been declining because they are coupled to federal taxes, which have been cut. The state and local systems also have been hurt by record-high interest rates, smaller overall revenue growth and higher social services costs due to the recession and high unemployment.

These are genuine and severe fiscal ailments. To talk of enacting New Federalism now is like trying to move bandages around on a bleeding body—the patient's condition won't be improved, and it would probably worsen, since so much blood would be lost during the movement.

The goals of sorting out federal programs should be based on the fairness of service and the ability to pay, on a program-by-program basis. The current goal of New Federalism is to cut federal spending by looking first at levels of government and then allocating service responsibility. This is programmatically backward thinking.

The federal-state system of intergovernmental finance should be based upon a sequence of decisions that begins with a determination of the needs and priorities of our social and economic programs.

After that, a decision should be made as to which source of revenue at what level of government is the most equitable to finance those programs.

The third step is to determine the most cost-effective and politically accountable allocation of responsbility among the levels of government to deliver these programs.

What we need is a Rational Federalism that recognizes that national program priorities (defense, aid to the needy, Medicare, Social Security) should be financed by national, broad-based, progressive taxes, such as income and business taxes.

It also must acknowledge that certain programs are national and state in character and can be jointly delivered, such as transportation, community development, and employment training. These should be financed by a system of shared taxation, such as consumption taxes and user charges.

This kind of joint obligation of both costs and revenues would likely require new taxes that should be levied nationally and shared with the states. These might include national sales or value-added taxes, and an oil or gas surtax.

If federal programs are transferred to the states, federal revenues also should be transferred, so that there are no unknown tax increases in the future.

If state programs are transferred to the federal government, local taxes must be reduced and federal taxes must be raised, so the federal deficit is not increased.

This process should be initiated on a program-by-program priority basis, so that we are addressing genuine needs and not rhetoric and philosophy. This way, all costs would be known in advance, and there would be no hidden gaps or deficits. The process should seek to achieve national equity and not encourage interstate disparities.

The first work of a Rational Federalism must be aimed at two of the nation's most urgent concerns—the rapidly increasing elderly population and the rapidly deteriorating public infrastructure.

The needs and problems of the elderly are becoming more critical each year. The Social Security system is nearly bankrupt. Cuts in social spending most severely affect the health and social services that the elderly depend upon. President Carter's National Commission on the Aging has estimated that Americans over 65 will constitute half of the dependent population within the next 10 to 20 years. The issues of housing, food, and health care must be addressed, financing responsibilities must be identified, and service delivery improved. These concerns for the elderly require a genuine federal-state partnership to solve.

A recent analysis of the federal, state, and city roads, water and sewer systems, transit facilities, jails, hospitals and ports estimated that we will need trillions of dollars over the next decade to meet our public works needs. Yet, as Pat Choate and Susan Walter, the authors of the book "America in Ruins," have stated:

"No clear allocation of responsibilities and functions exists among and between levels of government."

The United States has no capital budget plan for its federal or intergovernmental needs. This should be a high priority and a useful application of Rational Federalism.

The costs of Medicaid should be fully assumed by the federal government, and the governors are right to resist the takeover of food stamps and aid to families with dependent children. The costs of these and all other income and medical security programs should be supported by broad federal taxes.

Alexis de Tocqueville, an astute observer of American politics, wrote 149 years ago about the federal government: "It was by promising to weaken it that one won the right to control it."

Ronald Reagan did just that in 1980, and the New Federalism is his view of how to weaken it. The nation made a choice for a political point of view in electing Reagan. Now, it would be useful for all Americans to review what he is proposing and why. The process attests to the durability of our institutions and tests the political methods and policies of its players.

We should reject the rhetoric and focus on the economy and Americans' genuine needs, and not regress in the vision of a sound inter-governmental system. As already mentioned, we "the people" need to become more involved in both the process and the substance.

Debating the New Federalism seems like game theory, but it would affect nearly all of our lives. We need to lobby state, local and federal representatives as taxpayers, citizens, union members and professionals, in the best tradition of interest-group politics—before the game is over.●

RIVERSIDE YOUTH FOR AMERICA ECOLOGY CLUB

● Mr. SPECTER. Mr. President, today's high cost of energy serves as a motivation for the United States to develop alternative energy sources and to conserve energy presently available. I have cosponsored two resolutions here in the Senate on the need to continue tax incentives for energy conservation and renewable energy sources and to continue Federal funding for conservation and renewable energy resources.

Fortunately, the people of Pennsylvania are also working on this problem.

For their efforts to conserve our natural resources, I commend the Riverside Youth for America Ecology Club, the top energy youth group in the State of Pennsylvania. Twelve years, 2 million pounds of glass, 1 million pounds of tin, and 3 million pounds of newsprint later, the Riverside recycling programs have contributed $6,000 toward school and community projects.

Pennsylvania is proud of its youth who have accepted the challenge of today's energy problems. To the Riverside High School and surrounding community, the conservation of our Nation's energy and natural resources have become a way of life. Riverside's recognition of the importance of integrating energy education into the regular curriculum serves as a model to us all.●

RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the following Senators be recognized on special orders of not to exceed 15 minutes each and in the following order: Senators SCHMITT, KASTEN, PRYOR, and CHILES.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. WARNER assumed the chair.)

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today, it will stand in recess until the hour of 9:15 a.m. on tomorrow. After the recognition of the two leaders under the standing order, four Senators will be recognized on special

orders of not to exceed 15 minutes each.

It is anticipated that after the execution of the special orders as provided for that there will be a provision for time for the transaction of routine morning business.

Mr. President, it is possible that certain matters of legislative and executive business which may be cleared on both sides will be taken up by unanimous consent during that period or thereafter. At some point, during the morning, it is anticipated that the Senate will resume consideration of the pending motion, which is the motion to proceed to the consideration of the Voting Rights Act extension. Under the order previously entered, a vote under the provisions of rule XXII to invoke cloture on further debate on the motion to proceed will occur at 3 p.m. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, if the minority leader has no objection, I ask unanimous consent that the mandatory quorum to proceed to the vote on cloture may be dispensed with prior to the vote that is ordered for 3 o'clock.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. To continue with the program for tomorrow, Mr. President, at the hour of 3 p.m., the vote, under the provisions of rule XXII, will occur on the question of ending debate on the motion to proceed to the consideration of the Voting Rights Act. If cloture is invoked then, under the provisions of that rule, the Senate will continue consideration of the motion until completion. It is hoped that we can dispose of the motion to proceed tomorrow and reach the bill itself and make good progress on the debate on the merits of the legislative proposal.

Once again, it is my hope that we can complete action on the Voting Rights Act this week.

Mr. President, Senators are reminded once again that, because of the rather heavy agenda of items that must be completed by the Senate before the July 4 recess, they should plan to be engaged in legislative and executive business Monday through Friday of this week. I do not anticipate asking the Senate to be in session on Saturday, although Saturday sessions are a real possibility as they may be required to complete our business prior to the July 2 recess.

Mr. President, I yield the floor.

WELCOME TO JENNIFER KATHLEEN GARN

Mr. BAKER. Mr. President, it is a real pleasure for me to announce to the Senate and to our colleagues that we have a new member of the Senate family. I often refer to the Senate family as an extended family made up of Members and staffs, and also our more immediate families. In this particular case, I am referring to the addition of Jennifer Kathleen Garn, child of Senator and Mrs. Garn, who was born on Sunday, June 13. She is a bouncing 8 pounds, 5 ounces, and I am happy to say that both Kathleen and their daughter, Jennifer, are doing well.

This is the seventh child for Senator GARN. He excels in the matter of rearing families as well as he does in legislative matters.

Mr. President, I yield the floor.

WELCOME TO DANIEL DIRKSEN BAKER

Mr. ROBERT C. BYRD. Mr. President, I rise with pleasure to announce the joyful arrival of the first grandchild of the Senate's distinguished majority leader, HOWARD BAKER. On May 31, there was born into this world Daniel Dirksen Baker, son of Darek and Karen Baker, in Memphis, Tenn.

Mr. President, as one who has experienced the love of grandchildren, I congratulate Senator BAKER on this occasion. It is Mr. BAKER's first taste of immortality. He has entered upon a new plateau in life—the plateau in life from which he can see the eternal thread of life, because he can see in this youngster, whose life is just at its beginning, a perpetuation of himself in the years to be.

I congratulate the majority leader and share in his joy.

Mr. BAKER. Mr. President, I am grateful beyond words to the minority leader for his remarks on this occasion. I am sure that, some day, Daniel Dirksen Baker will read this RECORD and will be equally appreciative of the comments made by the distinguished Senator from West Virginia, my friend, the minority leader (Mr. ROBERT C. BYRD).

Mr. President, I received word of this happy occasion on the first day I was in China. I have not yet had an opportunity to see this grandson. So I am sure, Mr. President, that my colleagues will understand that tomorrow, at some time after we conclude the necessary caucuses on both sides of the aisle—in my case, on the Republican side of the aisle—my wife and I intend to go to Memphis to have our first visit with our grandson. We shall return almost immediately. If my absence is noted, I hope my colleagues will understand why I felt that this is a matter of such urgent and high priority that, for once, even the Senate of the United States will be hard put to command my attention.

Mr. STENNIS. Mr. President, will the Senator yield to me just so I may say this?

Mr. BAKER. Certainly.

Mr. STENNIS. Mr. President, the minority leader used the right word, "plateau," a new plateau. I think that is a wonderful experience. Furthermore, I think there has been a Baker around here in the House of Representatives and the Senate since I have been here. We always want to keep plenty of Bakers around here and are glad of new ones coming along.

Mr. BAKER. Mr. President, I thank the Senator. May I say, this is the only Baker. I was an only male child and this is the first male grandchild. So, from that standpoint, this child bears a heavy responsibility.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. THURMOND. Mr. President, I congratulate Grandfather BAKER. I do not see any long beard, though. I do not see any wrinkles under his eyes or on his forehead. He is a young grandfather, and I know he is proud of this fine grandson.

I take this opportunity to wish the parents of this grandson good health and that this baby will enjoy the splendid record of his ancestors on both sides. I am sure if the does, some day, he will become President of the United States.

Mr. BAKER. Mr. President, I cannot tell you how pleased I am to hear these remarks and that prediction from the distinguished President pro tempore. I hope the country is in shape for men and women of his generation to enjoy the same level of happiness and tranquility that we have had in our time and that they will see a country that will be better served for the contribution of the distinguished President pro tempore, the distinguished minority leader, and all of my other colleagues in the Senate.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, before we celebrate any further, I think it is time for me to inquire if there is further business to be transacted by the Senate.

I understand there may be one Senator seeking time to speak in morning business. While we inquire into that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BAKER. Mr. President, on inquiry, it appears that the Senator who

89-059 O-86-28 (Pt. 10)

I had thought might require time does not now require time to speak. I know of no further business to be transacted by the Senate, and I see no Senator seeking recognition. If the minority leader has no further business to transact, I move, in accordance with the order previously entered, that the Senate now stand in recess until 9:15 a.m. tomorrow.

The motion was agreed to and, at 5:19 p.m., the Senate recessed until tomorrow, Tuesday, June 15, 1982, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 1982:

In the Air Force

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Billy M. Minter, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Richard E. Merkling, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Earl T. O'Loughlin, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

The following-named officers for appointment in the U.S. Air Force to the grades indicated, under the provisions of chapter 36, title 10 of the United States Code:

To be major general

Brig. Gen. John A. Collins, xxx-xx-xxxx xxx-... FR, U.S. Air Force, Chaplain.

To be brigadier general

Col. Stuart E. Barstad, xxx-xx-xxxx FR, U.S. Air Force, Chaplian.

The following-named officer for appointment in the U.S. Air Force under the provisions of chapter 36, title 10 of the United States Code:

To be major general

Brig. Gen. Gerald L. Prather, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

In the Air Force

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Alfred G. Aldridge, Jr., xxx-xx-xxxx
Maj. Jack D. Baker, Jr., xxx-xx-xxxx
Maj. Dale W. Basham, xxx-xx-xxxx
Maj. Clarence J. Brenneise, xxx-xx-xxxx
Maj. Hubert W. Burkhead, xxx-xx-xxxx
Maj. Charles D. Burnfield, xxx-xx-xxxx
Maj. Joseph L. Canady III, xxx-xx-xxxx
Maj. Myron B. Carpenter, Jr., xxx-xx-xxxx
Maj. Winfred N. Carroll, xxx-xx-xxxx
Maj. Leon R. Cole, xxx-xx-xxxx
Maj. Frank L. Cooper, xxx-xx-xxxx
Maj. Everard R. Creek, Jr., xxx-xx-xxxx
Maj. Robert W. Cummings, xxx-xx-xxxx
Maj. Ruben A. De La Vara, xxx-xx-xxxx
Maj. Kenneth J. Jeray xxx-xx-xxxx
Maj. Charles R. Kinslow, xxx-xx-xxxx
Maj. Arnold R. Leppert, xxx-xx-xxxx
Maj. Clinton D. Magsamen, Jr., xxx-xx-xxxx
Maj. Brent P. Maxon, xxx-xx-xxxx
Maj. James L. Pierce, xxx-xx-xxxx
Maj. Robert H. Purple, xxx-xx-xxxx
Maj. Ashton (NMN) Rollins, II., xxx-xx-xxxx
Maj. Ronald S. Rosson, xxx-xx-xxxx
Maj. Ronald W. Rubin, xxx-xx-xxxx
Maj. Preston M. Taylor, Jr., xxx-xx-xxxx

Chaplain

Maj. Francis L. McInnis, xxx-xx-xxxx

In the Navy

The following-named Air Force Cadets to be permanent ensign in the line of the U.S. Navy, subject to qualification therefor as provided by law:

Kniff, Gregory J.
Lindgren, John T., IV

In the Air Force

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Ache, Leroy P., xxx-xx-xxxx
Adams, Charles C., xxx-xx-xxxx
Adinolfi, Jerry D., Jr., xxx-xx-xxxx
Aftosmis, Charles, xxx-xx-xxxx
Ahart, Richard A., xxx-xx-xxxx
Ahl, Arthur W., xxx-xx-xxxx
Ahl, Gilbert W., xxx-xx-xxxx
Alba, Michael S., xxx-xx-xxxx
Albertson, Fred W., Jr., xxx-xx-xxxx
Aldinger, Richard T., xxx-xx-xxxx
Alexander, Lynn B., xxx-xx-xxxx
Allan, Donald F., xxx-xx-xxxx
Allbee, Thomas D., xxx-xx-xxxx
Allen, Jerrold P., xxx-xx-xxxx
Alton, Stuart L., xxx-xx-xxxx
Ambre, William A., xxx-xx-xxxx
Ames, James R., xxx-xx-xxxx
Amor, Jean P., xxx-xx-xxxx
Anderson, Charles E., xxx-xx-xxxx
Anderson, Norman E., Jr., xxx-xx-xxxx
Anderson, Richard C., xxx-xx-xxxx
Anduss, Larry P., xxx-xx-xxxx
Anibal, Edward F., Jr., xxx-xx-xxxx
Anway, Mark D., xxx-xx-xxxx
Arena, Joseph A., xxx-xx-xxxx
Armourlightner, Rosetta A., xxx-xx-xxxx
Armstrong, Robert M., xxx-xx-xxxx
Arnold, Francis W., xxx-xx-xxxx
Atchison, Richard M., xxx-xx-xxxx
Austin, Noel F., xxx-xx-xxxx
Austin, William F., III., xxx-xx-xxxx
Baber, Jerry W., xxx-xx-xxxx
Bainton, Ronald W., xxx-xx-xxxx
Baker, Emmett J., Jr., xxx-xx-xxxx
Baker, James C., xxx-xx-xxxx
Baker, Ronald F., xxx-xx-xxxx
Banks, Frederick M., xxx-xx-xxxx
Bannwart, James L., xxx-xx-xxxx
Barber, Thomas J., xxx-xx-xxxx
Barlock, Lawrence A., xxx-xx-xxxx
Barlow, Charles F., xxx-xx-xxxx
Barrett, Ford H., xxx-xx-xxxx
Barth, Roland E., xxx-xx-xxxx
Bates, Roy O., Jr., xxx-xx-xxxx
Bauer, Richard H., xxx-xx-xxxx
Baughman, John S., xxx-xx-xxxx
Bay, Phillip E., xxx-xx-xxxx
Beamer, Samnuel C., xxx-xx-xxxx
Beatty, Frederick M., xxx-xx-xxxx
Bechler, Wayne R., xxx-xx-xxxx
Beebe, Dennis E., xxx-xx-xxxx
Behrens, Dennis D., xxx-xx-xxxx
Bell, Jerald R., xxx-xx-xxxx
Bell, Lawrence L., xxx-xx-xxxx
Bell, Robert C., xxx-xx-xxxx
Benson, Larry L., xxx-xx-xxxx
Berdan, Richard L., xxx-xx-xxxx
Berls, Robert E., Jr., xxx-xx-xxxx
Berringer, Lynn T., xxx-xx-xxxx
Berry, Gene A., 511d R., xxx-xx-xxxx
Bell, La., xxx-xx-xxxx
Betts, Carlton L., xxx-xx-xxxx
Bickford, John D., xxx-xx-xxxx
Bigoni, Robert A., xxx-xx-xxxx
Billington, Gordon F., xxx-xx-xxxx
Biltz, James E., xxx-xx-xxxx
Bingham, Billy J., xxx-xx-xxxx
Bestgen, Robert F., xxx-xx-xxxx
Betts, Carlton L., xxx-xx-xxxx
Bickford, John D., xxx-xx-xxxx
Bigoni, Robert A., xxx-xx-xxxx
Billington, Gordon F., xxx-xx-xxxx
Biltz, James E., xxx-xx-xxxx
Bingham, Billy J., xxx-xx-xxxx
Birmingham, James E., xxx-xx-xxxx
Black, Franklin J., xxx-xx-xxxx
Blair, Robert L., xxx-xx-xxxx
Bleymaier, Joseph S., Jr., xxx-xx-xxxx
Blume, Jay D., Jr., xxx-xx-xxxx
Boaman, Richard A., Jr., xxx-xx-xxxx
Bodenheimer, Clyde E., xxx-xx-xxxx
Boergert, John R., xxx-xx-xxxx
Bogemann, Lawrence L., xxx-xx-xxxx
Bohler, Donald M., xxx-xx-xxxx
Bolen, Edward S., xxx-xx-xxxx
Boli, Fred C., xxx-xx-xxxx
Bolls, Larry R., xxx-xx-xxxx
Bond, David A., xxx-xx-xxxx
Borchert, John A., xxx-xx-xxxx
Bosse, Frederick C., xxx-xx-xxxx
Boynton, Gerald L., xxx-xx-xxxx
Bozarth, Thomas L., xxx-xx-xxxx
Brace, Donald C., xxx-xx-xxxx
Bradley, Charles W., xxx-xx-xxxx
Bradley, Thomas P., xxx-xx-xxxx
Brake, Francis B., xxx-xx-xxxx
Braxton, Richard B., Jr. xxx-xx-xxxx
Brenci, Robert L., xxx-xx-xxxx
Bridges, Roy D., Jr., xxx-xx-xxxx
Bronzo, Anthony F., Jr., xxx-xx-xxxx
Brookie, James H., xxx-xx-xxxx
Brown, Christopher H., xxx-xx-xxxx
Brown, Donald E., xxx-xx-xxxx
Brown, James R., xxx-xx-xxxx
Brown, Richard D., xxx-xx-xxxx
Brown, Ronald R., xxx-xx-xxxx
Brownell, Thomas F., xxx-xx-xxxx
Browning, Richard A., xxx-xx-xxxx
Brubaker, Stanley E., xxx-xx-xxxx
Bruce, Donald W., xxx-xx-xxxx
Bryan, James B., III, xxx-xx-xxxx
Buchanan, George W., xxx-xx-xxxx
Buchta, Robert M., xxx-xx-xxxx
Buckingham, Fredric N., xxx-xx-xxxx
Budesheim, Stephen C., xxx-xx-xxxx
Buell, Alan D., xxx-xx-xxxx
Burch, Thomas E., xxx-xx-xxxx
Burke, Billy E., xxx-xx-xxxx
Burns, John W., Jr., xxx-xx-xxxx
Burr, Hiram H., Jr., xxx-xx-xxxx
Bush, Don G., xxx-xx-xxxx
Busse, Daniel E., xxx-xx-xxxx
Butler, David L., xxx-xx-xxxx
Butler, Walter O., Jr. xxx-xx-xxxx
Buzard, Nancy H., xxx-xx-xxxx
Byrd, Ronald H., xxx-xx-xxxx
Caldwell, Glenn T., xxx-xx-xxxx
Callaway, Jay C., Jr., xxx-xx-xxxx

Caravaglio, Francis J., xxx-xx-xxxx
Carlson, Raymond A., xxx-xx-xxxx
Carroll, Robert C., xxx-xx-xxxx
Carter, William P., xxx-xx-xxxx
Caruana, Patrick P., xxx-xx-xxxx
Casey, David R., xxx-xx-xxxx
Casleton, Ronald G., xxx-xx-xxxx
Casperson, David I., xxx-xx-xxxx
Catherall, Michael H., xxx-xx-xxxx
Cavender, Dwight B., xxx-xx-xxxx
Chaloult, Michael P., xxx-xx-xxxx
Chambers, Eldon A., xxx-xx-xxxx
Chasteen, Calvin L., xxx-xx-xxxx
Chavanne, William G., xxx-xx-xxxx
Chittenden, Robert D., xxx-xx-xxxx
Church, James B., Jr., xxx-xx-xxxx
Churchill, Howard A., xxx-xx-xxxx
Cioffi, William P., xxx-xx-xxxx
Clark, Gary E., xxx-xx-xxxx
Clark, Leonard E., Jr., xxx-xx-xxxx
Clark, Walter L., xxx-xx-xxxx
Clement, Bryan B., xxx-xx-xxxx
Clements, Philip W., xxx-xx-xxxx
Cline, Vinton J., xxx-xx-xxxx
Coen, James K., Jr., xxx-xx-xxxx
Coffery, Francis J., xxx-xx-xxxx
Collier, Russell L., xxx-xx-xxxx
Colligan, John J., xxx-xx-xxxx
Collins, William E., xxx-xx-xxxx
Comfort, Gary C., xxx-xx-xxxx
Condon, Stephen P., xxx-xx-xxxx
Coniglio, Joseph G., xxx-xx-xxxx
Conley, John L., xxx-xx-xxxx
Connelly, Peter J., xxx-xx-xxxx
Conner, William B., xxx-xx-xxxx
Cook, Daryle D., xxx-xx-xxxx
Cooper, William T., xxx-xx-xxxx
Copeland, John M., xxx-xx-xxxx
Corbalis, Fred J., Jr., xxx-xx-xxxx
Cordang, Robert A., xxx-xx-xxxx
Cordon, Shelby N., xxx-xx-xxxx
Coronado, Gil, Jr., xxx-xx-xxxx
Corsi, James A., xxx-xx-xxxx
Costanzo, Lawrence G., xxx-xx-xxxx
Cotton, Charles E., xxx-xx-xxxx
Cox, James D., xxx-xx-xxxx
Cramer, Keith L., xxx-xx-xxxx
Crigger, James C., Jr., xxx-xx-xxxx
Cormwell, Kenneth E., xxx-xx-xxxx
Crook, Gordon R., xxx-xx-xxxx
Crooks, Thadis W., xxx-xx-xxxx
Crouter, John E., xxx-xx-xxxx
Crozier, Joseph A., Jr., xxx-xx-xxxx
Cruger, Sterling R., xxx-xx-xxxx
Cundey, William R., xxx-xx-xxxx
Cunniff, Robert E., xxx-xx-xxxx
Currin, David D., xxx-xx-xxxx
Curtis, Justin A., xxx-xx-xxxx
Curtis, Lewis E., III, xxx-xx-xxxx
Cutter, Earl W., Jr., xxx-xx-xxxx
Cwynar, Richard W., xxx-xx-xxxx
Daisher, Philip E., xxx-xx-xxxx
Dalton, John C., xxx-xx-xxxx
Damm, Donald B., xxx-xx-xxxx
Danhof, Richard H., xxx-xx-xxxx
Dash, Ernie R., xxx-xx-xxxx
Daugherty, James R., xxx-xx-xxxx
Davenport, Cecil O., xxx-xx-xxxx
Davidson, Ronald L., xxx-xx-xxxx
Davis, Chovine R., III, xxx-xx-xxxx
Davis, Darol D., xxx-xx-xxxx
Davis, David C., xxx-xx-xxxx
David, John W., III, xxx-xx-xxxx
Dayton, Hugh K., Jr., xxx-xx-xxxx
Deames, Billy E., xxx-xx-xxxx
Degroot, Frederick J., xxx-xx-xxxx
Demartino, Francis A., xxx-xx-xxxx
Dent, David R., xxx-xx-xxxx
Dentremont, James A., xxx-xx-xxxx
Desiderio, John R., Jr., xxx-xx-xxxx
Devaney, James E., xxx-xx-xxxx
Devine, Bernard G., xxx-xx-xxxx
Diamond, Thomas E., xxx-xx-xxxx
Dickman, Robert S., xxx-xx-xxxx
Dierlam, Mark J., III, xxx-xx-xxxx
Dietrich, Frederick L., xxx-xx-xxxx
Dillenbeck, Richard C., xxx-xx-xxxx
Dillinger, Jay A., xxx-xx-xxxx
Dillon, Francis R., xxx-xx-xxxx
Dillon, Terrence L., xxx-xx-xxxx
Dinley, James E., II, xxx-xx-xxxx
Dishman, Benton G., Jr., xxx-xx-xxxx
Dixon, George R., xxx-xx-xxxx
Dixon, Reuben T., Jr., xxx-xx-xxxx
Dodd, Albert S., III, xxx-xx-xxxx
Dokken, Paul O., xxx-xx-xxxx
Dombrowski, Robert F., xxx-xx-xxxx
Donovan, Daniel J., II, xxx-xx-xxxx
Doran, William D., xxx-xx-xxxx
Doss, Glen P., xxx-xx-xxxx
Doty, Mickey D., xxx-xx-xxxx
Dowdey, John D., Jr., xxx-xx-xxxx
Doyle, Edward T., xxx-xx-xxxx
Drake, William H., xxx-xx-xxxx
Driggers, Milton V., xxx-xx-xxxx
Duganne, Robert A., xxx-xx-xxxx
Duigon, Theodore M., xxx-xx-xxxx
Dula, Brett M., xxx-xx-xxxx
Dumas, Charles J., xxx-xx-xxxx
Dumond, David L., xxx-xx-xxxx
Dunn, Bruce E., xxx-xx-xxxx
Dwyer, Paul G., xxx-xx-xxxx
Easter, John R., xxx-xx-xxxx
Eckles, Danny L., xxx-xx-xxxx
Edgar, John D., xxx-xx-xxxx
Edwards, Wilson R., Jr., xxx-xx-xxxx
Ehrlich, Clarence D., xxx-xx-xxxx
Eisenach, Clifford W., xxx-xx-xxxx
Eisinger, Jerry B., xxx-xx-xxxx
Ellenburg, Kenn R., xxx-xx-xxxx
Ellis, Stephen H., xxx-xx-xxxx
Elmer, James L., xxx-xx-xxxx
Emper, Neal H., Jr., xxx-xx-xxxx
Enloe, John D., xxx-xx-xxxx
Epperson, Jon O., xxx-xx-xxxx
Eppig, Carl C., xxx-xx-xxxx
Epstein, Howard M., xxx-xx-xxxx
Ernst, James D., xxx-xx-xxxx
Ervin, Marvin S., xxx-xx-xxxx
Estes, Albert W., Jr., xxx-xx-xxxx
Evans, Stephen H., xxx-xx-xxxx
Evers, William A., xxx-xx-xxxx
Ewing, Bruce W., Jr., xxx-xx-xxxx
Ezzell, Jack L., Jr., xxx-xx-xxxx
Falbo, Francis E., xxx-xx-xxxx
Faloon, Robert L., xxx-xx-xxxx
Faulkner, Jack C., xxx-xx-xxxx
Faust, William M., xxx-xx-xxxx
Fer, John, xxx-xx-xxxx
Ferrell, Oscar L., xxx-xx-xxxx
Finkbiner, Ronald R., xxx-xx-xxxx
Finkle, Gary D., xxx-xx-xxxx
Fiorino, Thomas D., Jr., xxx-xx-xxxx
Fischer, Joseph W., xxx-xx-xxxx
Fisher, John C., xxx-xx-xxxx
Fister, Bruce L., xxx-xx-xxxx
Fitzgerald, James D., xxx-xx-xxxx
Flake, Mark C., IV, xxx-xx-xxxx
Flanagan, William F., xxx-xx-xxxx
Flasch, James O., xxx-xx-xxxx
Fleming, Kenneth H., xxx-xx-xxxx
Flood, William G. B., xxx-xx-xxxx
Foley, David D., xxx-xx-xxxx
Foringer, Harold F., xxx-xx-xxxx
Forrest, Gary F., II, xxx-xx-xxxx
Foster, Theodore P., Jr., xxx-xx-xxxx
Fowler, Richard B., II, xxx-xx-xxxx
Fox, Charles E., Jr., xxx-xx-xxxx
Fox, John D., xxx-xx-xxxx
Francis, John J., Jr., xxx-xx-xxxx
Frazier, Herbert G., xxx-xx-xxxx
Fredette, John E., xxx-xx-xxxx
Freeman, Bruce M., xxx-xx-xxxx
French, Raymond L., xxx-xx-xxxx
Frese, Gerald W., xxx-xx-xxxx
Fritschie, Robert A., xxx-xx-xxxx
Fritzel, Roger N., xxx-xx-xxxx
Froeschner, Paul H., xxx-xx-xxxx
Frost, Stanfield, Jr., xxx-xx-xxxx
Frostic, Frederick L., xxx-xx-xxxx
Frutchey, David W., xxx-xx-xxxx
Fuller, John T., xxx-xx-xxxx
Furusho, Marvin T., xxx-xx-xxxx
Gadd, Richard B., xxx-xx-xxxx
Gallagher, John A., xxx-xx-xxxx
Gallop, Jon L., xxx-xx-xxxx
Galyen, James M., xxx-xx-xxxx
Gann, Benard W., xxx-xx-xxxx
Ganong, Gary P., xxx-xx-xxxx
Gardner, Phillip D., xxx-xx-xxxx
Garza, Frank D., xxx-xx-xxxx
Gensheimer, James H., xxx-xx-xxxx
George, Paul L., xxx-xx-xxxx
Geraghty, Kevin, xxx-xx-xxxx
Gerken, Frederick E., Jr., xxx-xx-xxxx
Gibbs, Thomas A., xxx-xx-xxxx
Giblin, Richard T., IV, xxx-xx-xxxx
Gibson, Robert H., xxx-xx-xxxx
Gilbert, Thomas M., xxx-xx-xxxx
Giles, Roger T., xxx-xx-xxxx
Gillis, Charles P., xxx-xx-xxxx
Gillogly, Harry I., III, xxx-xx-xxxx
Gilmore, William H., Jr., xxx-xx-xxxx
Gleason, Edwin M., xxx-xx-xxxx
Glowatski, Edward A., xxx-xx-xxxx
Gobrecht, Charles H., III, xxx-xx-xxxx
Goering, Robert G., xxx-xx-xxxx
Goggins, James W., xxx-xx-xxxx
Gold, Bruce J., xxx-xx-xxxx
Goldman, Paul T., Jr., xxx-xx-xxxx
Gonzales, Jose R., xxx-xx-xxxx
Goode, Thomas N., xxx-xx-xxxx
Gordinier, Peter A., xxx-xx-xxxx
Goss, William K., xxx-xx-xxxx
Graef, Claus D., xxx-xx-xxxx
Graham, Alex L., xxx-xx-xxxx
Grant, James F., xxx-xx-xxxx
Grant, Jerry A., xxx-xx-xxxx
Graw, Paul H., xxx-xx-xxxx
Green, Edgar A., Jr., xxx-xx-xxxx
Green, Gaylord B., xxx-xx-xxxx
Green, Robert D., xxx-xx-xxxx
Greene, Albert R., Jr., xxx-xx-xxxx
Greene, Richard S., xxx-xx-xxxx
Greenlaw, Peter G., xxx-xx-xxxx
Greenwell, Jerome E., xxx-xx-xxxx
Gregg, Billy E., xxx-xx-xxxx
Gregory, Frederick D., xxx-xx-xxxx
Gries, Charles E., xxx-xx-xxxx
Griffith, John C., xxx-xx-xxxx
Griffith, John G., Jr., xxx-xx-xxxx
Gross, Larry R., xxx-xx-xxxx
Grosvenor, Willard, xxx-xx-xxxx
Grove, Norman J., xxx-xx-xxxx
Guenther, Hart J., xxx-xx-xxxx
Guthridge, Robert B., xxx-xx-xxxx
Gyauch, Michael P., xxx-xx-xxxx
Haba, Gerald E., xxx-xx-xxxx
Haga, John M., xxx-xx-xxxx
Hagemann, Kenneth L. Sr., xxx-xx-xxxx
Hagen, Gary E., xxx-xx-xxxx
Hale, Charles E., Jr., xxx-xx-xxxx
Hale, Frank D., xxx-xx-xxxx
Haluska, John J., Jr., xxx-xx-xxxx
Hamby, Frank J., xxx-xx-xxxx
Hamilton, Donald W., xxx-xx-xxxx
Hamilton, Raymond A., II, xxx-xx-xxxx
Hanby, James W., xxx-xx-xxxx
Handley, Charles, xxx-xx-xxxx
Handley, Edwin D., Jr., xxx-xx-xxxx
Handsel, Roy M., xxx-xx-xxxx
Hanlin, Thomas G., II, xxx-xx-xxxx
Hansen, Orrel T., xxx-xx-xxxx
Hanson, Howard T., xxx-xx-xxxx
Hanus, Robert G., xxx-xx-xxxx
Hard, Donald G., xxx-xx-xxxx
Hardenbrook, Edward J., xxx-xx-xxxx
Harger, Bruce S., xxx-xx-xxxx
Harrell, Travis E., xxx-xx-xxxx
Harris, John R., xxx-xx-xxxx
Harris, Rufus D., xxx-xx-xxxx
Harris, Thomas J., xxx-xx-xxxx

Harrison, Billy M., xxx-xx-xxxx
Harrison, William C., xxx-xx-xxxx
Hastings, Charlie W., xxx-xx-xxxx
Hauth, Floyd F., xxx-xx-xxxx
Hayashi, Melvin, xxx-xx-xxxx
Heacox, Donald J., xxx-xx-xxxx
Head, Edward J., xxx-xx-xxxx
Head, James W., xxx-xx-xxxx
Healy, Raymond G., xxx-xx-xxxx
Healy, Raymond V., xxx-xx-xxxx
Heflebower, Charles R., xxx-xx-xxxx
Henderson, Eldon D., xxx-xx-xxxx
Henderson, Lael W., xxx-xx-xxxx
Hennessy, David A., xxx-xx-xxxx
Henry, Larry L., xxx-xx-xxxx
Heppell, Stephen E., xxx-xx-xxxx
Herring, Kenneth D., xxx-xx-xxxx
Herrington, David J., xxx-xx-xxxx
Herron, Kerry G., xxx-xx-xxxx
Hertzog, Randolph B. E., xxx-xx-xxxx
Hickman, David M., xxx-xx-xxxx
Higbie, Richard M., xxx-xx-xxxx
High, John T., III, xxx-xx-xxxx
Hightower, Larry L., xxx-xx-xxxx
Hill, Charles T., xxx-xx-xxxx
Hill, Franklin G., xxx-xx-xxxx
Hilliard, George, III, xxx-xx-xxxx
Hinkel, James F., xxx-xx-xxxx
Holden, Charles H., xxx-xx-xxxx
Holden, Raymond D., xxx-xx-xxxx
Holt, David E., xxx-xx-xxxx
Hoppmann, Frederick W., Jr., xxx-xx-xxxx
Horney, James H., xxx-xx-xxxx
Horton, Claude R., Jr., xxx-xx-xxxx
Howe, Jack S., xxx-xx-xxxx
Howley, Michael J., xxx-xx-xxxx
Hubbard, Edward L., xxx-xx-xxxx
Hubbard, Phillip M., xxx-xx-xxxx
Hughes, Donald L., xxx-xx-xxxx
Hummel, Dennis K., xxx-xx-xxxx
Humphreys, Robert E., xxx-xx-xxxx
Hunter, Raymond F., xxx-xx-xxxx
Hunter, Robert W., xxx-xx-xxxx
Hurd, Joseph E., xxx-xx-xxxx
Hutchinson, Donald L., xxx-xx-xxxx
Jaglinski, Charles T., Jr., xxx-xx-xxxx
James, Darrell R., xxx-xx-xxxx
Janicke, Jerome T., xxx-xx-xxxx
Jarman, Larry E., xxx-xx-xxxx
Jenkins, Robert G., xxx-xx-xxxx
Jester, Clifton J., xxx-xx-xxxx
Jones, Cleveland J., xxx-xx-xxxx
Jones, Reginald, xxx-xx-xxxx
Jones, Robert B., xxx-xx-xxxx
Judd, Thayne H., xxx-xx-xxxx
Kane, Bernard E., xxx-xx-xxxx
Kelly, Kevin J., xxx-xx-xxxx
King, Michael, xxx-xx-xxxx
Kinnan, Joseph E., xxx-xx-xxxx
Kishiyamedy, George B., xxx-xx-xxxx
Kennington, Roy G., xxx-xx-xxxx
Ketter, Lawrence W., xxx-xx-xxxx
Kimsey, Forest M., xxx-xx-xxxx
Kincade, Clause G., Jr., xxx-xx-xxxx
King, Michael, xxx-xx-xxxx
Kinnan, Joseph E., xxx-xx-xxxx
Kishiyama, Arthur Y., xxx-xx-xxxx
Klein, Mark A., xxx-xx-xxxx
Kleiser, Eugene V., Sr., xxx-xx-xxxx
Klick, Jean E., xxx-xx-xxxx
Klumas, Lawrence J., xxx-xx-xxxx
Knight, James E., xxx-xx-xxxx
Knudsen, Benny L., xxx-xx-xxxx
Kobelski, Gerald E., xxx-xx-xxxx
Korpi, Raymond C., xxx-xx-xxxx
Koteras, Frankie J., xxx-xx-xxxx
Kralovec, Joseph A., xxx-xx-xxxx
Krimmel, William E., xxx-xx-xxxx
Kuehner, Gregory A., xxx-xx-xxxx
Lafferty, Thomas E., xxx-xx-xxxx
LaFrance, George A., xxx-xx-xxxx
Lambert, Robert W., xxx-xx-xxxx
Lambiase, Nicholas Jr., xxx-xx-xxxx
Lancaster, Lanny T. G., xxx-xx-xxxx
Landry, Charles D., xxx-xx-xxxx
Lang, James D., xxx-xx-xxxx
Lanning, Russell M., xxx-xx-xxxx
Lansell, Robert P., xxx-xx-xxxx
Lape, Gary D., xxx-xx-xxxx
Large, Charles C., xxx-xx-xxxx
Larkins, John B., III, xxx-xx-xxxx
Larsen, Robert A., xxx-xx-xxxx
Larson, Charles A., xxx-xx-xxxx
Latham, Rodney H., xxx-xx-xxxx
Lau, Charles A., xxx-xx-xxxx
Lausten, Lawrence R., xxx-xx-xxxx
Lavoy, Alan A., xxx-xx-xxxx
Lazzaro, Joseph A., xxx-xx-xxxx
Leach, Ronald S., xxx-xx-xxxx
Lee, David R., xxx-xx-xxxx
Leggat, Robert, xxx-xx-xxxx
Leich, Frederick H., xxx-xx-xxxx
Lemon, James F., xxx-xx-xxxx
Lenahan, Roderick, xxx-xx-xxxx
Lennard, William R., xxx-xx-xxxx
Lerro, Pasquale A., xxx-xx-xxxx
Lester, Peter M., xxx-xx-xxxx
Lezy, Normand G., xxx-xx-xxxx
Libucha, Edward J., xxx-xx-xxxx
Lightsey, Robert H., xxx-xx-xxxx
Lison, Robert H., xxx-xx-xxxx
Lockhart, Thomas G., xxx-xx-xxxx
Loney, Charles D., xxx-xx-xxxx
Long, Gordon A., xxx-xx-xxxx
Looke, William F., xxx-xx-xxxx
Lopez, Manuel, Jr., xxx-xx-xxxx
Lopresti, Peter, xxx-xx-xxxx
Lorber, John G., xxx-xx-xxxx
Lotz, George B., II, xxx-xx-xxxx
Loughridge, Charles D., xxx-xx-xxxx
Lovegren, Nelson L., xxx-xx-xxxx
Lovelace, Cary A., xxx-xx-xxxx
Lovretich, Robert J., xxx-xx-xxxx
Luebbermann, John N., xxx-xx-xxxx
Lunt, John D., xxx-xx-xxxx
Lupia, Eugene A., xxx-xx-xxxx
Lyttle, Brian D., xxx-xx-xxxx
MacNevin, Charles H., xxx-xx-xxxx
Madden, John A., Jr., xxx-xx-xxxx
Magoulas, Jerry M., xxx-xx-xxxx
Mahach, Thomas G., xxx-xx-xxxx
Main, James R., xxx-xx-xxxx
Mainord, William R., xxx-xx-xxxx
Malcom, Charles E., xxx-xx-xxxx
Mangum, Dennis R., xxx-xx-xxxx
Manini, Gary W., xxx-xx-xxxx
Manolis, George, xxx-xx-xxxx
Mansur, John W., xxx-xx-xxxx
Marck, Ronald V., xxx-xx-xxxx
Marshall, John C., xxx-xx-xxxx
Mason, Jerry N., xxx-xx-xxxx
Masson, John D., xxx-xx-xxxx
Mathers, James I., xxx-xx-xxxx
Matteis, Richard M., xxx-xx-xxxx
Mattioli, Daniel T., xxx-xx-xxxx
Mayer, Terrence, xxx-xx-xxxx
McAlpine, Aubry J., xxx-xx-xxxx
McAtee, Thomas P., xxx-xx-xxxx
McCarthy, Michael E., xxx-xx-xxxx
McCauley, Thomas H., xxx-xx-xxxx
McChesney, Jack L., xxx-xx-xxxx
McClure, David O., xxx-xx-xxxx
McCormick, Jack E., xxx-xx-xxxx
McCoy, Kenneth B., Jr., xxx-xx-xxxx
McCranie, John L., xxx-xx-xxxx
McDonald, James R., xxx-xx-xxxx
McDonald, Martin J., xxx-xx-xxxx
McGarry, Thomas A., xxx-xx-xxxx
McGee, David R., Jr., xxx-xx-xxxx
McGinty, Michael D., xxx-xx-xxxx
McGough, Bobby F., xxx-xx-xxxx
McGraw, Spencer D., xxx-xx-xxxx
McKenna, George W., xxx-xx-xxxx
McLeod, Robert K., xxx-xx-xxxx
McPherson, Ronald L., xxx-xx-xxxx
Mechanic, Jack H., xxx-xx-xxxx
Meche, Norwood J., xxx-xx-xxxx
Medlock, Michael P., xxx-xx-xxxx
Meehan, Robert P., xxx-xx-xxxx
Meisterling, Harold E., xxx-xx-xxxx
Melby, Carroll H., xxx-xx-xxxx
Merdian, Richard S., xxx-xx-xxxx
Merkel, Philip A., xxx-xx-xxxx
Metsala, James C., xxx-xx-xxxx
Meyer, Richard A., xxx-xx-xxxx
Milan, David W., xxx-xx-xxxx
Milberg, Warren H., xxx-xx-xxxx
Millar, Charles M., Jr., xxx-xx-xxxx
Miller, Billy J., xxx-xx-xxxx
Miller, Dennis R., xxx-xx-xxxx
Miller, Fredric L., xxx-xx-xxxx
Miller, James R., xxx-xx-xxxx
Mitchell, Charles R., xxx-xx-xxxx
Mitchell, William B., xxx-xx-xxxx
Molvar, Jan T., xxx-xx-xxxx
Moore, Clinton C., Jr., xxx-xx-xxxx
Moorman, Frank T., xxx-xx-xxxx
Moran, Augustus C., xxx-xx-xxxx
Moreland, Huey H., xxx-xx-xxxx
Morris, James P., Jr., xxx-xx-xxxx
Morrison, Cameron E., Jr., xxx-xx-xxxx
Morrison, John A., Jr., xxx-xx-xxxx
Morrissey, Leonard P., xxx-xx-xxxx
Motyka, Edwin J., xxx-xx-xxxx
Mueller, John C., xxx-xx-xxxx
Mullen, Michael, xxx-xx-xxxx
Mullins, Merdith W., xxx-xx-xxxx
Mullins, Roger C., xxx-xx-xxxx
Murden, Craig E., xxx-xx-xxxx
Murray, Douglas J., xxx-xx-xxxx
Nakunz, Martin W., xxx-xx-xxxx
Nauseef, John M., xxx-xx-xxxx
Neff, Donald W., xxx-xx-xxxx
Neid, Edward C., xxx-xx-xxxx
Neill, Norman S., xxx-xx-xxxx
Neill, William H., Jr., xxx-xx-xxxx
Nelson, Ronald E., xxx-xx-xxxx
Nemecek, Glen E., xxx-xx-xxxx
Nemeth, Joseph S., xxx-xx-xxxx
Nesejt, Charles R., xxx-xx-xxxx
Nettleton, John G., xxx-xx-xxxx
Newman, Edwin C., xxx-xx-xxxx
Newton, Clyde L., xxx-xx-xxxx
Newton, Lloyd W., xxx-xx-xxxx
Nichols, Howard F., Jr., xxx-xx-xxxx
Nichols, James R., xxx-xx-xxxx
Nidiffer, Kenneth E., xxx-xx-xxxx
Niebauer, David J., xxx-xx-xxxx
Niouette, Thomas H., xxx-xx-xxxx
Nolan, Gerald T., xxx-xx-xxxx
Nottingham, Wesley D., xxx-xx-xxxx
Nuber, Philip W., xxx-xx-xxxx
Obermeyer, Ronald W., xxx-xx-xxxx
O'Connell, Michael J., xxx-xx-xxxx
O'Connor, Edward A., Jr., xxx-xx-xxxx
Ohman, Nils B., xxx-xx-xxxx
O'Leary, John R., xxx-xx-xxxx
O'Malley, Thomas C., xxx-xx-xxxx
Orlando, Anthony J., xxx-xx-xxxx
Osterhout, David S., xxx-xx-xxxx
Owens, Thomas A., xxx-xx-xxxx
Pace, Jack L., xxx-xx-xxxx
Paillex, Robert G., xxx-xx-xxxx
Palmer, Donald S., xxx-xx-xxxx
Palmer, James O., xxx-xx-xxxx
Parker, Charles W., xxx-xx-xxxx
Parker, John L., xxx-xx-xxxx
Parkinson, Thomas H. II, xxx-xx-xxxx
Parks, Edward B., xxx-xx-xxxx
Parrish, James E., xxx-xx-xxxx
Parrish, Robert J., xxx-xx-xxxx
Pasieczny, Reginald E., xxx-xx-xxxx
Pastore, Kenneth W., xxx-xx-xxxx
Patterson, Charles W., xxx-xx-xxxx
Paul, Robert L., xxx-xx-xxxx
Paulsen, David R., xxx-xx-xxxx
Paulson, James R., xxx-xx-xxxx
Pearson, Benjamin J. II, xxx-xx-xxxx
Peck, Gaillard R., Jr., xxx-xx-xxxx
Peck, Robert C., xxx-xx-xxxx
Peek, James T., xxx-xx-xxxx
Pellek, John, xxx-xx-xxxx

Penas, Clark R., xxx-xx-xxxx
Percy, Donald G., xxx-xx-xxxx
Perkins, Ernest G., xxx-xx-xxxx
Perlotto, Richard E., xxx-xx-xxxx
Peters, Lawrence W., xxx-xx-xxxx
Petersen, Robert A., xxx-xx-xxxx
Peterson, Nelda M., xxx-xx-xxxx
Peucker, Otto W., xxx-xx-xxxx
Phillips, William R., xxx-xx-xxxx
Piccolo, Sam., xxx-xx-xxxx
Pimentel, Antonio T., xxx-xx-xxxx
Pinizzotto, Robert T., xxx-xx-xxxx
Piszczek, Stephen P., xxx-xx-xxxx
Plescha, Frank., xxx-xx-xxxx
Politi, John J., xxx-xx-xxxx
Polk, John E., xxx-xx-xxxx
Polk, Robert C., xxx-xx-xxxx
Porter, Charles P., xxx-xx-xxxx
Porter, Samuel E., xxx-xx-xxxx
Posgate, James C., Jr., xxx-xx-xxxx
Poucher, Frank I., Jr., xxx-xx-xxxx
Powell, David A., xxx-xx-xxxx
Pratt, Everett H., Jr., xxx-xx-xxxx
Pratt, Robert J., xxx-xx-xxxx
Pray, Harold L., xxx-xx-xxxx
Prescott, Paul R., xxx-xx-xxxx
Price, Joseph A., III, xxx-xx-xxxx
Prinster, Richard R., xxx-xx-xxxx
Proffitt, Thomas O., xxx-xx-xxxx
Profitt, Glenn A., II, xxx-xx-xxxx
Quirk, John T., xxx-xx-xxxx
Radford, Ronnie R., xxx-xx-xxxx
Radloff, James L., xxx-xx-xxxx
Raffaele, Nicholas W., xxx-xx-xxxx
Ramsey, Joseph C., Jr., xxx-xx-xxxx
Rankin, Bobby G., xxx-xx-xxxx
Rapalee, Ernest W., Jr., xxx-xx-xxxx
Rasmussen, Kenneth H., xxx-xx-xxxx
Raspet, David., xxx-xx-xxxx
Rausch, John T., xxx-xx-xxxx
Reaver, Russel J., xxx-xx-xxxx
Redden, Joseph J., xxx-xx-xxxx
Reese, Thomas L., xxx-xx-xxxx
Reid, Danny M., xxx-xx-xxxx
Reid, Francis G., xxx-xx-xxxx
Reid, James R., xxx-xx-xxxx
Reidy, John A., Jr., xxx-xx-xxxx
Rene, Richard A., xxx-xx-xxxx
Repasky, Frederick S., xxx-xx-xxxx
Rever, Louis G., xxx-xx-xxxx
Reynolds, Robert R., xxx-xx-xxxx
Rhoden, Harold H., xxx-xx-xxxx
Richards, James C., xxx-xx-xxxx
Richardson, David M., xxx-xx-xxxx
Richardson, Everett B., xxx-xx-xxxx
Richardson, Sanford A., xxx-xx-xxxx
Ridgway, Robert S., xxx-xx-xxxx
Rinebarger, Teddy E., xxx-xx-xxxx
Rivera, Antonio, xxx-xx-xxxx
Roberson, John M., xxx-xx-xxxx
Roberts, Gaylen C., xxx-xx-xxxx
Robins, Cecil C., xxx-xx-xxxx
Robinson, Hugh T., xxx-xx-xxxx
Rodgers, Raymond E., Jr., xxx-xx-xxxx
Rodgers, William M., xxx-xx-xxxx
Roellig, Richard H., xxx-xx-xxxx
Rogers, Glenn D., xxx-xx-xxxx
Rogge, Henry M., xxx-xx-xxxx
Romano, Rudolph T., xxx-xx-xxxx
Romer, Richard A., xxx-xx-xxxx
Rosa, James W., xxx-xx-xxxx
Rose, Galen J., xxx-xx-xxxx
Rothe, William D., xxx-xx-xxxx
Rougeau, Joseph M., xxx-xx-xxxx
Rowe, David C., xxx-xx-xxxx
Ruddick, Robert E., xxx-xx-xxxx
Rudy, James D., xxx-xx-xxxx
Ruffini, Thomas E., xxx-xx-xxxx
Rule, Carl W., xxx-xx-xxxx
Runkle, Richard K., Jr., xxx-xx-xxxx
Rush, Francis M., Jr., xxx-xx-xxxx
Rushforth, Charles P., III, xxx-xx-xxxx
Russell, Albert L., xxx-xx-xxxx
Ryan, Robert L., xxx-xx-xxxx
Ryer, Richard T., xxx-xx-xxxx
Sabo, Francis, xxx-xx-xxxx
Saliba, Gabriel S., Jr., xxx-xx-xxxx
Sammer, Dennis C., xxx-xx-xxxx
Samuels, Jon M., xxx-xx-xxxx
Sanders, Jack N., Jr., xxx-xx-xxxx
Sanford, Lash G., Jr., xxx-xx-xxxx
Sanford, Lonnie T., III, xxx-xx-xxxx
Santarelli, Eugene D., xxx-xx-xxxx
Satz, Dieter W., xxx-xx-xxxx
Saxton, Gerald F., xxx-xx-xxxx
Scambilis, Nicholas A., xxx-xx-xxxx
Scarfe, George O., III, xxx-xx-xxxx
Schafer, Harold G., xxx-xx-xxxx
Schaumberg, Robert S., xxx-xx-xxxx
Schloeman, Howard L., xxx-xx-xxxx
Schlue, Joseph W., xxx-xx-xxxx
Schmidt, Albert R. L., xxx-xx-xxxx
Schmidt, Walter K., xxx-xx-xxxx
Schneider, James D., xxx-xx-xxxx
Schnelzer, Garry A., xxx-xx-xxxx
Schroetel, Albert H., xxx-xx-xxxx
Schumaker, Arlyn D., xxx-xx-xxxx
Seaton, Michael B., xxx-xx-xxxx
Sebren, William E., III, xxx-xx-xxxx
Seeley, Glenn R., xxx-xx-xxxx
Sexton, Michael E., xxx-xx-xxxx
Sharp, Jimmy R., xxx-xx-xxxx
Sharp, Paul D., xxx-xx-xxxx
Shea, Robert V., Jr., xxx-xx-xxxx
Sheetz, Roy D., xxx-xx-xxxx
Sheffield, John A., xxx-xx-xxxx
Shelton, Jack W., Jr., xxx-xx-xxxx
Sherman, Jay D., xxx-xx-xxxx
Shinol, Henry E., xxx-xx-xxxx
Sidebotton, Harold W., xxx-xx-xxxx
Sills, Joel W., xxx-xx-xxxx
Simcoe, Larry P., xxx-xx-xxxx
Simonetti, Ronald R., xxx-xx-xxxx
Simpson, Cleveland, xxx-xx-xxxx
Singleton, Jerry E., xxx-xx-xxxx
Siravo, Robert A., xxx-xx-xxxx
Slaughter, John T. Jr., xxx-xx-xxxx
Smetek, Ronald T., xxx-xx-xxxx
Smialek, Walter A., xxx-xx-xxxx
Smiley, William A., xxx-xx-xxxx
Smith, Bruce N., xxx-xx-xxxx
Smith, Donald B., xxx-xx-xxxx
Smith, Gary R., xxx-xx-xxxx
Smith, Graham M., xxx-xx-xxxx
Smith, Jack H., xxx-xx-xxxx
Smith, Jeremy F., xxx-xx-xxxx
Smith, Lester C., xxx-xx-xxxx
Smith, Marcus C., Jr., xxx-xx-xxxx
Smith, Paul D., xxx-xx-xxxx
Smith, Riley M., xxx-xx-xxxx
Smith, Robert B., xxx-xx-xxxx
Smith, Robert B., xxx-xx-xxxx
Smith, Stephen B., xxx-xx-xxxx
Smith, William H., III, xxx-xx-xxxx
Smits, Charles A., xxx-xx-xxxx
Smull, Richard N., xxx-xx-xxxx
Snyder, Terry W., xxx-xx-xxxx
Southerland, Grover R., xxx-xx-xxxx
Spargur, Robert E., xxx-xx-xxxx
Spencer, Isaac, xxx-xx-xxxx
Sponeybarger, Robert D., xxx-xx-xxxx
Spory, Ralph M., Jr., xxx-xx-xxxx
Stafford, Roy W., Jr., xxx-xx-xxxx
Stanovich, Robert, xxx-xx-xxxx
Stansell, George A., xxx-xx-xxxx
Steele, Edward B., xxx-xx-xxxx
Steele, Michael T., xxx-xx-xxxx
Steinmetz, Lyle R., xxx-xx-xxxx
Stephen, Brian G., xxx-xx-xxxx
Stewart, James W., xxx-xx-xxxx
Stewart, Laymon D., xxx-xx-xxxx
Stillman, Robert L., xxx-xx-xxxx
Storey, Francis B., xxx-xx-xxxx
Straume, Markus K., xxx-xx-xxxx
Stripling, William D., xxx-xx-xxxx
Stromfors, Richard D., xxx-xx-xxxx
Stuecklen, Klaus H., xxx-xx-xxxx
Sullivan, Regis A., xxx-xx-xxxx
Sung, William K., xxx-xx-xxxx
Susi, Ronald A., xxx-xx-xxxx
Suter, Thomas C., xxx-xx-xxxx
Svoboda, Leroy E., xxx-xx-xxxx
Svoboda, Ludvik Z., xxx-xx-xxxx
Swan, Richard D., xxx-xx-xxxx
Swann, Wesley G., xxx-xx-xxxx
Sykes, Larry D., xxx-xx-xxxx
Szachara, Walter S., xxx-xx-xxxx
Tagaras, Michael T., xxx-xx-xxxx
Tait, John C., xxx-xx-xxxx
Takacs, William E., xxx-xx-xxxx
Teachout, William C., Jr., xxx-xx-xxxx
Teas, George H., II, xxx-xx-xxxx
Teigen, David H., xxx-xx-xxxx
Tenoso, Edwin E., xxx-xx-xxxx
Thatcher, Robert C., xxx-xx-xxxx
Thayer, John M., Jr., xxx-xx-xxxx
Thieme, Frank E., Jr., xxx-xx-xxxx
Thomas, Albert M., xxx-xx-xxxx
Thomas, Arnold R., Jr., xxx-xx-xxxx
Thomas, James H., xxx-xx-xxxx
Thomason, Thomas J., xxx-xx-xxxx
Thomes, James T., xxx-xx-xxxx
Thompson, Barry L., xxx-xx-xxxx
Thompson, Glen M., xxx-xx-xxxx
Thompson, Harold E., Jr., xxx-xx-xxxx
Thompson, Phillip E., xxx-xx-xxxx
Tiplady, Richard J., xxx-xx-xxxx
Tomasovic, Richard P., xxx-xx-xxxx
Tompkins, Bruce C., xxx-xx-xxxx
Tonda, Harold K., xxx-xx-xxxx
Tornow, Robin G., xxx-xx-xxxx
Torre, Rocco J., xxx-xx-xxxx
Tourino, Ralph G., xxx-xx-xxxx
Toy, Gary J., xxx-xx-xxxx
Trawick, Aldolphos, xxx-xx-xxxx
Trotman, Virgil R., xxx-xx-xxxx
True, James L., Jr., xxx-xx-xxxx
Trusty, Monty J., xxx-xx-xxxx
Trusz, Raymond E., xxx-xx-xxxx
Tubbesing, Frank H., Jr., xxx-xx-xxxx
Tucker, John E., xxx-xx-xxxx
Turner, James R., xxx-xx-xxxx
Tuttle, William C., Jr., xxx-xx-xxxx
Urbanski, Raymond M., xxx-xx-xxxx
Uthe, Warren A., xxx-xx-xxxx
Vanpoznak, David, xxx-xx-xxxx
Vansickle, Lawrence J., xxx-xx-xxxx
Vara, Richard F., xxx-xx-xxxx
Vedvick, Lars V., xxx-xx-xxxx
Venkus, Robert E., xxx-xx-xxxx
Verhees, Donald L., xxx-xx-xxxx
Vesely, Charles J., xxx-xx-xxxx
Vick, James L., xxx-xx-xxxx
Vick, John R., xxx-xx-xxxx
Vickery, John M., xxx-xx-xxxx
Vilensons, John J., xxx-xx-xxxx
Vogl, David J., xxx-xx-xxxx
Wages, Brian E., xxx-xx-xxxx
Walder, Glen W., xxx-xx-xxxx
Walker, Larry D., xxx-xx-xxxx
Walker, Robert G., xxx-xx-xxxx
Wallace, James A., Jr., xxx-xx-xxxx
Walling, Darrell H., xxx-xx-xxxx
Walrath, Barry A., xxx-xx-xxxx
Walters, Roger W., xxx-xx-xxxx
Wang, Joseph T., xxx-xx-xxxx
Ward, George A., Jr., xxx-xx-xxxx
Warden, John A., III, xxx-xx-xxxx
Warn, Peter W., xxx-xx-xxxx
Warner, David A., xxx-xx-xxxx
Watkins, Richard E., xxx-xx-xxxx
Watson, Frank C., xxx-xx-xxxx
Wedin, Gustave A., III, xxx-xx-xxxx
Wehmhoner, Martin C., Jr., xxx-xx-xxxx
Weida, William J., xxx-xx-xxxx
Weil, Frederick W., xxx-xx-xxxx
Weisinger, William S., Jr., xxx-xx-xxxx
Wells, Jack M., xxx-xx-xxxx
Wells, William A., xxx-xx-xxxx
Welton, David L., xxx-xx-xxxx
Wendt, Douglas M., xxx-xx-xxxx
Weppner, Michael J., xxx-xx-xxxx

Wessell, Herbert W., xxx-xx-xxxx
West, Gerald V., xxx-xx-xxxx
Whisenant, Charles L., xxx-xx-xxxx
Whitaker, William A., xxx-xx-xxxx
Whitaker, William L., III, xxx-xx-xxxx
White, Richard W., xxx-xx-xxxx
Whitehead, Victor W., xxx-xx-xxxx
Whittington, Richard J., xxx-xx-xxxx
Wiener, Dale O., xxx-xx-xxxx
Wifall, James R., xxx-xx-xxxx
Wilhelm, John P., xxx-xx-xxxx
Willhite, Richard A., xxx-xx-xxxx
Williams, Merle R., Jr., xxx-xx-xxxx
Williamson, Gary T., xxx-xx-xxxx
Willis, Arthur J., xxx-xx-xxxx
Wilson, Dwight F., xxx-xx-xxxx
Wilson, Franklin E., xxx-xx-xxxx
Wilson, J. Leon, xxx-xx-xxxx
Wilson, James A., Jr., xxx-xx-xxxx
Wilson, James R., xxx-xx-xxxx
Wilson, John H., xxx-xx-xxxx
Wilson, Murle A., xxx-xx-xxxx
Wojciechowski, William A., xxx-xx-xxxx
Wood, Thomas W., xxx-xx-xxxx
Woods, Jon P., xxx-xx-xxxx
Wormington, John R., xxx-xx-xxxx
Worrell, Bruce, Jr., xxx-xx-xxxx
Wrenn, James E., xxx-xx-xxxx
Wuest, William A., xxx-xx-xxxx
Wyatt, Ralph E., xxx-xx-xxxx
Wylie, John H., Jr., xxx-xx-xxxx
Yarnall, Carol A., xxx-xx-xxxx
Yocum, Allen, xxx-xx-xxxx
Yohe, Wayne I., xxx-xx-xxxx
Young, James B., xxx-xx-xxxx
Young, Leroy C., xxx-xx-xxxx
Young, Thomas W., xxx-xx-xxxx
Zimer, Milan, xxx-xx-xxxx
Zumbro, Paul E., xxx-xx-xxxx

CHAPLAIN CORPS

Arther, Donald E., xxx-xx-xxxx
Coltharp, Bruce R., xxx-xx-xxxx
Cowell, Donald M., xxx-xx-xxxx
Dawson, Lewis E., xxx-xx-xxxx
Engler, David E., xxx-xx-xxxx
Eustes, Alfred W., Jr., xxx-xx-xxxx
Heffernan, Thomas A., xxx-xx-xxxx
Keane, Thomas F., xxx-xx-xxxx
Matthews, Joseph C., III, xxx-xx-xxxx
Schuermann, William S., xxx-xx-xxxx
Skipper, Bryant R., xxx-xx-xxxx

JUDGE ADVOCATE

Bosser, Robert L., xxx-xx-xxxx
Fries, Ralph R., xxx-xx-xxxx
Hemingway, Thomas L., xxx-xx-xxxx
Hilliard, John E., xxx-xx-xxxx
Lamport, Joe R., xxx-xx-xxxx
Losey, Franklin W., xxx-xx-xxxx
Penater, Robert F., xxx-xx-xxxx
Richards, Robert M., xxx-xx-xxxx
Sklute, Nolan, xxx-xx-xxxx
Thornton, John C., xxx-xx-xxxx
Wright, Franklin E., xxx-xx-xxxx

NURSE CORPS

Allen, Carlton R., xxx-xx-xxxx
Caldwell, Nancy L., xxx-xx-xxxx
Chamberlain, Jacqueline F., xxx-xx-xxxx
Eliseo, Irene J., xxx-xx-xxxx
Johnson, Mary K., xxx-xx-xxxx
King, Maureen A., xxx-xx-xxxx
Kurt, Jerome C., xxx-xx-xxxx
Lowery, Antoinette T., xxx-xx-xxxx
Ollino, Tiiu, xxx-xx-xxxx
Payton, Ruth G., xxx-xx-xxxx
Priddy, Billy G., xxx-xx-xxxx
Sheeley, Juanita K., xxx-xx-xxxx
Wallace, Clara B., xxx-xx-xxxx
Wilder, William M., xxx-xx-xxxx
Williams, Patricia L., xxx-xx-xxxx

MEDICAL SERVICES CORPS

Anzai, Rodney K., xxx-xx-xxxx
Blalock, Franklyn T., III, xxx-xx-xxxx
Boglin, Wiliam N., xxx-xx-xxxx
Borngasser, Frederick J., xxx-xx-xxxx
Brown, Charles W., III, xxx-xx-xxxx
Duffy, Brian J., xxx-xx-xxxx
Dyer, Richard F., xxx-xx-xxxx
Edmonds, Robert D., xxx-xx-xxxx
Green, Kenneth E., xxx-xx-xxxx
Kimball, Ronald M., xxx-xx-xxxx
Lawrence, Charles W., Jr., xxx-xx-xxxx
McCann, Ray E., xxx-xx-xxxx
Rowe, Bobby G., xxx-xx-xxxx
Stone, Carl P., xxx-xx-xxxx
Stover, William L., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Adams, George E., xxx-xx-xxxx
Beatty, David C., xxx-xx-xxxx
Behling, Edward A., xxx-xx-xxxx
Desjardins, Robert J., xxx-xx-xxxx
Graham, Roger B., xxx-xx-xxxx
Harrah, Cariold B., xxx-xx-xxxx
MacNaughton, Michael G., xxx-xx-xxxx
May, William O., Jr., xxx-xx-xxxx
Sheffield, Paul J., xxx-xx-xxxx
Strate, Robert D., xxx-xx-xxxx
Wiesenfeld, David S., xxx-xx-xxxx

WITHDRAWAL

George S. Roukis, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984, vice George S. Ives, term expired, which was sent to the Senate on February 4, 1982.

EXTENSIONS OF REMARKS

THE RICH GET RICHER

HON. FORTNEY H. (PETE) STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. STARK. Mr. Speaker, there are a lot of reasons to be questioning Reaganomics and the policies of this administration.

The mess that the supply side curve and its worshippers have created can be seen all around us in the daily statistics of unemployment, bankruptcy, and stagnation.

But these daily disasters pale in comparison to the long-term problems which this administration is creating. The actions of the President and his men are making the rich get richer while the poor get poorer. That is a recipe for social disaster.

This Government is sowing the wind, and it will reap a whirlwind of social anger and discontent for years to come. Day to day they show how smart they are in the legislative process, but their smartness has no wisdom.

Following are two recent articles by columnists describing the growing chasm within our society:

[From the Washington Post, May 23, 1982]

A RECIPE FOR DISASTER

(By David S. Broder)

At a dinner in Seattle a couple of weeks ago, a bank official remarked that two major customers had been discussing the area's economic slump, which pushed unemployment in Washington State to 12.8 percent last month. The customers, she said, "we're embarrassed to say it, but they had had a very good year."

Her comments triggered a series of similar reports from those at the table. Yachts were selling briskly, one man remarked. Another told of an investment counselor who had just signed off on plans for a $1.5 million house—without a mortgage.

Last week, on another trip, I found myself in conversation with a real estate broker from Greenwich, Conn. "How is business?" I asked. "For houses between $200,000 and $700,000," she said, "it's kind of slow. People aren't cutting prices, but they're having to leave their houses on the market longer. For properties over $700,000, it's terrific."

These are scattered anecdotes—of no significance in themselves. But they provide a counterpoint in a reporter's notebook to the all-too-frequent tales of layoffs and bankruptcies. And they point to a risk that could make the recession itself seem relatively benign; an exploive increase in antagonism between the haves and the have-nots in this badly bent economy.

Almost every place I have been this year, in the East, Midwest and West, local officials and observers have remarked on the extraordinary patience and forebearance of those who are suffering from the economic squeeze. Some polls show that even among those who have lost their jobs, there is a persistent hope that, in the long run, current economic policies will bring the country to a healthier condition.

But in the last few weeks—as I have traveled from California to Connecticut, with many stops in between—there have been more frequent signs of the tension that is building beneath the surface.

For people like myself, who are lucky enough to have good-paying jobs with companies that are prospering, this really has been an easy year. Inflation is down and on big items—like cars and household furnishings—real bargains are available. Meantime, our taxes are being reduced and bankers and brokers compete in offering high interest rates for our tax-deductible retirement savings accounts.

But there is a sense of unease—if not guilt—in our conversations, as with the bank customers who felt "embarrassed" to admit they had had such a good year.

And increasingly, I sense, those who have been run onto the rocks in this economy are getting angry at those who are prospering.

That is part of the drumbeat of derision heard everywhere for the members of Congress who last year voted themselves a quiet litle tax break of their own. It is part of the first sharp edge of personal hostility toward President Reagan that I have heard since this election. The comments are scattered, but they are there, indicating that his long-sustained personal popularity may be wearing thin.

But more important—and more worrisome in its potential—is the evidence that this prolonged and severe recession may be twisting the ties of trust and tolerance that hold communities together. In Dubuque, one of the hardest-hit cities I have seen this year, The Wall Street Journal earlier this month reported on the stark contrasts: when a supermarket opened with 55 jobs, more than 1,400 people applied. But a local company developing computer programs for doctors' clinics had a first-quarter profit gain of 66 percent.

There have been more layoffs in my own field—journalism—than at any time in the almost 30 years I have worked in it. But The New York Times' advertising column reported the other day that advertising revenues are up 41 percent at Town & Country Magazine, which has "repositioned recently as a service magazine for people with money," proving, The Times said, once again, the old tag line, "and the rich get richer."

The Wall Street Journal headlined another story, "Games, Other Luxuries Sell Well As Slump Slows Sales of Durables." Bank profits were up 20 percent over the previous year, in the first quarter, the paper said. But another story reported that more than 600,000 workers are within 13 weeks of losing their unemployment benefits—unless Congress votes an emergency extension.

Meantime, another tax cut approaches on July 1. According to the Joint Committee on Taxation, the 31.7 million tax-filers making $15,000 a year or less will divide $2.9 billion in savings; the 162,000 making over $200,000 will split $3.6 billion.

The favoritism to the rich inherent in these flat-rate tax cuts was justified on the grounds that they would stimulate the economy and produce jobs. But since the program was put into place, economic differences and social tensions in America have increased—and so has unemployment.

That is more than an economic calamity; it is a recipe for social disaster.

YOU SAY THERE'S A RECESSION GOING ON?

(By Lewis H. Lapham)

NEW YORK—It is not always easy in this city to believe the news of recession. The papers publish casualty reports from the industrial frontiers—International Harvester lurching toward bankruptcy, 16 percent unempoyment in Michigan, businesses going broke at the rate of 36 an hour, the construction trades in ruins. But in Manhattan, at least in the narrow protectorate between East 96th Street and the Battery, office space rents for $50 a square foot, the dealers in yachts report brisk sales of vessels priced at $500,000, and it needs influence of a $20 bribe to command a table in the kind of restaurant that charges $175 for dinner and half bottle of mediocre wine.

The economic darkness falls west of the Hudson, but in the city that the newly arrived Chinese bankers describe as "Singapore with missiles," the displays of opulence assume a grotesque and feverish character, as if it were possible to buy off the specter of death. On Wednesday of this week, I received three communiques from sources close to the markets in luxury. As follows:

(1) The morning mail brought a postcard from a Madison Avenue butcher soliciting patronage from a clientele presumably grown bored and listless on a surfeit of steak, roast beef and rack of lamb. The butcher had gone to the trouble of acquiring more exotic commodities and was happy to announce that he now could provide choice cuts of: antelope, eland, mountain sheep; bear, elk, moose; beaver, hippopotamus, nilgai; cape buffalo, lion, opossum; chamois, llama, raccoon, and yak.

Being a man of delicacy and taste, the butcher passed over the cost of these items, but it is probably safe to assume that all would be expensive and that the prices would move upward in relation to the animal's rank on the Sierra Club's list of endangered species. In the event that none of these meats excited the curiosity of his patrons, the butcher was thoughtful enough to say that he would gladly send his agent in search of any other best that anybody might have in view.

(2) Later in the morning, at breakfast in a coffee shop on the ground floor of the Pan Am building, I fell into conversation with a pilot who flew chartered jets for companies or individuals wishing to avoid the humiliation of traveling on common carriers. He had landed a few hours earlier at La Guardia with one passenger on a plane configured to transport 16 executives in elaborate comfort. His solitary passenger, an anxious gentleman who never removed his hat, had made the round trip to Los Angeles within the span of 18 hours. While the plane was being refueled, the anxious gentleman hurried away in a limousine to Frederick's of Hollywood, a store that deals in the flashy sort of lingerie seen in the back pages of

---

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

movie magazines. When he returned three hours later, looking like Santa Claus with a stack of packages that had cost him $6,000, the plane promptly took off for New York.

"If I had known he was into that kind of thing," the pilot said, "I would have worn my uniform."

It cost $25,000 to charter the plane for the passage to California, and the bill was sent to the corporation that regarded the anxious gentleman as a very important fellow. The pilot said most of the corporations that chartered planes did so not for the reasons of convenience but for reasons having to do with somebody's vanity. He assumed that the corporation also would pay for the lingerie, but he was curious about the category under which it would list the expense.

(3) At lunch I listened to a lawyer who for some months had been disbursing funds for the work of interior reconstruction in a large apartment overlooking Central Park. His client, a woman distracted by her ambition to become acquainted with "the best people," already had spent nearly $2 million, at least half of which had been allocated to the marble surfacing of the walls and floors. On first being shown the effect of the foyer, the woman pronounced it too cheap, too insufficient, too exposed to the condescension and ridicule of the guests whom she expected to astonish at dinner.

"They'll think I'm tacky," she had said. "They will know I only spent $100,000 for the marble."

In order to make a bath and dressing room large enough to accommodate her self-esteem, her contractor had broken through three walls and joined what was once two bedrooms into a space that could bear decoration in the manner of imperial Rome. Still the result was somehow too small. That morning she had instructed the architect to supply additional mirrors and to install a discreet icebox in the wall next to the tub.

"She needs the icebox to chill the cologne," the lawyer said. "She said that there is nothing so unpleasant as to step out of a bath on a warm day and have to wear tepid cologne."●

ALLEN PARK'S EDUCATORS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DINGELL. Mr. Speaker, it is my privilege today to have the opportunity to honor five dedicated and respected educators who have selflessly served the Allen Park, Mich., school system for a combined total of 152 years. These distinguished men have utilized their versatile talents and enthusiasm in a career committed to the educational development and growth of young people. As leaders in the education field, their contributions have had a profound and lasting impact upon the community and its most valuable resource—its children.

The Allen Park community is pleased to recognize these five educational leaders and their many accomplishments. Thaddeus Bem, who began working in the Allen Park system in 1951, is retiring as principal of Sudman Elementary School. George Dyas, retiring principal of Allen Park High School, has given service in a number of positions for 32 years. William Ehlhardt, who began his career in Allen Park 29 years ago, is retiring from his position as Allen Park High School's director of buildings, grounds, and transportation. Walter Luke, who has served the area and its handicapped youngsters for 26 years, will be retiring as director of the Riley School and special education programs. And last, Wayne Miller will be retiring from 34 years of service in the Allen Park district, from his current position as principal of Allen Park's Middle School.

Each of these men has served the community in countless ways, instilling in our youth the high standards of excellence, leadership, and commitment. There can be no finer purpose and no finer accomplishment. I join with many friends in the community in extending our wishes for continued health and happiness in the retirement years.●

SUPPORT CONTINUED FUNDING FOR THE GREEN THUMB PROGRAM

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. MARRIOTT. Mr. Speaker, today I rise to render my full support for continued funding for the Green Thumb program operated under title V of the Older Americans Act.

Six months ago, this Congress passed in final form the 1981 Older Americans Act amendments without a dissenting vote. Public Law 97-115 extends the Older Americans Act for 3 years, including the senior community service employment program. This strong vote of confidence reaffirms the long-standing bipartisan support for title V.

Green Thumb—as the first and largest of the title V national contractors—is very proud of its contribution to the success of title V. The program has helped thousands of rural impoverished older Americans move into the mainstream of life and become taxpaying citizens.

The Green Thumb program began in 1965 in four States providing employment opportunities for 280 rural older Americans. Today, the program has grown to over 16,000 positions in 45 States, the District of Columbia, and Puerto Rico. If funding were terminated for Green Thumb in Utah alone, 151 older workers would be out of a job with a loss of almost $50,000 paid into social security by enrollees.

Community service employment can provide an important passport for older unemployed persons to gain self-esteem and become self-sufficient. It can be a means for these persons to move into private sector employment.

In closing, I submit a letter into the CONGRESSIONAL RECORD from one of my constituents which clearly sums up the need for the Green Thumb program and the great benefits it provides to its participants:

SOUTH COUNTY
COMMUNITY COUNCIL, INC.,
Midvale, Utah, November 10, 1981.

MS. YVONNE WHEADON,
Director, Utah Green Thumb,
Salt Lake City, Utah.

DEAR MS. WHEADON: I wish to express my sincere appreciation to the Green Thumb Program and to the people in charge of Utah Green Thumb. This Program enabled me to get back into the working world.

It came into my life when I had just gone through an extremely bad year. At the age of 59, after working many years at above average jobs, I was injured on the job—complicated by flu preventing surgery for three months, causing no income for this period of time. After surgery I went on industrial compensation for three months, unemployment insurance for two months, at which time I developed allergenic pneumonia. At this point in time I had to go on welfare—and due to false pride I suffered immensely.

When all this began, due to family problems, I was hopelessly in debt. This worry coupled with the physical problems caused a severe emotional disturbance. I was sure I would never be able to work again, would never be able to be debt free, and began seriously contemplating suicide. My family persuaded me to have counseling which I did and it helped a great deal.

I regained enough confidence to begin trying to find a job. Through a conversation with a friend, I contacted the head of the South County Community Council, a division of the Community Action Program, who told me she could use me on the Green Thumb Program. I had never heard of the program and really wondered what I was getting into. However, I was at a point where I was ready to try anything.

She placed me in the South County Agency as a Green Thumb trainee. I soon began regaining confidence and found my skills which I thought were gone forever, returning.

I am now on the regular Community Action Program payroll as a regular full time employee as a Referral Specialist and am gaining new skills and knowledge.

I feel the Green Thumb Program saved my sanity and more than that—my life.

May I again express my appreciation to Utah Green Thumb, Yvonne Wheadon, Marlene Robinson, Warren, Cathy and all the people who have been so instrumental in helping me find my way back.

Sincerely,

MARIAN R. BARLOW

THE 100TH ANNIVERSARY OF HIAS AND COUNCIL MIGRATION SERVICES

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DOUGHERTY. Mr. Speaker, today, I would like to commemorate the 100th anniversary of an important organization in Philadelphia. The Hebrew Immigrant Aid Society and Council Migration Service of Philadelphia this year celebrates one century of assistance to immigrants and refugees in the United States. It is the oldest immigration service in Philadelphia. While we are now in search of means of accommodating the many refugees in the United States, I believe it is appropriate to recognize this organization which has for 100 years been doing a marvelous job of relocating immigrants.

HIAS and council traces its roots to the Association for the Protection of Hebrew Immigrants founded in Philadelphia in 1882. In 1952 the agency was reorganized into its present structure. As a member of the Federation of Jewish Agencies of Greater Philadelphia, it has assisted with compassion and sensitivity refugees from Hungary, Iran, Poland, Laos, Cuba, Vietnam, Uganda, Cambodia, Romania, and recently the Soviet Union.

Because HIAS and Council of Philadelphia is closely associated with the global agency of HIAS Inc., it has helped in the struggle to free Soviet Jewry as well as perform its usual work of helping immigrants. With painstaking and seemingly endless efforts, HIAS and council has helped 5,000 Soviet Jews live normal, happy lives in the Philadelphia area. As the agency completes its first 100 years, it should take pride in the number of persons it has brought to freedom. It is my hope that HIAS and Council of Philadelphia will continue to provide the quality service it has given in the past and realize all of its goals for the future.●

THE HOUSTON SYMPHONY ORCHESTRA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ARCHER. Mr. Speaker, the President has designated the week beginning June 13, 1982, as "National Symphony Orchestra Week." At this time, as we honor this Nation's 1,572 symphony orchestras, I would like to call attention to the fine contribution made to the Houston area by the enthusiastically received Houston Symphony Orchestra.●

Under the direction of artistic adviser Sergiu Comissiona, the 97-member Houston Symphony Orchestra—acclaimed as one of the world's leading orchestras—performs more than 125 concerts each year. With an annual budget of over $6.5 million and an audience of more than 350,000, the HSO is the premier performing arts organization in the Texas gulf coast area.

Besides its traditional subscription series in Jones Hall, the symphony also incorporates a chamber music series, new music series, pops series, student concerts, area concerts, free concerts, a music festival, and touring into its 52-week schedule.

The full orchestral series of 50 concerts features Maestro Comissiona and an array of internationally acclaimed soloists and guest conductors performing music from classical to contemporary genres.

Two chamber series—"The Performer Conducts" and "Contemporary Trends"—bring the 44-member Houston Symphony Chamber Orchestra to neighborhood audiences. "The Performer Conducts" features acclaimed soloists doubling as conductor in the intimate settings of Houston's Memorial Drive Presbyterian Church, Klein Forest High School, and Spring High School. For "Contemporary Trends," Associate Conductor C. William Harwood has planned an innovative and challenging series focusing on American music of the past decade, designed for open communication between the composers, musicians, and audience.

Other performing activities include student concerts for more than 30,000 young people annually, master classes and seminars in conjunction with Rice University and the University of Houston, special concerts for the underprivileged, and annual holiday programs such as the "Christmas Pops" and the New Year's Eve gala "A Night in Vienna." The symphony also opens Jones hall to the public for a series of free open rehearsals during the year.

In addition, the HSO sponsors annual competitions and awards for young artists and holds a Festival of Schools—endowed by Gulf Oil Corp.—in which talented young students play side by side with the professionals of the orchestra at a free public concert.

Summer programs include free concerts in the outdoor Miller Theatre and a newly inaugurated summer music festival in Jones Hall. The orchestra is currently making records with Vanguard Records. Its touring schedule has included the east coast and Mexico, and future State, national, and international tours are being planned.

Since its inception in 1913, the Houston Symphony Orchestra has been the leading performing arts organization in the Texas gulf coast area under such conductors as Barbirolli, Kurtz, Previn, and Stokowski. With the leadership of Maestro Comissiona, the orchestra will continue its 69-year tradition of bringing the best in music to residents of Houston and surrounding areas.

Mr. Speaker, the past and future accomplishments of the Houston Symphony Orchestra are a source of great pride to the citizens of the entire gulf coast area that it serves; thus, it is fitting at this time to pay tribute to this outstanding orchestra.●

LEBANON MUST BE RECONSTRUCTED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DERWINSKI. Mr. Speaker, the acceptance of a cease-fire between Syria and Israel and the Israeli concentration on removing the PLO presence from southern Lebanon are practical signs that the latest battles in that country will not spread and engulf the entire Middle East.

The Syrian-Israeli cease-fire certainly must be considered as fragile, and various factions of the PLO have created a situation where a truly effective cease-fire with that entity may not be possible. However, the latest developments would indicate that a full-scale war will be avoided and the possibility grows of reconstructing a stable and hopefully peaceful Lebanon.

Since the PLO congregated in huge numbers in Lebanon after being evicted from Jordan, they became totally autonomous from the Lebanese Central Government which therefore became increasingly impotent. The previous delicate but workable political balance in the country between Christians and Moslems was distorted.

However, over the years even Lebanese Moslems have developed an antagonism toward the PLO and the Syrian Army, recognizing that these two forces represented a fundamental threat to the existence of their country.

With the Lebanese National Army as small as it is, and the more substantial Christian militia having remained out of the present conflict, they are now in a position, if they can work together, to reestablish the credibility of a national Lebanese Government. An accepted and functioning international peacekeeping force could well be the cement to put the whole of Lebanon together again. The United States must have a positive attitude toward such a development. It is in our national interest to have a peaceful and secure Lebanon, free of the PLO and Syrian presence and thus no longer a threat to Israel.

If world statesmen could rise above complications of the day, they would

recognize the responsibility to reconstruct the Lebanon that once was an example of a peaceful, cooperative functioning between Moslems and Christians. Lebanon can be such a workable and dramatic example once again.●

TERRORISM AND TRAGEDY IN LEBANON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. LANTOS. Mr. Speaker, the democratic nations of the West paid a heavy price for appeasement that led to World War II. If we now appease and condone terrorism in the Middle East we shall do so at our own peril.

The suffering of innocent civilians is always tragic. But it must not be used to camouflage the underlying reality of what is unfolding in Lebanon.

A statement in the New York Times cuts through the fog and focuses on the core issue in this tragedy. Its essence is a lessen to be learned by all of us:

In the beautiful and long-suffering land of Lebanon, which used to live in peace with its neighbor, Israel, thousands of PLO terrorists and Syrian soldiers have overwhelmed a whole country, disrupting her sovereign rule and leaving her inhabitants' lives defenseless.

And the world watched.

For years, terrorist guns were stationed over the Israeli border, and fired upon tranquil villages in Israel.

And the world watched.

Old men and women, pregnant mothers, were targets of Arab terriorism. Children were murdered. Planes were hijacked and destroyed.

And the world watched.

The terrorism reached embassies. It reached as far as the Olympic games, the very symbol of international freedom and fraternity.

And the world watched.

We all know that violence has two kinds of victims. The direct victim, who pays with his life, and the indirect victim, who pays with his dignity. The latter is the individual who because of fear sacrifices his dignity by attempting to appease the aggressor and prevents others from acting courageously.

This is what happens to international society when it submits to terrorism. It thus renders a Free World unfree.

This is what happens to nations which remain idle when one country preys upon another.

This is exactly what happened in Europe during the 1930's until violence became the immediate, unavoidable concern of every nation, touching upon the lives of individuals in the entire world, resulting in the most horrible war ever witnessed by mankind.

Today, the individual citizen, many nations, and international leadership are once again living in the shadow of fear. They share in the frustration and guilt caused by their choice to live with this fear. The resulting loss of dignity shakes the very foundation of society. It destroys its moral fiber and distorts its judgment. Society then paradoxically labels the one who chooses to counteract this violence as the aggressor, thereby mistaking firmness for aggression.

The State of Israel is both unwilling and unable to afford the luxury of living with such frustration. She does not belong to the remote circle which "might" be threatened by violence. Rather, she is the direct target of violence—violence which threatens to annihilate not only individual citizens of Israel but its very existence as a state.

But Israel has the moral strength—and therefore the physical strength—to defend herself against violence. For this she pays a heavy toll, the best of her sons.

This small democracy expects that the world will understand that she is not only defending herself. She is entitled to expect the awakening of a renewed sense of freedom in the democratic world in the face of the courage and bravery she displays.

Terrorism and aggression must be countered by strength. Violence must be countered with power. All the power necessary to break its backbone.

This is what Israel is doing.●

A TRIBUTE TO DOUGLAS A. CLARKE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ROUSSELOT. Mr. Speaker, I rise to pay tribute to Mr. Douglas A. Clarke, vice chairman of the board of directors of Glendale Federal Savings & Loan Association, and his outstanding record of achievement in business and community service.

Born in Glendale, Calif., on January 22, 1919, Doug Clarke joined Glendale Federal as a teller in 1937. Doug then served his country during the war in the Army Air Corps, becoming a first lieutenant and flight instructor, before returning to Glendale Federal in 1945 to take a position in the loan department.

Glendale Federal quickly realized that Doug was a man of great energy, enthusiasm, and amiability. He became manager of the association's Studio City office in 1951, and was appointed branch operations officer and vice president of the association in 1958. Doug was named senior vice president and a member of the board of directors in 1963, executive vice president in 1965, and president in 1972. He became vice chairman of the board in March 1980.

As a former director of the Glendale Chamber of Commerce, former director of Verdugo Hills Area United Way, and former president of the Glendale Parking Commission, Doug Clarke is well known in Glendale for his distinguished record of community service. He is a member of the board of councilors of the Graduate School of Business Administration of the University of Southern California, as well as an active member of the First United Methodist Church of Glendale.

On July 15, the Rotary Club of Glendale will honor Doug Clarke with an appreciation day which will mark Doug's retirement after 37 years with Glendale Federal. I think I can speak for the whole House in wishing him even more success in the years to come.●

SALUTE TO THE MILWAUKEE SYMPHONY ORCHESTRA

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. REUSS. Mr. Speaker, during this National Orchestra Week, I salute the Milwaukee Symphony Orchestra. It has brought hours of pleasure to music lovers throughout the Nation. Although it is one of our Nation's newest major orchestras the Milwaukee Symphony Orchestra is widely recognized as one of the best.

The Milwaukee Symphony Orchestra began in 1956 as the Milwaukee Pops Orchestra performing in the Milwaukee Auditorium and the Pabst Theater before moving to Milwaukee's new Performing Arts Center in 1970. In the 1959-60 season, the symphony included classical works in its concerts.

Prior to 1959, each season consisted of five pops concerts, often under the direction of Arthur Fiedler. In 1960, the orchestra retained Harry John Brown as its first music director. Under Brown's guidance, full-time musicians were employed for the first time—16 during the 1961-62 season. The orchestra now employs 90 full-time musicians.

Under Kenneth Schermerhorn, who assumed the music directorship in 1968, the Milwaukee symphony presented a wide variety of concerts for audiences in Milwaukee, Wis., and around the country, including its first widely acclaimed 1972 appearance in Carnegie Hall. In July 1980, Lukas Foss was appointed the orchestra's third music director.

During its current 50-week season, over 600,000 people will hear the orchestra perform over 190 concerts, including 50 classical concerts, 20 pops concerts, 4 kinderkonzerts, 5 senior citizen concerts, 30 youth and high school concerts, 4 young adult concerts, a number of special and business-sponsored concerts, as well as performances with Milwaukee's Florentine Opera Company, the Bel Canto Chorus, and the Wisconsin Conservatory Symphony Chorus. The orchestra's 6-week "Music Under the Star" summer season presents a series of concerts in Milwaukee County parks.

Touring the State of Wisconsin is a major part of the orchestra's busy schedule. Since 1970, the orchestra has presented 250 concerts outside of the city of Milwaukee, including 8 national tours and regular appearances at Carnegie Hall.

Radio broadcasts to over 275 stations during the summer of 1980 brought to the orchestra further national recognition. Last summer, the Milwaukee Symphony Orchestra joined the orchestras of Chicago and Cleveland as the only American orchestras whose concerts are broadcast in the United Kingdom by the BBC.

Much of the orchestra's growth must be credited to its outstanding auxiliary organizations. The Milwaukee Symphony's Women's League, organized in 1960 to assist in promoting the orchestra, is recognized as one of the foremost symphony women's leagues in the country. The Milwaukee Symphony Student Association assists the symphony in organizing and promoting the young adult concert series for high school and college students, sponsored by Milwaukee County.

The Milwaukee Symphony Orchestra is now acknowledged as one of the most exciting and versatile major symphony orchestras in the United States. In only 22 years, it has attained a status of excellence equal to that of much longer established orchestras—an unprecedented rise to prominence. As the Milwaukee Symphony Orchestra's national and international exposure grows, thousands of music lovers will share the good fortune that we in Milwaukee and Wisconsin have known for years. The Milwaukee Symphony Orchestra is a source of pride and joy for all Milwaukeeans, and helps make our city a wonderful place to live.●

NATIONAL ORCHESTRA WEEK

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DAUB. Mr. Speaker, I rise today in support of House Joint Resolution 375 designating the week beginning June 13, 1982, as "National Orchestra Week" recognizing the 1,500 symphony and chamber orchestras throughout the United States and their strong commitment to provide the finest music for their communities. This commitment becomes a reality year after year due to a mutual partnership between trained professionals and dedicated volunteers. This resolution recognizes our national orchestras and the many volunteers, women's guilds, men's councils, and local businesses who, through their never-ending hard work, dedication and generosity, insure us that beautiful music will continue to enrich our lives.

To supplement their earned income, orchestras actively raise funds from a broad base of individual, corporate, and foundation donors and their annual economic impact into the marketplace is estimated at $1 billion.

Orchestras serve as the nucleus of arts activities in many communities demonstrating techniques of organization, fundraising, and audience development; they expose the youth of our country to many past brilliant composers and contemporary new music compositions; they bring their music to nursing homes, schools, churches; they provide many free concerts-in-the-park; and they contribute much to the spiritual and cultural vitality of our local communities.

Mr. Speaker, I would like to commend the many volunteers in the Second District of Nebraska who insure our community of continued musical enrichment thanks to the dynamic style of music director/conductor Maestro Thomas G. Briccetti and the artistic excellence of the Omaha Symphony Orchestra.

WOODROW "WOODY" ALLEN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. LAGOMARSINO. Mr. Speaker, on June 21 many of my constituents will be honoring our friend, Woodrow "Woody" Allen at a dinner marking his retirement and departure from Ventura, Calif., to Stroud, Okla.

"Woody" has had a very varied and interesting career. He was born June 23, 1917, in Stratford, Okla., graduated from Stratford High School in 1934, along with the lady who 1 year later would become Mrs. Allen, Pauline Meador. Woody worked at various lumberyard and hardware stores prior to moving to Tulsa to support the war effort by working as a flightline electrician at Douglas Aircraft.

"Woody" started preaching while in high school and continued during the time he was putting himself through Kearney State College, Kearney, Nebr. Woody graduated with honors in 1952 at the age of 35.

In 1956 Woody came to Ventura, Calif., as pastor of the Church of Christ and in 3 years increased membership from 175 to 300, also building a new church at the same time.

Woody left the ministry and entered business in 1968 with Travelers Insurance. Since that time he has been with other agencies, going on his own in 1977. He has won many honors in the insurance business: CLU in 1973, national leadership in Travelers in 1969 and 1972, "Big hitter" with Aetna in 1977, and is one of the top 30 agents in the Nation for income.

His community service includes: board of directors of Exchange Club, receiving that club's outstanding service award in 1981; board of directors, Big Brothers/Big Sisters. He has run the youth fishing derby for the past 9 years and has coached, played, and sponsored softball teams since coming to Ventura.

Woody now plans to hunt, fish, preach a little, and enjoy his retirement. So I join with his many friends in wishing him well and thanking him for his years of service to Ventura.●

A SALUTE TO "OLD GLORY"

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, I rise to pay homage to the symbol of this great Nation and to the people it represents. Today is Flag Day, the day we set aside each year to commemorate the banner which embodies the soul of every American.

I am reminded of Henry Ward Beecher's words of more than a century ago—

A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.

I would remind my colleagues from both sides of the aisle that the outstanding quality of the American flag is not the red and white bars, nor is it the emblazoned stars standing in unity.

The significant quality of our flag is its ability to capture and portray the energy, devotion, love, and dignity of the American people, not merely as a symbol of values, but as a historic legacy. In celebration of this holiday 67 years ago, Woodrow Wilson said—

The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents

the experiences made by men and women, the experiences of those who do and live under the flag.

The history of the American people is a record of confrontations with adversity both at home and abroad. And yet, through it all, the undaunted American spirit has prevailed. To look at the American flag and "the Government that sets it forth," to look at American history, is to see a rich and endless line of millions of American men and women who have sought to make their flag the symbol of "a Government of the people, by the people and for the people."

Mr. Speaker, if our flag speaks of a people with a dedicated purpose, it speaks of a people who since 1776 have never ceased in their devotion to liberty and freedom. If our flag stands for purity, innocence, and justice, it does so not on the behalf of a flawless people, but on behalf of a people who seek truth and fairness for all. If our flag symbolizes courage and valor, it does so by reminding the world of a nation which, although unwanting, is willing to make sacrifices in order to preserve its sovereignty and that of its friends.

No group of Americans has shown more diligence in these pursuits than our veterans. How can we forget, today or on any day, their part in our rich line of history. I say to my colleagues that we cannot fail to remember Americans unfurling their flag around the globe in defense of liberty and freedom. In Cuba; at the Belleau Wood and the Argonne; at Midway and Iwo Jima; at Anzio and Normandy; at Inchon and throughout the Korean Pensinsula; in the Mekong Delta and the jungles of Vietnam; as members of peacekeeping forces; and as staunch allies against aggression; American troops have painted a proud portrait of their Nation.

I ask my colleagues to consider the words of Theodore Roosevelt, which for me, have become a creed—

A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled to, and less than that no man shall have.

Please listen and give thought to the words of a man who was involved in the endeavors of America. James Shively was a prisoner of the North Vietnamese for 6 years after being shot down in 1967.

It was recognized—that the American soldier is a damn good soldier. A lot of the reason for that is his fundamental faith and belief in his country and in what he is doing. If that faith is destroyed by the actions here, it might be a far different situation as to how people act in the future. What about the next time?

Mr. Speaker, to you any my colleagues, I say that we must be careful in the ensuing weeks, the ensuing months, and the coming years that we do not forget our veterans. As our budget goes to conference and as we look to the future let us see that no man who defended his Nation, is denied what he fought for. I ask that each of us remembers our veterans, not only on national holidays, not only when elections are looming, but every day of every year.●

OFFICIAL ABSENCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. RUDD. Mr. Speaker, on Thursday, June 10, after casting my vote in favor of the Latta substitute to House Resolution 352, the first concurrent budget resolution it was necessary that I leave Washington for official business and miss the vote on final adoption of the resolution. If I had been present for the final vote, I would have cast an "aye" vote.●

OPPOSITION TO THE IMPOSITION OF COAST GUARD USER FEES

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ST GERMAIN. Mr. Speaker, I have joined as a cosponsor of H.R. 5640 which will prohibit the Coast Guard from charging user fees for services rendered during fiscal year 1983. The user fee which has been proposed would fall most heavily on the small commercial fisherman and the recreational boater. Both groups are essential to the economy of my State and neither should be subject to an unfair tax which, as proposed, would not even go directly to the Coast Guard, but to the general revenues.

The small commercial fisherman is similar to the small farmer in that most years he barely makes a decent living for himself and his family. The imposition of a fee of several hundred dollars would be a real financial hardship to these fishermen.

Moreover, the average commercial fisherman requires assistance from the Coast Guard very infrequently. We do not charge citizens special fees for services from the police or fire departments; these services are supported by general taxes. Fishermen, like other businessmen, pay taxes; they should not be singled out for a user fee to offset Federal deficits. I hope that others will join in opposition of a Coast Guard user fee to insure that one will not be imposed.●

FUNDAMENTALS OF CYBERNETIC ECONOMICS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ADDABBO. Mr. Speaker, as you will recall, I submitted an article written by my good friend, Irving Zuckerman, concerning the social security program. Today, I would like to share with my colleagues another article by Irving, in which he adapts our economic system to the models used by electronic engineers. I trust my colleagues will find it informative and unusual.

The article follows:

FUNDAMENTALS OF CYBERNETIC ECONOMICS

(By Irving Zuckerman[1])

In early 1950s economists and electronic engineers sometimes teamed to apply techniques of electronic engineering to the models of economists, in hopes of using electronic apparatus to simulate the economy. But in due course various universities developed computers incorporating electronic simulations of economic functions for forecasting.

Suppose that instead of expressing the models of economists and simulating the economy as it is, we were to adapt economics to the models of the electronic engineers? That would be a ham's-eye view of an economic system. When studying economics after repairing radios during school years, it seemed that in the economy the producers' goods industries are analagous to feedback in the Armstrong Regenerative Receiver, a popular radio circut of the early 1920s. Looking at this again in recent years, it has become possible to fill in gaps.

The Armstrong Regenerative Circuit works as a radio receiver. If the basic parts of the economy are sufficiently analogous to the components of that circuit, it might show what the economic system needs to be in order for the economy to work as well, not what the economy is. Oscillations are inherent in positive feedback systems, but problems of feedback were solved in electronics, with the Armstrong Regenerative Receiver a pertinent example. So that if the components of the economic system sufficiently translate into the components of that circuit, the solutions in that circuit might well apply to similar problems in the economic system for purposes of economic design, and for purposes of public policy.

Knowing what the economy should be is vital for trouble-shooting purposes. Allowing for the fact that the economy we have deviates systemically, the Armstrong Regenerative Receiver circuit might indicate significant additions or changes to enable the economy to work as well.

The Armstrong Regenerative Receiver is the electronic expression of a straightforward single-loop feedback system, in that part of the output of an amplifier is fed back to the input to obtain enhanced output. It seems that the economic system

[1] Economic consultant. Formerly Administrator of Order M-85 for Emergency Radio (Ham) Networks, National Production Authority. Also formerly Assistant Director of Planning and Budget, Office of Coal Research, Interior Department.

is basically a straightforward single-loop feedback system. ("Feedback," in Van Nostrand's Scientific Encyclopedia, Fifth Edition, Ed. Douglas M. Considine, 1976, page 1004. The cybernetic single-loop feedback diagram is simple.)

In summary, in both the regenerative receiver and in the economy part of the output of an amplifier is fed back to the input. In the receiver the triode is the amplifier; in the economy installed production capacity (K) is the amplifier. The amplification factor (Mu) of the triode translates into the amplification factor of installed capacity.

The feedback (tickler) coil (+K) represents that part of the output of the triode which is being added to installed capacity. That which is processed in the plate (output) circuit is power provided by the B-battery. In the economy, that which is processed is provided by land (L). The headphones represent consumption (C) as part of the output of the triode. Primary motivation is provided in the input (grid) circuit by human effort (N) which is analogous to the input signal.

It is particularly significant to observe that electrons (which are negatively charged particles) are responsive to positive potentials, and that money is responsive to economic positive potentials in like manner. (In the customary circular-flow charts the money flows are opposite to the flows of factors of production, and the money flows are also opposite to the flows of finished goods and services.)

In operation, the grid-leak hastens the removal of electrons from the grid-condenser to a point where the circuit is reactivated, and then electrons resume their accumulation in the grid-condenser. (That is how positive feedback is electronically stablized.) The oscillation problem is present in both the regenerative receiver and in the economy. In the receiver the oscillation is successfully dealt with by increasing the frequency of the oscillations to a point above the audible range. (Clearly described in Patent No. 1,767,751, for Edmund T. Flewelling, filed September 1924, and granted June 1930.) In contrast, the economy effort is made to reduce the frequency of oscillations through counter-cyclical delays and programs. It is possible to conclude that public policy should favor speeding up the economic clearances to increase the frequency of economic cycles and to shorten their duration so as to similarly reduce or eliminate impediments to economic consumption and growth.

A second matter of public policy that seems to be indicated has to do with taxation. The negative effect of a tax is amplified if the tax is introduced at the input (grid) circuit, and has the least negative effect if it is applied in the output (plate) circuit or consumption. A tax applied to the feedback (tickler) would reduce feedback, and would indirectly be amplified after feedback. Conversely, the affirmative effects of a subsidy is amplified when it is applied in the input (grid) circuit, rather than in the output (plate) circuit. The circuit seems to indicate that a tax on consumption and an equivalent subsidy in the input (human effort) should pay for itself in increased consumption and growth many times over.

How about money matters? Perhaps it is economically significant that an excess of electrons (beyond the amount of electrons drawn to the plate) merely remain unused near the cathode (ignoring space charge). The amount of electrons circulating is determined by potentials of components once the supply of electrons at the cathode is adequate. The circuit seems to indicate that the flow of money in the economy might well be determined by the relative potential of economic components rather than vice versa, another concept of major importance for monetary theory and related public policy. (During the depression of the 1930s there were "idle men, idle plants, and idle money", and the idle money was assumed to be uninvested savings. Would it not be odd if much of the "idle money" was actually savings awaiting the maturity of older debts?)

Operationally, the circuit is temporarily blocked when there is excess accumulation of electrons (which are negatively charged particles) in the grid condenser. The grid lead action determines the frequency and duration of the trough and recovery periods.

An economic analogy seems to involve the accumulation of debt (represented by accumulation of electrons in the grid-condenser), and the repayment of debts (represented by the grid-leak action). Slow repayment of debt might be at the core of troublesome economic cycle, since soft sales revenues encounter fixed charges of interest payments that repayment would have avoided. Continuous growth might well require the avoidance of excess debt incident to previous growth-periods. (In practice, the inducements for debt-accumulation substantially exceed the inducements for repayment. A legal requirement for repayment as a standard might apply to corporate and other business debts requirements for reduction of principal similar to those in conventional home mortgages.) Thus far it would seem that the economic cycles have their origin (to a substantial extent) in the capital structure of the non-financial corporations with possible contribution by financial corporations, with particular reference to short-sighted capitalization practices which do not take the longer-run aspects of the system as a whole into account. The accumulation of debt in the capital structure over and above repayments determines to a major extent the depth and duration of the trough. This is tentative interpretation of what the grid-condenser/grid-leak action signifies.●

BIRTHDAY OF SOVIET DISSIDENT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DOWNEY. Mr. Speaker, I would like to bring to the attention of my colleagues the birthday of Soviet "Prisoner of Conscience," Yuri Federov. Another year has passed in the life of Mr. Federov and each of his 40 years have been marked by the restrictive and oppressive policies of the Soviet Union.

In his 19th year, Federov was convicted and sentenced to a labor camp for his anti-Soviet views. During his 3-year imprisonment, he came to know others who had experienced the harsh hand of persecution and the common condition so many shared.

In his 27th year, Federov joined a group attempting to escape the U.S.S.R. in a plane hijack. The attempt's failure dictated the next 15-year period of Federov's life—his current sentence to an especially harsh regime camp. At his trial, Federov asked for mercy toward two fellow codefendants, Soviet Jews who had been sentenced to death.

Although these lives were eventually spared and these codefendants freed along with four others, Federov remains in prison. The answer for his lone continuing sentence is the determination to practice his Christian Orthodox beliefs and his insistence on wearing a cross.

Federov's birthdays punctuate what has been a life of suffering with moments of joy. He suffers from bronchitis and kidney illness and has been hospitalized many times while in prison. But he has also experienced the joy of fatherhood from a daughter conceived during a prison visit by his wife in 1971.

These are not joyful words to convey to my colleagues today. But the hope Yuri Federov's years express in resolute defiance and conviction demands recognition on this day.●

NORTHEAST NEBRASKA UNITED WAY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. BEREUTER. Mr. Speaker, the residents of northeast Nebraska have learned that all wisdom need not be imported from Washington. "The good Lord helps those who help themselves," Fred Pape, president of Northeast Nebraska United Way, Inc., said recently. "We want to get things done locally."

With that philosophy, Mr. Pape and his northeast Nebraska neighbors have launched the first rural oriented United Way campaign in the State and one of the first in the Nation. The United Way, of course, combines many worthy causes into a single fund drive. The money collected is then distributed by local citizens to provide community services in the area. Previously, such drives were centered around cities; this new drive takes the United Way concept into the countryside.

Such voluntary programs can help supplement Federal, State, and local governmental funds for social services in a time when fiscal restraint is necessary. The effort of these Nebraskans is yet another indication that the volunteer spirit is alive in this country and that Americans are willing to respond to a national call for volunteerism. "We want to figure out our own way of providing various services," Mr.

Pape said. I would like to take this opportunity to commend Mr. Pape and the Northeast Nebraska United Way, Inc., for their efforts and to wish them great success in their innovative and important task. The pioneer spirit of community help for neighbors is alive and well in Nebraska.●

THE U.S. STEEL INDUSTRY IS IN TROUBLE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. FROST. Mr. Speaker, I am concerned about the future of the American steel industry, and my weekly newspaper column, released June 11, 1982, gives my views more completely. I insert a copy of that column at this point of the RECORD:

THE U.S. STEEL INDUSTRY IS IN TROUBLE

(By Congressman MARTIN FROST)

The American economy is in a deplorable state. We are on the verge of a Federal deficit that could approach $180 billion. National unemployment is at the highest level since the Great Depression, housing starts are down 32 percent from a year ago, and real GNP decreased 3.9 percent annually in the first quarter of 1982.

While almost every segment of our society is effected by this recession, our basic industrial community is one of the hardest hit in this country. The U.S. steel industry is not only threatened by the depressed state of our economy, but is unable to make a profit in steelmaking operations—considering the flood of imported steel sold in this country at prices below the cost of production.

The flood of imported steel is forcing many U.S. steel companies out of business which will eventually leave the U.S. without sufficient steel capacity when the economic recovery does occur.

About half, or 75 million tons per year, of U.S. carbon steel capacity has been shut down. Some 20 million tons are up for sale or may be permanently closed. Prices of such major products as plate are listed at almost $100 per ton lower than they were a year ago. The industry's payroll is down to 331,000—its lowest since the Depression.

Obviously, the loss of business by our domestic producers from the flood of foreign-made steel has added to the number of layoffs and workers on short weeks. Imports also threaten the industry's ability to carry out the $6 billion modernization program which is vital to its long-term future.

If the trend of plant closings and of marginal facility liquidation continues, not only will our Nation be one of the few unable to meet its steel needs, it will be forced into a perilous reliance on uncertain sources of supply. That would seriously jeopardize the stability of our national security.

The steel industry's problems must be addressed immediately to avert a catastrophe. The combined effect of high interest rates, economic recession and indefensible import penetration have left this basic industry on the verge of an economic disaster. If we allow our domestic steel industry to languish and barely survive, there is the possibility that no opportunity for overall survival in the domestic market will exist, much less the global market.

Orderly import restrictions are the only hope to introduce stability to our carbon and speciality steel producers. The legislative concept is vital to the national economy.

It is important that the American steel industry be freed from the political trade-offs, international quid pro quos and foreign policy giveaways which have persuaded administration after administration to ignore the difficulties of this vital industry.

During this patriotic holiday season, it is not my intent to memorialize the vestige of a once great steel industry; rather, it is my hope to see the U.S. steel industry and its workforce return to greatness—and for that to happen, we will need to employ all of this Nation's abilities to enact appropriate quotas into law.

The new market for American steel is the American market—unfettered by subsidized and dumped steel and open as a fair market in which all may compete in a real free enterprise system.●

TRIBUTE TO JAMES C. CLEVELAND

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

-Tuesday, June 8, 1982

● Mr. REGULA. Mr. Speaker, Jim Cleveland is the epitome of all the qualities that are desirable in a Representative to the Congress.

He is an individual of good judgment, compassionate but tough, a person who always gave thoughtful consideration to an issue before taking positions.

Jim Cleveland did not speak often on the floor, but when he did, people listened for they knew that he did not arrive at positions lightly. As a colleague, I could always have complete confidence in the integrity of his positions.

On a personal note, one of the great pleasures for me as a new Member was to share the wisdom and experience of Jim along with a small group to other colleagues at our usual evening dinner at the Capitol Hill Club.

The service of Jim Cleveland was a tribute to the good judgment of the voters who sent him to the House of Representatives as their spokesman.●

THE 1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—VIRGINIA WINNER

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ROBERT W. DANIEL, JR. Mr. Speaker, today I would like to share with my colleagues a speech on "The Call, the Cost, and the Commitment to Building America Together" written by the Virginia winner of the VFW voice of democracy scholarship program, David E. Gardner of Portsmouth, Va.

THE CALL TO BUILD AMERICA

(By David E. Gardner)

It has been said that something which ceases to grow will die and something not being built upon begins to decay. I believe this holds true of our nation today. If America is to survive in our restless world, its citizens must realize the importance of building and strengthening her. I would like to discuss three aspects of this: The call, the cost, and the commitment to building America together.

The call was first heard by colonists as Paul Revere cried, "To arms." Later, the call was for a unified government and leaders to serve this new nation. The call rallied patriots to their feet as they began the endless task of building America together. By voting for our country's officials and taking an active part in political functions, Americans laid the foundation for future generations to build upon.

Through the years, the call has changed to meet the needs and the problems facing the nation. It has been heard beyond the blood stained battlefields and challenged Americans to face enemies at home as well as abroad. It has called for reforms in legislation to protect the rights of all citizens regardless of their age, race or sex. The call has been heard by numerous muckrakers who exposed and fought social evils that hindered the growth of our nation. It echoes in the minds and hearts of all who love our homeland.

The call can still be heard today as it challenges Americans to safely harness the limitless power of nuclear energy. It cries out for a cure for cancer and other dreaded diseases. The call is heard through the smog in our skies begging us to conserve our environment. We can read it on signs asking us not to carelessly burn down our woodlands or destroy the beauty of our country with thoughtless litter. Yes, the call is all around us. Though many ignore it, it is ever present, reminding us, even as it did our forefathers: build America together.

As it was in the beginning of our nation, there is still a cost to building America. Although felt most keenly by those who have lost loved ones in war, the cost is sensed by everyone who sacrifices for the good of the majority. The cost, today, goes beyond our patriotic duty and attaches itself to our very lifestyles. You see, America is people, building America together is people helping people. It is the prejudice we set aside in our own lives which enable us to work with others. It is the inconvenience we endure in order to conserve our natural resources for generations to come. It is the unselfish efforts of individuals working together for the common good of all Americans both present and future.

The commitment to build America together is born within each of our spirits. It is the wisdom to hear the call, the courage to respond, and the willingness to pay the cost, whatever it may be. It is this kind of commitment that led to our independence in 1776 and formed a strong democratic government. This type of commitment still motivates citizens today to take an active part in their government by carefully selecting its leaders. It is this commitment that will lead us on to conquer the utmost corners of space. It compels us to seek peace with our fellow nations, but holds us together when

we must fight to defend our country. It has led us to many victories in the past, and as long as we have committed patriots, it will lead us to even more victories in the future.

Yes, I'm proud to be an American citizen, and I realize the responsibility it demands. The call to build America together still rings clear. The cost is as high as in the past and still requires a deep commitment of all who respond. Now, more than ever, America needs modern day minutemen: individuals with a deep commitment to their country and its people. I challenge you now, even as I am challenging myself, to heed the call, pay the cost, and fulfill the spirit of commitment in each of us to build America together.●

POLICEWOMAN PIONEER MARIEL NEWTON

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. DE LUGO. Mr. Speaker, there was a time when it was not fashionable for women to enter the field of police work. A woman, Mariel Cassandra Newton, from the U.S. Virgin Islands, was a pioneer in this area when she became the first policewoman on our local police force in 1948.

Her career as a police officer began as a desire to do something to improve the conditions facing certain young people around her home. After 7 years, the vehicle by which she could realize this goal materialized—an announcement in the newspaper advertising the policewoman's position. She was sworn in as a policewoman on March 16, 1948, and was immediately placed in charge of the Juvenile Aid Bureau and acted as police matron.

Officer Newton took her new responsibilities seriously. On the very day she started, she contacted the various schools about their truancy cases. Even though there was a truant officer, Mariel worked on many of these cases because the caseload was too great for one person. Officer Newton took a special interest in each of her cases and went that proverbial extra mile. She saw that the children were properly clothed and nourished, as well as in school obtaining an education.

Officer Newton continued to make contributions to the youth of the community. She organized the School Safety Patrol and the Police Athletic Patrol of the Virgin Islands. The former was designed to promote greater safety and awareness for the school-age children, while the latter provided recreational and fellowship opportunities for the youth.

In order to keep abreast of the latest developments in her field, she completed many in-service training courses given by the police department and Federal Bureau of Investigation. She also participated in the Mid-Century White House Conference on Children and Youth here in Washington, D.C., in 1950.

Officer Newton terminated 16 years of distinguished and dedicated service when she retired from the police department in 1964. In 1977, the 12th legislature of the Virgin Islands of the United States publicly recognized, memorialized, and honored this outstanding woman. Certainly, she accepted and demonstrated the advice given to her when she took the oath of office: "loyalty, discipline and attention to duty, both in and out of uniform, are three pillars upon which success lies."

The accomplishments of Mariel Newton are meritorious and I wanted to bring them to the attention of this body. It is a particular pleasure for me to commend Officer Newton because her niece, Lorraine, whom she lovingly raised as a daughter serves on my Washington staff. I, along with the residents of the U.S. Virgin Islands, am very proud of Mariel Newton and what she has achieved.●

HOUSING: CAUGHT IN THE CREDIT CRUNCH

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. WYDEN. Mr. Speaker, the U.S. League of Savings Associations released a report today predicting a "decade of difficulty" for home buyers, especially first-time home buyers, because of a critical capital shortage in America.

Interestingly, just a few days ago, the Office of Management and Budget released new estimates indicating the Federal Government's share of borrowing in U.S. credit markets would hit 56 percent.

That means the Federal Government is out-borrowing all other borrowers in America combined.

Little wonder there is a capital shortage for housing.

The U.S. League of Savings Associations' report, titled "Homeownership: The American Dream Adrift," blames the credit crunch plaguing housing on insufficient savings.

It cites as a principal culprit the high level of Government borrowing, caused primarily by out-of-control deficits.

The U.S. League of Savings correctly points to the absence of any rational Federal fiscal policy as a central reason for skyrocketing budget deficits.

This lack of a fiscal policy produced in the 1970's an unrestrained locomotive of inflation that affected the entire economy, but nothing more noticeably than housing. To cool that inflation, monetary policies clicked into effect that have produced interest rates as savagely high as inflation rates. Again, housing took it on the nose.

The League's new report says the median cost of a new home has risen nationally from $58,000 in 1979 to $72,000 in 1981, an increase of 11.4 percent.

During that same period, the average cost of funds to savings associations—what they paid for money to lend to home buyers—rose from 7.4 to 10.9 percent. Mortgage rates rose accordingly from 10.6 to 14.47 percent.

More tellingly, the monthly housing expense for that median house jumped from $555 to $816—a gigantic 22 percent increase.

The League says that increase has resulted in a growing "affordability gap" for housing.

Chances for improvement in 1982 and beyond are not very good, according to the League, because the demand for housing is growing while the amount of savings in America is declining, making capital that much scarcer—and expensive.

In view of this, the administration has repeatedly said it believes housing has been coddled too long and should not be singled out for special assistance.

The administration contends that general economic improvement, which it expects to result from its huge 3-year tax cut, will be sufficient to bail out the housing industry.

As OMB's own figures show, the administration's policies are not working. The tax cut has not produced prosperity. It has spawned enormous deficits—the hugest in this Nation's more than 200-year history.

By its own admission, new sources of tax revenues are needed to hold "down" the deficit to $100 billion—a figure virtually every economist agrees will keep the Federal Government heavily into credit markets and, consequently, will keep interest rates high.

There are two reasons why the Federal share of borrowing will top in 1982 the 50 percent mark for the first in history. First, the deficit is at record heights. Second, the United States is mired in recession—a recession induced by tight money policies made necessary by inflation-breathing high deficits.

My home State of Oregon lives and dies on the fate of housing because of its dependence on the timber industry.

Oregon's economy, because of a decade of inflation now followed by super-charged interest rates, is on its knees. Businessmen and workers alike are looking for signs that things will improve.

Regrettably, the signals being sent to them suggest things will get worse.

The decade of difficulty for housing is not ahead of us. It has already occurred.

What administration officials must realize is that their failure to act now will mean the next decade will be one without a housing industry at all.

Strong steps are needed, starting with responsible movement toward a sane, fair fiscal policy and a balanced Federal budget. That will do much to get the Federal Government out of the borrowing business, freeing up credit dollars and relieving pressures that drive up interest rates. It also will send the right cue to the Federal Reserve Board to loosen up its tight money policies.

But along with that must come special assistance to the troubled housing industry—in the form of increased incentives for long-term savings, reduced regulation of housing at all levels of government, emergency aid to homebuyers and new sources of affordable mortgage loans such as pension funds.

Housing must be seen as a investment, an element of American productivity.

Homeownership puts Americans to work, and it puts their savings to work.

Perhaps most important of all, homeownership gives Americans a real piece of the rock, and with it the incentive to keep plugging away to make this country greater than it is—and greater than it would be without their best efforts.●

SHRINE WEEK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that the week of June 29 through July 4 has been proclaimed Shrine Week in the cities of Port Hueneme, Ventura, and Oxnard, and that on Independence Day weekend there will be a Shrine ceremonial with a parade and full regalia in Ventura, Calif., at the Ventura County Fairgrounds.

The Masonic order is recognized throughout the world as a benevolent fraternal order and has, over the centuries, upheld and struggled for freedom, liberty, and the lifting up of mankind to higher levels of standards of living and physical health. To this end, the Masonic orders of the Shrine have established the Shrine crippled children's hospitals and burn centers throughout our Nation. These hospitals have provided attention and loving care so that physical handicaps need never be an insurmountable barrier, and additionally have conducted research and teaching programs, thereby fulfilling a critical need for our Nation and the world at large.

Of the 40 presidents inaugurated into office in this country, 14 have been prominent Free Masons, including Presidents George Washington, Warren G. Harding, Franklin D. Roosevelt, Harry S. Truman, and Gerald Ford.

Thus, I ask you to join me and my fellow Ventura Countians in honoring the philanthropic and charitable achievements of the Order of Nobles of the Mystic Shrine of North America during this period.●

NAMING COVERT AGENTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. EDWARDS of California. Mr. Speaker, Floyd Abrams, who has represented the New York Times in law suits, is a law lecturer at Columbia University Law School. In his article in the June 11, 1982, edition of the New York Times, Mr. Abrams points out the assault on the Constitution inherent in the Intelligence Identities Protection Act, passed by the House of Representatives on June 3, 1982, by a vote of 315 to 32.

Mr. Abram's article follows:

NAMING COVERT AGENTS

(By Floyd Abrams)

From the waning days of the Eisenhower Administration through the Presidency of John F. Kennedy, the Central Intelligence Agency and leaders of the Mafia plotted the murder of Fidel Castro. The C.I.A. prepared botulinum toxin pills in its laboratories, successfully tested the pills on monkeys and then furnished them to Mafia leaders. They, in turn, planned the mechanics of the murder, including who in Cuba would administer the pills to Mr. Castro. It was the stuff of a grade-B movie plot. It was all true. And it was all unreported at the time that it occurred, since neither the press nor the public knew of it.

If journalists had learned of the C.I.A.-Mafia murder plans, would they have published articles identifying the participants?

In the less adversarial and far chummier era of press-Government relations in the early 1960's, some publications might have refrained from printing the story. Yet in retrospect, it was disclosure of the C.I.A.-Mafia alliance to President Lyndon B. Johnson that ultimately persuaded him that "we were running a damn Murder Incorporated in the Caribbean"—it was a plot that remains an enduring stain on our national conscience. Anyone who knew of but failed to publish such a story would, through our eyes today, have abdicated journalistic responsibility.

What if similar events were to recur? That the press would now choose to publish what it had learned seems beyond question. But with President Reagan's imminent signature into law of the Intelligence Identities Protection Act, passed by the Senate yesterday, the ability to disclose just such abuses of power without fear of criminal prosecution is soon to be imperiled.

Anyone who identifies a "covert agent" soon will run the risk of criminal prosecution even though he or she never worked for the Government or promised to keep anything secret and even though the information disclosed came from public and nonclassified sources.

Each Mafia leader who worked with the C.I.A. in the effort to kill Mr. Castro would have been deemed a "covert agent" so long as he lived and acted abroad. So would each of the Cubans that the Mafia had intended to use in the assassination.

Why one identifies a "covert agent" is not even relevant under the act. All that is relevant is whether the disclosure was made "with reason to believe" it "would impair or impede the foreign intelligence activities of the United States." But any disclosure of the C.I.A.-Mafia plot would likely have been made with just such "reason to believe." What could "impair" or "impede" an assassination plot more than premature disclosure of it? But what, in turn, could serve the public more than just such a disclosure?

There is some language in the act designed to limit its scope. To be criminal, disclosure must be made in the course of a "pattern of activities intended to identify and expose" covert agents. The meaning of such tortured legalese is cloudy. It will necessarily remain so until the courts divine precisely what Congress's none-too-scrutable "intent" was in choosing language so inviting of misunderstanding.

What seems clear is that a "pattern of activities" may be as little as a single disclosure of a single name preceded by intensive investigation in solely public sources. What is also clear is that the law must apply equally to all: It cannot exempt responsible journalists in an effort to punish irresponsible ones; nor can it punish the few who are irresponsible without imperiling the many who are not.

A tragic background helps to explain, if not excuse, the far-too-sweeping scope of the act. The C.I.A.'s Athens station chief, Richard Welsh, was murdered shortly after his name and C.I.A. relationship was published in a newspaper in Greece, and two years after it was printed in an American publication. But American law can, in any event, do nothing about Greek newspapers. And there seems little basis for doubting Representative Les Aspin's observation that "everybody in Athens knew" that Mr. Welsh's residence "was the house of the station chief for the C.I.A. in Athens." Whether the statute will accomplish anything its draftsmen hope for is, at best, dubious.

But the harm it may do is far less speculative. The act had been aptly described by Philip B. Kurland, professor of law at the University of Chicago, as "the clearest violation of the First Amendment attempted by Congress in this era." A law that so directly threatens to inhibit disclosures of any C.I.A.-Mafia murder plots of the future is nothing less than that.●

MEDAL CELEBRATES PHILADELPHIA'S BIRTHDAY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. FOGLIETTA. Mr. Speaker, as a native Philadelphian, I take pleasure

in introducing into the CONGRESSIONAL RECORD an article from the New York Times of April 18, 1982. The article reports on Philadelphia's current 300th birthday celebration, known as Century IV, and the role of a Philadelphia company, Franklin Mint Corp., in assisting with the observance.

The article states that the Franklin Mint is striking medals for the Century IV celebration and that these medals are being provided at well below cost to maximize Philadelphia's profit for their sale. This will help the city's yearlong celebration.

The Century IV medal was introduced at a press conference by Mayor William J. Green and Franklin Mint Board Chairman Charles L. Andes. The New York Times wrote that Mayor Green hailed the mint's actions as "a real contribution to the city's celebration by a company that has made a real contribution to the city over the years."

Philadelphia's birthday celebration is not the first in which the Franklin Mint became involved. When the State of Pennsylvania commemorated its 300th anniversary last year, Franklin struck the official Pennsylvania Tercentenary Medal.

I endorse Mayor Green's praise of the Franklin Mint, which has demonstrated over the years that it is a public-spirited corporation.

The article follows:

MEDAL CELEBRATES PHILADELPHIA'S BIRTHDAY

The City of Philadelphia is in the midst of its 300th birthday celebration and The Franklin Mint is striking the official medal for the Century IV Celebration. The company will furnish all examples at well below cost to maximize the city's profit from their sale, which will help finance the tercentenary program.

Charles L. Andes, chairman of the Franklin Mint Corporation, describes the new medal as one of the most meaningful issues in the 18-year history of the firm. "Our company was born and nurtured in Philadelphia," he explains, "so while we have struck a number of prestigious medals through the years, none, I think, was as dear to our heart as this one."

In a sense, the medal constitutes a birthday gift to the city from the company. The Franklin Mint will furnish all bronze examples at no cost to the Century IV committee, and for the silver specimens will charge the committee only for the medals' silver content. Since the city is selling the medals for $8.95 in bronze and $35 in silver (plus sales tax, postage and handling) the value of the gift could run into many thousands of dollars.

At a press conference marking the medal's introduction, Mayor William J. Green hailed the mint's action as "a real contribution to the city's celebration by a company that has made a real contribution to the city through the years." On behalf of the city, the mayor accepted a unique gold-on-silver example of the medal.

The Franklin Mint was founded in 1964, as General Numismatics Corporation, by Joseph M. Segel, then the 33-year-old president of a Philadelphia advertising firm. It had fewer than a dozen employees and operated out of a small building in the Philadelphia suburb of Yeadon, Pa.—but growth came swiftly as thousands of buyers responded to the company's growing line of fine-art commemorative medals.

By 1969 the firm had broken ground for its sprawling headquarters complex in Franklin Center, Pa., a small community 15 miles southwest of Philadelphia. Today, it is a multinational enterprise with 3,300 employees, operations in 19 countries, and annual sales of more than $400 million.

The company was one of the many Philadelphia-area firms approached for assistance by the Century IV committee. Its response was among the most generous, according to Fred Stein, the committee's coordinator. "This is a major corporate contribution," Mr. Stein declares, pointing out that sale of the medals is expected to raise a "significant" portion of the $3 million budget for the observance.

The Century IV celebration, already under way, will include special activities all year long. One of the highlights will take place next week, when the ocean liner Queen Elizabeth 2 sails up the Delaware River on her maiden voyage to Philadelphia. The ship will dock there next Sunday, April 25, and remain in port there for three days before returning to England on April 28. Other major events will include a visit from more than three dozen tall ships June 17-21, the first annual American Music Festival June 20-July 11, and William Penn Heritage Week Oct. 23-31.

The Century IV medal was designed by sculptress Jaki Katz Adler, a Philadelphia native who serves on the Franklin Mint staff. Mrs. Adler also designed the official tercentenary medal for the State of Pennsylvania, which likewise was produced by The Franklin Mint.

The obverse of the new medal depicts Philadelphia's present-day skyline contrasted with the sailing ship Welcome, the vessel on which William Penn, the city's founder, arrived there in 1682. The reverse bears the Century IV symbol, which consists of the ribbon-like word "Philadelphia" centered inside a circle with the words "Century IV" and the double dates 1682-1982. The medal is 1¾-inches in diameter and both versions are frosted proofs.

Total price of the sterling silver version is $38.85, which includes the base price of $35 plus $2.10 sales tax and $1.75 for postage and handling. Total price of the bronze version is $11.24, which covers the base price of $8.95 plus $.54 tax and $1.75 for postage and handling. Orders will be accepted through Dec. 31 and should be sent along with a check or money order to "Century IV Medal, 1682 Municipal Services Building, Philadelphia, Pa. 19107."●

NATIONAL ORCHESTRA WEEK

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mrs. FENWICK. Mr. Speaker, today, in recognition of National Orchestra Week, I would like to commemorate the 19 symphony and chamber orchestras in New Jersey: Bergen Philharmonic Orchestra, Bergen Youth Orchestra, Colonial Symphony, Garden State Philharmonic Symphony Orchestra, Garden State Philharmonic Youth Orchestra, Garden State Chamber Orchestra, Haddonfield Symphony Society, Mercer County Symphonic Orchestra, Metropolitan Y Orchestra, Monmouth Symphony Orchestra, New Jersey Philharmonic, New Jersey Symphony Orchestra, New Jersey Youth Symphony, Philharmonic Orchestra of Northern New Jersey, Nutley Symphony Orchestra, Plainfield Symphony Orchestra, Suburban Symphony Orchestra of New Jersey, Greater Trenton Symphony Orchestra, New Philharmonic of Northwest New Jersey.

The symphonies and orchestras of New Jersey provide an invaluable service to their individual communities. Not only do they sponsor the highest quality performances for little or no payment, but also exude an energy which can only be found in live music. Thus, the symphonies and orchestras provide the people of New Jersey with an opportunity that normally only few could have.

The professional, semiprofessional, and amateur symphonies and orchestras afford the musicians of New Jersey with both job opportunities and outlets to express their love of music.

The symphonies and orchestras make a successful effort to reach all ages in the community. They sponsor children concerts, competitions for high school and college students, and special interest concerts.

Because New Jersey symphonies and orchestras offer an exciting calendar of events to all ages for a minimal fee while providing an opportunity for those who have musical talent to exercise and share it, I again acknowledge and thank the 19 symphonies and orchestras located throughout the State of New Jersey. Their value to our communities cannot be underestimated.●

A TRIBUTE TO MR. SHERMAN NAYMARK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. MINETA. Mr. Speaker, on behalf of Congressman EDWARDS and myself, I rise today in tribute to Mr. Sherman Naymark, president of Quadrex Corp., and recipient of this year's Torch of Liberty Award, to be presented on June 24 by the San Jose Area Council of the Anti-Defamation League of the B'Nai B'rith. As one of Santa Clara County's most distinguished citizens, Mr. Naymark has earned this award for his many years of service to the community, to the Nation, and to the cause of peace and freedom throughout the world.

Sherman Naymark's dedication to the needs of the Jewish community have been worthy of note for almost

two decades. He has been an active member of the San Jose Anti-Defamation League's Society of Fellows and of its board of regents for over 15 years. He has also served for 8 years on the board of directors of Temple Emanuel and was its president for 2 years in the 1960's. In Jewish affairs nationally, he has been a member of the board of the Union of American Hebrew Congregations and of its special council of delegates.

Beyond his work in the Jewish community, Sherman Naymark has been a valued citizen working on behalf of all of Santa Clara County. Among his philanthropic activities have been efforts to help generate support for the City of Hope, the YMCA, and the Santa Clara Boy Scouts. Moreover, as a corporate executive, he has seen to it that his firm, Quadrex Corp., has provided support to worthy community organizations including the San Jose Museum, Junior Achievement, Campbell Progressive Seniors, United Way, and the National Conference of Christians and Jews. Perhaps most gratifying is his philosophy of the future, which he has imparted to Quadrex. In recent years, the company has supported students at the University of California and at San Jose State University, by providing scholarships and other types of support to tomorrow's leaders.

In addition to his many philanthropic activities, Sherman Naymark has distinguished himself professionally. His reputation is well known both across the United States and abroad. As would be expected of a man who served under Adm. Hyman Rickover, Mr. Naymark has used his expertise in nuclear engineering in an advisory capacity to the U.S. Government for many years. In 1964 he assisted the State Department in its participation at the United Nations Conference on the Peaceful Use of Atomic Energy, held in Geneva. More recently he has worked with the Department of Energy in the development of its fusion energy program. Mr. Naymark has also been a lecturer on many topics related to energy development, and he has authored many papers and parts of books on the same subject.

Mr. Speaker, on behalf of Congressman Edwards and myself, I ask you and all Members of this House to join me in paying tribute to Sherman Naymark—businessman, philanthropist, humanitarian, and professional in service to the people of his community and the Nation. His efforts during these many years past have earned him the praise of all who would make a better world.●

THIRTY-NINTH BIRTHDAY OF YURI FEDEROV

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ZEFERETTI. Mr. Speaker, today marks the 39th birthday of one of the last remaining defendants of the Leningrad trials—Mr. Yuri Federov—who is still imprisoned in a strict Soviet regime labor camp.

Earlier this year, I and 73 other Members of Congress sent joint letters to the President and Soviet Premier Leonid Brezhnev requesting the expedited release of Mr. Federov. As of this date, we have yet to see any definitive action.

The long-held attitude toward the treatment of prisoners of conscience prompted us to write our letters. In 1970, Mr. Federov joined a group of Soviet Jews who allegedly planned to escape to Israel from the U.S.S.R. by seizing an airplane to dramatize the mistreatment of Soviet Jews. The attempt failed and Yuri Federov was sentenced to 15 years imprisonment. Of the group, the two leaders (who were originally sentenced to death) and four codefendants were released in 1979. Two years ago, another codefendant was released. Yet Mr. Federov is still in the prison camp.

Since imprisonment, Mr. Federov's health has been deteriorating. He has been hospitalized many times for breathing problems. The outlook now is not favorable because of his health; he may never see his tentative release date of June 1985.

The humanitarian importance of this matter is paramount as Mr. Federov is continually joined by other Soviet Jewish prisoners of conscience. The world's regard for Soviet attitudes on human rights can only be hurt by the unjust imprisonment of Yuri Federov and the many other prisoners of conscience.

On this date, the day of Mr. Federov's 39th birthday, I call upon my colleagues to take a moment out of their busy schedules to remember the plight of all Soviet Jews, who wish nothing more than to freely practice their religious beliefs without persecution.●

DAMAGING NEW PROGRAM REQUIREMENTS WITH SOCIAL SECURITY AND SSI

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. GARCIA. Mr. Speaker, the Social Security Administration has begun establishing some very damaging new program requirements for social security and supplemental security income (SSI). The "new" social security and SSI system has generated many fears from anxious and confused social security and SSI recipients.

In this regard, there are two particularly important questions raised by the New York Office for the Aging on the social security system that deserve careful congressional attention.

First, does the administration have the authority to force SSI recipients into waiving their legal right to privacy of their tax records by threatening to cut off their SSI benefits? Second, can the Social Security Administration legally send notices of long-past overpayments without explaining either how the overpayments arrived or the circumstances under which repayment should by law be waived?

These two questions raise some very disturbing points with the Social Security Administration. Despite the importance of insuring that proper payments are made to the elderly, the hundreds of complaints in New York State alone indicate the enormous fear that is present throughout our Nation. The SSI recipients are already living at the very lowest income level, and requiring them to repay overpayments would be condemning many of our Nation's senior citizens to an existence that is far below the poverty level. Why should the elderly have to repay overpayments that were mistakes of the Administration in the first place?

Our Nation's elderly are already bearing the burden of $2.4 billion in medicare and medicaid cuts and more than $1 billion in welfare reductions made in last year's budget. Presently, medicare covers less than 40 percent of the elderly's health care costs. In addition, older people continue to devote a much larger share of their income to health costs than do other Americans. Clearly, the elderly are not in a position to withstand additional reductions in social programs.

In a recent New York Times survey, June 6, it was reported that a 61 to 31 majority of Americans do not believe that further cuts in social programs should be a way of reducing the deficit. There is no equitable justification to allow low-income people and the elderly to suffer through additional reductions in health programs, particularly if the mistakes are due to medicare and medicaid. It is time to stop the slashing of social services for our Nation's low-income families and senior citizens, and start demonstrating some concern for the situation of the lower income areas of our country. The economic well-being of our country must not begin with further reductions in our health programs.●

FLY THE FLAG

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. FARY. Mr. Speaker, today all Americans will celebrate Flag Day, which is a day of national commemoration which in recent years has often been overlooked by our citizens. Throughout the communities of our Nation, in house after house there is no flag being displayed. We must not forget what our flag stands for. It is a mighty symbol to people everywhere of a sovereign Nation, a great democratic Republic.

Old Glory is an important part of our history; she represents a nation dedicated to independence, freedom, and justice. Born as the banner of an infant Republic, she is a symbol of over 200 years of growth and liberty for our country. Her stripes remind us of the Thirteen Original Colonies and our forefathers whose wisdom, perseverance, and foresight forged the way toward a United States of America made up of 50 diverse States, each represented on our flag, and over 200 million people.

To put this special day in perspective, I am inserting a poem written by the late Chicago poet James J. Metcalfe entitled, "Flag of Freedom."

FLAG OF FREEDOM

The mighty flag of freedom is . . . The flag that flies today . . . For every citizen and home . . . Throughout the U.S.A. . . . With stars that represent the states . . . And all their liberties . . . And thirteen stripes in honor of . . . The gallant colonies . . . We bare our heads and we salute . . . Old Glory on the mast . . . And we are justly glad and proud . . . Of our victorious past . . . For enemies have come and gone . . . And while we paid the cost . . . "There has not been a single war . . . That we have ever lost . . . And though the world may challenge us . . . We will be stanch and true . . . To every star and every stripe . . . Of our red, white, and blue.●

TRIBUTE TO WRIGHT STATE UNIVERSITY SCHOOL OF PROFESSIONAL PSYCHOLOGY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. BROWN of Ohio. Mr. Speaker, I would like to note that Friday, June 11, 1982, marked an auspicious occasion, the graduation of the Charter Class of the School of Professional Psychology of Wright State University, Dayton, Ohio.

This school was created by an Act of the Ohio General Assembly in 1977, for the purpose of educating and training doctors of psychology. Friday, its first such group of students graduated from a program fully accredited by the American Psychological Association.

I take personal pleasure in recognizing the accomplishments of the School of Professional Psychology, and wish to congratulate the Ohio General Assembly for its wisdom and foresight in establishing the only such program in the State of Ohio.

I wish, further, to note the diligent personal efforts and achievements of its dean, Ronald E. Fox; its associate deans, Allan G. Barclay and Russell J. Bent; its assistant deans, Duke Ellis and James T. Webb; and of its faculty and students.

Finally, I am confident that the graduate of this school will go forth and serve the citizens of the State of Ohio well, and will make significant contributions to the science and profession of psychology.

As a Representative from the State of Ohio, the Buckeye State, I commend this program to the eyes and attention of my distinguished colleagues in the Congress of the United States.

ALLSTAR FOOTBALL CLASSIC FOR BERKS AND SCHUYLKILL COUNTIES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. YATRON. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. Congress an important event which will take place in my congressional district on June 19, 1982, at 8 p.m. This occasion is the first annual Berks-Schuylkill County Senior Charity Bowl Benefit. It will be an all-star football classic, encompassing the participation of 29 high schools from Berks and Schuylkill Counties. Sixty young men will take part in the game.

The Berks County Lions Club and the Pottsville Kiwanis-Lions-Rotary Clubs, along with the American Bank are sponsoring this event. The proceeds are for charity.

This first all-star football classic represents the community spirit of helping one another, which is the very foundation of our Nation. I think that it is indeed fitting that this event is recognized in the U.S. Congress. It is my hope that this is just the first in a long line of annual Berks-Schuylkill Senior Charity Bowls and that this excellent example continues to underline the importance of aiding those in need.

I know that my colleagues will join me in wishing the participants of this fine event, the utmost success.●

TRADE, NOT AID, IN THE CARIBBEAN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. FRENZEL. Mr. Speaker, amidst the dialog surrounding the proposed Caribbean Basin initiative, one fact must be kept in mind: The long-term goal of the CBI is to encourage friendly Caribbean nations to rebuild themselves through trade, not aid. This will require encouragement of their indigenous industries to develop to the point where they can provide lucrative exports.

It is frustrating to see subcommittee amendments that discourage the development of these industries.

One such amendment would eliminate duty-free treatment for footwear and leather goods coming from the Caribbean. Yet, only three-tenths of 1 percent of these products now entering the United States come from the Caribbean. Caribbean footwear for export consists primarily of sandals and slippers and would not adversely affect the U.S. domestic shoe industry. Passthrough arrangements would not be ecouraged by the CBI.

Some proposals would deny duty-free treatment to the importation of Caribbean mushrooms in cans for fear of botulism poisoning. This criticism does a disservice to the Food and Drug Administration, which has been effectively enforcing the regulations governing importation of canned food products. Botulism cases that have emerged have involved not imported products, but domestic products.

If we are to strengthen our friends in the Caribbean, we must allow them to build on their strengths, to expand, and to export. We should encourage trade, not aid, for long-term growth and economic security in the Caribbean. In doing so, we will also be working on behalf of the best long-term foreign policy interests of the United States.●

WINSTON CHURCHILL MEMORIAL AWARD

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. SOLOMON. Mr. Speaker, last Friday one of our colleagues was honored for his leadership in initiating the nuclear arms reduction proposal which now has more sponsors than any other in Congress.

WILLIAM CARNEY, our colleague from eastern Long Island's First District, was presented the "Winston Churchill

Memorial Award" by the Committee to Prevent Nuclear War at a ceremony in New York City June 11. The committee was joined by 20 other groups, including the Veterans of Foreign Wars, in citing BILL for his work on House Concurrent Resolution 297.

The Winston Churchill Award quotes that famous leader on one very crucial point which all of us who are committed to peace through strength would agree to: "To urge the preparation of defense is not to assert the imminence of war."

At this time I would like to include for the RECORD BILL CARNEY's remarks when he accepted this award.

Remarks by WILLIAM CARNEY follow:

REMARKS BY WILLIAM CARNEY, U.S. REPRESENTATIVE, FIRST DISTRICT, NEW YORK

I am greatly honored to be presented with this award. I thank you for this presentation and, especially, for the support it shows for what has become the leading nuclear reductions proposal in the Congress.

House Concurrent Resolution 297 now has 172 sponsors. The identical resolution in the Senate has 61 supporters. On Wednesday, the Senate Foreign Relations Committee reported a resolution which incorporates the essence of both these resolutions.

I think this resolution represents the safe, sane and sensible approach to nuclear arms reductions. The fact that we have more members of Congress supporting this approach is evidence to me that we are on the right track. The diversity of the groups represented here today demonstrates the wide support our approach has outside Washington as well.

If I might single out just two of the groups here today as particularly significant, they are the Veterans of Foreign Wars and the Reserve Officers Association. If there is any group in our society who knows best the individual and collective price of peace and freedom, it is our veterans.

My concerns over the issue of nuclear arms reductions was elevated last October when a group of constituents asked to meet with me at my District office. It was a church group, and they wanted to know if I would support a freeze on nuclear weapons. They had been given what became the Kennedy-Markey proposal, and they asked me to support it.

What impressed me about the group was their sincerity. They wanted a world that is free of the threat of nuclear war. So do I. So does every peace-loving person on this earth. But when I started taking a hard look at the freeze proposal they gave me, it became more and more evident that—despite the good intentions of my constituents—the freeze at current levels their proposal contained put the safety and security of this country in danger of the very threat that they wanted most to eliminate.

And the threat right now is the imbalance of forces between the United States and Soviet Union—not the existence of our nuclear arsenals. The superpowers have had nuclear weapons for the past 32 years. But what has developed in the past 10 years has been an imbalance in those forces. And it has been precisely that imbalance that has created the instability in the world and the fear of nuclear war that we are seeing now.

By freezing our forces at current levels, we are also freezing that imbalance and that instability. Therefore, any proposal for freezing nuclear forces must address the need for parity, or equality, of forces.

Second, a nuclear freeze at current levels without an assurance that these levels will be substantially reduced is unacceptable. To allow current levels to remain is not enough. We must instead seek major reductions in the nuclear arsenals of the world.

Additionally, a successful arms-control agreement must speak to verifiability. Although other proposals call for verification, if we were to freeze nuclear weapons under the prevailing conditions, adequate verification could not be obtained. To date, lack of on-site inspections is a serious flaw in existing agreements. Given the Soviet record of compliance with international agreements, adequate verification procedures take on an even greater importance when dealing with nuclear weapons.

The history of Soviet compliance with international agreements is one that is very scarred. In the area of chemical warfare, for example, the Soviets signed the 1972 disarmament agreement calling for the destruction of biological and toxic weapons. Yet there is irrefutable evidence that the Soviets or their surrogates have used chemical and biological warfare in Afghanistan, Laos and Kampuchea. Thus, verifiability is an essential prerequisite to any nuclear reduction proposal we enter.

From this analysis of arms-control needs came our resolution. And what our resolution calls for is that the United States should propose to the Soviet Union a long-term, mutual and verifiable nuclear force freeze at equal and sharply reduced levels of forces.

It is the fervent wish and hope of all Americans for a world that is at peace for all mankind. Although that is our wish, we have to deal with the world as it is today while we work towards a world we would like to have. And the reality of our situation in the world today is this: that since the signing of the SALT I treaty in 1972, there has been a major shift in the balance of power in the world. This shift has not been to the advantage of the United States and the free world, and it threatens the overall world peace.

In the past, the Soviet Union has enjoyed conventional military superiority. But the U.S. strategic superiority had always served to keep Soviet ambitions in check. Since 1972, the United States has lost its margin of strategic superiority. It is very easy to determine how this dangerous shift has been allowed to happen. In the past decade, the Soviet Union has exceeded the United States in military expenditures by an estimated 710 billion dollars. During that same period, the Soviets have introduced 23 new or substantially upgraded strategic systems while the United States has introduced just three. The result is a world that is much more dangerous than it was 10 years ago, and it is that more dangerous and unstable world that we see so many people in this country and abroad reacting to now.

President Reagan recently stated that the Soviets now enjoy a clear margin of military superiority. Acknowledging information I have access to, I am reluctantly forced to agree with Mr. Reagan. Although this claim has been challenged by some, no one can ignore the fact that the Soviet Union is demonstrating an increasing willingness to use their military might for political purposes in direct opposition to United States' and freedom's interests. Soviet military superiority is being flaunted in Latin America, Africa, Southeast Asia, Poland and Afghanistan. If the U.S. is committed to increasing world stability and the prospects for world peace, it must seek to restore a more favorable balance of nuclear weapons in the world.

As I've said, a nuclear freeze at current levels of forces would perpetuate the current imbalance and its accompanying instability. I don't think I have to tell anyone in this room that the Soviets are very skillful negotiators. Therefore, we must take into consideration that a freeze at current levels is much too simplistic a solution for such a dangerous and complicated problem as arms control. If the Soviets did not recognize the enormous advantage they would gain by a simple freeze, Soviet President Brezhnev would never had endorsed the Kennedy-Markey resolution.

Giving credit where credit is due, the Reagan Administration has approached the issue of arms control in a thoughtful and determined manner. Its START proposal is a bold plan that would substantially reduce nuclear weapons on both sides—by one half to one third—and therefore help reduce the likelihood of nuclear war. In the I.N.F. talks—the theater or intermediate range missile talks now underway in Geneva—we are prepared to propose that we would discontinue the planned placement of Pershing II and land-based cruise missiles in Europe if the Soviets would remove their 900 warheads now targeted on western Europe. New life has been breathed into the M.B.F.R. negotiations (mutual balanced force reductions) with the Administration's proposal to reduce NATO strength to 700 thousand troops if the Soviets would reduce their Warsaw Pact force to equal numbers.

Clearly, President Reagan has demonstrated a willingness to initiate safe, sound, sensible approaches to the entire question of disarmament—approaches designed to lessen the present instability in the world and to lessen the likelihood of nuclear war through accident, miscalculation or design. These initiatives should be embraced by all the peoples of the world, and it is our responsibility as citizens concerned with the preservation of the human race to encourage the Soviet Union to recognize the spirit and sincerity in which they have been offered.

Finally, I would like to say a word about the United Nations' General Assembly's second session on disarmament for which I am a congressional adviser to the United States delegation. This forum is in the position to lend the weight of world opinion and encouragement to the United States and Soviet Union to come to the negotiating table in the spirit of good faith and cooperation to produce substantial, equitable and verifiable reductions of arms.

Once again, I am honored to have received this award, and I thank you for your support of our efforts to produce a world that will be free of the threat of nuclear war for all future generations.●

THE INTER-COMMUNITY HOSPITAL

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to direct the attention of

the House to the outstanding record of community service that is the history of the Inter-Community Hospital of Covina, Calif., which will soon celebrate its 60th anniversary of service.

The Inter-Community Hospital, a nonprofit institution, has become a landmark in the east San Gabriel Valley for quality health care. The hospital began serving San Gabriel Valley residents in 1922. Through the years, hospital growth has matched valley growth, as Inter-Community kept pace with the increasing health care needs of the communities it served. Today, the 274-bed, full-service medical facility provides complete diagnostic treatment, and rehabilitation services, including medical, surgical, orthopedic, pediatric, maternity, and psychiatric care.

Through the years, the Inter-Community Hospital has been an important focus for community involvement. Community residents give over 50,000 hours of volunteer service each year to their community hospital, and many donations are received from the community each year. Community residents also form the Inter-Community Hospital Auxiliary and Men's Club which contribute to the hospital through service and contributions.

On July 31, 1982, the Inter-Community Hospital's 60 years of contributions to the community will be honored by a birthday ceremony and celebration. I think I can speak for the whole House in extending our appreciation, and in wishing the Inter-Community Hospital many, many more years with the friends it has made during the last 60 years of service.●

SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, today, I have introduced the Small Business Innovation Development Act of 1982. This bill includes the text of the changes proposed by the House Small Business Committee to the innovation bill, H.R. 4326. These changes were previously printed in the CONGRESSIONAL RECORD of May 18, 1982, on pages 10419 and 10420 as an amendment to H.R. 4326.

The bill introduced today is identical to the amendment previously printed except for the correction of a GPO printing error. As printed in the CONGRESSIONAL RECORD, section 4 of the amendment proposes a new section 9(h)(1) of the Small Business Act and erroneously includes a $100,000 threshold amount. The amendment I submitted for printing contained the correct threshold amount of $10,000. This has been corrected in the bill.

I would have corrected this printing error when the House considers the bill, H.R. 4326. As suggested by the Parliamentarian and at the request of the Committee on Rules, I have introduced the committee's proposal as a clean bill. The purpose of doing so is simply to have a complete text with page and line numbers to facilitate the offering of amendments by other House committees and Members if the rule permits my offering as an amendment the text of the bill introduced today.●

TALENTS OF PHYSICALLY IMPAIRED CITIZENS CELEBRATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1982

● Mr. RODINO. Mr. Speaker, I wish to bring to the attention of my colleagues a celebration of the abilities of New Jersey's disabled citizens on June 20, 1982, at the Lawrenceville School of New Jersey. In honor of Father's Day, the opening ceremonies will include participation by New York Giants star Gary Jeter, whose father is disabled; and former Gov. William Cahill who is father to a disabled daughter. The events will also be marked by a parade of athletes of the mentally retarded, blind, and physically handicapped. An exhibition of athletics and artwork by disabled groups will illustrate the immense talent of our physically impaired citizens.

The Disabled Athletes and Artists in Action Committee, which is hosting this event, is a coalition of the New Jersey Committee Arts for the Handicapped, the State's chapter of the National Association of Blind Athletes, New Jersey's Deaf Athletes, the New Jersey Special Olympics, the New Jersey Tournament of Champions, and New Jersey's Wheelchair Athletes. This meaningful celebration will be the first joint effort of the coalition and I am confident that their efforts will be a success.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 15, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:30 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings on administration of the law requiring half of all Government-impelled cargoes to be transported on U.S.-flag vessels.

235 Russell Building

Foreign Relations

To resume hearings on East-West relations, focusing on the Pacific.

4221 Dirksen Building

Judiciary

Criminal Law Subcommittee

To hold hearings on S. 2043, providing criminal penalties for the mailing of identification documents bearing a false birthdate.

2228 Dirksen Building

Rules and Administration

Business meeting, to consider the nominations of Joan D. Aikens, of Pennsylvania, Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission, and a proposed resolution of regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

301 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to resume markup of S. 2352, S. 2392, S. 2480, and S. 2493, bills authorizing funds for the food stamp program, and providing for increased State responsibility.

324 Russell Building

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1983 for the defense establishment, focusing on the Department of Defense shuttle support program.

1114 Dirksen Building

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1983 for the Government of the District of Columbia, focusing on public safety and justice programs, and the public education system.

1224 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on the alleged use of false identification to penetrate Federal programs.
3302 Dirksen Building

Joint Economic
Monetary and Fiscal Policy Subcommittee
To hold hearings on monetary policy.
2247 Rayburn Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice
To hold an open and closed organizational business meeting.
357 Russell Building

JUNE 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.
5110 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 20, S. 661, S. 954, S. 1025, and S. 1339, bills establishing penalties for robbing a pharmacy engaged in interstate commerce of a controlled substance.
2228 Dirksen Building

Labor and Human Resources
Business meeting, to resume markup of S. 1889, authorizing funds for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 505, to subject imported grapes to the same requirements as table grapes grown in the Coachella Valley of southern California.
324 Russell Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 2469, providing for improved international telecommunications.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1562, proposed Arctic Research and Policy Act of 1981.
3302 Dirksen Building

Select on Intelligence
Business meeting, to mark up S. 2422, providing an automatic share in retirement benefits to qualified former spouses of participating CIA employees.
4232 Dirksen Building

10:30 a.m.
Foreign Relations
Closed briefing on the results of the Versailles economic summit meeting.
S-116, Capitol

11:00 a.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the government of the District of Columbia, focusing on public safety and justice programs, public education system, and human support services.
1224 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the uranium enrichment program of the Department of Energy.
3110 Dirksen Building

Foreign Relations
To hold hearings on the nomination of James B. Burnham, of Pennsylvania, to be U.S. Executive Director of the International Bank for Reconstruction and Development.
4221 Dirksen Building

Governmental Affairs
Business meeting, to consider pending calendar business.
3302 Dirksen Building

JUNE 18

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on licensing issues of the Soviet-European natural gas pipeline.
5302 Dirksen Building

Foreign Relations
*East Asian and Pacific Affairs Subcommittee
Briefing on current assessment of U.S. economic and commercial prospects on current assessment of U.S. economic and commercial prospects in Southeast Asia.
S-116, Capitol

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed U.S. Army Corps of Engineers construction projects.
4200 Dirksen Building

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, S. 2012, S. 2015, S. 2092, S. 2113, S. 2176, S. 2321, S. 2413, and section 127 relating to State legislator's travel expenses, of the Economic Recovery Act of 1981.
2221 Dirksen Building

JUNE 21

9:30 a.m.
*Judiciary
To hold hearings on S. 1215, proposed Malt Beverage Interbrand Competition Act.
2228 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and to extend the scientific advisory panel.
324 Russell Building

2:30 p.m.
Committee on the Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 1698, providing preferential treatment in the admission of certain children of U.S. Armed Forces personnel.
2228 Dirksen Building

JUNE 22

9:00 a.m.
Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2202, authorizing funds through fiscal year 1989 for the Colorado River Basin salinity control program.
3110 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate the alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
4232 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

JUNE 23

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2411, proposed Justice Assistance Act.
2228 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2084, providing for the resolution of certain disputed Indian land claims in New York and South Carolina.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Governmental Affairs
To hold hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
3302 Dirksen Building
1:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Materials and Minerals Policy Act of 1980 (Public Law 96-479).
235 Russell Building
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 24

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To resume hearings on S. 2533, providing authority to the Secretary of Agriculture to set the milk price support level, providing authority to the Commodity Credit Corporation to donate surplus dairy products to needy persons in the United States and abroad, and establishing a Dairy Advisory Board, and related proposals reducing the Federal Government cost of the dairy program.
324 Russell Building
Judiciary
Agency Administration Subcommittee
Business meeting, to resume markup of S. 1775, making the Federal Government liable for tort claims and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
457 Russell Building
10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 705, authorizing the conveyance of certain National Forest System lands when determined to be in the public interest, and S. 2569, declaring certain lands in the Cumberland Island National Seashore, Georgia, as wilderness.
3110 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
Judiciary
Security and Terrorism Subcommittee
To hold hearings to review U.S. Attorney General's guidelines on domestic security investigations.
2228 Dirksen Building
2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 2338, expanding the membership of the Advisory Commission on Intergovernmental Relations to include three elected school board officials.
3302 Dirksen Building
Veterans' Affairs
Business meeting, to mark up S. 2379, requiring veterans to pay a funding fee on guaranteed home loans, and provisions relating to cost-savings improvements in veterans' programs, of S. 2378, proposed Veterans' Disability Compensation and Survivors' Benefits Amendments, and other related measures.
412 Russell Building

JUNE 25

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to review U.S. Attorney General's guidelines on domestic security investigations.
2228 Dirksen Building

JUNE 29

9:30 a.m.
Energy and Natural Resources
Energy and Natural Resources Subcommittee
To hold hearings on the national materials and minerals program plan and report to Congress issued by the President on April 5, 1982.
3110 Dirksen Building
Labor and Human Resources
Business meeting, to consider the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Howard H. Dana, Jr., of Maine, William J. Olson, of Virginia, George E. Paras, of California, Robert S. Stubbs II, of Georgia, William F. Harvey, of Indiana, and Annie L. Slaughter, of Missouri, each to be a Member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
Governmental Affairs
To hold oversight hearings on the use of competition in the procurement process of the Department of Defense.
3202 Dirksen Building
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for foreign assistance programs, focusing on El Salvador.
1114 Dirksen Building

JUNE 30

9:30 a.m.
Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement programs.
4232 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on indirect cost and contract provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
5110 Dirksen Building
10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Judiciary
To hold hearings on the Boulder, Colorado decision, relating to antitrust immunity of city government.
2228 Dirksen Building
*Veterans' Affairs
To hold oversight hearings to examine certain health care services provided to older veterans.
412 Russell Building
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JULY 1

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2325, authorizing funds for Federal vocational and adult education programs, and to provide for State and local occupational assistance programs.
4232 Dirksen Building

JULY 13

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to discuss alternative means of providing legal services to the poor.
4232 Dirksen Building
Veterans Affairs
To hold hearings on S. 2378, increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent's allowances, and providing for cost-saving improvements in veterans' programs.
412 Russell Building
Select on Indian Affairs
To hold hearings on S. 1795, providing for the transfer of certain lands in Arizona between the Hopi and Navajo Indian Tribes.
457 Russell Building
10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 14

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2294, providing for the settlement of certain land claims of the Chitimacha Indian Tribe of Louisiana.
6226 Dirksen Building

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Employment and Productivity Subcommittee
To hold joint hearings to review employee assistance programs for alcohol and drug abuse problems.
4232 Dirksen Building

JULY 20

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 21

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building
Select on Indian Affairs
To hold hearings on H.R. 3731, relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the U.S. Court of Claims.
6226 Dirksen Building

JULY 27

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market, focusing on foreign coal ports and the international transportation of coal.
3110 Dirksen Building
10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 28

9:30 a.m.
Veterans Affairs
To hold hearings to clarify certain provisions relating to veterans' employment programs
412 Russell Building
Select on Indian Affairs
To hold hearings on S. 2153, providing for the distribution of funds awarded the confederated tribes of the Warm Springs Indian Reservation in Oregon by the Indian Claims Commission
6226 Dirksen Building

JULY 29

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume hearings on America's role in the world coal export market, focusing on the condition of U.S. coal ports.
3110 Dirksen Building

AUGUST 5

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol and drugs on individuals while driving.
4232 Dirksen Building

AUGUST 11

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1652, restoring certain lands in Arizona to the Colorado River Indian Reservation to be held in trust by the United States, S. 2418, permitting the Twenty-nine Palms Band of Luisena Mission Indians to lease certain trust lands for 99 years, S. 1799 and H.R. 4364, bills providing for the transfer of certain land in Pima County, Arizona to the Pascua Yaqui Indian Tribe, and the substance of H.R. 5916, providing for certain Federal lands to be held in trust for the Ramah Band of the Navajo Indian Tribe.
6226 Dirksen Building

AUGUST 12

9:30 a.m.
Veterans Affairs
Business meeting, to mark up S. 2378, proposed veterans' disability compensation and survivors' benefits amendments.
412 Russell Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

JUNE 15

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
4221 Dirksen Building
2:00 p.m.
Conferees
On S. 1193, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the Department of State, authorizing funds for fiscal year ending September 30, 1982 for the Arms Control and Disarmament Agency, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the International Communications Agency, and authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the Board for International Broadcasting.
S-116, Capitol

JUNE 23

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the Environmental Protection Agency's research and development programs.
4200 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 1982*

The House met at 12 o'clock noon.

The Reverend Albert Palmer, St. Thomas Episcopal Church, Farmingdale, N.Y., offered the following prayer:

Almighty God, we pledge ourselves to be a nation under thy merciful guidance and protection and offer Thee praise and thanks for all blessings we enjoy. Let Thy presence be felt in this body of the Congress as its Members deliberate and act upon matters affecting national life and international relationships. Fill with wisdom the Members of this House that their decisions determining the course of our Nation may be in accord with Thy holy will to preserve peace and to extend justice. Assist them, O God, as they seek to do what is righteous in Thy sight in pursuit of those goals which increase the quality of life and contribute to understanding between nations. Let Thy blessing, Heavenly Father, be upon them. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House with an amendment to a bill of the Senate of the following title:

S. 1210. An act amending the Environmental Quality Improvement Act of 1970.

The message also announced that the Senate disagrees to the amendment of the House to the concurrent resolution (S. Con. Res. 92) entitled "concurrent resolution setting forth the recommended congressional budget for the U.S. Government for the fiscal years 1983, 1984, and 1985, and revising the congressional budget for the U.S. Government for the fiscal year 1982," and agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. HATCH, Mr. TOWER, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, and Mr. METZENBAUM to be the conferees on the part of the Senate.

FATHER ALBERT PALMER

(Mr. CARMAN asked and was given permission to address the House for 1 minute.)

Mr. CARMAN. Mr. Speaker, I am very proud this morning to introduce Father Albert Palmer to my colleagues in the House. Father Palmer has been the rector of St. Thomas' Episcopal Church in Farmingdale, Long Island, for over 16 years and has served the people of his parish, indeed, all the people of the community, with faithfulness, hardwork, intelligence, and, most especially, love.

As a member of St. Thomas' Church, I have had the opportunity to observe, firsthand, the excellent work that Father Palmer has done among his parishioners and the citizens of Farmingdale. His commitment to the community is reflected in the fact that he was recently elected as the next president of the Farmingdale Rotary. And his commitment to the church is seen in his devoted work to all the people of Long Island as the chairman of the board of the standing Committee of the Episcopal Diocese of Long Island.

Mr. Speaker, Father Palmer has shown over the years that he is a man of the people as well as a man of God. I feel personally honored that he was able to convene the House in prayer this morning. We are fortunate to have such a man among us today.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

REMEDIOS R. ALCUDIA, CHRISTOPHER, EZRA, VERMILLION, AND PERISTELLO ALCUDIA

The Clerk called the bill (H.R. 1547), for the relief of Remedios R. Alcudia, Christopher, Ezra, Vermillion, and Peristello Alcudia.

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LASZLO REVESZ

The Clerk called the bill (H.R. 1352) for the relief of Laszlo Revesz.

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

JENNIFER FERRER

The Clerk called the bill (H.R. 1830) for the relief of Jennifer Ferrer.

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THEODORE ANTHONY DOMINGUEZ

The Clerk called the bill (H.R. 2340) for the relief of Theodore Anthony Dominguez.

There being no objection, the Clerk read the bill as follows:

H.R. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Theodore Anthony Dominguez may be classifed as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Theodore P. Dominguez, United States citizen and permanent resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANUTA GWOZDZ

The Clerk called the bill (H.R. 3451) for the relief of Danuta Gwozdz.

There being no objection, the Clerk read the bill as follows:

H.R. 3451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Danuta Gwozdz may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Michael and Wiktoria Gwozdz, a United States citizen and permanent resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right,

privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHRISTINA BOLTZ SIDDERS

The Clerk called the bill (H.R. 1482) for the relief of Christina Boltz Sidders.

There being no objection, the Clerk read the bill as follows:

H.R. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Christina Boltz Sidders shall be held and considered to have come to the United States and been physically present therein for a period not less than two years between the ages of fourteen and twenty-eight years for purposes of section 301(b) of the Immigration and Nationality Act as it applied to Christina Boltz Sidders prior to its repeal by the Act of October 10, 1978.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof:

That, for the purpose of the Immigration and Nationality Act, Christina Boltz Sidders shall be held and considered to have been lawfully admitted to the United States for permanent residence on February 5, 1980, upon payment of the required visa fee.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EUN OK HAN

The Clerk called the bill (H.R. 4662) for the relief of Eun Ok Han.

There being no objection, the Clerk read the bill as follows:

H.R. 4662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eun Ok Han may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Richard E. and Vilma B. Novak, citizens of the United States, pursuant to section 204 of such Act. The natural parents or brothers or sisters of Eun Ok Han shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PROMOTING RECRUITMENT AND RETENTION OF VETERANS' ADMINISTRATION NURSES

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, the House of Representatives will vote today on H.R. 6350, a bill to improve administrative procedures for VA nursing personnel to promote recruitment and for other purposes.

There are some 800 VA hospital beds that are currently closed in the VA health care system due to the acute shortage of nursing personnel. The principal reason for these closures is the inability of the Veterans' Administration to compete with the private sector in some of the innovative programs that have been provided as incentives to recruit and retain nurses. The best equipped hospitals in the world would not be of much use without skilled health care personnel.

For these reasons, I recommend passage of H.R. 6350.

UNITED STATES HAS MAJOR ROLE TO PLAY IN LEBANON

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the scenes of destruction and devastation in Lebanon today are heart-rending.

But let us remember who brought all this on. It was, primarily, the PLO, and secondarily, the Syrians. The Israelis attacked only after the PLO had launched the heaviest barrage ever against Israeli civilians in northern Galilee.

The United States now has a major role to play, first, in helping to feed the hungry and succor the injured and the homeless, second, in working to recreate an independent and integrated Lebanon, free of all foreign forces, including the PLO. This is what Israel wants. Surely it is what the Lebanese want. It ought to be what we Americans want. The events of the last few days, including the human suffering, provide a great opportunity for achieving a lasting solution to the problem of a riven and tortured Lebanon, an opportunity we must not fail to seize.

In the Extensions of Remarks in the RECORD, I am including two thoughtful articles which offer specific proposals along the same lines.

VETERANS' BURIAL BENEFITS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, last year under the Reconciliation Act, the $300 burial allowance for certain deceased veterans was terminated. The change in law did not affect the benefit for veterans who were drawing VA pension or compensation benefits at time of death. No change was made in the $150 plot allowance. That amount continues to be available for any wartime veteran who served with honor and who is not buried in a national cemetery or State veterans' cemetery.

Following the adoption of the Reconciliation Act, we found a few cases where, for unknown reasons, some veterans at time of death were not drawing pension benefits, although had they applied, would have been eligible for such benefits. Because they were not in receipt of these benefits at time of death, the burial allowance could not be paid.

A lot of publicity has been given to these cases by the press, and I am aware that some Members are receiving inquiries from various State offices concerning these cases. Although we have confirmed that they do not exist in large numbers, some action is nonetheless warranted to make certain that no needy wartime veteran is buried in a pauper's grave. I take the time today to let you know that our committee plans to take action to correct this situtation created when we enacted the legislation last year.

I have discussed this matter with my colleagues, the Honorable JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Committee on Veterans' Affairs, and the Honorable MARVIN LEATH, chairman of our Subcommittee on Housing and Memorial Affairs, and we have agreed that we should enact legislation that would allow the Veterans' Administration to restore the burial allowance for these individuals. I am hopeful legislation can be brought to the floor of the House some time later this month.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, June 15, 1982, to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. CHENEY. Mr. Speaker, reserving the right to object, could I inquire of the gentleman from Louisiana as to what specific bills he is asking for late filing?

Mr. LONG of Louisiana. There are three specific pieces of legislation under consideration by the Rules Committee on which reports are prepared.

One is the Ways and Means Committee bill, H.R. 6094, which is authoriz-

ing appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983.

The second is H.R. 4326, the Small Business Innovation Research Act, which has been up for some time.

The third is the urgent supplemental appropriations bill, 1982, H.R. 5922, with which I think the gentleman probably is familiar.

Mr. CHENEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

WE MUST SUPPORT OUR PRINTING INDUSTRY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today we are considering suspension passage of legislation of vital interest to our Nation's printing industry. I hope we will vote positively on this measure.

H.R. 6198 is an important bill. The 4-year extension of the manufacturing requirement of the copyright law will insure the viability of our domestic printing industry—a goal worthy of our support.

Yet, there are those advocates of "free trade" who oppose this essential legislation. Caught in the smoke of their own rhetoric, they fail to see the very real consequences of their policies. Unfortunately, the American people have already felt the full impacts of free but not fair trade. The millions of autoworkers and steelworkers, laid off because of foreign government subsidized imports, know the suffering caused by unfair free trade.

With over 10 million Americans already unemployed, the free trade advocates still refuse to recognize the real impacts of their opposition to H.R. 6198. Last year the Department of Labor issued a report which determined that: First, the expiration of the manufacturing clause would cause a decrease in demand for American printing and publishing; and second, expiration would ultimately result in a loss of 78,000 to 172,000 job opportunities in the printing and publishing industry and a further loss of jobs in other areas. The study states that the total loss of job opportunities in our economy could be as high as 367,000.

Mr. Speaker, everyone favors free trade, when it is fair trade. But our steel and auto industries, our domestic printing industry face foreign hurdles. We cannot turn our backs on those who would be forced out of work by the elimination of the manufacturing clause. I strongly urge my colleagues to vote for H.R. 6198. Our domestic printing industry and over 300,000 American workers depend upon it.

SUPPORT URGED FOR H.R. 6198 EXTENDING MANUFACTURING CLAUSE OF COPYRIGHT LAW

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, today the House will be asked to vote on H.R. 6198, to extend for 4 years the manufacturing clause of the copyright law. This bill is a compromise to H.R. 3940, introduced by the late Representative John Ashbrook and AUGUSTUS HAWKINS, and cosponsored by more than 100 Members.

If this bill fails today, the Department of Labor says that there is a possibility that we can lose up to 178,000 jobs to countries that are not signatories of the Florence ageements. I am referring specifically to Taiwan, Hong Kong, and Korea, which do not recognize the validity of American copyrights.

It is unfair to jeopardize our authors, our printers, our whole publishing industry, by importing books from countries that fail to recognize the validity of American copyrights. This bill is supported by the Printing Industries of America, the National Association of Printers and Lithographers, the Book Manufacturers Institute, the Graphic Arts International Union, and the AFL-CIO. I urge its adoption.

□ 1215

HOCKING TECHNICAL COLLEGE: AN EDUCATIONAL LEADER

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, permit me to read to my colleagues a quote from J. William Hill, treasurer and former financial aid officer of Hocking Technical College:

> When an announcement of cutbacks (in student financial aid assistance) is made, an institution (of higher learning) can do one of two things: Sit back and live with the mandates or look for alternative ways to generate funds to offset the loss. Our President, Dr. John Light, has always followed the latter philosophy.

While others throughout higher education have agonized over the changes in Federal aid to students, Dr. John Light and the employees of Hocking Technical College in Nelsonville, Ohio, responded to the situation with a revolutionary spirit that deserves recognition and credit from the White House, the Congress and from every individual who values initiative and resourcefulness.

Instead of allowing the grim Federal reaper to threaten this excellent school and deny the young people of southeastern Ohio an education, the employees of Hocking Technical College rallied behind Dr. Light earlier this year and agreed to participate in an innovative payroll deduction plan that would continue to make money available to students who were previously eligible for help from Uncle Sam. The Hocking Technical student loan and scholarship fund—established and operated without any association with the Federal Government whatsoever—is alive and well. The school's 300 employees make voluntary pledges for this program and participation has jumped, Mr. Speaker, from 45 percent of the school's employees to nearly 70 percent as of last week.

No one is going to assume that the employee payroll deduction plan is going to automatically overcome every problem brought on by Federal budget adjustments. But the thing that impresses me, and should impress us all, is the fact that the administration, the faculty and the staff of Hocking Tech saw, if you will, the handwriting on the blackboard and erased it with initiative rather than responding to it with agony and contempt. Unlike others who have labored to find fault and blame for our economic difficulties, Hocking Technical College has invested its energies in developing alternatives and a new outlook on finance. With certain changes in student financial aid, the school did not fold up or send its people to Washington to pound the doors of Congress. Hocking Tech has faced the same reality that its educational sisters have to face, but this southeastern Ohio institution has distinguished itself by coming up with a unique idea that is working well without Washington. For that fact alone, they deserve our collective praise.

The Hocking Tech formula demands serious consideration by every educational institution facing the same circumstances that confronted this school last fall. Listen to what school officials said only recently:

> As long as we can help, no one will be denied the opportunity to enroll at Hocking Tech because of a lack of funds.

That is the spirit.

That is the spirit that makes Hocking Tech a leader.

SUPPORT OF H.R. 6198, COPYRIGHT MANUFACTURING CLAUSE PROTECTION ACT

(Mr. GOODLING asked and was given permission to address the House for 1 minute.)

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 6198, which would extend the domestic manufacturing

clause of the copyright law until July 1, 1986.

I have several large printing companies in my 19th Congressional District of Pennsylvania—including Fairfield Graphics and the Maple Press—which could be adversely affected should this legislation fail to pass. In addition, my district is the home of P. H. Glatfelter Co., a very large paper mill. I have received a large volume of mail from the employees of these companies, all concerned over their job security should the manufacturing clause expire on July 1.

Mr. Speaker, we need to keep people employed, not add to the unemployment rolls, and I do not feel that now is the appropriate time to permit this provision of the copyright law to lapse. We just cannot assume that American authors would continue to have their works printed and bound in the United States, using American paper products and American labor.

Therefore, I would urge that my colleagues join me in passing this bill and protecting jobs related to the printing industry in our country.

RECRUITMENT AND RETENTION OF VETERANS' ADMINISTRATION NURSES

(Mr. WILLIAM J. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAM J. COYNE. Mr. Speaker, as we vote today on H.R. 6350, a measure which seeks to make the Veterans' Administration more competitive with the private sector in the employment of nurses, I would remind my colleagues that this House approved a measure last year which had just the opposite result.

When the House approved H.R. 3499 last year, it reversed retroactively the Veterans' Administration practice of allowing part-time nurses full-time retirement benefits. Since this measure became law in November 1981 the morale of VA nurses, especially those who face less-than-expected retirement benefits as a result of the retroactivity clause, has been lowered. It is easy to understand why. Many saw the ability to receive full-time retirement for part-time work as an important incentive to stay on at the VA. Furthermore, the shock of seeing anticipated benefits reduced retroactively by Congress encourages experienced nurses to leave VA employ.

The need to keep these nurses employed by the VA is clear. As the Veterans' Affairs Committee report on H.R. 6350 notes:

The Veterans' Administration Department of Medicine and Surgery continues to experience difficulties in recruiting and retaining sufficient nursing personnel to provide quality hospital care and medical services to eligible veterans. The Chief Medical Director has confirmed that an estimated 800 hospital beds were closed during 1981 in the VA's health care delivery system due to the acute shortage of nursing personnel.

The committee report further states that:

The Veterans' Administration does not have the flexibility to compete with private sector recruiting and retention methods.

Mr. Speaker, I intend to vote for 6350, for it does indeed provide some needed incentives that will make employment at the VA more competitive with the private sector. It is unfortunate that what we may be giving with one hand may well be a less powerful incentive because of what we took away last year.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, June 14, 1982, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 6198, by the yeas and nays; and

H.R. 6350, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

COPYRIGHT MANUFACTURING CLAUSE PROTECTION ACT

The SPEAKER pro tempore. (Mr. ALEXANDER). The unfinished business is the question of suspending the rules and passing the bill, H.R. 6198.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 6198, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 339, nays 47, answered "present" 2, not voting 44, as follows:

[Roll No. 143]

YEAS—339

Addabbo	Biaggi	Clausen
Albosta	Bingham	Coelho
Alexander	Blilley	Coleman
Anderson	Boggs	Collins (IL)
Andrews	Boland	Collins (TX)
Annunzio	Boner	Conyers
Anthony	Bonior	Corcoran
Applegate	Bonker	Coughlin
Aspin	Bouquard	Courter
Atkinson	Bowen	Coyne, William
Bafalis	Breaux	Craig
Bailey (PA)	Brinkley	Crane, Daniel
Barnard	Brodhead	Crockett
Barnes	Brooks	Daniel, Dan
Beard	Broyhill	Daniel, R. W.
Bedell	Burton, Phillip	Daschle
Benedict	Butler	Daub
Benjamin	Byron	Davis
Bennett	Carman	de la Garza
Bereuter	Carney	Deckard
Bethune	Chappell	Dellums
Bevill	Chisholm	DeNardis
Dickinson	Jones (OK)	Regula
Dicks	Kastenmeier	Reuss
Dingell	Kazen	Rhodes
Dixon	Kennelly	Richmond
Donnelly	Kildee	Rinaldo
Dorgan	Kindness	Ritter
Dougherty	Kogovsek	Roberts (KS)
Downey	Kramer	Robinson
Duncan	LaFalce	Rodino
Dunn	Latta	Roe
Dwyer	Leach	Rogers
Dymally	Lehman	Rose
Dyson	Leland	Rosenthal
Early	Lent	Rostenkowski
Eckart	Levitas	Roth
Edgar	Lewis	Roukema
Edwards (AL)	Long (LA)	Rousselot
Edwards (CA)	Long (MD)	Roybal
Emerson	Lott	Rudd
Emery	Lowery (CA)	Russo
English	Lowry (WA)	Sabo
Erdahl	Lujan	Sawyer
Ertel	Luken	Schneider
Evans (DE)	Lundine	Schroeder
Evans (GA)	Markey	Schulze
Evans (IA)	Marlenee	Schumer
Fary	Marriott	Seiberling
Fascell	Martin (IL)	Sensenbrenner
Fazio	Martin (NC)	Shamansky
Fenwick	Martin (NY)	Shannon
Ferraro	Matsui	Sharp
Fiedler	Mavroules	Shaw
Fish	Mazzoli	Shelby
Flippo	McClory	Shuster
Florio	McCloskey	Skeen
Foglietta	McCollum	Skelton
Foley	McCurdy	Smith (IA)
Ford (MI)	McDade	Smith (NE)
Ford (TN)	McEwen	Smith (NJ)
Fountain	McGrath	Smith (PA)
Fowler	McHugh	Snowe
Fuqua	McKinney	Snyder
Garcia	Mica	Solarz
Gaydos	Michel	Solomon
Gejdenson	Mikulski	Spence
Gibbons	Miller (CA)	St Germain
Gilman	Miller (OH)	Stangeland
Gingrich	Mineta	Stanton
Gonzalez	Minish	Stark
Goodling	Mitchell (MD)	Staton
Gore	Mitchell (NY)	Stenholm
Gray	Moakley	Stokes
Green	Molinari	Stratton
Gregg	Montgomery	Studds
Grisham	Moorhead	Swift
Guarini	Mottl	Synar
Gunderson	Murphy	Tauzin
Hagedorn	Murtha	Taylor
Hall (OH)	Myers	Traxler
Hall, Ralph	Napier	Udall
Hall, Sam	Natcher	Vento
Hamilton	Neal	Volkmer
Hammerschmidt	Nelligan	Walgren
Hance	Nelson	Walker
Hansen (UT)	Nichols	Washington
Harkin	Nowak	Waxman
Hawkins	O'Brien	Weaver
Heckler	Oakar	Weber (OH)
Hefner	Oberstar	Weiss
Heftel	Obey	White
Hendon	Ottinger	Whitehurst
Hightower	Oxley	Whitley
Hillis	Panetta	Whittaker
Holland	Parris	Whitten
Hollenbeck	Pashayan	Williams (MT)
Holt	Patman	Williams (OH)
Hopkins	Patterson	Wilson
Horton	Pease	Winn
Howard	Pepper	Wirth
Hoyer	Perkins	Wolf
Hubbard	Petri	Wolpe
Huckaby	Peyser	Wortley
Hughes	Pickle	Wright
Hunter	Porter	Wyden
Hutto	Price	Wylie
Hyde	Pritchard	Yates
Ireland	Quillen	Yatron
Jacobs	Rahall	Young (AK)
Jeffords	Railsback	Young (FL)
Jenkins	Rangel	Young (MO)
Jones (NC)	Ratchford	Zeferetti

NAYS—47

Archer	Beilenson	Burgener
Badham	Brown (CO)	Cheney

Clinger	Gradison	McDonald
Coats	Gramm	Moore
Conable	Hansen (ID)	Paul
Crane, Philip	Hartnett	Roberts (SD)
Dannemeyer	Hiler	Roemer
Derwinski	Jeffries	Shumway
Dreier	Kemp	Siljander
Edwards (OK)	Lagomarsino	Smith (OR)
Erlenborn	Leath	Stump
Fields	LeBoutillier	Tauke
Findley	Lee	Thomas
Forsythe	Livingston	Vander Jagt
Frenzel	Loeffler	Weber (MN)
Glickman	Lungren	

ANSWERED "PRESENT"—2

Brown (OH) Johnston

NOT VOTING—44

Akaka	Dornan	Mattox
AuCoin	Dowdy	Moffett
Bailey (MO)	Evans (IN)	Mollohan
Blanchard	Fithian	Morrison
Bolling	Frank	Pursell
Broomfield	Frost	Santini
Brown (CA)	Gephardt	Savage
Burton, John	Ginn	Scheuer
Campbell	Goldwater	Simon
Chappie	Hatcher	Smith (AL)
Clay	Hertel	Trible
Conte	Jones (TN)	Wampler
Coyne, James	Lantos	Watkins
D'Amours	Madigan	Zablocki
Derrick	Marks	

□ 1230

Messrs. BADHAM, VANDER JAGT, EDWARDS of Oklahoma, SILJANDER, HILER, KEMP, and FINDLEY changed their votes from "yea" to "nay."

Messrs. SHUSTER, DINGELL, DANIEL B. CRANE, and COLLINS of Texas changed their votes from "nay" to "yea."

Mr. BROWN of Ohio and Mr. JOHNSTON changed their votes from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSTON. Mr. Speaker, I would like the RECORD to show that I voted "present" due to a conflict of interest.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

PROMOTING RECRUITMENT AND RETENTION OF VETERANS' ADMINISTRATION NURSES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6350.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 6350, on which the yeas and nays are ordered.

The Chair will remind the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 144]

YEAS—390

Addabbo	Dougherty	Hubbard
Albosta	Dreier	Huckaby
Alexander	Duncan	Hughes
Anderson	Dunn	Hunter
Andrews	Dwyer	Hutto
Annunzio	Dymally	Hyde
Anthony	Dyson	Ireland
Applegate	Early	Jacobs
Archer	Eckart	Jeffords
Aspin	Edgar	Jeffries
Atkinson	Edwards (AL)	Jenkins
Badham	Edwards (OK)	Johnston
Bafalis	Emerson	Jones (NC)
Bailey (PA)	Emery	Jones (OK)
Barnard	English	Kastenmeier
Barnes	Erdahl	Kazen
Beard	Erlenborn	Kemp
Bedell	Ertel	Kennelly
Beilenson	Evans (DE)	Kildee
Benedict	Evans (GA)	Kindness
Benjamin	Evans (IA)	Kogovsek
Bennett	Fary	Kramer
Bereuter	Fascell	LaFalce
Bethune	Fazio	Lagomarsino
Bevill	Fenwick	Latta
Biaggi	Ferraro	Leach
Bingham	Fiedler	Leath
Bliley	Fields	LeBoutillier
Boggs	Findley	Lee
Boner	Fish	Lehman
Bonior	Flippo	Leland
Bonker	Florio	Lent
Bouquard	Foglietta	Levitas
Bowen	Foley	Lewis
Breaux	Ford (MI)	Livingston
Brinkley	Ford (TN)	Loeffler
Brodhead	Forsythe	Long (LA)
Brooks	Fountain	Long (MD)
Brown (CO)	Fowler	Lott
Brown (OH)	Frenzel	Lowery (CA)
Broyhill	Fuqua	Lowry (WA)
Burgener	Garcia	Lujan
Burton, Phillip	Gaydos	Luken
Butler	Gejdenson	Lundine
Byron	Gephardt	Lungren
Campbell	Gibbons	Madigan
Carman	Gilman	Markey
Carney	Gingrich	Marlenee
Chappell	Glickman	Marriott
Cheney	Gonzalez	Martin (IL)
Chisholm	Goodling	Martin (NC)
Clausen	Gore	Martin (NY)
Clinger	Gradison	Matsui
Coats	Gramm	Mavroules
Coelho	Gray	Mazzoli
Coleman	Green	McClory
Collins (IL)	Gregg	McCloskey
Collins (TX)	Grisham	McCollum
Conable	Guarini	McCurdy
Conyers	Gunderson	McDade
Corcoran	Hagedorn	McDonald
Coughlin	Hall (OH)	McEwen
Courter	Hall, Ralph	McGrath
Coyne, William	Hall, Sam	McHugh
Craig	Hamilton	McKinney
Crane, Daniel	Hammerschmidt	Mica
Crane, Philip	Hance	Michel
Crockett	Hansen (ID)	Mikulski
Daniel, Dan	Hansen (UT)	Miller (CA)
Daniel, R. W.	Harkin	Miller (OH)
Dannemeyer	Hartnett	Mineta
Daschle	Hawkins	Minish
Daub	Heckler	Mitchell (MD)
Davis	Hefner	Mitchell (NY)
de la Garza	Heftel	Moakley
Deckard	Hendon	Molinari
Dellums	Hightower	Montgomery
DeNardis	Hiler	Moore
Derwinski	Hillis	Moorhead
Dickinson	Holland	Morrison
Dicks	Hollenbeck	Mottl
Dingell	Holt	Murphy
Dixon	Hopkins	Murtha
Donnelly	Horton	Myers
Dorgan	Howard	Napier
Dornan	Hoyer	Natcher
Neal	Rose	Stratton
Nelligan	Rosenthal	Studds
Nelson	Rostenkowski	Stump
Nichols	Roth	Swift
Nowak	Roukema	Synar
O'Brien	Rousselot	Tauke
Oakar	Roybal	Tauzin
Oberstar	Rudd	Taylor
Obey	Russo	Thomas
Ottinger	Sabo	Traxler
Oxley	Sawyer	Udall
Panetta	Schneider	Vander Jagt
Parris	Schroeder	Vento
Pashayan	Schulze	Volkmer
Patman	Schumer	Walgren
Patterson	Seiberling	Walker
Paul	Sensenbrenner	Washington
Pease	Shamansky	Waxman
Pepper	Shannon	Weaver
Perkins	Sharp	Weber (MN)
Petri	Shaw	Weber (OH)
Peyser	Shelby	Weiss
Pickle	Shumway	White
Porter	Shuster	Whitehurst
Price	Siljander	Whitley
Pritchard	Skeen	Whittaker
Quillen	Skelton	Whitten
Rahall	Smith (IA)	Williams (MT)
Railsback	Smith (NE)	Williams (OH)
Rangel	Smith (NJ)	Wilson
Ratchford	Smith (OR)	Winn
Regula	Smith (PA)	Wirth
Reuss	Snowe	Wolf
Rhodes	Snyder	Wolpe
Richmond	Solarz	Wortley
Rinaldo	Solomon	Wright
Ritter	Spence	Wyden
Roberts (KS)	St Germain	Wylie
Roberts (SD)	Stangeland	Yates
Robinson	Stanton	Yatron
Rodino	Stark	Young (AK)
Roe	Staton	Young (FL)
Roemer	Stenholm	Young (MO)
Rogers	Stokes	Zeferetti

NOT VOTING—42

Akaka	Derrick	Marks
AuCoin	Dowdy	Mattox
Bailey (MO)	Downey	Moffett
Blanchard	Edwards (CA)	Mollohan
Boland	Evans (IN)	Pursell
Bolling	Fithian	Santini
Broomfield	Frank	Savage
Brown (CA)	Frost	Scheuer
Burton, John	Ginn	Simon
Chappie	Goldwater	Smith (AL)
Clay	Hatcher	Trible
Conte	Hertel	Wampler
Coyne, James	Jones (TN)	Watkins
D'Amours	Lantos	Zablocki

□ 1245

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit on Wednesday, June 16, 1982, during the 5-minute rule, for the purpose of holding a hearing on H.R. 5020, a bill to strengthen the shipbuilding mobilization base and protect strategic supply sources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. McCLOSKEY. Mr. Speaker, reserving the right to object, we have no objection to the request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROTECTION OF FOREIGN MISSIONS

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 490

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6254) to amend title 3, United States Code, to clarify the function of the United States Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other purpose, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as order on the bill and amendments thereto to final passage without invervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 490 provides for the consideration of H.R. 6254, protection of foreign missions. The Rules Committee has granted an open rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The rule makes in order a committee amendment in the nature of a substitute as an original bill for purposes of amendment under the 5-minute rule. At the conclusion of the amendment process, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, since 1975 the Secretary of Treasury has been authorized to reimburse State and local governments for the use of services, personnel, equipment, and facilities incurred because of extraordinary security measures needed to protect diplomats and missions. At present, $3.5 million is available for purposes of reimbursement.

After careful study and several hearings, the Public Works and Transportation Committee determined that the $3.5 million now available is not nearly enough to defray the skyrocketing costs in regard to the protection of foreign missions and personnel.

To meet these rising costs the committee reported H.R. 6254. This measure would amend existing law by increasing the amount from $3.5 to $7 million annually for the reimbursement to State and local governments. In addition, reimbursement provisions would also include services and equipment utilized to provide protection to motorcades and at places associated with a visit qualifying under the present law.

Mr. Speaker, in my city of New York, the diplomatic community numbers well over 32,000. The costs attributed to protecting these people, accompanied with the reduction in the number of police officers due to budgetary restraints, has added an unjust burden to the local law enforcement establishment. By doubling the authorization level from $3.5 to $7 million, New York City can continue to provide the necessary protection to the diplomatic community without sacrificing other areas of law enforcement. Equally as important, they can provide these services at a fraction of the cost of the Executive Protective Service.

In addition to an increase in the reimbursement level, H.R. 6254 will repay the city of New York up to $17.7 million for past claims associated with the protection of foreign missions. This money will pay for services rendered prior to October 1, 1982, and currently outstanding.

Mr. Speaker, New York City is proud of its position as the center of activity for the diplomatic community and stands ready, willing, and able to provide the necessary security to insure the protection of foreign personnel and property. With the small increase of funds contained in this measure, the New York City Police Department and related agencies can continue to provide essential services to the people of New York and at the same time carry out its responsibilities to the world community.

I urge my colleagues to support House Resolution 490, so we may proceed to the consideration of H.R. 6254, protection of foreign missions.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 490 is an open rule, providing 1 hour of general debate for H.R. 6254, a bill that authorizes increased costs to the U.S. Secret Service for protection of foreign diplomatic missions.

This is a simple rule, containing no waivers. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. In addition, the rule allows for one motion to recommit with or without instructions.

Mr. Speaker, the bill made in order under this rule provides authorizations totaling $24.7 million in 1983 for the Uniformed Division of the U.S. Secret Service to reimburse State and local governments for their costs of protecting foreign diplomatic missions.

The primary beneficiary of this bill will be the city of New York, which has the largest population of foreign diplomats in the world. Under current law, Federal reimbursements to State and local governments for foreign mission protection is limited to $3.5 million annually, H.R. 6254 would change that to $7 million annually, after September 30, 1982.

In addition, this bill authorizes appropriations of $17.7 million for reimbursable expenses incurred prior to October 1, 1982. Of this $17.7 million authorization, the Congressional Budget Office estimates that some $13 million of it will be certified by the Treasury Department for retroactive payments to New York City.

Mr. Speaker, it is this "potential windfall" of $17.7 million for New York City that the administration is opposed to.

In its statement of policy, the administration points out that New York City already receives some $3.5 million of Federal funds for reimbursement for its costs of protecting diplomatic missions to the United Nations.

In addition, the administration says it is planning to send up a legislative proposal in the near future to deal with the question of additional Federal reimbursement of local governments for protective services.

Under this rule, amendments will be in order to the bill, so there is no controversy about the rule.

Mr. Speaker, I urge the House to adopt the rule.

Mr. ZEFERETTI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Speaker, I take this time to commend the gentleman from New York (Mr. ZEFERETTI) and the Rules Committee for expeditiously moving this legislation to the floor. This legislation is very important to our national security and our international relations.

Mr. Speaker, today we are addressing an issue of major concern all around the world. International terrorist activity has steadily increased in recent years and incidents against diplomatic personnel and missions have reached tragic and ominous proportions.

Protection of the diplomatic community is a reciprocal responsibility among nations. The U.S. Government is obligated to provide security for foreign dignitaries in this country. We in turn, rely on host nations to protect our personnel and facilities abroad. Our commitment to this responsibility must be unequivocable. The channels of communication between governments must be secured so that problems and differences can be understood and resolved through peaceful means without resort to aggressive action.

With the enactment of Public Law 94-196, our Government affirmed that the cost of providing special diplomatic protection is a Federal responsibility. It is that responsibility that H.R. 6254 now addresses.

As a Representative from New York, the home of the United Nations, I am particularly concerned with this issue. The diplomatic community of New York numbers over 32,000 and is the largest in the world. Protection is primarily provided by our own New York City police because this is the most cost effective and security effective way to carry out this responsibility. As U.N. Ambassador Kirkpatrick has testified: "The need for protection of diplomats attached to the United Nations community has gone up rather dramatically in recent years and is likely to continue to go up." As the Ambassador then stated: "The most cost-effective means of providing protection is through the New York City police." The U.N. Secretary General wrote to Mayor Koch in March of this year commending the city police and expressing the hope that the city will be able to maintain the current level of police protection despite fiscal restraints.

Earlier this year New York City estimated that the total loss of Federal revenues to the city and its citizens—those imposed last year and those proposed in the February budget—would amount to nearly $1.8 billion in fiscal year 1983. The impact of more recent Federal budget restrictions will certainly escalate that burden. Clearly, the city cannot and should not be required to continue subsidizing the Federal Government for the cost of diplomatic protection.

The $3.5 million level of authorized Federal reimbursements does not come close to covering the cost of providing security. This is clearly evidenced by the specific authorization of $17.7 million in H.R. 6254 to catch up on the accumulated backlog of approved claims. Reimbursement is approved only for very specific costs authorized by Public Law 94-196 and governed by existing Treasury regulations. Claims are closely reviewed by the Treasury Department.

Our Treasury Appropriations Subcommittee held hearings just a couple of weeks ago on this issue. I asked whether the same level of protection could be provided at less cost by Treasury personnel or other Federal resources in place of local police. The answer is "No." As stated on page 4 of the report accompanying H.R. 6254, the cost to the Federal Government would be $20 million for the first year and over $14 million annually thereafter. In comparison, the bill now before us authorizes $7 million in annual reimbursements.

I asked whether the Treasury or State Departments had come forward with any program that could provide better protection at the United Nations than the city provides. Again, the answer is "No." The local police know the turf and they provide many protective services which are not even eligible for Federal reimbursement. As I already stated, utilization of city police is the most cost-effective and security-effective method we have for protection of the U.N. community.

Another item in this bill is the provision for protection of motorcades and at other specified places. This provision has already been approved three times by the House in the fiscal years 1980, 1981, and 1982 Treasury appropriations bills.

As the Disarmament Conference gets underway, it is fitting for our Government to clearly reaffirm its commitment to the protection of visiting dignitaries and missions we are privileged to host.

I urge the unanimous support of the House for H.R. 6254.

□ 1300

Mr. ZEFERETTI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I simply want to echo the sentiments of my colleague, the gentleman from New York (Mr. ADDABBO) in expressing appreciation to the Rules Committee for moving quickly with this piece of legislation. I think that the major television networks yesterday displayed to the world both the tremendous demands that are put on the police and security forces of the city of New York because of the presence of the large diplomatic community and also the tremendous professionalism of the security and police forces in the city of New York.

The Nation has cause to be proud of their work, the reimbursement provisions of this legislation will make it possible for it to be continued in the same manner.

Mr. ZEFERETTI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise in support of the rule and bill and take this opportunity to commend my colleague, the gentleman from New York (Mr. ZEFERETTI), for his leadership in gaining the expeditious consideration of the bill.

I rise in complete support of H.R. 6254, the Protection of Foreign Missions Act of 1982. This legislation in my judgment, represents one of the most important bills for the city of New York since the passage of the 1978 Loan Guarantee Act.

H.R. 6254 seeks to rectify a long-standing inequity posing severe fiscal problems for the city—namely the enormous annual costs of providing protective services for diplomatic missions most especially the United Nations.

This legislation would first and foremost double the annual authorization provided for reimbursement for the providing of police protection to diplomatic missions. The current level of $3.5 million was put into effect almost 7 years ago and the increase to $7 million is wholly justified in light of increased costs and ongoing activities which warrant police protection. This legislation also acknowledges the fact that the city has been shortchanged by the old authorization amount and as a result it provides a $17.7 million authorization to reimburse New York for past protective services.

The consideration of this legislation could not come at a better time. Since Saturday, the city of New York has had to assume some extraordinary responsibilities and costs because of the ongoing United Nations General Assembly special session on disarmament. In addition to the needs associated with protecting the hundreds of delegates from some 40 nations—the city has already had to cope with two major demonstrations called as a result of those assemblages. On Saturday a crowd estimated at between 500,000 and 700,000 gathered in Central Park for a peaceful rally but the city of New York was forced to deploy thousands of extra police to insure the

event remained peaceful. On Monday, another demonstration resulted in the arrests of some 1,600 persons in various places around the city of New York. Here again the city was forced to enlist the help of hundreds of extra police officers as well as officials to process those arrested.

Also on Monday, West German Chancellor Schmidt addressed the U.N. conference and again the city had to be called upon to guarantee his protection. In subsequent days, President Reagan as well as British Prime Minister Thatcher will address the assembly again with New York City bearing the costs associated with guaranteeing their protection.

If one considers this one event—it is easy to see how over the course of 1 year—a paltry sum of $3.5 million will not go too far. At the very least the authorization should be doubled and there should be sufficient flexibility built into the law to permit increases if the need arises.

I am a proud former member of the New York City police force and I say without hesitation, that New York City has a record second to none in terms of the protection it affords to foreign leaders and diplomats living and or visiting New York City on United Nations business. H.R. 6254 does recognize this and provides an important step in the all important area of insuring that New York City is adequately reimbursed for the costs associated with providing this protection. In the spirit of equity—I call upon my colleagues to pass this bill today.

Mr. ZEFERETTI. Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6254) to amend title 3, United States Code, to clarify the function of the U.S. Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FARY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6254, with Mr. WEISS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. FARY) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I yield myself such time as I may consume.

Public Law 94-196 (approved December 31, 1975) required the Executive Protective Service to protect foreign diplomatic missions outside the District of Columbia metropolitan area in localities where there are located 20 or more such missions headed by full time officers, except that such protection shall be provided only: First, on the basis of extraordinary protective need; second, upon request of the affected metropolitan area; and third, when the extraordinary protective need arises in association with a visit to, or occurs at, a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be extended at places of temporary domicile in connection with such a visit.

The Secretary of the Treasury was authorized to utilize, on a reimbursable basis, and with the consent of local authorities, the services, personnel, equipment, and facilities of State and local governments. Treasury was authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. There was authorized to be appropriated not more than $3.5 million on an annual basis for the purposes of reimbursement to State and local governments.

H.R. 6254 would amend existing law to increase the amount authorized to $7 million annually. The reimbursement provisions would also include services and equipment utilized to provide protection to motorcades and at places associated with a visit qualifying under present law. The latter language merely authorizes expenditures required in Public Law 96-74, the 1980 Treasury Appropriations Act and carried on through succeeding continuing resolutions.

In addition, the bill authorizes the appropriation of $17.7 million for reimbursable obligations entered into prior to October 1, 1982, and currently outstanding.

The Subcommittee on Public Buildings and Grounds held 2 days of hearings on H.R. 6254: One here on May 4, and another in New York City on May 7. We heard testimony from Mayor Ed Koch of New York, Ambassador Jeane Kirkpatrick, and representatives of the Secret Service Uniformed Division, the New York police and the Federal Protective Service. They all agreed that the New York City Police Department does an excellent job protecting foreign missions, a much better job for a better price than any Federal agency could do. The uniformed Secret Service testified that if they had to protect the U.N. missions in New York, they would have to assign more than 400 people to New York. It would cost $20 million the first year and $14½ million every year after that.

I would like to point out to the House that the reimbursements made under present law are for "extraordinary" protective needs associated with a visit to a permanent mission to an international organization such as the United Nations. The city of New York provides protection, on its own, for consulates or missions and other places such as the offices of Aeroflot, the Russian airline. It also polices the many demonstrations and deals with increased security needs that stem from international events, rather than from special visits. These are all "normal" expenses which the city of New York bears in return for the benefits of having the U.N. in New York. H.R. 6254 would not change any of this. New York would still have to pay for normal police protection. H.R. 6254 is only meant to give the Treasury a high enough authorization to pay for expenses that the Congress has already decided should be reimbursed.

Mr. Chairman, I urge enactment of H.R. 6254.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

As the ranking Republican of the Public Buildings and Grounds Subcommittee, I concur with my distinguished colleagues as to the importance of this bipartisan piece of legislation. After an extensive set of hearings, the committee has determined that the current ceiling figure for authorizations for reimbursable expenses for the protection of foreign diplomats and diplomatic missions located in New York City is too low. In response to the need, the Public Works and Transportation Committee has reported our H.R. 6254, legislation to raise the ceiling for reimbursable expenses from $3.5 million annually to $7 million annually. Also provided is an authorized figure of $17.7 million to meet pending claims by the city against the Federal Government.

The legislation we are now considering is desperately needed to respond to larger security bills facing New York City in recent years as a result of its status as headquarters for the United Nations, its large number of foreign diplomats, and our international responsibilities. Whether or not you support the United Nations and its ef-

forts, it is this country's responsibility to protect foreign missions and diplomats, just as we expect similar treatment for our foreign representatives.

The Iranian hostage taking is an excellent example of what I am talking about. Initially, had the Iranian Government provided adequate surveillance and security for our Embassy, the U.S. Embassy takeover could have been avoided. As a nation, we expressed our outrage toward Iran's lack of security.

We cannot allow this to happen here. Under the provisions of H.R. 6254, extraordinary security expenditures incurred by New York would qualify for reimbursement up to a ceiling figure of $7 million. This figure would still be subject to verification by the Treasury Department.

Recent demonstrations in New York reaffirm that city's unique situation in the international arena. For example, last Saturday over one-half million people demonstrated in New York, requiring 6,000 police officers to maintain order. On Monday, protests at five embassies, including the U.S. mission to the United Nations, required additional police efforts. These actions are not cost-free and do require significant costs by the city that should be reimbursed.

I feel that we have made an extensive record justifying the need for this legislation and I would urge full support by my colleagues.

Mr. FARY. Mr. Chairman, I yield such time as she may consume to my colleague, the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I rise in support of H.R. 6254. I would like to thank the many members of the Public Works Committee who have helped to produce a thorough, well-thought-out bill that addresses the important issue of protection of the foreign diplomats who work and live in the United States.

Chairman HOWARD and the ranking minority member, the gentleman from California (Mr. CLAUSEN) have provided firm leadership and worked in a spirit of bipartisan cooperation on this bill.

The chairman of the Public Buildings Subcommittee, the gentleman from Illinois (Mr. FARY), and its ranking minority member, the gentleman from Minnesota (Mr. STANGELAND), along with the gentleman from Georgia (Mr. LEVITAS) and the gentleman from New York (Mr. SOLOMON), have worked to build a complete public record.

They have participated in the extensive hearings on this bill, both here and in New York, and have provided keen insight in strengthening and improving this legislation.

H.R. 6254 simply allows the Federal Government to meet an important responsibility. It has always been recognized that the national host government is primarily responsible for the safety of foreign diplomats. Our Ambassador to the U.N., Jeane Kirkpatrick, testified before the House Subcommittee on Public Works that in cities whose diplomatic communities are comparable to New York's, the National Government provides a high level of diplomatic security.

In the United States, the burden of providing this protection has fallen mainly on the backs of local communities.

In 1974, Congress recognized the need to assume this burden and passed legislation which directed the Secret Service Uniformed Division to provide protection in areas with 20 or more missions to an international organization. Congress also recognized that local authorities might be able to provide protection more thoroughly and at less cost than an outside force such as the Secret Service.

Ambassador Kirkpatrick, in testimony before the subcommittee, emphasized the importance of using local police. In her own words:

> The advantage of primary reliance on local police for extraordinary services are obvious. Most obvious is that they know the territory, they know the system. They can utilize available personnel more flexibly and more quickly . . . the most cost-effective means of providing protection is through the New York City Police.

In order to utilize the capabilities of local police, and, at the same time, alleviate some of the localities' burdens, Congress permitted the Treasury to reimburse local authorities for efforts to provide extraordinary protection.

□ 1315

Examples of visits by foreign diplomats that have required extraordinary protection include the 1975 visit by the late President of Egypt, Anwar Sadat, and the 1979 visit of Cuba's Fidel Castro.

In addition to visits by controversial diplomats, extraordinary protective efforts are also needed at U.N. missions due to random escalations in terrorist activity, such as fighting between nationalist Serb and Croation factions, or in reaction to international events. The Soviet invasion of Afghanistan and civil wars in Central America have led to terrorist threats or actions which required the posting of guards 24 hours a day at certain U.N. missions until the high potential for violence had subsided.

There can be no doubt that in all of the examples I have touched upon the extraordinary security efforts that were required were legitimate Federal responsibilities. After all, if a mob or a terrorist group in the Soviet Union threatened the U.S. mission in Moscow, we would hardly expect the Soviet Government to defer action on the grounds that it was the responsibility of the Moscow city police. Just as we expect other nations to protect our ambassadors, so must we be willing to provide their diplomats with freedom from terrorist acts.

New York City provides protection for the 32,000 members of the city's diplomatic community. This is the largest diplomatic community in the world, including Washington, D.C. The frequent and often impestuous demonstrations in front of the United Nations Building are kept within the bounds of peaceful and legitimate demonstrations by the efforts of New York City police, who provide protection outside of the U.S. mission to the U.N. and at the many embassies that are in the city.

As my distinguished colleague, the gentleman from Minnesota pointed out, last Saturday we had over half a million demonstrators in New York, demonstrators against nuclear warfare. Yesterday we had approximately 2,000 more and there were 2,000 arrests. Yesterday there were acts of civil disobedience which were staged in front of several missions. Those acts of disobedience alone in manpower expenses has a dollar figure of $670,000 just for yesterday, and that is most conservative. It does not include bus costs, court costs, or any other costs connected with those arrests.

New York City has continued to provide this protection despite a one-third reduction in its police force which has caused a reduction in police protection for the people of New York. In the face of this sacrifice, it is only just that the Federal Government honor its commitment and obligation either to provide extraordinary protection when it is necessary or to reimburse the city to provide the protection.

By the end of this year, it is estimated that the Treasury will have approved nearly $20 million in reimbursements for New York City that it cannot pay out due to a lack of funds. I think that is an important point. These funds are principally unavailable because there is an excessively low authorization level of $3.5 million/year. H.R. 6254 would authorize $17.7 million to pay off the Government's debt which it already acknowledges that it owes to New York City and prevent future debts for escalating by raising the annual authorization limit from $3.5 to $7 million.

In additions to the equity arguments this bill is cost effective. The Federal Government, not the city of New York, is under obligation to provide extraordinary protection. If the Federal Government does not reimburse the city, New York will be forced to turn over protection to Federal agents. The Treasury Department recently estimated that the cost of using Secret Service uniformed division agents instead of New York City Police would be at least $20 million the first year

89-059 O-86-29 (Pt. 10)

and $14 million in each subsequent year, far above the cost of this bill. Robert McBrien, the Treasury's special assistant in charge of reviewing reimbursements to New York, stated that, "If there were a choice between reimbursing the city and sending Federal forces, our choice is reimburse the city." Mr. McBrien went on to say that even if 400 Federal agents were permanently deployed in New York City, the Federal Government would still have to reimburse the city for use of city police in any large-scale operation such as the protection of a head of state, security along the route of a motorcade carrying controversial diplomats, and at 24-hour guard posts around threatened missions.

The fundamental issue addressed in this bill is that the Federal Government has recognized its obligation to provide protection to foreign diplomats and has delegated that responsibility to the city of New York without providing sufficient funding to cover the city's necessary efforts. H.R. 6254 merely removes the inconsistency of Congress recognizing a legitimate and necessary Federal expense but not paying for it. It also has the very pleasant side effect of saving the Federal Government money. I urge my fellow Members to support H.R. 6254.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. Mr. Chairman, I rise in support of the bill and would like to make a few brief comments on the scope and purpose of the legislation.

I think it is important that it is made clear that this bill does nothing to change the basic principles of local responsibility for the protection of foreign missions and diplomatic personnel which have been a part of U.S. law for the past 6½ years. Routine or ordinary diplomatic protection functions are currently and will continue to be provided for by local governments, including New York City. "Existing" law—and I emphasize existing—now provides that the Federal Government can reimburse State and local governments for services provided in connection with an extraordinary protective need that arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member. The law specifies that only extraordinary protective services are eligible for reimbursement and the Treasury Department reviews each request thoroughly.

Present law, therefore, recognizes that the presence of the United Nations headquarters in New York and the resulting diplomatic traffic to and from the headquarters places additional security burdens on the police department of the city of New York beyond that required of other U.S. cities and provides for the Federal Government to share some of that burden.

I stress that the city of New York is reimbursed only for extraordinary protective measures and is required like any other major city to provide ordinary protective services to the diplomatic community.

What this legislation does is recognize the reality of increase security threats to foreign diplomats and missions by providing for the necessary resources to meet the increased need. Since December 1979, there have been 23 terrorist bombings in New York City associated with diplomatic property. In five cases, the bombs were removed prior to detonation. During 1981, the police department maintained fixed-post coverage at 54 diplomatic locations. In the same year, there were 16 visits to New York by 13 foreign dignitaries that required special security measures.

Let me briefly mention the diplomatic protection arrangement here in the District of Columbia, since this is the only other American city that has a security situation resembling that of New York.

At present, the District assumes part of the responsibility for diplomatic protection. The Federal Government assumes a large part because of the presence of the uniformed division of the Secret Service in the District. The division works in tandem with the District police on diplomatic protection and the financial burden is shared.

It has been determined that putting a contingent of uniformed Secret Service agents in New York would be more costly than having the New York Police Department provide protective services and be reimbursed by the Federal Government.

Many Members might have heard of a forthcoming State Department proposal that will deal with diplomatic protection. Some have suggested that we should delay consideration of this bill until the proposal is released. In fact, I am told by the State Department that the proposal as it now stands would enable the Secretary of State to provide reimbursements to State and local governments in addition to New York for extraordinary diplomatic protection services. Therefore, the proposal endorses the principles behind the current law and can only be seen as recognizing the need for the Federal Government to play a role in diplomatic protection efforts.

In conclusion, Mr. Chairman, we cannot ignore the increasing threats to foreign diplomats on American soil and the additional extraordinary protective services required to protect them as a part of our national obligation. I urge my colleagues to recognize this as a national responsibility and vote in favor of this bill.

Mr. MOLINARI. Mr. Chairman, I thank the gentleman from Minnesota.

Mr. Chairman, I would like to ask the gentleman from Minnesota a couple questions.

Mr. STANGELAND. I would be happy to answer.

Mr. MOLINARI. Would the gentleman from Minnesota explain, if he would—there seems to have been some confusion about an alternate bill, that the Secretary of State was going to submit a separate bill providing for protection of foreign missions. Could the gentleman clear that question up for us?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STANGELAND. Mr. Chairman, I yield the gentleman 2 additonal minutes.

Well, to answer the gentleman, first of all, there is no alternative bill to H.R. 6254. The State Department has submitted to OMB and OMB has cleared and is sending to the Speaker legislation that would permit the Secretary to reimburse State and local authorities only for extraordinary security functions and only with respect to certain security functions. It would be limited to those functions that would be agreed to in advance. It would apply to consular offices. H.R. 6254 does not apply to consular offices, but it applies to missions, missions that are associated with the United Nations.

Similarly, this proposed legislation that the State Department has submitted does not cover U.N. missions, and so I, too, want to clear that up, that there is no alternative legislation at this time to H.R. 6254.

Mr. MOLINARI. I thank the gentleman. I have one further question.

We have heard mentioned on the floor today that the administration opposes this legislation. Does the gentleman know whether that is so?

Mr. STANGELAND. Well, I am under the impression or the belief that the administration does oppose the legislation; but let me say that the subcommittee and the committee took this under advisement at great length and in the hearings that were held in New York on May 7th and the subsequent hearings here. It was the consensus, bipartisan support, that if we owe an obligation or a debt to New York City or a bill to New York City, that bill ought to be paid.

As I said in my opening remarks, the Secretary of the Treasury has verified $13 million in legitimate expenses that are reimbursable, that have not been reimbursed.

It is the contention of the subcommittee and the contention of the full committee that these debts ought to be paid and they ought to be paid now.

Mr. MOLINARI. Would the gentleman know what the approximate cost was to the New York City Police Department?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. STANGELAND. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. MOLINARI. Would the gentleman know what the cost to New York City was when Pope John Paul visited New York City in 1979?

Mr. STANGELAND. I do not have that exact figure, I am sorry. It was an extensive cost.

Mr. MOLINARI. Well, would the chairman of the committee yield? Would the chairman know what the cost of that visit was?

Well, let me just conclude by saying this, if I may. According to the figures I have, Mr. Chairman, it was $4.8 million, just one visit alone; so I think it is clear that the current funding levels are inappropriate and inadequate.

I urge support of the legislation.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for having been gracious enough to give me 5 minutes.

Mr. Chairman, let me just say at the outset that it may come as some surprise that a person like myself, who has had considerable views on the value of the U.N., would rise to support this legislation.

I do rise in very strong support of the legislation, primarily because the gentleman on my right, the gentleman from Staten Island (Mr. MOLINARI) has spent a great deal of time with me up in New York convincing me of the value of the legislation.

I have opposed the U.N. for many years, because I really feel that since its establishment in 1945, its only major accomplishment has been to provide a forum for anti-American rhetoric from the Communist bloc and to provide a vast spy network of adversaries of the United States, as far as being located in this country under diplomatic immunity, which I think is outrageous; but let me just take a minute, in case anyone thinks that is just my view, of reading an editorial which appeared yesterday in the Hearst newspaper, the Albany Times Union. It starts out by saying: "A billion for the U.N."

It says:

Our influence at the United Nations is trivial, despite the fact that we contribute one billion dollars a year.

That was the United States Ambassador to the U.N. talking. Jean Kirkpatrick's mention of the relationship between money and influence should remind Americans and their congressional leaders that we ought to keep a sharp eye on what this nation contributes to keep the world body alive.

From its inception in 1945 until 1973, the American share of U.N. costs was 31.5 percent. Congress then decided this proportion was askew, which it surely was, and cut back to 25 percent at that time.

Throughout this period, the Soviet Union and two of its republics had three votes in the General Assembly to one for the United States. The three Soviet members kick in 13 percent of the U.N. funds, a hair more than half of the American contribution.

A lack of influence in relation to dollars is not the only thing we should think about. Where those dollars go is something we should examine carefully. For instance, nearly 30 United Nations officials get salaries of more than $100,000 a year. And that fleet of limousines on the East River is not the cheapest mode of travel.

America's $1 billion supports dozens of global organizations. Many must be worth—

They say in this editorial, and I disagree—

but before Congress grants a State Department request for a 12 percent increase in this area, it ought to take a close look at those agencies, including an animal disease program called the International Office of—

And I have trouble reading this; it looks like—

Epizootics. Then there is the United Nations Educational, Scientific and Cultural Organization. It has been promoting a "New World Information Order" or a program of news management while the United States supports it with an annual contribution of $33.5 million.

Yes, a billion may seem like a paltry sum in a land where the national budget is heading toward the trillion mark, but as the American taxpayer knows, every billion counts when April 15 rolls around.

A cost-conscious Congress should review its U.N. commitment and make sure it knows where every dollar goes.

□ 1330

Mr. Chairman, concerning the unfair allocation of costs to support the U.N., I had considered offering an amendment in the subcommittee that I serve on which would have required the U.N. to reimburse New York City, or whatever municipality, for costs incurred to provide police protection. I did not offer that amendment because we found out that we would be in direct conflict with many international agreements and consequently would bog down this legislation and there would be no chance of passing it today.

I also had another amendment which dealt with supplying a Marine Corps detachment at the U.N. Mission, the U.N. Embassy at the United Nations. It is the only U.S. Embassy in the world that does not have a Marine detachment there. I discussed this with Ambassador Kirkpatrick, with the State Department, and the White House and other Members, and I will be offering this amendment later, not to establish the Embassy, but to provide for the Secretary of the Navy and the Secretary of State to get together to see about the feasibility of doing it.

As the gentleman sitting in the chair mentioned, and the gentlewoman from Queens, and many others this morning, there certainly is a need for a U.S. Marine Corps detachment to protect our U.S. Embassy people at the U.N.

Therefore, I would say to all of my conservative colleagues who may be prone to oppose this legislation to vote for it because Members are not voting to supply moneys for the U.N.; you are voting to reimburse New York City for those expenditures incurred for police protection.

I think it is vitally needed. I would say if the legislation does pass, I will use whatever influence I have with the White House to see that they sign this legislation into law.

Mr. FARY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. First of all, Mr. Chairman, I would like to commend the chairman of the subcommittee, Mr. FARY, the ranking minority member of the subcommittee, Mr. STANGELAND, and all the members of the subcommittee who have worked so diligently in bringing this legislation to the floor.

I can testify that this has been very carefully considered in a series of hearings, both here in Washington and in New York. I have received extensive testimony from numerous witnesses and are confident that this legislation is appropriate.

The question of a host nation providing protection for diplomatic missions is beyond dispute. There is no question about that. This is part of the code of conduct among civilized nations.

So the question before us, then, is why should this legislation provide a reimbursement for New York City? Why is this legislation before us?

The answer to that is very simple: Because either this obligation has to be discharged by the Federal Government on its own, or it can utilize the services of the police department which is on the scene, with the expertise to do the job. It is not a question of whether the work will be performed or not; it is a question of how can it be done most efficiently and how can it be done most effectively?

It is the position of this legislation that it can be done most efficiently and most cost effectively by permitting the police forces of New York City to assume these extraordinary protective responsibilities and provide reimbursement for those services. To do otherwise and to provide this type of protection for diplomatic missions directly by the U.S. Secret Service Uniformed Division would be infinitely more costly to the American taxpayers. Also, there is some question whether it could be done as well by the U.S. Secret Service Uniformed Division, given the necessary expertise that the city of New York Police De-

partment has developed over the last number of years.

Now, there is one other question that has been raised: Why should the authorization be for the amount stated in this legislation? The reason is that, as the gentleman from New York (Mr. SOLOMON) has pointed out—the gentleman from Minnesota (Mr. STANGELAND), the gentleman from New York (Mr. MOLINARI), and the gentlewoman from New York (Ms. FERRARO) have all pointed out—these are actual costs that have been submitted to the Treasury Department and scrutinized. Some were accepted and others were rejected. Further, the subcommittee of the gentleman from Illinois went over these applications for reimbursement to ascertain what criteria were being applied by the Treasury Department in making these determinations.

The figure of $17.7 million for the payment of reimbursement obligations entered into before October 1, 1982, is consistent with testimony received by the subcommittee from officials from the Treasury Department and reflect the heavy protective burdens which the city is likely to encounter during the upcoming United Nations Disarmament Conference, when visitors might include the Pope and numerous foreign ministers and heads of state. I might point out that claims pending as of January 15, 1982, amounted to an estimated $13 million, which Treasury officials have reviewed and feel are more than likely valid for reimbursement. Claims for fiscal year 1982 expenses are anticipated to amount to $6.5 million. Of this total figure, there is $1.8 million in outstanding appropriations for fiscal year 1982, which leaves the total of $17.7 million of reimbursable claims eligible for Federal repayment. These figures are extraordinary expenses specifically incurred by New York. The question is: Are we going to, as a national government, pay our debts? The question is not what Uncle Sam should do, but instead: Is Uncle Sam going to pay his debts or become "Uncle Deadbeat"?

I think that is what the question is. It is not some pie in the sky; it is not a revenue-sharing program; it is not a bailout for New York City; it is simply paying our bill as a national government for responsibilities which we, as a national government, would otherwise have.

While we have eloquent and understandable explanations for support of this legislation by Members of the New York State delegation. I think it is also interesting to recognize that the gentleman from Minnesota, the gentleman from Illinois, and this gentleman from Georgia have no constituency interest in this particular piece of legislation; but, rather, we support it because it is a responsibility of a national government to provide this type of protection for visiting diplomatic delegations.

The relations between these diplomatic delegations and their presence in this country as part of the United Nations is an undertaking in a treaty that is entered between our Government and the United Nations international organization in this case.

So it is our responsibility.

There is one other thing that is most appropriate that this legislation should be before us today. Mr. Chairman, over the last several days I believe all Americans who have viewed the demonstrations and activities of protesters in New York, they have got to have a great amount of pride in the way in which the New York police have handled this matter. They handled it without provocation. They handled it in an orderly manner. They handled it in a way that other nations around the world, also watching, could watch and take lessons from.

When we had before us on several occasions officials of New York City, including the police commissioner, I think we were all impressed with the expert way in which they went about preparing for the events of the last few days. The preparatory intelligence that was done, the planning was done, and its execution, maintained this to be an orderly demonstration. When there were violations of law and disruption of the public peace and interruption in the traffic of pedestrians and vehicles in New York City yesterday, then appropriate action was taken, and taken in a timely and proper manner.

So I think that we not only have this obligation—and this legislation is the most cost-effective way of dealing with it—I think we have seen that the New York City Police force and the officials of New York City have measured up to their obligations. I believe all of us on both sides of the aisle should support this legislation and we should pass it without further delay.

The CHAIRMAN. The gentleman from Georgia (Mr. LEVITAS) has consumed 7 minutes.

Mr. FARY. Mr. Chairman, I yield back the balance of my time.

Mr. STANGELAND. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. Mr. Chairman, H.R. 6254 would increase the authorized level of reimbursements to localities for the costs of extraordinary diplomatic protection.

This is a matter of great concern to the diplomatic community, and I want to commend the Public Works Subcommittee on Public Buildings and Grounds and the distinguished chairman and ranking minority member for their excellent work on this bill, and my distinguished colleagues from New York, Ms. FERRARO, Mr. MOLINARI, and Mr. SOLOMON for their efforts in support of this important piece of legislation.

H.R. 6254 was drawn up to address the following problems: The diplomatic community is increasingly plagued by terrorism and violence; because of lack of an adequate authorization the city of New York currently bears far more than its fair share of the costs of protecting the diplomatic community in its midst, the largest such community in the world; the protection of missions to an international organization is a Federal, not a local, obligation; if we are to expect foreign governments to protect our missions abroad from violence, we must provide the same to missions here; and, the New York City Police Department currently protects the diplomatic community at a cost approximately half that of establishing permanent Secret Service protection in New York City. My colleague Ms. FERRARO and others have gone over these arguments in favor of the bill at length and I will not dwell on them here. Let me simply say that the U.N. itself and the overwhelming majority of the foreign missions in New York City lie within the district I am privileged to represent, so I know at first hand the police effort that goes into protecting them.

H.R. 6254 raises from $3.5 to $7 million the annual authorized level of Federal reimbursements to New York City for the costs of diplomatic protection, and authorizes appropriations up to $17.7 million for debts accrued prior to the end of this fiscal year. An authorization for debts owed New York City is necessary because the current authorization has been so inadequate that the Federal Government now owes New York City about $17.7 million.

The cost of extraordinary protection has outstripped the 1975 authorization because of inflation, an increase in the incidence of terrorism, and the fact that Treasury revised its interpretation of Public Law 94-96's extraordinary protection. This bill will make the authorization level for reimbursements consistent with the range of protection for which New York City can be reimbursed under the Treasury Department's revised regulations. I would add that an increase in the authorization level in no way exempts New York City from having to justify its claims to the Treasury Department, or exempts this program from the scrutiny of the appropriations process.

Because of inadequate reimbursements to New York City for the extraordinary protection its police department provides, New York City has shouldered far more than its share of the joint burden of protecting the diplomatic community. New York City Police Department has been cut by about one-third since 1975. Providing

protection of diplomatic missions without reimbursement has had a devastating impact on the city's already-strapped local police. This effect is compounded by the facts that the range of diplomatic protection the city must provide has expanded and that there has been an increase in the incidence of terrorism aimed at the diplomatic community.

Between December 1979 and December 1980, a member of the Cuban mission was shot to death on New York's streets, and 18 terrorist bombings occurred. The diplomatic community has undertaken a broad range of self-help measures for its protection, and the New York City Police Department has had its personnel hold classes for diplomats in bomb threat protection. As Treasury Department officials themselves have pointed out, New York City provides this service at bargain rates, and with a measure of expertise that Federal officials could never match. Nevertheless, New York may not be able to fulfill these duties if it is not adequately reimbursed.

The diplomatic community's fears for its safety obviously adversely affect the U.S. ability to conduct business at the United Nations, and make it difficult for us to expect, on the principle of reciprocity, that our missions abroad will be well-protected by host countries. The way to allay the diplomatic community's fears is through adequate protection. Passage of H.R. 6254 will accomplish that vital function.

Passage of H.R. 6254 will also redress the current unfair situation of the Federal Government recognizing a Federal commitment, but failing to pay for it in full. The bill will enable the Federal Government to repay the money to which New York City is entitled, remove an unfair burden from New York City residents, and provide better protection for U.N. diplomats.

Mr. Chairman, I hope the House will bear in mind the magnitude of the burden currently shouldered by New York City, the need for diplomatic protection in a world increasingly plagued by terrorism and violence, and the professionalism and cost-effectiveness with which the New York City Police Department now carries out its duties in this area and that it will pass H.R. 6254

Thank you.

Mr. STANGELAND. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is often the case that committee reports divulge interesting information about legislation coming before the house. Sometimes they are not really paid much attention to. But despite the best of intentions, honesty sometimes crops up.

In the committee's report, on page 4, it is noted that pending claims submitted on January 15, 1982, amounted to an estimated $13 million. What we have here is a piece of legislation—and one can imagine the background of it, just how it developed: The city of New York says, "We have some problems, we have a backlog of costs that have not been reimbursed," and the Treasury Department says, "Well, let us see what they are and give them to us in a clump and we will look them over and we will get some legislation through the Congress to reimburse for these past amounts.

I do not think we can question the validity of the views expressed here by anyone in support of this legislation, but you see what the process is: "Give us your claims, and we will put a bull—bill through." Yes, a bull bill; great.

And that is what we have here today. I do not think the American taxpayers all over the country would necessarily feel very comfortable about this. It is pointed out by the committee that the precise amount which New York City would receive would be subject to the approval by the Treasury Department of valid claims for reimbursement and would also be subject to appropriation.

□ 1345

That seems to tell me that these claims have not been determined to be valid finally. I guess it is really dependent upon whether this legislation passes or not. This is a 100-percent increase in the authorization from now on under this portion of existing law, plus a temporary increase of 500 percent to catch up for the past, for $17,700,000 authorization.

I oppose the bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STANGELAND. Mr. Chairman, I will yield the gentleman 1 additional minute if he will yield to the gentleman from New York.

Mr. KINDNESS. I would be happy to yield to the gentleman from New York.

Mr. MOLINARI. Mr. Chairman, I thank the gentleman for yielding. I would suggest to the gentleman from Ohio that indeed there are reports in the committee's possession that indicate the amount of the claim that was submitted to the Treasury Department, the amount that was disallowed, and the total amount that was allowed; so that I think the gentleman is incorrect in his statement that they had not been looked over and approved. There have been substantial reviews.

Mr. KINDNESS. I did not write this committee report. It is right here for anyone to read.

Mr. MOLINARI. We have the breakdown simply showing each item and what was allowed and what was disallowed, so the amount that is owed to the city of New York is not in dispute by Treasury.

Mr. KINDNESS. Is the gentleman refuting what the committee report states on page 4?

Mr. MOLINARI. No, I am just saying that it does not address the question the gentleman raised.

Mr. KINDNESS. The gentleman ought to read his own committee's report, I guess.

Mr. STANGELAND. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding such a generous amount of time.

Mr. Chairman, I just want the committee to know that I am going to support this bill, but I have an answer to the problems of the city of New York. That would be that I think it would be very appropriate for the United Nations to take a lesson from Ringling Brothers, Barnum & Bailey, and take their show on the road from year to year, visiting the various capitals of the world from Afghanistan to Zimbabwe. I think then that the hint that the United States dominates deliberations of the United Nations could be allayed.

I think it would be educational for these professional diplomats to see how the rest of the globe lives, and visit the Third World countries and relieve New York City of its obvious cost-ineffective burden.

Mr. STANGELAND. Mr. Chairman, I just would like to close this debate by assuring the gentleman from Ohio, the members of the committee and the Members of the House that this subcommittee studied and questioned very carefully these claims, and in this study we found that the Department of the Treasury had disallowed $8 million in claims claimed by the city of New York. These claims addressed in H.R. 6254 have been verified as expenditures by the city of New York that are legitimate and that are reimbursable.

This member, the ranking Republican on the subcommittee, would not have brought this legislation to the floor and would not be here defending it, if he were not sure in his own mind that these are legitimate, verifiable expenditures, expended by the city of New York on behalf of the U.S. Government for the protection of foreign missions, dealing with foreign missions.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I would be happy to yield.

Mr. SOLOMON. I would just like to say to the gentleman from Ohio (Mr. KINDNESS) that the gentleman and I both come from the same philosophical persuasion. We are both known to

be very tight with a buck. As a matter of fact, even though I come from New York State, I have been severely criticized over the years for voting against New York State and New York City when I did not think it was justified.

Let me just assure the gentleman from Ohio that I have looked at all of these claims, and if I did not think every single nickel was justified, the gentleman can be sure that with my views of the United Nations, I would be up here fighting this bill with every tool. I support the bill because it is justified, and would certainly appreciate the gentleman's support of it.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, if I could get the attention of the gentleman from Ohio, I would like to commend him for reading the committee report and picking up what appears to be a different interpretation from what the gentleman has heard during the course of this debate. Perhaps it was unhappily expressed in the report language.

The fact of the matter is that at the time in question there were approximately $19,776,000 of submitted claims. Of that amount, only $13 million, approximately, were accepted by the Treasury Department. As the gentleman from New York (Mr. SOLOMON) has said, the subcommittee actually went through the list of these claims to see which were accepted, which were rejected, and what the criteria were.

There is no question that after 1975, when Congress said that there should be reimbursement for appropriate extraordinary expenses, these sums which are now included in this past due bill are the sums which were actually evaluated, reviewed by the Treasury Department, and subsequently reviewed by the subcommittee. So, it is not just a sort of revenue-sharing grant program in any sense. It is an obligation which the U.S. Government itself would have had to undertake at a much greater cost if it were not handled in this manner.

● Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 6254, legislation which would permit increased Federal reimbursement to State and local governments for the costs of protecting foreign diplomatic missions and visiting foreign dignitaries.

Mr. Chairman, at this time I would like to commend the gentleman from Illinois (Mr. FARY), chairman of the Subcommittee on Public Buildings and Grounds, for his leadership in presenting this legislation to the House today. I also want to commend the gentleman from California (Mr. CLAUSEN), the ranking minority member on the full committee, and the gentleman from Minnesota (Mr. STANGELAND), the ranking minority member on the Subcommittee on Public Buildings and Grounds, for their support and hard work on this legislation.

Mr. Chairman, the United States, as a host government, has an obligation to assure a secure environment for the diplomatic missions in our country. It is of utmost importance that the areas where embassies and chanceries are located be as safe as possible. In order to be a gracious host to our diplomatic guests, the United States must reciprocate for the security and protection afforded American missions in other countries.

I think we should be especially sensitive to the role the United States plays as the headquarters for many international organizations. We must insure that foreign diplomatic missions are provided as much security as necessary to enable them to safely carry out their responsibilities.

Passage of H.R. 6254, will make it easier for the agency charged with this responsibility, namely, the Secret Service Uniformed Division, to achieve this goal. By raising the amount authorized to be appropriated for reimbursement to State and local governments for protection services from $3.5 to $7 million annually, and by providing for the liquidation of $17.7 million in outstanding claims, this legislation provides for the continued security of the foreign diplomatic missions and guarantees that the financial burden will not fall unfairly on the shoulders of local government.

This is not a new program, Mr. Chairman. Congress decided that these expenses should be reimbursed in 1975. Inflation and a more complex international environment have made the $3.5 million annual authorization obsolete. I strongly support this legislation and hope my colleagues in the House will do likewise.●

● Mr. DERWINSKI. Mr. Chairman, I believe H.R. 6254 is the wrong vehicle and is based on the wrong reasons for solving the problem of protecting foreign diplomats in the United States.

It certainly is our responsibility to provide security for diplomats from other countries serving in the United States. We have a special responsibility with the rise in terrorism which threatens diplomats throughout the world. We must accept this responsibility just as we expect other countries to accept the responsibility of protecting American diplomats on their soil.

While commending that purpose, I do not support the inclusion in this bill of a money grab by New York City. It is out of order. The United Nation's presence in New York is an economic asset to that city. There are thousands of New Yorkers who are employed directly or indirectly as a result of the presence of the U.N.

To impose this financial burden on the Federal Government, as provided for in this legislation, is uncalled for. Therefore, I rise in opposition to H.R. 6254.●

Mr. STANGELAND. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The gentleman from Minnesota (Mr. STANGELAND) yields back the balance of his time. The gentleman from Illinois (Mr. FARY) has yielded back his time. All time for general debate has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 6254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(7)(C) of title 3, United States Code, is amended by inserting "may be provided for motorcades and at other places associated with such a visit and" after "protection".

(b) Section 208(b) of title 3, United States Code, is amended to read as follows:

"(b) There is authorized to be appropriated, in addition to such sums as have been heretofore appropriated under this section—

"(1) $7,000,000 for each fiscal year beginning after September 30, 1982, for the payment of reimbursement obligations entered into under subsection (a) after such date; and

"(2) $17,700,000 for the payment of reimbursement obligations entered into under subsection (a) before October 1, 1982.

Amounts appropriated under this subsection shall remain available until expended.".

SEC. 2. The amendments made by the first section of this Act shall take effect on the date of enactment of this Act, except that no amount authorized to be appropriated by the amendment made by subsection (b) of the first section of this Act may be made available for use or obligation prior to October 1, 1982.

Mr. FARY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection on the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the Committee Print, add the following new section:

SEC. 3. In order to assure effective security at the United States mission to the United Nations, and to promote efficient use of Federal security resources, the Secretary of the Treasury and the Secretary of State shall consult with the Secretary of the Navy with regard to placement of Marine security

guard services within such mission and shall report thereon to the Congress not later than sixty days after the date of enactment of this Act.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, the purpose of my amendment is to determine the usefulness of stationing Marine guards at the U.S. mission to the United Nations. Ambassador Kirkpatrick and I discussed this proposal and we were both amazed that Marine guards were used to guard our Embassies abroad but, for some reason, not to guard the U.S. mission at the U.N. in New York City.

What my amendment would do is require the Secretaries of Treasury and State to consult with the Secretary of the Navy as to the placement of Marine security guards at the U.S. mission. This would be done within 60 days of enactment and a report would be made to Congress as to the feasibility of this proposal.

It seems to me to be only reasonable for us to ascertain the usefulness of Marine guards at our mission in New York. Certainly, their presence would deter potential aggressors and enhance the security of the mission.

For the record, let me state that I do not want this construed as an indication of support for the United Nations. I feel that the only accomplishment of the United Nations since its inception is to provide a vast spy network for adversaries of the United States. Nevertheless, since we must meet our international obligations in providing adequate security, I support H.R. 6254. Furthermore, to protect our mission, I feel strongly that U.S. Marines could make a positive contribution to the security of the mission and that this avenue should be investigated.

I urge my colleagues to support my amendment and pass H.R. 6254, as amended.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I would like to commend the gentleman on offering this amendment. Every other U.S. mission throughout the world has the services and protection of a U.S. Marine detachment. They do outstanding work. There is absolutely no reason in the world why a similar process should not apply at the U.S. mission to the United Nations.

It is our Nation's Embassy there, and it is entitled to the same type of protection that embassies elsewhere throughout the world have. I think that bringing this amendment to the attention of the committee has served a worthwhile purpose, and I would hope that the end result of this process will be the establishment and stationing of a Marine detachment at the U.S. mission to the United Nations.

Mr. SOLOMON. I thank the gentleman for his strong support.

Mr. STANGELAND. Mr. Chairman, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I too want to join with my colleague from Georgia in commending the gentleman from New York on his amendment. I think it is an excellent one, and should be supported.

Mr. FARY. Mr. Chairman, I rise in support of the amendment. Effective security at the U.S. mission to the United Nations is essential since they are the host mission. Currently, security at the U.S. mission is provided by the Executive Protective Service which is administered by the General Services Administration. Recently, the General Services Administration has stated they plan to start contracting out for guard service. Thus, this amendment is quite in order due to the fact that the Marine Corps protects our U.S. missions all over the world and, in fact, a study to determine if they should also protect the U.S. mission in New York is appropriate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, continuing the expression of my concern that I started a little while ago under very limited time restraints, I would just like to point out that we all realize that the city of New York benefits from immense economic activity associated with the presence in the city of the United Nations and the foreign nation missions that reside there or are placed there. That is in part accounted for in our policy with respect to this matter by only reimbursing the city of New York for extraordinary protection afforded to diplomatic missions. I understand that, and I understand that it is the obligation of our Nation to provide good and adequate protection for foreign missions and the personnel of those missions.

What I do think we must take into account as a concern in dealing with any legislation like this, however, is that it is a put up job. This collection of claims goes back not just some 6 months, but several years. If there should have been a policy change, it should have been made sooner, perhaps. Maybe we are saying that there has been a lack. It has not been done, at any rate.

These claims, aggregating $13 million-plus that were at least initially not allowed, are claims that have been put together for the purpose of supporting the thrust of this legislation. Maybe it is right for it to be increasing the amount of the authorization to $7 million each year. Perhaps that is a good figure, and I have no argument with that part of the bill, but $17,700,000 in response to what I have visualized as being an invitation to "bring in your claims, boys, and see how much is needed."

I do not think that the American taxpayer likes this kind of spending, this kind of authorization to spend for something in the past. We ordinarily, in the Congress, deal with claims of this sort under special legislation. Some such claims come through the Judiciary Committee. It happens to be my experience to deal with a good many of such claims where there is no legal recourse for an individual or corporation or, in some cases, a municipality; but instead we bring this through another door here on this floor. Nobody is paying much attention today. It has even been suggested that it would be something well beyond the realm of reasonability to ask for a recorded vote on this. I am somewhat inclined to ask for a record vote on this, and I have not decided that fully, but for the very reason that we ought to be paying some attention to the fact that we go back and spend money for past purposes.

I am not satisfied. I do not think a lot of people would be satisfied if they had noticed the committee report. These claims were submitted January 15, 1982. The bill was dropped in the hopper at what time? Well, this is a revised bill, a clean bill, but at any rate it all fits together this year. It is not that there has been this attempt, apparently, to go back over the past and correct the problem until just now.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding, and I am sorry he did have trouble with a limitation of time earlier in the debate. But, I want to assure the gentleman that this problem is not a case of retroactive claims or something where somebody got the bright idea, "Why don't we hit up the Federal Government for $17 million in 1982?"

□ 1400

The fact of the matter is that this legislation authorizing the reimbursment of these extraordinary claims passed in the mid-1970's, and that has been on the books since that time.

New York City has been pressing those claims with the Treasury Department, and it took some time after

the original legislation was passed to hammer out just what class of claims the Treasury would consider or what class of service the Treasury would consider as extraordinary and what class it would consider as routine protection for which no reimbursement is available. Many of us here in the Congress, including this gentleman, were pressing for legislation so that this matter could be resolved and payment could be made on these claims which were piling up under this authorization and for which the original dollar authorization had long since been run through.

So, Mr. Chairman, this is not a matter that sprang from someone's brow earlier this year.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 3 additional minutes.)

Mr. GREEN. Mr. Chairman, as I say, this is not something that someone thought up this year; it is something the city and the Treasury had been negotiating on over the years in order to define what was extraordinary and what was routine, and it was something the Members here had been pressing for an authorization as that gradually became defined under Treasury regulations which were only really set in place in 1980.

So I think the subcommittee, following that definition by the Treasury, then started the process of analyzing these claims and decided that the Treasury was in fact making the right decision as to which claims were extraordinary and which were not and then produced this bill. So I think it has been in process since the original authorizing legislation in the mid-1970's, and that process reaches its culmination today, as it should, with all the due deliberate speed with which this House acts.

We are not seeking anything which was not authorized for us several years ago, and I would hope that the gentleman could see that this is not some raid on the Treasury but simply making good on the part of the Federal Government an obligation that it assumed in the mid-1970's and which has now been worked out and audited and is now ripe for payment.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman from New York (Mr. GREEN) for that very reasonable explanation.

Ms. FERRARO. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentlewoman from New York.

Ms. FERRARO. Mr. Chairman, I thank the gentleman for yielding.

I would just like to point out in addition that there was legislation which would provide for reimbursement. It was just not a sufficient amount of money to cover the actual cost of extraordinary expenses that were experienced by the city of New York.

In addition to that, I do not think the gentleman was here during the course of my comments in support of the bill during general debate, but we had had extensive testimony from Treasury with reference to the fact that if New York City did not provide this extraordinary protection it would still have to be provided in some way. And to be honest, we have 7½ million New Yorkers who are a little uptight over the fact that these police are taken off their ordinary beat duty and made to protect missions; they would just as soon have those cops protecting them.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has again expired.

(On request of Ms. FERRARO, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Ms. FERRARO. Mr. Chairman, will the gentleman yield further?

Mr. KINDNESS. I yield to the gentlewoman from New York.

Ms. FERRARO. Mr. Chairman, I thank the gentleman for yielding.

If the New York City police were taken off the extraordinary protection and Treasury were required to provide the protective services for diplomats as they are required by treaties to do, it would cost the Federal Government $20 million in the first year and $14 million for each additional year thereafter, and in addition to that, they still would not be providing all the extraordinary protection the New York City police have been providing.

Mr. KINDNESS. Mr. Chairman, I heard that, and I read the report. But is the gentlewoman telling me that these claims amounting to $13 million were not submitted on January 15, 1982, as the report says?

Ms. FERRARO. Mr. Chairman, if the gentleman will yield, they had been submitted over the years, and what has happened is that the amount of the balance that has not been paid by the Federal Government was not paid because there was not the authority to pay out the money or they did not have the money to pay it.

Mr. KINDNESS. So they said, "Come on back, boys"?

Ms. FERRARO. Well, it was a debt that has been accumulating over the last several years, and New York City has been pressing each year to get that money, but without the money coming through this Congress through appropriations for the particular purpose, it has not been there.

The gentleman said that the American taxpayer does not like paying or getting stuck for bills over the years. The American taxpayer is fair about paying bills that are due, and this is a bill that is due. So it is only fair that it be paid to the city.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Arizona.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

(On request of Mr. RUDD, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 3 additional minutes.)

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding.

I am inclined to agree with the gentleman from Ohio (Mr. KINDNESS) on his statement with regard to the expenses and how they should be shared and how they should be allotted.

The city of New York does benefit from the presence of the U.N. through its diplomatic establishment and through tourism as a result of that presence. But this is a direct payment to the city of New York, and I think it should rather be made through the extraordinary expenses of the State Department. I feel that they should deal with the State Department rather than other branches of the Federal Government of the United States for these benefits. I hope the gentleman does get a recorded vote on this.

Mr. Chairman, I oppose this bill which will double the cost of protective services for foreign diplomatic missions in the United States under the secret service fund. I see no way that, in a year when we are examining every Federal program to trim expenses and cut down the growth of Federal outlays, that this body can justify increasing funding for this expense by 100 percent. The city of New York benefits from the presence of the United Nations through the revenues which are brought in through tourism and general servicing of the diplomatic community. I do not believe that the Federal Government should foot any more of the bill for protective services in New York than we have already.

Furthermore, it is the duty of the State Department to meet extraordinary expenses which are incurred by State and local governments in the protection of foreign delegations. Proposals are being considered right now which would transfer this responsibility to State Department officials who are more familiar with the needs of these delegations and should take responsibility for this function of diplomatic relations. I urge the House to reject the measure we are considering today and expedite the passage of legislation which would properly deal with this situation.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just want to say again to the gentleman from Ohio (Mr. KINDNESS) that I have a great deal of respect for the gentleman.

Mr. KINDNESS. Oh, oh, here it comes.

Mr. SOLOMON. He is an outstanding member of the Committee on the Judiciary. But I have heard him stand on the floor in support of the Legal Services Corporation because as a matter of law we had a bill due, and that is exactly what the gentleman from Georgia has been saying.

And let me tell the Members this: I do not think that the U.N. provides any benefit to the United States of America or to New York City or to New York State, and I think we ought to move it out of this country. I think the way to resolve the Falkland Islands dispute is to put it over there.

Mr. KINDNESS. I might agree with the gentleman on that.

Mr. SOLOMON. I would thank the gentleman for that.

But the fact of the matter is that we cannot violate international treaties under which we are required to provide police protection, and I do think this is a unique situation.

I argued this in the subcommittee when I said that I think that the U.N. ought to pay all of these extra costs because it is so unique. It is not just a foreign embassy on U.S. shores; it is the U.N., so consequently it is a much bigger issue. So I say to the gentleman, let us get it out of here, but in the meantime, let us live up to our obligations.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I just want to say that the idea of moving the U.N. to the Falkland Islands has some charm, but I would rather have it like the Olympic games, moved from capital to capital to capital, and then it would have the instruction that some of our overseas trips provide. We would visit Bangladesh and visit Sri Lanka, and we would have those diplomats double-parked down there.

Now, if we were really thinking, we would think of an innovative way to amend the treaties in a way that would permit New York to collect on parking tickets. This is not just an embassy; this is 110 countries with their staffs and their auxiliaries, and their vehicles, and New York is very much put upon. They ought to make an exception and at least let them collect on parking tickets, and this would self-liquidate.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for his valuable contribution.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Georgia.

Mr. LEVITAS. First of all, Mr. Chairman, I would like to comment, if I may, on the suggestion of the gentleman from Illinois (Mr. HYDE) about spreading the benefit of the U.N. around the world. I think it is an excellent suggestion. I think not only would the United Nations benefit from that experience, but I think some of the nations and capital cities in which that experience would unfold would also have a much better insight as to how that organization operates. I think it is a good suggestion.

On the point that the gentleman from Ohio (Mr. KINDNESS) raised, I really feel that he has raised a sincere and genuine point about his concern.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has again expired.

(On request of Mr. LEVITAS, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield further, it is our understanding—and I believe all of us on the committee are of this view—that these actual amounts were incorporated in claims and applications for payment that had been submitted over a period of years, and the committee report language to which the gentleman referred, instead of saying they were submitted on that date, should have said they were in fact pending on that date rather than having been just lumped together and put in at one time.

Mr. KINDNESS. I would prefer that the report say that, but it does not.

Mr. LEVITAS. Yes. And it is for that reason that I think several of us have pointed out that this is not a question of what ought to be done as far as a policy, but it is whether or not Uncle Sam is going to pay its debts which it has already acknowledged it would be obligated to pay for extraordinary protective services for missions for the United Nations and for missions to the United Nations.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEVITAS) particularly for his explanation that the Committee report should have read on page 4, "Submitted claims pending on January 15, 1982 amounted to $13 million," rather than saying as it does, "Pending claims, submitted of January 15, 1982 * * *".

I found this one of the more interesting committee reports that I have read for some time, and I appreciate the help that it has provided in consideration of this legislation.

Mr. LEVITAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to deal with another matter which is not covered specifically in this legislation but which I think is extremely important, and I hope that the State Department will follow through on this at the earliest possible date.

The U.S. Mission to the U.N. has responsibility at this time as the host country to the U.N. Missions of other countries. In that capacity our Ambassador and our Mission to the U.N. are really middlemen dealing with security matters and protection of missions, and that really should not be their responsibility. It is the telephones at the U.S. Mission that ring constantly off the hook when U.N. accredited diplomats are looking for assistance.

That should not be the responsibility of our Ambassador to the United Nations who has diplomatic responsibilities. It ought to be the responsibility of the State Department itself so that our Ambassador is not placed into the dual position of having to represent U.S. interests at the United Nations and at the same time deal with the problems and the complaints of the other persons accredited to the United Nations.

Therefore, based on testimony which our subcommittee received during consideration of this legislation, it seemed to most of us on the subcommittee, if not all of us, that the State Department ought to take another look at how this administrative responsibility is being shared. Perhaps the State Department itself, through its administrative offices, should take over this responsibility. We should let our Ambassador to the United Nations deal with the diplomatic problems at the United Nations and not try to serve as a provider of security protection and answering complaints which other missions might have due to their presence in New York as accredited to the United Nations.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT), having assumed the chair, Mr. WEISS, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6254) to amend title 3, United States Code, to clarify the function of the U.S. Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other pur-

poses, pursuant to House Resolution 490, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

□ 1415

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAM B. HALL, JR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 177, not voting 37, as follows:

[Roll No. 145]

YEAS—218

Addabbo	Dicks	Green
Akaka	Dingell	Guarini
Albosta	Dixon	Hagedorn
Alexander	Donnelly	Hall (OH)
Annunzio	Dorgan	Harkin
Aspin	Dornan	Heckler
Atkinson	Dougherty	Hefner
Bailey (PA)	Downey	Heftel
Barnes	Dunn	Hightower
Bedell	Dwyer	Holland
Beilenson	Dymally	Hollenbeck
Bennett	Early	Horton
Bevill	Eckart	Howard
Biaggi	Edgar	Hoyer
Bingham	Edwards (AL)	Huckaby
Boggs	Edwards (CA)	Hughes
Boland	Erdahl	Hunter
Bonior	Ertel	Hyde
Bonker	Evans (DE)	Jeffords
Bowen	Fary	Jones (NC)
Brinkley	Fascell	Kastenmeier
Brodhead	Fazio	Kemp
Brooks	Ferraro	Kennelly
Burton, Phillip	Fiedler	Kildee
Carman	Fish	Kogovsek
Carney	Flippo	Kramer
Chisholm	Florio	LaFalce
Clausen	Foglietta	Leach
Clinger	Foley	LeBoutillier
Coleman	Ford (MI)	Lehman
Collins (IL)	Ford (TN)	Leland
Conable	Forsythe	Lent
Conyers	Fountain	Levitas
Coyne, William	Fowler	Lewis
Crockett	Frank	Livingston
Daschle	Frost	Long (LA)
de la Garza	Garcia	Long (MD)
Deckard	Gejdenson	Lowry (WA)
Dellums	Gibbons	Luken
DeNardis	Gilman	Lundine
Derrick	Gore	Markey
Dickinson	Gray	Martin (NY)
Matsui	Perkins	Solarz
Mazzoli	Peyser	Solomon
McCloskey	Porter	St Germain
McDade	Price	Stangeland
McGrath	Pritchard	Stanton
McHugh	Rahall	Stark
McKinney	Railsback	Stokes
Mica	Rangel	Stratton
Mikulski	Ratchford	Studds
Miller (CA)	Reuss	Swift
Mineta	Rhodes	Synar
Minish	Rinaldo	Thomas
Mitchell (MD)	Rodino	Traxler
Mitchell (NY)	Roe	Udall
Moakley	Rose	Vento
Molinari	Rosenthal	Walgren
Mollohan	Rostenkowski	Washington
Murtha	Roukema	Waxman
Napier	Roybal	Weiss
Natcher	Sabo	White
Neal	Sawyer	Whitley
Nichols	Schneider	Williams (OH)
Nowak	Schumer	Wirth
O'Brien	Seiberling	Wolpe
Oakar	Shamansky	Wortley
Oberstar	Shannon	Wright
Ottinger	Shaw	Yates
Panetta	Shuster	Yatron
Patterson	Smith (NJ)	Young (MO)
Pease	Smith (PA)	Zeferetti
Pepper	Snowe	

NAYS—177

Anderson	Gonzalez	Obey
Anthony	Goodling	Oxley
Applegate	Gradison	Parris
Archer	Gramm	Pashayan
Badham	Gregg	Patman
Bafalis	Grisham	Paul
Barnard	Gunderson	Petri
Beard	Hall, Ralph	Pickle
Benedict	Hall, Sam	Quillen
Benjamin	Hamilton	Regula
Bereuter	Hammerschmidt	Ritter
Bethune	Hance	Roberts (KS)
Bliley	Hansen (ID)	Roberts (SD)
Boner	Hansen (UT)	Robinson
Bouquard	Hartnett	Roemer
Breaux	Hendon	Rogers
Brown (CO)	Hiler	Roth
Broyhill	Hillis	Rousselot
Burgener	Hopkins	Rudd
Butler	Hubbard	Russo
Byron	Hutto	Schroeder
Campbell	Ireland	Schulze
Chappell	Jacobs	Sensenbrenner
Chappie	Jeffries	Sharp
Cheney	Jenkins	Shelby
Coats	Johnston	Shumway
Coelho	Jones (OK)	Siljander
Collins (TX)	Kazen	Skeen
Corcoran	Kindness	Skelton
Coughlin	Lagomarsino	Smith (IA)
Courter	Latta	Smith (NE)
Craig	Leath	Smith (OR)
Crane, Daniel	Lee	Snyder
Crane, Philip	Loeffler	Spence
Daniel, Dan	Lott	Staton
Daniel, R. W.	Lowery (CA)	Stenholm
Dannemeyer	Lujan	Stump
Daub	Lungren	Tauke
Davis	Madigan	Tauzin
Derwinski	Marlenee	Taylor
Dreier	Marriott	Trible
Duncan	Martin (IL)	Vander Jagt
Dyson	Martin (NC)	Volkmer
Edwards (OK)	McClory	Walker
Emerson	McCollum	Wampler
Emery	McCurdy	Watkins
English	McDonald	Weaver
Erlenborn	McEwen	Weber (MN)
Evans (GA)	Michel	Weber (OH)
Evans (IA)	Miller (OH)	Whitehurst
Fenwick	Montgomery	Whittaker
Fields	Moore	Whitten
Findley	Moorhead	Williams (MT)
Frenzel	Morrison	Winn
Fuqua	Mottl	Wolf
Gaydos	Murphy	Wyden
Gephardt	Myers	Wylie
Gingrich	Nelligan	Young (AK)
Glickman	Nelson	Young (FL)

NOT VOTING—37

Andrews	AuCoin	Bailey (MO)
Blanchard	Fithian	Moffett
Bolling	Ginn	Pursell
Broomfield	Goldwater	Richmond
Brown (CA)	Hatcher	Santini
Brown (OH)	Hawkins	Savage
Burton, John	Hertel	Scheuer
Clay	Holt	Simon
Conte	Jones (TN)	Smith (AL)
Coyne, James	Lantos	Wilson
D'Amours	Marks	Zablocki
Dowdy	Mattox	
Evans (IN)	Mavroules	

□ 1430

Messrs. CORCORAN, HANCE, LOTT, MARRIOTT, and SMITH of Iowa changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. RATCHFORD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION NO. 3985, FINAL REGULATIONS FOR COLLEGE HOUSING PROGRAM

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that Executive Communications No. 3985, final regulations for the college housing program, which was referred to the Committee on Education and Labor, May 21, 1982, be referred to the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

A BILLION FOR THE UNITED NATIONS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, today we will be asked to authorize Federal money to reimburse New York City for the police protection it provides the United Nations.

Now I am all in favor of protecting foreign dignitaries when they visit the United States and I support the concept of nations meeting to settle their differences peacefully. But we must wonder if we are getting our money's worth out of the United Nations. We pay over $1 billion a year to the

United Nations, not including police protection, and for our money we receive continuous anti-American rhetoric from the Communist countries and their client states.

The United Nations also provides a convenient cover for foreign agents who steal our country's secrets under the protection of diplomatic immunity.

Congress should scrutinize every cent it authorizes, especially now with the Federal budget deficit soaring out of sight. The United Nations budget should be treated like every other appropriation.

I would like to call attention to an editorial that ran yesterday in the Alabany Times Union. It makes some very perceptive points about the state of affairs at the United Nations and I commend it to your reading.

A BILLION FOR THE U.N.

"Our influence at the United Nations is trivial, despite the fact that we contribute $1 billion a year."

That was the United States ambassador to the U.N. talking. Jeane Kirkpatrick's mention of the relationship between money and influence should remind Americans and their congressional leaders that we ought to keep the world body alive.

From its inception in 1945 until 1973 the American share of U.N. costs was 31.5 percent. Congress then decided this proportion was askew, which it surely was, and cut back to 25 percent. Throughout this period the Soviet Union and two of its republics had three votes in the General Assembly to one for the United States. The three Soviet members kick in 13 percent of U.N. funds, a hair more than half the American contribution.

Lack of influence in relation to dollars is not the only thing we should think about. Where those dollars go is something we should examine carefully. For instance, nearly 30 United Nations officials get salaries of more than $100,000 a year. And that fleet of limousines on the East River is not the cheapest mode of travel.

America's $1 billion supports dozens of global organizations. Many must be worthy, but before Congress grants a State Department request for a 12 percent increase in this area, it ought to take a close look at those agencies, including an animal-disease program called the International Office for Epizootics.

Then there is the United Nations Educational, Scientific and Cultural Organization. It has been promoting a "New World Information Order," or a program of news management, while the United States supports it with an annual contribution of $33.5 million.

A billion may seem like a paltry sum in a land where the national budget is heading toward the trillion mark. But as the American taxpayer knows, every billion counts when April 15 rolls around. A cost-conscious Congress should review its U.N. commitment, and make sure it knows where every dollar goes.

INVESTMENT TAX CREDITS

(Mr. DENARDIS asked and was given permission to address the House for 1 minute.)

Mr. DENARDIS. Mr. Speaker, I think we could all use some good news about the effects of the economic program we passed last year. At that time, as we debated the Economic Recovery Tax Act of 1981, we Congressmen who represent districts containing older cities argued strongly for the preservation and expansion of investment tax credit for the rehabilitation of commercial and industrial buildings, as set forth in the Revenue Act of 1978. For nearly three decades, Federal law had favored the construction of new buildings over the rehabilitation of older ones. This bias, combined with the availability elsewhere of better transportation and communication systems, lower property taxes, more plentiful land, and other attractions, provided strong incentive for firms to leave the cities, taking jobs and revenue with them. The economic lifeblood of our cities was steadily draining.

The members of the Northeast-Midwest Coalition asserted that the investment tax credit would motivate businesses to renovate rather than relocate. We argued that this incentive, together with the targeted tax credit, urban development action grants, industrial revenue bonds, and local improvements and incentives, would reverse the flow of investment out of our cities. Thankfully, this view prevailed in the 1981 Tax Act, which not only preserved but expanded the tax credit. Now, instead of a flat 10 percent credit, developers can receive from 15 percent to 25 percent credit, depending on the building's age and status as a historical site.

Mr. Speaker, I am delighted to report that this measure has indeed produced the benefits we predicted. I have personally witnessed these benefits in my own district, in the city of New Haven. As a direct result of the new tax credit, renovation activity there has increased markedly. Drawn by a 25-percent tax credit for historic buildings, a group of developers is restoring a 125-year-old structure known as the Palladium Building. Other developers are taking advantage of the same 25 percent credit to renovate the old Yale Brewery and the Schubert Theater, once the main launching ground for Broadway shows. Still other investment activity will result in the conversion of the former Seamco plant and the rehabilitation of several 19th century mansions of inestimable architectural and historical value.

Because New Haven is a city unusually rich in historic structures, I am confident that as more developers become aware of the benefits of this new tax credit, more and more restoration will occur. Businesses that fled will return to the city. New businesses will begin there. There will be more jobs, not just because of the expanded number of businesses but because renovation work generally yields 33 percent more construction jobs than does demolition and new construction. And more jobs mean more people with money to spend in shops, restaurants, theaters. In short, the new investment tax credits for building rehabilitation is playing an important role in New Haven's return to vitality and prosperity. Nor is my district the exception. Thanks in large part to the new tax credit, the expression "aging city" will soon no longer apply to many long-established urban areas of the Northeast and Midwest. They will instead be called rejuvenating cities.

MASSIVE STEEL SUBSIDIES CALL FOR LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, last week was a historic time for the steel industry of the United States, and because of events here, developments in the world steel crisis have a touch of irony.

In Europe, Common Market Ministers moved to prevent what they call cutthroat competition—price cutting and dumping—among their steelmakers by extending for a year an internal quota system.

And in the United States, these same protected European steelmakers were formally found to be engaged in cutthroat competition against U.S. workers and companies.

Last year, while they were cooperating in Europe, the British sold steel here for an average $366 a ton that probably would have been $513 a ton absent a 40.36-percent subsidy from the Government.

Add an estimated $80 for transportation as one steel analyst does, and the cost in the United States should have been about $593.

The average price of U.S. manufacturers is $535 a ton, according to recent estimates.

The difference on steel plate is $58 a ton in favor of more efficient U.S. steelworkers.

Last year the French sold steel here for $300 a ton that probably would have been $400 a ton absent a 30-percent subsidy from the Government of France.

Add transportation, the price should have been $480.

The price of U.S. manufacturers is $458 a ton.

The difference is $22 a ton in favor of profitmaking U.S. steelmakers on hot-rolled sheet.

Last year, Belgium sold steel here for $360 a ton that probably would have been $438 a ton absent that government's 21.7 percent subsidy.

Consider transportation again, and the price should have been about $518.

The estimated U.S. maker's price was $505.

The difference is $13 a ton in favor of U.S. steelworkers, who get no Government help, on structural shapes.

Subsidy demands neither efficiency nor profit.

This is the kind of thing steelworkers face as they fight with foreign governments to keep their jobs as imports—much subsidized—approach 23 percent of the market.

And this is what U.S. companies must overcome if they are to do more than break even—if they are to show profit and modernize to survive and become even more competitive with the 20-percent, 30-percent, and 40-percent subsidizers.

This is what the protected Europeans call free trade.

Trade war is a more accurate name, and freebooting describes their approach better than the term "free trading."

While the Europeans were tidying up their quota arrangement last week, the U.S. Department of Commerce made formal findings of subsidy against seven European countries and two other nations in countervailing duty cases. This is the first testing of U.S. trade law meant to offset unfair advantage.

These findings should have great meaning to anyone interested in the future of industrial America, which is the future of America.

The findings show:

That some of our chief European allies and trading partners have willfully and flagrantly violated the letter and the spirit of the trade laws designed to enforce their international trade agreements;

That these same partners have twisted the trade principle of comparative advantage into the idea of advantage any way they can get it, and will continue to do so; and

That they have selfishly distorted into trade war the concept of free trade that the United States has attempted to advance unselfishly since the end of World War II.

Duties equal to the subsidies are being levied, but the action has only stalled the frontal assault by the heirs of Clausewitz, who wrote, "On War," and who was the first to recognize the similarities between trade and war.

But the cases show the Europeans acknowledge the connection and are practicing what the general preached.

As for counterattack. These are clever people and steel is a versatile material. It will be no difficult trick to switch from import product lines that are subject to countervailing duty to those that have not been called into question.

Or importers may switch to suppliers who are not involved in the cases. And they can bluster and threaten retaliation, as they have done and will continue to do.

So it is necessary to look in closer focus at what has been done and to propose an answer, an effective countermeasure.

Mr. Speaker, my opening remarks on sales prices were conditioned by words like "probably" and "apparent" and "should." This is because I was dealing with averages drawn from last Friday's summary of findings from the Commerce Department, which are not thorough enough to take 1 ton of steel from one plant and follow it through the trade routes.

The European price was determined by dividing the net tons of a specific product imported from the named country into the dollars involved. The amount of subsidy was fixed by applying the highest rate of subsidy given in the named country. And the estimated U.S. sales price was calculated by adding the two.

This method is not altogether satisfactory, but I think it gives us figures in the ball park until the analysts finish their work.

By the way, using this rough method of estimate, one item from Britain sold for $644 a ton. It is made by a wholly owned subsidiary of the 40 percent subsidized British Steel Corp. Applying the subsidy rate, the break-even price, plus transportation, would have been about $984 a ton.

Subsidies of from $50 to $300 a ton were found for steel mill products that sold from $400 to $500 a ton, the Wall Street Journal said.

We also can apply rough calculations from the summaries and generally accepted rules of thumb to understand what effect the most flagrant subsidizers have had on the United States.

One necessary rule of thumb is that 1 million tons of imported steel equals the export of 5,000 American steelmaking jobs.

So, in Belgium, four companies received subsidies ranging from 1.99 to 21.7 percent.

About 812,000 tons of subsidized Belgian steel was imported. The equivalent of 4,059 jobs.

France subsidizes one company at 30.029 percent and another at 20.097 percent.

About 1,289,000 tons of French steel claimed 6,445 U.S. jobs.

One Italian firm, subsidized at 18.3 percent, eliminated 3,840 U.S. jobs with 768,000 tons of steel.

South Africa subsidizes one producer at 9.9 percent and another at 16.3 percent.

These two South African companies sent 284,000 tons and received 1,420 American jobs.

In Britain, three firms are listed as receiving subsidies of from 2.445 percent up to 40.362 percent.

Their 319,000 tons represented 1,545 jobs in the United States.

Altogether, the most flagrant subsidizers took away 17,309 jobs.

Meanwhile, the U.S. industry is operating at 42.5 percent of capacity because of the recession and imports, and 106,000 are out of work and another 28,500 are on short weeks.

By the way, 17,000 is 16 percent of 106,000 if anybody has been wondering what effect imports from these 5 countries might have had on unemployment in the industry.

In addition, there were other findings, as follows:

Brazil subsidizes all producers at 8.58 percent;

West Germany subsidizes eight companies at rates ranging from the almost unnoticeable 0.178 percent up to a significant 8.623 percent; and

Luxembourg weighs in at 1.766 percent and the Netherlands at 0.651 percent.

In almost all cases—all countries—the imports called into question under international trade agreements and trade law sold for $100 to $200 less a ton than the average of all steel mill product imports for these countries.

Some experts say this could indicate this 3.8 million tons of subsidized steel—these 19,200 jobs, this 18 percent of unemployment—was targeted.

Protected from the price cutting and dumping of cutthroat competition among themselves, are the Europeans understanding?

Not at all.

The first charge hurled by their chief steel negotiator Etienne Davignon, was, that the action has a "protectionist" flavor.

The second was to threaten retaliation.

And the third was to scold everybody involved:

This is a bad case from a commercial, legal and political point of view.

It has appeared that the American administration has not been able or willing to control its industry.

It is a political and damaging error that the United States has not made the effort to press their industry.

Mr. Davignon really said this, Mr. Speaker.

He said it although the U.S. Government really has no financial reins like subsidies of up to 40 percent to pull in steelmakers when they seek to exercise their guaranteed rights to fair trade—rights promised in international trade agreements that are endorsed by the Europeans and rights upheld by U.S. trade law.

The industry is to be commended for documenting on the record how the Europeans wage trade war, and for refusing to buckle under pressure for a negotiated settlement. And the Department of Commerce is due praise for a thorough and professional investigation.

The task now is to see that the requirements of fair trade and commerce are not sacrificed to Mr. Davignon's bluster or to the demands of di-

plomacy as the remaining legal steps are taken.

If we can follow through, we will come close to adhering to the excellent advice in Washington's Farewell Address when he said:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little polictial connection as possible.

It is folly in one nation to look for disinterested favors from another.

It may place itself in the condition * * * of being reproached with ingratitude for not giving more.

There can be no greater error than to expect or calculate on upon real favors from nation to nation. It is an illusion which experience must cure.

In steel, Mr. Speaker, we gave 20 percent of the market last year. Through the first quarter we had given over 22 percent this year.

That the companies refused to settle may be due to experience in other dumping episodes—those subject to the failed voluntary restraint agreements and those that the too-understanding trigger price mechanism was meant to deal with.

Although these countervailing duty cases will not make well a sick steel industry, they do cure one of the viruses causing up to 18 percent of the illness.

Meanwhile rulings are due later this summer on 18 pending dumping cases.

And still to come is a determination on six subsidy cases involving Spain.

General Clausewitz says that you can reasonably gage how an adversary is likely to act tomorrow by recalling how he acted yesterday and the day before.

In Spain, according to the June 7 Wall Street Journal, they are determined to follow the European way.

I ask the House to pay attention to excerpts from this story as follows:

MADRID.—The Spanish Government gave the green light to the construction of a $140 million steel-pellet plant.

After an oil company report had concluded that the natural gas reserves were insufficient to make the plant profitable. Plans for the project were scrubbed.

Villagers and miners staged hunger strikes.

The Spanish Government now has agreed to subsidize the plant with $32 million in addition to granting an official credit of $30 million.

The state-owned steelworks has been given instructions to buy 800,000 tons of pellets annually at a price similar to that of its Brazilian subsidiary.

Notice that profit does not seem to matter. Notice that avoiding political unrest does matter.

By the way, the same June 7 newspaper carried a short story from Bethlehem, Pa.

Bethlehem Steel had announced the layoff of 330 more workers at its Sparrows Point, Md., shipyard.

Employment at the yard is down to 750 from a normal 2,250. There is no work for the missing 1,500.

The Spanish approach is thoroughly European, and the side-by-side consideration of the developments is thought provoking.

Of course, Spain is entering the Common Market.

And here are excerpts of what the June 9 Wall Street Journal drew from the meeting of Common Market industry ministers:

LUXEMBOURG.—Common Market industry ministers approved a 1-year extension of steel-production quotas to prevent cutthroat competition among European steelmakers.

The quota system was to expire on June 30.

It will be broadened to include wire rods, previously uncovered.

One Common Market official said the system will cover about 80 percent of the community's overall steel production—which totaled 126 million tons last year—up from 70 percent previously.

"The steel market needs the quota system," said Belgium industry minister Mark Eyskens, "The business outlook is not very encouraging."

Remember, Mr. Speaker, despite what Mr. Davignon says, the Europeans understand quotas and even profess some affection for them.

They have an oversupply and they have quotas and the Spanish are expanding.

The oversupply, or part of it, is being piped here through the subsidies so Belgian steelworkers will not riot and Spanish miners will not go on hunger strikes.

And 106,000 Americans are out of work and another 28,500 are on short weeks.

There can be no greater error than to expect or calculate on real favors from nation to nation, from ally to ally, from trading partner to trading partner.

The Europeans are in trouble because of subsidy and the loss of comparative advantage and an oversupply of steel in the world.

There is a world oversupply because every developing nation wants a steel industry to prove its new status.

In support of the proposition, I ask the House to consider excerpts from a June 9 report in the Journal on a new $2.5 billion steel plant in Pakistan:

Pakistan is building a $2.5 million steel plant in the desert despite unfavorable economic odds.

The plant will depend almost entirely on imports of iron ore and coal, and on power and water that already are in short supply.

When Pakistan steel begins production, it will have among the highest production costs anywhere and will have to contend with the worldwide steel glut.

The poet and financier who is chairman of Pakistan Steel acknowledges that there are problems.

But, he argues, a developing country that wants to industrialize—if only to make plows and hoes—has to begin with steel.

"Costs are high.

Until steelmaking begins, Pakistan is selling its pig iron to India at the prevailing world price of $150 a ton, but production costs are double that amount.

The plant initially will produce 1.1 million tons for steel a year, Mr. Speaker, and can be expanded to make 2 million tons.

This is not a lot, but I will bet any Member right now that they will be selling here before long at substantially below a fair price.

Meanwhile, the unsubsidized U.S. industry has been operating at about 42.5 percent of capacity.

This is the way things are in the world steel community, Mr. Speaker.

The United States, because of its responsibilities in the world, needs a steel industry; that is admitted.

American workers can produce steel here that will sell at lower costs than imported steel if that foreign steel is not subsidized or dumped.

So the Congress has two choices if we are to maintain a steel industry.

□ 1500

First, we can subsidize at rates up to 40 percent, like our quota-protected European partners, and that is one of the possibilities; but according to our theories of business and fair trade, international trade and international responsibilities, this is unacceptable politically to this country, and I presume to this Congress.

The difficulties of the Europeans in rationalizing their 126 million tons a year of production tends to prove that this just would not work. That leaves the establishment of quotas along the lines of the 10 percent—or tithe quota—as I mentioned last week in our special orders, the quota bill introduced recently by the leadership of the Steel Caucus and others.

I want to conclude the special remarks by repeating certain items for the record and to remind my colleagues of what we are doing as a Steel Caucus.

First, I would like to say that the Steel Caucus is going to take these special orders regularly and have various Members participating directly on the floor or indirectly by submission of their remarks.

The purpose of this is to again, emphatically, draw the attention of our colleagues and the public in general, and the international community, to the fact that the Steel Caucus is not going to stand by, is not going to let the Europeans speak out and threaten international trade war and retaliation and unfair international trade practices; we are just not going to do it. We are going to speak up for this country and do it as repeatedly as we have to and as the facts warrant.

The time has come that we cannot be the ever agreeable international trading partner who never protests no matter how badly used. The time has come when we are going to have to call the Europeans, and the Japanese too, exactly what they are and to

point out to the whole world those countries that are not adhering to the international trade law; those who practice their little tricks and their devious ways; who come to this country, sit down with our representatives, ostensibly in a fair manner, and say, "We want to trade with you. We want to discuss ways of limiting our imports into your country. We do appreciate what you did for us 20 and 30 years ago and the billions of dollars that you threw at us and of your vital concern internationally when you had humanity in your hearts and you took care of us." All these things they say while they are sitting down and talking to our internationalists, and all the time they are at home conniving. At home they are talking differently in their international ministries. In Japan it is MITI that controls their internal industrial production. They twist things and they hide things. They talk about giving an opening into their domestic markets to us and they hand us a list over a hundred barriers for discussion and action but they are virtual tokens.

I have no hesitation under the circumstances, no hesitation to call attention in this RECORD formally before anybody within the hearing of my voice, that it may well be an economic Pearl Harbor once again.

I have maintained repeatedly that we are fighting a war on two fronts; on one front the European war, just like we did in World War II when I served my country, and we are fighting another trade war out in the Pacific. Anybody that sees if any differently is looking at the whole problem through rose-colored glasses. They are not practical. They do not understand or do not want to understand.

I myself personally believe that the economic might of this Nation has been so completely and thoroughly, fundamentally eroded and eaten away, that no matter how we try to prime those pumps, no matter what they try to do, we are in no position, to make it work. We are not going to get our economic house in order, because we have been attacked at the core and we have been destroyed so completely that I have my serious doubts. I do not want to sound like a pessimist, but I have my serious personal doubts whether we can rise up once again, meet the challenge and solve this problem.

A country that in a short 200 years has given the whole world the highest standard of living ever attained by any organized community or country, any political division, today finds itself struggling, just struggling to keep afloat.

I say that is almost self-destruction, almost shows a will to self-destruction; suicidal, for want of a better term.

We are going to take another special order soon. If you think those remarks are direct, wait until you hear us next time.

At this time, it is my personal privilege to yield to a very active member of the executive committee, the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

I would like to add very briefly, if I might, to the remarks the gentleman has made.

I wonder if perhaps the United States has finally come to realize that the world order has changed on us.

I would like to compliment this President for any credit that needs to be given, for he has at least recognized that the words free enterprise must begin to acquire some type of uniform international meaning.

State capitalism is really the new force that threatens stability in the economic international order. Free enterprise as it does here; particularly if the U.S. domestic market is going to be the market in which these new State capitalists are going to operate.

□ 1510

Economic security and military security for the free world go hand in hand. If indeed we do not recognize the necessity of combining the two, we are not going to succeed.

We cannot have investment policies that are different in the United States, different in Europe, and different in Japan. We cannot have a finance policy which differs markedly in the United States and in Europe and in Japan because someone at some point is going to be taken advantage of. We are the ones who are being taken advantage of now.

The relationship of the role and function of companies, capital, labor, and government have got to reach some sort of modicum, some sort of basic meaning all around the world if free enterprise is to survive.

I would like to compliment the gentleman from Pennsylvania (Mr. GAYDOS) for the work that he has done with the Steel Caucus. Steel provides an excellent example of what the real problem is when you are doing business worldwide. A subsidy is something that we all know is not sanctioned by the GATT.

The President, in his remarks in Britain, I think, was to the point politically and I hope will continue to work at the point economically; we need a world economic order where doing business means, in terms of investment policy, financial policy and marketing, the same thing around the world or there will not be stability in international markets.

I would again like to compliment the gentleman from Pennsylvania (Mr. GAYDOS) for the fantastic job that he has done, and I simply state that I look forward very much to working with him on these issues.

Mr. GAYDOS. I want to thank my colleague from Pennsylvania.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Ohio (Mr. REGULA) my colleague and a member of the executive committee.

Mr. REGULA. I thank my chairman for yielding.

In view of the limited time, I will try to abbreviate my remarks and then insert them in the RECORD.

I would say to my colleague from Pennsylvania that I think there is some reason for optimism in the environment in which we live. I believe that the can-do spirit of America can and will respond to the challenge.

However, it is imperative that our industries compete in an environment of fairness. I think what we have sought in the Steel Caucus, what the gentleman from Pennsylvania seeks, and what we would hope we can develop in our legislative program, is a situation where our industries do compete on the same playing field and under the same rules as their foreign competitors.

Along with that, I think it is vital that this body recognize that we must provide the kinds of conditions in tax policy, in environmental policy, Federal policies of all types, that will allow our industries to have a free competitive hand. We cannot expect them to compete with one arm tied behind their backs.

I think in the weeks and months ahead we need to recognize the importance of achieving that objective. Right now we are working on a budget. We hope that we can pass in this body a budget that will reduce the demands on the capital markets, that will free up capital to allow modernization of our steel and other industries, and improve their competitive opportunity. But along with that, we need to have fair trade with out allies.

Along this line I am very pleased that last week the Commerce Department recognized this problem, in their preliminary ruling on the pending steel subsidy cases and as a result of this action by the Commerce Department there will be penalties levied on incoming products to equalize the competitive disadvantage that our steel industries have suffered in the past.

The Commerce Department found that steel imported from seven European countries, Brazil and South Africa had benefited from Government subsidies. These determinations were the result of 6 months of investigations and analyses on the part of the Department. While these findings are only preliminary, they will provide important and immediate relief for domestic steel producers by requiring the importers of covered products to post

cash deposits or bonds for the amount of the estimated subsidy.

I could mention a number of other things, but I would only conclude by saying I support Secretary Baldrige's efforts to encourage the steel industries of the European Community to continue their efforts to restructure and end state aid for steel producers and agree that only by eliminating the excess uneconomic capacity and Government subsidization, can world steel trade be brought to a normal commercial basis.

In this Nation we have a priceless asset in our own American market. No other nation in the world affords such an attractive marketplace for imports as does the United States. The decisions handed down by Commerce will make it clear to our trading partners and the American people that we will not idly fritter away this asset.

We are sending a strong message that if others want to have access to our markets, it has to be done on a fair basis. These decisions should not be construed as the end of dedication to free trade in the United States, but the beginnings of a new era of fair trade. To unilaterally practice free trade unfairly hurts our economy and our workers.

We also have a number of reciprocity bills in the House and Senate which I would hope we would get a chance to vote on, that would further strengthen our position by giving the President the tools to insure that we have the kind of access to other nations' markets, that the chairman was talking about in his remarks, that we provide our foreign trading partners to ours.

It is my hope that we can continue to pressure, through the Steel Caucus, the committees to get a legislative environment that will enable our steel industry to flourish, that will meet the challenges of competition on a fair basis with other producers, and that will maintain the capacity for steel production that is absolutely essential to the national security of our Nation.

Mr. GAYDOS. I want to thank my colleague on the executive committee.

● Mr. MURTHA. Mr. Speaker, I am pleased to join my colleagues from the Steel Caucus in support of the Fair Trade in Steel Act of 1982.

In 1977, the Steel Caucus worked to bring about the trigger price mechanism as an enforcement tool of our recently negotiated trade laws. Soon foreign producers found ways of getting around the trigger, and again the Steel Caucus set to work, this time with the surge mechanism. In no time, foreign steel producers found ways to circumvent this process. The recent steel trade cases filed with the Commerce Department resulted. I am pleased with Secretary Baldrige's finding that illegally subsidized imports from these producers have injured the domestic industry.

In the meantime, the steel industry has declined to a critical point for such a basic industry. Its health is vital to our economy and defense and yet it stands at 42.5 percent of its capacity.

As our Government is cautiously negotiating with foreign steel producers, 35 percent of our steelworkers are unemployed. Our European trading partners are using government subsidies and bending trading practices to cause a trade war in which American steelworkers' jobs are at the mercy of foreign governments. These countries have erected trade barriers around their markets so imports cannot disrupt their economy and they provide aid that makes dumping in the U.S. market possible. We in the Steel Caucus do not want to see the U.S. steel industry negotiated out of existence. We made laws that were intended to prevent the current situation. With the Fair Trade in Steel Act, we are signaling our intent to make laws that will restore order to the U.S. steel market.

Quota on carbon and specialty steel imports are necessary to achieve this. Our bill is restrictive enough to prevent circumvention, and yet allows importers to compete for their fair share by opening one-tenth of the market to imports. Over the years we have learned that the only workable remedy was the quota, which was very successful in rebuilding the specialty steel industry and in holding prices below inflation. All the negotiated solutions failed.

We are saddened to note that our European trading partners have not shown good faith in previous agreements. Our only hope now in stabilizing the domestic steel industry is by securing relief from dumping through quotas.●

TRIBUTE TO GEN. DAVID C. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 15 minutes.

Mr. MONTGOMERY. Mr. Speaker, Gen. David C. Jones is retiring this month as Chairman of the Joint Chiefs of Staff. I know my colleagues in the House join with me in extending our appreciation and gratitude for his dedicated service to this country in a very important and vital position. He is our No. 1 soldier.

As head of the Joint Chiefs of Staff, General Jones' duties included serving as the senior military adviser to the President, National Security Council and Secretary of Defense.

In addition, he was also responsible for executing the decisions of the national command authorities. This included the worldwide readiness and employment of combat forces of the U.S. Army, Navy, Air Force and Marines.

For the past 4 years, General Jones has served in this job with distinction. But I would have expected no less from this man. He brought a long and varied military career into the position when he took over in June 1978. And before becoming Chairman of the Joint Chiefs he served as Chief of Staff of the Air Force and did an outstanding job in this position.

A command pilot, General Jones accumulated more than 300 hours in missions over North Korea during the Korean war and in 1969 he served in Vietnam as Deputy Commander for Operations and then as Vice Commander of the 7th Air Force.

His experience in dealing with the leaders of many nations was also an asset. The General's knowledge of the structure of the North Atlantic Treaty Organization enabled him to make the necessary decisions regarding our relations with the other nations in that alliance.

His service covered a wide area of responsibility and eventually he assumed duties as Commander in Chief of the U.S. Air Forces in Europe.

In addition to his expertise in European affairs, General Jones was also deeply involved with operations in the Middle East and Southeast Asia. This wide-ranging experience gave him a good perspective in making the day-to-day decisions crucial to the safety and well being of our country in his position as head of the Joint Chiefs.

As General Jones retires he has offered recommendations to change some of the procedures in the Chairman's relations and authority in dealing with the different Chiefs of the different services. His suggestions are being considered by the House Armed Services Committee.

I offer my congratulations on a job well done to Gen. David C. Jones and extend best wishes on his future endeavors. He has served his country well and we shall miss his knowledge and leadership capabilities.

I ask unanimous consent to include at this point in the RECORD a complete biography of General Jones in order that all my colleagues will be fully informed on the distinguished career of General Jones.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The biography follows:

GEN. DAVID C. JONES

General David C. Jones was appointed Chairman of the Joint Chiefs of Staff, Department of Defense, in June 21, 1978. He was reappointed to a second two-year term in 1980. In this capacity, he serves as the senior military adviser to the President, the National Security Council, and the Secretary of Defense. Through the commanders of the unified and specified commands, he is

also responsible for executing the decisions of the National Command Authorities regarding worldwide readiness and employment of combat forces of the United States Army, Navy, Air Force, and Marine Corps. Prior to his current appointment, General Jones served four years as Chief of Staff of the United States Air Force.

Drawing from a widely varied career, General Jones brings to his position a wealth of experience and knowledge of national security affairs, the diverse U.S. Defense Establishment, and our defensive alliances with other nations. His domestic and overseas assignments have included operational, staff, and command positions in strategic, tactical, training, and Allied organizations. He is a command pilot.

In combat, General Jones was assigned to a bombardment squadron during the Korean War and accumulated more than 300 hours on missions over North Korea. In 1969, he served in the Republic of Vietnam as Deputy Commander for Operations and then as Vice Commander of the Seventh Air Force.

General Jones has had extensive experience in dealing with the leaders of many nations. His intimacy with the North Atlantic Treaty Organization (NATO) alliance and its complex multinational defense structure is based on a range of assignments which cover the spectrum of planning and operational responsibilities, culminating with duties as Commander in Chief of the United States Air Forces in Europe (USAFE). Concurrently, he was Commander of the Fourth Allied Tactical Air Forces. General Jones also has been deeply involved in working mutual security problems with nations of the Middle East and Southwest Asia.

In addition to his military duties, General Jones actively serves a number of civilian public-service organizations. In 1981, President Reagan appointed him to a three-year term on the Board of Governors, American Red Cross. A member of the Board of Directors for Youth Service, U.S.A., Inc., a national youth agency, General Jones has long supported this organization's development activities aimed at making meaningful opportunities available for all young people. He is also a member of the Council on Foreign relations; the Washington Policy Council of the International Management and Development Institute (IMDI); and the Center for the Study of the Presidency; and is Co-Chairman, Awards Committee, American Academy of Achievement. General Jones has been awarded numerous decorations from foreign governments honoring his accomplishments in international security affairs. Among the numerous civilian awards honoring his public service are the Tuskegee Airmen Gold Medallion and the designation as Educator of the Seventies by the Education Magazine.

General Jones was born in Aberdeen, South Dakota in July 1921. He graduated from high school in Minot, North Dakota, and attended the University of North Dakota and Minot State College until the outbreak of World War II. He volunteered for the Army Air Corps in early 1942 and received his commission and pilot wings in February 1943. A graduate of the National War College, General Jones was awarded an honorary doctorate of humane letters from the University of Nebraska at Omaha in 1975; an honorary doctorate of laws degree from Louisiana Tech University in 1975; an honorary doctorate of humane letters degree from Minot State College in 1979; and an honorary doctorate of laws degree from Boston University in 1980.

General Jones is an avid jogger and racquetball player. He is married to the former Lois M. Tarbell of Rugby, North Dakota. They have three children.

AWARDS

Decorations and Service Awards:

Defense Distinguished Service Medal with two oak leaf clusters.

Distinguished Service Medal (Air Force) with one oak leaf cluster.

Legion of Merit.

Distinguished Flying Cross.

Bronze Star Medal.

Air Medal with one oak leaf cluster.

Air Force Commendation Medal.

Air Force Outstanding Unit Award.

American Campaign Medal.

Asiatic-Pacific Campaign Medal.

World War II Victory Medal.

Army of Occupation Medal (Japan).

National Defense Service Medal with one bronze service star.

Korean Service Medal with two bronze service stars.

Vietnam Service Medal with three bronze service stars.

Air Force Longevity Service Award Ribbon with eight oak leaf clusters.

Grand Cross of the Royal Order of St. Olav (Norway).

National Order, Republic of Vietnam, 5th Class.

Republic of Vietnam Air Force Distinguished Service Order, 1st Class.

Grand Cross, 2nd Class of the Order of Merit (Federal Republic of Germany).

National Order of Security Merit (Tong-Il) (Republic of Korea).

French Legion of Honor, Grade of Commander.

Venezuelan Air Force Cross, 1st Class.

Venezuelan Legion of Merit Inter-American Aerial Brotherhood Degree of Officer.

Italian Knights of the Grand Cross.

Japanese First Class Order of the Rising Sun.

Wisam Al Ghomhoria First Stage (Decoration of the Republic of Egypt).

Highest Commander of the Order of Honor (Greece).

Yugoslavian Air Force Pilot Wings.

Swedish Knights Grand Cross of the Order of the North Star.

Colombian Antonio Ricaurte Aeronautical Order of Merit.

Republic of Vietnam Cross of Gallantry with palm.

United Nations Service Medal.

Republic of Vietnam Campaign Medal.

Additional Awards:

Gold Medal Educator of the Seventies, Education Magazine, 1976.

The Jimmy Doolittle Fellowship Award, Air Force Association, September 1977.

The Maxwell A. Kriendler Memorial Award, Irongate Chapter (New York) Air Force Association, April 1978.

Golden Plate Award, American Academy of Achievement, June 1979.

Tuskegee Airmen Distinguished Achievement Gold Medallion Award, December 1979.

American Defense Preparedness Association Meritorious Service Award, May 1981.

Gold Medal "For Extraordinary Service" to the Awards Council, American Academy of Achievement, June 1981

H. H. Arnold Award, Air Force Association, September 1981.

Nathan Hale Award, Reserve Officers Association, October 1981.

□ 1520

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank my very distinguished, most popular and beloved associate from Mississippi for yielding. I want to join him in his remarks that he has just made concerning General Jones.

I happen to represent the 20th Congressional District of Texas, San Antonio, which has been indentified as a bulwark of national defense since its founding. General Jones looms large in what he has done in behalf of the national defense, particularly the Department of the Air Force. It is reflected in some of the basic missions and their successful accomplishments through the years that are located in San Antonio; Kelly Air Force Base, Randolph Air Force Base, Brooks School of Air Space Medicine, all these are great debtors to a patriotic, brave, very wonderful soldier that the person of General Jones symbolizes.

On top of that, as Chairman of the Joint Chiefs of Staff, he has upheld like very few, if any, the dignity and the independence that was visualized by the Congress when it created in the Reorganization Act of 1947 the Department of Defense, and as an adjunct the creation of the Joint Chiefs of Staff. That side which we call the professional military, and with great honor and independence, sometimes it just has not been there, but in the person of General Jones I think the record should show that he served preeminently, patriotically, and quite heroically in this capacity.

Once again, I thank the gentleman from Mississippi for giving us this opportunity to say so on the record.

Mr. MONTGOMERY. I certainly want to thank the gentleman from Texas for his wonderful comments about General Jones. I think certainly General Jones should be given the credit, as others of our commanders, that we are not at war now. A part of the world is in a turmoil, but our Nation is not at war. That certainly speaks highly of our civilian leaders as well as our military leaders. I certainly thank the gentleman.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks regarding the retirement and military career of Gen. David C. Jones.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE FEDERAL RESERVE BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, this is a continuation of what I initiated last year, through the introduction of several pieces of legislation. This included two resolutions of impeachment—one directed toward the Chairman of Federal Reserve Board, Mr. Paul Volcker; the second one including members of the Open Market Committee, which includes the remaining members of the Federal Reserve Board plus the five market members—private bankers, that have since 1923 been the determinors of the economic, financial, fiscal and monetary fate of this country, and have usurped through the years that responsibility which lies with the peoples' Representatives both in the legislative branch of the Government, the first branch—the Congress—as well as with the second branch the Executive—the Presidency.

I have addressed this issue before in very general terms. In the prior remarks in the RECORD I have laid the predicate for the impeachment resolutions. In addition, I have also introduced two bills that have to do with what I consider are long-overdue structural changes in the basic structure—changes needed to carry out the intention of Congress when it approved the 1913 Federal Reserve Board Act. I have pointed out time after time how, even up to now, most Americans, the overwhelming majority, and this is reflected in the reactions I have heard from every single State in the Union since the introduction of these resolutions, and it is reflected in the opinions and the judgments of many of my colleagues on both sides of the Capitol, the dangers in the Federal Reserve Board being an autonomous, a self-operating and sustaining entity which demonstrates accountability to nobody.

The Federal Reserve Board and its Chairmen have acted through the years as if they are powers unto themselves, as if the power of the first words of the Constitution, which is deposited to the people—"We, the people of the United States, in order to form a more perfect * * *" make no difference.

When the preamble of the Constitution was writtten such words were considered radical and they are radical words today. For sovereignty to rest in the people, that was unheard of in 1776 and in 1789, when the Constitution was written and adopted. The whole world was governed by sovereign potentates or kings or oligarchs. The idea that the people would have the power was absolutely the most revolutionary and radical concept yet advanced by anybody, even including the French Revolution which was almost contemporaneous with the American Revolution.

Even today, in the context of today's governments, those are still revolutionary words where the sovereignty rests in the people, but our country and our Government has receded from that course, and we now have this powerful entity known as the Federal Reserve Board which dictates the economic fate—in fact, the existence of any administration—because it does through the Open Market Committee determine what the rates of interest will be, what the Federal bills, the Government Treasury bills or notes, will call for.

Anybody or any group of people that has power is certainly going to determine the fate of any nation, and specifically its government, at any given time. As a matter of fact, when I have uttered these remarks time after time, ad nauseam, I have had some inquiries of people saying, "What is the basis for your statement? We did not know that the Federal Reserve Board was not independent. You mean the Congress has some control?"

They are startled when I announce to them and give them the history of the Federal Reserve Act, which created the Federal Reserve Board, which was done by the Congress.

It is a creature of the Congress.

What has taken over our country? First, the bankers have gotten into it, and now in this present administration we have the oligarchic corporate forces which are the ones who are actually running, determining, forging, and shaping the policies that are governing the destiny of this country, including such issues as war and peace. It pains me to see the heedless disregard of the country, in and out of the Congress, to this ominous development, because we can truly see the main purpose and the main intent and the reason for which the men who founded this Nation shed their blood and donated their wealth, and that is that we the people—not "I the President" or "we the Congress" or "we the bankers," but "we the people"—are the sovereigns. This is the ultimate sovereignty, yet we have the great dictators of the economic and financial fate of this country, not responsible to the people, not accountable to the people, not responsive or responsible to the people.

Today I want to present the first formal bill of particulars and the general outline of the impeachment resolution. Several months ago I directed a request to the chairman of the Judiciary Committee, the proper committee to entertain impeachment resolutions, and I hoped I would be given serious consideration. Unfortunately, I have not been given serious consideration.

During the more than 20 years I have been here I have gotten into some very serious fracases and I expect to continue to do so, because I would hardly be considered truly a representative of the people, if I were not willing to be involved in discussions and debates which were controversial.

Previously I have placed in the RECORD correspondence between myself and the chairman of the Judiciary, Mr. RODINO. His reply was a polite rebuff. Consequently, I have had no alternative but to proceed on the floor of the House with this resolution.

Today I want to develop the bill of particulars known as a resolution of impeachment. Impeachment, as some erroneously think, is not a conviction or a trial; it is an accusation. It is the equivalent of an indictment, except that it has long been identified as a legislative weapon, and on that, I wanted to advance a little further.

For example, Alexander Hamilton, in the Federalist, No. 65, stated clearly that England had served as a model on which impeachment has been borrowed. Warren Hastings, a high English official who was subject to impeachment and who set one of the precedents, was very much on the level of the consciousness of the Founding Fathers of this country when they were writing the Constitution, because the Warren Hastings case of impeachment was in the forefront of English matters at that time.

So the idea of criminal misbehavior is not necessarily an imperative in articles of impeachment or charges or in the enumeration of items enclosing an article of impeachment, for our phrase reads: "High crimes and misdemeanors." It says, "Treason, high crimes or misdemeanors."

So in definition of those matters, I am going to be not only general, which satisfies the legislative purpose and responsibility, but also specific. What I want to explain is that my peculiar way of approaching it will be by a general item or article followed by an item of a specific nature.

By way of parenthesis, one of my bills would just outright terminate the Federal Reserve Board as it operates today, free-wheeling, on the loose completely, unrestrained and out of control, and would place it under the Secretary of the Treasury, that is, under the Treasury Department where it should have been all along.

We are the only country in the world, that handles our finances the way we do. If any of you have a dollar bill in your pocket, you will see that it is a Federal Reserve note. You used to find Treasury notes. That was a few years ago, but today all we have is Federal Reserve notes. We are the only government where the Treasury has to pay interest for that note. There is no other country in the world that handles that matter in that way.

When did that happen? It is a good question to ask, and it is a matter of history unto itself. But it is just one of the elements that are included in this complicated matter.

In respect to my bill, H.R. 4358, I will at this point, place in the RECORD an article from the New York Times of this past Sunday, June 13, in the Forum section, entitled "Economic Affairs," by William Nordhaus, who is an economic expert. The article is as follows:

ECONOMIC AFFAIRS—ALL TIED UP BY THE BUSINESS CYCLES

(By William Nordhaus)

Are the gods against us, or have we not brought the increasing economic chaos upon ourselves? Is the outcome of the supply-side tragedy—sealed by last week's actions in the House—that we will have to live with high unemployment and volatile financial markets? To answer these questions, let's go back to basics.

Like the weather, capitalist economies are fundamentally unstable. This instability arises because of the incessant turbulence from new products or producers, changing tastes, as well as good or bad harvests.

But unlike the weather, the inertia of our economy is very great, and this inertia leads to persistent business cycles. Because cycles persist, it is possible—using the Promethean contribution of John Maynard Keynes—to stabilize the economy. Stabilization requires lowering interest rates (monetary policy), or lowering taxes and raising government outlays (fiscal policy) to expand the economy or the reverse to slow the economy or contain inflation.

To be effective, stabilization policy must "lean against the wind." That is, when the trends in the private economy are stagnant, as they now are, governments should push the economy in the opposite direction by fiscal or monetary expansion.

The prevailing winds today are clearly leading the economy to a depressed condition with declining inflation. It is thus appropriate for economic policy to be expansionary over the next year or so.

Conventional analysis allows either monetary or fiscal policy to act as stabilizers. In large enough doses, either is potent enough as a depressant or stimulant to offset private sector disturbances.

Although either tool is efficacious, the side effects lead to a slight theoretical preference to using taxes as a counter-cyclical tool. Raising or lowering taxes allows the burden of cyclical adjustment to be spread broadly across all taxpayers. Monetary policy, by contrast, disrupts financial markets and affects particularly severely interest-sensitive industries like housing. Neither tool is ideal, but the fiscal route has a slight edge in principle.

Unfortunately, the theoretical preference is quite irrelevant in the highly politicized atmosphere of political decision-making today. Current institutions make fiscal policy virtually useless for smoothing the business cycle.

The utility of fiscal policy has deteriorated for institutional and political resources. The institutional reason arises from the separation of fiscal powers. A budget requires approval of both executive and legislative. Under procedures set by the 1974 Budget Act, there is a lengthy budgetary timetable to facilitate orderly agreement between and within branches. Under this procedure, a Presidential budget is originally constructed in the late fall, say from October to December, of year zero. It is weighted and receives legislative approval during year one. The budget then covers the last quarter of year one and the first nine months of year two.

If fiscal policies take six months to a year before they are effective, this timetable implies that fiscal policy routine is determined two years before it is effective.

The actual lags will vary depending on the direction and needs. It is often observed, as in 1975, 1977 and 1981, that tax cuts to stimulate the economy get expedited. On the other hand, proposals for active tax restraint get sidetracked—during Vietnam a surtax proposal sat one and a half years before enactment.

Of course, the reasons these long delays exist is because of the intense politicization of the fiscal process. Monetary policy can be turned over to the "experts," but fiscal policy cannot even be entrusted to the President. In years like 1967 or 1982, when major disagreements arise, the fiscal stalemate can last for many months, and the needs of economic stabilization take a place in back of ideology or reelection.

By contrast, monetary policy is not hampered by long delays. Given its staff expertise, the state of the economy is usually effectively diagnosed by the Federal Reserve, which can act quickly.

In practice, then, monetary policy is the only stabilization tool able to respond to short cycles—up to two years—in economic activity. Fiscal policy can be effective for setting the medium run direction such as in periods of secular boom as in the mid-1960's or stagnation as in 1975 or now. But its lags are too long to be useful for short cycles.

Having said this, the irony is clear. At just the time when monetary policy is the key to effective stabilization, it has been captured by monetarism, an ideology that (as Jack Kemp and David Stockman note) "eschews" attention to "irrelevant" variables like interest rates or unemployment. The outcome of this lapse of reason is fiscal paralysis combined with a self-imposed monetary passivity.

With stabilization policy thus waylaid, we are at the mercy of the random economic shocks just as if Keynes had never lived. Like Prometheus bound by ideological chains, our body economic is open to attack by inflation and unemployment.

Is there no exit from this drama in which the effective tools are locked up and the ineffective run rampant, in which budget policy is dictated by the wails of Wall Street oracles?

One requirement, of course, is for our leaders to steer us in the right direction. In this front, there is little hope today from the Reagan Administration. In the face of global recession unprecedented since the 1930's, his priority at the Versailles summit was raising the cost of credit to the Soviet Union. What hope for the masses? Let them eat monetarism!

A more sensible approach would require creating a quick response fiscal instrument and making monetary policy more responsive. On the first, the ideal stabilization tool would be to give the President authority to impose a temporary 10 percent tax cut or tax increase. Such a device would be capable of quick implementation and would allow temporary fiscal stimulus in periods, like now, when a permanent stimulus might be thought inappropriate.

In the area of monetary policy, it is necessary to allow better coordination of monetary with fiscal policy as well as to make the Fed more accountable and responsive. One approach to coordination, in the 1978 Humphrey-Hawkins Bill, provided for Congressional oversight of the Fed. This has proven to be a worthless gesture toward democracy.

A more radical departure would be to change the design of the Fed itself. Placing the Federal Reserve within the Treasury, or putting members of the Administration on key Federal Reserve committees, would allow coordination of monetary and fiscal policies under a unified Executive and would impose political discipline and accountability on the monetary authorities.

Such radical steps will raise howls of protest from the unseeing chorus of financial forecasters, but then, what doesn't? The more substantial issue is whether we should redesign our monetary and fiscal institutions. If we don't, as seems likely, we are fated to a decade as turbulent as the 1970's.

Mr. Speaker, it is important to take a close look at this, especially since I have been criticized for the introduction of such a thought. However, my predecessor, the distinguished Texan, the late Wright Patman, chairman of the Banking Committee, also introduced similar legislation for years and was also completely ignored. Now, we have some vindication with Mr. Nordhaus saying:

A more radical departure would be to change the design of the Fed itself. Placing the Federal Reserve within the Treasury, or putting members of the administration on key Federal Reserve committees * * *.

Both of these recommendations I have espoused in for the last 15 years.

□ 1540

But getting back to the particulars of impeachment of Mr. Volcker, I want to continue to draw deeply on the precedents and all of the historical relationships and allusions by the people who wrote the section of the Constitution concerning impeachment, its purpose, its limits, and its intent.

I think the one thing that Alexander Hamilton clearly anticipated—Hamilton was a great financier, if you will remember, and he was our first Treasury Secretary and the one that saved the fiscal integrity of our country when it needed it the most. He stated the need for the impeachment provision in the the Constitution thusly:

He said:

The circumstances which may have led to any national miscarriage of misfortune are sometimes so complicated that where there are a number of actors who may have had different degrees and kinds of agencies, though we may see on the whole that there has been mismanagement, yet it may be impracticable to pronounce to whose account the evil which may have been incurred is truly chargeable.

. . . if there should be collusion between the parties concerned, how easy it is to clothe the circumstances with so much ambiguity as to render it uncertain what was the precise conduct of any of those parties?

If he did not have such mechanism as the present workings of the Federal Reserve Board in mind I just do not

know what old Alexander Hamilton had in mind. It certainly fits the case exactly of what we are confronted with, this complicated ambiguity in which responsibility and wrongdoing and evil is enshrouded in these complexities of ambiguity of nonperformance, gross malperformance, nonaccountability, no accountability and the like.

That is the general thing I visualize. But at this time I will discuss the first article in general terms.

My charge is that the said Paul Volcker, unmindful of the high duties of his office and the dignity and propriety thereof, and of the harmony and courtesies and responsibilities which ought to exist and be maintained between the executive and the legislative branches of the Government of the United States, has wrongfully and improperly, as the fiscal agent of the Treasury of the United States, given improper self serving and illegitimate power and ready access and subservience to the monopolistic and oligarchic banking elements who thereby have wrongfully and ultra vires diminished the revenues of the United States and subjected the people of the United States to usurious and extortionate interest rates, and ultimately occasioning and bringing about the bankruptcy of the U.S. Government and has flagrantly and habitually disregarded the public trust.

That is the general charge. Now for a specific item.

Item 1, that he said Paul Volcker behaved amiss and betrayed his high public trust by meeting in secret in the State of Florida and conspiring with one Walter Wriston, powerful banker of New York's First BanCorp and one Bunker Hunt of Texas, a plutocrat multimillionaire silver speculator, and with other persons to the House of Representatives unknown, with the intent and purpose, in violation of the laws, and contemptuous of the Congress, of conniving with certain and particular banking entities in depriving the American people and the engines of business and enterprise of over $20 billion of banking and credit resources for the personal advantage and lucre of the said Bunker Hunt, silver speculator, and the Wriston banking interests, contrary to the high trust and fiduciary and overriding duties of Paul Volcker and the Federal Reserve Board and banks as the fiscal agent of the United States of America and its Treasury.

I will, as we go into further articles, enumerate the specific items and charges thereunder and elaborate further on these charges. I hope that my discussion today makes my motivation and intent clear to those who doubt the seriousness of this effort. I will continue this effort, despite the lack of interest on the part of the committee which has jurisdiction, and despite my lack of personal or committee staff resources to adequately handle this type of matter.

Therefore, at this point I yield back the balance of my time.

ALAN REYNOLDS—THE FAILURES OF MONETARISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 40 minutes.

● Mr. KEMP. Mr. Speaker, as Alan Reynolds argues in a forthcoming article in Policy Review, monetarism is on trial. U.S. monetary policy has been unsatisfactory at least since the United States effectively suspended the postwar Bretton Woods system in 1971. Yet Keynesians and monetarists alike had argued that this would free the Federal Reserve to pursue the goal of domestic employment without causing inflation. Obviously, that did not happen. After a decade of inconvertible currency, the United States experienced higher unemployment, inflation, and interest rates than at any time since the Great Depression.

In the final analysis, monetary policy can target only one of three things: The nominal interest rate, the supply of money, or the value of money. The monetarists argued that our problems stem primarily from the Keynesian plan of targeting interest rates, which resulted in inflation. So in October 1979, the Federal Reserve changed its official policy from an emphasis on targeting interest rates, to targeting certain measures of the quantity of money—especially the one we now know, after four definitions, as M_1. While the rate of inflation has declined, there is a growing doubt among many economists that monetarism is a useful policy on a continuing basis. Never before have we experienced interest rates of more than 20 percent under both a Democratic and a Republican President, each following vastly different fiscal policies. Never in the history of the business cycle have we suffered two back-to-back recessions in 2 consecutive years. Never have we seen such volatility in interest rates as we have seen since the current policy began in October 1979.

As I have argued before, the trouble with monetarism is that if the central bank targets the supply of money, it must permit the value of money and interest rates to fluctuate with every change in the demand for money. Leaving aside the question whether such a policy is technically possible, monetarism forces the real economy rather than the banking system to bear the burden of adjustment to every change in demand. The burden of adjustment falls on employment, production, and investment. One result of this increased instability and uncertainty is permanently higher real interest rates. Obviously, this is not a problem that can be addressed by fiscal policy.

I believe we should return to the classical monetary policy of targeting the value or "price" of the dollar and letting the quantity fluctuate. For most of the period from 1792 to 1971, the dollar was defined as a precise weight of gold, and was convertible into gold. Only since 1971 have we experienced such severe chronic peacetime inflation and high interest rates. The record is clear that only restoring such a price rule can restore the conditions necessary for the fullest possible employment of resources at stable prices.

Alan Reynolds' article is the best effort I have seen to explain what monetarism tried to accomplish, why it has failed in every country where it has been tried, and why it can't provide a practical monetary policy. I think his article is especially effective because, having been a monetarist himself, Reynolds knows the movement thoroughly, and can speak with a combination of sympathy for its goals and a firm confidence about its shortcomings. I commend this excellent article to my colleagues:

MONETARISM ON TRIAL

(By Alan Reynolds)

In the entire history of this country, before 1968, long-term interest rates were never above 5–6 percent. Since then, however, interest rates have tripled. Young people now think it is perfectly normal that mortgage rates can only go up—as they have in every single year since 1972.

Something terrible happened to the economy after 1968, got even worse after 1972, and deteriorated into acute stagnation after 1979. There has been virtually no increase in real output per employee for nearly a decade. World trade grew by 7 percent a year for 25 years before 1973, but was cut in half since then (actually falling 1 percent last year).

It is time to retrace our steps, to find out what went wrong.

Advice from the familiar economic experts will not be better than it has been. A Keynesian adviser to J.F.K. now argues that budget deficits force the Federal Reserve to print less money; a founder of the rational expectations schools says deficits force the Fed to print more. The head of a huge forecasting empire, built upon the idea that deficits stimulate investment, now casually argues the exact opposite. The monetarist economist for a New York investment bank says the Fed is doing such a great job, that inflation and interest rates must be due to fiscal policy after all. An Ivy League professor, who has always argued that any inflation was a trivial price to pay for the low unemployment that would surely result, is now solemnly interviewed about what to do about inflation. The fiscal expert at a conservative think tank says deficits will be inflationary unless inflation shrinks them. A prominent monetarist who has always emphasized long-run trends in M_2 now worries only about 10-week wiggles in M_1.

To uncover the source of change, it is useful to look at what has stayed the same.

Federal tax revenues rose by 15.8% in 1981—far more than the incomes of taxpayers. Marginal tax rates are still going up, not down.[1] Does anyone really believe that the economy would have performed better if the tax collector had grabbed an even larger share? Nondefense spending will be at least 17.4 percent of GNP in fiscal 1982, up from 15.9 percent in 1979. Would anyone seriously argue that recession could have been avoided if the O.M.B. had only let federal spending drift even higher?

No, the problem is monetary, not fiscal. For all practical purposes, "Reaganomics" means whatever the Federal Reserve is doing. If interest rates were remotely close to historical normality (namely, 3-5 percent), the budget would be in surplus. In fact, there is substantial evidence that expected inflation causes budget deficits rather than the other way around.[2]

The media would have us believe that "Wall Street" is not concerned about monetary policy, but only about deficits. Polls of dozens of institutional investors by Oppenheimer and Polyeconomics, however, indicate that this is overwhelmingly untrue. Fortune's poll of executives says the same.

Barton Biggs, the managing director of Morgan Stanley, recently described monetarism as "the God that failed." He reprinted a February 22 letter from Peter Vermilye, Chief Investment Officer at Citibank, saying "the level of interest rates is a better barometer of tightness than the growth of the money supply in this era of conflicting monetary currents." The economists at Morgan Stanley and Citibank are staunchly monectarist, but those responsible for investments are not.

Many other Wall Street traders and economists have long been extremely critical of monetarism, including Henry Kaufman of Salomon Brothers, George McKinney of Irving Trust, Peter Ganelo of Merrill Lynch, and Edward Yardeni of E. F. Hutton. The widely-read Morgan Guaranty Survey (of February 1981) wrote that the nation "would be ill-served by rigid mechanical monetarism."

The widely-cited budget deficit problem," says Maury Harris of Paine Weber, "is due importantly to Federal Reserve policies that keep interest rates high." "Until such time as the Fed abandons monetarism," says David Levine of Sanford Bernstein, "our financial markets will be in disarray."[3] These are not uncommon views on Wall Street, though the media decided that this news is not fit to print. Instead, we hear the same tired voices agonizing over the budgetary consequences of monetary disorder.

This is not the first time that the United States has contemplated a fiscal cure for a monetary crisis. The huge tax increases of 1932 and 1968 demonstrated that it does not work.

Today's monetary crisis is not new, but it has escalated into risky territory. The entire dollar economy worldwide is dangerously illiquid, precariously dependent on short-term debt. Long-term financial markets are moribund. People, and the institutions entrusted with their savings, are unwilling to commit funds for long-term uses. Nobody trusts the money. Interest rates are held up by the rising risk of default right now, and by the risk of renewed inflation in the future.

We have the worst of two worlds: Much of the nation is experiencing deflation while expecting an inflationary "solution." By April 1982, most indexes of commodity prices were at least 15-20 percent lower than a year before. Cotton was down about 2.5 percent—the same as in 1932—aluminum prices were down even more. Even the broad indexes of producer and consumer prices had posted some monthly declines. Even as the old guard was chanting that budget deficits cause inflation, inflation again went way down as the deficit went up—just as in 1975, or 1933.

Yet even falling prices fail to persuade bond buyers that they will not be exploited once again by future inflation. Indeed, the more that current price indexes are squeezed by forcing producers into bankruptcy, the more likely an inflationary bailout becomes. Existing monetary techniques can thus depress measured inflation for even a year to two without making a serious dent in expected inflation. Trouble in long-term markets requires a long-term solution, a credible set of monetary institutions to protect the purchasing power of the dollar.

Selling what exists at falling prices does not necessarily make it easier to produce more at stable prices. Liquidation of inventories, commodities, assets and real estate has depressed current price indexes, but it has also raised the cost of living in the future. The value of lifetime savings has fallen so people will have to work harder in the future to attain any expected standard of living. That makes the future look relatively grim, causing people to prefer present consumption. In this situation, providing added tax incentives to save will not finance future productive capacity, because any added savings remains in the short-term money market.

The problem is that the United States has no long-term monetary policy at all—nothing that inspires confidence. Instead, the nation alternates between robbing lenders with inflation and bankrupting borrowers with deflation. There is no way of knowing which is coming next, so activities requiring long-term financial contracts are severely restricted. There is no unit of account that is expected to hold its value over decades, and therefore little possibility of building for the future by borrowing against expected future earnings.

No indexing scheme gets around the problem of unpredictable money. A household cannot budget for the future, for example, if monthly mortgage payments can vary in ways that income may not.

Monetarism was fun when it simply involved second-guessing the Fed. The self-appointed "Shadows Open Market Committee" would solemnly announce that there was too much or too little money, without assuming any genuine responsibility.

Things are different now that prominent monetarists are in positions of great authority. Monetarists can and do influence the Fed now, and are even in a position to propose sweeping monetary reform, legislation or international conferences. Instead, we still get the habitual second-guessing. The Republican section of the latest Joint Economic Report, for example writes: "Looking back, it would have been better if money had grown closer to 5 or even 6 percent per year in the second and third quarters of 1981 instead of at annual rates of 3.6 and 2.9 percent." Such retroactive fine-tuning serves no useful purpose. The bond and mortgage markets did not collapse over the past decade because money growth was one or two percentage points too slow for six months.

FOUNDERS OF MONETARISM

It can, of course, be argued that what we are experiencing is not genuine monetarism. When reality fails to live up to the promise of theory, it is always the fault of reality. Since October 1979, when the Fed did most of what the monetarists advised, interest rates, M_1 and the economy have gyrated wildly. The monetarist response is that the problem originated with lagged reserve requirements in 1968, or the Fed should have stepped even harder and faster on monthly ups and downs of M_1 (e.g., pushed the Fed funds rate higher in January 1982, when M_1 surged).

Is there any example of monetarism anywhere that ever worked? Some point to Switzerland, where M_1 rose 23 percent in 1978, fell 7 percent last year, and has been far more erratic over short periods than in the U.S. Switzerland has a gold cover on its currency. Others point to Chile, where they stopped hyperinflation by using fixed exchange rates. France tried a quantity rule from 1919 to 1925, but it blew up with a 50 percent inflation rate.

But the fault runs deeper than the Utopian nature of monetarism. The fault lies in the deliberate demolition of proven monetary institutions (of the sort now used in Switzerland and Chile) for the sake of hypothetical quantity rule that has never been put into practice.

This requires a brief digression into the development of monetarist policy proposals. The early "Chicago School" of economics, around 1927-74, may have been more favorably inclined toward free markets than Harvard, but not much. Like most academics, the early Chicagoans were intimidated by the intellectual consensus of the day. It was thus conceded that industrial and labor markets were largely monopolized and rigid, so the influential Chicagoite Henry Simons redefined "laissez-faire" as strict legal limits on the size of corporations and power unions.

To Simons, the "utter inadequacy of the old gold standard . . . seems beyond intelligent dispute." The experts would simply "design and establish with greatest intelligence" a "define mechanical set of rules" for money. Simons' modest proposal involved "above all, the abolition of banking, that is, of all special institutional arrangements for financing at short-term . . . If such reforms seem fantastic, it may be pointed out that, in practice, they would require merely drastic limitation upon the powers of corporations (which is eminently desirable on other, and equally important, grounds as well)."[4]

The idea of a fixed rate of growth of the money supply originated in 1927 with the even more interventionist left-wing of the "Chicago School", namely Paul Douglas. Douglas (later a Senator) was then quite excited about a "planned economy" and "public ownership", and even called himself a socialist.[5]

"The obvious weakness of fixed quantity," responded Simons, "as a sole rule of monetary policy, lies in the danger of sharp changes on the velocity side." Moreover, "the abundance of what we may call 'near moneys'," Simons wisely added, creates a "difficulty of defining money in such manner as to give practical significance to the conception of quantity." Just as Simons' solution to big business was to make it illegal, his solution to free financial markets was to make them illegal too. Then a quantity rule might work.

Footnotes at end.

By 1948, Keynes had infected even Chicago, as shown by Milton Friedman's "Monetary and Fiscal Framework for Economic Stability." That proposal was to run budget deficits in recessions and "the monetary authority would have to adopt the rule that the quantity of money should be increased only when the government has a deficit, and then by the amount of the deficit." The budget could be balanced over the cycle, or lead to " a deficit sufficient to provide some specified secular increase in the quantity of money."

Some might worry, said Professor Friedman, that "explicit control of the quantity of money by government and explicit creation of money to meet actual government deficits may establish a climate favorable to irresponsible government action and to inflation." "This danger," he added, "can probably be avoided only by moving in a completely different direction, namely, toward an entirely metallic currency, elimination of any governmental control of the quantity of money, and the re-enthronement of the principle of a balanced budget."[6] By implication, that was still beyond "intelligent dispute". Needless to say, the nation did not move in the latter direction, nor did Friedman ever really advise it to do so.

By 1962, in the magnificent Capitalism and Freedom, budget deficits no longer worked to stabilize demand. The task had become one of steering between the Scylla of a gold standard and the Charybdis of wide discretionary powers. Professor Friedman initiated the caricature of an "honest-to-goodness gold standard in which 100 percent of the money consisted literally of gold." Since that sort of standard is indeed ridiculous. Friedman instead suggested raising M_2 by 3-5 percent every year. With practice, however, "we might be able to devise still better rules, which would achieve even better results." [7] This was a return to Paul Douglas, neglecting the doubts of Henry Simons and Frank Knight.

On January 1, 1968, Milton Friedman wrote "We should at once stop pegging the price of gold. We should today as we should have yesterday and a year ago and ten years ago and in 1934—announce that the U.S. will no longer buy or sell gold at any fixed price—That would have no adverse economic effects—domestically or internationally." [8] The advice was taken that March.

Friedman later acknowledged "direct links" between his views and those of Jacob Viner, quoting Viner as saying, "if the mere cessation of gold payments did not suffice to lower substantially the international purchasing power of the dollar I would recommend its accompaniment by increased government expenditures financed by the printing press." [9]

When the term "monetarism" was coined by Karl Brunner in 1968, it represented a healthy backlash against the excesses of fiscal fine tuning. Yet monetarism too was part of the Keynesian tradition of demand management. The tools would be different, but the objective was still to manage the rate of growth of aggregate demand, whether over short or longer periods of time.

Early monetarists were often quite activist demand-siders. John Culbertson, in 1964, argued that the U.S. should "give up our self-imposed constraints" and "make an end of monetary restriction." By breaking all links with gold, said Culbertson, we could safely pursue a "moderately expansive" policy of increasing the money supply "something like 6 to 8 percent." As unemployment came down to 4 percent we might then print a bit less.[10]

Some monetarists still cannot resist offering advice for fine-tuning the growth of money to achieve some cyclical smoothing. Robert Hall (who joined me as a member of President Reagan's inflation task force before the election) wanted to increase the money supply at a 20 percent rate for at least six months in late 1976.[11]

"The year 1973," notes Robert Gordon, "represented the high-water mark of monetarism."[12] By then, all of the old-fashioned obstacles to scientific demand management had been toppled. The U.S. took the silver out of coins in 1964, lifted the gold cover on Federal Reserve notes in 1965, set the gold price free in March 1968, reneged on converting foreign dollars into gold on August 15, 1971, and officially embraced floating exchange rates in March 1973.

The monetarists cheered. They had provided the intellectual rationale for the demolition of all institutional constraints on monetary policy. There was a promise to replace the old rules with new rules, but it has not happened. What happened is that rules were replaced by random whim.

Henry Simons was right in 1936 to prefer rules to discretion, but wrong to propose an alternative that could only work if flows of money and credit could somehow be tightly regulated.

"The defects of monetarism," writes Samuel Brittain, "are that it concedes too much power to official intervention, underrates the influence of competition in providing money substitutes, and takes official statistics far too much at their face value. Friedmanites are often very good at analyzing how controls and regulations in the economy generally will be avoided or will produce unintended effects quite different from those their sponsors desire. But too often they evince a touching faith in government in their own special sphere."[13]

MEANINGLESS MONEY

Monetarism is properly a mentod of analysis or prediction, not a policy. No particular policy necessarily follows from a monetarist view of the world. Monetarists have favored a wide variety of policies, including some sort of commodity standard.

The meteoric rise of monetarism had much to do with its simplicity, and to the persuasive talents and personal charm of its major salesmen.

Monetarism begins with a seductive tautology: The rate of growth of spending or "demand" (nominal GNP) depends on the rate of growth of money (M) plus velocity (V). Converting the old quantity equation into annual percentage increases, then $M \pm V = GNP$.

If we could count and control M, and if we could predict velocity, then we would reach the Keynesian heaven of managing "aggregate demand." And if we could also predict how much of that rise in GNP would be real growth and how much would be inflation, then we could use all this to "control" inflation. The only trouble is that nobody can do any of those things. Even if anyone could, there is no reason to suppose that these devices would actually be used to avoid inflation or deflation.

Basically, the goal of managed money is to control $3 trillion in annual spending through periodic adjustments in about $45 billion of bank reserves. Not an easy task.

First of all, what is money? In March 1979, the Shadow Open Market Committee noticed that "there is now a large and rapidly growing volume of financial assets not subject to ceiling rates on deposits . . . and in some cases not subject to reserve requirements." By February 12, 1982, one member of the Shadow Committee, Erich Heinemann of Morgan Stanley, was showing more concern: "The improvements in the monetary definitions are unfortunately minor in comparison with the more fundamental conceptual problems associated with measuring money. To what extent are household money market mutual fund shares transaction or savings balances? Are institutional holdings of overnight RPs or overnight Eurodollars transaction balances since they are available each morning for spending? Are institutional holdings of marketable and highly liquid short-term credit instruments such as Treasury bills, certificates of deposit, and banker's acceptances so easily convertible into transaction balances that they should be so treated? If we exclude them from transaction measures, such as M_1, are we missing a large and important source of corporate liquidity? And why should holdings of Treasury bills, which are more liquid than CDs, be included in L, while CDs are included in M_3? The questions go on and on, and few of them can be answered unambiguously. The questions linger, and the quality of virtually any definition of money remains uncertain. In this context, the redefinitions are minor refinements in the hopelessly difficult task of measuring money."

These sorts of doubts have often marked the beginning of the end of confidence that controlling some arbitrary measure of money is a practical way to ensure its value. At the end of 1975, I wrote a paper for Argus Research on "The Increasing Irrelevance of M_1." In 1979, when some prominent monetarists were saying that money growth was too slow, I wrote (with Jeffrey Leeds) that failure to count money market funds and repurchase agreements was understating the six-month rate of money growth by more than seven percentage points.[14]

Peter Canelo, a top bond analyst at Merill Lynch, likewise became disillusioned about monetarism through his enormously detailed weekly reports on what the various Ms really mean. Lately, Phillip Cagan of Columbia, one of Friedman's first and best proteges, has expressed similar doubts.[15]

On October 6, 1979, the Fed essentially announced that it would let interest rates approach infinity, if necessary, to slow the growth of bank reserves and M_1. The C. J. Lawrence survey of bond managers' forecasts for long-term government bond yields went from 9 percent on September 14, 1979 to 12.3 percent in five months.

Now, there is no question that high interest rates can drive money out of M_1 and bank reserves, but that also raises velocity. At high interest rates there is a powerful incentive to keep as little money as possible in M_1 deposits, which pay little or no interest. Banks have an equally powerful incentive to use "liability management" to make the most loans with the least required reserves, since reserves at the Fed earn no interest.[16]

Money market funds have been more than doubling in size each year and, at about $160 billion, are much larger than the entire stock of currency. You can write checks on most of these funds, or transfer to a checking account with a phone call. Overnight repurchase agreements and Eurodollars usually exceed $40 billion, and are curiously lumped together with 8-year certificates in M_2. Such cash management devices have only been significant for two or three years, making the old historical relationships

(such as postwar velocity "trends") quite suspect.[17]

MasterCard plans of offer a "sweep account" for small depositors, where check balances are kept within a desired range, and any excess or shortage is moved around from money market funds or other near-monies. If the Fed counts demand deposits at the wrong time of the day, they might not find much. There are other devices on the horizon like CDs with check-writing privileges, checks on Visa cards, retail repurchase agreements, etc. The whole idea of measuring M is growing more obsolete by the day.

The Fed makes the rules of the monetarist game, because the Fed defines the Ms. The definition has changed four times since late 1978. How could any long-term rule be formulated in terms of a quantity of money when the definition of money is necessarily subject to continuous change?

Money numbers are also constantly revised. In early 1982, we finally learned that a 5.4 percent rate of decline in M_1 in the previous May was really a 10.8 percent rate of decline; a 14.5 percent increase in November turned out to be 10.1 percent. How could the Fed possibly stabilize M_1 before anyone knows how much it rose or fell?

High interest rates drive money out of M_1 into interest-earning, highly-liquid devices that have little or no reserve requirements. So neither M_1 nor reserve aggregates (the base) have the same meaning as they did when interest rates were much lower. Most of the financial innovations are roughly counted in M_2 or M_3, but those measures also contain much larger amounts of longer-term savings.

A fall in interest rates might well induce people to keep more of their income in M_1, but that shift from M_2 into M_1 might not be inflationary. An increase in real output would raise the need for cash to finance more transactions, but supplying that demand would not be inflationary. A rise in the savings would probably increase M_2, but that too would not be inflationary. It depends on real growth and velocity.

In the fourth quarter of 1981, the interest rate on 3-month T-bills fell from 15 percent to 11.8 percent. The growth rate of M_2, which is dominated by interest-sensitive instruments, slowed from 11.2 percent to 9.2 percent. The growth of M_1, which is discouraged by high rates, rose from zero to 5.7 percent. The monetary base slowed down. What does all this mean? Not much.

Monetarists still can't decide on a meaningful and controllable measure of money. Phillip Cagan of Columbia and David Laidler, of Western Ontario strongly favor M_2. The St. Louis Fed and Robert Weintraub of the Joint Economic Committee are sticking with Mr. Allan Meltzer of Carnegie-Mellon seems to be leaning toward the monetary base. Milton Friedman used M_2 last year to show that money growth had not slowed down, but uses M_1 this year to show that money growth has not been steady.

It makes a lot of difference. It should be obvious that high interest rates artificially depress M_1 and raise its velocity, that the monetary base shows almost no predictable relationship to anything in the past two years, and that broader aggregates are not controllable by the Fed.[18] Besides, the broader aggregates (M_2 and M_3) have been speeding-up in the last year or two, so the traditional Friedmanite long lag with M_2 points to more inflation ahead while M_1 or the base does not.

Not all of the confusion, however, suggests that money is undercounted. Most of the monetary base and a big chunk of M_1 is simply currency. David Whitehead of the Atlanta Fed estimates that most of the big bills (and 69 percent of all currency) are hoarded.[19]

In a period of great financial uncertainty and insolvency, the prospect of a major surge in the demand for currency should not be ruled out, despite the lost interest. In this case, the monetary base would be particularly misleading, as it was throughout the Great Depression. A lot of "currency in circulation" would not really be in circulation.

VOLATILE VELOCITY

Monetarists have a double standard when it comes to judging the stability of the money supply or velocity. Comparing percentage changes between fourth quarters, velocity fell in 1967 and 1970, yet rose by 5–6 percent in 1965, 1966, 1973, 1975 and 1978. Robert Weintraub complains that this is "selective and myopic . . . terribly short-sighted and gives very misleading signals."[20] He insists that velocity data should be smoothed by comparing averages over the whole year with the year before, or better still, by comparing three-year averages.

When it comes to the money supply, however, monetarists certainly do not mind comparing changes between fourth quarters (this is the way Fed targets are set), or even changes between 8–10 week periods converted into compound annual rates of change.[21]

If quarterly changes in velocity are likewise expressed as an annual rate of change, as Friedman does for even shorter periods with M_1, then velocity swings far more wildly than money—up 13.2% in the first quarter of 1981, down 3.2% in the second, up 9.5% in the third, down 1.2% in the fourth, and down 11.7% in the first quarter of 1982. Monetarists are able to contract the "stability" of velocity with the instability of M_1 only by hiding the numbers.

Velocity was relatively predictable in the stable world of Bretton Woods, but all models to predict velocity broke down after 1972–73, when the U.S. suspended gold convertibility and endorsed floating exchange rates. Interest rates now move as much in a day as they used to in a year. Thus, a survey on the demand for money by David Laidler laments that "it was never possible completely to get away from the conclusion that the function has shifted after 1972." "After all," notes Laidler, "monetary policy is implemented over time, and unless the relationship it seeks to exploit can be relied upon to remain stable over time it cannot be used successfully."[22]

At the end of 1980, a rigorous study by Robert Weintraub said, "We expect the trend rate of rise of M_{1B}'s velocity to drop from 3.2% to about 2% per year, with the spread of NOW accounts. We would compensate for this by adjusting the long run target for yearly M_{1B} growth upward by 1 to 1½%."[23]

Velocity is officially classified as a coincident cyclical indicator, so it fell with the sharp fall in real output from last October through March. The only half-hearted expansion the U.S. has experienced lately was between the third quarters of 1980 and 1981. At that time, velocity did not rise by 2%, or by 3.2%, but by 6%. Is that the new "trend" for velocity if and when the economy recovers? Nobody has the slightest idea.

Whatever "stability" can be found in long-run trend of M_1 velocity is only because M_1 has been redefined. The old M_1 velocity showed an even clearer tendency to accelerate during each cyclical expansion, averaging 3.1% from 1961–69, 3.5% from 1970–73, and 4.9% from 1975–79. And the gyrations were becoming larger.

The unpredictability of velocity became even worse after the October 1979 emphasis on the Ms. "Erratic velocity behavior of the traditional monetary aggregates led the Federal Reserve to redefine the aggregates. However, the new monetary aggregates have also exhibited erratic velocity behavior. . . . Paradoxically, the regulatory framework necessary to control the growth of a given aggregate sets in motion forces that ultimately reduce the aggregate's usefulness in policy implementation."[24]

A popular new theory in Washington implies that the 10-year collapse of bond and mortgage markets is due to the 10-week wiggles in M 1 since October 1979. Since the Fed stopped stablizing interest rates, interest rates have of course been less stable. Ignoring what interest rates do to the velocity of M1 monetarists say it is changes in M1 that cause changes in short-term interest rates, rather than the other way around.

It isn't a very persuasive argument, so this is how to "prove" it: First, take a four-week moving average of the volume of bank reserves and calculate the percentage change from the same period a year before. Plot this on a scale from 1 Percent to 7 percent. Then put current interest rates on 3-month T-bills on a scale from 10 percent to 17 percent. For 1981, believe it or not, these two series do appear to move up and down together (though not in 1980 or 1982).

The Shadow Open Market Committee of March 15, 1982 concludes that "this leaves little doubt that interest rates rise and fall directly with growth in reserves." But if 7 percent annual growth of reserves "causes" 17 percent interest rates and 1 percent growth of reserves "causes" 10 percent interest rates, then bank reserves must have been falling very rapidly when interest rates were 4 percent(?) A simpler explanation is that the recession lowered both interest rates and reservable deposits last fall.

OUTPUT OR PRICES?

In his classic 1956 restatement, Milton Friedman wrote that "the quantity theory is in the first instance a theory of the demand for money. It is not a theory of output, or of money income, or of the price level."[25] But the elaborate efforts to predict the demand for money broke down with collapse of gold convertibility and pegged exchange rates in 1972–73.

The late Harry Johnson of the University of Chicago decided that monetarism was a passing fad, partly because of the monetarists' habit of "disclaiming the need for an analysis of whether monetary changes affected prices or quantities."[26] Allen Meltzer, for example, acknowledges that "none of our models predict changes in output reliably. "Few even try. Two leading Keynesians likewise admit that their models too "were demand-oriented, and paid almost no attention to the supply side of the economy."[27] Hence the supply-side counterrevolution.

But even if the growth of money plus velocity were under control, that is not enough. It is not a matter of indifference whether an 8 percent growth of nominal GNP consists of 8 percent inflation and zero growth or zero inflation and 8 percent real growth. "An increase in real activity raises the demand for real money, which, given nominal money and the rate of interest, is accommodated via a decline in the price

level."[28] Real growth is anti-inflationary in fundamental and lasting ways. Yet growth may be stifled by a monetarist regime that cannot distinguish between a demand for cash to finance more real growth (or to guard against insolvency) and some sort of inflationary impulse.

When not openly applauding stagnation as a "Phillips Curve" cure for inflation, monetarists sometimes make slow money growth an end in itself. "A renewed economic expansion," said a prominent monetarist newsletter last July, "would not be promising for inflation . . . or effective monetary control"[29] This is what the debate between monetarists and supply-siders is all about. Supply siders want a monetary policy conducive to increased output at stable prices, not a policy to stamp out each glimmer of economic growth in order to keep M_1 down. The supply of money is at best a tool, not a goal, and its value must be judged by results.

TIME LAGS

Monetarism has to postulate a time lag between changes in money and changes in nominal GNP or prices. Otherwise, the results are often perverse. From April through October last year, the monetary base grew at a 2.6% annual rate, consumer prices at 10.5%. From October to February, the base grew at a 10% rate, but consumer prices rose at only a 4.3% rate. Without a lag, the uninitiated might suppose that faster growth of the monetary base caused slower inflation, or that the two series are not closely related.

Milton Friedman recently wrote that "the lag between a change in a monetary policy and output is roughly six to nine months: between the change in monetary growth and inflation, roughly two years."[30] At the St. Louis Fed. R. W. Hafer says" a 1.0 percentage point increase in the growth of M¹B yields an identical increase in the growth of nominal GNP within one year."[31] The President of the St. Louis Fed, however, seems to be defending a zero time lag, since his table relates money growth to simultaneous changes in GNP.[32] an Atlanta Fed Conference on supply-side economics in April 1982 saw David Meiselman arguing for a lag of 7 quarters, Beryl Sprinkel for a few months. Pick one; something is bound to fit.

If the lag is unknown, there is no way to tell if monetarism is right or wrong. There will always be some past period of relatively faster or slower growth of some M to "explain", after the fact, why inflation or output went up or down. That sort of retrospective, ad hoc monetarism is inherently immune to serious testing.

If the lag is known, however, rational expectations would make it disappear. Knowing that more money now would cause more output in six months would make it profitable to build inventories right away, thus eliminating the six month lag. Knowing that more money would cause inflation in two years would make it profitable to speculate in commodity markets and generally buy before prices went up—thus eliminating the two year lag.

If the time lag were known, people would act on that information and eliminate the lag. If there is nonetheless an unknown lag, then there is no way of knowing whether or not which change in output or price was caused by which change in the volume of cash. Monetarism would then be of little value for predicting the future or even explaining the past. If there is no lag at all, then the casuality between money and spending could easily be backwards. That is, decisions to spend more might cause an increase in the supply of money, as people sold assets to get cash.

On the face of it, one might suppose that decisions to spend are based on income, assets and credit conditions—not merely on how much one happens to keep in a checking account. The idea that total spending can be controlled by controlling the forms of wealth became popular largely because of the apparent discovery of lags between money and GNP.

The notion of money having a known effect on something in the future was thus crucial to plausibility of monetarism, but there is still no justification for it in theory or fact, nor any agreement on how long the lags are.

DO-IT-YOURSELF MONETARISM

The supply of money provides some information, even aside from velocity and price. Table 1 shows quarterly changes and annual trends in the monetary base, M_1, and in nominal and real GNP. Quarterly changes in M_1 appear to explain simultaneous changes in nominal GNP in a few periods, but that causality could obviously be backwards (e.g., observe the generous rise in monetary base and falling M_1 during the sharp recession in the second quarter in 1980). And when sense can be made of the first and third quarters of last year, when GNP grew very rapidly as the base and M_1 slowed sharply? The task here is to discover the stability of velocity and the appropriate lag.

The older tradition is that longer-term trends are what matter. On such year-to-year comparisons, M_1 growth was unchanged between the third quarters of 1980 and 1981, though the base slowed significantly. With money growth unchanged or tightened, depending on definitions, what happened to the trend of nominal GNP? It rose 50 percent over the year. A few months later, Lawrence Roos wrote that "Both M1B growth and GNP growth have been decreasing steadily since 1979." [33]

Do either the quarter or annual changes in nominal GNP look "too slow" before the fourth quarter collapse? If so, then the recession after last July might be blamed on inadequate "aggregate demand," requiring bigger budget deficits or more M_1. If not, maybe it is time to discard demand management.

TABLE 1.—MONEY, SPENDING AND PRODUCTION

[Annual rates of change, rounded]

	Quarterly				Year-to-year			
	Base	M_1	GNP	Real GNP	Base	M_1	GNP	Real GNP
1980 I	8	7	13	3	8	8	10	2
1980 II	6	−3	−1	−10	8	4	8	−1
1980 III	10	15	12	2	8	6	8	−1
1980 IV	9	12	15	4	8	7	9	0
1981 I	5	5	19	9	7	7	11	1
1981 II	7	10	5	−2	8	10	13	3
1981 III	4	0	11	1	6	6	12	3
1981 IV	2	6	5	−5	4	5	10	−1
1982 I	10	11	1	−4	6	7	5	−2

Source: Federal Reserve Bank of St. Louis.

IT WON'T WORK

To summarize, rebuilding long-term financial markets requires a credible long-term to maintain reasonable stability in the purchasing power of the dollar. Such a rule cannot be expressed as a quantity of money because (1) the definition of money is rapidly changing, (2) velocity is increasingly unpredictable, (3) any lags between changes in money and GNP are implausible or at least unpredictable, (4) spending depends on more than cash balances and desired cash balances depend on more than planned spending, and (5) nobody can tell at the time if a rise in money and spending is financing more real output or rising prices (except by watching prices instead of money stocks).

But that isn't the end of it. If a quantity rule for money could somehow pass these hurdles, it still would not work.

If people without a quantity rule would work, they would expect inflation to average about zero decades. The rush to buy long-term bonds would quickly drop interest rates to around 3–6 percent. At such rates, the convenience of checking accounts and currency would make it a waste of time to employ complex cash management schemes. The demand for M_1 would surge, velocity would fall.

No fixed growth of M_1 or the monetary base could cope with such a sudden rise in the demand for cash. Real cash balances could only rise, as desired, if prices fell abruptly. Sudden deflation would surely prompt an equally sudden violation of the rule. Knowing that, people would not believe the rule in the first place.

If the move to slow growth of M_1 was done gradually, to minimize the risk of deflation, that 100 would not be believed. People would rightly reason that the next President or Fed Chairman would probably abandon the predecessor's long-term plan. Thus, long-term interest rates would remain high, and velocity might well speed up by more than M_1 was slowing down. With rates high, any temporary reduction of inflation would raise real interest rates, causing bankruptcies that would force abandoning the gradual rule.

Advocates of a quantity rule have had 14 years to agree on one or put it into action. Next time, it will not take that long for interest rates to triple again. Does that have to happen before anyone will admit that this experiment with managed money, like the Continental and Greenback dollars, is also a failure? How bad do things have to get before economists will admit that they made a mistake by endorsing the demolition of proven monetary rules from 1965 to 1973?

PRICE RULES

If monetary policy cannot effectively stabilize prices indirectly, by controlling quantities of M, then why not focus directly on some sensitive measure of price? If such prices are falling, that would be a sign that the demand for money exceeds the supply—time for the Fed to buy bonds (or gold), or to lower the discount rate or reserve requirements. If prices start to climb, it is time to tighten.

In 1962, this was still the dominant view. Professor Friedman then wrote, in "Capitalism and Freedom," that "the rule that has most frequently been suggested by people of a genuinely liberal persuasion is a price level rule; namely, a legislative directive to the monetary authorities that they maintain a stable price level."

If monetary policy had followed a price rule in 1928–31, the deflation could have been nipped in the bud. As Lauchlin Currie noted in 1934, "the three years that preceded the depression witnessed a considerable fall in prices not only in this country but throughout the world."[34] Another possible price rule—real interest rates—likewise showed that monetary policy was too tight in 1928–32. Alternatively the sizable inflow

of gold into the U.S. in 1929-30 was an equally clear signal that the supply of dollars was inadequate. The Fed, as Milton Friedman observes, was "contracting the money supply when the gold standard rules called for expansion."[35]

A quantity approach to money, on the other hand, would have given ambiguous signals about deflation until it was too late. There was no significant decline in the money supply until March 1931, and the monetary base continued to rise throughout the 1930-33 deflation, as people held more currency and banks held more reserves. A policy of slowly increasing the monetary base, as some now propose, would not have prevented the Great Contraction. Any price rule or gold standard, however, would have worked.

Broader price indexes, such as the producer price index, are too sluggish, among other problems (they are revised months later, seasonal adjustments and weighting of items are dubious, discounts and quality changes are missed, etc.). Looking at broad price indexes makes it easier to wrongly blame inflation on the "oil shock" of 1974, though commodity prices began rising sharply in 1972. Instead, a price rule must work with instantly available spot commodity prices.

Money and commodity prices often move in roughly similar directions, so monetary policy at those times could just as well moderate big swings in either one. When the two diverge, however, commodity prices invariably give a more accurate picture of emerging trends in the economy. Growth of M_1 was essentially unchanged from 1973 to 1975, at 4.4-5.5 percent, but a price rule would have required a much tighter policy throughout 1972 and 1973, and a much easier policy from April 1974 to July 1975 (when spot commodity prices fell 28 percent).

Table 2 contrasts the monthly information provided by M_1 and commodity prices in 1980-81. Either series pointed in the correct direction in 1980, but commodity prices convey a much better picture of the liquidity squeeze from October 1981 into early 1982. The seemingly rapid growth of M_1 in the past few months was not sufficient to prevent massive liquidation. An easier policy would have been prudent and desirable, providing people understood that the process would be reversed as soon as commodity prices began to turn up. In other words, chasing the elusive Ms from week-to-week prevented the only sensible response to an unnecessarily wrenching deflationary experience.

TABLE 2.—SHOULD THE FED TARGET PRICES OR M?

	M	Commodity prices	Price rule
1980:			
Jan.	0.8	2.1	Loose.
Feb.	0.8	2.0	Do.
Mar.	0	−1.7	Tight.
Apr.	−1.3	−4.7	Do.
May	−0.2	−7.8	Do.
Jun.	1.2	−3.9	Do.
Jul.	1.1	3.8	Loose.
Aug.	1.8	5.2	Do.
Sep.	1.4	2.1	Do.
Oct.	1.2	0.8	Do.
Nov.	0.5	1.3	Do.
Dec.	−0.7	−2.1	Tight.
1981:			
Jan.	0.8	−2.3	Tight.
Feb.	0.4	−2.5	Do.
Mar.	1.2	2.0	Loose.
Apr.	2.1	1.1	Do.
May	−1.0	−1.4	Tight.
Jun.	−0.2	−2.1	Do.

TABLE 2.—SHOULD THE FED TARGET PRICES OR M?—Continued

	M	Commodity prices	Price rule
Jul.	0.2	1.3	Loose.
Aug.	0.4	1.0	Do.
Sep.	0	−2.2	Tight.
Oct.	0.4	−2.0	Do.
Nov.	0.8	−2.4	Do.
Dec.	1.0	−2.3	Do.

Source: U.S. Department of Commerce, Business Conditions Digest, Series 85 and 23.

Other sorts of price targets have been proposed, but most are less direct ways of achieving similar results. Ronald McKinnon of Stanford proposes pegging exchange rates with countries that have a somewhat better track record of inflation, like Germany and Japan. Edward Jardeni of E. F. Hutton and Donald Hester of the University of Wisconsin suggest keeping real interest rates from drifting too high or too low. Stabilizing commodity prices would do all this and more.

If real interest rates are "too high," there is liquidation of commodities, inventories and assets in order to acquire cash. The dollar's exchange rate will likewise be artificially high, due to short-term capital inflows. Stabilizing the price of gold also stabilizes real interest rates, commodity prices, bond yields and exchange rates. Stabilizing any one of those things, if it could be done, would also tend to stabilize gold.

Since broader price indexes are too insensitive, what about narrowing the list to only one commodity—namely, gold—that is notoriously sensitive to every whiff of inflation or deflation? (including the inflationary prospect of war).

The London gold price dipped in February 1980 and fell 17 percent in March, correctly signaling the March-June decline in commodity prices. Gold rose 17 percent in June 1980, announcing the start of the July-Novermer reflation. Gold prices have fallen since just before the Presidential election, stabilizing only during the spurt in both money growth and commodity prices in March-April 1981. Watching gold prices works well, and limiting the extremes would work even better. That is no more difficult than stabilizing wild gyrations in interest or exchange rates, which has often been successfully accomplished.

Participants in the gold market are not only concerned about current inflation, but about future inflation. Price movements thus tend to be exaggerated, when not on a gold standard, reflecting changing expectations about future inflation. This may be a useful characteristic, because it is the expectation of future inflation that destroyed the bond market.

In October 1979, when the Federal Reserve announced that it would henceforth pay more attention to quantities of money and less to results, the gold price went from $355 to $675 in only four months. Other factors may have been involved, but it looks like a vote of no confidence. Conversely, the gold price fell sharply ever since the election of President Reagan. No forecaster or monetary aggregate did as good a job as the gold market of predicting how abrupt the disinflation would really be. Money growth was not clearly slow until May-September of last year, and even then the Ms were throwing-off conflicting signals.

CONVERTIBILITY

Paying more attention to the consequences of monetary policy—prices, interest rates and exchange rates—would be a major improvement, but still remains a matter of discretionary management.

In order to institutionalize a price rule, it is necessary to convert dollars for gold, and vice-versa, on demand at a fixed price. The "right price" is that price at which we observe neither inflation nor deflation. The only way that foreigners or speculators could upset the fixed gold-dollar ratio would be by monopolizing the stock of gold or dollars, which is clearly impossible.

Stabilizing the value of dollars in terms of gold is not "price fixing" any more than stabilizing an index of prices would be called "price fixing." "Just as every commodity has a value in terms of the unit," wrote Ralph Hawtrey, "so the unit has a value in terms of each commodity."[36]

There has been a lot of misinformation spread around about the U.S. gold standard in the classical period (1879-1914) or the Bretton Woods era (1945-1973). When the period of managed and floating money since 1968 or 1973 is fairly compared with any sort of gold standard, gold systems show far more real growth, better stability of prices in the short and long run, longer expansions, more world trade, and long-term interest rates never above 5-6 percent.[37] In any case, we can improve upon historical performance by learning from the mistakes.

In 1978, Jurg Niehans of Johns Hopkins observed that "commodity money is the only type of money that . . . can be said to have passed the test of history," and wondered if "the present period will turn out to be just another interlude." "The analysis of commodity money," Niehans regretted, "has made hardly any progress in the last fifty years. Actually, more knowledge was forgotten than was newly acquired."[38]

In the past few years, however, there has been a gradual rediscovery of the value of commodity money in the work of such scholars as Robert Barro, Fischer Black, Benjamin Klein, Robert Mundell, Robert Hall, Thomas Sargent, Robert Genetski, Richard Zecher, Paul McGouldrick, Michael Bordo and others. This is just the beginning.

David Ricardo wrote about the central bank in England during 1816, a period of fiat money very much like the present. "In the present state of the law," wrote Ricardo, "they have the power, without any control whatever, of increasing or reducing the circulation in any degree they may think proper; a power which should neither be entrusted to the state itself, nor to anybody in it, as there can be no security for the uniformity in the value of the currency when its augmentation or diminution depends solely on the will of the issuers."

"The issue of paper money," said Ricardo, "ought to be under some check and control; and none seems so proper for that purpose as that of subjecting the issuers of paper money to the obligation of paying their notes either in gold coin or bullion."[39]

The Bullion Committee explained the task before Britain reinstated the gold standard in 1821: "the most detailed knowledge of the actual trade of the country, combined with the profound science in all principles of money and circulation, would not allow any man or set of men to adjust, and keep adjusted, the right proportions of circulating medium in a country to the wants of trade."

Britain took Ricardo's advice and enjoyed over a century of unprecedented monetary stability and economic achievement. Eventually, the United States will do the same. There is no viable alternative.

FOOTNOTES

[1] Stephen A. Meyer & Robert J. Rossana, "Did The Tax Cut Really Cut Taxes?" Federal Reserve Bank of Philadelphia Business Review (Jan.-Feb. 1982).

[2] Brian Horrigan and Avis Protopapadakis, "Federal Deficits: A Faulty Gauge . . ." Federal Reserve Bank of Philadelphia Business Review (Mar.-Apr. 1982). Also unpublished studies by Gerald Dwyer at Emory and Roger Kormendi, University of Chicago.

[3] Dr. Harris' remark is from testimony before the Joint Economic Committee, April 22, 1982; David Levine's is from a speech to the New York Association of Business Economists, April 6, 1982.

[4] Henry C. Simons, "Rules Versus Authorities in Monetary Policy" (1936) in "Landmarks in Political Economy."

[5] J. Ascheim and G. S. Taulas, "On Monetarism and Ideology." Banca Nazionale del Lavoro Review (1979).

[6] Milton Friedman, "Essays in Positive Economics" (University of Chicago 19) pp. 133-5.

[7] Milton Friedman, "Capitalism and Freedom" (University of Chicago 1962) Ch. 3.

[8] Milton Friedman, "An Economist's Protest" (Thos, Morton 1972) pp. 98-99.

[9] R. J. Gordon (ed.) "Milton Friedman's Monetary Framework" (Univ. of Chicago 1970) p. 167.

[10] John M. Gulbenson, "Full Employment or Stagnation?" (McGraw Hill 1961) pp. 234-235.

[11] Business Week (November 15, 1976) p. 26.

[12] Robert J. Gordon "Postwar Macroeconomics" in Martin Feldstein (ed.) "The American Economy in Transition" (Univ. of Chicago, 1980) p. 146.

[13] Samuel Brittain, "How to End the Monetarist Controversy" (Institute for Economic Affairs 1981) p. 84.

[14] "Understating Monetary Growth," First Chicago World Report (Mar.-Apr. 1979).

[15] See James Grant's column, Barron's July 27, 1981, and Sanford Row's column, American Banker, Nov. 24, 1981.

[16] James Earley and Gary Evans, "The Problem Is Bank Liability Management," Challenge (Jan.-Feb. 1982).

[17] M. Dorsey, et al., "Money Market Mutual Funds and Monetary Control," Federal Reserve Bank of New York Quarterly Review (Winter 1981-82).

[18] Nancy Kimelman, "Using Monetary Targets as Intermediate Targets Easier in Theory Than in Practice" Federal Reserve Bank of Dallas Voice (Dec. 1981). Patrick Lawler "The Large Monetary Aggregates as Intermediate Policy Targets, "Federal Reserve Bank of Dallas Voice (Nov. 1981).

[19] "Money Supply Gauge May Be Inaccurate," Washington Report (April 20, 1982).

[20] Maxwell Newton published the exchange in New York Post, Jan. 15, 1982.

[21] Milton Friedman, "Monetary Instability," Newsweek (Dec. 21, 1981).

[22] David Laidler, "The Demand and Supply of Money Yet Again," paper presented to a Carnegie-Rochester conference, April 1970. See also Albert Friedberg, "Gold and Demand-Side Monetarism," —— (Nov. 9, 1981).

[23] House Subcommittee on Monetary Policy, "The Impact of the Federal Reserve System's Monetary Policies on the Nation's Economy (U.S. Government 1980) p. 18. In this model (p. 33) "it takes two to four years for changes in money growth to change the rate of inflation," so the slowdown in inflation in 1981 must have been due to slower money growth around 1977-79.

[24] Bryon Higgins and Jon Faust, "Velocity Behavior of the New Monetary Aggregates," Federal Reserve Bank of Kansas Economic Review (Sept.-Oct. 1981). Also John Wenninger, et al., "Recent Instability in the Demand for Money," Federal Reserve Bank of New York Quarterly Review (Summer 1981).

[25] Milton Friedman (ed.), "On Economics and Society" (University of Chicago 1956) p. 4.

[26] Harry G. Johnson, "On Economics and Society "(University of Chicago 1975).

[27] A. H. Meltzer, "The Great Depression," Journal of Monetary Economics (Nov. 1976); Alan Blinder and Robert Solow, "Does Fiscal Policy Still Matter?" Ibid.

[28] Eugene Fama, "Money and Inflation" (unpublished, August 1979).

[29] Morgan Stanley, "Money and the Economy," July 13, 1981. (Lindley Clark of the Wall Street Journal has also written of the virtures of anemic growth).

[30] Quoted in Antonio Martino. "Containing Inflationary Government (Heritage Foundation 1982) p. 34.

[31] R. W. Hafer. "Much Ado About M_2," Federal Reserve Bank of St. Louis Review (Oct. 1981). Hafer does not realize that critics of M_1 are not necessarily saying M_2 is any better.

[32] Lawrence K. Roos, "The Attack on Monetary Targets," The Wall Street Journal (February 3, 1982).

[33] Op cit.

[34] Lauchlin Currie "The Failure of Monetary Policy to Prevent the Depression of 1929-32" in "Landmarks in Political Economy" (Univ. of Chicago. 1962).

[35] H. G. Manne and R. L. Miller. "Gold, Money and the Law" (Aldine 1975), p. 75. Also M. Friedman and A. Schwartz, "A Monetary History of the United States," (Princeton 1963) p. 361.

[36] Ralph Hawtrey, "Currency and Credit" (Longmans Green 1919) Ch. 1.

[37] My Gold Commission testimony is condensed in "Economic Impact 1982/2" (U.S. Govt. Printing Office), and the Federal Reserve Bank of Atlanta will soon release my talk in the proceedings of an April conference on supply-side economics.

[38] Jurg Nichans, "The Theory of Money" (Johns Hopkins 1978) pp. 140-41.

[39] David Ricardo, "The Principles of Political Economy and Taxation."●

NATIONAL ORCHESTRA WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 10 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, as you may recall, on May 11 the House of Representatives unanimously approved Senate Joint Resolution 145, authorizing the President to proclaim this week as "National Orchestra Week." This action continues to demonstrate the depth of congressional commitment to the living orchestral art as an integral component of American life.

At this time, I would like to take a few moments to officially salute the Fort Smith and North Arkansas Symphony Orchestras—two of Arkansas' most treasured cultural resources. These fine orchestras have provided hours of beautiful selections and inspiring musical compositions to Arkansans every year. I am particulary proud of their accomplishments.

As the oldest symphony orchestra in the State, the Fort Smith Orchestra has pledged to make this 43d season its finest yet. It stands as a leading cultural monument and civic project. Since 1969, in cooperation with the Westark Community College, Mr. Minniear has expanded the orchestra to 60 musicians. These members come from all walks of life, and include gifted high school and college students.

The North Arkansas Symphony Orchestra was founded in 1954 in Fayetteville, Ark., by its sponsoring organization, the North Arkansas Symphony Society, with the purpose of spreading music to all of northern Arkansas. This orchestra, conducted by Dr. Carlton Woods, consists of 75 musicians, including student and faculty members of the University of Arkansas and community citizens of northern Arkansas. Their program consists of 8 full concerts, 12 childrens' concerts, and in June, 3 "Pops in the Park" events.

My home district, is extemely fortunate to have two such orchestras in their midst. Under the brilliant direction of both Walter Minniear and Dr. Carlton Woods, these orchestras have surpassed our wildest expectations. Their success has been the result of a partnership between trained professionals and dedicated volunteers all committed to providing the finest concert music for their communities. It is only fitting that Congress recognize these contributions through this tribute.

The orchestral arts which were once the province of an elite class of Americans, are now available to everyone. As a result of these two orchestras, families in rural towns, who might not have had the chance to hear a symphony, have been afforded this wonderful opportunity.

The orchestra members do not only perform, they also nurture young talent in these rural areas. In addition, their outreach programs provide the chance for conductors to promote American musical compositions.

I have long recognized the precarious financial condition of the arts, and know that unless action is taken, hundreds of colleges, community theatres, and music companies will be forced to reduce their programs or cease to operate.

Therefore, in an effort to restore the historic role of private individual and corporate support in these key areas, I have sponsored legislation (H.R. 4932) in the last two Congresses which provides for the collection of individual voluntary donations to support the arts and education. In brief, the bill places donation boxes on the Federal income tax form, enabling taxpayers to make tax deductible contributions via the National Endowment for the Arts and/or the National Endowment for the Humanities. Contributions would be made in addition to tax payments or would be deducted from refunds. No portion of the funds could be used by the Endowments for Administrative purposes. Polls taken have indicated that this approach would receive positive reactions from the general public and result in substantial contributions to the arts.

The orchestral arts are too important to our society to be threatened by budgetary constraints. Congress must explore creative vehicles, such as H.R. 4932 to insure they will not be jeopardized.●

THE NINTH ANNUAL STAN MIKITA HOCKEY SCHOOL FOR THE HEARING IMPAIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO), is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to bring the attention of my colleagues to the Ninth Annual Stan Mikita Hockey School for the Hearing Impaired which is in session June 14-20 in Northbrook, Ill.

The school has been held each year for the last eight summers at an ice rink in the Chicago area. More than 250 boys and young men ages 9 through 24 have participated in rigorous training sessions coached by Chicago Blackhawk star Mikita, his former teammates Elmer "Moose" Vasko, and Gene Ubriaco along with Chicago Blackhawk power skating coach Wally Kormylo and other professional players from throughout the National Hockey League.

The Mikita Hockey School was not founded to produce professional quality athletes; it goal, instead, is to bring into the lives of the hearing-impaired a new confidence and understanding of their own abilities and those skills needed to prosper in their educations and in their careers.

On June 19, 1982, the Chicago Park District in cooperation with the American Hearing Impaired Hockey Association and the McFetridge Parents Hockey Association will present the U.S. National Deaf Hockey Team versus Chicago McFetridge Patriots at the McFetridge Sports Center in memory of Tommy White, a young man who excelled at hockey despite his hearing handicap before he lost his life to cancer.

I congratulate the young players, their coaches, and all of those who are instrumental in the success of this program, and I send to all of them my warmest best wishes for many more years of success.

A poem in tribute to Tommy White follows along with the names of the team members of the 1982 Stan Mikita Hockey School for the Hearing Impaired, the names of members of the Chicago varsity team, and the Chicago freshman team:

TOMMY WHITE

(By Jim Parker)

A deaf young lad watched a hockey game
and asked himself in fear,
Is it a fact that I can't play because I cannot hear,
I know I can, his answer was and he bought a pair of skates.
Then Tommy White took to the ice with a smile upon his face
He learned that Stan Mikita, a former Blackhawk star,
Had a program for the deaf who came from near and far
To learn the game of hockey, its rules and discipline.
Soon young Tommy traded shots with the best of them.
Professionals saw a future for this determined boy,
For Tommy White had all the moves in the sport he so enjoyed.
And just as it seemed to certain that a dream would now come true,
Tommy fell to cancer, and the lingering pain ensued
Slowly hope was shattered and slowly life was drained.
One last wish, he asked his Dad, was "one more hockey game."
And he played once more, and the players knew the courage of Tommy White,
And they remembered that last goal he scored the last in a gallant fight.
The irony of death was Oh, so sure, for his namesake and his pal, Uncle Tom,
At this very age had died, in the Battle of Guadalcanal.
Yes, Tommy's gone, but his dreams live on for others who cannot hear,
And in the night his star shines bright and we know that he is near—
Watching, guiding, hearing; skates gliding over ice—
Feeling our feelings with a smile upon his face.
A deaf young lad watched a hockey game—
then he said to you and me
"If you desire something badly enough you can be what you want to be."

1982 STAN MIKITA HOCKEY SCHOOL FOR THE HEARING IMPAIRED

Brett Belzer, Glenview, Illinois.
Dennis Benden, St. Louis, Missouri.
Craig Burgesen, Wausau, Wisconsin.
Phil Cachey, Oak Lawn, Illinois.
Jim Cammarata, Mt. Prospect, Illinois.
Bobby Cisluycis, Staten Island, New York.
Michael Collins, St. Louis, Missouri.
Zachary Cook, McChaniesburg, Pennsylvania.
John Dalton, Hull, Massachusetts.
Jim Danielson, Minneapolis, Minnesota.
Sean Dee, Buffalo, New York.
Michael DeVries, Madison, Wisconsin.
Michael DuBowe, Broomall, Pennsylvania.
Edward Gleason, St. Paul, Minnesota.
Elijah Gold, Ithaca, New York.
Larry Goldstein, Huntington Valley, Pennsylvania.
Joseph Hartge, Bloomingdale, Illinois.
David Hegarty, Newburyport, Massachusetts.
John Hickey, Medford, Massachusetts.
Ken Johnson, Eau Claire, Wisconsin.
Robert Knox, Brunswick, Maine.
Bill Kwarciany, Jr., Gladstone, Michigan.
Michael Lambie, Erie, Pennsylvania.
Jeffrey LeRoy, Erie, Pennsylvania.
Kevin LeRoy, Erie, Pennsylvania.
James Liebrecht, DeWitt, Michigan.
William Loftus, Summit, New Jersey.
Paul Malaney, Norwell, Massachusetts.
Daniel Martin, Manchester, New Hampshire.
Michael Maynard, Madison, Wisconsin.
Bill Mellen, Lowell, Massachusetts.
Tony Meister, Buffalo, New York.
Keith Mischo, Green Bay, Wisconsin.
Robert Modafferi, Brooklyn, New York.
Gary Montalbano, Framingham, Massachusetts.
Rick McGaughey, Holbrook, Massachusetts.
Mick McLaren, Londonberry, New Hampshire.
Kenneth Newman, Plymouth, Minnesota.
Daniel Newman, Plymouth, Minnesota
Robby Norton, Action, Massachusetts.
David Officer, Hanover, New Hampshire.
Anthony Pietraniello, Staten Island, N.Y.
Mickey Pilson, Ardsley, New York.
Ron Player, Cape Vincent, New York.
Tom Robbins, Cincinnati, Ohio.
Jim Siciliano, Longmeadow, Massachusetts.
Ken Stehle, Florissant, Missouri.
Andrew Tepper, Glenview, Illinois.
Lex Tiahnybik, Lincolnwood, Illinois.
James Tourangeau, Gladstone, Michigan.
Jason Vendola, Orland Park, Illinois.
Wendell Waldroup, Jr., Lowell, Michigan.
Jason Weaver, Knoxville, Tennessee.
John Whelan, Bolingbrook, Illinois.
Steve Young, Florissant, Missouri.
David Zimmerman, Minot, North Dakota.

CHICAGO TEAM—VARSITY

Bob Groholski, Jim Sanchez, James Parker, Doug Vasilevich, Danny Ilkich, Steve Halter, Brian Wahnon, Peter Riding, Jim Dahlin, Norbert Hesseln, David Nubani, John Mousseau, Mondo Torrance.

Paul Theiss, Jim Nubani, Mike Waldron, Chuck Wood, Art Rudnicki, George Nukuto, Stan Dubici, Steve Bauer, Phil Grace, Brock Hanna, Coach Jack Cieslak, Assistant Coach Al Salecker.

CHICAGO TEAM—FRESHMAN

Andrea Gasior, Dennis Smart, Pat Looney, Josh Weil, John Praznowski, Joe Wood, Tom McKenna, John Cisnerous, Eric Klutke, Burke Stocker.

Ernie Dugo, Tony Gasior, Chuck Pembieton, Chris Falor, Tony Urgo, Rob Corrigan, Peter Reyes, Dave Pearson, David Wahnon, Coach Jack Wahnon, Assistant Coach Mike Sullivan.●

A BILL FOR THE RELIEF OF VICTIMS OF THE LOVE CREEK DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, last January, Santa Cruz County, Calif., suffered one of the worst natural disasters in its history. Massive rainfall caused tremendous flooding and mudslides which took many lives, and destroyed businesses and homes. Property damage in the county has totaled nearly $20 million, and it will certainly take many years before the county can return to normal. But for those families that lost a loved one, there will never be a return to normal.

While five counties in central and northern California were declared disaster areas and received Presidential declarations, the most significant damages caused by the storm were located in Love Creek in Santa Cruz County. Ten lives were lost along with nine homes which were destroyed due to the heavy rains which caused mudslides in the Love Creek area. The slide in Love Creek affected not only those residents who experienced direct physical damage but also many residents of this area who have been faced with a unique and highly dangerous situation.

The drenching rains and mudslides of January led the Army Corps of Engineers to conclude after a study of the Love Creek slide that the mountain area adjacent to the actual slide was unsafe. Therefore, the residents were told that they could not return to their homes, which were perfectly intact, because of the unstable mountain. Following this situation, the Santa Cruz County supervisors issued an abatement notice requiring the residents of Love Creek to either relocate their homes or remove the existing structures; 29 families have been confronted with the sad and dreadful situation of virtually having their residences—ranging in value from $100,000 to over $400,000—become economically worthless.

In response to this situation, the Love Creek residents have become eligible for loans which are offered to other disaster victims. They are eligible for loans of up to $55,000 from the Small Business Administration to help find another residence. While the Small Business Administration and other Federal agencies are to be commended for providing some assistance in response to the disaster, the sad fact is that the $55,000 loan limit offered by SBA does not even begin to provide adequate compensation to assist the residents of the Love Creek area in replacing the properties which they have lost because of the disaster. In addition, the interest rates tied to the SBA loans range from 8 percent to 16 percent. Many of the residents of this area are elderly persons and are living on fixed incomes. To require these persons to pay such high rates of interest would simply make these loans unaffordable for them. The fact is that these residents have invested their lives and their hard labor in these homes, and to be forced to demolish their residences, which have been directly destablized by the disaster is the ultimate disaster for these families.

Mr. Speaker, I think it is clear that the disaster assistance offered to these families in this instance has fallen far short of aiding them to replace their lost property at another location. The very purpose of disaster assistance is to try to give families the opportunity to repair their damage and become whole again. That will not happen in Love Creek.

Today, therefore, I am introducing legislation to provide a direct grant to residents of Love Creek to assist in the purchase of another residence. Under this legislation, residents would become eligible for additional assistance that, when combined with other disaster aid, will not exceed 75 percent of the value of their home in Love Creek.

I think the extraordinary circumstances which exist in Love Creek merit extraordinary assistance being offered to these residents. This is not just a case of repairing the damages from a storm. This is the tragedy of telling families to destroy homes untarnished by the storm itself. The legislation I am introducing is confined solely to the unique disaster of 29 residents that have been affected in the Love Creek area. It was my hope that some existing program would be able to provide measurable assistance to these residents and not require the legislation that I am introducing today. After extensive review of all Federal disaster assistance programs, however, there is no such relief potentially available.

The unique situation facing these residents is clear. It is only appropriate that we try to fulfill the same promise to these families that we make to others damaged by such storms—that they be given a chance to survive—a chance to continue their lives in another home. Surely, a nation that has bestowed its great charity on the afflicted of other nations will not deny that same charity to its own. Love Creek is a test of the depth of our concern for our fellow man.

Following is the text of this legislation:

H.R. 6599

A bill to provide assistance to individuals under the Disaster Relief Act of 1974 for the purchase of new homes in Santa Cruz County, California, in cases in which existing homes are required to be relocated or removed as a result of the major disaster declared on January 7, 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized, from funds appropriated after the date of enactment of this Act to carry out the Disaster Relief Act of 1974, to make a grant to any individual for the purchase of a new principal residence in any case in which the existing principal residence of such individual is located in the area of Santa Cruz County, California, known as Love Creek, and is required to be relocated or removed as a result of the major disaster declared on January 7, 1982, pursuant to the abatement notice issued by Santa Cruz County, California, on April 27, 1982.

(b) The amount of any grant made to an individual under subsection (a) shall not exceed an amount which, when added to all other Federal assistance provided to such individual as a result of the major disaster referred to in subsection (a) and relating to such individual's existing principal residence or the purchase by such individual of a new principal residence, is equal to 75 percent of the fair market value of such existing principal residence immediately before the onset of the major disaster referred to in subsection (a). For purposes of this subsection, the term "Federal assistance" shall include, but shall not be limited to, the amount by which an individual's Federal income tax is reduced by reason of any loss incurred with respect to an existing principal residence as a result of such major disaster.

(c) No amount of any grant received under this Act shall be considered as income for purposes of the Internal Revenue Code of 1954 or for purposes of determining the eligibility or extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.●

ELECTIONS IN HONDURAS

(Mr. JEFFORDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JEFFORDS. Mr. Speaker, in the last 2 years our country has focused a great deal of attention on political developments in Central America. The turmoil in that region is of great concern to all of us and I have long felt that it is important for us to show more interest in Latin America.

If there is one flaw in our foreign policies that stands out more than all others, it seems to me that it is our lack of a long-term approach. As we look at our policies in Central America with respect to the different countries there, this failing is abundantly clear.

Mr. Speaker, under the partners of America program, my State of Vermont is alined with Honduras. The fine work of the Partners in that country and in my State have helped to heighten my awareness of Honduras and its problems. Honduras has been fortunate to avoid the violence that has plagued the bordering countries of El Salvador, Nicaragua, and Guatemala, but how long it can remain peaceful is open to question.

I believe it is very important that we pay more attention to this country before it becomes a trouble spot like its neighbors. Last year, I traveled to Honduras with an international delegation to observe the presidential elections there. I came away with a feeling of the urgent need for increased attention to Honduras and of the fragility of democracy there. I would like to share with my colleagues a copy of the report, which was edited by David Wilson of my staff:

ELECTIONS IN HONDURAS

(A Report by an International Observer Delegation to the Honduran Elections, November 29, 1981)

Between November 24, 1981, and November 30, 1981, a seven member international team was present in Honduras, Central America to observe the national elections at the invitation of the Honduran National Electoral Tribunal and the Honduran government. The invitation was extended to the Washington Office on Latin America (WOLA), an ecumenical organization dedicated to the monitoring of human rights conditions in Latin America and the policies of the United States in that region.

The delegation included political scientists and representatives of public and ecumenical organizations.[1] The seven members were:

[1] The composition of the delgation evolved through a series of meetings between a variety of human rights organizations including: the Disarmament Educational Fund, WOLA, the Center For Development Policy, Oxfam-America and the Church World Services.

Ramsey Clark—Former Attorney General of the United States in the Johnson Administration. Presently an attorney in New York City and President of the Disarmament Educational Fund.

William Crotty—Professor of Political Science, Northwestern University.

James Jeffords—Republican Congressman from Vermont.

Theresa Kane—President of the Sisters of Mercy, Washington, D.C.

Raul Manglapus—Former Foreign Minister and Senator in the Philippines. Presently at the Center for Development Policy in Washington.

Adolfo Aguilar Quevedo—International Lawyer, formerly President of the Mexican Bar Association

John Plank—Professor of Political Science, University of Connecticut.

The delegates were accompanied by several persons who provided advisory and staff assistance:

Leyda Barbieri—WOLA staff and coordinator of the mission.

Robert Girling—Professor of Management, California State University at Sonoma.

Frieda Silvert—Board member, Council on Hemispheric Affairs.

David Wilson—Legislative Assistant to Congressman Jeffords.

ACKNOWLEDGMENTS

As a delegation, we wish to express our appreciation to all of those who helped make our work so rewarding. One of the most memorable aspects of our trip was the overwhelming hospitality, openness and respect shown to us by the people of Honduras throughout our stay. The cordial reception we received from officials of the Tribunal, the government, the political parties and all others with whom we met was extremely impressive. We were made to feel welcome among the Honduran people during a significant moment in their political history.

INTRODUCTION

The delegation spent the five days prior to the election gaining an understanding of Honduran electoral laws and processes. We met with leaders and spokespersons of political parties and other groups: students, peasants, women, families of disappeared persons, labor leaders, the media, and civilian and military government officials. A complete list of contracts is included in the appendix to this report.

While we were based in the capital city, Tegucigalpa, we did extensive travelling in the countryside. On election day, we dispersed and visited polling stations in all areas of the country. We were received openly everywhere and found election officials willing and even eager to explain election procedures.

As a delegation, we concluded that the November election constituted a definite step toward a more democratic society in Honduras. The degree of popular enthusiasm was extremely impressive. The festive atmosphere was one of the many indications that Hondurans truly want a democratic, civilian government. Our observations indicate that it is possible to hold a meaningful election in a poor, rural, highly illiterate country that faces desperate economic problems and tensions due to perceived external security threats

However, the electoral processes in Honduras is not without problems. Even after the election, it is clear that the preeminent power in Honduras is still the military. Those who choose to oppose the military do so at their own peril. The delegation would also like to express concern over many election procedures. Technical and administrative problems, as well as allegations of fraud, served to undermine the otherwise positive atmosphere surrounding the election. Finally, choices were somewhat restricted in this election because of a lack of discussion of meaningful issues by the major candidates and institutional and non-institutional factors that worked against minor party candidates.

THE SETTING

The November 29 election was Honduras' first popular presidential election since 1971. In April, 1980, a National Consitutent Assembly of 71 deputies was popularly elected and charged with writing a new constitution (which supercedes the 1965 constitution) and the laws for conducting the presidential election. The TNE was formed and given the authority to implement electoral laws. This election was significant not only in the political history of Honduras but also in the context of the turmoil in the surrounding countries of Central America.

THE COUNTRY OF HONDURAS

Honduras is a mountainous country largely populated by peasant farmers. The per capita income is $565, the second-lowest of any nation in the western hemisphere. It has one of the highest levels of infant mortality in Latin America, and malnutrition and illiteracy (47 percent) are also serious problems.

The fragile Honduran economy is built largely on exports of bananas and coffee. U.S. private direct investment in Honduras in 1980 was estimated to be $190 million, about 90 percent of total direct foreign investment. These investors are predominantly banana, mining, petroluem refining, fishing and meat packing companies as well as banks.

U.S. government aid also plays a significant role in the Honduran economy. Since 1962, the U.S. Agency for International Development has provided $493 million to Honduras, one of the largest AID programs in Latin America. In fiscal year 1981, total U.S. aid was about $45 million, of which about one quarter was military-related.

For generations, Honduras has been viewed as the stereotypical "Banana Republic." The orderly transfer of power has been a rare occurence. Between 1824 and 1900, there were more than 40 changes of power. Since 1900, Tegucigalpa has been ruled by 21 different regimes.

The most stable period in recent history was the 22 year tenure of Tiburcio Carias Andino, who acceeded to the presidency in 1932. He was ousted in a military coup in 1954 and Ramon Villeda Morales was installed as a constitutional president three years later. Villeda Morales was overthrown in a bloody 1963 coup led by Col. Oswaldo Lopez Arellano, who governed until 1971. Lopez Arellano surrendered office to an elected successor, Ramon Ernesto Cruz, a power transition that lasted only 18 months when the Colonel regained the presidency.

Lopez lost the office for good in 1975, when the United Brands Company (the nation's largest banana producer) paid his government a bribe believed to be about $2 million to reduce the banana export tax. The ensuring coup brought Col. Juan Alberto Melgar Castro to power, but he was ousted in 1978 by a tiumvirate of generals led by Policarpo Paz Garcia. Paz Garcia was the prime mover in the latest transfer of formal political authority from military to civilian hands.

Corruption and incompetence on the part of government officials have been as prevalent as changes in regimes. Several observers of Honduras remarked to us that the only reason the military government was willing to hold elections was that there was nothing in the government coffers left to steal.

The November election came at a time when Honduras desperately needed a responsible, trustworthy and capable government to deal with severe economic and political problems. Officials at the U.S. Embassy in Tegucigalpa claim that Honduras could face an "economic Dunkirk" in 1982, largely due to the worldwide recession and an alarming dearth of foreign exchange attributable to the rising cost of imported oil and plummeting prices for coffee and bananas.

THE REGION

As much as the Honduran people wanted to shed the image and the realities of the "Banana Republic" label, equally fervent was their hope of establishing a democratic path toward political change that would allow them to avoid the violence that plagues the Central American region. There was a strong awareness of the events in the surrounding countries, and many of the people we spoke with expressed the view that developments in Honduras would have implications throughout the region.

In contrast to the other nations of Central America, Honduras has had a tranquil history, especially in recent years. While there have been frequent changes in regimes, these transitions have been relatively peaceful. There is comparatively little political violence in the country, although security forces periodically raid alleged hideouts of terrorist groups. Honduras is far less developed and integrated than was Batista's Cuba of 1958. It has never had a regime as singlemindedly committed to personal aggrandizement as the Somoza dynasty in Nicaragua. It lacks the rigid class structure and vast disparities of wealth that characterize El Salvador, and it is not divided by the racial, animosities and terror that are evident in contemporary Guatemala.

As a delegation, we viewed our role solely as observers of the November 29 election. We avoided commenting on U.S. policy in the region and on events in surrounding countries. However, it would have been impossible to be unaware of the regional significance of the election in Honduras. Elections have been scheduled in El Salvador, Guatemala and Costa Rica for 1982. The Sandanista government in Nicaragua has announced that elections will take place there in 1985. With the exception of Costa Rica, however, patterns of political repression are more prevalent in the recent histories of these countries than are democratic traditions.

The election was important as an example of non-violent transfer of power in the region. Without exception, all Hondurans expressed an understanding of the violence in other Central American nations and a fervent determination to avoid such circumstances in their country. They often echoed the views of outside observers—if democracy fails in Honduras, it may be doomed in all of Central America.

CRITERIA FOR EVALUATION

In our work as observers, we developed a set of criteria for evaluating our observations. These criteria were based on those established by international observers of elections in Bolivia, Zimbabwe-Rhodesia and

the Dominican Republic and we adapted them to Honduras' particular circumstances. These standards were:

1. Adequate media access for all political parties in terms of both advertising and news coverage.[2]

2. A fair and open system of voter registration without evidence of substantial false registration or exclusion.

3. Understandable voting procedures that facilitate voter access to polling places.

4. Equal treatment by the government, the military and election officials of all parties in the pre-election period and on election day.

5. Absence of voter intimidation on or before election day.

6. Sufficient quantities of well-designed ballots.

7. A well-established, honest system of counting votes.

8. Freedom of access for official observers to polling tables.

9. Evidence that election results will be respected.

10. Existence of a political climate conducive to free expression.

PARTIES AND CANDIDATES

The 1981 election marked the first participation in the electoral process of two minority parties—the Christian Democrats (PDCH) and the Innovation and Unity party (PINU). The election of April, 1980 was a two-way race between the Liberal and National parties, which have long dominated the Honduran political process. The Honduran Patriotic Front (FPH), a coalition of the Soviet-leaning Honduran Communist Party, the Maoist Marxist Leninist Communist Party, and the Honduran Socialist Party, also participated. The FPH constitutes a legal coalition of illegal parties.

It was clear at the outset that the Liberals or the Nationalists would capture the presidency. However, the minor parties hoped to head off a simple majority in the 78-plus seat House of Deputies that was being proportionally elected on the same day.[3] The FPH was the only one of the five parties not to field a presidential hopeful, running independent candidates for Deputy in only three departments (districts).

Few Hondurans expressed enthusiasm for the presidential candidates of the two major parties despite the country's overall excitement about the election. Bitter factional strife among the Liberals had nearly ended in a split of its most liberal wing, the Popular Liberal Alliance (ALIPO), from the party regulars. ALIPO had threatened to leave the party and build a swing-vote coalition with the PDCH and the PINU, but were dissuaded from doing so by intra-party pressures and the prospect of a National Party victory. The Liberals nominated a country doctor with a folksy style, Roberto Sauzo Cordova. Many Hondurans conveyed admiration for his style and personality, but few expressed confidence in his skill to lead their country through the troubled times ahead. The most optimistic observers hoped that he would grow in office.

For many Hondurans, the National Party candidate, Ricardo Zuniga, perpetuated their image of the Nationalists as corrupt and strongly tied to the military. A lawyer by trade, Zuniga had served as counsel to several sectors of the military and was believed to be linked unofficially to General Paz Garcia. Zuniga had also been named frequently in connection with a variety of questionable activities.

The two minor party presidential candidates were evidence of the tendency of those parties to be made up of disaffected members of the major parties. the PINU ran one of its founders, Miguel Andonie Fernandez, a former Liberal and successful businessman. The Christian Democratic candidate was a former member of the National Party and once an ambassador to the United States, Hernan Corrales Padilla.

Few pressing national issues were debated during the campaign, particularly between the Liberals and the Nationalists. Zuniga portrayed himself as a strong leader and his opponent as soft on communism, a charge that seemed to have no basis in fact. The Liberals used the appeal of Suazo's image as a simple man and contrasted that to Zuniga's reputation as a corrupt wheeler-dealer. Some of the more cynical viewers we encountered suggested that the Liberals had an image of greater honesty only because they had been out of power and without access to the government coffers.

Several Hondurans expressed concern about the reliance of the major parties on the oldest campaign tactic of them all—making promises that can never be fulfilled. Both major candidates harped on the theme of bringing prosperity to the country through private investment and government cooperation. They promised lavish social, nutritional and infrastructural benefits. As one rural Honduran remarked about his commitment to voting Liberal, "When the Liberals win, my town will finally get the water system it needs." Yet neither party offered clear programs as to how the promises could be achieved. Furthermore, left undebated were issues such as how to cope with a stagnant economy, a depleted treasury, an unfavorable balance of trade and increasing inflation. None of the parties addressed military and foreign relations with El Salvador, Nicaragua or Guatemala, the most pressing external threats to the nation's stability. The issue of Salvadoran refugees, whose treatment is a matter of intense international concern, was not raised at all during the campaign.

Such limits on debate are clearly not in the best interests of cultivating democracy in Honduras. Also, given the desperate economic problems the country faces, it is unlikely that the campaign promises can be fulfilled. This could be particularly deleterious to a country that is trying to go from military to civilian rule and avoid the violence that characterizes its neighbors.

TREATMENT OF MINOR PARTIES AND INDEPENDENT CANDIDATES

While the more clearly articulated positions on major issues, several legal, economic, institutional and incidental factors worked against the minor parties in this election.

One strong factor in the election was tradition. Certain areas of the country and certain families have always been affiliated with a particular party. This is certainly not unique Honduras, but it clearly works against new parties breaking into the political system in terms of both votes and funds.

More serious obstacles to raising funds were election law and government policy. The Christian Democratic Party, the most liberal of the four, but centrist by Western European standards, was frustrated by he government in many ways. It had been barred from the April, 1980 election because it received funding from sources outside of Honduras, which is forbidden under Honduran law. In 1981, the PDCH was promised $15,000 in government funds but was believed to have received less than $10,000. Although the PINU got $350,000, each of the major parties received over $1 million. The FPH received no funds.

A shortage of funds created several roadblocks for the minor parties. The most obvious was an inability to advertize as much as the National and Liberal parties. (We heard no complaints about an imbalance in news coverage.) Possibly more significant was the inability of the minor parties to compete in some of the oldest party functions in Honduran politics—transporting voters to the polls, providing housing for those who have travelled far from home, and feeding voters one or more meals.

One aspect of the election procedures that worked to the disadvantage of minor parties was the need to cast a straight party ballot. Although the ballots were very clear and we saw no problems of short supply, voters could not vote for individual candidates for any office. They marked their ballots below the name and flag of their choice, which was provided in color on a ballot about 5"X7". As detailed above, the parties controlled who would actually serve in the House of Deputies and in local offices based on their vote totals. Clearly, this worked to the disadvantage of independent and minor party candidates who might seek office only in certain areas of the country.

Intimidation and harassment was also a factor. We heard no allegations of harassment of Liberals, Nationalists or PINU officials, but the Christian Democrats claimed that some of their supporters had been intimidated during the campaign and that several of them had disappeared in previous years. We were unable to verify these allegations.

However, there was no doubt that some harassment was used against the FPH. Several days before the registration deadline for candidates, Marco Virgilion Carias, a Socialist who intended to run for Deputy on the FPH ticket, was kidnapped and held for two weeks. It was never clear who was re-

[2] There are five daily newspapers in Honduras. The private papers have circulations of 30,000-45,000 each; the government's La Gaceta carries governmental decrees and speeches. Radio plays the most important media role in Honduras, largely due to the low literacy rate. There are about 140 radio stations in the country 600,000 radios in use and 2.5 million average weekly listeners, according to the U.S. Embassy. There are three television stations, all owned by the same company. This audience is estimated at 450,000 for about 150,000 sets.

[3] The system of proportional representation for the House of Deputies is somewhat complex. Seventy-eight Deputies were directly elected at large by department (district) on the basis of population. Each department has at least one deputy. In determining the apportionment of seats, the total number of votes cast in the department is first divided by the number of deputies to be elected there. The resulting figure is the "electoral quotient." The first seat is awarded to the party which receives the most votes and to the top ranking candidate on that party's list. The vote total of that party is then reduced by the electoral quotient. The next seat is awarded to the party with the plurality of the remaining votes. This may be the same party that received the most votes initially. The process is repeated until all seats are allocated.

When this process is completed, the entire national vote is divided by 78, producing a "national electoral quotient." This number is used to calculate the extra seats, using the "remainder" votes for each party. The number of extra seats equals each party's remainder divided by the national quotient. Thus, the total seats in the House of Deputies is about 85.

sponsible, but he had missed the filing deadline and could not run.

Eight days before the election, local Communist Party candidate Anibal Delgado Fiallos was detained at his party's headquarters by the Department of National Investigations (DNI), the most feared branch of the Honduran armed forces. The DNI allegedly ransacked the party office, taking lists of supporters and campaign funds. The military officers later explained that they had made a mistake.

We heard other reports of detainments which we did not have time to investigate. Such a pattern indicates that some choices were denied in this election in a variety of ways. Considering the relative lack of strength of the Left in Honduras and the fact that nearly the entire population favored elections, it is difficult to understand why such practices should be thought necessary.

THE MILITARY

As a delegation, we viewed the role of the armed forces in Honduras as a serious obstacle to the establishment of a secure, democratic political system. Clearly, the military is the most important in the nation's political make-up. It has its own chain of command, its own recruitment procedures, its own rules and regulations, and its own system of justice. It is not responsible to any civilian authority. Elections took place only at the permission of the military, and during the campaign there was speculation that each of the major parties had made independent deals with the armed forces to share power in the event of an election victory. As a price for allowing the election, military leaders received commitments that they would retain control over foreign and military policy.

There were persistent rumors that a coup would take place either before the election or shortly thereafter. On September 6, 1981, the Honduran Bishops Conference issued a pastoral letter warning of the threat of a military coup and raising fears that the election would not be carried out as promised. This uncertainty was finally quelled on November 25, four days before the election, when President Paz Garcia appeared on national television and radio to guarantee an orderly election. In what was seen as an effort to fulfill this pledge, troops were visible throughout the country on election eve and on election day, particularly at military installations, bridges, major roads and official election offices where votes were being counted. However, soldiers did abide by the law forbidding them from being closer than 100 meters from polling places.

It may well have been necessary, as the armed forces claimed, to show a strong military presence on election day in order to ensure the safety of voters. Although the election day activities of the armed forces did not seem to have a strong impact on the voters, they did introduce an element of tension that is best avoided. A decentralized local police under civilian control could preclude the need for the military to perform functions that are best left to a civilian entity. Such a strong military presence both before and during the election does seem to be incompatible with the full exercise of democracy.

ELECTORAL LAWS AND PROCEDURES

Some of the procedures and rules governing the election seemed unusually and needlessly complex. These regulations were not always fully understood by officials in charge of local districts and some of the more elaborate procedures were open to different interpretations and applications. Many of the resulting problems can be attributed to Honduras' lack of experience with elections and that the November plebiscite was conducted under an entirely new set of electoral laws.

Problems we observed included:

Early closing of registration (six months before election day);

About 40,000 exclusions due to legal technicalities;

The inability of a voter to change his place of registration from one town to another, necessitating a great deal of travel to get to the polls;

Alphabetical assignment of voters to voting tables within districts regardless of place of residence, also necessitating travel;

Long lines at some polling places and no lines at others;

Long delays in reporting results.

With the exceptions noted here, the delegation concluded that electoral laws and procedures were exercised fairly smoothly during the pre-election period and on election day. In a somewhat crude sense, this is illustrated by the fact that registration was about 90 percent of the voting age population and over 80 percent of the registered voters participated. However, the problems we noted do merit attention in the interests of ensuring maximum participation and confidence in the electoral process. Our recommendations include:

1. Keeping registration open longer, at least until one month before the election.

2. Decentralizing registration so that each area and town, no matter how small, has a convenient place to register voters.

3. Decentralizing the mesas to minimize travel difficulties for voters. One of the major problems in the election was getting the voters to the mesas. A greater effort should be made, instead, to bring the mesas to the voters.

4. Decentralizing reporting points and training more district officials to accept and certify results.

5. Modernizing the national communications system for registration and vote counting. This is a problem in Honduras that transcends elections. However, many people who were not among the 40,000 exclusions mentioned earlier appeared at polling places expecting to vote and found they were not listed as registered voters. This was often attributed to the computer system used to record registrations and the inexperience of the election officials using it. With a modern system a citizen could easily shift his registration from one city to another.

SUMMARY AND CONCLUSIONS

Within the limits described in this report, the November election represented a good faith effort to conduct a fair and open election in Honduras. There was impressive citizen support for the electoral process and for a transition to a democratic, civilian government. The vast majority of Hondurans, citizens of all economic classes and political persuasions, wanted this election and participated with enthusiasm.

The democratic procedures used were in large part experimental as a presidential election had not been held since 1971. Many of the problems we have described could have been eased with experience. Such difficulties, along with the limits within which the minor parties operated, hindered the atmosphere of the election.

The delegation detected no evidence of overt military interference or intimidation in the electoral process. However, persistent rumors of a coup before or after the election and the highly visible presence of the armed forces did influence the atmosphere. The role of the military in the lives of Hondurans was particularly evident in our meetings with the families of disappeared persons and Salvadoran refugees. Clearly, the military set the limits within which the election took place. These observations cast some doubt about how meaningful that transition from military to civilian rule will be. Democracy and civilian government will be possible only when the power of the military is, in fact, subordinate to law. Nevertheless, the election represented a step in a democratic process and an example of peaceful change—and unusual and commendable event in an area of the world torn by violence and civil war.

In a wider context, this election indicates that it is possible to devise procedures that will draw the participation of the vast majority of citizens in a poor, rural and largely illiterate country controlled by the military and burdened with thousands of refugees. With this election, Honduras has established itself in a model in several ways. Conditions for effective electoral choice were established during the preelection period and were respected, with only limited lapses, throughout the campaign. Freedom of expression was generally respected. While there was some harassment of the center and the Left, it was minimal in contrast to the gross abuses evident from press accounts and the documented reports of human rights organizations in El Salvador and Guatemala.

This election can also serve as a model in the protection of the citizen's right to vote in confidence and peace. The Honduran voter associated no danger with the act of voting, and the result was a voter turnout of greater than 80 percent. This is in stark contrast to the situation in Guatemala where fear and violence has resulted in widespread abstention in past elections and threatens the validity of the March 1982 election. Honduras can continue to serve as a model for the region with the elections scheduled in 1983 for congressional and municipal offices and in 1985 for the presidency.

Finally, we wish to conclude by expressing our common concern. Our experience as observers leads us to conclude that democracy is a fragile institution that requires a pervasive climate of trust. Such trust requires peace. Continued peace in Honduras will, in turn, require a commitment to developing an atmosphere conducive to open exploration of a wide range of political, social and economic options without fear of repression. This will require international cooperation and a reversal of the growing trend toward seeking military solutions to the problems of Central America.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHEUER (at the request of Mr. WRIGHT), for June 15 through June 17, on account of official business.

Mr. AUCOIN (at the request of Mr. WRIGHT), for today and June 16, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the

legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 40 minutes, today.
Mr. HAMMERSCHMIDT, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JEFFORDS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,428.

Mr. KEMP, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,618.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BETHUNE.
Mr. CLINGER.
Mr. VANDER JAGT.
Mr. SCHULZE.
Mr. MILLER of Ohio in three instances.
Mr. DENARDIS.
Mr. WORTLEY.
Mr. PARRIS.
Mr. EMERY in two instances.
Mr. LUJAN.
Mr. MOORHEAD.
Mr. LEBOUTILLIER.
Mr. DORNAN of California.
Mr. WOLF.
Mr. PAUL in two instances.
Mr. PETRI in two instances.
Mr. MCGRATH.
Mr. MCCLORY.
Mr. SNYDER.
Mr. ROUSSELOT.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. RANGEL.
Mr. MAZZOLI.
Mr. PEPPER.
Mr. GAYDOS.
Ms. FERRARO.
Mr. FASCELL in three instances.
Mr. FLORIO in three instances.
Mr. FUQUA in two instances.
Mr. HIGHTOWER.
Mrs. BYRON.
Mr. WOLPE.
Mr. AUCOIN.
Mr. ROE.
Mr. MOFFETT.
Mr. FRANK.
Mr. SWIFT.
Mr. OTTINGER in two instances.
Mr. MOAKLEY.
Mr. OBERSTAR in two instances.
Mr. BONKER.
Mr. SHANNON.
Mr. HEFTEL.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4. An act to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources;

H.R. 5432. An act authorize the presentation on behalf of the Congress of a specially struck gold medal to Adm. Hyman Rickover;

H.R. 5566. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 5659. An act to authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington; and

H.R. 6132. An act to amend section 5590 of the revised statutes to provide for adjusting the rate of interest paid on funds of the Smithsonian Institution deposited with the Treasury of the United States as a permanent loan.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 16, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4153. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to convert the Servmart function at the Naval Supply Center, Charleston, from performance by Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4154. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to convert the grounds maintenance and agricultural pest control function at the Naval Construction Battalion Center, Port Hueneme, Calif., from performance by Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4155. A letter from the Chairperson, U.S. Architectural and Transportation Barriers Compliance Board, transmitting the annual report of the Board for the fiscal year 1980, pursuant to section 502(g) of Public Law 93-113; to the Committee on Education and Labor.

4156. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report on drug abuse prevention, treatment, and rehabilitation, covering fiscal year 1981, pursuant to section 405(b) of the Drug Abuse Office and Treatment Act of 1972, as amended (92 Stat. 1268); to the Committee on Energy and Commerce.

4157. A letter from the Chairman, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting a report on compensating for research injuries; to the Committee on Energy and Commerce.

4158. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to the Government of Korea (Transmittal No. 82-64), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4159. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4160. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of proposed new records systems for the Defense Criminal Investigative Service, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4161. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of a judgment in the case re *The Navajo Tribe* v. *The United States*, No. 353, pursuant to title 28, United States Code; to the Committee on Interior and Insular Affairs.

4162. A letter from the Secretary of Transportation, transmitting a quarterly report for the first quarter of fiscal year 1982 on the obligations, commitments, and reservations made under authority of the Urban Mass Transportation Act, pursuant to section 4(h)(1) of Public Law 88-365, as amended; to the Committee on Public Works and Transportation.

4163. A letter from the Assistant Secretary of the Army (Civil Works), transmitting notice that specific authorization for the Cazenovia Creek Watershed project is no longer needed as a result of an increase in the cost limit on section 205 projects, pursuant to Public Law 97-140; to the Committee on Public Works and Transportation.

4164. A letter from the Clerk, U.S. House of Representatives, transmitting the annual compilation of personal financial disclosure statements filed with the Clerk of the House of Representatives, pursuant to the Ethics in Government Act of 1978 (H. Doc. No. 97-197); to the Committee on Standards of Official Conduct and ordered to be printed.

4165. A letter from the Comptroller General of the United States, transmitting a report on construction of a separate Consumer Price Index for retirees; jointly, to the Committees on Government Operations,

Armed Services, Education and Labor, Energy and Commerce, Post Office and Civil Service, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 501. Resolution providing for the consideration of H.R. 4326, a bill to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy (Rept. No. 97-606). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 502. Resolution waiving certain points of order against the conference report on H.R. 5922, a bill making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes (Rept. No 97-607). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 503. Resolution providing for the consideration of H.R. 6094, a bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes (Rept. No. 97-608). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 6589. A bill to amend title XVIII of the Social Security Act to exclude medicare reimbursement for costs of anti-union-organizing activities; jointly; to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROSE (for himself, Mr. WHITLEY, Mr. JONES of North Carolina, Mr. HATCHER, Mr. NAPIER, Mr. HEFNER, Mr. JOHNSTON, Mr. DAN DANIEL, and Mr. FOUNTAIN):

H.R. 6590. A bill to provide for the operation of the tobacco price support and production adjustment program in such a manner as to result in no net cost to taxpayers, to limit increases in the support price for tobacco, and for other purposes; to the Committee on Agriculture.

By Mr. CLINGER (for himself, Mr. EDGAR, Mr. BUTLER, Mr. OBERSTAR, Mr. FISH, Mrs. KENNELLY, Mr. FRENZEL, Mr. LUNDINE, Mr. BEREUTER, Mr. LEACH of Iowa, Mr. LIVINGSTON, and Mr. PRITCHARD):

H.R. 6591. A bill to amend the Budget and Accounting Act, 1921, to require the President's budget to separately identify and summarize the capital investment expenditures of the United States, to amend the Public Works and Economic Development Act of 1965 to require the Secretary of Commerce to conduct an inventory and assessment of the Nation's public facilities, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. DANIEL B. CRANE:

H.R. 6592. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 6593. A bill to amend title 38, United States Code, to restore veterans' burial benefits terminated by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Veterans' Affairs.

H.R. 6594. A bill to repeal the change made by the Omnibus Budget Reconciliation Act of 1981 in the eligibility requirements for receipt of unemployment benefits by ex-service members; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 6595. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. FAZIO (for himself and Mr. MATSUI):

H.R. 6596. A bill to modify the mandatory sentence structure for the use of a firearm in the commission of a Federal felony, to establish a mandatory sentence for the use of a cutting or stabbing weapon in the commission of a Federal felony, and for other purposes; to the Committee on the Judiciary.

By Ms. FERRARO:

H.R. 6597. A bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER:

H.R. 6598. A bill to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Rules.

By Mr. PANETTA:

H.R. 6599. A bill to provide assistance to individuals under the Disaster Relief Act of 1974 for the purchase of new homes in Santa Cruz County, Calif., in cases in which existing homes are required to be relocated or removed as a result of the major disaster declared on January 7, 1982; to the Committee on Public Works and Transportation.

By Mr. ROYBAL:

H.R. 6600. A bill to amend the Older Americans Act to 1965 to provide for expanded counseling assistance for older persons; to the Committee on Education and Labor.

By Mrs. SCHNEIDER (for herself, Mr. GILMAN, Mr. PRITCHARD, Mr. BROWN of California, Mr. DYMALLY, Mr. MATSUI, Mr. FAUNTROY, Mr. LEACH of Iowa, Mr. DENARDIS, Mrs. CHISHOLM, Mr. WON PAT, Mr. AUCOIN, Mr. BINGHAM, Mr. EDGAR, Mr. LOWRY of Washington, Mr. BONKER, Mr. BARNES, Mr. STUDDS, Mr. SEIBERLING, Mr. JEFFORDS, Mrs. FENWICK, Mr. MOFFETT, and Mr. BEDELL):

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress concerning continuing U.S. participation with respect to a comprehensive Law of the Sea Treaty; to the Committee on Foreign Affairs.

By Mr. SHANNON (for himself and Mr. DOUGHERTY):

H. Con. Res. 361. Concurrent resolution calling upon the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians; to the Committee on Foreign Affairs.

H. Con. Res. 362. Concurrent resolution calling upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

409. The Speaker presented a memorial of the Assembly of the State of New York, relative to support for children with handicapping conditions; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 6601. A bill for the relief of Menno Swart; to the Committee on the Judiciary.

By Mr. MCKINNEY:

H.R. 6602. A bill for the relief of Gertrude Cizanckas; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. ANTHONY.

H.R. 375: Mr. ERTEL.

H.R. 769: Mr. BLANCHARD, Mrs. BOUQUARD, Mr. BROWN of California, Mr. CLAY, Ms. COLLINS of Illinois, Mr. DELLUMS, Mr. DWYER, Mr. FAUNTROY, Mr. FISH, Mr. FORD of Michigan, Mr. FRANK, Mr. FROST, Mr. GILMAN, Mr. HATCHER, Mr. HOWARD, Mr. LEACH of Iowa, Mr. LENT, Mr. MARKEY, Mr. BIAGGI, Mr. MAVROULES, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. PRITCHARD, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. SIMON, Mr. STOKES, Mr. WAXMAN, Mr. WEISS, Mr. WORTLEY, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI.

H.R. 1918: Mr. BONIOR of Michigan and Mr. DYMALLY.

H.R. 1937: Mr. NELLIGAN.

H.R. 2052: Mr. WYLIE.

H.R. 2832: Mr. WALGREN.

H.R. 3039: Mrs. FENWICK.

H.R. 3116: Mr. PATTERSON.

H.R. 3596: Mr. DORNAN of California, Mrs. HOLT, Mr. PARRIS, Mr. Wolf, and Mr. PEYSER.

H.R. 3760: Mr. DE LUGO.

H.R. 3794: Mr. MITCHELL of New York.

H.R. 3921: Mr. MCKINNEY.

H.R. 4147: Mr. LAFALCE, Mr. WORTLEY, and Ms. OAKAR.

H.R. 4309: Mr. VENTO.

H.R. 4325: Mr. MOTTL.

H.R. 4554: Mr. SMITH of Alabama.

H.R. 4829: Mr. MARTIN of New York.

H.R. 4833: Mr. DICKS, Mr. MADIGAN, and Mr. PRICE.

H.R. 5133: Mr. YATES, Mr. BROOMFIELD, Mr. SCHEUER, and Mr. HOWARD.

H.R. 5163: Mr. YATRON.

H.R. 5238: Mr. BIAGGI, Mr. GOODLING, Mr. BRODHEAD, Mr. SHANNON, and Mr. RALPH M. HALL.

H.R. 5254: Mr. FISH and Mr. RALPH M. HALL.

H.R. 5437: Mr. GRAY, Mr. WASHINGTON, Mr. HANSEN of Idaho, and Mr. ROE.

H.R. 5555: Mr. WYDEN, Mr. GEJDENSON, Mr. FISH, Mr. FAUNTROY, Mr. EDGAR, Mr. D'AMOURS, Mr. FAZIO, Mr. EDWARDS of California, Mr. VENTO, Mr. JEFFORDS, Mr. SEIBERLING, Mr. ADDABBO, Mr. ROSENTHAL, Mr. LOWRY of Washington, Mr. STOKES, Mr. MAVROULES, Mr. MATSUI, Mr. DELLUMS, and Mr. YATES.

H.R. 5583: Mr. MARKEY.

H.R. 5584: Mr. CORCORAN, Mr. ROBERT W. DANIEL, JR., Mr. JOHNSTON, and Mr. PORTER.

H.R. 5752: Mr. SYNAR, Mr. OBERSTAR, Mr. KOGOVSEK, and Mr. PORTER.

H.R. 5760: Mr. MORRISON and Mr. MCKINNEY.

H.R. 5868: Mr. PICKLE, Mr. JENKINS, Mr. DAUB, Mr. LEATH of Texas, and Mr. SHUMWAY.

H.R. 5918: Mr. RAILSBACK.

H.R. 5924: Mr. SIMON and Mr. TAUKE.

H.R. 6003: Mr. TRAXLER.

H.R. 6061: Mr. DORNAN of California.

H.R. 6111: Mr. DOWNEY.

H.R. 6135: Mr. ROBERTS of South Dakota.

H.R. 6154: Mr. WASHINGTON, Mr. TAUKE, Mr. EMERY, Mr. FLORIO, and Mr. DAUB.

H.R. 6155: Mr. WASHINGTON, Mr. TAUKE, Mr. EMERY, Mr. FLORIO, and Mr. DAUB.

H.R. 6311: Mr. KOGOVSEK.

H.R. 6356: Mr. PEPPER, Mr. OBERSTAR, Mr. FORSYTHE, Mr. OTTINGER, Mr. WILSON, and Mr. SIMON.

H.R. 6457: Mr. MOLINARI.

H.R. 6497: Mr. DE LUGO.

H.R. 6538: Mr. FUQUA, Mr. SIMON, Mr. IRELAND, Mr. BARNARD, and Mr. CORCORAN.

H.J. Res. 172: Mr. HEFTEL and Mr. JACOBS.

H.J. Res. 465: Mr. SYNAR and Mr. PORTER.

H.J. Res. 485: Mr. FLORIO, Mr. FISH, Ms. FERRARO, Mr. COELHO, Mr. SHAMANSKY, Mrs. BOUQUARD, Mr. MOTTL, Mr. SIMON, Mr. BEDELL, Mr. PEYSER, Mr. RUDD, Mr. BAILEY of Pennsylvania, Mr. HAGEDORN, Mr. HOYER, and Mr. SCHEUER.

H.J. Res. 486: Mr. LEBOUTILLIER and Mr. HAGEDORN.

H.J. Res. 500: Mr. COATS.

H. Con. Res. 216: Mr. FAZIO and Mrs. SNOWE.

H. Con. Res. 341: Mr. RUDD, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. LELAND, Mr. DUNCAN, Mr. MURPHY, Mr. HATCHER, Mrs. BOGGS, Mr. CARMAN, Mr. HUGHES, Mr. MARKEY, and Mr. ROEMER.

H. Con. Res. 354: Ms. MIKULSKI, Mr. ROE, Mr. AUCOIN, Mr. CORRADA, Mr. ALBOSTA, Mr. WEAVER, Mr. BINGHAM, Mr. ROSENTHAL, Mr. YATES, Mr. EDWARDS of California, Mr. SOLARZ, Mr. SMITH of Pennsylvania, Mr. STARK, Mr. MITCHELL of Maryland, Mr. WALGREN, Mr. FOGLIETTA, Mr. PEYSER, Mr. SCHEUER, Mr. EDGAR, Mr. FASCELL, and Mr. GUARINI.

H. Res. 367: Mr. STATON of West Virginia, Mr. FRENZEL, Mr. SIMON, Mr. ROBERTS of South Dakota, Mr. WILLIAMS of Ohio, and Mr. SPENCE.

H. Res. 421: Mr. BARNARD, Mrs. BYRON, Mr. DONNELLY, Mr. GARCIA, Mr. HOYER, Mr. LEACH of Iowa, Mr. LEVITAS, Mr. KASTENMEIER, and Mr. WIRTH.

H. Res. 456: Mr. DWYER, Mr. SIMON, Mrs. FENWICK, Mr. EVANS of Delaware, Mr. ANDERSON, Mrs. BOGGS, Mr. NEAL, and Mr. MCKINNEY.

H. Res. 473: Mr. SOLARZ, Mr. LEHMAN, Mr. OBERSTAR, Mr. MARKEY, Mr. BINGHAM, Mr. ERDAHL, Mr. SCHEUER, Mr. NAPIER, Mr. CORRADA, Mr. HOYER, Mr. KILDEE, Mrs. CHISHOLM, Mr. WEAVER, Mr. HUBBARD, Mr. TRAXLER, Mr. LEBOUTILLIER, Mrs. COLLINS of Illinois, Mr. LELAND, Mr. SIMON, Mr. DECKARD, and Mr. BROWN of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

481. By the SPEAKER: Petition of the Kenton-Boone Board of Realtors, Inc., Erlanger, Ky., relative to the Federal Deficit; to the Committee on Government Operations.

482. Also, petition of the city council of Hammond, Ind., relative to steel import limitations; to the Committee on Ways and Means.

483. Also, petition of the city of Calumet, Ill., relative to a bilateral nuclear weapons freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

484. Also, petition of the city council of University City, Mo., relative to a bilateral nuclear weapons freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

485. Also, petition of the city council, New York, N.Y., relative to a nuclear weapons reduction and freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

486. Also, petition of the city council, New York, N.Y., relative to a nuclear weapons moratorium; jointly, to the Committees on Armed Services and Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R.5922

By Mr. FAZIO:

(An amendment to Senate amendment 62.)

—At the appropriate place insert:

SEC. 217A. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

SEC. 217B. (a)(1) Except as provided by paragraph (2), no Member may, in any calendar year beginning after December 31, 1981, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(2) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1981, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) For purposes of subsection (a), honoraria shall be attributable to the calendar year in which payment is received.

(c) For the purposes of this section—

(1) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(2) "honorarium" means a payment of money or any thing of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed;

(3) "travel expenses" means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the greater Washington, District of Columbia, metropolitan area; and

(4) "outside earned income" means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personal services actually rendered but does not include—

(A) the salary of such Member as a Member;

(B) any compensation derived by such Member for personal services actually rendered prior to the effective date of this section or becoming such a Member, whichever occurs later;

(C) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and

(D) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law.

H.R. 6030

By Mr. EMERY:

—Page 26, after line 22, add the following new section:

SELECTED ACQUISITION REPORTS TO THE CONGRESS

SEC. 902. Section 811 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note), is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by inserting "and ending with the first calendar quarter which ends not less than 30 days after the date of the enactment of the Department of Defense Authorization Act, 1983," in paragraph (1) after "December 31, 1979,"; and

(C) by adding paragraph (1) the following new paragraphs:

"(2) Beginning with the first calendar quarter which begins not more than 30 days after the date of the enactment of the Department of Defense Authorization Act, 1983, the Secretary of Defense shall submit to the Congress each calendar quarter a written selected acquisition report for all defense systems which are estimated, in the estimate used in planning each such defense system, to require a total cumulative financing for research, development, test, and evaluation of the defense system in excess of $200,000,000 or a cumulative production investment for the defense system in excess of $1,000,000,000. The report for the calendar quarter ending on December 31 of any fiscal year shall be submitted not later than 20 days after the President transmits the Budget to the Congress for the following fiscal year, and the reports for the other three calendar quarters of any fiscal year shall be submitted not later than 30 days after the end of the calendar quarter. If a preliminary report is submitted for any calendar quarter, then the final report for such calendar quarter shall be submitted to the Congress not later than 15 days after the submission of such preliminary report.

"(3) The requirement contained in paragraph (2) to report on a particular defense system may be waived by a majority vote of the members present and voting, a quorum of the committee being present, of both the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives."; and

(2) by striking out "major" in subsection (c) both places it appears in paragraph (1) and paragraph (2).

H.R. 6094

By Mr. FRENZEL:

—On page 3, line 18, strike the figure "$568,801,000" and insert in lieu thereof the figure "$530,524,000".

—On page 4, strike lines 8 through 12 and insert in lieu thereof:

"(c)(1) No part of any sum that is appropriated under the authority of subsection (b) may be used—

"(A) for administrative expenses to pay any employee of the United States Customs Service overtime pay to an amount exceeding $25,000; or

"(B) to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1981.

SENATE—*Tuesday, June 15, 1982*

(Legislative day of Tuesday, June 8, 1982)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. The opening prayer this morning will be delivered by the Reverend Father W. T. Fitzgerald, Christ Church, Frederica St. Simons Island, Ga. Father Fitzgerald is the pastor of Senator MATTINGLY.

PRAYER

Rev. Father Fitzgerald offered the following prayer:

In the name of the Father and of the Son and of the Holy Ghost, amen.

Blessed art Thou, O Lord God, King of the universe. Grant us in our deliberations this day Your guidance, that in all our works begun, continued, and ended in Thee, we may glorify Thy name through Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. STEVENS. Mr. President, before making my comments, I yield to the distinguished Senator from Georgia.

REVEREND FITZGERALD'S MESSAGE

Mr. MATTINGLY. Mr. President, I thank the Reverend Fitzgerald for delivering the morning prayer today.

His message, which has meant much to me in my church, will mean a great deal to the Senate and to the people who listen.

On this day, on which peace has come to the Falkland Islands and on which we attempt to encounter difficult legislation, he has given the message of Him with Whom we begin the day and with Whom we end the day.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order and the special orders for Senator SCHMITT, Senator KASTEN, Senator PRYOR, and Senator CHILES, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with speeches therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON CLOTURE MOTION AT 3 P.M. TODAY

Mr. STEVENS. Mr. President, it is my understanding that at 3 p.m. today, there will be a vote on the motion to proceed to consider S. 1992. The quorum call under rule XXII has been waived.

I make that announcement for the information of all Senators' offices. I hope the Members of the Senate will take notice.

The PRESIDING OFFICER. It is the understanding of the Chair that the vote will be on the cloture motion.

Mr. STEVENS. It will be on the cloture motion, on the motion to proceed.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR KASTEN

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order for the recognition of Senator KASTEN this morning be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONS TO SENATE FAMILIES

Mr. STEVENS. Mr. President, we all noted yesterday a unique smile on the majority leader's face, and we discovered the reason for that smile. While he was in China on official business, Senator BAKER became a grandfather. This is Senator BAKER's first grandchild, a grandson—Daniel Dirksen Baker.

I am certain that Senator BAKER now realizes what my good friend, Senator ROBERT C. BYRD, meant when he said to me that becoming a grandfather brings an awareness of the true meaning of the word "immortality." It is an interesting experience.

I think mention should be made, at the same time, that the Senator from Utah, JAKE GARN, and his wife, Kathleen, have a new baby daughter, Jennifer Kathleen Garn, who was born Sunday morning.

I congratulate both of them, because I have something in common with each. Having just had a grandson and a daughter, I think I have some awareness of the feelings each of them has at this time.

VOTING RIGHTS ACT EXTENSION

Mr. STEVENS. Mr. President, sometime today, I will offer amendments to the Voting Rights Extension Act. I have tried to explain these amendments to the Members of the Senate and to those who are consulting with the Senate about the passage of the Voting Rights Extension Act.

The first amendment deals with the question of the bill's exclusion of any mention of the power of the Attorney General to enter into a consent decree, and I feel that the past act having specifically mentioned the powers of the Attorney General, we must have an amendment to this act to make certain that the courts do not interpret the repeal of the provision that deals with the authority of the Attorney General to be an indication that Congress no longer wishes the Attorney General to have any role in a consent procedure under the Voting Rights Act.

The second amendment deals with the interpretation of section 4(a)(1)(F)(i), and I call attention of the Senate to the report of the Judiciary Committee accompanying S. 1992. It has this to say about this new subsection:

> A jurisdiction must demonstrate to the Court that it has eliminated voting procedures or methods of election which inhibit or dilute equal process. In determining whether procedural methods "inhibit or dilute equal access," the standard to be applied is the "results" standard of the committee amendments to Section 2.

I wish to repeat the last sentence of the new subsection. It reads as follows:

> In determining whether procedural methods "inhibit or dilute equal access," the standard to be applied is the "results" standard of the committee amendments to section 2.

Mr. President, I have emphasized the last sentence for the RECORD because what the committee said was the courts should look to the new language, the Dole amendment, section 2, for the standard of interpreting this new subsection in section 4. Yet if we examine the language, the two provisions cannot be interpreted the same.

What my amendment would do is take the language of the Dole amendment from section 2 and put it directly into the new subsection in section 4.

That would have the result of insuring that the court would do what the committee says it wants to do, use the same standard looking backward to bailout as it does in looking forward to inclusion of any political subdivision or State under the act in the future under the results test.

The consequence of not having that language will be that we must rely solely upon those two sentences that I have read for an interpretation of this new subsection to be the same as the standard set in section 2.

The new language in section 2 was worked out by Senator DOLE. It was agreed to by everyone as being a fair standard. It is a fair standard. There is no reason the standard should not be explicitly stated in the new subsection in section 4 in terms of the bailout procedure. If it is, there can be no misunderstanding by any court or by any person as to what it means.

We are setting a new standard for future coverage under the Voting Rights Act. It makes no sense at all to say that in terms of looking backward that conduct that led to inclusion under the Voting Rights Act in the past should be viewed under this new standard, but then write the language so it cannot be viewed under this new standard.

I have sort of argued myself until I am blue in the face as a Senator from a State that each time Congress has amended the Voting Rights Act, my State has gone back under the act. We have had to go to court each time to get out and the last time the act was amended, we were not able to do so. We think the act should be written this time so it does not inadvertently cover counties and States from the West and Northwest which were not involved in procedures that should lead to inclusion under the Voting Rights Act.

In each instance that we gained an exemption from the act, we have had to carry the burden of proving that we did not discriminate as the State of Alaska, and we have done that. The difficulty is when we get into technicalities in terms of interpreting the standards and this last time we were included we were not removed because of a provision in the State constitution that was repealed by the State's voters in 1972. I believe we will eventually be removed from the act's preclearance provision. We have minority languages that are not printed; they are not written; and yet the act may require us to print the ballots in those minority languages for those minority people, unless the amendment I will offer later today is accepted.

I do believe we will have success in an amendment to eliminate that technicality in consideration of this bill this time, but I appeal to the Senate to think about this bill and not be snowballed into passing a bill that is going to lead to further litigation and further inconvenience to those people who we never intended to include under the act in the first place.

That is what is going to happen in the next few days if those who manage this bill take a no-amendment posture that no amendment makes any sense because they reported out a bill and they are not going to consider any amendments at all.

I am beginning to get that feeling and it is going to become even harder once we have a cloture motion and the vote is so overwhelming to get consideration for amendments. As the acting majority leader, I realized that was coming and I was trying to get some understanding of the problems that were in this bill as they affect some of our States before we have this overwhelming vote that is going to lead everyone to the conclusion that the bill is just perfect as it stands and no one need to consider any amendments.

I am not one to use the postcloture procedure for any dilatory action and I do not intend to do it. I am going to file amendments and I hope the Senate will take a good look at them because they will be meaningful in all States and political subdivisions if we set the standard correctly for section 2 and for section 4. It should be the same standard, Mr. President. We should not have one standard for bailout and another standard for future inclusion under the act, because to do so would mean that we will not include some in the future who would have been included in the past, and vice versa. The standard should be the same. We have tried to do that in the past and we should do no less this time.

BIRTHDAY GREETINGS TO FORMER SENATOR GEORGE MURPHY

Mr. BAKER. Mr. President, today I would like to call to the attention of this body the upcoming 80th birthday anniversary of a friend and former colleague, Senator George Murphy.

George Murphy was born, appropriately, on July 4. The date proved truly significant when one thinks of George Murphy today, the word that immediately comes to mind is "patriot."

George Murphy ended his service in this body in January of 1971. He left his imprint in many ways, and he managed to leave with us a reminder of his service which is still real and vivid today.

Let me quote his own words on the eve of his departure:

> Misfortune is sometimes attended by good fortune. A few years ago, I had the misfortune to suffer an operation which imparied my voice, but through the kindness and courtesy of my colleagues here, I was permitted to bring this mechanical device (a portable microphone) into the Chamber, which I think made it possible for everyone to hear me, even in the galleries. So, as the years roll on . . . this entire Chamber will be amplified so that everyone can hear what everyone else is saying. I think that will be a great boon. So, if I have done nothing else while I have been in the Senate, I can leave that as an accomplishment.

As George Murphy predicted, we do now have an amplifying system. Unfortunately, we do not now have George Murphy—and I say this as an expression of our regard for George Murphy, certainly not as a comparison, in any sense, with others who serve or have served with the distinguished delegation from California.

I could speak at length about my memories of George Murphy, most of which are still remarkably fresh. In fact, as I have said in the past, George Murphy played a part in my decision to seek my party's nomination to the U.S. Senate and ultimately, I hoped, to become the nominee of my party in Tennessee for the Senate seat I now hold. But memories, especially pleasant ones, tend to improve with time. The fond recollections of today are not always the reality of more than a decade ago. Therefore, I thought it would be interesting to review the comments of George Murphy's colleagues—those who worked with him.

In page after page after page of the CONGRESSIONAL RECORD at the time of his departure, the words of colleagues from all sections of this Nation and from both sides of the aisle described for posterity a Senator with one of the most varied backgrounds ever witnessed by this body. Senator Cotton summed it up as follows:

> The facts of the matter are that he has been outstanding in all of the varied fields in which he has been engaged—in the field of entertainment . . . ; in the labor movement, as head of the Screen Actors Guild; in the area of politics, as chairman of our party in the State of California; in the field of management, as the vice president of a major corporation, and finally, of course, as a U.S. Senator from the most populous State in the Nation.

One could expand on Senator Cotton's summary almost endlessly—in the field of entertainment, more than three dozen movies and an honorary Oscar from the Academy of Motion Picture Arts and Sciences for "services in correctly interpreting the film industry to the country at large"; in the area of politics, his active participation in Republican National Conventions in the 1940's, 1950's and 1960's, his service as chairman of the Republican Senatorial Campaign Committee, and more.

George Murphy was interested, intensely active, and remarkably effective in many areas, largely because, in the words of one of his colleagues, Senator Ervin, from the other side of the aisle:

> He had an uncanny capacity to distinguish between the things which are real and the things which appear to be plausible. As

a Senator, he was always trying to do something about the things which are real and to assign to their proper insignificant position the things which are merely plausible. . . .

The thing that has appealed to me about George Murphy most, outside of his genial companionship, is the fact that he can rightly be characterized as a stouthearted man. By that I mean that George Murphy has had the fortitude to take stands which he believed to be right regardless of the probable effect upon his political fortunes.

Those are not the casual sentiments of a person who might have felt obliged to release a perfunctory statement about a departing fellow Senator. They are the obviously deepfelt views of a man who, at the time, was a respected, veteran Member of this body—and, not so incidentally, the views of an east coast Democrat about a west coast Republican. Moreover, they reflect a common thread which runs through all of the statements made when George Murphy left this body.

I know of no better way to end this tribute to George Murphy as his 80th birthday approaches than to continue, to quote from those who were his colleagues, and mine, when he left.

First, Senator Griffin:

I will always think of him, in the words of William Wordsworth, as a man of "cheerful yesterdays and confident tomorrows."

And finally Senator Pastore:

In these farewell remarks, I would like to borrow Senator Murphy's own words in speaking in this Senate of another star of the entertainment world, Irving Berlin. Senator Murphy said:

"His was a patriotism to be proclaimed unashamedly, accompanied by blares of trumpets and ruffles of drums, to all lands.

"His was a patriotism neither too sophisticated to shed tears nor too faint-hearted to shed blood.

"It is the kind of patriotism which the purveyors of alien philosophies among us try by ridicule and innuendo to kill.

"Such patriotism seems to find less acceptance in these strange days of ultrasophistication, noninvolvement and dissent.

"But thanks to men like Irving Berlin, it is not dead—and I can prove it. Just listen, once again . . . to 'God Bless America.'

"You will see what I mean."

We see what you mean, Senator Murphy, and we know that you mean it from your heart of hearts.

So said Senator Pastore. And so say I. The description of patriotism which George Murphy applied so eloquently to another fits George Murphy himself like a perfectly tailored suit.

From all of us, George Murphy, happy 80th birthday.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. PRYOR) is recognized for not to exceed 15 minutes.

TURNING BACK THE CLOCK ON NURSING HOMES

Mr. PRYOR. Mr. President, today I rise to express my grave opposition to recent administration proposals which, if implemented, could have a very serious and very adverse effect on more than 1.3 million Americans currently residing in nursing homes throughout the United States. I refer to the recently published proposed changes relating to the survey and certification procedures for nursing homes and other health care facilities and suppliers participating in the medicare and medicaid programs.

It was only a few short months ago that Secretary of Health and Human Services Richard S. Schweiker announced intentions to abandon planned deregulation of the health and safety rules for the more than 8,000 nursing homes participating in medicare and medicaid. This decision was due, in large part, to expressions of widespread concern that came from people in all walks of life throughout America. They expressed a fear that the expected proposals would jeopardize the protections currently given to one of our most vulnerable populations—our Nation's nursing home residents. We were all relieved when the Secretary announced that he would not "turn back the clock" by removing these essential protections.

Then, on May 24, Secretary Schweiker proposed a series of changes for the procedures for enforcing health and safety standards that would weaken the Federal and State roles in defending the rights of these patients.

Mr. President, until the early 1960's, most of the nursing homes throughout the United States were little better than the public almshouses from which they had descended. Personal care and attention, let alone medical services, were hardly known at all. State licensing, which began only in the 1950's, was uneven at best.

Through the efforts of a small group of concerned and very, very committed people, and through many years of struggle against almost insurmountable odds, we have been marginally successful in establishing some minimum standards for long-term care facilities. We now face the possibility that the Federal Government will turn its back on its responsibility for protection of these citizens confined to nursing homes throughout the country.

Among current requirements the administration has proposed for change are the following: Elimination of periodic staffing reports for all facilities except those with a history of poor compliance; elimination of the annual survey requirement for those facilities in compliance with health and safety standards—these facilities would be required to go through the survey process only once every 2 years; third, permitting the privately run Joint Commission on Accreditation of Hospitals to conduct facility surveys—rather than maintaining the requirement for State agency conducted inspections; and finally, elimination of the mandatory resurvey for facilities which were found to be out of compliance as a result of an initial survey.

Mr. President, because of my concern about these and other proposed changes, I am today submitting a resolution expressing the sense of the Senate that these proposed regulations not be issued. Congresswoman MARY ROSE OAKAR has introduced an identical resolution in the House of Representatives. I urge my colleagues to join me in sponsoring this resolution.

I also ask unanimous consent that the text of this resolution be printed in the RECORD.

I send to the desk this sense-of-the-Senate resolution, Mr. President.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 411

Whereas there is a need to ensure quality nursing home care in the United States;

Whereas current rules of the Secretary of Health and Human Services ensure quality nursing home care in nursing homes participating in medicare and medicaid by requiring such nursing homes to be surveyed to monitor compliance with certain health and safety standards;

Whereas on May 24, 1982, the Secretary of Health and Human Services issued proposed rules (47 Fed. Reg. 23407-23414) which, if adopted as final rules, would cause a decline in the quality of nursing home care in such nursing homes by easing survey and certification requirements for such nursing homes and, thereby, increasing the incidence of noncompliance with such health and safety standards;

Whereas such proposed rules, if adopted as final rules, would permit such nursing homes to go unsurveyed for periods of up to two years and would result in rapid deterioration of the quality of care in even the most compliant of such nursing homes;

Whereas such proposed rules, if adopted as final rules, would eliminate the requirement that nursing homes violating such health and safety standards be resurveyed after ninety days and would increase the risk that such violations would go uncorrected;

Whereas such proposed rules, if adopted as final rules, would further weaken survey and certification requirements by allowing accreditation by the Joint Commission on Accreditation of Hospitals, a private accreditation body having no public accountability and no clear enforcement authority, to serve as sufficient evidence of compliance with such health and safety standards;

Whereas the issuance of such proposed rules indicates an insensitivity to the needs and rights of residents of nursing homes; and

Whereas the Senate disapproves the substance of such proposed rules: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Health and Human Services should not—

(1) adopt as final rules, proposed rules issued on May 24, 1982 (47 Fed. Reg. 23407-23414), relating to survey and certification requirements for nursing homes and other health care facilities and suppliers participating in medicare and medicaid, or

(2) issue proposed rules or adopt final rules identical in substance to such proposed rules.

RECOGNITION OF SENATOR SCHMITT

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico (Mr. SCHMITT) is recognized for not to exceed 15 minutes.

SENATOR DENNIS CHAVEZ

Mr. SCHMITT. Mr. President, the year 1982 marks the 20th anniversary of the death of Senator Dennis Chavez, a former Member of this body, a friend of some who still serve here. Senator Chavez represented the State of New Mexico with distinction for 39 years, first as a member of the State legislature, later as a Congressman, and finally as a U.S. Senator. I personally serve in the seat once occupied by this distinguished citizen of New Mexico. Recently his two daughters, Ymelda Dixon and Gloria Tristani, designated the University of New Mexico General Library as the official depository for the Senator's papers.

It is also my pleasure to have so designated the University of New Mexico Library for the same purpose. It was my pleasure to have participated in the special ceremony held June 4, 1982, during which University President William E. Davis accepted the Chavez collection.

At that ceremony Mrs. Ymelda Dixon, a friend to many, if not most, in this body, spoke on behalf of the Chavez family. Other family members attending were Mrs. Tristiani and her husband, Jorge of Puerto Rico, and three of the Senator's grandchildren, Jorge E. Tristiani, Jr., of Albuquerque, Maria Gloria Cox, also of Albuquerque, and Dennis Tristiani of Washington, D.C.

Ymelda Dixon's remarks are an important statement on the nature of this body as well as on the distinguished career of her father, and I ask unanimous consent that her remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF YMELDA DIXON

President Davis, Dean Vassallo and friends of my father, the late Senator Dennis Chavez. I speak today on behalf of my sister Gloria Tristani and all our family when I express our enormous gratitude to those who made it possible for us to present Dennis Chavez's papers to the University of New Mexico General Library.

There is no question that this is where the Chavez papers belong. During a distinguished career of public service spanning thirty-nine years, his influence reached global proportions and the legislation he guided affected Americans in every state, but his greatest pride always was in being a New Mexican. He was the first Spanish-American to serve in the United States Senate and he was proud of that honor. He talked with kings and presidents and oversaw budgets of millions of dollars. But he never changed—he never forgot his roots or the people he represented.

This is not the place to detail his accomplishments, however I would like to touch on some of the areas covered in the collection which must interest scholars for generations to come. The record begins in 1923 when he was elected to the New Mexico state legislature. He was the first member of that body to introduce a bill to provide free text books to the state's schools. The collection ends with his death in 1962, when he was fourth in seniority in the Senate and ranking member of the Senate Armed Services Committee.

He brought to public service the iron of his self-made life and a compassion for the less fortunate, born of his early struggle out of poverty. His views were enriched by a profound self-education through reading and formal education in the law.

Dennis Chavez entered the U.S. Congress during the depression and his papers include many letters to and from him during that period that will interest researchers—letters from ranchers, farmers and miners that are poignant glimpses of suffering and fear. Many are sadly like accounts of America's poor and unemployed today.

The papers chronicle his strong support of the New Deal, his firm advocacy of civil rights, and his positive voice for national defense and a national public health system.

During his years in Washington he influenced legislation on issues ranging from Indian land problems and western water claims to broader concerns such as freedom of human rights. More specifically, he guided legislation on the interstate highway systems and prescribing water pollution. He was the promulgator and supporter of a Fair Trade Employment Commission to combat job discrimination. (In fact, I remember he was late to Gloria's wedding because he remained on the Hill to lead the fight on the vote for the Fair Employment Practice Act.)

We see his influence in New Mexico today in the bases at Sandia, Roswell and Clovis, and in the Navajo Dam, Cochiti Dam and the transmountain water diversion system.

The first Chavezes came to this country about 1598 as foot soldiers and except for the period of the Indian Pueblo Revolt from 1680 to 1692, they've been here ever since, active participants in the political and economic life of the state. The one Chavez who returned after the Revolt was a direct ancestor of the Senator's, and he furnished his own troops and equipment to help de Vargas in the Reconquest.

Our family is proud of its deep roots, of course, but I mention this background for a more important reason. Because Dennis Chavez had a Spanish heritage, he became an important link in helping our government deal with Latin countries. I miss his insights especially during troubled times like these. His direct communication in Spanish with General Franco of Spain was instrumental in enabling this country to obtain military bases in Spain.

His papers show a man who could be remembered for many achievements, but Dennis Chavez himself chose a concern for civil rights as his fittest memorial. During the McCarthy era he was one of the first to stand on the Senate floor and denounce McCarthy's tactics.

"I should like to be remembered," he said, "as the man who raised a voice—and I devoutly hope not a voice in the wilderness—at a time in the history of this body when we seem bent upon placing limitations on the freedom of the individual. I would consider all the legislation which I have supported meaningless if I were to sit idly by, silent, during a period which may go down in history as an era when we permitted the curtailment of our liberties, a period when we quietly shackled the growth of men's minds."

It is the hope of the Senator's family that the Chavez collection will be catalogued for use by scholars and will become the nucleus for a collection of New Mexican and Southwestern history.

Our warmest thanks to Paul Vassallo, Dean of Library Services, whose dreams include the establishment of a Center for Southwest Research within the University.

And our thanks to President and Mrs. Davis for their warm welcome today.

We are grateful also to our good friend and lawyer Lorenzo A. Chavez (no relation though we would claim him happily) for his part in today's ceremony. And a special word of appreciation to the Senator's grandson, Jorge E. Tristani, Jr. who initiated and spurred the lengthy process that brought the collection to the University. Jorge was born in Puerto Rico but has chosen to practice architecture in the land of his maternal grandparents.

I would be remiss if I closed without mentioning the Senator's lifelong love and gentle guiding spirit; the lady he referred to always with old-fashioned courtesy. Even in his letters to us she was "your mother, Mrs. Chavez."

Imelda Espinosa Chavez had forebearers who came to New Mexico even earlier than the Chavezes and she was equally proud of her heritage. Her contribution to the Senator's career may not be noted in documents, but it was immeasurable. And important to both the Senator and Mrs. Chavez was the devotion of their only son, the late Dennis Chavez, Jr.

I would like to close with a quote. It comes from the inscription at the base of the statue of the Senator which was placed in the rotunda of the United States Capitol in 1966. He is the only New Mexican thus honored.

Dennis Chavez's cultural heritage is exemplified by the statue's inscription which is in three tongues—English, Spanish and Navajo. It reads:

"We have lost our voice; our voice is gone forever."

Today's ceremony ensures that Dennis Chavez's voice will indeed never be lost.

Thank you.

ORDER OF PROCEDURE

Mr. SCHMITT. Mr. President, I have no further need for the time of my special order, and I would be happy to have it remain available for anyone who might use it pending the start of morning business.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from New Mexico for offering to yield his time which was not utilized.

It is my understanding, I will say to the Presiding Officer, that we are waiting on two Senators, Senator CHILES from Florida and Senator NUNN from Georgia, who do have special orders, and not seeing them present on the floor at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant secretary proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I understand that all of the Democratic leader's time has not been used, and I am free to use some part of it. I will use a small part of it now.

NO ARMS CONTROL DEMONSTRATIONS IN THE SOVIET UNION

Mr. PROXMIRE. Mr. President, reaching an enforceable and effective nuclear arms control agreement with the U.S.S.R. has become the most important mission of this Government. But for this free, open, democratic country, it will also be painfully difficult. How difficult was dramatized last Saturday and Sunday. On Saturday in New York City, several hundred thousand Americans marched and demonstrated in a powerful public appeal to our Government to negotiate an end to the nuclear arms race with the Soviet Union. On Sunday in Moscow, the Soviet police moved in to crack down on an independent disarmament meeting by Russians.

The almost incredible hypocrisy of this action by the Soviet Communist Government was highlighted by the fact that on Saturday Pravda and the rest of the Soviet press—all absolutely controlled by the Soviet Government—had carried glowing accounts of the people's protest against what they called "the U.S. Government's policy of war preparations."

How ridiculous, how transparently hypocritical, when the American people march by the hundreds of thousands to protest our nuclear buildup, the Russian Communist dictators hail it as a resolute disagreement with U.S. war preparations. But when a pitiful remnant, a handful of Russians try to gather in a small apartment in Russia to call for world arms control and disarmament, the police move in, and it is "Siberia here we come."

For several weeks now I have been speaking on the floor of the Senate every morning on the nuclear buildup and the terrible threat it represents to life on Earth. I expect to continue to do so. But one dimension of our dilemma that we must not neglect is the Russian buildup, and the Russian closed society and the Russian crackdown on even the beginnings of dissent by their people with their military policies.

This situation is likely to make the negotiations with Soviet Union especially difficult. Certainly it reinforces the absolute necessity in any such agreement that we insist on adequate and reliable inspection on both sides and full verification that both superpowers do in fact abide constantly by the terms of any agreement.

Mr. President, in subsequent weeks I expect to devote considerable time to the nuclear buildup on the side of the Soviet Union as well as on our side.

I ask unanimous consent that an article from yesterday's New York Times, headlined: "Soviet Police Bar Disarmament Meeting" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET POLICE BAR DISARMAMENT MEETING

(By Serge Schmemann)

Moscow, June 13—The Soviet police moved in today to seal off the apartment where a fledgling independent disarmament group was planning to meet. The action came after the police had warned the group's members that their movement was provocative, antisocial and illegal.

The crackdown on the group, whose objective was to be as free of official control as disarmament movements in the United States and Western Europe, was accompanied by glowing accounts in the Soviet press of the huge protest Saturday in New York against nuclear war.

Tass reported that more than a million Americans marched in the demonstration and described this as an expression of "resolute disagreement with the U.S. Government's policy of war preparations."

In Moscow, plainclothes officers turned away people trying to enter the apartment of Sergei Batovrin, a 25-year-old artist, where he and 10 other members of the unofficial movement had planned to gather.

An officer explained that the entryway was closed because of "police activity." It was not clear what had happened to Mr. Batovrin.

The group's members, in addition to Mr. Batovrin, include a doctor, a philologist, a dental technician, two mathematicians, two engineers and three physicists.

MEMBERS PICKED UP BY THE POLICE

During the last two days, members of the group reported that they had been taken to police stations and warned against persevering. Mr. Batovrin told reporters he had been threatened with prosecution for violating laws against unregistered groups. He also said that he had been lectured against equating the Soviet Union and the United States as military powers "even while the American government supports Israeli aggression in Lebanon."

"The Soviet Government and people are fighting for peace," Mr. Batovrin said he had been told in regard to his movement. "And this kind of activity can only be provocative and antisocial."

Other members reported much the same treatment.

In two cases Saturday, while Western reporters were visiting the apartments of Mr. Batovrin and Sergei Rozenoer, a 29-year-old mathematician, policemen entered and tried to belittle the activities of the group.

At Mr. Rozenoer's home, a uniformed militia officer told two reporters that "these people are not solid, serious people—they're disseminating distorted information." The official added that "half the group wants to leave the Soviet Union to go to Israel."

ACTIVISTS NOT AMONG DISSIDENTS

Four members of the group have applied to emigrate to Israel but none of the members have taken part in any known dissident activity in the past.

At a June 4 news conference for Western correspondents, when the group announced its formation, members said their goal was to harness the "enormous creative potency" of the broad public in the search for disarmament and peace. Members said they would press for direct contacts between the American and Soviet peoples and open discussion on both sides of disarment proposals and other questions touching on peace and war.

Although the members took the position at the news conference that their group hoped to cooperate with the Soviet Government and that their objectives were in keeping with the Kremlin's professed support for peace activism, they seemed well aware that they were challenging the Kremlin's carefully guarded monopoly of all such activities.

On matters of peace and disarmament, the officially sanctioned organization in the Soviet Union is the mammoth apparatus of the Committee for the Defense of peace, which claims 41 million members and marshals support for the official position of the Government, with its emphasis on peaceful intentions of Moscow and aggressive designs of Washington,

The group has been vociferous in its support for antinuclear demonstrations abroad, including the one in New York. Tass reported that the committee had sent a message to the demonstrators in New York urging unity in the struggle for "the right to peace."

GOLDEN FLEECE OF JUNE

Mr. PROXMIRE. Mr. President, I am giving my "Golden Fleece" award for the month of June to the Commerce and Labor Departments for shelling out over $700,000 to a nonprofit corporation which was supposed to teach minority youth how to make tee shirts. Departmental auditors warned Commerce officials that the project was doomed to fail and fail it did. Not one tee shirt was produced for sale, not one minority youth found a job, but the taxpayer lost his shirt.

The story of this fleece is documented in an unpublished audit report completed in late March of this year. Here is the history spanning 5 years and two different administrations:

In July 1977, Giant Step, Inc. submitted to the Commerce Department

a proposal to demonstrate in five different metropolitan areas the possibility of successful youth-owned and operated manufacturing enterprises." These companies were to make tee shirts. Giant Step was a nonprofit corporation with a prominent board of directors who, as the grant application put it, "are a major ingredient towards insuring a successful operation of Giant Step, Inc."

In August 1977, Commerce Department auditors prepared an evaluation of this proposal. The auditors, who were not overly impressed by the nationally-known figures serving on the board, questioned the feasibility of the proposal. They recommended "that a contract not be awarded on the basis of the subject proposal."

The Commerce Department disregarded this advice and awarded a $443,570 grant in September 1977. In February 1978, the Labor Department chipped in another $260,100. It was not until March 1982 that the extent of the failure came home as the final Commerce Department audit was finished.

The project, as predicted, was a spectacular failure. Only 76 trainees enrolled and none of these received usable training.

Of the 13 trainees who were supposed to have "graduated":

A majority did not realize they had finished the program.

Over half had spent less than 4 months in the program. Some had been in the program less than 2 months—and these were the trainees who graduated.

Nine months after graduation, none had found a job related to his training.

This failure did not stop program administrators from spending the taxpayers money with abandon. Among the more outrageous expenditures are those for:

Hiring the nephew of a Commerce Department official as a plant coordinator even though the position was not in the grant proposal.

Hiring staff for plants at which no training or production took place.

Paying travel costs and telephone bills for employees who were apparently conducting private business.

Paying over $350 to buy tee shirts as presents for the board of directors and Commerce officials.

This is an especially painful fleece since the goals of the program—to reduce teenage unemployment and provide skill training—were so laudatory. It is now up to the Commerce Department auditors to pick up some of the pieces. They have recommended that Commerce try to recover about $450,000 of costs which were clearly unallowable. Here is one taxpayer who hopes that Commerce listens to its auditors this time.

GENOCIDE CONFERENCE TO BE HELD

Mr. PROXMIRE. Mr. President, on Sunday, June 20, at Tel Aviv University in Israel, an international conference on genocide will convene. The purpose of the conference is to examine the factors throughout history which led to genocide. Four hundred experts will listen to 150 papers, covering genocide against Armenians, Cambodians, Jews, Gypsies, Tibetans, and others. This, Mr. President, is simply another indication of the seriousness surrounding this critically important issue.

The preamble to the Convention on Genocide, approved by the United Nation's General Assembly in 1948 refers to this crime as an "Odious scourge." This "scourge" has tragically permeated our society in all periods of history. From the seventh and eighth centuries B.C., when Assyrian warfare inflicted great losses on whole populations, to the 1971 decimation of the Bengalis in the now independent state of Bangladesh, genocide has made far too great an impact on humanity. The possibility of genocide remains with us to this day.

The convention which will take place Sunday, is but another attempt to address this continuing problem. Since 1949 the U.S. Senate has had four opportunities not only to examine this problem, but to establish a firm position toward solving it. On each occasion the Senate has failed to take the necessary step and ratify the Genocide Treaty.

Arguments against the treaty's ratification have been consistently and successfully refuted. There remains no reason for the United States to turn its back on this very important human rights agreement.

Mr. President, I strongly request that the Senate join the world in condemning the awful crime of genocide. Our ratification of the Genocide Treaty would constitute substantial progress toward establishing genocide as an international crime.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME CONTROL ACT OF 1982

Mr. CHILES. Mr. President, Senator NUNN and I have continued to speak out against crime over the past weeks because we feel distressed about this monstruous problem which plagues the citizens of our Nation. It is our responsibility as legislators to take this matter in hand and to curb the menace of crime. We have the opportunity to take big steps in this direction right now, with two crime-fighting bills before us on the Senate Calendar. On May 19, Senator NUNN and I introduced S. 2543, the Crime Control Act of 1982. We have been joined in sponsorship of this bill by 17 other Senators. S. 2543 could be called up for consideration at any time now, since we were able to have it placed directly on the Senate Calendar. Later in May, the chairman and the ranking member of the Senate Judiciary Committee, Senator THURMOND and Senator BIDEN, introduced another bill aimed at fighting crime, S. 2572. I have joined them as an original sponsor of this bill and I also worked with them to have S. 2572 placed directly on the Senate Calendar. Over 30 Senators have joined us as cosponsors since that time.

So today we have two crime-fighting proposals on the Senate Calendar, ready to be called up for consideration. I am pleased about this, but I also feel a deep concern, Mr. President. I am concerned because we have so little time remaining to us in the present Congress. As few as 52 legislative days lie between today and the day of our adjournment. If we are honestly determined to fight crime and drug smuggling, we must move quickly to call these bills up from the calendar, pass them, and give the House of Representatives the chance to consider and pass a package of crime-fighting bills. We must seize this opportunity, Mr. President. Too often nowadays, American citizens are placed in danger by criminals who take advantage of loopholes in our present criminal justice system. Any comprehensive attack on crime must include reforms in this system. A recent poll showed that 70 percent of the American people have little or no confidence in the ability of our courts to convict and sentence criminals. This figure may seem high, but when you look at the case of Abel Diaz, you understand why the public has so little confidence in our courts.

Weaknesses in our present criminal justice system allowed Mr. Abel Diaz literally to get away with murder in Florida last year. Mr. President, I would like to recount the story of Abel Diaz in order to demonstrate how urgently legislation is needed to bring a halt to the senseless inadequacy of our present crime laws.

One day in February of last year, in a Miami Beach hotel, a 20-year-old, 6-month-pregnant woman, Elvira Sanchez, was shot in the chest by her common law husband Abel Diaz. The wounded Elvira Sanchez struggled down the hallway, trying to escape Diaz, who pursued her while reloading his gun. Diaz commented to a bystand-

er that he was going to "finish her off." He threatened to shoot several women who were trying to help Sanchez by pulling her into their hotel room. These women, heroic bystanders, resisted him physically and narrowly missed being shot. Diaz continued to pursue Elvira, shooting her repeatedly in front of terrified guests until his last five shots at close range killed her. Police found her dead on a back stairway of the hotel after Diaz had fled.

About 10 days later, Diaz was arrested by Miami Beach police and charged with second degree murder. He confessed to his crime. A trial date was set but the State prosecutor had to ask for a delay because an important witness, the police officer who had arrested Diaz and taken his confession, was hospitalized with a back injury. The defense attorney said it would be unfair to his client to keep him in jail indefinitely, awaiting trial. Now, Mr. President, comes the part that is difficult to believe. The judge dismissed the case and released Diaz for what he called "lack of prosecution." Diaz disappeared and the prosecutor referred to the series of events as "just another tragedy of the system."

Several months later, Diaz was found, but, by then the 180 days of Florida's speedy trial law had long since elapsed. Another judge was to hear the case anyway and try to resolve the speedy trial issue. The prosecutor, through no fault of her own, was twice unable to make it to court. The second judge then dismissed the case and Diaz was again free, this time permanently. The prosecutor said:

Even if Diaz walked into this room right now and said "here I am." There is nothing we could do to him.

As a result, Abel Diaz is right back on the streets as free as a bird.

A Florida newspaper commentator posed the question: "Who speaks for Elvira Sanchez and her unborn baby?" Well, Mr. President, we in the Senate are in the business of speaking for our fellow citizens. Senator NUNN and I speak for Elvira Sanchez and her unborn child, and for the many other victims of violent crime, when we urge our fellow Senators to support the anticrime legislation which is before them. While it is true that State and not Federal law freed Diaz, we as Federal legislators are in a position to set an example to State lawmakers in the area of judicial reform. Time is running out for this Congress and the time to act is now. We have as few as 52 legislative days remaining in this Congress. Let us show the American people that we are responsive to their need for protection and to their demand for responsible justice.

Mr. President, yesterday I had a chance to have a colloquy with the distinguished majority leader (Mr. BAKER), and at that time I asked him about setting a time for these two anticrime bills. I am delighted that he said he considered them of the utmost importance, that he felt that the Senate should take them up, and that he would be happy to work and talk with Senator NUNN and me about arranging a time. I think that is very necessary to do.

CRIME CONTROL ACT OF 1982 TITLE II—BAIL REFORM

● Mr. NUNN. Mr. President, the Crime Control Act of 1982 which Senator CHILES and I have introduced, provides legislative assistance to law enforcement authorities via organized crime, bail, sentencing, and habeas corpus reform. The difficulties which daily hinder law enforcement efforts in those areas are not endemic to particular regions in this country; rather, they form significant and costly hurdles in the battles against crime all across the United States.

The critical impact of insignificant bail, particularly in narcotics cases, clearly shows the national extent of the problem. Senator CHILES and I have already cited numerous examples where major narcotics traffickers have escaped justice as a result of lenient bail on the East Coast. These types of cases are equally common and equally alarming in other areas of the country.

Take, for example, the case of the Lopera-Ochoa brothers. On October 22, 1980, the three brothers, all Colombian nationals, were arrested on Federal narcotics charges in the central district of California. Their arrests followed a 2-year Drug Enforcement Administration investigation which identified them as large suppliers of cocaine in southern California.

At their initial appearance before the Federal magistrate, the prosecutor asked that bail be set in the amount of $200,000 as to each of the brothers. The magistrate refused, instead setting bail at $50,000 each. All three defendants easily posted bail. They have not been seen or heard from since and today remain fugitives from American justice.

The real inequity in the decision to reduce bail can only be fully appreciated in light of the evidence before the magistrate at the time when the bail decision was made. Each of the Loper-Ochoa brothers was arrested under circumstances which certainly should have indentified them as likely candidates for bail jumping.

The first brother came before the court as an "alien in transit;" that is, an alien allowed to enter the United States only in transit to another country. He had violated American law by staying in the United States long enough to conclude the narcotics transactions with which be was charged. He gave a phony name upon arrest, providing as proof of identity a falsified California voting registration card, a counterfeit social security card, a false Puerto Rican statistical record and a false Puerto Rican birth certificate. The Puerto Rican documents were used to imply connection with the United States, although all the Lopera-Ochoas were Colombians. All the documents bore the false name given at the time of arrest.

The second brother entered the United States as an alien granted authority to stay for 24 hours solely for transit to another destination. In violation of U.S. law, he had remained in the United States from the date of arrival, March 10, 1972, until his arrest, on October 22, 1980, over 8 years later. He also provided a false name upon arrest, accompanying it with a social security card and an alien's "green card," both bearing the false name.

The third brother had entered the United States on a "transit visa," valid for a period of 10 days. In violation of American law, he had remained in the country for nearly 1 month at the time of arrest. Upon arrest, the third brother also provided authorities with a phony name.

In short, all three brothers, charged with major narcotics violations, appeared before the court as illegal aliens proffering false identification and fraudulent documents. Despite those facts, the magistrate refused to recognize the substantial risk of flight and set bail considerably lower than the Government's request. It is hardly surprising that all three brothers subsequently fled, given the circumstances detailed above.

In hindsight, it is unfortunate that the magistrate did not have the benefit of a clear statement of congressional intent such as title II of the Crime Control Act of 1982. The bill provides that bail shall be denied to narcotics offenders in certain cases, including those of illegal aliens and individuals possessing falsified identification upon arrest. In other words, all three of the Lopera-Ochoa brothers would have been specifically covered by the provisions in title II of the Crime Control Act of 1982.

Unfortunately, law enforcement may not have a second chance in the case of the Lopera-Ochoas. They have long since fled the jurisdiction of our courts. I suggest, however, that it is not too late for us to act now to prevent this type of situation from occurring again and again in the future. By passage of the Crime Control Act of 1982, Congress should register a determined and meaningful commitment to assist American law enforcement in the war against crime.●

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business. Is there further morning business?

SURVIVORS OF SACRIFICE LEGISLATION

Mr. MITCHELL. Mr. President, I am pleased to be an original cosponsor of S. 2585, a bill introduced by the ranking minority member of the Senate Veterans' Affairs Committee, Senator CRANSTON, to restore certain widows' benefits and social security student benefits eliminated last year.

The omnibus reconciliation bill, enacted by Congress last summer, contained several changes in social security benefits to help insure the long-term solvency of the system. Among other things, the bill eliminated social security widows' benefits when a widow's youngest child turns 16—rather than 18—as under previous law. In addition, the bill eliminated students' benefits for those students not enrolled in college by May of this year and began to phase out benefits for those students between the ages of 18 and 22 currently enrolled.

Shortly after the passage of the reconciliation bill, it became apparent that not only was this benefit being eliminated for social security recipients, but for those widows whose husbands had died in the service of their country as well. Since 1965, veterans have been promised that in the event they die while on active duty, or from service-connected causes, their wives would receive social security benefits to help defray the cost of raising and educating one or more children. While these benefits could never replace the loss of a husband or father, they could help insure that a veteran's family would be cared for and that his children would be able to receive a college education. It is estimated that approximately 46,000 children of deceased veterans will no longer be eligible to receive student benefits as a result of this change.

These benefits were promised to our Nation's veterans at a difficult time in our history. If we are not willing to honor our obligations to these who have served our Nation in the past, we will not be able to summon those necessary to serve in times of crisis in the future. To me, it is unconscionable that we, as a government, as a people, would renege on this fundamental commitment to our Nation's veterans.

S. 2585 would address this problem by requiring the military to pay survivors of a service member who entered the service prior to August 13, 1981—the date on which the reconciliation bill went into effect—and who died from service-connected disabilities, the same benefits they would have received under social security. It is important to note that the Department of Defense and not the Social Security Administration, will be required to pick up the tab for this bill. I believe this is only fair and just. After all, it was the military which promised these benefits under social security initially.

We can never fully repay our Nation's veterans who fought and died to defend this great country. At the very least, however, I believe we have a moral obligation to honor the commitments made to those veterans and their families.

I urge my colleagues who share this belief to join me in cosponsoring this important legislation.

I ask unanimous consent that a column by Judy Mann from the March 10 issue of the Washington Post be printed in the RECORD at this time.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

COMMITMENT

(By Judy Mann)

The seven women told their stories in a sunny living room near Lake Barcroft. All were widows with children to educate, all were victims of last summer's cuts in Social Security benefits for widows and orphans. But there was something special about these widows: They were widowed because their husbands died while serving in the military. Their children are without fathers because those men gave their lives for their country.

These were men, say their widows, who had the courage to serve their country during the Vietnam war when war wasn't popular. Many of them were pilots who could not get private insurance or young servicemen who could not afford it. But they believed their families would be taken care of if they were killed. They believed their widows would receive Social Security until the youngest child was 18. They believed their children would receive Social Security until the age of 22 if they were in school. The men believed that if they died, the government would help educate their children. It was part of the deal.

But as of May 1, the deal has been renegotiated. Widows' benefits will stop when the youngest child is 16, and orphans' benefits will stop when the child is 18. There was no grandfather clause for women who were military widows when the general cuts were made, and although these women do not know how many widows are affected, they say the Veterans Administration estimates some 46,000 youngsters will be.

Two of them are the youngest children of Evelyn Grubb, whose husband, Air Force Maj. Newk Grubb, was shot down in 1966 on what she calls a suicide mission: an unarmed, unescorted flight over North Vietnam. "The North Vietnamese said he lived nine days, but they perpetuated his life five years by publishing pictures of him and telling other POWs his name." For five years, Evelyn Grubb was sure her husband was alive. For the next four, she simply didn't know. "I'm one who was in the POW/MIA thing without a determination," she says. "It took nine years to get his body back and buried. I fought that battle and now I'm back in Washington fighting this. . . . Now the two who never knew their father are being punished by not getting an education.

"This does not pay for the children's education," she says. "What it does is provide a base so we can perhaps scrape together the rest from loans, scholarships and family help. But it's $360 a month. Without it there is no way my children could go to college.

Madeline Van Wagenen's husband, a Marine Corps helicopter pilot, was killed in a night training accident on Okinawa in 1973. She was left with a son who is now 13. When she found out about the benefit cuts, she sent the flag that covered her husband's coffin to President Reagan, along with a note suggesting that he could save money by using the flag on another serviceman's grave.

Van Wagenen, who says the average benefit per dependent is $265 a month, has taken this year off from school to work full-time for restoration of benefits. She and other widows have formed a group, called Survivors of Sacrifice, which has spread from California to dozens of other areas where military widows live. "It was such a slap in the face to my husband," says Van Wagenen.

"This commitment was made with him. His account number is on every one of those checks." And she points to the chief of naval personnel's message on an old Navy publication in which he says the benefits "belong" to the Navy personnel and were "earned."

Clair Leaver's husband, a Navy commander, was killed in a helicopter crash in the Gulf of Tonkin in 1972, leaving her with two small boys. She figures she will lose $32,000 in benefits that would have helped pay for their college education. She and Van Wagenen have persuaded their congressmen, Duncan Hunter (R-Calif.) and Robert Badham (R-Calif.) to sponsor legislation restoring the benefits through the Veterans Administration. A spokesman for Hunter said it would cost less than 1 percent of the old student benefit program.

Hunter, who was in the infantry in Vietnam, says he can remember being given assurances that in event of death the children would be educated. "They laid out everything that would be available to our families, and that included Social Security benefits." Hunter, a conservative supporter of Reagan, argues for restoring the benefits on the grounds that these families relied on government assurances and are not in a position to make alternative plans.

It is nice that doing what is right, for once, won't cost more than an F-14, as Clair Leaver put it. But that's not the point. The government made a commitment to men it sent out to die. To renege on a deal with men who gave the ultimate sacrifice would be, quite simply, the ultimate outrage.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. If not, morning business is closed.

VOTING RIGHTS ACT AMENDMENTS OF 1982

Mr. STEVENS. Mr. President, what is the pending business before the Senate now?

The PRESIDING OFFICER. The business before the Senate is a motion to proceed to S. 1992.

Mr. STEVENS. I will ask each of the cloakrooms to send a message to the managers that we are now on the motion to proceed to the consideration of S. 1992. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—CLOTURE MOTION

Mr. STEVENS. Mr. President, there will be an hour of debate between the time we resume at 2 p.m. and the vote on the cloture motion at 3 p.m. I ask unanimous consent that that hour be divided equally between the proponents and opponents of the motion to proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. STEVENS. Madam President, the distinguished minority leader wishes to make a statement. Following that statement, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY OF LEBANON

Mr. ROBERT C. BYRD. Madam President, the present fighting in Lebanon underscores the continuing tragedy of the Arab-Israeli dispute in the Middle East. The Israeli invasion of Lebanon was launched as an effort to end, once and for all, PLO terrorism against Israeli citizens and the shelling of northern Israel by long-range artillery and rocket fire.

However, any settlement in this latest round of fighting in the Middle East must address the root causes of the present conflict. The roots of the conflict stem from events arising out of successful Jordanian efforts to drive the PLO into Lebanon in the early 1970's and the Lebanese Civil War of 1975–76. Since that time, for all intents and purposes, Lebanon has ceased to exist as a free and sovereign country. In fact, the country has been the victim of a de facto partition comprised of a solidly entrenched PLO military presence, Christian and Moslem Lebanese enclaves, and a Syrian military occupation now estimated to include 39,000 troops. Under these conditions, Lebanon has been a source of significant instability in the region since 1976. Obviously, under these circumstances, the situation can only continue to deteriorate and undermine U.S. long-term interests in promoting stability in the Middle East.

Therefore, I welcome Secretary of State Alexander Haig's public statement yesterday on the television program "This Week with David Brinkley." In that program, the Secretary called for the withdrawal of all foreign forces from Lebanon and the restoration of the unity and full independence of that country.

The elements of a return to stability in Lebanon and a withdrawal of Israeli troops from that country must include the following—I have said this from the very beginning of the present conflict involving Israel and the PLO forces in Lebanon:

First, the dismantling of the PLO's ability to exercise military and political control over significant portions of Lebanese territory and the removal of the PLO's ability to threaten Israel from that territory.

Second, the complete withdrawal of all Syrian forces from Lebanon.

Third, the reestablishment of full control and sovereignty of the central Government of Lebanon through free and open elections which, incidentally, have already been scheduled for this summer.

A long-range negotiated settlement along these lines should be the ultimate objective of U.S. policymakers. Without such an agreement, the region will continue to be plagued by the kind of instability which has precipitated the present crisis.

Madam President, some have called into question the size of the Israeli operation in Lebanon. However, I think it should be pointed out that more than 1,000 artillery shells and rockets rained on settlements in northern Israel just 2 weeks ago.

The PLO shelling drove hundreds of Israeli citizens into bomb shelters and effectively shut down factories and shops. Farmers could not even tend their fields as a result of the shelling. Terrorist bombings against Israeli civilians continued despite the cease-fire negotiated some 10 months ago between Israeli and PLO forces.

On October 21, 1981, I announced my opposition to the proposed sale of AWACS to Saudi Arabia. In that speech, I pointed out that the administration's preoccupation with attempts to forge a strategic consensus among moderate Arab States and Israel to meet the preceived Soviet threat to the region was doomed to failure. I stated that, in the absence of addressing directly the potentially explosive Arab-Israeli issues, the administration could not hope to bring together potential adversaries in a loose strategic alliance to counter the threat of the Soviet Union and her proxies.

It has been nearly 8 months since I issued that warning. Since that time, every crisis in the Middle East has been the result of localized animosities and fears. The greatest threat to the Persian Gulf today is not the Soviet Union. The greatest threat is the Iran-Iraq war which threatens to spill over to the Arabian peninsula.

The Camp David process has been allowed to languish. Our Government has yet to appoint a high-powered representative to get the talks back on track. It is imperative that we move expeditiously to widen the peace process in an effort to avoid crises similar to the one in Lebanon from erupting again.

Madam President, the situation in Lebanon is a classic example of how a problem cannot be buried or allowed to lapse without resolution. The PLO in the mid-1970's effectively established a state within a state. It was from this territory that the PLO launched terrorist raids and artillery attacks on Israel. Lebanese Christians and Moslems alike were forced from their own villages and homes to accommodate the establishment of "Fatahland." The region is now reaping the seeds of destruction planted years ago in Lebanon.

Madam President, I think the opportunity is before us. I feel that the Israelis had no choice but to act as they did.

I think it is imperative now for the U.S. Government and the international community to come to grips with the reasons for instability in Lebanon. We cannot turn our backs on reality once again and return to the status quo. If we do, we risk repeating the mistakes of the past.

Madam President, Lebanon has to be returned to the Lebanese and the Syr-

ians should be gotten out of Lebanon. The PLO should cease to be a political and military force in Lebanon, and certainly its bases there should be eliminated.

In this way, Lebanon once again can become an independent, secure, and free government, controlling its own territory and providing security and stability to the Middle East. Lebanon again could become a peaceloving neighbor of Israel. It seems to me that this would be in the interest of world peace and certainly in the interest of the United States. Our policies as a government should pursue this goal without equivocation.

Madam President, I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m.

Thereupon, at 11:20 a.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

VOTING RIGHTS ACT AMENDMENTS OF 1982

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the cloture motion with the time equally divided between proponents and opponents of the motion.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time charged to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I was reading an article in the Washington Post this morning, and the reporter mistakenly listed me as one who has been filibustering this matter. For the record, I am not filibustering the matter. I have never been filibustering this matter. I would be most anxious to have this matter brought to a vote as expeditiously as possible. I have said that from day one. I will vote for cloture today as I have always intended to do.

I have made the point that I disagree with section 2 and section 5 and that my primary objections lie with section 2. I have made the point that the constitutionality of this matter is not conclusively resolved, regardless of what the Senate or the House of Representatives do here. This matter will not be resolved finally until the Supreme Court speaks definitively. I believe that when it does, it will strike down the amended section 2.

Although I differ from a constitutional perspective with these two provisions, I strongly support the Voting Rights Act and strongly support its traditional goals and objectives.

My role in this debate has been to point out what I believe are the constitutional difficulties with regard to the bill.

I hope that all of our Members today will vote for cloture. I hope that my colleagues who are inclined to talk at length about this will not invoke fully their right to debate after cloture is invoked. I hope that we will be able to go directly to the substantive bill and have whatever amendments any body desires to bring up considered and disposed of in as expeditious a manner as possible.

To prolong this matter is a mistake. I believe we ought to bring up the amendments and resolve this matter one way or the other.

We all understand that considerable constitutional difficulties have been raised with this bill. We have made a record from the first day on these difficulties, and I believe they will have to be addressed at a later date by the Supreme Court of the United States. I believe they will be addressed. I believe that when that addressing comes, this bill, in its present form, will have to be modified because section 2, with or without the Dole "compromise," is unconstitutional. That is the point I have been making.

At the present time, all that I wish to do is proceed to make a record.

I hope everybody will cooperate in getting this bill resolved one way or the other. I personally hope that all of our colleagues will consider voting for cloture on this matter.

Mr. SPECTER. Mr. President, I join with the distinguished Senator from Utah in the hope that cloture will be voted and that we can proceed to the consideration of this important piece of legislation. I commend the distinguished Senator from Utah for the very extensive work which he has done in the Judiciary Committee and in the very extensive hearings which were held before the Subcommittee on the Constitution. I participated in those hearings, although not a member of that particular subcommittee.

Although I disagree with the conclusions of the distinguished Senator from Utah, I think that the Senate is itself in his debt for the numerous, extensive, and comprehensive hearings which were held on this bill.

My own sense, as I shall delineate, is that the bill is constitutional as it is written; that it is not necessary that the Voting Rights Act parrot the 15th amendment in terms of any constitutional requirement of an intent standard in order to be constitutional; that the Congress has full authority to have a different standard of proof, and that the results test will pass constitutional muster.

Since we have some 53 minutes remaining until the time for the cloture vote, I think this would be an appropriate time to elaborate briefly on my views.

Mr. President, in my view, it is vital to the welfare of our Nation that we proceed as promptly as possible to the reenactment of legislation to protect and secure for members of racial and language minorities their rights to vote and have their votes counted in full as participants in this political democracy.

I am pleased to have been an original cosponsor of S. 1992 and to have played a role in the hearings of the Committee on the Judiciary and in that distinguished committee's favorable reporting of S. 1992 after incorporating a "totality of circumstances" test for violation of section 2 of the act.

I am hopeful that the Senate will act promptly and favorably in considering S. 1992. I do not wish to slow that process but hope that a few brief observations may dispel some of the misconceptions being voiced by opponents of this measure and speed our favorable action of this most important matter.

First is the unfounded fear of "racial quotas" being invoked by some in opposition to the proposed amendment to section 2 of the Voting Rights Act. Arguments couched in terms of "logical consequences" and arithmetic extremes are entitled to little weight in the light of experience, clear legislative history of the amendment to section 2 and proven record of judicial restraint.

Mr. President, the amendment to section 2 of the act does not introduce proof of results of discrimination in a radical way; such a method of proof has always existed. Nor does the amendment to section 2 inject numbers with any new magic. Statistical evidence will remain what it has always been, a part of a showing from which a court might conclude that racial discrimination in the denial of abridgment of voting rights has been established.

In reapportionment cases not involving claims of discrimination no plaintiff is required to prove the unlawful "purpose" of the legislature in its uneven drawing of district lines. Numbers almost purely and simply have prevailed. In the context of charges of racial discrimination, numbers have always assumed and will likely continue to assume a less prominent role as one part of the fabric of the claim.

Neither I nor any of the other cosponsors of the perfecting language to

section 2 have spoken in favor of "racial quotas". Indeed, the bill passed by the House, the Senate bill 65 of us have cosponsored, and the compromise language accepted by the Committee on the Judiciary each expressly disavows the intention and result with which opponents seek to color the debate.

The House bill and the original language of S. 1992 proclaim:

> The fact that members of a minority group have not been elected in numbers equal to the group's proportion of the population shall not, in and of itself, constitute a violation of this section.

And the report of the House Committee on the Judiciary explained:

> The proposed amendment does not create a right of proportional representation. Thus, the fact that members of a racial or language minority group have not been elected in numbers equal to the group's proportion of the population does not, in itself, constitute a violation of the section although such proof, along with other objective factors would be highly relevant. Neither does it create a right to proportional representation as a remedy.

If that language left any doubt in others' minds, the bill reported by the committee leaves no room for misunderstanding when it says:

> The extent to which members of a protected class have been elected to office in the State or political subdivision is one "circumstance" which may be considered, provided that nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

Could there be a more direct denial of any intent to enact racial quotas? Could there be any more precise disavowal of that which incites the rhetoric of race? Let us not shrink from insuring the fundamental rights of racial and language minorities in the face of such an argument.

Indeed, let opponents of the totality-of-circumstances test come forward with cases in which the test led to proportional representation. Surely, in the years it governed lower court judgments, as shown most graphically by the reversals in Jones against City of Lubbock and McCain against Lybrand, there would have been a holding or some portent of the racial quotas opponents of the totality-of-circumstances test conjure forth. Let them point to an example of excess or quota making. They have not because, simply stated, they cannot. The courts have been most careful and restrained in this regard and declare at every turn that racial quotas are not the test nor goal.

As the committee report notes:

> This disclaimer is entirely consistent with the above-mentioned Supreme Court and Court of Appeals precedents, which contain similar statements regarding the absence of any right to proportional representation. It puts to rest any concerns that have been voiced about racial quotas.

The great value of reconfirming the working test of the courts over the past decade up to the Bolden litigation is its utility in distinguishing those cases in which a racial or language minority has been effectively fenced out of the political process from those in which a group has merely failed to participate given an equal opportunity or been unsuccessful in electing representatives of its choice given a fair chance.

In this regard, I think it important to note, if only briefly, why I favor the totality-of-circumstances test over the proof-of-purpose requirement recently enunciated by Justice Stewart in his plurality opinion in Mobile against Bolden.

In this civil law context, we are properly concerned with and focusing upon the harm to racial and language minority citizens. It is the injury to their fundamental political right, the right to vote, that we are seeking to prevent.

It is at least quizzical that so many of our colleagues who now contend a "purpose" test is needed in this civil law setting were supporters of a weaker, objective standard in connection with establishing a criminal violation for the release of information with reason to believe it would identify a covert agent of our intelligence forces. I submit we should pay closer attention to traditional legal standards and values. In a civil law setting, there has traditionally been a lesser standard or test consistent with a totality of circumstances or results test whereas, in a criminal context, there has traditionally been an intent or purpose standard.

In this setting, the objective totality of the circumstances test is especially fitting. The importance of the rights involved and difficulty of proving purpose in accordance with the plurality opinion in Bolden combine to demand this remedial legislation. Indeed, the test enunciated by Justice Stewart for three remaining members of the Court calls for proof not of intent but of the yet higher standard of purpose. This test seems to exceed even the traditional standard of intent used in the criminal law for proof of wrongdoing and requires the highest, most demanding test of subjective will.

Proving the intentions of an individual defendant is difficult enough; proving the collective, subjective purpose of a legislature or series of governing political bodies is a sociological, historical, and psychological enterprise of the most enormous scope. When the evidentiary record does not contain the crudest racial epithet or "smoking gun," the outcome may well depend on the availability of a century-long historical record, such as that which reinstated the Bolden holding of discrimination on remand. The rights of racial and language minorities should not be made to depend on the admission of racial motivation or availability of such extensive local, historical records.

The totality of the circumstances test, on the other hand, has much to commend it. It does not require the charge or, when proven, the brand of racism. It does not involve the Federal judiciary in probing the unexpressed motivations of State legislative or executive action. It does not reward sophisticated, well-disguised discrimination by erecting an onerous burden of proof. Nor should we engage in the vagaries of motivational analysis in a remedial statute to protect this fundamental right to participate in this society by voting for those who will govern.

Mr. President, this is not to say that countervailing governmental purposes and interests cannot be advanced. They, too, may be shown as circumstances to be considered. But elusive direct evident of discriminatory purpose should not be required to prevail. That is what may be required by the plurality in Bolden.

The nature and extent of the evidence necessary in accordance with Bolden has most recently and solicitously been characterized by the eighth circuit court of appeals as "fraught with ambiguity." In his dissent in Bolden, Justice White lamented the plurality's "leav(ing) the courts below adrift on uncharted seas." What is apparent is that traditional rules governing inferences from facts and circumstances, the rules that make it possible to prove most civil and criminal cases, do not pertain. The plurality demands not just proof of intent but proof of purpose and motivation.

That standard is, in my view, too onerous to prove sufficient protection to the voting rights of racial and language minorities, which rights are in turn their best source of protection from other forms of discrimination and oppression. Let us not forget what it is precisely that we are doing.

We are reestablishing a statutory standard by which to protect against discrimination in voting. The Congress power and authority is drawn from the enforcement clauses of the 14th and 15th amendments and our ability to enact remedial legislation as has been confirmed by the U.S. Supreme Court. Accordingly, I favor revising the Voting Rights Act to clarify its reach and expressly establish the totality of circumstances test as that governing section 2 cases.

The Judiciary Committee's actions are testimony to the high regard with which all voting rights and minority rights should be held. The committee bill is a most significant achievement expanding as it does the protection for the voting rights of racial and language minorities. With the President's strong, personal endorsement and the

extraordinary number of Senate cosponsors, this measure should now proceed to speedy passage. With the continued cooperation of our colleagues in the House, we should now be able to meet our August deadline and fulfill our legislative responsibility.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank the distinguished Senator from Pennsylvania for his kind remarks about me in his statement here today. His efforts themselves deserve high praise.

The gentleman has stated however that the opponents of the results test have failed to cite a single case in which there has been the imposition of proportional representation. Although I agree that this cannot easily be shown with respect to section 2 because the "results" test has never been the law there, at least in my opinion, perhaps I could give several examples of proportional representation under the section 5 "effects" test. The cases I would cite would include *City of Richmond* v. *United States* 422 U.S. 358 (1975), *City of Petersburg* v. *United States*, 354 F. Supp. 1021 (D.D.C. 1973), affirmed per curiam (without opinion) 410 U.S. 962 (1973), *United Jewish Organizations* v. *Carey*, 430 U.S. 144 (1977), *Bolden* v. *City of Mobile* 423 F. Supp. 384 (S.D. Ala. 1976), *City of Port Arthur* v. *United States* 517 F. Supp. 987 (D.D.C. 1981), *Kirksey* v. *Hinds County Board of Supervisors* 528 F. 2d 536 (5th Cir. 1976), the recent redistricting cases in Georgia and New York City and there are others. Those are cases where the "effects" test in my opinion actually resulted in proportional representation. At least, it looked to me like proportional representation.

I should point out that this is how the "results" or "effects" test has been used in the past. I have to presume that if the "results" test is incorporated in section 2, as this present bill would do, then it is very likely that these interpretations would be extended to the entire Nation, as well, through section 2.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I wonder if the Senator from Massachusetts would yield me 1 minute.

Mr. KENNEDY. Yes.

Mr. HART. Mr. President, I strongly object to any further delay in the Senate's consideration of S. 1992. The Voting Rights Act extension is one of the most important pieces of legislation to be debated by Congress this year. It represents the hope and promise on which this Nation is based—the right to vote, regardless of race or language.

The bill now before the Senate is supported by more than three-fourths of the Members of this body. It has been endorsed by the President. It passed the House of Representatives by an overwhelming vote. This crucial legislation has been discussed and debated for over a year now. The time has come to enact it.

The right to vote is powerful and precious. It is the foundation of a free society. As Lyndon Johnson said when speaking in support of voting rights legislation in 1957:

> The right to vote is the basic right without which all others are meaningless. It gives people—people as individuals—control over their own destinies. . .

The right to vote is explicitly protected by our Constitution, but it is Congress that is constitutionally charged with the responsibility to make sure that right is more than a promise.

In 1965, Congress took decisive steps to secure the franchise for all Americans by enacting the Voting Rights Act. These protections have been extended twice since then, in 1970 and 1975. They have also been extended to language minorities, particularly Hispanic Americans of the Southwest. Now, Congress must once again determine the fate of this historic legislation before its protections expire.

The Voting Rights Act has brought dramatic changes in minority registration and voting. The number of black Americans registered to vote in the Southern States, for example, has more than doubled since 1965. In my own State of Colorado, Hispanic voter registration increased 41 percent between the 1976 and 1980 Presidential elections, with actual turnout up by 23,000. Hispanics are participating in the political process not just as voters, but also as successful candidates for office, thanks to the Voting Rights Act.

Despite substantial progress, the protections of the act are still needed. The bill reported by the Senate Judiciary Committee reflects compromise and the thoughtful consensus of legislators across the political spectrum. It should be passed.

I urge my colleagues to support cloture, and oppose any further attempts to delay final action on the Voting Rights Act. The Senate should not consider any other business until we have fulfilled our responsibilities on the voting rights legislation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Massachusetts yield to me for 5 minutes?

Mr. KENNEDY. Five minutes.

Mr. ROBERT C. BYRD. Mr. President, I shall vote for cloture, and I urge the Senate to vote for cloture so as to proceed expeditiously with the motion to proceed to consideration of the Voting Rights Act, which I hope will be voted on expeditiously by an overwhelming majority following the cloture vote.

Mr. KENNEDY. Mr. President, in about 30 minutes the Senate will vote on the issue of cloture. The issue is whether we ought to consider and debate the Voting Rights Act which has been reported from the Judiciary Committee.

I am confident that the Senate will vote overwhelmingly in favor of cloture because the measure which will be voted on has the cosponsorship of Republicans and Democrats alike, fourth-fifths of the Members of the Senate. It was supported in the House by a margin of 20-to-1. This not surprising, overwhelming support is Mr. President, when we are talking about an issue which is as basic and fundamental as the Constitution of the United States and the fundamental values of this Nation, embodied in the right to vote.

Mr. President, I was here in 1964 when important civil rights measures were passed, and I was here in 1965 when we passed what I consider to be one of the most important and successful civil rights laws ever to pass this body, the 1965 Voting Rights Act.

Over the years, Republican and Democratic Presidents alike have supported that legislation, and now at last we have the support of this President.

The 1965 act gained new life as we marched through the late 1960's and the early 1970's. Bilingual election provisions and other strengthening provisions were added to the law.

To me, Mr. President, it is extraordinary that we are here on this day in June 1982 debating whether we should be bringing up the Voting Rights Act Extension. I thought this issue was resolved in our Nation in the Mid-1960's. We had in excess of 20 days debate before the passage of the 1965 act. We had several days of debate at the time that this legislation was extended in 1970 and 1975.

I am a member of the Judiciary Committee which listened to the leaders of the great religious associations of this country, the Catholic, Protestant, and Jewish leaders. I have listened to representatives of the trade union movement, the workers in the plants and factories. I have seen the statements of corporate officials. All voiced strong support of the bill ultimately voted out of the committee.

I have listened to members of the Bar Association, including some of the most distinguished constitutional authorities that this Nation has ever produced, discuss the complex legal issues and questions. They support the bill. Most important, I have listened to ordinary citizens who look at this piece of legislation as lifeline to their participation in our democratic process and a lifeline to the 15th amendment which was passed after one of the

bloodiest wars that this country ever fought, the Civil War, in order to guarantee the right to vote for the citizens of this Nation.

During 6 days of desultory discussion and debate, those who wanted to delay the Senate of the United States, the handful of Members who would like to delay, cripple, or destroy this measure, were unwilling, unable, or unprepared to debate this issue. Any fair reading of the CONGRESSIONAL RECORD during this period would substantiate that position.

We have not had a discussion about why we should take this measure up. Just an hour or so ago in the Democratic caucus we were each given a list distributed by the majority leader listing measures he hoped the Senate would address prior to the time the Senate goes into its nonlegislative period over the Fourth of July. These were matters of importance, matters of consequence, matters that affect many aspects of the quality of life of the American people.

This measure, however, is as important a measure as we will address in this Congress, and it is time we took action.

I have listened to the discussion during the last few days. The points that are being raised by those two or three Senators who have spoken in opposition to the consideration of the motion to take up this measure are tired, old amendments that we have discussed for hours and hours in the Subcommittee on the Constitution. Subsequently, they were the subject of very considerable debate and discussion before the full Judiciary Committee.

The Judiciary Committee considered these amendments and defeated them. The Senators have a right to bring them up and have them debated and considered. But a handful of Senators have denied the Senate the opportunity to do so by using the procedures of the Senate here to delay for 1 week consideration of this measure.

So, Mr. President, I think it is very clear what our responsibility is in this body this afternoon. We should vote in overwhelming numbers to proceed to the consideration of this measure, and we should remain on this measure until we have resolved it. That is what I believe the American people want and that is what I think the American people deserve.

Mr. President, I want to make a point, which I am sure my good friend and colleague, the Senator from Utah, will understand and respect; it is said in no disparaging way. It is imperative for those judges who read the legislative history of this particular measure to understand. that this proposal, which is known as the Mathias-Dole-Kennedy proposal, speaks for itself. If there is any question about the meaning of the language, we urge the judges to read the report for its meaning or to listen to those who were the principal sponsors of the proposal, not to Senators who fought against this proposal and who have an entirely different concept of what a Voting Rights Act should be.

That is important, Mr. President, because judges look to the language of a law and then to the debate, and it is imperative for them to understand what is the meaning of the words. If there is any question in their minds, they should read the report and read the words of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Kansas (Mr. DOLE), and the Senator from Maryland (Mr. MATHIAS), and other Members of the Senate who support this legislative proposal.

Finally, Mr. President, in listening to this debate over the last several days, I would think that the opponents of this bill would be asking themselves: How are we going to basically make it easier for the citizens of this Nation to participate in the electoral process of our democracy?

I have listened in the subcommittee, in the full committee, and on the floor of the U.S. Senate to debate over whether there was a majority of judges in the circuit court who held this, whether a district court judge held that. Why are we not asking ourselves in 1982: How can we make it easier for citizens of this country to participate in the electoral process? That should be the issue before the U.S. Senate. That is the issue we should be addressing here.

Why are we not asking ourselves: Can we not find ways of breathing new life into this legislation to make it easier rather than more difficult for people to vote? That is what this democracy is all about, and that is what I think the American people want us to protect.

So, Mr. President, this is one Senator who hopes we will move toward the immediate consideration of this matter and start considering the amendments. Let the votes be called. That is what we are elected to do. Let the Senate make a judgment. Let the American people know where each of us stands on this most basic and fundamental right of all—the right to vote.

I urge my colleagues to support the cloture motion.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. MATHIAS. On whose time?

The PRESIDING OFFICER. Does the Senator from Maryland yield time?

Mr. MATHIAS. How much time does the Senator from North Carolina wish?

Mr. EAST. May I have 5 or 6 minutes?

Mr. MATHIAS. Can we start with 4?

Mr. EAST. All right. Being a reasonable man, I will accept 4, and I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, in response to the comments of the distinguished Senator from Massachusetts, it is valuable to read the report, but it is more important to read the bill, in order to see what the judges are going to do with this legislation in the long run.

I submit that my colleagues should keep in mind that, for the first time, the U.S. Congress, if it passes this bill, will introduce the quota concept as a test in elections. That is a revolutionary and radical idea, and any fair reading of the legislation will show that quotas will result.

The legislation not only guarantees the right to register and to vote and to have the vote counted, but also—and I read from the bill—"and to elect representatives of their choice."

That is a new concept, and it means that the quota concept is now introduced into the electoral process of voting in this country. Before Congress does that, it should think long and hard about the nationwide implication of such a change the bill will jeopardize at-large elections, annexations. Any kind of proposed change in the election process will now be suspect in the United States.

The distinguished Senator from Massachusetts said we should make it easier to vote. I do not quarrel with that. I am willing to support any reasonable legislation based upon the 15th amendment, which guarantees the right to register and to vote and to have the vote counted. The bone of contention is, should we guarantee results? That is the nub of the problem. That is the new concept.

I find it alien to the democratic tradition in this country to say that, beyond saying I as a Senator or you as an individual have the right to register and to vote and to have that vote counted, you have a right to see that candidates of your choosing are elected. That, we should not do. That is ill-conceived and ill-considered, and I submit that a fair reading of the legislation—not the report—will show such a requirement to be a logical result.

So I end on this note, Mr. President: It is simply a misconception of the public and some of our distinguished colleagues that we are merely extending the 1965 Voting Rights Act. We are going way beyond that. We are adding a wholly new dimension to the law—quotas, results in evaluating whether a particular election is free from alleged discrimination.

I ask my colleagues to think long and hard before they vote in the affirmative for that proposition. This

drastic alteration of the law will be the main issue before this Chamber as it gets into the heart of this bill, the so-called extension of the 1965 Voting Rights Act.

I suspect that my 4 minutes are up.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I yield 3 minutes to the distinguished Senator from Kansas, a cosponsor of the Dole-Kennedy-Mathias bill.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I thank the distinguished Senator from Maryland.

Mr. President, I will state briefly now, because we are about to vote on the cloture motion, the motion to proceed, and I thought I would wait to get into the heavy stuff until we do proceed, and I hope that will be very soon.

I suggest, as has been said earlier on this floor, that there is strong bipartisan support for this legislation. There are those who, for good reason, have reservations and want to offer amendments, and certainly they should have that opportunity. But I hope we can proceed with the bill and take it up as quickly as possible, with a reasonable time for debate, any amendments, dispose of the amendments through rejection, adoption, or agreement or whatever.

I know that a number of Senators have amendments. I know that the Senator from Alaska (Mr. STEVENS) has what I consider to be technical amendments, a couple of technical amendments, which, in effect, may clarify some of the language in the bill, and he is now discussing his amendments with various people.

Both Senators from North Carolina have amendments. I recall the distinguished junior Senator offering a series of amendments in the committee in the period of an hour. I do not suggest that we move that quickly on the floor, but the RECORD should indicate that there was no effort to delay consideration of the bill in the committee, and I do not really believe there has been much effort on the floor.

The Senator from Kansas is one who attempted to clarify some of the language because of the very questions raised by the Senator from Utah (Mr. HATCH) and others about "proportional representation." I join the Senator from Massachusetts in the hope that when the judges look at the legislative history, they will look at those who supported vigorously and enthusiastically the so-called compromise.

I hope that before this debate ends on the bill itself, the Senator from Utah and others will agree that we did strengthen the legislation; that we did, in effect, shoot down the myth of proportional representation.

It is stated clearly in the report time after time, and it will be stated clearly on this floor dozens of times before final passage, but as this Senator understood at the time, that was the one area that caused the greatest concern to Members of this body—Members on that side and Members on this side—and that was the principal area we sought to address in the amendment offered by the principal cosponsors—the Senator from Massachusetts, the Senator from Maryland, the Senator from Kansas, the Senator from Iowa (Mr. GRASSLEY), and others on the committee.

Mr. President, this matter has broad support, broad bipartisan support, obvious support from civil rights organizations, business, and professional organizations. It seems to me that it is in our interest to move as quickly as we can. It is my understanding that approximately 80 Senators are cosponsors of the bill.

I would guess the vote on the motion to proceed will be at least overwhelming. I hope that we could dispose of this legislation this week. We still have, as the majority leader pointed out yesterday, the debt ceiling, the urgent supplemental, the budget resolution conference report, and other important pieces of legislation before what is now scheduled as a July 2 break.

Again, this Senator believes that can be done and at the same time preserve the rights of any one or any two or any three or any half dozen in this Chamber who may have different views than those of us who obviously are in the majority on this issue. So I am very proud to be a cosponsor of the bill now before the Senate. It would be my hope that we could move very quickly, that at least we could move to the bill itself and then get into serious debate. But we hope we can make a record so that when courts in the next 10 years or 20 years or 50 years look at the history and the intent of those of us who were principally involved that they will understand very clearly our intent.

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, every time that there is a lengthy debate on any issue, there is a time when a legislative body has to move ahead. Now is the time to move ahead for the discussion of the amendments and the issues that have got to be decided by this body before this legislation is passed, as it will be passed. That time has now come.

I am going to support the motion to proceed and cut off the debate on this motion. I think that we ought to compliment the Senator from Utah, who, even though he has been very deliberate in discussing this issue in the subcommittee and the full committee, has made the motion to proceed.

Last week I discussed some of the issues in debate here on the floor of this body with the Senators from North Carolina, Senator HELMS and Senator EAST. Senator EAST is a member of that committee. All of these issues have been raised. But I think basic to the entire discussion is the necessity for expanding the opportunities to participate in the democratic process in this country.

I may disagree with the Senator from Massachusetts on the role of the Federal Government in education or what the defense policies of this country ought to be, but he stated it as best as it should be stated in his closing remarks when he suggested that we ought to be looking for ways to expand participation in the democratic process, not narrowing it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. MATHIAS. Mr. President, I yield myself 4 minutes.

Mr. President, I take pride in this legislation, I take pride in having been associated with the voting rights legislation which was first conceived and enacted in 1965 and which has been in force in this country since that date.

Very few Americans will doubt the value—indeed, Mr. President, the necessity—of the great agenda of civil rights legislation of the 1960's. That body of law has transformed America. That body of law has done so much to make good the promise of America of equality under the law, of justice for every American citizen. That body of law has not perfected our society but has moved us closer to the goals that we have sought since the American Revolution.

Now I believe that the keystone of that agenda was the Voting Rights Act of 1965. Among a number of statutes that made a difference, I believe the Voting Rights Act made the greatest difference. But today, incredibly, we are debating merely the motion to proceed on the Kennedy-Dole-Mathias bill—the motion to proceed, not the motion to go forward to enact the bill, but to proceed. I feel sad that in merely refining and extending the bill we cannot get beyond the point that is normally passed mechanically without a motion for cloture and a rollcall vote on cloture in the Senate.

Percy Sutton, a politician in New York, once said that he was afraid of short meetings. I understand the danger of short meetings and I understand the danger of short debates. I think it is useful to have a comprehensive debate in which all points of view are exposed to study. But, Mr. President, the time has come to close this debate. I urge every Member of the Senate to vote for the cloture motion

and to move rapidly to the motion to proceed.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. I believe my time is exhausted.

The PRESIDING OFFICER. Both sides have approximately 2 minutes remaining.

Mr. MATHIAS. I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank my friend from Maryland.

I will discuss this matter in somewhat fuller detail later on. But this morning I had about a 30-minute conversation with a former distinguished Member of this body, the Honorable Sam Ervin, Jr., who is now doing well in Morganton, I might report.

Senator Ervin said that he has written to every major newspaper in North Carolina explaining the flaws in this piece of legislation and he said, "Not one of them has been willing to print my letter."

And I mention that, Mr. President, because it is illustrative of what exists in this Chamber today, now, 3 minutes before we proceed to vote on a cloture motion with reference to calling up this piece of legislation.

I dare say, Mr. President, that there are not 10 Senators, if that many, who have read this report. Because I still hear in this Chamber the talk about extending the Voting Rights Act of 1965. We are doing no such thing. The Voting Rights Act of 1965—and let the press take note of this—is permanent legislation. What we are asked to consider are amendments to a permanent law which does not expire.

Now I will go into detail about the defects, the misunderstandings, and the misrepresentations as time goes by. But I am here to say that very few, if any, Senators understand what really is being proposed. And haste is not a virtue in this Chamber. Our duty is to take our time.

And I will say to the Chair that during the past week, I have had at least 15 Senators come to me and say, "I did not understand the legislation, but now I understand what you are talking about." And before we are over, Mr. President, I hope even more Senators will understand.

I thank the Senator for yielding to me.

● Mr. DODD. Mr. President, I believe it is imperative that Congress act expeditiously to approve S. 1992 and extend the Voting Rights Act of 1965. I will accordingly vote in favor of invoking cloture and urge that my colleagues do likewise.

There can be little question, Mr. President, that of all the values which underpin a democracy and give it meaning, none are more essential than the right of citizens to participate in the election of those who will govern them. It is that fundamental principle which we will affirm by acting promptly to pass S. 1992.

The record of discussion concerning the need for this legislation and how it might best be fashioned is immense. But it all boils down, in my judgment, to two simple propositions.

The first of these is that the Voting Rights Act of 1965 has been one of the most successful pieces of civil rights legislation in our history. In the deep South alone, for example, the number of registered black voters has grown by more than 230 percent since this landmark bill was passed. Prior to its adoption, there were 72 elected black officials in the 11 Southern States. Today there are over 2,500. That record secures the place of the Voting Rights Act in our history.

The second proposition is that we still need this legislation. Progress has been made but much remains to be accomplished. As the chairman of the House Judiciary Committee has noted, the residue of bigotry that remains in part of our society has been matched only by their ingenuity in designing ways to prevent citizens from exercising their right to vote. The list includes dual registration, gerrymandering, at-large elections, intimidation, manufactured inconveniences, and many others.

The provisions of this legislation require "pre-clearance" by the Justice Department or U.S. district court of provisions affecting voting in jurisdictions with a history of discriminatory practices. That seems to me a practical way to protect the rights of potential voters. At the same time, it allows such jurisdictions to earn their way free of such requirements by maintaining a blemish-free record in this regard for 10 years. That appears to me equitable as well.

Finally, Mr. President, I wish to add that the bilingual provisions in this legislation are essential. We are a society whose strength reflects the infusion of people of many nationalities, cultures, and histories. Today, as often before in our national life, many of our new citizens speak a language other than English. That makes them no less valuable as fellow country men and women and no less deserving of the protections of basic rights and liberties which all Americans should expect.

I hope that the Senate will keep faith with all those Americans who ask no special favor but only to participate as voting members in the greatest democracy the world has known. We can do so by moving quickly to make S. 1992 law.●

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. As I understand it, at the hour of 3 o'clock, we vote on the cloture motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And a vote in the affirmative is to invoke cloture.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And a vote in the negative is to vote not to act to take up the Voting Rights Act.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I also understand that the yeas and nays are automatic.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, pursuant to rule XXII the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

Howard Baker, Ted Stevens, Arlen Specter, Slade Gorton, William Proxmire, Mark Andrews, Lowell Weicker, Charles McC. Mathias, Jr., Richard G. Lugar, John C. Danforth, William V. Roth, Jr., Dan Quayle, Robert Dole, John H. Chafee, Edward M. Kennedy, Robert C. Byrd, Roger W. Jepsen.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes, shall be brought to a close. The yeas and nays are automatic under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr.

GLENN), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. GLENN), the Senator from Louisiana (MR. JOHNSTON),and the Senator from Massachusetts (Mr. TSONGAS) would each vote "yea."

The PRESIDING OFFICER (Mr. ANDREWS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 86, nays 8, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—86

Abdnor	Ford	Melcher
Andrews	Garn	Metzenbaum
Armstrong	Goldwater	Mitchell
Baker	Gorton	Moynihan
Baucus	Grassley	Murkowski
Bentsen	Hart	Nickles
Biden	Hatch	Nunn
Boren	Hatfield	Packwood
Boschwitz	Hawkins	Pell
Bradley	Hayakawa	Pressler
Brady	Heflin	Proxmire
Bumpers	Heinz	Pryor
Byrd, Robert C.	Hollings	Quayle
Cannon	Huddleston	Randolph
Chafee	Humphrey	Riegle
Chiles	Inouye	Roth
Cochran	Jackson	Rudman
Cohen	Jepsen	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Schmitt
Danforth	Kennedy	Simpson
DeConcini	Laxalt	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Stevens
Dole	Long	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Zorinsky
Exon	Mattingly	

NAYS—8

Byrd, Harry F., Jr.	East	Stennis
	Helms	Symms
Denton	McClure	Warner

NOT VOTING—6

Burdick	Johnston	Tower
Glenn	Percy	Tsongas

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized. The Senators will clear the well.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, it is my hope, now that cloture has been invoked to limit further debate on the motion to proceed to the consideration of the bill, that we might get on with the bill itself. I wonder if the parties are in a position now to yield back their time as provided for under rule XXII and to proceed directly to the motion to proceed.

Mr. President, I see no one uttering any disclaimer of that. I do observe that not every Member seemed to light up with enthusiasm for the suggestion. I really hope we can get on the bill itself this afternoon.

As I said earlier, there are a number of amendments that I know of that will be offered. They are not frivolous amendments. I have consulted with Senators who feel very deeply, very keenly, about some proposals, some aspects of the bill as reported, and who will exercise their right to offer amendments.

I support them in their right to offer those amendments, but I also want to get on with the business of letting the Senate work its will on this measure.

Once again, Mr. President, I hope that Members would not object to proceeding immediately to the consideration of the motion to proceed.

Mr. President, I would be so bold as to ask unanimous consent that we may now proceed, notwithstanding the time limitations of rule XXII, to consideration of the motion.

The PRESIDING OFFICER. Is there objection?

Mr. TSONGAS. Reserving the right to object——

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. TSONGAS. Mr. President, if I may, I would like to inquire why it was necessary to close out the vote, when some of us were coming over and indicated to the floor that we were coming, on an issue of this significance. If we are going to have a policy of cutting it off, then it ought to be the case consistently.

Mr. STEVENS. I inquired and was told the votes were in.

Mr. GLENN. Will the Senator yield?

Mr. TSONGAS. I had called over, indicating I was coming. Apparently the Senator from Ohio did the same thing.

Mr. GLENN. Mr. President, I was in exactly the same situation. I am all for keeping 15-minute votes in this body. In fact, several years ago I suggested that we stick with this and cut out running 5 minutes over on every vote.

On a vote of this magnitude, to cut us off, when I was on my way to the floor I find inexcusable. I do not go along with it. This was a vote that I wished to be recorded on. I called as did the Senator from Massachusetts, and we were cut off from the vote, which I do not appreciate.

Mr. STEVENS. That was my error.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, just a minute. Let me say, first of all to my friend from Ohio, that I do not know whether it is inexcusable or not, but I accept full responsibility.

Mr. GLENN. It is not your fault for me not being here.

Mr. BAKER. Mr. President, I accept full responsibility for having established the principle that we are going to abide by the 15-minute rule.

I should also point out, however, that no instructions were given on this vote that I am aware of. I inquire of the Chair, was the full 15 minutes allocated for the call of the vote?

The PRESIDING OFFICER. The Chair would point out that the full 15 minutes were not only allocated, we went 3 minutes over, so there were some 18 minutes.

Mr. BAKER. There was no effort to cut anybody off. I apologize to any Senator who is discommoded by it. As far as I am concerned, I am perfectly willing on this vote to permit a unanimous-consent request that they be recorded. If that is the case, then we can do that.

I think this RECORD should clearly show that there was no effort to cut off any Senator, that indeed there were 18 minutes allocated to the rollcall vote instead of 15, and no instructions given to terminate the vote.

Mr. GLENN. Mr. President, I would appreciate it if my vote could be recorded. Whether that can be done or not, I do not know. It was my fault for not being here; I agree with that, but I would ask this: I would say that maybe we can use this as a precedent and we set the 15-minute vote from now on and we will have them for all of us. We are all guilty of the same thing. We stay in our offices too late, and we come to the floor expecting it will be held open as it is, and we quite often have more votes occur at about the 15-minute mark than we have before.

If we are going to do this in this particular case, I suggest that we all live by a 15-minute vote and be here for a 15-minute vote and not extend it over for other people. We all can leave our offices, wherever we are, early enough to get here, unless it is a most unusual circumstance. I suggest we stick with the 15-minute voting period.

Mr. DOMENICI. Mr. President, I think we ought to let the Senator vote and not get carried away.

Mr. GLENN. The Senator is not carried away, and the Senator knows it.

Mr. DOMENICI. I did not say the Senator was. I just said the Senate should not get carried away. I do not know that we need to reestablish the 15-minute rule because of what happened. I am for letting the two Senators vote. We have a pretty good system going, and I do not think we ought to change now.

Mr. STEVENS. I inquired and they did not say they were waiting for anybody else.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I do not think I ever in my life tried to be more agreeable. I have tried to tell the Senator I am willing for him to be on the roll. Now, he does or he does not. If he will make the unanimous-consent, I will not object to it.

Mr. GLENN. I make a unanimous-consent request that the Senator from Massachusetts and the Senator from Ohio be permitted to register our votes.

The PRESIDING OFFICER. The Chair must rule that it is against rule XII of the Senate to even entertain a unanimous-consent request to ask to vote out of order.

Mr. GLENN. I withdraw the request.

Mr. RANDOLPH. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield to the Senator from West Virginia.

Mr. RANDOLPH. Members, I feel, are trying very diligently to answer rollcalls. I make an observation in which all of us could agree.

Especially at this time of the year the Halls are crowded with visitors from our States. We are in a season when the conveyances that bring Senators from their offices to the Capitol Chamber are often very difficult to board. There are conferences in which Senate and House Members are busy.

I am sure that the majority leader is conscious of extenuating circumstances. We share good intent on both sides of the aisle.

Mr. BAKER. Mr. President, once again I want to make it clear——

The PRESIDING OFFICER. Will the majority leader suspend and the Senate come to order. We are dealing with an important matter having to do with the voting privileges of the Members of the Senate and the rules of the Senate that respect their right to vote.

The majority leader.

Mr. BAKER. Mr. President, once again, I want to make it clear that no one in the leadership on this side requested that the rollcall be concluded or closed. I did not do that. As far as I am aware, at 18 minutes the rollcall was concluded. It certainly was not done on my request.

I have previously said, Mr. President, that if we are going to have a 15-minute rule, we ought to abide by it. In this particular case, under the provisions if rule XII—and the Chair is absolutely right, of course, that it cannot even entertain such a request, and I had neglected to remember that—the only alternative I can think of would be to make a motion to reconsider the vote and permit Members to vote again. If they want to do that, I am willing to make that motion.

Mr. GLENN. Mr. President, if the Senator will yield, I think we have gone on long enough on this. All I would like to do is have the record show that had I been here and voted, I would have voted in favor of cloture, and we will let it go at that. But I suggest that we all abide by the 15-minute rule and get here to the floor so we do not have to extend it and that we make that a hard and fast rule.

Mr. TSONGAS. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. TSONGAS. I would like to express my appreciation for his attempt to be accommodating. I will not and do not wish to have another vote just to accommodate myself and the Senator from Ohio. As someome who presided a great deal for 2 years and used to sit up there waiting for people to show up 10 minutes late, I find the situation to be very unfortunate. I hope that the Chair would be more sensitive in the future or else set up a rule that we all live by and not a selective implementation of the rules.

I would also like to state that were I here, I would have voted for cloture.

I thank the majority leader for his consideration.

VOTING RIGHTS ACT AMENDMENTS OF 1982

The PRESIDING OFFICER. There is pending the request——

Mr. BAKER. I withdraw the request, Mr. President—what request is pending?

The PRESIDING OFFICER. The request is withdrawn.

Mr. BAKER. No, Mr. President. Would you state the request?

The PRESIDING OFFICER. There has been a request for a vote on the motion to proceed. Is that request rescinded?

Mr. BAKER. I would like the request still to be pending.

Mr. HELMS. Mr. President, I cannot hear.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, and the majority leader will restate his request.

Mr. BAKER. Mr. President, all I can say is that if we have this much trouble before we get to the merits of this bill, we have a rotten time ahead of us. [Laughter.] I urge that we get on with the business at hand.

My request, I say to my friend from North Carolina, is that now, having voted cloture, and notwithstanding the provisions of rule XXII which allocate 100 hours for debate—that is to say, an hour for each Senator, postcloture, plus certain other arrangements—we go directly to the vote on the motion to proceed, so that we can proceed with the bill.

Mr. HELMS. Mr. President, reserving the right to object, I think the request by the distinguished majority leader may be premature. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I fully understand the position of the Senator from North Carolina, but I do hope that sometime today, before this day is out, we can exhaust the remaining debate on the motion to proceed and that we may be able to get to the bill.

So I say to my friend from North Carolina that later in the day, I should like to discuss this matter with him and perhaps renew that request.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order. Those Senators wishing to converse will please retire to the cloakroom. It would be much easier to hear what the Senator from North Carolina has to say.

Mr. HELMS. Mr. President, I say to the distinguished majority leader that in all the time up to now, I have consumed less than 25 minutes.

I say to the Senate again, as I have said earlier, and I say to my friend from Tennessee that if we could work out some accommodation on a couple of amendments and have some assurance that there would not be intractability, I would be willing to vote at 5 o'clock this afternoon. But I have explored that possibility, I know that the distinguished majority leader has explored that possibility, and we seem to have made no headway. So I think perhaps it would be well, in view of the nature of the legislation, if we discussed it a little.

However, I want the majority leader to know that if there can be a little give and take on both sides, I will give and I will take.

Mr. BAKER. I thank the Senator.

Mr. President, I have nothing further.

Mr. STEVENS. Mr. President, while it would make no difference in terms of the hundred hours—that is, a limitation on the proposed cloture procedure—I point out that each Senator is at liberty to yield back the time that would be allocated to that Senator under the postcloture procedure, and it is my hope that some will proceed to do so.

Mr. HARRY F. BYRD, JR. Mr. President, the Judiciary Committee recently reported a bill, S. 1992, which would extend for 25 years the burden unjustly laid upon a few States, including Virginia, by the passage of the Voting Rights Act of 1965.

The Voting Rights Act applies to only nine States and parts of a few others.

A so-called compromise was approved by the Judiciary Committee and endorsed by President Reagan.

Mr. President, S. 1992 is in fact no compromise at all. It would perpetuate the unfair preclearance provisions of the original act for another quarter-century. And, through the "results test" in section 2, the bill would open the door to the pernicious doctrine of proportional representation.

This bill for the first time introduces a quota system to American politics.

And it lays the foundation for the political segregation of our society.

The bill is a perfect example of the sort of legislative morass that politicians create when they bow to pressure groups.

S. 1992 is bad law and unsound public policy. I cannot support it. Its stated objectives are confused, ambiguous and contradictory.

Indeed, the bill is worse than a simple extension of the 1965 act.

For 17 years now, Virginia and other covered jurisdictions have been forced to clear even the most trivial electoral changes—such as extending voter registration hours—with the U.S. Attorney General.

To take another example, should a community decide to shift a polling place from one building to another, it would have to secure the blessing of the Attorney General in Washington, D.C.

Thus, do Virginia and a few other areas operate under the dictates of the Federal Government insofar as any electoral decision is concerned.

This preclearance provision, meant to be temporary, is found in section 5 of the act and has been twice extended, in 1970 and 1975.

Under this new bill, Virginia and other covered areas would remain subject to Federal dictates until the year 2007, or nearly a half century since the enactment of the original legislation. It is totally unreasonable.

I will reiterate what I have said many times in this Chamber: The preclearance provisions of the Voting Rights Act constitute unwarranted and unreasonable Federal intervention in the electoral processes of the States and localities.

Not content to simply extend this meddlesome and onerous provision, the House passed a bill which also changed a permanent provision of the act, section 2. The effect of this change is to allow private voting rights suits and to invite further interference by the courts in local elections.

For 17 years, section 2 has stood as an uncontroversial codification of the 15th amendment of the Constitution, which forbids jurisdictions from denying anyone the right to vote on account of race or color.

The U.S. Supreme Court has ruled that to prove a violation of the law, it must be shown that a local election procedure was adopted with the intent to discriminate.

More specifically, the Court held, in its landmark ruling in city of Mobile against Bolden, that in areas without a history of discrimination, court-mandated changes in election laws are warranted only when an intent to discriminate is proven.

Indeed, proving intent is central to many, if not most, court proceedings, whether they be criminal or civil.

Nonetheless, civil rights groups argue that unequal results—namely, the election of minority candidates in disproportionately small numbers—constitute de facto evidence of discrimination.

So the quota enthusiasts pushed for an easier standard, and the House duly included in its bill the so-called effects or results test. Thus, it would only be necessary to prove that a law had discriminatory results to strike it down.

In other words, an election procedure—such as at-large voting—could be found discriminatory if minorities were not elected in proportionate numbers.

Mr. President, the effects test has nothing to do with protecting the right of American citizens to vote. It has everything to do with insuring proportional representation.

This fact was repeatedly underscored during extensive hearings on the House bill held earlier this year by the Judiciary Committee's subcommittee on the Constitution. I commend the subcommittee, and its able chairman, the Senator from Utah (Mr. HATCH), for its meticulous scrutiny of the bill and the results test in particular.

The subcommittee's report, which I strongly urge my colleagues to read, plainly exposes the purpose of the results test. I quote:

> The fundamental observation is that the results test has absolutely no coherent or understandable meaning beyond the simple notion of proportional representation by race, however vehemently its proponents deny this.

Mr. President, proportional representation would subvert the fundamental precept that the individual—not racial, ethnic or religious groups—is the basic unit of the American political system.

I believe it is vitally important that our political system, which relies on broad consensus-building, not become prey to narrow factionalism based on race.

The subcommittee heard astute testimony to this point from Prof. Edward Erler of the National Humanities Center. He said:

> Nothing could be more alien to the American political tradition than the idea of proportional representation. Proportional representation makes it impossible for the representative process to find a common ground that transcends factionalized interests. Every modern government based on the proportional system is highly fragmented and unstable. The genius of the American system is that it requires factions and interests to take an enlarged view of their own welfare, to see, as it were, their own interests through the filter of the common good.

Now, the House bill, evidently to deflect criticism of the results test, includes a disclaimer which states that section 2 does not create a right to proportional representation.

This disclaimer strikes me as contradictory at best, and disingenious at worst.

In order for a court to strike down an election law as having a "discriminating result," it will obviously have to examine the election outcome. If it finds that a minority group is disproportionately represented, then the presumption will be that local election procedures are discriminatory.

Thus, the circular logic of the results test leads invariably to proportional representation as the remedy in voting discrimination suits.

In testimony before the Constitution subcommittee, Prof. Henry Abraham of the University of Virginia put it succinctly:

> Only those who live in a dream world can fail to perceive the basic thrust and purpose and inevitable result of the new section 2: it is to establish a pattern of proportional representation, now based upon race—perhaps at a later moment in time upon gender or religion or nationality.

Mr. President, each and every American citizen has the right to vote, but not the right to be elected. The Federal Government has no business trying to guarantee certain election results.

The administration was under no illusion about section 2. The subcommittee's leadoff witness, Attorney General William French Smith, stressed the dangers inherent in the results test.

The nationwide results standard, he said, would make long standing election procedures in communities across the country vulnerable to legal challenge if election results failed to mirror the local population mix.

The Attorney General predicted that communities with at-large elections and multimember districts would come under attack, as would many redistricting and reapportionment plans.

He also predicted that passage of the results test would further embroil the courts in local elections across the land. I quote:

> To entertain this kind of amendment to the Act's permanent provision is inevitably to invite years of extended litigation, leaving in doubt the validity of longstanding state and local election laws in the interim and inviting the federal courts, on no more than a finding of disproportionate election results, to restructure government systems that have been in place for decades.

In light of the administration's earlier objections to the results test, it was disheartening to hear President Reagan recently give his blessing to the Judiciary Committee's version of S. 1992.

What has happened to bring about the administration's change in mind?

The Senate version of the bill—the so-called compromise—attempts to mollify critics of the results test by adding a dash of legal jargon to section 2.

Specifically, the bill retains the results test, but goes on to state that a violation can be proved "if, based on the totality of circumstances, it is shown that the political processes subdivision are not equally open to participation" by minority groups.

The bill does not spell out what is meant by "totality of circumstances." However, disproportionate representation would be one such circumstance, and the court apparently would only need to find another, such as a history of segregated housing or racial bloc voting, to strike down a local election law.

The phrase "totality of circumstances" is so nebulous that the courts will have wide latitude in deciding all voting rights suits.

Aside from this key element of the compromise, the Judiciary bill extends the life of the section 5 preclearance provisions another 25 years and alters the bailout language.

In reality, this bill is not a compromise; it rather constitutes an abdication of congressional responsibility.

It enshrouds congressional intent in the misty language of political expediency. Its inevitable result will be a flurry of litigation since the task of divining congressional intent will fall to the courts.

And it is certain that the courts will take a long time interpreting this misbegotten legislation. In the meantime, local elections will be challenged and delayed as the legal wheels grind on and on.

The bill's most insidious effect will be to undermine the people's faith in their own political system. A cardinal tenet of American democracy is that citizens have the right to determine the kind of government they want to run their local affairs.

This bill abrogates that right in favor of the special interests of certain pressure groups.

The right to vote is the basic guarantor of all our democratic rights. It should not be compromised by politicans seeking to curry favor with this group or that at election time.

Furthermore, Mr. President, this bill embodies a thrust toward proportional representation which could lead to the creation of what some have called "political ghettoes" in our society.

I do not see how the establishment of federally mandated segregated voting districts will help minorities in the long run. Indeed, the disappearance of mixed voting districts, where coalition-building is possible, may actually diminish minority voting power.

I believe it should be pointed out that the assumption underlying the push for proportional representation is a racist assumption. It is that whites will not vote for blacks, that blacks cannot be fairly represented by whites, that only Hispanics should represent Hispanics, and so on.

The election of blacks and other minority members to prominent offices throughout the country belies these assumptions. Whites certainly voted for the mayor of Los Angeles and blacks certainly voted for the Governor of Virginia.

In summary, Mr. President, the alleged "compromise" has three key features.

It provides a new bailout section to take effect in 1984. Covered jurisdictions theoretically will be able to bail out from the preclearance provisions if they can show a court here in Washington, D.C. a clean voting rights record for the preceding 10 years.

However, the definition of a "clean" record—in conjunction with the results test—will permit frivolous complaints to keep any jurisdiction chained indefinitely to the act.

Second, the bill extends the preclearance mechanism for 25 years, rather than making it permanent, as in the House bill.

But this prolongs for a quarter century the humiliating and unnatural condition of Federal oversight of local elections: A condition which violates the constitutional authority of the States to prescribe electoral procedures.

Last, and most ominously, the bill overturns the Supreme Court's Mobile decision and, through the results test, may well result in proportional representation.

Proponents may call this bill a "compromise" if they choose.

But the compromise in the language of the legislation is cosmetic and without substance.

As to the 25-year extension, I ask this: How is it a compromise to sentence an innocent man to 25 years in prison, instead of life?

If, indeed, there was justification for passage of the Voting Rights Act of 1965, I am convinced it is totally unreasonable to assert that now, 17 years later, its enforcement provisions need to be extended for an additional 25 years.

Are minority voters in imminent danger of being disenfranchised? There is no evidence to support this view.

In Virginia, there has been no evidence whatsoever that anyone has been denied the right to vote.

Yet passage of this legislation would cast insulting and thoroughly unjustified reflection on the people of Virginia, who have been scrupulous in protecting the right of all citizens to vote.

This is a vindictive piece of legislation.

I shall not vote to keep my own State in undeserved subservience to the whims and dicates of the Federal Government.

Mr. HELMS. Will the Senator yield to me on my time?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I commend the able Senator from Virginia for this careful and precise analysis of this very bad legislation.

As I have said earlier in the discussion of this motion to call up, this legislation has not one thing to do with whether somebody's right to vote will be protected—not one scintilla of a relationship exists. And yet it has been presented by the proponents and pressure groups and the major news media as drawing the line between whether you favor voting rights or whether you do not.

I would ask the Senator from Virginia if he is aware of how 40 North Carolina counties come under this umbrella?

Mr. HARRY F. BYRD, JR. I am aware that they do come under the act.

Mr. HELMS. North Carolina, Mr. President, has 100 counties. Forty of them are covered by this pre-clearance provision, meaning that 40 counties have to come to Washington with hat in hand to beg the mercy of some bureaucrat in the Justice Department. If the county wants to move a precinct down the street or across the street, regardless of what may be desired in terms of operating the election process, they have to come to Washington. They do not have their day in court, I say to the Senator. They have to come and deal with the bureaucrats.

All this Senator is asking is to let those 40 counties have their day in court. Under the present permanent law they will soon get their day in court. But the proponents of the proposed changes say, "No; we are going to punish you. We are going to strip the court of jurisdiction to hear your case."

And why are they punishing the 40 counties in North Carolina? Because sometime in the distant past a literacy test requirement was in effect in those counties, except one. Thirty-nine counties had the literacy test; the 40th county involved in this preclearance morass is the county of Jackson over in the western part of the State, which has a substantial Indian population, and in one election year had a relatively small voter turnout. So, ipso facto, there was discrimination

The Senator from Virginia will recall that in 1974 in the national election only 38 percent of the eligible voters of this country participated in the electoral process, meaning by that sort of reasoning that the whole country was ipso facto guilty of discrimination.

Now I have repeatedly said, I say to my friend from Virginia, let us get on to more important things. I collected the other day the reports on 130 pieces of important legislation, includ-

ing the constitutional amendment to balance the Federal budget or to require a balanced Federal budget by the Federal Government. Now, that amendment is a lot more important than this piece of legislation, that does nothing but act in a punitive way, unfairly and inequitably, against the State of Virginia, the State of North Carolina, and 20 other States.

Now, if this act expired and had to be reenacted to stay on the books, that would be one thing. The media continue to say the Voting Rights Act must be extended or it expires. But that is not so. The Voting Rights Act is permanent legislation. What is not permanent are the features to which the Senator from Virginia alluded and which deny equity and fairness to his State and mine and others.

I commend the distinguished Senator from Virginia for his statement, and I hope that the public will take note of his wise counsel.

Mr. HARRY F. BYRD, JR. I thank the Senatcr from North Carolina.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I voted against the cloture motion earlier this afternoon because the real issues involved in this bill have been generally misrepresented and oversimplified. I believe more time is required to achieve objectivity and perspective on the overall context and farflung implications involved here.

Mr. President, the Voting Rights Act and other civil rights laws have played a major role in implementing this country's commitment to protect the fundamental rights of all Americans. The civil rights struggle that produced the Voting Rights Act also left a legacy of freedom and equality which is unparalleled in the history of nations. I know that Alabama is a better place because of the civil rights movement but that much more remains to be done before the vestiges of racial prejudice are totally eradicated in my State and in others.

As a boy, I saw the consequences of racial prejudice and can still vividly recall scuffling with the few bullies in my school who would throw stones at the black women who stood at bus stops, usually returning home from work as maids. Those were sad and tragic days. I, therefore, am particularly pleased to participate in this year's consideration of extension of certain provisions of the Voting Rights Act.

Clearly, the right to register and to vote is one of the essential fundamental requisites for citizenship in a democracy. The denial of that right, as practiced in the South and elsewhere before the enactment of the Voting Rights Act in 1965, was inexcusable and morally reprehensible.

Today, however, the Senate and the Nation face a different world than that of 1965. Tremendous advances have been made in assuring members of minority groups of the right to vote. There has been a shift in both attitude and actions by local officials and by ordinary citizens. The dramatic increase in black voter registration and turnout in the South in the last 17 years is evidence of the success of the act.

That is not to say there is no room for improvement in many areas. Throughout my campaign for election and since, I suggested that country clubs and other social, civic, and private organizations in my State should change their established policies and voluntarily admit members of racial minorities. To show how far my State has come, it made news a few days ago that a local chapter in Alabama of a nationwide civic organization still had a policy against according membership to members of minority groups. In 1965, it would have made news if such an organization had a policy admitting minority members. I am pleased to say that the board of directors of this particular organization promptly and unanimously voted this week to change its policy. The earlier adverse vote was 120 to 90. In 1965 it would have been more like 210 to 0, or perhaps 205 to 5.

Do we not run the risk of impeding or even reversing the astounding progress that has been made in recent years in voting rights? However well intended, an effort based too much in legalisms and not enough in humanity may well make the situation worse instead of better. It could easily feed and fan to flames the smouldering embers of resentment, or anger, and sometimes even of hatred, that for so long marked the political and social life of this country.

We are dealing with human nature, not insensitive objects. Many people, human being, in many States and political subdivisions strenuously resisted implementation of all civil rights legislation in the early sixties. But recognizing that, legally and morally, they had to comply with the law, they have substantially done so—with admirable results. The progress they, and we, made is incarnate not only in legal rights and opportunities but also in attitudes and human relationships.

Mr. President, we are perilously close to turning our backs on the progress that has been made. Our objective should, must, be progress, not just prescription, and our task is continuing and encouraging the progress promoted by earlier legislation and produced by the efforts of the American people. The measure before us suggests that there should now be more stringent, more harsh, more downright punitive provisions than were contained in the original act.

Mr. President, I am convinced that our goal as legislators must be to make all the laws of the United States color blind, whether those laws pertain to voting, or to housing, or to employment practices or to other areas in which Government has a legitimate interest and responsibility. I do not believe that approving this measure in its current context would be a step toward reaching that goal.

For this reason and others, I hope that Senators from States that do not have jurisdictions covered by the section 5 preclearance provisions of the act will consider carefully the consequences of adopting the committee bill to extend that part of the Voting Rights Act. Many States and jurisdictions are becoming increasingly dissatisfied as they realize that their good faith and largely successful efforts to end voter discrimination are not to be recognized by the establishment of a reasonable bailout provision.

Moreover, responsible leaders at the State and local levels are opposed to the establishment of a results or effects standard in section 2, which would transform the act. The committee amendment to section 2 would institute in parts of this country a system of proportional representation, and proportional not by political party but by racial and ethnic classification. I cannot imagine anything more inimical to the ideals on which this country was founded, or to the philosophy and ethic that have prevailed throughout its history. Under the amended section 2, any election outcome that produced a group of elected officials not completely reflective of the ethnic and racial proportions of the electorate would be suspect. It could even be overturned if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election are not equally open to participation by members of a class of citizens protected by the act.

Mr. President, I must ask my colleagues, is this the color blindness to which I have referred, or is this not itself discrimination? Are we now to conduct elections not on the basis of free citizens of a democracy but on the basis of representation of protected classes?

The central case in the debate over retention of the current intent test is the 1980 Supreme Court decision in City of Mobile against Bolden. Mobile, of course, is my birthplace and my hometown. In that case, the High Court upheld the intent test as the standard under section 2. Supporters of the committee and House bills have argued that Mobile must be overturned and an effects test established because intent is impossible to prove.

But in April, on remand to the district court, the court itself found that the requirements of the intent test

were satisfied because the plaintiffs were able to demonstrate, to the court's satisfaction, a discriminatory intent in the establishment of Mobile's at-large elections and to mandate the establishment of racially safe districts to guarantee the election of officials on the basis not of competence but of membership in a protected class.

During the early stages of consideration of the bill now before us, I was impressed by the almost total disappearance of the exceptional circumstances that existed in covered jurisdiction in 1965 and that originally justified the Voting Rights Act. The subcommittee's report emphasizes that remarkable change by pointing out that minority voter registration rates in such covered States as Alabama, Louisiana, Mississippi, and South Carolina exceed the average national minority registration rate. The report also suggests, with reference to the Supreme Court's holding in South Carolina against Katzenbach, that the proposed in perpetuity extension of the preclearance obligations in section 5 contained in the House bill may well be unconstitutional. I believe that the Subcommittee on the Constitution was correct to question whether Congress has the authority or the right to enact legislation requiring permanent preclearance.

Moreover, from the standpoint of equity and good national policy, it is objectionable to argue that a State like Alabama, with a 62.2-percent rate of black registration, should be covered by section 5, while a State like Massachusetts, with a 43.6-percent rate of black registration, should not be. This same objection arises when one examines the number of black elected officials in covered States. In 1979, Alabama, with 208 elected black officials, ranked 10th in the Nation in its election of black individuals to public office.

Mr. President, several of my colleagues and I have argued that, if we must have the preclearance requirements of section 5 at all, they should be applied nationwide to emphasize the importance of protecting voting rights in every jurisdiction where they are or may be threatened or denied. It is, however, apparent that the existing preclearance procedure itself is both politically intrusive and bureaucratically burdensome. Although I still insist that there should be nationwide application, I suggest that the present preclearance procedures should be modified.

Although Congress originally designed the section 5 process to provide covered jurisdictions with a rapid method for preclearing electoral changes, it is not functioning that way.

In Allen against Board of Elections, the Supreme Court expanded the scope of the act by holding that its preclearance provisions were applicable not only to new laws which might tend to deny members of minority races their rights to register and vote, but also to any State enactment which altered the election law of a covered State in even a minor way.

As a result, the volume of submissions required from States, counties, cities, towns, and other local governmental organizations, such as school boards, has reached excessive proportions. The intrusive and unnecessary burdens created by the section 5 preclearance procedure are illustrated by recent Justice Department statistics showing that, although it receives four submissions per day, some with multiple changes, the objection rate for section 5 submissions is currently only 0.2 percent.

Clearly, the preclearance procedure has evolved into a mere inventory of voter registration systems. As stated in Chief Justice Burger's dissenting opinion in U.S. against Board of Commissioners, "it is a trivial, though burdensome, administrative provision" for both the covered jurisdictions and the Attorney General. The function of section 5 as a purported remedy goes far beyond the scope of the arguable violations ascertained. When the onerous burden of compliance is weighed against the small percentage of actual objections, the procedure as now constituted is even less supportable.

Perhaps worse, the administrative preclearance process is actually not a process at all but, rather an administrative imposition of the will of any given Attorney General, or his staff. There is no provision for a hearing and there are no written standards of review; the confidential file is unavailable to the submitting jurisdictions; and there is no requirement for findings of fact. Indeed, there is not even a necessity to reach the conclusion that a change is discriminatory. As Justices White, Powell, and Rehnquist observed, in dissent, in Georgia against United States:

> Why should the State be forced to shoulder the burden where its proposed changes are so colorless that the country's highest legal officer professes his inability to make up his mind as to its legality?

Notwithstanding the breadth of the power of the Attorney General, his discretion is not subject to judicial review. It is difficult to imagine a process that is more offensive to the principles of federalism than one that determines the efficacy of a State's law without either basic due process protections or judicial supervision.

I agree with President Reagan's statement on November 6, 1981, that:

> As a matter of fairness, I believe that States and localities which have respected the right to vote and have fully complied with the act should be afforded an opportunity to "bailout" from the special provisions of the act.

Toward that end, I may offer an amendment which would establish a more reasonable "bailout" provision for States and other political subdivisions. Under the current provisions of the Voting Rights Act, August 6, 1982, is the date on which covered jurisdictions such as Alabama would have the first real opportunity in 17 years to achieve "bailout" from the section 5 preclearance provisions.

The first opportunity in 17 years, Mr. President, would have occurred on August 6, 1982. But S. 1992 includes so many overly stringent and artificial obstacles to "bailout" that, for practical purposes, Alabama would be denied "bailout" forever.

Mr. President, if you think the people of Alabama, with that kind of onus on them, as unfair, as unreasonable, and probably inapplicable as it is, can feel good about the intent of the Federal Government and can, with comfort, proceed at their own rate in improving attitudes, I would question the process by which we expect to arrive at an acceptable bill. I believe it is unfair to deny any covered jurisdiction a reasonable opportunity to "bailout" and thereby regain equal sovereign status within the Federal system.

In conclusion, I say only that I do not and will not support any proposed changes to the act that attempt to undo the good that has been done in the last 17 years. The protection of the rights of members of minority groups is foremost in my mind, because racial prejudice and discrimination are abhorrent to me both personnally and politically. But, if we allow the Voting Rights Act to become an insurmountable and inflexible bureaucratic and procedural barrier to local and State responsibility and sovereignty, then I believe we shall frustrate the intent of its authors and the Congress that enacted it, and that we shall deny the rights and freedoms that our constitution guarantees not only to individuals but to the State and local governments that compose our Federal system.

As I noted at the beginning, Mr. President, I believe the passage of this act as written would be a regression in progress in that tremendously important human endeavor that this act is purported to advance.

The PRESIDING OFFICER (Mr. ABDNOR). Who yields time?

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, if it is agreeable with the Senator from California, who, I presume, is managing this measure, at some point when it is agreeable with him, I should like to speak on this motion to proceed.

Mr. HAYAKAWA. I shall be happy to yield time to the Senator from North Carolina.

The PRESIDING OFFICER. Is the Senator yielding to the Senator from North Carolina?

Mr. EAST. If that is suitable to the Senator from California, I should like to speak on this question of the motion to proceed.

Mr. HAYAKAWA. Mr. President. I yield so the Senator from North Carolina may speak.

Mr. EAST. I ask recognition from the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. I thank the Chair.

Mr. President. I have opposed this motion to proceed. I realize the great difficulty we face and the odds against us, but to me, it is a matter of principle and of the commonsense of the thing. We are about to consider a measure that I find very badly flawed, it is so flawed that I feel that to consume the time of the Senate to grapple with it is ill advised in view of all the other major problems we face. Instead, this bill, because of the major flaws in it, ought to be sent back to the Committee on the Judiciary for further consideration and modification.

There are several points I should like to clarify for the sake of my colleagues, Mr. President. Two of the major misconceptions about this law are that, first of all, it expires in August of this year. It does not. In reality those States currently subject to the preclearance provisions of section 5 would have an opportunity to come out from under them, a well-deserved opportunity, in view of the progress they have made in terms of registration and voting since 1965. So, to the extent that any Senator is alarmed that this law might expire in August, he or she can rest assured that that is not the case. The 1965 voting rights law is in place and will remain so permanently until repealed by the U.S. Senate and the U.S. House of Representatives.

The second misconception is that we are simply extending the 1965 Voting Rights Act and that that was a good act; hence, what is the discussion about? That, too, is a misconception, Mr. President, because, as I have said on other occasions and I repeat for emphasis, we are not simply extending the 1965 Voting Rights Act. We have added material to it and sections to it that make it a radically different law than it was before.

In particular, as has been pointed out on many occasions, under section 2 of this new act, we are, for the first time, introducing the idea of quotas for determining whether an election is free of discriminatory taint.

Mr. President, it is one thing to say that you would support legislation, which I do and would, based upon the 15th amendment that would guarantee the right of every American to register and to vote and to have that vote counted regardless of race or color. Such legislation would be eminently responsible, based upon one of our fundamental amendments, the 15th amendment. But keep in mind that this bill now goes much further. It expressly states that, in addition to the right to register and to vote and to have that vote counted, there exists a right in some people "to have elected representatives of their choice." To have elected representatives of their choice.

Who are these people? Well, they are members of a class of citizens protected by subsection (a). What is the class of citizens protected by subsection (a)? American citizens who could be classified on the basis of race or color.

So, now we are told, the law not only will guarantee the right, again, to register and to vote and to have that vote counted, but it will guarantee that members of a particular class will be elected. Of necessity this guarantee will introduce a quota system into the election process and will clearly require as a remedy in court the imposition of quotas.

That is a very new, novel, and radical idea in American politics. To those who may be doubting Thomases and say, "I do not think the Federal Government and the courts will really require election of members of a particular class," I point out that they are already doing so in the affected States, of which mine is one. Section 5 of this bill, which applies regionally already is doing that. In North Carolina, this year, the Department of Justice, under section 5 of the 1965 Voting Rights Act, is, in fact, requiring our State to gerrymander districts racially in order to enhance the probability that black candidates will win.

Mr. President, this is a sensitive subject. Again, it is one thing to insure the right of every American to register and to vote and to have that vote counted. But when the Justice Department, based upon law, backed up by courts, requires the drawing of voting districts in order to insure that certain classes will be more likely to succeed as a result or an effect of the election, that is what is new. That is what is radical.

Again, Mr. President, I think the U.S. Congress needs to reflect long and hard before they move into this very troubled water. I do not feel they have. With all due respect to my colleagues in the House and the Senate, I do not think they realize that is what it is doing or will do. They think they are merely extending an old law which conventional wisdom tells them is good law.

I understand the problems in this body. People are busy, there are problems of budgets and finance and clean air acts and this, that, and the other thing. Often, people are advised by well-meaning people that all this bill will do is this, that, or something else.

If I thought that all this bill was a simple extension of the 1965 Voting Rights Act, I would not be here this afternoon bothering Senators with this analysis, but it is infinitely more than that.

I do not know of anything that will have a greater impact than this revised section 2. It will apply nationwide; it will jeopardize at-large elections, and it will jeopardize annexations and any other changes of this kind made at the State and local level.

In addition, Mr. President, as regards the States currently under the law, of which there are 9 completely under it and 13 other partially under it, of which North Carolina is one—yes, I grant that we have 40 counties in North Carolina currently under this law—there are things about it that I feel are inappropriate and no longer justified today.

For example, under the current law and under the law that it is being proposed we extend, we are required to come to the district court in the District of Columbia to try these cases. We cannot try them in the Federal district courts in our areas, jurisdiction having been stripped away from them. There is no justification for that. In this country you are entitled to try a case in the State, the district, or the area wherein the alleged offense supposedly took place. The venue provisions of the act ought to be changed. Moreover, under the act, the burden of proof is not on the Government to show that a jurisdiction has discriminated, which historically it ought to be. It is on the particular State or entity which has to prove its innocence. This burden of proving a negative, it makes it impossible, quite candidly, to anticipate every possible objection that the Government or the Attorney General might interpose. It is unfair and contrary to the norm of Anglo-American law.

Another major flaw in this bill as it applies to the affected areas, again of which North Carolina is one, is the proposed bailout provision. The new bailout is worse than the old one. It is punitive. It is unreasonable. There is little or no chance that a State or subdivision thereof could get out from under section 5. It is not clear what the new standards require, vague as they are and open as they are to arbitrary interpretation. Hence, any local or State official, looking at the bailout could simply, could only, decide there is no way to get out from under it. Where then is his incentive to comply with the law? The new standard makes for a negative public policy rather than a positive one. It should rather encourage States and local entities to

comply with the law in order that they could come out from under the onerous preclearance provisions.

The proponents of this so-called bailout provision I think know down deep inside that no one can get out from under it. It is like consigning someone to jail with no chance of parole because the conditions are impossible to meet. The prisoner has no incentive to improve his conduct except the fear that harsher penalties will be imposed upon him. So let us not call it bailout. Let us call it rather permanent subjection or at least subjection for one-quarter of a century. I cannot believe any Senator in this body would vote to subject his State or a subdivision thereof to the onerous provisions of this particular bill for a period of a century with no real opportunity to get out from under it. There are so many defects in it, from this requirement of quotas to this question of venue, burden of proof, and reasonable bailout. With all of the impact that this will have, we ought to think carefully about it. We ought to look at amendments. I intend to offer some. I know other Senators do, too.

The thing that has concerned me in this mad rush to get into this bill, to get it over with, as we are told, is that there is a certain nervousness, skittishness almost, on the part of the proponents who fear that we might look at it carefully, we might explore it, we might try to understand its implications and applications. There is a great deal of rhetoric to the effect that they are for justice, they are forward-looking, they are progressive, they want to open up the election process, they are humane, and they are compassionate. The implication is that these are the definitive terms. I submit everyone here is honorable in this debate, pro or con. Everyone supports the fundamental right of people to register and vote and have their votes counted regardless of race. We are not talking about that. We are talking about other fundamental matters that I feel under close scrutiny will not bear up.

I simply ask my colleagues to consider these amendments and other things that will be taken up on their merit, evaluate them carefully, study them, look at the impact and decide if that is what they want. If they want an effects test, if they want results to be a part of judging the fairness of elections, if they want quotas introduced into elections in the United States, then so be it. Let them vote for them and let them vote not to amend section 2. If they feel that the affected States, those 9 and 13 others, deserve no relief, that they should be treated not only as they have been for 17 years but, indeed, worse, then just leave it like it is.

As the majority leader—and I appreciate his position on it—has said on numerous occasions, as he said to the press, the amendments are not frivolous, the concerns are not frivolous, they are genuine, they deserve to be heard, to be debated, and to be voted upon. It is in that spirit that I have entered into this debate, Mr. President. My reason for being opposed to proceeding is that, until now in my brief tenure in the U.S. Senate, I had never seen a piece of legislation come before this body that was so ill-conceived and so badly flawed throughout and had never seen a situation where the better thing to do would have been to send it back to the committee and see if they could not come up with something a little better. But if we are unsuccessful in opposing this motion and that is not the will of the Senate, and eventually it shall work its will, we will move on to the substance of the measure, offer our amendments, allow our good colleagues to have an opportunity to vote and to be done with it all.

I have noted previously—and I would like to close on this—a quotation from a recent column of the very well known journalist, James Jackson Kilpatrick. He recently had a column appearing nationwide which he entitled, "Why the Cheers On Voting Rights?" I would like to quote briefly Mr. Kilpatrick in conclusion. He said:

> Let me put the matter as bluntly as I can. This measure is folly.

He said:

> In 40 years of covering politics, I cannot recall a more lamentable legislative error.

Then he concludes:

> From the waves of thoughtless support given to this misguided bill, I respectfully dissent.

That sums up my position precisely: "From the waves of thoughtless support given to this misguided bill, I respectfully dissent."

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I commend my able colleague from North Carolina (Mr. EAST), for his presentation. He has served with distinction across the broad spectrum of his responsibilities in the Senate but most especially as a member of the Committee on the Judiciary and particularly with reference to this piece of legislation.

I ask my friend from North Carolina if he will turn to the report on the voting rights extension, so called, page 167. I want to check some figures with him, to see if my understanding is correct.

I notice a table listing the States. The table is headed "Chart B—Reported Registration For States, By Race." Then down below, in parentheses, "In Percent."

Mr. EAST. Yes.

Mr. HELMS. I notice that North Carolina, for example, has a registration of 63.7 percent of its adult whites. Is that the Senator's reading of that table?

Mr. EAST. Yes. That would be correct.

Mr. HELMS. And 49.2 percent of the blacks are registered in North Carolina.

Mr. EAST. Yes.

Mr. HELMS. The type is a little blurred. What is it for the State of Massachusetts? It appears to be 73.4 percent for white registration and 43.6 percent for black registration. Is the Senator's copy clearer than mine?

Mr. EAST. The Senator reads that accurately.

Mr. HELMS. The State of Virginia: Is it 65.4 percent white registration and 49.7 percent black registration?

Mr. EAST. That is correct.

Mr. HELMS. Let me go back to Massachusetts, to see if I have the figures straight: 73.4 percent is the white registration and 43.6 percent is the black registration of Massachusetts.

Mr. EAST. That is correct.

Mr. HELMS. I want to be sure that I have the figures correct.

I thank the Senator.

Mr. METZENBAUM. Mr. President, will the Senator from North Carolina yield for a question from the Senator from Ohio?

Mr. HELMS. I will be delighted to yield, on the time of the Senator from Ohio.

Mr. METZENBAUM. Certainly.

Will the Senator be good enough to clarify for me what the percentage of black registration is for the State of Ohio, according to that table?

Mr. HELMS. If I can make out the blurred print, let me see——

Mr. METZENBAUM. Would it be 68.3?

Mr. HELMS. I was looking at 92.1, but I guess that is North Dakota. Is it 66.5?

Mr. METZENBAUM. 66.5 white; 68.3 black registration.

Mr. HELMS. Yes, that is what the figures are.

Mr. METZENBAUM. Would not the Senator say that is pretty good?

Mr. HELMS. I say that is excellent. The figures for Ohio are almost as good as those for Mississippi. They certainly compare well with Kansas where the percentage of black registration is the lowest in the country.

Mr. METZENBAUM. I thank the Senator.

Mr. EAST. Mr. President, will the Senator yield for an observation on the figures he brings to our attention?

The point that is critical in these statistics that the Senator from North Carolina rightly brings to our attention is that—well, there are many interesting things—but the original purpose of the 1965 act was to enhance minority registration in the affected States, which it obviously has done dramatically.

Another thing to note is that the figures in the affected States are equal to or higher than those in the rest of the country or many parts of the country. For example, Mississippi has a black registration of 72.2; Massachusetts has 43.6.

My point is this: Why would you treat Mississippi worse than Massachusetts? That is the approach of this proposed act, under section 5, because the affected States have to come here and try their cases. The burden of proof is upon them.

The point is that under a general notion of federalism, you should treat all States equally, under the equal footing doctrine, unless there is some reasonable basis for distinguishing among or between them.

The curious thing is that a State such as Massachusetts has a poorer record than that of Mississippi. Yet, Mississippi will be subjected to a stricter standard than Massachusetts. And so on it goes.

My point, I say to the Senator from North Carolina, is that there is no rational basis for treating one part of the country differently from another, under this law. It is unthinking; it is arbitrary; it is capricious. It violates one of the great tenets of Anglo-American law, the idea that citizens ought to be treated the same, unless there is some reasonable basis for distinction, and that States ought to be treated the same, unless there is some reasonable basis for distinction. There is none here.

As a matter of fact, the statistics would bring you to precisely the opposite conclusion. It is Massachusetts that should be under section 5, rather than Mississippi. But emotion seems to run stronger than statistics here, and I think the Senator is right to get us to look at the figures. Whether people will listen, that is always another problem.

Mr. HELMS. I thank the Senator.

According to this table—I was handed a clear copy, and I can make out the figures—the lowest State in terms of percentage of black registration is Kansas. The second lowest is Massachusetts.

So that all States may be examined, Mr. President, I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART B—REPORTED REGISTRATION FOR STATES, BY RACE

[In percent]

State	White registration	Black registration
Alabama	73.3	62.02
Alaska	69.7	.....
Arizona	59.4	.....
Arkansas	67.4	62.6
California	62.1	61.5
Colorado	69.9	.....
Connecticut	73.2	65.4
Delaware	67.8	.....
District of Columbia	67.0	52.4
Florida	64.1	58.2
Georgia	67.0	59.5
Hawaii	65.5	.....
Idaho	73.6	.....
Illinois	74.0	72.1
Indiana	69.7	64.2
Iowa	76.4	.....
Kansas	71.0	40.3
Kentucky	67.7	49.9
Louisiana	74.5	69.0
Maine	81.4	.....
Maryland	68.3	61.3
Massachusetts	73.4	43.6
Michigan	73.9	68.4
Minnesota	83.8	.....
Mississippi	85.2	72.2
Missouri	75.5	77.0
Montana	74.7	.....
Nebraska	72.4	.....
Nevada	55.2	.....
New Hampshire	74.1	.....
New Jersey	69.8	48.9
New Mexico	68.3	.....
New York	62.4	46.5
North Carolina	63.7	49.2
North Dakota	92.1	.....
Ohio	66.5	68.3
Oklahoma	67.7	51.9
Oregon	73.7	.....
Pennsylvania	61.9	66.6
Rhode Island	74.2	.....
South Carolina	57.2	61.4
South Dakota	81.9	.....
Tennessee	66.9	69.4
Texas	61.4	56.4
Utah	77.4	.....
Vermont	73.6	.....
Virginia	65.4	49.7
Washington	67.8	70.0
West Virginia	69.5	.....
Wisconsin	87.8	40.4
Wyoming	64.1	.....

Note: Numbers represent census estimates.

Source: Bureau of the Census, Department of Commerce, November 1980.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes.

The Voting Rights Act of 1965, as amended, involves one of the most important constitutional issues ever to come before this Congress. Central to this legislation are fundamental issues involving suffrage, federalism, civil rights and the system of checks and balances. This legislation is very important because it insures the full and vigorous protection of the right to vote.

The Voting Rights Act and its special provisions have accomplished what two constitutional amendments and 100 years of litigation could not accomplish. It has banished the blight of racial discrimination in voting and resulted in the enfranchisement of hundreds of thousands of minority Americans. With the enactment of the 1965 act, minorities finally began to collect on what Dr. Martin Luther King called "Promissory note of the Constitution."

Throughout my tenure as a Senator I have unyieldingly sought to protect and to make meaningful the right to vote. I was an original cosponsor of the bilingual election provisions enacted in 1975. I believe that the right to vote is the most sacred right and the guardian of all other rights.

The best justification for extending the bilingual election provisions for non-English speaking citizens can be found in the 1975 law itself:

The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from an environment in which the dominant language is other than English. In addition they have been denied equal educational opportunities by state and local government, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that where state and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process.

There are 15 million Mexican Americans and other Hispanics who comprise 7 percent of the U.S. population. For the Hispanic adult who cannot speak or read English fluently, the right to vote has no meaning because it cannot be used.

The Mexican American legal defense and educational fund conducted a study and the results were included in the committee hearings. The study found that the bilingual materials were particularly valuable to the elderly citizen, who, because of poor and often nonexistent educational opportunities when he or she was a child, was never educated in English. The elderly accounted for the majority of those who used bilingual voting assistance and materials in the 1980 general elections. Seventy-four percent of those over 65 years old used the Spanish ballot. Thirty-five percent of all respondents would be less likely to register if there were no ballot in Spanish (among those over 65 years old, 44 percent); 65 percent of Mexican Americans 65 years or older have had less than 5 years of school. The bilingual provisions of the Voting Rights Act gives real meaning to the right to vote. Without those provisions the Hispanic adult who cannot speak or read English fluently is precluded from voting because the right to vote cannot be used. The right to vote has no meaning if it cannot be used. Therefore, the bilingual provisions will be extended so as to coincide with the other provisions.

This law was enacted in 1965 because some States and local political subdivisions sought to prevent minorities from exercising this most precious

right. The act began a new chapter in the struggle to achieve equality for minorities. In 1970, Congress reviewed and extended the act for another 5 years. In 1975, Congress again reviewed the progress made under the legislation and extended the preclearance provisions for another 7 years until August 1982. At that time, the act was amended to impose bilingual election requirements designed to transform the phrase "the right to vote" from a lofty platitude for minorities to a meaningful right.

In revisiting the statute in 1982, the emphasis should be placed on the positive objectives of the legislation rather than dwelling on the chapter that led to its passage 16 years ago.

Today, the question is once again before Congress: Should those special provisions be extended again? In my view, that question must be answered affirmatively. I applaud President Reagan's endorsement of a 10-year extension and his position that the bilingual ballot provisions of the current Voting Rights Act be extended so that they run concurrently with other special provisions of the act.

I want to compliment Senator DOLE for his proposed changes in section 2. I want to voice my support for the Dole compromise which changes the law from an "intent" test to a "results" test based on the "totality of circumstances" language of the U.S. Supreme Court in the White against Register decision.

During the 8 days of hearings before the Subcommittee on the Constitution, Senate Judiciary Committee, spokesmen for the U.S. Commission on Civil Rights, NAACP, League of Women Voters, American Civil Liberties Union, Leadership Conference on Civil Rights, Southwest Voter Registration Project, Common Cause, American Jewish Congress, Mexican American Legal Defense and Education Fund, American Bar Association and the League of United Latin American Citizens collectively and unequivocally endorsed the extension of the Voting Rights Act. The consensus of these organizations sends a very clear message to the Congress that the Voting Rights Act has been good for the country and should be extended.

Measured by any yardstick, the results of the act are impressive. Literacy tests, poll taxes, and similar devices which led to the original Voting Rights Act have been effectively eliminated. Minorities have made dramatic gains in voter registration and election to public office.

According to the U.S. Commission on Civil Rights the number of black elected officials in the South has increased dramatically from less than 100 in 1965 to more than 2,000 in 1980. A recent study completed by the Southwest voter registration education project showed a 29.9 percent increase in Hispanic voter registration rose by 44 percent.

Notable gains have also been achieved in a number of covered jurisdictions which have sizable Hispanic populations. In Texas, minority voter registration has increaed by 30 percent during that 5-year period. Even more dramatic is the progress in Arizona, where Hispanics constitute 16.2 percent of the population and 13.2 percent of all elected officials.

New Mexico is a unique State. Thirty-eight percent of its population is Hispanic. The authors of the New Mexico Constitution acknowledged the necessity for bilingualism and felt it important enough to place bilingual provisions in the State Constitution. Those Founding Fathers recognized the importance of full minority participation in the electoral process. Both English and Spanish are official languages in New Mexico. The bilingual requirements in the Voting Rights Act are an affirmation to this noble objective.

The Voting Rights Act has created a new climate of awareness among minority citizens in covered jurisdictions that has made them more conscious of their rights to participate fully in their communities' political decisionmaking process. It has made election officials wary of abridging that right and more accepting and sensitive to the needs of the minority community. Most of all, the Voting Rights Act has been of great symbolic importance to the Nation as a statement of national commitment to the equal access of all to the ballot. The passage of S.1992 is a strong, fair, and widely endorsed bill which would be a signal to the Nation that this commitment still stands.

As significant as the gains have been, this legislation has not realized its potential. It is imperative that we not lose sight of the fact that, while the Voting Rights Act was enacted in part as a prophylactic safeguard against racial discrimination, it has another and more critical purpose as well, which was forward-looking and constructive and national in scope. The purpose was to encourage States and localities to bring minorities into the mainstream of American political life.

Attorney General William French Smith testified before the Judiciary Committee, Subcommittee on the Constitution that the Justice Department's enforcement experience in this area still demonstrates that some political jurisdictions in the country have made insufficient progress and that continued Federal oversight of those jurisdictions is necessary.

Since 1975, the Mexican American Legal Defense and Educational Fund attorneys have participated in approximately 50 lawsuits under the Voting Rights Act.

I support the Dole compromise. As a lawyer, I am well aware that intent is a much relied upon legal test. It is an integral element that must be proven in an assortment of legal controversies. Intent is difficult to prove, and in voter rights cases, if the result is to deny or abridge the right to vote, the harm is done. The amendment which changes the test, to a Dole compromised results test, brings back the original intent of the Voting Rights Act.

Mr. President, I yield the floor.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The question is on the motion to proceed to S. 1992.

Mr. METZENBAUM. Regular order, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on the motion——

Mr. HATCH. Mr. President, I hope that those who want to utilize their time will come and utilize their time and that we will proceed from there rather than depriving anybody of his right to speak on this issue.

On the other hand, I hope we can move to vote on the motion to take up, if it would be all right.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

Mr. METZENBAUM. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum.

Mr. METZENBAUM. My parliamentary inquiry, Mr. President, is whether or not it is appropriate to have a quorum call at this point, there having been no intervening business subject to cloture being invoked.

The PRESIDING OFFICER. Until the Chair has announced whether or not a quorum is present there has not been a quorum call.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Is there objection?

Mr. HELMS. I am sorry, Mr. President, I did not hear.

The PRESIDING OFFICER. There has been a request for unanimous con-

sent that further proceedings under the quorum call be rescinded.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have had a memorandum from a representative of the Board of Supervisors of the County of Los Angeles. It reads as follows:

On June 8, 1982, The Board of Supervisors of the County of Los Angeles, on motion by Supervisor Kenneth Hahn, unanimously voted to favor the extension of the Voting Rights Act of 1965 on condition that the bill is amended to:

1. Discontinue bilingual ballots.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. KENNEDY. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. HELMS. Mr. President, I find it unique that I be interrupted in the middle of a statement. Unless it is a matter of great urgency, I would prefer to continue.

Mr. KENNEDY. It is a matter of great urgency. Will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Massachusetts represents it is a matter of great urgency.

Mr. HELMS. I am apprehensive about anything the Senator from Massachusetts might consider urgent. I am not persuaded that it is, Mr. President. I do not yield.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

To continue:

2. Delete any provisions which reflect or infer quotas or proportional representation of ethnic, cultural or racial groups.

That, Mr. President, is the plea of the Board of Supervisors of the County of Los Angeles, a government serving 7 million citizens. So, Mr. President, the facts are gradually getting out on this bill. The public and the Senate should not be denied the facts through hasty and misinformed action.

I ask unanimous consent that the entire memorandum be printed in the RECORD at this point, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the memorandum appearing in the RECORD?

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HELMS. Very well, Mr. President, it will stand as it is. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard. The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, we have spent a good part of the afternoon on quorum calls charged against the 100 hours under rule XXII. I understand that. But I am anxious, if we can, to get as much of the debate out of the way post cloture as is possible to do.

I do not intend to ask the Senate to remain late this evening, but I do hope that we can get some more debate done today before we go out. I would plan to get off this bill about 6 o'clock and then take care of our routine matters shortly after that.

May I inquire of the distinguished managers of the bill and the Senator from North Carolina and other Senators who are here if they have debate that they wish to conduct yet this afternoon on this motion?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I rise to point out that we have been on this resolution for 2 hours, 45 minutes, most of which time has been consumed by quorum calls. There should not be any illusion for the Members of the Senate about what tactics are being used to subvert the possibility of consideration of amendments on their merits.

I am extremely mindful of the calendar that has been spelled out by the majority leader, and I think we are prepared to accommodate it. I thought the cloture vote was a strong indication of what the will of the Senate is, but we are being denied an opportunity to even consider amendments. I do not know whether the majority leader has had the opportunity I have had to spend the time here listening on the speaker system, but I have heard the same speech at least five times from the Senator from North Carolina. I am sure I will hear it a number of more times. I think it is important at this time to point out exactly what is happening on the floor of the Senate. I do not think it does us any good to continue to sit here during a quorum call. We can stay as long as any of the other Members can, but if that is the way that we are going to proceed, then it is important that the membership know it.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, in response to the majority leader's comments and the request, as floor manager of the bill, I personally would prefer to debate the bill, bring up the amendments, dispose of those amendments and resolve this issue on the floor. I certainly hope we can proceed as expeditiously as possible.

The PRESIDING OFFICER. I thank the Senator from Utah.

Mr. HATCH. Mr. President, if the Senator would yield for one other statement, I do not think anybody on our side, at least those who would like to go forward, has anything more to say at this time until we actually get on the bill itself. When we get on the bill, then I think we will have a full and complete debate, but until then it is just a matter of allowing the time to run.

Mr. METZENBAUM. I think it is quite obvious to one and all what is taking place when we talk about how long we are going to be dilly-dallying before we move to actual consideration of the measure. I wonder whether the leader has given any consideration to the matter of a live quorum call in order that we might eliminate the continuous use of quorum calls for the purpose of delaying the work of the Senate. As the leader well knows, there are limitations to what is permitted after a live quorum call has occurred.

Mr. BAKER. I thank the Senator from Ohio.

I find myself in a unique position. That is, I, like the Senator from Utah, am in favor of moving on and getting to the amendments themselves.

Indeed, I propounded a unanimous-concent request earlier today that we dispense with the hundred hours post-cloture under rule XXII and go directly to the motion itself, which I think would carry. So I am on that side.

By the same token, I have a special responsibility I think to make sure that every Senator is fully protected in their rights, including those rights under rule XXII; even though I may not favor that position, I feel an obligation to protect it.

If the Senator from North Carolina or any other Senator wishes to debate in opposition to the motion and wishes to avail themselves of the time, I am not going to try to force that issue. I do intend to try to get to this bill; we did not go through the cloture procedure as an idle gesture, and at some point we will reach this motion to proceed to the bill.

I think it will pass. But my job is to try to see that every Senator has the opportunity to express themselves fully, that no one is taken advantage of, that every chance is given to present a legitimate point of view but at the same time to see that we get a result and do so as promptly as possible.

At this point may I inquire of the distinguished Senator from North Carolina if he has further debate on this measure, or if he is prepared to go on to a vote now on the motion to proceed, or if he could give some idea of when he would be in a position to do that?

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. HELMS. I cannot respond to his question at this time. I had hopes that there would be some lessening of the intractability of the proponents, but there has been none whatsoever. They continue to delay. I say again that we could vote 10 minutes from now on final passage if we could just have some fairness and equity agreed to in this legislation. I have no desire to hold this legislation up, and I have made that clear from the beginning.

Before we get awash in a pious pretense around this place, let me say that on repeated past occasions I have been on this floor and I have done everything I could to protect the rights of the Senator from Ohio when he was in the position that I am now in, and not once did I slip up and whisper "regular order" as has been done here this afternoon.

If we are going to play games, Mr. President, the Senator from North Carolina knows how to play them a little bit, too. However, I suggest that we sleep on this thing, and if there is any evidence of a lessening of the intractability on the side of the proponents so that we can clear up some of the problems that I and other have with this legislation, I can assure Senators that at 10 o'clock tomorrow morning, 9 o'clock, 8 o'clock, whatever time is designated, we can come to an agreement.

But all I hear is, "We will overcome again. We are not going to listen to you. We don't care what you think. We don't care what is being done to your State."

In fairness, I cannot treat the people of North Carolina that way, Mr. President. I cannot.

So that is about as clear as I can make it. I want to proceed, but I need some evidence of good faith on the other side.

Mr. KENNEDY. Mr. President, I want to make it equally clear that the position which had been recommended by the Senator from North Carolina in his "Dear Colleague" letter is completely unacceptable, I think, to the Senate, and I am prepared to let the Senate make that decision. I recommend that the Senate not accept that position, because I think it reaches the funadmental issue of the right of citizens across this Nation to vote.

I, for one, am not going to be in a position where I am going to be requested to alter or change my calendar on a good night's sleep, recommended by the Senator from North Carolina, to change my position on this legislation.

So, for what information it is worth, I think we are going to find ourselves in the position tomorrow that we find ourselves in right now.

Mr. BAKER. Mr. President, it does not appear to me that we will get very far this evening.

I hope every Senator, on both sides of this issue, understands that at some point we have to resolve this issue. We are now under cloture. Under the provisions of rule XXII, there is a limited time for debate. Debate is allocated to Senators on a very precise and exact basis. It requires unanimous consent to change those provisions.

There is no animosity in the statement I am about to make, and I am sure that the Senator from North Carolina and the Senator from Massachusetts understand it when I say it. We are going to pass this bill, or at least we are going to let the Senate work its will on this matter. I am not going to try to force the issue tonight.

I am not ever consciously going to take advantage of any Senator or deprive him of any right.

I want everyone to know that cloture is not an idle gesture, and we are indeed going to do this. We are going to provide for the Senate's consideration of this motion and, assuming the motion is agreed to, full consideration of the bill and all amendments to the bill.

I say again that I am not one of those who closes his mind to every amendment. There are amendments I am aware of that probably will be offered and are not frivolous and are of substance. I probably will vote for some. I certainly reserve that right.

However, my responsibility to the Senate and my responsibility to my colleagues is to see that we get on with the business at hand. Based on the responses that have been given me now by the Senator from Massachusetts and the Senator from North Carolina, I do not think that in the next 16 minutes we are going to get to the motion to proceed.

On that basis, Mr. President, I urge that Senators consider that we should get to the motion to proceed early tomorrow and be on this bill some time during the day tomorrow, so that we can get to the amendments at hand and finish this bill before the end of this week. That is my ambition; that is my goal and objective. I think we can do that. We can finish this bill and get on with other matters.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since it does not appear that we can make proper progress on this matter at this time, I ask unanimous consent that there now be a free period for the transaction of routine morning business, not to extend beyond 6 p.m., in which Senators may speak.

Mr. KENNEDY. Mr. President, reserving the right to object, I will not object tonight to this request of the leader, because the leader has indicated his position in bringing us to consideration of this legislation. But I must say that there are many of our colleagues on both sides of the aisle who feel that we should not set aside this measure until we are going to have a determination on it.

I know that Senators like to speak on routine morning business, and I will not object tonight and will certainly continue to cooperate with the leader. But I want to indicate that the leader has indicated to us that he is going to use all the means and measures that are available to him. I expect that all Members are going to utilize all procedures which are available to them to move this process along, and I think we should understand that as well.

Mr. BAKER. Mr. President, before the Chair rules, let me say that I have no intention of laying aside this bill. We are going to finish it, one way or the other.

However, providing for a period for the transaction of routine morning business is in no way calculated to lay aside this bill. It is, rather, to provide an opportunity to take care of routine calendar matters that are cleared for action on both sides.

I hope everyone will understand that nothing is implied in that request that would signal that there is any retreat from a commitment to see that this matter is dealt with. It is a regular and routine request in order to expedite the proceedings of the Senate on other matters that are cleared for action.

If the Senator from Massachusetts is concerned about that, we can proceed by another way. But I point out that that is a fundamental prerogative of the leadership—to provide a time when the routine matters of the Senate will be disposed of.

I wanted to make that clear, because I do not want anyone here to think that the request I have just made has any implication beyond the requirement that we deal with the matters at hand as they accumulate on the Republican and Democratic desks for disposition by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no more votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

LETTER FROM SENATOR ROBERT C. BYRD TO THE PRESIDENT CONCERNING SECRETARY OF LABOR DONOVAN

Mr. ROBERT C. BYRD. Mr. President, I should like to report on an action that has just been taken by the Senate Democratic Conference. Senate Democrats have met and have authorized me to send the following letter to the President of the United States. It reads as follows:

DEAR MR. PRESIDENT: I am writing to you at the direction of the Democratic Conference because of our growing concern about the Secretary of Labor Raymond Donovan case and more basic issues related to the Ethics in Government Act. Democrats have been restrained in our comments on the Donovan case believing that, except in the most extreme circumstances, any action in the matter should await the findings of the Special Prosecutor.

However, we believe those extreme circumstances now exist. In addition to all of the other allegations which have been made against Mr. Donovan, it is now reported—

By the Washington Post today in a story by George Lardner, Jr., Washington Post staff writer—

that while he—

Mr. Donovan—

was under consideration for the post he now holds, the White House Counsel was informed by the FBI that Mr. Donovan "had close personal and business ties with known" organized crime figures, and that "this information was corroborated by independent interviews of confidential sources." Mr. President, we believe that the time has come for you to ask Mr. Donovan to step aside until all of the issues raised by this investigation have been satisfactorily resolved.

Furthermore, we are deeply concerned about reports that your Administration is considering repealing or significantly changing the Ethics in Government Act, under which Mr. Donovan is currently being investigated. Last week, the Associated Press reported that officials of your Administration "have been studying proposals to seek repeal of the requirement that top officials make public their financial holdings," as required by the Ethics in Government Act.

This is not the first occasion on which your Administration has indicated a dissatisfaction with this law. As recently as April, a Justice Department official testified in opposition to another provision of the Act which required that an independent "special prosecutor" be appointed when there are facts indicating that a high-ranking political appointee may have violated federal criminal law.

We believe that it is critical that you clarify the position of your Administration on the Ethics in Government Act. We urge you to affirm your support for that law which grew out of the abuses of Watergate and has done so much to restore public confidence in government. The Democratic Conference will strongly oppose any effort to repeal or weaken the Ethics in Government Act.

Sincerely,

ROBERT C. BYRD.

Mr. President, I want to underscore the extreme urgency which we attached to this matter. The American people must have confidence in the President's Cabinet. These are the individuals who make the day-to-day decisions which affect the lives of us all.

The Secretary of Labor is charged with responsibilities which require him to deal with the enormous problems of unemployment which face us as a Nation. How can he devote his full attention to the tremendous issues relating to the lives and well-being of millions of Americans when he must respond day after day to new allegations about "mob" connections which continue to appear in the press? How can he continue to serve responsibly as a member of the President's Cabinet and at the same time devote his full energies to the special prosecutor's investigation of his activities which are now underway in New York?

Mr. President, I do not presume to comment on the truth or validity of the charges raised, but I do know that the welfare of our great Nation must come before the interests of any individual, and I therefore think it would be in the best interests of our country for Mr. Donovan to step aside until all the questions about his alleged conduct have been satisfactorily resolved.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the article which appeared in the Washington Post under date of June 15 titled, "FBI Told Reagan Staff Donovan Had Mob 'Ties.' "

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FBI TOLD REAGAN STAFF DONOVAN HAD MOB 'TIES'

(By George Lardner Jr.)

The incoming Reagan White House was informed by the FBI last year, on the first day of Secretary of Labor Raymond J. Donovan's Senate confirmation hearings, that Donovan had "close personal and business ties with known La Cosa Nostra figures."

The FBI report, dated Jan. 12, 1981, was hand-delivered that day to White House counsel Fred F. Fielding, who was then the Reagan transition team's conflict-of-interest counsel. According to informed sources, the report also stated that "this information was corroborated in independent interviews of confidential sources."

In New York, meanwhile, it was learned that the corpse of a potential witness in the Donovan investigation was found Friday in the trunk of his own car in downtown Manhattan with a bullet through his head.

The victim of the gangland-style slaying, Fred Furino, 52, had been interviewed several times by special prosecutor Leon Silverman before Furino's disappearance on June 3, sources, said. According to a confidential FBI report at the time of Donovan's confirmation hearings, a bureau informant said Furino served as a sometime "bagman" for a New Jersey mobster named Salvatore Briguglio and, in that capacity, occasionally "picked up money from Donovan."

The FBI officials stepped into the case over the weekend at Silverman's request to investigate for possible obstruction of justice. New York police said Furino had been dead for at least six days when his body was found.

"We have asked the FBI to conduct an intensive investigation, and an intensive investigation was begun immediately," Silverman said yesterday. He declined to say whether Furino had appeared before the federal grand jury assigned to the Donvan inquiry and said he would have no further comment.

In Washington at the same time, the contents of the brief Jan. 12, 1981, FBI report alleging links between Donovan and organized crime raised fresh questions about last year's confirmation process in the Senate. Apparently, the Senate committee that considered Donovan's nomination was not sent the report until last week, when the panel's ranking members say they first became aware of it.

Copies were supplied to Senate Labor Committee Chairman Orrin G. Hatch (R-Utah) and Sen. Edward M. Kennedy (D-Mass.), the committee's ranking minority member, Friday afternoon at their request.

"I've never seen that before and neither has Kennedy," Hatch said yesterday. Asked whether it would have "made a difference" in the confirmation process, Hatch replied:

"Are you kidding? It sure would have. At least we'd have asked a lot more questions and we'd have asked who those reports were coming from."

Donovan could not be reached for comment. He went to Europe Friday with his wife for a combination work-vacation trip, including an address to the 68th session of the International Labor Organization in Geneva.

The chronology of last year's Senate hearings suggested strongly that the incoming administration had no plans to provide Hatch's committee with the Jan. 12 report prior to a scheduled vote on Donovan's nomination.

This was the sequence: Donovan testified on Jan. 12, primarily about the hiring of a no-show Teamsters foreman on a New York City subway project by his company, Schiavone Construction of Secaucus, N.J. He denied any wrongdoing on the part of his company in this matter and in another case involving allegedly phony invoices.

The committee's Republican leadership, evidently satisfied, scheduled a final markup session for Jan. 15 to report out Donovan's nomination. That was postponed, according to Hatch, because of the unexpected surfacing on Jan. 13 of a new witness, Ralph Picardo, whom an FBI agent in Newark, John Marshall Hersh, called on the off chance that he might know something about Donovan.

A protected government witness, Picardo said he recognized Donovan's picture from the papers and identified him as the Schiavone executive from whom he periodically picked up $500 checks in the mid-1960s to pay for labor peace.

At the time, Picardo, once a truck driver in a mob-dominated Teamsters local, said he was working for a company that Briguglio

secretly owned, O. K. Trucking, Picardo said one of the chores the now-dead Briguglio gave him was to deliver fake invoices to Schiavone Construction, ask for "Ray" and pick up $500 checks made out to O. K. Trucking or XYZ Leasing, a dummy company.

Apprised of Picardo's allegations, the Senate committee canceled the Jan. 15 hearing, called for a thorough FBI investigation, and called Donovan back to testify on Jan. 27, 1981.

For that hearing, the FBI submitted an ostensibly comprehensive report, dated Jan. 23, 1981. It included the substance of the Jan. 12 report, with added detail, but it was presented by FBI executive assistant director Francis M. Mullen in much more negative terms.

Under questioning by Hatch at one point, for instance, Mullen said none of the sources the FBI checked out provided "any information at all" about any alliance or associations with organized crime figures on Donovan's part.

Fielding could not be reached for comment on what he did with the FBI report when he got it on Jan. 12. Repeated efforts to reach him Friday were unsuccessful and his office said yesterday that he has since gone on a two-week vacation.

According to sources, the Jan. 12 report came with a cover letter signed by Charles P. Monroe Jr., then assistant FBI director for the criminal investigative division, and was hand-delivered to Fielding by "AA," evidently Anthony Adamski, the FBI official immediately in charge of the Donovan background investigation.

Neither Monroe nor Adamski, who have since been shifted to other posts, could be reached yesterday for comment.

Fielding, however, told The Washington Post earlier this month of another report he got from Adamski, by telephone on Jan. 11, in which the FBI official told of the existence of "a tape recording" linking Donovan to "hoodlums" and of a separate allegation, from an FBI informer, stating that Donovan had gone to Miami for the 1979 Super Bowl with a reputed Mafia "soldier."

Fielding said he did not get the impression from Adamski "that it was anything to be concerned about" but he said he did tell Reagan transition team chief Edwin Meese III about it.

Hatch's committee did not learn until six months later that there was any information concerning Donovan that could be gleaned from any of the FBI's organized-crime wiretaps.

The FBI's four-paragraph report of Jan. 12 was less specific and it was accompanied by the caveat that "the degree of Mr. Donovan's association with knowledge of the LCN [La Cosa Nostra] figures has not been determined." It also stated that "none of the information available indicates any criminal wrongdoing on the part of Mr. Donovan.

At a news conference last week, however, FBI Director William H. Webster, said the purpose of a background investigation is to assess a federal appointee's "character, associates, reputation and loyalty."

Webster also indicated that the Jan. 12 FBI report, with its talk of "corroboration," was "passed to the White House and it is my understanding it was given to the Senate." In a statement later that day, Fielding also said that the Jan. 12 report "was subsequently turned over to the Senate committee."

Hatch emphasized yesterday that this was incorrect. "I've chatted with one person at the White House," he said. "They realize they didn't send that to us.

"At the very least, there's been a breakdown in procedure here. Frankly, it's alarming to us that we didn't see that the day of the first hearing," Jan. 12.

Meese, now counselor to the president, said yesterday that he had no recollection of hearing about or receiving the Jan. 12 report, although "that doesn't mean I didn't."

He said his recollection was that "we asked the FBI to make all information available to us and to the [Hatch] committee."

Asked whether he would be surprised if the Jan. 12 report had not been supplied to the Senate panel, Meese said: "I don't know enough about procedure to say whether I'm surprised or not. That was all handled by Fred [Fielding] and his office."

Furino, a onetime Teamsters official who also was associated with Briguglio, was mentioned in unexpurgated copies of the Jan. 23, 1981, report to the Hatch committee but the passage was censored, apparently to protect the source of the information.

According to sources, it said in part that Furino had once described Picardo and another man, Al Cohen, as "bagmen" for Briguglio and said they "made pickups from Ray Donovan." According to the report, Furino, once an official in a New Jersey Teamsters local, also asserted that "while Briguglio was in jail, he, Furino, picked up money from Donovan, and when Briguglio and Furino were in jail, a Vic Alteri acted as the 'bagman.'"

Alteri reportedly died in 1972. Briguglio, a reputed Mafia hit man and once a suspect in Jimmy Hoffa's murder, was gunned down in New York's Little Italy in 1978.

Furino was interviewed by the FBI on Jan. 22, 1981, and stated that he did not know Donovan and was "unaware of Briguglio, Picardo or Cohen receiving payments from Mr. Donovan or SCC [Schiavone Construction Co.]. He advised that he would be willing to submit to a polygraph in this matter."

Despite all that, sources say, Silverman interviewed Furino several times this year. According to New York police, he was last seen by his son, Felice, on the evening of June 3, leaving the FP Carting C. that they ran together in Elizabeth, N.J.

"Maybe some people thought he was being cooperative with Silverman," one government source said. "But he may have been involved in an awful lot of other things, too. It's just too early to tell."

Furino's body was found in the locked trunk of his 1979 Oldsmobile at Fifth Avenue and 18th Street after passersby complained of an odor emanating from it. A New York police emergency services crew forced it open at 12:30 p.m. Friday.

HISTORIC PRESERVATION

Mr. KENNEDY. Mr. President, we as Americans are justly proud of the richness of our history, traditions and culture. The glory of America's past is not limited to the pages of history books. It lives on with us in the buildings, parks and monuments that enliven our cities and towns and countryside. Preservation of these historic monuments is a national responsibility, conserving the legacy of the past for the benefit of generations to come.

For the second year, the administration has proposed to shortchange the future by eliminating Federal support for historic preservation. Last year the Congress rejected these shortsighted budget cuts and made funding available for this essential activity. As we begin consideration of the appropriations bills for fiscal 1983, I urge my colleagues to act once again to protect the historic preservation program from extinction.

Funding for historic preservation is a wise investment. A modest Federal commitment of $30 million in preservation will generate substantial returns. In Massachusetts, for example, a $5.5 million Federal expenditure over the last 5 years has brought forth $250 million in private sector funds and creates valuable jobs in tourism and other preservation connected sectors.

Eliminating Federal funding for preservation activities will undermine the program of tax incentives for preservation adopted by Congress last year, preclude any additional entries in the National Register, and bring to a halt awards for surveys and restoration of historic properties. Our priceless heritage will be squandered by our failure to pay the small price for its preservation.

I hope that Congress will recognize the importance of preserving our unique national heritage by approving essential historic preservation funds. The ideals and struggles that sustained our ancestors are embodied in these historic monuments and they must be preserved to remind and inspire future generations of Americans.

ZAIRE'S RECOGNITION OF ISRAEL

Mr. PELL. Mr. President, relations around the world have been characterized lately more by the noise of war than by the news of peace. However, there has been at least one recent diplomatic development that sounds a true note of hope.

On May 14, Zaire became the first African State to renew relations with Israel in the period since 1973, when 2 dozen African countries south of the Sahara severed relations with Israel as a result of the Mideast War.

Zairian President Mobutu's policies and programs have often sparked harsh criticisms both at home and abroad; however, in this instance, he has made a courageous and commendable move. His action is all the more significant since Zaire was also the very first African state to break ties with Israel nearly 9 years ago. I hope that other African and Middle Eastern nations will consider establishing relations with Israel. Such steps would do much to dispel Israel's sense of isolation and reduce the tensions which have made the Middle East such a cauldron.

In any comprehensive settlement in the Middle East, long-term success will depend greatly upon the ability of Israel and her neighbors to develop mutually beneficial relations across a broad range of activities. Israel has much to offer by way of industrial, agricultural, and technical expertise as well as managerial talent which can be applied with astonishing effectiveness to developmental projects. Many Middle Eastern and African nations have the natural resources, the potential work force, and the desire for development. The possibilities of strong and productive partnerships are numerous.

I hope that the bright prospects offered by diplomatic relations and ensuing cooperation can be realized. The risks are few, and the benefits in terms of peace, stability and prosperity could be great.

THE SUCCESSION IN SAUDI ARABIA

Mr. PELL. Mr. President, I was saddened to learn of the death of His Majesty, King Khalid of Saudi Arabia.

After assuming the throne in 1975, the King presided over an unprecedent period of growth in Saudi Arabia. His task was to give order and direction to that growth, without destroying the Moslem way of life which has given Saudi Arabia its unique character. From all evidence, the King was a respected conciliator and guide.

His successor, King Fahd ibn Abdul-Aziz, has been Crown Prince since 1975 and has been in charge of the day-to-day operations of the Government.

I had the opportunity in 1978 when I was in Saudi Arabia to discuss several issues with the then Crown Prince. I was impressed with the breadth of his interests and knowledge on various policy issues affecting our two countries. I left with the very strong impression that the future King deeply desired a warm and productive relationship with the United States.

Mr. President, King Fahd will face a number of challenges. He must continue to deal effectively with the wrenching experience of modernization with its attendant social and economic problems. He must balance differences within the royal family as he tries to deal with the aspirations of the new elite for political, as well as economic, power.

During the years in which he was Crown Prince, King Fahd was instrumental in guiding Saudi Arabia to a major role on the world's stage. His challenge now will be to insure that Saudi Arabia plays a strong and productive role in dealing with regional issues.

As the fighting in Lebanon has demonstrated once again, the Middle East remains a caldron which can boil over at any time. The King has demonstrated in the past his interest in finding the way to a workable peace. I hope that his commitment remains unflagging. Clearly, Saudi Arabia could be instrumental in helping now to return Lebanon to the Lebanese. In the longer run, Saudi Arabian interest and support could help bring about a just and lasting settlement.

Mr. President, King Fahd, through his past record, has given us reason to envisage for him a successful reign. We extend to him our condolences upon the death of his brother and offer him our hope that the United States and Saudi Arabia can work together during his reign to help bring the blessings of peace to the Middle East.

NATIONAL ORCHESTRA WEEK

Mr. ROTH. Mr. President, Congress has declared this week as "National Orchestra Week." This Nation's 1,572 symphony and chamber orchestras, more than any other country in the world, are among the finest artistic and cultural resources, bringing inspiration and enjoyment to listeners in nearly every community in the United States. I am proud to say that the Delaware Symphony is part of this rich tradition.

Since the founding of the first Delaware Orchestra by Alfred I. du Pont in 1902, Delaware has enjoyed a rich heritage of symphonic music.

The Wilmington Symphony was founded in 1929, and grew to professional status under the musical direction of Harry Stauseback and Van Lier Lanning. In 1971, the orchestra's name was changed to the Delaware Symphony to reflect its statewide commitment as our only fully professional symphony orchestra.

In 1979, the symphony named Stephen Gunzenhauser as music director and Jeffrey M. Ruben as manager. Since that time the orchestra's budget has increased from $140,000 to over $500,000 and season subscriptions have increased from 700 to 4,700. Last season the Delaware Symphony's total audience exceeded 40,000.

In the coming 1982-83 season the Delaware Symphony will present a series of seven pairs of classical concerts, a four concert matinee series, a three concert pops series, a three concert southern Delaware series in Milford, a three concert children's series, a week of children's concerts in the grand opera house, New Year's Eve and July 4th concerts, Christiana Mall concerts, University of Delaware concerts and much more, including concerts in Maryland, Pennsylvania, and New Jersey. Both internationally acclaimed artists and talented local musicians are used as soloists, and critical acclaim is at an all time high. Clearly, this will be an exciting season for music lovers in Delaware.

The Delaware Symphony has made great strides under the able leadership of its current musical director, Mr. Stephen Gunzenhauser. I am confident that the symphony will maintain its momentum through the 1980's and beyond and continue to provide our State with the quality cultural entertainment it needs and deserves.

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3863. An act to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes;

H.R 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 5161. An act to designate certain lands in the Monongahela National Forest, West Virginia, as wilderness; and to designate management of certain lands for uses other than wilderness; and

H.R. 6198. An act to amend the manufacturing clause of the copyright law.

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes; and

H.R. 6290. An act to increase authorizations of appropriations for land acquisition for Voyageurs National Park, Cape Cod National Seashore, Cape Lookout National Seashore, and Sleeping Bear Dunes National Lakeshore.

HOUSE BILLS REFERRED

The following bills were read twice by unanimous consent, and referred as indicated:

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor; to the Committee on the Judiciary.

H.R. 5161. An act to designate certain lands in the Monongahela National Forest, West Virginia, as wilderness; and to designate management of certain lands for uses other than wilderness; to the Committee on Energy and Natural Resources.

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6290. An act to increase authorizations of appropriations for land acquisition for Voyageurs National Park, Cape Cod Na-

tional Seashore, Cape Lookout National Seashore, and Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

HOUSE BILLS HELD AT DESK

The following bills were ordered held at the desk by unanimous consent until the close of business on June 16, 1982:

H.R. 3863. An act to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes; and

H.R. 6198. An act to amend the manufacturing clause of the copyright law.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3661. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Farmers Home Administration housing programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3662. A communication from the Under Secretary of Agriculture for Small Community and Rural Development, transmitting, pursuant to law, the report on the activities of the Rural Electrification Administration for fiscal year 1981; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3663. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report reviewing the President's 12th special message proposing revisions to six deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Commerce, Science, and Transportation, Finance, the Judiciary, and Small Business.

EC-3664. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on a deferral of certain budget authority provided to the Coast Guard which should have been reported to Congress by the executive branch, but was not; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, and Commerce, Science, and Transportation.

EC-3665. A communication from the Director of Facility Requirements and Resources of the Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, a report on nine construction projects for the Air National Guard; to the Committee on Armed Services.

EC-3666. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, a report on the adequacy of pay and allowances of the Armed Forces; to the Committee on Armed Services.

EC-3667. A communication from the Director of the Congressional Budget Office, transmitting a review of the Department of Defense December 31, 1981, selected acquisition report (SAR); to the Committee on Armed Services.

EC-3668. A communication from the Director of the Congressional Budget Office, transmitting a study entitled "Federal Housing Assistance: Alternative Approaches"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3669. A communication from the chairman of the National Credit Union administration, transmitting, pursuant to law, the Credit Union Administration's second annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC-3670. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on homeownership opportunities under the section 8 program; to the Committee on Banking, Housing, and Urban Development.

EC-3671. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the 95th annual report of the Commission; to the Committee on Commerce, Science, and Transportation.

EC-3672. A communication from the chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report of the Corporation for 1981; to the Committee on Energy and Natural Resources.

EC-3673. A communication from the Assistant Secretary of Energy for Congressional, Intergovernmental, and Public Affairs, transmitting, pursuant to law, the report of the Department on the size of the strategic petroleum reserve, dated May 1982; to the Committee on Energy and Natural Resources.

EC-3674. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Agency entitled "Research Outlook, 1982" which describes the 5-year plan for research, development, and demonstration; to the Committee on Environment and Public Works.

EC-3675. A communication from the Deputy Secretary of State, transmitting a draft of proposed legislation to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon; to the Committee on Foreign Relations.

EC-3676. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Inspector General of NASA for the period ending March 31, 1982; to the Committee on Governmental Affairs.

EC-3677. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on a proposed change to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3678. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the annual report of the District of Columbia Auditor for fiscal year 1981; to the Committee on Governmental Affairs.

EC-3679. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on audit, inspection, and investigative operations in the Department of Defense for the 6-month period ending March 31, 1982; to the Committee on Governmental Affairs.

EC-3680. A communication from the Council for Administrative Legal Services, Department of Labor, transmitting, pursuant to law, a report on alterations and establishment of new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-3681. A communication from the Chairman of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Confronting Racial Isolation in Miami"; to the Committee on the Judiciary.

EC-3682. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the status of a report on development and promulgation of standards for the accreditation of educational programs to train individuals to perform radiological procedures, and the certification of such individuals, and advising that the report will be submitted in January 1983; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Donald D. Engen, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 1986.

Heather J. Gradison, of Ohio, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1982.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PACKWOOD. Mr. President, as in executive session, I also report favorably from the Committee on Commerce, Science, and Transportation, a nomination list in the National Oceanic and Atmospheric Administration which appeared in the CONGRESSIONAL RECORD of May 24, 1982, and to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PERCY, from the Committee on Foreign Relations:

The following-named persons to be Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Jeane J. Kirkpatrick, of Maryland.

John William Warner, U.S. Senator from the State of Virginia.

Samuel S. Stratton, U.S. Representative from the State of New York.

Edwin J. Feulner, Jr., of Virginia.

Eugene Victor Rostow, of Connecticut.

The following-named persons to be Alternate Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Kenneth L. Adelman, of Virginia.

Sam Nunn, U.S. Senator from the State of Georgia.

89-059 O-86-31 (Pt. 10)

Jack Kemp, U.S. Representative from the State of New York.

Louis G. Fields, Jr., of Virginia.

Fred Charles Ikle, of Maryland.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. BAKER (for Mr. PERCY). Mr. President, as in executive session I also report favorably from the Foreign Relations Committee, a nomination list in the Foreign Service which appeared in the CONGRESSIONAL RECORD of May 26, 1982, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2627. A bill to amend the Home Owners' Loan Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ANDREWS:

S. 2628. A bill for the relief of Kou-Fant Li and Yuin-Yin Shen, husband and wife; to the Committee on Finance.

By Mr. ROTH:

S. 2629. A bill to provide for a 2-year budget process, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. DODD:

S. 2630. A bill to amend the Budget and Accounting Act, 1921, to require the President's budget to separately identify and summarize the capital investment expenditures of the United States, to amend the Housing and Urban Development Act of 1970, to require the Secretary of Housing and Urban Development to conduct an inventory and assessment of the Nation's public facilities, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself, Mr. FORD and Mr. LEVIN):

S. Res. 411. Resolution expressing the sense of the Senate that the Secretary of Health and Human Services should not adopt as final rules proposed rules issued on May 24, 1982, relating to survey and certification procedures for nursing homes and other health care facilities and suppliers participating in medicare and medicaid programs; to the Committee on Finance.

By Mr. STAFFORD:

S. Res. 412. Resolution authorizing the printing of the report entitled, "Highway Bridge Replacement and Rehabilitation Program, Third Annual Report to Congress", as a Senate document; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. KENNEDY and Mr. MOYNIHAN):

S. Con. Res. 104. Concurrent resolution condemning the use by the Government of the United Kingdom of plastic rubber bullets in Northern Ireland, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN and Mr. PELL):

S. Con. Res. 105. Concurrent resolution relating to the activities of the Ulster Defense Association; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2627. A bill to amend the Home Owners' Loan Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

CONVERSION OF CERTAIN STATE SAVINGS AND LOANS

Mr. PROXMIRE. Mr. President, I am today introducing legislation which would permit the conversion of a State stock savings and loan association into a Federal stock savings and loan association.

As you know, thrift institutions are under great stress at this time of high interest rates and economic instability. Many of the managements of State stock savings and loan associations believe that they can operate more efficiently under the Federal stock form. I think that in this time of economic stress, which is having an adverse effect on savings and loan institutions, the managements of these institutions should have the flexibility they desire.

This legislation will give the savings and loan associations the flexibility they need in this respect.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(i)) is amended by striking out "(if such institution existed in stock form for at least the 4 years preceding the date of enactment of the Depository Institutions Deregulation and Monetary Control Act of 1980)".

By Mr. ROTH:

S. 2629. A bill to provide for a 2-year budget process, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BUDGET REFORM ACT OF 1982

Mr. ROTH. Mr. President, today I am introducing the Budget Reform Act of 1982. This bill would strengthen the congressional budget process by instituting a 2-year budget cycle so that fiscal policy decisions can be made in a more logical, coherent, and systematic way. It is designed to improve congressional control over the Federal budget process and to streamline the process in order to make our budget decisions more accountable to the public.

Mr. President, the glaring shortcomings of the budget process have become all to apparent in the past several months. Our current inability to reach a decision on an appropriate budget can be attributed largely to the cumbersome nature of the current process. The Congress is already a month behind in agreeing to the first budget resolution. The House passed its version of the first budget resolution almost 2 months behind schedule. In view of these gaping lapses in the budget schedule, it seems certain that we will be unable to pass the appropriations bills within the timetable, and that once again we will need to resort to a continuing resolution to fund Government programs. Finally, if passing a first budget resolution, which is not even binding on the Congress can be so difficult this year, how, within the constraints of the current process, will the Congress be able to agree to the second budget resolution this year?

The experience this year clearly provides the best example to date of just how ill-timed the budget process is. However, this is not the first year the Congress has had trouble complying with the timetable set in the 1974 Budget Act. The ability of the Congress to adhere to the schedule has declined markedly each year since the process was initiated. During the past 5 years, not only has Congress been unable to pass the 13 appropriations bills within the Budget Act deadline, all 13 were not even passed by the end of the fiscal year they were intended to fund.

In the past 5 years, Congress has not been able even once to meet the deadline for the passage of the first budget resolution. The second budget resolution has been adopted more than 2 months after the September deadline for the past 3 years, well after the start of the fiscal year for which they were passed.

Congress may be unable to meet these deadlines partly because of the lack of consensus on many of the fiscal policy issues. I submit however, that Congress will not maintain a process that cannot accommodate the inevitable conflicts which will arise in

a politically charged environment. A budget process which works only in periods of relative consensus will not survive.

I believe it is increasingly clear that Congress attempts to make too many decisions each year and that many of these decisions are redundant. Last year, which I assert was typical rather than unusual, Congress passed a revised second budget resolution for fiscal 1981, a first budget resolution for fiscal 1982, a budget reconciliation bill, several appropriation bills, two continuing resolutions, a second budget resolution, and a supplemental appropriation bill. It is easy to see how these measures dominated the congressional schedule. I contend that many of these decisions are matters which could logically be combined or eliminated.

The extraordinary number of decisions required by the Budget Act effectively confuse much of Congress, and I suspect most of the Nation, with regard to the condition of the economy. How can the public hold us accountable for our budget decisions when we consider at least three different budgets to fund a given year? It is confusing enough when we must constantly make necessary policy revisions. But in terms of the efficient use of congressional time, to pass two, or more likely three budgets for 1 fiscal year along with all the other spending measures, makes little sense.

This preoccupation of Congress with the budget process, including appropriations each year, also has the effect of physically limiting other business which Congress must consider. By devoting so much congressional time to sometimes redundant decisions, there if often not enough time left to consider the fundamentally important policy issues. Issues such as national defense and foreign policy, for example, are extremely complex, yet crucial to our Nation. Of course, the Federal budget will always be an arena for decision in these areas. What concerns me, however, is that because of spending time on budget decisions, Congress will not have sufficient time to do the groundwork to make informed, well-considered decisions on these issues.

The profusion of activity which precludes so many crucial congressional activities also obscures the basic purpose of a budget process: to establish limits on Federal spending and revenues. The budget process has not been effective in enabling the Congress to control the Federal budget. I question whether, under the current process, the Congress has actually set fiscal policy priorities, or whether we have done much more than assign the inevitable spending totals to budget resolutions. Sometimes it appears to me that the tail is wagging the dog.

Although its effect on control of the Federal budget is doubtful, by virtue of its octopus-like timetable, the current budget process has grown into more than a forum for sorting out national budget priorities. It has become the primary legislative activity of the Congress. On the face of it, to proponents of the budget process, this may seem to be an advantage. But I firmly believe it is this unintended role which is the greatest threat to the budget process. It is critically important that the budget process be carefully integrated with the other existing congressional processes and activities. Currently these other processes and activities are either excessively rushed by the budget process or precluded altogether.

I believe that if the Congress continues on its present course, the budget process will become an advisory process, devoid of any teeth at all. Eventually, as I have said, the process could be abandoned altogether.

It is imperative that the Congress act to strengthen the Budget Act to improve the quality of legislative decisions and to make the congressional budget the fiscal policy document it was intended to be. Today, I am introducing comprehensive legislation to make changes which will move us toward these goals.

My legislation will institute a 2-year budget cycle. The Budget Reform Act of 1982 would allow a new President and a new Congress to put their policies into place in the first year of their respective terms. Early in the year, the Congress would agree to a single budget resolution, which would prescribe spending and revenue limits for this 2-year period beginning in the next January. The budget would take effect in the 2-year fiscal period beginning the next January. If economic conditions change during the 2-year period, it would be possible, although difficult, to revise the budget resolution totals.

Within the framework of this budget, the Congress would then consider an omnibus appropriation bill to fund this 2-year period. This bill would combine the 13 appropriation bills passed each year.

Some may argue that specific spending decisions would be obscured by this approach, and that such a large bill would be too cumbersome to comprehend. I submit however, that considering these bills individually is much more confusing. Further, this approach is certain to avoid the use of continuing resolutions, which are usually passed at the last minute, as a last resort, with little congressional scrutiny of its details.

Members would have an opportunity to consider an omnibus appropriation bill in an orderly way. My research indicates that an omnibus appropriations process was used for 1 year in the early 1950's. The practice was not continued for several reasons, notably the onset of the Korean war, and a lack of commitment to the process by the key committee chairmen. I believe we can learn from this experience, and build safeguards into our processs if necessary.

My legislation would also bring all spending of Federal entities into the unified budget. The off-budget spending of the Federal Government for the current fiscal year is projected to be over $18 billion. I know I strongly support many of these agencies and their activities, but I believe that is essential they be included along with all other Federal spending in the unified budget.

The revisions contained in this legislation would remove much of the uncertainty of constantly changing budget decisions. This bill would help to eliminate the disruption and excessive costs caused by uncertain year-by-year funding. Under my proposal, I believe Congress could chart a firm, clear course for the Nation.

The workload of the Congress would be more logically organized with a specific and extended period of time set aside for necessary oversight and authorization activities. I believe the budget dilemma we have today calls for bold solutions not the same warmed-over admonitions that Congress is too lazy or just does not have the will to make these critical spending decisions.

It is critical that we act now to prevent the wholesale abandonment of the budget process. The Budget Reform Act of 1982 would retain the strengths of the congressional budget process while making crucial structural revisions. I plan to hold extensive hearings on this legislation this year. I welcome the concerns and suggestions of my colleagues with regard to this legislation.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Budget Reform Act of 1982".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

TWO YEAR CONGRESSIONAL BUDGET PROCESS

SEC. 3. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b)(1) Section 3(1) of such Act is amended—

(A) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 3(4) of such Act is amended to read as follows:

"(4) The term 'concurrent resolution on the budget' means—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-year fiscal period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(3) Section 3 of such Act is further amended by adding at the end thereof the following new paragraphs:

"(6) The term 'two-year fiscal period' means the period of two years beginning on January 1 of each even-numbered year.

"(7) The term 'omnibus appropriation bill' means the bill providing new budget authority for a two-year fiscal period for all departments, agencies, and authorities of the Government.

"(8) The term 'supplemental appropriation bill' means a bill providing new budget authority for a two-year fiscal period for one or more departments, agencies, or authorities of the Government, which is considered in accordance with section 307(c).".

(c)(1) Section 202(a)(1) of the Congressional Budget Act of 1974 is amended—

(A) by inserting "omnibus" before "appropriation bills";

(B) by striking out "and other" and inserting in lieu thereof "supplemental appropriation bills,"; and

(C) by striking out "or providing budget authority or" and inserting in lieu thereof "budget authority, and bills authorizing or providing".

(2) Section 202(f) of such Act is amended—

(A) by striking out "April 1 of each year" in paragraph (1) and inserting in lieu thereof "April 15 and July 15 of each odd-numbered year";

(B) by striking out "fiscal year commencing on October 1 of that year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period";

(D) by redesignating paragraph (2) as paragraph (3), and (in such paragraph) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)"; and

(E) by inserting after paragraph (1) the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary with respect to the two-year fiscal period in progress.".

(d) Section 300 of such Act is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the Ninety-eighth Congress) is as follows:

"On or before:	Action to be completed:
FIRST SESSION	
January 2	Committees submit oversight reports to their respective Houses.
15th day after Congress meets.	President submits his budget for the two-year fiscal period beginning in the succeeding calendar year, including current services budget.
March 31	Committees and joint committees submit views and estimates to Budget Committees with respect to two-year fiscal period.
April 15	Congressional Budget Office submits report to the Budget Committees with respect to the two-year fiscal period beginning on January 1 of the succeeding year.
April 30	Budget Committees report concurrent resolution on the budget for the two-year fiscal period to their respective Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 31	Congress completes action on concurrent resolution on the budget for the two-year fiscal period.
June 15	House Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
July 15	President and Congressional Budget Office report to the Budget Committees.
July 31	House completes action on the omnibus appropriation bill for the two-year fiscal period.
7th day after Labor Day.	Senate Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
September 30	Senate completes action on the omnibus appropriation bill for two-year fiscal period.
September 30	Congress completes action on bills and resolutions providing new spending authority for two-year fiscal period.
October 15	Congress completes action on the omnibus appropriation bill for two-year fiscal period.
SECOND SESSION	
January 1	Two-year fiscal period begins.
January 15	President and Congressional Budget Office report to Budget Committees.
July 15	President and Congressional Budget Office report to Budget Committees.
During session	Committees conduct oversight on programs and activities within their jurisdiction.".

(e)(1)(A) The section heading for section 301 of such Act is amended by striking out "FIRST".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "first".

(2) Section 301(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "May 15" in the subsection heading and inserting in lieu thereof "May 31 of each odd-numbered year";

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "May 31 of each odd-numbered year";

(C) by striking out "first" before "concurrent resolution on the budget" in the first sentence;

(D) by striking out "fiscal year beginning on October 1 of such year" and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year"; and

(E) by striking out "an appropriate" in paragraph (2) and inserting in lieu thereof "a recommended".

(3) Section 301(b) of such Act is amended to read as follows:

"(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—The concurrent resolution on the budget referred to in subsection (a) may also require any other procedure which is considered appropriate to carry out the purposes of this Act.".

(4) Section 301(c) of such Act is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year beginning on October 1 of such year" in paragraph (2) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year".

(5) Section 301(d) of such Act is amended—

(A) by striking out "first" each place it appears before "concurrent resolution on the budget" in the first and third sentences;

(B) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(C) by striking out "April 15 of each year" in the third sentence and inserting in lieu thereof "April 30 of each odd-numbered year";

(D) by striking out "fiscal year beginning on October 1 of such year" in the third sentence and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(E) by striking out "five fiscal" in paragraph (5) and inserting in lieu thereof "six";

(F) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first year in such two-year fiscal period,"; and

(G) by striking out "each fiscal year in such period" and inserting in lieu thereof "each two-year fiscal period in such six-year period".

(6) Section 301(e) of such Act is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (2);

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(f) Section 302(c) of such Act is amended by striking out "or 310".

(g)(1) The section heading for section 303 of such Act is amended by striking out "FIRST".

(2) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(3) Section 303(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(B) by striking out "first" before "concurrent resolution on the budget" in the matter following paragraph (4);

(C) by inserting "referred to in section 301" after "concurrent resolution on the budget" in the matter following paragraph (4);

(D) by striking out "year" in the matter following paragraph (4) and inserting in lieu thereof "period"; and

(E) by striking out "pursuant to section 301" in the matter following paragraph (4).

(4) Section 303(b) of such Act is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period".

(h) Section 304 of such Act is amended—

(1) by striking out "first" before "concurrent resolution on the budget";

(2) by inserting "referred to in section 301" after "concurrent resolution on the budget";

(3) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(4) by striking out "pursuant to section 301" after "has been agreed to"; and

(5) by striking out "most recently agreed to" and inserting in lieu thereof "if the concurrent resolution on the budget making such revisions, and any conference report thereon, is agreed to by a rollcall vote of two-thirds of the Members of the Senate and the House of Representatives duly chosen and sworn".

(i)(1) Section 305(a)(3) of such Act is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget"; and

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 305(b) of such Act is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3);

(C) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(j)(1) Section 307 of such Act is amended to read as follows:

"OMNIBUS APPROPRIATION BILL REQUIRED

"SEC. 307. (a) POINT OF ORDER.—Except as provided in subsection (c), it shall not be in order in the House of Representatives or the Senate to consider any bill or resolution providing new budget authority for a two-year fiscal period other than an omnibus appropriation bill.

"(b) DEADLINES.—(1) The Committee on Appropriations of the House of Representatives shall report to the House of Representatives an omnibus appropriation bill for a two-year fiscal period by June 15 of the year preceding the year in which such period begins.

"(2) The House of Representatives shall pass an omnibus appropriation bill for a two-year fiscal period by July 31 of the year preceding the year in which such period begins.

"(3) The Committee on Appropriations of the Senate shall report to the Senate an omnibus appropriation bill for a two-year fiscal period by the seventh day after Labor Day of the year preceding the year in which such period begins.

"(4) The Senate shall pass an omnibus appropriation bill for a two-year fiscal period by September 30 of the year preceding the year in which such period begins.

"(5) Congress shall complete action on an omnibus appropriation bill for a two-year fiscal period by October 15 of the year preceding the year in which such period begins.

"(c) SUPPLEMENTAL APPROPRIATION BILL PERMITTED.—It shall be in order in the House of Representatives or the Senate to consider a supplemental appropriation bill for a two-year fiscal period at any time after the Congress adopts a concurrent resolution on the budget pursuant to section 304 which revises the concurrent resolution on the budget agreed to pursuant to section 301 for such two-year fiscal period, or the most recently agreed to concurrent resolution on the budget for such two-year fiscal period, as the case may be.

"(d) AMENDMENTS.—It shall not be in order in the House of Representatives or the Senate to consider any amendment providing new budget authority for a two-year fiscal period unless such amendment is an amendment to an omnibus appropriation bill or a supplemental appropriation bill.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"SEC. 307. Omnibus appropriation bill required.".

(k)(1) Section 308(a) of the Congressional Budget Act of 1974 is amended—

(A) by inserting "to its House an omnibus appropriation bill, a supplemental appropriation bill, or" after "either House reports" in the matter preceding paragraph (1);

(B) by striking out "to its House" after "a bill or resolution" in the matter preceding paragraph (1);

(C) by striking out "new budget authority (other than continuing appropriations) or" before "new or increased tax expenditures" in the matter preceding paragraph (1);

(D) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(E) by striking out "a bill or resolution providing new budget authority" in paragraph (1) and inserting in lieu thereof "an omnibus appropriation bill or a supplemental appropriation bill";

(F) by striking out "or resolution" in paragraph (1)(A);

(G) by striking out "fiscal year" in paragraph (1)(A) and inserting in lieu thereof "two-year fiscal period";

(H) by inserting a comma after "a projection" in paragraph (1)(B);

(I) by striking out "5 fiscal" in paragraph (1)(B) and inserting in lieu thereof "6";

(J) by striking out "such fiscal year" in paragraph (1)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(K) by striking out "or resolution" in paragraph (1)(B);

(L) by striking out "each fiscal year in such period" in paragraph (1)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period";

(M) by striking out "or resolution" in paragraph (1)(C);

(N) by striking out "fiscal year" in paragraph (2)(A) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "such year" in paragraph (2)(A) and inserting in lieu thereof "such period";

(P) by inserting a comma after "a projection" in paragraph (2)(B);

(Q) by striking out "5 fiscal" in paragraph (2)(B) and inserting in lieu thereof "6";

(R) by striking out "such fiscal year" in paragraph (2)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(S) by striking out "each fiscal year in such period" in paragraph (2)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period"; and

(T) by striking out "fiscal year" each place it appears in the last sentence and inserting in lieu thereof "two-year fiscal period".

(2) Section 308(b) of such Act is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" each place it appears and inserting in lieu thereof "such period".

(3) Section 308(c) of such Act is amended—

(A) by striking out "FIVE-YEAR" in the subsection heading and inserting in lieu thereof "SIX-YEAR";

(B) by striking out "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each two-year fiscal period";

(C) by striking out "5 fiscal years beginning with such fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "6 years beginning with the first year in such two-year fiscal period";

(D) by striking out "each fiscal year" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "each two-year fiscal period"; and

(E) by striking out "such period" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "such 6-year period".

(l)(1) Section 309 of such Act is amended to read as follows:

"COMPLETION OF ACTION ON BILLS PROVIDING CERTAIN NEW SPENDING AUTHORITY

"SEC. 309. Except as otherwise provided pursuant to this title, not later than September 30 of each odd-numbered year, the Congress shall complete action on all bills and resolutions providing new spending authority described in section 401(c)(2)(C) which is to become effective during the two-year fiscal period beginning on January 1 of the succeeding year.".

(2) The item relating to section 309 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 309. Completion of action on bills providing certain new spending authority.".

(m)(1)(A) The section heading of section 310 of the Congressional Budget Act of 1974 is amended by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND RECONCILIATION" and inserting in lieu thereof "RECONCILIATION".

(2) Section 310(a) of the Congressional Budget Act of 1974 is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 310. (a) REPORTING OF CONCURRENT RESOLUTION.—At any time after the concurrent resolution on the budget referred to in section 301 for a two-year fiscal period has been agreed to, and before the end of such two-year fiscal period, the Congress may adopt a concurrent resolution for such two-year fiscal period which shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period"; and

(C) by inserting "or prior two-year fiscal periods, as the case may be" before the semicolon in paragraph (1)(B).

(3) Section 310 of such Act is amended by striking out subsection (b) and by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(4) Section 310(c) of such Act (as redesignated by paragraph (3) of this subsection) is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "60 days after the date on which the concurrent resolution referred to in subsection (a) is agreed to".

(5) Section 310(d) of such Act (as redesignated by paragraph (3) of this subsection) is amended—

(A) by inserting "concurrent resolutions referred to in subsection (a)," after "consideration in the Senate of" in paragraph (1);

(B) by inserting a comma after "reconciliation bills" in such paragraph; and

(C) by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (as redesignated by paragraph (3) of this subsection) is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-year fiscal period".

(n)(1) Section 311(a) of such Act is amended—

(A) by striking out "section 310(a) for a fiscal year" and inserting in lieu thereof "section 301(a) for a two-year fiscal period";

(B) by striking out "section 310(c)" and inserting in lieu thereof "section 310(b)";

(C) by striking out "any bill, resolution, or amendment providing additional new budget authority for such fiscal year," and inserting in lieu thereof "any omnibus appropriation bill or supplemental appropriation bill for a two-year fiscal period or any amendment thereto, any bill or resolution";

(D) by inserting "any bill or resolution" before "reducing revenues"; and

(E) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) Section 311 of such Act is further amended—

(A) by redesignating subsection (b) as subsection (c) and in such subsection—

(i) by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)"; and

(ii) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by inserting after subsection (a) the following new subsection:

"(b) Enrollment Prohibited.—No omnibus appropriation bill for a two-year fiscal period, supplemental appropriation bill for such a period, or bill or resolution providing new spending authority described in section 401(c)(2)(C) for such a period shall be enrolled if the amount of new budget authority or new spending authority described in section 401(c)(2)(C) provided in that bill or resolution would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such two-year fiscal period to be exceeded.".

(o)(1) Section 401(a) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 401(b) of such Act is amended—

(A) by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "during the calendar year in" in paragraph (1) and inserting in lieu thereof "after the date on".

(p) Section 402(a) of such Act is amended—

(1) by striking out "preceding the beginning of such fiscal year" and inserting in lieu thereof "of the odd-numbered year preceding the year in which such two-year fiscal period begins"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(q) Section 403(a) of such Act is amended—

(1) by striking out "fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period in which it is to become effective and in the two succeeding two-year fiscal periods";

(2) by striking out "fiscal year" the first place it appears in paragraph (2) and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "four fiscal years following such fiscal year" in such paragraph and inserting in lieu thereof "two succeeding two-year fiscal periods".

(r)(1) Section 605(a) of such Act is amended—

(A) by striking out "On or before November 10 of each year (beginning with 1975)," in the first sentence and inserting in lieu thereof "At the time the President submits the Budget for a two-year fiscal period under section 201(a) of the Budget and Accounting Act, 1921 (beginning with the Budget submitted for the two-year fiscal period beginning on January 1, 1984),";

(B) by inserting "a statement of" before "the estimated outlays" in the first sentence;

(C) by striking out "the Budget to be submitted pursuant to section 201 of the Budget and Accounting Act, 1921, for the ensuing fiscal year" in the first sentence and inserting in lieu thereof "such Budget for such two-year fiscal period";

(D) by striking out "ensuing fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(E) by inserting "or the two-year fiscal period in progress, as the case may be," before "and without policy changes" in the first sentence;

(F) by inserting "statement of" before "estimated outlays and proposed budget authority" in the second sentence;

(G) by striking out "these estimates" in the third sentence and inserting in lieu thereof "such statement"; and

(H) by inserting "included in such statement" after "estimated outlays and proposed budget authority" in the third sentence.

(2) Section 605(b) of such Act is amended—

(A) by inserting "statement of" before "estimated outlays and proposed budget authority"; and

(B) by striking out "December 31 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year".

(s)(1) Section 607 of such Act is amended—

(A) by striking out "fiscal year (beginning with the fiscal year commencing October 1, 1976)" and inserting in lieu thereof "two-year fiscal period (beginning with the two-year fiscal period commencing January 1, 1984)";

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(C) by striking out "May 15 of the year" and inserting in lieu thereof "May 15 of the even-numbered year"; and

(D) by striking out "fiscal years" and inserting in lieu thereof "two-year fiscal periods".

(2) The section heading for section 607 of such Act is amended by striking out "YEAR-AHEAD" and inserting in lieu thereof "ADVANCE".

(3) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "Year-ahead" and inserting in lieu thereof "Advance".

(t) Section 904(b) of the Congressional Budget Act of 1974 is amended by striking out "title III or IV" and inserting in lieu thereof "title III (except section 304 or section 311(b)) or title IV".

(u)(1) Section 1012(a) of the Impoundment Control Act of 1974 is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) The last sentence of section 1013(a) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(3) Section 1014(e) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(v) Paragraph 8(b) of Rule XXVI of the Standing Rules of the Senate is amended by striking out "March 31" and inserting in lieu thereof "January 2".

(w)(1) Clause 1(b)(4) of Rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Clause 4(a)(1)(A) of Rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(3) Clause 4(a)(2) of Rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(4) Clause 4(b)(2) of Rule X of the Rules of the House of Representatives is amended—

(A) by striking out "first"; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(5) Clause 4(f) of Rule X of the Rules of the House of Representatives is amended by striking out "annually" each place it appears and inserting in lieu thereof "biennially".

(6) Clause 4(g) of Rule X of the Rules of the House of Representatives is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(7) Clause 4(h) of Rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(8) Clause 2(l)(1)(C) of Rule XI of the Rules of the House of Representatives is repealed.

(9) Clause 4(a) of Rule XI of the Rules of the House of Representatives is amended by striking out "on general appropriations bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "on omnibus appropriation bills and supplemental appropriation bills".

(10) Clause 1 of Rule XLIX of the Rules of the House of Representatives is amended—

(A) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(B) by striking out ", or 310".

(11) Clause 2 of Rule XLIX of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

SUBMISSION OF PRESIDENT'S BUDGET

SEC. 4. (a) Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2) is amended by adding at the end thereof the following new item:

"The term 'two-year fiscal period' shall have the meaning given to such term in paragraph (6) of section 3 of the Congressional Budget Act of 1974.".

(b)(1) Section 201(a) of such Act is amended—

(A) by striking out "each regular session" in the matter preceding paragraph (1) and inserting in lieu thereof "the first regular session of each Congress";

(B) by inserting "for the two-year fiscal period beginning on January 1 of the succeeding year" after "the Budget" in the matter preceding paragraph (1);

(C) by striking out "fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year" in paragraph (5) and inserting in lieu thereof "two-year fiscal period and projections for the first two two-year fiscal periods immediately following such two-year fiscal period";

(D) by striking out "each year" in paragraph (5) and inserting in lieu thereof "each even-numbered year";

(E) by striking out "fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year" in paragraph (6) and inserting in lieu thereof "two-year fiscal period and projections for the first two two-year fiscal periods immediately following such two-year fiscal period";

(F) by inserting "or the last completed two-year fiscal period, as the case may be" before the semicolon in paragraph (7);

(G) by inserting "or the two-year fiscal period in progress, as the case may be" before the semicolon in paragraph (8);

(H) by inserting "or the last completed two-year fiscal period, as the case may be" after "last completed fiscal year" in clause (1) of paragraph (9);

(I) by inserting "or at the end of the two-year fiscal period in progress, as the case may be" after "the fiscal year in progress" in clause (2) of paragraph (9);

(J) by striking out "ensuing fiscal year" in clause (3) of paragraph (9) and inserting in lieu thereof "ensuing two-year fiscal period";

(K) by striking out "fiscal year" in subparagraph (A) of paragraph (12) and inserting in lieu thereof "two-year fiscal period";

(L) by striking out "four fiscal years, immediately following that ensuing fiscal year" in subparagraph (B) of paragraph (12) and inserting in lieu thereof "first two two-year fiscal periods following such two-year fiscal period"; and

(M) by striking out "fiscal year" each place it appears in paragraph (13) and inserting in lieu thereof "two-year fiscal period".

(2) Section 201(b) of such Act is amended—

(A) by striking out "July 15 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 15 of each odd-numbered year";

(B) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period"; and

(C) by striking out "fiscal year" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "two-year fiscal period".

(3) Section 201(c) of such Act is amended—

(A) by striking out "July 15 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 15 of each odd-numbered year";

(B) by striking out "four fiscal years following the ensuing fiscal year" in paragraph (1) and inserting in lieu thereof "two two-year fiscal periods following the ensuing two-year fiscal period"; and

(C) by striking out "fiscal years following such ensuing fiscal year" in paragraph (2) and inserting in lieu thereof "two-year fiscal periods following such ensuing two-year fiscal period".

(4) Section 201(d) of such Act is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(5) Section 201(e) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(6) Section 201(f) of such Act is amended—

(A) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(B) by inserting "or the last completed two-year fiscal period, as the case may be" after "last completed fiscal year" in paragraph (1);

(C) by inserting "or two-year fiscal period, as the case may be" before the semicolon in such paragraph;

(D) by inserting "or the last completed two-year fiscal period, as the case may be" after "last completed fiscal year" in paragraph (2);

(E) by inserting "or such period, as the case may be" after "received during such year" in such paragraph;

(F) by inserting "or such period, as the case may be," before the semicolon in such paragraph;

(G) by inserting "or such two-year fiscal period, as the case may be," after "such fiscal year" the first place it appears in paragraph (3); and

(H) by inserting "or such two-year fiscal period as the case may be" before the period in such paragraph.

(7) Section 201(g) of such Act is amended—

(A) by inserting "(1)" before "The" in the first sentence;

(B) by striking out "April 10 and July 15 of each year" in the first sentence and inserting in lieu thereof "July 15 of each odd-numbered year";

(C) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "transmitted on or before July 15 of any year" in the third sentence and inserting in lieu thereof "required under this subsection";

(E) by striking out "any fiscal year" in the last sentence and inserting in lieu thereof "any two-year fiscal period";

(F) by inserting "or the two-year fiscal period, as the case may be," before "in progress" in the last sentence; and

(G) by inserting after paragraph (1) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the President shall submit to the Congress a revision of the statement required by paragraph (1) with respect to the fiscal year in progress.".

(8) Section 201(h) of such Act is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(9) Section 201(i) of such Act is amended by striking out "fiscal year, beginning with the fiscal year ending September 30, 1979," and inserting in lieu thereof "two-year fiscal period, beginning with the two-year fiscal period ending December 31, 1985,".

(10) Section 201 of such Act is further amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of law, the President shall include in the Budget submitted under subsection (a) proposed budget authority, direct loans, and commitments to guarantee loan principal, and estimates of outlays and receipts for all activities of all departments, establishments, and instrumentalities of the Federal Government, except Government-sponsored corporations to the extent financed by wholly private funds.".

(c) Section 202 of such Act (31 U.S.C. 13) is amended—

(1) by striking out "ensuing fiscal year" each place it appears and inserting in lieu thereof "ensuing two-year fiscal period"; and

(2) by inserting "or the two-year fiscal period in progress, as the case may be," after "progress,".

(d) Section 203 of such Act (31 U.S.C. 14) is amended by striking out "or deficiency" each place it appears.

(e) Section 204(b) of such Act (31 U.S.C. 581(b)) is amended by striking out "or deficiency".

(f) Section 207 of such Act (31 U.S.C. 16) is amended by striking out "or deficiency".

(g) Section 214 of such Act (31 U.S.C. 22) is amended—

(1) by striking out "in each year" and inserting in lieu thereof "for each two-year fiscal period";

(2) by striking out the comma after "regular" and inserting in lieu thereof "or"; and

(3) by striking out ", or deficiency".

(h) Section 216(a) of such Act (31 U.S.C. 24(a)) is amended—

(1) by striking out the comma after "regular" and inserting in lieu thereof "or"; and

(2) by striking out ", or deficiency".

(i) Section 304 of the Department of Commerce Appropriation Act, 1963 (31 U.S.C. 25) is amended by striking out "fiscal year 1964 and each succeeding year" and inserting in lieu thereof "the two-year fiscal period beginning on January 1, 1984, and each succeeding two-year fiscal period".

(j) Section 102 of the District of Columbia Revenue Act of 1970 (31 U.S.C. 26) is amended—

(1) by striking out the comma after "regular" and inserting in lieu thereof "and"; and

(2) by striking out ", and deficiency".

(k) Section 318(a) of the Department of Transportation and Related Agencies Appropriation Act, 1982 (31 U.S.C. 28(a)) is amended by striking out "annually" and inserting in lieu thereof "biennially".

(l) Section 3670 of the Revised Statutes (31 U.S.C. 624) is amended—

(1) by striking out "annual";

(2) by inserting "for a two-year fiscal period" after "service" the first place it appears; and

(3) by striking out "year" and inserting in lieu thereof "period".

CONVERSION TO BIENNIAL FISCAL PERIOD

SEC. 5. (a)(1) Section 237(a) of the Revised Statutes (31 U.S.C. 1020(a)) is amended to read as follows:

"(a) In all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(1) there shall be, through September 30, 1983, a fiscal year of the United States commencing on October 1 of each year and ending on September 30 of the following year; and

"(2) there shall be, beginning on January 1, 1984, a two-year fiscal period of the United States beginning on January 1 of each even-numbered year and ending on December 31 of the succeeding odd-numbered year.".

(2) Section 237(b) of the Revised Statutes (31 U.S.C. 1020(b)) is amended by inserting "or each two-year fiscal period, as the case may be," after "fiscal year".

(b) Section 504 of the Congressional Budget Act of 1974 (31 U.S.C. 1020a) is amended—

(1) by striking out "thereafter" in the third sentence and inserting in lieu thereof "through the fiscal year 1984"; and

(2) by adding at the end thereof: "Any law providing for an authorization of appropriations for the fiscal year 1984 or any fiscal year thereafter shall be construed as referring to the one-year period—

(A) which is within a two-year fiscal period; and

(B) which begins on January 1 of the calendar year having the same calendar year number as such fiscal year number and ending on December 31 of such calendar year.".

(c) Section 118(b)(2) of the Second Supplemental Appropriations Act, 1976 (31 U.S.C. 1020-1) is amended to read as follows:

"(2) Effective January 1, 1984, any provision of law with respect to the Senate which contains an October 1 date which relates to the beginning of a fiscal year shall be treated as referring to January 1 of the succeeding calendar year within a two-year fiscal period, and any provision of law with respect to the Senate which contains a September 30 date which relates to the end of a fiscal year shall be treated as referring to December 31 of the same calendar year within a two-year fiscal period.".

(d)(1) Section 105 of title 1, United States Code, is amended—

(A) by striking out "year ending September 30" and inserting in lieu thereof "two-year fiscal period ending December 31"; and

(B) by striking out "calendar year" and inserting in lieu thereof "odd-numbered year in which the two-year fiscal period ends".

(2) The provisions of paragraph (1) of this subsection shall be effective with respect to Acts making appropriations for the support of the Government for any two-year fiscal period commencing on or after January 1, 1984.

(e) As soon as practicable, the President shall prepare and submit to the Congress—

(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing October 1, 1983, and ending on December 31, 1983, in such form and detail as he may determine; and

(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

(f) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new two-year fiscal period prescribed by section 237(a)(2) of the Revised Statutes. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

ACCOUNTING PROCEDURES

SEC. 6. (a) Subsection (a) of section 3 of the Act entitled "An Act to authorize the collection of indebtedness of military and civilian personnel resulting from erroneous payments, and for other purposes", approved July 15, 1954 (31 U.S.C. 581d) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(b) The first section of Public Law 89-473 (31 U.S.C. 628a) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(c) Section 40 of the Act of August 10, 1956 (70A Stat. 636, chapter 1041; 31 U.S.C. 649c) is amended by striking out "period of two successive fiscal years" and inserting in lieu thereof "two-year fiscal period".

(d) Section 1 of the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and sixteen", approved March 4, 1915 (38 Stat. 1079; 31 U.S.C. 654) is amended by striking out "years" and inserting in lieu thereof "two-year fiscal periods".

(e) Section 3679 of the Revised Statutes (31 U.S.C. 665) is amended—

(1) by striking out "deficiency or" in paragraph (1) of subsection (c);

(2) by striking out "fiscal year" each place it appears in subsection (d) and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "deficiency or" each place it appears in subsection (e).

(f) Section 210 of the General Government Matters Appropriation Act, 1958 (31 U.S.C. 665a) is amended by striking out "or deficiency".

(g) The Act entitled "An Act to simplify accounting", approved April 27, 1937 (31 U.S.C. 668a) is amended by inserting ", two-year fiscal period," after "year".

(h) Section 6 of the Act of August 23, 1912 (37 Stat. 414, chapter 350; 31 U.S.C. 669) is amended—

(1) by striking out "fiscal year" each place it occurs and inserting in lieu thereof "two-year fiscal period"; and

(2) by striking out "year" each place it occurs and inserting in lieu thereof "period".

(i)(1) Subsection (b)(1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956, as amended (31 U.S.C. 701), is amended—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and ending before October 1, 1983," after "October 1, 1976," in subparagraph (B);

(C) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end thereof the following new subparagraph:

"(C) for the period commencing on October 1, 1983, and ending on December 31, 1983, and for any two-year fiscal period commencing on or after January 1, 1984, on December 31 of the two-year fiscal period following that period or the two-year fiscal period or periods, as the case may be, for which the appropriation is available for obligation.".

(2) Subsection (b)(2) of such Act is amended—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and ending before October 1, 1983," after "October 1, 1976," in subparagraph (B);

(C) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end thereof the following:

"(C) for the period commencing on October 1, 1983, and ending on December 31, 1983, and for any two-year fiscal period commencing on or after January 1, 1984, not later than November 15 of the year following such period or November 15 of the first even-numbered year following the end of such two-year fiscal period, as the case may be, in which the period of availability for obligation expires.".

(j) Subsection (a) of section 3 of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956 (31 U.S.C. 703) is amended—

(1) by striking out "fiscal" each place it appears; and

(2) by striking out "September 30" each place it appears and inserting in lieu thereof "December 31".

(k) Section 5 of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956 (31 U.S.C. 705) is amended—

(1) by striking out "second full fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(2) by striking out "fiscal year or years" and inserting in lieu thereof "two-year fiscal period or periods".

(l) Section 6 of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956 (31 U.S.C. 706) is amended by striking out "two full consecutive fiscal years" and inserting in lieu thereof "a full two-year fiscal period".

(m) The first section of the Surplus Fund-Certified Claims Act of 1949 (31 U.S.C. 712a) is amended—

(1) by inserting "(a)" after "That";

(2) by striking out "the annual appropriation bills" and inserting in lieu thereof "an omnibus appropriation bill";

(3) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period";

(4) by striking out "year" each place it appears and inserting in lieu thereof "period"; and

(5) by adding at the end thereof the following new subsection:

"(b) For purposes of this section—

"(1) The term 'omnibus appropriation bill' has the meaning given to such term in section 3(7) of the Congressional Budget Act of 1974.

"(2) The term 'two-year fiscal period' has the meaning given to such term in section 3(6) of the Congressional Budget Act of 1974.".

(n) Section 7 of the Act of August 24, 1912 (37 Stat. 487, chapter 355; 31 U.S.C. 718) is amended—

(1) by striking out "regular annual"; and

(2) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(o) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), is amended by striking out "annually" and inserting in lieu thereof "biennially".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 7. (a) Section 2(a) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725a(a)), is amended—

(1) by striking out "Effective July 1, 1935, the" and inserting in lieu thereof "The"; and

(2) by striking out "annual" and inserting in lieu thereof "biennial".

(b) Section 4 of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725c), is amended—

(1) by striking out "Effective July 1, 1935, all" and inserting in lieu thereof "All";

(2) by striking out "annually" and inserting in lieu thereof "biennially";

(3) by striking out "one fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(4) by striking out "following fiscal year" and inserting in lieu thereof "following two-year fiscal period".

(c) Section 9 of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725h), is amended by striking out "fiscal year 1936 annual" and inserting in lieu thereof "two-year fiscal period beginning on January 1, 1984, biennial".

(d) Section 11 of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725j), is amended—

(1) by striking out "fiscal year 1936" and inserting in lieu thereof "two-year fiscal period beginning on January 1, 1984,"; and

(2) by striking out "annually" and inserting in lieu thereof "biennially".

(e) Section 17(a) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725p(a)), is amended—

(1) by striking out "Effective July 1, 1935, the" and inserting in lieu thereof "The";

(2) by striking out "annually" and inserting in lieu thereof "biennially"; and

(3) by striking out "annual" and inserting in lieu thereof "biennial".

(f) Section 18(a) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725q(a)), is amended by striking out "annual" and inserting in lieu thereof "biennial".

(g) Section 20(a) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725s(a)), is amended—

(1) by striking out ", effective July 1, 1935,";

(2) by striking out "annually" and inserting in lieu thereof "biennially"; and

(3) by striking out "September 30" and inserting in lieu thereof "December 31".

(h) Section 3 of the Act of August 7, 1946 (60 Stat. 895, chapter 802; 31 U.S.C. 725s-3) is amended—

(1) by striking out "August 7, 1946" and inserting in lieu thereof "December 31, 1983"; and

(2) by striking out "annually" and inserting in lieu thereof "biennially".

(i) Section 257 of the Revised Statutes (31 U.S.C. 1027) is amended by inserting "or the two-year fiscal period, as the case may be," after "fiscal year".

(j) Section 15 of the Act of July 31, 1894 (28 Stat. 210, chapter 174; 31 U.S.C. 1029) is amended by inserting "or the last preceding two-year fiscal period, as the case may be," after "fiscal year".

(k) The first section of the Act of February 26, 1907 (34 Stat. 949, chapter 1635; 31 U.S.C. 1030) is amended—

(1) by striking out "fiscal year current" and inserting in lieu thereof "current two-year fiscal period";

(2) by striking out "fiscal year next ensuing" and inserting in lieu thereof "ensuing two-year fiscal period"; and

(3) by inserting "or preceding completed two-year fiscal period, as the case may be" after "preceding completed fiscal year".

EFFECTIVE DATE

SEC. 8. The provisions of this Act and the amendments made by this Act shall take effect on the first day of the Ninety-eighth Congress, except that the amendments made by sections 3(u), 6, and 7 of this Act shall take effect on January 1, 1984.

FISCAL YEAR 1983

SEC. 9. Notwithstanding the provisions of sections 3, 4, 5, 6, 7, and 8 of this Act and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of the Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply to the rescission and deferral of budget authority for the period beginning on October 1, 1983, and ending on December 31, 1983.

BUDGET PROCESS REFORM PROPOSAL

SECTION-BY-SECTION SUMMARY

Section 1

Section 1 sets out the short title of this bill, the "Budget Reform Act of 1982."

Section 2

Statement of Purpose

Section 2 of the bill sets forth the purposes of the bill which include the following:

To establish a two-year budget process;

To improve congressional control of the budget process;

To streamline the requirements of the budget process;

To improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

To provide stability and coherence for recipients of Federal funds; and

To implement other improvements in the Federal budget process.

Section 3

Two Year Congressional Budget Process

Section 3 makes changes in the Congressional Budget and Impoundment Control Act of 1974 to establish the two-year process. These changes include revisions in definitions, a new timetable, a new process to consider appropriations and budget resolutions and various conforming changes.

Definitions

Title 2 of the Budget Act of 1974 is amended to make conforming changes in various reporting requirements of the Congressional Budget Office and to include definitions of several terms. Specifically, the terms two-year fiscal period, omnibus appropriation bill, and supplemental appropriation bill are defined.

Timetable

Title 3 of the Budget Act of 1974 is amended to revise the timetable. The first session would be devoted to passing a budget resolution, which would be binding for the succeeding two years and to the passage of a single omnibus appropriation bill, which would fund this same two-year period. The second session would be devoted to consideration of authorization legislation and oversight.

Calendar Year

Section 3 changes the fiscal year to a fiscal period beginning on January 1 of even-numbered years and extending for two years thereafter.

Binding Budget Resolution

Section 301 of the Budget Act is amended to provide one concurrent resolution setting forth the federal budget, to be agreed to in the first session. Amendments to Section

311 provide a point of order against any bill which sets forth spending exceeding the totals set in the budget resolution. In the event that a point of order is not successful in prohibiting the consideration of such legislation, Section 311 further prohibits enrollment. Section 301 is also amended to provide some additional flexibility among the functional spending totals which are adopted in the concurrent budget resolution.

Restrictions on Revisions of Budget Resolutions

Section 304 of the Budget Act is amended to permit revision of the concurrent budget resolution only if such revisions are agreed to by a rollcall vote of two-thirds of the membership of the House and Senate.

Omnibus Appropriation Bill

Section 307 of the Budget Act is amended to provide a process for consideration of the omnibus appropriation bill defined in Section 2. This bill would combine the thirteen regular appropriation bills into one measure, which would be considered and agreed to after the passage of the budget resolution.

Reconciliation

Section 310 of the Budget Act is amended to expressly provide for reconciliation at any time after the consideration of the concurrent resolution is passed. Other than conforming changes, no further major revisions are made in the reconciliation process.

Enforcement

Section 311 of the Budget Act is amended to provide that any bill or resolution which would cause the budget levels agreed to in the budget resolution to be exceeded would not be in order. This section is also amended to prohibit the enrollment of any such measure.

Conforming Changes

Section 3 also includes numerous changes in the Budget Act which replace the term fiscal year with two-year fiscal period and several amendments to conform to the timetable.

Section 4

Submission of President's Budget

Section 4 amends the Budget and Accounting Act of 1921 to revise the requirements for the submission of the President's budget. Specifically, this section allows the President to submit the current services budget in January, in keeping with current practice. This section further conforms the submission of the President's budget and the revisions which the president submits to the two-year fiscal period set forth in the timetable.

Off Budget Agencies

Section 4 further amends the Budget and Accounting Act of 1921 to provide for the submission of proposed spending, including proposed budget authority, direct loans and commitments to guarantee loan principal, and estimates of outlays and receipts for all activities funded by the federal government.

Section 5

Conversion to Biennial Fiscal Period

Section 5 makes additional changes to provide for a further conversion to the biennial fiscal period.

Section 6

Accounting Procedures

Section 6 makes further amendments to statutes containing various accounting procedures to conform them to the two-year fiscal period and the timetable.

Section 7

Technical and Conforming Amendments

Section 7 amends the Permanent Appropriation Repeal Act to convert such Act to a two-year fiscal period.

Section 8

Effective Date

This Section establishes the effective date of the Act as the first day of the Ninety-eighth Congress except for those Sections pertaining to the beginning of the fiscal period. The two-year fiscal period would take effect on January 1 of 1984.

Section 9

Fiscal Year 1983

This Section provides transition provisions for fiscal year 1983 with respect to the Impoundment Control Act.

By Mr. DODD:

S. 2630. A bill to amend the Budget and Accounting Act, 1921, to require the President's budget to separately identify and summarize the capital investment expenditures of the United States, to amend the Housing and Urban Development Act of 1970, to require the Secretary of Housing and Urban Development to conduct an inventory and assessment of the Nation's public facilities, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL CAPITAL INVESTMENT BUDGET ACT OF 1982

● Mr. DODD. Mr. President, I am introducing today legislation to establish a Federal capital investment budget. This legislation is being introduced in the House of Representatives by WILLIAM CLINGER, BOB EDGAR, and others, including Congresswoman BARBARA KENNELLY of Connecticut. I want to particularly commend Congressman CLINGER who, on behalf of the House Wednesday Group, has taken the lead in the development of this legislation. In addition, the Congressional Northeast-Midwest Coalition, under the very able leadership of BOB EDGAR, has done much to not only influence the terms of the bill, but also raise the awareness of the Congress and the public and private sectors to the serious crisis represented by the deterioration of the Nation's inventory of basic public facilities.

My direct involvement in this issue traces back to September 23, 1981, when I introduced legislation to establish a national public investment requirements analysis (S. 1658). This analysis would provide an inventory and needs assessments relative to the conditions of existing or required public facility investment. The bill being introduced today incorporates this concept of an inventory and assessment, although in slightly different form. This new proposal goes farther than my earlier bill by including provisions which require the separate identification in the Federal budget of those expenditures which may be classified as public infrastructure investments. The combination of the inventory and needs assessment with the changes in Federal budget presentation should provide a basis for the Congress to prioritize Federal funding and program actions in a more efficient and cost-effective manner in concert with the actions of other governmental entities and the private sector. Although my earlier bill did not include this capital budgeting requirement, I believe this element should be part of the congressional consideration of a much needed complete response to this pressing national issue. Given the likelihood of continuing limited public resources for these activities, this budgetary component, in addition to the other valuable information which will be generated, should help us target these funds in the context of an overall national public investment strategy.

The Federal Capital Investment Budget Act of 1982 seeks to develop a rational and systematic procedure for making investment decisions in Nation's infrastructure—the roads, bridges, schools, hospitals, water and sewer systems which are the life-support networks of any community. The purpose of this legislation is to provide basic information on capital infrastructure: To determine what are our current capital assets; what it will cost to provide needed public services; what are appropriate responsibilities for Federal, State, and local government; and how best to establish priorities for allocating limited infrastructure financing dollars.

The legislation we are introducing today would accomplish these goals in two steps. First, it requires a needs assessment to determine the condition of existing capital plant and longer term infrastructure needs. Second, the bill institutes a capital budgeting process to provide the procedural mechanism for making orderly investment decisions. Specifically, the Federal Capital Investment Budget Act would require the Department of Housing and Urban Development (HUD) to undertake an annual inventory of the Nation's capital facilities and to provide an assessment of its current physical condition. This bill would amend the Budget and Accounting Act of 1921 to require the Office of Management and Budget (OMB) to include, as part of its annual budget submission to Congress, a special analysis in the first year and a complete capital investment budget in subsequent years. Specifically, the capital budget would identify the separate construction, maintenance, repair, and replacement costs for existing and new public facilities, by function, category, agency and program over a 1-, 5-, and 10-year period; delineate appropriate Federal, State, and local responsibilities, as well as identifying sources of potential and alternative financing;

and establish infrastructure investment priorities on the basis of projected capital needs over time.

Mr. President, I am sure my colleagues are familiar with the popular anecdotes used to highlight this serious national problem concerning the inadequacy of the Nation's inventory of public facilities. In order to address this problem, we have to know more about this situation than can be discerned from isolated examples and this is precisely the purpose of this bill. With such an analysis and budget presentation, infrastructure problems can be considered relative to other needs when debating national priorities. This concept could also provide encouragement for greater public/private partnerships, including the eventual success and acceptance of the urban enterprise zone concept. Connecticut was the first State in the Nation to pass enabling legislation establishing enterprise zones. While at the national level this concept is receiving much attention, I believe proposals which have been advanced to date are seriously flawed by the omission of an infrastructure component.

If we are to encourage economic recovery and spur business growth, we must begin with revitalizing this Nation's infrastructure of public facilities. It is estimated that at least one-half—and maybe two-thirds—of our committees cannot undertake modernized development until major investments are made in their basic facilities. We should reverse this situation with the aid of the best possible information which can be gathered. We must target limited funds and assign responsibility. This bill does not commit the Congress to spend one additional dollar on infrastructure investment. It does require the more efficient utilization of public resources. I hope my colleagues will give their most serious attention and eventual support to this concept which is being advanced today in both bodies on a bipartisan basis.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Capital Investment Budget Act of 1982".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to provide basic information of the capital infrastructure of the Nation in an organized and rational manner;

(2) to identify serious deficiencies in the public investments that are deteriorating and beyond rapair and to identify those that are constraining national growth;

(3) to allocate limited funding in public infrastructure in a cost-effective and orderly manner by allowing the establishment of reasonable priorities in capital investment;

(4) to distinguish between Federal, State, and local responsibilities in order to reduce fragmentation and duplication of effort; and

(5) to improve legislation oversight over public capital investments.

FEDERAL CAPITAL INVESTMENT BUDGET

SEC. 3. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by adding at the end thereof the following new subsection:

"(k) (1) The President shall include with each Budget submitted under subsection (a) on or after January 1, 1983, a special analysis, for the ensuing fiscal year, which shall identify for each function, category, agency, and program of appropriation and expenditure in the Budget the amount of appropriations and expenditures which may be classified as public infrastructure investments, and shall contain appropriate summaries of the total amount of such appropriations and expenditures. In addition, the special analysis under this paragraph shall contain–

"(A) an estimate of current aggregate public infrastructure investments and those required to provide specific levels of public infrastructure capital services over periods of one, five, and ten years;

"(B) an estimate of current aggregate operation and maintenance investments and those required to provide specific levels of public infrastructure capital service over periods of one, five, and ten years;

"(C) an identification of potential and alternative sources of financing and capital investment constraints at the State and the local level of government;

"(D) an identification of Federal public infrastructure investment priorities;

"(E) an identification explaining the relationship of the proposed annual capital expenditures contained in the proposed Budget to the Nation's longer term needs and the Federal Government's longer term public capital infrastructure strategies; and

"(F) a ten-year projection on anticipated capital and related operation expenditures.

"(2) In addition to the information required by paragraph (1), the President shall include with each Budget submitted under subsection (a) on or after January 1, 1984, a capital investment budget which shall identify by State (considering the District of Columbia and each insular area as a State) the amount of appropriations and expenditures which may be classified as public infrastructure investments, and shall contain—

"(A) an estimate of separate construction, rehabilitation, operation, and maintenance investments and those required to provide specific levels of public infrastructure capital service over periods of one, five, and ten years;

"(B) the establishment of a uniform set of standards of service to measure the specific level of service provided by specific types of public infrastructure capital;

"(C) an estimate of the costs, over discrete periods of time, to continue specific present, higher, and lower levels of service;

"(D) an assessment of the levels of service being produced by public infrastructure capital; and

"(E) a ten-year projection of appropriate amounts for the capital investment budget.

"(3) For the purposes of this subsection, any appropriation or expenditure shall be classified as a public infrastructure investment to the extent that funds so appropriated or expended will be used for the construction, renabilitation, or repair of any civilian public facility in the United States, including—

"(A) education facilities (public schools and public libraries);

"(B) energy facilities (direct power energy generation facilities and energy supply facilities);

"(C) fire safety (facilities and equipment);

"(D) health (clinics, hospitals, emergency vehicles, and specialized equipment);

"(E) justice (law enforcement facilities, jails and prisons);

"(F) recreation (facilities);

"(G) solid waste (collection and disposal facilities and equipment);

"(H) telecommunications (radio, television, and disaster preparedness facilities and equipment);

"(I) transportation (highways, roads, bridges, rail, port, river, inland water, airport, pipeline and mass transit facilities and equipment);

"(J) water supply (storage, transport, treatment and distribution facilities);

"(K) waste water disposal (disposal treatment and transport facilities); and

"(L) Federal buildings and grounds.

"(4) For the purposes of this subsection—

"(A) the term 'construction' means the erection of new structures and the acquisition and installation of initial equipment therefor;

"(B) the term 'rehabilitation' means the alteration of an existing structure and the acquisition and installation of initial equipment or modernization or replacement of such equipment; and

"(C) the term 'repair' means the maintenance and operation activities on an existing structure to ensure the continuing functioning of the structure.".

SEC. 4. Part A of title VII of the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new section:

"INVENTORY AND ASSESSMENT OF PUBLIC FACILITIES

"SEC. 704. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary') shall prepare an inventory of civilian public facilities in the United States (including those civilian public facilities described in section 201(k)(3) of the Budget and Accounting Act, 1921) and an assessment of the physical condition of such public facilities.

"(b) The Secretary shall make a report of the inventory and assessment required by subsection (a) to Congress not later than January 1, 1984. The Secretary shall update such report and transmit a copy thereof to Congress annually thereafter.

"(c) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Upon request of the Secretary, the head of such department or agency shall furnish such information to the Secretary.".

[Section-by-Section Analysis]

FEDERAL CAPITAL INVESTMENT BUDGET ACT OF 1982

Section 1: Entitles the bill the "Federal Capital Investment Act of 1982."

Section 2: Describes the five purposes of the Act including:

(1) A basic information document of public capital infrastructure;

(2) An identification of public investment deficiencies in and constraints to national growth;

(3) An establishment of reasonable priorities for the allocation of limited public capital infrastructure funding;

(4) A reduction in fragmentation and duplication between Federal, State, and local governments; and

(5) An improvement in legislative oversight over public capital investments.

Section 3: Amends the Budget and Accounting Act, 1921 and mandates an initial Special Analysis to the President's annual budget submission in fiscal year 1984. This first step in the overall Capital Budgeting process would draw upon existing information which is currently available but not appropriately organized. However, because supplemental information will require more time to obtain and compile, Subsection (k)(2) directs that a complete Special Analysis and Capital Budget will be contained in the fiscal year 1985 budget submission and each year thereafter.

The Special Analysis for fiscal year 1984 would include:

Identification of public infrastructure investments for each function, category, agency, and program by appropriation and expenditure (authorities and outlays);

An estimate of aggregate capital investments (construction and rehabilitation) required to provide specific levels of public works services over periods of 1, 5, and 10 years;

An estimate of aggregate operation and maintenance investment requirements over periods of 1, 5, and 10 years;

The identification of sources of financing;

The identification of Federal public works investments priorities; and

A presentation of how the proposed annual capital expenditures contained in the proposed budget would relate to the Nation's longer term needs and the Federal Government's longer term public works investment strategies.

The Special Analysis and Capital Budget for fiscal year 1985 and each year thereafter, in addition to the information for fiscal year 1984, would include:

An identification by State (including the District of Columbia and U.S. territories) of appropriations and expenditures (authorizations and outlays) of public infrastructure investments:

An estimate of separate construction, rehabilitation, operation, and maintenance investments and those required to provide specific levels of public infrastructure capital service over periods of 1, 5, and 10 years;

The creation of a uniform national set of standards to measure the specific level of service provided by specific levels of public work facilities;

An assessment of the levels of service being produced by these facilities;

An estimate of the costs, over discrete periods of time, to continue specific present, higher, and lower levels of service; and

A 10-year projection of appropriate amounts for the capital investment budget.

Subsection (k)(3) lists any appropriation or expenditure to be classified as a public infrastructure investment as they apply to construction, rehabilitation, or repair of such facility. This list applies uniformly to all provisions of this act:

Education facilities;
Energy facilities;
Fire safety;
Health;
Justice;
Recreation;
Solid waste;
Telecommunications;
Transportation;
Water supply;
Waste water disposal; and
Federal buildings and grounds.

Section 4: Amends Title VII of the Public Works and Economic Development Act of 1965 and provides for an inventory and assessment of public infrastructure facilities. The assessment of the physical condition of the facilities would provide a snap-shot look at the current condition and capacity of existing infrastructure. The magnitude of collecting the data would require a lead time of 2 years. An annual report to Congress is due from the Economic Development Administration by January 1, 1984 (in time for the fiscal year 1984 budget submission due date) and each year thereafter and shall be transmitted by the Secretary of Commerce.●

ADDITIONAL COSPONSORS

S. 1018

At the request of Mr. CHAFEE, the Senator from Kentucky (Mr. FORD) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1117

At the request of Mr. CRANSTON, the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of S. 1117, a bill to designate certain lands in the Shasta Trinity National Forest, Calif., as the Mount Shasta Wilderness.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1439

At the request of Mr. PELL, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1439, a bill to provide for the distribution of overcharges collected by the Department of Energy.

S. 1852

At the request of Mr. JEPSEN, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1852, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

S. 1931

At the request of Mr. SCHMITT, the Senator from Maryland (Mr. SARBANES) and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1931, a bill to amend title 5, United States Code, to entitle Civil Air Patrol cadets 18 years of age and older to compensation available to Civil Air Patrol senior members in event of disability or death, and to increase the level of compensation available to both.

S. 1939

At the request of Mr. GOLDWATER, the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 1944

At the request of Mr. LEVIN, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 1944, a bill to amend title II of the Social Security Act to provide that disability benefits shall not be terminated prior to an exhaustion of administrative remedies unless current medical evidence substantiates such termination

S. 1951

At the request of Mr. BENTSEN, the Senator from Montana (Mr. MELCHER) and the Senator from New Hampshire (Mr. RUDMAN) were added as cosponsors of S. 1951, a bill to change the penalties for possession of controlled substances under section 401(b) of the Controlled Substances Act.

S. 1958

At the request of Mr. DOLE, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2080

At the request of Mr. KASTEN, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2123

At the request of Mr. SYMMS, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2123, a bill to amend title 18, chapter 44, United States Code, to provide clarification of limitations on controls of the interstate movement of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances.

S. 2338

At the request of Mr. PERCY, the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from South Dakota (Mr. PRESSLER), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 2338, a bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

S. 2369

At the request of Mr. DOLE, the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2369, a bill

to amend the Internal Revenue Act of 1954 to clarify the standards used for determining whether individuals are not employees for purposes of the employment taxes, and for other purposes.

S. 2572

At the request of Mr. THURMOND, the Senator from Mississippi (Mr. COCHRAN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

S. 2583

At the request of Mr. ZORINSKY, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2583, a bill to amend the Agricultural Act of 1949 to provide emergency relief for farmers, and for other purposes.

S. 2585

At the request of Mr. CRANSTON, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2585, a bill to provide that the Armed Forces shall pay benefits to surviving spouses and dependent children of certain members of the Armed Forces who die from service-connected disabilities in the amounts that would have been provided under the Social Security Act for amendments made by the Omnibus Budget Reconciliation Act of 1981.

SENATE JOINT RESOLUTION 175

At the request of Mr. KASTEN, the Senator from Massachusetts (Mr. TSONGAS), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DIXON), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 175, a joint resolution authorizing and requesting the President to proclaim "National Junior Bowling Championship Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Ohio (Mr. GLENN) and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 193

At the request of Mrs. KASSEBAUM, the Senator from North Carolina (Mr. EAST), the Senator from New York (Mr. D'AMATO), the Senator from Connecticut (Mr. WEICKER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 193, a joint resolution designating the week of November 7 through November 13, 1982, as "National Respiratory Therapy Week."

SENATE RESOLUTION 261

At the request of Mr. CHAFEE, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 261, a resolution expressing the sense of the Senate that the President should not impose import fees on crude oil and refined petroleum products.

SENATE RESOLUTION 379

At the request of Mr. CANNON, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Resolution 379, a resolution to urge the Secretary of Transportation and the Chairman of the Civil Aeronautics Board to convene an Airline-Government Summit Conference for the purposes of examining Federal Government policies affecting the airline industry and discussing airlines' fare policies under deregulation.

SENATE RESOLUTION 393

At the request of Mr. PRESSLER, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Resolution 393, a resolution expressing the sense of the Senate that the Secretary of Agriculture should promptly call for a section 22 study on honey imports.

SENATE CONCURRENT RESOLUTIONS 104 AND 105—RELATING TO THE USE OF PLASTIC BULLETS AND THE OPERATION OF THE ULSTER DEFENSE ASSOCIATION IN NORTHERN IRELAND

Mr. DODD (for himself, Mr. KENNEDY and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas a delegation of the Congress representing the "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast, and Derry between May 29 and June 2, 1982;

Whereas serious concern about the continued use of plastic bullets by British security forces was strongly expressed to this delegation;

Whereas the delegation was disappointed by the negative response of the British authorities to its representations on the use of plastic bullets in Northern Ireland;

Whereas the European Parliament has voted overwhelmingly in favor of a ban on the use of plastic bullets against civilians in the member states of the European Community;

Whereas in recent years eleven people, many of them children under fifteen, have been killed in Northern Ireland by plastic bullets fired by British security forces and over 160 people have sustained injuries, including many cases of serious head injuries involving brain damage, loss of eyes, and total blindness;

Whereas all of the injuries have been suffered by civilians many of them in non-riot situations;

Whereas, according to official statistics from the Northern Ireland Administration, 36,000 plastic bullets have been used in Northern Ireland, of which approximately 26,000 were used during the first seven months of 1981;

Whereas the British Home Secretary recently described plastic bullets as "lethal";

Whereas in recent serious rioting in fourteen British cities, during which gasoline bombs and other potentially lethal missiles were used against police, plastic bullets were not used in any instance; and

Whereas the use of plastic bullets in the United Kingdom has been restricted to Northern Ireland alone: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby condemns the use of plastic or rubber bullets in Northern Ireland and calls upon the Government of the United Kingdom to ban the use of plastic or rubber bullets against civilians.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Government of the United Kingdom.

Mr. DODD (for himself, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. PELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 105

Whereas the delegation from the Congress representing the "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast, and Derry between May 29 and June 2, 1982;

Whereas serious concern was expressed to the delegation about the continued unchecked operations of the Ulster Defense Association (hereafter in this preamble referred to as the "UDA");

Whereas the UDA is the largest paramilitary organization in Northern Ireland;

Whereas the UDA has clearly shown itself to be a terrorist organization, responsible for the murder of innocent civilians, bombing in the Irish Republic, and for the illegal importation and stockpiling of arms;

Whereas more than four hundred members of the UDA have been jailed for serious offenses, a number of whom have been members of the Ulster Defense Regiment, which is an integral part of the security forces in Northern Ireland;

Whereas the UDA is allowed to operate openly in Northern Ireland, to recruit members and to raise funds, despite its crimes against the people of Northern Ireland; and

Whereas the UDA and other loyalist terrorist organizations have been responsible for more than six hundred deaths in Northern Ireland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby condemns all acts of violence in Northern Ireland and calls upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership and activities, and any like terrorist organization.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Government of the United Kingdom.

Mr. DODD. Mr. President, I sent to the desk two separate resolutions concerned with the situation in Northern Ireland on behalf of myself, Mr. KENNEDY, and Mr. MOYNIHAN for the first resolution and on behalf of myself,

Mr. KENNEDY, Mr. MOYNIHAN and Mr. PELL, for the second resolution. I ask for their appropriate referral.

A delegation from Congress representing the "Friends of Ireland," of which I was a part, traveled to Ireland 2 weeks ago. The delegation met with a very wide variety of representatives of the two communities in Northern Ireland and with members of the Government and other Parliamentarians in the Republic of Ireland. The concerns expressed in these resolutions reflect the very deep concerns we heard while in Ireland.

The first resolution, Mr. President, condemns the use of plastic or rubber bullets in Northern Ireland and calls upon the Government of the United Kingdom to ban their use against civilians.

Among the many tragedies which occur with alarming frequency in Northern Ireland has been the use of plastic bullets against civilians by security forces in Northern Ireland. In recent years, eleven people, many of them children under the age of 15, have been killed in Northern Ireland by plastic bullets fired by British security forces. In addition, over 160 people have been injured by these plastic bullets. And many of these have included serious head injuries involving brain damage, loss of eyes, and total blindness. The extent of the use of plastic bullets in Northern Ireland is illustrated by official statistics from the Northern Ireland administration which shows that 36,000 such bullets have been used.

Mr. President, most people would assume that plastic bullets are nonlethal projectiles. Obviously, the fact that 11 people have died from their use shows that they are in fact lethal. In fact, the British Home Secretary himself has described plastic bullets as "lethal." Unfortunately, when security forces are issued plastic bullets there may be an assumption that their use does not constitute deadly force. And plastic bullets may be used far more indiscriminately than "real" bullets. I believe this has been the case in Northern Ireland. Plastic bullets are sometimes used as weapons of first resort, rather than as weapons of last resort. As long as plastic bullets are issued to the security forces in Northern Ireland, they will almost certainly be used in situations where the use of deadly force is not called for.

It is sad to note that the use of plastic bullets has been restricted to Northern Ireland by British security forces. When serious rioting erupted in 14 British cities recently, plastic bullets were not used in any instance. I am afraid that this has led to the impression that plastic bullets are for use only against the people of Northern Ireland.

I would also note that only last month the European Parliament voted by a margin of over two to one calling on the member states of the European Community to ban the use of plastic bullets against civilians.

In summary, Mr. President, the sponsors of this first resolution do not believe that there are legitimate security purposes served by the use of plastic bullets. In fact, their use only exacerbates the already high tensions in Northern Ireland. There is simply no good reason for British security forces to continue to use them. We hope that this expression of U.S. congressional concern will prompt the British Government to discontinue their use.

The second resolution, Mr. President, condemns all acts of violence in Northern Ireland and in particular calls upon the Government of the United Kingdom to outlaw the Ulster Defense Association and any like terrorist organization.

The Ulster Defense Association, or UDA, is the largest paramilitary organization in Northern Ireland and has been clearly associated with acts of violence and terrorism. The UDA has been responsible for the murder of innocent civilians, for bombings in the Irish Republic, and for the illegal importation and stockpiling of arms. In fact, more than 400 members of the UDA have been jailed for serious offenses.

Mr. President, the British Government maintains a policy of banning any organization in Northern Ireland which advocates and uses violence to secure political ends. The policy, however, does allow the existence of organizations which may be politically extremist, but do not employ violence. I believe it is clear, however, that the Ulster Defense Association has long ago stepped over those bounds. The UDA, in fact, does employ violence, and therefore should be banned by the British authorities.

Mr. President, the tragedy that is Northern Ireland continues almost unabated. Personally, I believe that the only just solution to the problems in Northern Ireland lies in the reunification of all of Ireland. But I recognize that that day may not come soon unfortunately. In the meantime, the two measures embodied in these resolutions, a ban on the use of plastic bullets and the outlawing of the UDA, will help to decrease the level of violence and tension in Northern Ireland and improve the atmosphere in which representatives of the two communities in Northern Ireland can work out their differences and agree to a just and lasting solution to the problems of Northern Ireland.

Mr. KENNEDY. Mr. President, I am pleased to join in these two important Senate concurrent resolutions urging the Government of Great Britain to ban the use of plastic bullets in Northern Ireland and to place the Ulster Defense Association on the list of organizations proscribed in Northern Ireland because of their clearly demonstrated involvement in violence and terrorism.

Identical resolutions are being submitted today in the House of Representatives. I commend Senator CHRIS DODD of Connecticut and Congressmen JIM SHANNON of Massachusetts and CHARLES DOUGHERTY of Pennsylvania for their leadership in this important initiative.

BAN ON PLASTIC BULLETS

On the issue of the use of plastic bullets for riot control, the time has come for the British Government to end its double standard, according to which plastic bullets are used by the police and security forces in civil disturbances in Northern Ireland, but not on the British mainland.

In a visit to the sites of the tragic rioting in Manchester and Liverpool in England in 1981, the British Home Secretary, William Whitelaw, was questioned specifically about the possible use of plastic bullets to control those riots. He replied, "I would deeply regret their introduction because they are lethal."

To my knowledge, plastic bullets have never been used for riot control on the British mainland. They were not used at all during the massive rioting in numerous English cities in 1981; yet at that very time, they were being used routinely by the British security forces in Northern Ireland to control disturbances during the hunger strike.

The reason for the refusal of the British Government to use plastic bullets on the mainland is as obvious as it is overriding. Mr. Whitelaw is right. Plastic bullets are lethal; and precisely because they are so lethal, they should not be used in Northern Ireland.

The resort to plastic bullets is an unacceptable method of riot control. These bullets are solid cylindrical projectiles, 3½ inches long and 1½ inches in diameter. Each plastic bullet weighs 4¾ ounces. It comes packed in a cartridge with a gunpowder charge, and it is fired from a gun.

When fired, a plastic bullet has a muzzle velocity of 160 miles an hour. That velocity, as the British describe it, is approximately the speed achieved by a fast bowler in cricket. In terms with which the Senate is more familiar, the velocity of a fastball pitched by Nolan Ryan of the Houston Astros, the fastest pitcher in baseball, reaches 100 miles an hour. So a civilian facing a plastic bullet is, in effect exposed to a missile traveling about twice as fast as Nolan Ryan's fastest pitch. And that can kill you.

To be sure, the British Government has guidelines for the use of plastic bullets in Northern Ireland:

(1) They may be used to disperse a crowd whenever it is judged to be minimum and reasonable force in the circumstances;

(2) The rounds must be fired at selected persons and not indiscriminately at the crowd; they should be aimed so that they strike the lower part of the target's body directly (i.e. without bouncing off the street); and

(3) The weapons must be fired at a range of not less than twenty meters, except when the safety of soldiers or others is seriously threatened.

During the period from January to August 1981—the time covered by the hunger strikes—30,000 plastic bullets were fired by the British security forces in Northern Ireland. Since plastic bullets were first introduced in 1975, 11 persons have been killed and at least 160 have been injured, with many cases involving severe head injuries or even blindness. For every 3,000 rounds fired, 1 person is killed and 16 are injured. Often, the victims are children.

In recent weeks, protests have been rising in Northern Ireland, in the Republic of Ireland, and among the nations of Western Europe against the use of plastic bullets in Northern Ireland. On May 13, 1982, the European Parliament voted overwhelmingly to ban the use of plastic bullets in the member nations of the Common Market.

I believe that the Senate of the United States should join in condemning this policy. I hope that all Members of the Senate will support the resolution we are introducing, and that the British Government will heed our concern and change its policy.

BAN ON THE ULSTER DEFENSE ASSOCIATION

Our second concurrent resolution asks the British Government to add the Ulster Defense Association to the list of organizations banned in Northern Ireland because of clear and undeniable involvement in violence and terrorist activities.

This is another situation in which the British Government appears to be applying a double standard in Northern Ireland. Under current British policy, "an organization is liable to be proscribed if it declares its terrorist aims, or is clearly responsible for terrorist acts." By this standard, the British Government has acted to ban organizations such as the Provisional Irish Republic Army and the Irish National Liberation Army on the Catholic side, and the Ulster Volunteer Force and the Ulster Freedom Fighters on the Protestant side in Northern Ireland.

The UDA is not a proscribed organization. Yet it is the largest paramilitary organization in Northern Ireland. Six of its members, including its leader, have recently been charged with terrorist offenses and are awaiting trial. In recent years, over 400 members of the UDA have been jailed for such offenses.

The search for peace in Northern Ireland requires the fair and scrupulously even-handed implementation of policy by the security forces against any organization identified with terrorist activities. The British Government has been quick to proscribe organizations identified with violence in the minority side of the community, but it has been slow to do so in the case of the UDA. In spite of its repeated association with bombings, murders of innocent civilians, and other terrorist offenses, the UDA is permitted to operate openly in Northern Ireland, to recruit new members, and to raise funds. The result has been to heighten the sense of grievance and discrimination felt by the Catholic community. The political activities of the UDA cannot be used to sanitize or justify the close association between the UDA as an organization and the violent activities of its members. Our resolution calls on the British Government to end its double standard and to ban the UDA, and I hope the Senate will approve it.

SENATE RESOLUTION 412—RESOLUTION AUTHORIZING THE PRINTING OF A CERTAIN REPORT

Mr. STAFFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 412

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i), chapter 1 of title 23, United States Code entitled, "Highway Bridge Replacement and Rehabilitation Program, Third Annual Report to Congress," be printed as a Senate document.

SEC. 2. There shall be printed three hundred additional copies of such document for the use of the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED FOR PRINTING

EXTENSION OF VOTING RIGHTS ACT

AMENDMENT NOS. 1895 AND 1896

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted two amendments intented to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, on behalf of Mr. PERCY, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on S. 1853, authorizing support to Radio Broadcasting to Cuba, Inc. The hearing will be held on Thursday, July 1, beginning at 10 a.m. in room 4221 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Foreign Relations, 4229 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing, please contact Mr. David Keaney or Mrs. Betty Alonso at 224-4615.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing to consider the Department of Energy's uranium enrichment program previously scheduled for Thursday, June 17 at 2 p.m. has been canceled, and will be rescheduled at a later date.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on minority business and its contributions to the U.S. economy, on June 23, 1982, at 9:30 a.m., room 424 of the Russell Senate Office Building. For further information, please contact Bob Wilson of the committee staff at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, June 15, at 10 a.m., to hold an oversight hearing in connection with the use of false identification to penetrate Federal programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, June 15, to hold a hearing on S. 2623, a bill to reauthorize tribally controlled Community Colleges Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to hold a full committee nomination hearing during the session of the Senate at 2 p.m. on Wednesday, June 16, to con-

sider the nominations of Thomas Jackson, of the District of Columbia, to be district judge; Thomas Moore, of Colorado, to be district judge for the district of Colorado; and Henry Mentz, of Louisiana, to be district judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REFORMING AN ARCHAIC TAX CODE

● Mr. GRASSLEY. Mr. President, the key to economic recovery is reduced interest rates. This proposition has been stated and restated countless times over the past year. Likewise, the conventional solution for reducing interest rates has been stated and restated: we must bring down deficits to prevent a "crowding out" of private capital.

The problem with this conventional solution is that it ignores the formation of capital as any part of the solution. While our recent fiscal endeavors have been to reduce government activity in the capital markets, we have done little to increase the pool of available capital. The disparity between the short supply of capital and the heavy demand for it is the fundamental cause of high short-term interest rates.

Savings in this country is by far the lowest in the industrial free world, a direct reflection of a Tax Code which punishes savings and investment and rewards borrowing and consumption. It is clear that meaningful tax reform to correct these biases is essential if new capital is to be formed and interest rates are to fall.

The objective of any tax reform should be to maximize revenues for government services and operations, and to encourage the growth of capital. Low tax rates tend to increase the tax base by expanding production. Low rates also free up income for savings, provided the rewards for saving are sufficient. The taxation of earned interest and dividends can hardly be called rewarding.

The present tax code is archaic. Its inequities, high rates, loopholes, and progressive nature are in bad need of repair. We can perhaps best understand the absurdities of our tax system by learning of its origin and its history. An article by David Boaz of Cato Institute in a recent issue of the Wall Street Journal describes the evolution of the U.S. Tax Code and its effects both on today's overburdened taxpayer and on the economy.

Mr. President, I believe a thorough understanding of the Tax Code is necessary as tax reform is contemplated and debated in this Congress. During the coming months, I will offer a series of articles and studies both on the history of the code and on what I perceive to be a sound alternative—a flat rate system. I have already introduced a bill, S 2376, which directs the U.S. Treasury to conduct a study on the feasibility of the flat tax. I urge my colleagues to join me in a serious study of the Tax Code and to find a practical alternative for a more equitable and efficient system. I ask that the article by David Boaz be printed in the RECORD.

The article follows:

A HISTORY OF THE INCOME TAX: IT JES' GREW

(By David Boaz)

President Reagan and the Republicans on the Senate Budget Committee have agreed to a plan that would raise taxes by $95 billion over three years. The President seems to have forgotton something he said in 1980: "Even the extended tax rate cuts which I am recommending still leave too high a tax burden on the American people." Then there's what he said just a few weeks ago: "Raising taxes is no way to balance the budget." Indeed, raising taxes to improve our economic condition is like adding more leeches to a dying patient.

The President is hardly alone in his willingness to raise the tax burden on Americans. Some Senate Democrats wanted $170 billion in new taxes; Senate Budget Committee Chairman Pete Domenici called for $125 billion; and "tax-wary conservatives," in the Wall Street Journal's phrase, proposed a tax increase of "only" $73 billion.

Maybe the real problem is that the people who will have to pay the bill for the politicians' compromise—the American taxpayers—weren't included in the negotiations.

Apparently politicians of both parties just don't care how high taxes have gotten. Unfortunately, because withholding makes the income tax nearly invisible during the year, even most taxpayers don't realize just how taxes have grown in a relatively short period of time.

From 1965 to 1980 the marginal tax rate rose from 17 percent to 24 percent for a family of four at the median income. The rate for those with double the median income soared from 22 percent to 43 percent.

Back when the income-tax amendment passed by Congress in 1909 was debated in state legislatures, skeptics were assured that rates would never go above 4 percent or 5 percent. And everyone understood that only a few people would ever pay the tax. After ratification of the amendment, Congress passed the first income tax law in 1913. It provided for a 1 percent tax on incomes over $3,000 ($4,000 for a married couple)—a level exceeded by only 3 percent of American wage-earners. Indeed, only 19 percent of the lawyers and 21 percent of the bankers were affected by the law. A tax of up to 7 percent was levied on very high incomes—from $20,000 to over $500,000.

Rates went up during World War I but soon came down again. As recently as 1941, the federal income tax raised only $41 million annually. During World War II marginal rates soared to as high as 94 percent, but only a few paid these confiscatory rates. In 1947, after the severe inflation of the war years, 80 percent of the families in the United States had an annual income of less than $5,000. The effective tax rate was about 8.4 percent. For these Americans, taxes had doubled between 1939 and 1941 and doubled again between 1941 and 1947. Even so, a worker making $5,000, who was married and had two children, paid around $420 in income tax plus $30 in Social Security taxes. He faced a marginal tax rate of less than 20 percent.

Of course, today's dollar is worth only about one-fourth of the 1947 dollar, but the point is that in 1947, after the biggest war in history, very few people were in high marginal tax brackets.

The situation has changed dramatically. As a result of inflation and economic growth, today 80 percent of the families in the United States have incomes over $11,000, and 50 percent make more than $23,000. That means the average worker is facing taxes intended originally for the rich.

Moreover, maximum Social Security taxes have risen from a mere $30 annually in 1947 to $2,170 in 1982, a whopping 7,233 percent increase. For the first 20 years of Social Security, from 1937 to 1956, nobody contributed more in a year than today's worker pays every two weeks. In recent years federal tax liabilities have risen twice as fast as income for an average worker.

Three decades of inflation combined with a graduated tax rate have pushed most Americans into extremely high marginal tax brackets. The results are all around us: government spending out of control, average Americans unable to make ends meet, billions of dollars wasted on "tax shelters" instead of spent productively. And now we've got the spectacle in Washington of a Congress panting to roll back the recent tax cuts.

The politicians and special interests in Washington will never decide that taxes are too high. As long as the money keeps rolling in, they'll keep finding more ways to spend it—now, in a recession, they're even finding a need for tax increases. If we want taxes cut, for the sake of economic prosperity and individual freedom, we'll have to insist on it ourselves. And with all the talk of tax increases coming out of Washington right now, it's beginning to look like the only way to get taxes down and keep them down is by voting this tax-happy Congress out of office next November.●

REAGAN: STUBBORN OR STEADFAST

● Mr. ARMSTRONG. Mr. President, as the 1982 campaign heats up, it will become the business of many people to try and rewrite recent political history and blame the state of the economy on President Reagan and his economic initiatives.

A. U.S. News & World Report editorial of May 24, 1982, does an excellent job of putting our present problems in a factual perspective. The reasons for reducing the size and impact of the Federal Government are even more compelling today than in 1980. Interest rates that are causing so much damage in the economic system today are the direct result of the unrestrained growth of the Federal Government over the last few decades.

The economic well-being of every citizen depends upon the ability of this Congress to make the tough policy decisions that will put our country on the path to a balanced budget. Politi-

cal demagoguery will not eliminate the problems, but the kind of budgetary action that the U.S. Senate took 2 weeks ago will begin the process of restoring our country's fiscal stability. I commend this editorial to my colleagues as one way to keep our problems in perspective.

I ask to include this excellent editorial in the CONGRESSIONAL RECORD.

[Editorial from U.S. News & World Report, May 24, 1982]

REAGAN: STUBBORN OR STEADFAST?

(By Marvin Stone)

The President is under heavy fire these days, not only from Democrats but also from some members of his own party who feel he is being bullheaded about his budget.

Mr. Reagan is holding out for less government. He remains convinced that this longing is shared by the vast majority of Americans who elected him by a landslide 19 months ago.

The President, it seems, has a longer memory than most politicians. This was evident the other day in a speech in Washington when he reminded fellow Republicans why, while foes call him stubborn, he remains determined to rein in the growth of federal spending and the mammoth bureaucracy it has spawned. From his speech:

"Let's go to the American people. Let's remind them of the economic mess we faced when we took office [in January, 1981]:

"Inflation in double digits . . . for two years in a row, back to back;

"First time in peacetime, interest rates that had hit, yes, 21.5 percent;

"Productivity and the rate of growth in the gross national product down for the third year in a row. . . .

"Let's remind them that in 1976 the inflation rate stood at 4.8 [percent]. By 1980, it was 2½ times as high—12.4.

"Let's remind them that in December of 1976 the prime rate . . . averaged 6.4 percent. By December, 1980 . . . it reached 21.5 percent, a 200 percent increase.

"Let's remind them that when we took office, unemployment had been climbing and business failures increasing.

"When the recession hit us, it was our legacy from the years of boom and bust, of erratic spending and monetary policy. . . .

"Let's point out that for all of this, there's been one overriding cause—we've said it before and let's say it again—government is too big and it spends too much money.

"In the last 10 years, federal spending tripled.

"In the last five years, federal taxes doubled, largely because of the growth of social programs. In 1950, social programs cost the taxpayers 12 billion dollars; in 1980, nearly 300 billion dollars—an increase of an incredible 2,300 percent. In the same period, prices rose by 278 percent. So real social spending was actually 5½ times higher than in 1950.

"By 1980, 1 out of every 3 American families was receiving federal assistance of one sort or another—1 out of every 3 families. The budget for the Department of Health and Human Services—250 billion dollars, roughly—the third-largest budget in the world, exceeded only by the total budgets of the Soviet Union and the United States.

"Take just one social program as an illustration: Sixteen years ago, we were spending 65 million dollars on food stamps—65 million dollars; in 1981, we spent 11.3 billion dollars. That's an increase of over 16,000 percent. . . .

"Now, include in this picture the interest payments on our tremendous federal debt that . . . reached more than a trillion dollars last year. The yearly interest payments are 100 billion dollars, and that's as much as the entire federal budget was just 20 years ago. . . .

"In fact, if you take the cost of automatic spending increases and entitlement programs, add them to the interest payments and the federal debt and the other uncontrollables, and it means that 70 percent of the entire federal budget is made up of items over which the Congress and the administration are supposed to have no control. I wonder how some of you in the private sector would feel if you were told to rescue a sinking business, but only on the condition that you could work with 30 percent of that business's budget and the other 70 percent was off limits.

"So I think you can begin to understand the difficulty of halting the kind of momentum built up by the federal spending juggernaut over the past few decades."

Facts and figures such as those make it easier to understand why Mr. Reagan is standing firm.●

SENATOR ABDNOR DISCUSSES HARBOR DEVELOPMENT NEEDS

● Mr. DOMENICI. Mr. President, recently my good friend from South Dakota (Mr. ABDNOR) gave a speech before the National Association of Dredging Contractors. Senator ABDNOR, who is the chairman of the Senate's Subcommittee on Water Resources, spoke on the issue of harbor development. Over the past year, Senator ABDNOR has taken a strong lead on this issue.

Along with another of our colleagues, Senator MOYNIHAN, Senator ABDNOR introduced S. 1692, which was reported out of the Committee on Environment and Public Works in December 1981. It is an excellent piece of legislation, one I support strongly. S. 1692 represents not only sound public policy, but it provides a realistic approach to accelerating priority public works development.

In his speech, Senator ABDNOR details the budgetary problems we confront. As chairman of the Budget Committee, I am only too aware of the truths of his statements. Too often, these problems are avoided or ignored. Senator ABDNOR has not shirked his responsibility to convey these budgetary realities to our Nation.

Passage of S. 1692 will produce a more effective, less expensive national harbor development program. Senator ABDNOR is to be congratulated for his understanding of both budgetary and the water resources issues, and for his excellent legislation.

Mr. President, in order that my colleagues have the opportunity to review this fine speech, I ask that if it be printed at this point in the RECORD.

The speech follows:

SENATOR JAMES ABDNOR SPEECH TO THE NATIONAL DREDGING ASSOCIATION

Good afternoon. I am pleased to be here with you today. I am glad to have the opportunity to come and speak with you about an issue I believe to be of vital importance to this nation: the need for new deep-draft port development.

The Dredging Association has always taken an aggressive role in promoting development of our navigation system. I would like to commend you for focusing your attention on the critical issue of deep-draft coal port development.

NEED FOR COAL EXPORTS

Our country is confronted with a unique opportunity: It has the potential to become the world's largest supplier of steam coal. Many believe that in the next ten years, we could quadruple U.S. steam coal exports to 85 million tons. By the year 2000, U.S. coal exports could rise to 200 million tons and meet 40 percent of expected world demand.

Most likely, we will not be able to exploit this potential unless we establish a program which will allow us to construct two or three harbors with depths of 55 feet or more. These deep harbors, where we can efficiently handle very large colliers, will make a major coal export program economically viable.

Foreign buyers are now bidding on 50-year coal contracts. They have two concerns: The security of supply; and the price of that supply. We certainly can provide a secure supply of coal, but because of limited port capabilities, we cannot match our competitors' prices.

Presently, U.S. prices for coal delivered in 75,000 ton bulk vessels are about 20 to 30 percent higher than Australian and South African coal. These costs could be reduced if we reduce transportation costs, which are 25-30 percent of the total cost of delivered coal. If our ports had deeper channels and our American coal companies could use larger ships to deliver coal to foreign buyers, transportation costs could be substantially reduced. The French alone are constructing four coal ships which will carry 150,000 tons of coal. Use of larger ships could lead to ocean transportation costs 20 to 40 percent lower than the current costs.[1] There will be 60-75 foot harbors at Rotterdam, Marseilles, and Dunkirk to receive imported coal to distribute throughout northern and southern Europe. Both Australia and South Africa have port facilities which can handle large colliers. We have none.

The Corps of Engineers has developed cost estimates for channel deepening projects for several ports: Hampton Roads; Baltimore; New Orleans; and Mobile. Each is estimated at about half a billion dollars. I am an optimist, but I wouldn't even give odds on the prospect of this Administration budgeting two billion dollars for harbor construction projects over the next five or six years. To understand why, you have to understand the severity of our national budget problems.

I think this year, even more than last year, we realize that the old rules, the old ways of looking at the issue of water resources development have changed. Last year, I don't believe any of us really understood how serious the national budget crisis was. To some extent we all deluded ourselves that things weren't really all that different than they had been before. The fiscal crisis could be resolved within a few years. Then we could look at federal development of all public works projects in the same way that we had looked at them before. That

[1] These estimates are from International Coal Export Task Force Study.

hasn't been the case, and this year there is a new understanding that we have to accept the fact that the world has changed, and that we all have to restructure the system before it can work effectively in the future.

Let me just take a minute to talk about the enormity of the budget problem:

1. Unless we take some pretty drastic action, our budget deficit will be $180 billion. This is more than the entire fiscal year 1968 budget of Lyndon Johnson.

2. The 1983 appropriation to pay interest on the existing national debt will be larger than Johnson's fiscal year 1965 budget.

3. If we don't make adjustments in the tax laws, entitlement programs, or the defense budget, by 1985, even if we eliminate all discretionary non-defense accounts—in effect shut down the government—we still have a deficit.

4. Entitlement programs are now 60 percent of the total budget, and automatic adjustments in these programs have caused some serious problems. For example, because of cost of living increases, a four star general who retired 10 years ago is making $10,000 a year more than a four star general on active duty today. John McCormick was receiving a pension of $100,000, while his successor, Tip O'Neill only received $78,000.

5. The Medicare and Medicaid programs have increased by over 400 percent in the last 10 years. These programs have increased twice as fast as discretionary spending and four times as fast as the defense budget.

Our top priority in Congress is to deal with these problems. As much as we would like to deal with other issues which are also very important, we are severely restricted by budgetary reality. This is a critical fact we must accept before we can even discuss the issue of port development.

The President has made it clear that there will be no new harbor construction until there is a substantial shift in the way harbor projects are financed. While the Administration has taken a somewhat narrow fiscal approach to the problem, I believe OMB performed a public service by forcing our hand on the port development issue. Our federal port policy has been near bankruptcy for many years. At one time this policy served us well. That time has long since passed.

I propose a radical departure from the status quo, one that I believe will allow rapid coal port development. As I said before, coal exports will be expanded only if we construct two or three very deep harbors. The only way you're going to have these two or three ports develop is to get the Congress out of the direct authorization and appropriation process. I know this sounds strange, coming from a member of Congress, but if we don't remove this issue from the political process, we will not see the rapid deep-draft development we need. Congress may, just may, eventually authorize and appropriate funds for the most feasible projects. However, we certainly will waste both time and money attempting to do so. Other ports which are fortunate enough to be represented by politically-powerful Senators and Congressmen will expect to be deepened as well. The only effective way to see limited, but very rapid harbor development is to allow the private market to determine where that development should occur. This means that if a port wants to deepen, if it has a viable market for the deepened port, and if it can convince a financial source that the investment is worthwhile, then it can happen. Federal involvement would just hinder and slow down the necessary development.

On October 1, 1981, I introduced the National Harbor Improvement and Maintenance Act. My co-sponsor is the raining minority member of the Water Resources Subcommittee, Senator Daniel Patrick Moynihan of New York. Last December, the Environment and Public Works Committee reported the bill to the Senate by a vote of 13-3. Support for the bill cuts across party lines. I am hopeful that we will be able to schedule the bill for floor action early this summer, but we cannot do it without the strong, active support of these people interested in promoting an efficient, politically realistic plan.

PROVISIONS OF S. 1692

I would like to briefly describe the major components of the bill, and then take some time to focus on the construction provisions.

1. The bill authorizes $250,000,000 for each of the next five years to provide funds to the U.S. Army Corps of Engineers for maintenance dredging at harbor projects. It requires each non-federal public interest, such as a local port authority, to be responsible for 25 percent of the maintenance cost for each harbor. To eliminate any severe impact that this cost-sharing requirement might impose, the bill establishes a maximum cost for this local maintenance. This is estimated at only 6.9 cents per ton of commercial traffic. I intend that the local cost-sharing requirement will continue at this level.

2. The bill also requires that new harbor construction dredging be financed at full local expense. It does, however, provide for construction and maintenance of harbors for national defense vessels.

3. S. 1692 permits ports to recover their share of maintenance and construction costs from user fees. These fees must reflect benefits provided to their shipping customers.

4. Finally, the bill established a consolidated permitting procedure to mandate a maximum two year review period for all federal permits required for dredging projects.

CONSTRUCTION DREDGING POLICY

As I said before, the construction policy is most important to you. S. 1692 provides a new approach to deepen and widen harbors. Non-federal interests will finance all new construction dredging. This will allow the market to determine the projects with the highest priority and greatest economic efficiency. To make sure that construction can proceed when financing is arranged, S. 1692 also includes fast-track provisions that limit the processing and review of all necessary federal permits to a period of two years. This provision is extremely important. It will assure a port that once it has its financial arrangements in order, the federal permitting process will be completed. In some cases, it may be completed before financing is arranged. Port authorities will not have to experience costly delays, waiting for federal permits. The bill also requires that private contractors perform all construction dredging.

This is a very simple, but I believe, workable alternative to current practice.

Current federal policy provides for new harbor dredging decisions to be made through specific Congressional authorizations and appropriations. Congress authorizes a study for a construction project, the Corps of Engineers performs the study, estimating the costs and economic benefits. If the project has benefits greater than its cost, it may be authorized, and perhaps funded.

Traditionally, federal expenditures have been spread broadly, but thinly, among the nation's ports. Rather than target the federal investment, funds and work have been distributed widely among many ports along three coasts and the Great Lakes; 47 ports now have authorized depths of 40-45 feet. When one port obtains a deeper channel, many others have demanded the same deeper channel. If the demands are persistent enough and Congressional representation powerful enough, many channels are developed at the same rate. This not only costs a lot of money, it slows down the pace of all development. Obviously, this approach limits our nation's ability to develop the deep harbors needed to handle larger, more cost-effective colliers.

Unless federal policy is altered to recognize and encourage local initiative, we will miss vast opportunities for increasing coal export trade. Anything that involves Congress directly in the process of port-by-port authorization or appropriation will only delay the process of development, and attract more ports into the bidding for 55-foot channels.

The new policy of S. 1692 requires local interests to finance all future harbor improvements. This policy recognizes that any decision to expand a particular harbor is essentially a commercial decision. Therefore, the marketplace should determine future actions. Obviously, harbor expansion at a specific location provides regional benefits, and benefits to the nation as well. However, the same can be said of many localized activities. Unless we are willing to have the federal government allocate, spend and control a much larger percentage of our gross national product, however, we simply cannot afford to federally fund them all.

The budget deficit tells us that in very stark terms, and that is what the current debate over taxes and expenditures is really all about. All of this says to me that harbor construction dredging projects will be more timely and economical when the decision is made by the parties directly involved, rather than the federal government.

S. 1692 would allow port users to determine which ports should be constructed, and in what order. Shippers agree that, in the near future we need only two to three ports at a 55 foot depth.

We had a hearing last year where I asked port directors how many ports would like to expand. The directors estimated that, with full federal funding, close to 50 ports would compete for construction funds. If the federal government were to commit 50 percent of construction funding, about 10 ports are likely to be willing to finance the additional 50 percent. With requirements deep-draft port development. Our bill is not only an acceptance of this reality, but a vehicle to make this reality work for the good of the country.

There are other approaches to port development, but they are unlikely to provide a workable system. For example, using a "national uniform user fee" will, in effect, become an entitlement program for smaller ports. Major users of larger, more efficient ports will forever be forced to subsidize high cost development and maintenance at smaller ports, plus they will have to pay the full cost of deep-draft development at larger ports. A national uniform fee will not allow us to rapidly develop the deep-draft coal ports we need, where we need them. Politically speaking, entitlement programs are great, especially for those who are fortunate enough to be entitled to them by Congress.

But, as I indicated earlier, they are one of the major reasons we have the budgetary problems we do. We simply can no longer afford entitlement programs for every good cause. There are just too many "good causes." I do believe that port development and maintenance is a very good cause, and very much in the "national" interest. Unfortunately, though, it is just one of many good causes we cannot afford to fund as we would like to in the federal budget.

The Committee is very comfortable with S. 1692 as it is currently written; however, we would certainly be willing to consider amendments which may improve it. I am extremely pleased that the National Coal Association has recently taken a position on port development. The NCA position states that if federal funds are not available, the Association would support legislation which would:

1. Allow non-federal interests to finance and construct new development;
2. Allow these interests to impose user fees to recover these costs; and
3. Require fast-tracking of federal permits.

S. 1692 meets all these criteria. I am very pleased that NCA has taken the position they have. I consider this position to be crucial to the success of the bill. It tells us that a major user group realizes that if we want to rapidly expand our coal export capabilities, major users of those ports will have to pay for their expansion. And the Coal Association has decided that, since they may have to pay for their share of development, they want it to be where it does the most good, where it is most economical.

I would encourage the Dredging Association to review S. 1692. It is my hope that you will be able to endorse it and support it strongly. If we are going to move rapidly to expand our coal ports, I am convinced that S. 1692 is the best approach. As I said, I would welcome amendments; but it is the only bill dealing with this topic which is currently on the Senate Calendar. If we do not get this bill scheduled for floor action in the near future, we may very well lose the opportunity to resolve this problem during this Congress.●

THE SOIL EROSION PROBLEM

● Mr. ARMSTRONG. Mr. President, one of the Nation's leading conservation reporters, Mark Rohner of the Gannett News Service, has done an exceptional series on the gravity of the soil erosion problem. He points out that the Nation loses some 5 billion tons of topsoil each year and that the problem is getting worse.

But the most important aspect of this thesis is that the Federal Government is encouraging poor farming. We continue to provide financial incentives to farmers—often foreign investors—who plow marginal grasslands, hillsides, and forest lands. My sodbusters bill, S. 1825, would put a stop to such Government incentives and solve at least one cause of the problem.

Because this measure enjoys such widespread support across the country, and has received a great deal of attention, I ask that Mark Rohner's series on "Saving the Soil" be printed in the RECORD. I certainly encourage all my colleagues to read this information and act before it is too late.

The material follows:

SAVING THE SOIL

AMERICA'S DISAPPEARING LAND . . .

(By Mark Rohner)

ST. JOSEPH, MO.—Outside St. Joe, the landscape is slowly, invisibly creeping—rolling off hillsides, oozing across roads, choking ditches and culverts, turning streams brown with sediment.

Earl Lockridge stops his pickup beside a field of corn planted in rows running straight uphill. For half a mile on either side of the road, dark brown dirt lies in piles up to a foot deep, like moraines deposited by an invisible glacier. It's some of the 100 tons or more that literally flow off every sloping acre of this cornfield every year, covering the gravel road so thickly that county maintenance crews have to plow it off like snow.

Despite such graphic evidence of serious erosion—some of the heaviest in the country—farmers around here aren't willing to do much about it, says Lockridge, a local soil scientist with the U.S. department of Agriculture. Buck Burch, a USDA conservationist from nearby Clinton County, agrees. "People aren't going to realize they have a problem until it's too damn late," he says.

Ages ago, the wind piled some of the continent's richest soils along the Missouri River near here, depositing loess—fine glacial particles—to depths of 90 feet and carving it into hilly landforms found nowhere else on earth except China.

Its fertility is matched only by its fragility. The local name for loess—"sugar dirt"—describes what happens when it gets wet. On an unprotected slope, it just melts. The results are apparent. Roadside ditches are hard to find—eroding topsoil has slowly filled them level with the highways. Between fields, deep gullies are choked with brush.

The loess hills of northwest Missouri continue to produce bumper crops of corn and soybeans only because of the unmatched depth of the soil—measured in yards instead of inches. "You've got this much soil, how do you convince the landowner he's got a problem?" says Burch.

Farmers elsewhere aren't as fortunate; most have much less soil to lose.

Topsoil on most of the nation's 413 million acres of cropland ranges in depth from a few inches to a few feet—only half of what existed only a century ago in many areas of the Corn Belt. Water erosion every year steals from 2 billion to 5 billion tons of the soil that remains. More than a quarter of that loss occurs in three of the most important agricultural states—Iowa, Missouri and Illinois.

Like the loess laid down a particle at a time over unimaginable eons, new soil forms slowly, only 5 tons per acre—a layer no thicker than a sheet of paper—every year. Nearly a quarter of the nation's cropland—94 million acres—is losing ground as erosion carries away more topsoil each year than the 5 tons that nature puts back.

The danger lies in lost production at a time when one acre in three supplies a growing export market, while technological advances in farm productivity have begun to slow. To meet projections of "moderate" export growth—a rate that is already being exceeded—most pasture and forestland suitable for crops will have to be plowed up in the next 50 years. That means cropping more sloping land—and more erosion.

The worst erosion, at annual rates ranging from 10 to 30 tons per acre, but exceeding 100 tons on some farms, has been measured in the Corn Belt states of Iowa and Missouri and in the southern Mississippi Valley. These rates are heavy enough to cut crop yields by up to 30 percent within 50 years, the Agriculture Department estimates.

It has happened before.

Erosion turned the hills of northern Mississippi into wasteland during the first half of this century, as logging and continuous cotton planting ruined thousands of acres, leaving bare slopes, scarred with huge gullies, useless and abandoned. By 1939, 40 percent of the state's land was incapable of supporting a crop.

A herculean effort in the 1940s reclaimed the hillsides. In Lafayette County alone, pine trees were planted on 85,000 acres of ruined cropland, concentrating on the steepest slopes. Lesser slopes were converted to pasture, leaving row crops—the cause of much of the erosion—on lowlands where tillage could do the least harm.

Now, Mississippians are worried that things may be getting away from them again. The reclamation projects of the 1940s "are behind us," said Billy Ross Brown, district soil conservation commissioner from Lafayette County. "What's going to cost us millions is cropland erosion we haven't touched on."

"We in a sense really haven't kept up with the farmers," said Mackie Riddle, district conservationist. "They've plowed land up faster than we were able to treat it." Driving through the northern Mississippi hills, Riddle points our soybean fields surrounded by fences—a sure sign that another farmer has quit the cattle business, plowed up his pastures and planted them to soybeans, among the most erosive of crops.

Tom Benton, assistant state conservationist, estimates that in the last 10 years, about 1¼ million acres of Mississippi grassland has been planted to crops, most in the hilly northern third of the state. Resulting soil losses, he said, are up to 50 tons per acre, contributing to Mississippi's heavy cropland erosion rate, the third highest in the nation.

Losses in the cattle business have increasingly forced farmers to convert their pastures to corn and soybeans, the major export crops, for a more certain cash return. But they exact a heavy toll on the soil—all the more so because pastureland, almost by definition, tends to be steep and susceptible to heavy erosion once its grass cover is gone.

"Soybeans—conservationists wish we'd never seen the damn things," said Buck Burch, who has seen Clinton County, Mo., farmers convert 30,000 acres from pasture to cropland since 1970. "But they're an economic boon to agriculture here."

Milton Starness, a Lafayette County, Miss., farmer, is the rare producer who can afford to buck the trend. He has converted a heavily eroded soybean and sorghum farm back to pastureland when his less prosperous neighbors are going the other way. "Ten years ago, every farmer had cattle," he said. "Now, they have plowed pastures up and gone to soybeans and the soil is washing away."

"In our area right here—rolling land like this—whenever you plow it up, and with the big equipment you have now, you just tear that land up. You get a good rain, and the next morning that dirt is down in the Yocoma River bottom."

The consequences of intensive cropping on slopes that once grazed livestock are readily apparent in hilly north central Mis-

souri. Near Plattsburgh, farmer Larry Roberts shows a neighbor's fence buried in silt so deep that another fence had to be built on top of it. Not far away, a stream is so badly silted that two feet of water stands over a bridge.

Across the state, near Kirksville, conservationist Michael Koehler points out a soybean field scarred by a broad gully that runs to a culvert half-filled with silt. "It's a crime," he said. "They ought to put a guy in jail for that.

In each case, the cause is intensive cultivation of sloping land, including such destructive practices as:

Fall plowing, which leaves the soil unprotected all winter.

Planting straight up the hillside, instead of on the contour.

Ripping up terraces (one of the most effective means of controlling erosion) because they get in the way of big, heavy farm equipment.

Abandoning crop rotation in favor of continuous corn or soybeans.

Why do they do it?

"The bottom line, of course. It's that dollar," said Mississippi conservationist Tom Benton.

Absentee land ownership and high land prices get much of the blame.

"If a guy pays $1,500 an acre, what else can he do but plow it up?" said Burch of the farmers in his part of northwest Missouri. "He's got to plant fencerow to fencerow and plant a quick-return crop on it to pay for his property. And if he's getting 120 bushels to the acre, he doesn't give a tinker's dam whether he gets acceptable soil loss or not."

Then, in a complaint heard repeatedly in the Midwest and the South, there are the city folks who inherit a farm, rent it out expecting a maximum return, and don't want to hear about spending money on soil conserving practices.

Ray Beckham, who farms 1,400 acres on the Mississippi Delta, has done erosion control work—at $240 an acre—on his own land, but he can't do anything to protect the 300 acres he rents from an absentee owner.

"I finally got her to come down and sit down and talk about it," he said. "She listened, she rode around, but I don't think a thing is going to be done about it."

Few farmers can afford the kind of investment Beckham has made—particularly without financial help. But federal cost-sharing for erosion control practices has actually declined in recent years. And much of that money—distributed through a highly politicized system of county committees—has been ineffective, according to national studies that are borne out by interviews in the field.

More than half the money goes to farms that have minimal erosion problems. Often the money has been doled out for practices, such as reseeding existing pastures, that don't save much, if any, soil. Or it has been spent on fancy terrace systems that do the job, but at a cost—$250 an acre or more—that soon eats up the relatively meager federal funds available to each county.

There are effective, inexpensive ways of saving soil, but conservationists have trouble getting farmers to adopt the new cropping practices they involve.

Yet the economics of farming and conservation leave little choice, says Tom Barlow of the Natural Resources Defense Council, who has written extensively on soil conservation issues. "We can't afford to spend $34 million on each county, and I don't think we should," he said.

"Somebody's got to keep arguing for simple, inexpensive field management practices, or we could end up in this county spending billions and not having anything to show for it."

NO-TILL: A WAY TO SAVE SOIL

IPAVA, ILL.—When the rains came last spring, Loy McMullen stopped on the road separating his cornfield from a neighbor's and looked down into the ditches on either side.

"The water coming out of my neighbor's field into the ditch was yellow, so thick with mud you could cut it off with a knife. In my ditch, it was clean enough to drink," he said.

McMullen is one of a growing minority of farmers who have gotten erosion under control at little expense, often without government help and without the elaborate engineering that eats up conservation dollars to protect a few acres, while leaving many more untouched.

Tradition and politics have long favored approaches to soil conservation that have often turned out to be ineffective or too costly for widspread use. Until recently, McMullen's way of saving soil has taken a back seat.

McMullen and his neighbor both farm rolling ground in Edgar Lee Masters' Spoon River Valley in western Illinois, but their methods couldn't differ more.

The neighbor uses conventional deep plowing and discing that takes heavy equipment and repeated trips across the field to turn over and pulverize the soil. McMullen is a "no-till" farmer. He doesn't plow, he doesn't disc. With a specially designed planter, he just sows his corn into the stubble of last year's crop.

The crop residue holds his soil in place, while across the road, bare soil between his neighbor's rows of corn is washing, in little rills and broad sheets, slowly down the hillside.

"I could have terraced" the farm to control erosion, McMullen said, "but I don't think it would have done me any good. I can no-till cheaper."

Terracing—grading slopes into stair-steps that "walk" runoff downhill—is one of the most effective ways of controlling erosion, but also one of the costiest. In Illinois alone, the cost of terracing enough land to cut erosion by 58 percent is estimated at a minimum of $750 million, and could amount to twice that figure.

Without some kind of federal or state assistance, the cost of terracing—$250 or more an acre—is beyong the reach of all but the wealthiest farmers.

Yet in 1978, federal assistance for terracing in Illinois amounted to only $2 million, and saved soil on only 20,500 of the 15.2 million acres in the state that need some kind of conservation treatment.

Nationwide, the cost, public and private, of controlling all erosion would be around $250 billion, according to one official estimate. Another estimate, just of government costs, is that it would take a doubling of current expenditures, sustained for 50 years and reaching a total of more than $75 billion, to stop soil losses. Yet, the U.S. Agriculture Department's most optimistic projections call for expenditures to increase only about 3 percent annually.

Farmers in Clinton County, Mo., send county agent Bill Cecil 80 to 100 requests for soil conservation assistance every year. But Cecil says he can only fund about half of them out of his $55,000 to $60,000 annual allocation of federal money.

"The cost of terracing is getting pretty substantial," he said. "People are going to have to get into other alternatives than pushing dirt."

Elbert Dixon spent 20 years terracing his entire 720-acre Clinton County farm because, he said, "if we don't take care of the soil, where in the hell are we going to get the food from? If we hadn't done that, we wouldn't be farming what we are."

But now, he said, "I question whether I would do it today. It would cost a fortune. My first field was 'dozed for $18-$20 an hour. Now you're looking at $50 to $60 an hour."

Farmers, though, "can do a lot without spending much money," said Michael Koehler, a Department of Agriculture conservationist from Kirksville, Mo. "No-till is the thing that's going to save them. It's the least expensive, and it pretty well controls erosion."

The case for no-till farming, according to farmers experienced with the practice, is one of economics as well as conservation.

Not only has McMullen avoided the prohibitive cost of terracing his farm, he said he's also saving money on production costs. Instead of having to plow, disc, harrow and plant, "I've got just one trip over the field," for a big savings in fuel and wear and tear on machinery.

Larry Roberts, who uses no-till practices on his 245-acre farm in northwest Missouri, said that "if I can make this no-till work for me, three pieces of equipment is all I need—my tractor, my combine and my grain drill (a planter). I can spend money on conservation practices instead of machine storage. And I can take real good care of my machinery if I've only got three pieces to look after."

The savings are at least partially offset by the cost of the special planters—they run about $10,000 apiece—and by increased costs for chemicals. Herbicides have to be applied heavily on unplowed ground to prevent weeds from choking out the crop. The long-term effects of heavy chemical use remain an unanswered question about no-till farming.

Some farmers worry that no-till practices will cut their yields, or that buildups of crop residue will increase their problems with insects and mice. And no-till doesn't work well in cool, wet soils. But there is no debate about one thing: No-till saves soil.

Yet conservationists who try to sell farmers on no-till say the going is tough.

"It's just like me and the metric system," said McMullen of his neighbors' reluctance to change their practices.

"The No. 1 thing is attitude," said Koehler. "Grandpa's been plowing, dad's been plowing—a lot of people have just got that urge to plow. It looks pretty."

Even the most conscientious farmer sometimes yields to the temptation to spend a fine fall afternoon plowing a field, a destructive practice that gives conservationists fits. They call it "recreation tillage."

"I just love to farm," said one farmer who did it. "But I made a big mistake."

Another obstacle is the laughter and derision no-till farmers say they get from their neighbors. Drennan Bailey, a 26-year-old Missouri farmer who has been using no-till practices since he started out, recalled that "when I got up here, farmers said I was the craziest kid on earth.

Farmers like to wake up and look at that (plowed) dirt, and they saw me planting in trash. It looked like the most pathetic thing

you've ever seen. They thought I was just off the wall."

Soil-saving tillage techniques should not be viewed as "the answer to everything," said Neil Sampson of the National Association of Conservation Districts. "There is as much danger in that as the days of slapping some engineering solution everywhere."

There are areas where heavy rainfall can be controlled only by terracing and other types of structures, he said. But if farmers control as much erosion as possible using conservation tillage practices, he said, "the engineering is going to be far less costly."

Federal appropriations to help farmers undertake conservation projects have declined from $300 million a year in the 1930s to around $200 million currently. The money is distributed through a system of county commitees, and "there's a lot of politics involved," said Mike Larson, who works for three conservation districts in Illinois.

A few committees have set aside some of the money to make payments to farmers who try no-till practices, but in general, the committees "like big-money things" like terraces, he said.

One committee in Illinois, for example, recently helped pay for a farmer to terrace a 30-acre field, even though the nearly level acreage had no serious erosion problem. The $1,600 the committee spent on that 30 acres could have protected three times the acreage simply by paying it to farmers as an incentive to try no-till practices, said Steve Morgan of the Illinois Department of Natural Resources.

Worse, in the view of many conservationists, is the tendency of county committees to spread money around to as many farmers as possible, regardless of their erosion problems, for such things as seeding or liming pastures. Theoretically, this saves soil by improving vegetative cover, but as a practical matter, farmers are getting money for "land they were going to seed down anyway," Koehler said.

An Agriculture Department survey of 24,000 conservation grants to farmers showed that more than half were for seeding pastures and similar practices. Only 119 of the grants involved minimum tillage.

Moreover, the survey found that 52 percent of the grants were for farms, like the one in Illinois, where erosion is minor or non-existent. Meanwhile, serious erosion goes on unchecked.

"We're getting tired of the shotgun effect," said Larson. "We need to go to high priority areas. We need to convince people we're tired of doing farmers favors and we want to get some conservation accomplished."

DEVELOPMENT: A BUILDING THREAT

DEFIANCE, MO.— The signs begin appearing along Highway 94 a few miles past this quiet old village, set between rugged hills and flat, fertile bottomland along the Missouri River.

Separated by pastureland and fields planted in soybeans and corn, the signs advertise land in 3-acre lots, ready for development. As Highway 94 nears St. Louis, the signs become more numerous and the open fields give way to shopping centers, tract housing and bare land graded and staked.

Along the road another sign sums up what is happening in St. Charles County. It advertises The Farm Apartments, a development that evokes the county's agricultural character even as it takes a little more land out of farming.

Set in the middle of open pasture, The Farm Apartments are tiny, cheaply built townhouses, designed to look like barns, with a fake windmill out front. There are no real barns or windmills around here, only a few fields being tilled or grazed for a final few years before they produce "the last cash crop"—houses, factories, shopping centers.

Here in eastern St. Charles County, a narrow, fertile crescent nestled between the Missouri and Mississippi rivers, farmland is disappearing at the rate of more than 3,000 acres every year. Thousands of acres more are threatened as leapfrogging development brings farm and city into conflict.

It's a pattern repeated on the edges of most major cities in the country, and even around small, expansion-minded rural communities. Across the nation, urban development chews up 3 million acres of cropland every year. One third of those acres are irreplaceable prime farmland, flat and well-drained—the same qualities that make it dandy ground for development.

Such a site lies just across the Missouri from here, where rich floodplain farmland near the Interstate 70 bridge in St. Louis County was taken up by a huge, dreary commercial-industrial development known as Earth City. Now a new bridge is proposed, and some in St. Charles County fear it will bring greater pressure for development of the bottomland on their side of the river, land that now produces good crops of corn, soybeans and wheat.

In defending farmland against urbanization, "sometimes a good bad example is what you need," said Jack Broemmelsiek, who raises cattle near Defiance. "Earth City is a good goof in point."

The St. Charles County Conservation Board is pushing for policies that would keep development off the county's 161,000 acres of fertile flood-plain soil and channel it to poorer land.

"We don't think it's realistic to expect there won't be development this close to St. Louis," Broemmelsiek said.

Compared with erosion, urbanization has only recently come to be recognized as a threat to farm productivity.

But the National Agricultural Lands Study warned earlier this year that in the future, satisfying growing world food demand will depend more on bringing new land into production than on scientific increases in crop yields. At the current rate of increase in yields, meeting food demand in the year 2000 would take all the cropland now in production, plus nearly all of the grassland and forestland most suitable for cultivation, according to the study.

This makes prime farmland all the more important because it takes three or four acres of non-prime land, as a rule of thumb, to replace every prime acre that is lost, said Al Hidlebaugh of the Soil Conservation Service.

Replacing prime farmland often means bringing steep, erosive land under the plow. Thus, urbanization and erosion go hand in hand.

They go together in other ways. Urbanization made a moonscape out of a hillside near Oxford, Miss. Deep gullies slash through bare ground, exposing underground wiring and pipe, all that remains of a mobile home development that failed, leaving the land useless for farming or anything else.

Outside Canton, Ill., another sign advertises a 15-acre cornfield, zoned light industrial, for sale. While it waits for a buyer, it's being farmed intensively, producing heavy erosion that is rapidly silting in a private pond across the road.

"The reason he's using such poor management is because he knows it's going to be developed," said Mike Larson, who works for three soil conservation districts in the area. "He's just farming the hell out of it because it's worth $10,000 an acre for development."

Urbanization not only tempts farmers to abuse their land for a few years before selling out, it also makes it difficult to farm at all.

With suburban development come dogs, children, recreational vehicles, traffic—and complaints about the noise, odors and dust that go with normal farming operations.

Jack and Betty Broemmelsiek, who graze 225 head of cattle within sight of several subdivisions near here, said they have continuous conflict with some of their neighbors from the city who, Broemmelsiek said, "just don't realize the harm they can do to crops and livestock."

"Dogs are our worst problem with the neighbors," said Betty. "So many people move out here so their dogs can run." Others dump unwanted dogs by the roadside, and "they get hanging around and traveling in packs."

"I rolled over a dog with the truck the other day, and I was happy as a clam," she said.

She described what happened earlier this year when dogs came upon one of their cows while it was calving in a pasture and unable to move. "We took her water at 8:30 in the morning, then came back around 11. There were guts all over. The dogs had just slit her right open."

Then there are the people who dump trash, cut fences or open gates.

"You have to keep all the gates locked," said Betty. "Otherwise, the four-wheel-drive vehicles come in and make big ruts in the alfalfa field that can almost throw you off the tractor."

Sometimes, the aggravation reaches the point where the farmer sells out to a developer, and one more farm goes out of food production. The Broemmelsieks say they are staying, but "there's a developer who says I'm crazy," Betty said.

Across the road is a cornfield, being allowed to erode as it awaits development. Nearby is a wheat field being advertised for sale in 3-acre lots. Adjoining their property is 130 acres they passed up when it went on the market recently. Now, "horsey people, swimming pool people" live in about 20 houses there.

"As you get these little chunks out of food production, you begin to lose your agricultural supply companies," said Betty. "The grain elevator leaves"—making it all the more difficult to continue farming. "It's already happened in St. Louis County, but not yet here in St. Charles."

Zoning has preserved farmland in some urbanizing areas, but it's difficult to get officials to think about farmland as anything but undeveloped land, Broemmelsiek said.

Besides, he said, "farmers don't want it zoned so tight they can't sell it. That's their old-age security."

WASHINGTON: PART OF PROBLEM

WASHINGTON.—The horror of the '30s Dust Bowl, coming just a few years after a secretary of agriculture officially recognized soil erosion as "a national menace," mobilized the federal government into an all-out battle to protect the nation's topsoil.

Beginning with the achievements of the Civilian Conservation Corps, which in its first year of existence built 420,000 erosion-

control dams and planted 100,000 acres of trees, Washington has taken the lead in the nation's soil conservation efforts.

Yet, for all the good the government did through the CCC, and later the U.S. Department of Agriculture, many conservationists believe Washington has been part of the soil erosion problem.

The CCC experience "has instilled some very unfortunate mindsets" in federal conservation agencies, said Tom Barlow of the Natural Resources Defense Council.

"As they succeeded, they instilled the perception that erosion control is a federal responsibility, that erosion control is an add-on in farming to be addressed by federal (outside) technicians with federal (outside) dollars and that, in content, conservation is structural," he said in a letter to White House budget director David Stockman.

"In time, the federal conservation effort became a big public-works program. As more and more structural work was purchased, it was not coincidental that soil erosion rates on cropland climbed through the decades."

Although federal investment in conservation has been declining since the 1930s, the tendency, Barlow said, is still to look to the Washington pork barrel. It becomes, he said, "an excuse to do nothing:" Waiting for the government to solve the problem once and for all instead of making "simple and inexpensive" conservation practices—contour plowing, crop rotation, minimum tillage—a part of the way that land is farmed.

"The idea that you could throw the whole place in terraces and forget about it has led a lot of people astray, especially policy makers around here," said Neil Sampson of the National Association of Conservation Districts.

In recent years, though, conservationists have been concluding that you can't buy and build your way toward zero erosion. And even if you could, neither farmers nor the government could afford it.

Now, for the first time since the 1930s, the Agriculture Department has been asking questions about its soil conservation policies, and coming up with answers that fit in with the Reagan administration's ideas on federalism and budget austerity.

The money that the government had been doling out to help farmers install conservation practices—money that was often spent ineffectively—will now, it is proposed, be shared with the states. And, in a sharp break with the past, the administration is proposing to "target" its conservation money where erosion is at its worst, instead of spreading it around to please as many farmers and politicians as possible.

That philosophy has resulted, according to one study, in 52 percent of the government's conservation grants to farmers being spent on land where erosion is a minor problem. "They haven't been that selective in the past," said a top conservation official in the Agriculture Department. "But beginning with the programs next year, there is going to be a radical turnaround in that 52 percent."

Block grants to the states and the targeting of erosion funds are popular with the nation's governors, who point to innovative conservation programs in several states—notably Iowa and Illinois—as evidence that the states are taking on increasing responsibility for the protection of their soil resources.

But the new ideas are likely to be controversial. Block grant money is expected to come out of the politically popular Agricultural Conservation Program, which gives farmers money for terraces and other conservation projects. And targeting means some parts of the country will lose funds and conservation personnel, so they can be shifted elsewhere.

Does it make sense to spend more money on the most erosive, least productive land, rewarding areas that have done the poorest job on conservation? asks Sampson.

You could exhaust the money on the 15 percent of the land that produces 25 percent of the erosion, marginal farmland that shouldn't be farmed anyway," he said.

David Unger, associate chief of the Soil Conservation Service, said the concern is a valid one. "Just talking about tons of erosion reduced is not the whole answer, because not all tons are equally valuable. We need to target where there is the most potential damage to long-term agricultural productivity."

Another question: Who says the states will spend conservation money any more wisely than the federal government, especially since the block grants will come with few strings attached?

"As you push grants to the states, we anticipate that the very powerful structural construction lobby will organize to ensure that with time that money gets used to pour concrete, buy plastic pipe, finance a lot of fancy engineering blueprints and purchase heavy-duty excavating equipment," Barlow wrote to Stockman.

"In the process, 'software' conservation that serves few interests except the public interest in maintaining soil quality will get a lot of gushing rhetoric and erosion rates will climb."

Others have more confidence in the states. Twelve states provide grants or loans to farmers who undertake conservation work on their land. Fifteen have erosion-control laws. The most stringent, an Iowa law that provides penalties for farmers who violate local soil-loss standards, has become a model for other state legislation.

Originally, agriculture Secretary John Block wanted to use Block-grant money to encourage other states to adopt laws like Iowa's, but the Office of Management and Budget threw cold water on that idea.

Block has also discussed allowing the states to use their block grants to set up pilot programs, in which soil-conservation practices would become a condition for receiving federal crop-price support. That idea contains the seed of one of the most controversial soil-conservation measures—"cross compliance"—which means using federal farm programs as a reward for protecting the soil.

Block has been thinking about applying a form of cross compliance to Farmers Home Administration loans and perhaps to the new federal crop-insurance program.

Cross compliance is based on the theory that the government, by providing crop-price support, low-interest loans and other benefits, too often subsidizes the loss of soil. But cross compliance has been criticized as too onerous a burden for farmers and too heavy a federal instrusion into their management decisions.

However, said a Soil Conservation Service official, "voluntarism is not going to work. Ultimately, I think things are going to tighten up to where that is what's going to have to be."

Relying on the states and on incentives like cross compliance is not a substitute for continued federal financial support of conservation efforts such as providing farmers with technical assistance on conservation methods, Sampson said.

"We have never been able to come close to the on-farm technical assistance we had early in the conservation movement," he said. And although the Reagan administration is emphasizing technical assistance over pork-barrel projects, its overall funding for soil conservation is being cut by 20 percent, he noted.

"You pull the technicians out and I don't think the dollars will be spent well, whether public or private," he said.●

NATO SUMMIT DECLARATION AND PRESIDENT'S BONN SPEECH

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. PERCY. Mr. President, last week President Reagan, as part of his dialog with our European friends and allies, participated in the NATO Summit in Bonn, and also addressed the West German Parliament.

For those who may question the relevance or effectiveness of the North Atlantic Alliance in today's world, the NATO heads of government reminded the world in the summit declaration that a free and voluntary alliance for mutual security and preservation of values "allows for a high degree of diversity. Therein lies our strength."

In two separate statements on defense posture and arms control issued with the summit declaration, the NATO leaders pledged to "continue to strengthen NATO's defense posture, with special regard to conventional forces," and stated that "militarily significant, equitable and verifiable agreements on arms control and disarmament contribute to the strengthening of peace and are an integral part of our security policies."

President Reagan addressed the West German people through their parliamentary representatives the day before on these same themes. He stressed that "without a strengthened Atlantic security, the possibility of military coercion will be very great." He cautioned against mistaking "the inevitable process of adjustment within the alliance for a dramatic divergence of interests." He assured Europeans that "the American commitment to Europe remains steady and strong. Europe's shores are our shores." He emphasized that "the nuclear threat is a terrible beast," and pointed to U.S. arms control proposals on nuclear weapons in Europe now under negotiation, on strategic nuclear weapons about to be negotiated, and on reductions in conventional forces in Europe.

Mr. President, I ask that the full text of the NATO Summit Declaration and President Reagan's speech in Bonn be printed in the RECORD.

The material follows:

NATO SUMMIT; DECLARATION

There follows the text of the NATO Summit Declaration approved by NATO

heads of state and government meeting in Bonn on June 18:

1. We, the representatives of the 16 members of the North Atlantic Alliance, reaffirm our dedication to the shared values and ideals on which our transatlantic partnership is based.

2. The accession of Spain to the North Atlantic Treaty, after its peaceful change to parliamentary democracy, bears witness to the vitality of the alliance as a force for peace and freedom.

3. Our alliance has preserved peace for a third of a century. It is an association of free nations joined together to preserve their security through mutual guarantees and collective self-defense as recognized by the United Nations Charter. It remains the essential instrument for deterring aggression by means of a strong defense and strengthening peace by means of constructive dialogue. Our solidarity in no way conflicts with the right of each of our countries to choose its own policies and internal development, and allows for a high degree of diversity. Therein lies our strength. In a spirit of mutual respect, we are prepared to adjust our aims and interests at all times through free and close consultations. These are the core of everyday allied cooperation and will be intensified appropriately. We are a partnership of equals, none dominant and none dominated.

4. The Soviet Union, for its part, requires the countries associated with it to act as a bloc, in order to preserve a rigid and imposed system. Moreover, experience shows that the Soviet Union is ultimately willing to threaten or use force beyond its own frontiers. Afghanistan and the Soviet attitude with regard to the Polish crisis show this clearly. The Soviet Union has devoted over the past decade a large part of its resources to a massive military buildup, far exceeding its defense needs and supporting the projection of military power on a global scale. While creating a threat of these dimensions, Warsaw Pact governments condemn western defense efforts as aggressive. While they ban unilateral disarmament movements in their own countries, they support demands for unilateral disarmament in the West.

5. International stability and world peace require greater restraint and responsibility on the part of the Soviet Union. We, for our part, reaffirming the principles and purposes of the alliance, set forth our program for peace in freedom:

(A) Our purpose is to prevent war and, while safeguarding democracy, to build the foundations of lasting peace. None of our weapons will ever be used except in response to attack. We respect the sovereignty, equality, independence and territorial integrity of all states. In fulfillment of our purpose, we shall maintain adequate military strength and political solidarity. On that basis, we will persevere in efforts to establish, whenever Soviet behavior makes this possible, a more constructive East-West relationship through dialogue, negotiation and mutually advantageous cooperation.

(B) Our purpose is to preserve the security of the North Altantic area by means of conventional and nuclear forces adequate to deter aggression and intimidation. This requires a sustained effort on the part of all the allies to improve their defense readiness and military capabilities, without seeking military superiority. Our countries have the necessary resources to undertake this effort. The presence of North American Armed Forces in Europe and the United States nuclear strategic commitment to Europe remain integral to allied security. Of equal importance are the maintenance and continued improvement of the defense capabilities of the European members of the alliance. We will seek to achieve greater effectiveness in the application of national resources to defense, giving due attention to possibilities for developing areas of practical cooperation. In this respect the allies concerned will urgently explore ways to take full advantage both technically and economically of emerging technologies. At the same time steps will be taken in the appropriate fora to restrict Warsaw Pact access to Western military relevant.

(C) Our purpose is to have a stable balance of forces at the lowest possible level, thereby strengthening peace and international security. We have initiated a comprehensive series of proposals for militarily significant, equitable, and verifiable agreements on the control and reduction of armaments. We fully support the efforts of the United States to negotiate with the Soviet Union for substantial reductions in the strategic nuclear weapons of the two countries, and for the establishment of strict and effective limitations on their intermediate-range nuclear weapons, starting with the total elimination of their landbased intermediate-range missiles, which are of most concern to each side.

We will continue to seek substantial reductions of conventional forces on both sides in Europe, and to reach agreement on measures which will serve to build confidence and enhance security in the whole of Europe. To this end, those of us whose countries participate in the negotiations on mutual and balanced force reductions in Vienna have agreed on a new initiative to give fresh impetus to these negotiations. We will also play an active part in wider international talks on arms control and disarmament; at the Second United Nations Special Session on Disarmament which has just opened in New York, we will work to give new momentum to these talks.

(D) Our purpose is to develop substantial and balanced East-West relations aimed at genuine detente. For this to be achieved, the sovereignty of all states, wherever situated, must be respected, human rights must not be sacrificed to state interests, the free movement of ideas must take the place of one-sided propaganda, the free movement of persons must be made possible, efforts must be made to achieve a military relationship characterized by stability and openness, and in general all principles and provisions of the Helsinki Final Act in their entirety must be applied. We, for our part, will always be ready to negotiate in this spirit and we look for tangible evidence that this attitude is reciprocated.

(E) Our purpose is to contribute to peaceful progress world-wide; we will work to remove the causes of instability such as under-development or tensions which encourage outside interference. We will continue to play our part in the struggle against hunger and poverty. Respect for genuine non-alignment is important for international stability. All of us have an interest in peace and security in other regions of the world. We will consult together as appropriate on events in these regions which may have implications for our security, taking into account our commonly identified objectives. Those of us who are in a position to do so will endeavor to respond to requests for assistance from sovereign states whose security and independence are threatened.

(F) Our purpose is to ensure economic and social stability for our countries, which will strengthen our joint capacity to safeguard our security. Sensitive to the effects of each country's policies on others, we attach the greatest importance to the curbing of inflation and a return to sustained growth and to high levels of employment. While noting the important part which our economic relations with the Warsaw Pact countries can play in the development of a stable East-West relationship, we will approach those relations in a prudent and diversified manner consistent with our political and security interests. Economic relations should be conducted on the basis of a balanced advantage for both sides. We undertake to manage financial relations with the Warsaw Pact countries on a sound economic basis, including commerical prudence also in the granting of export credits. We agree to exchange information in the appropriate fora on all aspects of our economic, commerical and financial relations with Warsaw Pact countries.

6. Nowhere has our commitment to common basic values been demonstrated more clearly than with regard to the situation in Germany and Berlin. We remain committed to the security and freedom of Berlin and continue to support efforts to maintain the calm situation in and around the city. The continued success of efforts by the Federal Republic of Germany to improve the relationship between the two German States is important to the safeguarding of peace in Europe. We recall that the rights and responsibilities of the four powers relating to Berlin and Germany as a whole remain unaffected and confirm our support for the political objective of the Federal Republic of Germany to work towards a state of peace in Europe in which the German people regains its unity through free self-determination.

7. We condemn all acts of international terrorism. They constitute flagrant violations of human dignity and rights and are a threat to the conduct of normal international relations. In accordance with our national legislation, we stress the need for the most effective cooperation possible to prevent and suppress this scourge.

8. We call upon the Soviet Union to abide by internationally accepted standards of behavior without which there can be no prospect of stable international relations, and to join now with us in the search for constructive relations, arms reductions and world peace.

NATO Summit: Separate Document on Arms Control

There follows below the text of the separate document on arms control approved by NATO heads of state and government meeting in Bonn on June 10:

1. As indicated in our declaration of today, we, the representatives of the 16 members of the North Atlantic Alliance, hereby set out our detailed positions on arms control and disarmament:

2. Militarily significant, equitable and verifiable agreements on arms control and disarmament contribute to the strengthening of peace and are an integral part of our security policies. Western proposals offer the possibility of substantial reductions in United States and Soviet strategic arms and intermediate-range weapons and in conventional forces in Europe, as well as of confidence-building measures covering the whole of Europe:

In the forthcoming strategic arms reductions talks (START), we call on the Soviet Union to agree to significant reductions in United States and Soviet strategic forces, focussed on the most destabilizing intercontinental systems.

In the negotiations on intermediate-range nuclear forces (INF); which are conducted within the START framework and are based on the December 1979 decision on INF modernization and arms control, and the United States proposal for the complete elimination of all longer-range land-based INF missiles of the United States and the Soviet Union holds promise for an equitable outcome and enhanced security for all.

Those of us participating in the Vienna negotiations on mutual and balanced force reductions (MBFR) will soon present a draft treaty embodying a new, comprehensive proposal designed to give renewed momentum to these negotiations and achieve the long-standing objectives of enhancing stability and security in Europe. They stress that the Western treaty proposal, if accepted, will commit all participants whose forces are involved—European and North American—to participate in accordance with the principle of collectivity in substantial manpower reductions leading to equal collective ceilings for the forces of Eastern and Western participants in central Europe, based on agreed data, with associated measured designed to strenghten confidence and enhance verification.

In CSCE, the proposal for a conference on confidence and Security-building measures and disarmament in Europe as part of a balanced outcome on the Madrid CSCE follow-up meeting would open the way to increased transparency and enhanced stability in the whole of Europe from the Atlantic to the Urals.

3. At the same time, we are continuing our efforts to promote stable peace on a global scale:

In the Committee on Disarmament in Geneva, the allies will actively pursue efforts to obtain equitable and verifiable agreements including a total ban on chemical weapons.

In the Second Special Session on Disarmament of the United Nations General Assembly now in progress, we trust that new impetus will be given to negotiations current and in prospect, especially by promoting military openness and verification, that the need for strict observance of the principle of the renunciation of force enshrined in the United Nations Charter will be reaffirmed, and that compliance with existing agreements will be strengthened.

4. We appeal to all states to cooperate with us in these efforts to strengthen peace and security. In particular, we call on the Soviet Union to translate its professed commitment to disarmament into active steps aimed at achieving concrete, balanced and verifiable results at the negotiating table.

NATO Summit: Separate Document on Defense

There follows below the text of the separate document on defense approved by NATO heads of state and government meeting in Bonn on June 10:

1. As indicated in the declaration of today, we, the representatives of those members of the North Atlantic Alliance taking part in its integrated defense structure hereby set out our detailed positions on defense. We welcome the intention of Spain to participate in the integrated defense structure, and the readiness of the President of the Spanish Government to associate himself with this document, while noting that the modalities of Spanish participation have still to be worked out.

2. Pursuant to the principles set out in the program for peace and freedom, we agree that, in accordance with current NATO defense plans, and within the context of NATO strategy and its triad of forces, we will continue to strengthen NATO's defense posture, with special regard to conventional forces. Efforts of our nations in support of the decisions reached at Washington in 1978 have led to improved defensive capabilities. Notwithstanding this progress, it is clear, as documented in the recently published comparison of NATO and Warsaw Pact forces, that continuing efforts are essential to alliance security. Against this background, we will:

Fulfill to the greatest extent possible the NATO force goals for the next six years, including measures to improve the readiness of the standing forces and the readiness and mobilization capability of reserve forces. Note was taken of the recently concluded agreement between the United States and the Federal Republic of Germany for wartime host nation support.

Continue to implement measures identified in the long-term defense program designed to enhance our overall defense capabilities.

Continue to improve NATO planning procedures and explore other ways of achieving greater effectiveness in the application of national resources to defense, especially in the conventional field. In that regard, we will continue to give due attention to fair burden-sharing and to possibilities for developing areas of practical cooperation from which we can all benefit.

Explore ways to take full advantage both technically and economically of emerging technologies, especially to improve conventional defense, and take steps necessary to restrict the transfer of military relevant technology to the Warsaw pact.

3. Noting that developments beyond the NATO area may threaten our vital interests, we reaffirm the need to consult with a view to sharing assessments and identifying common objectives, taking full account of the effect on NATO security and defense capability, as well as of the national interests of member countries. Recognizing that the policies which nations adopt in this field are a matter for national decision, we agree to examine collectively in the appropriate NATO bodies the requirements which may arise for the defense of the NATO area as a result of deployments by individual member states outside that area. Steps which may be taken by individual allies in the light of such consultations to facilitate possible military deployments beyond the NATO area can represent an important contribution to Western security.

Text of the Address by the President to the Bundestag

I am very honored to speak to you today and thus to all the people of Germany. Next year we will jointly celebrate the 300th Anniversary of the first German settlement in the American colonies. The 13 families who came to our new land were the forerunners of more than seven million German immigrants to the United States. Today more Americans claim German ancestry than any other.

These Germans cleared and cultivated our land, built our industries, and advanced our arts and sciences. In honor of 300 years of German contributions in America, President Carstens and I have agreed today that he will pay an official visit to the United States in October of 1983 to celebrate the occasion.

The German people have given us so much, we like to think that we've repaid some of that debt. Our American Revolution was the first revolution in modern history to be fought for the right of self-government and the guarantee of civil liberties. That spirit was contagious. In 1849 the Frankfurt Parliament's statement of basic human rights guaranteed freedom of expression, freedom of religion, and equality before the law. And these principles live today in the basic law of the Federal Republic. Many peoples to the east still wait for such rights.

The United States is proud of your democracy, but we cannot take credit for it. Heinrich Heine, in speaking of those who built the awe-inspiring cathedrals of medieval times, said that "in those days people had convictions. We moderns have only opinions and it requires something more than opinions he said, to build a Gothic cathedral." Over the past 30 years, the convictions of the German people have built a cathedral of democracy—a great and glorious testament to your ideals.

We in America genuinely admire the free society you have built in only a few decades. And we understand all the better what you have accomplished, because of our own history. Americans speak with the deepest reverence of those founding fathers and first citizens who gave us the freedoms that we enjoy today. And even though they lived over 200 years ago, we carry them in our hearts as well as in our history books.

I believe future generations of Germans will look to you here today and to your fellow Germans with the same profound respect and appreciation. You have built a free society with an abiding faith in human dignity—the crowning ideal of Western civilization. This will not be forgotten. You will be saluted and honored by this Republic's descendents over the centuries to come.

Yesterday, before the British Parliament, I spoke of the values of Western civilization and the necessity to help all peoples gain the institutions of freedom. In many ways, in many places, our ideals are being tested today. We are meeting this afternoon between two important summits, the gathering of leading industrial democracies at Versailles and the assembling of the Atlantic Alliance here in Bonn tomorrow. Critical and complex problems face us. But our dilemmas will be made easier if we remember our partnership is based on a common Western heritage and a faith in democracy.

I believe this partnership of the Atlantic Alliance nations is motivated primarily by the search for peace. Inner peace for our citizens and peace among nations.

Why inner peace? Because democracy allows for self-expression. It respects man's dignity and creativity. It operates by rule of law, not by terror or coercion. It is government with the consent of the governed. As a result, citizens of the Atlantic Alliance enjoy an unprecedented level of material and spiritual well-being. And they are free to find their own personal peace.

We also seek peace among nations. The Psalmist said, "seek peace and pursue it." Well, our foreign policies are based on this principle and directed toward this end. The noblest objective of our diplomacy is the patient and difficult task of reconciling our adversaries to peace. And I know we all look

forward to the day when the only industry of war will be the research of historians.

But the simple hope for peace is not enough. We must remember something that Friedrich Schiller said, "The most pious man can't stay in peace if it doesn't please his evil neighbor." So there must be a method to our search, a method that recognized the dangers and realities of the world. During Chancellor Schmidt's State visit to Washington last year, I said that your Republic was "perched on a cliff of freedom." I wasn't saying anything the German people do not already know. Living as you do in the heart of a divided Europe, you can see more clearly than others than there are Governments at peace neither with their own peoples nor the world.

I don't believe any reasonable observer can deny that there is a threat to both peace and freedom today. It is as stark as the gash of a border that separates the German people. We are menaced by a power that openly condemns our values and answers our restraint with a relentless military build-up.

We cannot simply assume every nation wants the peace we so earnestly desire. The Polish people would tell us there are those who would use military force to repress others who want only basic human rights. The Freedom Fighters of Afghanistan would tell us as well that the threat of aggression has not receded from the world.

Without a strengthened Atlantic security, the possibility of military coercion will be very great. We must continue to improve our defenses if we are to preserve peace and freedom. This is not an impossible task; for almost 40 years, we have succeeded in deterring war. Our method has been to organize our defensive capabilities, both nuclear and conventional, so that an aggressor could have no hope of military victory. The Alliance has carried its strength not as a battle flag, but as a banner of peace. Deterrence has kept that peace, and we must continue to take the steps necessary to make deterrence credible.

This depends in part on a strong America. A national effort, entailing sacrifices by the American people, is now underway to make long-overdue improvements in our military posture. The American people support this effort because they understand how fundamental it is to keeping the peace they so fervently desire.

We also are resolved to maintain the presence of well-equipped and trained forces in Europe, and our strategic forces will be modernized and remain committed to the Alliance. By these actions, the people of the United States are saying, "We are with you Germany. You are not alone." Our adversaries would be foolishly mistaken should they gamble that Americans would abandon their Alliance responsibilities, no matter how severe the test.

Alliance security depends on a fully credible conventional defense to which all allies contribute. There is a danger that any conflict could escalate to a nuclear war. Strong conventional forces can make the danger of conventional or nuclear conflict more remote. Reasonable strength in and of itself is not bad; it is honorable when used to maintain peace or defend deeply held beliefs.

One of the first chores is to fulfill our commitments to each other by continuing to strengthen our conventional defenses. This must include improving the readiness of our standing forces and the ability of those forces to operate as one. We must also apply the West's technological genius to improving our conventional deterrence.

There can be no doubt that we as an Alliance have the means to improve our conventional defenses. Our peoples hold values of individual liberty and dignity that time and again they have proven willing to defend. Our economic energy vastly exceeds that of our adversaries. Our free system has produced technological advances that other systems, with their stifling ideologies, cannot hope to equal. All of these resources are available to our defense.

Yes, many of our nations currently are experiencing economic difficulties. Yet we must nevertheless guarantee that our security does not suffer as a result. We've made strides in conventional defenses over the last few years despite our economic problems, and we have disproved the pessimists who contend that our efforts are futile. The more we close the conventional gap, the less the risks of aggression or nuclear conflict.

The soil of Germany, and every other ally, is of vital concern to each member of the Alliance, and this fundamental commitment is embodied in the North Atlantic Treaty. But it will be an empty pledge unless we insure that American forces are ready to reinforce Europe and Europe is ready to receive them. I am encouraged by the recent agreement on wartime host nation support. This pact strengthens our ability to deter aggression in Europe and demonstrates our common determination to respond to attack.

Just as each ally shares fully in the security of the Alliance, each is responsible for shouldering a fair share of the burden. Now that, of course, often leads to a difference of opinion, and criticism of our Alliance is as old as the partnership itself.

But voices have now been raised on both sides of the Atlantic that mistake the inevitable process of adjustment within the Alliance for a dramatic divergence of interests. Some Americans think that Europeans are too little concerned for their own security, some would unilaterally reduce the number of American troops deployed in Europe. And in Europe itself, we hear the idea that the American presence, rather than contributing to peace, either has no deterrent value or actually increases the risk that our allies may be attacked.

These arguments ignore both the history and the reality of the transatlantic coalition.

Let me assure you that the American commitment to Europe remains steady and strong. Europe's shores are our shores. Europe's borders are our borders. And we will stand with you in defense of our heritage of liberty and dignity. The American people recognize Europe's substantial contributions to our joint security. Nowhere is that contribution more evident than here in the Federal Republic. German citizens host the forces of six nations. German soliders and reservists provide the backbone of NATO's conventional deterrent in the heartland of Europe. Your Bundegwehr is a model for the integration of defense needs with a democratic way of life. And you have not shrunk from the heavy responsibility of accepting the nuclear forces necessary for deterrence.

I ask your help in fulfilling another responsibility. Many American citizens don't believe that their counterparts in Europe—especially younger citizens—really understand the United States presence there. If you will work toward explaining the United States role to people on this side of the Atlantic, I will explain it to those on the other side.

In recent months, both in your country and mine, there has been renewed public concern about the threat of nuclear war and the arms buildup. I know it is not easy, especially for the German people, to live in the gale of intimidation that blows from the east.

If I might quote Heine again, he almost foretold the fears of nuclear war when he wrote, "wild, dark times are rumbling toward us, and the prophet who wishes to write a new apocalypse will have to invent entirely new beasts, and beasts so terrible that the ancient animal symbols . . . will seem like cooing doves and cupids in comparision." The nuclear threat is a terrible beast. Perhaps the banner carried in one of the nuclear demonstrations here in Germany said it best. The sign read, "I am afraid." I know of no Western leader who doesn't sympathize with that earnest plea. To those who march for peace, my heart is with you. I would be at the head of your parade if I believe marching alone could bring about a more secure world. And to the 2,800 women in Filderstadt who sent a petition for peace to President Brezhnev and me, let me say I, myself, would sign your petition if I thought it could bring about harmony. I understand genuine concerns.

The women of Filderstadt and I share the same goal. The question is how to proceed. We must think through the consequences of how we reduce the dangers to peace.

Those who advocate that we unilaterally forego the modernization of our forces must prove that this will enhance our security and lead to moderation by the other side—in short, that it will advance, rather than undermine, the preservation of the peace. The weight of recent history does not support this notion.

Those who demand that we renounce the use of a crucial element of our deterrent strategy must show how this would decrease the likelihood of war. It is only by comparision with a nuclear war that the suffering caused by conventional war seems a lesser evil. Our goal must be to deter war of any kind.

And those who decry the failure of arms control efforts to achieve substantial results must consider where the fault lies. I would remind them it is the United States that has proposed to ban land-based intermediate-range nuclear missiles—the missiles most threatening to Europe. It is the United States that has proposed and will pursue deep cuts in strategic systems. It is the West that has long sought the detailed exchanges of information on forces and effective verification procedures. And it is dictatorships, not democracies, that need militarism to control their own people and impose their system on others. We in the West—Germans, Americans, our other allies—are deeply committed to continuing efforts to restrict the arms competition. Common sense demands that we persevere. I invite those who genuinely seek effective and lasting arms control to stand behind the far-reaching proposals that we have put forward. In return I pledge that we will sustain the closest of consultations with our allies.

On November 18th, I outlined a broad and ambitious arms control program. One element calls for reducing land-based intermediate-range nuclear missiles to zero on each side. If carried out, it would eliminate the growing threat to Western Europe posed by the U.S.S.R.'s modern SS-20 rockets, and it would make unnecessary the NATO decision to deploy American intermediate-range systems. And, by the way, I cannot understand

why, among some, there is a greater fear of weapons NATO is to deploy than of weapons the Soviet Union already has deployed. Our proposal is fair because it imposes equal limits and obligations on both sides and it calls for significant reductions, not merely a capping of an existing high level of destructive power. As you know, we have made this proposal in Geneva, where negotiations have been underway since the end of November last year. We intend to pursue those negotiations intensively. I regard them as a significant test of the Soviets' willingness to enter into meaningful arms control agreements.

On May 9th, we proposed to the Soviet Union that strategic arms reductional talks begin this month in Geneva. The U.S.S.R. has agreed, and talks will begin on June 29th. We in the United States want to focus on the most destabilizing systems, and thus reduce the risk of war. And that is why in the first phase we propose to reduce substantially the number of ballistic missile warheads and the missiles themselves. In the second phase we will seek an equal ceiling on other elements of our strategic forces, including ballistic missile throw weight, at less than current American levels. We will handle cruise missiles and bombers in an equitable fashion. We will negotiate in good faith, and undertake these talks with the same seriousness of purpose that has marked our preparations over the last several months.

Another element of the program I outlined was a call for reductions in conventional forces in Europe. From the earliest postwar years, the Western democracies have faced the ominous reality that massive Soviet conventional forces would remain stationed where they do not belong. The muscle of Soviet forces in Central Europe far exceeds legitimate defense needs. Their presence is made more threatening still by a military doctrine that emphasizes mobility and surprise attack. And as history shows, these troops have built a legacy of intimidation and repression.

In response, the NATO allies must show they have the will and capacity to deter any conventional attack or any attempt to intimidate us. Yet we also will continue the search for responsible ways to reduce NATO and Warsaw Pact military personnel to equal levels.

In recent weeks, we in the Alliance have consulted on how best to invigorate the Vienna negotiations on mutual and balanced force reductions. Based on these consultations, Western representatives in the Vienna talks soon will make a proposal by which the two alliances would reduce their respective ground force personnel in verifiable stages to a total of 700,000 men and their combined ground and air force personnel to a level of 900,000 men.

While the agreement would not eliminate the threat nor spare our citizens the task of maintaining a substantial defensive force, it could constitute a major step toward a safer Europe for both East and West. It could lead to military stability at lower levels and lessen the dangers of miscalculation and of surprise attack. And it also would demonstrate the political will of the two alliances to enhance stability by limiting their forces in the central area of their military competition.

The West has established a clear set of goals. We as an alliance will press forward with plans to improve our own conventional forces in Europe. At the same time, we propose an arms control agreement to equalize conventional forces at a significantly lower level.

We will move ahead with our preparations to modernize our nuclear forces in Europe. But, again, we also will work unceasingly to gain acceptance in Geneva of our proposal to ban land-based intermediate-range nuclear missiles.

In the United States, we will move forward with the plans I announced last year to modernize our strategic nuclear forces, which play so vital a role in maintaining peace by deterring war. Yet we also have proposed that Strategic Arms Reductions Talks begin, and we will pursue them determinedly.

In each of these areas our policies are based on the conviction that a stable military balance at the lowest possible level will help further the cause of peace. The other side will respond in good faith to these initiatives only if it believes we are resolved to provide for our own defense. Unless convinced that we will unite and stay united behind these arms control initiatives and modernization programs, our adversaries will seek to divide us from one another and our peoples from their leaders.

I am optimistic about our relationship with the Soviet Union if the Western nations remain true to their values and true to each other. I believe in Western civilization and in its moral power. I believe deeply in the principles the West esteems And guided by these ideals, I believe we can find a nonsense, workable, and lasting policy that will keep the peace.

Earlier I said the German people had built a remarkable cathedral of democracy. But we still have other work ahead. We must build a cathedral of peace, where nations are safe from war and where people need not fear for their liberties. I've heard the history of the famous cathedral at Cologne—how those beautiful soaring spires miraculously survived the destruction all around them, including part of the church itself.

Let us build a cathedral as the people of Cologne built theirs—with the deepest commitment and determination. Let us build as they did—not just for ourselves but for the generations beyond. For if we construct our peace properly, it will endure as long as the spires of Cologne.●

VOICE OF REASON RISES FROM CONGRESS HALLS

● Mr. ARMSTRONG. Mr. President, Congressman JAKE PICKLE of Texas is one of the genuine experts on social security in the Congress. He has been working diligently for a responsible, bipartisan solution to the problems that now afflict the social security system. A recent article by Don Phillips gives credit to Congressman PICKLE for his courageous and statesmanlike approach to the necessity for keeping the system solvent and assuring the security of our retired citizens. I include this article entitled, "Voice of Reason Rises From Congress Halls" in the CONGRESSIONAL RECORD and commend it to my colleagues as an example of true leadership during a time that calls for political courage.

The article follows:

[From the Sterling Journal-Advocate, May 25, 1982]

VOICE OF REASON RISES FROM CONGRESS HALLS

(By Don Phillips)

WASHINGTON (UPI).—From time to time, a voice of reason rises above the partisan fray on the floors of Congress. Usually no one listens.

Rep. Jake Pickle, D-Texas, on the surface, is an unlikely voice of reason. He comes from a good partisan political background, having been elected to Lyndon Johnson's old House seat when the master politician was elected to the Senate. Close your eyes, and you can almost hear Johnson when Pickle rolls that Texas drawl off his lips.

But Pickle has gained the respect of both Democrats and Republicans as chairman of the Social Security subcommittee of the House Ways and Means Committee. He has made a constant—but fruitless—effort to find a long-term solution to the funding problems of the Social Security system.

When President Reagan earlier this month backed the Senate Budget Committee budget resolution that included $40 billion in savings from Social Security, the gloves came off in the House and Senate. Charges and countercharges flew, and blame was flowing through the halls.

In the middle of the fray, Pickle made a brief House floor speech that bears repeating in full:

"Mr. Speaker," he said, "the president and the speaker say there will be no cuts in Social Security. Members of the Senate say there will be no cuts in Social Security. Members of the House Budget Committee say there will be no cuts in Social Security.

"It is an easy political bell to pull. It rings well.

"Let me caution my colleagues that every bell we hear is not the Liberty Bell.

"We are all getting very busy saying what we will not do regarding Social Security, and absolutely no one is saying what we will do to meet the real problems this program faces.

"All we are doing is heating this up politically like a post oak stove.

"When it comes to Social Security, I do not think the people care so much what the Republican or Democratic position is. I think they care about Social Security. They know we have problems. I think they would rather see those problems fixed than see us continue to run and duck for another year. People are losing confidence in Social Security by this delay.

"A final thought—we will need about $10 billion a year for the next four years just to keep enough money in the retirement fund to enable us to go home on an occasional recess knowing the funds can hold out until we get back.

"We had better start thinking very hard about where we are going to get that kind of money for this program. And we better start thinking very hard about the long-range changes that we need to restore overall confidence in Social Security and do it now.

"All the promises of today will mean nothing if we not act soon."

Pickle has been giving some version of that same speech for some time. No one really has listened until now, and there's even less likelihood that anyone will listen in this congressional election year.

This problem is that the electorate, particularly Social Security recipients, are listening too much to the strident voices of

partisan politics and too little to the Jake Pickles of Congress.●

VALUES CLARIFICATION IN EDUCATION

● Mr. EAST. Mr. President, I would like to share with my colleagues an article which appeared in the Wall Street Journal, Monday, April 12, 1982. Mr. Richard A. Baer, Jr., author of "Parents, Schools, and Values Clarification," discusses the teaching method developed by Louis E. Raths, Merrill Harmin, and Sidney B. Simon back in the midsixties known as values clarification. This teaching method seemed to encourage teachers to allow students to decide for themselves whether it was right or wrong to lie, steal, obey their parents, and to generally decide for themselves what were acceptable values.

I commend Mr. Baer for his coverage of the subject of values clarification, and I ask that a copy of this article be printed in the RECORD.

The article follows:

PARENTS, SCHOOLS AND VALUES CLARIFICATION

(By Richard A. Baer, Jr.)

Back in the mid-1960s, social scientists Louis E. Raths, Merrill Harmin and Sidney B. Simon developed the teaching method known as Values Clarification, advertising it as an ideal way to deal with values without taking sides or indoctrinating students in one particular value position. Since "by definition and right . . . values are personal things" ("Values and Teaching," 1966), teachers should never try to teach children correct values. To tell a student stealing is wrong or that kindness and loyalty are good values, would be, according to Values Clarification, to manipulate and coerce a student. Teachers should help students discover and clarify their own personal values instead of trying to force someone else's values on them.

Spread by teacher workshops, paid for in part by state and federal tax dollars, Values Clarification caught on quickly in the early 1970s and became popular with many teachers and administrators. Its use in public school sex-education classes and by local Planned Parenthood groups was particularly noteworthy, for whether intended or not, adolescents were in effect given the message that parents, the school or society had no right to tell them what standards should guide sexual behavior. Whether premarital sex was right or wrong, for instance, adolescents would discover for themselves as they were helped to clarify their personal values.

Parents did not react immediately. But when children began to report over dinner that class discussion had been about whether lying was sometimes permissible and whether they should always obey their parents, it wasn't long before groups of parents began to mobilize against Values Clarification.

EMOTIONS OUTSTRIPPED LOGIC

Many of these parents were Christian fundamentalists. Their arguments were not couched in the sophisticated jargon of philosophy or social science, and sometimes emotions outstripped logic. But they left little doubt that they thought Values Clarification was teaching their children a kind of ethical relativism.

Instead of meeting such objections with solid arguments of their own, many educators attacked the objectors, dismissing their criticisms as little more than a reactionary fundamentalist response to education innovation.

This is precisely what happened, for example, in the spring of 1979 in a dispute over Values Clarification in the consolidated school system of Spencer and Van Etten, two small Upstate New York communites not far from Elmira. Supporters of Values Clarification referred early in the conflict to the concerned parents as simplistic, anti-intellectual and opposed to independent thought. One teacher accused them of having ties with national right-wing groups. But what was most embarrassing about this dispute was that it soon became apparent to several outside observers (including myself) that these "anti-intellectual" parents had a better grasp of the philosophical issues involved than the professional educators.

Martin Eger, professor of philosophy and physics at the City University of New York, pointed out in a spring 1981 article in the Public Interest that the climate of trust eroded rapidly after the school at first denied that Values Clarification made up any part of the required curriculum. When it became public knowledge that it did form the basis of at least one required course in vocational decision-making, school authorities still refused to meet in open, mediated dialogue with the protesters. The parents were left with no recourse but to accept the use of Values Clarification—which they thought would violate their consciences—or attempt a political solution by entering their own candidates in school board elections.

The basic complaints of the parents in Spencer-Van Etten and in many similar cases have now been largely substantiated. Over the past seven years, nonfundamentalist scholars from major universities—including professors Kenneth A. Strike of Cornell, Alan L. Lockwood of the University of Wisconsin and John S. Stewart, formerly of Michigan State University—have faulted Values Clarification on at least a dozen counts. The list of critics also includes William J. Bennett, recently appointed by President Reagan as chairman of the National Endowment for the Humanities, and Edwin J. Delattre, president of St. John's College in Annapolis. The major objections of these writers are virtually identical with those initially raised by religious fundamentalists and other parents' group.

First, contrary to what its proponents claim, Values Clarification is not values neutral. Even on the level of particular ethical decisions, where the authors try hard to be neutral, they succeed only partially. As Messrs. Bennett and Delattre point out, the approach used in such Values Clarification strategies as Sidney Simon's "Priorities" "emphatically indoctrinates—by encouraging and even exhorting the student to narcissistic self-gratification."

And on the deeper level of what philosophers call "metaethics"—that is, critical analysis and theory about the nature of values as such—the claim to neutrality is entirely misleading. At this more basic level, the originators of Values Clarification simply assume that their own subjectivist theory of values is correct. By affirming the complete relativity of all values, they in effect equate values with personal tastes and preferences. If parents object to their children using pot or engaging in premarital sex, the theory behind Values Clarification makes it appropriate for the child to respond, "But that's just your value judgment. Don't force it on me."

Furthermore, Values Clarification indoctrinates students in ethical relativism, for its proponents push their own position on their captive student audiences and never suggest that thoughtful people may choose alternatives. Sidney Simon, Howard Kirschenbaum and other Values Clarification authors repeatedly belittle teachers of traditional values. Such teachers, they claim, "moralize," "preach," "manipulate" and "whip the child into line." Their positions are "rigid" and they rely on "religion and other cultural truisms."

The second major fault, according to the University of Wisconsin's Alan Lockwood, is that "a substantial proportion of the content and methods of Values Clarification constitutes a threat to the privacy rights of students and their families." To be sure, the method permits students to say "I pass" when the teacher asks them to complete such open-ended sentences as "If I had 24 hours to live. . . .", "Secretly I wish . . ." or "My parents are usually. . . ." But many of these "projective techniques" are designed in such a fashion, Mr. Lockwood claims, that students often will realize too late that they have divulged more about themselves and their families than they wish or feel is appropriate in a public setting. Moreover, the method itself incorporates pressure toward self-disclosure.

CONTRADICTING THE BIBLE

A third criticism of Values Clarification is that by presupposing very specific views about human nature and society, it becomes a kind of "religious" position in its own right which competes directly with other religious views. For instance, Values Clarification theory consistently presents the individual self as the final arbiter of value truth (individuals must develop their own values "out of personal choices"), and it assumes that the good life is one of self-fulfillment and self-actualization. These positions directly contradict the Biblical view that God is the ultimate lawgiver and that the good life is to be found only in losing oneself in the service of God and of one's neighbor.

The use of Values Clarification in public schools or even by such quasi-public agencies as Planned Parenthood constitutes a direct violation of First Amendment protection against the establishment of religion, one at least as objectionable as the attempt by some fundamentalists to require the teaching of creationism in the public schools. Schools that use the method are, probably unwittingly, fostering the establishment of one particular "religion" and by doing so are abusing the rights of those who hold differing positions.

The controversy over Values Clarification tells us something about the quality of public discourse in this country. The educational establishment and the press ought to recognize that there is as much diversity amoung religious fundamentalists as among Catholics, Jews and liberal Protestants. Gratuitous sniping against blacks, women, Jews, Chicanos and Roman Catholics is no longer tolerated, but somehow fundamentalists who speak out against a development like Values Clarification remain fair game for the worst kinds of prejudicial attack. A bit more fairness is long overdue.●

THE PROPOSED SIBERIAN NATURAL GAS PIPELINE

● Mr. ARMSTRONG. Mr. President, Our colleague, Senator GARN, and others have demonstrated that the proposed Siberian natural gas pipeline makes neither political nor moral sense. Milton Copulos, the director of energy studies at the Heritage Foundation, in an article printed in the Washington Times June 8, has now demonstrated that it makes no economic sense, either. I ask that Mr. Copulos' article, entitled: "The Yamal Pipeline: A Two-Phase Alternative," be printed in the RECORD.

The article follows:

[From the Washington Times, June 8, 1982]

THE YAMAL PIPELINE: A TWO-PHASE ALTERNATIVE

(By Milton Copulos)

Snaking its way some 3,000 miles from the frozen wastes of Soviet Siberia to terminals in 10 West European nations, the Yamal pipeline was heralded as the final realization of the long-anticipated East-West trade bonanza.

To West European sponsors, it seemed too good to be true. Not only was Moscow going to sell them some 40 billion cubic meters of natural gas annually, it also was going to purchase $15 billion worth of equipment, technology and materials from West Europe. The deal even was being financed by a consortium of West European banks offering government-backed loans.

However, in the United States the project was greeted with serious skepticism as many, including Reagan administration officials, saw it as a threat to Europe's security. Although European officials publicly dismissed U.S. concerns, arguing that the Soviets were a more reliable supplier than the Middle East, many indicated privately that they would consider alternatives.

Since stimulating Europe's sagging economy was a major factor behind the pipeline project, they cautioned that any proposed alternative must address the economic as well as the energy consequences of the deal.

Finding a suitable alternative presented the pipeline's opponents with a formidable task. Any option would have to be capable of delivering the needed energy within the same time frame anticipated for the initial deliveries of Moscow's gas. It would have to create the same sort of investing opportunities. And it would have to do so with a more secure and reliable source of supply.

As difficult as the problem seems, an alternative to Soviet gas does exist. It consists of two elements: A joint venture between private firms in Europe and the United States to increase American coal export capacity, and the development of Norwegian natural gas reserves in the North Sea. Together, these projects not only will eliminate the need for Soviet gas, but will strengthen and stimulate the economies of Western Europe and the United States.

American coal has always been viewed by Europe as an important potential energy source as witnessed by the rapid increase in steam coal exports to European Economic Community members in recent years. The trouble is, present U.S. port and handling facilities, cannot accommodate huge, 150,000 dead-weight ton "Super Colliers" that are expected to carry the bulk of the world coal trade in the future.

If American ports are not renovated to make provisions for these giants of the sea lanes, the United States will lose its market to such competitors as Australia, South Africa, and even Poland. In these days of fiscal restraint, however, the traditional method of financing and conducting such renovations—with government financing and Army Corps of Engineers management—is no longer feasible.

Moreover the delays (up to 21 years) would not permit the fast action current market conditions mandate. The solution is to have the private sector finance and manage the port reconstruction.

This could be done by creating "coal export zones," and "coal export investment companies." Zones would be designated by the Department of Commerce at the request of a port. The award of the designation would allow them to take advantage of certain "fast-tracking" provisions eliminating red tape, recently approved in congressional committee, and to license coal export investment companies.

The purpose of the companies would be to assemble the financing, expertise and project sponsors to renovate the port. Among partners in a coal export investment company joint venture could be European firms interested in making greater use of U.S. coal.

This would provide an investment outlet for their capital, opportunities to sell equipment and technology and a chance to participate in the long-term profits of a U.S. coal boom. As such, this would provide even more economic stimulus than the proposed pipeline from Siberia.

The second element, the development of Norwegian North Sea gas reserves, may prove particularly timely. While the completion date for the Yamal pipeline is 1986, recent events cast doubt that it will be met.

Moscow, starved for hard currency, already has begun to renege on its commitments to purchase technology and equipment from Western Europe, indicating that it intends to manufacture many components of the pipeline within the Soviet Union. While this is bitterly disappointing to the project's European sponsors, many observers believe the Russians will find they cannot internalize the construction and eventually will have to go to outside suppliers any way.

Such delays may well push the delivery date for the Siberian gas to 1990 or beyond—a date coinciding with the time Norway expects its North Sea gas to be ready for export.

Norway has enormous reserves of North Sea natural gas—more than four times the amount discovered on Alaska's North Slope. Developing these reserves is difficult and expensive, but a task well within modern technology's limits. Although there is some concern in Norway over the environmental and socio-economic impacts of a too-rapid development, the Norwegian government has indicated that it is willing to develop oil and gas reserves as aggressively as market conditions dictate.

To illustrate this, Norwegian officials frequently note that no oil company has ever had a request to develop a field turned down. These same officials, though, are concerned that their country's favorable attitude towards oil and gas development is not widely perceived. They emphasize in private discussions that Norway is not only willing, but eager to market its natural gas as soon as it becomes available.

It is evident that Norway does represent a long-term alternative to Moscow's gas. Moreover, since construction of a distribution system, storage terminals and other necessary facilities would probably be beyond that nation's industrial capacity, Norwegian gas creates yet another opportunity for Europe to stimulate its heavy industries.

In short, a workable alternative to Moscow's gas exists and meets all of the criteria necessary to make it preferable to the Yamal pipeline project. It would stimulate the European economy, provide the necessary energy and, most of all, be a secure and stable source of supply.●

WHAT PRIME MINISTER SUN REALLY SAID ABOUT UNIFICATION

● Mr. GOLDWATER. Mr. President, last Thursday, Prime Minister Sun Yun-suan of Taiwan delivered a brief statement in Taipei at a reception honoring participants attending the 11th Sino-American Conference on Mainland China. Prime Minister Sun's remarks were erroneously reported in the American press as indicating a major change in the Taiwan Government's attitude toward the nine-point reunification offer made by Communist China.

The way the American news media represented it, Taiwan seemed to show flexibility in its previous stand against the so-called Chinese Communist peace offer. In particular, it was reported that Prime Minister Sun had, for the first time, not called on the Communist regime to give up communism before the two sides entered talks.

These reports surprised me because I had just returned from Taiwan where everyone with whom I met insisted the Communist offer is unacceptable and is no more than a propaganda technique to weaken Taiwan's international status.

Mr. President, I could not believe Taiwan had changed its policy so drastically and suddenly, and I obtained a copy of the official press release of Prime Minister Sun's remarks to read it for myself. The truth, as revealed in his actual statement, is far different than the news media described it.

In reality, Prime Minister Sun condemned the Communist peace proposal and gave no sign that his government would sit down and discuss unification with Red China. In his words, the Communist offer is "a gimmick to deceive the people of the world" and is really a demand for the acceptance of Communist sovereignty over Taiwan and the freedom to use force if the peace talks should fail.

He specifically called on the mainland regime to give up the socialist road and Communist Party leadership. There are the first signs of a change in some practices by the Communist regime, and this development should be encouraged, but reunification can only occur, he said, with the passage of time after a change in the mainland

government from hostile communism to freedom and democracy. There is no Taiwan issue, only the issue of whether there will be one free China or a Communist China.

What the American press, and I hope the administration, should realize is that no government, certainly not the Republic of China on Taiwan, could enter into negotiations to discuss its own extinction. Yet this is exactly what the Peking regime wants, by war or otherwise.

Mr. President, I ask that the full transcript of Prime Minister Sun's remarks may appear at this point in the RECORD.

The transcript of remarks follows:

TAIPEI, June 10, 1982.—Prime Minister Sun Yun-suan today told Chinese and American scholars attending the 11th Sino-American Conference on Mainland China that there is no "Taiwan issue"—only the "China issue" of whether there is to be "a strong and hostile Communist China or a peace-loving non-Communist China."

If there is to be a peaceful China, he said, the problem of China's future should be left to the decision of the Chinese people as a whole.

Prime Minister Sun noted that the Chinese Communists had advanced a nine-point peace proposal but said it is only "a gimmick to deceive the people of the world," and to create a "phony image of peace."

The Communist laid down two preconditions, he said: (1) acceptance of Chinese Communist sovereignty over Taiwan, and (2) invasion by force if peace talks fail. The Communists are really calling for the surrender of the Republic of China, he said, and called on the free world to "recognize the Chinese Communist regime's conspiracy of attempting to disarm free China and communize its people through the employment of diplomatic pressure."

Free China, the Prime Minister said, is proposing to unify China on the basis of Dr. Sun Yat-sen's three principles of the people: democracy, nationalism and the people's livelihood. He said these principles are intended to establish a country of the people, by the people and for the people.

The three principles have already succeeded in Taiwan, Prime Minister Sun said, and compelled the Chinese Communists to admit that mainland China cannot catch up with the Republic of China economically.

The Prime Minister also noted that the Communists had followed the Republic of China's example in:

Recognizing the greatness of Sun Yat-sen and the success of his principles.

Imitating ROC export processing zones.

Seeking foreign capital for the expansion of exports.

Giving priority to agriculture.

Allowing limited economic individualism.

Prime Minister Sun said the "Chinese Communist regime has been compelled to bow to reality and make an aboutface after a series of setbacks."

He called on the Chinese Communists to give up their "four principles" of the socialist road, Communist party leadership, dictatorship of the proletariat and ideological fealty to the thought of Marx, Lenin and Mao

Chinese unification, he said, "should be based on the free will of the Chinese people as a whole." If this will is followed, he indicated, the Communists will scrap the four principles and take further steps to change their way of life.

"If the political, economic, social and cultural gaps between the Chinese mainland and free China continue to narrow," Prime Minister Sun said, "the conditions for peaceful reunification can gradually mature. The obstacles to reunification will be reduced naturally with the passage of time."

He called upon the scholars to undertake studies to serve mankind's well-being and achieve "an in-depth understanding of the reality of the Chinese mainland."

Among scholars from the United States attending the conference were Kenneth Rush of the Atlantic Council of the United States, Leonard Unger of the Fletcher School of Law and Diplomacy, former U.S. Ambassador to ROC, Ray S. Cline of Georgetown University, Robert F. Dernberger of the University of Michigan, Robert L. Downen of Georgetown University, Harold Hinton of George Washington University, Edward Luttwak of Georgetown University, Thomas A. Metzger of the University of California at San Diego, Jan S. Prybyla of Pennsylvania State University, Robert A. Scalapino of the University of California at Berkeley, Donald S. Zagoria of Columbia University and Parris H. Chang of Pennsylvania State University.●

SHALOM SINAI, ROAD TO PEACE

● Mr. LEVIN. Mr. President, this week Senator DODD is hosting an exhibit of photographs in the rotunda of the Russell Building. This extraordinary series of pictures entitled, "Shalom Sinai, Road to Peace" collects some of the work done by Farag Peri, one of Israel's most distinguished photographers.

The exhibit is more than a moving esthetic experience. It is, as well, a personal and a political statement of some significance. The photographer is an Iraqi Jew who left Iraq in the midfifties because of the persecution and problems which were—and still are—endemic in that nation. He struggled to make a living in Israel and finally succeeded in establishing a reputation as a photographer and as the owner of the largest photo studio in Tel Aviv.

On a political level, in the midst of the conflict in Lebanon, this exhibit indicates just how much Israel is willing to do for peace. The Sinai, that was returned to Egypt earlier this year, represented more than an economic loss and a military risk; it involved a psychological pain on the part of the people of Israel. The Sinai is a beautiful region—as this exhibit makes clear—and it had become a part of the life of the Israeli people. Not only was their blood buried in the sands; their hopes and dreams were reflected in the farms and the towns and the roads they had constructed in the region. Yet they followed the Camp David requirements and returned the land. They were willing to make that sacrifice for peace.

Now, as we confront the crisis in Lebanon, the question we face is whether the United States is willing to make a similar sacrifice; whether we are willing to ignore the easy path of generating diplomatic generalizations designed to cover over the conflict or whether we are willing to take the risks that real peace requires.

We took those risks at Camp David and the results have inspired hope. I believe that a similar opportunity is available to us now in Lebanon.

Israel is not at war with Lebanon. Israel was engaged in a war with the PLO and the Syrians. Israel has no interest in holding land in Lebanon. Israel has a compelling national interest in preventing the PLO and the Syrians from holding land in Lebanon.

That is what this entire conflict is about: The fact that the PLO used Lebanon to shell Israel villages and the Syrians used Lebanon as a base for their own military machine. Israel could not allow a continuation of the devastating attacks being launched against her people from Lebanon. The United States recognized that reality when we supported a cease-fire; but the temporary nature of the arrangement negotiated by Mr. Habib was recognized even by Secretary of State Haig who admitted that it failed to address the underlying causes of the conflict.

Now there is an opportunity to do more than put a mask over an ugly scar; we can attempt to deal with the problems which exist in Lebanon just as we dealt with the problems that existed between Israel and Egypt. At a minimum, American policy ought to be guided by three basic principles: an internationally secured buffer zone between Israel and Lebanon, the establishment of a strong and secure central government in Lebanon, and withdrawal of Syrian, PLO, and Israel forces from Lebanon.

It will not be easy to achieve these goals, but it was not easy for Israel to leave the Sinai or for Egypt to agree to a peace treaty with Israel. But Israel did withdraw from the Sinai and Egypt did sign a peace treaty. They did so, I believe, because they wanted peace and because the United States showed them how to achieve it. We must be willing to accept that role in Lebanon. And if we do, I believe peace is possible again.

Mr. President, I hope my colleagues will take the opportunity afforded to them by the exhibition of Mr. Peri's photographs to think about the sacrifices that have been made for peace in the past and the alternative to peace which we see in the present. Given that choice, I strongly urge our Government to become deeply involved in the negotiations now taking place in the Middle East and secure a lasting peace in the region.

Finally, Mr. President, as my colleagues look at the photographs of

Mr. Peri, I hope they will consider some arguments which I advanced in a speech I gave last week to the American Lebanese League here in Washington and the arguments made in a recent compelling editorial in the June 23 edition of the New Republic. Toward that end, I submit for the RECORD the text of my remarks and the New Republic editorial.

The material follows:

REMARKS BY SENATOR CARL LEVIN TO THE AMERICAN LEBANESE LEAGUE

Again blood is being spilled in your ancestral homeland. There is, despite the cease-fire, a sense of death in the air and a fear that the sky may be blotted out again by the dust clouds of bombs. And there is a terrifying possibility that what we are seeing now—all the pain, all the terror, all the death—may be nothing but an opening scene in a play whose plot features a finale from which the region, and perhaps the world will never recover.

Why? Why is the lovely land so full of history being subjected to this torture again? Where do we look for hope? Those are the questions I want to address today. I want to look at the past, not simply for the purpose of engaging in retrospective regret, but in an attempt to get a better sense of what we need to do to assure—as we must—that Lebanon will regain and retain her freedom and independence.

My direct experience with Lebanon came in the winter of 1980. At that time, during a tour of the Middle East, I became the first United States Senator in many years to visit Lebanon. I was impressed and depressed by what I saw there. My meetings with President Sarkis and Defense Minister Skaff were all too brief—but they were long enough for me to gain some understanding of the twisted strands of history and fate which were slowly strangling the life force of the Lebanese nation.

Upon my return, I wrote a letter to President-Elect Reagan. I said then that "the life of this tiny nation, a microcosm of the Middle East's problems, is literally at stake. We have ignored Lebanon. But its people's suffering, not of their own making, is as obvious as the Syrian tanks which man Syrian check-points all over her roads." In that letter, I pleaded with the President-Elect to become personally involved in the difficult negotiations which would be required to bring peace to Lebanon and some semblance of sanity to the region. I told him that without personal Presidential involvement—with all the risks that entailed—there would be no solution to the Lebanese crisis.

My assessment was shared by Robert Basil, your Chairman, who has told the Congress time and time again, that the United States must become directly involved in securing Lebanon's security and independence. In the absence of such involvement, Mr. Basil warned, "all the antagonists use Lebanon as the ground upon which violence takes place. As long as this neutral ground is available . . . there is little direct penalty associated with endlessly protracting the conflict and resisting a negotiated settlement."

And for years, Mr. Basil's fears were confirmed. Lebanon was the battleground of the Middle East, the epicenter of terrorism and death, a proving-ground for weapons of war and a testing center for destruction. And the United States, for the most part, simply sat back and allowed it to happen. We let Lebanon down. We were content to try to contain most of the violence of the region in that one land.

But American policy makers should have known that it was not possible to contain in Lebanon a terror capable of consuming the world. Nature abhors a vacuum—and human nature rushes to fill one. Lebanon was a vacuum in the universe of power politics. The PLO and the Syrians moved in to fill a void with the power of destruction.

Israel could not allow that vacuum to be filled with the shells that tore through the air and destroyed her villages anymore than the people of Lebanon could stand for the destruction of Zahle by the Syrians or the sacking and takeover of Damour by the PLO.

No, without strong, direct American involvement, an armed conflict was inevitable in Lebanon. There was no strong direct American involvement. And now there is an armed conflict.

America recently seemed to begin to realize the urgent need to pay attention to Lebanon. On May 26, Secretary of State Haig elevated Lebanon to a more central role in America's Middle East concerns. He finally recognized that "Lebanon today is a focal point of danger." He also realized that the cease-fire arranged by Ambassador Habib could not endure "while the problems at the root of the conflict continue to fester." But, despite the rhetoric and in face of that recognition, Secretary Haig did not appear to attach any urgency to American action. All he promised was that "the President has . . . directed Ambassador Habib to return to the Middle East soon to discuss our ideas . . . with . . . concerned states."

Ambassador Habib was dispatched—but the "soon" did not come soon enough. He reached the Middle East to discover blood in the sands, bodies in the streets and crisis in the air.

But, at least he reached the Middle East. Secretary of State Haig has apparently declined to travel to the region, preferring to take a journey for peace only when the conditions for peace had already been achieved. While he properly was willing to become involved prior to an agreement between England and Argentina, in Lebanon he preferred to await a "more flexible" posture. While a cease-fire now exists between Syria and Israel anyway, no settlement will come from that cease-fire unless American involvement—direct and personal and forceful American involvement—spurs settlement discussions along.

In what direction ought we try to move those discussions, and along what paths do we want negotiations to travel? While the military and diplomatic picture is a fluid one, I can provide an outline for action which might turn this war into a real opportunity for a lasting peace.

First and foremost, Lebanon needs and deserves to be free from foreign influence—whether that be Syrian or Palestinian or Israeli. Lebanon's people deserve and demand the right to rule their own destiny rather than being used as pawns in a giant chess game in which their land constitutes a pock-marked board. American influence must be directed to securing agreements which guarantee the independence and sovereignty of Lebanon. Israel's public statements and actions indicate that they have no desire to establish a permanent military presence in Lebanon.

Their goal has been to establish a buffer zone which will protect her people from the kind of shelling which has dashed so many lives and hopes for so many years. Once arrangements are made to secure that buffer zone, or otherwise to protect Israel from attack, Israel's withdrawal should follow.

Second, we need to negotiate the conditions for such a withdrawal. In the process, we must not settle for the kind of cosmetic solution the last cease-fire created. We have to address some of the more basic and fundamental causes of conflict. President Reagan's suggestion of Israeli withdrawal, is only half right. What it misses is any way to control border incidents, any mechanism for protecting Israeli villages from bombardment, any method of freeing the Lebanese and the Israeli's from the threats of terrorism. Accordingly, I would formulate America's goal in a more comprehensive form. I see it as involving three essential elements: a joint withdrawal of Israeli and Syrian forces; the creation of a multi-national peace-keeping force similar to the one now in the Sinai which includes American participation; and a strong and independent central government capable of establishing national policy and controlling the Palestinians by disarming them.

These three essential elements of American policy, withdrawal of Syrian and Israeli forces, establishing a multi-national peace-keeping force, and a central government strong enough to disarm the PLO, would go a long way toward resolving many of Lebanon's problems. As Mr. Basil pointed out in April of this year, "Syria no longer plays a constructive role in Lebanon and should withdraw its forces. . . . "Syria's objective is political hegemony over Lebanon and . . . Syria has actually been the major source of upheaval and instability in Lebanon."

To the extent that the Israeli action has set up the conditions which may lead to a Syrian withdrawal and re-emerging of a strong Lebanese central government, this war—even with its destructive impact—offers an historic opportunity to give Lebanon back to the Lebanese.

While ultimately the prospects for a secure Lebanon cannot be guaranteed by the action of other nations—other nations can help establish the conditions required to secure stability. The Lebanese must be assured a free Presidential election this August. The central government must become stronger and the election which creates that government must be secured. America should be willing to do whatever it can to safeguard that election. We joined in efforts to assure that free elections would be held in El Salvador—surely we ought to be willing to do at least as much in a country whose future is so directly related to our national interest.

In the same sense, we must do what is required to make sure that there is a country left to govern. The damage and destruction of this war is extensive. The requirement to rebuild is pressing and America should be willing to provide assistance. But as much as Lebanon needs aid—and as much as America ought to provide it—Lebanon also needs to be left alone to work out its own destiny. Our assistance, to the extent it is required and requested, should not imply or involve or participation in the internal decision-making process of the Lebanese government.

There is yet another rebuilding process that must also take place—but this process involves building a recognition of reality in the region. I indicated earlier that the vacuum in Lebanon made this tragic conflict inevitable. But there was another factor which made this tragedy inevitable as well—the failure of so many states in the region

to accept Israel's right to exist. The states of the Middle East must see, finally see, that Israel is a reality. The war of attrition must cease and a process of accommodation must begin. There can be no peace for Lebanon, no peace for Syria, no peace for Israel, no peace for the Middle East or the world until every country and every people in the region accept the reality of Israel's existence.

That recognition, painful as it may be for some, may emerge from this latest round of death and destruction. And a hope emerges as a result—a hope that this latest tragedy may be the last tragedy for Lebanon.

There can be no question about the necessity of securing and safeguarding Lebanese independence and territorial integrity. But there can be no doubt that this goal was impossible as long as Syria and the PLO were free to control Lebanon—ask the people who lived in Damour or Zahle what PLO and Syrian rule meant. It will be impossible to achieve that goal if Lebanon continues to harbor a direct and pervasive threat to Israel's security—ask the people of Beirut if independence and freedom from fear is possible when PLO headquarters are located in civilian population centers. It will be impossible to achieve that goal if America is not willing to take the risks that peace requires—ask the Egyptians and Israelis if peace is possible without dramatic American involvement.

But peace is possible and independence is obtainable. It requires action, it requires faith, it requires courage. The people of Lebanon have the faith and courage. Let us hope that they can transmit enough of it to the United States so that we can act in ways which will justify and redeem their suffering.

[From the New Republic, June 23, 1982]

LEBANON CAN NOW BE LEBANON

What has been called the Israeli invasion of Lebanon is, in reality, the latest round in the war between the PLO and Israel. It is being fought not against but in Lebanon, the ground chosen by the PLO. But this round is being fought on Israel's terms—between armed soldiers. The PLO prefers to conduct the war on other terms: placing bombs in buses and schoolhouses, launching rockets over the heads of U.N. peacekeeping troops into the villages of northern Israel, shooting unarmed Israeli diplomats. However much the PLO may be dismayed at the prospect of facing Israeli soldiers rather than civilians, it has never been equivocal about the fact that its principal vocation is war with Israel. Although there are Palestinians with a vision of coexistence with Israel, the PLO declares its goal to be the "extermination" of Israel "economically, politically, militarily, culturally, and ideologically." It goes further. It treats Palestinians who speak of coexistence as traitors, and has a long record of assassinations to prove it. (Indeed, one of the reasons it has been hard to find West Bank Palestinians willing to join the autonomy talks is that they know to do so risks death at the hands of the PLO. The PLO recently gunned down two Palestinian moderates, father and son, on the West Bank.)

Since the PLO grievance with Israel is Israel's existence, it is hardly surprising that the relationship between the two is one of conflict. Not so the relationship between Israel and Lebanon. Until the arrival of the PLO in the south, Lebanon had been living in de facto peace with Israel for more than twenty years. Israel has never had any designs on Lebanese territory. Lebanon stayed out of all the wars between Israel and the Arab states after 1948, and Israel respected the frontier. In the 1967 war, for example, Lebanon was the only Israeli neighbor that did not attack, and, although Lebanon is by far the weakest neighboring state, Israel repaid Lebanon's peaceful intentions by not firing a shot across the border.

All that changed in the early 1970s, when the PLO, which was then based in Jordan, tried to overthrow King Hussein. Hussein launched a bloody war against the PLO in 1970 and drove it out of Jordan. ("Black September," the terrorist group named in memory of that war, avenged Hussein's 1970 massacre of four thousand Palestinians by murdering Israeli athletes at the Munich Olympics in 1972.) The PLO then reestablished itself in southern Lebanon, where it joined forces with dissident Lebanese Moslems to overthrow the delicate constitutional arrangements under which Lebanese Moslems and Christians had coexisted for almost forty years. The result was another bloody civil war, this time in Lebanon. In 1975 and 1976 alone, this civil war killed more than fifty thousand people. With the total breakdown of central governmental authority, Syria moved in with twenty-five thousand troops and the PLO took control of the south, which borders on Israel. It is from the south that the PLO conducted its war against Israel, a war not only over the West Bank or Jerusalem, but over Tel Aviv and, more immediately, over Israel's northern Galilee. For seven years, the PLO launched raids, rockets, and long-range artillery into the Galilee. Last week Israel decided to put an end to those attacks once and for all.

The Israeli attack on PLO bases in southern Lebanon was not retaliation for the attack on Ambassador Shlomo Argov in London. Nor was it, as Italian President Sandro Pertini grotesquely suggested, "tribal justice." It was a military operation designed to guarantee the safety of Israel's northern population against PLO attack by pushing the PLO and its guns out of range of northern Israel. Israel tried to accomplish this once before. In 1978 it launched a similar incursion into Lebanon. But it was forced to retreat under heavy American pressure, and its troops were replaced by a weak, porous U.N. force which allowed the PLO to reestablish bases from which it infiltrated and launched rocket attacks against Israel.

A year ago the Reagan Administration tried to paper over the conflict with a ceasefire arranged by Ambassador Philip Habib. Under cover of that ceasefire, the PLO continued infiltration across other borders (the Israelis recently captured a three-man terrorist squad crossing from Jordan into Israel) and indiscriminate attacks on civilians in Israel and diplomats and prominent Jews in Europe. The PLO also used the ceasefire to transform itself from a guerrilla force into a modern army. It poured tons of heavy equipment into its bases in southern Lebanon, equipping them with Soviet-made tanks and heavy mobile rocket launches and artillery. When Israel did launch an air strike last Friday (that was retaliation for the shooting of its ambassador to England), the PLO responded with a barrage of rockets and artillery that blanketed the Galilee from the Mediterranean to the Syrian border. As a result, in the words of New York Times correspondent David K. Shipler, "life has disintegrated" in northern Israel. No country charged with defending its citizens could allow such a situation to endure.

As we write, the Israeli attack is a military success. It is pushing the PLO beyond artillery range of Israel. It will also succeed in destroying the military infrastructure of the PLO, at least for years to come. No one pretends that it will mean the end of the PLO or the end of the PLO-Israel war. That will come only when the PLO either achieves a victory (the liquidation of Israel) or transforms itself into a body seeking accommodation with Israel. But Israel's action against the PLO—at a terribly high price not only to combatants but also to civilians caught in the crossfire—does dramatically change the constellation of forces in Lebanon. It thus offers a unique opportunity to put Lebanon back together again, and, in the process, to enhance the security of America's allies in the region.

Unless, that is, this unique opportunity is undone by American diplomacy. Judging from the questions that appear to be uppermost in official minds, there is reason to be apprehensive. The current touchstone appears to be the arcane question of whether Israel's use of U.S.-made weapons in Lebanon was defensive or offensive: if offensive, then the U.S. is obliged, it is said, to take some sanctions against Israel. We believe that any fair reading of the history of the PLO's self-declared war of attrition against Israel leads to the conclusion that Israel's actions were defensive. But the real question facing the U.S. in this rapidly changing situation is not whether Israel's actions meet certain definitions of legality, but whether they help bring about what the U.S. seeks in the area: sovereignty for Lebanon, security for America's allies, and peace.

One wonders if some senior Administration policy-makers are even asking themselves these questions. The reflective approach at the State Department appears to be that the purpose of diplomacy is to restore whatever status quo existed yesterday—even if it led directly to war. The current U.N. resolution, calling for unconditional Israeli withdrawal, neatly embodies this wisdom, and that resolution enjoys the acquiescence of the Reagan Administration. However, to their credit, President Reagan and Secretary of State Haig appear to be giving the resolution only lip service. And for good reason. America has two overriding interests in Lebanon: first, to bring about a reconsititution of Lebanon as it was before the PLO and Syrian invasions; and, second, to reduce the influence of the PLO, which has consistently sought to wreck the major U.S. achievement in the Middle East—the Camp David accords—and to destabilize conservative Arab regimes and potential allies like Egypt, Jordan, and the Gulf states.

A prerequisite for the return of sovereignty to Lebanon and tranquility to its people is the removal of *all* foreign armed forces—Syrian, PLO, and Israeli—from its soil, and an accommodation between the indigenous Christian and Moslem populations. That was impossible before the Israeli action of last week. But it is possible now. One does not have to ignore the terrible suffering caused by war to recognize that it can sometimes create the conditions for peace, as the 1967 and 1973 wars did for Egypt and Israel. Israel now holds an important bargaining chip: southern Lebanon. It should be required to offer it in exchange for a mutual withdrawal of all foreign forces and the restoration of Lebanon to the Lebanese. That would be the boldest solution, and it would best serve both the U.S. and the long-suffer-

ing Lebanese. The worst possible U.S. diplomacy, and the one that would make this Lebanese reconstruction impossible, would be to force Israel back to its borders unconditionally. Such a move would also squander the other assets that Israel has acquired at high cost in bloody fighting: an end to the war of attrition across the Israeli-Lebanese border and a significant reduction of PLO influence, not only in Lebanon but throughout the Middle East.

Those who complain about the alleged damage Israel's actions have done to American interests in the area overlook the threat that the PLO and Syria pose to the United States and to its Arab friends in the region. This threat is, indeed, the only way to understand what Radio Lebanon called "the stunning silence" of moderate Arab states regarding Israel's action in Lebanon. These moderate states, from Egypt to Oman, despite perfunctory and mild chastisement of Israel, are quite satisfied with Israel's actions. They fear PLO subversion, which they have attempted to buy off with lip service and tribute in the past. President Mubarak of Egypt cannot forget PLO and Syrian rejoicing at the murder of his predecessor; King Hussein of Jordan cannot forget that the PLO tried to overthrow him in 1970, with Syrian help; and Prince Fahd of Saudi Arabia cannot forget that the PLO and Syria, in conjunction with other rejectionist states, torpedoed his much-vaunted peace plan at the Fez summit in Morocco.

Also, the PLO, the Syrians, and the other rejectionists have supported Iran in its war with Iraq. Iran is now winning, and has issued ominous threats to Saudi Arabia and the other oil states who backed Iraq. These states, no models of stability to start with, can only be relieved to see Syria and the PLO discomfited and Iran distracted from its drive in the Persian Gulf. Thus, it should come as no surprise that the Arab states most friendly to the U.S. have been quiet about Israel's action. Yet senior White House officials leaked to CBS News that they were "furious" over Israel's action, because it lessened the chances of peace in the Middle East. How? It weakens the PLO and Syria, bitter enemies of the Camp David accords. It reduces their ability to destabilize Mubarak and to blackmail Hussein and moderate Palestinians who might contemplate joining Camp David. And it ends a seven-year war of attrition which has been a constant source of tensions.

The U.S. has an opportunity to try for a comprehensive settlement in Lebanon. At a minimum, however, the U.S. objective should be the establishment of a southern Lebanon free of PLO influence. U.S. diplomacy should not exhaust its creative powers in devising linguistic formulas at the U.N. that are condemnatory enough to satisfy Arab sensibilities and conciliatory enough not to alienate Israel. Nor should there be attempts to repeat the 1981 "success" of Mr. Habib. The fact that influential Presidential aides like James Baker can characterize last year's Habib mission as a success is a measure of how muddled American thinking on Lebanon has become. Mr. Habib's mission was a failure from beginning to end. He was sent to the Middle East to remove Syrian missiles from Lebanon, and the ceasefire he negotiated did not remove them; it protected them. (Now Israel has destroyed them. The Syrians made this virtually inevitable early last week by adding to the six SAM antiaircraft batteries already in place twelve new ones. These threatened the entire Israeli military operation in Lebanon, and could have been a cover for a Syrian ground assault which Syrian troop movements into Lebanon seemed to presage.) During the ceasefire the PLO rearmed massively with heavy weapons; and in the end, of course, the ceasefire, having solved nothing, broke down completely. American diplomacy will not stand many such successes. On the other hand, if the U.S. is resolute in demanding that *all* foreign forces be withdrawn from Lebanon, it has the opportunity to turn this latest sad chapter in Lebanon's history into the beginning of its national reconstruction.●

"MIGHTY MISSISSIPPI" AND THE BATTLE OVER WATERWAY USER CHARGES

● Mr. STAFFORD. Mr. President, many Senators will remember the long struggle that was undertaken by our colleague from New Mexico, Mr. DOMENICI to impose a system of inland waterway user charges. that effort was described in a series of articles that appeared during 1977 and 1978 in the Washington Post, and was described later by T. R. Reid in a book entitled, "Congressional Odyssey, the Saga of a Senate Bill."

Now Marquis Childs, the Pulitzer Prize-winning columnist who for several decades was a correspondent for the St. Louis Post-Dispatch, has written a new and interesting book on the Mississippi River. This book, "Mighty Mississippi, Biography of a River," concludes with a chapter describing the development of the user charge battle, and Senator DOMENICI's efforts.

The book is a good one. I hope that my colleagues will read it once it is published on June 21 by Ticknor & Fields of New Haven, Conn.

To give my colleagues a taste of this fine book, Mr. President, I ask that a copy of the user charges chapter be printed at this point in the RECORD.

The material follows:

THE MONEY GAME

The great river may have been tamed, dredged, docked, converted to a canal, but who owned it was still the question in 1978, in a world the prophets of the past could never have conceived. In the view of the visionaries, the railroads—the monsters that had stood in the way of the prosperity and independence of the vast middle region of the nation—were ailing. Planes, trucks, and buses had cut deeply into the near monopoly they once enjoyed. Highways crisscrossing the nation had been built at the cost of many billions of dollars, derived in no small part from the taxing power of the federal government. Airports had come into being with the help of federal largesse.

How did the river, the great canal, fit into this late-twentieth-century picture? The answer came, surprisingly enough, from Senator Pete Domenici of New Mexico. The river was to all intents and purposes the property of the great corporations that used it free of charge while the federal government paid out millions each year—with inflation, closer to a billion dollars—for the upkeep of the locks and dams on the Mississippi system. With the help of two perceptive staffers, Harold Brayman and Lee Rawls, who saw in the issue political rewards for a senator virtually unknown up to that point, Pete Domenici, the Republican senator from New Mexico, set out to bring the corporate giants to heel with a user fee that would pay at least part of the cost the taxpayer was bearing.

While it got comparatively little public attention, what followed was one of the bitterest conflicts in the history of the river system. The issue was money, pure and simple. The corporations—oil, steel, chemicals, a variety of consumer goods—had had a long-standing free ride. Their barges moved from plant to plant, from raw-material resources to manufacturing plants, along a waterway kept in first-rate operation by the federal government. The railroads had long protested the inequity of this free ride, and that protest was ever louder as revenues fell off and the cost of maintaining deteriorating rail lines constantly increased.

The battle began when Pete Domenici put in a bill providing for a user fee, small in the first instance and mounting year by year. Seldom has the Capitol seen such armies of well-heeled lobbyists as marched up the hill to contest in committee hearing rooms and to propagandize in private hideouts. Tempers often flared as witness after witness rolled up the record. At one point, as Domenici was testifying, a bold advocate of the barge lines rose in the crowded hearing room to shout, "Why are you pushing this? It isn't any of your business." Those familiar with Domenici's feisty independence felt that if any further incentive were needed, this provided it. He was outraged that a lobbyist could tell him that the public's business wasn't his business.

This was when the Democrats still controlled the Senate as well as the House, and the Reagan revolution was still well beyond the horizon. As Brayman and Rawls plotted with Domenici to put through the user fee they recognized a key opponent in Senator Russell Long of Louisiana. As chairman of the Committee on Finance, the ultimate authority on all taxation and for that matter on spending as well, he exercised his unrivaled power with the wiles of the good old boy from Louisiana. The chairmanship is only one of the tentacles Long had thrust deep into the Senate structure. With his five terms in the Senate he had acquired a knowledge and a skill making it almost impossible to get a bill past him that he opposed. His fondest concern is the oil and gas resources of his state and the commerce of New Orleans. It was a foregone conclusion that Long would be opposed to Domenici's user bill.

His good-old-boy facade masking his power and his vigilance over the whole legislative process, Long could afford to lie doggo as the lobbyists marshaled their forces on the battlements. The barge lines, virtually all subsidiaries of the great corporations, hauled each year millions of tons of grain, iron ore, and chemicals on the Mississippi, the Ohio, and smaller tributaries. With a remarkably efficient organization, as many as twenty-five or thirty barges were liked in a flotilla pushed by a single propeller-driven craft.

In hearing after hearing the railroads made the case that the right-of-way for the barge lines was free while the railroads paid to maintain their tracks, and that they paid as well a variety of state and local taxes. This difference made it impossible, the railroad spokesmen argued, to compete with the free ride of the barges—the ride being paid for by the federal government at a cost

for maintenance alone of as much as $1 billion a year.

In the lobbying battle curious currents beneath the surface now and then came to light. As the conflict continued, money was no concern. Lawyers with lobbying skills, both Republicans and Democrats, got fat contracts. They haunted the Capitol for one side or the other. Surprising transformations occurred. George Smathers, a former Democratic senator from Florida, had been a hired gun for the Association of American Railroads. A personable, smooth-talking type, he had been employed to lobby in favor of a user fee. Switching sides, he joined up with the American Inland Waterways Committee, for a fee that could only be a guess since lobby registration does not require precise figures.

According to one estimate, each side spent at least a half million dollars on bill S. 790. Montgomery Ward and the makers of Saran Wrap poured in money on the barge side, while the often obscure subsidiaries of large corporations financed the railroad lobby. At times comic contradictions came to light, all of this, of course, with the public having little or no knowledge of the conflict, or what it might mean in ultimate prices at the checkout counter. U.S. Steel managed to be on both sides. One of their subsidiaries, Ohio Barge Line, Inc., contributed to the fight against the user charge. Another wholly owned Steel subsidiary, the Elgin, Joliet and Eastern Railroad, put out for the railroad side.

Skilled in the ways of the Senate, Domenici's staffers had from the outset prodded the senator to stay with the cause even though at times the head count made it look hopeless. They came up with a strategy they believed was the surest, perhaps the only, way to success as time ran out and Long threatened a filibuster. That was to link the user fee with reconstruction of Lock and Dam 26 at Alton, Illinois. After many years in operation, 26 had all but broken down, and threatened to cause a major slowdown in Mississippi traffic. Many senators opposing a user fee were resolute in their determination that Lock and Dam 26 be rebuilt. The cost to the government would be from $400 to $600 million. Ardent river senators argued that given the inevitable delay in barge operation it was important to get on with 26 as quickly as possible.

S. 790 was transformed to link Lock 26 with the user fee. This was an astute move since it presented a difficult choice to the advocates of the free ride for the barge lines, one of whom was Adlai Stevenson III of Illinois. Preparing for his retirement at the end of his second term, he had put his opposition to the user fee at the top of his priority list. Yet he seems to have failed to understand how essential was the linkage, and that was his weakness as the fight went on. Other proponents for the barges, like Republican Senator John Danforth of Saint Louis, were more realistic.

A great deal of influence had been brought to bear to insure passage of S. 790. Brock Adams, then secretary of transportation, had become one of the staunchest advocates of the need to bring at least some equity into the rate structure by making barges pay at least part of the cost of their right-of-way. He had persuaded President Carter to favor a user fee, and the president had at one point spent several hours phoning from *Air Force One* to senators he hoped to win over. The initial cost of the 23,000 miles of the river system, the main streams and their tributaries—$3 or $4 or however many billions—had long been written off. It was the maintenance paid each year by Congress that Domenici and the other advocates of the user fee hoped to recover, at least in part.

After months of tugging and pulling on both sides of the conflict, floor debate on S. 790 began in the Senate on June 22, 1978. Domenici and his lieutenants, Brayman and Rawls, were in the front row, prepared for what they feared would be a lengthy session. Before the debate had really begun Stevenson put in an amendment calling for an eighteen-month study of the user fee while leaving intact, of course, the authorization for 26. This would have effectively killed the user fee since it was the propitious moment for passage, and after a year and a half no one would remember what it was all about. A complication for Domenici was parliamentary. Senators rushing to vote in response to the buzzer sounding in every office would have to vote nay to kill the amendment since it took precedence. That was a hazard. Domenici and his staffers were worried when they saw Long walk onto the Senate floor in mid-afternoon with the text of what was obviously a lengthy speech and a half dozen books, carefully marked up. Was this the ammunition for a filibuster that would bury the bill?

But with that fine good-old-boy confidence in the outcome, Long rose to say that while he had considered presenting his views in extenso (shorthand for filibuster), he had decided that those views were already pretty well known and so he thought the time had come for a vote. The only conclusion was that the old master had accepted a faulty head count. That was obvious as the tally went on. Nays to kill the amendment and ayes were tied. A rare silence settled down on the floor and the galleries as the count went on. And then finally the tally clerk: "The ayes are forty-four and the nays are fifty-one and the amendment offered by the gentleman from Illinois is rejected." Domenici's face is not one to reflect elation, but as he was congratulated by friends and foes alike it came close to that. Passage of S. 790 was then a foregone conclusion, and late in the day the vote was seventy-one to twenty.

What followed was a seemingly interminable backing and filling between Senate and House. Jealously guarding their prerogative over all taxation, leaders in the House, conspicuously Al Ullman, then chairman of Ways and Means, held that the user fee was a tax. Between House Speaker Thomas P. (Tip) O'Neill, Jr., and the White House a series of maneuvers went on. O'Neill could tell the House that the president would veto the authorization for Lock and Dam 26 unless a user fee was tied in with it. That may have been the clincher. So the House passed a minor tax measure to which it was hoped the Senate could attach good old S. 790. Approval of both houses was essential as the adjournment deadline drew perilously close.

Once again it was Adlai Stevenson who played a trick card. On a quiet Saturday afternoon when the Senate was almost deserted, preoccupied with moving routine legislation, the senator from Illinois dropped in an amendment authorizing construction of 26 to a pending measure. He assured a senator who inquired that this was just a normal waterways project. When Brayman, skimming the CONGRESSIONAL RECORD on Monday, discovered what Stevenson had done he exploded. It was deliberate deception. He and Rawls immediately telephoned Domenici, who was campaigning for reelection in a remote corner of New Mexico. You've got to come back or we've had it, they told him.

Domenici took the night flight from Albuquerque and arrived at the Capitol red-eyed and unshaven. By a happy coincidence he ran into Senator Long on the elevator going with Brayman and Rawls to his office. The good old boy was in a beneficent mood, having realized that he could not defeat the user fee. He would not let Stevenson get away with that trick. "Don't you worry," he told Domenici, "I'll see that you get your bill." The way he managed it was a classic illustration of Long's mastery. He had, he said, a few little old bills that had come over from the House. He always kept back a few little old bills, and he'd get one of them out and attach the user fee—Lock and Dam 26 to it.

And that was the way it worked. The Domenici bill was attached to a minor tax measure providing federal tax exemption for gains by certain organizations and individuals from tax-exempt bingo games.

There were a few last minute hitches with adjournment twenty-six hours away. In the House an earnest member from Iowa, Berkley Bedell, rose to say that the proposed tax to be imposed on the fuel used by the barges—four cents a gallon, or $40 million a year—to go into an Inland Waterways Trust Fund, was far too small. It would not begin to recover the costs involved in maintaining the system. Since Speaker of the House Tip O'Neill has some of the same skills as the good old boy from Louisiana, the House came up with the required two-thirds majority for a measure sent over from the Senate.

After the Reagan landslide in 1980, the Washington scene was entirely changed. The newspapers in New Mexico had given considerable play to Domenici's victory in the barge fight, which contributed to his reelection in 1978. Beginning his second term in the Senate he was a commanding figure. With the Republican majority the senator from New Mexico became chairman of the Senate Budget Committee. In that office he played an important part in putting through the Reagan budget cuts.

A fee for use of a right-of-way paid for the federal government was no longer in itself a controversy. It was logical in light of the deep cuts he put through in welfare programs that President Reagan should take it up. He did that in his televised address to the nation in September of 1981:

"When the federal government provides a service directly to a particular industry or to a group of citizens, I believe that those who receive the benefits should bear the cost.

"For example, this next year the federal government will spend $525 million to maintain river harbors, tunnels, locks, and dams for the maritime industries. Yacht owners, commercial vessels, and the airlines will receive services worth $2.8 billion from Uncle Sam.

"My spring budget proposals included legislation that would authorize the federal government to recover a total of $980 million from the users of these services through fees. That is only a third of the $3.3 billion it will cost the government to provide these services."

Here was a conservative Republican president calling for an end to the bonus that America's largest corporations had cherished for years. Senator Robert T. Stafford of Vermont, chairman of the Environment and Natural Resources Committee, put in a bill to escalate the user fee through 1986. A

89-059 O-86-32 (Pt. 10)

cosponsor was Senator James Abdnor of South Dakota, chairman of the subcommittee on water resources. But there were delays as the sponsors waited on a report from the Department of Transportation. That report on the various means of transportation and their costs had been called for in Domenici's user-fee bill.

While he was preoccupied with the duties of his chairmanship Domenici also pursued his interest in the user fee. The Stafford bill called for recovery of 100 percent of the maintenance costs. Domenici put in an amendment providing escalation up to 75 percent of recovery.

Needless to say, the lobbyists were as active as ever. The barge lines has two generously staffed organizations, one in New York and one in Washington, and a battery of lawyers, several of whom had been active in the fray from the beginning. In propaganda spread around the country, particularly in areas where barge traffic is important, they spread a new line: the railroads were subsidized; what about those great land grants that mean large fortunes for the men who built the transcontinental railroads? Here was a subsidy far exceeding that which went to the river system. Ably staffed, the Association of American Railroads gave all possible aid and comfort to those in Congress pushing the user fee.

But the process was bound to be long drawn out. Every delaying tactic was used by each side in the struggle. And the barge lines, with all their political and financial clout, could not be too concerned. Testimony by the Office of Management and Budget showed that the small fee applied under the Domenici bill had produced scarcely half of the estimated $40 million; why, no else seemed to know.

There was a slightly comic turn when the critical issue of the sale of the AWACS planes to Saudi Arabia, part of the largest arms deal ever, was before the Senate. Senator Russell Long, who had not hitherto declared his intention, was reported to be the swing vote. As it turned out, his was not the swing vote since two Republican senators did last-minute quick changes. Long told reporters that morning that he was going to listen to the debate and then decide. This was so contrary to his usual custom that it occasioned no little laughter in the Senate press gallery. In any event, he was one of the fifty-two who gave President Reagan his triumph. And the good old boy was on the side of the powers that might or might not push the user fee to some measure proportionate to the benefit derived by the barge lines. The cynics could believe that he had received a slight hint from those same powers that he did not have too much to worry about.

That this political chess game for high stakes should be the end of the saga of the river I am reluctant to believe. Domenici feels that with the barge lines required to pay for their right-of-way, they will see to it that the river regains something of the character and distinction of another day. I will fall back on Mark Twain: to assume that the stream has been tamed, docked, subdued once and for all is highly dangerous.

What will happen now that commerce moves with a schedule dictated by the big users is hard to imagine. The lock tenders turn up for their shifts with disciplined regularity, well-paid servants of the government in Washington. The Army Corps of Engineers is a dedicated nursemaid, keeping maintenance up to the mark through constant vigilance. But in the sprawling terrain of the river system anything can happen—an unprecedented drought, perhaps, with a disastrous decline in the water resources of the valley.

Certainly it is still too early to write the finish in dollars and cents, and nothing more, after all the turbulence of men and flood and violent encounter. The transformation has been so complete: from the canoes of Nicolet and La Salle to the locks and dams of a canal for waterborn traffic on a scale that even dreamers who foresaw another Golconda on the banks of the Mississippi could never have imagined—four centuries of discovery and conflict, encompassing so much of life and death, joy and sorrow, triumph and tragedy.●

FREDERICK, MD.

● Mr. MATHIAS. Mr. President, it is no secret that Frederick, Md., has a special place in my heart. I was born and raised in Frederick as were many of my forebears.

There are those who would tell you that I doubt that life exists north of the Monocacy River. But that is not true. I just have my doubts about the quality of life north of the Monocacy.

And, I am not alone in that. In fact, not long ago the Washington Post took a look at Frederick and found much to marvel at in its quality of life. The result was a lyric editorial entitled "One Clean City: Frederick."

Now, as the summer nears and with it the urge to explore the nearby countryside, I call this editorial to my colleagues' attention in the thought that if I have not yet convinced them of the wonders of western Maryland, it will surely do so.

One word of caution about the Post editorial must be inserted here: If you really want to approach Frederick properly, take the Buckeystown Pike and not Interstate 270. But, any approach to Frederick is better than no approach. If you do not believe me, read the Post June 1, 1982, editorial which I submit for the RECORD.

The editorial follows:

ONE CLEAN CITY: FREDERICK

If you are traveling along Interstate 270 this summer, you might want to leave the highway for a few minutes and visit Frederick, Md. If you want to see what a really spick-and-span small city (population 30,000) looks like, this is the place.

When the Maryland Municipal League held a convention in Frederick two years ago, teasing delegates asked Mayor Ron Young how he had managed to get the citizens to wash down the streets for their benefit. But the mayor has no such persuasive power. None is needed. Frederick was originally settled by people who set great store by a shipshape city, and, rather magically, the tradition has been maintained.

To begin with, there is a citizen commitment to cleanliness and order which, repeated visits prove, is on evidence in every part of town. Sidewalks are swept, trash is securely bagged, and it is unusual to see even a piece of Kleenex or an ice cream wrapper on the street. The Boy Scouts volunteer for clean-up duty and the Downtown Merchants Association schedules regular days on which store owners and their employees lend a hand to spruce up. Looking over the results, a visitor feels like donning white gloves and running a finger along the curb.

These private efforts are more than matched by the city government. Working from the midnight shift, city workers collect the trash three times a week in every neighborhood. Downtown streets are swept six nights a week and every single street in the city is cleaned at least twice a week.

The National Trust for Historic Preservation has honored Frederick for restoration of the downtown area. More than 1,000 buildings have been renovated in the last five years. Six hundred new trees have been planted on the downtown streets, and plans have been drawn for the creation of a linear park that will run through the middle of the city.

Frederick is growing. It has attracted new industry and residents who commute to jobs in Washington and Baltimore. It is growing without losing that special sense of community pride which has made it a truly lovely city. The citizens and the government care about the physical appearance of the town. Their efforts dignify those who live there and dazzle those who drop in.

FLINT APPRECIATION WEEK FOR THE CHARLES STEWART MOTT FOUNDATION

● Mr. RIEGLE. Mr. President, Flint, Mich., is the home of the Charles Stewart Mott Foundation, a foundation which is being honored this week for the lasting and far-reaching contributions that Charles Stewart Mott and his foundation have made to many individuals and organizations. Recipients of grants and aid from this foundation have gone on to become leaders in many fields throughout Michigan and the rest of the United States.

Charles Stewart Mott, the respected founder of this organization, was educated as an engineer and moved his Weston-Mott company from Utica, N.Y., to Flint, Mich., in 1906 to build wheels and axles for Buick and other developing automotive firms. By selling his company to General Motors on a stock exchange basis, Mott was able to accumulate the wealth necessary to create this foundation which we now honor.

Charles Stewart Mott ran successfully for mayor in 1912 and 1913, and in that office he began what was to be a steady program of charitable acts and contributions to his community. Incorporation of the foundation in 1926 formalized Mott's charitable giving and gave him the assurance that finds he left for philanthropic, charitable, and educational purposes would be used in accordance with his ideals and values.

One of the early programs funded by Mott was a medical and dental clinic for schoolchildren, which grew into Mott Children's Health Center. He also provided for a building for Flint's Hurley Hospital and land for a city park. He donated land to the YMCA for its programs and instituted

a summer camp for underprivileged boys. The foundation's contributions to Flint schools has exceeded $100 million.

The never-interrupted flow of foundation dollars has continued its influence on Flint schools by providing breakfasts for undernourished children, homemaking instructions for their mothers, and a specialized curriculum for potential dropouts. Foundation money has also subsidized jobs and special guidance for young offenders of the law.

Mott furthered his contributions by recognizing a need for educational opportunities beyond high school for those who could not afford to go away to college. In 1950, he challenged the voters of Flint to vote in favor of a $7 million bond issue which, combined with his personal contribution of $1 million would establish a 4-year college in Flint. The bond issue was approved, and as a result Flint now has both Mott Community College and a campus of the University of Michigan.

In the 1960's the foundation began developing national Outreach programs. The "Flint model" of community education was spreading, and the foundation made its first grants to establish community education centers. There now are over 80 of these centers serving many communities around the country.

The 1970's brought two dramatic changes. One was the adoption of a foundation operating philosophy that established a dynamic system of missions, or program areas, all dedicated to "making community a practical reality." Almost overnight there was a marked increase in national programing as the foundation reached out to support projects demonstrating the principles of pluralistic philosophy.

The other major development involved the direction of support to Flint school programs that had been funded for many years. A decision was made in 1977 that would begin a gradual phaseout of grants for many ongoing programs over the next 10 years, but would also lift the 5-million-dollar-a-year ceiling on grants to the schools. Flint schools were invited to submit proposals for new and innovative programs to continue and strengthen the long history of guidance and aid to Flint area youths. Two programs which have been developed are a prevocational center, and a program of experience based career education.

Mr. President, I want to commend the Charles Stewart Mott Foundation for everything that it has done for the community of Flint, the State of Michigan, and our country in general. I hope that its worthwhile endeavors will be able to continue in Charles Stewart Mott's honor, and that the benefits of his contributions will continue to be enjoyed for many generations to come.●

DR. OPAL H. MANN

● Mr. HUDDLESTON. Mr. President, I call the Senate's attention to the fact that Dr. Opal H. Mann, who served as Deputy Administrator, Home Economics and Human Nutrition, Extension Service, U.S. Department of Agriculture, has retired after 37 years of dedicated Government service.

Like many cooperative extension service professionals in administrative positions, Dr. Mann came up through the ranks. She began her extension experience at the age of 8 as a 4-H Club member in Morgan County, Ky. She entered the cooperative extension service in 1945 as an assistant county home demonstration agent in Breathitt County, Ky., later becoming the county home demonstration agent for Pike County. She was the district leader of home demonstration agents in Lexington, and then State program specialist at the University of Kentucky before coming to the national office as Assistant Deputy Administrator, Home Economics, Extension Service, USDA, in 1971.

In her position as an Administrator at the Federal level, Dr. Mann provided leadership to home economics programs in the national system of the cooperative extension service. She has had a leading role in determining program focus and has coordinated all facets of the national home economics programs, setting national priorities and directions with the help of State leaders of extension home economics at the State land-grant universities. One of the nationwide programs administered by Dr. Mann was the expanded food and nutrition education program which employs 4,877 aides and has reached 270,000 families with nutrition education.

In all her teaching Dr. Mann has followed the mandate of the Smith-Lever Act, "to aid in diffusing among the people of the United States useful and practical information on subjects relating to * * * home economics, and to encourage the application of the same." Extension home economics programs have been performing this task since 1914, when passage of the Smith-Lever Act led to the establishment of the cooperative extension service system. This legislation provided for a unique partnership of Federal, U.S. Department of Agriculture; State, land-grant universities; and local, county, parish, district, or city governments in jointly funded and planned programs. Last year over 30 million contracts were reached through extension home economics programs.

Dr. Mann has served as adviser to the National Extension Homemakers Council, a group of over 500,000 volunteer homemakers who have provided a pool of lay leadership for family living programs at local, State, national, and international levels. She is author and coauthor of numerous publications, and a popular speaker before national groups and organizations. As a leader in the home economic profession, Dr. Mann's appearances on network television and radio broadcasts have successfully advanced the opportunities and applications available in the field. Her scholastic excellence and professional achievements, for which she has received many honors, have led to the establishment of educational scholarships and fellowships; for her contribution in the field of traffic safety she received commendation from the Governor of Kentucky; and from her extension peers, the Epsilon Sigma Phi Meritorious Award for service to her profession.

Dr. Mann. holds a doctorate degree in adult education from the Ohio State University; a master's degree in home economics education, and a bachelor's degree in general home economics from the University of Kentucky. She was born in Morgan County, Ky. She and her husband, Arnold C. Mann, have two children, Patricia Ganter of Erwin, Tenn. and Gene Mann of Lexington, Ky. Her mother, Mrs. James A. Hurley, and grandmother, Mrs. Mary A. Engle who celebrated her 100th birthday last summer, are residents of West Liberty, Ky. Dr. Mann and her husband will continue to reside in College Park, Md., for the immediate future.

With pride and great admiration for the achievements of a fellow Kentuckian, I commend for the Senate's recognition the lifelong contributions of Dr. Opal H. Mann in assuring for our Nation the finest in extension home economics programs.●

EFFECT OF THE EQUAL RIGHTS AMENDMENT

● Mr. TSONGAS. Mr. President, I would like to share with my colleagues the second part of a three-part report by the U.S. Commission on Civil Rights concerning the equal rights amendment. The CONGRESSIONAL RECORD of yesterday contained part 1.

I ask that this excerpt of the report be printed in the RECORD.

The report follows:

EFFECT OF THE EQUAL RIGHTS AMENDMENT

The current status of women's rights underscores the continuing need for the ERA as a solid and permanent constitutional basis for achieving sex equality under the law. The fundamental legal principle to be established by the Equal Rights Amendment is that the law "must deal with the individual attributes of the particular person and not with stereotypes . . . based on sex." [1]

Footnotes at end of article.

The amendment will apply to any law, policy, or practice in which the government is directly or substantially involved.[2] Legislative history and a growing body of law defining "government action" with respect to other constitutional provisions make clear that the ERA will not affect private conduct that the government does not normally regulate.[3] Purely social relationships between men and women and the very private decisions of an individual to be a full-time homemaker, for example, will be outside the purview of the ERA.[4]

The extensive legislative history indicating what congressional proponents intended the proposed amendment to accomplish is an important source for understanding its effect. Congressional reports and debates undoubtedly will be relied upon by the courts as a guide in interpreting the Equal Rights Amendment.[5]

A second source for understanding and anticipating the effects of the ERA comes from the experience in the 14 States that since 1970 have enacted provisions in their own constitutions prohibiting discrimination based on sex.[6] Taking the Federal Government's lead, these States already have mandated equal rights under law for women and men within their borders. The experience of these "ERA States" in conforming their laws and policies to this mandate provides an important model for ERA implementation on a national level. Despite some dire predictions of the potential effect of the Equal Rights Amendment on the "fabric" of the Nation, the State experience has been one of substantial strides toward equality.

The value of the State experience in predicting the Federal amendment's effect is enhanced by the fact that many States have drawn heavily on the Federal legislative history in interpreting and implementing their own provisions.[7] This source for understanding the Federal ERA's effect was not available when Congress adopted the Equal Rights Amendment in 1972. It confirms that the ERA is an appropriate measure to remedy the lengthy history and persistent reality of sex-based discrimination.

ERA IMPLEMENTATION: OVERVIEW

Statutory reform through the legislative process

The proposed Federal Equal Rights Amendment will "take effect two years after the date of ratification," allowing the States and the Federal Government ample time to bring their laws, policies, and practices into conformance with the ERA. At both the State and Federal levels, lawmakers already have undertaken comprehensive reviews of existing statutes to bring them into compliance with the principle of sex equality. This is particularly clear in several ERA States, where the most successful attempts have been facilitated by a statewide task force or commission appointed to oversee the legislative conformance process.[8]

The orderly legislative review followed in State ERA jurisdictions indicates that the necessary changes do not produce the chaos predicted by ERA opponents. The first step in this review process is identifying laws that contain discriminatory sex-based language[9] or that, while neutral on their face, affect women and men differently.[10]

A great majority of the statutes have needed merely cosmetic changes, as where, for example, the pronoun "he" or "his" was used generically and sex-neutral language was substituted. The remaining statutes—those requiring more fundamental, substantive reform—have been addressed in an attempt to harmonize the underlying social policy of the statute with the principle of sex equality.

A review of the Federal ERA's legislative history indicates that it is intended to require changes in all sex-based statutes, unless the gender lines are based on unique physical characteristics or are deemed necessary to protect other constitutional rights such as privacy.[11] Examples of explicit gender lines that must be sex-neutralized under the Equal Rights Amendment are found in laws that on their face:

Limit opportunities for one sex only, such as laws that prohibit women from working in particular jobs;[12] place quotas on the number of women in the military, with its concomitant benefits such as inservice training and GI loans and mortgages;[13] limit employment benefits for working women and their dependents;[14] or limit the right of married women to control their own property.[15]

Confer supposed benefits (often illusory) on women only, such as alimony upon divorce only for wives[16] or minimum wages or rest periods only for female employees.[17]

Make age distinctions on the basis of sex, such as setting different ages for employment[18] or marriage[19] for males and females.

With respect to statutes that draw gender lines on the basis of unique physical differences, the ERA's legislative history makes clear that they are exempt from the otherwise absolute prohibition against gender-based distinctions. Thus, laws that regulate sperm banks or provide programs for prenatal care will not be invalidated under the ERA.[20] However, since the physical characteristics involved must be unique, this category of laws is narrow. It does not include, for example, assumptions about women or men because of statistical groupings, such as those used by insurance companies in pension plans.[21] Further, to survive ERA scrutiny, laws dealing with unique physical characteristics must be narrowly drawn and serve compelling state interests.[22]

In addition, laws providing for the separation of males and females—for example, in public restrooms or dormitories—would not be invalidated under the Equal Rights Amendment, because privacy is a right protected by the Constitution.[23] Although ERA opponents like to characterize this as uncertain and suggest that the amendment will require sex-integrated restrooms, the legislative history of the ERA clearly refutes his argument, as does the experience of States with ERA provisions.[24]

Finally, congressional debate and experience under State ERA provisions make clear that the ERA does not inhibit a State from prohibiting homosexual marriage.[25]

Once it is determined that a particular law must be sex neutralized under the ERA, States and the Federal Government have considerable flexibility in deciding how to end the impermissible sex bias. They may either extend the law in question to cover women and men equally or nullify it entirely. As the Senate report on the ERA stated: "It is expected that laws which are discriminatory and restrictive will be striken entirely as the court did . . . [with] a law banning women from a certain occupation. On the other hand, it is expected that those laws which provide a meaningful protection would be expanded to include both men and women as for example minimum wage laws."[26]

In some States, such as New Mexico, simple language changes and fundamental substantive reform were completed shortly after passage of the State ERA. Not surprisingly, ERA conformance, as with any comprehensive legal change, has not occurred overnight in every State with an equal rights amendment. This transition period is what Congress anticipated in providing for the 2-year grace period before the Equal Rights Amendment would take final effect.

Judicial application and interpretation

The experience under State equal rights amendments has not included extensive litigation, particularly in those States where comprehensive legislative reform answered most questions about the ERA's meaning. Where State courts have decided cases that raised ERA issues, however, they have tended to adhere closely to the legislative history of the Federal Equal Rights Amendment in interpreting their State amendments.

The most significant development has been a standard of review in sex discrimination cases that clearly exceeds the standard applied by Federal courts in such cases under the 14th amendment. Most ERA States have used the same legal test that Federal courts now apply to race but not to sex classifications: distinctions between the sexes are automatically considered "suspect," and the State can justify such classifications only by showing that it has a compelling interest in the legislative purpose and that the sex distinction is essential to achieving that goal.[27]

In Pennsylvania, the State courts have moved beyond even the "suspect classification" test and adopted standards approaching the "absolute ban" against sex discrimination set out in the legislative history of the Federal ERA.[28] Since adoption of the State ERA in 1971, the high court of Pennsylvania has struck down all gender-based laws that have come before it or has fashioned sex-neutral alternatives through careful judicial construction.[29]

Relying on Federal legislative history, State courts have also adopted limited exceptions to the mandate against statutory gender lines and discriminatory government actions. For example, basic privacy and morality issues have been carefully handled by the courts. The New Mexico Supreme Court dismissed an ERA challenge to a State university rule against coed visitation in the dormitories, recognizing that this rule derived from accepted standards of privacy and social mores and had neither the intent nor the effect of invidious discrimination between men and women.[30] The Washington courts have refused to hold that their State ERA requires validation of homosexual marriage otherwise unrecognized under State law.[31] Also, sex-based definitions of rape have been upheld against State ERA challenges under the "unique physical characteristics" doctrine.[32]

SUBSTANTIVE REFORM UNDER STATE ERA'S

Domestic relations

One of the primary areas of substantive law reform under State ERAs has been in domestic relations. This is an area of law traditionally riddled with gender-based definitions of rights and responsibilities that embody deeply imbedded stereotypes about women and men. This also is an area that ERA opponents frequently point to for examples of how the Equal Rights Amendment would damage the "special status" of women under the law and within society at large.

Foremost, ERA opponents have warned that ratification of the amendment would

result in the repeal of laws obligating men to support their families.[33] In none of the ERA States, however, have laws requiring husbands to support dependent wives and children been repealed.[34] Nor have these laws been rewritten to require a "fifty-fifty" breakdown in the financial responsibilities of men and women during marriage or at the time of divorce. Instead, legal standards for support in these States now look to the actual needs and capabilities of each family member, not simply to the gender of the individual.[35] This result is consistent with the legislative history of the Federal ERA.[36]

For example, the Texas Family Code now provides that "each spouse has the duty to support his or her minor children."[37] The Texas Court of Civil Appeals has ruled consistently that the ERA:

* * * does not require that the parents make mathematically equal contributions for the support of their children. It only provides that each parent has the equal obligation, in accordance with his or her ability, to contribute money or services which are necessary for the support and maintenance of his or her children.[38]

The Pennsylvania Supreme Court also has ruled that the "equal obligation" of men and women to support their families under the ERA does not mean mathematical equality in dollars and cents. In fact, courts in Pennsylvania must count in the balance not only the differing capabilities of each spouse to earn money outside the home, but the economic value of the services being provided by the homemaker spouse as well.[39] Recently, the Superior Court of Pennsylvania ruled that the ERA did not require any direct financial contribution to child support by a mother who felt it necessary to be at home with her young children.[40] Her services at home were valued, as were the financial contributions of the supporting father.

Of course, there are women who have been charged with the support of their husband or children under sex-neutral family support laws. When the public distortions of these cases are set aside, however, the equity of the court decisions becomes clear.

For example, countless editorials and debates about the dangers of the ERA have referred to the Pennsylvania case of *Buonocore v. Buonocore*,[41] which charged the noncustodial mother with child support. But under the facts of the *Buonocore* case, this was quite fair. In 1973 Agnes Buonocore moved out of the marital home, leaving her husband and their two minor children. A year later, after she had shown no interest in taking custody of the children and had contributed nothing toward their support, her husband sued her for a contribution to child support. At that time she was earning a net weekly salary equivalent to her husband's, whose expenses included raising two young children. The Superior Court of Pennsylvania upheld an award of $30 a week support againt Mrs. Buonocore, an award that certainly would not have been newsworthy if she had been a man.

Another case—this one from Maryland—that underscores the fairness of the "mutual responsibility" doctrine of the Equal Rights Amendment is *Tignor v. Tignor*.[42] At the time the marriage dissolved, Mr. Tignor sued Mrs. Tignor for support, since he is blind and had relied on his wife's financial support during the marriage. This extra information clarifies the court's willingness to require Mrs. Tignor to continue supporting her husband after the marriage ended.

The growing recognition of "mutual family responsibility" in ERA States has brought with it needed confirmation of a married woman's economic rights in the marital partnership. In Maryland and Pennsylvania, for example, courts have relied on the ERA to abolish the common law presumption that all household goods belong to the husband.[43]

One of these cases, *DiFlorido v. DiFlorido*, involved a woman who sought on divorce to recover a portion of the personal property, jewelry, household furniture, and other effects accumulated by the couple during their 10-year marriage. Since Pennsylvania had a legal presumption that all household goods belonged to the husband, Mr. DiFlorido challenged his wife's right to receive any portion of the marital effects. The Supreme Court of Pennsylvania declared the one-sided presumption unconstitutional, ruling for the first time that both spouses should share equally in the distribution of marital assets. Pointing to the ERA, the court noted: "we cannot accept an approach that would base ownership of household items on proof of funding alone, since to do so . . . would fail to acknowledge the *equally important* and often substantial nonmonetary contributions made by either spouse."[44]

Massachusetts also has changed its marriage dissolution laws under the State ERA to provide for consideration of the value of the contributions of the homemaker in making an equitable distribution of marital property at divorce.[45] Another important change in Massachusetts law is the sex neutralization of its "homestead protection." Previously, as "head of household," a man could protect his family homestead against debts of up to $30,000. After a woman, who was the sole support of a dependent husband and child, was turned down under this law, the obvious sex bias and inequity of this result prompted the legislature to extend homestead rights to women as part of their State ERA implementation process.[46]

Adoption of the ERA also has equalized marital property laws in States with "community property" systems. In New Mexico, before adoption of the ERA in 1972, the husband's rights to control over the income and assets of the marriage were exclusive. A married woman could not even sign a stock-option agreement with her own employer or advertise the family washing machine for sale without her husband's consent. Now, husband and wife share equally in the management of the community property.[47] One direct benefit of shared management for a homemaker in New Mexico is that she can establish credit in here own name on the basis of her half-control of the community assets.

Employment

The steps taken by various ERA States to sex neutralize the allocation of worker's compensation benefits illustrate a State's flexibility in determining its route for achieving sex equality. Traditionally, many workers' compensation systems automatically awarded survivor's or dependent's benefits to the families of male workers, on the presumption that wives and children were dependent on the husband's income. The family of a female worker, on the other hand, usually had to present proof that they had depended on her income in order to collect survivor's or dependent's benefits. This stereotype not only penalized male survivors and minor dependents, but also directly discriminated against women workers by undercutting the value of their wage-earning years to their families.

Faced with the need to sex neutralize these benefit plans, ERA States have taken different approaches. Washington now has automatic presumptions of dependency for the family of both male and female workers, while Maryland and Virginia require some proof of actual dependency by any spouse or children before benefits can be assigned.[48] Thus, two different social and fiscal policies can both lead to successful ERA conformance.

In Pennsylvania, a number of official opinions of the attorney general, issued pursuant to the State ERA, have had a significant effect on employment opportunities for women. For example, girls can no longer be prevented from working as newspaper carriers,[49] and women have the right to be barbers and cut men's hair.[50] Height requirements for certain public jobs, such as the State police, have been reexamined under the State ERA.[51] In addition, the attorney general has ruled that the State will deny liquor licenses to public establishments that discriminate in the employment of, or refuse to serve, women.[52]

Criminal law

In criminal law, there also have been positive results under State ERAs. The primary statutes called into question because of sex-based definitions have been prostitution and rape laws.

No ERA State has legalized prostitution. Rather, all but Alaska are now operating under sex-neutral statutes, in compliance with the ERA. Connecticut's new statute is a particularly good example of conformance to both the legal and social policy implications of sex equality.[53] Both prostitutes and patrons are defined sex neutrally and risk the same criminal penalties, thereby equalizing the effect of these laws on individual women and men. Moreover, third parties who promote or profit from prostitution are subject to even stricter penalties, depending on the level of coercion involved and the age of the prostitute.

Similarly, most ERA States have neutralized their rape statutes so that both men and women are protected against sexual assaults of all varieties. In addition, many of these States have redefined their rules of evidence and standards of proof in rape cases to do away with sex-biased and unfair evidence rules.[54]

In achieving these reforms, State courts have not overturned criminal convictions of any type as a result of an ERA challenge.[55] Rather, courts have upheld valid convictions, while neutralizing any underlying sex-based provisions related to sentencing or age differences.[56]

Since 1970, Illinois, Texas, and New Mexico[57] have amended their juvenile justice statutes to apply equally to male and female minors, and Pennsylvania has amended sex-based sentencing laws.[58] In addition, Massachusetts, New Mexico, and Pennsylvania have begun steps to give women access to the greater range of programs available at male correctional facilities in ways that do not jeopardize the security or privacy rights of individual inmates.[59]

Education

State ERAs also have promoted positive reform of education. In a number of States, effective ERA challenges have been raised to State and local rules or regulations limiting the participation of girls in athletics programs of public schools.[60] These cases

have involved contact sports such as football that are exempted by regulations under Title IX (the Federal law against sex discrimination in education). The result has been to open up competition for athletically inclined girls in sports formerly available to boys only.

In Massachusetts, a special trust established to provide financial aid to young men attending law school has now been opened to women as well, as a result of the State ERA.[61] Here again, Title IX would not have reached such sex bias unless the trust was financed with Federal funds.

In another case, involving different standards for access to housing at a State university, a Texas court struck down the school's rule prohibiting female students from choosing housing off campus. The court also extended to male students the right to have on-campus facilities made available to them.[62]

FOOTNOTES

[1] *Senate Report, supra,* at 12.

[2] *See* sec. 1: "Equality of rights under the law shall not be denied or abridged *by the United States or by any State* on account of sex." (emphasis added)

[3] *See, e.g., Senate Report, supra,* at 12. The equal protection clauses of the 5th and 14th amendments similarly apply only to government action, and a substantial body of case law has developed on this issue. *See, e.g.,* Brown, Emerson, Falk, and Freedman, *The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women,* 80 Yale L.J. 871, 905–06 (1971).

[4] *Senate Report, supra,* at 11.

[5] The Senate Judiciary Committee report represents the views of the proponents on both the House and Senate Judiciary Committees. *See* Citizen's Advisory Council on the Status of Women, *Interpretation of Equal Rights Amendment in Accordance with Legislative History* (1974).

[6] Alas. Const. art I, § 3 (1972); Const. Colo. art. II, § 29 (1973); Conn. Const. art I, § 20 (1974); Hawaii Const. art. I§§4, 21 (1972); Ill. Const. art. I, § 18 (1970); Md. Decl. of Rts. art. 46 (1972); Mass. Const. art. I (1976); Mont. Const. art. II, § 4 (Supp. 1977); N.H. Const. Pt. 1, art. 2d (1974); Const. of New Mex. art. II., § 18 (1973); Purdon's Pa. Const. Ann. art. I, § 28 (1971); Tex. Const. art. I,§ 3a (1972); Va. Const. Art I, § 11 (1971); Wash. Const. art. 31, §§ 1, 2 (1972). In addition, Utah and Wyoming adopted constitutional provisions regarding sex equality at the turn of the century, bringing the total number of States with equal rights provisions to 16. The Utah and Wyoming provisions, however, have resulted in little modern-day application and are unrelated in their legislative history to the proposed Federal ERA.

[7] For a detailed discussion of the State ERA implementation process, *see* Brown et al., *Women's Rights and the Law, supra.*

[8] *See, e.g.,* State of Connecticut, General Assembly, Office of Legislative Research, *The Potential Impact of the Proposed Equal Rights Amendment on Connecticut Statutes,* No. 15 (March 1973); G.A. Gherardini, Illinois Legislative Council, Methods of Implementing the Equal Rights Amendment (mimeographed, January 1973); Governor's Commission to Study Implementation of the Equal Rights Amendment, *Annual Legislative Analysis, ERA Commission Sponsored Bills* (Annapolis, Md., May 1976).

[9] In some cases, sex-based terminology may not be discriminatory (e.g., "All men and women who are citizens") or may be inconsequential to the constitutional mandate of the ERA (e.g., "the keeping of female cats").

[10] *See* Brown et. al, *Women's Rights and the Law, supra,* at 16–19. Examples of laws neutral on their face that may have a disparate effect on members of one sex include those pertaining to homemakers, discussed *supra,* ch. 2, "Family Law."

[11] *See Senate Report, supra,* at 12 and 17; K. Davidson et al., *Sex-Based Discrimination* 111–12 (1974).

[12] *See, e.g.,* 30 U.S.C. § 187 (1970); Ohio Rev. Code Ann. § 4107.43 (1973).

[13] 10 U.S.C. § 8208 (1975). *See generally,* Binkin and Bach, *Women in the Military* (Brookings Institute, July 1977).

[14] *See, e.g.,* Ga. Code Ann. § 114–413, 414; Idaho Code §§ 72–410 (1973); Mo. Ann. Stat. § 287.240 (Vernon 1972).

[15] *See* La. Civ. Code Art. 2404, 2334 ("head and master law"). Revisions in this law were adopted in July 1978, but will not become effective until 1980. *See* La. House Bill No. 1569.

[16] *See, e.g.,* Me. Rev. Stat. Ann. Tit. 19 § 721 (1965); Nevada Rev. Stat. § 125.150 (1975) (husband eligible to receive alimony only if disabled).

[17] *See, e.g.,* La. Rev. Stat. Ann. §§ 23-333 (1964). Wyo. Stat. Ann. Tit. 27 § 27–218 (1967).

[18] *See, e.g.,* 41 U.S.C. § 35.

[19] *See* Brown et al., *Women's Rights and the Law, supra,* at 100.

[20] Brown et al., *The Equal Rights Amendment . . ., supra,* at 893–96.

[21] In Manhart v. City of Los Angeles, —U.S.—, 46 U.S.L.W. 4347 (1978), Title VII's ban on sex discrimination in employment was relied on to invalidate the use of sex-based actuarial tables for setting rates in employer-operated pension plans. However, plans that are not employer operated are beyond the reach of Title VII and, therefore, can continue to use sex-based rates. Where these plans or practices are regulated by the government, so that the "state action" requirement is satisfied, the ERA can be relied upon to challenge them.

[22] *See* Brown et al., *The Equal Rights Amendment . . ., supra,* at 894. The strict scrutiny to be given classifications allegedly based on unique physical characteristics may produce different results when applied, for example, to laws establishing medical leave for childbearing and those concerning income protection plans for workers disabled by pregnancy. The former relate closely to the reproductive function and serve the public interest in maternal and infant health. In contrast, as far as employment is concerned, disabilities related to pregnancy are no different from other temporary disabilities, since both involve a temporary inability to work. It is arguable that the employer has no unique interest in maternal and child health distinct from its interest in the health and well-being of all employees. *See* brief *amici curiae* of Women's Law Project and American Civil Liberties Union, General Electric Co. v. Gilbert, U.S. Supreme Court, October Term, 1975.

[23] *See* Griswold v. Connecticut, 381 U.S. 479 (1965). While opponents of the ERA often link it with reproductive freedom for women, it is clear that the ERA is not necessary to establish the right of women to such freedom. The right to choose between abortion and childbirth already has been delineated by the Supreme Court as protected under the Constitution's right to privacy. See Roe v. Wade, 410 U.S. 113 (1973).

[24] *Senate Report, supra,* at 12.

[25] *See, e.g.,* comments of Sen. Birch Bayh, 118 Cong. Rec. 9331 (1972); Singer v. Hara, 11 Wash. App. 247, 522 P.2d 1187 (1974).

[26] *See, Senate Report, supra,* at 15.

[27] *See, e.g.,* People v. Ellis, 57 Ill. 2d 127, 130, 311 N.E. 2d 98, 10 (1974), in which the Illinois Supreme Court stated: In contrast to the Federal Constitution, which, thus far, does not contain the Equal Rights Amendment, the [Illinois] constitution of 1970 contains section 18 of article I, and in view of its explicit language, and the debates, we find inescapable the conclusion that it was intended to supplement and expand the guaranties of the equal protection provision of the Bill of Rights and requires us to hold that a classification based on sex is a "suspect classification" which to be held valid must withstand "strict judicial scrutiny." *Id.* at 101.

[28] "The thrust of the Equal Rights Amendment is to insure equality of rights under the law and to eliminate sex as a basis for distinction. The sex of citizens of this Commonwealth is no longer a permissible factor in the determination of their legal rights and legal responsibilities." Henderson v. Henderson, 458 Pa. 97, 327 A.2d 60 (Pa. Sup. Ct. 1974).

[29] *See* Brown et al., *Women's Rights and the Law, supra,* at 24–27, table 2.1.

[30] Futrell v. Ahrens, 88 N.M. 284, 540 P.2d 214 (Sup. Ct. 1975).

[31] Singer v. Hara, 11 Wash. App. 247, 522 P.2d 1187 (1974); *see also,* Opinion of the Colorado Att. Gen., Apr. 24, 1975.

[32] People v. Green, 514 P.2d 769 (Colo. 1973); People v. Medrano, 321 N.W.2d 97 (Ill. App. Ct. 1974); Brooks v. Maryland, 330 A.2d 760 (Md. Ct. of Spec. App. 1975); Finley v. State of Texas, 527 S.W.2d 553 (Tex. Ct. of Crim. App. 1975); and State v. Young, 523 P.2d 946 (Wash. App. Ct. 1974).

[33] *See* discussion, *supra,* ch. 2, "Family Law."

[34] Although Pennsylvania does not require a husband to support a dependent wife after divorce, this is totally unrelated to the State ERA, since Pennsylvania has not provided for alimony for men *or* women for more than 100 years. In 1977 the Maryland Court of Appeals struck down a criminal desertion statute that only applied to the desertion of wives by their husbands. Coleman v. State, 37 Md. App. 322 (1977). The Maryland Legislature immediately reenacted this criminal remedy for nonsupport in sex-neutral form. *See* H.B. 1170 (1978).

[35] Indeed, as of 1976, only six States still had laws charging fathers with sole responsibility for the support of children after divorce: Georgia, Idaho, Maine, Nevada, South Dakota, and Wyoming. *See* Brown et al., *Women's Rights and the Law, supra,* at 152–55. Only 15 States still have alimony statutes phrased in terms of the "husband's" responsibility. *Id.* at 130–34.

[36] *See Senate Report, supra,* at 17.

[37] *Texas Family Code Ann.* § 4.02 (1975).

[38] Friedman v. Friedman, 521 S.W.2d 111, 115 (Tex. Ct. of Civ. App. 1975); *see also,* Cooper v. Cooper, 513 S.W.2d 229, 234 (Tex. Ct. of Civ. App. 1974).

[39] See Conway V. Dana, 218 A.2d 324 (Pa. Sup. Ct. 1974); Green v. Freiheit, Vic. No. 1015 (Fam. Div., 1st Jud. Dist., October Term 1973).

[40] Wasiolek v. Wasiolek, 380 A.2d 400 (Pa. Sup. Ct. 1977).

[41] Com. ex. rel. Buonocore v. Buonocore, 340 A.2d 579 (Pa. Sup. Ct. 1975).

[42] Tignor v. Tignor, Div. No. 12601 (Md. Cir. Ct., Anne Arundel County, 1974).

[43] Bender v. Bender, Civ. No. 152, September Term (Filing May 10, 1978, Md. Ct. of App.); DiFlorido v. DiFlorido, 331 A.2d 174 (Pa. Sup. Ct. 1975).

[44] DiFlorido V. DiFlorido, *supra,* 331 A.2d at 179 (emphasis in original).

[45] Mass code Ann. ch. 209, § 32, as amended by ch. 609 of L. 1977.

[46] Mass code Ann. ch. 188, as amended by ch. 791 of L. 1977.

[47] New Mexico Stat. Ann. § 57–4A–8 (1953, *as added by* L. 1973, ch 320, § 10 *as amended by* L. 1975, ch. 246. § 6. See New Mexico Commission on the Status of Women, *The New Mexico Equal Rights Amendment* (1978).

[48] *Compare* Washington Rev. Code Ann. § 51.32.050 (1962) *with* Md. Ann. Code, art. 101 § 36 (1964) *and* Va Code Ann, § 65,1–65, 66 (1950).

[49] Pa. A.G. Op. No. 71 (1971).

[50] Pa. A.G. Op. No. 69, No. 75 (1971).

[51] Pa. A.G. Op. No. 57 (1973).

[52] Pa. A.G. Op. No. 55 (1974.

[53] Conn. Gen. Stat. Ann. § 53a–83 (Rev. 1975).

[54] *See, e.g.,* Mont. Rev. Code Ann., § 94–5 502 (1969), *as amended* by L. 1973, ch. 513, § 1 and L. 1975, ch. 2, § 1 and ch. 129, § 1. *See generally,* Brown et al., *Women's Rights and the Law, supra* at 58–59.

[55] *See* no. 32, ch. 3, *supra.*

[56] Brown et al., *Women's Rights and the Law, supra* at 33–34.

[57] Ill. Ann Stat., ch. 37, § 702–2 (1972); Tex. Fam. Code, § 51.02 (1975); N.M. Stat. Ann., § 42–7–5 (1975 Supp.).

[58] *See* Commonwealth v. Butler, 328 A.2d 851 (Pa 1974), for a history of Pennsylvania's sentencing laws.

[59] *See* Note, *The Sexual Segration of American Prisons,* 82 Yale L.J. 1229 (1973); Brown et al., *Women's Rights and the Law, supra,* at 90–91 n. 2.

[60] *See e.g.,* Commonwealth v. Pennsylvania Interscholastic Athletic Association, 334 A.2d 839 (Commonwealth Ct 1975) (striking down bylaws prohibiting competition between boys and girls in interscholastic sports); Darrin V. Gould, 85 Wash. 2d 859, 540 P.2d 885 (Sup. Ct. 1975) (striking down regulation prohibiting girls from playing on high school football team); Mora v. St. Vrain Valley Sch. Dist., Civ. No. 75–3182–1 (Boulder County, Colo., Dist Ct., Dec. 3, 1975) (temporary restraining order issued against rule forbidding girls to practice or play with boy's basketball team).

[61] Ebitz v. Pioneer National Bank, 361 N.E. 2d 225 (Mass. 1977).

[62] Texas Woman's Univ. V. Chayklintaste, 521 S.W.2d 949 (Tex. Civ. App. 1975). In another Texas case involving a public school regulation forbidding long hair for male students, the court of civil appeals in Houston interpreted the State ERA as a "suspect classification" analysis, but refrained from applying any judicial standard to the regulation on the ground that the court should not interfere in the daily rulemaking of the schools. Mercer V.

Board of Trustees, North Forest Ind. Sch. Dist., 538 S.W.2d 201 (Tex. Civ. App. 1976).

THE BALTIC

● Mr. LEVIN. Mr. President, Baltic freedom blossomed for a few short years in the early part of this century but was utterly ravaged by Soviet invasion, occupation and subsequent incorporation into the U.S.S.R.

Estonians, Latvians, and Lithuanians long shared the common goal of establishing politically independent states. The goal was realized in 1920 when the Soviets signed peace treaties with each of the three tiny nations recognizing "without reservations" their independence and "relinquished for all time" all rights of sovereignty over them.

The Baltic peoples thrived for two decades enjoying national independence and self-government. Entering into diplomatic relations with foreign governments and joining the League of Nations, the Baltic States assumed the responsibilities of independent nations in global politics and were recognized as such by the international community. Estonian, Latvian, and Lithuanian national identities were further developed as religious, educational, and cultural activities flourished. The years between 1920 and 1940 are recognized by many as a "Baltic Renaissance." It is a tragedy that their rebirth was not permitted a natural maturation process—that their progress was aborted by illegal Soviet intervention.

In the late 1930's, the Baltic States fell victim to the power struggle between Nazi Germany and the Soviet Union. A secret protocol of a 1939 nonaggression pact between the two powers marked the first phase of the obliteration of the independent Baltic States. By mid-1949, they were incorporated against their will into the Soviet Union. Then in June 1941, to consolidate their hold and to minimize dissent, the Soviets instigated a series of mass deportations from the Baltic States to Siberia and several other sites in the U.S.S.R. In deporting large numbers of the Baltic people, Lithuanian, Latvian, and Estonian ethnic and cultural integrity was dealt a cruel blow by the Soviets. The situation was exacerbated by a forced infusion of Russians. The two-pronged policy of deportation and colonization was devised specifically to eradicate Baltic nationalism, languages, and cultures and thereby produce an acquiescent territory. The Soviet campaign to extinguish all vestiges of freedom and self-determination continues to this day.

While the Soviets have geopolitical dominance over the Baltic nations, they have not harnassed the Baltic people's spirit. The desire to reestablish politically independent states burns incessantly in the hearts of Baltic peoples everywhere. The United States and many other nations still reject the forced annexation by the U.S.S.R. and would like to see Latvia, Estonia, and Lithuania as free nations expressing the political will of their people. Accordingly, it is appropriate that we focus attention on the issue by proclaiming June 14 as "Baltic Freedom Day."●

THE SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM TITLE V OF THE OLDER AMERICANS ACT

Mr. HEINZ. Mr. President, as chairman of the Special Committee on Aging, I would like to commend the Appropriations Committee for restoring forward funding for the senior community services employment program, title V of the Older Americans Act.

The inclusion of $210 million in the urgent supplemental appropriations bill (H.R. 5922), will enable the title V program to carry the present level of 54,200 job opportunities for older Americans from July 1, 1982 through June 30, 1983. It will supplement the $66.5 million included in the continuing resolution for a total of $277.1 million.

The intent of Congress, when it passed the Older Americans Act Amendments of 1981, was to continue this vital and successful support program. The title V employment program makes it possible for senior centers and nutrition sites to more ably serve older Americans. Last year, almost half of the 54,000 older workers in this program worked in services for the elderly: Over 7,000, were in nutrition services; over 5,000, worked in senior centers; and 4,000, worked in outreach and referral services.

At a hearing held in February on the food stamp and nutrition program, the Special Committee heard testimony from State and area agency on aging officials and indicated that they would have no way of replacing senior aides who are currently working in these programs. The loss of these community service jobs would have a domino effect and would threaten the ability of local agencies to continue to provide other services funded under the Older Americans Act.

In addition to maintaining the title V program, the expressed intent of Congress in the Older Americans Act Amendments of 1981 was to continue the current Department of Labor "forward funding" practice. Section 508(b) of the act provides that amounts appropriated for any fiscal year shall be used on a July 1–June 30 basis. The urgent supplemental, therefore brings the appropriation process into conformity with the authorizing legislation.

The restoration of $210.5 million for the community services employment for older Americans in the urgent supplemental, along with the $66.5 million authorized by the continuing resolution (Public Law 97-92) for fiscal 1982, will provide a total of $277 million for this program. As noted in the Appropriation Committee's report, this is the same level of funding as the fiscal year 1981 appropriation and the fiscal year 1982 budget request. It will continue to support 54,200 part time job opportunities for older persons—the same number of job slots as authorized under the Older Americans Act Amendments of 1981.

Mr. President, several weeks ago the Senate passed the first concurrent budget resolution. In effect, that resolution places a freeze on nondefense discretionary programs. Essentially, it holds many programs, including title V, at the same levels as those appropriated in fiscal year 1982. Therefore, the inclusion of the $210 million in this appropriations bill is consistent with the level of funding provided under the budget resolution.

The importance of employment opportunities to the economic security, the health, and the personal fulfillment of older Americans is a critical concern to all of us. We know that the vast majority of older men and women want to have the opportunity to continue some form of work. I believe title V can help fulfill that opportunity. It is a program that has demonstrated the significant contributions older workers can and do make to our society, and I will continue to urge my colleagues to maintain their strong support of this important program.

HIGH TECHNOLOGY: MASSACHUSETTS' POT O'GOLD

● Mr. TSONGAS. Mr. President, America's prospects for long-term economic growth rest with the knowledge-intensive industries of high technology. The future strength of these industries depends on a well-educated and well-trained work force. Awareness is growing that a commitment to education is not only a commitment to social goals, but an economic necessity.

I would like to share with my colleagues some remarks made by Howard Foley, president of Massachusetts High Technology Council—a distinguished business association. Mr. Foley urges that businesses should increasingly think of support for education as an investment. In his words,

Strategically, logistically, and financially, industry must be a partner—providing assistance—recognizing that an intelligent investment in education is an enlightened investment in its own future expansion, growth and ultimate success.

Mr. Foley's comments articulately emphasize that industry, government, and academia share a common agenda in preparing for the economic challenges of tomorrow.

I ask that Mr. Foley's comments be printed in the RECORD.

The comments follows:

HIGH TECHNOLOGY: MASSACHUSETTS; POT O'GOLD

(By Howard P. Foley, President, Massachusetts High Technology Council, Inc.)

For those of you who might not be familiar with the Massachusetts High Technology Council, we are an association of 125

high technology companies. Most of our members can be characterized as growth-oriented, high-value-added, knowledge-intensive companies that spend proportionately large amounts of money on research and development, and depend primarily on high technology for their products and services. We employ about 115,000 people in Massachusetts, and about 85,000 more throughout the rest of the world. Sales world-wide last year totalled about $11 billion and we invested almost $2 billion in new plant and equipment—up 36 percent from 1980.

We are in business to nurture the profitable growth of the Massachusetts high technology industry. Compared to other industrialized States, Massachusetts has one of the lowest unemployment rates in the country. High tech has not had the severe problems other manufacturing industries have had in this recession, and even though we've slowed down quite a bit, the "help wanted" pages of the Sunday papers are still filled with high tech ads looking for engineers and computer scientists.

However, we are suffering from our own success. The reason so many positions are unfilled is simple—the supply of technical talent has finally been outstripped by industry demand—and unless the high tech industry, government, and educators work together to alleviate this concern, our State, and all those who live and work in the commonwealth, could be in trouble.

Up until very recently, State government and education—as institutions—played minor roles in high tech growth and expansion. Historically, much of the high tech industry in Massachusetts grew out of the space and defense programs, and the baby computer and communications businesses of the fifties and sixties.

During this time, while many of our high tech company presidents were in engineering school, and others were working on aerospace and defense-related projects in both the public and private sectors, they saw unlimited opportunities to commercialize some of their own ideas using high technology. Some talked a few banks into investing seed capital, others talked commitments out of farsighted venture capitalists, and still others simply mortgaged everything they had and began working seven days a week out of their garages. People put their money behind an idea, and then worked like hell to create new markets, satisfy the demands of emerging ones, and make the product turn a profit.

I might add that even without taking a pro-active role, and I want to emphasize the word "pro-active," Massachusetts educators played a big part in high tech development simply by offering a superb education to students who chose to study here—for it is quality education, more so than anything else, that spawns high tech development. High tech companies must have a growing supply of technical talent—engineers, technicans, programmers, and the like. High tech is in the "brains business," and brainpower is to us in Massachusetts what waterpower was to our old textile mills. Without it, high tech grinds to a stop.

For two hundred years, Massachusetts has had an outstanding educational infrastructure—independently supported institutions at first, with publicly supported institutions coming in later on—and the talent pool provided by academia fueled the past twenty years of high technology growth.

However, the present output of engineers, computer scientists, and technicians from our area school is no longer keeping pace with the demand of industry, and as talent shortages grow in other States, recruiting expeditions by out-of-State firms seeking to hire our technical talent away continue to intensify. Many recruiters talk about the high heating bills and severe winters characteristics of New England, but most simply compare personal income tax burdens and cost of living differentials—which are traditionally high in Massachusetts—to sell the so-called "Sun Belt" to Massachusetts engineers and computer scientists. In many cases, the numbers can do all the talking.

To counter this, our State government, academia, and industry must continue to cooperate, collaborate, and commiserate. All three must play a real pro-active role to ensure the continued growth and expansion of the high tech industry. It has become, and will continue to be, the indispensable economic core of our region's industrial and economic development.

This means working to keep the statewide personal tax burden competitive, thereby attracting technical talent from other States, and making it easier for home-grown engineers and computer scientists to stay in the commonwealth. It also means working to expand the capacity of our technical and educational programs, and improving the quality of the programs we already have. Massachusetts has made a lot of progress in the last three years on both fronts, but much more still remains to be done.

We should be able to hold our own with any other State when it comes to the production of degree professionals. Yet, we find today that Texas annually graduates more electronics engineers and computer science majors than we do.

In 1958, Texas graduated 492 and Massachusetts graduated 781. In 1981, Texas graduated about 4,000 and we graduated about 3,000. That's against projected demand, just from our member companies, of about 3,000 a year over the next several years. Worse still, about 25 percent of the Massachusetts graduates will leave the State after they graduate.

Nationally, this country produces, per capita, only half as many engineers as Japan, Further, only 5.8 percent of their bachelors degrees are in engineering, and in West Germany, over 37 percent of their bachelors degrees are in engineering. We're told the U.S.S.R. and the eastern block countries are doing even better.

One recent initiative in Massachusetts that combines the expertise and resources of all three groups is the proposed High Technology Park Corporation. Its first project—a $40 million microelectronics center, will train students and working engineers in advanced semiconductor design, test, and fabrication techniques, and will be staffed by university faculty and loaned industry professionals.

The proposed center represents a three-part strategy to strengthen the microelectronic industry in Massachusetts by offering: (1) an up-to-date lab facility for engineering and computer science students and faculty, (2) comprehensive retraining and upgrading programs for industry employees: and (3) a chip-making facility that will give students and teachers a chance to see if their designs really work. The initial $40 million investment will be split by the State and the high technology industry on a 50/50 basis.

Another program that has been supported by industry is a new kind of MBA program at Northeastern University in Boston. Starting in September 1982, Northeastern's School of Business Administration will offer a specialized and accelerated MBA program in high technology. The first of its kind in the country, the degree program consists of twenty-eight courses, including nine traditional MBA courses and sixteen new or redesigned courses, specializing in topics like technological forecasting, R. & D. management, and new product management.

The high technology MBA is aimed at technically-oriented people—engineers, scientists, computer and technical specialists—and high tech managers, and meets at night, allowing professionals to continue to work while attending school.

On our own, the High Tech Council has implemented a number of programs designed to help expand capacity and improve quality in the short term. We have established electronic technician training programs in our community colleges for technical paraprofessionals, stepped up recruiting efforts at out-of-State engineering schools, and worked with the State and community college system to initiate tech writing and computer programing courses for former school teachers who have been laid off due to declining enrollments.

To help, over the long term, we recently developed and formally endorsed a "white paper" on industry/university relations, geared specifically toward expanding engineering and computer science education opportunities over time, and improving existing curricula.

Specifically, there are eight points:

One—view support for higher education as an improvement in human resource development, and not as a charitable contribution.

Two—increase member companies' support for higher education in 1982 to 2 percent of their annual R. & D. expenditures, and then sustain that support on an annual basis for the foreseeable future.

Three—continue to identify and replicate collaborative activities that already work well, and further work to implement others.

Four—anticipate the future by working with universities to develop more relevant curricula and research projects.

Five—recruit more professionally and more actively at regional universities, and sustain recruiting programs in lean years, and not just in growth years.

Six—develop new, and expand current, jointly-sponsored programs in continuing education with universities. In the future, "learn while you earn" will be the norm and not the exception.

Seven—become more visible and more active as supporters of elementary and secondary level education—promote high tech careers, stress the importance of computer literacy, help strengthen math and science curricula, and work to improve teaching methods and techniques.

Eight—continue to encourage the State government to increase its support for higher education, particularly with regard to technical education.

Not surprisingly, the 2 percent of R. & D. support for higher education has attracted the most attention. In fact, many news stories and editorials have adopted it as "the 2 percent solution," and translated it into a minimum investment of $15 million in higher education in Massachusetts—just from our 125 member companies.

We are not, however, serving as a foundation or central money fund. Instead, we act as a facilitator and clearinghouse—bringing individual companies together with colleges and universities, so that they may develop mutually beneficial one-on-one relation-

ships that involve more than just financial assistance and equipment donations.

We help both sides help each other, if we think we need to be involved, but we prefer to let the companies that are donating the time and money has it out directly with the educators.

Many of our members are already involved in university relations programs with local schools, and in order to strengthen the linkage and recognize its importance—one company—analog devices—has taken university programs out of its corporate contributions committee, and established a separate university relations committee—headed by its vice president for strategic planning.

Some of the programs our companies currently participate in include: Career development faculty chairs—whereby a company finances salary and equipment costs for a new or expanding high technology program at a college or university over an extended period of time, improving the quality of life for the professor, and the quality of technical education for the students.

Adjunct professorships—whereby companies "loan" employees to colleges and universities to teach courses in their chosen fields of expertise once or twice a week. Data General, for example, has two employees teaching at Lowell University on part-time basis.

Curriculum and faculty development and assistance—whereby companies help schools expand or improve technical curricula by providing technical assistance and company training programs. Lowell University, for example, has three professors enrolled in training courses at Data General, while the High Tech Council has just published a guide for universities interested in developing computer science and engineering programs that deals with the skills and knowledge requisite to high tech employment upon graduation. Also, women who have math or science backgrounds, but lack the technical degrees, are presently earning masters degrees in electrical engineering and computer science at Northeastern University in a new "women in engineering" program, facilitated by the High Tech Council, and sponsored jointly with the Bay State Skills Corporation and Northeastern University.

Learn-while-you-earn and continuing education—whereby companies offer part-time consulting contracts to engineering and computer science masters and Ph. D. candidates to encourage them to go on with their education by alleviating some of the financial pain that accompanies this decision—and develop retraining programs with colleges and universities that are used to bring older employees up to speed with new technology.

I don't have the time to go into all the programs we use, but if you wish additional information concerning these, please ask me for it later.

I might add that current Federal tax policy concerning R. & D. tax credits and equipment donation deductions have made corporate investment in higher education virtually painless, and I would not be surprised to see many companies follow the lead of Wang Laboratories of Lowell, Massachusetts, which recently made its first contribution to higher education—A $3 million equipment donation to the Massachusetts University System.

On a more personal note, I wish my colleagues in education would stop talking about the hole in their Federal money bucket, and look instead into industry's money bucket. Many of these tax incentives are designed to fill our money buckets—allowing us to give to colleges and universities without the 20 percent handling charge that Washington normally skims off the top to do this for us.

On State taxes, the High Tech Council has been a vocal supporter of proposition 2½—the property tax limiting referendum question that was overwhelmingly passed by Massachusetts voters in November of 1980. Personal tax rates concern us far more than do business taxes. Our chief resources are our employees, and personal taxes affect our companies far more than do corporate taxes.

Many of the other factors concerning High Tech development—proximity to overseas markets, good airports, decent roads, reasonably efficient and reasonably priced State, county, and local government services, etc., certainly play a role in every High Tech company's ultimate decision, but a strong and responsive educational infrastructure and a reasonable State and local tax burden on our employees and their families mean more than all the rest.

In Massachusetts, the future of the High Tech industry will depend, to a large extent, on the commonwealth's ability to grow and sustain a proficient technical workforce. It should be remembered that this is no longer an issue that can be addressed independently. Instead, all three pieces of the puzzle—industry, academia, and government—must play active roles to overcome the manpower problem.

One essential step for any State interested in developing a strong technology-oriented economic community, but certainly not the only step, would be to encourage initiatives which would result in our graduates at all levels having more computational skills than they do today. Along with this would come a greater familiarity and literacy with analytical tools like the computer making it possible for them to function more successfully in society as it exists today—and as it will continue to evolve into the future.

But educational institutions cannot do this alone: They need help—strategically, logistically and financially, industry must be a partner—providing assistance—recognizing that an intelligent investment in education is an enlightened investment in its own future expansion, growth, and ultimate success.

In the long run, this investment will help everyone—for to be technologically rich is even more valuable than to be oil rich—because technological creativity is inexhaustible, if we are smart enough to invest in it today.

I want to thank you for this opportunity to speak before you today, and I would be pleased to answer any questions you may have concerning my remarks.●

OPTIONS TO RAISE REVENUE REQUIRED BY THE FIRST BUDGET RESOLUTION CONFERENCE REPORT

● Mr. DOLE. Mr. President, I am today sending to all Finance Committee Senators a pamphlet which outlines a number of options that the committee may consider to raise whatever amount of revenue the first budget resolution conference report requires. This is not a package in any way. Rather it is a menu from which a package can be selected.

Page 85 of the pamphlet contains some very interesting material. The table on that page provides the distributional effects of the third year of the tax cut we passed last August. This table makes it quite clear that the individual tax cut scheduled for July 1983 tends not go to the rich but to the middle class. Fully 70.6 percent of the third-year tax cut will go to taxpayers with incomes of $50,000 or less. By contrast only about 11 percent goes to those with income over $100,000. Wealthy taxpayers received most of their tax cut when the 70-percent top rate on unearned income was reduced to 50 percent last year. The average taxpayer, however, got his cut in three parts. He is the one who will be hurt by any delay or repeal of the third-year cut.

Mr. President, the table on page 85 makes another good point: 38 percent of the total 3-year tax cut for a taxpayer in the $20,000 to $30,000 income range is contained in the third-year cut due July 1983. On the other hand a taxpayer with over $200,000 in income will get only 13 percent of his total tax cut in July 1983. Stated another way the wealthy taxpayer will already have received 87 percent of his cut by next July. He would be relatively unhurt by a repeal.

One final statistic will help to make the point that repeal of the final installment of last year's individual tax cut will hurt the middle class the most. If we repeal the July 1983 cut, a taxpayer whose income falls between $20,000 and $30,000 will see his 1984 taxes increase by almost 12 percent. The wealthy taxpayer, making over $200,000, will only experience a 3½ percent increase in 1984. Such an action would not be fair.

Mr. President, we must not change the third year of the tax cut that was enacted last year. Such an act will disproportionately affect the middle income taxpayers in this country. I, for one, prefer to raise the needed revenue by broadening the tax base for itemizers, close tax loopholes, and distribute the tax burden in this country more equitably. I hope my colleagues agree with me.

Mr. President, I ask that the following tables be made a part of the record.

The tables follow:

TABLE 4.—DISTRIBUTIONAL EFFECT OF THIRD-YEAR (1983) TAX CUT

[Millions of dollars—1981 income levels]

Expanded Income (thousands)	Tax reduction from first 2-yr of rate reduction		Tax reduction from 3d-yr rate reduction		Tax reduction from total 3-yr rate reduction		3d-yr reduction as percentage of total 3-yr rate reduction
	Amount	Percent	Amount	Percent	Amount	Percent	
Below 10	1,198	2.8	634	2.7	1,832	2.8	34.6
10 to 20	5,859	13.8	3,360	14.2	9,219	14.0	36.4
20 to 30	8,469	20.0	5,275	22.4	13,744	20.8	38.3
30 to 50	12,312	29.1	7,383	31.3	19,695	29.9	37.5
50 to 100	7,475	17.6	4,558	19.3	12,033	18.2	37.9
100 to 200	3,311	7.8	1,805	7.7	5,116	7.8	35.3
200 and above	3,750	8.8	578	2.4	4,328	6.6	13.4
Total	42,374	100.0	23,592	100.0	65,966	100.0	35.8

PERCENTAGE INCREASE IN 1984 TAX LIABILITY BY INCOME CLASS

Expanded income (thousands, 1981 income levels)	Repeal July 1, 1983 rate reduction (percent)	Repeal July 1, 1983 rate reduction and make indexing effective on that date
Below $10	10.65	−7.78
$10 to $20	11.15	1.28
$20 to $30	11.98	3.18
$30 to $50	11.59	3.15
$50 to $100	11.71	4.12
$100 to $200	9.65	5.26
$200 and above	3.51	2.18
Total	10.83	2.88

●

THE NEED TO ENACT LEGISLATION TO AMEND THE FOREIGN CORRUPT PRACTICES ACT

● Mr. CHAFEE. Mr. President, last November the Senate passed S. 708, the Business Practices and Records Simplification Act, in an effort to eliminate the ambiguities in the Foreign Corrupt Practices Act which have hindered U.S. exports. The Senate passage of that bill was a major victory for those of us in the Senate and the House who are interested in promoting U.S. exports to create more jobs and improve the state of the economy. The bill as passed by the Senate was a product of a carefully drafted bill with bipartisan support.

Mr. President, 7 months have passed since S. 708 was referred to the House Energy and Commerce Committee and the committee has still not scheduled any hearings on the bill. Time is running out as this session of Congress is quickly drawing to a close and we cannot afford to lose the opportunity to enact S. 708 this year. Since 1980 we have made tremendous progress in eliminating the major disincentives to U.S. exports contained in U.S. law with the tax relief provided to Americans working overseas and the progress that has been made in the last few months in the House toward enacting the export trading company legislation. The ambiguities in the Foreign Corrupt Practices Act are the last major remaining export disincentive and we have an excellent opportunity to remove that final disincentive. I urge my colleagues in the House to take advantage of that opportunity.

Mr. President, I ask that the following list of examples of business opportunities lost due to the ambiguities in the Foreign Corrupt Practices Act be included in the RECORD. The list is taken from publication by the International Division of the U.S. Chamber of Commerce surveying the impact of the act on U.S. companies conducting business overseas.

The material follows:

EXAMPLES OF LOST TRADE AND INCREASED COSTS CREATED BY THE FCPA

Disincentives Created by the FCPA's "Reason To Know" Clause:

(1) The U.S. Embassy in Muscat, Oman reported that a U.S. firm lost a $20–$30 million contract solely because of the time delays needed to investigate sales agents and assess their responsibility for third parties under the FCPA.

(2) A multinational U.S.-based engineering company spent approximately $250,000 to evaluate its potential market in Latin America. Brazil, Mexico, and Venezuela were considered open markets for exporting engineering services and establishing local service branches. One of the major reasons the company chose not to expand was its uncertain liability under the FCPA for the activities of independent agents and subcontractors. Moreover, the cost of policing such activities would have markedly lessened its price competitiveness.

(3) In Oman, a large Utah firm has encountered difficulty over the past couple of years in its efforts to obtain a local representative. After many discussions, the U.S. company narrowed the field to one Omani firm which it felt would best represent its interests, but the Americans have been unable to reach an agreement due to potential problems arising under the FCPA. Since the firm's business runs in multimillion dollar contracts involving proprietary technology, lost U.S. exports may have been substantial.

(4) In Liberia, U.S. firms will not risk hiring local agents because of potential liability under the FCPA for their unsanctioned actions. Instead, they have come to rely on more expensive expatriates with fewer ties to local business people. Not only has the cost of doing business in Liberia gone up, U.S. firms have lost their competitive edge.

(5) The U.S. embassy in the United Arab Emirates reports that overlap between business and government has been a problem for U.S. firms seeking to do business there. At best, the overlap has made it more difficult for U.S. firms to begin operations—in many cases months pass while home office legal staffs review potential sponsorship agreements. Some firms have signed relatively ineffective agents rather than violating the FCPA, or at worst, have decided not to enter the market at all. At the same time, the U.S. image in the host country suffers, because many reputable businessmen resent what they perceive as a questioning of their own honesty in business dealings.

(6) In Qatar, only one of the state's 14 cabinet ministers has no known business ties, and U.S. firms often fear that business payments may be construed as illicit payments to foreign officials. American firms there generally avoid agents in government positions, but they are then restricted to less effective agents with fewer business connections throughout the region.

Increased Costs and Lost Trade Generated By Confusion Over What Constitutes a Facilitating Payment:

(1) The local director of an American company in a foreign country paid a customs official $20 to process the release forms for spare parts to a broken machine; the official suggested that the alternative would have been to wait several days for "further formalities." According to the FCPA's legislative history this should have been a legal payment, and the local director was reimbursed by his managing director in the U.S. Because of uncertainty over what constitutes a facilitating payment, however, the payment did not pass the internal auditor from the home office. The American managing director's career is now on the line, and the parent company has spent $30,000 internally investigating why the $20 payment was made and how to cope with it under the FCPA.

(2) During a trip to Singapore, a U.S. company learned that a series of payments would be required in order to do business in Indonesia. These included payments to the switchboard operator in the hotel, to secretaries for arranging appointments, to the administrative assistant of the customer to meet with the customer, to all company sales representatives, to guards watching unloaded merchandise, and to customs officials. Unclear as to which payments were prohibited by the FCPA, the company did not compete to install communications equipment.

(3) Since Brussels, Belgium is the headquarters for many companies which do business in Africa and the Middle East, the U.S. embassy there detected that American firms avoid export opportunities which corporations from other countries do not hesitate to undertake. A U.S. construction firm, for example, was interested in bidding on a project in a Middle Eastern country where facilitating payments are both customary and necessary. Unwilling to confront the FCPA's ambiguous definition of facilitating payments, the firm decided to be a subcontractor for a European prime contractor and accept a much smaller portion of the project.

Consequences of Failure to Follow Customary Business Practices in Foreign Markets:

(1) In China, a U.S. firm had concluded a $4 million contract for the supply of construction equipment. The American firm, overzealous about enforcing the FCPA, then refused to pay legitimate commission to a Chinese distributor because of technical delays in obtaining receipts from the Bank of China. The Chinese distributor revoked the contract and purchased the construction equipment from a Japanese firm that was willing to pay the commission.

(2) In Thailand, it is normal practice to "assist" government officials through cash payments, gifts, free travel, etc. A U.S. office equipment company, concerned about potential FCPA violations, refused to "assist" potential customers. In one case of lost business, the U.S. firm obtained the bid documents. Had the company made the requested payments, its bid would still have been 15 to 10 percent lower than the Japanese firm which won the contract.

(3) A U.S. company has been considering setting up wholly-owned marketing companies in countries such as the Philippines, Indonesia, Thailand, South Korea, and Taiwan to replace local sales agents. In light of local customary business practices these plans were deferred indefinitely because of excessive expenses for ensuring compliance with the FCPA.

Negative Foreign Response to the FCPA:

(1) A large American firm was pursuing a joint venture agreement with a reputable Saudi firm. In order to protect itself from the unknowns of the FCPA, the U.S. firm insisted on protective language in the contract. The Saudi firm was offended by inferences that its officers were corrupt and delayed the negotiating process. Meanwhile, a third country firm received a lucrative contract from the Saudi Arabian government which had been tentatively awarded to the partners-to-be. The joint venture may never be worked out because of the bad feelings which were generated in the contract negotiations and due to the loss of the contract.

(2) In another case, one American and one Saudi firm were engaged in negotiations concerning an industrial joint venture involving more than $100 million in capital. Because of the large amount of money involved, the American company insisted on a buy-out clause which it tied to the FCPA. The Saudis, however, could not accept the provision because they felt that the FCPA was vague and feared that the U.S. firm could pull out and demand compensation at any time by claiming that the law had been broken. Although negotiations continued for several months, the joint venture never materialized.

(3) An American steel company which was negotiating a cooperative venture with a Chinese corporation refused to pay for travel expenses in the U.S. during a planned trip by the Chinese executives to inspect the American company's facilities. Offended by the American company's refusal to pay under the FCPA, the Chinese executives never visited the U.S. and cut off contract negotiations.

(4) An American company held 20 percent equity in a company in Southeast Asia. Under a consent agreement reached with the U.S. government, the manager of the American company was required to sign quarterly statements of FCPA compliance. The board of the foreign company requested that the U.S. firm either replace the American manager with another national who would not be required to sign the compliance statement or divest their interest in the company. Since a change of manager would not release the American company from the FCPA compliance agreement, they were forced to divest. The losses for 1979 on the investment, management fees, and profit sharing were estimated at $2 million.

(5) A European consortium received a foreign contract for an amount 333 percent greater than the U.S. company's preliminary bid. The U.S. company believed the prospective customer did not want to deal with a company subject to the FCPA.

Lost Business Arising From U.S. Firms Withdrawing From Existing Markets:

(1) A U.S. firm in Cameroon withdrew its bid for a $15 million television contract when several European firms entered the competition. The firm simply did not want to compete for the contract because it felt the FCPA might become an issue.

(2) In Haiti, no U.S. firm has competed for any of the major projects undertaken in the last 18 months. These included: a sugar mill worth $45 million, a vegetable oil refinery costing $12.5 million, a new fishing fleet priced at $16.6 million, and a contract for a new bus fleet worth $2 million. The U.S. embassy there speculated that the FCPA was the major disincentive to competition.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Pat Balestrieri of the Committee on Foreign Relations to participate in a program sponsored by a foreign educational organization, the Hans Seidl Foundation, and a domestic nonprofit educational foundation, the Heritage Foundation, in Wildbad Kreuth Bavaria, Germany, from June 11-13, 1982.

The committee has determined that participation by Mr. Balestrieri in the program in West Germany, at the expense of the Hans Seidl Foundation and the Heritage Foundation, to discuss political developments within the NATO Alliance is in the interest of the Senate and the United States.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow, three Senators be recognized on special orders for not to exceed 15 minutes in the following order: Senators CHILES, STENNIS, and KASTEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have conferred with the minority leader who has approved for action by unanimous-consent requests I am about to make.

H.R. 6350 HELD AT THE DESK

Mr. BAKER. I ask unanimous consent that once the Senate receives H.R. 6350 from the House, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 3863 HELD AT THE DESK UNTIL JUNE 16, 1982

Mr. BAKER. I ask unanimous consent that H.R. 3863, the Poultry Products Inspection Act amendments, be held at the desk until the close of business, Wednesday, June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO HAVE UNTIL JULY 15, 1982, TO REPORT A RESOLUTION ON TELEVISION AND/OR RADIO COVERAGE OF THE SENATE

Mr. BAKER. I ask unanimous consent that the Committee on Rules and Administration have until July 15, 1982, to report a resolution containing such regulations and/or rules changes needed to implement television and/or radio coverage of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 6198 HELD AT DESK UNTIL JUNE 16, 1982

Mr. BAKER. I ask unanimous consent that H.R. 6198, a bill to amend the manufacturing clause of the copyright law, be held at the desk until the close of business tomorrow, Wednesday, June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT OF S. 1205 AND H.R. 3115

Mr. BAKER. Mr. President, there are two calendar items that should be indefinitely postponed which have been cleared by the distinguished minority leader.

Mr. President, I ask unanimous consent that calendar order Nos. 139 and 236 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at the hour of 9:15 a.m., according to the order previously entered. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders for not to exceed 15 minutes each.

Thereafter, it is anticipated that provision will be made for time for the transaction of routine morning business.

The Senate tomorrow will resume the consideration of the motion to proceed to the consideration of the Voting Rights Act extension under the provisions of rule XXII dealing with debate after the invocation of cloture. It is the hope of the leadership that debate on the motion will be concluded tomorrow and that the vote will occur on the motion sometime during the day.

Mr. President, if the motion prevails, and I hope that it does, the Senate will begin consideration of the bill itself.

Once again, Mr. President, I hope that Senators who have amendments to offer to the bill, if we reach the bill, will offer them as soon as possible, because it is the hope of the leadership that we can complete consideration of this measure and the Senate can work its will on the bill before the end of this week.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BAKER. Mr. President, if there is no further business to come before the Senate and if no Senator seeks recognition, and I see none, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:15 a.m. tomorrow morning.

The motion was agreed to; and, at 6:10 p.m., the Senate recessed until Wednesday, June 16, 1982, at 9:15 a.m.

EXTENSIONS OF REMARKS

RECLAMATION REFORM

HON. MANUEL LUJAN, JR.
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. LUJAN. Mr. Speaker, the problem of overregulation and an antiquated 1902 statute are still affecting the Interior's Department's Bureau of Reclamation. Commissioner Robert N. Broadbent has consistently emphasized the need for cutting back on burdensome regulations and for updating the Reclamation Act of 1902. In his remarks last fall to members of the National Water Resources Association, meeting in Albuquerque, N. Mex., Commissioner Broadbent detailed the Reagan administration's regulatory reform activities as they affect the Bureau of Reclamation. He also spoke of the need for a modernized version of basic reclamation law. Mr. Speaker, in the months since then, great legislative strides have been made toward the goal of an up-to-date Reclamation Act. H.R. 4265, which I introduced on July 24, 1981, was the vehicle by which the House Committee on Interior and Interior Affairs addressed the major issues of reclamation reform, particularly the issues of farm size and eligibility to receive low-cost irrigation water for reclamation farms. The Interior Committee favorably reported a reclamation reform bill (H.R. 5539) on March 15, 1982. Action on that bill is now pending in the Rules Committee. The issue is too important for us to allow it to get in the legislative shuffle, which was the fate of reclamation reform in the previous Congress. Mr. Speaker, Commissioner Broadbent's remarks on regulatory reform and on the urgent need for a modernized Reclamation law are as compelling today as they were when he called attention to those issues last fall. I include excerpts from Commissioner Broadbent's address in the RECORD:

EXCERPTS FROM REMARKS OF ROBERT N. BROADBENT, COMMISSIONER OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR

It is a real pleasure to be here with you today. The Bureau of Reclamation is alive and well. The "War on the West" is over—and the West won. The spirit of the "Sagebrush Rebellion" is still going strong—and some of the foremost Rebels have gained control. The day of the "hit list" is done—and a new era of support and encouragement for western water development, under the leadership of State and local governments, has begun. There are still battles to be won—the battles against high taxes, government deficits, and over-regulation. President Reagan has already won important skirmishes on all those fronts, and our optimism about the direction the President is leading America is still going strong.

President Reagan's tax cut and budget cut victories have demonstrated convincingly that the President means what he says. At last a President has delivered on a promise to trim back the size and cost of the Federal Government and its influence on our individual lives. Instead of pressure for more and more Federal spending, we are going to have constant pressure for more and more budget cuts and a tighter, leaner Federal bureaucracy. The sometimes overwhelming Federal presence is being kept within bounds. Under President Reagan, the power of the Federal Government, finally, is being brought under control.

On Inauguration Day, President Reagan promised he would start a comprehensive review of the entire mass of Federal rules and regulations. There were too many of them. They were costing too much to administer an to comply with. They were not worth in benefits what they were costing in dollars—or in reduced freedom of action or declining productivity. The ever-present tangle of Federal rules and regulations had become Washington's trademark, the best-known symptom of a Federal bureaucracy that had grown too big for its britches. The President's Inauguration Day promise to cut back that tangle of red tape was welcomed all across the country.

At the President's direction, all Federal agencies are being required to scrutinize the rules and regulations they are responsible for and deal with. Those found to be excessive, burdensome, or counterproductive are to be targeted for corrective action. Sometimes the correction needed will be a legislative change and recommendations for congressional action will be formulated. Sometimes the correction needed will be an Executive order, issued on Presidential authority, and President Reagan has launched a sweeping review of all Executive orders still in effect from previous administrations. Sometimes the needed correction can be done administratively within an agency or department, and those are where we see the greatest opportunity for swift improvement.

In the Department of the Interior, Secretary Watt has launched an across-the-broad effort aimed at identifying and correcting burdensome, excessive regulations. As Commissioner of Reclamation, I have carried Secretary Watt's message on eliminating burdensome regulations to all headquarters and field divisions of the Bureau of Reclamation and have invited States, local governments, irrigation districts, and other groups we are involved with to bring to our attention any rules, regulations, or procedures that they find excessive or burdensome.

The Bureau of Reclamation is taking this effort very seriously. We are not limiting it to just our own rules or procedures. We have already focused on approximately 100 pieces of Federal regulations or similar procedures that could stand improvement, and we have forwarded them on for higher-level review in the Interior Department, along with our recommendations for making the needed improvements. In fact, the Bureau of Reclamation has generated more memorandums on the subject of burdensome regulations that need to be streamlined than any other division of the Interior Department.

It should go without saying that to do a good, professional job of identifying burdensome regulations and proposing improvements, considerable staff time and effort are required. I am proud of the Reclamation staff members—in Washington, in our seven operating regions, and in our Engineering and Research Center in Denver—who have thrown themselves into this effort. I am encouraged by the fact that we have been able to harness high-quality staff work to the job of moving the Federal establishment in the direction of deregulation.

Soon after I was sworn in as Commissioner, I sent out letters by the hundreds to water-user organizations, State and local officials, technical and trade groups, and others with an interest in the Reclamation program. I wrote to set forth my intention to keep good lines of communication open, and to invite all concerned to join with us in our effort to eliminate burdensome rules and regulations. The response so far has been very encouraging and very helpful.

The invitation to help us in that work is open-ended. I hope you will keep on letting us know about regulations that aren't doing what they are supposed to, or which you find to be doing more harm than good. We have Regional Directors in Sacramento, Boise, Billings, Denver, Amarillo, Boulder City, and Salt Lake City who are primed and ready to deal with the subject of burdensome regulations, and they have been our most important communication channels. Our staff people working to improve the regulations say the more specific people can be in describing the problems, the more useful the staff can be in getting to the root of the problem and coming up with an approach for solving it.

This is an open-ended, on-going activity. We're pleased with the progress that has been so far—but it will take a sustained effort to make a noticeable dent in the mass of regulations the Federal establishment has built up.

While we are working to ease the overall regulatory burden, we are also concentrating on making the environmental review process work better. In recent years, the red tape surrounding environmental matters in the Federal Government has taken on a life of its own. Secretary Watt, while reaffirming his commitment to the purposes and goals of the National Environmental Policy Act of 1969, is serious about making the procedures for implementing the act into a manageable and practical tool to aid in decisionmaking. And he is serious about improving and streamlining the process so the public does not feel that "environmental impact statement" is synonymous with "delay." That is why I am so encouraged by the reductions in sheer volume of impact statements we have been able to achieve. We have reduced staffwork and delay, to make the process work for the benefit of the American people. And we have done it without increasing pollution or environmental disturbance.

At President Reagan's direction, Vice President Bush has initiated a wide-range

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

review of Federal regulations affecting virtually every department of Government. In the Interior Department, the Vice President's review specifically covers regulations set forth under the Endanged Species Act and the Fish and Wildlife Coordination Act. Those reviews, understandably, focus mainly on the Interior Department's Fish and Wildlife Service. However, the Endangered Species Act and the Fish and Wildlife Coordination Act both also affect our water resource management and development activities, and are major considerations in the planning and design of Reclamation projects.

The administration's review of those two acts will necessarily penetrate deeply into the ways those regulations affect what we do. In a manner of speaking, the Bureau of Reclamation has been one of the "best customers" of those particular acts and our experience with them should be an essential ingredient in the process of reviewing them. In our contacts with the Fish and Wildlife Service, we have expressed our willingness to serve with them on the working groups that will be handling the review—and some such arrangements are being worked out. In any event, we will be presenting insights derived from our actual experience under those acts, and we will be one of the voices that are listened to as the Endangered Species and Fish and Wildlife Coordination Act requirements are reexamined.

We are also one of the voices addressing the issue of updating the 1902 Reclamation Act. Legislative amendments are overdue in the sections of Reclamation law dealing with farm size and eligibility to receive Federal irrigation water. That item is at the top of our legislative priorities in the Bureau of Reclamation, and I know it is at the top of NWRA's legislative agenda as well. From our perspective, getting the whole matter of acreage limitation, excess lands, and residency requirements straightened out is the most important legislative matter we are dealing with. I am hoping the Congress can build on the proposals it already has or soon will have before it for reconciling present agricultural practices with the outdated law.

While the issue is pending in Congress, the schedule of events already set in motion with regard to excess lands keeps on advancing.

You are well aware of the role that court rulings play in the current situation. It may turn out that continued pressure from the courts could encourage Congress to expedite its action on excess lands.

Secretary Watt gave us a little extra breathing room by extending the comment period on Interior's pending excess lands rulemaking proposal. While the comment period remains open, Interior Solicitor William Coldiron will continue to review the legal basis of the previous administration's rulings on excess lands.

Our freedom of action under existing reclamation law is extremely limited. When the comment period on the pending proposal closes, and when the collected comments are examined and acted upon as required under Federal administrative procedures, then the necessary next step will be formal promulgation of legally binding rules to implement the version of reclamation law that's now on the books. The Interior Department would much prefer to promulgate those rules under a revised and updated Reclamation Act.

Congressman Lujan's Reclamation Act Reform bill has received favorable notice from many water-related interests because of the flexibility it offers, and because it covers so many of the issues that have become sticking points from one perspective or another. During his keynote speech here yesterday, Secretary Watt outlined his views on the major features of the Lujan bill. He sees 960 acres as reasonable, with unlimited leasing and full payment of water project costs for operations on lands over the 960-acre figure. Residency requirements would not be imposed. The free-enterprise, market economy would be able to operate without undue Government interference, and a larger return to the Treasury would be paid by water users.

As the people responsible for administering the Reclamation Act, we in the Bureau of Reclamation have an intense personal and professional interest in enactment of a law that is fair, workable, and not loaded down with burdensome regulatory and administrative requirements. Therefore, I very urgently hope that Congress will present us with a Reclamation Act reform package that—to the maximum extent possible—is self-enforcing and avoids cumbersome, bureaucratic, administrative burdens. The overall reclamation outlook is strongly positive. We are participating in the preparation of an administration proposal for substantially shortening the time required to get a project from the planning stage to the construction stage, from a present average of 17 years down to 7 years. Whether we are talking about large, multipurpose projects or about smaller scale undertakings such as adding to hydropower capacity at existing facilities, a faster track for the planning and congressional approval processes will save time and money. Our work on eliminating burdensome regulations is one ingredient in the effort to speed things up. Streamlining the environmental process is another. Despite recent budget reductions, which have affected the Bureau of Reclamation much less than some other quarters of Government, we are ready to complete our ongoing construction projects and we are looking ahead to budgeting some new starts for 1983.

As the Interior Department moves forward on some other development-minded fronts, such as increased onshore oil and gas development and accelerated coal leasing, one of the beneficial side-effects will be a large infusion of dollars into the Reclamation Fund. Appropriations from that Fund are still the province of the United States Congress, of course, but the prospect of injecting major additions of nontax dollars into the Fund is good news for the Reclamation program any way you look at it. Depending on how successfully Interior can go ahead with expanded energy developing on our public lands, it might not be farfetched to look ahead to a largely self-financing reclamation program just a few years from now.

The roots of the reclamation fund go back to 1902, when Congress made reclamation of the arid and semiarid lands of the West a Federal activity. For seed money, Congress established a special account in the Federal Treasury, called the reclamation fund, to receive proceeds from sales of public lands. Congress soon augmented the fund with income from a percentage of the royalties from oil and mineral leases on public lands, and with most of the proceeds from public land timber sales. Separate special funds were set up for large projects like Hoover Dam and the Colorado River upper and lower basins, and Congress has regularly supplemented the reclamation fund with appropriations from general revenues. But that underlying concept of a reclamation fund is still there and still operating. I am not going to pass up an opportunity to say something positive about it.

The basic idea was for public investment in western water development to come from wealth generated by the public lands of the West—and that's still the fundamental principle of the reclamation program. That's why supporters of the reclamation program always get their backs up when they hear hackneyed phrases like "pork barrel" and "boondoggle" directed at reclamation projects. The essence and the genius of the reclamation program is investment financing out of the reclamation fund with repayment of that investment by the water and power users. It's a great concept, and I don't want any of us to lose sight of it.

In the years ahead, plenty of communication, coordination, and cooperation will continue to be needed to keep western water and power development on track. Every instrument of Government—including the Bureau of Reclamation—should remain under the control of the people it serves. The greatest strength of the reclamation program has always been its solid base of support at the grassroots level.

The reclamation program improves the environment for people. The program's financial support structure is businesslike. The Bureau's record of accomplishment since 1902 is monumental. I appreciate the support the Bureau of Reclamation has received from the National Water Resource Association. I look forward to working with you on the challenges and opportunities which lie ahead.●

THE 21ST ANNIVERSARY OF AMNESTY INTERNATIONAL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. WOLPE. Mr. Speaker, on Friday, May 28, Amnesty International celebrated its 21st anniversary. While that date has now passed, I did want to take this opportunity to commend this fine organization for its important work over the last two decades. Since 1961, Amnesty has worked to free political prisoners of conscience, to gain fair trials for political prisoners, and to halt torture and political executions. Amnesty International does not work against any government, only against repressive policies and practices. Their efforts have shown that committed individuals of diverse political and religious background can work together effectively to mobilize international opinion on behalf of fundamental principles of international law and human rights. Amnesty's reports are drawn upon extensively by the House Subcommittee on Africa, which I chair. Given the current administration's reluctance to publicly condemn violations of human rights abroad, the work of Amnesty International has become ever more important. I simply want to commend

Amnesty International and wish its committed membership continued success.●

HONORING EDWIN AND JOYCE MICHAELIAN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues the remarkable achievements of Edwin and Joyce Michaelian, who will receive Westchester County, N.Y.'s first Senior Service Award on Friday, June 18. The presentation will be made by the Senior Personnel Employment Council, a free employment service for older workers in Westchester County, to acknowledge over 40 years of community service by the Michaelians.

Dr. and Mrs. Michaelian have been incredibly active in numerous community organizations, and hold no less than 50 individual local, national, and international awards. Dr. Michaelian was elected to four consecutive 4-year terms as Westchester County executive beginning in 1958.

In 1973, Dr. Michaelian cofounder of the Institute of Sub/Urban Governance at Pace University, and continues as its director. I have had the great pleasure to speak at the Institute of Sub/Urban Governance, and I have the highest regard for its endeavors. The institute studies many vital issues which face municipalities, and conducts extremely worthwhile seminars.

Mrs. Michaelian is currently regent of the White Plains Chapter, Daughters of the American Revolution, a trustee of the Westchester County Historical Society, and chairs its membership and nominating committees.

Edwin and Joyce Michaelian were married in 1939, and in 1948 they founded a home furnishings and interior decorating business, Home Textures Inc., White Plains. In 1950, Dr. Michaelian was elected mayor of White Plains, and Mrs. Michaelian became chief executive officer of their company.

For over 40 years, the Michaelians have maintained a partnership of dedication to their community, and I know that countless numbers of people in Westchester share my gratitude for the contributions that Edwin and Joyce Michaelian have made. I am delighted that they are receiving the Westchester Senior Service award, and wish them both the best of luck in their future endeavors.●

RECOGNIZING WASHINGTON COMMISSION FOR THE HUMANITIES

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. SWIFT. Mr. Speaker, picture yourself riding the first trains that crossed central Washington. Imagine how Seattle might have looked if some early architectural dreams had been realized.

Wait for a ferry to Bremerton and study an exhibit on the Mosquito Fleet, Puget Sound's early ferry system. On a hot summer night in Thurston County, debate the misunderstandings that emerge between young people and old. In Cheney, gaze at the constellations as they were seen and interpreted by ancient Druids.

This past year, you could have done all these different things in Washington State—each experience unlike the one before it. These various activities all were made possible by grants from the Washington Commission for the Humanities. But what else do they have in common?

Let me quote briefly from the commission's 1981 annual report:

> Under the regime of Adolph Hitler, citizens were asked to blind themselves to everything outside their own lives and their work. Hitler's architect and armaments minister, Albert Speer, wrote that his compatriots were technological geniuses and cultural barbarians:
>
> Everyone kept to his own group—of architects, physicians, jurists, technicians, soldiers, or farmers . . . people were immured in isolated, closed off areas of life. The longer Hitler's system lasted, the more people's minds moved within such isolated chambers. . . . I felt myself to be Hitler's architect. . . . Nazi education aimed at separatist thinking; I was expected to confine myself to the job of building. . . . one felt never called upon to take personal responsibility. The whole structure of the system was aimed at preventing conflicts of conscience from ever arising.

In America today, are we in danger of succumbing to similar isolation? Mr. Speaker, educational horizons are narrowing as more and more young people seek training for specific trades and professions. Life is so complex, work and family so exhausting, that it is hard enough to keep up with one's own world; there is little time or space to understand what people are thinking and why they live the way they live in other societies.

The Washington Commission for the Humanities has as one of its most important goals broadening people's perspectives on the society in which they live as a whole.

Organized in 1973, the Washington Commission for the Humanities is a private, nonprofit corporation funded by the National Endowment for the Humanities and by private contributors. To achieve its purpose, the Commission makes grants to nonprofit groups for public programs in humanities; the commission also directs its own public activities in the humanities.

The range of projects funded by the Washington Commission for the Humanities in the past year has been far-reaching and I would like to bring to my colleagues' attention just a few of particular interest to me.

In Bellingham this past year an exhibit, "The Great Depression and Its Fifty-Year Shadow," was put on by Western Washington University with support from the retired seniors volunteer program, the Whatcom Museum of History and Art, and the Washington State Archives along with assistance from the Bellingham Public Library and KVOS-TV. The Washington Commission for the Humanities contribution was $11,721 but, with private contributions added, the total funding was more than $27,000. The program included a conference, five forums, three media presentations on the Great Depression and its impact on America.

"Libraries in Transition; Past, Present, and Future." This program was put on by the Whatcom County Library with support from Western Washington University, the Whatcom Museum of History and Art, the Whatcom County Historical Society, and the Friends of the Everson Library. The Washington Commission for the Humanities contribution was $7,419 and total funding with the private contributions added came to nearly $17,000. This exhibit included a photo exhibit, three slide and tape presentations, and three forums discussing the role of libraries as agencies that bring the humanities and people together. Forums focused on children's literature, modern technology, and oral history.

"Washington Folklore." Western Washington University was responsible for this presentation with support from the University of Washington and People's State Bank of Lynden. The contribution from the commission was $1,000 and the total funding was $4,272. It included five workshops and surveys taken in 20 communities on Northwest folklore and customs.

"Indian Heritage Month." Put on by the Marysville Advisory Commission on the Arts with support from the Marysville School District, the Tulalip Tribes, Inc., Seafirst Bank, the Marysville community education program, and the city of Marysville, we had a project that was funded by the commission for $850 and again with private contributions had funding totaling more than $3,000. The presentation involved 1 month of tours, films, lectures, and other public presentations on Indian culture.

"Aboriginal Snohomish and Modern Day Tulalip Salmon Fishing—A Visual Study." Produced by the Tulalip Tribes with support from the Everett Public Library, Snohomish-Island Regional Library and Everett Community College, this project involved a slide and tape show, a booklet, and a forum on the history of the Tulalip Tribe and the role played by salmon fishing in social and folk customs of the tribe. The commissions funding of the project totaled $6,438 and again with private contributions the total funding of this project was more than $15,000.

"The Salem Woods School: Symbol of Community Survival." Presented by the Monroe Historical Society with support from the Everett Public Library and the Monroe School District No. 103, Snohomish County Planning Department, the Snohomish-Island Regional Library, the Monroe Monitor, and the Wagner Community Club, this project involved a slide and tape presentation and interpretive booklet, and a photo display on this history of the Salem Wood Settlement and the Stephensville/Wagner Community. Commission funding was $3,953 and the total cost was $12,852.

"Suxtcikwi'in—Past and Future." Involving a series of public programs and a report on the findings of an archaeological dig at the Indian village near Sequim, this project was put on by Port Gamble, and the Klallam Nation with support from the Suquamish culture program, and the Evergreen State College. The contribution from the Commission was $650 but with the contributions from others the total donated to the project was $11,025.

"The Heritage of the North River Valley." In the city of Cosmopolis this project involved a photo display on the culture and history of this isolated rural community of farmers and loggers. It was put on by the North River School District. It was funded for a total cost of $8,183 with the contribution of the Washington Commission of the Humanities of $4,089.

Mr. Speaker, I think it is important to note that at a time of declining Federal funding for programs like this the Washington Commission for the Humanities is taking steps to diminish its dependence on Federal funds. With just a brief review of these projects I have mentioned, I think it becomes quickly clear that the majority of the costs in most cases are being funded by private contributions. In many ways 1981 was a landmark year for the Washington Commission, a year that introduced changes perhaps as significant as the formation of the Commission itself in 1973. After many years of making grants for public humanities programs in Washington State, the Commission has identified that certain kinds of activities work best and stretch dollars the farthest. The Commission has also found that, although public groups in Washington State have generated a vast variety of imaginative projects, there are still many unmet needs: parts of the State and populations have not been reached, subjects and issues not explored. The Commission has thus decided to initiate some programs of its own to meet those needs.

As I think you can see, the Commission's programs in Washington State have reached a large number of people this past year with a great variety of types of projects. In fact, it has reached more than 338,000 people in person and 7 million on radio, television, and through newspaper programs. Not only is the humanities program alive and kicking in the State of Washington, it is doing very well. Mr. Speaker, I think it deserves recognition.●

OVERSIGHT HEARINGS ON THE FOREIGN CORRUPT PRACTICES ACT COMPLETED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. BONKER. Mr. Speaker, on Tuesday, June 8, the House Subcommittee on Consumer Protection, Finance, and Telecommunications held a fourth and final oversight hearing on the Foreign Corrupt Practices Act of 1977 (FCPA). I commend my distinguished colleague, Chairman WIRTH, for conducting these hearings, and urge adoption of amendments that will clarify the FCPA.

Mr. Speaker, the Foreign Corrupt Practices Act was hurriedly drafted in response to an incensed American public in the aftermath of Watergate and numerous instances of corporate bribery. It passed with little consideration or thought to its potential consequences in terms of its meaning, clarity, and applicability. As a result, we have today an act which, because of its lack of specificity and its ambiguous wording, is a major irritant and cost to U.S. business. It is in fact a disincentive to American export trade.

Since its enactment, the FCPA has been steeped in controversy and confusion over what constitutes compliance. American firms have faced numerous problems by complying with the act, including those related to obtaining and dealing with agents, contracting difficulties, increased operating costs for accounting and reporting requirements, the lack of flexibility to provide legitimate gifts, and overcautiousness in attempting to comply with the act due to its ambiguity. As a result of these problems, U.S. firms have forgone some apparently legitimate exports, avoided some markets, and opted to play subordinate contracting roles to foreign prime contractors.

Identified by businessmen and attorneys as one of the most significant export disincentives, the FCPA contains too many uncertainties and ambiguities. It is considered a disincentive to export trade because of uncertainty within the business community about the meaning and application of some of its key provisions. Conduct prohibited and conduct permitted is often unclear.

The problem of uncertainty is compounded by a lack of guidance from the enforcement agencies as to proper interpretation of the act's provisions. This problem in turn is exacerbated by the dual enforcement authority of the Justice Department and the Securities and Exchange Commission over the act's payments provisions.

Mr. Speaker, despite the law's good intentions, the statutory ambiguity of the Foreign Corrupt Practices Act has cost this country legitimate foreign business which Congress never intended to curtail. Hence, the act, in its present form, has had a chilling effect on legitimate business opportunities and a negative effect on U.S. exports. Foreign companies will continue to profit at American expense under the FCPA.

Maintaining the U.S. position in international trade is a top priority as we depend more and more on exports to strengthen our economy and provide jobs for Americans. The United States is a relatively free market for imports, yet we insist on imposing restrictive regulations on American companies—small and large—when dealing in foreign markets. As one newspaper headline summed it: "No Wonder No Exports."

I urge Chairman WIRTH to act expeditiously to adopt amendments to the Foreign Corrupt Practices Act. We must take steps to remove those disincentives to exports caused by the FCPA. The American business community—our constituents—have the right to know specifically what they can and cannot do in international business. We must work with them to promote U.S. exports, expand trade, and provide increased employment opportunities for Americans.●

THROUGH OUR EYES ONLY—THE NAM VET EXPERIENCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FRANK. Mr. Speaker, this week in the rotunda of the Cannon Office Building, the Vietnam Veterans of Massachusetts are displaying a collection of artwork, photography, and poetry called "Through Our Eyes

Only . . . The Nam Vet Experience." This very powerful exhibit has been shown in the Massachusetts State House and will continue at the Cannon Building until June 18. I recommend to all my colleagues and all who read this that you take a few moments out of your day to experience this art show. It illustrates the Vietnam conflict from a perspective we do not often see—from the men who fought it.

What follows is an explanation of how this exhibit came about from Mr. James Fitzpatrick, exhibit coordinator and president of the Vietnam Veterans of Massachusetts:

THROUGH OUR EYES ONLY . . . THE NAM VET EXPERIENCE

"What was Viet Nam really like? What did it feel like? How did it smell? Most books about Viet Nam have been written by journalists who offer their impressions of the war, or by commentators who analyze the war militarily, politically, or sociologically. No one, it seems, has ever bothered to talk to the men and women who served in Viet Nam to ask them what it was like."—Mark Baker, author of "Nam."

The Viet Nam Veterans of Massachusetts are trying to redress this oversight with an exhibit of artwork, photography, poetry, and display by the men and women who were there.

We would like to thank Bob Grimes and Jerry Lane, whose generosity enabled us to have this exhibit. We would also like to acknowledge and thank the following persons and organizations for their help and participation: Commissioner Buffone, Kevin Bowen, and Judith Curland (from Lt. Governor O'Neill's office). Also, Rick Stahl and the Vets Program at U. Mass/Boston, Rep. Barney Frank—U.S. House of Representatives, John Camara and the Vets of S.M.U. in N. Dartmouth, American Vets in Prison, Bob Gillis and Ron Lembo (from the Operation Outreach Centers), and Viet Nam Era Vets Inc., Tim Reid, Larry Chartienitz, Paul Camacho, Danny Brown and Joe MacDonald.

We have sent out over 65 financial grant proposals to Massachusetts corporations, trade unions, and traditional veterans organizations. This was in keeping with the philosophy of President Reagan who stated that these organizations and groups would support endeavors such as this exhibit. Thus far we have received negative responses and/or no responses. So much for that philosophy . . . and support for Viet Nam Veterans . . . regardless of this lack of support, the show will go on!

Thank You For Your Interest.

JAMES P. FITZGERALD,
Exhibit Coordinator.●

A TRIBUTE TO MISS JUDITH MIKA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. DORNAN of California. Mr. Speaker, it is a great honor and privilege for me to submit for the RECORD an essay by an eight grade student in my district who attends Rolling Hills Country Day School, Miss Judith Mika. Judith's essay has been selected as the grand national winning essay in the National Essay Contest, "What Freedom of the Press Means to Me," sponsored by Current Events in commemoration of its 80th anniversary. To reward Judith's achievement, an engraved gold Charles Palmer Davis medal has been prepared which will be presented to her in the White House in the near future.

It is particularly gratifying for me as a public servant to know that we have young people of the caliber of Judith Mika who understand the first amendment in guaranteeing the political rights and civil liberties that we Americans cherish so dearly.

At this point I would like to submit Judith's excellent essay for the RECORD.

FREEDOM OF PRESS AND WHAT IT MEANS TO ME

Freedom of the press is one of the most important rights that we enjoy in the United States. Freedom of the press gives me and every other citizen an opportunity to express our views on local, national or international issues. We can openly and freely give our opinion on anything that has an impact on our personal lives, our homes, our families or our careers. With freedom of the press, we can clearly indicate to our elected officials how we would like them to vote on issues that are being debated or decided upon at any level of government.

Freedom of the press also imposes some obligations on us. We are obliged to listen to or read ideas or viewpoints that are contrary to what we feel. Since the freedom to express a view is given to both ourselves and those who oppose our feelings, freedom of the press allows a full and complete discussion of all possible viewpoints. Sometimes, if we keep our minds open, we can be persuaded to change our viewpoints after both sides have the opportunity to express themselves.

Freedom of the press also gives us an opportunity to express displeasure about the way people in higher authority are doing their jobs. A citizen can complain in newspapers about the manner in which he was treated by a policeman or other law enforcement agent. Our elected officials know that their personal lives and the way they do their jobs is always being watched. If they commit an error, it will soon appear in the newspaper or be discussed on television and radio. If the owner of a large company treats his employees unfairly or harshly, the employees can openly express their unhappiness.

In expressing our thoughts, ideas, opinions and feelings, freedom of the press insures us that we can make such expressions without the fear of being jailed, mistreated, or unfairly singled out for punishment. However, we have an obligation to use our right to freedom of the press by being factual and honest in expressing our views. If we lie or use freedom of the press to intentionally mislead people, then we are abusing our right to this freedom. I feel that freedom of the press is a very important part of our ability as citizens of the United States to have a voice in the issues that impact our daily lives and our future dreams.●

GOVERNMENT PRINTING OFFICE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. DYSON. Mr. Speaker, I would like to take this opportunity to submit for the RECORD a copy of a June 7 letter which several colleagues of mine and I sent to you and Senator HOWARD BAKER concerning the problems at the Government Printing Office.

Each of us here in the House and Senate has a stake in upholding the historic relationship between the Public Printer and the GPO. I urge all of my colleagues to take a moment to read this following letter on this subject and to be mindful of the need to preserve this important relationship.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1982.

Hon. THOMAS P. O'NEILL,
Speaker of the House,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. SPEAKER: We feel it is important to call to your attention a matter which is of great importance to the prerogatives of the Congress. It involves the relationship between the Government Printing Office, the Public Printer, and the Joint Committee on Printing. As you know, the latter has oversight responsibilities in this relationship.

The legislative history of Title 44—the Printing Code—clearly sets out the functions of the JCP as a board of directors over GPO functions. There is no question that Congress intended to maintain policy setting control over this legislative branch service organization and its day-to-day manager, the Public Printer.

However, since taking office last August, the current Public Printer, Mr. Danford Sawyer, Jr., has taken a number of actions of a policy making nature without so much as consultation with the JCP. The first action was his attempt to close down geographically dispersed U.S. Government bookstores, which had been established by Congressional policy. In February, the Joint Committee forbade that action in order to have GAO study the Public Printer's conflicting financial data. In December, the Public Printer closed the local GPO procurement office at the Washington Navy Yard, which had been established by the JCP. The staff was relocated to the main GPO building, and the space it occupied was rented to another agency. We are alarmed that the JCP was never involved in this decision. We have heard numerous complaints from employees, local private sector printers, and government agencies about the adverse impact on morale and service due to these actions.

On April 19th, the Public Printer proposed plans to furlough his entire workforce for six days over the next seven months. He indicated GPO had unprecedented financial problems. It is now clear that the financial problems at GPO cited by the Public Printer do not coincide with fact. (At the end of April 1982, GPO's overall net income was

$2.2 million in the black). This proposal, though deferred in a May 25th announcement by the Public Printer, had previously been confirmed in a May 20th memorandum to all GPO employees. The Public Printer's stated purpose is to reduce payroll but it will do so at the expense of more important objectives and will run counter to the spirit of the laws guiding this institution. The Government Printing Office is the print shop of the Congress, and, indeed, the entire federal government. It exists in order that the peculiar demands of the House, the Senate and federal agencies might be met in a timely and efficient manner. The overnight delivery of the Congressional Record and many of the essential legislative tools demand a unique plant, service and workforce. Such demands will always require higher costs than in private sector plants. Obviously, the private sector could not cost effectively accommodate the unique demands of the Congress. To adequately provide this service a private printer could only do so as a sole source contractor—thereby eliminating the competitive forces of the free market. This is precisely the environment out of which the need for the Government Printing Office emerged.

Responding to the action of the Public Printer, the Joint Committee passed a resolution on May 11, 1982 stating its prerogatives as a Congressional oversight body for GPO. This resolution acknowledged the existence of many problems at GPO, due to the influence of time and technology which has altered the demands of the workforce.

It is our considered opinion that the oversight responsibilities of the Congress, and of the Joint Committee, in particular, ought to be preserved so that the long-range printing needs of the Congress and the entire federal government can be evaluated. Only with proper planning can new technology be employed to produce cost effective and timely printed products.

We believe the furlough of the GPO workforce and a proposed 22 percent salary cut for craft employees at GPO over the next three years is unacceptable. The vital prerogative over such important matters, which belongs in the jurisdiction of the JCP, must not be abrogated.

Public Printers have come and gone as Administrations have changed. However, in every case the Public Printer has properly yielded to the appropriate authority of the Congress, that is, the Joint Committee. We feel that a continuing and clear policy for the GPO must continue to emanate from the Congress. Otherwise, as Public Printers and Administrations change, the continuity and nature of the institution will be disrupted.

In this regard, we respectfully request your careful review and support for the Joint Committee's oversight responsibilities. If the Public Printer were allowed to carry out unilaterally the proposals he has endorsed, the timely and cost-effective operation of the GPO, along with the morale of its workforce, will certainly suffer.

Your attention to this matter would be appreciated.

Sincerely,

Senator Paul Sarbanes, Michael Barnes, M.C., Barney Frank, M.C., John Burton, M.C., Vic Fazio, M.C., Al Swift, M.C., Tom Lantos, M.C., Julian Dixon, M.C., William Whitehurst, M.C., Walter Fauntroy, M.C., Roy Dyson, M.C., Steny Hoyer, M.C., Mervyn Dymally, M.C., Barbara Mikulski, M.C., Robert Matsui, M.C., Robert Garcia, M.C., Norman Dicks, M.C., James Howard, M.C., Richard Ottinger, M.C., Tim Wirth, M.C.●

CHILDREN'S CHOIR ENTERTAINS IN BOTH ENGLISH AND CHINESE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. ROUSSELOT. Mr. Speaker, with a repertoire that ranges from "I Love You, California" to Strauss compositions, the 75 member Baptist Voice Children's Choir has been entertaining audiences in both Chinese and English around the Los Angeles area - years.

The group is composed of children from ages 6 to 15. Half are members of the Mandarin Baptist Church of Los Angeles and half participate for the sole honor of singing. Some members of the group has even been known to drive an hour to their singing performances.

This highly dedicated group of individuals will be appearing on Saturday, June 19 at Alhambra High School under the inspired leadership of their director, Samuel Lin.

Since this is the yearly performance of the choir outside of the church, I'm sure the House will join me in commending the efforts of this group which has brought much pleasure to audiences over the past 2 years.●

NO MORE GIVEAWAYS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. PAUL. Mr. Speaker, the House—having just passed the budget containing a $110 billion deficit—will soon be asked to approve a $150 million foreign aid giveaway. H.R. 6149 authorizes $150 million as the U.S. contribution toward the third replenishment of the African Development Fund.

I must oppose this replenishment, as I am opposed to all forms of foreign assistance—whether military or economic. Nowhere among the enumerated powers granted this body under the Constitution do I find the authority to give the taxpayers' money to nations all over the world.

We have no right to demand that the taxpayers' funds be used to prop up dictatorships of the left and right, or to subsidize the defense of our wealthy allies. These tax dollars go not to people, but to other governments; governments that too often pursue policies of repression that freedom-loving Americans would find abominable here at home. If such practices would be intolerable here, why do we export funds to support these abominations abroad?

My fundamental opposition to this authorization bill is derived from my view that providing foreign aid is an immoral and illegitimate use of public funds. However, my specific objections to the $150 million replenishment of the African Development Fund are stated in the following essay, which originally appeared as dissenting views before the House Banking Committee:

DISSENTING VIEWS OF RON PAUL, GEORGE HANSEN, AND STAN PARRIS

H.R. 6149 authorizes a contribution of $150 million toward the third replenishment of the African Development Fund. This Fund is the soft-loan, or concessional aid, affiliate of the African Development Bank Loans made through this Fund are granted to only the poorest African nations—those with per capita incomes of less than $550 per annum. Such loans are made at 0 percent interest for a period of fifty years, with a ten year grace period before repayment begins. The only finance charge is a service charge of ¾ of 1 percent per annum.

The Fund was established in 1973, and the United States joined in November of 1976. Authorization for U.S. contributions is as follows:

Authorization:	*Total*[1]
Public Law 94-302: Initial U.S. subscription	$25,000,000
Public Law 95-118: First replenishment (AFDF I)	50,000,000
Public Law 96-259: Second replenishment (AFDF II)	125,000,000
Proposed legislation H.R. 6149: Third replenishment (AFDF III)	150,000,000

[1] U.S. participation authorized.

We are told that our participation in this replenishment is a humanitarian gesture. I fail to see anything humanitarian in requiring the American taxpayer to labor four months out of every year to pay his taxes—only to see these tax dollars being thrown at foreign countries. With interest rates in the United States hovering around 16 percent, many Americans today cannot afford to buy a car or a home. Yet our tax dollars are now being poured into Africa to provide interest-free loans to prop-up Communist regimes and dictatorships of the left and right. Zambia, Zaire, and Uganda all received loans in 1980.

SUMMARY STATEMENT OF LOANS AS OF DEC. 31, 1980

[Expressed in units of account] [1]

Countries	Number of loans	Amounts approved (UA)
Benin	8	37,911,000
Botswana	3	9,850,000
Burundi	7	31,770,000
Cape Verde	3	5,750,000
Central African Republic	6	29,930,000
Chad	6	27,040,000
Comoros	4	21,050,000
Congo	1	8,000,000
Djibouti	1	2,600,000
Egypt	3	24,000,000
Ethiopia	8	52,200,000
Gambia	4	23,000,000
Ghana	1	8,000,000
Guinea	4	18,700,000
Guinea Bissau	5	25,000,000
Kenya	1	8,000,000

SUMMARY STATEMENT OF LOANS AS OF DEC. 31, 1980—Continued

[Expressed in units of account] [1]

Countries	Number of loans	Amounts approved (UA)
Lesotho	7	30,007,358
Madagascar	3	14,800,000
Malawi	7	37,399,655
Mali	11	50,760,000
Mauritania	7	20,480,000
Mauritius	1	3,700,000
Mozambique	6	41,400,000
Niger	3	10,035,000
Rwanda	9	37,110,000
Sao Tome and Principe	1	7,800,000
Senegal	4	12,170,000
Seychelles	1	2,500,000
Sierra Leone	4	18,250,000
Somalia	9	44,550,000
Sudan	5	24,550,000
Swaziland	2	8,305,662
Tanzania	8	49,660,000
Toga	6	31,450,000
Uganda	1	8,000,000
Upper Volta	8	41,400,000
Zaire	4	26,100,000
Zambia	3	24,000,000
Multinational	2	13,200,000
Total	177	898,368,675

[1] On Sept. 30, 1981, 1 unit of account equaled 1.05424 U.S. dollars.

This replenishment, negotiated by the Reagan Administration, represents a $25 million increase over the second replenishment. I must challenge several of the rationalizations set forth by the Administration to justify this expenditure.

The first such reason is that the $150 million "fit(s) within the budgetary planning parameters established for the multilateral development banks." How can such a giveaway be within the "budgetary parameters" when the United States is faced with a budget deficit in excess of $100 billion for fiscal year 1983? It is true that in this instance the amount is relatively small. However, this authorization reflects a pervasive attitude among Washington officials—that the United States is obligated to give money to nations all over the world, many of which are blatantly hostile to the United States. We are continuing such practices even as we watch our own economy collapsing under the weight of inflation and high interest rates brought on by excessive government borrowing and the unrestrained printing of monopoly money.

The Administration contends that the $25 million increase "constitutes little if any increase in real terms when considering the rate of inflation in the years between the last replenishment and this one." This additional $25 million may not represent a real increase in purchasing power for the recipient nations, but it certainly represents a real increase in the burden on American taxpayers.

We are also told that several developing nations—themselves once recipients of concessional aid—are also contributing to this replenishment. Argentina, Brazil, Korea, and India are cited as prime examples. I certainly hope that this list is not supposed to convince one that recipient nations soon become donor nations. All four nations cited continue to receive U.S. aid; in 1980 alone, they received a combined total of $910 million. The external debt of these four nations totals well over $100 billion, and at least two of them have been threatening default for some months.

The Administration further argued that growing U.S. economic interests in Africa would be best served by this replenishment. What this means is that certain private industries and large U.S. banks would benefit at the expense of the American taxpayer. Such support of special interest groups belies Administration claims of humanitarian benevolence.

While attempting to justify this expenditure, Administration officials concede that there are several on-going problems with the African Development Bank Group, of which the Fund is a part. Among these are the recognition that:

(1) The African Development Bank Group is less effective and efficient than the other multilateral development banks.

(2) Government economic policies in some African countries have had the effect of impeding economic growth.

(3) The African Development Bank Group cannot play the primary role in encouraging the African countries to move away from inappropriate economic policies which they are now following.

The Administration is seeking this authorization despite its foreknowledge that the money (a) is going to be mismanaged, and (b) is likely to end up in the hands of African regimes that are hostile to the United States. The Administration is seeking $150 million as evidence of continued U.S. support for African development. Whose favor are we attempting to court by such a wasteful gesture? The Idi Amin's and the Emperior Bokasa's of this world?

I urge my colleagues to vote against H.R. 6149 for the following reasons:

(1) It increases government spending, and thereby increases the tax burden on the American people

(2) The Administration has failed to present any defensible justifications for this $150 million authorization

(3) The money, if appropriated, will be poorly managed by the African Development Fund and the recipient nations

(4) Loans granted through the Fund will often be given to countries that pursue policies hostile to freedom.●

REFORM OF THE DEFENSE DEPARTMENT SELECTED ACQUISITION REPORTS

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. EMERY. Mr. Speaker, when H.R. 6030, the Defense Department authorization bill for fiscal year 1983, is brought to the floor of the House, I will be offering an amendment to both tighten and streamline the selected acquisition report (SAR) requirements for the Department of Defense.

The SAR's are quarterly reports on the costs of 42 major weapons systems in either development or procurement phases under Department of Defense management. The SAR requirement was established by Public Law 94-106, the fiscal year 1976 Defense authorization bill, and was updated by Public Law 96-107 and Public Law 97-86, the fiscal year 1982 Defense authorization bill. The so-called Nunn amendment, which requires strict unit cost accounting in defense systems, was part of Public Law 97-86.

A recent CBO report entitled "A Review of the December 31, 1981, SAR" contains some very interesting and alarming information about the cost growth in defense systems, as reported by the selected acquisition reports. This report also contains a list of nine weapons programs which apparently meet all the criteria for inclusion under the SAR, but which are not subject to SAR reporting because the Secretary of Defense has not yet approved them for full-scale engineering development (FSED), or DSARC II. These programs include the battleship reactivations, the MX missile, the Trident II missile, the DDG-51 destroyer, and the light armored vehicles for the Army and the Marine Corps. I have already asked the chairman of the House Armed Services Committee to request immediate SAR evaluations of the nine programs.

The conclusion I have reached from studying the SAR system is that it is a sound and useful system which requires some fine tuning. To this end, I have prepared an amendment which makes four changes in the SAR reporting requirements.

Public Law 94-106 ordered the Secretary of Defense to prepare "selected acquisition reports for those major defense systems which are estimated to require total cumulative financing for R.D.T. & E. in excess of $50 million or a cumulative production investment in excess of $200 million." The problem is that the law never defined the term "major defense system," and the definition was left up to the discretion of the Defense Department. DOD, in turn, defined major defense system as those systems which exceed the dollar threshold and are approved for full scale engineering development by the Secretary of Defense, through the Defense Systems Acquisition Review Council (DSARC) process. Even under this tighter definition, DOD estimates that there are over 300 programs eligible for SAR's, but only 42 SAR's are prepared. Thus, the reporting requirement has been permitted to lapse, largely due to lack of congressional oversight.

My amendment would change Public Law 94-106 to require that SAR's be prepared for "all defense systems which are estimated, in the estimate used in planning such defense systems, to require a total cumulative financing for R.D.T. & E. in excess of $200 million, or a cumulative production investment for the defense systems exceeding the cost thresholds, and the SAR's would have to be based on the planning, not the development estimates for the systems. GAO, in particular, has been concerned that a great deal of time and money is expended but unaccounted for on systems which never reach full scale engineering development. The programs that CBO identified are not under the SAR requirement because they have

not yet reached this stage of development. It is my feeling that we should be monitoring program costs virtually from the beginning, and this is the intent of my amendment.

You will note that my dollar thresholds for SAR's are far higher than the original thresholds of $50 million in R.D.T. & E. and $200 million in procurement. They are also higher than the revised thresholds of $75 million and $300 million, which were contained in Public Law 96-107. This is merely an endorsement of the fact that the Department of Defense has already increased the thresholds without congressional approval. We all know that the cost of defense systems has increased markedly in recent years, and DOD will have its hands full preparing the reports required under the latest dollar thresholds.

It is in recognition of the administrative burden created by the SAR requirements that the final portion of my amendment is offered. My amendment would provide that a "report on a particular defense system may be waived by a majority vote" of the House and Senate Armed Services Committees, if the Department of Defense can make a convincing case for such a waiver. This provision is not currently contained in the law, and it would provide DOD with greater flexibility in the preparation of the selected acquisition reports, while preserving the requirement for congressional oversight on defense system costs.

The selected acquisition reports are painstakingly prepared in essential compliance with congressional directives; they should, in turn, be painstakingly evaluated, as Congress searches for intelligent ways to reduce the costs of vital weapons systems. My amendment is intended to assist the Congress in this effort.●

ISRAEL'S RIGHT TO EXIST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FRANK. Mr. Speaker, the Jewish Community Council of Metropolitan Boston recently sent a very cogent letter to President Reagan concerning the current military action in the Middle East.

The council correctly points out that the basic cause of the violence in the Middle East is the militant refusal of the PLO and its Arab allies to recognize Israel's right to exist. Unlike Egypt, which recognized that right, and with whom Israel has since settled outstanding territorial differences, the PLO, Syria, Iraq, and other Arab States continue not simply to oppose Israel's right to exist, but to engage in and finance a worldwide campaign of terror against Israel and its citizens. The nation of Lebanon was tragically taken over militarily by the PLO and by Syria, and used by the PLO as a base for its anti-Israel terrorist operations.

It is this situation—the use of Lebanon as a base for terror—which violates the rights of the people of Lebanon to self-determination; which violates, as well, the right of citizens in the north of Israel to peace and security in their homes; and which will be a continuing source of tension and violence until it is corrected.

As the Metropolitan Boston Jewish Community Council says in its letter to President Reagan, what is needed "is an effective security arrangement which would prevent the PLO from attacking Israelis and destabilizing Lebanon."

American policy must work to that important goal.●

CONGRESSIONAL SALUTE TO HON. GEORGE A. AND GEORGIA A. BREUR OF NEW JERSEY AND MICHIGAN DISTINGUISHED CITIZENS, COMMUNITY LEADERS, AND GREAT AMERICANS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. ROE. Mr. Speaker, on Tuesday, June 22 some of the people of my hometown of Wayne, N.J., and Grand Haven, Mich., will join together at a testimonial dinner in honor of two distinguished citizens, outstanding community leaders, and good friends, Hon. George A. and Hon. Georgio A. Breur, whose compassion and benevolence for their fellowman and exemplary record of good works in public service have truly enriched our community, State, and Nation. On that date the honorees will also be celebrating the 50th anniversary of their joining together in marriage and sharing a lifetime of giving and caring which has surely added a special quality to the richness of family life and our American way of life. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations and best of wishes to George and Georgia Breuer and share the pride of their three children, Marcia J. DeWild of Pella, Iowa, G. Thomas Breur of Wayne, N.J. and Willard E. Breur of Kalamazoo, Mich., and eight grandchildren on this most festive occasion.

Mr. Speaker, Mr. and Mrs. Breur have, by their example and many accomplishments in civic, community, and charitable endeavors, personified a quality of leadership, dedication, and sincerity of purpose that is applauded by all of us who have had the good fortune to know them.

George, with the inspiration and assitance of his first lady Georgia by his side, has provided outstanding and responsible service to our people. He graduated New Jersey Law School in 1929. Unable to afford tuition for day classes at college, he worked days and attended law school at night—presumed to be the youngest in the State at the time of passing the New Jersey Bar. He passed the counselor exam in 1937 and actively practiced law in Passaic County, N.J. for over 50 years, one-half of a century. He commenced his law practice initially in Paterson, N.J. before coming to my hometown of Wayne, N.J.

In his personal commitment to the economic, social, and cultural renewal of Wayne, he campaigned for public office and was elected Wayne township committeeman, serving as mayor of Wayne 1934-42. In 1942 he resigned to become field director for the American Red Cross until 1945, serving overseas, in the Pacific during World War II. Subsequently he served as Wayne township municipal judge and acting judge in Paterson, N.J.

Among his many civic and community endeavors, he served with distinction as president of the New Jersey Council of Churches, on the executive board and counsel to the National Council of Churches, and is a longstanding member of the Christian Action Commission of the Reformed Church in America.

Mr. Speaker, George and Georgia have been actively involved in the vanguard of two highly esteemed careers—George in the legal profession and Georgia in the educational field. When you reflect upon the fact that the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a State and Nation depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of Georgia Breur's outstanding contribution to the quality of life and way of life of our people.

Georgia A. Breur graduated Western Michigan Teachers College and taught elementary school in Michigan and in Passaic County, N.J. She has truly inspired and enriched the lives of many of our people in her educational endeavors of vital importance to the dynamics of our destiny and the quality of life for all of us.

It is interesting to note that George was born in Paterson, N.J. and Georgia was born in Allendale, Mich. They were married in Michigan but made Wayne, N.J., their home for approximately one-half of a century. They recently retired their career pursuits and moved to Michigan. They are both

members of many civic and fraternal organizations. Mrs. Breur was active for many years with the New Jersey League of Women Voters and we especially commend her for her volunteer work with handicapped children and the American Red Cross.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America. As their family and many, many friends join together to celebrate the golden jubilee anniversary of this grand couple, I am pleased to seek this national recognition of their outstanding leadership, endeavors, and sincerity of purpose in ever seeking the highest standards of excellence on behalf of our people. We do indeed salute an esteemed judge and a beloved teacher—two great Americans—Hon. George A. and Hon. Georgia A. Breur of New Jersey and Michigan.●

IN RECOGNITION OF A DEDICATED YOUNG AMERICAN

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. SCHULZE. Mr. Speaker, it is with admiration and esteem that I bring to your attention a fellow Pennsylvanian whose humanitarian contributions at the age of 35 greatly surpass an average lifetime of accomplishments.

Dr. Wesley Allen Plummer, II, currently serves the administration as Director of the Office of Civil Rights in the Department of Transportation. In that role, he is the prime spokesman for Secretary Drew Lewis' civil rights policies, researching the affirmative action histories of potential recipients of departmental funds and working to insure a greater degree of minority business development. Dr. Plummer has served Secretary Lewis as Director of the Civil Rights Office for little more than 1 year, yet in that time he has become widely and highly respected as a man committed to equal and fair treatment of minorities and women and, as recently as March of this year, his work was recognized by Atlanta Mayor Andrew Young who proclaimed March 18, 1982, as "Dr. Wesley Plummer Day."

Prior to this appointment to serve in the Federal Government, Dr. Plummer had already been making himself known in the private sector. Both during and after his educational pursuits, which include doctorates in divinity and early child care administration, Dr. Plummer has actively lent his expertise and support to community and educational groups, among which are the Boys Clubs of America, the Day Care and Child Development Council of America, the American Society of Training Development and the National Education Association.

Dr. Plummer played professional football with the Denver Broncos in 1969 and 1970. He parlayed the name recognition he earned in that capacity into additional civic-oriented activities, accepting speaking engagements at churches, schools, and prisons throughout the country and reaching out to aid those who have sought to help themselves. He has raised his voice against injustice, but his speech has been accompanied by action. And it is his actions that I applaud, for they have made the future brighter for many individuals and businesses.

He has been the recipient of numerous awards for community service in the past dozen years and, on July 24, Dr. Plummer will again be recognized for his contributions in the city of Harrisburg, Pa., where he focused much of his time and energies prior to his appointment to the Department of Transportation in February 1981.

Congratulations and Godspeed to one of Pennsylvania's finest young men.●

DOUGLAS A. CLARKE APPRECIATION DAY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. MOORHEAD. Mr. Speaker, on July 15, 1982, the Rotary Club of Glendale will honor a very special gentleman, Douglas A. Clarke.

Throughout his life and business career, which covered nearly 40 years in the savings and loan business, Mr. Clarke has demonstrated uncommon intelligence and ability. He has consistently shown a helpful and gracious spirit. In approaching problems and difficulties, he has always been calm and reasoned. Much of the credit for the growth of Glendale Federal into one of the Nation's great savings and loan institutions must go to Doug Clarke.

Mr. Clarke was born in Glendale, Calif., in 1919. He went to work for Glendale Fed in 1937. Two years later, he joined Title Guarantee and Trust Co., for a short time before serving in the Army Air Crops during World War II.

After leaving the service in 1945 as a first lieutenant and flight instructor, he returned to Glendale Fed and became the manager of the association's Studio City branch in 1951. In 1958, he was appointed branch operations officer and a vice president; in 1963, he became a senior vice president and a member of the board of directors. He became executive vice president in 1965 and was named president in 1972 where he served until 1980 when he became vice chairman of the board.

Mr. Clarke has served on numerous committees related to his profession. He has been equally active in the affairs of his community and State. In the past, he has been president of the Glendale City Parking Commission, the Rotary Club and the Glendale YMCA. He has been a director for the chamber of commerce, the United Way and the University of Southern California Graduate School of Business Administration.

In all of these activities, Mr. Clarke has been a success. He has been respected and admired as an effective man of principle and wisdom. He had been a man of enormous physical courage. He has been a friend.

Mr. Speaker, I would like to wish for Mr. Clarke a long and fruitful retirement. I want to thank him for his many contributions to our society. I am honored to take part in the Rotary Club's Appreciation Day for Douglas A. Clarke.●

EVERYTHING MAKES SENSE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. VANDER JAGT. Mr. Speaker, I know that all Members in recent weeks have seen and heard a great deal relative to the Government Printing Office and Danford L. Sawyer, Jr., our newest Public Printer. Some of it has been most uncomplimentary and much of it, when seeing the proper light of day, is inaccurate.

Personally, from information I have received, I think Mr. Sawyer not only has the right ideas and is on the right track, but deserves our fullest interest and cooperation. It is interesting that a good number of people are beginning to agree.

Just recently, on May 19, one of the largest newspapers in my district, the Holland Sentinel, Holland, Mich., presented a most factual editorial on the Government Printing Office and Mr. Sawyer's so-called revolutionary program. I would ask each of you to read over the editorial which follows. It is entitled "Printer With Ideas." That headline could have been improved by adding "Printer With Right Ideas."

[From the Holland Sentinel, May 19, 1982]

PRINTER WITH IDEAS

Danford L. Sawyer Jr. is not a household word.

Maybe it ought to be.

What he is doing in Washington is getting some notice and his latest move is sure to draw comment.

Danford L. Sawyer Jr. runs the 122-year-old Government Printing Office. In a few

words, he's the government printer. In operating such an agency, he upset some people but is determined to cut costs at the GPO and at the same time make money for a government unit.

When Ronald Reagan came to Washington, he sought to trim the extras from government spending. Sawyer, who was running a large advertising agency in Sarasota, Fla., was picked to carry out the GPO assignment.

He has.

That's why he's in hot water with some of the labor unions, the congressional joint committee on printing, and certain other members of Congress.

He proposes:

1. Furloughs for all GPO employees for six days over the next seven months to reduce a five-month deficit of $4.9 million.

2. A 22 percent pay cut for GPO employees who are members of 13 bargaining units to bring salaries in line with that of other federal agencies.

3. Reduction-in-force: In this area, the public printer says he has the right to decide whether or not to implement RIFs. It is estimated that GPO has a surplus of 1,500 employees.

Last week, the joint committee passed a resolution, in closed session, halting Sawyer's moves without the committee's "study and approval."

Undaunted, the 42-year-old Sawyer is moving full speed ahead. That's the direction he should take. Other governmental agencies should take a lesson.

Since last August he has drastically reduced publications and saved money. In the Superintendent of Documents division alone, the 22,000 titles stocked when Sawyer arrived have been chopped to 15,000. The housecleaning destroyed some $11 million worth of publications that were not selling more than 50 copies a year or earning more than $1,000 a year. Those volumes, sold as waste, brought in $760,000. Aware of people asking for destroyed publications, people are told there are copies in one of 1,357 libraries throughout the nation.

A profit of $2 million was realized in the first four months of fiscal year 1982 after $20 million had been lost in the three previous years. Seeking additional savings, Sawyer would close 27 GPO bookstores serving 450,000 people around the country. This operation lost $9.7 million last year.

Many Holland residents have received government publications from Rep. Guy Vander Jagt. GPO has been a congressional plaything, necessary, but certainly misused.

The GPO has three main functions, the New York Times reports. By law, it does in-house printing of documents, such as the Congressional Record. It procures printing for other federal agencies and sells some documents. Last year 41.8 million publications were sold out of more than 4.8 billion printed, for $50.6 million.

Sawyer's problem is the philosophical clash between the businessman's viewpoint and the idealists' viewpoint on how best to serve the American public.

Attempting to run GPO like a business, Sawyer's concern with the bottom line is gratifying. But he hasn't heard the last from Congress, especially people like Sen. Charles Mathias of Maryland, joint committee chairman. Mathias has 2,529 GPO employees living in Maryland and he received $46,000 in his 1980 campaign from GPO unions plus a $5,000 maximum from the AFL-CIO.

See why it's difficult for somebody to streamline a government business. The bureaucrats don't want it corrected and finds ways to introduce stumbling blocks.

The American public should applaud the GPO chief.

Keep it up, Danford L. Sawyer Jr.●

UNIVERSITY OF MAINE EXCELS AT BASEBALL

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. EMERY. Mr. Speaker, there probably is not one Member of this House that is not a baseball fan. Like myself, any person that has ever put mustard on a hotdog at the ball park, longs for the greatest sporting event of the year. I of course refer to the "World Series." Well the series is over. The "College World Series" that is.

Today I would like to pay tribute to one of the greatest teams in college baseball, the University of Maine (at Orono) Black Bears. This year, 22 fine athletes, under the direction of Coach John Winkin, went all the way to the College World Series in Omaha, Nebr., and to quote Coach Winkin, "That's not bad for a bunch of snowbirds and potato pickers." Maine proved to be an outstanding club as they finished in a tie for third place.

Now most of us consider late March to be the beginning of the baseball season, but in Orono, Maine, the folks are just putting away their "Longjohns." So the UMO baseball squad is forced to play most of their early games on the road. This year they spoiled many a home team's afternoon as they racked up a 34 to 13 overall record; that record reflects their triumph as ECAC New England Champs and NCAA Northeast Regional Champions.

The Black Bears are no strangers to the "College World Series." Maine has sent teams to Omaha in 1964, 1976, 1981, and again this year. I read with interest an article which appeared in the Washington Post, Saturday, June 12, in which the coach of the Miami team talked about the Maine boys' off field performance; he said:

Those Maine guys must not get out of the woods too much, when they came to play at our place last year, one of the players ended up marrying our ball girl.

Coach Winkin was not without his comments, a favorite with the newsmen for his quick wit and humor. When he is not speaking with the press he is out working with his ball team. This is evident by his fine 512 to 322 and 7 career record.

I am very proud as a Representative from the State of Maine of the outstanding performance by the entire University of Maine baseball team. I congratulate Coach Winkin, his assistants, and the entire squad on a super season. These players join a select group of young men such as baseball greats Sal Bando and Dave Winfield, who have had the privilege of playing in one of the classic sporting events of the year. I know that all of the people in Maine and the UMO alumni around the country are as thrilled for this team as I am, and we all look forward to seeing the boys from Maine out in Omaha next year.

Members of the 1982 Maine baseball team:

No. 3 Kevin Jordan, No. 4 Kevin Bernier, No. 6 John Balerna, No. 7 Peter Adams, No. 8 Bill Swift, No. 9 Jeff Paul, No. 10 Fred Staples, No. 11 Rob Roy, No. 12 Peter Bushway, No. 14 Ernie Webster, No. 15 Tom Mahan, No. 16 Stew Lacognata, No. 17 John Kowlski, No. 18 Joe Johnson, No. 19 Mark Sutton (Captain), No. 20 Brad Colton, No. 22 Dick Witten, No. 24 Tom Vanidentine, No. 25 Ed Hacckett, No. 26 Ed Pickett, No. 28 Tony Cimino, and No. 29 Rick Lashua.

Assistant Coaches: Bobby Wahlen and Brian Cox.

Head Coach: Dr. John Winkin.

Trainer: Wes Jordan.●

HE SAVED MY HUSBAND'S LIFE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. WOLF. Mr. Speaker, I want to bring to your attention a heroic act performed by Robert W. Robinson, a town councilman in the town of Vienna, Va. His courage and bold actions saved a young man's life, as detailed in the following Fairfax Journal article. His spirit and determination should be commended and are an inspiration to us all.

HE SAVED MY HUSBAND'S LIFE

(By Elizabeth George)

When John G. Stephenson gave his mother an ear-to-ear smile on her birthday Friday, it was the best present she could have received.

It wasn't too long ago that his family thought they'd never see another smile from the 19-year-old Fairfax Station man.

They figure only "the good Lord" and Vienna Councilman Robert W. Robinson gave the young man—a husband and father of a 3-year-old girl—a chance at surviving a horrible automobile crash three weeks ago.

In the early-morning hours of May 7, John Stephenson's car left the ramp from I-66 onto I-495, flipped over sideways and turned end over end. He was ejected through the car's sun roof during the crash.

Traveling behind Stephenson was Councilman Robinson, a volunteer firefighter with first-aid training.

Robinson, 41, screeched to a halt and rushed to the critically injured man's side. Although Stephenson was bleeding profusely and appeared dead, Robinson immediately began administering first aid.

He also told another passerby how to use the CB radio in his car to summon help.

Beverly Stephenson, John's father, said his son was "clinically dead" when he arrived at Fairfax Hospital. There was no pulse or respiration and he had lost nearly all his blood.

"He was pulled back from the dead by the excellent shock trauma team at Fairfax. But they only had something to work on because of Councilman Robinson. There's no question John would not have had a chance without his help," Stephenson said.

Knowing that Stephenson was criticallly injured, Robinson was afraid to do anything but clear the young man's mouth and give him mouth-to-mouth resuscitation. When he stuck a finger in Stephenson's mouth, however, the injured man clamped down on it and wouldn't let go.

Robinson was left with no other choice but to suck the blood and vomit from his mouth before blowing air into the man's collapsed lungs. When rescue workers arrived they thought Robinson was injured because of the blood that covered him. They helped pry his finger loose.

Stephenson suffered massive internal injuries, including a crushed diaphragm and spleen, punctured bladder, displaced and cut liver, collapsed lung and severely broken hip. He regained consciousness May 16, nine days after the accident.

"No matter what the result, Robinson acted in a heroic manner and did well. Thanks to him we have a son that's alive today," Beverly Stephenson said. "He performed in a manner that deserves recognition. And I just can't say enough about the man.

But a modest Robinson said his only regret is that he couldn't have performed the deed in secret. It was just something he had to do.

"I remember looking at him and saying something has to be done. I don't know if the next person could handle a situation like this, but I've seen many of these things and I knew what I had to do," Robinson said.

Robinson has seen combat duty in the Army, has worked plane crashes and automobile accidents with the Vienna Fire Department and is a funeral director in Vienna.

"I tried to do the right thing and evidently it was the right thing. I was doing a whole lot of hoping, though," he added.

He became more determined when a passerby looked down on Stephenson and said, "God, he's dead." Robinson told him to leave.

"You don't know if they can hear or know if they can feel you there. It seems if someone holds you here, you stay," Robinson said.

Three weeks after his accident, Stephenson is still here.

He can't talk because of the tracheotomy performed on him but he has moved all his extremities—even the leg in traction. From his bed in the Intensive Care Unit at Fairfax Hospital, Stephenson communicates by nodding his head and using his hands.

His wife, Sue, said doctors have told her John will recover completely "just like he was before the accident."

"I am so happy with his progress. He's come a long way but he still has a long road to travel," she said.

Sue Stephenson said she will be "forever indebted" to Robinson for his part in saving John's life. When he came to check on the young man, she said, "I gave him the biggest hug and kiss. And he was so shy and bashful."

"I think Councilman Robinson is wonderful. He's a hero. He saved my husband's life, he did, he really did." ●

TRIBUTE TO AMNESTY INTERNATIONAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. OBERSTAR. Mr. Speaker, I join with my colleagues who are deeply concerned about human rights in congratulating Amnesty International on its 21st anniversary. This Nobel prize-winning worldwide organization devoted to human rights, deserves both that high honor of the world's most coveted peace award, and recognition by Congress.

Living in a country which is free from political and religious oppression, we may find it difficult to comprehend fully the remarkable and successful efforts of Amnesty International. It serves as the only source of hope for countless prisoners of conscience all over the world. Its watchful efforts have been effective in bringing attention and recognition to those who would have otherwise been added to the ever-increasing list of those reported as missing. Their humanitarian actions have saved the lives of many men and women all over the world.

I would especially like to commend their efforts in El Salvador and throughout Central America. Having personally listened in El Salvador to eyewitness accounts of torture and murder of innocent civilians by government forces, I know how valuable and necessary their work is. Their network of information-gathering sources provides a vital service for those who work to strengthen human rights.

Unfortunately, the efforts of Amnesty International are needed even more today than in the previous 21 years. The Reagan administration deemphasis of human rights means toleration of human rights violations by oppressive governments.

I commend Amnesty International's vigilant efforts of the last 21 years and hope that their successful efforts will continue into the future.●

ONE CLEAN CITY: FREDERICK

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mrs. BYRON. Mr. Speaker, an editorial in the June 1, 1982, issue of the Washington Post gave a deserving tribute to the outstanding physical appearance and community spirit of Frederick, Md. As the city of Frederick is located in my congressional district and is, in fact, my own hometown, I know firsthand of the strong sense of pride which the residents feel toward this historic and charming city. As pointed out in the editorial, Frederick's citizens and public officials have worked together to maintain a tradition of keeping the city shipshape. I would like to invite my colleagues to take advantage of any future opportunity to visit this showcase city which is located only 1 hour's drive from our Nation's Capitol. I am sure that after only a brief visit, the magic of Frederick will remain with you.

Mr. Speaker, I join the editors of the Washington Post in commending my fellow Fredericktonians for the care they have given our fine city and I respectfully request that the editorial be printed in the RECORD at this point:

ONE CLEAN CITY: FREDERICK

If you are traveling along Interstate 270 this summer, you might want to leave the highway for a few minutes and visit Frederick, Md. If you want to see what a really spick-and-span small city (population 30,000) looks like, this is the place.

When the Maryland Municipal League held a convention in Frederick two years ago, teasing delegates asked Mayor Ron Young how he had managed to get the citizens to wash down the streets for their benefit. But the mayor has no such persuasive power. None is needed. Frederick was originally settled by people who set great store by a shipshape city, and, rather magically, the tradition has been maintained.

To begin with, there is a citizen commitment to cleanliness and order which, repeated visits prove, is on evidence in every part of town. Sidewalks are swept, trash is securely bagged, and it is unusual to see even a piece of Kleenex or an ice cream wrapper on the street. The Boy Scouts volunteer for cleanup duty and the Downtown Merchants Association schedules regular days on which store owners and their employees lend a hand to spruce up. Looking over the results, a visitor feels like donning white gloves and running a finger along the curb.

These private efforts are more than matched by the city government. Working from the midnight shift, city workers collect the trash three times a week in every neighborhood. Downtown streets are swept six nights a week and every single street in the city is cleaned at least twice a week.

The National Trust for Historic Preservation has honored Frederick for restoration of the downtown area. More than 1,000 buildings have been renovated in the last five years. Six hundred new trees have been planted on the downtown streets, and plans have been drawn for the creation of a linear park that will run through the middle of the city.

Frederick is growing. It has attracted new industry and residents who commute to jobs in Washington and Baltimore. It is growing without losing that special sense of community pride which has made it a truly lovely city. The citizens and the government care about the physical appearance of the town. Their efforts dignify those who live there and dazzle those who drop in.●

A SALUTE TO THE ARKANSAS MEMBERS OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. BETHUNE. Mr. Speaker, I am pleased to salute the Arkansas members of the American Symphony Orchestra League this week, which has been designated "National Orchestra Week." Arkansas is privileged to have five symphony orchestras, which perform about 100 concerts a year involving over 350 musicians. These five orchestras are located around the State so that all Arkansans have the opportunity to attend.

The Arkansas Symphony Orchestra at Little Rock alone has an audience of about 45,000 to 50,000 each year. The symphony travels all over Arkansas, and was honored to perform at the Kennedy Center for the Bicentennial. Small ensembles from the orchestra give demonstrations to area schools in order to keep Arkansas youth involved and informed about opportunities in music.

The 85 musicians that make up the Arkansas Symphony Orchestra are all professionals. Two-thirds of the musicians are involved in full-time careers directly associated with music, such as music teachers from universities, high schools, and elementary schools. Other musicians include building contractors, housewives, doctors, journalists, and government employees.

The North Arkansas Symphony is located in Fayetteville, the South Arkansas Symphony at El Dorado, Conway is the home of the University of Central Arkansas Symphony, and the Fort Smith Symphony is at Fort Smith. Together with the musicians of the Arkansas Symphony Orchestra, the orchestras in Arkansas put in a lot of long hours of practice and make many sacrifices to bring our State the wonderful music we all enjoy. In all parts of the Nation, other orchestras do the same. I hope all my colleagues will join in saying thanks.●

TO PROHIBIT USE OF MEDICARE FUNDS FOR ANTIUNION ACTIVITIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which would put an end to the current policy of allowing medicare funds to be used to reimburse hospitals and nursing homes for costs associated with antiunion organizing activities. At a time when Federal medicare dollars are scarce and limited resources are available to provide adequate health care for the elderly, it is highly wasteful, if not outright unethical, to allow medicare to reimburse health care providers for any activity which does not directly relate to patient care.

The letter and spirit of our medicare law clearly underscores its purpose as a health insurance program for services related to the care of aged and disabled beneficiaries. This purpose has been underscored as a policy three times since 1979 by the reaffirmation that there remain a strict prohibition against the use of medicare funds for activities related to persuading or influencing employees not to join a union. Such an affirmation was designed to avoid the instances such as the hospital in Pennsylvania which was reimbursed for antiunion consultant services with a bill that came to over $80,000 for a 2-month period. These antiunion activities were billed to medicare as "administrative expenses"—hardly administrative and clearly unrelated to patient care.

Another prominent consulting agency recently spent over $225,000,000 to direct such an antiunion campaign that was replicated throughout the health care industry. It appears that this trend is accelerating. Currently, it is estimated that health care facilities are hiring consultants in nearly 75 percent of all election campaigns. There are approximately 500 of these campaigns each year according to the National Labor Relations Board. Conservative estimates place the annual cost of such antiunion activities at a level of approximately $63 million annually. Under my bill this type of activity would be stopped and the drain on our overburdened and underfunded medicare program mitigated.

Prior to January 1980 the Department of Health and Human Services maintained a policy which strictly prohibited the use of medicare funds for antiunion campaigns. Specifically, the policy clarification issued by the Director of the medicare bureau in 1979 stated:

> It has been brought to our attention that some providers are engaging in certain activities involving persuasion of employees that are clearly not related to patient care and, as such, the costs of these activities are not allowable.

In October 1980, in an effort to clarify the matter further, the Health Care Financing Administration, which administers the medicare program, asked for public comment on how to identify such activity as well as identify "reasonable costs" associated with such medicare reimbursements. Based on the comments it received, HCFA issued final notice on this matter on January 16, 1981, which reaffirmed that "such costs are clearly unrelated to patient care and, therefore, are not allowable under the statute and regulations." HCFA further went on to say that even though such activities might be allowable under the National Labor Relations Act or by the Internal Revenue Service, this policy would remain in effect because these two statutes were different in nature and purpose from the medicare law.

Mr. Speaker, I have introduced this legislation in order that we may insure that this policy—which has been suddenly reversed—stays in effect. In a clear turnabout last January, the Department of Health and Human Services stated that medicare would pay for such activities and also applied this policy retroactively. This now means that any health care provider previously denied reimbursements within the past 2 years for antiunion activities would be allowed to appeal such a decision. Communications have been sent to Secretary of Health and Human Services Schweiker protesting this reversal, but to no avail. This bill would insure that medicare is retained as a health insurance program and not a program which places money in the hands of those who are not directly concerned with medicare beneficiaries.

At a time when medicare pays for only 38 percent of the costs of health care for the elderly and at a time when we still are not providing reimbursement for vital health care services such as prescription drugs, eye, dental, and foot care for our seniors, then we cannot afford to divert these resources to management consultants for antiunion activities.

As Chairman of the Human Services Subcommittee of the House Select Committee on Aging, I conducted a series of hearings which examined the eye care needs of seniors. The result of those hearings was that we found that 93 percent of the elderly required glasses and medicare—the health insurance program which is designed to reimburse the elderly for essential health care—does not pay for one dime of this care. If medicare money is being spent, it should be going to pay for services to the elderly, not services to facilities. Our primary emphasis has always been—and must continue to be—to provide benefits to the elderly for hospital and health care.

Mr. Speaker, this issue has been the subject of hearings by the House Education and Labor Committee's Subcommittee on Labor-Management Relations, where I am a member. I have also joined many of my colleagues who have contacted Secretary Schweiker to urge him to reverse this ill-advised policy. It is my intention to work to effect passage of this legislation in order that we may insure, once and for all, that medicare funds are not

wasted, but rather, are spent where they are most needed.●

TWO MORE KUDOS FOR THE FLAT RATE TAX

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. PAUL. Mr. Speaker, it is extremely rare that you will get the great philosopher and economist, Friedrich Hayek, and the editorial writers of the liberal Washington Post actually offering arguments in favor of the same proposal. When they do, it is something like the political equivalent of the "Jupiter effect," and it should draw our attention. This unusual phenomenon adds weight to my conviction that H.R. 6352, The Flat Rate Tax Act of 1982, is an idea whose time has come.

My bill would replace our present, incomprehensible and unfair, progressive income tax with a flat, 10-percent tax on all income over $10,000. The chief merits of this legislation would be its fairness and its utter simplicity: Everyone would pay the same 10 percent on all their income over $10,000. There would be no exemptions, no deductions, and no exceptions. To allow even one deduction—say, for charitable expenses—would surely open the floodgates and ruin the whole thing.

Four out of ten taxpayers are now driven to hire professionals to fill out their tax returns. They spend over $60 billion a year complying with or taking advantage of IRS regulations. And this does not even include the billions that the Government spends to process returns, catch tax evaders, et cetera. It is high time that the Congress scrapped this lousy tax system of ours which is broken beyond repair.

Some flat rate proposals call for a higher percentage tax. Well, it seems to me that if the church asks for only 10 percent of our incomes then that ought to be enough for Uncle Sam too. By setting the base income level at $10,000, my bill provides ample protection for poorer individuals.

The flat rate tax comes much closer to being a perfectly fair tax than our present inscrutable contraption: Our so-called progressive tax, with its absurd number of tax shelters and loopholes, allows some wealthy individuals to get away without paying any taxes at all, while most middle-income Americans pay far too much. I am convinced that my simple, fair, flat rate tax should appeal to people of all ideological persuasions.

The flat rate tax established by H.R. 6352 would encourage many who now participate in the underground economy because of excessively high tax rates to come forward and report their income. It is now estimated that the Treasury loses anywhere from $90 to $150 billion per year due to unreported income.

Finally, the flat rate tax would help curb the excessive, arbitrary, and capricious powers of the IRS. We could fire those 5,000 new IRS inspectors, and then fire thousands more. Yes indeed, this alone might be reason enough to pass H.R. 6352.

Let me just add that some individuals have suggested that a few worthwhile charities might be harmed by the loss of the charitable deduction. I cannot believe that any worthwhile charity depends upon the tax deduction for its existence. Authoritative studies have suggested that the bulk of charitable donations are made by people who do not even itemize on their return, and therefore, take no advantage of the deduction.

Only a few special interest groups who benefit from our present, inequitable tax system will oppose the flat rate tax. I have found that H.R. 6352 has enormous popular appeal. Therefore, I urge my colleague to cosponsor it.

An editorial from the Washington Post follows, and then some excerpts from Hayek's great defense of freedom:

[From the Washington Post, June 3, 1982]

FLAT-OUT TAXES

Could it be that—after decades of learned study, presidential commitment and general hand-wringing all around—the time for tax reform has come? Senate Finance Committee Chairman Robert Dole has given life to the possibility. Later this year his committee will hold hearings on proposals to replace the individual income tax—with all its preferences and exclusions—with a flat low-rate tax.

Last year the tax system headed in a different direction. The big tax-cut bill provided new gimmicks by which cagey taxpayers could further reduce their burden. Dispensing favors through the tax machine is nothing new, but this time warning lights started to flash. The public, it seems, is thoroughly fed up with a tax system that is not only of baroque complexity, but also downright arbitrary in impact. Replacing the system with a low-rate tax on income—with few, if any, exclusions allowed—is an idea that, by promising efficiency, equity and simplicity, appeals to all parts of the political spectrum.

The flat tax is not, of course, without its critics. The dozens of tax preferences that the system would chop down didn't just grow spontaneously. They were planted and nurtured by substantial interests—none more powerful than the members of the tax-writing committees who know full well the political leverage that comes from the ability to deliver favors redeemable in cash at tax time.

More high-minded opponents of the flat tax will note that the current system, for all its flaws, is at least moderately progressive. A well-off person is certainly able to share more of his last dollars with the government than a poor person, and a decent tax system will take account of that fact. But there are ways to introduce progressivity without complexity into the tax system—none better than the negative income tax long espoused by conservative economist Milton Friedman.

The progressivity of the current income tax is, in any event, bought at enormous price in inefficiency and unfairness. In 1979, for example, about 20,000 taxpayers with adjusted gross incomes of more than $100,000 paid income taxes of more than 40 percent on that income. Remember that adjusted gross income already excludes many tax preference items, but still these families paid hefty taxes. Another 20,000 families in the same high income bracket, however, paid income taxes of less than 15 percent of that income.

In fact, in the upper ranges of the tax system, what you pay depends mostly on how good is the tax advice you get. This rather than the general level of taxation, is what irks the average taxpayer most—the sure knowledge that other people in equal of better circumstances are beating the system, and doing it in ways that the system condones and even encourages.

Simplifying the tax code can release the talents and energies that are now diverted into figuring out tax avoidance schemes and counseling others in their use. And the loopholes in the tax law are now so spacious that eliminating them can produce higher revenues with far lower tax rates. Congress needs to raise more taxes to close the federal deficit and finance the defense buildup. The administration won't support more than token tax increases for fear that higher rates will stifle incentives for productive work and investment. Tax reform is the perfect compromise.

[The following excerpts are from Friedrich A. Hayek, the Constitution of Liberty, chapter twenty]

As is true of many similar measures, progressive taxation has assumed its present importance as a result of having been smuggled in under false pretenses. When at the time of the French Revolution and again during the socialist agitation preceding the revolutions of 1848 it was frankly advocated as a means of redistributing incomes, it was decisively rejected. "One ought to execute the author and to the project," was the liberal Turgot's indignant response to some early proposals of this sort. When in the 1830's they came to be more widely advocated, J. R. McCulloch expressed the chief objection in the often quoted statement: "The moment you abandon the cardinal principle of exacting from all individuals the same proportion of their income or of their property, you are at sea without rudder or compass, and there is no amount of injustice and folly you may not commit." In 1848 Karl Marx and Friedrich Engels frankly proposed "a heavy progressive or graduated income tax" as one of the measures by which, after the first stage of the revolution, "the proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeois, to centralize all instruments of production in the hands of the state." And these measures they described as "means of despotic inroads on the right of property, and on the condition of bourgeois production . . . measures . . . which appear economically insufficient and untenable but which, in the course of the movement outstrip themselves, necessitate further inroads upon the old social order and are unavoidable as a means of entirely revolutionizing the mode of production." But the general attitude was still well summed

up in A. Thiers's statement that "proportionality is a principle, but progression is simply hateful arbitrariness," or John Stuart Mill's description of progression as "a mild form of robbery."

But after the first onslaught had been repelled, the agitation for progressive taxation reappeared in a new form. The social reformers, while generally disavowing any desire to alter the distribution of incomes, began to contend that the total tax burden, assumed to be determined by other considerations, should be distributed according to "ability to pay" in order to secure "equality of sacrifice" and that this would be best achieved by taxing incomes at progressive rates. Of the numerous arguments advanced in support of this, which still survive in the textbooks on public finance, one which looked most scientific carried the day in the end. It requires brief consideration because some still believe that it provides a kind of scientific justification of progressive taxation. Its basic conception is that of the decreasing marginal utility of successive acts of consumption. In spite of, or perhaps because of, its abstract character, it has had great influence in making scientifically respectable what before had been admittedly based on arbitrary postulates.

Modern developments within the field of utility analysis itself have, however, completely destroyed the foundations of this argument. It has lost its validity partly because the belief in the possibility of comparing the utilities to different persons has been generally abandoned and partly because it is more than doubtful whether the conception of decreasing marginal utility can legitimately be applied at all to income as a whole, i.e., whether it has meaning if we count as income all the advantages a person derives from the use of his resources. . . . There can now be little doubt that the use of utility analysis in the theory of taxation was all a regrettable mistake (in which some of the most distinguished economists of the time shared) and that the sooner we can rid ourselves of the confusion it has caused, the better . . .

3. Those who advocated progressive taxation during the latter part of the nineteenth century generally stressed that their aim was only to achieve equality of sacrifice and not a redistribution of income; also they generally held that this aim could justify only a "moderate" degree of progression and that its "excessive" use (as in fifteenth-century Florence, where rates had been pushed up to 50 percent) was, of course, to be condemned. . . .

It was in Germany, then the leader in "social reform," that the advocates of progressive taxation first overcame the resistance and its modern evolution began. In 1891, Prussia introduced a progressive income tax rising from 0.67 to 4 percent. In vain did Rudolf von Geist, the venerable leader of the then recently consummated movement for the Rechtsstaat, protest in the Diet that this meant the abandonment of the fundamental principle of equality before the law, "of the most sacred principle of equality," which provided the only barrier against encroachment on property. The very smallness of the burden involved in the new schemes made ineffective any attempt to oppose it as a matter of principle.

Though some other Continental countries soon followed Prussia, it took nearly twenty years for the movement to reach the great Anglo-Saxon powers. It was only in 1910 and 1913 that Great Britain and the United States adopted graduated income taxes rising to the then spectacular figures of 8¼ and 7 percent, respectively. Yet within thirty years these figures had risen to 97½ and 91 percent.

Thus in the space of a single generation what nearly all the supporters of progressive taxation had for half a century asserted could not happen came to pass. This change in the absolute rates, of course, completely changed the character of the problem, making it different not merely in degree but in kind. All attempt to justify these rates on the basis of capacity to pay was, in consequence, soon abandoned, and the supporters reverted to the original, but long avoided, justification of progression as a means of bringing about a more just distribution of income. It has come to be generally accepted once more that the only ground on which a progressive scale of over-all taxation can be defended is the desirability of changing the distribution of income and that this defense cannot be based on any scientific argument but must be recognized as a frankly political postulate, that is, as an attempt to impose upon society a pattern of distribution determined by majority decision.

4. An explanation of this development that is usually offered is that the great increase in public expenditure in the last forty years could not have been met without resort to steep progression, or at least that, without it, an intolerable burden would have had to be placed on the poor and that, once the necessity of relieving the poor was admitted, some degree of progression was inevitable. On examination, however, the explanation dissolves into pure myth. Not only is the revenue derived from the high rates levied on large incomes, particularly in the highest brackets, so small compared with the total revenue as to make hardly any difference to the burden borne by the rest; but for a long time after the introduction of progression it was not the poorest who benefited from it but entirely the better-off working class and the lower strata of the middle class who provided the largest number of voters. It would probably be true, on the other hand, to say that the illusion that by means of progressive taxation the burden can be shifted substantially onto the shoulders of the wealthy has been the chief reason why taxation has increased as fast as it has done and that, under the influence of this illusion, the masses have come to accept a much heavier load than they would have done otherwise. The only major result of the policy has been the severe limitation of the incomes that could be earned by the most successful and thereby gratification of the envy of the less-well-off . . .

Closely connected with this problem is the effect of progressive taxation on an aspect of capital formation which is different from that already discussed, namely, the place of formation. It is one of the advantages of a competitive system that successful new ventures are likely for a short time to bring very large profits and that thus the capital needed for development will be formed by the persons who have the best opportunity of using it. The large gains of the successful innovator meant in the past that, having shown the capacity for profitably employing capital in new ventures, he would soon be able to back his judgment with larger means. Much of the individual formation of new capital, since it is offset by capital losses of others, should be realistically seen as part of a continuous process of redistribution of capital among the entrepreneurs. The taxation of such profits, at more or less confiscatory rates, amounts to a heavy tax on that turnover of capital which is part of the driving force of a progressive society.

The most serious consequence, however, of the discouragement of individual capital formation where there are temporary opportunities for large profits is the restriction of competition. The system tends generally to favor corporate as against individual saving and particularly to strengthen the position of the established corporations against newcomers. It thus assists to create quasi-monopolistic situations. Because taxes today absorb the greater part of the newcomer's "excessive" profits, he cannot, as has been well said, "accumulate capital; he cannot expand his own business; he will never become big business and a match for the vested interests. The old firms do not need to fear his competition: they are sheltered by the tax collector. They may with impunity indulge in routine, they may defy the wishes of the public and become conservative. It is true, the income tax prevents them, too, from accumulating new capital. But what is more important for them is that it prevents the dangerous newcomer from accumulating any capital. They are virtually privileged by the tax system. In this sense progressive taxation checks economic progress and makes for rigidity."

An even more paradoxical and socially grave effect of progressive taxation is that, though intended to reduce inequality, it in fact helps to perpetuate existing inequalities and eliminates the most important compensation for that inequality which is inevitable in a free-enterprise society. It used to be the redeeming feature of such a system that the rich were not a closed group and that the successful man might in a comparatively short time acquire large resources. Today, however, the changes of rising into the class are probably already smaller in some countries, such as Great Britain, than they have been at any time since the beginning of the modern era. One significant effect of this is that the administration of more and more of the world's capital is coming under the control of men who, though they enjoy very large incomes and all the amenities that this secures, have never on their own account and at their personal risk controlled substantial property. Whether this is altogether a gain remains to be seen.

It is also true that the less possible it becomes for a man to acquire a new fortune, the more must the existing fortunes appear as privileges for which there is no justification. Policy is then certain to aim at taking these fortunes out of private hands, either by the slow process of heavy taxation of inheritance or by the quicker one of outright confiscation. A system based on private property and control of the means of production presupposes that such property and control can be acquired by any successful man. If this is made impossible, even the men who otherwise would have been the most eminent capitalists of the new generation are bound to become the enemies of the established rich. . . . .

In the last resort, the problem of progressive taxation is, of course, an ethical problem, and in a democracy the real problem is whether the support that the principle now receives would continue if the people fully understood how it operates. It is probable that the practice is based on ideas which most people would not approve if they were stated abstractly. That a majority should be free to impose a discriminatory tax burden on a minority; that, in consequence, equal services should be remunerated differently;

and that for a whole class, merely because its incomes are not in line with those of the rest, the normal incentives should be practically made ineffective—all these are principles which cannot be defended on grounds of justice. If, in addition, we consider the waste of energy and effort which progressive taxation in so many ways leads to, it should not be impossible to convince reasonable people of its undesirability. Yet experience in this field shows how rapidly habit blunts the sense of justice and even elevates into a principle what in fact has no better basis than envy.●

STUDIO MUSEUM IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. RANGEL. Mr. Speaker, today in New York, the new facility of the Studio Museum In Harlem is being dedicated. Unfortunately, legislative duties here in the Capitol prevent me from attending the ceremony. However, I would like to share with you and our colleagues some of the joy and pride that I feel at the reopening of one of the centers of art in our great city.

The new facility has been transformed from an old office building into a fine arts museum and studio. This was done largely through an urban development action grant from the U.S. Department of Housing and Urban Development. This is exactly the kind of project that we in Congress envisioned in creating the UDAG grants. The temporary construction jobs, additional permanent jobs, and the permanent museum, which by conservative estimates will have 250,000 visitors a year, will speed the economic development of the 125th Street Corridor.

And the new facility is magnificent. In addition to greatly increasing the storage space for the museum's ever-growing permanent collection, the new facility boasts a very fine multilevel main exhibition space, with 17-foot ceilings to allow the presentation of large sculptures and paintings.

And as proud as we can be of our facility, we must keep in the front of our minds its purpose: To show and stimulate interest in fine works of art. The exhibitions that we will open with today grace the gallery and show it at its best: "Images of Dignity: A Retrospective of the Works of Charles White", "Ritual and Myth: A Survey of African American Art", and "Harlem Heyday: The Photography of James VanDerZee."

I would like to congratulate the board of trustees of the Studio Museum In Harlem, as well as its chairman, Charles A. Shorter, and its executive director, Dr. Mary Schmidt Campbell, and wish them all continued future success.●

NATIONAL ORCHESTRA WEEK

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. PETRI. Mr. Speaker, since this is National Orchestra Week, I would like to take this opportunity to recognize one of the fine community orchestras in my district and, indeed, the country, the Oshkosh Symphony Orchestra.

Since some of my colleagues may not be aware of the many accomplishments of this fine institution which will be entering its 42d season, I will mention just a few. At the 1981 convention of the American Symphony Orchestra League, the Oshkosh Symphony Association won the national award for the most effective and innovative season ticket campaign.

Also, the symphony ranks in the top 10 of the American Symphony Orchestra League's statistical survey of community orchestras in the number of season tickets sold, earned and supplemental income, compensation paid to musicians, and management of funds.

The main reason for this success is obvious: The Oshkosh Symphony is a first rate musical organization. We all know that there is fine music in our large cities, but I am very proud to be able to say that great music can also be found in our smaller towns and rural areas. The coming season will bring to Oshkosh such international stars as Isaac Stern, who is one of my personal favorites, and Eugenia Zukerman. Moreover, the Oshkosh Symphony will also present the world premiere of a series of orchestral portraits composed by Virgil Thomson, a giant among American composers.

I believe that National Orchestra Week is a great idea, and I urge all of us to take this opportunity to listen to and appreciate the great heritage that we have.●

CHAIRMAN CLAUDE PEPPER

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. MICA. Mr. Speaker, older Americans throughout this Nation have an effective and untiring champion, Hon. CLAUDE PEPPER of Florida, the chairman of the House Select Committee on Aging. I serve with Chairman PEPPER as a member of the Aging Committee, and have observed his forceful advocacy. Whether Members agree with his policies or not, all agree that "the Senator" is a statesman of national prominence, as profiled in the article I submit for the RECORD, written by Robert Shaw of the Miami Herald.

[From the Miami Herald, May 31, 1982]

PEPPER FIGHTING TO REKINDLE FIRE OF THE NEW DEAL

(By Robert D. Shaw, Jr.)

WASHINGTON.—It was the start of a typical Washington week: Ronald Reagan and House Speaker Thomas (Tip) O'Neill were hurling angry words at each other—again—over Social Security and Medicare. And, as usual, the President was getting the better of it.

O'Neill had opened the House budget debate last Monday by assailing a Reagan-backed proposal for a three-year, $23-billion cut in Medicare as "a breach of faith with America's elderly." Reagan's riposte was savage: To imply that anyone's benefits would be cut, the President said, is "pure political demagoguery."

Once again, it appeared, the speaker had been frustrated. Massachusetts Democrat O'Neill, the portly, rumpled old pol whom Republicans love to kick around, was trapped in another name-calling contest with a popular president—a contest that even the speaker's staff acknowledges he cannot win.

And so the call went out to a stoop-shouldered, round-bellied, 81-year-old man with a Southern plantation accent and a foghorn voice. With a stride that would do credit to a man 20 years younger, Rep. Claude Pepper (D., Fla.) hustled to the House press gallery to take up the cudgel of The Official Opposition.

That night, all three network newscasts showed identical 20-second segments of videotape: a finger-wagging Pepper, his pink face stern, declaiming, "Anybody who thinks we can cut Medicare benefits $23 billion without hurting elderly beneficiaries is just wrong."

Christopher Matthews, the O'Neill press secretary who had summoned Pepper, was jubilant. Not only had Pepper refocused attention on the benefits issue, a major election-year weapon in the Democrats' arsenal, but Matthews believed he'd also made Reagan's response seem petty by comparison.

"He's the best orator in Congress, and he's totally credible on elderly issues," Matthews said. "I wish we had more like him."

The reaction of Rep. Tony Coelho (D., Calif.), chairman of the Democratic Congressional Campaign Committee, was more succinct. "Claude Pepper," he said, "is dynamite."

Claude Denson Pepper, populist son of the New Deal, is being reborn politically this election year.

As the oldest man in Congress, chairman of the House Aging Committee and a passionate advocate for 32 years on behalf of those he terms "the little people," Pepper's name is irrevocably linked to what may be 1982's most volatile issue and constituency: Social Security and its 36 million elderly, blind and disabled recipients.

And despite the doleful predictions of actuaries that the system is going broke, notwithstanding hemorrhaging federal deficits and the conflicting clatter of study commissions, Pepper's voice still rings strong and clear.

TOURING THE COUNTRY

"We must not and, as far as I'm concerned, we shall not cut benefits," he thunders.

Defiantly invoking the names of Franklin Delano Roosevelt and Lyndon Baines Johnson and fearlessly heaping rhetorical coals on the heads of conservative Republicans

and Democrats alike, Pepper is touring the country trying to rekindle fire from the embers of the New Deal and the Great Society.

If his stem-winding oratory sometimes seem dated, if he leaves himself open to criticism that he is soft-hearted and even soft-headed in this flinty new era of the bottom line, Claude Pepper couldn't care less.

"I came to Congress with convictions of trying honestly to serve all the people," he tells an interviewer, "and I've never changed them. Public service is like a ministry to me. It's my way of doing my little chit to make life a little better for the people who are traveling along life's highway with me."

Said Coelho: "Outside of Tip O'Neill, Claude is the best known name on the Democratic aisle. And as far as the elderly are concerned, he's got absolute credibility. He spoke in my district recently, and he actually had people in tears."

To listen to Pepper speak is to be swept back in time. To him, there is no such thing as an uncontrollable deficit; only a lack of full employment. No social welfare program is too expensive; no need is greater than that of a hungry child, a jobless adult, an impoverished senior citizen. And no one is as dangerous as Ronald Reagan.

"A government cannot be true to its democratic, its republican, in the larger sense, obligation if it ignores the needs of a large part of its people and tries to benefit particularly the few," he said, hunching over his littered desk in an office crammed with a half-century of political memorabilia.

"This administration is the most brazen in the history of this country on its preference for giving assistance to the fortunate and penalizing the unfortunate and the needy. And they have victimized, in order to help those better off, the people who are elderly and poor and ill."

To Pepper, the administration's greatest crime is its "assault" on the Social Security system, which was passed into law one year before he came to Washington as a U.S. senator in 1936 and which he has spent his political lifetime trying to improve.

As a senator, he helped win passage of disability benefits. As a congressman, he was a key force in ramming through Medicare coverage, cost-of-living increases and a host of other benefits. More than any living politician, he can lay claim to being, if not the father, at least the guardian of Social Security.

"He's a living symbol for the elderly, an incredible man," said Paul Kerschner of the American Association of Retired People. "And he's not afraid of anybody. He doesn't have to be. He has been around too long."

Pepper has thus far opposed any proposed changes in Social Security benefits, though he does advocate borrowing from general revenue to carry the system through what he insists is only a short-term cash crunch.

Indeed, it sometimes appears as if Pepper has closed his eyes to the massive body of evidence that underlies the judgment of the system's critics. Instead, Pepper prefers to point a gnarled finger at one man: Reagan.

"The administration says, 'We've got to reform.'' 'What do you mean, 'reform?'" he roared, his face darkening. "There's nothing wrong with Social Security. What's wrong is with your economy. There's 10.3 million people out of work. Put all those millions back to work, and Social Security will have no problems.

"So don't blame Social Security. Talk about Reaganomics."

His critics say statements like that prove that Pepper is out of touch with reality. "He's an anachronism; he lives in another world," said one Republican congressman. But to his admirers, it's vintage Pepper—for the man has always been more concerned with what should be, rather than what is.

Pepper first burst on Washington in 1936, elected to the Senate to fill the vacancy caused by the death of Sen. Duncan Fletcher. The son of an Alabama farmer and a graduate of Harvard Law School, he combined a passionate concern for poor people—of all races—with a fervent admiration of Roosevelt that bordered on love.

Businessmen and conservative white Southerners despised him and tagged him with the nickname "Red Pepper." By 1950, when Pepper was running for his third full term, they had coalesced behind Rep. George Smathers, who had been a Pepper protege.

That compaign's viciousness has since passed into American political legend. Smathers, in a speech allegedly given in rural North Florida, accused Pepper of being a "shameless extrovert" who "practiced celibacy" before his marriage. Newspaper ads, showing Pepper shaking hands with black people, denounced him as a "nigger lover."

The loss to Smathers sent Pepper into 12 years of political retirement, broken only by a futile challenge to incumbent Sen. Spessard Holland in 1958.

But in 1962, with Democrat John F. Kennedy in the White House, Pepper was easily elected to Congress.

For the past five years, Pepper has served as Aging Committee chairman, a perfect forum for his concerns about the elderly. Though the committee lacks authority to write legislation, Pepper uses it to hold high-visibility hearings on everything from Medicare insurance abuse to age discrimination. His use of gimmicks to attract coverage approaches legend: He held one hearing in which all the witnesses were at least 100 years old.

But the committee also has issued a steady stream of reports that document the problems of the elderly how six in 10 depend on Social Security as their primary source of income; how one in six lives in poverty; how higher deductibles and other restrictions have reduced Medicare's share of the average hospital bill to something around 50 per cent.

As his party heads into another election year, Pepper is determined to keep that consciousness high. Despite two hearing aids, open heart surgery and the death of his wife in 1979, which, a friend says nearly killed him, he keeps a schedule that is the envy of many younger men: 10-hour days in Congress, speaking engagements that have taken him to five states in the last two weeks, a weekly newspaper column of advice to the elderly and trips back to his home district nearly every weekend.

INTENSE SCHEDULE

That schedule will intensify unless—as party spokesmen insist they will—the Republicans carry through on a threat to invest at least $500,000 in a Beat Pepper campaign. Two GOP candidates, both Hispanics hoping to appeal to the heavy Latin population in Pepper's district, which includes part of Miami and Miami Beach, already have announced.

As Claude Pepper's 82nd birthday approaches, he's more than ready. He has even been doing some research, he confessed the other day with a sly grin into the meaning of "demagogue" since its a word the Republicans like to throw around.

It means, he says, "people who make false promises to gain power." Now then, Pepper asks in his gravest Southern accent, who's been making false promises—the Democrats, who are trying to save Social Security and Medicare, or Ronald Reagan, who has consistently promised never to cut benefits and then endorsed multibillion dollar cutbacks? "What kind of public integrity is that?" Pepper demands.

With a small smile beginning to bloom and his accent turning to pure mush, Pepper adds, "In the South, there's an old saying that I've heard: Never talk about a rope in a family that's had a hanging. People should not talk about demagoguery who are perhaps subject to question."

Claude Pepper laughs aloud. The Official Opposition is ready.●

NATIONAL ORCHESTRA WEEK

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. HEFTEL. Mr. Speaker, I am pleased that this week has been proclaimed "National Orchestra Week" and want to join my colleagues in saluting orchestras across the country. It is only fitting that we recognize and honor our Nation's symphony orchestras and the talent and dedication of their musicians. I am especially proud to honor my district's excellent orchestra, the Honolulu Symphony, a tremendously exciting and talented ensemble which is one of the great cultural treasures of the Pacific.

Since its birth in 1900, the Honolulu Symphony has been one of Hawaii's finest cultural attractions. For more than 80 years the Honolulu Symphony has offered magnificent public performances, chamber music ensembles, youth concerts, starlight programs, and pops concerts throughout the Hawaiian islands. The symphony, under the direction of Maestro Donald Johanos, provides outstanding and creative musical talent which enhances local ballet, choral and theatrical performances, as well as the annual Hawaii Opera Festival. The members of the Honolulu Symphony also have a fine educational outreach program that inspires an expanding pool of local musical talent.

Honolulu is extremely fortunate to have an orchestra with the high caliber and national renown of the Honolulu Symphony, and I am honored to extend my highest praise in saluting the excellence and dedication of the Honolulu Symphony.●

BARNEY FRANK FIGHTS AGAINST CUTS IN PROGRAMS FOR ELDERS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. PEPPER. Mr. Speaker, I had the privilege to attend a meeting last month in Swansea, Mass., to help older people organize against cuts proposed by the administration in social security, the title V senior employment program, medicare, and other such programs so vitally important to the elderly.

The forum was called by Congressman BARNEY FRANK, the only member of the Massachusetts delegation to serve on the House Select Committee on Aging. In convening this gathering, Representative FRANK noted:

It is important that older people get the information they need to help them protect those valuable programs against attempts by officials who are trying to cut them out of the budget. There are plenty of responsible ways to cut the budget without threatening the most vulnerable segment of our society.

Representative FRANK has been a vigorous, enthusiastic, outspoken advocate for our Nation's elder Americans and a tribute to the Aging Committee's service to this population.

At that time I would like to share with my colleagues a recent statement by BARNEY FRANK to elders in his district regarding proposed cuts in many programs that help older Americans. I ask that his statement appear in its entirety in the RECORD at this point:

STATEMENT BY CONGRESSMAN BARNEY FRANK OF MASSACHUSETTS

Last year, the President and his allies in Congress voted severe cuts in many programs that help older people. For example, the unfairly high increase in Medex recently voted in Massachusetts resulted, in part, from cutbacks made at the federal level in the Medicare program in last year's federal budget. This year, the President and his congressional allies have proposed further cuts in these programs. The proposal to abolish the Senior Aide program, the proposal to further cut medicare, the proposals to stop building housing for the elderly despite continuing need, and, of course, the incredible proposal to cut $40 billion from social security benefits over the next three years—all of these must be defeated.

I believe it is important to reduce the federal deficit. But I also know that it is possible to make the cuts that are necessary in federal spending without further damaging important programs that provide needed services for older people. The proposed Administration budget continues to squander billions of dollars on agricultural subsidies, subsidies for the privately owned nuclear industry, wasteful water projects throughout the country, and on unnecessary and very costly weapons systems such as the MX missile and the B-1 bomber. Additional billions could be provided to reduce the deficit by closing the unjustified tax loopholes which were part of last year's tax reduction package—a measure which unfairly favored the wealthy at the expense of the middle-class and poor in our country. If we were to impose the taxes that were reduced last year for oil companies, and if we were to end the lease-back scheme which has led to the evasion of so many billions of dollars of revenue, we would be able to make substantial reductions in the deficit without cutting necessary programs for the elderly.

Older people who have worked hard all their lives to build this country both in jobs and in raising families, must not be made the scapegoats for our economic problems. It is not the programs that benefit older people that have caused our budget deficit and it is unworthy of a great country like the United States to deny its older citizens lives of some dignity and security. I promise you that in Washington today and as long as I am in public life, I will continue to fight very strongly for fair treatment for our older citizens and against the unfair cuts that were made last year and are being proposed for this year.●

PRIME MINISTER HAUGHEY ADDRESSES IRISH AMERICANS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. SHANNON. Mr. Speaker, I would like to submit the following statement made by the Prime Minister of Ireland on a recent visit to the United States.

In his statement, the Prime Minister calls upon Irish-Americans to forsake any "policies which envisage violence and terror as the means of bringing about the unity of Ireland." He instead calls upon the friends of Ireland to support the policies of the Irish Government in its efforts to achieve Irish unification.

Mr. Speaker, I want to join the Prime Minister in his exhortation of Irish-Americans and others concerned about Ireland. Those of us who consider ourselves friends of Ireland must do all that we can to eschew those who would encourage violence in Northern Ireland. Our goal must be a speedy and peaceful unification of Ireland.

SPEECH BY THE TAOISEACH, MR. CHARLES J. HAUGHEY, T.D., AT A RECEPTION FOR THE IRISH-AMERICAN COMMUNITY IN THE WALDORF ASTORIA HOTEL, NEW YORK, JUNE 10, 1982

I am fortunate that my brief visit to New York allows me an opportunity of meeting this distinguished assembly of leaders of the Irish-American Community and friends of Ireland.

In my address at the White House on Saint Patrick's Day this year when we were the guests of President Reagan, I sought to convey something of the immense pride taken in Ireland in the magnificent contribution Irish-Americans have made in the building of the United States. Many of the Irish men and women who made their home in America came first to this city of New York. It is to this great metropolis, too, that representatives and leaders of the Irish people came to seek that support from Irish-Americans which was crucial in our struggle for independence. One such leader was Eamon De Valera who was born in New York and on my last visit here I gave myself the pleasure of visiting the Church of St. Agnes where he was baptised one hundred years ago. It is a great honour for me on behalf of the Irish people at home in this centenary year of Eamon De Valera to express to you all, Friends of Ireland, our gratitude for your steadfast support for our political, economic and social development.

At home we have perhaps sometimes taken that support for granted. In our pride in the achievement of our compatriots here, we have not always realised the immensely varied part played by Irish-Americans building of this land and the sacrifices made in doing so. Neither have we always made an adequate effort to ensure that our friends in America were fully informed of the evolution of the greater part of the Irish homeland into a modern, progressive democratic society. We must now look to a future of greater mutual understanding and constructive co-operation among Irish people everywhere in the achievement of Irish national objectives.

For my part, I can assure you of my Government's appreciation of the sympathies and traditional loyalties which have given strength to successive generations of Irish emigrants and their descendants in this country. I know from my personal experience that the Irish American Community of today is anxious and is well placed to continue this great tradition.

I am deeply aware of the obligation on me to explain fully and communicate clearly to you, the representatives of the Irish-American Community, the politics of the Irish Government for the attainment of our fundamental aim of welding historically diverse cultures and traditions into a unified modern nation.

It is my conviction that much of the confusion which has existed regarding the Irish Government's approach to the problem of Northern Ireland stems from a failure in communication and I am determined to remedy that failure.

Let us be clear then about one thing—the first political priority of the Irish Government is to promote the unity of the people of Ireland. This is not a question simply of territorial integrity. We seek a union of culture and traditions in a nation which, like yours, is based on democracy and respects fully the freedom of the individual. Our energies are directed towards creating a framework in which an all-Ireland settlement can be negotiated to ensure that in the new Ireland which will emerge the rights of all Irish men and women will be entirely respected and fully guaranteed. We are convinced that it is only in unity that the divisions which are undermining the material wellbeing of generations of Irishmen can be ended. Only in unity can the true fulfillment of our two great traditions be achieved.

Britain has major responsibility in solving the problem of Northern Ireland. As we contemplate the appalling cost of Northern Ireland's failure as a political and economic entity, not only to the community in the Six Counties but to all of us who live on the island of Ireland, we are entitled to ask for British help and cooperation in finding a new and more constructive basis for the management and development of Irish affairs by Irishmen and women in their own best interest. I have always argued that this will not only restore peace in Ireland but it

will remove the shadow which hangs over relations between Britain and Ireland.

It is not in the Irish interest alone that we seek British help and goodwill in the solution of the Northern Ireland problem. It is also in Britain's interest, in America's interest, and in the interest of democracy everywhere that the present unstable situation is not allowed to continue.

At this stage, I believe that only joint action by Dublin and London, taking fully into account the views of all the Northern people, can begin to end division among Irish people.

As Taoiseach, therefore, I have actively pursued the creation of an institutional relationship with Britain as a way of providing an appropriate framework for such joint action.

In my address at the White House last March I expressed the hope that the encouragement of Irish unity would rank high among the international objectives of the United States. The President has already emphasized that the Northern Ireland conflict and the instability which it represents is a problem which should concern all of us in the Western Democracies. The United States as a friend of both Ireland and Britain can do much to encourage a change of attitudes in Northern Ireland which would pave the way for Irish unity. Moreover, the United States Administration continues to express concern about the declining economy of Northern Ireland and a readiness to encourage private investment into Northern Ireland when stability has been restored through the decisive political progress we seek.

I urge you, and through you, all Irish-Americans, to unite behind the clear policy upon which we are embarked. This policy already commands the support of the overwhelming majority of the Irish people. Broad Irish-American support for our objectives will, I believe, enable the United States Administration to play a more effective role in resolving this problem which your President rightly regards as one for the entire community of Western nations.

I was glad in recent days to welcome in Dublin a group of visitors from the Congressional Organization, the Friends of Ireland. I am happy to be able to meet more of these true friends of Ireland here this evening. I look forward to many more such visits in both directions across the Atlantic in the future. These interchanges help to inform people about the real cause of the conflict in Northern Ireland and promote Irish unity as the most effective road to peace.

My Government will work with all those in America who share our ultimate objective of the unity of the people of Ireland and our abhorrence of violence. And let me emphasise that violence, evil in itself and appalling in its consequences, can only postpone the day of Irish unity. Far from advancing, it will further delay a final British military and political withdrawal from Ireland. Violence and the bitterness it involves only frustrate the ultimate achievement of national unity.

I know that many of you are deeply concerned about the Northern Ireland situation and the Irish Government shares your concern and hopes for your understanding and support for the view that progress in removing the causes of violence can only be made by peaceful political means.

Friends of Ireland in America, that is the message I have come to give you. It is a positive message. I set before you a positive aim, the peaceful reunification by agreement of our people and of our country. I have described the peaceful framework in which we shall pursue that aim. Let us do nothing that will separate Irish men and women, whatever side of the Atlantic they may live on—that is the most fundamental lesson of our history. I am confident that we will not forget it, but that we will from now on work together by peaceful persuasion to build a national will for progress, a will to solve the most obdurate problem which stands between us and the fulfilment of the wider nationhood which embraces all the traditions of Ireland.

Nobody in America, therefore, should support or subscribe to policies which envisage violence and terror as the means of bringing about the unity of Ireland.

We intend to mobilise effectively American political and public opinion in favour of the cause of Irish unity by peaceful political process, the only true and lasting basis for such unity. We intend to weld together the constructive efforts of the Friends of Ireland and of Irish-Americans generally, both individually and through their various organisations, to support the cause of Irish unity by peaceful but purposeful negotiations as the ultimate and only sensible way to end the intolerable situation in Northern Ireland.

We want your support and help in that political constitutional process. But there are always of course many other particular ways in which you can help the further and fuller development of Ireland and her people.

Ireland today is engaged in a vast programme of modernisation through education, through industrial expansion based on advanced scientific and technological industries, through growing commerce and trade and through our rapidly improving economic infrastructure.

We seek your help in bringing Ireland to the front rank of the small modern economies, an ambition within our reach given our rich natural resources and the energy and enterprise of our people.

Your partnership can take many forms, all of practical benefit to you and to Ireland.

You and your families can come on holidays to Ireland, as so many of you have done down the years. Bord Failte (the Irish Tourist Board), Aer Lingus and CIE and travel agents everywhere can provide you with all the advice and assistance you need for a happy and rewarding holiday in Ireland.

You may be in a position to encourage your particular firm or corporation to invest in manufacturing or service industry in Ireland knowing you will get the most favourable tax facilities, financial incentives and investment returns available anywhere in Europe. The offices of our Industrial Development Authority throughout the United States will help you avail of the full range of investment opportunities Ireland now offers.

You can support our growing export trade. We are now one of the highest exporters of goods and services in Europe relative to the size of the country. The range and quality of our exports now offer not alone attractive consumer products for the individual but also new trading possibilities to importers, wholesalers and retailers. The officer of Coras Trachtala, the Irish Export Board, in the United States will help you gain access to this growing new trading opportunity.

On a completely different level we will shortly adopt a scheme proposed by Dr. Eoin McKiernan of the Irish-American Cultural Institute which will enable Irish-Americans to sponsor the planting of trees in Ireland dedicated to themselves, their relatives or their friends.

Their personalised tree planting and dedication will add a new interest to a visit to Ireland and will remain for many generations a testimony of our practical and affectionate interest in Ireland.

In conclusion, I would ask you to think seriously on what I have said in this short address about the support we need from you for our positive but peaceful policies and our economic endeavours.

I also hope that you will avail of one or other of the practical ways I have outlined, to join with us in building a modern progressive and prospering Ireland where conditions are now so different from the deprivation which drove the Irish originally in great numbers to seek a better life overseas. We are now a land of growing opportunity. My purpose here today is to invite you to join us in realising these opportunities, to enlist your encouragement—and support for our enterprising economic plans and our prudent political endeavours.●

"BALTIC FREEDOM DAY"

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. BONKER. Mr. Speaker, I want to commend my distinguished colleague, Congressman HYDE, for sponsoring House Joint Resolution 386 which designates June 14 as "Baltic Freedom Day."

The United States has never recognized the Soviet incorporation of Lithuania, Latvia, and Estonia. June 14 is a very important date in Baltic history, for it was on that day in 1940 that thousands of people from the three Baltic States were forcibly deported to the Soviet Union, and Soviet citizens were relocated into the Baltic States in order to "Russify" those States.

House Joint Resolution 386 states that:

> The Congress recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R.

This fact was stressed by the United States when we signed the Helsinki Final Act on August 1, 1975, and it should be stressed again by the Congress. I am pleased that this important resolution passed the House.●

A TRIBUTE TO FATHER JOSEPH JOHNSON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. CONTE. Mr. Speaker, I would like to recognize an amazing man who

serves the people of my district. This June 20, Father Joseph Johnson will mark the 50th anniversary of his ordination to the priesthood. In 1932, this man began an incredible career of service that I want to call to the attention of my colleagues.

Monsignor Johnson springs from humble origins. A native of Lenox, Mass., and the son of a plumber, he first worked as a plumber's assistant before entering the priesthood. After Lenox High School, he went to Holy Cross, from which he graduated in 1929. Then Father Johnson studied for the priesthood in Europe, starting in France and finishing his education in Rome. He was ordained in the diocese of Springfield, Mass., in 1932.

This man is unusual because of the depth of his intellectual capabilities and humanity. Monsignor Johnson has served as the officialis, the church's legal expert, and as a parish priest. From 1963 to 1965, he represented the diocese of Springfield at the Vatican Council with Springfield's Christopher Weldon. In 1970, Monsignor Johnson came to my corner of the world, where he assumed the responsibilities of pastor at St. Mark's parish in Pittsfield.

At St. Mark's, he has shown himself to be a great friend of the poor and disadvantaged. He is a wonderful, self-effacing man who always put his parishioners before himself. Three months ago he underwent open heart surgery to have a valve replaced. Father Johnson did not seek medical attention right away until his health absolutely forced him into the hospital.

What makes this all the more remarkable is that 5 years ago this man underwent surgery for cancer. His doctors then gave him 3 months to live. As soon as he could Monsignor Johnson resumed his duties as pastor for St. Mark's. Miraculously, the cancer disappeared.

Today, this man is still a parish priest living life at full tilt. A man without worldly goods, he lives out the ideals of the church. He honors me and the people of my district with his presence. In today's world of selfishness, greed, materialism, and cynicism, Monsignor Johnson and the inspirational life he has lead give me confidence in the goodness of man.●

STUDENT BENEFITS UNDER SOCIAL SECURITY: BENEFIT CUTS HURT THE NEEDY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. OBERSTAR. Mr. Speaker, in his February 1981 budget message "A Program for Economic Recovery," President Reagan proposed elimination of social security benefits to college age dependent children of deceased, disabled, or retired workers. Calling social security "inappropriate and inefficient," the President assured us that these students would be eligible for Federal student assistance tailored to their needs.

The Omnibus Budget Reconciliation Act of 1981, implemented the President's program, eliminated benefits to all future students, began a phaseout of benefits to current college students, and canceled benefits for the months of May through August.

After denying these orphaned or dependent children the right to an education based on the work efforts of their parents, the administration asked for the cancellation or reduction of virtually all other Federal student assistance programs. This year, the administration contends it "believes that parents have the primary responsibility for the education of their children."

For a good example of the effect of these budget decisions on children struggling for an education, I would like to bring to my colleagues attention the following letter which I received from a young woman in my congressional district.

CONGRESSMEN: I really can't understand this new law for student social security benefits. I'm in a vocational school and have two months left and also two months of rent, food and living expenses to pay, then I'll be moving back home. I really can't believe you can just cut a person off, I was never warned, even a month ahead would have helped but no one sent me a notice until the middle of this month after I received my last check. What can I do? I've honestly been looking for a job, but where are they?

As you probably don't know vocational schools run all summer long we pay tuition all summer long. Okay these students who attend college get out for the summer they don't need the money. We who cannot go to college reserve the right to be put through a school which can place us in a job so we won't need to go on welfare or medical assistance food stamps etc. . . .

It seems to me your paying a lot less deserving people in this welfare bit.

My sister, 20, just started her technical training in February, she'll have to quit. My mother has not been remarried since my father's death and makes about one hundred and fifty dollars a week. She can't see us through school. There are a lot of people in my predicament and don't know what to do. Any suggestions?

JULINA A. BERGMAN.●

MR. LEROY ROBERT (SATCHEL) PAIGE: IN REMEMBRANCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. CLAY. Mr. Speaker, It is with profound sadness that I take this opportunity to express my condolences upon the death of Mr. Leroy Robert (Satchel) Paige.

The death of Mr. Paige removes an extraordinary American from our ranks. His wizardry as a pitcher, his lively sense of humor, and his zest for life made him an athletic titan and an American extraordinaire.

Long before Black Americans were permitted to participate in professional baseball—Mr. Paige was barred from professional baseball for most of his adult life—the remarkable Mr. Paige was making baseball history as a pitcher and becoming an American legend.

He was a "wonder of wonders" who helped us to believe in our better selves, and was a force for human reconciliation and understanding. he will be sorely missed for the magnitude and strength of his contribution to baseball and to the American spirit.

The great tragedy of Mr. Paige's death is that his unparalleled athletic talents were denied to this Nation for so many years because of the color of his skin.

Mr. Paige's legacy will endure and to that end all Americans should be inspired and motivated for years to come. One of the best ways that we can show our appreciation to this courageous and exemplary Black American and the legacy which he leaves behind is to affirm equality of opportunity for all Americans.

Mr. Paige has certainly earned a prominent place in American history. To his dear wife, La homa, I extend my deepest sympathy.●

WATCH OUT HARVARD, HERE'S FLORIDA A. & M.

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FUQUA. Mr. Speaker, I have frequently extolled the excellence of the State universities in my district to my colleagues in this House but today I would like to pay particular attention to Florida A. & M. University, the smallest of the three, for its effective and innovative program to develop future business leaders.

Florida A. & M.'s School of Business and Industry, under Dean Sybil Mobley, has finally achieved a national recognition equal to its success and I confidentially predict both the school and its graduates will continue to set a standard to which others will aspire.

It is a matter of great regional pride to me that the Florida A. & M. School of Business and Industry was recognized recently for excellence by Newsweek magazine whose headline I have used as a title for these remarks.

For the benefit of colleagues who may have missed it, and for chief executive officers in their districts who are seeking superbly educated business grads, I am submitting the Newsweek article in its entirety:

[From Newsweek, May 24, 1982]

WATCH OUT HARVARD, HERE'S FLORIDA A. & M.

Nathan Johnson was fresh out of high school and bound for Georgia Tech when the telephone rang one night. On the line was Sybil Mobley, dean of the School of Business and Industry at Florida A&M University in Tallahassee. She urged him to abandon his plans in favor of four years at predominantly black SBI. "But I'd been advised throughout my high-school career to go to a major white college," says, Johnson; and politely, he turned dean Mobley down. "She said, 'I hope you are good, so when you graduate, one of our students can hire, you'," Johnson recalls. "I said 'Let me check this lady out'."

Johnson did more than that. Next month the 21-year-old SBI grad begins work at Corning Glass Works—and joins the growing ranks of an alumni body deemed among the best-prepared business graduates in the nation. Operating within Florida's university system. She has developed an innovative approach to business education that many corporations wish other schools would emulate. Competition for SBI's graduating seniors is fierce among firms like Chase Manhattan Bank. First Chicago and Ernst & Whinney; while they waited for graduation earlier this month, some seniors were sorting through as many as fifteen job offers. Companies stress that their enthusiasm has little to do with the fact that 95 percent of SBI's 960 students are black. "By any standard, any color," says Champion International Corp. chairman Andrew C. Sigler, "[SBI students] are superb."

SBI's high marks are largely the result of Mobley, a onetime SBI professor named to run the school in 1974. A Wharton M.B.A. who earned an accounting Ph.D. from the University of Illinois, she wanted to upgrade SBI's academic standing with a curriculum that would fully prepare students for business careers. "We went to firms and asked, 'What is it you're not satisfied with in college graduates?'" says the 56-year-old Mobley. The responses from the companies were nearly unanimous: while college students usually possessed the technical competence to perform entry-level work, they frequently lacked the discipline and aggressiveness that are required for superior achievement.

Mobley originated a plan that combines a traditional emphasis on accounting, math and economics with a "professional development" program designed to impose a businesslike structure on the school environment. Students are divided into teams functioning as miniature corporations—underclassmen serving as operating officers, juniors and seniors as top management—and are assigned to programs aimed at developing their communications skills. They stage weekly forums for visiting executives, hold group discussions on books and deliver planned and impromptu speeches on a variety of business topics. Students are also encouraged to take several paid internships at major corporations or public agencies. Rori Peters, a 22-year-old economics major from Chicago, helped implement a change in inventory accounting at a Du Pont division, for example, and spent three months forecasting cash flow and scouting investment opportunities at Eastman Kodak.

To ensure a steady supply of talent, Mobley frequently travels the country recruiting faculty members and students. She focuses on blacks whose scholastic Aptitude Tests rank them in at least the 69th percentile nationwide. She convinces many to abandon plans to attend such schools as Notre Dame, West Point and even Ivy League colleges—and manages to persuade students who had never thought of business careers to enroll at SBI. Students who beat the 6-to-1 odds against being admitted find the going in Tallahassee intense—and the competition from their classmates enormous. "Some students feel they are just totally overworked," says professor of organizational behavior Amos Bradford. "We try to help them understand what may be blocking them from running with everyone else."

Slick: Since SBI's program is so young, it is too early to judge its impact on the careers of alumni. But corporations aren't hesitating with their praise. At a recent Corning Glass sales meeting, 19-year-old SBI sophomore Tamara Ann Evans delivered a paper to a group of salesmen that Corning president Thomas C. MacAvoy called "really slick." "What they get at SBI, besides the technical training, is presence and confidence," says MacAvoy. Some recruiters say SBI grads often surpass the alumni of many graduate business schools in sophistication. Appreciative companies have been generous in their support. Atlantic Richfield's Texas-based oil and gas subsidiary, for example, donated $100,000 this year, and flies in a staffer each week to teach petroleum-industry accounting. So far nearly twenty companies have agreed to donate $100,000 each toward building an endowment fund that Mobley says is badly needed to offset Federal cutbacks in student aid.

When it can be found, corporate criticism of SBI is low key. "I tend to think it would be even better if there were stronger liberal-arts requirements," says Champion's Sigler, who nonetheless thought enough of Mobley and SBI to give the dean a seat on Champion's board. Mobley concedes there is room for improvement, but says that finding SBI students well-paying jobs in business may ultimately be the most efficient way to provide them with broad horizons. It's no accident that each floor in a $5 million classroom building now under construction will be named after Wall Street and other famous commercial thoroughfares. If Mobley gets her way, the quickest road to all of them may one day lead directly from SBI.●

TRIBUTE TO BOB CREIGHTON, RETIRING ASSISTANT CITY MANAGER OF LONG BEACH, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a dedicated and talented public servant, Robert C. Creighton, who is retiring from his position as assistant city manager for the city of Long Beach, Calif. Bob Creighton has served the citizens of Long Beach with distinction as a city employee for over 33 years.

His tenure with the city began shortly after the Second World War. During the war, Bob served in the U.S. Navy as an officer on board antisubmarine vessels.

He received his B.A. degree at the University of California at Berkeley, where he majored in public administration, and his master's degree in public administration from the University of Southern California, Los Angeles. His master's thesis was awarded the first John Pfiffner Honorary Award for the outstanding public administration thesis of the 1955 academic year at USC. Certainly, Bob's interests and qualifications pointed to his impending career in government.

Bob's career with the city of Long Beach has encompassed a wide range of duties. He began as a public health analyst, but was quickly promoted to the position of manager of the administrative division, with responsibilities for the administration of the health department.

Because of his growing expertise in administration and budgetary affairs, Bob was soon selected to fill the position of chief of the budget and research division of the city of Long Beach. Here he demonstrated his understanding of the importance of coordinating the work of the budget department and setting budget priorities in close collaboration with the other city departments—a talent that I am sure many of my colleagues here in Congress have come to dearly appreciate.

In 1962, Bob was chosen to be assistant city manager of Long Beach, a position he has held for the past 20 years. Bob was a key figure in the management of city affairs during a time when Long Beach and its port were enjoying unprecedented growth. Bob's expertise in interdepartmental coordination, budgetary responsibility, and government administration were of immense value to the city as it adjusted to its heady growth.

In this capacity Bob has been able to put his expertise to good use, benefiting all the citizens of Long Beach. Under his guidance the city manager's office was reorganized to make it more responsible and open to the city council and the citizenry. He has also opened up the decisionmaking process of the city manager's office to the staff through public planning sessions. Bob has, in short, worked hard to make city government work better.

In this day and age when it is in vogue to denigrate the efforts, and even character, of civil servants—a term that has incidentally been largely replaced by the more sinister word "bureaucrat"—I am proud to stand in honor of a man who has dedicated his

life to the public. His achievements are not likely to make the headlines or the history books, but the continuation of his work is vital to this country's future. We must encourage, not discourage, the youth of our country to follow Bob's footsteps into government and public service. His has been a worthy and honorable career.

In conclusion, my wife Lee joins me in conveying our deepest appreciation for the service Bob Creighton has given to all who live and work in the city of Long Beach, Calif. Our very best wishes go to Bob, his wife Patricia, and their two daughters Kathy and Karen on the happy occasion of his retirement, and we wish them all many happy years ahead.●

A TRIBUTE TO FATHER CAMILLO L. SANTINI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. CONTE. Mr. Speaker, I want to recognize an incredible man in my district who has made great contributions to his community. This June 20, Father Camillo L. Santini will celebrate the 49th anniversary of his ordination to the priesthood. I think it is important to cite the dedicated and selfless service of this outstanding man.

Father Santini's life demonstrates how this country is a nation of immigrants, and one built by their hard work and enterprise. Father Santini emigrated from Italy to Munson, Mass., in his youth. After graduation from Munson High School, he went on to the Stigmatine Father's Seminary in Wellsley and Waltham. Cardinal Cushing ordained him June 20, 1942, at the Church of the Sacred Heart in Newton, Mass. Since that time, Father Santini has served as far away as Vancouver, British Columbia, and as near as my home of Pittsfield, Mass.

It is in this community that Father Santini has carved deep a place in the hearts of the people for himself. This community is one near to my heart. The man who served it was as humble and full of love as those who founded it.

The Mount Carmel Church began in a basement. Impoverished immigrants from Italy, such as my parents, founded it. They scrimped and saved to build a house that matched their devotion to God. However, this beautiful church could not have been built without the thorough, efficient and selfless work of Father Santini. This man was both literally and spiritually a church builder.

This man was never a passive priest but one who truly cared for his parishioners. He has shared in the community's joy and provided solace in the times of sorrow. He has supported a vigorous parish life that is vital to the health of a community. He has comforted the old, knowing and appreciating the old ways and customs of Italy.

In Verona, Italy, the Stigmatine order of priests was founded expressly to assist the youth of that city. In Pittsfield, just as in Verona, the Stigmatine Fathers have worked to mold and shape the spiritual growth of our youth.

With my family, he has been a devoted teacher and friend. I am indebted to this man for friendship, love, and support over the years. Father Santini's life of service has exemplified the highest ideals of the Roman Catholic Church.

For me Father Santini represents what a priest should be. I am privileged to call this man my friend. This June 20, several hundred of those whose lives have been touched by this wonderful man will gather at Mount Carmel Church. There they will help Father Santini joyously celebrate and reflect over his 40 years in the priesthood and I would like to echo the sentiments of all who know him: "Well done thou good and faithful servant."—Matthew 25: 21.●

ALTERNATIVE WORK SCHEDULES REAUTHORIZATION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Ms. FERRARO. Mr. Speaker, today I am introducing legislation to continue authorization for the use of alternative work schedules by Federal agencies. The current emergency authorization will expire in about 4 weeks and I hope we can promptly enact this legislation in time to meet the deadline.

Because most Members are familiar with this issue, I will only summarize the background. The 95th Congress passed the Federal Employees Flexible and Compressed Work Schedules Act of 1978 which allowed experimentation with a number of alternatives to the traditional fixed-schedule 8-hour workday. During the past 3 years more that 325,000 Federal employees in 1,500 organizations have taken part in the experimental program temporarily authorized by Congress.

The act required the Office of Personnel Management (OPM) to submit an interim report on the results of the experiment and legislative recommendations no later than September 30, 1981, so that Congress would have sufficient time to consider permanent legislation in an orderly fashion. I had planned to hold hearings last October. We did not receive the report from OPM until November 9 and, as a result, our hearings had to be postponed. The report found that the experiment was successful, but did not contain the mandated legislative proposal.

Because the administration failed to submit legislative recommendations, I introduced legislation in January, 8-weeks prior to the expiration of the original experiment. That legislation would have permanently authorized the same program which had existed for 3 years—a program which OPM had found to be successful "from the perspective of both the experimenting organizations and individuals."

Because of strong administration opposition, on March 2, that legislation failed to pass by 10 votes. Because the entire program was about to terminate at the end of March, the Congress approved the emergency extension which is currently in place.

During the debate on the emergency extension, I pointed out that failure to continue the authorization would waste millions of tax dollars. In a survey I requested, GAO found that the cost to the Government of terminating the program would be more than $1.4 million annually in just 44 units employing 40,000 workers.

Despite a lack of facts to support their position, the administration has contended that more management control over the use of AWS is necessary. They have been working with the appropriate committee in the other body to develop legislation which they find acceptable. That proposal has cleared the committee, and will be considered by the other Chamber in the near future.

Mr. Speaker, the bill which I introduced in January, which is identical to the current program is a better piece of legislation than the administration backed bill. There are no facts which support significant changes to the successful program. The administration supported proposal would alter the delicate balance between management rights and employee participation which has contributed to the success of the program and tilt the program toward excessive management control.

Despite my reservations, I have accepted some of the provisions which the administration insists on because I do not want to see a successful program die. Quite frankly, I believe this is the best we can get. What I cannot accept, however, is the idea that agencies may act arbitrarily to terminate the AWS program even if that action carries a significant price tag, or that programs can be terminated without a guarantee that new programs may be negotiated, correcting the problems which caused the cancellation.

Today I am introducing AWS legislation which is similar to the bill introduced in the other body but which

89-059 O-86-33 (Pt. 10)

contains two important exceptions. First, my bill prohibits agencies from unilaterally terminating AWS programs if that termination would result in increased costs to the taxpayer.

Second, my bill clarifies that if an agency exercises its unilateral termination authority in work units where an AWS has been negotiated, employees through their exclusive representative may negotiate a new alternative work schedule for the duration of the current contract. In addition, I have attempted to meet the concerns of several of the industrial unions which feared the imposition of alternative work schedules against the wishes of the employees by including a 3-year limitation on the authorization.

While it is clear that this bill is not perfectly satisfactory to anyone, including me, I believe that in view of the administration opposition to the continuation of the current program, it is the most reasonable and responsible legislation which can be enacted at this time. I urge my colleagues to support it.●

IN HONOR OF FRANCIS X. McGRAW, CONGRESSIONAL MEDAL OF HONOR WINNER, CAMDEN (FAIRVIEW SECTION), N.J.

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FLORIO. Mr. Speaker, on May 30 I was pleased to participate in a ceremony to preserve the memory of Francis X. McGraw, posthumous recipient of the Congressional Medal of Honor during World War II.

The McGraw family moved to the Fairview section of Camden, N.J., in 1920 when Francis was 2 years of age. Francis graduated from St. Joan of Arc grammar school in Fairview, and in June 1937 graduated from Camden Catholic High School. Prior to his entering military service in 1942, Francis McGraw was employed with the Campbell Soup Co. of Camden, N.J.

On May 30 I joined many friends of the McGraw family, Fairview organizations, and public and community leaders in commemorating Pvt. Francis McGraw, recipient of our Nation's highest award for military valor. Many persons and organizations worked hard on the May 30 program, consisting of the rededication of the Francis X. McGraw Park in Camden, and the unveiling of a memorial stone. The stone was donated by the Fairview Village Lions Club, and the Independent Citizens Athletic Club. I would like to thank Michael Speno and Fred Palumbo of these organizations for their tireless efforts. A bronze plaque affixed to the stone was furnished by the 1st Batallion of the 26th Infantry Regiment stationed in Goeppingen, Germany. Private McGraw was killed in action in 1944 while serving with this unit. I would also like to compliment Jeanne Speno of Fairview for her superb coordination of the May 30 ceremony.

Mr. Speaker, while every war is tragic, there is no question that many individuals who are called to battle display outstanding courage and valor and willingness to make sacrifice. The most supreme acts of heroism are recognized with the Congressional Medal of Honor. This recognition by the President in the name of the Congress may only be accorded an individual who "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty."

Private Francis X. McGraw was killed in action near Schevenhutte, Germany, November 19, 1944, while serving with the 26th Infantry, 1st Division.

Mr. Speaker, I would urge my colleagues to review the following description of Private McGraw's gallantry in order that we may follow his heroic example in the fulfillment of our responsibilities, large and small, public and private. I insert the following material on Private McGraw's citation, his biography, and the May 30 memorial program in the CONGRESSIONAL RECORD at this point.

ARMY SERVICE FORCES

(Second Service Command, Fort Dix, New Jersey, Office of the Chief, Public Relations Branch, 2 November 1945)

PRESENTATION OF MEDAL OF HONOR

Major General Leland S. Hobbs, USA, has been designated to represent the President of the United States in presenting the Medal of Honor to the father of Pfc Francis X. McGraw, Mr. John McGraw of 3110 Merrimac Road, Camden, New Jersey. At the request of Mr. McGraw, the presentation is being made at the St. Joan of Arc Parish Hall, Camden, New Jersey.

This award, the Nation's highest honor for outstanding service to Pfc Francis X. McGraw, carries the following citation:

"Private McGraw manned a heavy machine gun emplaced in a foxhole near Schevenhutte, Germany, on 19 November 1944 when the enemy launched a fierce counterattack. Braving an intense, hour-long preparatory barrage, he maintained his stand and poured deadly accurate fire into the advancing foot troops until they faltered and came to a halt. The hostile forces brought up a machine gun in an effort to dislodge him but were frustrated when he lifted his gun to an exposed but advantageous position atop a log, courageously stood up in his foxhole and knocked out the enemy weapon. A rocket blasted his gun from position, but he retrieved it and continued firing. He silenced a second machine gun and then made repeated trips over fire-swept terrain to replenish his ammunition supply. Wounded painfully in this dangerous task, he disregarded his injury and hurried back to his post, where his weapon was showered with mud when another rocket barely missed him. In the midst of the battle, with enemy troops taking advantage of his predicament to press forward, he calmly cleaned the gun, put it back into action and drove off the attackers. He continued to fire until his ammunition was expended, when, with a fierce desire to close with the enemy, he picked up a carbine, killed one enemy soldier, wounded another and engaged in a desperate fire-fight with a third until he was mortally wounded by a burst from a machine pistol. The extraordinary heroism and intrepidity displayed by Private McGraw inspired his comrades to great efforts and was a major factor in repulsing the enemy attack."

FAIRVIEW VILLAGE, CITY OF CAMDEN

MELVIN R. PRIMAS JR., MAYOR

Michael J. Speno, Fairview Village Lions Club.

Fred Palumbo, Independent Citizens Athletic Club.

Mae Shultz, Organizations of Fairview.

John Legere, Representative—26th Infantry.

Michael Devlin, Country of Camden.

Edwin Raiczyk, Camden City Council.

Thomas Quattrochi, American Legion.

Jeanne L. Speno, Coordinator.

Francis X. McGraw was born on April 29, 1918 in Philadelphia, Pennsylvania. Two years later the McGraw family moved to 3110 Merrimac Road, Camden, New Jersey. He was graduated from St. Joan of Arc Grammar School in Fairview, and in June, 1937 was graduated from Camden Catholic High School. From 1937 until February, 1942 he worked for Campbell Soup Co., Camden, New Jersey.

On February 25, 1942 he was inducted into the military service at Fort Dix, New Jersey and received his training at Camp Forrest, Tennessee, Camp Edwards, Massachusetts, Camp Lee, Virginia and Camp Carra Belle, Florida.

He left the United States for overseas service on December 12, 1942 and arrived at Canastel, Algeria on December 26, 1942. From Algeria he actively served in Sicily, the United Kingdom, Normandy, Belgium and Germany, where he arrived October 29, 1944. Francis X. McGraw participated in the Battle of Ousseltia Valley and Kairouan Pass from January 25 to February 10, 1943, Gasfa El Guettar, Tunisia from March 17 to April 10, 1943, Beja-Mateur, Tunisia Campaign, April 18 to May 8, 1943, the occupation of Sicily July 10 to July 27, 1943 and August 6 to August 17, 1943, D-Day, the invasion of France and the occupation of Western Europe from June 6 to August 30, 1944.

He was killed in action near Schevenhutte, Germany, November 19, 1944 while serving with the 26th Infantry, 1st Division and was awarded the Congressional Medal of Honor.

PROGRAM

Greeting—Fred Palumbo.

Welcoming Address and Pledge of Allegiance—Mayor Melvin Primas.

Invocation—Rev. James C. Peterson, Fairview Community Baptist Church.

Vocal Solo "America the Beautiful"—Mary Lou Kraemer.

Introduction of Guests—Fred Palumbo.

Unveiling and Blessing Memorial Stone—Father Patrick Brady, St. Joan of Arc Church assisted by Rev. Peterson and Rev. Herritt.

Rifle Salute—American Legion Post 74.

Taps and Echo—Sharon Riebel and Donna Goodrich.

Keynote address—Congressman James Florio.

Presentation of Portrait (Artist John D. Palumbo)—Fred Palumbo.

Acceptance of Portrait—Mildred Di Fante—Commander American Legion Post 71.

Speakers—Fred Palumbo; Michael J. Speno; Captain Lester H. Albers; Commander, Headquarters and Hdqtrs. Co. 1st Batallion—1st Infantry Div., Forward 26th Inf. Regiment, Goeppingen, Germany; Senator Walter Rand; Freeholder Dir. Joseph Roberts; Councilman Edwin Raiczyk; Carman Morales—Principal, Francis X. McGraw School.

Closing Prayer—Rev. Richard Herritt.

"God Bless America"—All—led by Mary Lou Kraemer.

Memorial Stone was funded by the Fairview Village Lions Club and the Independent Citizens Athletic Club. Bronze Plaque was funded by the 1st Batallion of the 26th Infantry Regiment stationed in Goeppingen, Germany.●

A NEW MIDEAST?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. BINGHAM. Mr. Speaker, that the present suffering in Lebanon may open the way for recreation of an independent and viable Lebanon and perhaps even for broader solutions to Middle East problems is the theme of the following articles, the first by the distinguished columnist Joseph Kraft (Washington Post, June 15) and the second by Professor Nadav Safran of Harvard, former officer in the Israeli Army (New York Times, June 12):

A NEW MIDEAST?

(By Joseph Kraft)

A week of war in Lebanon changed the political map of the Middle East. The Palestine Liberation Organization has been routed in conditions that create an opening for reconstruction of Lebanon.

That opening combines with the death of King Khalid in Saudi Arabia to make an indent for a realignment of Arab states. In that context, with Egypt playing a lead role and the United States acting as the protecting power, there comes into view a solution for the anguishing problem of the Palestinian people.

The PLO bore the brunt of the Israeli assault and suffered terrible military losses. Its armed strongholds in Lebanon have all been wiped out. In the pinch, moreover, the PLO found itself diplomatically isolated.

Its friends in Russia, Western Europe and even the Arab world limited their efforts to a wringing of hands and a crying of woe. At the worst moment, when PLO headquarters in Beirut were under siege, the Arab state with the closest ties dealt the unkindest cut of all. Long before the PLO threw in the towel, Syria agreed to a separate cease-fire with the Israelis.

The number of cease-fires reveals something not widely appreciated—namely that there are three outside forces in Lebanon. Before the Israelis invaded, the Syrian army occupied parts of the country, and before the Syrians came, the PLO had installed itself. So the achievement of an independent Lebanon requires a coordinated operation that walks out the Israelis and Syrians simultaneously and keeps the PLO under wraps. That is plainly a tall order. But difficult as it may be, the end justifies an all-out effort.

For an independent Lebanon is a matter of vital interest to the international community. It gives the United States and its allies a commercial clearing house for dealing with the oil states of the Persian Gulf. It provides the oil states their best access to the outside world. Most importantly, it serves the many different political creeds, religious groups and ethnic communities of the Middle East as a theater of coexistence, a kind of marketplace for peaceful competition.

The many countries interested in the reconstruction of an independent Lebanon all have parts to play. But the American role is central. For the United States will have to underwrite any settlement against interference by the Soviet Union. The United States and its allies will probably have to organize an international force that guarantees Lebanon, by presence on the ground, against new incursions from neighboring states. Finally, Washington will have to orchestrate a broad diplomatic effort that engages especially Israel, Saudi Arabia and Egypt.

The Israelis are now cock-a-hoop about their military success. But by killing thousands and rendering homeless hundreds of thousands, they have deepened the enmity felt by the Arab world. So they not only have to be walked back to their old frontier. They need to have their noisy demands piped down, and put in the form of discreet suggestions that the United States can broach to the world.

Saudi Arabia now sits low in the water. Apart from the difficulties attending the passage of royal power to King Fahd, there is a danger posed by the victory of the radical, anti-monarchical forces of Iran in the war against Iraq. As never before, the Saudis, and the lesser gulf monarchies, need protection. The United States and its allies can provide the shield—and in return induce the Saudis to foot most of the bill for reconstructing Lebanon, and giving aid to Syria and the Palestinians.

Egypt is now poised to move beyond the peace with Israel and its favored place in the American eye achieved at Camp David. The presence of President Hosni Mubarak at the funeral of King Khalid marks a first step back to the Arab world. Full reentry can come through the door of Lebanon. For the Egyptians, working with Washington, can press the Israelis out of southern Lebanon, much as they pressed them out of Sinai. They will thus emerge as principal agents of Lebanese independence and security, ready to resume their role as leader of the moderate Arab state.

Having supplemented the peace they made to the south of Israel with a peace in the north, the Egyptians and Americans can then face east. They are in position to draw King Hussein of Jordan into negotiations for recovery of the Israeli-occupied territories west of the Jordan River. Together, Israel, Jordan, Egypt and the United States can establish the most feasible solution for the Palestinians—a demilitarized homeland.

Years, no doubt, will have to pass before that goal can be achieved. Wounds will have to heal, and grievances fade, and numerous obstacles be overcome. Still, a road has been opened, and an end is in sight. Through the blood-dimmed tide of war, there shines the glimmer of an outcome that can be called peace.

LEBANON AND PALESTINE: A TIME OF OPPORTUNITY

(By Nadav Safran)

CAMBRIDGE, MASS.—Historians and philosophers will long argue about the particular causes and justice of the Lebanon war, but statesmen must ask right away to mold a more hopeful future out of the conditions created by the war. American leaders bear a particular responsibility in this respect.

The roots of the war go back to the breakdown of the Lebanese state and society under the impact of the tremors of the wider Arab-Israeli conflict, and especially its Palestinian component. The remedy of the situation must address both problems at once. It so happens that the conditions that favor a settlement of the Lebanon problem now also open up new serious possibilities for advancing a settlement of the Palestinian question, providing they are imaginatively exploited.

The possible destruction of the political and military power of the Palestine Liberation Organization in Lebanon, the weakening of the Syrian presence and the positions held by Israel make possible the restoration of the unity, sovereignty and independence of Lebanon. However, if such a restoration is to be viable, it must safeguard the rights of all the Lebanese communities, including the half a million Palestinians who have been living there for 35 years and for the most part have nowhere else to go. It must also safeguard the legitimate security interests of Syria against attack from the western approach to Damascus, and of Israel against attack or harassment from any part of southern Lebanon. Such a restoration would require the following elements:

Formation of a provisional national government representing all factions, which would immediately proclaim the neutrality of Lebanon and conclude a peace treaty with Israel on the basis of international boundaries.

International guarantees of Lebanon's neutrality.

Withdrawal of all foreign forces from the country.

Election of a constituent assembly to work out a new permanent constitution ensuring the rights of all the elements of the population.

International assistance in the creation of a small Lebanese national army, and in the reconstruction of the country.

The defeat of the P.L.O. and the weakening of Syria's power, even if temporary, would also remove threats that had contributed to deterring Jordan and the Palestinians of the occupied areas from participating in the Camp David process, and the Saudis from supporting it. Iraq's crisis in its own war with Iran neutralizes another obstacle. However, to take advantage of that opportunity, the United States must launch a new imaginative initiative aimed at expanding the peace.

This would take off from the Camp David principles but would conceive of them in terms that are better calculated to overcome past stumbling blocks, induce Jordanian and Palestinian participation, and secure the support of other key Arab countries.

For instance, the concept of autonomy for a period of transition would be reaffirmed, but autonomy itself would be viewed as a process of evolution by defined and contin-

gent stages, starting, perhaps, with limited administrative powers and expanding gradually to full legislative power.

The transition from one stage to another would be contingent upon pre-defined sets of criteria, aimed at the gradual realization of conditions of security, peace, open borders, cooperation and exercise of the rights of Arabs and Jews—as individuals but not as publicly organized settlement groups—to live and work everywhere in the country.

The duration of the period in which the autonomy process would unfold would be extended in order to provide adequate time for testing; on the other hand, it would be recognized from the outset that at the end of the process, the inhabitants of the West Bank and Gaza would have the right to self-determination, subject to assurances being worked out for the continuation of the peace that would presumably exist at that time.

Provisions would be made for neutral determination of satisfactory compliance with the conditions for movement from one stage to another in case of disagreement.

Would Prime Minister Menachem Begin agree to such an approach? The answer is uncertain. Much will depend on the extent to which the United States uses the leverage it will command in the next weeks and months, when Israel will be under enormous international pressure to pull out from Lebanon quickly and when its economy would be strained by mobilization, to advance the program. In any case, precisely because of the possibility that Mr. Begin's position may actually harden, it is imperative that the United States should express its dissociation from that position in a positive form of a fair and practical vision of peace.●

NATIONAL ORCHESTRA WEEK

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. DeNARDIS. Mr. Speaker, this week we proudly celebrate National Orchestra Week. During this time we pay tribute to the more than 1,500 symphony and chamber orchestras across the country.

In the past 12 months, more than 23 million people attended orchestra concerts performed by our Nation's talented musicians. America's orchestras are among the country's finest cultural and artistic resources, bringing spirit and cultural vitality to many communities. They provide us with a rich tradition of the highest quality of orchestral music. We as a nation can be proud of the vast achievements of our orchestras.

Today, Mr. Speaker, I am particularly proud as a member of its board of directors, to recognize the achievements of the New Haven Symphony Orchestra, and its music director, Murry Sidlin. As the fourth oldest symphony in continuous operation in the United States, founded in 1894 by Morris Steinert, the orchestra has provided New Haven and its surrounding area with music of the highest quality.

Each year, the New Haven Symphony Orchestra provides a full subscription series of concerts at Woolsey Hall on the campus of Yale University, its home since 1903. With more than 85 musicians, the symphony holds a wide variety of programs that draws 70,000 listeners annually.

Besides playing fine music, the New Haven Symphony Orchestra also services Connecticut as a total educational and musical resource. In a series of educational concerts, many school age children are first exposed to the beauty and value of symphonic music. In addition, the symphony sponsors other educational programs, including the annual, "Meet the Artists" discussion series, a series of lectures by guest artists and musicologists, and holds three free summer concerts on the Green in downtown New Haven. Additionally, the symphony holds a special series of Christmas concerts each year. This popular event is enjoyed by thousands of listeners and it marks the beginning of numerous festive events in New Haven.

In its continuing efforts to reach diverse audiences beyond the concert hall, the symphony travels throughout Connecticut and many neighboring States. This important outreach effort affords many communities their only opportunity to experience live symphonic music.

Our Nation's symphony and chamber orchestras depend on the generous support of volunteers and the New Haven Symphony Orchestra is no exception. The auxiliary of the New Haven Symphony Orchestra is a 200-member volunteer organization that was founded in 1932. It provides a wide range of invaluable services including fund-raising activities as well as providing additional community and educational programs.

Mr. Speaker, it is also important to recognize the positive economic impact orchestras have on our communities. Nationally, orchestras spent more than $290 million in the marketplace in 1981 with a total economic impact estimated at $1 billion.

To meet its budget the New Haven Symphony Orchestra obtains funding from many areas, including: Income from ticket sales; grants and fees for concerts; individual; foundation and corporate contributions; National Endowment for the Arts; Connecticut Commission on the Arts; endowment income; and the auxiliary of the New Haven Symphony Orchestra.

Mr. Speaker, orchestras like the New Haven Symphony Orchestra, serving their communities and the Nation, deserve our praise, support, and recognition. Since 1895, when Horatio William Parker was hired as the symphony's first conductor, we have all been enriched by a long heritage of beautiful symphonic music. This week is a fitting tribute in recognition of all the pleasures and benefits our communities' orchestras offer us.

RUBELLA: A PROBLEM NEEDING ATTENTION

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, rubella, commonly known as German measles, is not as well known for some of its more dangerous effects as are the simpler forms of measles themselves. Rubella was first recognized in 1815, and in 1980 the noted Dr. James Castle wrote in the "American Annals of the Deaf" that "in 1943 maternal rubella had become associated with deafness, blindness, heart disease, mental retardation, and other congenital impairments among infants." Between the years 1963-65 rubella was prevalent all over the world. As a direct result of this epidemic, more than 8,000 children were born with hearing impairments, while another 4,000 youngsters were born with the double-handicap of being born both deaf and blind.

Two of the more notable training and rehabilitation programs for deaf-blind persons from the rubella "bulge" are the Helen Keller National Center in Sands Point, N.Y., and the National Technical Institute for the Deaf (NTID) programs. Both programs are highly regarded, functional, effective, and vital.

Many rubella babies will be leaving the public school age between 1983 and 1985. The Helen Keller Center and the NTID both must be well endowed with the resources to handle this influx so needy of specialized educational needs. In addition to those rubella victims who must deal with the double handicap of deaf-blindness, other handicaps have also emerged that need treatment. As Dr. Ross Stuckless said, rubella "often strikes more than one system of the developing fetus, (which) may result in multiple impairments." Many of these young, impaired people will require special services due to their handicaps. It is my intention to help Congress honor its commitments to these persons.●

SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FUQUA. Mr. Speaker, before the House considers H.R. 4326, the Small Business Innovation Develop-

ment Act, and the numerous committee amendments to the bill, I hope Members will take the time to review carefully the minor differences between the Small Business Committee substitute and the amendment reported by the Committee on Science and Technology.

The Committee on Science and Technology held 3 days of hearings on this bill, and has reported a responsible version which will stimulate small business innovation by requiring the startup of a Federal-wide small business innovation research program. Under the committee's amendment, however, Congress will retain control over agency spending for the program by requiring that the 1 percent of funds set-aside for the SBIR programs be authorized and appropriated through the normal budget process.

The committee's amendment is a reasonable compromise approach to the set-aside controversy. Building on the successful NSF program, the amendment has great potential for assisting small business involvement in Federal research and development.

I am also enclosing a summary of the committee's amendment, and the committee's recommendations:

MAJOR FEATURES OF THE COMMITTEE'S AMENDMENT TO H.R. 4326

1. Requires all agencies with R. & D. budgets over $100 million to establish a Small Business Innovation Research (SBIR) program.

2. Agencies will reserve for expenditure in connection with the SBIR program no less than 1 percent of its R. & D. appropriations, phased-in over a 3-year period.

3. Authorization to fund the SBIR programs will be provided to the extent required in acts authorizing appropriations for each agency. Congress will thus retain the authority to raise or lower the 1 percent during the normal budget process.

4. Agencies with R. & D. budgets over $20 million are required to establish goals for funding agreements for R. & D. to small businesses.

5. SBA will coordinate agency SBIR programs, and provide information to small business concerns about the agency SBIR programs.

6. OSTP will survey and monitor the Federal-wide program, and report to Congress annually.

7. GAO will report on the program, and its effect on Federal R. & D. within 5 years.

COMMITTEE RECOMMENDATIONS

CONCERNING THE STATE OF SMALL BUSINESS PARTICIPATION IN FEDERAL RESEARCH AND DEVELOPMENT

The committee is concerned about apparent gaps in the data concerning the small business share of federal R. & D. and recommends that a policy decision concerning the necessity of a mandatory set-aside be reserved pending the analysis of more complete data. In this regard, the committee is requesting the General Accounting Office to undertake a review of the small business share of federal research and development funding. For the present time, the committee believes that small business participation in federal research and development will be facilitated to a significant degree by the establishment of small business innovation research programs. The committee amendment provides that 13 agencies will establish small business innovation research programs. Funding for agency SBIR programs will be provided through the normal budget process, although the legislation provides specific goals (1 percent of agency R. & D. funds) for the funding of agency SBIR programs, which is to be taken from existing agency funds.

The committee believes, however, that the state of small business participation in federal R. & D. does not warrant, at this time, the use of what amounts to a new entitlement program, a set-aside of agency R. & D. funds as envisioned in H.R. 4326, as amended by the Small Business Committee.

CONCERNING THE BARRIERS TO SMALL BUSINESS PARTICIPATION IN FEDERAL R. & D.

The Federal-wide expansion of the small business innovation research program should significantly enhance the opportunities for small business to participate in federal research and development. However, the committee is concerned about the potential risks involved in expanding the NSF program, which is funded at a level of $5 million annually, to a federal-wide program funded through a mandatory set-aside of (1 percent to 3 percent) agency R. & D. funds. Such a proposal contains the appropriations for the new untried program in addition to the new authorization establishing it. The committee feels any potential financial risks will be alleviated by subjecting agency funds for SBIR programs to their normal Congressional review of authorizations and appropriations. Through this process the authorizing committees of Congress can ensure the most desirable and realistic level of funding for agency SBIR programs and their consistency with the priorities determined by the Congress through the normal budget process.

CONCERNING SMALL BUSINESS INNOVATION AND CAPITAL AVAILABILITY

The committee intends that funds provided through agency SBIR programs supplement, but not supplant, private capital. The committee recognizes that recent changes in tax law have a substantial impact on the availability of venture capital. In particular, the committee is interested in monitoring these effects and their influence on the availability of risk capital for early stage, high risk ventures. Consequently, the committee believes that a careful approach to federal-wide expansion and funding of agency SBIR programs is desirable. The committee amendment provides for this through regular authorization of agency SBIR programs, which will enable the Congress to respond effectively to future capital fluctuations and trends, and their effect on a federal-wide SBIR program.

CONCERNING FEDERAL-WIDE EXPANSION OF THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM

The committee endorses the Federal-wide expansion of the SBIR program. The committee recognizes that the program should be structured in a manner which will reflect the inherent differences in agency missions and responsibilities. To the extent that agencies must diverge from the program parameters contained in the legislation, the committee feels that changes can be addressed through the regular authorization process.

This mechanism will allow the other departments the flexibility (which is presently afforded to the NSF and DOD) to develop a program which meets the agencies missions and operating styles. Congressional legislative oversight will ensure that the SBIR effort is implemented, but in a manner which reflects the organizational realities within the Federal departments and agencies.

CONCERNING THE USE OF A SET-ASIDE FOR SMALL BUSINESS INNOVATION RESEARCH PROGRAMS

The committee believes that the Congress should seriously consider the policy implications which are raised by the proposed set-aside mechanism. Primarily, the committee is concerned that the effect of the set-aside is to establish actual appropriations for a new program by skirting the normal budget process, potentially altering spending priorities and funding for programs and projects which are determined by Congress in authorizations and appropriations.

The committee is not convinced that a mandatory set-aside of agency R. & D. funds is necessary for start-up of a Federal-wide program. Nor is the set-aside the optimum approach to the funding of agency small business innovation research programs, for several reasons. The first concerns the experimental nature of the National Science Foundation's Small Business Innovation Research program. The second concerns the lack of evidence that there are enough small high technology firms capable of performing the high quality research to absorb the amount of funds which would be made available under the set-aside requirement.

The committee's amendment specifically addresses these concerns, by requiring regular congressional review of programmatic and funding requirements of a Federal-wide SBIR program. The committee believes that this regular review which will be provided through the normal authorization and appropriations process is essential to ensure the success of a Federal-wide program.

The committee strongly recommends against a mandatory set-aside of the Federal R. & D. budget. Not only is the set-aside unwise public policy; it is neither a desirable nor a necessary mechanism to implement a Federal-wide SBIR program.

CONCERNING BASIS RESEARCH

The committee concludes that any benefits to be realized through the Federal-wide expansion of the small business innovation research program would be short-lived if achieved at the expense of the Nation's basic research. The committee is concerned, however, that agency basic research funds may be vulnerable to disproportionate reductions to provide funds necessary to support agency small business innovation research (SBIR) programs. To ensure that this does not occur, the committee recommends that special precautions be taken to protect agency basic research funds. The committee amendment provides for this protection in two ways. First, the committee recommends the placement of a limitation of 1 percent on the portion of an agency's basic research funds which can be utilized for the support of an agency's SBIR program. The committee recognizes that the protection afforded to agency basic research funds through this mechanism will be limited. Consequently, the committee amendment provides that funds reserved for agency SBIR programs be authorized under the normal budget process. Through this process, the Congress can ensure that funding of agency SBIR programs is achieved consistent with Congressional intent and

without detrimental impact on the Nation's basic research effort.

CONCERNING PEER REVIEW

The committee feels that decisions concerning the utilization of the peer review process for evaluation of agency SBIR proposals be made by the agency required to have an SBIR program. There appears to be little rationale for requiring agencies to depart from the methods and procedures which have evolved in various agencies consistent with their research purposes and organizational structures. Thus, whether to use peer review is best determined by the agency in structuring its SBIR program.

CONCERNING LEAD AGENCY RESPONSIBILITIES

The amendment contains explicit guidelines for agencies to follow in the structuring of SBIR programs. As a result, the committee feels that a central Executive agency role other than that envisioned for the Office of Science and Technology Policy, is unnecessary. The committee notes that the National Science Foundation's SBIR program and the DOD Small Business Advanced Technology (SBAT), although similar, have operated effectively without the additional involvement of SBA or another agency. The committee believes that autonomy of agency programs is an important feature of the amendment, and one which will enhance the efficiency and effectiveness of agency SBIR programs. The committee does not expect this change will diminish in any way the ability of small business concerns to participate in agency SBIR programs. SBA will continue to be involved in the coordination of agency programs, including dissemination of information to small business concerns. Providing agencies the autonomy to run the SBIR programs is also expected to result in reduced administrative costs.

CONCERNING CONGRESSIONAL OVERSIGHT

The committees having jurisdiction over agencies required to establish a SBIR program shall exercise oversight responsibility over the operation of the SBIR program within their respective agencies together with Committees on Small Business of the Senate and House of Representatives.●

CHURCH DEDICATED TO MEMORY OF HIS IMPERIAL HIGHNESS HAILE SELASSIE I

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FLORIO. Mr. Speaker, I would like to congratulate the congregation of the Ethiopian Orthodox Coptic Church, Diocese of New Jersey and Pennsylvania, on the dedication of their new church building at 8 West Hanover Street, Trenton, N.J.

The May 30 dedication of the new church building was to the Glory of God, St. Phillip the Apostle, and to the memory of His Imperial Majesty Haile Selassie I. I commend His Royal Highness Prince Haile Selassie II, members of the royal family, and Bishop Lares on the dedication of their new house of worship.●

FIVE HUNDRED FANS FETE THE DUFFY BROTHERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. GAYDOS. Mr. Speaker, earlier this month an estimated 500 people from the city of McKeesport, Pa., turned out to salute three men who have spent most of their accumulative 239 years promoting athletes and athletics in that area.

The Duffy brothers—Alvin, "Al," 83; William, "Didd," 81, and Norton "Nordi," 75—are hailed as legends in their own time by sport fans of the region. The great and near-great in district sports from yesteryear and yesterday, many of whom played on Duffy teams, were on hand to recount, time and again, the athletic and humanitarian exploits of these three gentlemen.

Norm Vargo, sports editor of the Daily in McKeesport, capsuled the contributions of the Duffys during the 1930's and 1940's. Whether it was baseball, football, boxing, or basketball, the Duffys promoted an array of sports extravaganzas that may never again be equaled in the area. Vargo said:

The events did what Al Duffy figured they would do. They let McKeesporters forget about the hard times, the breadlines, being out of work, etc. They took the minds of people off their personal troubles.

It seemed appropriate that those who once benefited from the help of the Duffy brothers should now turn out to shake again that helping hand.

State Representative Emil Mrkonic outlined the profound impact the Duffy brothers had on the community and described them as "three of the finest persons McKeesport has ever produced."

The accolades were echoed by speaker after speaker: McKeesport Mayor Louis Washowich; city council president Samuel Vidnovic; Elroy Face, former relief pitching ace for the Pittsburgh Pirates: Chuck Feeney, sports writer for the Pittsburgh Post Gazette.

A host of former athletes, who once played on Duffy teams, dusted of memories of the past—Chippy DeStout, Stan Ukasik, Bernie Leech, Lenny Dulac, Gene Hollar, Pat Connelly, Don Ludwick, Bill Ford, Tony Kastan and Lefty Kendall—and the audience reveled in the nostalgia they produced.

It was a resurrection of the city's finest athletic hours, brought to life by the efforts of men such as Andy Toth, Ted McFarland, Bill Pearce, Harry James, Eddie Stanko, and Earl Metz, who would not let the city forget the Duffy Brothers.

The Duffy saga is not ended. As Norm Vargo pointed out, although up in years their pockets have not gotten so deep to where the hand cannot reach in and find a buck or two to help somebody. All Duffy, in fact, still sponsors a boy's baseball team.

"Why not," says Al. I get a kick out of seeing kids play. Some of their fathers and grandfathers played for me."

Mr. Speaker, on behalf of the Congress of the United States I would like to add official congratulations to those received by the Duffy Brothers—Al, Didd, and Nordi. They are a credit to the community, to the world of athletics, and to the world at large.●

NATIONAL ORCHESTRA WEEK

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. AuCOIN. Mr. Speaker, June 13-19 is National Orchestra Week and I would like to salute this Nation's 1,572 symphony and chamber orchestras.

I feel fortunate that my congressional district is graced by the Oregon Symphony Orchestra—formerly the Portland Symphony—the first orchestra in the West and one of only six major orchestras established in America before 1900. In a city such as Portland, a culturally aware center for the arts, the Oregon Symphony has distinguished itself time and time again.

The growth of the Portland Symphony Orchestra since it was founded in 1896 is well illustrated by its name change to the Oregon Symphony Orchestra. This change, which took place in 1967, reflects the increasing number of concerts played outside Portland and a commitment to serve communities throughout the State.

The Oregon Symphony has reason to be particularly proud this year. In February, it was officially granted "major" status by the American Symphony Orchestra League, the professional association representing approximately 1,500 symphony orchestras in the United States and Canada. Orchestras attain major status based on criteria of professionalism, repertory, and budget.

The United States has only 31 major orchestras, so the honor shown the Oregon Symphony is considerable. Since budget plays an important role in the granting of major status, thanks must go to the many private individuals, foundations, and corporations which have made donations to the Oregon Symphony. In addition, praise should go to the Oregon Arts Commission, the Metropolitan Arts Commission of the City of Portland and Multnomah County, and the National Endowment for the Arts for their support.

Mr. Speaker, it is especially timely to mention the National Endowment for the Arts now, after the recent hearings on its budget for fiscal year 1983. Since the administration has proposed a 30-percent cut in the NEA budget, we in Oregon look in alarm to a future without growth of the arts. I hope the Oregon Symphony's new honor is not soured by the prospect of funding difficulties.

Orchestras are exceedingly important to community life. The presence of a symphony or chamber orchestra acts as a draw to other artists, who recognize an appreciative and cultured audience. I know the Oregon Symphony is a source of pride to Oregonians, as the other fine orchestras in this country as sources of pride to their communities.

Mr. Speaker, I commend all those who support these exceptional artists and I commend the artists who have inspired such support.●

SHEVACH HIGH SCHOOL OF QUEENS HONORED FOR COMMUNITY SERVICE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Ms. FERRARO. Mr. Speaker, we in Congress, along with the media, are often criticized for focusing only on bad news and ignoring the good works that make our society a great and humane one.

Today, I want to tell my colleagues and the Nation some good news. Today, in Kew Gardens, Shevach High School is receiving the Queens High School of the Year Award for Community Service from Newsday, the Long Island newspaper.

Shevach is a private high school for Orthodox Jewish girls. It has only 85 teenage students but they have performed prodigious good deeds to win this high honor.

Shevach students work with recently arrived immigrants, many of them Russian Jews, helping them overcome barriers of language and social custom. They bring cheer and assistance to patients confined in hospitals and nursing homes, especially LaGuardia and Booth Memorial Hospitals.

They help the homebound elderly and handicapped with shopping and other errands. They aid working mothers by providing free babysitting services.

This year, Shevach students took on a special project. Three times a week, four girls visit the home of a 3-year-old afflicted with cerebal palsy. They help the child perform special muscle exercises which may enable this baby to eventually lead a fuller life.

I am proud to note the achievements of the outstanding staff and students of Shevach and I commend Newsday for recognizing the good news of their exemplary public spirit.●

"FREE MARKET" IS GAMBLE, ALWAYS WILL BE

HON. JACK HIGHTOWER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. HIGHTOWER. Mr. Speaker, I would like to request that this article from the June 3, 1982, edition of the Southwest Farm Press be printed in the RECORD. The editorial provides some interesting food for thought on farm problems. I would encourage each Member to read it.

"FREE MARKET" IS GAMBLE, ALWAYS WILL BE

(By Wm. S. McNamee)

This little gem of contemporary wisdom appears with some regularity these days in farm articles and speeches:

"Farmers need to become better marketers."

True, oh how true. And here's all you need to have on tap to accomplish this so that you can market your crops at a profit and become very rich and live happily ever after in the "free market." Your superiors have decided this is best for you in the long run. If there is a long run.

First, you need to have plenty of money or a bank that will lend you plenty of money on call. It would be very helpful if, indeed, you have your own money free and clear, that at least half of it comes from some source not dependent in any way on agriculture. You'll need money, you see, to meet margin calls in order to hedge your crops in the futures market and do other shrewd marketing things.

Second, buy a good computer. It can indicate to you that you are losing money in a fraction of the time required with old fashioned pencil and paper. If you're going the computer route be sure your software is good. And don't forget the important GIGO principle, Garbage In, Garbage Out.

Third, you will need enormous amounts of information on crop progress in Brazil, what's going on in the ruling minds of the Kremlin, whether or not Reagan is going to alienate China over arms sales to Taiwan, size of the crop in about 25 countries, a sure fix on what the weather is going to be like in those countries, whether a revolution of one type or another is going to kill a thriving market for your products as it did in Iran, etc., etc., plus an absolutely infallible "gut feeling" for which way U.S. middlemen are going to jump. Putting all of this into your computer's memory bank will allow you to pull out in a second just what you need for "smart marketing."

Fourth, a doctorate in economics might also come in handy or, based on past experience, it might do more harm than good.

Fifth, start now, if you haven't already, to "chart" movements in the world of commodity pricing so that you can play the trends. Very helpful if you know how and if the trends hold up and/or repeat themselves in a predictable way.

Sixth, almost all the people who think you're not a "smart marketer" believe you should sell half of your crop when the price reaches your unit cost of production and hold the remainder to sell on upward moves in the market. Suppose the price never reaches your unit cost of production? Suppose you don't know what your cost of production is going to be because you don't know what your yields are going to be because you don't know what your weather is going to be?

Oh well, mere nitpicking. It works in the articles and speeches and if it has made the article and speech writers rich in the "free market," no reason why it won't do the same for you. Anyway, you've got your charts to fall back on plus reams of good, sound, solid information from various "experts."

Some cotton farmers say they did a little better in 1981 by putting their crop in the "pool." Right, but suppose whoever is running the pool screws up? They're working with essentially the same information. It's happened already.

Seventh, and extremely important, you'll need your own New York commodity broker. They're infallible, too, or if not infallible at least brilliant and sure to be able to tell you just the right time to sell your crop and at what price. At the very least they should be able to improve your batting average.

Just be sure to check their ancestry to see if their father or grandfather was one of those who committed suicide in the 1929 crash.

But you just know it can be done. Look around you at all those other prosperous farmers. But, just as a word of caution, be sure their wives didn't have plenty of money to begin with or that they haven't been holding up liquor stores after dark.

One serious, only semi-sarcastic, note. We do know why our good friends who lead the major old line farm organizations believe the "free market" is the wave of the future. It's because farm land is a finite resource, the world population continues to grow, people must eat, the U.S. produces far more food and fiber than it can consume; therefore, farm commodity prices must go up.

If true, will they go up faster than the price of producing commodities in this expensive country? If true, will they break out into the sunlight of profitability this year, or next year or five years from now, or ten years from now, or during the year 2000, or when? And where will you be by then and what will you be doing? Selling insurance? Pushing up daisies?

Too much sarcasm I suppose. But I've been reading so much junk about the wonderful "free market" and "market oriented" policies since 1973 that I just can't help but point out, after giving it a nine year trial, that there is another side to this matter. A big, big, big other side.

It boils down to this. The farmer can (could up until a few years ago anyway) stand the tremendous risk presented to him by the weather, insects and other natural phenomenon, but he can't hold up under the huge additional risk of trying to outguess the market. After 40 years the federal government saw fit to give this huge extra marketing risk back to him, at the request of his major organizations.

The majority of American farmers are ready to return this additional risk to the federal government where it belongs and where it resides in every other major nation in the world. We're sinking into a morass of utter stupidity.

It's time for intelligent people who can see that something is badly wrong in American agriculture to begin to speak out.

That's what is needed, not a futile quest for a pot of gold at the end of the rainbow termed "becoming better marketers."

The kibitzers are running things and kibitzers are not supposed to run things. They're supposed to sit on the sidelines and kibitz.

To indicate just how easy it is to become more proficient in marketing we quote at this point two paragraphs from a full-time staff economist of one of the leading national farm magazines in an issue dated January 1981. It concerns how to go about marketing your 1981 cotton crop. I am sure that The Farm Press Publications probably had something equally useless at some point from some of our own "experts." But then under this type of farm program they're all we've got. That's the point, not that they were wrong.

Here is the quote:

"Wait for a 90 cent quote on December futures before inking any new-crop forward contract. Then contract 20 percent to 40 percent. There are a lot of opportunities for prices to get better. The economy could improve, foreign and domestic demand could strengthen, and something could happen to the new crop between now and harvest. With supplies as tight as they are, we are almost certain to see at least one weather scare in 1981.

"There's a floor under 1981 cotton between 70 cents and 75 cents, put there by synthetic fiber and petroleum costs. Based on the present slack economy, cotton is now priced about where it should be. If a partial contract in the mid-high 80s is what it takes to get your banker to go along with a loan, then go ahead and do it. Other than that, wait to contract on market strength." End Quote.

This professional economist is one of the best currently advising farmers. Bet you just can't wait until you finish your course on "becoming a better marketer" so you'll be this good.

Stay with the "free market," friend, and we'll all go broke together. Just a matter of time. You're playing against the house and the house doesn't lose, given a little time. The only sure winners are the middlemen. Sort of farm product croupiers.●

INTRODUCTION OF CAPITAL BUDGET LEGISLATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. CLINGER. Mr. Speaker, it is my pleasure to introduce today the Federal Capital Investment Act of 1982. This long overdue reform of the budget process is a necessary step if the legislative and executive branches of Government are to rationally allocate scarce public capital investments during these times of fiscal constraint.

America's basic public facilities are wearing out faster than they can be repaired and replaced. Some alarming facts and vital points deserve consideration in the public infrastructure debate:

Measured in constant dollars, America's investment in public capital declined by 30 percent from 1965 to 1980. In 1965, 4.1 percent of the Nation's GNP was spent on public works, as compared to just 1.7 percent in 1980.

Eight thousand miles of the Interstate Highway System and 13 percent of its bridges are now beyond their engineered life and must be rebuilt. Two thousand miles of this system deteriorate and require reconstruction each year.

One-half of the Nation's communities have waste water treatment systems that are operating at full capacity and cannot support further economic expansion.

The old Dust Bowl region of the United States, which now accounts for 23 percent of the Nation's irrigated farmland and produces over 40 percent of its processed beef, is in danger of depleting its water sources. New sources must be developed by the end of the decade to avoid declining yields of important export crops.

As many as 3,000 of the country's 3,500 jails may have to be totally rebuilt or substantially rehabilitated; in most cases this construction is court-ordered and takes precedence over other public works projects.

At least 100 separate Federal agencies, 50 State governments, 3,042 counties, 35,000 general purpose local governments, and 15,000 school districts are engaged in public works planning and construction. Enormous fragmentation of public works decisionmaking is the inevitable result.

Although virtually all major corporations, all State governments, and most local governments use capital budgets in basic planning, the Federal Government has never produced a capital budget to distinguish investment-type programs from current expenditures.

Continued neglect of basic public capital needs threatens to impede economic growth in all parts of the Nation. While older sections of the country require investment to repair and replace existing facilities, the South and West require new facilities to support economic expansion. Economic growth can be more easily fostered through a strong public infrastructure, and a national framework within which to make public capital investment decisions is a first step toward improving that infrastructure.

With the help of my colleague from Pennsylvania, Representative BOB EDGAR, we have fashioned legislation to provide for a capital budget for the Federal Government. It is my understanding that Senator DODD of Connecticut is introducing similar legislation in the other body on this day. We believe that this legislation will serve as a starting point for congressional deliberations of this vital issue.

The bill does not alter the Congressional Budget Act in any way. Instead, it amends the authority from which the President makes his annual budget submissions to Congress. There are three parts to the bill: a special analysis, a capital budget, and an inventory and needs study by the Economic Development Administration.

Congress lacks the basic information necessary to make informed allocations of public infrastructure funding. The bill would provide us with a good management document to identify our public infrastructure investments, assess their condition, estimate what is needed in the future, help establish responsibility among Federal, State and local government, and prioritize our present spending in order to bring about the greatest return on taxpayer investments.

For the benefit of my colleagues, I would like to provide them with a section-by-section analysis of the bill.

SECTION-BY-SECTION ANALYSIS

Section 1: Entitles the bill the "Federal Capital Investment Act of 1982."

Section 2: Describes the five purposes of the Act including:

(1) A basic information document of public capital infrastructure;

(2) An identification of public investment deficiencies in and constraints to national growth;

(3) An establishment of reasonable priorities for the allocation of limited public capital infrastructure funding;

(4) A reduction in fragmentation and duplication between Federal, State, and local governments; and

(5) An improvement in legislative oversight over public capital investments.

Section 3: Amends the Budget and Accounting Act, 1921 and mandates an initial Special Analysis to the President's annual budget submission in fiscal year 1984. This first step in the overall Capital Budgeting process would draw upon existing information which is currently available but not appropriately organized. However, because supplemental information will require more time to obtain and compile, Subsection (k)(2) directs that a complete Special Analysis and Capital Budget will be contained in the fiscal year 1985 budget submission and each year thereafter.

The Special Analysis for fiscal year 1984 would include:

Identification of public infrastructure investments for each function, category, agency, and program by appropriation and expenditure (authorities and outlays);

An estimate of aggregate capital investments (construction and rehabilitation) required to provide specific levels of public works services over periods of one, five, and ten years;

An estimate of aggregate operation and maintenance investment requirements over periods of one, five, and ten years;

The identification of sources of financing;

The identification of federal public works investments priorities; and

A presentation of how the proposed annual capital expenditures contained in the proposed budget would relate to the nation's longer term needs and the federal government's longer term public works investment strategies.

The Special Analysis and Capital Budget for fiscal year 1985 and each year thereafter, in addition to the information for fiscal year 1984, would include:

An identification by State (including the District of Columbia and U.S. territories) of appropriations and expenditures (authorizations and outlays) of public infrastructure investments;

An estimate of separate construction, rehabilitation, operation, and maintenance investments and those required to provide specific levels of public infrastructure capital service over periods of one, five, and ten years;

The creation of a uniform national set of standards to measure the specific level of service provided by specific levels of public works facilities;

An assessment of the levels of service being produced by these facilities;

An estimate of the costs, over discrete periods of time, to continue specific present, higher, and lower levels of service; and

A ten-year projection of appropriate amounts for the capital investment budget.

Subsection (k)(3) lists any appropriation or expenditure to be classified as a public infrastructure investment as they apply to construction, rehabilitation, or repair of such facility. This list applies uniformly to all provisions of this Act:

Education facilities;
Energy facilities;
Fire safety;
Health;
Justice;
Recreation;
Solid waste;
Telecommunications;
Transportation;
Water supply;
Waste water disposal; and
Federal buildings and grounds.

Section 4: Amends Title VII of the Public Works and Economic Development Act of 1965 and provides for an inventory and assessment of public infrastructure facilities. The assessment of the physical condition of the facilities would provide a snap-shot look at the current condition and capacity of existing infrastructure. The magnitude of collecting the data would require a lead time of two-years. An annual report to Congress is due from the Economic Development Administration by January 1, 1984 (in time for the fiscal year 1984 budget submission due date) and each year thereafter and shall be transmitted by the Secretary of Commerce.●

WILLIAM TESTERMAN—OUTGOING CHAIRMAN OF THE BOARD OF MANAGERS FOR THE FAMILY Y

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. ANDERSON. Mr. Speaker, the Torrance-South Bay Area Family YMCA, commonly referred to as the family Y, will hold its annual leadership recognition dinner next Thursday night, June 24. This will be a special occasion since it will honor and thank William Testerman for his able leadership during his unprecedented 3-year tenure as chairman of the board of managers.

During these past 3 years, Bill has unselfishly offered his valuable time and leadership skills in guiding the YMCA through one of the most explosive periods of growth in its 35-year history, and set the stage for a pending $5.8 million expansion of the Y's facilities. It should be noted that the family Y is one of 24 independent operating units located in the Los Angeles basin and it serves approximately 280,000 residents of Torrance, Lomita, Harbor City, Redondo Beach, Hermosa Beach, and Manhattan Beach.

In these hectic times when many Americans are too busy to care about the development of our communities and its men, women, and children, it is heartwarming to see a man, such as Bill, who has a strong personal commitment in helping others—many who are less fortunate—become a valuable asset in this country's future.

Prior to serving as chairman of the board, Bill served in numerous other top YMCA volunteer leadership positions. These included general chairman of the 1977 campaign, campaign division manager, and summer camp director. During Bill's three terms as chairman, the YMCA operating budget increased from $900,000 to $1,576,000; three current support fundraising drives produced a combined total of $739,000, considerably in excess of goals totaling $675,000 (Bill himself raised and gave over $15,000 of this total); YMCA program participation increased 67 percent, and the budget was balanced in the black each year.

During his tenure as chairman of the board of managers, the professional staff was constant and stable, with one new position added; the membership of the board was strengthened considerably with the addition of 15 community leaders; groundwork was laid for the addition of sorely needed facilities through the completion of four major program and financial studies; and the family Y achieved a position of prominence, both locally and among YMCA's across the Nation, for its unparalleled accomplishments in annual fundraising and in the development of successful new programs for families, seniors and youth. Among the many awards received by the family Y were two association trophies for fundraising achievements and two Don Hayward Awards for excellence in program development, presented by the YMCA of Metropolitan Los Angeles. The Y adopted a new name, the family Y, and a new logo in concert with its stated mission to serve and strengthen families through its programs; and, the family Y has strengthened its claim on the title of the "largest private youth and family-serving organization in the South Bay area."

Mr. Speaker, besides Bill's many accomplishments with the family Y, he was appointed earlier this year to the position of corporate records manager for the Hughes Aircraft Co. In this position he is frequently called upon to speak to many organizations from coast to coast and to consult with other companies in the area of corporate records management. Bill and his wife, Bonnie, also own and operate a successful custom framing shop, A & K Custom Framers, in Lomita.

It is for his interest and desire to make the South Bay area a better place to live and work that Bill Testerman will be honored on June 24. It is a way to say thanks for the many, many hours of service to the people of southern California.

My wife, Lee, joins me in paying tribute to this fine individual and his unblemished record of community participation. We wish the best of success and prosperity in the years ahead for Bill, and wife, Bonnie, and their two children, Brent and Kelly.●

TIME TO CRACK DOWN ON THOSE DELINQUENT HEALTH STUDENT LOANS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial from the Louisville Times urging action to crack down on delinquent health professions student loans.

It is shameful that so many health professionals—including many physicians now in lucrative practices—are allowed to get away scot-free on repaying their student loans.

It is time for the Congress to initiate the radical surgery needed to end this inequity.

[From the Louisville Times, June 2, 1982]

RADICAL SURGERY NEEDED

IT'S WAY TO COLLECT ON MEDICAL STUDENTS' LOANS

Like many other Americans, Sen. Charles Percy of Illinois has been irked by college graduates who do not repay the low-interest loans that helped them get through school. He has sponsored a bill that would allow the government to turn addresses of delinquent borrowers over to collection agents and would raise the interest and penalties on overdue loans. A new government study shows the need for such tougher measures.

It revealed that so many physicians, nurses and other health professionals who received the loans have failed to repay them on time that 3,000 current students have been deprived of the opportunity for similar loans. Because of the delinquencies, there isn't enough money in the revolving fund.

The study ran a computer survey of graduates of 37 medical schools and found an outrageous payment record. At Harvard University, for instance, 143 of 218 beneficiaries were behind at least a year in their payments, tying up $153,000. Twenty-five of the delinquents were faculty members.

Similar patterns were found at other medical schools. The U.S. Department of Health and Human Services, which conducted the

study, was embarrassed to turn up 80 delinquent medical professionals on its own payroll.

Even more shocking was the discovery that 442 physician graduates of the 37 medical schools have collected $12.4 million in Medicare and Medicaid fees in 1980 and 1981 while failing to repay their loans on time. One, from the University of Illinois, billed the government $134,459 for Medicaid fees while ignoring repayment of his $2,189 student loan.

Perhaps that suggests an even better way to get at Dr. Deadbeat and others who are dodging repayment. Sen. Percy should consider an amendment to his bill that would require federal agencies to withhold any sums they owe delinquents—for Medicaid, income-tax refunds, or whatever—until those loan payments are brought up to date. For people afflicted with this problem, whatever their profession, radical wallet surgery is indicated.

TIMES EDITORIAL.●

U.S. BUSINESS SUFFERS FROM LAG IN METRIC CONVERSION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. McCLORY. Mr. Speaker, the recent issue of U.S. News & World Report included an article entitled "Shift to Metrics Moving Ahead by Millimeters." The article predicted the demise of the Metric Board and the substitution of a more limited governmental participation in the metric conversion program by the Department of Commerce.

The dilemma in which our Nation finds itself may well reflect the inadequacy of the legislation which the Congress passed in 1975. The emphasis in that measure on the voluntary conversion to the metric system has permitted haphazard action which, in turn, may have induced some American companies to neglect opportunities for adoption of metric measurements, as a result they have lost the chance to enter foreign markets where the metric system is virtually mandated.

In the event that some of our skeptical Members may feel, indeed, that the metric conversion program is going to go away and that we are going to lapse again into the antiquated English system, I wish to call attention of those colleagues to several statistics to which the U.S. News & World Report article makes reference. It is revealed there that two recent surveys of the Fortune 1000 firms show the following:

Sixty-two percent of these firms produce at least one metric product;

Thirty-four percent of new products produced by these firms use metric designs;

Thirty-two percent of total net sales now are of metric-designed products;

Sixteen percent of the firms reported some loss in sales because of a failure to use metric in product design;

Sixty-eight percent of the firms felt metric would become the predominant system of measurement in their industry; over half favor mandatory conversion in 20 years.

Mr. Speaker, I would hope that there would be a revival of interest in the metric conversion program in this body, that a target date for substantial conversion to metrics might be adopted and that our more forward looking and enlightened members would recognize that in dealing with a world which, except for our Nation, deals almost exclusively in metric terms. We would do well to organize a concerted and orderly program for metric conversion from which all segments of our economy and society might benefit. Without reproducing the entire article from U.S. News & World Report, I wish, nevertheless, to add the following excerpts:

The U.S. auto industry, spurred by a need for metric measurements in its export trade, is going ahead with its own conversion. General Motors expects to be completely metric by the end of this year. Ford is about 50 percent converted at this point. This is causing some shift by the hand-tool industry, now 25 percent converted * * * In a few years, all new tires are expected to come in metric sizes.

Most soft drinks now are marketed in 1 and 2-liter plastic bottles * * *. Roughly 10 percent of the nation's gas pumps have been converted. Only Shell, Amoco and Sun have made corporate commitments to shift gradually from gallons to liters.

In addition, computers and business machines are showing a marked shift to metric. International Business Machines Corporation, for one, plans to complete its conversion this year.

The chemical industry, too, is in the process of switching to metric measurements by 1984 for shipping and billing. The chief reason again is the large export market * * *.

With Congress and government agencies hesitant to push for a faster conversion to metrics in the face of voter reluctance to change, the only major incentive to continue the shift is economic. Firms that are going ahead with a switch to metrics are mostly those that expect to benefit in future sales, often in an export market where customers operate routinely on a metric standard * * *.

Even though a gradual shift to metrics is still going on in many U.S. industries, proponents admit that public enthusiasm will have to be cranked up from today's state of near lethargy before anything near a complete changeover is likely to occur in this country.

Mr. Speaker, action by the Congress toward a more orderly and accelerated conversion to the metric system of weights and measures could influence public opinion and could benefit all segments of our Nation.●

LUXURY BOOMING IN MIDST OF RECESSION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FLORIO. Mr. Speaker, it is increasingly clear that the wealthy are not suffering from the recession to the same extent as other Americans. The administration's 3-year tax cut plan only reduces taxes for those already affluent. A Treasury Department analysis, prepared last month, concludes that the only people certain to wind up with real tax cuts are affluent taxpayers making close to $100,000 a year or more.

An article in the Press, from Atlantic City, N.J., has provided insight on how some wealthy Americans are spending their tax cut at the south Jersey shore area. Regrettably, the high demand for Gucci handbags and Mercedes-Benz automobiles does little to relieve the more than 23-percent increase in unemployment in New Jersey during the last year.

Mr. Speaker, I submit the following article from the press to be inserted in the CONGRESSIONAL RECORD:

[From the Press, Atlantic City, N.J., June 8, 1982]

RECESSION STORY HAS TWO SIDES

(By Alice Eckerson)

Clerks in the federal bankruptcy court in Camden are busier this spring than they've ever been. So is Dee Germano, manager of the Gucci shop at Caesars Boardwalk Regency.

"On the whole, business is up about 15 percent," she said. "This year I took in about $30,000 more in March than last year."

Luxury, it seems, is booming in the midst of a severe national recession that has 9.5 million Americans out of work, farmers who can't afford to plant their crops and business people who can't pay their utility bills.

Yet fine wines, $150 silk blouses, gourmet food, fancy cars, gold watches and a seat at the blackjack tables are in great demand.

"Last Monday, we sold three $1,000 lizard bags," Germano said. "You never know."

Atlantic City, which caters to more than its share of big spenders, is enjoying the splurge in luxury spending.

Harold Prosser of H. Prosser Jewelers in Atlantic City has upgraded his merchandise with more diamonds and gold. Prosser, who acknowledges the economic malaise afflicting Atlantic Avenue merchants, is, however, holding his own, thank you.

Atlantic City hosts plenty of people who think nothing of spending $125 a couple for dinner at casino restaurants and $35,000 on expensive cars.

Don LeClair, who sells Mercedes-Benz automobiles, has a problem uncommon to most car salespeople.

"We have trouble keeping up with the demand," said the manager of Auto Haus Atlantic Inc. in West Atlantic City. "We could sell more if we had them."

A Mercedes-Benz sells for between $20,000 and $50,000, LeClair said. The price tag is apparently no deterrent to eager buyers.

"People who buy our cars are not hurt by the recession," LeClair said. "As far as this particular business is concerned, if we were by ourselves, you wouldn't know there was a recession."

Other car dealers report brisk sales of luxury models. Rolls Royce is increasing the number of its exports to the United States. And a car without air conditioning and stereo is becoming unheard of, dealers say.

Meanwhile, LeClair's less expensive Fiats, which go for $10,000, are finding fewer buyers than their more expensive cousins.

LeClair gives the casino industry credit for helping sales. With an average of $3.5 million being lost by gamblers on a winter day in the casinos, it's obvious people with money are more than willing to throw it around in South Jersey.

PARRIS SALUTES THE ALEXANDRIA ORCHESTRA

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. PARRIS. Mr. Speaker, I would today like to recognize this week of June 13, 1982, as "National Orchestra Week," and with great pride, salute my district's orchestra, the Alexandria Civic Symphony Association.

I am particularly proud of the Alexandria Symphony Orchestra and its musical director of 16 years, Dr. George Steiner. Now in its 37th season, the symphony has grown from just a few original dedicated musicians to the present orchestra core of about 70 members.

The Alexandria Symphony Orchestra concert series consists of five performances rich in cultural and educational value. Featuring outstanding soloists, the symphony provides a balanced program of the highest quality symphonic music to the citizens of Alexandria. In addition, the symphony presents youth concerts for Alexandria public and private school children, an annual free Pops concert, and a scholarship competition for Virginia music students at the college level.

The Alexandria Orchestra is also very important for it is part of America's 1,500 symphony and chamber orchestras located in all 50 States, the District of Columbia, and Puerto Rico. During the 1980–81 season alone, 23 million people attended over 19,000 orchestra concerts. This prodigious institution contributes to the spirit and cultural vitality of America's communities, both large and small.

Orchestras also serve as the nucleus of arts activities in many communities, demonstrating techniques of organizations, fundraising, and audience development, as well as providing artistic leadership and a pool of trained musicians for choral, opera, ballet, and musical theater productions.

Beyond the concert hall, orchestras reach new audiences with special programing and free performances every year. Last year, 3.5 million citizens heard orchestra musicians perform free in hospitals, shopping centers, factories, nursing homes, and community centers. This includes the many free concerts-in-the-park offered every summer. In addition, America's orchestras serve as ambassadors around the world by regularly touring Europe, South America, and the Orient with assemblies of all sizes.

Mr. Speaker, orchestras such as the Alexandria Symphony and others which similarly serve their respective communities around the Nation, deserve our praise and commendation. I believe designation of this week as "National Orchestra Week" is a fitting tribute in recognition of all the pleasures and benefits our Nation's orchestras offer us.●

TRIBUTE TO RABBI JOSEPH NAROT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. FASCELL. Mr. Speaker, a memorial service was recently held at Temple Israel in Miami in memory of Rabbi Joseph Narot. Cantor Jacob Bornstein, a longtime friend of Joseph Narot and a man recognized for his dedication to his synagogue and his community, paid tribute to his colleague at the memorial service, and I would like to share Cantor Bornstein's remarks with others who knew, loved, and respected Rabbi Narot.

The memorial follows:

A MEMORIAL TRIBUTE TO RABBI JOSEPH R. NAROT, MAY 16, 1982

(By Cantor Jacob G. Bornstein)

From days immemorial man has sought to snatch from oblivion the memories of loved ones. The tides of life roll on and we are borne out to sea, and our personalities fade even in the lives of our flesh and blood. That is our mortal lot. Our voices die in the distance and soon even the echoes are faint and are no more as our frail voices sink behind the horizon.

But we want to capture and retain the memories of those we cherished. It is part of man's spiritual splendor that he struggles with the winds of time—retaining balance, equilibrium, poise, and holds on to his spiritual legacy. Therefore, man has built tombs and pyramids, raised temples, erected monuments; he has written books and songs and music and dedicated them to the memories of his beloved.

And so, today, we gather here on these sacred steps of our sanctuary to grasp within our hands and to behold with our eyes a symbol that so eloquently expresses our memories of a man, a rabbi, a Jew, a friend, a colleague, Dr. Joseph R. Narot. Here we gather for dedication of a magnificent sculpture in his memory as we reach out to capture and retain his memory—here where we are at our best, where our sacred teachings are rehearsed, where his name shall live and radiate even as his name Narot suggests, the flames of Judaism.

Having served by his side for 28 years, it was my privilege to come to know the essence of his Judaism, the depth of his faith. To be a Jew is to look back over one's shoulder at patriarch, prophet, psalmist. That was Joe Narot. To be a Jew is to feel about the Earth the presence of one's brothers bound to one another in deep ways. Tragedy binds one to the other even when dreams do not. That was Joe Narot.

To be a Jew is to feel many things blended in one's heart; people, faith, mission; it is to love one's own people and to know that this love conflicts in no way with utter loyalty to lands like America which has given one liberty and equality. That was Joe Narot.

To be a Jew is to realize that one has been chosen to be a touchstone of the progress of the human soul and to bear with unbearable sorrow the troubles of the human condition, but to echo with one's strength—of hand and voice—our Torah's admonition, "Do not stand idly by the blood of thy brother." That was Joe Narot.

To be a Jew is to believe with all one's heart that one is a child of God, to have the religious conviction that there is more to life than chemistry, that there is more to living than being born and dying, that there is more to the world than futile and absurd striving. That "more" Joe Marot called God. For this "more", he wrote, "awakens us to reverence, to ethical and moral possibilities." That was Joe Narot.

Yet, there is greater meaning for us today than merely to capture and retain his memory. In so doing, we capture and retain for us the living, for us who follow and remain, for our children and grandchildren what it is that we dedicate in his memory, what meaning we bring to this moment of memorial—what Joseph Narot wished for through his rabbinic career at Temple Israel, that "Temple Israel be a strong synagogue where men, women and children could find comfort and inspiration, and where they could find a challenge for themselves and for the community;" that Temple Israel continue to be a creative, dynamic, committed, united institution; that superficialities, prejudices, and misconceptions that might ever threaten this unity—be dispelled.

Dear friends, Joe Narot was committed to the words he wrote and preached, the very words which appear engraved on the plaque which will ever serve as his memorial beside this sculpture, words which perhaps best reflect him and his life, words which are our heritage. He wrote:

". . . read well the words of the Hebrew prophets in the Bible; learn well the teachings of the later rabbis in the Talmud. Study well the exhortation of modern Jewish literature. . . . Arm yourself with it and you will not only know with clarity who you are, you will also know with strength and dignity how better to help all your fellow men."●

SENATE—*Wednesday, June 16, 1982*

(Legislative day of Tuesday, June 8, 1982)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Father, we observe a moment of silent gratitude for the situation in the Falklands. (Moment of silence.)

Almighty God, the imponderable issues before the Senate resist the ultimate in human reason and patience. Wise and rational though the Senators be, there are spiritual forces that defy the finest, sharpest human intellect and generate confusion and dissension. Grant to this body the awareness that we all have a common enemy whose strategy is to divide and destroy.

Help us, Lord, not to be deceived by the one who is the enemy of public and private sector, Democrat and Republican, liberal and conservative, black and white, rich and poor, male and female, God and man; a spiritual enemy against whom only spiritual force is adequate.

In the name of Jesus Christ, I pray against this enemy. I pray for the infilling of God's love which will dissolve hostility; for the peace of God which will relieve tension and give unity; for the wisdom of God that will clear heads, cool hearts, and bring resolution to the struggle. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I believe there are special orders for Senators CHILES, STENNIS, and SASSER. Am I correct?

The PRESIDENT pro tempore. The Senator is correct.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the recognition of the two leaders and those Senators who have special orders, there be a period for the transaction of routine morning business not to exceed 30 minutes, during which Senators may speak therein for not to exceed 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Mr. COHEN assumed the chair.)

THE SENATE AGENDA

Mr. STEVENS. Mr. President, yesterday the majority leader indicated the legislative goals the Senate must meet before the Fourth of July recess. I hope that Members of the Senate will review that list. It includes the bill we are trying to bring before the Senate now, the constitutional amendment on the balanced budget, the debt ceiling extension, the conference report on the first concurrent budget resolution, the conference report on the urgent supplemental appropriations bill, and the immigration bill.

It is going to take the cooperation of the Members of the Senate to finish that list, but they are all priority items. The completion of those items is absolutely necessary if, after the recess, we are to get to some of the social issues pending before the Senate. I do hope that will be possible.

VOTING RIGHTS ACT AMENDMENTS OF 1982

Mr. STEVENS. Mr. President, it is my hope that today we will be able to proceed to vote on the motion to proceed to the consideration of S. 1992, the Voting Rights Act Extension.

Yesterday, I sent to each Member of the Senate three amendments which I intend to offer when we do take up the bill. They are amendments which are very meaningful, and I point out they are very significant to my State of Alaska.

I do hope that the Members of the Senate will review those amendments and their respective explanations contained within the letter I have written to each Senator.

I want to point out that my main amendment would apply the Dole compromise language in section 2 to section 4, specifically the new subsection in section 4, that deals with bailouts. My State has been included under this act each time it has passed or been amended. We have been in court three times on bailout suits.

I emphasize the fact that in terms of the number of suits filed—21 suits have been filed. Seven of them involved States from the South. Fourteen of those bailout actions involved States out of the South or subdivisions.

Alaska, as I said, has been in court three times on bailout proceedings. There have been three counties in Arizona, one county in Idaho, three actions involving North Carolina, one involving New York, one in Virginia, and one in Maine, one involving a county in California, and three counties in New Mexico, two counties in Oklahoma, one county in Colorado, and one city in Georgia.

Anyone who does any research at all concerning the bailout provisions will realize that it is a national provision and that the impact of the Voting Rights Act has been to apply very stringent measures to cities and counties, local political subdivisions, and States throughout the country.

I am offering the amendment I indicated to assure that the same test, the same standard, is applied to section 4 that will be applied through section 2 to determine which States or political subdivisions will come under the coverage of the act in the future. I think this is fair and I think if the Senate adopts that procedure and assures that the lookback will be under the same standard as the future application of the Voting Rights Act, there will be a much better feeling in the Senate concerning this bill. In addition, there will be a much better feeling in the country itself.

Again, Mr. President, I emphasize the remarks of the majority leader yesterday. We need to get on with this act, to consider it, to consider the amendments that will be offered and to dispose of those amendments in a meaningful way, but, in a timeframe which takes into consideration the heavy workload that faces the Senate prior to the Fourth of July recess. I do hope that Members of the Senate will realize that we are going to do our utmost to get this bill to the point where we can vote on the motion to proceed today, if that is at all possible.

I reserve the remainder of my time, Mr. President.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. ROBERT C. BYRD. I yield to Senator PROXMIRE 3 or 4 minutes, whatever he wishes.

Mr. PROXMIRE. Mr. President, I thank the minority leader. I shall take only a few minutes.

NUCLEAR ARMS CONTROL: THE PRESENT BALANCE

Mr. PROXMIRE. Mr. President, at the heart of the administration's reluctance to adopt a nuclear freeze now lies the objection that the Soviet Union has developed a clear strategic lead in nuclear power and, therefore, to freeze nuclear weapons on both sides now would be to lock this country into a permanent disadvantage—a position of perpetual subordination to the Soviet Union in strategic military power.

Some deny that we suffer such a disadvantage. Others say even if we do, the disadvantage is irrelevant because we have, as does the Soviet Union, the unquestioned power—even after a first nuclear strike by the other side—to destroy the Soviet Union as an organized society. At this point, the debate often stops. For the next several days, I propose to try to bring to the attention of my colleagues some of the material available through the Defense Department, the Carnegie Endowment for International Peace, and other sources the best available evidence for the present balance of strategic forces between the United States and the U.S.S.R.

Today, I call to the attention of my colleagues material from the Carnegie Endowment for International Peace on the structure of United States and Soviet strategic forces. I have edited the Carnegie findings slightly because the CONGRESSIONAL RECORD cannot carry charts and because I shall condense and select material that seems most appropriate. The Carnegie study makes these findings:

III. THE STRUCTURE OF U.S. AND SOVIET STRATEGIC FORCES

Judgments about how well U.S. strategic forces meet various criteria begin with the more or less simple measures of relative strategic capabilities, such as the number and size of missiles and bombers on each side. However, the measures reflect the capabilities of two very different sets of forces. They can only be understood by first looking at the broader context of how the two nations with different histories, with varied technological advantages and disadvantages, with distinct ways of organizing their societies and making weapons decisions, and confronted by different geo-strategic circumstances developed their respective forces.

The Soviet Union, in developing its strategic nuclear forces, consistently has placed emphasis on ICBMs. Today ICBMs constitute more that one-half of the total number of Soviet strategic launchers. More important, Soviet ICBMs account for about 75 percent of the warheads and 70 percent of the total throwweight, or lifting capability, of its strategic force.[1] By comparison, ICBMs also constitute roughly one-half of U.S. strategic delivery vehicles, but only account for about 25 to 33 percent of U.S. strategic warheads and throwweight. A number of factors may account for this clear emphasis in the Soviet force posture. Geography alone has encouraged primary attention to land-based missiles. This tendency has been reinforced by constraints on Soviet technology, and the history and bureaucratic structure of the Soviet armed forces. The technologies of land-based missiles—propulsion systems, guidance systems, command and control, among others—were probably more manageable for the USSR in the early days of the nuclear era than the more complicated technologies of sea-based missiles. Also, the Soviet Union had no tradition of a strategic bomber force, in contrast to the U.S. experience in starting in World War II, and no independent air force to speak of. Therefore, it is understandable that long-range bombers received little attention or resources.

In addition to the greater role they have in the Soviet force structure, Soviet ICBMs have tended to be larger than their U.S. counterparts. This fact also may reflect technological limitations, particularly those on the USSR's capabilities to produce relatively small nuclear warheads and accurate guidance systems. Now that they are overcoming these deficiencies, however, the Soviets are taking advantage of the larger size of their missiles by placing many multiple independently targetable re-entry vehicles (MIRVs) on them, and thus greatly increasing their total number of deployed warheads. MIRV technology, which America has deployed on both its land-based and sea-based missile forces for many years, permits one missile to deliver separate warheads to several different targets. The United States has deployed as many as 14 warheads, the giant Soviet SS-18 ICBM is said to be capable of being equipped with as many as 30 MIRVs.

Tomorrow, Mr. President, I shall continue with this report from the Carnegie Foundation on the relative nuclear weapon strength of the two superpowers.

[1] Throwweight is a measure of lift capacity of a missile—the weight of warheads, decoys, guidance and dispersal systems, and related items which the missile can lift into trajectory and carry to the target.

FITZGERALD WINS CASE AGAINST PENTAGON

Mr. PROXMIRE. Mr. President, at long last, justice has been achieved in the 13-year case of Pentagon cost expert Ernest Fitzgerald. The Pentagon has agreed to a settlement with Mr. Fitzgerald which has specific beneficial aspects both for Mr. Fitzgerald and the Congress.

When Mr. Fitzgerald appeared before the Joint Economic Committee, at my request, in 1968, he was a most reluctant witness. He did not volunteer information that the cost overrun on the C5-A was $2 billion. He did not present that figure or that argument in his testimony. As chairman that day, I asked Mr. Fitzgerald a series of questions about the C-5 program—an Air Force project over which he had specific cost accounting control.

Under questioning, Mr. Fitzgerald agreed with my statement that the overrun on the C-5A might go as high as $2 billion.

For telling the truth, Mr. Fitzgerald was harassed by Defense officials over several administrations, was investigated by Pentagon sleuths, had his reputation challenged, and was fired from his job.

Thirteen years of litigation were partially brought to a close yesterday when the Air Force and Justice Department agreed to reinstate Mr. Fitzgerald to his old position in the Pentagon—with responsibility for reviewing costs on major Air Force programs. In addition the Air Force agreed to pay Mr. Fitzgerald's lawyers a sum of $200,000—most of which will be donated to legal services organizations.

This settlement represents a victory for truth in Government. It represents a victory for the right of the Senate to obtain true and honest testimony.

It represents the admission, finally, by the Air Force and Justice Department, that they were dead wrong in harassing and mistreating Mr. Fitzgerald all these years.

As a check that the agreement will be carried out, the court has agreed to monitor Air Force compliance with the settlement in the coming months so that Mr. Fitzgerald's rights will be protected.

Mr. President, not many people have the combination of character and will to make a fight like this for 13 years and see it through to success.

The Nation and all Federal employees owe a debt of gratitude to Mr. Fitzgerald.

MANKIND'S CAPACITY FOR GOOD AND EVIL

Mr. PROXMIRE. Mr. President, television recently presented an outstanding series on the life and adventures of Marco Polo. The story centered around how this young Venetian merchant, a Westerner and a Christian, revealed to the world the treasures and wonders of the East.

As portrayed in the series, the Mongol society was rich in culture. There were a few Westerners, such as Marco Polo, who saw the great benefits of a tie with such a society—one in which both cultures, East and West, could gain intellectually and economically. Indeed, the series presented the Mongol society as exotic and idyllic. As we viewed the sumptuousness and culture of the Mongol civilization, the tragic irony was that it was based on

the destruction of entire peoples by its founder, Genghis Khan. In overrunning territories he conquered, he would often wipe out whole communities. Indeed, his very name has become a byword for terror.

Yet, the Mongol society, so rich in culture, was one from which the Western World did learn and profit. Mankind faces a paradox in that a society which is capable of the very best to which mankind can aspire is just as capable of the very worst. Great art and literature can coexist with the rack and the stake. It is our duty, Mr. President, to encourage the best while eliminating the worst. Among the worst is the crime of genocide.

The path toward the protection of fundamental human rights is that leading to ratification of the Genocide Convention. That is why we must take it upon ourselves to assure that the United States ratifies the Genocide Convention, lest this great Nation of ours appear to fail to take its place among the nations of the world condemning the crime of genocide.

Mr. President, I thank the leader and I yield back the floor.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER (Mr. HATFIELD). Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for 15 minutes.

CRIME CONTROL ACT OF 1982

Mr. CHILES. Mr. President, over the past several weeks, I have joined with Senator NUNN in coming here to the floor of the Senate to speak out on crime and drug trafficking, and on the need for the Senate to pass a package of bills to fight these problems. We introduced a bill, S. 2543, that contains several proposals to fight crime and reform our criminal justice system. We were able to have S. 2543 placed directly on the Senate calendar, so that it is now eligible to be brought before the full Senate for consideration. Just before Memorial Day, Senator THURMOND and Senator BIDEN, the chairman and the ranking member of the Senate Judiciary Committee, introduced another crime fighting proposal, S. 2572. That bill was also placed on the Senate calendar. As is S. 2543, it is ready to be called before the full Senate for consideration. I am pleased to note that almost 20 Senators have sponsored S. 2543, and over 30 Senators, including Senator NUNN and myself, are sponsors of S. 2572. Mr. President, this shows the range of support that crime fighting proposals have in the Senate, and it is cause for encouragement. However, it has been 3 weeks since Senator NUNN and I first began speaking out on crime, and the Senate still has not taken up crime-fighting bills. This is a cause for great concern among those of us who are committed to fighting crime. Fewer and fewer days remain in this session—as few as 52 legislative days—and many other issues remain to be considered. I am concerned that if we do not act on crime proposals promptly, we shall lose our opportunity to do so.

One essential part of any fight against crime has to be a reform of our criminal justice system. It does us no good if the criminals who are caught are able to use legal loopholes to avoid justice, or if they are able to challenge their convictions by filing appeals years and years after the original crime and the original trial took place. Title 4 of S. 2543 is designed to solve this problem of stale appeals, and establish more finality for fairly obtained State court convictions.

The need for these reforms can be seen in a case which occurred in the middle district of Florida. Although the case was not finally resolved until a few months ago, the events surrounding the case took place in 1960. At that time, a Mr. Ducksworth was arrested in Sarasota, Fla., and charged with assault with intent to commit murder. At trial, he was convicted and sentenced to 6 months to 20 years. In 1966, Ducksworth was paroled. That parole was revoked, however, in 1970, when Ducksworth was arrested and charged with robbery and possession of a concealed firearm in Collier County, Fla. At trial, he was convicted and sentenced to 20 years for the robbery, and 5 years for the concealed weapon charge. In 1971, Ducksworth filed an appeal, a motion to vacate his conviction. He was not appealing the 1970 conviction in Collier County, but his original conviction back in 1960. He filed his motion to vacate in Florida State court, but the motion was denied. He appealed that denial, but he lost his appeal. Two years later, he filed another amended appeal in the State courts. Once again, this petition was denied in the State courts, and the denial was upheld on appeal. Finally, in 1977, Ducksworth filed a habeas corpus petition concerning his 1960 conviction for assault. By the time this petition was filed, 17 years had elapsed since the events which led to the original conviction. This time the Federal magistrate decided to hold an evidentiary hearing on Ducksworth's claims. Ducksworth claimed ineffective assistance of counsel during one of his appeals, that his confession back in 1960 had been coerced, and that he had not been advised of his right to appeal at his original trial.

The U.S. magistrate ultimately dismissed Ducksworth's claims after the hearing because he had no real facts to back them up. It turned out that the man who prosecuted the case back in 1960 had died, the defense attorney no longer lived in the State, and the transcript of Ducksworth's original trial back in 1960 had been destroyed in a flood. All these facts led the court to deny Ducksworth's habeas corpus petition, on the grounds that the State had been prejudiced by his 17-year delay in filing the petition. Of course, Ducksworth appealed that denial of his petition. Finally, earlier this year, the U.S. circuit court of appeals dismissed Ducksworth's appeal, thereby bringing the case to a close 22 years after the original events took place. The State of Florida did win in this particular case. However, it had to devote hundreds of hours of the time of its attorneys to do so. That time is time taken from other cases, and it helps contribute to the backlog in today's courts. Finally, I would note that Ducksworth, to the best of my knowledge, has not begun filing appeals on his other conviction.

Mr. President, we have an opportunity to stop these abuses of the writ of habeas corpus. Title 4 of S. 2543 reforms the Federal habeas corpus statute and requires State prisoners to file habeas petitions with the Federal courts within 3 years of the time their State convictions become final. That helps protect the individual and the State, by assuring that all habeas claims will be heard while the evidence is still relatively fresh. In addition, it helps establish a greater sense of finality in our criminal justice system. We have a chance to make this reform in our criminal justice system, Mr. President, but only if the Senate moves promptly to pass crime-fighting bills. Time is running out and the public will be the loser if we do not act.

I yield to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

CRIME CONTROL ACT OF 1982, TITLE I—PROTECTIONS FOR CRIMINAL INVESTIGATORS AND PROSECUTORS

Mr. NUNN. Mr. Chairman, I continue to join Senator CHILES in urging the Senate to consider the crime legislation which today remains pending on the calendar. I refer to both S. 2543, the Crime Control Act of 1982, which Senator CHILES and I introduced several weeks ago, as well as S. 2572, which Senators THURMOND and BIDEN have introduced and in which Senator CHILES and I have joined as cosponsors. While those bills await consideration by the Senate, crime continues to menace the American public on a daily basis.

Crime persists, unfortunately, on all levels. Perhaps most sobering is the spread of organized crime and its network of corrupt and violent activities throughout the United States. Hand in hand with the growth of organized

crime has come an increase in the use of threats and violence to intimidate and silence our criminal investigators and prosecutors. In the drug underworld, violent threats and murder contracts have emerged as a favorite means of criminal retaliation against law enforcement personnel.

A Florida jury found a previously convicted drug dealer guilty of conspiring to murder the State's attorney of two Florida counties. He was sentenced to a term of 160 years for that offense and other related charges. An Akron, Ohio, grand jury indicted two individuals for conspiring to murder a law enforcement agent who had taken the lead in a major drug-smuggling investigation. At the trial, the government's key witness refused to testify because he feared for his life. Due to the resulting lack of evidence, the judge directed a verdict in favor of the defense. Law enforcement authorities have received reports that Colombian nationals have hired a "hit team" to kill the head of the Broward County, Fla., organized crime unit. The F.B.I. has received evidence of separate criminal plots to kill two Federal district judges now sitting in south Florida. In one case, $300,000 was the payment promised by associates of organized crime for the requested murder. On January 16, 1982, a State prosecutor in Charlotte County, Fla., who had handled numerous drug cases was shot to death in the front doorway of his home. An indictment has recently been returned in that case.

It is obvious that we can no longer ask nor expect law enforcement investigators and prosecutors to break criminal strongholds without adequate protection and deterrence in our legal system against violent retaliation. The congressional role in the fight against crime must include a statutory commitment to fully protect those law enforcement agents who brave the violent world of organized crime.

The Crime Control Act of 1982 does precisely that. Current Federal law provides criminal penalties for the intimidation, assault, or murder of a specified list of Federal officers. In their specificity, however, the statutes have left unprotected many important Federal criminal investigators and prosecutors who must constantly deal with some of our most violent and organized criminal offenders. As but one example, current law specifically protects only two classes of Federal prosecutors: U.S. attorneys and assistant U.S. attorneys. Under current Department of Justice practice, numerous criminal cases of major importance are routinely prosecuted by assigned "trial" or "special" attorneys from the Department of Justice, having expertise in specialized areas: fraud, tax, and so forth. Moreover, major organized crime cases are prosecuted by attorneys from the Justice Department's organized crime and racketeering section, many of whom are permanently stationed in "Strike Force" field offices throughout the country. Despite the danger they face in prosecuting those cases, they are not specifically protected under current Federal law.

Our bill would insure that all Federal criminal investigators and prosecutors receive the same legal protections currently granted U.S. Attorneys, the F.B.I., the Drug Enforcement Administration, and other specifically listed enforcement officers. We propose that current statutes be extended to also prohibit the intimidation, assault, or murder of "any attorney, agent, or employee of the U.S. Government employed to investigate or prosecute violations of Federal criminal statutes. . . ." This type of statutory protection is surely the least which we, as a responsible Congress, can do to adequately equip our law enforcement community to safely and effectively do battle against organized crime.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR STENNIS

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 15 minutes.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. STENNIS. Mr. President, I was greatly pleased and gratified by the announcement of the Majority Leader that he intended to call up and, if possible, dispose of Senate Joint Resolution 58 before the recess which commences on July 2d. This resolution proposes an amendment to the Constitution which would mandate a balanced budget.

This is a matter in which I have been greatly interested and have given a great deal of attention. In 1976 and again in 1977 I joined then Senator Curtis of Nebraska and a number of my colleagues in introducing a proposed constitutional amendment which would make balanced budgets mandatory. In 1979 and 1981 I was the principal sponsor of this proposed constitutional amendment. Over the years I have spoken in favor of such an amendment on numerous occasions both on and off the floor of the Senate.

Mr. President, I emphasize that, not claiming a great deal of credit for myself, but because it showed a consciousness on my part of the direction in which we were headed, that something had to be done to change it. I knew it had to be with the force and effect, in my opinion, of a new amendment to the Constitution of the United States which would limit the power of the Congress to appropriate money.

I am not prompted in that by wanting to protect the Members of Congress or those who may be Members at any future time. My primary purpose is to protect the taxpayer, the man or woman who pays in the money, the man or woman who has to provide from their earnings the money that we appropriate.

It is not only the money we appropriate. The consequences of this are equally important. We know now so clearly the burden it imposes by way of interest rates, by way of inflation, by way of unemployment, and hundreds of other things really that eat into the very vitals of the soundness of our fiscal affairs and the American dollar.

I heard yesterday morning a splendid discussion which was led by the President of the United States in the Cabinet room where he was assisted by his most able top-level staff members who had been with him on his tour of Europe.

I thought the most interesting, the most vital, and the most encouraging part of his report was the concern expressed at the very highest level that the United States must preserve the value of the American dollar, that its economy must be improved so that it will begin to grow again, and that our fiscal policies must be considered sound, not only by us, but by the large and small nations of the world.

I have consistently been a strong supporter of the concept of a balanced budget constitutional amendment. I think there is a most compelling case for an amendment to balance the budget and limit taxes. In fact, our current fiscal and financial situation and the prospects for the future have convinced me that a balanced budget constitutional amendment is now an absolute must. It is a necessary first step toward regaining control of our financial and fiscal affairs.

I am gratified and pleased that the President has recently endorsed such an amendment; that a majority of the Members of the Senate have expressed approval of it; and that Senate Joint Resolution 58 will shortly be before the Senate for consideration. In short, the climate was never better for the approval of a balanced budget amendment than it is today.

Public opinion polls have consistently demonstrated strong public support for the idea of a balanced budget constitutional amendment. Polls back to the 1930's have persistently shown a public sympathetic to the idea of placing permanent limitations on the ability of Congress to spend in excess of available revenues.

According to the results of a national poll released on June 3 by the National Tax Limitation Committee and

conducted by Market Opinion Research of Detroit, Mich., nearly 80 percent of the American public favors congressional passage of the tax limitation/balanced budget amendment.

In addition, in a Gallup poll of 1980, 75 percent supported a constitutional amendment, 16 percent opposed it, and 9 percent had no opinion. In a Roper poll in 1979, 65 percent favored such an amendment, 22 percent opposed it, and 13 percent had no opinion. In a New York Times-CBS poll, 73 percent favored it, 16 percent opposed it, and 11 percent had no opinion. In an Associated Press-NBC poll, 70 percent favored it, 18 percent opposed it, and 12 percent had no opinion. It is clear from these and other polls that a budget-balancing constitutional amendment had over 70 percent support from those identifying themselves as Democrats, Republicans, conservatives, and liberals.

For these and other reasons, Mr. President, I intend to support Senate Joint Resolution 58. If made a part of our Constitution, it would reestablish constitutional limitations upon Federal spending and deficit practices that existed in earlier years through an array of formal and informal constitutional provisions. These have been eroded over the course of recent years. The abandonment of the "unwritten" constitutional requirement for a balanced budget has contributed to the present situation in which there is little or no real restraint upon the ability of the Congress to spend. Our persistent failure to balance the Federal budget has produced a public debt of over $1 trillion, and estimated interest payments on this public debt are approximately $115 billion in fiscal year 1983. I think it can be said that the Nation's economic problems are substantially attributable to these facts. Persistently high levels of inflation and unemployment and declining levels of growth and productivity can all be traced directly or indirectly to the fiscal policies and practices of the Federal Government.

We have to take drastic action to get our fiscal and financial affairs under control. This will result in a very significant change in our budgetary practices and will place a significant limitation upon the ability of the Congress to resort to deficit financing. This is strong medicine but I believe that it is absolutely demanded by the situation which now exists.

Let me say very clearly that I do not suggest that a balanced budget amendment is the answer to all of our financial problems. It will not be. However, it will be a large first step in getting our budgetary processes under control. Rather than relying solely on congressional self-restraint, such an amendment would establish a ceiling on Federal spending which will force the Congress to consider spending requests in terms of relative priority and desirability, not simply in terms of whether or not the program is desirable at all.

The amendment would introduce a measure of discipline in the budgetary process. It would make it easier for Members of Congress to resist the demands of the spending interests and to exercise fiscal responsibility in making spending policy decisions. With a ceiling on Federal spending, the spending interests will be required to compete with each other for a share of a fixed amount of Federal funds. Under present circumstances, these interests create pressure on the Congress to appropriate more than the available revenues. This has resulted in deficits on top of deficits.

This is not offered as a measure to balance the budget this year or for the next few years. It will require some time to get the proposal adopted. We must continue our regular efforts to balance the budget and get this measure enacted for use in future years.

I do not support this measure merely as a protection to the legislators. I support it as a protection to the taxpayers.

Mr. President, I do not say that all evil results from this source or that everything we have done has been bad or that we have failed, in all respects. I am no calamity howler. I have seen this thing creep forward inch by inch and the problem created inch by inch.

In the old days, there was a daily conscious expression on this floor: Beware of the unbalanced budget. Beware that we do not appropriate more than the available income for the fiscal year we are working on. There were all kinds of practices in the committee rooms to cut the cloth to the pattern of the available funds. Anything brought to this floor that failed to measure up to these considerations was attacked for that reason.

Most of that sentiment has gradually disappeared. We do not help each other here by constant admonitions that we must keep a close eye on the income and the outgo. We do not help each other with the warning that there are serious consequences resulting from repeated deficits.

I know that we have to appropriate extra money at times. I have been through all that. I was here and handled the appropriations bills for the war in Vietnam. I know that exceptional times come. But in the ordinary years, that does not exist and I believe that the standard and requirement must be that we make every effort to live within our means.

New programs were brought in, not recklessly passed, but passed without the microscopic examination by competent staff members and members of these committees that would determine whether or not the money was available to pay for the programs.

I voted against some very popular additions to various Federal programs that provided assistance to individuals, for the sole reason that there was no showing that money was available to pay the bill that would become due as a result of those programs. I also voted against amendments which would have increased the benefits paid by those programs, for the same reason.

It is a sad fact, but when the cost of these programs—some of which I voted against—was added up, it was four to five times as much as the original estimate; and the small, additional taxes we levied brought in only about one-third or one-fourth the amount they were estimated to bring in. The result was that deficits of billions and billions and billions of dollars were built up because of these added benefits.

So the judgment day has to come. This is no reflection on any individual. It is a time in the history of our country—and we are proud of that history—when we are going to have to assess values, pick and choose between policies, and adopt the policy which, in fiscal affairs at least, has the essential foundation of being sound—the outgo and the income in balance. It is possible to do this.

It cannot all be done in 1 year, and I do not advocate that. I think it will wreck a lot of the machinery of Government and cause upheavals and break up the whole plan of reconstruction, if we go at it too fast. It is like a runaway automobile, a runaway piece of machinery of any kind: Just give it unlimited power and it will tear itself to pieces. It is the same with the mechanism of Government.

As surely as night follows day, if we do not heed these warnings, and do not reconsider and act to lay a sound foundation, the fiscal affairs of this Nation are going to be wrecked on an accumulation of calamitous happenings somewhere down the line. That really will be the beginning of the people losing control of their own Government—that is, their ability to choose their own lawmakers who are responsible directly to them, the people who make the law, who set the policy, and who do everything except what the courts do in the affairs of our Government.

We have had these 200 illustrious years in which, until recently, we have generally adhered to the sound policy of fiscal restraint so that we kept our budgetary affairs under control. We have held that together, so much so, as I understand it, that there never has been a moment since our Constitution went into effect that a solid, legal obligation of the U.S. Government went in default of payment.

In other words, we always had the money there to pay a bond when it became due or pay any other legal ob-

ligation whose due date had been definitely determined, but that certainly does not mean we are immune from the operation of the laws of sound economics or from the consequences of failing to follow them.

So I think that the state of our economy, our fiscal affairs, and our budgetary situation is the gravest, most threatening problem that we are confronted with. This has been true for a number of years and will be true for many years to come until we apply a remedy that is gradual and certain in its application, one that I hope will be given time to work and that will put us on the road to recovery.

Now I am certainly not talking through my hat. I have emphasized that to my colleagues before. I have emphasized to the President of the United States how I see things, and I know that President Reagan is applying himself to these problems.

I hope, therefore, that Senate Joint Resolution 58 will be approved by Congress and submitted to and ratified by the States at the earliest possible moment. This matter has already been delayed far too long.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the floor.

RECOGNITION OF SENATOR KASTEN

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. KASTEN) is recognized for not to exceed 15 minutes.

S. 2631—PRODUCT LIABILITY ACT

Mr. KASTEN. Mr. President, today I am introducing legislation to create uniform product liability law throughout the United States.

I am pleased to have Senators LUGAR, INOUYE, ABDNOR, PERCY, GARN, STAFFORD, and GLENN as cosponsors of this legislation.

The product liability problem reached crisis proportions in the mid-1970's and it continues today. The uncertainty and instability in product liability law has become a major problem not only for manufacturers and product sellers, but also for consumers. Conflicting product liability rules have made it extraordinarily difficult for consumers to know their legal rights and for manufacturers and product sellers to know their obligations. This has created expensive and burdensome legal costs which are passed on to consumers. The uncertainty has also created instability in the insurance market, which has been subject to sharp swings in cost. I believe that the product liability problem has created a serious burden on interstate commerce and that Federal legislation is needed to address the source of the problem.

In 1977, a Federal interagency task force on product liability identified two key reasons for the product liability crisis.

First, product liability insurance rates were being established on an overly subjective basis, with the result that rates for some product sellers and manufacturers skyrocketed 300 percent and more. In fact, some companies, unable to secure affordable insurance, were forced to "go bare". The adverse effects of that are obvious—a valid claim may be unrecoverable and a single judgment may force a company out of business. In response to this, Congress enacted the Risk Retention Act of 1981. That act, which I sponsored, provides product sellers and manufacturers alternatives to commercial product liability insurance through the creation of risk retention or self-insurance groups or through purchasing groups, which may buy commercial insurance at favorable group rates. By providing a competitive alternative to commercial insurance, the act helps assure all of us that insurance rates and premiums will be set on a fair and equitable basis.

The second cause of the product liability problem identified by the task force was uncertainty in the tort litigation system. This problem continues unabated today and, in fact, it has gotten worse. The law in the area of product liability generally is created by judges. As a result, the law varies from State to State and within one State from court to court. The law is constantly subject to change from case to case. In addition, the number of product liability claims has risen dramatically in recent years. Just a few years ago, in 1975, there were fewer than 3,000 product liability claims filed in the Federal courts. This past year, over 9,000 claims were filed. That is more than a 300-percent increase in just over a 5-year period. Given the instability in the litigation system, claimants cannot know their rights; and product sellers, manufacturers, and their insurers cannot know their obligations. There is clearly a need to stabilize this area of the law.

The inability to define the rules governing the responsibilities of product sellers and manufacturers has undesirable consequences. Insurers, unable to predict or measure potential risks of their insureds, set high product liability insurance rates. Product sellers have less incentive to develop new products or to improve the safety of old ones. The chaos in the law results in lengthy litigation over what rules apply in each case, with accompanying legal costs which can be exorbitant. One estimate is that 77 cents is spent in legal costs for every 66 cents an injured claimant receives.

This status quo is undesirable for all concerned—the claimant, the product seller or manufacturer, the insurer, and the consuming public. Recognizing this, some States have attempted to legislate certainty and stability in product liability law. Unfortunately, these State efforts have proven to be inadequate in resolving the problem of uncertainty. No State statute defines fully the basic rules of liability in a product-related case. Further, no two States have enacted the same statute. As a result, product sellers marketing goods nationally still have the problem of insuring against suits which may arise in any jurisdiction, all of which have different rules. A single State cannot respond effectively to a product that is distributed in a nationwide marketplace.

I believe that there is a growing consensus that Federal product liability legislation is needed to bring uniformity and certainty to the law and to stabliize what has become a serious burden on interstate commerce. In addressing this problem, I have developed a uniform product liability bill which I believe is fair and reasonable, and which protects the interests of consumers, insurers, manufacturers, and product sellers. Consumers should have the right to recover if injured by faulty products. Manufacturers should have clear standards of responsibility under which they can know their obligations. I believe that this legislation will achieve these ends and will also reduce the legal costs associated with product liability claims which are ultimately borne by consumers.

The proposal has had a long and careful history, beginning with the development of the Uniform Product Liability Act by the Department of Commerce in 1975. That act was developed with substantial input from the public. Then, in the 96th Congress extensive hearings were held in the House on the topic. Out of those hearings evolved H.R. 7921, 96th Congress, 2d session, which was a Federal Uniform Product Liability Act. In April 1981, I asked the staff of the Consumer Subcommittee to begin with H.R. 7921 and prepare a staff draft for our consideration in the Commerce Committee. That draft was issued for public comment on October 15 of last year. We received over 2,000 pages of public comment and made substantial revisions in the draft, taking into consideration concerns of both consumers and product sellers. In March of this year, the subcommittee held 2 days of intensive hearings on the need to reform product liability law. The hearings further enlightened us about the subject of product liability and enhanced my belief that this problem can only be addressed through a Federal law.

Mr. President, I ask unanimous consent to have printed in the RECORD my

product liability legislation and an accompanying section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Product Liability Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) "claimant" means any person who brings a product liability action, and if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if such an action is brought through or on behalf of a minor, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy this standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, commerce, or transportation described in clause (A);

(4) "express warranty" means any affirmation of fact, promise, or description relating to a product;

(5) "harm" means (A) physical damage to property other than the product itself; (B) personal physical injury, illness, or death of the claimant; or (C) mental anguish or emotional harm of the claimant caused by the claimant's personal physical injury, illness or death; "harm" does not include commercial loss;

(6) "manufacturer" means (A) any person who is engaged in a business to produce, make, or construct any product (or component part of a product), including a product seller, distributor, or retailer of products with respect to any product to the extent that such a product seller, distributor, or retailer produces, makes, or constructs the product before that product seller, distributor, or retailer sells the product; or (B) any product seller not described in clause (A) which holds itself out as a manufacturer to the user of the product;

(7) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(8) "practical technological feasibility" means the technical and scientific knowledge relating to the safety of a product which, at the time of manufacture of a product, was developed, available and capable of use or implementation in the manufacture of a product, and economically feasible for use by a manufacturer;

(9) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(10) "product" means any object, substance, or raw material which is capable of delivery itself, or as an assembled whole or as a component part and is produced for introduction into trade or commerce; "product" does not include human tissue or organs;

(11) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, installs, prepares, packages, labels, markets, repairs, maintains, or otherwise is involved in placing product in the stream of commerce; but does not include—

(A) a seller of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor;

(12) "product user" means any person, including the claimant's employer, who owns, operates, or has control of a product;

(13) "reasonably anticipated conduct" means the conduct which would be expected of a reasonably prudent person who is likely to use the product in the same or similar circumstances; and

(14) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

PREEMPTION OF OTHER LAWS

SEC. 3. (a) Any civil action brought against a manufacturer or product seller for harm caused by a product is a product liability action. This Act governs any civil action for harm caused by a product, including any action which before the effective date of this Act would have been based on: (1) strict or absolute liability in tort; (2) negligence or gross negligence; (3) breach of express or impaired warranty; (4) failure to discharge a duty to warn or instruct; or (5) any other theory that is the basis for an award for damages for harm caused by a product.

(b) No person may recover for any loss or damage caused by a product except to the extent that the loss or damage constitutes harm. A civil action for loss or damage caused to a product itself or for commercial loss is not a product liability action, and shall be governed by applicable commercial or contract law.

(c) This Act supersedes any State law regarding matters governed by this Act.

(d) The district courts of the United States shall not have jurisdiction over any civil action arising under this Act, based on sections 1331 or 1337 of title 28, United States Code.

RESPONSIBILITY OF MANUFACTURERS

SEC. 4. (a) In any product liability action, a manufacturer is liable to a claimant if—

(1) the claimant establishes by a preponderance of the evidence that—

(A) the product was unreasonably dangerous in construction, as defined in section 5(a);

(B) the product was unreasonably dangerous in design, as defined in section 5(b);

(C) the product was unreasonably dangerous because the manufacturer failed to provide adequate warnings or instructions about a danger connected with the product or about the proper use of the product, as defined in section 6; or

(D) the product was unreasonably dangerous because the product did not conform to an express warranty made by the manufacturer with respect to the product, as defined in section 7;

(2) the claimant establishes by a preponderance of the evidence that the individual product unit which allegedly caused the harm complained of was manufactured by the defendant; and

(3) the claimant establishes by a preponderance of the evidence that the unreasonably dangerous aspect of the product was a proximate cause of the harm complained of by the claimant.

(b) The claimant must introduce sufficient evidence to allow a reasonable person, by a preponderance of the evidence, to make the determinations specified in subsection (a). Expert opinion is not considered sufficient evidence to support a proposition of fact unless it is supported or corroborated by sound objective evidence.

(c) If the claimant has introduced sufficient evidence to allow a reasonable person, by a preponderance of the evidence, to make all the determinations specified in subsection (a) with the exception of the determination specified in subsection (a)(2), the product liability action nevertheless may be submitted to the trier of fact for a determination of the manufacturer's liability if the claimant proves by clear and convincing evidence and if the court finds that—

(1) the claimant made every reasonable effort to establish the identity of the manufacturer of the product unit which allegedly caused the harm complained of;

(2) the claimant has brought the product liability action against every manufacturer which could have produced, made, or constructed the product unit which allegedly caused the harm complained of; and

(3) each of the manufacturers against whom the action is brought is in a better position because of superior knowledge or information than the claimant to establish which manufacturer actually produced, made, or constructed the product unit which allegedly caused the harm complained of.

(d)(1) A claimant may not establish any fact necessary to make the determinations described in subsection (a) by showing that the identical issue of fact was determined adversely to the manufacturer in another action by another claimant unless both actions were based on harm caused by the same event in which two or more persons were harmed.

(2) A manufacturer may not establish any fact necessary to make the determinations described in subsection (a) by showing that the identical issue of fact was determined adversely to another claimant in another action against that manufacturer unless both actions were based on harm caused by the same event in which two or more persons were harmed.

PRODUCT DESIGN AND CONSTRUCTION

SEC. 5. (a) A product is unreasonably dangerous in construction if, when the product left the control of the manufacturer, it deviated in a material way—

(1) from the design specifications or performance standards of the manufacturer; or

(2) from otherwise identical units of the same product line.

(b) A product is unreasonably dangerous in design if, at the time of manufacture of the product, a reasonably prudent manufacturer in the same or similar circumstances would not have used the design that the manufacturer used. A product is not unreasonably dangerous in design unless—

(1) the manufacturer knew or, based on knowledge which had sound support in the scientific, technical, or medical community for the existence of the danger which caused the claimant's harm, should have known about the danger which allegedly caused the claimant's harm; and

(2) a means to eliminate the danger that caused the harm was within practical technological feasibility.

(c) A product is not unreasonably dangerous in design if the harm was caused by an unavoidably dangerous aspect of a product. As used in this paragraph, an "unavoidably dangerous aspect" means that aspect of a product which could not, in light of knowledge which had sound support in the scientific, technical, or medical community at the time of manufacture, have been eliminated without seriously impairing the effectiveness with which the product performs its intended function or the desirability, economic and otherwise, of the product to the person who uses or consumes it.

(d) If an alternative design is offered as evidence that a product was unreasonably dangerous in design, a product is not unreasonably dangerous in design unless the claimant establishes that, at the time of the manufacture of the product—

(1) the manufacturer knew or, based on sound support in the scientific, technical, or medical community for the existence of the alternative design, should have known about the alternative design; and

(2) the alternative design would have—

(A) utilized only science and technology for which there was sound scientific, technical, or medical support and which was within practical and technological feasibility;

(B) provided better safety with regard to the particular hazard which caused the claimant's harm and equivalent or better overall safety than the chosen design. The overall safety of the alternative design is better than the chosen design if the hazards it eliminates are greater than any new hazards it creates for any persons and for any uses; and

(C) been desirable, functionally, economically, and otherwise, to the person who uses or consumes it.

PRODUCT WARNINGS OR INSTRUCTIONS

SEC. 6. (a) A product is unreasonably dangerous because of the failure of the manufacturer to provide warnings or instructions about a danger connected with the product or about the proper use of the product if—

(1) necessary warnings or instructions were not provided, under subsection (b); or

(2) postmanufacture warnings or instructions were not provided, under subsection (c).

(b) A product is unreasonably dangerous for lack of necessary warnings or instructions if the claimant establishes by a preponderance of the evidence that at the time the product was sold—

(1) the manufacturer knew or, based on sound support in the scientific, technical, or medical community for the existence of the danger which caused the claimant's harm, should have known about the danger which allegedly caused the claimant's harm;

(2) the manufacturer failed to provide the warnings or instructions that a reasonably prudent manufacturer in the same or similar circumstances would have provided with respect to the danger which caused the harm alleged by the claimant, given the seriousness of that harm;

(3) the manufacturer failed to provide to the claimant or to another person in accordance with subsection (d)(1) such warnings or instructions which the claimant alleges would have been adequate; and

(4) the warnings or instructions which the claimant alleges would have been adequate, if provided, would have led a reasonably prudent product user either to decline to use the product or to use it in a manner so as to avoid harm of the type alleged by the claimant.

(c)(1) A product is unreasonably dangerous for lack of postmanufacture warnings or instructions if the claimant establishes by a preponderance of the evidence that—

(A) after the product was manufactured, the manufacturer knew or, based on sound support in the scientific, technical, or medical community for the existence of the danger which caused the claimant's harm, should have known about the danger which allegedly caused the claimant's harm; and

(B) postmanufacture warnings or instructions would have been provided by a reasonably prudent manufacturer in the same or similar circumstances, given the likelihood that the product would cause harm of the type alleged by the claimant and given the seriousness of that harm.

(2) A product is not unreasonably dangerous under this paragraph if the manufacturer made reasonable efforts to provide postmanufacture warnings or instructions to a product user or to another person, in accordance with subsection (d)(1).

(d)(1) A product is not unreasonably dangerous for lack of necessary or postmanufacture warnings or instructions if those warnings or instructions were provided to—

(A) a person, including an employer, who could reasonably have been expected to assure that action would be taken to avoid the harm or that the risk of harm would be explained to the actual product user;

(B) the using or supervising expert, where the product involved is one which may be legally used only by or under the supervision of a class of experts. For purposes of this clause, warnings or instructions are considered provided to the using or supervising expert where the manufacturer employed means reasonably calculated to make them available to the expert, and this does not require actual, personal notice to the expert; or

(C) the manufacturer's immediate buyer—

(i) where the product was sold as a component or material to be incorporated into another product and the claimant was exposed to the component or material after it was incorporated or converted into another product;

(ii) where the product was used in a workplace and there was no practical feasible means of transmitting warnings or instructions directly to the claimant; or

(iii) where the claimant was not an employee of the manufacturer's immediate buyer and there was no practical and feasible means of transmitting the warnings or instructions to the claimant.

(2) A product is not unreasonably dangerous for lack of warnings or instructions regarding—

(A) dangers that are obvious. As used in this clause, "dangers that are obvious" are those of which a reasonably prudent product user or a person identified in subsection (d)(1), if applicable, would have been aware without a warning or instruction and dangers which were a matter of common knowledge to persons in the same or similar position as the claimant;

(B) the consequences of product misuse, as defined in section 10(a)(2), or use contrary to warnings or instructions available to the user or to a person identified in subsection (d)(1), if applicable; or

(C) alterations or modifications, as defined in section 10(b)(2), of the product which do not constitute reasonably anticipated conduct on the part of the product user.

PRODUCT FAILURE TO CONFORM TO EXPRESS WARRANTY

SEC. 7. (a) A product is unreasonably dangerous because it did not conform to an express warranty if—

(1) the manufacturer made an express warranty about a material fact relating to the safe performance of the product;

(2) this express warranty proved to be untrue; and

(3) the failure of the product to conform to the warranty caused the harm.

As used in this subsection, "material fact" means any specific characteristic or quality of the product, but does not include a general opinion about, or general praise of, the product or its quality.

(b) A product may be unreasonably dangerous for failure to conform to an express warranty although the manufacturer did not engage in negligent or fraudulent conduct in making the express warranty.

RESPONSIBILITY OF PRODUCT SELLERS

SEC. 8. (a) In any product liability action, a product seller is liable to a claimant, if—

(1) the claimant establishes by a preponderance of the evidence that the individual product unit which allegedly caused the harm complained of was sold by the defendant and was proximate cause of the harm complained of by the claimant; and

(2) the claimant establishes by a preponderance of the evidence that the product seller failed to exercise reasonable care with respect to the product.

(b) In any product liability action, a product seller is liable to a claimant if—

(1) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product, about a material fact directly relating to the safe performance of the product;

(2) this express warranty proved to be untrue; and

(3) the failure of the product to conform to the warranty caused the harm.

(c) The claimant must introduce sufficient evidence to allow a reasonable person, by a preponderance of the evidence, to make the determinations specified in subsections (a) and (b). Expert opinion is not considered sufficient evidence to support a proposition of fact unless it is supported or corroborated by sound objective evidence.

(d)(1) A claimant may not establish any fact necessary to make the determinations described in subsections (a) and (b) by showing that the identical issue of fact was determined adversely to the product seller in another action brought by another claimant, unless both actions were based on harm caused by the same event in which two or more persons were harmed.

(2) A product seller may not establish any fact necessary to make the determinations described in subsections (a) and (b) by showing that the identical issue of fact was de-

termined adversely to another claimant in another action against that product seller unless both actions were based on harm caused by the same event in which two or more persons were harmed.

(e)(1) In determining whether a product seller is subject to liability under subsections (a) and (b), the trier of fact may consider the effect of the conduct of the seller with respect to the construction, inspection, or condition of the product, and any failure of the seller to transmit adequate warnings or instructions about the dangers and proper use of the product.

(2) A product seller is under no obligation to open a prepackaged product to inspect it, and is not liable under this section for failure to open such a product.

(f) A product seller is liable for harm to the claimant caused by a product in the same manner as the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of the State in which the action is brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

COMPARATIVE RESPONSIBILITY

SEC. 9. (a) Comparative responsibility of the claimant shall not bar recovery in a product liability action, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. For purposes of this section, "comparative responsibility" means, with respect to a claimant, conduct of the claimant involving negligence, contributory negligence or assumption of risk.

(b) In any product liability action involving a claim of comparative responsibility, the court, unless otherwise agreed by all parties, shall instruct the jury to answer special interrogatories (or, if there is no jury, the court shall make findings) indicating (A) the amount of damages each claimant would be entitled to recover if comparative responsibility were disregarded and (B) the percentage of total responsibility for the claimant's harm to be allocated to each claimant, to each defendant, to any third-party defendant, and to any other person, including an employer or coemployee. For purposes of this paragraph, the court may determine that two or more persons are to be treated as a single person.

(c) The court shall determine the award of damages to each claimant in accordance with the findings made under subsection (b), and shall enter judgement against each party determined to be liable in proportion to the degree of responsibility.

(d) If a claimant has not been able to collect on a judgment in a product liability action, and if the claimant makes a motion within 1 year after the judgment is entered, the court shall determine whether any part of the obligation allocated to a person who is a party to the action is not collectable from such a person. Any amount of obligation which the court determines is uncollectable from that person shall be reallocated to the other persons who are parties to the action and to whom responsibility was allocated and to the claimant according to the respective percentages of their responsibility, as determined under subsection (b).

MISUSE OR ALTERATION

SEC. 10. (a)(1) If a manufacturer or product seller proves by a preponderance of the evidence that misuse of a product by any person other than the manufacturer or product seller has caused the claimant's harm, the claimant's damages shall be reduced or apportioned to the extent that the misuse was a cause of the harm. If misuse by the employer of the claimant or by any coemployee of the claimant was a cause of the harm, damages shall be reduced by (A) the amount determined under section 11(a), if that section is applicable; or (B) the percentage or responsibility apportioned to the employer or coemployee, which ever is greater. Under this subsection, the trier of fact may determine that the harm caused by the product occurred solely because of misuse of the product.

(2) For purposes of this Act, misuse shall be considered to occur when a product is used for a purpose or in a manner which is not consistent with the warning or instructions available to the user, or which is not consistent with reasonable practice of users of the product, or when a product user fails adequately to train its employee in the safe use of the product, or otherwise provide for the safe use of the product, and that lack of training or the failure otherwise to provide for the safe use of the product was a cause of the claimant's harm.

(b)(1) If a manufacturer or product seller proves by a preponderance of the evidence that an alteration or modification of the product by any person other than the manufacturer or product seller has caused the claimant's harm, the damages of the claimant shall be reduced or apportioned to the extent that the alteration or modification was a cause of the harm. If alteration or modification by the employer of the claimant or by any coemployee of the claimant was a cause of the harm, damages shall be reduced by (A) the amount determined under section 11(a), if that section is applicable; or (B) the percentage or responsibility apportioned to the employer or coemployee, whichever is greater. Under this subsection, the trier of fact may determine that the harm arose solely because of the product alteration or modification. Reduction or apportionment under this subsection shall not be made if—

(A) the alteration or modification was in accordance with instructions or specifications of the manufacturer or product seller;

(B) the alteration or modification was made with the express consent of the manufacturer or product seller; or

(C) the alteration or modification was reasonably anticipated conduct, and the manufacturer or product seller failed to provide adequate warnings or instructions with respect to that alteration or modification.

(2) For purposes of this Act, alteration or modification shall be considered to occur—

(A) when a person other than the manufacturer or product seller changes the design, construction, or formula of the product, or changes or removes warnings, instructions, or safety devices that accompanied or were displayed on the product; or

(B) when a product user fails to observe the routine care and maintenance necessary for a product and that failure was the cause of the claimant's harm.

(3) Ordinary wear and tear of a product shall not be considered to be alteration or modification of a product under this subsection.

EFFECT OF WORKER COMPENSATION BENEFITS

SEC. 11. (a) In any product liability action in which damages are sought for harm for which the person injured is entitled to compensation under any State or Federal worker compensation law, the damages shall be reduced by the sum of (1) the amount paid as worker compensation benefits for that harm; and (2) the present value of all worker compensation benefits to which the employee is or would be entitled for the harm. If a person eligible to file a claim for worker compensation benefits has not filed such a claim, the trier of fact shall determine at the time of trial the amount of worker compensation benefits to which the claimant would be entitled in the future or the amount to which the claimant would have been entitled if the claimant had filed a worker compensation claim.

(b) Unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product—

(1) the employer shall have no right of subrogation, contribution, implied indemnity or lien against the manufacturer or product seller if the harm is one for which a product liability action may be brought under this Act; and

(2) the worker compensation insurance carrier of the employer shall have no right of subrogation against the manufacturer or product seller.

(c) In any product liability action in which damages are sought for harm for which the person injured is entitled to compensation under any State or Federal worker compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer or any coemployee of the person who was injured.

(d) No person entitled to file a claim for benefits pursuant to applicable State or Federal worker compensation laws or who would have been entitled to file such a claim, or any other person whose claim would be derivative from such a claim, shall be allowed to recover in a product liability action against a present or former employer or worker compensation insurer of the employer or any coemployee for harm caused by a product.

TIME LIMITATION ON LIABILITY

SEC. 12. (a)(1) If any product is a capital good, no claim alleging unsafe design as provided in section 5(b), or failure to give adequate warnings or instructions as provided in section 6(a), may be brought for harm caused by such a product more than 25 years from the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or using the product as a component in the manufacture or another product.

(2) As used in this subsection, "capital good" means any product, other than a motor vehicle, or any component of any such product, if it is also of a character subject to allowance for depreciation under the Internal Revenue Code of 1954, as amended, and was—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold, leased, or donated to a governmental or private entity for the production of goods, for training, for demonstration, or other similar purposes.

(b) Subsection (a) is not applicable if—

(1) the manufacturer or product seller intentionally misrepresented facts about the product or fraudulently concealed information about the product, and that conduct was a substantial cause of the claimant's harm;

(2) the harm of the claimant was caused by the cumulative effect of prolonged exposure to a defective product; or

(3) the harm, caused within the period referred to in subsection (a), did not manifest itself until after the expiration of that period.

(c) Nothing in subsection (a) shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution, or indemnity from any other person who is responsible for that harm.

(d) No claim under this Act may be brought more than 2 years from the time the claimant discovered, or in the exercise of due diligence should have discovered, the harm.

ALTERNATIVE SECTION FOR TIME LIMITATION ON LIABILITY

SEC. 12. (a)(1) In any product liability action, there is a presumption that the harm of a claimant was not caused because the product involved was unreasonably dangerous because of its design, or unreasonably dangerous because of the failure to provide adequate warning or instructions, if the harm was caused after the end of the longer of the following periods:

(A) The 10-year period beginning at the time of delivery of the product to its first purchaser or lessee who was not engaged in the business of either selling such product or using the product as a component part of another product.

(B) The period (if any) during which the product seller warrants that the product can be safely utilized.

(2) The presumption under this subsection may be rebutted only by clear and convincing evidence.

(b) The presumption under subsection (a) does not apply if—

(1) the manufacturer or product seller intentionally misrepresented facts about the product or fraudulently concealed information about the product, and that conduct was a substantial cause of the claimant's harm;

(2) the harm of the claimant was caused by the cumulative effect of prolonged exposure to an unreasonably dangerous product; or

(3) the harm, caused within the period referred to in subsection (a), did not manifest itself until after the expiration of that period.

(c) No claim under this Act may be brought more than 2 years from the time the claimant discovered, or in the exercise of due diligence should have discovered, the harm.

PUNITIVE DAMAGES

SEC. 13. (a)(1) Punitive damages may be awarded to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of the reckless disregard of the manufacturer or product seller for the safety of product users, consumers, or persons who might be harmed by the product. Punitive damages may not be awarded in the absence of a compensatory award.

(2) As used in this subsection, "reckless disregard" means conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by a product and constituting an extreme departure from accepted practice. A negligent choice among alternative product designs or warnings, when made in the ordinary course of business, does not by itself constitute "reckless disregard".

(b) The trier of fact, in determining under subsection (a) whether punitive damages should be awarded, shall consider—

(1) the manufacturer's or product seller's awareness of the likelihood that serious harm would arise from the sale or manufacture of a product;

(2) the conduct of the manufacturer or product seller upon discovery that the product caused harm or was related to harm caused to users or others, including whether upon confirmation of the problem the manufacturer of product seller took appropriate steps to reduce the risk of harm;

(3) the duration of the conduct and any concealment of it by the manufacturer or product seller; and

(4) whether the harm suffered by the claimant was partly the result of the claimant's own negligent conduct.

(c) If the trier of fact determines under subsection (a) that punitive damages should be awarded to a claimant, the court shall determine the amount of those damages. In making that determination, the court shall consider—

(1) all relevant evidence relating to the factors set forth in subsection (b);

(2) the profitability of the conduct to the manufacturer or product seller; and

(3) the total effect of other punishment imposed upon the manufacturer or product seller as a result of the misconduct, including punitive damage awards to persons similarly situated to the claimant and the severity of other penalities to which the manufacturer or product seller has been or may be subjected.

(d) Nothwithstanding the provisions of section 14, a manufacturer or product seller may introduce relevant evidence of post-manufacturing improvements in defense of punitive damages.

SUBSEQUENT REMEDIAL MEASURES

SEC. 14 (a) Evidence of measures taken after an event, which if taken previously would have made the event less likely to occur, is not admissible to prove liability under this Act in connection with the event.

(b) This section does not require the exclusion of evidence of subsequent measures in a design defect case if offered to impeach a witness for the manufacturer or product seller who has expressly denied the feasibility of such a measure.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of it to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by that invalidation.

EFFECTIVE DATE

SEC. 16. (a) This Act shall be effective 60 days after the date of its enactment, and shall apply to all product liability actions commenced on or after that date, including any action in which the harm or the conduct which caused the harm occurred before the effective date.

(b) If any provision of this Act would (1) shorten the period within which a claimant may bring a product liability action, or (2) shorten the period during which a manufacturer is exposed to liability under this Act, the claimant may, notwithstanding the otherwise applicable time period, bring any such action within 1 year after the effective date of this Act.

SECTION-BY-SECTION SUMMARY: PRODUCT LIABILITY ACT

SECTION 1—TITLE

This section of the bill provides that the legislation may be cited as the Product Liability Act.

SECTION 2—DEFINITIONS

Several terms used in the legislation are defined in this section. Most importantly, (1) a "manufacturer" includes not only a person engaged in a business to produce, make, or construct a product, but also a product seller which either holds itself out as a manufacturer or acts as a manufacturer with respect to a given product; (2) a "product seller" is any person selling, leasing, installing or packaging a product or otherwise placing it in commerce, but this term excludes sellers of real property, professionals, and certain financial entities; and (3) "reasonably anticipated conduct" is defined as conduct expected of a reasonably prudent person.

SECTION 3—PREEMPTION OF OTHER LAWS

This section defines "product liability action" governed by this Act as any civil action brought against a manufacturer or product seller for harm caused by a product, without regard to state law theories of strict liability in tort, negligence, breach of warranty, failure to warn or instruct, or misrepresentation, which previously governed such an action. State law is superseded to the extent the Act addresses an issue. Civil actions for harm to a product itself or for commerical loss are not product liability actions. Purely economic harms have traditionally been a matter of commerical law, not tort law. The Act does not expand the jurisdiction of the federal courts.

SECTION 4—RESPONSIBILITY OF MANUFACTURERS

This section provides that in any product liability action, a manufacturer is liable if the claimant establishes by a preponderance of the evidence that the product is unreasonably dangerous in construction, in design, because of a failure to provide adequate warnings or instructions, or because the product did not conform to an express warranty.

SECTION 5—PRODUCT DESIGN AND CONSTRUCTION

A product may be unreasonably dangerous in construction if it deviated from the manufacturer's design or performance specification or from otherwise identical units of the same product line. A manufacturer is, then, strictly liable for mismanufactured products if the deviation in the product caused the claimant's harm.

A product may be unreasonably dangerous in design if a reasonably prudent manufacturer would not have used the design. A claimant must show that the manufacturer knew or should have known about the danger which caused the claimant's harm and that there was a means to eliminate that danger. Where an alternative design is offered as part of the claimant's case, it must be one about which the manufacturer knew or should have known and one which used technology for which there was sound support in the scientific, technical or medical community. Manufacturers are not liable for unavoidably dangerous aspects of a product. For example, the risks of rabies vaccine injections are unavoidable because they cannot be eliminated without impairing the vaccine's benefits.

SECTION 6—PRODUCT WARNINGS OR INSTRUCTIONS

A product may be unreasonably dangerous because of a failure to provide adequate warnings or instructions if (1) the manufacturer knew, or should have known of the existence of the danger which caused the

claimant's harm, (2) a reasonably prudent manufacturer would have provided the warnings or instructions which the claimant alleges would have been adequate, (3) the manufacturer did not provide such warnings or instructions, and (4) the warnings or instructions would have prevented harm to a reasonably prudent product user. In addition, the manufacturer may be responsible for failure to warn if, after the product was made, the manufacturer discovered or should have discovered the danger which caused the claimant's harm and failed to provide post-manufacture warnings to the claimant as a reasonably prudent manufacturer would have done.

Warnings or instructions must be given to a product user unless they were provided to certain classes of persons who could be expected to pass the warning on to the users. A manufacturer is not liable for failure to warn about obvious dangers, consequences of misuse, alteration or modification.

SECTION 7—PRODUCT FAILURE TO CONFORM TO EXPRESS WARRANTY

A manufacturer is strictly liable for breach of express product warranties where the breach of the warranty caused the claimant's harm.

SECTION 8—RESPONSIBILITY OF PRODUCT SELLERS

This section provides that a product seller is liable if, by a preponderance of the evidence, the seller's own lack of reasonable care in handling the product or the seller's own breach of an express product warranty was a proximate cause of claimant's harm. Thus, the seller is responsible only for his own fault. Where, however, the manufacturer is not subject to service of process or is determined to be judgment-proof, the seller may be responsible for harms attributable to the manufacturer. This section will reduce litigation costs by taking the seller out of suits in which he is not responsible. At the same time, it permits recovery by the claimant if the responsible manufacturer cannot be served.

SECTION 9—COMPARATIVE RESPONSIBILITY

Under this section, the comparative responsibility of third parties and of the claimant (due to contributory negligence or assumption of risk) does not bar recovery, but reduces compensatory damages awarded to the claimant by an amount proportionate to the claimant's responsibility. This comports with the purpose of the Act which is to place incentives for risk prevention on those best able to implement that goal.

SECTION 10—MISUSE OR ALTERATION

Under this section, if a product seller establishes by a preponderance of the evidence that a misuse or alteration of a product caused the claimant's harm, damages shall be reduced or apportioned to the extent that the misuse or alteration was a cause of the harm. A product alteration will not lead to a reduction in damages if it was in accordance with seller instructions; if it was performed with the seller's consent; or if it was reasonably anticipated and the seller failed to provide a warning against that alteration. This section ensures that responsibility for harm is not placed on those who did not cause the harm. In doing so, it places incentives for risk prevention on those best able to do so.

SECTION 11—EFFECT OF WORKER COMPENSATION BENEFITS

Under this section, damages shall be reduced by the amount paid to the claimant under any state or federal worker compensation law and the present value of any such benefits to which the claimant will be entitled in the future. Unless the product seller has expressly agreed to indemnify an employer, the employer would have no right of subrogation, contribution, indemnity or lien against the seller, and the worker compensation insurance carrier of the employer shall have no right of subrogation against the product seller. This provision will substantially reduce transaction costs without reducing the amount the injured claimant receives.

SECTION 12—TIME LIMITATION ON LIABILITY

If a product is a capital good, no claim alleging unsafe design or failure to warn in a product liability action may be brought for harm caused by the product more than 25 years after delivery to the first buyer or lessee not engaged in the business of selling and leasing the product or using the product as a component in the manufacture of another product. Capital good is defined as a product used in trade or business or held for the production of income.

As an alternative proposal, the bill includes a provision, applicable to all products, that establishes a rebuttable presumption that a product is not unreasonably dangerous after a 10-year period of time. This rebuttable presumption may be overcome by the claimant if he shows by clear and convincing evidence that the product is unreasonably dangerous.

These limitations on liability are not applicable if (1) the product seller intentionally misrepresented or fraudulently concealed information about the product; (2) the claimant's harm was caused by the cumulative effect of prolonged exposure to the product; or (3) the harm did not manifest itself until after the time limitation. Thus, claims for certain harms, such as harms from drugs, which do not manifest themselves until many years after product use, would not be barred by these sections.

No claim may be brought more than 2 years from the time the claimant discovered or should have discovered the harm.

SECTION 13—PUNITIVE DAMAGES

Punitive damages may be awarded to any claimant who receives compensatory damages and who establishes by clear and convincing evidence that the harm suffered was the result of the reckless disregard of the product seller for the safety of product users.

Reckless disregard means conduct manifesting a conscious, flagrant, indifference to the safety of persons who might be harmed by a product and constituting an extreme departure from accepted practice.

Following a determination by the trier of fact that punitive damages should be awarded, the judge would determine the amount of damages. This provision ensures that potential abuses which may occur in multiple product liability exposure are avoided.

SECTION 14—SUBSEQUENT REMEDIAL MEASURES

Evidence of corrective measures taken by a product seller after a harm has occurred would not be admissible in court to prove liability. This preserves the incentive for product sellers to improve their products.

SECTION 15—SEPARABILITY CLAUSE

A determination that a provision of the Act is invalid or that the application of it to any person or circumstance is invalid will not affect the remainder of the Act.

SECTION 16—EFFECTIVE DATE

This Act will apply to all actions commenced on or after the effective date, including any action in which harm or the conduct which caused the harm occurred before the effective date.

● Mr. GLENN. Mr. President, I am pleased to join Senator KASTEN in introducing the Product Liability Reform Act of 1982.

We clearly have a product liability problem in this country. All across the Nation, product liability insurance rates and transaction costs continue their steady climb. The mere threat of litigation has generated within the business community a reluctance to develop new products. And a confusing, widely divergent, and frequently changing body of State laws leaves consumers and manufacturers alike with no clear understanding of their rights and responsibilities.

Who benefits from this state of affairs? Not manufacturers or product sellers, who must do business while the rules of the road in product liability change all around them, often with bewildering speed. And certainly not consumers, who ultimately pay all of the insurance costs and legal fees, who are being denied access to new and better products, and whose right to recover for an injury can shift dramatically, depending upon the chance circumstance of where they live or happen to be at the time of injury.

Mr. President, the product liability problem is clearly national in scope. It requires a national solution; in this case, a uniform Federal products liability law. The legislation we are introducing today is a very large step toward the enactment of such a law.

It has not been easy to reach this point. Interest in product liability reform runs very high, and far too many groups are only willing to sacrifice the rights of others in order to achieve reform. To some this means simply closing the courthouse door on injured parties. To others it means laying all financial responsibility for injuries upon manufacturers and sellers, regardless of the user's own negligence, misuse, or alteration of the product involved.

To his credit, Senator KASTEN has rejected these extreme approaches and worked hard to develop a balanced piece of legislation, one that serves the legitimate interests of all concerned without sacrificing anyone's rights. In other words, he has demonstrated a commendable willingness to compromise.

I am confident that this spirit of compromise will continue to mark our discussions of the few remaining problem areas in the bill. By and large, however, this legislation has my strong support.●

TIME TO TAKE A STAND

Mr. KASTEN. Mr. President, Poland continues to be plagued by both politi-

cal repression and economic depression. The Polish Government's attempts to suppress the Solidarity movement have had no real impact. The Polish people continue to fight for freedom. Additionally, the burden of the Polish debt that America must swallow appears to be rapidly growing. It is time for America to take a stand.

I believe recent developments have intensified interest in the Polish issue. Political repression and street riots continue.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the New York Times article entitled "Riot Police in Poland Use Tear Gas To Crush Protests Over Army Rule." The use of tear gas and high-powered water cannons cannot be viewed as an acceptable method of securing civil obedience.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. KASTEN. Mr. President, I also ask unanimous consent to have printed in the RECORD the New York Times article entitled "Polish Loan Claims Up $52 Million." The additional $52 million claimed in loan guarantees, combined with past claims totaling $148 million, raise this issue to one of paramount importance.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

Mr. KASTEN. Mr. President, finally, I ask unanimous consent to have printed in the RECORD George F. Will's article "Creeping Haigism." This article accurately portrays the failures of this administration's foreign policy, particularly in dealing with the Polish crisis. The unsuccessful credit negotiations at the Versailles summit further amplify the need for a strong, coherent foreign policy of which we can all feel proud.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 3.)

EXHIBIT 1

[From the New York Times, June 15, 1982]

RIOT POLICE IN POLAND USE TEAR GAS TO CRUSH PROTESTS OVER ARMY RULE

WARSAW, June 14.—Polish riot policemen used tear gas and water cannon in two cities over the weekend to disperse demonstrators protesting six months of martial law, the press agency P.A.P. said today.

The Interior Ministry restored a nightly curfew in Wroclaw, scene of the worst clashes, shutting theaters and movies and banning the sale of liquor.

The police used tear gas and water cannon on Sunday against demonstrators in Wroclaw and in the steelmaking center of Nowa Huta while lesser clashes took place in Gdansk.

About 250 people were arrested and two dozen injured, including six policemen. Cars were damaged and windows broken.

In Wroclaw and Nowa Huta, demonstrators hurled bricks, stones, bottles and flower pots at the police and barricaded streets with garbage cans, benches or streetcar tracks wrenched out of the ground.

Several hundred people in Nowa Huta attacked a police station, breaking windows, and in both cities street clashes lasted late into the night.

The agency did not say how many people had taken part in the riots, which were the worst since clashes a month earlier, when the police used water cannon against 10,000 demonstrators in Cracow.

In other developments, Archbishop Luigi Poggi, a papal envoy, arrived here for talks on a possible visit by Pope John Paul II this summer.

The Government said Sunday that the authorities would welcome a visit but that arrangements depended on "adequate sociopolitical conditions."

EXHIBIT 2

POLISH LOAN CLAIMS UP $52 MILLION—TOTAL REACHES $190 MILLION

(By Seth S. King)

WASHINGTON, June 14.—The Agriculture Department has received claims from American banks for an additional $52 million of reimbursement for federally guaranteed farm commodity loans to Poland now overdue, a Commodity Credit Corporation official said today.

This brings to $190 million the total claimed since February, when the Reagan Administration decided not to declare Poland in default on these loans.

Of the $190 million, a total of $177 million has actually been paid to the banks from the Commodity Credit Corporation, the department's $20 billion revolving fund, said Lester LeCompte, the credit corporation official in charge of foreign transactions.

The $52 million in claims was divided among 10 American banks and a grain exporting company. Among the banks claiming principal only were: the European American Bank and Trust Company, Chemical Bank, Irving Trust and Morgan Guaranty Trust Company, all of New York; First National of Chicago, Girard Trust of Philadelphia, Bank of America, and Riggs National Bank of Washington. Marine Midland of New York claimed both principal and interest. The Continental Grain Company claimed interest only.

$116 MILLION IN COMMODITY LOANS

In addition to the Government-guaranteed loans made through private American banks, Poland was overdue, as of April 1, on an additional $116 million in principal and interest on direct farm commodity loans made through the Commodity Credit Corporation, Mr. LeCompte said.

There was a sharp drop-off in the guaranteed loan amounts that came due in May and will be due this month, a total of about $10 million for the two months. But in July, the amount rises to $26 million and in August, $25 million will be due the private banks by Poland.

Poland has outstanding from the Treasury, through the Commodity Credit Corporation, about $540 million in principal on direct credit loans. Poland also still has debt outstanding of $664 million from the private banks that are guaranteed by the credit corporation.

In calling in a guaranteed loan, a private bank has the option of including the interest due, which the credit corporation reimburses at a rate of 8 percent. Or the bank may ask only for the principal due, of which the credit corporation pays 98 percent. Then the bank may attempt to collect later the full rate of interest it charged on the guaranteed loan.

By reimbursing the banks, the Government assumes responsibility for collecting the overdue payments. It will continue to press for payment as long as it considers Poland not in default, Mr. LeCompte said.

EXHIBIT 3

[From Newsweek, June 21, 1982]

CREEPING HAIGISM

(By George F. Will)

Donald Regan, the Treasury Secretary, was a 185-pound ray of sunshine when sent forth to insist that the Versailles communiqué was a famous victory. It was one of those occasions when Americans were reduced to hoping that their leaders were insincere, the other possibility being that their leaders were dotty.

The United States had one serious objective at Versailles: allied agreement to reduce credits for the Soviet Union. To that end, the United States made a concession: it muted concern about the allies subsidizing the Soviet gas pipeline that will make the Soviet Union richer and Western Europe more dependent. The result: the allies endorsed "limiting" credits in accordance with "commercial prudence." Translation: the amounts of credits shall be, like the number of stars in the heavens, limited in the sense of finite. And all nations shall do as they jolly well please. A few more such victories. . .

Two days after the Hall of Mirrors emptied, a New York Times headline captured the Alice-Through-the-Looking-Glass surrealism of Western policy: "Poland Said To Threaten Default if Aid is Denied."

Come again—who is threatening whom with what? Poland's martial-law regime is saying it may not pay the interest due on its loans unless it gets more loans. A few months ago, after Western governments showed themselves willing to allow commercial-credit decisions to control foreign policy, Poland got its Western bankers to postpone repayment of $2.4 billion in principal owed in 1981. The bankers insisted that Poland must pay the interest due last year. Now that may be postponed.

SOPHISTRY

Secretary Haig's spunky department broke the indoor record for sophistry when it argued that the really fierce thing to do to Poland's regime is to prop it up by not declaring it to be in default. Default might dry up the flow of credit to the entire East bloc. But State argues that ignoring Poland's default will compel the regime to pay at least a little. But understandably, Poland declines to feel compelled by nations that entrust foreign policy to institutions like the State Department.

Regarding the Soviet Union, Administration policy is business-even-better-than-usual. It is: negotiate about everything, from guns to grain—talk loudly and carry a big carrot. The U.S. non-response to Poland's agony is applied Haigism—the doctrine that acting other than in concert with allies is "unilateralism" and jeopardizes American purposes. But Haigism allows the United States no purpose other than that of living harmoniously with the allies' purposes. At Versailles, Japan's Suzuki asked Reagan to support a waiver of the economis sanctions imposed against the Soviet Union because of Poland, a waiver to allow a sale of technology for yet another Soviet energy pipeline. If Reagan agrees, the sanctions,

always feeble, will be effectively repealed. But Haigism dictates an accommodating waiver. Stay tuned.

Even when the Administration is not accommodating allies, it is too accommodating. Currently, it is mollifying Peking by edging away from candidate Reagan's emphatic promises to enhance relations with, and sell adequate arms to, Taiwan. Regarding Taiwan, the only discernible difference between the Reagan-Haig and Carter-Vance policy is that the latter was conducted candidly.

Reagan has been given a condescending kiss from The New York Times, which notes merrily "how far the President has moved" as he has "wriggled off" and "abandoned" the Taiwan policy he made so much of in 1980. The kind of people who write Times editorials have always despised his foreign-policy pronouncements and disdained him; they opposed his election and shall oppose his re-election if he runs again. If he does, the task of praising his foreign policy will fall to friends dismayed by policies that seems reactive and ambivalent and rooted in wishful thinking about splitting unsplittable differences.

The PLO-Syrian threat to Israel grew implacably behind the screen of ineffectual U.S. diplomacy. Now Israel has inflicted defeats on those two Soviet clients. Yet the Administration seems almost petulant about this demonstration of the sterility of the relationship between the Soviet Union and Arab radicalism. But an Administration scurrying crabwise away from Taiwan should not be amazed when Israel declines to trust its survival to U.S. diplomacy.

POLICY

Some Reagan supporters are sporting "Let Reagan Be Reagan" buttons, a play on "Let Poland Be Poland." But is some Jaruzelski bullying Reagan? A President is not completely responsible for much in this naughty world, but he is for his Cabinet and West Wing staff. The idea that Reagan is a "captive" of his aides is voodoo political analysis. Part of the problem is that Reagan has not devoted the energy necessary to imposing his perceptions on the policy process. It would help if there were a core of Congressional Republicans as concerned about foreign policy as a group in Congress is about economic policy.

Reagan has had less impact on foreign policy than any modern President (Ford excepted). More than any modern President, Reagan campaigned against the mentality of the "permanent government" in foreign policy. Yet more than any modern President, he has abandoned foreign policy to the Secretary of State. More than any recent Secretary, Haig seems determined to maintain continuity in all the sluggish impulses of the foreign-policy bureaucracy.

For eighteen months Reagan has been preoccupied with economic policy. Regarding foreign policy, he has been deferential to Haig and others, in part to assuage the anxieties of people who did not vote for him. Now those who did are anxious. In 1975 some Republicans asked whom I favored for President in 1976. I said: The same man as in 1972—Scoop Jackson. They exclaimed: Jackson's a Democrat—he'll ruin the economy. I replied: Of course he will; most presidents do. But he came to Congress before I was born. He knows the government and could make it turn his sound foreign-policy instincts into policies.

Reagan's instincts are like the Colorado River. At the source they are clear and strong. Downstream they become silty and disappear into the sand.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 30 minutes during which Senators may speak for 5 minutes each.

The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT AMENDMENTS OF 1982

The PRESIDING OFFICER. The Senate will now resume the consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A motion to proceed to consider S. 1992 a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

Mr. BAKER. Mr. President, I observe the presence of the distinguished Senator from North Carolina (Mr. HELMS) on the floor and the minority manager (Mr. KENNEDY). It is my hope, once again, that we can get to this bill today, get on the bill itself. I am not disposed at this moment to renew my unanimous-consent request of yesterday, but I urge Senators to consider that we need to get on with matters at hand.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senate now has before it a motion to proceed to consider Calendar No. 598, S. 1992, which is not, I repeat not, an extension of the Voting Rights Act, as has been so widely and repeatedly advertised by the news media. The Voting Rights Act of 1965 is permanent legislation, so it is a misrepresentation, and I am beginning to wonder if it is not a deliberate misrepresentation, to say that the Senate is debating an extension of the Voting Rights Act of 1965.

Be that as it may, Mr. President, what is involved are proposed amendments to the Voting Rights Act of 1965—not an extension—but amendments to the Voting Rights Act of 1965.

At the risk of being repetitive, the Voting Rights Act of 1965 is permanent legislation, a fact which many, if not a majority, of the Senators did not understand when the discussion began on this floor several days ago. So at least, we have made that much headway.

We now, I think, have a majority of Senators who have not even opened the little green book on each of our desks, the report on the so-called Voting Rights Act extension. They now, at least, understand that we are not talking about an extension of the Voting Rights Act, we are talking about proposed amendments.

I guess, Mr. President, we should be grateful for small blessings. As the debate proceeds, the Senator from North Carolina hopes that Senators will begin to understand what is involved with these proposed amendments, the implications thereof. That is all that the Senator from North Carolina has asked from the beginning, that the Senate of the United States not rush pellmell into the approval of legislation that is so seriously flawed as to present an overhaul of the very meaning of representative government in this country.

Mr. President, what we are debating at this moment is the issue of whether it is wise for the Senate to consider these proposed amendments at the present time or whether instead the Senate should act on other matters pending on the Legislative and Executive Calendars.

In analyzing the issue before the Senate, I think there are some facts that ought to be made clear at the outset. Much false information concerning both the Voting Rights Act and the proposed amendments to it has misled the public and, obviously, many Members of this body with respect to the purported necessity for urgent action on this legislation.

Mr. President, yesterday morning I called my good friend, former Senator Sam Ervin, Jr., at his law office in Morganton, N.C. Senator Ervin is one of my advisers on matters of law and constitutional questions. He is a man of trust, and although he identifies himself as just a country lawyer, he is recognized throughout this country as a constitutional scholar. I know of no man who loves the Constitution more than he.

Senator Ervin has been trying his best to circulate accurate information about the proposed amendments to the Voting Rights Act of 1965, the legislation which will, at one time or another, be debated; but as I indicated

earlier we are now debating the motion to call up that legislation.

Senator Ervin was commenting about how the news media all around this country, including North Carolina, have completely misrepresented this legislation. He said:

> Jesse, I have written to every major newspaper in North Carolina trying to set them straight and not one of them has been willing to publish my letter.

The question is obvious, Mr. President: Why the paper screen that has fallen over this question? Why do some apparently want a misrepresented notion of this legislation to prevail in the minds of people? We are not talking about the right of any voter or voters to register and participate in the political process. That is covered in the permanent law.

Voting rights, registration rights of individuals, these are not at issue or in question.

What is at issue and what is in question is whether this Senate is going to roll over and play dead in the face of enormous political pressure. It may be that we are going to decide who runs this U.S. Senate. Do the Senators run it or do pressure groups run it? We may have a good test of that question ultimately when we ascertain whether there will continue to be the intractability that has existed thus far in terms of obvious flaws, of obvious inequities in the proposed amendments to the permanent Voting Rights Act of 1965.

Again, at the risk of being repetitive, Mr. President, let me say that contrary to the totally false impression, deliberately I think, created by some, the Voting Rights Act does not expire this year or any other year. It is permanent law. It remains on the books as permanent law, now and in the future, unless and until, of course, Congress and the President agree to repeal it. And that is unlikely.

But in any case, that is not at issue or in question. Nothing whatsoever about the Voting Rights Act expires during this year or during any other year.

Mr. President, if you or any other Senator read or hear the statement made that on August 6 the Voting Rights Act expires, you say, "Bosh, pshaw, it's not so."

All that happens under the present permanent statute is that on August 6, 1982, certain jurisdictions are given under the permanent law the opportunity to prove in the Federal District Court for the District of Columbia that they have not discriminated on the basis of race during the past 17 years and that therefore they should no longer be required to clear with the Department of Justice—some bureaucrat—every change in local law or ordinance affecting elections, no matter how minor.

Now, that is absolutely all that will occur on August 6, 1982.

Mr. President, is it not time for covered States and the political subdivisions thereof to be given their day in court, to be freed after 17 years of the obligation to come to Washington with hat in hand and kneel before some Federal bureaucrat and say, "Please, Mr. Bureaucrat, let us move our voting precinct down the block or across the street"?

The Senator from North Carolina has contended from the very beginning, and I will contend to my dying breath, that this is simple equity.

It raises the question of why anybody would oppose, in the case of North Carolina, the counties having a right to have their day in court.

Mr. President, we have 40 of North Carolina's 100 counties covered by this provision, that they must come, hat in hand, to Washington, D.C. Do Senators know why they are covered? Thirty-nine of the forty counties are covered because in the distant past they administered a literacy test—a requirement, by the way, that was eliminated by the enactment of the Voting Rights Act of 1965. There has been no instance, to the knowledge of the Senator from North Carolina, in which a finding has been made of any voting rights violation in any of the 40 counties.

I mentioned that 39 of the counties were brought under because in the past there had been a literacy test requirement. The 40th county, Jackson County, N.C., which is in the western part of my State, was brought under because Jackson County has a substantial number of Indian citizens, and in an election, the voter turnout was not large enough to satisfy the guidelines. There was no suggestion that anybody's voting rights had been abrogated. It was just that the voter turnout was not large enough.

When I think of that, I recall that in 1974, in the United States, the voter turnout, as I remember it, was 38 percent, meaning that 62 percent of the adults eligible to vote did not vote. So I guess the whole country ought to be jacked up, be made to come into Washington and appear before some Federal bureaucrat of the Justice Department, and apologize for the low turnout. But I guess that is neither here nor there.

Let me repeat: All that happens under the present permanent law, the Voting Rights Act of 1965, is that on August 6, 1982, certain jurisdictions, under the permanent law, are given the opportunity to prove in the Federal District Court for the District of Columbia that they have not discriminated on the basis of race during the past 17 years and that, therefore, they should no longer be required to clear with Washington every change in local law or ordinance affecting elections, no matter how minor. If we do nothing, that is all that happens on August 6.

In the event that that scenario should develop, what would be the situation? The court could determine that there had been no discrimination during the past 17 years or the court could determine otherwise, depending upon the evidence.

So, Mr. President, I ask: What is wrong with allowing the Federal courts to hear the evidence and to decide whether discrimination has occurred during the last 17 years?

The proposed amendments to the permanent Voting Rights Act of 1965—and that is what we are really getting to, these amendments—would deny the affected States and subdivisions the right to go into the Federal courts. These proposed amendments would strip jurisdiction from the Federal courts to hear proof that no discrimination had occurred over a 17-year period and to determine that the burden of clearing in Washington virtually everything affecting local elections was no longer necessary. What is wrong with that?

As a matter of fact, is it not ironic that many of the Senators who have been most vocal in urging the Senate to recognize as an impropriety any suggestions telling the Federal courts to get out of the business of interfering with the rights of small school children to pray in school are the same Senators who now, with equal stridency, urge that the Senate strip the courts of jurisdiction to give proof that these localities have not discriminated for 17 years?

Mr. President, I have offered these comments in an effort to put into perspective what really is at issue and what really is at stake on this floor at this time.

I have been encouraged, frankly, by the number of Senators who have come to me and said: "Jesse, I just didn't understand what it was all about. I am in favor of voting rights, and I thought this was a pretty good thing to support." But, as one Senator put it, "Not only did I not read the fine print; I didn't read the print."

So, if we can continue to have Senators understand what really is afoot, perhaps we can have some amendments to remedy some of the flaws in the proposed amendments to the permanent Voting Rights Act of 1965.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may now be excused from attendance in the Senate for the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I explain to my colleagues that I leave this Chamber to go to Memphis, Tenn., to see my first-born grandchild.

Before I do that I designate the distinguished Senator from Utah (Mr. HATCH), the subcommittee chairman of the Judiciary Committee, the manager of the debate on the motion to proceed under the provisions of rule XXII.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

Mr. EAST. Mr. President, now we begin to move into a more substantive discussion of this proposed new law involving the Voting Rights Act of 1965. As I have indicated previously, Mr. President, it is lamentable that you would be keeping the affected States, of which there are 9 totally affected and then 13 others, under the law for another 25 years without any reasonable opportunity for getting out from under the preclearance provisions especially in view of the fact that over the past 17 years the literacy tests have been eliminated and the minority registration in the affected areas has improved radically, indeed to a point where it exceeds those in the nonaffected areas. I think it particularly lamentable, however, that under a law passed by Congress which was to have national application, you would be treating one area of the country differently from other areas with no reasonable basis for this different treatment.

In some way or other, Mr. President, I suspect that such discrimination would strike many Americans as unreasonable. One of the great tenets of Anglo-American law has been the idea that unless there is some reasonable basis for treating people or areas or States differently they should be treated the same. But we are running the risk of compromising that major and enduring tenet of Anglo-American law, a rule of law going back to Aristotle, in my considered opinion, by imposing for another one-quarter of a century an arbitrary standard on the South of this country.

Let us be candid. The spirit of this law is punitive. The so-called extension is not proposed in the spirit of acknowledging progress in development. The bill is not in the spirit of Lincoln, who talked about healing the old wounds and binding them together and moving ahead. It is vindictive, punitive, harsh, and arbitrary. I regret that not only because I represent a Southern State—we like to feel a very progressive, a very distinguished State—the State of North Carolina, but I think as an American it is a slur upon the United States generally. It does great violence to a very fundamental tenet of Anglo-American law, again the idea that individuals or States or regions ought to be treated the same unless there is some reasonable basis for treating them otherwise.

Probably one of the reasons why there has not been a great deal of desire on the part of the supporters of this law to get involved in any extended discussion of this measure is because it is embarrassing, it is troublesome. We have not heard any substantive answers to our objections, and we are unlikely to.

There is an effort afoot, I fear, to railroad this bill through on the theory that that is a just, proper, and appropriate thing to do. I am only suggesting, Mr. President, that the proponents of this bill do not have a monopoly on virtue or wisdom or humaneness or compassion. They seem rather to have a monopoly on an unwillingness to talk about this matter substantively.

So, Mr. President, my concern about this bill is genuine and deep. I feel that my objections are legitimate and well considered. And I feel I have a responsibility, again, not only because I come from the South but because I am an American, to articulate my concern.

Without going on ad nauseam, I must say how much I regret that no one on the proponents' side has been willing to stand up and explain why the bill should distinguish one region of the country from another. Why should we in the South—40 counties in North Carolina, all of South Carolina, all of Georgia, and so forth—be subjected to a regional punitive standard, so that we have to come up here and try our cases, we have to bear the burden of proof, and we have to meet impossible bailout standards? Why are these burdens placed upon us as opposed to the rest of the country? The statistics do not show a lesser, a lower minority registration in the South. Indeed, to the contrary, they show a higher one.

Are we using the literacy test to discriminate? No; we are not as is generally conceded.

Sometimes I think what happens in politics is that a certain mindset, a certain emotional attitude becomes deeply ingrained in the process. Well, on these issues a negative and reactionary mindset has been deeply ingrained in this country for a long time. The idea is that some way or other the rest of the country has a little higher moral standard on the question of race relations. In some way or other, every school boy and school girl is supposed to know that the people of the South are prejudiced and hence anything they might do affecting the election process is bound, by definition, to be prejudiced, bigoted. To take this posture is unwarranted, unfair, and I think unbecoming to so great a country and great a deliberative body.

But that is exactly what is being done here. And I will be candid. We in the South are being subjected to a standard that is unwarranted and undeserved. For Congress in the year 1982 to take such action is I would think unbecoming. You would think we were back in the reconstruction period. I thought we had gone beyond that, but apparently not, because memories die hard particularly, it seems, here in the U.S. Senate and I regret it.

No voices on the other side willing to get up and defend this differing standard. Mutinous silence prevails. Yet this is supposedly the greatest deliberative body in the world where people coming from various States and diverse background and various regions have the absolute duty to get up and defend why it is they are doing what they are doing.

So I feel, Mr. President, we are entitled to know why it is our area of the country that is to be treated differently. I will wait with great eagerness through the hours and the days ahead to find out why this is so. I know my constituents in North Carolina will be very interested in hearing why it is so. And I think that is going to be true in the South generally, and knowing the general fairmindedness of Americans all over this country I think they will be interested in knowing why, too. I have a hunch the American people are much more progressive and forward-looking on this matter than some of their Representatives and Senators seem to be, legislators who still live in the past, still live in the period of reconstruction, still live in a period of a punitive and negative attitude toward their sister States in the South.

So one major objection I have to this legislation, Mr. President, is its treatment of the South. I wanted to take these few minutes to expound upon that theme. I hope, conceivably, at some point, I may see the opposition willing to rise and elaborate a bit upon it, explain what justifies this discriminatory treatment, why it is a good thing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I do hope that Members will heed the words of the majority leader. We do intend to keep the Senate utilizing the time that is availble to Members on this bill. And just so that that will be understood by the Members of the Senate, unless someone wants to yield time to address this matter, and I do not see anyone seeking the floor——

Mr. MATHIAS addressed the Chair.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I would like to address the Senate out of order and ask unanimous consent that my remarks appear in an appropriate place in the RECORD and not as a part of the debate on this motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MATHIAS are printed elsewhere in today's RECORD.

Mr. MATHIAS. Mr. President, I make a point of order——

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MATHIAS. Yes.

Mr. STEVENS. If the Senator is about ready to suggest the absence of a quorum, I might state, unless someone wants to use time, that this quorum will go live and we will ask for the attendance of absent Senators.

CALL OF THE ROLL

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 36 Leg.]

East	Helms	Nickles
Garn	Kennedy	Stennis
Hatch	Mathias	Stevens

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Members.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of the absent Senators and I ask for the yeas an nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. JEPSEN), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY), is absent on official business.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Michigan (Mr. LEVIN), and the Senator from Hawaii (Mr. MATSUNAGA), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—83

Abdnor	East	Melcher
Andrews	Exon	Metzenbaum
Armstrong	Ford	Mitchell
Baucus	Garn	Moynihan
Bentsen	Gorton	Murkowski
Biden	Grassley	Nickles
Boren	Hart	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Brady	Hawkins	Pressler
Bumpers	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Randolph
Byrd, Robert C.	Heinz	Riegle
Cannon	Helms	Roth
Chafee	Hollings	Rudman
Cochran	Huddleston	Sarbanes
Cohen	Humphrey	Sasser
Cranston	Inouye	Schmitt
D'Amato	Jackson	Specter
Danforth	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Kennedy	Stevens
Dixon	Laxalt	Symms
Dodd	Leahy	Thurmond
Dole	Lugar	Tsongas
Durenberger	Mathias	Wallop
Eagleton	Mattingly	Warner
	McClure	Zorinsky

NAYS—4

Long	Quayle
Proxmire	Weicker

NOT VOTING—13

Baker	Goldwater	Percy
Burdick	Jepsen	Simpson
Chiles	Johnston	Tower
Domenici	Levin	
Glenn	Matsunaga	

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Members voting who did not answer the quorum call, a quorum is now present.

The Senator from Alaska.

Mr. STEVENS. Mr. President, it is the desire of the majority, and I think of all the Senate, that we proceed to vote on this motion as soon as we can. We have put in this motion to compel absent Senators to come to the floor so we could explain the circumstance.

We are in a postcloture procedure. Each Senator is entitled to 1 hour. I understand that there will be at least one Senator yield time to the manager of the bill. The manager of the bill can only receive 2 hours.

The majority leader has indicated that he will not accept the yielding of time on this motion. There will be no time going through the majority leader or through me in his absence. This means that yielding will be limited to 2 hours to the manager of the bill. A Senator cannot yield to another Senator. It must be through one of the four designated Senators, two on each side of the aisle.

We hope that the time will be used, and that we will have meaningful debate on the bill for the remainder of the day. I do not know whether we will get to a vote on the motion today. It is still our hope that such a vote can be worked out. There are still some discussions going on that might lead to that. For the present, I think we must put Senators on notice that there may be some similar motions made throughout the day. We are trying to do our best to get this motion to proceed with this bill agreed to.

I yield to the Senator from Idaho.

The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Senator from Alaska for yielding.

Mr. President, under provisions of rule XXII, I hereby yield my 1 hour of time to Senator HATCH so that he will be able to yield it to the opponents of the bill.

Mr. HATCH. Mr. President, I direct that 1 hour be equally divided between Senator HELMS and Senator EAST, the hour so designated by Senator SYMMS.

The PRESIDING OFFICER. The Senator has that right.

Mr. HATCH. I so exercise that right.

Mr. HELMS. Mr. President, I thank the Senator from Idaho and the Senator from Utah.

Mr. DENTON. Mr. President, as a Senator from a State covered by the section 5 preclearance requirements, recognizing that this act as presently constituted is not fully understood, I should like to offer some remarks on the reasons why I support amendments which would introduce a needed element of reasonableness to the bill extending certain provisions of the 1965 Voting Rights Act.

Our practical experience with the preclearance provisions in section 5 of the Voting Rights Act supports the conclusion that section 5 as it currently exists is unconstitutional.

First, the procedures prescribed by Congress for obtaining preclearance of electoral changes in a covered jurisdiction have proven intrusive and burdensome. It is unreasonable and costly to require a covered jurisdiction to obtain a declaratory judgment many miles away in the U.S. District Court for the District of Columbia. I believe we need an amendment permitting bailout and preclearance litigation "in an appro-

priate court of the United States." It would afford litigants a trial in a court near the covered jurisdiction. Commonsense dictates that there should be a reasonable relationship between the source of facts to be determined and the location of the court that must make those determinations of fact.

Second, although Congress originally designed the section 5 preclearance process as a mechanism to provide covered jurisdictions with a "rapid method" for preclearing electoral changes, section 5 is not functioning in that way. With the expanded interpretation that the Supreme Court, In Allen against Board of Elections, gave to the phrase "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting," the volume of submissions required from States, counties, cities, towns, and even organizations such as school boards that have no responsibility whatever for voting, has reached excessive proportions.

The intrusiveness of the burdens created by the section 5 preclearance procedure is highlighted by the statistics of the Justice Department showing that, although it is receiving four submissions per day (some with multiple changes), the objection rate for section 5 submissions is currently only 0.2 percent. The preclearance procedure has become little more than an inventory of voting procedures.

As Chief Justice Burger stated in a dissenting opinion, in *United States* v. *Board of Commissioners*, 435 U.S. at 148, it is a "trivial, though burdensome, admininstrative provision" for both the covered jurisdictions and for the Attorney General. The scope of section 5 is disproportionate to any remedy justified by the arguable violations ascertained. When the onerous burden of compliance is weighed against the small percentage and frequently trivial nature of objections that result, the procedure is even less justifiable.

Third, the administrative preclearance process is not actually a process at all but, rather, an imposition of the will of the Attorney General or his staff by administrative fiat. There is no provision for a hearing and there are no written standards of review; the confidential file is unavailable to submitting jurisdictions; and there is no requirement for findings of fact. Indeed, there is not even a requirement to conclude or to demonstrate that a change is discriminatory. As I noted yesterday, Justices White, Powell, and Rehnquist observed in their dissent in Georgia against United States:

> Why should the State be forced to shoulder that burden where its proposed changes are so colorless that the country's highest legal officer professes his inability to make up his mind as to its legality?

Mr. HART. Mr. President, may we have order in the Senate, so the Senator can be heard?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DENTON. I thank the Senator from Colorado, and I thank the Chair.

I read again from the dissenting opinion by Justices White, Powell, and Rehnquist:

> Why should the State be forced to shoulder that burden where its proposed changes are so colorless that the country's highest legal officer professes his inability to make up his mind as to its legality?

Notwithstanding the considerable powers of the Attorney General, his discretion is not subject to judicial review. It is difficult to imagine a process which would be more offensive to principles of federalism than one that determines the efficacy of a State's laws without either basic due process protections or judicial supervision.

It is for these reasons that I support amending section 5 of the Voting Rights Act to establish a more-reasonable preclearance procedure. I support an amendment that would permit a change in the voting procedure of a State to go into effect automatically unless the Attorney General specifically objects within 60 days after the required submission to him. The Attorney General should then have a maximum of 90 days to institute an action in an appropriate U.S. district court to prove that the procedure is discriminatory.

Finally, I agree with President Reagan, who said on November 6, 1981:

> As a matter of fairness, I believe that States and localities which have respected the right to vote and have fully complied with the act should be afforded an opportunity to bail-out from the special provisions of the act. Toward that end, I will support amendments which incorporate reasonable bail-out provisions for States and other political subdivisions.

Mr. President, the act as presently written does not have reasonable bail-out provisions. By the unreasonable and unique focus on certain States, in my opinion this bill will result, as some unfair laws have in the past, in a feeling of resentment which will actually cause a regression of progress in improving human relations.

There will be bitterness which tends to reverse the tremendous progress in racial relations that has been made in the part of the country from which I come.

Moreover, I believe that that progress has been faster than in any other part of the country, and I would hate to see the amendments to this act passed without a general understanding of their importance.

I believe that most Members of this body, were they to understand the implication of this act, would support amendments to it, and I hope that the time we are taking now will permit a more fair and objective analysis.

Under the current provisions of the Voting Rights Act, the date on which covered jurisdictions in Alabama and elsewhere would have their first real opportunity in 17 years to achieve a reasonable "bail-out" from the section 5 preclearance provisions is August 6, 1982. After 17 years, a county or locality would had a chance to bail out. The Kennedy-Mathias bill includes so many excessively stringent and artificial blocks to "bail-out" that, for all practical purposes, the covered jurisdictions would be denied "bail-out" forever.

That is not stick and carrot. That is just stick. That is an insult.

I believe it is blatantly unfair to deny Alabama and the other covered jurisdictions a reasonable opportunity to "bail-out" and thereby regain equal status as one of 50 sovereign States in our Federal system.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. RANDOLPH. I thank the Chair for recognizing me.

Mr. President, I am not questioning the Presiding Officer or anyone particularly, but why are we not moving in this matter? What is the situation?

We certainly have a job to do here, and yet we are not addressing the subject matter as we continue these quorum calls.

I know we have had speakers discussing S. 1992 these past few days. But will someone who is handling the legislation or some Member perhaps tell us exactly where we are from the standpoint of acting or having no action on this matter?

I am sure our guests in the galleries would like to know whether we are going to proceed to the consideration of this measure or not.

Mr. HART. Mr. President, will the distinguished Senator from West Virginia yield so that I may attempt to answer his question?

Mr. RANDOLPH. I gladly yield to the able Senator from Colorado.

Mr. HART. Mr. President, I think the Senator will recall that the Senate is now under cloture on the Voting Rights Extension Act. Therefore, at least in theory the time is limited. But the Senator from West Virginia, perhaps above all others in this body, understands how limited time can be almost unlimited, and I think what

the Senator from West Virginia is now experiencing is perhaps the exercise of the unlimited nature of limited time.

Mr. RANDOLPH. The Senator is saying that I understand the futility of the words I have spoken as they might be applied to a solution of a matter that is rather distracting to Members of the Senate who want to move ahead.

I do not speak unkindly of Members of our body. That I would never do. I recognize the conscience and the judgment of each Member of this Senate.

But I do not think we serve well the institution of the Senate and the consideration of important legislation, whether it is the pending measure or some other measure, when, frankly, there is no action in the Chamber. If I am wrong in calling this situation to the attention of the Senator from Colorado (Mr. HART) and others—I do not feel I have violated good faith in my capacity as a Senator from one of the 50 States represented here.

Mr. HART. The Senator from West Virginia above all else would never violate—would be the least likely Member of this body to violate—good taste, in the judgment of the Senator from Colorado.

The Senator from Colorado is the temporary minority floor manager at this point and is sure at some point the leadership in the Senate will bring its influence to bear on those who are resisting action on this measure and we will get some resolution of it one way or the other.

I think, clearly based on the vote on cloture yesterday, almost all of us realize what action that should be, will be, if we believe in representative and majority Government in this country. We understand the problems of any leader of the Senate and the complexities that go into that responsibility of leadership. But by a vote of some 86 or 87 to 8 I think it clearly indicates the overwhelming view of the Senate and the country at large, and that view must prevail if we are to move on.

So I am personally, as one Member of this body, assured that the leadership will see to it that the will of the majority, the vast majority in this case, the overwhelming majority, is done on this matter. It is not a question of whether; it is a question of when.

Mr. RANDOLPH. I shall speak briefly but earnestly on a problem—a dilemma—a challenge as I call to the attention of the Senate membership and to our constituents from time to time.

We are now attempting to cope with some variations and the extension of the 1965 Voting Rights Act; is that correct?

Mr. HART. The Senator is correct.

Mr. RANDOLPH. I think it is vital for us to realize, and it is rather shocking—that is hardly the word—it is almost tragic. We have been having, throughout the country in recent days, primary elections. I have been checking voter participation.

I have determined that only about one-third of the registered qualified voters in those States have been casting their ballots at the polls.

I vividly remember when John Kennedy was elected President of the United States in 1960. During the early part of his Presidency he created a study, using the word appalling, as to the lack of the American voters to use their ballots on election day. There were 63 out of every 100 Americans qualified and registered who voted in the Presidential election of 1960.

What happened in 1980, 20 years later, in our Presidential election? I repeat, 63 out of every 100 qualified to vote for the President did so in 1960.

What, I ask, again, happened in 1980. Barely 53 percent were exercising not only that right but that responsibility in that year. There were many States in which less than 50 percent of those who were qualified and who could vote, if they desired to vote, voted their preference. They made their decision at the polling booths.

I do not mention the average by States. Some persons might say that I am calling on a certain State and underscoring a failure of its citizenry to be concerned about the problems of the country. I state as a fact that there were several States of the Union in which there were less than 50 out of every 100 eligible voters who went to the polls in 1980. West Virginia was not one of those States. We had approximately a third or a fourth national position with 71 percent of our eligible voters casting ballots in November of 1980.

I hope it is not inappropriate for me to say that in 1942 we had only one State in the Union, Georgia, which was giving the opportunity to its 18-year-old youth to participate with the ballot. At that time I was offering a constitutional amendment that would give to the youth of this country, the 18, 19, and 20 year olds, the right and the responsibility to vote. Did the proposed constitutional amendment move through the Congress in 1942? It did not. There was little interest in it at that time. I remember the hearing in the Judiciary Committee of the House. Only one member of the committee, Emanuel Celler of New York, who died not too long ago, a very fine member of the House, and chairman of the committee. He was the only committee member present.

I thought there would be substantial numbers of persons concerned with the responsibility of citizenship, shall we say, who would be present at the hearing. I recall there were 11 men and women, that is all, in the room for that hearing. That is indicative, I suggest to the Presiding Officer, that there was a failure to then recognize that young people should be given the opportunity to vote.

It was not until 30 years later that we were to have this privilege and responsibility for our young people. . . . the use, or lack of the use, of the ballot.

I continued to offer the constitutional amendment. Finally, in 1971, we passed that constitutional amendment in the Senate 94 to 0 and in the House of Representatives by 401 to 19. As we know, it takes two-thirds of the Members of the Senate present and voting, and of the House present and voting, to send that constitutional amendment to the States where the legislative bodies give attention to its ratification.

We have never had a constitutional amendment approved by the State in such a short period of time, only 90 days. Within that short span of 90 days we had the sufficient number of 38 States which had ratified the 18-, 19-, and 20-year-old voting provision, the 26th amendment, which is the last amendment to our Constitution.

What happened? Did youth, in large numbers vote? I am shocked to say, I am sad to say they did not. The 18-, 19-, and 20-year-old youths are voting in the smallest percentage of any of our so-called brackets of ages in an election. In 1980 the record indicates that only 22 percent of those qualified and registered 18, 19, and 20 year olds were voting in the United States of America.

So let the record indicate today, with no action being taken at this time, that I call attention to the failure of the American people to participate with their ballots on election days, whatever those days might be.

I also want to say—and I am not given to trying to preach, I certainly do not want to be in that posture—that we need a rebirth of individual responsibility in the United States of America in our role as citizens who, under our Constitution for, of, and by the people—in this instance by the people—which is not taking place at the present time.

I appreciate the indulgence of my colleagues who are on the floor for giving me the opportunity to speak.

Mr. HART. Mr. President, I wonder if the Senator will yield?

Mr. RANDOLPH. Yes, I yield again.

Mr. HART. I think the Senator is right on the target in his very thoughtful discussion of the role of the citizen and the responsibility of participation. He, I am sure, will recall additionally the efforts that have been made over the years, led I think for many years by our former colleague, the Senator from Wyoming, Gale McGee, to enlist some sort of national postcard registration program, an effort that many on this side of the

aisle and, if I am not mistaken, the Senator from West Virginia helped provide leadership on. That has been resisted, unfortunately, by some of our colleagues, I think more often than not by our colleagues on the opposition side.

Does he not agree, if we had that kind of system that is reasonable in the modern 20th century era for people to register to vote, that that might go a long way in terms of involving citizen participation in the elective process?

Mr. RANDOLPH. In response to my colleague, I supported the proposal of Senator McGee. And I believe that we are a country on wheels and wings, truly being a mobile country. We ourselves move back and forth, understandably, in the employment picture, where the products of the farm, the field, and the factory are moving quickly to our constituencies, to the consuming public. I think that any program—I do not want to use the words "that makes it easier." That is not what we need.

Mr. HART. Breaks down barriers.

Mr. RANDOLPH. That is well said, breaks down barriers. My colleague is correct. It gives the opportunity to those people because of the complexity of our economic system, for the hoped-for participation of men and women. And I join him in the feeling that insofar as possible, these barriers should be lowered, in fact done away with entirely, so that the citizen will not have the opportunity to say that there is some difficulty because of an obstacle one way or another that keeps the American voting population from exercising its right and its responsibility.

Now, if I have in any sense lectured, my rising was not for that purpose. I continue to work with young people. We have a group called Constitution II. This is a group of young men and women, mostly college age, throughout the Nation who are attempting to work on the campuses and to talk with and counsel with students about the need for their participation on election day.

I think, you know, sometimes it is even wrong, someone might say it is odious, to compare our country with some other country in connection with our voting percentages. But the voting booths in New Zealand, for example, are not just around the corner as they often are in this country. It is not difficult for us to vote. But in New Zealand, with the long distances, or Australia, with the same picture, those people, without penalty being attached to failure to vote, are present and voting 89, 90, 91 persons out of every 100 eligible for use of what I call the franchise of freedom which we have in this country. I cannot say, "Look to us; look up to us." I say, "Look down at us," because of our failure to use the ballot in America.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my friend and colleague.

Mr. MATHIAS. I have been particularly interested in the Senator's thoughtful remarks and in the kind of perspective that he has given us on this whole debate, the kind of historical perspective of the development of a concern over a period of a number of years.

Of course, I was intrigued by his invoking the name of Emanuel Celler, who was my chairman in the other body for 8 years and with whom I worked very closely in the development of the original Voting Rights Act of 1965. Emanuel Celler's name, together with that of William McCulloch, the ranking minority member of the Judiciary Committee in the other body, should be enscribed on a roll of honor, because their joint efforts were so important in the passage not only of the Voting Rights Act but of the great Civil Rights Act of 1964, of the Fair Housing Act, and of the great agenda of civil rights legislation.

So the Senator has touched an important point that we are today marching along a well-defined path, one in which we should not tire nor flag but keep on moving. I thank the Senator.

Mr. RANDOLPH. I am grateful for the cogent comments that my colleague, who has not a vested interest in West Virginia, where he does own, in part, the soil of West Virginia. He well represents, of course, the Commonwealth, or are you a Commonwealth now?

Mr. MATHIAS. The Free State of Maryland.

Mr. RANDOLPH. The Free State.

Mr. MATHIAS. The Senator refers to West Virginia. My great grandfather, for whom I am named, was a citizen of Virginia, subsequently of West Virginia, although he never moved. He lived in the same house.

But the Senator has been generous enough to say that I own property there. It is a very small property, but, as Daniel Webster said of Dartmouth College, "It is a small college, but there are those who love it."

Mr. RANDOLPH. Finally—and I am grateful for not the interruption but the helpful comments—I had a young man talk with me within the last week. He asked, "Senator, you are always talking about the responsibility of voting. And I want you to tell me why my vote, just one vote, is important."

As we talked I told him of how eager I was to cast my first vote at age 22 in 1924.

At that time I voted for John W. Davis the only West Virginian to ever be a candidate for our Nation's highest office.

I told the lad how many States of the Union had come into the galaxy of the United States of America by only one vote. I went through the litany of where one vote was very important to the result. And then I said, "but the most important reason for you to think of your vote and what you do with it, is because it belongs to you. It is not the property of any other person. You possess this vote. And if you do not use it, it ceases to exist."

And that is not too strong a statement to make about the vote that is within our judgment and conscience. If we exercise it, no matter what viewpoint we may take on a pending candidate or issue, if it is not used, it is not there.

I, again, am grateful for the consideration of my colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, would the Chair advise the Senate as to how far down the roll the quorum call has proceeded?

The PRESIDING OFFICER. The last name called was Mr. FORD's.

Mr. MATHIAS. Mr. President, this quorum call and the one which preceded it has gone on for some time. We are here to debate the motion to proceed. The availability of time to carry on that debate is obvious to every Member of the Senate. The floor is available to anyone who has any views that must urgently be expressed. No one has appeared; no one is speaking. If no one is speaking and no one has appeared—I am not aware of anyone who has a particular need or desire to speak. Perhaps some of the other Members on the floor are aware that somebody wants to speak.

I wish to pose a parliamentary inquiry: In this situation, when there is a motion pending and there is no one who wishes to speak, is it not the duty of the Chair to put the question?

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. MATHIAS. Mr. President, I do not want anyone to feel that they have been shortchanged in any way. I observe that it is the lunch hour and some Members may be refreshing themselves and restoring their energies, girding their loins for the battle this afternoon. But that is the rule. The Chair has ruled correctly, that if

no one is speaking and no one is seeking recognition, then it is the duty of the Chair to put the question.

I am not going to press the Chair on that and I shall make a point of order that a quorum is not present, but I hope that Members of the Senate, those who are refreshing themselves as well as those who are present on the floor, will take notice of this colloquy, and that it will really be incumbent upon Senators to press the Chair to proceed to do its duty in the very near future.

Mr. HART. Will the Senator yield?

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Colorado.

Mr. HART. Mr. President, the Senator from Maryland may be reluctant to press the Chair; the Senator from Colorado is not.

The purpose, it seems to me, of having cloture and addressing an issue is to debate it. There is no debate going on. I see no reason why the Chair should not put the question.

Mr. MATHIAS. I agree with the Senator from Colorado, but just so there may be no indication that we have been hasty or ill-advised, or guilty of sharp practice, I urge the Senator from Colorado to hold his hand for a few more minutes; then we may proceed.

I think what is happening is obvious. We are just killing time with quorum calls and there is urgent business. We have 10 percent of this country out of work. We are facing a deficit of over $100 billion. There are chaotic conditions in all parts of the world, parts of the world in which the United States has vital interests. And we are sitting here listening to our names being recited by the clerk, time and again. If there is something to do, we ought to do it.

Mr. President, I make a point of order that a quorum is not present.

Mr. EAST. Will the Senator yield for a question?

Mr. MATHIAS. I am happy to yield for a question.

Mr. EAST. The Senator is always making dry observations. I would like to point out, in defense of my position and others, that earlier I had spoken at some length, using my valuable time, about why it is that the South is being treated differently under this law than is the rest of the country although no justification has been offered for this discriminatory treatment. At that time, I invited the proponents of this law to come forward and explain to me why this was so.

I chided them gently by showing how mute they have been on this point; I was hearing no discussion of why the double standard.

Mr. President, I have been waiting here ever since, patiently, to engage in a dialog with them on this. I have still heard nothing. So I would like at least to defend my own posture, to say I have been faithful; I have been here; I have been waiting to hear a response, but have gotten none. I do not know what else I can do, so I yield back to the Senator.

Mr. MATHIAS. The Senator from North Carolina needs no defense. He has been assiduous in his duties. He has been articulate, been vigorous in debate, has presented his point of view very well. So I do not think any apologies are required on his part or any defense by anyone else.

I would not agree with the assumption of the Senator's question that there is discrimination, but I think that is a subject that we should discuss when we get on to the bill. I think the Senator, if he will allow us to proceed to vote on the motion, will find that there will be adequate answers to that question and all other questions—when we get on the bill. The time to discuss those questions is when we are on the bill.

Mr. President, I am going to press the Chair at some point this afternoon if there is no one present and talking.

Did the Senator from Colorado have a question?

Mr. HART. Mr. President, if the Senator will yield, the Senator from Maryland is always a gentleman, as much as any Member of this body. I do not know what sharp practices would be involved in putting the question right now. It is not as if opponents of the bill are not represented or aware. We all know, at least in the pretelevision period, we are wired for audio, and every Member of the Senate hears these words. I do not know what the sharp practice would be.

Mr. MATHIAS. Mr. President, I did not say it would be sharp practice. I said we might be charged with sharp practice.

Mr. HART. One knows in politics one can be charged with anything.

Mr. MATHIAS. So there will not be even a scintilla of evidence that there may be sharp practices, I am going to ask the Senator from Colorado to be patient just a few more minutes, because that will provide everyone with notice. Then I think the Chair can proceed to put the question.

Meanwhile, Mr. President, if the Senator from Colorado will bear with me, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHMITT). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Mr. Benson D. Scotch, of the Judiciary Committee, be given privileges of the floor throughout consideration of the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. HELMS. Mr. President, earlier today I was discussing the misrepresentation or misapprehension concerning the legislation at issue.

I mentioned, for example, the kind of paper curtain that has been allowed to fall over the facts relating to the so-called Voting Rights Act of 1965. For one thing, the media and many of the proponents are fond of referring to the legislative proposal before us as an extension of the Voting Rights Act. It is no such thing, Mr. President. The Voting Rights Act of 1965 is permanent legislation.

You know, Mr. President, I have had a number of Senators, since this period of enlightenment that some of us have been conducting, come to me and say, "You know, I did not even know that." Several of them have been cosponsors of the act almost from the beginning.

I am not derogating any Senator, Mr. President. Here is a little report entitled "Voting Rights Act Extension," which is a misnomer. It is 239 pages long. I have asked several of my colleagues how many of them have opened it. You would be surprised how many replied that they did not even know it existed.

So what we have here is an atmosphere of pressure, a pretense of urgency and, as Sam Ervin told me yesterday over the telephone, what he perceived to be deliberate confusion of the public's mind.

You have to ask why, Mr. President. Why do the proponents of this legislation fear a careful understanding on the part of the public of this legislation? Let us get one thing straight, Mr. President. Not one voter will have his rights affected if we do nothing. On August 6, all that will happen is that the 40 counties in North Carolina, for example, which are now covered by one portion of this Voting Rights Act, will be given an opportunity to prove in the Federal District Court for the District of Columbia that they have not discriminated on the basis of race during the past 17 years and that, therefore, they should no longer be required to come here to Washington,

D.C., with hat in hand to some Federal bureaucrat down at the Department of Justice and say, "Please, sir, can we move our voting precinct down the street or across the street?" That is all.

Right now, 40 counties in North Carolina cannot do one thing without coming up here to the Department of Justice. They are saying, "Why can't we have our day in court?" I ask the proponents, why can they not have their day in court?

I continue to read and hear on television that I am being an obstructionist, that I am somehow opposed to all citizens having the right to vote. Let the word be spread, Mr. President, that I want everybody who is eligible to have a right to vote and I stand with any Senator in this body for that. But I will not stand for punishment of 40 counties in my State. That is all we are talking about.

It is interesting to me, Mr. President, that the proponents of these proposed amendments to the Voting Rights Act of 1965 are, in so many cases, the very Senators who have stood on this floor and cried crocodile tears because Senator HELMS is trying to limit the jurisdiction of Federal courts. Sure, I think Congress ought to exercise its right, responsibility, and duty under the Constitution with respect to a runway court, and I suspect the Supreme Court was runaway when it banned prayer from schools, for example. But these same Senators who engage in great lamentations about the Senator from North Carolina presuming to suggest that we limit the jurisdiction of the Supreme Court are the very ones who are saying now, "Oh, we must limit the jurisdiction of the courts in the case of the 40 counties of North Carolina affected and the 21 other States and the political subdivisions thereof."

If consistency is a jewel, Mr. President, we have a lot of ersatz glass rolling around this Chamber pretending to be jewels.

Let us see about these proponents who are now saying that they want to strip the courts of jurisdiction to hear these cases. Why are they so worried? Why are they so fearful that the Federal District Court for the District of Columbia might determine that, in fact, some or even all of these localities have not discriminated during the past 17 years?

That is the case in North Carolina. To my knowledge, there has not been one specific complaint by the Justice Department with respect to alleged voting rights violations in any of the 40 counties in 17 years. So I say again, that is why I am doing the best I can to bring some equity, some fairness, to the 40 counties of North Carolina.

As time goes by, Mr. President, I want to discuss this subject further. In the meantime, I shall be glad to hear any proponent explain why he feels that any 1 or all of the 40 counties of North Carolina ought not have its day in court. It is as simple as that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. I thank the Chair. I yield the floor to Senator BYRD.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, what the two distinguished Senators from North Carolina and others are attempting to do is to bring to the attention of the Senate and the country the wide ramifications of the legislation now being considered. It is not merely an extension of the Voting Rights Act of 1965. The proposal before the Senate goes much beyond that. The voting rights legislation of 1965 continues in force with or without this legislation insofar as guaranteeing the right to vote. What this legislation does is to continue for a period of 25 years the preclearance provisions of the so-called voting rights legislation.

The way the bill is drafted—and I suppose the intent of the bill—is to make it virtually impossible for any of the nine States which are covered by the original Voting Rights Act, and those parts of a few other States which are covered, to bail out, so to speak, from under the provisions. The requirements are such that it is a virtual impossibility.

What this legislation would do is require 9 States plus parts of 13 others to continue to come to Washington, D.C., and be subject to the dictation of Washington, D.C., in all matters affecting any aspect of the electoral process.

The original act was passed in 1965. The preclearance provisions were extended for 5 years in 1970, and then again in 1975 extended for another 7 years. Then we come along with this proposal which would extend the preclearance provisions for another 25 years.

When you add 17 years and 25 years, you get almost a half century that a few States are being made subject to this legislation.

Mr. President, I cannot speak for every State, but insofar as Virginia is concerned there has been no evidence of any sort that any individual in the State of Virginia has been denied the right to vote. I think it is totally unjustified and unreasonable to keep Virginia under the provisions of this law for another 25 years. It is a far-reaching proposal. While there is a disclaimer in the bill insofar as proportionate representation is concerned, clearly the language of the bill is such that it very likely will lead to proportionate representation. It is dangerous legislation.

Let us discuss another aspect of the broad problem.

On page 167 of the committee report, dealing with the extension of the act, is a table which shows the registration by States. The registration by States is then broken down into white registration and black registration.

It is interesting to note that many of the Southern States, to which originally this legislation was directed and to which it is directed now, have a higher percentage of their black citizens being registered to vote than many States which are not subject to this act.

Let us take a couple of examples. In the State of South Carolina 57.2 percent of the white citizens are registered to vote, while 61.4 percent of the black citizens are registered to vote.

It seems to me that that says something insofar as any effort is being made to prevent minorities from registering. While this does not indicate anything about voting—I do not know the record of South Carolina well enough to know—my guess is that there has been very little evidence, if any, of denial of the right to vote in that State.

I can speak about Virginia, and there has been no evidence of any effort to keep anyone from voting in the State of Virginia.

Take the State of Alabama, another State subject to the pending legislation. Of the white citizens, 73.3 percent are registered to vote, and 62.2 percent of the blacks are registered to vote—there, again, a very high registration of the blacks in that State.

Virginia does not have as high a record for registration. In Virginia, 65.4 percent of the whites are registered, and 49.7 percent—nearly 50 percent—of the black citizenry are qualified to vote.

Let us take a couple of other States. Let us see which States have the lowest percentage of their black citizens registered to vote.

In the State of Kansas, which is not subject to these provisions, only 40.3 percent of the blacks are registered to vote; 71 percent of the whites are registered to vote.

In the State of Massachusetts—one of the authors of the pending legislation represents that State—only 43.6 percent of the blacks are registered to vote, compared to 73.4 percent of the whites. Virginia has a higher percentage of its blacks registered then does Massachusetts have of its blacks.

Mr. President, I believe that this legislation, while it is well intended, I suppose, is unreasonable and unfair. It applies only to a few States; and if this legislation is enacted, it will keep those few States, plus some counties in a few other States, under this unreasonable proposal for another 25 years.

I do not like the idea of the electoral machinery in any State being under the domination of the Federal Government. Even in the simplest matters, States under this legislation—as I say, there are only 9-plus counties in another 13—those States and those counties must come to Washington and obtain the approval of the Attorney General in Washington, D.C., before voting hours may be extended, for example; before a precinct may be moved from one firehouse to another firehouse, from one location to another location; and any annexation proceedings must be subject to the approval of the Attorney General and the Justice Department in Washington.

I am convinced that it is unreasonable. I am convinced that it is unfair.

There may be other laws, but, offhand, I cannot think of any other law where only a few States are subjected to it and the bulk of the States are not.

I commend the efforts of the two Senators from North Carolina to bring to the attention of the Senate and the attention of the American people just how unreasonable and how great are the ramifications of the pending legislation.

When we get into the question of proportionate representation—I say again that there is a disclaimer in this regard, but I do not think the disclaimer is of great consequence—when we get into the question of proportionate representation, that changes the basic concept of our whole theory of Government. I believe—and I am certain every other Member of the Senate and every other Member of Congress believes—that any individual should have the right to seek office; but I am not sure that many of us feel that any individual has a right, as such, to be elected to office. That is a determination to be made by the people in each election. Under the language of the measure before us, it is very likely to lead to a great deal of litigation, and I think it is heading in the direction of proportionate representation.

If a certain number of individuals running for public office—city council, or whatever it might be—are not elected in proportion to the population, one race versus another race, then that could be subject to court action. So it goes much too far.

Also, I think extremely objectionable is the fact that it calls for continuing for 25 years—25 years—the preclearance provisions of the original act.

Mr. President, I hope that before the Senate enacts this measure, it will be constrained to give very full and careful consideration to amendments that will be presented to it to make it more fair to certain jurisdictions which have been singled out for what appears to me to be punitive action and really vindictive action.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. HELMS. Mr. President, I commend the able Senator from Virginia for his comments. Obviously, he has studied the proposed amendments to the so-called Voting Rights Act extension, which is not an extension at all, and he may be a rarity in the Senate.

In any case, as always, the Senator from Virginia has done his homework, which is why he has been such an able and distinguished Senator throughout his career in this body.

I thank the Senator for his comment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the Senate is presently engaged in the all-important extension of the Voting Rights Act. It has been a matter of deep interest and concern to this particular Senator since there are already over 75 Senators, I believe, cosponsoring the particular compromise that was fashioned by the Senator from Kansas providing for extension of the act.

In reviewing the CONGRESSIONAL RECORD of yesterday, and I could not be in attendance because we were meeting in the conference committee on the budget at that particular time, I saw wherein my colleague from North Carolina, the distinguished Senator EAST, had made some very, very pertinent remarks, some with which I would agree and some, of course, and that is the reason for taking the floor, with which I must differ. I hope to throw some light on the particular subject, at least for the benefit of my colleague from North Carolina.

He said, "I submit everyone here is honorable in this debate, pro and con." That is the part I agree with.

I respect him and I respect, in a sense, the reason, the rationale the historic experience which comes from his particular experience.

He talks of different things that we could debate, about the mad rush for one. He says, "The thing that has concerned me in this mad rush to get into this bill." This bill has passed the House of Representatives. Senator HELMS, his senior colleague, is on the floor now. We have not been in a mad rush. We have been, Mr. President, to the contrary, diddling and dawdling for over 9 months since it passed the House.

Then he talks about the bailout provisions, which we can discuss.

I could go into the venue question, and the D.C. District Court and why things are referred there. Keep in mind we are not changing present law on this point.

But, Mr. President, he talks about the incentive to comply with the law, and in talking about the bailout provision, and this is what struck my interest, he said:

> The proponents of this so-called bailout provision, I think know down deep inside that no one can get out from under it. It is like consigning someone to jail with no chance of parole because the conditions are impossible to meet. The prisoner has no incentive to improve his conduct except the fear that harsher penalties will be imposed upon him.

Who is the prisoner? Is it the State or the individual? And who has been that prisoner for these many years? And who has had incentive and not had incentive? And who, even with incentive, has been unable to bail himself out into the full rights of an American citizen?

I would suggest very earnestly that the distinguished senior Senator from North Carolina, I regret, would generally agree with his colleague's comments and approach. I would suggest to him and others, accordingly, that if we were kings for a day, and if we were in a constitutional law class and were going to write an equal law statute, that type of comment would have some appeal. I understand his differences as an attorney and as a scholar. Dr. EAST has been at East Carolina University. But he has not had the experience that this Senator has had, which I will try to relate in a somewhat scattered fashion.

I have not had a chance with the different pressures to arrange and correlate a formal address on voting rights. But it struck me and late last night I asked my staff, "What is Senator EAST saying on the floor about this? Why is he still so stern?" Then they got me the RECORD so that I could read his points.

This is the thing about his remarks that hit me most of all. His comments, Mr. President, completely disregard the historical practice and experience of his backyard and my backyard over the many years.

I do not believe the distinguished junior Senator came to North Carolina until after, for example, we had argued Brown against the Board of Education in 1954. My quick glance at the RECORD shows, and we are delighted to have the Senator from North Carolina, when his predecessor, Gov.

89-059 O-86-34 (Pt. 10)

Luther Hodges, and myself hit the trail as Governors to try to attract industries from Illinois and from the Northeast and other sections of the country.

There followed along a heck of a lot of talent. The fact of the matter is that in Camden, S.C., we used to have a participant in the Klan as the senator from Kershaw County, but after we brought in Du Pont, we brought the enlightenment, the leadership, and we ended up with a Fulbright Scholar as the senator from that county. A State senator who later went on to be Governor and then, of course, as Ambassador to Saudi Arabia most recently. I refer to John Carl West.

So we in South Carolina experienced an enlightenment and interspersal of leadership. It is not with the intent of referring in a derogatory fashion to Senator EAST, who is now on the floor, but to agree with what he said about, "I assume everybody in this debate is honorable, both pro and con."

Being honorable in the debate, I feel you are honestly mistaken in the fears and the concerns and the particular approach which you have given to this measure, which has worked and worked well. The cliche is correct, it is the most effective civil rights law ever passed.

Momentarily on the floor, I will have the letter of the attorney general of South Carolina, the Honorable Dan McLeod. He came and attested to the fact that, in general, our State, of which he is the attorney general, has not had any real trouble with the Voting Rights Act. In fact, my distinguished senior colleague, the chairman of the Judiciary Committee, wrote him and asked why it should not be extended or what was his opinion should it not be extended, I should say, to all of the States in an equal fashion. Very interestingly, the attorney general of South Carolina, knowing what is really wrong with the Voting Rights Act, said, "No." What is really wrong with the Voting Rights Act are the burdens and workload caused in this particular division of the Attorney General's office in the Department of Justice.

Who knows best of that? The Senator from North Carolina, who serves on the Judiciary, the authorizing committee, and this particular Senator from South Carolina, who served for many years as the chairman of the Subcommittee on Appropriations for State, Justice, Commerce, the Judiciary and Related Agencies.

The attorney general from South Carolina, who probably now, I would think, would be the dean of all attorney generals as he has been there for many years, and the one most respected, said, no, he would extend it because we are having, if anything, under the Voting Rights Act, burdens which have nothing to do with the courts, with the district court here in the District of Columbia, which have nothing to do with the petitioning or anything else like that, but the manpower in order to facilitate a decision and a review of these many things.

So Congress, fundamentally, in 1965 looked at that history, and in looking at that history outlined the Voting Rights Act and the preclearance provisions on the basis of a historical experience, I say to Senator EAST, which I have experienced, and Senator EAST has not.

Sometimes, Mr. President, I tell my children certain things that occurred back in those days—and those days are not so long ago, just 30 years ago. And they had and have a difficult time believing it. Back when I first started running for public office, the provision for the qualifications of an elector, I say to the Senator, were white, male registered voters. You could not serve on a jury if you were female and certainly could not if you were black. We had that provision. In fact, here we were, as a bunch of young turks, as they called us in those days, coming home from World War II. One of the best arguments I ever heard was in 1952 by Representative Brooks Hays. He questioned how in the world you could have black citizens fight on that frontline in Europe and in Africa—where I landed, with black troops next to me—and deny blacks their rights as citizens. Blacks had their own outfits. That is how we fought World War II. We fought the same oppression and won the same fight but they were on the back of the bus when we got home. How could blacks fight on the same battlefield, the same frontline, but be forbidden from drinking water out of the same water fountain, or eating in the same restaurant, as white citizens, when they returned home?

In fact, in 1954 we had the Briggs against Elliott case in South Carolina. It was a leading case on school desegregation. I say leading case because this is one Thurgood Marshall himself handled. It came along with Brown against Board of Education of Topeka. The reason was that Kansas had 17 counties there that were totally integrated and another 17 counties that were totally segregated and the Governor there and the people of the State of Kansas then felt it was not a problem. They were not even going to get a lawyer. By maneuvering—and the parties were pretty clever then with the Solicitor General. They upstaged the Kansas case because they did not have a lawyer and they were going to tee off with that one and get a good running start on the leading case on segregations.

You could see us down in what they called at that particular time the Wardman Park Hotel, which was then the Sheraton Park and now the Sheraton Washington. They were desperately calling to get an attorney, who, incidentally, was the Assistant Attorney General.

He came in, and I sat up with him all night long, going over the briefs and what have you. He knocked it all over the back fence the next morning. He made one of the really great arguments in that case.

At that particular time, one morning we came into Washington. I am trying to give Senator EAST the flavor of why I approach this in a totally different fashion, not in the scholarly, constitutional, cross every "t," dot every "i" fashion of what is constitutional and what is not constitutional. I happen to believe the bill before us is constitutional—do not misunderstand me.

We got in early one morning, right down here at Union Station. At that particular time, we went in at 6:30 in the morning for breakfast. Who should come in and sit with us to eat breakfast—this was in 1954—but Thurgood Marshall. Well, as attorneys, we had a good conversation. At the end of the breakfast, I turned to Thurgood and I said:

> Thurgood, I hope you will not tell them that you had breakfast with me up here in Washington, because I am in the legislature down there. Governor Byrnes appointed me as an attorney to come here. If you say you had breakfast with me, I am ruined.

Thurgood turned to me and said:

> I will make a deal with you. I just advised Governor Stevenson of a difficulty that we had in Cicero, Ill.

He said:

> I had to send this family, for safekeeping, back down to their original homes in Mississippi. I will make a deal with you. I won't tell South Carolina about eating breakfast with you if you won't tell them about Governor Stevenson and the advice I had to give him.

We can think now, in a more enlightened time, if you will, in a light way about those kinds of things, but if you go back to that particular time, you go right to the heart of voting rights. When I ran, it was considered a disgrace to solicit the black vote. We had just had a case that allowed blacks to vote. And many old politicians were concerned that blacks were going to invade the Democratic Party of South Carolina.

What was the Democratic Party of South Carolina at that time? The Democratic Party was nothing more than a ruse and a scheme to make sure that blacks did not vote.

You can see in the South Carolina Democratic Party we had an oath—I read from the decision. This is not a Senator's opinion, but rather a reading from the opinion in *Brown* v. *Baskin*, (78 F. Supp. 933), back in 1948, page 937. The part of the pledge the judge refers to says:

I further solemnly swear that I (understand) believe in and will support the principles of the Democratic Party of South Carolina, and that I believe in and will support the social (religious) and educational separation of the races.

I further solemnly swear that I believe in the principles of States' Rights and that I am opposed to the proposed Federal F.E.P.C. law.

I say to the Senator that I guess I took that oath. I am trying to check it. I do not know whether I signed it or not. I must have. I could not have qualified, I do not believe, and I qualified as a candidate back in 1948, in my State, to run for the State legislature. I am confident I took that oath in order to participate in that Democratic primary. I cannot imagine myself today having taken that oath, but that is a fact of life. That is why I bring the feel that we all have today. We have come a long way with respect to voting rights. And because of our path we do not easily overlook the schemes of those particular days and times.

In fact, in that same case of Brown against Baskin, we see there were no voting rights—that was affirmatively stated in the oath. Again, from the decision (80 F. Supp. 1017), I read:

The Governor stated quite frankly what the purpose of this was and made no bones of the fact that the intention was to keep the primary elections in South Carolina limited to whites and discriminate against Negroes.

That was the official policy. That was the societal policy at that time. In fact, they wanted to, by gosh, separate the sheep from the goats and find out who were really true South Carolinians and who should serve in their legislature. The local newspaper immediately sent around a questionnaire asking, "Do you solicit the Negro vote in the Democratic primary?" I remember it.

They never would forgive me—I do not know that they have yet. They have not been particularly supportive. My answer was, "Do you solicit Negro subscribers and advertisers to your newspaper?" That was an affront to them. They did not like my answer.

Mr. President, what I am saying is that during those years, we had not only the oath to be taken, the Governor stating that was the purpose and the cause, but the general feeling among newspapers, bankers, and business leadership, the civic leadership, everybody concerned, that blacks participating in the electoral process was a no-no.

In fact, they followed in the statutory law with respect to poll taxes, with respect to ownership of property. And it continues today, June 16, 1982. I read now from the statutory provision that is still on the books (S.C. Code § 7-5-120).

Qualifications for Registration; persons disqualified.

Every citizen of this State and the United States

this is the codified law of the State of South Carolina that I represent—

who: (1) is at least 18 years of age; (2) is not laboring under disabilities named in the Constitution of 1895 of this State; (3) is a resident in the county and in the polling precinct in which the elector offers to vote; (4)(a) can read and write any section of the Constitution submitted to the elector by the registration officer; or (b) Is otherwise qualified; and . . .

We all know the Voting Rights Act prohibits literacy tests. But my State still has one on the books. If it were not for the Voting Rights Act of 1965 this statute would be a limitation on the franchise of the citizens of my State.

There is an old story down South that back in those particular days a black man came to the polls, presented himself, and they gave him a Chinese newspaper. And Senators will understand my reference here. I want to be accurate on this. I am not trying to be demeaning, and I certainly am not trying to get into the predicament that a State legislator in Virginia did recently. They said, "Boy, can you read that newspaper. Tell us what the Constitution says." And he said, "I can read it." They said, "What does it say?" He said, "Ain't no black man going to vote in South Carolina today."

They knew what the procedures were. They knew the hurdles, Senator EAST, of trying to get in. They knew who was the prisoner. We are not dealing with States as prisoners. We are not dealing with counties and city councils as prisoners. The attorney general of my State says that he is not a prisoner.

The prisoner that the Senator and I must be concerned with is voting rights for everyone regardless of race. That is what extension of the particular act says. And it should have been long settled.

Now, if you think it is a matter of just a passing fancy saying, "Well, Senator, you talked historically back when you first ran and how it has developed over these many years," I could go into it, but that is not my point. I want to refer to a case in Edgefield County in my State that took place just 2 years ago.

I am going to read and quote from the judge's decision, if I can get Senator EAST's attention and Senator DOLE's attention. One of the particular reasons is that it is not easy or a happy thing to get up and tell of this particular history, but unless we can speak honestly and realistically and objectively of what we have learned from our experiences, then we are not going to be able to vote intelligently on this particular matter.

I do congratulate the distinguished Senator from Kansas for having fashioned this compromise that makes it absolutely crystal clear that we are not going in for quotas but we are certainly going in for a test that is a realistic test under the circumstances. And now I refer to those updated circumstances.

The reason I pick this is because I do not want the media to say that Senator HOLLINGS ran down his State of South Carolina in order to engender the black vote and all he is doing up there is just putting on a show for the black vote.

The reason I refer to this is this particular decision is by a Republican, a Republican judge, I say to the senior Senator from Alaska. This one is a pedigree Republican, not a white flight Republican. This one has been in the Republican Party long before a lot of them joined because of other reasons, as you well know. And you ought to read what he said in the Edgefield case. I read from Judge Robert Chapman's opinion as he talked about the factual findings. He cited in the findings of fact at paragraph 32 of *McCain* v. *Lybrand*, C.A. No. 74-281 (D.S.C. April 17, 1980):

32. The testimony of plaintiffs' witness Brightharp and defendants' witness H. Sam Crouch shows that blacks do not have equal access to the election process and the present system dilutes their strength. Brightharp testified that he had decided to run for office in the hope that voters would decide on the basis of issues or the merits of the candidates and in the hope that racial politics was a thing of the past. After analyzing the election and the returns, he concluded, sadly, that racial politics is ever present in Edgefield County, and that because of it, blacks are not able to participate fairly as Edgefield County voters.

Mr. Crouch, Secretary of the Edgefield County Democratic Party, testified that blacks do not participate as equals in the electoral process of Edgefield County, and that the present system is the legacy of a long history of racial segregation. He said that there has been some improvement but it must come slowly, and indicated that no greater speed would be possible voluntarily—that it would take a court order.

If you go to the court transcript and the testimony of the witness, Mr. Crouch, he was asked by the court, "When will things change?" And the answer was, "They will not change until there is a court order," and therein the need for the extension of the Voting Rights Act of 1965.

I think some of the other language is very, very pertinent to the emphasis that should be given to our approach to the extension of this all-important act and to a point that I would make to my distinguished colleague from North Carolina. This is from Judge Chapman's opinion, and no one has ever accused Judge Chapman of racism or trying to politicize a particular thing or, as could be reported by those who would not agree with the Senator from South Carolina, when talking on this subject, as someone who was just trying to get the black vote. Judge Chapman is a Republican judge, former chairman of the Repub-

lican Party in our State, outstanding attorney and an outstanding judge, who, incidentally, has now been elevated to the fourth circuit court of appeals. Senator Thurmond and I both recommended his elevation. I cite that by way of emphasis. I send here, again from the McCain case:

While many of these restrictions have been removed, i.e., single-shot voting now allowed, no poll tax, no literacy test, unified school system, jury selection open to all registered voters, there is still a long history of racial discrimination in all areas of life. There is block voting by the whites on a scale that this Court has never before observed and all advances made by the blacks have been under some type of court order.

These are very important observations from a Federal judge who was born and raised in South Carolina, former chairman of the Republican Party of South Carolina, outstanding attorney, member of the bar, Federal district judge now of the fourth circuit court of appeals, so there is a history of his experience wherein he says, "never seen before," "never before observed" in the experience of this court. The remarks of the Court continue:

Participation in the election process does not mean simply the elimination of legal, formal or official barriers to black participation. The standard is whether the election system as it operates in Edgefield County tends to make it more difficult for blacks to participate with full effectiveness in the election process and to have their votes fully effective and equal to those of whites. Black voters have no right to elect any particular candidate or number of candidates.

Senator, that is your argument and my argument, and that is what Judge Chapman agrees with. I quote:

Black voters have no right to elect any particular candidate or number of candidates, but the law requires that black voters and black candidates have a fair chance of being successful in elections, and the record in this case definitely supports the proposition and finding that they do not have this chance in Edgefield County.

If black candidates lose in the normal give-and-take of the political arena then the courts may not interfere.

The Senator from North Carolina and I agree with that.

And under no theory of the law can a court direct a white to vote for a black or a black to vote for a white. However, if there is proof, and there is ample proof in this case, that the black candidates tend to lose not on their merits but solely because of their race, then the courts can only find that the black voting strength has been diluted under the system and declare the same unconstitutional.

Black participation in Edgefield County has been merely tokenism, and even this has been on a very small scale. Black workers at the polling places are appointed by the white controlled democratic party and blacks have been poorly represented even in predominately black precincts as the above findings of fact reflect.

I am still quoting Judge Chapman's opinion.

There can be no other explanation for the amazing votes reflected in Findings of Fact 28-30 except that whites absolutely refuse to vote for a black.

The County Council has not been responsive to the needs of black citizens, even though they make up a majority of the population of the county.

This is representative America. I am pausing for a moment in reading from the judge's comments. To my distinguished colleague from North Carolina I quote Elihu Root, who was Secretary of State for Teddy Roosevelt. He said that politics is the practical art of self-government. He said someone must tend to it if we are going to have self-government. He finally made the observation that the principal ground for reproach against any American citizen should be that he is not a politician.

So we are politicians, and all Americans are politicians—some rather poor ones because they do not participate and they register a negative; whereas, some are like the distinguished Senator from North Carolina, who has been willing to present his record and his principles and his ideals to the voters of North Carolina, and they have elected him.

Now, the electoral process is not just the academic "vote" but, on the contrary, it is the feel that as a citizen you are part of it and you have had a "fair chance," as Judge Chapman said. The process allows our citizens a response and a feel that they are being responded to, as he is saying now about the county council, in that representative process.

Senator EAST, you and I would do the greatest damage not to extend this particular Voting Rights Act.

I refer to the Senator's remarks. Senator EAST stated:

I have never seen a piece of legislation come before this body that was so ill-conceived and so badly flawed.

On the contrary, it is well conceived, well adjusted, not for the academic, but for reality.

It is very difficult for us politicians to write a law that will make people work. We have a welfare problem. I have heard over many years, "We have to make them work." As a Governor, having to administer the programs, I know that it is a catch-22 situation. If you try to make them work and you penalize them, you destroy the capability of employment and of their working.

We found another way around, not the academic, not the categorical legal command, "Thou shalt work," which has a negative effect rather than a positive effect.

We found that if you start at the very beginning, in the mother's womb, provide the mother with good nutrition—women, infants, and childrens feeding program (WIC)—thereafter, Head Start; thereafter, title I for the disadvantaged; and you bring along a little child of strong mind and body. This child will be competitive and will work. That is a far better and much more productive solution than a simple legal command.

In a compelling and similar fashion, in voting rights, it would be good to write a law and say, "Thou shall vote," and all people will vote. But that is not the way it is happening, as Judge Chapman is pointing out. He is pointing out why it has happened and why it is difficult to write that categorical, academic kind of provision that you would like to see, that is neat and would apply to everybody, which it does, but it just depends on historic experience. It applies to my State and others because of what I am reading here and what I know from 30 years of public service, individuals having their right to vote denied.

I go back to the findings by Judge Chapman. He says:

The small number of blacks employed by the county, their pay scale, the small number of blacks appointed to various county committees and the nature, duties and responsibilities of these committees are stark proof of official neglect and unconcern on the part of the Edgefield County Council.

Judge Chapman is giving the proper testing and weight to the experience there and what really happens. He is not saying that "Joe Jones" is presented at the polls and he was not given his rights, and therefore put everybody in jail, or whatever. He is talking about the totality of circumstances and its impact on the individual; that when it comes in a cumulative fashion and impacts on a community—the county and the State—it is really a denial of what you and I are talking about in representative government.

I continue reading from Judge Chapman's comments:

There are 120 positions on various boards and commissions appointed by the present County Council. Of these, 25 are held by blacks, with 9 of the positions being on the now non-existent human relations committee and 6 of the remaining 16 being on the senior citizens counsel. Of the 19 different boards and commissions blacks serve on only 9.

No black has been elected to County Council, the state legislature or any county-wide office.

Let me add, as a reminder, that this occurs even though blacks have a majority of the population in that particular county.

I go back to the comments by Judge Chapman:

The black serving on the school board obviously serves as a token and at the pleasure of the white power structure.

We all know what that is. That is what we are talking about on the floor of the U.S. Senate.

Are we going to talk technically about tokenism in these kinds of things and talk about the prisoner being the county and the State and

how can these counties get clearance and whatever?

I am reliably informed that when this takes effect in 2 years, a good number of my counties will immediately come out from under preclearance. Some counties will have to wait longer. We have this situation. We are not proud. We are not trying to expose ourselves on the floor of the U.S. Senate. But if this debate is going to continue on as though a bunch of technical nuts got together in the Judiciary Committee and reported an "ill-conceived and so badly flawed" law, someone has to give the hard, bitter experience of the past 30 years, and even years before that, where the official policy, practices, conspiracies, societal habits, customs, mores, and what-have-you, said, "No you're not going to come in the door"; and the law still says so today, although we do not apply it. We do not apply it in my State on account of the Voting Rights Act and the Federal Constitution. There is no question about that.

I read further from Judge Chapman's comments:

> Normally the majority vote requirement and run-off elections to insure a majority do not dilute black voting strength but in combination with all the other evidences of discrimination, bloc voting and disregard for needs of black citizens the majority vote requirement, run-off elections and even staggered terms of the members of council tend to—

Tend to what? I am using Judge Chapman's word, not a Senator's word, not the word of somebody on the Judiciary Committee staff who has an ax to grind, not a Democrat, not anybody in the legislative branch, but in the judicial branch, most respected and most astute.

> tend to dilute the voting strength of the blacks.

That is the real problem. That is why this law is written the way it is. And we will all miss the mark if we chase spurious claims about "Why should not we extend the act to all States," or "Why do the States have to come to the District of Columbia District Court," or "Why are we trying to rush into this after we have been on the floor only 9 months?"

Those are all shifts and maneuvers, my friends. They are not coming to grips with the experience that we have had and we know. Rather, we should be proud now that as a result of that Voting Rights Act millions more citizens are participating in the electoral process of the United States of America.

I quote further from Judge Chapman:

> The present at-large voting plan is aggravated by the fact that there is only one party politics in Edgefield County—

He is not talking about the Republican Party; he is talking about my party, the Democratic Party.

> because there is no competition between parties. There is no need for the existing party to seek the black vote.

Mr. EAST. Mr. President, will the Senator yield?

Mr. HOLLINGS. Is that not a terrible thing?

Yes.

Mr. EAST. Will the Senator yield for a question?

Mr. HOLLINGS. Yes; I am delighted to yield to the Senator.

Mr. EAST. The Senator responds with great eloquence to the inquiry I had made this morning as to whether someone would come forward and defend an act that will apply in a discriminatory fashion, one; that is, that applies one way in the South and another way in the other parts of the country. And the Senator, of course, gives a very interesting historical analysis of the discriminatory practices that have prevailed in his own political party in South Carolina. Obviously for purposes of debate I will accept his description of these practices, practices which might offer good reason for being a Republican as the distinguished senior Senator from South Carolina is.

Let me ask this question of the Senator. Does he feel that what he has described in terms of the past history of the Democratic Party's discrimination against the black voters of South Carolina accurately reflects the party's attitude toward black voters today?

Putting it more precisely, are the circumstances in South Carolina the same today in 1982 as they were in 1965 let alone 1955, 1945, and 1935?

My point is, and I would appreciate the Senator's response to this, that in reality the circumstances have changed dramatically since 1965 and hence the original purpose of the 1965 act no longer exists.

The Senator will recall that the purpose of the 1965 act was to encourage minority registration in those areas of the country where, first, you had literacy tests, and, second, you had minority voting registration rates of less than 50 percent.

Now in none of the covered jurisdictions do either of those conditions exist. And if the law were to be allowed to expire in August of this year, under its current bailout provision all areas would be able to come out from under preclearance. The covered jurisdictions have complied with the act and they have made progress. The figures are compelling and impressive.

Why should we subject these jurisdictions once again to a differing standard, this time for an additional 25 years, and why should we create standards for bailout that are more difficult than they have been for the preceding 17 years? What rationale is there for such distinction unless the Senator is saying—and I am inquiring as to whether he is saying this—that the blatant discrimination against the black voters and citizens of South Carolina by the Democratic Party of the past, discrimination which he has detailed and so eloquently explained exists today—that indeed it exists today in precisely that degree and intensity that we need not only to impose this law again for another 25 years but also to impose more stringent standards than the original act of 1965 imposed?

If so, the Senator by his own mouth indicts his party and his State in a way I find difficult to believe.

I can say for North Carolina, and I would think other Senators would be prepared to speak on behalf of their affected States, that what he describes about the Democratic Party does not characterize the Democratic Party of my State. I would not be willing to accept such a characterization.

Under our Governor, under our Democratic-controlled State legislature—and the Democratic Party controls the election system of the State of North Carolina—it would not be accurate to make such a description of the current situation in my State, and I say that as a Republican.

But do I understand the Senator to be saying that in South Carolina this is the way his party, which obviously controls the State government of South Carolina, is operating, operating in the same way that it did in earlier decades with all the insidious practices that the Senator has detailed? I cannot believe those are the conditions that prevail in South Carolina. Is he saying they do?

Mr. HOLLINGS. Senator EAST had about 20 questions. I tried to jot them down. He got me when he said what could be the rationale? And that is why I am appearing on the floor. What would be the rationale for extending this act under all of these circumstances? And I remembered the words they used to have on the Boys Town Stamp, "He ain't heavy, Father; he's my brother."

That is the rationale for me. I do not look upon that as a burden. I, no the contrary, see a greater burden having these kinds of things continuing. This I have read is from Judge Chapman's decision dated April 17, 1980, not 1965. That is only 2 years ago.

Now, if the Senator from North Carolina wants to try to make it a party debate, I would advise not. I started off by saying I respected him in that and he started running a touchdown in all directions about a party controlling the State. He knows differently. You have our former Republican Governor Edwards over there as your Secretary of Energy. We have the senior Senator from South Carolina who is a Republican. We have the majority of the congressional delega-

tion from the State of South Carolina as Republican.

So do not run off about this is a party argument.

Mr. EAST. Will the Senator yield?

Mr. HOLLINGS. I am going to complete some of the 20 questions.

Mr. EAST. Will the Senator yield for a question?

Mr. HOLLINGS. No; I do not yield at this particular point.

I want to get it through to the Senator that this is not a party situation. It is an experience that I point out that is the best way I can tell the Senator without going into "I heard and I saw and I was told." That is one of the things for a trial lawyer on this "court" the floor of the U.S. Senate that "hearsays" and anything told and the anecdote presentations we make get by and do not have the substance of fact.

I am presenting to the Senator the factual finding by Judge Chapman dated right now. This case was later reversed on account of the Mobile case and now is going back, and, if the Voting Rights Act is extended, it will come back in again and be very applicable to that particular legal finding by Judge Chapman.

We, as Democrats, are not controlling the State. I wish we were. But I can tell the Senator the far, far majority of the minority vote is within our party because we have been able to forthrightly state that this is not right and we are not having any monkeyshines, and I do not accept his rationale for the enactment of the 1965 act about the minority representation, or whatever he stated. The percentage of voters may have been the triggering factor, but the fundamental rationale was to put an end to all forms of racial discrimination in voting once and for all. Because this job is not done is the reason we are here today.

It was for these many, many other reasons that we pointed out that Judge Chapman has referred to in a most eloquent fashion and that is a fair chance. It is important that we not just give people a mechanical right, title, and privilege to vote; it is important that elections are so held that the voters will not feel as though they should not show up that morning and that they are not discouraged from the representative process.

"To dilute the voting strength." Those are important things that Judge Chapman talks about.

So he does not just have a technical concern—because they had a 50 percentage point level, as you indicate, for the enactment of the 1965 act. On the contrary, he has real, practical concerns. These are the Federal court's concerns. These are the law of the land's concerns, and should be, I contend, the concerns of the Senators on this floor today.

I do not accept the description you have given here to the application of this law—applied in a discriminatory fashion. What you have historically, which you seem to totally blind yourself from seeing, is a pattern and a practice and a history of discrimination.

Necessarily, if a law is going to apply in a realistic fashion, if the remedy is to be bad, then you have got to take that historical realistic experience and apply that law and, yes, technically you could say it is being applied discriminatorily, but it is being applied to a discrimination we are trying to eliminate, and that should be the understanding here.

This is not just that we happened down the road this afternoon and somebody said something about voting rights, and so what we ought to do is sort of get together, Senators, and let us have a little Voting Rights Act that would apply equally to everybody in America, without looking at the discriminatory practices.

Come to South Carolina. I would be glad to have you there, and I would take you around, and you would see, if you want to try to talk about parties, who has discriminated against blacks and how they feel about it and how difficult it is because of that discrimination and the positions they have taken and the lack of understanding that they have.

The Voting Rights Act is something which has long since passed, has been accepted and taken for granted. We have held elections, we have gotten registrars there. I have appointed the U.S. attorneys, I have worked with the Republican-appointed U.S. attorneys. We have problems in those elections, and we get out there and we watch them.

We had an election which affected several of my friends, just 2 years ago, there were voting irregularities and these things still occur. What we are saying, is "Yes, if you want to call it going overboard, then, heavens, let us go overboard in the direction of having too many people qualified and too many people vote," because if there is an evil, that is the evil that will come from it, what you will have instead of 61.7 percent of minorities voting you might get, if you get an overreaction from our voting rights law, get a 100-percent result.

Is that an evil? Is that something wrong? Is that something grievous to occur or is that a desired result? What is the particular evil as you see it? The years on end of petitioning to come out from under and the writing to Washington? That is a burden. They come to the Senator's office. We go down to the Civil Rights Division, we go over the hearing of that particular case. We meet with that county council. I would rather assume that burden than have minority voters deterred, in this day and age, from participating in the process. That is what is wrong in America today. We ought not to be debating this particular bill. We ought to whip right on through, pass the extension of the Voting Rights Act and get on to other important matters, is my particular position.

I can read more from the judge's decision. I regret that my distinguished colleague cannot see and understand what has occurred in the State he represents long before he ever got there. Welcome. We are delighted to have your leadership.

But I have listened to this, I have seen it. I understand and I hope I have learned a little. I have got a lot more to learn. But there is one thing I learned and that is that we cannot play around on this one with the technicalities and worry about the States and some kind of primer argument and constitutional law course No. 1, because if you study it in depth you will find that it is constitutionally preeminently correct.

Senator DOLE has fashioned that particular compromise that settled the issue that bothered all of us who worked in this particular field. I might continue to say that I have been on the side of the Senator's State of North Carolina when his distinguished colleague Senator Sam Ervin, was here. I worked on that particular case, Swann against Charlotte-Mecklenburg Board of Education, so I have had a limited role, very, very limited—I do not want to try to mislead, but I certainly had a tremendous interest. I have emulated North Carolina, I have revered it. It has led the way in industrial expansion, it has helped me to institute my technical training program, it has brought prosperity to our State. It has been a leader, Senator, of the entire Southeast.

I would counsel, if you please, that you help in that continued leadership and not sit around and hold back on this one here about how are we going to get preclearance and how terrible it is going to be for a county council or the State of South Carolina or an attorney general or the particular delay in the bureaucracy that we will have to go through.

Yes, bureaucracy, we go through a lot more bureaucracy for a lot of lesser reasons. I have talked to the minority leadership many, many times, and they feel with this particular assurance that they can work and they can participate and they can be reflective, and they are coming in at the local level, yes, and being elected to the councils in South Carolina. The chairman of the county council in my particular hometown has been a black; the city judge of my hometown is a black. We have a black police chief. The City Council of Charleston is half black and half white in my own home-

town. In my State we have a black Federal district judge. The first one for the Federal district court in the Southeast. Senator THURMOND joined me and we ought to continue in that direction. We should not be delaying here and talking about the 9-month "mad rush." We should not try to twist the characterization of the individual convictions stated here today. Or, talk about discrediting one's party and discrediting one's State.

On the contrary, I have very much respect for my State for cleaning this up. I am citing the McCain case as an exception, if you please, not the general practice by any manner of means.

As I have indicated in the debate, after this becomes law we will have many of our counties come out because they have complied with the law for the 10-year period, facing up to this because it is important. We think this is not only just equal justice under the law, but economically we are not going to advance except together. That is our feel in the society of South Carolina today, and that is why I do not hesitate coming on the floor and clarifying the Senator's particular misgivings about the so-called technicalities and what would be required, because, Senator, they really, really are not pertinent at all.

The prisoner—I will go back to your description—is not the State of North Carolina, not the county council and not the city council or whatever political entity you have got down there. The prisoner is the individual voter in your State and my State. That is who has been the prisoner, not the State by any manner of means.

Mr. EAST. Mr. President, will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. EAST. Again I admire the great eloquence and conviction with which the distinguished Senator from South Carolina states his position. Obviously, we do have some disagreement over whether the situation he describes is the same today as it was at an earlier period. I would certainly, as the Senator from South Carolina would, maintain that it is not.

Let me ask this question, Senator: Would the Senator be willing to support an amendment to make the 1965 Voting Rights Act nationwide in its application with respect to preclearance because——

Mr. HOLLINGS. Can I answer it right at that particular point?

Mr. EAST. Can I explain——

Mr. HOLLINGS. Because, in my judgment, this particular bill reported from the Judiciary Committee, is uniform as concerns these particular experiences. I think it applies universally now.

Mr. EAST. Here is my point. The section 5 preclearance provisions, of course, are applicable to the affected States, involving your State and mine.

I notice a very fine minority registration rate in the Senator's State, 61.4 percent. But, for example, in Massachusetts the rate is 43 percent; in Mississippi it is 72 percent. Supposedly that is how we are determining—at least it is one way we can quantify—minority participation.

Well now, if we are going to continue the act, so be it, then why can we not identify it nationwide? I am raising the question, whether, if racial discrimination and prejudice against our black citizens is as extensive and as widespread as the Senator has indicated, it is merely a regional phenomenon.

There is no reason to believe that it does not exist in other parts of the country. If it pervades the entire electoral process to the degree the Senator is suggesting it does in the South, a point I am willing to concede to the Senator only for the purposes of debate, why not apply this law nationwide on preclearance?

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. EAST. Mr. President, I ask unanimous consent that the Senator be given an additional half an hour.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I would like to answer the Senator's question. I join in the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Senator from North Carolina for his courtesy in the request.

Section 5 is now nationwide in its application. There is no question about 10 towns in Massachusetts being covered under the law—the Senator gave the statistical finding there. To paraphrase Judge Chapman, no one can be forced to vote, a white for a black or a black for a white, and no one can be forced to register.

You see, in my State, it is a matter of pride. It gives citizens a good feeling. Minorities have been suffering, in a sense, from a feeling of second-class citizenship and they jump on the chance to participate. It may be different in Massachusetts, I do not know. I do know the law now applies to 10 of the towns up there.

But, in any event, it is nationwide. I cannot accept the description of the distinguished Senator that it is not nationwide. I would not vote for the Senator's amendment. I am not going to play games on this one, I can tell you that.

We know that the law is good. It works and it is well applied , and the historical record made by the Judiciary Committee, I think, is very significant. So we have a good extension of the act and I am not going to join in the games of amendments.

Mr. EAST. Mr. President, the difficulty I have, then, is how one justifies treating one area of the country or one State differently than the rest when no justification for doing so exists, from the statistics, and I would argue, either quantitatively or qualitatively. Such a course perpetuates the notion that racial prejudice is exclusively the province of the Southeastern part of the country. I would certainly not be willing to accept that as an accurate description.

So if the statistical registration is lower, which it is, for example, in Massachusetts, than in Mississippi, but if it is only Mississippi that is required to come up to Washington to meet the venue requirements; if the burden of proof is upon Mississippi and not Massachusetts; if only Mississippi is subject to bailout standards that are impossible to meet, I would ask, how can one go back to Mississippi and justify the different treatment when the facts certainly do not warrant it in terms of registration figures, the original focus of the act?

Again, I submit as a matter of conventional wisdom, I do not accept the idea that racial bias is unique to the South. What rationale does one give for a purely regional application of this law, getting back to my point? Why not nationwide application, then? Why not have all jurisdictions come for preclearance if their registration figures fall below those originally prescribed in the act? Again, I sense a double standard here, and that is contrary to one of the great tenets of Anglo-American laws that all individuals, all States, or all entities ought to be treated in the same way unless there is some reasonable basis for distinction. And I submit there is none in this case, at least not a palpable one. I would like to have the basis explained to me. That is my question.

Mr. HOLLINGS. Could we make one point in the original instance clear? I am yielding on the Senator's time. I want to reserve the remaining time I have.

Mr. EAST. It was my understanding that we had extended the Senator's time by 30 minutes; hence, the time is coming out of the Senator's time.

Mr. HOLLINGS. Can I have it under your time?

Mr. EAST. I beg the Senator's pardon?

Mr. HOLLINGS. I would like to preserve that extra time, if I can. I will take it out of my time and answer this one question, then if the Senator wishes, he can take it out of his time. Would that be all right?

Mr. EAST. Parliamentary inquiry, if I might. We had been pursuing this discussion on the time of the Senator from South Carolina. I made a unanimous-consent request that he be given an additional half an hour, which he

was given, and then we went on with the discussion. I would presume, then, that the time to this point has been consumed is his time, as opposed to my time, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. In that case, let me answer the Senator's question, but I say, not to be impolite, the next question, if the Senator has another question, I would be glad to respond to it on his time.

Mr. EAST. If I might make one additional observation, I was responding because the Senator had come up to the floor, which I compliment him for doing, and directed very specific comments to me personally and I felt it appropriate that I respond to them, but on the time of the Senator, because my time is limited; and, hence, my reservation about using it in a lavish way here.

I felt that an unreasonable imposition upon the Senator because, again, he had directed his comments and inquiry directly to me personally; hence, we would use his time as opposed to mine. And I would like to continue on that basis if it is suitable to him.

(Mr. QUAYLE assumed the chair.)

Mr. HOLLINGS. I will answer the Senator's question. I do not believe it is lavish. We are both Senators and I do not believe we have lavish time here. I believe, I say to the Senator, that you are definitely right.

I read what you had to say in the RECORD. Of course, "everyone here is honorable in this debate, pro or con." And I believe the comments you made were presented in a good tone and in a good fashion. But as someone with the experiences that I have had, I just wondered how you spoke that way. I began to look at the RECORD and I began to see, well, this gentleman just has not been through it. He has not been running in races where blacks were not allowed, where Governors were stating their intention to keep the primary elections in South Carolina limited to whites, or where the law was such that they could actually not only not participate but you had to take an oath that you would not even associate and have anything to do with minority citizens. So I thought my experiences would contribute something to the discussion here on the floor.

Now, specifically in answer to your question, and then yielding further, if you wish, on your time—but this is all on my time. No, you do not treat one State differently. The law does not treat them differently. The States treated the people differently. That is where you cannot understand and see what I see.

Perhaps we are looking at the glass and one is saying it is half filled and the other one saying it is half empty. I hope that is not so.

I think, on the contrary, the Judiciary Committee has reported out a responsible extension of the Voting Rights Act. I think it is needed. I think the particular amendment worked out by Senator DOLE is most pertinent. I hope we can carry through with it.

Yes, if you go back home and say we are being treated differently and somebody believes you, then I would be the first, if I had not heard and did not know what we are talking about, I would say, "Well, the dirty bums. I do not want to be treated differently." And I am not pleading here on the floor for different treatment.

On the contrary, I am pleading on the floor to recognize the history and the background where the States themselves treated black voters differently. Did the Governor of Massachusetts come and say, "No way. They just can't even participate in this electoral process"? Does the record I read to you indicate that? Is there anything like that on the statute books in the State of Massachusetts? Is there anything in the historical record, as I have read from the McCain case, that is similar in Massachusetts? There are those 10 towns in Massachusetts that are covered. But, in a general sense, they did not have those kinds of practices. They did not approach it in that particular fashion. And I think we have had to suffer—there is no better word—we have had to suffer as a particular result.

Why did they look upon us, from your section and my section, as different? They do not do it to anybody from the West, the Midwest, the North, or the East. On the contrary, they look at us because we have been—over the past years, not today—discriminatory. I will fight side by side with you that we are doing way better, but there is still discrimination. And, I do not know whether we will be dead and gone when all discrimination is removed. Hopefuly, this particular act will help remove any that persists still today.

But we are a very enlightened people, our black leadership, our white leadership, our Republican and Democratic Parties both. I am only saying that we should not hesitate and get into what is happening in Massachusetts when we know that that is not even applicable except in 10 towns that came under the particular act, or what is happening in Hawaii. The majority of the black minority voters live with you and me.

Here is a finding I have just found, after a deliberative hearing, not political witnesses coming up and attesting before the National Congress, but properly presented witnesses with cross-examination in a court of law. Here is a factual finding that, yes, here is a county with a majority of blacks and they just cannot get in. Their vote is of no value; their vote is diluted; their vote is not counted. It is the most discriminatory, said Judge Chapman, that he has seen in the history of that particular court, referring to himself, and he has lived there—we are about the same age—for all of his life, for the past 60 years.

So that is the answer to your case. I do not yield or agree with your particular descriptions. If you believe those are accurate descriptions, Senator, vote as you will. I can understand it. I have only come to the floor to try to correct those particular descriptions.

Mr. President, I submit for the RECORD the following two letters. One is from the attorney general of South Carolina in which he states that the "extension of the Voting Rights Act uniformly throughout the entire United States would be a mistake." The other is from the governor of South Carolina in which he urges strong support for the passage of the Voting Rights Act.

ATTORNEY GENERAL,
Columbia, S.C., December 15, 1981.

Hon. STROM THURMOND,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I have received your letter of October 21, 1981, and considered it at length. I am impressed by the thought and effort you have put into achieving the proper conclusions with respect to the Voting Rights Act.

In view of the fact that your letter noted that Congress would be considering this piece of legislation in 1982, I have delayed answering your letter, and I hope that the present response is timely.

The extension of the Voting Rights Act uniformly throughout the entire United States would be a mistake. At first impression, it has an appeal, but I think that its effect would be meaningless when fully considered. As noted in your letter, many states would be brought within the scope of the Act if it were extended nationwide, and the effect of extending the Voting Rights Act to their jurisdictions would really amount to a nullity. In all except the states having bilingual problems, I presume that automatic exemption would be granted, and the natural effect is to place the law back in identically the same position in which it now rests. It seems to me to be unfair to place within the Act those states which have heretofore not been brought within its ambit and to cast on them the burden of removing themselves from it. It would be of slight consolation to this State to see a majority of those states immediately achieve bailout.

Additionally, the extension nationwide would involve an enormous amount of administrative detail on the Department of Justice. We know that better than any other state in the union for the reason that we have complied faithfully with the submission requirements since the enactment of the statute in 1965. No other state has done this and a number of them have regretted it because the statutes which they failed to submit were then precluded from implementation by action of the Department of Justice. Since 1965, we have handled a total of approximately 1382 submis-

sions in this Office, and we, therefore, speak from some familiarity with the problem.

Nor do I believe that the Department of Justice could have this function as they are, from my observation with the local District Attorney's office, rather heavily involved themselves and facing, as all of us, the imminence of economic cutback.

With respect to the bailout procedure, it is my view that the logical way to handle that is by vesting in the federal district courts the authority to hear petitions for relief from the application of the Voting Rights law. Any decisions by the local courts would, of course, be subject to appellate procedure. This can have a detrimental effect in at least one respect by making easier the availability of local witnesses not only to the petitioner but also to the respondent. We discovered this in this Office under former HEW statutory procedures. The Commissioner of Education at that time was vested with authority to have matters arising under the law determined in the District of Columbia or in the local state. We prevailed upon the Commissioner to have a case then pending disposed of in South Carolina, with the result that the hearing officer was inundated with witnesses, contrary to the position the State was taking, and this had a controlling effect upon the judgment which was rendered by the trial officer in that case.

On balance, however, I believe that vesting jurisdiction to hear bailout petitions in the local federal district courts is a fair and appropriate procedure.

Some modifications in the criteria governing the present bailout procedures could be made but I have not fully resolved these in my own mind.

I should like to point out that soon after the enactment of the Voting Rights Act, we instituted an action in the Original Jurisdiction of the United States Supreme Court questioning the validity of the Voting Rights Act. See, *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966). The Supreme Court resolved the matter adversely to our contention, and since then, we have faithfully abided by the law upheld by the highest court in our land.

I appreciate your letter and an opportunity to express my views to you.

With best wishes,

Very truly yours,

DANIEL R. MCLEOD,
Attorney General.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
January 27, 1982.

Hon. ORRIN G. HATCH,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HATCH: In 1940, three thousand black citizens in South Carolina were registered to vote; today that figures stands at over 323,000.

Between the days following Reconstruction and the advent of the 1965 Voting Rights Act, one black citizen held elective office in our state; today blacks hold 15 seats in our House of Representatives and 58 significant county offices.

Should we now abandon this landmark of liberty? Should we pat ourselves on the back for a job well done?

I think not.

That we have achieved great strides is without question; that we have met the task of eradicating the blight of discrimination from our election process is just not true.

I, therefore, wish to add my voice to the chorus of citizens, public and private, who believe that the United States Senate should immediately adopt the Voting Rights Bill as passed by the U.S. House of Representatives.

Like many others, last year, I felt that the nationwide extension of this Act should be explored. I did so based upon the belief that the right to vote is the most basic and cherished right that an American possesses and, therefore, every effort should be made to safeguard that right no matter where an individual happens to reside. I continue to believe this. But, I am also convinced that nationwide application of this law at this time would seriously weaken rather than strengthen this law.

Currently, at the Justice Department's Civil Rights Division, a staff of 16 reviews changes in the laws of the 7,296 cities, towns, counties and states covered by the Act. They work with the 19 division attorneys who have responsibility for all voting rights violations.

With the economic uncertainty and the federal deficit already out of control, it would be unrealistic to believe that adequate and effective review of nationwide preclearance could be achieved.

In addition, I am satisfied that the so called "bail out" provision in the House bill is fair and will permit law abiding states, counties and cities to escape permanent coverage under the law.

Chapter and verse of positive statistics and cultural, political and social benefits can be cited as a result of the Voting Rights Act. I will not recite them to you as most of you are aware of those benefits.

However, there remains an important argument for passage of this Bill that I believe should be aired. It has to do with symbolism.

In a time of record unemployment in our country, the unemployment figure among minorities is two and a half times that of the nation. In a time when our government is cutting back on and into the social safety net of our nation's poor, a very large portion of those poor people are black or hispanic or native Americans. Failure to pass this Voting Rights Bill will send the wrong signal at the wrong time to too many Americans.

In the end, there is only one criterion by which this Bill should be judged and that is whether or not it effectively guards the right of but one citizen's vote. If it does that then it guards the life of this nation.

I am taking the liberty of forwarding this letter to each member of the Judiciary Committee and respectfully ask that you take whatever actions are necessary and appropriate to make these recommendations known to the members of your subcommittee.

Thank you in advance for your consideration.

Yours sincerely,

RICHARD W. RILEY.

Mr. STEVENS. Mr. President, is there anyone seeking recognition now? Is there any Senator who wishes to use his time?

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess, under the previous order, until the hour of 9:15 tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object.

Mr. RIEGLE. The Senator from Michigan objects.

The PRESIDING OFFICER. The Senator from Michigan objects.

Mr. STEVENS. Mr. President, does anyone seek time under the cloture motion?

The PRESIDING OFFICER. Does any Senator seek time under the cloture motion?

Mr. EAST. Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll.

Mr. EAST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. A parliamentary inquiry, Mr. President. I did not hear the request of the Senator from North Carolina. Will the Senator use his microphone when he makes his request?

Mr. EAST. I was simply asking unanimous consent that the order for the quorum call be rescinded. I was going to seek to discuss the bill.

Mr. RIEGLE. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. I thank the Chair.

Mr. President, I think the exchange I have had with the Senator from South Carolina, for whom I have the greatest admiration, has been very beneficial, and I wish to thank him for coming over and responding to my earlier concern expressed today that we had not heard from the proponents of this measure as to why one section of the country should be treated differently than another.

He has come over and attempted to make the case as he understands it and sees it. I deeply respect his judgment and conviction.

I must, Mr. President, ask the indulgence of my colleagues as I respond to his analysis, and I will do so now only in the context of simple question and answer.

I do not think what the Senator said accurately describes the situation in the southern part of this country today. Statistics show that minority

registration is high, exceedingly high. It is higher than in the rest of the country in many areas. I know, for example, Massachusetts had a minority registration of 43 percent; Mississippi, 72 percent; 61.4 percent in South Carolina, with lower figures outside the affected regions.

Indeed, as I had noted earlier, Mr. President, according to the Congressional Quarterly, a very well respected journal, very objective and nonpartisan, it says in the January 9, 1982, issue, at page 42, that by August 6, 1982, all of the affected areas would be out from underneath the law because, Mr. President, all of them have eliminated the literacy test and have had minority registration rates decidedly higher than 50 percent. Mr. President, those are the original purposes for having the law—the literacy test and low minority registration.

The situation has now been corrected. It has been corrected over the past 17 years.

I was simply inquiring, in view of those very compelling and impressive changes, why would you desire to place the southeastern part of the country, and the South generally, for an additional one-quarter century under this law and under more stringent standards than before?

So I am back to my original question: How does one justify that kind of double standard?

I have said on other occasions, and I said it to the Senator, it is one of the basic tenets, of course, of Anglo-American law. And it is not just a purely abstract constitutional point; indeed, it has been one of the fundamental tenets of the civil rights movement—that if there is no reasonable basis for treating individuals or persons or area differently than the rest, the law may not do so, because that would make law arbitrary and capricious. We get back to the concept of the autocratic king, the autocratic ruler, who does things simply on whim and caprice, with no justification and no reason.

What has troubled me is that those people who would like to extend this law for another 25 years—25 years, a quarter of a century—in the Southeast under more stringent standards, really do not offer any rationale for this action, except to say the earlier history was not good. I understand that, but let us not live in the past; let us live in the present.

What the distinguished Senator from South Carolina described I do not think describes his State today. But I shall allow him to describe his own State. It certainly does not describe the State of North Carolina. I doubt if it is an accurate characterization of the South generally today. So I am still at a loss to know how one explains this differentiation between the South and the rest of the country. What facts, what figures, what compelling evidence have we heard? We need such evidence. We are reasonable in asking for it.

All we have heard so far is emoting about past history that was not good, was sordid. And perhaps this was the period to which the distinguished Senator refers. I am not arguing that. But we live in the present now. We are looking forward, trying to develop a law that will be prospective, effective for another 25 years.

I say this not just representing the Senate of North Carolina, which is a Southern State. I would really not know quite how I would explain to the country generally why my area of the country ought to be treated differently from theirs. It is treated very, very differently under this section 5.

We have to preclear every change in the election process. We have to come here to Washington. Any litigation involved has to be tried here, in Washington. The burden of proof is upon us, not the Government, here, in Washington.

We are treated differently from the rest of the country. I think a fair and responsible inquiry to ask, why the distinction?

The Senator from South Carolina suggests that past history was not good. I understand that. But I am looking at the present. Does what he described accurately represent the conduct of his party in South Carolina today? I doubt it. Does it accurately describe the quality of Federal district judges in his State today? I doubt it. Yet under this current legislation local Federal judges cannot try cases. They have been stripped of jurisdiction. Litigants must come here to try them. Why the differentiation?

The implication in the law is that southern Federal district judges are biased and prejudiced and could not be trusted to hear these cases. So litigants must come here.

That is quite a slur, now, on southern Federal judges. I submit it would not accurately describe the southern district judges I know in North Carolina, and some are Democrats and some are Republicans. That simply is not an accurate, fair, reasonable description of these men and women.

Instead of looking to the past and living in the past and being reactionary about that, let us understand the present. Let us be progressive about this thing. Let us give some incentive to heal, to bring together, to move ahead. But with the unreasonable bailout in this law, it is impossible to get out from under pre-clearance. The law has punitive venue and burden-of-proof requirements. I do not think it is justified, and I respectfully dissent from the position taken by the distinguished Senator from South Carolina.

Mr. President, I do wish to thank him and commend him for rising to the occasion and coming before this body and attempting to defend his perspective. It is the thing I have been looking for; namely, a willingness on the part of the opposition to enter into some sort of substantive discussion. There seems to be a reluctance to do that, generally. It may come from the suspicion that if we examine this thing in depth, in substance, it does not hold up well, is hard to explain, hard to justify.

We are criticized for wanting to present some facts and figures, some substance and analysis. Better just to emote, to say that past history was bad and that we believe in justice, and so forth. But we all believe in justice. No one on either side of this debate is suggesting we ought to have an unjust, discriminatory election system. We are questioning how we can, in view of the nature of our Constitution and the circumstances today in the country, protect the right of each and every American, regardless of race or color—protect them in their fundamental individual right to register to vote and have it counted.

I am not quarreling with that. That is a fundamental constitutional right. I am not quarreling with any reasonable legislation directed to that end. But generally, on this point of section 5 that we have been discussing—the Senator from South Carolina and myself—it is the double standard, unwarranted, unjustified, unexplained, that deeply troubles me.

I really do not feel that it is inappropriate that we ask that the double standard be explained. I think it is appropriate that we ask that it be explained on a motion to proceed. After all, given a piece of legislation so ill considered and ill thought out, maybe we ought not to proceed to the substance of it, we ought to send it back to committee. Then we can come back out here and hear some real elaboration and debate in the so-called greatest deliberative body. I have found it a bit disappointing so far that those supporting the measure are uneasy about debating it, exploring it, analyzing it, answering questions about it.

Frankly, if I were in their awkward position, I would feel uneasy, too, because the bill is hard to defend. The evidence simply is not there to justify it. Factually, it simply evaporates into the air. One must fall back on the oldest game in the political arena of appealing to emotion and crying for justice and asking whether you do not believe that people ought to be able to participate in American society and voting and this, that, and the other thing, irrespective of race?

I certainly do believe people should be able to participate in American society and vote. I certainly do and I do not know 1 Member of this Chamber who does not feel that way, all 100 Members of it. We are not quarreling

over that. We are quarreling over whether a specific piece of legislation is reasonably directed to those ends. We are asking what I think are very fair and legitimate questions about it, whether enough thought has been put into it at this point even to proceed with it.

So, Mr. President, it is in this spirit that, again, I do compliment the Senator from South Carolina for his willingness to come forward and engage in some discussion and dialog. I like to feel that together in our colloquy we have given a little luster or at least interest to this debate on what has been described by Senators on both sides of the aisle as possibly the single most important piece of legislation we shall deal with this year in view of the long-term impact it will have on the election process in the American federal system.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I have conferred indirectly with the minority leader and we will in a brief period have some routine unanimous consent items that deal with questions of management of the Senate.

I ask unanimous consent that the time against the cloture motion run to 6 p.m. today without regard to when the Senate recesses.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, having done that, I should state that there will be no more votes tonight. As soon as the minority leader arrives, we will handle these routine procedures. I state to the Senate that we did not receive the urgent supplemental conference report. When that conference report comes tomorrow, we are still trying to work out an agreement as to how to handle that conference report and the vote on the pending motion and the time that would intervene on another pending cloture, if that is necessary. We are not confident that such a cloture motion will be necessary.

I will say that throughout the time we have been working on this bill, my good friend from North Carolina has been one of those who has been willing to enter into agreements to move all of the legislation we have forward, and I am hopeful that a similar sense of cooperation will prevail among the whole Senate.

Mr. HATCH. Will the Senator yield?

Mr. STEVENS. We have a serious number of items to get done. If we were going to go through cloture, there are timeframes in between such motions, because of the 2-day rule, that can be occupied by other matters. We were trying to work that situation out. I am sorry to announce to the Senate we have not been able to do that today. We will pursue it again tomorrow, and hopefully we will reach some accord in order to not only vote on the pending motion to proceed, but be able to get to the bill and amendments to the bill. I remain optimistic that the Senate will be in a position to pass pending the matter we are trying to bring up, as soon as possible. That is the goal of the leadership. I have talked again to Senator Baker, and the majority leader does want to proceed on this bill.

Mr. HATCH. Will the acting leader yield at that point?

Mr. STEVENS. I would be happy to do so.

Mr. HATCH. I should also like to confirm for the record that I have been trying to work with both sides to see if we can resolve the dilemma. I think both sides are trying to be reasonable on this matter, and certainly the Senator from North Carolina has made a number of suggestions as to how we might resolve this difficulty. I think they have been good faith suggestions, and I am going to do everything I possibly can to try to get this resolved so that we can go ahead and finally resolve this bill one way or the other, up or down.

I hope that both sides will keep an open mind on this so that we can find some way of bringing the parties together and resolving it and allowing the Senate to do its work, to proceed in an official fashion and get this matter resolved to the satisfaction of at least the vast majority of the people on the floor. I personally want to compliment the distinguished Senator from North Carolina for being willing to discuss these matters with us to try to find some middle ground where we might be able to resolve this in a manner that at least will be satisfactory to all concerned. I would feel badly if I did not make that record at this particular time.

I should also like to praise those on the other side of this issue, including myself, who literally want this bill to go through to conclusion at the earliest possible convenience, who literally have been trying to work out some sort of a resolution to what really is an apparent logjam on the floor.

I thank the acting majority leader.

Mr. RIEGLE. Will the acting majority leader yield?

Mr. STEVENS. I am happy to yield to my good friend from Michigan.

Mr. RIEGLE. I thank the Senator from Alaska for yielding. I want to say, as I said the other day, that I would find it necessary to object to taking up other business if we are doing it in the context of undue delay on the Voting Rights Act. Assuming that we have taken all the steps that can be taken to move the Voting Rights Act forward to a conclusion, I would then be inclined to not lodge an objection against taking up the urgent supplemental or other items. I want to say, however, that I am prepared to exercise that option to keep other business off the floor until we have this thing on voting rights nailed down. I am dead serious about it. It is a key item. I think the overwhelming majority of the Senate feels that way and has so expressed itself that way. I want to be reasonable in moving it along, but I will not as one Senator see this issue put aside when that has the effect of delay so that other items are taken up. I just want to make sure that is clearly understood.

I thank the Senator for yielding.

Mr. STEVENS. I do understand that. In the conversation I had with the majority leader, he reaffirmed his position, which is precisely as he stated before, that it is not his intention to proceed with any other matters unless there is an overwhelming consensus that it would be in furtherance of using the time of the Senate wisely, pending any delay in either working out an agreement or waiting for cloture.

Again I say to my good friend from North Carolina—who has tried to help me do that, and I am indebted to him for trying—that we almost had an agreement. We do not have one now. I hope we will work on that overnight and can report to the Senate tomorrow that we have one. I think the receipt of the conference report on the urgent supplemental will assist in that.

● Mr. GLENN. Mr. President, I commend the supporters of S. 1992—the Voting Rights Act Amendments of 1982—for their tireless efforts to bring the bill to the Senate floor, the House of Representatives having already passed a virtually identical bill by an overwhelming majority. I am proud to be a cosponsor of this legislation as well as its predecessor in this Congress—S. 895. I have supported and will continue my strong support for this legislation which is so important to voting rights in this country.

Despite the overwhelming support for S. 1992, the foes of the measure have committed themselves to an all-out effort to emasculate it. In order to obtain concessions, opponents have undertaken to delay consideration of S. 1992 in such a way as to threaten to obstruct legislative action on crucial economic matters facing the Senate.

Mr. President, I hope that yesterday's decisive vote to invoke cloture will send a strong signal to the oppo-

nents of S. 1992 that its supporters will stand firm in their support for the bill and will resist weakening amendments.

I ask that an article entitled "Voting Rights Bill Passes A Key Test" which appeared in today's New York Times be printed in the RECORD.

The article referred to is as follows:

[From the New York Times, June 16, 1982]

VOTING RIGHTS BILL PASSES A KEY TEST

(By Steven V. Roberts)

WASHINGTON, June 15.—Supporters of a bill to extend enforcement sections of the Voting Rights Act of 1965 decisively won a test vote in the Senate today, but opponents of the measure continued stalling tactics that threatened to block legislative action on urgent economic matters in the weeks ahead.

For the past week Senator Jessie Helms, Republican of North Carolina, has been leading a filibuster against a motion to start debate on the law. Today the Senate voted, 86 to 8, to invoke cloture, a motion that effectively cuts off a filibuster but does not prevent long hours of debate.

Under Senate rules, debate can continue for as long as 100 hours even after cloture is voted, and Senator Helms rejected suggestions by Howard H. Baker Jr. of Tennessee, the Senate majority leader, that he concede defeat, at least temporarily, and stop talking. Moreover, after the Senate votes on taking up the bill, Senator Helms can begin a new filibuster on the measure itself.

In arguing for the cloture motion, Senator Edward M. Kennedy, Democrat of Massachusetts, said that the law, which bars discrimination in local and state election laws, embodied "the fundamental values of this nation." He accused opponents of wanting to "destroy" the law and added, "I thought this issue was resolved in our country in the 1960's."

MEASURE TO EXTEND KEY PARTS

The law has been amended twice since its enactment and the Senate bill would extend for another 25 years an enforcement provision that mandates Federal supervision of voting procedures in all or part of 22 states, including three counties in New York City. The measure would also reverse recent court decisions that have held that plaintiffs in voting rights cases must prove that discrimination was intentional before it can be ruled illegal.

Senator Helms is attempting to use the threat of continued delay to pressure the sponsors of the bill to accept amendments that would weaken the law's enforcement powers.

"We'll either get some concessions," asserted a Senate staff aide who is coordinating the filibuster, "or be on the bill for about a month, possibly longer."

The aide noted that in the coming weeks, the Senate would have to deal with legislation raising the Federal debt limit, enacting a supplemental spending bill for the current fiscal year and setting a budget for the 1983 fiscal year, which begins Oct. 1. All those bills could be postponed by a prolonged filibuster on the voting rights measure.

SUPPORTERS STANDING FIRM

Supporters of the Voting Rights Act, however, refuse to accept any more amendments to the bill, which has already gone through several rounds of compromise in the House and in the Senate Judiciary Committee.

"There's an unbridgeable gap between supporters of the bill and Senator Helms," said Ralph G. Neas, executive director of the Leadership Conference on Civil Rights.

Mr. Neas said that the threat to tie up the Senate for a month over the voting rights bill was an empty one. He noted that the measure has about 80 senators as co-sponsors, and predicted it would pass in its present form by the end of next week. An aide to the Senate leadership agreed that a filibuster could not succeed beyond that point.

Some Republicans are also concerned that Senator Helms' stalling tactics are hurting their party's efforts to appeal to minority and liberal voters.

"He's letting Kennedy run away with this bill," complained one Republican Senator. "Helms is making sure Republicans don't get a share of the credit."

WIDESPREAD BACKING INDICATED

The overwhelming vote on the cloture motion today indicated the widespread support for the Voting Rights Act on Capitol Hill.

However, opponents are still seeking changes in two key provisions of the bill. One mandates that the jurisdictions covered by the law submit proposed changes in voting procedures for Federal approval.

Senator Harry F. Byrd Jr., Independent of Virginia, called this provision an "unwarranted and unreasonable Federal intervention" into local affairs.

He and other supporters of Mr. Helms would like to make it easier for the states covered by the law, which all have a history of discrimination, to prove they have reformed and to be able to get out of that requirement.

"BAIL OUT" PROVISION DEBATED

The bill as it now reads would require these jurisdictions to prove 10 years of nondiscriminatory practices, and supporters say that a weaker "bail out" provision would cripple the effectiveness of the act.

The second controversy concerns the permanent portion of the act, which covers the entire nation. In recent court cases, minority voters who have complained about discrimination have been told they must prove that bias was intentional. The Senate bill would alter that standard and allow a court to look at a "totality of circumstances," including election results, to judge whether there was discrimination.

Senator John P. East, Republican of North Carolina, argued today that this language would "introduce a quota concept" into elections. "The bone of contention is, should we guarantee election results?" Mr. East said.

Supporters of the bill note that it contains an explicit statement that no minority group is entitled to a certain percentage of representation. "We did shoot down that myth of proportional representation," responded Senator Bob Dole, Republican of Kansas.●

THE 200TH ANNIVERSARY OF THE OFFICIAL RELATIONSHIP BETWEEN THE NETHERLANDS AND THE UNITED STATES

Mr. MATHIAS. Mr. President, as a part of the commemoration of the 200th anniversary of the official relationship between the Netherlands and the United States, a delegation from the Congress visited The Hague on the 1st of June at the invitation of the States-General. The delegation included: Senator JOSEPH BIDEN, Senator THOMAS EAGLETON, Senator JAMES MCCLURE, and Senator ARLEN SPECTER, Representative ROBERT BADHAM, and myself. We were received in the Binnenhof by Dr. Dirk Dolman, President of the Second Chamber of Parliament (States-General), and Dr. Th. L. M. Thurlings, President of the First Chamber.

I am happy to report that the visit was a great success from the American point of view. The States-General and the Government of the Netherlands in general extended a warm welcome and arranged a program that combined both symbolism and substance.

The congressional delegation was received by Queen Beatrix and Prince Claus at the Huis Ten Bosch, their official residence near The Hague. This gave us the opportunity to thank the Queen for her thoughtful and eloquent Bicentennial address to the joint session of the Congress which was delivered on Wednesday, April 21, 1982, during her state visit to the Congress and which is reported in full in the RECORD.

The Queen personally led the congressional delegation to that room in her palace where, in April 1782, John Adams presented his credentials to her ancestor, the Prince of Orange, Stadtholder of the Netherlands, and thereby began the longest continuing diplomatic relationship in American history. As we stood on that historic spot where John Adams had begun such a positive and successful chapter in our national history, every member of the congressional delegation felt a special sense of privilege at being a witness to a significant moment in the long span of Dutch and American friendship.

A vigorous and animated discussion of current problems and issues took place during a joint meeting between the congressional delegation and Members of both Chambers of the States-General. A candid exchange of views, with particular emphasis on foreign policy, economic policy, and arms control was valuable for the American delegation and we believe was useful to our Dutch hosts. During this exchange, an event occurred which was reported to be unique in the long history of the Netherlands. At the suggestion of the Chairman, Mr. Steenkamp, the American side was asked to supply the Chair for half of the joint meeting, and therefore, I was invited to preside. This was reported to be the first time in its 500-year history that a foreigner had presided over any meeting within the States-General—a unique honor for the people of the United States and symbolic of the special ties that bind our two countries together.

The joint meeting was followed by a working lunch at which the range of

views and difference of opinion on both sides was noted, helping to put each nation's policies into better perspective.

The Prime Minister of the Netherlands, Dr. Andreas Van Agt, invited the congressional delegation to his official residence for informal talks. The Prime Minister's well-recorded personal friendship for the United States made this a pleasant and fruitful conversation.

The Bicentennial visit culminated with a dinner in the Binnenhof, presided over by Dr. Thurlings and by Dr. Th. H. Joekes, Vice President of the Second Chamber. In an eloquent and moving toast, Dr. Thurlings expressed the sentiments that had inspired the Dutch people to propose this visit.

The congressional delegation was supported during the visit by the following staff members: Terrence Sauvain, secretary for the minority; Casimir Yost, assistant to the chairman; Ted Kaufman, administrative assistant to the vice chairman; Robert Russell, professional staff member, Committee on Foreign Relations; Patrick Balestrieri, professional staff member, Committee on Foreign Relations; John B. Ritch, professional staff member (minority), Committee on Foreign Relations; Vivian Dubreuil, administrative assistant to the Secretary of the Senate; and Amelia Graves, secretary to the delegation. Col. Willie Studer, U.S. Senate Air Force liaison, and Maj. Wade Roberts, U.S. Air Force, served as Department of Defense escorts to the delegation. The assistance of each of them contributed to the success of the mission.

I ask unanimous consent that a copy of the invitation from the States-General and a copy of the letter of June 9, 1982, to the States-General from the President of the Senate and Speaker of the House be printed in the RECORD. In addition, I ask unanimous consent that a description of the Dutch Government during the revolutionary period, taken from the Dutch Republic and the American Revolution, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HAGUE,
December 15, 1981.

THE PRESIDENT OF THE U.S. SENATE,
AND THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES

DEAR COLLEAGUES: 1982 will mark the 200th Anniversary of Diplomatic relations between the United States and the Netherlands. On the 4th of May 1781, John Adams asked the States-General to accept him as the Envoy of the United States. The States-General responded positively on April 19, 1782, upon which Adams presented his letters of accreditation. In our present body politic the States-General occupy a less sovereign position than in those days, but nevertheless, we believe this event deserves a fitting celebration by our respective legislatures.

The Foreign Affairs Committees of the two Chambers forming the States-General (Parliament) suggest that this Bicentennial serve as an opportunity for an exchange of views on the issues of the day between members of Parliament of our two countries. An in-depth discussion of foreign policy issues would be particularly desirable. The Committees hope to discuss the state of the Alliance today, but also the situation in the Middle East and Central America.

We are pleased to embrace these proposals with enthusiasm and take pleasure in inviting a delegation of the Congress to visit the Netherlands in April or May 1982. A U.S. delegation totalling eight members from both Houses would be the most suitable size. The exact timing of the visit would be at your convenience, depending upon the Congressional calendar. We suggest that the delegation spend at least two days in The Hague, for the above-mentioned exchange on foreign policy. In addition, we would be honoured to prepare a lengthier introduction to the Netherlands for our American colleagues.

Looking forward to your reply,

Yours sincerely,

DR. TH. L. M. THURLINGS,
The President of the First Chamber of the States-General.
DR. D. DOLMAN,
The President of the Second Chamber of the States-General

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 9, 1982.

DR. TH. L. M. THURLINGS,
President of the First Chamber of the States-General,
DR. DIRK DOLMAN,
President of the Second Chamber of the States-General,
Binnenhof 1A, 2513 AA's-Gravenhage, The Hague, The Netherlands.

DEAR PRESIDENT THURLINGS AND PRESIDENT DOLMAN: Your invitation for delegation from the United States Congress to visit the States-General during the year that marks two centuries of friendship and commerce was both generous and hospitable. Now that the visit has been completed we wish to express our appreciation and to tell you how important we think the maintenance of close links of communication between our two legislatures is to both our nations.

Senator Mathias and Senator Biden, the Chairman and Vice Chairman of the American Delegation, have reported to us the warmth of your welcome and the value they place upon the meeting. The reception of the Delegation by Her Majesty the Queen gave us the opportunity to respond to her thoughtful and eloquent speech to the Joint Session of the United States Congress during her Bicentennial State Visit.

Senator Mathias and Senator Biden have particularly described the candid, informative and lively discussion of views that took place between Dutch and American legislators during their joint meeting and working lunch. Their discussion with the Prime Minister was important and useful in completing the exchange of opinion.

The Bicentennial Visit of a Delegation from the Congress of the United States to the Hague to meet with members of the States-General will be recorded as an important event in our annals and will be remembered by those who participated as a special honor and privilege.

With respect and best wishes,

Sincerely yours,

GEORGE BUSH,
Vice President of the United States.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

EXCERPT FROM THE DUTCH REPUBLIC AND THE AMERICAN REVOLUTION

The form of government in the United Provinces was very complicated, and in order to make the proceedings there during the revolutionary period comprehensible, a short outline of their constitution is desirable.[1]

The United Provinces consisted of the following seven provinces: Holland, Zealand, Utrecht, Guelderland, Overyssel, Groningen, and Friesland. These states differed greatly in size, situation, and general tendencies, some being maritime, others inland provinces; some Protestant, others Catholic; some democratic like Friesland, others aristocratic like Holland (Griffis, Brave Little Holland, 3). Having formed their confederation at Utrecht in 1579, they had been united for almost two hundred years.

The president or stadtholder (since 1751 William V of Orange) stood nominally at the head of the government and held the offices of captain-general and admiral-general, in which capacity he had the supreme command over all the military and naval forces of the Republic, but he could not declare war or conclude peace. As grand-admiral he presided over the admiralties—councils which not only had charge of the administration of the navy but also had the direction of the custom-house. Only a few offices could be filled by the states, the disposal of the rest belonging to the stadtholder. This was a powerful means for putting the magistrates, especially those of the cities, under obligations to him and for attaching to his person such men as were looking for positions. The stadtholder was the first member of the Council of State and was privileged to be present at the sessions and take part in the deliberations of the States General at his discretion, and also to make propositions to them. In several provinces, as Holland, Guelderland, Utrecht, and Zealand, he was president of the body of nobles. William V was, by a resolution of the States General in 1749, made also governor-general and supreme director of the companies of the East and West Indies, and possessed as such considerable power, being represented in their chambers and appointing their directors.

The main part of the sovereignty of the Dutch Republic was, however, vested in a senate of sovereign states or States General, in which each state or province, large or small, carried one vote (Griffis, Brave Little Holland, 2). The States General declared war and made peace, and their resolutions were decisive for the Republic. They appointed ambassadors and ministers to foreign courts, also instructing them and receiving their reports, which as a rule were directed to the griffier, that is to say, secretary of the States General. Diplomatic officials reported also to the stadtholder. All treaties, alliances, and conventions were negotiated and ratified in the name of the States General, after having been communicated to and ratified by the assemblies of the several provinces, since the deputies had to submit the subjects under consideration to their provinces before voting on them in the States General. It was, however, often not clear in what cases either a majority or absolute unanimity was necessary. The for-

[1] Schlözer, Ludwig Ernst, Herzog zu Braunschweig und Lüneburg, 76–82.

eign ambassadors and ministers at the Hague were accredited to the States General. A few were accredited to the stadtholder. The presidency of the States General changed weekly, the deputies of the provinces occupying this office in rotation (Wharton. IV, 88 ff.; Fitzmaurice, Life of William Earl of Shelburne 113). The assemblies of the separate states or provinces were composed of the nobles and of the deputies of the cities within the provincial boundaries.

The cities formed almost independent republics within the state. At the head of each were placed as chief exceutives the burgomasters, who belonged also to the great council consisting of the burgomasters and the councilors. The regencies, composed of the burgomasters, councilors and schepens (judges), appointed the deputies to the provincial assemblies, the large cities sending as such two burgomasters, two schepens or two councilors, and one pensionary. The minister, or secretary, of a city was called pensionary; he stood under the authority of the burgomasters (Wharton, V, 99).

The prime minister or secretary of the States of Holland, who was practically also the foreign minister of the Republic, had the official title of Grand Pensionary and was a very influential man, as the province of Holland could be considered half the nation. In fact, his power was greater than that of the stadtholder. The resolutions of the assembly of Holland were more or less decisive for the other provinces (Wharton V, 686, 687; Fitzmaurice, Shelburne, 113).

FIREARMS CONTROLS

Mr. MITCHELL. Mr. President, I am opposed to registration or licensing of firearms.

Public concern about violent crime in our Nation is not new. Crime statistics are discouraging; our overworked, hardworking police and prosecutors fight rising crime rates with their best efforts. Yet violence, by individuals against other individuals and against our society, remains a very real fact of our national life.

Maine is not immune from criminal violence. Last year the State experienced crime at the rate of one robbery per day, one burglary every 37 minutes, an auto theft every 4 hours, an arson offense every 12 hours. Those crime statistics are sobering reflections of the demands made on our law enforcement officials.

As a former State and Federal prosecutor and Federal judge, I have long been concerned about the violence afflicting our society. I have studied and considered proposed remedies and solutions over a period of years; there is no simple, easy answer.

One answer which is often presented as a simple, appealing solution is the national registration and licensing of firearms. The reasoning is that this would curb the actual number of weapons in socjety and hamper their acquisition by potential criminals.

It has rightly been observed that for every difficult, complex problem, there is a solution which is simple, easy, and wrong. In my considered judgment, national firearms registration and licensing is such an answer. It is inappropriate and misdirected. It would create more problems than it could solve.

Those who support this solution are making a fundamental confusion between goals and means. Put simply, Does the absence of a firearm eliminate the desire to kill? There is no evidence whatever to support such a contention. Conversely, the huge numbers of law-abiding gun owners in our Nation are clear evidence that the possession of a firearm does not create a desire to commit crimes.

The goal of reducing violent crime is broadly shared. To achieve it, we would do better to focus directly on it than on tangential issues having to do with the availability of potential weapons.

There is no consensus as to the best way to reduce violent crime. There is a national consensus, I believe, in favor of swifter prosecution and more predictable sentencing. I believe there is a growing consensus for modifications of parole and bail provisions which now arbitrarily allow dangerous criminals premature release. I believe there is a growing consensus for a more rational approach to the insanity defense. Action can and should be taken in all these areas. I have sponsored a number of bills to modify Federal criminal statutes along these lines.

The question is not whether we are agreed upon the desirability of reducing violent crime. The question is what approach can best lead to that goal?

There is no evidence to demonstrate that the simple outlawing of firearms—or the imposition of restrictions on their ownership—plays any substantial role in determining the incidence of violent crimes in any society.

We in the United States are often urged to look to Great Britain, where the famous English "bobbies" have gone unarmed for so many years, as a model of the kind of nation we should aim for. Great Britain imposes substantial restrictions on private ownership of firearms, and has done so since the 1920's.

Yet, the facts are that before the 1920's, when virtually no firearms restrictions existed, guns were far less widely used in crimes than they are today.

And the relevant fact is that, despite an intensive law enforcement effort aimed at detecting and prosecuting ownership of firearms in recent years, the British homicide rate has doubled in the last 15 years. The U.S. homicide rate has risen 30 percent in the last 45 years, by contrast.

British police Inspector Colin Greenwood undertook a careful analysis of crime statistics and firearms control statutes in England. He concluded that 50 years of strict controls "failed to bring under control substantial numbers of firearms, and it certainly cannot be claimed that strict controls have reduced the use of firearms in crime."

Inspector Greenwood could not demonstrate any correlation between the banning or the availability of firearms and the incidence of violence. The ban on gun ownership in Great Britain has had no discernible effect on violence in Great Britain.

Of course, direct comparisons between the United States and Great Britain are of limited value. There are huge social, economic, and cultural differences between ourselves and the British.

But if direct comparisons such as this are not valid, then there is also no validity in adopting British remedies for American problems.

Switzerland, a country with one of the world's lowest homicide rates, by contrast has one of the highest levels of firearms ownership in the world. All male Swiss, up to the age of 45, are required to maintain automatic rifles in their homes, as part of the Swiss national service obligation. Automatic rifles, as Maine sportsmen know, have only one known use: In warfare to kill enemy troops. Yet the very wide and ready availability of these truly lethal weapons has not led to increases in violence among the Swiss. I do not think anyone would argue from the Swiss experience that violence in our Nation could be curbed by requiring gun ownership. Yet the opposite argument is made, on equally insufficient grounds.

Direct comparisons between various States in our own large Nation are no more useful than comparisons with other nations.

Maine is a rural State, with many hunters and even more guns. To live in Maine, for most of us, is to live the outdoor life. It is one of our State's major attractions for residents and vacationers alike. Our State issues 100,000 hunting licenses every year. And, of course, Maine has no firearm statute comparable to the strict firearms statute that exists in New York.

A comparison between homicide rates in Maine and New York last year—a time when rising crime rates were common around the Nation—shows that New York had a homicide rate of 1.27 per 1,000 people. By contrast, Maine had a rate of 0.03 per 1,000 residents. Overall, violent crime in New York ran at a rate of 10.95 crimes per 1,000 people, contrasted with a Maine violent crime rate of 1.96 per 1,000.

The differences between Maine and New York are far broader than the absence of a firearms statute: New York contains one of the largest urban areas in the world; it has a far higher proportion of minorities; the mobility of its population and its immigration

and outmigration patterns are very different.

So it is obvious that comparisons between Maine and New York are no more valid than comparisons between our country and others, such as Britain or Switzerland.

For the same reasons of diversity which make comparisons so misleading, Federal statutes cannot be rationally structured to take into account the differences in lifestyle and outlook in States as different as New York and Maine, as well as the other 48 States. Who could compare, for instance, the kind of statute which would make as much sense for Michigan as for Alaska?

A national licensing and registration standard would lead to the same results and many of the same disappointments that became evident in the Nation's great experiment—the prohibition of alcohol consumption in 1918.

The supporters of prohibition acted on the assumption that a legal proscription against alcohol consumption would enjoy widespread voluntary compliance. But that assumption was based on beliefs about the behavior of those who drink, which were simply wrong. The assumption was that because most people are law abiding they would obey a law that made the drinking of alcoholic beverages illegal. But people are law abiding so long as laws serve a clear, comprehensible, and rational purpose. We all know that community life would be intolerable without laws against stealing, burglary, and assault. We all agree that economic life would be intolerable without laws against forgery and misrepresentation.

But Americans do not agree that the consumption of alcohol is antisocial, morally reprehensible, or wrong in itself. And they did not believe that the passage of a law made it wrong.

There is no evidence that the majority of citizens who own firearms would feel any differently about their own behavior simply because of the passage of a national firearms law. And when we consider that gun ownership nationally is estimated at 50 million persons, the problems of compliance and evasion would be on a scale as great as that which confronted the Nation during prohibition.

Nor is there any rational reason to believe that those who own firearms for criminal purposes would feel impelled to register ownership with the authorities. Indeed, the contrary is more likely.

In our society, the curtailment of essential liberties rests on the presumption that as long as a freedom is not a threat to others, it should not be curtailed for the convenience of the Government. The majority of gun owners are not criminals; nor are they irresponsible or dangerous. To curtail their rights in the interests of subduing those few who do represent such a danger is an inversion of our society's fundamental beliefs about government and individual rights.

On a practical basis, there is no compelling evidence that licensing or registration of firearms would reduce either violent crimes or the so-called crimes of passion.

The University of Wisconsin in 1975 concluded a massive study of American firearms control laws and their relationship to crime. The study compared rates of gun ownership in States with and without gun control laws. It matched homicide and violent crime rates against the existence of State laws; against the accessibility of guns from other States; and against the actual incidence of gun ownership directly. It concluded that:

> Gun control laws have no individual or collective effect in reducing the rate of violent crime.

In truth, we do not fully understand the causes of violent crimes. We do not know for certain what causes on individual to respond to a domestic quarrel with violence, while the majority of others will not. To attempt to manipulate behavior that we cannot fully understand is shortsighted and foolish. It is no more sensible than banning alcohol because some drinkers cannot control their intake.

Rather than attempting to control behavior that we cannot understand, we should focus our attention on providing certain, predictable and appropriate consequences for actions which endanger society.

The current state of unpredictable, uncertain, and arbitrary consequences of criminal actions does little to discourage crime. If we make the consequences of crime a certain punishment, then we eliminate the potential profit and the possible impunity with which crimes can be committed. Such a degree of certainty in our Nation's treatment of convicted criminals is sadly absent for a number of reasons.

As a former prosecutor and judge, I am well acquainted with the difficulties that confront our police departments, our prosecutorial offices, and our court systems.

In addition there are institutional problems that help undermine the effectiveness of some of our penalties. This is nowhere so true as in the case of penalties for crimes committed with the use of firearms.

Current Federal law provides for an additional 1- to 10-year term for the use of a firearm in the commission of a felony offense. A second such offense carries an additional 2- to 20-year term.

That law was intended to deter the illegal use of firearms. It was meant to signal that society will not tolerate the abuse of right—just as our libel laws are intended to prevent the abuse of the right to free speech.

That additional penalty was enacted because Congress felt—rightly, in my view—that additional deterrents were essential precisely because firearms are potentially lethal. This is the same logic that guided recent congressional laws to encourage harsher penalties for drunken driving. An automobile driven under the influence of alcohol is potentially lethal, and the law is intended to make clear to all who drink that they face substantial penalties if they drive at the same time. The intent of an additional penalty for criminal misuse of firearms is intended for the same purpose.

Yet, this law has been largely ineffective because it contains a provision which permits that the additional sentence for first offenses may be suspended or probationary—in other words, the sentence need not be served. In addition, the law makes all such sentences, whether for first or second offenses, subject to parole.

The effect of the parole provision has been to render judicially imposed sentences almost irrelevant. A judge may weigh the evidence in a case and conclude that its nature is such that an offender should have an additional 10-year sentence. Such a judgment would not be unusual in the case of a record of repeated and persistent criminal use of firearms. Yet, a parole board may overturn that judgment for any one of a number of reasons.

Parole can play an important role in our system of criminal justice, by providing an incentive to improved behavior in exchange for the hope of earlier release. Parole board reviews of judicially imposed sentences may serve a useful purpose.

But, when a specific penalty with a clear intent has been enacted, and imposed, it ought not be possible for it to be set aside by the action of a parole board.

Congress should restate its concern about the criminal misuse of firearmes by strengthening the statute to reemphasize its original intent, and prevent its being thwarted by parole board decisions. The best way to achieve that end is to make the penalty mandatory.

I have introduced a bill to strengthen the existing penalty for criminal misuse of firearms by providing a mandatory additional sentence for their use in the commission of a felony offense. The effect of my bill will be to force convicted criminals to actually serve the term of the sentence.

If additional penalties are to have any effect, they must have practical effect. An additional penalty which is not actually served is not only a meaningless addition to the statute books, but encourages disrespect for the entire system of penalties.

Mandatory sentences alone will not eradicate the causes of violent crime. Nor will they bring us closer, in the

foreseeable future, to being able to fully understand and prevent violent crimes. But they are a practical and meaningful step we can and should take to establish the boundary in our society between the rights enjoyed by citizens who abide by the law, and the liberties forfeited by those who refuse to do so. Unless we can regain a clear understanding of that distinction, our society will remain threatened from within, and we will have failed in the basic constitutional obligation to "establish justice" and "insure domestic tranquility."

CITATION OF R. ROBERT LINOWES

Mr. LEAHY. Mr. President, one of the most respected members of the business community in the Washington area is R. Robert Linowes. Recently he received the annual brotherhood citation of the National Conference of Christians and Jews.

Having known and respected Mr. Linowes for many years, I feel the citation was well deserved. Not only that, but the Washington Post highlighted extremely timely remarks made by Mr. Linowes, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FOR THE RECORD

There are some new inhibitions to learning by listening. They are the inhibitions of economic uncertainty. Washington has discovered that it is not the recession-proof community that it was once thought to be.

The noise of growth and activity still permeates much of our air. For the moment, we seem to be in better economic shape than many other cities. But there is a perceptible softening, or lessening, of the sounds in many quarters here. People are turning a bit inward. Self-protection and survival are private undertakings. Anxiety is a quiet occupation. A permanent underclass, almost without hope, grows increasingly silent. New insensitivities go unchallenged.

We have a sharp contrast here between the haves and the have-nots. Growth has surely benefited those who have. But the rising tide has not lifted most of the boats. . . .

There are, however, encouraging signs—in the past year, key people have in fact begun talking to one another about the problems we face. I am encouraged by the great concern of our community leaders—both public and private—and the fact that many of them are translating those concerns into action. But we need more communication among more people if we are to keep pace with what is happening. . . . The job, it seems, needs a larger army . . . the many others who have not yet taken their stand, taken their turn, paid their dues, invested in their own future by investing in a better quality of life for those who are human beings first. . . .

S. 1758—EXEMPTING PRIVATE NONCOMMERCIAL RECORDING OF COPYRIGHTED WORKS ON VIDEO RECORDERS FROM COPYRIGHT INFRINGEMENT

Mr. MATHIAS. Mr. President, on March 4, 1982, I introduced amendment No. 1333 to S. 1758, the Home Recording amendment. This amendment would exempt individuals from copyright infringement liability for home video and audiotaping. In addition to providing such exemptions, it establishes a fair and sensible mechanism to compensate owners of audiovisual and sound recordings for the use of their property. I was pleased that Senator BAKER, Senator ROBERT C. BYRD, Senator CRANSTON, Senator STEVENS, and Senator BAUCUS joined me initially in this effort. Since then 19 additional colleagues have joined the Senate leadership in cosponsoring this amendment. Two days of hearings have been held by the Senate judiciary Committee concerning the home recording issue, and I expect that the committee will consider this matter at a markup in the near future. It is important to the consumers and the American entertainment industry that the Congress deal with this issue in a timely manner.

As many of my colleagues are aware, the issue of whether or not the U.S. industry that produces audiovisual and audio entertainment receives compensation in legislation exempting home recording from copyright liability has resulted in the emergence of a rather intensely fought legislative battle.

In view of the time constraints at work, I think it might be an appropriate time to ask the parties to this dispute to step back for 1 minute and consider sitting down and seeing whether this entire issue could be resolved through negotiation. At the Judiciary Committee hearing on the home recording legislation on April 21, 1982, Jack Valenti, president of the Motion Picture Association of America, told Senator DOLE that he would be willing to try to resolve this problem through a negotiation:

Senator DOLE. Have you tried to negotiate this problem with the Japanese?

Mr. VALENTI. My door swings on easy hinges, Senator.

Senator DOLE. Would not that be a better solution—or, a solution?

Mr. VALENTI. I have said, and do repeat here today that I think it is quite possible that if the six VCR manufacturers sat down with copyright owners that a reasonable fee and a reasonable solution to this issue could be reached quickly because I think time is of the essence, Senator Dole. That is the key—defining now the rights of copyright owners in the law before this new technology will drown us.

So the answer to your question is yes, it could be done.

As far as I know, Mr. Valenti has not been taken up on his offer to sit down and discuss this issue with the other side.

So let me take this opportunity to urge all parties to sit down and reason together. I know that many members of the Senate believe that this should be done. As I have said in the past, it is in the long-range interests of the manufacturers to have a healthy U.S. entertainment industry. I, therefore, urge them to come to the conference table and see if there is some common ground. This would make most sense in view of the issue, past precedents in copyright matters, and our desire to have a more effective legislative process.

● Mr. MOYNIHAN. Mr. President, I want to respond to the statement by my friend, the distinguished Senator from Maryland, and commend him for the leadership he is bringing to this issue. The home recording legislation is of critical importance to both American consumers and the entire creative community in our country. I believe the Congress must continue to recognize the traditional legal principle that intellectual property is private property. I attach great significance to this question in part because the citizens of New York play a leading role in the creation of motion pictures, television programs, sound recordings, theatrical production, literary works, and many other forms of artistic and creative expression. This is the reason that I have joined with 23 of my colleagues to cosponsor the Mathias home recording amendment to S. 1758.

The Mathias amendment offers the Senate a sensible and reasonable way to assure the rights of consumers to record video and audio programs in their homes while at the same time seeing that the millions of Americans who work to create these programs are compensated for their efforts.

The technological revolution now sweeping the world of video and audio recording is eroding the property rights inherent in the creation and production of movies, television programs and sound recordings. The recent opinion of the U.S. Court of Appeals for the Ninth Circuit in the so-called Betamax case vividly demonstrates the fact that new technology is outstripping our copyright law. The answer to the legal and policy issues raised by that court opinion is not to ignore it or overturn it as some would have us do. I believe the best answer for the Congress is to adopt a policy that is fair to copyright owners as well as to those who own video and audio recorders. This is why I am supporting the Mathias amendment and urge my other colleagues to do so as well.

I want also to strongly support the statement made by Senator MATHIAS calling for the Japanese manufacturers to come to the bargaining table and begin negotiating with the repre-

sentatives of the American entertainment industry. I have had some experience in the process of international negotiation. I can testify that in this instance it makes a great deal of sense. The elements for a negotiation are clearly present:

Members of the Senate who are not committed to one position or another have stated their desire that a negotiation take place;

Both sides can be represented by a relatively small number of individuals and the size of the negotiation is manageable;

The grounds for negotiation are clearly defined by the legislative proposals; and

There is strong precedent in copyright law that competing interests negotiate a settlement of their differences.

I urge the Japanese manufacturers to sit down for private discussions with representatives of the sound recording industry. I believe this would be the best strategy for all the parties to settle their differences.●

● Mr. BENTSEN. Mr. President, my distinguished colleagues from Maryland and New York make a great deal of sense in urging that the home recording issue be settled with a minimum of congressional involvement. It is clear that a solution reached between the affected parties is going to be more palatable than one which we would force upon them. I am not convinced that the parties have reached an impasse on this matter and I, likewise, am not convinced that there remains no room for compromise.

My many years in government and business have made me a firm believer in the negotiated compromise. Even when two sides are far apart there is always room for reconciling competing objectives and arriving at a workable compromise. The issues presented by S. 1758 and the Mathias amendment are important ones. As many of my colleagues are aware, the issue of whether the U.S. industry that produces audiovisual and audio entertainment receives compensation in legislation exempting home recording from copyrighted liability has resulted in an intensive legislative battle. In my opinion, it is an issue that more properly should be resolved by the parties themselves. So I would echo the sentiments of my colleagues and urge the parties to attempt to negotiate this matter and to attempt to arrive at a just, workable compromise that they and this country can live with and agree upon. It is in the long-range interests of everyone concerned to have a thriving entertainment industry and electronics industry. I hope the parties will get together to discuss and resolve this matter.●

LETTER FROM A POLISH PRISON

Mr. HATCH. Mr. President, I wish to bring to the attention of the Senate a letter written by Jacek Kuron, one of the leaders of Solidarity who is presently "interned" in Bialoleka Prison in Poland. He was one among the several thousands of Solidarity members arrested by the military regime during the imposition of martial law last December. The letter was smuggled out of his prison cell and has now been published in France. As the tension and conflict in Poland continue to escalate, this letter warrants our serious attention because it preceded these recent riots by 2 months.

In his letter, Mr. President, Jacek Kuron describes the present state of the Polish people as military occupation. The present conditions include censorship of mails, unrestricted searches and arrests trials by military tribunals and outright illegal imprisonments. He believes that continued military occupation will inevitably lead the present military regime to catastrophe.

To prevent this catastrophe, Mr. Kuron offers an alternative: Compromise. This would mean that the military regime must offer major concessions in order to arrive at an acceptable solution. However, Mr. Kuron warns that compromise will not easily be accepted by the military regime. There is a need to mount a certain form of resistance—a collective action such as mass scale strikes and demonstrations by the Polish people to put pressure on the military regime.

Mr. President, this courageous view of Jacek Kuron deserves the most serious consideration by the military regime. It should be viewed not negatively, as a call for rebellion or further civil disorder, but as an opportunity for the military regime to renew discussions with Solidarity.

While I profoundly share his concern and support the continued resistance to the Soviet-backed repression, any major concession must not involve the fundamental right of Solidarity as a trade union to be free from Government interference. This right is inalienable and must be recognized and preserved. For only then can Solidarity be an effective mechanism of securing better working conditions for its members and improving the economic life of the Polish people as a whole.

Mr. President, for the many of us in the Senate who are concerned with the deteriorating situation in Poland, let us be more supportive of the aspirations of the Polish people. It is now incumbent on us to call upon the administration to fulfill its pledge of stronger and effective measures on the military regime and the Soviet Union. We can do no less than make known to the Polish people that we are on their side in this struggle.

Mr. President, I ask unanimous consent that the letter of Jacek Kuron appearing in the May 8, 1982, issue of The Nation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From The Nation, May 8, 1982]

WE MUST MOVE TO RESISTANCE

Jacek Kuron has been detained in Bialoleka Prison since Gen. Wojciech Jaruzelski imposed martial law in Poland on December 13, 1981. Kuron, who helped found KOR (the Committee for Workers' Defense) in 1976, has been one of Lech Walesa's principal advisers since the creation of Solidarity in the aftermath of the August 1980 Gdansk shipyard strike. Kuron and his colleagues in KOR often served as a mediating bridge between the workers on the factory floor and other dissident groups representing students, civil servants and professionals. This statement by Kuron was smuggled out of his prison cell and published in Le Monde March 13. We provide our readers an excerpted version translated from the French by Amy Wilentz, former Assistant Editor of The Nation.

(By Jacek Kuron)

Poland is living with war. Those who have proclaimed that war don't try very hard to hide the fact that they wage it against their own people. Thanks to our extraordinary discipline, we have until now avoided bloody confrontations on a grand scale. But we are living under a classic military occupation, which includes the censoring of mails, curfews, police raids, searches, arrests, military tribunals and the like. Terror, threats and desperate calls for calm are the only language the regime speaks.

What does it achieve by these means, and what can it achieve? Hatred from all, fear and submission from some, determination and the will to fight from others. The regime cannot trust the terrified: their submission will last only as long as the terror itself. And it must guard against the determined, who will fight the more resolutely, the more ferocious the repression . . . .

Violence begets violence. The least patient citizens, the least thoughtful, tend toward terror. But it is a double-edged sword. Terror engenders terror, and spiraling terror can be stopped only by terror. He who sows the wind reaps the whirlwind. . . .

The military occupation, should it continue, will inevitably lead the government to catastrophe. If there are men of understanding in this government, they will be wondering whether a move toward compromise might not make sense. The Church has announced its support for compromise, and in Poland this carries enormous authority. The Church will be supported by the majority of Solidarity's leaders, by men of science and culture; in short, by all those who matter in Poland. Even more important, a move toward compromise would provide the government with the social mandate it has lacked since 1956. Compromise is risky, but occupation is suicidal.

Massive and well-organized resistance is the only possibility now for resolving the Polish crisis. . . . Only such a movement can end the wave of terrorism. Only such a movement would lower the risk of Soviet intervention, because it would avert the inevitable social explosion that will occur if no compromise is reached. We must now rally to this movement and prove ourselves disci-

plined about it. We must organize a way to spread information—even though we may be blocked at the last moment—so that both the concrete objectives and the methods of the movement are made known to all.

The movement must also concentrate on demonstrations—everything from tracts and inscriptions written on the walls to more or less long-term strikes—using different forms of collective action. Demonstrations are crucial to building national morale and to putting pressure on those in the government who might eventually support a compromise. The ultimate demonstration—and our last chance to press for a compromise—would be a general strike. But we must realize that all these forms of resistance constitute a demonstration of national will to men who are dead set against the nation. If we pursue resistance while those within the government who support a compromise are silent, we will not avoid a catastrophe.

In ten weeks—maybe a little sooner, maybe a little later—a local incident somewhere will generate a riot which will ignite the country. The military government may be overthrown, but at the highest price, and with a major risk of Soviet intervention.

To avoid this, the leaders of the resistance movement must prepare the people both for the major concessions necessary for compromise and for the destruction of the military occupation by a general demonstration. I believe such a demonstration can take the form of a simultaneous offensive against all centers of power and information throughout the land. The men in power must understand that they have only a very short time left during which to undertake a compromise.

While expecting the worst, we must from now on do everything possible to make the Russians realize that, with a minimum of good will on their part, a national consensus in Poland—even should it occur without the participation of the present leaders of the country—will not threaten Russia's military interests and can only benefit its economic interests. On the other hand, an armed intervention will be the last act of the Soviet Union.

I do not guarantee that an organized, national demonstration combined with a declaration of good will toward the Russians will assure us safety from the U.S.S.R. But I do affirm that if the military occupation continues, such a demonstration will limit risks to a minimum.

For many years, I have extolled abstention from violence. But I feel obliged to speak out now in order to say that, at present, preparing ourselves to counter the occupation through collective action seems to me the lesser evil.

DISASTER ASSISTANCE TO LEBANON

Mr. KASTEN. Mr. President, last week the administration sent up emergency authorization legislation, the aim of which was to provide $20 million in disaster assistance to Lebanon.

The submission of this legislation is puzzling inasmuch as ample authority already exists for the provision of such assistance. I refer to section 492(b) of the Foreign Assistance Act, which provides that up to $50 million more than is in the regular international disaster assistance program may be obligated against other appropriation accounts in part 1 of the Foreign Assistance Act.

For fiscal year 1982 Congress appropriated in excess of $2 billion under part 1 of the Foreign Assistance Act, and surely the administration can find $20 million in that amount for disaster assistance to Lebanon.

Therefore, Mr. President, I strongly urge the administration to abandon time-consuming efforts at new and additional legislation, which as I have indicated, is unnecessary and instead provide disaster assistance under the authority already available as soon as possible.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, without amendment and with a preamble:

H.J. Res. 230: Joint resolution imploring the Union of Soviet Socialist Republics to allow Dr. Semyon Gluzman and his family to emigrate to Israel.

H. Con. Res. 111: Concurrent resolution expressing the sense of the Congress that the Government of the Soviet Union should cease its imprisonment of Yuriy Shukhevych and permit him and his family to emigrate from the Soviet Union.

H. Con. Res. 205: Concurrent resolution expressing the sense of the Congress with respect to violations of human rights by the Soviet Union in the Ukraine.

H. Con. Res. 218: A concurrent resolution expressing the sense of the Congress with respect to the imprisonment and treatment by the Government of the Soviet Union of Mart Niklus, and for other purposes.

S. Res. 326: Resolution relating to the imprisonment of Yuri Badzyo.

S. Res. 390: Resolution urging the Soviet Union to allow Abe Stolar, his wife, Gita, and his son, Michael, to emigrate to Israel.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KASTEN (for himself, Mr. LUGAR, Mr. INOUYE, Mr. ABDNOR, Mr. PERCY, Mr. GARN, Mr. STAFFORD, and Mr. GLENN):

S. 2631. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WEICKER:

S. 2632. A bill authorizing the Government of American Samoa to issue bonds and other obligations and for other purposes; to the Committee on Energy and Natural Resources.

S. 2633. A bill to amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to transfer the audit authority and related staff of the offices of the government comptrollers for Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa to the Office of Inspector General, Department of the Interior, and for other related purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 2634. A bill to amend section 14(c)(3) of the Fair Labor Standards Act of 1938, to permit the employment of handicapped and severely handicapped individuals in common areas, to permit the employment of handicapped individuals in demonstration projects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MATHIAS:

S. 2635. A bill for the relief of Bhaskarbhai S. Patel; to the Committee on the Judiciary.

By Mr. BAKER (for Mr. PERCY) (by request):

S. 2636. A bill to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon; to the Committee on Foreign Relations.

By Mr. METZENBAUM:

S. 2637. A bill to provide a program of Federal supplemental unemployment compensation; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KASTEN (for himself, Mr. LUGAR, Mr. INOUYE, Mr. ABDNOR, Mr. PERCY, Mr. GARN, Mr. STAFFORD, and Mr. GLENN):

S. 2631. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. KASTEN and Mr. GLENN on this legislation appear earlier in today's RECORD.)

By Mr. WEICKER:

S. 2632. A bill authorizing the Government of American Samoa to issue bonds and other obligations, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICAN SAMOA BOND AUTHORIZATION ACT OF 1982

● Mr. WEICKER. Mr. President, I send to the desk for appropriate reference legislation to authorize the Government of American Samoa to issue bonds and other obligations, and for other purposes. I am introducing this legislation at the request of Governor Coleman in order to obtain the views

of the administration and the Government of American Samoa. Similar legislation has been introduced in the House of Representatives by Congressman SUNIA, the delegate from American Samoa.

I ask unanimous consent that the text of two letters from Governor Coleman to the chairman of the Committee on Energy and Natural Resources, together with a section-by-section analysis and a factsheet, be printed in full in the RECORD together with the text of the proposed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SAMOA GOVERNMENT,
OFFICE OF THE GOVERNOR,
Pago Pago, March 1, 1982.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: For years, American Samoa has been attempting to attract industrial investment to provide new employment opportunities for its citizens and improve the overall economy of the Territory.

Currently, the ability of American Samoa to issue bonds is limited to municipal bonds for services (water and sewer service, streets, city buildings). We would like to expand this authority to enable the Territory to utilize revenue bonds to induce industry to locate in American Samoa. Similar authority is currently conferred upon the fifty states and the Commonwealth of Puertro Rico. Specifically, we seek authority to issue tax-exempt bonds identical to that provided for Puerto Rico in 48 U.S.C. § 745.

The American Samoan economy is currently dominated by the Territorial Government, which employs slightly more than forty-five percent of the workforce, and by two tuna canneries, which generate approximately twenty percent of the Territory's employment. In addition, retail and service establishments and tourism represent a small but growing segment of the economy. This limited economic and employment base makes it imperative that we take every possible measure to attract new industries to the Territory. Moreover, since we are an island economy, we must import the vast majority of our goods and services. Our imports typically approach twice the dollar volume of our exports. As the Territory seeks to develop a more viable economy, this gap between imports and exports must be closed.

In order to diversify our economy, expand our employment base and increase stability, we are striving to develop new industries in the Territory. Tourism is one industry which could potentially be further developed if investors could be attracted to the Territory. The expansion of our cargo handling and loading facilities offers the prospect of additional jobs and revenues. Because of our strategic location in the South Pacific, American Samoa is well positioned to serve a vital role in both military and civilian shipping and handling in the Pacific Region.

We cannot achieve these goals, however, unless we can offer a significant inducement to business and industry to invest in the American Samoa economy. Presently, because of our isolated location and our narrow economic base, we are at a competitive disadvantage in attracting new investment. Moreover, we can offer no inducement to industry to develop extensive cargo handling and loading facilities here as opposed to other South Pacific territories controlled by foreign governments.

Tax-exempt bonds are a proven and effective way of encouraging additional industrial investment and creating new jobs, as well as stimulating the economy and reducing trade deficits. Furthermore, the use of tax-exempt bonds ("bond") financing by American Samoa would be consistent with this Administration's "New Federalism," since the responsibility for the program and its administration would lie with the Territory.

The record of Puerto Rico in stimulating new investment serves as a sterling demonstration of the effectiveness of bond financing for economies which require significant development. Since 1978, Puerto Rico has issued bonds worth more than $425 million. Industrial Development Bonds have been a significant factor in the Commonwealth's ability to attract more than thirty of the "Fortune 1000" manufacturing companies to its shores.

The Legislature of American Samoa is currently considering legislation which would establish the scope for the use of such bonding authority, enumerate a specific set of purposes for such bonds and create a mechanism to administer a tax-exempt bond program. However, such legislation cannot be effective until Federal authority is conferred.

I am enclosing for your consideration a draft of a bill which would grant authority to American Samoa to issue tax-exempt bonds. On behalf of the Government of American Samoa, I respectfully request that you introduce this legislation and encourage its timely passage.

Very truly yours,
PETER TALI COLEMAN,
Governor.

AMERICAN SAMOA GOVERNMENT,
OFFICE OF THE GOVERNOR,
Pago Pago, May 21, 1982.

Hon. JAMES MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MCCLURE: On March 1, 1982, I contacted you on behalf of the Government of American Samoa about the role industrial development bonds can play in the expansion or our economy. As you know, our present authority to issue bonds does not include industrial development bonds.

In response to this need for authorization, Congressman Sunia introduced on March 17, 1982, H.R. 5881, the American Samoa Bond Authorization Act. This bill would give American Samoa the same authority that the other territories have and, in fact, would be identical to that conferred upon the Commonwealth of Puerto Rico by 48 U.S.C. § 745.

The Government of American Samoa is strongly in support of this legislation. The House of Representatives adopted prior to its recess in May a concurrent resolution declaring its support for H.R. 5881. H. Con Res. 97, 17th Legislature, 3rd Special Session. I fully expect the Senate to adopt this resolution when it reconvenes on July 12, 1982.

We strongly urge the Congress to consider and act upon H.R. 5881 this session of Congress. To this end, I respectfully request that you and Senator Jackson introduce similar legislation in the Senate and urge that action occur as soon as possible.

Very truly yours,
PETER TALI COLEMA,
Governor.

H.R. 5881: SECTION-BY-SECTION ANALYSIS

Section one states that this bill may be cited as the "American Samoa Bond Authorization Act of 1982."

Section two has two provisions:

Paragraph (a) provides that the Government of American Samoa, or another authority so designated by the Government (e.g., an industrial development authority), may issue bonds or other obligations. "Other obligations" include such items as mortgages, notes and other financing agreements. The paragraph provides that any such bonds issued are payable solely from revenues which are derived from the project or development which the bond proceeds finance.

Paragraph (b) provides that the Government of American Samoa shall enact the appropriate legislation to implement the bond authority. For instance, state governments normally create an "Industrial Development Commission" which administers the state's IDB's/IRB's program.

Section three provides that any bond issued pursuant to Section One is exempt from any taxation. This includes all taxes that are or could be imposed by American Samoa and/or its subdivisions and all federal, state and local taxes and any taxes by the District of Columbia and other territories. Interest income from the bonds is also tax exempt.

Section four provides that bonds issued under Section Two (a) are not in the debt of the United States nor can the United States be held liable for the indebtedness.

FACT SHEET: H.R. 5881, AMERICAN SAMOA BOND AUTHORIZATION ACT OF 1982

H.R. 5881 would grant the Government of American Samoa the same authority the 50 states and the Commonwealth of Puerto Rico already have: The ability to issue tax-exempt revenue bonds, including industrial development bonds ("IDB's" or "IRB's").

H.R. 5881 also requires the Government of American Samoa to adopt appropriate implementing legislation.

H.R. 5881 was introduced on March 17, 1981, by Congressman Fofo Sunia, the Delegate from American Samoa.

H.R. 5881 has the full support of the Governor of American Samoa. (See attached letter to the Secretary of the Interior.)

THE NEED FOR H.R. 5881

H.R. 5881 is important to promoting economic development in American Samoa and to ensure a strong, stable and competitive economy.

The present economic base and location of American Samoa puts it at a competitive disadvantage. IDB's could act as an incentive to industry to locate in American Samoa.

IDB's will counterbalance concessions offered to industry by neighboring islands and countries and thus allow American Samoa to compete with those other countries.

American Samoa is in a strategic position in the South Pacific which enables it to serve a vital role for the U.S. military. Bonds would ensure expansion of important cargo handling and loading facilities, as well as providing additional employment and revenues.

H.R. 5881 is important to the citizens of American Samoa because the economic development will help meet social and economic needs.

American Samoa can issue only municipal bonds for limited public services and improvements under current statutory authority.

New industries attracted by the availability of revenue bonds would act to expand the employment base and increase stability.

H.R. 5881 is necessary due to budget reductions which decrease U.S. funds available for American Samoa.

President Reagan's "New Federalism" stresses his commitment to returning control from the Federal Government to local entities. Issuance of revenue bonds will permit American Samoa to strengthen its economy and to become more self-sufficient.

IDBS/IRBS IN PUERTO RICO

H.R. 5881 only gives American Samoa the same authority to issue bonds that was given to the Commonwealth of Puerto Rico 20 years ago.

In 1961, the Congress enacted legislation to remove limitations on Puerto Rico's bonding authority, thereby making it practical for Puerto Rico to issue tax-exempt revenue bonds. (Public Law No. 87-121.)

In recommending enactment of Public Law No. 87-121, the Department of the Interior noted its longstanding policy to give U.S. territories substantial control over their internal affairs.

Since 1978 alone, Puerto Rico has issued $425 million in bonds. These tax-exempt bonds have been a major factor in attracting more than 30 of the "Fortune 1000" manufacturing companies to Puerto Rico.

H.R. 5881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Samoa Bond Authorization Act of 1982."

SEC. 2. (a) The Government of American Samoa, or its authority, may issue bonds and other obligations, payable solely from revenues derived from any improvement or undertaking.

(b) Bonds and other obligations under subsection (a) shall be issued pursuant to laws enacted by the Government of American Samoa.

SEC. 3. Bonds and other obligations under section 2(a) shall be exempt from taxation by the Government of the United States, by the government of American Samoa and any political or municipal subdivision thereof, by any State, territory, and possession, by any county, municipality, and other municipal subdivision of any State, territory, and possession of the United States, and by the District of Columbia.

SEC. 4. Bonds and other obligations under section 2(a) shall not be a debt of the United States, nor shall the United States be liable thereon.

By Mr. SUNIA:

H.R. 5881. A bill authorizing the government of American Samoa to issue bonds and other obligations, and providing that such bonds and obligations shall be exempt from taxation; to the Committee on Interior and Insular Affairs.

AMERICAN SAMOA GOVERNMENT,
OFFICE OF THE GOVERNOR,
Pago Pago, March 1, 1982.

Hon. JAMES G. WATT,
Secretary, United States Department of Interior, Washington, D.C.

DEAR SIR: For years, American Samoa has been attempting to attract industrial investment to provide new employment opportunities for its citizens and improve the overall economy of the Territory.

Currently, the ability of American Samoa to issue bonds is limited to municipal bonds for services (water and sewer service, streets, city buildings). We would like to expand this authority to enable the Territory to utilize revenue bonds to induce industry to locate in American Samoa. Similar authority is currently conferred upon the fifty states and the Commonwealth of Puerto Rico. Specifically, we seek authority to issue tax-exempt bonds identical to that provided for Puerto Rico in 48 U.S.C. § 745.

The American Samoan economy is currently dominated by the Territorial Government, which employs slightly more than forty-five percent of the workforce, and by two tuna canneries, which generate approximately twenty percent of the Territory's employment. In addition, retail and service establishments and tourism represent a small but growing segment of the economy. This limited economic and employment base makes it imperative that we take every possible measure to attract new industries to the Territory. Moreover, since we are an island economy, we must import the vast majority of our goods and services. Our imports typically approach twice the dollar volume of our exports. As the Territory seeks to develop a more viable economy, this gap between imports and exports must be closed.

In order to diversify our economy, expand our employment base and increase stability, we are striving to develop new industries in the Territory. Tourism is one industry which could potentially be further developed if investors could be attracted to the Territory. The expansion of our cargo handling and loading facilities offers the prospect of additional jobs and revenues. Because of our strategic location in the South Pacific, American Samoa is well positioned to serve a vital role in both military and civilian shipping and handling in the Pacific Region.

We cannot achieve these goals, however, unless we can offer a significant inducement to business and industry to invest in the American Samoa economy. Presently, because of our isolated location and our narrow economic base, we are at a competitive disadvantage in attracting new investment. Moreover, we can offer no inducement to industry to develop extensive cargo handling and loading facilities here as opposed to other South Pacific territories controlled by foreign governments.

Tax-exempt bonds are a proven and effective way of encouraging additional industrial investment and creating new jobs, as well as stimulating the economy and reducing trade deficits. Furthermore, the use of tax-exempt bonds ("bond") financing by American Samoa would be consistent with this Administration's "New Federalism," since the responsibility for the program and its administration would lie with the Territory.

The record of Puerto Rico in stimulating new investment serves is a sterling demonstration of the effectiveness of bond financing for economies which require significant development. Since 1978, Puerto Rico has issued bonds worth more than $425 million. Industrial Development Bonds have been a significant factor in the Commonwealth's ability to attract more than thirty of the "Fortune 1000" manufacturing companies to its shores.

The Legislature of American Samoa is currently considering legislation which would establish the scope for the use of such bonding authority, enumerate a specific set of purposes for such bonds and create a mechanism to administer a tax-exempt bond program. However, such legislation cannot be effective until Federal authority is conferred.

I am enclosing for your consideration a draft of a bill which would grant authority to American Samoa to issue tax-exempt bonds. I have requested Senator James A. McClure and Delegate Fofo I. F. Sunia to introduce the necessary legislation and work towards its timely passage. On behalf of the Government of American Samoa, I respectfully urge your support of this vital legislation.

Very truly yours,

PETER TALI COLEMAN,
Governor.

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Samoa Bond Authorization Act of 1982".

SEC. 2. (a) The Government of American Samoa, or its authority, may issue bonds and other obligations, payable solely from revenues derived from any improvement or undertaking.

(b) Bonds and other obligations under subsection (a) shall be issued pursuant to laws enacted by the Government of American Samoa.

SEC. 3. Bonds and other obligations under section 2(a) shall be exempt from taxation by the Government of the United States, by the Government of American Samoa and any political or municipal subdivision thereof, by any State, territory, and possession, by any county, municipality, and other municipal subdivision of any State, territory, and possession of the United States, and by the District of Columbia.

SEC. 4. Bonds and other obligations under Section 2(a) shall not be a debt of the United States, nor shall the United States be liable thereon.●

By Mr. WEICKER:

S. 2633. A bill to amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to transfer the audit authority and related staff of the offices of the government comptrollers for Guam, and the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa to the Office of Inspector General, Department of the Interior, and for other related purposes; to the Committee on Energy and Natural Resources.

FEDERAL AUDIT FUNCTION IN THE TERRITORIES

● Mr. WEICKER. Mr. President, I send to the desk for appropriate reference legislation which would amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the general legislation affecting the

administration of the Trust Territory of the Pacific Islands to strengthen the Federal audit function in the territories of the United States.

On March 25, 1982, the Comptroller General submitted a report to the Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the House of Representatives on the function of the U.S. Government Comptrollers in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands. The report recommended in part that the functions of the Government Comptrollers be transferred to the Inspector General's office of the Department of the Interior from the office of the Assistant Secretary for Territories and International Affairs, and that certain responsibilities, notably the preparation of an annual financial report, be transferred to the local territorial governments.

In light of the recommendations and findings made by the Comptroller General, the Committee requested that the General Accounting Office prepare legislation to implement their recommendations. I am today introducing that draft legislation in order to obtain the views of both the administration and the local territorial governments.

I ask unanimous consent that the letter of transmittal of the original report to the Committee on Energy and Natural Resources, the digest of the report, the text of the letter from the Comptroller General to the chairman of the Committee on Energy and Natural Resources transmitting the draft legislation, the explanation of the proposed legislation, and the text of the legislation appear in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 25, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Senate Committee on Energy and Natural Resources.
Hon. MORRIS K. UDALL,
Chairman, House Committee on Interior and Insular Affairs.

This report discusses the results of our evaluation of the Offices of the U.S. Government Comptrollers for American Samoa, Guam/Trust Territory of the Pacific Islands/Northern Mariana Islands, and the Virgin Islands. We made this review as part of our continuing work to improve the Federal internal audit capability.

The report contains recommendations to the Congress for strengthening the Federal audit function in the territories. Your committees have requested that we prepare suggested legislative language for the recommendations. That language will be provided under separate cover.

We are sending copies of the report to the Director, Office of Management and Budget, the Secretary of State, the Secretary of the Interior, and the territorial Governors. We are also sending copies to various congressional committees and other interested parties.

CHARLES A. BOWSHER.

[Report by the Comptroller General of the United States]

THE FEDERAL AUDIT FUNCTION IN THE TERRITORIES SHOULD BE STRENGTHENED

DIGEST

The principal U.S. territories of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands, and the Trust Territory of the Pacific Islands have longstanding problems in their financial management systems. The Department of the Interior's U.S. Government Comptrollers presently are responsible for auditing all significant aspects of governmental operations and Federal programs in these territories. Because of the substantial Federal assistance provided to the territories and their difficulty in improving and maintaining adequate financial management systems, the Federal audit function is still needed, but it needs to be independent and more effective. More Federal technical assistance, coupled with the assumption of greater responsibility by the territories for financial management, would further improve audit effectiveness.

GAO reviewed the organization and functions of the Offices of the U.S. Government Comptrollers as part of its continuing efforts to improve the Federal internal audit capability.

AUDIT FUNCTION NEEDS TO BE INDEPENDENT

The Comptrollers are located in a line organization that has management responsibility for the activities being audited and do not report to a high enough level in the Department of the Interior. Consequently, their independence has been impaired. (See p. 17.) Also, the establishment of close relationships between auditors and territorial officials, and the auditing of programs by the same individuals who provided technical assistance on those programs, may have affected the Comptrollers' ability to work and report findings in an impartial manner. (See p. 21.) GAO is recommending that the Comptrollers' audit function be transferred to the Inspector General, who reports to the Secretary of the Interior.

EFFECTIVENESS OF AUDIT FUNCTION NEEDS TO BE IMPROVED

A large portion of the Comptrollers' limited audit staff is devoted to preparing a legislatively mandated but ill-defined "annual report of the fiscal condition of the government," which is reducing their audit coverage of other territorial programs and operations. (See p. 28.) A comprehensive annual financial report as defined by the National Council on Governmental Accounting should replace the present report. It should be prepared and published by the territorial governments, not by the Federal auditors. Furthermore, the territorial governments should be responsible for arranging an independent audit of the comprehensive annual financial report in conformance with generally accepted government auditing standards.

Very few Federal grant programs in the territories are audited by the Comptrollers or other audit organizations. (See p. 32.) If the Office of Management and Budget designated Interior's Inspector General as the "cognizant Federal audit agency" under the single audit concept, Interior would become responsible for audit coverage of Federal grant programs in the territories.

MORE TECHNICAL ASSISTANCE AND GREATER TERRITORIAL GOVERNMENT RESPONSIBILITY ARE NEEDED

A strengthened Federal audit presence alone is not enough to improve the economy and efficiency of the territorial governments. The territories need to assume greater responsibility for establishing and maintaining strong financial management systems to ensure proper control and accountability over Federal and local funds, but they cannot do the job alone; they need Federal technical assistance. (See p. 39.) Such assistance, coupled with an improved territorial government internal audit capability, would further enhance Federal audit effectiveness.

RECOMMENDATIONS TO THE CONGRESS

GAO recommends that the Congress amend the Organic Acts for Guam (48 U.S.C. 1422d) and the Virgin Islands (48 U.S.C. 1599), and public laws (48 U.S.C. 1681b) relating to the Northern Mariana Islands and the Trust Territory of the Pacific Islands and enact legislation relating to American Samoa to:

Transfer the audit authority and staff from the U.S. Government Comptrollers to the Office of the Inspector General, Department of the Interior, for the purpose of establishing an independent organization which will maintain a satisfactory level of audit oversight of the governments of American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

Require the Governors of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands, and the High Commissioner of the Trust Territory of the Pacific Islands to (1) prepare, publish, and submit a comprehensive annual financial report in conformance with standards of the National Council on Governmental Accounting within 120 days of the close of the fiscal year to the Secretary of the Interior and the Congress, (2) arrange for an independent audit of the comprehensive annual financial report in conformance with generally accepted government auditing standards for governmental units, and (3) submit to the cognizant Federal auditors, the Secretary of the Interior, and the Congress a written statement of actions taken on Federal audit recommendation within 60 days of the issuance date of the audit report.

In addition, GAO recommends that the Congress further amend the organic acts for Guam (48 U.S.C. 1422d) and the Virgin Islands (48 U.S.C. 1599), and public law (48 U.S.C. 1681b) relating to the Northern Mariana Islands and the Trust Territory of the Pacific Islands to eliminate the provisions requiring the U.S. Government Comptrollers to:

Provide reports at the request of the territorial Governors and High Commissioner and

Submit an annual report on the fiscal conditions of the government to the territorial Governors, High Commissioner, and the Secretary of the Interior.

Furthermore, upon termination of the agreement under which the United States administers the Trust Territory of the Pacific Islands, GAO recommends that the Congress enact legislation to provide Federal audit oversight in the Northern Mariana Islands.

RECOMMENDATIONS TO THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

GAO recommends that the Director designate the Office of the Inspector General, Department of the Interior, as the cognizant Federal audit agency in the territories under the single audit concept.

RECOMMENDATIONS TO THE SECRETARY OF THE INTERIOR

GAO recommends that the Secretary:

Direct the Inspector General to establish formalized audit report followup systems in Interior's territorial audit offices;

Develop and submit to the Congress a comprehensive technical assistance plan, including a determination of what resources are needed, to establish effective financial management systems for the governments of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands; and

Report to the Congress on the resources needed to assist the new governments of the Marshall Islands, the Federated States of Micronesia, and Palau in establishing their financial management system requirements.

RECOMMENDATIONS TO THE PRESIDENT'S PERSONAL REPRESENTATIVE FOR MICRONESIAN STATUS NEGOTIATIONS

GAO recommends that the President's Personal Representative, when negotiating the remaining agreements terminating the Trust Territory of the Pacific Islands—specifically the subsidiary agreement on auditing—develop a Federal audit capability with respect to the new governments of the Marshall Islands, the Federated States of Micronesia, and Palau with authority and responsibilities comparable to those of the U.S. Government Comptrollers.

RECOMMENDATIONS TO THE GOVERNORS OF AMERICAN SAMOA, GUAM, THE NORTHERN MARIANA ISLANDS, AND THE VIRGIN ISLANDS

GAO recommends that the Governors:

Establish an audit followup system to ensure that recommended corrective actions on all Federal and independent audit reports are implemented and followed through to completion and

Strengthen their internal audit function by increasing the size of staffs, improving staff capabilities, expanding the scope of audit coverage, and ensuring audit independence.

AGENCY COMMENTS

GAO provided a draft of this report for comment to the Office of Management and Budget; the Departments of the Interior and State; Interior's Inspector General; the U.S. Government Comptrollers for American Samoa, Guam/Trust Territory of the Pacific Islands/Northern Mariana Islands, and the Virgin Islands; a former U.S. Government Comptroller for the Virgin Islands; the Governors of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands; and the High Commissioner of the Trust Territory of the Pacific Islands. (See app. VI, pp. 53-81.) GAO did not receive comments from the Governor of the Northern Mariana Islands.

With the exception of Interior's Office of Territorial and International Affairs and the High Commissioner of the Trust Territory of the Pacific Islands, all comments are in general agreement with GAO's recommendations. The Office of Territorial and International Affairs and the High Commissioner objected to the recommendation for transferring the U.S. Government Comptrollers to Interior's Office of Inspector General because it could lead to a reduction in audit effort in the territories. GAO clarified its recommendation by adding that the transfer shall be for the purpose of establishing an independent organization which will maintain a satisfactory level of audit oversight in the territories.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 19, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate.

DEAR MR. CHAIRMAN: Your Committee requested that we suggest legislative language for the recommendations we made to the Congress in our report, "The Federal Audit Function in the Territories Should Be Strengthened," AFMD-82-23, March 25, 1982. Enclosed is the language we propose. If you or your staff have any questions regarding the proposed legislation or our report, you may contact J. David Zylks (275-5824) or Charles W. Culkin, Jr. (802-546-8373).

As agreed with your office, we are also sending the proposed legislation to the Chairman, House Committee on Interior and Insular Affairs and providing information copies to the Senate and House Appropriations Subcommittees on Interior, the Senate Committee on Governmental Affairs, and the House Committee on Government Operations.

Sincerely yours,

CHARLES A. BOWSHER.

Enclosure.

EXPLANATION OF PROPOSED LEGISLATION

The accompanying draft legislation is proposed to implement the recommendations made to the Congress in our report, "The Federal Audit Function in the Territories Should Be Strengthened," AFMD-82-23, March -, 1982. Essentially the legislation would effect the following:

Transfer the audit authority and resources of the government comptrollers for Guam, the Trust Territory of the Pacific Islands, the Northern Marina Islands, the Virgin Islands, and American Samoa to the Office of Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight in the territories. Incident to this transfer, some functions which are no longer deemed appropriate are omitted. The territorial organic acts and other legislation which heretofore provided for the government comptrollers are also amended to reflect the transfer. While the Inspector General Act confers administrative authority on the heads of affected agencies to transfer functions and offices of their departments to the Office of Inspector General, the transfer recommended herein requires legislative action since certain existing statutory functions are to be eliminated (e.g., the requirement that the goverment comptrollers prepare annual reports of the fiscal condition of the territorial governments).

Require the Governors of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands, and the Presidents of the Marshall Islands, the Federated States of Micronesia, and Palau to (1) prepare, publish, and submit a comprehensive annual financial report; (2) arrange for an independent audit of the comprehensive annual financial report; and (3) submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance of the audit report. This is also accomplished by amending the organic acts and other legislation relating the territories.

The following references to specific sections of the draft bill are intended to highlight significant changes.

Section 1(a) amends the Organic Act of Guam to require the Governor to prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within 120 days after the close of the fiscal year. While the government comptroller currently is responsible for preparing the annual report, the recommended legislation will place this responsibility on the Governor. Furthermore, the Governor shall be responsible for arranging an independent audit of the comprehensive annual financial report in conformance with the standards prescribed by the Comptroller General of the United States. In addition, the Governor shall be required to submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance date of the audit report.

Section 1(b) amends the Organic Act of Guam to eliminate the existing provisions for the government comptroller and inserts three new sections defining the authority to be conferred upon the Inspector General, Department of the Interior. The new language provides that a satisfactory level of audit oversight independent of the local government and the Office of Territorial and International Affairs, Department of the Interior, be maintained in Guam, but it allows the Inspector General discretion in making audits and reports. The language is designed to prevent the Inspector General from completely diverting the audit resources transferred herein but stops short of specifying staffing levels and audit frequency. It is stated that the authority granted by this language shall extend to all activities of the government and shall supplement and not diminish the existing authority conferred upon the Inspector General by the Inspector General Act of 1978. In order to carry out these provisions, the new language also provides for the transfer of personnel and funds from the office of the government comptroller for Guam to that of the Inspector General, Department of the Interior.

Omitted from the existing statutory audit language is the authority to review and recommend adjudication of claims, deemed to be unnecessary by the current government comptrollers. This omission is not intended to diminish the broad authority of the Inspector General to have access to and inspect all records, including those relating to claims, under Section 6(a)(1) of the Inspector General Act.

Existing provisions for formal administrative and judicial review of the decisions of the government comptrollers are no longer deemed necessary since the comptrollers do not have settlement authority and the audit functions transferred to the Inspector General do not include issuing formal decisions subject to appeal. The omission of these sections is not intended, however, to deprive a party of the right of access to an appropriate judicial forum should an action of the Inspector General so warrant.

Parts (a) and (b) of Sections 2 and 3 of the draft bill make similar amendments to the laws relating to the Virgin Islands, the Trust Territory of the Pacific Islands, and

the Northern Mariana Islands as do parts (a) and (b) of Section 1 just discussed. In addition, a provision has been added to ensure that section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States will not act to terminate the new language.

Sections 3 and 4 of the draft bill delete existing provisions regarding the salary and expenses of the government comptrollers since the positions will be eliminated.

Section 4(a) would require that the Governor of American Samoa prepare a comprehensive annual financial report; arrange for an independent audit of the annual report; and respond in writing to Federal audit report recommendations, which is similar to the provisions of Sections 1(a), 2(a), and 3(a) of the draft bill. Section 4(b), (c), and (d) defines the authority of and transfers resources to the Office of Inspector General, Department of the Interior, relating to American Samoa as was done for Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands (Sections 1(b), 2(b), and 3(b)).

Section 4 supersedes the existing Department of the Interior Secretarial Order No. 3009 relating to the government comptroller for American Samoa.

S. 2633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GUAM

SECTION 1. The Organic Act of Guam (64 Stat. 384), as amended, is further amended:

(a) by deleting the first sentence of the sixth paragraph of Section 6, as amended (82 Stat. 842, 843), and substituting the following: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within 120 days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. The Governor shall arrange for an independent audit of the comprehensive annual financial report in conformance with government auditing standards for governmental units as prescribed by the Comptroller General of the United States. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance date of the audit report."

(b) by deleting Section 9-A (82 Stat. 842, 845), as aended (91 Stat. 1159, 1161), in its entirety, and inserting in lieu thereof the following new Section 9-A:

"SEC. 9-A. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of Guam:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of Guam, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

"(2) The authority to report to the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of Guam, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam are hereby transferred to the Office of Inspector General, Department of the Interior."

VIRGIN ISLANDS

SEC. 2. The Revised Organic Act of the Virgin Islands (68 Stat. 497), as amended, is further amended:

(a) by amending the fourth paragraph of Section 11 (68 Stat. 503), as amended (82 Stat. 837, 838), to read: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within 120 days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. The Governor shall arrange for an independent audit of the comprehensive annual financial report in conformance with government auditing standards for governmental units as prescribed by the Comptroller General of the United States. Be shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance date of the audit report. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislative and give expression to his views on any matter before that body."

(b) by deleting Section 17 (68 Stat. 505), as amended (72 Stat. 1094; 76 Stat. 43; 82 Stat. 840; 91 Stat. 1162), in its entirety, and inserting in lieu thereof the following new Section 17:

"Sec. 17. (a) The following functions, powers, and duties heretofore vested in the government comptroller for the Virgin Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of the Virgin Islands:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of the Virgin Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to trust funds held by the government of the Virgin Islands.

"(2) The authority to report to the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of the Virgin Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpected balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for the Virgin Islands are hereby transferred to the Office of Inspector General, Department of the Interior."

TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 3. The Act of March 21, 1972 (86 Stat. 87), relating to the Trust Territory of the Pacific Islands is amended:

(a) by amending Section 5 (86 Stat. 88), to read: "The chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands shall prepare, publish, and submit to the Congress, the Secretary of the Interior, and the High Commissioner of the Trust Territory of the Pacific Islands a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within 120 days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The chief executives shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. The chief executives shall arrange for an independent audit of the comprehensive annual financial report in conformance with government auditing standards for governmental units as prescribed by the Comptroller General of the United States. The chief executives shall submit to the Congress, the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance date of the audit report. This section is not subject to termination under section 502(a)(3) of the Convenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268)."

(b) by deleting Section 4 of the Act of June 30, 1954 (68 Stat. 330), as amended (87 Stat. 354; 91 Stat. 1162; 94 Stat. 85), in its

entirety, and inserting in lieu thereof the following new Section 4:

"SEC. 4. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam with repect to the government of the Trust Territory of the Pacific Island and the government of the Northern Mariana Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the aforementioned governments including those pertaining to trust funds held by such governments.

"(2) The authority to report to the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, the chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands all failures to collect amounts due the governments, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268).

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam, with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Office of Inspector General, Department of the Interior."

(d) Section 201(a) of Public Law 96-205 (94 Stat. 85), is hereby deleted in its entirety.

AMERICAN SAMOA

SEC. 4. Section 501 of Public Law 96-205 (94 Stat. 90) is hereby deleted in its entirety, and inserted in lieu thereof is the following new Section 501.

"SEC. 501. (a) The Governor of American Samoa shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council of Governmental Accounting within 120 days after the close of the fiscal year. The Comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council of Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. The Governor shall arrange for an independent audit of the comprehensive annual financial report in conformance with government auditing standards for governmental units as prescribed by the Comptroller General of the United States. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken on Federal audit recommendations within 60 days after the issuance date of the audit report.

"(b) The following functions, powers, and duties heretofore vested in the government comptroller for American Samoa are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of American Samoa:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of American Samoa, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of American Samoa including those pertaining to trust funds held by the government of American Samoa.

"(2) The authority to report to the Secretary of the Interior and the Governor of American Samoa all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(c) The authority granted in paragraph (b) shall extend to all activities of the government of American Samoa, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(d) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, to the government comptroller for American Samoa are hereby transferred to the Office of Inspector General, Department of the Interior."●

By Mr. NICKLES:

S. 2634. A bill to amend section 14(c)(3) of the Fair Labor Standards Act of 1938, to permit the employment of handicapped and severely handicapped individuals in common areas, to permit the employment of handicapped individuals in demonstration projects, and for other purposes; to the Committee on Labor and Human Resources.

HIGHER PRODUCTIVITY AND EARNINGS FOR THE SEVERELY HANDICAPPED

Mr. NICKLES. Mr. President, today I am introducing a bill to remove an impediment to higher productivity and earnings for severely handicapped people. The bill would amend section 14(c) of the Fair Labor Standards Act to allow, on a permissive basis, integration of severely handicapped people in work activity centers (WAC) with less handicapped people working in sheltered workshops. The Solicitor of the Department of Labor interprets current law to require physical separation of people employed under WAC and sheltered workshop certificates issued by the Department of Labor. This requirement goes back to legislation enacted in 1966 when conditions for employment of handicapped workers were far different than today.

This issue has been examined by the Interagency Coordinating Council, established under section 507 of the Rehabilitation Act, and the Department of Labor. The ICC has adopted a resolution in favor of allowing integration of clients and recommending that section 14(c) of the FLSA be amended to permit integration. The same conclusion has been reached by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services in its report "Training and Employment for Handicapped Individuals in Sheltered Workshops" (TESPA) (March 1981), a General Accounting Office report entitled "Federal Efforts for Providing Employment Opportunities and Labor Standards for Handicapped Workers in Sheltered Workshops Should Be Improved" (1981); and the study "Wages in Sheltered Employment" by Monroe Berkowitz, March 1981. I ask unanimous consent that at the conclusion of my statement, excerpts from the Berkowitz and TESPA studies as well as the bill itself be printed in the RECORD.

Mr. President, to understand the purpose and effect of this legislation one must examine the legislative history of section 14(c) and the evolution of sheltered employment since the statute was last amended in 1966.

Section 14(c) provides that the Secretary of Labor may issue special certificates to institutions employing handicapped workers. These certificates authorize the employing entity to pay less than the statutory minimum wage in recognition of the reduced productivity of workers with various handicapping conditions. The purpose of this exception from the generally applicable minimum wage is to promote employment of handicapped people. The law authorizes the issuance of such certificates to sheltered workshops. Such certificates permit payment of wages of not less than 50 percent of the minimum wage. Work activity centers have a special certificate allowing it to pay less than the 50-percent standard.

When the present law was written as part of the Fair Labor Standards Act Amendments of 1966 (P.L. 89-601) special certificates for work activity centers were authorized to permit work-oriented programs for very severely handicapped people whose productivi-

ty, as termed by the statute, is "inconsequential." On the presumption that programs for such people would be quite distinct from more production-oriented activities in sheltered workshops, the law defines "work activity centers" to mean "centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential." The Solicitor of the Department of Labor has interpreted this language to require that employees of work activity centers be physically separated from those under sheltered workshop certificates in situations where an institution operates programs under both types of certificates. This affects approximately 80 institutions across the country serving over 200,000 handicapped individuals.

What may have made sense in 1966 is not good policy or in the interests of the handicapped people in 1982 due in part to major changes in the position of handicapped people in our society and to advances in our state of knowledge about what handicapped people can do. Further, there has been an enormous change in the types of people being served in and being employed by rehabilitation facilities and other institutions employing severely handicapped people.

In 1966 most sheltered employment programs were designed for physically handicapped workers. Over the last 15 years and, particularly since enactment of sections 503 and 504 of the Rehabilitation Act of 1973, physically handicapped people have increasingly found jobs in the general economy. At the same time, however, thousands of mentally retarded and mentally ill people have been discharged from State institutions and other facilities and are being served in their communities by institutions providing sheltered employment.

As facilities have responded to this new population increasingly they have looked to the use of work activity center certificates under section 14(c). Many sheltered workshops have developed special programs for more severely handicapped people, particularly those who are mentally retarded. In the course of doing so they have also developed new ideas about ways of integrating people with a variety of levels of disability to achieve higher productivity for all concerned. The physical separation requirement enforcement by DOL is, however, a barrier to the organization of handicapped people for optimum productivity and, therefore, incomes. Severely handicapped people working under work activity center certificates are not allowed to work with more productive workers and are, therefore, denied models and stimulation which would thus be afforded.

The facilities covered by these special certificates are nonprofit institutions established expressly for the rehabilitation and/or employment of handicapped people. They must, however, compete in the economy for contracts or sell their products in the open market. The proceeds of such sales yield the funds for wages for their employees. In the absence of a subsidy which is not generally available, wages are a function of productivity.

In a workshop, production may be performed by a single person, a team of people or by an assembly line. A team approach to a project normally divides the project into easy to more difficult tasks. These tasks are performed on the basis of ability. Under certain circumstances, WAC employees can be integrated with sheltered workshop employees with higher productivity for both. Another facet of integration is that less disabled and more productive people act as role models for the more disabled with positive effects. In considering introducing this bill, I have consulted and received support for it from within the National Association of Rehabilitation facilities, United Cerebral Palsy, Oklahoma County Council for Mentally Retarded Citizens, Inc., ARC Industries of Bartlesville, Okla., Goodwill Industries of America, Association of Retarded Citizens and National Easter Seal Society.

Mr. President, the bill I am introducing today would change the definition of a work activity center to eliminate any question that separation of employees under these certificates is required. It would be allowed on a permissive basis. Section 504 of the Rehabilitation Act was designed to insure the maximum integration of handicapped people into our economic life. This bill is intended to allow that integration within sheltered workshops. I hope that this bill will receive prompt consideration and passage.

ANALYSIS OF PROPOSED BILL TO AMEND SECTION 14(C) OF THE FAIR LABOR STANDARDS ACT

Under the current law people in work activity centers are referred to as "handicapped clients." In other parts of the subsection the word "individuals" is used in reference to people working under other special certificates. The bill changes the term "clients" to "individuals" in such instance to be more consistent with other paragraphs in the subsection. Second, it also deletes the term "centers" each time it appears in paragraph (A) and replaces it with the term "program."

Third, the bill rewrites subparagraph (B) of section 14(c)(3), the definition of a work activity center. The present definition has been interpreted by the Solicitor of Labor as prohibiting permissive integration of WAC and sheltered workshop clients.

The proposed definition eliminates those terms upon which the Solicitor and the Department based their opinions and is intended to allow permissive integration of clients. The new definition is for work activities programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, D.C., January 13, 1980.

Memorandum for: The Interagency Council and Staff
From: James P. Turner, Chairman Designee, Interagency Coordinating Council
Subject: 1980 Council Report and Sheltered Workshops

Attached is a printed copy of the Council's 1980 report to the President and Congress. In the event you would like additional copies, please contact Bob Dempsey (633-2374).

The unbound report was submitted to the President, the Vice President and the Speaker in December. The bound report is being resubmitted to the aforesaid and is being sent to the Chairman and ranking minority members of the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor and the Chairmen and all members of those Committees' relevant subcommittees. Additionally, the report will be sent to Federal departments and agencies and to a substantial number of consumer organizations and publications. We understand the Government Printing Office has published an additional 900 copies for public distribution and circulation to libraries.

At the last Council meeting on December 11, the following resolution was read:

"The Council has been concerned about an apparent conflict between the Fair Labor Standards Act (FLSA) regulatory requirement for physical separation of work activity center clients from sheltered workshop clients and Section 504 of the Rehabilitation Act of 1973 requiring recipients of federal funds to place handicapped people in the least restrictive environment commensurate with their needs.

"The Council has heard presentations on this issue from the Departments of Labor, Education, and Health and Human Services. The Council also has received letters from organizations concerned with sheltered workshops and work activity centers.

* * * * *

"In view of the above, the Council adopts the following policy position:

"'The Interagency Coordinating Council established under Section 507 of the Rehabilitation Act of 1973 as amended believes sheltered workshop and work activity center clients should be integrated on a permissive basis and recommends that Section 14(c) of the FLSA be amended to permit integration.[1]'"

This resolution was not put to a vote because of the absence of a quorum. However, it was agreed at the meeting that the Staff would present the resolution to their respective principals for a vote which would then constitute the official position of the Council on this issue. I can now report that the members of the Council (including the Department of Labor) have approved the resolution. The resolution therefor states the position of the Council.

WAGES IN SHELTERED EMPLOYMENT

(Monroe Berkowitz, Principal Investigator, with David Dean, Jeffrey Rubin, Stephen Sheehy)

MARCH 1981—FINDINGS RELATED TO WAGES, PRODUCTIVITY, AND EMPLOYMENT

The criteria a workshop must meet if it is to receive a certificate to pay subminimum wages effectively establishes a minimum wage in workshops (except for WACs). Thus the minimum wage for the economy will influence wages in sheltered workshops. The research by Christainsen, summarized in Chapter IV, suggests that the existence of a minimum wage has a positive impact on wages in sheltered employment. At the same time, higher wages may reduce the supply of hours worked for recipients of cash transfers and may also act to reduce the demand for workers in production-oriented shops.

Capital, managerial capacity and orientation, and use of nondisabled employees all contribute positively to the productivity, and in turn the wages, of impaired workers in sheltered workshops. Some Fair Labor Standard Act rules, such as the requirement that WACs be physically separated from other work programs, can tend to limit worker productivity.

Some workshops simply decide to pay, or are mandated by state law to pay, minimum wages or above. In these cases, subsidies, in the form of donations or the direct allocation of state funds, are necessary to bridge the gap between value of workshop output and the mandated wage bill. The failure to cover costs can be attributed to low worker productivity which may be the result of inefficient management practices or cumbersome state regulations.

While in principle, for some jobs, a piecerate system will most closely link productivity with wages, difficulties and inequities tend to arise in determining the prevailing wage and in establishing a commensurate wage. We found great confusion among workshop managers about the appropriate firms and jobs to sample in order to determine the prevailing wage, wide variety in methods used to establish production standards and uncertainty as to how to account for different supervisory-labor ratios and other conditions of work.

TRAINING AND EMPLOYMENT SERVICES FOR HANDICAPPED INDIVIDUALS IN SHELTERED WORKSHOPS

(Prepared by Claude W. Whitehead, Social Science Analyst, Office of Social Services Policy, HHS)

MARCH 1981

* * * * *

There is considerable agreement that wage abuses are frequent in workshops, but there are multiple causes. For example, the determination of commensurate wage rates is often based on inaccurate or incomplete wage/hour data. Workshop staff often lack expertise in establishing wage systems and determining productivity norms. DOL compliance investigations, the primary current means for enforcing wage standards, are ineffective and often focus primarily on complaints. At the same time, DOL regulations (Part 525) for work activity centers (WACs) are restrictive and complex, particularly regarding segregation from regular program workshops, annual wage earnings restrictions, and productivity criteria. In addition, the WAC definition deemphasizes work and focuses on therapy, although many WAC programs are primarily work oriented, i.e., the definition is not appropriate to the actual model.

Recommendations.—To resolve these problems, the policy paper recommended that FLSA-authorized program for employment of handicapped workers in sheltered workshops be restructured to maximize training, employment, and earning opportunities for all handicapped workers. Suggested changes include:

Establish a single certificate, concentrating on payment of commensurate wages for all handicapped workers. This system would eliminate restrictive DOL requirements for segregation of WAC and regular program clients, encourage individual productivity, accommodate those with the greatest productivity limitations, and provide maximum opportunity for upward mobility and progress.

Use DOL compliance investigations and improved workshop supervision to assure that legal and commensurate wages are paid to handicapped workers in sheltered workshops.

Require that handicapped persons entering sheltered workshops are appropriately evaluated and followed with individualized program plans.

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(c)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(3)) is amended—

(1) by striking out "clients" each place it appears in subparagaph (A) and inserting in lieu thereof "individuals";

(2) by striking out "centers" each place it appears in subparagraph (A) and inserting in lieu thereof "programs"; and

(3) by amending subparagraph (B) to read as follows:

"(B) For purposes of this paragraph, the term 'work activities programs' means programs which provide therapeutic activities for individuals whose physical or mental impairment is so severe as to make their productive capacity inconsequential."

By Mr. BAKER for Mr. PERCY (by request):

S. 2636. A bill to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon; to the Committee on Foreign Relations.

LEBANON EMERGENCY RELIEF, REHABILITATION AND RECONSTRUCTION ASSISTANCE ACT OF 1982

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Foreign Relations Committee.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Deputy Secretary of State to the President of the Senate dated June 9, 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Lebanon Emergency Relief, Rehabilitation and Reconstruction Assistance Act of 1982".

EMERGENCY RELIEF, REHABILITATION AND RECONSTRUCTION ASSISTANCE

SEC. 2. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 495J. LEBANON EMERGENCY RELIEF, REHABILITATION AND RECONSTRUCTION ASSISTANCE.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering and resettlement needs of the innocent victims of recent strife in Lebanon. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine for the relief, rehabilitation and reconstruction needs of such victims. Assistance provided under this section shall emphasize the provision of food, medicine, clothing, shelter, water supply systems and similar efforts to ameliorate the suffering of the people in Lebanon.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000 for the fiscal year 1982, which amount is authorized to remain available until expended.

"(c) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering in Lebanon, may be charged to the appropriations authorized under this section.

"(d) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491."

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED LEBANON EMERGENCY RELIEF, REHABILITATION AND RECONSTRUCTION ASSISTANCE ACT OF 1982

SECTION 1. Short Title. This section provides that the bill may be cited as the "Lebanon Emergency Relief, Rehabilitation and Reconstruction Act of 1982".

SEC. 2. Emergency Relief, Rehabilitation and Reconstruction Assistance. This section adds a new section 495J to the Foreign Assistance Act of 1961 to authorize the provision of emergency relief, rehabilitation and reconstruction assistance to alleviate the human suffering caused by the recent strife in Lebanon. Assistance would be used to provide food, medicine, clothing, shelter, water supply, and other items or activities to help meet emergency and reconstruction needs in Lebanon. The section authorizes $20 million in fiscal year 1982 for this purpose to be available until expended.

THE DEPUTY SECRETARY OF STATE,
Washington, D.C., June 9, 1982.

Hon. GEORGE BUSH,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The President on June 9, 1982, from Bonn, Federal Republic of Germany, issued an appeal to all countries to join in an international humanitarian effort to help the victims of the conflict in Lebanon. As part of that effort, the President's statement indicated that he would be requesting the Congress to provide $20 million in relief and rehabilitation assistance for Lebanon.

I herewith transmit on behalf of the President a Bill to amend the Foreign Assistance Act of 1961 to authorize $20 million for the provision of emergency relief, rehabilitation, and reconstruction assistance to alleviate the human suffering caused by the recent strife in Lebanon. In the meantime, we are making available immediately an additional $5 million in emergency assistance for foodstuffs, shelter, medicines and other critically needed relief supplies.

The human suffering in Lebanon is tragic. In addition to the many casualties caused by the fighting; many people have been forced to leave their homes. These people need our help urgently. In view of the emergency conditions prevailing in Lebanon, early enactment would be appreciated.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

WALTER J. STOESSEL, JR.●

By Mr. METZENBAUM:

S. 2637. A bill to provide a program of Federal supplemental unemployment compensation; to the Committee on Finance.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to provide an additional 13 weeks of unemployment compensation to jobless working people who have exhausted their unemployment compensation benefits.

The economic conditions in this country have reached the point of crisis.

We face a nationwide unemployment rate of 9.5 percent. But in my own State of Ohio, the unemployment rate is running today at 11.7 percent. That translates into 600,000 Ohioans out of work.

But in spite of these cruel facts, the administration refuses to act.

We are told that we must wait until the Reagan program takes hold. A million Americans have been waiting for 6 months now, they have exhausted their unemployment benefits. And they are confronted with the possibility of losing their homes, their cars, and what is left of their dignity as human beings.

Unemployment benefits are anything but lavish. On the average, benefits run about $123 a week.

But that amount of money helps to put food on the table, helps to pay the utility bills, and helps with rent or monthly payments.

And, Mr. President, the willing workers who are the victims of today's economy are also the people who have paid their taxes and who have never asked for handouts. Their troubles are not of their own making. And I believe that we have an obligation to act with compassion at a moment in our history in which compassion is so sorely lacking.

I ask unanimous consent that my bill along with an analysis be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION

Section 1: Title, "Federal Supplemental Unemployment Assistance Act of 1982".

Section 2: Federal-State agreement, any State may enter into an agreement with the Secretary of Labor in order for the State to make payments to individuals who have exhausted regular or extended compensation benefits. The State shall provide for each eligible individual a compensation account. The amount in the account shall be the lesser of 50 percent of the total amount of regular compensation or 10 times the average weekly benefit amount.

Section 3: Payments to States, payments to States by the Secretary of Labor shall equal 100 percent of the compensation paid to individuals by the State. The amount available to the State is payable by reimbursement or in advance as may be determined by the Secretary.

Section 4: Authorization of appropriations "such sums as necessary."

Section 5: Definitions.

Section 6: Fraud and overpayments. If a person knowingly makes a false statement or misrepresentation in order to receive benefits under this act, they are subject to prosecution. The States are authorized to require the person to repay all funds received if the person was not entitled.

Section 7: Repeals title II of the Emergency Jobs and Unemployment Assistance Act of 1974.

S. 2637

Be it enacted by the Senate and House of Respresentatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Supplemental Unemployment Assistance Act of 1982".

FEDERAL-STATE AGREEMENTS

SEC. 2. (a) Any State which desires to do so may enter into and participate in an agreement with the Secretary under this Act. Any State which is a party to an agreement under this Act may, upon providing thirty days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency of the State will make payments of Federal supplemental compensation—

(1) to individuals who—

(A) (i) have exhausted all rights to regular compensation under the State law; and

(ii) have exhausted all rights to extended compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (including trade readjustment allowances under the Trade Act of 1974); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada;

(2) for any week of unemployment which begins in—

(A) an extended benefit period; and

(B) the individual's period of eligibility,

Except that no payment of Federal supplemental compensation shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.

(C)(1) For the purpose of subsection (b)(1)(A)(i), an individual shall be deemed to have exhausted his rights to regular compensation under a State law whenever—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For the purpose of subsection (b)(1)(A)(ii), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(d) For the purpose of any agreement under this Act—

(1) the amount of the Federal supplemental compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for Federal supplemental compensation and the payment thereof; except—

(A) where inconsistent with the provisions of this Act or with the regulations of the Secretary promulgated to carry out this Act; and

(B) to the extent that the State law is inconsistent with the requirements of section 3304(a)(15) of the Internal Revenue Code of 1954, the requirements of such section shall apply under regulations prescribed by the Secretary.

(e)(1) Any agreement under this Act with a State shall provide that the State will establish, for each eligible individual who files an application for Federal supplemental compensation, a Federal supplemental compensation account with respect to such individual's benefit year.

(2) The amount established in such account for any individual shall be equal to the lesser of—

(A) 50 per centum of the total amount of regular compensation (including depend-

ents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

(B) 10 times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

(f)(1) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this Act for any week beginning before whichever of the following is the latest:

(A) the week following the week in which such agreement is entered into; or

(B) the first week which begins after the date of the enactment of this Act.

(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this Act for any week beginning after March 31, 1983.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF FEDERAL SUPPLEMENTAL COMPENSATION

SEC. 3. (a) There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 per centum of the Federal supplemental compensation paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section in respect to compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act.

(c) Sums payable to any State by reason of such State's having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

AUTHORIZATION OF APPROPRIATIONS; PAYMENT

SEC. 4. (a) There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the provisions of this Act.

(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act.

DEFINITIONS

SEC. 5. For the purpose of this Act—

(1) The terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" have the meanings assigned to such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) The term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period; except that an individual shall not have a period of eligibility unless—

(A) his benefit year ends on or after the date of enactment of this Act; or

(B) such individual was entitled to extended compensation for a week which begins on or after the date of enactment of this Act.

(3) The term "extended benefit period" means a period which—

(A) is an extended benefit period for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, or

(B) would be an extended benefit period under such section 203 if such section 203 provided that (i) there would be an alternative State "on" indicator for a week if the total rate of unemployment in such State (as defined by the Bureau of Labor Statistics for purposes of monthly unemployment rate statistics) for such week and the immediately preceding twelve weeks equaled or exceeded 10 per centum, and (ii) that there would not be a State "off" indicator for a week if the criteria described in clause (i) of this subparagraph were met for such week.

(4) The term "Secretary" means the Secretary of Labor.

FRAUD AND OVERPAYMENTS

SEC. 6. (a) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal supplemental compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further Federal supplemental compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b)(1) In the case of individuals who have received amounts of Federal supplemental compensation under this Act to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such Federal supplemental compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal supplemental compensation was without fault on the part of any such individual, and

(B) such repayment would be contrary to equity and good conscience.

(2) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any Federal supplemental compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the Federal supplemental compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

(3) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(c) Any determination by a State agency under subsection (a) or (b) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

REPEAL

SEC. 7. Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 is repealed.●

ADDITIONAL COSPONSORS

S. 1992

At the request of Mr. MATHIAS, the Senator from New Jersey (Mr. BRADY) was added as a cosponsor of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 2000

At the request of Mr. DOLE, the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 2000, a bill to amend title 11, United States Code, to establish an improved basis for providing relief under Chapter 7, and for other purposes.

S. 2376

At the request of Mr. GRASSLEY, the Senator from Florida (Mrs. HAWKINS), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Wyoming (Mr. WALLOP), the Senator from North Carolina (Mr. EAST), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2376, a bill to direct the Secretary of the Treasury or his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations.

S. 2425

At the request of Mr. ROTH, the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, to make tax-exempt bonds available for certain residential rental property, and for other purposes.

S. 2464

At the request of Mr. COHEN, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2464, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize the Economic Development Administration for fiscal years 1983, 1984, and 1985, and for other purposes.

S. 2610

At the request of Mr. CHAFEE, the Senator from Texas (Mr. TOWER), the Senator from Utah (Mr. HATCH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2610, a bill to delay Treasury regulations on the debt-equity issue.

SENATE JOINT RESOLUTION 58

At the request of Mr. DECONCINI, the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

At the request of Mr. HATCH, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 58, supra.

SENATE RESOLUTION 334

At the request of Mr. METZENBAUM, the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Resolution 334, a resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983.

SENATE RESOLUTION 363

At the request of Mr. SASSER, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Resolution 363, a resolution expressing the sense of the Senate with respect to Federal funding for fossil fuel programs.

SENATE RESOLUTION 394

At the request of Mr. WARNER, the Senator from New Mexico (Mr. SCHMITT) and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Resolution 394, a resolution expressing the sense of the Senate to commemorate the bicentennial of the Great Seal of the United States.

AMENDMENTS SUBMITTED FOR PRINTING

EXTENSION OF VOTING RIGHTS ACT

AMENDMENT NO. 1897

(Ordered to be printed and lie on the table.)

Mr. EAST submitted an amendment intended to be proposed by him to the bill (S. 1992) to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Mr. Arthur J. Dellinger, Sr., of California, to be Deputy Inspector General for the Department of Energy. The hearing will be held on Monday, June 28, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. David Doane of the committee staff at 224-7144.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing to consider the Department of Energy's uranium enrichment program has been rescheduled for Thursday, June 24, beginning at 9 a.m. in room 6202 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 16, at 10 a.m., to hold an oversight hearing in connection with the use of false identification to penetrate Federal programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. HATCH. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Commerce Committee be authorized to hold an oversight hearing on Government cargo preference, during the session of the Senate on Wednesday, June 16, 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 17, at 10 a.m., to mark up S. 2422, the CIA Retirement and Disability System Spouses' Equitability Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate at 10 a.m. on Thursday, June 17, to consider S. 1562, which deals with the Arctic research policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to hold a markup during the session of the Senate at 2 p.m. on Thursday, June 17, to consider S. 2363, a bill to amend the Uniform Relocation Act; S. 2059, the Ethics in Government Act Amendments of 1982; and H.R. 3620 and S. 2625, surplus property bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OUR AIMS AND ISRAEL'S

● Mr. COHEN. Mr. President, in yesterday's New York Times, the distinguished editor of Commentary magazine, Norman Podhoretz, provides an excellent analysis of the situation in the Middle East and the approach our Nation should take regarding the Israeli action in Lebanon.

In his article, "Our Aims and Israel's," Mr. Podhoretz suggests that the war in Lebanon offers the United States an opportunity to provide greater stability in the Middle East.

"Far from killing off Camp David, then, the Israeli action may breathe new life into the peace process," he says.

Moreover, the weakening of the PLO and the Syrians, the mainstays of the rejectionist radical forces, will lessen radical pressures on King Hussein of Jordan. This will make it easier for him to join Camp David and thus increase the possibility of a negotiated settlement on the West Bank.

Mr. Podhoretz makes a convincing argument that the Israeli move into Lebanon is in our interests no less than in theirs, and that it is in the interests of the Lebanese people themselves. The removal of hostile forces from Lebanon cannot only provide greater protection for innocent people in Israel, it can also provide the opportunity for a return of Lebanon to the Lebanese, rather than the hostile forces who have occupied that country for a decade.

The article is thoughtful and compelling. I commend it to the attention of my colleagues. I ask that it be printed in the RECORD.

The article follows:

[From the New York Times, June 15, 1982]

OUR AIMS AND ISRAEL'S

(By Norman Podhoretz)

In the past few weeks, the United States has been confronted with two wars, one in the Falklands and one in Lebanon, and in both instances our initial response has been uncertainty over the position we ought to be taking. With regard to the Falklands, where our interest in backing an ally collided with considerations of regional security, this uncertainty was understandable. In the end, however, we rightly resolved it in favor of England—rightly, because just as we should favor authoritarianism over totalitarianism where those are the only alternatives, so in

any conflict between a democratic and a nondemocratic country, our proper place is with the democracy.

To be sure, the British themselves often violate this rule, especially in their policy toward the Arab-Israeli conflict. Nevertheless, the case for wholehearted American support of Israel's effort in Lebanon is even stronger than the case for solidarity with Britain in its struggle with Argentina. For whereas Argentina has been at least relatively friendly to the United States, Israel's enemies in Lebanon, the Palestine Liberation Organization and the Syrians, are also enemies of the United States. Both are politically aligned with and armed by the Soviet Union, and both regularly denounce the United States with a fervor exceeded only by their denunciations of Israel. It seems curious that we should hesitate about choosing sides in such a conflict.

All the more curious does it seem when we consider that in addition to the simple human imperative of backing a friend who is at war with a mutual enemy, there is a compelling moral argument for supporting Israel. Would those nations so quick to condemn Israel for going after the P.L.O. in Lebanon think it right to tolerate artillery attacks on their own territory from a neighboring enclave? Would France sit still if the Red Brigades were shelling Nice from Italy? Indeed, would the United States acquiesce in the shelling of Texas from Mexico?

The very fact that Israel is expected to suffer such assaults by the P.L.O. means that the double standard traditionally applied to individual Jews is now being used against the Jewish state. Under this double standard, the right of self-defense, taken for granted by all other nations, becomes aggression when Israel exercise it. What we have here is the old antisemitism modified to suit the patterns of international life. Why should Americans lend themselves to this disgusting maneuver?

Even if this were all, it would be enough. But in contrast to the Falklands, where strategic considerations arguably cut the other way, the strategic factor in Lebanon reinforces the human and moral case for supporting Israel. In fighting to dislodge the P.L.O.'s hold on Lebanon, the Israelis are pursuing an objective that is in our interest no less than in theirs; it is even in the interests of the Lebanese people themselves.

Because the P.L.O. is so useful as an instrument for the destruction of Israel, all the Arab countries give it public support. Yet from 1948 to 1967, when Jordan occupied the West Bank, no move was ever made by the Jordanians or any other Arab country to establish a new Palestinian state. Then in 1970 the Jordanians, slaughtering many thousands of Palestinians in the process, drove the P.L.O. into Lebanon, where the P.L.O. wrecked the delicate political balance on which Lebanese stability has depended. The ferocious civil war in Lebanon that eventually resulted brought in the Syrians, who promptly turned their guns on the P.L.O., and then proceeded to accupy the dismembered body of what had formerly been the only democratic state in the Arab world.

With the P.L.O. and the Syrians now weakened by Israeli military action, there is a chance to recreate a Lebanese state that could be run by its own people again and that would be willing to live as before in peace with Israel. In 1973, the Yom Kippur war presented the United States with an opportunity to sponsor a peaceful settlement between Egypt and Israel. Today, the war in Lebanon offers us an opportunity to do something similar on another front of the Arab-Israeli conflict.

Far from killing off Camp David, then, the Israeli action may breathe new life into the peace process. Moreover, the weakening of the P.L.O. and the Syrians, the mainstays of the rejectionist radical forces, will lessen radical pressures on King Hussein of Jordan. This will make it easier for him to join Camp David and thus increase the possibility of a negotiated settlement on the West Bank.

In short, we have so many reasons to welcome the Israel military action that our equivocal response bespeaks a dangerous uncertainty about ourselves and where we stand in the world.●

THE EQUAL RIGHTS AMENDMENT

● Mr. TSONGAS. Mr. President, I would like to share with my colleagues the conclusion of a three part report by the U.S. Commission on Civil Rights concerning the equal rights amendment. Parts one and two appeared June 14 and 15 in the CONGRESSIONAL RECORD.

The material follows:

SUMMARY AND CONCLUSION

Ratification of the Equal Rights Amendment continues to be essential to the attainment of equal rights for women and men under the law. In Federal statutes alone, the Commission has identified over 800 sections of the U.S. Code containing examples of substantive sex bias or sex-based terminology that are inconsistent with a national commitment to equal rights, responsibilities, and opportunities. State laws are replete with provisions that assign women, on the basis of their sex, to an inferior role.

Measured by any standard, women continue to be disadvantaged by gender-based laws and practices, despite the enactment of equal opportunity laws. As workers, they are victims of an earnings gap that is even wider today than it was in 1956. As wives, they are still subject to laws that deny them as equal partnership in marriage. As students, they often steered away from both the education needed to break into the better paying jobs dominated by men and the sports programs that have been traditional training grounds for leadership and the route to a college education through athletic scholarships. Further, women endure a criminal justice system that too often judges them by their sex and not by the acts they commit or by which they are victimized. This reality must dispel the myth that women have achieved equality under law.

It is clear that existing constitutional guarantees will not mandate the changes that are needed. Judicial interpretation of these guarantees has allowd sex bias to survive. The Supreme Court has persisted in its view that sex-biased laws and classifications are more easily justified under the Constitution than are race-biased laws. As Justice Powell recently explained in *Regents of California* v. *Bakke*, The Supreme Court has never extended the full scrutiny of the 14th amendment to sex discrimination claims because the Court does not see such discrimination as inherently odious when compared to the lengthy and tragic history of race discrimination. But such a comparison of victims surely is neither appropriate nor required. The treatment of challenges to sex-based discrimination under existing law reflects the perpetuation of sterotypes and myths about women in American society, as well as a failure to recognize and understand the lengthy struggle of women to secure equal rights under the law.

Thus, the need for the Equal Rights Amendment to signal that sex discrimination is no longer acceptable in our Nation's laws, policies, and practices, is even more clear today than it was in 1972 when Congress first approved the amendment and sent it to the States for ratification. Evidence also abounds that the ERA is an appropriate remedial measure to meet that need. Recent experiences under State equal rights provisions substantially similar to the Federal ERA have confirmed that it will prompt the changes necessary to provide men and women with status as equal persons under the law.

These experiences show substantial strides toward equality of men and women under the law. For example, State ERA provisions have been relied on to develop legal standards for marital support and property rights that look to the actual needs and capabilities of each spouse, rather than merely to his or her sex. In applying these standards, recognition has been given under State ERAs to the economic value of the contribution provided by the homemaker spouse—an important step in securing legal and economic rights for the married woman who chooses to be a full-time homemaker.

State ERAs have been successfully relied on to neutralize criminal laws so that individuals are treated according to their acts and not their gender. These State constitutional provisions also have helped to expand educational opportunities for females. Finally, the application of State ERAs to sex-based discrimination in employment has prompted changes to do away with gender-based presumptions and classifications. Notably, the different ways States have acted to neutralize sex-based provisions in State workers' compensation systems indicates the flexibility available for States to determine their own paths to equality.

The orderly and nonchaotic way in which this progress has been made under State amendments is proof that the equal rights principle as a constitutional mandate can and does work in a way that strengthens our society.

Although these State experiences also suggest that reform of the laws is possible on a State-by-State basis, such a route is both plodding and haphazard and offers no guarantees of ever reaching completion. As Congress recognized in 1972, "only a constitutional amendment can provide the legal and practical basis for the necessary changes." The ERA will provide on a national basis an unmistakable mandate of the highest order for equal rights under law. It will give women a clear route to seek redress against sex bias, provide impetus for the enforcement of existing antidiscrimination laws and the completion of legislative reform, and give the courts a clear basis for dealing with sex-based discrimination.

Reaffirming a position first taken in June 1973, the Commission believes that the Equal Rights Amendment should be ratified. Accordingly, we urge State legislatures that have not yet approved the ERA to consider it on its merits. We are confident that such consideration can only result in ratification and the long-awaited guarantee to women and men of equal justice under the law.●

CENTENNIAL ANNIVERSARY OF OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

● Mr. GLENN. Mr. President, today I call attention to the Centennial Anniversary of the establishment of the Ohio Agricultural Research and Development Center (OARDC) in Wooster, Ohio. On June 17 through 20, 1982, the OARDC is hosting a 4-day open house celebrating 100 years of service to the farmers of Ohio, the Nation, and the world. As a Senator from the State of Ohio, I am proud of the accomplishments made by the Ohio Agricultural Research and Development Center.

The OARDC, originally named the Ohio Experiment Station, was established in response to the needs and demands of Ohio farmers in the 19th century. The fifth of its kind to be organized, the agricultural research and development center has devoted much of its time to experiment and research in order to meet the growing demands of a society that has changed drastically since 1882.

The OARDC, with headquarters at Wooster, Ohio, and with research operations at 10 outlying research branches plus research effort on the campus of the Ohio State University, constitutes one of Ohio's most valuable resources. It is the presence of the OARDC in Ohio and of similar agricultural experiment stations in all 50 States of our Nation, as well as in Puerto Rico, Guam, and the Virgin Islands, plus research laboratories at the 1890 land-grant colleges and universities and at Tuskegee Institute, which give me confidence that the productive capacity of American agriculture will make it possible for us to continue to feed additional millions of people in the United States while at the same time supplying ever-increasing quantities of food and fiber to our export markets overseas.

The OARDC, working hand in hand with the Ohio Cooperative Extension Service and the College of Agriculture and Home Economics at the Ohio State University, has literally accomplished miracles of increased production over the past 100 years.

In looking at what has been responsible for the tremendous increase in production, we find that the OARDC released 24 new and improved inbred lines of corn over the period of the last 30 years. It has been the constant improvement in the genetic capacity of our farm crops which has made it possible for the Ohio Cooperative Extension Service, and for the College of Agriculture and Home Economics at the Ohio State University, to help Ohio farmers do a better job of selecting hybrids in single crosses capable of performing better for them in each year than those they had used the previous year. It is this continual and continued improvement in germ plasm which has made possible much of the dramatic improvement that has been made in crop yields. Other factors have included improved cultural practices along with a great many production innovations on the part of individual farmers, as well as new and improved products furnished to farmers by Ohio's agricultural business and industry complex.

It should be obvious from the foregoing that Ohio farmers, and all Ohio citizens, should hold enlightened self-interest in providing public support for the work of the OARDC, as well as for the work of the Ohio Cooperative Extension Service. Research and education go hand in hand. It does little good to develop a new and improved crop variety unless farmers are provided with information as to the agricultural chemicals which must be applied to maximize yields from that new variety, as well as with the tillage practices and fertility regimes which will enable that new variety to produce maximum yields.

Ohio farmers and Ohio citizens can be assured that the day-to-day work of agricultural scientists at the OARDC will result in further dramatic payoffs to Ohio's economy in the years ahead. Quite obviously, there may not be anything new or dramatic to announce each week or each month, but the overall impact of OARDC programs will be increasingly dramatic.

It is my sincere belief that the OARDC deserves special recognition and acclaim for the outstanding contributions it has made to America's farmers. The accomplishments made by organizations such as the OARDC, together with this Nation's farmers, have made our great country known as the breadbasket of the world. I wholeheatedly support the goals of the OARDC and wish the center continued success and good luck for the next 100 years.●

ERA AND THE POLLS

● Mr. GARN. Mr. President, with the most recent failures of the equal rights amendment to achieve ratification in Illinois and North Carolina, we are hearing the usual cries that male-dominated legislatures are ignoring the will of the people. Public opinion polls are cited to show that enormous majorities are committed to the ERA, and that the only thing standing in its way is a small band of willful little men.

Mr. President, I have examined these polls very carefully, and I conclude that they do indeed show a majority of Americans committed to the basic principle of equality. We did not really need a poll to tell us that. These, and other polls, also show us that Americans are careful about what may result from a specific constitutional proposal purporting to embody the basic principle of equality. It is that care that produces the troubles the ERA has had. We should bear in mind that no State has ratified the ERA in 5 years—5 years, Mr. President. No other successful amendment has ever taken anywhere near 5 years to achieve ratification.

In short, the polls need to be looked at with more care than ERA advocates will admit. Luckily, others have examined these polls, and I would like to cite two of them today. Mr. Fred Reed has produced a remarkably lucid analysis of the level of public support for the ERA, in a recent column in the Washington Times, and some months ago the United Families Foundation reviewed all the ERA polls up to that time in one of their Open Issues series. I include the two articles to be printed at this point in the RECORD. I think they will clearly demonstrate that the ERA is still lacking the popular support any constitutional amendment must have.

The articles follow:

[From the Washington Times, June 10, 1982]

MOST PEOPLE DON'T KNOW WHAT ERA IS ALL ABOUT

(By Fred Reed)

I have just read that the legislature of North Carolina failed to ratify the ERA, causing proponents of the measure to state somewhat indignantly that, according to polls, 61 percent of North Carolinians supported ratification. Regarding which, a few thoughts.

1. A minimum of 90 percent of the population of North Carolina doesn't know what the amendment says. I once substantially misquoted the ERA in newspapers with an aggregate circulation of close to half a million. I got many infuriated letters. None—not one—noticed that I had misquoted it.

2. The poll said 61 percent favor and 30 percent disapprove of the amendment, leaving 9 percent unaccounted for. In most polls these are said to be "undecided." I'll wager that 20-40 percent have never heard of the ERA. In experiments, pollsters have asked people what they thought of nonexistent bills. ("Do you support Sen. Doppleganger's accrual-relief proposal?") The responses were predominantly yes or no, with few "never-heard-of-its." People will guess before admitting ignorance.

If you can't believe that anyone has failed to hear of the ERA, remember that Washington is an insulated, politically aware city of highly educated white-collar people, most of them doing work with a direct connection to politics. Few here realize how little grasp much of the population has of anything beyond its immediate surroundings.

Powerful inhibitions against discussing this ignorance are built into society: Commentators fear being called elitists, and you don't get elected in a populist democracy by calling the voters boobs. Next time you go into a gas station in North Carolina, ask what NATO is.

3. The results of polls depend powerfully on how the question is phrased. If you ask, "Do you favor the ERA, which requires fair treatment of women?" you will get a favorable response. Almost everyone favors fair-

ness. If you ask, "Do you favor the ERA, which may cause your daughter to be drafted into bloody trench warfare in Asia?" the answers will be negative. For many respondents, the phrasing of the question will provide the only analysis they have heard.

If you ask simply, "Do you favor the ERA?" many of those who have heard of it will rely for their understanding on the six-word appositive appearing in newspaper stories: . . . the ERA, an amendment guaranteeing equality to women. . . ." Since everyone favors equality, or wants to seem to favor it, this formulation of the question is equivalent to the first phrasing in the preceding paragraph.

4. In a sense, asking people whether they favor the ERA is like asking them whether they favor centrifugal or magnetic enrichment of uranium for nuclear reactors. Only specialists have any idea of the complexities involved. The difference is that people know they don't understand what is involved in reactors. They can easily be made to think they understand what is involved in the ERA.

By and large (with exceptions, to be sure) legislative opposition to the ERA, has nothing to do with grunting male chauvinism. Instead it is founded on a sophisticated understanding of how law and government actually work in this country. An intelligent consideration of the ERA requires answering questions such as: Will the amendment promote judicial imperialism, and is such imperialism good, as many liberals think, or bad, as conservatives usually believe? What will it do to the separation of powers?

What of the amendment's vagueness? Should one pass blank amendments, so to speak, and let the courts fill them in? Given the ideology of the Supreme Court, is it likely to interpret the amendment in a way that one would approve? In view of the legislative history, will we have to draft women as machine-gunners in a war, or is there a way around it? Is it wise to pass a categorical amendment and then interpret it out of existence—if that is what would happen? Could discrimination by sex better be handled by specific legislation in specific cases, or is mistreatment of women so pervasive and rooted that only a constitutional amendment will help?

These questions are abstract but not trivial. In fact, they are critical. They are also questions which make no sense to anyone who hasn't spent years immersed in the theory and practice of politics. Outside of Washington, few have.

5. I suspect that a careful poll of the United States would find a vague but powerful sentiment favoring equitable treatment of women. Such a sentiment can and should properly be used to decide the general direction of policy. When a poll implies intelligent assent to a policy of complex ramifications while concealing that most people don't know what is involved, it is merely mischievous.

[From the United Families Foundation, Feb. 7, 1982]

POLLS, POLS, AND THE EQUAL RIGHTS AMENDMENT

The recent ratification history of the Equal Rights Amendment provides some interesting insights into the use of public opinion polls in media campaigns. The primary lesson to be learned is that polls are not the best indicators of public sentiment about important policy questions such as equal rights. Nevertheless, polls continue to be much used by those seeking to influence the vote of legislators on this (and other) issues.

For instance, the National Organization for Women (NOW) has issued a fact sheet entitled "Strong Public Support for ERA." NOW has published a pamphlet making the same point. The sheet and the pamphlet point to the public opinion polls which show that Americans support the Equal Rights Amendment by margins of two and three to one. In NOW's view, these polls demonstrate that Americans by and large want the proposed ERA, and that only the recalcitrance of legislators prevents it from being ratified.

Actually, polls and public opinion are more complicated than that. The poll data cited by NOW are interesting and useful, but so selectively presented and analyzed as to be misleading. There are other indicators of public opinion more reliable, other polling questions which are more probing, and other facts which NOW too easily ignores.

NEW YORK AND NEW JERSEY, 1975

At the November 1975 elections, voters in New York State and New Jersey voted on proposed equal rights amendments to their own State constitutions. Both State amendments were substantially identical to the proposed national Equal Rights Amendment.

Proponents of the State amendments had their polls, and they used them the way proponents of the ERA are now using polls. For example, on November 1, 1975 the New York Times reported that "two independent polling organizations say that a majority of those who plan to vote on the amendment question would approve it." [1]

The voters, perhaps not aware of how they "would" vote, rejected the amendments in both States.

The vote could not be explained in terms of general negativism of voters. As the Times explained the next day:

In recent days the amendment's supporters had expressed the fear that the amendment would become the victim of general voter negativism, since it was coupled on the ballots of both states with bond issues and other propositions.

"But the victory of the first six Charter-revision proposals in New York City appeared to indicate that the voters did indeed select the targets of their displeasure, rather than cast indiscriminate 'no' votes."[2]

The amendment's proponents blamed their defeat on irresponsible extremists and scare tactics. Betty Friedan, presumably reflecting the moderate attitude of the proponents, said the proposals were defeated because of "lies" and "enemies."[3]

When the final vote counts were in, the New York amendment had failed by nearly 500,000 votes and the New Jersey amendment by more than 30,000 votes.[4] The voters had made the point that we are not governed by public opinion polls.

FLORIDA, 1978

A similar event took place in Florida in 1978. Florida voters were asked if they wished to add an equal rights amendment to their State constitution. The answer was a resounding "no." Of course, as the Miami Herald reported, "pre-election polls showed the 'Little ERA' winning by 2-1. . . ."[5] In fact, the Florida proposal failed by 340,000 votes.[6]

The failure of the voters to be guided by the polls must surely be disconcerting to the advocates of the Equal Rights Amendment. It is amazing that voters preserve such independence of voting behavior in the face of such unanimous polls.

NEVADA, 1978

It appears that many advocates of the Equal Rights Amendments would rather rely on polls than people. The events surrounding an ERA referendum in Nevada in 1978 provide a case in point.

The Nevada legislature authorized a nonbinding referendum on the ERA. The people of the State were to be asked whether they favored ratification of the ERA by the State legislature or not. The referendum outcome would not be binding on the legislature. It was merely advisory.

Recognizing that the ERA was liable to do better in polls than at the polling place, ERA advocates sued to have the referendum stopped. The Nevada district and supreme courts, and the Supreme Court of the United States, all refused to halt the vote. There was found to be no bar in the Constitution to the people informing their legislators, by referendum, of their views.[7]

Although there are no published polls preceding the Nevada vote, there is this anecdotal evidence of the ERA's chances from the Las Vegas Sun:

"Vic Fingerhut, the 'media representative' for the League of Women Voters—which had spent $300,000-$400,000 in Florida and $70,000 in Nevada on a media campaign—said the Nevada ratification referendum is a 'toss-up.'" [8]

Nevada voters, however, having defended their right to advise their legislators of their views, disregarded the League's media campaign, and advised against the Equal Rights Amendment by a vote of more than two to one.[9]

IOWA, 1980

As recently as Iowa's 1980 election polls on the ERA were being touted as definitive. In the election of that year, Iowa voters were asked if they wished to add an equal rights amendment to the State constitution.

Peg Anderson, chairwoman of the Iowa Equal Rights Coalition said on Sunday that a straw poll conducted at the Iowa State Fair shows overwhelming support for the proposed amendment to the state constitution.

The poll taken August 14-24 at the fair shows 2,905 votes in favor of the amendment and 832 opposed, Anderson said.[10]

Straw, polls are, of course, unreliable. But the Iowa Poll, conducted by the Des Moines Register, has an impeccable reputation. Shortly before the ERA referendum, the Iowa Poll showed that the ERA measure would get 52 percent of the vote.[11]

Perhaps we can conclude that supporters of an equal rights amendment attend State fairs more often than they do polling booths. What we cannot conclude is that polls on the subject of the Equal Rights Amendment accurately predict votes. The Iowa proposal was defeated 56 to 44 percent.[12] "The ERA Coalition spend about $160,000 in support of the amendment, compared to about $56,000 by its opponents."[13]

THE WRONG QUESTIONS?

Public opinion polls are one indicator of public sentiment, but they have their weaknesses, as professional pollsters know. They are often wrong, as the examples provided above show. One of the reasons they are wrong on the issue of equal rights for men and women is that they ask the wrong questions. When voters ask themselves the right questions, as they go into the voting booth, they get decidedly different answers than do pollsters with their take-it-or-leave-it questions. This weakness of the take-it-or-

leave-it variety is shown in the poll below, which was done by the respected public opinion polling firm Decision Making Information in 1977.

[Amount in percent]

	Favor	Oppose
If the Equal Rights Amendment means that women would be eligible for draft and combat duty just like men, would you favor or oppose the ERA?	35	61
If the Equal Rights Amendment means that final power over marriage, divorce, and child custody would be transferred to the federal government, would you favor or oppose the ERA?	23	65
If the Equal Rights Amendment means all activities of schools and colleges would have to be coeducational, would you favor or oppose the ERA?	44	51
If the Equal Rights Amendment means that homosexuals would be able to get marriage licenses would you favor or oppose the ERA?	28	66

Similar results were obtained by polls conducted in four unratified States in 1982 by United Families Foundation. Coupling support for the ERA to potential policy outcomes produced the following results: [14]

[Amount in percent]

State	Support ERA	Oppose ERA
If ERA means women drafted:		
Georgia	31.0	63.2
Florida	33.9	59.7
Missouri	29.3	64.6
Virginia	34.4	58.8
If ERA means women in combat:		
Georgia	23.4	72.7
Florida	20.5	75.0
Missouri	21.4	72.6
Virginia	29.3	66.5
If ERA means Federal control over marriage law:		
Georgia	28.0	61.3
Florida	26.4	51.3
Missouri	24.6	60.6
Virginia	31.3	50.2
If ERA removes protection from strenuous jobs:		
Georgia	30.5	63.2
Florida	29.2	52.9
Missouri	28.8	57.4
Virginia	36.9	52.9

CONCLUSIONS

The DMI and UFF polls present respondents with the kinds of questions that face legislators. When people are forced (by these poll questions) to think as legislators, they do not favor the Equal Rights Amendment because they do not favor its potential effects. This is far different, of course, from opposing the ERA's general statement of philosophy, which almost no one does.

It may well be that public opinion polls on the ERA have been at such variance from referendum result (and from results in State legislatures) because they have focussed on general attitudes, and not on the specific issues which occur to voters (and legislators) when they cast their votes.

FOOTNOTES

[1] "Last-Minute Rhetoric is Confusing Many on Equal Rights Amendment," New York Times, Nov. 11, 1975, p. 61.

[2] "Equal Rights Amendments Lose In New York and Jersey Voting: 6 City Charter Changes Backed," New York Times, Nov. 5, 1975, p. 1.

[3] Ibid.

[4] New York Times, Dec. 9, 1975, p. 87, New York Times, Dec. 16, 1975, p. 47.

[5] "Little ERA, 7 More Revisions Rejected," Miami Herald, Nov. 8, 1978, p. 21A.

[6] Miami Herald, November 9, 1978, p. 25A.

[7] *Kimble* v. *Swackhamer*, 439 U.S. 1385 (1978), Justice Rehnquist acting as Circuit Justice.

[8] "ERA Proponents Push in Nevada, Florida," Las Vegas Sun, November 6, 1978, p. 42.

[9] "Tallies Counted on 6 Questions," Las Vegas Sun, November 9, 1978, p. 3.

[10] Des Moines Register, October 26, 1980, p. 3B.

[11] Des Moines Register, November 5, 1980, p. 1A.

[12] Ibid.

[13] Ibid, 17A.

[14] These polls were conducted the first week in January 1982 by professional sampling organizations in the respective States. In each case a scientific, stratified sample of 400 was drawn from among telephone users on a random basis. The margin of error was ±5 percent. Complete poll results are available from UFF, including the exact wording of questions, which have been simplified somewhat for this presentation.●

THE UNIVERSITY OF MAINE BLACK BEARS

● Mr. MITCHELL. Mr. President, there has been a generally accepted axiom in the college sports world over the years that a baseball team from a Northeastern college suffers a competitive handicap because of the short practice season.

But the University of Maine's Black Bears effectively shattered that belief at the recent College World Series in Omaha, Nebr., and demonstrated once again that they are a force to contend with.

This was the third season that Black Bears' Coach John Winkin led his team to the College World Series. To make it to the world series once is an outstanding achievement, since the competition for those final playoff spots is so fierce, and only the best ever win the opportunity to play in the series. But when a team wins a spot in the world series for three seasons, as John Winkin's Black Bears now have, it can truly be called a great achievement.

The Black Bears finished third in the world series, defeating every team they played in Omaha except for the national championship team from the University of Miami. In doing so, they captured the attention and respect of baseball fans around the country, and won the pride and the hearts of their fellow "Maine Yankees."

Not coincidentally, Coach John Winkin was inducted in the prestigious Maine Sports Hall of Fame on June 6. The very fact that he was in Omaha with his team, instead of attending his own induction ceremony, dramatizes how he has earned his place alongside Maine's greatest sportsmen.

For Coach Winkin is fast becoming a legend of sorts in Maine. It is he who has led three Black Bears' teams to the college world series. I have known John Winkin as a good friend for several years, and it is a friendship in which I take great pride. For I know his success is measured not only by the games his team has won, but also by the good sportsmanship his players always seem to display off the field as well as on.

John is not only a superlative baseball coach—and winner—he is also an extraordinary coach and teacher. Four of his team members have been sought by the major leagues, and I understand two of then have signed contracts with professional teams.

With most of the Black Bears' team returning next year, it is expected that Maine will again watch its team in the College World Series.

I want to extend my congratulations to Coach John Winkin and each of his 22 Black Bears, for another outstanding season.●

BEYOND CORPORATE RESPONSIBILITY

● Mr. COHEN. Mr. President, a recent article which appeared in the National Journal discussed an issue which I believe will be of increasing importance as the 1980's continue; the changing nature of the relationship between the public and private sectors.

The article, "Beyond Corporate Responsibility: Toward a Fundamental Redefinition of the Roles of the Public and Private Sectors," by Robert P. Kogod and Stephen C. Caulfield, provides a thought-provoking and stimulating look at how the private sector should envolve in the years ahead and offers several challenging options for private sector leaders to consider. I ask that the article by reprinted in the RECORD for the benefit of my colleagues.

The article follows:

BEYOND CORPORATE RESPONSIBILITY: TOWARD A FUNDAMENTAL REDEFINITION OF THE ROLES OF THE PUBLIC AND PRIVATE SECTORS

(By Robert P. Kogod and Stephen C. Caulfield)

For most of this country's history a process has been underway that has defined increasingly separate domains for the public and private sector, and perhaps most significantly has expanded the mandate of the public sector. In the course of this process, incentives, or the lack thereof, have led to different executive and managerial styles in each sector.

The resources of the public sector are now both contracting, as a function of tax cuts and the recession, and being reallocated to improve our defense capacity. The ability of states to increase tax revenues has been limited by voter rebellion in recent years, and our tolerance for deficits at both the state and federal level is shrinking.

The confluence of these factors with the rising costs for public programs, a heightened awareness of corporate responsibility, and a generalized public acceptance that some fundamental institutional reforms may be appropriate, provides us with a unique challenge and opportunity to examine how our public and private institutions might better serve our needs. The process will be difficult, for our choices will be constrained by our inability to pay for everything, and in the near term, by low productivity and the relatively high cost of capital. If, however, we can make these difficult choices well, a new and substantially different relationship between the public and private sector can emerge, one where opportunity for decent employment, housing, environment and education are available to all, where some government programs may be replaced by smaller enterprises using risk capital rather than grants, and where the

individual at all levels of our society not only feels self worth, but also self-determination.

This opportunity should be seized quickly, for many believe that unless the task is well begun in the next twelve to eighteen months, the opportunity will pass us by, with a return to costly government programs, rapidly increasing taxation and regulation, and a further decline in productivity and efficiency in both sectors.

REDEFINITION OF PUBLIC/PRIVATE RESPONSIBILITIES

Corporate responsibility is a Rorschach-like image; individuals offer widely-varying interpretations of the concept. The emerging consensus, however, is expressed in the Business Roundtable's 1981 "Statement on Corporate Responsibility" which concludes with these thoughts:

A corporation's responsibilities include how the whole business is conducted every day. It must be a thoughtful institution which rises above the bottom line to consider the impact of its actions on all, from shareholders to society at large. Its business activities must make social sense just as its social activities must make business sense."

We submit that at this time in our history this definition is laudable, but must be viewed in its widest context. We believe that leaders in both business and government can and must step out of their existing institutions, view the whole social system from the capitalistic, private enterprise philosophy that has made our country great, and restructure our programs and institutions accordingly. We further submit that anything short of this comprehensive review and redefinition will lead to a further erosion of the democratic system by missing the opportunity to create flexible, incentive induced, service programs in the place of more monolithic structures.

DETERMINATION OF NEED AND THE CREATION OF INCENTIVES

How will this be accomplished? Two ways: first, each and every program supported by tax dollars should be tested against three tough questions, questions well known in the private sector.

Is there a real need?

What are the minimum resources (capital and human) required to satisfy that need?

What is the most efficient organization to obtain and convey these resources to those who need them?

Second, once we decide which programs are needed, incentives must be developed. Incentives for action, not inaction must be woven into the government's approach to these problems. Tax benefits should be earned, with specific program objectives in mind, not granted in the hopes that "the rising tide will raise all ships." The importance of positive incentives seems obvious; all democratic peoples, and especially the American business community, are more responsive to positive incentives and resent being backed into corners.

IMPEDIMENTS OF HISTORICAL DIFFERENCES

Even if the government moves towards a system of positive incentives, the assessment of the merits of existing programs may be extraordinarily difficult, not so much because of data problems, but because those in executive positions in the public and private sectors have been taught and conditioned by very different environments, largely attributable to incentives and rewards. They will perceive the needs differently, define the resources differently and conceptualize different organizational solutions. Consider the following:

Goals, Objectives and Incentives: In the public sector, success is often not measured against programmatic goals. Input and process measurements are frequently used where outcome measurements are required, with the opposite being equally true. Tough evaluation and meaningful legislative oversight are often absent in public sector programs. In the private sector this is less true. Incentives are often used to keep goals focused and to motivate production. Such incentives are rarely used in the public sector.

Generalist/Specialist: In the private sector, managers are expected to be flexible and fungible, while in the public sector specialization is often encouraged.

Planning: In the public sector, with appropriations on a yearly cycle, congressional elections on a two-year cycle and legislation continually changing, long-range planning is rare. In the private sector, two to five-year planning is the norm. Public sector programs are often "reactive" in nature, determined by external factors. The fact that many social programs are called "uncontrollable" is instructive. Consider how many private sector programs would be so characterized.

Program Development: In the private sector, programs are usually built on "cleared sites," adequately capitalized and staffed, and under the general assumption that the program will be accepted for what it is and not "gamed" to achieve alternative ends. In the public sector, it is quite different.

Austin Sullivan, Jr., now Vice President for Public Affairs for General Mills, who worked for a number of years as the legislative director for a congressional committee, described the problem this way:

"In part, this is because some of these programs are built on false premises. The process of reconciling different interests and points of view during the legislative process has encumbered the authorizing statutes with administrative requirements that would defeat even the most creative and efficient business manager; and, those same legislators have tended to overprescribe which constituencies are to be provided with which services in which ways and by whom, just as they have not been clear enough in identifying the central objective of the program which should serve as the measure of its performance.

"In short, a substantial amount of the ineffectiveness found in government programs can be traced to the statutes themselves. This, in turn, is compounded by the further layers of complication and regulation that are layered on by the bureaucracy in its administration of government programs, reflecting its fundamental lack of confidence in the capacity of local people to make sound judgements."

Retrenchment: The public sector is often reluctant to cut its losses, close programs, lay off employees and generally "manage" retrenchment. The management of decline in the public sector is often characterized by budget and spending freezes, attrition, or across-the-board cuts. The private sector is more likely to target retrenchment, i.e. close entire operations, to preserve growth in the rest of the enterprise.

The Management of Change: In the private sector, executives and managers are expected to constantly adjust their enterprise to changes in markets, technology, the economy and a score of other factors. In the public sector consistency, not change, is the virtue. As former Treasury Secretary W. Michael Blumenthal said in an interview in *Fortune* in January 1979:

"Another example of how . . . different that is in government as compared to in a corporation—has to do with the risk of changing your mind. A businessman is entitled and expected to change his mind, and there is no particular approbation attached to that at all. You get new facts, conditions change, the markets change, industries change, you get a new contract or you lose one, you talk to more people . . . What counts in the end is how you come out, not whether you've changed your mind or not. In the government, if you change your mind you're accused of inconsistency. That's one reason there's a lot of doubletalk in Washington."

Executive Workload, Delegation and Decision Making: in the private sector, a well run corporation allows decisions to be made at the level where the data are, delegates most operating decisions down the line and reserves for the executive those few broad policy decisions that shape the future of the enterprise. In the public sector, because of specalization and policy interests rather than managerial or operating interests, decisions tend to rise several levels above where the data are; policy decisions are often formulated at the mid-level with the executives often left with a crushing operational workload. As Hale Champion, now the Executive Dean at the Kennedy School of Government at Harvard and former Under Secretary of Health, Education and Welfare told us:

"When Joe (Califano) and several others of us were running HEW we had virtually no time to be reflective, to think through policy options and to plan. We were working 14 to 16 hours a day just to keep the department going. While we tried to structure it differently we often could not succeed because the accountability structure in the public sector will not accept delegation, even where the variance in management inherent in delegation would make no difference. You can pick up the paper daily and read about public officials being called to task for delegating decisions that deviated slightly from the perceived path of perfect implementation. Thus you have the anomalous situation where there is no big picture, long term accountability (except for history), while narrowly the public sector demands perfect equity.

"The private sector understands the cost of delegation which allows many CEOs to have at least a third of his or her time free from operating demands to evolve a coherent management approach and, equally important, to think about the broad social and cultural context in which the enterprise operates."

These are but a few of the "cultural" differences that may make the collaborative process of redefinition difficult, but not as difficult as one might expect. People are remarkably resilient and change can often be achieved by simply restructuring the incentives. Indeed, the three illustrative quotes above are from individuals who have been very successful in both the public and private sector and who have adapted with ease to the incentives of the private sector. By the proper structuring of incentives, it is possible to create effective private management of public programs.

MANAGEMENT OPTIONS: TOWARD AN INCENTIVE BASED, PRIVATE NON-PROFIT MODEL

If one distinguishes between the management function and the financing structure, the spectrum between public and private has five organizational models:

Public management with public financing (social security, public education and public housing).

Private management:

Non-profit with publicly subsidized financing (Amtrak, etc.).

Profit with publicly subsidized financing (government service contracts).

Non-profit with private financing (private schools, colleges and universities).

Profit with private financing (private industries).

The process of redefining roles and responsibility can be initiated by either government or the private sector. We believe government has the responsibility to test every public program against private alternatives. While we favor government initiative, many of the successful examples of redefinition have occurred without it when a private competitive force perceives that public sector programs have failed in either service or cost or both. Consider, for example, the range of private sector alternatives to the U.S. Postal Service; the development of private education programs, not just private and parochial schools, but private, for-profit reading centers, remediation services for the structurally unemployed, and specialized services for the learning disabled. While the market share of these programs has remained relatively small, they do demonstrate that competition can be created in programs historically designated as the public domain.

This leads us naturally and directly to a central definitional question: Are there functions that for reasons of equity, efficiency, or national security must remain the unique and sole responsibility of the public sector? While clearly there are such functions, we will not attempt to answer this question definitively here. What is important is that we intuitively believe there are vast areas now under the so-called public domain that are open to privatization.

In testing public programs against private alternatives, the government should understand that the private sector not only includes the for-profit corporations, but also, as we have noted above, that vast array of non-profit institutions that are structured to deliver goods and services outside of government, albeit often with government funds. This non-profit sector—churches, hospitals, social agencies and cultural enterprises—has historically been supported by government and philanthropy in a manner that has been both stable and generally uncritical. As the director of a large corporate trust told us:

"I am held to a very different and looser standard of performance than my colleagues in line operations or in our venture capital group. In this changing environment I suspect I, and the programs I recommend for funding, will be held to stricter performance standards. I welcome this change because it represents an ongoing evaluative corporate involvement after the grant has been made."

It is our vision that this not-for-profit sector can lead the way towards a new definition of both responsibility and management style for programs serving broad social needs, for these not-for-profit corporations can often break free from the limitations of tenure, politicized constituencies, and the monolithic characteristics of large public programs. Indeed, with appropriate incentives, particularly compensation incentives for management, these institutions may well become the social program entrepreneurs of the 1980s. They would be supported not by charity but by venture capital from the private sector with a mandate of operating at maximum efficiency even if maximum efficiency fails to yield any return on equity, and with the flexibility to incorporate in response to demand, to change as needs change, and to cut back or close as needs diminish.

To achieve the development of the not-for-profit private sector as the "engine" for the redefinition of public and private functions and as one of the operational entities by which this is to be achieved, the corporate world will need to refocus its social responsibility programs from "giving" to "investing," not investing in the same sense of other acquisitions or venture capital investments, but investing in social enterprises that will have low or no return on equity and may have substantial risk associated with them. Here tax incentives should be used to encourage this new concept of venture capital.

This suggestion runs counter to many current trends in the private sector. This is a time when corporate America is not a risk-taker; when entrepreneurial and executive instincts have been replaced by managerial skills as the sought-after virtue in business; and when long-term strategic planning is often sacrificed for earnings per share per quarter. Most large corporations today that wish to diversify do so by acquisition, not by creation. And yet to accomplish the fundamental task of redefining public and private functions, some risk will be required. What is involved, in our view, is not the more efficient running of the public sector, but a rethinking of whether the functions are necessary and who is in the best position to provide these necessary services.

THE PURSUIT OF PROFITS/THE REDUCTION OF COSTS

The growth of democratic capitalism has been premised on the efficient delivery of goods and services to profitable markets. Those necessary residual unprofitable enterprises became the public sector's responsibility. And, as products and markets changed over time, so too did the definition of public responsibility. Consider, for example, railroads. For generations, the nation's railroad system was exclusively the domain of the private sector and for good reason: it generated vast wealth. Today, portions of our rail system still generate substantial profit, but other sectors have become the public responsibility, at tremendous costs in terms of tax subsidies. In the opposite direction, consider the hospital business. For years U.S. hospitals were virtually all public or non-profit. Today, more than 10 per cent of all beds are investor-owned and generate substantial return on equity, but they are not the large urban public hospitals like Cook County (Chicago) and Bellevue (New York) that continue to require substantial tax subsidies.

It would be unrealistic to expect this process to stop and it would probably be detrimental to our society if it were even slowed. Thus, we advocate the continuing aggressive pursuit of profitable enterprises, but with it the development of a strong private sector commitment to the unpopular and unpleasant task of helping to decide which public tax-subsidized programs can be closed without significantly damaging our basic social values. For as important as profits are to the private sector, eliminating duplicative and ineffective programs is essential to the public sector.

Closing programs is not easy—you can always get politicians to a ribbon-cutting ceremony, but they are never seen at a boarding-up event. The reductions in public programs necessitated by reductions and reallocations of public resources will be large and in many communities will pit the symphony against day care programs, a capital drive for a new Y against training for the structurally unemployed, the renovation of a school against housing for the destitute. We neither endorse or decry these budget cuts: we challenge the leadership in the public and private sector to set aside rhetoric and politicization and make some very difficult choices, and to make thoughtful and realistic commitments.

Not only do these times force us to reexamine roles, they tempt us to extremes. In the public sector the obvious extreme is doomsaying . . . without this or that program, our cities will burn in riots, our youth will be malnourished, our educational system will be bankrupt and the truly disenfranchised—the destitute—will be abandoned. The private sector may be equally tempted to respond in extremes. Indeed, the President has repeatedly suggested that the private sector can pick up much of the slack of his program cutbacks. The danger, of course, is overpromising and underdelivering, or retreating in fright, overwhelmed by the magnitude of the problem.

DECISION AVOIDANCE

It is widely accepted that critical policy decisions must be made at the highest level in an organization. Even at high levels, however, there are a multitude of ways of avoiding difficult decisions. Consider these:

Do We Have Enough Data: Do we know enough to make such serious decisions as closing programs? We believe in most instances we do, either cognitively or viscerally. Data collection for executives can be like pencil sharpening for the student—postponement of action. We do not suggest whimsical or cavalier decisions, but rather a commitment to thoughtful action. Inaction compounds most problems.

Can We Run it Better: If the operation were better managed, would I be so tempted to close it? A typical private sector pitfall—avoid the executive decision of "Is this a business to be in?", in favor of the management decision—"How to run it better"—whether it is needed or not.

Can We Get An 11th Hour Reprieve: Obviously a program like this cannot be abandoned or even reorganized. All that is needed is active and thoughtful lobbying and some savior will arrive.

Can We Run It Smaller: If we can't afford the whole loaf, let's try half a loaf. This kind of reasoning sidesteps the fundamental question of whether the program is needed in the first place and may often create a situation where a marginally adequate program becomes totally useless (for half the cost or more).

Despite these options for avoiding the difficult decisions of what programs will survive, how they will be funded and who will run them, we believe that around this country there is an increasing understanding that the decisions must be made, made well and made quickly.

MEETING THE CHALLENGE AND OPPORTUNITY AT HAND

Several writers, among them Peter L. Berger, have recently noted that corporate responsibility will be driven by an increasing need for "legitimacy." Berger in a recent Harvard Business Review comments, "Restoration of legitimacy will depend as much on successful competition of ideas as on suc-

cessful competition in the market. From a sociological point of view, business must learn to speak a new language. It knows economics and politics; now it must address meaning and value."

Independent of the need for legitimacy, there is a more urgent agenda for change. The government by both choice and necessity is moving out of a number of social programs. An expectation has been created that the private sector can assume responsibility for many of these programs. As a society we have substantial, but still finite, resources in the private sector. We must now ask how they are to be allocated, what will be our mechanisms for both decisions and delivery, and ultimately what will be the quality of our lives and the lives of our communities.

These are difficult and critical choices. They must be made quickly, with care and with a new combination of prudence and compassion. It is our belief that the private sector can best meet this challenge if a new concept of the non-profit sector emerges which understands the task and has the incentives to carry it out efficiently—a nonprofit sector that is as committed to efficiency and effectiveness as the business community traditionally has been, while, at the same time, being committed to programs and markets that are inherently unprofitable. Tax and other incentives can be designed to replace return on equity considerations, so that the private for profit sector may also be induced to participate. Therein lies the challenge of this process of redefinition: if not doing well by doing good, to at least do the best while doing the essential. After all, we are but one people with similar needs and differing resources. To move that allocation of resources to the private sector is an opportunity that cannot be passed by.

The goal is clear. We must preserve a caring, humane society within the context of our free enterprise system.●

PRINTING COSTS OUT OF CONTROL

● Mr. JEPSEN. Mr. President, on a number of occasions I have addressed the Senate to talk about various ways we can reasonably eliminate excessive and wasteful Government spending. In a few of these statements I have talked about how, in our zeal to uncover wasteful spending in other parts of the bureaucracy, we have tended to overlook our own backyard.

In the past few months, some controversy has arisen over the attempts of the Public Printer to reduce production costs for Federal publications. Specifically, Mr. Danford Sawyer, the Public Printer for the Federal Government, has been trying to reduce printing costs at the Government Printing Office (GPO).

As most of my colleagues are aware, the GPO is responsible for printing virtually every word spoken in both Chambers of Congress as well as committee hearings and reports. This is a monumental and costly job.

Unfortunately, many of Mr. Sawyer's suggestions have been met with a great deal of resistance both within and outside of Congress. In addition, some members of the fourth estate have gone to great lengths to discredit Mr. Sawyer's efforts to bring Government printing costs in line with private sector printing costs.

For the benefit of my colleagues, I ask that an article appearing in the June 6 edition of the Chicago Tribune entitled, "Federal Printers' Big Wages Rapped by Boss," be placed in the RECORD at the end of my statement.

Mr. President, it seems obvious to me that if we ever hope to regain the respect of the American people, we must begin to clean up our own backyard. Paying Government printers $5,000 per year more for the same work done in the private sector will only lead to greater skepticism by this country's taxpayers.

I strongly urge my colleagues to read the Tribune article. I think they will find it both interesting and informative. At the very least, it will make sure that you have the facts if called upon to deal with this important issue.

The article follows:

[From the Chicago Tribune, June 6, 1982]

FEDERAL PRINTERS' BIG WAGES RAPPED BY BOSS

(By James Coates)

WASHINGTON.—Danford Sawyer Jr., whose duties as Public Printer of the U.S. include publishing virtually every official word uttered into a Capitol Hill microphone, wants to slash the wages of the employees who set his type, run the presses and bind the books.

At the Government Printing Office (GPO), these members of the printing trades—as well as electricians, carpenters and sheet metal workers—are earning thousands of dollars a year more than those in similar union jobs elsewhere, according to Sawyer, a Florida advertising executive before joining the Reagan administration.

For this reason, he says, it costs twice as much each day to pay unionized government workers to print such documents as the CONGRESSIONAL RECORD or the Federal Register as it would if the work were done by a unionized private printing firm.

"The average GPO employee makes a salary of $25,000 a year," Sawyer said in a speech before an anti-union group, the Public Service Research Council, based in suburban Virginia.

Sawyer draws these comparisons between the federal printing operation and those in the private sector:

GPO craft employees earn an average of 22 percent more than their fellow craftsmen in both the federal and the private sector.

The high labor costs at GPO account for 80 percent of the operation's overhead, whereas printers' wages in the private sector are about 40 to 50 percent of overhead. As a result, "the typical job produced by the Government Printing Office costs about twice what it would be if we procured it in the private sector," Sawyer says.

77 percent of the costly GPO printing is done for Congress, which last year spent $181 million to produce complete texts of all House and Senate debates, transcripts of all congressional committee hearings, along with accompanying exhibits, and the Federal Register, which prints all rules and regulations issued by the government each business day.

Sawyer and his associates are busily lobbying on Capitol Hill in an effort to cut back wages at the GPO and initiate other economies after the current union contracts expire June 18.

The Public Service Research Council, a private group that draws heavily on the support of the New Right direct-mail fundraiser, Richard Viguerie, and similar sources, has become a major advocate for Sawyer's position, said George Bevel, the council's senior vice president.

The critics point out that although the GPO spent $646 million on printing last year, $465 million was spent hiring outside printers to produce books, pamphlets and other items for federal agencies. Most of the GPO's printers worked directly for Congress, doing $181 million worth of printing for its 535 members.

One list of wages Bevel and Sawyer are circulating on Capitol Hill indicates that GPO typesetters are paid $14.35 an hour while their counterparts at newspapers and magazines published here average $11.91. Typesetters in nearby Baltimore, however, are paid only $9.52 an hour and in Philadelphia $10.05.

The GPO pressmen are paid $14.84 an hour, while Washington pressmen earn $13.09, those in Baltimore $10.45, and Philadelphia $9.91.

In a recent letter to Sen. John Warner (R., Va.), Congress' General Accounting Office (GAO) reported that the GPO's work force also earns substantially more than do other federal workers in most government jobs.

The reason for the higher GPO wages, the GAO study says, is that the print shop's unions bargain collectively with the Public Printer and Congress, while most federal workers have their income set, administratively under the Federal Wage System (FWS).

As a result, the GAO said, the electricians hired at the GPO earn $27,419 a year, while other government electricians earn $22,410. Similar differences were noted for carpenters, janitors, forklift drivers and others.

During bargaining sessions with representatives of nine major unions last week, Sawyer demanded that the workers accept an average pay cut of $5,500 a year, or 22 percent. That would bring the GPO scales down to the FWS level, he argued.

Sawyer also demanded that the unions agree to take six "furlough" days off without pay in coming months to recover $4.2 million that could be applied to the agency's operating losses.

The unions, including the International Typographical Union and the Sheet Metal Workers, rejected these demands. The unions proposed that instead of taking a cut they be given a 20 percent pay increase of $5,000 a year.

"Needless to say, we are at an impasse," said the GPO's lobbyist, Judith Morton. "There are more than 40 percentage points between our offer and their demand."

As a result, she said, the Congressional Joint Committee on Printing will take over bargaining with the workers. The panel could seek a compromise, side with Sawyer or accept the union demand.

"If you look at the make-up of the committee, I don't think Mr. Sawyer stands a snowball's chance," said Bevel of the Public Service Research Council.

The chairman of the committee is Sen. Charles Mathias, a Republican from Maryland, where 2,929 of the 6,000 GPO employees live. The vice chairman is Rep. Augustus Hawkins (D., Calif.), an outspoken labor advocate.

Mathias has said he wants to delay any sweeping changes at the GPO "until a study of the long-range printing needs of the federal government has been conducted."

In early May the joint committee of House and Senate members voted a resolution to reject an earlier economy move proposed by Sawyer that would have required all GPO printers to take the Tuesday after Memorial Day as an unpaid holiday.

"Let me point out that most of the furlough days are wed to holiday weekends," Sawyer said. "Many employees would not show up anyway, and we have also taken into account the fact that the Congress would not be in session at these times either."

The GPO officials said they did not have a Memorial Day furlough only because Congress stayed in session later than expected in a failed effort to vote a budget resolution. The GPO will insist on a July 4 furlough, however, Morton said.

A major activity of the GPO is to produce the daily CONGRESSIONAL RECORD, a volume of about 200 pages that includes virtually all House and Senate floor discussions.

One of Sawyer's complaints, Morton said, is that the GPO pays two proofreaders to check each page while most private printing concerns use only one proofreader. The GPO proofreaders earn an average of $33,000 a year.

Morton disagreed with Bevel's assessment that the proposed cutbacks "don't have a snowball's chance." She said that recently a number of powerful conservatives have come to the GPO management's aid and urged their colleagues on the Joint Committee on Printing to order economies.

Morton said the GPO has enlisted Sens. Strom Thurmond (R., S.C.), John East (R., N.C.), Mack Mattingly (R., Ga.), Bill Armstrong (R., Colo.), and Rep. Robin Beard (R., Tenn.) to lobby for cuts.

"With that kind of help from distinguished members (of Congress) and with the national mood for economy in government spending, I think we have much more than a snowball's chance," she said.●

CHIEF PERSONNELMAN SAMUEL C. THOMPSON, U.S. NAVY

● Mr. DECONCINI. Mr. President, I wish to call to the attention of my colleagues the lifesaving act a fellow Arizonan performed while on active duty southeast of Sardinia aboard aircraft carrier *Dwight D. Eisenhower.* Chief Personnelman Samuel C. Thompson went well beyond the call of duty March 6.

Lt. Theodore Silman, pilot, and his navigator, Lt. Donald J. Kandalec, were forced to eject from an F-14 Tomcat when an arresting cable snapped while they were attempting to land. The men were plunged into frigid Mediterranean waters and became tangled in their parachute lines. Thompson, hearing the "man overboard" call, rushed to the flight deck. Realizing that the rescue helicopter was too far to render immediate assistance, he grabbed a life jacket and jumped from the fantail into the water 40 feet below. Using a pocket knife, Thompson slashed the chute lines and freed the two men from the weight of the wet material that had threatened to drag them under water to an icy death.

Thompson, a 31-year-old Miami, Ariz., resident, has been nominated for the Navy-Marine Corps Medal. Perhaps this man's ability to overcome today's growing "look the other way" attitude of noninvolvement will be a lesson to all of us—a time to look to our inner selves and ask if we could aid others with the unselfishness Thompson exhibited. I can only say that if such a situation confronted me, I hope I could follow this young man's model.

I would like to thank Mr. William C. Bradshaw for bringing this act of heroism to my attention.●

TRW REAFFIRMS CONCERN FOR CLEVELAND

● Mr. METZENBAUM. Mr. President, while many businesses have moved south in a regrettable display of indifference to their northern roots, the TRW has recently and dramatically reaffirmed its commitment to the Greater Cleveland community with the announcement that it will build a new world headquarters in the city.

The new facility shows an admirable concern for the local environment and the needs of the TRW employees. Located in a scenic woodland area, the building exterior will complement the natural surroundings with a subtle, yet striking mix of sandstone, granite, and glass design. It will only be four stories high so that the treetops will remain the dominant feature of the local skyline.

The interior of the building emphasizes the needs of the TRW workers as well as anticipating future growth. A four-story atrium brimming with greenery will greet those entering the building providing a pleasant working environment. Employees will also benefit from a multilevel dining room and large auditorium. While paying close attention to esthetic considerations, TRW shows excellent business sense by incorporating a highly efficient energy system to cut utility costs.

The building is the latest evidence of TRW's concern for Cleveland.

Over the years, it has consistently and generously contributed to such cultural causes as art, music, and education foundations. TRW's new headquarters symbolizes commitment to the economic, cultural, and esthetic enhancement of the Greater Cleveland community.

I take this opportunity to express my sincere appreciation on behalf of the people of Cleveland for TRW's confidence in the "Tower City."●

BOB ROSENTHAL SURVIVES AUTO SALES SLUMP

● Mr. METZENBAUM. Mr. President, these are hard times for the Nation's auto dealers. Rising new car prices and high interest rates have scared away many would-be new car buyers, and with rising unemployment, the sales slump is likely to continue.

Many dealers around the country have given up. In fact, at least 900 have gone out of business in the last year alone.

But some are surviving this trying period of adversity. Bob Rosenthal, who owns two Toyota dealerships, a Datsun dealership, a Honda dealership, and a Chevrolet dealership, among others, is one of the survivors.

Through creative use of advertising and promotion, the use of sophisticated sales techniques, and employee incentives, he has not only survived, he has prospered.

Bob Rosenthal is an example of how an aggressive and creative businessman can thrive even in the worst of times. The Wall Street Journal recently did a profile on him and I ask that it be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Apr. 15, 1982]

PASSING LANE: CAR SALES STAGNATE, BUT A DEALER WITH EIGHT OUTLETS THRIVES

(By Charles W. Stevens)

ARLINGTON, VA.— When Eiji Toyoda, president of Toyota Motor Co., traveled to the U.S. recently, he made it a point to visit a local car dealer named Bob Rosenthal.

It isn't every car dealer that gets a personal visit from an auto-company president, but Mr. Toyoda's courtesy call was nothing out of the ordinary for the 54-year-old Mr. Rosenthal. In the auto business, he is something of a big shot himself.

At his two Toyota dealerships, Mr. Rosenthal outsold by 40% the second-ranking Toyota dealer in the Washington metropolitan market last year. He is also the area's biggest Datsun dealer, and the largest Honda retailer in the nation. In all, Mr. Rosenthal sells nine different makes of cars through eight dealerships encircling the capital—including a Chevy showroom that he and his father opened 31 years ago.

Bob Rosenthal is a super-dealer, a healthy survivor in what are grim times for many of his colleagues. Auto retailing long has been the domain of small, family-run dealerships loyal to a single make of car and a single community. But as three years of sluggish sales and rising costs continue, many dealers are selling out or simply closing their showrooms. Their misfortune gives Mr. Rosenthal and a handful of other prospering large dealers the opportunity to buy and open more car stores. Benefiting from good management, economies of scale and a diverse product line, these chain dealers are faring far better than their single-showroom competitors.

Mr. Rosenthal "is typical of the way dealers are going to go," says J. David Power, a Los Angeles-based automotive marketing consultant. "The strong dealers are getting stronger while the weak ones fall off," he says, adding that one of the best ways to get stronger is to get bigger.

SELLING OUT

George W. Lyles, president of the National Auto Dealers Association, sees this trend too. "A lot of dealers are deciding the business isn't fun anymore," he says. "They're

selling out to other dealers who want to expand. And the chains are the only ones buying."

Mike Salta, who owns 20 dealerships along the West Coast and in Hawaii, is one of the buyers. In 10 years he has doubled the number of his outlets, and he is confident that it will be dealers like himself who survive. "I don't think you'll find any individuals who can afford to build up a new showroom from scratch," he says, "so you'll see fewer and larger dealers in the future."

Even in such recession-plagued areas as Ohio, big dealers are doing well. Del Spitzer, who owns 18 dealerships in the state, says he is offered at least one showroom a week by a dealer who wants to get out of the business. Although he hasn't bought one recently, "we're always looking for possibilities," he says.

Big may be good for dealers, but it isn't clear how consumers will fare as chains grow. The big-volume chain dealers, for instance, don't necessarily deliver the lower prices their expensive advertising blitzes imply. In fact, some evidence indicates that their more-sophisticated sales techniques cost consumers more. But with their own insurance and finance departments and their big inventories, chains do make auto shopping easier.

In addition, some observers speculate that the chains' greater financial strength may leave them less tempted to cut corners and shortchange the buyer. One who holds this view is Archie Richardson, head of Auto Owners Action Council, a Washington consumer-protection group. He says the group gets fewer complaints from people who buy their cars from large dealers.

TAKE YOUR PICK

One of the biggest sources of strength for big dealers like Mr. Rosenthal is a range of products. Mr. Rosenthal got his start in his dad's Chevrolet store in 1951. He took on Hondas in the early 1970s, and they did so well that he soon moved them into their own showroom. Over the next few years Mr. Rosenthal picked up franchises to sell Datsuns, Dodges, Jaguars, Mazdas, Toyotas, De Loreans and Pontiacs.

Not all of these were winners. When a Ford franchise he bought in Silver Spring, Md., didn't live up to expectations, he gave it up in two years and started selling Toyotas in the old Ford showroom. By contrast, "the guy with just one dealership has to keep it going just to stay alive," says Mr. Power, the auto marketing consultant.

Until it recently became clear many dealers wouldn't surivive with only one make, domestic auto companies tried hard to discourage "dualing." But now the size and diversity of Mr. Rosenthal's operation command respect from auto makers both here and abroad. His dealerships sell about 1,500 new and 500 used cars each month, compared with 27 cars sold monthly by the average (and much smaller) dealership in 1981.

Mr. Rosenthal knows the strengths and weaknesses of all nine makes, and manufacturers are eager to tap that knowledge. Thus, he wound up escorting Mr. Toyoda not to the two Toyota dealerships but to the Chevy showroom, where the Japanese executive carefully inspected the various models.

Although Mr. Rosenthal, at six feet, five inches, doesn't have to look up to anybody, he can be humbly diplomatic. On a morning when a senior General Motors Corp. vice president who once headed the Chevrolet division was due for a visit, Mr. Rosenthal clipped on a pair of gold cuff links in the shape of the Chevy logo.

Mr. Rosenthal has linked his dealerships and other interests in a holding company, Geneva Management Co. Its half-dozen officers handle such things as accounting and legal matters and often advise or stand in for the dealership managers.

As at most chains, employes can be transferred from one dealership to another; this chance for promotion helps attract better management and sales people, who may feel stifled working at small dealerships stuffed with family members and friends. The depth of management skill sometimes enables a chain dealer to survive a setback that would be catastrophic for a small dealer.

Recently, the general manager of the Rosenthal Honda dealership in Tysons Corner, Va., suddenly resigned in a personnel dispute, and several of his subordinates followed him out the door. "That would've been a disaster for a one-store dealer," Mr. Rosenthal says. But he quickly moved the general manager of his Dodge-Mazda-Jaguar store in Arlington to the top spot at the Honda dealership, and a Geneva Management officer ran the Arlington outlet until a new general manager was hired for it a week later.

Heavy advertising has made the Rosenthal name a household word around Washington. Television and radio spots reinforce the name daily, and newspaper ads dwarf the blurbs of competitors. Full-page ads tout sales at individual outlets or cooperative promotions at all the Rosenthal locations. "If they're going full blast on a weekend, you can't miss them," says a competing Toyota dealer. "That's an area where he hurts us most."

AD BLITZ

Mr. Rosenthal's 1982 ad budget of $4 million is twice that of 1981. "Today's market is more difficult," he says, "so we have to spend more to tell our story." With each ad aiming to create a sense of urgency, they sometimes suggest that Mr. Rosenthal is his own biggest competitor. A recent Saturday edition of the Washington Post carried 10 display ads for Rosenthal promotions.

"Last day" of a "36-hour emergency stock-liquidation sale" with all cars sold at "$99 over actual factory invoice," proclaimed the Saturday ad for Mr. Rosenthal's Silver Spring, Md., Toyota dealership. On the next page an ad for Rosenthal Toyota in Hyattsville, Md., boasted, "We challenge any dealer to meet or beat our prices."

The chain's ads suggest that its higher volume means lower prices. But all dealers pay the same wholesale prices for cars, and if anything, sophisticated sales techniques lead many customers to spend more at a Rosenthal showroom than they might otherwise. Most of the hundreds of cars on the nine Rosenthal lots are loaded with lots of high-profit, dealer-added options. One Toyota Celica, for instance, carries a factory list price of $9,406. But its sticker price on the Rosenthal lot is $3,031 higher because of such highly profitable dealer add-ons as paint sealant ($256), air conditioning ($895), rustproofing ($233), and door edge guards ($194). Topping it off is $595 of "additional dealer markup."

The higher sticker price gives Rosenthal salesmen more room to bargain. After some dickering, the Toyota, for instance, was offered to a potential customer for $9,000 plus a trade-in worth $1,500 or so.

In this case, the customer didn't bite. But a big dealer can let such a person walk out the door without coming down on price any further. Customer traffic through the various showrooms is large enough that Mr. Rosenthal can turn down deals a less-profitable dealer would be glad to take. His dealerships make gross profits ranging between $500 and $1,200 a car, compared with a nationwide average of $850.

BUMPING CUSTOMERS

The sale of a car is seldom the end of a transaction at a Rosenthal showroom. After a salesman settles on a price with a customer, he turns the buyer over to a finance and insurance manager who tries to "improve the deal" (for the dealership) by selling a finance, insurance or extended-warranty package. Sometimes salesmen offer to help customers "bargain" with the finance and insurance managers for better deals. "It's the old good-guy, bad-guy routine," says a Rosenthal manager. "It's a big game internally, but it works out very well."

Mr. Rosenthal is a big believer in incentives. Just about everyone who works in his dealerships is paid, at least in part, by commission. That is the usual method of paying salesmen, but at a Rosenthal dealership even the cashier gets a cut if he or she can sell a steering-wheel cover or some such doodad to a car buyer.

Mr. Rosenthal's success in selling cars has enabled him to diversify. Of Geneva Management's $250 million of annual revenue, about $50 million derives from related businesses. A port processing company at Newark, N.J., handles Toyotas headed for dealers in Middle Atlantic states. Two insurance companies provide policies for sale in dealerships, including Mr. Rosenthal's. What's more, he has found that some car lots were worth more as sites for office buildings; now Geneva Management is the landlord of two seven-story office buildings, and it has a third under construction.

But putting his name up over another dealership remains Mr. Rosenthal's chief concern. "I enjoy buying dealerships," he says, "and this is a good time to buy."●

STEEL IMPORTS

● Mr. SPECTER. Mr. President, I wish to bring to the attention of the Senate six resolutions from the counties of Allegheny and Washington, the city of Pittsburgh, the boroughs of West Mifflin and Liberty, and township of Wilkins, respectively, concerning the dumping of steel in this country. These resolutions urge the President and our Nation's elected Representatives to control steel imports into the United States, either by steel import quotas or by other limitations under the Trade Act of 1974. The impact of dumping has been disastrous on affected areas such as Pennsylvania, Alabama, Ohio, and West Virginia and has greatly contributed to high unemployment, plant closing, declining domestic production and increased unemployment compensation costs. This leads to greater Federal deficits and, ultimately, higher interest rates.

The recent Commerce Department preliminary findings on subsidies confirmed what many Americans have known for years: The Europeans and other producers are heavily subsidizing their steel industries, in one case by as much as 40 percent. The U.S

steel industry has suffered substantial long-term injury over the period 1976–81 due to the dumping of foreign steel. Between 1979 and 1981, at least 6.5 million tons of domestic production were lost because of foreign dumping. Estimates of the economic injury to the domestic industry over the past 6 years vary between $7 and $20 billion, and the loss to the Government in terms of tax revenues may be as high as $9 billion. A total of 28,000 steelworkers were unemployed in 1978 because of dumping, and as many as 20,000 workers lost their jobs in 1981 because of dumped steel. The ripple effect on the economy as a whole has been much more severe than the impact on the steel industry alone.

Mr. President, these resolutions call for the imposition of steel quotas and other limitations under the Trade Act of 1974. On March 4, I introduced a bill, S. 2167, which grants direct access to American industries to the courts in antidumping and countervailing duty cases. I feel that this would aid those industries affected by unfair competition and would eliminate the need for quotas or other drastic trade restricting measures.

On May 24, hearings were held before the Senate Judiciary Committee, and 2 days later I introduced S. 2167 as an amendment to the urgent supplemental appropriations bill. Mr. President, these afflicted industries cannot afford the luxury of patiently awaiting action by this body on the problem of dumping and unfair trading practices. There have already been too many jobs lost, too many factories shut down, and too great an impact on steel-related industries to continue this cautious approach. With unemployment in the steel industry hovering at 30 percent, I emphasize to my colleagues the urgency of expediting Senate consideration of this bill.

I request that the following resolutions be printed in the CONGRESSIONAL RECORD.

The resolutions are as follows:

RESOLUTION

Whereas, the County of Allegheny is one of the leading Counties in the United States in the production of steel; and

Whereas, the production of steel not only provides jobs for our citizens, but also affects the livelihood of millions of Americans as well; and

Whereas, it is of prime concern that foreign nations substantially have increased their steel production capacity through extensive subsidization, and have directed their steel shipments to the United States, the only free market in the world; and

Whereas, this illegal procedure has had a disastrous effect on operating levels and employment in the American steel industry, causing steel capacity to drop to 50 percent this month, and forcing 127,000 steelworkers to be laid off their jobs, or limited to a reduced work schedule; and

Whereas, local government officials have joined industry and labor leaders in urging an end to the influx of foreign steel;

Now, therefore, be it resolved, That this Board of County Commissioners does hereby once again call to the attention of our Federal Government the fact that basic steel is an essential industrial material and a strategic resource necessary to our national defense;

And, be it further resolved, That we urge the establishment of quotas to control steel imports to the United States, and to impose steel import limitations under provisions of the Trade Act of 1974, and thus rightfully end this unfair and illegal practice that is strangling our domestic steel industry;

And, resolved, That copies of this Resolution be forwarded to the President of the United States, our two U.S. Senators, and the Congressional Delegation from Allegheny County.

RESOLUTION No. 513

Whereas, basic steel is an essential industrial material and, therefore, the domestic industry is a strategic resource necessary to national defense; and,

Whereas, the United States can, and must, maintain an adequate level of self-sufficiency and production capability in basic steel, including a skilled and adequate labor force; and,

Whereas, the economic base of the basic steel industry has been seriously eroded in recent years by the damaging flow of imports of steel and products containing these materials; and,

Whereas, under pressure of excessive imports, unemployment has climbed as high as forty percent in the steel industry during recent years; and,

Whereas, American privately owned steel producers compete in the marketplace with foreign companies which are governmentally owned, subsidized, or directed and do not have to meet the disciplines of our free-market system; and,

Whereas, the steel industry has always favored development of open, fair, and mutually beneficial world trade; it is not protectionist; and,

Whereas, the problem of assuring that foreign companies compete fairly and legally confronts the steel industry, many other industries, and our entire economy. As the major open-world market, our Nation faces industrial stagnation, reduced job opportunities, and a declining standard of living, unless new understandings and rules relating to trade can be developed with foreign governments; and.

Whereas, the steel industry is experiencing massive layoffs due to the unfair dumping of foreign steel.

Now, therefore, be it resolved, By Council of the Borough of West Mifflin in meeting assembled and it is hereby resolved by authority of the same as follows:

SECTION 1. That Council of the Borough of West Mifflin memorializes the President of the United States and the Congress to impose steel import limitations under the provisions of the Trade Act of 1974.

SECTION 2. That copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and each Senator and Representative in Congress from Pennsylvania.

RESOLUTION No. 1982–10

Whereas, Basic Steel is an essential industrial material and, therefore, the domestic industry is a strategic resource necessary to national defense; and

Whereas, the United States can, and must, maintain an adequate level of self-sufficiency and production capability in basic steel, including a skilled and adequate labor force; and

Whereas, the economic base of the basic steel industry has been seriously eroded in recent years by the damaging flow of imports of steel and products containing these materials; and

Whereas, under pressure of the excessive imports, unemployment has climbed as high as forty percent in the steel industry during recent years; and

Whereas, American privately-owned steel producers compete in the marketplace with foreign companies which are government owned, subsidized, or directed and do not have to meet the disciplines of our free-market system; and

Whereas, the steel industry has always favored development of open, fair, and mutually beneficial world trade; it is not protectionist; and

Whereas, the problem of assuring that foreign companies compete fairly and legally confronts the steel industry, many other industries, and our entire economy. As the major open-world market, our Nation faces industrial stagnation, reduced job opportunities, and a declining standard of living, unless new understandings and rules relating to trade can be developed with foreign governments; and

Whereas, the steel industry is experiencing massive layoffs due to the unfair dumping of foreign steel.

Now, therefore, be it resolved and adopted, By the Council of the Borough of Liberty, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby Resolved and Adopted by authority of the same, that:

1. That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress to impose steel import limitations under the provisions of the Trade Act of 1974.

2. That copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and each Senator and Representative in Congress from Pennsylvania.

Resolved and adopted, By the Council of the Borough of Liberty, County of Allegheny, Commonwealth of Pennsylvania, meeting in regular and public session, this 1st day of June, 1982.

RESOLUTION No. 15–82

Whereas, Basic steel is an essential industrial material and, therefore, the domestic industry is a strategic resource necessary to National Defense; and

Whereas, the United States can, and must, maintain an adequate level of self-sufficiency and production capability in basic steel, including a skilled and adequate labor force; and

Whereas, the economic base of the basic steel industry has been seriously eroded in recent years by the damaging flow of imports of steel and products containing these materials; and

Whereas, Under pressure of excessive imports, unemployment has climbed as high as forty percent in the steel industry during recent years; and

Whereas, American privately-owned steel producers compete in the marketplace with foreign companies which are government owned, subsidized, or directed and do not

have to meet the disciplines of our free-market system; and

Whereas, The steel industry has always favored development of open, fair, and mutually beneficial world trade; it is not protectionist; and

Whereas, The problem of assuring that foreign companies compete fairly and legally confronts the steel industry, many other industries, and our entire economy. As the major open-world market, our Nation faces industrial stagnation, reduced job opportunities, and a declining standard of living, unless new understandings and rules relating to trade can be developed with foreign governments; and

Whereas, the steel industry is experiencing massive layoffs due to the unfair dumping of foreign steel; therefore, be it

Resolved, That the Board of Commissioners of the Township of Wilkins request the President of the United States and the Congress to impose steep import limitations under the provisions of the Trade Act of 1974;

And be it further resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and each Senator and Representative in Congress from Pennsylvania.

Resolved and adopted, By the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this first day of June, 1982.

RESOLUTION No. 494

Whereas, the City of Pittsburgh recognizes that the American Steel Industry is the backbone of our national defense; and

Whereas, the steel industry is the dominating force in the economy of the Tri-State Region; and

Whereas, steel imports have had a devastating effect on employment in the industry causing five local steel mills to lay off approximately 14,000 employees; and

Whereas, the steel industry has always favored the development of open, fair, and mutually beneficial world trade, it does not support nor feel it equitable, a policy which requires American steel producers to compete in this country with the foreign steel producers which receive substantial assistance from their governments; and

Whereas, while we value highly our trade with foreign nations, it is the feeling of the Council of the City of Pittsburgh that the United States Government should develop a policy of steel import limitations which allows domestic steel producers to compete fairly in the American marketplace.

Now, therefore, be it resolved, That the Council of the City of Pittsburgh memorialize the president of the United States and Congress to impose steel import limitations under the provisions of the Federal Trade Act of 1974; and

Be it further resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and each Senator and Representative in Congress from Pennsylvania, and the Congressional Steel Caucus.

RESOLUTION OF WASHINGTON COUNTY

Whereas, the County of Washington relies heavily on the steel industry for employment of its citizens;

Whereas, the employment level of the two leading steel producers in Washington County has fallen below 50 percent and another has reduced the work week by 20 percent;

Whereas, the production of steel not only provides jobs for our citizens, but also affects the livelihood of millions of Americans as well; and

Whereas, it is of prime concern that foreign nations substantially have increased their steel production capacity through extensive subsidization, and have directed their steel shipments to the United States, the only free market in the world; and

Whereas, this procedure has had a disastrous effect on operating levels and employment in the American steel industry, causing steel capacity to drop to 50 percent this month, and forcing 127,000 steelworkers to be laid off their jobs, or limited to a reduced work schedule; and

Whereas, local government officials have joined industry and labor leaders in urging an end to the influx of foreign steel;

Now, therefore, be it resolved, That this Board of County Commissioners does hereby call to the attention of our Federal Government the fact that basic steel is an essential industrial material and a strategic resource necessary to our national defense;

And, be it further resolved, That we urge the establishment of quotas to control steel imports to the United States, and to impose steel import limitations under provisions of the Trade Act of 1974, and thus rightfully end this unfair practice that is strangling our domestic steel industry.●

HAPPY BIRTHDAY, MONSIGNOR KERN

● Mr. LEVIN. Mr. President, this Friday, over 1,000 people are expected to attend a testimonial dinner in honor of Msgr. Clement Kern's 75th birthday and the beginning of his 50th year as a priest.

I have known Father Kern for a good many years. He is a Michigan institution—a man whose commitment to translating his religion into concrete action has become both a legend and a legacy. His family set him off on the path that he was ultimately to take; his father's role as one of the first union stewards at the old Oakland Motor Car Co. in Pontiac gave him an early introduction to the labor movement in this country. It was an introduction that really became an initiation.

Throughout his life, he has been intimately involved in the drive for economic and social justice for all. The picket lines he has walked would stretch across the State. The protest marches he has participated in would take him across the Nation. In all of his activities, his motive was to find a way to translate the good news he believes in into good news for his fellow human beings. There was no doubt that he was a priest: In fact, in a biographical sketch released by St. John's Seminary, that point was made very clearly, even though indirectly. In that biography, in the midst of the listing of his activities appears this notation:

Slept, on separate sofas, with Myra Wolfgang, in the Auditorium of the State Legislature, Lansing, in a fight for minimum wages.

That "separate sofas" phrase is probably unique to his biography.

But then, Father Kern is a unique man. He has done as much for people as anyone I know. He has taken on the cause of the poor and homeless; he has made it his job to pay attention to those who have been ignored, his task, to give an opportunity for growth to those whom society has stunted. His commitment to education, to social services, to the preservation of ethnic identity have not only helped individuals, it has also altered their society.

Father Kern did more than simply take it upon himself to provide services to those in need. He made it his mission to draw the entire community into the process of giving. My father knew Monsignor Kern well and worked with him for many years. My brother, Sandy, did frequent volunteer work at the clinics that he established, and Father Kern was never shy about suggesting to me while I was on the Detroit City Council, or serving in the Senate, courses of action which, he never had to make explicit, might please the Good Shepherd of us all.

Being with Father Kern is as close as I have ever come to being with a saint. He is what we all want to be and fail to be—a truly godly person. Father Kern has a tolerance for people, but no tolerance for prejudice; an acceptance of weakness, but none for wickedness; an understanding of depression but none for despair.

Father Kern is the priest for our town. His down-to-earth humanity and his basic decency have made him the priest for all of us who know him, no matter where we live or whatever our religion may be.

By personal example and consummate commitment, he exhorts us to love each other. I may not yet be able to love all of my fellow human beings, but I do love Father Kern. And I am proud to join in honoring him.●

SHALOM SINAI, ROAD TO PEACE

● Mr. DODD. Mr. President, this week I am hosting a photographic exhibit in the rotunda of the Russell Senate Office Building entitled, "Shalom Sinai, Road to Peace."

The photographs in the exhibit were taken by one of Israel's most famous photographers, Farag Peri. The captions were written by Amos Ettinger, the well-known Israeli television director and producer.

The exceptional photographs which make up this exhibit reflect the great beauty of the Sinai. Pictured are the coral reefs, the mountains, the sands, the sunsets and the children at play. This is the Sinai of serene beauty, and the Sinai of peace.

All too often, we tend to think of the Sinai as a battleground, a buffer zone, an economic and military asset, and an uneasy border. This exhibit takes a different approach and shows us the Sinai of peace and hope.

I invite my colleagues and their staffs to take a few minutes from their busy schedules to be renewed and charmed by this outstanding exhibit.●

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that special orders be entered for Thursday, June 17, for the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. STENNIS), the Senator from Maine (Mr. COHEN), and the Senator from Pennsylvania (Mr. SPECTER).

The PRESIDNG OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the items listed on page 3 of the Executive Calendar beginning with "New Reports," and items thereafter, as well as the unanimous-consent request I will make concerning an agreement with the People's Republic of China.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the distinguished acting leader state again the items he wishes to consider?

Mr. STEVENS. All the items under "New Reports" on page 3, the items on page 4, and the nominations on the Secretary's desk, plus the item I have previously discussed with the distinguished minority leader pertaining to the agreement with the People's Republic of China.

Mr. ROBERT C. BYRD. I have no objection, provided the Senate stays in executive session no longer than 3 minutes.

Mr. STEVENS. I will do my best to comply with that request in 3 minutes.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. STEVENS. Mr. President, I ask unanimous consent that the items on the Executive Calendar that I have mentioned previously be considered en bloc, that the nominations be confirmed en bloc, and that when that is done, the President be notified immediately of the confirmation of the nominations.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

All nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

INTERSTATE COMMERCE COMMISSION

Heather J. Gradison, of Ohio, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1982.

NATIONAL TRANSPORTATION SAFETY BOARD

Donald D. Engen, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 1986.

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly on Disarmament:

Jeane J. Kirkpatrick, of Maryland.

John William Warner, U.S. Senator from the State of Virginia.

Samuel S. Stratton, U.S. Representative from the State of New York.

Edwin J. Feulner, Jr., of Virginia.

Eugene Victor Rostow, of Connecticut.

The following-named persons to be Alternate Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Kenneth L. Adelman, of Virginia.

Sam Nunn, U.S. Senator from the State of Georgia.

Jack Kemp, U.S. Representative from the State of New York.

Louis G. Fields, Jr., of Virginia.

Fred Charles Ikle, of Maryland.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE DEPARTMENT OF STATE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Department of State nominations beginning Clayton E. Mcmanaway, Jr., to be career Members of The Senior Foreign Service, class of Minister-counselor, Consular Officer, and a Secretary, and ending Ronald R. Nelson, to be Secretary, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 27, 1982.

National Oceanic and Atmospheric Administration nominations beginning Joseph W. Dropp, to be captain, and ending James E. Waddell, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1982.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—AGREEMENT WITH PEOPLE'S REPUBLIC OF CHINA (TREATY DOCUMENT NO. 97-24)

Mr. STEVENS. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from an Agreement With the People's Republic of China With Respect to Mutual Exemption from Taxation of Transportation Income of Shipping and Air Transport Enterprises (Treaty Document No. 97-24), transmitted to the Senate today by the President of the United States; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered printed; and that the President's message be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered. The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, an Agreement between the Government of the United States of America and the Government of the People's Republic of China with respect to mutual exemption from taxation of transportation income of shipping and air transport enterprises, signed at Beijing on March 5, 1982. I also transmit the report of the Department of State on the Agreement.

Under the Agreement, United States enterprises will be exempt from Chinese income taxes and Chinese enterprises will be exempt from United States Federal income tax on income derived from the operation of ships and aircraft in international traffic. The exempt income includes income from the leasing of ships, aircraft and containers used in international traffic.

As with other treaties of this kind, the provisions of the Agreement do not affect the United States taxation of residents and citizens of the United States, or China's taxation of its residents and citizens.

I recommend that the Senate give early and favorable consideration to the Agreement and give advice and consent to its ratification.

RONALD REAGAN.

THE WHITE HOUSE, *June 16, 1982.*

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, if 3 minutes have expired, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

DISTRIBUTION OF JUDGMENT FUNDS TO THE GROS VENTRE TRIBE—SENATE RESOLUTION 409

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from consideration of Senate Resolution 409.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 409.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection, provided the matter can be disposed of within 2 minutes or less.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 409) to disapprove the plan for distribution of judgment funds awarded to the Gros Ventre Tribe of the Fort Belknap Reservation in Docket 649-80L, United States Court of Claims.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 409

Resolved, That it is the sense of the Senate that the plan submitted on March 26, 1982, by the Secretary of the Interior pursuant to the Indian Judgment Funds Act of October 19, 1973 (87 Stat. 466), for the distribution of judgment funds to the Gros Ventre Tribe of the Fort Belknap Reservation awarded by the Court of Claims in Docket 649-80L be disapproved.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

ORDER FOR H.R. 6198 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 6198, an act to amend the manufacturing clause of the copyright law, be held at the desk until the close of business on Friday, June 18.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 3863 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 3863, an act to amend the Poultry Products Inspection Act, be held at the desk until the close of business on Friday, June 18.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, the Senate will recess today until 9:15 a.m. tomorrow. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. There are four special orders that have been entered?

The PRESIDING OFFICER. The Senator is correct—four special orders have been entered.

Mr. STEVENS. Mr. President, it is the intention of the leadership that after the special orders and the leaders' time under the standing order, the Senate will resume debate tomorrow on the motion to proceed with S. 1992.

We contemplate some type of agreement being reached tomorrow concerning the disposition of this motion and, we hope, the bill itself. We intend to try to assure that the Senate will act on the urgent supplemental, also, during this week. The majority leader will return tomorrow for the opening of the session.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, in accordance with the previous order.

There being no objection, the Senate, at 4:47 p.m., recessed until tomorrow, Thursday, June 17, 1982, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1982:

INTERSTATE COMMERCE COMMISSION

Heather J. Gradison, of Ohio, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1982.

NATIONAL TRANSPORTATION SAFETY BOARD

Donald D. Engen, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 1986.

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly on Disarmament:

Jeane J. Kirkpatrick, of Maryland.

John William Warner, U.S. Senator from the State of Virginia.

Samuel S. Stratton, U.S. Representative from the State of New York.

Edwin J. Feulner, Jr., of Virginia.

Eugene Victor Rostow, of Connecticut.

The following-named persons to be Alternate Representatives of the United States of America to the 12th Special Session of the United Nations General Assembly Devoted to Disarmament:

Kenneth L. Adelman, of Virginia.

Sam Nunn, U.S. Senator from the State of Georgia.

Jack Kemp, U.S. Representative from the State of New York.

Louis G. Fields, Jr., of Virginia.

Fred Charles Ikle, of Maryland.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Joseph W. Dropp, to be captain, and ending James E. Waddell, Jr., to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 24, 1982.

DEPARTMENT OF STATE

Department of State nominations beginning Clayton E. McManaway, Jr., to be Career Members of the Senior Foreign Service, class of Minister-Counselor, Consular Officer, and a Secretary, and ending Ronald R. Nelson, to be Secretary, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1982.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 1982*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage among all Your people, O God, the vision of a new and mightier day, where people will live in peace and concord and where Your rule of justice and righteousness will prevail. Stay those forces that seek to exploit others for their own use, and sanctify those who seek to end the hatred and suspicion that keep people from knowing respect, for one another. In the midst of the struggle and shouting and violence between individuals and nations, may we continue to hear Your still, small voice that commands us to love one another, even as You have first loved us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 347, nays 23, answered "present" 1, not voting 61, as follows:

[Roll No. 146]

YEAS—347

Akaka	Beilenson	Breaux
Albosta	Benedict	Brinkley
Alexander	Benjamin	Brodhead
Anderson	Bennett	Brooks
Andrews	Bereuter	Broyhill
Annunzio	Bethune	Burgener
Anthony	Bevill	Burton, Phillip
Archer	Biaggi	Campbell
Aspin	Blanchard	Carman
Atkinson	Bliley	Carney
Badham	Boland	Chappell
Bafalis	Boner	Chappie
Bailey (PA)	Bonior	Cheney
Barnard	Bonker	Clausen
Beard	Bouquard	Clinger
Bedell	Bowen	Coats
Coelho	Hatcher	Mottl
Coleman	Heckler	Murphy
Collins (IL)	Hefner	Murtha
Conte	Hendon	Myers
Conyers	Hertel	Napier
Corcoran	Hightower	Natcher
Courter	Hiler	Neal
Coyne, William	Hillis	Nelson
Craig	Holland	Nichols
Crane, Daniel	Hollenbeck	Nowak
Crane, Philip	Hopkins	O'Brien
Daniel, Dan	Horton	Oakar
Daniel, R. W.	Howard	Oberstar
Dannemeyer	Hoyer	Obey
Daschle	Hubbard	Oxley
Daub	Huckaby	Panetta
Davis	Hughes	Parris
de la Garza	Hunter	Pashayan
Deckard	Hutto	Patman
DeNardis	Hyde	Patterson
Derwinski	Ireland	Paul
Dicks	Jeffords	Pease
Dingell	Jeffries	Pepper
Donnelly	Jenkins	Perkins
Dorgan	Johnston	Petri
Dornan	Jones (NC)	Peyser
Dougherty	Jones (OK)	Pickle
Downey	Kastenmeier	Porter
Duncan	Kazen	Price
Dunn	Kemp	Pritchard
Dwyer	Kennelly	Pursell
Dymally	Kildee	Quillen
Dyson	Kindness	Rahall
Early	Kogovsek	Railsback
Eckart	Kramer	Ratchford
Edgar	LaFalce	Regula
Edwards (AL)	Lagomarsino	Reuss
Emery	Lantos	Rhodes
English	Latta	Richmond
Erdahl	Leath	Rinaldo
Evans (DE)	LeBoutillier	Ritter
Evans (GA)	Lee	Roberts (KS)
Evans (IN)	Lehman	Roberts (SD)
Fary	Leland	Robinson
Fascell	Lent	Rodino
Fazio	Levitas	Roe
Fenwick	Lewis	Rogers
Ferraro	Livingston	Rose
Fiedler	Loeffler	Rosenthal
Findley	Long (LA)	Rostenkowski
Fithian	Lott	Roth
Flippo	Lowery (CA)	Roukema
Florio	Lowry (WA)	Rousselot
Foglietta	Lujan	Roybal
Foley	Luken	Rudd
Ford (TN)	Lundine	Russo
Fowler	Madigan	Sabo
Frank	Markey	Sawyer
Frenzel	Marlenee	Schneider
Frost	Marriott	Schulze
Fuqua	Martin (NC)	Seiberling
Garcia	Martin (NY)	Sensenbrenner
Gibbons	Matsui	Shamansky
Gilman	Mattox	Shannon
Gingrich	Mavroules	Sharp
Glickman	Mazzoli	Shaw
Gonzalez	McClory	Shelby
Gore	McCloskey	Shumway
Gradison	McCollum	Shuster
Gramm	McCurdy	Siljander
Gray	McDonald	Simon
Green	McEwen	Skeen
Gregg	McGrath	Smith (IA)
Grisham	McKinney	Smith (NE)
Guarini	Mica	Smith (NJ)
Gunderson	Michel	Smith (OR)
Hagedorn	Miller (CA)	Smith (PA)
Hall (OH)	Mineta	Snowe
Hall, Ralph	Minish	Snyder
Hall, Sam	Mitchell (NY)	Solarz
Hamilton	Moakley	Spence
Hammerschmidt	Montgomery	St Germain
Hance	Moore	Stangeland
Hansen (ID)	Moorhead	Stanton
Hansen (UT)	Morrison	Stark
Stenholm	Volkmer	Wilson
Stokes	Walgren	Winn
Studds	Wampler	Wirth
Stump	Watkins	Wolf
Swift	Waxman	Wolpe
Synar	Weaver	Wortley
Tauke	Weber (MN)	Wright
Tauzin	Weber (OH)	Wyden
Taylor	White	Wylie
Thomas	Whitehurst	Yates
Traxler	Whitley	Yatron
Trible	Whittaker	Young (FL)
Udall	Whitten	Young (MO)
Vander Jagt	Williams (MT)	Zeferetti
Vento	Williams (OH)	

NAYS—23

Barnes	Fields	Jacobs
Brown (CO)	Forsythe	Miller (OH)
Butler	Gejdenson	Roemer
Coughlin	Goodling	Schroeder
Dickinson	Harkin	Solomon
Dreier	Hartnett	Walker
Emerson	Hawkins	Washington
Evans (IA)	Holt	

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—61

Addabbo	Dixon	McHugh
Applegate	Dowdy	Mikulski
AuCoin	Edwards (CA)	Mitchell (MD)
Bailey (MO)	Edwards (OK)	Moffett
Bingham	Erlenborn	Molinari
Boggs	Ertel	Mollohan
Bolling	Fish	Nelligan
Broomfield	Ford (MI)	Rangel
Brown (CA)	Fountain	Santini
Brown (OH)	Gaydos	Savage
Burton, John	Gephardt	Scheuer
Byron	Ginn	Schumer
Chisholm	Goldwater	Skelton
Clay	Heftel	Smith (AL)
Collins (TX)	Jones (TN)	Staton
Conable	Leach	Stratton
Coyne, James	Long (MD)	Weiss
Crockett	Lungren	Young (AK)
D'Amours	Marks	Zablocki
Dellums	Martin (IL)	
Derrick	McDade	

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

DEADLINE FOR RATIFICATION OF ERA RAPIDLY NEARING

(Mr. MAVROULES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, the deadline for ratification may be rapidly nearing.

Time and time again, the American people have shown they overwhelmingly support the ERA. And over 450 organizations with memberships of 50 million citizens have soundly endorsed the amendment.

The equal rights amendment was first proposed when women finally were given the vote. But it took this

body almost 50 years to pass the ERA. We cannot delay any longer.

What is at stake here is simply constitutional equality for women in this century. Passing one law at a time is taking the slow road to equality and that could take another 200 years at our present rate of development.

Few of our State constitutions prohibit sex discrimination. And, without the ERA, even our Federal Constitution fails to offer adequate protection. The 14th amendment offers only uneven and uncertain protection against sex bias.

Only with the passage of the ERA will women receive equal protection under the law, equal pay for equal work and full access to public jobs, schools, and facilities.

Our Nation's greatest resource is its people. So let us make sure that men and women equally have the opportunity to grow and prosper that every American expects.

I believe that men and women are equal—and that all of us will be served by the elimination of sexual discrimination. Women should not be denied jobs because of their sex; nor should men be denied custody of their children because of theirs.

Equality for women must not depend on the whims of lawmakers, nor should women be forced to fight for their rights every 4 years. Sex discrimination must be permanently eliminated—not tomorrow, or next year, or next decade, but now.

CONGRESSIONAL GOLF TOURNAMENT TO BE HELD JULY 12

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, I wish I could agree with the gentleman from Massachusetts. I have never thought that men and women were equal. I think women are far superior.

Mr. Speaker, I wish to call to the attention of the Members the annual congressional golf tournament, which will be held on July 12. I realize that is the Monday after we return from the recess, but nonetheless it is the only time on which we could get an agreement between the Speaker and the people who own the golf course.

So, I hope every Member who is interested in playing golf on that date will let either Mr. RUSSO, Mr. RAILSBACK, or me know. The Members have already received a letter in this regard and we hope we can have as many Members as possible participate in the tournament.

ERNEST FITZGERALD, MOST FAMOUS WHISTLE-BLOWER, IS BACK ON JOB

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I am sure my colleagues will be glad to know that Ernest Fitzgerald is back on the job. Ernest Fitzgerald is the most famous whistle-blower of all time. Back in 1969, he exposed a $2 billion cost overrun on the C-5A project at a time when the Air Force was telling Congress that there would be no cost overrun on that project.

At the time he also revealed along with others that there were problems with the wings on the C-5A, something which is also relevant today, because the American taxpayers are being called on to pay a $1.6 billion bill for rewinging the C-5A.

I am glad that Ernest Fitzgerald is back on the job. I hope that we still have Government workers throughout this country who will stand up and tell congressional committees the truth about the mistakes that are being covered up at the highest levels of our Government.

CONGRESSIONAL BASEBALL GAME

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, I know how tough last year was for us in the Democratic Party. We lost the battle of the budget; we lost the tax bill, and we even lost the Congressional Baseball Game. But things will be different tonight, Mr. Speaker. The Boll Weevils have gotten religion since last year. Our coach and manager, BILL CHAPPELL, the iron man behind the plate, and MIKE SYNAR, our center fielder—who is noted for his slow feet and slow hands—have studied the English language over the last year and are now able to better communicate with each other. No more running on pop-ups to third base when there is nobody out and the bases loaded. They both now understand that the word "stop" means that you do not move, and "go" means that you run like heck.

We have at first base the famous balance budget act in WALTER FAUNTROY, who moves with the swiftness of a gazelle and whose estimates of the budget are more accurate than JOHN ROUSSELOT's. He has agreed to stay alert as the missiles come firing at him from third base.

On second base we have someone who not only gobbles ground balls, but gobbles Republicans also, the great viking star, MARTY SABO. At shortstop we have our famous pop-up artist, the human vacuum machine, the king and expert of tax expenditures, DAVE BONIOR.

In left field, directly from the jungles for his second appearance as Tarzan the Ape Man, and one who has not eaten bananas since last year's game, is DAVE "ME TARZAN" MCCURDY.

□ 1030

In right field, we have unleashed from the set of Rocky III the stand-in for "Thunderlips" known affectionately by the Democrats as "Thunder Bat," who will be ripping off BILL COHEN's hand and glove if he dares to get in the way—TOM DOWNEY.

Pitching we have the old war horse, our great star, the renowned understudy of the late Satchel Paige, who will be pitching in his rocking chair this year and throwing the ball with rubber bands—he is noted for his quick and slow pitches—the great gentleman from Ohio, RON MOTTL.

Of course, no team can be great and successful without a "hot corner" specialist, and that is Yours Truly. Affectionately referred to by my teammates as "Rocket Arm," I have promised this year to make sure I can spot WALT FAUNTROY before I throw the ball to first base. In addition to being captain of the Democratic team, my duties also include providing a backstop behind first base.

What does this all mean, Mr. Speaker? Well, what this means is that if the Democrats decide to show up tonight and play—and based on their attendance record at practice over the last month, that is kind of doubtful—the Republicans are in deep trouble, and so is our dear friend, SILVIO CONTE, the coach and manager of the Republican team. After this game, SILVIO will be in his garden picking tomatoes, onions, and squash, and hopefully, at the end of the evening, will go down in his basement and squish some grapes to serve the winning Democratic team some fine homemade Italian wine. May the best team win, and we know who that is, the Democrats.

TROUBLE STEMS FROM "SNEAKY, UNRECORDED VOTES"

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, when the Democratic Party leadership in this House brazenly admits that they object to Members of Congress going on record with their votes and, in particular, admits that they do not want to go on the record on the issue of a balanced Federal budget, I think our colleagues and the American people should be aware of that admission.

In a press release mailed into my district, the Democratic Congressional Committee, which I have to assume speaks for the party leadership, has flatly admitted that Democrats do not believe it is proper for Congressmen to be subjected to recorded votes here on

the House floor. Furthermore, they labeled efforts to have us counted on the issue of a balanced budget as bothersome and game-playing.

Imagine that, Mr. Speaker, you and the rest of the Democratic Party leadership of this House do not want what you do recorded and specifically do not want the veneer of your double-talk about balanced budgets stripped away.

The American people know that what you are saying in this regard is irresponsible. They know that it is the sneaky, unrecorded votes that cost them money and get this country in trouble. It was a sneaky unrecorded vote, for example, that permitted this House to double its outside income.

Mr. Speaker, you and the Democratic leadership are preventing this House from voting on vital issues like busing, regulatory reform, and school prayer. Now you want to gag the House on balanced budgets, and, in fact, on the whole idea of recorded votes. There is no clearer reason for this House to be given a change of leadership. The arrogance of power has become too unbearable.

THE VOTE ON THE URGENT SUPPLEMENTAL CONFERENCE REPORT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the urgent supplemental will be coming up today. We will have a separate vote on the tax deduction for Members. There will be a clean vote on whether or not we want to bust the budget with the urgent supplemental bill.

The President will almost certainly veto that bill because it will increase the deficit, raise interest rates, and actually decrease the number of houses built in this country. Consider the fact that a 1-percent drop in interest rates will lead to 385,000 new houses being built without Federal subsidy.

Many of us voted for a $1-billion Federal program to help housing. Now it is coming back from conference as a $3-billion program. It will actually stop more private housing than it will subsidize through the Federal Government. We have a chance today to send a signal to the President that we will sustain a veto and continue to fight to bring down the deficit, bring down Federal borrowing, and help bring down interest rates.

Mr. Speaker, I urge a vote of no on the urgent supplemental today.

A CHALLENGE: REPEAL THE LAW OF GRAVITY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, last week when we adopted the first concurrent budget resolution in this House, we engaged in delusion and effectively, inferentially, repealed any connection between deficits, inflation, and high interest rates. That occurred when we adopted a deficit of a little less than $100 billion, believing in so doing that interest rates will come down.

I propose next week that we go on to a bigger challenge in the House, and that we consider repealing the law of gravity.

Now, Members may say that it takes some doing to repeal the law of gravity. But what can possibly be beyond the challenge of the Members, the collective judgment of this House? If we can repeal any connection between deficits, inflation, and high interest rates, what is to prevent us from repealing the law of gravity?

Mr. Speaker, I challenge my colleagues to do that.

BASEBALL AND THE BUDGET

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, tonight, the 16th of June, at 7:30 we are having the 21st Annual Congressional Baseball Game between the Democrats and the Republicans, the proceeds of which go to Children's Hospital.

Boll Weevils will be represented. Gypsy Moths will be represented. Yellow Jackets will be represented.

Judging from our past mistakes and looking back to last month's struggles to come up with a budget plan, I submit that we should play the game and, for the second budget resolution, adopt the plan of the winning team. There are a number of advantages to this course of action:

First, we would definitely get a result;

Second, all points of view will be represented; and

Third, the side that loses can go home and campaign on the fact that it was not the issues, but a game that decided the outcome, so no one can be held responsible.

In fact, if it works we can use this method again to resolve our congressional pay disputes.

And finally, this method makes about as much sense as our present budget process anyway.

Mr. Speaker, your party has never been one to take defeat lying down; my party has never been one to underexaggerate our strength. I urge all of you to rally around our own home teams tonight. Come out to Dukes Stadium and play ball, and see the one and only fireballer JOHN LEBOUTILLIER mow them Dem's down.

DEMOCRATS USE SAME OLD BUDGET POLICIES

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LUNGREN. Mr. Speaker, it is unfortunate that the only alternative the Democratic Party leadership had in regard to the budget is more of the same spend, spend, and tax, tax policies.

There is apparent good reason that although the House has agreed on a budget resolution, Wall Street, but more importantly, Main Street continue to look skeptically upon the Congress ability to control deficit spending.

While I greatly admire the housing industry for their many contributions to our country and economy, I am amazed at the craziness of the inclusion of the housing bailout portion of the urgent supplemental appropriations bill we consider today. In effect, this bailout attempts to help the housing industry through subsidized assistance. But at the same time, the legislation adds to the deficit, which has an increasing effect on interest rates, which in turn is the main reason for a depressed home market. As former Budget Committee Chairman Bob Giaimo said, "it is irresponsible."

This is like an overweight person trying to lose 30 pounds but who cannot resist ice cream and continues to eat it.

We cannot return to the old, tried and failed spend, spend and tax, tax economic policies of the past. Many policies which only address the short-term often do more damage in the long run. President Reagan is right. We have already enacted a program "based on sound economic theory, not on political expediency." While some slight modifications may be necessary, it is important we hold to a firm and steady course.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5922, URGENT SUPPLEMENT APPROPRIATIONS, 1982

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That upon the adoption of this resolution it shall be in order, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to consider the conference report on the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, to consider any amendment

reported from said conference in disagreement, and to consider any motion to dispose of any of said amendments which the managers have stated their intention in the joint statement of managers to offer. It shall be in order to consider a motion to recede and to concur in Senate amendment numbered 62, reported from conference in disagreement, with an amendment printed in the Congressional Record of June 15, 1982, by Representative Fazio, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, the provisions of House Resolution 502 were given very careful consideration by the Committee on Rules. This rule posed a matter of most serious concern to the committee members.

Ordinarily, conference reports require no rule for floor consideration but are privileged to be brought up at any time. The conference report on H.R. 5922, the Urgent Supplemental Appropriations bill, has been controversial from the outset.

This conference report requires a waiver of section 311(a) of the Budget Act. The Committee on Rules has granted only a very few waivers of section 311(a) since the Budget Act took effect in 1975, because section 311(a) is the heart and soul of the act itself. Section 311(a) provides that it shall not be in order to consider any bill, resolution, amendment, or conference report providing additional new budget or spending authority for the fiscal year if the enactment or adoption would cause the appropriate level of total new budget authority or outlays set forth in the most recently agreed to concurrent budget resolution for the fiscal year to be exceeded. In other words, section 311(a) prohibits exceeding the established budget ceiling.

We are in a situation where both Houses have adopted a budget resolution for fiscal year 1983 and are now in conference. That fiscal year 1983 budget resolution now in conference revises the second budget resolution for fiscal year 1982, which is currently in place. The present ceiling on that last budget resolution will restrict the House from consideration of the urgent supplemental bill if the 311(a) waiver is not granted.

There is a great deal of confusion about the levels of spending authority in the new budget resolution. The House is likely to face a number of critical choices about 311(a) waivers of the budget ceiling later in the year, if critically important programs cannot be accommodated under the figures set out in the third budget resolution for fiscal year 1982.

In this instance, however, the committee has been consistent in granting the waiver to the conference report. This action is in conformity with an earlier rule providing a 311(a) waiver to H.R. 5922 when it was first considered by the House. Thus the rule before us includes a waiver of section 311(a) against the conference report on H.R. 5922, against amendments reported in disagreement, and motions to dispose of such amendments which the managers have stated they will offer. House Resolution 502 provides the opportunity for the House to deal with numerous programs of a true emergency nature and which are in the public interest to consider at this time.

Further delay would not be constructive. The Washington Post yesterday described numerous Federal shutdowns, costly in themselves, if these funds are not appropriated. I insert that article from the June 15 Washington Post into the RECORD for review by my colleagues.

The article follows:

[From the Washington Post, June 15, 1982]

SUPPLEMENTAL SQUABBLE: GOVERNMENT ON HOLD

(By Sandra Evans Teeley)

Thousands of federal workers could be laid off without pay, and public works projects in 40 states may have to be suspended in midconstruction.

A program to keep drugs from coming into the United States, and another to keep U.S. technology from going out, may have to be put on hold for a while.

Laid-off National Archives employes won't be able to return to work on former President Nixon's tapes and papers right away, and some airlines will have to wait longer for money the government owes them for carrying the mail.

Funding for these salaries and programs are contained in an "urgent" supplemental appropriations bill that Congress has been working on for months—funds that are needed just to cover ordinary expenses.

The items are not in dispute on Capitol Hill or in the administration. But they are caught in the middle of a tug-of-war over controversial items that have been tacked onto the legislation: subsidies for home buyers and tax deductions and income limits for members of Congress.

A House-Senate conference committee finished its work last week on the bill, but it still must clear two formidable hurdles. First, it must survive a congressional grudge match, with the Senate insisting on repealing tax breaks for members of Congress for their Washington living expenses and the House retaliating with an amendment to limit the outside income of senators.

Once that internecine battle is resolved, the bill then faces the threat of a presidential veto because of its $3 billion mortgage interest rate subsidy program, Congress' quick-fix plan to boost the devastated housing industry. If Reagan does veto the bill, Congress could try to override it or strip the bill of its noncontroversial parts and pass them separately.

But all that takes time—and time is running out for some of the agencies and programs. In addition to the sewer construction projects, for example, some public housing authorities are desperate for operating funds, and 61,000 summer jobs hinge on the bill.

One major concern initially was that some government checks, particularly Social Security checks, would not go out on time because the bill contains the funds for their processing and postage. But this crisis apparently has been delayed, at least until sometime in July, according to Senate aides, through a funds transfer by the Treasury Department.

In the meantime, some federal employes have been warned they may have to be furloughed if the bill does not get through soon. According to agency spokesmen, these include:

Virtually the entire staffs of three Labor Department agencies—the Bureau of Labor Statistics, the Employment and Training Administration and the Employment Standards Administration—or about 8,000 employes. Workers have been told that if the funds are not approved by July 1, the agencies will have to begin scheduling furloughs.

Some 3,000 Education Department employes, more than half the entire staff, have been warned the they could be furloughed for two weeks between July 19 and Sept. 24.

More than two-thirds of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms—or 1,900 of 2,700 employes—would be furloughed if funds do not come through by July 11.

About half of the staff of the tiny Merit Systems Protection Boards or about 160 workers, would have to go on leave starting July 1.

All 469 employes of the Commerce Department's Economic Development Administration are waiting for $3.5 million worth of salaries in the bill. Without it, all salaries and expenses, including those for the office of the secretary, will run out sometime in mid-July.

The appropriations bill would provide $9 billion, almost double the $4.6 billion requested by the administration. It also would rescind $5.7 billion in previously appropriated funds, most of it in low-income housing construction programs, $2 billion less than the cuts that President Reagan had wanted.

The largest chunk of money, other than for the mortgage subsidy plan, is $2.4 billion for sewer construction grants.

If these funds are delayed much longer, "thousands and thousands" of private-sector engineers and construction workers will have to be laid off throughout the country, said Larry Silverman, legislative director for the Clean Water Action Project, an environmental group. In fact, he said, there are as many jobs at stake here as in the housing subsidy plan which proponents claim will create employment for about half a million persons in housing-related industries.

"If the President vetoes the bill, it will cause an emergency in the sewage treatment field," Silverman said. Already, 40 States have run out of funds for about 10,000 water projects in progress throughout the country, he said. It would take years for the sewage treatment industry to recover from the disruption that could be caused by the funding delays, he added.

In addition, the credit ratings of municipalities could be in jeopardy if funds are held up, because cities will start to default on bonds issued to pay for part of the water

projects, Silverman predicted. This would hamper their ability to raise money in the future, he said.

The District and Montgomery County have severe problems with leaking sewer pipes and are among those waiting for some of the public works money, Silverman said.

The bill also includes $1 billion to fulfill the government's food stamp obligations through September, funds for processing student grants and paying lenders for student loans, for the work incentive program and flood control funds.

Monies are also included for the South Florida Task Force, an administration program to stem the flow of drugs into the United States, and for Operation Exodus, a U.S. Customs Service program to keep American technology out of the hands of unfriendly foreign countries. There are funds to reimburse States for cash and medical aid they provided to Cuban and Haitian refugees.

However, the conference did not approve $50,000 for training Brazilian military officers in the United States. Another $5.8 million for Howard University was deleted, but conferees said the funding would be considered as part of a future appropriations bill.

The conference report includes $8.9 billion in new budget authority for fiscal year 1982. It also rescinds $5.7 billion in previously appropriated funds. Among the major programs included in the conference report are:

Housing assistance payments of $3 billion;

EPA constructions grants of $2.4 billion;

Student loan funds of $1.3 billion; and

Food stamp moneys of $1 billion 6.6 million.

Each and every Member, each and every American has a stake in programs funded by this important legislation. I urge members to support the rule which provides for the consideration of this urgent conference report today.

In addition to the Budget Act waiver, the rule grants a germaneness waiver against an amendment printed in the CONGRESSIONAL RECORD of June 15 if offered by Representative FAZIO. MR. FAZIO's amendment deals with a subject familiar to all of us in Congress. As you will recall, the conferees on H.R. 5922 were instructed by the House:

To agree to the amendment of the Senate numbered 50, and to agree to the amendment of the Senate numbered 62.

The effect of this instruction was to direct that the managers agree with the Senate Amendment No. 50 which restates section 7 of Public Law 95-435, as follows:

Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

The instruction also directed the managers to agree with Senate Amendment No. 62 restoring the $3,000 cap on members' tax deductions for living expenses. The conference report managers report amendment No. 62 in disagreement with the intention of offering a motion in conformance with the instructions of the House.

Mr. FAZIO's amendment will impose a statutory ceiling of 30 percent of a Member's aggregate annual salary on outside earned income, bringing the other body under the practice now observed by the House. This amendment is not germane to Senate Amendment No. 62 and required a waiver of clause 7, rule XVI, the germaneness rule, which is included in this resolution.

Mr. Speaker, under the difficult budgetary and political circumstances in which we find ourselves, this rule is fair and reasonable. I urge my colleague to support the adoption of House Resolution 502.

□ 1045

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the defeat of this rule. In the event that it should pass, I would urge my colleagues to defeat this urgent supplemental bill in its present form.

After all, think how much fun we have had with this bill, this urgent or, as it was subsequently called, urgent, urgent supplemental appropriations bill. We have been dinging around with this thing for 3 months. We have all played with it.

Oh, we have had fun. Yes, Republicans have played around with it. We had our housing version involving the synfuels transfer to housing and, oh, yes, clearly the Democrats in the House have had fun with it, too. They put in their housing version.

Naturally when it went to the other body they had a blast, as they always do. We passed it in the House at $5.99 billion and the other body went merrily to $10 billion. Of course, they had to get in their licks also on the tax deduction issue. And now we will have a little something extra to say on that issue. So, my goodness, I say to my colleagues, if we actually pass this thing what do we have to play with for the next few days.

This has gone from the ridiculous to the sublime. I think it is time that we called a halt to the games and get to the point where we can quickly pass a genuine urgent supplemental.

My guess is that at some point the bill we have before us is going to fall of its own weight and collapse in a puddle of politics in the well of the House. Perhaps then we will pass a clean urgent supplemental.

The sooner we do it the better, because we have some agencies and some people who are in genuine need of funding through this bill.

I urge my colleagues to look at what we have done. We should be ashamed, say we are sorry, and then do what is absolutely necessary for the good of this country and for the great number of people who are depending on this urgent supplemental.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Am I correct that this rule makes in order budget waivers?

Mr. LOTT. Let me speak to that if I could. Then I will yield further in a minute.

But first, just let me stress the cost of this bill.

It was passed by the House last month at a level of $5.99 billion and has now been reported out of conference with a price tag of over $8.9 billion. It therefore comes back to this body half again as large as when it left. It is an expensive piece of legislation which invites a Presidential veto.

However, aside from its tremendous cost, there is another serious problem concerning this bill, and as the gentleman from Pennsylvania mentioned that is the budget ceiling waiver which must be granted if we are to consider the bill at all. Unless we waive section 311(a) of the Congressional Budget Act by adopting this rule, the entire conference report would be subject to a point of order. Section 311(a) is that portion of the Budget Act which prohibits consideration of appropriation bills which exceed the levels set in the most recently agreed to concurrent resolution on the budget.

As my colleagues are no doubt aware, the budget resolution which was the subject of so much debate in recent days is still in conference and is therefore not yet in effect. Therefore, the budget we are still operating under at the moment is the second concurrent budget resolution for fiscal year 1982, which was adopted last year. It is that older budget ceiling which the urgent supplemental bill breaches and which would have to be waived if we are to consider this bill.

Some Members of the House might contend that it makes no difference if we violate the ceiling set in the second budget resolution, since we are about to have a new budget in place in a matter of weeks. That is certainly an argument which has some appeal to certain of my colleagues. Indeed, the distinguished chairman of the Committee on Appropriations (Mr. WHITTEN) has stated to the Committee on Rules that the absence of a new budget renders this urgent supplemental bill merely in technical nonconformance with section 311.

I would stress to the Members of this House, however, that the bill before us may actually breach the new budget—the one which is not yet in place. Of course, we will not know for sure until the budget conferees complete their work.

Yesterday afternoon, members of the Committee on Rules were present-

ed with a letter signed by the distinguished chairman of the Committee on the Budget (Mr. JONES) strongly opposing a waiver of section 311 in connection with this bill. The chairman stated that the Committee on the Budget had determined by a vote of 11 to 6 to oppose granting a waiver for this bill.

The Rules Committee's action in response to this letter was unprecedented. It is the first time in my memory that the Rules Committee has disregarded the advise of the Budget Committee on a 311(a) waiver of this magnitude.

There appears to be some honest disagreement among the Members of that committee as to whether the new budget will provide room for this urgent supplemental in fiscal year 1982. It would certainly seem wise for us to hold off on this appropriation bill at least until such time as we know whether it is the budget buster that I suspect it is.

Because our colleagues on the Budget Committee were tied up in meetings on the conference on the budget that we passed in the House last week they were not able to appear before the Rules Committee. I am sorry to say that that we the case because we needed to hear from them.

But I think we are setting a new precedent here by waiving the Budget Act, section 311(a) and we are doing so on a bad bill.

Mr. Speaker, I do want to mention an additional aspect of this rule, making in order an amendment printed in the RECORD of June 15 by the gentleman from California (Mr. FAZIO). This amendment would have the effect of imposing upon Members of the other body the same limit on outside earned income under which we in the House of Representatives must now operate. If the Fazio amendment should pass, all Members of the House and Senate would be subject to a limit on outside earned income of 30 percent of their congressional salaries, which at this time comes to just over $18,000 per year in outside income. I share the gentleman's feeling that Members of both bodies ought to be treated equally in this respect, and it is not that portion of the rule with which I quarrel. If this rule is defeated today—and I hope that it is—I shall be happy to support Mr. FAZIO in his efforts through another vehicle.

Mr. Speaker, this urgent supplemental bill contains a number of items which are extremely attractive to the Members of this House. A great portion of the funds which this bill would appropriate are indeed urgently needed. However, I would strongly submit that the bill goes overboard in many areas of spending. If we in the Congress can ever hope to get a handle on Federal spending, we can ill afford to set the example of waiving the budget ceiling on the first major spending bill to come before us after our budget debate.

I urge my colleagues to vote down this rule.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Do I understand the gentleman that with regard to the budget waivers that we are not only waiving the Budget Act for 1982 but the gentleman has some suspicions that there may be spending in this bill that will impact on the budget that we have adopted in this House for 1983 and, in fact, there may not be provisions in that budget to cover some of the spending that is being authorized here?

Mr. LOTT. I am not an expert in these budget figures. But in the Rules Committee discussion yesterday that specter was raised on both sides of the aisle. So there is some question about it.

I have been told by one member of the Budget Committee that probably there is not a problem with the budget we passed last week but it is not clear at this point. When it is not clear, if you are going to consider something like this, you have to waive the Budget Act.

But at the very minimum it is clearly a problem with the second concurrent budget resolution of fiscal year 1982.

Mr. WALKER. I thank the gentleman.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

The gentleman is recommending a no vote on the rule. What would be the sequence for the urgent supplemental in the event that the rule is defeated this morning?

Mr. LOTT. Of course, as we have already seen, you can do just about anything you want to with an urgent supplemental. It could go back to the Rules Committee and the Rules Committee could then hear from the chairman of the committee and the ranking Republican member and make a determination as to whether or not the waiver would be in order or whether or not we should wait until we get the other budget resolution, or until some other action was taken.

It could actually be sent back for some further action. I believe that would make sure that it was within the budget ceiling, within the budget level.

It is possible, in my mind, that it could even be taken back—I am not sure what the procedure would be—but taken back and a clean bill brought to the floor of the House, and that could be done pretty quickly, as the gentleman on the Appropriations Committee knows.

Mr. MYERS. If the gentleman will continue to yield, this is the thing that I wondered about. If it goes back to the Rules Committee are we then better off than we are today?

The vote was rather substantial to waive the provisions of the Budget Act and would you really change it or would it go back to the Appropriations Committee?

Mr. LOTT. The vote in the Budget Committee as a matter of fact, was a substantial 11-to-6 not to waive the Budget Act.

Mr. MYERS. That is what I meant.

Mr. LOTT. But the vote in the Rules Committee on the rule was on a voice vote, but it was a divided voice vote, I will put it that way.

Mr. MYERS. The gentleman is not sure whether it would go back to the Rules Committee or to the Appropriations Committee or what?

Mr. LOTT. I assume that it would go back to the Rules Committee preliminarily.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. I think there is one misunderstanding here with respect to the requirement of the waiver of 311(a) which is the fact that it might exceed the limitations imposed upon there or, as the gentleman from Mississippi said, it is nothing at this stage but speculation on the part of everyone.

Even if it went back to the Rules Committee and the justification for the waiver of 311(a) now is because of the fact that the Budget Act is not or the resolution is not in place, so even if it went back it would still require an amendment to 311(a) if it were going to be considered at this time.

Mr. MYERS. If the gentleman will yield further, as I understand it, as I believe the situation exists now, it does not lie within the jurisdiction of the Rules Committee to remedy and correct this bill and make adjustments that are necessary to get it passed if you do not waive 311(a); is that right?

In other words, it would have to go back to Appropriations to really bring it into conformity with 311(a)?

Mr. LONG of Louisiana. It would have to go back to the conference. It is out of the Appropriations Committee.

Mr. MYERS. Yes.

Mr. LONG of Louisiana. As the gentleman knows, it would have to go back to the conference if the rule were rejected. But it would still even then, if it were acted upon prior to the adoption of a budget resolution, it would require a waiver of 311(a).

Mr. LOTT. If I may reclaim my time, that would be the case only if the conference did not take action to bring it down to a level that would be within the budget level.

Mr. LONG of Louisiana. The gentleman is incorrect because it is merely a speculation as to the amounts. No budget resolution is in place at this time and no question has been raised.

It is just the very fact that it is not in place that requires the 311(a) waiver.

Mr. MYERS. But the Rules Committee cannot make those changes; is that not correct?

Mr. LOTT. That is correct.

Mr. MYERS. It is going to have to go back to the conference or Appropriations or the other body.

Mr. LOTT. For the appropriations.

Mr. MYERS. I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, on March 23 of this year the Committee on Appropriations reported the urgent supplemental appropriations bill for fiscal year 1982. On May 12 that bill passed the House, under a rule which waived section 311 of the Budget Act.

Today we are again asking that section 311 of the Budget Act be waived, so we can present to the House a conference report on that bill. When the rule was first debated before the Committee on Rules, and on the floor, the ceilings in the second budget resolution for fiscal 1982 had already been exceeded by some $42 billion in outlays. Under those circumstances, I argued that the second budget resolution was irrelevant, and that section 311 should be waived so that the House could work its will on the urgent supplemental.

In my opinion the situation has not changed. The second budget resolution for fiscal 1982 is still irrelevant. There are many appropriations in this supplemental which are still urgent. Section 311 should be waived so that the recommendations of the conferees can be brought before the House for appropriate action.

There are many real problems with this bill. There are many reasons why Members may choose to vote against the conference report. I will speak to those issues during debate on the conference report.

However, passage or rejection of the conference report should be the only issue before the House. That issue should be decided by the political judgment of each Member on the recommendation of the conferees, and not on the basis of the totals in the second budget resolution for fiscal 1982, or by a misguided concern for the integrity of a budget process which has become thoroughly corrupted and discredited by political gamesmanship and jurisdictional squabbling.

The rule also makes in order an amendment which will be offered by the gentleman from California, the chairman of the Legislative Subcommittee, that would place a limit on income that may be earned by any Member of either House of Congress. The limit would be the same as that which now applies to Members of the House; namely, 30 percent of our base salary.

I will speak to that amendment at the appropriate time. For the moment, I simply note for the Members of the House that a vote for the rule is a vote to make that amendment in order.

I urge a vote for the rule.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Appropriations Committee, the gentleman from Mississippi (Mr. WHITTEN).

□ 1100

Mr. WHITTEN. Mr. Speaker, I guess this matter had to come to a head sometime.

I take the floor at this time to point out that I was a cochairman of the study group that recommended the Budget Act and the Budget Committee. We very carefully recommended—and the act provides—that the first budget resolution each year should only set targets. Later, near the start of the fiscal year and after Congress had acted on various spending and taxing matters, ceilings were to be established. And then, if necessary, we can reconcile and make adjustments.

Mr. Speaker, I support the Budget Act. I always have. The Congress needs the discipline it provides. But we need to get back to the original reasons it was proposed. We need to return to the basic strength of the act.

During the 1960's and 1970's the growing use of contract authority, backdoor Treasury borrowing and entitlements flowing from legislative bills and not appropriations bills—constituted the central impetus for the Congressional Budget Act. Throughout studies of the fiscal process in the legislative branch, the utility of the regular appropriation process to the Congress became abundantly evident. The Congress therefore wisely included in the budget legislation the sound provision for first setting up targets—then later firm aggregate ceilings—and further that such targets be established for functional categories rather than appropriations bills or appropriation line items. It was apparent then and is now that the Budget Committee would not be able, timewise, to hear numerous witnesses on many items as do the Committee on Appropriations and the various legislative committees. The Budget Committee itself was created to help prevent programs from bypassing the Committee on Appropriations.

Let me also point out that the reconciliation process, which was imposed by the Congress on itself last year through the first budget resolution, is contrary to the intent of the Congressional Budget Act of 1974. I share the concern of others about the direction of overall congressional procedures and the threat those procedures make to the entire Budget Act and the orderly and effective operation of the Congress.

In my judgment, the reconciliation process has been diverted to purposes for which it was never intended. Section 310 of the Congressional Budget Act of 1974 (Public Law 93-344) specifically places the order of reconciliation after the adoption of the second budget resolution and provides for completion of the process by September 25. The Budget Committee's justification for considering reconciliation in the middle of the budget process is based on the following two lines appearing in section 301 of the act concerning matters which may appear in the first budget resolution: "Any other procedure which is considered appropriate to carry out the purposes of this act." I think this uses that section for purposes never imagined or intended by the authors of the act.

Mr. Speaker, according to the timetable established by the Budget Act, the conference agreement on the first budget resolution should be in place by May 15. There are only 37 legislative days remaining between now and September 15—and that includes all Mondays and Fridays. And the track record is not encouraging. For 1980, Congress did not complete action on the second budget resolution until 74 days after the September 15 deadline established by the Budget Act. In 1981 the date was missed by 66 days. And last year it was not until December 10—or 85 days after September 15—that the second budget resolution was adopted. So I do not believe anyone here can honestly say they think the Congress will adopt a second budget resolution for 1983 before October 1.

I do not need to remind the membership that all we did last December was perpetuate the unrealistic amounts contained in the first budget resolution for 1982. We made the targets of the first resolution the ceilings in the second. At that time we had a pledge from the Budget Committee to bring to the House early in this session a workable resolution. Unfortunately, it is mid-June and we are still operating under the unreasonable ceilings set in December. We all know what problems that has caused. It has held up a major urgent supplemental appropriations bill. This bill was reported from the House Committee on Appropriations on March 23—2½ months ago. Floor consideration was delayed until mid-May, largely because there was no workable budget resolution. Conference on the bill occurred last week.

And—for the first time I can remember, a rule is required for the conference report because it provides new spending authority which exceeds the totally unrealistic amounts in the budget resolution. The funds are vitally needed for student loans, for EPA wastewater treatment facilities, and for the Treasury Department to be able to issue checks, among other things. I do not believe any one seriously questions the need for the funds. We as a Congress should not tie our hands so that we do not have the procedures available to provide for the country's urgent needs.

Concerning the budget resolution passed by the House last week may I say I voted for the Jones substitute because it set targets, at least, at this stage. The provision of the substitute of my good friend, the gentleman from Ohio (Mr. LATTA) provides that if a second budget resolution is not adopted by September 25, then the original targets become binding ceilings.

The House should be aware that even if the targets in the first resolution are automatically transformed into ceilings without subsequent congressional action—it will result in little or no real savings to the Government. For the past 4 years amended second resolutions have been required in order to fund anticipated as well as unanticipated supplemental appropriations.

The targets established last May for 1982 and turned into ceilings in December are belatedly being drastically amended by the budget resolution passed last week. The deficit figure increases from $42.5 billion to more than $100 billion. But the reason for this increase is not the fault of the appropriations process. The Appropriations Committee is still under its budget authority and outlay allocations for 1982 under section 302 of the Budget Act, even if the urgent supplemental is considered. Spending in entitlement programs far in excess of earlier estimates has caused the ceilings to be surpassed. The major result for these large increases is the unrealistic economic assumptions reflected in the earlier resolutions. Unemployment and interest rates have been considerably higher than estimated, resulting in the greater payout rates. The same thing could easily happen in 1983. And the unemployment checks will be provided and the interest on the public debt will be paid. It will be the discretionary programs funded through the appropriations process which will again bear the brunt of this.

Our Budget Committee was created because we needed it. While the Appropriations Committee had been successful holding appropriations below the administrations, requests 58 percent of the expenditures were bypassing our committee where we did hold the line. The trouble was entitlements, where the enabling legislation required the money to be spent without further action by the Appropriations Committee. Our trouble was back-door spending, where the expenditures were bypassing the annual review process of our Committee on Appropriations, which has a wonderful track record of holding down the spending.

But the Budget Committee has neglected the entitlement issue. It has neglected the back-door spending. It's actions have been unnecessarily concentrated on the appropriations process. One result has been that the process has been delayed and we have had to run the Government through continuing resolutions. We have had to resort to this the last 2 years because our friends on the other side and on this side did not meet the deadlines established in the Budget Act.

I am sorry a rule is necessary for this conference report. I hope this will be an isolated circumstance. The Appropriations Committee greatly appreciates the continued cooperation of the Rules Committee during its consideration of this bill.

May I say now to my friend from Mississippi, and others, that under present conditions you would have to ask for a waiver for even $1 of new spending because the amounts in the existing budget resolution, which never was realistic, have been exceeded.

I testified before the Rules Committee yesterday concerning the need for waivers for this conference report. Considering the length of time the Budget Committee has taken in past years and in the preceding months, I do not see why members of the Budget Committee could not have testified before the Rules Committee yesterday, also. It would not have interrupted their rate of progress, as judged by prior actions.

But be that as it may, what the letter from the gentleman from Oklahoma (Mr. JONES) to the Rules Committee meant was that they could not get along, that they had not gotten together and did not want the rest of us to be able to proceed, even when it is vitally needed.

Now, there are plenty of items in this bill that I would differ with. But let me tell you, we have a committee with 13 subcommittees. Let me go back a little bit. You know, when President Reagan came into office, he asked our committee to cut $15.1 billion, to rescind that much in appropriations already made. We came up with a reduction of $14.3 billion. He asked us then to go along with a 10-percent cut in the budget. We went along with that. Then he asked me personally to help with the next one, where they asked for another 12 percent. We went along with 7 percent. All of our friends on the Senate side went along—and few objected on this side—so we went along with 7 percent. That is the one that was vetoed. I was asked if I minded. I said, "Oh, no, I would rather that his name was on it than mine," notwithstanding the fact that I had done what I was requested to do.

So let me tell you this: We can argue backward and forward. You Committee on Appropriations is doing it this way because there is no other way. We had to ask for a waiver. I am trying to keep the Appropriations Committee from having to run the Government by continuing resolution. So there is no way around what it is. If you want the Government to come to a standstill, if you want to say to the world that we can no longer legislate, defeat this rule and prove it.

Mr. LONG of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

I think one additional point needs to be clarified for the record. The gentleman from Mississippi (Mr. LOTT) was speaking about this rule establishing a precedent. It does not in fact establish a precedent.

The Rules Committee in at least seven other instances, including the supplemental appropriation bill itself, first made the bill in order before the House of Representatives in the rule that waived section 311(a). So it is not precedent-establishing.

I do say, as I said in my prepared statement—and I reiterate—that it is an unusual procedure. We have been very reluctant to grant 311(a) waivers because that section is the heart and soul of the Budget Act. We have been very reluctant, but in this instance we did feel that it was justified to do it.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. LONG of Louisiana. I yield to the gentleman from Mississippi.

Mr. LOTT. Is it not a fact, though, that the Rules Committee has been very hesitant and, in fact, has not before, or only very rarely, waived the Budget Act when in fact we had a strong letter from the Budget Committee saying "We do not recommend this budget waiver"?

Mr. LONG of Louisiana. There is no question about that. We have. But it is not a precedent. We have done it in the past, and we have done it under the circumstances such as obtained here today.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LONG of Louisiana. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I would like to call attention to the Speaker and to the membership that we should have our appropriation bills for 1983 before this House right now. We cannot get to them because of the lack of a budget resolution from the Budget Committee, the target budget

resolution, not the Budget Act. So the outlook right now is that, because of the failure to get together by the Budget Committee—I see the chairman here—we are tied up to where there is no way for us to bring the regular bills up, which we should have before the House right now, but we cannot get them up to consider them.

Mr. LONG of Louisiana. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Budget Committee, the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I was watching some of the debate on the rule and the discussion of the Budget Committee's recommendation that a waiver not be granted. It is true that on a show of hands yesterday members of the Budget Committee voted not to recommend a waiver for this urgent supplemental.

However, I think it needs to be pointed out that under either the Latta substitute as passed by the House last week or the budget resolution passed by the other body, a waiver would not be necessary. The Congressional Budget Office has now affirmed that this urgent supplemental appropriations could be accommodated under either one of those budget resolutions.

I surmise that the Budget Committee took the position of not recommending a waiver at this time because, under the budget resolution as it now exists, the second resolution that was passed last fall, a waiver would be necessary. But very clearly we are in conference now with the other body to work out a first budget resolution for fiscal year 1983 and a final budget resolution for fiscal year 1982, and very clearly that conference report will accommodate this urgent supplemental.

So however you feel about the urgent supplemental itself, you can vote that way on the bill. But I do not think you need to vote down a rule on the basis of a waiver not being recommended by the Budget Committee.

I would further point out that I talked to the gentleman from Ohio (Mr. LATTA) late yesterday afternoon concerning this matter. Mr. LATTA was not at the Budget Committee meeting yesterday morning. At that time I asked him if he desired to join me in writing a letter to the Rules Committee stating that no waiver would be required under the fiscal year 1982 ceiling which will be established in the conference report on the budget resolution when it comes out of conference, and he indicated to me that he would join me in such a letter and would not oppose waiving the rule in this particular instance.

And so the point that I want to make is, if you are against the appropriations bill itself, you can vote that way; but that should be voted on after the approval of the rule.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from Oklahoma one question.

Is the gentleman now saying that, after further consideration or investigation and in spite of the Budget Committee vote of 11 to 6, he is now supporting this rule which waives the Budget Act, even though such a waiver may in fact be necessary as it applies to the second concurrent budget resolution for fiscal year 1982?

Mr. JONES of Oklahoma. If the gentleman will yield, I believe that the letter which the Budget Committee sent to the Rules Committee said—or at least it was intended to say—that under the budget resolution for 1982 as it now exists, a waiver would be required, and the committee voted 11 to 6 not to recommend the granting of a waiver for this conference report to be considered.

However, under both the Latta substitute as passed by the House last week or the budget passed by the other body, a waiver would not be required.

On that basis, considering the fact that we have started conference and hope to complete it this week and expect to have a conference to make in order this particular supplemental, I would not oppose the waiver, because by the time, hopefully, next week, when a conference report is adopted, a waiver would not be necessary.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, one of the prerogatives that we have in the House is the ability to bring our children on the floor to see what happens here. I had the opportunity to do that today, to bring my 8-year-old son, to see how this body is run. And, on second thought, I wonder if I should not have left him at home. One of the first things you learn when you are about 8 years old and in the third grade is that when you are playing a game, you have to establish rules. And if you are not willing to play by the rules, maybe the game is not worth playing.

We have a recommended rule that waives the budget considerations. Just a couple of weeks ago some eloquent pleas were made on the floor—even by you, Mr Speaker—saying that the American people demanded and needed a budget. It was said that if we did not have a budget, who knows what would happen? The confidence the American people have in this institution would probably fall.

Why? Because we needed a budget as a mechanism to allow us to move forward with our spending resolutions so we could do the people's business.

Now I think we see that is not true. We hear at one point that such a budget waiver is rarely done. When this argument is made that it is such a precedent we should not do it, someone jumps up and says, "Oh, no, we did not quite mean that. It has been done seven times in recent years." What it means is, when it suits our fancy, we will waive the budget rules, we will waive the budget figures that we have established after much straining and groaning and exercising ourselves.

In other words, when it really gets into the clinches, we blink, and say, "Well, we really did not mean what we did just 2 weeks ago, or what we did last year. Even though we are hereby waiving figures under the second concurrent budget resolution, which are supposed to be the binding figures, we do not really believe they matter."

What is that going to tell the money markets, Wall Street, but, more importantly, from my standpoint, Main Street, about the confidence that they can have in this House?

I think it says to them that, "You ought to be on guard and worry about what Congress is going to do day to day, week to week, month to month, session by session."

We may say that we want to bring spending down so that we only have a $99.3 billion deficit this next year, but maybe this signals that we really do not mean it.

One of the considerations that I argued for during our initial round of budget talks was that this place would not fall down if we did not adopt a budget. Without a budget, we do not have to go under a continuing resolution. We can bring appropriation bills up as long as we have a rule that grants a waiver of the budget process, which, of course, is precisely what we are doing here today.

And so I think we ought to be concerned about what we are doing to this place. If the budget does not work, let us say it does not work, get away from that charade, and say we are only going to deal with spending, issue by issue, by individual appropriations and supplemental appropriations. And while these things are being considered, I think we ought to listen to the words of the distinguished former Member from the Democratic side of the aisle, the chairman of the Budget Committee Bob Giaimo who said, after we had our exercise in futility just a couple of weeks ago:

> The Members of the House of Representatives did much more than fail to adopt a budget last week. They supported amendments to unrealistically increase discretionary spending at the expense of defense . . . They chose to ignore unacceptable growth in entitlement programs. . . .

And then he went on to say:

> Parenthetically, it should be noted that in the same period the House, unable to vote

budget restraints, did vote billions to subsidize mortgage interest payments.

And we know this conference report that will be before us in a few minutes, after we pass this rule, has an even larger bailout for the housing industry than that which the House voted just a couple of weeks ago.

Then, Mr. Giaimo, our distinguished former Member, said this:

> How irresponsible! The way to help the housing industry is to bring down real interest rates. And that means a responsible Federal budget . . . The House has had its temper tantrum. Now it must get down to the people's business and adopt a budget of restraint.

And then he said:

> Extraordinary times demand heroic actions and not politics as usual.

□ 1115

I would submit, Members of this House, that this is politics as usual. This is not heroic action that people are asking us to take back home. This thing busts the budget tremendously.

How much of the rescissions that the President asked for are in this? Only about half of them. After we put half of the rescissions back in, we added billions to bail out part of the housing industry. By the way it only bails out part. That is, if you buy a new house you might be helped by this.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. LUNGREN) has expired.

Mr. LOTT. I yield 1 additional minute to the gentleman from California.

Mr. LUNGREN. If you happen to be an individual out there who has had his house on the market for 13 months, as someone I just spoke to in my district in the last couple of weeks has, this will not help you. In fact this will hurt you because the smart money will move to new housing, not already existing housing.

So all those people out there who have homes that they have been trying to sell for the last 13 months will not be helped by this, instead, they will be put at a competitive disadvantage against those people who have new housing to sell. We ought to keep that in mind.

Mr. Speaker, let me repeat my major point: Either this place is going to work or it is not going to work.

I suggest that waiving the budget rule in this significant way is not the way for us to go about doing our business. Neither is it the way to go about doing our business to adopt an urgent supplemental that evidently was not urgent enough for us to bring up to this House for several months. Remember, it is no longer merely a supplemental, it has gone far beyond a supplemental, it is now a major bailout bill causing further deficits on tax increases in the midst of a recession and will have exactly the opposite effect we want.

Mr. LONG of Louisiana. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I asked for this time to point out that we have only 52 working days till the beginning of the fiscal year. The Budget Committee was supposed to have agreed with its counterpart on the Senate side by May 15. They are just now meeting.

What would you do, if you had the obligations we have to keep the Government in business with 52 legislative days left? We cannot bring up the 1983 appropriations bill because the Budget Committee has not done its job. We cannot do anything but try to keep the Government in business. We reported this urgent supplemental on March 23. Unless something is done soon we are going to have to come back and try to run the entire Government through a continuing resolution, not by choice but by necessity.

Mr. LONG of Louisiana. Mr. Speaker, I yield 1 minute to the gentleman form New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I have been listening to the debate and if the gentleman from Mississippi (Mr. LOTT) would give me his attention. There is one thing I am not clear on, as I remember the vote on the housing issue, which seems to be the big stumbling block here, there were practically unanimous votes on the Republican side for the housing bill to help the industry and to put people back to work. I supported that as well.

Is it my understanding that the Republican position from the leadership that the gentleman represents is no longer supporting that housing legislation?

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Mississippi.

Mr. LOTT. Well, first of all, what we are talking about here is the rule, and what we are doing procedurally. This is the debate on the rule.

Mr. PEYSER. But the rule is aimed at the housing——

Mr. LOTT. If the gentleman will yield for me to finish.

The rule is the primary debate here. However, this is not the same thing we voted on in the House for housing some weeks ago. In fact, instead of $1 billion it is $3 billion.

Mr. PEYSER. I gather that clearly what is happening here is that because of the threat of a Presidential veto, the gentleman from Mississippi speaking for the leadership is saying the Republican Party wants to back away from the housing support.

I heard my friend from Massachusetts indicate he had a clean bill eliminating the housing, and so I think we ought to all know where we stand on the issue. You all voted for housing, practically, as did the Democrats, and now with the threat of the President we are suddenly running for cover again, and I think we are abdicating what we believe is best for this country. I hope we are not going to repeat the mistakes of 1981.

Mr. LOTT. Mr. Speaker, I would like to reclaim some of my time to respond to what the gentleman said.

I am speaking only for myself. I will tell the gentleman here and now I do not accept anything that this conference or the House wants to put a name to, call it housing or unemployment compensation or whatever they want to, at any level of spending. The fact is this has gone too far and it has gone from a quick short-term help for the housing industry to a major bailout.

The gentleman is right. I oppose what has been done subsequently in the conference and I am not speaking at this point for anybody but myself.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, some of us in this Chamber believe that there is a relationship between deficits, inflation, and high interest rates. If we want to reduce interest rates, we must reduce the deficit. That is a novel approach, perhaps to some, but we believe that that relationship exists. Of course the public is so confused as to where the blame should be laid, as to who is responsible for these deficits, but this legislation I think points up in a very interesting way where the impetus is for this irresponsible level of spending going on in the Federal Government.

The perspective is forthcoming by contrasting what the President requested in the way of a supplemental appropriation against the rescissions which were requested.

The President requested $4.6 billion in additional spending, and he counterbalanced that with $7.8 billion of rescissions, a net reduction in the deficit of $3.2 billion.

What has the Congress done in this proposed conference report? We have turned it around, instead of a net reduction in the deficit of $3.2 billion, we propose to add $3.2 billion to it. The House in its judgment says that the net addition should be $5.9 billion. The Senate says $2.4 billion, and the White House said minus $3.2 billion.

So, if the people are looking for where to place the responsibility for maintaining, aggravating, adding to, exacerbating this excessive level of spending in this country by the Federal Government, it is right here in the House of Representatives such as is proposed in this supplemental appropriations bill.

The prudent thing for us to do is just say we do not want to add to it by

this amount. Therefore, we should go back to the President's request—which I think is very reasonable. We should vote down this rule, because it violates the Budget Act, and vote down the supplemental appropriations bill.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would like to address the comment made by the gentleman from New York with regard to the housing bill.

It is absolutely correct that this House did pass a housing bill by an overwhelming number, but I think that what was not considered and what was not mentioned in the gentleman's remarks is that particular bill self-destructs at the end of this year. It is only a short-term bill.

What we are doing here and by this rule are having to incorporate in an emergency supplemental an entire 3-year program, one that has never been separately debated or passed by this House on an up or down vote, and included in it are many more supplementals, which are very important to many of us here.

In the State of Florida, for instance, we have very important crime legislation within that bill and funds that are vitally necessary to continue a very important program that we have started, that the administration has started in cutting down drug traffic. What we are doing is bringing in all of these porkbarrel-type of things, things which are perhaps good politics but lousy economics.

Let us take a minute to look at what we are talking about with this housing bill.

We are supplementing only new construction. I think as the gentleman from California very properly pointed out, what we are doing by this bill is devaluating all existing homes that are already built. The value of a home is predicated largely upon its loan value. Its loan value is going to go down because on a mortgage of $67,500, under this bill, under new construction, this Federal Government is going to supplement the payment of interest up to $2,700 a year. We are starting a new program which is going to go on for many, many years.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

In the first place, as the gentleman recalls, when the bill that came up in the House on housing was first proposed, the President opposed that as well. In spite of that I give my colleagues on the other side credit for their courage. They voted overwhelmingly against the President's position and voted to support housing. Now what the gentleman is saying is because the housing program is broader—incidentally the same argument held that the gentleman is making now on the 1-year housing program that we passed. Yet the gentleman voted for it and now the gentleman is saying because it goes for 3 years, which obviously the housing industry needs and employment in our country needs, that is the reason we ought to go with this program and the reason to support the rule.

Mr. SHAW. If I might reclaim my time. I think the point is being made that we have not had an opportunity in this House, regardless of who is proposing what—I think it is lousy legislation and I think that we are starting a program here that is going to continue ad infinitum from year to year. If the gentleman thinks this program is going to stop at the end of 3 years, all one has to do is look at the history of such legislation, such big spending legislation in this House, and one will find that the ability of this House to make hard political decisions to put brakes on runaway Federal programs is indeed dismal.

Mr. LOTT. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. JOHNSTON), a member of the Budget Committee.

Mr. JOHNSTON. Mr. Speaker, one of the most difficult things any governing body has to do is put things in perspective, and I have tried to put in perspective the maneuvering concerning the budget and the spending activities of this country and write the book as the economic historians will look back on us in 1992. To figure out what is going on in the country, and I think there are two factors intervening today that are causing a lot of confusion in this body and in the marketplace, is difficult due to some conflicting economic data.

One of the most difficult problems a physician faces is when a patient has two illnesses at the same time and you have contraindications of the illnesses, where they have inconsistent symptoms.

I think this economy is going through something that my generation of managers has never before experienced—disinflation. Disinflation involves a fundamental reallocation of resources within an economy.

During the decade of the 1970's, we rewarded the spenders. We rewarded the debtors. We rewarded the profligate. Now we have a decade where we are doing exactly the opposite.

At the same time, this country is being forced to become a part of a world market, not just a domestic market.

One of the great tragedies that will ever occur is if employment in Detroit ever regains the levels of 1978 or 1979, because if it does, it will mean our automobile industry will not be competitive worldwide.

We simply cannot compete with a Japanese automobile industry that produces 11 cars for each man each year against an industry that produces almost 40 cars per each man's year. But if we commence a process of bailing out industries, or trying to reward or compensate industries that are forced to adjust to these two new claims on our economy resources, internationalization and disinflation—there is no end to it. There will be another industry, either the airline industry, the automobile industry, or some other industry, seeking bailouts next month or next year and it will go on forever.

Everyone here knows we face a serious budget crunch and if we continue to bail out industries forced to adjust that problem will not go away, it will get worse. And the fundamental problems we can do nothing about, that is, the process of disinflation, which had it not occurred we would not have had an economy in the 1990's, and the process of a growing internationalization, which will occur whether we like it or not. If we continue to process with this housing bill we will just dig our grave a little deeper.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JOHNSTON. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Would the gentleman include in that list the tobacco industry also, the automobile industry and the steel industry and the airlines? Would the gentleman include that in there also?

Mr. JOHNSTON. I think definitely the tobacco industry is going to have to learn to compete worldwide. But it is very, very difficult to compete worldwide when in Japan American cigarettes are only allowed to be sold in one retail outlet out of every 12, whereas in America, Japanese cars can be sold in any retail outlet. It is very, very difficult given the constraints on the tobacco industry, the fact that we send 3 billion pounds of tobacco a year to Japan and not 1 ounce goes in American ships. It is very, very difficult to compete. But we have got to rid ourselves of some of the other nontariff barriers, both in the tobacco industry and the electronics industry and the computer industry and the aircraft industry. But we, too, are going to have to learn how to compete worldwide.

□ 1130

I will submit to you that if the automobile industry was exporting as large a share of its product as the tobacco industry is of theirs, they would be in pretty good shape, too.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the effect of the upcoming vote is plain. It has been made crystal clear by the debate. A vote against this rule is a vote against any housing initiative. That is what it amounts to. You cannot explain it any other way.

The statement by the gentleman from Massachusetts (Mr. CONTE) made it quite clear that if this rule should be rejected, this bill should be rejected, he has a bill which he will introduce which will be identical to this bill, except for the fact that it would not include the housing initiative to which the President objects.

Therefore, you have a choice. Let us not try to wrap it in any other attractive labeling. A vote against the rule is a vote against the housing initiative. It is just that simple.

Now, the gentleman from Mississippi (Mr. LOTT) has said that everybody has had a lot of fun with the housing program. He said the House has had its fun and the Senate has had its fun and the conference committee has had its fun and now it was time to call a halt to it.

I do not know what he has against the President. If it is all that much fun, I should think my friend, the gentleman from Mississippi, would want the President to have his shot at a little bit of the fun.

It seems to me that it is not any fun to 20 percent of the workers in the construction industry who are thrown out of work. It is not any fun to the people who are involved in the lumber industry where unemployment soars as high as 70 percent.

It is not any fun to those bankrupt businesses; bankruptcies have increased by 50 percent over last year in the housing and homebuilding industry.

It surely is not any fun for young couples and moderate-income people who are denied the privilege of buying a house by reason of these exorbitant interest rates that have been allowed to persist for the longest time in American history. According to the American Association of Home Builders, only 3 percent of America's newly formed families can qualify for a home loan. A $60,000 house amortized over a period of 30 years, 4 or 5 years ago could be purchased and paid out on a monthly payment of $433 a month. Many young American families could afford that. That same house, if you could buy it for $60,000 today, which you could not, would cost you more than twice as much to amortize. In other words, a lesser house which now would sell for $60,000 would cost that young family pretty close to $900 a month in monthly payments. Obviously, America's families cannot afford payments of that extortionate magnitude; so it is not any fun to them. It is not any fun to young couples who have the right to feel that they, too, like their parents before them, might reasonably look forward to that dream of homeownership.

So we have tried to do something about that. It is a funny thing, we voted for it when it passed the House. Most of my fellow Democrats and most of the Republicans voted for it. We voted for it in this supplemental bill. Most of my Republican friends voted for the budget just last week, which as I understand it according to both the chairman of the committee, the gentleman from Oklahoma (Mr. JONES) and the ranking minority member, the gentleman from Ohio (Mr. LATTA) includes money which will accommodate these expenditures.

Now you do not want to vote against it, but you would like to vote against the rule so that you do not have to vote against it. Is that it?

Well, a vote against the rule is a vote against doing anything about housing and if you think it is all right for 97 percent of America's young families not to be able to buy a house, if you think it is all right for us to continue to have at least 20-percent unemployment in the homebuilding industry, if you think it is perfectly all right for unemployement to soar as high as 70 percent in the lumbering trades and for bankruptcies to continue on their spiraling course, then vote against the rule; but a vote against the rule is a vote against doing anything about this housing problem.

So I suggest that we vote for the rule and that we vote for the bill.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 155, not voting 20, as follows:

[Roll No. 147]

YEAS—257

Addabbo	Boggs	D'Amours
Akaka	Boland	Daniel, Dan
Albosta	Boner	Daschle
Alexander	Bonior	Davis
Anderson	Bonker	de la Garza
Andrews	Bouquard	Deckard
Annunzio	Bowen	Dellums
Applegate	Breaux	DeNardis
Aspin	Brinkley	Derrick
Atkinson	Brodhead	Dicks
Bafalis	Brooks	Dingell
Bailey (PA)	Brown (CA)	Dixon
Barnard	Burton, Phillip	Donnelly
Barnes	Byron	Dorgan
Bedell	Chappell	Dougherty
Beilenson	Chisholm	Downey
Benjamin	Coelho	Duncan
Bennett	Collins (IL)	Dunn
Bevill	Conte	Dwyer
Biaggi	Conyers	Dymally
Bingham	Coyne, William	Dyson
Blanchard	Crockett	Early
Eckart	Kazen	Roe
Edgar	Kennelly	Rose
Emery	Kildee	Rosenthal
Evans (GA)	Kogovsek	Rostenkowski
Evans (IN)	LaFalce	Roth
Fary	Lantos	Roukema
Fascell	Leath	Roybal
Fazio	Lee	Sabo
Fenwick	Lehman	Santini
Ferraro	Leland	Savage
Fiedler	Levitas	Sawyer
Findley	Long (LA)	Schneider
Fithian	Long (MD)	Schroeder
Flippo	Lowry (WA)	Schulze
Florio	Luken	Schumer
Foglietta	Lundine	Seiberling
Foley	Markey	Shamansky
Ford (MI)	Matsui	Shannon
Ford (TN)	Mattox	Shelby
Fountain	Mavroules	Simon
Fowler	Mazzoli	Skelton
Frank	McDade	Smith (IA)
Frost	McHugh	Smith (NE)
Fuqua	Mica	Smith (NJ)
Garcia	Mikulski	Smith (PA)
Gaydos	Miller (CA)	Snowe
Gejdenson	Mineta	Solarz
Gibbons	Minish	St Germain
Gilman	Mitchell (MD)	Stark
Glickman	Moakley	Stenholm
Gore	Moffett	Stokes
Gray	Mollohan	Studds
Green	Montgomery	Swift
Guarini	Motti	Synar
Hall (OH)	Murphy	Tauke
Hall, Ralph	Murtha	Tauzin
Hall, Sam	Napier	Traxler
Hamilton	Natcher	Trible
Hammerschmidt	Neal	Udall
Hance	Nelson	Vento
Harkin	Nichols	Volkmer
Hatcher	Nowak	Walgren
Hawkins	O'Brien	Washington
Heckler	Oakar	Watkins
Hefner	Oberstar	Waxman
Heftel	Ottinger	Weaver
Hendon	Parris	Weiss
Hertel	Patman	White
Hightower	Patterson	Whitley
Holland	Pease	Whitten
Hollenbeck	Pepper	Williams (MT)
Horton	Perkins	Wilson
Howard	Peyser	Wirth
Hoyer	Pickle	Wolf
Hubbard	Price	Wolpe
Huckaby	Pursell	Wortley
Hughes	Rahall	Wright
Hutto	Rangel	Wyden
Jacobs	Ratchford	Wylie
Jenkins	Regula	Yates
Jones (NC)	Reuss	Yatron
Jones (OK)	Richmond	Young (MO)
Jones (TN)	Rinaldo	Zeferetti
Kastenmeier	Rodino	

NAYS—155

Archer	Dannemeyer	Hansen (UT)
Badham	Daub	Hartnett
Bailey (MO)	Derwinski	Hiler
Beard	Dickinson	Hillis
Benedict	Dornan	Holt
Bereuter	Dreier	Hopkins
Bethune	Edwards (AL)	Hunter
Bliley	Edwards (OK)	Hyde
Brown (CO)	Emerson	Ireland
Broyhill	English	Jeffords
Burgener	Erdahl	Jeffries
Butler	Erlenborn	Johnston
Campbell	Evans (DE)	Kemp
Carman	Evans (IA)	Kindness
Carney	Fields	Kramer
Chappie	Fish	Lagomarsino
Cheney	Forsythe	Latta
Clausen	Frenzel	Leach
Clinger	Gephardt	LeBoutillier
Coats	Gingrich	Lent
Coleman	Gonzalez	Lewis
Corcoran	Goodling	Livingston
Coughlin	Gradison	Loeffler
Courter	Gramm	Lott
Coyne, James	Gregg	Lowery (CA)
Craig	Grisham	Lujan
Crane, Daniel	Gunderson	Lungren
Crane, Philip	Hagedorn	Madigan
Daniel, R. W.	Hansen (ID)	Marlenee

Marriott	Pashayan	Skeen
Martin (IL)	Paul	Smith (OR)
Martin (NC)	Petri	Snyder
Martin (NY)	Porter	Solomon
McClory	Pritchard	Spence
McCloskey	Quillen	Stangeland
McCollum	Railsback	Stanton
McCurdy	Rhodes	Staton
McDonald	Ritter	Stump
McEwen	Roberts (KS)	Taylor
McGrath	Roberts (SD)	Thomas
Michel	Robinson	Vander Jagt
Miller (OH)	Roemer	Walker
Mitchell (NY)	Rogers	Wampler
Molinari	Rousselot	Weber (MN)
Moore	Rudd	Weber (OH)
Moorhead	Russo	Whitehurst
Morrison	Sensenbrenner	Whittaker
Myers	Sharp	Williams (OH)
Nelligan	Shaw	Winn
Obey	Shumway	Young (AK)
Oxley	Shuster	Young (FL)
Panetta	Siljander	

NOT VOTING—20

Anthony	Collins (TX)	Marks
AuCoin	Conable	McKinney
Bolling	Dowdy	Scheuer
Broomfield	Edwards (CA)	Smith (AL)
Brown (OH)	Ertel	Stratton
Burton, John	Ginn	Zablocki
Clay	Goldwater	

□ 1145

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. Collins of Texas against.

Mr. Dowdy for, with Mr. Goldwater against.

Mr. John L. Burton for, with Mr. Smith of Alabama against.

Mr. McKinney for, with Mr. Conable against.

Mr. HAMMERSCHMIDT changed his vote from "nay" to "yea."

Mr. McCURDY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair appreciates the fact that there is an amendment that will be offered very shortly concerning the Senate.

The Chair deems it necessary to make a statement at this time to firmly establish an understanding that improper references to the other body or its Members during debate are contrary to the rules and precedents of the House and will not be tolerated. The Chair will quote from section 374 of Jefferson's Manual which is a part of the rules of the House:

> It is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.

Traditionally when a Member inadvertently transgresses this rule of the House, the Chair upon calling the Member to order prevails upon that Member to remove the offending remarks from the RECORD. With the advent of television, however, the Chair is not certain that such a remedy is sufficient. Henceforth, where a Member's references to the other body are contrary to the important principle of comity stated in Jefferson's Manual, the Chair may immediately deny further recognition to that Member at that point in the debate subject to permission of the House to proceed in order. The Chair requests all Members to abide by this rule in order to avoid embarrassment to themselves and to the House.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Speaker, I have parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONTE. Mr. Speaker, in order to abide by the rules, which are very difficult, does the Senate have the same rule? Does the other body?

The SPEAKER. No; the Senate does not have the same rule, but it is a rule of our House and we are going to abide by it as long as I am Speaker.

Mr. CONTE. Is it permissible to refer to them as "the other body"?

The SPEAKER. That is permissible, the other body.

CONFERENCE REPORT ON H.R. 5922, URGENT SUPPLEMENTAL APPROPRIATIONS, 1982

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 5922) making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the provisions of clause 2, rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 10, 1982.)

The SPEAKER. The gentleman from Mississippi, (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts, (Mr. CONTE), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this conference was very difficult. The Senate added 65 amendments to the House passed bill. When the bill passed the House last month it provided some $5.9 billion, the Senate bill that they sent to conference provided over $10.6 billion. This conference agreement provides a compromise of $8.9 billion. In addition the conferees are recommending the rescission of some $5.7 billion in previously appropriated funds. The conference report is some $1.7 billion below the budget authority figure passed by the other body.

As you all know, there will be a motion made later today regarding the disposition of Senate amendment No. 62 dealing with Members' Washington living expenses. The House conferees, based on the instruction received by this body, concurred in the Senate amendment to repeal the tax provision for Washington living expenses and to return to the 1952 law. I supported the motion to instruct the conferees last week on this floor, and I supported the same proposition throughout the conference. As I have said, the disposition of this amendment will be in conformance with the instructions of the House to the conferees, and I am happy for that.

Mr. Speaker, as I frequently pointed out, there are two ways to serve in this body: One is to record your views; the other is to try to do something about it.

Mr. Speaker, at this day and time I think it becomes more pertinent to point out that in the Congress, as representatives of the people, one can record his views or one can try to do something about it. A Representative is somewhat like a lawyer, if one tries to do something about it, one sometimes has to settle for less than what one wants. If one records his views, I think one can say that one might as well stay at home and read the newspaper. Certainly that is true in what is facing us now in connection with our operation as Members of the Congress.

□ 1200

As I mentioned earlier, I was the senior cochairman of the group that recommended the passage of the Budget Act. After due study we saw that 58 percent of the annual expenditures of government were bypassing the annual review process, bypassing the Appropriations Committee and the actions of the Congress on our recommendations. That 58 percent was the result of passing so-called entitlement laws, where they did not have to appropriate for it and they could sue and get judgments. Then we are obligated to pay it.

Our intention was to have a committee on the budget that would set up targets by May 15. They are to agree with the other body by May 15 of each year. Then later in the year they are to come up with some figures reconcil-

ing the differences between outgo and income if necessary. Unfortunately, since 1980 the budget resolution had been opposite to that, and they have in effect made the first figures firm. The bill we had the other day was put together in about 1 day. There were no hearings, and it carried the provision that if they could not agree on the second set of figures, the first target figures become firm ceilings. Your Committee on Appropriations and your Congress has to deal with that situation.

So, the point was made about whether we should ask for a rule, or whether we should not. I presume, since we reported this urgent bill on March 23, the reason we have been delayed until now is because the Budget Committee cannot agree. They do not have the May 15 conference report yet, and yet we have reached the point where there are only 52 working days between now and the end of September. So, what can we do except move forward?

Mr. Speaker, I am one of those who believes that we must work toward a balanced budget to keep stable the business of this country, but we have got to make it at a high enough level to take care of the essential services and essential operations of Government. I have frequently said that a balanced budget on its own name is something to talk about, but I tell the story I heard years ago, that Ethiopia was one of the few countries that had a balanced budget—they did not owe $1 and did not have one either.

So, what we have got to do is balance the budget at a level where we can keep the economy going, where people will not be drawing $24 billion per year in unemployment compensation. Just think, if that had been spent in jobs, then the people would not be drawing unemployment compensation but would be making money, paying taxes, and having the results of that production. So, it is sound to work toward people going back to work.

We may have our own ideas about it, but may I say this on behalf of the Congress: We all know that high interest rates are one of the chief deterrents to our recovery. I think that is true. I looked to see what I might be able to do, and I introduced a bill calling on the General Accounting Office to make a study of the Federal Reserve System. After I introduced the bill, I found that as chairman of the Appropriations Committee I could ask them to do it, so I officially asked the General Accounting Office to make such study of the Federal Reserve System, which seems to be more or less holier-than-thou, not subject to anybody's investigation. That was several weeks ago, and I am glad to say that Mr. Volcker in the press at least has warmed a little bit and is talking with us about the country's welfare instead of his tight money.

Why do I say that here? You study the last depression and you will see that just prior to the breakdown we had a break in agricultural prices and had tight money. The harder it got, the tighter money got. Just think about it.

I say again, the General Accounting Office is subject to the will of the Congress and reports to the Congress, and they are busy now, not running the Federal Reserve, but making a study of its policies and matching it against history as to whether it is sound or not sound. I am glad they are doing that because none of us should be beyond a study and report the reaction to what the policies are. If it led to a complete breakdown before, it could do it again.

Someone in simple terms has had this to say: "Interest is the rent you pay for somebody else's money, and if the other fellow's money is short, your rent is going to be high."

It is not as simple as that would appear to make it, but we certainly had better not tighten the money supply at a time when the rent on the money is too high already. So, I am glad to report to the Members that at my request the GAO is looking into this matter, and I think I can see from the announcement by the Federal Reserve System that it is having some effect on them, the fact that they know somebody else is looking into it.

The conference report we bring before you today, required a rule because the Budget Committee has not been able to act and I do not know that they will be able to act. Now we have reached the position that if they do not act the first resolution figures are changed into ceilings, but remember that this resolution was put together in a day, and was based on assumptions, projections, and sometimes hallucinations, of various economists.

We have got the whole country talking about the Budget. But the fact is that what they think are firm figures are nothing but estimates by the Congressional Budget Office. Every time a new fact develops, it seems they make a new estimate.

Think back a year ago, when our President—and I, too—hoped that all these things would work. We really thought when we voted to cut down the windfall profit tax that it was to be hoped that that money would be invested in business expansion. Instead of that, they bought tax breaks and leases and took no chances. It was hoped when we let the big money makers not pay taxes, but buy credit from some company that did not make money, we thought that they in turn would invest. Now, facts have changed all that, so the Congressional Budget Office has to change its projections about the future.

I am one of the few here who lived through the other depression. Believe me, my friends, if the President wants some help out of me he will get it, because we cannot stand another depression. People would not put up with it, with the destruction and misery it would entail. For the record, when the President asked us to rescind $15.1 billion last year, we came up with $14.3 billion. When he asked us to cut in the next budget 10 percent, we cut 10 percent. When he asked us to cut 12 percent, we came up with 7 percent. So, we have cooperated as fully as we can.

So, we bring to you this conference report because there was no other way. We waited until March 23 and we can not wait any longer.

I want to say, as to the items in this bill, our Committee on Appropriations has 13 subcommittees, 13 subcommittees made up of people who work at the subject. Do the Members realize that in the 96th Congress we had 10,215 witnesses, people coming before our branch of Government to tell us what they thought and what they wanted? In the budget resolution we are dealing with a case of where they do not compare. They talked to an economist or the Congressional Budget Office and a few advisers, and bring it here in one day and say that these are targets, not firm figures. But remember if we do not agree on a second resolution they will become firm ceilings—automatically.

I say to the Members that each item in this bill has been considered by the subcommittee that knew the most about it. I might change a good many of them personally if I had had the chance to have hearings, but as chairman of this committee—and I value your support—I feel that the best ones to run any particular program are those who work with it the closest.

So, without further ado, I hope the Members will go along with this conference report because it is deemed essential by those who know the most about it.

May I repeat again, $24 billion in unemployment compensation, which if we could figure out a way where we could be people back to work in America in productive jobs, where they draw pay instead of us paying them, where we have the output of their production to contribute to the economy I think is good. Whether you agree with this procedure or not, it is all we had. It is the only way we could proceed, the only way to keep the Government in business.

I repeat again, Mr. Speaker, unless somebody figures a way to cut corners and get ahead faster, with only 52 working days left and the budget problem still in front of us, we cannot bring up a single regular appropriations bill without asking for another waiver. I do not see how, with the time

limits we have, that we can pass the regular 1983 bills. We are going to try. If you put the responsibility on us we are going to stay up nights to do our best as we have done in the past, and we will do it again. Let us move ahead here and try to prevent that from happening on the 1983 bills; that is no way to run a government. I am mighty proud of the support I have had from you as we try to run the Government and ask for your continued support.

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman from Mississippi (Mr. WHITTEN) has consumed 11 minutes.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, I rise very reluctantly to oppose, and will vote against, this conference report. I do that reluctantly because there are many items in this conference report that are urgent, badly needed by the country—I regret to oppose because of my respect for the chairman and the ranking Republican member of the committee and all the members of the Appropriations Committee; especially the conferees who worked for 2 days.

But, I did not sign the conference report because I understood the President was going to veto it. Whether he is right or whether he is wrong, if we allow this bill to go to the White House and be vetoed and come back, it is going to consume part of those 31 days that our chairman speaks about. We can set aside the issues and argue politics if we like, whether the President is right or wrong in vetoing this, whether he should or should not, but the fact is from every evidence we have that it will be vetoed.

What always happens when we send a bill to the White House which is vetoed is that we lose control of what is in the new bill. From that point on the White House for all practical purposes writes the appropriation bill. I am proud of our House, and I am proud of the work we do here. I would like to retain the right to write the legislation for appropriations, and I think we should make every effort to do this.

But, does anyone here question or think that we could overide a veto either in this body or in the other body? I think most would recognize that we will not override a veto. So, because we are selfish, because I am, I want the House to be able to write the legislation.

I had really planned to offer a motion to recommit, to send it back to the conference to remedy and possibly work out a compromise on housing.

The majority leader spoke about the housing and how important it was that we assist the housing industry. We are all concerned about housing, but we are not helping housing by passing something that is going to be vetoed. There is a possibility by sending this bill back to the committee today that we could work out something with the White House that would be acceptable to the housing industry. But giving it further thought and thinking about the Members serving on the conference who do not serve in this body, I think there is little likelihood that we could work out a compromise on any issue with that situation. So it seems to me that the wise choice today, although I am very reluctant to do it, is to save time by not passing this conference report. Let us on the Appropriations Committee go back and work out something that the White House will accept and save part of those 31 days. Otherwise, we are wasting our time today, wasting the time of Congress, wasting time that is very valuable to these important issues.

So, I urge my colleagues to set politics aside. They can attack the President politically for being wrong if they wish, but nevertheless it is a fact, it is going to happen and there is nothing we can do here to try to solve the problems of the country if we knowingly pass a conference report that we know will be vetoed. Let us start today, to work out a conpromise with the President that will help our country and not just continue to play the political game.

Mr. CONTE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 5922, the urgent supplemental appropriations bill for fiscal year 1982, was reported from the Committee on Appropriations on March 23 of this year. As reported the bill contained $4.9 billion in budget authority for various appropriation accounts, and was $1.3 billion over the amounts requested by the President.

The conference report we bring you today totals $8.9 billion in budget authority, and is $4.3 billion over the budget request of the President. What has happened to this innocent and well-intended piece of legislation is a story of frustration and futility that is perhaps unique in my 20 years in the House of Representatives.

A billion dollars was added on the House floor to assist the housing industry. Another $4.7 billion was added in the Senate. While the conference report is $1.7 billion below the Senate bill and $1.7 billion closer to the President's budget estimates, the conference agreement is in fact $4.3 billion over the President's budget requests, and the bill may well be vetoed.

It was difficult for me, and I am sure it would be difficult for many Members, to make a judgment on the conference report as a whole.

My own judgment, for what it is worth, is that I cannot at this time vote against the conference report which contains appropriations which are urgently needed for health programs, education programs, the distribution of social security checks, food stamps, and the routine operations of several Government agencies.

If the President does in fact veto this bill, and if his arguments are persuasive, I may reconsider my position and vote to sustain that veto. At the moment, however, we must all make our individual judgments. In this instance, as in so many others, the question appears to be: Is the glass half empty, or half full?

I view it as being half full. I see those items in the conference agreement that are urgent, and that are critically needed, rather than those extraneous items and provisions that admittedly have no place in an urgent supplemental.

Under these conditions I will not presume to ask for a vote one way or another. I can only state my own position, and my own intention to vote for the conference report.

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY

An additional appropriation of $3,171,000 is provided for general administration of the Department of Commerce, the same amount as the budget request. This was not subject to conference action. These funds would allow the Secretary of Commerce to retain critical Inspector General and management control positions which are needed to avoid waste, fraud, and abuse in the Department's $1.75 billion annual budget and in the oversight of past loans and grants.

The administration supports early approval of this supplemental. Without the supplemental, Commerce will be forced to furlough 1,100 employees in the Office of the Secretary for the remainder of fiscal year 1982, beginning approximately June 27, in addition, the following offices will be affected:

Inspector General: Severe disruption of ongoing criminal and investigation work potentially affecting prosecutorial work in progress;

General Counsel: Impairment of ability to analyze pending legislation, provide counsel to department officials, and participate in active litigation; and

Budget Office: Impairment of ability to formulate the fiscal year 1984 budget and to execute the fiscal year 1982 and fiscal year 1983 budgets.

The conferees agreed to a transfer of $3.5 million for salaries and expenses of the Economic Development Administration, compared to $4.5 million provided by the House, to allow EDA to avoid significant furloughs of personnel responsible for the administration of programs in the field, including the management of its loan portfolio. Testimony before the committee indicated an alarming rate of potential defaults, 40 percent, in EDA lending activities,

and the committee is convinced that this investment in the form of a transfer of existing resources is appropriate.

An additional appropriation of $2,000,000 is provided to continue three weather service activities of the National Oceanic and Atmospheric Administrtion, as provided in both the House and Senate bills. Of this amount, $927,000 will enable 38 small and part-time weather stations around the country to remain open through September 30, 1982; $209,000 will extend fruit frost forecast services through the same period; and $836,000 will provide a similar extension for eight weather service forecast offices.

The bill also includes language allowing the International Communication Agency to secure leases of real property for up to 25 years in Africa, Asia, the Caribbean, and Europe. Such leases are authorized subject to specific language hereby included in an appropriations act. The property involved is used for Voice of America transmitting facilities. The administration supports the inclusion of this language. Conference action was not required on this language.

FOREIGN OPERATIONS

The House bill included a general provision which prohibits the use of funds appropriated for U.S. voluntary contributions to the United Nations to be used for the U.S. proportionate share for any programs for the Palestine Liberation Organization or Cuba. The conferees agreed to Senate language extending this ban to the Southwest Africa Peoples Organization (SWAPO).

The language restricting the use of U.S. funds for the PLO is a political exercise only; no voluntary contribution programs of the United States funded any programs for the PLO in fiscal year 1981, and none is expected to do so in fiscal year 1982. Assessed contributions, which are appropriated in the Commerce, Justice, State Appropriations Act, not the act cited in this language, are used for the PLO; however, United States-assessed contributions are restricted from being used for the PLO by Public Law 96-60 and Public Law 96-68, and similar provisions which are expected to be adopted as part of the State Department authorization bill now in conference, S. 1193.

In regard to Cuba, the effect of the restriction in fiscal year 1982 is unknown; U.N. agencies are still in the process of planning their calendar year 1982 programs. In 1981, Cuba received program assistance from UNICEF, the world food program, nonsafeguard programs from the International Atomic Energy Agency, and the U.N. environment program. Because of a restriction in effect under the fiscal year 1981 continuing resolution, U.S. contributions were withheld for our proportionate share for programs in Cuba and for the Southwest Africa Peoples Organization in the amount of approximately $500,000.

While the dollar impact of this provision in fiscal 1982 is unclear, it will probably require a renegotiation of U.S. pledges to the various U.N. agencies. The administration has no objection to this language.

The conferees accepted compromise language requiring that the Polish People's Republic must be declared in default before payments are made by the U.S. Government for loans owed by Poland, unless the President reports monthly to Congress that such payments are in the U.S. national interest. This provision, which shall be in force through the end of fiscal year 1982, affects payments made through the Commodity Credit Corporation on loan guarantees.

The conferees did not accept Senate language earmarking up to $50,000 in military training funds for Brazil. Such training would be in violation of existing statutes prohibiting military assistance to countries which have not signed the Nuclear Nonproliferation Treaty and which are engaged in certain proscribed nuclear activities.

CHAPTER II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

Chapter II deals with a proposed rescission of $5.9 billion in funds appropriated to the Department of Housing and Urban Development for assisted housing programs, includes a new housing stimulus program, provides for the long awaited $2.4 billion appropriation to continue the wastewater treatment construction grants program and makes modifications to NASA's fiscal year 1982 operating plan.

The conference agreement provides for a $4.098 billion rescission and a $1.75 billion deferral of assisted housing funds. Funds remaining available to the Department in fiscal year 1982 would be used to provide 9,453 units of public housing and 141,300 units of section 8 including 30,387 units under the section 8 existing program, 15,000 units under the moderate rehab program, 2,764 sub rehab units and 22,149 new construction units. Included in these figures are 16,933 units under the section 202 housing for the elderly and handicapped program.

To enable projects already in the section 8 pipeline to go forward, the conferees recommend a total of $3.7 billion in budget authority to be used for the financial adjustment factor (FAF) and an additional $150 million in mortgage purchase authority to be used by Ginnie Mae for 100 percent section 8 assisted projects.

Additionally the conferees recommend $198 million in supplemental funding for public housing operating subsidies. This would make a total of $1.35 billion available for public housing operating subsidies in fiscal year 1982.

With respect to the new housing stimulus initiative, differing versions of which were included in the House and Senate bills, the conference agreement provides $3 billion for emergency mortgage interest reduction payments. These assistance payments would be used in conjunction with growing equity mortgages to reduce mortgage rates by up to 4 percentage points but not below 11 percent for 5 years. Of the $3 billion recommended, $2.5 billion would be made available for use in connection with mortgages or loans on yet-to-be constructed or substantially rehabbed homes; $400 million would be available for use in connection with mortgages or loans on homes on which construction could not have begun more than 1 year before the date of enactment (so-called inventory homes); and $100 million would be available at the Secretary's discretion in connection with mortgages or loans in high cost areas. The Department is directed to begin issuing commitments under this program not later than 30 days after enactment of the act and the funds provided shall remain available for commitment until January 1, 1983.

Both the House and Senate passed bills provided $2.4 billion for EPA's sewage treatment constuction grants program. In addition the conference agreement includes a provision contained in the Senate bill to allow up to $7 million be made available from the hazardous substance response trust fund to the Department of Health and Human Services to carry out Superfund-related medical and research activities.

No supplemental funds were included in either the House or Senate bills for NASA. However, the Senate passed bill included changes to NASA's operating plan for fiscal year 1982 establishing minimum levels of funding for various program areas other than the Space Shuttle, directed NASA to continue preparation of a high energy upper stage (Centaur) for use in the Galileo and solar polar mission scheduled for a 1986 launch and stipulated that the Department of Defense would have to share in the cost of any mission to retrieve and repair the solar maximum scientific satellite. The conference agreement modifies only slightly the Senate bill language.

The Labor, Health and Human Services and Education chapter of this bill contains several supplementals that are vital to the continued operation of these agencies.

This supplemental was first reported from committee on March 23—nearly 3 months ago. If we did not believe seriously that it was urgent then, I think there is no doubt that it is urgent now.

For the Department of Labor this urgent supplemental contains three transfers of unobligated funds to the Bureau of Labor Statistics, the Employment and Training Administration and the Employment Standards Administration to enable them to keep their doors open and operating.

Without the authority to transfer these funds, we will see more than 8,000 employees in the Department of Labor receive furlough notices in the next 2 weeks. Those 8,000 furloughs are on top of more than 4,000 RIF's that have already taken place in the Department.

In the Department of Health and Human Services the situation is even more critical—and ironic. Without the additional funds provided by transfer, all 924 Inspectors General will be furloughed next month. Those are the people that fight waste, fraud and abuse in medicaid, medicare, social security. Without these funds they will close up operations for a total of 82 days between now and the end of the fiscal year. At that rate this Government will lose more money in these programs than we are even considering appropriating here today.

At the Department of Education another critical situation is brewing in the guaranteed student loan program. This bill includes an additional $1.3 billion to keep the program operating through the end of the fiscal year in its current form—that is, with graduate and professional students eligible.

As an entitlement program, it has already incurred obligations in excess of current appropriations and is spending more than $75 million each week. Furlough notices went out last week to 3,000 employees in the program management area, and all discretionary activities have been shut down. Without these funds, collection activities on loan payments will be halted in the near future.

The supplemental of $5.6 million for the Pell grant program is critical. It covers processing costs of Pell grant applications that have already been received and are pending action. In addition, the figure includes $1 million for verification efforts to help reduce errors in payments in the Pell grant program that amounted to an estimated $189 million last year.

The $2 million supplemental for ACTION is needed to avoid reductions in force or substantial furloughs. The agency has already reduced its personnel by 18 percent through reductions in force. Their only other alternative is to reduce program funding to the older Americans programs.

CHAPTER III—TRANSPORTATION

As regards chapter III, Department of Transportation and Related Agencies, the conference report provides for the following: $48,000,000 for the Coast Guard's operating expenses; disapproval of a deferral in the amount of $216,520,000 for the Coast Guard's acquisition, construction and improvement account; $12,150,000 for interstate transfer grants-highways for a project in Cleveland, Ohio; an increase of $91,000,000 on the Federal-aid highway limitation on obligations for highway projects and emergency bridge projects; $28,400,000 for the Civil Aeronautics Board's payments to air carriers program; and $8,000,000 for the Interstate Commerce Commission's payments for directed rail service program.

On the matter of the disapproval of the deferral of the $216,520,000 for the acquisition, construction and improvement account of the Coast Guard, the conferees direct the administration to move ahead without further delay to obligate these funds and to provide the House and Senate Committees on Appropriations a project priority list by June 15, 1982.

I firmly believe that the Coast Guard—our forgotten branch of the military services—urgently requires this minimal amount of funding for its operating account. As we all know, the Congress continues to burden this already lean branch of the services with additional responsibilities. while doing so, not only have we failed to fund the applicable accounts at an appropriate rate, but, in fact, have reduced these critical levels of funding. Currently, the Coast Guard has a diverse mix of missions. Those missions include search and rescue missions, aids to navigation functions, and ice-breaking duties. In addition to these more historic missions, they are responsible for enforcing the laws and treaties of the sea, which includes drug interdiction.

The Coast Guard is, indeed, a military service. It has a military readiness mission to perform. In time of war, it is part of the Navy and operates directly under the Chief of Naval Operations. In sum, the Guard is a multimission agency which performs its duties with a lean budget.

Mr. Chairman, but for the fact that the authorization ceiling for the Coast Guard only permits this $48,000,000 supplemental appropriation, I would have recommended even more. In fact, the chairman of the Merchant Marine and Fisheries Committee recently testified that the Coast Guard easily could utilize an additional $192,000,000 for fiscal year 1982.

The $48,000,000 in this bill for the Guard includes $30,500,000 for legislatively mandated increases in sea pay, fuel costs, and other required operations.

The bill also provides another $17,500,000 to continue the operation of the following facilities:

First, 31 search and rescue stations previously proposed for closure or reduction;

Second, the second district headquarters in St. Louis, Mo., and the 11th district headquarters in Long Beach, Calif.;

Third, vessel traffic systems in Berwick Bay, La.; New Orleans, La.; San Francisco, Calif.; and New York, N.Y.;

Fourth, seven vessels previously announced for decommissioning;

Fifth, air stations at Savannah, Ga.; Puerto Rico; and Los Angeles, Calif.;

Sixth, nine aircraft previously announced for retirement, substitution, or reduction;

Seventh, numerous facilities in Puerto Rico; and

Eighth, the Coast Guard Academy at the current rate of operation.

On the matter of the interstate transfer grants-highways, the committee believes that there exists an urgent need to fund a highway project in Cleveland, Ohio. The urgency exists because the State's match of approximately $2,000,000 will lapse without this Federal grant of $12,150,000.

On the issue of the directed rail service administered by the Interstate Commerce Commission, this bill recommends $8,000,000 to pay liabilities of the Federal Government that continue to accure. The liabilities are based upon the directed rail service performed by the Kansas City Terminal Railway Co. between September 1979 and March 1980 over the lines of the bankrupt Chicago, Rock Island & Pacific Railroad Co.

The committee considers this recommendation to be urgent in light of the fact that funds for the accounting operations will be exhausted in June. The ICC fears that if this operation is temporarily terminated it will permanently lose the skills of 100 of these highly specialized and experienced employees. The ICC has ordered these accounting functions to continue until March 31, 1983.

With regard to the Civil Aeronautics Board's urgent request for funding for its payments to air carriers program, the conference report provides for an additional $28,400,000. Without this funding, possibly 10 or more airlines receiving Federal assistance may go bankrupt in the immediate future.

CHAPTER VII—DEPARTMENT OF DEFENSE, CIVIL

The conference report provides $40,000,000 for the Corps of Engineers—civil, flood control and coastal emergencies account. It is urgently needed to finance flood emergency, preparation, flood fighting and rescue operations, and repair of flood control and shore protection works; $18,000,000 of the total $40,000,000 supplemental appropriation will be targeted for flood control measures on two rivers in the State of Washington required as a result of the eruptions of Mount St. Helens in May, 1980 and subsequent eruptions.

□ 1215

The SPEAKER pro tempore. The Chair will state that the gentleman from Massachusetts (Mr. CONTE) has 17 minutes remaining and the gentleman from Mississippi (Mr. WHITTEN) has 19 minutes remaining.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER), a member of the committee.

Mr. ALEXANDER. Mr. Speaker, I rise in support of this conference report, especially that portion of the report that deals with the housing industry and the assistance that it brings to that industry during this extremely difficult time.

I have heard spokesmen today for the administration advise that the President may veto this bill, especially because of the housing assistance portions that are contained within the bill. I would respond to those advocates by saying that I believe that the American people have given this administration's economic policy a chance to work. I would further say that not only has Reaganomics failed to make things better but the administration's economic policy has actually made conditions worse.

Take my hometown of Osceola, Ark., for example, with 8,400 people. Normally during the period of 1 year there would be 75 housing starts. There have been bankruptcies among those builders. Some of the employees of those builders have moved as far away as Texas in order to find jobs.

I, for one, Mr. Speaker, am unwilling to stand by another year and watch the entire industry that serves the housing needs of our Nation go down the drain.

The argument presented against the conference report, especially the housing assistance portion, is that it will increase the deficit. I find that an odd argument to be offered by the administration in light of the fact that last year the administration projected a deficit this year of $45 billion. However, because of the recession caused by the administration's economic policies, the Congressional Budget Office is now projecting that deficit will be $11 billion.

The recession is unnecessary and it is the recession and subsequent unemployment that is hurting the Nation's pocketbook. Those 10.5 million people out of work are not paying taxes. They are not earning revenue for this Nation.

The infusion of the $3 billion that this supplemental calls for will stimulate production of up to 240,000 new housing units. It will raise $3.78 billion in Federal, State, and local taxes. It will raise more in tax revenue than the original investment.

It will generate 420,000 man-hours of employment. It will create the equivalent of 10,500 new full-time jobs.

The administration opposed the conference report because it deems it too expensive. Not helping the housing industry is too expensive, both in terms of dollars and in terms of human experience. We are talking about people's lives and not just numbers.

The housing industry is currently suffering one of the longest periods of inactivity. April was the ninth straight month that the rate of new housing units started in this Nation was under a million units. This is the longest period of decreased activity since World War II.

The $3 billion proposed for the housing industry is an investment that needs to be made now.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, this supplemental appropriations bill is a budget-buster of the worst kind. That is no better demonstrated than by the fact that we literally had to overturn the Rules of the House in order to consider it today.

This bill makes a mockery of the law; namely, that law which requires a balanced budget at the present time, and it makes a mockery of the budget process because by many accounts it exceeds all budget recommendations for both 1982 and 1983. As such, this budget is a recipe for continued economic woe in this country and is an example of the kind of policies of the past which got us where we are.

If you want to help keep interest rates high, all you have to do is continue to approve bills like this one.

The chairman of the Committee on Appropriations indicated in his remarks that while he believes in a balanced budget, this is a necessary action. I would contend just the opposite. If we believe in a balanced budget, a vote for this bill is a wholly irresponsible action.

I was interested, however, in the committee chairman's comments, and I am wondering if he would reply to me here and state some level at which we can balance the budget that would be responsible. Could the gentleman, with his expertise, give us some idea as to what kind of spending level he was indicating would be a proper level at which to balance the budget?

Mr. WHITTEN. Will the gentleman yield?

Mr. WALKER. I yield to the chairman of the committee.

Mr. WHITTEN. Mr. Speaker, there are two ways, as the gentleman knows, to balance the budget. One is to cut down expenditures, and we have done a good job on that. The other is to increase income. If we would defer or postpone the effective date, or suspend—I guess that is a better word—the forgiveness of the windfall profit tax we could help our financial situation. Right now we let those big moneymakers not pay taxes but allow them to buy credit, which the Secretary of the Treasury testified before our committee withholds funds from the Treasury. If we could act on that, we could balance the budget much quicker than trying to cut out all the domestic programs.

Mr. WALKER. Mr. Speaker, the gentleman has not answered my question.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. CONTE. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for this extra time.

I was asking the gentleman, though, at what level of spending he thought we could balance the budget.

Mr. WHITTEN. Mr. Speaker, as I stated earlier, we have got to continue to build and improve our highways, and our hospitals, our harbors, our forests, and we have to help——

Mr. WALKER. Mr. Speaker, I will take back my time.

Mr. Speaker, I am asking the gentleman what the level of spending is. Is it $765 billion? Is it $738 billion?

Mr. WHITTEN. Mr. Speaker, I will say that after hearings, with over 10,000 witnesses, we would be in better shape to fix things than the Budget Committee.

Mr. WALKER. Mr. Speaker, I would say that this is exactly the problem. We hear from the gentleman that he is for a balanced budget, but we cannot get any answer out of him on what the level is where we ought to balance the budget.

The point is that we continue to have the spending going up. Spending continues to go up, and what the gentleman just said is that he is willing to have taxes go up to put that kind of additional spending into place.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. What we need to be doing in this country is cutting expenditures. As long as we are taking bills like this one to the House floor and increasing expenditures, we cannot balance the budget. And that is what this does: It does not raise revenues; it does not do anything but increase expenditures. It increases expenditures irresponsibly, and that is why it is in no way related to a balanced budget effort.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

□ 1230

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute.

May I say to my colleague that we have cut expenditures, as I pointed out. We needed to do that, and we have done that. We have done a good job, 94 percent, I believe of the amount the President requested.

What we need to look at is the income of the Government. The Secretary of the Treasury in testimony before our committee said that billions of dollars were being withheld from the Treasury for the two things I am talking about. That is the windfall profit tax forgiveness and the ability of the real moneymakers the giant corporations to avoid paying taxes because they buy credits from these others.

I have recommended regularly to the leadership on both sides that we suspend those two tax giveaways so that we will take in some money.

The argument that I made to the gentleman about his argument here is that it is important for us to put people back to work because, instead of drawing unemployment compensation they could get jobs, and pay taxes, and we would have the end result of their production.

Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, the conference report on chapter II of this bill deals with some of the most complicated and complex issues that this bill contains. Whenever issues are as complex as those we faced in the housing area they also tend to be quite controversial, and they were. This bill is no exception to that, of course, but I believe we have come back with a fair compromise on the key elements in this particular chapter.

Let me review briefly some of the aspects of chapter II in this conference report. The first issue deals with assisted housing.

The President had originally proposed rescinding $9.4 billion of subsidized housing moneys. That was later revised to a lower figure of $6 billion. In the House we rejected all but $100 million of that proposed rescission. The other body proposed rescinding nearly the full $6 billion requested.

We have compromised on a rescission of $4.1 billion and a revised total of approximately 150,000 subsidized housing units in fiscal year 1982.

Essentially, we retained all of the 30,387 section 8 existing units assumed in the 1982 HUD-independent agencies appropriations bill which was signed into law last December. We gave up approximately 14,500 new and substantially rehabilitated public housing units also assumed in the 1982 HUD Appropriation Act.

The conferees have also included extensive language dealing with the section 8 financial adjustment factor which insures that those section 8 new construction projects in the pipeline, primarily derived from funds appropriated prior to fiscal year 1982, will go forward as new starts.

I do not want to get into a great deal of detail here concerning the aspects of this bill language but I can assure the Members of the House that the conference report largely meets the objectives of the House position which was to "buy out the pipeline" for all 100-percent subsidized section 8 projects.

Closely tied to this last goal was a compromise reached with the Senate on Ginnie Mae tandem funds. You may recall that the House had included $1 billion of new tandem authority—again to buy out the pipeline of section 8 new construction projects. These funds were required for those projects that could not be financed through the financial adjustment factor approach. We compromised on a much smaller level of $150 million for tandem assistance—and have limited that assistance only to those projects that are section 8, 100-percent subsidized. Projects with only 20-percent subsidized units do not qualify for this tandem assistance.

Turning to the housing stimulus program, the conferees at first did not feel it was possible to reach a compromise and I actually indicated I was going to bring that particular section of the urgent supplemental bill back in disagreement.

However, after extensive discussion we agreed to a level of $3 billion for a new housing stimulus thrust that largely incorporates the Senate approach to this problem.

Briefly, the $3 billion is broken down into three elements, $2.5 billion for new construction, $400 million for the existing inventory, and $100 million is set aside for the highest cost areas.

It is expected this level will assist about 262,000 new housing units at an interest rate of 4-percent below the market rate for the first 5 years of the mortgage.

We made two important adjustments in the Senate bill concerning the effective dates of the program. First, we extended the commitment authority from November 1, 1982 to January 1st, 1983. Second, we extended the substantially completed date from January 1, 1983, to November 30 of 1983. These changes will permit a full 1983 construction season for this program and will help to insure that the Northern tier of States fully participates in this program.

The funds are to be allocated one-third on the basis of State population, one-third on the basis of percentage decline in family housing starts from 1978 to 1981, and one-third on the basis of the number of unemployed in the State. The moneys are available to all States and territories.

I know that there are many here who may be concerned about some of the aspects of this compromise. But, let me be quick to try and emphasize that the House version and the Senate version of this bill were far apart on many of the details and certainly far apart on the dollars. What we have done here is to come up with what we felt was a compromise which might be acceptable to the administration, and I think it is a good compromise. It is not perfect—no compromise ever is—but I want to assure you that it is the best compromise we could get under the circumstances.

The conferees agreed to a provision allowing $1.75 billion to be deferred until fiscal year 1983 for use as specified in future appropriation acts. The conferees also agreed to allow the $1.75 billion to be used for FAF and cost amendments if the estimated $5 billion in recaptures and deobligated amounts was not available on June 30, 1982. The intent is to add, at the end of this month, the $1.75 billion to the amounts recaptured. To the extent that all amounts recaptured in fiscal year 1982 plus the $1.75 billion exceeds the $5 billion recapture estimate, those recaptured funds are to be deferred until 1983.

If recaptures and the $1.75 billion are insufficient to fund all FAF and cost amendment needs in 1982, HUD should wait until additional recaptures are realized. Funds for the 150,000 section 8 and public housing units are not to be used to fund the pipeline projects.

Let me just very briefly tell you that in addition, chapter II includes language dealing with a number of programmatic minimums for NASA which the Senate included and which the House conferees have agreed to. These minimums are the direct result of NASA's ignoring the intent of Congress at the time the 1982 HUD-independent agencies appropriations bill was approved.

Finally, we have included $2.4 billion for the EPA construction grant program. I cannot think of anything in the entire bill that is more urgently needed than these funds. There are approximately 40 States which for all practical purposes are out of wastewater treatment construction funds. If these moneys are not approved there will be a number of construction projects that will simply have to come to a halt. That is not an efficient way to build sewage treatment plants, and I would hope that this conference report and the amendments thereto will be adopted by this body and that the bill will ultimately be signed into law.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the distinguished gentleman from California (Mr. PATTERSON) who was one of the architects of the housing stimulus bill in the House and who agrees with the compromise reached with the other body on the housing stimulus bill.

Mr. PATTERSON. I thank the chairman very much for yielding.

I want to compliment the gentleman on his leadership in securing a conference agreement between the House and the other body and particularly in regard to the emergency housing stimulus program.

He and the other House conferees worked diligently to assure that the program which was so overwhelmingly approved by this House just a few weeks ago as an amendment to the urgent supplemental was included in this conference report under consideration now.

I have a number of questions and I would like to engage in a colloquy with the gentleman if I may.

Mr. Speaker, the language in the statement of managers does indicate, as you indicated, the formula of one-third, one-third, one-third, which you have described. Is it the committee's intent that both the $2.5 billion for the basic program and the $400 million for homes in the unsold inventory would be allocated under this formula?

Mr. BOLAND. That is the committee's intent and the understanding of the gentleman is correct.

Mr. PATTERSON. I thank the chairman.

Mr. Chairman, I am pleased to see that the conferees also included an additional $100 million to cover the additional assistance necessary in high cost areas. Since some high cost areas are higher in cost than others, and since some States have more numerous high cost areas than others, as well as in some cases a greater concentration of population, some States are likely to need larger proportions of high cost area funds.

Is it the committee's intention that these factors be taken into account in the allocations of the $100 million of additional assistance for these high cost areas?

Mr. BOLAND. The understanding of the gentleman from California is correct.

Mr. PATTERSON. I thank the chairman.

If the chairman would yield further, Mr. Speaker, the language specifies that $400 million will be available for homes in the unsold inventory defined as those for which construction began no earlier than 1 year prior to the date of enactment of this program and were substantially completed by November 30, 1983 and which had never been sold other than to the mortgagor.

Is it the committee's intent that these homes, if located in high cost areas, also be entitled to the additional $100 million in assistance for high cost areas?

Mr. BOLAND. I can respond to the gentleman by indicating that that is the committee's intent.

Mr. PATTERSON. I thank the chairman.

Further, Mr. Speaker, the language specified that the mortgage ceiling under the basic program is $67,500 but in high cost areas the mortgage ceiling would be up to the level allowed under FHA's 203b program.

In my own area that would generally be up to $90,000.

The language states that the $100 million in high cost assistance is to pay for that portion of the mortgage above $77,625.

So is it the case that for mortgages exceeding the basic limit of $67,500 but no greater than $77,625 will be fully assisted out of the $2.5 billion; and mortgages larger than $77,625 up to the FHA 203b limit will be funded partially out of the $2.5 billion, that portion up to $77,625, and the balance above the $77,625 up to the 203b limit will be funded out of the $100 million?

Mr. BOLAND. The understanding of the gentleman is correct.

Mr. PATTERSON. I thank the chairman.

One final short question.

Mr. Speaker, the language defining eligible type of homes indicates that one- to four-family homes and a number of other types of units are eligible. Is it the committee's intent that condominium units also be eligible?

Mr. BOLAND. May I respond that it is the committee's intent that condominiums be included.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentlewoman from Maine (Mrs. SNOWE).

Mrs. SNOWE. Mr. Speaker, I rise in support of H.R. 5922, the conference report on urgent supplemental appropriations for fiscal year 1982. Specifically, I support the emergency housing assistance program in this legislation, and I commend the conferees for making the necessary mortgage subsidy changes that will assist a larger number of homebuyers.

Although I voted for the Single Family Production Act of 1982, I questioned whether the deeper mortgage subsidy was necessary to stimulate housing production in this country. In fact, since the passage of this bill, I have had several conversations with housing and lumber representatives from Maine, who informed me that an interest reduction of 4 percent would be more than adequate to spur the home construction industries. With the reduction in interest subsidies from 6 to 4 percent, a larger number of homebuyers will be able to receive this mortgage assistance, thus putting more people back to work in the construction and related industries.

As we are all painfully aware, the housing industry is in its 40th month of recession. The plight of the American homebuyer today is that median income has not kept pace with the rise in housing costs. The unfavorable shift in the relationship of income to housing costs has resulted in a number of negative effects. In 1970, 87 percent of Maine's households could afford the median homeowner cost of $75 per month. In 1980, however, only 24 percent of Maine's households can afford the median cost of $420 per month. As a result, home sales have fallen by more than 60 percent over the last year, and Maine's lumber and home construction industries have lost approximately 1,600 jobs. In additon, as many as one-fourth of Maine's real estate agents could go out of business.

The housing sector in Maine has not experienced such uncertainty and depression since the 1930's. Immediate action must be taken to reduce the economic burden that has been placed on homebuyers and those individuals in the home construction industry who have lost their jobs. Mr. Speaker, I believe that the emergency housing legislation in this conference report will go far toward resolving the economic problems affecting the housing industry, and I urge my colleagues to join in my support of this bill.

Mr. CONTE. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. Mr. Speaker, the very capable gentleman from Massachusetts, chairman of the Housing and Urban Development Subcommittee on Appropriations, pointed out the fact that there were major differences between the House-passed version of the pending subsidy housing bill and the version passed in the other body on the same subject.

First of all I want to congratulate the committee because they did pick, I think, the best elements of the other body's bill in regards to simplification of the 4-percentage point markdown and the Senator from Indiana should be complimented on what he did do with regard to simplification on the bill.

There are a couple of major, fundamental differences, though, which one has to consider for anyone who voted for this particular subject a few weeks ago out of the House and the one that has come back in conference.

The most obvious, of course, is the price. What you did have is a 1-year $1 billion stimulus package. This indeed seemed reasonable to many people. There was an overwhelming vote in favor.

It was the hope that the conference would come back with that, with the hope in mind that we could convince

the President to sign the bill. They have been noncommital and I cannot stand before you and say he would have signed it or he would not have signed it. They just did not say.

They have said very clearly, though, that this $3 billion stimulus bill they would veto. I think they are justified in doing so.

Let us take a couple of reasons. The gentleman from Massachusetts pointed out that all of the commitments under this bill, have to be made by January 1, 1983. What you are doing for $2.5 billion, speaking roughly, I think the staff would agree, is providing for about 150,000 units that today are not even started, not even under construction. It would be a miracle if the guidelines could be drawn by the first of the year, that somebody could ever implement this program in that length of time, HUD clearly thinks it is impossible to do.

Let me make one other point. For some reason or other the conference then turned this program over to be implemented by the Government National Mortgage Authority.

This is $3 billion to be committed in under 6 months: $2.5 billion for new construction and $400 million for existing homes and $100 million for the higher priced homes.

I would say to my colleagues Ginnie Mae is an organization with 56 employees. I think we are totally unrealistic in asking this size of an organization to take on the responsibility.

This program would never get off the ground in the length of time that is allocated.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I will be happy to yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

I wonder if my colleague could repeat for our colleagues again what is the number that is in the pipeline and has not even been used?

Mr. STANTON of Ohio. What I referred to is the fact that this bill calls for an expenditure of $2.5 billion for commitment by January 1 of this coming year, 6 months.

Mr. ROUSSELOT. Six months to get it all going?

Mr. STANTON of Ohio. Six months down the road. Roughly it would constitute about 150,000 homes.

Let me tell you what will happen and what you can accomplish: $400 million is in this bill for existing homes, so you do have really a buyout of existing homes to help the homebuilders if that is what you want.

But for $3 billion, which the other body wanted for stimulus for production and for jobs, it is not in this particular bill in this particular fashion.

□ 1245

Mr. ROUSSELOT. In other words, this bill really falls down in providing real production for housing?

Mr. STANTON of Ohio. That is correct.

Mr. ROUSSELOT. Then what are we doing this for?

Mr. STANTON of Ohio. The biggest problem with this bill is—I heard the gentleman from Massachusetts say that he has a clean bill. I wish we had been able to work with the administration on this $1 billion 1-year commitment that our friend Mr. PATTERSON came up with and fought hard so that bill would not have been vetoed.

I am sure the gentleman knows that either this body or the other body is going to sustain the President of the United States, in his own party, so everything has gone down the drain.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from California.

Mr. PATTERSON. I thank the gentleman for yielding, and I thank the gentleman for his input on this matter.

I would note that the original housing stimulus bill that I introduced here was a $5 billion program, the same as Senator LUGAR'S program in the other body, for $5 billion. The Senate passed the $5 billion, the House passed $1 billion. The compromise of $3 billion is very reasonable.

I have also been advised by HUD that they can implement this program in 30 days.

Mr. STANTON of Ohio. Let me just clarify one point. I talked to HUD today, maybe later than the gentleman did, maybe after they knew the pressures of their own President, and they are not going to tell you that they can implement it in 30 days. I do not have the time to go into the many questions that they wanted me to ask; how the statutory allocation formula can be applied to three different funds, and all the rest of the questions. Ginnie Mae is 56 people. They would have to give it out to Fannie Mae. There is no way, within the time limit frame that this bill stipulates, to lend this money out by the first of the year.

I think I ought to point this out: Any way you are going to vote, it is regrettable that a bill could not have been put out of committee which the President could sign. I think we could all agree on that. But what I do worry about is that the bill of the gentleman from California (Mr. PATTERSON) the $1 billion 1-year stimulus, may be lost forever. I do not know what we can do about that.

Mr. PATTERSON. If the gentleman will yield further, the purpose of the stimulus was $1 billion a year for 5 years. If we do not get enough of that stimulus going this year, it cannot help with the economic recovery program. We certainly would like to help the President do so. It may be that HUD, now that there may be a veto, has indicated it would be difficult to implement it. But, believe me, a month ago or 2 weeks ago they indicated they could put this program to work in the 30-day timeframe.

Mr. STANTON of Ohio. They have obviously, then, told the gentleman one thing, but then they changed their mind. They have to live with the reality of the time. The bill is going to be vetoed. I just think it is very sad.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from California.

Mr. ROUSSELOT. The gentleman stated earlier there is a cutoff date of January 1.

Mr. STANTON of Ohio. Yes.

Mr. ROUSSELOT. All of this has got to happen in 6 months or it means nothing.

Mr. STANTON of Ohio. Allocations have to be done in 6 months time. It has to be allocated by January 1. You have a 90-day waiting period for preferred commitment and other commitments. This bill is actually against the present statutes which stipulates, Congress has 30 days—I could read it to you, but we do not have the time here—and there is a question of validity of this legislation as far as overruling any existing legislation.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I was part of the effort, along with my friend, the gentleman from California (Mr. PATTERSON), and Senator LUGAR on the housing-stimulus program, and I am inclined to agree that if we could have that $1 billion assurance in the direction of the housing stimulus, that is all well and good; but we do not have that opportunity. I am just hopeful that we can get something out of this supplemental bill that will move us in the direction of the housing stimulus, because I have got 30 percent unemployment in some of these areas, and it is a very real problem.

I wonder if the gentleman could give us any kind of assurances, on the basis of his discussion with the administration, we would have something if the supplement bill did not go forward.

Mr. STANTON of Ohio. I wish I could give that assurance. And maybe it would help people vote no against the conference. I truly cannot do that. The decision was never approached, simply because it never came up. The conferees went for the $3 billion program, the President decided to veto it, and so the question probably somewhere along the line, would he accept this one? I do not know if that was

ever pursued in the committee or not. Whether or not we can come back to that and get it approved, I could not tell you, and I would not want to mislead anybody.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SMITH), a member of the committee.

Mr. SMITH of Iowa. Mr. Speaker, I am going to vote for this bill, but the housing part makes one bad mistake that we have made for 30 or 40 years. It attempts to catapult people who have never had a house into a new house instead of them buying an existing house they could better finance and the owner of the existing house buying a new house.

There are many people in this country who have an existing house who, if they could sell it to someone who has never had a house for half the price of a new house, they could and would buy a new house with their equity. We could secure housing for more people and sell both more new and existing houses if we financed existing housing sales where the seller will use proceeds to buy a new house. Also, it would not penalize the people who have already saved enough to get into an existing house. That is a bad mistake. We are continuing to make that mistake again in this bill. I think we need to have something for housing very badly, and I will vote for it even though it is not as good as we could do if we would go the other route.

Another thing I want to point out is something that no one has mentioned. There is $277 million that is needed as of the first of next month for employment, part-time employment, for retired persons in this country; $210 million of that is in this bill. If we do not pass this bill and get it signed, they will not have an opportunity to start putting this money out.

Now, a lot of people on social security and with very low incomes are dependent upon earning a few dollars the balance of this summer from this program. So it is very important that we pass this bill and get it signed as soon as possible.

The third thing I want to point out is that many Members are interested in some 38 weather stations, that were to be closed down. They were to be closed down the 20th of June. Now we have a few more days, but the money is in this bill, and for all of you who have been contacting me about that, if you vote against this bill, you are voting against your local weather stations.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Speaker, this bill creates a real dilemma for many of us from urban areas and from the Northeast and Midwest. On one hand it contains badly needed funds for programs that are vital to the functioning of the Government and that are important to our constituents. On the other hand, however, the provisions of the bill affecting housing programs strike us as unfair. Two specific provisions illustrate this point.

First, is it fair to rescind $5.7 billion of rental housing funds for fiscal year 1982 while providing $3 billion for a middle-income homeowners program? Consider that the Latta budget resolution passed by the House last week assumed −$5 billion for assisted housing programs, a full $22 billion below the freeze level. Negative budget authority: It assumes not only that no funds will be spent for the construction or rehabilitation of rental or public housing, but that commitments made in prior years will be broken and the funds rescinded.

The rescission of $5.7 billion from fiscal year 1982 funds eliminates funding for the construction and rehabilitation of section 8 and public housing in that year. In short, having killed rental housing assistance for the next fiscal year, the effect of this bill on rental housing may be viewed simply as an attempt to alter the date on the certificate of death for rental housing from fiscal year 1983 to fiscal year 1982.

I recognize that the conference report does take several important steps toward building out the pipeline of subsidized projects funded in previous years—most notably by providing funds for the financial adjustment factor—and commend the conferees for this action.

But what will we do after the pipeline? The rental housing crisis will not go away. High interest rates hurt but, unlike the single-family market, the decline of interest rates will not revive the production of rental housing that is affordable by low- and moderate-income families. Rental housing programs cannot be viewed in the same light as an emergency single-family stimulus program because structural changes have vastly reduced the number of developers who are willing to serve the moderate-income rental market. Through the House's actions last week on the budget and now on this appropriations bill, I fear that we have taken a dangerous step toward breaking our commitment to rental housing.

Second, restricting eligibility under the single-family stimulus program to newly constructed homes and never-sold builders' inventory will provide practically no benefits for residents of older urban areas which have already been built up. The eligibility of substantially rehabilitated and two- to four-family homes is a good idea, and a step toward equity, but it is not likely to have a significant dollar impact. The program will do more to build subdivisions than neighborhoods.

Older urban areas will not be able to participate unless existing homes are eligible for assistance under the program. I have heard my colleagues argue that existing homes should not be eligible because this is a jobs program more than a housing program.

I offer two responses: First, the popular support for this kind of program is derived as much from the unaffordability of housing for middle-class and first-time home buyers as it does from the unemployment levels in the housing industry. This affordability problem affects all areas of the country equally; thus, relief should be applied equally.

Second, as import traditional source of demand for new homes comes from those people who trade up from a less expensive existing home. These people already have accumulated some equity and generally need assistance much less than the couple buying its first home or the less well-to-do couple whom they are trying to sell to. The program would provide assistance to the former but not the latter, yet without the latter the transaction cannot take place. Further, if the latter were eligible, the end result would be the same—the new home would be sold. Thus, by attempting to leapfrog families over one another, the program ignores traditional market activity and may be less effective than it could be.

I supported the orginal House approach of providing $1 billion in emergency funding for a single-family stimulus in the supplemental appropriations bill, with further stimulus funds to be considered with the fiscal year 1983 funding for rental housing programs in the regular housing authorization bill. I would still prefer that approach but plan to vote for this bill in the hope that my colleagues will realize that we have not taken care of the housing problem with this stimulus program, and will treat rental housing programs with the same sense of urgency that this stimulus program received.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS. I thank my colleague for yielding.

Mr. Speaker, first I would like to rise to express my appreciation to my chairman and the ranking minority member for their intensive effort in putting this package together. To watch this urgent, urgent, urgent, urgent supplemental stumble along for this period of time causes all of us to scratch our heads.

I am, frankly, very much concerned about the form of the housing section of this bill, and concerned about the

$1.2 billion of budget-busting that is a part of the package.

But I would like to address myself to two items that are worthy of support.

One of the items involves the reality that the conference report specifically deals with the problem surrounding loans to Poland, in which essentially Poland is in default, and our administration has been saying for some time they were going to use the default card when they felt it would be of value. And yet, to this point, there has been only lip service which has tended to undermine the credibility of our foreign policy.

The language in this bill is very important language because it clearly establishes a statement that Members of the House want to see movement by the repressive regime in Poland which is smothering the hope for progress and freedom for the Polish people. I commend the committee for the conference work on this matter.

Beyond that, I want to express today my appreciation to my colleague on the other side of the aisle, Mr. FAZIO, for his work to provide some equity as it relates to the IRS tax matter. Frankly, the language is a clear reflection of the will of this House regarding that matter. But it goes further and suggests that that which is fair for this House should apply to the other body. I personally think we need to express our support for a tough stand by our leadership on this issue.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I would like to bring to my colleagues attention the story behind one particular item in this supplemental appropriation bill. I am speaking of the $81.6 million provided for the Bureau of Government Financial Operations.

The story began last November, when the President vetoed the continuing resolution that Congress had passed to keep the Federal Government functioning.

In vetoing the resolution, the President insisted that Congress make further across-the-board cuts in Federal agencies' budgets. He told us he was fighting to hold the line on Government spending, and to eliminate waste, fraud, and abuse; and Congress responded by making further cuts to end the crisis.

Unfortunately, the President neglected to point out, though he must have known, that many of the new cuts he insisted upon would leave Government agencies without adequate funding to get through the fiscal year.

We are here today considering a measure made necessary largely by the cuts made after he vetoed the first continuing resolution. The Bureau of Government Financial Operations, which is responsible for printing and distributing social security checks, and veterans benefits checks, and other Government disbursing activities, was one of the agencies affected. The $81 million we are providing today is necessary to replace the funds cut last year. And there is no possibility that cuts were the results of a miscalculation. The $81 million represents over one-third of the agency's $229 million budget. You cannot be that far off by mistake.

Let me also point out that this supplemental includes funds for other agencies threatened with running out of funds as a result of cuts made last year. Three Labor Department agencies, for example, the Employment and Training Administration, the Employment Standards Administration, and the Bureau of Labor Statistics, will be unable to meet their payrolls if this bill is not passed and signed into law.

In any event, the President's action in forcing the additional cuts created the danger that the BGFO would run out of money, and concern began to grow among seniors dependent on social security and veterans who receive benefits that their checks might not be delivered. The Treasury Department has managed to forestall that development and ease those concerns, by reprograming funds to keep BGFO going, but it now appears that the agency faces a mid-July closing if the funds in this supplemental are not approved.

And once again, President Reagan may act, callously, to recreate the fear and uncertainty in seniors and veterans that their checks will not be delivered. The President has threatened to veto this bill, because he is concerned that the $3 billion included to assist the depressed housing industry may interfere with his economic recovery program, which has brought the economy to its lowest depths since the Great Depression.

We have a responsibility to meet Federal obligations to the American people. And we must make certain that our seniors and veterans face no further uncertainty. I urge my colleagues to vote for passage of this supplemental appropriation.

Mr. COUGHLIN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may require to the gentleman from Indiana (Mr. BENJAMIN), a member of the committee.

Mr. BENJAMIN. I thank the distinguished chairman for yielding, and I rise in support of H.R. 5922.

Mr. Speaker, as chairman of the Subcommittee on Transportation Appropriations, I would like to highlight several of the items contained in this conference agreement which are critical to the transportation system of this country.

First, the agreement contains a supplemental appropriation of $48 million for Coast Guard operating expenses. This includes the budget request of $30,500,000 for legislatively mandated increases in military allowances, fuel costs, and other required operations; and an additional $17,500,000 to continue the operation of:

First, 11 search and rescue stations previously proposed for closure or reduction;

Second, seven vessels previously announced for decommissioning;

Third, vessel traffic systems in Berwick Bay, La., New Orleans, La., San Francisco, Calif., and New York, N.Y.:

Fourth, the second district headquarters in St. Louis, Mo., and the 11th district headquarters in Long Beach, Calif.

Fifth, air stations at Savannah, Ga.; Borinquen, Puerto Rico; and Los Angeles, Calif.;

Sixth, nine aircraft previously announced for retirement, substitution or reduction;

Seventh, numerous facilities in Puerto Rico; and

Eighth, the Coast Guard Academy at the current rate of operation.

Although the administration could not find it within its heart to request supplemental funds for these facilities, they have informed us that the safety of the American boating public would be threatened by these closures and they do not oppose this supplemental appropriation to keep them running.

Second, $28.4 million is included to continue payments to air carriers to provide air service to small communities under the section 406 and 419 programs. We are informed by the Civil Aeronautics Board that six or more airlines may go bankrupt unless these funds are made available by the end of June.

Third, a total of $91 million in new contract authority is provided for important highway needs across the country. Of this amount, $53 million is provided for eight States which suffered reductions of more than 15 percent in the Federal-aid highway funds they are allowed to obligate in fiscal year 1982. This reduction was due to the redefinition of "Interstate completion" in the Federal-Aid Highway Act of 1981. The remaining $38 million in new contract authority is provided for the rehabilitation or replacement of four highway bridges. This is simply to rectify what we understand to be an inadvertent technical error in the Federal-Aid Highway Act of 1981 which had the effect of nullifying section 310(d)(3) of Public Law 97-102 which provided funding for these bridges. I might add parenthetically, that since enactment of Public Law 97-102, changed circumstances have dictated the substitution of one of the four bridges identified in that act.

89-059 O-86-36 (Pt. 10)

I would also like to emphasize that the conference agreement classifies these highway funds as new contract authority and I expect the Federal Highway Administration to fully comply with this intent. With respect to the four bridges, although we expect these projects to conform with the design standards and funding availability requirements established in the FHWA highway bridge replacement and rehabilitation program, the funds for these bridges are a separate authorization which should not be counted against the funds authorized in the discretionary bridge program or the regular bridge rehabilitation and replacement program.

Mr. Speaker, the transportation funds provided in this urgent supplemental are needed desperately to prevent the imminent termination of vital services to the American public. I urge swift adoption of the conference agreement.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, as you have heard, this is an urgent supplemental. It was urgent to begin with in March, and it grows more urgent each day.

You heard the gentleman from Iowa (Mr. SMITH) detail what will happen, and we will be out tremendous amounts of money on the student loan programs, in interest and default payments we will have to pay. Also we will face the weather stations being closed, whether it be by turning the bill down or whether it be by Presidential veto. So I urge all of my collegues to do the right thing, exercise the rights of the legislative branch and adopt this conference agreement.

Mr. Speaker, I yield the remainder of my time to the gentleman from New York (Mr. MCHUGH).

The SPEAKER pro tempore. The gentleman from New York (Mr. MCHUGH) is recognized for 1½ minutes.

Mr. MCHUGH. I thank the gentleman for yielding.

Mr. Speaker, I would like to express a word of support for the administration's position to date of not forcing a formal default on the Polish loans.

I appreciate the frustration which many of us feel regarding the large amount of indebtedness which United States and other Western banks have permitted Poland to incur. Poland has about $26 billion of indebtedness at this point, much of it extended or guaranteed by Western governments, and that is excessive given the nature of Poland's economy and its inability to repay.

However, Mr. Speaker, the Reagan administration and all other Western governments have unanimously concluded that it would be a mistake for any Western government to invoke a formal default on this Polish indebtedness. They are correct because a formal default would likely result in Poland making no repayments on its debts. It is now making some modest payments, no doubt with the help of the Soviet Union. Moreover, a formal default will likely cause the private lenders in this country to write off their unguaranteed loans as bad debts, thus reducing Federal tax revenues and further increasing the budget deficit.

A formal default precipitated by the West would also give the Polish Government an excuse to blame the West for the disastrous conditions within Poland which are primarily the result of the political and economic policies of the Polish Government itself.

□ 1300

Accordingly, Mr. Speaker, I believe that precipitating a formal default would not serve the interests of the United States. It would have the effect, economically and politically of shooting ourselves in the foot. I, therefore, want to take the opportunity to commend the administration for its position to date in not forcing a formal default and to urge the administration to maintain its position.

● Mr. MICHEL. Mr. Speaker, it is most regrettable that this urgent supplemental has been turned into a combination political football-Christmas tree bill. Regrettable, because there are many items in the bill that are urgent for the effective operation of the Government.

That urgency notwithstanding, however, the many add ons included in the conference report make it totally unacceptable at a time when a much broader national urgency requires that we do everything possible to reduce these massive Federal deficits we have all been concerned about.

The conference report exceeds the President's budget request by a whopping $4.3 billion in budget authority. Even more important, these increases will add over $1.1 billion to our 1983 outlays. So even before we complete action on the 1983 budget resolution, we will already be busting its limits if we enact this bill. I say "already," because the resolution we passed in the House last week did not assume or provide for all these add ons. It provided for the items contained in the House version of the supplemental, but not for the additional amounts adopted in conference and included in the conference report.

The biggest single culprit obviously is the housing bailout provision. We came out of the House with a $1 billion program, and we end up with a $3 billion program. The House version would have cost $172 million in 1983 outlays; this version will cost $600 million.

In my view, even that original House version was a poor solution to the problem. I would have preferred the Evans-Corcoran approach, which would have shifted funds from the synfuels program and would have established more reasonable eligibility and interest limits. Instead, what we end up with is something far worse than even that unacceptable House approach.

What else does the conference report add over and above the President's request? Let be read down the list:

	Million
Refugees	$23
Maternal and child health	24
Community health centers	34
WIN	58
CETA	63
Corporation for Public Broadcasting.	24
Coast Guard	48
Highways	91
Public works projects	40
Postal Service	62

With actions such as these, we are already beginning to undermine the steps we took last year to try and establish some controls over spending. What kind of signal does that send out?

If we are going to have any hope at all this year of bringing down the deficit to even the $100 billion level, the time to start is now. Let us reject this budget-busting conference report, and then move ahead immediately with a clean bill that provides simply for the urgent items originally proposed.●

● Mr. GONZALEZ. Mr. Speaker, I reluctantly rise in opposition to the conference report on H.R. 5922, the Urgent Supplemental Appropriations Act. I oppose this conference report because I believe that the House unfortunately acceded to the Senate on most of the HUD-related items that were in conference, especially the housing production program, rescission of assisted housing budget authority and the additional funding for the GNMA tandem program.

The housing production program contained in this conference report is the Senate version reflected in the so-called Lugar bill. I strongly opposed the so-called Lugar housing production program from the time it was introduced in the other body right through the time that the House conferees were meeting with the Senate in conference last week. This housing production program is an unworkable program administratively. It provides no relief to the middle income people who are seeking to purchase new homes and it provides an unjustifiable and untried new type of alternative mortgage instrument, the graduated equity mortgage. If the Members of this house believe that in providing middle-income Americans a 12-percent mortgage with increasing monthly payments beginning at the second year of the mortgage is a benefit, then they are living in a dream world. Only a few American families at the upper

end of the middle-income sector will be eligible for this production stimulus. I believe this version of the housing production program was put together in a manner to be unworkable. In the event that this provision ever became law, then the American public would soon find out that little or no assistance was being provided. I regret that my views on this agreement were not sought by the members of the Appropriations Committee. Let me suggest that the administration might be happy if this housing production program were enacted into law because it would prove that the administration's claims that Government programs are unworkable.

The worst aspect of this conference report is the provision that rescinds $4.1 billion in assisted housing budget authority for fiscal year 1982 that was enacted into law last year by the Congress in both the Budget Reconciliation Act and the HUD Appropriations Act. At the time that this bill was reported out of the Appropriations Committee, I applauded the decision of the committee not to agree with the administration's efforts to rescind fiscal year 1982 assisted housing budget authority. But in this bill, we are being asked today to approve two-thirds of the rescission request that the administration made earlier this year. Here we have another example of the President and the Congress forcing poor people of this country to bear the brunt of our so-called budget-cutting efforts. I regret that the deplorable state of affairs of this Congress makes the poor people of this country the brunt of our negative legislative efforts.

Finally, the conference report provided only $150 million of $1 billion that was in the House-passed bill for the GNMA tandem program. There seemed to be not even a half-hearted effort to split the difference between the House and Senate on this provision. The little rental housing that is being built in this country today is being built under the GNMA tandem program. This is just another indication that the Congress does not support the efforts to provide rental housing for the many American citizens who would rather rent than buy.●

● Mr. FRENZEL. Mr. Speaker, this allegedly urgent supplemental appropriation, H.R. 5922, has been rattling around the Capitol for several months. If it ever was urgent, it surely did not get urgent handling here.

It is complicated but its totals are simple, and frightening. The President asked for $4.6 billion. The House bill called for $6 billion, and this conference report ups the ante to $8.9 billion.

This supplemental must have been heavily fertilized because it is growing like mad.

I voted against the House bill because the committee added items that were neither urgent nor necessary which the administration did not request. I surely must oppose a spending bill which adds $2.9 billion to the $1.4 billion the administration did not want. This bill is nearly twice what the President says he needs.

The conference report does give the President some recessions he requested, about $5.7 billion out of $7.8 billion. That is an improvement, since the House rescinded almost nothing. Nevertheless on balance, this bill takes us back to the discredited policy of spending our way to prosperity. It will not work. It should be defeated.●

● Mr. DERWINSKI. Mr. Speaker, having voted last week to remove the windfall tax break for Congress and having opposed it originally when I voted against approval of the Journal for the day when it was passed by voice vote last December, I want to point out it is a classic fact that two wrongs do not make a right. I believe it is an unnecessary departure from practice for the House to attempt to impose a rule on outside earned income on individual Members of the Senate. I oppose the $18,000 figure and believe the present $9,000 is adequate. Therefore, I am voting against the increase to $18,000. I believe the Senate should set its own limits and the House should set only their own.

I have been opposed to the Members' tax break and voted against it twice, but that is not the issue here.●

● Mr. BIAGGI. Mr. Speaker, I rise to lend my support to the conference report to accompany H.R. 5922, the urgent supplemental appropriations bill for fiscal year 1982. I am pleased that the House and Senate have recognized the urgency of the supplemental appropriations bill and have presented a fair and balanced piece of legislation.

I am especially supportive of the funds contained in this bill to keep higher education student loan programs from collapsing during the rest of this fiscal year by assuring that the full faith and credit of the U.S. Government is carried out in its guarantee of millions of student loans. We will allay the fears of millions of students as well as the lending institutions with the enactment of this legislation today.

Let me also express my support for the provisions in this conference report which will provide desperately needed assistance to the beleaguered housing industry. I reject the notion that this is a bailout of an industry; that is far too parochial a description. We must recognize the fundamental importance of the housing industry on our overall economy to the extent that if we can pass legislation which would serve as a catalyst for recovery, we are doing a great service to our Nation.

Finally, let me express a special appreciation to the House conferees for accepting a Senate provision which provides more than $33 million in funds for the community health centers program. The inclusion of these funds should help insure that the Comprehensive Family Care Center located in my district in the Bronx, New York, will continue to provide vital health care services to some 7,000 adults and children, most of whom are low income. Failure to approve this legislation would cause this center and 24 other centers in New York City and 41 in New York State to either close or drastically reduce their services effective on October 1. The need for this program is as compelling today as any time in its 15-year history, and I applaud the conferees for recognizing this. I know that the Comprehensive Family Care Center Director Dr. Katherine S. Lobach and thousands of others in similar positions are grateful for our actions today.

In conclusion, I believe this legislation represents a fair balance between our need to reduce wasteful Federal spending and our need to provide for basic human needs for people. I urge a favorable vote on this conference report and hope the threats of a Presidential veto prove false.

Mr. Speaker, as a member of the House Education and Labor Committee, which is responsible for the Older Americans Act amendments, I also rise to discuss amendment 2 related to title V—the community service employment program. Let me first indicate my support for the inclusion of $210 million to insure the continued operation of this valuable program.

As many of my colleagues are aware, the President's initial budget proposal called for the elimination of separate funding for this program. This set waves of fear and anxiety across this Nation to each of the 54,200 low-income elderly persons who were provided employment opportunities by this program. This action was taken notwithstanding the fact that Congress in December of 1981 passed—and President Reagan signed into law—a bill reauthorizing all of the programs of the Older Americans Act, including title V for three additional years.

Happily, the Congress rejected this ill-founded proposal and has provided funding authority to continue this program for the balance of this fiscal year. It is imperative that in our quest for economy we do not apply the sword in a way which slashes programs which themselves are cost-effective in nature. In my home state of New York, the estimated 4,000 persons employed by title V in turn provided some 4.2 million man-hours in service to the community in a variety of positions, including many helping other senior citizens. One can find very few

examples of a better investment of the Federal dollar than title V.

My purpose in speaking to the amendment has to do with an amendment added by the House conferees relative to the formula for distributing the $210 million provided for title V for the balance of this fiscal year. Section 506(a)(1)(A)(2) of Public Law 95-478 develops a formula for the distribution of funds for title V above those levels appropriated in fiscal year 1978. The law states without any obfuscation that 55 percent of such sums appropriated above fiscal year 1978 levels shall go to the various States for the operation of their respective programs. The remainder, or 45 percent, shall go for the programs operated by the eight national contractor organizations.

The amendment No. 2 calls for a distribution of the $210 million in a fashion which would provide 80 percent of the funds for the national contractors and 20 percent for the States. In addition to the legal conflict involved with this amendment, there a number of practical problems which will result by the adoption of this amendment as part of the conference report. Each and every State title V program will suffer from this language. It inhibits the growth recognized by Congress as being necessary as long ago as 1978.

Unfortunately, this is not the first time this effort has been made, but this is likely to be the first fiscal year that the formula has been tampered with.

It should be pointed out that last year during consideration of S. 1086, the Older Americans Act amendments, the House-Senate conferees, of which I was one, stated in the "Statement of Managers" that the conferees strongly reemphasize their support of the existing statutory formula and further stated that "efforts to distort through other legislative vehicles clearly violates the letter and spirit of the law."

I regret that we will not have an opportunity to strike out this formula revision, and as a result we will be hampering the ability of the States to conduct this important program to its fullest. As a member of the authorizing committee, I resent the usurpation and circumvention techniques employed in this conference and will work to prevent its reoccurrence in fiscal year 1983.●

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 2: Page 2, after line 10, insert:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $210,572,000.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $210,572,000, of which $168,457,600 shall be for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of the Older Americans Act of 1965, as amended, and $42,114,400 shall be for grants to States under paragraph (3) of section 506(a) of said Act.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 3, after line 2, insert:

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for "Health Services", $63,580,000, of which $3,500,000 shall be used to provide twelve months of transitional funding for those University Affiliated Facilities previously funded under section 502(a) of the Social Security Act or predecessor legislation (title V of the Social Security Act as in effect prior to the enactment of the Maternal and Child Health Services Block Grant), but for which termination of such funding has been announced during fiscal year 1982.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for "Health Services", $60,080,000, of which $3,500,000 shall be used to provide twelve months of transitional funding for those University Affiliated Facilities previously funded under section 502(a) of the Social Security Act or predecessor legislation (title V of the Social Security Act as in effect prior to the enactment of the Maternal and Child Health Services Block Grant), but for which termination of such funding has been announced during fiscal year 1982.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 12: Page 5, strike out all after line 6 over to and including line 23 on page 7 and insert:

Of the amount of authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 and prior Appropriation Acts, $225,071,321 of contract authority and $5,985,124,165 of budget authority is rescinded: *Provided*, That the budget authority specified in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 for public housing construction other than low-income housing for Indian families is reduced by $2,354,400,000: *Provided further*, That $500,000,000 of budget authority provided in that Act shall be made available for obligation after September 30, 1982, for modernization of existing low-income housing projects (section 14 of the United States Housing Act of 1937, as amended), of which $89,321,727 shall be for the modernization of 5,093 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, $19,260,000 of contract authority provided in that Act shall be made available for obligation after September 30, 1982, for low-income housing for Indian families, and $39,300,000 in contract authority provided in that Act shall be made available for obligation after September 30, 1982, for housing assistance payments pursuant to section 8 of the United States Housing Act of 1937 for projects authorized under section 202 of the Housing Act of 1959: *Provided further*, That $254,400,000 of budget authority provided in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 under the heading "Annual Contributions for Assisting Housing", shall be transferred to the heading "Payments for Operation of Low-Income Housing Projects" and merged with the amounts available therein for payment to public housing agencies for operating subsidies; and appropriations for payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), are increased to the extent budget authority is transferred; and the budget authority transferred under this section in addition to that provided in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 shall be made available for the foregoing purposes; and payments to public housing agencies from funds made available under the heading "Payments for Operation of Low-Income Housing Projects" shall be made pro rata solely in accordance with the Performance Funding System (as set forth in 24 C.F.R. part 890, as of February 8, 1982); and any part of these payments to public housing agencies which has not been obligated before the thirtieth calendar day following the enactment of this Act shall be

deemed obligated on such thirtieth day notwithstanding the provisions of section 200(a) of title 31, United States Code: *Provided further,* That of the amount available after the foregoing rescission $152,715,200 of contract authority and $3,700,000,000 of budget authority shall be for projects under section 8, United States Housing Act of 1937, as amended, the rents for which are approved pursuant to the note governing financing adjustments (46 Fed. Reg. 51903, October 23, 1981) except that the Secretary shall include in the determination of the fair market rental a factor reflecting actual increased costs, and except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to October 1, 1982: *Provided further,* That with respect to newly constructed and substantially rehabilitated projects under section 8, United States Housing Act of 1937, as amended, during 1982, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(l) of such Act: *Provided further,* That any balances of authorities made available prior to enactment of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 which are, or become, available for obligation in fiscal year 1982, shall be added to and merged with the authority approved in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 which remains after the above rescission, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations, becoming available in fiscal year 1982: *Provided further,* That none of the merged amounts available for obligation in 1982 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

Of the amount of authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 and prior Appropriation Acts, $94,383,000 of contract authority and $4,098,640,000 of budget authority are rescinded: *Provided,* That any balances of authorities made available prior to enactment of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, which are, or become, available for obligation in fiscal year 1982, shall be added to and merged with the authority approved in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1982: *Provided further,* That $190,860,000 of contract authority and $4,098,685,000 of budget authority, shall be used for the public housing program, including $18,960,000 of contract authority for assistance in financing the development or acquisition cost of low-income housing for Indian families, $90,000,000 of contract authority for modernization of existing low-income housing projects, and $1,263,005,000 of budget authority for new construction and substantial rehabilitation as authorized by Section 5(c) of the United States Housing Act of 1937, as amended, (42 U.S.C. 1437c); and $870,969,000 of contract authority and $15,228,518,000 of budget authority shall be used for new construction and substantial rehabilitation and assistance to existing housing units, including amendments for units reserved in prior years, under the lower-income housing assistance program (section 8, United States Housing Act of 1937, as amended): *Provided further,* That of the foregoing amounts, $152,715,200 of contract authority and $3,700,000,000 of budget authority shall be for projects under section 8, United States Housing Act of 1937, as amended, the rents for which are approved pursuant to the note governing financing adjustments (46 Fed. Reg. 51903, October 23, 1981) or any published amendment thereto or successor note, except that the Secretary shall include in the determination of the fair market rental a debt service factor reflecting the lesser of 14 percent, or one-half percent below the rate of interest on the permanent instrument sold to finance the project, and except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to September 1, 1982: *Provided further,* That with respect to newly constructed and substantially rehabilitated projects under section 8, United States Housing Act of 1937, as amended, during 1982, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(1) of such Act: *Provided further,* That none of the merged amounts available for obligation in 1982 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further,* That no funds provided under this or any other Act shall be used to terminate a reservation of contract authority for any project under section 8 of the United States Housing Act of 1937, as amended, on account of the inability of the developer or owner of that project to obtain firm financing, unless such termination occurs no less than 24 months following the date of initial reservation of contract authority of such project: *Provided further,* That $74,375,000 of contract authority and $1,750,000,000 of budget authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1982, shall not become available for obligation until October 1, 1982, and $89,321,727 of the foregoing budget authority shall be for the modernization of 5,073 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act: *Provided further,* That to the extent that the amount of budget authority which is recaptured or deobligated, including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. Part 883.207, does not equal $5,000,000,000 on June 30, 1982, the amounts deferred in the immediately preceding proviso may be used in accordance with, and in addition to, the amounts provided in the third proviso of this paragraph, except that to the extent such amounts are used, an equivalent amount of such recaptured or deobligated contract authority and budget authority, which become available on or after July 1, 1982 through September 30, 1982, if any, shall be deferred until October 1, 1982.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for Operation of Low-Income Housing Projects," $198,000,000: *Provided,* That of the total amount available in fiscal year 1982 for "Payments for Operation of Low-Income Housing Projects," $1,215,275,400 shall be made available pro rata solely in accordance with the Performance Funding System (as set forth in 24 C.F.R. Part 890, as of February 8, 1982).

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, this and the following amendment in disagreement deals with the rescission of funds for the construction of low-income housing and supplements to rents of low-income families living in private housing. We have spent a lot of time today and, indeed, over the last number of weeks talking about the housing industry, the necessity to encourage the construction of new housing and how best to provide assistance to both the industry and to middle-income people so that they can afford to buy that new housing. This very bill provides $3 billion for that purpose.

At the same time this amendment proposes rescinding approximately $5 billion in assistance for housing for the lowest income families in this country. I think that that is wrong and I urge my colleagues to join me in helping to defeat this amendment.

I am dismayed at the proposed rescission of $4.0986 billion fiscal year 1982 authority for housing. These funds are for 16,000 units of desperately needed public housing that now will never be constructed. The fiscal year 1983 budget will undoubtedly insure that construction will never begin on

most of the 142,000 units of new public housing now in the pipeline.

In addition, the rescission of $1.579 billion in 1982 budget authority for the rent supplement program also means a loss of assistance for low income people. This rescission is the result of the conversion of the rent supplement program to the existing section 8 program in an effort to gradually phase out the older program. However, the rent supplement contracts run for more than 30 years, while the existing section 8 contracts run for only 15 years.

These rescissions come at a time when the need for new housing to shelter the Nation's low- and moderate-income families has never been more urgent. In my own city of New York, there are 500,000 people on the waiting list for public housing. Each week, more poor people lose their homes as rental units are converted to cooperatives or condominiums, lost to fire or demolished so that the land can serve purposes more lucrative than low-income housing. More and more New Yorkers are now living in overcrowded or substandard units. Tens of thousands of them are surviving on the streets in desperate circumstances.

Many who support the withdrawal of the Federal Government from its long-term commitment to public housing apparently believe that these projects can only mean heavy concentrations of poor people in run-down Pruitt-Iago-style projects. Yet, the projects in my city are generally well run, well maintained, and considered an asset to the city.

In this period of high unemployment and great economic uncertainty, this period of high unemployment and great economic uncertainty, this Nation must not retreat from its decades of commitment to decent affordable shelter for all Americans, regardless of their economic status.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 96, not voting 24, as follows:

[Roll No. 148]

YEAS—312

Albosta	Applegate	Bafalis
Alexander	Archer	Bailey (MO)
Anderson	Aspin	Bailey (PA)
Andrews	Atkinson	Barnard
Anthony	Badham	Beard
Bedell	Gingrich	Morrison
Benedict	Glickman	Mottl
Benjamin	Gore	Murtha
Bennett	Gradison	Myers
Bereuter	Gramm	Napier
Bethune	Gregg	Natcher
Bevill	Grisham	Neal
Bliley	Gunderson	Nelligan
Boggs	Hagedorn	Nelson
Boland	Hall (OH)	Nichols
Boner	Hall, Ralph	Nowak
Bonker	Hall, Sam	O'Brien
Bouquard	Hamilton	Obey
Bowen	Hammerschmidt	Oxley
Breaux	Hance	Parris
Brinkley	Hansen (ID)	Pashayan
Brooks	Hansen (UT)	Patman
Brown (CA)	Hartnett	Patterson
Brown (CO)	Hatcher	Paul
Burgener	Hefner	Pease
Butler	Heftel	Perkins
Byron	Hendon	Petri
Campbell	Hightower	Pickle
Carman	Hiler	Porter
Carney	Hillis	Pritchard
Chappell	Holland	Pursell
Chappie	Holt	Quillen
Cheney	Hopkins	Rahall
Clausen	Hubbard	Railsback
Clinger	Huckaby	Regula
Coats	Hughes	Reuss
Coelho	Hunter	Rhodes
Coleman	Hutto	Ritter
Conte	Hyde	Roberts (KS)
Corcoran	Ireland	Roberts (SD)
Coughlin	Jeffords	Robinson
Courter	Jeffries	Roemer
Coyne, James	Jenkins	Rogers
Craig	Johnston	Rose
Crane, Daniel	Jones (NC)	Roth
Crane, Philip	Jones (OK)	Roukema
D'Amours	Jones (TN)	Rousselot
Daniel, Dan	Kazen	Roybal
Daniel, R. W.	Kemp	Rudd
Dannemeyer	Kindness	Russo
Daschle	Kogovsek	Santini
Daub	Kramer	Sawyer
Davis	LaFalce	Schneider
de la Garza	Lagomarsino	Schroeder
Deckard	Lantos	Schulze
DeNardis	Latta	Sensenbrenner
Derrick	Leach	Shamansky
Derwinski	Leath	Sharp
Dickinson	LeBoutillier	Shaw
Dicks	Lee	Shumway
Dorgan	Lehman	Shuster
Dornan	Lent	Siljander
Dougherty	Levitas	Skeen
Downey	Lewis	Skelton
Dreier	Livingston	Smith (IA)
Duncan	Loeffler	Smith (NE)
Dunn	Long (MD)	Smith (OR)
Dwyer	Lott	Smith (PA)
Dyson	Lowery (CA)	Snowe
Early	Lujan	Snyder
Edwards (AL)	Lundine	Solomon
Edwards (OK)	Lungren	Spence
Emerson	Madigan	Stangeland
Emery	Marks	Stanton
English	Marlenee	Staton
Erdahl	Marriott	Stenholm
Erlenborn	Martin (IL)	Stump
Evans (DE)	Martin (NC)	Swift
Evans (GA)	Martin (NY)	Synar
Evans (IA)	Mattox	Tauke
Evans (IN)	Mazzoli	Tauzin
Fary	McClory	Taylor
Fascell	McCloskey	Thomas
Fazio	McCollum	Traxler
Fenwick	McCurdy	Trible
Fiedler	McDade	Udall
Fields	McDonald	Vander Jagt
Findley	McEwen	Volkmer
Fish	McGrath	Walgren
Fithian	McHugh	Walker
Flippo	McKinney	Wampler
Florio	Mica	Watkins
Foley	Michel	Weaver
Forsythe	Miller (OH)	Weber (MN)
Fountain	Mitchell (NY)	Weber (OH)
Frenzel	Moakley	White
Frost	Molinari	Whitehurst
Fuqua	Mollohan	Whitley
Gejdenson	Montgomery	Whittaker
Gephardt	Moore	Whitten
Gibbons	Moorhead	Winn
Wirth	Wright	Young (AK)
Wolf	Wylie	Young (FL)
Wortley	Yatron	Young (MO)

NAYS—96

Addabbo	Gonzalez	Pepper
Akaka	Gray	Peyser
Annunzio	Green	Price
Barnes	Guarini	Rangel
Beilenson	Harkin	Ratchford
Biaggi	Hawkins	Richmond
Bingham	Heckler	Rinaldo
Blanchard	Hertel	Rodino
Bonior	Hollenbeck	Roe
Brodhead	Howard	Rosenthal
Burton, Phillip	Hoyer	Rostenkowski
Collins (IL)	Jacobs	Sabo
Conyers	Kastenmeier	Savage
Coyne, William	Kennelly	Schumer
Crockett	Kildee	Shannon
Dellums	Leland	Shelby
Dingell	Lowry (WA)	Simon
Dixon	Luken	Smith (NJ)
Donnelly	Markey	Solarz
Dymally	Matsui	St Germain
Eckart	Mavroules	Stark
Edgar	Mikulski	Stokes
Edwards (CA)	Miller (CA)	Studds
Ferraro	Mineta	Vento
Foglietta	Minish	Washington
Ford (MI)	Mitchell (MD)	Waxman
Ford (TN)	Moffett	Weiss
Fowler	Murphy	Williams (MT)
Frank	Oakar	Williams (OH)
Garcia	Oberstar	Wolpe
Gaydos	Ottinger	Wyden
Gilman	Panetta	Zeferetti

NOT VOTING—24

AuCoin	Collins (TX)	Long (LA)
Bolling	Conable	Scheuer
Broomfield	Dowdy	Seiberling
Brown (OH)	Ertel	Smith (AL)
Broyhill	Ginn	Stratton
Burton, John	Goldwater	Wilson
Chisholm	Goodling	Yates
Clay	Horton	Zablocki

□ 1315

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. John L. Burton against.

Ms. FERRARO, Messrs. WILLIAM J. COYNE, BLANCHARD, LOWRY of Washington, HERTEL, ANNUNZIO, SMITH of New Jersey, Mrs. KENNELLY, Mr. RATCHFORD, Mrs. HECKLER, Messrs. HARKIN, STANGELAND, and PRICE changed their votes from "yea" to "nay."

Messrs. BROWN of Colorado, YATRON, STANGELAND, LEHMAN, McCLOSKEY, and Mrs. BOGGS changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BROWN of California). The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 13: Page 7, after line 23, insert:

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is further reduced in fiscal year 1982

by not more than $3,340,000 in uncommitted balances of authorizations provided for this purpose in Appropriation Acts.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein.

□ 1330

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding to me.

Mr. Speaker, if this amendment is agreed to, it would rescind an additional $3,340,000 of contract authority in the rent supplement program and I urge a "no" vote.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 104, not voting 29, as follows:

[Roll No. 149]

YEAS—299

Albosta	Brooks	de la Garza
Alexander	Brown (CA)	Deckard
Anderson	Brown (CO)	DeNardis
Andrews	Burgener	Derwinski
Annunzio	Byron	Dickinson
Anthony	Campbell	Dicks
Applegate	Carman	Dorgan
Archer	Carney	Dornan
Aspin	Chappell	Dougherty
Atkinson	Chappie	Downey
Badham	Cheney	Dreier
Bafalis	Clausen	Duncan
Bailey (MO)	Clinger	Dunn
Barnard	Coats	Dwyer
Beard	Coelho	Dyson
Bedell	Coleman	Early
Benedict	Conte	Eckart
Benjamin	Corcoran	Edwards (AL)
Bennett	Coughlin	Edwards (OK)
Bereuter	Courter	Emerson
Bethune	Coyne, James	Emery
Bevill	Craig	English
Bliley	Crane, Daniel	Erdahl
Boggs	Crane, Philip	Erlenborn
Boland	D'Amours	Evans (DE)
Boner	Daniel, Dan	Evans (GA)
Bonker	Daniel, R. W.	Evans (IA)
Bouquard	Dannemeyer	Fary
Bowen	Daschle	Fascell
Breaux	Daub	Fazio
Brinkley	Davis	Fenwick
Fiedler	Lewis	Roberts (KS)
Fields	Livingston	Roberts (SD)
Findley	Loeffler	Robinson
Fish	Long (LA)	Roemer
Fithian	Long (MD)	Rogers
Flippo	Lott	Rose
Florio	Lowery (CA)	Rostenkowski
Foley	Lujan	Roth
Forsythe	Lundine	Roukema
Fountain	Lungren	Rousselot
Frenzel	Marks	Roybal
Fuqua	Marlenee	Rudd
Gephardt	Marriott	Russo
Gibbons	Martin (IL)	Sawyer
Glickman	Martin (NC)	Schneider
Gore	Martin (NY)	Schroeder
Gradison	Mattox	Schulze
Gramm	Mazzoli	Sensenbrenner
Gregg	McClory	Shamansky
Grisham	McCloskey	Sharp
Gunderson	McCollum	Shaw
Hagedorn	McCurdy	Shelby
Hall (OH)	McDade	Shumway
Hall, Ralph	McDonald	Shuster
Hall, Sam	McEwen	Siljander
Hamilton	McGrath	Skeen
Hammerschmidt	McHugh	Skelton
Hance	McKinney	Smith (IA)
Hansen (ID)	Mica	Smith (NE)
Hansen (UT)	Michel	Smith (OR)
Hartnett	Miller (OH)	Snowe
Hatcher	Mitchell (NY)	Snyder
Hefner	Moakley	Solomon
Heftel	Molinari	Stangeland
Hendon	Mollohan	Stanton
Hightower	Montgomery	Staton
Hiler	Moore	Stenholm
Hillis	Moorhead	Stump
Holland	Morrison	Swift
Holt	Mottl	Synar
Hopkins	Murtha	Tauke
Hubbard	Myers	Tauzin
Huckaby	Napier	Taylor
Hughes	Natcher	Thomas
Hunter	Neal	Trible
Hutto	Nelligan	Udall
Hyde	Nelson	Vander Jagt
Ireland	Nichols	Volkmer
Jeffords	O'Brien	Walgren
Jeffries	Obey	Walker
Jenkins	Oxley	Wampler
Johnston	Parris	Watkins
Jones (NC)	Pashayan	Weber (MN)
Jones (OK)	Patman	Weber (OH)
Jones (TN)	Patterson	White
Kazen	Paul	Whitehurst
Kemp	Pease	Whitley
Kindness	Perkins	Whittaker
Kogovsek	Petri	Whitten
Kramer	Pickle	Williams (OH)
Lagomarsino	Porter	Winn
Lantos	Pritchard	Wirth
Latta	Pursell	Wolf
Leach	Quillen	Wortley
Leath	Rahall	Wylie
LeBoutillier	Railsback	Young (AK)
Lee	Regula	Young (FL)
Lent	Rhodes	Young (MO)
Levitas	Ritter	

NAYS—104

Addabbo	Evans (IN)	Kennelly
Akaka	Ferraro	Kildee
Bailey (PA)	Foglietta	LaFalce
Barnes	Ford (TN)	Lehman
Beilenson	Fowler	Leland
Biaggi	Frank	Lowry (WA)
Bingham	Frost	Luken
Blanchard	Garcia	Markey
Bonior	Gaydos	Matsui
Brodhead	Gejdenson	Mavroules
Burton, Phillip	Gilman	Mikulski
Chisholm	Gonzalez	Miller (CA)
Collins (IL)	Gray	Mineta
Conyers	Green	Minish
Coyne, William	Guarini	Moffett
Crockett	Harkin	Murphy
Dellums	Hawkins	Nowak
Derrick	Heckler	Oakar
Dingell	Hertel	Oberstar
Dixon	Hollenbeck	Ottinger
Donnelly	Howard	Panetta
Dymally	Hoyer	Pepper
Edgar	Jacobs	Peyser
Edwards (CA)	Kastenmeier	Price
Rangel	Schumer	Vento
Ratchford	Seiberling	Washington
Reuss	Shannon	Waxman
Richmond	Simon	Weaver
Rinaldo	Smith (NJ)	Weiss
Rodino	Smith (PA)	Williams (MT)
Roe	Solarz	Wolpe
Rosenthal	St Germain	Wyden
Sabo	Stokes	Yatron
Santini	Studds	Zeferetti
Savage	Traxler	

NOT VOTING—29

AuCoin	Dowdy	Scheuer
Bolling	Ertel	Smith (AL)
Broomfield	Ford (MI)	Spence
Brown (OH)	Gingrich	Stark
Broyhill	Ginn	Stratton
Burton, John	Goldwater	Wilson
Butler	Goodling	Wright
Clay	Horton	Yates
Collins (TX)	Madigan	Zablocki
Conable	Mitchell (MD)	

□ 1345

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. John L. Burton against.

Mr. ALBOSTA changed his vote from "nay" to "yea."

So the motion was agreed to

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, I was unavoidably detained and was unable to cast my vote on the last rollcall, rollcall No. 149, that took place a few moments ago.

Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The Clerk will designate the next amentment in disagreement.

The amendment reads as follows:

Senate amendment No. 14: Page 8, strike out lines 1 to 8, inclusive.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

For additional gross obligations in fiscal year 1982 for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), $150,000,000, notwithstanding section 333(a)(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 8, strike out all after line 13 over to and including line 4 on page 17 and insert:

EMERGENCY MORTGAGE INTEREST REDUCTION PAYMENTS

For Emergency mortgage interest reduction payments, $5,120,000,000 to remain available until expended. Such amounts shall be made available under the terms and conditions of the following paragraphs:

(a) For the purpose of assisting middle and lower income families in acquiring a home, a manufactured home, or membership in a cooperative association operating a housing project or in substantially rehabilitating a home or a unit in a cooperative housing project, the Secretary of Housing and Urban Development, hereafter referred to as the Secretary, is authorized through the Government National Mortgage Association, to make and to contract to make periodic interest reduction payments on behalf of such families. Such assistance shall be accomplished through payments to mortgagees and lenders or their transferees holding mortgages and loans meeting the requirements of this heading.

(b) The Secretary may not enter into any contract to make emergency home mortgage interest reduction payments under this heading during any month unless the Federal Home Loan Bank Board's home mortgage interest rate index for conventional home mortgage loans closed, based on the moving average for the most recent two-month period, exceeds 12.5 per centum per annum.

(c) To be eligible for emergency interest reduction payments under this heading, the first mortgage or loan secured by the property, manufactured home, or shares in a cooperative must meet the requirements of or be insured under subsection (g).

(d) Assistance payments under this heading may be made over a period of not to exceed five years with respect to any mortgage.

(e) The amount of all emergency interest reduction payments made under this heading shall constitute a second lien on the property or shares with respect to which the payments are made and shall be repayable—

when the property is sold;

(2) when the property ceases to be the principal residence of the mortgagor or borrower;

(3) upon any other disposition of the property specified in regulations of the Secretary; or

(4) upon the refinancing of the first mortgage or loan on the property or shares,

except that the amount repaid may not exceed 60 per centum of the homeowner's net equity, as determined by the Secretary.

(f) The amount of the emergency mortgage interest reduction payments with respect to any mortgage or loan shall be an amount not exceeding the lesser of—

(1) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at the rate of 11 per centum per annum; and

(2) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at a rate four percentage points less than the rate specified in the mortgage or loan.

(g) Notwithstanding any other provision of law, the Secretary may assist or may insure a mortgage or loan which shall—

(1) be executed by a mortgagor or borrower whose total family income did not exceed $30,000 during the year preceding the application for the mortgage or loan and who intends to occupy the property as a principal residence, except that the limitation contained in this paragraph may be increased to not to exceed $37,000 where necessary for mortgagors and borrowers to qualify for increased principal amounts established by the Secretary pursuant to paragraph (2);

(2) have a principal obligation not to exceed $67,500, except that the Secretary may establish increased principal amounts of not to exceed 115 per centum of such amount in any area which has been determined to have high prevailing housing sales prices pursuant to section 203(b)(2) of the National Housing Act, but in calculating the amount of the interest reduction payments pursuant to subsection (f), the Secretary shall disregard any part of the monthly payment on that part of the mortgage or loan which exceeds $67,500;

(3) involve a one- to four-family dwelling the construction, substantial rehabilitation, or manufacture of which commenced on or after the date of enactment of this section heading and was substantially completed by January 1, 1983;

(4) provide for complete amortization over a period of not to exceed thirty years, but provide that (A) the mortgage or loan payment shall be adjusted for the second, third, fourth, fifth, and sixth years of the mortgage or loan by increasing the payment required during each such year by 0.75 per centum of the original principal obligation, and (B) the amount of the increase will be applied to reduce the principal obligation;

(5) provide, after the sixth year, for equal monthly payments in the same amount as the amount required in the sixth year, but only for the period necessary to pay off the remaining principal obligation;

(6) have been accompanied by disclosures of the scheduled adjustments in the monthly payment and of the requirements of subsection (e);

(7) be originated by a mortgagee or lender who is responsible and able to service the mortgage or loan properly;

(8) in the case of a manufactured home loan, comply with the regulations issued under section 501(c) of the Depository Institutions Deregulation and Monetary Control Act of 1980; and

(9) bear interest and contain such other terms and conditions as the Secretary may prescribe.

(h) The Secretary shall allocate the amount available to carry out this program among the States on the basis of a formula so that—

(1) one-third of such amount is allocated on the basis of the ratio of the population of each State to the population of all States;

(2) one-third of such amount is allocated on the basis of the percentage decline in one- to four-family housing start, measured from 1978 to 1981, of each State relative to the percentage decline for all States; and

(3) one-third of such amount is allocated on the basis of the ratio of each State's number of unemployed persons for the most recent three-month period for which data are available prior to the allocation to the number of unemployed persons for all States for such three-month period.

(i) Any mortgage insured or assisted under this heading shall be eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(j)(1) The Secretary shall assure that the amounts allocated pursuant to subsection (h) are made available in a manner which maximizes participation by eligible lenders and borrowers.

(2) The Secretary shall maximize timely utilization of authority under this heading by limiting the time within which a firm commitment may be issued to ninety days after the commitment (other than a firm commitment) is made.

(3) Notwithstanding any other provision of law, the Secretary shall issue final regulations, make allocations, and begin to issue commitments pursuant to this heading not later than thirty days after the enactment of this Act.

(k) The funds provided under this heading shall remain available for commitment until November 1, 1982.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

EMERGENCY MORTGAGE INTEREST REDUCTION PAYMENTS

For emergency mortgage interest reduction payments, $3,000,000,000, of which $2,500,000,000 shall be available for use in connection with mortgages or loans involving dwellings referred to in section (g)(3)(A), not more than $400,000,000 shall be available for use in connection with mortgages or loans involving dwellings referred to in section (g)(3)(B), and $100,000,000 shall be available for assistance payments with respect to that portion of the principal obligation of mortgages or loans assisted under this heading which exceeds $77,625, to remain available until expended. Such amount shall be made available under the terms and conditions of the following paragraphs:

(a) For the purpose of assisting middle and lower income families in acquiring a home, a manufactured home, or membership in a cooperative association operating a housing project or in substantially rehabilitating a home or a unit in a cooperative housing project, the Secretary of Housing and Urban Development, hereafter referred to as the Secretary, is authorized through the Government National Mortgage Association, to make and to contract to make periodic interest reduction payments on behalf of such families. Such assistance shall be accomplished through payments to mortgagees and lenders or their transferees holding mortgages and loans meeting the requirements of this heading.

(b) The Secretary may not enter into any contract to make emergency home mortgage interest reduction payments under this heading during any month unless the Federal Home Loan Bank Board's home mortgage interest rate index for conventional

home mortgage loans closed, based on the moving average for the most recent two-month period, exceeds 12.5 per centum per annum.

(c) To be eligible for emergency interest reduction payments under this heading, the first mortgage or loan secured by the property, manufactured home, or shares in a cooperative must meet the requirements of or be insured under section (g).

(d) Assistance payments under this heading may be made over a period of not to exceed five years with respect to any mortgage.

(e) The amount of all emergency interest reduction payments made under this heading shall constitute a second lien on the property or shares with respect to which the payments are made and shall be repayable—

(1) when the property is sold;

(2) when the property ceases to be the principal residence of the mortgagor or borrower;

(3) upon any other disposition of the property specified in regulations of the Secretary; or

(4) upon the refinancing of the first mortgage or loan on the property or shares, except that the amount repaid may not exceed 60 per centum of the homeowner's net equity, as determined by the Secretary.

(f) The amount of the emergency mortgage interest reduction payments with respect to any mortgage or loan shall be an amount not exceeding the lesser of—

(1) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at the rate of 11 per centum per annum; and

(2) the difference between the amount of the monthly payment for principal and interest which the mortgagor or borrower is obligated to pay under the mortgage or loan, and the monthly payment for principal and interest which the mortgagor or borrower would be obligated to pay if the mortgage or loan were to bear interest at a rate four percentage points less than the rate specified in the mortgage or loan.

(g) Notwithstanding any other provision of law, the Secretary may assist or may insure a mortgage or loan which shall—

(1) be executed by a mortgagor or borrower whose total family income did not exceed $30,000 during the year preceding the application for the mortgage or loan and who intends to occupy the property as a principal residence, except that the Secretary may increase the limitation contained in this paragraph by such amount as the Secretary determines to be necessary to enable mortgagors and borrowers to qualify for increased principal amounts established by the Secretary pursuant to paragraph (2);

(2) have a principal obligation not to exceed $67,500, except that the Secretary may establish increased principal amounts not to exceed the maximum principal obligation insurable in the area pursuant to section 203(b)(2) of the National Housing Act;

(3) involve a one- to four-family dwelling the construction, substantial rehabilitation, or manufacture of which (A) commenced on or after the date of enactment of this section heading and was substantially completed by November 30, 1983, or (B) commenced no earlier than one year prior to the date of enactment of this heading and was substantially completed by November 30, 1983, and which has never been sold other than to the mortgagor;

(4) provide for complete amortization over a period of not to exceed thirty years, but provide that (A) the mortgage or loan payment shall be adjusted for the second, third, fourth, fifth, and sixth years of the mortgage or loan by increasing the payment required during each such year by 0.75 per centum of the original principal obligation, and (B) the amount of the increase will be applied to reduce the principal obligation;

(5) provide, after the sixth year, for equal monthly payments in the same amount as the amount required in the sixth year, but only for the period necessary to pay off the remaining principal obligation;

(6) have been accompanied by disclosures of the scheduled adjustments in the monthly payment and of the requirements of section (e);

(7) be originated by a mortgagee or lender who is responsible and able to service the mortgage or loan properly;

(8) in the case of a manufactured home loan, comply with the regulations issued under section 501(c) of the Depository Institutions Deregulation and Monetary Control Act of 1980; and

(9) bear interest and contain such other terms and conditions as the Secretary may prescribe.

(h) The Secretary shall allocate the amount available to carry out this program among the States on the basis of a formula so that—

(1) one-third of such amount is allocated on the basis of the ratio of the population of each State to the population of all States;

(2) one-third of such amount is allocated on the basis of the percentage decline in one- to four-family housing starts, measured from 1978 to 1981, of each State relative to the percentage decline for all States; and

(3) one-third of such amount is allocated on the basis of the ratio of each State's number of unemployed persons for the most recent three-month period for which data are available prior to the allocation to the number of unemployed persons for all States for such three-month period.

(i) Any mortgage insured or assisted under this heading shall be eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(j)(1) The Secretary shall assure that the amounts allocated pursuant to subsection (h) are made available in a manner which maximizes participation by eligible lenders and borrowers.

(2) The Secretary shall maximize timely utilization of authority under this heading by limiting the time within which a firm commitment may be issued to ninety days after the commitment (other than a firm commitment) is made.

(3) Notwithstanding any other provision of law, the Secretary shall issue final regulations, make allocations, and begin to issue commitments pursuant to this heading not later than thirty days after the enactment of this Act.

(k) The funds provided under this heading shall remain available for commitment until January 1, 1983.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as real and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

The was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 18A: Page 17, line 10, after "201(m)," insert "205(k),".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 18A and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "205(k), except that for the project authorized by said section the Administrator shall allocate to the State of New York an amount equal to one-third of the total cost from the amount made available under this paragraph to the State of New York, one-third from the amount made available to the State of New Jersey, and one-third from the amounts made available to the remaining States,".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 19: Page 17, line 12, after "systems" insert "suffering structural failure outside the warranty period,".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therin with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "but not to exceed three systems suffering operational problems outside the warranty period where the existing Environmental Protection Agency planned systems have proven to be inoperable by the local municipalities,".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 20: Page 17, line 17, strike out all after "Kansas" down to and including "Act" in line 23.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following: ": *Provided further,* That nothing herein shall prohibit any project specified in section 201(m) from receiving a grant under section 201(g), in compliance with all relevant procedures under title II of the Federal Water Pollution Control Act, as amended, and paid from funds allotted to the State by section 205 and appropriated by this Act: *Provided further,* That the Administrator, upon application by the Governor of the State of Ohio, with the approval of the Committees on Appropriations, shall before October 1, 1982, commit existing unobligated funds from the State's Wastewater Construction Grant allotments to fund the Solid Waste Energy facility in Akron, Ohio".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

● Mr. SEIBERLING. Mr. Speaker, the House-Senate conferees on the urgent supplemental have accepted this amendment, No. 20, to resolve the continuing problems the city of Akron recycle energy system (RES) is experiencing. The RES was built with total State and local financing. However, during startup in 1979 and 1980, the plant encountered serious operating and maintenance difficulties. Because of the high operating and retrofit costs, the plant faces potential default this year.

The RES plant, when operating, takes municipal waste or refuse and turns it into steam energy. This fuel source would, otherwise, be going into landfills in the Akron area. Not only is this a waste of a proven resource, but it adds significantly to ground and surface water pollution problems.

In order to insure that the RES default is adverted and the plant can continue to produce energy from waste and mitigate water pollution problems, the State EPA has agreed to work with the city of Akron by providing funds, recaptured due to unexpectedly low bids on an Akron water treatment project, and assist the city in making its next bond payments.

Today's amendment authorizes a one-time only infusion of Federal assistance. It adds no funds to this bill, but would allow the Ohio EPA to pass a portion of its allocation in fiscal year 1982 on to the city.

I would point out that the RES plant, hailed by the Federal EPA as a prototype plant which the entire Nation can learn from, was in line for Federal funds from other sources which were never made available even though Congress had appropriated funds. As a matter of fact, the Department of Energy earlier this week withdrew regulations proposed 2 years ago to implement municipal waste-energy price supports. I certainly hope that the problems Akron has encountered and resolved will help to improve technologies used in similar plants now on the drawing board. But we cannot let the Akron RES plant, built with over $50 million of local and State investment, go under. In the absence of currently active Federal programs for this specific purpose and without investors interested in "commercializing" this pioneer project, this seems to be the only route to take to save the plant.●

The motion was agreed to.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that Senate amendments numbered, 21, 23, 24, 29, 30, 32, 33, 39, 46, 47, 48, 52, 54, 55, 56, 57, 59, 60, 61, 63, and 65 be considered en bloc, considered as read, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The amendments read as follows:

Senate amendment No. 21: Page 17, after line 23, insert:

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, $5,000,000 shall be made available to the Department of Health and Human Services, upon enactment, and up to an additional $2,000,000 may be made available by the Administrator to the Department for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Management of all funds made available to the Department shall be consistent with the responsibilities of the trustee of the fund, as outlined in section 223(b) of the Act.

Senate amendment No. 23: Page 18, line 12, after "positions," insert "the limitation on the National Aeronautics and Space Administration's Office of External Relations is increased from 120 full-time permanent positions to 125 full-time permanent positions, excluding those positions allocated for Technology Utilization activities,".

Senate amendment No. 24: Page 18, after line 21, insert:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the deferral of $216,520,000 as reported by the Comptroller General in his message of March 25, 1982.

Senate amendment No. 29: Page 19, after line 6, insert:

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", $28,400,000 to remain available until expended: Provided, That $8,242,000 shall be used to liquidate obligations incurred during September 1981, to provide for subsidy payments under 49 U.S.C. 1376 and 1389: Provided further, Notwithstanding any other provision of law any funds appropriated for "Payments to air carriers" in this or any other Act which are not obligated September 30, 1982, shall be available for obligations only for section 419 (49 U.S.C. 1389) subsidies, except for adjustments to section 406 (49 U.S.C. 1376) payments for service provided prior to September 30, 1982.

Senate amendment No. 30: Page 19, after line 10, insert:

Section 120 of the Rock Island Railroad Transition and Employee Assistance Act is amended—

(1) in subsection (a)—

(A) by striking out "the Rock Island Railroad" the first place it appears and inserting in lieu thereof "any railroad subject to section 77 of the Bankruptcy Act, or subchapter IV of chapter 11 of title 11, United States Code, which has ceased to provide passenger commuter service over any line of the railroad";

(B) by striking out "2-year" and inserting in lieu thereof "3-year"; and

(C) by striking out "Rock Island Railroad" each place it appears (other than the first time it appears) and inserting in lieu thereof "railroad"; and

(2) in subsection (b), by striking out "the Rock Island Railroad" and inserting in lieu thereof "any railroad".

Senate amendment No. 32: Page 20, strike out lines 3 and 4 and insert:

For an additional amount for "Salaries and expenses", $14,865,000, of which $8,000,000 shall be used for salaries, expenses, equipment, and other related expenses for Operation Exodus.

Senate amendment No. 33: Page 20, after line 4, insert:

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,700,000, of which $1,100,000 for repairs, alterations, expansion, minor construction, and other related facility renovations at the Beltsville, Maryland, Secret Service Training Center shall remain available until expended, and $1,600,000 for the costs of construction and installation of a White House Complex Security System shall remain available until expended: *Provided,* That the United States Secret Service Training Facility in Beltsville, Maryland, shall hereafter be known and designated as the "James J. Rowley Secret Service Training Center". Any reference to such training facility in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the James J. Rowley Secret Service Training Center.

Senate amendment No. 39: Page 20, after line 5, insert:

FEDERAL BUILDING FUND

Notwithstanding the provision immediately following the repairs and improvements line item projects under the heading "General Services Administration, Federal building fund, Limitations on availability of revenue" in H.R. 4121 as passed by the House and in H.R. 4121 as reported by the Senate on September 22, 1981, funds presently available for repairs and alterations nonprospectus projects shall be used to initiate the design and related work required to begin

the repairs and alterations of the U.S. Court of Appeals building, Atlanta, Georgia.

Senate amendment No. 46: Page 21, after line 11, insert:

CHAPTER VII

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $40,000,000 to remain available until expended: *Provided,* That $18,000,000 of the funds provided shall be for flood control measures and features on the Cowlitz and Toutle Rivers in the State of Washington.

Senate amendment No. 47: Page 22, line 2, strike out "the United Nations" and insert "International Organizations and Programs".

Senate amendment No. 48: Page 22, line 6, after "Organization" insert ", the South West Africa Peoples Organization,".

Senate amendment No. 52: Page 22, after line 18, insert:

SEC. 206. Notwithstanding any other provision of law, the amounts appropriated for fiscal year 1982 under Public Law 97-51 (as amended by Public Law 97-85) and Public Law 97-92 (as amended by Public Law 97-161) for purposes of section 340 of the Public Health Service Act shall be available for funding grants and contracts under such section in areas that are not urbanized areas and in urbanized areas.

Senate amendment No. 54: Page 22, after line 18, insert:

SEC. 208. Notwithstanding any other provision of this Act, any other Act, or section 413D of the Higher Education Act of 1965, the Secretary shall apportion the sums appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 for the fiscal year 1982 among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in the fiscal year 1981 bears to the total amount appropriated pursuant to section 413A(b) for that fiscal year: *Provided,* That the Secretary shall allocate sums to institutions in each State notwithstanding section 413D(b)(1)(B)(ii)(I) of the Higher Education Act of 1985.

SEC. 209. Notwithstanding any other provision of this Act, and other Act, or section 442 of the Higher Education Act of 1965, the Secretary shall allot the sums appropriated pursuant to section 441 of the Higher Education Act of 1965 for the fiscal year 1982 among Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the States (including the District of Columbia and the Commonwealth of Puerto Rico) so that the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) bears the same ratio to the amount appropriated as the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) for the fiscal year 1981 bears to the total amount appropriated pursuant to section 441 for that fiscal year: *Provided,* That the Secretary shall allocate sums to institutions in each jurisdiction notwithstanding the second sentence of section 446(a) of the Higher Education Act of 1965.

Senate amendment No. 55: Page 22, after line 18, insert:

SEC. 210. The Secretary of Education and the Director of the National Institute of Education shall not terminate any long-term special institutional agreement (or any other grant agreement or contract which incorporates by reference such long-term special institutional agreement) which—

(1) was entered into under section 405(f) of the General Education Provisions Act, relating to laboratories and centers, and

(2) is in effect on the date of enactment of this Act,

prior to the original completion date established by such long-term special institutional agreement (or any other grant agreement or contract which incorporates by reference such long-term special institutional agreement).

Senate amendment No. 56: Page 22, after line 18, insert:

SEC. 211. (a) The Secretary of Agriculture shall initiate construction on not less than fifteen new projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) during fiscal year 1982.

(b) Any project proposed for construction pursuant to the Act referred to in subsection (a) and submitted to the Director of the Office of Management and Budget for review shall be deemed to be approved by the Director unless disapproved by him within ninety days after submission.

Senate amendment No. 57: Page 22, after line 18, insert:

SEC. 212. (a) Subsection (a) of section 112 of the Act of December 15, 1981 (95 Stat. 1194), is amended by inserting after "in connection with a qualified issue" the following: ", except to the extent such funds are used in connection with the consideration or granting of an exemption from the application of such revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation".

(b) Subsection (d) of section 112 of the Act of December 15, 1981 (95 Stat. 1196), is amended to read as follows:

"(d) It is the sense of the Congress that after August 23, 1981, the Secretary of the Treasury or his delegate, in all cases, should enforce any revenue ruling or regulation described in paragraph (1) or (2) of subsection (a) in a manner consistent with the provisions of this section. Nothing in the preceding sentence shall prevent the Secretary of the Treasury or his delegate from granting or considering an exemption from the application of such a revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation.".

Senate amendment No. 59: Page 22, after line 18, insert:

SEC. 214. Notwithstanding any provision of this or any other Act, none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration, shall be used to classify a mine in the potash industry as gassy based upon air samples containing concentrations of methane gas, unless such classification standard has been adopted through formal rulemaking on or after November 5, 1981.

Senate amendment No. 60: Page 22, after line 18, insert:

SEC. 215. None of the funds provided in this or any other Act shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

Senate amendment No. 61: Page 22, after line 18, insert:

SEC. 216. The Department of Agriculture, U.S. Forest Service, within available funds, shall expend not less than $1,000,000 for research on the cyclocrane concept of a lighter-than-air heavy lift vehicle for use in logging operations.

Senate amendment No. 63: Page 22, after line 18, insert:

SEC. 218. For an additional amount for National Guard Personnel, Army, such amount as is necessary to make 850 man-days available to the Kentucky Army National Guard to implement and operate the Medical Assistance to Safety and Traffic program in Kentucky through August 1, 1982, to be derived by transfer from Operations and Maintenance, Army National Guard.

Senate amendment No. 65: Page 22, after line 18, insert:

SEC. 220. Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981, and section 102(c) of the Federal-Aid Highway Act of 1976, the Secretary may approve the use of interstate construction funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or for those purposes for which funds apportioned under 23 U.S.C. 104(b) (1), (2), and (6) may be expended, in a State which received no more than one-half of 1 per centum of the total apportionment under 23 U.S.C. 104(b)(5)(A) for the fiscal year ending September 30, 1983, where necessary in order to fully utilize funds apportioned under 23 U.S.C. 104(b)(5)(A) through the fiscal year ending September 30, 1982, but within the obligational limitation established by section 3 of the Federal-Aid Highway Act of 1981.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendments of the Senate numbered 21, 23, 24, 29, 30, 32, 33, 39, 46, 47, 48, 52, 54, 55, 56, 57, 59, 60, 61, 63, and 65, and concur therein.

The motion was agreed to.

● Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the increase in Coast Guard funding in the transportation section of this bill. However, I have a concern regarding amendment No. 24 which is a disapproval of the deferral of certain acquisition, construction, and improvement funds for the Coast Guard.

In the 1981 Department of Defense Appropriation Act, an additional $300 million for Coast Guard acquisition, construction, and improvement was appropriated. This was intended to be in addition to the funds already appropriated in the appropriation for the Department of Transportation. Earlier this year the administration submitted a budget of only $19 million for the capital improvements account for the Coast Guard's fiscal year 1983 budget. The General Accounting Office determined that as a result of this the Department of Transportation had in fact deferred $216 million of the $300 million appropriated through the Defense Appropriation Act. That is, they delayed committing the funds until years when the normal fiscal year

1983 capital improvement authorized amounts would have been committed, thereby circumventing the intent of providing an additional $300 million for capital improvements to the Coast Guard.

As a result of this deferral, the Department of Transportation had a duty under the Impoundment Control Act to report the deferral to Congress which was not done. Therefore, the General Accounting Office assumed the responsibility to do this and made a report to Congress on March 25, 1982, explaining the circumstances.

Section 406 of the Department of Transportation Appropriation Act (95 Stat. 1466) alters the application of the Impoundment Control Act with regard to deferrals for expenses related to capital improvements. Simply, section 406 treats a deferral as a rescission. This means that the Congress must approve the deferral within 45 days of its submission to Congress or, failing that, the funds must be expended for the intended purpose. The 45-day period expired on May 27, 1982, according to the General Accounting Office, and the Department of Transportation had the obligation to spend the funds. Thus, Congress was under no obligation to take an action to insure that the administration spent the balance of the $300 million as was originally intended.

My understanding of amendment No. 24 is to emphasize the intent of Congress in passing the $300 million capital improvement provision in the 1981 DOD Appropriation Act. It is not intended to be a precedent whereby Congress would have to act in order for a deferral to be disapproved when Congress has no obligation to act under law. Thus, this provision in no way alters the treatment or legal status of a deferral under the Impoundment Control Act as it is modified by section 406 of the DOT Appropriation Act.

As the ranking minority member of the Coast Guard and Navigation Subcommittee, I can certainly understand the frustration of Congress and the need to emphasize the importance of this funding. In our subcommittee, we found that the Coast Guard cutters need repair and replacement, and additional stations for essential services such as search and rescue and law enforcement are badly needed. This additional commitment of resources is long overdue. This provision should be interpreted as a directive to commit these funds as soon as possible so that the needed improvements in the Coast Guard can be made and not as an additional procedural step which Congress must take under the Impoundment Control Act as modified. As the Representative from the State of Alaska, I can assure you that in my State we need both effective fisheries law enforcement and search and rescue coverage to protect both the livelihood and lives of those who go to sea. Therefore, I view these funds as essential for the Coast Guard to carry out its most basic missions, insuring the safety of life and property at sea and the security of our Nation.●

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 22: Page 17, after line 23, insert:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: $31,200,000 for expendable launch vehicles; $323,500,000 for physics and astronomy (including $40,000,000 for Shuttle-Spacelab payloads); $205,000,000 for planetary exploration (including $1,700,000 for the midlevel facility in Hawaii); $39,500,000 for life sciences; $328,200,000 for space applications (including $2,300,000 for the search and rescue program, $5,000,000 for technology transfer, $6,000,000 for upper atmospheric research satellite experiments, $16,200,000 for Shuttle-Spacelab payloads, and $12,400,000 for a 30/20 gigahertz test satellite, the latter amount to be combined with $3,000,000 appropriated in Public Law 96-526 for solar electric propulsion); $8,000,000 for technology utilization; $264,800,000 for aeronautical research and technology; $111,000,000 for space research and technology; and $402,100,000 for tracking and data acquisition: *Provided*, That of the funds available for the Space Shuttle, including space flight operations, not less than $80,000,000 shall be made available for design, development and procurement of liquid hydrogen-liquid oxygen upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: *Provided further*, That National Aeronautics and Space Administration and Department of Defense shall undertake a joint study leading to the development of performance and design specification for an additional High Energy Upper Stage for use in the late-1980s. This High Energy Upper Stage shall be competively procured: *Provided further*, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: *Provided further*, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the costs of such mission (exclusive of the costs attributable soley to equipment for the Solar Maximum spacecraft and to equipment capability of reuse): *Provided further*, That upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed $50,000,000 from the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of facilities" or "National Aeronautics and Space Administration, Research and program management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: *Provided further*, That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and Development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: $31,200,000 for expendable launch vehicles; $323,500,000 for physics and astronomy (including $40,000,000 for Shuttle-Spacelab payloads); $205,000,000 for planetary exploration (including $1,700,000 for the mid-level facility in Hawaii); $39,500,000 for life sciences; $328,200,000 for space applications (including $2,300,000 for the search and rescue program, $5,000,000 for technology transfer, $6,000,000 for upper atmospheric research satellite experiments, $16,200,000 for Shuttle-Spacelab payloads, and $15,400,000 for a 30/20 gigahertz test satellite); $8,000,000 for technology utilization; $264,800,000 for aeronautical research and technology; $111,000,000 for space research and technology; and $402,100,000 for tracking and data acquisition: *Provided*, That of the funds available for the Space Shuttle, including space flight operations, not less than $80,000,000 shall be made available for design, development and procurement of liquid hydrogen-liquid oxygen (Centaur) upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: *Provided further*, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: *Provided further*, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the cost of such mission (exclusive of the costs attributable solely to equipment for the Solar Maximum spacecraft and to equipment capable of reuse): *Provided further*, That upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed $50,000,000 for the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of

facilities" or "National Aeronautics and Space Administration, Research and program management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: *Provided further,* That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 19, after line 5, insert:

FEDERAL-AID HIGHWAY PROGRAM

Section 3(a) of the Federal-Aid Highway Act of 1981 is amended by striking the period at the end of the first sentence and by inserting the following: "plus, (a) an additional amount not to exceed $53,000,000 in obligation authority which the Secretary shall allocate to the States in order to increase such total obligation limitation, so that the reduction of any State's final obligation limitation is held to 15 per centum of the tentative limitation issued by the Secretary on October 1, 1981; and (b) an additional amount not to exceed $19,000,000 in obligation authority to carry out section 310(d)(3) of Public Law 97-102.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum of $19,000,000 named in said amendment, insert "$38,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 27: Page 19, after line 5, insert:

NATIONAL SCENIC AND RECREATIONAL HIGHWAY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

Any amounts previously authorized to be derived from the Highway Trust Fund for the payment of obligations in carrying out the provisions of 23 U.S.C. 148 are to be transferred to and administered under the appropriation "Federal-aid highways".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

NATIONAL SCENIC AND RECREATIONAL HIGHWAY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

Any amounts previously authorized to be derived from the Highway Trust Fund for payment of obligations in carrying out the provisions of 23 U.S.C. 148 are to be transferred to and administered under the appropriation "Federal-aid highways".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Section 303(d) of the Rail Passenger Service Act, 45 U.S.C. 543(d), is amended by changing the period at the end thereof to a semicolon and adding the following: "except that the holding of securities issued by a railroad shall not be deemed to be violative of this prohibition: *Provided,* That the officer who holds such securities recuses himself from any decisions which bear directly on such railroad, and makes full public disclosure on such holdings.".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 31: Page 19, strike out lines 19 to 25, inclusive, and insert:

For an additional amount for "Salaries and expenses", $23,825,000: *Provided,* That no funds made available by this Act or Public Law 97-161 may be used to accomplish or implement any proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau's functions, missions, or activities to other agencies within the Department of the Treasury in the fiscal year ending on September 30, 1982: *Provided further,* That no reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau's functions, missions, or activities to other agencies within the Department of the Treasury subsequent to September 30, 1982, shall be accomplished or implemented without the specific, express approval of both the House and Senate Committees on Appropriations.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, the Reagan administration announced last October its intention to phase out BATF and transfer its functions to the U.S. Customs Service and to the Secret Service. In question now is the proposed transfer of firearms and explosives jurisdiction to the Secret Service.

The December 1981 continuing resolution contained a prohibition upon implementation of this transfer plan until March 30, 1981. I can fully understand the action of the Appropriations Committees in including such a provision in the continuing resolution at that time. The reorganization had just been presented to the Congress, and we needed time to study its feasibility. Once the reorganization had been carried out, it would be difficult and impractical to undo it right away, even if we decided it was a bad idea.

Our Crime Subcommittee of the Judiciary Committee has oversight and authorization responsibility for BATF's firearms and explosives functions. Initially, we too, were very skeptical about the proposed transfer of these functions to the Secret Service. However, in hearings and in numerous discussions with Treasury and Secret Service officials, we became convinced that the administration's plan should be given a chance to work. This is really not the time and place to get into a lengthy debate about individual details and merits or demerits of the transfer plan. I would simply observe that, right or wrong, the BATF, particularly regarding firearms enforcement, has been in a storm of controversy for the last several years, controversy which is so great that it is unlikely BATF can now, if ever, be expected to function effectively in enforcing these laws. We agree with the Reagan Administration's conclusion that it is time to terminate BATF and assign its functions elsewhere.

Our subcommittee has talked to scores if not hundreds of BATF agents on the street, from all parts of the country. We have talked to management officials all the way up to the Secretary of the Treasury. To a person they are saying:

Please resolve this once and for all. For over a year now, we have not known from 1 day to the next where we are going to be working, or if we are going to be working. We are ready and able to carry out these important functions, aimed directly at violent crime such as terrorism and organized arson for profit rings, but we cannot do it in the atmosphere of chaos and uncertainty in which we now exist. Give us a new home, and let us get on with our work.

There are 1,600 BATF employees under furlough notice, to be effective next week. The money provided in this bill might provide some stopgap relief against executing all those layoffs, but we need to resolve the matter once and for all. We have made a political football of this, and law enforcement and the families of law enforcement personnel are suffering as a result. I must tell you that I am ashamed to

have to keep telling these law enforcement agents, who call almost every day, that we still have not made up our minds. Days have turned to weeks, weeks to months; we have now been looking at this for over a year, and I find it awfully hard to answer that we need to study it still further.

I might add that transfer of these functions out of BATF should also be seen as a positive step by those persons and organizations who believe that BATF has engaged in improper harassing tactics in carrying out firearms law enforcement.

Additionally, the Treasury Department and Secret Service are convinced that the addition of the BATF agents to Secret Service will improve that agency's ability to carry out its primary assigned function, that of providing protection to the President and other officials. They feel that this would result from BATF's excellent working relationship with local police in all parts of the country where the President might visit, as well as its knowledge of persons in those communities who might pose a threat to protected officials.

By rejecting the Senate amendment, we would still not be giving carte blanche to a reorganization of BATF and Secret Service. The House could then insist upon the House language which gives the House and Senate Appropriations Committees authority to review and reject any such reorganization plan. This is certainly a more than adequate safeguard. It is far preferable to the Senate language, which would, in permanent legislation, prohibit any such reorganization unless both Appropriations Committees affirmatively approve the plan. This is not two House veto; it is not one House veto; it is not two committee disapproval; it is not even one committee disapproval; what it is, is disapproval by one committee—inaction. I think we would be making a serious mistake, and setting a dangerous precedent, if we recede to an amendment of the other body which gives one of its committees permanent authority to block reorganization of important law enforcement functions simply by doing nothing.

□ 1400

Mr. Speaker, I want to apologize to the chairman of the full Appropriations Committee for taking this time because I know that this is a relatively small issue perhaps in the context of this huge urgent supplemental appropriations bill, but I say to the chairman of our Appropriations Committee and my colleagues that I have never in the some 20 years that I have been associated with law enforcement seen an agency in such disarray. They have some of the most important functions assigned to them, arson, explosives, and firearms, and we have got to give them a home and put the issue to rest once and for all.

I am not going to ask for a record vote on this because I do not want to take the committee's time, and I know it is just an exercise in futility because it would be defeated. But I alert my colleagues to what has become a very serious situation in this country at a time when bankruptcy filings are up and arson is on the increase, and arson tracks bankruptcy filings and economic downturns, and yet we are dismantling and undercutting an important crime fighting function.

Mr. Speaker, I thank my colleague, the gentleman from Mississippi, for yielding.

Mr. WHITTEN. Mr. Speaker, may I say that personally I agree with the argument that the gentleman from New Jersey (Mr. HUGHES) has made. On our committee this was handled by the gentleman from California (Mr. ROYBAL) and his subcommittee.

I agree with the sentiments that have been expressed. The procedures as to how to handle the matter are not within my purview or within my knowledge, so I will ask the gentleman from California (Mr. ROYBAL) to explain that.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, the subcommittee has held hearings on this very important subject matter over a period of several weeks. May I say that during that time the administration made several presentations, and not once were we convinced that they had actually planned and provided for a followthrough with regard to the merger that they were recommending.

The committee, however, decided to advance the date to June 30, and that is the way it passed the House. It was the other body that decided that September 30 should be the date, which means that the reorganization shall not take place before September 30 of this year. It can take place after September 30 if both committees, the Committee of the House and the Committee of the Senate, agree to that merger. The provision then is only over a period of approximately 3 months.

After the September 30 date the administration can come back again to the committees of both the House and the Senate and again make the presentation. But may I say to the gentleman that if the same presentation is made in the future as that presentation that has been made in the past, I am sure that the administration will not be able to convince the members of the committee that it is in the best interest of either the Secret Service or BATF to merge as recommended by them.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, what I really fail to understand is why the veto that was included in the House language was not adequate. What we said in essence is that no matter what plan is presented to put this issue to bed, we cannot do anything before September 30, and I find that incredible because right now these agents are leaving BATF in droves.

If I were a law enforcement agent with BATF, I would not stay there if I had another opportunity to move into some other agency. They are losing their expertise. It has taken us decades to build this expertise in BATF, and we are losing it because they do not have a home and they do not know whether they will have a job tomorrow. They have families to provide for. To say in essence that we are not going to do anything until September 30 no matter what is presented, which is what we said, does not make sense to me.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, may I answer the gentleman by merely stating or restating some of the arguments presented to the committee.

The gentleman is correct. It is true that some of these very valued employees are leaving the agency, but they are leaving the agency not because of dissatisfaction with the agency itself, they are leaving the agency because of the administration's insistence that the merger take place and because it is quite possible that several of these individuals would be RIF'ed in the process of that merger. Therefore, they did go out and seek other jobs with other organizations, and they even sought jobs with the organization with which they were intended to be merged.

I do not believe that a great number of the employees are being lost to the Federal Government. I think they are going to other agencies, but they still maintain their expertise. They are still involved in the same kind of law enforcement within the structure of the Federal Government.

The end result of this whole thing has been dissatisfaction, of course, within the agency, the fact that these individuals are not content with what they are doing, but all based on the fact that the disarray that has taken place has been caused not by the agency itself but by the proposed merger, which, in my opinion, was not carefully planned, based on studies, but something that started to take place almost immediately without

giving any consideration to personnel in general.

Mr. HUGHES. Mr. Chairman, will the gentleman yield further?

Mr. WHITTEN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I agree with the distinguished chairman of the Appropriations Subcommittee that the administration's initial proposal was not very well thought out. As a matter of fact, like him, I read about the proposed merger in the newspaper, and then it changed by degrees over a period of weeks.

But after taking a great deal of testimony and talking to literally dozens and dozens of agents who, incidentally, are leaving, I have become concerned. We are losing a lot of that expertise. We are losing an awful lot of it because there is so much uncertainty, because they have been harassed, and because there are agencies that do not want to see us carry out these firearms functions in particular, and they are willing to see the arson and explosive function die on the vine, along with the firearms.

The longer we put off laying this issue to rest, the more we are going to undermine these missions at a time when we need law enforcement in these areas. That is my concern.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the distinguished subcommittee chairman, the gentleman from New Jersey (Mr. HUGHES) for raising this issue on the floor and for focusing attention on the need to support the proper law enforcement activities of the present Alcohol, Tobacco and Firearms unit and to make certain we place it in the proper perspective and to meet the responsibility of making certain that these law enforcement personnel are going to be able to fulfill their responsibilities in the future.

I urge our distinguished chairman of the Appropriations Committee and whatever other committees have been reviewing this aspect of the proposed merger to move expeditiously so that we do not lose the expertise we have in the men who presently are serving in that Bureau.

Mr. Speaker, I again commend the gentleman from New Jersey (Mr. HUGHES) for raising this issue on the floor at this time.

Mr. WHITTEN. Mr. Speaker, I would ask my colleague on the committee, the gentleman from California (Mr. ROYBAL), if he would provide more information for us and if he would do what he could to relieve the situation pointed out by our friend, the gentleman from New Jersey (Mr. HUGHES). I would ask him to go as far as he can so that there might be some settlement of the issue regarding the people who are involved in the present situation. I would ask him to do whatever he might do to relieve that partially, at least relieve the worries which I understand they have.

Mr. ROYBAL. Yes. Mr. Speaker, I will say to the gentleman that I will do whatever I can, as he suggests.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, the chairman of the Appropriations Committee made a suggestion, and I think it is probably a good, constructive suggestion. That is that our authorizing committee move ahead with legislation that would implement that type of a transfer and deal with the issues that give the chairman some concern in this regard.

Mr. WHITTEN. Mr. Speaker, I will ask the gentleman to do that, and may I say that would be a good idea.

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman of the committee.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may have the attention of the gentleman from New Jersey (Mr. HUGHES), I want to take this opportunity to commend the gentleman for his fine statement.

I have been involved in this issue since its inception. BATF and the head of the Secret Service came forth in good faith. I met with them on many occasions.

They appeared before the Roybal subcommittee on many occasions. They are willing to compromise.

But I think there is more to this than meets the eye. There is a problem of personalities involved. I am sorry to say that, but I think we have to smoke it out. This is not being judged on its merits. I am not going to implicate anybody at this time, but there are personalities involved who are behind the scenes and who are crippling this thing. Something has got to be done. These people in BATF are in limbo. They are good people, they have done a good job, they have a network out there, and they know where the explosives are and they know where the illegal guns are.

They know that they can work very, very closely under the Secret Service so that when the President travels, he can get ultimate protection. That also applies to the Vice President and others. So this should all be under one roof.

And the Customs Bureau now has the ability to act on foreign liquor, especially on Scotch, coming into this country. They have the laboratories that test this liquor. They put the stamps on the liquor. So they have that expertise and that know-how. Some of the BATF people could go over to customs and some of the BATS people could go over to the Secret Service. I believe we could hammer out a compromise that we can all live with.

But I hope the people who are listening to me will back away and let the Congressmen work this out and let the Senators work this out, and then we will all come out with a workable solution.

Mr. HUGHES. Mr. Speaker, would the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I wish to thank the chairman of the committee and my colleagues for their encouraging words.

I think what the gentleman from Massachusetts (Mr. CONTE) has indicated is quite accurate. In fact, there are a lot of personalities involved, and that is destroying a fine agency, one that has a fine record in law enforcement. I hope that we can get our act together and save what is left.

Mr. WHITTEN. Mr. Speaker, I hope that my colleagues will consider his statement and that we can work together to get this issue resolved.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken, and on a division (demanded by Mr. WHITTEN) there were—yeas 19, nays 17.

So the motion was agreed to.

□ 1415

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 20, after line 4, insert:

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for payment to the Postal Service Fund for revenue forgone on free and reduced rates of mail, pursuant to 39 U.S.C. 2401(c), $62,000,000: *Provided*, That notwithstanding any other provision of law, the Postal Service shall use these funds promptly to revise the adjustment to preferred rates made pursuant to section 108 of Public Law 97-92 so that all mail covered by the 16-year phasing schedule established pursuant to section 3626 of title 39, United States Code, shall benefit from step 13 on such schedule through September 30, 1982. This provision shall take effect on June 20, 1982.

Effective October 1, 1982, section 1723 of the Omnibus Reconciliation Act, Public Law 97-35, is amended by striking out "(a)" before "Notwithstanding" in subsection (a) and by striking out subsection (b).

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the effective date of "on June 20, 1982" named in said amendment, insert the following: "ten days after enactment of this Act".

● Mr. FORD of Michigan. Mr. Speaker, I wish to speak on the two provisions of the conference report affecting the U.S. Postal Service. Both provisions are found in Senate amendment No. 34.

First, as chairman of the Committee on Post Office and Civil Service, I am pleased that the House conferees have agreed to the portion of Senate amendment No. 34 which would appropriate an additional $62 million in postal rate subsidies for charitable, religious, veterans and labor organizations, libraries, educational institutions, and other worthy groups which serve vital public policy purposes. This appropriation will provide some small, temporary relief from the ravages of the Reagan administration's fiscal year 1982 postal appropriation cuts. As the direct result of these cuts, some nonprofit mailers have already suffered rate increases of over 100 percent since the beginning of this fiscal year. I might add that it was my committee's damage-control effort during consideration of last year's Reconciliation Act which kept these rate increases from being even larger, and which now permits this supplemental appropriation to be made.

The second postal provision of the conference report is also part of amendment No. 34—and, as chairman of the Committee on Post Office and Civil Service, I cannot be entirely happy about it. This provision would amend existing substantive law in an area falling within my committee's legislative jurisdiction. Effective on the first day of fiscal year 1983, section 1723(b) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) would be repealed. Section 1723(b) governs the allocation of available revenue foregone appropriations among the various subsidized subclasses of mail.

In essence, the allocation formula—which was agreed to last year by the House and Senate conferees on the Reconciliation Act—is designed to help further the national policy goals served by subsidizing the postal rates used for dissemination of educational and informational materials—for example, the library rate and the classroom rate. Some people evidently saw adoption of this allocation formula as a deliberate attempt to harm the users of third-class bulk nonprofit mail, the subclass of mail used mainly for fundraising by nonprofit organizations. Nothing could be further from the truth. The formula merely represented the Congress best effort to allocate scarce resources for the maximum public good.

The provision of the conference report repealing section 1723(b) clearly is nongermane and subject to a point of order. I communicated my displeasure to the House conferees prior to the convening of the conference, but other voices prevailed. In normal times, I would insist on my point of order here on the House floor. But these are not normal times.

I have been distressed that the controversy which has been generated concerning the formula issue has diverted so much attention from the real issue—whether enough fiscal year 1983 money will be appropriated to fund any rate subsidies at all. We saw a clear manifestation of this problem just last Thursday. While many nonprofit mailers were wringing their hands over the formula issue, the House adopted a budget resolution which calls for no postal appropriations in fiscal year 1983. Obviously, we are wasting our time debating allocation formulas if there is not going to be any appropriation to allocate.

I have concluded that it would be in the interest of all subsidized mailers to settle the formula argument and get on with the business of dealing with the real threat that is now staring them in their collective face—the evident determination of the Reagan administration to eradicate all postal appropriations.

I, therefore, will not insist upon my point of order and I will not object further to the second provision of amendment No. 34.

I do wish to announce, however, that the Committee on Post Office and Civil Service will convene hearings in the very near future to examine all aspects of the revenue foregone issue—the impact of dwindling appropriations on the operations of affected organizations, the accuracy of the Postal Service's volume and revenue projections for the various subsidized subclasses, eligibility criteria for receiving revenue foregone benefits, and the question of whether the smaller and smaller amounts of revenue forgone appropriations should be more specifically targeted than they have been in the past.●

● Mr. DAUB. Mr. Speaker, I would like to commend House and Senate conferees on their efforts to restore funding to the Postal Service subsidies for "foregone revenues."

First of all, let me state that I have had a great deal of mail from my district detailing the devastating effects of increased postal rates upon nonprofit organizations.

Nonprofit organizations provide many of the services which we, in our attempts to reduce Government spending, are asking of the private sector; services which provide needed social aid and comment, so vital to our society.

Now is not the time to further burden these worthy organizations; already many such organizations have suffered under postal rate increases, and the viability of nonprofit organizations would truly be jeopardized if we were to cut the "foregone revenues" subsidies provided to the Postal Service.

I feel strongly about this funding, and I wish the record to show that had I had the opportunity to cast a separate vote on this matter, I would have reflected my feelings at that time.

Again, I thank the conferees for so wisely considering the effects of such cuts during their deliberations on the first budget resolution.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 37: Page 20, after line 5, insert:

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for "Operating expenses", $9,900,000, of which $2,000,000 for allocations and grants for historical publications and records shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendments, insert the following:

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for "Operating expenses", $6,500,000, of which $1,500,000 for allocations and grants for historical publications and records shall remain available until expended.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 40: Page 20, after line 5, insert:

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator shall immediately

identify and make available Federal excess or surplus lands in any State or States equal in value to the lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467), to carry out the exchange mandated by Public Law 96-514.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 40.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 22, after line 18 insert:

SEC. 205. Notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national security interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreements with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 205. Effective upon enactment of this Act and for the remainder of fiscal year 1982, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

● Mr. PEASE. Mr. Speaker, let us begin by taking a look at the purpose of amendment No. 51, which is to prohibit payments under loans guaranteed by the U.S. Government to the Polish People's Republic unless Poland has been declared to be in default of its debt or the President certifies to Congress that such payment is in the national security interests of the United States. I vigorously support this provision for three crucial reasons.

First, the Reagan administration has scuttled the CCC regulations pertaining to declarations of default. Prior to the CCC assuming the debt owed to our commercial banks, Poland should be declared in default. The White House claims that this policy was adopted to forestall a declaration of Polish default, thereby preventing the disruption of a wider East-West economic conflict. At a minimum the President then should be required to inform the Speaker of the House and the President of the Senate as to the details and specific reasons why it is in the national security of our country to warrant payments to U.S. banks by the U.S. Government to cover outstanding Polish debts.

Second, default is inevitable. Presently the Polish Government de facto is in default because of its failure to meet its scheduled payments on the principal and interest owed several commercial banks. In order for Poland just to keep current in its payments, the total new credits extended to Poland would have to amount to between $15 and $20 billion in the next 2 or 3 years. How can we encourage additional credit for the Government of Poland, when the Polish people for more than 6 months now have suffered immeasurably under General Jaruszelski's martial law regime?

A declaration of default is also necessary for the U.S. banks to legally receive the interest that is due them. As declared in section 1493 of the CCC, export credit guarantee program (GSM-102), in order to accrue interest on payments due but unpaid, a "notice of default" is to be promptly filed with the CCC. Apparently our commercial banks realize this and they are awaiting the probable default. The CCC offer of January 28, 1982, has been extended several times and only one U.S. bank—the Bank of Boston International in New York—has accepted payment from the CCC and that for only $154,000.

Third, we cannot justify to the American taxpayer spending millions of Federal dollars without a candid Presidential explanation. This is true especially at a time when the fiscal year 1982 deficit is climbing well beyond $100 billion and similar record deficits are certain to follow next year and beyond. Furthermore, our country looks foolish when our leaders pressure our friends in Western Europe and Japan to reduce their trade and to curtail the credit they extend to the Soviet Union and the other Eastern bloc countries when we are continuing to underwrite the bad debts of the Polish Government. No wonder the American people and our allies are confused and skeptical.

With the adoption of this provision the Congress will show the American people that we are ready to inject some commonsense in the conduct of our foreign policy and not to merely follow as sheep the Kremlin's ploy of playing one Western country off against another.

Former Secretary of State Henry Kissinger has put in perspective the Polish debts:

> Lenin's legendary dictum that capitalists would compete to sell the rope with which they would be hanged is coming true and with a vengeance—for Lenin never guessed that Western governments would provide the money to buy the rope and subsidize the price to facilitate the purchase.

It is the Soviet Union that must assume financial responsibility for the continuance of martial law in Poland. Approval of this provision will signal to the State Department and to the American people the strong congressional disapproval of the furtive handling of the Polish bailout imposed on the American taxpayer without justification or explanation.●

● Mr. LONG of Maryland. Mr. Speaker, I oppose this amendment, the sense of which is to continue the encouragement of U.S. financial and economic help to communist regimes. In the House-Senate conference I offered an amendment to declare Poland in default notwithstanding a Presidential certification of "national interest." Administrations tend to justify almost anything on the basis of "national interest".

Poland is delinquent on a total debt to the West of $26 billion with $3.15 billion (14 percent) owed to the United States, of which $1.3 billion is owed to private banks and $1.85 billion is in government credit and loan guarantees. With these funds over the past 3 years Poland bought from the United States $1.3 billion in food to subsidize its inefficient agriculture and $489 million in machinery, transportation equipment and raw materials which could be used to support its military infrastructure.

For example, in fiscal 1981 $17.2 million in high technology items were licensed for export by the U.S. Government to Poland, many of which could

be used to support directly or indirectly the Soviet or Polish military.

Poland:	
Amplifiers	$9,187
Bacteria	190
Cathode ray tubes	700
Chemical materials	744,407
Communications equipment	502,324
Compound and metallic materials	2,000,000
Digital and analog converters	13,878
Diodes	1,589
Electron tubes	12,901
Electronic computing equipment	9,275,662
Electronic test equipment	859,449
Fluorcarbon compounds	4,694
Gear grinding equipment	20,020
Gravity meters	78,607
Integrated circuits	90,970
Lasers and laser parts	132
Lithium	465
Magnetic recorders and parts	3,229,856
Microwave equipment	4,426
Nonmilitary aircraft parts	1,208
Numerical control equipment	147,350
Oscilloscopes	66,236
Photocells	572
Photographic equipment	876
Polyphenylene oxide resin	44,205
Quartz crystals	497
Radio spectrum analyzers	20,010
Synchros and resolvers	3,424
Transistors	2,476
Underwater detection equipment	75,000
Total	17,211,311

The U.S. Government has acted to bail out that debt, easing the pressure on Communist Poland, by using taxpayers money to pay American banks $71 million owed by Poland in January to avoid the banks declaring Communist Poland in default. Today's edition of the Wall Street Journal points out that Poland has again failed to repay the United States an additional $94 million in direct loans, bringing the amount in arrears since May 31 to $166 million. There is no indication that these loans will ever be paid back. In fact, Poland will have to borrow additional funds, probably from Western banks, just to make the interest payments.

This bailout of the banks for bad loans to this Communist government at U.S. taxpayers' expense has eased the pressure on the Communist military regime in Poland, making it less likely to seek some compromise on freedoms attained by the Solidarity movement. We should instead be acting to make it harder for the Communist government of Poland and put pressure on the real force behind martial law—the Soviet Union.

This administration, which speaks so loudly against communism is the same administration which restored sales of grain to the Soviet Union and is unwilling to call upon American businessmen to use any self-restraint when it comes to subsidizing the real threat to the United States—Soviet communism.

As the AFL-CIO executive council pointed out:

The effect of calling in the Polish debt would be to dry up the flow of easy credit to the Soviet bloc, cripple the construction of the Siberian gas pipeline, and stem the diversion of resources into Moscow's military buildup. This is precisely the cost the West should impose on the Soviet Union.

The administration's policy is too much even for some of the bankers who are supposed to be beneficiaries. Felix Rohatyn, a senior partner of Lazard Freres & Co. recently said in the Wall Street Journal.

This is bad foreign policy, bad business and bad morality. Poland should be put into default now as part of a coordinated Western plan.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 62: Page 22, after line 18, insert:

SEC. 217. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 502, it is in order to consider a motion to recede and concur with an amendment printed in the CONGRESSIONAL RECORD of June 15, 1982, by Representative FAZIO.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, I propose to offer a preferential motion for the House to recede and concur with respect to Senate amendment No. 62.

At what point do I offer that amendment?

The SPEAKER pro tempore. After the motion of the gentleman from California (Mr. FAZIO) has been read, it will be in order for the gentleman to present the motion.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 217A. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

SEC. 217B. (a)(1) Except as provided by paragraph (2), no Member may, in any calendar year beginning after December 31, 1981, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(2) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1981, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) For purposes of subsection (a), honoraria shall be attributable to the calendar year in which payment is received.

(c) For the purposes of this section—

(1) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(2) "honorarium" means a payment of money or any thing of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed;

(3) "travel expenses" means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the greater Washington, District of Columbia, metropolitan area; and

(4) "outside earned income" means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personal services actually rendered but does not include—

(A) the salary of such Member as a Member;

(B) any compensation derived by such Member for personal services actually rendered prior to the effective date of this section or becoming such a Member, whichever occurs later;

(C) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and

(D) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. YATES. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the motion.

PREFERENTIAL MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. YATES moves that the House recede and concur with Senate amendment No. 62.

The SPEAKER pro tempore. The gentleman from California (Mr. FAZIO) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

Mr. FAZIO. Mr. Speaker, I demand a division of the question.

The SPEAKER pro tempore. The question will be divided.

Does the gentleman wish to debate the issue?

Mr. FAZIO. Mr. Speaker, I wish to be recognized on the division of the question.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to clarify for the Members the issue at hand that has produced the preferential motion.

We have in this motion acted in conformance with the instructions to the conferees on amendment 62 which was made here on the floor several days ago.

I want to make clear to all my colleagues that there is absolutely no inclination on the part of the House managers to in any way act in any other fashion. We are in agreement with the instructions of the House in conforming to the language offered by the other body to restore the $3,000 limitation on the maximum deduction of Members' living expenses while away from home.

We are willing and certainly in this motion act in conformity with those instructions initiated by the gentlewoman from Colorado (Mrs. SCHROEDER) and we are anxious to proceed on that issue.

But we, in addition, have another issue that we believe needs to be brought to the attention of the House and certainly the other body. We feel very strongly that the entire matter related to Members' salaries, to outside income, and to the amount of taxes that Members pay are tied together.

In conformity with the actions taken at the end of the last calendar year we would like them to be considered once more together.

In the conference with the other body the House conferees acted to agree to the Schroeder language but we also added additional language which took the House rule which limits outside earnings to 30 percent of the statutory salary and added that to the statutes so that it applies to both the House and the other body.

In effect, what we have asked for in this vote today is to deal with the related matters of income to the Members of Congress.

I want to reiterate particularly to my good friend from Illinois (Mr. YATES) that there is absolutely no intent to in any way, interfere with the instructions the House has given us in conforming to the Senate amendment on the deductibility of Washington living expenses. We simply would like the 30 percent of salary rule to be a part of the statutes that govern both bodies.

□ 1430

Last year this body, in agreement with the other body, agreed to the elimination of the $25,000 statutory honorarium limitation.

As a result of that, there has been a significant increase in the amount of outside income derived. In fact, at the present time, a very high percentage of the Members of the other body have earned in excess of the statutory $18,000 limitation.

For example, at least 58 Members of the other body have earned in excess of the statutory limit that would be imposed by the House rule of $18,000. Twenty-five have earned honoraria income well over $25,000, which used to be the statutory limit.

There has been a rapid increase in the reliance of Members of Congress on outside income in order for them to compensate for the effects of inflation. In fact, a recent study has concluded that if you take the other body in total, at the present time, in retrospect, last year $14 million in outside income was derived, in comparison to the $6 million derived in official salary payments.

So, well over twice as much income has been derived from external sources as the salaries paid.

This is not an area where any of us like to tread. There is a great tradition of comity between the bodies. There is a reluctance to judge other Members on matters related to this. However, we find ourselves in a position where comity has already been injured. We have been forced to confront issues related to pay, benefits, tax payments that affect both Houses of Congress and all Members of Congress in a way that is very prejudicial and, in our opinion, unfair in its failure to consider the interests of all parties involved.

Members of the House are, by and large, averaging in honoraria income somewhere in the neighborhood of $4,000 to $5,000 a year, well below not only the existing House rule limitation of $18,000, but half of the prior rule of $9,000, which was modified last year.

This is not an alternative of Members of the House when we are affected by the increasing cost of living here in the Washington area, and I might point out that the consumer price index has increased some 265 percent since 1952 when the $3,000 limit on expenses incurred in this city was placed into the statutes. And, therefore, I think it is most important that the average Member of the House have an opportunity to express himself or herself on the overall issue of compensation for all Members of Congress and in both bodies, certainly.

So that is my reason, and I think the reason the conferees supported me in their agreement to the motion that I have offered.

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. BURGENER. Would the gentleman be kind enough to answer a question or two? Would the effect of this effort that the gentleman is making, if adopted by this body and later the conference, result in the outside earned income being identical for both bodies?

Mr. FAZIO. Yes, it would.

Mr. BURGENER. Does the gentleman's effort confine itself to that at this time?

Mr. FAZIO. Yes. My effort and the effort of the conferees is simply to modify the language that was agreed to here on the House floor by the motion to instruct offered by the gentlewoman from Colorado. It is an ad-

dendum. It in no way affects any of the intent that the gentlewoman had in her instruction.

Mr. BURGENER. If the gentleman will yield further, I would like to commend the gentleman for what he is doing. I can see no rationale whatsoever for having one standard for the other body, unlimited, as I understand it. Is it correct that there is no limit?

Mr. FAZIO. Currently there is absolutely no limit. The rule that might prevail in the other body has been waived. The statutory limit on honorariums, the prior limit of $25,000, has been repealed. Therefore, there is no limit. In fact, some Members of the other body have been able to obtain in honorarium income at least as much as they make in statutory salary.

Mr. BURGENER. Putting aside, for the moment, the very important arguments about pay and allowances for both bodies, and dealing only with honoraria, I think that this limitation is plenty high, and I think there are dangers, serious dangers of conflict of interest with outside earned income, particularly honoraria.

It takes time to prepare speeches, even though they may relate to our work. It takes time to travel and go places to make speeches. I think that the present limitation to which we are subject is more than adequate in terms of outside earned income. But for heavens sakes, to have two standards for two bodies makes no sense at all. I would hope that this body would adopt the portion which the gentleman addresses.

Mr. FAZIO. I appreciate the gentleman's comments.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Speaker, I am a little confused, and I would like the gentleman to set me straight. As I recall, this House directed and instructed the conferees on the part of the House to recede and concur in the Senate amendment. It had nothing to do with honoraria, as I understand it, but it had to do with the expenses of Members of Congress while they were here and, actually, I thought what we had directed the conference to do was to put us back where we were before last year, at the $3,000. That was the instruction that was given. What happened to that instruction?

Mr. FAZIO. We do concur in the language that was offered by the other body. There is absolutely no intent not to concur in that language, and this motion does so. We have acceded to the Senate on that language. We added additional language which we feel is very closely related and which we think is also in need of consideration by this body.

Mr. KAZEN. May I ask the gentleman this further question then: Did not the conferees go outside of the conference jurisdiction in doing this? Was that point in controversy?

Mr. FAZIO. The issue has been in controversy for a long time.

Mr. KAZEN. Within that bill?

Mr. FAZIO. And we felt very much as if this was a related matter, and we did decide to address it, as well, in this conference.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I guess what I want to make clear is that it occurs to me that what we are talking about here is something I think we would all like to talk about, but I have real question about whether we can do it.

My understanding is that the Senate did not repeal the law on outside earnings. Rather, it put in its own internal rules a provision saying that they were not going to pay any attention to that. So I guess my question is, By your doing this, are you really trying to take away my motion to instruct that carried last week? If the Senate does not appreciate the House turning down and doing this to them and they turn down the Fazio amendment, then are we in a position where the motion to instruct is totally declared null and void?

Mr. FAZIO. No. Let me make very clear to the gentlewoman. I have assured the gentlewoman prior to our conversation here. I certainly would not want anyone to believe that our intent is to undo the work that the gentlewoman did in the instruction to the conferees.

I think we all have an understanding of the way the body feels presently about the Proximire language. I believe we have no intent, and I think the conferees, to a person, would reiterate there is no intent to in any way undermine the gentlewoman's efforts.

We are simply interested in dealing with a broader but very closely related matter, and that is the matter that was dealt with in several measures last calendar year, which affected not only the deductibility of Members' expenses, which the gentlewoman's instruction motion goes on, but also to something that is very important to all of us, and that is the ability of Members to earn additional outside income.

Mrs. SCHROEDER. If the gentleman will yield further, the first part of my question, is it not true, though this is in the Senate rules and not in legislation?

Mr. FAZIO. There has been a statute. It was repealed last year. That statute limited all Government employees, including Members of the Senate and the House, to $25,000 in honorariums.

That applied to Members of the other body as well as this body, were no rule to be in effect in either body. At the time the deductibility of the Members' expenses was dealt with, we repealed that statutory limitation. The House has a rule that takes precedence, and that limits us to $18,000 per year. The Senate has no similar rule, or at least has none in effect. The rule that is in the rulebook has been waived. In effect, there is no limitation, and currently several Members are earning in excess of $60,000 a year in honorariums as a result of that.

We think that is an abuse the needs to be dealt with.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, I would simply like to, in the strongest possible terms, urge support of the Fazio motion.

The special tax arrangement which the Congress enjoyed last year is gone. The conferees were instructed to eliminate it. They have eliminated it. It was the right thing to do, and you do not prevent its elimination by supporting the Fazio amendment.

But this amendment is the only chance the Members will have to get at an abuse which I think is far more threatening to the legislative process than anything the Congress has done on taxes or salary.

We have an insidious and gradual process occurring, under which gradually Members of Congress are gradually coming to represent clients as much as they are constituents. And if you look at the numbers in terms of outside income in the other body, there can be no doubt about that. That has come about simply because over the last 10 years Congress as an institution (both the Senate and the House) has not had guts enough to face up the necessity to adjust congressional pay through the front door, so they have been trying to find ways to do it through the back door. Those back door ways sometimes get pretty smelly, the public gets upset by it and they would like us to clean it up. I think this provides a superb opportunity for us to do that.

The kind of outside income which is now permissible under the rules of the other body, in my judgment, grossly warps the legislative process. It discourages compromise, because if you compromise you lose your value as a speaking ticket around the country. It creates hidden incentives for Members to behave in all kinds of ways.

I am told, for instance, by one reporter that close to $2 million in corporate honoraria were provided to

Members of Congress in speaking fees, most of it for the other body, over the last year. I do not mind Members speaking for reasonable amounts. I think that is an acceptable exchange of ideas. But this is getting out of hand. It is going to bring disrepute on both Houses of Congress, and I urge the Members, in the strongest possible terms, to adopt the Fazio amendment.

This institution would be far better off if they would increase salaries through the front door and eliminate all outside income so that the public knows that we are getting paid by only one client at a time, and that client is the taxpayer and not a corporation or anybody else in this society.

Mr. FAZIO. I appreciate the gentleman's comment.

I might reiterate we have heard that there are Members of the other body who have made over $8,000 in a 30-hour period, which is vastly more than the average Member of this body makes in the entire year. The inequities here are rampant.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Illinois for purposes of debate only.

Mr. YATES. I just want to suggest to the gentleman from Wisconsin: Why does not the gentleman do for the House what the other body did for itself? It changed its rules, leaving the law as it was and deciding that it was the judge of how much its Members ought to make.

If you want to do it straight and you want to act like the other body acted, then why do you not propose a change in the House rules?

Mr. OBEY. If the gentleman will yield on that point, I do not want to behave like the other body. I am fed up with Members of the other body posing for holy pictures on congressional pay and then running around, collecting $60,000 in outside income.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is constrained to admonish the body, in accordance with the warning of the Speaker earlier, that the Members should be careful in their references to the other body.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I think the matter is getting all fuzzed up. Last December we did two things in continuing resolutions. Congress changed the $3,000 deductible allowance. The Congress also removed from the limitation on honoraria.

Now, people are saying, "Go back to ground zero." Well, why go back to ground zero just on one item? Why not on both?

A vote against the Fazio amendment, no matter how you fuzz it up, is simply a note in favor of unlimited honoraria for the Senate.

I think it is an abuse. I do not take honoraria. I think it is a conflict of interest to take $2,000 for merely going to breakfast or doing what a Member ought to do for nothing. Either the Member should not have gone with him, if he did not have time, or the Member should not have received money—and honoraria are not campaign contributions. And if a Member votes against the Fazio amendment, all they are trying to do is protect the right of Members to go out and pick up thousands of dollars in a day in honoraria. That is all that is involved in this.

I say, go back to ground zero on both items, quit trying to protect one. If Members want to protect honoraria, they can vote that way but some people feel with me that they should not have unlimited opportunities to go out and pick up money like that. I would prefer to prohibit all honoraria but at least we should limit it. If you want to vote that way, OK. But let us not fuzz it up. That is all that is involved. If you do approve this, if the other body turns it down, all that will happen is, they will come back with the deduction as it left the House but without the honoraria limitations; but they will have a vote on it. Let them have a vote on it.

□ 1445

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California (Mr. BURGENER), the ranking minority member of the legislative subcommittee.

Mr. BURGENER. I thank the gentleman for yielding.

I would like to commend the gentleman who just left the well and also the other gentleman from Wisconsin (Mr. OBEY), and associate myself with their remarks.

We did not cover ourselves with glory in the manner in which we handled the tax deduction. We all know that. I personally support it. If it were brought up properly I would vote for it. But that is another issue at another time. The issue of honoraria is dangerous to the public. There is a serious conflict of interest here. We have an opportunity to control it right here and now, and that is what is before us, and the way to do it, what it is, it is the substitute for inadequate pay. That is how it is being used and that is improper and it leads to conflicts of interest and all kinds of abuses and neglect of our duties here in this House. So I strongly urge that we support the Fazio amendment and deal with pay straight forward, up front, at another time, and deal with it, but deal with this now.

Mr. FAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, it is kind of interesting to hear my very good friend from Wisconsin (Mr. OBEY) speaking approvingly about giving the Members of the House the opportunity to make honorariums. A short time ago he pointed out that those who pay the honorariums do not do that for the purpose of listening to somebody make a good speech; they do it for other purposes. Now he wants to permit that to be done.

I thought that the gentleman from Texas hit the issue right on the head when he said that the House instructed the conferees to recede and concur with respect to the Proxmire amendment No. 62. That is why I offered my amendment today. That is why I voted against the Fazio amendment when we were in conference.

There was no reason to bring the Fazio amendment into the discussions. The instructions by the House were clear: Recede and concur with that Senate amendment.

The effect of introducing the amendment by the gentleman from California was to prevent the automatic acceptance of amendment No. 62 by interposing this new kind of material. I thought that the House acted beyond its instructions when it did that.

I favor the kind of amendment that the gentleman from California wants. I do not think this is the time or place for it. I did not think it was the time and place for it in the conference because we had had instructions, specific instructions, from the House not to offer amendments of any kind but to recede and concur, and there was an overwhelming vote by the House to do just that.

The conferees of the House who voted for the Fazio amendment, in my opinion, competely violated the instructions of the House.

Mrs. BOUQUARD. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the divided question on the preferential motion offered by the gentleman from Illinois. I hope on the first question that the House will recede from its disagreement with the Senate. I want to make clear my support for the House amendemt to the Senate amendment No. 62. I hope that the House will, on the second question concur in the Senate amendment with an amendment which reinstates the limitation on outside earned income for the other body on the same basis as it presently exists for the House.

The House has overwhelmingly demonstrated its desire to correct the unfair congressional tax giveaway ap-

proved last December. As one of the sponsors of legislation to reinstate the $3,000 cap on these deductions, I want to make clear to my colleagues who supported that bill, and similar proposals, that the conference agreement to this provision is wholly consistent with our legislation.

To those of my colleagues who argue that provisions such as this tax-related issue, ought not to be considered in connection with other, unrelated legislation, I am sympathetic to your position. But the fact remains that House rules permit such consideration, and the result was the compensation enhancement, because that is what this tax deduction was—a congressional pay raise that was allowed to slip through on the last day of the first session. Those of us who have fought against this pay raise have now successfully used these rules to right that inequity. I am not pleased that we have had to use this particular tactic, but the choice of strategy has been dictated not by our preferences, but by the refusal of the House to take up this issue in a more normal procedure.

Mr. Speaker, I believe that the House conferees have acted responsibly in bringing this report to the House. The agreement on amendment 62 reflects accurately the position taken by the House last week. Furthermore, the provisions which affect the level of outside income permitted for both the Members of this body as well as our esteemed colleagues in the other body, are completely evenhanded and consistent with the public's demand for greater individual belt tightening on the part of the Congress.

I have heard some of my colleagues disparage this provision on the basis that the President will veto the legislation. Certainly that is his prerogative; afterall, it was this administration which decided that the acceptable level of deductible expense would be $75 per day. But, if we are stymied in this effort to repeal this special interest tax break, I can assure the Members that this issue will be before the House in one form or another in the near future.

I urge the approval of the motion to concur with an amendment to the Senate amendment No. 62.

Mr. YATES. Mr. Speaker, I want to make one other point here. The gentleman from California has not pointed out that even if we in this House adopt the Fazio amendment, we will have to get concurrence by the other body. In the conference the other body was not disposed at all to change its rules and to accept the limitation in the Fazio amendment. You are asking the conferees if you accept the Fazio amendment to go back and again try to argue the Senate into accepting an amendment of its rules which will include the Fazio amendment. I think that is not going to happen. The instructions of the House would have been agreed to without any question at all if the Fazio amendment had not been offered in the conference.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of the Yates preferential motion and in opposition to the Fazio motion to recede with an amendment.

Last week I offered a motion to instruct the conferees on the urgent supplemental appropriations bill, H.R. 5922, to recede and concur on Senate amendment No. 62. This amendment would take us back to the old law concerning the tax treatment of living expenses of Members of Congress.

The conferees took us one step further and agreed to offer an amendment to limit outside earned income to 30 percent of salary. This amendment is now being offered by Mr. FAZIO.

I do not oppose limiting outside earned income. We in the House are so limited. The other body should be as well.

Still, adopting the Fazio amendment may be killing my amendment with kindness. By adding this limit on outside earned income, we are jeopardizing our opportunity to undo the blight on our integrity caused by our adoption of the special tax break for Members of Congress last year.

Mr. YATES. I thank the gentlewomen for her contribution. I offered my amendment in order to give the House a choice, in order to let the House decide whether it wanted a straight up and down acceptance of the Proxmire amendment or to send the conferees back with the Fazio amendment to negotiate with the Senate on a change of the Senate rules, because that is what it will take. In effect, as the gentlewoman pointed out, you are not going to get any agreement, acceptance of the Proxmire amendment is going to be dead, you are not going to have any kind of acceptance of the gentlewoman's amendment which the House overwhelmingly accepted when it instructed the conferees to accept it.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

I want to compliment the gentleman for giving us this option.

This amendment by the gentleman from California, with all due respect, is too cute and it is too complicated. What we have to do is to vote this amendment down and vote on the straight $75 a day allowance for Members of Congress.

As the gentleman pointed out, if we have to depend on concurrence by the other body we are liable never to get where I want to come out and that is to repeal the tax benefit provision. We have a straight rifle shot approach to it right now, we should vote for the gentleman from Illinois motion and vote this amendment of the gentleman from California down. I support your motion.

Mr. YATES. I thank the gentleman.

Mr. Speaker, I was instructed as a conferee to recede and concur on the Proxmire amendment, amendment No. 62. I had voted for that motion in the House because I am in favor of the Proxmire amendment, which would wipe out the legislative changes passed by the Congress which rescinded the $3,000 congressional expense allowance.

I voted against the Fazio amendment in the conference because I believed it would never be accepted by the Senate conferees or by the Senate and that the Fazio amendment was in effect a ploy that would prevent approval of the Proxmire amendment. That was what happened. What should have been an automatic acceptance of the Proxmire amendment had the House conferees followed their instructions was killed when Mr. FAZIO offered his amendment in conference and it was accepted by a majority of the House conferees. I voted against it then because I believed offering it violated the instructions given to us by the House. We had been instructed to recede and concur—period. We had not been instructed to recede and concur with an amendment, which is what the majority of the conferees did.

Mr. Speaker, I favor the purposes of the Fazio amendment. I think there ought to be a limitation of honorariums by both House Members and Senators. If the Fazio amendment were offered in another context, I would vote for it. But in the context of this conference it served—and serves to prevent a clean clear cut vote and victory for the Proxmire amendment.

That victory for the Proxmire amendment is still possible if the House approves my motion to recede and concur without amendment. I cannot believe the Senate will accept the Fazio amendment. It would be great if it did. If it does not, then the Proxmire amendment is lost with the Fazio amendment because it is part of the same provision.

I shall vote against the Fazio amendment today because I want the Proxmire amendment to prevail. The Fazio amendment will prevent that from happening. Even though in purpose I favor the Fazio amendment, I shall vote against it because I believe winning the Proxmire amendment is more important.

● Mr. BOLAND. Mr. Speaker, I want to associate myself with the remarks

of the gentleman from Illinois (Mr. YATES). I, too, was instructed as a conferee to recede and concur to the Proxmire amendment. As the gentleman has pointed out, we were not instructed to recede and concur with an amendment—rather, we were instructed to recede and concur period.

I also voted against accepting the Fazio amendment when it was offered in conference—again—because, like the gentleman from Illinois, I believe we were not fulfilling to the letter the instructions given us by the House.

The problem I have with the Fazio amendment is not its content. I agree with what he is trying to do. I believe that there ought to be a limitation on honorariums for Senators just as there is today for House Members. But where I part ways with the gentleman from California is in the method he is using to accomplish that goal. In effect, the Fazio amendment serves to prevent a clear cut vote on receding and concurring to the Proxmire amendment and going back to the original $3,000 Washington living allowance. In a sense, the Fazio amendment is a kind of ploy to avoid a direct vote on that issue.

What it comes down to is simply this—if we want to get back to the way it was before the "machinations" of last year, we need to vote against the Fazio amendment and vote to recede and concur to the Proxmire amendment. Then we can deal with the issue of honorarium limitations separately. That is how I see it, and that is why I shall vote against the Fazio amendment today.●

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. Mr. Speaker, I thank the gentleman for yielding and I also thank him for offering us an opportunity to speak on what I consider to be an outrageous procedure in the other body, and that is an unlimited amount of outside income.

I do not care how we split this in this debate today, we can get very complicated and all the rest of it, but the public is simply not going to buy the notion that a person in public life with the salary that we have ought to be allowed to earn over $60,000, $70,000, $80,000 a year outside in outside earnings by honoraria or other means. At a time when we have unemployment across the land of 10 million people, it is pretty darn difficult for our folks in Indiana to understand then how one could go in a series of small breakfasts and luncheons and earn the kind of outside honoraria that is being earned, $8,000 or $10,000 a day.

I would urge my colleagues to consider what we are doing here today. I urge my colleagues to consider this issue and I for one am sick and tired of rolling over and playing dead to the other body because they happen to change their rules. When is it that we defer to the other body so much?

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I think very simply and very briefly what I would like to say here is that this body has over the past couple of months, I think, been victimized by a lot of unfair comment about compensation, particularly the people from average backgrounds in this body have not benefited from most tax breaks that have gone through here for capital gains and commodities and those that help real estate speculators. The wealthier Members perhaps have benefited by them.

The media took a lot of time beating up on the latest break. But this is a different issue. As the gentleman from Wisconsin has said, and as the gentleman from Iowa (Mr. SMITH) and others, I do not think that it is a matter of our Members going on retainer to Exxon, I think our Members have better judgment than that. I think it is a matter of what the gentleman from California (Mr. BURGENER) was saying and others, it is too much time on the road. It is like a school teacher who is not getting paid adequately having some knowledge that somebody else wants and taking time out from the school day, very often or from what they should be doing with regard to their students, to go out on the road. The Senate has gone too far.

Mr. FAZIO. Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, at the outset I want to begin by apologizing for the fact that now that we are bound by the Marquis of Queensbury rules, and I cannot refer to the Members of the other body. There are 100 Members in the other side and last year they earned $1,635,255 in honorariums.

There are 435 Members in this body and they earned in honorariums $1,005,355.

If someone can defend that kind of disproportionate amount of honorariums going to individuals they are free to do so. They are free to vote that way. We will have that vote and they can vote and go back and explain to their people that is what they are voting for, they want to see that they make all that money and a lot more.

One individual made over $56,000 in honorariums. As instructed by the House, by the lovely gentlewoman from Colorado, the House conferees agreed to Senate amendment No. 62, which restores the 30-year-old $3,000 limit on tax deductions for Members' Washington living expenses. At the same time, the House conferees insisted on an amendment to the Senate amendment which would impose on all Members of Congress, House and Senate, a limitation on outside earnings of 30 percent of congressional salary. This was offered by my good friend, the gentleman from California (Mr. FAZIO), and joined by me. It became the Fazio-Conte amendment.

The Senate, as my colleagues know, has no limit on outside earned income currently in force. That was repealed by law on October 1, 1981.

In insisting on this amendment, which is protected by the rule, the House conferees are attempting to place both Houses on an equal footing—the essence of comity. Only when this equality is achieved can rational and fair consideration be given to the whole question of congressional pay and benefits. Such consideration in the area of tax treatment, of Washington living expenses, has been promised by the Ways and Means Committee as part of a debt limit bill. So the amendment offered by my colleague from California (Mr. FAZIO) will, if accepted by the Senate, set the stage for a fair appraisal of congressional remuneration on both sides of the Capitol.

There is great support for this approach in the House, as evidenced by the 190 cosponsors of my bill, H.R. 6546, I repeat, 190 cosponsors, and we have not even rolled up our sleeves yet. I know even the gentleman from Ohio (Mr. WYLIE) will jump on it before long. One hundred and ninety cosponsors. One hundred and ninety cosponsors today which would accomplish the same result as the Fazio amendment.

Cosponsors include the majority leader, the minority whip, many committee chairmen, ranking minority Members, conservatives, liberals, boll weevils, gypsy moths, everyone in between, of every stripe and color in the House, and I am certain we will have a resounding vote here today so that the press can actually report that the House demands equal treatment with the other body on the question of pay and benefits. I hope the Members have the good sense to vote for the Fazio amendment.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

I have already cosponsored the gentleman's bill to limit the outside earnings for the Members of the other body but that is extraneous to the issue which is before us today, I respectfully submit to the gentleman. As I said before, we really ought to get to the main issue here, which is the tax benefit provisions for Members of Congress.

Mr. CONTE. We are getting to the same issue. The issue is exactly related. This is a good time for the gentleman to show that he is a statesman

and he wants to be treated as equal as the Members of the other body. If he does not want to be equal that is all right with me.

□ 1500

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman.

Mr. SMITH of Iowa. As I understand the situation now, we will vote first on whether or not to recede and an aye vote on that is a vote in favor of the amendment we previously voted on last week; and then those that want to preserve the right of Senators to receive unlimited honoraria, can vote no on the Fazio amendment following that, if that is what they want to do. So we will have two votes.

Mr. CONTE. The gentleman is absolutely correct. The parliamentary situation is clear. There is nothing cute about it. You vote to recede from disagreement to Senate amendment No. 62, and then we go ahead and we vote to concur in Senate amendment No. 62, with the Fazio amendment. If you want to be for big honoraria, go ahead.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, would the gentleman agree with me that the subject that we are talking about right now is just every bit as much at issue with the supplemental appropriations bill as is the repeal of our tax deductions that we gave ourselves last year?

Mr. CONTE. By all means. We mentioned that in conference. I wish that conference could have been televised. You know, they want to televise the House. They are going to start televising those conferences. There you can say things that you cannot say here and, boy, I said them.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Wisconsin.

Mr. OBEY. Let me just say that I really find quaint the argument that somehow we ought to stay away from this because we are involving ourselves in the business of the other body. People who make that argument are really saying that the House should parliamentarily disadvantage itself because the Senate does not have a germaneness rule and we do and we should therefore avoid using the only opportunity we will have to clean up what is a very messy situation.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I think one of the things I want to make clear is I am a little concerned about the parliamentary situation. Obviously, many of us do not like the outside earnings in the Senate, but we are a little bit worried about attaching this here because we feel that the other body may turn it down. At that point we could get into a very difficult situation because at that point then the conferees could send anything back over here and what we did last week would be negated. I think that is the whole issue.

The only way we can get back to where we were is to turn down the Fazio amendment and vote with Congressman YATES.

Mr. CONTE. Let me tell my dear friend, the gentlewoman from Colorado, if I have said it once, I have said it a million times, about the only thing you have in this House is you word. You have my word.

The gentlewoman from Colorado did a good job. I will guarantee any bill that goes to the President's desk will have that amendment in it. That is my word.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Illinois

Mr. ROSTENKOWSKI. Mr. Speaker, in answer to the gentlewoman from Colorado, there is a great possibility that if we send over the debt ceiling in the next 2 or 3 days, the gentleman from Wisconsin in the other body could very well amend the debt ceiling and place on the debt ceiling exactly what the amendment is that he placed on this supplemental.

Mr. CONTE. I doubt very much that he will ever place that on again.

Furthermore, let me tell the gentlewoman, this bill will be vetoed, as surely as I am standing in this well and talking to you. It will be vetoed and then when it is vetoed this amendment is going to be vetoed, and some of the poor people who have been fighting hard, like the gentleman from Ohio (Mr. WYLIE)—not the gentlewoman from Colorado (Mrs. SCHROEDER)—the gentleman from Ohio (Mr. WYLIE), will have something to worry about. The gentleman will vote to sustain or override that veto; if he votes to sustain that veto, he is voting to do away with what he did here the other day.

Oh, what a confusion—I had better not tell any more.

Mr. WYLIE. Mr. Speaker, will the gentleman yield, since he mentioned my name again?

Mr. CONTE. I will be glad to yield.

Mr. WYLIE. I thank the gentleman for yielding. I will not take very much time.

I will not have any trouble with the vote if it comes to a veto, but on the question of outside earnings limitations for Members of the other body, the gentlemen said that was germane to the bill. It is not germane to this bill. A special rule was adopted so the amendment could be offered to this bill.

Now, a point of order would have laid against the amendment offered by the gentleman from California (Mr. FAZIO) if he had not been able to get this rule.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. FAZIO. I would like to make a point that the only reason the tax-deduction language was in the Senate bill is because of the lack of germaneness rules that govern the other body. We are limited by our rules. They are much tighter and we acted in conformance with those rules. We cannot get into these matters on this side. Our rules are designed to force these issues to be dealt with by the legislative committees, which is exactly where they should be handled.

Consequently, these matters always show up, after being introduced by the other body, on appropriation bills. We never discussed these issues on prior occasions unless we discussed them as part of the package they send over and after the other body uses its own rules to create that situation. We are attempting to redress that situation today.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, it is my hope that the position recommended by my colleague, the gentleman from Illinois (Mr. YATES) will be supported by my colleagues on both sides of the aisle.

At the risk of sounding a little bit poetic, I think the Fazio amendment tends to fuzz the issue. If we are responding to the complaints of our constituents about special tax privileges for Members of Congress, the best thing for us to do is hew to the line, stick with the language of Senate amendment No. 62, support the position of the gentleman from Illinois (Mr. YATES) and deal with the question of outside earnings in the other body as a separate matter.

I do not hear any hue and cry about the outside earnings of the senior or junior Senator from Illinois. I do not know what they are. I do not think it is a matter of great debate, but there certainly is a debate. There is a hue and cry. There is outrage about the tax preference.

Why should we fuzz it up with the Fazio amendment? Let us get on with it and support the position of the gentleman from Illinois (Mr. YATES).

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I have a basic uneasy feeling about honoraria. I always have, even though

I have accepted honoraria in the past, and I probably will do so in the future.

I think that there is potential for honoraria to constitute conflicts of interest. There is no doubt that as time goes on, we have raised the limits on honoraria, and that Members in both this body and in the other have become increasingly dependent upon them. That could in large part be due to the fact that our salaries have been fixed for 4 years, save only a single 5 percent cost-of-living increase.

An analysis of the amounts of honoraria that have gone to respective Members, both in this body and in the other, reflects that the more senior a Member is, and the more influence that he has, the more likely that he is going to receive honoraria. There is nothing wrong with that; but the fact is that the 1977 Obey commission ran a poll reflecting that approximately 77 percent of the people of the United States perceived there to be a conflict of interest of some type with respect to honoraria. There may not actually be a single honorarium that was misapplied or misreceived by any Member of this body or the other, or that was improper in any way, but there is such a perception of wrong doing among the American public. I think it is up to us to address that perception. Just as much as there was a feeling among Members of this body that it was incumbent upon us to address the tax issue, to repeal what we did last year with respect to our own tax deductions, there is a feeling in this body that we should at least reduce the influence of honoraria among the activities of our Members and the Members of the other body.

Now, whether we cut our honoraria altogether really is irrelevant at this time. The point is that no Member of this body should be treated in any way different from the Members of the other body. It is as pure and simple as that.

Whether honoraria are good or bad does not really matter. We are being treated differently. We are being treated as second-class citizens, if you will. Our limits on honoraria are self-imposed; they limit us to 30 percent of our salary.

There is no limitation upon the honoraria that can be received by Members of the other body, no limitation at all. That is wrong.

You may say it does not influence their votes, but when you consider that some of them are more than doubling their salaries with outside honoraria, something looks wrong and some action has to be taken.

I commend the gentleman from California for raising this issue. It is a most important issue. Not all Members are going to agree with it, but I think it is important that we at least address it, that we face it.

If this provision, whether passed in this supplemental, or later in the bill of the gentleman from Massachusetts, the one that 190 Members of this body have cosponsored, I think it is one that is every bit as important as the one that was tackled by the gentlewoman from Colorado.

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. FAZIO. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California (Mr. FAZIO) is recognized for 3 minutes.

□ 1510

Mr. FAZIO. First of all, let me try to clarify the parliamentary situation.

The preferential motion of the gentleman from Illinois (Mr. YATES) has been divided. We will vote first on the motion to recede, and we should vote aye on that motion.

Then I will offer a motion, a preferential motion, to concur with my amendment. Obviously, I would like us to also act affirmatively on that.

We have an insurance policy if we are concerned about how our vote will be interpreted. Members have no problem; we will be able to vote once in conformance with the gentleman from Illinois (Mr. YATES) and myself, that we recede from disagreement with the Senate. Then another opportunity, hopefully, in conformance with the views that I presented.

I would like to make a few points.

First of all, we are attempting to clarify and make the process clean. If Members wish to reconsider the actions of this body and the other body last year, we must act today to deal with them once again. There is no interest on the part of the other body in dealing with the very fundamental issue most of us face, our statutory salaries, when their ability to earn outside income of $50,000 or $60,000 a year obviates any need they have to consider issues like tax deductions or minor 4-, 3-, 2-, 1-percent pay raises which they regularly have turned down in recent years.

We are acting here to limit a real abuse. The gentleman from Wisconsin pointed to it. When Members are dealing with interests that come before their committees the public has an interest in where their noncongressional income comes from, and how much of a Member's time and energies are devoted to earning it.

There is no question here that if they understood that abuse, they would feel far more strongly about it than they do about a 4-percent pay raise which all other Federal employees get and which we regularly deprive ourselves of in part because the other body has been unwilling to take the heat, even with a 6-year term, for those kinds of votes.

What better timing would we want, rather than this situation, at this time? We have the opportunity to force them to consider this issue. They will not do so in any other form.

I commend the gentleman from Massachusetts in his effort. The 190 or so coauthors that he has will be frustrated by the other body. Their rules will permit them to avoid a vote time and time again on this issue, unless we use this opportunity to meld these very closely related matters of our income, whether it be in tax deductions or honoraria, or whether it be what we ought to be doing, deriving our income the way every other Federal employee does, through cost-of-living pay adjustments. This is the issue and this is the time.

I would urge the Members to not be concerned, not be frightened by the efforts of the proponents of the repeal of the tax deduction. There is no intent to violate the instructions of the House brought about by the gentlewoman from Colorado, (Mrs. SCHROEDER) the other day. Our intent is simply to bring all of these related matters together into one crucible and deal with them at this time.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I would be happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, my understanding is that the gentleman has only one amendment dealing with the two topics. Am I correct?

The SPEAKER pro tempore. The time of the gentleman has expired.

PARLIAMENTARY INQUIRY

Mr. WYLIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WYLIE. We have before us a motion to instruct conferees by the gentleman from Illinois (Mr. YATES). If that prevails, then there will be a vote on an amendment to that motion to instruct the conferees by the gentleman from California (Mr. FAZIO).

The SPEAKER pro tempore. That is not correct.

Mr. WYLIE. If the motion or the amendment by the gentleman from California, (Mr. FAZIO) prevails, then that wipes out, in effect, the motion to instruct conferees by the gentleman from Illinois (Mr. YATES). Is that correct?

Mr. YATES. There is no motion to instruct conferees.

Mr. SPEAKER pro tempore. The motion before the House as divided is a motion to recede from disagreement to Senate amendment No. 62.

Mr. WYLIE. Mr. Speaker, I misspoke. A motion to recede rather than a motion to instruct.

The SPEAKER pro tempore. That is correct.

Mr. WYLIE. All right. If the motion to recede on the part of the gentleman from Illinois prevails, then we go to a vote on the amendment to that motion to recede?

The SPEAKER pro tempore. If that is an inquiry, the answer is the House would then vote on a preferential motion to concur with an amendment if offered.

Mr. WYLIE. All right. Now, if the amendment of the gentleman from California to the motion to recede prevails, then that, in effect, wipes out the motion to concur of the gentleman from Illinois.

Mr. YATES. Yes.

The SPEAKER pro tempore. The gentleman is, of course, correct.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Following up the gentleman's inquiry, if the amendment offered by the gentleman from California (Mr. FAZIO) is voted down, then a vote will occur on the motion that I have presented to concur with the Senate. Is that not correct?

The SPEAKER pro tempore. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. FAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAZIO. It is my understanding that the first vote will be on receding to the Senate on the language that was adopted through the instruction of the conferees on this floor.

The SPEAKER pro tempore. The Chair has stated that about three times.

Mr. FAZIO. The second motion would be the vote on the addendum of the gentleman from California to that first language, and there is no question that that would take precedence.

The SPEAKER pro tempore. The gentleman is correct. That motion is protected by the rule.

The gentleman from Massachusetts (Mr. CONTE) has 15 minutes remaining.

Mr. CONTE. Mr. Speaker, first, there will be a motion to recede from disagreement to the Proxmire amendment, which strikes the $75, the tax deductions, going back to the $3,000, period.

Mr. FAZIO will offer an amendment concurring Senate amendment No. 62, and limiting outside income to 30 percent in honoraria in the other body. If it passes, that means that is an amendment to the Proxmire amendment, and what we have is what was wanted by the gentlewoman from Colorado (Mrs. SCHROEDER) last week and we voted on, plus an $18,000 limitation on honoraria on the other side.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield, gladly, to the gentleman.

Mr. ROSTENKOWSKI. Mr. Speaker, is it not true that this would be public law, and public law has precedence over the rules of either body?

Mr. CONTE. Absolutely right.

I promised I would yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Then am I to understand, Mr. Speaker, that if the conferees agree to the first part, to our rescinding, and the Proxmire amendment stays as it is, then our conferees offer the second part, which is the Fazio addendum, and if that part is turned down by the conferees, that action does not bother what has already been done?

Mr. CONTE. No.

Mr. MYERS. It does not, either way.

Mr. KAZEN. In other words, they become two independent matters?

Mr. YATES. No.

Mr. CONTE. No, no, no, no, no. It becomes a part of the same matter, exactly right.

Mr. KAZEN. If the gentleman will just bear with me to see if I understand him——

Mr. CONTE. Let us not cloud it up.

Mr. KAZEN. Mr. Speaker, on the first part of the amendment the rescission on our part will stand.

Mr. CONTE. That is right.

Mr. KAZEN. All right. Then comes the addendum of the gentleman from California on the honoraria?

Mr. CONTE. OK. If he wins, and it passes and it goes over there, then they knock that down.

Mr. KAZEN. Yes.

Mr. CONTE. Then we go back to the Proxmire amendment.

Mr. KAZEN. But this is my worry: That if they knock down the Fazio amendment, then the whole amendment will fall.

Mr. YATES. That is right.

Mr. KAZEN. Then the whole thing will fall, not just the Fazio part of it.

Mr. CONTE. No.

Mr. KAZEN. Yes, because it is only one amendment.

Mr. CONTE. Just one amendment.

Mr. YATES. That is correct. It is one amendment.

Mr. Speaker, will the gentleman yield further?

Mr. CONTE. I will be glad to yield to the gentleman.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman suspend?

The parliamentary situation is that the gentleman from Massachusetts has the time.

Mr. YATES. Will the gentleman yield for a parliamentary inquiry?

Mr. CONTE. Yes, I will yield to the gentleman.

Mr. YATES. If the Fazio amendment prevails, does it not then become part of the amendment No. 62, so that if the Fazio amendment is not accepted by the Senate conferees—by the conferees for the other body; excuse me—or by the other body, the whole amendment falls.

Mr. CONTE. The Senate can——

Mr. YATES. If the gentleman will hold a moment, let the Speaker answer.

Mr. CONTE. I thought the gentleman had asked me to yield.

Mr. YATES. I did ask the gentleman to yield for a parliamentary inquiry.

The SPEAKER pro tempore. The Chair cannot anticipate what the Senate might do to the House amendment. But if the Senate were merely disagree to the House amendment, the gentleman is correct.

Mr. YATES. The whole amendment fails.

The SPEAKER pro tempore. Yes; at that stage of the proceedings.

Mr. CONTE. May I continue on my time?

If the Fazio amendment is adopted and the Senate, as a body, disagrees with the Fazio amendment, they could send it back with any amendment that they want. They could change it.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. YATES. The gentleman is exactly right. But the point is that the Proxmire amendment is lost in this struggle.

Mr. CONTE. No.

Mr. YATES. The Proxmire amendment is an amendment of a part that is not accepted.

□ 1520

Mr. CONTE. Mr. Speaker, I take back my time. As I understand it the Fazio amendment goes over, the Senate does not want the Fazio amendment, knocks it down, they can send the Proxmire amendment right back or amend the Proxmire amendment and send it back, and this House will have another opportunity to vote. We would have another opportunity to vote.

Mr. YATES. This is an amendment in the third degree, and we cannot do that.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield.

Mr. FAZIO. I would like to clarify two points. First of all, once we recede from our disagreement with the Senate on the language of the gentleman from Wisconsin, we will have complied with the instructions of the House which were initiated by the gentlewoman from Colorado. Once that is agreed to, that will be the first

part of the sequence of parliamentary procedure.

My motion to recede will be before us. It has been said that if that were defeated we would be eliminating the language to return to the $3,000 limit. That is absolutely not true, because to recede will be to recede from disagreeing with the Senate language. However, if my motion to recede is defeated, that is tantamount to knocking out the $3,000 language. That would be in direct defiance of the instructions of the House. Then I will move to concur with my amendment to restore the $3,000 limit on tax deductions, and to impose the limit on outside earnings.

We are not in a parliamentary snafu that would make it impossible for us to express the will of the House. If we send this language over to the Senate and the Senate refuses to deal with it either through some procedural effort with their rules or rejects or amends it on the floor—we want them to deal with it on the floor—we would once again have an opportunity to deal with the issue, because it would have to come back again to the House. So we are not in a disadvantageous position whatsoever. We have the ability to express the view of the House as recorded in the instruction to the conferees agreed to the other day.

Mr. YATES. If the gentleman will yield further, the parliamentary situation will permit me to offer my amendment if the Fazio amendment is voted down, that part of my amendment which is to concur with the Senate, and the House will at that point have an opportunity to vote straight up or down on Proxmire as it did last time when it instructed the conferees.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding. I just want to say that the last statement by the gentleman from Illinois makes quite clear that there is not any way under the Sun that Members are going to avoid implementing what happened in this House last week. That tax gimmick is gone. The Schroeder amendment is going to pass. If it does not today, it will tomorrow, and it will become law.

The only question is whether we want to pass up the only opportunity we have to get the Senate to vote on this other item, which is far more insidious.

Mr. CONTE. The gentleman from Wisconsin is absolutely right. It is unfortunate that a red herring has been dragged across this issue. The issue is very clear. First, we recede. From disagreement to the Proxmire amendment, and then Mr. FAZIO will offer his amendment to concur in the Proxmire amendment, with an $18,000 limitation on honoraria for the other body, and that is adopted, then the bill will go back to the Senate. The Senate will have the right to accept the Fazio amendment, No. 1—which I doubt very much—and No. 2, if they will not accept the Fazio amendment they can send the Proxmire amendment back to the floor. We will have another chance, and we will most likely have a voice vote to get rid of it or amend the Proxmire amendment with some other addendum.

I do not want to mess up the issue. That is it. I gave it to the Members loud and clear.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House recede from its disagreement to Senate amendment No. 62?

The House receded from its disagreement to Senate amendment No. 62.

PREFERENTIAL MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. FAZIO moves that the House concur with an amendment to the amendment of the Senate numbered 62, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 217A. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

SEC. 217B. (a)(1) Except as provided by paragraph (2), no Member may, in any calendar year beginning after December 31, 1981, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(2) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1981, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) For purposes of subsection (a), honoraria shall be attributable to the calendar year in which payment is received.

(c) For the purposes of this section—

(1) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed;

(3) "travel expenses" means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the greater Washington, District of Columbia, metropolitan area; and

(4) "outside earned income" means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personsal services actually rendered but does not include—

(A) the salary of such Member as a Member;

(B) any compensation derived by such Member for personal services actually rendered prior to the effective date of this section or becoming such a Member, whichever occurs later;

(C) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and

(D) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the preferential motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. YATES. Mr. Speaker, reserving the right to object, is this the same wording that the Clerk read before?

Mr. FAZIO. Yes; this is exactly the rule of the House which would be placed in the statute, thereby covering both bodies.

Mr. YATES. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. KAZEN. Mr. Speaker, reserving the right to object, as I understand the amendment as it was started to be read, the gentleman talked about con-

curring in an amendment. What amendment does he want to concur in?

Mr. FAZIO. We are concurring in the totality of the amendment offered by the Senator from Wisconsin, and we are confirming the vote of the House of last week, and we are adding to this language which takes the House rule of 30 percent of salary on outside income, and applies it in the statute to both bodies. This will also reimpose a statutory requirement on honorariums which was eliminated last fall.

Mr. KAZEN. Further reserving the right to object, are both of those sections separable? If the conferees do not agree on the gentleman's part, will the other still hold?

Mr. FAZIO. If we adopt it here, this will go to the Senate. It will come back again, if the Senate does not accept it.

Mr. KAZEN. In other words, they are not separated; they cannot be separated. This will be one vote on the amendment offered by the gentleman?

Mr. FAZIO. The House has just expressed its will on this issue and we will have an opportunity again if the Senate does not agree with the total effort.

Mr. KAZEN. Further reserving the right to object, Mr. Speaker, if the conferees turn down the gentleman's part of the motion, the entire amendment fails and we have the Proxmire amendment.

Mr. FAZIO. That is not correct.

Mr. KAZEN. It surely is.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California to suspend further reading of the preferential motion?

There was no objection.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from California (Mr. FAZIO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 381, nays 29, not voting 22, as follows:

[Roll No. 150]

YEAS—381

Addabbo	Archer	Bedell
Akaka	Aspin	Beilenson
Albosta	Atkinson	Benjamin
Alexander	Badham	Bennett
Anderson	Bafalis	Bereuter
Andrews	Bailey (PA)	Bethune
Annunzio	Barnard	Bevill
Anthony	Barnes	Biaggi
Applegate	Beard	Bingham
Blanchard	Fountain	Martin (NY)
Bliley	Fowler	Matsui
Boggs	Frenzel	Mattox
Boner	Frost	Mavroules
Bonior	Fuqua	Mazzoli
Bonker	Garcia	McClory
Bouquard	Gaydos	McCollum
Bowen	Gejdenson	McCurdy
Breaux	Gephardt	McDade
Brinkley	Gibbons	McDonald
Brodhead	Gingrich	McEwen
Brooks	Glickman	McGrath
Brown (CA)	Gore	McHugh
Broyhill	Gradison	McKinney
Burgener	Gramm	Mica
Butler	Gray	Mikulski
Byron	Green	Miller (OH)
Campbell	Gregg	Minish
Carman	Grisham	Mitchell (MD)
Carney	Guarini	Mitchell (NY)
Chappell	Gunderson	Moakley
Chappie	Hagedorn	Moffett
Cheney	Hall (OH)	Molinari
Chisholm	Hall, Ralph	Mollohan
Clausen	Hall, Sam	Montgomery
Clinger	Hamilton	Moore
Coats	Hammerschmidt	Moorhead
Coelho	Hance	Morrison
Coleman	Hansen (ID)	Mottl
Collins (IL)	Hansen (UT)	Murphy
Conable	Harkin	Murtha
Conte	Hartnett	Myers
Conyers	Hatcher	Napier
Corcoran	Hawkins	Natcher
Coughlin	Heckler	Neal
Courter	Hefner	Nelligan
Coyne, James	Heftel	Nelson
Coyne, William	Hendon	Nichols
Craig	Hertel	Nowak
Crockett	Hightower	O'Brien
D'Amours	Hiler	Oakar
Daniel, Dan	Hillis	Oberstar
Daniel, R. W.	Hollenbeck	Obey
Dannemeyer	Hopkins	Ottinger
Daschle	Horton	Oxley
Daub	Howard	Panetta
Davis	Hubbard	Parris
de la Garza	Huckaby	Pashayan
Deckard	Hughes	Patman
Dellums	Hunter	Patterson
DeNardis	Hutto	Paul
Derrick	Ireland	Pease
Dickinson	Jacobs	Pepper
Dicks	Jeffords	Perkins
Dingell	Jeffries	Petri
Dixon	Jenkins	Peyser
Donnelly	Johnston	Porter
Dorgan	Jones (NC)	Price
Dornan	Jones (OK)	Pritchard
Dougherty	Jones (TN)	Pursell
Downey	Kastenmeier	Railsback
Dreier	Kemp	Rangel
Duncan	Kennelly	Ratchford
Dunn	Kildee	Regula
Dwyer	Kindness	Reuss
Dymally	Kogovsek	Rhodes
Dyson	Kramer	Richmond
Eckart	LaFalce	Rinaldo
Edgar	Lagomarsino	Ritter
Edwards (AL)	Lantos	Roberts (KS)
Edwards (CA)	Latta	Roberts (SD)
Edwards (OK)	Leach	Robinson
Emerson	Leath	Rodino
Emery	LeBoutillier	Roe
English	Lee	Roemer
Erdahl	Leland	Rogers
Erlenborn	Lent	Rose
Evans (DE)	Levitas	Rosenthal
Evans (GA)	Lewis	Roth
Evans (IA)	Livingston	Roukema
Evans (IN)	Loeffler	Rousselot
Fary	Long (LA)	Roybal
Fazio	Long (MD)	Rudd
Fenwick	Lott	Russo
Ferraro	Lowery (CA)	Sabo
Fiedler	Lowry (WA)	Santini
Fields	Lujan	Savage
Fish	Luken	Sawyer
Fithian	Lundine	Schneider
Flippo	Lungren	Schulze
Florio	Madigan	Schumer
Foglietta	Markey	Seiberling
Foley	Marlenee	Sensenbrenner
Ford (MI)	Marriott	Shannon
Ford (TN)	Martin (IL)	Sharp
Forsythe	Martin (NC)	Shaw
Shelby	Stokes	Weber (OH)
Shuster	Studds	Weiss
Siljander	Stump	White
Simon	Swift	Whitehurst
Skeen	Synar	Whitley
Skelton	Tauke	Whittaker
Smith (IA)	Tauzin	Whitten
Smith (NE)	Taylor	Williams (MT)
Smith (NJ)	Thomas	Williams (OH)
Smith (OR)	Traxler	Wilson
Smith (PA)	Trible	Winn
Snowe	Udall	Wirth
Snyder	Vander Jagt	Wolf
Solarz	Vento	Wolpe
Solomon	Volkmer	Wortley
Spence	Walgren	Wright
St Germain	Walker	Wyden
Stangeland	Wampler	Yatron
Stanton	Washington	Young (AK)
Stark	Watkins	Young (FL)
Staton	Weaver	Young (MO)
Stenholm	Weber (MN)	Zeferetti

NAYS—29

Bailey (MO)	Frank	Mineta
Boland	Gilman	Pickle
Brown (CO)	Gonzalez	Quillen
Burton, Phillip	Holt	Rostenkowski
Crane, Daniel	Hoyer	Schroeder
Crane, Philip	Hyde	Shamansky
Derwinski	Kazen	Shumway
Early	Lehman	Wylie
Fascell	McCloskey	Yates
Findley	Miller (CA)	

NOT VOTING—22

AuCoin	Dowdy	Rahall
Benedict	Ertel	Scheuer
Bolling	Ginn	Smith (AL)
Broomfield	Goldwater	Stratton
Brown (OH)	Goodling	Waxman
Burton, John	Holland	Zablocki
Clay	Marks	
Collins (TX)	Michel	

□ 1540

Mr. BROWN of Colorado and Mr. FASCELL changed their votes from "yea" to "nay."

Mrs. BOUQUARD and Messrs. PARRIS, EMERSON, and GRAMM changed their votes from "nay" to "yea."

So the preferential motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 64: Page 22, after line 18, insert:

SEC. 219. (a) None of the funds which are made available by this bill or any other bill, joint resolution, or Act appropriating funds for fiscal year 1982 shall be used to study, plan, or implement the termination of the operation of Southwestern Indian Polytechnic Institute located in Albuquerque, New Mexico.

(b) The Secretary of the Interior shall use funds made available to the Department of the Interior under the Act of December 23, 1981 (95 Stat. 1391) to operate Southwestern Indian Polytechnic Institute through fiscal year 1982.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of

the matter proposed by said amendment insert the following:

SEC. 219. (a) None of the funds which are made available by this or any other Act shall be used to study, plan, or implement the termination of the operation of the Southwestern Indian Polytechnic Institute located in Alburquerque, New Mexico, in fiscal year 1982.

(b) The Secretary of the Interior shall use funds made available to the Department of the Interior under the Act of December 23, 1981 (95 Stat. 1391) to operate Southwestern Indian Polytechnic Institute through fiscal year 1982.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PRIDE IN THE HOUSE

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I have been here 24 years, and I must say that I have never been prouder of this House of Representatives than I have been in that last vote.

Thank you very much.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6595, TEMPORARY DEBT LIMIT INCREASE

Mr. DERRICK from the Committee on Rules, submitted a privileged report (Rept. No. 97-610) on the resolution (H. Res. 504) providing for the consideration of the bill (H.R. 6595) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTERNATIONAL TRADE COMMISSION AUTHORIZATION

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

Resolved, That upon the adoption of this resolution it shall be in order, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6094) to authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United States Trade Representative for fiscal year 1983, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendments to the bill shall be in order except (1) amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment except that it shall be in order to consider amendments to the first committee amendment now printed on page 3, lines 17 and 18 of the bill only to change the figure proposed to be inserted by said committee amendment, and a substitute for said amendment which shall not be subject to amendment except amendments only changing said figure; and (2) amendments only changing the figures on page 2, line 8 and on page 5, line 3 of the bill, and said amendments shall not be subject to amendment except amendments only changing said figures. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1550

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Arizona (Mr. RHODES), pending which I yield myself such time as I may consume.

Mr. DERRICK. Mr. Speaker, House Resolution 503 is the rule providing for the consideration of H.R. 6094, to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes.

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means. The bill is to be considered as having been read for amendment under the 5-minute rule. This is a modified closed rule allowing only the following amendments. Committee amendments are in order but are not amendable except for the first committee amendment authorizing funds for the customs service which may be amended to change the figure for the fiscal year 1983 authorization. A substitute for this first committee amendment would be in order but the substitute which is itself a change in the authorization level, would only be amendable to change the authorization figure.

In addition, amendments to change the fiscal year 1983 authorization figures for the International Trade Commission and the Office of the U.S. Trade Representative would be in order but they are not amendable except by amendments to either increase or decrease these authorization figures.

In other words, the only amendments in order are those to change the fiscal year 1983 authorization figures recommended by the committee for the three agencies authorized in the bill. The rule does not make in order the offering of amendments which refer to issues apart from the matter of agency authorization levels and which might have the effect of amending the trade act.

The rule waives section 402(a) of the budget act, which requires that new budget authority for a fiscal year be reported by May 15 preceding the beginning of such fiscal year, against consideration of the bill.

The waiver is necessary as lines 11 through 15 on page 6 of the bill provide that the U.S. Trade Representative may pay for expenses approved by him for official travel. Since the provision could become effective upon enactment funds might be expended in fiscal year 1982 and the bill was not reported by May 15, 1981.

A waiver of clause 5 of rule 21 which prohibits the consideration of appropriations in an authorization bill is also provided. Sections of the bill which authorize the Chairman of the International Trade Commission and the U.S. Trade Representative to "accept, hold and utilize gifts" and authorize the U.S. Trade Representative to pay for expenses approved by him for official travel technically would constitute appropriations and thus require this waiver of the point or order.

Finally, the rule makes in order one motion to recommit.

Mr. Speaker, H.R. 6094 authorizes appropriations for fiscal year 1983 of $19.7 million for the U.S. International Trade Commission, $568.8 million for the U.S. Customs Service, and $10.1 million for the Office of the U.S. Trade Representative.

Mr. Speaker, I urge the adoption of House Resolution 503 so that we may proceed to the consideration of this legislation.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Carolina has accurately stated the provisions of House Resolution 503, which grants a modified closed rule for the consideration of H.R. 6094, authorization of the International Trade Commission, Customs Service, and the U.S. Trade Representative for fiscal year 1983. The rule does waive section 402(a) of the Budget Act and clause 5 of rule XXI against con-

sideration of the bill, and makes in order certain amendments recommended by the Committee on Ways and Means.

Mr. Speaker, H.R. 6094 was reported by a voice vote of the Committee on Ways and Means; the Rules Committee heard no testimony in opposition to the measure or the requested rule; and the administration supports enactment of the bill. I therefore urge adoption of the rule so we may proceed to consideration of the legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule. I would list three basic reasons for that opposition:

No. 1, this rule does waive portions of the Budget Act, as the previous rule before us today did, and I think that that is a cause for concern for Members who have some concern about the budget process.

It is also a closed rule on three areas of considerable controversy, given our problem with fair trade in the world trading community. I think that it is interesting to note that, at a time when many Members are attempting to address issues regarding fair trade in the world, we are allowing an authorization to go through where we could have addressed by amendment some of those particular concerns.

So by closing this rule, it seems to me that we are preventing ourselves from an opportunity to address some of those issues.

Finally, the closed nature of this rule also means that we will not be able to offer an amendment on this authorization to obtain compliance with the law requiring a balanced budget. This is something which I had indicated that I was going to be willing to do on the authorization bills and appropriation bills that came before the House. Under this closed rule, that would be impossible.

Therefore, Mr. Speaker, I do rise in opposition to the rule, and I hope the House will defeat the rule.

Mr. RHODES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in support of the rule, despite the remarks of my distinguished colleague, the gentleman from Pennsylvania. I think it is a good rule.

The committee, in fact, granted a greater latitude for amendment than the committee—that is, the members of both the minority and majority of the committee—actually requested.

I think many of the amendments which the gentleman has in mind are amendments that would not be germane to the bill in any case. I hope the rule will be supported.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROSTENKOWSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6094) to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6094, with Mr. LOWRY of Washington in the chair.

The Clerk read the title of the bill.

□ 1600

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 6094, as reported by the Committee on Ways and Means by voice vote with two amendments, authorizes fiscal 1983 appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the U.S. Trade Representative.

The bill authorizes $19,737,000 for the ITC, the amount requested by the agency, and only 5 percent above the authorization passed by the House for fiscal year 1982.

Section 2 of the bill authorizes $568,801,000 for the U.S. Customs Service, an increase of $38,277,000 above the administration's request. The committee believes this increase is necessary to enable Customs to operate in fiscal 1983 at its current level of services and prevent a proposed 20-percent reduction in force. The committee amended the bill to reduce the $574,801,000 authorization level in the bill as introduced to conform to the 4-percent cut in Customs nonenforcement functions mandated by the second continuing budget resolution. The second committee amendment removes the $25,000 limitation on Customs overtime pay from the bill as introduced since such "caps" in appropriation bills have created unnecessary administrative expenses.

Finally, section 3 of H.R. 6094 authorizes $10,100,000 for the Office of the U.S. Trade Representative, the amount requested by the administration and only $100,000 above this year's authorization. The bill also contains certain standard administrative authorities requested by the agency.

Mr. Chairman, the authorization levels in H.R. 6094 reflect very lean budgets for three agencies whose functions are central to U.S. trade policy and its administration. I urge my colleagues to support the bill as reported by the committee.

Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Trade, a very capable member of the Ways and Means Committee, my personal good friend, the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, after that generous introduction by my distinguished chairman I think I ought to sit down and take applause. But this is a good bill, Mr. Chairman. We should not talk it to death. It does not change the law very radically on the ITC. The ITC is a well-run institution. It does not submit its budget to the Office of Management and Budget. It submits it directly to Congress. Maybe there is a lesson there for us. But because its budget has increased very little over the years, they did not seek large increases and there is only a 5-percent increase in it this year.

On the Customs Department, we did a little more than the administration had asked for but not a serious amount more. I think when the administration prepared its budget it forgot that the Customs Service was a revenue-collecting agency and they made some pretty horrendous cuts in the revenue-collecting agency's money. It is not only a revenue-collecting agency, it is also a law enforcement agency, and it is constantly being called upon to serve in that law enforcement public service and revenue functioning capacity.

The subcommittee after long hearings saw fit to increase the authorization by only $38 million more than the administration had asked for.

There are a couple of other little small changes in the bill but they are not worth going into at this time.

Mr. Chairman, I rise in support of H.R. 6094, authorizing fiscal year 1983 appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the U.S. Trade Representative.

The $19,737,000 authorized for the International Trade Commission is the amount the agency requested and only a 5-percent increase from their 1982 request, primarily to compensate for inflation. It is essential that the ITC be funded adequately with adequate personnel to conduct investigations sought by business and labor of import competition and unfair trade practices as well as analyses of current trade developments and issues.

The bill also requires reimbursement to the agency of costs of special studies conducted for executive branch agencies and provides standard administrative authority to accept certain other reimbursements.

Section 2 of the bill authorizes $568,801,000 for the U.S. Customs Service, including $31,464,000 for the transfer of alcohol and tobacco functions from the Bureau of Alcohol, Tobacco and Firearms. This level is $38,277,000 higher than the amount requested in the President's budget. The request represents a $13 million reduction from the current appropriation level, excluding the BATF transfer and fiscal 1982 supplemental pay increases, and would require a 20-percent reduction in Customs inspectors, import specialists, and other personnel. The committee believes that Customs is an efficient agency already operating on a very tight budget. We should increase drug and other contraband seizures, expedite passenger processing, insure full revenue collection and proper monitoring and enforcement of import controls, not reduce these services and revenues as the budget request would require. The first committee amendment reduces the authorization level from $574.8 million in the bill as introduced to $568.8 million to reflect the current level of services as of fiscal 1983 taking into account the 4-percent cut in appropriations mandated under the fiscal 1982 second budget resolution.

The second committee amendment strikes the overtime pay limitation on customs inspectors of $25,000 from the bill as introduced. The current limit of $20,000 arose because Congress believe a cap would create better management by Customs in distributing overtime pay, eliminating the practice of some customs inspectors earning far more in overtime than basic salary. The result, however, has been increased costs for Customs to administer the cap and reduced flexibility to manage the total overtime costs necessary to provide customs services mandated by statute.

Finally, the bill authorizes $10,100,000 for the Office of the U.S. Trade Representative, an increase of only $100,000 from this year's authorization request for the agency responsible for developing and coordinating U.S. trade policy. The bill also provides certain standard administrative authorities required by the agency.

These three agencies are central to U.S. trade policy development and its administration. The Subcommittee on Trade, which I chair, and the full Committee on Ways and Means maintain a close and continual oversight of their activities. As in past years we have reviewed their budget requests in depth and have approved authorization levels for fiscal 1983 which are lean yet adequate to insure they get their essential jobs done. I urge your support of H.R. 6094 as reported by the committee.

Mr. FRENZEL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I, too, support H.R. 6094, a bill authorizing appropriations for the International Trade Commission, the U.S. Customs Service and the U.S. Trade Representative. However, there are two very troubling aspects of the bill that I hope can be corrected through the amendments permitted under the rule.

As my distinguished colleagues, the chairman of the Ways and Means Committee, and the chairman of the Trade Subcommittee have explained, the noncontroversial sections of this bill provide authorizations of appropriations for the International Trade Commission (ITI), and the U.S. Trade Representative's Office (USTR), and make certain changes with respect to the functions of those agencies.

The amount authorized for the ITC is exactly the amount requested by that agency—$19,737,000. The ITC is an independent agency whose request is separate and not subject to OMB review. The amount authorized for the USTR is $10.1 million, the same as requested by the administration. This figure represents only a limited increase over what that agency had to work with last year.

The authorizations for both these agencies represent very fiscally sound levels, given our current budget constraints, and will require careful allocation of resources in order to carry out those important functions so critical to the maintenance of U.S. trade policies and to the application of our trade laws. Toward that end, the bill also provides for reimbursement to the ITC of the cost of doing reports for other agencies, and allows both the ITC and USTR to accept certain reimbursements, such as for travel expenses, if related to agency work.

The problems with the bill center on the provisions related to the U.S. Customs Service. First of all, the amount authorized for this agency in fiscal year 1983 is approximately $569 million. This figure exceeds the President's budget request for the Customs Service by about $38 million and is unjustified in light of the economic realities we face.

Like the two other agencies covered by this bill, the administration's request of $531 million for the Customs Service in fiscal year 1983 represents a modest increase in funding over the previous year. Since it is a reduction in real terms, prudent allocation of resources and some cutback in personnel would be required. However, I am confident that greater efficiencies can be achieved, and that the proposed cuts can be absorbed, without adversely affecting the important functions and services of this agency.

At the appropriate time, I plan to offer an amendment to return the authorization level for the Customs Service that was requested by the administration, and I will discuss the objectives of my amendment more fully at that time.

A more important problem from the point of view of fiscal responsibility is the removal of the cap on individual overtime payments to Customs personnel. I oppose the decision to remove the cap at this time. It has been in place only 3 years and has proved to be an essential tool in reducing overtime costs, assuring proper management of overtime expenses and controlling abuses in this area that have plagued the agency in the past.

Overtime payments have slowed dramatically as a result of the statutory ceiling on such earnings, and most earlier abuses in scheduling and allocation of overtime have been eliminated. Although it may be necessary to increase the level of the cap by a modest amount, keeping the cap in place is important to insure continued rigorous oversight in this area and to maintain a high priority on overtime management and cost control.

At a time when all agencies are facing tough fiscal restraints, and when so many workers cannot find jobs at all, we cannot afford a situation where excessive levels of overtime earnings again become the rule.

When amendments to H.R. 6094 are considered by the House, I hope my colleagues will reject the Ways and Means Committee amendment removing the overtime cap and will support retention of the cap as provided in the bill as introduced. The bill as introduced would maintain the cap at $25,000, a slightly higher level than currently exists.

Mr. Chairman, I support the general intent of H.R. 6094 as well as most of its specific provisions. However, I believe the bill as amended by the Ways and Means Committee contains serious flaws, and I hope my colleagues will join me in perfecting the bill before final passage.

Mr. Chairman, I yield 2 minutes to the distinguished ranking Republican member of the Committee on Ways and Means, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, like my distinguished friend from Minnesota, I support the thrust of this bill.

I would like especially to mention the good work done by the International Trade Commission. ITC has greatly increased its productivity without greatly expanding its cost in recent years.

I suspect that we are moving into a period of considerable trade unrest in which a good deal of factfinding will be necessary. It is very important that we maintain a staff for the ITC of high efficiency productivity and objectivity and I think it is important that they be adequately funded. It is quite remarkable when you look at the performance of this Commission to see how much additional work it is turning out over several years ago, when it was an extremely troubled agency. I have perhaps been here too long. I remember almost the aura of a circus about it several years ago. It has settled down since that time and is now performing in I believe an exemplary fashion.

I would like to support also, Mr. Chairman, the suggestion of the gentleman from Minnesota relative to the capping of overtime. I think it is a mistake to eliminate this cap. The gentleman has offered a compromise that would put the cap at a higher level than it used to be. To me, it is not good administrative practice to permit the members of the Customs Service sometimes to get more in overtime than their basic salary. A $25,000 cap is not onerous. It seems to me totally consistent with good management practice to put a reasonable cap on the amount of overtime that may be claimed by this service and for that reason I will support the amendment suggested by the gentleman from Minnesota at the appropriate time.

In general, I do support the thrust of this legislation and urge my colleagues to support it also.

□ 1610

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I rise in opposition to H.R. 6094 because of its inclusion of a reimbursement requirement for studies, investigations, and reports done at the request of agencies of the executive branch.

Currently, Mr. Chairman, there is no such reimbursement requirement. According to the committee report, there is concern that agencies will misuse the International Trade Commission as a "back-door consultant" and a source of "free" consulting services.

I do not share that concern. The facts are that, according to the ITC Congressional Liaison Office, there have been no requests by agencies for studies that would require reimbursement under H.R. 6094 as far back as they can remember.

That is an important point. Even though there has been no reimbursement requirement since 1980, agencies have not beaten down the ITC's door to seek free consulting services.

What I fear most, Mr. Chairman, is that the reimbursement language will create a new restriction on the legitimate use of the ITC because of limited agency funding in this time of fiscal austerity.

In effect, we will eliminate the ability of an agency to request an ITC study because few, if any, agencies currently have sufficient funds to finance the same. Accordingly, this investigative channel will no longer be open to them.

Mr. Chairman, I am no great fan of the ITC. The section 22 study they completed on case in January of this year was, in my opinion, one of the least objective analyses of a trade problem that I have ever read.

At the same time, I recognize the great potential the ITC has not only to fulfill the study requests of the President and the International Trade Representative, but also those of agencies of the various executive departments. We cannot afford to lose or bias this service.

Past experience has demonstrated that no agency has misused the opportunity to use the investigative resources of the ITC. I, therefore, urge my colleagues to oppose H.R. 6094 in its present form.

I sincerely believe that we will eliminate a potentially valuable tool to study important trade questions by maintaining the reimbursement requirement currently contained in section 1 of H.R. 6094.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, would the gentleman from Florida (Mr. GIBBONS) respond to a few questions? I would be glad to yield to the gentleman.

Mr. GIBBONS. I would be glad to.

Mr. STARK. The customs service is one of our major revenue producing agencies and produces, I believe, about $10 billion a year in revenue; is that not correct?

Mr. GIBBONS. Yes, sir, that is correct.

Mr. STARK. That works out to about $18.50 for each dollar we spend through the customs service.

Mr. GIBBONS. It is a pretty efficient agency; the gentleman is correct in that, yes, sir.

Mr. STARK. Under the voluntary compliance system, most of this money would come in, whether or not there were a lot of custom officers, but there are those few people who tend to cheat and snitch and evade our laws.

Mr. GIBBONS. In any revenue matter or law enforcement matter, unless there is a believable deterrent out there the law enforcement is not going to take place or the money is not going to come in.

Mr. STARK. I received a letter from customs that said if they were to add a thousand persons to various investigative tasks, they could collect about $3 of revenue for each dollar they spend in additional salaries, which is not a bad rate of return in these days. If that logic holds, then it would seem to me, and I wonder if the gentleman would concur, that if we cut several thousand employees, which would be the effect of a proposed amendment of the gentleman from Minnesota, would we not be losing $3 in revenue from people cheating for every dollar we would save in salaries?

Mr. GIBBONS. Oh, at least that much and perhaps even more, yes.

Mr. STARK. It seems to me then that by opposing the proposed amendment to cut back on these very needed customs officials, you would be preventing the House from being penny wise and pound foolish and that nobody has ever questioned the direct relationship between the increased revenue and the increased collection efforts in that cutting back on the staff, but none of the hearings, I think, found or suggested that we had excessive staff or that we had people who were sleeping on the job, that we had featherbedding. This staff was bringing in the bucks, as it were, and to cut back on that staff would widen the deficit and hinder our ability to collect what is due to the Government; is that the understanding of the gentleman?

Mr. GIBBONS. That is very true. I would remind the gentleman, you know, the customs service in many cases preceded the United States. It is probably the oldest continuous service that we have. It preceded the Army and all the other agencies. It really was a holdover from the colonial days and grew up along that line.

It is a very distinguished service. It was here at the founding of our Nation and it financed our Nation for many years.

Now tariffs only yield about $9 to $10 billion a year, but it has always been a very important law enforcement agency, and an important revenue collecting agency.

Unfortunately, it sort of gets overlooked in the process. Sometimes people who are just kind of interested in putting caps on total numbers of people that are employed do serious damage to this small agency.

It also points out really the reason why the amendment of the gentleman from Minnesota (Mr. FRENZEL) on the cap is not good. As I am sure other Members will point out, the previous

administration and this administration both have asked us to take the cap off. They say it costs money to administer the cap. We actually lose money by the cap and all these artificial caps do not save any cost.

Cutting back on this personnel really is not going to save any money. We are going to have to do the job one way or another. The ships have got to be met. The planes have got to be met. The baggage and the freight all has got to be inspected. The mathematics has all got to be done. The bills of lading and everything has to be checked, or we are just going to have holes in our whole revenue collection system and our law enforcement system and in our trade laws; so we cannot overlook customs and just let it get swept under. That is the reason why this committee went along with this administration and the recommendations of the last administration to take the cap off. That is the reason why we examined this budget and examined it very carefully. We decided to add just a wee bit more money to it, not as much as I would like to have added or perhaps the gentleman would have liked to have added or the gentleman from Pennsylvania (Mr. BAILEY) would have liked to have added for better law enforcement or for better revenue, but we added what we thought under the circumstances was reasonable.

Mr. STARK. I want to thank the distinguished gentleman from Florida for his answers and congratulate him on a fine job he has done as chairman of the subcommittee that produced this legislation.

I urge my colleagues to vote against the proposed amendment of the gentleman from Minnesota, to protect this fine service and see that it can do the law enforcement and revenue collecting job that was intended.

□ 1620

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. STARK. I would be delighted to yield to the gentleman.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Florida.

I have a peculiar problem in my district, and it comes as no surprise to the Members on this floor, since I have been a Member of the House for 16 years now. I have argued for more and more personnel in Customs and in Immigration.

Coming from a district that borders Mexico, and particularly two cities on the Rio Grande, I have a brand new bridge that is still not in full operation, which is the second bridge at Laredo, and we are already talking about a third bridge which is necessitated by the tremendous commerce that crosses that border between the United States and Mexico.

As the gentleman said, this is a revenue-collecting agency. We must have them, and at the same time I do not know that even under the provisions of the bill as it came out of the committee—and I will ask some questions about this a little later—I want to make sure that that bridge is manned 24 hours a day, because it is needed. The commerce is there; it is the largest inland port in the United States down there at Laredo.

We do need these Customs people, all of this personnel, and we do need Immigration.

We will get to that when we get to that other bill. But I would hope that this House will not see fit to cut down the numbers that the committee has recommended.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 6094. A substantial portion of this bill authorizes $568.8 million in fiscal year 1983 for U.S. Customs Service. That section of the bill is designed to prevent a 20-percent reduction in customs personnel from a force of approximately 15,000 to a proposed force of 12,120 for fiscal year 1983, including 1,200 inspectors, 260 import specialists, and 100 patrol officers.

At a time when heroin, cocaine, marihuana, and other dangerous drugs are reaching our shores by the planeload and boatload, this is not the time to cut back on drug law enforcement agencies whose front line troops are stretched much too thin across our Nation's borders.

It is inconsistent for the Congress to adopt a "get tough" posture against drug traffickers if we do not provide our law enforcement personnel with adequate equipment, personnel, and funds for them to do their job. Mere saber rattling is not enough to fight the drug traffickers. We must back up our good intentions with deeds, not mere words, by providing the resources so desperately needed by our drug enforcement agencies to perform their dangerous tasks.

Mr. Chairman, if we truly mean what we say about waging "war" on drug abuse, then let us properly support our Customs Service with the wherewithal to fully perform its law enforcement duties. Accordingly, Mr. Chairman, I urge my colleagues to support this measure.

The CHAIRMAN. The gentleman from Illinois (Mr. ROSTENKOWSKI) has 19 minutes remaining, and the gentleman from Minnesota (Mr. FRENZEL) has 18 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, the amount of overtime an employee earns is strictly an administrative matter in an agency and should not be subject to statutory limitations. There has been a cap in the Customs Service for several years and it has not proven to either save money or make the agency operate more efficiently. In fact, customs officials claim it is costing them $1 million a year in administrative costs to comply with the existing cap.

Eliminating the overtime cap does not necessarily mean there will be an increase in overtime pay. The Customs Service will have to live within its budget for salaries and expenses and this is the most effective cap that can be applied. We can also expect that our authorizing and Appropriations Committees will keep a close watch on overtime expenditures to make certain there are no abuses of the kind that led to imposition of the cap.

What we should be most concerned with here is having a Customs Service that operates in the most effective and efficient manner possible. It has a grave responsibility in helping guard our borders against drug smuggling and other illegal entries. It has a growing workload in processing passenger and cargo traffic. It produces substantial revenue for the Treasury and we should not do anything that hampers its operations. Its management says the overtime cap does hamper them, and I think we should vote down this amendment and let management deal with the matter in a way that will be best for the agency, which means best for the country.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I rise because I have a great respect for the Bureau of Alcohol, Tobacco, and Firearms. I have observed their work, especially with regard to arson control, their tremendous ability to collect revenues from sales of alcohol and tobacco, and their general enforcement authority.

I do know that the Bureau of Alchol, Tobacco, and Firearms is having some of its authority transferred to other agencies, including, I believe, control with regard to firearms which is being transferred to the Secret Service.

I do note, however, that some functions of the Bureau of Alcohol, Tobacco, and Firearms are, according to the committee report, being transferred to the Customs Bureau, and I note that there are some reductions.

The report indicates that reductions in funds are exclusive of the functions and the duties to be performed by the BATF, in the U.S. Customs.

The question I would like to ask—and I would be happy to yield to the

gentleman from Florida (Mr. GIBBONS) if he would be able to answer—is whether or not the personnel that are transferred to the U.S. Customs will be maintained at least at the present level?

Mr. GIBBONS. Mr. Chairman. I would imagine so, but I am not sure the transfer is going to go through. The money is put in our bill mainly as a safety device so that if the transfer does go through, there will be the money there to pay those people.

Mr. McCLORY. I thank the gentleman. Is there no intention in this legislation, nor on the part of the committee, to reduce the personnel of BATF, notwithstanding that some of its functions are being transferred to the U.S. Customs?

Mr. GIBBONS. No, Mr. Chairman, there is no intent to do that. In fact, this bill tries to be a little more responsive to the need than was the original administration bill. Also, there is no intention on the part of the gentleman from Florida to try to cut back on that personnel. Anybody that is transferred over there will be badly needed and will be used. We have plenty of jobs and plenty of work for them.

Mr. McCLORY. That is encouraging. I thank the gentleman.

I, of course, want to express my respect for the U.S. Customs and the job they do, including the revenue-producing capability that they have.

Likewise, of course, I wish to express my respect for the Bureau of Alcohol, Tobacco and Firearms, which produces revenues that are many times greater than what the agency itself costs. I hope that the integrity and capability of the Bureau of Alcohol, Tobacco and Firearms can be maintained, notwithstanding that some of its functions are being transferred to other agencies of the Government.

Mr. Chairman, I thank the gentleman from Minnesota (Mr. FRENZEL) for yielding this time to me, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, I just want to make a point. The issue on overtime cap was explained very, very well by the gentleman from Florida, the chairman of the subcommittee, Mr. GIBBONS.

I would like to stress and make the point for the House, though, that the procedural form that this will probably take, I assume, unless the gentleman from Minnesota would be so kind as to not request a vote, on a committee amendment and the committee amendment would lift the cap.

As a substantive issue, I would like to remind the House, particularly the other side, that to the best of my knowledge and belief—and I have checked on it today—the Customs Service very much, because of economics and an issue really of efficiency, in the face of personnel cuts, prefers the committee amendment which would lift the cap. I think it is important that we make that point before the House, that the administration and Customs Service do.

□ 1630

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FRENZEL. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. Mr. Chairman, I would like to stress the point for the benefit of the House that the administration does again, because it will actually save money and provide for more efficient and effective administration of the duties of the Customs Service, that the administration would like to see, along with the majority of the opinion of the Members, I think, on both sides of the Ways and Means Committee, would like to see the cap lifted.

That request will come in the form of an amendment by the committee, a committee amendment, and I would hope that the House would support that amendment if it should be placed before us with the request of the gentleman from Minnesota for a vote.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, I would just like to add my comment to the fact that about 9 or 10 months ago the Immigration Subcommittee visited the Chula Vista area, where we have a very dedicated customs group. While we were there, and I was at the port of entry with some of the agents as they checked these cars as they came in from Mexico, I was told at that time that some of these people were having to work two shifts end to end because they did not have the manpower to use 8-hour shifts. They told of instances of where, because of the absence of manpower and the limitation of overtime, that they did not have people to work, so I would certainly like to add my bit to the fact that this is a good bill, a good measure.

The customs people in that part of the country, as well as the border between the United States and Mexico, are very, very diligent in what they do. They are working more than normal people should be required or asked to work, so I certainly favor what has been said here by Mr. BROOKS and others prior to myself.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in order to associate myself with my distinguished colleague from Texas (Mr. KAZEN), who spoke prior to this, and Mr. HALL, as well as Mr. BROOKS and our distinguished colleague from Florida (Mr. GIBBONS) in opposition to the amendment that I understand is pending, offered by the gentleman from Minnesota; and to enlarge on what Congressman KAZEN explained was the situation with respect to the Customs Service in our area.

My district lies right next to Mr. KAZEN's district. The principal city, San Antonio, is the scene of the international airport that brings in the air traffic from Mexico, and it has just been shameful and pitiful, the level of service that is allowed because of the limitations on manpower that we have suffered through three previous administrations, and now this one, in the worst sort.

It is a shame to say that it not only hurts trade and commerce, but also hurts the avowed intentions of this administration, to try to control and reduce the illicit drug trade in from Mexico to the United States.

I cannot stress forcibly enough how ridiculous I consider the amendment that would further reduce an already impoverished personnel organization on the part of the Customs Service.

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield.

Mr. BAILEY of Pennsylvania. There is one thing that I think for the benefit of Members is very important to point out parliamentarily is that there will not be an amendment offered by the gentleman from Minnesota. The gentleman from Minnesota, I believe, may request a vote on a committee amendment, and all of us who have spoken here would want to support that amendment and vote aye on that committee amendment because it would provide for the increased protection that we are so concerned with.

Mr. GONZALEZ. I thank the gentleman, and I stand corrected.

Mr. FRENZEL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise to support as vigorously as I know how the committee amendments to the International Trade Commission authorization (H.R. 6094) opposed by my colleague from Minnesota.

This is another example of the pennywise and pound-foolish approach to fiscal problem solving by this administration.

Defeat of these two amendments would further hamper the work of the

U.S. Customs Service which already is spread too thin to protect the American people from nefarious foreign intrusions.

Wisely, with a keen understanding of the problems, the Ways and Means Committee last April voted to authorize $568.8 million for Customs in fiscal year 1983 and to remove the present $20,000 overtime cap on customs inspectors.

There is an urgent need to expand the efforts of customs agents given the present problems. There has been a tremendous growth in passenger and cargo traffic. There is a literal epidemic in drug smuggling. Trade and tariff responsibilities have undergone significant growth.

Despite these conditions, the resources of Customs have been declining since 1974.

This is why Ways and Means added $38.8 million to the budget request. To lop it off in the name of economy would be absurd. Yet, this is what defeat of the committee amendments would do.

It would be an open invitation to more illegal traffic. And this would add to our economic dilemma, not help solve it.

It would mean a reduction in force of 1,804 full-time employees and the loss through attrition of an additional 800 positions. Close to 20 percent of Customs' current work force would be cut under this proposal, including 1,200 inspectors, 260 import specialists and 100 patrol officers. This is represented as a way to save money.

Frankly, I do not think we can afford it.

● Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Minnesota (Mr. FRENZEL). As chairman of the subcommittee which appropriates funds for the Customs Service, I can attest to the devastating effect this amendment would have on the ability of the service to carry out its responsibilities.

The gentleman seeks to limit the customs authorization to $350.5 million, which is the amount requested by the administration. Not only is this figure $38.3 million below the committee's recommendation; it is also $13 million less than the current funding level for the Customs Service under the continuing resolution. In real terms, it would mean a 20-percent cutback in staff at an agency that is already strained almost beyond its operational limits. As many as 2,600 jobs would have to be eliminated, 1,800 of them by reductions in force, and 800 by attrition. Among those cut would be 1,200 inspectors, 260 import specialists, and 100 border patrol staff, all of whom play critical roles in guarding against the smuggling of dangerous drugs and the entry of other illegal goods into the United States.

Considering the size of the customs workload, we can ill-afford cuts of the magnitude sought in the Frenzel amendment. Last year alone, customs staff cleared more than 314 million people entering the United States and more than 96.4 million vehicles, vessels,and aircraft. The agency also processed 47 million mail parcels and 84.4 million items of letter-class mail. Drug seizures included 234 pounds of heroin, 3,741 pounds of cocaine, 17,991 pounds of hashish, and 5 million pounds of marihuana. To assure the continued smooth processing of people and vehicles entering this country, and to protect against the importation of illegal drugs, we must provide the Customs Service with funding that maintains staffing at current levels.

In agreeing to the level of funding authorized in the committee bill, we will also be helping to ease the budget deficit. My colleagues should know that in 1981, the Customs Service was responsible for the collection of a record $9.1 billion in revenue. Were we to accept the amendment of the gentleman from Minnesota, the Treasury would stand to lose $3 in receipts for every $1 we would be cutting from the Customs budget.

Since the funding level authorized in H.R. 6094 is both fiscally advantageoûs and beneficial to the operation of the Customs Service, I urge my colleagues to support the committee bill and oppose the Frenzel amendment.●

Mr. ROSTENKOWSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment except that it shall be in order to consider amendments to the first committee amendment now printed on page 3, lines 17 and 18 of the bill only to change the figure proposed to be inserted by said committee amendment, and a substitute for said amendment which shall not be subject to amendment except amendments only changing said figure; and second, amendments only changing the figures on page 2, line 8 and on page 5, line 3 of the bill, and said amendments shall not be subject to amendment except amendments only changing said figures.

The text of the bill is as follows:

H.R. 6094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1983 not to exceed $19,737,000. No part of any sum that is appropriated under the authority of this paragraph may be used by the Commission for the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(b) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS FOR USE OF THE COMMISSION.—Subsection (a)(1) of section 331 of the Tariff Act of 1930 (19 U.S.C. 1331(a)(1)) is amended to read as follows:

"(a)(1)(A) Except as provided in paragraph (2), the chairman of the Commission shall—

"(i) appoint and fix the compensation of such employees of the Commission as he deems necessary (other than the personal staff of each commissioner), including the secretary,

"(ii) procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, and

"(iii) exercise and be responsible for all other administrative functions of the Commission.

"(B) The chairman of the Commission may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

"(C) Any decision by the chairman under subparagraph (A) or (B) shall be subject to disapproval by a majority vote of all the commissioners in office.".

SEC. 2. UNITED STATES CUSTOMS SERVICE.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended—

(1) by inserting "(a) immediately after "Sec. 301."; and

(2) by inserting at the end thereof the following:

"(b) There are authorized to be appropriated to the Department of the Treasury not to exceed $574,801,000 for the salaries and expenses of the United States Customs Service for fiscal year 1983, of which not to exceed $31,464,000 is for salary and expenses for the enforcement of the alcohol and tobacco revenue laws.

"(e)(1) No part of any sum that is appropriated under the authority of subsection (b) may be used—

"(A) for administrative expenses to pay any employee of the United States Customs Service overtime pay in an amount exceeding $25,000; or

"(B) to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1981.

"(d) For the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, there are authorized to be appropriatd to the Department of the Treasury for salaries of the United States Customs Service such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.".

SEC. 3. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 141(f) of the Trade Act of 1974 (19

U.S.C. 2171(f)) is amended to read as follows:

"(f)(1) There are authorized to be appropriated to the Office for the purpose of carrying out its functions $10,100,000 for fiscal year 1983; of which not to exceed $65,000 may be used for entertainment and representation expenses.

"(2) For the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, there are authorized to be appropriated to the Office for the salaries of its officers and employees such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.".

(b) FUNCTIONS AND POWERS OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—(1) Section 141 of such Act of 1974 is further amended as follows:

(A) Subsection (c) is amended by redesignating paragraph (2) as paragraph (3), and by inserting immediately after paragraph (1) the following new paragraph:

"(2) The United States Trade Representative may—

"(A) delegate any of his functions, powers, and duties to such officers and employees of the Office as he may designate; and

"(B) authorize such successive redelegations of such functions, powers, and duties to such officers and employees of the Office as he may deem appropriate.".

(B) Subsection (d) is amended—

(i) by inserting ", powers and duties" immediately after "functions" in paragraph (3);

(ii) by striking out "and" and the semicolon at the end of paragraph (6);

(iii) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(iv) by adding immediately after such paragraph (7) the following:

"(8) pay for expenses approved by him for official travel without regard to the Federal Travel Regulations or to the provisions of subchapter I of chapter 57 of title 5, United States Code (relating to rates of per diem allowances in lieu of subsistence expenses);

"(9) accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office; and

"(10) acquire, by purchase or exchange, not more than two passenger motor vehicles for use abroad, except that no vehicle may be acquired at a cost exceeding $9,500.".

(C) Subsection (b)(3), (g), and (h) are repealed.

(D) Such section (including the section sideheading) is further amended—

(i) by striking out "Special Representative for Trade Negotiations" each place it appears therein and inserting in lieu thereof "United States Trade Representative";

(ii) by striking out "Deputy Special Representatives for Trade Negotiations" in subsection (b)(2) and inserting in lieu thereof "Deputy United States Trade Representatives"; and

(iii) by striking out "Deputy Special Representative" and "Deputy Special Representative for Trade Negotiations" each place it appears in subsections (b)(2) and (c)(3) and inserting in lieu thereof "Deputy United States Trade Representative".

(2)(A) The chapter heading for chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE".

(B) The table of contents of such Act relating to such chapter 4 is amended to read as follows:

"CHAPTER 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Sec. 141. Office of the United States Trade Representative.".

(3)(A) Section 5312 of title 5, United States Code, is amended by striking out:

"Special Representative for Trade Negotiations."

and inserting in lieu thereof

"United States Trade Representative.".

(B) Section 5314 of such title is amended by striking out:

"Deputy Special Representatives for Trade Negotiations (2)."

and inserting in lieu thereof

"Deputy United States Trade Representative (2).".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 17, strike out "$574,801,000" and insert "$568,801,000".

Mr. ROSTENKOWSKI. Mr. Chairman, the gentleman from Illinois does support the committee amendment. As was pointed out, this was thoroughly considered by the committee and favorably reported.

AMENDMENT OFFERD BY MR. FRENZEL TO THE COMMITTEE AMENDMENT

Mr. FRENZEL. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL to the committee amendment: On page 3, line 18, strike the figure "$568,801,000" and insert in lieu thereof the figure "$530,524,000".

Mr. FRENZEL. Mr. Chairman, my amendment will strike the authorization figure approved by the Ways and Means Committee—$568,801,000—and replace it with the figure requested by the administration—$530,524,000.

The authorization amount requested by the administration is slightly above fiscal year 1982 expenditures. Although this represents a decrease in real terms, it is my belief that the Customs Service can absorb this proposed reduction through careful allocation of resources and through shifts in personnel from bureaucratic functions to those areas where the demand for services is greatest—such as entry inspection and drug interdiction.

Efforts are already underway within Customs to reduce the number of regional offices from nine to seven and to move more personnel to district and port positions. This is an approach long advocated by the Ways and Means Committee. I am confident this policy will reduce administrative costs and, in relieving personnel from redundant bureaucratic functions, will improve the ability of Customs to provide more direct services in the areas of revenue collection, drug enforcement, and passenger and cargo processing.

There are other areas where greater efficiencies can be achieved. One example is passenger clearance. Under the current system, every single passenger arriving by boat or plane is checked or interviewed by a customs inspector. Sometimes bags and passports are checked separately and a further check by a Department of Agriculture official is also possible. Of course, if the passenger is not a U.S. citizen, a separate clearance by an immigration officer is required. Numerous studies have shown that a more selective system of processing passengers can improve efficiency without significantly affecting the number of violations discovered by customs inspectors.

An important area for cost savings is overtime. The problems here go beyond individual overtime payments, which I will address in a separate amendment. Further improvements need to be made, not just in allocating overtime among available personnel, but also in the use of overtime where regular shifts might be established. Although cargo and passenger entry times are not bound to a 9-to-5 workday, these schedules often can be determined ahead of time and on a regular enough basis so that regular shifts for inspectors can be structured to meet demand without resorting to overtime.

Another problem is the fact that very liberal overtime payments, such as the payment of double time in most cases and requirements for 4-hour block payments, provide an added incentive for employees to demand overtime work rather than accept a regular shift. However, the structure of overtime payments is part of the law not being discussed today. I hope that the Ways and Means Committee, in the near future, will look at this issue from the point of view of equity with other Federal employees as well as cost savings.

Mr. Chairman, in my view the $530.5 million recommended by the administration is a tight but adequate figure which includes $18 million for annual pay increases. Strict budgets are difficult but necessary if we are to achieve our goal of bringing spending in line with revenues.

I urge my colleagues to support my amendment.

At this point, I must say that I believe the personnel of the Customs Service are good, loyal and hard working. But no agency, indeed no institution, is perfect. We can do better. But we can't make spending savings unless we try.

□ 1640

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in opposition to this amendment. The amendment was before the committee and soundly defeated. I simply wanted to point that out for the benefit of Members.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I rise in opposition to this amendment. There is no doubt that all Federal agencies—except in the Defense Department—are having to absorb cutbacks in their operations because of the serious budget deficit we face. But there comes a point when it is false economy to continue to hack away at an agency. When reductions in personnel and operating costs can end up costing money and preventing an agency from carrying out its responsibilities. That stage, I am afraid, has been reached in the case of the U.S. Customs Service.

Its budget has been declining for years in real terms, and the effect of the gentleman from Minnesota's amendment would be to force a substantial reduction in inspectors and other Customs personnel. And this at a time when we face a dangerous and growing problem of drug smuggling, and when we are trying to increase our tourist trade and our volume of foreign trade.

It is surely false economy to prevent an agency that is a major producer of revenue for the general Treasury from operating at its most effective and efficient level. Last year customs was responsible for bringing in $9.1 billion, a huge return on the investment we make in its budget.

I have seen the way the Customs Service operates in my district and I believe it is one of the more efficient agencies in the Government. It is having a hard time keeping up its good work now. Do not cripple it by voting for this additional cut provided by the amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to my distinguished colleague, the gentleman from New York.

Mr. CONABLE. Would the same logic, however, apply to the IRS and would the gentleman support considerably more money for the agents of the Internal Revenue Service?

Mr. BROOKS. Since I pay my taxes, I certainly would.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. I shall be brief. No matter how you cut the Frenzel amendment it means a 20-percent reduction in personnel in this very important agency.

To be specific, the agency tells us that they would have to cut 1,200 positions out of a total of 6,800 positions for customs inspectors, 1,200 customs inspectors would have to be cut; 65 patrol officers involved in law enforcement agencies would have to be cut; 100 import specialists would have to be cut.

So we are going to reduce law enforcement, reduce revenue, and we will be the net loser, not only in law enforcement but the net loser in revenue. We will be encouraging people that are doing illegal and illicit things. I am sure my friend from Minnesota (Mr. FRENZEL) does not want to do that.

The customs agency, the Customs Service is a very unique agency. It must be on the job 24 hours a day in most locations. You cannot tell an airplane when it can land and when it cannot land or load and unload; you cannot tell a ship to hover out there for 24 hours while we round up a customs agent. You have to be there to service it. You cannot tell somebody that is smuggling "Cut it out because we cannot put somebody on overtime to check up on you."

So it is that serious a kind of thing we are talking about here.

I trust that Members will vote against the Frenzel amendment.

The CHAIRMAN. All time has expired.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Minnesota (Mr. FRENZEL), which would reduce the level of funding, as contained in the bill reported by the committee, for the Customs Service. It is my understanding that the $38 million cut proposed by the gentleman would result in the elimination of over 1,500 customs personnel slots, require that customs be reimbursed by other agencies serviced by customs for 300 slots, and require a freeze on hiring to reduce through attrition an additional 800 slots.

As a member of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service, I joined last year with several of my colleagues in a hearing at the Kennedy International Airport to assess the effects there of reductions in customs personnel.

Witnesses representing the airline industry, the office of the mayor of New York, the chairman of the Select Committee on Narcotics, and various employee associations testified that any reduction of the already thinly stretched customs personnel, just at this airport alone, would have a markedly adverse effect on processing times of air travelers and freight, and on efforts to apprehend individuals or dangerous substances entering the U.S. illegally and to assess properly duties on imported articles.

Mr. Chairman, I believe any savings contemplated by this amendment must be weighed by the costly and adverse effects to which I have just referred. Accordingly, I urge my colleagues to vote in opposition to this amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I rise to associate myself with the position the gentleman has taken and with the remarks of the gentleman from Florida (Mr. GIBBONS).

I rise in firm and strong opposition to this amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his remarks, and I yield back the balance of my time.

● Ms. FERRARO. Mr. Chairman, I rise in strong support of maintaining the committee approved funding levels in the U.S. Customs Service and urge rejection of any amendment to reduce authorized funding for the Service. This revenue-generating agency which enforces 400 various laws and regulations concerning drugs, border protection, and tax collection must be adequately funded and staffed to perform its functions.

The Ways and Means Subcommittee on Trade has acted carefully and responsibly in providing an adequate funding level for the Service. I commend the gentleman from Florida (Mr. GIBBONS), the gentleman from New York (Mr. DOWNEY), the gentleman from Illinois (Mr. ROSTENKOWSKI), and other members of the committee for their action.

President Reagan has proposed $530 million in funding authorization for the Customs Service, which the committee in its wisdom increased to $568 million. However, some Members in this House are proposing to reduce committee approved customs funding. What would be the effects of such a move?

According to the Customs Service, 1,504 customs employees would be RIF'ed. This figure could rise to 1,800 if the plan to employ 300 workers on a reimbursible basis does not become a reality. Through a hiring freeze and attrition, an additional reduction of 800 employees would be necessary. The truly shortsighted result of this cut would be a reduction of almost 1,200 customs inspectors—our Nation's frontline defense against illegal drug trafficking, illegal high technology export, and in conjunction with INS, illegal immigration.

Candidate Reagan campaigned with a pledge to reduce the size of Government and get it off the backs of the people. Do the President and his supporters want to get Government agents off the backs of drug traffick-

ers who smuggle their contraband through our ports of entry and peddle it in the streets and schoolyards of our cities and towns?

Do the President and his supporters want to get import specialists off the backs of foreign exporters wishing to violate import quotas and undermine our domestic markets?

Do the President and his supporters want to increase the already lengthy processing waits which must be endured by foreign visitors wishing to spend time and money visiting the United States.

Do the President and his supporters want to get Federal agents off the backs of those who illegally attempt to export high technology to Eastern bloc countries?

The Customs Service estimates that each additional dollar invested in customs personnel represents a marginal return of $3 to the U.S. Treasury. The cuts proposed by the administration and its supporters in this House are just another example of false economy of Reaganomics. If they are successful in their efforts, no one will benefit and the entire Nation will pay.

I strongly urge rejection of the amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL) to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, strike lines 22 and 23 down through line 7 on page 4 and insert:

(c) No part of any sum that is appropriated under the authority of subsection (b) may be used to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1981.

Mr. ROSTENKOWSKI. Mr. Chairman, I am firmly in support of the committee amendment and as chairman request a favorable vote on this amendment.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I rise in opposition to the committee amendment. This amendment removes from the bill as introduced a provision maintaining the cap on the amount of overtime that can be paid an individual customs employee and raising the limit from $20,000 to $25,000.

I strongly disagree with the decision of the Ways and Means Committee to remove the overtime cap from the statute governing the procedures of the U.S. Customs Service. In my view, the cap is necessary to insure effective management of overtime and to control abuses that have plagued the agency in the past.

Three years ago, the cap was put into place because widespread abuses in the assignment and authorization of overtime had come to our attention and because we had received many complaints from Customs employees themselves about low morale and disruption in their home lives caused by excessive requirements for overtime work. At that time, it was not uncommon for inspectors to earn more than $40,000 above their base pay in overtime. In addition, very little was being done to distribute overtime fairly and evenly or to make use of regular shift work before resorting to an overtime schedule.

Even under the existing cap, with base salaries now averaging $22,000, an employee can earn an additional $22,000 in overtime. This doubling is a reasonable limitation and certainly should be adequate to meet the needs of the Customs Service and to fairly compensate those required to work overtime hours.

I might point out here that doubling the base salary in overtime does not mean an individual was required to work twice the hours. The minimum amount of pay that can be made for overtime work by Customs employees is double time. The common basis for overtime payment to other Federal workers, and indeed to most in the private sector, is time and a half. Work done on Sundays and holidays for the Customs Service requires 2 full days pay regardless of the number of hours spent. In my view, the Customs overtime structure needs to be carefully reviewed, and I hope the Ways and Means Committee can address this issue in the near future.

Maintaining the cap achieves several goals. First of all, it requires the agency to continually monitor overtime payments, and to allocate personnel and other resources in the most efficient way. Also, it encourages Customs to set up staggered work shifts and other arrangements, such as part-time work, so as to meet the numerous and varied demands for the agency's services without resorting to overtime. Finally, the cap insures that overtime payments are evenly distributed among all employees who must work overtime and keeps requests for overtime hours to predictable and manageable levels.

It is true that there are some additional costs associated with the administration of the cap. Initially the Customs Service estimated the cost of administering the cap to be about $1 million a year. On closer examination of that figure, however, we find it is inflated by certain overtime payments that would be made, perhaps even at higher levels, were the cap not in place. In any case, these costs are more than offset by the savings in total overtime payments, which have slowed dramatically as the result of the cap. Of course, those costs necessary to monitor and control overtime will be incurred whether or not the cap is in place.

I want to commend the Customs Service for the strong initiatives it has taken over the last few years in order to reduce overtime costs and improve the management of services provided on an overtime basis. They can point to much success in achieving more responsible scheduling, better use of part-time employees, and eliminating abuses in the assignment and authorization of overtime. However, I believe having the cap in place insures that customs will maintain the priority on overtime management which it currenty has.

Mr. Chairman, the cap has proved most effective and I believe it should be continued. It insures accountability and fiscal responsibility at a time when budget restraints and rising unemployment demand that we exercise very close oversight. The slight increase in the cap over current levels included in the bill as introduced will offset the effects of inflation and other uncontrollable costs.

I urge my colleagues to reject the committee amendment and thereby maintain the overtime cap in the bill as introduced.

Mr. Chairman, I yield back the balance of my time.

□ 1650

(By unanimous consent, Mr. ROSTENKOWSKI was allowed to proceed for 5 additional minutes.)

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. Mr. Chairman, I will be very brief.

I want to restate again, for the Members' benefit, that the reason for the overtime need is because of personnel caps under which the Service suffers, first of all. That is No. 1.

No. 2, there is unanimity between the committee, a vast and large majority of the committee, and the administration and the Service on the need to support and vote "yes" on this committee amendment to lift the overtime cap.

I would hope that if there is a request for a record vote that we support it very, very strongly and very broadly.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, let us ask ourselves some questions. The gen-

tleman from Minnesota is right. Indeed, there are customs inspectors who make a great deal of money. Will the reinstitution of the cap save money? Answer: No. It will cost money. The reason it will cost money is that the customs officials have to move around customs inspectors from port to port, airline to airline, because of the cap.

The cap costs $1 million additional to administer. So there is no cost savings involved. If emotionally you are happy that you are limiting overtime, you will be unhappy to know that you are working a hardship on the people who want to come into this country. We cannot control the weather, we cannot control whether or not ships come fully loaded or half loaded. We have to have the flexibility to move customs inspectors around and to pay them overtime if need be. That is what the committee has done. That is what the administration would like.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Chairman, when I first heard the Frenzel amendment a couple of years ago I thought it was a pretty good idea, and I agreed with the gentleman. We tried it out, and it did not work. The Carter administration asked us to take the cap off. Well, the Carter administration may not have been believable on both sides of this aisle. Now we have the Frenzel amendment again, and now the Reagan administration comes in and says, "Take the cap off." Well, you have got both Democrat and Republican administrations saying, "Take the cap off, it costs money, it adds to inefficiency, it does not help the collection of customs, it does not help the administration of the law."

I can be stubborn, as stubborn as anybody else, but there is no sense running in the face of a bipartisan request to remove the cap. The administrators under the Democratic administration and under the Republican administration have also come in and said, "Take the cap off. It unduly ties our hands. We spend a lot of money just spinning our wheels on paperwork. We will try to keep the overtime down as best we can and to operate the administration efficiently." I believe that it will. I think we ought to give them a chance. But we have tried the proposal of the gentleman from Minnesota (Mr. FRENZEL). It has not worked. It has been judged by all sides not to work. I admire the tenacity of the gentleman and his srong feelings about this thing, but sometimes enough is enough—and this is enough.

● Ms. OAKAR. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Minnesota which would reimpose an overtime cap on the earnings of customs inspectors. The elimination of the overtime cap has been requested by the U.S. Customs Service because it impedes the law enforcement responsibility of customs and seriously hampers revenue collection efforts.

The overtime cap does not reduce customs payroll costs, nor does it reduce the amount of overtime requested by carriers. The cap merely prohibits employees who want to work additional overtime from doing so, while forcing other customs employees who do not wish to work longer hours to do so.

The overtime cap, while not saving any money, has created serious morale problems among workers and serious administrative difficulties for Federal managers.

Mr. Chairman, many of the abuses that led to the imposition of an overtime cap have been eliminated through administrative changes in the assignment of overtime. A legislative overtime cap would only impede the efficiency and productivity of the customs inspectors. I urge the House to reject this amendment and support the bill as reported by the committee.●

● Ms. FERRARO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota, and in support of the legislation as reported by the Ways and Means Committee on April 29.

Mr. Chairman, the overtime cap has served its purpose. The Congress correctly objected to the fact that necessary overtime was not being allocated among all inspectors. That problem has now been corrected.

The administrative problems associated with the overtime cap actually add to administrative costs and hurt both the employees and the Service. Seventy percent of the overtime costs are borne by the carriers, not by the Government. In fact, the cap can actually cost taxpayers money. Because of these facts, I support elimination of the cap.

However, there is a more straightforward solution to the problem. If we provide the Customs Service with adequate funds and staffing, the overtime cap would not be a problem. With adequate staffing, employees would not be forced to work overtime. More inspectors could be hired, which would relieve some of the massive unemployment we have in this country. It would relieve inspectors of regular, exhaustive overtime and aid the inspection process at the same time.

I have been a consistent critic of proposed reductions in the budget of the U.S. Customs Service. It makes absolutely no sense to impose unnecessary personnal restrictions on this agency when the workload is increasing. Because the Customs Service generates millions of dollars for the U.S. Treasury it is important to not hamper the efficient administration of the agency.

The cap has served its purpose and should be removed. I urge my colleagues to oppose the amendment and support the committee reported legislation.●

Mr. ROSTENKOWSKI. Mr. Chairman, this has been debated eloquently by my colleague, the gentleman from Florida (Mr. GIBBONS), and other members of the committee. It certainly is less economical to have people waiting to unload ships in harbors which are understaffed by customs inspectors. That would, unfortunately, be the thrust of the position taken by the gentleman from Minnesota.

As I understand the parliamentary situation, Mr. Chairman, a vote "aye" is to support the committee and its amendment. Is that correct?

The CHAIRMAN. The gentleman is correct. The question is on the committee amendment.

The question was taken; and the Chairman announced that the ayes appear to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 178, not voting 34, as follows:

[Roll No. 151]

AYES—220

Addabbo	Derwinski	Hall, Ralph
Akaka	Dicks	Hall, Sam
Albosta	Dingell	Hance
Alexander	Dixon	Harkin
Anderson	Donnelly	Hawkins
Andrews	Dorgan	Heckler
Annunzio	Dougherty	Heftel
Anthony	Downey	Hertel
Applegate	Dwyer	Hightower
Aspin	Dymally	Hollenbeck
Atkinson	Dyson	Holt
Bailey (PA)	Early	Horton
Barnard	Eckart	Howard
Barnes	Edgar	Hoyer
Bellenson	Edwards (AL)	Huckaby
Benjamin	Edwards (CA)	Hughes
Bevill	Evans (GA)	Hutto
Biaggi	Evans (IN)	Ireland
Bingham	Fary	Jacobs
Boggs	Fascell	Jeffords
Boland	Fazio	Jones (NC)
Boner	Ferraro	Jones (TN)
Bonior	Fields	Kastenmeier
Bonker	Flippo	Kazen
Bowen	Florio	Kemp
Breaux	Foglietta	Kennelly
Brodhead	Foley	Kildee
Brooks	Ford (MI)	Kogovsek
Brown (CA)	Ford (TN)	LaFalce
Burton, Phillip	Fowler	Lantos
Byron	Frank	Leath
Carman	Frost	Lehman
Carney	Fuqua	Leland
Chappell	Garcia	Lent
Chisholm	Gaydos	Levitas
Clausen	Gephardt	Lewis
Coelho	Gibbons	Livingston
Coleman	Gilman	Loeffler
Collins (IL)	Gingrich	Long (LA)
Conte	Gonzalez	Long (MD)
Conyers	Gore	Lowry (WA)
Coyne, William	Gradison	Luken
Daschle	Gramm	Markey
Davis	Gray	Martin (NY)
de la Garza	Guarini	Matsui
Dellums	Hall (OH)	Mattox

Mavroules	Price	Studds
McCurdy	Rangel	Swift
McDade	Ratchford	Synar
McEwen	Rinaldo	Tauzin
McHugh	Rodino	Traxler
Mica	Roe	Udall
Mikulski	Roemer	Vento
Miller (CA)	Rose	Walgren
Mineta	Rosenthal	Washington
Minish	Rostenkowski	Waxman
Moakley	Roybal	Weaver
Molinari	Russo	Weber (OH)
Mollohan	Sabo	Weiss
Murtha	Savage	White
Nelson	Schroeder	Whitley
Nichols	Schumer	Williams (MT)
Nowak	Seiberling	Wilson
Oakar	Shannon	Wirth
Oberstar	Shelby	Wolf
Obey	Simon	Wortley
Ottinger	Skelton	Wright
Oxley	Smith (IA)	Wyden
Parris	Snowe	Yates
Patman	Solarz	Yatron
Patterson	St Germain	Young (MO)
Pepper	Stark	Zeferetti
Perkins	Stenholm	
Pickle	Stokes	

NOES—178

Archer	Gunderson	Petri
Badham	Hagedorn	Porter
Bafalis	Hamilton	Pritchard
Bailey (MO)	Hammerschmidt	Pursell
Beard	Hansen (ID)	Quillen
Bedell	Hansen (UT)	Railsback
Benedict	Hatcher	Regula
Bennett	Hendon	Reuss
Bereuter	Hiler	Rhodes
Bethune	Hillis	Ritter
Bliley	Hopkins	Roberts (KS)
Bouquard	Hubbard	Roberts (SD)
Brinkley	Hunter	Robinson
Brown (CO)	Hyde	Rogers
Broyhill	Jeffries	Roth
Burgener	Jenkins	Roukema
Butler	Johnston	Rousselot
Campbell	Jones (OK)	Rudd
Chappie	Kindness	Santini
Cheney	Kramer	Sawyer
Clinger	Lagomarsino	Schneider
Coats	Latta	Schulze
Conable	Leach	Sensenbrenner
Corcoran	LeBoutillier	Shamansky
Coughlin	Lee	Sharp
Courter	Lott	Shaw
Craig	Lowery (CA)	Shumway
Crane, Daniel	Lujan	Shuster
Crane, Philip	Lundine	Siljander
D'Amours	Lungren	Skeen
Daniel, Dan	Madigan	Smith (NE)
Daniel, R. W.	Marlenee	Smith (NJ)
Dannemeyer	Marriott	Smith (OR)
Daub	Martin (IL)	Smith (PA)
Deckard	Martin (NC)	Snyder
DeNardis	Mazzoli	Solomon
Derrick	McClory	Spence
Dickinson	McCloskey	Stangeland
Dornan	McCollum	Stanton
Dreier	McDonald	Staton
Duncan	McKinney	Stump
Dunn	Michel	Tauke
Edwards (OK)	Miller (OH)	Taylor
Emerson	Mitchell (NY)	Thomas
Emery	Montgomery	Volkmer
English	Moore	Walker
Erdahl	Moorhead	Wampler
Evans (DE)	Morrison	Watkins
Evans (IA)	Mottl	Weber (MN)
Fiedler	Murphy	Whitehurst
Findley	Myers	Whittaker
Fish	Napier	Whitten
Fithian	Natcher	Williams (OH)
Forsythe	Neal	Winn
Fountain	Nelligan	Wolpe
Frenzel	O'Brien	Wylie
Glickman	Panetta	Young (AK)
Green	Pashayan	Young (FL)
Gregg	Paul	
Grisham	Pease	

NOT VOTING—34

AuCoin	Broomfield	Clay
Blanchard	Brown (OH)	Collins (TX)
Bolling	Burton, John	Coyne, James
Crockett	Hartnett	Richmond
Dowdy	Hefner	Scheuer
Erlenborn	Holland	Smith (AL)
Ertel	Marks	Stratton
Fenwick	McGrath	Trible
Gejdenson	Mitchell (MD)	Vander Jagt
Ginn	Moffett	Zablocki
Goldwater	Peyser	
Goodling	Rahall	

□ 1610

Messrs. WOLPE, SHUSTER, and ROTH, Mrs. BOUQUARD, Mr. TAUKE, and Mr. SHAMANSKY changed their votes from "aye" to "no."

Messrs. VENTO, SAM B. HALL, JR., PARRIS, KOGOVSEK, BIAGGI, and GINGRICH changed their votes from "no" to "aye."

So the committee amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1720

The CHAIRMAN. Are there further amendments in order under the rule?

Mr. ROSTENKOWSKI. The committee has no further amendments, Mr. Chairman.

The CHAIRMAN. If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. LOWRY of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6094) to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1983, and for other purposes, pursuant to House Resolution 503, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 337, nays 67, not voting 28, as follows:

[Roll No. 152]

YEAS—337

Addabbo	Evans (DE)	Long (LA)
Akaka	Evans (GA)	Long (MD)
Albosta	Evans (IA)	Lott
Alexander	Evans (IN)	Lowery (CA)
Anderson	Fary	Lowry (WA)
Andrews	Fascell	Lundine
Annunzio	Fazio	Lungren
Anthony	Fenwick	Markey
Applegate	Ferraro	Marks
Aspin	Fiedler	Marriott
Atkinson	Findley	Martin (NC)
Badham	Fish	Martin (NY)
Bafalis	Fithian	Matsui
Bailey (PA)	Flippo	Mattox
Barnard	Florio	Mavroules
Barnes	Foglietta	Mazzoli
Beard	Foley	McClory
Bedell	Ford (MI)	McCloskey
Beilenson	Ford (TN)	McCollum
Benedict	Forsythe	McCurdy
Benjamin	Fountain	McDade
Bennett	Fowler	McEwen
Bereuter	Frenzel	McGrath
Bethune	Frost	McHugh
Bevill	Fuqua	McKinney
Biaggi	Garcia	Mica
Bingham	Gaydos	Mikulski
Blanchard	Gephardt	Miller (CA)
Boggs	Gibbons	Miller (OH)
Boland	Gilman	Mineta
Boner	Gingrich	Minish
Bonior	Glickman	Mitchell (NY)
Bonker	Gonzalez	Moakley
Bouquard	Gore	Molinari
Bowen	Gradison	Mollohan
Breaux	Gray	Moore
Brinkley	Green	Morrison
Brodhead	Guarini	Murphy
Brooks	Hagedorn	Murtha
Brown (CA)	Hall (OH)	Myers
Burgener	Hall, Ralph	Napier
Burton, Phillip	Hall, Sam	Natcher
Byron	Hamilton	Neal
Campbell	Hammerschmidt	Nelligan
Carman	Hance	Nelson
Carney	Harkin	Nichols
Chappell	Hartnett	Nowak
Chappie	Hatcher	O'Brien
Chisholm	Hawkins	Oakar
Clausen	Heckler	Oberstar
Clinger	Hefner	Obey
Coats	Heftel	Ottinger
Coelho	Hertel	Oxley
Coleman	Hightower	Panetta
Collins (IL)	Hiler	Parris
Conable	Hillis	Patman
Conte	Hollenbeck	Patterson
Conyers	Holt	Pease
Corcoran	Hopkins	Pepper
Coughlin	Horton	Perkins
Courter	Howard	Petri
Coyne, William	Hoyer	Pickle
D'Amours	Huckaby	Porter
Daschle	Hughes	Price
Daub	Hunter	Pritchard
Davis	Hutto	Pursell
de la Garza	Hyde	Railsback
Deckard	Ireland	Rangel
Dellums	Jacobs	Ratchford
DeNardis	Jeffords	Regula
Derrick	Jenkins	Reuss
Dickinson	Jones (NC)	Rhodes
Dicks	Jones (OK)	Richmond
Dingell	Jones (TN)	Rinaldo
Dixon	Kastenmeier	Roberts (SD)
Donnelly	Kazen	Rodino
Dorgan	Kemp	Roe
Dornan	Kennelly	Rogers
Dougherty	Kildee	Rose
Downey	Kogovsek	Rosenthal
Duncan	Kramer	Rostenkowski
Dunn	LaFalce	Roth
Dwyer	Lagomarsino	Roukema
Dymally	Lantos	Rousselot
Dyson	Latta	Roybal
Early	Leach	Russo
Eckart	Leath	Sabo
Edgar	Lehman	Santini
Edwards (AL)	Leland	Savage
Edwards (CA)	Lent	Sawyer
Emery	Levitas	Schneider
English	Lewis	Schroeder
Erdahl	Livingston	Schulze

Schumer	Stark	Whitehurst
Seiberling	Staton	Whitley
Shamansky	Stokes	Whitten
Shannon	Studds	Williams (MT)
Sharp	Swift	Williams (OH)
Shaw	Synar	Wilson
Shelby	Tauke	Wirth
Shuster	Tauzin	Wolf
Simon	Thomas	Wolpe
Skelton	Traxler	Wortley
Smith (IA)	Trible	Wright
Smith (NE)	Udall	Wyden
Smith (NJ)	Vento	Yates
Smith (PA)	Walgren	Yatron
Snowe	Wampler	Young (AK)
Solarz	Washington	Young (FL)
Spence	Waxman	Young (MO)
St Germain	Weber (OH)	Zeferetti
Stangeland	Weiss	
Stanton	White	

NAYS—67

Archer	Hansen (UT)	Robinson
Bailey (MO)	Hendon	Roemer
Bliley	Hubbard	Rudd
Brown (CO)	Jeffries	Sensenbrenner
Broyhill	Johnston	Shumway
Butler	Kindness	Siljander
Cheney	Lee	Skeen
Craig	Loeffler	Smith (OR)
Crane, Daniel	Lujan	Snyder
Crane, Philip	Luken	Solomon
Daniel, Dan	Madigan	Stenholm
Daniel, R. W.	Marlenee	Stump
Dannemeyer	Martin (IL)	Taylor
Derwinski	McDonald	Volkmer
Dreier	Michel	Walker
Edwards (OK)	Montgomery	Watkins
Emerson	Moorhead	Weaver
Fields	Mottl	Weber (MN)
Gramm	Pashayan	Whittaker
Gregg	Paul	Winn
Grisham	Quillen	Wylie
Gunderson	Ritter	
Hansen (ID)	Roberts (KS)	

NOT VOTING—28

AuCoin	Erlenborn	Moffett
Bolling	Ertel	Peyser
Broomfield	Frank	Rahall
Brown (OH)	Gejdenson	Scheuer
Burton, John	Ginn	Smith (AL)
Clay	Goldwater	Stratton
Collins (TX)	Goodling	Vander Jagt
Coyne, James	Holland	Zablocki
Crockett	LeBoutillier	
Dowdy	Mitchell (MD)	

□ 1730

Mr. MARLENEE changed his vote from "yea" to "nay".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1740

GENERAL LEAVE

Mr. RUSSO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation which was currently under consideration and passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mrs. FENWICK. Mr. Speaker, on rollcall no. 151, I was unavoidably detained. If I had been present, my vote would have been recorded as "nay."

REQUEST FOR CORRECTION OF VOTING RECORD

Mr. WILLIAM J. COYNE. Mr. Speaker, on May 27, 1982, Representative STENY HOYER introduced an amendment to House Concurrent Resolution 345 to increase the fiscal year 1983 pay adjustment cap for Federal civilian employees from 4 to 5 percent. Although I was present during the subsequent rollcall, I am listed in the official RECORD of the day as not voting. I was present and voted "aye." I ask unanimous consent that the permanent RECORD for May 27, 1982, be corrected by listing my name and affirmative vote after rollcall No. 119.

Further, Mr. Speaker, on June 9, 1982, I was recorded as not voting on the Myers amendment as amended by the Schroeder amendment. I was present and I voted "aye." I ask unanimous consent that the permanent RECORD for June 9, 1982, be corrected by listing my name and affirmative vote after rollcall No. 136.

Further, Mr. Speaker, I ask that the electronic voting device be examined to determine the cause of these apparent malfunctions.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD but the Chair cannot entertain the request.

LEGISLATION INTRODUCED TO SETTLE FIRST OUTSTANDING INDIAN LAND CLAIM IN CONNECTICUT

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, today I am introducing legislation which settles the first outstanding Indian land claim in the State of Connecticut. The entire congressional delegation from Connecticut is cosponsoring the Mashantucket Pequot Indian Claims Settlement Act as a reaffirmation of Connecticut's policy which upholds the constitutional rights of Native Americans. The delegation feels that this proposed settlement is equitable, amicable, and is a precedent of our State.

The Mashantucket Pequot Tribe has held title to their present State reservation for over 250 years. Before that their control extended to a much greater domain. In the course of their recorded history successive generations have derived their living from this reservation. It is not surprising that the present leadership of the tribe should seek to continue this policy of self-sufficiency and negotiate a land settlement that is least disruptive to all involved.

In 1976, the Mashantucket Pequot Tribe brought a suite against certain property owners in Ledyard, Conn. The basic claim raised by the tribe is that past transfers of land to private homesteaders were invalid because the U.S. Congress failed to approve these transfers in accordance with the nonintercourse provision of the Indian Trade and Intercourse Act of 1790. The essential element of this claim remains that allegation that the failure of the U.S. explicitly to approve the transfers renders the prior transfers of land invalid.

Specifically, the Ledyard property owners have agreed to transfer 800 acres of undeveloped land to the Mashantucket Pequot Tribe. All the property owners have agreed to this settlement and they still reserve the right to not sell their property if they so choose. The Mashantucket Pequot Indian Claims Settlement Act establishes a Federal trust for the purpose of land acquisition by the tribe as agreed to in the settlement. As a federally recognized tribe, the Pequots would then be entitled to all the rights and privileges which accompany such recognition. This bill extinguishes all aborginal title to land and subjects the tribe to the laws of the United States regarding Indians. This agreement, to be legal and valid, requires this implementing legislation by the Congress.

This legislation reverses a trend in Indian land settlements by increasing the State's involvement. Connecticut provides monetary and inkind services to its tribes and has recently granted the Mashantucket Pequot 20 acres of their ancient burial ground.

The essential concept to this bill is that minorities must always be afforded their rights under the Constitution. Majorities will always rule the way in a democratic process, but the laws of the Constitution uphold and guarantee the rights of minorities to due process and the right to be treated as equals in any legal claims. This bill, as introduced with unanimous support by the congressional delegation, upholds the rights of the Mashantucket Pequots to receive land entitled to them, to negotiate a settlement with property owners, and to become a federally recognized tribe.

Mr. Speaker, this legislation reaffirms our State's commitment to Indian self-determination and the exercise of all their rights as guaranteed under the Constitution. The Governor endorses this legislation as well as the State general assembly. We are pleased to represent the Mashantucket Pequots in the introduction and representation of this law before the Congress. I hope my colleagues join us in supporting this bill.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous ma-

terial on the subject of the special order speech today by the gentleman from Wisconsin (Mr. REUSS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE CLINCH RIVER BREEDER REACTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. GREGG) is recognized for 60 minutes.

Mr. GREGG. Mr. Speaker, I rise today, along with other Members to discuss in this forum the issue of the Clinch River breeder reactor. This forum has heard this issue before. It has been described as an "economic Edsel," but I think it is important that we reaffirm the problems which this program has and the need to eliminate this program and the funding that goes with it.

The Clinch River breeder reactor is a fast metal liquid reactor, and it was created in the early 1970's for the purpose of addressing what was then perceived as our energy needs in the late 1990's and in the early years of next century, after the year 2000.

In order for a breeder reactor to work effectively, however, it requires a great deal of capital infusion, and the basic theory behind breeder reactors is that the amount of uranium will be in limited supply and, therefore, you need a breeder in order to get maximum use out of the uranium because they use a great deal less uranium than light water reactors which are presently in use today.

However, the basic philosophy assumes that uranium will be reduced in availability, and it has become clear, as the needs of the nuclear energy industry have expanded in the 1970's and going into the 1980's, that the projections of uranium availability in the early 1970's were totally off base. In order for the Clinch River breeder reactor to be a commercially competitive economic energy producer, the cost of uranium would have to be about $165 a pound; today uranium is selling for about $25 a pound.

When the Clinch River breeder reactor was originally conceived it was going to cost $400 million. Today, in the last hearings which we had on this subject in the Committee on Science and Technology, it was projected that it would cost about $3.5 billion. That is without any construction occurring on the site. It is very likely in fact that the Clinch River breeder reactor will cost close to $7 billion.

When it was originally conceived, the industry of this country which was to participate in it agreed to take a 50-percent share and to pay over $200 million of the cost. Well, the industry has maintained that payment at about $270 million, but it has not continued its commitment of 50 percent of the cost. Later on in this special order a Member of the House, Congressman WOLPE, I believe will address the specifics of that.

Further, the cost of building this type of energy production form will mean draining off of resources from other forms of energy and will mean that the industry, the nuclear industry specifically, will become highly dependent on Federal subsidy. Congressman WEBER from Minnesota later in this special order is going to address the problems with that fact.

There are a lot of reasons why Clinch River simply should not go forward, but one of the most important, I think, outside of the pure economic fact that it is not a viable program in comparison with other forms of energy, is that it is absorbing a huge amount of the R. & D. dollars which are available for energy. In fact, if you take all the R. & D. money available for solar, wind, geothermal, and low head hydro, you have only about a half of the money that is being spent this year on Clinch River.

Further, the Energy Department, in its own assessment of what type of energy sources we should be looking at, has rated Clinch River as being a very low priority. In fact, to quote from the Energy Research Advisory Board, their conclusions on Clinch River were that ERAB—the Energy Research Advisory Board—believes that the construction of a breeder reactor demonstration program at this time is not an urgent priority and thus under current budget constraints recommends that such a demonstration be "delayed until a further time."

And in followup comments on this point, there was the further point made by Mr. Thomas Cochran that—

> Because ERAB was under an extremely tight schedule to complete this exercise, no time was made available to provide for a majority decision of the minority view.

Consequently, the following comments by one member are appropriate:

> In order to counter the majority view that "sufficient . . . uranium supplies exists to satisfy projected levels of electric demand for at leat 40 years and possibly well beyond," the minority states that "no one can adequately predict what course the future will take with respect to energy."

Then the members proceeds to present its own high nuclear growth scenario.

> This has the effect of exhausting low-cost uranium sooner than otherwise projected, thus making an earlier commitment to a breeder demonstration plant more persuasive.
>
> The simple response to this argument is that when one is one ordering any new reactors—

Indeed there has not been a new reactor ordered since 1978—

> one is not going to run out of uranium. This, the current reality, is consistent with the low nuclear growth scenario of the most recent energy projections of the DOE and the Energy Information Agency.

□ 1750

The Clinch River breeder reactor, even it if were viable as a commercial energy source, would make no sense in today's economy in that it drains off such a great amount of funds from other needed research areas or energy alternatives.

Further, I think it is important to point out that this is not an issue of nuclear versus antinuclear feelings. There has been a lot of discussion and I think a lot of people react to this issue purely on a pronuclear/antinuclear position.

From my position that makes no sense.

I come from the State of New Hampshire. We have in New Hampshire Seabrook Station which has become, unfortunately, the lightning rod of the issue of nuclear power in the light water reactor area in this country.

I support the completion of Seabrook and yet, although I support the completion of Seabrook, and I support the use of light water nuclear, I simply cannot support the Clinch River breeder reactor for it is a program which makes absolutely no sense, both from an economic standpoint and from a standpoint of looking at alternate sources of energy.

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. GREGG. At this time I would yield to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. I thank the gentleman for yielding.

I would like to compliment the gentleman in the well. I would also like to compliment his colleagues, the gentlewoman from Rhode Island (Mrs. SCHNEIDER) and the gentleman from Minnesota (Mr. WEBER) for drawing my attention to the Clinch River breeder reactor issue last year.

Like many Members, I had looked at this issue. We thought we had looked at it closely but then, when you and your colleagues came into the Congress last year and got after this issue like a buzzsaw, you brought out some points that had not been made before.

I was persuaded by the arguments that you made to change my position on Clinch River because I had voted for it when I first came to Congress from 1979.

I think the points you make are so persuasive that other Members may very well join this growing rank of people who are going to oppose what I think is a wasteful project.

The point on the findings you have made about electric demand now dropping as people are conserving in response to the price rise to the market level, the points that you make about

our uranium supplies, certainly had an impact on my thinking and I think should have an impact on the membership generally.

The utilities industry started out at a 50-percent contribution level on this project and now it is down to less than 10 percent. I think the reason is clear, that the private enterprise sector has determined that there is no market for this and they simply refuse to put their own money at risk in the project.

So now I think we have another clear example of that corporate welfare which is growing so quickly in the country and which you and your colleagues have helped dig out other examples that need to be stopped.

This is the time for austerity and so the overriding question that Members must deal with is why give money now to such a wasteful project.

I hope other Members are watching here tonight and I hope there will be a contagion set in as a result of this special order that will sweep across the membership and cause the gentleman and his colleagues to be successful in their effort.

Once again I compliment you.

Mr. GREGG. I thank the gentleman very much. I appreciate him taking the time to speak on this very important issue.

Mrs. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I now yield to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. I, too, would like to commend my colleague from Arkansas for his enlightened second look at this issue. I can guarantee the gentleman that given the respect he has in this body there will be many other of our colleagues who will also see the light and follow in the gentleman's footsteps.

I would also like to thank my colleague from New Hampshire (Mr. GREGG) for calling for this special order which gives us yet another opportunity to discuss this very vital issue, an issue on which we will be hearing more in the next couple of months.

This morning, we met with the Taxpayer's Coalition Against Clinch River, an umbrella organization of public interest groups that have banded together in a common cause—fighting for an end to Federal investment in the Clinch River breeder reactor. Since we pledged to the coalition that we would represent their cause in the Congress, it seems only fitting for us to reopen the debate today on whether there is a future for Clinch River in the Federal budget.

Last year, we came the closest ever to defeating the Clinch River project in the House. This year, we won't be changing our basic argument—that the Clinch River project is an overpriced investment in an irrelevant technology that is based on outdated assumptions about our need for new electrical generating capacity. What we do look forward to presenting to the House this year will be the new evidence in support of our position.

There is plenty of it. Let us take just one example, the steam generator. Last year, the House Commerce Investigation Subcommittee found that the steam generators ordered for the Clinch River plant were beset with cost overruns and contracting irregularities. Clinch River supporters were able to drown out the investigation with a series of angry denials. "None of these charges have been substantiated," we were told on the floor. "The managers of this project have kept a close eye on the taxpayers' funds."

The General Accounting Office has apparently found otherwise. In a series of followup investigations, the GAO has confirmed what the subcommittee investigation suggested last year.

The first GAO report, issued in March, could find no explanation for DOE's sudden decision to switch the contract award for the development of the steam generator, and to agree to pick up all cost overruns. The result was a disaster. The GAO confirms that DOE had contracted for the delivery of 11 steam generators by April of 1980 at a cost of $56 million. By November of last year, only one unit had been delivered at a cost of $113 million. That is a cost overrun of well over 1,000 percent. In fact, the contractor's work was so poor on the one unit that was finished that DOE is now seeking to terminate the contract and start over.

The second GAO report, also issued in March, found that the Department of Energy actually withheld documents from the Subcommittee investigation last year, again with no explanation.

The third report is even more startling. Issued last week, it criticizes DOE's plans to rush through testing of the steam generator prototype in order to meet the plant's construction schedule. Steam generators for breeder reactors are particularly volatile—undue stress or metal fatigue can expose the sodium coolant directly to the steam, which could result in an explosion. As the GAO report points out, the DOE's attempt to shortcut testing—for base political reasons—increases the risk to the public's safety.

The importance of the GAO investigation is obvious. If the DOE is willing to be so careless with both the public treasury and the public safety when developing the steam generator, what are the implications on a larger scale if we move toward actual construction of the project?

We would be interested in hearing the response of the Clinch River lobby to the General Accounting Office investigation. Somebody owes the American taxpayer an explanation.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 17, 1982.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations,
Committee on Energy and Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Your September 2, 1981, letter asked that we review the technical outlook for several components of the Clinch River Breeder Reactor (CRBR)—the Nation's first liquid metal fast breeder reactor demostration plant—and report the results of our review. Because of significant cost and time frame overruns for one critical component—the steam generator—you also requested that we provide an interim report on whether or not the contract for the CRBR steam generator should be terminated for default. This report addresses your second concern. We will separately report on the technical outlook for the steam generator and other CRBR components.

As we told your staff in a November 19, 1981, briefing, we found no basis to support terminating the steam generator contract for default. Furthermore, even if such a basis existed, the Department of Energy (DOE) could not terminate the contract for default because it is not a party to the contract. Instead, DOE contracted with Westinghouse Electric Company for the CRBR nuclear steam supply system. Westinghouse, in turn, contracted with General Electric for the steam generating system, and that company contracted with Atomics International for the steam generator. General Electric's contract with Atomics International specifically permits DOE to direct General Electric, through Westinghouse, to terminate the contract only for the convenience of the Government.

General Electric, on the other hand, could have terminated the steam generator contract for default only if the contractor had failed to perform according to the contract. We found, however, that Atomics International was working toward a moving target because DOE and other CRBR project participants were continually directing changes to the contract technical specifications. Furthermore, the allowable cost and schedule impacts of many early specification changes are still unresolved. Consequently, DOE and General Electric have never been in a position to measure Atomics International's performance from a cost or schedule basis. The only available performance criterion has been the contractor's adherence to technical specifications, which were continually changing.

In November 1981, DOE directed Westinghouse (General Electric had been removed from the management tier) to terminate the steam generator contract for the convenience of the Government and to request new proposals for fabrication of the CRBR steam generators.

While there were no sufficient grounds to support termination of the steam generator contract, we found several unusual aspects concerning the Energy Research and Development Administration's (ERDA's) role in the selection of Atomics International to develop and supply the CRBR steam genera-

tors.[1] Because the steam generator contract was actually awarded by a subcontractor, Federal procurement regulations did not apply to the awarding of this contract; however, the cornerstone of successful procurements at all levels is to maximize competition and seek reasonable prices for goods and services. ERDA's actions, in this procurement, eliminated competition, thereby decreasing the probability of obtaining an acceptable product at a reasonable price.

The remainder of this report describes the objectives, scope, and methodololgy of our work and discusses in more detail (1) the history and background of the steam generator contract, (2) the reasons why we believe a default termination could not be sustained, and (3) questionable aspects of DOE's management of the contract award process.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objective was to determine if the steam generator contract could be terminated for default because of a substantial breach of the contract by the contractor. Therefore, at DOE headquarters in Washington, D.C., the CRBR Project Office in Oak Ridge, Tennessee, and at various field and contractor locations, we gathered and reviewed the available contract documents to determine the initial contract requirements and the subsequent amendments to those requirements; gathered and reviewed all pertinent documents and correspondence describing the contractor's performance; and interviewed CRBR legal, procurement, and engineering personnel associated with the solicitation, award, and administration of the steam generator contract.

Some of the officials we contacted are no longer involved in the CRBR project and had to rely on their recollections. In addition, although such documents are normally retained as part of a procurement file, DOE officials were unable to find documentation of certain events such as minutes of DOE meetings to discuss the steam generator procurement. DOE officials could not recall if these documents ever existed or were mislaid.

Our audit was performed in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." In addition, as you requested, we did not forward a copy of this report to DOE for review and comment. The facts presented in this report were discussed, however, with DOE and contractor officials to ensure accuracy.

BACKGROUND ON THE CRBR STEAM GENERATOR CONTRACT

In 1970 the Congress authorized the Atomic Energy Commission (AEC) to enter into cooperative arrangements with industry to build and operate the CRBR for the purpose of demonstrating that a liquid metal fast breeder reactor could be licensed and operated reliably and safely on a utility electric power supply system. Originally, the CRBR was to be completed in 1980 to permit a decision in the mid-1980s on whether or not to allow commercial deployment of this nuclear technology.

Early in the planning for the CRBR, AEC officials recognized that developing and demonstrating reliable steam generators for the CRBR would be a significant problem. Steam generators provide the transfer of heat from the reactor coolant to water, which is then converted to steam used to drive the plant's turbines. The turbines, in turn, drive the electrical generators. In some commercial reactors cooled with pressurized water, steam generator difficulties account for as much as 25 percent of downtime and have resulted in plant outages of more than 1 year. The steam generator needed for the CRBR presents a bigger problem because the CRBR design uses sodium rather than water as a coolant. Sodium technology steam generators impose severe mechanical stresses on the metal barrier between sodium and water within the steam generator. Even a small failure allowing contact between the sodium and water raises the possibility of a fire or explosion resulting from a sodium and water interaction. Developing steam generators for the CRBR has lagged significantly behind development of other CRBR components largely because of a lack of domestic experience with sodium steam generators in a comparably sized facility.

ERDA selected Atomics International to develop and manufacture steam generators for CRBR, but it did not actually award the contract. Instead, it directed the award through both Westinghouse, the prime contractor for supplying the CRBR components, and the General Electric Corporation,[2] at that time Westinghouse's subcontractor for supplying the CRBR steam generators and other steam supply system components.[3]

AEC initially directed that the steam generator contract be awarded competitively. Subsequently, however, an ERDA official, in his role of designated approving officer for the steam generator contract, directed that the competitive procurement be terminated and that the contract be awarded to Atomics International—a division of Rockwell International. This official informed us that this action was taken to broaden the industrial base of breeder vendors. Atomics International, the higher of the two bidders under the canceled competitive procurement, bid $26.5 million to develop and construct one prototype steam generator, nine plant units, and one backup unit. The other bidder under the competitive procurement—Foster Wheeler Corporation—had bid $20.4 million for the same work. Following ERDA's directive, in September 1975, General Electric entered into a contract with Atomics International to design, test, and fabricate a prototype steam generator and 10 plant units. The negotiated contract, signed in February 1977, had increased to $56 million, largely due to an increased scope of work and inflation.

The contract called for delivery of the prototype steam generator in September 1978 and delivery of the 10 plant units between April 1979 and April 1980. In 1980, however, the contract was modified to require delivery of the prototype generator and one plant unit. The prototype unit was delivered for testing in August 1981—almost 3 years after the originally specified delivery date. Although materials were purchased and some fabrication work was begun on the plant unit, it was never completed and in November 1981, DOE directed Westinghouse to terminate the Atomics International contract for the convenience of the Government. Current estimates of total contract cost for the one prototype unit and the unfinished plant unit approximate $113 million.

SUFFICIENT BASIS TO SUSTAIN A TERMINATION FOR DEFAULT DID NOT EXIST

The steam generator contract provided that if Atomics International failed to perform in accordance with the terms and conditions of the contract, General Electric (and later Westinghouse) could terminate the contract for default. However, the contract also provided that delays beyond the control and without the fault or negligence of Atomics International could not support a default termination.

Under the provisions of the contracts between DOE, Westinghouse, General Electric, and Atomics International, DOE could have directed General Electric, through Westinghouse, to terminate the contract with Atomics International for convenience but not for default. Therefore, in this case only General Electric, until June 1980, or Westinghouse thereafter could have terminated the contract for default.

Atomics International was about 3 years late in delivering the prototype steam generator, and the estimated cost of the contract is more than double the $56 million initial contract price for a prototype plus 10 plant units. For two reasons, however, we do not believe a termination for default could be sustained against Atomics International. First, the technical requirements set out in the contract were changed almost immediately after award and were often changed during the course of the contract. Thus, Atomics International was constantly working towards a moving target. Second, while the changes in the technical requirements had significant implications for overall costs and schedules, General Electric and Atomics International never agreed on expected impacts of many of the changes—including 10 of the 14 major changes made shortly after award of the contract.

Overall, the contract was developmental in nature; the steam generator design was not fully developed or defined at the time of contract award; and the contractual arrangement with Atomics International was largely lacking any specific performance parameters. Without such parameters, technical performance is difficult to measure. Furthermore, ERDA and its contractors knew that the basic design specified in the contract for development and fabrication by Atomics International was obsolete when the contract was awarded. ERDA and other Project participants made 14 major changes to the CRBR steam generator technical specifications almost immediately after General Electric awarded the contract. Finally, as late as 1979, several major design concerns (vibration suppression, stress factors, and tube spacing) were still unresolved.

The technical changes over the life of the contract also affected the cost and schedule of Atomics International's work. General Electric and Atomics International, however, never reached agreement on the allowable cost and schedule effects of many technical changes. Failure to resolve the cost and schedule impacts in a timely fashion precludes default due to cost or schedule overruns. As stated previously, the design was obsolete when the contract was awarded, and within a few days the CRBR project office directed extensive changes to that design. These changes involved instrumentation (for testing purposes) of the prototype and major design changes to increase

[1] The Atomic Energy Commission and ERDA were predecessor agencies to DOE. AEC was abolished on January 19, 1975, and many of its functions were transferred to ERDA. ERDA's functions were transferred to DOE on October 1, 1977.

[2] ERDA's direction of the award was not based on any right it had under the contracts. It resulted from the dominant role ERDA held in the project.

[3] In June 1980, DOE directed that Westinghouse assume responsibility for the steam generator contract. General Electric retained its other steam generating system responsibilities as a subcontractor to Westinghouse.

resistance to damage from earthquakes. Over the life of the contract, more than 30 changes have been made in the technical specifications. Most were directed by CRBR project management, but some were suggested by Atomics International. Atomics International agreed to the technical aspects of these changes. However, in 14 cases—which involved critical changes to the design of the stream generator—the company and General Electric (and now Westinghouse) never agreed to the related allowable cost and schedule impacts. This prevented the establishment of legally binding cost and schedule criteria for evaluating the contractor's performance. Termination for default on a cost and schedule basis, therefore, would have been difficult to sustain. Further, we found no evidence that DOE or ERDA made any serious efforts—such as withholding progress payments or suspending the contract—to resolve these long-running cost and schedule disputes.

UNUSUAL ASPECTS OF THE CONTRACT AWARD PROCESS

While there were no sufficient grounds to support termination of the steam generator contract for default, our audit work disclosed several unusual features of the contract award process which are not consistent with sound procurement practices.

The cornerstone of successful procurement policy is to encourage competition because it provides the best opportunity for obtaining acceptable products at reasonable prices and it helps prevent favoritism, collusion, and fraud. Although AEC initially intended that the procurement be competitive, its successor—ERDA—directed General Electric to terminate the ongoing competitive procurement action. ERDA then directed General Electric to award the contract to Atomics International. The basis for the award was inconsistent with the findings and recommendations of General Electric's evaluation of Atomics International's and Foster Wheeler's earlier competitive bids. Although Federal procurement regulations did not apply to this procurement because it was made by General Electric, ERDA did direct the contract award. ERDA's actions avoided competition and thus provided little assurance of obtaining an acceptable product at a reasonable price.

AEC INITIALLY DECIDED ON A COMPETITIVE PROCUREMENT

In early 1973, AEC awarded three contracts for developing conceptual CRBR steam generator designs. About a year later, AEC selected the steam generator design developed by Atomics International. On May 31, 1974, Atomics International submitted an unsolicited proposal to design and construct the CRBR steam generators. The proposal was endorsed by General Electric, the Project Management Corporation,[4] and several program officials at AEC. The unsolicited proposal was rejected on June 25, 1974, however, when the Director of AEC's Reactor Research and Development Division directed that the contract be awarded competitively.

On July 17, 1974, General Electric submitted a preprocurement plan for the steam generator. This plan had three basic provisions—(1) the use of a cost-type contract[5] for the prototype unit because the many unknowns involved in steam generator development and construction prevented potential bidders from accurately estimating costs; (2) the use of a fixed-price contract[6] for the nine plant and one backup units, based on then current dollars but with escalation tied to economic indices; and (3) the selection of a contractor based on lowest probable cost if all other aspects are equal. AEC approved the plan and on July 31, 1974, General Electric issued a request for proposals based on that procurement plan.

Five potential suppliers attended General Electric's pre-bid conference. Two withdrew because they considered the fixed-price aspect of the plant units too risky. A third potential supplier withdrew because it considered the design to be inadequately defined. Subsequently, Atomics International and Foster Wheeler submitted responsive proposals to General Electric. Atomics International's bid was $26.5 million, and Foster Wheeler's bid was $20.4 million for the prototype steam generator, nine plant units, and a backup unit.

By April 25, 1975, General Electric completed cost negotiations and recommended to Westinghouse that the contract be awarded to Foster Wheeler on the basis of price, management commitment, schedule, and warranty considerations. On May 9, 1975, General Electric further reported to Westinghouse that with an assumed 8-percent annual escalation, the total price difference between the two proposals increased from about $6.1 million to $9.0 million. Furthermore, this analysis assumed that profit, fee, and fixed costs—such as depreciation—were not subject to escalation. General Electric noted that these assumptions were consistent with Foster Wheeler's proposal. Atomics International, on the other hand, proposed that profit and fee be escalated. Escalation of profit and fee further widened the cost difference between the two proposals.

On May 12, 1975, the engineer in the CRBR project office with responsibility for steam generators endorsed General Electric's recommendation. He specifically cited Foster Wheeler's lower price and superior fabrication capability. On May 13, 1975, Westinghouse concurred with General Electric's analysis and recommendation and, in addition, cited Foster Wheeler's superior manufacturing capability.

ERDA CANCELED THE COMPETITIVE PROCUREMENT

While these evaluations and recommendations were being developed, however, AEC officials were independently considering directing the steam generator contract award to Atomics International. On January 9, 1975, AEC officials met to discuss whether AEC would award a contract for the steam generators to Foster Wheeler—the same company which they believed would be supplying the CRBR intermediate heat exchangers and sodium check valves. AEC's policy was to involve as many vendors as possible in CRBR to broaden the base of the Nation's breeder reactor manufacturing capability. They decided to inform Foster Wheeler that (1) it was unlikely that the same company would be awarded both the intermediate heat exchanger and the steam generator contracts and (2) Foster Wheeler should consider withdrawing from the steam generator competition. None of the participants at that meeting could recall to us, however, if they had actually notified Foster Wheeler.

On January 29, 1975, the project engineer for the CRBR steam generator objected to the "broadening the base" argument. Westinghouse had also considered and discounted that argument during its evaluation. The project engineer pointed out that other vendors were already responsible for producing more than one component. Atomics International was, in fact, already a major CRBR subcontractor responsible for auxiliary and supporting systems.

Another result of the January 9, 1975, meeting was a decision to assign AEC's San Francisco Operations Office responsibility for evaluating General Electric's pending procurement recommendations. In May 1975, shortly after General Electric completed its evaluation of the two competitive proposals, the San Francisco Operations Office announced that it disagreed with General Electric's recommendation that the contract be awarded to Foster Wheeler. The Operations Office concluded that Atomics International should be awarded the contract because it had developed the steam generator design concept and had manufactured and tested a very small steam generator similar to the CRBR design.

In an August 4, 1975, memorandum, ERDA's[7] Controller objected to a directed contract award to Atomics International. In addition to noting the substantial cost differential, the Controller stated that the proposed directed award is counter to the June 1974 determination by AEC's management that this contract should be open for competition; establishes an undesirable precedent which could lead to a "way of life" for future procurements; and adds additional costs to an existing project cost overrun.

On August 6, 1975, ERDA's Director of Procurement also objected to a directed contract award to Atomics International because, in his view, a directed procurement had not been adequately justified.

On August 21, 1975, ERDA's Director of Reactor Research and Development informed ERDA's Administrator of his intention to reject all bids previously solicited and to direct the placement of a cost-type contract for both the prototype and 10 plant units with Atomics International. The Director cited the following as the basis for this directed placement: Greater potential for maintaining continuity of vendor experience and for developing a breeder reactor industrial base; potential for more efficient job control and coordination by placing the design and fabrication responsibilities with the vendor who developed the basic CRBR steam generator concept; and prices quoted by the two companies vary from original cost estimates by amounts large enough to question (1) the validity of either company's estimates and (2) the wisdom of procuring the 10 plant units on a fixed-price basis.

Two days later, ERDA's Director of Reactor Research and Development notified the CRBR Project Director that he had canceled the original competition and was directing the award of a cost-plus-incentive-fee contract for both the prototype and 10 plant units to Atomics International. ERDA's Controller had previously objected

[4] Project Management Corporation, is a nonprofit corporation which represents the interest of the utilities in the CRBR project. During 1974, it was also responsible for admimistering the project.

[5] A cost-type contract is a contract which reimburses the contractor for all allowable expenses incurred in performing the required work. A fee is also paid to cover contractor profit and other expenses.

[6] A fixed-price contract disburses to the contractor a specific amount of funds. From that payment, the contractor is responsible for covering incurred costs. Any amount remaining is the contractor's fee or profit.

[7] Ibid., p. 2.

to the proposed cost-plus-incentive-fee contract on a directed procurement because, in his opinion, additional qualified firms would have competed for the steam generator contract on a cost-plus-incentive-fee basis.

In summary, at this point in the process AEC had rejected an unsolicited proposal in order to obtain competitive bids. Proposals were requested, evaluated, and a vendor was recommended by General Electric. AEC's successor—ERDA—then canceled the competition and directed that the contract be awarded to Atomics International. This action was officially justified primarily on the basis of Atomics International's capability to fabricate a working steam generator. This, of course, directly conflicts with General Electric's and Westinghouse's earlier evaluations. Furthermore, ERDA personnel involved in this decision consistently told us that the award to Atomics International was based on broadening the breeder reactor industrial base rather than technical capability even though Atomics International was already responsible for other breeder systems.

On September 19, 1975, General Electric wrote Atomics International of its intention to enter into a contract on a cost-plus-incentive-fee basis for the steam generators pending negotiation and agreement of a definitized contract. A $56-million contract was subsequently awarded to Atomics International. The difference between Atomics International's $26.5 million bid and the $56 million contract was due to technical changes and inflationary increases.

CONCLUSIONS

Our review of the CRBR steam generator contract indicates that DOE could not have directed that the contract be terminated due to default because the contract terms permitted DOE to terminate it only for the Government's convenience. Furthermore, Westinghouse probably also could not have terminated the contract for default, even though (1) the cost had increased from $56 million for one prototype and 10 plant units to the current estimate of more than twice that figure for only the prototype unit and some work on the plant unit and (2) delivery of the prototype steam generator was almost 3 years late.

The contract clearly provided for developmental work. Numerous changes were made to the technical specifications at the direction of ERDA, DOE, other CRBR project participants, and as suggested by Atomics International. In fact, ERDA and other project participants changed the technical specifications shortly after General Electric awarded the contract.

Also, General Electric and Atomics International never agreed on allowable cost and schedule effects of 14 critical technical changes. Thus, dollars and time were quickly eliminated as performance evaluation criteria. Furthermore, efforts by ERDA, and later by DOE, to resolve the impasse over change order cost and schedule impacts were unsuccessful.

While the contract could not have been terminated for default, we found unusual aspects of the contract award process. Specifically: ERDA canceled an ongoing competitive procurement and directed the contract award while General Electric was negotiating with two bidders. Furthermore, ERDA directed the award to the higher of the two bidders; the request for proposal specified a fixed-price contract for the 10 CRBR plant units but the directed contract award was on a cost-plus-incentive-fee basis. Other potential suppliers had no opportunity to compete on that basis; and the original plan to award the contract based on best price and technical capability was informally changed to the single criterion of broadening the breeder industrial base. The directed award did little, however, to achieve this objective because Atomics International was already a major CRBR subcontractor.

Regarding the "broadening the base" criterion, the formal source justification was only partly based on that criterion and largely on Atomics International's potential for technical performance. General Electric's and Westinghouse's evaluations, however, favored Foster Wheeler's technical capability.

Competition is the cornerstone of a successful procurement system. It provides a means to obtain an acceptable product at a reasonable price. ERDA's avoidance of competition in this case, and its and DOE's subsequent failure to act to resolve the impasse over change order cost and schedules impacts, may have contributed to the costly and, thus far unsuccessful, development of CRBR steam generators.

As arranged with your office, we will provide a copy of this report today to the Chairman, Subcommittee on Energy Research and Production, House Committee on Science and Technology. Also, as arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time, we will send copies of the report to the Director, Office of Management and Budget, the Secretary of Energy, and to other interested parties, and make copies available to others upon request.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.

Mr. GREGG. I thank the gentlewoman from Rhode Island who has been instrumental in introducing the amendment that has eliminated funding for Clinch River in the Committee on Science and Technology. This was a major victory for those of us who consider it to be a total boondoggle. It was recognition by the House committee which has responsibility for the authorizing of this program that it makes absolutely no sense.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. GREGG. At this time I yield to the gentleman from Michigan (Mr. WOLPE.)

Mr. WOLPE. I thank the gentleman for yielding. I want to join in the commendation to the gentleman for taking this special order today.

This really is an important day. It is an important day, first of all, because of the announcement of the formation of a very broad based coalition effort that I think is going to make the difference this year in our success in winning a battle we only narrowly lost last year.

It is important also because of the taking of this special order which I hope will assist in focusing public attention on what is probably the most classic example of wasteful Federal spending that we have in the entire Federal budget.

I do not think there is any other project of any type that has less economic justification and that is more clearly an unadulterated example of taxpayer waste than that of the Clinch River breeder reactor.

This chart on the right is perhaps the most graphic illustration there can be of a project that is simply out of control.

What is demonstrated by the sharply ascending red line is that the project cost originally came in at an estimate of $400 million and now, 11 years later, it is estimated at just about $3.6 billion—and the ground has not even been broken for its actual construction.

□ 1800

The cost has risen approximately seven times from that of the original estimate, and construction has not even begun.

But there is something else that is revealed on this chart that I think has equal significance, and that is the black line on the bottom that represents the industry's contribution to this project. That contribution originally came in at $257 million and today, many years later, is still fixed at that same original commitment of $257 million. What that means, very simply, is where the industry contribution initially was placed at 50 percent, roughly, of the total project costs, today, with the industry holding to its original commitment notwithstanding the escalation of total project costs, the industry share today represents something less than 10 percent of the total project cost.

Now, why? Why has the industry been unwilling to elevate its commitment to this project if it believes, as it has claimed, that this is an economically viable endeavor?

I want to quote, for a moment, from a letter that was written by a former colleague of ours, now the Director of the Office of Management and Budget, David Stockman, written back on September 9, 1977, when Mr. Stockman sent a letter to all of the Members of this body urging their support for an initiative that was designed to halt construction of the Clinch River breeder reactor. I want to read just a small portion of that letter. I will include the full letter at the end of my remarks. Mr. Stockman said:

> The unwillingness of the electric utilities to absorb a larger share of the cost of commercializing the breeder is the most telling evidence of its lack of economic feasibility under present conditions. In 1973, they were willing to contribute nearly half the cost of the project. Under the conditions that prevail today, they are willing to put up only 11 percent of its cost, notwithstanding the fact that utility spokesmen have claimed that continuing on our crash schedule is critical to the future of their industry. Electric utilities are the market for breeder reactors, yet

their business judgment seems to tell them Clinch River is no longer a good investment.

The Clinch River amendment is the first opportunity to vote in favor of an energy development policy premised on meeting our needs at the least cost to the American public. If we permit the institutional momentum and vested interests in favor of early breeder commercialization to prevail on this critical test, it will only open the floodgates for advocates of other new energy technologies to press for similar subsidized commercialization. I hardly need remind you that the U.S. taxpayer is in no position to bear new burdens of these magnitudes.

That was an eloquent critique by Mr. Stockman of the project that is still before us. I only wish that the administration that he now serves had been willing to heed his very sound economic advice.

This is a project out of control. And if the industry is unwilling to assume a greater portion of the cost of that project, why should we be asking the American taxpayer to pick up that burden?

Why is it out of control and why is the industry unwilling to pick up a larger share of the cost? There are two very simple responses: One is that the technology is simply obsolete. Even advocates of breeder technology have pointed out that the French, in their Phénix project, have already developed a project design much more advanced than what is contemplated in the Clinch River design. And even the French are having enormous difficulties with their own breeder program, which has been plagued with the same kind of huge cost overruns that have characterized the Clinch River project.

Second, all of the economic assumptions that were advanced at the time of the original proposal have turned out simply to be invalid. Demand for electricity has been growing not at the rate of 7 percent per annum, which was anticipated, but actually at 3 percent or less. There is far more uranium underground today than we thought would be the case some years ago. So the commercial requirements of the nuclear industry are of a very different magnitude, very different order, than what had been anticipated at the time of the initial project proposal.

Finally, in closing, just one brief remark about the politics of what we are into today and what we will be up against in the weeks ahead. I have heard it said that this is a project that simply has more than the nine proverbial lives, that somehow we simply cannot kill a project that has so clearly no economic value.

Last year, when this matter came before the House Science and Technology Committee, on which the gentleman from New Hampshire serves, the gentlewoman from Rhode Island (Mrs. SCHNEIDER), and the gentleman from Minnesota (Mr. WEBER), were told that we would never be able to prevail on a vote to deauthorize the Clinch River breeder reactor.

But what happened in that committee is very instructive. First of all, a coalition came together, involving both environmental organizations and the National Taxpayers Federation, that generated an unusual degree of grassroots pressure on the members of our committee.

Secondly, we put together within that committee a very unusual and, I believe, tremendously constructive bipartisan initiative. It was a coalition that included advocates of nuclear power, as well as persons who have been critical of the nuclear option. But it was a coalition that was motivated by economics and by a shared concern for the taxpayer. And it was a coalition that in the end proved successful. We won that vote to deauthorize.

The committee was overturned on the House floor when the Clinch River project was rolled into that omnibus reconciliation bill that was advanced by the administration. No separate vote was permitted on the question, and we lost on the floor what had been gained in committee. Then, when the appropriations bills came to the floor and we did have a clean vote, we came within 20 votes of a victory on the House side, with 40 of our colleagues absent. On the Senate side, we only lost by two votes.

I am tremendously encouraged by the announcement today of a new citizens coalition that is even more broadly based than that which spearheaded last year's deauthorization effort. I think this year's expanded grassroots activity will make the difference.

I want to commend the gentleman on the other side of the well, Mr. GREGG, for his initiative and for his assistance within the committee. I want to commend the others, including the gentleman from Pennsylvania (Mr. COUGHLIN), who have played such a key role in focusing public attention on an issue that I think properly ought to command that kind of attention.

The letter from Mr. Stockman which I referred to earlier is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1977.

"ENERGY AT ANY PRICE" IS BAD POLICY: DON'T SURRENDER TO THE CLINCH RIVER BRIGADE

DEAR COLLEAGUE: When the House considers the fiscal year 1978 ERDA authorization next week, Rep. George Brown will offer an amendment to halt construction of the Clinch River Breeder Reactor. I urge you to support the Brown amendment in order to spare our economy the multibillion dollar penalty that we may otherwise inflict upon it through the premature, heavily subsidized commercial deployment of breeder reactors.

Supporters of the accelerated commercialization program have sought to exploit fears of an energy shortage by focusing attention on the quantity of energy available from the breeder. This shifts attention from what should be our primary concern—the cost of this energy. Our goal is not to produce energy at any price; if it were, our task would be simple, as there are limitless sources of energy potentially available if cost is no consideration. The real challenge is to ensure that the policy choices we make lead to the least cost solution to our energy needs as we move away from conventional sources.

The breeder reactor is not the mythical cornucopia of boundless, free energy supplies. It is a commercial process designed to reduce the cost of nuclear generated electricity by substituting capital investment in plant for the purchase of a raw material—uranium. The breeder reactor will not produce power more cheaply than conventional reactors, however, until the price of uranium rises very substantially above its current level. This is not likely to occur in the decades immediately ahead. Figures prepared by ERDA project that in 1995, it will cost $145 more per kilowatt of capacity to build breeders than to build conventional reactors. This means that the price of uranium would have to rise to an absolute minimum of $80 to $100 per pound in order to give the breeder an economic advantage. When the timetable for commercialization of the breeder was originally established, the demand for uranium in 1995 was expected to be much greater than current projections. Since that time, the number of reactors estimated to be on line in the year 2000 has dropped from over 1,200 to 380. Even 380 may be a serious overestimate; some experts have suggested that 300 may be more accurate.

The effect of this dramatic decline in the number of operating nuclear reactors is to greatly alleviate the pressures on our uranium supply. The upward movement of uranium prices will be slowed. ERDA estimates that under currently projected demand schedules, in 1995 uranium will sell for from $8 to $40 per pound—at most only about one-third the level necessary to make the breeder economically viable without immense subsidies.

If we fail to adopt the Brown amendment and continue down the accelerated course to breeder commercialization charted by the Science Committee, we will be forcing a product on the market before its time. The result of this premature commercialization will be billions of dollars in irretrievable loss to the economy. During the next three decades the breeder will not be the least-cost alternative for generating electricity, yet it will be the one given the overwhelming competitive advantage by virtue of having been selected as the government's choice.

There is an immense irony in advocates of "full speed ahead" on Clinch River holding up the spectre of severe energy shortages and a declining standard of living as the inevitable consequence of rejecting their position. Just the opposite is true. If we commercialize the breeder without regard to its economics, we will guarantee a reduction in the standard of living by diverting resources to an unnecessarily high-cost energy source.

Historically, our choice of energy sources has been made by the operation of market forces. When the government takes over energy development, we face a tremendous risk of waste from having lost the benefit of the relentless cost-minimizing factors that serve to allocate resources efficiently in the market. The way to ensure the highest

standard of living for the future is to recognize that our own policy making must attempt to duplicate the least cost strategy of the market place.

The unwillingness of the electric utilities to absorb a larger share of the cost of commercializing the breeder is the most telling evidence of its lack of economic feasibility under present conditions. In 1973, they were willing to contribute nearly half the cost of the project. Under the conditions that prevail today, they are willing to put up only 11 percent of its cost, notwithstanding the fact that utility spokesmen have claimed that continuing on our crash schedule is critical to the future of their industry. Electric utilities are the market for breeder reactors, yet their business judgment seems to tell them Clinch River is no longer a good investment.

The Clinch River amendment is the first opportunity to vote in favor of an energy development policy premised on meeting our needs at the least cost to the American public. If we permit the institutional momentum and vested interests in favor of early breeder commercialization to prevail on this critical test, it will only open the floodgates for advocates of other new energy technologies to press for similar subsidized commercialization. I hardly need remind you that the U.S. taxpayer is in no position to bear new burdens of these magnitudes.

Contrary to so much of the gloom we hear regarding the energy situation, the fact is that we are entering an exciting new era in which literally scores of new energy technologies, synthetic fuels, and alternate sources will become feasible in scientific, engineering and technological terms. We should continue to generously finance ERDA's efforts to spur development of this expanding array of options at the stage of basic research, laboratory experimentation, and pilot demonstration.

But in terms of the practical day-to-day energy requirements of our society, we will not need nor be able to afford the indiscriminate commercialization of every technology or process which promises to produce usable energy forms. Indeed, no technology should take its place in the energy supply system until it meets the test of competitiveness with prevailing energy prices in the market place.

The breeder variant of the nuclear fuel cycle will amost certainly meet this test at some point in the future; but it will not do so within the time horizon contemplated in the Clinch River development program. The vote this week therefore provides an opportunity for us to establish the firm principle that too much cost is no less an evil than too little energy.

With all best wishes, I am

Very truly yours,

DAVE STOCKMAN,
Member of Congress.

Mr. GREGG. I thank the gentleman for an excellent statement, and it is right on point. The issue is economics, and the fact is that this makes absolutely no sense under any economic scenario.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. WEBER), who is also a cosponsor of the amendment in the committee to eliminate the funding for the Clinch River project.

Mr. WEBER of Minnesota. I thank the gentleman for yielding, and I would like to commend the gentleman in the well for calling this special order to bring this critical issue to the attention of our colleagues.

As was just pointed out by our colleague from Michigan, we came very close to defeating the Clinch River breeder reactor last year, and I think the kind of effort that is taking place today, in combination with the efforts of the outside groups that came together this morning, are indeed going to enable us to defeat the Clinch River breeder reactor this year. The gentleman in the well deserves a great deal of credit for his contribution there.

I would also like to take a minute to compliment our colleague, the gentleman from Pennsylvania (Mr. COUGHLIN), who is going to be participating in this special order a little later, who has for these many years been carrying the amendment on the floor of the House that would have the effect of eliminating funding for the Clinch River breeder reactor. We are much hopeful that this year that long, lonely battle will end with success and he will deserve a great deal of credit when the time comes to us, as well.

I would like to comment on a little different aspect of the project than has been referred to up to now. Most Members, in my judgment, are going to vote against the Clinch River breeder reactor because there is too much money in this year's budget for it and because for this year, the next year and the year after that, in times of budgetary austerity, we should not put our money into a program such as this, which has experienced such great cost overruns and which, compared to other programs in the budget, is so without merit.

□ 1810

I agree with those sentiments. I am glad that Members are going to be voting against the project for that reason, but I would like to point out that I believe that is a more substantial reason even than that for Members to opppose Clinch River, particularly for Members I might say on our side of the aisle, to oppose Clinch River.

Many of us, including the gentleman in the well and myself, ran for Congress for the first time in 1980 on a platform of a substantially freer market for energy. Some of us even went so far as to argue in favor of abolishing the Department of Energy. We did that for many reasons involving long-term energy policy which says that the free market was better able to deliver an adequate supply of energy to the consuming public at minimal cost to both the consumer and the taxpayers.

The Reagan administration came into office proclaiming a similar policy. In fact in testimony before our Committee on Science and Technology last year, Secretary Edwards outlined the administration's energy philosophy as follows, and I quote.

It will be the free marketplace, not government, which will supply the enormous capital investments required to support the commercial introduction of new and alternative energy technologies into the economy. The marketplace can do this more efficiently and effectively than government, especially when energy prices truly reflect energy costs. The government will focus its support on longer term high risk research and development which industry cannot reasonably be expected to undertake. Industry will be expected to support demonstration and programing near term technologies and to be responsible for their ultimate commercial development.

I think that is an eloquent statement. I think that is a statement that most people on our side of the aisle could readily agree with. Probably many people on the other side of the aisle. It is ironic, however in view of that, that the administration support of Clinch River breeder reactor should continue to go forward because there is really nothing in the entire energy program of this administration that more clearly demonstrates the hollowness of those words than their continuing support for the Clinch River breeder reactor.

I would point out that although voting against Clinch River for short term economic considerations is a worthwhile reason, we should also be voting against it because it does not fit into a long-term energy picture for our country that is consistent with the goals of those who would like to see a freer market in energy technologies.

The industry's spokesmen who support Clinch River argue that breeder reactor technology will be commercially viable perhaps by as soon as the year 2011. Those are industry figures, not the figures of those who may question this proposal.

Those who are in opposition to the Clinch River breeder reactor can come up with analyses that show that the time when commercial breeder technology could be viable in the market is far later than the year 2011. So what we are looking at is a period of at least 30 years and probably considerably more before anybody expects that this technology is going to be able to support itself in the free competitive economy.

What does that mean? It means that the Clinch River breeder reactor is not the end of the Government's efforts in the area of breeder technology. The Clinch River breeder reactor rather is merely the first major step in what is going to be an ongoing attempt by the Government to impose breeder technology on an unaccepting marketplace at a very, very heavy cost.

Most industry spokesmen will admit, if you talk to them about it, that this is not going to be the last breeder reactor that needs to be constructed at

taxpayer expense, that indeed following the construction of the Clinch River breeder reactor we will have to ask the taxpayers to support the construction of a larger breeder reactor to demonstrate that the technology works at a larger size. The cost of this breeder reactor of course is subject to speculation. But can anybody reasonably suggest it is going to cost less than Clinch River. We are probably talking $10 million or perhaps more for that second stage breeder reactor that the taxpayers are going to be asked to support.

Indeed, it is entirely possible that additional breeder reactors will have to be constructed at Government expense. We will be committing ourselves, by voting for Clinch River this year, to an open ended development scheme which will eventually require the Federal Government to subsidize far more than the single reactor we have at issue here in the next few weeks.

Again, to refer to the Stockman memo that our colleague from Michigan (Mr. WOLPE) referred to, in 1977, he said:

> The Clinch River breeder reactor will generate a vast industrial support and supply infrastructure among private companies engaged in all phases of reactor design, component manufacture, and plutonium fuel cycle support.

The development of this infrastructure is in fact one of the central goals of the project. What will happen is that the breeder will develop still greater institutional momentum. That institutional momentum is very important in the consideration of this issue. We will develop support industries around the breeder reactor that will depend on it for its support, and we will be asked as taxpayers to come to the rescue of this infrastructure that we are nurturing along a few years down the road or risk the collapse of the infrastructure and the collapse of breeder reactor development in this country, and the taxpayers will have to continue subsidizing this technology well into the next century.

That obviously is objectionable to all of us here at this particular time because of the tremendous cost.

The cost of voting for Clinch River in terms of a policy option is not just $5 billion or $6 or $7 billion we are going to have to vote on in terms of this project, but it also includes all the costs for future breeder reactor development, which is in the tens of billions.

But it should be equally offensive to those of us on this side of the aisle who would like to see the Government get a little further removed in the energy marketplace, who would like to see a freer inner action of market forces in terms of energy economy, instead we are seeing our own administration take the position of trying to force this technology on the marketplace, even as market forces make it less and less acceptable.

I believe in my own judgment that that is an even more substantial reason to oppose Clinch River than the short-term economic considerations, as important as those may be in times of austerity, such as these, and so I would ask all of the Members, particularly on our side of the aisle, to think clearly and seriously about their own free market principles and those that this administration should stand for, and I think they will come to the conclusion that the gentleman in the well and the rest of those participating in this special order, that we should defeat the Clinch River breeder reactor.

Mr. GREGG. Is not the gentleman essentially saying that if this breeder goes forward, the type of Federal dollar commitment that is going to be required to support it and future breeders, means that you are going to essentially have a nationalization of the nuclear industry as far as breeder technology is concerned?

Mr. WEBER of Minnesota. That is an interesting phrase and I think that there is a good deal of truth to that. If indeed the future of the nuclear energy industry as we are told is the breeder reactor, and if that breeder reactor is going to have to be constructed almost exclusively at Government expense, indeed what we have is the de facto nationalization of an industry, and so I would say to the gentleman, yes, that is exactly what I think we are seeing here, although no one is calling it that, but that would be the result of the continuation of this particular energy policy.

Mr. GREGG. I thank the gentleman for taking the time to come.

Now, Mr. Speaker, I would like to yield to the gentleman from Pennsylvania, (Mr. COUGHLIN) who had the courage and foresight and wisdom to recognize that this was a turkey long before anybody else, and to give us new Members here the type of leadership that we needed in order to bring this issue as far as it has come, and hopefully will be the captain of the ship that takes us all the way into port and defeats this project.

Mr. COUGHLIN. I thank my colleague. I also congratulate my colleague on his leadership in holding this special order and his participation on the Science Committee in this issue as well as the participation of my colleague from Minnesota (Mr. WEBER) and my colleague from Rhode Island, the gentlewoman from Rhode Island and my colleague from Michigan (Mr. WOLPE), and we appreciate what they are doing.

As the gentleman points out, I have been chasing this turkey since back in 1971 when this was first brought to my attention by a young author on my staff at that time, named George Thayer. He was a very promising young author and he discovered that we were about to go into the business of subsidizing the utility industry in this fashion. George has since died, but God bless him, I hope he is up there somewhere looking over this today and knows what is going on here today.

We opposed the Clinch River breeder reactor, not on the basis of being antinuclear, but on the basis of it is an atomic Edsel and that its sole redeeming feature is that has very powerful supporters.

It is an atomic Edsel because it will never produce electricity cost effectively. It is an atomic Edsel because its costs have gone out of control. It is an atomic Edsel because it is not necessary for breeder research. It is an atomic Edsel because it is not necessary for energy research.

Back in 1971 it was estimated that the cost of this project would be $400 million. That went to $700 million in 1972, to $2 billion in 1977, and $3.5 billion today, and not a shovelful of earth has yet been turned on the project.

The Rand Corp. estimates that on projects like this you can almost expect a 100-percent overrun once you turn that earth, so we can talk about a $7 billion project. Unbelievable.

They say it is necessary to have a cost effective kind of a producer of electricity, this reactor.

□ 1820

What is the best judge of cost effectiveness? The best judge of cost effectiveness is the private sector.

What does the private sector think, the hard buck boys who invest money, who put money up for projects, who want a return and will put money up when they get a return?

Back in 1973 they agreed to put in some $257 million at 61 percent of the project. Then they took a hard look at it and now they will not put in another cent, not a penny.

The people who understand what cost effectiveness means do not believe this is a good project. They will take the money from the Government, of course. They will take corporate welfare, but they will not put their own money in because they understand it is not a cost-effective project.

We have taken the position in this Congress and in the administration that demonstration and commercialization projects should be done by private enterprise, not by the Government. We have done most of that with the sole exception of the Clinch River breeder, which is still supported by the Government.

We want a balanced energy program. We want one. Almost 100 Members of this body, both Republican and Demo-

crat, have joined in signing a letter to the President saying that a balanced energy research policy first step can be with the cancellation of this project to save $2½ billion and put that energy and research and development in more productive areas.

DOE's own blue ribbon committee, their own blue ribbon committee, said that the Clinch River project as a research project was a low priority.

In 1979, the American Enterprise Institute, certainly no liberal organization, a conservative organization, said that there were no cost savings over light water reactors in the foreseeable future from the Clinch River breeder.

Finally, let me say, it has been said that we should do this because other nations are developing breeders and that we should keep up with them.

Well, the fact is that the foreign programs are in deep trouble themselves. The leading French program, which was so highly touted around the world, the CIA estimates may not even survive, much less expand, and subsequent to that evaluation by the CIA in 1971 the French deferred plans to build additional breeder reactors.

They are not working, but we continue to pour money down the rathole and that is what we are doing if we fund this breeder reactor and if we continue to authorize this breeder reactor.

I thank my colleague for having this special order and congratulate him for his effort.

Mr. GREGG. I want to thank my colleague for showing us the leadership on this issue and being the pulse of this Congress on addressing the issue of waste, fraud, and mismanagement, especially on this issue here of the Clinch River breeder reactor.

I yield to my colleague, the gentleman from Ohio (Mr. SHAMANSKY).

Mr. SHAMANSKY. Mr. Speaker, I commend the gentleman from New Hampshire for bringing this issue to the attention of the House. As the gentleman knows, I have long advocated the deletion of funding for the Clinch River breeder reactor for many of the same reasons given by my colleagues on both sides of the aisle this afternoon.

My opposition to this project does not stem from any hostility to nuclear power. My opposition to the Clinch River boondoggle rests on economic facts, facts supplied to our Science and Technology Committee, and on new information which continues to be reported.

The committee learned that the current reactor design would be obsolete by the time construction was completed. Several major problems exist with the type of steam generators used in the project.

Mr. Speaker, I would like to ask permission to add to the RECORD a copy of a letter dated March 17 from the U.S. General Accounting Office to Hon. JOHN D. DINGELL, chairman of the Subcommittee on Oversight and Investigations, of the Committee on Energy and Commerce, House of Representatives; the subject being: "The Department of Energy did not provide the subcommittee with all documents related to the contract for the Clinch River breeder reactor's steam generator."

In other words, the Department of Energy just did not provide the information. I think it is absolutely necessary that this letter be made part of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The letter is as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., March 17, 1982.

Subject: The Department of Energy Did Not Provide the Subcommittee With All Documents Related to the Contract for the Clinch River Breeder Reactor's Steam Generator (EMD-82-56).

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations,
Committee on Energy and Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: In mid-1981, your Subcommittee staff investigated several aspects of the Department of Energy's (DOE's) award of a contract to develop and manufacture the Clinch River Breeder Reactor's (CRBR's) steam generators. A hearing was held on July 20, 1981, on the results of the staff's work. In reporting on its study, your staff noted that it had been hampered by DOE's failure to supply all documents related to this procurement.

In September 1981, you asked that we follow-up on the staff's work by reviewing several aspects of the CRBR program—including examining the process DOE used to award the steam generator contract and determining whether that contract could have been terminated for default. As part of that work, we gathered pertinent data and documents related to the steam generator contract and its award. Subsequently, in March 1982, you also asked that—based on our recently completed work—we report on our observations concerning DOE's failure to supply the Subcommittee with requested information. This letter is in response to your March 1982 request.

Although the Subcommittee requested copies of all documents related to the steam generator contract award, we found eight key documents that were not provided. Without these key documents, the Subcommittee would not have the full story concerning the award of the steam generator contract.

This letter describes our observations as well as the objectives, scope, and methodology upon which this report is based, a brief background on DOE's procurement of the CRBR steam generators, and a description of the documents which were not provided to the Subcommittee. In addition, enclosed are copies of two of the most critical of these documents. A number of the remaining documents are quite voluminous and are not enclosed. DOE has agreed to provide these documents if the Subcommittee requests them.

OBJECTIVES, SCOPE, AND METHODOLOGY

Determining the degree of DOE's responsiveness to the Subcommittee's request for CRBR steam generator information was not an objective of the review of the CRBR program you requested in September 1981. During discussions with your staff on February 18, 1982, it became apparent that we had obtained information which had not been provided to your staff. The objective of this report is to discuss that information.

This report is based substantially on the work we did to determine if the steam generator contract could have been terminated for default. A report on that review is being issued concurrently. Additionally, in preparing this report, we compared the inventory of documents we had accumulated to that supplied to the Subcommittee staff. This comparison disclosed that several documents, critical to understanding the steam generator contract award, were not provided to the Subcommittee staff.

To determine DOE's rationale for not providing these documents, we interviewed the DOE official who had coordinated the efforts to respond to the Subcommittee staff's request for information about the contract award.

We performed our work in accordance with the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." At your request, we did not solicit DOE's comments on this report.

BACKGROUND ON THE CRBR STEAM GENERATOR CONTRACT

In 1970 the Congress authorized the Atomic Energy Commission (AEC) to enter into cooperative arrangements with industry to build and operate the CRBR to demonstrate that a liquid metal fast breeder reactor could be licensed and operated reliably and safely on a utility electric power supply system. Early in planning for the CRBR, AEC officials acknowledged the difficulty of developing and demonstrating reliable steam generators.

AEC initially directed that the steam generator contract be awarded competitively. Atomics International—a division of Rockwell International Corporation—proposed to design and fabricate a prototype steam generator, nine plant units and a spare plant unit for $26.5 million. This was in contrast to a $20.4 million offer by the Foster Wheeler Energy Corporation for the same work. Subsequently, however, an Energy Research and Development Administration (ERDA)[1] official directed that the competitive procurement be terminated and a contract be awarded to Atomics International. The ERDA official's rationale for this action was to broaden the industrial base for breeder reactor component manufacturers.

The contract called for delivery of the prototype steam generator in September 1978 and delivery of the 10 plant units between April 1979 and April 1980. In August 1981—almost 3 years after the original delivery date—the prototype unit was delivered for testing. In addition, materials were purchased and some fabrication work was begun on the plant units, although they were never completed. In November 1981, DOE directed the Westinghouse Electric Company—the prime contractor for CRBR nuclear components—to terminate the

[1] The AEC and ERDA were predecessor agencies to DOE. AEC was abolished on January 19, 1975, and many of its functions were transferred to ERDA. ERDA's functions were transferred to DOE on October 1, 1977.

Atomics International contract for the convenience of the Government. Current estimates of total costs incurred under this contract approximate $113 million. Our report to you (EMD-82-37) on the steam generator contract discusses the circumstances concerning this contract award in greater detail.

SUBCOMMITTEE NOT PROVIDED WITH ALL REQUESTED CONTRACTUAL DOCUMENTS

A comparison of the documents we obtained during our review with the documents provided to the Subcommittee in its investigation indicates that, although numerous documents were provided to the Subcommittee, a number of key documents were not.

These documents fall into three categories:

Documents which show the original procurement strategy.

Documents which demonstrate how and why AEC and ERDA officials changed the procurement method.

Documents which showed internal disagreement on altering the procurement method and on the selection of Atomics International.

DOCUMENTS DESCRIBING THE ORIGINAL PROCUREMENT STRATEGY

DOE did not provide the Subcommittee staff with five key documents which described the original steam generator procurement strategy. These documents were:

AEC's July 25, 1974, rejection of an Atomics International unsolicited proposal to build the steam generators,

General Electric's—Westinghouse's subcontractor for supplying the CRBR steam generating system—July 17, 1974, preprocurement plan,

The Request for Proposals, and

The proposals submitted by Atomics International and Foster Wheeler.

These five documents are important to understanding the contract award process because they establish AEC's original intent to have the contract awarded on a competitive basis.

For example, had AEC originally intended to direct a noncompetitive procurement, it had the opportunity in May 1974 when Atomics International submitted an unsolicited proposal to build the CRBR steam generators. The proposal was rejected, however, because the Director of AEC's Reactor Research and Development Division determined that the contract should be awarded competitively.

A DOE official explained that they did not provide Subcommittee staff with the document which rejected the unsolicited proposal because they considered it to be unrelated to the eventual award. This DOE official also stated that the preprocurement plan, the request for proposals, and the submitted proposals were not provided to the Subcommittee staff because they were quite voluminous. He pointed out that another document provided to the staff referred to these documents and, if the Subcommittee desired copies, they could have specifically requested them.

DOCUMENT RATIONALIZING THE DIRECTED PROCUREMENT

During January 1975, while General Electric was negotiating with the bidders, AEC (and later ERDA) was considering directing cancellation of the competitive process. A key memorandum, dated January 17, 1975, explaining AEC's rationale for directing the award of the steam generator contract to Atomics International, was not provided to the Subcommittee staff. This memorandum was significant because it documented a January 9, 1975, meeting where a major deviation from the original procurement strategy was discussed.

Specifically, the AEC memorandum described AEC officials' discussion of whether AEC should award a contract for the steam generators to Foster Wheeler—the same company which they believed would be supplying the CRBR intermediate heat exchangers and sodium check valves. AEC's policy was to involve as many vendors as possible in CRBR to broaden the base of the Nation's breeder reactor manufacturing capability. They decided to inform Foster Wheeler that (1) it was unlikely that the same company would be awarded both the intermediate heat exchanger and the steam generator contracts and (2) Foster Wheeler should consider withdrawing from the steam generator competition.

This discussion provided the basis for canceling the competition and awarding the contract to Atomics International. A DOE official told us that a copy of this memorandum was not provided to the Subcommittee staff because he could not locate the document at the time of the Subcommittee's investigation. He could not explain why it was not located until we specifically asked for it. A copy of this memorandum appears as enclosure I to this letter.

INTERNAL DOCUMENTS CRITICAL OF THE DIRECTED AWARD PROCESS

DOE's decision to cancel the competitive procurement and direct that the contract be awarded to Atomics International was not undertaken without considerable internal disagreement. ERDA's project engineer for the steam generators, Controller, and the Director of Procurement dissented. Yet, two key documents setting forth this ERDA dissension were not provided to the Subcommittee staff.

On January 29, 1975, the ERDA project engineer for the CRBR steam generator wrote a memorandum objecting to the "broadening the base" argument. He pointed out that other vendors were already responsible for producing more than one component, and Atomics International was, in fact, already a major CRBR subcontractor responsible for auxiliary and supporting systems.

A DOE official told us that the engineer's memorandum was not provided because he did not have a copy of it at that time. The engineer later discovered the document among his personal files and provided it to us.

In an August 4, 1975, memorandum, ERDA's Controller objected to the directed contract award to Atomics International. In addition to noting the substantial cost differential, the Controller stated that the proposed directed award is counter to the June 1974 determination by AEC's management that this contract should be open for competition.

Establishes an undesirable precedent which could lead to a "way of life" for future procurements, and

Adds additional costs to an existing project cost overrun.

The Controller's memorandum was sent from the CRBR project office in Oak Ridge, Tennessee, to DOE headquarters to be forwarded to the Subcommittee. DOE officials informed us, however, that it was withdrawn at headquarters because they thought the Controller had retracted the memorandum. The former ERDA Controller told us that he could not recall ever retracting the memorandum. A copy of that memorandum is included as enclosure II to this letter.

CONCLUSIONS

To aid in their investigation of the award of the steam generator contract, the Subcommittee requested that DOE provide them with all related documents. Not all related documents were provided, however. Documents (1) describing the initial procurement strategy, (2) delineating why and how AEC and ERDA officials altered that strategy, and (3) objecting to the altered process and subsequent directed award were not transmitted to the Subcommittee. In our view, the nature of the information contained in these documents was critical to understanding DOE's award of the steam generator contract. Without these documents, the Subcommittee would not have the full story concerning the award.

As arranged with your office, we will provide a copy of this report today to the Chairman, Subcommittee on Energy Research and Production, House Committee on Science and Technology. Also, as arranged with your Office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time, we will send copies of the report to the Director, Office of Management and Budget, the Secretary of Energy, and to other interested parties, and make copies available to others upon request.

Sincerely yours,

J. DEXTER PEACH,
Director.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., January 17, 1975.

Subject: CRBR heat transfer components.

MEETING PARTICIPANTS.

The following is a summary of the 1/9/75 meeting between Nemzek, Ahrends, Sides, Coles, Mravca, Riley, and Reardon on the procurement of components for the Clinch River Breeder Reactor Plant.

1. DPO Task Force Recommendations on IHX and Valves:

A. *IHX:* WARD continue toward negotiation of sole source, fixed price procurement of IHX from Foster-Wheeler. This course of action is justified primarily by currently approved RRD Level I Schedule for the CRBRP.

B. *Valves:* WARD terminated plans to negotiate fixed price procurement of FFTF type check valve with Foster-Wheeler because of anticipated valve performance problems and plan to issue revised procurement proposal to four vendors including Westinghouse. Schedular considerations permit this change in procurement logic.

2. SAN/PRD Task Force Recommendations on Steam Generators and Pumps:

A. *Steam Generators:* GE be authorized to continue current negotiations with AI and Foster-Wheeler using revised E specs and conceptual design as the basis for procurement. In addition, GE should require AI to propose on the same current basis as Foster-Wheeler; CPFF with ceiling subject to subsequent cost redetermination on plant units.

B. *Pumps:* GE be authorized to proceed with negotiations with both EMD and Byron-Jackson aimed at obtaining best cost and schedule for the project. The objective of the negotiations will be to come as close as possible to a fixed price type of contract with some parts of the job, such as stress analysis, performed on a CPFF basis.

3. General Observations:

A. *Appendix "C" Considerations:* After a protracted discussion of the consideration to ask Westinghouse to submit CPFF type proposals, the group generally concluded that although it was probably not realistic to believe that any CPFF "three for the cost of two" proposals would be competitive, it was recommended that RRD assure itself that the record be sufficient to provide justification for not soliciting such proposals from Westinghouse.

B. Disadvantages of Having Foster-Wheeler be Vendor for IHX, Valves and Steam Generators (and Potential Backup Steam Generator Concept): There was general agreement that in view of the selection process up to this point, it was possible that Foster-Wheeler would be the vendor selected for procurement of the IHX, the valves, and the steam generator. The disadvantages to the LMFBR program associated with having all these procurements with a single vendor were then discussed and it was recommended that this potential should be addressed immediately by advising Foster-Wheeler that it would be unlikely we could permit this to occur, and that since it was RRD's intent to have GE negotiate the steam generator procurement on the basis of a preliminary design rather than on the basis of the conceptual design, they should consider the desirability of withdrawing from the steam generator competition. This would permit RRD to have qualified vendors for each component without disadvantages of having three major heat transfer components with Foster-Wheeler.

C. Differences between Fair Price Estimate of Components and Current Vendor Estimates: In the case of both the IHX and the steam generator, there is a difference of almost a factor of two between the fair price cost estimates and the current vendor proposals. Although it is not possible to tell whether this difference is due to a poor estimating job on the part of Westinghouse and GE or whether it is due to considerable caution on the part of the vendors, the magnitude of the difference is such as to be of considerable concern. The group, therefore, proposed that the type of contract to be utilized in these procurements be carefully considered in order to assure maximum cost advantage to the project. It was also generally concluded that a cost plus incentive fee type of contract or a CPFF with ceiling with subsequent cost redetermination were most likely to be the preferred contract options.

D. *Westinghouse as a Competitor to Other Vendors:* The restraint of trade question raised by the Los Angeles Attorney General's Office and the position of GE as a subcontractor to WARD were discussed. The general conclusion of this discussion was that serious consideration should be given to eliminating the restraint of trade problems by not asking Westinghouse to submit three for the cost of two type proposals in accordance with Appendix "C". Counsel indicated that there would be no legal problem with having other vendors compete with Westinghouse as long as they were informed of the three for two offer from Westinghouse.

In the case of GE, it was recommended that WARD should be removed from any procurement action which involves some divisions of the Westinghouse Corporation and that the vendor selection and subsequent contract negotiation be made by utilizing either DPO or SAN in their stead; afterward the contract could be implemented by WARD. In the event of any need to revise price or fee, those negotiations should be performed by DPO or SAN; not WARD or GE. In view of the fact that GE has expressed extreme concern about continuing negotiations with EMD, the group recommended that the issue be addressed immediately. It was requested that DPO take action to have AEC take over from WARD and work with GE on vendor selection. If EMD is asked to drop out of competition, selection will be returned to WARD.

E. *Need for SAN Delegation of Authority:* Since there was general agreement that Headquarters wanted SAN to be in a position to help DPO in these procurement actions and also in the Demonstration Plant work at AI and GE, it was agreed that there was a need for WARD/GE/AI to understand SAN's role. The group could not, however, agree on the mechanism by which SAN would act as DPO's agent for this work. Therefore, Mravca, Reardon, and RRD staff were left with the job of defining and implementing a delegation of authority for SAN.

Sole Source: It was agreed that CH-DPO will hereinafter submit for HQS review and approval all sole source contractor selections for procurements estimated to exceed $5 million dollars.

If you have any substantial disagreement with the above summary please contact me immediately.

Meeting Participants: M. Coles, A. Mravca, T. Nemzek, D. Reardon, D. Riley, L. Sides.

S. AHRENDS, *Special Assistant.*

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,
Washington, D.C., August 4, 1975.

Subject: Intention to award subcontracts for the Clinch River breeder reactor plant (CRBRP) prototype and plant unit sodium heater steam generators.

THOMAS A. NEMZEK,
Director, Division of Reactor Research and Development:

We have reviewed the July 28, 1975 "Draft" Information Memorandum concerning your intention to award the subject subcontracts to Atomics International (AI) notwithstanding the significant cost differential of about $6 million (unescalated) which will result from this action. Based on our review of the "Draft" Information Memorandum and other available data, we should like to comment as follows:

1. The intention to direct this procurement is counter to the June 1974 determination of AEC's management, who when reviewing AI's unsolicited proposal of May 31, 1974 to accomplish the subject work, decided that this work should be open for competition.

2. The intention to direct this procurement establishes an undesirable precedent which could lead to a "way of life" for future LMFBR procurements.

3. The intention to direct this procurement on a cost-plus-incentive fee (CPIF) basis is contrary to the Request for Proposals (RFP) which requested bids for the prototype on a CPIF basis, and bids for the plant units on a fixed-price (FP) basis. A decision to now award the subcontracts to the "high" bidder on a CPIF basis is contrary to the RFP.

4. We believe that had the RFP requested bids on a CPIF basis for the plant units, as well as the prototype, that additional qualified industrial firms would have entered the competition.

5. We are deeply concerned with the intention to direct this procurement to AI despite the $6 million cost differential between AI's bid and Foster Wheeler Energy Corporation's (FWEC) bid. Our concern is further aggravated by the current budgetary situation as well as the adverse effect of this additional cost on the already existing project overrun condition.

Should you proceed to direct this procurement to AI, we request that you either make our views known to the Administrator in the body of your final information paper or attach this memorandum as an exhibit or appendix.

M. C. GREER, *Controller.*

Mr. SHAMANSKY. Mr. Speaker, currently the British and French Governments are experiencing design problems with their demonstration breeder reactors. Charles Bowsher, Controller General of the General Accounting Office stated:

Problems delay full power operations at the British demonstration breeder plant when four of nine steam generators leaked. Only last month the French demonstration breeder reactor was shut down because two sodium leaks in a steam generator caused a fire.

With respect to our British and French competition, I think we must remember that they developed the Concorde, which is really a millstone around their necks. Yes, they went ahead. Luckily, we did not with our SST, and they have been stuck with that marvel for years now.

Throwing money at energy problems will solve neither economic nor energy difficulties. The Clinch River project exemplifies wasteful spending of tax dollars on big, but unnecessary construction projects.

American taxpayers will not tolerate continued subsidies for this technologically obsolete economically premature $3.2 billion boondoggle.

Now, I think, at least I want to keep in mind the fact that I recently submitted something called the Automobile Research Competition Act, which is an effort to get this country back in competition with the Japanese and the Europeans in the development of a technologically current automobile that would get 80 to 85 miles per gallon on a gasoline engine and 100 to 105 miles per gallon on a diesel engine, and the administration has just as of yesterday said that we should not be doing that, even though it requires no Federal money originally, because that would be interfering with market forces, that market forces could take care of this.

The apparent inability of the administration to see that is exactly what they are doing here when all the market forces say we should not be doing it; it is that kind of a blatant inconsistency which calls into question the bona fides of the administration when it makes any kind of a pronouncement in this area.

I very much appreciate the efforts of the gentleman from New Hampshire to bring this matter to the attention of the American public.

Mr. GREGG. I thank my friend and colleague, the gentleman from Ohio.

I also want to thank all the other Members who took time today to participate in this special order.

● Mr. JEFFORDS. Mr. Speaker, I would like to commend the gentleman from New Hampshire (Mr. GREGG) for arranging this special order to discuss the Clinch River breeder reactor project. He and the others participating here today demonstrate that regardless of how one feels about nuclear power, continuing the Federal investment in Clinch River cannot be justified.

Let us look for a moment at what this project costs and what we can expect to get out of it. In my view, it is extremely important that the Federal Government continue to play a role in energy. Our criteria for policy choices should include whether an investment will ease our dependence on foreign oil in an environmentally sound manner at an acceptable cost. The Clinch River breeder reactor meets none of these conditions.

First of all, even the Department of Energy's blue-ribbon Energy Research Advisory Board has ranked CRBR as a low priority item. Its 1981 report, "Federal Energy R. & D. Priorities," stated that "the construction of a breeder reactor demonstration at this time is not an urgent priority and thus, under current budget constraints, (ERAB) recommends that such demonstration be delayed until a future time."

Recent trends in energy use have clearly indicated that the CRBR is not necessary as a replacement for light water reactors or to lessen our dependence on foreign oil. U.S. oil demand is largely for transportation and other liquid fuels such as home heating oil. Only 7 percent of the oil we use in this country generates electricity. Furthermore, annual electrical growth rates of 7 percent during the 1960's have dropped to less than 3 percent. Even if our country is to meet this growth rate with light water reactors, this would be less expensive than a breeder program. Recent studies have called into question whether a breeder will ever cost less than a conventional reactor. Due to plant cancellations and other factors, uranium now costs about $23 per pound. Estimates as to the uranium price that would make a breeder competitive now range from $165 to $400 per pound.

And what will the ultimate cost of the CRBR be if we continue to support it? The original estimate in 1971 was $400 million, a figure that was revised to $700 million a year later. In 1977, the cost estimate jumped to $2 billion and the current figure, even before ground is broken, is $3.57 billion. If France's first commercial-scale breeder the Super Phoenix is any indication, the cost could rise to over $6 billion.

Most outrageous is that the taxpayers will foot almost the entire bill. Although the project was originally portrayed as an equal partnership between the Government, the nuclear industry, and utilities, the private share is frozen at $257 million.

At a time of fiscal austerity when programs that will truly contribute to our energy security are under attack, further funding for Clinch River is nothing short of foolish.

According to a study by the Solar Energy Research Institute, if the $2.5 billion that is needed to finish the CRBR were spent on energy conservation in America's homes, we would save the equivalent of 48 million barrels of oil each year for the next 25 years, at a cost of only $2 per barrel of oil equivalent saved.

I would also like to remind the House that in the last Congress we passed the Wind Energy System Act of 1980. That bill set out an 8-year program estimated to cost $794 million that would produce 800 megawatts of electricity from all types of wind machines. Compare this to spending at least $3 billion for about 400 megawatts from the Clinch River project. But how much have we appropriated for wind energy? In fiscal year 1982, about $35 million.

Mr. Speaker, when will the Federal Government realize what the American people already know? The fastest and least expensive way to gain energy security is through conservation and the development of renewable energy technologies. In New England, we reduced our dependence on oil from 80 percent to 73 percent in 2 years by aggressively pursuing energy conservation and development of our indigenous renewable energy sources. During that time, nuclear power's contribution to our electrical needs declined from 35 percent to 29 percent. Overall, we used 6.5 percent less energy.

Again, I want to thank Mr. GREGG for arranging this special order. I hope that it will contribute to a more enlightened energy policy for our country.●

● Mr. GOODLING. Mr. Speaker, in the early days of nuclear power, says Alvin Weinberg, who worked with Enrico Fermo and his colleagues at the University of Chicago, breeder reactors were "the golden vision, a dream that many of us held with almost religious conviction. We had found a way of providing man with energy * * * essentially forever." Those days were the beginning of what Science 1982 recently called "one of the longest, most expensive, and most controversial energy development projects the United States has ever undertaken."

In other words, the dream that breeder reactors would provide for much of our energy needs by breeding more energy than they consumed is at a standstill. The Clinch River breeder reactor: 11 years after this program was initiated, not one bulldozer has cut ground at the 1,400-acre site in Oak Ridge, Tenn.; yet in 1982, this year, the Tennessee Valley Authority was scheduled to begin providing electricity to its local consumers by means of the CRBR.

Through the years, Clinch River has encountered many roadblocks. Numerous environmental lawsuits have challenged the health, safety, and strategic risks involved with plutonium, the fuel form which powers breeder reactors. In 1977, President Carter suspended the Nuclear Regulatory Commission's licensing of the Clinch River Plant. Last November, a Senate amendment to the Energy and Water Appropriations measure which would have terminated funding for the project lost by a mere two votes. On May 17, for the second time in 2 weeks, the NRC rejected a bid for waivers of normal licensing requirements to speed up construction. And, a recent General Accounting Office report states that the Department of Energy's plan to build and install the Clinch River breeder reactor's steam generators before testing a prototype is hazardous and financially risky and should be dropped.

Originally, breeder reactors were thought to be a sound idea because it had been predicted that, by the year 2000, our supplies of uranium, which fuel conventional nuclear reactors, would be scarce. Several months ago, however, the Research Advisory Board of the Department of Energy recommended postponing the CRBR indefinitely, since it is now known that the United States has ample uranium deposits for the next 40 years. In addition, the technology associated with conventional nuclear powerplants has advanced so that they can be run more fuel efficiently. Even the French, who have been operating their Phénix demonstration plant at Creys-Malville for 8 years, acknowledge that when there is no uranium shortage, breeder reactors are uneconomical.

Which leads me to the conclusion that the only part of the breeder reactor dream which has not died is its price—now estimated at $3.5 billion. Already we have spent more than $1 billion on a project that we estimated in 1972 would cost $669 million.

Yet we are faced with a request for $252.5 million to fund Clinch River, in a year when the deficit is projected to be $99 billion. This morning, a press conference was held to announce the formation of the Taxpayers Coalition

Against Clinch River, comprised of 15 organizations which support the elimination of funding for the CRBR in the Federal budget.

In the past, I have supported numerous amendments to various bills which sought to discontinue funding this project, and I also have written to the President accordingly. I continue to feel that any project which goes on for as long as Clinch River without private industry at least sharing the costs with the Federal Treasury, then that project has become obsolete, economically unfeasible, or environmentally unsound. I do not advocate terminating research projects designed to find alternative energy sources, and I am not against nuclear power. Perhaps we could pick up the project at a later date, funding it jointly with private industry. But this year, in this budget, I maintain that it is unwise and uneconomical to fund an extravagance such as the Clinch River breeder reactor.●

● Mr. PORTER. Mr. Speaker, as a member of the Appropriations Committee, I have reviewed the Clinch River breeder reactor from a cost versus benefit viewpoint and have come to the conclusion that this project should be abandoned by the Federal Government as soon as possible.

The project was begun in 1979 in anticipation of a sharply increased demand for nuclear power and a corresponding shortage of uranium. But in the last few years projected nuclear demand has plummeted, estimates of uranium reserves have doubled and the price of uranium has dropped sharply.

Meanwhile, the cost of the Clinch River reactor has risen to $3.2 billion from the $700 million originally projected. Mr. Speaker, more than $1 billion has already been spent, yet construction has not yet begun. What is more shocking is that utilities have lobbied heavily for the reactor, yet private investment totals only about 9 percent.

Report after report has shown the reactor to be a poor investment of the taxpayers of our Nation. A new analysis by the General Accounting Office has uncovered yet another concern as the Department of Energy is planning to install steam generators in the reactor without first testing a prototype design. I would suggest this is a financially risky proposal at best.

While there may be some merit to the project, it is hard for me to see why tax moneys should be used for its construction. Perhaps the reactor should be built. But surely it should be built by private utility companies and not the U.S. taxpayer. If there is an economic value to be derived from the project, the Nation's private utility companies should be willing to undertake this project and build the reactor without Government funds. The taxpayers should no longer be asked to bear the burden of the horrendous expenses associated with the Clinch River breeder project.●

● Mr. LUNDINE. Mr. Speaker, this morning, a coalition of economic, labor, environmental, scientific, and religious groups joined together to launch an effort to block continued funding for the Clinch River breeder reactor demonstration project. I am pleased to join them in their effort. As a member of the House Science and Technology Committee, I have scrutinized this project carefully, and am convinced that the continued support of this project cannot be justified.

This project was launched with a specific provision that the costs would be shared between the industry and Federal Government on a 50-50 basis. To date, the industry has only contributed 10 percent of the costs of the project with no indication that they intend to make additional contributions. The original estimate of this project in 1971 was $400 million. Project costs are now approaching $4 billion, and bound to escalate further. Such enormous cost overruns have exposed the taxpayer to a growing liability that is not in their best interest.

Second, during a period of budgetary restraint, this project is not a high research and development priority, even if one were to find a way to deal with the obvious unfavorable economics of the project. The House has just adopted a budget resolution for the upcoming fiscal year which assumes cuts in solar and fossil energy research and development of 75 percent over an already austere fiscal year 1982 budget. If you combined all of the research funds slated in this budget for solar, hydroelectric, geothermal, and wind energy sources, you would still not exceed the amount of funds being asked for Clinch River in fiscal year 1983. This kind of shortsighted favoritism simply must stop. This is particularly interesting from an administration which professes to advocate a free market energy policy. The White House continues to support this marketplace distortion in spite of the fact that their own Department of Energy's research advisory board has concluded the Clinch River is a low-research priority.

Third, we now know that there is enough uranium available at reasonable prices to fuel our light water reactors well into the next century. Electricity demand continues to fall. Promising research is being conducted into ways of making the utilization of uranium in light water reactors even more efficient. Under these circumstances, it does not make sense to proceed with Clinch River and shortchange energy resources which can make a more direct contribution to lessening our dependence on foreign oil such as coal, conservation, solar, and domestic oil, and gas development.

Fourth, the Clinch River project is at best only an interim step toward commercialization of breeder technology, and at worst totally technologically obsolete. It is clear that even if there is a Clinch River, another breeder demonstration will be needed before commercialization can occur. By shelving the Clinch River project, we may be able to avoid making the same mistakes that have already been made by the French in their program, which currently is struggling for survival.

Fifth, I believe there are still unresolved reactor safety questions connected to the liquid metal fast breeder reactor and with a plutonium economy. The unsuccessful efforts of the advocates of this project to obtain expedited treatment under the licensing procedures of the Nuclear Regulatory Commission is only one sign that there are serious concerns with safety.

Finally, in closing, I want to make a point for those who believe that development of breeder reactors will lessen or simplify our nuclear waste management burdens. As one Member of Congress who has studied and tried to take a leadership role in the area of nuclear waste management, I can tell you that this is not so. Nuclear reprocessing is a prerequisite to utilization of breeder reactors, and the waste management problems associated with nuclear reprocessng are at least as serious as those if we were to have no commerical reprocessing. Moreover, operation of breeder reactors will create some quantities of nuclear waste in their own right. Therefore, the argument that breeder reactors will solve our nuclear waste management problem is one of the great myths of this whole debate.

For all of the reasons I have mentioned, I am joining my colleagues today in the ongoing battle this year to delete money for Clinch River. This is not a pronuclear or antinuclear debate as some would maintain. Rather, it is a debate over budget priorities, market conditions, and energy policy.●

● Mr. FISH. Mr. Speaker, I rise to encourage my colleagues to support the termination of the Clinch River breeder reactor project. The Science and Technology Committee has spent a great deal of time in discussing this project over the past years. I urge my colleagues to follow the Science Committee's recommendation for Clinch River for fiscal year 1982, which was to deauthorize the project. Frankly, I just do not think that our Nation can afford the costs of Clinch River anymore.

As my colleagues are fully aware, we have debated the Clinch River breeder reactor issue many times in the past. The proliferation risks, enormous costs, environmental concerns, and safety problems with this project have

been discussed on this floor many times over the years. Much time has been spent on discussing the menace of hugh stockpiles of plutonium created by the development of a breeder reactor, and the dangers are well known. In 1977, the NRC halted the licensing process for Clinch River with over 100 unresolved safety issues which still remain. Before we build a breeder, substantially more research is needed to comprehend, evaluate, and control the safety risks that will accompany the use of this technology.

After 10 years, ground still has not been broken on this project. We must now ask ourselves if the time has passed when Clinch River can serve our interests. In 1973, we were promised a breeder demonstration program after 6 years, or in 1979. Let us now look at what has happened. In 1982, after spending over $1 billion, we are now promised a demonstration project in 1990—8 more years along the road. Clearly, we are losing ground here. If the NRC licensing process requires an alternative site, the project could be set back another 4 years to 1994, at an additional cost of perhaps $1.7 billion. Overall, this would be an 11- to 15-year delay. Instead, in the more than 10 years since Clinch River was first authorized, we have gone forward with a strong base breeder program, and a conceptual design study for a large development plant has now been released.

In light of this inglorious history, the project bears a high burden of proof if it is to again receive more funding for the future. After much deliberation, the Science Committee believes and has recommended that this project be terminated. I strongly agree.

Mr. Chairman, one of the key reasons for the Clinch River project in the past has been our need to satisfy projected large increases in electric power demand during the next three decades. Under this scenario, breeders would be essential to help us meet our growing electrical power needs. Yet, we have all recently heard from many experts that these projected increases will probably not occur. From 7.8 percent in early 1970, the current rate is 2 to 3 percent.

The Science Committee has held several hearings on the future of energy utilities. During these hearings, we heard from many witnesses that we should now expect significantly lower electricity growth rates in the future. Utility and Commission forecasts indicate that the rate will be 1.4 percent or less in the 1980's. Other recent estimates indicate that electric demand in the 1980's will probably grow at only half the rate of the 1970's.

Another claimed need for Clinch River has been that the breeder will soon be needed because of our diminishing supply of uranium. Clinch River was originally authorized in order to anticipate this shortage and to extend our uranium supplies farther into the future.

However, by all accounts, we have now dramatically underestimated our supplies of uranium. Utilities have encountered numerous licensing difficulties for new nuclear plants, causing the cancellation of many of these plants, and corresponding less use of uranium. Preliminary reports from the NURE program have also indicated that we have more uranium than we originally thought. Thus, the original breeder demonstration schedule no longer makes technical sense. As a result, I believe that we should now reexamine the Clinch River program before we further invest in it.

In a time of severe fiscal constraints, we should ask ourselves whether we need the breeder now. We need to seriously consider whether it is more important to devote our limited taxpayers' money to this project or to some other worthy program that is deserving of our immediate attention. I admit that the breeder is one of the so-called inexhaustible forms of energy, along with our fusion and solar energy resources, that may well be needed in the next century. But right now, we need to examine whether the breeder will be helpful in the short term.

The answer to this critical question is "No." Our immediate interest is to reduce our dependence on petroleum. The breeder cannot satisfy these immediate needs. At the present time, only 8.8 percent of our annual oil consumption is used to generate electricity. Moreover, much of that oil is specifically used to fire small backup generators to meet peak load requirements. The size and scale of breeder reactors will always make them uneconomical for such intermittent applications. Thus, the Clinch River project will have virtually no impact on our present oil import problem.

It will be well into the 21st century before the breeder reactor even begins to look commercially attractive. By that time, oil-fired central power stations will long since have been replaced by coal and conventional nuclear powerplants. We hope to have other forms of inexhaustible energy supplies, such as fusion and solar, on line by then. A viable synfuels industry will also have been developed.

Many technical issues have again been recently raised about the Clinch River project. A recent General Accounting Office report strongly criticized the Department of Energy's plan to install steam generators before even testing a prototype. This report went on to say that this plan was financially risky and recommended that it be dropped. With such a significant expenditure of funds at stake, it would seem to me that the Department would at least proceed as technically prudently as possible.

As my colleagues may be aware, the prestigious Energy Research Advisory Board (ERAB) has also recently had a chance to review this project. In determining our Nation's overall energy priorities, this distinguished scientific panel has indicated that the Clinch River project was not a high priority item. After careful consideration, the ERAB panel concluded that the construction of a breeder reactor demonstration project was not "an urgent priority" at this time, and recommended that "such a demonstration be delayed until a future time" in light of current budget constraints.

I urge my fellow colleagues to recognize the economic realities of our present situation. There is no doubt that we will have to devote a great deal more money to Clinch River in future years if we go ahead with this project. Funding problems in these years will certainly be even more serious, as the administration tries to balance our budget in 1983 and 1984 with more difficult cuts. The estimated costs of the Clinch River project have increased more than sevenfold, from an original estimate in 1969 of $400 million to today's estimate of over $3 billion. Unfortunately, there is no guarantee that these exorbitant costs will not continue to escalate. In fact, an economic study considered in detail during hearings before the Science Committee suggested that the original estimates of the costs of new energy plants have been consistently underestimated, and that it would be very reasonable to conclude that the actual costs of demonstration projects such as Clinch River would probably be significantly higher if the project were carried to completion.

Furthermore, it is unreasonable for the Federal Government to be responsible for all of these increasing costs. Our taxpayers' liability in this project has grown from about $100 million to now over $3 billion—more than 30 times the original estimate. According to recent estimates, the utility and industry share of today's costs for Clinch River have dwindled from 50 percent to about 9 percent of total costs. This is, in my opinion, not a wise course to follow.

Mr. Chairman, many of my colleagues are concerned that we will severely restrict our Nation's ability to develop the breeder option if we do not build Clinch River. This is surely not the case. Even without Clinch River, we will still have an aggressive breeder program. The base breeder program that the administration has proposed, and which has been authorized by the Science Committee, will provide for a strong breeder program

that will, in fact, enhance the program by calling for a more rational design.

In a recent report to the members of the Energy and Commerce Committee, the staff also recommended that we evaluate alternative nuclear reactor programs before we continue to support Clinch River. They recommended that technical audits be performed on major alternative programs, even including safety and reliability improvements in the use of our conventional nuclear light water reactors, as well as more efficient use of our uranium resources.

This is the way to go. We have the time. Given our serious funding problems, I believe that there are certainly much better ways to spend the money authorized for Clinch River than on the controversial type of breeder design that it would now demonstrate. In my opinion, it certainly would be better to go forward with research and development activities in several other nuclear activities, including the development of all of the breeder technologies, at this time.

Mr. Speaker, it is time for us to put aside projects that have only symbolic meaning. We cannot afford to devote our limited taxpayers' money to the demonstrations of technologies that have limited merit. If there is to be budget austerity, let it be across the board. We must expect concessions from all energy technologies and nuclear cannot be an exception. I urge my fellow colleagues to face the energy future and stop living in the past.●

● Mr. BROWN of California. Mr. Speaker, the arguments against the Clinch River breeder reactor have been made again and again. And the case against the project gets stronger every year. What amazes me is that we are still debating this issue when we should be spending our time in a more constructive fashion, discussing future energy policies.

If the facts of the case were not so compelling, I would feel embarassed standing up here year after year as I have, talking about what an expensive and unnecessary project this is. But the facts are compelling, and many Members are convinced that the project should not be built. The case will be brought to the public more strongly than ever this year through the efforts of the Taxpayers' Coalition Against Clinch River. When taxpayers find out that they are being asked to subsidize upward of $3.5 billion for a project in which industry's share is less than 10 percent, they are not going to be happy about it.

I am angry and frustrated that this administration has cut support for energy programs across the board, not to mention human needs programs, science programs, and others, but somehow thinks that Clinch River is exempt from its free-market philosophy. I believe in Federal support of a balanced mix of energy programs designed to meet this country's needs and to offer viable alternatives to our current situation. Clinch River sticks out like a sore thumb under any assumption about our Nation's energy needs.

Consumers are mad. There is a virtual ratepayers' revolution going on in my own State of California. I am sure there are similar situations in other States across the country. And yet we are asking these same ratepayers to pay for a technology which by most estimates will not become viable before the middle of the next century, if at all. In fact, in order for breeder technology to be economically viable, a Los Alamos study found that the price of uranium would have to reach $165 per pound before the technology would be on par with conventional nuclear systems economically. The report stated that "* * * the Liquid Metal Fast Breeder Reactor fuel cycle system is more expensive than the Pressurized Water Reactor system when uranium is less than about $165 per pound of U_3O_8."

The price of uranium currently is about $23 per pound. This is actually lower than it was at one time. The Atomic Industrial forum's magazine, Nuclear Industry, reported in its April 1982 issue that—

[S]ince 1965 the Nuclear Energy Agency of the Office of Economic Cooperation and Development has analyzed uranium requirements compared to known resources and projected production capabilities * * * the analysis indicates a large number of firm reactor orders will be necessary in the near-term to meet projected nuclear programs. * * * More uranium is being produced than is being consumed in reactors in the world today, and this will be true in 1990.

And yet proponents argue that Clinch River is necessary to insure uranium supply and a renewable nuclear fuel, while plants are being cancelled at an unprecedented rate. In fact, the Tennessee Valley Authority, which would operate Clinch River in the event it was built, announced the cancellation of three nuclear plants last March. Personally I have always found the job-creation potential of nuclear power to be one of the strongest arguments made by the proponents. I share the concern of my colleagues from areas where jobs are lost or workers are laid off. But I think that Congress would do better to pursue technologies that do not stand on such shaky financial grounds if we are really interested in jobs.

Mr. Speaker, in the event that my colleagues are not aware of the recent actions taken by the Tennessee Valley Authority which highlight the shakiness of the nuclear industry and indicate to me the folly of pursuing breeder technology at this time, I will include an article from the Los Angeles Times for the RECORD.

The Clinch River breeder reactor project cannot be defended as an energy project, nor can it be defended as an integral part of our Nation's nuclear energy program. In some parts of the country, where it would be built, it might be defended as a Government public works and jobs project. But it is important for such projects to be fair and equitable to all in the United States and not just the spoils of an outdated pork barrel approach to public policy.

The article follows:

[From the Los Angeles Times, Mar. 5, 1982]

TVA HALTS WORK ON THREE A-PLANTS—ECONOMIC WOES, LESSENING DEMAND FOR POWER CITED

(By Rudy Abramsom)

WASHINGTON.—In another major setback for the nation's troubled nuclear power industry, the Tennessee Valley Authority stopped construction Thursday on three nuclear plants in the Southeast in which it had already invested more than $2 billion.

The action came barely a month after a group of utilities in the Pacific Northwest canceled two trouble-plagued plants in Washington state.

One immediate effect on Thursday's action will be to throw nearly 5,000 construction employees out of work in Tennessee, Mississippi and Alabama, an area where the unemployment rate already is especially high.

A spokesman for the Atomic Industrial Forum, a trade association, said utilities all over the country are finding it hard to raise funds for large construction projects.

REGRET THE DECISION

"It is difficult for us to second-guess the TVA," the spokesman said, "but we regret the decision in an abstract way because we know the power will be needed some day."

Though the move was technically a "deferral" of further work, a TVA spokesman said the action, taken on a 2-1 vote by the giant public utility's board of directors, probably was tantamount to cancellation. Construction of 30 other nuclear plants has been canceled in the United States since January, 1979.

The latest cutback probably means the agency will build only nine of 17 nuclear plants it once planned to construct in the country's biggest nuclear power program.

Two of the work "deferrals" announced Thursday are at Hartsville, Tenn., where TVA once envisioned the world's largest nuclear power complex. The other is near Iuka, Miss. Much of the construction force for the Mississippi project is drawn from the Muscle Shoals, Ala., area where the unemployment rate already is more than 19%.

TVA's latest action was prompted by the same economic conditions that have devastated the nuclear power industry nationwide in the last three years.

Power demands in states served by TVA have tailed off dramatically because of conservation measures and slower than expected growth. At the same time, the cost of nuclear construction has skyrocketed.

Ironically, the demand for power from the TVA system has fallen off because its two biggest customers are government-owned uranium enrichment plants that produce fuel for nuclear plants across the country.

When TVA set out to build 17 nuclear plants, it estimated that the two uranium enrichment facilities in Oak Ridge, Tenn., and Portsmouth, Ohio, would be producing fuel for 400 nuclear plants late in this century. The soured fortunes of the atomic energy industry now make it appear that there will be only 150 plants within the foreseeable future.

The decision regarding the Tennessee and Mississippi plants had been weighed since early this year when the TVA staff issued a study of the agency's nuclear construction problems that seemed to favor a halt in construction.

TVA Board Chairman C. H. Dean cast the lone vote for continuing construction.

Arguing for deferral of the projects, board member S. David Freeman said nuclear construction costs had "escalated beyond belief because of technical difficulties being encountered in meeting the twin goals of reliability and safety, coupled with high interest rates and inflation."

Current cost projections, he said, are eight times the original estimates.

With interest rates soaring, Freeman said, TVA's interest payments would reach $600 million per year if it borrowed the funds needed to complete the plants.

POLITICIANS OPPOSE DEFERRALS.

While the demand for power from TVA grew at a rate of 7 percent annually through the 1960s, the demand has grown at a rate of 1 percent a year since 1973. Freeman said there has been an actual decrease in demand since 1977.

Nevertheless, political officials from the TVA area, including Tennessee Gov. Lamar Alexander and Sens. John C. Stennis (D-Miss.) and Jim Sasser (D-Tenn.) had urged completion of the three plants.

Rep. Ronnie G. Flippo (D-Ala.) said Thursday that he will press for House hearings on TVA and called TVA's action "the worst decision in the history of this agency."

The TVA board has ordered studies of the costs and benefits involved in turning to coal-fired power plants rather than nuclear plants when the demand for TVA's energy once more starts to grow.

Thus, the agency has come full circle from its long-range decision two decades ago to turn away from the depressed coal industry and cast its lot with nuclear power.●

GENERAL LEAVE

Mr. GREGG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

BALTIC "GENOCIDE DAY" 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. FERRARO) is recognized for 60 minutes.

Ms. FERRARO. Mr. Speaker, on May 4 of this year, two joint resolutions passed in the House. Each urged U.S. support for the release from prison and emigration from the Soviet Union of a Baltic human rights leader. The plights of Benedict Scott—of Lithuanian descent—and of Mart Niklus—an Estonian—moved many Members of this body to speak out for the granting of basic human rights to these men.

But we must not forget the larger human rights crisis of which these two cases represent only a small portion. Even if our best efforts on behalf of these two men are successful, we must retain our concern for the thousands of Estonians, Latvians, and Lithuanians for whom freedom is just a dream.

Today, then, we commemorate the 42d anniversary of Genocide Day, pausing to remind the world of the Baltic States' ongoing struggle against Soviet oppression. Between June 14 and 17, 1940, the Soviet Union began a tyrannical campaign against the citizens of these Baltic States, invading and occupying them and carrying out mass deportations and executions. Although this Soviet tyranny over Estonia, Latvia, and Lithuania continues today, it has not succeeded in crushing the independent spirit of their citizens, who stubbornly resist the attempted obliteration of their linguistic, ethnic and religious identities.

The plight of all Baltic people may only be bettered by the continued attention of the free world's leaders and press. Only when Soviet policies are revealed and repudiated by the rest of the civilized world will these authorities make concessions to humanitarian principles. The Soviet Union must be made to realize that it will be held accountable for its denial of basic human rights in the Baltic States. The Soviet occupation of the Baltic States must end.

Today we somberly reflect on the genocide which occurred in the Baltics 42 years ago. Let us not forget that the horrors experienced at that time by citizens of Estonia, Latvia, and Lithuania do not represent an isolated event, but rather, an occurrence which has been repeated far too often in this century.

I recently introduced a resolution calling for U.S. ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. By ratifying the Convention, we would join with the community of nations seeking to provide the means to punish those responsible for genocide and to prevent further genocide such as that which occurred in the Baltic States. We must support the successful efforts of the Baltic people to resist russification policies. We must reaffirm and underscore the value we place on human life and freedom through ratification of the Genocide Convention.

It is fitting that we, as Americans and as compassionate people, join today with Estonians, Latvians and Lithuanians in commemoration of Genocide Day, and it is fitting, too, that we pause to rededicate our commitment to human rights.

● Mr. HORTON. Mr. Speaker, 42 years ago the peoples of Estonia, Latvia, and Lithuania were subjected to the brutal and unconscionable suppression by the Soviet Union. Between June 14 and 17, Soviet forces swept through these Baltic States instituting a reign of terror that continues to this day.

Many of us in the House have participated in observances commemorating the brief independence of these small but proud countries bordering the Baltic Sea. While their independence was short lived, the spirit which stood behind it continued. Even in the face of the most overwhelming odds and cruelest circumstances, the people of Estonia, Lithuania, and Latvia have held on to the dream we in this country are able to enjoy—freedom and peace.

I join my many colleagues in the House in paying tribute to the thousands of men and women who have suffered deportation and in far too many cases execution at the hands of the Soviet Union. Though they were unable to repell the invader, the oppressor has failed in crushing the spirit of these proud peoples.●

● Mr. PEPPER. Mr. Speaker, I take this opportunity to speak of the oppressed citizens of Estonia, Latvia, and Lithuania, in recognition of the Balts' persistent struggle against the tortuous and tyrannical rule of the Soviet Union. This year we pass the 42d anniversary of the ongoing struggle for self-determination by Estonia, Latvia, and Lithuania in their valiant and persistent effort to liberate their nations from the U.S.S.R.

Between June 14 and June 17, 1940, the Soviets presented Estonia, Latvia, and Lithuania with ultimatums and then proceeded to invade and occupy them. This was followed by turning these nations into constituent republics in the Soviet Union. A year afterward, in 1941, thousands of Estonia, Latvia, and Lithuania citizens were deported to the Soviet Union, mainly Siberia.

It is sad to see such people, worthy of our remembrance, held in the hammerlock of the Soviet political system. The persistent determination and courage displayed by the citizens of these countries will serve as an inspiration to all people subjected to the denial of their political, social, and religious freedoms.●

● Mr. FORD of Michigan. Mr. Speaker, I wish to take this time to recognize Genocide Day, and the Balts' ongoing nationalistic struggle. I ask that all freedom-loving people join with me in recognizing Genocide Day and the indestructible spirit of the Baltic people.

Forty-two years ago this week, the Soviet Union invaded and forcibly annexed Lithuania. Ever since June 15, 1940, the Lithuanians have dedicated themselves to once again make their homeland sovereign. Today, we must join with the Lithuanians in reaffirming our dedication to the principles of self-determination and human rights.

Lithuania became a sovereign nation in 1918 as part of the World War I peace agreements. Their sovereignty lasted a mere 22 years. The Russians heartlessly incorporated the Baltic country into the Soviet Union in 1940. To stifle rebellion in Lithuania, Russia brutally deported more than 300,000 citizens to Siberian labor camps; most never returned. In addition, from 1944 to 1952, the Soviets massacred over 50,000 Lithuanians who were struggling to save the sovereignty of their homeland.

On August 14, 1941, the Atlantic Charter was signed by President Franklin D. Roosevelt and Sir Winston Churchill. Point 2 of this Charter declared that we

> . . . do not consent to any territorial changes which are not in agreement with the freely-expressed wishes of the nations involved.

The Lithuanians clearly have not expressed wishes to become part of the Soviet Union.

The United States must continue to support oppressed peoples throughout the world and not let the Soviets infringe upon the human rights of these people. Distinguished colleagues, let us hope and pray for the day when the Baltic people can celebrate their independence instead of mourning the day of the annexation of their homeland.●

● Mr. CARMAN. Mr. Speaker, today I join with my colleagues in this House to commemorate what is now the 42d year of the Soviet Union's illegal annexation of the free states of Lithuania, Latvia, and Estonia. The Soviet occupation of these Baltic States in 1940 and the subsequent mass deportations and executions that followed, destroyed their political sovereignty and their national pride. What was once a thriving and prosperous economic region has become yet another unwilling victim of Soviet hegemony.

Under the oppressive domination of the Soviets, the free people of the Baltic States have been denied political, religious, and personal freedom. They have been denied their cultural and historic traditions, some of which are centuries old.

Mr. Speaker, it is our duty to remember the partisans who fought the Soviet occupation forces and died for the cause of independence over 40 years ago. We will never forget the tragedy of the Baltic annexation and the just cause of freedom the Baltic people seek.●

● Mr. PEYSER. Mr. Speaker, between June 14 and June 17, 1940, the three independent nations of Estonia, Latvia, and Lithuania were presented with ultimatums from the Soviet Union. The demand for the right of passage for the Red Army together with the dissolution of the Baltic Governments marked the passing of two decades of self-government and freedom. Despite a Soviet campaign of massive deportation to replace Baltic citizens with Russian stock, the spirit of the Estonian, Latvian, and Lithuanian people for independence never faded. I would like to take this opportunity to honor, along with other Americans of Estonian, Latvian, and Lithuanian descent, the determination of a people resisting a foreign attempt to eliminate their linguistic, ethnic, and religious identities.

The people of the Baltic States have known in their history, both the joy of independence, and the sorrow of occupation. Estonia and Latvia were free cultures up until the 13th century when they were conquered by a militant German order called the Knights of the Sword. Later in the 18th century, they were to be dominated by the czarist Russian Empire. Lithuania remained a distinct nation after the 13th century until it was annexed by Russia as part of the third partition of Poland. The chaos of World War I, and the disintegration of the czarist Russian Empire, gave patriots of these three States the chance to regain independence for themselves. By 1919 the land was cleared of all occupiers, and the sovereign rights of the Baltic people were acknowledged in peace treaties by Soviet Russia.

Estonia, Latvia, and Lithuania enjoyed two decades of national independence between the two world wars. Through hard work and a commitment to democratic principles, the three Baltic States surpassed their pre-1914 standards of living virtually without the benefit of loans and foreign aid. Their dedication to individual freedom promoted a cultural renaissance in education and the arts. Each country assumed the obligation of a sovereign state in the international community with the exchange of diplomatic representatives. World War II brought the end of independence for the three Baltic nations. The defeat of Hitler's army allowed the Soviet power to return and establish their own preferred system of government. Thousands of Estonian, Latvian, and Lithuanian citizens were transferred to other areas of the Soviet Union under a policy of integration and assimilation.

The United States continues to recognize the free nations of Estonia, Latvia, and Lithuania in 1982, and their peoples' belief in the principles of democracy and individual freedom. Their resistance strives for the same inalienable rights that we are devoted to in our own country. The achievements they attain are based on the same value of independence we cherish.●

● Mr. HOWARD. Mr. Speaker, 42 years ago today, the Soviet Union launched an attack against the Estonian, Latvian, and Lithuanian peoples, forcing them to join the Soviet Union. Through invasion, occupation, deportation, and execution, the Soviet Government eventually gained physical control of the Baltic nations. Yet, despite the brutality and oppression to which the Estonians, Latvians, and Lithuanians have been subjected, they maintain a tenacious spirit of independence.

Clearly, Soviet activity in the Baltic nations violates the rights and identities of their native peoples. The cultural, political, and religious foundations of these nations have been profoundly altered by this incursion. In the process of "Russification" the U.S.S.R. has sought to eradicate Baltic nationalism and institute Soviet ways. In this campaign to convert the Baltic States, the Soviets have stopped at nothing. Their attempts to exterminate the Baltic peoples remind us of Hitler's barbaric extermination of the Jews in Germany. It is signifigant that Stalin and Hitler signed a pact in 1939, dividing Eastern Europe between their respective powers. We know that such totalitarian regimes will pursue any means to an end, wantonly disregarding human life.

Soviet hegemony has lead to dramatic changes in the Baltics. The cruel tactics employed in deporting Baltic peoples cost many lives, a fact all too well known by Americans of Estonian, Latvanian, and Lithuanian descent. Families were intentionally separated to break the strength of familial bonds. Individuals were treated like cattle. Many were sent to Siberia, as slave laborers.

The Soviet Government has tried to devastate the national, cultural, and economic lives of these Nations. Yet, the independent spirit of the Baltic peoples remains undaunted. I urge all freedom-loving nations in the world to join in recognition of the continuing nationalistic efforts of the proud Baltic peoples.●

● Mr. DINGELL. Mr. Speaker, I am honored to join with my colleagues in commemorating the 42d anniversary of Genocide Day for the Baltic nations.

It was in June 1940 and 1941 that the Soviet Union, in wanton disregard of human life and human rights, imposed a reign of terror on the free people of Latvia, Lithuania, and Estonia. This reign of oppression still persists today, sustained by military force. We in the House recall with revulsion the cruel and senseless massacre of a proud people. Inhabitants of these Baltic States were forced from

their homelands—herded into boxcars and sent off to the infamous slave labor camps in Siberia and the Arctic regions. It is estimated that 850,000, 10 percent of the population, were deported. Many never lived to return. Those who remained courageously fought for freedom, risking their lives in protest of the Soviet occupation that had torn apart families and homeland. They still fight today in unwavering spirit and determination to be free.

It is for those who died and suffered, and for those who still fight the battle that we speak out today. I hail the indominable spirit and courage of the Baltic people. And, I condemn, with utter disgust, the Communist regime that brought about this captivity of nations and continues to impose that imprisonment. I join with my colleagues, and with people around the world, in praying that someday these Baltic States will once again know freedom and will once again be masters of their own fate.●

● Mr. BONKER. Mr. Speaker, I commend my distinguished colleague, GERALDINE FERRARO, for requesting this special order. It is especially fitting since the House on Monday passed Senate Joint Resolution 201 designating June 14 as "Baltic Freedom Day."

The United States has never recognized the Soviet incorporation of Lithuania, Latvia, and Estonia. June 14 is a very important date in Baltic history for it was on that day in 1940 that thousands of people from the three Baltic States were forcibly deported to the Soviet Union and Soviet citizens were relocated into the Baltic States in order to "Russify" those States.

All the repressive measures continue today but the Soviets have not succeeded in destroying the independent spirit of the Balts. We must stress continually that the United States recognizes the "desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R."●

● Mr. DOUGHERTY. Mr. Speaker, the Baltic nations have suffered innumerable hardships at the hand of the Soviets and their direct predecessors, the tsars of the Russian Empire.

As a consequence of the Russian Empire's collapse in 1917, several long-oppressed nations were able to establish their own free and independent states. Not least among these were the Baltic States of Estonia, Latvia, and Lithuania.

Unfortunately, their freedom was short lived. The many achievements of these three fledgling Republics were destroyed when the Soviets took them over once again as part of the secret Russo-German treaty known as the Molotov-Ribbentrop Pact of August 23, 1939.

On June 14, 1941, the military takeover of the Baltic States began, as well as the Soviet genocide of those people. The Baltic genocide started with the so-called "decapitation" of the people as their intellectual and political leaders were murdered. The process was interrupted by the Nazi invasion and control of the area, which naturally took its toll on the people as well. With the Soviet resurgence and recapture of Estonia, Latvia, and Lithuania, the genocide continued through World War II and up to 1949. When it ended, the cost to the Balts was one-tenth of their population in deaths and deportations.

I wish to make the point today that we cannot permit genocide to become an accepted political policy of any State at any time. The only way to do this is to recognize and remember all the genocidal actions that have occurred in the past, whether the victims were Armenians, Cambodians, Jews, or the martyrs we are commemorating today, the Balts.

However, this day commemorating the 41st anniversary of the Baltic genocide should not necessarily be a day of mourning. Instead, it should be a day of hope. We can hope that from the ruins of the Baltic Republics of the 1920's and 1930's, new republics conceived in freedom will arise.●

● Mr. BIAGGI. Mr. Speaker, I wish to join my colleagues in remembering Genocide Day, a tragic day in world history, but one that must not be forgotten.

Specifically, Genocide Day marks the Soviet Union's invasion and takeover of the Baltic States—Estonia, Latvia, and Lithuania—beginning on June 14, 1940. As part of that takeover, thousands of the Baltic people were executed and over a million were deported to slave labor camps in Siberia and other parts of the Soviet Union.

As one who has long sought to obtain basic freedoms for all people throughout the world, I fully support the commemoration of Genocide Day as an important reminder of the suffering that was initiated in the Baltic States some 40 years ago, and which, sadly, continues today.

Earlier this week, I joined my colleagues in adopting a resolution (S.J. Res. 201) to designate June 14 as "Baltic Freedom Day." In fact, I cosponsored the House version of that resolution. I did so as an effective means to demonstrate to the Soviet Union our Nation's solidarity with those courageous men and women struggling for independence in the Baltic States.

As leader of the free world, it is essential that we continue to focus attention on the plight of those who are deprived of the freedoms that we sometimes take for granted. The brave freedom fighters in the Baltic States and in other captive nations around the world have dedicated their lives to obtaining basic rights, religious freedoms, and self-determination. No cause is more just. They need our help.

Today, we remember a tragedy of the past, Genocide Day. But on this occasion, we must also focus on the Soviet Union's continued oppressive tactics in the Baltic States, in Poland, in Afghanistan, and in many other captive nations around the world. The Soviet's oppressive policies that deny so many so much must not be tolerated.

The courage and determination of those Baltic people who died during the Soviet takeover some 40 years ago, and those who continue to fight for freedom today serve as an inspiration to freedom loving people everywhere.●

● Mr. BEDELL. Mr. Speaker, House Joint Resolution 386 recognizes the 42d anniversary of the Soviet occupation of Estonia, Latvia and Lithuania and calls for the observance of June 14 as Baltic Freedom Day.

In 1918, after nearly six centuries of subordination to neighboring powers, the ethnically diverse Baltic peoples finally achieved their political autonomy and independence. Twenty years later, in blatant disregard of the treaty whereby the Soviet Union "voluntarily and forever" relinquished all claims to sovereignty over the Baltic States, the Soviet Army forcibly occupied all three nations. Pro-Soviet Governments were established and the Baltic States were incorporated into the Soviet Union. The United States never recognized these puppet regimes.

On June 14, 1941, mass deportations in Baltic nations were initiated. Men, women and children, who were considered to be unfriendly to the new regime, were transported in boxcars to various "gulags" without food or proper medical attention. Of those who survived the journey, thousands died from starvation, exhaustion and exposure to the harsh Siberian winters. Others were simply exterminated. After similar deportations in 1944, and 1949, the total number of political exiles exceeded 850,000.

Despite formidable Soviet efforts over the last 40 years to subvert their national identities, the Baltic peoples have refused to surrender their ethnic and cultural heritage. Religious, social and educational oppression, and a growing Russian population, have not deteriorated their intense national spirit and identity. They have been tacitly supported in this effort by the United States and other countries which continue in their refusal to recognize Baltic incorporation into the greater Soviet empire.

Traditional American foreign policy has always held fundamental respect

for basic human dignity and the right to individual freedoms. In contravention of the Helsinki accords, the Baltic peoples are being denied their rights to self-determination and national independence. In this regard, the Baltic peoples share a common desire and quest with the peoples of Poland and Afghanistan to reassert their national identities and obtain their freedom from Soviet domination.

The purpose of today's special order is to reaffirm the American commitment to the oppressed peoples of the Baltic States and, in President Dwight D. Eisenhower's words, to remember "the plight of captive nations" throughout the world as well.

I rise in support of House Joint Resolution 386 and strongly urge my colleagues to join in its ultimate passage.●

● Mrs. FENWICK. Mr. Speaker, I would first like to join my colleagues in commending the gentlewoman from New York for her fine efforts in organizing this special order to give Members of Congress the opportunity to express their support for the oppression suffered by the people of Estonia, Latvia, and Lithuania.

In 1920, for the first time in nearly 200 years, the Baltic nations of Estonia, Latvia, and Lithuania freed themselves from the yoke of Russian domination, signing treaties with the U.S.S.R. which recognized their independence, declared by each nation in 1918. Having yearned for so long for this precious freedom, the Baltic peoples were horrified to find that they had been "given" to the Soviet Union by Germany in the Molotov-Ribbentrop pact of 1939.

It may have been possible for the Germans to guarantee that they would not invade the Baltic States, but they could never "give" or guarantee the allegiance of the people of these nations—a lesson the Soviet Union is still learning. For the last 42 years the cause of freedom and independence for the Baltic States has been kept alive by many brave and courageous Estonians, Latvians, and Lithuanians.

The people of the Baltic States are not Soviet people and do not want to be part of the Soviet Union. In order to prevent their normal, human desire for freedom from being realized, the Soviet Government has engaged in a program of "russification" in the area, teaching only Russian language in the schools, and populating these nations with ethnic Russians in order to decrease the proportion of Estonians, Latvians, and Lithuanians. That the Soviet Government must go to such great lengths to try to thwart the nationalism of these people is testimony to the character of these people and the strength of their desire for freedom—as well as to the bankruptcy of the Soviet system of government.

The people of the Baltic States are oppressed far more severely than we in the United States generally realize. Because they are farther from the eyes of the world than Moscow and other large Soviet cities, the world's critical eye does not see the ruthless persecution of religion, or the cruel crackdown against Helsinki monitoring groups—groups which were organized to monitor compliance by the Soviet Government with an international agreement that that government signed and agreed to honor. Families are divided in a manner that can only be described as purposefully cruel. An example of this is the separation from his wife and daughter suffered here in the United States by Mr. Aloyzas Jurgutis, who has tried for 7 years to obtain permission for them to join him.

We in the United States sometimes have difficulty in understanding the horror existing in these countries. We are free. We have never in our history suffered as they are suffering. And surely it is our duty to speak for them and for the freedom they have lost.●

● Mr. RUSSO. Mr. Speaker, 40 years ago this week, the Soviet Union invaded the Baltic countries of Lithuania, Latvia, and Estonia. A year later, in 1941, the Soviet Union conducted a reign of terror on the people of these countries by jailing them, executing them outright or deporting them to Siberia and other hostile areas of the eastern Soviet Union. The Soviet Union continued these atrocities from 1944 to 1949.

As a free democratic nation we must not forget that in 1918, these three nations fought and won a war of independence against the Soviet Union; declared themselves to be independent of Russian rule; and proclaimed themselves free again after centuries of foreign domination.

We must not forget that the democratic governments which they established and the people supported, were recognized by the Soviet Union, in the 1920 peace treaty, in which the Soviet Union forever renounced any claims to the Baltic territories and their citizens.

We must not forget the thriving social, cultural and economic progress the Baltic nations achieved during their short 22-year interim of independence.

We must not forget that it was at gun point that the Soviets established their Communist puppet government in 1940 against the will of the people by invading the Baltic Republics with hundreds of thousands of troops who were supported by armored forces and planes.

We must not forget that in order to "Russify" the Baltic nations, the Soviets have exiled hundreds of thousands of the citizens of these republics to other parts of the Soviet Union; have moved thousands of Russians into the Baltic States in their place; and have forced their alien language and culture onto these people.

We must not forget that since 1940, the Baltic people no longer have the freedom of speech, religion and press.

We must not forget that the emigres of the Baltic nations are able to practice their cultural customs more openly wherever they are than those who are still living in their homeland, because of the Soviet occupation of these countries.

We must not forget that most free countries in the world still respect the original governments established in 1918, and do not consider them Republics of the Soviet Union.

And finally as a freedom-loving democratic society we must not forget the ongoing yearning for independence that thrives within the Baltic people as exemplified by the 19-year-old Lithuanian, Romas Kalanta, who self-immolated on May 14, 1972 in a park in Kaunas, Lithuania in protest against the suppression of Lithuanian national and religious rights under the Communist regime of the Soviet Union. He died in the flames shouting freedom for enslaved Lithuania.●

● Mr. FARY. Mr. Speaker, I would like to commend the gentlewoman from New York for requesting this special order to bring to light the recurring violation of human rights and tyranny that exists today in the Baltic region.

This year marked the 64th anniversary of independence for the Republics of Lithuania, Estonia, and Latvia. Back in 1918 these brave patriots declared their independence from German and Russian occupation. For a little over 20 years these Baltic States struggled to remain free. Each of the countries drew up a constitution setting up a republican form of government. These documents stressed human rights and dignity and guaranteed to all linguistic minorities the use of their own language in the courts. They did not try to stifle minorities as their former occupiers had done.

This long sought freedom that the Baltic people fought valiantly for was crushed once again by Russian occupation in 1939. Today the Baltic States are incorporated provinces of the Soviet Union. Since the Soviet takeover the borders of Estonia, Latvia, and Lithuania have been kept sealed against the outside world. The Soviets have an iron grip on these groups. The U.S. Government has never recognized these States incorporation into the Soviet Union.

With the current situation in Poland, we in the United States, should not be surprised by the actions of the Soviet Union. The Russians have a long history of dominating and conquering sovereign nations near

their border. It has been the mainstay of their foreign policy since the day of Catherine the Great. The United States must never condone this policy. We stand for the sovereignty and right of self-determination of all people.

Mr. Speaker, the Baltic Republics have suffered Soviet domination for over 40 years, and a whole new generation has grown to maturity since the Soviet occupation. This new generation, however, has not forgotten the dream of its forefathers, and present developments in Poland will have ramifications in the years to come. Mr. Speaker, all Americans must show their solidarity with the Baltic peoples, and continue to hold high the beacon of freedom as inspiration for those whose struggle has not yet ended.●

● Mr. ADDABBO. Mr. Speaker, I am honored, and at the same time sorrowed, to join my colleagues in commemorating the incorporation of the nations of Estonia, Latvia, and Lithuania into the Soviet Union. I would like to thank my friend and colleague, GERALDINE FERRARO, for requesting a special order on this occasion, for it is most important that we demonstrate our moral support for these captive nations. This day must serve to give the Baltic States hope that freedom will someday return.

The Baltic people are to be commended for their courage and determination in their continued protest against outside domination. Their dedication to national identity and heritage is a symbol of hope for all Baltic people here and abroad in their quest for justice and human rights.

The United States has never recognized the Baltic States incorporation into the Soviet Union, and continues to maintain diplomatic relations with the independent representatives of those States. This is just one of the ways we can reaffirm our commitment to any struggle for liberty. Self-determination is a principle sacred and dear to us, and we must denounce any example of such total disregard for human rights. In the last few decades, we have seen a growing awareness of the national consciousness of Baltic peoples, and it is imperative that we support continued efforts to look determinedly toward a free and independent existence.●

● Mr. BLANCHARD. Mr. Speaker, I would like to take this opportunity to join in the special order taken by my esteemed colleague from New York (Ms. FERRARO).

This month marks the 42d anniversary of the forcible occupation of Estonia, Latvia, and Lithuania by the Soviet Government. All of us who believe in human rights, and the most important right of men and women to shape their own destiny free from oppression, must remember this tragic anniversary. Today's special order will serve to send the Soviet Government a message that the Congress of the United States has not forgotten the oppression of these Baltic States. Today, we are also advising President Reagan and his advisers that they must continue to make human rights a high priority in the formulation of administration foreign policy in general, and with regard to our relationship with the Soviet Union in particular.

Again, I am happy to join in this tribute to the indomitable spirit of the people of Estonia, Latvia, and Lithuania, and to commemorate this important anniversary. As a member of the ad hoc Congressional Committee on the Baltic States and the Ukraine, I would like to congratulate my colleague from New York for taking this special order.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in commemorating Genocide Day; a time for all of us to remember that there are millions of people living in nations around the world who do not enjoy the basic rights of freedom of thought, movement, and expression that we all take for granted.

The millions of freedom loving people in Estonia, Latvia, and Lithuania must not be forgotten. The Soviet ruling elite should take note that while it maintains strong political control over these nations, it will never be able to obliterate the strong national traditions held by the millions of people living in the Baltic States.

In spite of Soviet domination, these brave people have continued to hold on to their cultural heritage. They have never given up the hope that some day they will once again be able to raise their national flags in a declaration of freedom from Russian rule.

Recent events in Poland have served as a powerful reminder that the Soviets would not think twice about using massive forces to quell any stirrings of democracy and freedom in the nations they control.

Once the Soviets ensnare a nation, as history has shown in the Baltic States, the Ukraine, Byelorussia, and the Transcaucasus, they never let go. Basic freedoms are soon crushed and every attempt at wiping out the individuality of the conquered people is attempted.

Mr. Speaker, it is clear that the American Estonian, Latvian, and Lithuanian communities are strong voices for freedom in their former homelands and other oppressed nations around the world.

Genocide Day honors the millions of brave people in the Baltic States who have died, been imprisoned or exiled from their homelands by the Soviet Union. It has been estimated that following the brutal takeover by Russia, an estimated 300,000 Lithuanians were deported to a certain death in Siberian labor camps.

We must never forget the plight of our brothers in Estonia, Latvia, and Lithuania. Congress has been a key force in keeping an eye on the situation in those nations by establishing the Commission on Security and Cooperation in Europe to monitor international compliance with the Helsinki agreements. It also reaffirmed our Nation's policy of nonrecognition of the legality of the 1940 Soviet takeover of the independent states of Lithuania, Estonia, and Latvia. I am pleased to say I was a sponsor and vigorous supporter of those resolutions.

Mr. Speaker, on behalf of the people of the Eighth Congressional District of New Jersey, I trust that through our mutual endeavors and responsibilities that we will strive to achieve total freedom for the citizens of Estonia, Latvia, and Lithuania.●

● Mr. YOUNG of Florida. Mr. Speaker, the Soviet invasion of Estonia, Latvia, and Lithuania in 1940 began a pattern of Soviet repression which has become all too familiar in the past 42 years. With the same disregard for human rights that the Soviets displayed by marching on the Baltic States, they most recently have denied the rights of freedom to the people of Afghanistan and Poland.

Today though, we pay tribute to the courage of the Baltic people who continue to exhibit an indominable spirit as they refuse to allow the Soviets to take away their strong ethnic and religious beliefs. It is that same unyielding spirit that has led the resistance to Communist oppression throughout the world and has made Americans and all free people of the world fully appreciate the liberties we enjoy.

Although the Baltic people are unable to communicate their drive and desire for freedom through words, it is through their actions that they speak, and as we recognize their plight today, we serve as their messenger, spreading the word of their actions to the free and oppressed people of all nations.

By repeating their brave and continuing struggle, we inspire those people whose rights have been stripped away and for those of us who enjoy our freedom daily, the Baltic people help us understand the value that is placed on these often neglected freedoms and the importance of retaining them.

Once again, the Estonian, Latvian, and Lithuanian people have demonstrated to the world that the Soviet leaders can deny land and material possessions, but they can never take away the desire for freedom.●

● Mr. LENT. Mr. Speaker, it is with great solemnity and deep respect that I join my distinguished colleagues in commemorating the 42d anniversary of Genocide Day. This forced deportation of hundreds of thousands of persons in the Baltic nations of Lithua-

nia, Latvia, and Estonia occurred on June 16, 1940.

Mr. Speaker, not only were these innocent people forced into labor camps during this deportation, but thousands were brutally executed by the Soviets who were retreating from the invading armies of Hitler's Third Reich. June 16, 1940 was indeed one of the darkest days in the history of civilized man. Rarely has the world been witness to such terrible acts of inhumanity. Sadly enough, this Soviet abuse of human rights continues this very day in the three unhappy Baltic countries, still suffering cruel oppression.

For more than four decades of occupation of these nations, the Soviets have continuously disregarded the human rights provisions of both the United Nations Charter and the Helsinki accords. They have also ignored the stipulations of the Belgrade Conference.

But the Soviet Union's numerous acts of political repression, religious persecution, and cultural genocide have not stopped the proud and determined peoples of Latvia, Estonia, and Lithuania in their resistance to the Soviets. The courageous peoples have refused to succumb to this repression and have preserved their unique languages, cultures, and religious heritage.

Mr. Speaker, as we commemorate the 42d anniversary of this sad day, let us continue on to seek to preserve and protect the freedoms and liberties we Americans enjoy, and seek to extend these same liberties to the repressed peoples of the Baltic whose freedom has been taken by brutal and repressive force. As a free nation, we Americans should challenge this Soviet aggression at every opportunity.

As Americans, we must pledge to continue our support for the people of Latvia, Estonia, and Lithuania in their courageous struggle for the freedoms the Soviets have denied them for so many years.●

● Mr. ANNUNZIO. Mr. Speaker, June 14-15 marks yet another anniversary of the cruel and outrageous occupation by the Soviet Union of the Baltic States. Forty-two years have passed since the great and proud citizens of Lithuania, Latvia, and Estonia were overrun by the Communists, who inhumanly exiled, deported, tortured, and murdered thousands.

The Soviets in 1940 were committed to the systematic destruction of these three proud nations, along with the elimination of the languages, literatures, cultures, and religions of their people. In order to insure the success of their intentions, the Soviets first ordered the executions of the intellectuals and those who were politically active. Then efforts were concentrated on the massive deportation of the peasants and others whose only desire was to be left alone and live in peace.

About 1 year later, the Russians intensified their efforts to break the will of the people to resist communism. Men, women, and even little children of entire villages were rounded up and herded together under miserably overcrowded and unsanitary conditions, and were shipped in railroad boxcars east to the Soviet Union. Although these genocidal deportations briefly stopped when Germany invaded the Baltic States in June 1941, when the Red army regained control in 1944, the deportations began again. In fact, during the last 42 years of occupation, the Soviets have deported millions of Estonians, Lithuanians, and Latvians, from their native lands to remote parts of their slave empire, and at the same time, have introduced large number of Russians into the Baltic States "to Russify" them further. Nevertheless, the Communists have been unable to crush the spirit and the cultures of these peoples.

Excerpts follow from the Radio Liberty Research study entitled, "The Takeover of the Baltic States in June 1940."

THE TAKEOVER OF THE BALTIC STATES IN JUNE, 1940

The secret protocols of the nonaggression treaty between Nazi Germany and the Soviet Union, dated August 23 and September 28, 1939, and demarcating spheres of interest, led to the dismantling of the entire East European structure established after World War I. In particular, they opened the way for the eventual occupation of the Baltic States by the USSR. The annexation of Estonia, Latvia, and Lithuania by the Soviet Union may be roughly divided into three phases. A preliminary phase was marked by the imposition by the USSR of mutual assistance pacts on the three Baltic States. By means of these pacts, the USSR acquired a number of military bases on the territory of the three countries, which at the time were politically more or less isolated from the outside world. This took place at the end of September and during October of 1939. There followed a takeover phase, during which the three states were occupied and Soviet-designated governments installed in each of them. A third phase brought controlled united-bloc elections aimed at legalizing the takeover and the formal incorporation of Estonia, Latvia, and Lithuania into the USSR as Soviet republics. The second and third phases were played out in a matter of months in the summer of 1940.

On the day the Germans entered Paris—June 14, 1940—Lithuanian Foreign Minister Urbsys, who was in Moscow at the time, was given an ultimatum making the following demands: immediate formation of a government in Lithuania capable of assuring proper fulfillment of the Soviet-Lithuanian mutual assistance pact; agreement to the immediate entry of Soviet troops to occupy the most important centers in Lithuania, in sufficient numbers to assure the enforcement of the pact and prevent incidents.

The answer was expected by 10:00 a.m. on June 15. Lithuanian President Anatanas Smetona fled the country. The same day, June 15, large Soviet military units overflowed Lithuania. It was now Latvia's and Estonia's turn.

On June 14 Soviet war planes shot down a Finnish airliner on the way to Helsinki from Tallinn, killing all those on board. On the same day, the Soviet navy began a blockade of Estonian and Latvian ports. During the morning hours of June 15 Soviet units attacked the Latvian frontier post at Ritupe killing two guards and one woman with a child and kidnapping a number of farmers from the neighborhood. The task in Estonia and Latvia became easier after about 200,000 Soviet soldiers had marched into Lithuania and hundreds of tanks, supported by strong artillery and mechanized infantry units, took positions along the Lithuanian-Latvian border.

On June 16 Estonia and Latvia received ultimatums to be answered in 8½ hours and 6 hours respectively. In identical formulations, the Soviet Union accused Estonia and Latvia of not dissolving a mutual military alliance, extending this alliance to Lithuania, holding two secret conferences, furthering close cooperation between the general staffs, and having created a special press organ of the Baltic military entente, the Revue Baltique. The Soviet charges lacked any foundation, and after the seizure of all Latvian and Estonian archives and documents the Soviet government never tried to substantiate them.

Help could not be expected from either England or Germany, and the Soviet forces were overwhelming. The Latvian and Estonian presidents, Karlis Ulmanis and Konstantin Päts, formally stayed in their positions without any possibility of changing the course of events. A month later they were deported, and they died in the USSR.

In the last phase of the absorption of the Baltic States, efforts were made to create the impression that the Soviet Union had no intention of suppressing the sovereignty of these states or altering their social order. In the Soviet-sponsored caretaker governments, Communists were in the minority. Under the aegis of these governments and ostensibly at their will, the Baltic States were in fact gradually to be sovietized. In the elections of new parliaments, which the Soviet emissaries named above organized on July 14 and 15, only one party was allowed to participate. In spite of careful steps to stifle free expression of the will of the population and to ensure that only the candidates desired stood the elections, the "nearly unanimous" results did not bring unquestioned legitimacy for the puppet governments. According to documents found later in Lithuania, only 16 to 18 percent of the votes were taken into account.

The newly elected "People's Parliaments" held their first sessions in July. The independence and sovereignty of the Baltic States was finally extinguished the following month, when the three "People's Parliaments" elected delegations to be sent to Moscow to make formal application to the USSR Supreme Soviet for admission to the USSR as Soviet republics. On August 3, 5, and 6, the delegations from Lithuania, Latvia, and Estonia respectively submitted the formal applications. The annexation of the Baltic States was thus completed. The next steps by the USSR were the destruction of all potential and real enemies in the Baltic countries.

And now the previously mentioned order (No. 001223) by Serov, which was marked strictly secret:

INSTRUCTIONS REGARDING THE MANNER OF CONDUCTING THE DEPORTATION OF THE ANTI-SOVIET ELEMENTS FROM LITHUANIA, LATVIA, AND ESTONIA

1. General situation

The deportation of anti-Soviet elements from the Baltic States is a task of great political importance. Its successful execution depends upon the extent to which the county operative triumvirates and operative headquarters are capable of carefully working out a plan for executing the operations and of foreseeing in advance all indispensable factors. Moreover, the basic premise is that the operations should be conducted without noise and panic, so as not to permit any demonstrations and other excesses not only by deportees, but also by a certain part of the surrounding population inimically inclined towards the Soviet administration.

Mr. Speaker, it is my privilege to join Americans of Latvian, Estonian, and Lithuanian descent in the 11th Congressional District, which I am honored to represent, in the city of Chicago, and all over the Nation, in commemorating Baltic States Freedom Day. The sad fate and memory of the victims of Communist persecution will not be forgotten, as the Baltic people continue today to bravely struggle to determine the course of their own destiny, against overwhelming odds, with the desire that one day democracy will ultimtely triumph over tyranny and the sovereignty of these three nations will be restored.●

● Mr. DWYER. Mr. Speaker, the Baltic quest for freedom is a never-ending one, and one that we, as a free people, must never forget until these three nations—Estonia, Latvia, and Lithuania—are no longer held captive by Soviet imperialism.

The Soviets took these three nations by force 42 years ago and have occupied them ever since, hoping to change not only their peoples' political loyalties, but to wipe out their own unique cultural, religious and historical identities as well.

It is a great tribute to the stature and strength of the Baltic people that the Soviets have failed in these attempts. Although, Soviet forces occupy their homeland, they will never occupy their hearts.

The Baltic dissident movement, its Helsinki monitors, and fierce opposition to russification at every level, all stand as compelling reminders of Estonian, Latvian, and Lithuanian pride, tenacity and spirit against what for most would be insurmountable odds.

The United States must continue to support our compatriots in this struggle at every opportunity, refusing to recognize Soviet rule there. I want to thank my colleague, Ms. FERRARO, for calling this special order today and helping to focus national attention on the Baltic plight and ongoing struggle for liberty.●

● Mr. HOLLENBECK. Mr. Speaker, 41 years ago on June 14, the ideals of freedom and self-determination for inhabitants of the Baltic States were all but obliterated by the Soviet Union. For, on this day, hundreds of thousands of persons in Latvia, Lithuania, and Estonia were forcibly removed from their homes and either deported from their motherland or sent to slave labor camps in Siberia. Thousands of others were inexcusably and mercilessly executed by ruthless Soviet forces.

The Baltic States have been oppressed for centuries because of their vulnerable geographic position. From the Russians on the east to the Teutonic Knights on the west, the safety and sanctity of these states have continually been in jeopardy. However, these Latvians, Lithuanians, and Estonians proved their spiritual and ethnic courage by surviving these perpetual onslaughts.

Ever since these gallant Baltic countries were forcibly incorporated into the Soviet Union, the inhabitants of these states have constantly fought to eliminate the chains bonding them to their Russian oppressors. Thousands of these freedom fighters have lost their lives for the cause of securing freedom and self-determination for their countrymen. In the 9 years from 1944 to 1952, approximately 50,000 Lithuanian freedom fighters sacrificed their lives for the grassroots resistance movement. The termination of armed guerrilla warfare, however, has not culminated in the end of resistance to the unwanted Soviet domination. Moreover, it has fostered the introduction of nonviolent protest on a massive scale.

Even to this day, Lithuanians, Latvians, and Estonians risk their lives in total defiance of the Communist regime. These people proudly continue to protest against the Soviet denial of national, religions and political freedoms. With this fact apparent, we must match the courage of Latvia, Lithuania, and Estonia by increasing our efforts to insure self-determination and basic human rights for all.

It remains our responsibility to confront the Soviet Government with the fact that despite cosigning the Helsinki accords, they have completely ignored many of the provisions guaranteeing basic human rights. We must strive to continually speak out against the withholding of human rights all over the globe and refuse to fall to any temptation to condone the inhumane treatment of those persons less fortunate than ourselves.

June 14 marks a grim reminder for all of us as to the extent of man's inhumanity to man. I am convinced that it is only appropriate that we pause and reflect on the events that transpired in June of 1941. By doing so, we can only reinforce our convictions to ease the plight of those held under Soviet domination in the Baltic States.●

● Mr. FISH. Mr. Speaker, 42 years ago, the Baltic States of Lithuania, Latvia, and Estonia were invaded by the Soviet Union. The citizens of these countries were subjected to mass deportations and many were executed. These freedom-loving people have been seeking since that time to retain their culture, language, religion and ethnic identity.

As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I have been making statements on the plight of the people of Lithuania, Latvia, and Estonia for many years. I would like to again take this opportunity to express my deep concern that the Soviet Union live up to its international agreements on behalf of human rights and permit the free expression of culture, religion, and language by the people of the Baltic States. The Soviet Union continues to repress the nationalistic fervor of the Baltic peoples, who have shown great spirit and an irrepressible will to again be citizens of independent nations.

The United States has never recognized the illegal annexation of the Baltic States. Our Government has consistently voiced its opposition to the tyrannical conditions foisted upon the Baltic peoples. It is our continuing responsibility to encourage and foster the principles of freedom, independence, and self-determination which have inspired the peoples of the Baltic States to continue their struggle for fundamental human rights. I will continue to lend my full support to this effort.●

GENERAL LEAVE

Ms. FERRARO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1830

LEGISLATION TO CONTINUE FUNDING FOR BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Ms. FERRARO. Mr. Speaker, today I am introducing a bill to allow the Bureau of Government Financial Operations to continue to meet its responsibilities beyond the mid-July date when it is going to run out of money. The Bureau of Government Financial Operations is the agency that sends out the monthly checks to social security recipients and to veterans and various other individuals.

Last year they had $229 million in their budget. During the course of negotiations on the continuing resolution last December, the President called for a reduction on funding.

That was one of the agencies that was hit.

The funding was so drastically reduced that now they are suffering a shortfall of approximately $81 million, included in today's urgent supplemental. As I said, the agency will continue as long as that money is paid to it, and the people who are receiving the social security checks and veterans' checks will continue to receive them as long as that agency continues.

But there is, of course, the possibility that the President will veto that resolution. I am most concerned that we, as a government, continue to pay the people who are looking toward those checks each month to maintain the quality of their lives. Therefore, I am introducing this piece of legislation.

This bill allows the Secretary of the Treasury to take whatever steps are necessary to keep the Bureau of Financial Operations functioning and it insures that there will be no interruption of social security or veterans' checks.

What it does is allow the Department of the Treasury to shuffle around its money so as to cover this agency, so that the agency may continue to operate and to pay its bills.

I believe we have an obligation to meet our responsibilities to the American people. I believe the senior citizens of this country and the veterans of this country who have fought in our wars have the right to go to bed at night convinced that they will get that monthly check and that something like the shortsightedness on behalf of the Federal Government will not be the cause of their not doing so.

U.S. POLICIES THAT DISCOURAGE INNOVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, the innovation on which we depend for improved productivity and higher real wages occurs primarily through the efforts of individual entrepreneurs. With new ideas, these entrepreneurs start up new businesses and are responsible for the growth of small businesses, which provide most of the new jobs in our economy.

Yet a combination of Federal tax, procurement and research and development policies is discouraging this innovation, by putting entrepreneurs, new and small businesses at a disadvantage against large, existing corporations. We have begun to remove one of these counterproductive policies, by narrowing the gap between the old 70-percent top personal income tax rate, which applies to entrepreneurs, and the 46-percent top rate which applies to large corporations. But other impediments remain.

David G. Soergel, whom I have known for many years, is an expert in the process of innovation and the effect of Government policies on that process—especially Federal procurement and R. & D. policies. In the April 1982 issue of Reason magazine, Mr. Soergel lucidly explains how, exactly, these policies are unintentionally discouraging innovative competition and encouraging stagnant economic concentration. I would like to draw the attention of my colleagues to this important article.

The article follows:

HIGH-TECH FREEZE-OUT

(By D. G. Soergel)

"The inventor" is firmly entrenched in American folklore. From Eli Whitney to Thomas Edison to Bill Lear, the history of technology is peppered with colorful cases of individuals who tinkered and toiled to bring to fruition their ideas for new or better products and ways of doing things.

Yet many Americans remain unaware of just how important such inventive entrepreneurs are in our high-technology era. Yesterday we had Alexander Graham Bell and today we have Bell Labs; with increasing technological complexity, it is perhaps natural to conclude that the corporate giants with funds and personnel at their disposal, must be responsible for major innovations. The fact is, though, that small businesses can claim a disproportionate share of technological breakthroughs. Unfortunately, it is also a fact that, in spite of much ado about regaining America's competitive edge in the world of high technology, federal policies serve to discourage rather than encourage inventor-entrepreneurs' striking out on their own.

The Reagan administration has effected a host of measures aimed at stimulating business investment and revitalizing the economy. It has reduced the tax rate on interest and investment income, from 70 to 50 percent over a three-year period, to make private capital increasingly available for productivity improvements and for developing new products. It has pushed for a more predictable money supply to encourage long-range capital investments. It has moved toward an economy uncluttered by nonproductive, senseless regulations. But are these reforms enough to revitalize the nation's economy?

Conspicuously missing from this grand strategy is any attention to America's inventive entrepreneurs. Such entrepreneurs do not work to develop innovations favored by some corporate or government committee. Nor do they seek to duplicate the successes of long-forgotten entrepreneurs by setting up new businesses in now-familiar areas, such as new cleaning and auto-service establishments. Instead, what these special entrepreneurs do is pursue their own ideas, setting up shop, when they can, to develop and bring to market new products and processes. And in spite of all of the Reagan administration's tax, fiscal, and monetary reforms, these special entrepreneurs who hope to advance their economic positions by venturing their own ideas are still left "slowly twisting in the wind" by an almost invisible combination of federal tax, research and development, and procurement policies.

ESTABLISHMENTARIANISM

Take the tax code, for instance. Before making out their checks to the IRS, established firms can write off new-business costs. From revenues gained from their existing products and services, these firms can deduct costs for research, development, and marketing of new ventures. Our special entrepreneurs cannot. Not yet in business, and thus without sales income, they have no choice but to draw from their personal after-tax equity to advance their ideas far enough to attract outside investment.

In fact, one Reagan administration tax reform starkly reinforces the tax code's basic inequality between those already in business who hope to profitably expand their businesses and others who hope to profitably go into business and pursue their own innovative ideas. This is the newly legislated R&D tax credit. It makes more generous the tax deduction for new-product costs—a boon for ongoing businesses, but a meaningless tax credit for entrepreneurs not yet in business.

By favoring business expansions over the start of new enterprises, the tax system promotes venture inequality before the law. Large, often-stagnated firms are thus shielded from entrepreneurial challenges, which can hardly be helping the economy or the US world trade position.

In spite of the venture inequality ingrained in the tax code, "small-time" innovators have, historically, been very important in the nation's economic success. In recent decades, however, the tax favoritism has been exacerbated by two administrative policies that lay hidden in bureaucratic complexity. Combined with the tax code, they virtually put America's innovator-entrepreneurs out of the business of going into business.

During fiscal 1981, federal R&D policy governed $35 billion and procurement policy $110 billion of our tax money. (This doesn't even count $30 billion spent on procurement under assistance programs.) These two nonlegislated policies support a vast array of innovations aimed at public and private markets.

Precisely which innovative ideas should be selected and followed up, and how far into innovation should each be carried by government spending our tax money? To an exploratory, prototype, or production position? These critical decisions face the government once it begins dispensing R&D monies. The answers lock in the characteristics and prices of future goods and services. The decisions are not made by independent, competitive investors who stand to lose or gain a great deal by putting up venture capital; they are made by monopolistic agency committees.

Fiscal 1981's $35-billion federal R&D budget put directly under government control as much research and development money as was independently spent by all US companies to competitively develop their own ideas for new goods and services. Nearly $15 billion of this amount flowed back to industrial firms governed by federal procurement policy. But this policy places more value on proposals offered by established firms—especially government contractors—than on proposals offered by entrepreneurs who are not yet government contractors but who hope to be, based on the attractiveness of their ideas.

Evidence of past innovative successes, ownership of R&D and production plants and equipment, and access to credit are all

valued more highly than are ideas during risk-averting agency committee selections for R&D contract awards. Entrepreneurs don't yet have evidence of any of these, and few can afford to propose ideas to federal agencies regardless of special "small"-business favoritisms found in government's statutory codes and administrative procedures. These favoritisms may boost the fortunes of existing firms with 500 or fewer employees, but they do nothing for inventor-entrepreneurs who are not yet in business.

What it comes to is that the federal procurement system, including its small-business rules, faithfully captures the business-expansion favoritism promoted by the tax code and reinforces the risk-averting tendencies of bureaucracy. This is no mere speculation: over 95 percent of 1981 R&D funds distributed under federal procurement policy went to long-established firms. It is not necessarily that they propose better ideas; they are simply better risks.

INNOVATIVE CHOICES

What is the object of all the R&D support from government? A major share of the $35 billion nationalized, new-product "seed" capital—about $21 billion—was spent by federal agencies to select and bring to production ideas that were aimed solely at their own agency markets. There is literally no other domestic buyer for the products of their R&D expenditures.

New weapon and space systems are the most obvious examples. They are purchased domestically only by NASA and the Defense Department. In this "single buyer" situation, government taxes all income earners for the experimental money, explores alternatives ideas, and finally purchases and operates a preferred choice, such as the nationalized space shuttle and MX missile. A much smaller amount of taxpayer-financed R&D is similarly spent to select and explore innovations for the nationalized air traffic control and Coast Guard systems.

The remaining $14 billion of fiscal 1981 government R&D funds was spent on scientific research, purchasing R&D plants and equipments, and selecting and partially innovating an array of ideas that were not aimed solely at agency markets. They were aimed instead at widely diverse, private, commercial and industrial markets—at private energy markets, transportation markets, housing markets, and antipollution markets, among many others. Later, our vaunted "capitalist enterprise" system will fully develop and produce whatever it was that government had earlier decided was "best" for all the rest, with profit gained at little risk to the companies' shareholders, with venture cash-flow provided by taxpayers, and with no ownership dilution demanded in return for taxpayer risk-taking.

Government's risk instruments—R&D contracts, grants, and a new gimmick called a "cooperative agreement"—cannot be matched by Wall Street's bonds, commercial loans, and equity stocks. Unlike government's risk instruments, Wall Street's are offered to the innovator only in exchange for taking on debt, diluting ownership, or mortgaging assets.

When government intervenes in the economy with its unmatchable risk instruments, entrepreneurs, firms of all sizes, and universities and other nonprofit institutions will swarm to Washington like bees to honey. By drawing researchers and inventors to the US Treasury this sweet flower of taxpayers' money centralizes science, technology, and venture decisionmaking within the benign and noncompetitive environment of bureaucracy, politicizing decisions critical to our economic future.

HIDDEN MONOPOLIZATION

A look at two government reports—one from the National Science Foundation, "Federal Funds for R&D" (1981), the other from Congress, "Investigative Report on Utilization of Federal Laboratories" (1978)—shows how the centralization of science and technology results from its R&D funding decisions. Putting together the data from these two reports, one finds an otherwise hidden "university-agency complex" that monopolizes the seed capital needed by innovative entrepreneurs to start new firms. The university-agency complex consists of universities, federal agency laboratories, nationalized laboratories, and technical elements of state and local governments; plus universities, other nonprofits, and industrial firms that administer and operate government-owned R&D facilities, such as the Sandia Nuclear Laboratory operated by Western Electric and the Livermore Nuclear Laboratory operated by the University of California.

Established industrial firms benefit handsomely from this arrangement because they gain basic and applied scientific knowledge useful in their commercial ventures, without risking shareholders' profits or capitalizing the needed R&D plants and equipment. The NSF report shows that 10 major companies benefit in this fashion, as do 20 major universities.

The university-agency complex has a centroid of nearly 800 nonprofit laboratories that employ over 100,000 scientists and engineers. When we add technicians, other supporting personnel, and administrators, nearly a quarter-million people are funded by taxpayers to homogenize the nation's science and to start new ventures that they are not accountable to finish.

Every year their sponsoring federal agencies award to private members of the complex noncompetitive R&D contracts or grants to finance their operations. The agencies also purchase expensive R&D plants and equipment for their "free" use. In addition, the U.S. Treasury directly covers the operating costs of nationalized and agency laboratories.

Here is how government's $35-billion R&D expenditure was distributed in fiscal 1981. Federal agencies spent $2 billion to purchase R&D plants and equipment for their own and nationalized laboratories and to purchase government-owned R&D plants and equipment for "free" use use by universities, other nonprofits, and industrial firms. The remaining $33 billion was spent on research and development activities, with 54 percent ($17.8 billion) going to the university-agency complex and the remaining 46 percent ($15.2 billion) to profit-incentive firms.

This may seem like a fair enough split of taxpayers' money between profit and nonprofit organizations—unless we go a bit further and ask just what "kind" of R&D was distributed to each. The National Science Foundation report addresses this. The university-agency complex received about $10 billion in research funding, both basic and applied; industry, about $2 billion. Industry, however, received about $13 billion in development funding. Yet the university-agency complex garnered $8 billion in development funding, which means that it is very much in the business of bringing its own favored ideas all the way to production positions.

THE BIG GET BIGGER

The distribution of the federal R&D budget leads to an inescapable conclusion. The university-agency complex, by its dominance in taxpayer-supplied research funding, goes a long way, if not toward nationalizing, at least toward homogenizing, the nation's science and technology. This complex is in the business, not only of deciding what scientific research is pursued, but of starting new ventures it deems best for all the rest. By means of the federal procurement system, the complex will later transfer these partially completed ventures to profit-making firms for prototyping and final development. And the bigger the firm, the smaller the risk for agency decisionmakers and hence the more likely to be selected for development.

These data have ominous implications for inventors not yet in business for themselves but hopeful of going into business to advance their own economic positions—our entrepreneurial community. If, for example, you have come up with an idea that you believe is responsive to a national need, such as energy independence, and you hope to benefit by profitably introducing it into commercial or industrial markets, you would be at a severe competitive disadvantage compared to those who are in a position to tap the U.S. Treasury for the needed seed capital.

This distorted situation extends even into Uncle Sam's own markets for weapon and space developments. Established weapon and space system contractors, regardless of size, are indirectly paid their costs for independent research and development, as well as for preparing and marketing new weapon and space system proposal. These new-business-getting costs appear as price mark-ups on their current weapon and space system contracts. These costs are also tax-deductible.

For example, during 1979 the Defense Department's 93 largest contractors out of a total 24,000 separate suppliers were aggregately paid over $1 billion to perform research and development and to prepare and market new weapons proposals. These costs were recovered as price mark-ups on $33 billion weapons contracts awarded to the 93 contractors during 1979. And because these costs are tax-deductible under the tax code, these firms saved nearly an additional $500 million. In brief, these 93 weapons contractors aggregately enjoyed a $500-million tax advantage over their nonestablished, entrepreneurial counterparts. Entrepreneurs who are not yet federal contractors but hope to be are behind the eight ball right from the beginning. They have no choice but to draw from their family after-tax resources to first prove what they propose to prove. It's a classic Catch-22. Most entrepreneurs go broke if they are foolish enough to try. Those who do try often later find that their ideas have been absorbed into the university-agency complex or incorporated into procurements that only large, capitalized contractors are qualified to bid on, simply because they already own the "machinery" needed to innovate them.

We see in this the intimate ties between nonprofit, taxpayer-supported scientific and technical organizations that start new ventures and the R&D and production plants and equipment owned by established firms that are needed to finish them. America's inventive entrepreneurs stand on the outside looking in as this connection does its work—which doesn't always work.

89-059 O-86-38 (Pt. 10)

For example, after partially innovating a standard city bus, the Department of Transportation found that no foreign or domestic bus manufacturer was interested in finishing it. We, as taxpayers, dropped over $50 million on this aborted venture, financing the university-agency complex while it struggled with the mysteries of economic bus design. And most are familiar with America's supersonic transport fiasco. Taxpayers sank nearly $1 billion into that one—but no company went out of business because of it, nor did the sponsoring Federal Aviation Administration.

Many other examples can be found of ventures started by the university-agency complex but never finished; yet its operations continue to expand, and its employees' salaries and benefits continue to increase. This is because the complex is immunized from the competitive challenge of new ideas and innovations; there are no marketplace checks-and-balances on its growth and extent of operations.

Regardless of the Reagan administration's economic reforms, the powerful combination of the tax code and federal procurement and R&D policies makes "Yankee ingenuity" and "America the land of opportunity" the stuff only of nostalgia. They are not today's realities. People can no longer put much store by venturing their own ideas in order to advance their own economic positions. Government has blunted such hope and ambition. Inventors are thus steered toward employment by existing firms or by the university-agency complex as their best opportunity for advancing their own ideas beyond personally affordable positions. Hence, big firms get bigger, economic concentration grows, diversity of consumer choice narrows, economic freedom diminishes, competition wanes, America's world trade position worsens, and the nation's economy deteriorates.d

R&D INNOVATIONS

The Reagan administration could turn this situation on its ear—and further its budget-cutting goals—by redirecting the $14 billion in civilian R&D funds that lies buried in the R&D accounts of 37 nonspace, nondefense federal agencies. Returning a major portion of this vast amount of new-enterprise seed capital to private capital markets whence it came would substantially improve entrepreneurs' chances for finding individual investors and advancing their ideas beyond personally affordable positions. If federal agencies are to help rather than hinder an economic recovery, they must look to incentives that motivate private inventors, investors, innovators, and consumers to achieve that goal. To nationalize the means to such an end by centralizing R&D can only lead to a cloned society where goods and services, and their prices, are the same for everyone, dictated by bureaucracy.

Then there is the military-industrial complex, labeled as such by President Eisenhower more than 20 years ago. Policies governing the $21-billion R&D for new weapons and space systems ought to be radically reformed. Today, taxpayers are forced by such policies to protect the market positions already held by established weapon and space system suppliers. Existing R&D and procurement policies further entrench the economic concentration of the aerospace industry evident since World War II, when winning the war at any cost was all that mattered.

Nonetheless, while these moves are necessary, they are not sufficient to revitalize the nation's economy. That requires venture equality before the law. Federal law, procurement, and R&D policies must be massively overhauled such that all, ongoing businesses and individuals alike, stand equally before federal laws and administrative policies when hoping to advance their economic positions by venturing their own ideas—whether these ventures are aimed at profitably expanding an ongoing business or at establishing a new, profitable enterprise; whether they are initially geared to private or to public consumer markets.

The key to achieving venture equality before the law for everyone is for Congress to understand fully that the cost of "getting" future business is a cost both for ongoing businesses that hope to expand and for entrepreneurs who hope to advance their ideas far enough to attract outside investment. Whether an ongoing business or an entrepreneur, the aim is to "get" future business by innovating their own ideas. Both ought to be treated equally before the law.

Ideas are created by people, not by organizations, a fact unfortunately not recognized in public policy. Organizations, however, are required to advance ideas to market; and America needs more new, innovative organizations. The American people have never been short on ideas.

Basic public policy changes in the present, cozy R&D arrangement will surely be resisted by the university-agency complex and by corporate business associations. But we ought to start before it's too late, before individual economic freedom and liberty also become the stuff of nostalgia.●

A BILL TO DISCOURAGE OVERCONCENTRATION IN BIG BUSINESS AND TO STRENGTHEN SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, I introduce today for appropriate reference H.R. 6605, cosponsored by Representative BERKLEY BEDELL, of Iowa. I am also cosponsoring a companion measure being introduced today by Representative BEDELL.

The Fewer Mergers, Stronger Small Business Act of 1982 would impose a tax disincentive on very large corporate acquisitions, and use the proceeds to strengthen small business.

The bill imposes a tax on very large corporate merger takeovers and acquisitions, where the acquiring corporation has a gross income of $200 million or more, of 1 percent of the corporation's gross income in the first year after the acquisition.

This $200 million limitation would restrict application of the tax to approximately 800 leading industrial corporations. As for the corporation being acquired, the tax would only apply where the corporation acquired has at least $10 million of annual gross income, thus eliminating the tax on smaller acquisitions.

The purpose of the tax is to place a modest financial disincentive on acquisitions. While it is difficult to construct a litmus test to distinguish acquisitions which are in the public interest and those which are not, imposition of a modest 1-percent tax on large mergers would at least cause the acquiring corporation to weigh carefully the wisdom of the proposed acquisition.

Huge corporate takeovers have increased enormously in the last 5 years. Prior to 1977, mergers and acquisitions of over $200 million companies were negligible, under five a year. But starting in 1977, the number of such acquisitions skyrocketed, and presently is close to 40 a year. Such mergers frequently result in:

Concentration of corporate wealth and power in very large corporations, to the detriment of small business, though small business is far and away more productive, innovative, and job-creating.

Waste of the Nation's scarce credit resources, which are best aimed at productive activities rather than at corporate takeovers.

Transfer of corporation decision-making to executives headquartered in other States, who neglect local interests.

Loss of business for local firms that traditionally served the acquired corporations, such as banks, law offices, accountants, advertising, and data processing.

Loss of civic leaders and volunteers, and of corporate contributions to local charities and the arts.

Loss or relocations of jobs.

While it is difficult to project the revenues arising from the 1-percent tax, it could be in the neighborhood of $80 million per year.

An obvious use of these revenues would be to strengthen small business. The bill, accordingly, provides that the proceeds from the 1-percent tax be deposited in a small business trust fund, to be appropriated in the proportions deemed suitable by Congress for the small business innovation research program of the National Science Foundation, or for reducing the social security payroll tax paid each year by small businesses employing 500 or fewer workers. This would strengthen two of the most important contributions of small businesses—innovative product development and job creation.

Currently, the National Science Foundation spends about $5 million per year funding small business research designed to generate new and innovative products. Under the NSF's small business innovation research program, companies with a good idea can qualify for up to $230,000 for research expenditures leading to potential new products. At the end of the research phase, which can last up to 3 years, the company then has to find a private investor who will fund the

actual commercial development and marketing of the product.

This program has been successful. At the latest count, investors had committed more than $40 million of private-sector funds to develop products resulting from $5.3 million of research grants made in fiscal year 1977—the program's first year and one with a number of completed research projects. This is a ratio of $8 private sector for each $1 Federal. The NSF believes the final ratio will be much higher, since many of the research projects are just now coming to the point where they merit private investment.

The social security payroll tax currently costs employers 6.7 percent of the first $32,400 of wages for each employee on the payroll, up to a maximum of $2,171 per worker. This adds to the cost of hiring workers and discourages job creation. The $70 million in the small business trust fund would not markedly reduce this tax, but it would make an improvement.●

THE HOUSE HAS BEEN HAD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 15 minutes.

● Mrs. SCHROEDER. Mr. Speaker, a few moments ago this body voted overwhelmingly to adopt the motion offered by the gentleman from California (Mr. FAZIO) to recede and concur with an amendment to Senate amendment No. 62 to the urgent supplemental appropriations bill, H.R. 5922. I take this time to explain why I fought so hard against the Fazio motion and why it looks like the House has been had.

Taken alone, the language of the Fazio amendment is positive and justified. The amendment placed a limit of 30 percent of salary on the outside earned income—including honoraria—of Members of Congress. I fully support such a limitation.

In contest, however, the amendment has the effect of torpedoing the House vote of last week where we instructed the conferees on this bill to recede and concur in Senate amendment No. 62 which eliminated the outrageous tax benefit for Members which had snaked its way through the House last year. Obviously, although they felt compelled to vote for my motion to instruct, many Members want to keep the generous tax provisions provided last year. Some of those Members saw the Fazio motion as a way to achieve this goal. By attaching an amendment to Senate amendment No. 62 which is clearly, on its face, objectionable to the other body, they thought they could get the other body to reject both the objectionable language and the repeal of the tax break. I am not saying that this was Mr. FAZIO's motive or intent. I do not think it was. Nevertheless, the effect is precisely the same.

The other body now has four options. First, they can accept the Fazio amendment to Senate amendment No. 62. This is unlikely in the extreme. Even if considerations of lost income are put to the side, the other body does not like this body amending its rules for it. This touchiness about perogatives goes under the grandiose name of comity.

The second option of the other body is to recede and concur with an amendment to strike the Fazio language, preserving the language on the tax break. This would be the responsible and consistent course to follow. But those who feel forced to vote for repeal of the tax break but who really want the money may be too tempted by the other possibilities.

Third, the other body could disagree to the House amendment and ask for a further conference. Who knows what would happen to the tax break at such a conference. Considering the way it was enacted in the first place, however, I do not want to bet on such a conference serving the interests of most Members of Congress or of the American taxpayer.

Fourth, and I think most likely, the other body could recede and concur with an amendment totally unacceptable to the House. When this issue arose last winter as part of the continuing resolution, one Member of the other body added an amendment to cut salaries of Members by 10 percent. I have a hunch that a similar amendment might be added this time.

Under the rules, such an amendment would come back to the House. We would then have two options. We could accept the amendment, but surely the amendment will be designed to guarantee our objection. Or, we could reject the amendment. Rejecting the amendment would have the effect of killing both the unacceptable amendment as well as the language repealing the tax break. While we could go back to conference, it would be without the language undoing the extravagant tax bonanza slipped through last year. Again the final package would be put together and slid through in the dark of night.

By adopting the Fazio motion, the House has lost the opportunity to clear the record in a simple, open, and straightforward manner. Instead, we have chosen a course of stealth and secrecy.

Let me set out the background of this issue. In 1952, Congress passed a special provision of the Tax Code covering only Members of Congress. This provision said that the Internal Revenue Code and revenue rulings notwithstanding, Members of Congresss could treat their home districts as their tax homes for purposes of determining their ordinary and necessary business expenses which can be deducted. This means that the expenses of a Member of Congress in Washington are totally deductible. Recognizing that this tax treatment would be exorbitant, Congress placed a $3,000 limitation on the total deductible amount.

Essentially, the law remained untouched until 1981. In a one-two-three punch, the law was radically changed last year. As part of the first continuing resolution, we repealed the $3,000 limitation for 1982 and beyond. This was done on a bill which had to be passed in a hurry without the opportunity for debate in order to avoid a shutdown of the Government.

Then, in the third continuing resolution, a bill passed in even more of a hurry, we made the change retroactive to January 1, 1981. After all, it was Christmas time and while to give is better to receive, better still is to give and to receive.

Finally, in a bill to provide benefits for miners suffering from black lung disease, we repealed the provision which disallowed lodging costs in connection with the business use of a house. In other words, our homes in Washington could be depreciated as if they were factories. Further, we instructed the Secretary of the Treasury to set an appropriate amount which could be deducted without substantiation. Under pressure from Senator DOLE and Congressman LOTT, the figures were set at $75 a day that the Congress is in session, if the Member is not depreciating a house, and $50 a day if he or she is. As we all know, this worked out to over $19,000 last year.

Obviously, the public reaction to this windfall was immediate and severe. The opposition was both to the sheer immensity of the bonanza as well as to the secret way in which it was enacted.

Responding to this outcry, the other body added amendment No. 62 to the urgent supplemental appropriations bill. When the motion was made to go to conference, I led the fight to instruct the conferees to accept this amendment. To do so, we first had to defeat the previous question on the motion to instruct by the gentleman from Indiana (Mr. MYERS) because only one motion to instruct is in order. We succeeded last Wednesday by a vote of 218 to 176. My amendment was then adopted with fewer than 50 negative votes and final adoption came with still fewer adverse votes.

The House spoke clearly and loudly last Wednesday. Its action of earlier today fuzzed the issue and made it quite possible that repeal of the tax break will not take place in this urgent supplemental bill. The fight is by no means over on this issue on this bill.

Still, it is a shame that the House has been had on this issue.●

MOFFETT RESOLUTION OF INQUIRY ON EXECUTIVE BRANCH INVOLVEMENT WITH FBI-DONOVAN PROBE

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Connecticut (Mr. MOFFETT) is recognized for 5 minutes.

● Mr. MOFFETT. Mr. Speaker, I am today introducing a resolution of inquiry directing the executive branch to furnish facts, documents, and information regarding any interference with the FBI's inquiry on Labor Secretary Raymond Donovan.

As our colleagues are aware, the role of the Federal Bureau of Investigation during the process prior to confirmation of a Presidential appointment is crucial. The FBI is supposed to carry out an independent, thorough, and aboveboard inquiry. Participation by the Bureau attempts to insure that the leaders of our Federal agencies and departments have the character and integrity to lead. What concerns my about this case is that White House involvement led to a breakdown of this system.

Several unanswered questions remain.

Why was the White House counsel, Fred F. Fielding, passing judgment on the completeness of the Bureau's probe?

To what degree has the administration influenced the progress of the Donovan investigation?

And, equally important, has the Executive acted to restrict the Senate's access to that information?

These questions need to be answered.

The resolution of inquiry which I am introducing today does not pertain to the issues currently under investigation by the special prosecutor, the FBI, or by the Senate. It is focused, however, on the need to guarantee the independence of the FBI.

The events of the last weeks indicate that the administrtation has attempted to "rein-in" the Bureau's inquiry into Secretary Donovan's background. The House needs to know the extent of the administration's efforts to short circuit the Donovan probe.

Mr. SPEAKER, this should not be regarded as a partisan issue. It is one on which I hope we will receive complete cooperation from the current administration, and from Members from both parties here in the House of Representatives.

The independence of the FBI—particularly when it investigates Presidential nominees and Cabinet officials—must be guaranteed. As I have indicated, I am convinced of the urgency of this matter, of the importance of knowing whether of not interference from the White House or any other source compromised the "background check system."

Not unrelated to this question is the issue recently raised by the Director of the FBI himself: What exactly is the FBI's responsibility in this background check system? To whom does the Director report? Let us begin today to answer that very crucial matter. This reason alone, Mr. Speaker, is sufficient cause to introduce this resolution of inquiry. It is incumbent upon us, as Members of Congress, to clarify the role of the FBI and to guarantee the integrity of this type of investigation by the Bureau in the future.●

CORRECTING THE RECORD ON BILLY GRAHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, I would like to call to the attention of our colleagues Edward E. Plowman's recent letter to the editor on "Correcting the Record on Billy Graham."

This letter deals with Billy Graham's recent visit to the Soviet Union to attend a religious conference and with the media coverage of his remarks there.

I include the letter of Mr. Plowman, as follows:

CORRECTING THE RECORD ON BILLY GRAHAM

(By Edward E. Plowman)

To the EDITORS:

As a journalist who covered evangelist Billy Graham's recent visit to Moscow, I am disturbed by the questionable quality of much of the media coverage of that event. A towering exception is John Burns of the New York Times; overall, his reporting was perceptive and right on target.

Normally, I'm defensive when people take potshots at the press, but I feel constrained to set the record straight in this case. Most of the criticism leveled against Graham in the West as a result of his visit rests on distorted and inaccurate reporting. I tape recorded all of Graham's public talks and almost every one of his many, many press interviews with both Soviet and Western reporters (it was the busiest five-day press schedule of his entire life). It is revealing to compare what he actually said with what he is reported to have said.

For example, contrary to widely published reports, Graham never said or "suggested" (as some reporters suggested . . .) that the churches in the Soviet Union have greater freedom, or even as much freedom, as churches in Great Britain.

He neither said nor suggested that there is no religious repression in the Soviet Union, and he nowhere "defended the Soviet policy toward religion" (as a Chicago Tribune reporter asserted).

He did not preach a sermon on Romans 13, exhorting his Baptist listeners to obey the authorities, as numerous newspapers reported. He did not exhibit callousness toward a female demonstrator in the Baptist church or toward the worshipers outside who could not get in.

In reality, he took public exception in a press conference to an Indian clergyman's assessment that the nuclear disarmament conference then in progress dispelled the "myth that there is no religious freedom in the Soviet Union." Graham was the only major speaker at the disarmament conference who spoke up for religious freedom. In his New York Times dispatch, John Burns wrote of Graham: "Although he did not mention the Soviet Union in his context [of a call for religious freedom], it seemed clear that he had the host government primarily in mind when he urged 'all governments to respect the rights of religious believers as outlined in the United Nations universal declaration of human rights.'"

Reporters who closely followed Graham in Moscow could readily agree with Burns's published perception that the evangelist "seemed to steer a careful course between the desire to be gracious to his hosts and the concern to show religious and other opponents of the Soviet regime that he is aware of their plight."

I feel sympathy toward many in the Western press corps in Moscow. A disheartened bunch, they face obstacles and hostility we cannot imagine. One consequence: they have become bitterly anti-Soviet. This trait showed up repeatedly in their coverage of Graham. The vast majority of their questions were actually challenges to him to say something anti-Soviet while on Soviet soil. Ironically, Soviet reporters asked many of the questions that American reporters should have asked.

These Western reporters in Moscow can be persevering. I saw them stand for hours in the rain waiting for Graham to emerge from a private meeting with a Communist official about which they were certain he would make no comment. But at other times they were less aggressive, preferring to rely on a wire-service colleague's report or an interview with another journalist. Some reporters who did not see or hear Graham at all nevertheless managed to file major bylined accounts. In critical instances, this second-hand brand of reporting ended in errors and distortions.

For example, during his hour-long semon at the Baptist church on the John 5 account of the healing of a paralytic man by Jesus, Graham listed marks of a convert's life. Among other things, he pointed out that a believer is not slothful but is a diligent worker and a good citizen, obeying those in authority over him—an allusion to a verse in Romans 13. A wire-service reported, one of the few news people who remained throughout Graham's speech, elevated that single phrase to the lead paragraph of his story, suggesting that Graham had made a major point of urging his listeners to submit to government authorities. Other reporters and commentators, not knowing the context, twisted the matter worse and reported that Graham had preached on Romans 13, urging his listeners to submit to the authorities.

On occasion, television reporters tried to create news. On the day before Graham arrived they obtained letters to the evangelist from the Siberian Pentecostals who have sought refuge in the American embassy for nearly four years. These letters apparently aired their grievances and called on Graham to intervene with the Soviet goverment on their behalf. When Graham arrived at the Moscow airport, the reporters tried to thrust the letters into his hand—on camera—and asked for his response to the dissidents. This is hardly the objective journalism I was taught. If reporters choose to be conduits for protest, that is their right.

But for reasons of journalistic ethics, they then should step aside and let someone else do the story.

I was also distressed by traces of press hypocrisy. Virtually all the reporters said they were sick and tired of the Siberian Pentecostals in the American embassy. They said the Siberians had become arrogant, manipulative, and unreasonably demanding, and they said they wished their U.S. editiors would stop asking for "another story" on the group. Yet some press accounts of the meeting between Graham and the Siberians oozed with righteous indignation that the evangelist hadn't done more for them. (Both the Siberians and the reporters were angry that Graham had insisted the visit be a private pastoral one rather than a media event.) These accounts were written by people who had privately described the Siberians with the same profane suggestion of illegitimate birth that I had heard a Communist use in criticizing them. It seemed that the reporters had one standard for themselves, another for Graham.

When you remove the press foulups, much of the public criticism of Graham disappears. That which remains seems to boil down to this assertion: Graham should have spoken out firmly, clearly, and specifically against religious repression in the Soviet Union, and he should have done it publicly.

"Publicly" is the bone of contention. For Graham did raise the issues in private with leaders of the Communist Party. He took with him to those meetings lists of religious prisoners. He discussed the plight of the Siberian Pentecostals and other issues of interest to religious leaders. As with all private negotiations, the details of these talks must understandably remain confidential. It is, of course, too early to see what the outcome of these discussions might be.

But one thing is certain. If Graham had taken a loud, condemnatory stand in his dealings with the Soviets, he would not have been received and listened to by people in power. Noisy diplomacy has its place: raise the issues, keep the pressure on, press for action. Quiet diplomacy also has its place, for it is at this level that you deal with people who are able to effect an outcome (in response to all the noise).

So far, Graham, who chose the path of quiet diplomacy, has been the only Western religious figure to gain entry into Soviet corridors of power on behalf of the various important concerns of the church.

Most people, including many of Graham's evangelical brethren, have failed to grasp the full significance of his visit, or to comprehend his strategy. Partly, it is the press's fault. How so many seasoned political reporters could miss the important aspects of the story while majoring on minors (and botching even them) is beyond me.●

PRESIDENT REAGAN'S NUCLEAR PROLIFERATION POLICY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BINGHAM. Mr. Speaker, I commend to my colleagues two Washington Post editorials criticizing the Reagan administration's recently revealed nuclear export policy. This policy deeply troubles me and, I believe, will trouble the vast majority of Americans as they learn details of what the administration has in mind.

As the Post editorials explain, the administration would give Nations blanket approvals to reprocess U.S. supplied nuclear fuel to produce plutonium, the material used to make nuclear weapons. In the past the United States has wisely granted such approvals strictly on a case-by-case basis. By granting blanket or so-called programmatic approvals, which could last some 30 years at a time, the administration legitimizes commerce in plutonium without, at the same time, gaining any clear benefits.

In addition, the administration will apparently now permit the export of reprocessing technology itself. This, too, reverses a long-standing policy, supported by Republican and Democratic Presidents alike, not to export this dangerous nuclear technology and to encourage other nations to adopt similarly restrictive export policies. As such, the new policy makes it virtually certain that other countries, who may have held back in the past from such transfers, will now engage in unbridled exports of the equipment and know-how to produce plutonium.

Mr. Speaker, I believe that this policy is in conflict with at least the spirit of the Nuclear Non-Proliferation Act. Because the administration apparently takes a different view, I believe it is now time to move ahead with legislation that will prohibit such reckless nuclear policies—policies that would seem that America is not only foresaking its international leadership in stemming nuclear proliferation but is also contributing to that very proliferation.

The editorials, dated June 11 and June 16, follow:

[From the Washington Post, June 11, 1982]

PUSHING PLUTONIUM

The administration has adopted a new plan to make it easier for other countries to obtain plutonium through the reprocessing of U.S.-supplied nuclear reactor fuel. It is part of a policy to "re-establish a leadership role for the United States in international nuclear affairs." It is the policy that used to be called nuclear non-proliferation.

Under Presidents Ford and Carter, the American government attempted to discourage reprocessing of reactor fuels on grounds that reprocessing was not economically justified and that there is an immediate proliferation risk inherent in a technology that converts bulky, highly radioactive, hard-to-handle spent fuel into compact amounts of easy-to-handle, pure, weapons-usable plutonium. In support of this belief, the government indefinitely deferred its own reprocessing plans and further signaled its opposition by retaining, as a condition of sale of nuclear fuel, the right to decide whether that fuel could be reprocessed and the plutonium returned to its owner.

Countries that wished to reprocess U.S.-supplied fuel had to apply for case-by-case approval. If the reprocessing were to be done outside their own borders, they had to apply again for permission for the plutonium to be returned. The procedure was intensely irritating to other countries, not least because, after long delays, permission eventually was always granted.

Nevertheless, it was a good policy. It forced nations with young nuclear programs to look twice and three times at the accepted wisdom that reprocessing was the only way—or even a good way—to dispose of spent fuel. And it led nuclear suppliers to change their policies of exporting reprocessing plants and similar technologies with a very high proliferation risk to non-nuclear weapons states. Sales of reprocessing plants by France and Germany to Pakistan and Brazil, respectively, were canceled and no similar sales have been made since.

Finally, and most relevant to the actions of the current administration, which has reembraced reprocessing for the United States, the requirement for case-by-case approval gave this country continuing leverage over the nuclear behavior of those to whom it sold nuclear fuel. That leverage was exercised to cite one instance, to induce Switzerland to put a stop to certain dangerous exports being made to Pakistan by Swiss companies.

There are decided limits to this sort of leverage. It must be used with great discretion, and when it is used there is no denying that it exacts a political cost. But it is an effective deterrent and, yes, an exercise of power that on occasion can be made to large and good effect. With its new policy, the administration has unilaterally relinquished this tool, and gained nothing in return.

[From the Washington Post, June 16, 1982]

NUCLEAR MYOPIA

Since the closing months of the Ford administration, the United States has invested an enormous amount of time, energy and political leadership in trying to halt exports of sensitive nuclear technologies—those that provide direct access to nuclear weapons fuel. Foremost among these is reprocessing, the procedure by which used nuclear fuel is separated into wastes and plutonium. Now, newly disclosed documents reveal, the Reagan administration has executed a complete about-face: instead of taking the lead in opposing such exports, the United States will rejoin this suicidal enterprise.

The effort to foreclose the trade in sensitive technologies dates from the Indian nuclear test in 1974. By that time, several such deals had been signed or were under consideration. The Indian explosion shocked this country and some of the other nuclear exporting nations into the realization that for minor commercial gain they were mortgaging their long-term security, changing the world from one with five nuclear nations to one with possibly dozens. The difficulties of reversing policy in midstream and the irritations of greedy sellers and disappointed would-be buyers seemed minor by comparison.

In order to demonstrate by example that there are safer and economically better ways of disposing of spent reactor fuel, the United States announced in 1977 that it would not reprocess for the indefinite future. It renounced exports of sensitive technologies. It leaned heavily on allies who had already agreed to such exports to cancel them. And in 1978 Congress passed the Nuclear Non-Proliferation Act establishing sanctions—the cutoff of all U.S. nuclear exports—against any nation that subsequently supplied reprocessing technology to a non-nuclear-weapons state.

The new Reagan policy puts the United States in the ludicrous, if not illegal, position of having a law on its books requiring sanctions against other nations for doing what it is proposing to do itself. The reasons for the change in policy have not been fully explained. However, an administration official has made it pretty plain that the motivation was the same one that has accounted for so many past mistakes—greed. French and German firms are competing for contracts to build a reprocessing plant in Japan, he said, and "It's very hard for us to deny American firms the right to participate in what other firms participate in."

The new policy does not stop with Japan. Reprocessing may be exported to any country with "effective commitments to nonproliferation, where there are advanced nuclear power programs and where such activities do not constitute a proliferation risk." In practice, that means the State Department will have to separate nuclear client states into good guys and bad guys, inviting certain diplomatice friction or an export-to-anyone-regret-later policy. It is easy to imagine situations in which the State Department would find it next to impossible to say no to a requesting country no matter how obvious the proliferation risk. What would it say, for example, to requests from Taiwan, Pakistan, South Korea or (absent the Falklands crisis) Argentina?

When this country first launched its drive to halt the export of reprocessing plants, cynics in Europe insisted that the real motivation was to freeze the nuclear trade so as to leave the United States in a position of permanent commercial advantage. The new Reagan policy deserves to be reversed on the merits alone, but its broader implications include the fact that by confirming that view, the United States can kiss goodbye to any hope of exercising future leadership in the continuing effort to contain the spread of nuclear weapons.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROOMFIELD (at the request of Mr. MICHEL), for June 15, 1982, through June 17, 1982, on account of attending the funeral of King Khalid as a representative of the President of the United States.

Mr. CARNEY (at the request of Mr. MICHEL), for June 17, 1982, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 30 minutes, today.

Mr. RUDD, for 60 minutes, June 22, 1982.

Mr. MITCHELL of New York, for 60 minutes, June 23, 1982.

Mr. PORTER, for 10 minutes, today.

Mr. MCCLOSKEY, for 60 minutes, June 17, 1982.

(The following Members (at the request of Mr. WOLPE) to revise and extend their remarks and include extraneous material:)

Mr. RUSS, for 30 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mrs. SCHROEDER, for 15 minutes, today.

Mr. MOFFETT, for 5 minutes, today.

Mr. NELSON, for 5 minutes, today.

Mr. DAN DANIEL, on June 22, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Michigan, to appear during debate on motion to recede on amendment No. 34.

Mr. SEIBERLING, immediately preceding vote on Senate amendment No. 20 to conference report on H.R. 5922 in the House today.

Mr. PEASE, to revise and extend his remarks in that portion of the debate regarding amendment No. 51 on the conference report on the urgent supplemental appropriations today in the body of the RECORD.

Mr. DAUB, during consideration of Senate amendment No. 34 to H.R. 5922.

Ms. OAKAR, before the vote on the Freznel amendment.

(The following Members (at the request of Mr. DANNEMEYER) and to include extraneous matter:)

Mr. COATS.
Mr. WORTLEY.
Mr. LOWERY of California.
Mr. SILJANDER.
Mr. LENT in two instances.
Mr. MICHEL in six instances.
Mr. GREEN.
Mr. LEBOUTILLIER.
Mr. MCCLORY.
Mr. DANNEMEYER.
Mr. RUDD.
Mr. BAFALIS.
Mr. FRENZEL in five instances.
Mr. WHITEHURST.
Mr. SHUMWAY.
Mr. GINGRICH in two instances.
Mr. BEREUTER.
Mr. MARKS.
Mr. DICKINSON.
Mr. WYLIE.
Mr. BAILEY of Missouri.
Mr. EVANS of Delaware.

(The following Members (at the request of Mr. WOLPE) and to include extraneous matter:)

Mr. RODINO in two instances.
Mr. GEJDENSON.
Mr. STOKES in four instances.
Mr. STARK in two instances.
Mr. SANTINI.
Mr. RAHALL.
Mr. EDGAR in two instances.
Mr. HAMILTON.
Mr. FAZIO.
Mr. DINGELL.
Mr. DYSON.
Mr. MOFFETT in three instances.
Mr. DORGAN of North Dakota.
Mr. BEDELL.
Mr. ROE.
Mr. PEYSER.
Mr. WEISS.
Mr. FLORIO in two instances.
Mr. BLANCHARD in two instances.
Mr. FRANK in two instances.
Mr. HUBBARD.
Mr. EDWARDS of California.
Mr. OTTINGER.
Mr. FUQUA.
Mr. LEVITAS.
Mr. HALL of Ohio.
Mr. SOLARZ in two instances.
Mr. MCDONALD in three instances.
Mr. ROSENTHAL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

[*Withheld from Record of Monday, June 14, 1982*]

S. 1660. An act to lease former oil placer mining claims in Hot Springs County, Wyo.; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Ms. FERRARO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, June 17, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4166. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to the United Kingdom (Transmittal No. 82-57), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4167. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the laundry and dry cleaning services at Fort Benning, Ga., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4168. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the laundry and dry cleaning activity at Fort Ord, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4169. A letter from the Acting Assistant Secretary of the Army (Installations, Logis-

tics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the refuse collection and disposal services at Fort Benning, Ga., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4170. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of a decision to convert the transient aircraft function at Dyess Air Force Base, Tex., to contractor performance, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4171. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act and the District of Columbia Code with respect to the borrowing authority of the District of Columbia; to the Committee on the District of Columbia.

4172. A letter from the Secretary of Education, transmitting a copy of final regulations for the National Institute of Handicapped Research, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4173. A letter from the president and chief executive officer, Communications Satellite Corp., transmitting the 18th annual report of the corporation, pursuant to section 404(b) of the Communications Satellite Act of 1962, as amended; to the Committee on Energy and Commerce.

4174. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to the United Kingdom (Transmittal No. 82-57), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4175. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed issuance of a manufacturing license for certain defense articles in Japan (Transmittal No. MC-9-82), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4176. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential determination 82-15, finding that the furnishing of defense articles and defense services to the Government of Djibouti will strengthen the security of the United States and promote world peace, pursuant to section 3(a)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4177. A letter from the Acting Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during May 1982, pursuant to section 234 of Public Law 91-510; to the Committee on Government Operations.

4178. A letter from the Acting Secretary, Smithsonian Institution, transmitting the Institution's annual report for fiscal year 1981, pursuant to public law; to the Committee on House Administration.

4179. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the international fishery agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs, pursuant to various provisions of public law; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

4180. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make improvements in the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6595. A bill to provide for a temporary increase in the public debt limit, and for other purposes (Rept. No. 97-609). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 504. Resolution providing for the consideration of H.R. 6595, a bill to provide for a temporary increase in the public debt limit, and for other purposes (Rept. No. 97-610). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4374. A bill to improve the international ocean commerce transportation system of the United States; with an amendment. Referred to the Committee on the Judiciary for a period ending not later than July 30, 1982, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction under clause 1(m), rule X (Rept. No. 97-611, Pt I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZABLOCKI (by request):

H.R. 6603. A bill to authorize the President to furnish emergency assistance to alleviate the human suffering arising from the strife in Lebanon; to the Committee on Foreign Affairs.

By Mr. BEDELL (for himself and Mr. REUSS):

H.R. 6604. A bill to discourage tax-motivated corporate acquisitions by eliminating certain tax benefits which may be derived through such acquisitions; to the Committee on Ways and Means.

By Mr. REUSS (for himself and Mr. BEDELL):

H.R. 6605. A bill to amend the Internal Revenue Code of 1954 to discourage large corporate acquisitions and to encourage small business; jointly, to the Committees on Ways and Means and Science and Technology.

By Mr. BROOKS:

H.R. 6606. A bill to amend the Internal Revenue Code of 1954 to prohibit certain suits against employers complying with withholding notices, to increase the penalties for filing false withholding statements, and for other purposes; to the Committee on Ways and Means.

By Mr. COATS:

H.R. 6607. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, housing savings accounts; to the Committee on Ways and Means.

H.R. 6608. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself, Mr. BRINKLEY, Mr. EDWARDS of Alabama, Mr. FLIPPO, Mr. GINGRICH, Mr. GINN, Mr. HATCHER, Mr. NICHOLS, Mr. SHELBY, and Mr. SMITH of Alabama):

H.R. 6609. A bill to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to remove obstructions to navigation from the Apalachicola-Chattahoochee-Flint waterway system, Alabama, Florida, and Georgia, and to maintain the authorized navigable depths of the system, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ERLENBORN (for himself, Mr. FORD of Michigan, Mr. COLEMAN, and Mr. SIMON):

H.R. 6610. A bill to make permanent certain provisions of the Higher Education Act of 1965 waiving priority of the United States over the indebtedness of the Student Loan Marketing Association; to the Committee on Education and Labor.

By Ms. FERRARO (for herself and Mr. BROOKS):

H.R. 6611. A bill to amend title 5, United States Code, to provide temporary authority for the necessary processing of Federal benefit checks and other disbursements; to the Committee on Government Operations.

By Mr. GEJDENSON (for himself, Mr. DENARDIS, Mrs. KENNELLY, Mr. MCKINNEY, Mr. MOFFETT, and Mr. RATCHFORD):

H.R. 6612. A bill to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GOODLING:

H.R. 6613. A bill to amend the Internal Revenue Code of 1954 to provide for the collection of certain defaulted Federal student loans from income tax refunds; to the Committee on Ways and Means.

By Mr. NELSON:

H.R. 6614. A bill to prohibit any increase in the publicly held debt of the United States during any fiscal year if, during the previous fiscal year, outlays by the United States exceeded receipts of the United States; to the Committee on Ways and Means.

By Mr. TRIBLE:

H.R. 6615. A bill to amend the Impoundment Control Act of 1974 respecting the rescission of budget authority; to the Committee on Rules.

By Mr. SABO (for himself, Mr. GINGRICH, Mr. LEHMAN, Mr. DOUGHERTY, Mr. GRAY. Mr. FAZIO, Mr. RATCHFORD, Mr. GEJDENSON, Mrs. KENNELLY, Mr. OBERSTAR, Mr. MILLER of California, Mr. LOWRY of Washington, Mr. HOYER, and Ms. FERRARO):

H.R. 6616. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum

amount payable as benefits under title II of the Social Security Act minus the amount of any such benefits, actually received by such individual, and for other purposes; to the Committee on Ways and Means.

By Mr. SHANNON:

H.R. 6617. A bill to amend the Internal Revenue Code of 1954 to repeal the special leasing rules added by the Economic Recovery Tax Act of 1981, to repeal the acceleration of the depreciation deductions which will occur in 1985, and for other purposes; to the Committee on Ways and Means.

By Mr. WEISS:

H.R. 6618. A bill to facilitate the economic adjustment of communities, industries, and workers to reductions or realignments in defense or aerospace contracts, military facilities, and arms export, and for other purposes; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Government Operations, and Ways and Means.

By Mr. WHITTEN:

H.J. Res. 512. Joint resolution to compensate farmers and others engaged in agriculture for losses suffered as a result of embargoes on the export of agricultural commodities, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. GARCIA:

H. Con. Res. 363. Concurrent resolution expressing the sense of the Congress that September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. PEPPER, Mr. JOHN L. BURTON and Mr. WEISS):

H. Res. 505. Resolution expressing the opposition of the House to actions by the Social Security Administration relative to the review of tax returns of supplemental security income recipients; to the Committee on Ways and Means.

By Ms. FIEDLER:

H. Res. 506. Resolution expressing the sense of the House of Representatives with respect to the Soviet Union's obligations under international law to allow Lev Shapiro, his wife Elizaveta Shapiro, and their child to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. MOFFETT:

H. Res. 507. Resolution of inquiry in the matter of possible executive interference with the investigation of Secretary of Labor Raymond Donovan; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

410. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the KTW bullet; to the Committee on the Judiciary.

411. Also, memorial of the Legislature of the State of Delaware, relative to jurisdictions of Federal courts; to the Committee on the Judiciary.

412. Also, memorial of the Legislature of the State of California, relative to veterans' farm and home loan bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR of Michigan:

H.R. 6619. A bill for the relief of Mary F. Derocher; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 6620. A bill for the relief of Joseph Dakour; to the Committee on the Judiciary.

H.R. 6621. A bill for the relief of Diana Theroux; to the Committee on the Judiciary.

By Mr. LOEFFLER:

H.R. 6622. A bill to provide for the reinstatment and validation of U.S. oil and gas lease No. W61985; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 908: Mr. SIMON.
H.R. 1200: Mr. LUKEN.
H.R. 1251: Mr. LOWRY of Washington.
H.R. 1852: Mr. LAGOMARSINO.
H.R. 1918: Mr. COATS.
H.R. 2007: Mr. CHENEY and Mr. GOODLING.
H.R. 2293: Mr. WHITE.
H.R. 2034: Mr. FASCELL and Mr. HEFNER.
H.R. 2322: Mr. GINGRICH.
H.R. 2793: Mr. LELAND.
H.R. 3252: Mr. BIAGGI.
H.R. 3397: Mr. OBERSTAR, Mr. MITCHELL of Maryland, Mr. EDGAR, Mr. LONG of Maryland, Mr. MOTTL, Mr. DYMALLY, Mr. SCHEUER, Mr. FISH, and Mr. CONYERS.
H.R. 3414: Mrs. MARTIN of Illinois and Mr. EVANS of Iowa.
H.R. 4147: Mr. NOWAK and Mr. MCGRATH.
H.R. 4457: Mr. CARNEY.
H.R. 4518: Mr. BLILEY and Mr. DREIER.
H.R. 4784: Mr. BARNES, Mr. DYMALLY, Mr. FISH, Mr. GINGRICH, Mr. GORE, Mr. HOWARD, Mr. ROSENTHAL, and Mr. YATRON.
H.R. 5092: Mr. ROYBAL.
H.R. 5214: Mr. GINGRICH and Mr. NICHOLS.
H.R. 5348: Mr. DENARDIS.
H.R. 5614: Mr. JACOBS, Mr. VENTO, Mr. MURPHY, Mr. BRODHEAD, Mr. ALBOSTA, Mr. EDWARDS of California, Mr. FROST, Mr. BONIOR of Michigan, Mr. ROE, Mr. SMITH of Pennsylvania, Mr. LEWIS, Mr. MOTTL, Mr. DUNN, Mr. IRELAND, Mr. HERTEL, Mr. WILSON, Mr. PANETTA, Mr. FORD of Michigan, and Mr. TRAXLER.
H.R. 5640: Mr. STANTON of Ohio, Mr. WON PAT, Mr. SILJANDER, Ms. MIKULSKI, Mr. DWYER, Mr. ST GERMAIN, Mr. ROE, Mr. WYDEN, Mr. PARRIS, Mr. BONKER, Mr. FASCELL, and Mr. DE LUGO.
H.R. 5697: Mr. HUGHES, Mrs. ROUKEMA, and Ms. OAKAR.
H.R. 5762: Mrs. COLLINS of Illinois.
H.R. 5783: Mr. CRAIG, Mr. MCKINNEY, Mr. DAUB, Mr. COURTER, Mr. RAILSBACK, Mr. DE LUGO, Mr. CHAPPIE, and Mr. HUTTO.
H.R. 5918: Mr. HARTNETT of South Carolina.
H.R. 6061: Mr. BLILEY.
H.R. 6077: Mr. FAZIO, Mr. MINISH, Mr. PATTERSON, Mr. WYDEN, Mr. ZEFERETTI, and Mr. MCDADE.
H.R. 6129: Mr. OXLEY, Mr. EMERY, Mr. WON PAT, Mr. SKEEN, Mr. HUGHES, Mr. ERDAHL, Mr. RANGEL, Mr. CHAPPIE, and Mr. MCKINNEY.
H.R. 6311: Mr. SENSENBRENNER.
H.R. 6352: Mr. GOODLING.
H.R. 6369: Mr. WILLIAM J. COYNE.
H.R. 6407: Mr. SCHULZE.
H.R. 6467: Mr. BROOKS and Mr. MINETA.
H.R. 6498: Mr. BAILEY of Pennsylvania, Mr. MURTHA, and Mr. SIMON.
H.R. 6513: Mr. LEE, Mr. HANSEN of Utah, Mr. CHENEY, Mr. CRAIG, Mr. ROBERTS of Kansas, Mr. SMITH of Oregon, and Mr. PASHAYAN.
H.R. 6591: Mr. JAMES K. COYNE, Mr. COUGHLIN, Mr. GRADISON, Mr. HORTON, and Mr. WHITEHURST.
H.J. Res. 172: Mr. MONTGOMERY.
H.J. Res. 456: Ms. MIKULSKI, Mr. DE LA GARZA, Mr. CLINGER, Mr. GILMAN, Mr. WOLPE, Mr. LIVINGSTON, Mr. CONTE, Mr. BEARD, Mr. TRAXLER, Mr. FITHIAN, Mr. GEJDENSON, Mr. WEAVER, Mrs. BOGGS, Mr. BEREUTER, Mr. ERTEL, Mr. O'BRIEN, Mr. GRADISON, Mr. WEBER of Minnesota, Mr. FASCELL, Mr. EVANS of Georgia, Mr. SHELBY, Mr. DOWDY, Mr. EMERSON, Mr. HOPKINS, and Mr. GUNDERSON.
H.J. Res. 486: Mr. SUNIA and Mr. ANDREWS.
H. Con. Res. 258: Mr. BARNES, Mr. BOLAND, Mr. WEAVER, Mr. LEE, Mr. EDGAR, Mr. FOGLIETTA, Mr. BLILEY, Mr. STARK, Mr. LANTOS, Mr. RICHMOND, Mr. BEDELL, Mr. LOWRY, of Washington, Mr. FORSYTHE, Mrs. ROUKEMA, Mr. MITCHELL of Maryland, Mr. FISH, Mr. FRENZEL, Mr. BONKER, Mr. MCKINNEY, Mr. ROEMER, Mr. CORRADA, Mr. JEFFORDS, Mrs. SNOWE, Mr. MOTTL, Mr. WOLPE, Mr. PETRI, Mr. JACOBS, Mr. COURTER, Mr. SIMON, and Mr. GORE.
H. Con. Res. 293: Mr. MCKINNEY.
H. Con. Res. 324: Mr. GRAY, Mr. HUGHES, Mr. MURPHY, Mr. SHELBY, Ms. MIKULSKI, Mr. CLINGER, Mr. BONKER, Mr. PERKINS, and Mrs. BOGGS.
H. Res. 252: Mr. FORSYTHE.
H. Res. 457: Mr. GRAY.

PETITIONS, ETC.

Under clause 1 of rule XXII:

487. The SPEAKER presented a petition of the Taxpayers Association of El Dorado County, Placerville, Calif., relative to the pay of Members of Congress, appointed officials, and civil employees; which was referred to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 4800

By Mr. MOORE:

—Page 2, line 17, strike out "12 cents" and insert in lieu thereof "8 cents".

Page 2, line 21, strike out "8 cents" and insert in lieu thereof "4 cents".

—Page 3, after line 4, insert the following:

(c) REPAYMENT OF TAX ON GASOLINE USED AFTER 1983, ETC.—

(1) Section 6421(e)(3) is amended by inserting "before January 8, 1984" after "which is used".

(2) Section 4073 is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF TAX ON TIRES AND TUBES OF THE TYPES USED ON AIRCRAFT.—On and after January 1, 1984, the tax imposed by section 4071 shall not apply to tires and tubes of the types used on aircraft."

Page 3, line 5, strike out "(c)" and insert in lieu thereof "(d)".

Page 3, strike out lines 8 through 11 and insert in lieu thereof the following:

(a) TRANSPORTATION OF PERSONS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 4261 (relating to tax on transportation of persons by air) are each amended by striking out "8 percent" and inserting in lieu thereof "5 percent".

(2) TERMINATION.—Section 4261 is amended by adding at the end thereof the following new subsection:

"(f) TERMINATION OF TAXES IMPOSED BY SUBSECTIONS (a) AND (b).—The taxes imposed by subsections (a) and (b) shall not apply to transportation beginning after December 31, 1983."

H.R. 6587

By Mr. DINGELL:

(Amendment to the Mitchell amendment.) —Page 6, insert before the period in line 9 a comma and the following: "but such term does not include research or research and development conducted with funds appropriated to carry out the Public Health Service Act, the Comprehensive Alcoholism and Alcohol Abuse Prevention, Treatment, and Rehabilitation Act of 1970, the Drug Abuse Prevention, Treatment and Rehabilitation Act, or titles V, XI, XVIII, and XIX of the Social Security Act, or any other health-related research or research and development conducted through the Department of Health and Human Services or any of its entities".

EXTENSIONS OF REMARKS

BISHOP FRANCIS J. HAAS AND THE FAIR EMPLOYMENT PRACTICES COMMITTEE

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. STOKES. Mr. Speaker, I take this opportunity to bring to the attention of my colleagues a report presented by Dr. Phillip Grant, Jr., of Pace University to the American Catholic Historical Association. The report is entitled, "Bishop Francis J. Haas as Chairman of President Franklin D. Roosevelt's Committee on Fair Employment Practices."

Mr. Speaker, the report carefully examines the pivotal role of Bishop Francis J. Haas as the guiding force on that committee. Dr. Grant reports that largely due to the commitment of Bishop Haas, the Committee on Fair Employment Practices waged numerous battles against job discrimination and racial segregation in the 1940's. As the principal advocate for those persons victimized by job and racial discrimination, the committee paved the way for the Equal Employment Opportunity Commission which was established in 1964.

In my estimation, the report serves a dual purpose. First, it provides us with valuable historic data about the Committee on Fair Employment Practices. Second, by reviewing the important strides made by the Committee on Fair Employment Practices, we can get a better understanding of the necessity of an organization such as the Equal Employment Opportunity Commission.

Accordingly, Mr. Speaker, I would like to insert for the RECORD, the report prepared by Dr. Phillip A. Grant, Jr.

The report follows:

On May 27, 1943 President Franklin D. Roosevelt issued Executive Order 9346, establishing a reconstituted committee on Fair Employment Practices (FEPC). This presidential decree amended and superseded two previous executive orders which had been proclaimed on June 25 and July 18, 1941 respectively. The central paragraph of Roosevelt's May 27 order was worded as follows:

"Now, Therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this Order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color or national origin."

The new FEPC panel was designated as an independent unit in the Executive Office of the President. In addition to the prestige guaranteed by its independent status, the committee was accorded powers not granted to its immediate predecessor. It was specifically authorized to conduct hearings, issue factual reports, receive and investigate charges of discrimination, and initiate appropriate measures to reverse such discrimination.

Appointed by the President as Chairman of the new FEPC committee was Monsignor Francis J. Haas, Dean of the School of Social Service at the Catholic University of America. A native of Racine, Wisconsin and a priest of the Archdiocese of Milwaukee since his ordination in 1913, Monsignor Haas was well-known and highly respected in government circles. Haas, a strong and outspoken advocate of Roosevelt's New Deal reforms, was destined to spend many years as an active participant in the labor and civil rights movements. For over two decades he had served in various capacities for the State of Wisconsin and in the national government. His major activities had involved positions with the National Recovery Administration (NRA), the Works Progress Administration (WPA), and the Department of Labor. Subsequently, he was appointed to President Harry S. Truman's Committee on Civil Rights and the State of Michigan Civil Rights Committee. An avid supporter of collective bargaining and an uncompromising foe of racial injustice, Haas had earned the reputation of a competent administrator and was generally considered superbly qualified to preside over the FEPC.

Sworn in as Chairman by Supreme Court Justice Wiley B. Rutledge at a White House ceremony on May 31, Haas three days earlier scheduled his first press conference. Acknowledging that the FEPC committee faced a formidable task, Haas described the existence of racial discrimination in the United States as a "filthy situation." He insisted that the achievement of equality of opportunity in employment was a "matter of fairness and decency and humanity to all American people." While readily conceding that the committee would be dealing with controversial issues, Haas pledged that he was "not going to dodge anything."

Monsignor Haas was to begin his chairmanship at a rather crucial time. On May 24, complying with a directive of the previous FEPC committee, the Alabama Shipbuilding and Drydock Corporation promoted twelve Black employees as welders at its Mobile facilities. On the following day resentful white workers were to assault Blacks on the corporation's premises. Seven Blacks and one white were injured in the process, and the shipyard temporarily suspended operations. As a consequence of intense negotiations, involving the FEPC, the shipbuilder's union, and the corporation, it was agreed that four shipways could be designated as areas where Blacks would be afforded opportunities for certain skilled positions. Blacks were prohibited, however, from qualifying as electrical workers, machine operators, and pipe fitters. The ostensible advantage of this arrangement was that Blacks were to be eligible for some positions from which they had previously been excluded. Conversely, it amounted to implicit approval of continued segregation. Within the liberal and Black communities the terms of the agreement was subjected to harsh condemnation. Haas was widely criticized for accepting the agreement "as an accomplished fact." Notwithstanding Haas' past and future unblemished record on civil rights, his detractors were certainly justified in expressing keen disappointment with the shortcomings of the agreement.

On July 1 President Roosevelt appointed the six other members of the new FEPC committee, three of whom were affiliated with organized labor and three of whom represented segments of American industry. Having been allocated a budget of approximately five hundred thousand dollars and a staff of forty-five members, the committee decided to open regional offices in each of the twelve geographic areas under the War Manpower Commission. Informing the press that he wished to give the new committee members the opportunity to determine the order of future hearings of cases, Haas vowed "that every effort will be made to assure quick disposition of the cases now on the committee docket."

Shortly after the completion of the FEPC committee's membership, Monsignor Haas travelled to Detroit to launch an investigation of the circumstances, surrounding the well-publicized race riots which had recently paralyzed that key industrial city. Following three days in Detroit, he returned to Washington and scheduled his second press conference. At this gathering Haas asserted that the racial disturbances in Detroit had been precipitated by "inadequate housing, recreation and public transportation." According to Haas, a recurrence of the Detroit tragedy could "be prevented if the causes are removed." Acknowledging that an enormously large number of people, including a disproportionately high percentage of Blacks, had migrated to urban centers in the North since the outbreak of World War II, he warned that similar problems might plague other cities. Haas pointed out that the mandate of the FEPC did not extend to race relations in general, but was limited to the issue of discrimination in employment. He terminated his remarks by informing the reporters that five of eight Detroit firms accused of practicing discrimination had made adjustments to the committee's satisfaction and that the remaining three companies were in the midst of negotiations with the committee.

The most significant problem facing the new FEPC committee during Haas' tenure involved allegations of massive racial discrimination in the American railroad industry. Four days of public hearings on the railroad question were opened by the committee in Washington on September 15. Twenty-one of twenty-two railroads were to have legal representation at these proceedings, and seven of fourteen labor unions

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

were to submit written replies to the committee's prior inquiries. The attorneys for the railroads admitted the reality of widespread discrimination and did not challenge the accuracy of the voluminous evidence compiled by the committee, but maintained that it was necessary for the companies to conform to the customs and traditions of the regions in which they operated. While expressing the hope that employment opportunities for Blacks would improve in the future, the legal spokesmen warned that neither the railroads' employees nor patrons "could be expected to change overnight their long-standing views regarding racial problems, and that any attempt to force them to do so by governmental decree could not fail to do harm rather than good." Several dozen witnesses offered detailed testimony either to furnish documentation of racial prejudice or to recount personal experiences of discrimination in their dealings with railway labor and management. The railroads apparently wished to minimize the impact of the hearings, since their lawyers flatly declined to volunteer any explanatory information and did not request the opportunity to cross-examine any of the numerous adversary witnesses appearing before the committee.

On October 1 Archbishop Amleto Cicognani, the Apostolic Delegate to the United States, announced that Monsignor Haas had been appointed Bishop of Grand Rapids by Pope Piux XII. Haas, upon learning of his elevation to the episcopate, affirmed that he intended to resign in the near future as chairman of the FEPC committee. Declaring that the "essential rightness" of the President's May 27 executive order had been clear to him at the time he assumed the FEPC chairmanship, Haas reflected on the intervening nineteen weeks as follows:

". . . In that brief period the close experience with the problems of the men and women who have suffered discrimination at the hands of their fellow Americans have deepened my conviction that this practice must be purged from our national life if we are both to win this war and consolidate our life as a democratic nation thereafter."

Four days after his appointment to head the Diocese of Grand Rapids Haas delivered an address at the national convention of the American Federation of Labor in Boston. Deploring the fact that some Americans "cherish intolerance above the needs of their country," Haas argued that it was imperative that citizens of all races contribute to the nation's welfare throughout the remainder of World War II and during the years of the postwar peace settlement. Haas stressed to the AFL delegates that members of minority groups were merely seeking "full stature" as American workers. Obviously alluding to the plight of Black Americans, the Bishop-designate climaxed his remarks by asking whether "one-tenth of the people of our country be set aside as a special class, with special loyalties that are not the loyalties of the rest of us."

Accepting Haas' resignation as FEPC chairman on October 15, President Roosevelt congratulated the Bishop-designate on having been chosen to the "high position" in Grand Rapids. The President, expressing gratitude for the "increasing usefulness of the FEPC, as reorganized under your direction," commented: "In all the posts of responsibility in which you have served your Government you have always shown a humanity and skill which both church and country need in these difficult days." Roosevelt also thanked Haas for offering in the future his "wise and warm-hearted counsel in dealing with this great and continuing problem of fair practices and employment for all the people of America." Happily informing the President that "FEPC as now reorganized is running along smoothly," Haas voiced confidence that with the assistance of the vast majority of the nation's citizens the Roosevelt Administration would solve the problem of discrimination in employment.

Between the time the membership of the reconstituted FEPC was finalized in July 1943 and the resignation of Monsignor Haas four months later there was an appreciable increase in the number of cases pending before the committee. In July the total accumulation of cases was 1,308, while in October the comparative figure was 2,100. Thus, in four months there was an increase of 60.7% in the number of cases to be investigated by the committee. It was possible that the publicity surrounding the President's May 27 executive order stimulated the substantial increase in the number of individuals filing discrimination complaints.

During the four months of Haas' tenure four hundred and eleven cases were processed by the FEPC committee. The number of such cases rose impressively from a mere three in July to two hundred and sixty-four in October, thereby indicating that more decisions were being reached with each succeeding week. Altogether one hundred and sixty-six cases were satisfactorily adjusted by the committee with the number rising steadily each month. While only slightly more than forty percent of these cases were actually resolved in favor of the plaintiffs, many of the original complaints were subsequently withdrawn or eventually dismissed either because of insufficient evidence or lack of jurisdiction. While there were no monthly statistics on the reasons for dismissing complaints, approximately thirty percent of all cases between July 1943 and June 1944 were dismissed strictly on their merits.

Notwithstanding the fact that the committee did not publish monthly records on the backgrounds of individuals lodging complaints, it was noteworthy that 96.7% of the 3,298 racial cases between July 1943 and December 1944 involved Blacks. The vast majority of the 608 cases relating to creed or national origin during the same eighteen months were initiated either by persons of the Jewish faith or citizens of Mexican extraction. There was every plausible reason to believe that the statistics were similar, if not identical, throughout the months of Haas' chairmanship. Although Blacks constituted roughly ten percent of the nation's population, a distinctly smaller proportion was employed in American industry. In July 1943, for example, the figure for Blacks was 6.9% and four months later it had risen slightly to 7.1%. While these advances in Black employment were certainly not spectacular, they reflected a steady pattern as World War II progressed. The figures for Blacks holding positions in industry were 4.6% and 8.3% for September 1942 and November 1944 respectively, amounting to a monthly increase of one-seventh of one percent.

Although Bishop Haas was necessarily preoccupied with his responsibilities in administering the Diocese of Grand Rapids, he remained genuinely concerned over the lingering problem of discrimination in employment. In early 1944 Haas was among the prominent American religious leaders who urged the establishment of a permanent Committee on Fair Employment Practices. Branding the unequal treatment of Blacks and other minorities as the "great paradox and dilemma in American life," he insisted that this deplorable condition "demands solution now." Haas, endorsing the enactment of legislation to outlaw job discrimination, concluded that both labor and management would thereby experience the "blessings of a good conscience that comes from doing what is right." Convinced that the tragedy of discrimination in employment could "only be checked by the intervention of the Federal Government," Haas maintained that the reality of racial prejudice "touches the core of American democracy." The bishop summarized his position as follows:

". . . The opportunity to work according to one's skill, regardless of race, creed, color, or national origin, is a fundamental American right and should be written into our laws by Congress. Denial of this right to any man or woman is un-American, un-democratic, and un-Christian."

It was regrettable that Bishop Haas served only twenty weeks as Chairman of the Fair Employment Practices Committee. Prior to his appointment, only minimal progress had been made in reversing discrimination in employment. Under Haas' direction, the committee was reorganized, the number of satisfactory adjustments was substantially increased, and the railroad hearings documented the fact that discrimination pervaded a major American industry. Although the railroads were not ordered to cease their unsavory practices until shortly after Haas' resignation, it was during the final weeks of his chairmanship that the committee gained momentum in its quest to expose and disparage the existence of racial prejudice in American industry.

Notwithstanding the difficulties experienced by Haas in 1943, his efforts were to alert the American people to the need for federal intervention. It was noteworthy that both Franklin D. Roosevelt and his Republican opponent, Thomas E. Dewey, endorsed the establishment of a permanent FEPC in the 1944 presidential campaign. It was also encouraging that a multitude of religious, labor, and civil rights organizations in rapid succession were to mobilize in behalf of federal FEPC legislation. Although Congress delayed until 1964 before banning discrimination in employment, it was during the midst of World War II and especially during Haas' tenure that the issue was first subjected to intense public scrutiny. Indeed Bishop Haas' comparatively brief period as FEPC chairman was but a small portion of a long and illustrious career in public service, a career devoted to absolving the communal sins of a hopefully penitent nation.●

SOME GOOD ADVICE FROM THE PEOPLE OF THE FOURTH CONGRESSIONAL DISTRICT OF KENTUCKY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1982

● Mr. SNYDER. Mr. Speaker, over the years, we have heard about or actually experienced just about every kind of "shortage" imaginable—job shortages, oil shortages, railroad car shortages, money shortages. However,

there is one thing we do not ever have to worry about running short here of on Capitol Hill, and that is advice.

We have hordes of so-called experts with their computer readouts. We have specialists with their volumes of statistics. We have organizations and study groups and public interest groups. We have dozens of executive branch agencies and the folks over at the White House. And every one of them is eager to give us some advice.

And, of course, even Members of Congress occasionally offer their advice to one another as evidenced by the stacks of "Dear Colleague letters" in my in-basket every day, and the 6,199 CONGRESSIONAL RECORD pages this body has already managed to fill this year with sage comments, debate, and extended remarks.

No, Mr. Speaker, we do not need to worry much about a shortage of advice. We have it aplenty. Fortunately, much of the advice we receive from these sources is sound, but in this flood of advice, it is always difficult to tell the sound from the unsound; the good advice from the bad.

That is why I always try to get as much advice as I can from the one source that has never failed me yet—never steered me wrong—the people of the Fourth Congressional District of Kentucky.

Their advice has always served me well. They are the real experts because they live and work under the regulations and the laws dreamed up here in Washington.

Earlier this year, I sent out my annual questionnaire and now I would like to share the results of that poll with my colleagues. Twenty thousand of my constituents took the time to respond and their opinions on some of the national issues we will be facing should be of interest to any of my colleagues who share my belief that whenever you can get reliable advice, you should take it.

Although we have no shortage of advice—and are not apt to in the near future—we cannot afford to ignore good advice when it comes along.

Several of the responses were particularly interesting. The fact that nearly 60 percent of all the respondents stated that they had "postponed buying a house, car or other major purchase in the last year because of high interest rates" should be evidence enough for anyone that the No. 1 priority of Congress at the moment should be bringing interest rates down to a tolerable level.

I was also encouraged by the fact that 60 percent of the respondents supported the idea of capping interest rates at a reasonable level. As many of my colleages know, I have sponsored a National Usury Act which would do just that, phase in a cap on interest rates gradually bringing them down to 10 percent. I urge my colleagues to consider this piece of legislation, H.R. 4572. My constituents like the idea and, in all likelihood, a good many of theirs would too.

Also quite interesting was the strong show of support for President Reagan. By better than a 3-to-1 margin my constituents "approve of the way President Reagan is doing his job." Obviously the big media pollsters do not include the Fourth District of Kentucky in their surveys when they suggest that public approval of the President is dropping. I suggest that from now on, they do so. Their polls would be more meaningful.

Questionnaire results follow:

QUESTIONNAIRE

[In percent]

	Yes	No	Undecided
1. The President's "New Federalism" would shift many programs currently being operated by the Federal Government back to the States. In general, would you support such a transfer?	79.0	20.9	0.1
2. In view of the possibility of a deficit of $100 billion or more, should Congress trim back the President's proposed $33 billion increase in defense spending	54.4	38.3	7.3
3. Should the 10-percent tax cut scheduled to go into effect in July 1983, be postponed or eliminated to reduce the deficit?	43.4	54.4	2.2
4. The Prersident has proposed to dismantle the Department of Energy and to redistribute most of its programs to other agencies, primarily the Commerce Department. Do you favor abolishing the DOE?	75.6	21.5	2.9
5. Do you approve of the way President Reagan is doing his job?	71.9	23.3	4.8
6. Would you support legislation which would make it legal for Federal employees to strike?	16.3	82.4	1.3
7. Would you support a balanced budget/tax limitation resolution to initiate a constitutional amendment to limit the growth of Federal revenues and make it more difficult for Congress to approve deficit spending?	80.3	16.2	3.5
8. Have you postponed buying a house, car, or other major purchase in the last year because of high interest rates?	58.9	40.0	1.1
9. Should Congress pass legislation to cap interest rates at a reasonable level?	60.0	37.1	2.9
10. Would you support legislation which would require that cars sold in the United States contain a certain percentage of American-made parts?	56.6	42.5	.9

●

MUSIC IS THE MEDIUM

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. EDGAR. Mr. Speaker, it is both my pleasure and privilege to congratulate the members of the Delaware County Community College Cabrini Chorus on being selected by the Friendship-Ambassadors Foundation to give a series of concerts this summer throughout Romania and Greece. This award-winning choral group, led by Mrs. Adeline Bethany, has made numerous appearances throughout the United States. They now seek to share their musical gifts with the people of Greece and Romania in a true display of the motto that they have adopted for the trip: "Music is the Medium . . . Friendship is the Message." I am proud of the accomplishments of the chorus, and I am happy that the people of Greece and Romania will have the opportunity to partake in the rich musical traditions of this distinguished group of singers.●

THE PRESIDENT'S SPEECH IN WEST GERMANY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, on Wednesday, June 9, 1982, President Ronald Reagan made a major address to the West German Parliament. Since it contains a proposal for reduction of conventional forces and restates our Nation's commitment to the defense of Europe I want to bring it to the attention of our colleagues. At this point I wish to insert the text of that address, as reprinted in the New York Times, June 10, 1982 into the RECORD.

[From the New York Times, June 10, 1982]

TEXT OF PRESIDENT'S ADDRESS IN WEST GERMANY ON ARMS AND DISARMAMENT—REAGAN IN EUROPE: A PLEDGE TO IMPROVE DEFENSES AND SEEK AGREEMENTS

I am very honored to speak to you today and thus to all the people of Germany. Next year we will jointly celebrate the 300th anniversary of the first German settlement in the American colonies. The 13 families who came to our new land were the forerunners of more than seven million German immigrants to the United States. Today more Americans claim German ancestry than any other.

These Germans cleared and cultivated our land, built our industries and advanced our arts and sciences. In honor of 300 years of German contributions in America, President Carstens and I have agreed today that he will pay an official visit to the United States in October of 1983 to celebrate the occasion.

The German people have given us so much, we like to think that we've repaid some of that debt. Our American Revolution was the first revolution in modern history to be fought for the right of self-government and the guarantee of civil liberties. That spirit was contagious. In 1849 the Frankfurt Parliament's statement of basic human rights guaranteed freedom of expression, freedom of religion and equality before the law. These principles live today in the basic law of the Federal Republic. Many peoples to the east still wait for such rights.

The United States is proud of your democracy, but we cannot take credit for it. Heinrich Heine, in speaking of those who built the awe-inspiring cathedrals of medieval times, said that "in those days people had convictions. We moderns have only opinions and it requires something more than opinions to build a Gothic cathedral." Over the past 30 years, the convictions of the German people have built a cathedral of democracy—a great and glorious testament to your ideals.

We in America genuinely admire the free society you have built in only a few decades. And we understand all the better what you have accomplished, because of our own his-

tory. Americans speak with the deepest reverence of those founding fathers and first citizens who gave us the freedoms we enjoy today. And even though they lived over 200 years ago, we carry them in our hearts as well as our history books.

I believe future generations of Germans will look to you here today and to your fellow Germans with the same profound respect and appreciation. You have built a free society with an abiding faith in human dignity—the crowning ideal of Western civilization. This will not be forgotten. You will be saluted and honored by this republic's descendants over the centuries to come.

A PARTNERSHIP FOR PEACE

Yesterday, before the British Parliament, I spoke of the values of Western civilization and the necessity to help all peoples gain the institutions of freedom. In many ways, in many places, our ideals are being tested today. We are meeting this afternoon between two important summits, the gathering of leading industrial democracies at Versailles and the assembling of the Atlantic alliance here in Bonn tomorrow. Critical and complex problems face us. But our dilemmas will be made easier if we remember our partnership is based on a common Western heritage and a faith in democracy.

I believe this partnership of the Atlantic alliance nations is motivated primarily by the search for peace. Inner peace for our citizens and peace among nations.

Why inner peace? Because democracy allows for self-expression. It respects man's dignity and creativity. It operates by rule of law, not by terror or coercion. It is government with the consent of the governed. As a result, citizens of the Atlantic alliance enjoy an unprecedented level of material and spiritual well-being. And they are free to find their own personal peace.

We also seek peace among nations. The Psalmist said, "Seek peace and pursue it." Our foreign policies are based on this principle and directed toward this end. The noblest objective of our diplomacy is the patient and difficult task of reconciling our adversaries to peace. And I know we all look forward to the day when the only industry of war will be the research of historians.

THE THREATS TO PEACE

But the simple hope for peace is not enough. We must remember something Friedrich Schiller said, "The most pious man can't stay in peace if it doesn't please his evil neighbor." So there must be a method to our search, a method that recognizes the dangers and realities of the world. During Chancellor Schmidt's state visit to Washington last year, I said that your republic was "perched on a cliff of freedom." I wasn't saying anything the German people do not already know. Living as you do in the heart of a divided Europe, you can see more clearly than others that there are governments at peace neither with their own peoples nor the world.

I don't believe any reasonable observer can deny there is a threat to both peace and freedom today. It is as stark as the gash of a border that separates the German people. We are menaced by a power that openly condemns our values and answers our restraint with a relentless military build-up.

We cannot simply assume every nation wants the peace we so earnestly desire. The Polish people would tell us there are those who would use military force to repress others who want only basic human rights. The freedom fighters of Afghanistan would tell us as well that the threat of aggression has not receded from the world.

Without a strengthened Atlantic security, the possibility of military coercion will be very great. We must continue to improve our defenses if we are to preserve peace and freedom. This is not an impossible task; for almost 40 years we have succeeded in deterring war. Our method has been to organize our defensive capabilities, both nuclear and conventional, so that an aggressor could have no hope of military victory. The alliance has carried its strength not as a battle flag but as a banner of peace. Deterrence has kept that peace, and we must continue to take the steps necessary to make deterrence credible.

WHAT THE U.S. IS DOING

This depends in part on a strong America. A national effort, entailing sacrifices by the American people, is now under way to make long-overdue improvements in our military posture. The American people support this effort because they understand how fundamental it is to keeping the peace they so fervently desire.

We also are resolved to maintain the presence of well-equipped and trained forces in Europe, and our strategic forces will be modernized and remain committed to the alliance. By these actions, the people of the United States are saying: "We are with you Germany. You are not alone." Our adversaries would be foolishly mistaken should they gamble that Americans would abandon their alliance responsibilities, no matter how severe the test.

Alliance security depends on a fully credible conventional defense to which all allies contribute. There is a danger that any conflict could escalate to a nuclear war. Strong conventional forces can make the danger of conventional or nuclear conflict more remote. Reasonable strength in and of itself is not bad; it is honorable when used to maintain peace or defend deeply held beliefs.

THE RESOURCES OF THE WEST

One of the first chores is to fulfill our commitments to each other by continuing to strengthen our conventional defenses. This must include improving the readiness of our standing forces and the ability of those forces to operate as one. We must also apply the West's technological genius to improving our conventional deterrence.

There can be no doubt that we as an alliance have the means to improve our conventional defenses. Our peoples hold values of individual liberty and dignity that time and again they have proven willing to defend. Our economic energy vastly exceeds that of our adversaries. Our free system has produced technological advantages that other systems, with their stifling ideologies, cannot hope to equal. All of these resources are available to our defense.

Yes, many of our nations currently are experiencing economic difficulties. Yet we must nevertheless guarantee that our security does not suffer as a result. We've made strides in conventional defense over the last few years despite our economic problems, and we have disproved the pessimists who contend that our efforts are futile. The more we close the conventional gap, the less the risks of aggression or nuclear conflict.

The soil of Germany, and every other ally, is of vital concern to each member of the alliance, and this fundamental commitment is embodied in the North Atlantic Treaty. But it will be an empty pledge unless we insure that American forces are ready to reinforce Europe, and Europe is ready to receive them. I am encouraged by the recent agreement on wartime host-nation support. This pact strengthens our ability to deter aggression in Europe and demonstrates our common determination to respond to attack.

ADDRESSING VOICES OF DISSENT

Just as each ally shares fully in the security of the alliance, each is responsible for shouldering a fair share of the burden. Now that, of course, often leads to a difference of opinion, and criticism of our alliance is as old as the partnership itself.

But voices have now been raised on both sides of the Atlantic that mistake the inevitable process of adjustment within the alliance for a dramatic divergence of interests. Some Americans think that Europeans are too little concerned for their own security; some would unilaterally reduce the number of American troops deployed in Europe. And in Europe itself we hear the idea that the American presence, rather than contributing to peace, either has no deterrent value or actually increases the risk that our allies may be attacked.

These arguments ignore both the history and the reality of the trans-Atlantic coalition.

Let me assure you that the American commitment to Europe remains steady and strong. Europe's shores are our shores. Europe's borders are our borders. And we will stand with you in defense of our heritage of liberty and dignity. The American people recognize Europe's substantial contributions to our joint security. Nowhere is that contribution more evident than here in the Federal Republic.

German citizens host the forces of six nations. German soldiers and reservists provide the backbone of NATO's conventional deterrent in the heartland of Europe. Your Bundeswehr is a model for the integration of defense needs with a democratic way of life. And you have not shrunk from the heavy responsibility of accepting the nuclear forces necessary for deterrence.

I ask your help in fulfilling another responsibility. Many American citizens don't believe that their counterparts in Europe—especially younger citizens—really understand the U.S. presence there. If you will work toward explaining the U.S. role to people on this side of the Atlantic, I will explain it to those on the other side.

In recent months, both in your country and mine, there has been renewed public concern about the threat of nuclear war and the arms buildup. I know it is not easy, especially for the German people, to live in the gale of intimidation that blows from the East.

If I might quote Heine again, he almost foretold the fears of nuclear war when he wrote, "Wild, dark times are rumbling toward us, and the prophet who wishes to write a new apocalypse will have to invent entirely new beasts, and beasts so terrible that the ancient animal symbols will seem like cooing doves and cupids in comparison." The nuclear threat is a terrible beast. Perhaps the banner carried in one of the nuclear demonstrations here in Germany said it best. The sign read, "I am afraid." I know of no Western leader who doesn't sympathize with that earnest plea. To those who march for peace, my heart is with you. I would be at the head of your parade if I believed marching alone could bring about a more secure world. And to the 2,800 women in Filderstadt who sent a petition for peace to President Brezhnev and myself, let me say I, myself, would sign your petition if I

thought it could bring about harmony. I understand your genuine concerns.

The women of Filderstadt and I share the same goal. The question is how to proceed. We must think through the consequences of how we reduce the dangers to peace.

ARMS CONTROL EFFORTS

Those who advocate that we unilaterally forego the modernization of our forces must prove that this will enhance our security and lead to moderation by the other side—in short, that it will advance, rather than undermine, the preservation of the peace. The weight of recent history does not support this notion.

Those who demand that we renounce the use of a crucial element of our deterrent strategy must show how this would decrease the likelihood of war. It is only by comparison with a nuclear war that the suffering caused by conventional war seems a lesser evil. Our goal must be to deter war of any kind.

And those who decry the failure of arms control efforts to achieve substantial results must consider where the fault lies. I would remind them it is the United States that has proposed to ban land-based intermediate-range nuclear missiles—the missiles most threatening Europe. It is the United States that has proposed and will pursue deep cuts in strategic systems. It is the West that has long sought the detailed exchanges of information on forces and effective verification procedures. And it is dictatorships, not democracies, that need militarism to control their own people and impose their system on others.

BACKING ARMS CONTROL

We in the West—Germans, Americans, our other allies—are deeply committed to continuing efforts to restrict the arms competition. Common sense demands that we persevere. I invite those who genuinely seek effective and lasting arms control to stand behind the far-reaching proposals that we have put forward. In return I pledge that we will sustain the closest of consultations with our allies.

On Nov. 18, I outlined a broad and ambitious arms control program. One element calls for reducing land-based intermediate-range nuclear missiles to zero on each side. If carried out, it would eliminate the growing threat to Western Europe posed by the U.S.S.R.'s modern SS-20 rockets, and it would make unnecessary the NATO decision to deploy American intermediate-range systems. And, by the way, I cannot understand why, among some, there is a greater fear of weapons NATO is to deploy than of weapons the Soviet Union already has deployed. Our proposal is fair because it imposes equal limits and obligations on both sides and it calls for significant reductions, not merely a capping of an existing high level of destructive power. As you know, we have made this proposal in Geneva, where negotiations have been under way since the end of November last year. We intend to pursue those negotiations intensively. I regard them as a significant test of the Soviets' willingness to enter into meaningful arms control agreements.

TALKS TO START JUNE 29

On May 9, we proposed to the Soviet Union that strategic arms reduction talks begin this month in Geneva. The U.S.S.R. had agreed, and talks will begin on June 29. We in the United States want to focus on the most destabilizing systems and thus reduce the risk of war. That is why in the first phase we propose to reduce substantially the number of ballistic missile warheads and the missiles themselves. In the second phase we will seek an equal ceiling on other elements of our strategic forces, including ballistic missile throw weight, at less than current American levels. We will handle cruise missiles and bombers in an equitable fashion. We will negotiate in good faith and undertake these talks with the same seriousness of purpose that has marked our preparations over the last several months.

Another element of the program I outlined was a call for reductions in conventional forces in Europe. From the earliest postwar years, the Western democracies have faced the ominous reality that massive Soviet conventional forces would remain stationed where they do not belong. The muscle of Soviet forces in Central Europe far exceeds legitimate defense needs. Their presence is made more threatening still by a military doctrine that emphasizes mobility and surprise attack. And as history shows, these troops have built a legacy of intimidation and repression.

THE WILL AND THE CAPACITY

In response, the NATO allies must show they have the will and capacity to deter any conventional attack of any attempt to intimidate us. Yet we also will continue the search for responsible ways to reduce NATO and Warsaw Pact military personnel to equal levels.

In recent weeks, we in the alliance have consulted on how best to invigorate the Vienna negotiations on mutual and balanced force reductions. Based on these consultations, Western representatives in the Vienna talks soon will make a proposal by which the two alliances would reduce their respective ground force personnel in verifiable stages to a total of 700,000 men and their combined ground and air force personnel to a level of 900,000 men.

While the agreement would not eliminate the threat nor spare our citizens the task of maintaining a substantial defensive force, it could constitute a major step toward a safer Europe for both East and West. It could lead to military stability at lower levels and lessen the dangers of miscalculation and of surprise attack. And it also would demonstrate the political will of the two alliances to enhance stability by limiting their forces in the central area of their military competition.

GOALS AND PLANS OF THE WEST

The West has established a clear set of goals. We as an alliance will press forward with plans to improve our own conventional forces in Europe. At the same time, we propose an arms control agreement to equalize conventional forces at a significantly lower level.

We will move ahead with preparations to modernize our nuclear forces in Europe. But, again, we also will work unceasingly to gain acceptance in Geneva of our proposal to ban land-based intermediate range nuclear missiles.

In the United States, we will move forward with the plans I announced last year to modernize our strategic nuclear forces, which play so vital a role in maintaining peace by deterring war. Yet we also have proposed that Strategic Arms Reductions Talks begin, and we will pursue them determinedly.

SEEKING A STABLE BALANCE

In each of these areas our policies are based on the conviction that a stable military balance at the lowest possible level will help further the cause of peace. The other side will respond in good faith to these initiatives only if it believes we are resolved to provide for our own defense. Unless convinced that we will unite and stay united behind these arms control initiatives and modernization programs, our adversaries will seek to divide us form one another and our peoples from their leaders.

I am optimistic about our relationship with the Soviet Union if the Western nations remain true to their values and true to each other. I believe in Western civilization and in its moral power, I believe deeply in the principles in the West esteems. And guided by these ideals, I believe we can find a no-nonsense, workable and lasting policy that will keep the peace.

Earlier I said the German people had built a remarkable cathedral of democracy. But we still have other work ahead. We must build a cathedral of peace, where nations are safe from war and where people need not fear for their liberties. I've heard the history of the famous cathedral at Cologne—how those beautiful soaring spires miraculously survived the destruction all around them, including part of the church itself.

Let us build a cathedral as the people of Cologne built theirs—with the deepest commitment and determination. Let us build as they did—not just for ourselves but for the generations beyond. For if we construct our peace properly, it will endure as long as the spires of Cologne.●

NATIONAL ORCHESTRA WEEK

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BLILEY. Mr. Speaker, in commemorating this week as "National Orchestra Week," I would like to submit the following remarks about The Richmond Symphony for the RECORD.

The remarks follow:

The Richmond Symphony is the leading cultural resource of the Virginia Commonwealth. Founded in 1956 by seven public-minded citizens and under the artistic guidance of Edgar Schenkman, The Symphony offered five Monday evening concerts in its inaugural season. Through the years, the programs and services of The Richmond Symphony have grown toward a fully-professional orchestra, offering three major performance series, an extensive state-wide touring program, a Youth Concert series, and many special performances.

Jacques Houtmann became The Richmond Symphony's second Music Director in 1971, bringing with him an impressive international reputation. Under his leadership, the organization expanded to include The Richmond Sinfonia (an eighteen-piece, full-time chamber orchestra), the 175-voice Richmond Symphony Chorus, a Brass Quintet, Wind Quintet, and String Quartet. In 1972, Maestro Houtmann directed The Sinfonia in its debut performance at the Bermuda Summer Arts Festival. The ensemble has since been invited to perform throughout Virginia and the Southeastern United States. Maestro Houtmann maintains an increasingly active career as guest conductor with major orchestras throughout the United States and Europe.

The Richmond Symphony currently performs in the Mosque theatre, located at the intersection of Main and Laurel Streets in downtown Richmond. With a seating capacity of approximately 3,700, the Mosque will house eight Monday Classics concerts in 1982-83. These concerts feature appearances by internationally renowned performing artists in concert with The Symphony. The Saturday Pops concerts showcase the talent of the stars of song, stage, and screen in performances with The Symphony. Six Pops performances are scheduled for 1982-83.

In addition to the Classics and Pops series, The Richmond Sinfonia plays six pairs of concerts on the Weekend Ovations series, which feature guest artists with The Sinfonia in performances of chamber music. New on the 1982-83 season calendar is a series entitled Sinfonia Suites—daytime concerts offering a broad spectrum of musical genres, and targeted primarily to serve the senior citizen community.

The Richmond Symphony enjoyed its first sold-out season in 1972-73, and ended the 1981-82 season with over 6,000 subscribers. Orchestra members perform over 200 concerts to more than 200,000 Virginians annually, making The Richmond Symphony one of the most active Regional Orchestras in the nation.

The Richmond Symphony took a bold step several years ago by purchasing the Loew's Theatre and serving as a catalyst for a multi-million dollar drive to transform an old movie theatre into the Virginia Center for the Performing Arts. Saving the theatre from demolition and replacement by a parking lot is a contribution to the community; having the vision and determination to make it a center for all performing artists goes beyond mere preservation! The Virginia Center will become "live" in 1983 and the downtown retail core will benefit from The Symphony's commitment to its community.●

THE GREAT SEAL OF THE UNITED STATES

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. SILJANDER. Mr. Speaker, I rise to honor the Great Seal of the United States: The symbol of our sovereignty as a nation. The date of June 20, 1982 will be a proud moment in American history, our Great Seal's bicentennial.

For 200 years the Great Seal has been used on official documents to authenticate the signature of the President. It appears on Presidential proclamations, warrants, treaties, and commissions of high officials of the Government. The Great Seal's design is used officially as decoration on military uniforms, on plaques above the entrances of the U.S. Embassies and consulates, and in other places.

The history of our Great Seal begins with the day of our founding as a nation. The Continental Congress appointed a committee to design a seal for the United States on July 4, 1776, only a few hours after they adopted the Declaration of Independence. The committee members—Franklin, Jefferson, and Adams—prepared a very complicated design, which was promptly tabled by Congress. However, one prominent figure of the design was adopted—the motto "E Pluribus Unum," "Out of Many One."

A second committee in 1780—James Lovell of Massachusetts and James Morin Scott and William Houston of Virginia—developed a different design from that of the first committee. It, too, was tabled by Congress. Prominent features of their design did become elements of the final seal, including the olive branch, the constellation of 13 stars, and the shield with red and white stripes on a blue field.

A third committee, appointed on May 1782, included Arthur Middleton and Edward Rutledge of South Carolina and Elias Boudinot of New Jersey. They asked Philadelphian William Barton, a student of heraldry, for assistance. He prepared a design, which the committee adopted and reported to Congress. Barton's design introduced the eagle for the first time, using it in the crest.

Early in June, Congress referred all previous designs to Charles Thomson, Secretary of the Continental Congress. Born in County Derry, Ireland, Thomson came to America when he was 10. He was one of Benjamin Franklin's principal political allies before the Revolution and was called the "Sam Adams of Philadelphia." In 1774 he was chosen by the Congress as Secretary and served in this capacity until 1789. Thomson was, in a sense, our first national archivist.

Thomson abandoned the Barton scheme for the seal and began a new design using elements of all previous work. He made the eagle the centerpiece of the design and depicted the bird as the American bald eagle "on the wing rising." The eagle held an olive branch of peace in his right talon and arrows of war in his left; he displayed on his body the shield with the 13 red and white chevrons upon a blue background and held a streamer in his beak. A constellation of 13 stars surrounded by "bright rays" and clouds appeared over his head.

Thomson's design was returned to Barton, who changed the 13 stripes into a vertical position. He also made the eagle displayed rather than rising. He indicated that the eagle should hold a bundle of 13 arrows and an olive branch bearing 13 olives.

The design was approved by the Continental Congress on June 20, 1782. The obverse of the Seal was cut in brass after the adoption of the design. The resulting die was first used on a document dated September 16, 1782, granting General Congress authority to exchange prisoners of war.

The first Federal Congress adopted the Seal and charged the Secretary of Congress, Thomson, with hand carrying the Seal to President Washington who handed it over to Thomas Jefferson, the first Secretary of State.

The first die was retired in 1841, having been used hundreds of times, and is now in the National Archives. A new die was cut at that time and was used until 1883. However, its design was inaccurate and was replaced by a third. This was quickly worn out and was replaced by a fourth die cut in 1903. It is the one used presently and is on display at the Exhibit Hall of the Department of State.

It is time for us to honor our Great Seal on the occasion of its bicentennial, by proclaiming June 20, 1982 as "The Great Seal of the United States Day."●

REV. JESSE W. MAPSON, SR.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to a very special event which will take place in my home city of Newark on Friday, June 18. It is the Mount Calvary Baptist Church's Appreciation Banquet honoring its pastor, Rev. Jesse W. Mapson, Sr.

Reverend Mapson is a leader in the Newark community who has bolstered the spiritual and practical foundations of his parish for the past 35 years. That is how long Reverend Mapson has been with Mount Calvary Baptist Church, and how long he has served the Newark community. An extraordinarily dedicated man, and a person who has always taken the time to help people solve their problems, Reverend Mapson is a friend of mine and of all who care about our city.

Mr. Speaker, Reverend Mapson means a great deal to the Newark community, and I am proud that the people of Mount Calvary Baptist Church are honoring him this Friday at the Robert Treat Hotel. Viola Hardwick, James Melton, and Fred Riley of Mount Calvary have worked with many others to make it a successful appreciation banquet, and I salute them.

This heartfelt expression of appreciation for a true leader in the area of human rights and human needs is long overdue.●

THE GROWING IMPORTANCE OF THE SOCIAL SECURITY SYSTEM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BROWN of California. Mr. Speaker, everyone in this body knows that the health of the social security system is a matter of major political importance. And in spite of critics and skeptics, the social security system is now an indispensable part of our national fabric. Yet many people do not seem to understand why our social security system has become so important, or why casual efforts by the Reagan administration to change it are met with such resistance.

Recently, I came upon two newspaper columns which, taken together, help clarify why the American people are worried. The first column, by Richard Reeves, describes from the perspective of one of my constituents, Mary McDaniel, the failure of a major U.S. corporation to meet its retirement obligation to employees. With major plant closures throughout the United States, the plight of the Mary McDaniels of the world is being replicated in millions of households. Those who assert that private industry will provide the same or better benefits that Government can provide apparently have not been following the employment pattern of major U.S. corporations.

The second column, by Robert J. Samuelson, describes the reason why people have insisted upon protecting the social security system at all costs. Essentially, people are seeking some small segment of security in a world that is increasingly insecure. As the Mary McDaniel story illustrates, private pension plans are not guaranteed. Nearly everyone wants to make sure that, if all else fails, their anticipated social security benefits will be protected.

Mr. Speaker, I know that there are very few in this body who would knowingly weaken the social security system. Most of the proposals to cut or trim benefits are well meaning, even though there is serious questions about their wisdom. But we do have alternatives to these proposed cuts, and we should use them. There is too much insecurity and distrust in the country today for us to begin tampering with the social security system. We would do better if we looked for ways to stabilize other aspects of the American economy, rather than do anything that might destabilize a program that is working—the social security system. At this time, I ask unanimous consent to insert the two columns mentioned above in the CONGRESSIONAL RECORD.

[From the Riverside Press-Enterprise, June 6, 1982]

IN THE FUTURE, G.E. AND OTHER COMPANIES WILL BRING GOOD THINGS TO AN ABRUPT END

(By Richard Reeves)

ONTARIO.—For 23 years, Mary McDaniel worked on the assembly line making Hotpoint irons at the General Electric plant here in California—until February 25 of this year. On that day G.E. moved its iron operations to Singapore, Brazil and Mexico.

She lost an income of more than $400 a week because G.E. can get someone in Singapore to do the same thing she was doing for $43 a week or in Brazil for $68 a week.

But Mary McDaniel lost more than that. She lost almost all of the pension she had been working for. She thought she was going to get more than $800 a month—possibly a lot more if union negotiations went well over the next few years—when she became 60 years old in 1998.

What she is going to get then is about $175 a month.

G.E. not only moved her job—and 1,100 others—it also destroyed her life planning. The company—its slogan is "We Bring Good Things to Life"—broke the social bond that was forged in 1942 when it hired her father and renewed in 1959 when it hired her.

What happened to Mary McDaniel—and is happening to thousands and thousands more—is changing American politics. And it will change our politics even more in the rest of this century.

Why is Social Security such a big issue? Why is America so determined to become a welfare state? The answer to those questions is another question: Would you rather trust your old age to the government or to G.E.?

Mary McDaniel is going to have to trust the government. No other company is going to accept the seniority she earned making irons for G.E. In fact, the odds are overwhelming that no company is going to hire her if its accountants believe that that company might one day have to pay her any pension benefits at all.

That is the name of the financial game:

Avoid pension obligations. So companies maneuver to get rid of younger employees before their pension rights are vested—that happens after 10 years at General Electric. Companies avoid hiring people over 40; it's not on paper, but the unofficial policy is to avoid prime pension candidates.

Or, the companies just get out of the country.

Then what is the name of the political game? Workers will, more and more, join with retirees to defeat any politician who attempts to tamper with social welfare ideas like Social Security or medical programs—even when, as now, those programs do need reshaping.

And workers will organize in old and new ways to provide security for their retirement years.

I don't know whether there will be a resurgence of the traditional labor movement—unions—or the forming of new associations of salaried poeple wearing blue and white collars. But one or the other is going to happen because of the fear in the land.

G.E., it seems, will not only bring good things to life, it and other profit-hungry, accountant-managed corporations will inevitably change American attitudes about big government.

The Mary McDaniels of the world will vote to have big national government protect them against big multinational corporations.

[From the Los Angeles Times, June 2, 1982]

SAY GOODBY TO A SENSE OF SECURITY—RETIREMENT FUND, THE LAST BARRICADE, IS NOW IN TROUBLE, TOO

(By Robert J. Samuelson)

It has been difficult to watch the sputtering effort to deal with Social Security without sensing that more is involved than the political power of the elderly. The past has warred with the present. The vision of the world that we wanted collided with the one that we got.

Ever since World War II, Americans have believed that economic insecurity, like some dreadful disease, could be eradicated if only the proper medicine were applied. People could be shielded from the arbitrary whims of the market, which—through no individual fault—brought misery. Social Security for retirement embodied the ideal.

But the current recession is crushing the ideal. Events have occurred that, a mere 18 months ago, seemed beyond imagination. Unemployment (9.4% in April) could now reach 10%. Large firms (most recently, Braniff International Airways Inc.) have gone bankrupt, and others may follow. Companies that have rarely laid off workers (Texas Instruments Inc.) have done so. The great bastion of job security, the federal government, has "RIFed" numerous workers.

Many Americans have never witnessed such upsets. Bob Greene, a young columnist for the Chicago Tribune, put it this way in a column on the Braniff bankruptcy: "The business community seems to be entering a time of greater disrepair than anything younger Americans can remember. . . . It is occurring to many people that we're all in this together, and that all of us—business as well as citizens—may be running scared."

There is fear that unemployment, once the worry of a small minority of the poor or unlucky, is now reaching into all classes. There is anxiety that things that were expensive before—a college education or a single-family home—may be unattainable now. There is a sense that life involves more uncertainty and struggle than before.

Ultimate security may always have been an illusion, but it was an illusion toward which the nation groped for three decades. Beginning with the 1946 Employment Act, government increasingly sought to moderate the business cycles and minimize joblessness. The "war on poverty"—and, in general, greater spending for education, health and housing—represented collective efforts to deny unfettered markets the final say over peoples' lives.

Private enterprise, adhering to the same ideal, also embraced collectivism. Many large companies (most notably IBM) refrained from laying off workers during slack periods. Auto and steel unions successfully negotiated supplementary unemployment benefit programs, which, combined with normal unemployment payments, eliminated most income loss for workers during temporary layoffs. Private pensions and health benefits provided added protection.

Social Security is, in a sense, the last barricade against the forces that threaten this vision. Most other programs (after adjustment for inflation) have been cut during the past two years, but so far Social Security has withstood all assaults. Its survival is in some ways remarkable because, in an economy where many other groups are already

hurting, it is difficult to demonstrate that the elderly deserve special treatment.

Between 1975 and 1981, for example, average Social Security payments rose 60 percent, while average wages increased only 69 percent. A recent poll by ABC News and the Washington Post found that a far larger proportion of the elderly, (57%) than the general public (35%) say that lack of money is not a problem in their lives. In these circumstances, a modest reduction of July's scheduled 7.4% cost-of-living increase to, say, 4% hardly seems an act of social cruelty.

The fact that it has proved impossible attests to Social Security's emotional baggage. The idea persists (and is perpetuated by the elderly despite their efforts to eliminate age "discrimination") that people over 65 are somehow fundamentally different from those under 65. No one wants to abandon the idea of economic security for everyone, but if it is to be preserved for anyone, this group is deemed most worthy.

The evidence is that not everyone can achieve permanent security. What spoiled the vision were external events and internal contradictions. Oil price increases and a growing dependence on foreign markets have limited America's control of its own economy. More important, the quest for security destroys itself by fostering inflation. When expansionary policies always promise low unemployment, the fear of joblessness erodes and so does self-restraint on wages.

So today's new insecurities exist along with a gut appreciation that the urge for absolute security may be futile and, more than that, responsible for some of the present predicament. The attempt to satisfy everyone's desire for job security and rising living standards led to inflationary policies and, in particular, to inflationary money growth. The recession ensued when the Federal Reserve stopped the game by slowing money growth.

What emerges is a pervasive confusion, with everyone professing allegiance to yesterday's ideals while trying to cope with today's realities. No one has been more confused (or, perhaps less kindly, more two-faced) about this than President Reagan. Whenever his Administration has endorsed plans to scale back Social Security, the President has declared that benefits wouldn't be cut. Was this possible? It was not.

All this marks a continuing eclipse of Depression-era psychology and politics. The reaction against the mass sufferings of those years moved people to build fortifications against any recurrence. Few ideas have animated so much subsequent history as the quest for security. It conceived Big Government and tamed the worst aspects of unrestrained capitalism.

But what is now evaporating is the belief that ultimate security is possible. The remarkable thing about the current recession is the mild political and public reaction. Neither the Republican White House nor the Democratic Congress has rushed forward with ambitious anti-recession programs.

The skepticism implicit in this restraint may not be altogether bad. Things that were once taken for granted (like having a job or owing a home) may no longer be so, and there may be a restoration of a sense of value, perspective and individual responsibility. But along with these come possibilities of more social conflict. Old assurances pass and new uncertainties accumulate.●

AN EXTRAORDINARY COUPLE

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MARKS. Mr. Speaker, the 20th of June is a very significant date in the lives of two of the most extraordinary people I have ever known. Bess and Sam Epstein, of Sharon, Pa., will celebrate their 60th wedding anniversary on that date. Bess and Sam are the dearest of friends who have added to the joy and blessings of my family for as many years as I can remember. They are both, thank God, in good health and will share the blessings of many throughout the country on their anniversary because they have added so very much to every life they have touched. Our friends were blessed with two wonderful sons: Marvin, a respected member of the medical profession who lives in Walnut Creek, Calif., and Louis, who lives in Sharon, Pa., and is the president of Golden Dawn Foods. Sam and Bess have also been fortunate to have a number of outstanding grandchildren, all of whom have shared in their love.

I could go on indefinitely about the involvement of Bess and Sam in the life of our community, in the business world, and in the social world, but I believe it would suffice for me to sum up by suggesting that God has granted us an extraordinary blessing in permitting us to have their love and friendship. The world is a better place—a far better place—as a result of that which Bess and Sam Epstein have shared with one another and given to us.●

THE BUILDING BLOCKS OF THE FREEZE MOVEMENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, the Wall Street Journal recently published a very informative article on some of the groups associated with the nuclear freeze movement. The article does not suggest—nor do I—that all those associated with that movement share the motivations or backgrounds or hidden agendas of those discussed in the article. But I thought it would be of interest for our colleagues to learn about some of the various groups that have played a major role in the freeze movement.

At this point I wish to insert in the RECORD, "The Building Blocks of the Freeze Movement," by Dorothy Rabinowitz, in the Wall Street Journal, Thursday, June 10, 1982.

THE BUILDING BLOCKS OF THE FREEZE MOVEMENT

(By Dorothy Rabinowitz)

Within a day or so, the disarmament movement begins the climactic hour of its spring "peace offensive." Nuclear freeze proponents along with peace activists of every stripe will converge on New York City for a series of demonstrations this weekend to coincide with the United Nations special session on disarmament.

The mammoth size of the crowds will, freeze coordinators contend, bear out their claim that the clamor for a nuclear freeze is a spontaneous movement of ordinary citizens concerned about the perils of nuclear war. The details of the American peace movement, however, are a good deal more complicated and interesting than its proponents would have us believe. Indeed a good many people who have spent the last months gathering nuclear-freeze petitions, as well as many of the church and professional groups that have signed on as sponsors, might be taken aback by the aims and allegiances of the architects of the freeze in whose campaign they have enlisted.

Prominent among them are the American Friends Service Committee, which had the key role in conceiving the freeze idea in 1979; the Fellowship of Reconciliation, and the Women's International League for Peace and Freedom. All are old-line peace organizations that in the past 10 years have drifted far from the pacifist idealism of their beginnings.

One of the central freeze events, planned to coincide with the UN disarmament conference, is a sit-in next Monday in New York to block entrances to the resident missions of the five nations that now possess nuclear arms. The sponsoring organizations listed in the literature being distributed to promote the sit-in include the War Resisters League, a nominally pacifist group founded in 1923, whose chief energies today are spent advancing the cause of world revolution; Clergy and Laity Concerned, formed to oppose the Vietnam war and today the principal left-wing network among U.S. churches: Mobilization for Survival, an umbrella disarmament organization composed chiefly of radical activists, Communists and assorted peace groups.

SAME ANTI-AMERICAN ATTITUDE

These well-established peace groups have in common a remarkably consistent sociopolitical outlook, not the least significant aspect of which is a unity of attitude about the government of the United States and its role in the world. It is in attitude these groups have purveyed repeatedly and publicly during the past decade. One does not have to look far for a reflection of this attitude. (Indeed a good portion of the material drawn on for this piece is in the peace collection of the Swarthmore College library in Bryn Mawr, Pa.)

The Women's International League for Peace and Freedom in a statement on foreign policy: "All life on earth is threatened by U.S. imperialism." The avowedly pacifist women's league is an enthusiastic public supporter of the Palestine Liberation Organization.

For Clergy and Laity Concerned, the movement against the Vietnam war represented a "struggle against American imperialism and exploitation in just about every corner of the world." The task now, the group said, was to join those who "hate the corporate power which the United States presently represents. . . ."

A pamphlet written under the auspices of the Quaker American Friends Service Committee warns against passing judgment on the violence perpetrated by "liberation" movements; the writer explains that the worst violence begins with those who "control weapons and institutions of repressive violence." The most prominent agent of this control is identified as the United States. "Before we deplore 'terrorism,'" writes this representative of the nation's most venerable pacifist organization. "It is essential for us to recognize clearly whose terrorism came first." The pamphlet's author, James Bristol, writes that to much of the world, "the United States is an outlaw nation."

The groups organizing next week's sit-in, or "Civil Disobedience Campaign," have published an official handbook for the event. Anyone under the impression that the freeze campaign planned by the disarmament movement expresses the voice of grassroots America might note this handbook's introduction, which includes the information that, "The foreign policy of the U.S. continues to profit the very rich and powerful while stripping everyone else of self-determination, resources and money."

The established groups at the center of the nuclear-freeze movement also share a common view of the Soviet Union and the Communist world. That view is best reflected in the marked incapacity of these groups to perceive in the practices or policies of the Soviet Union or its allies anything meriting blame. The same organizational newsletters that inveigh endlessly against U.S. imperialism contain no word of condemnation for the invasion of Afghanistan or the events in Poland.

The leader of the Women's International League for Peace and Freedom said of the Soviet invasion of Afghanistan that while military intervention was always "regrettable," it was nonetheless "understandable," given the "Soviet interest in having close relations with a neighboring country with which it shares a 2,000-mile border."

Similarly, a member of Clergy and Laity Concerned at a disarmament conference held at the Cathedral of St. John the Divine in New York City last month explained that Afghanistan is "within the Soviet sphere of influence" and that the Soviet Union was thus doing only what it considered necessary under the circumstances.

No country, however, evokes more solidarity or exculpatory wisdom among the peace groups now leading the nuclear-freeze movement than Cuba.

A 1977 report on a visit to Castro's Cuba in the journal of the Women's International League for Peace and Freedom concludes that "the healthy relation of the individual to society is a priority in Cuba." The exposure to healthy individualism in Cuba had come, the writer reports, from her experience of marching in the Cuban May Day Parade, watching Cuban government films on liberation struggles and attending a Paul Robeson memorial festival.

Russell Johnson, an official of the American Friends Service Committee, notes in a 1982 article in the Fellowship of Reconciliation magazine that "Our nation [the U.S.] today is the very fount of violence in many places in the Third World," and cites as his authority a Cuban who told American visitors, "Maybe we wouldn't have to carry weapons here in Cuba" if "you North Americans would go back to your country and work to disarm it."

Nowhere is the propensity to exculpate the Soviets and the socialist countries more evident than in the question of disarmament. Notwithstanding the suggestion of even-handedness implicit in a mutual freeze, it is clear from the testimony offered up by the movement's guiding spirits that the U.S. is the main culprit in the arms race.

The Fellowship of Reconciliation and the Methodist Peace Fellowship, for example, published a joint, September 1981 flyer titled "Anti-Soviet Fixation Rules the U.S." The Women's International League for Peace and Freedom puts out "Who Sets the Pace for the Arms Race?" as well as "The Myth of the Soviet Threat."

The congeniality of views between the Soviet Union and the socialist countries and these prominent Western peace groups has its roots in good measure in the success of the Soviet peace offensive in Europe. Soviet expropriation of the peace issue goes back to the early 1950s and the Stockholm Peace Appeal, the earliest in a series of campaigns to stir up and exploit popular fear of nuclear war.

The principal outlet for Soviet peace propaganda since then has the World Peace Council. Founded in the late 1940s, the council functions, today as then, as a Soviet front organization. In 1975, it presented its highest award, the Joliet Curie Gold Medal, to Yasser Arafat and gave a peace award to Lolita Lebrun, one of the Puerto Rican terrorists who invaded and shot up the U.S. House of Representatives in the 1950s.

DON'T CONSIDER U.S.S.R. A THREAT

Now headquartered in Helsinki, having been expelled from various other European countries, the World Peace Council took a leading role in two recent successful disarmament offensive mounted by the Soviets: the stop-the-neutron-bomb movement of 1977-78 and the Soviets' more recent campaign against modernization of NATO theater nuclear weapons, which eventually broadened into the current disarmament movement.

The connection between the European peace movement and many of the groups organizing the disarmament movement in the U.S. comes through the U.S. Peace Council, a domestic affiliate of the Soviet-dominated World Peace Council. The U.S. Peace Council has elicited support for its activities from most of the key figures in the U.S. freeze movement.

For instance, the World Peace Council lists the disarmament director of the American Friends Service Committee as one of its 40 official U.S. members. In an interview, Terry Provance, the committee's disarmament director and one of the chief originators of the freeze idea, denies that he belongs to the council but says it is necessary "in an important cause such as this work with groups like the U.S. Peace Council and also to support their right."

The fact is there is almost no distinguishable difference between the foreign policy pronouncements of Michael Meyerson, the head of the U.S. Peace Council and a member of the U.S. Communist party, that "the main threat to world peace is the U.S. military industrial machine" and that of any number of similar statements by officials of Clergy and Laity Concerned, the American Friends Service Committee, the Fellowship of Reconciliation, Women's International League for Peace and Freedom, the War Resisters League, Mobilization for Survival or the Coalition for a New Foreign and Military Policy.

This, in short, is the constituency that today presumes to counsel us on our security interests, a constituency that refuses to consider the Soviet Union a threat but that holds the United States to be the chief enemy of peace and freedom. Those multitudes now enlisting in their ranks would do well to consider these credentials and to ponder just whose music it is they will be marching to behind the nuclear-freeze banners.●

PHILHARMONIC ORCHESTRAS

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. COATS. Mr. Speaker, I am pleased that the President and the Congress have proclaimed June 13-19 as National Orchestra Week. In my congressional district, we are fortunate to have the Fort Wayne Philharmonic Orchestra, which can trace its beginnings to the 1920's. The first orchestra performed during silent movies and live shows at the Jefferson Theater. In the early 1930's, an entirely volunteer community orchestra was formed and performed three to five concerts each season until the onset of World War II.

A group of concerned citizens in 1943 organized the professional orchestra known today as the Fort Wayne Philharmonic. In its first season, the Philharmonic performed six sets of concerts. Many new innovations then began to be introduced into the Philharmonic, including performances in surrounding communities and nearby States, children's concerts, radio and television appearances, chamber music concerts, and inschool string quartet appearances.

Throughout the 1950's and 1960's, the Fort Wayne Philharmonic grew in importance and prestige. This growth was recognized in 1966 by the Ford Foundation, which awarded the orchestra a $250,000 matching grant to set up an endowment fund. In 1971, Thomas Briccetti was appointed music director, and his 8-year tenure was a period of dramatic improvement both in artistic quality and level of activity.

In 1978, Ronald Ondrejka assumed the role of conductor and musical director of the Fort Wayne Philharmonic. Mr. Ondrejka still leads the philharmonic's 18 full-time and over 60 part-time professional musicians. Last season, the philharmonic presented 15 full orchestra concerts, 10 performances by the chamber orchestra, and six gallery concerts. Several of these presentations were sponsored by corporations and foundations, including General Electric Co., the Foellinger Foundation, Pines of America, the Recording Industries Music Performance Trust Fund, and the Fort Wayne News-Sentinel. The ensembles gave 265 presentations in schools and 37 in senior citizen centers. This represents

a total of 333 presentations by the Fort Wayne Philharmonic and its component ensembles during the 1981-82 season.

This is especially commendable since Fort Wayne experienced one of its worst recorded winters, followed by a devastating flood. It was this last disaster which led the philharmonic board and staff to help organize a flood relief benefit telethon which raised over $190,000 for the many flood victims. The telethon was just 16 days in the making from idea to actual performance and the orchestra played a key role in its success.

The valuable gift of music which the philharmonic orchestra has shared with the communities and individuals of northeast Indiana cannot be measured. It can only be appreciated and encouraged. During this national week of recognition, I hope all of us realize the important role orchestras play in preserving our past and forming our futures.●

NATIONAL ORCHESTRA WEEK

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. WORTLEY. Mr. Speaker, I am pleased that Congress had designated June 13 to 19 as National Orchestra Week in recognition of the valuable contribution orchestras make to this country. They are deserving of our praise.

The artistic excellence of orchestras across this great country, including the Syracuse Symphony Orchestra in my home district, is unequaled. No other country can boast of having more than 1,500 orchestras. The Syracuse Symphony and its counterparts nationwide are among our finest cultural and artistic resources. They provide their communities with many services.

The orchestra in my home district plays the Masterworks concerts with the classics as well as the Pepsi Pops concerts, youth concerts, Tiny Tot concerts, and free programs in parks.

American orchestras reach every age group. Thus, it is not surprising to hear that more than 23 million Americans attended orchestra performances last year. Additionally, there were countless others who listened to orchestra performances on tape, radio, television, and records.

The American orchestra is the result of skilled professionals, both on the stage and behind the scenes, and dedicated volunteers, like guild groups, working together to promote and produce music that we can be proud of.

It is only fitting that the people responsible for providing us with such fine music be recognized during this special week. I salute the Syracuse Symphony and its counterparts.●

AN OUTSTANDING STUDENT AT ST. ANTHONY'S

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FAZIO. Mr. Speaker, I am pleased to pay tribute today to a young man, Eddie Lombard, of Falls Church, Va., who recently graduated with several honors from St. Anthony's School in Fairfax County. Eddie is a 13-year old who has just completed the eighth grade, and has received all of his elementary and junior high school education at St. Anthony's, a parochial school operated by the priests and sisters of the Order of the Most Precious Blood and the Diocese of Arlington.

Eddie received the outstanding academic achievement award at his graduation exercise, after having maintained a straight-A average, and was given a beautiful trophy and a standing ovation from his fellow students. He also received the mathematics award, and cash gift, from the Catholic War Veterans as the student chosen by the faculty as the outstanding mathematics scholar in the graduating class. Further, he was recognized for academic accomplishment in French, reading, religion, history, and spelling. He also received special recognition for the highest grade in the high school entrance examination, the third highest grade in the diocese in the special mathematics test given to entering high school students, and honorable mention in the Bishop Ireton scholarship competition.

Eddie further distinguished himself during his final year at St. Anthony's by winning the Catholic Education Week speech competition and receiving second place ribbons in the annual science fair.

In addition to being a scholar, Eddie has an avid interest in athletics—a third baseman on his school's baseball team, and guard/forward in basketball. He also is a member of the tennis and swim teams, and plays golf.

Eddie is an altar boy, a Boy Scout, a member of a Christian Leadership conference, and has had two newspaper routes. He devotes many hours to parent, teacher, and student activities at St. Anthony's through a variety of duties and chores, which he has quietly contributed without fanfare and without expecting any kind of personal reward. He especially likes to spend spare time with youngsters who are in need of an upper-classman friend or confidant.

By any standard, Eddie is truly a well-rounded, thoughtful, and sincere young fellow, Mr. Speaker, who is trying the best he can to persue his God-given talents along the lines of excellence. He has brought happiness and pride to his parents, his sister Jenny, and his grandparents. I wish him good luck with his future and continued success.●

ISRAEL'S RIGHT TO EXIST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FRANK. Mr. Speaker, the Jewish Community Council of Metropolitan Boston recently sent a very cogent letter to President Reagan concerning the current military action in the Middle East.

The council correctly points out that the basic cause of the violence in the Middle East is the militant refusal of the PLO and its Arab allies to recognize Israel's right to exist. Unlike Egypt, which recognized that right, and with whom Israel has since settled outstanding territorial differences, the PLO, Syria, Iraq, and other Arab States continue not simply to oppose Israel's right to exist, but to engage in and finance a worldwide campaign of terror against Israel and its citizens. The nation of Lebanon was tragically taken over militarily by the PLO and by Syria, and used by the PLO as a base for its anti-Israel terrorist operations.

It is this situation—the use of Lebanon as a base for terror—which violates the rights of the people of Lebanon to self-determination; which violates, as well, the right of citizens in the north of Israel to peace and security in their homes; and which will be a continuing source of tension and violence until it is corrected.

As the Metropolitan Boston Jewish Community Council says in its letter to President Reagan, what is needed "is an effective security arrangement which would prevent the PLO from attacking Israelis and destabilizing Lebanon."

American policy must work to that important goal.

The letter follows:

JEWISH COMMUNITY COUNCIL
OF METROPOLITAN BOSTON,
June 9, 1982.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR PRESIDENT REAGAN: The Israeli response to PLO terrorism emanating from Lebanon highlights the need not only for a democratic Lebanon free of PLO bases and forces, but also for a concerted end to terrorism in the Middle East and internationally. Peace and stability in the area can only be achieved by our insisting that the Arab world stop supporting terrorism against

Israel and join the Camp David Peace Accords.

We believe Israel's actions in Lebanon necessary and justified. No country would have waited as long as Israel had in stoppong terrorist and guerrilla warfare against her people and land. Over and over, Israel warned PLO forces and supporters to cease their bombings and assassinations of Israeli civilians and officials, the most recent victim being Ambassador Shlomo Argov in England.

We believe that Israel seeks no Lebanese territory, that she supports a free and independent Lebanon, and that she does not intend to remain in Lebanon after she has accomplished her purpose. Clearly needed is an effective security arrangement which would prevent the PLO from attacking Israelis and destablizing Lebanon. Israel's goal is not to harm the Lebanese people, many of whom support Israel and look to Israel to defend them.

We hope you agree with these thoughts, and welcome hearing from you.

Sincerely yours,

WARREN B. KOHN,
President.●

SOME REQUIRED COAL MINE INSPECTIONS ARE NOT BEING PERFORMED BY THE MINE SAFETY AND HEALTH ADMINISTRATION (GAO/HRD-82-84)

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. RAHALL. Mr. Speaker, last September members of the United Mine Workers of America met with me in my Logan District Office to bring to my attention the inability of the Mine Safety and Health Administrations Logan Field Office to conduct mandated levels of inspection of coal mines under its jurisdiction.

The United Mine Workers District 17 president also provided me with a "smoking gun" which was an internal MSHA memorandum clearly showing that the Logan Field Office was falling far below its required inspection quotas. The primary reason for this dilemma, it seemed, was due to the drastic personnel reduction at that office.

Based on my discussion with the union members and on the contents of the MSHA memoradum, I requested a General Accounting Office investigation into the extent of MSHA's inability to conduct required inspections and the reasons behind the lack of personnel to conduct these inspections.

The results of this investigation clearly supports the charges made by the United Mine Worker members with whom I met with last September. At this time, I would like to commend these concerned miners for their diligence in bringing this matter to my attention. They stand as a shinning example of the efforts of their union to bring safety into the workplace.

The GAO report on MSHA follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., June 10, 1982.

Subject: Some required coal mine inspections are not being performed by the Mine Safety and Health Administration (GAO/HRD-82-84).

Hon. NICK J. RAHALL II,
House of Representatives.

DEAR MR. RAHALL: Your September 22, 1981, letter expressed concern that the Mine Safety and Health Administration's (MSHA's) Field Office in Logan, West Virginia, was seriously understaffed and was incapable of performing all required coal mine inspections. MSHA is an agency within the Department of Labor, and it is responsible for administering the mine safety and health program and making mine inspections. You requested that our office conduct an investigation to determine:

The extent of MSHA's inability to perform its required inspections,

The reasons for the seeming lack of trained inspectors to conduct mine inspections, and

Whether inspectors are being intimidated into quitting their jobs.

Our review showed that some coal mine inspections required by law were not being performed either nationwide or in the Logan, West Virginia, Field Office. MSHA representatives attributed this to an inadequate number of mine inspectors. In recent years, the number of MSHA coal mine inspectors has declined, nationally and in Logan. This decline was caused by hiring freezes and restrictions beginning in 1978.

We interviewed seven former coal mine inspectors who had recently resigned from MSHA's Logan Office and some of them cited instances of harassment or verbal abuse. However, none said they were intimidated into resigning. The former inspectors said that the reasons they resigned were inadequate MSHA financial benefits and job dissatisfaction caused by a variety of factors.

OBJECTIVES, SCOPE, AND METHODOLOGY

To respond to the three issues raised in your letter, we performed work at MSHA headquarters in Arlington, Virginia, and at MSHA offices in West Virginia (the District 4 Office in Mount Hope, the Madison Subdistrict Office, and the Logan Field Office). Our work was conducted in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.

To determine whether the Logan Field Office was performing its required inspections, we reviewed MSHA's quarterly mine status and inspection report, which lists coal mines and identifies the dates of MSHA inspections. To validate the information contained in this report, we randomly selected a 10-percent sample of the mines listed for fiscal year 1981 and compared the data to the inspection reports prepared by mine inspectors. To determine whether MSHA was performing its required inspections on a nationwide basis, we used data reported to MSHA headquarters by the district offices.

We also interviewed MSHA personnel in both headquarters and the field to obtain their views on whether there was an adequate number of coal mine inspectors. We obtained data on the number of MSHA employees involved in coal mine safety and health at selected intervals.

As agreed with your office, we limited our work regarding whether inspectors were intimidated into quitting their jobs to the Logan Office. We interviewed seven of the eight coal mine inspectors who resigned from the Logan Office from October 1980 through January 1982. The eighth inspector declined to be interviewed.

MSHA DID NOT CONDUCT ALL MANDATORY INSPECTIONS

The Federal Mine Safety and Health Act of 1977 (Public Law 95-164) requires MSHA to conduct comprehensive safety and health inspections of underground and surface coal mines and surface facilities associated with coal mining operations. The act requires MSHA to inspect underground coal mines four times a year and surface mines and facilities twice a year. MSHA policy requires quarterly inspections for underground mines and semiannual inspections for surface mines and facilities. MSHA refers to these mandatory inspections as AAA inspections.

Nationwide, MSHA did not perform all required AAA inspections at coal mines and associated facilities. As shown in the following table, nationally MSHA performed 95 percent of required AAA inspections from October 1980 through March 1981.

NATIONWIDE REQUIRED AND PERFORMED AAA INSPECTIONS (OCTOBER 1980 TO MARCH 1981)

Description	Required AAA inspections	Completed AAA inspections	Percent of required AAA inspections completed
Underground mines	4,330	4,065	94
Surface mines (and facilities)	3,347	3,214	96
Total	7,677	7,279	95

The following table shows that during fiscal years 1980 and 1981 and the first quarter of fiscal year 1982, the Logan Field Office performed a significantly smaller percentage of inspections.

AAA INSPECTIONS REQUIRED AND PERFORMED BY THE LOGAN OFFICE

Period and description	Required AAA inspections	Completed AAA inspections	Percent of required AAA inspections completed
Fiscal year 1980:			
Underground mines	442	345	78
Surface mines and facilities	130	117	90
Total	572	462	81
Fiscal year 1981:			
Underground mines	398	281	71
Surface mines and facilities	121	108	89
Total	519	389	75
First quarter of fiscal year 1982:			
Underground mines	106	66	62
Surface mines and facilities	32	27	84
Total	138	93	67

The act also requires MSHA to conduct inspections of coal mines and facilities in response to complaints concerning hazardous conditions submitted by miners or their representatives. The act further requires MSHA to inspect inactive mines before reopening and to conduct more frequent inspections of mines which

Liberate excessive quantities of methane or other explosive gases,

Have had a methane or other gas ignition or explosion which resulted in death or serious injury in the past 5 years, or

Have other especially hazardous conditions.

The Logan Field Office performed required inspections in response to 62 hazardous condition complaints submitted by miners or their representatives in fiscal year 1981. We did not determine whether the Logan Field Office performed all required mine reopening inspections because, in our opinion, it would have required an inordinate amount of audit work. To identify such inspections would have required a detailed examination of mine inspection records. However, the Madison Subdistrict Office reported from its monthly review of inspection records that the Logan and Madison Field Offices performed a total of 14 reopening inspections in fiscal year 1981. There were no mines assigned to the Logan Field Office meeting the gaseous or hazardous conditions criteria.

According to MSHA officials, the Logan Field Office was unable to perform all mandatory AAA inspections because it had an insufficient number of mine inspectors. The number of mine inspectors assigned to Logan has steadily declined during the last 3 years, and the Office has been unable to replace inspectors who left because of hiring freezes and restrictions.

DECLINE IN INSPECTION WORKFORCE

There has been a decline in the coal mine inspection workforce over the past several years—agencywide as well as in the Logan Field Office. The following table shows the total number of MSHA employees in the Coal Mine Safety and Health Administration (the division of MSHA responsible for health and safety in coal mines) and in Logan.

MSHA PERSONNEL

	As of December 31		
	1979	1980	1981
Total Coal Mine Safety and Health Administration	1,824	1,755	1,622
Logan Field Office	29	26	19

As shown in the following table, the decline in the number of coal mine inspectors in the Logan Field Office has been even more pronounced than the decline in the Logan Office's total staffing.

LOGAN PERSONNEL

	As of December 31		
	1979	1980	1981
Inspectors	21	16	12
Specialists	6	6	4
Other (includes supervisors)	2	4	3
Total	29	26	19

MSHA representatives told us that the decline in MSHA staffing, nationally and in the Logan Field Office, has been the result of normal attrition through resignations, retirements, and death, together with a series of hiring freezes and restrictions imposed over the past several years, which have precluded the hiring of new employees.

MSHA representatives in the District 4 and Logan Field Offices said the Logan Field Office could not make all mandatory inspections because its inspection staff is too small. In February 1982, the Subdistrict Manager estimated that Logan needed an additional 11 inspectors to perform all mandatory inspections.

MSHA has been subjected to hiring freezes and restrictions imposed in recent years on all executive agencies. In October 1978, the President restricted the number of appointments to full-time permanent positions to 50 percent of the vacancies occurring in those positions. This restriction was issued, in part, because of section 311(a) of the Civil Service Reform Act of 1978 which provided that total Federal civilian employment at the end of fiscal years 1979, 1980, and 1981, could not exceed the total number of employees on September 30, 1977. This restriction was followed by a series of other hiring freezes and restrictions extending into 1982.

RECENT INITIATIVE TO LIFT HIRING FREEZE

On February 6, 1982, the President announced that an additional $2 million would be made available during fiscal year 1982 to enable MSHA to remove its "* * * hiring freeze and hire coal mine inspectors and support personnel up to a level consistent with pre-freeze employment levels." The President also announced that he would request a $15 million increase in MSHA's proposed fiscal year 1983 budget to protect the health and safety of the Nation's coal miners.

A MSHA official told us that the requested $15 million increase would enable MSHA to employ a total of 1,900 persons in the Coal Mine Health and Safety Administration for fiscal year 1983. According to the official, as of March 1982, the Administration had about 1,600 employees. He also said that MSHA was taking action to reinstate some former coal mine inspectors. He said MSHA would soon ask the Office of Personnel Management to reestablish a register of qualified persons for selection and appointment as coal mine inspectors.

REASONS INSPECTORS GAVE FOR RESIGNING FROM THE LOGAN FIELD OFFICE

We interviewed seven of the coal mine inspectors who resigned from the Logan Field Office during October 1980 through January 1982. None indicated that intimidation was the primary reason they resigned.

The principal reasons cited for resigning were inadequate salaries and medical insurance and job dissatisfaction caused by a variety of factors including MSHA's conflict-of-interest regulations, the perceived lack of MSHA management support for inspectors, MSHA's frequent changes in enforcement policy, the use of inappropriate performance standards for mine inspectors, the excessive paperwork requirements, the possibility of a reduction-in-force, and the harassment by miners and operators.

CONCLUSIONS

MSHA has not performed all coal mine inspections required by the Coal Mine Safety and Health Act of 1977. This problem was particularly acute in the Logan Field Office because of a substantial decline in its inspector workforce. For the past several years, MSHA has been unable to hire additional inspectors because of a series of hiring freezes and restrictions.

Actions initiated by the President to remove the hiring freeze and increase MSHA's mine inspection capabilities should improve MSHA's ability to perform mine inspections mandated by the Federal Mine Safety and Health Act of 1977.

As requested by your office, we did not obtain written agency comments. However, the matters covered in this report were discussed with agency officials and their comments were considered where appropriate.

We are sending copies of this report to the Director, Office of Management and Budget; the Secretary of Labor; and other interested parties.

Sincerely yours,

GREGORY J. AHART,
Director.●

SOVIET SPIES, HERE AND ABROAD

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, it would appear that it is open season on Soviet diplomats throughout the world, as more and more of them are expelled from other countries for espionage or subversive activities. In 1981, 30 diplomats of this kind were expelled from various countries. Thus far in 1982, 11 countries have dealt a similar fate to 19 Soviet spies. According to a recent story in the Wall Street Journal:

Many of the recently departed Communist diplomats were caught trying to steal sensitive new technology with military uses or participating in "active measures", like organizing protest movements.

The Journal goes on to state that—

Denmark expelled a Soviet diplomat last October for arranging to have some 150 Danish artists sign an appeal calling for a Nordic nuclear-weapons-free zone and for supplying money to have the appeal placed as an ad in several newspapers.

I find this last item particularly interesting and I hope our colleagues do as well.

At this time I wish to insert in the RECORD, "Caught Red-Handed, More Soviet Envoys Are Ejected as Spies," from the Wall Street Journal, Monday, June 14, 1982.

The article follows:

CAUGHT RED-HANDED, MORE SOVIET ENVOYS ARE EJECTED AS SPIES

EXPLANATIONS INCLUDE POLAND, AFGHAN WAR, CARELESSNESS AND SIMPLY MORE SPYING

(By Gerald F. Seib)

WASHINGTON.—A most undiplomatic thing is happening to Soviet diplomats. More of them are getting kicked out of host countries.

The U.S., for example, recently ousted a top Soviet military officer for obtaining classified information. Canada expelled a Russian official after charging that he offered a businessman "large sums of money" to buy sensitive, restricted technology. Even tiny Singapore recently expelled a Soviet diplomat for posing as a Swedish journalist and trying to buy security information.

So far this year, 11 countries have given the heave-ho to 19 Soviet representatives, including a few quasi-official employes of Aeroflot, the U.S.S.R.'s airline. In April alone, six different countries revealed that they has expelled Soviet representatives.

Some of the expulsions are handled discretely; Britain, for example, tossed out a Soviet trade official in February but didn't announce the action until April. Others are messy. In Indonesia, the expulsion of a Soviet official was marked by an airport brawl between Russian diplomats and Indo-

nesian security aides, one of whom was allegedly bitten by a Russian wife during the scuffle.

THIRTY LAST YEAR

All this hasn't escaped the watchful eye of the U.S. government, which keeps tabs on the expulsions. The State Department recently compiled a study for American officials showing that 30 Soviet representatives were expelled world-wide in 1981, most on espionage charges. The year before 116 Russians were kicked out—but that number is misleadingly high, because 100 of them were expelled in a single housecleaning by Pakistan.

Many more Russians are believed to be expelled quietly, because some host governments don't want to incite the Kremlin to retaliate by kicking their own diplomats out of Moscow. The total number of Soviet expulsions probably is "substantially higher" than is publicly known, the State Department study says.

Soviet diplomats have been getting expelled periodically "since the days of Lenin," the State Department paper notes. And it isn't only the Russians who mix intelligence and diplomacy. It is no secret that the U.S. uses diplomatic jobs as "cover" for some of its agents. For their part, the Soviets indignantly insist that nothing unusual is going on. "I have no observation because I'm not aware of the phenomenon you're referring to," says a spokesman for the Soviet embassy here.

SORT OF A BOOMLET

But while cautioning that nobody has kept records of such things over the years for comparison, most U.S. analysts agree that the number of recent Soviet departures is bigger than usual. "There's sort of a boomlet there," one State Department analyst says.

One reason, U.S. experts assert, is that Soviet agents are branching out into a new activities. Many of the recently departed Communist diplomats were caught trying to steal sensitive new technology with military uses or participating in "active measures" like organizing protest movements. Foreign governments now have an eye open for such endeavors.

For example, Denmark expelled a Soviet diplomat last October for arranging to have some 150 Danish artists sign an appeal calling for a Nordic nuclear-weapons-free zone, and for supplying money to have the appeal placed as an ad in several newspapers. At about the same time, Egypt was expelling the Soviet ambassador, six other Soviet embassy officials and two Soviet correspondents on charges of trying to foment domestic strife in the country.

Some U.S. officials also think the Russians are getting caught more often because they are getting careless as they expand their horizons. One expert points to the case of a high-level Soviet spy expelled from the U.S. in February. In that case, an American double agent arranged to pass on to the Soviets some supposedly secret U.S. documents during a rendezvous in the parking lot of a Virginia shopping mall.

FBI men were hiding nearby, waiting for the exchange to take place. When it did, they swooped in, expecting to nab a middle-level Soviet functionary. Instead they caught Vasily I. Chitov, who is a major general in the Red army and, according to the U.S., a top agent for the Soviet military intelligence agency, the GRU.

"Why send a general out to do a pickup?" one U.S. official asks. "You send a clerk out to do something like that.

Another factor in the recent expulsions may be the chillier international attitude toward the Soviet Union since the Kremlin-backed crackdown in Poland. Expelling a diplomat, and particularly making it known publicly, is often a political protest as much as a counterintelligence action, officials say.

Expulsions jumped for a time after the Soviets' 1979 invasion of Afghanistan, just as they have jumped now. "I think there is a sincere desire on the part of many governments to protest Afghanistan and Poland, and this is one way of doing it," says a former top U.S. counterintelligence officer.

THE REPRESENTATIVE'S OFFICE

U.S. officials also insist that explusions are rising partly because there are more Soviet spies at work than before.

The U.S. estimates that one-third of Moscow's 800 diplomats in this country are actually full-time intelligence officers. One Justice Department aide, Richard Willard, charged in a recent speech that whereas the FBI once was able to "match" hostile intelligence agents one for one in the U.S. the number of foreign agents has grown so much that FBI agents now are outnumbered three or four to one.

Many of these pseudodiplomats spend much time snooping around Capitol Hill, which spies regard as a choice spot to ferret out tidbits of information. In one memorable episode last fall, a Soviet diplomat brazenly walked into the office of Rep. David Emery, a Republican of Maine, and asked for a copy of an alternative plan that the Congressman had drawn up for basing the MX missile.

An aide in the office, John Rabb, turned the Russian away. Mr. Rabb says the FBI later told him that the diplomat, an embassy office named Yuri Petrovich Leonov, was a GRU agent.

BROUHAHA IN JAKARTA

The Indonesian example is another case in which Soviet indiscretion seems to have backfired and created embarrassing publicity. In February, Indonesian security officials caught an assistant Soviet military attache named Lt. Col. S. P. Egorov passing a camera and film to an Indonesian military officer at a Jakarta restaurant.

Indonesia gave Col. Egorov 48 hours to clear out but tried to handle the expulsion quietly. Discretion went out the window, though, when he arrived at the airport to leave.

He came accompanied by several other Soviet officials, including G. M. Odariouk, a political attache at the embassy, and Alexander Finenko, the head of the local office of the Soviet airline, Aeroflot. Western intelligence officials think Mr. Finenko is more than just an airline bureaucrat; they say he is a top GRU officer.

When Mr. Finenko tried to accompany Mr. Egorov to the airplane, Indonesian security officials stopped him. At that point, a scuffle broke out. Indonesian officials said that Mr. Odariouk, the political attache, hit one airport security guard, while his wife bit, kicked and scratched another.

The upshot: Indonesia requested that Mr. Odariouk and Mr. Finenko join their colleague in returning to Moscow.●

MILDRED BARRY GARVIN

HON. PETER W. RODINO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to the annual awards luncheon of the Newark chapter of the National Council of Negro Women, which will be held on Saturday, June 19, at the Robert Treat Hotel.

My good friend, Assemblywoman Mildred Barry Garvin will be honored at the luncheon for her outstanding political achievements. She is a person who has served the people of New Jersey with dedication and integrity throughout her three terms in the State legislature. She has done what all of us in public life should seek to do—help improve the quality of life for people in her community. After 16 years as a member of the East Orange Board of Education, Mildred Barry Garvin moved to the State assembly, where she put her knowledge to work on a broad range of issues. As chairman of the Education Committee, vice chairman of the Higher Education and Regulated Professions Committee, and as a member of the Joint Committee on Public Schools, she has pushed for legislation to improve day care facilities and to provide better education programs and services for developmentally disabled persons. In fact, she is known in our State capital as a champion of the rights of disabled persons, and she is currently working as a member of the Special Education Study Commission, which will revise and reform the State's administrative code on special education programs.

Mildred Barry Garvin's latest achievement came when Governor Kean signed a bill she sponsored to put a referendum on New Jersey's ballot this November asking that the Governor propose a mutual and verifiable nuclear weapons freeze between the United States and the Soviet Union.

Mr. Speaker, in this most worthwhile effort, as in the many other causes she has led, Assemblywoman Garvin has been sincere and dedicated, and I commend her.

I am very pleased that she will receive the political achievement award from the National Council of Negro Women, and that she will be joined by other worthy honorees: Mrs. Wanda Marie Jones will receive an award in education; Sharon McDonald will receive the individual achievement award; Joyce Smith Carter will receive the humanitarian award; and Remay Pearce, the president of the Newark chapter of the National Council of Negro Women, will also be honored for her 4 years of service.

Mr. Speaker, all of those women show a constant commitment to improving the community in which they live, and I salute them.

ACID RAIN ISSUE CREATES STRESS BETWEEN ADMINISTRATION AND SCIENCE ACADEMY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. GREEN. Mr. Speaker, I would like to insert into the RECORD for my colleagues' review a copy of an article which appeared in the New York Times last week. This article discusses the acid rain issue and, in view of the pending Clean Air Act reauthorization, is particularly pertinent:

ACID RAIN ISSUE CREATES STRESS BETWEEN ADMINISTRATION AND SCIENCE ACADEMY

(By Robert Reinhold)

WASHINGTON, June 7.—The Reagan Administration has cut off funds to the National Academy of Sciences for research into the controversial question of acid rain. As a result, the Administration is being accused of allowing its politics to interfere with important scientific inquiry.

The Administration denies those accusations. But it is clear, from interviews, public statements and events of the last several months, that strains and distrust have developed between the Administration and the Academy.

Some critics contend the fund cutoff shows that the Reagan Administration is prepared to reject scientific information that runs counter to its policies. The Administration, for its part, has raised the question whether the Academy has, in fact, been impartial in its studies.

The National Academy of Sciences is a quasi-official body, which gets about 90 percent of its funds from the Government with the rest raised privately. Chartered 119 years ago, it has long considered itself to be an impartial referee on scientific and technical issues.

Acid rain, or rainfall that is as much as 20 times more acid than normal, is the result of airborne pollutants that combine with water to form acid. Environmentalists say the burning of high-sulfur coal is a major source of such pollutants. The Administration says that it is not proven that industry and power plants are the chief source, and that the extent of the pollution and its effects are not certain either.

The White House has rejected a plan that would have had the National Academy of Sciences and the Royal Society of Canada jointly review scientific information to be used in devising a treaty on acid rainfall, a major concern to Canadians, who believe that pollutants from American industry drift over the border. Instead, the Administration has taken the unusual step of having the review done by an outside group of American scientists who were selected and supervised by the President's science adviser's office.

"These are outrageous examples of a complete lack of regard by this Administration for scientific data," Senator George J. Mitchell, Democrat of Maine, said in an interview. "They are saying they'll ask scientists for advice as long as it agrees with their political position."

But an Administration official disagreed sharply. "There were questions as to whether an objective review would be done," said James F. McAvoy, a former White House environmental adviser and now Deputy Director of the Bureau of Mines.

Senator Mitchell has introduced a bill to require substantial reductions in sulfur dioxide emissions from power plants and industrial facilities. He contends that such emissions, largely in the Middle West, have risen in fine-particulate form high into the atmosphere, been carried far by the winds and caused acid rainfall that is hazardous to life in lakes and streams and that produces other environmental damage, particularly in the Northeast. Industry spokesmen deny that the sulfur emissions are the cause.

According to several scientists and Government, the controversy stems largely from a report issued last year by the Academy for the Environmental Protection Agency on fossil-fuel burning. That study, which said that restrictions should be considered for existing power plants to reduce acid emissions, is reported to have angered Reagan officials and led them to feel the Academy was biased.

Attacks on the Academy are not unprecedented. In pre-Reagan days, it was occasionally criticized by environmental and consumer groups who felt its panels sides too often with industry.

FEWER REQUESTS FOR ADVICE

Since President Reagan entered office, official requests for advice from the Academy have fallen off somewhat; Federal contracts, which account for 90 percent of the Academy's budget, have dropped to $71.5 million this year from $76 million in 1981. The falloff has mainly involved agencies dealing with domestic and environmental policy. However, there has been new interest from the Defense Department, which recently asked the Academy to convene a panel to study the issue of preventing foreign powers from using American scientific knowledge.

So it is unclear whether the downward trend in contracts mirrors substantive differences between the Administration and the Academy or just the altered priorities of this Administration, but there is some evidence for the former. For example, after taking over last year as head of the Academy, Frank Press, former science adviser to President Carter, convened a conference to bring prominent scientists together with high-ranking Reagan officials, ostensibly to help the Administration make budget cuts in the science area with more sensitivity. It turned out to be largely a complaint session that irritated the Administration. Also, two other Academy reports for the E.P.A are said to have offended the Administration, one on the hazards of chlorofluorocarbons in the upper atomosphere and another that held that one industry-opposed provision of the Clean Air Act was "basically sound."

But it is the acid rain issue that has caused special tensions. In August 1980, the Carter Administration signed a memorandum of intent with Canada committing the two countries to work toward a treaty to control the spread of acid rain. Canada has maintained that industrial plants in the American Middle West are spewing sulfur pollutants that later fall in rain over Canada as well as the Northeastern United States. Several working groups were set up, and it was widely assumed that a joint panel of the National Academy and the Royal Society of Canada would review the disputed scientific evidence.

CONCERN ABOUT OBJECTIVITY

Then came the controversial Academy report whose conclusions angered officials at the E.P.A and the White House. Shortly after that the Canadians were notified that the Academy would not be used to represent the United States in the review.

"As a result of that report, we were very concerned about their objectivity," Mr. McAvoy said of the Academy. But he disputed the assertions of Senator Mitchell and others that the Administration has a political bias against the Academy, pointing out that his bureau had given the Academy serveral projects.

Dr. Press had conceded that parts of acid-rain report concerning how industrial pollutants are chemically transformed into acid precipitation were flawed or incomplete, and he had written to Anne M. Gorsuch, administrator of the E.P.A., suggesting that the Academy should continue its research in the acid rain with Administration funds. Mrs. Gorsuch rejected the proposal. Byron Nelson 3d, a spokesman for the E.P.A., said the agency would have no comment on the reason for the rejection, "deferring to the White House."

Dr. Press, asked if he thought the Academy was being excluded for political reasons, said: "Before saying that I really want to be convinced of it. I am not convinced. I do not know what is in Mrs. Gorsuch's mind." He said, too, that the Academy would continue its acid-rain research with privately raised money.

John M. Marcum, an assistant director of the President's Office of Science and Technology Policy, also disputed suggestions that the Administration was not interested in outside advice on acid rain. He said the review was being done without Academy or Canadian participation because of the need for "very high-level, near-term" information on an issue "of some sensitivity to the President." He said this was necessary to maintain the integrity of American policy-making.●

NATIONAL ORCHESTRA WEEK

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. WYLIE. Mr. Speaker, in recognition of National Orchestra Week, which runs from June 13 through 19, I would like to take this opportunity to salute the Columbus Symphony Orchestra. My wife Marjorie and I are among the many citizens of our community who enjoy the performances of the Columbus Symphony on a regular basis.

Founded in 1951 as the 28-member Columbus Little Symphony, the orchestra has developed into a 97-piece ensemble. In addition to a full schedule of subscription symphonic, pops, and chamber orchestra concerts, the Columbus Symphony gives special performance for preschoolers, school children, and senior citizens. The symphony also brings music to the public through free concerts at such places

as the statehouse lawn and the Columbus Zoo. Area singers have an outlet for their talents in the 200-voice chorus sponsored by the symphony.

The Columbus Symphony gears many of its programs to young people. School children in the community are exposed to fine orchestral music through the more than 100 orchestra and ensemble concerts given every year in the area schools by the Columbus Symphony Orchestra. The symphony encourages budding musicians in central Ohio by holding young artists competitions, which reward talented musicians with cash prizes and the opportunity to give sole performances with the orchestra. Two training orchestras, the youth orchestra for high school students and the cadet orchestra for junior high school musicians, flourish under the sponsorship of the Columbus Symphony. The auditions for these two organizations took place last week. After filling all 200 positions more than 200 outstanding young musicians who were recommended by their teachers could not be accommodated.

Much of the credit for the Columbus Symphony Orchestra's success lies with Evan Whallon, who served as music director of the Columbus Symphony from 1956 until this month. Mr. Whallon brought innovation, vitality, and high musical standards to the symphony.

One of the recent innovations of the Columbus Symphony came with the symphony's spectacular accompaniment to "Napoleon," the masterful silent film dating from 1927. The Columbus Symphony was among the first orchestras in the country to play the dramatic accompaniment to this reconstructed silent film.

It is difficult to convey in words the excitement and pleasure of orchestral music. No other medium can compare to music, which has a universal power to draw forth the full range of human emotions, from the depths of sorrow to the soaring heights of joy.

The Columbus Symphony Orchestra has a proud history of musical excellence and noteworthy community service. The designation of this week as National Orchestra Week provides a fitting tribute to the Columbus Symphony Orchestra and the more-than-1,500 orchestras throughout the United States.●

HOLOCAUST SURVIVORS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. GEJDENSON. Mr. Speaker, on September 13, 1981, the International Network of Children of Jewish Holocaust Survivors was formally established. This organization, to which I am proud to belong, represents young Jews born after the Second World War whose parents experienced the atrocities of the holocaust.

The purposes of the International Network are twofold; to perpetuate the memory of the holocaust and its 6 million victims; and to prevent the recurrence of a holocaust.

At a recent meeting, a man who is chairman of both the International Network and the Second Generation Committee of the American Gathering, Menachem Rosensaft set forth the principles by which we, the children of Holocaust survivors, seek to remember our past and to forge our future. I would like to associate myself with his remarks and to share them with my colleagues in the House of Representatives.

Allow me to also take this opportunity to tell my colleagues that one of the organizing bodies of the American gathering of Jewish Holocaust survivors will be meeting here in Washington, D.C. on April 11-14, 1983. Mr. Rosensaft's statement is as follows:

REMARKS BY MENACHEM Z. ROSENSAFT, CHAIRMAN OF THE INTERNATIONAL NETWORK OF CHILDREN OF JEWISH HOLOCAUST SURVIVORS

A year ago, during the awesome closing ceremony of the World Gathering of Jewish Holocaust Survivors at the Western Wall in Jerusalem, Ernest Michel, the Chairman of the World Gathering, announced to the thousands assembled there, and to the hundreds of thousands watching and listening on television, that the International Network of Children of Jewish Holocaust Survivors had come into being that day. Tonight, it is with great pride that I report to you that during the past year, this new organization has developed from a spark, an abstract idea, into a serious, determined and effective body which officially represents and unites thousands of children of survivors throughout the world.

Since our formal establishment, more than thirty Second Generation groups in the United States, Canada, Israel, France and elsewhere have affiliated with the International Network, and we have taken our place as a responsible, productive element of the Jewish people. In addition to participating in many diverse Holocaust related activities in our communities as well as on national and international levels, we have undertaken significant educational and creative projects of our own, have organized several major rallies on behalf of the oppressed Jews of Ethiopia, and are actively involved in the campaign to help and support Soviet Jewry. In short, we are on our way.

It is with this sense of purpose that we have committed ourselves to providing the necessary continuity for our parents' work of the past thirty-seven years. Thus, just as we stood together with them at the World Gathering last June, we shall actively participate in next year's American Gathering of Jewish Holocaust Survivors in Washington, D.C., and together with our parents, we shall ensure the perpetuation of the memory of the Holocaust and its Six Million victims.

As we embark on this new joint endeavor, I would like to reflect briefly on what I perceive to be our special role. We believe that as the children of Holocaust survivors, we are privileged to have been born with a unique identity. We were given life and placed on earth with a solemn responsibility. Our parents survived the greatest cataclysm in history to bear witness. We, in turn, must be their attestors. Our task is to remind the world of the Holocaust in order to prevent its recurrence.

As a result, we do not have the right to be exclusively retrospective or introspective, to concentrate solely on the past or on ourselves. To be sure, the commemoration of the Holocaust must always be at the core of our activities. We may not, however, at any time neglect the present or ignore our responsibility to the living.

Especially in the aftermath of Auschwitz, Treblinka and Bergen-Belsen, every Jew has an obligation to identify completely with all Jews, and, through the Jewish people, with humanity. Eighty-eight years ago, the great Zionist thinker and theoretician, Ahad Ha-Am, wrote that true Hibbat Zion, true love of Zion "stands for a Judaism which shall have as its focal point the ideal of our nation's unity, its renascence, and its free development through the expression of universal human values in the terms of its own distinctive spirit." This is the fundamental principle by which we, the children of Holocaust survivors, seek to remember our past and to forge our future.

As the heirs of the Six Million Jews who perished during the Holocaust, every facet of the Jewish existence must be an intregral part of our collective being. Thus, we must preserve and strengthen our cultural and ideological heritage, just as we must, with equal fervor, fight the forces of anti-Semitism and other forms of racial hatred which seek to destroy us.

Because of our parents' experiences, we know that the ultimate consequence of silence and apathy was embodied forever in the flames of Auschwitz and the mass-graves of Bergen-Belsen. As a group, we constitute a moral force whose voice can have an impact on mankind. We must—and we shall—raise this voice on behalf of all, Jews and non-Jews alike, who suffer from discrimination, persecution and oppression anywhere in the world. We, whose roots are embedded in ashes, shall never forget that above all else, we are our brothers' keepers.●

THE TRAGEDY OF VIETNAM HAS BEEN AND IS CAUSED BY THE COMMUNISTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, a former cabinet-level official in the Communist government of Vietnam has recently stated that her country is worse off today medically and nutritionally than it was 2 years ago. She blames this terrible condition not on the war, but on the "mismanagement, rigid doctrine, disastrous planning, and Communist hostility to bourgeois technicians" that have marked the current government's policies.

Vietnam is in terrible shape today. Its people are suffering more than they ever have. Yet those in the United States who welcomed the victory of the Communists and who told us a Communist victory would be good for the people of Vietnam remain silent. Their efforts helped to condemn an entire people to unimaginable conditions of terror, slavery, starvation, and genocide. They should be reminded of this fact.

At this point I wish to insert in the RECORD, "In Vietnam, an Ex-Aide Speaks Out" from the New York Times, Thursday, June 10, 1982.

IN VIETNAM, AN EX-AIDE SPEAKS OUT

(By Colin Campbell)

HO CHI MINH CITY, VIETNAM.—Dr. Quong Quynh Hoa, who says she is Vietnam's only Communist-era Cabinet Minister to resign, runs a research center at Ho Chi Minh City's Prediatric Hospital 2.

She says Vietnam is worse off now medically and nutritionally than it was two years ago, when rice harvests were poorer than last year's.

The reasons for such difficulties, she says, have at least as much to do with mismanagement, rigid doctrine, disastrous planning and Communist hostility to bourgeois technicians, administrators, farmers and others as they have to do with decades of destructive war.

Politically and economically, she said in an interview earlier this month, Vietnam is "feudal"—"a gerontocracy" and "a failure."

20 YEARS IN PARTY LEADERSHIP

Dr. Hoa offers such outspoken criticism from a better vantage point than most Vietnamese. A high-ranking Communist Party member from 1959 to 1979, she was Health Minister in South Vietnam's Provisional Revolutionary Government from 1969 to 1976.

Taking some visitors on a brief tour of her research center before sitting down and talking of politics, Dr. Hoa showed them a 3-year-old girl who weighed only nine and a half pounds. The child slowly scratched her arms and back. Dr. Hoa said the girl understood what was said to her.

Like 8 percent of all the children in Pediatric Hospital 2, Dr. Hoa said, the girl is suffering from malnutrition.

Like 45 percent of the hospital's patients, Dr. Hoa said, the child is the off-spring of party members. Less than 2 percent of the population are in the party.

CHILDREN WITH MALNUTRITION

Dr. Hoa said 28 percent of the 27,000 young children who live in day-care centers in Ho Minh City suffered from malnutrition.

Malnutrition and the abandonment of children have become increasing problems over the last year and a half, she added. Some of the worst cases are returnees from the Government's New Economic Zone, where many city dwellers were sent to become farmers, according to Dr. Hoa.

In her office, Dr. Hoa turned to autobiography. She said her father had been "a teacher of revolutionaries." She studied medicine at the University of Paris, she said. She came home to Saigon in 1954 with a belief in "liberty, justice and equality."

She said her "Western attitudes" had provoked much criticism when she joined the Vietnamese Communists in 1959 and when she joined the guerrillas in the jungle in 1968. But they accepted her as a revolutionary, she said. She added, however, that many of her friends were narrow-minded and did not understand her.

A GREAT MILITARY POWER

After the war, a Communist official told her that Vietnam had become one of the world's great military powers. Dr. Hoa recalled that she had asked what good that prowess would do. She said the Vietnamese people were ready to rest after so much war.

Instead of trying to feed the country through developing its agriculture, she said, the leaders decided to go all out for heavy industry. In her opinion, it was the wrong choice, "another mirage" like military power.

"The hope is that the Vietnamese are a very practical people, and that moving from failure to failure they will finally learn the lesson," she said.

Dr. Hoa was asked where she felt Vietnam had failed—in industry, housing, the economy, security or some other area. "Everything," she replied.

NORTH AND SOUTH STILL DIVIDED

The north, she said, has not merged successfully with the south. As an example, she cited the officials of the old American-backed regime in the south who had wanted to stay on and take part in the new order. She said they had been rejected by the northerners for political reasons.

Originally, she said, the south was viewed as part of an "unliberated" Vietnam. Ultimately, she said, the south was forced by the north to see itself as different.

How long, she was asked, would it take the north to absorb the south? "It will take more than two generations, and at the present rate it will take much more than two generations," she said.

Dr. Hoa, a southerner, said Communist officials from the north still resent the advancement of educated southerners. She said the Communist debate over the possible advancement of former enemies was still in progress. Northerners, on the other hand demand privileges regardless of their competence, she added.

Dr. Hoa said she had been allowed the unusual liberty to speak her mind to Western journalists because she was a former Minister.●

TRIBUTE TO MONSIGNOR CLEMENT H. KERN

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BLANCHARD. Mr. Speaker, on Friday, June 18, 1982, more than 1,000 people will attend a testimonial dinner at Cobo Hall in Detroit, Mich., honoring Monsignor Clement H. Kern. I rise today, along with my colleagues WILLIAM FORD, JOHN DINGELL, JOHN CONYERS, WILLIAM BROOMFIELD, GEORGE CROCKETT, JR., WILLIAM BRODHEAD, DALE KILDEE, and DENNIS HERTEL to pay tribute to Monsignor Kern on this occasion marking his 75th birthday and golden anniversary as a priest.

Monsignor Kern would scoff at heady tributes to his more than 30 years of service as pastor of Most Holy Trinity Church in Detroit's inner city. He is a man who never sought attention for himself or his work—but found it regardless. His reputation as a man of God, and a man of the people, has spread far beyond parameters of his parish.

Born in Adrian, Mich., of German-American parents in 1907, Monsignor Kern inherited an Irish parish in an area of the city known as "Corktown." As his parish grew, so did his reputation.

From his father, an autoworker and one of the first union stewards of the old Oakland Motor Car Co. in Pontiac, Monsignor Kern developed a compasion for workers which served him well in later years. Throughout his life he has fought the causes of laboring people, many times himself marching in picket lines.

In 1943, he established the first medical clinic in Detroit. He opened homes for the aged and indigent and began a weekly legal clinic for those who could not afford a lawyer. Social workers were made available at the rectory to counsel people who needed assistance.

As his parish changed from predominantly Irish to Hispanic, Monsignor Kern learned to speak Spanish fluently so he could better minister to the needs of his new parishioners. As a strong believer in education, Monsignor Kern established Corktown College for adult education and a parish school. When he wanted money to establish a scholarship fund, for needy youngsters, Monsignor Kern quietly rallied some of the city's most prominent business and industrial leaders to the cause.

Much of Monsignor Kern's work will probably go unheralded, known only to those men and women who over the years found him at their sides when they needed him. He probably prefers it that way.

In 1977, Monsignor Kern retired as pastor of Most Holy Trinity Church. But he will never be retired from the hearts of all those who have ever known him. His unselfish and dedicated service to so many people will continue to serve as an inspiration for our lives.

I ask that members of the U.S. House of Representatives join us in this tribute to a gentle man who has earned our lasting respect and affection.●

BUILDING AMERICA TOGETHER: GEORGIA VOICE OF DEMOCRACY WINNER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. GINGRICH. Mr. Speaker, I am pleased—and proud—to announce that Robert Burke, of Griffin, Ga., is the

winner of the Veterans of Foreign Wars' "Voice of Democracy" essay contest for Georgia. This year's theme was "Building America Together," and Robert, who just graduated from Griffin High School, has written an excellent essay I would like to share with my colleagues:

BUILDING AMERICA TOGETHER

It is any day in my town. As I walk down the street, I am reminded of how I must work and cooperate with my fellow countrymen to keep the securities and the freedom of my country. Walk with me please and let me reflect my feelings on Building America Together.

We pass a music shop early in the morning. Inside the owner is preparing to open. It is his store and he runs it as he sees fit. All of the responsibilities are his. He stocks the store and if he wishes to reduce the price of his merchandise to deal with his competitors, he may do so. He experiences freedom of ownership but he needs you and me. Without other Americans like us to buy his products and to help him make a profit, his business would not prosper. Together we build the free enterprise system.

As we walk on we see a sign asking for support of a certain political candidate in an upcoming election. He represents one party as his opponent represents another. They will campaign against each other and the citizens of the city will vote to choose which one shall hold office. As Americans we must fulfill the commitment to one man—one vote. We must ensure ourselves that when we choose who is to govern our country, that they will represent us, be responsive to us and assure us that ours will remain a government of the people and for the people.

On the corner is a row of newspaper boxes. The press may print what it wishes as long as it is not libelous or false. On the inside page there are editorials and letters to the editor, where individual citizens may express their feelings and advocate actions or attitudes. I enjoy writing short stories and poems. You may write songs. I would not want anyone to infringe upon our rights of free expression and together we must prevent any who would attempt to do so.

Across the street we see a church. This is one of many in my town. People go to worship and have fellowship here. If their beliefs differ from that of one church they may seek another. My religion is mine. My neighbor has his. Together we enjoy freedom of religion and we will fight side by side to preserve the right to worship as we please.

In the distance we can see a large sign standing on the sidewalk. As I approach the sign, I can see that painted upon it is a mock thermometer. The thermometer has almost risen to the top, it measures the amount of money contributed by citizens of my town to the United Fund Drive . . . People helping people. We should foster this brotherhood example set by our fellow countrymen. We realize that our nation is only as strong as its least fortunate citizen.

As we turn the corner, we can see our public high school. My education is free here. I don't pay a direct cent. I could come from any social class, any religious or ethnic background and still get an education. We must continue to build a strong educational system for here are learned the values, the facts, here are learned and developed the skills and talents upon which each American's life and livelihood will depend.

At the end of my road we see the cemetery. In the center garden is a large memorial to all the men and women from our town who fought and died to gain and preserve my freedoms. I am humbled when I think of my forefathers racing through the fields of Yorktown, crawling on the beaches of Normandy, shivering in the foxholes in the Argonne Forest, and inching through the jungles of Vietnam. We must rebuild our commitment to these men and to our children, to defend at whatever cost, the principles and the country for which these brave men lived and for which they died.

My town is not unique. It is any town in America and it represents the institutions which our people have built and are building together. As a teenager I must continue building my country; I must strengthen the freedoms which I appreciate; I must fulfill its responsibilities which I will bear, and I must perpetuate its heritage for all the children in the towns of America. But I need you. Won't you join me?●

STATUS REPORT ON OIL INVENTORIES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. DANNEMEYER. Mr. Speaker, the current events in the Middle East have combined with news reports of a drawdown of private petroleum product inventories at the refiner level and spot shortages at the jobber/wholesale level to generate concern about the vulnerability of the United States to another oil supply disruption. There are even those who are comparing today's current situation to the emerging days of the 1979 oil crisis and the gasoline lines which later developed.

All of us, especially national policymakers, should be interested in this subject. Calm analysis and reflection are the order of the day, not public panic. The Committee on Energy and Commerce, Subcommittee on Fossil and Synthetic Fuels, held a hearing on oil inventories on June 9, 1982. For the benefit of my colleagues in examining this subject, I am asking that three documents be printed in the RECORD. They are my letter to the editor of the Washington Post of June 10, 1982, an article on the hearing from Energy User News, and a question-and-answer summary of the hearing prepared by the minority staff of the subcommittee.

I hope this information will help to allay the fears of those who feel we may be headed down the same road once again. We must not be complacent, but neither can we afford to overreact to recent developments.

The articles follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 10, 1982.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR EDITOR: I am somewhat disturbed by the tone and content of an article in this morning's Post under the headline, "Energy Official Warns of Oil Supply Crunch." The story was reportedly based upon a hearing held yesterday by the House Energy and Commerce Subcommittee on Fossil and Synthetic Fuels. I was the most senior minority member of the subcommittee present for the hearing.

The picture painted by the article might very well convey the wrong impression to your readers. No one wants to return to the long gasoline station lines which prevailed after the Iranian crisis in 1979. However, before we set off a possible public panic it is important to evaluate the changes in the demand for petroleum brought about by price-induced conservation. I am particularly concerned about suggestions that we are headed for a situation similar to that which prevailed in 1978–79. In light of current events in the Middle East, such comparisons as those made by the Congressional Research Service study quoted in the Post article must be closely scrutinized.

The fact of the matter is that the energy situation today is much different, and much improved, from that of 1978–79. For example, our economy is less energy intensive than it once was, even in the recent past. Last year, gross national product increased by about 2 percent while total energy consumption fell 2.6 percent and petroleum consumption fell by 6 percent. In 1978, our energy consumption per constant dollar of GNP was 54,400 Btu. In 1979, the same figure was 53,200 Btu while the 1981 average was down to 49,000 Btu.

Comparing 1982 to 1978–79 is also inaccurate when the question turns to oil imports. The article mentioned a possible increase of oil imports to 4.3 million barrels per day as opposed to a 2.8 million barrel per day average for the first five months of 1982. Even if we move up to 4.3 million this is almost half of what we imported in 1979 when the figure was 8.46 million barrels of imported oil per day.

It is indeed true that the private inventories of petroleum products such as motor gasoline, distillates, and residual fuel oil have been drawn down over the past six months. However, the stocks of crude oil have remained relatively stable within the average range based on historical data and well above the "minimum operating inventory" level. In addition, refineries operated at only 69 percent of capacity during the week of Nov. 28, 1982. This means that when the demand for petroleum products increases, as it will for motor gasoline this summer and as it will for heating oil this winter, we have both the crude oil and the unused refinery capacity to keep adequate supplies available to the public. This is hardly an oil supply crunch.

There have been some allocation problems between refiners and jobbers in the oil industry. Some jobbers have been receiving a percentage of what they would normally receive or some other system of restricting deliveries. At first glance one might interpret this phenomenon as confirmation of the drift towards a shortage. This conclusion does not hold up under further analysis. Jobbers, who act as wholesalers in the distribution chain, saw prices falling earlier in

the year. The spot market price fell below the contract price. Some jobbers moved to the spot market and away from their contract suppliers. They drew down their stocks on the expectation that the price would continue to fall. When this did not occur, and the price began to turn up in late April-early May, jobbers moved back to the contract refiners to build up their stocks before the prices rose any further. It was this sudden rush to the refiners, after months of slack demand, which put a squeeze on the ability of refiners to fully meet the demands of jobbers. It is at this level that some shortages have appeared. This has not, and barring unknown events will not, result in shortages at the retail level because there are sufficient stocks at the wholesale and retail levels to take up the slack.

All of this is not to say that we should not continue to monitor the inventory levels and the political situation in the Middle East. It is to suggest that we approach the situation without creating undue public consternation and panic. If we are serious about reducing our imports of crude oil, we would decontrol the price of natural gas. One analysis suggests full decontrol would back out 2.83 million barrels of oil per day. Our crude oil imports are presently at 2.9 million barrels per day.

I appreciate having this opportunity to present an alternative report of yesterday's hearing.

Very truly yours,

WILLIAM E. DANNEMEYER,
Member of Congress.

[From the Energy User News, June 14, 1982]

LOW OIL INVENTORIES SPARK DEBATE AT HOUSE HEARING

(By Andrew R. Stephens)

WASHINGTON.—Rep. Richard L. Ottinger (D-N.Y.) charged last week that oil product inventories are dangerously low a result of a deliberate attempt by oil companies to drive up prices, but oil industry officials and some legislators said the low inventories are simply a rational response to slack demand and maintained that there is no danger of a shortage.

At a hearing by the House fossil fuels subcommittee, Ottinger and subcommittee chairman Philip R. Sharp (D-Ind.) expressed concern that the renewed violence in the Mideast could lead to serious oil shortages in the United States due to low produce stocks.

But Rep. William E. Dannemeyer (R-Calif.) called the shortage predictions "nonsense, and unduly inflammatory."

"Don't be Chicken Little," Dannemeyer told Sharp. "The sky has one or two clouds, but it is not falling."

Dannemeyer and other legislators—backed up by representatives of the Department of Energy and the oil industry—said that oil product inventories are lower now than they were last year but are adequate for current demand.

In addition, they said, crude oil stocks are at normal levels and refineries are operating way below capacity, so refineries have the ability to meet an increase in demand.

Charles J. DiBona, president of the American Petroleum Institute, said that crude oil stocks at the end of May constituted about 31 days of supply.

Over the past 7 years, he said, crude stocks at the end of May have ranged between 22 and 33 days of supply.

Distillate stocks are down slightly, DiBona said, equaling 40 days of supply at the end of May, compared to a range over the past 7 years of 41 days to 72 days. Stock levels vary in different parts of the nation (see May 24, EUN, page 3).

J. Erich Evered, administrator of the Energy Department's Energy Information Administration, predicted that distillate stock levels will increase as refinery utilization increases to meet summer gasoline demand.

COMPARISON DEBUNKED

Ottinger complained that distillate and gasoline stocks are below the "minimum operating level," but Republican staff members of the House energy committee noted that the National Petroleum Council established that level based on 1977 and 1978 data and has not updated it.

"It makes no sense to compare 1982 inventories of petroleum products held by refiners with 1977 demand," they concluded in a memorandum to members of Sharp's fossil fuels subcommittee.

Robert Thornhill, senior vice president of the National Oil Jobbers Council, said that current consumption of distillate fuel and gasoline is about 20 percent lower than the levels that were used to calculate the "minimum operation level."

With oil prices and demand declining while interest rates remain high, oil firms can "maximize profitability by selling off higher-cost inventories, even at a loss, and waiting to replenish stocks at lower price levels," Evered said.

Most oil marketers have to pay 18.5 percent interest rates to borrow money, resulting in interest costs of 1.5 to 2 cents per gallon per month to store oil products, Thornhill said.

With oil prices now firming up or increasing, Evered said, "refiners have an incentive to rebuild stocks to take advantage of the relatively low market prices which currently prevail before they rise further."

The Department of Energy should be given the authority to set minimum inventory levels, Ottinger said, adding he will introduce legislation to create a federal corporation to buy and sell oil products "in a countercyclical fashion to the industry actions," building inventories during gluts and releasing them during shortages.

"Any attempt by the government to regulate stock buildups or drawdowns will only result in inefficiency and greater cost to the refiner and ultimately the consumer," responded John Dee Roper, executive vice president of Koch Refining Co.

The Coalition of Northeastern Governors recently wrote to Energy Secretary James B. Edwards about low inventories of distillate oil, asking what the department would do about the situation.

The letter "is being reviewed" and will be answered soon, an Edwards spokeswoman said.

Memorandum to: Minority Members, Subcommittee on Fossil and Synthetic Fuels.

From: Michael Boland and Linda Stuntz, associate minority counsel.

Re: U.S. Private petroleum inventories.

On June 9, 1982, the Subcommittee on Fossil and Synthetic Fuels conducted a hearing on the status of U.S. private petroleum inventories.

The following questions and answers reflect the testimony received at the Subcommittee's hearing.

Question. Is a gasoline, diesel fuel or heating oil shortage just around the corner?

Answer. No. Inventories of gasoline and distillate fuel oil are low by historical measures, but crude oil stocks are high. Plenty of excess refining capacity is available to produce more petroleum products if demanded. therefore, there should be no shortages of gasoline or heating oil unless there is a major supply disruption.

Question. When the economy recovers, will there be sufficient sources of petroleum and of petroleum products to "fuel the recovery"?

Answer. Yes. It is true that when the economy recovers we will need more energy. And since oil imports are our marginal supply of oil, we will import more than we are presently. But not to the same extent that we did in 1981 or 1980 or 1979. The improvements made in energy efficiency and the continuing over-supply of crude on world markets make the current situation fairly calm.

The amount of energy necessary to produce a unit of GNP has been declining as real energy conservation in industry, automobiles, homes, etc. has risen as a result of higher prices.

Question.—Wholesalers, or jobbers, of petroleum products testified that they were put on allocation by refiners in recent weeks, instead of being supplied with 100% of their demands.

1. Is this a precursor to consumer shortages?

2. Are refiners discriminating against jobbers in favor, for example, of retail outlets which they own and operate themselves?

Answer. 1. No. According to the witnesses at the hearing, the market is adjusting to a turn-around in price and demand expectations. The difficulties experienced by some jobbers in obtaining a given supply volume is expected to be worked out by the market without resulting in supply shortage to end-users.

2. Certain discriminatory practices may well be occurring but would require investigatory research which was not presented at the hearing.

In more general terms, changes in the market are likely the dominant reasons jobbers are having supply and economic difficulties.

Just as the declining market for petroleum products has affected the profitability of the refining sector and the retail sector, it is affecting the jobber sector. As the demand for petroleum products continues to decline, the incentive for refiners to sell directly to retailers increases in the hopes of capturing the wholesalers' margin for themselves. The market may be squeezing hardest on the middleman as it contracts.

An additional explanation is as follows: Jobbers, who act as wholesalers in the distribution chain, saw prices falling earlier in the year. The price of petroleum products available on the spot market fell below the price of products available from major refiners under contracts. Some jobbers moved to the spot market and away from their contract suppliers. They drew down their stocks on the expectation that the price would continue to fall. When this did not occur, and the price began to turn up in late April and early May, jobbers moved back to contract refiners in order to build up their stocks before the price rose any further. It was this sudden rush to the refiners, after months of slack demand, which put a squeeze on the ability of refiners to fully meet the demands of jobbers. It is at this level that some shortages have appeared. This has not, and barring unknown events, will not result in shortages at the retail level because there are sufficient stocks at

the wholesale and retail levels to take up the slack.●

DEMOCRACY, LAND REFORM, AND EL SALVADOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, there has been much written and said about the current government in El Salvador and its attitude toward land reform. The Wall Street Journal recently offered its opinions of what has been going on in that troubled country and I think all our Members should get a chance to read this thoughtful and incisive analysis.

At this point I insert in the RECORD, "Democracy When It Suits," an editorial in the Wall Street Journal, Thursday, June 10, 1982.

DEMOCRACY WHEN IT SUITS

President Reagan wants to launch a new Crusade for Democracy as a counterforce to Soviet imperialism. We suggest he start in the United States Congress. A lively movement is afoot there to thwart a democratic experiment in El Salvador that has already given substantial support to the principle Mr. Reagan is espousing.

As everyone knows, El Salvador had a popular election in March. The turnout was unexpectedly large, with some Salvadorans trudging long distances and braving Communist bullets to exercise their franchise. But in the opinion of some U.S. Congressmen, the Salvadorans didn't vote for the right people. They leaned very heavily toward law and order, free enterprise candidates often described as "right-wingers." And these elected representatives have been tampering with socialist economic policies that were thrust on Salvador by the Carter administration.

The centerpiece of that program was a so-called "land reform." If you believe Bob White, the Carter ambassador who crammed this policy down the throats of the Salvadorans, land reform was the only thing that saved El Salvador from communism. It may even be true that some dramatic policy move was needed to show ordinary Salvadorans that the government was friendly to their interests. But the land reform—however fine in theory—has been a mess in practice. It desperately needs alteration if the Salvadorans are to repair the enormous damage it has inflicted on their agricultural economy. American Democrats, however, are trying to block U.S. economic aid to El Salvador if its elected representatives so much as lay a finger on Bob White's land reform.

There is a colossal arrogance in this, as well as a colossal contempt for democratic processes. A group of Salvadoran business leaders who have been visiting the U.S. under the auspices of the Center for Inter-American Relations think they even see contempt for the Salvadoran people themselves. One of the ringleaders of the congressional campaign against El Salvador, Sen. Christopher Dodd of Connecticut, recently said on the McNeil-Lehrer Report that Americans don't want their money spent "in a rat hole." Eduardo Menendez, president of the Salvadoran Industrial Association, asks "How would you like to have your country described as a rat hole?"

El Salvador, of course, has had the misfortune of not only being attacked by Fidel Castro's guerrillas, but of becoming a rag doll to be fought over by political factions in this country. Politicians who would never have dared advocate seizure of farms, banks and trading companies in the U.S. think such takeovers are just great for Salvadorans. The assumption seems to be that Salvadorans are a benighted race of people who must experience socialism before they can evolve to something better.

In truth, Salvadoran agriculture was not so much different from U.S. agriculture before it was set upon by the U.S. State Department. There were indeed some very large farms. But most of the production was from medium-sized farms and they were for the most part highly efficient. A lot of land was worked by tenant farmers, just as was once the case in the U.S. before farmers began to migrate to industry or accumulated enough capital to buy their own farms.

Indeed, before coming under attack by Castro, Salvador was experiencing a development pattern not much different from the U.S. of an earlier era. It was industrializing rapidly, providing jobs for rural people and developing a middle class. Its businessmen act and talk much like their counterparts in the United States.

The election results suggest that this pattern was much to the liking of Salvadorans. Since the election, the touring Salvadorans say they have noticed a decline in support for the guerrillas in the hills. El Salvador still is a long way from law and order, but the countryside has become safer. Giving people a vote has done in El Salvador what it does in other democratic lands; it provides government with a legitimacy it can't achieve any other way.

In other words, democracy does work, just as President Reagan said in his speech in Parliament. But now the newly elected government wants to run its own country, changing land reform under the highly plausible rationale of giving land owners and tenants enough assurance about the future to plant their new crops. Affronted by this change in Washington-dictated policies, Senator Dodd and his followers want to write off the country as a rat hole and in effect turn it over to Castro. A fine example to the world of American trust in democracy.●

TRIBUTE TO MRS. GEORGE M. ESTABROOK

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LENT. Mr. Speaker, it is with deep sadness and a sense of great personal loss that I rise today to offer a tribute to a wonderful lady, Mrs. George M. Estabrook, who recently passed away here in Washington, D.C., at the age of 82.

Mary Estabrook had been a resident of Hempstead, N.Y., for most of her life. She and her husband moved to Long Island in 1912. They devoted much of their lives to the service of the community they both loved.

Mary Estabrook was, for many years, a teacher in the Munson School, and was most active in civic organizations such as the Red Cross, the Community Club of Hempstead, the Ladies Auxiliary of the Hempstead American Legion, and the Hofstra University Alumni Association.

Her husband served as mayor of the village of Hempstead, and was founding trustee of what is now Hofstra University, and was the architect for many of its buildings.

Throughout her life, Mary Estabrook maintained a strong interest in education, and in working with and counseling the youth of the Hempstead community. Through her active support, Hofstra University established the George M. Estabrook Distinguished Service Award, which is the most coveted recognition an alumnus of Hofstra can achieve.

Mary Estabrook was one of those who believes it is the responsibility of everyone to bring more beauty into the world. The gardens she cultivated while living on Front Street in Hempstead were her pride, and were of prizewinning quality, being awarded numerous prizes.

Mr. Speaker, the long life of Mary Estabrook provides us with a truly inspiring example of community involvement, dedication to helping others, and high personal standards that should serve as a model for all of us. To those of us who had the privilege of enjoying the friendship of this remarkable woman, her life and character are a constant source of inspiration. Although her passing has left an indelible mark of sadness on all who knew her, we also gain solace from the remembrance of the warmth and fondness she afforded to all who knew her.

My wife Barbara and I offer our sincerest sympathy to her daughters and grandchildren.●

FINANCING REAL GROWTH

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. DORGAN of North Dakota. Mr. Speaker, if Reaganomics has demonstrated nothing else, it has shown us that cutting taxes and Government spending is not alone goint to solve all the economic problems that beset us. Government must take its share of the blame. But there are other problems we must address as well.

One of those problems is the shortsightedness of some of our major corporations. Where Japanese corporations think in the long term, and are willing to ride out some marginal years in order to bring a new product to maturity, our companies tend to be obsessed with squeezing as much profit

as possible out of each quarterly report. Instead of nurturing new products and new concepts, they turn instead to such things as mergers and tax gimmicks to inject "quick-fix" profits into their balance sheets.

This obsession with the short-term is related, in turn, to the ways corporations in the two countries finance their operations. In Japan, so-called "investment banks" provide a large share of the financing for business ventures. The Japanese call such capital "patient money" because the investment bankers look not to short-term profits but to the long-term health of the enterprise in question.

Lacking such "patient money," our corporations are under much more pressure to produce short-term profits even if they have to cannibalize the future to do so.

I am not sure that Japanese-style investment banks would work in our American setting. Nor am I sure that we would even want such a system. But we cannot ignore the challenge the Japanese system poses, if we are to keep our head above water in the highly competitive international marketplace.

It is especially clear that we cannot continue the system we have today, in which Congress bails out losers like Chrysler without giving specific thought to the financing needs of tomorrow's winners.

The noted MIT economist, Lester Thurow, recently discussed the subject of investment banks in remarks to a forum here in Washington. I ask that portions of Mr. Thurows remarks be printed below for the benefit of my colleagues:

INVESTMENT BANKING

(By Lester C. Thurow)

The real case for private and public investment banks is not so much that we need them, but that we are gradually creating an inefficient system of congressional investment banking. It should be replaced with a more efficient and overt system of investment banking that organizes a sharing of the risks without the political pressures of congressional special interest groups.

Think of recent congressional investment banking actions. Lockheed and Chrysler are two examples of congressional investment banking designed to bail out failing companies. The Alaskan natural gas pipeline act was an example of congressional investment banking designed to get a large project underway. Whatever you think about the rights and wrongs of these actions, it is clear that we need a different mechanism for dealing with the demands that led to those congressional actions.

To be against private and public investment banking is simply to be in favor of a highly politicized and inefficient congressional investment banking system.

The solutions are as clear as they are difficult to implement. Liberals cringe at the thought of consumption taxes and a nationwide banking system where the small town bank is a thing of the past. Conservatives don't like the idea of the government as one of the country's major savers * * *.

With the formation of real private investment banks, it would then be possible to see where the system of financing industry still remains weak. Those weaknesses will lead us into the appropriate role for public investment banking. Given that most of our competitors use public investment banking substantially, I suspect that we will discover the same needs that they have discovered.

PUBLIC INVESTMENT BANKING

The problem in public investment banking is not to pick the sunrise industries of the year 2000. That is clearly impossible. The appropriate role is to strengthen the industries that are now sunrise industries (industries such as semiconductors) to refinance those industries that are viable but have been hit by a sequence of bad luck and perhaps bad judgment (industries such as autos) and to refinance those industries that need to be restructured into new high technology activities (industries such as steel).

The basic role should be to socially absorb risk in order to reduce private risks. This means that subsidies should not be given for capital or operating costs. Any subsidies should be limited to research and development efforts, but research and development should cover process research and development—a place where American industry is currently very weak. But these research and development should come from congressional appropriations.

To make sure that these activities meet the market test of future viability, the public investment banking sector should never take more than 50 percent of the entire risk. If the private sector (industry plus private investment banks) is unable or unwilling to contribute half of the capital and take half of the risk, then the government sector should not be involved. If there are industrial activities that are necessary and require 100 percent public investment banking financing they should be called what they are—socialized sectors of the economy—and run as such. Creating socialized industries may or may not be necessary, but it should be outside of the jurisdiction of the public investment banking sector. Risk should be shared—only partially absorbed by the public investment banks.

Like private investment banks, the public investment banks need a source of patient long-term savings. While the public investment bank would be allowed to raise funds on the capital markets or to guarantee private loans, it should ideally work with public savings—i.e. the budget surplus that will be necessary if we are to raise savings to the levels that make real investment banking possible. If this were done, the public investment bank would not be directly competitive with the private investment banks in seeking savings.

If the public investment bank were forced to find private partners for 50 percent of any activity, then the danger that the public investment bank would be used to bail out hopeless losers with political muscle would be effectively eliminated. Nothing can prevent an appeal to the political process but the existence of such a public investment bank to which potential projects, such as the Alaskan natural gas pipeline, could be referred would also help Congress to resist the political pressures to bail out hopeless losers or to create new hopeless losers. The net effect should be less political decision making in major economic investments, not more political decisionmaking.

To carry out such activities it is going to be necessary for government to create industrial expertise. A cadre of people who know the problems of different industries would have to exist either in the Department of Commerce, the Council of Economic Advisers, or in the public investment bank itself. Probably the expertise should be created in some combination of these agencies, but it has to exist somewhere.

The directors of the bank should include a mixture of people who represent industry, the scientific and engineering community, and the political process. To avoid direct conflicts of interests, the board should probably include businessmen and politicians that have just recently retired from industry or the political process. On the other hand the engineering and scientific representatives have to be people who are knowledgeable about the current frontiers of engineering. The board could be appointed by the President but confirmed by the Senate with 8 year rotating terms of office. It would be charged with engaging in activities that accelerate U.S. economic growth.

If you look at foreign experience the major problem with government investment banking institutions is not that they become back door social welfare agencies, but precisely the opposite. They become banks indistinguishable from regular private banks. They are no more willing to take risks and no more willing to look at benefits beyond the traditional bottom line. That is why you want to leave room on the board of directors for those that have held elective office. A slightly wider viewpoint has to be drawn into the decision making.

To make public investment banking something other than regular investment banking the public investment bank should be tied into the process of awarding research and development funds. These funds can be seed money that allows the bank to push the economy in different directions such as MITI can gently nudge the Japanese economy in different directions using its research and development funds. Here again the aim should be to share with the private sector and other government agencies the costs of new areas of development.

While the public worries about a new RFC (Reconstruction Finance Corporation) have all revolved around the problem of how you stop it from being a welfare agency the real problem is precisely the reverse. How do you keep it an agency interested in pushing the economy into new areas rather than becoming a bank like any other bank? The latter is after all the history not only abroad but with the RFC itself.

This means that it has to have a charter that calls not for making profits in the bank but for measuring its success or failure based on whether it does or does not engage in activities that succeed accelerating U.S. economic growth.

CONCLUSIONS

The U.S. now lives in a competitive economic world. Others are our equals financially and technologically. This means that the traditional method of financing industrial investment—internal savings generated out of current profits and depreciation allowances—is simply dead. The foreign competition does not finance their future investments in that pattern and their pricing actions will stop us from financing our future investments with that pattern no matter how much we would like to continue using the "old ways." The challenge is to find new ways—actually the traditional ways of simple economics—to financing the investments of the future.

The second challenge is to meet the challenge of a society and a government (Japan) that is seeking to speed up rather than slow down the pace of economic progress. If the conservatives were right that any government intervention automatically leads to a lesser economic performance, we would have little to worry about. But they are not right. There are just too many examples of where MITI and the Development Bank of Japan have successfully acted to speed up the pace of economic progress. These actions have included the stimulation of new industries (semiconductors and computers) as well as the more rapid phasedown of old industries (steel).

Institutions cannot be adopted wholesale from different societies and cultures, but there had to be an American answer to the problems posed. To say that industrial policies are impossible in the United States is simply to give up and say that it is going to be impossible for Americans to compete in the world economy.●

QUESTIONNAIRE RESULTS: ECONOMIC PROGRAMS SUPPORTED

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BAFALIS. Mr. Speaker, I am pleased to report to you that the response to my annual districtwide questionnaire shows overwhelming support for the President's economic programs and that the people of the 10th Congressional District of Florida feel strongly economic recovery will come under this administration.

For the RECORD, I would like to share with you the results of this questionnaire, which elicited more than 50,000 responses—the greatest number ever:

1. President Reagan has been in office a little more than a year. Since then, inflation has declined, unemployment has increased from 6.3 percent to 9 percent, and interest rates have been reduced from 20 percent to 16.5 percent. How do you feel about the economy now as compared to what it was when the President took office?

	Percent
A. Better	47.5
B. Worse	28.6
C. About the same	20.8
D. Don't know	2.8

2. Do you think the spending and tax cuts in 1981 are having a positive effect on the American economy?

	Percent
A. Yes	37.3
B. No	23.9
C. Not yet, but they will soon	32.5
D. Don't know	6.1

3. Do you think young men who refuse to register with the Selective Service Administration should be subject to criminal penalties?

	Percent
A. Yes	81.5
B. No	18.4

4. One of the many ideas for increasing federal revenue—to reduce the federal deficit and retire the national debt—is the sale of federal land and buildings not used and not needed. Would you favor legislation to accomplish this if you were assured that national treasures like parks, wildlife refuges and other wild and scenic areas would be preserved?

	Percent
Yes	88.1
No	11.8

5. Do you favor a separate (lower) minimum wage for teenage workers?

	Percent
Yes	73.3
No	26.6

6. Should the Congress continue efforts to limit or prohibit abortions paid for with federal money?

	Percent
Yes	69.3
No	30.6

7. The President, in his State of the Union message, proposed shifting responsibility of several social programs between the state and federal governments. His plan would have the federal government assume complete jurisdiction of the Medicaid program, while the state and local governments would manage Aid to Families with Dependent Children and Food Stamp programs. Do you agree with his plan to return these programs to state control?

	Percent
Yes	83.6
No	16.3

8. If a sufficient number of states do not ratify the Equal Rights Amendment by the deadline this year, which of the following actions should the Congress take?

	Percent
A. Further extend the time allotted to ratify the ERA	22.0
B. Pass a new Constitutional Amendment and begin the ratification process again	9.9
C. Refuse to consider the Equal Rights Amendment any further	68.0

9. The Fiscal Year 1983 budget proposals are coming before the Congress in the near future. The President has proposed cuts in a variety of areas, and the Congress is likely to present proposals in addition to the President's. In the following areas, please mark (1) if you think spending should be cut; (2) if spending should be increased; and (3) if spending should remain at the same level:

[In percent]

	Cut	Increase	Same level
a. Social security	17.1	18.9	63.8
b. Medicare	17.2	20.3	62.3
c. Food stamps	79.9	3.4	16.5
d. School lunch program	55.1	8.6	36.2
e. Housing assistance	57.2	11.8	30.9
f. Public works projects	49.9	17.3	32.7
g. Veterans benefits	16.8	20.2	62.8
h. National defense	25.1	44.4	30.3
i. Student loans	67.3	7.8	24.7
j. Foreign aid	88.2	2.1	9.6
k. Revenue sharing to local governments	34.6	18.7	46.5
l. Conservation and natural resources	22.1	20.6	57.1
m. Pollution control	31.1	22.0	46.7
n. Employment/job training	40.6	22.2	37.1
o. Energy research/development	21.7	43.0	35.1
p. Law enforcement	7.1	62.6	30.2
q. Agriculture	43.2	18.1	38.5

THE PROMETHEAN GIFT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. WHITEHURST. Mr. Speaker, in the wake of the recent ban-the-bomb demonstrations that have been taking place, not only in this country but abroad, I have found Vermont Royster's "Thinking Things Over" column, which appeared in the June 16, 1982, Wall Street Journal, particularly refreshing.

Mr. Royster's comments offer a commonsense approach to the problem, a welcome contrast to some of the shrill rhetoric we have been hearing lately, and I am pleased to share this column with my colleagues at this point in the RECORD.

Thank you, Mr. Speaker.

[From the Wall Street Journal, June 16, 1982]

THE PROMETHEAN GIFT

(By Vermont Royster)

I never saw Hiroshima. But in the autumn of 1945, I was among the first American naval group to visit Nagasaki to bring out our prisoners of war held by the Japanese.

In Nagasaki harbor, all seemed peaceful and serene and we were greeted by the Japanese as if the war had never been. If wasn't until after a brief drive from the harbor, rounding a curve to come upon what was left of the city, that we could see what man had wrought. You knew in an instant that the world, in war or in peace, would never again be the same.

The shock was not merely from the devastation. There had been as much of that in Coventry or in Hamburg from the firebombs that rained down upon them, as many dead or dying. What stunned was that all this came to Nagasaki from a single bomb from a single plane and that it happened not in hours but in an instant. And this, as we were to learn later, was from a very primitive atom bomb.

So better than most of those parading now in ban-the-bomb marches, I have glimpsed what a holocaust a nuclear war could be. Those who lightly dismiss these anguished cries are fools. I would myself march to put the atom bomb back into the box whence it came if that were possible.

But most of those chanting their slogans in the streets of Europe, and some in our own country, are foolish in a different fashion.

For one thing, only the deluded can expect the jinni of nuclear knowledge to somehow be made to disappear, leaving the world as it was before. There is no way to unlearn the knowledge that the energy locked in matter equals its mass times the velocity of light squared. If Einstein had not seen it, another would have. Nor is it possible to secrete the technology to convert this formula into terrible weapons.

That simple formula is now the property of all mankind, for an enduring truth is that knowledge once gained is never lost. Already the technology for converting mass to energy has proliferated around the world. Any one of many nations can, if one choos-

es, do today what none could do 40 years ago.

Moreover, that knowledge is not all evil. Like the Prometheus of the legend who stole the secret of fire from the gods, Einstein's gift can be blessing as well as curse as we learn to put it to use in ways from providing energy to curing the sick with nuclear medicine.

But those now parading to "ban the bomb" are misguided in another way. What they ask, whatever they say, is that the Western world—mainly the United States—abolish its nuclear weapons unilaterally. There are no such parades in the Soviet Union and no one expects the chants in the West to be heeded in the Kremlin.

This is the dilemma. If the Soviet Union were not what it is, the world would not fear a nuclear holocaust. There was no such fear in the brief time when the United States alone held the secrets. We even proposed to the Soviet Union, and the world, that the knowledge of the bomb be locked up. That proposal failed against the intransigence of the Soviet Union. So has every proposal since then to restrain the making of atomic weapons.

There are those, I know, who think it "better Red than dead" and would willingly leave themselves defenseless before the Soviet Union. For them there is nothing worth dying for, not for country, not for liberty nor freedom, not even for the preservation of civilization. What is the good of that, they ask, if the price is death and destruction?

That cry falls strangely on my ears, especially when it is heard in Europe. For those who chant it owe their freedom to march to their fathers who believed resistance to tyranny was worth fighting for, even dying for. There could have been peace a generation ago if they had thought it better to be conquered than dead. But the fields of Europe are dotted with the graves—many of them American—who did not think so.

Do we, the living, owe them no debt? And do we pay it by holding life alone so precious we will not risk it for any cause? Certainly there are men and women today in Poland, in Czechoslovakia, in Hungary, in Israel and in many other places, who value other things more than life.

I do not for one moment deny that an atomic war, should one come, would be more terrible than any war the world has ever seen. The fire and brimstone would be unimaginable. But civilization, like mankind itself, has always stood on that razor's edge between preservation and destruction.

Over the millennia the original Promethean fire, whether from heaven's thunderbolts or the willful acts of man, has wrought destruction everywhere, consuming homes, towns, cities in deadly conflagrations. There have been times before when men thought the end of the world would come. Yet up to now men have not surrendered, knowing they could not, if they would, give back that secret of destruction.

Therein lies the true anguish of the nuclear age. Live with it we must. We have no other choice. Its secrets, too, cannot be returned to some hidden place.

And live with it we can. But not by foolishly leaving its powers in malevolent hands alone. The only thing that will restrain the Soviet Union, and perhaps lead it to a true nuclear arms agreement, is the fear that it also will not escape atomic terror if it is unleashed.●

NOW THE FUN BEGINS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. SHUMWAY. Mr. Speaker, although I am pleased that the House was finally able to pass a budget resolution last week, my pleasure is substantially tempered by its content. The Latta substitute was, in a sense, the best of a bad lot. In my view, the deficit projections are too high, the tax increases are too great, and the spending cuts, including defense, are too small.

I am concerned further that the House will prove unwilling and unable to agree to a reconciliation package which meets the budget targets.

It is obvious, Mr. Speaker, that we will not see a real improvement in the economy, nor will we achieve a substantial and sustained decline in interest rates, until Federal spending is, in fact, brought under control.

To expand upon this point, I commend to the attention of our colleagues the following Wall Street Journal editorial.

NOW THE FUN BEGINS

Mr. Reagan finally pried out of the House the 1983 budget resolution he said he wanted. It still must be reconciled with the Senate version, but the differences aren't great and already the air is thick with proclamations of another great budget victory for the administration.

But quite aside from the merits of this particular budget resolution, which we think are dubious at best, it should be remembered that budget resolutions are only the beginning, not the end, of the budget cycle. Now comes the actual appropriations process. This is where the fun really begins as the vested interests go to work on the individual committees to ratchet spending ever higher.

Indeed, there will be an immediate test of whether the 1983 budget resolution is worth the paper it's written on. At the same time that Congress was wringing its hands and beating its breast about future deficits, it was quietly whipping through a budget-busting housing bill calling for $3 billion to $5 billion of "anti-recessionary" mortgage subsidies over the next five years.

This housing bailout is likely to reach the President's desk later this week. Its sponsors, hoping to make it veto-proof, have attached it to an "urgent supplemental appropriation" of monies needed to keep the government to operating through the current fiscal year. (Those urgent supplementals are a neat little trick too, by the way; Congress habitually makes its budget ceilings look better in the fall by underestimating fixed obligations, then comes back for a supplemental in the spring.)

Mr. Reagan, tired of these budget-busting games, has indicated he's ready to veto the whole package and let Congress sweat over who pays the government's bills. But the House, for all its show of restraint on the 1983 resolution, is almost certain to override him on this issue of real substance. And in the Republican-controlled Senate he could lose as well; 51 Senators co-sponsored the housing subsidies to begin with.

If Congress does override the President, it will be a sure sign that the old politics is continuing: tax and tax, spend and spend, elect and elect. And we're not just talking about Democrats. The main backers of the housing boondoggle, which would provide mortgages to the middle class at up to four percentage points below market, have been Republican Senators Richard Lugar of Indiana and Jake Garn of Utah.

If housing needs special treatment, after all, why not the auto industry, the aircraft industry, the thrifts, the elderly, the young, or anybody else with the clout to press an "entitlement"? Republicans can play the game as well as Democrats. And in the present economic climate, it will not be difficult to play on the sympathies of the press and public, not to mention the electoral fears of the politicians.

But failure to hold the line will be an equally clear signal to the markets that Congress has no serious intent of getting a grip on spending and the deficit. If interest rates are indeed staying high because of fear of future deficits, as most of the political establishment seems to assume, they are unlikely to decline after getting such a clear signal of budget irresolution. Yet the same political establishment moans that high interest rates are choking off economic recovery.

It's not as if the budget resolutions passed by the Senate and House are models of restraint. They call for $95 billion in new taxes—most of which will never get out of committee, fortunately—but with spending continuing to rise so fast that the deficit next year would still be about $100 billion. And since when has Congress met even the modest targets it set for itself?●

SAN DIEGO VERSUS BOSTON, LESSONS FROM A SUN BELT CITY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LOWERY of California. Mr. Speaker, I draw the attention of my colleagues to the following article by Rushworth M. Kidder.

As a native of San Diego it is with hometown pride that I submit Mr. Kidder's article so all in this House can learn the "Lessons From a Sun Belt City."

SAN DIEGO VERSUS BOSTON LESSONS FROM A SUN BELT CITY

(By Rushworth M. Kidder)

I suppose it's inevitable: Any place with palm trees is going to seem pretty nice during a New England March. So I was prepared for that when I headed to the opposite corner of the United States last week for interviews with businessmen in San Diego.

As I expected, the beaches were fine, the flowers beautiful, and the sun warm. What I failed to foresee was a far stronger contrast with the Northeast. I knew that Boston was locked into economic competition with the Sunbelt. I had not realized, however, just how much trouble Boston is in.

The challenge comes not simply from climate. The real challenge lies in attitudes, in the disparate world views held by the inhabitants of these two coastal cities. It is no new thing, this profound difference in *Weltanschauung*. But nowadays it matters more than ever. For the survival of New England is not inevitable; it depends on the will of its inhabitants to wake up and shift gears. To see San Diego is to see why.

Now, I am a New Englander born and bred. I love this corner of the nation like a little brother—from cattails to cobblestones, from Greenwich to Fort Kent, all of it. I dearly want it to succeed. So I am not disposed to be swept off my feet by a flush of California dreaming. I have not sold my birthright for a mess of avocados nor found Utopia among the pistachio-eaters. California has its share of problems—not least of which is the apparently installable desire of half the inhabitants to sell houses to the other half. No, I like Massachusetts, I simply want Boston—which in many ways is the quintessence of New England—to reach its potential as a genuinely livable city.

So wherein lies this difference in world views? Not, certainly, in the mere cliché that usually describe each region. On the surface, each sees the other as pursuing irrelevancies. To the Bostonian, southern California is the land of fruits and nuts, flakes and weirdos—who, caring only about material goods, think very little about the larger world. To the San Diegan, New England is frozen into a time warp of stale traditions and silly opinions. Filled with eggheads and surly Yankees, it has arrogated to itself the role of thinker for the world—while believing that west of Albany lies nothing but an uncivil wilderness.

Neither view is accurate, though each is understandable. California's cultural export is television, which thrives on clichés and portrays just the sort of intellectual vacuum that confirms New England's prejudices. New England exports education, of which it is intensely proud—a pride that confirms the San Diegans' view that New Englanders are, as one said, "a pretty stuffy bunch."

Each side hides the assurance that its own clichés are correct. But reality intrudes. Beyond these superficialities, the real differences are profound. They show up in several ways.

Politics. San Diego is as solidly Republican as Boston is Democratic. Only recently, one Californian lamented, has city politics become "partisan." Before that, the only differences were between liberal and conservative Republicans—a situation analogous to that of Boston Democrats.

Not surprisingly, this Republican bent produces a free enterprise community that tends to distruct government. Government is there, of course, to provide the infrastructure necessary for the private sector. But it has not assumed great authority—largely because the citizenry never let it. And it is honest—clean enough that Architect Frank Hope, a past president of the Chamber of Commerce, can say that "there is no bribery that we know about." Nor is there much expense. The Bureau of Labor Statistics, using 1980 figures, notes that an average San Diego families pays $4,858 in taxes.

In Boston, the number is $6,753. But government here is a different thing, an institution of first rather than last recourse. It is the power around which every other activity must tread. It has grown large by consent—because New Englanders seem to feel comfortable with collective authority. And with its size has come its well-documented corruption. From being an institution designed to serve the common weal, it has become a power shaped to perpetuate its own ends.

Such differences exist only because voters see the world differently. To the Bostonian, the state is the ultimate provider. To the San Diegan, the ultimate provider is still the individual: Emerson, though a New Englander, would find in San Diego a fertile ground for his doctrine of self-reliance.

Trust. Behind that self-reliance lies a kind of trust in human nature. The frequently observed openness of the Westerner seems to depend on that trust. It is a trait that goes far beyond phrases like "laid back," or "let it all hang out." In its best manifestations, it stems from a self-confidence that would rather exercise its own freedom than reform its neighbor.

To the Bostonian, that trait is sometimes appallingly naive—which helps explain why many New Englanders feel that President Reagan is an innocent abroad. But innocence has its good side. This habit of trust is often a rather uncomplicated faith in the goodness of the world. One successful businessman, explaining to me his attitudes during his impoverished college days, put it quite simply. "It just never occurred to me," he said, "that I wouldn't succeed."

Unfortunately, it occurs to quite a few Bostonians to brood over their potential for failure. We are not, alas, an uncomplicated bunch. We tie ourselves up in mental tangles—and then wonder why, when we visit other parts of the country, everything seems so much harder up in New England. Maybe it is the result of winter, which makes us weatherstrip our thinking against any intrusions blowing in from outside. Maybe it is the inheritance of Puritanism, with its notion that all good brings more than its share of suffering. Maybe we're still too European, tainted with an elderly cynicism and acutely mistrustful of those beyond our borders. Whatever the cause, the effect colors our outlook.

It even, I think, colors our environment: San Diego is a very clean and easily accessible city. One reason, perhaps, is that Californians enjoy "indoor-outdoor living" and seem to respect their surroundings. Everyone wants a place in the sun—and a sliding glass door to get out to it. But why should that make even the state parks so free of trash? Why is there not, as in Massachusetts, a bottle hidden under every bush?

It goes back, perhaps, to trust, to a kind of respect not only for the land but for others who use it. But it goes further. To the San Diegan, it seems, perfection is something attainable, a worthwhile goal to pursue. To the Bostonian such a view smacks of social and even theological heresy.

Tradition. The pursuit of perfection can, of course, be debilitating. If sought in the life of sun- and body-worship instead of the life of the mind, it can run amok. But when it is kept in proportion, it strikes a balance between the inner nourishment of the spirit and the outer relation of man to nature. And, since perfection is generally viewed as something in the future, a people who believe in perfection will have a very different sense of tradition.

In nothing are the two coasts so distinct as in their sense of the past. San Diego has its own traditions. But its genuinely old families, if one could find them, would not be of the ruling elite. Their names would not be Lowell or Cabot, but of Mexican and Indian derivation. To the Bostonian, that which came over on the Mayflower is good. To the San Diegan, the antique is pleasant but distinctly foreign.

So classiness in the West resides not in age but in newness. The thrust is forward. That produces a lot of kitsch. But it also develops a considerable energy. Meanwhile, New England clings to its past—selling it not only to tourists but to itself.

There is, of course, a brisk vitality about New England, in education and in the high-technology and service sectors as well. But it sometimes seems that vigor is fighting its way out from under a great bag of formality. We do not progress with ease. We move in worn channels—in corporate structures, in academic programs, in social relations. We still dress up to go outdoors. We are choking on the necktie of the mind.

So what? Why does it matter that two poles of the nation should be so different?

The challenge comes in economic terms. Look at a single example: the need for electrical engineers and computer software specialists. By 1985, according to a recent industry study, the nation's schools can produce only 70,000 new graduates in these fields. But American industry will need 199,000 of them. Massachusetts wants a large chunk of them. So does California. Where will they go?

Boston is shrinking. San Diego is growing. If too many more engineers slip southward, the reasons will be plain. It will not be simply because of the climate or the pay. It will be because New England, a term made up of two words, forgot to emphasize the first one. It will be because we tried to walk backward into the future.●

AN EDITORIAL VIEWPOINT

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BEREUTER. Mr. Speaker, once again, the world's attention has been drawn to a part of the world engulfed in armed conflict. This time, the scene is Lebanon. Israel has moved against its long-time foes, the Palestine Liberation Organization.

The Lincoln Star of Lincoln, Nebr., recently editorialized that the Israelis might be trying the impossible. Attempting to stamp out the Palestinian threat to the Israeli borders, the Star said, fails to face the reality of growing Palestinian population which Israel will find more and more difficult to control. The Star warns that violence will continue until reason prevails.

I insert the entire editorial in the RECORD.

U.S. MUST PRESS FOR ISRAELI POLICY CHANGE

From the outside, the strategy of the Begin government in Israel in addition to being immoral appears to be wrong in a practical sense.

If peace and secure borders are the goals, it would seem that Israel would better serve its interests if it came to terms as quickly as possible with the demographic reality that threatens to swallow it over time.

Instead, it seeks security by trying the impossible—the virtual elimination of the Palestinian resistance. It is a strategy all the

more despicable because of the wanton punishment it wreaks on innocent Lebanon. It is a strategy, moreover, that makes the United States, because of its strong support of Israel, all the more hated in the eyes of the Arab and Third worlds. America stands as an accomplice and a hypocrite.

American friends of Israel—which means most people in this country—must at some point realize the folly of the Begin government's hardline policies of annexation and aggression and bring pressure to bear on the U.S. government to use its influence on behalf of fruitful negotiations with the Palestinians. Nothing will change if the U.S. simply continues its role as Begin's arsenal.

It should be pointed out again that the numbers are working against Israel. All Arabs outnumber Israelis something like 35-1. But that is not necessarily a meaningful figure at this point. More relevant are population comparisons within or adjacent to the area Israel controls. There are more Palestinian Arabs in the world than there are Israeli Jews and most of them live in the Middle East. Within Israel itself there are nearly 500,000. On the West Bank, 750,000 Palestinian Arabs live under Israeli occupation. About half a million Gaza Arabs have the same status. Over a million Palestinians live in neighboring Jordan and yearn to go home. In bloody, hapless Lebanon, up to 500,000 Palestinian refugees await a solution to their problem.

The Arab population grows faster than the Jewish population in Israel. Meanwhile, Israel is suffering a net loss in immigration. Last year, twice as many people left Israel as entered as new citizens. The growth in Israel is primarily among the so-called oriental Jews, who are less likely to deal with Arabs, rather than European or American immigrants.

Facing a burgeoning hostile population within and immediately surrounding it, Israel under Begin seeks to eliminate or control that population rather than attempting to make it less hostile, less a threat.

But we would guess that is a strategy doomed to failure, unless it is the intention of Israel to destroy hundreds of thousands or millions of Palestinians and unless Israel can carry through that policy of genocide.

All one needed to do to understand Palestinian resolve not to be destroyed was to watch PLO deputy observer Hasan Rahman's speech to the United Nations Security Council Sunday night. It was a passionate, bitter regurgitation of the staple PLO diet of rhetoric: a chilling promise to keep on targeting Israeli officials abroad as well as striking within Israel for as long as the Palestinian people are denied "our inalienable rights to self-determination."

So the cycle of terrorism and counterterrorism will continue until such time as reason at last prevails. Begin's policies will not hasten that day, but will only create more violence and hatred, and in so doing jeopardize Israel's chances for survival over the long term.●

ARTHUR BURNS DISCUSSES MAJOR ISSUES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MICHEL. Mr. Speaker, when Ambassador Arthur Burns speaks, wise men listen. Currently Ambassador to West Germany, Burns has a well-deserved reputation as a experienced observer of political affairs and an expert on economic affairs. In a recent interview he states that there is not any relevant economic policy in the United States except that of President Reagan because "everything else is on the fringes." I want to bring to your attention this wide-ranging interview in the hope that it can be a source of guidance for all our colleagues.

At this point I wish to insert in the RECORD, "Arthur Burns on Allies, U.S. Economy" from the Wall Street Journal, Thursday, June 10, 1982.

ARTHUR BURNS ON ALLIES, U.S. ECONOMY

BONN.—While President Reagan is attending the North Atlantic Treaty Organization summit conference here this week, one of his closest advisers is likely to be U.S. Ambassador to West Germany Arthur F. Burns. After spending several months in his post, the 78-year-old economist and former chairman of the Federal Reserve Board has some strong views about U.S.-European relations, American economic policy and East European debt. This week, Mr. Burns discussed some of those views in an hour-long interview with John M. Geddes, The Wall Street Journal's Bonn correspondent, and Art Pine, a staff reporter in the Journal's Washington bureau. Here are excerpts:

Q: Mr. Burns, during President Reagan's visit here for the NATO summit, American television viewers will be seeing a lot of demonstrations by young people protesting the Western military alliance. To what extent do these displays reflect the views of West Germans?

A: As far as I can judge, these demonstrators are in a distinct minority. I base that judgment first on numerous polls that have been taken, and they all point in that direction. Second, that is what I hear from German political leaders of all persuasions. I think it's definitely a small minority. But it is also a very loud minority, and one whose numbers and influence have been increasing. And therefore, it is a matter of serious concern.

Q: There has been new pressure in Washington for the U.S. to pull its troops out of Europe. What do you think would be the consequences if the U.S. took that action?

A: I think we in the United States would then become a Fortress America. Our military spending, instead of being some 6% or 7% of our gross national product, would increase to 10%, possibly 15%. As a result, the standard of living of the American people would rise only negligibly. In fact, it might actually decline. In such an environment social tensions would multiply. Also government regulations would probably increase. In that kind of world we would not be a happy people, but we would still survive.

INTIMIDATING THE EUROPEANS

Q: What about the impact on Europe?

A: Well, all that you have to do is look at Poland. What has happened in Poland is an indication of what might happen to the rest of Europe if we ever pull out. I say that not because the Russians would necessarily march in, but rather because the Europeans would be intimidated, and therefore would be forced to behave in a manner congenial to the Russians. The loss of freedom in Europe could be so great that Europe might revert to the Middle Ages in such an environment.

Q: The U.S. just won some concessions from Western Europeans at last weekend's Versailles economic summit for limiting Western export credits to the Soviet Union. Some critics argue the new accord is meaningless, but the administration contends the pact gives the U.S. a foot in the door to obtain more concessions later. How do you view it all?

A: Oh, I'm quite sure of it. I feel good about the achievement of Versailles. You know, when we started out on this new policy with regard to Soviet credit, we met with opposition on practically every side. I think the principle that we kept enunciating was endorsed by the summiteers. Before you can get good policy, you need good rhetoric . . . Will we carry it out? Sufficiently? Well, that depends how energetic we in the U.S. are going to be in seeing to it that our European partners and Japan practice the broad policy that has been agreed upon. I think there is good machinery . . . for monitoring these developments. I expect the U.S. is going to be tough on this because we are working toward a long-range policy.

Q: Some critics have said the U.S. should have declared Poland formally in default for not paying its debts to the West, to increase the pressure on the Eastern Bloc rather than allowing it to continue rescheduling its loans the way it has. What is your view on that?

A: Well, Poland is bankrupt. Poland will never pay back its loans. But what would you gain by declaring Poland to be technically bankrupt? Well, there are two risks: one is that lending to (developing countries) might be adversely affected. That may no longer be a very serious risk because that is already underway. The second is a risk to our banking institutions. I don't want to see our banks write off their stupid loans all at once. Let them write off the loans over the next three or five years, so that the balance sheets will look better. So I don't see what are you going to get by declaring Poland technically bankrupt. You can wave the flag, but there is no real achievement there.

Q: As you know, there is considerable debate about where the U.S. economy is going, about how strong the predicted upturn may be. Where do you see the economy headed?

A: I think the American economy is poised for a major resurgence. But I don't see how that can take place as long as our federal budget is so badly out of balance. The real impediment to recovery is the very high level of long-term interest rates, interest rates on home mortgages, on corporate bonds. In my judgment we cannot have a significant or an enduring economic recovery until we have an appreciable decline in long-term interest rates. But I very much doubt that that can happen until we straighten out our budgetary prospects.

Q: How would you go about doing that?

A: . . . there ought to be more give-and-take (by the administration and Congress). Of course, the fact that this is a political year and that we're well along in the year makes it very difficult now to achieve a budgetary solution. Therefore, I'm inclined to think that if we don't solve the problem soon, and I doubt that we will, it's urgent that right after the election the President call a special session of the Congress to deal with the problem. We should not wait until next February.

89-059 O-86-39 (Pt. 10)

PRESIDENT'S TAX PACKAGE

Q: Do you think the President ought to be willing to give up part of his 1981 taxcut package as well to help hold the deficit down?

A: It's very difficult for him to do that, but he ought to be willing to stretch it out. The 10% tax cut that is going to go into effect on July 1, there isn't any practical way of changing that. But next year's scheduled 10% tax cut could be stretched out over two years. You would save a fair amount of money that way and the President could still stick to his major principle. He'd simply be achieving what he sought to achieve over a slightly longer period. As far as I'm concerned, the indexing (that is part of that package) ought to be dropped. Indexing builds inflation into the system.

Q: As an economist, do you think Reaganomics, the administration's overall approach, will work?

A: I'm perhaps going to shock you, since I don't think there is any other economics in our country today, from the view of economic policy. Everything else is on the fringes. The debate that we read about . . . deals with the proportions, the details, which are important, to be sure, in which the elements of Reaganomics are to be combined. The so-called liberals and the so-called conservatives are virtually agreed that taxes in coming years should be a declining percentage of our gross national product; that government expenditures likewise should be a declining fraction of the gross national product; that the burden of government regulation of industry should be reduced; and that the money supply should increase at only a moderate rate. Now these are the constituent elements of Reaganomics. Even President Carter ran on that program. Reagan ran on a rather similar program. Of course, Reagan has proceeded more boldly than Carter wanted to proceed.

AN ECONOMIC RENAISSANCE?

Now, our country has moved in a more conservative direction. What are the liberals in the Congress now fighting for? Many of them want larger tax increases, or smaller scheduled reductions, at a time when we have a deep recession. Most of them agree that projected overall spending needs to be cut back. That is miles away from the former Keynesian economics. The Congress is not resorting to Keynesian remedies to a significant degree because we now have a conservative country. As far as I'm concerned, that is reassuring. Once we get our budget deficit under some kind of control and get our interest rates down, we can have, I think, a renaissance in our economy.

Q: Another outcome of the Versailles economic summit last weekend was that the U.S. made some concessions toward the Europeans' concerns over America's refusal to intervene in the foreign currency markets to help reduce the volatility of exchange rates. U.S. officials contend they haven't actually changed their policy. Are the Europeans apt to be disappointed with this accord?

A: I think there will be a small change, though only a small change, in U.S. foreign exchange policy. I don't think a great country can afford to play games. You can't be disingenuous. You certainly can't do it for long. So I think there will be some small change.●

THE KATHERINE E. REIF ADMINISTRATION CENTER

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LENT. Mr. Speaker, I rise to direct the attention of my colleagues to a recent tribute paid to a most remarkable woman, Katherine E. Reif, whose death early this year saddened the community of Merrick, N.Y., in my Fourth Congressional District.

This past Sunday, on June 13, the Merrick Union Free School District held a formal ceremony, marking the naming of the Merrick District Office as the Katherine E. Reif Administration Center. The Board of Education of the Merrick School District had unanimously approved this honor for Miss Reif, in appreciation of her many years of dedicated service to the Merrick community. Miss Reif had been an active and dynamic member of the community for more than three decades. A teacher and guidance counselor at Brooklyn's Tilden High School Miss Reif continued her interest in education in Merrick.

Perhaps her greatest contributions to the community came through her many years of service on the Boards of Education of both the Merrick Elementary School District and the Bellmore-Merrick Central High School District. She served as president of both school boards, and was always a strong force for quality education. Miss Reif was a woman of strong convictions, and was most concerned that young persons receive guidance in sound values, and was a proponent of guidance in elementary schools in the principle of a sound mind in a sound body.

Strong though her convictions were, Miss Reif was well known for her ability to listen to others' viewpoints. Even in the most intense board meetings, she could be heard to say, "We can disagree without being disagreeable." Her quick wit and sense of humor won her many friends, including the famed humorist Sam Levenson.

In addition to her work with the school boards, Miss Reif devoted a great deal of her time to community affairs. She served as a member and president of the Merrick Brotherhood Council; as chairman of education for Molloy College for Women, and taught numerous courses for prosepective teachers at Jamaica Teachers' College. Her many community activities won her a number of honors. She was named "Woman of the Year" by the Merrick Chamber of Commerce, and won the "Good Neighbor" award of the Integrity Lodge of B'nai B'rith.

Even after her retirement from the Merrick Board of Education, Miss Reif retained her interest and concern in the education and problems of young people. She offered friendly and wise counsel, both in personal consultations and through frequent letters to the community newspaper the Merrick Life.

In recognition of Miss Reif's selfless service to the Merrick Community, the Merrick Board of Education unanimously agreed to honor her memory be naming the Merrick District Office the Katherine E. Reif Administration Center. A deserved tribute to a unique and remarkable woman, a true humanitarian, Katherine E. Reif.●

POLITICAL ACTION COMMITTEES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wedesday, June 16, 1982

● Mr. FRENZEL. Mr. Speaker, last week at the House Administration hearing on H.R. 4070, a bill to limit contributions to candidates by political action committees, and to limit what candidates can receive from PAC's, our distinguished colleague from Michigan, the Honorable GUY VANDER JAGT, introduced a strong statement in opposition into the hearing record.

Congressman VANDER JAGT was testifying as chairman of the National Republican Congressional Campaign Committee. In his statement, Chairman VANDER JAGT noted that his Democratic counterpart is vigorously soliciting PAC contributions.

At the hearing I observed the absence of a statement by the chairman of the Democratic Congressional Campaign Committee. The hearing record will be open for 2 more weeks. If a statement is forthcoming, I will see that it is entered into the record.

Congressman VANDER JAGT'S statement in support of political action committees—a statement I endorse—follows:

STATEMENT OF HON. GUY VANDER JAGT OF MICHIGAN

Mr. Chairman, Members of the Task Force: as Chairman of the National Republican Congressional Committee (NRCC), I have a particularly keen interest in the Federal Election Campaign Act (FECA) and the impact of that law on our political process. Therefore, I am grateful for the opportunity to present my views and I commend Chairman Hawkins and Congressman Frenzel for their thoughtful approach to the campaign laws. Under your leadership, and that of my Republican colleague Congressman Bill Thomas, these Task Force hearings should provide a sound basis for legislative proposals in the next Congress.

Now that the campaign finance figures for the 1980 elections have been tabulated, cross-tabulated, graphed and analyzed, the all too familiar battle cry of "Reform!" has surfaced once again. This is the case particularly with regard to the alleged domi-

nance of separate segregated funds or political action committees (PACs). For two fundamental reasons, which should be obvious to anyone involved in a modern political campaign, I urge the committee to resist this politically alluring, but dangerous, rush to re-reform.

First, no matter how well-intentioned the reform proposals, frequent and precipitous changes in the election laws appear to have a more substantial chilling effect on political activity than most of the abuses they seek to cure. Local, county and state political organizations simply cannot plant their feet on the ever changing landscape of federal election regulations. Therefore, the case for "reform" of the FECA must be compelling if it is to overcome this fundamental—I would say overriding—need for stability.

Second, the current controversy over the power of PACs strikes me as disingenuous. Those who today claim that PACs corrupt the election process are, for the most part, the very individuals and groups who most loudly championed the 1974 amendments that imposed the current legal limits on PACs. On them must fall the heavy burden both to admit their past errors and prove that PAC contributions—already limited by law—so taint the campaign process as to justify yet another disruptive reform.

Bear in mind, also, there are both practical and constitutional limits on just how much we can restrict the associational rights of politically active voters. It's just too easy, and in my mind very wrong, to ascribe the growth of the PAC phenomenon solely to the desire to "buy the Congress". Rather, in an era of declining voter turnout, we ought to be encouraging the involvement of voters in any and every form of political association possible. Any further limitation on the activities of PAC's would have just the opposite effect.

For these reasons, I am pleased that some of those who favored additional limits on overall PAC contributions—once called the Obey-Railsback proposal—have seen the error of their ways and have recanted that support. In particular, my counterpart at the Democratic Congressional Campaign Committee has embarked on an aggressive PAC solicitation program on behalf of his Party's congressional candidates. Presumably, he would not be investing his committee's limited time and resources in that effort if he continued to support a proposal which would so limit his program's success.

In framing the basis for Congressional review of the election laws, I see this Task Force's primary mandate as one of "oversight" in the most constructive meaning of that term.

As I mentioned earlier, one of the most disturbing aspects of today's political environment is declining voter turnout. We face an electorate increasingly willing to stay at home while fewer than a majority of their fellow citizens vote on the vital questions of the day. That must not continue. Ways must be found to draw voters back into active political participation. Clearly, reducing the impact of voluntary associations of voters—PACs—will not do that.

From my vantage point at the National Republican Congressional Committee, I have seen first-hand that the revitalization of the national Parties can bring voters back into the political process. Thanks to the leadership of Congressman Frenzel and others, the 1976 and 1979 amendments to the FECA enhanced the role of the Party committees and enabled us to serve as the focal point of grassroots voter activity. I strongly believe that still more needs to be done in terms of increased contributions and expenditures by the Parties, and I suspect my Democratic colleagues would agree.

Thank you.●

TERMINATE FUNDING FOR THE CLINCH RIVER BREEDER REACTOR PROJECT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. OTTINGER. Mr. Speaker, I rise today to call for the termination of the multibillion-dollar Clinch River breeder reactor project and urge the Department of Energy allocate a fraction of these funds toward the competion of ongoing lower cost fuel efficiency improvements programs for all existing and future uranium fueled, light water reactors.

The Clinch River breeder reactor project represents a monumentally wasteful and technologically unnecessary ripoff of the American taxpayer. Since the CRBR project was authorized in the early 1970's, the reasons for demonstrating a breeder reactor have changed dramatically against the need for the Clinch River facilities.

Earlier growth forecasts were exaggerated, estimates of capital cost differences between breeders and conventional light water reactors (LWR's) were too small, projected reprocessing costs for LWR's and breeders were too low, uranium supply surveys were too pessimistic and the costs of the breeder research, development and demonstration were grossly underestimated.

DOE has continued to support this costly project, yet has proposed to slash funding for much lower cost fuel efficiency improvements, which could be applied to all existing and future uranium-fueled LWR's. DOE's priorities are callously indifferent to the needs of the nuclear industry, their customers, and consumers of nuclear based electricity.

DOE's own studies, independently confirmed by the General Accounting Office, show that existing joint industry/Government demonstrations of increased burnup and improved performance of nuclear fuel can reduce spent fuel generation by over 40 percent and reduce uranium required by 15 percent. It could save consumers of nuclear generated electricity nearly $13 billion by the year 2000.

If the CRBR project is eliminated, a fraction of these funds could be directed toward a timely completion of ongoing extended burnup demonstrations. I urge my colleagues to join in this effort to balance this country's energy priorities and eliminate the Clinch River breeder reactor project.●

CHICK-FIL-A: A STORY OF SUCCESS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. GINGRICH. Mr. Speaker, I recently had the pleasure of attending the dedication of the new corporate headquarters for Chick-fil-A in my district.

Chick-fil-A is quite possibly the best boneless breast of chicken sandwich I have ever had. I have eaten many a meal at the now-famous "Dwarf House" in Hapeville, Ga., and always look forward to visiting with the founders, the Cathy family, when I am back home.

What started out as a family business opened by two brothers at the end of World War II has now become a growing company across the Nation. The story of Chick-fil-A is a reminder of how hard work and a great product can spell success in America.

I would like to share with my colleagues the remarks Chick-fil-A's president, Truett Cathy, made during the dedication services last month.

STATEMENT OF S. TRUETT CATHY

May I welcome you to our "temporary" corporate headquarters. We hope to "make out" with this facility until we can do better. We do, indeed, thank each of you for joining us on this "very special" occasion.

Sometimes we hear of a company succeeding or a company failing, but the company does not make things happen—it's the people. Chick-fil-A's greatest assets are not in buildings but people. Visitors often remark that the people at Chick-fil-A are Special—and they are indeed.

I would like to thank the Development Authority of Fulton County, and the First National Bank of Atlanta and The First National Bank of Dallas, Tex., for providing our financial needs.

Bob Tidwell, would you come forward. Bob was the General Superintendent with Hardin International. We were told that Bob would retire after completion of this job. I am sure there were many times he wished he had retired before he started this job; but toward completion, it was developing so beautifully, he decided he'd build one more office building down in Ft. Lauderdale before retirement. We appreciate your efforts, Bob. I thank you for returning to Atlanta to be present with us today.

Todd Davis, Northwoods Mall, Charleston, S.C. Come forward, Todd. We have a Scholarship Program, whereby, if our young people are employed at our various Units for 2 years—we award that person a $1,000 Scholarship at the school of his/her choice. Todd is the 1000th recipient of our Chick-fil-A Scholarship and is attending the Citadel.

The other day, a group of us were debating who contributed the most toward the new office building.

Don Millard, our Finance Director, said he thought he did, for if he had not arranged the financing, we would not have had a building.

Bureon Ledbetter, Legal Counsel, said he thought he did, for it was he that was responsible for all the contracts, legal documents—and there were many—had he not performed his duties, we would never have broken ground.

Nolan Robinson, Director Administration & Building Co-Ordinator, thought he played the most important role, because it was his responsibility to co-ordinate everything between Chick-fil-A and the contractors, and make decisions about furnishings, etc.

Jimmy Collins, Executive Vice President, chimes in and said, we should all know, it was he that motivated Truett to move on with Chick-fil-A; it was he, in the early stages of Chick-fil-A, who negotiated the leases, drew the plans, built the Units and trained the Operators. Had he not performed his duties so well, we certainly would not have an office building such as this today.

There I was, sitting there sheepishly, trying to come up with some thoughts that I, too, must have contributed something to this project. Finally I said, "What about me? I signed the bank notes." I thought this was important.

I enjoy the story of the Chinese Bamboo Tree. Have you heard the story of the Chinese Bamboo Tree?

It goes like this. You plant a sprig; water and fertilize it the first year, and nothing happens. The second year, you water and fertilize—and nothing happens. The third year, you water and fertilize—nothing happens. The fourth year, you water and fertilize—nothing happens. The fifth year, you water and fertilize it, and sometime during the fifth year, in a matter of 6 weeks—it grows to a height of 90 feet. Isn't that amazing? Would you say the Chinese Bamboo Tree grew in one year or five years?

Would you say it took one year to build this building (we broke ground a little over 1 year ago) or did it take 5 years or maybe 50 years?

It could have started when an 8 year old boy got excited about his business, buying coke (6 for 25 cents) and selling them for 5 cents each.

Or, it could have started in 1946, when two brothers, getting out of service after World War II, pooled their resources of $4,000, and borrowed $6,600. First National Bank; bought a piece of property; built a building; equipped it and stocked it; opened a 24 hour—6 day-week, small coffee-shop type restaurant in Hapeville and called it, The Dwarf House.

Or, it could have started in 1960, when a sandwich called "chicken steak sandwich", a boneless breast of chicken sandwich, was entered in the National Restaurant Association "Sandwich Idea Contest", yet received no recognition.

Or, it could have been in 1964, when two people, Brooksie Kirk and I, set up a two room office in the Jackson Building, Hapeville, to announce to the world—Chick-fil-A, as it is spelled today. Or, in 1967, when the first Chick-fil-A Unit was opened in 384 square feet of space at Greenbriar Mall—literally a "hole in the wall."

We really cannot say when the building was started now who played the most important part. We all know, it took a lot of time, a lot of man-hours, a lot of effort, a lot of dedication to the task, to bring us to this day. I'm indeed grateful to all who played a part in making this day possible. It is a dream come true—far beyond expectations. This building does make a statement that reflects the quality of our products and our people, and certainly, our confidence of the future.

I've always thought of the food business as being a divine business—providing food—an essential of life. Not only this, but a place where people can fellowship around the table.

What do you give one who has everything? This is a question we often ask. This is the question King Solomon asked after completion of the Temple. The scripture tells us that Solomon erected a temple that took 7 years to construct and the services of 153,600 people. King Solomon said, "What do you give God who has everything? How do you build a house for God whom even the highest heavens cannot contain."

Today, as we gather together for a day of celebration and the dedication of this building, we recognize that no finite structure could ever surround the infinite God; yet, it could reflect His glory and majesty, causing those who entered it to respond in awe, adoration and worship.

We're grateful to God for completion of this building, and it is my desire and prayer that through the conduct, language, attitude and performance of our people, it may bring honor and glory to God, our Creator of all things that are good.

TRIBUTE TO CALVIN COOK, OUTGOING PRESIDENT OF THE SAN PEDRO CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ANDERSON. Mr. Speaker, later on this month, as is the custom with chambers of commerce, the San Pedro Chamber of Commerce will install a new president, and say goodby to the outgoing president who has completed a year's service.

This is a normal and routine matter, as you well know, that frequently receives very little attention. But, in this case, I think that the work of Calvin Cook has been so outstanding that it should be publicly recognized, and I would like to bring his work to your attention and to the attention of my colleagues in the House.

Cal Cook is a native Californian, having been born in Turlock. He has, for the past 36 years, been associated with the Southern California Gas Co. He is currently the district manager, and since 1962 has lived in San Pedro, after having spent the previous 3 years as the service center supervisor in Compton.

Despite the many demands of his job with Southern California Gas Co., Cal has always managed to make time to become heavily involved in the local community, and in devoting his talents and efforts to the improvement of that community. He has been active in the Harbor Police Community Council, and is currently president of that council, having previously served as vice president. He is a past president of the Harbor Area Police Boosters Association, and is a board member of the San Pedro Rotary Club, and also of the Harbor Association of Industry and Commerce. He has served on the San Pedro Chamber of Commerce board of directors since 1978. In that year he also chaired the Chamber's Christmas Afloat Committee, which is responsible for arranging for private yachts and small commercial craft to participate in a Christmas-time parade around Los Angeles Harbor, with the vessels illuminated and with various displays on board. This is one of the attractions of the year, and brings many people into our community. But the organizational effort required to make it a success is monumental and extremely demanding in the time of the chairman. As if these activities were not enough to utilize his time, he is also a member of the San Pedro Pennisula Hospital Conches Club, the 15th Councilmanic District Advisory Council, and Los Angeles Mayor Bradley's Fort MacArthur Military Housing Advisory Committee.

As we see from the above, Cal has given unsparingly of his time for the betterment of the community. But, I am pleased to say that he is not leaving the community, but simply turning the reins of the chamber of commerce over to someone else. Thus, we will continue to benefit from his participation in the many activities that make our area such a fine place to live. My wife, Lee and I wish Cal Cook and his wife Helen, and their two sons Douglas and Larry continued happiness and the very best of all things in the future.●

VEPCO REPORTS SAVINGS TO CONSUMERS DUE TO NUCLEAR POWER

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mrs. BOUQUARD. Mr. Speaker, the Virginia Electric Power Co. (Vepco) has recently sent a notice to ts ratepayers which contained an explanation of why it was able to pass savings through to its customers in 1981. These savings, which were unique among the large utilities, were due principally to the increased use of nuclear and coal fuels for electricity production. Vepco was able to decrease the average overall price for a kilowatt hour of electricity in 1981 from 1980 despite a 10.4 percent average inflation rate. They were able to take this action to reduce cost to customers because the percentage of nuclear-generated electricity increased from 27 percent to 41.5 percent, and the percentage of coal-fueled generation increased from 30.5 percent to 37 percent. At the

same time, Vepco was able to reduce the use of oil by one-half.

Nuclear fuel costs in the Vepco system are one-half cent per kWh, compared with 2 cents for coal and almost 6 cents for oil. This is quite a different picture than the detractors of nuclear energy have attempted to portray.

The Vepco data on changes in average overall price and distribution of power by sources of energy in the decade 1972-82 are printed in tabular form below. I believe it tells an interesting story about the real value of a strong mix of nuclear and coal-fired electricity.

Change in average overall price per kilowatt hour, 1981 versus 1980

Utility:	Percent
Vepco	−0.6
Others [1]	+15.5

[1] 19 large utilities.

SOURCES OF ENERGY

[In percent]

Year	Nuclear	Coal	Oil	Purchase and interchange	Other
1972	1	31	50	12	6
1976	21	36	39	1	3
1980	27	25	19	27	2
1981	41.5	30.5	8	19	1
1982 [1]	47	37	4	10	2

[1] Estimated.

IN PRAISE OF THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED, INC.

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, since 1982 has been proclaimed "The National Year of Disabled Persons," I would like to take this opportunity to comment on a most worthy association devoted to the care of our handicapped young.

Since its inception in 1956, the Association for the Advancement of Blind and Retarded, Inc. has sponsored and organized numerous programs for the benefit of the blind and retarded children and young adults in the New York areas. Operating several treatment and training centers citywide, the AABR's certified staff assists handicapped young people as they learn the daily living skills that will one day enable them to lead normal, self-supporting lives. As an alternative to State institutions, the AABR also maintains some 11 community homes, which provide both family-type homes and short-term and long-term care for blind and severely retarded young adults.

With support from fund-raising events such as the Metropolitan Club Managers Association's Ninth Charity Golf and Tennis Tournament and Dinner Dance at the Old Westbury Golf and Country Club on July 19, the AABR has been able to develop and expand its services and facilities, giving our handicapped "A new chance for a new life."

I am confident that my colleagues will join me in expressing gratitude and support for the efforts of the Association for the Advancement of Blind and Retarded, Inc.●

ENERGY SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, June 16, 1982, into the CONGRESSIONAL RECORD:

ENERGY SECURITY

Two years ago, energy was a top priority both in the nation and on the congressional agenda. Today, however, energy has been relegated to the back pages of the newspapers, and in Congress it is an afterthought. The "oil crisis" has given way to the so-called "oil glut".

There is no doubt that our energy situation has eased materially, and the reasons for the change are readily understandable. Supplies of oil are adequate, prices of oil have fallen in recent months (although they are beginning to increase again), and memories of lines at filling stations have faded with the passage of time. No one is talking or even thinking about a day when the country might completely run out of oil.

We should not be fooled by the change, however. The term "glut" is very misleading. The danger is that in today's oil market, energy security will be considered yesterday's problem—soon to be forgotten. What we have, in effect, is breathing space, not deliverance from our energy problem. It is much too early for us to congratulate ourselves on having "solved" our energy problem. The belief that the problem has been solved is totally unjustified. The only certain thing about the continued availability of oil in the future is its uncertainty.

A spate of positive developments has given us room to deal with energy problems. World demand for oil is down, and production of oil and other fuels, such as coal, is up. Nuclear energy and hydropower are growing in importance. Government stockpiles of oil (including the Strategic Petroleum Reserve) have increased. Members of the Organization of Petroleum Exporting Countries have abandoned their former unity and are competing against one another for shares of the market. A revolution in the use of energy has been achieved through conservation and increased efficiency in homes, businesses, and transportation.

That oil is a dwindling resource whose price will ultimately be forced up is indisputable, but the day of reckoning has been pushed back, perhaps for some time. The outlook is much less forbidding today than it was two years ago. The challenge facing us is one of not allowing the present situation become a pretext for doing nothing.

A key question is whether our present energy situation will last. My feeling is that it is transitory, but even if it is not, the nations of the world would be unwise to expect that adequate supplies of energy will always be available at reasonable prices. Many developments could quickly change the outlook. For example, oil supplies could be endangered overnight in volatile areas of the Middle East. In fact, although oil now provides nearly one-half of the world's energy, some three quarters of the known reserves are located in countries whose stability cannot be taken for granted. Also, economic recovery and sustained economic growth worldwide would rapidly increase the demand for oil.

We should not lose a golden opportunity to gain energy security. A shutdown of production in Saudi Arabia or the closure of the Straits of Hormuz in the Persian Gulf could result in economic catastrophe for the oil-importing nations. Believing that our energy problems are not over, Congress has undertaken a broad array of initiatives, among which are the decontrol of crude oil prices, a tax on the "windfall" profits of oil companies, a solar bank, conservation programs, and a special corporation to stimulate private-sector production of synthetic fuels.

It would be a serious mistake to backtrack on initiatives such as these. Despite relaxed conditions in the oil market today, an oil shock may be the single most formidable threat on the economic horizon. The risk that such a shock will occur may be small right now, but it could grow by leaps and bounds in the years ahead. Clearly, various steps need to be taken to prepare the nation to cope with an energy emergency.

The proper point of view, it seems to me, is to understand that we are living in the twilight days of the great era of crude oil. Our relationship with oil is becoming more and more precarious. World oil production is unlikely to rise dramatically, so we should begin now to prepare for a future of scarce oil supplies. The federal government must work with industry to create incentives to stimulate the development of alternatives to oil, such as alcohol, oil shale, and various applications of solar power. We should gradually enlarge the Strategic Petroleum Reserve. We should use international institutions to promote additional energy exploration and development in poorer nations since the more we do in those countries, the less the pressure on world markets. Also, Congress should provide the Chief Executive with standby authority to allocate oil in the event of an energy emergency.

Thus, I do not agree with those who argue that the country really does not need a vigorous energy policy. The temptation is strong to weaken our policy today because the supply of oil is sufficient around the world. However, the surplus could quickly disappear as a result of events beyond this nation's control, such as a decision by Saudi Arabia to slash production, or another embargo or war that could stop the flow of oil from the Middle East. My view is that it is better to have an energy policy and not need it, than to need it and not have it. If all goes well, we may never have to rely on the decisions we make today to guarantee our energy security tomorrow.●

THREE GENERATION VOTER REGISTRATION A SUCCESS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ECKART. Mr. Speaker, I would like to take this opportunity to share with my House colleagues information of an effort in the Cleveland area which has really boosted my pride and faith in America's system of democracy. We are all aware that voter registration and participation has been sadly declining in recent years. However, whether or not citizens agree with what their representatives are doing and saying, it is of course imperative that they exercise their right—their privilege—to vote.

This sentiment has been heartily endorsed and put into action by a dedicated group of seniors at the Jewish Community Center (JCC) in Cleveland Heights, Ohio. Twenty-five members of the JCC Senior Adult Social Action Committee, along with center staff people, launched a successful "Three Generation Voter Registration Campaign" this spring with the goal of registering 500 new voters each.

The campaign is working in cooperation with the Cuyahoga County Board of Elections and the Secretary of State. Over 400 individuals and groups across the country have been invited to participate in the project. Letters were sent to senior organizations and civic groups, urging them to get involved and spread the word about the importance of registering to vote.

The effort locally by the JCC has been overwhelmingly successful. The volunteers distributed several hundred change-of-address cards for existing voters who would otherwise not have been eligible to vote at their new location. Seventy-three new voters have been registered so far, and the campaign is continuing on in full swing. The JCC workers have held, and planned for more, candidates' forums especially geared toward senior voters in the Greater Cleveland area. This fall, prior to the cutoff date for registering to vote in the general election, the senior volunteers will be joined by students from a local junior high school in a project to distribute flyers.

Voter registration information is a necessary, but too often overlooked, ingredient for increasing voter participation for all ages. Senior citizens are especially facing new challenges to their health care, retirement income, and daily needs which demand that they play a vocal and vital role in determining the outcome of upcoming State and Federal elections. Their votes can make a difference. With the help of the Jewish Community Center's "Three Generation Voter Registration Campaign," their votes will make a difference.

I offer my strong commendation for an important undertaking which has thus far been well executed and well received. These hard-working volunteers, dedicated to encouraging voters of all ages to speak out through the ballot box, are to be heartily congratulated. Thank you.●

BIAGGI RESOLUTION SEEKS BAN ON PLASTIC BULLET USE IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BIAGGI. Mr. Speaker, as chairman of the 127-member Ad Hoc Congressional Committee for Irish Affairs, I introduced House Concurrent Resolution 356 calling on the British Government to end their use of plastic bullets in the six counties of Northern Ireland. I am pleased to note that Mr. ZEFERETTI, Mr. FISH, Mr. CARNEY, Mr. FOGLIETTA, Mr. GILMAN, and Ms. FERRARO joined me as original cosponsors of the resolution.

This resolution resembles one passed overwhelmingly by the European Parliament last month. They called for a ban on the use of plastic bullets by their member nations including and especially Great Britain.

Since the beginning of 1981, 12 persons have been killed by plastic bullets in Northern Ireland. Included among this total were seven teenagers including five youngsters under the age of 15. Another 175 persons have been injured by these bullets including several who were blinded.

Plastic bullets are a specially designed riot control weapon, sanctioned for use in Northern Ireland since 1976. They came into more regular and widespread use in 1981. They replaced rubber bullets which in all the years they were used only resulted in three deaths.

A disturbing irony in this situation is the fact that the British Government specifically refused to authorize the use of plastic bullets during last year's racial riots in Liverpool and Manchester for fear that they might kill innocent people. Yet no such concern has been registered by the British with respect to the use of plastic bullets in Northern Ireland with the corresponding result being the deaths of a dozen civilians.

I introduced this resolution because of my firm belief that if we are to have peace and justice in Northern Ireland, we must end all forms of violence, both civilian and official. In 1979, the Department of State instituted an embargo on the sale and export of U.S. arms to the Royal Ulster Constabulary, the main police force in Northern Ireland. This developed as a result of an amendment I offered to the fiscal year 1980 State Department Appropriations bill. The embargo, which is in effect today, was imposed because the Foreign Assistance Act of 1961 bars the sale and or export of U.S. arms to any nation or organization with a proven record of human rights violations. The Royal Ulster Constabulary had and continues to have such a record and they are among the most prevalent users of plastic bullets in Northern Ireland.

At this point in the RECORD I wish to include two enclosures. The first is testimony delivered by the Honorable Richard Balfe, a member of the European Parliament from Great Britain who was an original cosponsor of the aforementioned resolution. I should note that Mr. Balfe addressed a special meeting of Ad Hoc Congressional Committee for Irish Affairs on June 3. The final item for inclusion is my opening statement at the June 3 meeting.

TESTIMONY OF MR. RICHARD BALFE

Mr. Chairman and Members of the Committee, may I thank you for sparing the time from what I know is a busy schedule to afford me the opportunity of addressing you briefly about Ireland.

My name is Richard Balfe and I am a Member of the European Parliament for Inner South London. The European Parliament is the Common Marketplace Parliament which meets in Strasbourg and Brussels. It consists of 435 members elected by direct suffrage, each of the ten member states have a different number of members according to their population size. The UK has 81 and Ireland has 15.

My own interest in Ireland is based on close family ties. My father came to England from Dublin in 1942 shortly before I was born. Many of my relatives are still there today including a sister, and I visit Ireland regularly. I am therefore one of the small group of UK politicians with strong Irish connections.

There have always been UK parliamentarians who are sympathetic to Ireland and to union. They have never been a large number but it is important to realize that the Irish cause has never been totally without friends in the House of Commons. The cause has also had varying levels of support outside the political system from the considerable Irish population in the UK. This support is expressed through Irish clubs and through the Irish part of the Roman Catholic Church in Britain. Catholic newspapers with varying degrees of enthusiasm support the reunification of Ireland.

Ladies and gentlemen, Britain cannot win in Ireland. The population in the North is under military rule, armoured personnel carriers patrol the streets, armed soldiers are seen everywhere and all the equipment of a modern military machine is extensively deployed in order to secure the questionable policy of retaining the 6 counties as part of Great Britain.

The six counties are not part of Britain, they are territorially, historically and emotionally part of a 32-county Ireland. To separate this part from the rest of the country

is as illogical as to separate a few counties of England away from the rest of the country.

Today specifically I want to ask your support in two areas. Firstly, the banning of plastic bullets and secondly the building of links between your group and European politicians who also support the reunification of Ireland.

Plastic bullets are a specially designed riot control weapon. They are made of solid plastic, are 9 cm long and 3.8 cm in diametre, and weigh 135 grammes. Fired from a special short-barrelled weapon, rifled to make them spin, they have a velocity at 45 metres of 47 m/sec (equivalent to 240 km/h), and are reputed accurate at 70 metres. Instructions to British security forces in Ireland are that they should be "aimed directly at the target at not less than a distance of 20 metres".

Plastic bullets have been sanctioned for use by the British security forces in the north of Ireland since August 1976. But they have only come into regular and widespread use since 1981. In the course of the last year 11 civilians have been killed and large numbers maimed (some of them blinded). Between April and August 1981, 7 civilians were killed, including a girl of 12, a girl of 14, a boy of 15 and a mother out shopping who was hit at a range of 6 metres. Over the same 5 months 60 civilians were seriously injured.

Plastic bullets were brought in to replace the rubber bullets used previously. Rubber bullets were lighter, and security forces were instructed to bounce them off the ground, not fire them directly at people. They were used by police and soldiers to break up demonstrations, prior to moving in to try to make arrests. Only 3 deaths of civilians were caused by them.

Plastic bullets are being used almost exclusively by forces firing from inside armoured vehicles, often on the move. Since 1981 this has been the main security force tactic. Official British sources say that 24,300 plastic bullets were fired in the first seven months of 1981. Whereas the use of live ammunition in riot situations is subject to strict rules (set out on a "yellow card" issued to soldiers and police), there are no such controls on the use of plastic bullets.

Plastic bullets are known to have been issued to police forces in the United Kingdom, but their use has not been ordered. Home Secretary William Whitelaw stated after the riots in Liverpool that the use of plastic bullets had not been authorized "in case someone might get killed".

They have been issued in Belgium, but used on only one occasion, in 1979. The Belgian minister of the interior admitted then that they could be fatal.

There has been considerable debate in the Netherlands about whether to issue plastic bullets to police instead of normal ammunition, but the general feeling is against on grounds of danger.

They were also once used in Zurich but following the blinding of two youths, the city parliament voted against their further use. They are not in use elsewhere in Western Europe.

For many months a group of members led by Neil Blaney had pushed for a debate on plastic bullets. On May 13 the European Parliament passed a series of related texts, the principal reading as follows:

THE EUROPEAN PARLIAMENT

A. Noting that since April 1981 seven people, five of them children under 15, have been killed in the six counties of northern Ireland by plastic bullets fired by the security forces; and that 181 people have been seriously injured, (including several who were blinded), since the start of 1981,

B. Noting that many of the injuries have occurred in non-riot situations,

C. Noting that according to official statistics from the Northern Ireland Office a total of 24,830 plastic bullets were fired in the first seven months of 1981,

D. Noting that plastic bullets have also been used by riot control forces in other Member countries, including Belgium (at Komen on 21.9.79),

E. Noting that the British Home Secretary recently stated that plastic bullets had not been used during riots in England "in case someone might get killed",

F. Noting that the Belgian Minister of the Interior admitted that such bullets can be fatal (Belgian Senate 22.11.79),

1. Calls on the governments of the Member States to ban the use of plastic bullets against civilians;

2. Instructs its President to convey this resolution to the Commission, the Council and the Governments of the Member States.

The only people to oppose this resolution were Ian Paisley and the British conservative group. Every other party and every other nationality in the Parliament voted to ban the bullets. Another worrying thing to emerge from the debate was a move by the British conservatives to delete the following clause from one of the texts:

"Welcomes the statement made on behalf of the British Government that Plastic Bullets will not be used to quell public protests on mainland Britain."

The move failed but could only have been motivated by an anticipation of these weapons being used in British cities.

Over the years we know that many of you, particularly Congressman Biaggi, Congressman Gilman and Congressman Fish, have worked hard both for Irish issues and on plastic bullets. Later this month when a delegation from the European Parliament visits Congress, I hope you will make it clear that you welcome the resolution.

A group of us are also taking the British Government to the European Court of Human Rights about the case of Brian Stewart, aged 13, who died on the 10th of October, 1976.

Brian Steward was hit in the face by a plastic bullet fired by soldiers of the Kings Own Scottish Borderers soon after six p.m. on 4 October 1976. He had just left his home in Turf Lodge, West Belfast, and was standing on a corner. Several eyewitnesses said there was no rioting in the area at the time. The British army made a number of contradictory statements attempting to justify the shooting.

Finally, to turn to the matter of closer links. A group of members of the European Parliament began work almost two years ago to try and get the issue of Ireland and its reunification turned into a European rather than a British issue.

It is always difficult when something is successful to really apportion credit, everybody believes that they were in at the beginning; however my clear recollection is that the first people were Neil Blaney, John O'Connell—now speaker of the Dail—and myself. The group has grown since then and apart from all the Republic of Ireland MPs and John Hume, it also has about 20 members from other countries.

The only qualification for membership of the group is a belief that the reunification of Ireland is a high priority and that we should use the European Parliament and national parliaments to campaign for this end.

Thus far, we have managed to get a debate last year on the hunger strikers, we have had the debate on plastic bullets already referred to, and we are now pressing for a debate on prisoners in foreign jails (there are of course many Irish prisoners in English jails).

We believe that a linkage between our work and yours would be of mutual benefit and we will be particularly happy to exchange information and welcome any of your members when in Europe. You are also welcome to contact me through my political office in London, namely:

259 Barry Road, London 5E22 OJT, England, Phones: 01-299-0868, 01-693-1748.

Let me thank the Irish National Caucus for their continuing interest and cooperation in our work in Europe, and for helping us to maintain links with you. Finally, my thanks to you, Mr. Chairman, and your Committee for receiving me here today.

STATEMENT OF THE HONORABLE MARIO BIAGGI

As Chairman of the bi-partisan Ad Hoc Congressional Committee for Irish Affairs, I wish to welcome the Honorable Richard Balfe, a distinguished member of the European Parliament representing the London South Inner District.

Mr. Balfe was a primary cosponsor of a landmark resolution adopted very recently by the European Parliament. The resolution approved by a vote of 110 to 43 calls for a ban on the use of plastic bullets in all European Economic Community nations—including and especially Great Britain. I wish to announce my intention of introducing a very similar resolution when the House reconvenes next week.

The use of plastic bullets by British security forces in Northern Ireland has resulted in the deaths of seven innocent civilians including five children under the age of 15 since April of 1981. Since the start of 1981, another 181 persons have been seriously injured by plastic bullets including several who were blinded. Estimates indicate that in the first 7 months of 1981 some 24,830 plastic bullets were fired by British security forces.

It is the indiscriminate use of plastic bullets by the British which to me constitutes the most scandalous element of a morally bankrupt British policy in Northern Ireland.

President Reagan yesterday embarked on his first trip to Europe as President of the United States. Included on his agenda is a state visit to Great Britain and one of the highlights will be his address to the British Parliament. It is my hope that the President will use this occasion to convey the deep concern of the American people about the ongoing crisis in Northern Ireland. As he did in his 1981 St. Patrick's Day message, I hope the President will again offer the "good offices" of the United States in the struggle to bring about peace and justice in Northern Ireland.

As I and other members of the Ad Hoc Committee have stated repeatedly—there can be no peace in Northern Ireland while there is violence. Therefore, the goal of any political solution proposal for Northern Ireland must include an end to all violence, whether civilian or official in nature. The murder of innocent civilians by plastic bullets fired by British security officials is as

reprehensible as the murder of civilians by acts of terrorism.

I call upon my colleagues on the Ad Hoc Committee as well as those who support human rights to join me as cosponsors of my resolution to ban the use of plastic bullets by the British in Northern Ireland. At this time I wish to acknowledge the presence of my colleagues and following any remarks they might have recognize representatives of the Irish National Caucus who will introduce Mr. Balfe.●

THE NEED FOR SECURITY AID TO EL SALVADOR

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. RUDD. Mr. Speaker, we are at the crossroads of an important, and potentially fatal, decision regarding the ability and purposefulness of the United States to successfully deter Marxist aggression in our hemisphere.

I am referring in this instance to the lingering fate of the fragile Nation of El Salvador, as well as other neighboring countries which are not even a stone's throw from our own borders. What happens in the crowded region of Central America will directly influence our future and survival and that is why the Reagan administration has introduced steps to secure some semblance of stability to troubled areas in Latin America and the Caribbean Basin.

To give the people of El Salvador a chance in their longlasting battle for peace and freedom from leftist terrorism, we need to follow through and send military and economic assistance to bolster their cause against communism. By hesitating with our support, we can only facilitate our enemy's goal of destroying the Salvadoran economy and whatever hopes these people have for democracy and freedom from totalitarian rule.

Recently, I was informed of the efforts of the Phoenix Metropolitan Chamber of Commerce which has entered into a partnership with the private sector in El Salvador through participation in the Caribbean/Central American Action Organization. They have used their resources and entrepreneur skills to help build a free enterprise environment which is vital to the country's economic stability.

The Phoenix Chamber recognizes the urgent need for military assistance on our part before true reforms can begin to flourish. Newly elected representatives of El Salvador have committed themselves to the basic reforms that are necessary for social and economic order. But we cannot expect their political leadership to perform miracles, or make drastic reforms, that even our own Nation would not attempt. Nor can we prejudge or unfairly label a newly constructed political hierarchy which has not yet been given a chance to carry out its programs.

For their part, I applaud the firm commitment of the Phoenix Chamber in working to improve conditions in El Salvador through private sector initiatives. Let us hope—for the sake of our own survival—that this Congress shows the same forthrightness and refuses to turn its back on our Latin friends.●

NATIONAL ORCHESTRA WEEK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. McCLORY. Mr. Speaker, in the third chapter of the Book of Daniel, it is related how:

"King Nebuchadnezzar made an image of gold, ninety feet high and nine feet broad. He had it set up in the plain of Dura in the province of Babylon. Then he sent out a summons to assemble the satraps, prefects, viceroys, counsellors, treasurers, judges, chief constables, and all governors of provinces to attend the dedication of the image which he had set up.

"So they assembled—the satraps, prefects, viceroys, counsellors, treasurers, judges, chief constables, and all governors of provinces—for the dedication * * *. Then the herald loudly proclaimed, 'O peoples and nations of every language, you are commanded, when you hear the sound of horn, pipe, zither, triangle, dulcimer, music, and singing of every kind, to prostrate yourselves and worship the golden image which King Nebuchadnezzar has set up. Whoever does not prostrate himself and worship shall forthwith be thrown into a blazing furnace.'" (New English Bible.)

The chapter goes on to relate the story of how Shadrach, Meshach, and Abed-nego were saved from the fiery furnace for refusing to worship the golden image.

This is perhaps one of the earliest mentions of an orchestra in our written literature. But I suspect the orchestra as a conglomeration of individuals playing upon musical instruments predates the written record; in any case, orchestras and bureaucracies both have hoary histories.

I am pleased to join my colleagues in recognition of June 13-19, 1982, as National Orchestra Week. The modern symphony orchestra has existed for more than two centuries in Europe and for at least a century in America. Today there are more than 1,500 orchestras of one kind of another in these United States, performing a wide variety of music for listeners of all ages—to live audiences in the concert hall and in outdoor settings, and to additional millions of listeners tuned in to television sets and record and tape players. Thanks to the miracle of 20th century technology, great music now can be enjoyed by citizens in all economic strata.

As sophisticated and pleasurable as canned orchestral music can be, however, it is still the live performance that brings the unique excitement of personal participation in a musical experience, and I would like to pay tribute during National Orchestra Week to three fine organizations in the 13th Congressional District of Illinois.

The State of Illinois enjoys an outstanding status in music, with many fine performing organizations, excellent music schools, and more than 60 orchestras of various sizes including the great Chicago Symphony.

The Elgin Symphony Orchestra, a full 75-piece orchestra, has been in existence 33 years. It performs several subscription and special concerts each year, including young people's concerts, and next year will add a pops series to its schedule. Although affiliated with the Elgin Community College, the Elgin Symphony Orchestra is a separate organization with a symphony board, a women's league, and its own home in the Hemmens Auditorium in downtown Elgin, and it has recently been reclassified from a community to an urban orchestra. Margaret Hillis is the orchestra's music director and conductor, Robert Hanson serves as executive director and assistant conductor, and David Maki is the orchestra's manager.

The Waukegan Symphony Orchestra is currently in its ninth season, with Lynn Schornick as music director. The Waukegan Symphony offers a subscription series and employs both local and outside talent as guest artists. This fine community orchestra has seen a substantial audience growth in recent years and is working hard to become a semiprofessional orchestra.

The Lake Forest Symphony Association celebrates its 25th anniversary this year. It is a full symphonic ensemble, providing eight subscription concerts a year plus nine "Symphony Day" concerts for children and additional special concerts. The organization is very much involved with education, sponsoring a music school in Lake Forest attended by some 200 students a week who receive instruction in various instruments and voice, and touring some 60 communities in Illinois throughout the year in chamber groups that provide both an educational and an entertainment format. Victor Aitay, music director and conductor, and Ellen Reed Eastman, chairman of the association, have been connected with the Lake Forest Symphony for some 15 years; Thomas Wilson serves as general manager.

A special event of the Lake Forest Symphony is an annual Fourth of July concert held out of doors and attended by 6,000 or more, and topped off by fireworks. I am indeed honored and genuinely excited to be included

in the symphony's performance this year as narrator for Aaron Copland's "Lincoln Portrait."

Mr. Speaker, I noted at the beginning of my remarks that the orchestra as a cooperative human endeavor has been around since the early days of civilization. I believe the orchestra is both a symbol and a mover of civilization, embodying the finest attributes of the human mind and spirit. Music consoles us in times of grief, uplifts us in times of despair, helps us celebrate achievements in science, politics, and industry, and works miracles or wordless understanding as the common language of all nations. Congratulations to America's orchestras in this week fittingly proclaimed to recognize their importance; may they continue to flourish and enrich the lives of the millions whose hearts they touch and whose minds they elevate.●

MINERALS: THE NEGLECTED RESOURCE

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. SANTINI. Mr. Speaker, over the years, misconceptions about minerals and mining have altered the attitudes of many Americans. We cannot continue to allow a serious national concern to be dominated by misconceptions, misstatements, and absences of logic.

Recently in the Wall Street Journal, Dresser Industries lived up to its corporate responsibilities by funding an educational advertisement which succinctly and accurately identified the problems this Nation faces with our mineral resources. The ad reflects the views of Dr. Raymond L. Smith who is a prominent and respected figure on mining and mineral resource issues. Dr. Smith addresses some very fundamental and pertinent questions. I urge my colleagues to review his responses.

I applaud the leadership undertaken by this responsible corporate citizen in increasing the awareness of this issue. For the benefit of my colleagues who did not see the advertisement in the April 27 Wall Street Journal, I am having it printed below.

[From the Wall Street Journal, Apr. 27, 1982]

IT'S INSANE TO DELAY EXPLORATION OF OUR LANDS BY EVEN ONE YEAR!

America faces a problem today potentially more devastating than the energy crisis.

We are dangerously dependent on unstable or unfriendly foreign sources for vital minerals. Were we to lose or be cut off from these strategic materials, our economic well-being and national security would be quickly threatened.

Leading experts in economics, mining, national defense and geopolitics are convinced that we import too many essential minerals from hostile or politically unstable countries. Compounding the problem, national stockpile levels of strategic and critical minerals have deteriorated. The government has ignored pleas to open up public lands to exploration and development. And the mining industry of the United States has been crippled with excessive regulation and a tax system that discourages capital investment.

Our nation's dependence on foreign sources for minerals has been identified as a serious problem by government studies covering three decades. Despite the Truman Administration's Paley Commission report in 1952, the 1973 National Commission on Materials Policy Report, the Carter Administration's U.S. Non-Fuel Mineral Policy Review in 1980, and numerous studies between, little progress has been made. Dr. Raymond L. Smith, prominent educator and lecturer, calls the implementation of the National Materials and Minerals Policy, Research and Development Act of 1980 the most significant step government can take to reduce chances of a minerals crisis.

Q. Dr. Smith, do we have an adequate supply of critical minerals and metals in this country?

A. No. We import over 50 percent of about 20 of the most critically needed minerals essential to our $2.3 trillion economy. In comparison, we import 42 percent of our petroleum needs. In 1980 alone, we imported $29 billion worth of these non-fuel minerals.

Q. What are some of these minerals and where do we get them?

A. We import some minerals, titanium and nickel for example, from stable and friendly countries like Canada and Australia. But major imports of such materials as chromium, cobalt, tantalum, manganese, vanadium, germanium and the platinum group metals come from politically unstable nations in Africa. Incredibly, we even rely on the Soviet Union to meet some of our requirements for chromium and platinum and in recent years have purchased titanium sponge from the Russians until they suddenly cut off this supply.

Q. Why are these minerals and metals vital to our national defense and industrial needs?

A. Without minerals and metals like chromium, cobalt, tantalum and others, we would not have a jet engine industry. We would not have a food processing industry or a chemical processing industry as we know them today. There is a lot of hospital equipment that we would have to do without. But perhaps most important of all, we simply would not have the manufacturing tools to make the automobiles, computers, appliances, television sets and many other consumer products we use every day.

Q. Many economic and military experts believe America is vulnerable because we import as many of our minerals and metals from unstable or unfriendly nations. Do you agree?

A. Yes. The 1973-74 oil crisis forced Americans to look at U.S. dependence on foreign oil sources. In parallel, there is a real danger that some minerals exporting countries would manipulate the price or even cut off the supply of vital minerals in time of national emergency.

Q. What has the U.S. been doing here at home to reduce the amount of minerals we import?

A. Next to nothing! We've neglected the situation entirely too long. Aside from the shortsightedness of our foreign trade policies, we've failed to develop sufficient substitutes for the critical minerals we import and have allowed our stockpile of critical and strategic minerals to deteriorate. In addition, we've failed to develop our own mineral resources and have crippled our mining industry with excessive regulation and inadequate tax incentives for capital investment and mineral exploration.

Q. Can we accelerate the development of substitutes for the minerals and metals we import?

A. It is possible and even essential, but we cannot do it overnight. It takes a tremendous amount of money and research to successfully substitute one element for another. Metals and substitute elements aren't much different than people and drugs. You never know what happens when you ingest a new substance, whether it is going to do any harm or not. It's the same way with metals. We don't know what the long-term effects will be on metal structures until we study them, and that takes years of research and testing.

Q. What shape is our stockpile really in?

A. Today we are below government established goals in over half of the materials managed by the Federal Emergency Management Administration. Chromium, cobalt, platinum, and titanium are among those minerals that would be in very short supply if our access to foreign sources was cut off or measurably reduced. Serious problems would quickly develop in our basic industries. There is no real security in a stockpile program that has deficits like these.

Q. Are the mineral resources of this country adequate to overcome the problem?

A. We have considerable data, but no one knows the true extent of the mineral resources we might have and exactly where they are located. Take cobalt as an example. The government recently set aside 39,000 acres of land in the west Panther Creek area of Idaho for cobalt exploration after much in-fighting between mining and environmental interests. The environmentalists opposed this action because the 39,000 acres is part of 2.2 million acres that has been designated a wilderness area. One of the things they said was that mining of this acreage would destroy the habitat of the big horn sheep. Now I don't really think this will happen. Big horn sheep are pretty cagey animals. They've got good eyesight and can climb up in the mountains quite high to get away from any mining activity. Besides, this mining activity would not begin to cover 39,000 acres anyway. I don't know whether we will do any significant cobalt mining there, but if those deposits are as extensive as we think they might be, they could supply 30 percent of our needs. It would make cobalt a lot less critical to us than it is now. But it all depends on how the exploration goes.

Q. What should be done to extend mineral exploration into other parts of the country?

A. There are about 750 million acres of federal lands. We need to open much of this land, particularly in the West and Midwest, to exploration and mining. In 1968, 17 percent of our federal lands were off limits to exploration and mining. By 1980, the figure had risen to about 68 percent. That's a landmass almost equivalent to all of the land east of the Mississippi River! The public needs to understand that geological exploration and drilling to determine what kinds of mineral deposits we have on these lands and where they are located can be carried out so that essentially no traces of exploration are permanently visible. Drill rigs can be flown in by helicopter to sink drill holes only two

to three inches in diameter. Camp sites can be cleaned up. It doesn't make any sense not to mine critical materials where you find them, because we do have adequate wilderness lands today . . . and these lands are protected.

Q. What is your reaction to the proposal to modify the existing ban on exploration, drilling and mining of wilderness lands?

A. The strong and vocal environmental lobby presents President Reagan with a formidable opponent, but the administration appears determined to interject common sense into federal land use policies. On the face of it, the administration's proposal withdraws wilderness lands, including those under study for wilderness designation, from any exploration and mining activity until the year 2000. However, the bill does not preclude exploration by seismic methods or core sampling by use of helicopter transportation. Furthermore, it has provisions which would enable the President, working with Congress, to develop such lands in time of urgent national need. It is insane to delay, by even one year, benign exploration of these lands. In time of a national emergency, it would be too late to start searching these lands for those minerals nature has secreted so well.

Q. Do you fault the wilderness groups for what you consider to be their extreme position?

A. Certainly not. They have a right to their views and lobbying effort. However, I fault a government, whether it be the Administration or Congress, that bows to that lobby and places personal survival in office above survival of the country.

Q. How do we balance environmental concerns with the need for exploration and production on wilderness lands?

A. Environmentalists must realize that their ability to get food, clothing and warmth must transcend their desire for excessive wilderness areas. Industrialists must recognize that their quest for profits will not bear fruit for long if they indulge in overuse of the environment, and uninformed citizens must recognize that their failure to root out the real issues will bring us to a very sorry state.

Q. What impact have regulations had on federal mining policies and the mining industry itself?

A. There are now over 80 laws administered by 20 different federal agencies which directly or indirectly affect the mining industry. These laws include the Clean Air Act, Federal Water Pollution Control Act, Wilderness Act, Federal Land Policy and Management Act of 1976, Surface Mining Control and Reclamation Act, and many others.

Federal mining policies in this country have been adversely affected by over-regulation. It seems like regulation has become the rule, rather than the exception. There have been shifts in attitudes, shifts in priorities, and shifts in budgets and manpower allocations away from resource development toward a no-growth atmosphere. Simultaneously, these regulations have hurt the mining industry. Between 1973 and 1977, the mining industry suffered a negative growth rate of minus 6.1 percent, worse than in any other major U.S. industry. In fact, much of our mining industry is now shut down completely, and many U.S. jobs have been exported to foreign countries.

Q. How difficult would it be to expand or reopen some of the mining facilities that have been closed in recent years?

A. Very difficult. Right now, demand is down in nearly everything, but even if the economy did pick up there would not be much incentive to invest capital in mining under present policies. In recent years the percentage depletion allowance has come under heavy fire. If the mining industry lost this tax benefit, there would be almost no incentive to reopen or expand any mining venture in the U.S. It will be difficult to stem the flow of imported minerals and metals as long as foreign governments subsidize their own industries. We need incentives that encourage U.S. companies to develop operations in this country, but in reality, we have lost control of much of our minerals supply to foreign countries and foreign companies.

Q. How can we help the mining industry develop our own resources here at home?

A. It's critical that we break down the adversarial relationship between the mining industry and government. There's been more friction between this particular industry and the government than in most industries because the mining industry by its very nature must dig into the earth to get the minerals. Some people call this despoiling the environment, despite the fact that all mining of minerals in the U.S. has disturbed less land than the interstate highway system. And the bulk of the mined lands have been restored. But it is an emotional issue. When it becomes an emotional issue with the public, it becomes a political issue.

Q. What steps should be taken to reduce the adversarial relationship?

A. The most important thing we could do would be to put teeth into the new Materials, Minerals & Research and Development Act of 1980. We must not let happen to it what happened to the 1970 Mining and Minerals Policy Act, which clearly stated that a solid domestic mining and minerals industry was essential to the national security of this country. For ten years that Act lay dormant. We have a new policy—the 1980 policy. It's high time that we put it into effect. And the only people who can do that are the people in power in Washington.

Q. What can individual Americans do to help?

A. Our government was unprepared for the energy crisis and the oil cartels. That unpreparedness caused long gas lines, high prices, and doubled electricity and energy rates. The situation will be even worse with minerals!

Let me put it this way. Every time we ride in a plane or automobile, watch T.V., use our washing machine, receive medical care at a hospital, we ought to reflect on where the metals come from that make those things possible! We should understand that the product may say "Made in the U.S.A.", but in all likelihood it contains critical elements that come from foreign sources.

Americans can help avoid a minerals crisis by supporting implementation of the Materials, Minerals & Research and Development Act of 1980 and the President's adoption of a strong minerals policy.

Q. Why are you so concerned with our country's mineral policy?

A. A fair portion of my professional life has been taken up with problems of metals and minerals supplies—those things that come from the earth, the nonrenewables. I don't want to see fly-by-night operators dumping poisons into our streams or covering them with landfill and then creating home sites that can become time bombs of the future. I want to hunt, fish, boat and walk in some places that resemble those which I knew in my younger days. But I want to do so, not as a ward of the State, but as a producer, a wage earner, and yes, a member of a viable private enterprise system. We cannot have the latter, with a government that owns all of the land, regulates every detail of our lives, and takes all of our earnings to do it!●

IN HONOR OF HENRY MEYER—OUTGOING PRESIDENT OF THE LONG BEACH CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ANDERSON. Mr. Speaker, this Friday, June 18, 1982, the Long Beach Area Chamber of Commerce will hold its 91st annual dinner and they will be honoring their president, Mr. Henry Meyer, as he installs their new leader, Dr. Malcolm Todd. I would like to take this opportunity to not only alert my colleagues to this memorable event, but also to thank Mr. Meyer for his fine and many contributions to the city of Long Beach this past year.

Born in Germany and raised in Shanghai, "Hamburger" Henry—as he is commonly referred to by his friends—came to the United States in 1947. It was here where he received a college degree in hotel and restaurant management. His professional and business experience includes being an instructor at Santa Monica City College in hotel and restaurant management; a member of the Long Beach City College Hotel and Restaurant School Advisory Board; resident manager of the Santa Monica Biltmore Hotel; and manager of the Long Beach Elks Lodge.

He opened his first Hamburger Henry Restaurant in 1965. Since that time he has been the recipient of eight gold medals at the California State Fair and Exposition in Sacramento.

Besides providing able leadership to the Long Beach Chamber of Commerce, "Hamburger" Henry has made the time to serve in the following organizations: President, Grand Prix Charities Foundation; vice president—3 years, Long Beach Chamber of Commerce; member of the board of directors and past president of the "Committee of 300"; vice president, Royal Image, Inc. (Queen Mary); vice president, Belmont Shore Business Association; member, the Rotary Club; member, El Bekal Shrine Oriental Band; and, member of the Southern California Restaurant Association.

In 1978, Henry was named Outstanding Small Businessman of the Year and Chef of the Week. Recently, he was named by the Long Beach Elks Club as Citizen of the Year.

Mr. Speaker, it is apparent that not only the Long Beach Chamber of Commerce owes "Hamburger" Henry

their heartfelt thanks, but so do all citizens of our South Bay area. I take pride and pleasure joining them in recognizing his many accomplishments. The matters of business and industry are both complex and demanding, and must be melded with the social needs of the area. Henry has helped the Long Beach Chamber in understanding this, thus enabling the chamber to better encourage growth and prosperity for Long Beach. He has been and continues to be a valuable asset to our community.

I am sure the entire harbor community joins me and my wife, Lee, in congratulating Henry Meyer for the achievements of his term as chamber president and recognizing the debt we owe to an individual who has given so much of himself that all of us might enjoy a better place to live and work.●

IN SUPPORT OF MR. BIAGGI'S LEGISLATION TO CONTROL HI-PENETRATION AMMUNITION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. STARK. Mr. Speaker, the June 11, 1982, New York Times printed a letter from the president of the John Jay College of Criminal Justice and head of the New York City Police Foundation, Gerald W. Lynch, concerning the problem of "cop-killer bullets" and the need to enact our colleague's (Mr. BIAGGI's) bill to control the manufacture and sale of these bullets. As Mr. Lynch stated in the letter.

I can think of no single issue in criminal justice that should compel more unequivocal public support than restricting these bullets.

Mr. BIAGGI should be commended for his outstanding efforts to bring this problem to light and to provide a solution to it. The full text of the letter follows:

THE BULLETS DESPERATE CRIMINALS LIKE TO BUY

To the EDITOR:

"Killer bullets," usually Teflon-coated, can penetrate 72 layers of Kevlar, the protective fabric in bulletproof vests. The vests the New York City Police Foundation distributed to New York City police officers last year contain 18 layers of Kevlar—sufficient to stop most bullets but obviously not killer bullets.

Why are these bullets being manufactured? In my judgment, and in the judgment of the police community, they are purchased mainly to penetrate bulletproof vests worn by police officers.

Two bills to study the matter of penetration of bulletproof vests and to prohibit the manufacture of these bullets have been introduced in the House of Representatives (2280 and 5437). At present, they appear to have little change of passage because both the National Rifle Association and the Reagan Administration refuse to place any restriction on ammunition.

I can think of no single issue in criminal justice that should compel more unequivocal public support than restricting these bullets.

Teflon-coated bullets were originally developed for very specialized purposes in law enforcement, such as providing high penetration through steel. Police spokesmen who testified at hearings on March 30 before the House Judiciary Committee's Subcommittee on Crime strongly recommended restricting the bullets to limited, legitimate uses.

There have been reports of police officers killed by Teflon bullets which penetrated their vests both as they entered them and exited them.

Phil Caruso, president of the New York City Patrolmen's Benevolent Association, testified: "Since their only use would be an illegitimate one, that of being able to penetrate the Kevlar of soft body armor and kill the individual who is legally and properly wearing such protection, these bullets should be banned."

The criminals using them are the most desperate and most odious. Drug traffickers, for instance, will stop at nothing to avoid being caught and will plan to kill any law enforcement official who attempts to detain them. With the killer bullet, they have a guarantee they can mortally wound anyone they wish, vest or not.

The slogan of the N.R.A. people flies in their face on this issue. Their argument that "if you outlaw guns, only the outlaws will have them" cannot be true for killer bullets, because if they were outlawed, only certain law enforcement officers would have them. I believe the police would give them up completely if this would eliminate unauthorized use.

The issue of the use by criminals of Teflon-coated bullets shocks the average citizen, but apparently Congress is beyond shock since the N.R.A. has said it wants absolutely no restrictions on guns and ammunition.

There is one happy note: Du Pont is also shocked and has taken the courageous stand that it will not sell Teflon to bullet manufacturers who intend to make "killer" bullets. The company is to be congratulated for the highest level of corporate responsibility in resisting the pressure of the manufacturers and the N.R.A.

Still, it is most important that citizens in all 50 states demand that their representatives in Congress vote for the lives of their policemen and policewomen by permanently restricting the manufacture of Teflon-coated bullets.

GERALD W. LYNCH,
New York, June 4, 1982.●

SUPPORT GATHERING FOR MOFFETT NURSING HOME RESOLUTION

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MOFFETT. Mr. Speaker, over 30 of our House colleagues have joined me in cosponsoring House Concurrent Resolution 354, a bill which urges the Department of Health and Human Services to withdraw its proposed nursing home deregulation rules. If finalized the rules would limit those reports which demonstrate the nursing homes are complying with the required staffing rations; permit nursing homes which are accused of violations to report by mail or by phone that the problems cited have been corrected; allow less than annual inspection of nursing homes; and authorize an inexperienced, private sector body—the Joint Commission on Hospital Accreditation—to assert that nursing homes deserve to receive Federal funds.

These proposals have been rightly criticized by consumer groups and organizations which are alert to the problems of elderly patients. If adopted, the rules would inhibit State and national efforts to protect patients against abuse, unsafe and unhealthy living conditions, dangerous drug regimens, and other problems.

Recently, an excellent article appeared in the New York Times discussing this issue. This article, and a current listing of cosponsors, appears below:

COSPONSORS OF HOUSE CONCURRENT RESOLUTION 354

Rep. Snowe, Rep. Fauntroy, Rep. Matsui, Rep. Garcia, Rep. Hollenbeck, Rep. Mineta, Rep. Roe, Rep. Corrada, Rep. Weaver, Rep. Rosenthal, Rep. Edwards, Rep. Joseph Smith, Rep. Parren Mitchell, Rep. Foglietta, Rep. Scheuer, Rep. Fascell.

Rep. Wyden, Rep. Chisholm, Rep. Lehman, Rep. Downey, Rep. Barnes, Rep. Mikulski, Rep. AuCoin, Rep. Albosta, Rep. Bingham, Rep. Yates, Rep. Solarz, Rep. Stark, Rep. Walgren, Rep. Peyser, Rep. Edgar, Rep. Guarini.

NURSING HOME PLAN DRAWS OPPOSITION

(By Robert Pear)

WASHINGTON, June 12.—The Reagan Administration's effort to change the rules for inspections of nursing homes is facing growing opposition.

Richard S. Schweiker, the Secretary of Health and Human Services, declared in March that the existing health and safety standards for nursing homes "will remain untouched," but two months later, on May 24, he proposed revisions in the procedures for enforcing those standards.

He sought, for example, to drop the requirement for annual inspection of nursing homes. Mr. Schweiker said that the proposed changes would increase the protection of nursing home patients by permitting the authorities to focus on homes with problems, but many members of Congress disagree. The proposals do not require Congressional approval.

Senator John Heinz, Republican of Pennsylvania, the chairman of the Committee on Aging, and Senator Lawton Chiles, the ranking Democrat on the panel, sent a letter to Mr. Schweiker on Friday saying that the proposals would "weaken Federal and state enforcement capabilities."

46 LAWMAKERS PROTEST SHIFT

Forth-six members of the House, including 11 Republicans, sent Mr. Schweiker a similar letter, charging that the rules represented a "major shift" and a "serious abdication of responsibility on the part of the Federal Government." Representative Olympia J. Snowe, Republican of Maine,

wrote the letter after hearing about the issue from constituents.

Twenty-two House members have joined Representative Toby Moffett, Democrat of Connecticut, in sponsoring a resolution that says the new rules "should not be adopted." Another Connecticut Democrat, William R. Ratchford, said the "flexible inspection approach" envisioned by Mr. Schweiker was an "open invitation" to abuse by unscrupulous operators of nursing homes. Mr. Ratchford supervised an investigation of the nursing home industry in Connecticut and served as State Commissioner on Aging from 1977 to 1978.

More than half the revenue of most nursing homes' comes from the Federal Government. The Government regulates the homes by attaching conditions to the money it pays through the Medicaid and Medicare health care programs for the poor and the elderly. More than 1.3 million people live in nursing homes covered by the two programs. Most of the industry supports the proposed changes, saying they would reduce regulatory burdens without lessening safeguards for patients.

The Schweiker proposals would eliminate the requirement that nursing homes found to have problems be reinspected within 90 days. The purpose of the reinspection is to check whether the deficiencies have been corrected. The proposal stated that this could often be achieved by telephone calls or by letters and that a follow-up visit should be required "only if there is no other way to verify correction of the deficiencies."

Rules now require state agencies to inspect nursing homes at least once a year to insure compliance with Federal regulations. Under the Schweiker proposals, the fequency of inspections would vary according to a home's compliance history. Those having a record of many violations could be examined several times a year, but nursing homes with no reported violations might be examined once every two years.

Paul R. Willging, deputy chief of the Health Care Financing Administration, the Federal agency that supervises Medicaid and Medicare, estimated that 20 percent of the nation's nursing homes would qualify for biennial inspections. There are an estimated 18,000 to 20,000 nursing homes in the United States.

One of the biggest changes proposed by the Reagan Administration would give the Joint Commission on Accreditation of Hospitals, a private organization, a large role in inspecting nursing homes. Under this proposal, a nursing home could be certified as meeting Federal health and safety standards if it was accredited by the commission, a nonprofit body created by the American Medical Association, the American Hospital Association, the American College of Physicians and the American College of Surgeons.

The commission "has neither significant consumer representation nor the public accountability" of a Government agency, Mrs. Snowe said in her letter. The findings of a survey by the commission are confidential and may be released only by the nursing home. Under Mr. Schweiker's proposal, the home would have to post a copy of the commission report.

SHIFT ON STAFFING INFORMATION

At present, nursing homes must submit quarterly reports describing the number and types of employees on their staff. Under the Schweiker proposals, a nursing home would have to keep such data but would not have to submit the information to the state authorities unless there was a "history of staffing deficiencies."

Commenting on this proposal, Mr. Ratchford said: "Some homes are grossly understaffed. I fear that this problem may be compounded if homes are no longer required to provide staffing reports unless asked to do so. Further, in prosecuting certain cases, it is difficult to prove negligence or fraudulent activity without written documentation."

Asked whether the cumulative effect of the changes was to ease Federal standards, Mr. Willging said: "We are absolutely eliminating automatic requirements, and the reason we are eliminating them is precisely because they are automatic."●

A TRIBUTE TO JAMES H. BROOKS FOR 50 YEARS OF ORDAINED PRIESTHOOD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues the distinguished career of Rev. Msgr. James Brooks, who is celebrating his golden anniversary of ordained priesthood on June 16, 1982.

Monsignor Brooks has dedicated his life in service to God and country. Ordained in Baltimore on June 16, 1932, he was assigned to St. Rose of Lima, Baltimore, Md., and then to Our Lady of Mount Carmel Church in Middle River, Md. A chaplain in World War II, his service record in leading our Army in the devotion of God and the betterment of man was truly an inspiration, Monsignor Brooks retired from active duty and was appointed chaplain of the District of Columbia's National Guard. He held this position until his retirement after 20 years of service.

On June 12, 1948, Father Brooks was appointed the first pastor of Our Lady Queen of Peace in Southeast Washington. In a short time, he was supervising the construction of not only a convent and a church, but also of a school. In consequence of his extraordinary pastoral duties and successful administration Father Brooks was honored with the title of Right Reverend Monsignor.

After 10 years he was assigned to St. John Baptist de la Salle Church in Chillum, Md., where, after 10 successful years, he was transferred to St. Anthony's Catholic Church in North Beach, Md.

Mr. Speaker, Monsignor Brooks has always taken time for people when they have needed a friend. He was there for many to listen, to advise, to console and often to be near in the darkness of death. He has shared the love, the laughter, the joys and the tears of life and he will be remembered and loved for this.

I am proud to join with the citizens of North Beach and the entire State of Maryland in expressing my deepest appreciation and my best wishes on this memorable day. His dedicated efforts will long be remembered with high respect and fond memories by his friends, parishioners and associates.●

SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FUQUA. Mr. Speaker, I want to display for Members of the House a table reflecting the major features of the Small Business Committee's original bill and its new substitute compared to the amendment which I will offer during floor debate on behalf of the Committee on Science and Technology.

As the table reflects, the Science and Technology Committee amendment is closely similar to the Small Business Committee substitute. Far from a complete restructuring of the Small Business bill, the Science and Technology Committee's amendment continues to respect the traditional funding processes long followed by the Congress. The key feature of the amendment is the requirement that funds provided in connection with the small business innovation research program be authorized through the normal budget process. Any concerns that small business might have trouble getting their foot in the door should be allayed by the requirement that agencies would reserve 1 percent of their R. & D. funds for the purposes of funding the SBIR program. However, to insure that this amount of funding is realistic, and indeed, adequate, the Congress, through the authorizing committees, will review the program and funding on an individual agency basis during the normal budget process.

The House is being asked to expand the SBIR program from its present level of $5 million to half a billion dollars. This is a very worthwhile goal and I support it. Nevertheless, without the key language contained in the Science and Technology Committee's substitute, Congress, by virtue of the mandatory set-aside, is giving the OMB the power to control the program and removing itself from overseeing through annual authorization and appropriation the use of a substantial amount of taxpayers' funds.

The Science and Technology Committee amendment will support small business innovation by requiring the startup of a Federal-wide SBIR program. Unlike the Small Business Committee version, the committee's amendment will enable Congress to

exercise control over the amount of Federal spending for the program by subjecting the set-aside to authorization. I believe the taxpayer deserves the more responsible approach as recommended by the Science and Technology Committee.

The summary table follows:

SMALL BUSINESS INNOVATION RESEARCH LEGISLATION

	Small Business original bill	Small Business substitute	Science and Technology amendment
SBIR program.	Established in all agencies with R. & D. budgets over $100 million.	Established in all agencies with extramural R. & D. budgets over $100 million.	Established in all agencies with R. & D. appropriations over $100 million.
Set-aside.	3 percent of Federal R. & D. budget (approx. $1.2 billion, fiscal year 1982) mandatory (limited to OMB decisions, with no Congressional involvement).	1½ percent of Federal R. & D. extramural budget (approx. $400 million, fiscal year 1982) mandatory (limited to OMB decisions, with no Congressional involvement).	1 percent of Federal R. & D. budget (approx. $400 million, fiscal year 1982) (subject to authorization and appropriations which could increase the percentage).
Phase-in.	4 years.	4 years. 5 years for DOD.	3 years.
Basic research.	No provision.	1½ percent cap on basic research.	1 percent cap in basic research.
In-House exemption.	No provision.	In-House exemption.	No provision—determined by authorization process.
Agency exemptions.	No exemptions.	Exempts Intelligence agencies, Veteran's Affairs, Department of Commerce and AID international research centers.	No exemptions—based on authorizing committee review.
Policy directives.	Issued by SBA.	Issued by SBA.	Agencies will implement program subject to guidelines contained in legislation.
Program coordination.	SBA.	SBA.	SBA.
Lead agency oversight.	SBA and OSTP.	SBA and OSTP.	OSTP.
GAO review.	None.	None.	Review of program's effect on Federal R. & D. programs.

AMERICAN DREAM SUFFERS UNDER REAGAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FRANK. Mr. Speaker, I am today commending to my colleagues one of the most thoughtful and compelling letters I have received recently. Ms. Mary Ann Ferreira of Fall River, Mass., has written this letter to President Reagan and sent me a copy of it. I was so struck by its cogent analysis of the Reagan economic program and the ruinous impact it is having on millions of people that I wish to share it with my colleagues. Ms. Ferreira is to be commended for her courage and her eloquence.

Her letter follows.

FALL RIVER, MASS.,
May 14, 1982.

THE PRESIDENT,
Washington, D.C.

DEAR MR. PRESIDENT: Eighty-five years ago, a young girl named Virginia wrote to the New York Sun with the innocence of a child and asked the question: "Is there a Santa Claus?" Mr. President, I write to you with adult intelligence and a fear for the future and ask you: "Is my American Dream still possible?" I pray that your answer will be as filled with hope in mankind and the future as was hers.

You may ask what my "American Dream" is and why it seems so impossible to fulfill. Well, Mr. President, my dream consists of finding employment for myself and my husband, owning my own home, and earning a college degree. From your position in the world, my dream may sound simplistic and easily attainable but from here the view is very dim. I am asking you Mr. President, listen to my story and feel my emotions—then answer my question "Is my American Dream still possible?"

In March of 1981, the company I worked for closed it's doors and moved out of state. Since them I have been unsuccessful in finding another position because I am either "overqualified" or "undereducated". I am currently attending a local business college with the help of a federal grant and a scholarship from the school but I am still two years away from a Bachelor's Degree. If your budget cuts continue, I will not be able to continue.

Three months later, my husband was laid off—a direct result of budget cuts to the Energy Department. He was not the only one who was hurt by these cuts—thousands of low income people face higher fuel bills because their homes will not be weatherized.

Right now I am caught between the "devil and the deep blue sea". This month, I have an important decision to make—either I buy food or pay the gas bill. If I buy food, I will not have the gas to cook it; if I pay the gas bill, I will not have the food. Mr. President, what will you be eating when I tell my children there is no more food? Where will you be staying when I tell my children we face eviction from non-payment of rent.

I am a decent American who believes in the American way; I want to work; I want to pay my bills. But there are no jobs.

More and more American companies are moving overseas and using foreign labor to produce their products—products geared for the American market. These companies expect us to buy their product but do not want to give us the jobs. Why? Because the American consumer has bought and will continue to buy these products. But I think it is time we stopped our current buying habits.

General Electric will close their plant that was producing metal irons and produce plastic ones overseas. And I for one will never buy another G.E. product. From now on I am going to ask where the product was made before I buy. I have nothing against buying French perfume imported from France but do object to buying a product which an American company has made at a foreign plant and imported back to the States. Let's bring jobs back to the shores of America.

The American consumer has the buying power and should use it to stop these companies from taking advantage of us. We proved that power when the price of sugar and coffee shot sky high and I am sure we can do it again.

On the whole, Americans have become lackadaisical. We've allowed ourselves the luxury of sitting back and letting the other guy take care of the problem. We have forgotten the purpose for which the Declaration of Independence was written. We have forgotten our inalienable rights—the right to life, liberty and the pursuit of happiness. Mr. President, how can one pursue happiness when one cannot obtain the essentials—food, shelter and clothing?

Our constitution guarantees that our government will provide for the "general welfare of the people," not just the rich and influential. We need to reread the Constitution and The Gettysburg Address. We need to reinforce our belief in the American way. We must increase our devotion "that this nation, under God, shall have a new birth of freedom and that this government of the people, by the people, for the people shall not perish from the earth."

Your policies have been detrimental to a wide spectrum of people, Mr. President. And just because we are poor or lacking in education, do not underestimate the strength of the "little people." We constitute the majority, maybe silent for too long. Our voices must be heard now because you are hurting us. And I believe we will be heard. We may not have financial clout but we have a powerful weapon—the vote—and vote we will.

All the senior citizens who have been hurt by your cuts will be there. So will all the parents of children who no longer have nutritious meals, or proper medical care—all the high school and college students whose education is being threatened—we all will be there and in record numbers.

Mr. President, you have hurt so many of us with your cuts to social programs. There are people out here who have spent this past winter hungry and cold. But your budget cuts won't work, they only hurt. You can't begin to comprehend the feelings when you've been stripped of your dignity, your self-respect. My heart aches with feelings of inadequacy, with the failure to provide my children with the simplest pleasures. You can't know the hurt because words cannot describe it.

Yes, the System is wrong. Welfare does create generations of Welfare in some families but cutting or eliminating benefits is as wrong as cutting off your arm because your finger is infected. You need to listen to the people not the "experts." You need to listen to those who have suffered the agony of being on Welfare; those who have fought the System and risen above it to become self-sufficient. There is where you will find the cure for the System.

The United States is going through a difficult time but the answer does not lie in harmful cuts to the budget and building bombs. Between ourselves and Russia we have enough nuclear weapons to annihilate the world. What difference does it make who has the most? As soon as the first missile is launched and the other country retaliates it is all over anyway. So why create hazards for potential accidents. We should be concentrating on making America the leader in Industry rather than nuclear weapons. Let's get America working by getting Americans back to work.

We voted you to the position of President because we felt you had the answers. Please don't turn a deaf ear on us. Please Mr. President, don't blame the problems on demagoguery. The Democrats are demagogues in the ancient time meaning—leaders of the common people. They are looking out for us and I hope they continue fighting for us.

Without jobs, without the hope of higher education, we are lost. What are we, the common people to do? Tell me now, Mr. President, "Is my American Dream still possible"?

Thank you for your time and I hope, your concern. I, like Virginia eighty-five years before me, await anxiously and hopefully for your answer.

Sincerely yours,

MARY ANN FERREIRA.●

NEW TAX BURDEN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. HUBBARD. Mr. Speaker, Cashman Ayer, chairman of the board of the Peoples Bank & Trust Co., in Madisonville, Ky., has written me a thoughful letter concerning the impact that a new Department of the Treasury tax proposal could have on community banks such as his. I believe Mr. Ayer's letter is one which should be shared with my colleagues and I wish to do so at this time:

DEAR CARROLL:

We are concerned about the drastic impact that the proposal of the Department of the Treasury for a new alternate minimum tax to replace the current "add-on" minimum tax.

While overall corporate tax liabilities would rise by about five percent under the proposed minimum tax, it is estimated that the banking industry could expect its tax liabilities to rise a whopping 53 percent. We would be severely punished for having helped our communities by buying tax exempt bonds to build schools, hospitals water and sewer facilities and other community improvements. This unfair, retroactive change in the rules of the game, will result in the immediate devaluation of these assets.

Community banks are experiencing some of the same problems faced by the S & L's due to the lagging farm economy and the fact that they have been more active in providing home loans for their customers. This added tax burden would add to their problems.

State and local governments would also suffer in that the market for municipal securities would be greatly reduced and rates would rise to new highs.

We urge you to give this matter careful consideration and to use your influence to correct the inequities in this proposal.

Respectfully yours,

WM. C. AYER.
Chairman of the Board.●

TVA AND A BALANCED PUBLIC INFORMATION PROGRAM ON ENERGY

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mrs. BOUQUARD. Mr. Speaker, the Subcommittee on Energy Research and Production of the Science and Technology Committee, which I chair, held hearings on December 15, 1981, on "Nuclear Public Information and Rational Public Policy Decisions." The hearing was directed at achieving a relative balance in the Department of Energy's information programs for various energy sources including nuclear, coal, and alternative technologies.

It was necessary to have such a hearing because it had become apparent to the subcommittee that the concerned citizen is often confused or misinformed about many aspects of nuclear energy. Although confusion and misinformation are not confined to the nuclear debate, it was of great concern to our subcommittee that so little attention appeared to have been paid to the nature and consequences of such distorted debate and rhetoric.

The hearing examined the nature, quality, and impact of public information on the important issue of nuclear power, about which, as the Soviet Nobel Peace Prize winner Dr. Sakharov noted, the dangers have been exaggerated in the West and that distortion is harmful. The hearing volume, "Nuclear Public Information and Rational Public Policy Decisions," is available, and I would recommend that all Members of Congress give it a serious reading.

After the December hearings, I brought my concern about the absence of positive educational efforts regarding nuclear power to the attention of the Tennessee Valley Authority, particularly Mr. S. David Freeman. As a result, TVA has initiated a series of educational seminars about nuclear energy, and residents living near the TVA plants are encouraged to visit and learn about nuclear-generated electricity from reactor to the powerline. I am submitting the following article from the Chattanooga News-Free Press of June 6, 1982, which discusses the public reaction to the first of these seminars at the Sequoyah Nuclear Powerplant near Chattanooga, Tenn.

SEMINARS BEGIN TO EXPLAIN WHAT HAPPENS THERE—SEQUOYAH NEIGHBORS VISIT PLANT, FEEL BETTER

(By Tom S. Turner)

A number of residents who live near the Sequoyah Nuclear Plant came away from the facility Saturday feeling "very much better" about what they had thought was an ominous neighbor.

In the first of a series of educational seminars about nuclear energy, some 50 residents who live near the TVA plant learned about the steps of the fission process from the ground to the power lines.

"It's a lot to cover in 20 minutes," said Dr. Joe Johnson, chief of TVA's nuclear training branch, about his introductory talk to the residents.

Indeed, his talk did last more than 20 minutes, and the entire educational tour lasted nearly four hours, with most of those attending saying they enjoyed the experience.

Tours will be offered each Saturday, designed mainly for residents who live within 10 miles of the facility.

The Saturday tour was filed to capacity and Dr. Johnson said tours for the next two weeks are already filled with people who want to take advantage of the chance to learn about nuclear power generation.

"I just wanted to come and see what it is all about," said one woman, who said she lives about 3 miles from the plant.

Dr. Johnson explained about nuclear energy from the exploration and mining of uranium to the intricate techniques used to create energy from mass inside the nuclear reactor core.

In addition, a slide presentation and movie illustrated plant operations, and John Hutton, supervisor of the nuclear waste training division, and Eric Sladen of the emergency training division spoke to the group about their fields.

In describing the workings of the reactor, Dr. Johnson used a classroom type atmosphere to guide "students" through the facility from the inside out.

Beginning with the fuel assemblies, and answering questions all along the way, Dr. Johnson described how fuel is produced,

loaded into assemblies, and the assemblies are then loaded into the reactor core.

"All the fission process does is generate heat and heat water up about 65 degrees," he said, explaining that in the pressurized water reactor, water goes into the reactor core at 545 degrees and exits at 610 degrees.

That 65 degrees is then given up as the water passes through a steam generator which separates liquid from steam, sending the steam to power producing turbines.

The water returns to the reactor, having traveled the primary loop in about 11 to 15 seconds.

Inside the steam generator, the coolant that has been in the reactor core is channeled through tubes so it can heat secondary loop water running over the outside of the tubes inside the steam generator.

"Only the water inside the tubes in the steam generator has been in the reactor," explained Dr. Johnson, noting that this is contaminated water.

He said after the steam exits the steam generator, the process to produce electricity is just like that used in a coal-fired power plant.

Dr. Johnson went into as extensive detail as questions for the nuclear power "students" requested.

"There is nothing you can't make safer by spending more money and taking longer to do it," he said, but at some point one must consider economics.

"We try to make the whole process as efficient as possible," he said.

Mr. Hutton described the management of radioactive waste at the facility.

He said there are three types of waste: solid, liquid and gas.

"We routinely release small amounts of radioactive liquid and gas into the atmosphere," he said, but noted monitoring of radiation levels around the plant have found no measurable differences since the reactors went on line.

He said low-level waste includes items from contaminated mops or clothing to demineralizer resins used to clean water.

Three to four shipments of low-level waste are shipped from the plant each month to Barnwell, S.C., where the waste is buried, and, according to Mr. Hutton, the waste will be harmless after about 100 years.

Solid waste is stored at the plant site, he said, noting that spent fuels is the main component of solid waste and it is much more highly radioactive than the low-level waste shipped out.

He said Sequoyah has the capacity to store all its solid waste through the 1990s in a storage pool where water cools and shields the still-decaying fuel assemblies.

Mr. Hutton said the federal government is working to develop plans to store the high-level waste in the future.

The high-level waste is deadly radioactive for at least 1,000 years.

A third speaker, Eric Sladen, describes for the one-day students the aspects of emergency planning procedures.

"We don't like to say that anything could occur, but it is theoreticaly possible for an accident to occur.

"We want to protect residents, and tell what we should do—because I live right down the road too—in the event of a nuclear accident," said Mr. Sladen.

Mr. Sladen answered extensive questions from the area residents about the potassium iodide pills distributed by the Tennessee Department of Public Health.

One man said he thought there would be another radioactive substances released in the event of an accident that would be equally deadly, and Mr. Sladen agreed.

"Well, would you take the pill or hit the road?" asked one woman.

"I'll get to that," he said smiling.

He described the four major categories of incident that could occur at the facility: notification of unusal event, alert, site emergency and general emergency.●

MONSIGNOR ALVIN P. WAGNER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. STARK. Mr. Speaker, on June 13, 1982, Monsignor Alvin P. Wagner celebrated 50 years in the priesthood and 25 years at St. Joseph Basilica in Alameda, Calif.

He attended St. John Catholic School in Napa and junior and senior seminaries in Mountain View and Menlo Park. He was ordained to Holy Priesthood in St. Mary's Cathedral, San Francisco, on June 4, 1932.

Monsignor Wagner's accomplishments and contributions during his priesthood are numerous and significant. He has served in many bay area churches and has provided leadership as pastor of Old St. Mary's Church, Oakland; St. Francis Church, San Francisco, and, at present, St. Joseph Basilica, Alameda. During his pastorate at Old St. Mary's Church, the Marina Landmark Shrine to our Lady of Fatima was erected at the corner of Jefferson and Eighth Streets in Oakland, Calif.

On October 7, 1961, Monsignor Wagner was chairman of the Rosary Rally in Golden Gate Park, San Francisco, and he presently serves as director of the Rosary Hour in Northern California, a position he has held since 1951.

He has held and presently holds many positions in the Oakland Diocese, among them, being named domestic prelate with the title "reverend monsignor," in 1962; a member of the Priests' Senate from 1969 to 1979; and chairman of the Rosary Crusade, Oakland Coliseum on September 29, 1972. Monsignor Wagner led the Holy Year Pilgrimage to Rome, the Holy Land, and Lourdes in 1975, was diocesan representative of Oakland Clergy when Pope John Paul II, celebrated mass in Philadelphia, Pa., in 1979, Monsignor Wagner is presently a member of the Priests' Personnel Board, Diocese of Oakland, and was official director of Oakland Diocese Pilgrimage to Lourdes for the 142d Eucharistic Congress in July, 1982.

Monsignor Wagner's pastorate at St. Joseph Basilica, where he presently serves, has been one of commitment and devotion. During this time, St. Joseph Gymnasiun Auditorium was built, St. Joseph's Boys High School was renovated, St. Joseph was elevated to the title and status of "basilica," and St. Joseph Basilica was made a historical landmark.

The accomplishments I have mentioned are but a few of the many contributions Monsignor Wagner has made. His love of God and man and his leadership have been far reaching, and he has touched many lives during his years of service. I join in the golden jubilee tribute to Monsignor Wagner.●

THE STRUGGLE FOR EQUALITY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. EDWARDS of California. Mr. Speaker, today, Wednesday, June 16, is the 13th day of the hunger strike of seven feminists on behalf of the equal rights amendment.

It is a measure of the strength of their conviction that they are willing to make this enormous sacrifice.

Courageous Americans in the past have made such sacrifices for progress toward fair play, equal rights, and justice for all citizens. Progress toward equal rights for women has been a particularly slow and often painful process. The proposed ERA was first introduced in Congress in 1923. Women achieved the vote in 1920 only after years of struggle. During that struggle, suffragists were subjected to vilification, ridicule, abuse, insult, and physical harassment. Yet they perservered.

The following editorial, which appeared in the New York Times yesterday eloquently describes the nature of the current struggle. I urge my colleagues to read it.

[From the New York Times, June 15, 1982]

FASTING FOR FEMINISM

Sixty-nine years ago this month a British suffragist named Emily Wilding Davison threw herself in front of the King's horse on the Derby racetrack and was killed. She had long believed that a woman's sacrificing her life in the name of female suffrage might help bring it about.

Miss Davison's suicidal tendencies were known and deplored by many of her colleagues. But they, and thousands of others, marched in her London funeral procession. "The great public," Sybil Pankhurst wrote, "responded to the appeal of a life deliberately given for an impersonal end."

In Springfield, Ill., seven feminists, now in the fourth week of a hunger strike, sit all day on the floor of the capitol rotunda. Their cause is the Equal Rights Amendment, which needs the approval of three more states for ratification and faces a crucial battle in the Illinois Legislature before the June 30 deadline.

Unlike Emily Davison, who had been imprisoned, force-fed and hosed with ice-cold water, they are subject only to taunts—kid

stuff like the conspicuous munching of candy bars in their presence.

Starving oneself for a cause, however, is not an act that can be trivialized, no matter how many candy bar wrappers litter the rotunda. Whether this fast will have the desired effect is doubtful; whether any fast is sound politics is debatable. But the presence of these seven is strong testimony, should any more be needed, to the passion that has informed the women's movement for all its many years.●

THE TRUTH IN MERGER ECONOMICS ACT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BEDELL. Mr. Speaker, today I am introducing the Truth in Merger Economics Act. I am pleased to note that HENRY REUSS is joining me as an original cosponsor of this legislation which seeks to remove from the Federal Tax Code those elements that form artificial and harmful stimuli to merger activity.

Mr. REUSS, along with me, is introducing a separate bill which places a tax on large mergers and acquisitions that do occur.

These two bills take somewhat different approaches to the corporate merger issue. We are hopeful that the ideas and concepts embodied in them will help the Congress shape sound economic policy in an area that is so poorly served by the present Federal statutes.

In the 96th Congress, I chaired the House Small Business Committee's Subcommittee on Antitrust. We conducted extensive hearings on conglomerate mergers and their effects on small business and local communities. Numerous adverse consequences were found to result from the recent trend toward corporate giantism.

One of the most interesting and unexpected findings of our study was that a great deal of merger activity is directly affected by the Internal Revenue Code. Several provisions in Federal tax law clearly act to stimulate and encourage mergers that might not occur absent those considerations. In some cases, a significant cost of the merger itself was borne by the U.S. Treasury. Many of the mergers we studied, in fact, made no economic sense at all except when viewed in light of their tax consequences.

Whether or not you believe corporate mergers are good or bad for our economy, I think that we can find general agreement on the point that the Tax Code should not contain artificial inducements for mergers. This is why Mr. REUSS and I today are proposing certain amendments to the Internal Revenue Code to end these Government-provided economic incentives for merger activity.

In a separate statement, Mr. REUSS will explain the companion legislation that he is introducing. The following remarks explain the details of the Truth in Merger Economics Act.

THE TRUTH IN MERGER ECONOMICS ACT

Recognizing that Federal tax policy has had a strong influence on many of the major corporate reorganizations in recent years, The Truth in Merger Economics Act (TIME) seeks to make the tax system more neutral when corporate mergers and acquisitions occur.

The importance of a Tax Code that is neutral toward mergers and acquisitions is vital to the smooth functioning of the free marketplace. Accurate valuation of corporate assets and resources by investors is important if the flow of capital in our economy is to find its way to industries that will produce the products and provide the services that consumers want to purchase.

Briefly, there are three main elements to TIME. Other ideas currently under consideration, particularly PETE STARK's H.R. 6295, the Corporate Takeover Act of 1982, are closely related philosophically to TIME, but differ on various technical points.

The first element of the bill I am introducing today addresses the matter of filing consolidated returns. It is entirely too easy to transfer tax credits or liabilities from one firm to another. A company that owes millions of dollars to the Government can suddenly be relieved of that obligation simply because it acquires another firm, or itself is acquired. We have seen tax-sheltering become an important consideration in merger activity.

The problem extends beyond the merger itself, of course. Once the tax-sheltering occurs, with the help of the consolidated return, a company may acquire an unfair advantage over its competitors who must continue to pay taxes.

My suggestion is to require that companies that merge must continue to file separate returns for 3 years after the merger. This would assure that short-term tax considerations are not the chief factor in the merger.

Second, there is the matter of liquidation of assets. I believe that when assets are acquired through merger and are then transferred, the transaction should be treated as a sale for tax purposes. however, I would apply this concept only in cases involving a large corporation.

Many mergers involving large companies occur in the form of tax-free stock swaps. What often happens next is that fully or partially depreciated and otherwise undervalued assets are transferred from the acquired company to the prevailing firm. At that point, the tax writeoffs start all over again, only at the new and higher value of the property.

It is my feeling that such liquidations should be allowed only if they are treated as sales, with gains and losses being reported—on unconsolidated returns—and taxes being paid accordingly. Otherwise, we will continue to see spectacular examples of tax avoidance through this device.

Third, and finally, there is the matter of the holding period of stock for distribution of appreciated property in redemption of that stock. The law currently states that if a stockholder held at least 10 percent of a firm's stock for 12 months, then he can trade that stock for appreciated assets of the company without the seller incurring any capital gains tax liability. I believe that the holding period should be increased to 48 months.

Again, what we have in the current law is an invitation to tax avoidance. One year is too short a holding period to deter cash-rich companies from using this method to escape taxation on certain transactions. A 4-year period, on the other hand, would probably be sufficient to discourage speculative ventures of this nature.

I suggest retaining some form of holding period concept, because we have seen that it is needed by smaller firms in some instances. The two most obvious examples are the dissolution of closely held corporations and the transfer of ownership to employee groups. In those cases, the longer holding period should not be a problem.

It is important to note that TIME will do little to restrict the ability of small, closely held companies to transfer corporate ownership to employee or management groups in an orderly, planned fashion. The tax laws that govern the vast majority of these transactions are not changed in my proposal.

A summary and the complete text of the Truth in Merger Economics Act follow.

SUMMARY OF KEY PROVISIONS—H.R. —

INTRODUCED BY MR. BEDELL ET AL.

Section 1—Title: "The Truth in Merger Economics Act".

Section 2—Limitation on the Filing of Consolidated Returns: Amendment to Sec. 1501 of the Internal Revenue Code of 1954.

Any corporation that has been a member of an affiliated group for less than 36 months must file a tax return that is separate from those corporations affiliated with the group for more than 36 months who choose to file jointly.

Transactions between an affiliated group filing jointly and affiliated members filing separately would appear on their respective tax returns.

Section 3—Liquidations Treated as Sales: Amendments to Sections 336 and 337 of the IRC.

When a large corporation (defined as one whose outstanding stock has a fair market value that exceeds $100 million) participates in a complete or partial liquidation of prop-

erty, as being in control of either the liquidator or receiver, a gain or loss on the transaction must be recognized by the distributing corporation upon the distribution of the property.

Control is determined as having ownership of stock possessing at least 80 percent of the voting power of all classes of voting stock.

This provision would not apply when the basis of the property remains the same to the receiving corporation as it would have been in the hands of the transferor.

Section 4—Increase in the Holding Period of Stock for Distribution of Appreciated Property in Redemption of Stock: Amendment to Sec. 311(d)(2) of the IRC; repeal Sec. 311(d)(2)(B).

If a corporation distributes property to a shareholder in return for all of his stock in the corporation, and the fair market value of the property exceeds its adjusted basis, then a gain must be recognized by the distributing corporation unless the shareholder has held at least 10 percent of the corporation's outstanding stock for the preceding 48 months. (Current law states the shareholder need only hold the stock for a 12 month period.)

Effective dates of all sections upon enactment.●

OUR STEEL INDUSTRY

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BEVILL. Mr. Speaker, the American steel industry received some welcome news several days ago, when the U.S. Commerce Department made its initial determination that some foreign governments are subsidizing steel companies in their countries.

As a result of this initial Commerce Department decision, U.S. importers of this steel will be required to post a bond, equal to the estimated subsidy. This money will be used to pay duties on that steel, if the final determination is made that these subsidies are unfair to American steel companies.

Those of us who serve on the Executive Committee of the Congressional Steel Caucus have been working with steel officials and members of the Carter and Reagan administrations during the past several years to have such action taken.

The American steel industry has been hit hard by the recession and by unfair foreign competition, but our own Government has stood idle, unwilling to enforce the trade laws which Congress enacted to give needed protection to this ailing industry.

Domestic steel shipments, in the United States, are down almost 14 million tons in the first half of this year, and will probably be the lowest in two decades. The number of American steelworkers is down to 331,000, the lowest level since the depression. Nearly 135,000 steelworkers are laid off or working reduced hours. Production at American steel mills is dropping drastically and needed modernization projects have been delayed. But imports of foreign steel continue to pour into our country, up almost 10 percent from the first 4 months of 1981.

It is regrettable that it, thus, has become necessary for this country to initiate action against our foreign trading partners. However, it also has become quite clear that time has run out on finding a solution to his serious economic problem which threatens the survival of this Nation's most important basic industry.

I welcome the Commerce Department's decision as a necessary first step toward returning financial stability to America's vital steel industry.

I am confident that the Commerce Department has made an extensive investigation into this matter. Their final ruling is expected in August and the International Trade Commission would have until October to finally decide whether the imports harmed the domestic steel industry. Following a favorable decision, the Commerce Department would be able to impose duties that would price the European steel out of the domestic market.

However, it is hoped that this initial decision to require that importers post bonds equal to subsidies will reduce the amount of foreign steel coming into this country.

I always have advocated free trade, but with the provision that it be fair trade. Our steel industry has been victimized by unfair trade policies which have dealt a severe blow to our national interests.

If we allow our steel companies to suffer even more economic harm, we will be asking for increased dependence on foreign governments for our steel needs. We know what dire consequences this can have, by our continued dependence on mid-East countries for oil. We can not let this happen again to our steel needs.

While this action, by the Commerce Department, is necessary, it should not be viewed as an end to the problem facing this industry. Many products, such as speciality steel, are not covered under the Commerce ruling. In fact, of the 19.1 million tons of foreign steel shipped here last year, only 3.9 million tons, or about 20 percent, would be covered. However, this decision is a first step, and a very important first step which had to be taken.

Our challenge here in the Congress is to work with the steel companies and the steelworkers in an effort to develop a plan, perhaps a legislative plan, to deal with this problem if it continues, as it appears likely. For we must protect our own interests, in America, in order to rescue our economy and secure a bright future for this country.●

UNFAIR, UNWISE, AND UNWARRANTED BUDGET CUTS ARE IMPACTING THE ELDERLY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. PEYSER. Mr. Speaker, this week House and Senate conferees begin hammering out the differences between the Senate and House versions of the budget for fiscal year 1983.

As they do so, Mr. Speaker, I think it is appropriate to review the impact budget cuts are having on senior citizens in our country.

In today's New York Times, Mr. Al Schwarz of the Federation of Jewish Philanthropies writes on the effects of adoption of the President's budget proposals would have in New York, and I would like to share the text of that letter with my colleagues.

The letter follows:

[From the New York Times, June 16, 1982]

WHITE HOUSE "FAIRY TALE" FOR THE ELDERLY

To the Editor:

I must confess that I have always been partial to fairy tales. I loved them as a child and I love them as an adult, but the fairy tale put out by the Department of Health and Human Services is too much to take, even for me ["Report on Aging Conference Says That Elderly Are Well Off," news story June 3].

How can the elderly be well off if the 1983 Federal budget indicates major cuts in Title XX Social Services block grant funding, which would, if implemented, force the closing of at least 21 senior centers and 46 day-care centers in New York City alone?

Couple this, if you will, with the proposed cuts of 5-6 percent per day for in-patient hospital care under Medicaid, which would cost the elderly almost $500 additional for an average hospital stay, which would increase the Part B deductible and co-payments; after that, the proposed elimination of the Title V Senior Employment Program, which would result in the firing of 4,000 low-income older workers in New York State; add to that the proposed reduction by $20 per month, for many Supplemental Security Income applications, which will affect 204,000 low-income elderly recipients of S.S.I. in the state.

One could well ask, if things are so good, how come they are so bad?

One day the history of last year's White House Conference on Aging will be written. The conclusion that will be reached by an objective reading of the conference is that it was a politicalization on the part of the Reagan Administration and an abdication of the democratic process that has been a hallmark of the conference for years past. In spite of the President's pronouncements to the contrary, the targets of many of the Administration's budget cuts are the elderly.

AL SCHWARZ.

Clearly, the Congress must reject the unfair, unwise, and unwarranted cuts in programs under the Older Americans Act as proposed by the

President. His original budget called for a 35-percent reduction in Older Americans programs in 1 year. The impact on my State as reported by the New York Governor's task force on the Federal budget would be a loss of $50.7 million. The loss of these funds, in addition to the impacts noted by Mr. Schwarz, would mean in New York 332,000 fewer home delivered meals, 1.6 million fewer senior center meals, and 228,000 fewer units of home care. The elimination of the senior employment program, also recommended under the Reagan budget, will terminate older workers who perform services for their contemporaries, such as driving, meal preparation, and homemaking.

As the Governor's task force points out, these reductions may undermine efforts by New York State, and other States, to maintain seniors in less costly and restrictive community settings, rather than institutions. So, in the end, Mr. Speaker, these budget cuts may appear to be penny wise, but are actually pound foolish.

I urge my colleagues to reject cuts unfairly impacting senior citizens, and when the budget is before us again to vote to restore funds for these valuable programs.●

EDUCATIONAL SEX EQUITY LAW

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. MOFFETT. Mr. Speaker, today marks the 10th anniversary of the educational sex equity law, title IX of the Education Amendments of 1972. This landmark legislation prohibits sex discrimination against both students and employees at our Nation's schools and colleges. In the past decade, title IX is credited with insuring opportunities for women in faculty and administrative appointments, in medical and law school admissions, in traditionally male-dominated fields such as engineering and science, and in athletics.

Yet, despite the obvious importance of title IX, the current administration has cast a cold eye on equity in education for women and men. The statute itself has come under critical review, as has its regulations.

Nationwide, advocates for equal opportunities for women and girls in education are speaking out against attempts to weaken title IX. I have joined many of my colleagues here in the House to support title IX; 120 Members have taken steps to protect the intent and purview of title IX by cosponsoring a resolution stating that this law must not be repealed or altered "in a manner which would deny any person equal access to education." We have sent a telegram to the President expressing, unequivocally, that we oppose any weakening of title IX, either by rewriting the statute or its regulations.

In further defense of the law, the Supreme Court recently upheld the scope of title IX to protect employees at schools and colleges against employment discrimination. Justice Harry A. Blackmun, writing for the majority in the North Haven against Bell decision, restated the basic principle that "no person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

Today, proponents of title IX, both men and women, are commemorating the past decade's advances in equal opportunities which have occurred on school campuses across the Nation. They are saying that the 1980's must promise greater progress for equal access for women, not a retrenchment of fundamental basic rights. We have fought long and hard to protect the principles of equality in this Nation and we know that title IX is essential to a truly just and equal society. With the equal rights amendment but 2 weeks from its final ratification date, it is more vital than ever for Congress to reaffirm its dedication to the democratic precepts of our Government—equality for all.●

THE OIL GLUT IS OVER

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mrs. BOUQUARD. Mr. Speaker, this past Thursday's Washington Post carried an article entitled "Energy Official Warns of Oil Supply Crunch," which reports on testimony given by J. Erich Evered, Administrator of the Energy Information Administration before the Subcommittee on Fossil and Synthetic Fuels. His testimony should have been carefully considered by all Members before any of them voted for radical cuts in the energy budget function, such as that contained in the Michel-Latta proposal.

Mr. Evered said that the United States will have to increase its imports of crude oil from the current level of about 2.8 million barrels per day to about 4.3 million barrels per day by the fourth quarter of this year—an increase of some 1.5 million barrels per day or over 50 percent—because of the decline in petroleum inventories over the past year.

The new conflict in the Middle East and its potential for disrupting the flow of oil from the area cannot be minimized. It is clear that we can no longer afford to dally with the administration's half-hearted efforts in energy R. & D., thoughtless termination of major demonstration projects in synthetic fuels and renewable energy sources. This approach is a bankrupt route to energy insecurity based upon the false premise that an "oil glut" will continue for the indefinite future.

The above-mentioned article follows:

[From the Washington Post, June 10, 1982]

ENERGY OFFICIAL WARNS OF OIL SUPPLY CRUNCH

(By Milton R. Benjamin)

The United States will have to increase crude-oil imports by more than 50 percent in the second half of the year because U.S. petroleum inventories have declined sharply over the past 12 months, a top government energy official told Congress yesterday.

With other major oil-importing nations also expected to step up their purchases, a surge in world demand once again would put the Organization of Petroleum Exporting Countries—which has halted a decline in oil prices by drastic production cutbacks—in a position to resume price increases.

The situation could become even more volatile, experts warned, if Mideast fighting spreads.

J. Erich Evered, administrator of the U.S. Energy Information Administration, told the House Energy subcommittee on fossil and synthetic fuels that American "crude-oil imports are expected to increase to about 4.3 million barrels per day" by the fourth quarter of this year—an increase of 1.5 million barrels from the average level January through May.

Evered said this would be necessary because the oil industry, faced with unusually low retail demand in the first quarter, cut back imports to less than half the 1980 level and drew down inventories in hopes of replenishing stocks later at a lower price.

A Congressional Research Service analysis prepared for the panel likened the situation to the 1978-1979 experience, when oil companies drew down their petroleum stocks because of high carrying costs and then had to rebuild their inventories in a market dominated by the Iran crisis.

"The resulting scramble to reacquire inventory then contributed to a doubling in world oil prices," the report said. "There are now two shooting wars going on in the Mideast. Should either impair the Organization of Petroleum Exporting Countries' ability or willingness to accommodate an increased call on its oil of several million barrels per day, price increases and disruptions can be expected."

Rep. Richard L. Ottinger (D-N.Y.) told the panel that the nation's major oil companies had "made a mockery of the nation's main strategy to control shortages" by reducing their own inventories "at an even faster pace" than the record rate at which the federal government has been filling the Strategic Petroleum Reserve.

He said total U.S. crude oil and petroleum product stock levels as of May 21 were 22 million barrels below the same date two years ago, despite the addition of 165 million barrels of oil to the strategic reserve.

All the witnesses took pains to avoid the suggestion that the United States faced any immediate threat of a gasoline or oil crisis.

"Stocks of gasoline and [home heating] oil have continued to drop and are at the lowest levels seen at this time of year for the past 8 to 10 years," Evered said.

But he added that if U.S. imports and refinery utilization levels increase in the months ahead as anticipated, the government expects "gasoline supplies to be adequate to meet demand this summer," with any shortages small and temporary.

Evered said the four to five months' lead time to rebuild needed home heating-oil stocks means "a shortage is not necessarily indicated for this winter" of refineries increase their production to 20 percent above last year's level in the next four months.

While cautioning that he was not predicting shortages "since such predictions can be self-fulfilling if they trigger panic buying," Ottinger nevertheless said the depletion of stocks had left the United States "severely ill-prepared to deal with a crisis." He called for legislation that would give the Energy Department authority to establish minimum inventory levels for the oil companies.●

SURVIVORS TELL OF RUSSIA'S CHEMICAL WAR ON AFGHANS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. McDONALD. Mr. Speaker, the evidence of Soviet chemical warfare activity continues to accumulate. Just as regularly the Soviets and her Communist allies deny these charges. The Vietnamese Foreign Minister just replied "slander" to all such charges in a recent TV program and attempted no real refutation of the accusations. Mounting evidence of this Soviet barbarism is contained in a report to be issued from the United Nations which sent a three-man team in February 1982, to investigate the use of biological and chemical weapons, based upon reports by eyewitnesses and victims of the attacks. This report can hardly be considered to be mere slander. I commend the news account of this report as detailed in the London Daily Telegraph of January 8, 1982, to the attention of my colleagues.

SURVIVORS TELL OF RUSSIA'S CHEMICAL WAR ON AFGHANS

(By Ian Ball in New York)

Horrifying descriptions by victims and eyewitnesses of the results of Soviet use of chemical and biological weapons in Afghanistan last year are included in a report prepared by a team dispatched to the area in February by the United Nations General Assembly.

Doctors who treated victims told of painful deaths 24 hours after the biochemical attacks.

They reported that "bodies decomposed and limbs separated from each other" when touched.

Survivors described the choking and vomiting symptoms and one spoke of the gas dropped by helicopter gun ships as "smelling like the rotten body of some animal."

Several said the helicopters passed low enough before their bombing runs for those on the ground to see Soviet pilots and crewmen wearing gas masks.

DETAILS LEAKED

The 36-page report was prepared by a three-man investigating group, headed by Maj. Gen. Dr. Esmal Ezz of Egypt.

They visited refugee camps at Peshawar and Quette in Pakistan from Feb. 8 to Feb. 22.

The General Assembly, which voted last December to extend its investigation of allegations about the use of biochemical warfare in Afghanistan, expects to receive the report at its regular session in the autumn.

Copies of the report have been leaked at the UN, and the Wall Street Journal yesterday published almost a page of excerpts from the verbatim record of interviews conducted by the group.

Members of the Mujahideen, the anti-Communist Afghan guerrillas, told the team of medical and military experts that their only defence against the gas attacks in open ground was to wet their turbans or handkerchiefs and hold them against the face.

TUNNEL SHELTER

Gul Badin, a guerrilla leader in Hezb-e-Islami, said that the Soviet forces began using "chemical weapons" when they were unable to flush the Mujahideen and unarmed villagers from their shelters.

The shelters, he explained, are the "karez," underground water channels used to irrigate land. At intervals there are vertical air shafts leading down to the channels and these shafts became the escape hatches for the local population when their area came under attack.

"They have used chemical weapons in a number of places where napalm, other weapons and helicopters have not been effective," Gul Badin said. "Initially they were using dum-dum bullets and they have destroyed villages, crops and forests."

He said that the chemical weapons were brought in when the Russians discovered the protection offered by the Karez.

"SWOLLEN BODIES"

Another Afghan, Dagarwal Bismilla, who was identified as "Brigadier Chief Commander of Wardak Front," said that "many" of his men were killed or injured when they came under attack by "chemical weapons" last July.

"There was sneezing and coughing and after the attack people became unconscious and had headaches," he said.

"During the retreat from the first line to second defence line, 65 people died from bullet wounds. Their bodies were swollen and had boils on them." When ordered to go to the second line, they started vomiting and sneezing and after one hour some died . . . many developed diarrhoea several hours later, at night.

"CHEMICAL" BULLETS

"Those who escaped and were fighting during the night were shot with chemical bullets and their bodies swelled and had boils which developed overnight.

"Many were affected, but they are still fighting in Afghanistan. The Soviet soldiers put on gas masks before the attack. Two masks were captured and are to be sent to the United Nations within one month."

The report goes on to quote an unidentified doctor at Hezbe-Islami who treated a number of victims as saying:

"Chemical gas delivered from an airplane produced some black smoke which turned yellow, when inhaled caused asphyxia, laryngeal spasm and unconsciousness, skin rash, necrotic ulcerations which took months to heal."●

EUGENE PIMENTEL HONORED ON RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ANDERSON. Mr. Speaker, on June 24, on the occasion of his retirement, Eugene Pimentel, the vice chancellor of educational services for the Los Angeles Community College District will be honored by his friends for his outstanding contributions to education. These contributions have left a significant impact upon the lives of the thousands of students who have graduated from the institutions of the Los Angeles Community College District.

A Marine Corps veteran of the Second World War and Korea, Gene Pimentel received his B.S. from California State Polytechnic College and his M.A. from Los Angeles State College. From the start of his career, he has worked to improve the quality of higher education in Los Angeles, and has provided countless thousands of students with invaluable assistance during their college years.

Gene began his career in education as an instructor at Pierce College in Los Angeles. When his superiors realized his gift for administration and his desire for added responsibility, they moved him to the ever-important administrative sphere of education. He first served as an instructor and administrator at Pierce and was transferred to positions of increasing responsibility in the ensuing years at East Los Angeles College, Los Angeles Southwest College, and Los Angeles Valley College. At these institutions he served as dean of student personnel, dean of evening and summer admissions, and dean of instruction.

In 1972, Gene Pimentel began 7 years as president of Los Angeles Harbor College in Wilmington. His contributions to that fine institution are well known throughout the South Bay area. After his tenure at Los Angeles Harbor College, Pimentel was named vice chancellor of administrative services and then was promoted to his present position as vice chancellor of educational services for the Los Angeles Community College District.

I think I can safely say that all those in the South Bay who are interested in education join me in saluting Gene Pimentel on the occasion of his retirement. His contributions to higher education in the region are numerous and will not be forgotten, and his efficiency, understanding, and ability will certainly be missed. My wife, Lee, joins me in wishing Gene, his

wife, Marjorie, and their daughters, Mrs. Kaye Burns, Mrs. Karen Gene Campbell, and Kristin Ellen Pimentel, all the best in the ensuing years.●

U.S. INTEREST IN GUATEMALA

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LELAND. Mr. Speaker, I would like to insert the following material in the RECORD. The report, by Allan Nairn of the Council on Hemispheric Affairs, describes interests of U.S. banks in Guatemala—particularly the Bank of America—and explores the relationship between U.S. financial interests and foreign policy in Guatemala. I believe this is a valuable report, particularly at a time when the House is considering the authorization of supplemental foreign aid for fiscal year 1983, including military aid for Guatemala.

I have broken the report into two parts because of its length, and will insert the second part in tomorrow's RECORD. I hope my colleagues will take the time to study this report.

THE SUBSIDIZATION OF TERROR: THE BANK OF AMERICA IN GUATEMALA

(By Allan Nairn)

John C. Fauvre, corporate secretary of the largest bank in the United states, spent much of last December trying to rescue his company from an impending public relations crisis. His flurry of meetings, conference calls and consultations with company lawyers was not precipitated by a jump in interest rates or a run on the bank's $121 billion in assets. Rather, his concern was activated by a letter from Audrey Smock, a soft-spoken former academic on the staff of the United Church board for World Ministries.

Dr. Smock was asking Mr. Fauvre's company, the Bank of America, a firm which has carefully cultivated the image of a good corporate citizen, about its dealings with Guatemala's controversial military government. There can be little doubt that the full disclosure of the Bank's activities in Guatemala could tarnish this well-polished image.

Human rights groups agree that Guatemala, along with El Salvador, is one of Latin America's worst rights violators. In October 1981, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States joined the list of watchdog organizations linking the Guatemalan government with the operations of "death squads" which, in recent months, have been held responsible for scores of deaths each day. Between 17,000 and 20,000 civilians have been murdered since Gen. Romero Lucas Garcia assumed power in July 1978. The victims come from numerous sectors of Guatemalan society—journalists, academics, trade unionists, civic leaders, dissident politicians, professionals and peasants. The indiscriminate brutality of the Lucas regime has forced even the Reagan administration to postpone resuming military assistance because of congressional opposition to Guatemala's human rights record.

Nonetheless, Guatemala does have its supporters, and the Bank of America is one of the strongest and most influential among them.

According to Keith Parker, Manager for Bank of America (BOA) operations in Guatemala, his corporation has closely identified its own interests with those of the nation's military rulers. Parker maintains:

"When you've got a situation like you have here, you need the strongest government you can get. If you use human rights in a country with guerrillas, you're not going to get anywhere. . . . Argentina and Colombia told the U.S. to go to hell and were very successful."

He cites the success of the army's counter-insurgency campaign carried out in eastern Guatemala in the late 1960's, which was modelled on the Vietnam War's Phoenix Program. (According to Time magazine, more than 5,000 peasants were killed and of that number, it is estimated that only 80 were guerrillas.)

"William Bowdler, the U.S. ambassador at the time, encouraged Arana (the Guatemalan army commander) when he went out and cleaned up the communist mess that was here before. Now they're trying to do the same thing, and it's a no-no," Parker complains.

Parker does acknowledge, however, that the continuing cascade of assassinations hurts Guatemala's international image. He suggests that to counter its poor image abroad, the Guatemalan government should deal with its domestic enemies in one decisive stroke. "What they should do is declare martial law," he explains. "There you catch somebody; they go to a military court. Three colonels are sitting there; you're guilty, you're shot. It works very well."

To the Guatemalan elite of planters, industrialists and ranking military officers, the Bank of America is more than just a source of encouraging words. It is Guatemala's largest private bank, and, in Parker's words, "the agricultural bank." Indeed, it ranks second only to the government as a source of capital for the agro-export sector, the main sector, of the Guatemalan economy. The Bank has heavily invested in coffee, sugar, cotton, beef, sesame, cardamom, quinine and rubber—industries which together supply more than 80 percent of the nation's export income and whose workers earn an average of $2.00 per day.

National banking regulations, which prohibit local banks from offering individual loans larger than $5 million, help ensure that the Bank of America—the only U.S. bank with full-service facilities in Guatemala—is in a position to serve as the primary source for financing large-scale projects.

The Bank is well aware of its leadership role in the Guatemalan political economy. In the fall of 1980, following what had been the worst year of political repression in the nation's history, the Bank of America sought to counter widespread reports of U.S. capital flight by announcing that it would increase its loans to Guatemala. In doing so, according to Parker, the Bank intended to say, "We will show you where our confidence is, and we're going to bring in another million dollars."

Such signals are watched closely in Guatemala, where the Bank of America (BOA) enjoys unique prestige among the political and economic forces that run the country. It is the only foreign firm known to have been granted membership in the Amigos del Pais (Friends of the Country), an exclusive club of rightwing Guatemalan businessmen and professionals. The Amigos, through a multimillion dollar program of lobbying and public relations in the United States and elsewhere, have become virtually a de facto foreign ministry.

The group pays a $11,000 monthly retainer fee to the Hannaford Company, formerly Deaver and Hannaford, which was founded by and until January 1981 codirected by Michael K. Deaver, President Reagan's closest personal adviser. Tens of thousands of additional Amigos dollars have been spent on other public relations and law firms to further their goal of restoring U.S. military and economic aid to Guatemala, which was suspended by the Carter administration because of that country's horrendous human rights excesses. Some Amigos members have even been directly linked to the financing of death squads responsible for the murders of thousands of Guatemalans in recent years.

In its response to Dr. Smock, the BOA asserted that it had "never been a member of Amigos del Pais," but followed that statement with the disclaimer that "it cannot control the personal actions of its officers." In fact, the bank's name appeared on an internal membership roll circulated by the Amigos executive director in 1976. According to one Amigos source, the bank was still a member as recently as 1980. In January 1982, the Amigos office in Guatemala City confirmed that certain BOA executives were still among the organization's 211 members.

The bank has long made a priority of maintaining personal ties with the landed gentry and the army officer corps. Large landowners receive exceptional service from the bank's assistant manager, William Hempstead, scion of one of Guatemala's largest landholding families who control two entire provinces. High military officers have found the bank especially cooperative in spite of its stated policy "to avoid lending to politicians while they are in office." Generals and colonels have received large loans through a loophole in the policy which allows such loans "in instances where the purpose of the loan is unrelated to political activities and the collateral and procedures for repayment are not subject to direct or indirect influence from the borrower."

While serving as defense minister from 1974–1978, President Lucas received a $750,000 BOA loan to help finance his 26,000-acre estate in the oil-rich Franja Transversal del Norte. When Lucas was chosen over more senior officers to assume the presidency in 1978, the caucus of military leaders and former presidents, known as the "Ring of the General," sought to smooth ruffled feathers by presenting each member of the upper officer corps with a brand new house built with public funds. The 800-unit Santa Rosita military housing project was jointly financed by the Bank of the Army (a profit-making institution owned by the army pension fund and a group of generals whose very existence is technically prohibited by the Guatemalan constitution) and the Bank of America, which advanced down payments to individual officers. The officers were then reimbursed by the government in order to repay the bank with interest.●

PRESIDENT REAGAN—LEADERSHIP REQUIRES MORE THAN WORDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BROWN of California. Mr. Speaker, a few weeks ago at a major conference on the state of science education and scientific literacy in the United States, President Reagan, along with key members of his administration, was quoted as calling the sad state of U.S. science education a threat to our national economy and national security. The President and his people, said that the solution to this major national problem with momentous international implications is for local school boards and private industry to step forward and solve the problem.

At the time of this speech, I decided not to comment. However, since then even deeper budget cuts in the small, inadequate science education programs remaining in the Federal Government have been voted, with the strong support of the Reagan administration. Instead of recognizing the need for a Federal role of informed leadership, the Reagan administration has opted for rhetorical hand wringing.

Mr. Speaker, and fellow Members of Congress, I think the President and his administration can and should show real leadership in matters of such great national importance.

A recent column in the Christian Science Monitor by the respected science writer Robert C. Cowen said it right when he wrote:

Mr. Reagan cannot have it both ways. If science teaching is to improve, some time Washington will have to take the lead.

The column follows:

[From the Christian Science Monitor, June 9, 1982]

OUR PRESENT SYSTEM OF SCIENCE/MATH EDUCATION IS LETTING THE U.S. DOWN

(By Robert C. Cowen)

At a recent National Academy of Sciences conference on the sad state of science and mathematics teaching in the US, educators were astounded to have President Reagan himself sound the alarm.

He leads an administration that has gutted federal support for science and mathematics teaching. Yet he sent a message calling the situation "serious enough to compromise the nation's future ability to develop and advance our traditional industrial base. . . ." Secretary of Education Terrel H. Bell made the same point. So did Secretary of Defense Caspar W. Weinberger, who foresaw shortages of scientists and engineers undercutting US military strength.

But lest anyone think the administration sees eye to eye with the science educators, presidential assistant Edwin L. Harper reiterated that "we disagree with those who say that the federal government should be ultimately responsible for this problem." President Reagan may agree with NAS president Frank Press that the US may be "raising a new generation of Americans that is scientifically illiterate." But he is unwilling to put up the bucks to do anything about it. That, Harper said, should be left to the generosity of industry and the strained resources of local government.

Certainly there is cause for alarm, as many educators and business and government leaders have been pointing out. For example, Emeritus Prof. Paul DeHart Hurd of Stanford University told the conference that half the nation's high school math and science teachers are unqualified. They are teaching with emergency certificates.

"Currently," he said, "students have the attitude that high school science courses are for science majors and otherwise have little value. . . ." He added that out of 25 instructional hours a week US children average one hour of science and four of math. This is reflected in a steady decline in average science and math scores in standard tests.

There are multiple dangers in this. Citizens who know little of science and technology can't manage a scientifically based society intelligently. Many individuals who could be outstanding scientists or engineers are "turned off" by poor teaching or lack of opportunity to study science and math. Tomorrow's executives will be ill equipped to compete in a technological marketplace.

The US faced a similar challenge in 1957 when the Soviets opened the space race. The Eisenhower administration responded by supporting the National Defense Education Act which, especially through the leadership of the National Science Foundation, led to dramatic improvements in high school science teaching in the 1960s.

Such federal leadership conflicts with the present Republican administration's desire to get Washington out of what it considers to be local affairs. But as Sarah E. Klein, president of the National Science Teachers Association, asks, "Where is the funding going to come from. . . ?"

Mr. Reagan cannot have it both ways. If science teaching is to improve, sometime Washington will have to take the lead.●

CABOOL CENTENNIAL CELEBRATION

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, on July 3, 1982, the city of Cabool, Mo., will hold its centennial celebration. In addition to a parade with the color guard from Fort Leonard Wood participating, the festivities will include the burying of a time capsule at the base of the World War I Memorial in the City Hall Park at 4 p.m. The theme of the celebration is to honor the World War I, World War II, Korean, and Vietnam veterans.

In commemoration of this day and this city, let me, as the Member of Congress representing this city and this county in Missouri's Eighth District commend those men and women who gave their lives in defense of our country, who gave their hopes and aspirations that this Nation might live and not be dishonored, and that the people of Cabool and Texas County might live in a peaceful nation.

Let me also commend this entire committee, chaired by State Representative R. B. Grisham, and the city of Cabool for observing so worthy a cause. Cabool is a city of which its citizens can be proud, a community of growing, aware people. Aware that its past is behind it but proud of that past, aware that its future is before it but expectant that tomorrow will be even better than yesterday and today.

To each and every one of them, I offer a wish of only the best in the century to come.●

TOXIC WASTE TECHNOLOGY EMERGING QUICKLY OVERSEAS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FLORIO. Mr. Speaker, a recent article in the Christian Science Monitor pointed out the fact that the United States is seriously lagging behind both Europe and Japan in waste management technology. This is a troublesome situation because the safe management of wastes is an essential component of any new or modernized industrial operation.

It is disturbing to know that these technologies are available but are simply not being utilized to their potential in the United States.

After the passage of the Federal waste management law in 1976, the EPA began to make substantial progress toward establishing a waste management system that would move this country away from unsafe, cheap methods of disposal, such as landfilling, and toward more advanced technology such as high temperature incineration and solidification. Programs to reduce the overall waste stream and to recover energy and materials were encouraged as important components of a progressive waste management effort.

Unfortunately, the present leadership at EPA has sought, in the last year, to reverse this trend. Hazardous waste regulations are being weakened, which tends to reduce the incentives for innovative waste management, and encourage the continued use of outmoded, but inexpensive disposal methods.

The present EPA has absolutely no interest in assisting the States in waste planning and has discontinued any involvement in resource recovery or recycling. It has also sharply reduced research and development funds for the waste program.

All of these steps together can only serve to enlarge the gap between our country and the other industrialized nations.

The article, from the May 24 Christian Science Monitor, follows:

[From the Christian Science Monitor, May 24, 1982]

TOXIC WASTE DISPOSAL: THE EUROPEAN WAY

(By James A. Stegenga)

A US congressional committee survey has revealed that 93 percent of all the hazardous wastes generated by America's 50 largest chemical firms during the last 30 years has been disposed of by digging a hole out in the back yard of the manufacturer's site and dumping the stuff in.

The Europeans are 20 years ahead of the US by most estimates in the infant science of waste management. Land is scarcer and more precious to them. Their populations are more concentrated. And most Europeans accept a greater role than Americans do for government regulation in the interest of public health and safety. We are learning from them, and we'll need to continue doing so.

Denmark now has the world's only nationwide chemical-waste disposal scheme. All over Denmark there are collection centers where industry and citizens bring their wastes. From these 200 collection points the toxic materials are shipped to a single central treatment facility where each year 50,000 tons are incinerated, "detoxified," chemically neutralized, or solidified. The facility in turn produces the heat for the houses and shops of Nyborg, Denmark.

The British have developed a method of mixing cement with liquid wastes to permanently imprison toxic chemicals in solid concrete blocks that can safely be used as sub base for highways.

The French have developed a system of economic incentives (and disincentives or penalties) to encourage French industry to bring its wastes to incineration centers rather than dumping them on company property. And some French disposal facilities have become so efficent at recovering metals that they are selling the metals right back to the companies that brought in the wastes.

Dutch and German engineers have perfected "at sea" incinerators where some forms of waste can be burned with minimal effect on the sea water.

Japan is another industrial country with a high population density and a tradition of government/business partnership rather than adversarial tension. Japan has also moved to the forefront in the field of toxic waste disposal, following several incidents in the 1970s of chemical dumping resulting in the poisoning of fish and, subsequently, people. Japan's law regulating waste disposal is one of the toughest adopted in any country, with offending companies required not only to pay stiff fines and clean up the mess but also to pay medical damages and moving expenses for those wanting to relocate.

After the Love Canal disaster, Americans have finally developed an awareness and concern about proper handling of industrial wastes. Now we need to develop commitment and be willing to expend some effort and bear some costs.

Most important, we must establish a national policy concerning the disposal of toxic wastes. Like our world neighbors, we must make proper waste disposal a national concern—before it grows to catastrophic proportions.

We can learn much from those ahead of us in this field about economic incentives and disincentives; about promising new technologies; about organizing to get the job done; and about the most appropriate role for government in this critical enterprise of keeping our nest reasonably clean.●

NATIONAL CAPITAL INVESTMENT ACT OF 1982

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. EDGAR. Mr. Speaker, yesterday my Pennsylvania colleague, BILL CLINGER, and I were joined by several Members in introducing H.R. 6591, the National Capital Investment Act of 1982. The introduction of this legislation is the culmination of months of work and discussion on this issue. Our legislation would create the equivalent of a national capital budget and require a national assessment of our capital assets and investment needs.

I want to commend to my colleagues' attention the following op-ed piece from Sunday's Washington Post which sets out some of the important arguments for this type of legislation. The article follows:

WE'RE CHEATING OURSELVES

(BY DAVID J. MAHONEY)

President Reagan and his senior advisers know it. Most members of Congress will admit it. The federal budget process, as we have come to know and love it, is dead. The current system has produced little except partisan rhetoric, fear, polarization and uncertainty about the future course of U.S. economic policy.

Since the passage of the Congressional Budget Act of 1974, there has been an unmistakable deterioration in the budget process. Today, the budget is a political football, often distoring the true relevance of deficits, debt and government spending. In less than a decade, we have succeeded in transforming the federal budget from a decisive instrument of national planning into a national fire hydrant for every cause and special interest group.

The current budget impasse is only a symptom of a deeper problem. The evidence is clear. Decisions are deferred and deadlines are not met. Budgets are repudiated and forecasts invalidated only days or weeks after submission.

With the budget process at its nadir, we have an opportunity and responsibility to devise a new system that, in the words of President Reagan, "befits the great government of a great nation."

The U.S. government's current "unified" budget system lumps operating expenses (salaries for civil servants, office supplies, etc.) with capital expenditures (public buildings, roads, land, etc.). The government makes no distinction between one type of expenditure and another. Construction of a capital asset such as a hospital for veterans, for example, adds to the deficit, whereas the sale of land reduces the deficit. This is done even though the hospital, under normal accounting practices, would be treated as a long-term asset, not a deficit. Also, the government expenses the total cost of that hospital over the one or two years it takes to construct the building—even though the hospital will be in use for 30 to 40 years, or longer.

If business used this system of accounting, the years of greatest capital investment for growing businesses would be the years of greatest deficit, or of markedly lower profits. For example, this type of accounting would have lowered AT&T's 1981 profits to $9 billion from $19 billion.

If the average American followed the federal government's accounting methods, very, very few would ever be able to purchase a car or house.

Today's "unified" budget is misleading in that it not only does not recognize the nation's capital assets, it encourages higher deficits by hiding future-year costs. And it provides no formal planning for the maintenance and replacement of America's vitally important public infrastructure. In an era of limited resources, such as today, a unified budget may also give the American people false information and choices that could lead us to abandon our commitment to education, jobs health and a better life for the less privileged in our society.

Clearly, a change is needed. But to what? As a first step in rebuilding our federal budgetary system, I suggest our national leaders take a fresh look at an old idea—a capital budget.

Unlike the federal government, nearly all private corporations, state governments and most local governments use a capital budget. Under a capital budget, first proposed for the federal government by the 1949 Hoover Commission, expenditures and separated into current operating expenses and capital investments. Under a capital budgeting system, capital or investment-type programs are financed separately from current expense programs. Included in a capital budget would be current and future maintenance and construction capital requirements, sources of financing, and life-cycle costs.

For discussion purposes, let's assume that we transform the U.S. government into America, Inc., with a business-style balance sheet and capital budgeting system. There would be several surprises.

First, we would discover that America, Inc., has enormous assets that are not widely publicized or known. America, Inc.'s land holdings consist of 500 million acres—one-fifth of our nation's oil and gas resources, 50 percent of our coal, 80 percent of our oil shale, 50 percent of our uranium and 50 percent of our geothermal energy resources.

Unfortunately, no one really knows how much America, Inc.'s total assets are worth—we've never taken an inventory. Capital budgeting would force such an accounting, giving Congress and the president better information on our net worth on which to base national policy.

The second surprise we would discover is that America, Inc., like other large corporations, has a serious need to improve its capital investments program. America's public facilities are wearing out faster than they are being replaced. It is estimated that it will cost between $2.5 and $3 trillion over the next decade to maintain just the present level of services and public infrastructure.

Currently, the U.S. government has no system for planning or setting priorities for public works expenditures other than

through wasteful and indefensible "pork barrel" politics. A capital budgeting system would establish a formal system of long-range planning to manage the public infrastructure necessary for private-sector growth rather than focusing on single projects advocated by individual politicians.

Third, a capital budget would give us a new perspective on America, Inc.'s debt and its "deficits." America, Inc.'s long-term debt today is about $1.1 trillion—by any measure, a lot of money. But, rhetoric aside, how significant is a $1 trillion debt? Historically speaking, it's not much to be concerned about. America's debt at the end of World War II was slightly larger than our gross national product. In the late 1950s, our debt was about 50 percent of GNP; by 1974, it was 25 percent of GNP. Today, $1 trillion represents about 28 percent of GNP—hardly a figure to justify the current hysteria and hyperbole.

Deficit projections, ranging from $92 billion to $233 billion are a constant feature of the front pages and a favorite subject for speeches these days. The current "unified" accounting system distorts the significance of these numbers because it ignores our assets.

Don't misunderstand. I am not saying that deficits, particularly in the $100 billion and up range are not important. They are important. They drive up interest rates, compete with private-sector borrowing, and prolong the recession, and they must be dealt with.

But, they must be dealt with in the perspective of America's total net worth. The deficit is not the single most important indicator of our national net worth. The rhetoric surrounding the deficits has caused many Americans to overlook and to doubt their country's real economic strength.

A capital budgeting system would provide a comprehensive and balanced picture of America. It would provide more openness in the budget process and more accurate accounting of total life-cycle costs. Decisions on proposed government expenditures could be made based on hard numbers, not on the politics of the moment.●

TRIBUTE TO THE DAYTON PHILHARMONIC ORCHESTRA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. HALL of Ohio. Mr. Speaker, this week has been declared under an act of Congress as "National Orchestra Week" to honor the Nation's 1,572 symphony and chamber orchestras which bring inspiration and enjoyment to listeners in nearly every American community.

Therefore, I would like to take this opportunity to pay tribute to an orchestra which is very special to my district, the Dayton Philharmonic Orchestra.

The Dayton Philharmonic Orchestra has been a cultural resource in the Miami Valley since it was founded in 1933. From a membership of just 26 musicians presenting 4 concerts a season, it has grown to 85 musicians appearing in about 25 concerts each season.

Throughout its history, the orchestra has always made a strong effort to serve a variety of needs. A typical year for the orchestra might include several performances in neighboring small cities; free lunchtime performances downtown, or at a shopping mall; a series of pop concerts; and a Fourth of July gala.

Above all, the orchestra has paid special attention to the needs of young people. Along with the Dayton Philharmonic Orchestra Association and the Women's Association, the orchestra has provided a range of programs that rank among the best in the Nation to spread appreciation and understanding of music to all ages.

These activities include visits by volunteers into the schools to give demonstrations of musical instruments, slide shows, workshops, and lively discussions. This is in addition to a regular young people's concert series, a high school youth orchestra, a string training orchestra, and an in-school ensemble program.

One of the signs of success of any orchestra may be the support it receives from the community. If that is the case, then the Dayton Philharmonic Orchestra is certainly highly successful. Each year, citizens from the Dayton area show their appreciation through their generous voluntary contributions, and the orchestra is well on its way to building its endowment for its fiftieth anniversary celebration next year.●

THE U.N. MARCH

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. McDONALD. Mr. Speaker, the recent large demonstration in New York City was an impressive gathering of the left, new left, and assorted sympathizers and misguided idealists. Some of the people who wanted to participate were so obviously tied to Moscow that they were denied admission to the United States, under existing law. However, many thousands of people led by the groups who brought us the big "gulag" in Southeast Asia gathered their faithful together in New York City in a very impressive display. Who these people are and what they are achieving was very well summed up in an editorial that appeared in the Richmond Times-Dispatch of June 12, 1982. I invite my colleagues to read and consider its content.

THE U.N. MARCH

You might suppose that the "peace" groups that, only a decade ago, struggled to help enthrone the very regimes that have given the world the Boat People, the Cambodian holocaust, and kindred barbarisms would have dissolved in an acid of guilt and shame. But many of these same organizations have a new cause, which they are promoting this weekend in demonstrations at the United Nations: nuclear disarmament. But the type of disarmament they propose can only benefit the mentors of the murderers whose victims they do not mourn.

Many of the hundreds of thousands expected at the United Nations today are motivated by the highest principles, but, according to Dorothy Rabinowitz in The Wall Street Journal, dominating the demonstration are many of the same America-hating outfits that effectively lobbied for the interests of Ho Chi Minh during the '60s. There is, for instance, Clergy and Laity Concerned, which sees as its goal support of those who "hate the corporate power which the United States represents." There is the Quaker American Friends Service Committee, whose literature, defending terrorist "liberation" movements, claims that "it is essential for us to recognize clearly whose terrorism came first . . . the United States [to many] is an outlaw nation."

Also among the architects of the festivities are groups not as prominent during Vietnam, but nonetheless far from star-spangled in their ideological moorings. The Fellowship of Reconciliation and the Methodist Peace Fellowship, Miss Rabinowitz tells us, have published a flyer entitled "Anti-Soviet Fixation Rules the U.S." The Women's International League for Peace and Freedom has authored "The Myth of the Soviet Threat." And on it goes.

The connection between the so-called peace movement of the Vietnam era and its present incarnation is significant. Anti-war activists helped extend the Vietnam conflict buy intimidating politicians into following a timid, incremental strategy that ensured a long and demoralizing war. (One need only recall the furor on campus unleashed by the tactically sound U.S. thrust into Cambodia.) The bitter Vietnam experience led to a decade of neglect of U.S. defenses—a period in which Soviet military expenditures exceeded America's by an estimated $240 billion. Now, just when President Reagan is trying to close the "window of vulnerability," many of those same players are surging forth with a window jam: the clamor for a nuclear freeze.

The freeze, as we have said before, would preserve only the present U.S. strategic inferiority, particularly in Europe, which could then fall under Soviet sway. But could this gesture of good will, as the demonstrators imply, lead Moscow to pare its nuclear arsenal? The precedents are unalluring. In the 1960s, for example, the United States had 1,054 intercontinental missiles—many more than the Soviets. President Johnson imposed a unilateral freeze on ICBMs, asking Moscow to follow suit. Instead, the Soviets sped up production and today possess 1,400—perilously more than we.

It is passing strange that the disarmament movement is pullulating just as an American administration is gearing up to check the Soviet ICBM threat. But maybe not so strange when Miss Rabinowitz reminds us that "there is almost no distinguishable difference between the foreign-policy pronouncements" of the groups in the forefront of the current rally and those of the leaders of certain foreign-based communist-front "peace" groups bankrolled by the Kremlin.

Communist leaders long ago recognized that mankind's laudable desire for peace was fertile field for revolutionaries. As Soviet dissident Vladimir Bukovsky writes

in Commentary about the European disarmament movement, "The Soviet rulers have scored a spectacular victory: They have recruited millions of useful idiots to implement their bankrupt foreign policy." Sincere persons parading today in New York would do well to make sure they too are not in the ranks of Lenin's "useful idiots."

"Twenty-five signatures," wrote the Danish philosopher Soren Kierkegaard, "make the most frightful stupidity into an opinion." The same can be said of 250,000 marchers. The last time chanting throngs cowed the nation's leadership into indecision, the ultimate result was millions of deaths. Incredible as it may seem, next time could even be worse.●

THE APALACHICOLA-CHATTAHOOCHEE-FLINT WATERWAY MAINTENANCE ACT OF 1982

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. DICKINSON. Mr. Speaker, today, I am introducing legislation intended to restore the navigable channel of the Apalachicola-Chattahoochee-Flint Waterway in Alabama, Georgia, and Florida to depths and dimensions authorized by Congress in 1945 and 1946.

This waterway serves these States as an important artery of commerce. Energy materials and other basic commodities move upstream from the Gulf of Mexico for use or processing. Grain elevators ship soybeans and corn grown in the tributary area to gulf coast and world markets via the ACF Waterway and have said they would ship export peanuts and sunflower seeds by that route if the authorized channel were provided on a reliable basis. Chemical plants and other installations receive basic commodities by barge. Manufacturers of barges and ocean-going ships rely on the channel to move their products to market. Thus, the economy of this region depends upon the ACF Waterway for its continued growth and prosperity.

However, unnecessary obstructions and inadequate depths now impede and disrupt navigation on the system. This condition results mainly from administrative interpretations which have been applied to the issuance of permits under the Clean Water Act to the Corps of Engineers with respect to dredging of navigable channels to authorized depths and removal of obstructions hazardous to navigation.

Of course, the Corps of Engineers, acting under its policy guidelines, has attempted to fully comply with these requirements and conditions, even at the price of failure to take appropriate action to maintain navigability of the ACF Waterway. Delays have resulted in placing the dredging program for the system far behind schedule. The consequence is serious deterioration of the navigable channel compounded by failure to remove hazardous obstructions. Transportation costs of coal, fuel oil, grain, and chemical products, and electric power rates are increased and delivery schedules are disrupted. Firms manufacturing barges are handicapped by not being able to deliver their products on time. Therefore, production costs of basic commodities have risen, and the competitive position of industry throughout much of the central South is impaired, at a time when economic recession has already deprived industry of much of its capacity for absorbing additional costs.

Accordingly, the purpose of this legislation is to direct the Secretary of the Army, through the Chief of Engineers, to maintain navigation of the ACF Waterway by removing obstructions and performing such acts as he deems necessary and advisable to maintain authorized minimum stable depths on the waterway. My bill simply reaffirms and implements the right of our National Government to maintain navigation, and I urge my colleagues in this region to cosponsor.●

ADMINISTRATION CREATES JOBLESSNESS ACROSS NATION AND NEW JERSEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. FLORIO. Mr. Speaker, May 1982 saw our Nation's unemployment reach it highest level since 1941. National unemployment reached 9.5 percent, breaking the post-war record of 9.4 percent set only 1 month earlier.

The recession has left 17,600,000 Americans either jobless or underemployed. Black unemployment is 18.7 percent, an alltime record. White unemployment reached 8.5 percent, an alltime record, up from 8.4 percent in April. Teenage unemployment is at its alltime level of 23.1 percent. More married men are jobless today than at any other time.

The loss of work reverberates throughout our society, creating frustration, tension and chaos where it did not exist before.

The intensity and duration of the national recession has left almost 9 percent of New Jersey's work force without a job. Many south Jersey counties are suffering considerably greater joblessness. Mr. Speaker, for the benefit of our colleagues, I request that the following article on the unemployment problem in south Jersey be inserted in the RECORD.

[From The Press, Atlantic City (N.J.), June 8, 1982]

JOB OUTLOOK: THINGS COULD BE WORSE

(By Cynthia Burton)

A well-dressed young man cursed across the large waiting room at the Atlantic City unemployment office, colorfully and anatomically describing what anyone could do with his unemployment check.

A 73-year-old woman was knocked down while she was waiting in line. She was in the wrong place when two men near the back of the office started fighting. She is suing the state Department of Labor.

"There are more and more instances of violence in the office," said insurance technician William Napier. One time, the office experienced what Napier calls a "double header"—two fights at once.

Meanwhile, the usual verbal violence is vented on the underpaid front-line workers in the office, only three of whom are full-timers. Turnover is tremendous. Napier said it doesn't take long for an office worker to receive a threat on her or her family's life.

"Tempers are very short. People are depressed," Napier said. "When a guy gets his last check and screams, 'How am I going to feed my family?' I can't help him. He's already been turned down by welfare."

Many of the unemployed, some whom mirror defeat when they stand in line holding twist-top wine bottles in paper bags, know they won't be going back to work at their old jobs. Their jobs are gone or the businesses they worked for have left town.

Retraining for the people who have lost their jobs permanently has been curtailed by federal funding cuts. And, most of the jobs listed in the classified ads require experience, a special skill or a license. These days, janitors and telephone solicitors need experience.

But the misery and violence of the unemployment line, where young men in white shirts and ties stand behind middle aged, middle-class women, could be a lot worse if Atlantic County didn't have an emerging casino industry.

While Atlantic County's April unemployment rate was 10.8 percent, and the figure for the first quarter of 1982 was 26 percent higher than for the same time last year, the area has shown a growth in its overall labor force—especially in service-related jobs.

Elsewhere, the recession's punch is hitting harder. Look at Cumberland County, which lost hundreds of jobs due to recession-related factory closings and layoffs. It had a staggering 17.4 percent unemployment rate in April.

In May, however, Vineland's DeRossi and Son garment firm received a $9 million U.S. Army contract for 200,000 jackets. That translates into keeping 350 sewing-machine operators busy for seven months. The company also will have to hire 50 more skilled workers. Nearly 75 percent of the company's 350 operators are now out of work.

A labor observer said Cumberland County's 17.4 percent unemployment rate doesn't reflect the people who have given up on finding a job. If those people were counted, the rate would double, he said.

Ocean County had a 9.6 percent unemployment rate in April, while Cape May County registered a 16.4 percent rate—considerably less than Cape May County's March unemployment rate of 22 percent.

Cape May County, however, has a seasonal economy and unemployment usually bottoms out at 22 percent to 25 percent in the fall and winter months.

Statewide, 8.9 percent of the workforce couldn't find a job in April and throughout the nation, the unemployment rate hit 9.5 percent—the highest level since the government started counting the nation's jobless.

When the recession first began to rear its ugly head, former Atlantic County Manpower Director Robert Gross said he'd much rather be in Atlantic City where a new industry is emerging than in Flint, Mich., which has a tragic dependency on the sagging auto industry.

Gross said there is still a wide range of casino jobs available.

"We have experienced an ability to place, but we had more last year than this year because we had a couple of houses (casinos) opening last year," he said.

Writing in the "Business Review" for the Federal Reserve Bank of Philadelphia, Glassboro State College economist Dr. Thomas Hamner discussed just how desperate joblessness in Atlantic County could have been without casinos. By the first quarter of 1981, there were about 21,000 more jobs than there would have been without casinos, he wrote.

State records show that during the 1975 recession, unemployment claims in Atlantic City peaked at 8,200 compared to the recent recession peak of 8,000 in December 1981 and February 1982. In April, the Atlantic City office handed out $3.4 million in checks to 7,500 unemployed workers.

State Department of Labor statistics show that Atlantic County's working labor force continues to creep upward, counter to the recession.

In April 1981, nearly 102,900 Atlantic County people had jobs and 8,900 were looking for work. Preliminary figures for April 1982 show that 105,700 had jobs and 12,800 were unemployed. So while 3,800 more Atlantic County people were out of work, about 2,800 more people had jobs. In part, that's because 6,700 more people were counted in the labor force this April over last April.

In that 12-month period, the Playboy Hotel & Casino, Claridge Hotel and Casino and Tropicana casino hotel opened. The number of service-related jobs grew from 42,200 in April 1981 to 44,900 this April. Of those, 28,500 are casino-hotel jobs.

Gross said casinos have made Atlantic County recession-resilient rather than recession-proof. The Atlantic County economy isn't growing as rapidly as it had in the past few years, but it doesn't seem to be shrinking either, he said.

A closer look at Cumberland County, which has no summer tourist trade or casinos to bail it out, shows its unemployment rate has hovered around 17 percent since January. Last year, the rate was about 13 percent. In April, the month for which the latest statistics are available, 10,500 people were looking for work and 49,800 had jobs.

Cumberland County's unemployment rate is about 1.5 times the national rate. And when good things happen in the national economy, it takes up to 1½ years for Cumberland County to catch up, said Charles Thomas, director of the county Office of Employment and Training.

Cumberland County's biggest employers are farms, factories and government. Some of the county's factories have left town, gone out of business or cut back operations.

When Murbeck Knitted Fabrics, a yarn-making firm, left Bridgeton, the loss rippled over to Bridgeton Dyeing and Finishing Corp., which had finished Murbeck's yarn.

Progresso Foods stopped its trucking operation, Seabrook Foods shut down, Wheaton Glass Company had layoffs, and a few smaller outlets had layoffs or ceased operations, Thomas said.

"There has been a decline in the farming industry and I don't think the manufacturing industry has been able to keep up" to replace jobs lost in agriculture, he said.

Thomas said the recession has made life harder in Cumberland County.

"For the immediate future, it looks bleak. I can't see anything turning around," he said. Thomas said only a modern-day Work Progress Administration project could bail out Cumberland County.

Ocean County is also feeling the effects of the nationwide recession, according to labor market analyst Jim Major.

This April, 117,500 people had jobs and 12,500 people were looking. Last April, 119,500 people had jobs and 12,700 didn't.

Ocean County appears to be faring better than Cumberland County, Major said, because "we have a lot of (retired) people moving into this area." Those retirees are patronizing retail outlets, promoting their expansion.

Retail outlets are Ocean County's biggest employer, he said. In April, an estimated 21,300 people had retail jobs compared to last April when 19,800 people had sales jobs.

Many of Cape May County's 7,400 workers who were idle in March will probably find work in the summer when the tourists come. Just between March and April, state figures show that 1,600 fewer people were out of work in Cape May County.

A 16.4 percent unemployment rate is not unusual for Cape May County's seasonal economy and doesn't reflect the recession's force, according to former state labor market analyst Arthur Carr.

A Cape May County woman, who asked not to be identified, said she and her friends have the unemployment game down to a science. They calculate how much money they ought to declare in tips as waitresses and how many weeks they ought to work in the summer in order to maximize their unemployment benefits during the lean winter months. She said if the mid-sized restaurant she works for were open in the winter, she'd work year-round.

Donald M. Kelly, director of the Cape May County Economic Development Commission, predicted a record-breaking, money-making, job-filled summer for his county.

The county's limited industry is holding its own, he said, And construction jobs, stimulated by the nearly 3,000 casino workers living there who need housing, are saving the county from feeling the recession, he said.

However, if many of Cape May and Atlantic counties' unemployed don't find jobs this summer, even the land of sand and surf, where millions of tourists go to forget about the rest of their lives, will have felt the full effects of the national economic tragedy.●

VOTE EXPLANATION

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. EVANS of Delaware. Mr. Speaker, when this House passed the rule to accompany House Concurrent Resolution 352, the first concurrent resolution on the budget, I voted "no."

I objected to the rule because it did not allow this House to consider any other alternatives to the Latta or Jones budget resolutions. Members were effectively prevented from proposing or considering any measures that would restore funding to some of the programs that were cut so deeply.

While I supported the Latta bipartisan recovery substitute because it was the only plan that maintained the broad thrust of the President's economic recovery program, I would have preferred to consider a substitute that improved upon some of the shortcomings in the bipartisan recovery plan. I believe additional funding for certain key education, nutrition, and health programs could have been approved if Members were able to consider options other than the limited number made in order by the rule. This funding would not have added to the already bloated budget deficit if we made a greater effort to eliminate unnecessary spending in the Defense Department. Again, since the rule was so restrictive, we were blocked from voting on this approach.

It was important for this House to pass a budget, and we finally did just that last week. However, I believe the House and Senate conferees can work out a final version of the budget resolution that provides a more equitable level of funding for important programs that help people who really need assistance from our Government.●

SAVE JOBS FOR SENIOR CITIZENS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. GRAY. Mr. Chairman, I urge my colleagues to support immediate passage of the urgent supplemental appropriation for fiscal year 1982. In particular, I alert my colleagues to the inclusion in the report of the conference committee of $210.6 million for the senior community service employment program, title V of the Older American's Act. This program, for which over 230 Members of this body have expressed their support, either by signing my letters to the President, or by cosponsoring the resolution by representatives CONTE and PANETTA, provides jobs, job training, counseling, and outreach services to low-income elderly citizens.

Mr. Chairman, the jobs of 54,200 senior citizens, all under 125 percent of the poverty level, ride on the votes each of us will cast on this bill. The title V program returns a total rate of profit of 16 percent to the American taxpayer, by taking seniors off of public assistance, by providing money-

saving municipal services local governments could not otherwise provide, and by demonstrating to the private sector that those over 65 can be most productive employees.

This program owes a portion of its remarkable record of success to the fact that it is administered by private, nonprofit national membership organizations, such as Green Thumb, the National Council on Aging, and the National Council of Senior Citizens, which have a unique understanding of the populations they serve.

Mr. Chairman, our senior citizens do not wish to be a burden to the taxpayers—they wish to be taxpayers, and title V has proven that they can be extraordinarily productive when given the opportunity. For every dollar invested, title V saves $1.15. Last year FICA contributions from title V employees amounted to $1,575,639. Nurses aides trained by the senior community service employment program prevented costly and dehumanizing institutionalization of hundreds of other elderly persons. Beyond the stark reality of cost savings lies a societal contribution to the lives of those who ask only for a chance to continue contributing to the society they built. I strongly urge a vote in support for this supplemental appropriation.●

THE FREEZE MOVEMENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. McDONALD. Mr. Speaker, recent events in New York in support of a nuclear weapons freeze has focused attention on that issue. The June 12 march and rally in Central Park and the June 14 exercise in civil disobedience were only the keynote events in a campaign aimed at convincing the general public as well as the Congress and executive branch of a groundswell of support for a unilateral U.S. freeze.

As I have noted many times previously, many well-meaning people have been drawn into these events due to a genuine concern over war and the costs associated with a strong defense. However, these sincere feelings have been exploited by those with goals inimical to our Nation's true well-being. This point has been aptly and incisively brought out by Dorothy Rabinowitz in the Wall Street Journal for June 10, 1982. Her article, entitled "The Building Blocks of the Freeze Movement," is an excellent review of the organizations behind the freeze movement, as well as the rally and demonstration in New York. I commend this article to my colleagues:

[From the Wall Street Journal, June 10, 1982]

THE BUILDING BLOCKS OF THE FREEZE MOVEMENT

(By Dorothy Rabinowitz)

Within a day or so, the disarmament movement begins the climactic hour of its spring "peace offensive." Nuclear freeze proponents along with peace activists of every stripe will converge on New York City for a series of demonstrations this weekend to coincide with the United Nations special session on disarmament.

The mammoth size of the crowds will, freeze coordinators contend, bear out their claim that the clamor for a nuclear freeze is a spontaneous movement of ordinary citizens concerned about the perils of nuclear war. The details of the American peace movement, however, are a good deal more complicated and interesting than its proponents would have us believe. Indeed a good many people who have spent the last months gathering nuclear-freeze petitions, as well as many of the church and professional groups that have signed on as sponsors, might be taken aback by the aims and allegiances of the architects of the freeze in whose campaign they have enlisted.

Prominent among them are the American Friends Service Committee, which had the key role in conceiving the freeze idea in 1979; the Fellowship of Reconciliation, and the Women's International League for Peace and Freedom. All are old-line peace organizations that in the past 10 years have drifted far from the pacifist idealism of their beginnings.

One of the central freeze events, planned to coincide with the UN disarmament conference, is a sit-in next Monday in New York to block entrances to the resident missions of the five nations that now possess nuclear arms. The sponsoring organizations listed in the literature being distributed to promote the sit-in include the War Resisters League, a nominally pacifist group founded in 1923, whose chief energies today are spent advancing the cause of world revolution; Clergy and Laity Concerned, formed to oppose the Vietnam war and today the principal left-wing network among U.S. churches; Mobilization for Survival, an umbrella disarmament organization composed chiefly of radical activists, Communists and assorted peace groups.

SAME ANTI-AMERICAN ATTITUDE

These well-established peace groups have in common a remarkably consistent sociopolitical outlook, not the least significant aspect of which is a unity of attitude about the government of the United States and its role in the world. It is an attitude these groups have purveyed repeatedly and publicly during the past decade. One does not have to look far for a reflection of this attitude. (Indeed a good portion of the material drawn on for this piece is in the peace collection of the Swarthmore College library in Bryn Mawr, Pa.)

The Women's International League for Peace and Freedom in a statement on foreign policy: "All life on earth is threatened by U.S. imperialism." The avowedly pacifist women's league is an enthusiastic public supporter of the Palestine Liberation Organization.

For Clergy and Laity Concerned, the movement against the Vietnam war represented a "struggle against American imperialism and exploitation in just about every corner of the world." The task now, the group said, was to join those who "hate the corporate power which the United States presently represents. . . ."

A pamphlet written under the auspices of the Quaker American Friends Service Committee warns against passing judgment on the violence perpetrated by "liberation" movements; the writer explains that the worst violence begins with those who "control weapons and institutions of repressive violence." The most prominent agent of this control is identified as the United States. "Before we deplore 'terrorism,'" writes this representative of the nation's most venerable pacifist organization, "it is essential for us to recognize clearly whose terrorism came first." The pamphlet's author, James Bristol, writes that to much of the world, "the United States is an outlaw nation."

The groups organizing next week's sitin, or "Civil Disobedience Campaign," have published an official handbook for the event. Anyone under the impression that the freeze campaign planned by the disarmament movement expresses the voice of grassroots America might note this handbook's introduction, which includes the information that, "The foreign policy of the U.S. continues to profit the very rich and powerful while stripping everyone else of self-determination, resources and money."

The established groups at the center of the nuclear-freeze movement also share a common view of the Soviet Union and the Communist world. That view is best reflected in the marked incapacity of these groups to perceive in the practices or policies of the Soviet Union or its allies anything meriting blame. The same organizational newsletters that inveigh endlessly against U.S. imperialism contain no word of condemnation for the invasion of Afghanistan or the events in Poland.

The leader of the Women's International League for Peace and Freedom said of the Soviet invasion of Afghanistan that while military intervention was always "regrettable," it was nonetheless "understandable," given the "Soviet interest in having close relations with a neighboring country with which it shares a 2,000-mile border."

Similarly, a member of Clergy and Laity Concerned at a disarmament conference held at the Cathedral of St. John the Divine in New York City last month explained that Afghanistan is "within the Soviet sphere of influence" and that the Soviet Union was thus doing only what is considered necessary under the circumstances.

No country, however, evokes more solidarity or exculpatory wisdom among the peace groups now leading the nuclear-freeze movement than Cuba.

A 1977 report on a visit to Castro's Cuba in the journal of the Women's International League for Peace and Freedom concludes that "the healthy relation of the individual to society is a priority in Cuba." The exposure to healthy individualism in Cuba had come, the writer reports, from her experience of marching in the Cuban May Day Parade, watching Cuban government films on liberation struggles and attending a Paul Robeson memorial festival.

Russell Johnson, an official of the American Friends Service Committee, notes in a 1982 article in the Fellowship of Reconciliation magazine that "Our nation [the U.S.] today is the very fount of violence in many places in the Third World," and cites as his authority a Cuban who told American visitors, "Maybe we wouldn't have to carry weapons here in Cuba" if "you North Americans would go back to your country and work to disarm it."

Nowhere is the propensity to exculpate the Soviets and the socialist countries more evident than in the question of disarmament. Notwithstanding the suggestion of even-handedness implicit in a mutual freeze, it is clear from the testimony offered up by the movement's guiding spirits that the U.S. is the main culprit in the arms race.

The Fellowship of Reconciliation and the Methodist Peace Fellowship, for example, published a joint, September 1981 flyer titled "Anti-Soviet Fixation Rules the U.S." The Women's International League for Peace and Freedom puts out "Who Sets the Pace for the Arms Race?" as well as "The Myth of the Soviet Threat."

The congeniality of views between the Soviet Union and the socialist countries and these prominent Western peace groups has its roots in good measure in the success of the Soviet peace offensive in Europe. Soviet expropriation of the peace issue goes back to the early 1950s and the Stockholm Peace Appeal, the earliest in a series of campaigns to stir up and exploit popular fear of nuclear war.

The principal outlet for Soviet peace propaganda since then has been in World Peace Council. Founded in the late 1940s, the council functions, today as then, as a Soviet front organization. In 1975, it presented its highest award, the Joliet Curie Gold Medal, to Yasser Arafat and gave a peace award to Lolita Lebrun, one of the Puerto Rican terrorists who invaded and shot up the U.S. House of Representatives in the 1950s.

DON'T CONSIDER U.S.S.R. A THREAT

Now headquartered in Helsinki, having been expelled from various other Eruopean countries, the World Peace Council took a leading role in two recent successful disarmament offensives mounted by the Soviets: the stop-the-neutron-bomb movement of 1977-78 and the Soviets' more recent campaign against modernization of NATO theater nuclear weapons, which eventually broadened into the current disarmament movement.

The connection between the European peace movement and many of the groups organizing the disarmament movement in the U.S. comes through the U.S. Peace Council, a domestic affiliate of the Soviet-dominated World Peace Council. The U.S. Peace Council has elicited support for its activities from most of the key figures in the U.S. freeze movement.

The fact is there is almost no distinguishable difference between the foreign policy pronouncements of Michael Meyerson, the head of the U.S. Peace Council and a member of the U.S. Communist party, that "the main threat to world peace is the U.S. military industrial machine" and that of any number of similar statements by officials of Clergy and Laity Concerned, the American Friends Service Committee, the Fellowship of Reconciliation, Women's International League for Peace and Freedom, the War Resisters League, Mobilization for Survival or the Coalition for a New Foreign and Military Policy.

This, in short, is the constituency that today presumes to counsel us on our security interests, a constituency that refuses to consider the Soviet Union a threat but that holds the United States to be the chief enemy of peace and freedom. Those multitudes now enlisting in their ranks would do well to consider these credentials and to ponder just whose music it is they will be marching to behind the nuclear-freeze banners.●

INTERNATIONAL RELIGIOUS CONVOCATION CALLS FOR END TO ARMS RACE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ROSENTHAL. Mr. Speaker, on June 12, 1982, history was made on the Great Lawn of Central Park. Hundreds of thousands of people from all parts of the United States and the rest of the world came together in what may have been the largest demonstration in U.S. history. They all came to say one thing: End the arms race that threatens us with nuclear holocaust.

This many people expressing themselves so forcefully and so peacefully cannot be ignored by those in the highest circles of power of our world's governments, and cannot fail to alter their policies.

As part of the weekend event, more than two dozen representatives of the world's major religious faiths came together for an International Religious Convocation in support of the United Nations Special Session on Disarmament. Not only were the traditional Western Judeo-Christian religions represented, high priests of Eastern faiths such as the Hindu, Buddhist, and Moslem sects were also among the participants. Yet despite the wide differences in the fundamental religious philosophies of these leaders, they all found common spiritual ground and proclaimed in unity that we must disarm our world before it is too late. We must all listen to their call:

Although we speak with the many voices of the world's religious traditions, we are one in our belief in the sacredness of life and the holiness of the Earth. It is from this common faith that we wish to speak out in the name of present and future generations.

Today, as never before, the survival of humanity is threatened by the possibility of nuclear extermination. Even if these fearsome weapons are not actually used, they attack the poor through an unchecked arms race that consumes the very resources—$500 billion annually—which should feed, clothe, house, and heal the world's people.

The grave responsibility which the First Special Session on Disarmament laid upon this Second Special Session on Disarmament is nothing less than the development of a "Comprehensive Program for Disarmament" with specific time frames leading to the abolition of nuclear weapons, and general and complete disarmament. This must be done.

In the name of the Spirit of Life may the work of these within the United Nations and outside of it during the Special Session on Disarmament be blessed with the vision and courage to turn the nuclear tide while there is still time. Together let us choose life so that we and our children will live.

Mr. Speaker, in urging our governments to "choose life," the deliberations and prayers of this Holy assembly has added a vital spiritual dimension to our quest to save our world from nuclear holocaust.

Eighty-eight Members of Congress joined with me in sending a message to this holy gathering, establishing a link between our efforts to relieve the threat of nuclear terror and expressing our support and gratitude for the work of these religious leaders.

The text of our message follows:

We Members of the U.S. House of Representatives salute you, members of the World Religious Communities, for your work on behalf of Nuclear Disarmament.

You are providing this international effort with deeply needed spiritual and moral purpose. You are moving millions. Your message is being heard in the highest councils of government. We want you to know how important and effective we believe your work has been. The world needs you to continue in your mission.

The control and elimination of nuclear weapons is the greatest challenge presently facing humankind. We ourselves are committed to press this cause—among our constituents, in the Congress, and with the administration. We see signs of progress, but the task before us is enormous. So much more needs to be done. As the United Nations begins its Special Session on Disarmament, and as the International Religious Convocation gathers in support of this undertaking let us all resolve to work together more closely and with still greater dedication.●

NATIONAL ORCHESTRA WEEK—THE ATLANTA SYMPHONY

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. LEVITAS. Mr. Speaker, on the occasion of National Orchestra Week, I would like to make a few comments about the Atlanta Symphony Orchestra, now in its 37th season. The orchestra's national reputation was immeasurably enhanced following its performances in Washington, D.C. and New York City in May 1976. Its concerts at Kennedy Center and Carnegie Hall played to capacity houses—a rare occurrence for visiting orchestras—and to lavish critical praise.

The Atlanta Symphony participated in President Carter's inaugural concert at the Kennedy Center in January 1977, and its national reputation was further enhanced during its October 1978 tour of Western States and its 1980 tour of the Northeast which included performances in Washington, Boston, and New York. During the 1980-81 season the orchestra made its first international appearance in Mexico City, and in the spring made its Chicago debut at the Auditorium Theater, where its performance under Robert Shaw of Beethoven's Symphony No. 7 was deemed by local critics as superior to recent performances by the orchestras of Chicago and Boston.

The Atlanta Symphony was founded during World War II. The group was directed by Henry Sopkin, a gifted young conductor and educator from Chicago, whose salary and expenses were guaranteed by the Atlanta Music Club for 1 year. He remained with the orchestra for more than 20 years.

Following its first public concert on February 4, 1945, the Atlanta Symphony's budget tripled within a decade as the orchestra grew in strength and stature, increasing both the quality and the number of its annual performances.

The orchestra continued to broaden its scope, expanding its repertory and bringing to Atlanta such topflight soloists as Glenn Gould and Isaac Stern, but the orchestra remained semiprofessional, its musicians forced to perform part time because of budget constraints.

In 1962, a shattering event changed the course of music and the arts in Atlanta. An airplane crashed at Orly Field near a Paris suburb, taking the lives of 130 passengers and crew members. Among the victims were 106 Atlantans, most of them members of the Atlanta Art Association.

Determined that Atlanta's cultural life would continue—partly as a memorial to those who died, partly as a living testament to the power of the arts to give meaning to life—the city responded to plans for a memorial arts center. Within a year, the Atlanta Symphony, the High Museum of Art, and the Atlanta School of Art (now the Atlanta College of Art) joined together to form the Atlanta Arts Alliance. A gift from Robert W. Woodruff, Atlanta's legendary "anonymous donor," provided seed money for the construction of the $13 million Atlanta Memorial Arts Center. Contributions from private individuals, ranging from school children's nickels and dimes to gifts of thousands of dollars, met and surpassed the goal of matching Woodruff's then anonymous gift.

The pioneering efforts of Henry Sopkin, who retired in 1966, had brought the Atlanta Symphony to the threshold of total professionalism.

After Sopkin's retirement, and a year-long search, Robert Shaw, associate conductor of the Cleveland Orchestra and internationally famed director of the Robert Shaw Chorale, was selected to meet the challenge of bringing the Atlanta Symphony to its full potential. The 1967-68 season began his tenure as music director and conductor of the Atlanta Symphony Orchestra; and the appointment of Louis Lane as coconductor and of Hiroyuki Iwaki as principal guest conductor in 1977 brought additional prestige and strength to the symphony's conducting staff.

In only 14 years, Robert Shaw has led the Atlanta Symphony to its present status among the world's great symphony orchestras. Shaw has been honored as a musician, humanitarian and spokesman for the arts; and in his words, ". . . the arts are a lodestar of Man's humanity." "They affirm life" Shaw says, "and in doing so, help us to define our lives: The more deeply such works can lead us into ourselves, the more completely we return to one another."

Under Robert Shaw's distinguished and brilliant direction, the Atlanta Symphony has grown from a handful of concerts in the Atlanta Municipal Auditorium to appearances throughout the State, the Southeast, the United States, and the international community.

It gives me great pleasure to commend Robert Shaw and the entire membership of the Atlanta Symphony Orchestra.●

IN HONOR OF JAMES HANLEY'S RETIREMENT FROM THE LOS ANGELES UNIFIED SCHOOL DISTRICT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. ANDERSON. Mr. Speaker, this Monday, June 21, 1982, the many friends of James Hanley will gather at the Los Verdes Country Club in Rancho Palos Verdes, Calif., to honor him on the occasion of his retirement from the Los Angeles Unified School District after 29 years of unblemished service.

After serving in the U.S. Coast Guard from 1944 to 1946, Jim graduated from California State at Los Angeles (CSLA) in 1950. Soon thereafter, Jim completed his graduate work after studying at the University of Southern California and CSLA. It was 1 year later that Jim began his distinguished career in the Los Angeles Unified School District as a teacher and coach. In 1963, Jim was named as assistant principal at Manual Arts High School in Los Angeles. He served in this position until 1968. From 1968 to 1973 Jim found himself at Gardena's Robert Perry Junior High School where he served as principal. Jim's career reached its zenith in 1973 when he was appointed to the position of principal at Phineas Banning High School located in Wilmington.

It should be noted that outside of the academic arena, Jim found the time to sit on the Wilmington Boy's Club board of directors, and be a member of the Administrators Association of Los Angeles, and the California Administrators Association.

Mr. Speaker, in this day and age when many often critize our public school system, it has been men such as Jim who have demonstrated their superior ability to communicate with our younger citizens and give them a direction in life. His involvement with the community and his genuine care for area residents has given him respect which he well deserves.

The night of June 21 will most definitely be a memorable occasion for Jim Hanley and his family. It will also be an important one for the community of Wilmington, since it will offer all who know of this man's good work a chance to express their appreciation. And there is indeed so much to thank him for.

My wife, Lee, joins me in offering our own words of congratulation, and we send our best wishes for future success and happiness to Jim and his wife, Mary Ellen, and their daughter, Patricia.●

NYS LEGISLATORS CALL FOR NEW INVESTIGATION OF U.S. GOVERNMENT USE OF NAZI WAR CRIMINALS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1982

● Mr. SOLARZ. Mr. Speaker, the recent disturbing discovery by Congressman BARNEY FRANK that Federal agencies deliberately withheld information from the 1978 GAO investigation of Nazi war criminals in the United States has prompted understandable and intense public interest in reopening that GAO investigation of Nazi war criminals.

One indication of the growing concern about this outrageous coverup by Federal agencies is the fact that State Senators Manfred Ohrenstein and Carol Berman introduced a resolution in the New York State Legislature calling on the Congress to conduct new investigations of the utilization of Nazi war criminals and the deliberate coverup by agencies of our Government.

Senator Ohrenstein, the New York State Senate Democratic leader, and Senator Berman (D-Nassau-Queens) in introducing their resolution on May 20 said:

"United States Government agencies such as the State Department, the intelligence branches of the Army, Navy, Air Force, the Central Intelligence Agency, Federal Bureau of Investigation, Radio Free Europe, Radio Liberty, and others knowingly brought some of these Nazi war criminals into the country to use as agents and consultants.

I had been aware of the presence of alleged Nazi war criminals here, and even of their use by government agencies, said Senator Ohrenstein, who fled from Nazi Germany as a teenager in 1938. "But I had accepted the 1978 findings of the General Accounting Office of Congress. At that time, the GAO found no evidence of a widespread

conspiracy within the government to cover up the Nazi war criminal cases.

New allegations indicate that such utilization was deliberately and systematically swept under the carpet, Senator Berman added. It's shocking to learn that our government not only used these Nazi war criminals, who were accomplices to mass murder, but that the government then denied such use for over 30 years.

The FBI and CIA admitted officially for the first time to Congress in 1978 that they had "utilized" Nazi war criminals and collaborators, but various agencies continued to withhold relevant files from Congress. This was made public last month by a former employee of the U.S. Justice Department's Office of Special Investigations (OSI), which was created in 1980 to seek out and deport Nazi war criminals living in America.

Of the OSI's 22 active deportation and denaturalization cases, four accused Nazi war criminals are residents of New York State, Senator Ohrenstein said. Of these four, at least three have been utilized by government agencies.

Mr. Speaker, I ask that the text of the resolution be included in today's RECORD. I would also like to urge my colleagues to join me in the effort asking the administration to cooperate fully and quickly in a new major investigation of the presence of Nazi war criminals in the United States and of their use by Government agencies. Only when such a study is completed and published will our citizens be able to scrutinize in the full light of day the folly of our Government employing or aiding in any way those who participated in the torture and destruction of millions of human lives during the Holocaust.

U.S. GOVERNMENT UTILIZATION OF NAZI WAR CRIMINALS

Whereas, An undetermined number of Nazi war criminals and collaborators reside today in the United States; and

Whereas, The Office of Special Investigations of the United States Justice Department is charged with investigating and prosecuting alleged Nazi war criminals residing here; and

Whereas, These individuals are accused of various crimes including mass murder, implementation of the Nazi genocide program and carrying out human experiments during World War II; and

Whereas, These accusations have been made by war crimes documentation centers, ministries of justice, concentration camp survivors, and resistance groups; and

Whereas, United States government agencies such as the State Department, the intelligence branches of the Army, Navy, Air Force, the Central Intelligence Agency, Federal Bureau of Investigation, Radio Free Europe, Radio Liberty, and others knowingly brought some of these Nazi war criminals into the country to use as "agents" and "consultants"; and

Whereas, On May fifteenth, nineteen hundred seventy-eight, the General Accounting Office of the United States House of Representatives issued a report that found no evidence of a "widespread conspiracy" within the government to cover up the Nazi war criminals cases, but the FBI and CIA admitted officially at that time that they had "utilized" Nazi war criminals and collaborators; and

Whereas, New allegations indicate that government agencies not only utilized Nazi war criminals and collaborators, but also systematically covered up and denied such utilization; now, therefore, be it

Resolved, That this Legislative Body memorialize the Congress of the United States to conduct a new investigation into the utilization and cover-up of the utilization of Nazi war criminals by United States Government agencies, and be it further.

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to each member of the Congress of the United States from the State of New York, and to each member of the Judiciary Subcommittee on Immigration of the House of Representatives of the United States.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 17, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 18

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on licensing issues of the Soviet-European natural gas pipeline.
5302 Dirksen Building

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Briefing on current assessment of U.S. economic and commercial prospects on current assessment of U.S. economic and commercial prospects in Southeast Asia.
S-116, Capitol

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed U.S. Army Corps of Engineers construction projects.
4200 Dirksen Building

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, S. 2012, S. 2015, S. 2092, S. 2113, S. 2176, S. 2321, S. 2413, and section 127 of the Economic Recovery Act of 1981.
2221 Dirksen Building

JUNE 21

9:30 a.m.
Judiciary
To hold hearings on S. 1215, proposed Malt Beverage Interbrand Competition Act.
2228 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 2131, authorizing funds through fiscal year 1986 for the safe drinking water program.
4200 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and to extend the scientific advisory panel.
324 Russell Building

Foreign Relations
To hold hearings on the nomination of George Q. Lumsden, Jr., of Maryland, to be Ambassador to the United Arab Emirates.
4221 Dirksen Building

2:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 1698, providing preferential treatment in the admission of certain children on U.S. Armed Forces personnel.
2228 Dirksen Building

JUNE 22

9:00 a.m.
Governmental Affairs
To hold hearings on the annual report of the Postmaster General.
3302 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2202, authorizing funds through fiscal year 1989 for the Colorado River basin salinity control program.
3110 Dirksen Building

Foreign Relations
To hold hearings on S. 1482, providing a procedure for determining whether a plan for the Federal Government to participate in an international exposition should include construction of a Federal pavilion.
4221 Dirksen Building

Governmental Affairs
* Permanent Subcommittee on Investigations
To hold hearings to investigate the alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
6226 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2245, authorizing funds for fiscal years 1983 and 1984 for the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel.
324 Russell Building

Conferees
On S. 1193, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the Department of State, authorizing funds for fiscal year ending September 30, 1982, for the Arms Control and Disarmament Agency, authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the International Communications Agency, and authorizing funds for fiscal year ending September 30, 1982, and fiscal year 1983, for the Board for International Broadcasting.
S-116, Capitol

JUNE 23

9:30 a.m.
* Judiciary
Juvenile Justice Subcommittee
Business meeting, to markup S. 1701, maintaining a nationwide computer system for information on missing children and on deceased individuals whose next of kin cannot be identified or located, and S. 2411, proposed Justice Assistance Act.
2228 Dirksen Building

Small Business
To hold hearings on minority business and its contributions to the U.S. economy.
424 Russell Building

Select on Indian Affairs
To hold hearings on S. 2084, providing for the resolution of certain disputed Indian land claims in New York and South Carolina.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on global trends in population and resources.
4221 Dirksen Building

Governmental Affairs
To hold hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
3302 Dirksen Building

1:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on strategic materials and minerals policy.
235 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JUNE 24

9:00 a.m.
Energy and Natural Resources
* Energy Research and Development Subcommittee
To hold oversight hearings on the uranium enrichment program of the Department of Energy.
6202 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To resume hearings on S. 2533, providing authority to the Secretary of Agriculture to set the milk price support level, providing authority to the Commodity Credit Corporation to donate surplus dairy products to needy persons in the United States and abroad, and establishing a Dairy Advisory Board, and related proposals reducing the Federal Government cost of the dairy program.
324 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the Federal Aviation Administration's proposed national airspace system program.
235 Russell Building

Judiciary
Agency Administration Subcommittee
Business meeting, to resume markup of S. 1775, making the Federal Government liable for tort claims and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
457 Russell Building

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 705, authorizing the conveyance of certain National Forest System lands when determined to be in the public interest, and S. 2569, declaring certain lands in the Cumberland Island National Seashore, Ga., as wilderness.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to review U.S. Attorney General's guidelines on domestic security investigations.
2228 Dirksen Building

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed committee amendments to S. 2432, authorizing funds for fiscal years 1983 and 1984 for programs of the Solid Waste Disposal Act and Resource Conservation and Recovery Act (pending on Senate calendar).
4200 Dirksen Building

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 2338, expanding the membership of the Advisory Commission on Intergovernmental Relations to include three elected school board officials.
3302 Dirksen Building

JUNE 25

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to review U.S. Attorney General's guidelines on domestic security investigations.
2228 Dirksen Building

JUNE 28

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Arthur J. Dellinger, Sr., of California, to be Deputy Inspector General of the Department of Energy.
3110 Dirksen Building

JUNE 29

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on the national materials and minerals program plan and report to Congress issued by the President on April 5, 1982.
3110 Dirksen Building

Labor and Human Resources
Business meeting, to consider the nominations of William L. Earl, of Florida, Harold R. DeMoss, Jr., of Texas, Clarence V. McKee, of the District of Columbia, Howard H. Dana, Jr., of Maine, William J. Olson, of Virginia, George E. Paras, of California, Robert S. Stubbs, II, of Georgia, William F. Harvey, of Indiana, and Annie L. Slaughter, of Missouri, each to be a member of the Board of Directors of the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
To hold oversight hearings on the use of competition in the procurement process of the Department of Defense.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1983 for foreign assistance programs, focusing on El Salvador.
1114 Dirksen Building

JUNE 30

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2631, creating a uniform Federal product liability law.
235 Russell Building

Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement programs.
4232 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on indirect cost and contract provisions of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).
5110 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Judiciary
To hold hearings on the Boulder, Colo., decision, relating to antitrust immunity of city government.
2228 Dirksen Building

Veterans' Affairs
To hold oversight hearings to examine certain health care services provided to older veterans.
412 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JULY 1

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 2631, creating a uniform Federal product liability law.
235 Russell Building

10:00 a.m.
Foreign Relations
To hold hearings on S. 1853, authorizing funds for fiscal years 1982 and 1983 for Radio Broadcasting to Cuba, Incorporated.
4221 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2325, authorizing funds for Federal vocational and adult education programs, and to provide for State and local occupational assistance programs.
4232 Dirksen Building

JULY 13

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 2378, increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent's allowances, and providing for cost-saving improvements in veterans' programs.
412 Russell Building

Select on Indian Affairs
To hold hearings on S. 1795, providing for the transfer of certain lands in Arizona between the Hopi and Navajo Indian Tribes.
457 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 14

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2294, providing for the settlement of certain land claims of the Chitimacha Indian Tribe of Louisiana.
6226 Dirksen Building

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Employment and Productivity Subcommittee
To hold joint hearings to review employee assistance programs for alcohol and drug abuse problems.
4232 Dirksen Building

JULY 20

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
Business meeting, to markup S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 21

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
Business meeting, to continue markup of S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to employees, and providing incentives for employers to provide pension benefits to employees.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on H.R. 3731, relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the U.S. Court of Claims.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Clean Water Act.
4200 Dirksen Building

JULY 22

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on proposed legislation revising certain provisions of the Clean Water Act.
4200 Dirksen Building

JULY 27

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market, focusing on foreign coal ports and the international transportation of coal.
3110 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JULY 28

9:30 a.m.
* Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to discuss alternative means of providing legal services to the poor.
4232 Dirksen Building

Veterans' Affairs
To hold hearings on proposed legislation clarifying certain United States Code provisions relating to veterans' employment programs.
412 Russell Building

Select on Indian Affairs
To hold hearings on S. 2153, providing for the distribution of funds awarded the confederated tribes of the Warm Springs Indian Reservation in Oregon by the Indian Claims Commission.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Clean Water Act.
4200 Dirksen Building

JULY 29

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume hearings on America's role in the world coal export market, focusing on the condition of U.S. coal ports.
3110 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on proposed legislation revising certain provisions of the Clean Water Act.
4200 Dirksen Building

AUGUST 5

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol and drugs on individuals while driving.
4232 Dirksen Building

AUGUST 11

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1652, restoring certain lands in Arizona to the Colorado River Indian Reservation to be held in trust by the United States, S. 2418, permitting the Twenty-Nine Palms

Band of Luisena Mission Indians to lease certain trust lands for 99 years, S. 1799 and H.R. 4364, bills providing for the transfer of certain land in Pima County, Ariz., to the Pascua Yaqui Indian Tribe, and the substance of H.R. 5916, providing for certain Federal lands to be held in trust for the Ramah Band of the Navajo Indian Tribe.

6226 Dirksen Building

AUGUST 12

9:30 a.m.

Veterans' Affairs

Business meeting, to mark up S. 2378, proposed veterans' disability compensation and survivors' benefits amendments, and proposed legislation clarifying certain United States Code provisions relating to veterans' employment programs.

412 Russell Building

SEPTEMBER 21

10:30 a.m.

Veterans' Affairs

To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.

318 Russell Building

CANCELLATIONS

JUNE 17

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

JUNE 24

2:00 p.m.

Veterans' Affairs

Business meeting, to mark up S. 2379, requiring veterans to pay a funding fee on guaranteed home loans, and provisions relating to cost-savings improvements in veterans' programs, of S. 2378, proposed veterans' disability compensation and survivors' benefits amendments, and other related measures.

412 Russell Building